

Mayor Esteves remarked that the City Council had not outsourced the Police Department.

Robert Marini, Milpitas resident, had a meeting with the Milpitas City Manager Tom Williams and Kathleen Phalen, regarding discrepancies on household charges for sewer rates.

Denny Weisgerber, 195 Casper St. resident, was opposed to an RFP for Police services. He wanted the Council to take a long, hard look at that and consider the impact of outsourcing police or any public safety. He supported the declaration of Mr. Weinstein, and should make it an election by a vote of the people.

Mark Tiernan, 302 Silvera St. resident, spoke against the RFP process for outsourcing police. He noted the fast response times for police services. It was a waste of approximately \$50,000 in taxpayers' funds, time and money of the local government to pursue it.

Liz Ainsworth, a Milpitas resident, announced a Candidates' Forum on Education, scheduled on Wednesday, October 10, from 7:00 to 9:00 PM at the Barbara Lee Senior Center. All of the City Council and the public were welcome to attend.

Rob Means, 1421 Yellowstone resident, supported the Police Department. He also supported Personal Rapid Transit and the need for this type of service. He sought to include this topic on the list of projects for Milpitas, when regional funds were dispersed for transportation.

ANNOUNCEMENTS

City Manager Williams reported that the agreement related to agenda item no. 13 (new park), after working with Lyon Communities, was distributed today for the City Council's review.

Councilmember Gomez asked to put on the next agenda the RFP of outsourcing police services.

Vice Mayor McHugh agreed that Mr. Gomez' request was appropriate, and supported it to go onto the Council agenda. He asked questions about the status of the RFP having been issued for responses. He felt there should be a public vote, before proceeding with outsourcing. People preferred having the City's own Police Department and officers, he believed.

The Vice Mayor reported he and the City Manager had a chance to address the Silicon Valley Leadership Group with the Mayors of Santa Clara and Sunnyvale recently. He saluted Council member Gomez on his recent "Senior Breakfast" events he had been hosting at the Milpitas Senior Center during the past several months.

Mayor Esteves offered congratulations to the new Grocery Outlet store on its opening, and the store was grateful to City staff for facilitating their opening with permits and other steps.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

Motion carried by a vote of:

AYES: 3
NOES: 0
ABSENT: 2 (Giordano, Polanski)

CONSENT CALENDAR

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

Councilmember Gomez requested to place Item No. 3 (Cool Cities initiative) onto consent.

Vice Mayor McHugh requested to remove Item No. 9 (Planning Director salary), Item No. 10 (amendment to VTA Agreement), and Item No. 13 (new City park) from consent.

Mayor Esteves disclosed that he is a parishioner at St. John the Baptist Catholic Church, in regard to Item No. 4 (fee waiver request).

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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

* 2. Commission
Appointments

Moved to appoint the following Commissioners, as recommended by the Mayor:

Community Advisory Commission:

Appointed Mayvid Maclay as regular voting member to a term that expires in January 2015.
Appointed Eva Ferguson as Alternate No. 1 to a term that expires in January 2013.
Appointed Eusebio Espitia as Alternate No. 2 to a term that expires in January 2013.
Appointed Oscar Leon as Alternate No. 3 to a term that expires in January 2014.
Newly appointed Marsha Tran as Alternate No. 4 to a term that expires in January 2014.

Parks, Recreation, and Cultural Resources Commission:

Appointed Evelyn Ramirez as regular voting member to a term that expires in June 2015.
Appointed Gerome Guerrero as Alternate No. 1 to a term that expires in June 2014.
Newly appointed Bhupinder “Bill” Singh as Alternate No. 2 to a term that expires June 2013.

Youth Advisory Commission:

Newly appointed Raveena Chahal as Alternate No. 4 to a term that expires in September 2013.

* 3. Cool Cities initiative

Directed staff to enroll in the Cool Cities initiative and launch a Cool Cities campaign through the website in collaboration with Planning, Building and Land Development divisions.
Directed staff to place on the City Council agenda consideration of the U.S. Mayors Climate Protection Agreement and the Cool Counties Climate Stabilization Declaration.

* 4. Waiver of Fees

Approved the waiver of City fees for St. John the Baptist Catholic Church for its Autumn Festival and the Christ Community Church for a special service event (excluding the Sports Center rental fee of \$320) resulting in a total loss of \$1,755.64 in revenue.

* 5. Resolution Updating
Conflict of Interest Code

Adopted Resolution No. 8197 updating the list of employee classifications required to file under the City’s Conflict of Interest Code (annual Form 700).

* 6. Resolution of Final
Acceptance Project No. 4267

Adopted Resolution No. 8198 granting final acceptance of the Escuela Parkway Soundwall Renovation, Project No. 4267 and release of the contractor’s bond.

* 7. Resolution Approving 867
Calaveras Ridge Dr. plans

Adopted Resolution No. 8199 approving the Site Development Permit Amendment No. UA12-0002 for the residence at 867 Calaveras Ridge Drive.

* 8. Resolution Awarding
Contracts for New City-wide
Telephone System

Adopted Resolution No. 8200 authorizing the City Manager to take actions related to purchase, installation, maintenance, and payment of new telephone system for the City of Milpitas with vendors ExtraTeam Inc. and Key Government Systems.

*11. Amendment No. 1 with
Harris & Associates

Approved and authorized the City Manager to execute Amendment No. 1 to the Agreement with Harris & Associates in the amount of \$455,000, subject to approval as to form by the City Attorney. Approved budget appropriation in the amount of \$455,000 from the General Fund to the Engineering budget to be reimbursed by private development funds.

*12. Agreement with SCS
Engineers

Approved and authorized the City Manager to execute an agreement with SCS Engineers in the amount of \$125,000, for environmental engineering and testing services.

PUBLIC HEARING

1. CDBG funds CAPER

Principal Housing Planner Felix Reliford reviewed the Consolidated Annual Performance Report (CAPER) - a report required to be submitted to the federal Department of Housing and Urban Development (HUD) on the distribution and expenditure of Community Development Block Grant funding in the City of Milpitas for non-profit agencies in the community. He reported there had been a substantial decrease in funds awarded over the last five years, from \$599,777 in 2007-08 to \$390,716 in 2012-12. More than 6,000 City residents have been helped or touched by CDBG funding.

Mayor Esteves opened the public hearing to invite speakers from the public and heard none.

Motion: to close the public hearing

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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

Motion: to adopt the FY 2011-12 Consolidated Annual Performance Evaluation Report

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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

REPORT of MAYOR

One item was approved on the consent calendar.

NEW BUSINESS

Two items were approved on the consent calendar.

RESOLUTIONS

Four resolutions were adopted on the consent calendar.

9. Resolution on Salary Range for Planning Director

Vice Mayor McHugh asked for more information on the history of the salary for this position. Human Resources Director Carmen Valdez responded that the salary range was last adjusted in 2005. The City had recently received a salary survey on total compensation and then surveyed other cities in order to propose the range in the Resolution presented to the Council.

Motion: to adopt Resolution No. 8201 amending the Classification Plan to modify the salary range for the Planning & Neighborhood Services Director to the annual salary range of \$152,199 to \$185,000

Motion/Second: Vice Mayor McHugh/Mayor Esteves

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

CONTRACTS

Two items were approved on consent calendar.

10. Amendment No. 4 to Agreement with VTA

Vice Mayor McHugh commented on the agreement and its terms. He sought more information on the second staff recommendation to Council, regarding the budget appropriation of \$393,600. The City Manager explained the reimbursement process from VTA for this cost item.

Motion: to authorize the City Manager to execute Amendment No. 4 to the Master Agreement with Santa Clara Valley Transportation Authority relating to the Silicon Valley Rapid Transit Program Berryessa Extension Project, and to approve a budget appropriation of \$393,600 from GT1063 to Project No. 4265

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

Motion carried by a vote of:

AYES: 3
NOES: 0
ABSENT: 2 (Giordano, Polanski)

13. Actions on New City Park

Vice Mayor McHugh asked if there was any urgency to act on this matter at this meeting. City Manager Williams asked for a response from the project developer, Lyons Communities. The company's representative Bill McCue came to the podium, expressing that Lyons was seeking to get the concept plan approved for the park as his goal and to get the park plan underway.

The Vice Mayor wanted to see any schematic for the park. He also asked how many units were planned to be built in the Apex development, and the response was 366 apartments. That was a reduction in units from 381 originally approved.

Motion: to approve the City park design along with the Maintenance Agreement for the new park at Great Mall Parkway and S. Abel Street at the Apex by Lyon Communities development

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

Motion carried by a vote of:

AYES: 3
NOES: 0
ABSENT: 2 (Giordano, Polanski)

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 7:51 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on October 2, 2012.



Mary Lavelle
Milpitas City Clerk