

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, June 15, 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, and Councilmembers Giordano and Polanski

ABSENT: Councilmember Gomez was absent at roll call and arrived at 6:32 PM.

City Manager Tom Williams was absent and City Engineer/Public Works Director Greg Armendariz sat in for the manager during the Council meeting.

CLOSED SESSION

City Council convened in Closed Session to discuss two lawsuits.

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

ANNOUNCEMENT

None.

PLEDGE

Mayor Livengood led all in the pledge of allegiance.

INVOCATION

None.

MINUTES

Motion: to approve City Council meeting minutes of June 1, 2010, as amended

City Clerk Lavelle noted two edits, Mayor Livengood requested one and Vice Mayor McHugh had one edit all related to speakers identified at the previous meeting's public hearing.

Motion/Second: Councilmember Giordano/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 the months of June and July 2010, as amended

The Economic Development Subcommittee meeting was canceled on June 14. Councilmember Polanski reported that the Community Advisory Commission meeting was canceled for July 7. Vice Mayor McHugh announced that on June 29 was a meeting of VTA's Milpitas-Gilroy-Morgan Hill group at 10:00 AM, and on July 12 at 9:30 AM in Oakland was a meeting of the working group on the Sunol Smart carpool lanes.

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

PRESENTATIONS

Mayor Livengood made two presentations:

He proclaimed *Parks and Recreation Month* and the proclamation was accepted by the Kiehm family: Jamie, Robert and son Will, a frequent participant in Recreation programs including “After the Bell.” Mrs. Kiehm thanked the Mayor and Council, and complimented program coordinator Samu Tiumalu.

Mayor Livengood presented City of Milpitas Promoting Lifelong Partnerships in Your Community (PLAY) awards to seven local businesses and one volunteer for their sponsorships and support for Recreation Services.

PUBLIC FORUM

Cheryl Jordan, Assistant Superintendent of Schools for the Milpitas Unified School District, spoke on behalf of the School Board and Superintendent, and gave thanks for the support of recent Measure B, in the election held last Tuesday. While many were uncertain about the future of government in Sacramento, the local measure would help to maintain what the schools offered for children next year. She thanked the Council for being behind the measure.

Bill Ferguson, Rivera St. resident, read from the Milpitas Municipal Code regarding campaign donations to candidates for public office. He discussed the Fairfield Murphy Ranch development project approved by the City Council, and donations given to three Milpitas elected officials. He announced a website about his efforts toward a ballot measure.

Nancy Mendizabal, 2225 Edsel Dr. resident, reminded the Council that the annual Relay for Life event would take place over the weekend, with a 24-hour cycle of participants and a good outcome expected by all. Kiwanis Club would offer a free breakfast at 7:00 AM on Saturday.

ANNOUNCEMENTS

Mayor Livengood highlighted correspondence he had received from school children regarding ongoing support for the police DARE program, and read aloud from one letter. Another letter he’d received was from a representative of Moffett Field, who had attended and appreciated the Memorial Day celebration here on May 31.

Councilmember Giordano complimented Sinnott Elementary School for achieving its recent designation as a California Distinguished School. She congratulated recent graduates of Milpitas High School, Thomas Russell Jr. High School and Calaveras Hills High School. Lastly, she congratulated the Milpitas Camera Club on its recent, successful show at the Milpitas Library.

Councilmember Polanski reported that the Parks, Recreation and Cultural Resources Commission had a tour last Saturday to visit several park sites in Milpitas, including the garden plots at the Community Garden, and a few other public park areas. The tour was educational and worthwhile for all.

Vice Mayor McHugh thanked the people of Milpitas for passing Measure B, looking out for children. He attended the “FlameKeepers” event last Friday and commended Demetress Morris on the program. He was impressed with the Milpitas High School graduation ceremony last Saturday. Finally, he reported that Sunol “hotlanes” on Interstate 680 freeway were on track for the September 28 opening day, for freeway traffic flow improvements.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Vice Mayor McHugh/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 amended

Mayor Livengood announced he did not yet have a recommendation for the vacant Alternate Member of the Planning Commission. So, he requested to add Item No. 6 to consent calendar with

his recommendation to move the item to the first City Council meeting in August. Vice Mayor McHugh requested removal of Item No. 24 from consent.

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

- *5. Senior Center Art Nominations Approved the new Senior Center Entrance Vestibule art nomination method and directed Mayor and Councilmembers to submit four names each without duplication for the public art piece.
- *6. Alternate member of Planning Commission Mayor Livengood added this item to consent calendar, with no recommendation for appointment. Continued this matter to the first August meeting of the Council.
- *7. Commission Reappointment Re-appointed Marilyn Hay to the Library Advisory Commission to a term that expires in June 2012.
- *10. EPC Bylaws Update Approved updated Emergency Preparedness Commission's Bylaws.
- *12. Memorial Bench Approved a memorial bench in Murphy Park in memory of Linda Rabe.
- *13. Dispose of Surplus Fire Engine No. 32 Authorized the purchasing agent to dispose of surplus fire engine No. 32 to the Spring Valley Volunteer Fire Department.
- *14. MOU between City and VTA for C211 Wrigley Creek Approved the Memorandum of Understanding with Santa Clara Valley Transportation Authority and the encroachment permit agreement for the C211 Wrigley Creek Project, subject to approval as to form by the City Attorney.
- *16. Resolution for New Senior Center Activity Adopted Resolution No. 8008 establishing new Senior Center Membership, Facilities Access, and Rental Fees. Authorized the City Manager to execute a vendor contract with Break Time Vending for the provision of coffee kiosk services on a six-month pilot program basis.
- *17. Resolution on Winsor Tank House Adopted Resolution No. 8009 approving an application to designate the Winsor Tank House as a City cultural resource.
- *18. Final Acceptance of Centria East Condos Adopted Resolution No. 8010 granting final acceptance of and release subdivision improvement bond for Centria East Condominiums, Project No. 3178, Tract No. 9773.
- *19. Resolution for Healthy Vending Policy Adopted Resolution No. 8011 approving a new Parks and Recreation Services Healthy Vending Policy.
- *20. Resolution Releasing Unclaimed Checks Adopted Resolution No. 8012 to transfer a total of \$194.70 unclaimed checks, per the list of checks generated by the City's Finance Department to the General Fund in accordance with Standard Operating Procedure No. 26-1.
- *21. Resolution for Sole Source Purchase Traffic Signal Cabinets Adopted Resolution No. 8013 authorizing the sole source purchase of three traffic signal cabinets from BRG Supply, LLC for the not-to-exceed amount of \$35,065.97.
- *22. Initial Acceptance of Calle Oriente Park project Adopted Resolution No. 8014 granting initial acceptance of the Calle Oriente Park, Project No. 5087, subject to a one year warranty period and reduction of the faithful performance bond to \$38,557.66.
- *23. Abbott Ave. Resurfacing, Project No. 4251 Authorized the City Manager to award and execute a construction contract to the lowest responsible bidder for Abbott Ave. Resurfacing, Project No. 4251. Approved a budget appropriation in the amount of \$338,700 from the ARRA Program to the Abbott Avenue Resurfacing Project.

- *25. Approve the Agreement with Western Pacific Signal
Approved an agreement with Western Pacific Signal, LLC for consulting services for the Traffic Signal Controller and Advanced Traffic Management System Upgrade, Project No. 4248, for an amount not to exceed \$845,101.22.
- *26. Contract Renewal for Excess Workers' Compensation Insurance
Approved acceptance of National Safety Casualty Corporation for the City's excess workers' compensation insurance for FY 2010-11, and authorized payment to Brown & Brown of California the premium rate of \$110,903.
- *27. Approve the Purchase of Assorted Badger Water Meters
Approved the purchase of assorted badger water meters from National Meter and Automation for the not-to-exceed amount of \$54,194.51.
- *28. Sewer Deficiency and Structural Correction Program
Approved plans and specifications, and authorized advertisement for bid proposals for Sewer Deficiency & Structural Correction Program Phase 6, Project No. 6073.
- *29. Contract Amendments for Senior Nutrition Program
Authorized the City Manager to execute an amendment to the contract with County of Santa Clara for FY 2010-11 in the amount of \$171,277.
Authorized the City Manager to execute an amendment to the contract with Bateman Compass Group USA, for FY 2010-11 in the amount of \$71,775.
Authorize the City Manager to execute an amendment to the contract with New Orient Restaurant for FY 2010-11 in the amount of \$29,318.
- *30. Contract with ACCO Engineered Systems
Authorized the City Manager to execute a contract with ACCO Engineered Systems for the not-to-exceed annual amount of \$61,236.80 for HVAC maintenance and repair at Milpitas City Hall.
- *31. Authorize the City Manager to Execute Two Contracts with Fitness Instructors
Authorized the City Manager to execute two contracts with (1) Theresa Guerrero for fitness instruction for the annual not-to-exceed amount of \$48,000 and with (2) Tatsiana Lahunovich for fitness instruction for the annual not-to-exceed amount of \$42,000, for a combined not-to-exceed amount of \$90,000, with delegated authority to the City Manager to add or modify fitness classes listed in the contract scope of work, dependent upon class popularity and needs.

PUBLIC HEARINGS

1. Resolution to Approve Housing Element General Plan Amendment and Negative Declaration

Principal Housing Planner Felix Reliford gave the history to date and overview of the Milpitas Housing Element of the General Plan. The state Housing and Community Development department has found the document to be in compliance with all requirements. The document would be submitted for final certification following action at this meeting. A summary of comments provided on the Housing Element were included in the Council agenda packet.

Councilmember Giordano reminded staff about her past request for an annual update to the City Council on housing element status. Mr. Reliford responded that would be done.

Councilmember Polanski asked the City's "fair share" of housing per ABAG and on how other cities of Milpitas' size were doing relative to this city on their housing elements. Staff replied that all cities struggled with building of new housing in this market.

Mr. Reliford noted that there were projects with approximately 200 housing units, on the drawing board in Milpitas. Milpitas had a good lead with the Mid-Town Specific Plan and the Transit Area Specific Plan.

Mayor Livengood opened the public hearing, and heard no comments.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

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

(2) Motion: adopt Resolution No. 8004 authorizing the Housing Element General Plan Amendment and Negative Declaration

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

2. Ordinance No. 66.3 for City of Milpitas Standard Drawings, Specifications and Engineering Guidelines for Public Works

Utility Engineer Kathleen Phalen described Ordinance No. 66.3 which was introduced at the last City Council meeting. It was to adopt standard drawings, specifications, and engineering guidelines in order have consistent and acceptable quality of City infrastructure to apply to public and private construction projects.

Mayor Livengood opened the public hearing, and heard no comments.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

The lengthy title of the ordinance had previously been read aloud by the City Attorney at the City Council meeting on June 1, 2010, prior to its introduction.

(2) Motion: to waive the second reading and adopt Ordinance No. 66.3

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

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

3. Resolution to Approve Engineer's Report and Levy Assessments for LLMD 95-1 McCarthy Ranch

Utility Engineer Kathleen Phalen displayed the location of the McCarthy Ranch maintenance district, consisting of 34 parcels. It was established to maintain landscaping, irrigation and pedestrian lighting in the area. Staff displayed fund balances and noted there was no proposed increase in the assessment for next year, with the amount of \$276,676. Ms. Phalen displayed photos of the attractive landscaping features at the site.

Mayor Livengood opened the public hearing, and heard no comments.

(1) Motion: to close the public hearing

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

(2) Motion: to adopt Resolution No. 8005 approving the annual Engineer's Report, confirm diagram and assessment, and order levy of assessments for FY 2010-11 for Landscaping and Lighting Maintenance Assessment District No. 95-1

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

4. Resolution to Approve Engineer's Report and Levy Assessments for LLMD 98-1 Sinclair Horizon

Utility Engineer Kathleen Phalen displayed the location of the Sinclair Horizon maintenance district, consisting of 98 parcels. It was established to maintain landscaping, irrigation and pedestrian lighting in the area. Staff displayed fund balances and noted there was no proposed increase in the assessment for next year, with the amount of \$35,847. Ms. Phalen displayed photos of the attractive landscaping features at the site.

Mayor Livengood opened public hearing, and heard no comments.

(1) Motion: to close the public hearing

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

(2) Motion: to adopt Resolution No. 8006 approving the annual Engineer's Report, confirm diagram and assessment, and order levy of assessments for FY 2010-11 for Landscaping and Lighting Maintenance Assessment District No. 98-1

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

UNFINISHED BUSINESS

One item was approved on the consent calendar.

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 7:46 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 June 1, 2010, as submitted

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

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

RA4. Resolution to Authorize Release of Restrictions on some Affordable Housing units

Principal Housing Planner Felix Reliford reported that staff responded to earlier comments from the Council, for information about housing units that were desired to be sold by current residents. An "imperfect storm" presently was what was found with the region's economy. He stressed the overall satisfaction by Milpitas residents who have purchased and moved into the lower-than-market rate housing units.

Mayor Livengood commented on why the City was struggling on this issue, with the fact that the marketplace home prices were falling and so the incentive to participate in the

affordable program was reduced.

Vice Mayor McHugh thanked Mr. Reliford for the information provided. He understood the market forces and the reason for the request to adopt the resolution.

Motion: to adopt Resolution No. RA384 authorizing the release of resale restriction agreements for the four affordable housing units identified in the resolution

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

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

RA5. Market Demand Study for Conference Center

Economic Development Manager Diana Barnhart introduced the consulting architect and consultant who would present information on the first phase of the study regarding demand for a potential Milpitas Silicon Valley Conference Center. Mr. David Schnee of Group 4 Architecture reported that staff was at the one-third point of the study.

Mr. John Kaatz, consultant from Convention Sports & Leisure, explained the summary of interview points with local hoteliers in Milpitas. He defined many types of meeting needs that existed in the business community, and locations where groups currently went for corporate meetings. Corporate demand was demonstrated via the survey, with 47% likely to hold a meeting once or twice a year, at least.

Mr. Schnee reviewed next steps in the Feasibility Study, part II and part III.

Ms. Barnhart reported that there were additional studies to review and add to the report information. She wanted to report to Council this evening on the status to date.

Mayor Livengood commented to the consultants: he strongly believed there would need to be a new revenue stream to fund any conference center. Most likely an increase in the transfer occupancy tax would be necessary to secure ongoing funding.

Vice Mayor McHugh responded that financial viability was critical. In Section 4 of the market demand analysis, he inquired about the 26% that would not hold an event at a Milpitas Silicon Valley Conference Center. Mr. Kaatz responded that many of those would hold a meeting on their own building site, i.e. those with adequate space.

Motion: to receive the Market Demand Study update on the Milpitas Silicon Valley Conference Center and to direct staff to move forward with next steps

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

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

***RA6. Purchase of Property at 230 N. Main Street**

Authorized the Agency Executive Director to execute a contract to purchase the property located at 230 North Main Street for a total price of \$6.8 million including reimbursable costs. Approved a \$6.8 million loan between the Housing and Project Funds and the Budget Change Form.

***RA7. Resolution of Final Acceptance**

Adopted Redevelopment Agency Resolution No. RA385 / City Council Resolution No. 8007, granting final acceptance of the Midtown North Main Street Streetscape Improvements Project - Phase 2, Projects No. 8165 and No. 8153, and release of the contractor's bond.

RA 8. ADJOURNMENT

Chair/Mayor Livengood adjourned the Redevelopment Agency meeting at 8:08 PM.

REPORTS OF MAYOR AND COUNCIL

6. Commission member Item was moved to consent calendar.

8. City Noise Ordinance Councilmember Giordano briefly remarked that she asked for this topic to be placed onto the agenda based on comments received from a Milpitas resident. She requested staff to provide an update to the City Council on the current noise ordinance. Planning Director James Lindsay addressed the City Council, giving an overview of tools used to handle noise complaints. Existing municipal code contained a noise prohibition between the hours of 10:00 PM and 7:00 AM. The other instrument used was the California Penal Code, which references no disturbances allowed.

Mr. Lindsay and Police Chief Dennis Graham, who also came forward, agreed that the current tools were adequate to deal with infrequent complaints of excessive noise in Milpitas. Staff reported to Council that no changes were needed with proper enforcement of the current codes.

Councilmember Giordano responded that the reason that she got a complaint was mostly related to the time constraint. Therefore, she felt it might be prudent to review this topic again since it had been eleven years since residents last reviewed the ordinance.

Councilmember Polanski requested that the Citizens Advisory Commission look at this issue. That body was interested in reviewing the noise ordinance to determine if changes were needed, especially with regard to daytime hours. She had heard some concerns regarding the recent helicopter landing near Rancho School.

Motion: to receive staff oral report and to forward the topic of the noise ordinance and stated time limitations to the Community Advisory Commission for review and input back to the City Council

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

9. Issue of Contracting Out Fire Services Councilmember Gomez asked for this issue as a follow-up to recent budget discussions. The concept of cities contracting out services was frequently in the media lately, and recently about contracting out fire services. He sought a statement from Council, to firmly express the position of not contracting out services.

Councilmember Polanski valued public safety and services provided, especially the excellent response times. She was not in favor to contract out.

Vice Mayor McHugh thanked his colleague for putting this on agenda. Public safety was the most important service the City provided, and Council held direct control over the quality personnel in the two departments.

Councilmember Giordano gathered facts and had asked for a breakdown of costs for each City employee group. Public safety was 60% of all employees. The average firefighter earned \$193,000 per year. Compared to other cities, this was high, as quoted in a recent civil grand jury (Santa Clara County) report. She quoted from a San Mateo County grand jury report, and believed all issues must be on the table for the Citizens Budget Task Force.

Mayor Livengood next asked for speakers from the audience.

Steve King, representing IAFF Milpitas, thanked City Councilmembers for their support. He suggested to see City of Riverside on the web, and find that rates would go up 11% as that charged by CalFire to the city. Milpitas firefighters go above and beyond their duty

in Milpitas as a full service department. It would be a travesty to do away with the Milpitas Fire Department. He asked Council to read recent letters in the local newspaper, several of which supported the department.

Brian Bruce, Milpitas firefighter, was offended by anyone who would say he was part of the problem. He'd worked here for 12 years, and all fire department staff wanted to be part of the solution to any problems in the City. Previously, he had worked for Riverside County as a paramedic and also with CalFire. Levels of service could not be compared between a municipal fire department and a state agency, he stated.

Robert Marini, Milpitas resident, saw arguments on both sides of this issue. The Council de-leveraged if the topic was taken off the table for discussion. Salaries were out of control so it was just a matter of time when Milpitas was going to go bankrupt.

Nancy Mendizabal, Milpitas resident, asked to remove this topic as a budget item ever. Outsourcing was a bad idea, whether for the fire department, police department, or any other City department. The quality of the job was important and it was naïve to think others could come in to the City and do just as good a job. Budget issues should be dealt with when raises come up, at the time of contract negotiations.

Paul Mullett, President of Milpitas Employees Association, wished that Council would not look at outsourcing any City jobs. All departments did a great job for the citizens.

Mayor Livengood commented that from a sustainability standpoint, the City could not continue to operate the way it had been running to date. If it was a business model – they would kick Council out and show it was not viable. Any new model would likely need to include some outsourcing, but the question was where. He asked citizens their opinion on this issue and all said “you must be crazy.” Citizens were not interested in bargain-basement public safety and were used to a high level public safety services.

Councilmember Gomez commented on the issue of control, the City Council did have control over what happened. This was unlike nearby City of San Jose, where there was a binding arbitration rule.

Councilmember Polanski responded there was a reason Milpitas was not a suburb of San Jose, due to citizens who wanted to keep it their own community, with local services. She did not want to throw that away. She agreed with the Mayor that the budget was not sustainable as is, but the state's was not either. Costs would rise over time in any contract arrangement with the state.

Vice Mayor McHugh agreed with his colleagues and also wanted a policy statement made at this meeting, requested by Mr. Gomez. He agreed with Firefighter Bruce that firefighters were not the problem, and that all employees need to be part of any solution.

City Attorney Ogaz pointed out that only the fire department issue was on the posted agenda (not e.g. public safety, grouped with police services).

Councilmember Polanski stated again that she was not interested in contracting out any public services, and that was her personal statement.

Motion: to affirmatively state as a matter of policy that the City of Milpitas would not contract out nor consider contracting out the services now provided to the community by the Milpitas Fire Department

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

Motion carried by a vote of: AYES: 4
NOES: 1 (Giordano)

NEW BUSINESS

Three items were approved on the consent calendar.

11. Economic Development Report

Economic Development Director Diana Barnhart reviewed and updated details of her written report to Council on a variety of business and economic topics. She highlighted the May 26 grand opening of Season’s Marketplace on Landess, including the new Seafood City market.

Regarding wireless service provider Silicon Valley Unwired, at least 150 customers signed up routinely, as increased usage was noted. There was an expectation for much usage during the World Cup soccer competition this month.

The Venture Capital Forum, that was previously planned in the spring, was expected to be rescheduled in the fall.

The Silicon Valley Business Center along with the City was offering the new “Starting a Business” classes, as planned.

Motion: to receive the monthly economic development report from the Economic Development Director

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

ORDINANCE

15. Ordinance No. 238.3

Utility Engineer Kathleen Phalen reported that there was much driving increased water conservation activity in this area. She reviewed recent steps taken by the state, and discussed the local model ordinances recommended on limitations for water use and defined some of that related to green building and sustainability.

Ms. Phalen further reviewed the many accomplishments in the City regarding water conservation. She highlighted the existing water efficiency ordinance that the City has had for some time. It was in need of updating with the staff-recommended revisions proposed in the ordinance under consideration. She advised that the ordinance could be adopted at the next regular Council meeting in August, once introduced.

Mayor Livengood asked his colleagues if there were any questions, and none were heard.

Next, City Attorney Michael Ogaz read aloud the title of Ordinance No. 238.3, “An Ordinance of the City Council of the City of Milpitas Establishing Water Conservation in Landscaping Regulations.”

Motion: to waive the first reading beyond the title of Ordinance No. 238.3

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

Motion: to introduce Ordinance No. 238.3

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

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

RESOLUTIONS

Seven resolutions were adopted on the consent calendar.

BIDS AND CONTRACTS

24. Award Contract for Park Renovation 2009 Pathways, Project No. 5089

Eight items were approved on the consent calendar.

Vice Mayor McHugh asked for this item to be removed from consent calendar. He had questions regarding the process for determining the low bid and the contractor that was recommended in the staff report.

City Engineer/Director of Public Works Armendariz explained, with the two add alternate items included, there had been some erroneous bid totals submitted by one company. The correct bid numbers were reported on the sheet in agenda packet.

Motion: to reject the apparent low bid from ABSL Construction Inc. and award a construction contract including two add alternate items to AME Contracting Company for the Park Renovation 2009 Pathways, Project No. 5098, in the amount of \$65,695

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

ADJOURNMENT

Mayor Livengood adjourned the City Council meeting at 9:06 PM.

The foregoing minutes were approved by the Milpitas City Council as amended on August 3, 2010.


Mary Lavelle
City Clerk