

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, May 20, 2008  
**Time:** 7:00 PM  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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**ROLL CALL**

Vice Mayor Livengood called the meeting to order at 7:05 PM.

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

**ABSENT:** Mayor Esteves and Councilmember Gomez were absent at Roll Call. The Mayor arrived at 7:15 PM. Councilmember Gomez arrived at 7:36 PM.

**PLEDGE**

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

**INVOCATION**

Mr. Gurdev Sandhu introduced Bahi Jagit Singh of the Sikh tradition, who offered the invocation.

**MINUTES**

Motion: approve the minutes of May 6, 2008 City Council meeting, as submitted

Motion/Second: Councilmember Polanski/Councilmember Giordano

Motion carried by a vote of:

AYES: 3

NOES: 0

ABSENT: 2 (Esteves, Gomez)

**SCHEDULE OF MEETINGS**

Motion: to approve the Council Calendar/Schedule of Meetings for May and June, as amended

The May 21 Facilities Naming Subcommittee meeting was cancelled.

The CIP Subcommittee was meeting on Thursday, May 29 at 6:30 PM.

Motion/Second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of:

AYES: 3

NOES: 0

ABSENT: 2 (Esteves, Gomez)

**PRESENTATIONS**

Mayor Esteves made the following presentations.

Proclamations:

*Celebrating Memorial Day* – May 26, 2008, accepted by Col. William Poehlman. In Milpitas, a celebration was planned at 9:00 AM on Monday at the Veterans Plaza, Memorial Park on that date to honor veterans of the all armed services.

*Foster Care Appreciation Month* – May 2008, received by Lois Orum, a member of the Foster Care Parent Association.

*National Historic Preservation Month* in Milpitas – May 2008, accepted by Barbara Gomes Bowman, current President of the Milpitas Historical Society and Yollette Merritt.

Commendations:

Barbara Gomes Bowman for the Milpitas Historical Society

Chansoon Lee for the Sunnyhills United Methodist Church Historic Preservation Project

Mary Martin for the Sunnyhills Preservation Project  
Yollette Merritt for Community Arts & History Support  
Rob DeVincenzi for the Milpitas Post, accepted by Ian Bauer  
Linda Arbaugh for the Milpitas Community Library  
Gabriel Ibarra for Architectural History Photo Exhibit (to be mailed to this photographer)  
Sylvia Leung for saving the five 150 year-old olive trees

Certificates of Appreciation:

Mayor Esteves read aloud names businesses he commended for the 32 Food Donors and Vendors for their donations toward the April 10, 2008 Joint City/School District Evacuation and Mass Feeding Exercise at John Sinnott Elementary School.

Special Unveiling of Wall Plaques:

The Mayor next adjourned the meeting to the City Hall lobby rotunda on the first floor at 7:40 PM for the unveiling of brand new wall plaques. The permanent plaques would continue to be updated each year for the selected winners.

Commendations were presented to:

Bryan Hinkley, Police Officer of the Year  
Steve King, Firefighter of the Year  
Lonnie Knight, Citizen of the Year  
Daniel Nam, Gene Schwab Award Employee of the Year (not present)

Mayor Esteves invited Mr. Lou Horyza from the Knights of Columbus to say a few words, about how the project came about and the annual event his organization sponsored. Mr. Frank DeSmidt did the same, with regard to the Rotary Club's annual Gene Schwab award.

The City Council re-assembled in the Council Chambers at 7:55 PM and re-opened the meeting.

**PUBLIC FORUM**

**Gurdev Dave Sandhu**, Milpitas resident, thanked the City Council for honoring his deceased son with the naming of the Teen Center large gathering room after his son Amrit Paul.

**James Taylor**, 35 year Milpitas resident, commented on the recently City-purchased Earthlink wireless network, now to be used for City service only. Former Earthlink subscribers needed to find other service. He wanted city residents to be able to use the wireless service directly, to get more subscribers, and perhaps turn a profitable business for Milpitas.

Mr. Bill Marion responded to the Vice Mayor's inquiry, stating that the Earthlink conversion would be completed in two weeks, and there were two parties interested in operating the network.

**ANNOUNCEMENTS**

**Councilmember Giordano** offered information to the City Manager from the Santa Clara Valley Water District about water saving opportunities for landscaping, and she wanted staff to look into joining the program set up with SCVWD. She also requested a report back on the Mobile Home ordinance revision. Lastly, she announced several upcoming events at the Milpitas Library.

After the announcements, Mayor Esteves arrived at the meeting at 7:15 PM.

**ANNOUNCEMENT OF  
CONFLICT OF INTEREST**

None

**APPROVAL OF AGENDA**

Motion: to approve the agenda, as submitted

Motion/Second: Vice Mayor Livengood/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

City Manager Williams announced a correction to Item No. 18 with the second payment to Cal-West Lighting at \$32,714.06 and thus the total was \$44,855.36.

Regarding Item No. 9, Councilmember Polanski wished to publicly thank Public Works Supervisor Carol Randisi in preparing the designation of Heritage Trees for the City Council's vote this evening. She thanked staff for a wonderful job.

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

- \* 1. Appointments to the Sister Cities Commission  
To the Sister Cities Commission:
  1. Appointed Maria M. Ortega (current Alternate No. 1) as a regular member to a term that expires in September 2008.
  2. Appointed Nolan Chen (current Alternate No. 2) as Alternate No. 1 to a term that expires in September 2008.
  3. Appointed Dana Arbaugh as Alternate No. 2 to a term that expires in September 2009.
  
- \* 4. April 17, 2008 Confidential Memo from the City Attorney  
Moved that the City Attorney's memorandum of April 17, 2008 (discussing SB 50 implications) be made available to the public. The City Clerk would have copies available following the meeting.
  
- \* 5. Youth Sports Assistance Fund Grant  
Council authorized one Group Youth Sports Assistance Fund Grant in the amount of \$1,000 awarded to the Milpitas North Valley Bobby Sox, based on the recommendation of the Parks, Recreation and Cultural Resources Commission and staff.
  
- \* 6. Adopt Solid Waste Ordinance No. 48.20 and Noise Ordinance No. 196.9
  1. Waived second reading and adopted Solid Waste Ordinance Amendment No. 48.20.
  2. Waived the second reading and adopted Noise Ordinance Amendment No. 196.9 (with added changes per direction at May 6 Council meeting).
  
- \* 7. Resolution Directing Preparation of Annual Engineer's Report for LLMD No. 95-1, McCarthy Ranch  
Adopted Resolution No. 7756 directing the preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch, Project No. 9474.
  
- \* 8. Resolution Directing Preparation of Annual Engineer's Report for LLMD No. 98-1, Sinclair Horizon  
Adopted Resolution No. 7757 directing the preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon, Project No. 9489.
  
- \* 9. Resolution Approving Heritage Tree Designation  
Adopted Resolution No. 7758 approving Heritage Tree Program Designation for 83 trees as recommended by the Community Advisory Commission.
  
- \* 10. Purchase of Software for Digital Evidence Recording  
Approved the purchase of VeriPic Software for Digital Evidence Recording for the Police Department, at a cost of \$23,913.51.
  
- \* 11. Amendment No. 1 to the Landscape Service Contract with Jensen Landscape Services  
Approved Amendment No. 1 to the McCarthy Ranch Landscape Maintenance Service contract with Jensen Landscape Services, Inc. for the not-to-exceed amount of \$19,685.
  
- \* 12. Award Bid to S. F. Ford for Purchase of Police Cruiser  
Awarded the bid for a new 2009 Crown Victoria Police Interceptor to San Francisco Ford, for the not-to-exceed amount of \$34,037.88, including sales and tire tax.
  
- \* 13. Permittee Dedication and Improvement Agreement with AIM Developer Enterprises  
Approved the Permittee Dedication and Improvement Agreement with AIM Developer Enterprises, Inc. and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

- \* 14. Plans and Specifications and Ads for Bid Proposals for Slurry Seal Project FY 2008-09  
Approved plans and specifications for Slurry Seal Project FY 2008-09, Project No. 8194 and Project No. 6073, and authorized advertising the project for bid proposals.
- \* 15. 1<sup>st</sup> Amendments to Agreements for Debris Box Services with five Companies  
Approved Amendment No.1 to the Agreements for debris box services with the following five companies, subject to approval as to form by the City Attorney: 1. Pacific Coast Recycling, 2. Premier Recycling, 3. Sonrise Consolidated, 4. Stevens Creek Disposal and Recycling, and 5. Valley Recycling.
- \* 16. Agreements with two Companies for Debris Box  
Approved agreements for debris box services with All Points Roll Off Inc. and Number 1 Disposal.
- \* 17. 2<sup>nd</sup> Amendments to Agreements for Debris Box Services with three companies  
Approved Amendment No. 2 to the Agreements for debris box services with the following three companies, subject to approval as to form by the City Attorney: 1. Allied Waste Services, 2. Environmental Management Systems, and 3. GreenWaste Recovery doing business as Ninety-Nine Dollar Debris Box.
- \* 18. Emergency Lighting Purchases  
Received staff report on emergency purchases totaling \$44,855.36 from Cal-West Lighting (due to theft of street lights wiring) and Pacific Air (due to failure of air handling unit at Police Dept.) in the following amounts:
  - 1. \$5,754.43 and \$32,714.06 to Cal-West
  - 2. \$6,386.87 to Pacific Air

**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 7:58 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 May 6, 2008, including joint meeting with the City Council, as submitted  
  
Motion/Second: Agency/Councilmember Gomez / 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 (item with asterisk\*)  
  
Motion/Second: Agency/Councilmember Giordano Agency/Councilmember Polanski  
  
Motion carried by a vote of: AYES: 5  
NOES: 0
- \***RA 5. Approve Plans and Specs. and Bids for Project 8193** Approved plans and specifications for Singley Area Street Rehabilitation Phase 5, Project No. 8193 and authorized advertising project for bid proposals.
- RA 6. ADJOURNMENT** Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 7:58 PM.

**REPORT OF SUBCOMMITTEE**

- 2. Facilities Naming Subcommittee: request for Naming Reading Area at new Library for Cesar Chavez  
City Engineer Greg Armendariz reported on this request, which had come before the Facilities Naming Subcommittee, as submitted by Mrs. Carmen Montano. He reviewed a brief history on Cesar Chavez’s impact on the labor movement in California and the farm workers of California specifically in the 1960s and 1970s. At the new Milpitas

library, staff displayed where, in the reading area on the first floor, north tower, the section was to be named for Cesar Chavez.

Carmen Montano addressed the City Council, about this important naming act. Mr. Cesar Chavez was a part of local Santa Clara Valley history, and even lived in the area during his life. His approach of non-violence action to achieve goals was to be honored.

Motion: to approve recommendation of the Facilities Naming Subcommittee for the naming of the Cesar Chavez Reading Room on the first floor in the Tower Area of the new Milpitas Library.

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

### NEW BUSINESS

Two items were approved on the consent calendar.

#### 3. Approve Conceptual Gateway Sign at Highway 237 and Interstate 880

City Engineer Greg Armendariz reported on the request for approval of a new gateway sign at this location. The City had been trying to work with Caltrans to join its Pilot Program for City Gateway signs, despite limitations placed by the agency. Deadlines were approaching soon for 2008 (by the end of the calendar year). He discussed landscaping of the I-880/237 interchange area. Delay of the widening project of the 880 lanes would effect the landscaping - though planned and needed for the City.

Mr. Armendariz provided artistic renderings of pedestal signs in three possibilities: Option A, Option B, and Option C, all prepared at 18 feet high, on a concrete base. Colors were yet to be determined, but staff would return to the City Council with those and the landscaping. Location would be on Calaveras Blvd. west, on the south side just after exiting from 880 northbound, west into Milpitas. A last option would be no sign. Cost estimates for the sign were \$100,000 to \$125,000.

Councilmember Polanski felt there definitely needed to be a gateway sign, coming in to Milpitas. She expressed her preference – she did not like Option A as shown, and did like the City Seal on Option C. Councilmember Giordano concurred with her.

Vice Mayor Livengood liked the “Welcome to” part of Option B sign, while he did not like the squares with the “Scrabble Board” appearance. He suggested it be more smooth, and did not like the tile effect.

Mayor Esteves asked when approved, would the sign be permanent and staff responded yes. There was no lease cost for the space. The Mayor asked why it’s “gateway” sign when the location was central Milpitas. Staff explained the need for that specific location (one cannot view over the 880 freeway if sign was on the west side.).

Economic Development Manager Diana Whitecar came forward to talk about the grand sign design for three minor gateway signs by and for the City, as had been discussed by staff. The intent was for installation at three locations, upon entry to the City.

Mayor Esteves asked about signs in the MidTown, with a new sign due at Serra Center. Planning Director James Lindsay commented that indeed those were part of the conceptual plan for that section of town.

For the current request to join the Caltrans program, staff explained that funding was due from the joint landscaping at 880 project, a cooperative effort with three public agencies.

Motion: to approve the following actions:

1. to receive staff report and approve the gateway sign concept Option B as presented, adding the City of Milpitas seal onto the base podium, and design letters to appear as less "engineered" (i.e. less square) for the Gateway installation at Highway 237/I-880 interchange.

2. to authorize the City Manager to select a designer, negotiate a design fee and execute the consultant agreement for construction document preparation, at an estimated cost of \$100,000

Motion/Second: Councilmember Polanski/Councilmember Gomez

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

**ORDINANCE**

One ordinance was adopted on the consent calendar.

**RESOLUTIONS**

Three resolutions were adopted on the consent calendar.

**BIDS AND CONTRACTS**

Eight items were approved on the consent calendar.

**CLAIM AND DEMAND**

One item was approved on the consent calendar.

**ADJOURNMENT**

Mayor Esteves adjourned the Council meeting at 8:26 PM.

**The foregoing minutes were approved by the Milpitas City Council as submitted on June 3, 2008.**

  
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Mary Lavelle  
City Clerk