



Mr. Rosen described the consumer mediation unit for customer interactions with business owners. He offered programs to prevent folks from being victims of crime, including financial ones, and suggested to watch for public service announcements on crime and prevention of fraud.

Mayor Esteves asked Mr. Rosen for his contact information. 408-299-3099 was the main phone line and 408-792-2855 was his phone number. The Mayor thanked the D.A. for coming to the Milpitas City Council meeting.

Next, Mayor Esteves proclaimed *Fire Prevention Week* for October 6 – 12, 2013 and the proclamation was accepted by Fire Marshal Albert Zamora. He emphasized carefully maintaining safety in the kitchen, where many house fires begin. Mr. Zamora asked residents to check smoke detectors and change the batteries at daylight savings end on November 3.

**PUBLIC FORUM**

Robert Marini, Milpitas resident, commented on sewer rate calculations for Milpitas.

Bonnie Mace, of Silicon Valley Housing Trust, invited all Councilmembers to attend the annual Turkey Trot event on Thanksgiving morning, November 28, 2013. Her colleague Kevin Zwick, CEO of the Housing Trust, encouraged participation in the Mayor’s Cup. This annual event benefits four local non-profit organizations, including the Housing Trust Silicon Valley.

**ANNOUNCEMENTS**

City Manager Tom Williams announced that the brand new “My Milpitas” iphone application launched the previous week and more than 200 people had already downloaded it. He invited City Engineer Jeff Moneda to the podium, who then introduced Steven Machida, the City’s new Principal Civil Engineer for Utilities in the Engineering department.

Mayor Esteves announced an event on Saturday, October 5, the 570<sup>th</sup> Hangeul Korean Alphabet Day ceremony and event in the City Hall lobby.

Councilmember Montano reported that the off-ramp off the Interstate 880 freeway to Great Mall Parkway (when traveling north) was dangerous, not well lighted, where drivers did not turn carefully. She saw lots of skid marks and would like someone to look into it, where there was a steep embankment and a ditch. City Manager Williams agreed staff would do so.

**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

Councilmember Montano asked to remove Item 8 (Amendment to Agreement with UBS for Janitorial Services).

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

\* 1. September Odor Report Received odor report for the month of September 2013.

\* 2. Commission Appointments Confirmed the following appointments:

Sister Cities Commission:

Re-appointed Dana Arbaugh and Karen Serpa to terms that will expire in September 2016.

Youth Advisory Commission:

Appointed Raveena Chahal to a term that will expire in September 2014.

Appointed Riane Abaya to a term that will expire in September 2014.

Appointed Jacqueline Ajero to Alternate No. 1 to a term that expires in September 2014.

Appointed Clare Sern to Alternate No. 2 to a term that will expire in September 2014.

Newly appointed Jonathan Mendoza as Alternate No. 3 to a term that will expire in September 2014.

Newly appointed Crystal Tran as Alternate No.4 to a term that expires in September 2014.

- \* 4. Park Bench Donation      Approved the Parks & Recreation donation of a bench in honor of Mabel Mattos at Alviso Adobe Park by the Green Thumb Garden Club.
  
- \* 5. Veterans Plaque Donation      Approved a dedication plaque in memory of resident veteran Henry Mattos to be installed at the Milpitas Veterans Plaza.
  
- \* 7. Resolution Accepting Escuela Parkway project      Adopted Resolution No. 8301 granting final acceptance of the Escuela Parkway Pedestrian and Bicycle Enhancement Project No. 4259, Federal Aid Project No. RPSTPLE (009) and releasing the contractor's bond.
  
- \* 9. Resolution Annexing Property into CFD 2005-1      Adopted Resolution No. 8303 annexing real properties located within Final Tract Map No. 10192 into Community Facilities District No. 2005-1.  
Approved and authorized the execution of a Subdivision Improvement Agreement between the City of Milpitas and DR Horton Bay, Inc. for public improvements associated with the Final Tract Map No. 10192 for Orchid.  
Approved Final Tract Map No. 10192 for Orchid and Public Improvement Plans 2-1180 (construction documents for the associated public improvements).
  
- \*10. Agreement with CSG      Authorized the City Manager to execute a consulting services agreement with CSG Consultants, Inc. for fire inspection and plan review services for a total amount-not-to-exceed \$163,200 annually.
  
- \*11. Amendment No. 2 with Prolific Holdings Inc.      Authorized the City Manager to execute Amendment No. 2 to the agreement with Prolific Holdings, Inc. for a one year extension for annual clothing purchase for Public Works Department staff for the annual amount not to exceed \$13,000.
  
- \*12. Amendment No. 8 with Hopkins & Carley law firm      Approved Amendment No. 8 to the agreement with the law firm of Hopkins & Carley for legal services, increasing the funding not to exceed \$50,000.
  
- \*13. Emergency Report of Repaired Water Mains      1. Received a report from the Public Works Director of emergency public works repairs to water mains on Daniel Court and on Hillview Drive.  
2. Approved a budget appropriation of \$83,106.21 from the Water Fund into the Public Works operating budget.  
3. Authorized staff to pay Preston Pipelines in an amount of \$83,106.21 for invoices for the emergency repair work.

**REPORT OF OFFICERS**

- 3. City 60<sup>th</sup> Anniversary      Vice Mayor Polanski described input from 17 members of the 60<sup>th</sup> Anniversary Committee to date. Members from each of the City's Commissions joined her and Councilmember Montano to hold several meetings to get started. She asked staff then to present the proposed plan for celebrating the City's 60<sup>th</sup> anniversary next year 2014.  
  
Recreation staff Renee Lorentzen described the proposed event schedule, starting in January with a gala kick-off and family day. Also the unveiling of the "Milpitas Minute Man" statue in front of City Hall would be part of the kick-off event in January 2014.

Vice Mayor Polanski stated that one mini-committee was focused on sponsorships for the 60<sup>th</sup> events, including gaining business sponsors for the main costly events. She was complimentary to staff about the design (displayed on screen) of the “60<sup>th</sup>” logo, to be used on all materials for all City events and activities in 2014.

Councilmember Giordano thanked her colleagues for the work done, and was glad for the progress on the Minute Man statue. She thought it was a great plan to unveil it at the 60<sup>th</sup> celebration in January.

Mayor Esteves was not comfortable to have an event as “invitation only” as the gala was described. He wanted it open to those first come, first served, up to the maximum capacity allowed in City buildings. Staff agreed that could be accommodated.

Motion: to approve 1) the 60th Anniversary plan drafted by the 60th Anniversary Planning committee, 2) a budget appropriation of \$50,000 from Contingency Reserve Fund to the City Council’s budget, and 3) 60<sup>th</sup> logo design and direct use of the logo as appropriate on all City-published materials, literature and paraphernalia during calendar year 2014.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

City Manager Tom Williams complimented Recreation staff Renee Lorentzen and Dale Flunoy on all the work done so far on what would be a great year.

## NEW BUSINESS

### 6. Milpitas Emergency Operations Plan

The Fire Department’s Office of Emergency Services Coordinator Sean Simonson reviewed the City’s updated Emergency Operations Plan.

Vice Mayor Polanski noted the great deal of time and effort that went into the update and complimented Mr. Simonson and the Fire Chief. She was present at recent Emergency Preparedness Commission meetings when this was reviewed.

Councilmember Montano asked about public safety staff who live out of town. Mr. Simonson described SAFE Teams members who would get the ball rolling for emergency response along with local staff, and those on duty. Also the City would use spontaneous volunteers who would show up following a disaster.

Motion: to accept the staff report and approve the Milpitas Emergency Operations Plan, as presented by Milpitas Office of Emergency Services Coordinator

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

### 8. Resolution Extending Agreement with UBS

Councilmember Montano sought information about prevailing wages paid, or not, in the contract for janitorial service contract.

Purchasing Agent Chris Schroeder discussed appropriate rates, working with the local union, and defining what prevailing wage was in this area. City staff planned to re-submit the entire package for bid and return to City Council. Councilmember Montano wanted to know if the rate of pay for janitorial service would be “a living wage.” Staff replied there was no requirement for that in this City.

City Manager Tom Williams reported that the City had worked recently with the South Bay Labor Council on this topic in last two weeks. He said the City would pay a negotiated rate that would be part of the new RFP to be issued. Councilmember Montano replied that she simply wanted to ensure workers were paid a fair wage.

Motion: to adopt Resolution No. 8302 to 1) reject all bids received in response to the Request for Proposals No. 2048 for Citywide Janitorial Service, 2) approve Amendment No. 7 to the agreement with Universal Building Service extending it from October 4, 2013 to January 3, 2014 in the amount of \$1224,348.36 for janitorial and custodial services at the City of Milpitas (corrected amount announced at the meeting); and, 3) direct staff to study the appropriate terms for a Request for Proposals for contracted janitorial and custodial services and return to the City Council with recommendations

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

## JOINT CITY COUNCIL/ HOUSING AUTHORITY MEETING

- HA1.** Call to Order Mayor/Chair Esteves opened the joint meeting at 8:23 PM, with all members present.
- HA2.** Approve Agenda The Council/Authority unanimously approved the agenda.
- HA3.** South Main Senior Lifestyles Project Principal Housing Planner Felix introduced the newly termed Continuum of Care Retirement Community proposed development for senior living. He gave an overview of the project status for South Main Senior Lifestyles at 1504 – 1620 South Main Street in Milpitas.

Mr. Reliford then introduced Ms. Terry Freeman, who spoke on behalf of the developer Mr. Joe Callahan. Ms. Friedman addressed the City Council and was glad that the City staff worked successfully with Mr. Callahan to get the title transferred to the Housing Authority. They were happy to get started moving the project forward at this time.

Ms. Freeman reviewed obstacles to implementation of the original two-phased project, significantly that the Housing Authority cannot fund the \$7.7 million of previously identified Redevelopment Agency funds for low income senior housing. The current plan was for a one building project - not in two phases, as originally designed - for 389 apartments for seniors aged 62 and older. The facility would be more like a hotel than an apartment building and would offer 48 units for very low income (50% of less of Area Median Income) seniors.

Mr. Reliford summarized fiscal impacts to the City and Housing Authority of the development project, South Main Senior Lifestyles.

Councilmember Giordano was really excited about the project. She served on the Board of Directors for Terrace Gardens Apartments and saw the great things done for seniors there, a place more than 20 years old. The new project here was very much needed in the City and the South Bay. She was very supportive.

Councilmember Montano inquired why the senior age was determined at age 62 and older. Ms. Freeman replied it was related to fair housing law. She and Mr. Callahan offered to take the Mayor and Councilmembers on a tour of another facility the company developed that was open in Livermore. She also stressed that the average age was 83 for residents in congregate care facilities. Councilmember Montano asked design questions, focusing on adequate entrance and exit for emergencies, and parking.

Councilmember Gomez thanked the development team for bringing this project to the City, to make a tremendous improvement in what was a run-down area on Main St.

Vice Mayor Polanski confirmed the transfer of land from the Housing Authority to the owners. She complimented the company on what would be a fantastic project that could really help families.

Mayor Esteves wanted to be clear with the public. The new Disposition and Development Agreement stated the City would give away a full acre of land. He asked about purchases by the Redevelopment Agency in the past, in terms of comparable land values, referring to figures in the state law-required Section 33433 report. The Mayor asked if this property would be included the Community Facilities District for this area, and the City Manager said yes. The Mayor asked financing questions and owner Mr. Callahan detailed the conservative FHA loan financing package for this unique property.

As a follow-up to this item, Mayor Esteves asked staff for a simple spreadsheet showing costs and benefits of the project for seniors, with details of the finances listed.

Councilmember Giordano inquired perhaps about having a “virtual” tour of the Livermore senior facility. She would be interested in that, if not a live tour of the Livermore site built by the developer.

Motion: 1) to receive the oral staff report on the South Main Senior Lifestyles project, describing significant changes from the original plan, 2) upon consideration of staff's report and presentation, comment to staff on the proposed senior retirement community South Main Senior Lifestyles and proposed amendments to the Disposition and Development Agreement; and, 3) to direct staff to return on November 5, 2013 with a draft Amended and Restated Disposition and Development Agreement embodying those proposed amendments, in addition to the Assignment and Assumption of the DDA from the former Redevelopment Agency to the Housing Authority

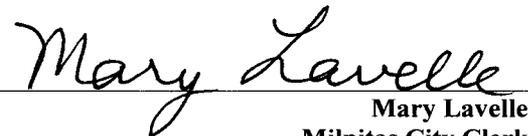
Motion/Second: Vice Mayor Polanski/Councilmember Gomez

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

**ADJOURNMENT**

Mayor Esteves adjourned the joint meeting of the City Council and Housing Authority at 9:21 PM.

**The foregoing minutes were approved by the Milpitas City Council as submitted on October 15, 2013.**

  
Mary Lavelle  
Milpitas City Clerk