

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, November 17, 2009
Time: 7:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Livengood called the meeting to order at 7:00 PM. City Clerk Lavelle called the roll.

PRESENT: Mayor Livengood, Vice Mayor McHugh, Councilmembers Gomez and Polanski

ABSENT: Councilmember Giordano was absent at roll call. She arrived at 7:05 PM.

PLEDGE

Boy Scouts Troop No. 92 led the colors procession and pledge of allegiance.

MINUTES

Motion: to approve City Council meeting minutes of November 3, 2009, as submitted

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedule of Meetings for November and December, as submitted

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

PRESENTATION

Mayor Livengood presented the Environment California's 2009 Solar Champion Award to the City of Milpitas, which was accepted by City staff Greg Armendariz, Keyvan Irannejad, Diana Barnhart and Tom Williams.

PUBLIC FORUM

None.

ANNOUNCEMENTS

Vice Mayor McHugh had four items to share with his colleagues: (1) commended staff and the Mayor for an excellent Veterans Day celebration last Wednesday, November 11; (2) at the November 5 VTA Board meeting, Milpitas was successfully grouped with the cities of Sunnyvale and Santa Clara for future VTA Board and planning activity; (3) participated in the San Jose Veterans Day parade representing Milpitas; and, (4) at the Santa Clara County Cities Association meeting, Mayor Margaret Abe-Koga of Mountain View was appointed to LAFCO and San Jose Councilmember Ash Kalra was appointed as the representative to the Bay Area Air Quality Management District.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST**

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Gomez/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: Councilmember Polanski/Councilmember Giordano

Motion carried by a vote of:

AYES: 5

NOES: 0

- * 1. Commission Appointment Appointed Isaiah Rigmaiden-Daniels as Alternate No. 4 on the Youth Advisory Commission to a term that expires in September 2010.
- * 2. Donation to Curtner Elementary School Walk-a-thon Approved the \$500 donation to Curtner Elementary School Walk-a-thon.
- * 3. Lobbyist Registration City Clerk reported on lobbyist registration forms on file from three of those identified at the last meeting.
- * 5. Approve "Generations" Project at new Senior Center Approved the "Generations" project for the new Senior Center Public Art Project. Four artistic yet functional benches that reflect seniors and their families would be highly used by seniors waiting for rides, for trips or enjoying the outdoors.
- * 8. Youth Advisory Commission actions Removed Richard Albana as a voting member of the Youth Advisory Commission. Appointed Alternate No. 1 Luqman Munir into a regular voting seat. Appointed Alternate No. 2 Christina Bruce into the Alternate No. 1 seat. Appointed Alternate No. 3 Darren Lim into the Alternate No. 2 seat. Appointed Alternate No. 4 Diana Tran into the Alternate No. 3 seat.

All appointments were to terms that expire in September 2010.
- *10. Resolution for Purchase of 24 City Park Name Signs Adopted Resolution No. 7938 authorizing the sole source procurement of twenty-four city park name signs from EnviroSigns, Ltd. for the not-to-exceed amount of \$44,162.75.
- *11. Resolution Approving Agreement with UC Berkeley for grant for Sobriety Checkpoints Adopted Resolution No. 7939 authorizing the Police Chief to execute the agreement with the Regents of the University of California, Berkeley School of Public Health Traffic Safety Center and the California Office of Traffic Safety for the Sobriety Checkpoint Mini-Grant program. Approved a budget appropriation in the amount of \$15,130.86 for Police Department overtime budget from grant revenue.
- *12. Authorize Design Services Agreement with RMC Water and Environment Authorized the City Manager to execute a consulting services agreement with RMC Water and Environment for the Sewer Deficiency Correction Program, Phase 6, Project No. 6073, for an amount not-to-exceed \$167,336.
- *13. Award Bid and Authorize Contract for Printing Services Awarded the bid for city-wide printing services to JP Graphics, and authorized the City Manager to execute a contract for the annual not-to-exceed amount of \$85,000.

REPORTS OF COUNCIL, COMMITTEE AND SUBCOMMITTEE

- 4. Vice Mayor's Joint Parcel Tax Proposal Vice Mayor Pete McHugh introduced this topic that arose at a recent City/Schools communication committee meeting, regarding the idea of a joint parcel tax. The City and the Milpitas Unified School District might share revenues toward shared facilities such as playing fields and parks.

City Attorney Mike Ogaz remarked on the difficulty such a ballot measure might pose, according to the county's Registrar of Voters, due to the non-contiguous boundaries of the City and the school district. Separate ballot measures would be necessary.

Councilmembers provided remarks, primarily noting the difficulty such a joint parcel tax measure could pose to Milpitas residents and homeowners considering the economic times and recent polling results. Councilmembers also expressed desire not to interfere with any possibility for success of the School District's parcel tax efforts next year.

Councilmember Gomez commented on the Parks Master Plan and financing mechanisms that would be discussed to implement that plan.

Motion: to take no action at this time relative to any joint parcel tax measure

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

6. Neighborhood Services and Education Subcommittee's RFP for Future Use of Sal Cracolice building

Parks and Recreation Director Bonnie Greiner introduced the subcommittee's direction to seek Requests for Proposals for future uses of the existing Sal Cracolice facility, most recently serving as the City's senior center.

Mayor Livengood responded to staff that the City should run this issue by the Cracolice family, which originally donated the site where the building was located. So, when the Subcommittee reviewed finalists, he asked that staff bring the final suggestions to the family and seek their point of view as input.

Councilmember Gomez inquired about the proposed use as a Teen Center, to expand the Cracolice facility for teens and then potentially increase services at the Sports Center at a limited cost. He asked if staff would submit that as a City-desired use and Ms. Greiner replied yes. Mr. Gomez noted there was value to the building and wondered what was the current lease rate on the market.

Mayor Livengood asked where RFPs documents were required to be submitted and Ms. Greiner responded to the City Manager's office directly.

Councilmember Giordano commented on item No. 7, that the impact on surrounding neighborhoods was important. She wanted the parking impact noted specifically and wanted assurance that the facility would have adequate parking for the proposed use. The Mayor replied that the graphic (in agenda packet) displayed the number of parking spaces currently available (39).

Vice Mayor McHugh observed that it was a wonderful community resource. The City should let the entire community know about it, and seek all possible options. He had a few questions about the staff proposal, noting that all details need to be included in the RFP, such as zero rent received if use is for city program v. use by a non-profit group that could pay rent.

The Parks & Recreation Director addressed reaching out to the community neighborhood around the building to keep residents informed of potential future uses, and to seek their input during this process.

Councilmember Polanski asked for the square footage of each room to be included on the drawings of the building, and staff agreed to accommodate that detail.

Motion: to move forward on the staff proposed timeline for seeking Requests for Proposals on the future use of the San Cracolice building, including approval for local news ads for community outreach, and including the room square footage on drawings and to seek parking impacts in the proposals

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

Motion carried by a vote of:

AYES: 5

NOES: 0

NEW BUSINESS

One item was approved on the consent calendar.

7. Monthly Economic Development Report

Economic Development Manager Diana Barnhart provided updates on local businesses and activities at various retail hubs in Milpitas. She discussed vacancy rates in office and warehouse space around the City.

Ms. Barnhart introduced the Economic Development Commission Chair Dhaval Brahmbhatt. He reported that two Subcommittees had been at work on the topics of Business Retention and Employability. The City postponed a planned Venture Capital event, originally scheduled November 17, into the early part of 2010 hoping for a high turnout. He then invited two Commission colleagues to speak.

Next, Commissioner Yu spoke on the new business application process in Milpitas, which the subcommittee compared to neighboring cities in the valley. Four major changes made the City more competitive: (1) the Certificate of Occupancy permit was formerly a flat fee and was changed to no longer apply to micro-business (waived for small business); (2) previously the fee schedules were not posted online and are now available; (3) previously 6 forms were required to start a business on that section of website and now was simplified to one; and (4) business license application form was changed to be more user friendly, and in the future it would be submittable online.

Next, Commissioner Steve Tao spoke about improved identity on R&D and industrial parks within the City of Milpitas, where there were ten identified industrial areas. The Mayor asked about the naming of industrial parks and Mr. Tao replied the subcommittee was reviewing final ideas. The Commissioners planned to return Council next winter with final ideas. Ms. Barnhart noted the Commission would not meet in December but would take action in February on those names and report back.

The Employability Subcommittee (whose Chair could not attend the Council meeting) sought job engine access on the city's website, as well as professional networking links, both now found on the website. Professional networks and training programs were also listed on the site. The group was working with the Small Business Development Center on classes in Milpitas. A new director of NOVA planned to come and meet with the Economic Development Commission to increase its presence in the City.

Discussion on a potential conference center for Milpitas was moving along. Staff recently met with architects and requests for qualifications were issued to 39 firms. A recommendation to the subcommittee would be made on December 14, and then one to the Council in January 2010. The City Manager remarked on the phased approach, with phase one allowing information from hotels to determine if they would be on board very early in process.

Staff next reported on energy efficiency efforts in the City. Black Friday (shopping day after Thanksgiving) events at Great Mall were also highlighted. Mayor Livengood inquired about security and police plans at the Mall for that busy date.

The Mayor thanked staff and Commissioners for their reports and a job well done on economic development. No vote was taken.

ORDINANCE

9. Ordinance No. 208.45 related to Sewer Use

Utility Engineer Kathleen Phalen explained the sewer use ordinance amendment needed for the dental mercury amalgam capture program (regarding mercury from dental amalgam filling waste) at the San Jose/Santa Clara Water Pollution Control plant, as now required by state law. It would place new requirements on dentists.

The Fats, Oils and Grease (FOG) program required some additional amendments to continue to meet state law, avoiding back-ups of this material in City sewers.

Mayor Livengood asked about outreach to the dentists in Milpitas. Ms. Phalen replied that the San Jose plant would manage the outreach which had already begun. Workshops were to be held in Milpitas and San Jose.

City Manager Williams commented the need for this change came down from the US EPA. Staff referred to the Clean Water Act on the national level.

City Attorney Ogaz read aloud the title of Ordinance No. 208.45 "An Ordinance of the City Council of the City of Milpitas Amending Article V, Chapter 2, Title VIII of the Milpitas Municipal Code Relating to Use of Public Sewers."

(1) Motion: to waive the first reading beyond the title of Ordinance No. 208.45

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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

(2) Motion: to introduce Ordinance No. 208.45 to repeal and replace Title VIII, Chapter 2, Article V of the Milpitas Municipal Code to amend the City's Sewer Use Ordinance

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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

RESOLUTIONS

Two resolutions were adopted on the consent calendar.

BIDS & CONTRACTS

Two items were approved on the consent calendar.

ADJOURNMENT

Mayor Livengood adjourned the City Council meeting at 8:14 PM.

The foregoing minutes were approved by the Milpitas City Council as amended on December 1, 2009.


Mary Lavelle
City Clerk