

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, November 2, 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

PLEDGE

Boy Scouts Troop No. 92 led all in the pledge of allegiance.

MINUTES

Motion: to approve City Council meeting minutes of October 19, 2010, as submitted

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

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

SCHEDULE OF MEETINGS

Motion: to approve the Council Calendar/Schedule of Meetings for May 2010, as amended

Planning Commission would meet only once this month, on Thursday, November 17.

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

PRESENTATIONS

Mayor Livengood presented commendations to two Milpitas Police Officers David Morris and John Muok, for life saving work on the job. The Mayor highlighted their bravery in service, read aloud a report from the Police Commander on their efforts saving a Milpitas woman's life, and presented both with formal commendations from the City.

PUBLIC FORUM

Robert Marini, Milpitas resident, recently visited the new Milpitas Senior Center. He reported that the Center was not open on weekends, and he felt the hours were limited. Not being open on weekends denied access to seniors who work. He discussed paying the annual fee as a member and then an additional fee for the exercise equipment room.

ANNOUNCEMENTS

Mayor Livengood announced it was Election Day, with 45 minutes still to vote in the election.

**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 submitted

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

- *3. Commission Appointments
- 1) Appointed Marcella Anthony as Alternate No. 1 to the Arts Commission/Public Art Committee to a term that expires in October 2012.
 - 2) Appointed Sabrina Leon to the Youth Advisory Commission as Alternate No. 3 to a term that expires in September 2011.
- *4. Council Meeting Schedule
- Adjusted the 2010 City Council meeting schedule to cancel the regularly scheduled meeting on December 21, 2010.
- *5. Approve Family Child Care Assistance Fund Grant
- Approved one grant from the Family Child Care Assistance Fund in the amount of \$240.00 to Francisca Diaz.
- *6. Milpitas Commissioners' Recognition Event for 2011
- Approved Commissioners' Celebration Brunch, for the 2011 Commissioners' Recognition Event, to be held at Dave & Busters with a total budget of \$9,925, including \$3,000 to go towards a new updated sign for the Veterans Memorial.
- *7. Click It or Ticket Mini-Grant Program
1. Adopted Resolution No. 8039 authorizing the Police Chief to execute the agreement with the Regents of the University of California, Berkeley School of Public Health - Safe Transportation Research and Education Center, and the California Office of Traffic Safety for the Next Generation – Click It or Ticket mini-grant program.
 2. Approved a budget appropriation in the amount of \$3,004.48 for Police Department overtime budget from grant revenue.
- *8. Sobriety Checkpoint Mini-Grant Program
1. Adopted Resolution No. 8040 authorizing the Police Chief to execute the agreement with the Regents of the University of California, Berkeley School of Public Health Safe - Transportation Research and Education Center, and the California Office of Traffic Safety for the Sobriety Checkpoint mini-grant program.
 2. Approved a budget appropriation in the amount of \$16,764.28 for Police Department overtime budget from grant revenue.
- *9. Resolution Granting Initial Acceptance, Project No. 5089
- Adopted Resolution No. 8041 granting initial acceptance of the Park Renovation 2009 "Pathways" Project No. 5089, subject to a one year warranty period and reduction of the faithful performance bond to \$6,569.50.
- *10. Resolution Granting Acceptance, Project No. 5088
- Adopted Resolution No. 8042 granting acceptance of the Cardoza Park Playground Renovation Landscape Maintenance Project, Project No. 5088, and releasing the contractor's performance bond.
- *11. Cooperative Agreement with Caltrans
- Authorized the City Manager to execute a cooperative agreement with the State of California Department of Transportation to provide surveying services and right of way closeout for I-880/Tasman Drive, Project No. 4039 and SC1 237/I-880 Project No. 4170 for a not-to-exceed amount of \$177,000.
- *12. Amendment No. 1 to the Agreement with Jensen Landscape
- Approved amendment No. 1 to the agreement with Jensen Landscape Services, Inc. to increase the McCarthy Ranch landscape maintenance services contract amount in Fiscal Year 2010-11 by \$26,932, for a total contract amount of \$89,811.
- *13. Authorize Payment for Emergency Repair Services
- Received a report and authorized payment in the amount of \$23,391.39 for emergency repair services for power generator radiator at the Police/Public Works building.

PUBLIC HEARINGS

1. Fire Code update – Ordinance No. 113.22

Fire Marshal Albert Zamora explained the need for the City to adopt the newest state fire code, with local amendments, as proposed to the Council this evening via Ordinance No. 113.22. He explained the local changes, technical in nature and stated there were no fiscal impacts to the changes in the code.

Next, Mayor Livengood opened the public hearing, and no speakers were heard.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

(2) Motion: to adopt Resolution No. 8037 citing findings of fact, providing reasons for local amendments to the California Fire Code

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

City Attorney Ogaz read aloud the title of Ordinance No. 113.22 “An Ordinance of the City Council of the City of Milpitas Repealing and Replacing Chapter 300 of Title V of the Milpitas Municipal Code Adopting the 2010 Edition of the California Fire Code and Specified Local Amendments.”

(3) Motion: to waive the first reading beyond the title of Ordinance No. 113.22

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

(4) Motion: to introduce Ordinance No. 113.22, to be enacted as Chapter 300, Title V of the Milpitas Municipal Code

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

2. Building Code update – Ordinance No. 65.140

Chief Building Official Keyvan Irannejad explained the need for City to adopt the newest state Building codes including electrical, plumbing, historical and other related codes. These were proposed for consideration by the Council this evening via Ordinance No. 65.140. He explained local code amendments, for which there was no fiscal impact.

Next, Mayor Livengood opened the public hearing, and no speakers were heard.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

(2) Motion: to adopt Resolution No. 8038 citing findings of fact providing reasons for amendments to the California Building Code, the California Residential Code, the

California Mechanical Code, the California Electrical Code, the California Plumbing Code and California Existing Building Code

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

City Attorney Mike Ogaz read aloud the lengthy title of the building code Ordinance.

(3) Motion: to waive the first reading beyond the title of Ordinance No. 65.140

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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

(4) Motion: to introduce Ordinance No. 65.140, an ordinance repealing and replacing Chapters 1, 3, 5, 6, 7, 11, 12, 13, 14, 15, 19, 90, and 150 of Title II of the Milpitas Municipal Code and adding Chapters 3.5 and 19 of Title, to revise provisions of the building code

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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 7:24 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 October 5, 2010

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

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. First Quarter Investments** Received investment portfolio status report for the quarter ended September 30, 2010.

RA 5. ADJOURNMENT Chair/Mayor Livengood adjourned the Redevelopment Agency meeting at 7:24 PM.

REPORTS Two items were approved on the consent calendar.

NEW BUSINESS One item was approved on the consent calendar.

RESOLUTIONS

Four resolutions were adopted on the consent calendar.

CONTRACTS

Two items were approved on the consent calendar.

DEMAND

One item was approved for payment on the consent calendar.

ADJOURNMENT

Mayor Livengood adjourned the City Council meeting at 7:24 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on November 16, 2010.



Mary Lavelle
City Clerk