

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, May 18, 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, Councilmembers Giordano, Gomez and Polanski

ABSENT: 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 May 4, 2010, as amended

Vice Mayor McHugh noted that the ABAG Finance and Personnel meeting on May 10 that he reported was held at 3:30 PM (not the time in the draft minutes).

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

SCHEDULE OF MEETINGS

Motion: to approve the Council Calendars/Schedule of Meetings for May and June

Councilmember Giordano announced on May 26, at 2:00 pm was the Finance Subcommittee for the county Library Joint Powers Authority. Vice Mayor McHugh noted on May 10 at 3:30 PM was the ABAG Personnel & Finance meeting and later a Hot Lanes meeting in Sunol. Also, he would attend on June 14, a Sunol Smart Carpool lanes meeting at 9:30 AM.

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

PRESENTATIONS

Mayor Livengood proclaimed the week of May 17 -23, 2010 to be *Hepatitis B Awareness Week*, accepted by student Jay Wang, from the Jade Ribbon Youth Council of the Asian Liver Center at Stanford.

PUBLIC FORUM

Robert Marini, Milpitas resident, was concerned about a recently approved \$1.5 million loan to a private company, for it to provide minimum wage jobs. The City was subsidizing corporations, which had lower sewer rates than residents. Now, with a loan given to a different company, the City had lost some funds if the loan was not paid back in five years. He recommended a committee to fund small businesses in Milpitas.

ANNOUNCEMENTS

Vice Mayor McHugh reported that the executive director of the Association of Bay Area Governments would resign as of August 31. The first HOV lane use by single car occupants would start in September on a 14-mile stretch of the freeway. The "Every 15 Minutes" program assemblies he attended at Milpitas High School was an excellent program, and for that he

commended Police Chief Graham and the police department. He attended a recent “Raising a Reader” program at Milpitas Library, with 55 families.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/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: Vice Mayor McHugh/Councilmember Polanski

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

*** 2. Commission Appointments**

Appointed the following citizens to Commissions:

Community Advisory Commission: newly appointed Samantha Beard as Alternate No. 4 to a term that expires in January 2012.

Economic Development Commission: newly appointed Preeti Suri as Alternate No. 2 to a term that expires in April 2012.

Library Advisory Commission: re-appointed Elpidio Estioko and Yu-Lan Chou to terms that expires in June 2012.

Senior Advisory Commission: newly appointed Michelle Manassau to a term that expires in December 2011.

*** 4. Waive Fees – St. John**

Approved a fee waiver of City fees totaling \$1,056 for St. John the Baptist Catholic Church’s Santa Cruzan Procession.

*** 5. Waive Fees – Unity Day**

Approved a fee waiver totaling \$735.50 for Alcoholics Anonymous for its Annual Unity Day event on August 22, 2010 at the Milpitas Community Center.

*** 6. Safety Grant for Arson Investigation Equipment**

1. Accepted the grant from the Department of Homeland Security Grant for the purchase of arson/fire investigation equipment, and to fund advanced regional training.
2. Appropriated the \$107,140 grant to the Fire Department operating budget to purchase necessary equipment and to fund advanced training.

*** 7. Remove Youth Advisory Commissioner**

Removed Samuel Lai as a voting member of the Youth Advisory Commission.

*** 8. Resolution of Intention to Levy Assessment**

Adopted Resolution No. 7992 preliminarily approving the Annual Engineer’s Report for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch and providing for the notice of public hearing.

*** 9. Resolution of Intention to Levy Assessment**

Adopted Resolution No. 7993 preliminarily approving the Annual Engineer’s Report for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon and providing for the notice of public hearing.

***10. Resolution Requesting TDA Article 3 Funds**

Adopted Resolution No. 7994 requesting the allocation of Transportation Development Act, Article 3 Funds for the Enhanced Crosswalk Improvements – Phase II Project.

RA 3. Agenda Approval and Consent Calendar

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

Vice Mayor McHugh requested to remove Item No. RA4 from consent.

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

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

RA4. Resolution Releasing Resale Restrictions

Vice Mayor McHugh requested this item be continued to another date because he would like to have a report from staff on the two properties and all recent properties considered in the program (that were released from resale restrictions) including the original price, price paid and any profit made. He wanted to ensure there were no windfall profits.

Motion: to bring this matter back to the Agency, with the report requested, on June 15

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

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

***RA5. Authorize Change Order for Project No. 2001**

Authorized the Agency Director to execute the contract change order with Forster & Kroeger, Inc. in the amount not to exceed \$3,000.

***RA6. Authorize Change Order for Project No. 4243**

Authorized the Agency Director to execute the contract change order with Jos. J. Albanese in the amount not to exceed \$51,000 as well as approve a budget appropriation in the same amount from the Street Fund into CIP No. 4243.

RA 7. ADJOURNMENT

Chair/Mayor Livengood adjourned the Redevelopment Agency meeting at 7:24 PM.

REPORTS OF MAYOR AND COUNCIL

Two items were approved on the consent calendar.

3. Appointments to Citizens Budget Task Force

Mayor Livengood stated the names of four people he would like to recommend to the new Task Force: Alan David, Dan Manassau, Joseph Weinstein, and Jimmy Chamoures. That would leave three seats remaining to fill on the seven-member body.

Councilmember Polanski stated future members could include one that had no ties to any political groups or persons. Mr. Livengood further commented that he would like to seek more gender and diversity balance in the remaining appointments to this new committee.

Motion: to appoint four members to the new Citizens Budget Task Force: Alan David, Dan Manassau, Joseph Weinstein and Jimmy Chamoures, leaving three seats to be filled

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

NEW BUSINESS

Three items was approved on the consent calendar.

RESOLUTIONS

Three resolutions were adopted on the consent calendar.

BIDS AND CONTRACTS

Five items were approved on the consent calendar.

ADJOURNMENT

Mayor Livengood adjourned the City Council meeting at 7:26 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on June 1, 2010.



Mary Lavelle
Milpitas City Clerk