

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, February 15, 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, Gomez and Polanski

**ABSENT:** None

**CLOSED SESSION**

City Council convened in Closed Session to discuss two matters, labor negotiations and potential anticipated litigation.

City Council then convened in Open Session at 7:03 PM.

**ANNOUNCEMENT**

None.

**PLEDGE**

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

**INVOCATION**

Mayor Esteves offered a prayer at the start of the meeting.

**MINUTES**

Motion: to approve City Council meeting minutes of February 1, 2011 as submitted

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

**SCHEDULE OF MEETINGS**

Motion: to approve the Council Calendar/Schedule of meetings for February and March 2011, as amended

Vice Mayor McHugh reported that the monthly Sunol Smart Carpool Lanes group met on the second Monday of the month (he attended meeting the previous day) with the next meeting on March 14 at 9:30 AM in Oakland. Mr. McHugh additionally announced that the Economic Development Subcommittee meeting scheduled for February 18 was canceled.

Councilmember Polanski announced that the Finance Subcommittee scheduled for February 17 was canceled.

Councilmember Giordano stated she attended the County Library Joint Powers Authority Finance Committee meeting at 11:00 AM this morning.

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

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

**PRESENTATION**

Mayor Esteves proclaimed Health for Humanity through Yoga Awareness, and Yoga Awareness Day. It was accepted by Madhulika Singh and Nilesh Pathak, of the Milpitas branch of Hindu

Swayamsevak Sangh. A woman from the group gave an instructional and educational presentation, including a demonstration, to City Council about the benefits of yoga.

**PUBLIC FORUM**

Bonnie Mace, of Silicon Valley Leadership Group, invited the Mayor and Councilmembers to attend upcoming leadership meetings planned in Washington, DC and in Sacramento. She distributed printed information and registration forms to the Council.

Robert Marini, Milpitas resident, requested to speak on Item No. 1. Mayor Esteves said he could, but asked the resident to wait until the public hearing was opened on that topic.

**ANNOUNCEMENTS**

Councilmember Giordano congratulated her parents Mr. and Mrs. Indihar for celebrating their 66<sup>th</sup> wedding anniversary today. She thanked the Mayor for asking for a compensation report he requested at the last City Council meeting, since it will shine a light on the salary and benefits that elected officials receive. She asked citizens to always check the facts.

Vice Mayor McHugh commended the Milpitas Foundation for Education for the crab feed fundraiser dinner held last Friday at the India Community Center as a well done event.

Councilmember Polanski noted everything for the record should be factual. The crab feed event was put on by the Milpitas School District, not the Education Foundation which no longer exists. She recently attended her first quarterly meeting of the County's Emergency Preparedness Commission. There were presentations from cities on Best Practices. She commented further on rights of citizens to speak out or write in to the local newspaper.

Mayor Esteves offered Happy New Year to the many Asian residents of Milpitas. A brand new Silicon Valley Gateway Lions Club was chartered last weekend, so he congratulated the Club. He thanked those who attended last Tuesday's Council meeting regarding response to the recommendations from the Citizens Budget Task Force. Mayor Esteves asked the City Manager to summarize the ideas discussed by the Council on Feb. 8 and report those at the next meeting.

The Mayor announced that the Milpitas Chamber of Commerce scheduled a crab feed on March 4 at Napradek Hall.

**ANNOUNCEMENT OF CONFLICT OF INTEREST**

Councilmember Gomez stated he would abstain on Item No. RA4 due to his employment with the City of San Jose.

**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 amended

Mayor Esteves requested to add item No. 8 to the consent calendar. Vice Mayor McHugh requested to remove items No. 6 and No. 9 from consent.

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

**\*2. Commission Appointments**

Economic Development Commission

Newly appointed Milpitas School Board member Marsha Grilli as MUSD Representative to a term that expires in April 2013.

Emergency Preparedness Commission

Appointed Don Clendenin as a regular member to a term that expires in June 2013.

Appointed Mercedes Albana as Alternate No. 1 to a term that expires in June 2011.

Telecommunications Commission

Appointed Sumeet Ahuja as a regular member to a term that expires in January 2013.

Appointed Kurt Bohan as Alternate No. 1 to a term that expires in January 2013.

Newly appointed Debra Lax as Alternate No. 2 to a term that expires in January 2012.

- \*3. 2011 SAC Workplan Approved the 2011 Senior Advisory Commission Work Plan.
- \*8. "Let's Move" resolution Adopted Resolution No. 8063 supporting the "Let's Move" program, recently supported by the Santa Clara County Cities Association, to encourage activity by young people in order to curb childhood obesity.
- \*10. Resolution for Extension of Agreement with Ricoh Adopted Resolution No. 8065 authorizing the City Manager to execute the extension of the piggyback agreement with Ricoh Americas Corporation through the City of San Jose contract for printers and copiers.
- \*11. Resolution Authorizing Grant Applications for Trails and Open Space Grant Adopted Resolution No. 8066 authorizing staff to apply for and accept, on behalf of the City, a "Trails and Open Space Grant Program" grant from the Santa Clara Valley Water District for Alviso Adobe Renovation, Project No. 5055.
- \*12. Contract with PMC for Climate Action Plan Authorized the City Manager to execute a contract with PMC for the development of a Climate Action Plan for an amount not to exceed \$85,000.

**PUBLIC HEARING**

1. Ordinances Related to Water and Sewer Rates

Principal Utility Engineer Kathleen Phalen reported that City staff recommended new four-year not-to-exceed utility rates for water and sewer services, which differed from the written report. The four recommendations were given:

- 1) Four-year not-to-exceed rates
- 2) Wholesale pass-through and inflation costs
- 3) Residential water tiers (different than in past)
- 4) Introduce water and sewer rate ordinances for these changes.

Ms. Phalen emphasized the importance of provision of clean water and care for the sewer system and overall health of both. She described the rate analysis, projecting revenue and expenses over the next five years. Highlighted were five critical City policies for water and sewer, including that they were self-sustaining entities.

Mayor Esteves asked about any policy on costs to provide utility services. Did it mean that water was provided at the lowest possible cost and staff replied that was the city's practice already. He asked if she had information comparing City operations costs versus other cities or other providers. Ms. Phalen did not have that on hand but could provide it later.

Councilmember Polanski asked for a description of what operations entailed and staff responded it would be reported later.

Ms. Phalen went on to describe the requirement on the San Francisco Public Utilities Commission (one of Milpitas' water wholesalers) to upgrade its outdated water distribution system. Therefore, its rates, charged to the City, would triple over the next five years. SFPUC was able to recover sales shortfall (or lost revenue). Meanwhile, Santa Clara Valley Water District (second of Milpitas' water wholesalers) rates charged to the City were up 60% in five years. Additionally, on the sewer side, costs doubled over five years, due primarily to the update of the Water Pollution Control Plant, per its Plant Master Plan.

Councilmember Polanski asked about water conservation, and for an explanation of increased rates despite consumers' efforts to conserve water. Staff pointed out the

paradox of conservation.

Infrastructure of the two utilities was detailed, and how the City had controlled the internal operating costs was explained. New recommendations were for not-to-exceed rates for a four-year period, where actual rates would be set in each year to recover actual costs. That would allow unanticipated wholesale water cost and inflation pass-through alongside establishment of four tiers for residential water rates.

The law AB 3030 allowed for pass-through of wholesale water costs in excess of projections including inflation, and staff proposed to include this in the new rates. New tiered rates proposed were detailed, with units consumed by cubic foot of water.

Mayor Esteves commented on these new tiers, and he was happy that when one conserved, the customer would be rewarded, unlike the current two-tier system.

Councilmember Polanski asked for explanation of types of customers in Tier 1 (0 to 10 hcf) and Tier 2 (11-20). Staff said a single person living alone in a condo with no yard might be in the low usage tier. Ms. Phalen displayed "Account Distribution" estimated for new rates, with the largest number of residential water customers in the new Tier 2.

Councilmember Gomez asked the City Manager to have copies distributed to City Council of all powerpoint presentations, such as the one shown at this meeting.

Staff displayed a chart of Bay Area city comparisons, of water and sewer rates. Those closest to Milpitas were San Jose, Cupertino, Campbell and Mountain View, while some other cities had rates four to five times that of Milpitas.

Councilmember Polanski asked if the City went to four tiers, but those were adjusted differently than recommended at this meeting, would there need to be another analysis? Staff responded yes. Consequences if the proposed rates were not increased were defined, including a likely \$6 million shortfall in the first year. A subsidy from the City's General Fund would be required, and reserves would be depleted.

Councilmember Polanski asked questions on financial status of the General Fund deficit and reserves Ms. Phalen then went over rate adoption steps, and displayed the draft Proposition 218 notice to property owners. A community meeting would be scheduled to inform residents about this rate increase issue.

Mayor Esteves was surprised that staff did not present expected revenues and expenditures over the next five years, in order to provide that to the public. He felt there should have been columns for 2010, to 2011, etc. for revenues.

The Mayor asked more questions about wholesale costs at \$10 million and the rates whose revenue would bring in \$6 million. He questioned operations costs, and wanted to know if those were only labor related. If so, why did the budget show an increase? The Public Works Director expressed the operating costs and why they would go up slightly, including items such as fuel, electricity, chemicals for the storage tanks, and pipeline material. Mr. Armendariz said labor cost was approximately 2/3 of the total.

Councilmember Gomez stated, regarding policy, it was important to note these were not profit generating enterprises. Water and sewer funds must be self-sustaining (unlike some other cities' policies). In Milpitas, they did not pass on any costs other than direct ones. Via Proposition 218 rules, the City Council would find out if people wanted to continue self sustaining funds or to cut costs from other programs of the City. He asked to look at consequences again, so he supported staff recommendations.

Councilmember Giordano asked if this matter went to the Finance Subcommittee, and what the recommendation was. The Mayor replied the answer was to bring it to the full City Council for discussion, as this was a major decision requiring a full discussion.

Councilmember Polanski commented on major changes in the approach to rate increases this year versus last two years. She was concerned about the four tier approach and thought it important for all Councilmembers to hear the complete explanation.

Councilmember Giordano commented about the past Finance Subcommittee make-up and approach to making recommendations. In the future, just boot this to full City Council she urged, on this type of issue.

Vice Mayor McHugh commented on cost drivers, and how they arrived at different rates. Was it possible to re-vamp information given out and to receive more details? Maybe go to an additional page he suggested to help the public understand the rationale.

Councilmember Polanski remarked that the staff time on bringing this issue to the Finance Subcommittee was not a waste of time. Several recommendations from the Subcommittee were given to staff regarding presenting this issue to City Council. They reviewed carefully the draft letter to go out to property owners.

Mayor Esteves wanted to focus on cost to deliver water and sewer service, since that was the area Council could control, not the pass-through water wholesale costs. He wanted to operate at minimal cost, and it would be best to show that via a chart on costs.

Councilmember Gomez was hesitant to bring this issue back again since a process was in place and certain dates were very important to follow. A public meeting was a very good way to educate residents and customers about the rate proposal.

Mayor Esteves wanted to help people to make good decisions, and there was a need for enlightenment. It was important for him to not just pass the buck to consumers. With an enclosed form to property owners in the mailing, it would be easier for residents to express their opinion, he stated.

Next, the Mayor opened the public hearing for comments.

Robert Marini, Milpitas resident, thought last time for this process was a “non-voting” experience. No form was provided to check off, and he termed it “extortion.” The notice was not published in any language beyond English. He felt the need to vote normally, like in City Council elections. He commented on rates paid by businesses and thought they were not being charged adequately. Citizens could not afford to pay this much.

Kelly Wells, Milpitas resident, had sent the Council an e-mail. He asked to adjust rates for people to use the same amounts, and to assist those who conserve water. Maybe in future, the City could offer rates to conserve on sewer use, too. So far, rates go up despite conserving. In 1995, free compost bins were offered in the City and he thought that was very good. Cisterns for water could be offered now too to collect rainfall, to then use to water his yard. He complimented City staff on the presentation given.

Karen Kolander, Milpitas resident, was concerned that people did not receive all the numbers needed on this subject, and how it would affect people. For those who rent, they would have no say in the changes in the rates charged, and she thought it unfair.

(1) Motion: move to close the public hearing

Motion/Second: Councilmember Gomez/Councilmember Polanski

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

Councilmember Polanski supported moving forward with the rate process. There were opportunities at the next few Council meetings to bring back information requested at this meeting including operations costs versus other cities, and a more detailed

breakdown on what those costs included. She wanted to know how much in tiers did a gallon of water actually cost the city. On May 3, the City Council would have the ability to adopt or not the rates recommended or to make adjustments or changes. Again, she stressed to her colleagues to really have to look at core services and not delay things.

Motion: to move forward with the required steps on the water and sewer rates, by continuing this item to the next Council meeting, for staff to prepare a more informative draft of the notice to property owners, including more specific information on costs to deliver the utility services versus other cities

Motion/Second: Vice Mayor McHugh/Mayor Esteves

Motion failed by a vote of: AYES: 2 (Esteves, McHugh)  
NOES: 3

Next, City Attorney Ogaz read aloud the title of Ordinance No. 120.46, "An Ordinance of the City of Milpitas Amending Chapter 1 of Title VIII of the Milpitas Municipal Code Relating to Water Service Charges."

(2) Motion: move to waive the first reading beyond the title of Ordinance No. 120.46

Motion/Second: Councilmember Gomez/Vice Mayor McHugh

Motion carried by a vote of: AYES: 3  
NOES: 2 (Esteves, McHugh)

(3) Motion: move to introduce Ordinance No. 120.46

Motion/Second: Councilmember Gomez/Councilmember Polanski

Motion carried by a vote of: AYES: 3  
NOES: 2 (Esteves, McHugh)

Next, City Attorney Ogaz read aloud the title of Ordinance No. 208.47 "An Ordinance of the City of Milpitas Amending Chapter 2 of Title VIII of the Milpitas Municipal Code Relating to Sewer Service Charges."

(4) Motion: move to waive the first reading beyond the title of Ordinance No. 208.47

Motion/Second: Councilmember Gomez/Councilmember Polanski

Motion carried by a vote of: AYES: 3  
NOES: 2 (Esteves, McHugh)

(5) Motion: move to introduce of Ordinance No. 208.47

Motion/Second: Councilmember Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 3  
NOES: 2 (Esteves, McHugh)

(6) Motion: to direct staff to mail to all property owners a Notice of Proposed Rate Increase and to set May 3, 2011 as the meeting date for the second readings and adoption of Ordinances No. 120.46 and No. 208.47, and to provide a public meeting plan on March 15, 2011

Councilmembers made a request for detailed information at the next meeting showing Milpitas versus other cities' comparison on operating costs to provide the services, and the Mayor requested a detailed breakdown of the City's operating costs on March 1.

Motion/Second: Councilmember Gomez/Councilmember Polanski

Motion carried by a vote of: AYES: 3  
NOES: 2 (Esteves, McHugh)

Vice Mayor McHugh asked staff to prepare an information campaign using the Milpitas Post, with comparative information published for the residents to read. City Manager Williams asked Council if there could be a clear vote on this request, in part to due costs for advertising in the newspaper. Vice Mayor McHugh responded he intended perhaps a written article in the newspaper, not paid advertising.

Councilmember Gomez recommended providing information on the City website and Mr. McHugh suggested also on MCTV channel 26.

Councilmember Polanski noted there were many other avenues staff could utilize to get the information out about the rate proposal. She asked staff to bring back at the next meeting, and they will bring it forth to residents again.

Mayor Esteves announced that City Council would take a ten minutes break at 9:15 PM, and return at 9:25 PM.

### **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 City Council at 9:25 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 February 1, 2011

Motion/Second: Vice Chair/Vice Mayor McHugh / 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 amended

Mayor Esteves requested to remove item No. RA 8 from consent.

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

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

### **PUBLIC HEARING**

#### **RA4. Agreement with Flextronics Americas Inc.**

Mr. Gomez excused himself and left the dais during this item.

Economic Development Manager Diana Barnhart described Flextronics' plan to manufacture solar panels by SunPower in Milpitas. \$1 million was requested by Flextronics to offset building costs while adding 50 jobs in Milpitas. The company's total hiring plan was to create and retain 154 positions at the manufacturing worksite in the City.

Vice Mayor McHugh wanted reassurance about payback of the loan. The City Attorney responded about the provisions in the contract which would be enforceable on this



**RA5.** Update on Proposed Silicon Valley Conference Center

Economic Development Manager Diana Barnhart presented the status of a proposed Milpitas conference center. To date, two buildings on Alder Drive had been considered. The banquet and display demands would require 20,000 sq. ft. of space. Architecture and design of the facility would need to be adaptive, including a kitchen, and adequate service and support areas. She provided information on parking along with high cost estimates on construction. A financing plan would need to be established, with bond financing of \$4 million per year on a 30-year bond from the Agency as one possible mechanism.

Mayor Esteves commented on the comparative chart with overall projected costs and expenses, which he'd seen at a previous subcommittee meeting, which helped to clarify some details for a facility.

Councilmember Giordano said if staff was considering a look at the current Community Center site, what would that look like? City Manager Williams replied staff would look at tearing down the existing building, add parking garage and second floor to investigate redeveloping that site into a two-story structure.

Vice Mayor McHugh supported the Subcommittee recommendation, and wanted to look at alternatives. His enthusiasm is diminished though, considering potential costs and lack of support by hotels toward costs.

Councilmember Gomez recalled that public-private partnerships were discussed when this subject was first discussed. Maybe a self-imposed hotel tax for the improvements would be needed. He based his support on what hotels would bring to the table, a tax or other financing options.

Ms. Barnhart commented to Mr. Gomez about the hotels' viewpoints when starting this issue. This February had been tough for the hotels. Meanwhile, meeting room space was starting to come back at local hotels.

Councilmember Polanski said at the subcommittee, they were looking at partnership with hotels. She did not want to be in the business of running conventions. This matter should be part of the budget process discussion and considered at that time.

Councilmember Giordano did not recall review of any partnership, the City had been reviewing this for more than one year, and it should be self-sustaining, she recalled. The front line commitment should be demonstrated from the private sector. Consultant fees were spent on this effort, she noted.

Mayor Esteves asked, when the Subcommittee got this information about a potential conference center, it was just not financially feasible, was that correct? Staff responded that it would require the Agency going out for a bond and that was not feasible now.

Mayor Esteves recommended looking at other sites, and he tried to define what the subcommittee meant. Projected demand and projected costs then were needed. He would like to look into expansion of the Milpitas Teen Center, as an option, as another type of facility development in the City.

Councilmember Giordano thanked the Mayor for his comments. Her main concern was she did not want the City to employ a consultant for that work. The City Manager responded this could be done with City staff for any alternative sites suggested.

Vice Mayor McHugh wished to follow the Economic Development Subcommittee's recommendation.

Motion: to receive a report from staff on the proposed conference center status, direct staff to stop work on the Alder Drive site, to retain it as an option, to evaluate other alternative sites including the Milpitas Community Center site and return to Council/

Agency in the future with a recommendation

Additionally, in the Vice Mayor's motion, direct staff on minimal time to evaluate modifying the Community Center site as a conference center to determine what it would cost, the benefits etc. and come back to the Agency before doing anything else.

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

Councilmember Polanski responded that if the City Manager felt staff had time to evaluate these in coming months, she was ok to move forward with the motion. However, she was not inclined to support it just to find things for staff to do. Otherwise, table this topic until after the budget is addressed. Mr. Gomez concurred with her.

Mayor Esteves supported the motion, since he knew the demand was there, based on the waiting time for rental of facilities such as the Community Center.

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

\*RA6. Resolution Amending Agreement

Adopted Joint Resolution No. RA404 / 8060 approving the Cooperative Agreement and amending the Public Works Agreement between the City and Agency.

\*RA7. Resolution Related to Purchase of Property

1. Adopted Resolution No. RA405 authorizing the Agency Executive Director to negotiate and execute agreement(s) to purchase for \$1.8 million and for rental and property management services of 1432-1440 South Main Street.
2. Approved a \$1.8 million loan from the Redevelopment Housing Set Aside Fund to the Project Fund for the purchase of the property and to give authorization to the Agency Director to execute all documents necessary to effectuate that loan.
3. Approved a Budget Change Form.

RA8. Contract to Purchase Property

This item was removed from the consent calendar.

Mayor Esteves asked questions on the appraisal of this land. Planning Director James Lindsay responded that the appraisal was based on the average value of one acre of land value established last year by Smith & Associates (as was done every year). Staff confirmed it was still current. Mayor Esteves questioned that assessment.

The Mayor wanted to know if land had been tested for toxicity, since a school site had been suggested. Mr. Lindsay said yes, the land was clear. Development was happening incrementally in the Transit Area Specific Plan, and this location would be a key acquisition.

The Mayor asked the City Attorney if it was ok to ask a question that a resident asked him, which was whether any developer in this area had given campaign contributions to elected officials. City Attorney Ogaz did not know a specific response to that question.

Ms. Barnhart pointed out the City planned to proceed with rezoning for development potential in this area of the City.

Councilmember Gomez asked questions on a school site versus parkland here. When the Transit Area Specific Plan was adopted, it was suggested there be partnership with school district for playing fields, shared by both the City and MUSD.

City Manager Williams replied that the school district analyzed the seven acre site, for possible school use. If the Agency purchased the land, it could control use of the site into the future, working with the school district. The City Manager explained that working with the property owner, staff came up with the large site of land that RDA could purchase.



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

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

5. Report on Senior Center Hours

Parks & Recreation Director Bonnie Greiner defined the current hours of the new Barbara Lee Senior Center. Staff there had not received any request to have the center open evenings. The survey had begun to be distributed and responses so far suggested closing the center no later than 5:00 PM

Vice Mayor McHugh had two suggestions for the survey. Add one more scenario: open one evening and four hours on a Saturday. As he was checking a list of other sites, he saw that other cities used their Senior Center as a Community Center at night. He asked, how about checking into that in Milpitas? Staff responded they could do that.

Councilmember Polanski said she wanted similar information requested by the Vice Mayor, and more feedback would be very helpful on this survey.

Councilmember Giordano remarked that only 22 responses was small so far. Staff explained they just got started and planned to survey many more seniors.

Mayor Esteves asked how staff would do outreach to those who don't use the Senior Center. Mayor Esteves suggested using the registered voters list to contact possibly. He urged asking about other types of programs desired by seniors.

Councilmember Polanski inquired what was the age to sign up for the Senior Center and staff replied age 50. Ms. Polanski suggested targeting those in that age category specifically on the survey.

Public comment

Robert Marini, Milpitas resident, never heard anyone asking any questions about senior Center hours to be opened. Nobody's ever heard of it. He had other issues of concern with the Senior Center, and would take those one at a time.

Motion: to direct staff to conduct a survey of current Senior Center membership, as well as community outreach to seniors who may not be using the center, to gather information to determine 1) what hours they would like the Senior Center open, and 2) what activities and/or programs they would like offered during possible evening and weekend operating hours; and, direct staff to return to City Council to report the findings. Vice Mayor included in his motion a desire for a third alternative included in the survey: to consider evening use for a Community Center.

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

6. Request for Fee Waiver for 2011 Relay for Life

This item was removed from consent.

Vice Mayor McHugh noted a clarification of the total dollar value of the amount to be waived by the City Council for the Relay for Life event.

Motion: to approve the American Cancer Society's *Relay for Life* request for a fee waiver and in-kind donations of equipment, supplies, facility use and staffing totaling \$7,255.05 for the June 17-19, 2011 fundraising event at the Milpitas Sports Center

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

## ORDINANCE

### 7. Actions for a Milpitas Housing Authority

Economic Development Manager Diana Barnhart described the request for the City Council to take action to activate a Milpitas Housing Authority and by ordinance, form a required Housing Advisory Commission. This step was a “belts and suspenders” action to deal with some of the possible actions by state government regarding Redevelopment Agencies in the state.

Mayor Esteves asked to amend the resolution to include two alternates in the membership on the proposed Commission. The City Attorney responded that item was already included in the ordinance.

(1) Motion: to adopt Resolution No. 8062 declaring the need for a Housing Authority in the City and appointment of five commissioners to the Housing Authority

Motion/Second: Councilmember Polanski/Councilmember Gomez

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

City Attorney Ogaz read aloud the title of Ordinance No. 281, “An Ordinance of the City Council of the City of Milpitas Creating a Housing Advisory Commission Pursuant to Health and Safety Code Section 34291.”

(2) Motion: to waive the first reading beyond the title of Ordinance No. 281

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

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

(3) Motion: to introduce Ordinance No. 281 to create a Housing Advisory Commission.

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

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

## RESOLUTIONS

### 9. Resolution Approving Tier 2 Drought Implementation Plan

Three resolutions were adopted on the consent calendar.

This item was removed from consent.

Vice Mayor McHugh wanted to emphasize for the public and residents that the purpose of the resolution was a second tier of drought implementation by the San Francisco Public Utilities Commission, and that could have a significant net impact, up to a potential 20% reduction in water.

Motion: to adopt Resolution No. 8064 approving the Tier 2 Drought Implementation Plan pursuant to Section 3.11.C of the Water Supply Agreement with San Francisco Public Utilities Commission

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

**CONTRACT**

One item was approved on the consent calendar.

**ADJOURNMENT**

Mayor Esteves adjourned the City Council meeting at 10:54 PM.

**The foregoing minutes were approved by the Milpitas City Council as submitted on March 1, 2011.**

  
\_\_\_\_\_  
Mary Lavelle  
City Clerk