

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, June 7, 2011
Time: 6:30 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Esteves called the meeting to order at 6:30 PM. City Clerk Lavelle noted the roll.

PRESENT: Mayor Esteves, Vice Mayor McHugh, Councilmember Gomez

ABSENT: Councilmember Giordano. Councilmember Polanski was absent at roll call, and arrived at 7:17 PM.

CLOSED SESSION

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

City Council then convened in Open Session at 7:05 PM.

ANNOUNCEMENT

None

PLEDGE

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

INVOCATION

Mayor Esteves offered a prayer for all.

MINUTES

Motion: to approve City Council meeting minutes of May 10 and 17, 2011, as submitted

Motion/Second: Councilmember Gomez/Vice Mayor McHugh

Motion carried by a vote of:
AYES: 3
NOES: 0
ABSENT: 2 (Giordano, Polanski)

SCHEDULE OF MEETINGS

Motion: to approve the Council Calendar/Schedule of meetings for May, as amended

City Manager Williams announced three changes to the June calendar. Two City Council subcommittees planned to meet on Tuesday, June 14: Transportation & Land Use at 5:30 PM and the Campaign Finance Task Force at 6:00 PM. Also, the monthly San Jose Treatment Plant Advisory Committee (TPAC) meeting was moved to June 16.

Vice Mayor McHugh announced he would be out of the City next week.

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

Motion carried by a vote of:
AYES: 3
NOES: 0
ABSENT: 2 (Giordano, Polanski)

PRESENTATIONS

Mayor Esteves proclaimed *Parks and Recreation Month* for June – accepted by Mr. and Mrs. Bandel, Rainbow Theatre volunteers. The Mayor also presented the California Parks and Recreation Society District 4 award and State award to the Milpitas Parks and Recreation Department, accepted by Recreation staff Jaime Chew and Samu Tiumalu.

PUBLIC FORUM

Robert Marini, Milpitas resident, addressed the City Council about sewer rates and Proposition 218 requirements.

Sabrina Sher, Lincoln Drive resident, ran a daycare center caring for 14 children, and requested support for the child care coordinator position in the City.

Aidisali Tapia, 1736 Starlite Drive resident, ran a child care family business and spoke in favor of the child care coordinator, and to keep that position.

Dem Nitafan, Milpitas resident, invited all to attend the annual fiesta put on by the Fil-Am Association of Milpitas, an event on Saturday, June 11 at the Milpitas Community Center.

James Hu, Milpitas resident, was not happy that child care coordinator would be let go next month, since she did a great job for the City, and he would like her to be retained.

Lori Burns, resident of Saratoga, and Chair of Early Childhood Education Council of Santa Clara County, supported the child care coordinator position.

Dawn Perry, San Jose resident, member of the Early Childhood Council also supported the child care coordinator position in Milpitas.

ANNOUNCEMENTS

Councilmember Gomez announced that the Milpitas Unified School District appointed a new Schools Superintendent, Mr. Cary Matsuoka.

Mayor Esteves congratulated students who were graduating this year, including the seniors at Milpitas High School. He complimented the Chief Building Official, based on a kind note the Mayor had received from a new business owner in the City. He also complimented the Police Department for making an arrest of a suspect recently.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None

APPROVAL OF AGENDA

Motion: to approve the agenda, as amended

Vice Mayor McHugh requested to move Item No. 7 heard after the public hearing.

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

CONSENT CALENDAR

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

City Manager Williams noted staff requested to remove Item No. 4 from consent for an oral report.

Vice Mayor McHugh asked to remove Item No. 5 from consent.

Mayor Esteves announced he would vote No on resolutions for approval of two contracts with the employee groups MEA and MSA.

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

On Items No. 13 and No. 14 only, Mayor Esteves voted no, so the votes were 3 in favor, 1 opposed, and 1 absent on those two resolutions only.

- * 2. Report on Ayer Pump Station, Project No. 7102 Received progress report from Public Works Director on emergency contract work order for the Variable Frequency Drives/Pump Motor Assemblies for the Ayer Pump Station.
- * 3. Monthly Odor Report Receive the May 2011 odor report update from staff.
- * 6. Re-appointment to Commission Re-appointed Rebecca Villalobos to the Parks, Recreation, and Cultural Resources Commission to a term that expires in June 2014.
- * 9. Travel Cost for Fire Chief Approved the cost of roundtrip travel for the Milpitas Fire Chief to go to training at Harvard University in Cambridge, MA in July estimated at \$900.
- *10. Adopt Ordinance No. 65.141 Waived the second reading and adopted Ordinance No. 65.141 Amending Chapter 1 of Title II of the Milpitas Municipal Code Relating to Building Code Enforcement.
- *11. Resolution for agreement with Firefighters Adopted Resolution No. 8094 approving the agreement between the City of Milpitas and the International Association Firefighters Local 1699 to approve the changes defined in the signed agreement.
- *12. Resolution with Mid-management/Confidential Adopted Resolution No. 8095 approving the side letter between the City of Milpitas and Mid-Management and Confidential employees unit to approve the changes defined in the signed agreement.
- *13. Resolution for MOU with MEA Adopted Resolution No. 8096 approving the Memorandum of Understanding with the Milpitas Employees Association covering the period of January 1, 2011 through December 31, 2012. Mayor Esteves voted in opposition.
- *14. Resolution for MOU with MSA Adopted Resolution No. 8097 approving the Memorandum of Understanding with the Milpitas Supervisors Association covering the period of January 1, 2011 through December 31, 2012. Mayor Esteves voted in opposition.
- *15. Resolution for MOU with ProTech Adopted Resolution No. 8098 approving the Memorandum of Understanding with the Milpitas Professional and Technical (ProTech) Group covering the period of July 1, 2011 through December 31, 2012.
- *16. Resolution Releasing Unclaimed Checks Adopted Resolution No. 8099to transfer a total of \$244.19 in unclaimed checks, per the list of checks generated by the City's Finance Department, to the General Fund.
- *17. Resolution for purchase of Thermal Image Cameras Adopted Resolution No. 8100 accepting an Assistance to Firefighters grant and authorized the purchase of four thermal imaging cameras for the Fire Department; and, approved a budget appropriation in the amount of \$13,984 from the grant revenue.
- *18. Adopting the FY 2011-12 Appropriations Limit Adopted Resolution No. 8101 adopting the City of Milpitas appropriations (Gann) limit for Fiscal Year 2011-12.
- *19. Authorize Agreement with County for EMS Response to 911 Calls Authorized the City Manager to execute an agreement with the County of Santa Clara authorizing the City to provide EMS response to 911 calls in the City of Milpitas for the period of July 1, 2011 through July 1, 2016.
- *20. Agreement with Valley Recycling Approved a non-exclusive collection, transportation, and recycling debris box agreement with Valley Recycling and authorized staff to grant a maximum of two, three-year extensions to this Agreement.
- *21. Authorize Contract with Fricke-Parks Press, Inc. Awarded the bid and authorized the City Manager to execute a contract for publishing the Milpitas Parks and Recreation Services Activity Guide with Fricke-Parks Press, Inc. in the not-to-exceed amount of \$36,845.67.

- *22. Award Construction Contract to Bay Cities Paving & Grading, Inc.
 - 1. Awarded a construction contract to Bay Cities Paving & Grading, Inc. for the North Abel Street Resurfacing 2011, Project No. 4255, in the amount of \$1,021,496.24.
 - 2. Approved a budget appropriation of \$500,000 from Transient Occupancy Tax fund into Project No. 4255, which was originally funded in Project No. 4261.
 - 3. Authorized staff to execute change orders for North Abel Street Resurfacing 2011, Project No.4255, provided that change orders do not exceed the established construction contingency amount for the project, and do not require additional appropriation.

- *23. Amendment No. 2 to Agreement with Western Pacific Signal
 - Approved Amendment No. 2 to the agreement with Western Pacific Signal, LLC, in the amount of \$29,008.79, Project No. 4248, subject to approval as to form by the City Attorney.

- *24. Street Resurfacing 2012 - Rubberized Seal Coat, Project No. 4261
 - Approved the plans and specifications for Project No. 4261, authorized advertisement for Bid Proposals, authorized City Manager to award the construction contract to the lowest responsible bidder; and, authorized staff to execute change orders for the Street Resurfacing 2012 - Rubberized Seal Coat project, provided that the change orders do not exceed the established construction contingency amount for the project, and do not require additional appropriation.

- *25. Amendment No. 1 to the Contract with Intelligent Technologies and Service, Inc.
 - Authorized the City Manager to execute Amendment No. 1 to the contract with Intelligent Technologies and Service, Inc. for fire suppression system testing and inspection for the not-to-exceed amount of \$13,484.02.

- *26. Amendment No. 2 to the Contract with Jensen Landscape Services, Inc.
 - Approved Amendment No. 2 to the contract with Jensen Landscape Services, Inc. to increase the McCarthy Ranch landscape maintenance services contract amount in Fiscal Year 2011-12 by \$21,026 for an annual amount of \$83,905.

- *27. Amend the Master Services Agreement with York Insurance Group, Inc.
 - Authorized the City Manager to execute an amendment to the current contract with York Insurance Services Group, Inc. to extend the agreement effective July 1, 2011 through June 30, 2014 in accordance with the terms and conditions stated in the amendment.

PUBLIC HEARING

- 1. 2010 Urban Water Management Plan
 - Principal Engineer Kathleen Phalen discussed the Urban Water Management Plan, detailing the sufficient water supply for the residents and businesses in Milpitas. Per capita water use was down to the current rate of 140 gallons per day from high of 198 gallons per day in 1997. She explained the method for determining the water use target.

Next, the Mayor opened the public hearing and no comments were received.

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

Motion/Second: Councilmember Polanski/Councilmember Gomez

Motion carried by a vote of:

- AYES: 4
- NOES: 0
- ABSENT: 1 (Giordano)

(2) Motion: to adopt Resolution No. 8093 approving the 2010 Urban Water Management Plan and per capita water use target of 141 gallons of water use per person per day

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

Motion carried by a vote of:

- AYES: 4
- NOES: 0
- ABSENT: 1 (Giordano)

- UNFINISHED BUSINESS**
 - Two items were approved on the consent calendar.

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA 1. CALL TO ORDER Mayor/Agency Chair Esteves called to order the regular meeting of the Milpitas Redevelopment Agency meeting jointly with City Council at 8:54 PM.

ROLL CALL **PRESENT:** Chair/Mayor Esteves, Vice Chair/Vice Mayor McHugh, Agency/Councilmembers Gomez and Polanski

ABSENT: Agency/ Councilmember Giordano

RA 2. MINUTES Motion: to approve the Agency meeting minutes of May 17, 2011

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

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, as submitted

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

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

*RA4. Award Contract to Ashron Construction Awarded a construction contract to Ashron Construction & Restoration, Inc. for the Soundwall Renovation Project No. 8196 in the amount of \$59,000.

*RA5. Redevelopment Agency Area Pavement Reconstruction, Project No. 8204 Approved plans and specifications for the RDA Pavement Reconstruction, authorized advertisement for bid proposals, and authorized the Agency Executive Director to award the construction contract to the lowest responsible bidder for Project No. 8204. Authorized staff to execute change orders for the Pavement Reconstruction project, provided that the change orders do not exceed the established construction contingency amount for the project, and do not require additional appropriation.

*RA6. Wrigley Ford Creek Maintenance, Project No. 8162 Approved plans and specifications for Wrigley Ford Creek maintenance Project No. 8162. Authorized advertisement for bid proposals; and, authorized the Agency Executive Director to award a construction contract to the lowest responsible bidder for an amount not to exceed \$330,000.

RA 7. ADJOURNMENT Chair/Mayor Esteves adjourned the Redevelopment meeting at 8:54 PM.

REPORTS OF MAYOR/COUNCIL

4. Information for Mayor Finance Director Emma Karlen provided a handout with five-year budget projections, pension reform data and other employee-related information the Mayor had recently requested. A memo from the Human Resources Director was previously sent to the City Council, on Councilmembers' pension benefits. Mayor Esteves stated he wanted that memo presented at a Council meeting for public consumption.

Ms. Karlen presented information on employee cost reductions by employee (union) group, before and after the recent reductions in pay and benefits, and including the average salary for each group.

Councilmember Gomez commented on automatic pay step increases, and whether the Council could review that the next time a Memorandum of Understanding was up for review. He thanked employees for giving back at this difficult time, knowing it was a sacrifice.

Mayor Esteves felt the projections were general guidelines so all would understand next year for the next budget and when negotiations next come up.

Regarding pension reform in Milpitas, staff reminded the City Council that all four non-safety employee groups had recently agreed to new a formula for PERS retirement. That would be 2% at age 60 PERS formula with the highest salary over the last three years. An application was submitted to PERS for the coming year, with the goal to implement this plan in the new Fiscal Year 2011-12.

Motion: to receive information from staff on budget projections, salary, benefits and pension costs

Motion/Second: Councilmember Gomez/Councilmember Polanski

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

5. Donation to Kiwanis Club

Vice Mayor McHugh asked for this item to be removed, in order to hear from Mrs. Becky Strauss, a City Commissioner and President of the Kiwanis Club. The Club had not received many donations for the program, and requested a donation for the annual program by the group. She requested \$1500 in support of the annual program. Mayor Esteves responded, and thanked Ms. Strauss for coming to the Council meeting. He recommended the City Council approve a donation in half of the amount requested.

Vice Mayor McHugh commented on the long-standing community tradition and he wanted to honor the request and donate the full \$1500, and he moved that action.

Councilmember Polanski said the amount at \$750 was considered due to what the Mayor reported, and all items were being cut this year due to the budget and economy. She challenged her colleagues to donate to the Kiwanis for this program. She also requested from staff to have a list of all funds donated from Council's community promotions budget for the past few years.

Motion: to approve a \$1,500 donation to support the Milpitas Kiwanis Club annual Kohl's Care for Kids Event on August 7, 2011

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

Motion failed by a vote of: AYES: 2
NOES: 2 (Polanski, Esteves)
ABSENT: 1 (Giordano)

Motion: to approve the Mayor's recommendation of a \$750 donation to support the Milpitas Kiwanis Club annual Kohl's Care for Kids Event on August 7, 2011

Motion/Second: Councilmember Gomez/Councilmember Polanski

Motion carried by a vote of: AYES: 3
NOES: 1 (McHugh)
ABSENT: 1 (Giordano)

7. Restructuring of Classes

Councilmember Polanski brought forward the topic of restructuring the two children's programs – Animal Crackers and Kinder Kids - as classes offered in the Parks & Recreation Activity Guide. She wanted staff to bring these back as recreation classes, with the same basic service for children, but more cost neutral than the current pre-school program. She recommended offering these as the City does for other classes coordinated for City residents.

Councilmember Gomez asked about the costs and any subsidy from the City. He believed the classes would be fair and that rates would have to be at cost recovery.

Councilmember Polanski said also that maybe the number of meeting times would be fewer, but classes could be available to more children overall.

Vice Mayor McHugh was supportive of directing staff this way, especially because there was a lot of demand from residents for this program.

Mayor Esteves felt looking into it more deeply made sense. If it was cost neutral, the classes would still have to be affordable for parents of young children. Some subsidy must be needed. He wanted to invite a few parents to join in discussion with staff.

Councilmember Polanski explained she would not be here for the second City Council meeting in June, and thus wanted to bring the motion at this meeting. However, Mayor Esteves wanted an alternative motion so the classes can be offered soon.

Mayor Esteves next invited speakers to comment. He thanked the parents in the audience for attending the meeting and staying involved in public activities.

Speakers:

Richard Pascual, 834 Fascination Place resident, parent of Animal Crackers student was very favorable to the preschool program with the ratio of teachers to students.

Stacey See, Milpitas resident, spoke of her three children who had attended the pre-school, and it was not day care. She would gladly pay more for the pre-school program and it should be expanded.

Melissa Lie, 1254 Madelen Drive resident and homeowner, mother of three children, said the pre-school program for her boys was fantastic, with the staff patient and professional.

Ann Buie, 644 Abbot Ave. and mother of two sons, said pre-school program was very helpful for her family and sons, so please keep the pre-school. It's important for families.

T.C. Fisher, 777 Terra Bella Drive resident, chose to live in Milpitas for its multi-cultural community. He said the preschool was great for his children, and should be saved.

Joselito Gonzalez, Milpitas resident, had two daughters in the preschool program, and he would like the Council to keep this program.

Diane Pham, 399 Cappella Way, parent of children in pre-school. She wanted the Council to keep the pre-school and not change the curriculum. She presented a petition to the City Clerk signed by many parents and residents in favor of maintaining the pre-school.

The Mayor asked for clarification from the City Manager of costs and savings of the pre-school program, and the child care coordinator position.

Councilmember Polanski clarified that the previous vote of the Council already eliminated the existing preschool program. Her request at this meeting was not to bring it back. It was to consider a restructuring, in order to offer classes to meet the needs of more families and their children.

Graham, 356 Donahe Drive, father of two sons who attend the pre-school program, said it was difficult to find and get on a list for a good pre-school for his kids. Parents were willing to pay more.

Hong Shu, 46 Parc Place resident, mother who requested to keep the pre-school program.

Motion: to receive the staff report on VTA's work on the BART expansion, and provide information to the Council as requested

Motion/Second: Councilmember Polanski/Councilmember Gomez

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Giordano)

ORDINANCE

One ordinance was adopted on the consent calendar.

RESOLUTIONS

Eight resolutions were adopted on the consent calendar.

BIDS/CONTRACTS

Nine items were approved on the consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 10:12 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on August 2, 2011.



Mary Lavelle, City Clerk