

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, September 16, 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: Councilmember Giordano was absent at 7:00 PM. She arrived at 7:02 PM.

PLEDGE

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

INVOCATION

Mayor Esteves offered a prayer for all.

MINUTES

Motion: to approve the minutes of September 2, 2008 City Council meeting, as submitted

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

SCHEDULE OF MEETINGS

Motion: to approve the Council Calendars (Schedule of Meetings) for September and October

City Manager Tom Williams announced three changes to the calendar: the September 25 Transportation Subcommittee meeting was canceled, the Finance Subcommittee meeting was moved to October 29, and on September 18 at 8:30 a.m. was scheduled a MUSD/City Communications meeting.

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

PRESENTATION

Mayor Esteves issued proclamations for:

Hispanic Heritage Month, September 15 to October 16, 2008 and the proclamation was accepted by School Board Member and Library Commissioner Carmen Montano.

Family Day, on September 22, 2008 – read aloud by the Mayor (and the original was mailed).

Mayor Esteves issued Certificates of Commendation for the American Cancer Society's Relay for Life fundraising event held last June in Milpitas to the following: Phil Duncan, Overall Top Team Fund Raiser and to Heather Gunn, Overall Top Individual Fund Raiser. Both of these were accepted by event Chair Bill Weisgerber.

Event Chair persons Bill Weisgerber, Lonnie Knight and Laurel Rogers along with an American Cancer Society representative honored volunteers who were leaders in the Relay for Life event. Mr. Weisgerber presented certificates to the City and select staff, recognizing Milpitas as the largest sponsor for the event along with the School District. John Cimino and Mike Mendizabal

accepted for the School District. Additional thanks were given to both Police and Firefighters for their contributions to the fundraising event.

PUBLIC FORUM

Colleen Martino, Chair of the Milpitas High School PTSA Scholarships program, announced the group was able to distribute 16 scholarships for students going on to college this past year. She requested individual City Councilmembers' support again this year for the worthy cause.

ANNOUNCEMENTS

Councilmember Giordano provided to City Manager Williams information on a Silicon Valley Anti-Litter campaign, put forward by Santa Clara Valley Water District and to consider City of Milpitas' participation in it.

Mayor Esteves requested for the next meeting to place onto the agenda the topic of Measure B, regarding funding for Bay Area Rapid Transit to the South Bay. He also noted that perhaps the City still had some ADA (Americans with Disabilities Act) compliance on sidewalks needed and he would like a report from staff on this topic.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Livengood

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

CONSENT CALENDAR

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

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

* 3. Emergency Action on Water Intertie at I-880

By 4/5 vote, found existence of an emergency situation requiring emergency action for response and repair of emergency water intertie crossing on I-880 between Dixon Landing Rd and McCarthy Blvd, pursuant to §22050 of the Public Contract Code.

*4. Commission Appointments

Appointed the following members:

To the Economic Development Commission, appointed Michael Mendizabal as the MUSD representative to a term that expires in April 2010.

To the Recycling and Source Reduction Advisory Commission, appointed Echo Arthur as a regular member to a term that expires in October 2010, and newly appointed Judy Duong as Alternate No. 1 to a term that expires in October 2009.

* 7. FY 2008-09 California Dept. of Conservation Grant

Approved a budget appropriation for FY 2008-09 California Department of Conservation grant in the amount of \$17,463, into the DOC Grant Fund.

* 8. 2nd readings/Adoption of Ordinances No. 277 and No. 208.43

1. Waived the second readings of Ordinances No. 277 and No. 208.43.
2. Adopted Ordinances No. 277 related to fees for new development and No. 208.43 related to Sewer Treatment Plant Fees.

* 9. Resolution to Approve Site Development Permit Amendment

Adopted Resolution No. 7780 approving the Site Development Permit Amendment No. 08-0004 for 1628 Pebble Beach Court, the Hui Residence.

*10. Resolution Granting Initial Acceptance of Well Upgrade Program, Phase II

Adopted Resolution No. 7781 granting initial acceptance of Project No. 7076, Well Upgrade Program, Phase II (Pinewood Well), subject to the one-year warranty period and reduction of the faithful performance bond to \$34,100.

2. Emergency Medical Dispatch Update

Fire Chief Clare Frank discussed the implementation of Emergency Medical Dispatch service in Milpitas. The County awarded funding for one year for the service for the first year in Milpitas, and the City applied for second year funding. Prioritization of calls and pre-arrival instructions were to be provided by dispatchers. Staff training was completed for this service for all dispatchers and firefighters.

Vice Mayor Livengood asked if there were any changes from when this subject was originally brought to the City Council and the Chief replied none.

Motion: to receive the status report from staff and authorize the City Manager to execute the agreement between the County of Santa Clara and the City of Milpitas for Emergency Medical Dispatch services

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 7:31 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 minutes of September 2, 2008 as submitted

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

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

RA 4. Agenda Approval and Consent Calendar

Motion: to approve the agenda and one consent calendar item

Motion/Second: Agency/Councilmember Gomez / Agency/Councilmember Giordano

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

***RA 5. Resolution of Initial Acceptance of Project No. 8161**

Adopted Resolution No. RA 312 granting initial acceptance of the Parking Garage Emergency Phone Installation, Project No. 8161, subject to the one year warranty period and reduction of the faithful performance bond to \$5,295.

RA 6. ADJOURNMENT

Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 7:32 PM.

REPORT OF COMMISSION

5. Library Advisory Commission report on Donation Policy

Public Information Specialist Leslie Stobbe introduced the Chair of the Library Advisory Commission Marilyn Hay, and noted that librarian Linda Arbaugh was present. Mrs. Hay introduced the proposed Financial Donations Policy to have a City process for review and accepting financial donations to the library, through tiered recognition levels (bronze, silver, gold and platinum). Outreach efforts would be undertaken with a variety of groups and individuals.

Councilmember Polanski asked about small donations and whether those would go directly to the County for the new library. Mrs. Hay confirmed that. Councilmember Polanski thanked the Commission and staff for coming up with the program.

Councilmember Giordano wanted the City Council to see the draft brochure that was being prepared and was displayed at the LAC meeting the previous evening. She shared a copy with Councilmembers.

Mayor Esteves asked about the disbursement criteria, noting donations would be for the benefit of the library. He had questions about donations for arts and community interest at the Library. Ms. Stobbe further explained the draft policy.

Motion: to approve the “Financial Donations Policy for the Milpitas Public Library” as a Standard Operating Procedure of the City of Milpitas, subject to approval as to form by the City Attorney

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

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

NEW BUSINESS

6. Scheduling Joint Meeting with School Board

Councilmember Polanski shared with the Council that Assemblymember Alberto Torrico called her in July to attend a meeting at his office in Fremont with MUSD members Grilli and Mendizabal, about ideas where the legislature might assist Milpitas down the road. Mr. Torrico suggested a joint meeting of the two bodies. She felt there should be parameters, it should be held in the next two months, with lots of issues both groups were looking at, and the current joint MUSD/City Communication meeting group could work out the agenda and logistics in order to discuss a long term vision for the City.

Vice Mayor Livengood agreed this meeting was a fine idea, including the topics of the MidTown and Transit Area Plans that the City had been working on recently. It was also a good idea to look at the entire City. He'd read where the school district was considering moving around facilities, and it was good for the Council to be aware of such changes. He stated a desire for the meeting in November, a transitional meeting, noting new members on both bodies would be coming up this fall. He wanted staff to discuss a facilitator and what role that person would play.

Councilmember Giordano wanted it to be a productive meeting and more organized. She asked that Mr. Gomez and Mr. Esteves, who meet now with the Joint MUSD/City gathering, to work on preparation of the agenda, have staff research, etc. to make it very productive and to move forward.

Councilmember Gomez commented back to Ms. Giordano that there was a city/school meeting on Thursday to come up with such agenda for the complete two bodies.

Motion: to hold a joint meeting of the Milpitas City Council and the MUSD Board of Education, and to ask the joint City/MUSD Communication group to bring forward an agenda and meeting date, and then return back to City Council with that information

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

RESOLUTION

Three resolutions were adopted on the consent calendar.

BIDS AND CONTRACTS

Four items were approved on the consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the Council meeting at 7:52 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on October 7, 2008.



Mary Lavelle
City Clerk