

Motion carried by a vote of:

AYES: 5

NOES: 0

PRESENTATION

Mayor Livengood presented several proclamations and commendations.

For two Councils of the Knights of Columbus – from St. Elizabeth Church and St. Peter the Apostle – the Mayor proclaimed “Help People with Disabilities Days” on October 15-17, 2010. These were accepted by Mr. Dem Netifan and Mr. Gwan Ali-Santosa.

Mayor Livengood proclaimed “Fire Prevention Week” for the week of October 3 – 9, 2010, accepted by Fire Chief Brian Sturdivant and Fire Marshal Albert Zamora. Fire department leaders encouraged residents to change batteries in their home fire detectors at the time the clocks turn back at end of daylight savings on November 7.

The Mayor proclaimed “World Vegetarian Month” for the month of October 2010, and it was accepted by Mrs. Egbert.

Finally, the Mayor commended the City’s Information Services volunteers who helped city staff with outstanding work on the Geographic Information Systems (GIS) mapping on the City’s website. One commendation was accepted by Ms. Vivienne Poon, and four more were to be sent certificates in the mail.

PUBLIC FORUM

Karin Kolander, Milpitas Food Pantry director, discussed needs of her agency and requested when this issue would be on the Council’s calendar. There were more than 105 additional clients in the previous quarter. She thanked the City of Milpitas for being a generous supporter. The organization hoped to move beyond just basic food provision, and wished to partner with the City and other organizations, including other CDBG agencies, to provide services to people in need.

Kendra Williams, Milpitas resident, wanted to address an item that was on the agenda. The Mayor explained she could return to the podium when the item was discussed.

Justin Marlaire, Silicon Valley Leadership Group staff, invited the Mayor and Councilmembers to participate in the 6th annual “Applied Materials Silicon Valley Turkey Trot – Run or Walk for Health, Hope and a Home” a fundraising 5K walk/10K run on Thanksgiving morning, November 25. He was accompanied by SVLG Board members Kathleen King (also a Saratoga City Councilmember) and Gary Mull, Vice President of Marketing at Westinghouse Solar, whose company sponsored the Mayor’s Cup Challenge.

Isaac Hughes, Milpitas resident, attempted to display a document on the overhead screen.

ANNOUNCEMENTS

City Clerk Mary Lavelle informed residents that Monday, October 18 would be the voter registration deadline for the upcoming November 2 municipal election. There was a Ballot Box at the City Clerk’s office for Vote-by-Mail voters to drop off completed ballots.

Councilmember Polanski commented on the Chamber’s October 14 candidate’s forum, for which the Chamber requested that each candidate participating pay a \$150 fee. The City of Milpitas subsidized the Chamber every year in its budget, and subsidized use of Chambers at no fee. Ms. Polanski commented on the climate of distrust and the pay-to-play concept. Also, yesterday, at Metro Ed in San Jose where she worked, Latino Firefighters sponsored several “bomberos” from other countries, and Milpitas firefighters sponsored two men to learn and train with local firefighters. Lastly, Ms. Polanski felt it was an honor and privilege to meet the current President of the Philippines on September 25 when he visited Milpitas.

Councilmember Giordano read aloud excerpts of a letter from the Santa Clara County District Attorney’s office, dated today, regarding the FPPC referral of allegations of violations of campaign contributions. The three page letter concluded no violations of local ordinance occurred and the DA was closing the file on the matter.

Councilmember Gomez commented on Mr. Bill Ferguson's motive about his complaints filed with the City Attorney and a state agency (FPPC). Further, he asked staff if the Rules Committee could talk about scheduling the topic of Food Pantry issues on a specific City Council meeting date.

Vice Mayor McHugh thanked the Mayor for having a memorial installed at Veterans Plaza to thank World War II Filipino veterans for their great service to our country.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, including an adjustment in the order of items

Mayor Livengood noted a request to move agenda Item No. 7 to be heard following Item No. 2, both related to PG&E presentations.

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 amended

Councilmember Gomez requested removal of Item No. 11 from consent.

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

*3. Appointments to Youth Advisory Commission

Appointed new voting members: Veenu King, Monica La and Vicky Tu to the Youth Advisory Commission. Also appointed Alternate Member No. 1 Sabina King and Alternate Member No. 2 Sahil Sandhu. All terms expire in September 2011.

*5. Approve 16 Grants

Approved sixteen family child care assistance fund grants.

*6. Approve Sports Fund Grant

Approved one Sports Fund grant to Milpitas Youth Soccer Club for \$1,000.

*9. Waive Fees for Rotary Club events

Approved Milpitas Rotary Club's request to waive \$2,063 in City fees associated with review and permitting of its annual carnival and pumpkin patch.

*10. Adopt Ordinance No. 38.797

Waived the second reading and adopted Ordinance No. 38.797 related to Town Center re-zoning.

*12. Approve Amendment No. 1 with Jeffrey L. Clet

Approved an amendment to the contract with Jeffrey L. Celt, adding \$20,000 to the existing contract of \$19,999 for a total not-to-exceed amount of \$39,999.

PUBLIC HEARING

1. Actions Related to Milpitas Station development project

Senior Planner Sheldon Ah Sing discussed details of the "Milpitas Station" development for multi-family housing, retail, and recreational uses at the property located on S. Milpitas Blvd. at Montague Expressway.

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

(1) Motion: move to close public hearing

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

(2) Motion: to adopt Resolution No. 8034 approving the Tentative Map, Site Development Permit and the Conditional Use Permit for the Milpitas Station project

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

UNFINISHED BUSINESS

2. Report from PG&E on its SmartMeters

Mr. Andrew Tang, Senior Director for PG&E's SmartMeter program, addressed the City Council on the topic of the utility's SmartMeters. The program offered three main benefits he defined as Customer Service, Choice & Control, and to Enable the Future.

Councilmember Polanski responded about interference, quoting a PG&E spokesman on isolated cases, and about SmartMeters acting differently. She read about an extensive pilot program in San Francisco and with Florida Power and Light with the same manufacturer of devices. More clear information for consumers from PG&E was desired here in Milpitas, she stated.

Mr. Tang described a "multi-touch" communication process, including an open house session. One was scheduled in Milpitas on Monday, October 18 to be held at City Hall, when customers could see a side-by-side meter test, and learn more hands-on about the new devices, to be installed at their homes.

Vice Mayor McHugh inquired if a customer was dissatisfied, what could he or she do, and Mr. Tang asked that customers contact PG&E about their service. He reminded Councilmembers that the utility company was in fact regulated by the state Public Utilities Commission in Sacramento.

Mayor Livengood invited speakers from the audience.

Speakers:

Kendra Williams, Milpitas resident, noticed her PG&E bill increased almost double, even though her use of power had not increased. She questioned the legality of the brand new SmartMeter installation, and that she was not advised.

Byron Winters, Milpitas resident, felt that technology had not caught up with its own installation. There was at least a software problem, and he gave an example of a customer who was incorrectly double billed, once the SmartMeter was installed.

Gary Lang, Milpitas resident, thought it was proposed that PG&E was to cut industrial/business rates to be passed on to consumers. Thousands of meters were installed, but two persons in his neighborhood had the effort of wireless service that shut off. Also, SmartMeters could interfere with home security systems, with impacts to circuits and circuit breakers.

Mrs. Egbert, Milpitas resident, had a SmartMeter installed today at her home, and the family did see the man installing the device. She received some information.

Robert Marini, Milpitas resident, questioned if the SmartMeter transmitted information similar to the internet and were the transmitters constantly on all the time. He also asked whether voltage to his house was regulated.

Mr. Tang returned to the podium to address several of the citizens' comments. He would like to investigate for customers with high billing. He explained radio frequency mesh, as the method of how the meters operate, which was equivalent to a 1-watt radio, and these were on about 45 seconds/day.

Mayor Livengood requested staff to place onto the City's website the handout information provided by PG&E to the City Council at this meeting, for the benefit of all residents of the City. The Mayor thanked Mr. Tang, and no vote was taken.

7. Report on PG&E Pipelines in Milpitas

City Engineer/Director of Public Works Greg Armendariz and Fire Chief Brian Sturdivant prepared to address the City Council on gas pipelines, following a recent valuable meeting the two departments had with PG&E staff about local gas facilities. Mr. Armendariz presented an overview of gas pipelines in Milpitas and then introduced Mr. Rick Salas from PG&E. City and PG&E staff planned to meet monthly to more regularly share information, including any damage from contractors and inspection monitoring.

The Fire Department already had more than 20 years in a working relationship with the utility company on response training. It made sense now to include Police and Public Works, for emergency planning purposes.

Rick Salas, a 25-year employee of PG&E, was a construction superintendent and a professional gas systems expert. He explained that he might not be able to answer some things due to NTSB and Homeland Security. An important part of the pipeline system was located in Milpitas, at the initiation of a gas main line. He had years of training experiences with Milpitas Fire Department. Leak surveys were done and an in-line inspection using a device called a "smart pig" was done on the gas mains in Milpitas.

Mayor Livengood stated his concern with the utility was with decisions well above Mr. Salas that affected the lines, from a more global perspective. For example, he wanted to know whether PG&E was pushing correct amount of energy through the lines here. Mr. Salas responded there was a leak survey done on all lines twice per year, on both transmission and delivery lines.

Vice Mayor McHugh would like a report from the Fire Chief and Public Works Director addressing all the things heard at this meeting, including adequacy of inspection and repair programs, and emergency response capabilities. The Mayor called for more transparency overall in reporting of PG&E processes.

Councilmember Gomez asked if knowing where gas shut-off valves were located had been part of the training. Staff replied yes. Mr. Salas responded that PG&E was just starting to learn the ICS system, as used by public safety throughout California. The Fire Chief also responded, stating he wanted to learn more of the Supervising Control And Data Acquisition (SCADA), a computer controls process.

Councilmember Polanski asked questions about the response time when a gas leak was detected, and Mr. Salas explained that PG&E staff were on call and assigned to this region 24 hours/7 days a week.

Councilmember Giordano commented that what was plaguing the Council was the deterioration of infrastructure of utility lines (water and sewer). So, similarly, how was PG&E going to address its aging infrastructure? Mr. Salas replied that via the risk management system, each part of a pipeline (a segment) had a number rating by criteria and was rated for its safety. Third party damage of PG&E lines was most common cause, higher than corrosion, to put pipelines high on the list. He described the coating on pipes as a very important factor, during construction and installation.

Mayor Livengood invited speakers from the audience.

Speakers:

Guy Haas, Fallen Leaf Drive resident, reported signs were gone from his neighborhood showing the location of high pressure transmission lines. They were no longer identified

but he did find out there were two lines underneath where he lived. Future neighborhoods should not be built on those gas pipelines, he stated.

Robert Marini, Milpitas resident, asked where were shutoff valves and when would they be installed. He asked if the public could find out, in order to feel safe.

Gary Lang, Milpitas resident, stated that PG&E was not the only pipeline operator in Milpitas, e.g. aviation fuel line goes along the railroad. He felt these types of lines should not be located anywhere near train tracks including light rail, or near residences.

Mr. Salas responded on the signs for high pressure lines, those were gone most often due to theft. He was not able to provide a map with exact locations. Regarding gas transmission line shut-off valves: he would work on getting information to give to the Fire Chief but could not give that out to residents. He agreed there were also nitrogen lines and fuel lines, of high pressure, moving through the City in addition to PG&E lines.

Motion: to direct the City Manager to task the Fire Chief, Public Works Director and Emergency Operations Center coordinator to report back on the adequacy of prevention, inspection, repair and emergency response capabilities and include areas of potential improvement; and to provide periodic scheduled reports, including other transmission lines that pose a danger (such as jet fuel)

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

Mayor Livengood wanted to add that there be some disclosure on maintenance records of the PG&E lines, and spiking of dangerous levels in pipelines.

Councilmember Polanski reported that the Emergency Preparedness Commission had been working with Building Department staff on implementing gas shut-off valves in Milpitas structures. Getting more information out to the public could really help to secure the community for any emergencies.

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

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 9:13 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 21, 2010 as submitted

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

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

RA 3. Agenda Approval Motion: to approve the agenda, as submitted

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

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

***RA4.** Award Bid to Ashron Construction

Waived minor bid irregularities and awarded construction contract to Ashron Construction and Restoration Inc. as the lowest responsive binder for the Soundwall Renovation Project No. 8196, in the amount of \$104,624.

***RA5.** Award Bid to Priority Roofing Solutions

Awarded construction contract including one Add Alternate item to Priority Roofing Solutions, Inc. as the lowest responsive bidder, for storm pump station improvements (re-roofing), Projects No. 8188 and No. 8162, in the amount of \$65,200.

RA 6. ADJOURNMENT

Chair/Mayor Livengood adjourned the Redevelopment Agency meeting at 9:13 PM.

REPORTS OF MAYOR, COUNCIL & COMMISSION

Three items were approved on consent calendar.

4. Discuss Amending Campaign Contribution Ordinance

Councilmember Polanski referred to the ruling from the District Attorney's office earlier on this date. Regarding the City's original ordinance, there was a question about City ordinance versus the Fair Political Practices Commission's interpretation. A suggestion was how to define aggregating contributions, so she wanted to direct the City Attorney to return with language more in line with the FPPC in order to rid ambiguity in City rules.

Mayor Livengood agreed it would be good to get this matter back before the City Council. Aggregation was not included in the original ordinance, but that would take some careful review by the attorney.

Councilmember Giordano agreed there was a need to look at this topic again. However, she recently brought up recommended Council Handbook changes that were to be held off for discussion until later. So she would like to broach the campaign contribution aggregation topic later on also, for example at the beginning of next year.

Councilmember Polanski responded it was not her intention that any change be part of the current election cycle.

Motion: to direct the Milpitas City Attorney to review the City's ordinance, consider new wording to bring back to the Council in early 2011, in order to move forward on reporting of aggregated contributions after January 1, 2011

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

Mr. Gomez asked if the contribution dollar level could be reviewed as well. Ms. Polanski was ok with that topic in the discussion.

Mayor Livengood commented that the definition of aggregation was not always clear in state regulations, so it was valuable to take a look at this as a local matter.

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

NEW BUSINESS

One item was approved on the consent calendar.

8. Update on the Alviso Adobe

Public Works Director Greg Armendariz reported that the project work was completed on the exterior renovation at the Alviso Adobe. Staff was ready to move to the park improvements including the outhouse and garage structures. Left to the future would be the interior renovation, while the park construction would start in the spring. He displayed photos of the project's success.

Mr. Armendariz discussed budget details, including the grants received to date, for the Alviso Adobe renovation project. He reported that staff had met with residents of Alviso Adobe Ct. regarding access and an entry approach via the Court to the park was being worked out.

Councilmember Gomez asked whether staff anticipated issues with the Milpitas Historical Society paying the funds required, as recently billed. Staff reported that a second invoice was sent to MHS recently, with a more clear explanation of costs to date, and expected payment by the organization to the City. City Manager Williams agreed to report back to the City Council in one month on the payment issue.

The Mayor thanked staff for the report, and no vote was taken.

ORDINANCE

One ordinance was adopted on the consent calendar.

CONTRACTS

One item was approved on the consent calendar.

11. Shopping Carts

Councilmember Gomez requested this item for discussion (off consent). The agreement appeared to not exceed \$20,000 and he inquired about the previous amount. Planning Director James Lindsay provided explanation to the Council on the increase of twice per day collection, the increased payment to the vendor, and expectation that fines collected would cover the costs.

Motion: to authorize City Manager to execute the contract extension with Alice Wright for abandoned shopping cart retrieval services, with a quarterly check-in

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

ADJOURNMENT

Mayor Livengood adjourned the City Council meeting at 9:38 PM in memory of Mr. Donald Burr, the recently deceased Campbell resident and one-time interim Chief of Police in Milpitas.

The foregoing minutes were approved by the Milpitas City Council as submitted on October 19, 2010.



Mary Lavelle
City Clerk