

City Council

Jose Esteves, Mayor

Carmen Montano, Vice Mayor

Garry Barbadillo, Councilmember

Debbie Indihar Giordano, Councilmember

Marsha Grilli, Councilmember



NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the Milpitas City Council will be held at 2:30 P.M. on Thursday, April 9, 2015 at Milpitas City Hall, 455 East Calaveras Boulevard., Milpitas, CA in the City Council Chambers on the second floor. The agenda for the meeting is as follows:

Vice Mayor Carmen Montano will be in attendance via teleconferencing from a coffee shop located at 3018 Whitley Avenue, Corcoran, CA 93212 using her cell phone 408-707-0440.

SPECIAL MEETING AGENDA

THURSDAY, APRIL 9, 2015

2:30 P.M.

Milpitas City Hall

City Council Chambers, 2nd Floor

455 East Calaveras Boulevard, Milpitas, CA 95035

I. CALL TO ORDER / ROLL CALL

II. PUBLIC FORUM

Comments limited to 3 minutes may be made on any subject on the agenda.

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

IV. DISCUSSION

1. Receive Solid Waste Program Status Report (Staff Contact: Steve Machida, 408-586-3355)

V. CONSENT CALENDAR

- *2. Adopt a Resolution Awarding a Contract to PCD for Community Center Auditorium Audio Visual Systems Upgrade, Project No. 3406, and Authorize the Director of Engineering to Negotiate and Execute Contract Change Orders (Staff Contact: Steve Erickson, 408-586-3301)

- *3. Adopt a Resolution to Waive Minor Bid Irregularity and Award a Contract to Ghillotti Construction Company, Inc. for the Main Street Pavement Reconstruction, Project No. 4277, and Authorize Director of Engineering to Execute Contract Change Orders (Staff Contract: Steve Erickson, 408-586-3301)
- *4. Approve an Agreement with Maze and Associates Accountancy Corporation for Professional Auditing Services for a Five-Year Period Not to Exceed \$441,770 (Staff Contact: Emma Karlen, 408-586-3145)
- *5. 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 (Staff Contact: Leslie Stobbe, 408-586-3352)

VI. ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: mogaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website.

All City Council agendas and related materials can be viewed online here:
www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Current vacancies on:
Community Advisory Commission
Sister Cities Commission

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall.
Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at (408) 586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.

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 AudioVisual 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