MEETING MINUTES
CITY OF MILPITAS

Minutes of:	**Special Joint Meeting of Milpitas City Council, Redevelopment Agency and Housing Authority**
Date:	**Wednesday, January 4, 2012**
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.

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

ABSENT: None

PLEDGE OF ALLEGIANCE

Mayor Esteves led all in the pledge of allegiance to the flag.

ANNOUNCEMENT OF CONFLICT OF INTEREST

Councilmember Giordano stated she had a conflict with Agenda Item No. IV since she was a party to the litigation. She recused herself from the Closed Session discussion.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

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

CLOSED SESSION

City Council (absent Councilmember Giordano) met in Closed Session with the City Attorney and City Manager to discuss litigation. They returned to the dais for the Open Session at 7:17 PM.

CLOSED SESSION ANNOUNCEMENT

City Attorney Ogaz announced that the City would defend itself in the lawsuit, *Giordano v. City of Milpitas*, stating "It is the decision of the City Council to vigorously defend this lawsuit to assert the rights of the City, its citizens and employees to be safe in the workplace at City Hall and not subject to potential cyber stalking or other misuse of videotapes or key card information for criminal, political, terrorist or other nefarious purposes."

PUBLIC FORUM

Ed Riffle, Grand Teton Drive resident, addressed the Council regarding the campaign finance ordinance, and a possible initiative on the ballot that may be recommended at the January 12 special meeting. He volunteered to be on any committee that drafted such language.

ANNOUNCEMENTS

Councilmember Giordano wanted to address agenda Item No. 7 on last night's meeting concerning Planning Commission appointments. She remarked there was now only one woman remaining serving on the Planning Commission and that meant no gender diversity on that body. Also, agenda Item No. 10 (regarding her request for a copy of a letter of the Mayor's) was removed, though she had put that on the agenda. She asked the City Attorney to review the Open Government ordinance section on policy body members' right to comment, since she felt she had lost her right to dialogue on those items.

Vice Mayor McHugh attended the first meeting of the new VTA "Northeast" city group, including Milpitas, Sunnyvale and Santa Clara. He'd been assigned to the Admin. and Finance Committee, and sought the City Manager to authorize some staff support. Santa Clara's Mayor Matthews was drafting a revised response to Mayor Esteves' letter, and that would have Milpitas be seated as a

formal VTA Board representative for both of the two-year terms for a total of four years, when the bulk of the new BART construction would occur in Milpitas.

Councilmember Polanski made a request for future Council meetings. She noted the public does not always have a Council agenda at home or in front of them, so when speaking of items only by number, the public does not necessarily know what the topic was. She asked her colleagues to state what the title of the subject matter was, when discussing agenda items in the future.

Joint Resolution Regarding Redevelopment Agency Dissolution

Assistant City Attorney Bryan Otake addressed the Council/Agency explaining a resolution presented for adoption by the three bodies to appoint successor agencies to the Milpitas Redevelopment Agency, as required by Assembly Bill 26. The Agency will be dissolved as of February 1, 2012 due to the California Supreme Court's decision in the *Matosantos* case and following that, the successor agencies would become responsible for enforceable obligations. These need to be met, e.g. for restricted housing units with affordable restrictions, for decades to come, to be administered by the successor agency. Also, the same was true for any Owner Participation Agreements in existence.

Successor agencies recommended were: the City of Milpitas for Redevelopment (80%) funds and obligations, and the Milpitas Housing Authority for the affordable housing funds (20%) of the existing Agency. Once the successor agencies were declared, the "wind down" would be subject to formal oversight by the new seven member "Oversight Board" to be appointed with members staff described from various government (non-City) entities. The deadline for the new Board to be created was May 1, 2012.

Motion: (1) to adopt the Joint Resolution No. HA 3 / 8151 / RA 428 designating the City of Milpitas as the Successor Agency to the Redevelopment Agency and the Milpitas Housing Authority as the Successor Agency for Affordable Housing funds

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

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

ADJOURNMENT

Mayor Esteves adjourned the joint meeting of the City Council, Redevelopment Agency and the Housing Authority at 7:33 PM.

The foregoing minutes were approved by the Milpitas City Council as amended on January 17, 2012.

Mary Lavelle

Mary Lavelle,
City Clerk