

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Special Meeting of Milpitas City Council and the
Milpitas Redevelopment Agency
Date: Tuesday, August 23, 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. Mayor Esteves led all in the pledge of allegiance.

PRESENT: Mayor Esteves, Vice Mayor McHugh, Councilmember Gomez and Polanski

ABSENT: Councilmember Giordano was absent at roll call and arrived at 6:02 PM.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Giordano)

CLOSED SESSION

City Council convened in Closed Session to discuss one case of current litigation.

City Council then convened in Open Session at 6:22 PM.

**CLOSED SESSION
ANNOUNCEMENT**

None.

PUBLIC FORUM

None.

**COUNCILMEMBER
ANNOUNCEMENTS**

Councilmember Giordano referred to an article recently printed in the local newspaper and stated her response to that column. She provided some facts.

Councilmember Polanski remarked she hoped this section of agenda was for sharing information, and not attacking what they may or may not like.

Vice Mayor McHugh announced that on Friday, August 26, from 7:00 to 9:00 AM, the County's Commission on Status of Women had an event at the India Community Center. From the Senior Advisory Commission, in June, the City served 2099 meals for lunch and 1992 meals in July. Also, the Commission planned to host a Senior Health and Resources Fair on Saturday, September 24 at the Barbara Lee Senior Center.

Mayor Esteves requested a report from the Police Chief on the current count of crimes lately. He wanted this information made available to the public.

Vice Mayor McHugh announced that the Police Chief gave a report at the Senior Advisory Commission recently. He had seen police officers in his neighborhood today in fact.

Councilmember Giordano agreed that was an excellent idea and maybe an update monthly on police statistics could be helpful in the coming year.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST**

None.

1. CONTRACT

City Manager Tom Williams and City Attorney Mike Ogaz explained this request for legal services to defend the City in the lawsuit filed by Milpitas Coalition for Better Community against the City regarding the Milpitas Walmart store initiative.

Vice Mayor McHugh pointed out there was no fiscal impact of this decision since the lawsuit costs were to be paid by Walmart.

Motion: to approve a contract with the law firm of Burke, Williams and Sorensen to serve as outside legal counsel for the litigation matter related to the Walmart initiative

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

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 6:32 PM.

ROLL CALL

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

ABSENT: None

2. RESOLUTION

City Manager Tom Williams stated the rationale for the action requested.

Finance Director Emma Karlen reviewed the recent California Supreme Court action, which issued a temporary stay to stop the state's ability to enforce implementation of two legislative bills, and stop any new activity of any Redevelopment Agency in the state.

This evening, the Agency boardmembers were asked take action to approve the enforceable payment schedule by adopting a Resolution to continue payment on existing obligations. The Assistant City Attorney Bryan Otake was available to answer legal questions on this issue.

Mayor Esteves asked about whether the table (payment schedule) was for FY 2011-12 only. Ms. Karlen explained that it was good for the first six months only. Later on in the fiscal year, the Agency would have to adopt another schedule, if courts have not made a decision.

Motion: to adopt Resolution No. RA 421 of the Milpitas Redevelopment Agency approving an enforceable obligation payment schedule

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

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

ADJOURNMENT

Chair/Mayor Esteves adjourned the Joint Meeting of the City Council and the Milpitas Redevelopment Agency at 6:35 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on September 6, 2011.



Mary Lavelle, City Clerk