

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, October 19, 2010
Time: 7:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Livengood called the meeting to order at 7:00 PM.

PRESENT: Mayor Livengood, Vice Mayor McHugh, Councilmembers Giordano, Gomez and Polanski

ABSENT: None

Mayor Livengood introduced the Junior Mayor Tatiana San Jose, a student at Curtner School.

PLEDGE

Boy Scouts Troop No. 92 presented the colors and led the pledge of allegiance.

INVOCATION

None.

MINUTES

Motion: to approve City Council meeting minutes of October 5, 2010, as submitted

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

SCHEDULE OF MEETINGS

Motion: to approve the Council Calendars/Schedule of Meetings for October, as amended

Councilmember Gomez asked his colleagues to consider canceling the second Council meeting scheduled in December, as had been done in other years when the date falls so close to holidays. Mayor Livengood responded that he would ask staff to schedule this request for a vote on the next Council meeting agenda.

Vice Mayor McHugh stated the next Valley Transportation Authority's Milpitas-Gilroy-Morgan Hill meeting was scheduled on Wednesday, November 3 at 10:00 am. On Veterans Day, November 11, following the ceremony planned here in Milpitas, there would be a parade in San Jose and the Grand Marshal was going to be Denny Weisgerber, former Milpitas Mayor and current Chairman of the Milpitas Veterans Commission.

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

PUBLIC FORUM

Isaac Hughes, Milpitas resident, stated he was not a lobbyist. He displayed a document on the overhead display, regarding transcript of part of a court paper. He referenced the make-up of the community, including Asian residents.

A young man in the form of Ichabod Crane addressed the City Council and invited everyone to "The Legend of Sleepy Hollow" on Saturday, October 23 at the Community Center to celebrate Halloween, including a costume parade, handouts/goodies, a scarecrow contest at 4:30 PM, and specially featuring a Magic Show at 7:00 PM.

ANNOUNCEMENTS

Mayor Livengood introduced Miss Tatiana San Jose, a Curtner School 3rd grade student serving as “Junior Mayor” at this meeting. He thanked her parents for participating in a recent fundraising auction for her school, where they won the bid. Mr. Livengood also introduced some of his own family: sisters Sue Card and Carol Treadway, as well as his mother Mary Livengood. His mother moved the family here in 1963, had worked for Dr. Al Currin for many years, and he was proud to have them in attendance at the Council meeting.

Councilmember Giordano requested staff to report back on the process of getting speed bumps on residential streets, a subject that citizens had asked her about.

Vice Mayor McHugh attended a forum on this date at the Milpitas Library on the topic of cyberbullying. On Friday, October 15, he had represented the Council at the Police Department at an awards ceremony for two officers who acted courageously on the job. Mayor Livengood responded with a request to recognize the two officers at the next Council meeting.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Polanski/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 submitted

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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

***2. Commission Appointments**

Appointed and re-appointed Commissioners as follows:

Arts Commission/Public Art Committee

Re-appointed Tess Santos to a term that expires in October 2013.

Re-appointed Bill Foulk to a term that expires in October 2013.

Re-appointed Robin Hays to a term that expires in October 2013.

Bicycle Pedestrian Advisory Commission: re-appointed Christine Sanchez as Alternate No. 1 to a term that expires in August 2012.

Parks, Recreation and Cultural Resources Commission: appointed Stephanie Fong as a regular member to a term that expires in June 2013.

Sister Cities Commission

Appointed Karen Serpa as a regular member to a term that expires in September 2013.

Appointed Miriam Hardin as Alternate Member No. 1 to a term that expires in September 2012.

***4. Meeting Schedule 2011**

Approved the 2011 regular City Council meeting schedule, including the cancellation of the July 2011 City Council meeting dates.

***5. Waive Fees for AA Unity Day**

Approved the fee waiver for Alcoholics Anonymous totaling \$1,281.50 for the August 21, 2011 Annual Unity Day event at the Milpitas Community Center.

***6. Waive Fees for St. John’s Autumn Festival**

Approved the fee waiver for St. John the Baptist Catholic Church for City fees associated with review and permitting of its annual Autumn Festival, held in September.

*7. Resolution Granting Final Acceptance of Project 7086

Adopted Resolution No. 8036 granting final acceptance of the Water System Air Relief Valve Modifications, Project No. 7086, Phase III and release of the contractor's bond.

*8. MOU with VTA for Calera Creek Waterline Casing

Authorized the City Manager to execute a Memorandum of Understanding with Santa Clara Valley Transportation Authority for the Calera Creek Waterline Casing; and approve a budget appropriation for the City's cost share.

*9. Warranty Work Order for Valley Slurry Seal

Approved and authorized the City Engineer to execute a warranty work order contract with Valley Slurry Seal in the amount not to exceed \$55,000.

PUBLIC HEARING

1. Public Hearing Regarding Revenue Bonds 2008 of the Humane Society Silicon Valley

Finance Director Emma Karlen reviewed the process on how the bonds were approved in March 2008 and issued for the benefit of Humane Society Silicon Valley. The bond proceeds were used to construct and build a new animal facility at 901 Ames Avenue. The bonds, considered conduit bonds, were not issued or paid out by the City of Milpitas, rather only by the non-profit organization. The Humane Society now requested the California Enterprise Development Authority to extend the maturity date and rated average maturity of the bonds, so a City public hearing was necessary in this process. Ms. Karlen pointed out that no City resources were involved in the amendment.

New President of the Humane Society Silicon Valley Carol Novello and HSSV staff Kathy Martin were present to respond to any questions.

Vice Mayor McHugh asked the City Attorney whether there was any financial obligation of the City regarding the issued bonds, and Mr. Ogaz confirmed there was none.

Mayor Livengood opened the public hearing for comments.

Robert Marini, Milpitas resident, asked how much was the principal and interest on the bonds, and who paid. The Mayor invited Humane Society staff to respond. Ms. Novello replied that the principal was \$15,525,000 and the interest was paid weekly at the current rate of 0.27%.

Mayor Livengood noted there were no other speakers, and called for a motion.

(1) Motion: move to close public hearing

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

(2) Motion: to adopt Resolution No. 8035 approving the extension of the maturity date and weighted average maturity of the bonds by the California Enterprise Development Authority, for the Humane Society Silicon Valley

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

REPORT OF MAYOR

One item was approved on consent calendar.

NEW BUSINESS

Three items were approved on the consent calendar.

3. Economic Development Monthly Report

Economic Development Manager Diana Barnhart reported on current economic development activity, including a recent class "How to Start a Business" held at City

Hall, conducted in Chinese language.

The Economic Development Commission invited Mr. Joel Ayala, Director of the Governor's Office of Economic Development ("Go Ed") statewide, to visit with the Commission at noon on Monday, November 8, along with representatives of the Milpitas Chamber of Commerce and Milpitas Rotary Club, inviting all businesses in the City.

The Great Mall has had positive recent sales reports, with double digits increase over last year. Also, the long-planned "Venture Capital Forum" has been scheduled for Monday November 15 at the City Hall Committee Room, on emerging technology.

Vice Mayor McHugh inquired about the opening of the new Olive Garden restaurant at the Great mall. Staff responded that was anticipated in February of 2011.

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

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

RESOLUTION

One resolution was adopted on the consent calendar.

CONTRACTS

Two items were approved on the consent calendar.

ADJOURNMENT

Mayor Livengood adjourned the City Council meeting at 7:28 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on November 2, 2010.



Mary Lavelle
City Clerk