

compliment City staff, especially the City Manager, Information Services and Planning at the counter, as AT&T worked toward building out their services in Milpitas.

Lorenzo Cano, San Jose resident who worked in Milpitas, for Dynamic Details, Inc. since 1990, where 300 people were employed, discussed the company's relocation to a new building, to an office that needed much renovation. DDI requested assistance from the City in various departments. Mr. Cano wanted the City Council to know of the outstanding support from City staff including: Tom Williams, Diana Whitecar, Felix Reliford, Kristine Low, Cindy Hom, Leon Sheyman, Babak Kaderi, Gerard Amador, and Keyvan Irranejad in particular.

ANNOUNCEMENTS

City Manager Tom Williams announced that the County Board of Supervisors approved unanimously the award of a construction contract to SJ Amoroso for \$47 million for the new health center on Main St., and also approved a resolution to consummate the purchase of Redevelopment Agency-owned land at 143 N. Main St. (to be concluded in mid-August).

Councilmember Polanski congratulated 8th graders who were promoted from Russell and Rancho Middle schools to Milpitas High School, and congratulated recent High School graduates in Milpitas (MHS, Calaveras Hills, and Adult schools).

Councilmember Giordano announced she also attended the recent graduation ceremonies. Congratulations to fathers for the recent Fathers Day, including her daughter Michaela's father who was selected "Father of the Year" in the local newspaper.

Mayor Esteves announced the 10% cutback in water use called for by the Santa Clara County Water District. It was purely voluntary at this point, due to a reduction in water supply from the Delta and the low rainy season.

Councilmember Gomez requested on behalf of the Telecommunications Commission that they would like be involved in any opportunities in the new Library's technology plan.

Vice Mayor Livengood wanted an update on a previous agenda item regarding the retail building located at Dixon Rd and Milpitas Blvd. He requested it on the agenda for an update, to know what was happening and why no recent progress was seen (at the first Council meeting in August).

ANNOUNCEMENT OF CONFLICT OF INTEREST

None

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Livengood

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 Giordano requested to remove Items No. 5, 6 and 10 from consent.
Councilmember Gomez requested to remove Item No. 9 from consent.

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

* 7. Dispose of Nine Vehicles at
Auction

Approved auctioning for surplus the following nine City vehicles:

- Unit 475F, a 1996 Ford Crown Vic
- Unit 471S, a 1999 Ford E-350
- Unit 453B, a 2002 Ford E-350
- Unit 432Z, a 1989 Ford F-250

Unit 417Z, a 1994 Ford F-250
Unit 450Z, a 1991 Ford F-250
Unit 487Z, a 1992 Ford Bronco
Unit 460F, a 1995 Ford Crown Vic
Unit 471K, a 1994 Ford Crown Vic

- * 8. Fire Chief's Out of State Training Approved out-of-state training and travel reimbursement for Fire Chief to attend the Harvard Fire Executive Fellowship in August, a three-week program at Harvard's Kennedy School of Government in Cambridge, Massachusetts.
- * 11. Wal-Mart Safe Neighborhoods Heroes Grant Authorized the Police Department to accept Wal-Mart funds in the amount of \$1,250, and to purchase the Model M5066A HeartStart OnSite Defibrillator.
- * 12. Ordinance No. 65.135 Waived the second reading and adopted Ordinance No. 65.135, enacted as Chapter 170, Title II of the Milpitas Municipal Code to require the installation of Excess Flow Gas Shut-Off Devices (non-motion sensitive) or Seismic Gas Shut-Off Devices activated by motion in new construction.
- * 13. Ordinance No. 197.10 Waived the second reading and adopted Ordinance No. 197.10 regarding the Parks and Recreation Department as identified in the Milpitas Municipal Code.
- * 14. Ordinances No. 192.20 and 192.21
1) Waived the second reading and adopted Ordinance No. 192.20, describing the Redevelopment Agency's Eminent Domain Program for the Amended and Restated Redevelopment Plan for Milpitas Project Area No. 1 for the purpose of complying with Section 33342.7 of California Community Redevelopment Law.
2) Waived the second reading and adopted Ordinance No. 192.21, describing the Redevelopment Agency Eminent Domain Program for the Great Mall Redevelopment Plan for the purpose of complying with Section 33342.7 of California Community Redevelopment Law.
- * 15. Ordinance No. 270.2 Waived the second reading, and adopted Ordinance No. 270.2, adding a new Chapter 5 to Title XI of the Milpitas Municipal Code establishing a prohibition on establishment and operation of Medical Marijuana Dispensaries.
- * 17. Initial Acceptance for Project No. 5053 Adopted Resolution No. 7690 granting initial acceptance of Hetch-Hetchy Right-of-Way Landscape Renovation, Project No. 5053, subject to the one year warranty period and reduction of the faithful performance bond to \$15,000.
- * 18. Office of Grants and Training Preparedness Directorate Grant Funds Authorized the City Manager to accept \$9,872 from the Office of Grants and Training Preparedness Directorate, and approved a budget appropriation in the amount of \$9,872 from the U.S. Department of Homeland Security to the Fire Department budget.
- * 19. Agreement with Santa Clara Co for Acceptance of State Homeland Security Grant Funds Authorized the City Manager to execute the agreement between Santa Clara County and the City of Milpitas for acceptance of State Homeland Security (EMPG) grant funds; and 2) approved a budget appropriation in the amount of \$8,894.20 from Santa Clara County to the Fire Department's disaster preparedness budget (EMPG Grant).
- * 20. Senior Nutrition Contract (Compass Group) Approved the third amendment, subject to approval as to form by the City Attorney, to the contract and authorized payment to Bateman, Compass Group USA, Inc. for the period July 1, 2007 through June 30, 2008, not to exceed \$3.90 per meal for a total of \$63,239 for the fiscal year.
- * 21. Senior Nutrition Contract (County) Approved the contract between the County of Santa Clara (Social Services) and the City of Milpitas effective July 1, 2007, through June 30, 2008, and authorized payment to the County of Santa Clara for the contract amount of \$154,460.
- * 22. Senior Nutrition Contract (New Orient restaurant) Approved the third amendment to the contract between the City of Milpitas and New Orient Restaurant from July 1, 2007 through June 30, 2008, for the Senior Nutrition

Program. Authorized payment to the New Orient Restaurant for the total amount of the contract, \$20,246, not to exceed \$3.89 per meal.

- * 23. Consulting Services Agreement Between the City of Milpitas and HF&H Consultants Authorized the City Manager to execute the agreement with HF&H Consultants in the amount of \$54,960 for negotiation assistance, subject to approval as to form by the City Attorney.
- * 24. Amendment No. 1 to the Agreement for Commercial Recycling Outreach Authorized the City Manager to execute Amendment No. 1 to the agreement for commercial recycling outreach consulting services with Pat Davis Design Group, Inc., not-to-exceed \$30,000, subject to approval as to form by the City Attorney.
- * 25. Provisionally Accredited Levee Agreement with FEMA Authorized the City Manager to sign the Provisionally Accredited Levee (PAL) agreement with the Federal Emergency Management Agency (FEMA), subject to approval as to form by the City Attorney.
- * 26. Encroachment Agreement with Dynamic Details Inc. Approved the encroachment permit agreement for Dynamic Details Inc., Silicon Valley (DDI) for Project No. 2492 - Installation Network Cables, and authorized the City Manager to execute the same, subject to the approval of City Attorney as to form.
- * 27. Award the Bid for Diesel Vehicle Retrofit Awarded the bid for Diesel Retrofit work to, and authorized the City Manager to execute a contract with, Ironman Parts & Service in the not-to-exceed amount of \$30,044.63 including sales tax, subject to approval as to form by the City Attorney.
- * 28. Renewal for Excess Workers' Compensation Insurance Approved the acceptance of Arch Insurance Corporation for the City's excess workers' compensation insurance for FY 2007-08 and authorized the City Manager to pay Brown & Brown of California the premium rate, plus CIGA charge of \$166,374.24.
- * 29. Approve Plans and Specifications and Bids for 2008 Slurry Seal Project Approved plans and specifications for Project No. 4242, and authorized advertising the project for bid proposals for the 2008 Slurry Seal Project.
- * 30. Purchase order for legal services from Meyers Nave Authorized issuance of purchase orders to Meyers Nave in the amounts of (1) \$150,000 for general personnel and legal services; (2) \$25,000 for personnel arbitration, grievance and PERB proceedings; and (3) \$50,000 for legal services and expenses related to public works and enterprise operations litigation for FY 2007-08.
- * 31. Contract Change Order with O'Grady Paving, Inc. Authorized the City Engineer to execute the Contract Change Order with O'Grady Paving, Inc. for the not to exceed amount of \$200,000, and approved a budget appropriation for \$220,000.
- * 32. Pay Valley Oil for City's Annual Supply of Fuel Approved the payment request of \$300,000 to Valley Oil for the City's annual supply of diesel and unleaded fuel.

PUBLIC HEARINGS

1. LLMD No. 95-1 McCarthy Ranch Engineer Mehdi Khaila displayed the location of the McCarthy Ranch area showing the boundaries of the Landscape and Lighting Maintenance Assessment District No. 95-1, including photos of the variety of clean and modern landscaping. The annual assessment for the district was due to be imposed, based on the Engineer's Report following the conclusion of this public hearing.

Vice Mayor Livengood asked what parcel the City of San Jose owned in that area. Mr. Khaila responded by pointing to a segment on the overhead map.

Mayor Esteves opened the Public Hearing for comments, and none were heard.

(1) Motion: to close the public hearing

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

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

(2) Motion: Adopt Resolution No. 7687 approving the Annual Engineer's Report, confirming diagram and assessment, and ordering the levy of assessments for Fiscal Year 2007-08 for Landscaping and Lighting Maintenance Assessment District No. 95-1

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

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

2. LLMD No. 98-1, Sinclair Horizon

Engineer Mehdi Khaila displayed the location of the Sinclair Horizon area showing the boundaries of the Landscape and Lighting Maintenance Assessment District No. 98-1, the landscaping district along Berryessa, Los Coches and Sinclair Frontage Road. He showed the excellent greenery and landscaping improvements alongside the creek. The annual assessment to be imposed was within the previously approved range for the district.

Vice Mayor Livengood asked if the only members of the District were the 98 homeowners and staff replied yes. The Vice Mayor also asked about the Tot Play Lot and if it was covered by the homeowners association, and staff replied yes.

Mayor Esteves opened the Public Hearing for comments, and none were heard.

(1) Motion: to close the public hearing

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

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

(2) Motion: Adopt Resolution No. 7688 approving the Annual Engineer's Report, confirming diagram and assessment, and ordering the levy of assessments for Fiscal Year 2007-08, for Landscaping and Lighting Maintenance Assessment District No. 98-1

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

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

3. Entertainment Event Permit for Chamber of Commerce's "Celebrate Milpitas" festival

City Clerk Mary Lavelle presented the application for the Entertainment Event Permit for the Chamber of Commerce annual street festival, "Celebrate Milpitas!" It was planned for August 18 and 19, 2007, with a variety of music, food and beverage, and art for sale. New this year would be a theme parade each morning.

Councilmember Giordano thanked the Chamber for its plans, and advertising the festival. She asked about Caltrans approval of right-of-way to bring the event boundary up to Calaveras Blvd/State Route 237. The City Manager noted that it was a work in progress, as the Chamber had not yet submitted its application to the state. There would be time before the start of the festival to amend the event's boundary locations (map) with the exact location, for the permit if the Entertainment Event was authorized at this meeting.

Festival manager James Reber came to the podium to comment that the Chamber planning committee was working to submit the Caltrans permit. He also invited the Mayor and City Councilmembers to attend on August 18, wearing their hats for the parade on Saturday morning.

Councilmember Polanski inquired about signs for advertising the event. She hoped the Chamber made a good effort to let people know in advance, and on that weekend, that the “Celebrate Milpitas” festival would be happening.

Mayor Esteves asked Mr. Reber about searching online for Milpitas’ festival, and whether people could find “Celebrate Milpitas” when searching art and wine festivals. Mr. Reber responded that he placed the event on as many “Art & Wine” sites as he could find online, that were accepting information for this summer.

Mayor Esteves opened the Public Hearing for comments, and none were heard.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Vice Mayor Livengood

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

(2) Motion: waive the business license fees (\$25 of \$50 per vendor), electrical permit fee (approximately \$149), fire inspection fee (approximately \$400), and fees related to the portable mobile performance stage (\$350 per day rental plus \$1,000 deposit); and, approve the Entertainment Event Permit No. 2007-2 for the “Celebrate Milpitas” Festival to be held August 18 and 19, 2007 for the applicant Milpitas Chamber of Commerce, subject to the conditions noted and receipt of a current certificate of insurance

Motion/Second: Councilmember Giordano/Vice Mayor Livengood

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

UNFINISHED BUSINESS

4. Youth Sports User Group Task Force Update

Parks and Recreation Director Bonnie Greiner provided a handout to the City Council with a summary of issues the Youth Sports User Group Task Force addressed with regard to field usage. She provided an overview of what the group of 11 had worked on, stating they agreed to meet quarterly to meet challenges and concerns.

All agreed to the following:

- > Continue with the existing Priority structure established and approved by the City Council in 2004.
- > Give priority to traditional sports and traditional seasons and should remaining fields be available, offer to the next requestor in the priority structure.
- > All mixed or shared field use to be handled on a case-by-case basis between the City and requested sports user groups.
- > All groups agree to release unused fields after final season schedules were completed, by open communication between user groups directly, and possibly a website or email notification to other users when fields become available (recognizing inclement weather as a contributor).
- > City staff will coordinate meetings between PAL soccer and MYSC to begin a collaborative effort to share and maximize soccer space while working together.
- > Staff will continue to meet with the Task Force and have open communications among all. The overall goal was to provide and maintain a successful environment and demonstrate sportsmanship and cooperation at all times in providing the youth of Milpitas a safe and positive athletic experience.

Councilmember Giordano thanked the staff for the report. Out of the eleven members that were invited to the recent meeting she asked if all attended. Ms. Greiner replied all but one participated in the meetings, with Cal Aces softball giving input by phone. Ms. Giordano wanted to hear from staff in the future how this plan worked out for all.

Vice Mayor Livengood confirmed (about the distributed handout) that it was what the Council had adopted and that the groups agreed to the Priority policy. He asked if all groups understood where they stood with regard to percent of Milpitas participants. Staff replied yes. He then asked about fields co-used by the City and the Milpitas School District. Ms. Greiner noted that a school representative at the Task Force meetings liked the current arrangement. Mr. Livengood suggested future discussion with the schools for refining use of practice fields by both entities.

Mayor Esteves thought the understanding of the Task Force was to come up with an improved schedule while he just heard in the staff report that it was more about communication. He wanted to know how that would help with field scheduling. Staff replied groups would notify the City more often and other user groups when a field was not needed and thus became available. Scheduling in the future was explained.

The Mayor might want to review the Priorities as listed, in the future, to maximize the use of fields for use by the largest number of Milpitas residents as possible. He wished to hear from Task Force members in the future on this issue.

Councilmember Giordano asked when a group wanted to let a field go for some reason, was it that group's responsibility to contact others? Staff replied yes. Ms. Giordano felt that should be more of a staff responsibility, and notification was very important.

Councilmember Polanski inquired about the timeline for the Parks Master Plan. The Parks and Recreation Director stated she was negotiating with a consultant at this time. The study would review all facilities and best use of fields. While it was uncertain how long the Master Plan would take, perhaps it would be six to nine months, she stated.

Mayor Esteves invited speakers on this matter.

Mike Baker of Canterbury Place, the Milpitas Youth Soccer Club representative to the Task Force, talked about soccer field use on Saturdays in the fall and the lighted fields in fall and winter. He identified the competing programs in the same sport (soccer).

Mayor Esteves discussed further his ideas on the percentage of users from among Milpitas residents, and emphasized the need for the most use by city residents.

Vice Mayor Livengood offered thanks to all the people who spent time on this topic. Seeking a resolution to the contention identified was important, and that fields did not go unused. The Task Force could help PAL soccer communicate with MYSC and vice-versa to be clear about the needed use (or not) of playing fields.

Heidi Pham, Milpitas resident and fundraiser for MYSC, explained her son was involved on a soccer team. The group applied for a permit for fall soccer, but had not yet received it back from the City yet. She was hopeful to get the necessary fields for the games to be scheduled in the fall league.

Motion: as recommended by staff and the Task Force, continue with current, established City policies and procedures for sports playing fields, as adopted and approved by the City Council; and direct staff to continue working with the Task Force meeting quarterly to review all policies, procedures, and field requests of the user groups. City Council identified the specific highlight that the two soccer leagues work together on open communication, giving time to see how it works.

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

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

5. Odor Control Action Plan

Utility Engineer Kathleen Phalen addressed the City Council on quarterly odor control and recommended continuing quarterly reporting. A postcard was recently sent out to all residents, which she displayed. Staff further reviewed the generators of odors (Water Pollution Control Plant, Allied Waste) and that they are contacted by the Bay Area Air Quality Management District when complaints were received from the public.

Displaying a chart, Ms. Phalen noted that overall the number of complaints about odor had dropped (with only one in June so far) since the previous quarter.

Councilmember Giordano questioned how long the City was going to continue monitoring calls to the Odor Reporting hotline phone number.

Councilmember Polanski concurred with staff that the program should continue. Since 2003 when it started, there was noticeable improvement with action by the generators, and incidents reduced with implementation of best practices by the waste generators.

Councilmember Giordano asked the City Manager if the program needed to continue, and what was the life expectancy. Mr. Williams replied that the program had improved the quality of life in Milpitas. It was possible the City might overemphasize the odor issue at times, and in the future, it could be okay to report only annually, and perhaps report only if pro-active action needed.

Mayor Esteves noted a major benefit was that generators had action items in progress to improve the odors. He asked how long that would happen and Ms. Phalen said that while they would never be able to completely eliminate odors (compost of organic decomposing waste), they could minimize disturbance of the materials, when air was slow, combined with high temperatures.

Councilmember Polanski expressed that semi-annual or annual reporting would be fine with her, as long as the program and the phone number continued for reporting. It was discouraging to the community in the past when foul odors were detectable in the air.

Mr. Gomez departed the Council Chambers at this time.

Motion: accept the quarterly report on Odor Control and direct staff to continue reporting to the City Council, now on an annual basis starting in January 2008

Motion/Second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of: AYE: 4
NOES: 0
ABSENT: 1 (Gomez)

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA 1. CALL TO ORDER Mayor/Agency Chairman Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 8:48 PM.

RA 2. ROLL CALL **PRESENT:** Mayor/Chair Esteves, Vice Mayor/Vice Chair Livengood and Agency/Councilmembers Giordano, Gomez and Polanski

ABSENT: Mr. Gomez was not at the dais at the start of meeting, and he arrived at 8:49.

RA 3. MEETING MINUTES Motion: approve the Redevelopment Agency minutes of June 5, 2007, including joint meeting with the City Council, as submitted

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

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

RA 4. Approval of Agenda and Consent Calendar

Motion: approve the agenda and Agency consent calendar (items with asterisk*)

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

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

RA 5. Holiday Season Banners

Economic Development Manager Diana Whitecar introduced the program for new Holiday Banners to be displayed on street lightpoles throughout the City, improving on the City banners that were already installed. She displayed overhead several of the proposed designs for the holiday themed banners. The program was a combined effort of Economic Development and the City's Recycling program, encouraging residents and visitors to think about buying products with recycled material, along with the ideas of re-use and recycling at holiday time.

Additional hardware was necessary to hang more of these banners, than the current number of City banners required. The request for this item was part of the staff recommendation to the Agency/Council.

Councilmember Giordano inquired what were thoughts of adding more roads where banners could hang, such as on Jacklin Rd, Landess and a couple of other areas of Milpitas. Staff responded that it was solely budget constraints, with the current program at \$22,000. Ms. Giordano asked if more streets were added, would that add a lot to the cost? Staff replied the cost per banner would remain about the same.

City Manager Williams responded that staff could go back and look at adding streets to the program for more banners. The issue would be up to the Agency/Council, as far as spending additional RDA revenue.

Councilmember Giordano wanted more streets added soon to those with street lightpole banners on display. Ms. Whitecar suggested she could come back to the Agency/Council next year to recommend expansion of the banners in the City.

Councilmember Polanski liked the banners and program. A problem was there were places in town where trees hung over the lights and also where tall weeds grew along the freeway entrances to the City (obscuring the banners). She would prefer \$22,000 to be spent on clean-up of weeds and other entry ways into Milpitas.

The City Manager remarked on the City's contact with Caltrans, and its responsibility, especially as high fire danger developed this year.

Vice Mayor Livengood asked who designed the banners and what was the lifespan of banners. Staff replied that Ric Sakai of Y Designs created the banner art and indicated five to seven years was the likely life of the street banners. The Vice Mayor further complimented the artist on the banner designs.

Motion: authorize solicitation of bids for the fabrication and hardware for new street lightpole banners, as presented by staff, for the coming holiday season; and, direct staff to return to Council for expansion of the banner program with additional City locations

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

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

* **RA 6.** Amendment to Contract with Conley Consulting Agreement

Approved a contract amendment for \$4,500 with Conley Consulting Group to complete the Industrial Land Inventory and Analysis, for a total contract amount not to exceed \$44,500.

* **RA 7.** Certificate of Completion for Certain Residential Units within Tract No. 9698 for KB Home

Authorized the Agency Executive Director to execute this Certificate of Completion, pertaining to certain residential units (described on the Certificate of Completion document), for KB Home Terra Serena Project No. 3160, subject to approval of the City Attorney as to form.

* **RA 8.** Amendment No. 2 to Agreement with Noll & Tam Architects for Senior Center

Authorized the City Manager to execute Amendment No. 2 to the consulting services agreement with Noll & Tam Architects, for the new Senior Center project, in an amount not to exceed \$314,000, subject to approval as to form by the City Attorney.

RA 9. ADJOURNMENT

Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 9:01 PM.

REPORT OF OFFICERS

One item was adopted on the Consent Calendar.

6. Commission appointments

Councilmember Giordano had removed this subject from the consent calendar in order to ask the City Clerk about what outreach was done in Milpitas to seek applicants for the Commissions. Mary Lavelle reported that announcement was made on the City website, the LED Board in front of City Hall, on the City Council agendas and the posting board outside the northwest corner of City Hall. In the past, occasionally a display ad was run in the local newspaper.

Vice Mayor Livengood expressed his concerns about the Commission application on the City's website. He wanted the interactive version to be made available, as he thought that option was already offered. Information Services staff would respond.

Motion: to approve the following Commission appointments and re-appointments per the recommendation of Mayor Esteves

Bicycle Pedestrian Advisory Commission

Appoint Jose Leon to a term that expires in August 2007.

Appoint Wei P. Sun as Alternate No. 1 to a term expiring in August 2008.

Citizens Emergency Preparedness Advisory Commission

Re-appoint Lori Bersabe to a term that expires in June 2010.

Community Advisory Commission

Appoint Reena Choudhury as a regular member to a term expiring in January 2010.

Appoint Chinedu Nwobi as Alternate No. 1 to a term expiring in January 2009.

Appoint Viramrinder Meharu as Alternate No. 3 to a term expiring in January 2008.

Appoint Rajeev Madnawat as Alternate No. 4 to a term expiring in January 2008.

Library Advisory Commission

Appoint Elpidio Estioko as a regular voting member to a term that expires in June 2008.

Appoint Ha Phan as Alternate No. 1 to a term that expires in June 2009.

Appoint Marie Pham as Alternate No. 2 to a term that expires in June 2009.

Parks, Recreation and Cultural Resources Commission

Appoint Tim Chang as a regular voting member to a term that expires in June 2010.

Appoint Naomi Matautia as Alternate No. 1 to a term that expires in June 2008.

Appoint Freddie Cacao as Alternate No. 2 to a term that expires in June 2009.

Recycling and Source Reduction Advisory Commission

Appoint Ricardo Ablaza to a term that expires in October 2008.

Appoint Marsha Binh Tran as Alternate No. 1 to a term that expires in October 2007.

Appoint Nika Chen as Alternate No. 2 to a term that expires in October 2008.

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

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

NEW BUSINESS

Three items were adopted on the Consent Calendar.

9. Temporary Building Inspector for DR Horton Project

Chief Building Official Keyvan Irranejad explained the reason for a request to hire one new Building Inspector for the construction of the Paragon project by D.R. Horton.

Councilmember Gomez wondered if this was becoming a practice in the City. He had a concern of the quality of inspections and whether a temporary inspector did the same as a permanent one. Mr. Irranejad noted a temporary worker may not have as much experience and explained the “musical chairs” type policy he implemented as needed.

Mr. Gomez further questioned why the City should re-assign an experienced building inspector solely for this project. The Building Official explained that a single family home construction was easier to inspect than a complex, dense new housing project.

Councilmember Gomez repeated his concern for hiring temporary employees instead of hiring permanent employees, when this was the third time the City had done this. He asked if the City could be as creative for residents and their needs, as the City was for developers in this instance.

Vice Mayor Livengood remarked that City staff needed to clear up these questions a bit, before Council could act on the current request from the developer.

Motion: delay the developer’s request to the first meeting in August, with a report as Councilmember Gomez requested regarding an update on the Roadmap to Service Improvements from staff and response to residents on building inspection

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

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

10. Comments on Response to Grand Jury Report

Fire Battalion Chief Americo Silvi discussed the May 22, 2007 report issued to the public, from the Santa Clara County Grand Jury, on Disaster Preparedness in five cities in this County (not including Milpitas). It discussed readiness in three specific areas: personnel callback, equipment availability, and seismic security. He would focus on personnel issues, specifically with regard to the City of Milpitas. Three segments of personnel were identified: Public Safety staff, Emergency Operations Center staff, and other city employees (including Public Works critical in emergencies).

Councilmember Polanski asked about personnel callbacks and reporting for duty - did that have to do with those who live further away and potentially could be unable to get back to the City? Mr. Silvi replied no, this did not take that into account. The Councilmember inquired about SAFE teams, and staff reported that those were broken up by neighborhood in Milpitas, and they operate in a concentric circle, helping in residents’ local area first. They “self-dispatch” basically. City of Milpitas had a high number of residents’ SAFE team participation compared to other cities.

Councilmember Giordano was concerned, and did not understand all the acronyms, so was Milpitas in good shape? Fire Chief Clare Frank responded the City was in very good shape in terms of steps taken and the readiness of citizens. Her view was that Milpitas really was more ready than other cities for citizen participation in disaster or emergency response. The City Manager provided additional positive remarks.

City Manager Tom Williams could add or include training for the City Council during emergencies, as appropriate, in the fall this year.

Mayor Esteves inquired if the City had a back-up site for computer systems. Information Services Director Bill Marion explained the dispatch housed in local facilities with a mobile command van and the back-up system. The alternate Emergency Operations Center site was located at Fire Station #1. The Mayor suggested off-site, far away from the City, as an appropriate location for back-up computer systems.

Motion: Note receipt of the oral report from Battalion Chief Americo Silvi

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

ORDINANCES

Five Ordinances were adopted on the Consent Calendar.

RESOLUTIONS

One Resolution was adopted on the Consent Calendar.

16. Memorandum of Understanding with the Milpitas Employees Association

City Manager Tom Williams introduced the agreement, prepared following successful negotiation between the City and the employee group, Milpitas Employees Association. The new MOU would cover the period January 1, 2007 through June 30, 2010.

Mr. Williams provided information showing the cost analysis of the MOU over three and one-half years. The total cost of the contract would be \$1,137,049.

Motion: Adopt Resolution No. 7689 authorizing Memorandum of Understanding with the Milpitas Employees Association for the period noted.

Motion/Second: Vice Mayor Livengood/Councilmember Gomez

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

BIDS AND CONTRACTS

Fourteen items were adopted on the Consent Calendar.

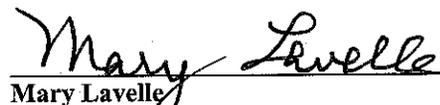
CLAIMS AND DEMANDS

One item was adopted on the Consent Calendar.

ADJOURNMENT

Mayor Esteves adjourned the meeting at 9:36 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on August 7, 2007.



Mary Lavelle
City Clerk