



**JOINT MILPITAS CITY COUNCIL,
PUBLIC FINANCING AUTHORITY &
SUCCESSOR AGENCY
MEETING AGENDA**

TUESDAY, JANUARY 19, 2016

**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/ROLL CALL by the Mayor**
- II. ADJOURN TO CLOSED SESSION (6:00 p.m.)**
- (a) CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION**
Pursuant to California Government Code Section 54956.9 - City as Defendant
- (b) CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**
Name of Case: EEOC Charge No. 846-2015-39802
- III. CLOSED SESSION ANNOUNCEMENT:** 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 (Vice Mayor Montano)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES January 5 and 12, 2016**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDARS January and February 2016**
- VIII. PRESENTATIONS**
- Presentation of the Artist of the Year James Coulson
 - Recognition to the Milpitas High School Football Team
- 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*)**
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- 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.
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XIV. UNFINISHED BUSINESS

- 1. Receive an Update on the Status of Milpitas Super Community Activities (Staff Contact: Edesa Bitbadal, 408-586-3052)**
- 2. Discussion Regarding Increase for Contract Janitorial Hourly Wages (Contacts: Vice Mayor Montano, 408-586-3023 and City Manager Tom Williams, 408-586-3051)**

XV. REPORTS OF MAYOR

- * 3. Consider Mayor's Recommendations for Appointments and Re-appointments to City of Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**
- *4. Approve Recommendation for Staff Alternates to Voting Members on the Milpitas Oversight Board (Staff Contact: Mary Lavelle, 408-586-3001)**

XVI. NEW BUSINESS

- *5. Accept the 2015 Bulletproof Vest Partnership Grant and Appropriate the Funds into the Police Department's Operating Budget (Staff Contact: Armando Corpuz, 408-586-2534)**
- * 6. Authorize the Purchasing Agent to Dispose of Surplus Fire Engine at Auction (Staff Contact: Chris Schroeder, 408-586-3161)**

XVII. RESOLUTIONS

- * 7. Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for, Main Street Pavement Reconstruction, Projects No. 3412 and No. 4277, and Granting Authorization to the Director of Engineering to Issue Notice of Final Acceptance after the One-Year Warranty Period and to Release the Performance Bond (Staff Contact: Steve Erickson, 408-586-3301)**
- * 8. Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for, 2014 Soundwall Renovation Project Jacklin Road & Del Rio Court, Project No. 4267 and Granting Authorization to Director of Engineering to Issue the Notice of Final Acceptance after the One-Year Warranty Period and Release the Performance Bond (Staff Contact: Steve Erickson, 408-586-3301)**
- * 9. Adopt a Resolution Approving the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information related to Flood Plain Management (Staff Contact: Rocelia Kmak, 408-586-3313)**

XVIII. AGREEMENTS

- *10. Approve the First Amendments to the Agreements with MIG and Neal Martin Associates for Planning Support Services, Increasing Each Agreement by \$50,000 for Each Total Not to Exceed \$120,000 (Staff Contact: Bill Ekern, 408-586-3279)**
- *11. Approve Amendment No. 2 to the Consultant Agreement with RMC Water and Environment, Inc. in the amount of \$100,000 to Provide Staff Assistance with On-Call Water and Sewer System Hydraulic Modeling For Private Jobs and Capital Improvements Projects No. 7108 and No. 6110; and Approve a Budget Appropriation (Staff Contact: Steven Machida, 408-586-3355)**

XIX. JOINT MEETING of the CITY COUNCIL and PUBLIC FINANCING AUTHORITY

CALL TO ORDER/ROLL CALL by the Chair

APPROVE AGENDA/CONSENT CALENDAR

- *12. 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 (Staff Contact: Russell Morreale, 408-586-3111)**

XX. JOINT MEETING of the CITY COUNCIL and the SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY

CALL TO ORDER/ROLL CALL by the Chair

APPROVE AGENDA/CONSENT CALENDAR

- *13. Authorize the Executor Director of the Successor Agency of the Former Milpitas Redevelopment Agency to Execute a Purchase & Sale Agreement with Rajyoga Meditation & Research Center for Property Located at 540 S. Abel Street (Staff Contact: Emma Karlen, 408-586-3145)**

XXI. ADJOURN CITY COUNCIL, PUBLIC FINANCING AUTHORITY AND SUCCESSOR AGENCY JOINT MEETING

NEXT REGULAR CITY COUNCIL MEETING: TUESDAY, FEBRUARY 2, 2016

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: cdiaz@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:

Bicycle Pedestrian Advisory Commission and Veterans 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 408-586-3003 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 City Council Chambers for all meetings.

AGENDA REPORTS

XIV. UNFINISHED BUSINESS

1. **Receive an Update on the Status of Milpitas Super Community Activities (Staff Contact: Edesa Bitbadal, 408-586-3052)**

Background: The Economic Development Manager will provide a verbal report on the status of programs and activities to promote the City of Milpitas during Super Bowl 50. This is a verbal update based on a report provided to the City Council at the September 15, 2015 meeting.

Fiscal Impact: \$35,000 from FY 2015-16 City Manager's Office operating budget.

Recommendation: Receive verbal update at the City Council meeting from the Economic Development Manager on the status of Milpitas Super Community Activities.

2. **Discussion Regarding Increase for Contract Janitorial Hourly Wages (Contacts: Vice Mayor Montano, 408-586-3023 and City Manager Tom Williams, 408-586-3051)**

Background: At the City Council meeting of August 4, 2015, Vice Mayor Montano introduced a proposal to amend the current janitorial contract with Varsity Facility Services (Varsity) to increase the minimum hourly wage from \$9.00 to \$13.00 per hour. The item was continued to September 15, 2015 at which time City Council directed staff to continue with the current contract, participate in the regional wide minimum wage study, analyze the findings and bring the item back to the Council for further discussion. The existing contract was awarded on a one-year term and allows options to extend the contract without rebidding for services. The contract also includes a 30-day notice of cancellation provision (executable at any time) that protects the City's interest in ensuring optimal service levels. Furthermore, the contract provides for an annual escalation of the total contract value based upon an agreed upon price-index.

The City also can simply let the contract expire and competitively rebid janitorial services. Either option allows the City to release a competitively bid Request for Proposal (RFP) with desired salary and benefit terms as directed by the City Council. For FY 2016-17, the total value of the contract was set at \$432,795. This pricing was based on defined wage standards (set in coordination with the South Bay Labor Council and SEIU), as established at the time of bid, a condition all responding vendors were advised of and complied with. As the successful bidder, Varsity met these wage conditions.

Locally, the City of Milpitas adopted Resolution No. 5981 requiring any contractor performing routine and recurring labor or services, in excess of \$1,000, pay not less than the general prevailing wage. Key to this point is that, in California, there is no prevailing wage for janitors. As such, the South Bay Labor Council and SEIU reached agreement with four janitorial companies, providing service in the region, to a voluntary in-lieu prevailing wage. This wage amount was included as a base amount in the above mentioned RFP.

Discussion: The below listed factors were previously considered by City Council when the proposal to amend the Varsity contract and increase the base hourly rate to \$13.00 per hour arose last fall.

- The contract award in 2013 arose out of a formal competitive bid process. Any change in the underlying contract wage structure with the existing vendor places the City at risk of not adhering to the public bidding process pursuant to the Public Contract Code (CSL Sec.100). As such, the City would be obliged to re-bid the contract. In doing so, the ultimate vendor and pricing is subject to change.

- The above-mentioned regional Minimum Wage study commenced September 3, 2015 and is scheduled for completion in the first quarter of 2016 at which time more information regarding minimum wage levels will be available for consideration.
- The original contract was awarded on total contract value basis of which wages were a component factor in pricing. To get a sense of fiscal impact, had the original award to Varsity included the proposed \$13.00 per hour base rate, the estimated increase to General Fund costs falls in the range of \$140,000 to \$190,000 per year. Three years remain on the contract bringing the aggregated estimated fiscal impact range to \$420,000 to \$570,000.
- Over the years, the City of Milpitas employees made great sacrifices via lower wages and benefits to weather the 2008 Great Recession and the negative impact of the dissolution of redevelopment agency dollars. Much of the region has had this general experience in many industry areas.

In light of the above identified issues, Council directed staff to do the following:

- (1) Adhere to the current contract terms consistent with the agreement between Varsity and the South Bay Labor/SEIU agreed upon terms. Continue participation in the regional minimum wage study. Analyze the findings of the study and rebid the janitorial contract as result of the study findings.

Fiscal Impact: Exact numbers are unknown until a specific wage increase is determined. If the basis of the Varsity contract is used, the fiscal impact of a minimum wage increase to \$13.00 per hour falls in the range of \$420,000 to \$570,000 for the remaining contract term. Should Council direct staff to rebid the services, the ultimate vendor and cost impact will be unknown with increased costs being a possible outcome.

Recommendation: Hear report from Vice Mayor Montano and direct staff accordingly.

XV. REPORTS OF MAYOR

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

Background: Mayor Esteves recommends the following:

Community Advisory Commission:

Re-appoint Thelma Batilo to a term that will expire in January of 2020.

Re-appoint Vishal Gandhi as Alternate No. 4 to a term that will expire in January of 2018.

Planning Commission:

Re-appoint Zeya Mohsin as Alternate Member to a term that will expire in December of 2018.

Sister Cities Commission:

Appoint Alternate No. 1 Carla Bayot to a voting member term that will expire in September 2016.

Newly appoint Barry Manogaran as Alternate No. 1 to a term that will expires in September 2016.

Newly appoint Dipak Awasthi as Alternate No. 2 to a term that will expires in September 2017.

Copies of Commission applications are included in the agenda packet for new appointments.

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

- * 4. **Approve Recommendation for Staff Alternates to Voting Members on the Milpitas Oversight Board (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: Mayor Esteves recommends continuing the practice of two staff members serving as alternates to the two voting members of the Milpitas Oversight Board. Presently, Assistant City Manager Emma Karlen and resident Althea Polanski are the voting members, appointed by the City Council to that board. Finance Manager Jane Corpus presently serves as one alternate member. Due to recent staff changes, a new second alternate is necessary to be appointed, and thus the Mayor recommends that Finance Director Russell Morreale serve in that capacity.

Recommendation: Per Mayor's recommendation, appoint both Jane Corpus and Russell Morreale as staff alternates to either voting member on the Milpitas Oversight Board.

XVI. NEW BUSINESS

- * 5. **Accept the 2015 Bulletproof Vest Partnership Grant and Appropriate the Funds into the Police Department's Operating Budget (Staff Contact: Armando Corpuz, 408-586-2534)**

Background: The United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance has allocated a Bulletproof Vest Partnership (BVP) grant in the amount of \$7,662.85 to the Milpitas Police Department towards the purchase of ballistic vests. The grant will reimburse the City of Milpitas for fifty percent (50%) of the cost of each ballistic vest purchased by the Milpitas Police Department after April 1, 2015. Grant funds must be utilized by August 31, 2017.

Fiscal Impact: None. The City's matching funds are already budgeted in the Police Department's supplies account.

Recommendation: Accept the 2015 Bulletproof Vest Partnership (BVP) grant and approve an appropriation in the amount of \$7,662.85 into the Police Department's operating budget.

- * 6. **Authorize the Purchasing Agent to Dispose of Surplus Fire Engine at Auction (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: The City has a 1993 Pierce Fire Engine VIN 4P1CA02D3PA000479. The vehicle has reached the end of its useful life. The cost to maintain the vehicle (it has a blown engine) exceeds its value and has been removed from service. The value of the vehicle at auction is estimated to be approximately \$15,000 to \$20,000. Staff requests authorization to dispose of the vehicle at auction per section I-2-8.03 of the Municipal Code "Disposal of more than \$5,000."

Fiscal Impact: None. Proceeds will be returned to the equipment fund.

Recommendation: Approve the request to auction for disposal the 1993 Pierce Fire Engine (VIN 4P1CA02D3PA000479).

XVII. RESOLUTIONS

- * 7. **Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for, Main Street Pavement Reconstruction, Projects No. 3412 and No. 4277, and Granting Authorization to the Director of Engineering to Issue Notice of Final Acceptance after the One-Year Warranty Period and to Release the Performance Bond (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The City Council awarded the Main Street Pavement Reconstruction Projects No. 3412 and No. 4277 to Ghilotti Construction Company, Inc. on April 7, 2015. The project provided for the reconstruction and asphalt overlay of portions of South Main Street from Carlo Street to Great Mall Parkway, including the overlay of Serra Way, Corning Avenue, West Curtis Avenue and a portion of East Curtis Avenue.

The project was successfully completed on time and under budget. Staff recommends the City Council adopt a resolution granting initial acceptance of the project and authorizing the reduction of the contractor's faithful performance bond to \$304,639, which is 10% of the final contract value. Staff also recommends that City Council authorize the Director of Engineering/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 Director of Engineering/City Engineer.

Alternative: A denial of this request would result in the project not being accepted and would result in the Notice of Completion not being filed and a potential delay claim by the Contractor.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of the Main Street Pavement Reconstruction Projects No. 3412 and No. 4277, subject to a one-year warranty period, and reduction of the faithful performance bond to \$304,639; and granting authorization to the Director of Engineering/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 City Council action.

- * 8. Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for, 2014 Soundwall Renovation Project Jacklin Road & Del Rio Court, Project No. 4267 and Granting Authorization to Director of Engineering to Issue the Notice of Final Acceptance after the One-Year Warranty Period and Release the Performance Bond (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The City Council awarded the 2014 Soundwall Renovation Project Jacklin Road & Del Rio Court to George Bianchi Construction, Inc. on August 4, 2015. The project provided for replacement of the City soundwall adjacent to Tularcitos Creek north of Del Rio Court, and the repair and painting of a portion of the soundwall along the south side of Jacklin Road between Hillview Drive and Jones Memorial Park.

The project was successfully completed on time and under 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 \$40,630, which is 10% of the final contract value. Staff also recommends the City Council authorize the Director of Engineering/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 Director of Engineering/City Engineer.

Alternative: A denial of this request would result in the project not being accepted and would result in the Notice of Completion not being filed and a potential delay claim by the contractor.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of the 2014 Soundwall Renovation Project Jacklin Road & Del Rio Court, Project No. 4267, subject to a one-year warranty period, and reduction of the faithful performance bond to \$40,630; and granting authorization to the Director of Engineering/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 City Council action.

- * 9. Adopt a Resolution Approving the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information Related to Flood Plain Management (Staff Contact: Rocelia Kmak, 408-586-3313)**

Background: City of Milpitas, along with nine other communities in Santa Clara County, participates in the Community Rating System (CRS) under the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP).

CRS is a voluntary program, which allows communities to earn flood insurance premium discounts for residents and businesses by conducting floodplain management activities that exceed NFIP minimum requirements. Communities earn CRS points for activities that promote flood risk reduction practices and encourage the purchase of flood insurance. Activities eligible for CRS credit include flood emergency preparedness planning, and public education on flood risk and flood insurance. The City of Milpitas has participated in the CRS program since 1991 and has a current CRS class rating of 7, which gives policy holders a 15% flood insurance premium discount. The current savings from CRS discount for Santa Clara County residents and businesses is approximately \$2.5 million per year. The total annual savings to policy holders attributable to the City of Milpitas' CRS discount is approximately \$330,000.

FEMA recently updated the CRS program to encourage each participating community to increase efforts in promoting CRS goals. One of the new elements in the CRS program is known as the Program for Public Information (PPI). The intent of the program is to encourage targeted outreach regarding flood hazards through a step-by-step coordinated approach. This can be done by one community individually; however, FEMA is encouraging communities to work together to create a consistent message in a larger regional area.

By participating in the County-wide PPI, the City of Milpitas may be able to obtain an improved CRS rating and a resulting decrease in flood insurance rates paid by local property owners.

The Santa Clara Valley Water District (SCVWD) acted as lead agency in creating the PPI for Santa Clara County. The ten Santa Clara County CRS cities, along with the County of Santa Clara, elected to work with SCVWD to create a Countywide PPI. Attachment A contains the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information (PPI). This PPI was developed jointly and must be approved individually by each community's elected body in order for that community to receive CRS points for its implementation.

As required by the terms of the PPI, the PPI committee must re-convene annually to evaluate whether the flood risk reduction messages are still appropriate and modify the PPI as needed. Additionally, an annual report must be submitted to FEMA to describe PPI implementation. Then, every five years, the legislative bodies of all participating communities must re-approve the plan in order to continue receiving CRS credit.

To date, SCVWD, along with the Cities of Palo Alto, Los Altos, Mountain View, Sunnyvale, and Santa Clara have approved the PPI.

Fiscal Impact: None. The City's participation in the CRS is managed by the Engineering Department, Land Development Division, and sufficient funds are available in the budget.

Recommendation: Adopt a resolution approving the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information related to Floodplain Management.

XVIII. AGREEMENTS

- *10. Approve the First Amendments to the Agreements with MIG and Neal Martin Associates for Planning Support Services, Increasing Each Agreement by \$50,000 for Each Total Not to Exceed \$120,000 (Staff Contact: Bill Ekern, 408-586-3279)**

Background: On October 21, 2015, the City entered into an Agreement for professional consulting for Design and Development Review Planning Support Services in the amount of

\$70,000.00, with MIG. The Agreement expires on June 30, 2016. On November 1, 2015, the City entered into a similar Agreement with Neal Martin Associates, also for \$70,000. That Agreement also expires on June 30, 2016. The Planning Department has experienced the loss of one Senior Planner and two Assistant Planners and has increasingly relied on these consultant agreements to meet its obligations for timely plan check review. This significant need for third party support in the review and processing of development applications will not abate, given the current economic boom the City is experiencing. Both of these firms have been responsive to the City's requests for staff assistance. The Department is searching for permanent staff but does not expect to fill the positions immediately.

Fiscal Impact: Most of the work is charged to Private Job accounts, although time spent responding to pre-application inquiries and work at the public counter is not chargeable to these accounts.

Recommendation: Approve the first Amendment to the Agreement with MIG in the amount of \$50,000 for a total agreement not to exceed \$120,000 and approve the first Amendment to the Agreement with Neal Martin Associates in the amount of \$50,000 for a total agreement not to exceed \$120,000.

- *11. Approve Amendment No. 2 to the Consultant Agreement with RMC Water and Environment, Inc. in the amount of \$100,000 to Provide Staff Assistance with On-Call Water and Sewer System Hydraulic Modeling For Private Jobs and Capital Improvements Projects No. 7108 and No. 6110; and Approve a Budget Appropriation (Staff Contact: Steven Machida, 408-586-3355)**

Background: RMC Water and Environment, Inc. prepared the City's water and sewer system master plans and, as part of this work, developed the hydraulic models for these systems. Modeling is a useful tool for assessing how new utility connections will impact the existing system and identifying any short-term impacts when pipelines are temporarily taken out of service. The City's need for hydraulic modeling support remains strong due to the current level of development interest, infrastructure replacement, and the proposed utility relocations due to the BART construction.

On December 6, 2011, the City Council approved a consultant agreement with RMC in the amount of \$200,000 to perform various water and sewer system hydraulic modeling scenarios, on an on-call basis and Council extended the agreement term through December 31, 2017 with no additional funding request.

Since 2014, the request for modeling has increased due to the increased development activity, utility relocations due to BART construction and the additional analysis to support the Water Augmentation Program such that the original \$200,000 budget has now been spent. The demand for utility modeling continues to be high from development and Staff is requesting approval of amendment No. 2 which provides an additional \$100,000 for continued on-call hydraulic water and sewer modeling on a project by project basis. The total not-to-exceed contract amount will be \$300,000. The split of the requested \$100,000 will be \$50,000 each from Land Development Engineering Operation and Capital Improvement Project funds. Private development will provide reimbursement to the City for the modeling costs related to their projects.

A copy of the consultant agreement and budget change form are included in the Council packet.

California Environmental Quality Act: The amendment is exempt from CEQA as there will be no physical change to the environment.

Alternative: If this amendment is not approved, City utility system operations will be negatively impacted. In addition, requirements for developer projects cannot be confirmed.

Fiscal Impact: There are sufficient funds in the Capital Improvement Projects for City utility operations modeling work. A budget appropriation of \$50,000 to the Land Development Engineering operating budget is required to perform the private developer work. Funds for the private developer work will be reimbursed by developers through their private jobs accounts. As such, General Fund revenue is being increased in the amount of \$50,000.

Recommendations:

1. Approve Amendment No. 2 to the agreement with RMC Water and Environment, Inc. for \$100,000 for on-call Water and Sewer System Hydraulic Modeling for Private Jobs and for Capital Improvement Projects No. 7108 and No. 6110.
2. Approve a budget appropriation of \$50,000 to the Land Development Engineering Operating Budget and increase the General Fund private jobs revenue by \$50,000.

XIX. CITY COUNCIL/PUBLIC FINANCING AUTHORITY

- * 12. **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 (Staff Contact: Russell Morreale, 408-586-3111)**

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.

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.

XX. CITY COUNCIL/SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY

- * 13. **Authorize the Executor Director of the Successor Agency of the Former Milpitas Redevelopment Agency to Execute a Purchase & Sale Agreement with Rajyoga Meditation & Research Center for Property Located at 540 S. Abel Street (Staff Contact: Emma Karlen, 408-586-3145)**

Background: As a result of the Dissolution Act and the Settlement Agreement entered into with the State of California, the County of Santa Clara and other involved parties, a Long Range Property Management Plan ("LRPMP") was approved by the Oversight Board that addresses the disposition and use of the real properties of the former Milpitas Redevelopment Agency. The LRPMP identifies four properties as assets of the Successor Agency that are required to be sold through a Request for Proposals ("RFP") process. One of the four properties is located at 540 S. Abel Street (APN 086-10-025). On December 9, 2015, the Oversight Board approved the sale of the property to Rajyoga Meditation and Research Center, a nonprofit organization which made the highest offer of \$4 million. The Oversight Board also directs the Successor Agency to execute the Purchase & Sale Agreement within 30 days of its execution by Rajyoga Meditation and Research Center ("Buyer"). Included in the Council/Agency's agenda packet is the executed agreement by the Buyer.

Fiscal Impact: The City of Milpitas will receive approximately 16% of the net sales proceeds.

Recommendation: Authorize the Executive Director of the Successor Agency of the former Milpitas Redevelopment Agency to execute a Purchase & Sale Agreement with Rajyoga Meditation and Research Center for property located at 540 S. Abel Street (APN 086-10-025).

XXI.

**ADJOURN CITY COUNCIL, PUBLIC FINANCING AUTHORITY AND SUCCESSOR
AGENCY JOINT MEETING**

**NEXT REGULAR CITY COUNCIL MEETING
TUESDAY, FEBRUARY 2, 2016**