



MILPITAS CITY COUNCIL AGENDA
TUESDAY, JANUARY 20, 2015
455 EAST CALAVERAS BOULEVARD, MILPITAS, CA
6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)



SUMMARY OF CONTENTS

- I. CALL TO ORDER by the Mayor (7:00 p.m.)**
- II. ADJOURN TO CLOSED SESSION**
 - 1. CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**
Pursuant to California Government Code Section 54957.6
City Negotiators: Tom Williams, Carmen Valdez
Employee Groups: Milpitas Employees Association (MEA), Mid-management and Confidential Unit (Mid-Con), and Professional and Technical Group (ProTech)
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
 - 2. CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9
Claim of Mitch Timko
Worker's Compensation Appeals Board Case No. ADJ 9470599
 - 3. CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION**
Pursuant to California Government Code Section 54956.9
City as Plaintiff
- III. CLOSED SESSION ANNOUNCEMENTS:** Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote or abstention of each member present
- IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- V. INVOCATION (Mayor Esteves)**
- VI. APPROVAL OF COUNCIL MEETING MINUTES – January 6, 2015 (2)**
- VII. SCHEDULE OF MEETINGS – COUNCIL CALENDARS – January and February 2015**
- VIII. 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.

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

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

XIII. REPORTS OF MAYOR AND COMMISSION

- 1. Approve Mayor's Recommendation for Appointment of Residents to New Campaign Finance Reform Committee (Contact: Mayor Esteves, 408-586-3029)**
- * 2. Approve Parks, Recreation and Cultural Resources Commission 2015 Work Plan (Staff Contact: Jaime Chew, 408-586-3234)**
- * 3. Consider Mayor's Recommendations for Appointments to Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

XIV. NEW BUSINESS

- * 4. Approve the Proposal for the Annual Commissioners' Recognition Event for 2015 (Staff Contact: Dale Flunoy, 408-586-3228)**

XV. RESOLUTIONS

- * 5. Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for Pinewood Park Improvements, Projects No. 3412, No. 5095, No. 5096, and No. 7116, and Grant Authorization to the City Engineer to Issue Notice of Final Acceptance after the One-Year Warranty Period and to Release Performance Bond (Staff Contact: Steve Erickson, 408-586-3301)**
- * 6. Adopt a Resolution to Award and Approve a Contract for City Wide Printing Services to JP Graphics, Inc. for Annually Not-To-Exceed \$70,000 (Staff Contact: Chris Schroeder, 408-586-3161)**
- * 7. Adopt a Resolution to Amend the Classification Plan to Reestablish the Positions of Public Works Director and City Engineer (Staff Contact: Carmen Valdez, 408-586-3086)**
- * 8. Adopt a Resolution in Support of Project Blue Light During the Holiday Season and the Month of January to Honor Fallen Police Officers and Those Presently Serving (Contact: Councilmember Grilli, 408-586-3031)**

XVI. AGREEMENT

- * 9. Approve Amendment No. 1 to the Consultant Agreement with CalRecovery for On-Call Services in the Amount of \$35,000 and Approve a Budget Appropriation from the Solid Waste Fund (Staff Contact: Steve Machida, 408-586-3355)**

XVII. DEMANDS

- * 10. Approve Payment of Annual Software Support and Maintenance Fees (Staff Contact: Mike Luu, 408-586-2706)**
- * 11. Receive Report of Emergency Removal of Playground Equipment from Apex Park and Authorize Staff to Pay Lyon Communities Invoices Totaling \$52,942.53 from CIP No. 5099 (Staff Contact: Steve Machida, 408-586-3355)**

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

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

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

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

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

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

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

APPLY TO SERVE ON A CITY COMMISSION

Seeking Applications for:
Community Advisory Commission
Parks, Recreation and Cultural Resources Commission
Recycling and Source Reduction Advisory Commission (MUSD member)

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

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

AGENDA REPORTS

XIII. REPORTS OF MAYOR AND COMMISSION

1. Approve Mayor's Recommendation for Appointment of Residents to New Campaign Finance Reform Committee (Contact: Mayor Esteves, 408-586-3029)

Background: On December 16, 2014, Mayor Esteves recommended to the City Council to establish a new Campaign Finance Reform Committee, which will be an ad hoc group to meet and discuss potential changes to regulations regarding the financing of campaign donations and expenditures. The following residents contacted the City Clerk expressing interest to serve on the Committee: Bill Ferguson, Lokesh Krishnarajpet, Martha Lamdin, Andrae Macapinlac, Rajeev Madnawat, Robert Marini, Rob Means, Syed Mohsin, Bob Nunez, Althea Polanski, Marty Riker, Rohit Sharma and Thomas Valore.

Deadline to receive notice of interest from residents was 5:00 PM on January 14, 2015, the date when the Council agenda must be posted (per Open Government in the Municipal Code). Mayor Esteves would review all candidates and make a recommendation through an addendum (memo to City Council) on Friday, January 16.

Recommendation: Per the Mayor's recommendation, appoint residents to the ad hoc Campaign Finance Reform Committee.

*** 2. Approve Parks, Recreation and Cultural Resources Commission 2015 Work Plan (Staff Contact: Jaime Chew, 408-586-3234)**

Background: At the January 5, 2015 Parks, Recreation and Cultural Resources Commission meeting, the Commission reviewed and approved a draft 2015 Work Plan. The Commission's 2015 Work Plan identifies Commissioners' goals, projects and ongoing tasks they would like to accomplish for the year.

Recommendation: Approve the Parks, Recreation and Cultural Resources Commission 2015 Work Plan.

*** 3. Consider Mayor's Recommendation for Appointments on Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

Background: Mayor Esteves recommends the following Alternate Members to be moved up on their respective Commissions.

Community Advisory Commission: move up three alternate members as follows:

Appoint current Alternate No. 2 Ashish Kathapurkar as a regular, voting member to a term that will expire in January of 2019.

Appoint current Alternate No. 3 Ashok Sharma as a regular, voting member to a term that will expire in January of 2018.

Appoint current Alternate No. 4 Mike Bilbao as Alternate No. 1 to a term that will expire in January of 2017.

Parks, Recreation and Cultural Resources Commission: move up two alternate members

Appoint current Alternate No. 1 Bhupinder (Bill) Singh as a regular, voting member to a term that will expire in June of 2017.

Appoint current Alternate No. 2 Mike Bilbao as Alternate No. 1 to a term that will expire in June of 2016.

Recommendation: Receive Mayor's recommendations and move to approve appointments by moving up alternate members (as noted) on the CAC and PRCRC.

XIV. NEW BUSINESS

- * 4. **Approve the Proposal for the Annual Commissioners' Recognition Event for 2015 (Staff Contact: Dale Flunoy, 408-586-3228)**

Background: The City of Milpitas recognizes its Commissioners each year in April at the Annual Commissioners' Recognition Event. The event celebrates the volunteerism of Commissioners and their accomplishments. Many positive comments on the theme and venue were received from the Commissioners on last year's recognition lunch event at the Milpitas Community Center. The Mayor and City Council members thanked Commissioners for their volunteer service and acknowledged their service with certificates. In the past, Commissioner Recognition events have been a Saturday morning brunch or lunch at a local restaurant or City facility. Last year, Commissioners were recognized with a catered lunch at the Milpitas Community Center.

Approximately 150 Commissioners, guests and liaison staff attend the event. A catered luncheon costs approximately \$25-\$30 per person and \$8,000 was allocated in the FY 2014-15 budget for this event.

Staff polled Commission Chairs and Vice Chairs to ask what type of recognition event they would like in 2015. They were asked to choose from the following options. 16 responses were received, with numbers of each noted:

Recognition Lunch - 6
Recognition Brunch - 3
Recognition Ceremony during a City Council meeting - 2
Something else (other) - 2
Nothing at all - 3

Fiscal Impact: None.

Recommendation: Approve the 2015 Commissioners Recognition Event as a catered luncheon to be held at the Milpitas Community Center on Saturday, April 25, 2015 from 11:30 am to 1:30 pm, at a cost that will not exceed \$8,000.

XV. RESOLUTIONS

- * 5. **Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for Pinewood Park Improvements, Projects No. 3412, No. 5095, No. 5096, and No. 7116, and Grant Authorization to the City Engineer to Issue Notice of Final Acceptance after the One-Year Warranty Period and to Release Performance Bond (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The City Council awarded the Pinewood Park Improvements, Projects No. 3412, No. 5095, No. 5096, and No. 7116 to Suarez & Munoz Construction, Inc. on March 18, 2014. The project provided various improvements at Pinewood Park including installation of group picnic areas, repair and replacement of play lot and structures, replacement of the tennis court backstop wall, rehabilitation of irrigation, lighting, and landscaping. The replacement of the tennis court ball wall at Robert E. Browne Park and electrical repairs at Hall Memorial Park were included in this project. The project was successfully completed on time and within budget. Staff recommends the City Council adopt a resolution granting initial acceptance of the project and authorize the reduction of the contractor's faithful performance bond to \$180,928.45, which is 10% of the final contract value. Staff also recommends the City Council authorize the City Engineer to issue the Notice of Final Acceptance and to release the performance bond after the one year warranty period without further City Council action, provided all warranty work is completed to the satisfaction of the City Engineer.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of the Pinewood Park Improvements, Projects No. 3412, No. 5095, No. 5096, and No. 7116, subject to a one year warranty period, and reduction of the faithful performance bond to \$180,928.45; and granting authorization to the City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.

- * **6. Adopt a Resolution to Award and Approve a Contract for City Wide Printing Services to JP Graphics, Inc. for Annually Not-To-Exceed \$70,000 (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: On October 24, 2014, staff published and released a Request For Proposals (RFP) soliciting printing services for all city departments. The RFP was advertised in the local newspaper, on the City website, and on Public Purchase web database. The intent of the solicitation was to identify a single company that could provide both digital duplicating and off set press work, including full color. Three proposals were submitted and evaluated across a wide selection of print specifications and specific RFP criteria. The company backgrounds, technical abilities, and references were evaluated. All three proposers were invited to submit best and final offers of their unit pricing. Based upon a comprehensive evaluation of each proposal as well as best and final unit pricing offers, staff recommends a contract award to JP Graphics, Inc. as the highest ranked proposer. Per requirements of the RFP, the recommended contract award is for one year, with four additional, one-year options for the annual not-to-exceed amount of \$70,000 with annual price adjustment based on the Consumer Price Index or 3%, whichever is less. In recent years, the existing contract for printing services has averaged just under \$70,000 per year. JP Graphics, Inc. is the current provider of printing services for the City of Milpitas.

Fiscal Impact: None. Funds for these services are budgeted in various departments' operating budgets for FY 2014-15.

Recommendation: Adopt a resolution awarding and approving a contract with JP Graphics, Inc. for the annual not-to-exceed amount of \$70,000.00 with the option for annual renewals not-to-exceed a total contract term of five years.

- * **7. Adopt a Resolution to Amend the Classification Plan to Reestablish the Positions of Public Works Director and City Engineer (Staff Contact: Carmen Valdez, 408-586-3086)**

Background: Periodically, amendments to the Classification Plan are required to account for organizational changes, equity adjustments to salary ranges and other related changes or conditions.

In 2005, the positions of the Public Works Director and City Engineer were combined to help with efficiencies and to achieve budget savings due to a downturn of the economy. Along with the reclassification, staff recommended adjustment of the salary to reflect the expanded duties. The current salary range for the Public Works Director/City Engineer is \$152,645 - \$198,530.

With the recent staff change, the City Manager has an opportunity to analyze the workload and span of management control of the Public Works Director/City Engineer position and has determined that the responsibilities were too tremendous for one person to oversee. The Human Resources Department was tasked with analyzing internal City classifications and to survey other public agencies to determine responsibilities and salary ranges of a City Engineer and a Public Works Director as separate positions. Results of the analysis indicate that there are many agencies that retain separate classifications. The proposed salary range for the Public Works Director and the City Engineer is \$152,199 - \$185,000 respectively, and is reasonable based on survey of other cities and comparable responsibilities within the City. Revised job descriptions for the Public Works Director and City Engineer are included in the City Council agenda packet for review.

Fiscal Impact: There is adequate funding for a Public Works Director in the FY 2014-15 Operating Budget and funding for the City Engineer will require an additional \$68,000 appropriation to the Engineering Department budget.

Recommendations:

- 1) Adopt a resolution amending the City of Milpitas Classification Plan to reestablish a Public Works Director and a City Engineer with annual salary ranges of \$152,199 - \$185,000.
- 2) Approve the budget appropriation of \$68,000 to the Engineering Department budget.

*** 8. Adopt a Resolution in Support of Project Blue Light During the Holiday Season and the Month of January to Honor Fallen Police Officers and Those Presently Serving (Contact: Councilmember Grilli, 408-586-3031)**

Background: In 1988, the organization “Concerns of Police Survivors” (“COPS”) received a letter from Mrs. Dolly Craig of Philadelphia stating that she would be putting blue lights in her window during the holiday season in honor of her son-in-law, Danny Gleason, a Philadelphia Police Officer who was killed in the line of duty in 1986. COPS shared this idea with others and now thousands of blue lights shine nationwide during the holiday season to honor and remember those law enforcement officers who have given their lives in service to the profession. The blue lights also thank those officers who continue to work in America’s increasingly dangerous streets each and every day of the year.

With the recent tragic incidents in New York and Arizona, City Council is requested to adopt a resolution to join other cities across the nation in supporting local police officers in honor of what they do for the citizens every day and in remembrance of all fallen officers.

Recommendation: Adopt a resolution in support of Project Blue Light during the holiday season and the month of January to honor fallen police officers and those presently serving the police force.

XVI. AGREEMENT

*** 9. Approve Amendment No. 1 to the Consultant Agreement with CalRecovery for On-Call Services in the Amount of \$35,000 and Approve a Budget Appropriation from the Solid Waste Fund (Staff Contact: Steve Machida, 408-586-3355)**

Background: The Milpitas community continues to experience frequent and severe odor events from Newby Island Landfill and Recyclery. The owner of the landfill is moving through a multi-step permitting process which will ultimately result in extending the Newby Island Landfill life until approximately 2041. Milpitas staff is reviewing technical documents and challenging each process. Due to the heavy workload of utility engineering and the specialized nature of this review, the City entered into an agreement with CalRecovery, an engineering consulting firm specializing in solid waste management on October 16, 2014 in the amount of \$15,000 for a two year term. CalRecovery has expertise in the field of solid waste processes, state permitting requirements, and odor mitigation practices, is familiar with the processes at Newby Island, and has assisted the City of Milpitas in the past. It is now necessary to amend the agreement to continue the technical review of the permit documentation.

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

Fiscal Impact: A budget appropriation of \$35,000 is needed from the Solid Waste Fund to the utility Engineering Operating Budget.

Recommendations:

1. Approve Amendment No. 1 to the consultant agreement with CalRecovery for On-Call Services in the amount of \$35,000.
2. Approve a budget appropriation from the Solid Waste Fund in the amount of \$35,000.

XVII. DEMANDS

- * 10. Approve Payment of Annual Software Support and Maintenance Fees (Staff Contact: Mike Luu, 408-586-2706)**

Background: The City utilizes a number of automated systems for critical functions such as utility billing, human resources management and financial management. These systems require payment for annual support and maintenance fees in order to continue vendor support. This generally included telephone support, software fixes and new software versions. The annual maintenance payment is due to CRW and requires payment in order to continue support through fiscal year 2014-15, to CRW (Building Permit and Land Management Software) for \$22,000.00.

Fiscal Impact: None. Funding for these annual maintenance payments is included in the Information Services Department budget.

Recommendation: Authorize payment of annual support and maintenance to CRW (for Building Permit and Land Management Software) in the amount of \$22,000.00.

- * 11. Receive Report of Emergency Removal of Playground Equipment from Apex Park and Authorize Staff to Pay Lyon Communities Invoices Totaling \$52,942.53 from CIP No. 5099 (Staff Contact: Steve Machida, 408-586-3355)**

Background: Pursuant to state public contracting law and adopted City Council Resolution No. 7779, the Director of Public Works must report all emergency public works repairs to the City Council. Shortly after Apex Park opened, safety concerns arose due to the close proximity of the tot lot (and wandering children) to high-volume high-speed traffic on east-bound Great Mall Parkway. City staff directed the Developer (Lyons) to remove the tot lot equipment and restore the surface with vegetation and pavers to match the surrounding area. The emergency work included design of the surface improvements and related drainage at Apex Park, removal of the tot lot play equipment and transportation to the Public Works Yard for storage, installation of drainage, pavers, plantings; construction management oversight, and survey work and design for tot lot installation at Ben Rodgers Park. The tot lot equipment is slated to be installed at Ben Rodgers Park in conjunction with a future Capital Improvement Project.

All previous mitigation measures and monitoring and reporting program adopted for the Apex Park project (PJ 2583 and PJ 2908) are still applicable and no new conditions exist that invalidate the previous environmental determination or will not create a significant environment impact that require further analysis under CEQA.

Fiscal Impact: Payment will be made from the Park Renovation Projects fund, CIP No. 5099 fund. There are sufficient funds.

Recommendation: Receive report of emergency removal of playground equipment from Apex Park and authorize staff to pay Lyon Communities invoices totaling \$52,942.53 for repair work.

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

January 2015						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

March 2015						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

COUNCIL CALENDAR

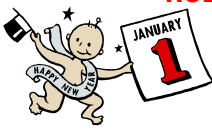
February 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 7:00 PM-Parks, Recreation & Cultural Resources Commission (GB)	2 7:00 PM-Closed Session 7:00 PM-City Council	3 7:30 AM-VTA Northeast Group (JE) 5:30 PM-Veterans Commission (DG) 7:00 PM-Community Advisory Commission (CM)	4 7:30 AM-VTA Northeast Group (JE) 5:30 PM-Veterans Commission (DG) 7:00 PM-Community Advisory Commission (CM)	5 5:30 PM-VTA Board of Directors (JE)	6	7
8 6:00 PM-Economic Development Commission (CM)	9 4:00 PM-Milpitas Oversight Board Meeting 7:00 PM Youth Advisory Commission (DG)	10 7:00 PM-Planning Commission	11 LINCOLN'S BIRTHDAY HOLIDAY 4:00 PM-VTA Policy Advisory Committee (CM) 4:30 PM-Treatment Plant Advisory Committee (JE) (San Jose) 7:00 PM-Cities Assoc of SCC (JE)	12	13	14
15 PRESIDENTS' DAY	16 6:00 PM-Closed Session 7:00 PM-City Council	17	18	19 12:00 PM-VTA Admin & Finance Committee (JE)	20	21
22 7:00 PM-Telecommunications Commission (GB)	23 1:30 PM-Senior Advisory Commission (JE)	24 7:00 PM-Planning Commission	25 12:00 PM-Terrace Gardens Board of Directors (DG) 1:30 PM-County Library JPA Board (CM) 5:30 PM-Milpitas Chamber of Commerce Board (DG) 6:00 PM-Sister Cities Commission (MG)	26	27	28

December 2014						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2015						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

Council Calendar January 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				NEW YEAR'S DAY HOLIDAY 		
4	5 7:00 PM -Parks, Recreation & Cultural Resources Commission (GB)	6 6:00 PM -Study Session 7:00 PM -City Council	7 7:30 AM -VTA Northeast Group (JE) 7:00 PM -Community Advisory Commission (CM)	8 4:00 PM -VTA Policy Advisory Committee(CM) 4:30 PM -Treatment Plant Advisory Committee (JE) (San Jose) 5:30 PM -VTA Board of Directors (JE) 7:00 PM -Cities Assoc of SCC (JE) 7:00 PM -Youth Advisory Commission (DG) 7:00 PM Bicycle Pedestrian Adv. Commission	9	10
11	12 6:00 PM -Economic Development Commission (CM) 7:00 PM -Library Advisory Commission (CM)	13	14 7:00 PM -Planning Commission	15 12:00 PM -VTA Admin & Finance Committee (JE) 7:00 PM -Emergency Preparedness Commission (MG) 7:00 PM -Bay Area Water Supply Conservation Agency (Foster City)	16	17
18	19 MARTIN LUTHER KING JR'S. BIRTHDAY  CITY HOLIDAY	20 6:00 PM -Closed Session 7:00 PM -City Council	21	22 1:30 PM -County Library Joint Powers Authority Board (CM) 5:30 PM -Milpitas Chamber of Commerce Board (DG) 6:00 PM -Sister Cities Commission (MG)	23	24
25	26 7:00 PM -Arts Commission (DG) 7:00 PM -Telecommunications Commission (GB)	27 1:30 PM Senior Advisory Commission (JE) 6:00 PM -Recycling & Source Reduction Adv. Comm. (GB)	28 7:00 PM -Planning Commission	29	30	31

***Draft* MEETING MINUTES
CITY OF MILPITAS**

Minutes of:	Regular Meeting of Milpitas City Council
Date:	Tuesday, January 6, 2015
Time:	7:00 PM
Location:	Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 7:09 PM. The City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo, Giordano and Grilli

ABSENT: None

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Mayor Esteves offered a prayer to start the meeting.

MEETING MINUTES

Motion: to approve the minutes of the December 16, 2014 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of:	AYES: 5
	NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendar/Schedule of Meetings for January 2015

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of:	AYES: 5
	NOES: 0

PRESENTATION

Mayor Esteves presented a certificate to Christine Ma, local winner of Lions Club International Peace Poster contest for 2014-15. Representatives of the Lions Club were present with her.

PUBLIC FORUM

Mitchell Smith, owner of Solar Technology of San Jose, wanted City Council to adopt the HERO program in Milpitas, Home Energy Renovation Opportunity (a PACE program). It helped homeowners improve their homes, via a funding mechanism that was paid back over time on their property tax bills.

Evelyn Chua, member of Emergency Preparedness Commission, invited all to attend free training for the SAFE program, which helped residents get ready in teams for the time of a major disaster. SAFE was a collaboration of EPC and Fire Department staff, which helped all residents. Training was upcoming in the spring of this year. Call staff Sean Simonson at 408-586-2810 to sign up.

Robert Marini, Milpitas resident, referred to the hiring of a lobbyist last year in February. The city did not identify issues the lobbyist would lobby on nor was the cost identified. There was no input from the public given on the consent item. The City lost \$100,000 in this example without asking the residents. More housing made the situation worse for the citizens.

Rob Means, 1421 Yellowstone resident, asked to show a one minute video (The Wombat) with a message that "we are one" referring to one world. He felt a need to make change, to reduce the

amount going to all landfills. He mentioned the Pope had recently addressed climate change and he sought Milpitas to do that, too.

Voltaire Montemayor, Milpitas resident, suggested having a team for a drill, in preparing for an earthquake or a flood, with certification. He said there were talents in Milpitas.

Joseph Weinstein, resident at 66 Hamilton, thanked the City Council for their work. He discussed recent news about police officers shot and killed in New York. He wanted to highlight the excellent Police Department of high quality in Milpitas, which must be maintained. He asked for a resolution in support of officers and support of the grieving officers across the nation. Blue lights were being displayed across the United States, and so he requested blue light bulbs at City Hall, displayed perhaps from the fourth floor.

Mayor Esteves responded, stating that Councilmember Grilli had already asked for the blue light item on the next Council agenda.

Frank DeSmidt, of Milpitas Rotary Club, asked for help in getting the Club's annual Gene Schwab Award going again. He and the club wanted to have the award program again and needed City staff assistance to do it.

Councilmember Giordano asked for a response to Mr. DeSmidt. Mayor Esteves explained that it was replaced with an employee recognition program (based on performance) at the City last year. Councilmember Giordano said that maybe it would be good to have a discussion with the Rotary Club to honor employees in some way.

ANNOUNCEMENTS

City Manager Tom Williams announced that the State of California Housing & Community Development accepted the City's draft Housing Element submitted last fall. It would appear on an upcoming Council agenda for final adoption and then would be valid for eight years.

Councilmember Grilli thanked Mayor Esteves for the resolution being placed on the next meeting agenda, for the blue light program in support of police.

Two Councilmembers asked for clarification from the Mayor regarding appointments at the next meeting he would make to the new ad hoc Campaign Finance Reform Committee. Mayor Esteves was suggesting seven members, and he would provide the names of all those who expressed interest to the City Clerk, along with his recommendations for appointment. City Council would need to vote to approve those members at the next meeting.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Ogaz asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar items (noted by *asterisk), as amended

City Manager Williams requested removal of Item No. 4 (odor report) from consent for a brief oral report from the Acting City Engineer on current activity.

Mayor Esteves had questions on Item No. 7 (new CIP on Main St. Pavement) and requested to remove it from consent.

Councilmember Grilli asked to remove Item No. 5 (Commission appointments) from consent.

Vice Mayor Montano asked to remove Item No. 6 (Oversight Board alternates) from consent.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

- * 8. Resolution Adopted Resolution No. 8436 granting final acceptance of the 2013 Sound Wall Renovation Project No. 4267 and release of the contractor's bond.
- * 9. Resolution Adopted Resolution No. 8437 approving the appraisal reports, and establishing the fair market value of land in the City of Milpitas outside the Transit Area Specific Plan and Midtown Specific Plan to be \$53 per square foot or \$2,308,680 per acre, and for land in the City of Milpitas inside the Transit Area Specific Plan and Midtown Specific plan to be \$64 per square foot or \$2,787,840 per acre for the purpose of calculating park in-lieu fees, effective on January 7, 2015.
- *10. Cannon Design Group 1. Approved a consultant agreement with Cannon Design Group for design review services on an as-needed basis for the term from January 6, 2015 to January 5, 2018 in the annual amount of \$50,000.
2. Approved an appropriation in the amount of \$50,000 to the Planning and Neighborhood Services Department Fiscal Year 2014-15 operating budget.
- *11. Agreements with EOA 1. Approved two separate consultant agreements with EOA Inc, and CSG Consultants, Inc., for third party review of development projects for compliance with the Municipal Regional Permit (MRP) Provision C.3 for an annual amount not-to-exceed \$60,000.00 and for a term from January 6, 2015 to January 5, 2017.
2. Approved a budget appropriation in the amount of \$120,000 in the Engineering Operating Budget for Fiscal Year 2014-15.

PUBLIC HEARINGS

1. 2015 Weed Abatement Fire Marshal Albert Zamora explained actions taken to date for the weed abatement program, including the resolution adopted last month. This evening was the opportunity to hear from any property owners who might object to clearing of weeds on their properties. Also Mr. Moe Kumre of the County of Santa Clara Agriculture office was present to answer any questions about the program.

Mayor Esteves opened the public hearing for comments, and heard none.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

Motion carried by a vote of: AYES: 5
NOES: 0

(2) Motion: to adopt Resolution No. 8433 directing the County Agricultural Commissioner to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with the Milpitas Municipal Code

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

2. Development Proposal for 75 South Milpitas Blvd.

Senior Planner Shaunn Mendrin presented the history and actions to date for a new residential development featuring 25 townhomes at 75 S. Milpitas Blvd. It will include five “live-work” units located on land at Los Coches and Milpitas Blvd. He explained the request from the developer for an exemption from the recently adopted urgency ordinance requiring use of recycled water for landscaping.

Mayor Esteves asked how the units were harmonious with the Union Bank structure next door to the site. He sought information on how many jobs would be lost due to the new residential development, even with the live-work component.

Mike Sullivan, project developer, came to the podium to answer that two businesses were relocating to locations in Milpitas. Six others were primarily had one or two employees.

Mayor Esteves asked if it was considered mixed-use. Staff replied it was not typical but it was mixed-use with live-work units included. The Mayor asked square footage of residential versus commercial space in the development proposed. He asked about public benefits of the project.

Councilmember Giordano remarked this was a classic infill project. She would not expect architecture to be similar to the next door buildings. She saw it as compatible with storefronts on the street with a commercial component.

Councilmember Barbadillo asked if this was the second live-work unit project in Milpitas and inquired about one other under construction. He had many questions about the businesses in the live-work units and allowable types. He was concerned specifically about the impact to schools and whether the school district had provided any input. Staff replied no response was received from Milpitas Unified School District, though notice had been sent.

Councilmember Grilli commented on the student ratio, and the local school district did constant enrollment projections. Five new students in the project sounded correct and would not be a burden. She liked the look of the project.

Vice Mayor Montano said there should be a soundwall between the bank and the driveway entrance to the homes, or a security gate. She remarked that the project conformed to the one around it and she liked the mixed-use idea. It was not aesthetically appealing to her and felt it was rather plain. Some public art element at the project site would be valuable, she suggested also.

Mayor Esteves opened the public hearing for comments.

Robert Marini, Milpitas resident, said it would take 1.6 million more gallons to provide water. He commented about Councilmember Giordano. Last time, City Council waived park in lieu fees and he urged them not to do that this time. He also wanted to know what the average cost per unit would be.

Rob Means, 1421 Yellowstone resident, noted that on page C1, the elevation of the site was noted to be about 18 feet above sea level. He talked about global warming effects on the City and the rise of sea level in Milpitas.

Don Nguyen, tenant in the current building at 75 S. Milpitas, gave his support to the developer whom he thanked for assistance with relocating in a timely manner. City staff provided a lot of help including on construction at his new office.

Voltaire Montemayor, Milpitas resident, liked housing in Milpitas. He was concerned for people crossing to Marina, with more people walking. It should be commercial.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

Applicant Mike Sullivan came up to podium to address the Council, and thanked staff and the Planning Commission for all their work on this project over the last year. He was excited about the Master Tree Plan his company would work with the City on, as part of the project. Next, the project architect presented a short powerpoint presentation and site plan to Councilmembers.

Vice Mayor Montano noted that the homeowners would pay for infrastructure. Though the association should not pay for future conduits for the “purple pipes” for non-potable water. She wanted the developer to pay for that.

Mayor Esteves asked what type of business would go in the relatively small spaces. He asked about a business person buying the unit. He thought these townhomes would be too expensive for a single person small business owner. The Mayor really wanted to see a project with only commercial space on the first floor.

Councilmember Giordano commented about Town Center and the zoning for that area, with which this project was in conformance.

(2) Motion: to adopt Resolution No. 8434 approving Vesting Tentative Map No. MT14-0002, Site Development Permit No. SD14-0014, Conditional Use Permit No. UP14-0023 and Planned Unit Development No. PD14-0002 for a 25 townhouse development multi-family residential subdivision, based on findings and subject to conditions of approval

Motion included the addition of two conditions: to include a barrier (soundwall or gate) for security separating the development from the bank building next door, and add an art piece on site.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Councilmember Barbadillo gave a reminder that with technicalities and compliance, along with other regulations, that City Councilmembers exercise discretion beyond those laws. He identified many new units being built in Milpitas which all were adding lots of new students to the school district. He would vote no on this residential project.

Vice Mayor Montano said if there were not any developments in the area, she would vote no. She had voted no for the one behind Wells Fargo. However, once the neighborhood was turning residential, she was okay with this project. Businesses at the frontage were a good idea that she supported.

Mayor Esteves had a concern about more residential in a commercial area of the City, so he did not favor the change in use. He would support this development if all of the first floor was all commercial with residential above. He would thus vote no.

Motion carried by a vote of: AYES: 3
NOES: 2 (Esteves, Barbadillo)

3. General Plan Amendment for Climate Action Plan

Senior Planner Adam Petersen explained the need for the General Plan Amendment to incorporate the previously adopted Climate Action Plan.

Vice Mayor Montano asked about Greenhouse Gas Emissions Reduction Strategy, and why no “Eco Passes” were included in the Climate Action Plan. Those transportation passes would help employees to use transit more often, rather than driving. She asked city staff to consider offering those again. She asked about walkways, child care centers in developments, shopping near residences, and other issues.

Mayor Esteves asked about target numbers. He wanted to know what measures were included to target a higher percent of reduction in greenhouse gases.

Mayor Esteves opened the public hearing for comments.

Robert Marini, Milpitas resident, talked about energy efficient appliances and how did that work. He wanted to know what the City offered.

Voltaire Montemayor, Milpitas resident, commented that there was no permanency of big oil reserves. So the more people could save energy, the more use of oil was unneeded. He did not know about electric charging cars.

Rob Means, 1421 Yellowstone, noted that in 2013 there was input from the Sierra Club when this issue came to the City Council. Some elements of the CAP could be improved, to add the PACE program, particularly helpful to homeowners be more efficient. More bicycle infrastructure in town was needed too.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5
NOES: 0

(2) Motion: to adopt Resolution No. 8435 approving General Plan Amendment No. GP13-0002 for o create a section entitled “Greenhouse Gas Emissions Reduction Strategy” within the Land Use Element of the City’s General Plan addressing the City’s adopted Climate Action Plan

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5
NOES: 0

UNFINISHED BUSINESS

4. Odor Report

Acting City Engineer Steve Machida presented the Odor Control update report, reviewing the variety of government regulating agencies and entities involved with odor issues in Milpitas: odor generators, CalRecycle, San Jose Local Enforcement Agency (LEA) and the Bay Area Air Quality Management District. He detailed recent actions and meetings affecting efforts to stop odor in Milpitas.

Mayor Esteves asked who will demonstrate a link between odors and the Newby Island landfill. Mr. Machida replied: inspectors from the state agency would do so, with confirmation on site when reported.

Councilmember Barbadillo asked if Alviso and Santa Clara had the same issues with odor. Staff reported there were some complaints from Santa Clara and even from Fremont reported too. Mr. Barbadillo asked about support to the grass roots group recently formed in Milpitas. Mayor Esteves responded to him about the existing Request for Proposals to the City for an expert in this field to assist the city with legal action.

Councilmember Barbadillo asked if the City had considered lobbying. City Attorney Ogaz responded they would discuss all legal options with expert counsel, including lobbying if appropriate, and then do the groundwork first, once a firm was selected.

Councilmember Grilli reported there two goals in the community: (1) to stop the expansion of the nearby landfill and, (2) find some solutions to the odors (mitigation).

Mayor Esteves invited comments from the audience.

Robert Marini, Milpitas resident, asked what was the solution to the problem since it had been going on for years and years already.

Motion: to note receipt of the oral report on odor issues, provided by Acting City Engineer Steven Machida

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

REPORTS OF MAYOR

5. Commission Appointments

Councilmember Grilli said she was uncomfortable with the appointment process and would like additional information. She wanted to read some justification for why the Mayor was making the recommendations he did.

Councilmember Giordano thought Mrs. Grilli had a valid comment. In the past, the City Council used to interview Planning Commissioner applicants and get to know them a bit. She suggested putting out the names one meeting ahead.

Mayor Esteves responded stating his approach, after talking to the applicants. He encouraged City Council if they had questions to ask him those if they do. He would always go for a majority vote of the Council.

Councilmember Giordano asked if the Mayor was open minded to have some kind of input, when recommending, to advise the Council as to why he was appointing specific persons. Maybe a Mayor's report or a summary from him would help. She believed that should be done at least two meetings ahead.

Mayor Esteves responded to the Planning Commission appointments he was making for two new members recommended for appointment at this meeting.

Motion: to approve all of the following Commission appointments

Community Advisory Commission:

Re-appointed Oscar Leon as a regular member to a term that will expire in January 2019.
Re-appointed Ashish Kathapurkar as Alternate No. 2 to a term that will expire in January 2017.

Emergency Preparedness Commission:

Appointed Evelyn Chua as a regular member to a term that will expire in June 2015.
Appointed Jonathan Nakapalau as Alternate No. 1 to a term that will expire in June 2015.
Newly appointed Christine Tran as Alternate No. 2 to a term that will expire in June 2015.

Planning Commission:

Appointed Hon Lien as a regular voting member to a term that will expire in December of 2015.
Newly appointed Ray Maglalang as a regular voting member to a term that will expire in December of 2017.
Newly appointed Zeya Mohsin as the Alternate Member to a term that will expire in December of 2015.

Senior Advisory Commission:

Re-appointed Debra Langley as a regular member to a term that will expire in December 2016.

Re-appointed Willy Wong as Alternate No. 2 to a term that will expire in December 2016.

Telecommunications Commission:

Re-appointed William Lam as a regular member to a term that will expire in January 2017.

Re-appointed Idrees Munir as a regular member to a term that will expire in January 2016.

Appointed Ernesto Bautista as a voting member to a term that will expire in January 2017.

Appointed Anh Bao as Alternate No. 1 to a term that will expire in January 2017.

Newly appointed Stephan Tang as Alternate No. 2 to a term that will expire in January 2016.

Motion/Second: Councilmember Grilli/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

Councilmember Giordano asked the Mayor to give a report to City Council in the future regarding Planning Commission recommendations in the future.

6. Appoint Alternates to Oversight Board

Vice Mayor Montano asked if the City Council could receive copies of the meeting minutes of the Oversight Board. Staff would provide those to her, Mr. Williams responded. Those documents were available on the City website, also.

Motion: to appoint both Jane Corpus and Steve McHarris as City of Milpitas staff alternates to either voting member on the Milpitas Oversight Board

Motion/Second: Vice Mayor Montano/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

NEW BUSINESS

7. Approve New CIP Project - Main Street Pavement Reconstruction, Budget Appropriation and Authorize Consultant Agreement with HMH Engineers

Mayor Esteves had a question for staff on the amount of the contract with the engineering firm. CIP Manager Steve Erickson described the Request for Proposals process, and reviewed what was done to arrive at HMH Engineers as the recommended firm for the consultant agreement.

City Attorney Ogaz reminded the City Council that the process for proposals was always followed properly and a formal bid for consulting services was not required.

Vice Mayor Montano clarified that it was not a construction project. Staff explained it was the design only phase of the new project. She asked questions about older pipes in the city that were likely to break and timeframe of the pavement work scheduled.

Mr. Erickson responded that the City did have maps showing all utility infrastructure, including Dempsey Road, So. Main Street and other areas to know where breaks and failures have occurred. Engineering worked closely with maintenance staff too.

Councilmember Barbadillo also inquired if this item needed an RFP. Mr. Erickson explained how engineers gather design consultants for a list which is maintained by the Engineering Division.

Motion: to approve the following three actions:

- 1) Approve a new Capital Improvement Program Project – the Main Street Pavement Reconstruction Project No. 4277
- 2) Approve a budget appropriation of \$3,468,000 from the 2003 RDA Tax Allocation Bonds and \$528,000 from the 1997 RDA Tax Allocation Bonds Project No. 4277

3) Authorize the City Manager to execute an agreement with HMH Engineers in the amount of \$225,000, for a term from January 6, 2015 to December 31, 2015

Motion/Second: Councilmember Grilli/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 10:19 PM.

*Meeting minutes respectfully submitted by
Mary Lavelle, City Clerk*

City of Milpitas
Parks, Recreation and Cultural Resources Commission
2015 Work Plan

***2**

Founded July 1, 1992. The Parks, Recreation, and Cultural Resources Commission (PRCRC) advises the City Council regarding the operation and maintenance of recreation, leisure services, and historic preservation activities. The Commission also advises the City Council on the acquisition, planning, and development of new and existing parks and facilities. The PRCRC earned the prestigious award as the state's "Outstanding Commission" for 2008-2009 by the California Association of Parks & Recreation Commissioners & Board Members (CAPRCBM). The Commission consists of seven members and two alternates. Members are appointed to three-year terms and alternates are appointed to two-year terms.

Goals

1. Park Historical Marker Project
2. Sports Center Master Plan/Skate Park
3. Main Street Park (continued update)
4. Soccer Field Acquisition
5. Partner with other commissions on park projects
6. Revise Community Garden Program

Ongoing Tasks

1. Receive updates on the Park Master Plan
2. Continue PRCRC liaison reports
3. Receive CIP status updates
4. Inform commissioners of Legislative updates
5. Visit parks, facilities and historic sites on annual PRCRC tour.
6. Review Community Garden usage and conditions
7. Review the Brown Act with PRCRC Commissioners
8. Sports Center Facility—tour and update on usage and upcoming events
9. Report of Youth Sports Field Usage
10. Update on Parks

Recording Requested by and
When Recorded Mail to:

City of Milpitas
Attention: City Clerk
455 East Calaveras Boulevard
Milpitas, CA 95035

Record without fee under
Section 6103 - Government Code
State of California

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING
INITIAL ACCEPTANCE AND REDUCING PERFORMANCE BOND OF PINWOOD PARK
IMPROVEMENTS, PROJECTS NO. 3412, NO. 5095, NO. 5096, AND NO. 7116, AND
GRANTING AUTHORIZATION TO THE CITY ENGINEER TO ISSUE THE NOTICE OF
FINAL ACCEPTANCE AFTER THE ONE-YEAR WARRANTY PERIOD AND TO RELEASE
AND DISCHARGE THE PERFORMANCE BOND**

WHEREAS, the City of Milpitas has heretofore entered into a contract with Suarez and Munoz Construction, Inc., for the subject project, and the City Engineer of the City of Milpitas has recommended acceptance of said improvement as completed in accordance with plans, specifications and approved change orders and correction lists, and in accordance with the final inspection of said City Engineer.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas does hereby accept said improvement as completed on this 20th day of January, 2015, and does hereby authorize and direct the City Engineer of the City of Milpitas to file a Notice of Completion in accordance with the provisions of Sections 8182 and 9200-9208 of the Civil Code of the State of California, and does hereby authorize and direct the City Engineer to file a Certificate of Completion in accordance with the provisions of Section 4005 of the Government Code of the State of California, if said work was by day's labor or force account. The penal sum of the faithful performance bond securing said improvement may be reduced to the sum of \$180,928.45 upon request of principal and surety, with said penal sum as reduced to apply from the date of completion and acceptance of said improvements and to extend for the balance of the term of said bond, provided that said term shall not be less than one year.
3. The City Council authorizes the City Engineer to issue the Notice of Final Acceptance after the one-year warranty period and to release and discharge the faithful performance bond securing said improvements without further City Council action, provided all required warranty repairs are completed to the satisfaction of the City Engineer; and nothing herein contained shall in any way deemed to be a waiver, release or

relinquishment by City of any obligations imposed upon the contractor or its surety, or sureties, by law or by the above-referenced to improvement contract, save and except those obligations specifically mentioned herein.

PASSED AND ADOPTED this ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

Recording Requested by and
When Recorded Mail to:

City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035
Attention: City Clerk

Record without fee under
Section 6103 - Government Code
State of California

CITY OF MILPITAS

NOTICE OF COMPLETION
(Civil Code Sections 8182 and 9200-9208)

NOTICE IS HEREBY GIVEN:

1. On or about March 18, 2014, the City of Milpitas, a municipal corporation of the State of California, whose address is City Hall, 455 East Calaveras Boulevard, Milpitas, California, 95035 (as owner) entered into a contract for work of: Pinewood Park Improvement, Projects No. 3412, 5095, 5096, & 7116.
2. A description of the site of which the City is owner for said work of improvement is: Pinewood Park in the City of Milpitas, Santa Clara County, California, more particularly described on the plans.
3. The nature and interest or estate of the City as owner of said site is: City of Milpitas.
4. The name and address of the original contractor is: Suarez and Munoz Construction, Inc., 20975 Cabot Boulevard Hayward, CA 94545.
5. A general statement of the kind of work done or materials furnished to the City is as follows: Various improvements at Pinewood Park, Hall Memorial Park, and Robert E. Browne Park including new site furnishings, landscape, irrigation, and lighting upgrades.
6. The name of the sureties upon the bond of the contractor for said work of improvement is: Developers Surety and Indemnity Company 2999 Oak Road, Suite 420, Walnut Creek, CA 94597; bond # 724971P.
7. Said work of improvement was accepted by the Milpitas City Council as completed on January 20, 2015.

I, the undersigned, declare that I am the City Engineer of the City of Milpitas and am authorized to execute the foregoing Notice of Completion and this Verification thereof. I have read the foregoing Notice of Completion. I declare under penalty of perjury that the foregoing Notice of Completion is true and correct. Executed on _____, 2015 at Milpitas, California.

Steve Machida, Acting Public Works
Director/City Engineer, City of Milpitas

NOTE: RECORD WITHIN 15 DAYS OF ACCEPTANCE WITH COUNTY RECORDER OF SANTA CLARA COUNTY

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AWARDING TO AND APPROVING A CONTRACT WITH JP GRAPHICS, INC., A CALIFORNIA CORPORATION, TO PROVIDE CITY-WIDE PRINTING SERVICES AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXERCISE UP TO FOUR ANNUAL RENEWAL OPTIONS, SUBJECT TO APPROPRIATION OF FUNDS AND WITHOUT FURTHER CITY COUNCIL APPROVAL

WHEREAS, on October 24, 2014, City of Milpitas ("City") released a Request for Proposals (RFP) No. 2083 soliciting proposals for Citywide Printing Services, which was published in the local newspaper, on the City website and through the *Public Purchase* electronic procurement website; and

WHEREAS, on November 18, 2014, three (3) proposals were received in response to the RFP and JP Graphics, Inc., was deemed the highest ranking proposer by the evaluation committee; and

WHEREAS, the City's Purchasing Agent recommends the City Council approve the contract between the City and JP Graphics, Inc., for the period from February 1, 2015, to January 31, 2016, in the initial annual amount not to exceed Seventy Thousand Dollars (\$70,000); and

WHEREAS, City staff also requests authority for the City Manager or designee to exercise up to four (4) annual renewal options in the annual amount of Seventy Thousand Dollars (\$70,000), with annual fee increases not to exceed the Consumer Price Index (excluding adjustments for paper prices) or three percent (3%) each year, whichever is less, without further City Council approval and subject to appropriation of funds.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council awards to and approves the contract with JP Graphics, Inc., a California corporation, to provide printing services for all City departments from February 1, 2015, to January 31, 2016, in the annual amount not to exceed Seventy Thousand Dollars (\$70,000); a copy of the contract is on file with the City Purchasing Agent; and
3. The City Council authorizes the City Manager or designee to extend the term of the contract by exercising up to four (4) annual renewal options in the annual amount not to exceed Seventy Thousand Dollars (\$70,000), with annual fee increases not to exceed the Consumer Price Index (excluding adjustment for paper prices) or three percent (3%), whichever is lower, without further City Council approval and subject to appropriation of funds.

PASSED AND ADOPTED this ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

ATTEST:

Mary Lavelle, City Clerk

APPROVED:

Jose S. Esteves, Mayor



CITY OF MILPITAS CONTRACT

Project: **Citywide Printing Services**

Bid No: **RFP #2083**

Annual Amount of Contract: \$70,000.00

THIS CONTRACT, made this ___ day of _____, 2015, by and between the City of Milpitas, a municipal corporation of the State of California, hereinafter referred to as the "City of Milpitas", and **JP Graphics, Inc., a California corporation**, hereinafter referred to as "Contractor,"

WITNESSETH:

- A. WHEREAS, the City has caused specifications, drawings and other contract documents, hereinafter referred to as "Specifications" to be prepared for certain work on the referenced project; and
- B. WHEREAS, the term of the contract shall be one (1) year with a City option for four (4) additional one (1) year periods as further described herein, and
- C. WHEREAS, said Specifications include:
 - a. Notice of Request For Proposals
 - b. Minimum Qualifications
 - c. Scope of Work/Technical Specifications
 - d. Instructions To Proposers
 - e. Terms and Conditions
 - f. Special Provisions For Services
 - g. Proposal Offer and Price Proposal
 - h. Notice of Exercise of Option to Extend Agreement (Contract Exhibit A)
 - i. Non-Collusion Affidavit
 - j. Proposer's Statement Regarding Insurance Coverage
 - k. Worker's Compensation Insurance Certificate
 - l. Nondiscriminatory Employment Certificate
 - m. Minimum Qualifications & Experience Statement
 - n. Subcontractors List
- D. WHEREAS, Contractor has offered to perform the proposed work in accordance with the terms of said Specifications as set forth by submission of Contractor's Proposal;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained in said Specifications and Contractor's Proposal, which are made a part hereof as though fully set forth, Contractor hereby agrees to complete the work at the prices and on the terms and conditions therein contained, and the City hereby employs the Contractor and agrees to pay the Contractor the contract prices therein provided for the fulfillment of the work and the performance of the covenants therein set forth.

The initial term of this Contract is from February 1, 2015 to January 31, 2016 ("Initial Term") in the annual amount not-to-exceed Seventy Thousand Dollars (\$70,00). The City reserves the right at its sole discretion to extend this Contract on an annual basis for up to four (4) years in the annual amount not-to-exceed Seventy Thousand Dollars (\$70,000) by providing written notice to Contractor prior to the expiration of the then applicable term and in the form attached in the Specification entitled "Notice of Exercise of Option to Extend Agreement."

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

City of Milpitas,
A Municipal Corporation

CONTRACTOR
JP Graphics, Inc.

Thomas C. Williams, City Manager

Authorized Signature

By: Joan Escover, Owner
Business Tax Compliance:
Certificate No. 21459

Approved As
To Form:

Michael Ogaz, City Attorney

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
AMENDING THE CLASSIFICATION PLAN**

WHEREAS, the City of Milpitas has a Classification Plan adopted as Resolution No. 1626 on December 17, 1968, which has been from time-to-time previously amended, and which is in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792, as amended); and

WHEREAS, amendments to the Classification Plan are necessary to account for changes within the organization, reductions in staffing, transfer of duties, new job responsibilities, and adjustments to salary ranges.

NOW THEREFORE, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. Resolution No. 1626, as amended, is hereby amended effective _____, as follows:
 - A. The classification of "Public Works Director" is reestablished as one (1) separate position within the Public Works Department. The proposed job specifications are attached as Exhibit A. The salary range for the position is as follows:

Salary Range Establishment for Reestablished Classification

<u>Title</u>	<u>Proposed Range</u>
Public Works Director	\$152,199 - \$185,000

- B. The classification of "City Engineer" is reestablished as one (1) separate position within the Engineering Department. The proposed job specifications are attached as Exhibit B. The salary range for the position is as follows:

Salary Range Establishment for Reestablished Classification

<u>Title</u>	<u>Proposed Range</u>
City Engineer	\$152,199 - \$185,000

PASSED AND ADOPTED this ____ day of _____, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

CITY OF MILPITAS
EFFECTIVE: April, 1994
REVISED: January 2015
EEOC: Officials/Admins.
UNIT: Unrepresented
PHYSICAL: 1

PUBLIC WORKS DIRECTOR

DEFINITION

To plan, organize, direct and oversee the activities and operations of the Public Works Department including public works operations and maintenance. Public Works operations and maintenance activities include facilities maintenance and operations, utilities maintenance and operations, Parks maintenance and operations, building maintenance and operations, fleet and equipment maintenance, streets and street landscape maintenance and operations; and to provide professional and technical staff assistance.

SUPERVISION RECEIVED AND EXERCISED

- Receives administrative direction from the City Manager.
- Exercises direct and indirect supervision over professional, technical, maintenance and office administrative positions.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, organize, and direct the activities of Public Works Maintenance including the areas of public facilities maintenance, building and equipment maintenance.

Participate in the development and implementation of both short-range and long-range goals, objectives, policies, and procedures relative to public works activities and maintenance operations.

Resolve work problems and interpret administrative policies for subordinates, other departments, and the public.

Administer contracts for the construction of municipal buildings and other related activities.

Determine scope of Public Works projects, review plans of private contractors, make technical and sound decisions, and establish technical criteria.

Work with City Engineer in the preparation and administration of the Capital Improvement Program.

Represent the Public Works Department at City Council, local and regional commission meetings.

Review and approve Public Works drawings.

Propose and review developer conditions, negotiate development conditions, meet and discuss City requirements with developers and contractors.

Prepare and administer the department budget; authorize all requisitions and payments within the department.

Prepare and present department recommendations to the Planning Commission and City Council after considering alternatives, advisability, and conformance of proposals with applicable codes, rules, regulations, and the law.

Coordinate public works activities with other City departments and with outside agencies.

Prepare a variety of reports, correspondence and special studies.

Respond to complex citizen inquiries and complaints.

Supervise, coordinate, and review all staff activities.

Provide professional and technical staff assistance.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles and practices of public works, administration and civil engineering and administration as applied to the design and construction of public works facilities and projects.
- Technical, legal, and financial requirements relating to contracts and administration.
- Recent developments, current literature, and sources of information regarding civil engineering and public works.
- Codes, ordinances, resolutions, and laws affecting the operation of the Public Works Department.
- Applicable Federal, State and local laws, rules, and regulations related to engineering and the development and construction of public works.
- Methods of preparing designs, plans, specifications, estimates, reports, and recommendations relating to street, traffic signals, lighting, and landscaping systems.
- Principles of organization, administration, budget, and personnel and office management.

Ability to:

- Plan, organize, direct, and review the activities of a large City department.
- Coordinate, schedule, and program work on a long-term basis.
- Communicate effectively, orally and in writing.
- Prepare and administer a departmental budget.
- Prepare accurate and comprehensive reports.
- Draft contract documents and administer the same.
- Establish and maintain positive and effective working relationships with City staff, developers, consultants, and the general public.

EXPERIENCE AND EDUCATION

Experience: Seven years of increasingly responsible public works management, three years of which included working in a public sector environment and two years of supervisory experience which includes some area relating to public facilities maintenance, building construction and equipment maintenance, oversight involving the design and construction of a variety of public work projects; as well as public facilities maintenance, building construction and equipment maintenance.

Education: A Bachelor of Science degree in civil or structural engineering, engineering, public administration or a related field from an accredited college or university.

LICENSE AND CERTIFICATE

- Possess and maintain an appropriate, valid California Driver's License.

Desirable Qualification:

Possession of a certificate of registration as a professional civil engineer in the State of California.

SPECIAL REQUIREMENTS:

Essential duties require the following physical abilities and work environment.

Typically, work is performed in an office environment and at construction sites; exposure to outdoor elements; extensive use of the telephone and radio; repetitive keyboarding on a computer; ability to walk on uneven ground; sit for extended periods; maintain concentration and focus for extended periods; drive daily to various locations within and outside the City of Milpitas; ability to work safely in a hard-hat construction zone; some exposure to construction related chemicals and products.

Approved by:

City Manager

Date

Human Resources Director

CITY OF MILPITAS
EFFECTIVE: January 2015
EEOC: Officials/Admin
UNIT: Unrepresented
PHYSICAL: 1

CITY ENGINEER

DEFINITION

To plan, organize, direct and oversee the activities and operations of the Engineering Department. The Engineering Department includes the areas of land development, traffic, design, utilities, solid waste, storm and sewer and inspection. This position will formulate policy, develop goals and objectives, supervise staff and administer the department's budget; performs professional civil engineering work; and performs other duties as assigned.

SUPERVISION RECEIVED AND EXERCISED

- Receives administrative direction from the City Manager.
- Exercises direct and indirect supervision over professional, technical, maintenance and office administrative positions.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, organize, direct and manages the Engineering Department activities, programs and projects including consultant contract administration and engineering design, development, survey, construction and inspection for the City; includes oversight of the areas of engineering, land development, traffic, design, utilities, solid waste, storm and sewer and inspection.

Participate in the development and implementation of both short-range and long-range goals, objectives, policies, and procedures relative to public works engineering activities and maintenance operations.

Resolve work problems and interpret administrative policies for subordinates, other departments, and the public.

Administer contracts for the construction of municipal buildings and other related activities.

Determine scope of engineering projects, review plans of private contractors, make technical engineering decisions, and establish technical criteria and standard.

Manage, oversee and participate in the preparation and administration of the Capital Improvement Program.

Represent the Engineering Department at City Council, local and regional commission meetings.

Review and approve engineering drawings.

Propose and review developer conditions; negotiate development conditions; meet and discuss City requirements with developers, contractors, and engineers.

Prepare and administer the division budget; authorize all requisitions and payments within the division.

Prepare and present engineering recommendations to the City Council after considering alternatives, advisability, and conformance of proposals with applicable codes, rules, regulations, and the law.

Coordinate engineering activities with other City departments and with outside agencies.

Prepare a variety of reports, correspondence and special studies.

Respond to complex citizen inquiries and complaints.

Supervise, coordinate, and review all staff activities.

Provide professional and technical staff assistance.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles and practices of civil engineering administration as applied to the design and construction of public works facilities and projects.
- Technical, legal, and financial requirements relating to contracts and administration.
- Recent developments, current literature, and sources of information regarding civil engineering and public works.
- Codes, ordinances, resolutions, and laws affecting the operation of the Engineering.
- Applicable Federal, State and local laws, rules, and regulations related to engineering and the development and construction of public works.
- Methods of preparing designs, plans, specifications, estimates, reports, and recommendations relating to street, water, sanitary sewer, storm sewer, traffic signals, lighting, and landscaping systems.
- Principles of organization, administration, budget, and personnel and office management.

Ability to:

- Plan, organize, direct, and review the activities of a large City Division.
- Make complex engineering calculations and prepare engineering plans and specifications
- Coordinate, schedule, and program work on a long-term basis.
- Communicate effectively, orally and in writing.
- Prepare and administer a department budget.
- Prepare and administer the Capital Improvement Program.

- Prepare accurate and comprehensive reports.
- Draft contract documents and administer the same.

Ability to:

- Establish and maintain positive and effective working relationships with City staff, developers, consultants, engineers, and the general public.

EXPERIENCE AND EDUCATION

Experience: Seven years of recent, continuous, progressively responsible professional engineering experience, including three years at the mid-management/supervisory level in a public sector environment.

Education: A Bachelor of Science degree in civil or structural engineering from an accredited college or university.

LICENSE AND CERTIFICATE

- Possess and maintain a current certificate of registration as a professional civil engineer in the State of California.
- Possess and maintain an appropriate, valid California Driver's License.

SPECIAL REQUIREMENTS:

Essential duties require the following physical abilities and work environment.

Typically, work is performed in an office environment and at construction sites; exposure to outdoor elements; extensive use of the telephone and radio; repetitive keyboarding on a computer; ability to walk on uneven ground; sit for extended periods; maintain concentration and focus for extended periods; drive daily to various locations within and outside the City of Milpitas; ability to work safely in a hard-hat construction zone; some exposure to construction related chemicals and products.

Approved by:

City Manager

Date

Human Resources Director

Date

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:				
☒ Budget Appropriation	100-2940	\$ 34,000	100-411-4111	\$ 34,000
	400-2940	17,000	400-411-4111	17,000
☐ Budget Transfer	450-2940	17,000	450-411-4111	17,000

Explain the reason for the budget change:

Background:

Periodically, amendments to the Classification Plan are required to account for organizational changes, equity adjustments to salary ranges and other related changes or conditions.

In 2005 the positions of the Public Works Director and City Engineer were combined to help with efficiencies and to achieve budget savings due to downturn of the economy. Along with the reclassification, staff recommended adjustment of the salary to reflect the expanded duties. The current salary range for the Public Works Director/City Engineer is \$152,645 - \$198,530.

With the recent staff change, the City Manager has an opportunity to analyze the workload and span of management control of the Public Works Director/City Engineer position and has determined that the responsibilities were too tremendous for one person to oversee. The Human Resources Department was tasked to analyze internal City classifications and survey other public agencies to determine responsibilities and salary ranges of a City Engineer and a Public Works Director as separate positions. The result of the analysis indicated that there are many agencies that retain separate classifications. The proposed salary range for the Public Works Director and the City Engineer is \$152,199 - \$185,000 respectively is reasonable based on survey of other cities and comparable responsibilities within the City. Revised job descriptions for the Public Works Director and City Engineer are included in the City Council Agenda packet for review.

Fiscal Impact: There is adequate funding for a Public Works Director in the FY 2014-2015 Operating Budget and funding for the City Engineer will require additional \$68,000 appropriations to the Engineering Budget.

Recommendations:

- 1) Adopt a resolution amending the City of Milpitas Classification Plan to reestablish a Public Works Director and a City Engineer with an annual salary range of \$152,199 - \$185,000.
- 2) Approve the budget appropriation of \$68,000 to the Engineering budget.

☒ Check if City Council Approval required.

Meeting Date: January 20, 2015

Requested by:	Carmen Valdez, HR Director	Date: January 8, 2015
Reviewed by:	Finance Director: <i>McKee</i>	Date: <i>1/8/15</i>
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by:

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS IN SUPPORT OF
PROJECT BLUE LIGHT DURING THE HOLIDAY SEASON AND THE MONTH OF
JANUARY TO HONOR FALLEN POLICE OFFICERS AND THOSE PRESENTLY SERVING**

WHEREAS, in 1988 the organization “Concerns of Police Survivors” (“COPS”) received a letter from Mrs. Dolly Craig of Philadelphia stating that she would be putting blue lights in her window during the holiday season in honor of her son-in-law, Danny Gleason, a Philadelphia Police Officer who was killed in the line of duty in 1986; and

WHEREAS, COPS shared this idea with others and now thousands of blue lights shine nationwide during the holiday season to honor and remember those law enforcement officers who have given their lives in service to the profession. The blue lights also thank those officers who continue to work in America’s increasingly dangerous streets each and every day of the year; and

WHEREAS, the City of Milpitas honors and recognizes, along with other municipalities throughout the country, our fallen Police Officers as well as those presently serving, by displaying a blue light in windows during the holiday season and the month of January; and

WHEREAS, the City of Milpitas would like to also take this opportunity to recognize other public safety personnel and our military who have fallen in the line of duty.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council supports Project Blue Light and encourages its residents to participate in Project Blue Light during the holiday season and the month of January in honor of fallen Police Officers and those who continue to serve.

PASSED AND ADOPTED this ____ day of _____ 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

**AMENDMENT No. 1 TO AGREEMENT WITH
CALRECOVERY INC. FOR CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this 20th day of January, 2015, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and CalRecovery, Inc., a California Corporation (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional consulting services, on October 16, 2014 in the amount of Fifteen Thousand dollars (\$15,000.00) for on-call solid waste support services; and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide additional professional consulting services.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 2, entitled "Compensation" of the Agreement, is amended in its entirety to read as follows:

"City hereby agrees to pay Consultant a guaranteed maximum price not to exceed Fifty Thousand Dollars (\$50,000.00) for all services to be performed and reimbursable costs incurred under this Agreement. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Hourly rates for personnel performing services shall be as shown in Exhibit B. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement."

2. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written on Page 1.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

Thomas C. Williams, City Manager

George Savage
Executive Vice President

Steven Machida, Acting City Engineer

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:				
☒ Budget Appropriation	280-2909	\$ 35,000	280-416-4237	\$ 35,000
☐ Budget Transfer				

Explain the reason for the budget change:

Background: The Milpitas community continues to experience frequent and severe odor events from Newby Island Landfill and Recyclery. The owner of the landfill is moving through a multi-step permitting process which will ultimately result in extending the Newby Island Landfill life until approximately 2041. Milpitas staff are reviewing technical documents and challenging each process. Due to the heavy workload of utility engineering and the specialized nature of this review, the City entered into an agreement with CalRecovery, an engineering consulting firm specializing in solid waste management on October 16, 2014 in the amount of \$15,000 for a two year term. CalRecovery has expertise in the field of solid waste processes, State permitting requirements, and odor mitigation practices, is familiar with the processes at Newby Island, and has assisted the City in the past. It is now necessary to amend the Agreement to continue the technical review of the permit documentation.

Fiscal Impact: A budget appropriation of \$35,000 is needed from the Solid Waste Fund to the Utility Engineering Operating Budget.

Recommendation:

1. Approve Amendment No. 1 to the Consultant Agreement with CalRecovery for On-Call Services in the Amount of \$35,000.
2. Approve a Budget Appropriation from the Solid Waste Fund in the amount of \$35,000.

☒ Check if City Council Approval required.

Meeting Date: January 20, 2015

Requested by:	Marilyn Nickel, Associate Civil Engineer	Date: January 2, 2015
Reviewed by:	Finance Director: <i>M. C. Kee</i>	Date: <i>1/5/15</i>
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by:

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, January 20, 2015
Time: 7:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 7:09 PM. The City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo, Giordano and Grilli

ABSENT: Councilmember Barbadillo was absent at roll call. He arrived in Closed Session at 6:04 PM.

CLOSED SESSION

City Council convened in Closed Session to discuss litigation and labor negotiations.

City Council then convened in Open Session at 7:15 PM.

ANNOUNCEMENT

City Attorney Mike Ogaz announced out of closed session that the Council reached agreement with three labor groups including with (1) Mid-management Confidential group ending on June 30, 2016, including a 4% restoration of employer PERS deduction upon adoption and a 4% PERS restoration on July 1, 2015; with (2) Milpitas Employees Association ending June 30, 2016 including a 6.5% salary restoration upon adoption and a 3.5% salary restoration July 1, 2015, and the contract may be extended one year with a 3% salary increase at the discretion of the City Manager at the end of the term (until June 30, 2017), conditioned along with dismissal of a pending Public Employment Relations Board (PERB) charge; and, with (3) Professional and Technical group, until June 30, 2016 including a 4% restoration of employer PERS contribution and a 4% restoration July 1, 2015. All three Memorandums of Understanding (MOU) contain a variety of other minor terms, and would be on file at the City Clerk's office 10 days before a final vote of approval. City Council would vote at the next regular meeting on February 3, 2015 on all three MOUs.

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Mayor Esteves invited Bishop Riker from the Church of Latter Day Saints covering Milpitas, commonly known as the Mormon church, to provide the invocation prayer.

MEETING MINUTES

Motion: to approve two sets of minutes from the January 6, 2015 City Council meetings (Study Session and the regular meeting)

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendar/Schedule of Meetings for January and February 2015, as amended

City Manager Tom Williams announced that the Parks, Recreation and Cultural Resources Commission would hold a special meeting on January 21, 2014 at 7:00 PM in the Committee Room at City Hall.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

PUBLIC FORUM

Linda Arbaugh, President of Friends of the Library, invited the City Council to join her organization and to attend the upcoming Friends Library Book Sale at the next weekend. Early entry on Friday, January 3, 2015 from 7 – 9 PM was open for members only.

Voltaire Montemayor, Milpitas resident, wanted a singing hall for a singing contest in an auditorium. He suggested having “American Idol” in the park.

Robert Marini, Milpitas resident, referred to a notice he received in the mail regarding Newby Island landfill which wanted to expand its dump. Milpitas was doing nothing about it, except increasing housing units and more use of water resources.

Councilmember Giordano responded that odor control was a hot issue right now and the City Council had been very pro-active, but could not discuss publicly some items. A new report would be made to the public on an upcoming agenda.

Rob Means, 1421 Yellowstone resident, did not agree with all of what Mr. Marini said. Population of the world and the city was going up. There was a need to take care of increasing population, with increased resource needs, so changes were needed. He urged reduced consumption with more recycled content.

ANNOUNCEMENTS

City Manager Tom Williams announced that Flextronics, a Milpitas company, would host its internal “Town Meeting” for employees soon when select City staff would give an overview about the City including services offered to those employees on Wednesday, January 21 at 2:30 PM. Staff included the Economic Development Manager and others.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Ogaz asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

APPROVAL OF AGENDA

Motion: to approve the agenda, as amended

City Manager Tom Williams reported that staff requested to remove agenda item no. 5, regarding acceptance of Pinewood Park from this agenda, to be heard at a future Council meeting.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar items (noted by *asterisk), as submitted

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5
NOES: 0

*** 2. PRCRC Work Plan**

Approved the Parks, Recreation and Cultural Resources Commission 2015 Work Plan.

*** 3. Appointments**

Community Advisory Commission:

Appointed Ashish Kathapurkar as a regular, voting member to a term that will expire in January of 2019.

Appointed Ashok Sharma as a regular, voting member to a term that will expire in January of 2018.
Appointed Mike Bilbao as Alternate No. 1 to a term that will expire in January of 2017.

Parks, Recreation and Cultural Resources Commission:

Appointed Bhupinder (Bill) Singh as a regular, voting member to a term that will expire in June of 2017.
Appointed Satish Bansal as Alternate No. 1 to a term that will expire in June of 2016.

- * 4. Commissioners Recognition 2015
Approved the 2015 Commissioners Recognition Event as a catered luncheon to be held at the Milpitas Community Center on Saturday, April 25, 2015 from 11:30 am to 1:30 pm, at a cost that will not exceed \$8,000.
- * 5. Initial Acceptance of Park
Item was removed the agenda, for consideration in the future.
- * 6. Resolution
Adopted Resolution No. 8438 awarding and approving a contract with JP Graphics, Inc. for the annual not-to-exceed amount of \$70,000.00 with the option for annual renewals not-to-exceed a total contract term of five years.
- * 7. Resolution
Adopted Resolution No. 8439 amending the City of Milpitas Classification Plan to reestablish a Public Works Director and a City Engineer with annual salary ranges of \$152,199 - \$185,000. Approved the budget appropriation of \$68,000 to the Engineering Department budget.
- * 8. Resolution
Adopted Resolution No. 8440 in support of Project Blue Light during the holiday season and the month of January to honor fallen police officers and those presently serving the police force.
- * 9. Resolution
Approved Amendment No. 1 to the consultant agreement with CalRecovery for On-Call Services in the amount of \$35,000. Approved a budget appropriation from the Solid Waste Fund in the amount of \$35,000.
- *10. Payment to CRW
Authorized payment of annual support and maintenance to CRW (for Building Permit and Land Management Software) in the amount of \$22,000.00.
- *11. Payment to Lyon Communities
Received report of emergency removal of playground equipment from Apex Park and authorize staff to pay Lyon Communities invoices totaling \$52,942.53 for repair work.

REPORT OF MAYOR

- 1. New Ad Hoc Committee Appointments
Mayor Esteves expressed his recommendation to appoint nine people to a Committee to make recommendations to the City Council about possible changes to campaign finance regulations in the local municipal code. He had identified nine of the people who had contacted the City Clerk expressing an interest to serve.

He said the vote would be by the Council with at least three votes majority. If one did not get three votes, then Council could make its own recommendation for another member.

Councilmember Grilli thanked the Mayor for creating a fair process. She liked the chance to ask applicants questions, and for putting it out to the community. She noted that one resident, Heidi Wolf, reported to her that she had sent an e-mail to the City Clerk, but it was not received.

Councilmember Giordano felt it was exciting that 14 people were interested. She asked to separate the vote, by removing Rajeev Madnawat from the list, and vote on all the others first as one vote, which she then moved to do.

Mayor Esteves responded that he would thus recommend the eight remaining names.

Vice Mayor Montano said this topic was not a local problem only, rather it was statewide and a national problem where corporations have huge amounts of money they put into election campaigns. If it was tackled on a local level, it could really help the election process, she believed.

Motion: to appoint these eight Milpitas residents, as recommended by Mayor Esteves, to the new Committee Finance Reform Committee: Bill Ferguson, Lokesh Krishnarajpet, Martha Lamdin, Syed Mohsin, Bob Nunez, Althea Polanski, Marty Riker, and Rohit Sharma

Motion/Second: Mayor Esteves/Councilmember Grilli

Motion carried by a vote of: AYES: 5
NOES: 0

Motion: to appoint Rajeev Madnawat, as recommended by Mayor Esteves, to the new Committee Finance Reform Committee

Motion/Second: Mayor Esteves/Vice Mayor Montano

Motion carried by a vote of: AYES: 3
NOES: 2 (Giordano, Grilli)

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 7:53 PM.

The foregoing minutes were approved by the Milpitas City Council on February 3, 2015.

Mary Lavelle
Milpitas City Clerk

**DRAFT MEETING MINUTES
CITY OF MILPITAS**

Minutes of:	Special Meeting of Milpitas City Council
Date:	Tuesday, January 6, 2015
Time:	6:00 PM
Location:	Milpitas City Hall Committee Conference Room 455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor/Chair Esteves called the meeting to order at 6:00 PM.

PRESENT: Mayor Esteves, Vice Mayor Montano, and Councilmembers Barbadillo, Giordano and Grilli

ABSENT: None

Also present were members of the Community Advisory Commission (CAC) including Chair Samantha Beard and Chair of the Trees Subcommittee Ray Maglalang.

APPROVAL OF AGENDA

Motion: to approve the agenda

Motion/Second: Councilmember Grilli/Vice Mayor Montano

Motion carried by a vote of:	AYES: 5
	NOES: 0

PUBLIC FORUM

None.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST**

None.

STUDY SESSION

Planning Director Steven McHarris gave an overview of past history regarding tree planting in Milpitas, and the report from Community Advisory Commissioners to plant hundreds of trees around the perimeter of Milpitas to provide a defining entry way to the City. He identified a Streetscape Master Plan from 2000, which still exists. The Community Advisory Commission had included a tree planting program as part of its current work plan, and members recommended planting of jacaranda trees at city entry ways.

Developers could possibly fund landscape architect services when projects were approved by City Council. City Attorney Ogaz confirmed to Councilmember Giordano that some park in lieu fees by developers could pay for tree planting.

CAC Commissioner Ray Maglalang explained that all trees were recommended for planting would be within City right-of-way, not on any private property. He and other Commissioners explained grant funds available from Our City Forest (OCF) for this project, which sought matching funds from the City. The Commissioners suggested \$25,000 from the City budget was needed to get started in 2015. Approximately 2,000 or more trees would ultimately be necessary to plant around the boundary of the City of Milpitas.

Mayor Esteves recommended that the Commission return to City Council with a long range plan which included staff estimates to maintain that many trees in the long term, as well review of the inventory of current trees. Councilmembers commented further, with all in support of additional trees added to the City to

make it more vibrant and attractive. Hiring a landscape architect for this project was recommended by several staff, Council and Commissioners.

A recommendation to the City Council could be made this month in the short term that includes use of the OCF grant funds and immediate tree planting plans for 2015.

ADJOURNMENT

Mayor/Chair Esteves adjourned the meeting at 7:02 PM. City Council moved to the second floor of City Hall for the regularly scheduled meeting.

*Meeting minutes respectfully submitted by
Mary Lavelle, City Clerk*