

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, April 20, 2010
Time: 6:30 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

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

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

ABSENT: Councilmember Gomez was absent at roll call and arrived at 6:35 PM.

CLOSED SESSION

City Council convened in Closed Session to discuss two real property negotiations.

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

ANNOUNCEMENT

City Manager Williams announced that the City Council by unanimous vote directed staff to pursue negotiations with Apton Properties, LLC.

PLEDGE

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

INVOCATION

None.

MINUTES

Motion: to approve City Council meeting minutes of April 6, 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 Calendars/Schedule of Meetings for April and May 2010, as amended

City Manager Williams noted two changes to the calendar: (1) the Economic Development Subcommittee meeting for April 19 was canceled and, (2) the Recycling and Source Reduction Advisory Commission would meet on April 27 at 7:00 PM.

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

PRESENTATIONS

Mayor Livengood presented two proclamations:

Building Safety Month for May 2010 - proclamation was accepted by six Building Department staff, who urged residents and visitors to visit Milpitas City Hall to find resources to protect their homes and businesses in preparation for emergencies.

Month of the Young Child and Child Abuse Prevention Month for April 2010. Two Youth Advisory Commissioners, Dilpreet Khalsa and Jennifer Shen, accepted the proclamation. Vice Chair Shen addressed the Council on attention to the needs of youth and children in Milpitas.

PUBLIC FORUM

Jim Bearden, 1141 Nichlaus Ave. resident, addressed the Council about Proposition 15 on the June 8 ballot regarding future elections and public funding of election campaigns. He provided a handout to Councilmembers and requested their support of the proposition.

ANNOUNCEMENTS

Councilmember Polanski thanked the Emergency Preparedness Commission, City and School District staff on the joint disaster drill successfully held at Burnett School on April 7.

Councilmember Giordano announced matters concerning the Santa Clara County Library Joint Powers Authority: for the strategic plan, a survey of 1171 residents was conducted in December, the areas of focus which she listed. One fact revealed was that the County had the highest amount of cardholders in the nation. The JPA Board balanced the library budget. She noted that Milpitas was one of seven libraries open on Mondays. For the Youth Advisory Commission, she announced May 15 as the date for the Milpitas Got Talent show, with auditions on April 24. Also, on Thursday, May 6, the National Day of Prayer was planned.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

CONSENT CALENDAR

Motion: to approve the Consent Calendar (items noted with *asterisk), as amended

Vice Mayor McHugh requested to remove Item No. 8 from consent and the Mayor requested to add Item No. 4 onto consent.

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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

*3. Adopt Resolution for Bill of Rights for Children and Youth

Adopted Resolution No. 7981 adopting the Bill of Rights for the Children and Youth in Milpitas, as recommended by the Youth Advisory Commission.

*4. Monthly Economic Development Report Update

Accepted the monthly report on economic development, provided by the City Economic Development Manager.

*5. Resolution for Final Acceptance of Project No. 6073

Adopted Resolution No. 7982 granting final acceptance of Sewer Deficiency and Structural Correction Program, Phase 4A, Project No. 6073, and release of the contractor's bond.

*6. Resolution Authorizing Application for Funds related to Energy Efficiency

Adopted Resolution No. 7983 authorizing the lead collaborative entity Sacramento County to apply for funds on behalf of the City of Milpitas for the CaliforniaFirst program.

*7. Resolution Approving Extension of Development Map

Adopted Resolution No. 7984 approving a six-year time extension of the Landmark Tower Tentative Map MT08-003, located at 600 Barber Lane.

*9. Joint Use Agreement with School District

Approved the Joint Use Agreement with Milpitas Unified School District and authorized the City Manager to execute the Agreement.

*10. Approve Park Sidewalk Replacement, Project No. 5089

Approved plans and specifications and authorized the advertisement for bid proposals for Park Sidewalk Replacement, Project No. 5089.

*11. Award Bid for a 2011 Ford Truck Mission Valley Ford

Awarded the bid for one 2011 Ford F650 truck and compactor body to Mission Valley Ford for the not-to-exceed amount of \$122,823.96, including sales tax, tire tax, and extended warranty.

*12. Approve Amendment to Cost Sharing Agreement

Approved the amendment to the Cost Sharing and Reimbursement Agreement with the property owners for the Piper Montague Subdistrict of the Transit Area Plan.

PUBLIC HEARING

1. CDBG Funding Allocation for FY 2010-11

Senior Housing Planner Felix Reliford discussed this year's Community Development Block Grant funding of \$651,922 from the federal government. Funding recommendations were based on priorities previously set by the City Council, and the funding amount available in each category from the federal government. Staff also asked the Council to approve the one-year Action Plan for the grant funds.

Mayor Livengood stated he received a letter from federal Housing and Urban Development, indicating that it would like funding to be considered for programs for veterans in the future. He advised City Council about this for next year.

Vice Mayor McHugh noted that the Family Health Foundation was recommended this year for funding and he was pleased. San Jose Conservation Corps was not recommended and that bothered him, as he wanted funds to go to those children. On the Executive Summary, staff reported replacement of fixtures at Terrace Gardens Senior Housing units was planned, if funded. He asked why funds were for materials only. Mr. Reliford explained labor costs and the need for funds for material.

Councilmember Giordano inquired about additional funds for non-public sector services, with more than \$31,000 to be shared by Rebuilding Together and Terrace Gardens.

Councilmember Polanski wanted to know, on non-public services, how many Milpitas residents were served. Staff responded: for Housing Rehabilitation – 4 to 6, for Rebuilding Together – 27, San Jose Conservation Corps – 30, and for the 2-bedroom units, 35 units at Terrace Gardens.

Speakers:

- 1) **Elizabeth Bonnett**, of Senior Adult Legal Assistance, provided free legal services to seniors in Milpitas (and in the County) for very low-income seniors. SALA provided help at the Milpitas Senior Center by appointment, now up to 120 appointments per year and for those in crisis.
- 2) **Jeanne Huber**, employed by Next Door Solutions for Domestic Violence in San Jose, thanked the City Council for funding, and for the recommendation for funding next year. Every penny counted for this critical shelter for women and children.
- 3) **Kathleen King**, of Santa Clara County Health Foundation, was raising funds for the Healthy Kids program, and aimed to get all children covered by the health plan. Funding recommendation was to be cut in half to only \$5,000 and she requested to continue funding at \$10,000 (like last year) or even more.
- 4) **Wanda Hale**, of the Long Term Care Ombudsman Program in Santa Clara County, served 12,000 beds throughout the county including Milpitas. They served as advocates for seniors, including reports of abuse of seniors. In Milpitas, there was one nursing home and five board-and-care facilities. She thanked Council for past support.
- 5) **Beverly Jackson**, representing Rebuilding Together in San Jose, provided small home repair work for homeowners, including mobile homes, to allow residents to stay safely in their homes. They used many volunteers to do the repairs.
- 6) **Karen Kolander**, of the Milpitas Food Pantry, thanked the Community Advisory Commission and staff for the recommendations for funding next year. More than ever before, the Food Pantry had witnessed unduplicated visits. She appreciated continued support from the City of Milpitas.
- 7) **Ben Kong**, of Emergency Housing Consortium/Lifebuilders, provided service to homeless persons. He thanked City Council for past support, and noted that its offices

were located here in Milpitas.

8) **Dale Flunoy**, staff for the City's Recreational Assistance Program, reported that RAP ran out of funds by December last year, with continued applications for participation in city recreation programs, such as after-school program and pre-school, in addition to theatre and sports activities.

(1) Motion: to close the Public Hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

Councilmember Gomez wanted to move \$5,000 from RAP to the Family Health Foundation and to move \$31,740 from Rehabilitation funds to San Jose Conservation Corps. Council could consider RAP during the City's budget process.

Councilmember Giordano wanted to move \$31,740 into Rebuilding Together and Terrace Gardens. She suggested to move funds out of the Rehabilitation funds and asked for explanation why the Commission recommended zero funds. For the San Jose Conservation Corps, she would consider that per Mr. Gomez's suggestion.

Mr. Reliford noted that from other funds, Terrace Gardens would request support from the 20% set-aside funds in Redevelopment Agency.

Vice Mayor McHugh was impressed by Mr. Gomez's suggestion. He wanted \$5,000 from the City's RAP to go to the Family Health Foundation, and funding for the Conservation Corps.

Councilmember Polanski had objection to moving \$5,000 more to the Health Foundation. She explained that Commissioners know that RAP needed funding, and that only Council could deviate from the priority policies set in the past. She was okay with recommendations as the Community Advisory Commission provided.

(2) Motion: approve the CDBG funding levels for FY 2010-11 following the Community Advisory Commission recommendations, along with moving \$5,000 into the Healthy Kids Foundation and reducing the City's Recreation Assistance Program by \$5,000

Motion/Second: Councilmember Gomez/Vice Mayor McHugh

Motion carried by a vote of: AYES: 3
NOES: 2 (Giordano, Livengood)

(3) Motion: for the non-public services CDBG allocation: provide City of Milpitas Housing Rehabilitation program \$262,963, and allocate \$31,740 to the San Jose Conservation Corps

Councilmember Giordano inquired about \$5,000 leftover from last year. What happened to those funds, she asked Staff reported that it would carry over to the next year, per HUD guidelines. Staff would work with agencies to ensure they had projects to fully utilize funds as allocated.

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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

(4) Motion: approve the one-year Action Plan for allocation of the Community Development Block Grant funds in the City of Milpitas

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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 8:07 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 April 6, 2010, as submitted

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

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

RA 3. Agenda Approval and Consent Calendar Staff presented a request to add by Resolution an urgency matter, relating to a solar manufacturing facility and then to consider that item first on the agenda.

(1) Motion: to adopt Resolution No. RA376, allowing an addition to the Agency agenda for an item relating to an agency loan for the location of solar power manufacturing facility by SunPower in the City of Milpitas

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

Councilmember Gomez announced he would abstain from the vote to add the item and then on the following item also. He left the dais.

Motion carried by a vote of: AYES: 4
NOES: 0
ABSTAIN: 1 (Gomez)

(2) Motion: to approve the Agency consent calendar, with Item No. RA13 removed from consent at the request of Vice Mayor McHugh

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

Motion carried by a vote of: AYES: 4
NOES: 0
ABSTAIN: 1 (Gomez)

RA3.5 additional item – Funding for SunPower Solar Panel manufacturing by Flextronics Economic Development Director Diana Barnhart described Flextronics' acquisition of Solectron in 2007 and reported that all of its campus was now located on Gibraltar Drive in Milpitas. Flextronics would allocate all of its sales and use tax to Milpitas, under its current plan. The new best partner to Flextronics in manufacturing was SunPower, ready to fabricate solar panels in Milpitas at its first Silicon Valley location. The effort was anticipated to create 90 jobs at this site. SunPower requested a no-interest loan of \$1.5 million to assist the company with "fit-up" costs. Ms. Barnhart introduced executives from the two companies who were present.

(1) Motion: to adopt Resolution No. RA 369

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

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

(2) Motion: to adopt Resolution No. RA 370

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

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

(3) Motion: to adopt Resolution No. RA 371

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

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

(4) Motion: to adopt Resolution No. RA 372

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

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

(5) Motion: to adopt Resolution No. 7974

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

(6) Motion: to adopt Resolution No. 7975

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

(7) Motion: to adopt Resolution No. 7976

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

(8) Motion: to adopt Resolution No. 7977

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

(9) Motion: to adopt Resolution No. 7978

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

City Attorney Ogaz read aloud the title of Ordinance No. 192.23 “An Ordinance of the City Council of the City of Milpitas Amending Ordinances No. 192.8, 192.10, 192.13, 192.17, 192.19, 192.22 and Approving and Adopting the Sixth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Project.”

(10) Motion: waive the first reading beyond the title of the Ordinance No. 192.23, in order to adopt the Sixth Amendment of the Great Mall Redevelopment Plan

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

(11) Motion: introduce Ordinance No. 192.23

Motion/Second: Councilmember Gomez/Councilmember Polanski

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

City Attorney Ogaz read aloud the title of Ordinance No. 192.24 “An Ordinance of the City Council of the City of Milpitas Amending Ordinances No. 192, 192.1, 192.2, 192.3, 192.4, 192.6A, 192.9, 192.11, 192.12, 192.14, 192.15, 192.16, 192.18 and Approving and Adopting the Thirteenth Amendment to the Redevelopment Plan for the Milpitas Redevelopment Project Area No. 1.”

(12) Motion: waive the first reading beyond the title of the Ordinance No. 192.24, in order to adopt the Thirteenth Amendment to Project Area No. 1 Redevelopment Plan

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

(13) Motion: introduce Ordinance No. 192.24

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

RA5. Review Draft CIP for FY 2010-2015

City Engineer Greg Armendariz introduced the Capital Improvements Program for the coming fiscal year, highlighting several specific projects planned to be accomplished. Mr. Armendariz noted accomplishments over the past year, including significant progress on the new Senior Center due to open this summer.

\$5,675,545 was the total amount proposed for the CIP budget in FY 2010-11, the first year of the five-year CIP. He reviewed federal stimulus projects for the coming year, too. The final version of the 2010-15 CIP would be presented to the Agency on May 11 at the budget hearing, and then be ready for adoption in June.

Motion: note receipt of, and file with no comments, the draft 2010-2015 Capital Improvement Program

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

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

RA6. Update on Senior Center Construction, Project No. 8176

Project Engineer Steve Erickson updated the City Council on most recent construction activity at the new Senior Center building. It was 83% complete on this date, and continued to be built within budget.

Staff displayed a possible example of the dedication plaque to be prepared and posted near the entrance. Vice Mayor McHugh commented that the format was fine.

Mr. Erickson highlighted photos of the civic center site improvements, in particular the Community Center sidewalk. Mayor Livengood asked that the grass area be correctly referred to as the McGuire Amphitheatre, as it was named. Staff proposed a new change order for sod replacement there, and sidewalk continuance. This would amount to \$162,000 from the project contingency budget.

Councilmember Polanski reported that the Subcommittee did review this recommendation and supported what staff presented.

Motion: to receive the staff report on the Senior Center construction progress , move forward with a change order for additional improvements at a cost of \$162,000 from the project contingency budget

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

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

*RA7. Authorize Consultant Agreement with Schaaf & Wheeler

Approved and authorized the Executive Director to execute a consultant agreement with Schaaf & Wheeler for dredging of Ford/Wrigley Creeks, Project No. 8162, in the amount of \$315,988.55, Project No. 8162, subject to approval as to form by the City Attorney.

*RA8. Resolution Granting Acceptance of Yard Canopy

Adopted Joint Resolution No. RA373/7979 granting final acceptance of Corporation Yard Canopy, Project No. 8183, and release of the contractor's bond.

*RA9. Authorize Agreement with Prints Charles Reprographics for Printing

Approved and authorized the Agency Director to execute an agreement with Prints Charles Reprographics, in the amount of \$90,000, subject to approval as to form by the City Attorney, for printing services for CIP and various Engineering projects.

*R10. Resolution Granting Acceptance of Project No. 8195

Adopted Joint Resolution No. RA374/7980 granting initial acceptance of Project No. 8195, subject to the one year warranty period and reduction of the contractor's faithful performance bond to \$52,180.

*RA11. Authorize Contract with Maze & Associates

Authorized the City Manager to execute a consultant contract with Maze & Associates Accountancy Corporation for professional auditing services.

*RA12. Adopt a Resolution Authorizing Purchase of One Low Income Unit

Adopted Resolution No. RA375 authorizing the purchase of one low-income housing unit and releasing the Resale Restriction Agreements for the other four affordable housing units (identified in the resolution).

RA13. Approve Consultant Contract with Group 4 Architecture

Vice Mayor McHugh requested this matter be removed from consent because he had questions about information related to the contract document (Exhibits A & B – scope of services and salaries). He requested to continue this matter to the next City Council meeting.

Motion: to continue this item to the next Council/Agency meeting on May 4, and include all relevant information in the agenda packet

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

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

RA 14. ADJOURNMENT

Chair/Mayor Livengood adjourned the Redevelopment Agency meeting at 9:06 PM.

REPORTS OF COMMISSIONS

2. Telecommunications Master Plan Review

Councilmember Gomez introduced Commission Chair Albert Alcorn, who brought the Telecommunications Master Plan mid-term update to the Council. Mr. Gomez also introduced Vice Chair Dinesh Gupta. Mr. Alcorn reviewed progress on many actions to date and gave a list of recommendations.

Councilmember Gomez was very impressed with how pro-active the Commission had been in its work. Perhaps Commissioners could look at efficiencies for City staff with regard to technology, for example, payroll and timekeeping management.

Councilmember Polanski agreed with Mr. Gomez, and thanked the Commission for their excellent work, especially with regard to public access television channel advances.

Motion: to receive the report from Chair Alcorn, to adopt additional recommendations from the Commission regarding the 2007 Master Plan and to consider study on efficiencies for City service delivery with technology tools

Motion/Second: Councilmember Gomez/Councilmember Polanski

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

NEW BUSINESS

One item was approved on the consent calendar.

RESOLUTIONS

Four resolutions were adopted on the consent calendar.

BIDS AND CONTRACTS

Four items were approved on the consent calendar.

8. Resolution for 4th of July Fireworks by Pyro Spectaculars

Vice Mayor McHugh requested this item be removed from consent and asked about a deposit amount paid prior to April 5, as noted in the contract. Purchasing Agent Chris Schroeder explained it had been paid, since it was an amount less than \$20,000.

Councilmember Giordano inquired if City staff considered corporate sponsorship for this program. Parks and Recreation Director Bonnie Greiner responded that every year, there was a sponsorship effort. Last year, staff tried to sign up large corporate sponsors at the \$10,000 level, but even with outreach effort no responses came. Ms. Giordano wanted the City to find success on corporate sponsors for the 4th of July event.

Councilmember Polanski noted that even the Emergency Preparedness Commission had difficulty finding restaurants and food donated for the recent emergency drill. The economy resulted in less giving at this time, she stated.

Motion: adopt Resolution No. 7985 authorizing the City Manager to execute an agreement with Pyro Spectaculars for the not-to-exceed amount of \$21,000 for the annual City of Milpitas 4th of July fireworks display

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

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

ADJOURNMENT

Mayor Livengood adjourned the City Council meeting at 9:23 PM.

The foregoing minutes were approved by the Milpitas City Council as amended on May 4, 2010.



Mary Lavelle
City Clerk