



> Recognition to Milpitas Youth Soccer League upon celebrating its 10-Year anniversary offering soccer, both recreation and competitive, activities to young people in Milpitas. It was accepted by Niranjan Gupta and another member of MYSL.

**PUBLIC FORUM**

Robert Marini, a Milpitas resident, discussed a past lawsuit against the City, and costs from the suit. He wondered how the City would recoup those costs.

Eugenia Allen-Egbert, Milpitas resident, requested a sculpture garden for Milpitas, where there could be on display art made from recyclable materials. Her son showed the Council and audience a dog "Ezekiel" made by her friend from parts of her old push-lawnmower, as a sample of the type of art that could be in such a garden. She distributed a poem to Councilmembers.

Nina Seth, new resident of Milpitas, explained that she lived on N. Milpitas Blvd., and asked the City to reconsider the speed limit near where she lives. She saw cars speeding through the residential area, and recommended to have it consistent through the area at 35 mph, not 45.

**ANNOUNCEMENTS**

Vice Mayor Polanski thanked the Police Department from the Chief on down, for the first Neighborhood Watch Block Captains meeting held last Thursday evening. It was a big success with a great turnout, with excellent information provided by police staff.

**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: 5  
NOES: 0

**CONSENT CALENDAR**

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

City Manager Tom Williams requested to remove agenda item No. 13 (Chamber of Commerce loan request) from consent.

Councilmember Montano asked to remove Item No. 4 (Accounts Receivable write-offs).

Mayor Esteves asked to remove Item No. 11 (agreement with Mei Wan) from consent.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

\* 2. Odor Update Report Received the August 2013 odor report.

\* 3. Commission Appointments Confirmed the following appointments:

Youth Advisory Commission:

Re-appointed Monica La to a term that will expire in September 2014.

Re-appointed Cindy Wang to a term that will expire in September 2014.

Re-appointed Sabrina Leon to a term that will expire in September 2014.

Appointed Sahil Hansalia to a term that will expire in September 2014.

Appointed Veronica Wang to a term that will expire in September 2014.

Appointed Arjun Goyal to a term that will expire in September 2014.

Appointed Raveena Chahal as Alternate No. 1 to a term that will expire in Sept. 2014.

Public Art Committee:

Newly appointed Christina Driggers as a general member to a term that will expire in October 2014.

Bicycle Pedestrian Advisory Commission:

Re-appointed Christine Sanchez to a term that will expire in August 2016.

- \* 5. FY 2012-13 Year End Budget Adjustments      Milpitas City Council and the Milpitas Housing Authority approved Fiscal Year 2012-13 year-end budget appropriations, as itemized on the budget change form.
- \* 7. Resolution ABAG PLAN      Adopted Resolution No. 8292 rescinding Resolution No. 5305, and appointing the Director of Financial Services and Assistant City Attorney (alternate) to the Association of Bay Area Government Pooled Liability Assurance Network (ABAG PLAN) Board of Directors.
- \* 8. Resolution on Land Value      Adopted Resolution No. 8293 establishing the fair market value of land in the City of Milpitas outside the Transit Area Specific Plan and Midtown Specific Plan to be \$51 per square feet and \$2,221,560 per acre for the purpose of calculating park in-lieu fees, effective on September 3, 2013.
- \* 9. Resolution Approving Site Permit      Adopted Resolution No. 8294 approving a Site Development Permit No. SD13-0006, subject to conditions of approval, for renovation of an existing patio deck, construction of a new 397 square foot outdoor patio cover, installation of retaining walls, 6-foot wooden wire mesh fence, and new landscaping, to an existing hillside single family residence located at 1800 Pinehurst Court.
- \*10. Agreement with BFGC Architects Planners Inc.      Approved an agreement with BFGC Architects Planners, Inc. doing business as IBI Group Architecture Planning for a term from September 3, 2013 to December 15, 2015, in the amount of \$62,000, for design and construction management services for the Milpitas Sports Center Facility Improvement, Project No. 3408.
- \*12. Agreement with PredPol      Authorized the City Manager to execute an agreement with PredPol Inc. for Predictive Policing software for the not-to-exceed annual price of \$12,500 for a total three year contract value of \$37,500.

**UNFINISHED BUSINESS**

- 1. Strategic Planning Update      Dr. Shawn Spano, consultant for strategic planning, addressed the Council on Phase I for the City of Milpitas, following his meetings with the Mayor and Councilmembers, and also with the executive management team. He described the tangible outcome.  
  
Phase 2 of the Strategic Planning process would be to document the vision, mission and values of the City, through open and honest communication with city employees and community members, especially residents. Dr. Spano was interested in talking to City Commissioners and other active residents of Milpitas. Phase 2 would be a time to collect a great deal of data. The Employee Engagement Team would meet, along with online methods for providing input. A final version of the vision, mission and values should be available in the spring of 2014.  
  
Councilmember Giordano appreciated the one-on-one interview with him and was confident about the process toward the strategic plan.  
  
Vice Mayor Polanski agreed with Councilmember Giordano and the City was definitely headed in the right direction. Regarding Commissions, she asked Dr. Spano if he envisioned going to those meetings and explaining this process, and he replied yes. The Vice Mayor felt it would be valuable to do at Commission meetings, so long as enough time was scheduled for meaningful discussion.

Mayor Esteves asked where he could view the deliverables from Phase I. City Manager Williams said he has that in writing and would make it available to the Mayor and Council. Next, the Mayor asked for costs to date and the anticipated cost of next phases.

Costs were identified by Dr. Spano as follows: Phase 1 \$16,400; Phase 2 \$91,000; Phase 3 \$48,000; and Phase 4 would cost less, with an estimate only of \$20,000. The total tallied \$175,400, which was slightly more than budgeted for this project.

Mayor Esteves asked him what was unique about the City of Milpitas that he found in his discussions so far. Dr. Spano said it was the question of the unknown, since not a lot of community engagement happened so far. This was a community in transition, as opposed to a long established one. The Mayor was concerned about the Action Plan, and when that would happen. In Phase 3, with objectives under the strategic goals, was the response. Then, actions would become specific in Phase IV in the final Strategic Plan. Mayor Esteves inquired and commented about how the Strategic Plan would relate to the City's budget and future budgeting.

Councilmember Montano felt Phase 2 was the most important part of the Strategic Plan effort. Mission, vision and values were important to find out. The City was a community, and this work must go out to find out what the mission, vision and values of the city were. She asked how he would reach out to less visible groups in Milpitas, such as African Americans and Latinos in the city. Dr. Spano responded person-to-person contact was best, not by simply sending out a flyer or an e-mail. Ms. Montano recommended reaching out to the school district.

Motion: to receive an update report on the strategic planning effort - Phase I; and, to approve Phases II and III of Strategic Planning to move forward with the various engagement activities in order to develop and draft Strategic Goals and Objectives, which will be presented at a future Council meeting

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of: AYES: 3  
NOES: 2 (Esteves, Gomez)

Mayor Esteves explained his No vote, stating he would like to have and read the Phase I report in hand, before he would vote for funding for the next phase of the Strategic Plan.

## NEW BUSINESS

### 4. Accounts Receivables

Councilmember Montano had a question on the numbers reported on page 6, on total invoiced amounts. She asked staff for clarification, on the values in the report and Finance Director Emma Karlen responded. Ms. Karlen also stated the total amount for write-off was merely 0.3% of the total invoiced amount, for recreation Ms. Karlen emphasized that the City would continue to receive and process any payments that come in to the City on these amounts (even after the vote approving the write-offs).

Motion: to approve the Accounts Receivable Write-off in total of \$122,084.46 for the fiscal year ended June 30, 2013

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

## ORDINANCE

### 6. Bingo Games Prize Limit

City Attorney Mike Ogaz explained the proposed change in the local law, based on recent state law updates, as requested by residents recently. The goal was to permit an increase to \$500 from current \$250, as the maximum possible prize at licensed bingo games.

The City Attorney then read aloud the title of Ordinance No. 198.4, “An Ordinance of the City Council of the City of Milpitas Amending Section III-7-13.02 of the Milpitas Municipal Code to Increase the Total Value of Prizes that May be Awarded for Each Bingo Game from \$250.00 to \$500.00 as Authorized Under California Penal Code Section 326.5.”

Motion: to waive the first reading beyond the title of Ordinance No. 198.4

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

Motion: to introduce Ordinance No. 198.4 amending Section III-7-13.02 of the Milpitas Municipal Code to increase the maximum prize value payout for each Bingo game from \$250 to \$500 as authorized under California Penal Code Section 326.5

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

## RESOLUTIONS

Three resolutions were adopted on consent calendar.

## CONTRACTS

Two agreements with the City were approved on consent calendar.

### 11. Agreement for Center Stage Performing Arts

Mayor Esteves wanted to express to the public the real costs of the theatre program for children and to explain the City’s support for Center Stage.

Recreation Coordinator Stephanie Douglas responded that, in part, \$107,413 for use of the space was provided. Indirect costs include staff time, estimated at \$22,000 reported Carmen Valdez. There were also insurance fees waived. With 40-80 participants in each production and four productions each season, there could be 160 to 200 youth involved. City Manager Williams calculated that would amount to \$640 per student that the City contributed to the theatre program.

Motion: to approve the agreement with Mei Wan, an individual doing business as Center Stage Performing Arts, for the children’s theatre program for a one year term from August 27, 2013 to August 26, 2014, with a payment of 90% of City-collected program cast fees

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

### 13. Approve \$20,000 Loan to Chamber of Commerce

City Manager Williams gave background on the Milpitas Chamber of Commerce, related to the International BBQ and Festival. The Chamber would like to postpone its festival and to host it in 2014 during the celebration of the 60<sup>th</sup> anniversary of Milpitas. The organization continued to have urgent operating capital needs, to host some fundraisers, and to work on membership drives as in its current workplan. The Chamber requested that the City Council consider a short-term loan with a payback period over two years.

Vice Mayor Polanski asked if the City was charging interest and Mr. Williams said yes, interest would be paid at 2% if the loan was not paid back in full at the two year mark. The Vice Mayor wanted the Chamber to postpone the Festival until the 60<sup>th</sup> anniversary year and said the Chamber could pay back the City after the festival event. She also asked if the City Manager could find office space at a non-profit rate, at the City, for the Chamber of Commerce since it was in dire need.

Councilmember Giordano explained that Mayor Esteves and she met at City Hall with Chamber representatives last week, to consider the item on the agenda. She had the idea to front the Chamber the funds, to persuade them to still have the event, even if held later next year. So the money she supported last week would be for hosting the festival. She knew the Chamber was in crisis, however she would vote no on the newer proposal for the funds. She did not support the idea of possible office space to be offered by the City.

Councilmember Gomez sought clarification on the needs of the Chamber and what the City proposed, and the City Manager responded.

Chamber President Liz Ainsworth came to the podium to explain that Chamber leaders came to the City last week to express the status of Chamber's situation.

Councilmember Montano asked her what was most important at this time. The Chamber President said the festival event would still go on but next year. Councilmember Montano supported the idea of a city-wide event, during the year of 60<sup>th</sup> anniversary, while locating office space or a facility would help the Chamber, with no need for a loan.

Tom Valore, Chamber Board member and CFO, spoke to the City Council, recounting recent drastic actions taken by the Chamber's Board of Directors, including the layoff of the Chamber Executive and plans to vacate their rented offices.

Councilmember Montano stressed to the Chamber representatives that they needed to do more outreach to get more members signed up, especially in the broad range of businesses currently in Milpitas.

City Attorney Ogaz said the loan and facility space issues could present legal issues on the latter. He wanted the opportunity to brief the Council on ramifications, on the use by the Chamber, if that proceeded.

Mayor Esteves appreciated what the Chamber did and said their functions were vital to the City and economic development. For assistance, he commented on how in San Jose, non-profits used space for free, if sites were already empty. He supported assistance in terms of space. On the BBQ Festival, he asked if they were confident in its success next year. He viewed the loan funds as an investment.

Councilmember Gomez was okay with assisting the Chamber to find space to re-locate. He grappled with the Festival and was not sure if it was best for all. He wanted to wait for the budget cycle to discuss any loan or grant to the Chamber of Commerce, which did a service for this community.

Councilmember Montano suggested perhaps an exploratory committee be formed to get a handle on these issues. Mayor Esteves noted the urgency.

Vice Mayor Polanski was not in favor of an exploratory committee. Staff could do the work she discussed earlier. Any loan would be repaid in January 2014 and interest would accrue at 2%. She asked staff to look into office space needs for the Chamber and to bring back information at the next City Council meeting, and invited the Chamber President to attend the next 60<sup>th</sup> Anniversary Subcommittee meeting next week. She stated that was a motion, and it was seconded by Mayor Esteves.

A vote on that motion failed by a vote of two (2) in favor (Mayor and Vice Mayor) and three (3) opposed.

Councilmember Gomez then made a motion, by restating the earlier motion by Vice Mayor Polanski, but not including any loan and to move the idea of a loan to the Chamber of Commerce to budget discussion time. Councilmember Giordano seconded his motion.

Tom Valore responded further to the Mayor's question on how the Chamber of Commerce could manage if no loan was offered.

City Attorney Ogaz commented that it was not appropriate to vote on finding space, since that topic was not on the agenda. Councilmembers agreed it be brought back to vote on September 17.

Chamber President Ainsworth discussed the one Chamber office staff member maintained and what would be necessary to keep Chamber services ongoing.

Motion: to take action to assist the Milpitas Chamber of Commerce by asking City staff to look into office space needs for the Chamber and to bring back information at the next City Council meeting, invite the Chamber President to attend the next 60<sup>th</sup> Anniversary Subcommittee meeting next week, not to include any loan to the Chamber at this time, to move the loan to budget discussion time, and to bring back any action item for a vote on September 17

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

**ADJOURNMENT**

Mayor Esteves adjourned the meeting of the City Council and Housing Authority at 9:25 PM.

**The foregoing minutes were approved by the Milpitas City Council as submitted on September 17, 2013.**

  
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Mary Lavelle  
Milpitas City Clerk