

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, January 19, 2010
Time: 6:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Livengood called the meeting to order at 6:00 PM.

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

ABSENT: None.

CLOSED SESSION

City Council convened in Closed Session to discuss performance reviews of (1) the City Manager and (2) the City Attorney.

City Council then convened in Open Session at 7:00 PM.

ANNOUNCEMENT

None.

PLEDGE

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

MINUTES

Motion: to approve City Council meeting minutes of January 5, 2010 as submitted

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

SCHEDULE OF MEETINGS

Motion: to approve the Council Calendar/Schedule of Meetings for January and February 2010, as amended

City Manager Williams noted that the Task Force on Revenue/Expenditures would meet on Thursday, January 21 (not on January 20, as noted on January's calendar). He also announced the January 27 meeting at 11:50 AM of the Santa Clara County Water Commission.

Vice Mayor McHugh noted that on January 4 there had been a VTA MGM meeting held at 10:30 AM on that Monday that he attended.

Councilmember Giordano attended a county library Joint Powers Authority Finance subcommittee meeting at 1:30 pm on this date.

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

PRESENTATIONS

Mayor Livengood proclaimed:

- 1) *Earth Hour* on March 27, 2010, on behalf of Merryhill Private School 5th grade teacher Kanchan Bhandare and her students, to save electricity for the one hour of 8:30-9:30 PM on that Saturday in March.

- 2) Rev. Dr. Martin Luther King Jr.'s birthday - celebrated on January 18, 2010 – accepted by Milpitas resident Demetress Morris, of the Milpitas Black Caucus
- 3) Recognition of recent members of the Board of Directors of the Terrace Gardens Senior Housing: Lucy Carlton, Steve Tao and Andrew La (not present), to thank them for their time and service to the non-profit housing organization for seniors in Milpitas.

PUBLIC FORUM

Virginia Fuji, Milpitas resident, had sent an e-mail to City Council about “abundance gardens” she hoped the Councilmembers had read. She wanted to promote this idea and sought feedback from the City. Mayor Livengood replied that staff would respond to her.

Frank DeSmidt, Chamber of Commerce, invited all to attend the Chamber’s annual crab feed event on March 5, the 17th annual.

ANNOUNCEMENTS

Vice Mayor McHugh asked to adjourn in memory of two men who contributed to the community: Mr. Vang Tran Do and Mr. Paul Shaimus, and Mayor Livengood agreed.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Vice Mayor McHugh/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 submitted

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

*2. Commission Appointments

Community Advisory Commission:

- Re-appointed Danny Fang to a term that expires in January 2014.
- Re-appointed Syed Mohsin to a term that expires in January 2014.
- Re-appointed Reena Choudhury to a term that expires in January 2014.

Parks, Recreation and Cultural Resources Advisory Commission:

- Appointed Rebecca Villalobos as Alternate No. 1 to a term that expires in June 2010.
- Appointed Stephanie Fong as Alternate No. 2 to a term that expires in June 2011.

Economic Development Commission:

- Appointed Ricardo Ablaza as the commercial real estate representative to a term that expires in April 2011.

Veterans Commission:

- Appointed William “Denny” Weisgerber to a term that expires in February 2013.

Additionally, City Council waived the requirement (per City Council Handbook) on a one time basis that does not allow residents to serve on more than one Commission. Mr. Weisgerber was serving as Chair of the Senior Advisory Commission and Mr. Ablaza currently was a member of the Recycling and Source Reduction Advisory Commission.

*3. CAC 2010 Workplan

Approved the 2010 Community Advisory Commission Work Plan.

*5. Sports Fund grant

Upon recommendation of the Parks, Recreation and Cultural Resources Commission and City staff, approved one Group Youth Sports Assistance Fund grant in the amount of \$1,000, to Milpitas Knights PAL Football.

*7. Resolution Amending JPA for VTA Board groupings

Adopted Resolution No. 7955 approving an Amendment to the Joint Powers Agreement for the administration of the Santa Clara County Congestion Management Program (JPA), revising the City Groupings for appointment of members to the Santa Clara Valley Transportation Authority Board of Directors.

*8. Contract with artist for "Generations" Art Project

Authorized the City Manager to execute a contract with artist Mary Ann Baker in an amount not to exceed \$86,500 for the "Generations" art project at the new Senior Center.

PUBLIC HEARING

1. Weed Abatement

Acting Fire Marshal Albert Zamora explained actions taken to date for the weed abatement program, including the resolution adopted in December. This evening was the opportunity to hear from any property owners who may object to clearing of weeds on their properties. Also Mr. Kevin O'Day representing the County was available to respond to any questions.

Councilmember Giordano asked if the program was complaint driven. Mr. Zamora responded that sight surveys were done and a list of properties was developed, with some input from the County. He gave a fuller description of the program.

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

(1) Motion: move to close the public hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

(2) Motion: to adopt Resolution No. 7953 directing the Santa Clara County Agricultural Commissioner to abate the weed nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with Milpitas Municipal Code

Motion/Second: Councilmember Gomez/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 Chair Livengood called to order the regular meeting of the Milpitas Redevelopment meeting jointly with the City Council at 7:25 PM.

ROLL CALL

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

ABSENT: None

RA 2. MINUTES

Motion: to approve the Agency meeting minutes of January 5, 2010, as submitted

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

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

RA 3. Agenda Approval and Consent Calendar

Motion: to approve the agenda and consent calendar, as submitted

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

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

RA4. Report on federal Stimulus program - ARRA

Public Works Director/City Engineer Greg Armendariz gave an overview of the federal stimulus funding, known as American Recovery and Reinvestment Act, and highlighted how Milpitas was enhanced by these funds granted to the City and Agency.

Park Victoria Drive from Big Basin to Yosemite Drive street resurfacing was one of the first projects funded. A second stimulus project (under Transportation) was funded by savings from various neighboring cities, for street improvements at Abbott Ave & Marylinn Drive at a cost of \$685,000. The Public Works/Police building HVAC chiller replacement (Energy Efficiency) and installation were also under way, with \$25,000 in energy savings anticipated annually. The Police Department was awarded a Justice Assistance Grant of \$73,137 for various police equipment. Calle Oriente Park improvements (under Community Development and Housing) were displayed in photos, with work underway to enhance the park for residents including children.

A similar level of funding in the transportation area is expected in the next round of a second stimulus expected this year, in a redistribution of federal TARP funds. More street resurfacing work in Milpitas could occur with additional funds granted.

Councilmember Giordano asked about whether funds would have been used for Alviso Adobe. Staff replied that the park project met the criteria specifically and was ready to go or “shovel ready” as required. Mr. Armendariz discussed the criteria and formula based program for money granted to cities.

Motion: to accept the staff report on the federal Economic Stimulus Program - the American Recovery and Reinvestment Act (ARRA) - in Milpitas

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

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

***RA5.** Resolution Granting Final Acceptance of Project

Adopted Resolution No. RA357 granting final acceptance of the Singley Area Rehabilitation, Phase V, Project No. 8193, and release of the contractor’s bond.

***RA6.** Resolution Releasing Three Housing Units for Sale

Adopted Resolution No. RA358 exercising the right of first refusal and releasing the Resale Restriction Agreements for three affordable housing units.

RA 7. ADJOURNMENT

Chair/Mayor Livengood adjourned the Redevelopment Agency meeting at 7:35 PM.

REPORTS OF MAYOR AND COMMISSION

Two items were approved on consent calendar.

NEW BUSINESS

4. Monthly Economic Development Report

Economic Development Manager Diana Barnhart gave a brief update of economic activity in the City. The shopping development “The Marketplace” on Landess Ave. would open April 15. The Great Mall had no change from November 2008 to November 2009 in revenues (essentially good news). Retail store Bed, Bath and Beyond planned to open on February 15. The McCarthy Ranch upgrade project was before the Planning Commission last month, on a new landscaping plan to make its signs more visible from the I-880 freeway.

Regarding the Silicon Valley Conference Center project, seven architect firms were interviewed last week at City Hall. Three would be recommended to the Economic

Development Subcommittee later this month.

Finally, staff outreach was ongoing to larger corporations in the City for Sales and Use Tax allocations, toward the improvement of City revenues overall.

Motion: to receive the monthly report from the Economic Development Manager

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

ORDINANCE

6. Introduce Ordinance No. 279 City Attorney Mike Ogaz explained his office would like to do this code update annually, to delete unused code sections and make minor corrections to the Milpitas Municipal Code.

The City Attorney read aloud the title, "An Uncodified Ordinance of the City Council of the City of Milpitas Repealing Outdated and Unused Sections of the Milpitas Municipal Code."

(1) Motion: to waive the first reading beyond the title of Ordinance No. 279

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

(2) Motion: to introduce Ordinance No. 279 to repeal various unused, outdated or superseded Milpitas Municipal Code provisions

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

RESOLUTION

One Resolution was adopted on the consent calendar.

CONTRACT

One contract was approved on the consent calendar.

ADJOURNMENT

Mayor Livengood adjourned the City Council meeting at 7:42 PM, in memory of two recently deceased men: Trang Van Do and Paul Shaimas.

The foregoing minutes were approved by the Milpitas City Council as submitted on February 2, 2010.


Mary Lavelle
City Clerk