



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, DECEMBER 5, 2017

455 EAST CALAVERAS BOULEVARD, MILPITAS, CA

5:30 P.M. (CLOSED SESSION)

7:00 P.M. (PUBLIC BUSINESS)

SUMMARY OF CONTENTS

- I. **CALL TO ORDER** by Mayor and **ROLL CALL** by City Clerk
- II. **ADJOURN TO CLOSED SESSION** (5:30 PM)
 - (a) **PUBLIC EMPLOYEE APPOINTMENT/HIRING**
Pursuant to California Government Code Section 54957
Title of position to be filled: City Manager
 - (b) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code section 54956.9(d)(1)
Tom Williams v. City of Milpitas, et al. - Santa Clara County Superior Court Case No. 17CV309235
 - (c) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code section 54956.9(d)(1)
First Amendment Coalition v. City of Milpitas –Santa Clara Co. Superior Court Case No. 17CV310994
 - (d) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code section 54956.9(d)(1)
Tom Williams v. City of Milpitas, et al. - American Arbitration Case No. 01-17-0003-5823
 - (e) **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Pursuant to California Government Code section 54956.9(d)(4)
- 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 Tran)
- VI. **PRESENTATIONS**
 - Recognize Members of the Citizens Task Force on Water Rates
 - Presentation of check to Fire Dept. Explorers from Milpitas Monster/Historical Society
- VII. **PUBLIC FORUM**

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.

VIII. ANNOUNCEMENTS

IX. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

X. APPROVAL OF [AGENDA](#)

XI. CONSENT CALENDAR (Items with asterisks*)

Consent Calendar items are considered to be routine and will be considered for adoption by one motion of the City Council. The City Manager will indicate any matters not eligible for consent. City Councilmembers shall either (a) state the agenda items they want placed on the Consent list, or (b) declare that they do not have any items for consent. From the dais, Council will then vote to approve all items going onto Consent Calendar and move to approve the listed items in one motion.

Any items not placed on Consent Calendar will be discussed in the order in which they appears on the agenda.

1. **Accept Schedule of Meetings/City Council Calendar – [December 2017](#)**
2. **Approve City Council [Meeting Minutes of November 21, 2017](#) (Staff Contact: Mary Lavelle, 408-586-3001)**

XII. PUBLIC HEARING

3. **Conduct a Public Hearing and Take All Necessary Actions for Approval Including Adopting a Resolution for Adoption of Vesting Tentative Subdivision Map, Site Development Permit, Conditional Use Permit and Environmental Assessment for 808 S. Main Street (Staff Contact: Brad Misner, 408-586-3273)**

XIII. UNFINISHED BUSINESS

4. **Adopt a Resolution Updating the City’s Fiscal Policies as they Relate to Reserves and Approving Transfer of \$10,185,208 from General Fund Unassigned Fund Balance to the Community Benefit Fund in the Amount of \$1,081,809, to the City Council Discretionary Reserve Account in the Amount of \$2,000,000, and to the General Government CIP Fund in the Amount of \$7,103,399 (Staff Contact: Will Fuentes, 408-586-3111)**
5. **Consider the Subdivision Improvement Agreement, the Public Street Maintenance Agreement and the Fee Reimbursement Agreement for a 199-unit Senior Assisted Living Residential Development at 1504-1620 South Main Street by Milpitas Phase I, LP (Staff Contact: Steve Erickson, 408-586-3301)**
6. **Receive Update on the Milpitas Climate Action Plan (Staff Contact: Edesa Bitbadal, 408-586-3052)**

XIV. REPORTS

7. **Per Recommendation of the City Council Facilities Naming Subcommittee, Approve Name of a New Park in the Transit Area (Staff Contact: Renee Lorentzen, 408-586-3409)**
8. **Review and Recommend New Method of Commissioner Appointments (Contact: Councilmember Nuñez, 408-586-3023)**

XV. NEW BUSINESS

9. **Approve Final Map Tract No. 10420 for a 73-unit Residential Condominiums at 600 Amalfi Loop (Siena) by LS-Milpitas, LLC and Authorize the City Manager to Execute the Subdivision Improvement Agreement (Staff Contact: Steve Erickson, 408-586-3301)**
10. **Receive Financial Status Report for the Three Months Ended September 30, 2017 (Staff Contact: Will Fuentes, 408-586-3111)**
11. **Consider Approval of Request from Kiwanis Club for a Fee Waiver of \$700 for Annual Crab Fest Fundraising Event on February 9, 2018 (Staff Contact: Mary Lavelle, 408-586-3001)**

XVI. ORDINANCE

12. **Waive the Second Reading and Adopt Ordinance No. 48.21 Amending Title V, Chapter 200 of the Milpitas Municipal Code Regarding Solid Waste Management (Staff Contact: Leslie Stobbe, 408-586-3352)**

XVII. RESOLUTIONS

13. **Receive a Presentation on 35% Design of Montague Expressway Pedestrian Overcrossing at Piper Drive and Adopt a Resolution Authorizing City of Milpitas to Assume Ownership and Maintenance Roles of Montague Expressway Pedestrian Overcrossing and Authorizing the City Engineer to Execute Ownership and Maintenance Documentation for the Overcrossing (Staff Contacts: Steve Erickson, 408-586-3301 and Steve Chan, 408-586-3324)**
14. **Receive a Presentation from Santa Clara Valley Transportation Authority (VTA) for 3 Potential State Route 237 Improvement Projects, Direct Staff to Coordinate with VTA to Implement the Preferred Projects, and Adopt a Resolution Declaring Those Projects in Milpitas as Highest Priority Transportation Projects for the City (Staff Contact: Steve Chan, 408-586-3324)**
15. **Adopt a Resolution Approving Initial Acceptance of and Authorize Reduction of the Performance Bond for Jose Higuera Adobe Park Renovations, Project No. 5097, and Granting Authorization to the City Engineer to Release the Performance Bond after the One-Year Warranty Period (Staff Contact: Steve Erickson, 408-586-3301)**
16. **Adopt a Resolution Approving Sole Source Purchase of 2 Channel Monster Grinders from MISCOWater for Amount Not to Exceed \$225,600 (Staff Contacts: Glen Campi, 408-586-2643 and Chris Schroeder, 408-586-3161)**
17. **Adopt a Resolution Amending the Classification Plan to Adjust City of Milpitas Part-Time Temporary Classifications to Reflect Changes in the Milpitas Minimum Wage, Per Ordinance No. 292 (Staff Contact: Tina Murphy, 408-586-3086)**
18. **Adopt a Resolution Making Findings for Unexpended Development Fees in Accordance with California Government Code Section 66001, and Reviewing and Accepting Annual Development Fee Disclosure Information for the Traffic Impact Fee, the Transit Area Specific Plan (TASP) Impact Fee, and the Storm Drain Fee (Staff Contact: Will Fuentes, 408-586-3111)**

XVIII. AGREEMENT

- 19. Approve and Authorize the City Manager to Execute Amendment No. 7 to the Consulting Service Agreement with Mott MacDonald, LLC, to Increase Compensation in the Additional Amount of \$157,000, and to Extend the Term to June 30, 2018, with Land Development Projects (Staff Contact: Steve Erickson, 408-586-3301)**

XIX. REPORTS OF MAYOR & COUNCILMEMBERS – from the assigned Commissions, Committees and Agencies

XX. ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: 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

Currently 17 vacancies on:

Arts Commission
Bicycle Pedestrian Advisory Commission
Community Advisory Commission
Economic Development Commission
Emergency Preparedness Commission
Library Commission
Parks, Recreation & Cultural Resources Commission
Recycling & Source Reduction Advisory Commission
Sister Cities Commission
Telecommunications Commission
Youth Advisory 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.

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122

对中国人来说，请用 408-586-3263

Para sa mga Tagalog, tawagan 408-586-3051

Para español, llame 408-586-3232

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

XII. PUBLIC HEARING

3. **Conduct a Public Hearing and Take All Necessary Actions for Approval Including Adopting a Resolution for Adoption of Vesting Tentative Subdivision Map, Site Development Permit, Conditional Use Permit and Environmental Assessment for 808 S. Main Street (Staff Contact: Brad Misner, 408-586-3273)**

Background: In late 1999, the City initiated a planning process for the Midtown Area that encompassed 942 acres of land in the center of the city, known as the Milpitas Midtown Specific Plan (MMSP). The MMSP was intended to guide the development of the Midtown Planning Area, encourage development that responds to City and regional objectives of a compatible mixture of residential, retail, and commercial uses, to reflect neighborhood considerations and to encourage private investment in the area (Milpitas Midtown Specific Plan, updated 2010, p.1-1). In March of 2002, the City of Milpitas adopted the MMSP and certified its Environmental Impact Report (EIR).

In 2010, the MMSP was updated to reflect changes in the area and region since the development of the 2002 plan. The 2010 MMSP proposes transit-oriented residential and commercial redevelopment on formerly industrial land around existing light rail stations and the new Milpitas BART station in the City of Milpitas.

On May 26, 2016, applicant Barry Swenson Builder, represented by Dan Sell, submitted an application for the development of a mixed use project at 808 S. Main Street, a site located within the MMSP. The project was heard at the October 11, 2017 Planning Commission hearing. Commissioners raised questions regarding the ratio of commercial square footage to residential units and the location of residential units at street level. The Commission indicated a preference for mixed use projects with significant ground floor commercial space and upper floor residential uses. Based on these comments, the applicant requested a continuance in order to review these comments and consider making revisions in response. Upon further analysis, the applicant determined that in order to accommodate the Planning Commission's request to add additional commercial square footage, a significant redesign of the project would be necessary along with a need to add an additional 25 parking spaces and would render the project infeasible. Therefore, the applicant presented the project as originally proposed at the November 8, 2017 Planning Commission meeting. The Planning Commission recommended that the City Council deny the proposed application because they found the project to be inconsistent with the General Plan guiding principles and implementing policies 2.a-G-2 and 2.a-G-6 and the Midtown Specific Plan Policies 3.10 and 3.11 in that the project does not provide adequate ground floor commercial space.

Planning staff recommends approval of the proposed application however, despite the recommendation of the Planning Commission. In staff's review of the application, the project is compliant with the Midtown Specific Plan standards and zoning standards in that although the amount of proposed commercial space along Main Street does not span the entire frontage of Main Street, the Midtown Specific plan does not require a minimum amount of space or minimum dimensions. In fact, this area of Main Street is not designated as part of the retail core area of Main Street and, therefore; the amount of commercial space proposed is viewed as a positive addition to the project, in staff's opinion, especially given that commercial space is not even required in this location.

California Environmental Quality Act: In accordance with CEQA Guidelines Sections 15183, 15332, and 15168, the proposed Project is exempt from further CEQA review.

Fiscal Impact: Staff anticipates a positive fiscal impact resulting from the new assessed value of the property and potential sales tax revenues from the commercial space.

Recommendations:

1. Open the public hearing for comments, and move to close the hearing following all speakers.
2. Adopt a resolution adopting the Vesting Tentative Map, Site Development Permit, Conditional Use Permit and Environmental Assessment for the project at 808 S. Main Street, subject to the Conditions of Approval.

Attachments:

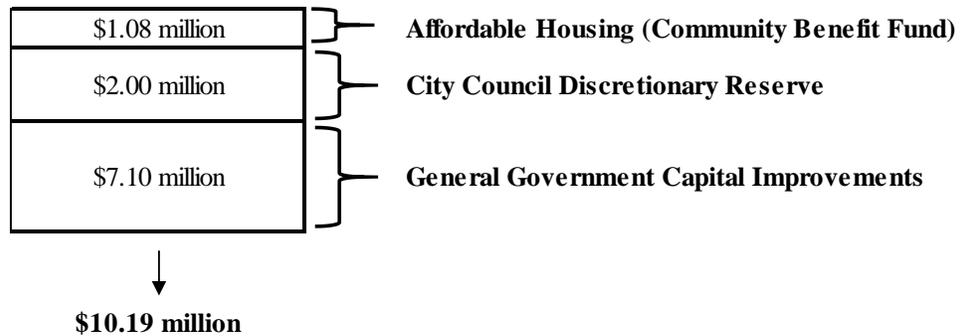
- a) [Draft Resolution](#)
- b) [Project Plans](#)
- c) [CEQA Analysis](#)
- d) [Applicant Response Letter](#)
- e) [Planning Commission staff report 11/08/2017](#)
- f) [Planning Commission meeting minutes 11/08/2017](#)
- g) [Planning Commission Resolution No. 17-027](#)

XIII. UNFINISHED BUSINESS

4. **Adopt a Resolution Updating the City’s Fiscal Policies as they Relate to Reserves and Approving Transfer of \$10,185,208 from General Fund Unassigned Fund Balance to the Community Benefit Fund in the Amount of \$1,081,809, to the City Council Discretionary Reserve Account in the Amount of \$2,000,000, and to the General Government CIP Fund in the Amount of \$7,103,399 (Staff Contact: Will Fuentes, 408-586-3111)**

Background: The General Fund Unassigned Fund Balance equals **\$10.19 million** as of the end of Fiscal Year (FY) 2016-17. Council previously requested discussion to allocate these monies. Thus, in light of previous Council discussion in regards to priorities, staff presents the following potential uses. Council may wish to adopt these uses in their entirety or modify as they deem appropriate. Potential uses are detailed in both the chart and the text below:

Chart 1 - Potential Uses of General Fund Unassigned Fund Balance



- **Affordable Housing (Community Benefit Fund)** – Council has identified affordable housing as one of their primary priorities to address. Thus, staff proposes transferring 5% of the General Fund operating surplus (\$1.08 million) to the Community Benefit Fund. The Community Benefit Fund is primarily funded by developer impact fees and has more flexibility than the Housing Authority Fund to address affordable housing concerns. If this use is agreeable to Council, staff recommends revising the City’s Fiscal Policies as it relates to reserves and transferring 5% of any future General Fund operating surplus not needed to balance the budget or meet other reserve requirements to the Community Benefit Fund to address affordable housing concerns.

- ***City Council Discretionary Reserve*** – Over the course of a fiscal year, unforeseen needs or opportunities may arise. Thus, rather than appropriating all of the General Fund for specific purposes and limiting City Council flexibility, staff proposes adjusting the City’s Fiscal Policies and establishing a City Council Discretionary Reserve of no more than \$2 million per fiscal year. This reserve would be funded at the beginning of the fiscal year by any remaining General Fund annual operating surpluses of the prior fiscal year not required to balance the operating budget and to meet other General Fund reserve requirements. Use of the reserve could occur at any time and at multiple times over the fiscal year, but would require City Council majority approval.

One potential use of the Council Discretionary Reserve could be to fund a rate assistance program for low-income and senior customers that had demonstrated difficulty paying their water utility bills. However, staff recommends waiting until 2018 to see how the State implements AB 401 (Dodd. Low-Income Water Rate Assistance Program). The State program may be sufficient to fully or partially fund a rate assistance program within Milpitas and pre-funding such a program with Milpitas monies could jeopardize eligibility. In addition, staff does not recommend making General Fund transfers in to the Water Utility Fund to reduce rates for all water utility customers. Such an action would not be sustainable long-term and would be looked upon unfavorably by debt rating agencies and the bond market. The City tentatively plans to issue approximately \$24 million in bonds to fund critical water infrastructure projects in the upcoming calendar year. In order to secure the best possible interest rates though, the City must demonstrate to debt rating agencies and the bond market that operating, maintenance, and capital needs can be supported by customer rates alone and that there are approved plans in place for annual rate adjustments. Absent these items, the City risks higher interest costs than necessary.

- ***General Government Capital Improvements*** – Current City Fiscal Policies allow the City Council the discretion to direct any portion of the General Fund reserves that are not required to balance the operating budget or meet other reserve requirements to the General Government Capital Improvement Fund. The City has a \$332.88 million Capital Improvement Program over the next 5 years; \$68.37 million of which is currently unfunded. Thus, staff proposes that \$7.10 million be transferred from the General Fund to the General Government Capital Improvement Fund. Deferred maintenance and capital replacement costs grow at an exponential rate and the City can either address these needs now or risk paying much more in the future due to inflation and rising costs of maintenance.

In conclusion, staff feels that the proposed actions presented above meet best practices and allow the Council to both preserve future flexibility and to address identified community priorities. Again, Council may wish to adopt staff proposals in their entirety or modify as they deem appropriate.

Fiscal Impact: Staff proposals would allocate the \$10.19 million General Fund unassigned fund balance as of the end of Fiscal Year (FY) 2016-17.

Recommendations: Adopt a resolution updating the City’s Fiscal Policies as those relate to reserves and approving transfer of \$10,185,208 from the General Fund Unassigned Fund Balance to the Community Benefit Fund in the amount of \$1,081,809, to the City Council Discretionary Reserve Account in the amount of \$2,000,000, and to the General Government CIP Fund in the amount of \$7,103,399.

Attachments:

- [Resolution + Exhibit \(Revised Fiscal Policies\)](#)
- [Fiscal Polices \(redlined\)](#)

5. **Consider the Subdivision Improvement Agreement, the Public Street Maintenance Agreement and the Fee Reimbursement Agreement for a 199-unit Senior Assisted Living Residential Development at 1504-1620 South Main Street by Milpitas Phase I, LP (Staff Contact: Steve Erickson, 408-586-3301)**

Background: On November 18, 2014, the City Council conditionally approved a Vesting Minor Tentative Map and a Site Development Permit for a 199-unit senior assisted living residential development at 1504-1620 South Main Street between Abel Street and Cedar Way by Milpitas Phase I, LP.

The Parcel Map for the vesting minor tentative map was approved by the Milpitas Planning Commission on September 27, 2017. The City Engineer has reviewed and approved public improvement plans (E-EN16-0149 and E-PI16-0002) pursuant to Milpitas Municipal Code XI-1-7.09-2. Public improvements to be constructed as part of this development include approximately 1,250 linear feet of new 12 inch sanitary sewer main line; new traffic signal facilities at the intersection of South Main Street and the new eastern extension Cedar Way; and two new public streets Costa Street and the eastern extension of Cedar Way with new utilities, curb, gutter, sidewalk, curb ramps, streetlight and street trees.

The developer has executed a Subdivision Improvement Agreement and provided improvement securities (in the total amount of \$2,742,000 for faithful performance and for labor and materials respectively) as required to guarantee completion of all required public improvements.

The developer has also executed a Public Street Maintenance Agreement as required by the project conditions for perpetual maintenance of the two new public streets. Additionally, the developer has executed a Fee Reimbursement Agreement as required by project condition for replacement of an existing sanitary sewer main line within South Main Street. The three aforementioned agreements have been approved by the City Attorney as to form and by the City Engineer as to substance.

California Environmental Quality Act: Consideration of these agreements would not be a project under CEQA as there will be no direct, or reasonably foreseeable indirect physical change in the environment.

Fiscal Impact: The fee reimbursement for replacement of the sanitary sewer main would be partially funded by Transit Area Specific Plan (TASP) fees and the Sewer Fund. The actual amount of the reimbursement will be based upon the actual cost for construction of the sanitary sewer main. The estimated reimbursement amount is \$1.3 million, and staff will return to the City Council for approval of a budget appropriation once installation of the sewer main has been completed and the final cost of construction has been determined.

Recommendation: City Council shall consider the Subdivision Improvement Agreement, the Public Street Maintenance Agreement and the Fee Reimbursement Agreement for a 199-unit senior assisted living rental residential development known as Senior Lifestyle at 1504-1620 South Main Street by Milpitas Phase I, LP.

Attachments:

- a) [Subdivision Improvement Agreement](#)
- b) [Public Street Maintenance Agreement](#)
- c) [Fee Reimbursement Agreement](#)

6. **Receive Update on the Milpitas Climate Action Plan (Staff Contact: Edesa Bitbadal, 408-586-3052)**

Background: On May 7, 2013, the City Council adopted the Milpitas Climate Action Plan (CAP). The CAP identified a strategy, reduction measures, and implementation strategies the City would use to achieve the State-recommended greenhouse gas (GHG) emissions reduction target of 15% below 2005 emissions levels by 2020. Staff is currently in the process of prioritizing measures of reducing GHG emissions and timelines for the CAP. Prior to updating the CAP, staff wishes to presents the current CAP and receive input, comments, and further direction by the City Council.

Fiscal Impact: None.

Recommendation: Accept update on the Milpitas Climate Action Plan, and receive comments and direction from the City Council.

Attachment: [Climate Action Plan](#)

XIV. REPORTS

7. **Per Recommendation of the City Council Facilities Naming Subcommittee, Approve Name of a New Park in the Transit Area (Staff Contact: Renee Lorentzen, 408-586-3409)**

Background: The Facilities Naming Subcommittee was formed on October 26, 2015 to review and recommend the naming of City streets, parks and facilities for final City Council approval. With input from the Parks, Recreation and Cultural Resources Commission, the subcommittee has reviewed and recommended one park name for final City Council approval.

The members of the Subcommittee recommend the Council authorize naming a new City park in the Transit Area Specific Plan area on Expedition Drive as the “Augustus Rathbone Park.” Augustus Rathbone was the first storekeeper in Milpitas in the 19th century and was the first to open a saloon on the famous Campbell’s Corner site (at current Main and Serra intersection).

Augustus Rathbone is on the approved “Milpitas Historical Names” naming list and per the Council Naming Subcommittee, meets the City Streets, Parks and Facilities Naming Standard Operating Procedure Criteria, 1.C and 1.D:

- c. Historical or cultural significance: the name of a historical figure can be considered if the figure had a significant and extraordinary historical influence on the area, state, national or international level;
- d. The name of any person or family that has made a significant impact in the community and/or in development of the street, park, facility;

Fiscal Impact: None.

Recommendation: Per City Council Facilities Naming Subcommittee, move to approve naming a new park in the Transit Area as the “Augustus Rathbone Park.”

Attachments:

- a) [Meeting Minutes of the 11/08/17 Council Facilities Naming Subcommittee](#)
- b) [List of Approved Names](#)

8. **Review and Recommend New Method of Commissioner Appointments (Contact: Councilmember Nuñez, 408-586-3023)**

Recommendation: recommend two City Councilmembers to serve on a new Subcommittee for review of Commission applications and, subsequently, to make recommendation to Mayor and City Council for appointments to all City of Milpitas Commissions with current vacancies.

Attachment: None

XV. NEW BUSINESS

9. Approve Final Map Tract No. 10420 for a 73-unit Residential Condominiums at 600 Amalfi Loop (Siena) by LS-Milpitas, LLC and Authorize the City Manager to Execute the Subdivision Improvement Agreement (Staff Contact: Steve Erickson, 408-586-3301)

Background: On December 15, 2015, the City Council conditionally approved a Vesting Tentative Map to allow for the construction of a 73-unit residential condominium development by LS-Milpitas, LLC, located at 600 Amalfi Loop, a private street, which is north of Garden Street and west of Milpitas Boulevard.

The City Engineer has examined the final map for Tract No. 10420 and found the map is substantially the same as the Vesting Tentative Map pursuant to California Government Code (GC) Section 66442. The final map for Tract 10420 conforms to all of the requirements of the State of California Subdivision Map Act, and Milpitas Municipal Code Title XI, Chapter 1, and the map is ready for approval by the City Council.

The City Engineer has also reviewed the improvement plans showing the public improvements to be dedicated to the City, and has found them to be in compliance with City standards and specifications. The public improvements to be dedicated include potable and recycled water service utility connections. The developer has agreed to execute a Subdivision Improvement Agreement for the improvements to be installed and dedicated to the City. The developer has also provided improvement securities (\$45,000 for faithful performance and for labor and materials respectively) to guarantee completion of required public improvements.

California Environmental Quality Act: Approval of final subdivision map is a ministerial action exempt from CEQA, per CEQA Guidelines Section 15268(b)(3).

Fiscal Impact: The developer will pay the required development fees to the City prior to building permit issuance and will install and dedicate public improvements to the City as shown the public improvement plans.

Recommendation: Approve Final Map Tract No. 10420, a 73-unit Residential Condominiums at 600 Amalfi Loop (Siena) by LS-Milpitas, LLC, including acceptance of offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and, authorize the City Manager to execute the Subdivision Improvement Agreement.

Attachments:

- a) [Final Tract Map No. 10420](#)
- b) [Subdivision Improvement Agreement](#)

10. Receive Financial Status Report for the Three Months Ended September 30, 2017 (Staff Contact: Will Fuentes, 408-586-3111)

Background: As shown in Table 1, for the quarter ended September 30, 2017, total General Fund revenue equaled \$11.6 million or 13.6% of the annual \$84.8 million budgetary estimate. This amount is 37.0% or \$6.7 million less than revenues received for the same period in Fiscal Year (FY) 2016-17; primarily due to the one-time \$7.2 million reimbursement for the purchase of the property sold to the Milpitas Unified School District in FY 2016-17 that did not occur again in FY 2017-18. A summary of other significant revenue growth from prior fiscal year less than -10% or greater than +10% is shown below:

- Property Tax decreased by 18.1% or \$17,000 from the same period in FY 2016-17, but this cannot be considered a trend as the major payments for property tax occur in

December and April. Once these payments are realized, a more accurate year-end projection can be made. Nevertheless, budgeted property taxes are currently expected to grow by 3% over FY 2016-17 year-end actuals.

- Franchise Fees increased by 14.3% or \$268,000 due to increased utility usage by customers.
- Hotel/Motel Tax (Transient Occupancy Tax) decreased by 14.23% or \$230,000, due to timing of payments received from hotels/motels and is not indicative of decreased activity. This area though will be closely monitored to ensure that it meets expectations by year-end.
- Building Permits increased by 33.6% or \$599,000 due in significant building activity and continued growth within Milpitas.
- Fire Permit and Inspection Fees decreased by 22.9% or \$113,425. However, such a decrease was expected in FY 2017-18 as budgeted revenue is \$161,000 less than FY 2016-17. This area though will be closely monitored to ensure that it meets expectations by year-end.
- Fines and Forfeitures increased by 105.1% or \$77,000 due to increased enforcement activity.
- Investment Income increased by 203.9% or \$92,000, but this is a “paper” increase due to the reversal of a market loss from the prior year. Per City Investment Policy, investments are held until maturity and “paper” losses only become actual losses should price at maturity be less than price at purchase.
- Intergovernmental revenues decreased by 46.7% or \$65,000, but these reimbursements from other governmental entities vary widely from year to year in terms of amount and timing. Nevertheless, FY 2017-18 Intergovernmental revenues are budgeted to be \$109,000 higher than FY 2016-17. This area though will be closely monitored to ensure that it meets expectations by year-end.

Total General Fund revenue at year-end is anticipated to be on track with the approved FY 2017-18 budgetary estimates.

With 25% of the fiscal year passed, total General Fund expenditures of \$21.2 million are within expectations and equal 23.1% of the \$91.7 million operating budget. This is detailed in Tables 2 and 3. Expenditures for some departments exceeded 25% for the first three months. However, these spending patterns are typical due to various invoices that need to be paid at the beginning of each fiscal year instead of being able to spread expenditures evenly throughout the fiscal year. Examples of such expenditures include software license maintenance fees which were paid from the Information Services Department budget, workers compensation insurance premiums which were paid from the Human Resources budget, and CalPERS Unfunded Actuarially Accrued Liability (UAAL) annual lump sum payment made from the Non-Departmental budget. Other types of expenditures that caused some departments to exceed the 25% are due to higher than expected legal activity in the City Attorney’s Office, overtime in Fire that will be reimbursed by the state for mutual aid, and special event costs such as those for the 4th of July and Oktoberfest, which were paid from the Recreation budget.

Fiscal Impact: None.

Recommendation: Receive the financial status report for the three months ended September 30, 2017.

Attachments: [Tables 1, 2, 3](#)

11. **Consider Approval of Request from Kiwanis Club for a Fee Waiver of \$700 for Annual Crab Fest Fundraising Event on February 9, 2018 (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: The City Clerk received a “Donation or Fee Waiver/Reduction Request Application Form” from the Kiwanis Club Foundation of Milpitas on September 22, 2017. Kiwanis applied in September to rent the Milpitas Community Center for its annual fundraiser, a crab feed in the auditorium. The non-profit group is requesting that the City Council waive the room rental fee of \$700 and to waive the requirement to pay a deposit. Funds raised will go towards annual Khol’s student event and college scholarship program.

Fiscal Impact: \$25,800 was approved and included in the FY 2017-18 City budget for City Council’s Unallocated Community Promotions. If the current fee waiver of \$700 is granted, then \$17,536.23 would be the remaining balance for the fiscal year.

Recommendation: Waive the City fee of \$700 for the Kiwanis Club rental of Community Center Auditorium for fundraising event on Friday, February 9, 2018.

Attachments: [Fee waiver application + IRS status letter; and budget line item status](#)

XVI. ORDINANCE

12. **Waive the Second Reading and Adopt Ordinance No. 48.21 Amending Title V, Chapter 200 of the Milpitas Municipal Code Regarding Solid Waste Management (Staff Contact: Leslie Stobbe, 408-586-3352)**

Background: This Ordinance was introduced by City Council at the November 21, 2017 meeting. The Milpitas Municipal Code specifies requirements related to Solid Waste Management. On December 1, 2017, operation according to a new franchise agreement was scheduled to begin with the City’s new solid waste collector, Milpitas Sanitation, Inc. The Municipal Code is being revised to correlate with the new solid waste provisions of this franchise agreement.

Fiscal Impact: None. There is no fiscal impact to adoption of Ordinance No. 48.21.

Recommendation: Waive the second reading and adopt Ordinance No. 48.21 amending Title V, Chapter 200 of the Milpitas Municipal Code regarding solid waste management.

Attachment: [Ordinance No. 48.21](#)

XVII. RESOLUTIONS

13. **Receive a Presentation on 35% Design of Montague Expressway Pedestrian Overcrossing at Piper Drive and Adopt a Resolution Authorizing City of Milpitas to Assume Ownership and Maintenance Roles of Montague Expressway Pedestrian Overcrossing and Authorizing the City Engineer to Execute Ownership and Maintenance Documentation for the Overcrossing (Staff Contacts: Steve Erickson, 408-586-3301 and Steve Chan, 408-586-3324)**

Background: The City Council adopted the Transit Area Specific Plan (TASP) in 2008 with the purpose of implementing transit oriented redevelopment of an industrial area in the southern portion of the city. The adopted TASP includes development impact fees to fund infrastructure project construction within this transit district area.

The Montague Expressway Pedestrian Overcrossing Project (Montague POC) at Piper Drive is identified in TASP as a vital transportation infrastructure to improve commuter and visitor access to the Milpitas BART station which is scheduled to open for service in June, 2018.

Montague POC project cost is estimated at \$15 million in 2017 dollars. To expedite construction of Montague POC, the City of Milpitas and the Valley Transportation Authority

(VTA) have secured funding from three Federal grants: One Bay Area Grant Cycle 1, One Bay Area Grant Cycle 2 and Transit Performance Initiative Grant. Total grant funding secured to date is \$10.5 million for the design and construction phases of Montague POC. The City will provide an additional \$4.5 million in TASP development impact fee collected for the remaining Montague POC project cost.

35% design plans for Montague POC have been completed and submitted for staff review. Final construction documents are scheduled for completion in the summer of 2018, construction award is targeted for the winter of 2018, and completion of Montague POC is anticipated by the end of 2019. Additionally, City and VTA staff are continually exploring opportunities to accelerate the construction phase.

Federal regulations require the grant recipient to identify ownership and maintenance roles and responsibilities for federally funded projects. It is normal and standard practice for the City to take on ownership and maintenance responsibilities for public infrastructure constructed within the City's right-of-way. However in this case, Montague POC will span over Montague Expressway, which is in the Santa Clara Roads and Airports (County) right-of-way, and the south landing point of Montague POC would connect to the VTA's BART garage structure. City staff has discussed the ownership and maintenance issue with both the County and VTA. They have declined ownership and maintenance responsibilities citing the POC primarily benefits the City community.

To avoid jeopardizing the Federal funding and delaying construction of the Montague POC, it is crucial to now determine ownership and maintenance responsibilities for the completed Montague POC. Since the City collects TASP development impact fees and has pursued grant funding to expedite the completion of Montague POC project, staff recommends the City of Milpitas assume the ownership and the maintenance roles for the Montague POC. The maintenance cost for the Montague POC is estimated to be \$10,000 annually. At the time of project completion, staff would recommend the Public Works operating budget be increased accordingly for this additional infrastructure maintenance expenditure.

Fiscal Impact: None at this time. Montague POC design has started and is funded through CIP 2008, Montague Expressway Overcrossing at Piper Drive.

Recommendations:

1. Receive a presentation on 35% design of Montague Expressway Pedestrian Overcrossing at Piper Drive.
2. Adopt a resolution authorizing the City to assume ownership and maintenance roles of Montague Expressway Pedestrian Overcrossing at Piper Drive and authorizing the City Engineer to execute ownership and maintenance documentation for the Overcrossing.

Attachment: [Resolution](#)

- 14. Receive a Presentation from Santa Clara Valley Transportation Authority (VTA) for 3 Potential State Route 237 Improvement Projects, Direct Staff to Coordinate with VTA to Implement the Preferred Projects, and Adopt a Resolution Declaring Those Projects in Milpitas as Highest Priority Transportation Projects for the City (Staff Contact: Steve Chan, 408-586-3324)**

Background: Santa Clara County voters approved 2016 Measure B, a 30-year, half-cent countywide sales tax to enhance transit, highways, expressways and active transportation (bicycles, pedestrians and complete streets). 2016 Measure B is anticipated to generate between \$6 billion and \$6.5 billion in 2017 dollars for use within Santa Clara County. Highway improvement program would be eligible for approximately \$750 million in funding over a 30-year period.

Included in the highway improvement program, 2016 Measure B would fund Calaveras Boulevard Widening between Abel Street and Milpitas Boulevard, continuous Express Lanes from Calaveras Boulevard to Mathilda Ave, and other SR237 corridor improvements. Implementations of these projects will be prioritized on project readiness, local funding match, and available Measure B revenues. In June 2017, VTA Board of Directors adopted 2016 Measure B expenditure guidelines, and \$1 million is budgeted specifically for SR237 improvements in FY 2018-19.

The City of Milpitas and VTA staff have been working together to identify short range incremental improvement projects to address traffic congestion along the SR237 corridor within the City of Milpitas.

Proposed improvement projects include:

1. Create a carpool only lane on westbound Calaveras Boulevard between I880 southbound off-ramp and SR237 freeway on ramp.
2. Create a carpool lane on westbound Calaveras Boulevard across McCarthy Boulevard freeway overpass.
3. Prepare a SR237 corridor study to identify other transit, pedestrian, bicycle, and roadway infrastructure and operational improvements between I880 and I680.

Carpool lanes with the support City of Milpitas could be implemented relatively quickly to enhance carpool access for City of Milpitas residents, commuters, and businesses resulting in reduced travel time during commute hours, and the SR237 corridor study would be used to support requests for funding for other identified improvements on Calaveras Boulevard.

Fiscal Impact: City of Milpitas will be required to contribute 10% local match funding to receive Measure B fund. The City's estimated local funding match is \$100,000 for FY 2018-19 budgeted \$1 million.

Recommendations:

1. Receive a presentation from VTA staff on State Route 237 regarding three potential SR237 improvement projects.
2. Direct staff to coordinate with VTA to implement preferred SR237 improvement projects.
3. Adopt a resolution declaring SR237 improvement projects in Milpitas as the highest priority transportation projects for the City.

Attachment: [Resolution](#)

15. Adopt a Resolution Approving Initial Acceptance of and Authorize Reduction of the Performance Bond for Jose Higuera Adobe Park Renovations, Project No. 5097, and Granting Authorization to the City Engineer to Release the Performance Bond after the One-Year Warranty Period (Staff Contact: Steve Erickson, 408-586-3301)

Background: The City Council awarded the Jose Higuera Adobe Park Renovations, Project No. 5097 to Goodland Landscape Construction, Inc. on December 6, 2016. The project consisted of renovation of Jose Higuera Adobe Park that includes new picnic and BBQ areas, playground structures, walkways, masonry walls, structural shade structure and improvements to existing lighting, planting, irrigation, utilities, and parking lot.

The project was successfully completed on time and within budget. Staff recommends that City Council adopt a resolution approving initial acceptance of the project, and authorize reduction of the contractor's performance bond to \$198,892.76, which is 10% of the final contract value. Staff also recommends the City Council grant authorization to the City Engineer 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 for initial acceptance of Jose Higuera Adobe Park Renovations, Project No. 5097; and authorize reduction of the performance bond to \$198,892.76 which shall be in effect for the duration of the one year warranty period; and granting authorization to the City Engineer 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.

Attachment: [Resolution](#)

16. Adopt a Resolution Approving Sole Source Purchase of 2 Channel Monster Grinders from MISCOWater for Amount Not to Exceed \$225,600 (Staff Contacts: Glen Campi, 408-586-2643 and Chris Schroeder, 408-586-3161)

Background: The City of Milpitas owns and operates its municipal sewer collection system consisting of 175 miles of gravity pipe and 5 miles of force main. The system also includes two pump stations: the Venus Station, which lifts sewage out of the low-lying Pines neighborhood and the Main Lift Station, which pumps all City sewage through dual 2.5 mile force mains to the San Jose/Santa Clara Water Pollution Control Plant located in San Jose at 700 Los Esteros Road for treatment.

The Main Lift Station has four JWC Environmental Channel Monster Model CDD6020 grinders, which were installed in 2007. Each grinder is located in an individual concrete channel and influent sewage flows pass through each grinder before the sewage is pumped to the wastewater treatment plant. Following an assessment by staff, two of the JWC Environmental Channel Monster Model CDD6020 Grinder units at the Main Lift Station were found to be out of service and in need of replacement to match the functionality of the existing grinders.

Staff conducted a review of different grinder models and the JWC Environmental Channel Monster Model CDD6020 is the only grinder on the market in the size range capable of processing the high flows and capable of fitting through the existing concrete channels without requiring significant modifications to existing infrastructure at the Main Lift Station. The wet wells of the Main Lift Station were specifically designed to hold these grinders at the time the station was built in 2007. In addition to the size of the existing concrete channels, the Main Lift Station is comprised of the following components that are unique to the dimensions of the JWC Environmental Channel Monster Model CDD6020:

- Mounting brackets and guide rails installed in the concrete channels.
- Existing PC2220 grinder controllers.
- Lifting mechanisms sized for the weight and metal conduits fitted with electrical power and control cables specifically sized for the power load of the grinders.
- The access hatches for each grinder system are custom sized, installed at grade level and embedded in the concrete.

Switching to another brand of grinder would require substantial structural changes to the Main Lift Station and would cause a lengthy delay and significant cost increase. Pursuant to Municipal Code section I-2-3.09 "Sole Source Procurement," staff has determined that the JWC Environmental Channel Monster Model CDD6020 Grinder is the only grinder model that meets the needs and specifications for this replacement.

MISCOwater is the exclusive representative of JWC Environmental in the State of California. The total not-to-exceed cost for the purchase and installation of two (2) JWC Environmental Channel Monster Model CDD6020 Grinders is \$225,600.00, including tax.

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

Fiscal Impact: None. There are sufficient funds in the FY 2017-18 Capital Improvement Program for Projects No. 6124 and No. 6125 for this purchase.

Recommendation: Adopt a resolution approving the sole source purchase of two JWC Environmental Channel Monster Model CDD6020 Grinders from MISCOwater for the not-to-exceed amount of \$225,600. Subject to any minor revision of the terms and conditions deemed necessary by the City Attorney.

Attachments:

- a) [Resolution](#)
- b) [MISCOwater Project Proposal](#)

17. Adopt a Resolution Amending the Classification Plan to Adjust City of Milpitas Part-Time Temporary Classifications to Reflect Changes in the Milpitas Minimum Wage, Per Ordinance No. 292 (Staff Contact: Tina Murphy, 408-586-3086)

Background: The Milpitas Classification Plan is amended periodically to account for changes in job responsibilities and salary changes for represented and unrepresented classifications. The Classification Plan also includes Part-Time Temporary job classifications, which are used to augment City staff but are not represented by labor agreements.

The minimum wage in California will increase from \$10.50 per hour to \$11.00 per hour on January 1, 2018. As presented in December 2016, the annual changes to the California Minimum Wage will necessitate annual changes to the Classification Plan to reflect the new minimum wage for certain Part-Time Temporary classifications. In February 2017, City Council adopted Ordinance No. 292 that provides a local minimum wage. The local minimum wage is currently higher than the state minimum wage and will increase from \$11.00 per hour to \$12.00 effective January 1, 2018.

The City will implement the January 2018 minimum wage increase for Part-Time Temporary classifications earning less than \$12.00 per hour effective December 24, 2017. There are no represented classifications that earn less than \$12.00 per hour.

Fiscal Impact: The fiscal impact on the current budget was considered in the adopted funding levels for Part-Time Temporary staff. Potential future impacts due to the July 2018 and January 2019 minimum wage increase will be incorporated in the Fiscal Year 2018-19 budget for temporary staffing.

Recommendation: Adopt a resolution amending the Classification Plan to adjust salary ranges for City of Milpitas Part-Time Temporary Classifications effective December 24, 2017, to reflect the changes in the Milpitas Minimum Wage, per Ordinance No. 292.

Attachment: [Resolution](#)

18. Adopt a Resolution Making Findings for Unexpended Development Fees in Accordance with California Government Code Section 66001, and Reviewing and Accepting Annual Development Fee Disclosure Information for the Traffic Impact Fee, the Transit Area

Specific Plan (TASP) Impact Fee, and the Storm Drain Fee (Staff Contact: Will Fuentes, 408-586-3111)

Background: CA Government Code Section 66000 et seq. (“Mitigation Fee Act”) requires local agencies to provide an accounting of fees charged for development projects. The City has two basic accounting and reporting responsibilities under the Government Code. Section 66001(d) requires that, five years after collecting a development fee subject to this Code section and every five years thereafter, the local agency shall make findings with respect to any portion of the fee remaining unexpended, whether committed or uncommitted. If required findings are not made, the unexpended funds shall be refunded to the current property owners.

Findings must:

1. Identify the purpose of the fee;
2. Demonstrate a reasonable relationship between the fee and the purpose for which it was charged;
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements; and
4. Designate the approximate dates on which these funding sources can be expected to be deposited into the appropriate account or fund.

When sufficient funds have been collected to complete financing on incomplete public improvements, the local agency has 180 days to identify an approximate date by which the construction of the public improvement will begin or else is required to refund unexpended fees, including accrued interest, to the current owner of lots or units of a development project.

The second requirement set forth under Government Code Section 66006(b)(1) provides that the City shall establish separate capital improvement accounts or funds for each improvement funded by project development fees. Any interest income earned by funds in such an account shall be deposited in such account. Each local agency is required on an annual basis, within 180 days after fiscal year end, for each separate account, to make available to the public the following information:

1. Brief description of the type of fee in the account;
2. The amount of the fee;
3. The account’s beginning and ending balance;
4. The amount of fees collected and the interest earned;
5. A description of the improvements on which the funds were expended and the amount expended on each improvement including the percentage of the improvement funded with development fees;
6. An approximate date by which the construction of a public improvement will begin if the local agency determines that sufficient funds have been collected to complete financing on the incomplete improvement;
7. A description of each inter-fund transfer or loan made from the account; and
8. The amount of any refunds made pursuant to Code Section 66001.

The City deposits mitigation fees subject to the above disclosure in the Traffic Impact Fee Fund, Transit Area Specific Plan (TASP) Impact Fee Fund, and Storm Drain Development Fund to track these development related fees. Interest income is allocated to the funds based on their respective monthly cash balances. Expenditures from these funds were in the form of capital improvement projects to either renovate existing facilities or maintain the existing level of service, consistent with the General Plan and approved Capital Improvement Plan due to increased demand related to the development projects.

Status reports (included in the agenda packet) summarize the Fiscal Year 2016-2017 fund activity for Traffic Impact Fee (Exhibit 1); Transit Area Specific Plan (TASP) Impact Fee (Exhibit 2); and Storm Drain Development Fee (Exhibit 3). The reports show the amount of

fees collected in fiscal year 2016-2017, interest income, a brief description of the projects funded, the percentage of the projects funded by the development fees, and the beginning and ending balance of the funds.

Fund balances at the end of June 30, 2017 are:

Fund	Beginning Fund Balance	FY 2016-17 Revenues Collected	FY 2016-17 Expenditures	Ending Fund Balance
Traffic Impact Fee	\$1,478,504	\$218,729	\$0	\$1,697,233
TASP Impact Fee	\$16,736,121	\$22,096,642	\$11,084,968	\$27,747,795
Storm Drain Development	\$1,003,501	\$1,759,585	\$699,838	\$2,063,248

Staff identified traffic impact fees of \$46,354, which were collected from development projects, for traffic impact mitigation on Calaveras Boulevard, which are over five years old. These funds will be appropriated into existing and future capital improvement projects to fund widening improvement on Calaveras Boulevard within City limits. The Calaveras Boulevard Widening project's estimated cost is \$85 million and the City's minimum local match share is \$11 million.

Fiscal Impact: None. There is no fiscal impact for the recommended action.

Recommendation: Adopt a resolution making certain findings pursuant to the Mitigation Fee Act for Fiscal Year 2016-17 regarding continuing need for unexpended development fees and review and accept the annual developer fee disclosure information.

Attachment: [Resolution](#)

XVIII. AGREEMENT

19. **Approve and Authorize the City Manager to Execute Amendment No. 7 to the Consulting Service Agreement with Mott MacDonald, LLC, to Increase Compensation in the Additional Amount of \$157,000, and to Extend the Term to June 30, 2018, with Land Development Projects (Staff Contact: Steve Erickson, 408-586-3301)**

Background: Since July of 2014, the City has experienced a high volume of private development construction requiring the review and permitting from Land Development Engineering staff. Currently, Engineering is managing 50 private development projects in different phases of the completion process, and is processing approximately 18 encroachment permits each month within the City's right-of-way. In response to this demand and to maintain service, the City entered into an agreement with Mott MacDonald, LLC to provide engineering staff augmentation services to allow one engineer to assist in the plan review, management, and processing of development applications and permits.

There have been a total of 6 amendments to the agreement with Mott MacDonald totaling \$1,317,950, and the agreement with Mott McDonald for staff augmentation services is set to expire on December 31, 2017. Council is requested to approve Amendment No. 7 to allow Mott McDonald to continue to provide the current level of engineering staff augmentation services until June 30, 2018, which will be the final amendment to the agreement. Staff has negotiated a scope and fee for these services for a fee not to exceed \$157,000, which is considered reasonable for the services provided. Approval of this agreement amendment brings the total agreement amount to \$1,457,950.

California Environmental Quality Act: This action is not considered a project under CEQA as there will be no direct, or reasonable foreseeable indirect physical change in the environment as this item concerns merely staff augmentation at the City.

Fiscal Impact: None. The additional cost of \$157,000 is available in Engineering Department's operating budget. The majority of the \$157,000, will be reimbursed by the developers through their private job accounts.

Recommendation: Approve and authorize the City Manager to execute Amendment No. 7 to the Consulting Services Agreement with Mott MacDonald, LLC to increase compensation in the additional amount of \$157,000, and to extend the term to June 30, 2018, associated with land development projects.

Attachment: [Amendment No. 7](#)

- XIX. REPORTS OF MAYOR & COUNCILMEMBERS – from assigned Commissions, Committees and Agencies**
- XX. ADJOURNMENT**

NEXT REGULAR CITY COUNCIL MEETING

TUESDAY, DECEMBER 19, 2017