

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, March 4, 2008  
**Time:** 6:45 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 6:45 PM.

**PRESENT:** Mayor Esteves, Vice Mayor Livengood, Councilmembers Gomez and Polanski. Councilmember Giordano arrived at 7:04 PM.

**ABSENT:** Councilmember Giordano was absent at the start of the meeting.

**CLOSED SESSION**

Mayor Esteves publicly stated the Council would convene to Closed Session to discuss one item regarding real property negotiations with Piercey Toyota on a conflict waiver request.

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

**CLOSED SESSION  
ANNOUNCEMENT**

City Attorney Mike Ogaz noted that the matter from Closed Session was continued to March 18, for discussion during the open session agenda for that City Council meeting.

**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 February 19, 2008 City Council meeting, as submitted

Motion/Second: Councilmember Polanski/Vice Mayor Livengood

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

**SCHEDULE OF MEETINGS**

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

The City Manager stated the Open Government subcommittee meeting was canceled on March 5.

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

At 7:04 PM, Councilmember Giordano arrived at the dais.

**PRESENTATIONS**

Mayor Esteves proclaimed *Jade Ribbon Week* for the week of March 16-22, 2008. He signed the proclamation in front of all gathered, accepted by Ms. Chia Yu-Shih from the Youth Council of the Asian Liver Center at Stanford University, which raised awareness of Hepatitis B disease.

The Mayor next proclaimed *National Purchasing Month* for the month of March 2008. The proclamation was accepted by City of Milpitas Purchasing Agent Christopher Schroeder.

Mayor Esteves proclaimed *Certified Financial Manager Month* for the month of March 2008. This was accepted by the Association of Government Accountants, Northern California Region, and AGA Silicon Valley Chapter. Mr. Alex Guiang and Ms. Chris Delyle accepted the proclamation.

Finally, the Mayor proclaimed *Science Fair Week* for the week of March 10 – 14, 2008, and the proclamation was to be mailed to the Santa Clara Valley Science & Engineering Fair Association.

**PUBLIC FORUM**

None

**ANNOUNCEMENTS**

**Councilmember Giordano** requested a report on the status of the Farmers Market. Also, she remarked that the Housing Market Study (a prelude to the General Plan Housing Element update) might be good to run by the Economic Development Commission. She asked her colleagues to adjourn the meeting in honor of longtime Milpitas businessman and resident, Mr. Robert Olinger who recently passed away.

**ANNOUNCEMENT OF CONFLICT OF INTEREST**

Mayor Esteves announced that he served on the Board of The Housing Trust of Santa Clara County and thus would abstain from voting on Item No. 2.

**APPROVAL OF AGENDA**

Motion: to approve the agenda, as amended

City Manager Williams stated the request to remove Item No. 9 from the agenda (regarding park in lieu fees) per the request of the project developer Fairfield Residential. The matter may be heard at a future City Council meeting date.

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

**CONSENT CALENDAR**

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

Mayor Esteves reminded all he would abstain from the vote on Item No. 2.

City Manager Williams noted on Item No. 9, an updated copy of the draft Resolution regarding the Tow Truck Agreement for the police department was distributed prior to the meeting.

Councilmember Giordano requested to remove Item No. 3 from the consent calendar.

Motion/Second: Councilmember Gomez/Vice Mayor Livengood

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

\* 2. Report on The Housing Trust of Santa Clara County

Received the report on a review of The Housing Trust of Santa Clara County's allocation from the City of Milpitas.

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

\* 4. Commission Appointment

Appointed Stephen Strauss to the Citizens Emergency Preparedness Advisory Commission as Alternate No. 2 to a term that expires in June 2009.

\* 7. Fee Waivers and In-Kind Donations to American Cancer Society's *Relay for Life* event

Approved Milpitas *Relay for Life* requests for fee waivers and in-kind donation of equipment, supplies and staffing totaling \$3,615.50 for the June 20-21, 2008 American Cancer Society *Relay for Life* fundraising event at the Milpitas Sports Center. Estimated costs to five City Departments were noted in the staff agenda report.



Motion/Second: Vice Mayor Livengood/Councilmember Gomez

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

### **UNFINISHED BUSINESS**

#### **3. Outreach and Assistance for Milpitas Property Owners**

Councilmember Giordano wanted to publicly thank City staff Felix Reliford for the efforts he made upon her request. Staff prepared a valuable list of resources available to homeowners and mortgage holders, to offer some assistance dealing with the issue of home foreclosure. Mr. Reliford noted he was working with Information Services' staff to get current information posted on the City website and on cable television Channel 15.

Ms. Giordano further asked about any local resources specific to this area. Mr. Reliford reported that such information would go onto the website, if located.

Motion: to authorize staff to provide the appropriate information on the City's website and on cable television to assist Milpitas residents with issues surrounding property foreclosures; and, to direct staff to report back to the City Council requesting approval of letters of support for federal and state legislation dealing with property foreclosures.

Motion/Second: Councilmember Giordano/Vice Mayor Livengood

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 7:36 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: to approve the Redevelopment Agency minutes of February 19, 2008, 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: 5  
NOES: 0

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

Motion: to 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: 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. He noted projects were all on schedule and all on budget, with the Library at 57% completed construction to date. The art work was complex, and negotiations were ongoing with artists regarding construction.

Vice Mayor Livengood wanted all Councilmembers to view the art piece "Terrapedia" without the water feature and lighting included (while costs remained the same). He



four cities around the country was not successful, the company was phasing out its wireless services and thus, offered to the City its installed equipment currently in Milpitas.

He explained the City's use of Earthlink as a second wireless network for police and fire, along with four smaller applications of the wireless service. Those were envisioned to continue if the City accepted the offer from Earthlink to transfer its assets to the City. Potentially, the City could later sell excess assets worth approximately \$200,000 and use the proceeds to cover operating costs. Another possibility was to add wireless public access in the Council Chambers at Milpitas City Hall.

Mayor Esteves asked some questions about the transfer process, and why Earthlink's business model was not successful. Olivia Hecht, Director of Market Development for Earthlink, responded to the Mayor about the value of transferring assets to the City.

Vice Mayor Livengood announced he would defer to the experts on this issue, that is, to Mr. Marion and the Telecommunications Commission. While he was not totally comfortable with this step, the City Council needed to keep a close eye on this subject.

Speakers (from the audience):

**Frank Evans**, Milpitas resident, was an Earthlink account customer (though not wireless service) at his home. He noted losses that Earthlink had incurred in other regions of the country. Wifi networks were intended for short range use only, and sometimes only in one building. He discussed new types of wireless service (802.11g and 802.11n) and the need for expanding service to the community of computer users.

**Alvin White**, GODS brain, Milpitas resident, tested the Earthlink wifi at the Milpitas Sports Center and at the Milpitas Community Center, ever since free service was first offered in January 2007. He appreciated that the service did work at the library.

Motion:

1. to direct staff to negotiate and draft an agreement with Earthlink Inc. for the transfer of the Milpitas wireless network to the City of Milpitas
2. to direct staff to return to the City Council with a progress report and recommendations for the disposition of the network

A third recommendation (regarding execution of any agreement) prepared in the staff report to Council on the agenda was not put forward at the meeting.

Motion/Second: Councilmember Polanski/Vice Mayor Livengood

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

**ORDINANCE**

One ordinance was adopted on the Consent Calendar.

**RESOLUTION**

One resolution was adopted on the Consent Calendar.

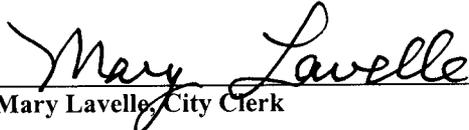
**BIDS AND CONTRACTS**

Two items were approved on the Consent Calendar.

**ADJOURNMENT**

Mayor Esteves adjourned the Council meeting at 8:16 PM in memory of Bob Olinger.

**The foregoing minutes were approved by the Milpitas City Council as submitted on March 18, 2008.**

  
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Mary Lavelle, City Clerk