

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, April 6, 2010
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.

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

ABSENT: None

PLEDGE

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

INVOCATION

None

MINUTES

Motion: to approve City Council meeting minutes of March 16, 2010, as submitted

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

SCHEDULE OF MEETINGS

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

City Manager Williams announced that there would no Bicycle Pedestrian Advisory Commission meeting in April, and the next meeting was scheduled for May 10.

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

PUBLIC FORUM

None

ANNOUNCEMENTS

City Manager Williams introduced Mr. Jeff Clet, interim Fire Chief/consultant for the City. Mr. Clet was advising the City Manager and Fire Department as a recruitment for a permanent chief got under way. Mr. Williams also announced that Albert Zamora was promoted to the position of Fire Marshal, effective April 11, 2010.

**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: Councilmember Polanski/Councilmember Giordano

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

- *2. Ordinance No. 38.795 Waived the second reading and adopted Ordinance No. 38.795, amending the Milpitas Municipal Code to streamline planning and entertainment event processes, and creating a new Recreation and Entertainment Overlay District.
- *3. Purchase Order with Law Firm Approved closing a purchase order with Meyers Nave law firm, in the amount of \$33,730.22, approved appropriation of \$33,730 to the City Attorney budget, and authorized the City Attorney to execute a contract with the law firm of Renne, Sloan, Holtzman, Sakai, LLP, in an amount not to exceed the appropriation.

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 7:07 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 March 2, 2010, as submitted

Motion/Second: Agency/Councilmember Gomez / 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: Vice Chair/Vice Mayor McHugh / Agency/Councilmember Polanski

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

RA4. Resolutions for two Amendments to the Redevelopment Plan Economic Development Manager Diana Barnhart summarized the reasons for the Agency and City Council to adopt the two resolutions, supporting the supplement to the Agency's report to City Council on the proposed sixth and thirteenth amendments to the redevelopment plans. She reported the outcome of the public meeting held on March 25 at the Milpitas Library.

Motion: to adopt the following

1) Agency Resolution No. RA367 approving and adopting the Supplement to the Agency's report to the City Council on the Proposed Thirteenth Amendment to the Redevelopment Plan for the Milpitas Redevelopment Project Area No. 1, and the Proposed Sixth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Project and submitting the supplement to the City Council

2) City Council Resolution No. 7973 acknowledging receipt of the Supplement to the Agency's Report to the City Council on the Proposed Thirteenth Amendment to the Redevelopment Plan for the Milpitas Redevelopment Project Area No. 1, and the Proposed Sixth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Project.

Motion/Second: Vice Chair/Vice Mayor McHugh / Agency/Councilmember Gomez

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

RA5. PUBLIC HEARING on Proposed Amendments to the Redevelopment Agency Plan Areas

Economic Development Manager Diana Barnhart reviewed history and purpose of the two major amendments proposed to the Redevelopment Agency Plan Area No. 1 and the Great Mall Redevelopment Plan. She explained the many exhibits and attachments in the documents provided to the Council in advance of the hearing. Furthermore, staff gave the rationale of extending by ten years the original Project Area No. 1 and amendment areas No. 1 and No. 2 and to repeal the freeway mall sign from the Great Mall Project Area since it is included in the new added Area (600 acres in four locations on the map). Proposed revenues projected for the life of the Agency were anticipated to be \$5.7 billion, with the inclusion of the added area.

Ms. Barnhart informed the Agency/Council that some objections had been received to the proposed amendments, and staff would need to respond to those before the next steps could be taken. So, the next regular meeting on April 20 would be when resolutions and ordinances would be presented for action by the Mayor and Council.

Ms. Barnhart introduced representatives from the consulting team of Keyser Marston, outside counsel Nicole Murphy, and the Irvin Consulting group, all of whom were present and available for questions.

Councilmember Gomez thanked staff for an excellent job done on this proposal and report.

Mayor Livengood next opened the public hearing.

Speakers:

1. Mr. Barton Simmons, a property owner from Walnut Creek, was concerned about the amendments' impact on the MidTown area. He wanted to gather a sense of priorities for development in the MidTown area of the City.
2. Ms. Lizanne Reynolds, Deputy County Counsel for Santa Clara County, stated the County's point of view that the Environmental Impact Report did not comply with state law including CEQA, and there were legal inadequacies. The County felt that amendments would adversely affect other governments financially.
3. Mr. Russ Winslow, a property owner at Milpitas Blvd. and Montague Expressway, noted his property had been updated a lot already. He wanted to keep the company located at that site and was concerned about eminent domain possibility, stating he did not want his property taken.

Motion: to close the public hearing

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

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

Motion: set April 20, 2010 as the next meeting date for adoption of required resolutions and to introduce related ordinances for amendments to the Redevelopment Agency plans

Motion/Second: Agency/Councilmember Gomez / Vice Chair/Vice Mayor McHugh

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

***RA6. Approve Actions** related to Storm Pump Station

Approved plans and specifications, and authorized the advertisement for bids for the Storm Pump Station Improvements, Projects No. 8188 and No. 8162.

*RA7. Amend Agreements for Aspen Family Apartments

Adopted Resolution No. RA368 authorizing the amendment of affordable housing agreements with MIL Aspen Associates.

RA 8. ADJOURNMENT

Chair/Mayor Livengood adjourned the Redevelopment Agency meeting at 7:39 PM.

REPORT OF MAYOR

1. Request for Joint Meeting of MUSD Board and City Council

Mayor Livengood reported that the School District Board and two members of the City Council, at the last City/District communication meeting, called for a joint meeting of the two full bodies. He wanted an opportunity for the City Council to discuss the request and ask his colleagues for agenda items.

Councilmember Gomez requested cost sharing opportunities and an update on planned growth of the school district (its expansion plan) on the agenda.

Vice Mayor McHugh reported one item was the possibility of a potential aquatics center in the future, and to possibly study its feasibility.

Councilmember Polanski noted that cost sharing covered some of the topics, including joint uses (which were brought back to both bodies already). While the district was moving on a parcel tax measure, she asked for any shared information.

Councilmember Giordano inquired if there were any unresolved issues from the last joint meeting. City Manager Williams responded, only what Mr. Gomez brought up.

Mayor Livengood asked if the meeting would be held at City Hall and the City Manager replied yes.

Vice Mayor McHugh suggested March was an ideal month (there were five Tuesdays). In April, possibly Thursday, April 29 could be a meeting, however Mr. Gomez reported there was a DARE graduation that night. Staff would figure out a mutual date and schedule, upon consultation with School District staff, and report back to City Council to schedule the Joint Meeting.

ORDINANCE

One ordinance was adopted on the consent calendar.

CONTRACT

One item was approved on the consent calendar.

ADJOURNMENT

Mayor Livengood adjourned the City Council meeting at 7:48 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on April 20, 2010.


Mary Lavelle
City Clerk