

Denny Weisgerber, resident and Vice President of the Milpitas Parks & Recreation Foundation, invited all to attend the fifth annual “Festival of the Trees” fundraising event, on Thursday, December 13 at 5:30 PM in the City Hall Lobby Rotunda. The organization had placed a special glass with decorations on the dais for each Councilmember to encourage them to attend. Proceeds from the auction of decorated trees would benefit young people in Milpitas participating in the City’s recreation programs.

Rob Means, 1421 Yellowstone Ave, discussed global warming and showed a video of the President’s recent comments. He urged City Council to keep the President’s remarks in mind.

ANNOUNCEMENTS

City Manager Tom Williams announced that on Saturday, December 1 would be 25th Annual Holiday Tree Lighting Ceremony, with lots of fun for all residents and families at City Hall.

Councilmember Gomez requested to place on the next meeting agenda the idea for discussion of cancelling the second Council meeting in December.

Vice Mayor McHugh noted the first Veteran of the Year was Denny Weisgerber and he was present in the audience, along with recently elected new Councilmember–elect Carmen Montano.

Councilmember Polanski completed SAFE training and was a member of a team so she thanked the Fire Department. She prepared, and displayed, a slide of information on all reimbursements for all City Councilmembers over the last eight fiscal years, including former Mayor Livengood.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None,

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

Councilmember Gomez requested to place agenda items No. 1, No. 2, and No. 3 on the consent calendar with a vote to approve all of those requests for refund and fee waivers.

Mayor Esteves reported that the three items were discussed at the Finance Subcommittee recently and recommended those for approval. He asked staff to prepare general guidelines on how to respond to such requests (fee waivers, donations and/or refunds) with criteria and perhaps impose a maximum. Those resulted in a reduction in revenue, and possibly could have these come out of one account in the future.

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

- * 1. Request for Refund of Fee Approved a refund of \$70 fee paid by Antoine Snelgro for an adult sports team fee.
- * 2. Request for City to Pay postage and printing costs Approved covering the costs of up to \$2,000 for expenses related to printing flyers and postage for the annual Milpitas Firefighter Toy Drive program, from the City Council Unallocated Community Promotions budget.
- * 3. Request for Fee Waiver Approved a fee waiver for Milpitas Executive Lions Club of the fire inspection permit fee of \$460.77 for the facility used on “Make a Difference Day” held Saturday, October 27, 2012.

- * 5. Resolution regarding BAWSCA Adopted Resolution No. 8210 - the Participant Resolution - to document that the City elected to participate in the prepayment and directed city staff to assist BAWSCA in completing the issuance of bonds.
- * 6. Agreement Amendment Approved Amendment No. 3 to the agreement with East Bay Construction expanding the scope of maintenance services for landscape maintenance of street and median landscaping on Abel Street and six parks not to exceed \$75,588 subject to approval as to form by the City Attorney.
- * 7. Approve Revised Acquisition and Reimbursement Agreement for Sewer Lines 11A and 11B Approved the Revised Acquisition and Reimbursement Agreement for Public Facilities pursuant to Sewer Lines 11A and 11B within the Transit Area Specific Plan. Approved payment of up to \$914,405.15 from Sewer Capital Improvement, Project No. 6117, in direct payment to the developer.
- * 8. Contract Extension Approved a concurrent guarantee and contract with Goldfarb & Lipman, LLP for legal services, in the total combined amount of \$50,000 in a form acceptable to the City Attorney and authorized the City Attorney to execute the contract.
- * 9. Emergency Repairs Received a written report from the Public Works Director of four specific instances of recent emergency repair work within the City.

REPORTS of FINANCE SUBCOMMITTEE

The three items were approved on the consent calendar.

NEW BUSINESS

4. Santa Clara County Cities Association report

The Mayor and City Council heard an oral report from Ms. Raania Mohsen, Executive Director of the Santa Clara County Cities Association, providing a general overview about the association, including a short history and current activities of the membership organization.

Upon motion of Councilmember Giordano, seconded by Vice Mayor McHugh, the Council unanimously voted to note receipt of the report.

RESOLUTION

One Resolution was adopted on the consent calendar.

CONTRACTS

Three items were approved on the consent calendar.

DEMAND

One item was approved on the consent calendar.

SUCCESSOR AGENCY ACTIONS

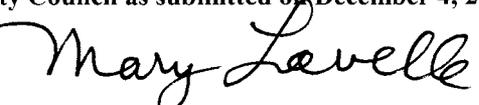
On consent calendar vote:

- 1) City Council authorized staff to take all steps necessary to convey all title and interest of the City in the Alder Site property (APN 086-02-086) to the Milpitas Successor Agency to the Milpitas Redevelopment Agency.
- 2) Board of Directors of the Successor Agency accepted such conveyance of the Alder Site property from the City to the Successor Agency.
- 3) City Council authorized staff to take all steps necessary including execution of an appropriate memorandum terminating the Economic Development Corporation's option right to purchase the Alder Site property and to record such memorandum with the Santa Clara County Recorder's Office.
- 4) Board of Directors of the Successor Agency approved termination of the Economic Development Corporation's option right to purchase the Alder Site property.

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 8:48 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on December 4, 2012.


Mary Lavelle, Milpitas City Clerk