

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, June 21, 2011
Time: 7:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Esteves called the meeting to order at 7:03 PM. City Clerk Lavelle noted the roll.

PRESENT: Mayor Esteves, Councilmembers Gomez and Giordano

ABSENT: Vice Mayor McHugh and Councilmember Polanski. Councilmember Gomez was absent at roll call and arrived at 7:07 PM.

Mayor Esteves noted that the meeting would start despite the lack of a quorum, and he began with Presentations on the agenda first, where no voting action was needed.

City Manager Tom Williams was absent, and City Engineer/Director of Public Works Greg Armendariz filled in for the Manager.

PLEDGE

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

INVOCATION

Mayor Esteves offered a prayer to start the meeting.

MINUTES

Consideration of approval of City Council meeting minutes of June 7, 2011, as submitted

Councilmember Giordano stated she would abstain from the vote since she had been absent from the June 7 meeting. With that, there was no quorum for voting and thus the approval of the minutes would be deferred to the next Council meeting on August 2.

SCHEDULE OF MEETINGS

Motion: to approve the Council Calendar/Schedule of meetings for June and July, as submitted

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

PRESENTATIONS

Mayor Esteves presented the following:

- “Promoting Lifelong Partnerships and Awareness in Your Community” (PLAY) awards given to Milpitas businesses including Peet’s Coffee, Subway, Prismatic, Milpitas Post, Walgreen’s, and Headway Technologies for support of recreation programs
- Recognition of Volunteer Income Tax Assistance (VITA) program for 2010 at Milpitas Public Library, presented to 7 volunteers, including leader Mr. Shahid Mujtaba
- Recognition of North Valley Christian Fellowship for recent donations to Japan’s Tsunami Relief Efforts. Pastor Stan Rutkowski of Calvary Assembly of God in Milpitas had a donation to present to the Sister Cities Commission for the City of Tskuba, Japan.

PUBLIC FORUM

Robert Marini, Milpitas resident, discussed sewer rates and concerns over the recently increased fees. Mayor Esteves invited him to submit his questions in writing to the City Manager for a final response from staff on questions about how new rates were calculated for sewer service.

ANNOUNCEMENT

None.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST**

None

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

CONSENT CALENDAR

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

Mayor Esteves requested future oral presentations to the City Council on two matters on the consent calendar: (1) on the BART project, Item No. 4, and (2) the Alviso Adobe Park renovation plan, Item No. 11. Mr. Armendariz confirmed staff would do so at the next meeting.

Mayor Esteves also inquired about Item No. 15, wanting to know why the project did not go out for bid. Mr. Armendariz responded that consulting firm Kimley Horn was already working on several items for the City related to BART, so the City would take advantage of the opportunity to move quickly on concept design to meet VTA's Request For Proposals timeline for the larger project. He added that regarding Item No. 4, it was a written addition to what was presented at last City Council meeting on June 7.

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

- *4. Report on Status of BART to Milpitas project Received the staff report on BART construction and mitigation measures, and authorized the City Manager to issue a letter to the Santa Clara Valley Transportation Authority requesting that VTA issue an addendum to the Request for Proposals which adds the Maintenance of Traffic and Access plan as a required submittal to the RFP proposals, and which VTA will include in its evaluation for determination of the most qualified design/ build contractor.
- * 5. Commission Appointment Moved to appoint Jose Rosario as Alternate No. 3 to the Community Advisory Commission to a term that would expire in January 2012.
- * 7. Climate Action Plan Approved a budget appropriation in the amount of \$57,500 from the Santa Clara Valley Transportation Authority (VTA) Community Design and Transportation Planning Grant to the Milpitas Climate Action Plan, Project No. 8200.
- *10. Award Contract to Inter Mountain Slurry Seal Awarded a construction contract including one Add Alternate item to Inter Mountain Slurry Seal Inc. for the Street Surfacing Project No. 4255, in the amount of \$671,701.70. Approved a budget appropriation of \$56,000 of Traffic Congestion Relief Fund from the Abbott Avenue Street Resurfacing Project No. 4251 to Street Resurfacing Project 2011.
- *11. Alviso Adobe Renovation, Phase IV, Project No. 5055 Approved the plans and specifications, and authorized advertisement for bid proposals for Project No. 5055.
- *12. Contract Extension with AmeriPride Service Authorized the City Manager to execute a contract extension with AmeriPride Services, Inc. for uniform rental and laundry service for the not-to-exceed amount of \$40,000.
- *13. Renewal of Excess Workers' Compensation Insurance Authorized the City Manager to pay Brown & Brown of California the premium rate of \$109,976 and approved the acceptance of Safety National Casualty Corporation to provide for the City's excess workers' compensation insurance for FY 2011-12.

- *14. Amendment No. 2 to the Contract with Universal Building Services Authorized the City Manager to execute Amendment No. 2 to the contract with Universal Building Services to increase the annual contract amount by \$17,492. Authorized the City Manager to grant yearly increases pursuant to the second amendment without further City Council approval.
- *15. Consultant Services Agreement with Kimley-Horn and Associates Authorized the City Manager to negotiate and execute a consultant agreement with Kimley-Horn and Associates for the Capitol Avenue Storm Drain Replacement, Minor Storm Drain Project No. 3702, in an amount not to exceed \$85,000.
- *16. Agreement with XO Communications Authorized the City Manager to execute an agreement with XO Communications for fiber optic conduit leases.
- *17. Contract for Abandoned Vehicle Abatement Services Authorized the City Manager to execute a contract with Christopher Schaller for abandoned vehicle abatement services for an amount not-to-exceed \$25,000.
- *18. Agreements for the Senior Nutrition Program Authorized the City Manager to execute a Master Agreement with the County of Santa Clara for the Senior Nutrition Program Master.
Authorized the City Manager to execute a contract amendment with Compass Group USA, dba Bateman, in the amount of \$71,044 for FY 2011-12 services.
Authorized the City Manager to execute a contract amendment with New Orient Restaurant in the amount of \$39,491. \$4,499 is for additional services in FY 2010-11, and \$34,992 is for FY 2011-12 meal services.
- *19. Contract with Valley Oil Company for Fuel Awarded the bid and authorized the City Manager to execute a contract with Valley Oil Company for gasoline and diesel fuel for the not-to-exceed annual amount of \$600,000.
- *20. Contract with Rural Metro to Park Trailers Authorized the City Manager to execute a contract with Rural Metro to park trailers at Milpitas Fire Stations 2 and 4.

PUBLIC HEARINGS

- 1. Resolution to Approve Engineer's Report and Levy Assessments for LLMD 95-1 McCarthy Ranch

Engineer Fernando Bravo displayed the location of the McCarthy Ranch maintenance district, consisting of 34 parcels. It was established to maintain landscaping, irrigation and pedestrian lighting in the area. Staff listed the fund balance and noted there was no proposed increase in the assessment for next year, with the amount of \$276,676. Photos were displayed of the landscaping features along N. McCarthy Blvd.

Councilmember Gomez inquired about enhanced street maintenance and whether it could be improved via this district. Staff replied that was not how the District was set up. The city would have to establish a separate, new special district for street road repair and maintenance.

Mayor Esteves opened the public hearing, and heard no comments.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

(2) Motion: to adopt Resolution No. 8102 approving the annual Engineer's Report, confirm diagram and assessment, and order levy of assessments for FY 2011-12 for Landscaping and Lighting Maintenance Assessment District No. 95-1

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

2. Resolution to Approve Engineer's Report and Levy Assessments for LLMD 98-1 Sinclair Horizon

Engineer Fernando Bravo displayed the location of the Sinclair Horizon maintenance district, consisting of 98 parcels. It was established to maintain landscaping, irrigation and pedestrian lighting in the area. Staff listed the fund balance and noted there was no proposed increase in the assessment for next year, with the amount of \$35,847. Photos were displayed of attractive landscaping features at the site along Los Coches.

Mayor Esteves inquired about new development nearby and if it would be included in the district. Staff responded no, since the new housing to be built would go into the established city-wide Community Facilities District.

Mayor Esteves opened the public hearing, and heard no comments.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

(2) Motion: to adopt Resolution No. 8103 approving the annual Engineer's Report, confirm diagram and assessment, and order levy of assessments for FY 2011-12 for Landscaping and Lighting Maintenance Assessment District No. 98-1

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

UNFINISHED BUSINESS

One item was approved on the consent calendar.

3. Report from PG&E

City Engineer Greg Armendariz introduced the representative from PG&E, government relations staff Mr. Tamon Norimoto, who in turn introduced Mr. Kelly Ball, gas superintendent of PG&E. Fire Chief Sturdivant would also provide information. Mr. Norimoto discussed testing that had been done on pipelines in Milpitas, and additional new extensive inspection and testing scheduled to ensure safety in the City. He displayed maps of the pipeline test locations in Milpitas. An upcoming Open House to explain to the public about the testing process was scheduled for Wednesday, June 29, from 5:30 PM – 7:30 PM at Brooktree Elementary School in San Jose.

Mr. Norimoto distributed a matrix of Action Items to track progress on steps to be taken both by the City staff and the utility company. Fire Chief Brian Sturdivant described a valuable collaboration developing into a partnership between the City's public safety departments and the utility company. The Chief stated the defined training (Phase I and Phase II) was extremely helpful.

Contact information for the public was provided: website www.pge.com/gassystem and phone numbers: 1-888-743-7431 pipeline info line and 1-800-743-5000 regular customer service line.

Councilmember Giordano explained the City was concerned about aging infrastructure here in the City and asked about PG&E's aging pipes. Mr. Norimoto responded pipes can be in use up to 100 years and Mr. Ball said the 2020 program was looking at the entire infrastructure throughout PG&E system, with replacement ongoing.

Mayor Esteves inquired as to what was going to happen next specifically on the pipelines in Milpitas. Mr. Norimoto referred to the information he had presented, and that he would work with Mr. Armendariz to distribute additional, more detailed plans for the Milpitas pipeline testing.

Mayor Esteves requested copies of reports, from other outside agencies. Mr. Norimoto replied that he could provide the web links to the agencies that PG&E works with to find the information currently available, and the Mayor thanked him for his report.

Motion: to receive progress report from PG&E and to provide comments

Motion/Second: Councilmember Giordano/Councilmember Gomez

Mr. Robert Marini came to podium to ask PG&E a question about automatic shut-off valves. The PG&E representative explained the company was in the process to verify either automatic shut-off or remote shut-off valves in all required locations.

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

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 8:31 PM.

ROLL CALL

PRESENT: Chair/Mayor Esteves, Agency/Councilmembers Gomez and Giordano

ABSENT: Vice Chair/Vice Mayor McHugh and Agency/Councilmember Polanski

RA 2. MINUTES

Consideration of approving the Agency meeting minutes of June 7, 2011

Councilmember Giordano stated she would abstain, so (with no quorum) this item was continued to the next City Council meeting.

RA 3. Agenda Approval and Consent Calendar

Motion: to approve the agenda and consent calendar, as submitted

Mayor Esteves inquired about item no. RA9 and why the project was not sent out for bid. City Attorney Ogaz replied that it was a consultant agreement and not required to go out for bid. Engineer Steve Erickson came up to explain further to the Mayor about the Request for Proposals process that was done for a design consultant selection.

Motion/Second: Agency/Councilmember Giordano / Agency/Councilmember Gomez

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

RA 4. Agreement with Chamber of Commerce

Economic Development Manager Diana Barnhart described the proposed contract with the Milpitas Chamber of Commerce and its request for funding. The Scope of Services was revised slightly since May, with outreach to 20 to 40 businesses that have between 20 and 99 employees, and the points system, for services up to 250 points per quarter, in four steps. She described the "EB-5" visa program as a tool to stimulate job creation that the Chamber would help businesses pursue. Some visas were for targeted employment areas where unemployment was 150% of the average rate nationwide.

Councilmember Gomez commented on retention/recruitment and assisting members through city processes as originally proposed by the Chamber. He pointed to the newly narrowed the scope of services. He asked if the City was overpaying for services. Staff responded that this was a minimal amount of money if they were successful with what was in the agreement.

Chamber CEO Carol Kassab came to the podium to respond to several of the questions posed by Councilmembers, and explained the Chamber outreach program.

(2) Motion: to introduce Ordinance No. 218.3

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of:

AYES: 3

NOES: 0

ABSENT: 2 (McHugh, Polanski)

BIDS/CONTRACTS

Eleven items were approved on the consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 9:13 PM.

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


Mary Lavelle, City Clerk