MEETING MINUTES
CITY OF MILPITAS CITY COUNCIL
SPECIAL MEETING
SUNDAY, JANUARY 28, 2007
4:00 p.m.

MILPITAS CITY HALL
COMMITTEE ROOM

I. ROLL CALL

Mayor Esteves called the Special Meeting of the City Council to order at 4:02 p.m. Present were: Mayor Esteves, Vice Mayor Livengood, and Councilmembers Gomez, Giordano, and Polanski.

City Manager Tom Williams, City Attorney Steve Mattas, Special Counsel Geoff Spellberg and City Engineer Greg Armendariz were also present.

II. PUBLIC FORUM

Mayor Esteves invited members of the audience to address the Council on any subject not on the agenda.

There were no public comments offered.

III. CLOSED SESSION PURSUANT TO CALIFORNIA GOVERMENT CODE §54956.9(a) EXISTING LITIGATION

City of Milpitas and Milpitas Redevelopment Agency v. Turner Construction, et al.

The City Council convened the closed session at 4:03 pm. At 4:40 pm, the City Council returned to open session. The City Council, on a motion by Councilmember Giordano and seconded by Councilmember Polanski, voted 5 to 0 to authorize the City Attorney and City Manager to accept the proposed settlement with Turner Construction and Studios Architects in the amount of $4,500,000. The settlement included, among other terms, the City and the Redevelopment Agency reserving its rights to pursue latent defects and also included an agreement by Studios Architects to release its claim against the City and Redevelopment Agency for payment of additional funds. The terms of the settlement are those agreed to by the parties on the record with the court on January 26, 2007.

V. ADJOURNMENT

There being no further City Council business, Mayor Esteves declared the meeting adjourned at 4:45 pm.

The foregoing minutes were approved by the Milpitas City Council as submitted on February 6, 2007.

Steve Mattas, City Attorney