

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, February 16, 2010
Time: 6:30 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Vice Mayor McHugh called the meeting to order at 6:30 PM.

PRESENT: Vice Mayor McHugh, Councilmembers Gomez and Polanski

ABSENT: Mayor Livengood. Councilmember Giordano was absent at roll call and arrived at 6:31 PM.

CLOSED SESSION

The City Council convened in Closed Session to discuss labor negotiations with the Milpitas Supervisors Association, and cases of both existing and potential litigation.

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.

INVOCATION

None.

MINUTES

Motion: to approve the City Council meeting minutes of February 2, 2010, as submitted

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

SCHEDULE OF MEETINGS

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

Vice Mayor McHugh stated that regarding VTA Policy Advisory Committee meeting, he should not be listed. He also stated regarding VTA's Policy Advisory Board scheduled on Wednesday, February 24, the Mayor should be listed.

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

PUBLIC FORUM

Frank DeSmidt, spoke on behalf of the Milpitas Rotary Club, and he invited all to attend the "Rue Bourbon Ball," a masked Mardi Gras event on March 20 at the Humane Society, to benefit MUSD Schools and the Humane Society Silicon Valley.

ANNOUNCEMENTS

Councilmember Polanski noted that the Superior Court of Santa Clara County was seeking applications to serve on the civil grand jury. She left applications with the City Clerk, and those were due by March 5, 2010.

Councilmember Giordano congratulated City Manager Tom Williams and Principal Housing Planner Felix Reliford, for the City's work that resulted in winning an award from the Urban Living Institute for DeVries Place senior housing development, one of 10 winners in the country.

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: 4
NOES: 0
ABSENT: 1 (Livengood)

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: 4
NOES: 0
ABSENT: 1 (Livengood)

*1. Commission Appointments

To the Veterans Commission:
Appointed Arthur Ebright to a term that expires in February 2013.
Appointed Mel Hinshaw to a term that expires in February 2013.
Appointed David Grundstrom to a term that expires in February 2013.

*3. Arts Commission Workplan

Approved the 2010 Arts Commission Work Plan

*4. Public Art Committee

Approved the Public Art Committee 2010 Master Plan.

* 5. Senior Advisory Workplan

Approved the 2010 Senior Advisory Commission Work Plan.

* 8. Fee Waiver and In-kind Donation for Relay for Life

Approved the fee waiver for Milpitas Relay for Life and in-kind donations of equipment, supplies, facility use and staffing totaling \$7,242.55 for the June 19-20, 2010 American Cancer Society's Relay for Life event at the Milpitas Sports Center.

* 9. Adopt Ordinance No. 280

Waived the second reading and adopted Ordinance No. 280, imposing liability on social hosts who allow or encourage underage abuse of alcohol.

*10. New CIP Street Pavement

1. Approved a new CIP Project –Street Pavement Resurfacing Jobs for Main Street Act 2010, Project No. 4252.
2. Approved a budget appropriation of \$3,200,000 from the Street Fund to the Street Pavement Resurfacing Jobs for Main Street Act 2010, Project No. 4252.
3. Approved the Plans and Specifications for Project No. 4252.
4. Authorized advertisement for bid proposals, pending Caltrans approval and issuance of an E-76 clearance.

*11. Assign Contract for Solar Site Surveys to Critigen

Authorized the City Manager to assign the CH2M Hill contract for solar site surveys to Critigen.

*12. Approve Amendment to Contract with Firechiefs.com

Approved the amendment to the existing contract for Fire Department consulting services between the City of Milpitas and FireChiefs.com for Fire Department consulting services for an amount-not-to-exceed \$125,500.

*13. New Veterans Bench Contract with Artist

1. Approved the new Veterans bench project.

2. Authorized the City Manager to execute the contract with artist Mary Ann Baker in the amount not to exceed \$8,995, of which \$3,000 will come from the Commissioner Recognition Event budget and \$5,995 from the Public Art Fund.
3. Approved a budget appropriation of \$5,995 from the Public Art Fund.

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA 1. CALL TO ORDER Agency Vice Chair/Vice Mayor McHugh called to order the regular meeting of the Milpitas Redevelopment meeting jointly with the City Council at 7:09 PM.

ROLL CALL **PRESENT:** Vice Chair/Vice Mayor McHugh, Agency/Councilmembers Giordano, Gomez and Polanski

ABSENT: Chair/Mayor Livengood

RA 2. MINUTES Motion: to approve the Agency meeting minutes of February 2, 2010, as submitted

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

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

RA 3. Agenda Approval and Consent Calendar Motion: to approve the agenda and consent calendar, as submitted

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

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

RA 4. Resolutions for 13th and 6th Amendments to RDA Plan Economic Development Director Diana Barnhart explained the purpose of the actions proposed at this meeting and defined the proposed two significant amendments to the Redevelopment Plan areas. She reviewed contents of the lengthy report to City Council from the Agency.

Councilmember Giordano asked a question about eminent domain to clarify that it would only be considered for commercial property, not residential. Vice Mayor McHugh inquired similarly, and staff responded that Ms. Giordano was correct.

Ms. Barnhart described next steps, including the notification of property owners and occupants, with more than 10,000 pieces of mail. A community meeting would be held on Thursday, March 25 in the Library. A Public Hearing would be scheduled at the regular Council/Agency meeting on April 6.

The Agency next considered three actions.

(1) Motion: to adopt Redevelopment Agency Resolution No. RA 362 approving and adopting the Agency's Report to Council on the proposed Thirteenth Amendment to the Redevelopment Plan for Project Area No. 1 and the proposed Sixth Amendment to the Plan for the Great Mall Redevelopment Project, submitting the Report and Proposed Amendments to the City Council and consenting to a Joint Public Hearing with the City Council

Motion/Second: Agency/Councilmember Polanski / Agency/Councilmember Gomez

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

(2) Motion: to adopt City Council Resolution No. 7961 acknowledging receipt of documents from the Redevelopment Agency, including the Report to Council, pertaining to the proposed Thirteenth Amendment to the Redevelopment Plan for Project Area No. 1 and the proposed Sixth Amendment to the Plan for the Great Mall Redevelopment Project, and consenting to and calling a Joint Public Hearing with the Redevelopment Agency on April 6, 2010

Motion/Second: Agency/Councilmember Polanski / Agency/Councilmember Gomez

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

(3) Motion: to approve a budget appropriation for \$25,000 from the Redevelopment Agency Fund to cover the costs of mailing and publishing notices for the proposed amendments

Motion/Second: Agency/Councilmember Polanski / Agency/Councilmember Gomez

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

*RA5. Maximum Loan Payment of \$6.2 Million to City Authorized the City to demand a maximum loan payment of \$6.2 million from the Redevelopment Agency in FY 2009-10.

*RA6. Resolution for Final Acceptance of Project No. 8160 Adopted Joint Resolution No. RA 363/7962 granting final acceptance of the Sports Center Large Gymnasium Improvements, Project No. 8160, and release of the contractor's bond.

*RA7. Resolution Approving Several Actions Project No.8198 Adopted Joint Resolution No. RA 364/7963 approving the following actions:
(1) Found that the listing of certain specific equipment brands (sole source) for contract documents on the Department of Energy (DOE) Federal Grant, Project No. 8198, is appropriate to match existing system components;
(2) Authorized the Executive Director/City Manager to pre-order McQuay Turbocor Chiller/compressors from Norman Wright, Mechanical Equipment Corporation through a fixed-price purchase option; and
(3) Approved plans and specifications for the Department of Energy (DOE) Federal Grant, Project No. 8198, and authorized the advertisement for bid proposals, subject to building permit issuance.

*RA8. Award a Construction Contract to VKK Signmakers Awarded a construction contract to VKK Signmakers Inc. in the amount of \$9,651.00 for the Milpitas Library Donor Board related to Project No. 8162.

*RA9. Execute Regional Renewable Power Purchase Program Agreement Authorized the Executive Director/City Manager to execute the Regional Renewable Power Purchase Agreement for Cooperative Purchasing of Power, subject to the approval of the Agency Counsel/City Attorney.

*RA10. Application for Federal Economic Earmark Funds Adopted Joint Resolution No. RA 365/7964 approving submittal of an application for Federal Economic Earmark Efficiency Funds for the Dynamic Windows Demonstration.

RA 11. ADJOURNMENT Agency Vice Chair/Vice Mayor McHugh adjourned the Redevelopment Agency meeting at 7:27 PM.

REPORTS OF COUNCIL AND COMMISSIONS

Four items were accepted on the consent calendar.

2. Councilmember Giordano's Request for Resolution of Support for Proposition

Councilmember Debbie Giordano asked her colleagues to support the draft Resolution, which would support the League of California Cities ballot measure, currently in signature gathering phase, for the ballot in June to protect local government revenues, including transportation, and to protect local taxpayers. It would allow the City Council to continue to provide services offered to schools now, such as DARE and crossing guards at schools.

Ms. Giordano invited the current Chairman of the Santa Clara County Cities Association and president of the Peninsula Division of the League to the podium. Sunnyvale City Councilmember Ron Swegles, representing the League of California Cities, provided a copy of Questions & Answers to the Mayor and Council on the proposed Protection Act. He explained the purpose of the measure, which was favorable to cities across the state.

Councilmember Gomez asked what specifically was in the measure that made this one different from past propositions that were successful. Mr. Swegles replied that last time, the proposition allowed a method for the state to borrow money from cities and pay it back later. That would occur no longer, under the new proposition as proposed.

Vice Mayor McHugh made further comments on balancing the budget at the City level, despite hardships that the state continued to impose on local government.

Motion: to adopt Resolution No. 7965 supporting the "Local Taxpayer, Public Safety and Transportation Protection Act," an upcoming ballot proposition, as sponsored by the League of California Cities

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

NEW BUSINESS

One item was approved on the consent calendar.

6. Update on the Alviso Adobe Site Improvements

City Engineer/Public Works Director Greg Armendariz provided a progress report on Alviso Adobe Park, both on the adobe structure itself and the surrounding park area. He listed design objectives, proposed site features, park improvements, signs, and structure work in progress due to be completed in August 2010, while park improvements were due later in 2011.

Councilmember Gomez referenced problems early on with neighbors. He asked if there were any lately and staff replied no, once the method of access to the site was being worked out with the church next door for shared parking.

Councilmember Polanski responded that she was pleased with the park's progress, and visited the site last June with the Parks, Recreation and Cultural Resources Commission. She did inquire if the signs would come back to the Commission for review and staff replied yes.

Councilmember Giordano desired more information on how the agreement with the church was to work. Staff was looking at a permanent access easement with the church. The park would be open dawn to dusk, as were others in City. It could potentially be used for special events in evenings, and additional lighting was being considered. Public art at the site was suggested also.

Motion: to receive the staff progress report and approve the conceptual design for the Alviso Adobe Site Improvements Phase IV, Project No. 5055

Motion/Second: Councilmember Gomez/Councilmember Polanski

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

7. Economic Development Report

Economic Development Manager Diana Barnhart gave updates on several retail and other business activity in the City over the past several weeks, including the scheduled Grand Opening at South Bay Honda on February 9.

On the Milpitas Silicon Valley Conference Center, a review of architectural firms was completed by Economic Development Subcommittee, and staff would return to Council on March 2 with recommendation on two firms, Fentress Architects and Group 4.

A Federal Energy Efficiency Earmark funds application would be submitted for funding for window replacement by Soladigm, a Milpitas company, for more efficient windows using a specific new technology.

Business Development classes have successfully begun in 2010, offered jointly by the City and the Silicon Valley Small Business Development Center over the next three months at City Hall's Committee Room.

Councilmember Giordano asked if there was any word from the local Toyota dealer and how it was handling the latest news from the company. City Manager Williams responded that staff had talked to Toyota's CFO recently. There had been a dip in sales, reflecting lower sales tax revenue receipts from automobile dealers in the City.

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

Motion/Second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

ORDINANCE

One ordinance was adopted on the consent calendar.

BIDS AND CONTRACTS

Four items were approved on the consent calendar.

ADJOURNMENT

Vice Mayor McHugh adjourned the City Council meeting at 8:00 PM.

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



Mary Lavelle
City Clerk