

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, January 15, 2008
Time: 7:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Esteves called the meeting to order at 7:00 PM.

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

ABSENT: None

PLEDGE

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

INVOCATION

Mayor Esteves invited all to participate in a moment of silence.

MINUTES

Motion: approve the minutes of December 11, 2007 City Council meeting, as submitted

Motion/Second: Councilmember Polanski/Vice Mayor Livengood

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

SCHEDULE OF MEETINGS

Motion: to approve the Council Calendar - Schedule of Meetings for January 2008

City Manager Tom Williams announced two changes: the VTA SVRTC BART Policy Advisory Board was moved to Wednesday, January 16 at 3:00 PM in the Community Center, and the Council's Library Subcommittee meeting was moved to Wednesday, January 23 at 5:30 PM in the City Hall 4th floor conference room.

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

PRESENTATION

Mayor Esteves proclaimed "Be Sewer Smart Season" November through April, a project of the Association of Bay Area Governments along with the City. Public Works Director Greg Armendariz explained that residents can get devices from the City to prevent sewer back-up or stoppages. Information was available on the City website or by calling 586-3345.

PUBLIC FORUM

Rob Means, 1421 Yellowstone addressed the City Council regarding the first "Democracy Café" scheduled on Saturday, to make democracy stronger here in Milpitas, at the India Community Center. He invited Councilmembers and hoped more than one member would attend.

Frank DeSmidt, Milpitas Chamber of Commerce, invited all to the annual Chamber's Crab Feed on March 7 at Napredak Hall.

ANNOUNCEMENTS

Councilmember Giordano wished everyone a Happy New Year. She had several requests of the City Manager for follow-up at the next Council or a future meeting: 1) on the Alviso Adobe project, what was the status of grants applied for; 2) in 2006 and 2007, crime rate was down, and she asked about the crime statistics for the year and would like a report back to Council; 3) with

growing concern about the high foreclosure rate on home mortgages, Milpitas's work on affordable housing, what about homeowners in crisis on this issue and what could the City do on this issue to reach out to folks in Milpitas, maybe with counseling? 4) she noted in the City Manager's weekly report information about the National Flood Insurance Program – the City's participation allowed for discount flood insurance, and she wanted to provide information on how Milpitas residents could benefit from NFIP.

Mayor Esteves inquired about the report on the lowered crime rate; he wanted statistics specifically on drugs. He also noted that Green Building standards would be coming forth soon on a Council agenda and this was confirmed by the City Manager.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST**

None

APPROVAL OF AGENDA

Motion: to approve the agenda (including a continuance on Public Hearing Item No. 1)

Motion/Second: Councilmember Gomez/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

Councilmember Gomez requested Item No. 12 be removed from consent.

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

Additional Public Forum:

Kai Giffin, on behalf of Piercey Toyota, addressed the Council and expressed that he had completed his task and project management of the construction of a fine new auto dealership. He had reports to the City Manager already noting the second month of taxable income for the City of nearly \$14 million and those numbers would continue to rise dramatically. Piercey Toyota President Mr. Art Wicker was unable to attend this meeting. He would be the direct contact at the dealer. In 25 years, working with Milpitas was the finest experience Mr. Giffin had in working with City staff and in cooperation with the Council to get a project done. Lastly, he said "thank you very much" and hoped for much more success with not only at this dealership but with other dealerships and the economic growth and recognition of the City of Milpitas.

*7. Commission re-appointments recommended by Mayor Esteves

Approved the recommendations for Commissioner re-appointments:

Recycling and Source Reduction Advisory Commission:

Re-appointed Patrick Yung to a term that expires in October 2010.

Appointed Marsha Binh Tran (Alternate No. 1) as a regular member to a term that expires in October 2010.

Senior Advisory Commission:

Re-appointed Albert Wang to a term that expires in December 2009.

Re-appointed Denny Weisgerber to a term that expires in December 2009.

Re-appointed Mary Banick to a term that expires in December 2009.

Re-appointed Barbara Ebright to a term that expires in December 2009.

Re-appointed Joanne Wood to a term that expires in December 2009.

Re-appointed Ed Connor to a term that expires in December 2009.

Re-appointed Bernice Wrinkle as Alternate No. 1 to a term that expires in Dec. 2009.

Telecommunications Commission:

Re-appointed Dinesh Gupta to a term that expires in January 2010.

Re-appointed Hai Tran as Alternate No. 2 to a term that expires in January 2010.

- *8. Re-appointment to Planning Commission Approved Mayor Esteves' recommendation that Mr. Cliff Williams be re-appointed to a Planning Commission term that expires in December 2010.
- *13. Family Child Care Assistance Fund Grant Requests Authorized and approved \$5,997 in grant funds from the Family Child Care Assistance Fund to sixteen family child care providers (from 18 applications) recommended by the Parks, Recreation and Cultural Resources Commission, in the following denominations:
7 at \$489: Sherry Clanton, Yan Ding, Lisa Hodges, Kim Lagman, Carolyn Reed, Samiha (Suzie) Samawi, Jasmine Yousefkhachi
3 at \$368: Victoria Burns, Dinh Tai, Hong Tang
6 at \$245: Alejandra Araya, Janice Chaney, Phyllis Corriea, Francisca Diaz, Judy Ligon, Nasreen Mohammed
- *16. Two Sports Assistance Grants Approved the recommendation of the Parks, Recreation and Cultural Resources Commission to grant two Group Youth Sports Assistance Fund grants in the amounts of \$1,000 to Milpitas Little League North and \$1,000 to Milpitas Little League South.
- *17. Adopt Ordinance No. 276 regarding Solid Waste Rates Waived the second reading and adopted uncodified Ordinance No. 276, approving 2008 and 2009 Annual Rate Adjustments for recycling and solid waste services.
- *18. Resolution on transit areas as a FOCUS Priority Development Area Adopted Resolution No. 7729 authorizing the submission of the area surrounding the Great Mall and Montague Light Rail stations and the future Bay Area Rapid Transit station as a FOCUS Priority Development Area.
- *19. Authorize Balancing Contract Change Order, Budget Appropriation and Resolution Granting Initial Acceptance for Milpitas Communication Enhancements – Phase 1
1.) Authorized the City Engineer to execute the Balancing Contract Change Order for Milpitas Communication Enhancements – Phase 1, Project No. 4232 with Norwood Construction in the amount of \$20,488.30. 2.) Approved a budget appropriation for \$16,000 from the Street Fund to Project No. 4232.
3.) Adopted Resolution No. 7730 granting initial acceptance for the Milpitas Communication Enhancements – Phase 1, Project No. 4232 subject to the one-year warranty period and reduction of the faithful performance bond to \$32,950.50.
- *20. Resolution Granting Initial Acceptance for Slurry Seal Project FY 2007-08 Adopted Resolution No. 7731 granting initial acceptance for the Slurry Seal Project FY 2007-08, Project No. 4242, subject to the one-year warranty period and reduction of the faithful performance bond to \$27,346.78.
- *21. Resolution Granting Final Acceptance for Project No. 6073 Adopted Resolution No. 7732 granting final acceptance for the Sewer Deficiency and Structural Correction Program (Open Cut), Project No. 6073 and release of the contractor's performance bond.
- *22. Resolution Granting Initial Acceptance for Street Resurfacing Project 2007 Adopted Resolution No. 7733 granting initial acceptance for the Street Resurfacing Project 2007, Project No. 4236, subject to the one year warranty period and reduction of the contractor O'Grady's faithful performance bond to \$97,284.65.
- *23. Approve Amendment to Consulting Services Agreement with Attorney Roy Abrams Approved 2nd Amendment to Consulting Services Agreement Between the City of Milpitas and Roy Abrams, Esq., adding \$50,000 to the contract amount and extending the agreement through June 30, 2008.
- *24. Authorize the City Engineer to Execute Amendment No. 3 to the Agreement with Winzler and Kelly Consulting Engineers Approved Amendment No. 3 to the Agreement with Winzler and Kelly Consulting Engineers, consultant on the Main Sewage Pump Station, Project No. 6103, in the amount of \$150,000, subject to approval as to form by the City Attorney.
- *25. Authorize Contract Change Order No. 4, Main Sewage Pump Station, Project No. 6103 Authorized the City Engineer to execute the Contract Change Order for Anderson Pacific Engineering Construction, in the amount of \$189,816.13 for the Main Sewage Pump Station, Project No. 6103.
- *26. Approve Amendment No. 1 to Agreement for Professional Approved Amendment No. 1 to the Agreement for Professional Planning Services with Metropolitan Planning Group extending the term to June 30, 2008 and increasing the

Planning Services with
Metropolitan Planning Group

total contract amount to \$215,000.

*27. Approve Amendment No.
2 to the Contract with Valley Oil
Company

Approved Amendment No. 2 to the Valley Oil Company Contract, subject to approval as to form by the City Attorney, and authorized an increase in the not to exceed amount to a maximum compensation of \$595,000.

PUBLIC HEARINGS

1. "S" Zone application for this
Trammell Crowe Alexan project

Motion: to continue the public hearing to February 5, 2008

Motion/Second: Councilmember Gomez/Councilmember Polanski

Motion carried by a vote of:

AYES: 5

NOES: 0

2. Appeal of Planning
Commission approval for Sikh
Foundation

Planner Director James Lindsay presented a summary of the project for the Sikh Foundation to create a gurdwara (religious facility) in an industrial section of the City. He explained specifically what was approved by the Planning Commission in November.

One issue that had to be resolved for the success of this project was managing the requirement for 17 parking spaces. There were 13 existing and the applicants arranged seven additional spaces by working with other tenants in a joint parking agreement. Also significant was the need for a six months review.

The person who filed the appeal of the Planning Commission's approval, Mr. Wayne Martinez of Navajo Co., had listed four main issues for his appeal: land use compatibility; the potential parking impact; issue of public participation and notifications (were legal requirements met); and any conflict of interest due to one Planning Commissioner (Mr. Sandhu) who is a member of the Sikh organization. Mr. Lindsay reviewed each point on why those were not valid outstanding complaints.

Vice Mayor Livengood directed Mr. Lindsay to note in the Planning Commission meeting minutes when someone abstained from a vote, as that fact was unclear on the minutes when Mr. Sandhu was not at the dais and did not participate on this matter.

City Attorney Michael Ogaz announced that if the City Council (at this meeting) was to uphold the Planning Commission's approval of the project, then the Council's action must be subject to the findings and conditions adopted by the Planning Commission.

Councilmember Polanski asked Mr. Lindsay to explain the arrangement worked out for the parking at this site. Councilmember Gomez asked about types of industrial businesses in the area, and any conflict with uses such as technological businesses.

Vice Mayor Livengood discussed the consideration given this application when it came to the City. Churches were conditional uses in industrial areas and he felt it would be difficult to say no to churches once they had invested money in plans, etc. Perhaps the prohibition on churches in select areas of the City should be pursued, in the future.

Mayor Esteves wanted to know how the parking space numbers were achieved and Mr. Lindsay explained that information from testimony and the speakers at the Planning Commission, who provided the number of anticipated congregants.

Councilmember Giordano inquired about limited hours of the Sikh Foundation facility. Hours of operation were stated by the applicant and were not a condition of approval.

Mayor Esteves first called the appellant to the podium. Mr. Wayne Martinez was the owner of a business next door to the proposed Sikh facility. It was a shared resource situation with parking. His company had been in business for 15 years and wanted to

stay competitive. The office location was advertised as a “Business Park” but now it was becoming something else. Mr. Martinez was concerned about the operation of a religious facility in a designated industrial business location.

Vice Mayor Livengood asked if there were CC&Rs in the area for the business condominiums and Mr. Martinez responded yes.

The Mayor asked Mr. Martinez about his company’s hours of operation. They worked to meet deadlines of their customers in marketing and communication, often from 7:00 AM to 8:30 PM. Mayor Esteves asked why he objected to the Sikh facility when there were already two other churches in that area of Milpitas. Mr. Martinez responded the others were self-contained with no shared parking.

Mayor Esteves next asked the project applicant to the podium. Mr. Roubel Claire was a Sikh community member who took care of business affairs for the Sikh Foundation. The Foundation would do its part to maintain notification about the parking arrangement. Also, he met with Mr. Martinez last week to frankly discuss the parking issues.

Councilmember Polanski asked about persons attending services, using the available parking and wanted to hear how the church would shuttle people. The representative stated they would use available parking spaces first, and then use a parking shuttle service on site as needed. There were no services Monday – Friday, and perhaps only a Committee meeting or two on a weekday evening, and they would make clean-up efforts as needed on weekdays but no religious services were observed then.

Mayor Esteves open the public hearing for comments.

Paul Mathur, a businessman on Cadillac Court, was one of the owners behind Mr. Martinez’s business. There were valid concerns already spoken with which he agreed. He wanted a business environment only in the existing development.

Gurdev Sandhu, Bayview Park Drive resident, spoke as a resident. He announced to all that he had explicitly excused himself from the Planning Commission deliberation on this matter. He was purposely not in attendance at the Commission meeting when this application was discussed.

Ms. Kaur, a woman priest in the Sikh religion, talked about the planned gurdwara (church facility). Her view was that local businesses would increase and that God’s blessings would help those businesses. Most evenings, no one would be there at the temple and congregants like to come on Sunday.

Mr. Patel, a Manteca resident, proposed purchasing the building next door to the Sikh foundation building. He was neutral on the topic tonight. On the hours of operation, if there was a way to enforce the hours noted on application, he would support it. How any changes would be enforced by the City was important to him.

Michael Skadden, San Jose resident and Navajo Co. employee, did outreach at the business park and spoke with those on the petition presented to Council. No one was outraged and there was no animosity about the land use or worries about the religious group. Stated concerns were about a non-business operation coming in to a business park. He asked the Council to consider the views of all the businesses in that park.

Mr. K Sandhu, Tramway Drive resident, joined the Sikh Foundation soon after he moved here in 1994. He highlighted efforts to get the gurdwara built in Milpitas and he looked forward to having a place to gather and worship.

Jaz Dhaliwal, resident of Fremont near the Milpitas border, understood there were many churches in the light industrial area on Milpitas Blvd. into Warm Springs in Fremont. No one has mentioned the advantages of the gurdwara so far. It would help teenagers a

lot and senior citizens, and would contribute to reducing crime. There was no negative with this church, and asked don't put the cart before the horse.

Amat Singh Bal, Milpitas resident, said the group had been struggling and trying over ten years to get a facility built for their space. He looked forward so much to the new Sikh facility coming to Milpitas for his community.

Farjah Miana, Milpitas resident for 25 years, believed concerns were all valid, but in this facility it would be cared for by the small Sikh community in Milpitas. There was not one open in this City for 24 years. The gurdwara would be a place for worship, close to home for many, when now many have to travel to other cities for religious services.

Motion: to close the public hearing

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

Vice Mayor Livengood commented on what the law said when this application was filed, and the City had to follow the law. An appeal was a different concept than an item before the Planning Commission. The onus was on the Sikh Foundation initially, which proved a need and it was approved by the Commission. At this Council meeting, the onus was on the appellant Mr. Martinez. Mr. Livengood did not find any reason for the appeal important enough to rise to the level of overturning the approved Conditional Use Permit. Parking was an issue or problem in many areas of the City, and was not unique to this location. He would vote to approve the use and to uphold the Planning Commission approval of the Sikh Foundation CUP application.

Councilmember Polanski wished to echo what Vice Mayor Livengood said. She too knew that parking was a major concern. She also knew that the Sikhs would work with the business owners in that park for resolution of any parking problems.

Mayor Esteves agreed it was not time to review the project. Focus on the issues from the appellant. On the land use, he would look at the zoning requirements and conditional uses allowed in this part of the City. With parking, it could be satisfied in many ways with a plan worked out. Other issues were not valid for overturning the approval.

Motion: to uphold the unanimous Planning Commission approval of the Conditional Use Permit No. UP 2007-23 for the Sikh Foundation's 4030 sq. ft. religious facility, and deny the appeal from Mr. Wayne Martinez

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

3. Weed Abatement Program for 2008

Assistant Fire Marshal Albert Zamora reviewed the history of the annual weed abatement program. The purpose of the hearing at this meeting was for any property owners to object to liens placed on the property tax bill, for abatement work done by the County, as required by law. Mr. Ray Moreno from the Santa Clara County Agricultural Office was present to answer any questions from the City Council.

Mayor Esteves opened the public hearing for comments and heard none.

Councilmember Giordano announced then that she must abstain on this matter, due to a conflict since a family member was on the list of property owners. She left the dais.

Motion: move to close the public hearing

Motion/Second: Councilmember Gomez/Vice Mayor Livengood

Motion carried by a vote of: AYES: 4
NOES: 0
ABSTAIN: 1 (Giordano)

Motion: to adopt Resolution No. 7728 directing the County Agriculture Commission to abate the nuisance (weeds), keep an account of the cost, and embody such account in a report and assessment list to the Council, in accordance with the Municipal Code.

Motion/Second: Vice Mayor Livengood Councilmember Gomez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSTAIN: 1 Giordano

Councilmember Giordano returned to the Chambers after this item was concluded.

4. Sewer Discharge Limit for
Headway Technologies at 497 S.
Hillview Dr. Fabrication Facility

Utilities Engineer Kathleen Phalen provided information about the City's Sewer Discharge Policy and stated Headway Technologies Company requested to have increased sewer capacity from the City as its business has grown. Headway Technology Co. representatives were present in the audience.

Vice Mayor Livengood asked if Headway had facilities in any other cities besides Milpitas. Mr. Dan Verse of Headway answered yes, along with Magic Technology on Milpitas Blvd. and on Los Coches Blvd. He explained that Headway was a subsidiary of TDK. In the U.S., there were no other locations than Milpitas. Mr. Livengood asked then if something could be put in place to maintain its sales tax revenue contribution in the City, as a condition of doing business in Milpitas. If the City Council was to give the company a variance (on sewer discharge limit), he wanted taxpayers of Milpitas to have the assurance that Headway would stay in Milpitas.

Mr. Verse stated that Headway been in Milpitas for 19 years. It was a premier manufacturer of the technology they make, with many capital investments being made. He stated that he could not make the commitment that the Vice Mayor requested.

City Manager Tom Williams responded that this was a discretionary permit under discussion. The City Council could continue this item to its next meeting, and could possibly work out an agreement on the request stated by the Vice Mayor.

Mr. Verse commented further about the current needs of his company and the desire to move forward on the capacity issue soon.

Mayor Esteves liked the Vice Mayor's line of thinking. The City must benefit from tax revenues of the company, as it would grow. Mr. Verse responded that it was improbable that Headway's manufacturing would ever move from Milpitas. Next, the Mayor asked staff about the limitation or potential expiration of the capacity. City Engineer Greg Armendariz responded it would be ongoing capacity for the future. Ms. Phalen noted that an agreement had not yet been drafted at this point, so specific terms were not defined or set.

Councilmember Giordano noted that the City denied such a request in 2000 and inquired why. Ms. Phalen replied that it was not a City Council denial then, but that Headway had retracted its request. There were issues of water conservation at the time.

Councilmember Polanski asked whether it was possible to approve the current request, and require the agreement to come back including what Vice Mayor Livengood

suggested or have the matter continued. City Attorney Ogaz responded about what was completely legal and on the condition of the agreement to increased capacity.

Headway representative Dave Wagner responded there was a time dependency for the company. In manufacturing, Headway was a leader in technology production for their product. Increased sewer capacity was key to its ISO certification and it would definitely impact going forward with certification if the current request was delayed.

City Engineer Armendariz made a point of clarification: a five- or ten-year limit would put up a roadblock to manufacturing. The agreement would be to set the fees, which need to be calculated.

Mayor Esteves stated the City needed to maximize sewer capacity, as it was a resource to stay concerned about. He noted Headway was the first one in a long time to request an increase in capacity.

Mayor Esteves next opened the public hearing and no comments were heard.

Motion: move to close the public hearing

Motion/Second: Councilmember Polanski/Vice Mayor Livengood

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

Motion: to approve the increased sewer discharge limits for Headway Technologies, as staff recommended. Additionally, Council directed staff to prepare an agreement for Council action, and as part of that agreement to work with Headway to include a clause requiring the company to maintain billing (for sales tax purposes) from the Milpitas headquarters, as long as the increase in capacity is in place.

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

5. Introduction of Ordinance No. 208.42 regarding discharge limits for industrial customers

Utilities Engineer Kathleen Phalen discussed the City's sewer regulations and the request to modify these for industrial discharges, along with additional regulatory history. She stated there was one minor change to the text of the draft ordinance regarding publication of a summary.

Ms. Phalen presented new limits for industrial discharge, as recommended by several agencies. Only for the element selenium were the discharge limits lowered (affecting no businesses in Milpitas, however). The U.S. Environmental Protection Agency removed limits on manganese and two other compounds. Staff provided full explanation of the need for the ordinance in its written report to the City Council on this topic.

Mayor Esteves opened the public hearing for comments and heard none.

Motion: move to close the public hearing

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

Motion: to waive the first reading beyond the title of Ordinance No. 208.42, which was read aloud by the City Attorney "An Ordinance of the City Council of the City of Milpitas Repealing and Replacing Title VIII, Chapter 2, Article V of the Milpitas

Municipal Code, Relating to Use of Public Sewers”

Motion/Second: Vice Mayor Livengood/Councilmember Gomez

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

Motion: to introduce Ordinance No. 208.42

Motion/second: Vice Mayor Livengood/Councilmember Polanski

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

City Council took a break at 9:04 PM following the vote and re-convened at 9:15 PM.

6. Traffic Study and Safety Improvements at Horcajo

Traffic Engineer Jaime Rodriguez presented a summary of studies completed in the month of December 2007 at the intersection of N. Hillview Drive and Horcajo St. and Horcajo Circle. Those were done in response to concerns raised by a resident at previous City Council meetings. Collected data showed normal traffic flow on average weekdays.

Councilmember Polanski asked about a recent traffic accident that occurred at this location, and about crash history.

Staff recommended that an all-way stop sign was not warranted at the intersections, due to the fact that state criteria were not met. Mr. Rodriguez reported on past calming treatments implemented in that neighborhood. He defined five suggested traffic calming treatments, following community input, if a neighborhood public meeting was held.

Councilmember Giordano asked if the area experienced higher driving speeds. She asked if staff had considered installing undulators and the reply was yes.

Mayor Esteves asked about enforcement and potential traffic violations. Staff asked the police about concurrent enforcement, and the police department did go out and did not find excessive speeding there to issue many tickets to drivers. Additional enforcement would be key to this plan.

Mayor Esteves then invited speakers to the podium:

Jake Krommenhock, Horcajo resident, said the City’s engineer removed traffic chatter bars, and told him that these were illegal. In the past, he circulated a petition from 30 neighbors who wanted stop signs installed. He wanted the City Council not to adopt recommendations by the current engineer and meet his request for a stop sign.

Doug Casser, Nieves Ct. resident, mentioned traffic in the area with no speeding in the morning due to traffic. It was southbound on the hill where drivers pick up speed, and was not really a big deal. He did not want any changes and had lived there since 1990, noting nothing excessive. Chatter bars would ok, but he did not agree those were needed.

Ned Eckers, Nieves Ct resident, was on committees in the past. Previous efforts made great improvements he felt, including the speed limit reduction. There should be a community meeting before this matter comes to the City Council level.

Manual Gabria, N. Hillview Drive resident, lived across from Russell Ln. He discussed increase traffic he witnessed, especially when it rained. He did not feel a stop sign was needed and that chatter bars could help.

Councilmember Polanski appreciated those who live in the area and came down to speak at this meeting. The reason the subject was on the agenda was because Mr.

Krommenhock came to the City Council last month, and asked for it to be on agenda. She appreciated the work done by staff, demonstrating there was no basis or need for any 4-way stop signs. Ms. Polanski announced she received one e-mail from a resident expressing opposition to stop signs.

Mayor Esteves clarified the recommendation did not call for a 4-way stop sign at this time, while he recognized that the area does have a lot of traffic and could use help.

Motion: to receive the Traffic Study Report from staff, direct Engineering staff to organize a community meeting about Traffic Safety Improvements at and along the intersection of N Hillview Dr and Horcajo Street-Horcajo Court.

The motion did not include any request for a Budget Appropriation to the Minor Traffic Improvements CIP.

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

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 9:46 PM.

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

ABSENT: None

RA 3. MEETING MINUTES Motion: approve the Redevelopment Agency minutes of December 11, 2007, including joint meeting with the City Council, as submitted

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

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

RA 4. Approval of Agenda and Consent Calendar Motion: approve the agenda and Agency consent calendar (item with asterisk*)

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

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

RA 5. Update Report on Library, Parking Garage, and N. Main Streetscape Projects Special Projects Manager Steve Erickson provided an overview of the three major projects in the City's mid-town. The new library was 51% complete in construction, and 60% of the N. Main Streetscape Project was completed.

Mayor Esteves asked about rain as a possible cause of delay, and when rain days were already calculated into the contract. Mr. Erickson responded that roofing activities were a source of delays. Mayor Esteves asked if the contract and terms were reviewed by the City Attorney, who replied affirmatively.

Motion: to receive staff progress reports staff on the new Library, East Parking Garage, and N. Main Streetscape Projects No. 8161, No. 8162 and No. 8165; approve plans and specifications for the 12 East Parking Garage Emergency Call Boxes Installation, Project No. 8161, and authorize advertising for bid proposals.

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

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

* **RA 6.** Award the Construction Contract to Calstate Construction for Sports Center Large Gym Improvements
Awarded the construction contract and the add alternate item in lieu of the revocable item (Bid Item No. 13) for a total contract amount of \$539,705, for the Sports Center Large Gymnasium Improvements, Project No. 8160, to the lowest responsive bidder, Calstate Construction, Inc.

RA 7. ADJOURNMENT Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 9:55 PM.

REPORTS OF COUNCILMEMBERS AND COMMISSIONS

9. Status Report on Emergency Medical Dispatch
Vice Mayor Livengood explained his request for a staff report on the status of this service, currently not available in Milpitas, as the only City in the County that did not have Emergency Medical Dispatch. Other funding sources and implementation of this program were researched by staff.

City Manager Williams asked Police Chief Graham and Fire Chief Frank to come to the podium to speak about County funding to pursue EMD in this city. Fire Chief Clare Frank reported that the City had applied for funding out of the EMS Trust Fund, under the county wide ambulance contract. She termed Milpitas as the “last piece of the puzzle” to complete EMD availability all throughout Santa Clara County

Motion: to move that the City of Milpitas pursue the grant from Santa Clara County of \$42,000, toward the cost of implementing Emergency Medical Dispatch, as recommended by the two public safety departments’ Chiefs

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

10. Campaign Contribution Limits Ordinance No. 243
Councilmember Gomez explained his request for the draft ordinance amendment, which would effectively eliminate exceptions for extended family members to the limitation on who was exempt from the current campaign donation limit of \$350 per candidate per election. His concerns included a desire for a level playing field for all candidates. There would be no limit on personal funds for campaigning and he wanted to close the loophole on family members before the November election season begins.

City Attorney Mike Ogaz remarked on having this ordinance in compliance with state law regarding community property laws. Therefore, he recommended that spouse should remain in the exemption to the donation limit.

Mayor Esteves asked for clarification and agreed with Councilmember Gomez.

Councilmember Polanski asked some questions about section d, of the ordinance regarding movement of funds once the campaign was over, and the City Attorney responded. She had a problem changing the law on this subject when it was already an election year. She would prefer that it become effective in a non-election year, as it could affect anyone considering running for office in 2008.

Councilmember Gomez repeated that he was precisely bringing this forward because it was an election year. His only request was to act on section “c” of the Municipal Code I-210-3.10 only (section “d” was not typed onto the draft ordinance). Vice Mayor Livengood requested staff to provide the current adopted ordinance language (Code) along with the proposed change in the draft ordinance.

City Attorney Ogaz read aloud the title of Ordinance No. 243.3 “An Ordinance of the City Council of the City of Milpitas Amending the Milpitas Municipal Code, Title I by Amending Chapter 210 Regulating Campaign Contributions.”

Motion: to waive the first reading beyond the title of Ordinance No. 243.3

Motion/Second: Councilmember Gomez/Vice Mayor Livengood

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

Motion: to introduce Ordinance No. 243.3, amending sub-section C of Title I, Chapter 210 section 3.10 of the Milpitas Municipal Code

Motion/Second: Councilmember Gomez/Vice Mayor Livengood

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

11. Request for Review of Mobile Home Park Conversion Ordinance

Councilmember Giordano had previously requested this subject matter be placed onto the Council’s agenda for discussion. Council may need to review and revise this ordinance since it was adopted in 1988. She had participated in the task force which studied the conversion issue years ago.

Ms. Giordano requested her colleagues to confirm her recommendation to study the ordinance with regard to these issues: percentage of vacancies that triggers a conversion, relocation package to residents and the role of the mobile home park owners.

She asked for a review and report from the City Attorney. The City Manager could then direct staff to form a task force or committee to review the ordinance and those of other cities, then hold a community meeting seeking input on changes to the ordinance, and after that return to Council.

Mayor Esteves asked about the lead time of the process also.

Motion: move forward with review of the current Mobile Home Conversion Ordinance by the City Attorney, and actions proposed by Councilmember Giordano

Motion/Second: Councilmember Gomez/Vice Mayor Livengood

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

12. Bicycle Pedestrian Advisory Commission Workplan for 2008

Councilmember Gomez asked for this item to be removed from consent. He had looked at the proposed BPAC workplan and had a question on the bicycle overcrossing at Yosemite Drive. That topic was discussed in meeting minutes but he had not seen it in the workplan. Staff reported that what was in workplan was for BPAC to participate in the process for the new bicycle master plan, and that plan calls for looking at connections at Yosemite Drive for bicyclists.

Councilmember Gomez wondered if this issue had already been considered and determined to be not feasible. Staff would continue to look at that option to provide a connection from Yosemite Drive out to Curtis, and find a feasible option, if any.

Motion: to approve 2008 Bicycle Pedestrian Advisory Commission Annual Work Plan

Motion/Second: Councilmember Gomez/Councilmember Polanski

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

NEW BUSINESS

14. Energy Audit of City Facilities

One item was adopted on the consent calendar.

City Engineer/Public Works Director Greg Armendariz brought an update/review of existing facilities and their energy use, in response to a request from Councilmembers at past meetings.

A Capital Improvement Project had been approved to review this subject. It was the ABAG Energy Watch Program along with PG&E, providing technical assistance to the City. A comprehensive energy audit was done by Energy Solutions Inc. It found some opportunities to improve on usage. The highest users of energy were the Police Department and then City Hall. The highest cost/sq. ft. was the Milpitas Sports Center.

Lighting was the highest cost, so a retrofit was underway, converting those from florescent tubes to efficient T-8 tubes, using much less wattage for brighter light.

Vice Mayor Livengood asked about Fire Station #1 and its high use of energy compared to other City facilities. He was concerned about energy use when that was a new building. Staff could look at the number of meters there. Fire Chief Frank noted it could be high due to the use of fuel at the fire training tower.

Councilmember Gomez asked about the Sports Center, and was it high use due to the swimming pool. Staff replied, not necessarily, as the building was old, and for example, had high energy use lights high up inside the indoor gym.

Mr. Armendariz explained \$34,566 in estimated annual energy savings in one year, after the lighting retrofit projects were implemented. Also, \$100,000 in savings was anticipated in computer management, building lighting and HVAC work, too.

Councilmember Polanski asked about lighting at City Hall on the weekends, and whether it could be reduced. Mr. Armendariz replied staff would be able to adjust the program for less lighting in the building at times when staff was usually not present.

Councilmember Giordano inquired about use of solar energy. The City Engineer would take a look at that issue in the next CIP cycle, including green building improvements and including solar panel opportunities.

Motion: note receipt of the report on City energy use from the City Engineer

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

15. Strategic Plan

City Manager Tom Williams reviewed staff efforts to prepare the overview of a strategic plan for the City, focusing on realistic goals and objectives, with a suggested workplan for 2008. It could then include tasks for those achievable goals in a realistic plan for implementation of the Plan.

Three main objectives the City Manager identified were:

1. Ensure short and long term fiscal health of the City.
2. Maintain quality of life for the City's citizens, businesses and visitors.
3. Ensure governmental efficiency and accountability.

Councilmember Gomez asked about performance management measurements and how those would be completed over time. His concerns were about economic development specifically. The City Manager suggested that implementing surveys was an effective way to get some of the answers that Mr. Gomez sought.

