

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, June 3, 2014
Time: 6:00 PM Closed Session / 7:00 PM Open
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 6:00 PM. The City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Polanski, Councilmembers Giordano and Montano

ABSENT: Councilmember Gomez was absent at roll call. He arrived at 6:14 PM for the Closed Session.

CLOSED SESSION

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

City Council then convened in Open Session at 7:01 PM.

ANNOUNCEMENT

None out of Closed Session.

PLEDGE

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

INVOCATION

Mayor Esteves provided a short prayer to start the meeting.

MEETING MINUTES

Motion: to approve the minutes of May 20, 2014 City Council meeting

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedule of Meetings for June 2014

Mayor Esteves announced to the public that there were no City Council meetings in July, when the Council annually takes a break.

City Manager Tom Williams announced two meetings to add to the June calendar:

- 1) Milpitas Unified School District Board representatives and two Councilmembers would meet on Thursday, June 12 at 12:30 at City Hall Committee Room regarding the McCandless property.
- 2) Special meeting of the Board of Directors of the Santa Clara Valley Transportation Authority was scheduled for June 26 at 9:00 AM

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

PRESENTATION

Mayor Esteves recognized the following:

- Youth Advisory Commission (YAC) Scholarship award to Ms. Ivy Pham, graduating senior at Milpitas High School, founder of the Science Club and Co-President of Math Club, who would attend Harvard University in the fall. YAC Vice Chair Cindy Wang announced the goals of the new YAC scholarship and the selection of Ms. Pham.

- Volunteers of the Volunteer Income Tax Assistance (VITA) program, who helped prepare income tax returns for those in need each spring. Lead volunteer Mr. Shaheed Mujtaba spoke on behalf of the Milpitas VITA volunteers. Linda Arbaugh from Milpitas Public Library and a United Way representative were issued certificates from the Mayor.

PUBLIC FORUM

Robert Marini, resident, referred to his prior comment on alleged kick-backs and a response he got. Then he quoted figures about Councilmembers' salary and hours worked, and the pension for a part-time job. He referred to a prior comment by the City Manager, and Mr. Marini said he got the information he'd quoted from City staff. No City Councilmember was being underpaid, he felt, and he never saw a City Councilmember who did not want to run again for another term.

Mayor Esteves responded to Mr. Marini, saying he was unkind to generalize about City Councilmembers. The Mayor noted how many hours all put in on the job as elected officials. He felt Marini made a disservice with his comments, and was disseminating untrue statements.

Rob Means, 1421 Yellowstone, talked about redevelopment agency dissolutions, the City of Brentwood case, and quoted a judge's decision in the legal case.

Mr. Dem Nitafan, President of Fil-Am Association of Milpitas, announced the upcoming 2014 Annual Filipino Fiesta on Saturday, June 7 from 2 – 5:30 PM. He thanked the City for the grants, helping with the event at the Community Center. This year was the 27th year of the fiesta in Milpitas and the 116th year of independence of the Philippines. He invited all elected officials, City staff and the community to come to the festivities.

ANNOUNCEMENTS

City Manager Tom Williams announced that a judge ruled recently that the City's sewer rates were fair and correct, after Mr. Marini challenged the City in court.

Councilmember Giordano congratulated Spring Valley Firefighters who graduated at a ceremony last Saturday evening at City Hall.

Vice Mayor Polanski thanked staff and those who attended the Memorial Day ceremony honoring veterans in a very wonderful day. She congratulated the Chamber of Commerce for its BBQ Festival held last weekend. On Sunday, she went to the Children's Theatre Alliance 5K run/walk and thanked all sponsors for that fundraising event. Finally, she noted her total compensation was less than \$11,000 last year, and that Council took a 10% pay cut several years ago and that had continued through today. She would be happy to share her compensation report with the public.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Ogaz asked City 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: Vice Mayor Polanski/Councilmember Giordano

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

CONSENT CALENDAR

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

Councilmember Montano asked to remove Items No. 6 (Senior Advisory Commission workplan) and No. 16 (various Recreation vendors).

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

* 4. Odor Report

Received the current update of the odor report.

- * 5. Commission Re-appointments Confirmed the following, as recommended by the Mayor:
- Emergency Preparedness Commission: re-appointed Mercedes Albana as a regular member to a term that will expire in June 2017.
- Library Advisory Commission: re-appointed Yu-Lan Chou, Ha Phan, Trinidad Aoalin and Elpidio Estioko as regular members to terms that will expire in June 2016.
- Parks, Recreation and Cultural Resources Commission: re-appointed Bhupinder (Bill) Singh as Alternate No. 1 to a term that will expire in June 2016.
- * 8. Adopt Ordinance 196.11 Waived the second reading and adopted Ordinance No. 196.11 to regulate daytime residential noise levels.
- * 9. Adopt Ordinance 271.1 Waived the second reading and adopted Ordinance No. 271.1 merging the Public Art Committee with the Arts Commission.
- *10. Resolution Adopted Resolution No. 8377 calling a General Municipal Election for Tuesday, November 4, 2014, requesting consolidation with the statewide gubernatorial election and requesting election services from the Santa Clara County Registrar of Voters.
- *11. Resolution Adopted Resolution No. 8378 approving Non-Exclusive Collection, Transportation, and Recycling Agreements with Peninsula Debris Box Service, LLC. and Lam Hauling, Inc. for three-year terms commencing on June 3, 2014 and August 2, 2014 respectively and authorize the City Manager or designee to extend the agreements for a maximum of two, three-year extensions.
- *12. Resolution Adopted Resolution No. 8379 authorizing the purchase of a Dell-AppAssure DL4000 Backup and Recovery Appliance from Dell Financial Services, LLC for an amount not-to-exceed \$24,873.42 through a cooperative procurement contract.
- *13. Resolution Adopted Resolution No. 8380 awarding a contract to Frank Szeto, an individual doing business as New Orient Restaurant, for preparation and delivery of Asian style meals for the Senior Nutrition Program with an initial term from July 1, 2014, to June 30, 2015, in an amount not-to-exceed \$46,099.20; and, authorizing the Purchasing Agent to exercise up to four annual options in the annual amount of \$46,099.20 for a total contract amount of \$230,496.00 over five years, subject to appropriation of funds and without any further City Council approval.
- *14. Resolution Adopted Resolution No. 8381 approving a new piggyback agreement with Ricoh Americas Corporation for a five year term from July 1, 2014 to June 30, 2019 in an annual amount not-to-exceed \$60,000 and total five year amount not-to-exceed \$300,000, for copier/multi-functional machines at City facilities.
- *15. Cal-ID Random Access Approved the Memorandum of Understanding with the County of Santa Clara to provide the Milpitas Police Department access to the California Identification RAN system.
- *17. Agreement with Adonai Perazim Inc./Prints Charles Approved an agreement with Adonai Perazim Inc., doing business as Prints Charles Reprographics, in the amount of \$45,000, and for a term to June 30, 2017.
- *18. Amendment No. 2 to Agreement with Vali Cooper Approved Amendment No. 2 to the agreement with Vali Cooper & Associates extending the term to June 30, 2015, in the additional amount of \$158,240 for the Silicon Valley Berryessa (BART) Extension Project No. 4265.
- *19. Agreement with York Authorized the City Manager to execute an amendment to the agreement with York Insurance Services Group, Inc. for workers' compensation Third Party Administrator service to extend it effective July 1, 2014, through June 30, 2015, in accordance with the terms and conditions stated in the amendment, in an amount not to exceed \$129,000.

PUBLIC HEARINGS

1. Appeal by Integral Communities on Centre Point Mixed Use development project - continued to June 17

Motion: to continue the public hearing to June 17, 2014, at request of project applicant (developer)

Mayor Esteves asked if anyone in the audience had come to speak on this item, and no one present responded.

Motion/Second: Councilmember Gomez/Councilmember Montano

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

2. Levy Assessments for LLMD No. 95-1 McCarthy Ranch

City Engineer/Public Works Director Jeff Moneda introduced the Landscaping and Lighting Maintenance Assessment District No. 95-1 at McCarthy Ranch. Each year, a public hearing was required to review assessments charged to property owners for various public improvements. Staff displayed photos showing results of the maintenance, installation and repair work in that area. \$276,676 was the total amount to be assessed in the coming fiscal year.

He clarified that the City does own the property that is maintained within the boundaries of the district (noted on the map displayed), as inquired by Councilmembers.

Councilmember Montano asked if the work that was performed included use of non-potable water. Mr. Moneda replied yes, some recycled water was used for the plants.

Mayor Esteves asked if the action had a zero fiscal impact, and Mr. Moneda replied yes.

Next, Mayor Esteves opened the public hearing for comment.

Voltaire Montemayor, Milpitas resident, cared about drainage during rainy time, and be sure not to impact flooding in this area.

(1) Motion: to close the public hearing, following one speaker

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

(2) Motion: to adopt Resolution No. 8375 approving the annual Engineer's Report, confirm diagram and assessment, and order levy of assessments for FY 2014-15 for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

3. Levy Assessments for LLMD No. 98-1 Sinclair Horizon

City Engineer/Public Works Director Jeff Moneda introduced the Landscaping and Lighting Maintenance Assessment District No. 98-1 at Sinclair Horizon subdivision. Each year, a public hearing was required to review assessments charged to property owners for various public improvements. Staff displayed photos showing some of the landscape and maintenance in that neighborhood. \$36,591 was the total amount to be assessed in the coming fiscal year.

Contractor TerraCare provided the maintenance service at this site (Sinclair Horizon).

Councilmember Gomez departed the dais for a few minutes, and returned following the vote on this item.

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

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Gomez)

(2) Motion: to adopt Resolution No. 8376 approving the annual Engineer's Report, confirm diagram and assessment, and order levy of assessments for FY 2014-15 for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Gomez)

REPORT OF COMMISSION

6. Senior Advisory Commission Workplan

Councilmember Montano asked questions about the Sunshine Program, one of those on the workplan by seniors for the Commission in the coming year. Recreation Services Supervisor Stephanie Douglas provided response and information to the City Council, on Sunshine and other programs.

Motion: to approve the 2014-15 Senior Advisory Commission Work Plan

Motion/Second: Councilmember Montano/Vice Mayor Polanski

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

ORDINANCES

7. Ordinance No. 164.3 Related to Schedule of Fees and Charges

Two ordinances were adopted on the consent calendar.

Finance Director Emma Karlen expressed the need for this ordinance to amend municipal code for the schedule of fees and charges. This was following the report at the last meeting and the adopted resolution for recommended changes to established fees. Adoption of the ordinance at the next Council meeting would incorporate those changes into the code.

City Attorney Mike Ogaz read aloud the title of Ordinance No. 164.3 "An Ordinance of the City Council of the City of Milpitas Amending Section 3-4.00 of Chapter 3 of Title IV of the Milpitas Municipal Code Relating to Fees and Service Charges."

(1) Motion: to waive the first reading beyond the title of Ordinance No. 164.3

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

(2) Motion: to introduce Ordinance No. 164.3 amending Milpitas Municipal Code relating to the Schedule of Fees and Service Charges

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

RESOLUTIONS

Five Resolutions were adopted on the consent calendar.

AGREEMENTS

Four agreements and amendments were approved on the consent calendar.

16. Agreements with Vendors for Recreation Services

Councilmember Montano asked about one of the vendors that provided classes, and Recreation staff Dale Flunoy explained those whose contracts were greater than \$20,000 were on the list for Council approval at this meeting.

Motion: to approve nine separate agreements between the City of Milpitas Recreation Services and the following vendors for annual classes and camps not to exceed their appropriate dollar amounts for Fiscal Year 2014-15:

- 1.) Communication Academy – not to exceed \$22,000
- 2.) Mad Science of Bay Area – not to exceed \$22,500
- 3.) Barry Poole (tennis instructor)– not to exceed \$40,000
- 4.) Irene Saxe and Music Together – not to exceed \$24,000
- 5.) Noteworthy Music – not to exceed \$35,000
- 6.) South Bay Scholars Basketball Camps – not to exceed \$22,000
- 7.) Jensen Performing Arts – not to exceed \$20,000
- 8.) Tatsiana Lahunovich (fitness) – not to exceed \$20,000
- 9.) Center Stage Performing Arts – not to exceed \$30,000

Motion/Second: Councilmember Montano/Vice Mayor Polanski

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

ADJOURNMENT

Mayor/Chair Esteves adjourned the City Council meeting at 8:01 PM.

The foregoing minutes were approved by the Milpitas City Council on June 17, 2014.

Mary Lavelle
Milpitas City Clerk