

*Draft* **MEETING MINUTES**  
**CITY OF MILPITAS**

**Minutes of:** **Regular Meeting of Milpitas City Council**  
**Date:** **Tuesday, November 6, 2012**  
**Time:** **6:00 PM**  
**Location:** **Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas**

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**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 and Councilmember Gomez, Giordano and Polanski

**ABSENT:** None.

**CLOSED SESSION**

City Council convened in Closed Session to discuss labor negotiations and litigation.

City Council then convened in Open Session at 7:08 PM.

**ANNOUNCEMENT**

City Attorney Mike Ogaz announced a settlement of \$20,000 authorized in the case of ACLU and Rob Means v. City of Milpitas, by a vote of four in favor and one opposed (Polanski).

**PLEDGE**

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

**INVOCATION**

Councilmember Giordano read a passage from a book about service in honor of Veterans Day, upcoming this weekend on Sunday, November 11.

**MINUTES**

Motion: to approve the City Council meeting minutes of October 16, 2012, as amended

Motion/Second: Councilmember Giordano/Councilmember Gomez

Vice Mayor McHugh requested, on the bottom of page 1, a correction so the last sentence would read, regarding "appointments to Committees and groups that he served."

Also, Vice Mayor McHugh inquired about Mr. Snelgro who sought relief on a sports team fee, the minutes noted that the staff would respond back to Council. He asked the City Manager for the status and Tom Williams reported that Mr. Snelgro paid the fee under protest the previous day and asked to place his request for a refund on a City Council agenda.

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

**SCHEDULE OF MEETINGS**

Motion: to approve the Council Calendar/Schedule of Meetings for November, 2012, as amended

City Manager Tom Williams announced two changes: due to the Veterans Day holiday, the Bicycle Pedestrian Advisory Commission meeting was moved to November 5 and the Economic Development Commission moved to Monday, November 19 at 6:00 PM.

Vice Mayor McHugh reported that the VTA's SVRT program Committee scheduled for November 15 at 4:00 PM would be held on Thursday at 9:00 AM, and the Valley Transportation Authority Board's Administration and Finance meeting scheduled November 15 was canceled.

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

Motion carried by a vote of:

AYES: 5

NOES: 0

## **PUBLIC FORUM**

Steve King and George Perez , Milpitas Firefighters and spoke for the annual Milpitas Firefighters Toy Program, sought a continued great partnership with the City. The non-profit program helped between 700 to 1000 individuals with gifts at holiday time each year. The City paid postage for a donation flyer in the past as well as for printing some flyers. They asked if the City would continue that partnership this year, by paying for approximately \$1500 for postage and \$400-500 for printing costs. They wished to keep the Toy Drive alive.

Several Councilmembers responded with support for the program and asked staff if there was a way to assist, as requested. While it was not on the agenda, the City Manager stated he did have authority for some discretionary expenditures. Mayor Esteves remarked this type of request should go to the Finance Subcommittee.

Robert Marini, Milpitas resident, previously met with the City Manager, who'd said would get a copy of the agreement with the City of San Jose but had not provided it yet to the speaker. He talked about phasing of taxes paid by different homeowners, formula for sewer rates, persons per household, taxes, and 2010 sewage report.

## **ANNOUNCEMENTS**

City Manager Tom Williams announced: 1) the Veterans Day ceremony scheduled this Sunday, November 11 at 9:00 AM outside at Veterans Plaza, and 2) introduced new Police Chief Steve Pangelinan and new Planning and Neighborhood Services Director Steve McHarris.

Vice Mayor McHugh announced the annual Veterans Day Parade on Sunday in San Jose starting at 11:00 AM traveling down Market St. downtown.

Councilmember Polanski was currently taking the SAFE training on emergency preparedness from City staff to get ready for emergencies on successive Saturdays, and thanked Sean Simonson from the OES office in the City's Fire Department.

Mayor Esteves announced a free community health fair on Sunday, November 11 at 175 Dempsey Road in Milpitas, with free services and information for those attending.

## **ANNOUNCEMENT OF CONFLICT OF INTEREST**

None was reported by Councilmembers.

## **APPROVAL OF AGENDA**

Motion: to approve the agenda, as submitted

Motion/Second: Vice Mayor McHugh/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

Councilmembers requested to remove agenda items No. 7, No. 8 and No. 9 from consent.

Motion/Second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of:

AYES: 5

NOES: 0

\* 2. Monthly Odor Report

Received the October 2012 odor report.

\* 3. Arts & Culture Grants

Approved three applications for Milpitas Arts and Culture Grants for in-kind performance space and City staff support for FY 2012-13, worth approximately \$4,000, for Filipino American Association of Milpitas, Inc. (Fil-Am), San Khau Viet CALI, and Clara Ines Thomas.



## NEW BUSINESS

Two items were approved on the consent calendar.

## ORDINANCE

### 7. Ordinance No. 283

Mayor Esteves wanted to provide more information in a presentation to the City Council. He supported the ordinance, while it was more of an economic issue. He displayed information and an oral report to the Council on Milpitas Police Officers Association employee costs, identifying salaries and benefits over recent years.

Vice Mayor McHugh quoted from the ordinance text, and if the matter was going to any ballot, it would be expensive, while still options included layoffs.

Motion: to waive the second reading and adopt Ordinance No. 283, related to a required vote of the people to outsource public safety services

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

## RESOLUTIONS

Two Resolutions were adopted on the consent calendar.

### 8. Resolution

This item was removed from consent for discussion by the City Council. Mayor Esteves asked a question, if excluding college or university courses from reimbursement. He did not want to exclude these, if costs were for direct training and had direct relationship to job or role.

At the last Council meeting, members had requested a summary of all elected officials' reimbursements, and asked the City Manager to follow up on that request. Councilmember Polanski asked when would the Council get that information for the last four years and the City Manager responded - in the next two days. She totally disagreed with the Mayor's comments earlier and did not support reimbursements to elected officials.

Vice Mayor McHugh also disagreed with the Mayor's comments. Members were elected to make policy and the technical expertise came from staff. He felt the statement in the staff report was misleading, regarding the fiscal impact of \$1400 per elected official per year. That amount was for any person who chose to take advantage, and was not a budget that would be spent each budget year. Rather, that was the maximum allowed.

Councilmember Giordano asked the Mayor if a particular course was relevant topic to Council work and he said yes, so she supported the Mayor's remarks.

Mayor Esteves stated he wished to modify the proposed Resolution as follows. 1) instead of an aggregate, the City could have an individual budget maximum amount, 2) from any college, the options for training would be up to one course, and 3) to state that it was commendable for Council members or employee to take a course to improve.

Councilmember Polanski remarked on costs for the college courses. She felt the City Council did not belong in a policy manual for employees.

The Mayor added that when an expense was more than \$1,000 for reimbursement, then it could be the City Council that approved the expense for a Council reimbursement.

From the audience, Robert Marini, Milpitas resident, said he did not understand a benefit of any of the college courses, and also did not understand why they would get retirement benefits.

Motion: to adopt Resolution No. 8206, amending the City Council Handbook to include a section on Training Reimbursements for City Councilmembers, including the Mayor's requirement that any expense of \$1,000 or more needed Council approval, and included the exclusion of college or university courses (as stated in the Resolution)

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

**9. Resolution Amending Rules and Regulations**

This item was removed from consent for discussion by the City Council. The change recommended in the recommendation was to remove from the Rules and Regulations any reference to City Councilmembers (versus permanent employees).

Vice Mayor McHugh wanted the item listed with the maximum amount to be reimbursed, per person.

Motion: to adopt Resolution No. 8207 amending the City's Personnel Rules and Regulations

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

Motion carried by a vote of: AYES: 4  
NOES: 1 (Giordano)

**BIDS & CONTRACTS**

Three items were approved on the consent calendar.

**ADJOURNMENT**

Mayor Esteves adjourned the City Council meeting at 8:40 PM.

*Meeting minutes respectfully submitted by  
Mary Lavelle, City Clerk*