

Bruce Rogers, a ten year resident of Milpitas, volunteered at the Food Pantry and wanted to counter some of the remarks made by speakers opposed to the Food Pantry at the city building. He provided his own facts about provision of food to those in need at the non-profit.

Cecilia Du, a KB Home community resident, spoke to City Council with a series of questions about the potential move of the Food Pantry. She wanted a win-win situation, without causing another set of problems.

Ms. Lee, a KB Home community resident, thought that maybe there were cultural differences in residents of her area. People use the park and talk with children in their own language.

Karen Kolander, Director of Milpitas Food Pantry and Milpitas resident, mentioned many citizens, donors, City staff and local government supported the Food Pantry moving to the new location. A minority was opposed to the potential move and she invited everyone to visit the facility.

Ahnka Chow, a KB Home community resident, supported the Food Pantry but did not support the new location suggested. She was a donor to many organizations such as Goodwill and Second Harvest. She brought a bag of groceries for the Food Pantry to show residents do have a heart.

Jun Zin, a Milpitas resident, understood the needs of Food Pantry and need to move. He did some research about locations of all other food banks in the bay area, and most were in commercial or light industrial areas. None were in residential areas.

Stanley Chan, a KB Home resident, asked when the Council would be able to address this issue. He was concerned for crime and bringing in trouble to the area where the Food Pantry would be located. He asked why mix in this crowd here where he lived, and cared about property value.

PRESENTATION

Mayor Livengood presented a proclamation to World War II Filipino veterans for their service to America in the 1940s. Half a dozen of the older veterans were present, who were officially recognized and provided benefits by the U.S. government recently. 90-year-old veteran Nunio Villegas addressed the Council and thanked them for the proclamation. Mayor Livengood was asked to provide copies of his proclamation for all the WWII veterans in the American Legion Northside Post, San Jose.

ANNOUNCEMENTS

Councilmember Gomez brought up the issue of the Sal Cracolice building, and asked that the matter be agendized on September 7. He asked residents to take up the offer from Food Pantry Director Karen Kollander to visit

Councilmember Giordano complimented the Mayor on his terrific remarks at the opening of the grand new Senior Center that opened last Saturday. She thanked also Councilmembers McHugh and Polanski for their hard work on the Subcommittee on the new center.

Vice Mayor McHugh (1) thanked the Mayor for issuing the Proclamation to the Filipino veterans, (2) this area was still on track for September 20 as opening of the first "HOT" lane on Interstate 680 for commuters, with use of Fastrak devices, and (3) was saddened that some people had made a political issue out of the Food Pantry, with unnecessary fear spread. He pointed out that the current location of the Food Pantry was near a school and day care center, with no problems.

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: 4

NOES: 0

ABSENT: 1 (Polanski)

CONSENT CALENDAR

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

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Polanski)

- * 6. Resolution Defining Guiding Principles Adopted Resolution No. 8025 defining Guiding Principals for the San Jose/Santa Clara Water Pollution Control Plant Reconstruction and Land Use Alternatives Master Plan.
- * 7. Resolution Approving Sole Source Purchase of Hot Mix Asphalt from 2 Vendors Adopted Resolution No. 8026 making sole source findings and authorizing negotiation of two fixed price, multi-year hot mix asphalt material purchase agreements with the firms Granite Construction Co. and Reed & Graham Inc. for the combined not-to-exceed annual amount of \$80,000.
- * 8. Resolution Amending the Classification Plan Adopted Resolution No. 8027 amending the City of Milpitas Classification Plan to re-title one Hazardous Materials Inspector in the Fire Prevention Division to a Fire Prevention Inspector. Approve the budget change form transferring funding from the Hazardous Materials function to the Inspection and Investigation function.
- * 9. Contract Amendment for Fire Inspection services Approved an amendment to the contract for fire inspection and plan review services of Frank Martorella for a total amount-not-to-exceed \$64,000 annually.
- *10. McCarthy Ranch Landscape Maintenance Services Contract Awarded the bid and authorized the City Manager to execute a contract with Jensen Landscape Services, Inc. for McCarthy Ranch Landscape Maintenance Service for the annual not to exceed amount of \$62,879.
- *11. Amendment No. 4 to the Agreement with ThyssenKrupp Approve Amendment No. 4 to the agreement with ThyssenKrupp Elevator Platinum Maintenance and Repair for an annual not-to-exceed amount of \$32,651.40.

PUBLIC HEARING

- 1. Public Hearing and Introduce Two Ordinances Amending the Sign Code and Approving a Development Agreement with Milpitas Auto Properties, LLC, and Adopt a Resolution Approving Off-Site Advertising Display at 950 Thompson St. Prior to the oral staff report, City Manager Williams pointed out that a revised version of the development agreement (exhibit to Ordinance No. 38.796) was distributed at the dais. Economic Development Manager Diana Barnhart gave an overview of the sign ordinance project and a proposed more user-friendly process for off-site advertising displays. She also presented a development agreement and site development permit for the Piercey Toyota site in order to construct a new lighted electronic sign. Two ordinances were recommended to accomplish these actions, including a 10-year development agreement with a revenue sharing component. "Lights-on" for the new sign was anticipated in early 2011.

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

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Polanski)

City Attorney Ogaz read aloud the title of Ordinance No. 38.788 "An Ordinance of the City Council of the City of Milpitas repealing Title XI Chapter 30 "Signs" and Amending Title XI, Chapter 10 for the Purpose of Integrating Provisions Reviewing Signs and Including New Provisions for Off-site Advertising Structures."

(2) Motion: to waive the first reading of Ordinance No. 38.788 beyond the title to approve amendments to the municipal code regarding signs

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Polanski)

(3) Motion: to introduce Ordinance No. 38.788

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Polanski)

City Attorney Ogaz read aloud the title of Ordinance No. 38.796 "An Ordinance of the City Council of the City of Milpitas Approving a Development Agreement Between the City of Milpitas and Milpitas Auto Properties, LLC."

(4) Motion: to waive the first reading of Ordinance No. 38.796 beyond the title to approve amendments to approve the Development Agreement

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Polanski)

(5) Motion: to introduce Ordinance No. 38.796

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Polanski)

(6) Motion: to adopt Resolution No. 8022 approving the off-site advertising display at 950 Thompson Street

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Polanski)

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 and Gomez

ABSENT: Agency/ Councilmember Polanski

RA 2. MINUTES

Motion: to approve the Agency meeting minutes of August 3, 2010 as submitted

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Polanski)

NEW BUSINESS

3. Monthly Economic Development Report

Economic Development Manager Diana Barnhart provided an oral report on recent economic development activity in Milpitas.

At the Great Mall of Milpitas, several new stores were going in. Business outreach efforts were yielding financial rewards to the City, especially from use tax receipts. Soladigm, the specialty window manufacturer, had no luck with federal earmark grant funding from Congress after some effort. On the new freeway signs, earlier tonight was the approval for Piercely Toyota lighted sign. Future signs for the Great Mall and McCarthy Ranch were under discussion. The California First solar energy efficiency program was being implemented.

Councilmember Giordano asked if there was any Community Development Block Grant funding for the California First program and staff responded no.

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

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Polanski)

4. Response to Civil Grand Jury Report of 2009-10

Human Resources Director Carmen Valdez summarized the draft response to the Civil Grand Jury, regarding the City's reply to issues raised about increasing public employee costs at a time when revenues were reduced. She briefly reviewed the 15 recommended solutions for city employees' benefits and wages.

Mayor Livengood noted the City was required to respond by August 26, so the Council needed to authorize the response letter this evening.

Vice Mayor McHugh commented that it was an excellent letter written in response to the grand jury, and commended the Mayor. Mr. McHugh asked for supporting information on Finding No. 1 response respecting the CPI. On Recommendation No. 4, he questioned employees who were covered for their healthcare benefit by another employee, and the City Attorney responded.

Mayor Livengood felt the larger overall issue was a cost issue, so as soon as employees were a part of the cost increases for rising health care expenses, when they have a stake in it, the City could get its arms around the issue. On the topic of outsourcing, the Mayor noted the response was underwhelming. Most residents he talked with don't want it, while he felt it must be on the table for future budget discussion. Councilmember Gomez agreed with the Mayor.

Councilmember Giordano noted time was of the essence, with only a short time to review the draft response letter. She made three points to state her opposition: (1) voted against Police and Fire employee pay raises in 2009, (2) voted against the furlough program last year, currently in place, and (3) voted against the budget due to the firefighters not giving up their scheduled pay raise, rather only deferring it. She would not support the draft reply letter from the Mayor to the County Grand Jury.

Motion: to authorize sending the letter of response from the City of Milpitas to the Santa Clara County Civil Grand Jury Report and authorize the Mayor to sign it

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

Councilmember Gomez commented that the City of Milpitas was farther along than many other cities in Santa Clara County with respect to efforts in response to issues raised by the Grand Jury.

Motion carried by a vote of: AYES: 3
NOES: 1 (Giordano)
ABSENT: 1 (Polanski)

ORDINANCE

5. Ordinance No. 274.1

Assistant City Attorney Bryan Otake explained the proposed ordinance amendment was in response to a previous Council request to provide a way to recover costs of non-payment of fees related to properties where nuisances were not abated and violations were issued.

City Attorney Ogaz read aloud the title of Ordinance No. 374.1 "An Ordinance of the City Council of the City of Milpitas Amending Chapter 1100 of Title V of the Milpitas Municipal Code Relating to Public Nuisances and Their Abatement."

(1) Motion: to waive the first reading beyond the title of Ordinance No. 274.1

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Polanski)

(2) Motion: to introduce Ordinance No. 274.1

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Polanski)

RESOLUTIONS

Three resolutions were adopted on the consent calendar.

BIDS AND CONTRACTS

Three items were approved on the consent calendar.

ADJOURNMENT

Mayor Livengood adjourned the City Council meeting at 8:20 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on September 7, 2010.


Mary Lavelle
City Clerk