

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, November 4, 2008  
**Time:** 7:00 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 7:00 PM.

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

**ABSENT:** Councilmember Giordano departed the meeting at 7:53 PM.

**PLEDGE**

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

**INVOCATION**

Rev. Abraham Chiu of Crosspoint Chinese Church offered the prayer.

**MINUTES**

Motion: to approve the minutes of October 21, 2008 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: approve Council Calendar/Schedule of Meetings for November, as amended

City Manager Williams announced that the Open Government meeting scheduled for November 5 was canceled.

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

**PUBLIC FORUM**

None

**ANNOUNCEMENTS**

Mayor Esteves announced that Tuesday, November 11 was the Veterans Day holiday, with a ceremony at 9:00 AM at Veterans Memorial Park. He announced that the Filipino Real Estate Association group would sponsor a workshop on home retention and a foreclosure prevention seminar on Wednesday, November 19 at 5:30 PM at the Milpitas Police Department in the Community meeting room (call Robert at 505-7707 for more information).

**ANNOUNCEMENT OF  
CONFLICT OF INTEREST**

None

**APPROVAL OF AGENDA**

Motion: to approve the agenda as submitted

Motion/Second: Councilmember Polanski/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 submitted

Motion/Second: Vice Mayor Giordano/Councilmember Gomez

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

\* 1. City Manager’s report of Abatement of Hazard to the Public at 874 Berryessa Street Moved to issue an order to show cause why the costs of abatement should not be paid by the owner of 874 Berryessa Street at a public hearing on December 16, 2008 and send notice of the hearing to the property owner.

\*3. Commission Appointments Confirmed the following Commission appointments:

Emergency Preparedness Commission:

Appointed Arlyn Swiger as a regular member to a term that expires in June 2009.  
Appointed Stephen Strauss as Alternate No. 1 to a term that expires in June 2009.

Parks, Recreation and Cultural Resources Commission:

Appointed Freddie Cacao as a regular member to a term that expires in June 2010.  
Appointed Vishnu Mathur as Alternate No. 1 to a term that expires in June 2010.

Sister Cities Commission:

Re-appointed Maria Magdalena Ortega to a term that expires in September 2011.

\*4. *Art in Your Park* Project for Pinewood Park Received report, approved the Green Tree art piece for Pinewood Park’s *Art in Your Park* project and authorized funding for the project in the amount of \$10,000 from the Public Arts Fund FY 2008-09.

\*5. Report Commission concept to Restrict Provision of Water served in Restaurants Received staff report on the Recycling and Source Reduction Advisory Commission’s recommendation to restrict provision of water by restaurants and directed staff to provide targeted water conservation outreach to restaurants.

\*6. Resolution Granting Final Acceptance of the Reservoir Evaluation and Upgrade Adopted Resolution No. 7794 granting final acceptance of the Reservoir Evaluation and Upgrade, Project No. 7091, and release of the bond for the project; and, authorized City Engineer to execute a purchase order and authorize payment to San Jose Water Company for Gibraltar Reservoir and Pump Station, Project No. 7101 in the amount of \$43,247.10.

\*7. Resolution regarding Unexpended Development Fees Adopted Resolution No. 7795 of the City of Milpitas making findings for unexpended development fees, and review and accept the annual developer fee disclosure information.

\*8. Plans and Specifications, Authorize the Advertisement for Bids for Highway 237/I-880 Interchange Monument Sign Approved plans and specifications for Highway 237/Interstate 880 City monument sign, Project No. 4170, and authorized the advertisement for bids for Highway 237/I880 interchange monument sign. Authorized the City Manager to execute a Freeway Sign Maintenance Agreement and other necessary documents, Project No. 4170.

**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 7:10 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 October 21, 2008 as submitted

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

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

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

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

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

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

**RA 5.** Report on Streetscape project, new Milpitas Library Grand Opening, fencing and Donor Board

Special Projects Manager Steve Erickson provided an update on the progress of Main St. streetscape improvements, with most project work due to be completed in December.

Vice Mayor Livengood noted with DeVries Senior Housing open and the new library soon completed, what would be left on the street in front of the under-construction county Valley Medical Center? Staff reported that there was fencing in front of the health center, however no fencing in front of the parking garage. Mr. Livengood asked City staff to work with the County to improve the look of the fencing, suggesting green slats in the chain link fence to soften the look on the street.

Mr. Erickson reported \$5 million was spent to date on streetscape work with only a small amount remaining on the project with no change orders.

Regarding the new Milpitas Library, there were 18 change orders to date, with a few items awaiting review and 59% of change order contingency expended. Some finish work remained, and both elevators were permitted recently. Milpitas Historical Society members reported to staff that they had located additional historical information to display in the new library. Security guard services began in October. Lastly, the January 5, 2009 opening and the January 10, 2009 Grand Opening were scheduled.

Vice Mayor Livengood remarked on carpeting in the Library children's area, as displayed overhead. He inquired about carpeting in other areas of the library, and agreed with staff that he would tour the library to view all carpeted areas.

Staff reported that the railing to surround the historic fire truck display was built. The location of the dedication plaque was displayed for the Council. Fencing options were discussed and displayed.

Display of a potential local Donor Board was described, and staff recommendations were provided to the architect. Councilmember Polanski suggested taking a look at the India Community Center's donor wall, as one example to go in the library. Mayor Esteves thought the cost for such display was exorbitant, and wanted this item brought to the City Council. Ms. Polanski stated she did not have any idea what such a donor board would cost, and so she was unable to comment on the costs, until staff provided estimates.

Mr. Erickson did display overhead for the Council a dedication plaque done in aluminum from the new Santa Clara Library, as another example.

Motion: (1) to receive a staff update report on progress of the new library and North Main Streetscape projects, (2) authorize installation of wood fencing along portions of the south property line estimated not to exceed \$5,000, replace east fence line and advertise the project for bid proposals, and (3) amend the existing design contract with Group 4 Architecture to provide a Donor Board design and construction support, with estimated costs not to exceed \$15,000 for design and construction.

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

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



Motion: to receive financial status report for the three months ended September 30, 2008

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

Motion carried by a vote of:

AYES: 5

NOES: 0

**\*RA 8.** Investment Portfolio Status Report Received the City of Milpitas investment report for the quarter ended September 30, 2008.

**\*RA 9.** Redevelopment Agency FY 2007-08 Annual Report Accepted the Milpitas Redevelopment Agency Fiscal Year 2007-08 Annual Report.

**\*RA 10.** Plans and Specs. for new Milpitas Senior Center Approved plans and specifications for the Milpitas Senior Center, Project No. 8176.

**\*RA 11.** New Capital Improvement Project Approved new Capital Improvement Project and budget appropriation for the "Carlo Street Ramp Conversion Project."  
Approved Plans and Specifications, and authorized the advertisement for Bid Proposals for Carlo Street Ramp Conversion Project.

**\*RA 12.** \$200,000 Advance from Redevelopment into Transit Area Impact Fee Fund Authorized and approved the advance of \$200,000 from the Redevelopment Fund to the Transit Area Impact Fee Fund, and appropriated those funds for payment to the City of San Jose, pursuant to the legal settlement.

**\*RA 13.** Change Order and Approve Budget Appropriation for Singley Area Street Rehab. Authorized the Executive Director to execute a contract change order with Granite Construction for the Singley Area Street Rehabilitation, Phase V, Project No. 8193 in the amount not to exceed \$48,100. Approved a budget appropriation in the amount of \$48,100 from the RDA Fund.

**\*RA 14.** Award Construction Contract to Bond Blacktop Awarded a construction contract to Bond Blacktop, Inc., for the Street Crack Seal Project FY 2008-09, Project No. 8194, in the amount of \$60,000.

**\*RA 15.** Proposition 42 Funds for Street Resurfacing Project Approved the budget appropriation of Proposition 42 (Traffic Congestion Relief) funds, totaling \$170,000, into the Street Resurfacing 2009 Project, Project No. 8194.

**\*RA 16.** Agreement with Nichols Consulting Engineers Chtd. for Pavement Management Authorized the Executive Director to execute an agreement with Nichols Consulting Engineers Chtd., in the amount of \$31,300 for the Pavement Management System, Street Resurfacing Project No. 8194, subject to approval as to form by the City Attorney.

**RA 17. ADJOURNMENT** Chair/Mayor Esteves adjourned the Redevelopment meeting at 7:42 PM.

**REPORTS OF OFFICER** Three items were approved on the consent calendar.

**2. Mayor's Request for Donation to Milpitas Food Pantry** Mayor Esteves recommended a new donation to the Milpitas Food Pantry, which was experiencing a high demand for food from Milpitas residents in need. On October 29, the Council's Finance Subcommittee recommended a donation in the amount of \$2,000, from the City Council Community Promotions Unallocated budget. The request was in addition to allocated Community Development Block Grant funds for the Food Pantry.

The Mayor invited Susan Lang, Director of the Milpitas Food Pantry, to speak to the City Council. She thanked the Subcommittee for considering her new appeal for funds for the Food Pantry, needed more than ever due to increased requests from needy residents. Ms. Lang appealed for even more than the \$2,000 recommended. The non-profit was 40% down in its donations and food available. Mayor Esteves asked her if the donation would help through the holidays and the Director replied yes.

Councilmember Gomez asked staff for the fund balance. Ms. Karlen reported that once the Curtner School \$500 donation was made (on agenda this evening), the balance would be \$9,500. He was concerned about additional requests coming throughout the year.

Councilmember Polanski also wanted to know the balance. She favored giving more to the Food Pantry, more than \$2,000. It was a valuable utilization of those funds.

Mayor Esteves asked how much was remaining at the end of the last fiscal year. Staff was not certain, but suggested it was a few thousand dollars. Mr. Esteves supported more funds for the basic needs of hungry persons in the City.

Vice Mayor Livengood noted the City Council could revisit this issue after the holidays, to learn how things were going at that time. At this time, \$3,000 was a reasonable donation amount.

Motion: to make a donation in the amount of \$3,000 to the Milpitas Food Pantry, from the City Council's Community Promotions Unallocated budget

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

#### RESOLUTIONS

Two items were approved on the consent calendar.

#### BID & CONTRACT

One item was approved on the consent calendar.

#### MILPITAS CONNECTION INC.

##### Call to Order/Roll Call

The meeting was called to order at 7:52 PM by Mayor Esteves with all members present. Councilmember Giordano departed the meeting at 7:53 PM.

##### Dissolution Actions

City Attorney Mike Ogaz explained need to take action to dissolve the no-longer active non-profit corporation Milpitas Connection Inc. Documents would be properly executed and submitted to the State of California, upon motion approval by the City Council in its capacity as the Board of Directors of the non-profit.

Motion: authorized the following actions

1. Appointed City Manager Thomas Williams and Finance Director Emma Karlen as directors of the Milpitas Connection Inc.
2. Executed the Certificate of Dissolution and Certificate of Election to Wind Up and Dissolve to dissolve the Milpitas Connection, Inc. as a corporation.
3. Authorized the necessary persons to execute the necessary documents to dissolve the Milpitas Connection, Inc.

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

#### ADJOURNMENT

Mayor Esteves adjourned the meeting of the Board of Directors of Milpitas Connection Inc. and the Milpitas City Council at 7:55 PM.

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

  
Mary Lavelle, City Clerk