

ANNOUNCEMENTS

Mayor Livengood highlighted the upcoming Grand Opening celebration of the brand new Barbara Lee Senior Center, next door to City Hall, on Saturday, August 14 at 10:00 AM. All were invited and he was excited for the new facility to soon be available to the senior community in Milpitas.

Councilmember Gomez responded to comments made by Mr. Ferguson.

Councilmember Giordano wanted City staff to look into the possibility of locating a Department of Motor Vehicles office in Milpitas and asked the City Manager to check into that. She had received two complaints about PG&E “smart meters” recently, and asked if the City played any role regarding those devices and their proper operation.

Councilmember Polanski noted as a follow-up on Ms. Giordano’s comment that she too had received comments about those meters, and asked if maybe PG&E could attend a Council meeting and make a presentation. City Manager Williams noted that staff was working on that. “National Night Out” would be celebrated in Milpitas on Thursday evening. She highlighted that Police and Fire Department officers would participate in many of the neighborhood events.

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

Councilmember Giordano requested to remove Item No. 18 for a public report on the rebate program for residents.

Councilmember Gomez requested to add Items No. 5 and No. 6 to consent.

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

- *4. Names for Art-Senior Center Approved the Senior Center entrance vestibule art nomination list.
- *5. Donation to Kiwanis Authorized a donation in the amount of \$1,500 to the Milpitas Kiwanis for the Kohl’s Cares for Kids Event, per recommendation of the Mayor.
- *6. Commission appointment Appointed Mr. John H. Luk as Alternate Member of the Planning Commission, with a term to expire in December 2012.
- *7. Task Force Appointment Appointed Ms. Ami Shah to serve as a member on the Citizens Budget Task Force.
- *8. Commission re-appointments Bicycle Pedestrian Advisory Commission
Re-appointed Jose Leon to a term that expires in August 2013.
Re-appointed Aaron Faupell to a term that expires in August 2013.

Emergency Preparedness Commission
Appointed Stephen Strauss as a regular member to a term that expires in June 2013.
Appointed Michael Caulkins as Alternate No. 1 to a term that expires in June 2011.
Newly appointed Don Clendenin as Alternate No. 2 to a term that expires in June 2011.
Assigned current member Tim Howard as the small industry representative.

Sister Cities Commission

Re-appointed Dana Arbaugh to a term that expires in September 2013.

Re-appointed Roselda Mateo to a term that expires in September 2013.

- *11. Support for AB1998 Approved sending a letter of support for Assembly Bill 1998 to phase out single-use carryout bags to legislators in Sacramento.
- *12. Adopt Ordinance No. 238.3 Waived the second reading and adopted Ordinance No. 238.3 to repeal and replace Title VIII, Chapter 5 of the Milpitas Municipal Code to amend the City's Water Efficient Landscape ordinance.
- *13. Resolution Projects No. 5085 and No. 5088 Adopted Resolution No. 8019 granting initial acceptance of the Cardoza Park Playground Renovation and Electrical Cabinet Upgrade, Projects No. 5085 and No. 5088, subject to a one-year warranty period and reduction of the faithful performance bond to \$77,231.
- *14. Resolution of Final Acceptance for Project No. 3208 Adopted Resolution No. 8020 for final acceptance of the Town Center Residential project.
- *15. Resolution to Purchase Riding Mower Adopted Resolution No. 8021 approving the sole source purchase of the Toro Groundmaster 5910 Diesel 99 HP Mower from Turf Star Inc. for the not to exceed amount of \$92,513.37.
- *16. Amendment No. 2 to the Agreement with Bellinger, Foster, Steinmetz Landscape Approved amendment No. 2 to the agreement with Bellinger, Foster, Steinmetz Landscape Architecture, in the amount of \$20,000, Project No. 5055.
- *17. Award the Bid for City Hall Annual Fire Alarm Testing Awarded the bid for City Hall annual fire alarm testing and maintenance to Carter Brothers Fire and Life Safety for the annual not-to-exceed amount of \$53,022.00
- *19. Amendment No. 2 with Premier Recycle Company, Authorized the City Manager to execute Amendment No. 2 with Premier Recycle Company and authorized staff to grant a three-year agreement extension upon finding compliance with the agreement terms.
- *20. Approve Easement Grant of at Jose Higuera Adobe Park Approved a grant of easement at Jose Higuera Adobe Park to Santa Clara Valley Water District and authorize the City Manager to execute the easement deed.
- *21. Award Bid for 5 Police Vehicles Awarded the bid for four 2011 and one 2010 Ford Crown Victoria Police Interceptors to Salinas Valley Ford for the not-to-exceed amount of \$162,576.89.
- *22. Accept State Grant to Fund for Recycling Student Intern Accepted a California Department of Resources Recycling and Recovery Grant in the amount of \$8,615.
Approved a budget appropriation in amount of \$8,615 from the California Department of Resources Recycling and Recovery Grant to the Solid Waste Reduction Fund.
Approved a temporary student intern position for Beverage Recycling and Litter Reduction Activities in the Solid Waste Section.
- *23. Agreement for Storm Drain Master Plan – Schaaf & Wheeler Authorized the City Manager to execute a consultant agreement for the Storm Drain Master Plan with Schaaf & Wheeler.
- *24. Master Agreement with the Santa Clara VTA Authorized City Manager to execute a Master Agreement with Santa Clara Valley Transportation Authority relating to Silicon Valley Rapid Transit Program Berryessa Extension Project.
- *25. Pay Peelle Technologies Approved a payment of \$23,960.00 to Peelle Technologies for annual renewal of maintenance and support services for document imaging equipment and software.

PUBLIC HEARINGS

1. Resolution Approving JAG grant funds for Police Dept.

Police Commander Steve Pangelinan expressed the amount of the grant and the Police Department's desire to expend the Justice Assistance Grant for 2010 funds on a license plate reader device this year.

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. 8015 accepting the 2010 Justice Assistance Grant in the amount of \$18,517, and approve an appropriation in the amount of \$18,517 into the Police Department's operating budget

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

2. Weed Abatement Assessments for 2010

Fire Marshal Albert Zamora provided the history to date of the annual weed abatement program and necessary assessments. A copy of the list of properties to be assessed after weeds were cleared at those locations was included in the Council agenda packet.

Mr. Ray Moreno, County Weed Abatement Coordinator for Santa Clara County Agriculture Department, was available to answer questions from the Council.

Vice Mayor McHugh noted the short list of assessed properties, compared to the past, and that indicated good compliance overall, with which the Fire Marshal concurred.

Mayor Livengood opened the public hearing for comments and none were heard.

(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. 8016 confirming the weed abatement report and assessment list to be entered on the tax assessment bill for the 2010 weed abatement program

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

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

OTHER BUSINESS

3. Presentation by the SCVWD Board of Directors Chairman

Board Chairman Richard Santos of the Santa Clara Valley Water District addressed the City Council with an update of programs and services provided by the District to water customers and the community. He also noted one of the District's engineers was present in the audience if there were any detailed questions from City Council.

He appreciated the opportunity to visit Milpitas and the Mayor thanked him for coming.

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 7:27 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 15, 2010, as submitted

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

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. Progress Report on New Senior Center

City Engineer/Public Works Director Greg Armendariz presented the last update on the brand new building, which was set to open on Saturday, August 14 and open for regular business the following Monday, August 19. This project was due to come in well under budget, including a savings of approximately \$2.3 million, in part due to limited change orders.

Mayor Livengood highlighted the onetime savings, coming in under budget, as a very positive aspect of the building project. Vice Mayor McHugh thanked staff on the tremendous accomplishment. Councilmember Polanski thanked staff and colleagues and all who worked on the senior center facility. She looked forward to joining as a member.

Councilmember Giordano commented that the center adds meeting room space in the city, and that should help with requests especially at the Community Center.

Motion: to accept the oral staff report on the progress of the new Senior Center

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

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

RA5. Owner Participation Agreement with Integral Communities and Negative Declaration for the McCandless Mixed Use Project

Planning Director James Lindsay provided an overview of the major new development project in the transit area of the City – the McCandless Mixed Use Project by Integral - as part of the Transit Area Plan. This project would encompass 23 acres, with 1,328 new housing units including 15% restricted for lower income, and 92,000 square feet of commercial space significantly including a dedicated space for a new grocery store.

The Redevelopment Agency was requested to approve the Owner Participation Agreement (OPA) which would secure a permanent use covenant for the grocery store. \$122 million was the estimated tax increment revenue over the life of the project area. Construction of the project would be phased in, with a total of four buildings completed in a ten year-period. Mr. Lindsay stated the builder/developer was present to answer any questions.

announce if his/her position differs from the City's position.

2) A Councilmember who is acting in some official capacity outside City Hall shall not mention the office he/she is running for or mention other candidates for office, including when presenting proclamations or commendations – or any other official documents.

3) No public declaring of investigations by Councilmembers from the dais, especially at election time, and this must be avoided in future.

4) At no time should a Councilmember campaign from the dais (i.e. not announce campaign for office, otherwise excuse him/herself from the dais and speak at podium).

Ms. Giordano asked staff for a video presentation on the last item, which demonstrated two occasions in the past when City Councilmembers announced from the dais that they were running for office. Finally, she requested staff to bring language back to City Council for consideration to add to the City Council Handbook.

After comments by City Council on the ideas presented by Councilmember Giordano, the Mayor asked for any speakers from the audience.

Eileen Watley addressed the first item and referred to public meetings she had attended regarding a planning issue at a County meeting. She noted that the Vice Mayor was present then and she thought he was representing the City. It could be helpful to permit only one person to represent the City at an outside agency meeting.

Motion: to defer this topic until following the municipal election in the fall, for the next City Council to consider

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.

10. Staff Report on FEMA Flood Insurance Program, Flood Zones, and Flood Improvements

Mr. Armendariz discussed layout of the floodplains in Milpitas and provided an overview of the history of flood control in the City. He discussed the Manor neighborhood specifically and past experiences there. There was desire to remove it from floodplain maps and thus remove the requirement for participation in flood insurance. He displayed maps showing flood plains and where improvements had been made throughout the City.

Councilmember Giordano asked how an individual property owner could challenge FEMA. Staff noted the information was on the website. In 2014, Mr. Armendariz explained that all projects would start by that year for improvements to the creeks in Milpitas, by the Santa Clara Valley Water District. When done, the work could represent much savings potential on insurance costs for property owners.

Vice Mayor McHugh informed Mr. Armendariz that he would like a copy of the power point presentation following the meeting, and staff agreed to provide it.

The Council thanked the City Engineer for his presentation, and no vote was taken.

ORDINANCE

One ordinance was adopted on the consent calendar.

RESOLUTIONS

Three resolutions were adopted on the consent calendar.

BIDS AND CONTRACTS

Nine items were approved on the consent calendar.

18. Cost-Sharing Agreement with the Santa Clara Valley Water District

Councilmember Giordano requested this item was removed from consent calendar. She wanted a staff report on how to apply for landscaping rebate.

Utility Engineer Kathleen Phalen discussed the rebate match available in the water efficient landscape program of the Santa Clara Valley Water District. Residents could call the City's Engineering staff and/or call the District to find out the appropriate steps to get a rebate on landscaping work. It could add up to \$5,000 in total rebates for the City of Milpitas. Information was available on both the City's and the District's websites, at least through current Fiscal Year.

Motion: to authorize the City Manager to execute a cost-sharing agreement with Santa Clara Valley Water District to provide a match for the Water Efficient Landscape Rebate for City of Milpitas residential customers for Fiscal Year 2010-11 in an amount not to exceed \$5,000

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

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

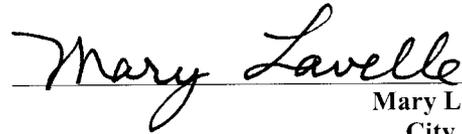
DEMAND

One item was approved on the consent calendar.

ADJOURNMENT

Mayor Livengood adjourned the City Council meeting at 8:50 PM.

The foregoing minutes were approved by the Milpitas City Council as amended on August 17, 2010.



Mary Lavelle
City Clerk