



Isaac Hughes, Milpitas resident, commented on remarks he heard from certain city staff at City Hall. He stated he was accused of being a lobbyist by someone on City staff. City staff and officials must follow the open government ordinance.

Juniel Butler, 48 Cedar Ct, spoke in light of the recent PG&E gas pipeline explosion incident in San Bruno, and understood there was a major pipeline here in Milpitas. She would like the City Council to give residents information about where specifically those lines were located and the conditions of those, including how residents were protected.

## **ANNOUNCEMENTS**

Mayor Livengood announced that he and City staff were in contact with PG&E recently to obtain information. He sought complete transparency from the utility, asking to see the main records, including the amount of energy pushed through the gas lines in this city. It was important that the NTSB stay involved in the process. Furthermore, the relationship between the PUC and PG&E was “too cozy” from his point of view. He wanted citizens to be aware.

City Manager Williams announced that information was on the City’s website with a link to PG&E’s 1-800 phone number along with a link to maps showing major pipelines, including those that run through Milpitas.

Councilmember Polanski appreciated comments from the Mayor on PG&E. She requested an item on October 5 regarding the ordinance about campaign contributions, in order to potentially clear up ambiguity.

Vice Mayor McHugh thanked the Mayor for allowing Mr. McHugh to recently welcome a delegation from India to Milpitas. Also, the Vice Mayor represented the City on the express lanes advisory board and was pleased to announce the very first HOV lane opened on I-680 through Milpitas on Monday.

Councilmember Gomez discussed a recent incident regarding his son who broke his arm. He thanked Randall School, the City’s dispatch, as well as the Milpitas firefighters who responded to help his family.

Councilmember Giordano congratulated Milpitas Unified School Board and the district on the many schools with raised API scores locally. She attended an American Legion Mission City Post event for MIA-POW recognition, where former Milpitas Mayor Denny Weisgerber was the featured speaker. She requested staff to research, regarding the Alviso Adobe, when there would be a groundbreaking or other ceremony at the refurbished facility.

## **ANNOUNCEMENT OF CONFLICT OF INTEREST**

None.

## **APPROVAL OF AGENDA**

Motion: to approve the agenda, as amended

City Manager Williams requested to remove Item No. 1 from the agenda, to be heard at a future meeting date when City Engineer Greg Armendariz will be present.

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

A member of the audience requested that Item No. 9 to be removed, and Councilmember Polanski supported his request.

Motion/Second: Councilmember Polanski/Councilmember Giordano

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



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

3. Ordinance and Resolution for  
Rezone of Town Center

Planning Director James Lindsay explained the property owners' request to re-zone their 26 acres in an industrial park section in the center of the City. The owner was requesting Town Center zoning, similar to the surrounding development, with more intense usage potential. The Planning Commission recommended approval of the re-zoning to the City Council.

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

City Attorney Ogaz read aloud the title of Ordinance No. 38.797 "An Ordinance of the City Council of the City of Milpitas Amending Chapter 10 of Title XI of the Milpitas Municipal Code for the Purpose of Combining the Town Center Sub-Districts and Amending Certain Use Categories; and an Amendment to the City's Zoning Sectional Map, Changing the Zoning Designation of 50 Acres from Heavy Industrial, Highway Services and Industrial Park to Town Center."

(2) Motion: to waive the first reading beyond the title of Ordinance No. 38.797

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

(3) Motion: to introduce Ordinance No. 38.797

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

(4) Motion: to adopt Resolution No. 8032 approving the General Plan amendment and Negative Declaration for the Los Coches (Town Center) rezone project

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

**UNFINISHED BUSINESS**

4. Report on Polystyrene  
Containers and Potential Ban

Principal Engineer Kathleen Phalen displayed a "Spork Crab" on screen to start her presentation about polystyrene trash. The next coastal clean-up was scheduled on Saturday, September 25. She reviewed the status of the topic, and defined polystyrene (v. Styrofoam). Staff described what other cities have done with regard to collecting this trash, recycling efforts, and outright bans on food containers and/or plastic grocery bags.

Recommended by staff was to issue a Request for Proposals for a study, and to bring the consultant agreement to Council for approval.

Mayor Livengood then asked for a slightly different approach, since the local provider Allied Waste informed the City recently that it could recycle the polystyrene. This meant that potentially a ban on the containers may not be the best approach. The Mayor then invited speakers to the podium.

Public comment:

Alison Chan, representing Save the Bay, spoke on behalf of supporters throughout the Bay area. She reported that 42 cities adopted bans on polystyrene, including nearby Fremont. No City spent resources on a study on the economic issues. She noted that the City of San Jose did not do a study with regard to plastic bags, but rather put their focus on removing the litter from storm drains.

Ed McGovern, representing the American Chemistry Council, referred to a letter received from Allied Waste and the possibility of a recycling program. He discussed other cities such as Los Angeles that had recycling programs for these products. He supported the Mayor's prudent recommendation.

Vice Mayor McHugh noted that McDonald's restaurants had changed from polystyrene to cardboard and paper containers. He asked staff about timeframes and the impact on local businesses. He was willing on a short-time basis to try a recycling program.

Mayor Livengood felt the City could start a recycling program now with Allied Waste, and await the staff's work on the RFP and study results. The public could become aware of recycling right away and give a chance to allow recycling on products delivered to homes, more so than restaurant take-out containers.

Councilmember Polanski asked how much the cost of a study would be. Staff was not certain, but may be approximately \$30,000, especially for a full environmental study. She agreed with moving forward on recycling program, as offered.

Motion: to approve the following

1. to receive the staff report on ordinances that ban polystyrene products, as adopted by other California cities such as Palo Alto and Berkeley
2. to proceed with the recycling program offered by Allied Waste
3. to direct staff to issue a Request for Proposals to study the potential impacts of a Milpitas polystyrene ban and include a plan for stakeholder outreach and public awareness

Motion/Second: Councilmember Gomez/Councilmember Giordano

Councilmember Polanski announced she would vote no, since she was not in favor of paying a consultant to express information she felt was already known.

Motion carried by a vote of: AYES: 3  
NOES: 2 (Polanski, McHugh)

Vice Mayor McHugh wanted to explain his No vote, that he was ok with the ban on food containers, and on other items, there is merit in proceeding as the Mayor's suggested. He had wanted to ban the food containers at this time.

**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 7:58 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 September 7, 2010 as submitted

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

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSTAIN: 1 (Livengood)

**RA 3. Agenda Approval**

Motion: to approve the agenda as submitted

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

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

**RA4. Financial Status Report for FY Ended June 30, 2010**

Finance Director Emma Karlen discussed the city’s financial status at the end of FY 2009-10. The City was in the middle of the annual audit of the prior Fiscal Year, so information she presented was from the unaudited results. She reported that all major categories of revenue were down versus budgeted amounts, except for a tiny increase in property tax revenue.

There was good news on the expenditures side, where a savings of 6.42%, or \$4.33 million, was achieved overall on City expenditures, including salary and benefits, and services and supplies. Staff did a good job at keeping an eye on all expenses last year.

The Redevelopment Agency loan payment amount due was \$4.4 million at the conclusion of the last fiscal year, not the maximum amount of \$6.2 million as requested at budget adoption time last June. Next, Ms. Karlen reviewed available reserve funds in the General Fund and the Redevelopment Agency Fund

Mayor Livengood commented on savings achieved by staff with the nearly \$2 million in savings on salary and benefits line, over the last fiscal year, which he appreciated. He noted the PERS stabilization fund of \$5.4 million, which was something most cities did not have.

Councilmember Giordano inquired about the amount budgeted for reserves in the new FY 2010-11. She also asked for clarification that no reserves were used to balance the prior FY 2009-10 and that was confirmed.

City Manager Williams publicly commented on the good work of City staff, working together, to achieve the savings reported.

Vice Mayor McHugh supported the Mayor’s comments, and commended the City Manager and City staff. He felt it was a very healthy reserve amount, at 22.2% of the budget.

Motion: to receive the unaudited financial status report for the Fiscal Year ended June 30, 2010

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

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

**RA 5. ADJOURNMENT**

Chair/Mayor Livengood adjourned the Redevelopment Agency meeting at 8:12 PM.

**REPORTS OF MAYOR, COUNCIL AND COMMISSIONS**

6. Shopping Cart Removal Ordinance review

Councilmember Gomez had received comments from residents and talked to staff regarding shopping cart pick-up. Some stores were part of the City’s program and others were not, and this created a problem at times. He also wanted to increase the once-per-day pick-up time. Non-participating stores had up to three days to pick their carts up from the City. Mr. Gomez wanted twice per day pick-up on the current contract and also to impose fines on the companies that did not comply with the ordinance.

He recommended that the City Council: (1) renegotiate with the current contractor to collect carts twice per day from stores in the program, and (2) to assess fines on stores not participating in the program if they did not come pick those carts up from the City, within a certain number of days. This would bring in revenue to cover the cost of additional cart pick-up.

Councilmember Giordano agreed with Mr. Gomez. Other areas of the City were plagued with the same problem so the ordinance should apply city-wide.

Councilmember Polanski supported the suggestion and recommendations by Mr. Gomez. The Community Advisory Commission had discussed this issue, too. Vice Mayor McHugh expressed his support for the excellent suggestion.

Motion: to direct staff to renegotiate the current agreement (for twice per day pick up of shopping carts) and move to enforce the current ordinance on shopping cart pick-up

Motion/Second: Councilmember Gomez/Vice Mayor McHugh

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

7. Soccer Field Solar Lighting

Councilmember Giordano requested this item on the agenda. She desired solar lighting provided by Milpitas company SunPower at soccer playing fields. Staff reported that the company was interested in this concept. Following a meeting with staff and company representatives, the foundation at SunPower would consider a proposal to fund a project.

Ms. Giordano would like staff to consider the area at the Milpitas Sports Center, between the parking lot and playing fields, where there is dirt on surface space. If there was a re-working of that space for playing fields, it had potential for solar. She wanted staff to return with a further evaluation and report with additional information.

Motion: to direct staff to complete a design and evaluation of the Sports Center complex as a possible location to provide new soccer playing fields in conjunction with SunPower lighting those fields with solar power

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

8. Citizens Budget Task Force status update

Councilmember Giordano invited the Chair of the Citizens Budget Task Force Joseph Weinstein to address the City Council.

Mr. Weinstein identified the meetings held to date in which the group was looking at four main areas of the City budget: (1) salary & benefits, (2) departments, (3) programs, and (4) revenue & income.

So far, the Task Force has been gathering a great deal of information. He thanked a list of people from City staff, community and the Council who have assisted the Task Force in their work effort. The Task Force sought input from citizens on the City website. In addition, the Task Force had advertised in a variety of media the three upcoming scheduled Public Forums to seek the public’s input on budget solutions.

The Mayor and Council thanked Mr. Weinstein for his oral report, and the members of the Task Force for their ongoing efforts.

9. Art & Culture Grant awards for 2010-11

This item was removed from the consent calendar by Councilmember Polanski, in order to permit an audience member to speak on it. The Mayor invited him to the podium.

Mr. Amandeep Singh, representing Genco, a cultural organization for ten years which is a non-profit group that hosts cultural events, wanted to request access to City facilities (as in-kind donation of space) or a grant. His group was not on the recommendations made by the Arts Commission to the Council.

Recreation Staff Renee Lorentzen reported that Genco was one of ten applications received. Three including Genco were not recommended for funding by the Arts Commission.

Motion: to approve five Milpitas Arts and Culture Grants in the amount of \$7,500 total and two grants for in-kind performance space only

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

**NEW BUSINESS**

One item was approved on the consent calendar.

11. PG&E Presentation

Councilmember Polanski had requested this topic on the Council's agenda, due to residents who had asked her questions about installation of the "Smartmeters." Since PG&E staff indicated this evening they were not prepared to report, Ms. Polanski asked for a complete report at the next Council meeting. She asked the utility company to also include information on gas pipelines in the City of Milpitas.

Ms. Colleen Rodriguez responded that she was not prepared to report at this meeting and could be ready by the next Milpitas City Council meeting on October 5.

Motion: to continue the PG&E presentation to the October 5 City Council agenda

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

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

12. Technology Update

Information Services Director Bill Marion expressed some of the work done by the Telecommunications Commission and there were two items to report on this evening: a new online time entry program and update on the website featuring Geographic Information Services (GIS) enhancements for all users, both developed by Information Services staff.

Mr. Daniel Nam displayed the online time entry program, as designed so far. Cost had generally been a major factor in considering this tool for employees, while I.S. staff developed a prototype product in-house. The Mayor and Council had high praise for the staff-designed program for electronic timesheets.

Mr. Marion expressed that online employee paystubs were now available on the web, and starting next week, that would be implemented for all City Hall employees.

Next, I.S. staff Mr. Alan Rich and Mr. David Bialczak displayed the newest GIS capability on the City's website. This was an item from the Telecommunications Master Plan. Various mapping techniques were explained to the Councilmembers, who were

appreciative of the impressive information on maps online.

Finally, Mayor Livengood thanked the staff and wished to recognize the volunteers who helped significantly with the mapping project.

13. Economic Development  
Monthly Report

Economic Development Manager Diana Barnhart provided the economic development report with status of several projects. The City had executed a contract with Sun Power, a performance-based loan agreement. Power purchase agreements were moving forward, working with the County and three firms were selected. Small business classes were planned on Tuesday and Thursday evenings, so far well received, at City Hall and at the new Barbara Lee Senior Center. One course offered was "How to Start a Business" in Cantonese Chinese language, similar to a successful one offered at the City of Cupertino.

Councilmember Giordano inquired about SunPower and its commitment to hiring employees from the community. How would that be tracked, she asked. Ms. Barnhart responded staff was working with NOVA to get the company to hire local residents.

Mayor Livengood thanked Ms. Barnhart for her report.

**RESOLUTION**

One resolution was adopted on the consent calendar.

**BIDS AND CONTRACTS**

Four items were approved on the consent calendar.

**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 October 5, 2010.**



Mary Lavelle  
City Clerk