

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Special Meeting of Milpitas City Council  
**Date:** Wednesday, July 1, 2015  
**Time:** 3:30 PM  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

---

**CALL TO ORDER**

Mayor Esteves called the meeting to order at 3:30 PM. The Deputy City Clerk noted the roll.

**PRESENT:** Mayor Esteves, Vice Mayor Montano, Councilmembers Giordano and Grilli

**ABSENT:** Councilmember Barbadillo

**PUBLIC FORUM**

None.

**ANNOUNCEMENT OF  
CONFLICT OF INTEREST  
AND CAMPAIGN  
CONTRIBUTIONS**

City Attorney Ogaz asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions regarding any of the items on this meeting's agenda. He further advised the City Council that the second request for a response, namely for the question involving any campaign contributions received by any member of the City Council, was unnecessary since there were no contracts or development projects that were being considered for today's meeting.

Mayor Esteves and Councilmember Grilli disclosed that they have received campaign contributions from the developers involved with The Crossings project. Mayor Esteves pointed out that this disclosure was the same one that he made in previous meetings.

**AGENDA APPROVAL**

Councilmember Giordano motioned and Vice Mayor Montano seconded the approval of the agenda. The motion was approved by unanimous vote of the Council.

**VI. HOUSING AUTHORITY  
COMMISSION**

City Attorney Ogaz advised City Council that the bond issuance currently being discussed was already approved by City Council in a previous meeting. He explained that the bond issuance required a standard subordination agreement with the Housing Authority Commission since it is the Successor Agency (SA) to the Redevelopment Agency in terms of housing-related assets and projects. He further explained that the Resolution, if adopted by City Council today, would give City Manager Williams the permission and authority to sign the subordination agreement on behalf of the City. He added that City Manager Williams, Assistant City Manager Karlen, and he would be there to answer any questions that the City Council might have during the meeting.

City Attorney Ogaz then recommended for the City Council to adopt the Resolution.

**Motion:** For Council to adopt Resolution No. 8483 approving a subordination agreement relative to bond issuance for The Crossings at Montague Residential Development.

**Motion/Second:** Vice Mayor Montano / Councilmember Giordano

**Motion carried by a vote of:**

AYES: 4  
NOES: 0  
ABSENT: 1

## **VIII. CLOSED SESSION ANNOUNCEMENT**

The City's outside legal counsel, Attorney Janet Sommer from Burke, Williams & Sorensen LLP, announced that the City Council voted to terminate City Attorney Ogaz's contract and employment with the City effective immediately after tonight's City Council Special Meeting. The motion was carried by a vote of three to one in favor of terminating City Attorney Ogaz, with Vice Mayor Montano voting "no."

## **IX. NEW BUSINESS (OPEN SESSION)**

### **In regards to the Request for Proposal (RFP) for the City's Outsourcing of City Attorney Services**

City Manager Williams said that City Council's approval was being sought so that the City could proceed with a Request for Proposal (RFP) process for contract-based City Attorney services.

Assistant City Manager and Finance Director Karlen, through her presentation, asked for further Council direction regarding outsourcing City Attorney services. She said that staff, with City Council's approval, would be able to release the RFP as early as the following day (July 2, 2015). The deadline for submitting proposals would be July 27, 2015. She added that the intention was for the City Attorney Subcommittee to review and screen proposals, interview qualified candidates, and select the successful candidate within two weeks after the July 27 deadline. If the timeline was met, the Subcommittee would report back on the RFP results and City staff would seek City Council to approve the agreement to secure outsourced City Attorney services. In addition, she explained that the City Attorney services contract would be for an original three-year term with renewal option clauses. Aside from general legal services as needed, the successful candidate would attend City Council and Planning Commission meetings, and furnish legal services for litigation and other specialized needs.

Councilmember Giordano commented that the RFP looked good. In terms of the timeline, she proposed to extend the timeline to two to three weeks. She then asked Assistant City Manager Karlen as to how long would a conventional RFP process take, and whether the tight timeline was doable. Assistant City Manager Karlen replied that the deadline she outlined before City Council was achievable, but staff was open to extending the deadline should City Council wish to do so.

Mayor Esteves said he was in favor of City staff's proposed timeline as long as it did not sacrifice the quality and broadness of the RFP candidate pool.

Councilmember Giordano proposed that the RFP deadline be moved to August 15, 2015, or for the Council to approve the agreement between the City and the successful RFP candidate on the first Council meeting in September 2015. She also reminded the rest of the City Council that they also need to address the City's need for an interim City Attorney. She further proposed to meet Friday morning (July 3, 2015) to address the issue in public session.

Mayor Esteves proposed to have the discussion regarding the interim City Attorney after City Council has voted regarding the RFP matter before them.

Vice Mayor Montano agreed and supported City staff overall recommendation and proposed timeline.

Councilmember Giordano reiterated the importance of the City giving everyone enough time to respond to the RFP and for the City to have enough time to select from a good pool of candidates. She explained that the City's legal needs would be furnished by an interim City Attorney during the RFP process, so there would not be a pressing need to speed up the RFP process.

Mayor Esteves asked Assistant City Manager Karlen as to when the new contract-based City Attorney services would start should City Council move the approval of the agreement to the first Council meeting in September 2015. Assistant City Manager Karlen replied that the contract-based City Attorney services would start once the agreement between the City and the successful legal firm is executed.

Mayor Esteves then asked Assistant City Manager Karlen if the proposed RFP timeline she presented before City Council would be enough time to harness a good candidate pool. Replying “yes” to the inquiry, Assistant City Manager Karlen further added that the currently-proposed 26-day timeline would deliver the results to the City Council.

After Councilmember Giordano stated that that she would move for City Council to approve the RFP, Mayor Esteves said that he would also support the deadline to be extended to August 15, 2015. He added that since the City would have an interim City Attorney during the RFP process, the City should give more potential candidates the opportunity to respond to the RFP.

**Motion:** Direct City staff to proceed with the RFP process in search for outsourced long-term legal services. The RFP will be released tomorrow, July 2, 2015. City staff is further directed to secure the services of an interim City Attorney for 60 days or until the RFP process is completed.

City Council further directs staff to extend the RFP to August 15, 2015, with the expectation for City Attorney Subcommittee to report back regarding the RFP process and for City staff to present the contract-based City Attorney services agreement for City Council approval in September 2015.

**Motion/Second:** Councilmember Giordano / Councilmember Grilli

**Motion carried by a vote of:**

AYES: 4  
NOES: 0  
ABSENT: 1

**In regards to securing the services of an Interim City Attorney**

Mayor Esteves re-opened the discussion of the City securing the services of an interim City Attorney.

**Motion:** For City Council to have a Special Meeting to discuss the selection of an Interim City Attorney until the City completes its Request for Proposal (RFP). The Special Meeting would be held on July 3, 2015 at 8:00 AM.

**Motion/Second:** Councilmember Giordano / Councilmember Grilli

**Motion carried by a vote of:**

AYES: 4  
NOES: 0  
ABSENT: 1

**ADJOURNMENT**

Mayor Esteves adjourned the meeting at **4:57** PM.

**The foregoing minutes were approved by the Milpitas City Council on August 4, 2015.**

---

**Pam Caronongan**  
Milpitas Deputy City Clerk