



**JOINT MEETING OF THE
MILPITAS CITY COUNCIL AND
MILPITAS HOUSING AUTHORITY
AGENDA
TUESDAY, SEPTEMBER 3, 2013**

*455 EAST CALAVERAS BLVD, MILPITAS, CA
6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)*

SUMMARY OF CONTENTS

- I. CALL TO ORDER/ROLL CALL by the Mayor (6:00 p.m.)**
 - II. ADJOURN TO CLOSED SESSION**
CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING
Pursuant to California Government Code Section 54957.6. City Negotiator: Carmen Valdez Employee Groups: Milpitas Police Officers Association (MPOA), and International Association of Fire Fighters (IAFF). Under Negotiation: Wages, Hours, Benefits, and Working Conditions
 - III. CLOSED SESSION ANNOUNCEMENTS:** Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote or abstention of each member present
 - IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
 - V. INVOCATION (Councilmember Montano)**
 - VI. APPROVAL OF COUNCIL MEETING MINUTES – August 20, 2013**
 - VII. SCHEDULE OF MEETINGS – COUNCIL CALENDAR – September 2013**
 - VIII. PRESENTATIONS**
 - Proclaim “*National Preparedness Month*” for the month of September
 - Recognize Milpitas Youth Soccer League 10-Year Anniversary
 - IX. PUBLIC FORUM**
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Members of the audience are invited to address the Council on any subject not on tonight’s agenda. Speakers must come to the podium, state their name and city of residence for the Clerk’s record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

- X. ANNOUNCEMENTS**
- XI. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**
- XII. APPROVAL OF AGENDA**
- XIII. CONSENT CALENDAR (Items with asterisks*)**

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

- XIV. UNFINISHED BUSINESS**

1. **Receive Update on Strategic Plan Effort and Authorize Phases II and III of the Strategic Planning Work Program (Staff Contact: Tom Williams, 408-586-3050)**

* 2. **Receive the August 2013 Odor Control Report (Staff Contact: Jeff Moneda, 408-586-3345)**

XV. REPORT OF MAYOR

* 3. **Consider Mayor's Recommendations for Appointments and Re-Appointments to Three Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

XVI. NEW BUSINESS

* 4. **Approve the Accounts Receivable Write-offs for the Fiscal Year Ended June 30, 2013 (Staff Contact: Emma Karlen, 408-586-3145)**

* 5. **Approve Fiscal Year 2012-13 Year End Budget Adjustments (Staff Contact: Emma Karlen, 408-586-3145)**

XVII. ORDINANCE

6. **Consider Amendment to Bingo Ordinance Increasing Maximum Payout from \$250 to \$500 per Game (Staff Contact: Michael Ogaz, 408-586-3040)**

XVIII. RESOLUTIONS

* 7. **Adopt a Resolution Rescinding Resolution No. 5305 and Appointing Certain Employees to the Association of Bay Area Governments Pooled Liability Assurance Network ("ABAG PLAN") Board of Directors (Staff Contact: Emma Karlen, 408-586-3145)**

* 8. **Adopt a Resolution Establishing the Fair Market Value of an Acre of Land for the Purpose of Calculating Park In-Lieu Fees For Areas Outside the Transit Area and Midtown Specific Plans (Staff Contact: Sheldon Ah Sing, 408-586-3278)**

* 9. **Approve a Site Development Permit to Replace a Concrete Tiled Patio Deck, Install a 397 sq. ft. Patio Cover, Retaining Walls, 6-Foot Wooden/Wire Mesh Fence and Landscaping to a Single-Family Residence at 1800 Pinehurst Court (Staff Contact: Cindy Hom, 408-586-3284)**

XIX. CONTRACTS

* 10. **Approve an Agreement with BFGC Architects Planners, Inc. for Design of the Milpitas Sports Center Facility Improvements, Project No. 3408 (Staff Contact: Steve Erickson, 408-586-3301)**

* 11. **Approve an Agreement with Mei Wan doing business as Center Stage Performing Arts (Staff Contact: Dale Flunoy, 408-586-3228)**

* 12. **Authorize the City Manager to Execute an Agreement with PredPol Inc. for Predictive Policing Software for the Not-To-Exceed Annual Price of \$12,500 for a Total Three Year Contract Value of \$37,500 (Staff Contact: Chris Schroeder, 408-586-3161)**

* 13. **Approve Request from the Milpitas Chamber of Commerce for a Short Term Loan in the Amount of \$20,000 for the International BBQ and Festival scheduled for September 28-29, 2013 (Staff Contact: Tom Williams, 408-586-3050)**

XX. ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: mogaz@ci.milpitas.ca.gov / Fax: 408-586-3056 / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website.

All City Council agendas and related materials can be viewed online here:
www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO BECOME A CITY COMMISSIONER!

Current vacancies exist on the:

Public Art Committee (Alliance for the Arts member)

Community Advisory Commission (alternate)

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall.

Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at (408) 586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the Council Chambers for all meetings.

AGENDA REPORTS

XIV. UNFINISHED BUSINESS

1. Receive Update on Strategic Plan Effort and Authorize Phases II and III of the Strategic Planning Work Program (Staff Contact: Tom Williams, 408-586-3050)

Background: On June 4, 2013, the City Council received an overview of the citywide Strategic Planning Process from the City Manager, and Mr. Shawn Spano, PhD, President and Senior Consultant with the Public Dialogue Consortium (PDC – www.publicdialogue.com) and a faculty member at San Jose State University. City of Milpitas City Council approved the recommended Strategic Plan work program and the services of Mr. Spano and PDC to start the citywide strategic planning. The planning process was approved in four Phases.

Phase 1 - Getting Started has been completed and staff seeks approval from the City Council to commence with Phases II and III. These two phases are described in the scope of work (in Council's agenda packet) and provide for the main component of the strategic plan effort including community outreach and community participation, employee engagement teams (officially termed "Go Teams") developing Mission, Values, Goals, Objectives as well as the planning elements and metrics for implementation.

The overall Strategic Plan is a necessary process, planning and implementation tool to set a new course for the City and to strengthen and improve the organization its service delivery by identifying what the City collectively wants to accomplish.

The consulting team met with City Councilmembers individually with the purpose of eliciting perspectives, remarks, opinions, and ideas in drawing up the City's Strategic Planning Process. A planning meeting with the executive team also took place on June 28, 2013. The Management Team meeting established purposes to guide them through this strategic planning process. The outcome of these meetings provided the basis for the strategic plan process and baseline elements through a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis.

At the September 3, 2013 City Council meeting, the consulting team will brief the City Council on the outcome of Phase I and discuss both Phase II (Vision, Mission, and Values) and Phase III (Strategic Goals and Objectives) work programs.

This item provides for the overall plan process implementation, whereby the team committed to providing updates after each phase. There will be briefings and "check-in" points with the City Council to keep decision makers and leaders informed of the progress, discuss next steps and seek direction or changes, as this process is fluid and dynamic.

Fiscal Impact: None. Funding for the Strategic Plan was approved and included in the FY 2013-14 City budget from the City Manager's Department.

Recommendations:

1. Receive update report on the strategic planning effort - Phase I.
2. Approve Phases II and III of Strategic Planning to move forward with the various engagement activities in order to develop and draft Strategic Goals and Objectives, which will be presented at a future Council meeting.

*** 2. Receive the August 2013 Odor Control Report (Staff Contact: Jeff Moneda, 408-586-3345)**

Background: From July 22 through August 18, 2013, the Bay Area Air Quality Management District (BAAQMD) received twelve odor complaints originating in Milpitas. Nine complaints identified a garbage-related odor, one identified a sewage-related odor, and two did not identify an odor source. As of the last Council update, the City received twenty-nine reported complaints via City's odor reporting website.

Fiscal Impact: None.

Recommendation: Receive the August odor report.

XV. REPORT OF MAYOR

- * **3. Consider Mayor’s Recommendations for Appointments and Re-Appointments to Three Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

Background: Mayor Esteves recommends the following residents be appointed or re-appointed to Milpitas Commissions as follows:

Youth Advisory Commission:

Re-appoint Monica La as a regular member to a term that will expire in September 2014.
Re-appoint Cindy Wang as a regular member to a term that will expire in September 2014.
Re-appoint Sabrina Leon as a regular member to a term that will expire in September 2014.
Appoint Sahil Hansalia (current Alternate No. 1) as a regular member to a term that will expire in September 2014.
Appoint Veronica Wang (current Alternate No. 2) as a regular member to a term that will expire in September 2014.
Appoint Arjun Goyal (current Alternate No. 3) as a regular member to a term that will expire in September 2014.
Appoint Raveena Chahal (current Alternate No. 4) as Alternate No. 1 to a term that will expire in September 2014.

Public Art Committee:

Newly appoint Christina Driggers as a general member to a term that will expire in October 2014.

Bicycle Pedestrian Advisory Commission:

Re-appoint Christine Sanchez as a regular member to a term that will expire in August 2016.

Recommendation: Receive Mayor’s recommendations and move to approve appointments and re-appointments to three Milpitas Commissions.

XVI. NEW BUSINESS

- * **4. Approve the Accounts Receivable Write-offs for the Fiscal Year Ended June 30, 2013 (Staff Contact: Emma Karlen, 408-586-3145)**

Background: Two lists of accounts receivable are provided for the City Council’s review (in agenda packet): one for utility accounts, and the other for non-utility accounts that have been outstanding for more than 12 months and remain unpaid. When the invoices were first sent to the customers, normal accounting procedures required staff to record accounts receivable and revenues initially as the expectation is that the City would be able to collect the funds within a short period of time. However, when accounts receivable have been outstanding for more than a year and, after all the currently available collection methods have been exhausted, it is necessary to write off these accounts so as not to overstate the City’s assets.

The lists provided identify each account by the category of invoice, payee name and amount. It should be noted that during this two year period, from January 2010 through June 30, 2012, the City achieved an overall collection rate of 99.7%. The proposed write-offs total amount of \$122,084.46 is approximately 0.3% of all the amounts invoiced during the same period. The following table shows the write-off rate by invoice category.

	Invoiced	Proposed write-	% of
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	amounts	off amounts	invoiced amt
Utility accounts & Backflow Device Testing	\$ 28,606,518	\$ 49,045	0.2%
CIP funding reimbursement	N/A	\$39,970	N/A, isolated incident
Private development jobs	\$2,636,935	\$12,728	0.5%
Fire Annual Permits	\$525,597	\$4,719	0.9%
Police False Alarms	\$86,200	\$5,269	6.1%
Animal Violation regulation	\$26,312	\$1,225	4.7%
Neighborhood Beautification Ordinance Violations	\$38,756	\$956	2.5%
Public Works Cost Recovery	\$165,078	\$3,317	2.0%
Recreation Fees	\$4,415,151	\$4,386	0.1%
Misc. other	0	\$469	N/A
Total	\$ 36,500,547	\$122,084	0.3%

Fiscal Impact: Write-off of \$122,084 from the outstanding accounts receivable will reduce the fund balances of the following funds:

General Fund: \$33,069
Utility Funds: \$49,045
Street CIP Fund: \$39,970

Recommendation: Approve the Accounts Receivable Write-off in total of \$122,084.46 for the fiscal year ended June 30, 2013.

- * 5. **Approve Fiscal Year 2012-13 Year End Budget Adjustments (Staff Contact: Emma Karlen, 408-586-3145)**

Background: Finance staff is in the process of closing the City revenue and expenditures accounts for the fiscal Year 2012-13. To maintain conformity with the City's budgeting policies and to prepare for the annual external audit, year-end budget adjustments are necessary to address items that were not known at the time the FY 2012-13 budget was developed. All funds, departments and project budgets have been reviewed to determine necessary adjustments.

Detail for each budget adjustment item is described below.

Increase the budget appropriations for **Fire Department** by \$426,602. The Fire Department incurred more overtime expenditure than anticipated in the budget. The source of funding will be from the General Fund.

Increase the budget appropriations for **Planning and Neighborhood Services Department** and **Building Department** by \$121,724 and \$5,366 respectively. The increased budget amounts are related to Community Development Block Grants (CDBG) administration costs and increased CDBG grants provided to the community in FY 2012-13. Actual grants provided to the community were more than anticipated in the budget. These administration costs and grants will be fully reimbursable by the U.S. Department of Housing and Urban Development.

Increase the budget appropriations for **Planning and Neighborhood Services Department** by \$178,840. The increased budget amount is related to increase housing rehab loans provided to community in FY 2012-13. The housing rehab loans will be fully reimbursable by the U.S. Department of Housing and Urban Development.

Increase the budget appropriations for **Planning and Neighborhood Services and Non-departmental budget** by \$4,681 and \$183,057 respectively. The increased budget amounts are related to Housing Authority administration costs and write down of the sales price of six

affordable units owned by the Housing Authority. Three of the housing units were previously authorized by the Agency Board to convert from moderate income housing units to low income housing units.

Increase the budget appropriation of the **Non-departmental budget by \$28,004** due to replacement of a police vehicle that was damaged in an accident. The City received full reimbursement from ABAG PLAN through its property insurance coverage. The funds were received and deposited in the Equipment Replacement Fund in FY 2011-12. The vehicle purchased in FY 2012-13 was omitted from the FY 2012-13 capital outlay budget requests.

Increase the budget appropriations of the **Non-departmental budget by \$39,970**. The budget adjustment is related to Project No. 4047 Dixon Landing Road/ I-880 Interchange. The project budget was about \$12.6 million and was funded by multiple funding sources, including RDA, development fees, grants, and reimbursements. PG&E reimbursements were one of the funding sources. However, during the construction of this project, PG&E filed for bankruptcy and the City was unable to collect a portion of the reimbursements from PG&E. This item was on the Accounts Receivable write off list. Funding is required from the Street Improvement Fund to make up the difference.

Transfer \$171,000 from the **Equipment Replacement Fund to the Information Technology Replacement Fund**. In FY 2012-13, the City replaced its telephone system and other technological equipment. The Information Technology Replacement Fund did not have sufficient funding for these purposes, as the City has not maintained its funding in the last few years. Effective in FY 2013-14, the revised Fiscal Policies authorized an annual funding in the amount of \$300,000 for technological equipment replacement.

Fiscal Impact: Budget adjustments reduce the fund balances of various funds as follows:

\$426,602	General Fund
\$187,738	Housing Authority Fund
\$ 39,970	Street Improvement Fund
\$199,004	Equipment Replacement Fund

Budget adjustments related to the Community Development Block Grants and loans will be reimbursed by the U.S. Department of Housing and Urban Development. A Budget Change Form identifying the appropriations is included with the agenda packet materials.

Recommendation: That the Milpitas City Council and the Milpitas Housing Authority approve Fiscal Year 2012-13 year-end budget appropriations as itemized on the budget change form.

XVII. ORDINANCE

6. Consider Amendment to Bingo Ordinance Increasing Maximum Payout from \$250 to \$500 per Game (Staff Contact: Michael Ogaz, 408-586-3040)

Background: On August 6, 2013, members of the public from a local church requested the City Council consider amending the Milpitas Municipal Code to increase the maximum total value of payout from two hundred fifty dollars (\$250) to five hundred dollars (\$500) per Bingo game. Mayor Esteves directed staff to place this matter on the agenda for City Council consideration at a future Council meeting.

The City of Milpitas allows the operation of Bingo games within the City as long as the games are conducted in accordance with State law (California Penal Code §326.5) and Chapter III-7 of the Milpitas Municipal Code (Bingo Ordinance). State law was recently amended to increase the maximum total value of prizes which may be awarded during the conduct of any one Bingo game, whether in cash or in kind or both, to five hundred dollars (\$500). Under the City's current regulations for Bingo, the City allows a maximum payout of two hundred fifty dollars (\$250) per game. Changes to the City's Bingo Ordinance would make the maximum amount which may be

awarded for each Bingo game conducted in Milpitas consistent with the maximum amount permitted under State law.

Fiscal Impact: None.

Recommendation:

1. City Attorney will read aloud the title of Ordinance No. 198.4.
2. Move to waive the first reading beyond the title of Ordinance No. 198.4.
3. Move to introduce Ordinance No. 198.4 amending Section III-7-13.02 of the Milpitas Municipal Code to increase the maximum prize value payout for each Bingo game from \$250 to \$500 as authorized under California Penal Code Section 326.5.

XVIII. RESOLUTIONS

- * **7. Adopt a Resolution Rescinding Resolution No. 5305 and Appointing Certain Employees to the Association of Bay Area Governments Pooled Liability Assurance Network (“ABAG PLAN”) Board of Directors (Staff Contact: Emma Karlen, 408-586-3145)**

Background: The City of Milpitas has participated in the ABAG PLAN since 1986. ABAG PLAN is a joint risk sharing insurance program that provides general liability coverage among various member cities. The PLAN is governed by a Board of Directors consisting of one representative from each member agency. Resolution No. 5305 of the City Milpitas, adopted in 1986, appointed the Assistant City Manager and the Director of Financial Services as the alternate to serve as the City’s appointee to the Board of Directors of ABAG PLAN.

Due to personnel changes, staff recommends that City Council rescind Resolution No. 5305 and adopt a new resolution appointing the Director of Financial Services and the Assistant City Attorney as the alternate to serve as City appointees to the Board of Directors of ABAG PLAN.

Fiscal Impact: None.

Recommendation: Adopt a resolution rescinding Resolution No. 5305, and appointing the Director of Financial Services and Assistant City Attorney (alternate) to the Association of Bay Area Government Pooled Liability Assurance Network (ABAG PLAN) Board of Directors.

- * **8. Adopt a Resolution Establishing the Fair Market Value of an Acre of Land for the Purpose of Calculating Park In-Lieu Fees For Areas Outside the Transit Area and Midtown Specific Plans (Staff Contact: Sheldon Ah Sing, 408-586-3278)**

Background: The City requires dedication of parkland, payment of park in-lieu fees, or a combination thereof from developers to help mitigate the impact of new residential development. If the City requires a developer to pay a fee in lieu of parkland dedication, the amount of the in-lieu fee is based, in part, by current Milpitas real estate value that is updated annually based on a fair market value appraisal. Because property values are significantly different outside of the City’s two specific plan areas, the City maintains a separate park in-lieu fee for development outside those plan areas. The last valuation for the two specific plan areas were approved by the City Council in December 2012 and the current valuation for areas outside the two specific plan areas was completed in 2011.

The appraisal firm Smith & Associates is under contract to provide an annual evaluation of the average value of land within the City for use in calculating park in-lieu fees for new residential projects. According to the City’s Subdivision Ordinance, where City requires payment of a fee in lieu of park dedication, the amount of the fee is based upon the fair market value determined at the time of filing of a final subdivision map. Pursuant to the City’s Subdivision Ordinance, the fair market value is determined by the City Council on a fiscal year basis. At any time, the City Council may adjust the fair market value determination for an acre of land in the City in order to more accurately reflect actual real estate market conditions. If a sub-divider objects to the fair

market value established by the City Council, the sub-divider may obtain its own appraisal for the City Council review and approval or the City and sub-divider may agree on a fair market value.

According to the Smith & Associates appraisal report dated July 15, 2013, the fair market value of land in the City of Milpitas outside of the two specific plan areas is \$51 per square foot or \$2,221,560 per acre. There is a slight increase from the last valuation of \$47 per square foot and \$2,047,320 per acre. The increase is due to the increase in land value in the City since the past valuation.

Fiscal Impact: None.

Recommendation: Adopt a resolution establishing the fair market value of land in the City of Milpitas outside the Transit Area Specific Plan and Midtown Specific Plan to be \$51 per square foot and \$2,221,560 per acre for the purpose of calculating park in-lieu fees, effective on September 3, 2013.

- * **9. Approve a Site Development Permit to Replace a Concrete Tiled Patio Deck, Install a 397 sq. ft. Patio Cover, Retaining Walls, 6-Foot Wooden/Wire Mesh Fence and Landscaping to a Single-Family Residence at 1800 Pinehurst Court (Staff Contact: Cindy Hom, 408-586-3284)**

Background: On August 14, 2013, the Planning Commission adopted a resolution recommending the City Council approve a Site Development Permit to allow renovation of an existing patio deck, construction of a new 397 square foot outdoor patio cover, and installation of retaining walls, a 6-foot tall wooden wire mesh fence, and new landscaping to an existing hillside residence at 1800 Pinehurst Ct (APN 29-53-0007). A more detailed description of the project is provided in the Planning Commission staff report (provided in the Council's agenda packet). The project is consistent with the General Plan, Zoning Ordinance and site and architectural design guidelines for hillside development. The project is also categorically exempt from further environmental review pursuant to Section 15303 New Construction or Conversion of Small Structures of the Guidelines for the California Environmental Quality Act (CEQA).

Fiscal Impact: None.

Recommendation: Adopt a resolution approving Site Development Permit No. SD13-0006, subject to conditions of approval, for the renovation of an existing patio deck, construction of a new 397 square foot outdoor patio cover, installation of retaining walls, six (6) foot wooden wire mesh fence, and new landscaping to an existing hillside single family residence located at 1800 Pinehurst Court.

XIX. CONTRACTS

- * **10. Approve an Agreement with BFGC Architects Planners, Inc. for Design of the Milpitas Sports Center Facility Improvements, Project No. 3408 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The Milpitas Sports Center Facility Improvements, Project No. 3408, is included in the approved Capital Improvement Program. The work involves renovation of the men's and women's locker rooms including: repair of damage caused by leaking showers, reconstruction of the showers to provide for adequate drainage, update ventilation and lighting, replace flooring with a lower maintenance system, patch and paint entire locker room, repair sanitary sewer line, correct deficiencies to provide for compliance with Americans with Disabilities Act (ADA) requirements and other code-related upgrades.

Through the City's consultant selection process, BFGC Architects Planners, Inc. dba IBI Group Architecture Planning has been selected to provide the design services for the Milpitas Sports Center Facility Improvements. The term of the agreement is from September 3, 2013 to

December 30, 2015, in the amount not to exceed \$62,000. The consultant will be required to complete the design for the project, environmental clearance, and assist in the construction bidding and management. Staff negotiated a scope and fee for these services not to exceed \$62,000, which is considered reasonable for the work. IBI Group has conducted similar work for the Milpitas Unified School District, City of San Jose, City of Santa Clara, and City of Fremont, and its work product was deemed satisfactory.

Fiscal Impact: None. Sufficient funds are available in the project budget for these services.

Recommendation: Approve an agreement with BFGC Architects Planners, Inc. doing business as IBI Group Architecture Planning for a term from September 3, 2013 to December 15, 2015, in the amount of \$62,000 for design and construction management services for the Milpitas Sports Center Facility Improvement, Project No. 3408.

* **11. Approve an Agreement with Mei Wan doing business as Center Stage Performing Arts (Staff Contact: Dale Flunoy, 408-586-3228)**

Background: On March 20, 2012, the City Council directed Recreation Services staff to continue to offer a children's theatre program in Milpitas through contract services. Recreation has been working with Mei Wan doing business as Center Stage Performing Arts to provide a quality children's theatre program for the 2013-14 season. Her recent agreement with the City expired on August 26, 2013. The new agreement sets a one year term from August 27, 2013 to August 26, 2014 covering the theatre season, including four productions where approximately 40 to 80 children may be cast in any single production. The proposed agreement is consistent with the terms and conditions of the previous contract.

City staff will continue to help market the children's theatre program and provide space at the Milpitas Community Center at no cost for audition, rehearsal, and performance. Staff also proposes to continue to waive the insurance requirements to help offset costs of the theatre program. Center Stage Performing Arts will be responsible for all ticket and concession sales and all revenues from such sales will go to Center Stage Performing Arts to offset costs of the program. Additionally, Center Stage will receive 90% of the program cast fees collected by City, which is approximately \$26,000 for the current contract.

Fiscal Impact: None.

Recommendation: Approve the agreement with Mei Wan, an individual doing business as Center Stage Performing Arts, for children's theatre program for a one year term from August 27, 2013 to August 26, 2014, with a payment term of 90% of the City-collected program cast fees.

* **12. Authorize the City Manager to Execute an Agreement with PredPol Inc. for Predictive Policing Software for the Not-To-Exceed Annual Price of \$12,500 for a Total Three Year Contract Value of \$37,500 (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: PredPol Incorporated has developed software that uses historical data to predict the likely locations and time frames of future crimes. This web-based software was developed by mathematicians and social scientists and will predict the likely locations of crimes to an area as small as 500 feet by 500 feet. The Police Department will use the PredPol software as a tool to place officers in areas that may experience crimes, such as burglaries and thefts, so that officers can better deter crime and take enforcement action, when appropriate. The PredPol subscription fee is \$12,500 per year for three years, for a total contract value of \$37,500. The contract can be cancelled at the end of the first year with ninety days notice before the anniversary date, if the City is unsatisfied with the product. The software is proprietary and patent pending, the first of its kind available on the commercial market. Staff therefore requests, pursuant to Municipal Code Section I-2-3.09, that the Council approve PredPol Predictive Policing software as a sole source purchase.

Fiscal Impact: None. The first year subscription fee will be paid using 2013 Citizen Options for Public Safety (COPS) grant funds and the Police Department will seek additional grant funding for future years.

Recommendation: Authorize the City Manager to execute an agreement with PredPol Inc. for Predictive Policing software for the not-to-exceed annual price of \$12,500 for a total three year contract value of \$37,500.

- * 13. **Approve Request from the Milpitas Chamber of Commerce for a Short Term Loan in the Amount of \$20,000 for the International BBQ and Festival scheduled for September 28-29, 2013 (Staff Contact: Tom Williams, 408-586-3050)**

Background: At the City Council meeting of August 6, 2013, the Milpitas Chamber of Commerce (Chamber) requested a waiver of City fees and staffing costs related to its International BBQ and Festival special event. In lieu of the fee waiver, the Chamber solicited interest from the City to co-sponsor the event which would more closely meet the Chamber's request to publicize the event as not only a Chamber of Commerce event but a larger City event. As a co-sponsor, the City agreed to contribute by providing staff for traffic control and event security, permit inspections, fire and EMS functions as well as a waiver of permit and inspection fees. The total amount of the City's participation is estimated in the amount of \$12,450.00. In return for the City co-sponsoring the event, the Chamber agreed to solicit sponsors, coordinate vendors and payments for booth space, provide the entertainment, food vendors, specialty chefs for the BBQ, augment public safety patrols through private means and provide advertising and marketing for the event.

On Monday, August 26, 2013, the Chamber approached the City with a request for a short term loan for the purpose of organizing the event including payment of front end costs necessary for the event. These costs include but are not limited to equipment rental, stage rental, purchase of materials and supplies, insurance, up front payments to entertainment and some specialty vendors. The total up front cost is between \$25,000-\$30,000 and thus far, the Chamber has raised approximately \$10,000. The short term loan requested of the City would ensure the Chamber has sufficient financial capacity to continue with the event and pay up front commitments to host a successful event.

The proposed loan agreement with all terms is included with the Council agenda packet. In summary, the Chamber agrees to repayment of the full amount by October 9, 2013 (ten days after the event) with no interest or penalty. If payment is not received for thirty days after it is due, an annual interest rate of 2% will accrue to the outstanding loan amount.

Fiscal Impact: Short term depletion of \$20,000 from the City's General Fund reserve account.

Recommendation: Approve the request from the Milpitas Chamber of Commerce for a short term loan of \$20,000 to assist with costs of the International BBQ and Festival scheduled on September 28 and 29, 2013, pursuant to the terms and conditions in the loan agreement.

XX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, SEPTEMBER 17, 2013 AT 7:00 P.M.**