

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

CONSENT CALENDAR

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

Motion/Second: Councilmember Polanski/Councilmember Gomez

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

*5. Appoint Vice Mayor as Alternate to VTA Board

Per recommendation of Mayor Livengood, appointed Vice Mayor McHugh as the alternate member to the Santa Clara Valley Transportation Authority Board of Directors representing the Milpitas-Gilroy-Morgan Hill group.

*6. Accept Grant from Walmart to Police Department

Authorized the Police Department to accept a grant from Wal-Mart of \$1,000 and approved a budget appropriation to purchase National Night Out handout materials and supplies for the Police volunteer programs.

*7. Resolution Granting Acceptance of Project No. 4250

Adopted Resolution No. 7952 granting initial acceptance of the Street Resurfacing Project, Project No. 4250, subject to the one year warranty period and reduction of the contractor's performance bond to \$58,844.

*8. Award Bid to Intelligent Technologies for Fire Suppression Testing

Awarded the bid and authorized the City Manager to execute a contract with Intelligent Technologies and Service, Inc. for fire suppression system testing and on call maintenance and repair, for the annual not-to-exceed amount of \$6,000.

PUBLIC HEARINGS

1. 2010 COPS Grant funds

Commander Steve Pangelinan introduced the grant funds to be awarded to Milpitas from the federal Citizen Options for Public Safety, with more than \$100,000 to be spent on a variety of frontline police services (noted in agenda report). He requested Council to approve the grant and budget appropriation.

Mayor Livengood next opened the public hearing and no speakers were heard.

(1) Motion: to move to close the public hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

(2) Motion: to accept the 2010 Citizen Options for Public Safety Grant in the amount of \$109,707, and approve a budget appropriation in the amount of \$109,707 into the Police Department's operating budget

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

2. Joining the California Communities' CaliforniaFirst Program

Economic Development Manager Diana Barnhart reviewed the residential energy efficiency retrofit program, offered by the new "California Communities," a joint powers agreement between League of California Cities and the California State Association of Counties. It would allow property owners to finance renewable energy, energy efficiency and water efficiency improvements on their properties through a unique bond program. It would require minimal staff time and requested approval

Councilmember Polanski asked about pre-payment penalties if a loan was paid off in advance of the term of the bonds. She asked, and staff provided, explanation of the financing mechanism designed by the special program.

Councilmember Giordano asked what type of properties qualify. The reply was single family residences. She also wanted to know how the effort would be communicated. Staff noted the City could use whatever means staff chose such as newspaper ads, on City website, etc. City Manager Williams mentioned utility bill inserts and could work with the state to learn what funds were available for local advertising. Ms. Giordano asked staff to bring this back this information to Council on how CaliforniaFirst would be advertised.

Vice Mayor McHugh asked if there was a minimum dollar amount to participate. Purchasing Agent Chris Schroeder replied that the minimum was \$5000 and the cost of the program was partly offset by energy cost reduction. Vice Mayor McHugh asked if there was a maximum and there was none that staff was aware of.

Mayor Livengood next opened the public hearing.

Speaker: Robert Marini, Milpitas resident, asked about the comment that there "may be an interest lower" than available commercially. Mayor Livengood explained.

(1) Motion: move to close the public hearing

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

(2) Motion: to adopt Resolution No. 7948 authorizing the City of Milpitas to join the California First Program

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

UNFINISHED BUSINESS

3. Fee Adjustments - Milpitas Tidal Waves Swim Program

Parks and Recreation Director Bonnie Greiner discussed current costs versus those proposed increased fees to residents and non-residents to participate in the Milpitas Tidal Waves swim program. A tiered fee program was newly proposed by staff (third of three Options presented), in addition to the originally proposed 100% increase in fees and a possible 75% increase, all of which were to seek higher rates of cost recovery.

Vice Mayor McHugh thought he would support Option 3, but was struck by the fact in Option 3, that certain rates were higher than the City of Campbell's swim club. He brought up the comparison to private clubs v. another City (Campbell was the only other city compared). He discussed a 20% increase, to make it closer to Campbell and did not support any of staff proposed charges. He recommended the Finance Department look at cost recovery for all programs of residents v. non-residents.

Recreation staff reported that the City of Campbell charged an annual \$40 per participant fee, while Milpitas did not.

Councilmember Polanski asked how many other programs like this were subsidized in Milpitas. The Parks and Recreation Director responded: all programs. Ms. Polanski said she had no problem charging a non-resident fee and found acceptable an annual charge or fee to participate. She asked if cost recovery was known for other Recreation programs and staff replied that information was available (but not at this meeting). Ms. Polanski announced she would support Option 3.

Councilmember Gomez mentioned the desire stated in past years by the swim team parents, who supported hiring of a full time coach and would support the costs.

Councilmember Giordano agreed with Mr. Gomez. When the Council voted for a full time coach in past years, parents knew that higher fees might be necessary to cover the costs. She felt tiered rates would be appropriate for the swim team at this time. She proposed different rates than staff: also tiered but in amounts (\$70, \$70, \$100) to get closer to 50% cost recovery.

Vice Mayor McHugh inquired of the Parks and Recreation Director how much of the coach's salary was spent on the Tidal Waves program. Ms. Greiner replied approximately two-thirds. He asked much money would a \$40 per participant generate. Approximately, with 100 swimmers per month, roughly \$4000, staff estimated.

Mayor Livengood commented that the staff's job was to make a recommendation, the subcommittee's job was to make a recommendation, and then the City Council would decide. He'd already received the first two, and this was a process to get to what was right and working successfully for the City.

Mayor Livengood next invited the public to come and speak.

Wei Wei Chen, Milpitas resident and parent of a swimmer, could afford the program at \$50 per month. She discussed the full year cost to her family and that she could not afford it if fees go too high. Next, her husband Montana Chin spoke also, he was glad Vice Mayor McHugh was very understanding, which he appreciated. He supported the non-resident fee increase. Doubling the fees was too much and too hard for parents. Maybe cut back when costs increased for the program.

Councilmember Giordano commented, as a former swim parent, noted she and parents did a lot of fundraising. Swim Coach Jaime Chew responded that the swim club did hold car washes to fundraise and recently a swim-a-thon raised \$3,000 to help the team with equipment costs.

Prasad Sastry, parent and 15 year resident, felt Milpitas Tidal Waves was a great swim team. In different times, he would be happy to pay more for such a great program. At difficult economic times for parents at this time, it was not realistic to raise the fees. An annual registration fee was good idea. He asked if 50% cost recovery level was sought across the board.

The Mayor asked his colleagues about the non-resident rates, and to consider that proposal first, distinct from the other fees to be discussed and voted upon next.

The Vice Mayor proposed, by motion, going from \$20 to 30 for non-resident fees, and no second was offered.

Councilmember Gomez supported the staff proposal.

Motion: to adopt new fees for non-resident Milpitas Tidal Waves participants, based on the staff original proposal to go from \$20 to \$50

Motion/Second: Councilmember Gomez/Councilmember Giordano

Motion failed by a vote of: AYES: 2 (Gomez, Giordano)
NOES: 3

Motion: to adopt new fees for non-resident Milpitas Tidal Waves participants, at the rate of \$40 for non-residents

Motion/Second: Councilmember Polanski/Councilmember Gomez

Motion carried by a vote of: AYES: 4
NOES: 1 (McHugh)

Councilmember Polanski next put forward her motion to support the Option 3 for tiered rates, as proposed by staff (she termed "baby steps") and Vice Mayor McHugh seconded.

Further comments were offered by Councilmember Gomez about future additional cost recovery for recreation programs that would be needed.

Mayor Livengood asked if there any further speakers on this topic.

Yeijia Mao, mother of swimmers, felt raising rates was ok however she questioned the 2/3 time quoted for the coach's allocation to the swim team. She questioned the private team v. City team comparison, and the two vs. three hours practice time per day.

Annie Zien, mother of two swim team members, was a proponent of hiring a full time swim coach. She couldn't support the ridiculous high rates of increase. Parents wanted a highly competitive swim team and coach. The fee increase would be more palatable if the coach had more experience. Her family was considering leaving the team also.

Tam Tran, father of three kids on the swim team, mentioned the difficult economy and spent his resources to help his children stay out of trouble. He really liked the family atmosphere of the past MTW teams.

Following the speakers, the Mayor called for a vote.

Motion: to adopt Resolution No. 7949 authorizing fee adjustments for the Milpitas Tidal Waves swim program, as recommended by staff per Option 3 (tiered rates)

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

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

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA 1. CALL TO ORDER

Mayor/Agency Chair Livengood called to order the regular meeting of the Milpitas Redevelopment meeting jointly with the City Council, at 8:18 PM.

ROLL CALL

PRESENT: Chair/Mayor Livengood, Vice Chair/Vice Mayor McHugh, Agency/Councilmembers Giordano, Gomez and Polanski

ABSENT: Councilmember Giordano was absent at roll call and returned to the dais shortly thereafter.

RA 2. MINUTES

Motion: to approve the meeting minutes of the Redevelopment Agency meeting of December 15, 2009, as submitted

Motion/Second: Agency/Councilmember Polanski/ Vice Chair/Vice Mayor McHugh

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

RA 3. Agenda Approval and Consent Calendar

Motion: to approve the agenda and consent calendar items (*), as submitted

Motion/Second: Agency/Councilmember Polanski / Vice Chair/Vice Mayor McHugh

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

Councilmember Gomez stepped away from dais at the start of the next agenda item at 8:19 PM and returned at 8:25 PM.

RA 4. Senior Center Project update

Project Engineer Steve Erickson provided an update on the progress of the construction of the new Senior Center. It continued to proceed on time and on budget, with 69% of the construction completed.

Councilmember Giordano asked if there were contingency dates built in for rain. Mr. Erickson replied that the contractor had used only six days of 20 included in plans.

Motion: to receive progress report on the new Senior Center Project No. 8176

Motion/Second: Vice Chair/Vice Mayor McHugh / Agency/Councilmember Giordano

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

RA 5. Resolution for Agreement with CH2M Hill for Solar Analysis

Public Works Director/City Engineer Greg Armendariz addressed the Agency/Council on the plan to assess 16 City facilities as candidates for solar panel installation. The first step would be to make an agreement for a consultant to assess the facilities for power needs and potential power generation, and then follow up with additional steps. This effort would be done in collaboration with other public agencies, with the County taking the lead on this consultant services. Eight cities including Milpitas planned to “piggyback” on the contract with CH2M Hill.

Funding would come from the Redevelopment Agency, and the Water and Sewer utility funds. Staff identified several of the 16 city facilities, starting with City Hall.

Mayor Livengood asked about power purchase agreements that could come out of this process. He had heard it stressed that idea had come from Milpitas (purchasing staff) and was pleased to know that.

Vice Mayor McHugh commended staff and past City Councils for having the provision in the municipal code for piggybacking onto contracts, for efficiency and savings.

Motion: to approve a budget appropriation, and adopt Resolution No. RA 354 authorizing the Agency Executive Director to execute an agreement with CH2M Hill for Project No. 8190

Motion/Second: Vice Chair/Vice Mayor McHugh / Agency/Councilmember Polanski

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

*RA6. Resolution Granting Initial Acceptance of Projects No. 4250 and No. 8194

Adopted Resolution No. RA355 granting initial acceptance of the Street Resurfacing Project 2009 - Slurry Seal, Projects No. 4250 and No. 8194, subject to the one-year warranty period and a reduction of the faithful performance bond to \$81,220.

*RA7. Resolution Granting Initial Acceptance of Projects No. 8194

Adopted Resolution No. RA356 granting initial acceptance of the Street Resurfacing Project 2009 - South Park Victoria Drive, Project No. 8194, subject to the one year warranty period and a reduction of the performance bond to \$77,309.

*RA8. Approve New CIP and Agreement with Biggs Cardosa Associates – Project No. 8198

Approved a new Capital Improvement Program (CIP) project – Department of Energy Grant Program, Project No. 8198; approved a budget appropriation in the amount of \$125,000; and, authorized the Agency Director/City Manager to execute an agreement with Biggs Cardosa Associates, Inc., in the amount of \$90,000, Project No. 8198, subject to approval as to form by the City Attorney.

RA 9. ADJOURNMENT

Chair/Mayor Livengood adjourned the Redevelopment Agency meeting at 8:31 PM.

REPORT OF MAYOR

One item was approved on the consent calendar.

4. Teenage Binge Drinking

Mayor Livengood introduced the topic of teenage binge drinking, a community challenge in many California cities. He asked Police Chief Graham to review his written memo, and then asked City Council to consider enhancements to programs currently offered, including working with the Youth Advisory Commission.

The Police Chief reviewed existing programs related to curbing alcohol abuse, including enforcement of drunk driving violations in the City. He discussed what efforts were made at Milpitas schools and in the community.

The Mayor asked the Chief about working with Youth Advisory Commissioners to provide more information to youth about dangers of drinking. He also requested the City Council to consider a “social host” ordinance, as was law in five of the cities in Santa Clara County.

Vice Mayor McHugh agreed with Mayor Livengood that more could be done. He wondered why there were not more social host ordinances in the state and county.

Councilmember Giordano thanked the Mayor for bringing this issue to light and Chief Graham for current efforts on drunk driving enforcement. She suggested areas of presentations that could be videotaped and broadcast on the local cable television. She noted that the Youth Commission had previously produced and distributed a bookmark given out at high school graduation to remind young people about the dangers of alcohol, and could perhaps do it again.

Councilmember Polanski wondered if in some way, the City could check on possible Community Development Block Grant funds, if appropriate to spend in this way. City Manager Williams responded that grant funding from multiple sources may be available and staff would investigate those opportunities.

Motion: to direct staff to return to the Council with a draft “social host” ordinance for review, and direct the Police Chief to work with the Youth Advisory Commission to bring them into the process on projects such as the “Every 15 minutes” program (identified by the Chief)

Motion/Second: Mayor Livengood/Vice Mayor McHugh

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

NEW BUSINESS

One item was approved on the consent calendar.

RESOLUTION

One resolution was adopted on the consent calendar.

BID

One item was approved on the consent calendar.

ADJOURNMENT

Mayor Livengood adjourned the City Council meeting at 8:43 PM in memory of Mr. Ed Unger, former Milpitas Planning Commissioner.

The foregoing minutes were approved by the Milpitas City Council as submitted on January 19, 2010.



Mary Lavelle
City Clerk