

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, August 21, 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, Councilmembers Giordano, Gomez and Polanski. Councilmember Gomez arrived at 6:33 PM.

**ABSENT:** Vice Mayor Livengood

**CLOSED SESSION**

Mayor Esteves publicly stated the Council would immediately convene in Closed Session to discuss two issues: (1) conference with labor negotiator for Collective Bargaining: City Negotiator Carmen Valdez with Milpitas Supervisors Association, and (2) Public Employment Appointment/Hiring of City Attorney.

The Council convened in Open Session at 7:10 PM.

**CLOSED SESSION  
ANNOUNCEMENT**

City Attorney Steve Mattas announced that the City Council provided direction to staff to gather additional information on the City Attorney position and get back to the City Council, with no action taken. No reportable action was taken on the employee group negotiation.

**PLEDGE**

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

**INVOCATION**

Mayor Esteves offered a moment of silence.

**MINUTES**

Motion: approve minutes of August 7 and 14, 2007 City Council meetings, as submitted

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

**SCHEDULE OF MEETINGS**

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

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

**PRESENTATIONS**

Mayor Esteves proclaimed “*Architecture Week*” for the week of August 20 – 24, 2007. The proclamation was accepted by Michelle Ney, Senior Project Architect for Devcon Construction Inc. on behalf of AIA of Santa Clara Valley. She invited all to a display and a one-hour Architecture 101 class for city staff, put on by the local chapter in the future.

Commendations were presented by the Mayor to two local Boy Scouts who recently achieved Eagle Scout status: Daniel H. Pham and Jason Nguyen of Troop 111 Mt. Hamilton.

**PUBLIC FORUM**

**Leann Lamb**, Milpitas resident of 17 years, addressed the Council about the Farmer’s Market. She urged Council, City of Milpitas and staff to do as much as they could to bring it back. She found a tremendous sense of community at the market, and enjoyed it very much. She suggested using Milpitas High School parking lot on Sundays as a possible location.

**Rob Means**, 1421 Yellowstone Ave, mentioned facts in a democracy, discussed the CIA, Brewster Jennings, the Bush administration, the Libby case, Washington and treason.

**A Milpitas man** spoke in favor of Farmer’s Market and wanted to see it maintained in the City.

Mayor Esteves spoke with many residents about Farmer’s Market, and asked staff to come back to City Council to let it know what was possible for a future market.

**ANNOUNCEMENTS**

**Councilmember Polanski** would like to see Farmer’s Market back, as residents liked it a lot. She was at the Chamber’s Art & Wine Festival last weekend with the Mayor and Councilmember Giordano, and wanted to thank the Chamber, Senior Advisory Commission for root beer float booth, and all CEPAC members for work with the Fire Dept. on emergency preparedness.

**Councilmember Giordano** thanked those who spoke in favor of Farmer’s Market. She made it clear that the owner “pulled the plug” on it, the City Council was very supportive of the new location and was favorable. No discussion was held publicly about adequate parking at the school site for the market. “Celebrate Milpitas” event was the second year with a new name, and the Chamber did a great job, with a good turnout. The Senior Advisory Commission planned a fundraiser the following day for pizza at Red Brick Pizza from 4 – 9 PM.

**Mayor Esteves** congratulated the Federation of Indo-Americans for celebrating 50<sup>th</sup> anniversary of modern India. He thanked Police and Fire departments’ staff for their efforts on the “National Night Out” celebration in August, and to the neighbors who participated and held parties. Regarding the Farmer’s Market, the decision did not come to Council, it was before the Planning Commission, which approved it. He was optimistic to find another site or a good solution.

**ANNOUNCEMENT OF CONFLICT OF INTEREST**

None

**APPROVAL OF AGENDA**

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

**CONSENT CALENDAR**

Motion: to approve the Consent Calendar (items noted with \*asterisk), as amended

Councilmember Gomez requested to add Item No 11 to consent calendar.

Mayor Esteves asked for Item No. 17 to come off consent.

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

**\* 10. Commission Appointments**

Approved the following appointments, recommended by Mayor Esteves:

Bicycle, Pedestrian Advisory Commission:

Appointed Cheng-Wei Pei as Alternate No. 2 to a term that expires in August 2009.

Parks, Recreation and Cultural Resources Commission:

Re-appointed Raymond Serena to a term that expires in June 2010.

Youth Advisory Commission:

Re-appointed Jason Nguyen to a term that expires in September 2008.

Appointed Josephine Fong as regular member to a term that expires in September 2008.

- \* **11. Open Government Subcommittee Recommendation** Directed staff to return to the City Council with a draft ordinance amending the regulations regarding community notification (increasing the area sq. ft.) and outreach process for planning development projects.
- \* **12. Distinctive Street Name Signs to honor Milpitas veterans** Directed staff to develop more distinctive street name sign alternatives to honor Milpitas Veterans, per the Facilities Naming Subcommittee's recommendation.
- \* **14. Resolution Granting Partial Initial Acceptance of Project No. 6073** Adopted Resolution No. 7697 granting partial initial acceptance of the Sewer Deficiency & Structural Correction Program, Open Cut - Phase 3, Project No. 6073, subject to the one year warranty period and reduction of the faithful performance bond to \$89,341.60.
- \* **15. Approving Lot Line Adjustment Between Paragon and Jack-in-the-Box restaurant** Adopted Resolution No. 7698 authorizing the lot line adjustment between Jack in the Box parcel APN 086-34-018 and Tract No. 9775 of the Paragon housing development, Project No. 3204.
- \* **16. Authorize City Manager to Execute Agreement with Dodson Psomas for Venus Pump Station** Authorized the City Manager to execute the agreement amendment with Dodson Psomas for Project No. 6101, Venus Pump Station, in the amount of \$90,000, subject to approval as to form by the City Attorney.
- \* **18. Amendment No. 5 to the Agreement with Harris & Associates for Plan Check Services**
  1. Approved Amendment No. 5 to the Agreement with Harris & Associates and authorize the City Manager to execute the amendment, subject to approval as to form by the City Attorney.
  2. Approved budget appropriation in the amount of \$100,000 from the General Fund to the Engineering budget, to be reimbursed by private development funds.
- \* **19. Approve Service Agreements with DataProse, Inc. for Utility Bills and with San Jose Water Co. for Remittance Processing of Payments** Authorized City Manager to execute contracts with DataProse Inc to provide services for printing, mailing e-bill presentment and e-payment of utility bills for a total amount of \$90,000 annually, along with San Jose Water Co. providing service for the remittance processing of utility payments for \$16,000 annually.
- \* **20. Payment of the CAL-ID Invoice to the City of San Jose** Approved CAL-ID invoice to the City of San Jose in the amount of \$63,783.

**PUBLIC HEARINGS**

- 1. 2007 Edward Byrne Justice Assistance Grant** Police Chief Dennis Graham addressed the City Council regarding the grant application that the Police Department would submit for two purposes: fund training for a polygraph examiner, and training and equipment purchase for two bicycle officers.

Mayor Esteves inquired about reporting back to the granting entity and tracking of expenses incurred. He wanted to know how Police would measure the effectiveness of the grant. Chief Graham explained the exact use of the funds, and said those tasks would be difficult to maintain without the grant.

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

(1) Motion: to close the public hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

(2) Motion: authorize the Police Department to submit the application for the JAG 2007 grant funding, and upon receipt of the allotment, approve an appropriation in the amount of \$20,929 into the Police Department operating budget

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

**2. Community Development Block Grant Funds and Amendment to the Action Plan for FY 2007-08**

Senior Neighborhood Preservation Specialist Gloria Anaya reviewed actions of the City Council with regard to Community Development Block Grant funding for FY 2007-08.

The San Jose-based organization ESO withdrew its application after a recommendation for funding had been made. So, staff went back to the drawing board, with the emphasis on accessibility for the disabled services. Two applications were received by the June 4 deadline: one from Rebuilding Together (formerly Christmas in April) and one from the City's Parks and Recreation Services for ADA playground equipment at Calle Oriente Park.

Mayor Esteves opened the Public Hearing for comments.

**Todd Flesner**, San Jose resident and Boardmember for Rebuilding Together, addressed the amount of funding requested for his group, noting it differed from ESO which had a paid staff. Capacity building efforts for the new organization were underway.

Mayor Esteves asked Mr. Flesner to describe the organization. He noted the group formerly known as "Christmas in April" worked with low-income, elderly and disabled homeowners to help them remain in their own homes. They might help an elderly widow, for example, to keep the house safe for residence with grab bars, accessible ramps, ensure fire alarms work, and provide carpeting/floor trip hazard reduction.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

(2) Motion: to approve CDBG funding for two additional programs for FY 2007-08: \$10,000 to Rebuilding Together and \$71,348 to the City of Milpitas Parks and Recreation Department for Calle Oriente Park playground equipment, and adopt an amendment to the One-Year Action Plan FY 2007-08

Motion/Second: Councilmember Polanski /Councilmember Giordano

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

**3. City of Milpitas 2007 Report of Public Health Goals for the Public Water System**

Principal Utility Engineer Kathleen Phalen presented the report required by the State of California, to review the last three years' water monitoring data for all water monitoring, then prepare a written report by July 1 and evaluate the cost of best available technology to advance public health goals.

The City of Milpitas report covered the years 2004, 2005, and 2006, when over 6,000 samples were collected and analyzed in Milpitas for a variety of factors. She reviewed what the outcome was of three contaminants that exceeded public health goals: lead, copper and coliform.

Councilmember Polanski asked, regarding the samples for lead and copper, how were they selected? Ms. Phalen responded that the state selected participants in earlier years , with a series of criteria.

Mayor Esteves noted exceedances of public health goals with staff recommending that no further action was needed. Who determined that? Staff recommended the action. The Mayor next asked a question about bottled water and recent public efforts to reduce its use, in favor of tap water. He requested staff comment on that topic.

Ms. Phalen replied that state criteria for knowing potable water was safe to drink was applied at all times in public drinking water supply, and for the City's two suppliers.

Mayor Esteves opened the Public Hearing for comments.

**Isaac Hughes**, Milpitas resident, addressed home renters who have orange water at home, with rust and solids coming out of the water supply. Possibly plumbing needed to change. He asked if the City could go check on the water sources. Also, he believed that fluoride was toxic in the water. Levels of solids in new bathroom surfaces were dangerous, and he urged a push for regulation on bottled water.

Mayor Esteves asked the City Manager if staff could go out to test water at the home owner's request. Mr. Williams responded staff could do that.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

(2) Motion: to accept the 2007 Public Health Goals Report, as presented by the City Utility Engineering department staff

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

**4. Entertainment Event Permit for St. John the Baptist Catholic Church "Autumn Festival" in September**

City Clerk Mary Lavelle reported that St. John's Church planned its third annual "Autumn Festival" over the weekend of September 21 – 23, 2007. All departments had reviewed the application materials, including traffic flow and request for cones from the Public Works staff. St. John's also requested a waiver of fire inspection fees and building division electrical permit fees for generators on site.

Mr. Lanh Tran-tu, Vice Chair of the Festival Committee, was present to answer any questions that Council had about the event.

Mayor Esteves asked staff about the insurance certificate required and the City Clerk responded about the liability insurance required for any permit applicant.

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

(1) Motion: to close the public hearing

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

(2) Motion: approve Entertainment Event Permit No. 2007-3 including fee waivers for St. John the Baptist Catholic Church third "Autumn Festival" scheduled on September 21, 22 and 23, 2007.

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

## UNFINISHED BUSINESS

### 5. Possible Screening at KB Home Terra Serena Project

Interim Planning Director Felix Reliford displayed current screening at the KB Home Terra Serena site, with all approved design details currently installed. Landscaped screening, a linear wall, and trees were installed there presently. Staff contacted employees of the County jail and no interest was garnered for any additional screening.

Councilmember Giordano appreciated the City Manager and planning staff following up on her request. She noted when landscaping grew, it would improve the view.

City Council noted receipt of the oral report and no vote was taken.

### 6. Report on Motion Picture Licensing Fees

Parks and Recreation Director Bonnie Greiner responded to Ms. Giordano's request with regard to previously shown movies at the Barbara Lee Senior Center. The Center had received a letter from the Motion Picture Licensing Authority in Los Angeles, about legal licensing requirements and fees required.

Ms. Greiner explained the \$255 annual fee for a senior center to show movies to a group would have to be paid. There had been low participation rate anyways at the Monday afternoon movie showings, so the Senior Advisory Commission opted to cancel that activity. Meanwhile, the City paid \$460 annually for the Teen Center to host regular showing of films for teenagers (no discount, as seniors received).

If the Senior Advisory Commission again wanted to show films, they would then pay for the license as required by law.

Mayor Esteves inquired about movies shown outside the City Hall/Library during the summer. Ms. Greiner replied that the library was handling that matter this year, through a local film vendor.

Motion: receive the staff report on the matter of motion picture licensing

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

### 7. Possible Additional US Post Office in Milpitas

Economic Development Director Diana Whitecar contacted the local Post Office, which sent her to the Consumer Affairs unit. She learned that population was the usual determinant for a new Post Office. Staff explained recent growth in south Fremont,

north San Jose and the Milpitas area, in order to seek further response from postal staff about the possibility of an additional postal outlet in Milpitas. She will report again when more information was gathered.

Motion: receive the oral staff report on a possible additional post office in Milpitas

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

Mayor Esteves also suggested exploring another DMV office in Milpitas.

- 8. Animal Regulation Ordinance** Senior Neighborhood Preservation Specialist Gloria Anaya presented an overview of the existing animal regulation ordinance, describing what constituted a dangerous dog, defined by Levels 1 to 5. The primary municipal code regulations on this topic were adopted in 1995, with a slight update in 2001.

Ms. Anaya reviewed what was presented in her written agenda report. She also referred to a recent specific incident that was reported in the local newspaper about a postal carrier injured by a dog. Staff recommended no changes were needed at this time.

Motion: receive the oral staff report on current dangerous animal ordinance

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

**Isaac Hughes** requested to speak at this time, and the Mayor allowed him three minutes. Mr. Hughes mentioned dogs, police officers asking people about moving animals, dogs did not recognize people, most postal carriers were moving sideways across yards, and discussed the police report of the incident when a postal carrier was injured. Finally, he offered to train dogs in Milpitas for free.

- 9. Approve Letter to Ratepayers on Water/Sewer Rate Increases** Principal Utility Engineer Kathleen Phalen presented a revised draft Proposition 218 letter, with analysis if rates were not raised, and proposed the Council set a public hearing date along with adoption of ordinances at a future meeting.

She discussed the revised letter, along with the tear-off protest form at bottom of the letter and reviewed some of the adopted fiscal policies of the City, with regard to infrastructure. The rate increases recommended by staff were reviewed: water rates 7% increase, sewer rates 4% increase, end of year balances remained above target reserve levels, and five year balances projected above too.

Ms. Phalen discussed the impact to fund balances (would be reduced) if the increases were not adopted this year. Staff predicted \$11,000,000 deficit in five years if 0% increase over five years in a row occurred (showed charts).

Debt service requirement on sewer bonds was discussed, which could not go below \$700,000. Options if no rate increases were adopted were identified (see four points on slide) including deferred capital improvements.

Mayor Esteves asked about public safety with regard to water. Ms. Phalen responded that the distribution system must be kept clear. He also asked about the utility maintenance supervisor and how much did the City pay a meter reader. Finance Director Karlen replied around \$60,000 per year for a reader, and for the supervisor, a bit more.

City Engineer Greg Armendariz noted that Public Works staff level was down 13 or 14 positions in that department, the organization had downsized since 2000 (its high level of positions). The City was meeting all regulatory requirements now, with fewer staff.

Next, Ms. Phalen discussed General Fund transfers from utility funds, noting the cost allocation study impacts to the budget.

Mayor Esteves asked several questions about the General Fund, the transfers and the overall budget, finally commenting on the discretion of the City Council on spending the various enterprise funds' money.

Councilmember Polanski asked when the infrastructure needs were established. Staff reported those came from the utility Master Plan, with the water infrastructure fund only just funded this year, and the sewer funded a few years ago. Councilmember Polanski appreciated all the information put into the letter to property owners, as it was much better for the public and property owners. She wanted the number of property owners needed for a successful protest written in the first paragraph. She also asked for the charts to be posted online to show the community impact if rates were not raised.

Mayor Esteves referred to the charts displayed by staff and asked questions about costs, revenue received, and overage that may be there. The Finance Director responded about money needed to increase the infrastructure fund for the utility services.

Councilmember Gomez said thanks to staff for all the work done on the rates. He noted that the City Council did not want to pass on the costs to future residents of the City. Future City Councils would then have to handle the issue of costs for infrastructure upgrades for safety and other reasons.

Motion: to adopt the staff recommended actions:

1. Accept report from staff.
2. Direct staff to mail the Proposition 218 letters no later than September 21 to all affected property owners, notifying those affected of the Protest Hearing date, including a specific number of protests needed for successful protest, at the front of the letter.
3. Set November 6 as the Public Hearing date to hear protests, and to adopt new water and sewer rates by ordinance, conditioned upon not receiving a majority protest.

Councilmember Polanski, noted when looking at infrastructure funds, that when the economy was booming in the future, was when the infrastructure must be funded, and not neglected.

Motion/Second: Councilmember Polanski/Councilmember Gomez

Motion carried by a vote of: AYES: 3  
NOES: 1 (Esteves)  
ABSENT: 1 (Livengood)

The City Council then took a five minutes break at 9:22 PM and returned at 9:27 PM.

## **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 9:27 PM.

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

**ABSENT:** Vice Mayor/Vice Chair Livengood

**RA 3. MEETING MINUTES**

Motion: approve the Redevelopment Agency minutes of August 7, 2007, including joint meeting with the City Council, as submitted

Motion/Second: Agency/Councilmember Polanski / Agency/Councilmember Giordano

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

**RA 4. Approval of Agenda and Consent Calendar**

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

Motion/Second: Agency/Councilmember Giordano/ Agency/Councilmember Polanski

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

**RA 5. Exclusive Negotiation Rights Agreement with Silicon Valley Real Estate Group (Nueterra)**

Economic Development Manager Diana Whitecar introduced the development proposal at the site where a former plan for a modern hotel did not come to fruition.

Silicon Valley Real Estate Group (Nueterra Holdings) met with City staff, and arrived at a proposal for the site in the south part of Milpitas, bordering Tasman Drive and Interstate 880 on property co-owned by the City of Milpitas and the Santa Clara Valley Transportation Authority.

Ms. Whitecar introduced Mr. Kevin Stuckey, a representative of the company, who told the Agency/Council that it was primarily involved with health care and real estate development around the country based on physician involvement in every health care center or hospital. There were 84 physicians in the group for this project representing 18 specialties. They proposed a 57-bed private hospital including ten intensive care rooms, six operating rooms, including cardiac bypass rooms. Additionally on the site, they will propose a 200-300 room hotel with a conference center in between.

Councilmember Polanski asked if this business idea would be viable for the area and Mr. Stuckey responded affirmatively. The intent was to create a landmark development, with a nationwide reputation in this area, with physician involvement a key ingredient. Ms. Polanski commented it would be unique, and was intrigued about this possibility.

Councilmember Gomez asked, given the surrounding industrial uses, how this proposal impacts them. He directed his question to the City Manager and Mr. Williams replied that staff would have to analyze the proposal further to answer that question.

Motion: approve the Exclusive Negotiation Rights Agreement (ENRA) with Silicon Valley Real Estate I, LLC

Motion/Second: Agency/Councilmember Gomez / Agency/Councilmember Polanski

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

**\* RA 6. Approving First Amendment to Agreement of Purchase and Sale**

Adopted Redevelopment Agency Resolution No. RA 295 along with City Council Resolution No. 7694 to amend the Agreement of Purchase and Sale and to amend and restate the related Promissory Note between the City and the Agency.

**\* RA 7. Resolutions Approving the Annual Investment Policy**

Adopted Redevelopment Agency Resolution No. RA 296 and City Council Resolution No. 7695, approving the Annual Investment Policy for the City of Milpitas.

**\* RA 8.** Granting Final Acceptance for Project No. 8102

Adopted Redevelopment Agency Resolution No. RA 2297 and City Council Resolution No. 7696, granting final acceptance and release of the bond with Shade America for Project No. 8102, for the Community Center Sunshade.

**\* RA 9.** Approve Certificate of Completion for Certain Residential Units Within Tract No. 9698 for KB Home

Authorize the Agency Executive Director to execute a 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 10. ADJOURNMENT**

Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 9:44 PM.

**NEW BUSINESS**

**13.** City Council Meeting Schedule in 2008

City Clerk Mary Lavelle requested that the City Council consider its regular meeting schedule for 2008, in part due to the fact that the first regular meeting date would fall on the New Year's Day holiday.

Motion: adjust the 2008 regular meeting schedule by canceling first meeting in January and canceling both meetings in July next year

Motion/Second: Councilmember Polanski/Councilmember Gomez

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

**RESOLUTIONS**

Two Resolutions were adopted on the Consent Calendar.

**BIDS AND CONTRACTS**

Four items were adopted on the Consent Calendar.

**17.** Amendment No. 1 to the Agreement Between the City and VTA for Calaveras Blvd. Widening Project Study Report

City Engineer Greg Armendariz reported on the study done last year, which looked at Carlo St. changing from an on-ramp to an off-ramp from the east bound lane of 237 to a ramp onto Calaveras Blvd. He discussed with VTA and Caltrans staff on this project. At this meeting date, it was time to proceed with traffic studies necessary to proceed with the improvements. The \$250,000 cost, from an approved CIP, was required for the project. Staff would begin with design, and was hopeful to start construction next summer, to allow the new ramp to be ready when the new Milpitas library was nearly completed.

Motion: to approve Amendment No. 1 to the Cooperative Agreement Between the City of Milpitas and the Santa Clara Valley Transportation Authority (VTA) for the Calaveras Blvd. Widening Project Study Report, Project No. 8187

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

**CLAIMS AND DEMANDS**

One item was adopted on the Consent Calendar.

**ADJOURNMENT**

The meeting was adjourned at 9:51 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on September 4, 2007.

  
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Mary Lavelle, City Clerk