



**JOINT MEETING OF THE MILPITAS CITY COUNCIL
AND PUBLIC FINANCING AUTHORITY
AGENDA**

TUESDAY, FEBRUARY 17, 2015



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

SUMMARY OF CONTENTS

- I. CALL TO ORDER by the Mayor (6:00 p.m.)**
- II. ADJOURN TO CLOSED SESSION**
- 1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9
- a) City of Milpitas’ appeal of City of San Jose’s approval of Planned Development Permit PD14-014, before the City of San Jose Planning Commission
- b) City of Milpitas’ opposition to proposed Solid Waste Facility Permit for Newby Island, before the Department of Resources Recycling and Recovery (CalRecycle)
- 2) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Pursuant to California Government Code Section 54956.9
City as defendant
- 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 Giordano)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – February 3, 2015**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDARS February and March 2015**
- VIII. PRESENTATIONS**
- Certificate of Appreciate to Engineers 4 Tomorrow
 - Presentation of the Milpitas “Artist of the Year”
- 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 item not listed on the agenda, 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 place the item on a future meeting agenda.
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- 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. PUBLIC HEARING

- 1. Conduct a Public Hearing and Introduce an Ordinance Approving a Development Agreement Vesting and Deferring Transit Area Specific Plan Fees for the Citation I and Citation II Projects, Amalfi I, Amalfi II and the Edge (Staff Contact: Steve McHarris, 408-586-3273)**

XV. UNFINISHED BUSINESS

- 2. Receive the Monthly Update of the Odor Control Report (Staff Contact: Steven Machida, 408-586-3355)**

XVI. REPORTS OF MAYOR AND COMMISSION

- * 3. Consider Mayor’s Recommendation of Re-Appointments and Appointments to Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**
- * 4. Approve Milpitas Art and Culture In-Kind Grants for FY 2014-15 (Staff Contact: Renee Lorentzen, 408-586-3409)**
- 5. Per Recommendation of the Milpitas Arts Commission, Approve the Public Art Electrical Box Painting Project (Staff Contact: Renee Lorentzen, 408-586-3409)**

XVII. NEW BUSINESS

- 6. Receive Oral Report on Current Crime Data for the City of Milpitas (Staff Contact: Steve Pangelinan, 408-586-2426)**

XVIII. RESOLUTIONS

- * 7. Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for, Street Resurfacing Project 2015 – Street Cape and Slurry Seal, Projects No. 4275 and No. 3412, and Grant Authorization to the City Engineer to Issue Notice of Final Acceptance after One-Year Warranty Period and Release the Performance Bond (Staff Contact: Steve Chan, 408-586-3324)**
- * 8. Adopt a Resolution Amending the Classification Plan to Eliminate Two Assistant Civil Engineer Positions and Add One Associate Civil Engineer and One Engineering Permit Technician Position Within the Land Development Section of the Engineering Department (Staff Contact: Steven Machida, 408-586-3355)**
- * 9. Adopt a Resolution Amending the Classification Plan to Establish the New Classification of Building Inspection Manager (Staff Contacts: Keyvan Irannejad, 408-586-3244 and Carmen Valdez, 408-586-3086)**

- * 10. **Adopt a Resolution Amending the Classification Plan to Establish New Classification of Marketing Assistant and Eliminate One Program Coordinator Position within the Administration Section of the Recreation Services Department (Staff Contact: Renee Lorentzen, 408-586-3409)**

XIX. AGREEMENTS & BIDS

- * 11. **Approve Plans and Specifications and Authorize Advertisement for Bid Proposals for the Main Street Pavement Reconstruction, Project No. 4277 (Staff Contact: Steve Erickson, 408-586-3301)**
- * 12. **Approve Amendment No. 1 to the Agreement with Triple HS, Inc. doing business as H.T. Harvey and Associates to Increase Compensation in the Additional Amount of \$21,055 for the Wrigley-Ford and Ford Creek Maintenance Project No. 3700 (Staff Contact: Steve Erickson, 408-586-3301)**
- * 13. **Approve a Consultant Agreement with NBS Government Finance Group and a Budget Appropriation for Updating Annual Engineers Reports for City Lighting Landscape Maintenance Districts in the Amount of \$29,900 (Staff Contact: Steve Erickson, 408-586-3301)**
- * 14. **Approve Amendment No. 2 to the Agreement with Norma Nelson for Part Time Buyer Services in the Not-To-Exceed Amount of \$19,800 (Staff Contact: Emma Karlen, 408-586-3145)**

XX. JOINT MEETING OF CITY COUNCIL AND PUBLIC FINANCING AUTHORITY

FA1. Call to Order/Roll by the Mayor/Chair

FA2. Approval of Agenda/Consent Calendar

***FA3. Adopt Resolutions of City Council and the Public Financing Authority Board Authorizing Investment of Monies in the Local Agency Investment Fund and Updating Officers Information (Staff Contact: Emma Karlen, 408-586-3145)**

FA4. Adjourn Joint Meeting

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, MARCH 3, 2015**

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 / 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 SERVE ON A CITY COMMISSION

Current vacancies on:
Community Advisory Commission
Sister Cities Commission

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall.
Contact the City Clerk's office at 408-586-3001 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 City Council Chambers for all meetings.

AGENDA REPORTS

XIV. PUBLIC HEARING

- 1. Conduct a Public Hearing and Introduce an Ordinance Approving a Development Agreement Vesting and Deferring Transit Area Specific Plan Fees for the Citation I and Citation II Projects, Amalfi I, Amalfi II and the Edge (Staff Contact: Steve McHarris, 408-586-3273)**

Background: The Milpitas City Council opened a public hearing on this matter on February 3, 2015 and it was continued to this date, February 17.

City Council adopted Resolution No. 8132 on November 11, 2011 approving the Citation I project. The Citation I project consists of up to 732 dwelling units, public parks, streets and infrastructure improvements located at 1200 Piper Drive within the Transit Area Specific Plan (TASP). Of these 732 units, 638 were allocated to two wrap buildings, which comprise the Amalfi I and Amalfi II development. Amalfi I, consisting of 378 apartment units is currently under construction. Amalfi II consists of 260 apartments, but construction has not commenced for this project. Additionally, 94 townhomes are under construction as part of the Citation I project approvals, but the 94 townhomes will not be a part of the development agreement.

On June 17, 2014, Council adopted Resolution No. 8382 approving the Citation II project. That project consisted of 381 apartments and 8,100 square feet of commercial and office space that fronts Montague Expressway.

The following table summarizes the approved development projects.

Use/Standards	Citation I	Citation II
	Amalfi I and Amalfi II	The Edge
Acres	7.0 acres	5.6 acres
Commercial / Retail s.f.	0	8,100 sq ft
Residential Units	638 apartments	381 apartments
Parking Required	1,207 spaces	634 spaces
Parking Provided	1,260	634 spaces
Residential Density	45 dwelling units per acre	68 dwelling units per acre
Commercial FAR	n/a	0.03

The Planning Commission conducted a public hearing on January 14, 2015 and adopted a resolution by a 4 to 3 vote recommending the City Council approve the proposed Development Agreement between the City of Milpitas and SCS Development Co., Amalfi Milpitas, LLC., and DPD Investments, LLC. The proposed Development Agreement is for a five-year term with the ability of the parties to mutually extend for another five years. The proposed Development Agreement would reduce and vest the Transit Area Specific Plan Development Impact Fees for each residential unit from the current amount of \$32,781 to \$29,012 per unit. Additionally, the Development Agreement will allow the developers to pay the fees at time of issuance of Certificate of Occupancy as opposed to issuance of building permits. The fees would increase after five years if full payment is not received.

The Planning Commission found the proposed Project is consistent with the City of Milpitas General Plan, the TASP and the Zoning Ordinance and recommended approval of the Development Agreement with a 4-3 vote based on findings that the Development Agreement would result in a public benefit to the City of Milpitas because it would prioritize the development of retail and commercial uses that increase revenues to the City. The Commission discussed the responsibilities for public improvements, increases in TASP fees and timing of payments. Ultimately, the Development Agreement would benefit the City by installing

infrastructure to facilitate this development, including retail and commercial mixed-use developments.

Conclusion Based on the analysis described above and in the Planning Commission staff report, the Planning Commission recommended the City Council adopt an ordinance approving the Development Agreement between the City of Milpitas and SCS Development, Inc.

California Environmental Quality Act (CEQA): The proposed development agreement is exempt from the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15061(b)(3) states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The development agreement will not expand the range or intensity of uses permitted on the subject properties. The development agreement does not authorize any construction and will not result in any physical change in the environment. Therefore, it can be seen with certainty that the project will not have an effect on the environment.

The project is further exempt from environmental review pursuant to CEQA Section 15183(a). The development of Amalfi I, Amalfi II, and the Edge projects was previously analyzed in the Transit Area Specific Plan Environmental Impact Report (SCH 2006032091). The EIR analyzed all impacts associated with the development of these properties and anticipated the intensity of this development. The development agreement does not increase the intensity beyond that previously analyzed in the certified EIR. Further, the projects, as approved under Resolution No. 8132 and 8382 were found to be consistent with the Transit Area Specific Plan. Therefore, the proposed agreement is exempt from CEQA review because it can be seen with certainty, there is no possibility it will have a significant adverse on the environment and the project is consistent with a specific plan for which an EIR was certified.

Fiscal Impact: The Development Agreement would result in a reduction in TASP fees of approximately \$3.8 million. However, the Development Agreement would ensure that the Edge project is constructed prior to Amalfi II building. As a result, the Edge of project would be completed to coincide with the opening of the Milpitas BART Station. The 8,100 square feet of commercial and retail uses in the Edge would provide commercial services to transit riders and increase revenues to the City.

Attachments (part of the agenda packet):

- A) Development Agreement per Ordinance No. 38.819
- B) Exhibit A to Development Agreement
- C) Amalfi I – Legal Description and Plat
- D) Amalfi II – Legal Description and Plat
- E) The Edge – Legal Description and Plat
- F) 01-14-15 Planning Commission Staff Report
- G) 01-14-15 Planning Commission Meeting Minutes
- H) Adopted Planning Commission Resolution 15-003

Recommendations:

1. Re-open the continued public hearing for any additional comments.
2. Move to close the public hearing.
3. Following the City Attorney’s reading of the title of Ordinance No. 38.819, move to waive the first reading beyond the title.
4. Introduce Ordinance No. 38.819 in order to approve a development agreement between City of Milpitas and SCS Development Co., Amalfi Milpitas, LLC, and DPD Investments, LLC.

XV. UNFINISHED BUSINESS

2. **Receive the Monthly Update of the Odor Control Report (Staff Contact: Steven Machida, 408-586-3355)**

Background: From December 9, 2014 through January 11, 2015, the Bay Area Air Quality Management District (BAAQMD) received 310 odor complaints originating in Milpitas. 105 complaints identified a garbage odor, 21 complaints identified a sewage odor, 180 complaints did not identify an odor source, and four complaints identified a mixed odor source. As of the last Council update, the City's odor reporting website has received 286 reported complaints. The City Engineer will provide an oral update on the status of activities related to odor at the Council meeting.

Recommendation: Receive an oral update report on odor issues from the City Engineer.

XVI. REPORTS OF MAYOR AND COMMISSION

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

Background: Mayor Esteves recommends the following appointments:

Arts Commission:

Re-appoint three Commissioners Larry Voellger, Cyd Mathias, and Bob Gill as regular members to terms that expire in October of 2017.

Bicycle Pedestrian Advisory Commission:

Appoint Vice Mayor Montano to serve as the Council liaison to this Commission.

Community Advisory Commission:

Re-appoint Jose Rosario as a regular member to a term that will expire in January 2019.

Recycling and Source Reduction Advisory Commission:

Appoint school district staff Brian Shreve as the MUSD school representative on the RSRAC to a seat (currently vacant) with a term that would expire in October 2015.

Senior Advisory Commission:

Re-appoint Jae Kuk Wi as a regular member to a term that will expire in December 2016.

Telecommunications Commission:

Re-appoint Kurt Bohan as a regular member to a term that will expire in January 2017.

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

- * 4. **Approve Milpitas Art and Culture In-Kind Grants for FY 2014-15 (Staff Contact: Renee Lorentzen, 408-586-3409)**

Background: The Milpitas Arts and Culture Grant Program is a competitive grant program offering in-kind support to individuals and organizations hosting cultural or artistic events in the City of Milpitas. In-kind support includes performance space (i.e. Community Center, Senior Center) and City staff support. All grant events are held in Milpitas and are open to the public at either little or no cost.

One application was submitted for Milpitas Arts and Culture Grant Program (MACG) application for the 2014-15 grant cycle from the Filipino American Association of Milpitas, Inc. (Fil-Am). The Milpitas Arts Commission voted to recommend the application for City Council's final approval. The estimated value of the in-kind grant is \$500 - \$2,200.

Fiscal Impact: None.

Recommendation: Approve the Milpitas Arts and Culture Grant awarded to the Fil-Am for in-kind performance space and City staff support.

5. Per Recommendation of the Milpitas Arts Commission, Approve the Public Art Electrical Box Painting Project (Staff Contact: Renee Lorentzen, 408-586-3409)

Background: On March 19, 2013, the City's Public Art Master Plan was approved by the City Council which outlined public art installations and maintenance projects through 2015. The Electrical Box Painting Public Art project is included in the approved FY 2014-15 budget in the amount of \$4,200.

After researching other local cities where Public Art Programs have been completed for utility box painting, Milpitas Arts Commissioners voted unanimously on September 22, 2014 to ask the Milpitas High School Art Department to partner with the Arts Commission on this project. Ms. Irene Hentschke, Milpitas High School Art Department Lead, agreed to the partnership which would have herself, fellow art teacher Jeff Albrecht and twelve students painting twelve City-owned electrical boxes. All artists will receive honorariums of \$200 - \$600 at the completion of the project.

At the November 24, 2014 Arts Commission meeting, participating teachers and students presented their painting sketches for recommendation to City Council for final approval. Commissioners unanimously recommended all twelve sketches. The proposed electrical box locations and their corresponding painting themes are as follows:

1. Jacklin & Escuela SE - Tsunami Wave
2. Jacklin & Milpitas NW – Milpitas Library
3. Jacklin & Hillview SE – Metal Gear Box with Portal
4. Jacklin & Oliver Jones Park SW – Calaveras Hills
5. Yosemite & Dempsey – Cresting Wave
6. Yosemite & Sinclair Frontage – Peach Labels
7. Landess & Yellowstone – Old Ford Truck in wheat fields
8. Calaveras & Gadsden - Egret
9. Calaveras & Park Victoria – Palm trees
10. Dixon Landing & Milpitas Blvd. – Milpitas City Hall
11. Milpitas Blvd. & Beresford Ct. – Ed Levin Lake
12. Milpitas Blvd. & Los Coches – Milpitas Seal with Cornfield

At the January 26, 2015 Arts Commission meeting, Commissioners approved a recommendation for an additional \$1,000 for project supplies (paint, brushes, anti-graffiti treatment, etc.) in addition to the already allocated \$4,200 budget for a total project budget of \$5,200. The painting will begin in the spring of 2015 and are scheduled for completion by the end of the school year.

Fiscal Impact: None. Sufficient funds are available and allotted for this project in the FY 2014-15 budget and Public Art Fund.

Recommendation: Approve the Arts Commission's recommendation for twelve Electrical Box Painting Art project designs at the dozen locations specified throughout the City of Milpitas for a total project budget of \$5,200.

XVII. NEW BUSINESS

6. Receive Oral Report on Current Crime Data for the City of Milpitas (Staff Contact: Steve Pangelinan, 408-586-2426)

Background: Recently, Councilmember Giordano requested a report on crime from the Chief of Police, for the benefit of City Council and residents. She sought current crime statistics for 2014.

Recommendation: At the City Council meeting, receive a report on crime in Milpitas from the Chief of Police.

XVIII. RESOLUTIONS

- * 7. **Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for, Street Resurfacing Project 2015 – Street Cape and Slurry Seal, Projects No. 4275 and No. 3412, and Grant Authorization to the City Engineer to Issue Notice of Final Acceptance after One-Year Warranty Period and Release the Performance Bond (Staff Contact: Steve Chan, 408-586-3324)**

Background: The City Council awarded the Street Resurfacing Project 2015 – Street Cape and Slurry Seal, Projects No. 4275 and No. 3412 to O’Grady Paving, Inc. on June 17, 2014. The project consists of localized repair of failed asphalt concrete pavement, removal and replacement of asphalt concrete, cape seal, slurry seal, installation of ADA compliant sidewalk ramps, and striping in the Sunnyhills neighborhood. The project was successfully completed on time and within budget. Staff recommends the City Council adopt a resolution granting initial acceptance of the project and authorize the reduction of the contractor’s faithful performance bond to \$340,862, which is 10% of the final contract value. Staff also recommends the City Council authorize the City Engineer to issue the Notice of Final Acceptance and to release the performance bond after the one year warranty period without further City Council action, provided all warranty work is completed to the satisfaction of the City Engineer.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of the Street Resurfacing Project 2015 Street Cape and Slurry Seal, Projects No. 4275 and No. 3412, subject to a one-year warranty period, and reduction of the faithful performance bond to \$340,862; and grant authorization to the City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further Council action.

- * 8. **Adopt a Resolution Amending the Classification Plan to Eliminate Two Assistant Civil Engineer Positions and Add One Associate Civil Engineer and One Engineering Permit Technician Position Within the Land Development Section of the Engineering Department (Staff Contact: Steven Machida, 408-586-3355)**

Background: There is currently an emerging increase in the work load in the Engineering Land Development Section, primarily due to an increase in in-fill development project submittals and associated construction. The complexity of these projects requires the skills of a licensed Engineer to manage the submittals and review process. A higher skilled Engineer will be better able to assist the developments to meet the timelines and deliver a good work product. The Associate Civil Engineer position requires the possession of a valid California Professional Civil Engineer’s license. The Permit Technician will provide technical support in the processing, plan checking and record keeping functions related to the issuance of Engineering/construction, planning, and public works permits; and to screen submitted plans for accuracy and completeness.

There are two vacant funded Assistant Engineer positions in Land Development which can be eliminated. No additional budget will be required to add the Associate Engineer and Engineering Permit Technician positions.

Fiscal Impact: None. Funding for these positions is reimbursable through the private development projects.

Recommendations: Adopt a resolution amending the Classification Plan to eliminate two Assistant Civil Engineer positions and to add one Associate Civil Engineer and One Engineering Permit Technician position within the Land Development Section of the Engineering Department.

- * **9. Adopt a Resolution Amending the Classification Plan to Establish the New Classification of Building Inspection Manager (Staff Contacts: Keyvan Irannejad, 408-586-3244 and Carmen Valdez, 408-586-3086)**

Background: Amendments to the Classification Plan are periodically required to account for organization changes and equity adjustments to salary ranges and/or other related changes or conditions. In order to be able to attract qualified candidates to meet the City's business needs and to be competitive with comparable neighboring cities, staff recommends creation of a new classification of a Building Inspection Manager in the Building & Safety Department. The Human Resources Department surveyed other local agencies and compared internal classifications and determined that there is a need for the proposed classification of Building Inspection Manager. This newly created classification would oversee all construction inspection activities and assist in plan check activities. The proposed annual salary range of the Building Inspection Manager is \$109,034 - \$132,533. A copy of the newly created job specification is included in the Council agenda packet.

City Council is also asked to authorize filling one vacant Building Inspector position funded by developers. Proposed annual salary range of the Building Inspector is \$ 84,396.26 - \$102,583.76.

Fiscal Impact: None. There are sufficient funds allocated in the Building & Safety Department FY 2014-15 budget.

Recommendations:

1. Adopt a resolution amending the Classification Plan to establish a new classification of a Building Inspection Manager in the Building & Safety Department with an annual salary range of \$109,034 - \$132,533.
2. Authorize funding a vacant Building Inspector position with an annual salary range of \$84,396 - \$102,583.

- * **10. Adopt a Resolution Amending the Classification Plan to Establish New Classification of Marketing Assistant and Eliminate One Program Coordinator Position within the Administration Section of the Recreation Services Department (Staff Contact: Renee Lorentzen, 408-586-3409)**

Background: The Recreation Services Department offers services to the Milpitas residential and commercial community through a variety of classes, programs, special events and facility rentals for parties, meetings and celebrations. Community participation and subsequent revenue is derived primarily from marketing efforts through print, email and social media. To adequately create and distribute marketing materials for the department, Recreation Services is seeking to add the newly created position of Marketing Assistant to the City's Classification Plan.

A skilled Marketing Assistant will be able to create marketing materials and effectively distribute and inform the public about programs, classes and events. The Marketing position requires experience in the marketing field and proficiency in design software. The position will design and distribute the following for Recreation Services: Recreation Activity Guide (Fall, Spring, Summer), Senior Center Newsletter (bi-monthly), Sports Center Class/Program brochures, all department events, class and program flyers, press releases, e-blasts, manage the social media

page(s) and assist with any other citywide special projects or campaigns. The Marketing Assistant will also seek sponsorships and donations.

The Human Resources Department surveyed local agencies and did an internal comparison for positions that are similar in nature and determined there is a need for a Marketing Assistant in the Recreation Department. The proposed annual salary range of the Marketing Assistant is \$57,495 - \$69,886. A copy of the newly created job specification is included in the City Council Agenda packet for review. There is a vacant funded Program Coordinator position that can be eliminated so no additional budget will be required to add this newly-created classification to the Recreation Services Department.

Fiscal Impact: None. Funding for this position is available in the Recreation Services 2014-15 operating budget.

Recommendations: Adopt a resolution amending the Classification Plan to establish a new classification of a Marketing Assistant in the Recreation Services Department for an annual salary range of \$57,495 - \$69,886.

XIX. AGREEMENTS & BIDS

- * **11. Approve Plans and Specifications and Authorize Advertisement for Bid Proposals for the Main Street Pavement Reconstruction, Project No. 4277 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: Plans and specifications have been completed for the Main Street Pavement Reconstruction Project No. 4277. The project provides for the partial reconstruction of South Main Street from Carlo Street to Great Mall Parkway. The work includes the removal and replacement of roadway pavement, installation of new Americans with Disabilities Act (ADA) sidewalk ramps, curb, gutter, sidewalk, and driveway repairs, drainage system improvements, replacement of missing street trees, and modifications to the traffic signal detection system at four intersections along Main Street. An asphalt overlay of Serra Way, Curtis Avenue, and Corning Avenue from South Main Street to Abel Street is also included. The Engineer's Estimate for the project is \$3,600,000. A copy of the title sheet of the project plans is included in the Council's agenda packet, while the complete set of plans and specifications are available for review in the office of the City Engineer.

California Environmental Quality Act: The project is exempt under Section 15301 (Existing Facilities) of the CEQA Guidelines.

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

Recommendation: Approve plans and specifications for Main Street Pavement Reconstruction Project No. 4277 and authorize advertisement for bid proposals.

- * **12. Approve Amendment No. 1 to the Agreement with Triple HS, Inc. doing business as H.T. Harvey and Associates to Increase Compensation in the Additional Amount of \$21,055 for the Wrigley-Ford and Ford Creek Maintenance Project No. 3700 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: On February 19, 2013, the City entered into a consultant agreement with H.T. Harvey and Associates in the amount of \$97,000 to provide ecological monitoring and compliance reporting for state and federal agency permits issued for a City project completed within Wrigley-Ford and Ford Creek in 2012. The agreement is from February 19, 2013 to February 19, 2023. The City project provided debris, vegetation, and sediment removal to restore the creek channel and improve conveyance capacity. Permits were issued by the Regional Water Quality Control Board (RWQCB), U.S. Department of the Army Corps of Engineers (ACOE),

and Department of Fish & Game, and require ongoing ecological monitoring, compliance reporting, and maintenance of native plant species for a ten year period within the limits of the City's project.

The mid-December 2014 storms caused considerable erosion damaged to the reach of the creek within the City's project limits, and the City is now required by permit to make repairs. Staff recommends using H.T. Harvey and Associates to provide the additional design and construction support services required for the repairs to the creek channel, and to devise a strategy for controlling the establishments of the Giant Reed, which is a non-native species that is prospering within the creek area.

Amendment No.1 with H.T. Harvey is proposed for these additional services. Staff negotiated a fee for these services not to exceed \$21,055. Approval of this amendment to the agreement brings the total agreement amount to \$118,055.

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

Recommendation: Approve Amendment No. 1 to the consultant agreement with Triple HS, Inc. doing business as H.T. Harvey and Associates for Project No. 3700 and increase the agreement amount by \$21,055.

- * **13. Approve a Consultant Agreement with NBS Government Finance Group and a Budget Appropriation for Updating the Annual Engineer's Reports for City Lighting Landscape Maintenance Districts in the Amount of \$29,900 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The City administers two Landscaping and Lighting Maintenance Assessment Districts (LLMD) that improve and maintain public landscaping, irrigation, and pedestrian lighting within certain areas of the City. District No. 95-1 is located along McCarthy Boulevard from State Route 237 north to Dixon Landing Road including portions of Ranch Drive. District 98-1 is located along portions of Los Coches Street from Hillview Drive to Sinclair Frontage Road including portions of the landscaped trail adjacent to Berryessa Creek.

The City is required to prepare annual engineers reports which verify changes in district parcel boundaries, evaluate maintenance and improvement costs and budgets, and compute proposed assessment rates for property tax bills for properties within the district boundary. The format and content of the engineers report is guided by the requirements of State law. It has been fifteen years since the City's engineer's reports and LLMD administration practices have been thoroughly reviewed and updated.

Through the City's consultant selection process, the firm of NBS Government Financial has been selected to provide the assistance in updating the engineer's reports. Staff negotiated a scope and fee with NBS for the updated reports in the amount of \$29,900.

Fiscal Impact: A budget appropriation is requested in the amount of \$29,900 from LLMD Funds to the Engineering Department to cover the expenses associated with the contract with NBS for updates to the two annual engineer's reports.

Recommendations:

1. Approve consultant agreement with NBS Government Finance Group in the not-to-exceed amount of \$29,900, and for a term from February 17, 2015 to February 18, 2016 for updates to the annual Lighting Landscape Maintenance Assessment District Engineer's Reports.
2. Approve a budget appropriation in the amount of \$29,900 from the LLMD Funds 235 and 236 to the Engineering Budget.

- * 14. **Approve Amendment No. 2 to the Agreement with Norma Nelson for Part Time Buyer Services in the Not-To-Exceed Amount of \$19,800 (Staff Contact: Emma Karlen, 408-586-3145)**

Background: On August 6, 2014, the City entered in to an agreement with Norma Nelson to provide contractual services as a part time Buyer in the amount of \$19,965.00 for the period August 6, 2014 to December 5, 2014. On December 2, 2014, the parties entered into Amendment No. 1 to extend the agreement to February 27, 2015 and increased the compensation by \$14,300. The Finance Department is in the process of recruiting and hiring a full time buyer, but has so far not been able to find a qualified candidate necessitating the extension of the recruitment period. During the recruitment period, additional services are needed to assist the Purchasing Agent to fulfill the purchasing function Citywide. Staff recommends extending the contract with Norma Nelson to June 30, 2015 for the not to exceed amount of \$19,800 bringing the total amount of the contract to \$54,065.

Fiscal Impact: \$19,800. Funds for this purchase are available from the Finance Department operating budget.

Recommendation: Approve Amendment No. 2 to the agreement with Norma Nelson for services as a Buyer for the City in the not-to-exceed amount of \$19,800 00 for the period from February 27, 2015 to June 30, 2015.

XX. JOINT MEETING OF CITY COUNCIL AND PUBLIC FINANCING AUTHORITY

- *FA3. **Adopt Resolutions of City Council and the Public Financing Authority Board Authorizing Investment of Monies in the Local Agency Investment Fund and Updating Officers Information (Staff Contact: Emma Karlen, 408-586-3145)**

Background: The City of Milpitas and the Milpitas Public Financing Authority have been participating in the State's Local Agency Investment Fund (LAIF) since 1977. LAIF periodically requests participants to update their investment resolutions. Staff reviewed the existing resolutions of the two entities and determined that these resolutions need to be updated due to administration and personnel changes.

Fiscal Impact: None.

Recommendation: Adopt Resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

- FA4. Adjourn Joint Meeting**