

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, January 4, 2011
Time: 7:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Esteves called the meeting to order at 7:00 PM. City Clerk Lavelle called the roll.

PRESENT: Mayor Esteves, 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 December 7, 2010, as submitted

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

SCHEDULE OF MEETINGS

Motion: to approve the Council Calendar/Schedule of Meetings for January 2011, as amended

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

Mayor Esteves pointed out that later on the agenda the Council would discuss Council liaison assignments, so there might be changes. Vice Mayor McHugh asked when any Council liaison changes would be effective. The Mayor responded, immediately, unless the Council decided otherwise.

PRESENTATION

Mayor Esteves proclaimed the month of January as American Red Cross *Blood Donor Month*. The proclamation was accepted by a local representative of the Santa Clara Valley chapter of the organization.

Mr. Gomez left the dais at 7:10 PM for a few minutes.

PUBLIC FORUM

Isaac Hughes, Milpitas resident, referred to the Open Government ordinance and the Open Government Commission called for in that law when adopted in 2005.

ANNOUNCEMENTS

Mayor Esteves had been questioned by residents when the Council would address budget issues. He was aware that staff planned to schedule a Council workshop and asked for information.

City Manager Williams responded that there would be a Council budget session on Tuesday, February 8, 2011 at 6:00 PM, if the Council agreed to that time and they did so by consensus.

**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 amended

Councilmember Giordano requested removal of Items No. 2 and No. 3 from consent.

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

*8. Donation to Curtner School for Annual Walkathon Approved the request submitted to the Mayor and City Council, in accord with Finance Subcommittee members’ recommendation, of a \$500 donation to Curtner Elementary School 3rd grade walk-a-thon fundraising event.

*9. Adopt Resolution Declaring Weeds a Nuisance Adopted Resolution No. 8054 declaring weeds on specific properties to be a public nuisance and set the public hearing date on February 1, 2011.

*10. Adopt Resolution Authorizing Extension of Software Support & Maintenance Agreement with Tiburon Adopted Resolution No. 8055 authorizing the extension of an Extended Services Software Support and Maintenance Agreement with Tiburon Inc. for the Police Records Management System for a not-to-exceed amount of \$45,635 and declaring Tiburon, Inc. a sole source provider for the service.

*11. Approve Purchase Order with Koffler Electric Approved a maintenance repair purchase order with Koffler Electric for the Jurgens Stormwater Pump Station pump for an amount not to exceed \$40,000.

*12. Approve Amendment No. 2 to agreement - Winzler & Kelly Approved Amendment No. 2 to the agreement with Winzler & Kelly in the amount of \$45,100 for the Ayer Reservoir & Pump Station, Project No. 7102.

*13. Authorize City Manager to Execute Technical Services Agreement with Physio-Control Authorized the City Manager to execute a Technical Services Support Agreement with Physio-Control, Inc. to support and maintain the Lifepak Defibrillator Monitors for the not-to-exceed amount of \$29,510.

*14. Authorize Agreement with Municipal Revenue Advisors Authorized the City Manager to execute an agreement with Municipal Revenue Advisors for sales tax and use tax consulting services.

UNFINISHED BUSINESS

1. Update Report on PG&E Gas Lines City Engineer/Public Works Director Greg Armendariz addressed the Council on status and the maintenance of PG&E pipelines in the City, following the recent disaster in San Bruno. Mr. Armendariz remarked that his report was a “work in progress” with plans to continue updating the Mayor and Council this year. Fire Chief Brian Sturdivant spoke to the Council on emergency response and collaborative efforts with PG&E alongside the City. He described the many recent activities and information shared with the utility.

City of Milpitas OES Coordinator Sean Simonson was available to answer questions. Two representatives from PG&E – Tamon Norimoto, local government relations representative, and Bill Wallace, gas superintendent - were also present.

Council comments

Councilmember Polanski thanked staff for its thorough report. She asked about the pressure level in local pipes. PG&E’s local representative replied that pressure levels were at 80% capacity. The federal NTSB was reviewing this topic presently. Also, the PG&E Superintendent responded on issues of pipeline inspection and maintenance.

Councilmember Giordano inquired if there was any way that the City of Milpitas could invoice PG&E for the additional training and monthly meetings taking place, and for other outreach work on utility lines? The City Manager responded on a need to have an agreement for such costs and staff would have to discuss this idea with the company.

Vice Mayor McHugh complimented staff on the information presented, and appreciated that it was a living document with future updates due to the City Council. He would like to obtain a separate list of action items due to the City, with expected completion dates, and employee certification of the completion, as on a checklist. He asked staff to let him know when this checklist could be available.

Vice Mayor McHugh made a motion, seconded by Councilmember Giordano, to approve regular follow up as he requested. The motion was approved unanimously.

Mayor Esteves asked about the records discrepancy at PG&E. Mr. Wallace responded, explaining that the company was reviewing all gasline records, in light of the San Bruno explosion. The Mayor asked about “weak links” in pipes and how those would be identified. PG&E replied that engineers would have to discover those, and leak surveys and inspections had been performed in Milpitas. Mr. Norimoto commented the company would get back to the Mayor on several questions asked, including its budget.

Motion: to receive the staff report on the PG&E pipelines in Milpitas

Motion/Second: Councilmember Giordano/Councilmember Polanski

Robert Marini, resident, asked if all major gas lines had automatic shut off valves. If not, he wanted to know when they would have those. The PG&E representatives were available to talk with the resident.

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA 1. CALL TO ORDER Mayor/Agency Chair Esteves called to order the regular meeting of the Milpitas Redevelopment Agency meeting jointly with the City Council at 8:06 PM.

ROLL CALL **PRESENT:** Chair/Mayor Esteves, Vice Chair/Vice Mayor McHugh, Agency/Councilmembers Giordano, Gomez and Polanski

ABSENT: None

RA 2. MINUTES Motion: to approve the Agency meeting minutes of December 7, 2010

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

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

Vice Mayor McHugh commented on Item No. RA7. It was an innovative arrangement with Commerce Bank, so he complimented the Finance Director. The new agreement could save the City money and allow more efficiency in financial services.

Mayor Esteves inquired about the process with the new bank arrangement. Ms. Karlen responded to him, explaining the electronic receipts received by the City.

Mayor Esteves inquired regarding Item No. RA4. He asked about completion of the new library’s window coverings and whether the vendor checked with library staff on its satisfaction of that task. City engineering staff replied yes, and library was satisfied.

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

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

*RA4. Final Acceptance of Library Window Covering

Adopted Joint Resolution No. RA395 / 8051 granting final acceptance of the Milpitas Library Window Covering, Project No. 8162 and release of the contractor's bond.

*RA5. Resolution Granting Initial Acceptance of the Soundwall Renovation

Adopted Resolution No. RA396 granting initial acceptance of the Soundwall Renovation, Project No. 8196, subject to a one year warranty period and reducing the faithful performance bond to \$10,463.

*RA6. Resolution Granting Initial Acceptance of Dept. of Energy Grant Program

Adopted Joint Resolution No. RA397 / 8052 granting initial acceptance of the Department of Energy Grant Program, Project No. 8198, subject to a one year warranty period and reducing the faithful performance bond to \$48,131.

*RA7. Resolution Authorizing City's Agreement with Bank

Adopted Joint Resolution No. RA398 / 8053 authorizing the City to enter into an agreement with Commerce Bank N.A. for banking services.

*RA8. Resolution Authorizing Actions related to Housing

Adopt Resolution No. RA399 authorizing the purchase of two moderate-income housing units and releasing the Resale Restriction Agreements for the three affordable units identified in the resolution.

RA 9. ADJOURNMENT

Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 8:10 PM.

REPORTS OF MAYOR

2. Commission Appointments

This item was removed from the consent calendar. Councilmember Giordano was accepting of the Mayor's recommendations for appointments, but she wished to ask some questions on the process. She asked the City Clerk to confirm the process for applications submitted and requested in the future to receive copies of all applicants for a vacant Commission seat, in addition to the one recommended by the Mayor.

Motion: to approve the following appointments and re-appointments to Milpitas Commissions, as recommended by Mayor Esteves:

Arts Commission/Public Art Committee: appoint Manjula Gupta as Alternate No. 2 to a term that expires in October 2011.

Bicycle Pedestrian Advisory Commission: appoint Chris Lee as Alternate No. 2 to a term that expires in August 2011.

Emergency Preparedness Commission: appoint Michael Caulkins as a regular member to a term that expires in June 2013. Appoint Don Clendenin as Alternate No. 1 to a term that expires in June 2011.

Parks, Recreation, and Cultural Resources Commission: appoint George Baltazar as Alternate No. 1 to a term that expires in June 2012.

Senior Advisory Commission: re-appoint Bal Daquigan and Amanda Santos to terms that expire in December 2012.

Councilmember Polanski asked about the process for Alternate members and how they could move up on Commission. The Mayor responded he made those recommendations.

Councilmember Gomez wanted consideration and to have consultation with the liaison to each Commission by the Mayor.

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

3. Planning Commission Appointments

This item was removed from the consent calendar. Councilmember Giordano asked if there were term limits for Planning Commissioners and the City Attorney replied no. She provided a suggestion on the process for these appointments, wanting an open and transparent process as occurred in the past. Ms. Giordano believed there should be public interviews of the applicants, and then have the entire Council participate (as she had personally experienced). The Mayor could still make recommendation to appoint his choice to the Planning Commission.

Councilmember Giordano announced she would abstain on this vote.

Motion: to re-appoint Mr. Sudhir Mandal to a term that expires in December 2013, and to newly appoint Mrs. Zeya Mohsin to a term that expires in December 2013

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

4. Subcommittee Assignments

Mayor Esteves requested comments on the recommendations he'd submitted for the initial appointments to Council subcommittees.

Councilmember Gomez commented on transparency at meetings, expressing that perhaps workplans for the subcommittees or similar could be reported every six months. The Mayor asked the City Manager to consider it.

Vice Mayor McHugh noted that it was relatively new that there were subcommittees. He wanted to review the merits of each.

Councilmember Polanski had no problem with the recommended assignments.

Councilmember Giordano noted the changed scope of main City Council meetings, and that to keep it manageable and to finish before 11:00 PM was possible due to the work done at the subcommittee level.

City Manager Williams commented on efficiencies of the subcommittees, with reports prepared on process, purpose, and protocol prior to any subject matter coming before the full City Council, on its regular meeting agenda.

Motion: effective immediately, move the Mayor's recommendations for appointments to City Council subcommittees, on the list previously distributed

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

5. Council Liaison Assignments

Mayor Esteves reviewed the list of current Commission liaison assignments. He asked for input from his colleagues, and whether any changes were desired. Councilmembers Polanski and Gomez agreed they would be interested to switch assignments on Telecommunications Commission and the Community Advisory Commission. Other Councilmembers expressed satisfaction with current assignments and were willing to continue serving in those capacities.

The Mayor planned to bring back his final recommendations for a vote at the next Council meeting on January 18.

6. Form Ad Hoc Subcommittee Mayor Esteves recommended the formation of a new ad hoc subcommittee to review the campaign finance ordinance. He asked for a volunteer to serve along with Councilmember Polanski, and Mr. Gomez offered to do so.

Motion: to appoint Councilmembers Polanski and Gomez to a new ad hoc subcommittee in order to consider drafting an ordinance regarding campaign finance issues in Milpitas

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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

NEW BUSINESS

7. Appeal of City Manager Decision's on Permit for a Massage Establishment

City Attorney Ogaz read aloud a letter received from appellant Mr. Yang, who was the appellant for the Healing Needles business. The appellant was not present and had resigned from the business, according to a letter submitted by email on this date.

Mr. Ogaz provided options to the City Council on actions they could take with regard to the filed appeal.

Motion: to deny the appeal, based on evidence presented and having determined that not all findings were true regarding the business at 1280 S. Abel St., effectively upholding decisions made by Police Department staff and the City Manager

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

RESOLUTIONS

Two resolutions were adopted on the consent calendar.

CONTRACTS

Four items were approved on the consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 8:43 PM.

The foregoing minutes were approved by the Milpitas City Council as amended on January 18, 2011.



Mary Lavelle
City Clerk