



**MILPITAS CITY COUNCIL MEETING AGENDA  
TUESDAY, JANUARY 18, 2011**

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**6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)**

**SUMMARY OF CONTENTS**

- I. CALL TO ORDER by the Mayor (6:00 p.m.)**
- II. ROLL CALL by the City Clerk**
- III. ADJOURN TO CLOSED SESSION OF CITY COUNCIL**
  - (1) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Pursuant to CA Government Code §54956.9, City of Milpitas as Plaintiff
  - (2) CONFERENCE WITH LABOR NEGOTIATOR - COLLECTIVE BARGAINING**  
Pursuant to CA Government Code §54957.6 City Negotiator: Carmen Valdez  
Employee Groups: Milpitas Supervisors Association (MSA), Milpitas Employees Association (MEA)  
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
- IV. CLOSED SESSION ANNOUNCEMENTS:** Report on action taken in Closed Session if required, pursuant to CA Govt. Code §54957.1, including the vote on abstention of each member present
- V. PLEDGE OF ALLEGIANCE**
- VI. INVOCATION** (Vice Mayor McHugh)
- VII. APPROVAL OF COUNCIL MEETING MINUTES** – January 4, 2011
- VIII. SCHEDULE OF MEETINGS** – Council Calendars for January and February 2011
- IX. PRESENTATION** - Commendations to Members of Citizens Budget Task Force
- X. PUBLIC FORUM**

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Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

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- XI. ANNOUNCEMENTS**
- XII. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- XIII. APPROVAL OF AGENDA**
- XIV. CONSENT CALENDAR** (Items with asterisk\*)

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Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

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**XV. PUBLIC HEARINGS**

- 1. Accept the 2011 Citizen Options for Public Safety (COPS) Grant (Staff Contact: Steve Pangelinan 586-2426)**
- 2. Hold a Public Hearing and Introduce Ordinance No. 38.793, a Text Amendment to Section 56 (Nonconforming Buildings and Uses) of the Milpitas Municipal Code, Zoning (Staff Contact: Cindy Hom, 586-3284)**

**XVI. REPORTS OF MAYOR and COMMISSIONS**

- \* 3. Approve Mayor's Recommendations for City Council Liaison Assignments to City Commissions (Contact: Mayor Esteves, 586-3029)**
- \* 4. Consider Mayor's Recommendations for Appointments to Four Milpitas Commissions (Contact: Mayor Esteves, 586-3051)**
- \* 5. Approve Arts Commission 2011 Work Plan (Staff Contact: Renee Lorentzen, 586-3409)**
- \* 6. Approve the Public Art Committee 2011 Master Plan (Staff Contact: Renee Lorentzen, 586-3409)**

**XVII. NEW BUSINESS**

- 7. Receive the Monthly Economic Development Report (Staff Contact: Diana Barnhart, 586-3059)**
- 8. Receive Odor Control Report and Direct Staff to Distribute Odor Complaint Card (Staff Contact: Kathleen Phalen, 586-3345)**
- 9. Receive Report on the Recommended Alternative for the San Jose/Santa Clara Water Pollution Control Plant Rehabilitation and Land Use Master Plan (Kathleen Phalen, 586-3345)**
- \* 10. Approve Usage Charges for Milpitas Community Television Inc., a Private Non-Profit Corporation (Staff Contact: Bill Marion, 586-2701)**
- \* 11. Move to Remove One Member of the Community Advisory Commission Due to Lack of Attendance (Staff Contact: Mary Lavelle, 586-3001)**

**XVIII. ADJOURNMENT**

**NEXT CITY COUNCIL MEETING: TUESDAY, FEBRUARY 1, 2011**

**KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035  
e-mail: [mogaz@ci.milpitas.ca.gov](mailto:mogaz@ci.milpitas.ca.gov) / Fax: 408-586-3056 / Phone: 408-586-3040

*The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) by selecting the Milpitas Municipal Code link.*

Materials related to an item on this agenda submitted to the City Council/Redevelopment Agency after initial distribution of the agenda packet are available for public inspection at the City Clerk's Office/Information Desk at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, and at the Milpitas Library during normal business hours.

**APPLY TO BECOME A CITY COMMISSIONER!**

Current vacancies exist for the:

*Arts Commission*

*Community Advisory Commission (alternates)*

*Mobile Home Park Rental Review Board*

*Parks, Recreation & Cultural Resources Commission (alternate)*

Applications are available online at [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) or at the City Hall Information Desk.

Contact the City Clerk's office (586-3003) for more information.

*If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 586-3001 or send an email to [mlavelle@ci.milpitas.ca.gov](mailto:mlavelle@ci.milpitas.ca.gov) prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the Council Chambers for all meetings. TDD phone number (408) 586-3013.*

## AGENDA REPORTS

### XV. PUBLIC HEARINGS

**1. Accept the 2011 Citizen Options for Public Safety (COPS) Grant (Staff Contact: Steve Pangelinan 586-2426)**

**Background:** The California State Legislature awarded \$100,000 to the City of Milpitas through the Citizen Options for Public Safety (COPS) Grant, Government code sections 30061-30065. No City matching funds are required.

Government Code section 30061 requires a public hearing regarding the expenditure of the grant. Government Code sections 30062 specifies that these funds must be used exclusively for front line law enforcement services and must supplement and not supplant existing funding for front line law enforcement services. These funds shall be appropriated pursuant to a written request from the Chief of Police of the law enforcement agency that provides police services for the city. The request shall indicate the front line law enforcement needs of the requesting entity including the personnel and equipment that are necessary to meet those needs.

The Milpitas Police Department recommends the following list of frontline municipal police services, or equivalent, to be purchased with the COPS grant monies for fiscal year 2011.

1. In-Car Video for Patrol Vehicles;
2. Uniforms and Supplies for Citizen Volunteers;
3. Portable Radios for Officers;
4. Online Crime Mapping Service;
5. Mobile Security Alarm System Equipment;
6. Every 15 Minutes Program Presentation;
7. Radars for Traffic Enforcement;
8. EmFinders® (Emergency Finders) Devices for Lost/Missing Persons.

**Fiscal Impact:** None. The COPS 2011 grant of \$100,000 will fully cover the cost for the frontline services listed above

**Attachments:**

- A. Staff Report
- B. Budget Change Form

**Recommendations:**

1. Open public hearing, and after hearing public comment, move to close the hearing.
2. Accept 2011 Citizen Options for Public Safety Grant in the amount of \$100,000.
3. Approve appropriation in the amount of \$100,000 into Police Department's operating budget.

**2. Hold a Public Hearing and Introduce Ordinance No. 38.793, a Text Amendment to Section 56 (Nonconforming Buildings and Uses) of the Milpitas Zoning Ordinance (Staff Contact: Cindy Hom, 586-3284)**

**Background:** On October 27, 2010, the Planning Commission directed staff to draft a zoning text amendment to provide flexible provisions for non-conforming uses given the current state of the economy that has resulted in long term vacancies and unique constraints that impact redevelopment and eventual conformance of these sites. Many properties and businesses in the Midtown and Transit Areas became non-conforming with adoption of the specific plans in 2002 and 2008 respectfully. The draft ordinance was reviewed by the Commission on December 8, 2010 where they recommended the Council adopt it. This ordinance amends Section 56 (Nonconforming Buildings and Uses) of the Milpitas Zoning Ordinance. The proposed text changes would establish criteria and process that would allow the continuation of nonconforming uses or change of use throughout the City and for the re-establishment of nonconforming uses

within the Midtown and Transit Area Specific Plan under certain circumstances. For detailed information regarding the project, please refer to the attachments in the Council packet.

**Fiscal Impact:** None.

**Attachments:**

- A. Ordinance No. 38.793
- B. Strikethrough and Underline Exhibit
- C. Planning Commission Staff Report of 12/8/10
- D. Planning Commission Unapproved Minutes of 12/8/10

**Recommendations:**

- 1. Close the public hearing following public testimony.
- 2. Waive the first reading beyond the title of Ordinance No. 38.793.
- 3. Introduce Ordinance No. 38.793 to amend Section 56 of the zoning code.

**XVI. REPORTS OF MAYOR and COMMISSIONS**

- \* **3. Approve Mayor's Recommendations for City Council Liaison Assignments to City Commissions (Contact: Mayor Esteves, 586-3029)**

**Background:** The City Council reviewed Council liaison assignments to City commissions at the January 4, 2011 Council meeting. Mayor Esteves recommends keeping the current assignments with the exception of the following changes to be effective immediately:

<u>Commission</u>	<u>Liaison</u>
Community Advisory Commission	Councilmember Gomez
Telecommunications Commission	Councilmember Polanski
Library Advisory Commission	Mayor Esteves
Mobile Home Park Rental Review Board	Councilmember Gomez

**Fiscal Impact:** None.

**Recommendation:** Approve Mayor Esteves' recommendations for City Council liaison assignments to City Commissions.

- \* **4. Consider Mayor's Recommendations for Appointments to Four Milpitas Commissions (Contact: Mayor Esteves, 586-3051)**

**Background:** Mayor Esteves recommends the following citizens be appointed to four Milpitas Commissions as follows:

**Community Advisory Commission**

Appoint Phong Nguyen (current Alternate No. 1) as a regular member to a term that expires in January 2015.

Appoint Mia Bradway Winter (current Alternate No. 2) as a regular member to a term that expires in January 2015.

Appoint Samantha Beard (current Alternate No. 3) as Alternate No. 1 to a term that expires in January 2013.

Appoint Michelle Manassau (current Alternate No. 4) as Alternate No. 2 to a term that expires in June 2013.

**Emergency Preparedness Commission**

Newly appoint Pamela Wells as Alternate No. 2 to a term that expires in June 2011.

**Parks, Recreation, and Cultural Resources Commission:**

Appoint George Baltazar (current Alternate No. 1) as a regular member to a term that expires in June 2012.

Newly appoint Rohit Sharma as Alternate No. 1 to a term that expires in June 2012.

**Recycling and Source Reduction Advisory Commission:**

Appoint Joe Kwong (current Alternate No. 1) as a regular member to a term that expires in October 2013.

Newly appoint Christopher Salian as Alternate No. 1 to a term that expires in October 2011.

**Recommendation:** Consider the recommendations from Mayor Esteves, and move to approve his recommended appointments to four Milpitas Commissions.

\* **5. Approve Arts Commission 2011 Work Plan (Staff Contact: Renee Lorentzen, 586-3409)**

**Background:** Pursuant to the Arts Commission Bylaws, the Commission serves as an advisory body to the City Council on matters pertaining to the arts. The Commission's Mission Statement (The Milpitas Arts Commission, in order to enhance the quality of life in its community, shall promote, provide and encourage the arts in the City of Milpitas) encompasses the Commission's vision, values, mission statement and goals in its proposed work plan for 2011.

At the November 22, 2010 Arts Commission meeting, Commissioners reviewed and approved a draft 2011 Work Plan which included goals for ongoing programs, events and long term goals they would like to accomplish. Included in the Council's packet is the Arts Commission's proposed 2011 Work Plan for the Council's review and consideration.

**Fiscal Impact:** None.

**Recommendation:** Approve the 2011 Arts Commission Work Plan.

\* **6. Approve the Public Art Committee 2011 Master Plan (Staff Contact: Renee Lorentzen, 586-3409)**

**Background:** At the November 22, 2010 Public Art Committee meeting, Committee members approved the 2011 Master Plan which outlines the Public Art Installation projects they would like to facilitate in 2011. Projects listed are based on City projects and projects the Committee has an interest in pursuing in benefit of the community. All projects will return individually to City Council for budget and location approval.

**Fiscal Impact:** None. Sufficient funds are available in the Public Art Fund.

**Recommendation:** Approve the Public Art Committee's 2011 Master Plan.

**XVII. NEW BUSINESS**

**7. Receive the Monthly Economic Development Report (Staff Contact: Diana Barnhart, 586-3059)**

**Background:** Local Development Activity: Building and Safety was busy over the holidays with plan check of Headway Technologies building expansion and clean room. Other tenant improvement permits include KLA Tencor, Linear Technology and new stores at the Great Mall. Lyons Apartments has submitted plans for the construction on the 8-story garage with the club house and swimming pool on the top floor that will be surrounded by apartments. This project is the second phase of the Centria residential complex on South Main Street.

National Retail Sales: Nationally, December sales rise 3.1 percent: U.S. same-store sales for December rose 3.1 percent year on year. Performance was good it was uneven. Specialty apparel stores and discounters dragged down the ICSC tally of 36 chains, with apparel stores stepping up a meager 0.8 percent and discounters just 0.9 percent. Department stores were strong, up 4.6

percent, and luxury did especially well, at 8.1 percent. The two-month holiday season's performance was its best since 2006.

ComScore, Inc. measures U.S. e-commerce sales and reports that November–December online sales rose 12 percent over 2009, reflecting a strong rebound from the recession of 2008 and 2009. Cyber Monday (Nov. 29) was exceptional as it was the first billion-dollar spending day in history. One of the draws for online shopping was free shipping, which was used in more than half of all e-commerce transactions this season, up significantly from last year. The ComScore report reminds readers that most online retailers do not collect state sales taxes, putting them at an advantage over brick-and-mortar stores in this regard. Collectively, states are losing between \$21.5 billion and \$33.7 billion in uncollected sales tax revenue each year, according to International Council of Shopping Centers (ICSC), which is pressing Congress to pass legislation to even the playing field. The City is a member of ICSC.

New Auto Dealership: Responses to the County's Request for Proposals for an auto dealership at 900 Thompson Court (north of South Bay Honda) are due on January 25.

Economic Development Commission: The Commission is developing its 2011 work plan that will be presented to the City Council during the first quarter of 2011. Mayor Esteves thanked Commissioners for their service to the City and community at the Commission's January meeting.

McCarthy Ranch: Staff is working with the property manager to meet in January with the Mayor and staff to review what can be done to facilitate leasing at the center. We also will find out how the evaluation of purchase proposals is coming. Over the holiday, DSW closed and is now vacant which combined with Loehmann's vacancy leaves mainly restaurants as the driving force for the shopping center. The properties are not part of the Ranch MarketPlace that are for sale.

Great Mall: Mayor Esteves and staff will be meeting with the President of Mills/Simon Group on January 18. The ownership is interested in moving ahead on the I-880 freeway sign, which is in design at CBS Outdoor. Other topics will include plans for tenant changes, the Black Friday event among others. The Great Mall General Manager, Gayle Speare, indicates that Olive Garden will open during the first quarter of 2011. Other businesses scheduled to open in 2011 are, among others, Michael Kors, Joe's Jeans, Perry Ellis and a Samsonite expansion.

Small Business Development Classes: A total of eight classes were held by the Silicon Valley Small Business Development Center (SVSBDC) at City Hall and the Senior Center during the fourth quarter of 2010. Of the 157 attendees, 22 were Milpitas residents of which four attended more than one class. Those attending most likely work in Milpitas or the Santa Clara County but reside anywhere from San Francisco, Merced, San Leandro and San Jose. Prior to classes being held at City Hall in the Committee Conference Room or in the Senior Center in Room 140, classes were held at the Adult School, but attendance was not as strong.

The City is again hosting Small Business Development Center classes at City Hall and the Senior Center starting in February and completing in early April. Class topics range from bookkeeping and QuickBooks training to marketing and financial assistance.

Fiscal Impact: None. There is no fiscal impact associated with this action.

Recommendation: Receive the monthly economic development report from the City's Economic Development Manager.

**8. Receive Odor Control Report and Direct Staff to Distribute Odor Complaint Card (Staff Contact: Kathleen Phalen, 586-3345)**

Background: In response to requests from members of the City Council, staff prepared the status report on odor control measures and the public odor complaint process (included in the

agenda packets). The report describes the primary sources of odor impacting Milpitas, odor regulations, the public complaint process, a monthly summary of public complaints from 2003 to present, and the City and stakeholder odor action plan. The report also provides an update on actions the primary odor sources are planning or evaluating to further reduce odors in the future.

Staff seeks Council's direction to mail a postcard containing the Bay Area Air Quality Management District air quality complaint telephone number to the Milpitas public. The City mailed out a similar card in 2007 to give the public a convenient reminder they could carry in their car or on their person to allow them to call in a complaint when away from home.

**Fiscal Impact:** None.

**Recommendation:** Receive odor report summary and direct staff to distribute the Bay Area Air Quality Management District complaint telephone number to the public.

**9. Receive Report on the Recommended Alternative for the San Jose/Santa Clara Water Pollution Control Plant Rehabilitation and Land Use Master Plan (Kathleen Phalen, 586-3345)**

**Background:** The City of San Jose operates the 55-year-old San Jose/Santa Clara Water Pollution Control Plant, located on Milpitas' western border at 700 Los Esteros Road, San Jose. On December 14, 2010, the San Jose City Council received the Master Plan recommended alternative to rehabilitate the Plant treatment processes and develop economic, social, and environmental uses for excess lands. The San Jose City Council directed its staff to seek public comment on the draft alternative and bring back the recommended preferred alternative for approval in April 2011. San Jose will begin environmental review for a programmatic environmental impact report upon approval of the preferred alternative.

The San Jose/Santa Clara Water Pollution Control Plant is one of the oldest sewage treatment plants in the Bay Area, and its infrastructure is overdue for replacement and modernization. Reconstruction of the treatment process units will be a tremendous regional public works project, costing on the order of \$2 billion and taking 30 years to complete. The work will be funded by sewer rate payers in the service area, which includes San Jose, Santa Clara, Milpitas, West Valley Sanitation District, and Cupertino Sanitary District. The Master Plan upgrades will ensure reliable sewage treatment capacity to support continued economic development in the service area for the next generation. It will modernize the treatment processes, and develop waste conversion processes to create renewable products such as biofuels. The land use component of the Master Plan lays out the development of excess land for Clean Tech industrial, retail, parks, ballfields, trails, and environmental restoration and habitat.

The City of Milpitas, its businesses and residents, are key stakeholders for the Plant Master Plan project, both due to the Plant's proximity and because the City is, by agreement, a Tributary Agency owning a proportionate share of the Plant lands and responsible for a proportionate share of the improvement costs. On August 17, 2010, the Milpitas City Council adopted Resolution No. 8025 (included in the Council packet), generally known as the "Milpitas Guiding Principles," to define and make known the City's position concerning the Plant Master Plan. The Guiding Principles acknowledge the City's support for San Jose's guiding concept of sustainability, described as the "triple bottom line" of environmental, economic, and equity factors; but state that the outdated open-air biosolids lagoons and drying beds are public nuisances, inappropriate to an urban area that should be replaced in the first phase of the Master Plan work.

In December, San Jose City Council reviewed the Milpitas Guiding Principles as part of the Plant Master Plan agenda item and directed staff to consider these in the final development of the Preferred Alternative for the Plant Master Plan. San Jose City Council also approved direction to staff contained in a memorandum from San Jose Mayor Reed, and Councilmembers Nguyen and Chu. The memorandum states that the City of Milpitas and adjacent property owners have serious concerns about the impacts of odors, some of which may be generated by plant

operations. Staff should determine if the Plant is the source of the odors and prioritize the elimination of the odors generated by Plant operations. These memoranda are included in the City of Milpitas agenda packet for this meeting.

Through a three-year iterative process informed by the advice of the tributary agencies, other stakeholders, a community advisory group, technical advisors, and the general public, San Jose has balanced a number of conflicting technological, financial, and social goals to develop a recommended Master Plan alternative that serves the needs of the community. Based on comments from the community and Milpitas staff, San Jose revised its original plan to postpone the open air biosolids removal to the end of the project to conserve cash flow in the early phases and now recommends removing drying beds and greatly reducing the number of sludge lagoons in the first phase of work, while concurrently addressing other critical infrastructure needs and analyzing means to control costs and stabilize rates. This action will reduce the Plant's odor impacts to Milpitas and North San Jose as soon as feasibly possible, but no longer than fourteen years, and will contribute to restoration of air quality to a level the impacted community deserves for the unconstrained enjoyment of their properties.

Public comment continues to be critically important in shaping the content of the preferred alternative. On Saturday, January 29 from 9:30 to 11:30 a.m., San Jose will hold a public workshop at the City of Milpitas Barbara Lee Senior Center. Additional workshops are scheduled in San Jose on January 19 and 20, in Santa Clara on January 25, and in Cupertino on January 27. The public is encouraged to attend one of these workshops to view displays of the Master Plan alternative and provide comment. The public may also find additional information and submit comment and questions through the Plant Master Plan web site at [www/rebuildtheplant.org](http://www/rebuildtheplant.org).

**Fiscal Impact:** None.

**Recommendation:** Receive the report on the Recommended Alternative for the San Jose/ Santa Clara Water Pollution Control Plant Rehabilitation and Land Use Master Plan.

\* **10. Approve Usage Charges for Milpitas Community Television Inc., a Private Non-Profit Corporation (Staff Contact: Bill Marion, 586-2701)**

**Background:** In April of 2009, the Council approved an agreement with Milpitas Community Television (MCTV), a private non-profit organization for the operation of the Milpitas Public Access Channel and studio. Under this three year agreement, any charges for the use of the facilities are to be approved by the City Council. Staff received a letter from MCTV requesting the approval of the usage charges (included in agenda packet). The letter cites the need for establishing a funding mechanism to continue operations after the expiration of the three year agreement with the City in 2012. Other local community access studios are charging fees comparable to those proposed. The Telecommunications Commission was briefed on the proposed usage charges by the MCTV President and approved the request for Council consideration. Included in the agenda packet are the request letter and proposed usage charges.

**Fiscal Impact:** None. The original agreement was funded through the City's franchise agreement with Comcast Inc. and any additional usage charges would be paid by users of the MCTV facilities. There is no General Fund impact.

**Recommendation:** Approve the proposed usage charges as requested by Milpitas Community Television.

\* **11. Move to Remove One Member of the Community Advisory Commission Due to Lack of Attendance (Staff Contact: Mary Lavelle, 586-3001)**

**Background:** Commissioner Viramrinder Meharu has not attended the last five meetings of the Commission, with several excused absences. He had four unexcused absences over the last year. Mr. Meharu has not been available to attend meetings, and last fall, he did indicate to staff he

wanted to resign from the Commission. No formal resignation in writing to the Mayor or the City Clerk was received however. The City Council appointed him as a voting member in September of 2008, and he was initially appointed as an alternate member in November of 2006.

Commission By-laws state:

Members and alternates are expected to attend all meetings. When any member or alternate has three or more unexcused absences in a 12-month period, the Commission shall forward this information to the City Council for review and possible removal of the member or alternate from the Commission. Any member or alternate of the Community Advisory Commission may be removed from office by a majority vote of the City Council at a regularly scheduled Council meeting.

**Recommendation:** Due to his unexcused absences and unavailability to attend monthly meetings, and per the Commission by-laws, vote to remove Mr. Viramrinder Meharu as a voting member on the Community Advisory Commission, thus creating a vacancy with an expiration date of January 2012.

## **XVIII. ADJOURNMENT**

**NEXT CITY COUNCIL MEETING: TUESDAY, FEBRUARY 1, 2011**