UNAPPROVED MEETING MINUTES
CITY OF MILPITAS

Minutes of:	**Regular Meeting of Milpitas City Council**
Date:	**Tuesday, September 20, 2005**
Time:	**6:00 PM (Closed Session)** **7:00 PM (Public Business)**
Location:	**Council Chambers, Milpitas City Hall,** **455 East Calaveras Blvd.**

ROLL CALL

Mayor Esteves called the meeting to order at 6:00 PM.

PRESENT: Mayor Esteves, Vice Mayor Gomez, Councilmembers Giordano, Livengood and Polanski

CLOSED SESSION

Mayor Esteves publicly stated the Council would convene in Closed Session to discuss the following issues:

(1) CONFERENCE WITH LABOR NEGOTIATORS – COLLECTIVE BARGAINING
(Pursuant to Government Code Section 54957.6)
City Negotiators: Ed Kreisberg, Carmen Valdez
Employee Organizations: Police Officers Association (MPOA)
Under Negotiation: Wages, Hours, Benefits, Working Conditions

(2) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Subdivision (a) of Government Code Section 54956.9)
City of Milpitas v. Turner Construction et al., Santa Clara County Superior Court Case No. 103CV814946 consolidated with Case No. 103CV008400

(3) CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Government Code Section 54956.8)
Property: APN 086-020-86(approximately 3.5 acres adjacent to Barber Ln & Great Mall Parkway)
Agency Negotiators: Tom Williams and Steve Mattas / Piercey Toyota and Kai Giffin
Negotiating Parties: City of Milpitas Redevelopment Agency and Piercey Toyota
Under Negotiation: Terms and Conditions for Sale or Lease of Real Property

The City Council reconvened in Open Session at 7:07 PM with Mayor Esteves presiding and all Councilmembers present.

CLOSED SESSION ANNOUNCEMENT

None

PLEDGE

Boy Scouts Troop No. 92 Color Guard led the Pledge of Allegiance.

MINUTES

MOTION: to approve minutes of the September 6 City Council meeting as submitted.

Motion/Second: Councilmember Polanski / Councilmember Livengood

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

SCHEDULE OF MEETINGS

MOTION: to approve the Schedule of Meetings

Councilmember Livengood stated that the VTA Board meeting would be held on September 29 at the County offices in San Jose.

Motion/Second: Councilmember Polanski / Councilmember Livengood

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

PRESENTATIONS **NONE**

CITIZENS FORUM **NONE**

ANNOUNCEMENTS

City Manager Lawson introduced Diana Whitecar, the City's new Economic Development Manager, who began work with the City on this date.

Councilmember Polanski attended the Citizens Emergency Preparedness Advisory Commission meeting last Thursday, where they discussed emergency preparedness, following Hurricane Katrina. Anyone with concerns about Milpitas' preparedness for earthquakes or other disasters may contact the Fire Department or Emergency Services staff George Washburn to learn what the City has been doing to prepare. She also encouraged her colleagues to post all meetings on the online calendar on the website (including subcommittees).

Mayor Esteves announced that the Alameda County Congestion Management Agency is working on the I-680 Smart Carpool lane for commuters, with a proposed electronic toll payment lane and there would be a public hearing on October 5 at 5 PM at Mission San Jose elementary school.

The Mayor also offered his congratulations to two new churches in Milpitas: Buddhist temple and the St. James Orthodox Church, both on Main Street. He welcomed them to the community.

Mayor Esteves thanked the City staff for the September 11 ceremony, with nearly 3,000 flags placed in the ground between the library and Community Center. Flags were at ½ mast, due to President Bush's request, in honor of Hurricane Katrina victims and also to honor Chief Justice Rehnquist of the US Supreme Court.

The Mayor announced that the meeting would adjourn tonight in honor of former Youth Advisory Commissioner Amrit Paul Sandhu.

ANNOUNCEMENT OF CONFLICT OF INTEREST None

APPROVAL OF AGENDA

MOTION: to approve the agenda as submitted

Motion/Second: Vice Mayor Gomez / Councilmember Giordano

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

CONSENT CALENDAR

MOTION: to approve the Consent Calendar

Motion/Second: Vice Mayor Gomez / Councilmember Giordano

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

***12. Release of Surplus Fire Engine to the Spring Valley Fire Department**

Authorized the Purchasing Agent to release title and custody of surplus Fire Engine #35 to the Spring Valley Volunteer Fire Department.

*** 13. Marquee Request from Tracy Nguyen of the Silicon Valley Leadership Group**	Recommendation to deny the request was approved, based on the City's Facility Rules and Regulations.
*** 14. Approve Marquee Request from Community Librarian Linda Arbaugh of the Milpitas Library**	Approved Linda Arbaugh, Community Librarian's request to use the City of Milpitas Marquee from September 26 – October 9, 2005, for the following announcement: Library Book Sale Oct 7 Members Only Oct 8 & 9 For All Info: 262-1171
*** 15. Adopt Resolution Granting Final Acceptance: Calaveras / Piedmont -Evans Intersection Improvements, Project No. 4208**	Adopted Resolution No. 7554 granting final acceptance and release of the bond.
*** 16. Award the Bid for Annual Vehicle Purchases**	Awarded bid for three trucks to S&C Ford in the amount of $56,851.52 including tax and tire fees for Engineering and Building Inspection.
*** 17. Approve Amendment No. 6 to Valley Oil Company Contract**	Approved Amendment No. 6 to the Valley Oil Company contract, subject to approval as to form by the City Attorney, and authorized the contract extension, and increased the not to exceed amount of the contract to $559,332.46.
*** 18. Award Purchase of a Honda ST1300P Police Motorcycle**	Awarded the bid to East Bay Motorsports for the purchase of a Honda ST1300P police motorcycle in the amount of $14,742.11 including tax and tire fee.
*** 19. Award the Bid for Traffic Data Collection**	Awarded the bid for traffic data collection to Traffic Data Service and authorized the City Manager to execute an agreement for the not to exceed amount of $21,450.00, subject to approval as to form by the City Attorney.
*** 20. Authorize the City Manager to Execute an Agreement Amendment: JMH Weiss, Inc., Abel Street Midtown Improvements, Project No. 8157**	*Authorized the City Manager to execute an Agreement Amendment with JMH Weiss in* the amount of $42,000 subject to approval as to form by the City Attorney.
*** 21. Authorize the City Engineer to Execute a Contract Change Order and Approve Budget Appropriation: 2005 ADA Sidewalk Ramps, Project No. 4226**	Authorized the City Engineer to execute the Contract Change Order for J.J.R. Construction, Inc. in the amount of $18,400, and Approved a budget appropriation for $23,000.
*** 22. Approve Release of Retention: HMH Incorporated, Montague Expressway Widening, Project No. 4179**	Authorized the City Manager to release retention, HMH Incorporated, in the amount of $12,789.39.
*** 23. Authorize City Manager to Execute Agreement Amendment: SSA Landscape Architects, Inc., Sports Center Circulation Improvements, Project No. 8149**	Authorized the City Manager to execute the agreement amendment with SSA Landscape Architects, Inc., in the amount of $30,500, subject to approval as to form by the City Attorney.

*** 24. Approve Permittee Dedication, Improvement and Encroachment Permit Agreements for Milpitas Town Center Located on Milpitas Blvd., Calaveras Blvd. and Hillview Dr., Project No. 3153**

Approved Permittee Dedication, Improvement and the Encroachment Permit Agreements.

Authorized the City Manager to execute the Permittee Dedication, Improvement and the Encroachment Permit Agreements, subject to the approval of the City Attorney as to form.

*** 25. Award the Bid for a Boom Truck**

Approved the purchase of the aerial boom truck from Altec Industries, Inc. for the not to exceed amount of $110,800.00

*** 26. Award Bid for Mechanical Shade Support System – City Hall lobby**

Approved an appropriation from the Redevelopment Agency for $14,000 to Building Improvement Project, CP-8135.

Awarded the bid to Ranis Construction & Electric Company, Inc. and authorized the City Manager to enter a contract for the not to exceed amount of $10,214. to furnish and install the mechanical shade support system, subject to approval by the City Attorney.

PUBLIC HEARINGS

1. Consider Findings and *Recommendations from the* Parks, Recreation and Cultural Resources Commission, Make a Finding of Compliance with Mitigation Measures in Environmental Impact Report, and Approve A *Permit for Relocation or* Demolition of the "Winsor Blacksmith Shop" Building at 112-116 N. Main St

Mark Rogge presented an overview of the future library. He explained the need to remove the Blacksmith Shop to make room for the planned library and surrounding area. The building was offered for sale, while some items would be saved (branded boards) and displayed as historical relics, a bit of history for the city.

Next steps involved demolishing the shop, taking care of hazardous materials removals, and to prepare for improvements on the property. No proposals to purchase the Blacksmith Shop had been received. Staff recently went to the Parks, Recreation and Cultural Resources Commission to receive recommendations from that body and the findings were noted.

Now, finding that mitigations were met, staff requested that the City Council grant permission for demolition of the building.

Councilmember Polanski inquired about the vote of the PRCRC Commissioners, and Mr. Rogge replied that it was a unanimous vote of support to proceed as planned.

PUBLIC HEARING:

Mayor Esteves opened the public hearing and invited the public to speak.

Mr. Theodore Weller, resident of unincorporated County area next to City limits, had spoken with Mr. Rogge and visited the Blacksmith shop. He was concerned about the cattle brands, on 30+ planks in the wood of the side of the building, paint covered. He asked for the utmost care to be given to the removal of the boards. Mr. Weller said it was a "hunk of history" that should be preserved.

(1) MOTION: to close the Public Hearing

Motion/second: Councilmember Giordano/ Vice Mayor Gomez

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

Mayor Esteves asked staff if there were any comments received from the Milpitas Historical Society on this matter. Mr. Rogge stated he had visited with MHS and discussed this project extensively.

Councilmember Giordano inquired if it would be best to remove one wall rather than board by board. Mr. Rogge replied that an architect would be hired to recommend the best method to obtain and save those boards from the 30 feet wall.

Councilmember Livengood supported the recommendation. It bothered him a little bit, and was sad to see parts of Milpitas history disappear. The significance of the building was understood by the City staff and residents, and he agreed with comments from Mr. Weller.

Mayor Esteves was glad that the community found the utmost value in the preservation of part of this building, and other locations in the City, too, such as spending $1 million for moving the DeVries home for the new senior housing.

(2) MOTION: to find mitigations measures pertaining to the removal or demolition of the Winsor Blacksmith shop were met (or would be met when the conditions for demolition were satisfied). Move also to grant permission to demolish the Winsor Blacksmith Shop, subject to the express conditions noted.

Motion/Second: Vice Mayor Gomez/ Councilmember Giordano

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

2. Adoption of the Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER) FY 2004-05

Felix Reliford, introduced this topic, describing the requirement to submit the CAPER to the City Council for approval at a Public Hearing each year. The CAPER report reviews accomplishments regarding Community Development Block Grants in Milpitas.

Two responses from the public had been received by City staff regarding the Alum Rock Counseling Center and the India Community Center. Staff agreed with comments and should be included in final CAPER.

Mr. Reliford said the City was proud of what had been accomplished in the past year. The Housing Element of the General Plan and the Mid Town Specific Plan were completed. There was completion of Phase I Transit Area Specific Plan. An amount of money for the interim Senior Center was allocated. Funds for 21 service providers for those who assist low income residents were dispersed. And, seven single family home rehabilitation loans to homeowners were made.

Mayor Esteves expressed the #1 priority was Seniors. How was that reflected? Mr. Reliford responded that it was demonstrated by the senior center improvements, funds to Recreation, and assistance to households for discounts at Recreation Department programs. One third of the priorities noted on the matrix assisted seniors, representing approximately 30% of the funds.

Mayor Esteves opened the public hearing and invited speakers (none heard).

(1) Motion: to close Public Hearing

Motion/Second: Councilmember Giordano / Vice Mayor Gomez

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

(2) Motion: to approve the FY 2004-05 CAPER report

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

3. Authorize Entertainment Permit for St. John the Baptist Church "Autumn Festival" on October 14-16, 2005

City Clerk Mary Lavelle presented the request for an Entertainment Permit. St. John the Baptist Church planned to hold an Autumn Festival on its church grounds over the weekend of October 14, 15, and 16. Mrs. Riza Santoro, Chair of the Committee planning the event, was also present.

All departments had reviewed the request and provided approval with conditions. Ms. Lavelle reminded the City Council that the City would host "Harvest Festival" on Saturday, October 15 from 11 AM to 4 PM at Cardoza Park on the same weekend.

Mayor Esteves opened the public hearing, inviting speakers (none heard).

(1) Motion: to Close Public Hearing

Motion/second: Councilmember Giordano/ Councilmember Livengood

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

(2) Motion: to approve the Entertainment Permit for the church's Autumn Festival

Motion/second: Councilmember Livengood / Vice Mayor Gomez

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

4. Introduce Ordinance No. 38.767 Amending Title XI Chapter 10 (Planning, Zoning and Annexation) and Chapter 1 (Subdivision Ordinance) Text of the Milpitas Municipal Code (P-ZT2005-2)

Planning Director Tom Williams presented the Ordinance, stating it would provide clarity to the City's zoning code. The Planning Commission conducted two public hearings on the zoning amendments and 26 changes were recommended.

Planner Dennis Carrington explained the changes, stating that 22 were minor "clean up" items. He delineated these briefly (list of the amendments was provided in the staff agenda report).

The four major items in the proposed Ordinance deal with the following:
1) Gross Acreage definition in the zoning ordinance
2) Private Open Space Recreational Facilities (balcony space)
3) Density Bonus (new law effective 1/1/05, maximum 35% bonus could be granted)
4) Move Section 57 Conditional Uses to each appropriate zoning district (rather than catch-all), and then eliminate that section of the code altogether

Questions arose about the open space issue on amendment No. 22, reduce minimum usable open space requirement and modify definition in multi-family high density (R3) district. While 6 feet was discussed as the minimum, staff suggested the City Council could adopt guidelines as short as 4.5 feet minimum with regard to balcony length (open space).

Mayor Esteves opened the Public Hearing and invited speakers.

James Murrah, of S. Milpitas Blvd, stated he was a developer in the City. He commended staff in their efforts to update the zoning code, paying close attention to details of the existing code that needed updating.

No further speakers were heard.

(1) Motion: to close Public Hearing

Motion/Second : Councilmember Giordano/ Vice Mayor Gomez

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

(2) Motion: Move to accept proposed changes by adoption of the Negative Declaration for project EA 2005-3. Motion included the change from 6 to 4.5 ft for open space, in the R3, R4, MX 3 districts.

Motion/Second: Councilmember Livengood / Vice Mayor Gomez

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

(3) Motion: to waive the first reading beyond the title

Dennis Carrington read the title of Ordinance No. 38.767 "Amending Title XI Chapter 10 (Planning, Zoning and Annexation) and Chapter 1 (Subdivision Ordinance) Text of the Municipal Code (P-ZT2005-2)"

Motion/Second: Vice Mayor Gomez/ Councilmember Polanski

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

(4) Motion: to Introduce Ordinance No 38.767 (as amended for 4.5 ft on deck size)

Councilmember Livengood / Councilmember Polanski

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

UNFINISHED BUSINESS

5. Fluoride Update Status Report

Principal Engineer Darryl Wong presented this issue. In addition, Dr. David Nelson of the State Department of Health and Dr. Marty Fenstersheib, the Santa Clara County Health Officer, were present to address the Council on fluoride issues. While fluoridation was originally due to begin at the end of September, a low supply of the fluoride product had delayed the start date to sometime later in the fall.

Mr. Wong reviewed the status of fluoride in the City's water supply currently, noting there was a tiny amount in water now. The San Francisco Public Utilities Commission – the City's main supplier of residential water – would like to have fluoride at the level of one part per million in the water, for the best protection of teeth. The SFPUC will have all its customers receive fluoridated water over the next few years. In fact, Milpitas is one of the last municipalities in the Bay Area to receive fluoridation.

SFPUC provides water to a portion of the City (mostly all residential customers) while other areas (mostly industrial customers) receive Santa Clara Valley Water District water.

Residents were urged to call 586-3077 at City Hall if they have questions on this issue.

Dr. Nelson, of the county health, spoke supporting fluoridation of water.

Dr. Fenstersheib, Health Officer for the County of Santa Clara, conducted studies on children in public schools and visits to dentist. It revealed that 20% of the County's children had never seen a dentist. He strongly supported the change in the City's water.

Motion: Note receipt and file of report on fluoridation.

Motion/second: Vice Mayor Gomez/ Councilmember Livengood

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

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. CALL TO ORDER

Mayor/Agency Chairman Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 8: 38 PM.

RA2. ROLL CALL

PRESENT: Mayor/Chair Esteves, Vice Mayor/Vice Chair Gomez, and Agency/ Councilmembers Livengood and Polanski

Ms. Giordano stepped out of the Council Chambers at 8:38 PM.

RA3. MINUTES

MOTION to approve the Redevelopment Agency minutes of September 6, 2005, including joint meeting with the City Council, as submitted.

Motion/Second: Agency/Councilmember Livengood / Vice Chair/Vice Mayor Gomez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Giordano)

RA4. AGENDA AND CONSENT CALENDAR

MOTION to approve the agenda and consent calendar items, as submitted.

Motion/Second: Agency/Councilmember Livengood / Agency/Councilmember Polanski

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Giordano)

Ms. Giordano returned to the Chambers at 8: 42 PM

RA5 Review, Discuss And Provide Staff Direction On The Memorandum Of Understanding Between The Milpitas Redevelopment Agency, The City Of Milpitas, And The County Of Santa Clara For The Development Of A Health Center And Related Parking

City Engineer Greg Armendariz provided an overview of the project area and distributed a copy of the noted MOU. Shown on screen was the location of the proposed County Health center relative to the soon-to-be-constructed new Milpitas Library. According to the MOU, the County would pay almost $2 million for the parcel.

Staff was responding to Council comments during its last two meetings over concerns for the future shared parking structure. The MOU document was described as a "preliminary approach."

New cost estimates for the parking garage might go as high as $10 million at this point, not the $6.9 million estimated at time of the MOU last year (9/7/04).

The City Engineer reviewed what the County and the City agreed to pay, per the MOU. As high as $41,000 per stall was now the cost estimate for parking, up significantly from $25,000 in the first estimate last year. On 9/26/05, the County staff was scheduled to present this issue to the Board of Supervisors.

Vice Mayor Gomez thought the County's goal was to provide a facility for residents in Milpitas, Sunnyvale and north San Jose. He questioned why the county might now consider a downtown site for the health center.

Mayor Esteves was concerned for the medical clinic being placed elsewhere. The County was committed to providing service at a clinic in Milpitas.

RA5 continued

Councilmember Livengood had talked with Supervisor Jim Bell last week. Supervisor Bell said the County never wanted to be in a garage, as it was too expensive. Mr. Livengood was concerned that Milpitas citizens would have to pay the majority of the costs. He stated that the County wanted to come to Milpitas. He then itemized the problems with the existing MOU from his point of view:

1. MOU was silent on the cost of land for the parking garage site, so it appears County doesn't want to pay market rate for the land,
2. A cap on the amount per space at $25,000 per parking space,
3. MOU was not a binding document, as noted in the MOU in many places

Councilmember Livengood wanted to express the best way to live up to the commitment to serve Milpitas residents. The current deal doesn't work, and it was necessary to have the City work with the County to find a facility with at-grade parking. Then, he suggested the use of the City-owned land for another purpose in the future. It was his understanding that there was 6 or 7 million sq. ft. of space currently on the market.

Mayor Esteves commented that he wanted to pursue equitable assistance from the County for medical services in Milpitas.

Motion: to instruct staff to go back to the County to: 1) impress upon them to live up to the agreement for a health facility in Milpitas, 2) indicate that the signed 2004 MOU was no longer prudent, and, 3) stand ready with the City and the City Council to find a location for a health facility in Milpitas with at-grade parking.

Motion/Second: Agency/Councilmember Livengood / Agency/Councilmember Polanski

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

RA6 Unaudited Financial Status Report for Fiscal Year Ended June 30, 2005

Finance Director Emma Karlen discussed end of the fiscal year revenues. She displayed the categories of Financing Sources. Total revenue was below the budgeted amount by $1.2 million, accounting for the fact there was a transfer from Redevelopment funds to the City (for balancing FY 04-05).

Some savings have been realized from salaries and wages, some from contractors and supplies. Use of the reserve funds at $5.13 million, was less than earlier budgeted amount of anticipated $7.22 million. The reserve funds would remain intact at the end of the current FY. It was presently a reserve total of $16.88 million.

Mayor Esteves inquired what were the revenues ? With the 2% Transient Occupancy Tax, he noted only $800,000 in revenue. Ms. Karlen responded that $4 million was the total RDA revenue (actually $5 million was collected, with 80% allocated to the General Fund and the rest allocated to the library).

Motion: Note receipt and file the report from the Finance Director.

Motion/Second: Vice Chair/Vice Mayor Gomez / Agency/Councilmember Giordano

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

***RA7 Authorize the City Engineer to Execute a Contract Change Order and Approve Budget Appropriation: Interim Senior Center Re-roofing Project No. 8135**

1. Authorized the City Engineer to Execute Contract Change Order with Western Roofing not to exceed $25,000, with a $10,000 contingency.
2. Approved budget appropriation of $25,000 from the Redevelopment Agency Tax Increment fund to Project 8135.

***RA8 Approve New Capital**

1. Approved new CIP Project 8176 Senior Center 2005

Improvement Program Project and Budget Appropriation for Senior Center, Project No. 8176

2. Appropriated $2,300,000 to the Senior Center project 8176 from the 2003 RDA Tax Allocation Bonds.

***RA9 Approve Plans and Specifications and Authorize Advertisement for Bid Proposals: Demolition Of Winsor Blacksmith Shop and Other Buildings On 86-116 North Main Street East Garage Land Acquisition & Site Preparation, Project Nos. 8154 & 8169**

1. Approved plans and specifications for the demolition at Winsor Blacksmith Shop and other buildings on 86-116 North Main Street, subject to approval at public hearing.
2. Authorized advertising for bid proposals for the Projects.

***RA10 Authorize the City Manager To Execute an Agreement: Carey & Company, Inc., Architecture For Mitigation Plan for Winsor Blacksmith Shop and Other Buildings: North Main Street Development Environmental Impact Report (EIR) Cultural Resources Mitigations, Project No. 8169**

1. Authorized the Agency Executive Director/City Manager to execute the agreement with Carey & Company, Inc. Architecture, in the amount of $20,000, subject to approval as to form by the City Attorney.
2. Approved plans and specifications for the demolition at Winsor Blacksmith Shop and other buildings on 86-116 North Main Street, subject to approval at public hearing.

***RA11 Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals and Approve Agreement with PG&E: North Main Street Utility Improvements, Project No. 8153**

1. Approved plans and specifications for the project.
2. Authorized advertising for bid proposals.
3. Authorized the Agency Executive Director/City Manager to execute the agreement with PG&E and pay the associated $315,194.16 fee to PG&E.

***RA12 Authorize City Manager To Execute Agreement Amendment: West Yost & Associates, Main Sewage Pump Station Improvements, Project No. 6079**

Authorized the Agency Executive Director/City Manager to execute an agreement amendment with West Yost & Associates, in the amount of $167,200, subject to approval as to form by the City Attorney.

RA 13. ADJOURNMENT

Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 9:10 PM.

REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

6. Approve Mayor Esteves' Recommendations for Appointments to Current Commission Vacancies and Re-Appointments

Mayor Esteves recommended the following appointments:

Bicycle Transportation Advisory Commission

Re-appoint Fred Zeise to a 3-year term that expires August 2008.
Re-appoint Nawal Stanojevic to a 3-year term that expires August 2008.

Appoint Cheryl Bunnell as Alternate No. 2, to a two-year term that expires August 2007.

Recycling and Source Reduction Advisory Commission

Re-appoint Ed Blake Jr. to a 3-year term that expires October 2008.
Re-appoint Don Downey to a 3-year term that expires October 2008.

Appoint John T. Ebneter to a 3-year term that expires October 2007

Sister Cities Commission

Re-appoint Dennis Grilli to a 3-year term that expires September 2008.
Re-appoint Echo Arthur to a 3-year term that expires September 2008.

Re-appoint Alternate #2 Beverly McCarter to a 2-year term that expires September 2007.

Youth Advisory Commission

Re-appoint Joseph Hall to a one-year term that expires September 2006.
Re-appoint Aditya Ullal to a one-year term that expires September 2006.
Re-appoint Jay Kumar to a one-year term that expires September 2006.
Re-appoint Danielle Yee to a one-year term that expires September 2006.

Appoint Lorden Fok (formerly Alternate #3) to 1-year term that expires September 2006.
Appoint Roxane Lachance (formerly Alter. #4) to 1-year term that expires Sept. 2006.
Appoint Alex Tran to a one-year term that expires September 2006.
Appoint Nida Asif to a one-year term that expires September 2006.
Appoint Ha La to a one-year term that expires September 2006.

Appoint Jason Nguyen as Alternate #1 to a one-year term that expires September 2006.
Appoint Larry Le as Alternate #2 to a one-year term that expires September 2006.
Appoint Josephine Fong as Alternate #3 to a one-year term that expires September 2006.
Appoint Sareen Sandhu as Alternate #4 to a one-year term that expires September 2006.

Motion: approve the Mayor's recommended appointments

Motion/Second: Councilmember Livengood / Vice Mayor Gomez

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

7. Report of Mayor Esteves - Review, Consideration and Approval of City Council Invocation Guidelines

Guidelines for an invocation at City Council meetings drafted by the City Attorney were reviewed by the City Council.

Various faiths would likely participate and members could choose words appropriate to the times. The City Attorney stated that it would be difficult to come up with a boilerplate invocation. Constitutional restrictions already exist and he would share those with any clergy person who had a question on appropriate wording.

Motion: to adopt the following four steps recommended by staff:

1. Review, consider and approve with or without edits, the proposed invocation guidelines.
2. Directed staff to include in all subsequent City Council agendas an item titled, "City Council Invocation."
3. Directed staff to agendize an invocation for the City Council's next regularly scheduled meeting, October 4, 2005.
4. Directed staff to establish the invocation guidelines as a Milpitas Standard Operating Procedure and/or include them in the City Council's Handbook.

Motion/ Second: Councilmember Polanski / Vice Mayor Gomez

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

8. Report of City Council Finance Subcommittee

Vice Mayor Gomez presented the report from the Finance Subcommittee.

He reviewed that last year, the Fire Department budget was over by $200,000. Subcommittee members met with Fire staff to discuss how this could be reduced in the future.

Regarding the bid noticing requirements: the Vice Mayor explained that the Milpitas Post was not printed in this City (as required by law). Finance Subcommittee recommended that bid opportunities be posted in three locations throughout the city.

The deferral of hiring three specific positions would realize significant dollar savings for the City: Police Chief, City Manager, Human Resources and these were recommended to be deferred for nine months.

Councilmember Polanski requested for the Commissioners Recognition Dinner, if it will take place at a Council meeting, she wanted it to be the only item on the agenda. The certificate presentation should be in public, preferably on television.

Councilmember Polanski preferred the recommendation on the City Manager hiring so people know what direction the city was going forward, along with other two positions. She disagreed with the three locations for Bid Notices, that it was not good enough as compared to publishing in the newspaper. She felt the Library, Police station and Fire station were not good enough, nor was Channel 15 best for noticing bids.

City Engineer Greg Armendariz reported that twelve trade publications were the place that notices were most regularly posted for contractors to know about City projects. Generally, contractors do not read ads in the Milpitas Post.

Mayor Esteves was concerned about comments on the Milpitas Post.

City Attorney Mattas explained that this particular California public contracts code for bid noticing calls for a paper of general circulation AND that was both published and printed in the city. The Milpitas Post does not meet that part of the law.

Councilmember Livengood agreed with the recommendations. He asked that in the future the community consider two issues: (1) Meadowland Drive property and proceeds from that land, and (2) the City property of a former possible hotel site (approx. 3.5 acres adjacent to next to Barber Lane and Great Mall Parkway).

Mayor Esteves expressed his support for hiring a permanent Police Chief.

In response to a question from the Mayor, Finance Director Karlen noted that retirement cost savings could be realized in the future, but that it was prudent to fund a portion of it in the next Fiscal Year's budget.

Motion: to adopt Finance Subcommittee's recommendations, with changes to the commission dinner (item 3 below) to be a recognition event at a City Council meeting in the Council Chambers (not a dinner event) and to defer for 9 months the Human Resources Director recruitment (item 4)

1) Accept the Fire Chief's recommendations to address the overtime issue.
2) Authorize staff to write an ordinance designating three locations in the City and on the City's website for posting of public notices and solicitations for bids on City public projects.
3) Authorize staff to proceed with Option A (identified in staff memo) to host the Commissioners' Recognition Event at City Hall.
4) Defer the hiring of three positions: City Manager for nine months, Police Chief for

nine months, and Human Resources Director by six months.
5) Pre-fund the retiree medical benefits by including a portion of the costs in the annual operating budget, beginning Fiscal Year 2006-07. The funding amount would be determined as part of a revised budget policy, to be approved by the City Council.
6) Restore funding for the cultural arts, youth sports and child care grants, as savings have been identified in the FY 2005-06 operating budget.

Motion/second: Vice Mayor Gomez/ Councilmember Livengood

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

9. Implementation of the Clean and Safe Streets Program: Phase I Milpitas Pedestrian Safety Initiative

Vice Mayor Gomez worked with Councilmember Polanski to put several items into one new program, with three phases. His proposed program would be known as the Milpitas Pedestrian Safety Initiative:

Four main program areas that the Initiative would focus on were:

High Visibility Crosswalks
Pedestrian Countdown Signals
Enhanced Red Light Running Enforcement
Vehicle Speed Feedback Signs

Traffic Engineer Jaime Rodriguez gave a presentation highlighting each of the program areas. He displayed slides of the crosswalks, implementing high visibility crosswalks, made brighter. At signalized crosswalks, the City could use "zebra" crosswalks at Abel downtown. A pedestrian activated beacon system (compact designed) with a fast pulse toward motorists was available. The program would add some pedestrian countdown signals (newly approved in this state in 2003). Vehicle speed feedback signs, via an Office of Traffic Safety grant, would deploy these on 5 locations (solar powered) that can display a driver's actual speed in action. Additionally, light-illuminated street name signs would be installed in the City's busiest intersections.

Councilmember Livengood was pleased to hear more on these quality of life issues for the City. He was grateful to see these examples that staff brought forward. He would lend his support to these improvements with a positive impact. Pedestrian safety was always a concern and he was grateful it was on the meeting agenda.

Mayor Esteves inquired as to the fiscal impact of this proposal. Vice Mayor Gomez explained that the recommendation was to send the issue to the Council's Transportation Subcommittee, then to the Capital Improvements Program subcommittee to consider the costs, and in the future to return to the City Council at the next budget cycle.

Motion: move to forward this Initiative request to the Transportation Subcommittee for implementation review and to the Capital Improvement Program subcommittee for prioritization and funding recommendations. Staff was directed to explore available grants to begin implementation of the program.

Motion/Second: Vice Mayor Gomez/ Councilmember Giordano

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

10. Milpitas Support for Hurricane Katrina Victims

Vice Mayor Gomez reminded everyone about the impact of Hurricane Katrina on the Gulf Coast of the U.S. In response, he created a series of recommendations along with Councilmember Livengood. He read aloud the eight recommendations noted below.

Councilmember Livengood highlighted one comment – employees could donate during one pay period a donation to the American Red Cross. He suggested unions get together

with their employees about this suggestion. The needs would grow, and the next hurricane was forecast to hit Texas next. The American Red Cross would need all donations that employees could afford to give. He personally pledged $250 to start the fund.

Mayor Esteves really appreciated this effort. He highlighted a Vietnamese-American group, Le Bat, the CA Nurses Assoc and Milpitas Christian churches that have been helping with relief efforts and showing support for Katrina victims. He agreed that a $1,000 donation was not adequate.

Councilmember Giordano requests $5,000 as a donation amount from the City (on recommendation list). Finance Director Karlen explained that the donation would come out of the $10,000 in Community Funds section of the current FY budget.

Motion: to adopt the following eight recommendations, with an increase in item #3 to a $5,000 donation:

1. Call on residents and businesses to give support to organizations sponsored by FEMA and including the American Red Cross. Encourage local community, business and faith-based organizations to develop events and involve the community in raising funds for relief.
2. Designate a pay period for Milpitas Employees, if they choose, to have an approved automatic payroll deduction to be contributed to the American Red Cross to assist with relief efforts.
3. The City of Milpitas should take the lead in this call by designating ~~$1,000~~ $5,000 in funds to this effort.
4. Designate the four fire stations in the City as contribution centers for relief efforts. Request the IAFF and the MPOA provide support in coordinating these efforts.
5. Provide a listing of all FEMA sponsored organizations on the City website and Channel 15 where residents can make contributions to support victims.
6. Provide a list of organizations involved in the relief efforts on the city website.
7. Request staff finds ways to support city employees volunteering for the American Red Cross or FEMA. Employees who may have skills and can volunteer should be allowed to do so without a loss in pay.
8. Request the City Attorney to review our military leave program to ensure that those who may be called to serve continue to receive salary and benefits.

Motion/Second: Vice Mayor Gomez / Councilmember Giordano

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

NEW BUSINESS

11. Consideration of the City Council Meeting Schedule for 2006

City Clerk Mary Lavelle explained the request from City staff for Council to determine its calendar for regular meetings next year, as the Independence Day holiday falls on July 4th, the first Tuesday of the month. Recent past practice in Milpitas has been to cancel the second meeting in July each summer.

Motion: to cancel both regular City Council meetings in July 2006

Motion/Second: Vice Mayor Gomez/ Councilmember Giordano

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

ORDINANCES

NONE

RESOLUTIONS Items were adopted on the Consent Calendar.

BIDS AND CONTRACTS Items were adopted on the Consent Calendar.

CLAIMS AND DEMANDS NONE

ADJOURNMENT Mayor Esteves adjourned the meeting at 10: 12 PM. The meeting was adjourned in memory of Amrit Paul Sandhu, a young man recently deceased, who served Milpitas as a member of the Youth Advisory Commission and who had gone on to college.

Meeting minutes respectfully submitted by:

_____

Mary Lavelle, City Clerk