

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Special Meeting of Milpitas City Council
Date: Thursday, April 9, 2015
Time: 2:30 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 2:33 PM. The City Clerk noted the roll.

PRESENT: Mayor Esteves and Councilmember Grilli in person at the dais.

Vice Mayor Montano was present by telephone conference from 3018 Whitley Avenue, Corcoran, CA, 93212.

ABSENT: Councilmember Barbadillo was absent. Councilmember Giordano was absent at roll call and arrived at the dais at 2:34 PM.

PUBLIC FORUM

None.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST
AND CAMPAIGN
CONTRIBUTIONS**

City Attorney Ogaz asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

DISCUSSION ITEM

1. Solid Waste Negotiations

City Engineer Steven Machida provided past history of solid waste (garbage, recycling, street sweeping, yard trims) services for the City of Milpitas, which had been served by Republic Services (or predecessor) since 1986. The City's consultant was HF&H, which assisted the City with contract negotiations for these services.

Staff would return to Council on May 5 to ensure staff was pursuing services in a Request for Proposals (RFP) for a contractor. The process for awarding a contract to a solid waste provider was on a 30-month schedule. HF&H recommended the City adopt a Communication and Integrity Policy for the process of negotiations, which was industry standard (but not done in Milpitas before).

Councilmember Grilli remarked on how difficult community outreach was. Mr. Machida noted some of the outreach efforts to be done toward targeted groups.

Councilmember Giordano noted it had been 30 years since the process last done, which staff confirmed.

Vice Mayor Montano asked if there could be a matrix or grid showing comparison of bidding contractors, and staff replied yes.

On May 5 there would be a Council workshop on these topics. Mayor Esteves said he was satisfied with that timeframe.

Councilmember Giordano asked if there were negatives to this process. Mr. Machida responded that costs for services could rise depending on who responded to the RFP.

Next Mayor Esteves invited any speakers from the audience and there were none.

Motion: to proceed with the RFP process for bids for solid waste services in the City of Milpitas; and, to receive the status report from staff

Motion/Second: Councilmember Grilli/Councilmember Giordano

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

CONSENT CALENDAR

Because these items had been removed from the consent calendar when originally scheduled on the April 7 City Council agenda by Vice Mayor Montano, they were discussed individually. Questions posed by the Vice Mayor were answered by staff and a vote on each item was taken.

2. Resolution awarding a contract for AV Upgrade

Vice Mayor Montano asked if this project was put out for bids. That was something she always wanted to know in the staff report, i.e. who were the bidders along with their prices. Staff responded it could do that in future reports.

Motion: to adopt Resolution No. 8461
(1) awarding a contract to PCD and authorize the City Manager to execute the contract for the Community Center Auditorium Audio Visual Systems Upgrade in the amount of \$148,563; and,
(2) authorizing the Director of Engineering to negotiate and execute contract change orders for Community Center Auditorium Audio Visual Systems Upgrade Project in the cumulative amount not to exceed \$15,000.

Motion/Second: Vice Mayor Montano/Councilmember Grilli

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

3. Resolution awarding a contract for Street Rehab

Vice Mayor Montano noted that she really liked the chart that listed all the bidders and costs on the attachment, and pointed out that this was the information she sought (as on the last item above).

Motion: to adopt Resolution No. 8462 waiving a minor bid irregularity, awarding a contract including 15 add alternate items to Ghilotti Construction Company, Inc. and authorizing the City Manager to execute the contract for Main Street Pavement Reconstruction, Project No. 4277, in the total amount of \$3,046,388.75, and authorizing the Director of Engineering to negotiate and execute contract change orders for the project in the cumulative amount not to exceed \$625,000

Motion/Second: Vice Mayor Montano/Councilmember Grilli

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

4. Agreement with Maze & Associates for Annual Audit

Vice Mayor Montano asked about the concept of changing auditors every seven years, as she believed other organizations were required to do. She wondered how long the City had used the services of the firm Maze & Associates.

Finance Director Karlen replied that state law did not require what the Vice Mayor asked. The City of Milpitas did go out for Requests for Proposals every five years, and did so last year. 61 firms were solicited with eight responding proposals evaluated by a panel (including outside agency staff). Maze & Associates was selected as the panel's recommendation and it was the same firm the City of Milpitas had used before, with price

not being the main concern. Maze & Associates had conducted audits for the City for fifteen years.

The Vice Mayor recommended changing the auditing firm, so she made a motion..

Ms. Karlen replied further that the City staff could request a different set of partners within the firm to perform the audit. Ms. Montano felt that would be okay.

Councilmember Giordano commented that she sat on the Terrace Gardens Board of Directors where auditors were a disinterested party already, she knew. It was nice to bring back the same one, with no conflict, and was cost effective with a firewall. She did not support the Vice Mayor's idea to change.

There was no second to the Vice Mayor's motion so it died.

Motion: to approve an agreement with Maze & Associates Accountancy Corporation for professional auditing services in the total amount of \$441,770 and for a term from April 7, 2015 to January 31, 2020

Motion/Second: Councilmember Giordano/Councilmember Grilli

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

5. Agreement with Modern Day Marketing (GreatLike Media)

Vice Mayor Montano wished to know exactly why the firm was to be hired and what the goal of the media campaign was. City Engineer Steven Machida responded that this was part of the urban runoff program as required by state law, and to conduct outreach to the public about reducing trash and litter in water runoff areas.

The Vice Mayor stated her desire to have signs posted up by the creeks to say "No Littering." Mr. Machida said this could be done and would coordinate on her request.

Councilmember Grilli asked if the item on the agenda was for an online effort, which staff confirmed.

Motion: to approve a consultant agreement with Modern Day Marketing, Inc. doing business as GreatLike Media, for development and placement of an online community awareness campaign for an amount not-to-exceed \$25,000

Motion/Second: Councilmember Grilli/Councilmember Giordano

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

ADJOURNMENT

Mayor Esteves adjourned the meeting at 3:11 PM.

The foregoing minutes were approved by the Milpitas City Council on April 21, 2015.

Mary Lavelle
Milpitas City Clerk