

**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 and the response to both was none.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

CONSENT CALENDAR

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

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

- * 3. Fil-Am Fee Waiver Approved fee waiver up to \$1,500 maximum covering Fire and Building City fees related to Fil-Am Association Adobo Festival at Milpitas Sports Center field, scheduled on August 31 and September 1, 2013.
- * 4. St. John the Baptist Catholic Church Fee Waiver Approved fee waiver for St. John the Baptist Catholic Church for Fire and Building inspection fees up to \$1,500 maximum for those City fees related to Autumn Festival at the church on the weekend of September 6, 7, and 8, 2013.
- * 5. Resolution of Final Acceptance Project 3204 Adopted Resolution No. 8287 granting final acceptance of and releasing subdivision improvement bond for Paragon Townhomes, Project No. 3204.
- * 6. Resolution Adopted Resolution No. 8288 approving the City's Annual Investment Policy.
- * 7. Resolution approving Agreements with MEA Adopted Resolution No. 8289 approving Memorandum of Understanding with Milpitas Employees Association (MEA) covering January 1, 2013 through December 31, 2013 and authorizing the City Manager to execute a Side Letter Agreement with MEA regarding the LIUNA National Pension Fund.
- * 8. Resolution for Software Maintenance Contract Adopted Resolution No. 8290 authorizing the City Manager to execute the software maintenance contract renewal with Tritech Software Systems, Inc. from September 1, 2013 to August 31, 2014 in the amount of \$97,765.54.00; and, authorized the City Manager to exercise up to four annual options with annual fee increases based on the national CPI, subject to appropriation of funds and without further City Council approval.
- * 9. Resolution for Staff in Planning Department Adopted Resolution No. 8291 authorizing the addition of one Secretary position and eliminating one Office Specialist position in the Planning & Neighborhood Services.
- *10. Amendment No. 4 with CalRecovery Inc. Approved and authorized the City Manager to execute Amendment No. 4 to the contract with CalRecovery Inc. for solid waste consulting services by increasing compensation in the amount of \$20,000, for a total not-to-exceed \$69,000.
- *11. Amendment No. 5 with Gachina Landscape Approved Amendment No. 5 to the Agreement with Gachina Landscape Management, Inc. for the Civic Center, Library Landscape Maintenance Service increasing the contract total to \$38,221 for year two, and \$36,744 for years three through five for a total contract amount not to exceed \$180,392.
- *12. Amendment No. 8 with Jensen Landscape Approved Amendment No. 8 to the Agreement with Jensen Landscape Services, Inc. for McCarthy Ranch Landscape Maintenance Services, increasing the contract total to

\$261,923 from August 30, 2010 to August 29, 2013 and \$72,879 for each of the remaining two years of the contract.

*13. Payment for Emergency Sewer Line Repair Work

Received a report from the Public Works Director for emergency public works repair to the sewer main on Marylinn Drive. Approved a budget appropriation of \$40,000 from the Sewer Fund to the Public Works operating budget, and authorized staff to pay invoices for emergency repair work to Preston Pipelines and Presidio Systems in an amount not to exceed \$40,000.

*14. Payment to Peelle Tech

Approved renewal of the annual Peelle Technologies Software/Hardware Maintenance Agreement for one year from June 28, 2013 to June 28, 2014 for the not-to-exceed amount of \$23,801.

UNFINISHED BUSINESS

1. Report from Santa Clara VTA Staff on BART Project Progress

City Engineer Jeff Moneda introduced Bernice Alaniz and Leyla Hedayat from Santa Clara Valley Transportation Authority (VTA). Staff from the Silicon Valley Rapid Transit (BART Extension) project provided an overview and current status of the BART 10-mile extension being constructed presently in Milpitas and surrounding communities. VTA staff discussed current activity, stakeholder outreach, aesthetics at the Milpitas station, and information on Residential Noise Insulation Project.

Councilmember Giordano inquired how tall the parking garage was and staff replied six stories with 1,200 spaces. Ms. Giordano complimented the VTA staff, on project progress to date, and not impairing traffic flow while construction was ongoing.

Councilmember Gomez inquired whether VTA had finished acquiring right-of-way and talking to property owners, and response was no, not yet.

Vice Mayor Polanski asked how long Montague would be impacted. Through 2016 was the reply from VTA staff. Vice Mayor gave some input on signs within construction areas, where more and larger ones were needed on roadways.

Mayor Esteves said he was member of the SVRT committee, and had been updated on the project. He asked the representatives to announce contact information for the public to be repeated: the hotline phone number 408-93-4662 was available, along with lots of information on the website www.vta.org/bart. Mayor Esteves commented on access to the new BART Milpitas station which would only be available from the sides of the station, not directly from Montague Expressway.

Mayor Esteves asked for any comments from those in the audience.

Robert Marini, Milpitas resident, spoke about Dixon Landing Road, with a trench and trains going by with traffic stops every half hour. BART would impede traffic further.

Ms. Hedayat responded there were several reasons not to do a grade separate at that location, including cost. Those were fully discussed by the City Council and VTA Board before the at-grade plan was determined.

Motion: to receive a report from Santa Clara VTA staff at the Council meeting on the Bay Area Rapid Transit (BART) Extension Project

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

NEW BUSINESS

Two fee waivers were approved on consent calendar.

2. Agreement with SJB for Milpitas Family Resource Center at former Teen Center

Recreation Supervisor Jaime Chew provided history and background of the First 5 program of Santa Clara County and its relationship with subcontractors SBJ and the Health Trust. The group approached the City of Milpitas about possibly using the former Milpitas Teen Center at the Sports Center Building. First 5 determined it was a good location to establish a Family Resource Center operated by SJB. Staff identified terms of a proposed agreement for lease between First 5 and the City, including lease rates. Total fiscal impact to the City was calculated to be a \$35,370 loss of revenue.

Councilmember Gomez wanted to know more about what services would be provided.

Keith Morales, program manager for First 5/SJB, responded those would be early childhood development-related services offered at the Milpitas Family Resource Center. They would help families get children prepared for school. They planned to develop leadership with parent volunteers. Laura Buzo, program director for SJB, said the Centers in Santa Clara County served all families regardless of income, while primarily targeting those in need of information while raising young children.

Councilmember Gomez asked about the \$16,000 per year cost and if it was budgeted. He asked City staff about the Teen Center site, and locating a third party operator. City staff responded there had been no success in that regard last year.

Vice Mayor Polanski asked what would be the hours of operation of the Center, and the reply was Monday through Friday, from 8:00 AM to 5:30 PM.

Mayor Esteves asked about fiscal impact, and which party would be responsible for repairs and maintenance. The City Attorney noted the agreement stated the City was not obligated to do repairs and that janitorial service was the responsibility of the tenant. The Mayor inquired about recognition of the City by First 5 and SJB, and also for explanation of the parking plan, as he did not want parking to be a problem for the Sports Center. He asked about liability and the City Manager replied about the insurance requirements in the contract.

Vice Mayor Polanski asked if First 5/SJB served Milpitas residents presently, and Mr. Morales replied yes, at the site on E. Trimble in San Jose. The Vice Mayor had concerns about safety and for nearby neighbors walking to the site, since crossing Calaveras Blvd. was dangerous. She wanted to know why First 5 was not operating at school sites and was uncertain that Milpitas schools would not work with the group to meet its goals for children and families. Ms. Polanski did not agree with the proposal to rent the facility for only \$1 per year, while lower rent for non-profits in general could be okay.

Mayor Esteves agreed with the Vice Mayor on several points, especially possible coordination with the school district, for reading and other efforts. The Mayor would like to know feedback from MUSD on this proposal for a Family Resource Center in Milpitas. He asked what were specific project goals for this center in Milpitas, after one or two years. First 5/SJB staff stated their goal was to help 750 families in one year.

Councilmember Gomez thanked First 5/SJB staff for attending the Council meeting and for providing good services for children in the community. He would like to waive the fees as requested, especially when it had been so hard to close the Teen Center last year.

Mayor Esteves commented that the City was not ready to give out facilities at low or no cost. The Council had recently set a policy for donations and fee waivers. The recommended rate for renting the facility was not at non-profit rate (only \$1) and so he cared about fairness to other groups, even while the program was tremendously valuable.

Councilmember Giordano would not support the proposed agreement for three reasons: 1) she had heard that First 5 was involved in political campaigns, 2) she agreed with Vice Mayor Polanski that the location was in a very busy area, and near a swimming pool

facility, and 3) she agreed with Mayor Esteves about not setting a precedent subsidizing non-profit groups, when there were so many requests every year for the limited CDBG (Community Development Block Grant) funds.

Motion: to deny an agreement between City of Milpitas and SJB Child Development Centers commencing on August 20, 2013 and expiring June 30, 2015 for the use of the Milpitas Teen Center facility for a Family Resource Center and write down the rent amount of \$1,361.25 per month (\$.55/sq.ft) to \$1.00/year; plus waive building permit and inspections fees up to \$1,500

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 3
NOES: 1 (Gomez)
ABSENT: 1 (Montano)

RESOLUTIONS

Five Resolutions were adopted on consent calendar.

CONTRACTS

Three Amendments to agreements with the City were approved on consent calendar.

DEMANDS

Two demands for payment were approved on consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the meeting at 9:05 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on September 3, 2013.



Mary Lavelle
Milpitas City Clerk