

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

**Minutes of:** **Regular Meeting of Milpitas City Council**  
**Date:** **Tuesday, December 4, 2012**  
**Time:** **7:00 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 7:00 PM. City Clerk Lavelle noted the roll.

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

**ABSENT:** None

**PLEDGE**

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

**INVOCATION**

An invocation prayer was offered by Senior Pastor Mark Tumney of the Christ Community Church of Milpitas.

**ELECTION RESULTS**

City Clerk Mary Lavelle reported the certified election results from the Santa Clara County Registrar of Voters of the General Municipal Election held November 6, 2012. Mr. Jose Esteves was declared the winner of the Mayoral election, and Ms. Debbie Giordano and Ms. Carmen Montano were declared winners of two seats on the Milpitas City Council.

1.) Motion: to adopt Resolution No. 8211 confirming the canvass of returns and declaring results of the General Municipal Election on November 6, 2012, per Elections Code §10262

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

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

**PRESENTATION**

2.) Mayor Esteves presented a commendation to Vice Mayor Pete McHugh to thank him for his many years of service to the City of Milpitas and its citizens, as the longest-serving elected official in the City's history. The Vice Mayor thanked the Mayor and City residents, accepting a plaque and special flag – flown this day in front of City Hall - presented to him.

**SWEARING IN  
NEW MAYOR**

Honorable David Cortese, Santa Clara County Supervisor District 3, gave the ceremonial oath of office to Jose Esteves, swearing him in as Mayor of the City of Milpitas to a term of two years.

**SWEARING IN  
NEW COUNCIL**

City Clerk Mary Lavelle next provided the official oath of office to Debbie Giordano for a new term as a member of the City Council to a term of four years. Honorable Jesus Valencia, Superior Court Judge provided the ceremonial oath of office to Carmen Montano. Elected officials and the City Clerk signed the official Oath of Office. Deputy City Clerk Kathy Ynegas handed official Certificates of Election to the elected officials.

The two newly elected officials each provided remarks of gratitude to family members, supporters and the community.

**REMARKS FROM MAYOR**

Mayor Esteves thanked his family, supporters, voters and staff for their support and assistance upon his recent re-election to office. He spoke of his goals for the future of the City.

**BREAK**

The City Council took a break for refreshments in the City Hall lobby rotunda at 7:38 PM.

**ROLL CALL** Mayor Esteves reconvened the City Council at 8:16 PM in Council Chambers. City Clerk Lavelle called the roll of the newly seated City Council. Mayor Esteves and Councilmembers Giordano, Gomez, Montano and Polanski were all present.

**MINUTES** Motion: to approve meeting minutes of November 20, 2012 City Council meeting, as submitted

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

**SCHEDULE OF MEETINGS** Motion: to approve Council Calendars/Schedule of Meetings for December 2012, with one change

City Manager Tom Williams added one item to the calendar: a Milpitas Oversight Board meeting on Wednesday, December 12, 2012 at 4:00 PM.

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

**PUBLIC FORUM**

Carol Kassab, CEO of the Milpitas Chamber of Commerce, welcomed the new City Council and her organization looked forward to working together with the City.

Rob Means, 1421 Yellowstone Ave, addressed the City Council regarding global warming.

Robert Marini, Milpitas resident, felt the City Council had been ignoring parts of the California Constitution, in part regarding proper noticing to the public about rate changes.

Councilmember Giordano responded to Mr. Marini by reading from a recent e-mail from the City Manager. The Manager informed the Council that City staff had spent over 200 hours in responding over 30 times to the speaker, on sewer costs and charges.

**ANNOUNCEMENTS** City Clerk Mary Lavelle introduced the newly appointed, permanent Deputy City Clerk Kathy Ynegas, who assisted her with the swearing-in ceremonies.

**ANNOUNCEMENT OF CONFLICT OF INTEREST** None.

**ELECTION OF VICE MAYOR** Mayor Esteves gave his recommendation for the two-year term of Vice Mayor.

Motion: to appoint Councilmember Althea Polanski to serve a two year term as Vice Mayor of Milpitas for 2012-14

Motion/Second: Mayor Esteves/Councilmember Gomez

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

**APPROVAL OF AGENDA** Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

**CONSENT CALENDAR** Motion: to approve the Consent Calendar (items noted with \*asterisk), as submitted

Motion/Second: Councilmember Gomez/Councilmember Giordano

Motion carried by a vote of:

AYES: 5  
NOES: 0

- \* 3. Odor Report - November Received the November 2012 odor report
- \* 6. Authorize Reclassification in the Fire Department Approved the reclassification of the Secretary position in the Fire Department to an Administrative Analyst I/II.
- \* 7. Adopt Resolution Adopted Resolution No. 8212 declaring weeds on specific properties to be public nuisances, and set a public hearing for the regular City Council meeting on Tuesday, January 15, 2013.
- \* 8. Adopt Resolution Adopted Resolution No. 8213 reviewing and accepting the annual developer fee disclosure information.
- \* 9. Authorize Agreement with Peckham & McKenney Authorized the City Manager to execute an agreement with Peckham & McKenney, subject to approval as to form by the City Attorney, in the amount not to exceed \$43,000 total for the administration and selection of the Public Works Director/City Engineer and the Assistant City Attorney

#### **NEW BUSINESS**

- 4. Unaudited Financial Report Finance Director Emma Karlen presented to the City Council an oral report on the Unaudited General Fund Revenues, Expenditures, Operating Results, the Impact of elimination of the Milpitas Redevelopment Agency (RDA), and General Fund Reserves for the Fiscal Year ended June 30, 2012.

Mrs. Karlen pointed out there would be approximately \$720,000 in the General Fund by year's end and when originally budgeted, there was an \$8.63 million deficit anticipated. That was accomplished with enormous cost cutting following the dissolution of RDA. She discussed unfunded liability for capital improvements needed, with approximately \$20.1 million identified in the city's long term Capital Improvement Program.

Motion: to receive the unaudited financial status report for the Fiscal Year ended June 30, 2012 and direct staff regarding allocation of the reserve of property tax distributions from the Redevelopment Property Tax Trust Fund (RPTTF) and last loan payment from the former RDA, both to be allocated toward the City's capital improvement needs

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

- 5. Three Month Status Report Finance Director Emma Karlen presented to the City Council an oral overview of FY 2012-13 General Fund revenues and expenditures. She highlighted that revenues were up 14% more than budgeted. Sales tax and city charges for services were both up, by more than 10%. Meanwhile, City expenditures were essentially on target.

Motion: to receive a financial status report for three months ended September 30, 2012

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

#### **ADJOURNMENT**

Mayor Esteves adjourned the Council meeting at 8:45 PM.

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