

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, May 4, 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, Councilmember Polanski

**ABSENT:** Councilmembers Giordano and Gomez was absent at roll call, and arrived at approximately 6:45 PM.

**CLOSED SESSION**

City Council convened in Closed Session to discuss real property negotiation.

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

**ANNOUNCEMENT**

None.

**PLEDGE**

Mayor Livengood led all in the pledge of allegiance.

**MINUTES**

Motion: to approve City Council meeting minutes of April 13 and 20, 2010, as amended

Vice Mayor McHugh requested one change to the minutes of April 20, related to his request to remove item RA13 from the Agency consent calendar.

Motion/Second: Councilmember Gomez/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 May 2010, as amended

City Manager Williams noted two changes: the VTA Milpitas-Gilroy-Morgan Hill group meeting was moved to Wednesday, May 5; and the City Council's Transportation and Land Use Subcommittee meeting on May 3 was canceled.

Vice Mayor McHugh requested two additions: on May 10, at 9:30 AM he would attend a Sunol Hot Lanes meeting and at 3:30 PM, the ABAG Finance and Personnel Committee meeting.

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

**PRESENTATIONS**

Mayor Livengood presented three proclamations.

American Cancer Society: (1) *Paint Our Town Purple* on May 7 and (2) *Relay for Life* Days on June 19-20, 2010, were both presented to Samantha Beard, representing the Relay for Life volunteer team.

The Mayor also proclaimed the month of May as *Foster Care Month* and presented the proclamation to two foster parents in Milpitas, Linda Pasters and Angel Morse.

**PUBLIC FORUM**

None.

**ANNOUNCEMENTS**

Mayor Livengood announced the City had lost another City father, former Mayor and Councilman Chuck St. Clair who recently passed away. The Mayor said the meeting would be adjourned in his memory.

Councilmember Giordano announced the City would host the Youth Advisory Commission sponsored "Milpitas Got Talent" show on May 15 at 7:00 PM.

**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: Vice Mayor McHugh/Councilmember Polanski

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

**\*3. Commission Appointments**

Appointed the following to City of Milpitas Commissions:

Arts Commission

Appointed George Baker as a regular member to a term that expires in October 2011.  
Appointed Jan Beran as Alternate No. 1 to a term that expires in October 2010.  
Newly appointed Marcella Anthony as Alternate No. 2 to a term that expires Oct. 2011.

Public Art Committee

Newly appointed Van P. Nguyen to a term that expires in October 2011.

Community Advisory Commission

Newly appointed Mia Bradway Winter as Alternate No. 3 to a term that expires in January 2012.

Economic Development Commission

Re-appointed Cat-Tuong Nguyen to a term that expires in April 2013.  
Re-appointed Michael Mendizabal to a term that expires in April 2013.  
Appointed Chandru Bhambhra as Alternate No. 1 to a term that expires in April 2011.

Parks, Recreation and Cultural Resources Commission

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

**\*6. Dispose Surplus Equipment from City Print Shop**

Authorized the Purchasing Agent to dispose of surplus print shop equipment and supplies at auction.

**\*7. Adopt Ordinances No. 192.23 and No. 192.24 for Two RDA Amendments**

Waive second readings and adopted Ordinance No. 192.23 approving the Sixth Amendment to the Redevelopment Plan or the Great Mall Redevelopment Project, and adopted Ordinance No. 192.24 approving the thirteenth Amendment to the Redevelopment Plan for Milpitas Redevelopment Project Area No. 1.



**RA 2. MINUTES**

Motion: to approve the Agency meeting minutes of April 20, 2010

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

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 Giordano

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

**RA4. Financial Status Report**

Finance Director Emma Karlen gave the nine-months' financial update to Council members, with dire news for last financial quarter. All categories of revenue were down versus what was budgeted. To date, the FY2009-10 budget was only 2.7% down on property tax revenues, which was better than predicted in the adopted budget. On expenditures, staff was keeping those very conservative, as she reported a \$2.9 million savings realized in spending. Ms. Karlen also discussed improved revenues for the Redevelopment Agency, which anticipated a \$35.1million in fund balance at year's end.

Councilmember Gomez inquired about the outcome of the recent California Redevelopment Association lawsuit (regarding taking of Agency funds across the state) and whether there would be an appeal. City Attorney Ogaz responded there would be an appeal filed along with a request to stay the requirement to pay demands to the state.

Councilmember Giordano wanted to know more about the 13% decline in sales tax amount. She asked if staff could pinpoint what that resulted from. Ms. Karlen noted that car dealerships have a role in it due to lower auto sales, similarly respecting restaurants, retail, business-to-business, and construction type of stores such as Home Depot.

Vice Mayor McHugh noted the City was 75% through the fiscal year, but expenditures were only 71% of the budget at this point. He thanked the City Manager and staff for controlling expenses.

Motion: to receive the financial status report for the nine-months' period July 1, 2009 through March 31, 2010

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

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

**RA5. Resolution for Affordable Housing Grant to Property Owners in LIFT Zone area**

First, Mayor Livengood wanted to thank City staff and property owners for their willingness to step up and improve properties in the LIFT zone and there was a good plan on the agenda tonight.

Planning Director James Lindsay reported on the eight owners' 16 properties in the "Local Improvement for a Better Tomorrow" zone area, most of which were rental apartments. The next phase of improvements was that of the largest capital expense, for rear alley ways and landscaping, new trash enclosures and fencing. Owners made a request for a matching grant arrangement with the City, for 50% matching funds up to \$250,000 in total. This area was recently added to Redevelopment Agency plan area.

City Council's Finance Subcommittee reviewed this proposal, and requested to add the need for recreation amenities to the requirements of the loan. Councilmember Giordano confirmed this, and explained the need for swings, play area and/or picnic area.



3. Authorized staff to execute change orders for Department of Energy Grant Program, provided that the change orders do not exceed the established construction contingency amount for the project.

\*RA10. Approve Contract with Group 4 Architecture

1. Approved contract with Group 4 Architecture, Research and Planning, Inc. for feasibility and conceptual design of the proposed Milpitas Silicon Valley Conference Center.
2. Appropriated \$317,310 to the Economic Development Division budget.

## RA 11. ADJOURNMENT

Chair/Mayor Livengood adjourned the Redevelopment Agency meeting at 7:52 PM.

## REPORTS OF MAYOR

2. Mayor's Request for Citizens Budget Task Force

Mayor Livengood explained his goal to form a group consisting of citizens, business persons, and possibly former elected officials. He wanted the group to meet and come up with suggestions on how to close the ongoing budget gap (expenditures greater than revenue). The Mayor noted that he may not have the names ready of those he'd like to appoint until the June 1 City Council meeting.

Motion: to authorize a Citizens Budget Task Force, consisting of seven members, appointed by the Mayor and confirmed by City Council

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

4. Outreach for Future Commission Applicants

Councilmember Giordano requested a report from staff on efforts made regarding recruitment of City Commissioners, and offered her suggestions. City Clerk Mary Lavelle reported the various locations where application forms were made available and where the vacancies were advertised. Ms. Giordano asked that application forms be made available at the Milpitas Sports Center and consider posting the information on the newer cable television channel 26.

Motion: to note receipt of the staff report on Commission outreach and to support suggestions from the City Councilmembers

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

## NEW BUSINESS

5. Consider Four Public Art Projects for New Senior Center

Public Art Committee and Senior Advisory Commission staff liaison Renee Lorentzen presented the proposed art pieces for the new Senior Center.

City Council considered and reviewed four recommended interior art project pieces for the new Senior Center building, due to open in the summer:

- 1) Entrance Vestibule: Adrian Litman, "Thriving Energy" - \$8,750
- 2) Lobby Fireplace: Adrian Litman, "Garden Fantasy" - \$4,900
- 3) Lobby Wall: Joanie Popeo, "Our View" - \$3,900
- 4) Hallway: Adrian Litman, "Four Seasons" - \$4,750

Regarding the first art piece, Councilmember Polanski requested that instead of random people's faces depicted in the drawing, that the artist use some actual historic people of Milpitas, such as Ben Gross and Tom Evatt.

