



**JOINT MILPITAS CITY COUNCIL AND  
MILPITAS HOUSING AUTHORITY  
REGULAR MEETING  
AGENDA**

**TUESDAY, MAY 17, 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 LABOR NEGOTIATORS - COLLECTIVE BARGAINING**  
Pursuant to California Government Code Section 54957.6  
City Negotiators: Tom Williams, Tina Murphy  
Employee Groups: Mid-management and Confidential Unit (Mid-Con), and Professional and Technical Group (ProTech)  
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
  - (b) CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**  
Pursuant to California Government Code section 54956.9(d)(1)  
American Arbitration Association Case No. 01-16-0000-4753
- 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 (Mayor Esteves)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES April 25 and May 3, 2016**
- VII. SCHEDULES OF MEETINGS – COUNCIL CALENDARS May and June 2016**
- VIII. PRESENTATIONS**
  - Proclaim *Public Works Week* for the week of May 15 – 21, 2016
  - Proclaim May as *Water Awareness Month*
  - Proclaim May as *Foster Care/Resource Parent Awareness Month*
- 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. PUBLIC HEARING**

- 1. Conduct a Public Hearing and Adopt Resolutions Approving the Final Operating Budget and Capital Budget for the City of Milpitas for Fiscal Year 2016-17 and Approving the 2016-21 Five Year Capital Improvement Program, Adopting the Appropriations Limit, and Amending the Classification Plan for Fiscal Year 2016-17 (Staff Contact: Russell Morreale, 408-586-3111)**

**XV. UNFINISHED BUSINESS**

- 2. Receive Newest Recommendations from the Campaign Finance Reform Committee (Staff Contacts: Chris Diaz, 408-586-3040 and Mary Lavelle, 408-586-3001)**
- 3. Hear Report from Councilmember Giordano Regarding Letter of Request from Arts Commission on Need for a Performing Arts Center in Milpitas (Contact: Councilmember Indihar Giordano, 408-586-3032)**
- \* 4. Per Recommendation of the Community Advisory Commission, Approve the Definition of Official City Tree Designation (Staff Contact: Tim Wong, 408-586-3286)**

**XVI. NEW BUSINESS**

- \* 5. Receive Financial Status Report for the Nine Months Ended March 31, 2016 (Staff Contact: Russell Morreale, 408-586-3111)**
- \* 6. Approve Out of State Travel for Two Milpitas Police Communication Dispatchers and Economic Development Manager (Staff Contacts: Steve Pangelinan, 408-586-2426 and Edesa Bitbadal, 408-586-3052)**
- 7. Receive Report from City Clerk on Referendum Petition on Resolution No. 8532 and Accept Certification of Signatures (Staff Contact: Mary Lavelle, 408-586-3001)**

**XVII. ORDINANCE**

- \* 8. Waive the Second Reading and Adopt Ordinance No. 290 Amending Title I of the Milpitas Municipal Code by Adding Section 21, Amending Title V and Title XI, Relating to Administrative Citations (Staff Contact: Tim Wong, 408-586-3286)**

**XVIII. RESOLUTIONS**

- \* 9. Adopt a Resolution Approving the Mortgage Credit Certificate Agreement with the County of Santa Clara and Authorize City Manager to Execute the Agreement (Staff Contact: Hang Huynh, 408-586-3275)**

- \* 10. **Adopt a Resolution Approving the Standardization of Motorola APX Radios as the Standard Radio for Milpitas Fire Department (Staff Contact: Chris Schroeder, 408-586-3161)**
- \* 11. **Adopt a Resolution Authorizing Submittal of Application for CalRecycle Payment Programs and Related Authorizations (Staff Contact: Steven Machida, 408-586-3355)**
- \* 12. **Adopt a Resolution Granting Initial Acceptance of Public Improvements and Approve a Reduction in the Performance Bond for the Subdivision Improvement Security for Sinclair Renaissance (Belcourt) Subdivision, Project No. 3211, Tract 10029 (Staff Contact: Judy Chu, 408-586-3325)**

**XIX. AGREEMENTS**

- \* 13. **Approve Amendment No. 5 to the Consultant Services Agreement with RMC Water and Environment, Inc. for the Utility Engineering Support in the Amount of \$150,000 and Extend the Term from June 30, 2016 to June 30, 2017 (Staff Contact: Steven Machida, 408-586-3355)**
- \* 14. **Approve Equipment Installation License Agreement for Silicon Valley Regional Interoperability Authority to Install and Maintain Telecommunications Equipment on City Property and Authorize City Manager to Execute the License (Staff Contact: Christopher Diaz, 408-586-3040)**

**XX. ADJOURN JOINT MEETING**

**NEXT REGULAR CITY COUNCIL MEETING: TUESDAY, JUNE 7, 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: [mogaz@ci.milpitas.ca.gov](mailto: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](http://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, 3<sup>rd</sup> 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](http://www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp) (select meeting date)

**APPLY TO SERVE ON A CITY COMMISSION**

Current vacancies on: Parks, Recreation and Cultural Resources Commission and Telecommunications Commission

Commission application forms are available online at [www.ci.milpitas.ca.gov](http://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](mailto: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 Adopt Resolutions Approving the Final Operating Budget and Capital Budget for the City of Milpitas for Fiscal Year 2016-17 and Approving the 2016-21 Five Year Capital Improvement Program, Adopting the Appropriations Limit, and Amending the Classification Plan for Fiscal Year 2016-17 (Staff Contact: Russell Morreale, 408-586-3111)**

**Background:** On April 25, 2016, the City Council conducted a Proposed Budget Study Session for the FY 2016-17 Operating Budget. On that same evening, the City Council reviewed the Proposed Five Year 2016-21 Capital Improvement Program (CIP). The study session on April 25 was preceded by several public meetings at which the preliminary CIP was presented as a basis for information, questions and comments. In particular, the CIP was presented to the Parks, Recreation & Cultural Resources Commission (PRCRC), the City Council Finance Subcommittee and the Planning Commission. The Planning Commission affirmed compliance with the City's General Plan and comments and questions were received from all groups.

The FY 2016-17 Proposed Operating Budget includes first year funding of capital improvement projects (capital budget), and is ready for Council's final review and adoption. The Five-Year CIP is also organized in a separate document that illustrates a capital plan spanning through Fiscal Year ending 2021. This document is also presented for final review and adoption.

At the budget study session, the City Council provided direction on a variety of items referred to in that session as "decision points." The elements of this direction are reflected in the proposed budget and further outlined in the letter of transmittal therein. Additionally, during the federal Community Development Block Grant ("CDBG") funding allocation hearing on April 19, City Council directed staff to consider augmenting allocated CDBG funding (with General Fund dollars) in the FY 2016-17 budget for Child Advocates of Silicon Valley (+ \$1,644.45), Fresh Lifelines for Youth (+ \$2,977.68), Milpitas Food Pantry (+\$7,205.04) and The Health Trust (\$5,000).

City Council is now requested to adopt four Resolutions to approve the FY 2016-17 budget and related actions.

The Operating Budget/CIP Resolution references the Finance Director's determination that certain City Council approved Building & Safety Department fees are in need of adjustment. These fee adjustments were compiled in concert with the City Building Official and are being administratively updated. This is being presented for informational purposes and a report and fee schedule, along with City benchmark comparisons, are including in the agenda packet.

**Fiscal Impact:** The total Operating Budget amount for City of Milpitas for all funds including the first year's funding of the capital improvement projects and debt service for FY 2016-17 is \$166,591,225.

**Attachments:**

1. Proposed FY 2016-17 Budget and Financial Plan
2. Proposed FY 2016-21 Capital Improvement Program
3. Four City of Milpitas Resolutions
4. Report and Listing of Building Division Fee Updates

**Recommendations:**

1. Open the public hearing, and move to close the hearing following any speakers.

2. Adopt a Joint Resolution of City Council and the Housing Authority Commission approving the final Operating & Capital budget for the City of Milpitas and the Milpitas Housing Authority for Fiscal Year 2016-17 and approving the 2016-21 Capital Improvement Program.
3. Adopt a Resolution approving the Appropriations Limit for FY 2016-17.
4. Adopt a Resolution amending the Classification Plan to reflect new or re-titled positions from the Authorized Positions List and Classification Plan.
5. Adopt a Resolution amending the Classification Plan for Budgetary Reclassifications and Position Authorizations.
6. Accept a report on the administrative update of the Building & Safety Department fees.

**XV. UNFINISHED BUSINESS**

2. **Receive Newest Recommendations from the Campaign Finance Reform Committee (Staff Contacts: Chris Diaz, 408-586-3040 and Mary Lavelle, 408-586-3001)**

**Background:** On November 17, 2015, the Chair of the Campaign Finance Reform Committee provided a report to the City Council, and listed the recommendations from the Committee after it had met throughout 2015. The final recommendations at that time were discussed, and the City Council gave direction to have the Committee go back and meet again. The Mayor and Council asked the committee to review some topics, discuss new ones, and return with updated final recommendations.

**Fiscal Impact:** None upon receiving this report. There may be cost implications for some of the recommendations, if an ordinance is later adopted by the City Council.

**Recommendation:** Receive updated recommendations from the Campaign Finance Reform Committee. Provide feedback and provide possible direction to City Attorney regarding any ordinance.

3. **Hear Report from Councilmember Giordano Regarding Letter of Request from Arts Commission on Need for a Performing Arts Center in Milpitas (Contact: Councilmember Indihar Giordano, 408-586-3032)**

**Recommendation:** Hear report of Councilmember Giordano regarding the letter that the City Council received in April from the Milpitas Arts Commission identifying a need for a Performing Arts Center in Milpitas.

- \* 4. **Per Recommendation of the Community Advisory Commission, Approve the Definition of Official City Tree Designation (Staff Contact: Tim Wong, 408-586-3286)**

**Background:** In February 2016, the City Council designated the Jacaranda Mimosifolia as the Official City Tree. Based on Council discussion, it was determined that the Jacaranda tree would be more appropriate as an accent tree instead of a street tree. In addition, the Council directed staff to work with the Community Advisory Commission (CAC), sponsor of the official tree designation, to detail what an official tree designation meant.

The following definition for the Official Tree was developed: “The designation of a tree as an Official City tree means that it is a symbol that represents the beauty and uniqueness of the City and it will be strategically placed throughout the City to demonstrate its beauty.”

On April 6, the CAC met to discuss the Official Tree designation. Staff did some research with other jurisdictions with official trees. With other jurisdictions, the designations were strictly honorary with no requirements.

Commissioners made the following recommendations:

- There should be no requirement to plant the Jacaranda tree,
- It should be recognized on the city’s website with some information,
- It should be considered an accent tree not a street tree, and:
- It should be included in city gateway and entryway landscaping.

**Recommendation:** Review and adopt the recommendations per the Community Advisory Commission for designation of the Official City Tree.

**XVI. NEW BUSINESS**

**\* 5. Receive Financial Status Report for the Nine Months Ended March 31, 2016 (Staff Contact: Russell Morreale, 408-586-3111)**

**Background:** This interim financial report places a focus on the City’s major operating funds, including General, Water & Sewer. As of March 31, 2016, the General Fund received approximately \$52.7 million in revenue, including internal service charge transfers in. This amount is \$2.7 million more than revenues received for the same period in FY 14-15. Primary reasons for the increase include stronger Transient Occupancy Tax (TOT), or hotel tax, due to continued economic development and major 2016 regional events, positive trends to Property Tax collections, favorable Redevelopment Agency (RDA) redistributions (RPTTF) distribution estimates and growth in interest income given the rise in federal rates. Building permit and plan check revenues increased as well. Based on trends and updated information, some of the major revenue category projections have been revised and are expected to come in at \$2.8 million, or 3.8%, above budget overall. Staff is pleased that this trend is a positive estimate beyond the last quarterly report.

Included in the Council’s agenda packet is a copy of FY 2015-16 Revenue Report (General Fund Sources). This Attachment displays the revenue trends, both in numeric and graphic format. Major revenue discussions follow below.

TOT is expected to exceed budget by about \$831,000 or 10.4% coming off of a prior year growth of 9.9% this same time of year. Property Tax revenue, including RPTTF, is expected to exceed budget by \$1.4 million with continued assessed values growth and new construction impact. Building permit activity, Franchise Fees, Service charges and interest income growth accounts for an additional \$1.08 while Fire permits seems to be trending \$30K under budget estimates.

Sales Tax presents an interesting circumstance this year. Estimated on a cash basis, Sales Tax is projected to experience a significant shortfall of \$934,000 or 4.4% below budget given unique timing differences. Whereas this time last year, Sales Tax trended downward in recognition of slower business-to-business sales, the projected shortfall this year results from the timing of collections of a one-time State of California revenue true-up known as the “Triple Flip.” In a nutshell, the original budget anticipated the collection of these funds before, or close to, June 30, 2016 but the State has deferred payments to the 4<sup>th</sup> quarter of calendar 2016 - well after the year-end period. When adjusting for this timing difference of over \$2 million, original budget estimates would have been met. As it stands, the true-up revenue will be recognized in FY 2016-17 as discussed in the 2016-17 proposed budget process.

Overall City departments’ expenditures for nine month period were moderately below budget at about 70.6% in contrast to 69.6% in the prior year. At mid-year, personnel costs remain within budget overall. As a reader drills down further on General Fund expenditures, some departments are moderately leaning over budget as indicated (in the agenda packet on General Fund Expenditures By Department document). These include City Attorney and Fire.

These are concisely explained as follows:

- City Attorney's office reflects a combination of both in-house and outside specialty service costs addressing existing litigation. It is slightly above budget but costs are moderating since mid-year as expected and indicated in the last report.
- Fire Department includes significant up-front leave cash out payment amount that will be mostly offset by non-departmental allocations at year-end. Overtime has been adjusted in this report for \$273,000 in regional mutual aid response recoveries as an offset to overtime incurred.

Putting general revenues and expenditure projections together displays a balanced equation at the end of the year. With that said, cost and budgetary control remains key in maintaining a sound fiscal plan for this year and as the City moves forward.

The Water Fund is noteworthy as it reflects quite a drop in revenue as compared to budget. This trend was recently noted in the water rate study presented to City Council in late 2015 and has much to do with the impact of drought conditions, conservation and lower water usage. The timing of the water rate adjustment, a necessary deferral given the need to adjust the rate structure, also weighs into the lower revenue collection this year. Coincidentally, the expense side of the Water budget equation reflects a related higher cost of water. As such water revenues are expected to be under budget by \$3.5 million or nearly 15%. This trend was noted in the mid-year budget report. In response to these trends, the proposed 2016-17 Capital Improvement program (CIP) presents the reallocation and reassignment of Water Capital projects to fit these updated revenue patterns and preserve recommended reserve levels. This is being done in anticipation of future rate income streams, revenue-bond financing and identified infrastructure projects.

The Sewer Fund remains within expected patterns in terms of revenue. That said, future infrastructure costs relative to the regional treatment plant remain a challenge for this enterprise.

**Fiscal Impact:** None.

**Recommendation:** Receive financial status report for the nine months ended March 31, 2016.

- \* 6. **Approve Out of State Travel for Two Milpitas Police Communication Dispatchers and Economic Development Manager (Staff Contacts: Steve Pangelinan, 408-586-2426 and Edesa Bitbadal, 408-586-3052)**

**Background:** (1) On June 5, 2015, a stranger abducted a 3-year-old child from the Milpitas Public Library. Police 9-1-1 Dispatchers Robert Gaudinez and Laura Sonora were working in the Police Communications Center when the child abduction was reported. Both were instrumental in data collection and information dissemination to police officers, the Santa Clara Valley Transportation Authority (VTA) and neighboring police agencies. The suspect was arrested and child safely recovered in the City of Fremont approximately one hour after the kidnapping, in large part due to the tremendous work of both Dispatchers.

During the search for the child, VTA bus driver Tim Watson recognized the missing child on his bus. Mr. Watson played a critical role in the child's recovery and suspect's apprehension. Mr. Watson is being honored at the 2016 National Missing Children's Day Ceremony in Washington D.C. on May 25, 2016. This awards ceremony is sponsored by the U.S. Department of Justice.

Dispatchers Gaudinez and Sonora were selected to represent the Milpitas Police Department at the ceremony. The total cost of travel is approximately \$2,500.

(2) From May 22 through May 25, the International Conference of Shopping Centers is scheduled to host its annual ReCon Conference in Las Vegas. ReCon is the global convention for the shopping center industry and provides networking, deal making and educational opportunities for retail real estate professionals from around the world. Over 36,000 attendees and 1,000 exhibitors are all located in one area with excellent opportunity for deal making. This

is one of the main events to meet national retailers to discuss new or existing leases in the City's centers, view the latest industry products and services, attend educational sessions or find the next deal.

The Economic Development Manager will travel to the convention on Monday, May 23 and return on Tuesday, May 24. With over 160,000 square feet of available commercial and retail spaces opening up in the City, it is important to attend the conference in order to recruit and attract new businesses and national brands. The total cost of travel is \$1,250, including the \$720 fee for the conference.

**Fiscal Impact:** None. The Police Department and City Manager's office have budgeted funds to pay for costs of these two travel expenses.

**Recommendation:** Approve out of state travel for (1) Dispatchers Robert Gaudinez and Laura Sonora to go to Washington, D.C. in June; and (2) Economic Development Manager to go to Las Vegas, NV in May.

**7. Receive Report from City Clerk on Referendum Petition on Resolution No. 8532 and Accept Certification of Signatures (Staff Contact: Mary Lavelle, 408-586-3001)**

**Background:** Proponents filed a referendum petition with 3,777 voter signatures in the City Clerk's office on April 14, 2016. The City Clerk delivered the petition in four boxes to the County Registrar of Voters on April 18, 2016 and requested verification of the voters' signatures on 146 sections. On May 4, 2016, the Registrar provided the City Clerk with a Certificate declaring 2,541 signatures were found sufficient. That number exceeds the quantity of registered voter signatures (2,422) required for the petition to be certified (10% of the registered voters in Milpitas upon last Report of Registration).

The referendum seeks to overturn Resolution No. 8532 adopted by the City Council on March 15, 2016. The Resolution awarded a contract to one of two bidders, Waste Management Inc., for the City's solid waste disposal services. If the City Council votes to rescind the resolution, then the matter does not go to the ballot. If the City Council declines to rescind the resolution, it must be placed on the ballot for the November election. In this event, staff will prepare a resolution to do so for the Council's adoption at its regular meeting on June 7.

**Fiscal Impact:** The City must pay unbudgeted costs in FY 2015-16 to the Registrar of Voters for petition signature verification, estimated to be \$7,500. If the City Council decides to place the item on the ballot, the City of Milpitas will have to pay unbudgeted election costs in FY 2016-17 of approximately \$53,000 for the measure to be included on the November 8, 2016 ballot.

**Recommendation:** Receive report from the City Clerk and move to accept Clerk's certification of the referendum petition.

**XVII. ORDINANCE**

**\* 8. Waive the Second Reading and Adopt Ordinance No. 290 Amending Title I of the Milpitas Municipal Code by Adding Section 21, Amending Title V and Title XI, Relating to Administrative Citations (Staff Contact: Tim Wong, 408-586-3286)**

**Background:** On December 1, 2015, the City Council introduced Ordinance No. 290 to amend Title I of the Milpitas Municipal Code by adding Section 21, Amend Title V and Title XI relating to administrative citations. The ordinance included a process to clarify that any challenge to the Administrative Hearing Officer's decision is handled by filing in Superior Court. During the public hearing, Council was supportive of the ordinance. However, the Council voted to introduce the ordinance with a revision to have any appeal of the Administrative Citation

Enforcement Officer's decision be heard by the Council or an Appeals Board consisting of Council members, in lieu of an Administrative Hearing Officer.

Ordinance No. 290 (in the agenda packet) for second reading/adoption substitutes an Administrative Hearing Board for the Administrative Hearing Officer. The Hearing Board would be a three person board that could consist of up to two Council members. The other member(s) would be at-large. Any challenge to the Administrative Hearing Board's final decision would still be handled by filing in Superior Court. To be clear, ultimately the appellant still retains the right to go the Superior Court whether it is included in the ordinance or not.

Ordinance No. 290 is ready for second reading and adoption.

**Recommendation:** Waive the second reading and adopt Ordinance No. 290 Amending Title I of the Milpitas Municipal Code by adding Section 21, Amending Title V and Title XI relating to administrative citations.

## **XVIII. RESOLUTIONS**

### **\* 9. Adopt a Resolution Approving the Mortgage Credit Certificate Agreement with the County of Santa Clara and Authorize City Manager to Execute the Agreement (Staff Contact: Hang Huynh, 408-586-3275)**

**Background:** The Mortgage Credit Certificates (MCC) program was created by Congress to provide assistance to first-time homebuyers by giving the homebuyer a federal income tax credit each year as long as the buyer keeps the same mortgage loan and occupies the same home. The program increases the loan amount offered to a qualifying buyer by reducing federal income taxes by 15% of the annual interest paid on a home mortgage. The amount the qualified homebuyers are able to reduce their federal income tax liability is the amount equal to the interest on home mortgage paid during that year. By offering this incentive, the government decreases the borrower's taxes, which increases their disposable income to afford a larger mortgage.

The City has partnered with the County in this program since 1991. Since that time, over 600 Milpitas homebuyers benefited from the program. The County of Santa Clara has received a 2016 Mortgage Credit Certificate (MCC) allocation from the California Debt Limit Allocation Committee (CDLAC). The City of Milpitas' participation through the Cooperative Agreement includes provisions for the County to administer the MCC program and issue MCCs within the City of Milpitas. The Agreement will enable the first-time homebuyers of Milpitas to receive MCCs. The new Agreement is being executed to update the existing Agreement at the request of the Santa Clara County Counsel.

**Fiscal Impact:** None. There is no cost to the City and no negative impact on the City's General Fund. The cost of administrating the MCC Program is paid by the County's receipt of a \$500 application fee charged to each qualified applicant.

**Recommendations:**

1. Adopt a resolution approving the Cooperative Agreement between the City of Milpitas and the County of Santa Clara to allow issuance of the Mortgage Credit Certificates (MCCs) within the boundaries of the City of Milpitas.
2. Authorize the City Manager to execute the Cooperative Agreement to authorize the County to administer the MCC Program on the behalf of the City.

### **\* 10. Adopt a Resolution Approving the Standardization of Motorola APX Radios as the Standard Radio for Milpitas Fire Department (Staff Contact: Chris Schroeder, 408-586-3161)**

**Background:** The City of Milpitas is a participant in the Silicon Valley Regional Interoperability Authority (SVRIA). In 2001, the Santa Clara County/Cities Managers Association agreed to jointly fund a countywide radio interoperability and public safety radio and data communications network to improve public safety and emergency services. The radios selected were the result of a competitive procurement conducted for SVRIA and Santa Clara County by the City of Sunnyvale Department of Public Safety. Numerous radios were examined, tested and evaluated and the contract was awarded to Motorola. All radios on the contract are Motorola APX radios. The countywide project is expected to be completed during FY 2017-18.

In order to effectively communicate with Milpitas Fire and Police units as well as the City's mutual aid partners in the State of California while also transitioning from the current Milpitas communications system to the new SVRIA system, the Fire Department needs radios that are capable of functioning on multiple radio bands (i.e. VHF, UHF and 700/800 MHz). Funding for the radios comes from a CIP earmarked for Police emergency communications upgrades and is a collaborative project between the City's two public safety entities.

For purposes of health and safety of the citizens of Milpitas and City firefighters due to the critical need for inter-changeability and interoperability of radios units among City firefighters, staff requests that in accordance with Section I-2-3.13 Standardization of the Municipal Code, which allows standardization for up to 10 years based on the recommendation of staff and with the approval of the City Council, that Motorola APX Class Radios be designated the standard radio for the City of Milpitas Fire Department.

**Fiscal Impact:** None.

**Recommendation:** Adopt a resolution approve the standardization of the Motorola APX Class Radios as the standard radio for the City of Milpitas Fire Department.

**\* 11. Adopt a Resolution Authorizing Submittal of Application for CalRecycle Payment Programs and Related Authorizations (Staff Contact: even Machida, 408-586-3355)**

**Background:** The Department of Resources Recycling and Recovery (CalRecycle) administers a program to provide opportunities for beverage container recycling. The goal of this program is to reach and maintain an 80 percent recycling rate for all California refund value beverage containers – aluminum, glass, plastic and bi-metal. Projects implemented by cities and counties assist in reaching and maintaining this goal. The City of Milpitas has received funds and completed recycling projects including advertising, exhibits, litter pick-ups, and ongoing school recycling support since fiscal year 2000-2001. This fiscal year's funded amount is \$18,608.

CalRecycle has made administrative changes to the program that require an updated resolution from each jurisdiction. The changes establish that the City of Milpitas is authorized by the City Council to submit applications for all payment programs CalRecycle offers and identifies the City Manager (or designee) as the authorized signature authority.

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

**Alternative:** Failure to adopt the resolution would result in no longer receiving City/County Payments from CalRecycle.

**Fiscal Impact:** Added funds would stretch existing annual funding for the program.

**Recommendation:** Adopt a resolution authorizing submittal of application for CalRecycle Payment Programs and related authorizations.

- \* 12. **Adopt a Resolution Granting Initial Acceptance of Public Improvements and Approve a Reduction in the Performance Bond for the Subdivision Improvement Security for Sinclair Renaissance (Belcourt) Subdivision, Project No. 3211, Tract 10029 (Staff Contact: Judy Chu, 408-586-3325)**

**Background:** On June 19, 2012, the City Council approved the Subdivision Improvement Agreement (SIA) for the Sinclair Renaissance (Belcourt) Subdivision project (Tract 10029) located at 350 Sinclair Frontage Road. The SIA is for the construction of certain public improvements identified in Public Improvement Plan 2-1124. The public improvements include street improvements along Sinclair Frontage Road. These public improvements have been completed by the developer per the approved public improvement plans and are now ready for initial acceptance in accordance with the SIA. The developer's faithful performance bond may be reduced to Sixty Thousand Dollars (\$60,000.00), which is 10% of the improvement amount.

**Fiscal Impact:** None.

**Recommendation:** Adopt a resolution granting initial acceptance of public improvements for Sinclair Renaissance (Belcourt) subdivision, Located at 350 Sinclair Frontage Road, Project No. 3211, Tract 10029, and approve reduction of the faithful performance bond to \$60,000, subject to a one-year warranty period.

## **XIX. AGREEMENTS**

- \* 13. **Approve Amendment No. 5 to the Consultant Services Agreement with RMC Water and Environment, Inc. for the Utility Engineering Support in the Amount of \$150,000 and Extend the Term from June 30, 2016 to June 30, 2017 (Staff Contact: Steven Machida, 408-586-3355)**

**Background:** Over the last few years, the Utility Engineering Section has experienced an unprecedented work load while simultaneously experiencing multiple staffing changes and vacancies. Additional work load includes:

- Relocation of utility infrastructure for BART.
- Review an increased number of proposed developer projects related to City utilities.
- Managing Division core and support projects such as the Financial Utility Master Plan Update, the 5-year Urban Water Management Plan, Water Supply Augmentation Study, and Proposition 1 grant funding applications, the Solid Waste Request for Proposals for the Water and Sewer Rate Implementation, and the revised Municipal Regional Urban Runoff permit.

The City has been utilizing contract engineers from RMC Water and Environment, Inc. to augment internal staff to complete the assigned work in the Division. The support agreement executed on October 7, 2014 has been amended four times to extend the term to June 30, 2016 and increase compensation to a total not-to-exceed amount of \$267,734. It is now necessary to extend the term for an additional twelve months and to increase the compensation by an additional amount of \$150,000. This will bring the total value of the agreement to \$417,734.

**California Environmental Quality Act:** This action is not considered a project under CEQA as there will be no direct, or reasonably foreseeable indirect physical change in the environment.

**Alternative:** Denial of this request will result in delayed completion of some Utility Engineering tasks. Tasks include but are not limited to: regulatory compliance reporting for water, sewer and urban runoff programs, developer project plan checking, implementing new water conservation requirements and participating in and reviewing documentation for regional water, sewer, urban runoff, and solid waste programs.

**Fiscal Impact:** None. There are sufficient funds available in the FY 2016-17 Utility Engineering operations budget, which is contingent upon budget approval.

**Recommendation:** Approve Amendment No. 5 to the Consultant Services Agreement with RMC Water and Environment, Inc for Utility Engineering support for \$150,000 and extend the term from June 30, 2016 to June 30, 2017.

- \* 14. **Approve Equipment Installation License Agreement for Silicon Valley Regional Interoperability Authority to Install and Maintain Telecommunications Equipment on City Property and Authorize City Manager to Execute the License (Staff Contact: Christopher Diaz, 408-586-3040)**

**Background:** The Silicon Valley Regional Interoperability Authority (SVRIA) builds and operates a variety of communications systems to serve the communications needs of its members' public safety agencies in the Santa Clara Operational Area. The City and SVRIA have an existing License Agreement for the SVRIA's EComm system. EComm is a digital microwave system which links city and county 9-1-1 centers and provides connectivity to most remote public safety radio sites. Under the EComm License Agreement, SVRIA has installed and maintains EComm equipment at the Milpitas Police Department.

The SVRIA is replacing existing public safety radio system(s) currently in use in Santa Clara County with a new digital P25 compliant system using 700 Mhz spectrum (Silicon Valley Regional Communications System or SVRCS). The SVRCS will utilize existing repeater sites and some new sites developed to insure coverage in the more remote areas of the County. All the repeater sites and dispatch centers will be connected through the EComm. The SVRIA has requested that the City enter into a new License Agreement authorizing the SVRIA to deploy SVRCS equipment at the Milpitas Police Department. The proposed License was reviewed by the City Attorney and the Police Department. The SVRIA has agreed to changes which satisfy security and operational concerns raised during the City's review.

**Fiscal Impact:** Negligible since the City receives no revenue and provides utilities needed for SVRIA's use of site.

**Recommendation:** Approve Silicon Valley Regional Communications System (SVRCS) License Agreement and authorize City Manager to execute SVRCS License.

**XX. ADJOURNMENT**

**NEXT REGULAR CITY COUNCIL MEETING  
TUESDAY, JUNE 7, 2016**