

at the Flint Center for Performing Arts next January, she encouraged Milpitas residents and groups to attend the inspiring shows scheduled.

Frank DeSmidt, Milpitas Rotary Club, announced the annual Pumpkin Patch taking place at the Milpitas Unified School District parking lot at 1331 E Calaveras Blvd. with pumpkins for sale and activities for kids of all ages.

ANNOUNCEMENTS

City Manager Tom Williams reported that at 874 Berryessa, he declared an emergency situation last Thursday for abatement of the property, and publicly announced it at this meeting. The City Manager worked together with the Police Department, the Fire Marshal, and Neighborhood Beautification staff to take care of abating the situation by cleaning up the property safely.

Mayor Esteves announced he wanted make one presentation: he proclaimed “Filipino American History Month” for the month of October 2008, accepted by Mr. Dem Netifan.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None

APPROVAL OF AGENDA

Motion: to approve the agenda as submitted

Vice Mayor Livengood asked to move Agenda Item No. 3 to be heard following the vote on the consent calendar.

Motion/Second: Councilmember Gomez/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

Vice Mayor Livengood requested to remove Item No. 3 from and add Item No. 8 to the consent calendar.

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

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

***2. Commission Appointments**

Confirmed the following Commission appointments:

Arts Commission and Public Art Committee:

Appointed Becky Strauss as a regular member to a term that expires in October 2011.
Re-appointed Linda Rabe to a term that expires in October 2011.

Public Art Committee only:

Re-appointed Julie Cherry to a term that expires in October 2011.
Re-appointed Barbara Jo Navarro to a term that expires in October 2011.
Re-appointed Larry Voellger to a term that expires in October 2011.

Recycling and Source Reduction Advisory Commission:

Re-appointed Ricardo Ablaza to a term that expires in October 2011.
Re-appointed Ed Blake to a term that expires in October 2011.

Sister Cities Commission: re-appointed Dennis Grilli to a term that expires in Sept.2011.

Youth Advisory Commission: newly appointed Katherine Pita as Alternate No. 4 to a term that expires in September 2009.

***4. Approve Water Supply Assessments for three facilities**

Approved Water Supply Assessments (WSAs) for the McCarthy Ranch, Milpitas Square, and Campus at McCarthy Ranch (Veritas) development projects.

- *5. Two Youth Sports Assistance Fund Grants Approved two Group Youth Sports Assistance Fund grants, in the amounts of \$1,000 to the Milpitas Little League Baseball South and \$1,000 to Southpaw Prep Basketball.
- *6. Wal-Mart Community Grant to Police Department Authorized the Police Department to accept the Wal-Mart funds in the amount of \$1,000, and to purchase National Night Out handout materials.
- *7. City Council Meeting Schedule for 2009 Moved to cancel the July 2009 City Council regular meeting dates.
- *8. Minor Site Development Permit at 1485 Country Club Dr. Adopted Resolution No. 7787 approving site development permit No. MS08-0012 for a new deck at 1485 Country Club Drive, subject to conditions of approval
- *9. Accepting FEMA Grant for Self-Contained Breathing Apparatus for Fire Adopted Resolution No. 7788 to accept the FEMA grant for self contained breathing apparatus and directed staff to explore pricing of the SCBA through the GSA program, as provided in Milpitas Municipal Code Section I-2-3.08 (b).
- *10. Adopting Local Goals and Policies and Declaring Intention to Establish Community Facilities District and Levy Tax Adopted Resolution No. 7789 adopting an Amended and Restated set of local goals and policies for Community Facilities Districts, declaring its intention to establish Community Facilities District No. 2008-1 (Public Services) and to levy a special tax therein and to provide for the future annexation of territory.
- *11. Adopting an Identity Theft Prevention Program Adopted Resolution No. 7790 adopting an Identity Theft Prevention Program.
- *12. Water Service to a Site Outside of the Urban Growth Boundary Adopted Resolution No. 7791 making findings authorizing water service to a site outside of the urban growth boundary (Air Point School) and authorizing the execution of a water supply agreement with the Milpitas Unified School District and the County of Santa Clara, subject to approval as to form by the City Attorney.
- *13. Authorizing Reduction of Subdivision Improvement Bonds for Tracts 9697 and Tract 9699 Adopted Resolution No. 7792 authorizing reduction in penal sum of subdivision improvement bonds, for public improvements at KB Home site, Project No. 3160.
- *14. Approving the Next Generation Click it or Ticket Program Agreement 1. Adopted Resolution No. 7793 approving the agreement with Regents of the U.C. Berkeley School of Public Health Traffic Safety Center and CA Office of Traffic Safety.
2. Authorized the Chief of Police to execute the agreement, subject to approval as to form by the City Attorney.
- *15. Award Construction Contract to West Valley Construction Company Awarded a construction contract to West Valley Construction Company, Inc. for the Air Relief Valve Modifications, Project No. 7086, in the amount of \$173,851.
- *16. Amend Agreement for Unified Hazardous Waste and Hazardous Materials Management Program Approved the amendment to the agreement between the County of Santa Clara and the City of Milpitas to address legislative changes and to streamline the single fee collection and permit consolidation program between agencies.
- *17. Cost-Sharing Agreement with Water District to Provide a Water Efficient Landscape Rebate for Customers Authorized the City Manager to execute a cost-sharing agreement with Santa Clara Valley Water District to provide a one-to-one match for the Water Efficient Landscape Rebate for City of Milpitas residential customers, in an amount not to exceed \$5,000, subject to approval as to form by the City Attorney.
- *18. Contract Change Order No. 10 with Anderson Pacific for the Main Sewage Pump Station Authorized the City Engineer to execute Contract Change Order No. 10 to the contract with Anderson Pacific Engineering Construction, Inc. in the amount of \$106,189 for the Main Sewage Pump Station, Project No. 6103.

PUBLIC HEARING

1. Approving the Master Development Map for Milpitas Station Residential

Senior Planner Sheldon Ah Sing introduced the location of the newest potential residential development area termed Milpitas Station, identified within the Transit Area Specific Plan. A minor tentative map was necessary to proceed with future planning. Milpitas Station area was one of three development project areas around the transit stations in south of the City, in addition to Citation Homes and Swenson properties, with 318 total dwelling units proposed. The City requested that developers enter into a three-party agreement for all necessary public improvements.

Vice Mayor Livengood asked staff if it had resolved issues of traffic patterns and street layouts along with the center location of a park, and Mr. Ah Sing replied yes.

Mayor Esteves asked what opportunities for additional parking would exist in the new residential developments. This was asked by the Planning Commission, he noted. Staff replied options included the concept of exploring angled street parking.

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

(1) Motion: move to close the public hearing

Motion/Second: Vice Mayor Livengood/Councilmember Gomez

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

(2) Motion: to adopt Resolution No. 7786 approving the Master Development Map for the Milpitas Station residential development project

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

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

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA 1. CALL TO ORDER

Mayor/Agency Chair Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 7:30 PM.

RA 2. ROLL CALL

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

ABSENT: Mayor/Chair Esteves was absent at 7:58 PM.

RA 3. MEETING MINUTES

Motion: to approve the minutes of October 7, 2008 as submitted

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

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

RA 4. Agenda Approval and Consent Calendar

Motion: to approve the agenda and consent calendar items (*)

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

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

Opening celebration primarily based on the staff-presented Option B, with intent to scale back somewhat from the \$30,000 budget suggested, closer to a \$25,000 total budget, and include an event program with map/floor plans

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

Motion carried by vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Esteves)

***RA 6.** Amendment No. 2 to the Agreement with Critical Solutions Inc

Authorized the Agency Executive Director to execute Amendment No. 2 to the Agreement with Critical Solutions Inc. to add construction support services for the Senior Center Remodeling Project No. 8176, for an amount not to exceed \$164,876, subject to approval as to form by the Agency Counsel.

***RA 7.** Amendment No. 3 to the Agreement with Brian Kangas Foulk

Authorized the Agency Executive Director to execute Amendment No. 3 to the agreement with Brian Kangas Foulk Engineers in the amount of \$14,801, Projects No. 8165 and No. 8185, subject to approval as to form by the Agency Counsel.

***RA 8.** Approving 20% Low-Income Housing Set Aside Funds for Down Payment Loan

Adopted Resolution No. RA313 approving the \$50,000 down payment assistance loan for the resale of the property at 39 E. Curtis Avenue from the Redevelopment Agency 20% Low-Income Housing Set-Aside Fund.

RA 9. ADJOURNMENT

Vice Chair/Vice Mayor Livengood adjourned the Redevelopment meeting at 8:04 PM.

REPORTS OF OFFICERS

One item was approved on the consent calendar.

3. Recommendation for Naming Two City Facilities

This item was discussed prior to the Redevelopment Agency meeting.

Vice Mayor Livengood gave a brief report explaining that the two recommendations came forward to the Facilities Naming Subcommittee, one from Mr. Lou Horyza and another from Mr. Jerry Epps. He commended Denny Weisgerber as a role model for others who depart the City Council after years of service. He also highlighted service to his country of Mr. Ferreira, one of several veterans in that family.

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

Motion: to approve naming of the William Denny Weisgerber Auditorium in the new Milpitas Senior Center and the naming of Gerald Way and Gerald Circle to honor Mr. Gerald Ferreira, a Milpitas World War II veteran

Motion carried by a vote of:

AYES: 5

NOES: 0

NEW BUSINESS

Four items were approved on the consent calendar.

RESOLUTIONS

Seven items were approved on the consent calendar.

BIDS & CONTRACTS

Four items were approved on the consent calendar.

ADJOURNMENT

Vice Mayor Livengood adjourned the Council meeting at 8:04 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on November 4, 2008.


Mary Lavelle, City Clerk