

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, February 1, 2011
Time: 6:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Esteves called the meeting to order at 6:00 PM. City Clerk Lavelle noted the roll.

PRESENT: Mayor Esteves, Vice Mayor McHugh, Councilmembers Giordano and Polanski

ABSENT: Councilmember Gomez was absent at roll call and arrived at 6:01 PM.

CLOSED SESSION

City Council convened in Closed Session to discuss labor negotiations with two employee groups.

City Council then convened in Open Session at 7:00 PM.

ANNOUNCEMENT

None.

PLEDGE

Councilmember Gomez led all in the pledge of allegiance.

INVOCATION

Councilmember Polanski urged all to read about a young woman, Alex Brown, who lost her life texting while driving, and urged everyone to be safe while driving.

MINUTES

Motion: to approve City Council meeting minutes of January 18, 2011 as submitted

Motion/Second: Councilmember Gomez/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 February 2011

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

PRESENTATION

Mayor Esteves made several presentations.

- 1) A plaque was presented commemorating the flag of Vietnam, to the Vietnamese community of Northern California and to President Tien Nguyen
- 2) A proclamation celebrating Martin Luther King Jr.'s Birthday was accepted by Ms. Demetress Morris, leader of the Milpitas Black Caucus and Flamekeepers
- 3) Proclaiming *Black History Month* for February 2011 was also accepted by Ms. Morris
- 4) The Rotary Club's annual Gene Schwab City of Milpitas employee award recognized the 2011 winner Flora Tzeng of the City's Finance Department, along with eight nominees: Gloria Anaya, Susan Barrett, Jorge Bermudez, Mirna McGaughey, Phuong Nguyen, Chris Schroeder, Janice Spuller, and Mitch Timko.
- 5) Proclaiming *Child Safety and Accident Prevention Year*, presented to Dem Nitafan along with two other men from Travelers Protective Association of America, California Division.

PUBLIC FORUM

None.

ANNOUNCEMENTS

Councilmember Polanski reported that she phoned in to the 1-800 odor reporting hotline last Thursday (regarding odor issue discussed at the last meeting). A nice lady received her call, an inspector was in the area, but the woman did not ask questions specifically in the manner as described by Bay Area Air Quality Management District staff who recently spoke to the Council.

Councilmember Giordano referred to the last City Council meeting regarding the COPS grant (for Police Department) public hearing when a speaker made some inappropriate remarks on uniforms. She personally appreciated all the work done by the Police Department volunteers in many different capacities.

Vice Mayor McHugh highlighted that St John’s School choir recently sang the national anthem at Supervisor Dave Cortese’s installation as Board President. He attended an excellent presentation at the Senior Center last Saturday about the Water Pollution Control Plant upgrade process. Also, a citizen recently asked about the Senior Center not being open evenings and weekends, so he noted that a report was forthcoming on that topic on the next agenda.

Mayor Esteves referred to a column in the local newspaper which discussed City Council pensions. He requested the Human Resources Director and Finance Director prepare a report about pensions and medical benefits of each elected official, considering the impact when there was employment in an agency under the PERS umbrella. Mr. Esteves wanted to tell the public what was the pension benefit as elected officials. Finance Director Emma Karlen asked if the request was for the existing City Council, and the Mayor responded yes, and also for those on the Council in the past five years.

Mayor Esteves reported that due to uncertainty of PG&E’s report on the condition of pipes (at a prior Council meeting), he asked staff to write a demand letter to the state PUC for an inspection of all PG&E pipelines in Milpitas, to ensure the safety of all residents.

Councilmember Gomez asked the Mayor if he wanted staff to research Councilmembers’ pensions at their present jobs. The Mayor replied no, only what was affected for pension in the City of Milpitas, and gave an example. Mr. Gomez clarified that the Mayor wanted to know the CalPERS impact on the City of Milpitas and Mr. Esteves replied yes.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as amended

City Manager Tom Williams reported that staff asked to remove Item No. 8 from the agenda, for later consideration, due to a last minute request from the vendor.

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

Councilmember Giordano made a request to place item no. 2 on consent, but that was not acceptable to other Councilmembers. She also inquired of staff if all Commission applications were included in the agenda packet, including those on file who were not recommended by the Mayor. The City Clerk confirmed they were.

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

*5. Commission Appointments

Arts Commission/Public Art Committee

Appointed Marcella Anthony as a regular member to term that expires in October 2012.
Appointed Manjula Gupta as Alternate No. 1 to a term that expires in October 2012.

Community Advisory Commission

Re-appointed Michael Queenan to a term that expires in January 2015.
Appointed Samantha Beard as a regular member to a term that expires in January 2012.
Appointed Michelle Manassau as Alternate No. 1 to a term that expires in January 2013.
Newly appointed Edna R. Andres as Alternate No. 2 to a term that expires in Jan. 2013.
Newly appointed Debra Lax as Alternate No. 3 to a term that expires in January 2012.

Economic Development Commission

Newly appointed Warren Wettenstein as the Chamber of Commerce representative to a term that expires in April 2012.

Telecommunications Commission:

Re-appointed William Lam to a term that expires in January 2013.
Re-appointed Satish Kumar Bansal to a term that expires in January 2013.

*6. 2011 CAC Workplan

Approved the 2011 Community Advisory Commission Work Plan

*8. Resolution for Ricoh

This item was removed from the agenda.

*9. Amendment No. 3 to Agreement with Bellinger

Approved amendment No. 3 to the agreement with Bellinger, Foster, Steinmetz Landscape Architecture, in the amount of \$53,500, Project No. 5055, subject to approval as to form by the City Attorney.

*10. Payment to County for 2010 Election costs

Approved the payment request of \$63,156 to the County of Santa Clara for the 2010 municipal election costs held on November 2, 2010.

PUBLIC HEARING

1. Weed Abatement 2011

Fire Marshal Albert Zamora explained actions taken to date for the weed abatement program, including the resolution adopted last month. This evening was the opportunity to hear from any property owners who may object to clearing of weeds on their properties. Also Mr. Moe Kumre of the County of Santa Clara Agriculture office was present to answer questions about the program.

Mayor Esteves opened the public hearing for comments.

Ms. May Ing, property owner at 558 S. Park Victoria Drive, received a letter on January 24, and it asked for response by the 15th but she had not received the letter by that date. She has been maintaining her new property, and with recent rains, hadn't been able to cut the grass. She pulled some weeds by hand and brought photos to show that she had made efforts.

Mr. Kumre responded he could assist the resident later. He discussed the non-compliance was noted during the fire season in the fall. When a property was sold, it did not change the need to comply, but most likely fees would not be assessed on the woman's property if the new owner met required standards after notification.

Mayor Esteves asked Mr. Kumre about the standards he referenced, and the reply was that those varied by type of property, and were included in the mailed notice.

(1) Motion: move to close the public hearing

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

(2) Motion: to adopt Resolution No. 8056 directing the Santa Clara County Agricultural Commissioner to abate the weed nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with Milpitas Municipal Code

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

UNFINISHED BUSINESS

2. Meeting Date

Councilmember Gomez explained what he and Councilmember Giordano discussed at the last Rules Committee meeting. They knew there was a February 8 work session scheduled, but they felt this one topic (Task Force) could be consolidated with a budget session planned in March to discuss all matters related to budget at once.

Councilmember Polanski was in favor of having a meeting on February 8. The Task Force brought interesting recommendations back in November at the request of the City Council. She referred to a recent article, to identify core issues for the City during a down economy and how to get out of a deficit spending cycle. She wanted to hear response from the City Manager on ideas provided by the Task Force and to allow for more open discussion and philosophical look at budget issues.

Vice Mayor McHugh's main concern was that all recommendations from the Task Force be reviewed. It might make sense to have one meeting dedicated to that subject, and then Council would be better prepared on March 15, regarding the budget.

Councilmember Giordano stated the Council had already heard the lengthy report from the Task Force and she had the idea of the nature of that report. There would be more value if those recommendations were discussed within the context of the budget.

Councilmember Gomez agreed with Ms. Giordano. He felt staff could respond by a detailed memo on the Task Force recommendations.

Mayor Esteves stated it would take multiple sessions to address the budget. He wanted more opportunities for citizens to speak, and for Council to discuss and study the budget. Starting early was important, as well as providing residents the opportunity to contribute to the discussion. He favored the February 8 meeting.

Councilmember Polanski noted that when she attended Commission meetings, she did announce the budget meeting on Task Force recommendations upcoming on February 8. She also spoke to people in the community about this date.

Vice Mayor McHugh reminded the Council that when they had initially received the Task Force report, he'd asked the City Manager to address achievability and the impact of each recommendation from the Task Force.

Motion: to maintain the February 8, 2011 Council special meeting date for a study session to start at 6:00 PM

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

Motion carried by a vote of: AYES: 3
NOES: 2 (Giordano, Gomez)

3. Solar Lighted Soccer Fields

Economic Development Manager Diana Barnhart provided an update. SunPower remained interested in this project but wanted to see a full commitment from the City on such a project as the solar lighting potential on multi-use playing fields in Milpitas. Staff reviewed areas of the City, and determined where the most activity could happen would be at the Sports Center with a multi-use field. At this point, staff requested to place this item into the next Capital Improvement Program, to include funding for a study.

Councilmember Giordano inquired what SunPower’s commitment was, if the City was going forward with the study. Ms. Barnhart discussed the company’s willingness to donate solar panels, install those, and then to educate the public and students to demonstrate how solar panels actually work, converting power and saving energy cost. No dollar estimate was known at this time.

Councilmember Polanski asked if this should be considered at the budget process. Staff replied yes, and that was the recommendation: adding this project to the CIP.

City Manager Williams commented that what was needed was more comprehensive plans to continue negotiations with SunPower and get a dollar amount that the company would be willing to contribute. Staff would need to have drawings for a real proposal, then the City could put a dollar figure to it, and ultimately bring back the project to the City Council to determine the priority within the CIP.

Councilmember Polanski asked what was the cost for the schematic design. City Manager Williams replied an estimate of \$7,000-\$10,000 was needed to get plans and proceed to a full blown study, and then to go back to SunPower. Staff sought consensus from the City Council that this project should be considered in the CIP.

Vice Mayor McHugh continued supporting scoping out the project and to seek more specifics on this possible project, and then analyze the information.

Motion: to receive the staff report and direct staff to proceed with seeking information to include a solar lighted multi-use playing field at the Sports Center in the Capital Improvement Program and to get schematic design in order to move forward

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

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

JOINT REDEVELOPMENT AGENCY, PUBLIC FINANCING AUTHORITY & 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 Public Financing Authority and the City Council at 8:22 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 January 4, 2011

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

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/ Vice Chair/Vice Mayor McHugh

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

RA4. Letters of Support for the Agency

Economic Development Manager Diana Barnhart had drafted letters of support to three elected officials in Sacramento, seeking support to continue redevelopment activity in Milpitas, and to oppose the Governor's proposal to eliminate Redevelopment Agencies. Copies of the letters were distributed to the Councilmembers.

Ms. Barnhart identified the highlights included in the draft letters, and listed twelve major achievements in Milpitas since the Agency's creation, including efforts on affordable housing and many economic development achievements.

Councilmember Gomez commented on companies that came to Milpitas when they were small, and had since grown a lot in the RDA area. He referred to the recently passed Proposition 22 last November and read a quote from that ballot measure which called for the state to stop taking in any way from local government. Mr. Gomez wanted to know what legal efforts were happening on this issue.

City Attorney Mike Ogaz reported that the California Redevelopment Association would take actions to oppose the Governor's proposal, and sought to find that it was actually illegal to eliminate agencies, based on Proposition 22.

Mr. Gomez felt Milpitas needed to do more than just send letters, and suggested finding alternative options to find revenues that the state was seeking. Lobbying efforts with friends in labor and in business could help.

City Manager Williams opened an invitation to all Councilmembers to travel to Sacramento with city staff to conduct lobbying in the Capitol the following week. Milpitas was the seventh largest Redevelopment Agency in the state and needed to have a seat at the table.

Councilmember Polanski and Vice Mayor McHugh supported the draft letters, and lobbying and other efforts, including educating citizens about redevelopment.

City Manager Williams said staff was looking at a constitutional question, and that legal review was needed, along with participation financially for additional legal review.

Mayor Esteves asked what pending RDA projects Milpitas had. Ms. Barnhart responded on actions that would come to the Agency for a vote on February 15 which include a : recommendation to form a Housing Authority to maintain control of the set-aside housing funds and also to consider creation of an Economic Development Corporation for discretionary funds.

City Manager Williams reported that the state would soon conduct an audit of 18 redevelopment agencies; however, Milpitas was not one of those.

Councilmembers recommended a focus on jobs (not buildings constructed) and the businesses that came to Milpitas. Mr. Gomez felt that fit in line with goals as recently stated by the Governor.

Motion: to approve and sign letters of support and direct staff to deliver them to state government officials (Governor, Senator and Assemblyman) in Sacramento

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

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

REPORTS OF MAYOR AND COMMISSION

Two items were approved on the consent calendar.

4. Council Liaison Assignments

Mayor Esteves reviewed the list of outside agencies (provided in the agenda packet.). The Mayor verbally announced his recommendations and asked Councilmembers for their input.

He recommended the following new appointments:

League of California Cities, Peninsula Division – Councilmember Gomez
Recycling & Waste Reduction Commission – Councilmember Polanski
Santa Clara County Cities Association – Mayor Esteves
Santa Clara County Cities Association Legislative Action Committee – Vice Mayor McHugh and as alternate, Mayor Esteves
Santa Clara County Emergency Preparedness Council – Councilmember Polanski
VTA Policy Advisory Committee – Councilmember Gomez
VTA Warm Spring BART Policy Advisory Board – Vice Mayor McHugh
Santa Clara Valley Water Commission – Councilmember Gomez

The Mayor also re-confirmed existing appointments to several of the agencies.

Motion: to consider and vote to approve the Mayor's recommendations for outside agency appointments

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

NEW BUSINESS

7. Report on Infrastructure

City Engineer/Public Works Greg Armendariz reported to the Council on many facets of the City's infrastructure and its current challenges. Highlighted were the following valuations: \$240 million assessed value of the major City buildings, \$350 million on the water system, \$275 million for the sewer system, \$575 replacement cost for the storm drain system including 13 pump stations, and \$320 million total valuation of the roadway system. That yielded a \$2 billion total valuation (or replacement cost) of all infrastructure within the City of Milpitas. The annual Capital Improvement Program was funded at an average of \$15 million per year (less than 0.01% of valuation), and that would need to start increasing to conduct some system replacement. He identified current management and master plans for the utilities, after listing the design life span for major infrastructure.

Mayor Esteves commented on the Pavement Condition Index level number (currently at 68 rating). He asked staff to present a funding diagram that would provide the cost to maintain the streets at the highest level possible (at a 76 rating), and learn what it would take to maintain that level. Mr. Armendariz replied the annual budget amount for streets maintenance was \$1 million, and funding would need to be increased to maintain a higher level of street maintenance.

Councilmember Gomez totally concurred with the Mayor and hoped to read what options the Council could consider, during the time of the budget process. He inquired about arts funding. The City Manager responded that 1.5% of capital projects were set aside for public art, currently at \$1.5 million in the public art account. Mr. Gomez responded that maybe it was time to suspend art funds in order to improve the roadways.

Mr. Armendariz identified various funding sources for each of the infrastructure types he delineated, including grant funding for three of the six categories.

Councilmember Gomez desired to know the total backlog of all funds. Staff reported the information would be provided at the time the CIP was presented later this spring.

Councilmember Polanski asked staff to e-mail the powerpoint presentation made at this meeting to the Council. She noted that the core services must continue to be provided to residents, and everyone needed to come together in these tough economic times.

Motion: to receive the report on City's aging infrastructure

Motion/Second: Councilmember Gomez/Councilmember Polanski

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

RESOLUTION

One resolution was adopted on the consent calendar.

CONTRACT

One item was approved on the consent calendar.

DEMAND

One item was approved on the consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 9:45 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on February 15, 2011.



Mary Lavelle
City Clerk