

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, June 5, 2007  
**Time:** 6:30 PM  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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**ROLL CALL**

Mayor Esteves called the meeting to order at 6:30 PM.

**PRESENT:** Mayor Esteves, Vice Mayor Livengood, Councilmembers Giordano, Gomez and Polanski

**ABSENT:** None

**CLOSED SESSION**

Mayor Esteves publicly stated the Council would immediately convene in Closed Session to discuss a conference with the labor negotiator for Collective Bargaining, with City Negotiators Carmen Valdez, Emma Karlen and Tom Williams, discussing Milpitas Employees Association.

The Council convened in Open Session at 7:00 PM.

**CLOSED SESSION  
ANNOUNCEMENT**

Mayor Esteves announced that on a vote of 3 in favor and 2 opposed (Mayor Esteves and Councilmember Polanski) that the City Council directed staff to come back to Council for a vote on the Memorandum of Understanding with the Milpitas Employees Association, for a total cost of \$1,137,049 over three and one-half years.

**PLEDGE**

Boy Scouts Troop No. 92 Color Guard led the Pledge of Allegiance.

**INVOCATION**

Mayor Esteves invited Councilmember Giordano to introduce Pastor Chunsoo Lee of the Sunnyhills United Methodist Church, who then gave the invocation prayer.

**MINUTES**

Motion: approve minutes of May 15 and 16, 2007 City Council meeting, with one correction

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

**SCHEDULE OF MEETINGS**

Motion: to approve the Council Calendar (Schedule of Meetings)

City Manager Tom Williams announced two changes on June 14: there would be no Youth Advisory Commission meeting in June and the Santa Clara County Cities Association Board meeting was scheduled for June 7.

Councilmember Polanski confirmed that the interviews for the position of City Attorney would occur with the Council subcommittee and staff on June 29.

Motion/Second: Councilmember Giordano/Vice Mayor Livengood

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

## PRESENTATIONS

Mayor Esteves welcomed a special visitor to Milpitas, the Mayor of Angono, Rizaal (90 miles east of Manila) province of the Philippines, and he presented her with a key to the City. She provided welcoming greetings and invited all to visit her City when visiting the P.I.

Mayor Esteves proclaimed the following:

1. *Hand and Arm Therapy Public Awareness Prevention Week* for June 11–17, 2007 (two doctors accepted the proclamation).
2. *Children's Health Day* on June 7, 2007 - many recipients were hopeful to register more than 5,000 uninsured children for health services.
3. *Flag Day* on June 14, 2007 – the Mayor announced an event sponsored by the County Board of Supervisors on that day.

Certificates of Commendation were presented to two persons for the Santa Clara County Association of Realtors Essay Contest “Homewords” - Miss Hanna Tran, student at Russell Middle School, and her 7<sup>th</sup> grade teacher, Mark Schoeller. She was a winner for answering the question “What is Your American Dream?” in an essay. Additionally, Russell Middle School Principal Laura Fogel was present.

Mayor Esteves read aloud a Certificate of Appreciation to the long-serving (12+ years) Chairman of the Bicycle Transportation Advisory Commission (BTAC) and now Bicycle Pedestrian Advisory Commission (BPAC), Mr. Bill Reisinger. The certificate would be mailed to him.

## PUBLIC FORUM

**Jordan Dancer**, of the United Way of Silicon Valley, spoke to the Council to say thank you for being a sponsor of the new 2-1-1 telephone service. She presented a plaque to the Mayor and Council, noting the service was a partnership between government, citizens and private industry. To date, eight counties offer 2-1-1 information and referral service over the phone in California, with about eight more underway.

**Rob Means**, Yellowstone Ave resident, announced next week’s City Council meeting on Thursday, June 14, on the topic of medicinal marijuana dispensaries in Milpitas.

## ANNOUNCEMENTS

**Councilmember Giordano** thanked Police Chief Dennis Graham for the DARE program throughout the school year. She attended a ribbon-cutting ceremony on Saturday, for the new United Commercial Bank on Barber Lane, and the manager commented on the value of coming to Milpitas. She thanked Richard Ruth of the Terrace Gardens Board of Directors for its success of the past couple years, including the idea of solar energy on the rooftop in the future.

Councilmember Giordano had several requests: (1) an update on negotiations with the Oakland A’s coming to Fremont and impact on Milpitas; (2) an update on how the City was doing with the playing field allocation group and work accomplished to date (at next Council meeting); and, (3) to adjourn the meeting in memory of an Iraq veteran from Milpitas who died last month, Army Specialist Doonewey White.

**City Manager Tom Williams** responded to Ms. Giordano that Milpitas had planned to schedule a meeting of the Mayor and Vice Mayor of Milpitas with City of Fremont officials to discuss the A’s move to Fremont, once the plan was introduced by the developer in Fremont. Also, the topic of field allocation would go on the next Council agenda. Lastly, he noted that flags were flying at half-mast throughout the City for Specialist White and his name would go on the plaque at the Memorial Park area of Civic Center.

**Councilmember Polanski** extended condolences to White’s fiancée and family. She thanked the Senior Center for the wonderful Open House held last Saturday. She offered her congratulations to the Zanker School PTA for its jamboree event. She was pleased to note that the CAC had selected August 9<sup>th</sup> as “National Night Out” in Milpitas this year. Finally, Ms. Polanski requested that the Facilities Naming Subcommittee consider Specialist White at its next meeting.

**Mayor Esteves** congratulated Solectron for its recently held Volunteer Fair, encouraging community service by employees. Also he highlighted a new church, with a huge new facility in

Milpitas. Congratulations to all students in June who would graduate from the many schools in the City. He noted that the "VACETS" Association held a large conference here last Saturday. Also, the Mayor thanked City staff for undertaking the Memorial Day event held on May 28. For next year, he wanted all veterans to be seated in front (not the Council or other City officials) and to offer more chairs for those who attend.

Mayor Esteves announced he would adjourn the meeting in memory of community leader Mr. Don Campagna, in addition to Army Specialist White.

**ANNOUNCEMENT OF CONFLICT OF INTEREST**

None

**APPROVAL OF AGENDA**

Motion: to approve the agenda, as amended

City Manager Williams requested to remove Item No. 3 from the agenda to be heard at a later date, per staff request.

Councilmember Polanski requested to move Item No. 8 to be heard just prior to the Redevelopment Agency meeting (after Unfinished Business).

Motion/Second: Vice Mayor Livengood/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

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

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

- \* **2.** Re-appointments to City Commission  
On the Library Advisory Commission, re-appointed Carmen Montano to a term that expires in June 2009, and re-appointed Sonny Wang to a term that expires in June 2009.
- 3.** Request from BPAC  
This item was removed from the meeting agenda.
- \* **4.** National Night Out  
Adopted Resolution No. 7681 approving Thursday, August 9, 2007 as "Milpitas National Night Out."
- \* **5.** MOU to Continue Sister City Relationship  
Approved Memorandum of Understanding continuing a Sister City relationship with Dagupan City, Philippines.
- \* **7.** Authorize Letter to State Official on Prop. 1B Funds  
Authorized City Manager to send letters to the California Governor and State Legislators requesting accelerated disbursements of Proposition 1B Funding for FY 2007-08.
- \* **9.** Traffic Ordinance 65.135  
Waived the second reading of the Ordinance and adopted City of Milpitas Ordinance No. 43.208, an Amendment to the Traffic Code reducing speed on Yosemite Drive.
- \* **10.** LLMD No. 98-1 Sinclair Horizon, Project No. 9489  
Adopted Resolution No. 7682 of Intention to Levy Assessment for Fiscal Year 2007-08, preliminarily approved the Annual Engineer's Report and provided for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 98-1.
- \* **11.** LLMD No. 95-1, McCarthy Ranch, Project No. 9474  
Adopted Resolution No. 7683 of Intention to Levy Assessment for Fiscal Year 2007-08, preliminarily approved the Annual Engineer's Report and provided for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 95-1.
- \* **12.** Release Unclaimed Checks  
Adopted Resolution No. 7684 to transfer a total of \$143.89 unclaimed checks, per the prepared list, to the City's General Fund in accordance with Standard Operating Procedure No. 26-1.







(2) Motion: Move to approve FY 2007-08 Capital Improvement Program budget

Motion/Second: Agency/Councilmember Polanski / Vice Chair/Vice Mayor Livengood

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

(3) Motion: Approve the Preliminary Five Year 2007-2012 Capital Improvement Program

Motion/Second: Agency/Councilmember Polanski / Vice Chair/Vice Mayor Livengood

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

**RA 7. Final Adoption of FY 2007-2008 Operating Budget and Capital Improvement Program**

Finance Director Emma Karlen reminded the City Council that it conceptually approved the FY 2007-08 operating budget at the budget hearing in May, and earlier in this meeting approved the CIP budget. In order to formally adopt the final budget, the City Council was requested to approve six actions, including adoption of several resolutions.

Mayor Esteves announced that he had voted no on the budget at the previous meeting. He re-iterated why he would vote no again for these reasons:

- 1) Concern about the Pavement Condition Index level of roads, and he would never allow for a chance to have that rating slide lower
- 2) Disagreed on the use of Transfer Occupancy Tax for any arts programs, he thought 2% would be used for other arts or facilities
- 3) Was not supportive of the arrangement with the School District, and the City needed to support the schools no matter what, in fact, City should have more programs to help the school district to keep high quality
- 4) Though Milpitas has one of the lowest crime rates in the region, more work could be done on public safety via police services; was not comfortable with 401 arrests for drug use in the City and thus wanted more active programs to curb drug problems, which were related to burglary and car theft crime.
- 5) Total increase to payroll and benefits to employees was \$5.6 million (too high), with more going to employees when decreasing services

Vice Mayor Livengood responded to the Mayor's remarks by noting that City residents were appreciative of the work by City employees and the high level of service provided throughout the City.

Motion: Adopted the following six resolutions related to the budget and financial plan, and Capital Improvement Program for FY 2007-08

1. Resolution No. 7677 of the City of Milpitas adopting the FY 2007-08 Appropriations Limit of \$60,096,261 for the City of Milpitas.
2. Joint Resolution No. RA 284 of the Redevelopment Agency and No. 7678 of the City of Milpitas approving the City's Final FY 2007-08 Budget of \$128,806,631, including the FY 2007-08 Capital Improvement Budget of \$8,445,000.
3. Joint Resolution No. RA 285 of the Milpitas Redevelopment Agency and No. 7679 of the City of Milpitas making findings following a Public Hearing for use of Redevelopment funds.
4. Resolution No. RA 286 of the Milpitas Redevelopment Agency authorizing payments to the City of Milpitas, pursuant to the Second Amended and Restated Public Works Agreement.
5. Resolution No. RA 291 of the Milpitas Redevelopment Agency determining that the planning and administration expenses to be funded in FY 2007-08 by the Housing Reserve Fund were necessary for the production, improvement

and/or preservation of affordable housing for the low and moderate-income households.

6. Resolution No. 7680 of the City of Milpitas amending Resolution No. 6449, the City's comprehensive fee schedule.

Motion/second: Vice Chair/Vice Mayor Livengood / Agency/Councilmember Giordano

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

**RA 8.** Two Ordinances related to RDA Program for Eminent Domain

Economic Development Manager Diana Whitecar explained the need for the two draft ordinances, per Senate Bill 53. It was related to the need for the Agency to state explicitly its plan for eminent domain in the two plan areas.

Next, City Attorney Steve Mattas read the title of the first ordinance: "An Ordinance of the City of Milpitas Adopting a Program for the use of Eminent Domain by the Redevelopment Agency of the City of Milpitas for the Milpitas Redevelopment Project Area No. 1 pursuant to Senate Bill 53."

- (1) Motion: Waive the first reading beyond the title of Ordinance No. 192.20

Motion/second : Vice Chair/Vice Mayor Livengood/ Agency/Councilmember Giordano

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

- (2) Motion: Introduce Ordinance No. 192.20

Motion/second: Vice Chair/Vice Mayor Livengood/ Agency/Councilmember Giordano

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

Mr. Mattas then read the title of the second ordinance: "An Ordinance of the City of Milpitas Adopting a Program for the use of Eminent Domain by the Redevelopment Agency of the City of Milpitas for the Great Mall Redevelopment Project Pursuant to Senate Bill 53."

- (3) Motion: Waive the first reading beyond the title of Ordinance No. 192.21

Motion/second : Vice Chair/Vice Mayor Livengood/ Agency/Councilmember Gomez

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

- (4) Motion: Introduce Ordinance No. 192.21

Motion/second : Vice Chair/Vice Mayor Livengood/ Agency/Councilmember Giordano

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

**\* RA 9.** Granting Initial Acceptance of the Ball Park Fence Field Extension

Adopted Resolution No. RA 287 granting initial acceptance of Project No. 5064, subject to the one year warranty period and reduction of the faithful performance bond to \$9,616.38.

**\* RA 10.** Granting Final Acceptance of Project No. 8154

Adopted Resolution No. RA 288 granting final acceptance and release of the contractor's bond with HSR Inc. for North Main Street Hazardous Materials Remediation and Demolition Project No. 8154.





**RESOLUTIONS**

Three Resolutions were adopted on the Consent Calendar.

**BIDS AND CONTRACTS**

Eight items were adopted on the Consent Calendar.

**ADJOURNMENT**

Mayor Esteves adjourned the meeting at 9:12 PM in memory of Army Specialist Donnewey White killed in Iraq last month, and long-time Milpitas resident and community leader Mr. Don Campagna.

**The foregoing minutes were approved by the Milpitas City Council as submitted on June 19, 2007.**

  
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Mary Lavelle  
City Clerk