

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Special Meeting of Milpitas City Council
Date: Tuesday, September 22, 2015
Time: 4:30 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 4:30 PM. The Deputy City Clerk noted the roll.

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

ABSENT: None

**PUBLIC EMPLOYEE
APPOINTMENT / HIRING**

Pursuant to California Government Code Section 54957
Position: City Attorney

Approve Agreement with Best Best & Krieger LLP to Provide City Attorney Services

Interim City Attorney Baum briefed the Mayor and the City Council regarding the proposed agreement between the City and Best Best & Krieger LLP.

Vice Mayor Montano asked for clarification regarding the secretarial or administrative portion of agreement, specifically as to whether the City will be billed for such services. Interim City Attorney Baum and Attorney Christopher J. Diaz from Best Best & Krieger LLP replied that the City will not be billed for secretarial or administrative services.

Brief discussions were made regarding the current in-house legal secretary at the City Attorney's office. Mayor Esteves asked Interim City Attorney Baum for clarification regarding certain terms of the proposed agreement such as penalty clauses, rules of professional conduct of the State Bar of California, and termination clause.

Councilmember Giordano said that the proposed agreement with Best Best & Krieger LLP would cost less than the previous in-house City Attorney's office.

Councilmember Barbardillo asked if there were any items to the agreement that had been subject to negotiation or modifications. Interim City Attorney Baum and Attorney Diaz replied the addition of a Section 5 which pertains to developer applications and City Attorney hours incurred by the City on such matters. Attorney Diaz further clarified that his firm's "loyalty" is with the City and not with the developer regarding such issues.

It was discussed and confirmed that Best Best & Krieger LLP will become the City's agreement-based City Attorney starting September 23, 2015. The annual compensation for the legal firm is as follows: first-year compensation will not exceed \$458,300 and the second-year compensation will not exceed \$550,000.

City Manager Williams, Mayor Esteves, and Vice Mayor Montano complimented Interim Attorney Baum for providing good service to the City and welcomed Attorney Diaz and his firm.

Motion: For Council to approve the legal services agreement with Best Best & Krieger LLP for City Attorney services.

Motion/Second: Councilmember Giordano / Councilmember Grilli

Motion carried by a vote of:

AYES: 5

NOES: 0

PUBLIC COMMENT

None

ADJOURNMENT

Mayor Esteves adjourned the meeting at **4:54** PM.

The foregoing minutes were approved by the Milpitas City Council on October 6, 2015.

Pam Caronongan
Milpitas Deputy City Clerk