DRAFT (UNAPPROVED) MEETING MINUTES
CITY OF MILPITAS

Minutes of:	**Regular Meeting of Milpitas City Council**
Date:	**Tuesday, January 3, 2006**
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 Livengood and Polanski. Councilmember Giordano was present by teleconference for the Closed Session only.

ABSENT: Councilmember Giordano

CLOSED SESSION

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

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

(2) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to California Government Code Section 54956.9(a))
City of Milpitas v. City of San Jose, Case No. CV046013, Santa Clara County Superior Court

The City Council reconvened in Open Session at 7:03 PM with Mayor Esteves presiding and three Councilmembers present.

CLOSED SESSION ANNOUNCEMENT

None

PLEDGE

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

INVOCATION

A moment of silence was observed.

MINUTES

MOTION: approve meeting minutes of four City Council meetings in 2005:

November 28, 2005
November 29, 2005
November 30, 2005
December 6, 2005

Motion/Second: Vice Mayor Gomez/Councilmember Polanski

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Giordano)

SCHEDULE OF MEETINGS

Councilmember Livengood noted that Milpitas no longer has a representative on the Valley Transportation Authority Board, so no VTA Board meetings should be listed on the calendar.

Vice Mayor Gomez announced there would be no Finance Subcommittee nor Open Government Subcommittee meetings the following day, January 4.

Mayor Esteves reminded his colleagues that a replacement (for Vice Mayor Gomez) was sought to serve as a representative to the VTA Policy Advisory Committee.

MOTION: to approve the Schedule of Meetings, as amended

Motion/Second: Councilmember Livengood/Councilmember Polanski

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Giordano)

PRESENTATIONS

NONE

CITIZENS FORUM

Ms. Carmen Montano announced "Good Neighbor Awards" in celebration of Martin Luther King Jr. Day early on January 17 at the Windham Hotel. Tickets were available for sale.

ANNOUNCEMENTS

City Manager Charles Lawson announced the retirement of Public Works Superintendent and recent acting Public Works Director Dennis Cuciz as of December 30, after 36 years of outstanding service to the City. Also, he announced that City Engineer Greg Armendariz was appointed Public Works Director, combining two functions into one department.

Mayor Esteves mentioned why the flag was at half-mast outside City Hall: Milpitas' first Mayor Tom Evatt died recently and so was honored. This evening, the Mayor would adjourn the meeting in memory of Mr. Evatt and his lengthy service to the City.

Mayor Esteves mentioned some vandalism that occurred at St. John the Baptist Catholic Church over the holiday period, and he asked for a report from City staff about those incidents.

Vice Mayor Gomez requested an update on the new Public Access channel television studio, and also a discussion of uncollected fees at the next Council meeting.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None

APPROVAL OF AGENDA

MOTION: to approve the agenda, as submitted

Motion/Second: Councilmember Livengood/Councilmember Polanski

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1

CONSENT CALENDAR

MOTION: to approve the Consent Calendar, as submitted

Motion/Second: Vice Mayor Gomez/Councilmember Polanski

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1

*** 4. Approve Changes to the Arts Commission's Meeting Schedule and Bylaws**

Approved changes to the Arts Commission's meeting schedule and the changes to the Arts Commission Bylaws. The change was to allow the Arts Commission to meet six times each year, and the new Public Art Committee to meet on alternate months (yielding twelve meetings total between the two bodies).

*** 5. Approve One Group and One Individual Youth Sports Assistance Fund Grant Requests**	Approved an individual request for $500 to A.J. Almarez (to offset travel expense costs to attend a national invitation only "Tourneysport" baseball tournament held in Oahu, Hawaii) and one organizational request to Milpitas North Little League for $1,000 (to offset the cost of purchasing one set of safety bases for $400.00 and $600.00 to provide seven to eight eligible Milpitas youth scholarships). That left a grant fund balance of $1,000.00 for the remainder of the fiscal year.
*** 6. Approve Fee Waiver And In-Kind Donation of Equipment, Supplies And Staffing From Various City Departments for the 2006 "Relay For Life" Event at Milpitas Sports Center on June 23-24, 2006**	Approved the Milpitas "Relay for Life" fundraising event's request for fee waiver and in-kind donation of equipment, supplies and staffing, totaling $3,284 for the scheduled June 23-24, 2006 "Relay for Life" benefiting the American Cancer Society.
*** 7. Approve Grant Funding Agreement: Santa Clara County Open Space Authority; Alviso Adobe Renovation; Project No. 5055**	Approved the Grant Funding Agreement.
*** 9. Waive Second Reading and Adopt Ordinance No. 23.10 Repealing Title I Chapter 2 of existing Milpitas Municipal Code on Purchasing and Replacing with Title I, Chapter 2, Sections 1 - 12**	Waived second reading, and adopted the new Purchasing Ordinance No. 23.10.
*** 10. Adopt Resolution Granting Initial Acceptance: Abel/ Calaveras Right Turn Lane, Project No. 4186**	Adopted Resolution No. 7570, which Granted Initial Acceptance of the Abel/Calaveras Right Turn Lane Project, subject to the one-year warranty period and reduction of the faithful performance bond to $86,795.
*** 11. Adopt Resolution Approving Revised Disadvantaged Business Enterprise (DBE) Program Goal for Federally Funded City Transportation Projects**	Adopted Resolution No. 7571, which approved the Revised Disadvantage Business Enterprise (DBE) Program Goal for Federally Funded City Transportation Projects.
*** 12. Award the Bid for the Sunnyhills Fire Station Partition Wall Reconstruction**	Awarded the bid and authorized the City Manager to execute a contract to reconstruct the Partition Wall at the Sunnyhills Fire Station to Ranis Construction & Electric, Inc., as the low bidder for the not-to-exceed amount of $14,000.00, subject to approval as to form by the City Attorney.
*** 13. Approve Agreement Amendment: Lowney Associates, Main Sewage Pump Station Site Improvements, Project No. 6079**	Approved the agreement amendment with Lowney Associates, subject to approval as to form by the City Attorney.
*** 14. Award the Bid for the Ford F250 Service Body**	Award the bid for Service Body work to Jack Hubbard Sales, Inc. in the amount of $6,982.13 including tax.
*** 15. Authorize the City Manager to Execute an Agreement Amendment: RBF**	Authorized the City Manager to execute an agreement amendment with RBF Consulting for an amount not to exceed $4,000 for the environmental services needed for the design of the new sewage pump station.

Consulting, Main Sewer Pump Station Improvements Project No. 6103

*** 16. Authorize the City Manager to Execute a Cost Sharing Agreement with VTA; Project Study Report for Calaveras Boulevard Widening and Operational Improvements Between Milpitas Blvd and I-880**

Approved a Cost Sharing Agreement with Valley Transportation Authority and a Project Study Report for the Calaveras Boulevard Widening and Operational Improvement Project between Milpitas Boulevard and I-880.

*** 17. Approve Payment Requests to Two Vendors**

Approved the following two payments:

1. $5,700.17 to Compucom for the annual renewal fee of McAfee Active Virus Defense software to protect the City's computer network, and
2. $8,355.00 to Yellowfish Promotions for the purchase of 2,500 miniature recycling carts with turning wheels and opening lids. Yellowfish, a manufacturers rep. of specialty items, conducts product and pricing research of national and international manufacturers. Similar manufacturers were located overseas and do not meet the two requirements of recycled content and blue cart with gray lid. Staff requested that the merchandise be purchased as a sole source procurement, sanctioned in Section I-2-5.03-4 of the Municipal Code.

PUBLIC HEARING

1. Weed Abatement Hearing and Adoption of Resolution Directing Abatement Program

Fire Marshal Patricia Joki spoke to the City Council about the annual Weed Abatement program in the City. She explained the legal requirement for the advertised Public Hearing, and described the assessment list of properties in the agenda packet.

Councilmember Polanski asked about Vista Ridge Drive properties. Fire Marshal Joki noted that since these were near the hillside, more growth likely contributed to the weeds problem.

Staff noted that a representative of the Santa Clara County Agricultural Commissioner was present to answer any questions.

Mayor Esteves opened the Public Hearing to receive testimony; none heard.

(1) MOTION: to close the Public Hearing

Motion/Second: Councilmember Polanski/Councilmember Livengood

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

(2) MOTION: Adopt Resolution No. 7569, Empowering the City Manager to Direct the Santa Clara County Agricultural Commissioner to Abate Weeds Declared to be a Public Nuisance; and to Embody Such Account in a Report and Assessment List to the City Council

Motion/Second: Councilmember Livengood/Councilmember Polanski

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

REDEVELOPMENT

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 7:15 PM.

RA2. ROLL CALL

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

ABSENT: Councilmember Giordano

RA3. MINUTES

Motion: to approve the Redevelopment Agency minutes of December 6, 2005 including joint meeting with the City Council, as submitted.

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

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: (Giordano)

RA 4. Approval of Agenda and Consent Calendar

Motion: to approve the agenda and consent calendar

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

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: (Giordano)

*** RA5. Authorize the City Manager to Execute an Agreement Amendment for Consultant Services: Swinerton Management & Consulting for Various Projects**

Authorized the City Manager to execute the agreement amendment with Swinerton Management & Consulting in the amount of $76,000, subject to approval as to form by the City Attorney.

*** RA6. Award Construction Contract and Approve Budget Appropriation: Sports Center Pools, Project No. 8180, ROW Custom Enterprises, Inc.**

1. Approved a budget appropriation for $210,000, from RDA Tax Increment, and
2. Awarded Construction Contract to R.O.W Custom Enterprises, Inc. in the amount of $175,000.

*** RA7. Authorize the City Manager to Execute an Agreement Amendment and Approve Budget Appropriation: JMH Weiss, Inc., Abel Street Midtown Improvements, Project No. 8157 and Project 8169**

1. Authorized the City Manager to execute an Agreement Amendment with JMH Weiss in the amount of $24,820, subject to approval as to form by the City Attorney, and
2. Appropriated $25,000 from County infrastructure escrow account (developer reimbursements) to Abel Street Midtown Improvements, Project No. 8157.

RA 8. ADJOURNMENT

Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 7:18 PM.

REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

2. Consideration of a City Council "Roadmap for Services Improvements" from the Finance Subcommittee

Vice Mayor Gomez discussed his memo, which presented more than a dozen ideas for improvements to City services. He briefly reviewed the recommendations for implementation over the next two months, four months, and six months. The recommendations relate especially to streamlining businesses coming to Milpitas.

The "Roadmap" proposals specifically included: Process Handouts, Updated Checklists, Hours at City Hall, Tenant Improvement Program, e-mail notification of applications, refund fees when deadlines missed, Customer Service Standards, Work Programs and Staffing levels, staff training and education, Develop a Community Outreach Policy, simplify zoning and other permit processes, updated permitting system including online, wireless service city-wide, and measuring our success.

Planning Director Tom Williams, gave a presentation regarding the Tenant Improvement Process, detailing methods and steps taken to further assist customers who come in to the City for planning and building services. The steps were designed toward becoming more business friendly to stay competitive in Santa Clara Valley. Mr. Williams included a suggestion for a Development Review Committee in planning.

Chief Building Official Keyvan Irranejad addressed some of the suggestions. For example, he identified the expanded building counter hours at City Hall from 8:30 AM to 4:00 PM as a significant increase for customer service. He mentioned outreach to the public, and also some of the services available to the public and to contractors.

Mayor Esteves asked questions about the consistent information given out by the City's Building Inspectors.

Councilmember Polanski asked if there had been some coordination with Economic Development Commission? Mr. Williams indicated there had been, and he was working closely with Economic Development Director Diana Whitecar.

Councilmember Livengood stated the document was helpful, as it brought issues forward. The recommendations suggested to the City Council were ambitious and comprehensive. What he heard from customers was relative to a concern about building inspectors seeing things that other inspectors had not seen the first time around. He agreed that City departments talking to one another was important to coordinate and resolve any discrepancies or "black holes" and that timeliness was important.

Vice Mayor Gomez stated he wanted to take this memo out of the domain of the Finance Subcommittee. Issues should go to the Planning Commission, for appropriate action.

Mayor Esteves commented that the idea of wireless internet service in the City had been addressed before this meeting, and in particular, he wanted to give credit to the City's Economic Development Commission for some of the concepts presented at this meeting. Also, he expressed an interest in having any City surveys conducted turned in to an independent body.

MOTION: Move approval of the written recommendations identified in the Finance Subcommittee memo authored by Vice Mayor Gomez, the "Roadmap for Service Improvements"

Motion/Second: Vice Mayor Gomez/Councilmember Livengood

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

3. Approval of Actions Related to "Tour of California" Bicycle Race

Councilmember Livengood spoke about a significant bicycling race event coming through the community in 2006. On February 21, the cyclists would be in Milpitas (though the overall route would not be significant in this city) within city limits. It was to be broadcast on ESPN2 television channel also.

Vice Mayor Gomez mentioned he met with AEG Cycling along with City of San Jose staff regarding the event. Most crucial, he felt, was to notify residents about the bike racers who would be coming through the City. It was also an opportunity for community

promotion. The race was possibly going to roll through Milpitas in the afternoon, approximately 2:00 – 3:00 PM possible.

MOTION: Direct city staff to contact AEG for specific information, to ensure that the Tour would be a safe event and that it would be enjoyable for all in Milpitas. Direct staff to learn the details about how long roads would be closed, that trash containers would be distributed, that there would be no burden on neighborhoods, and to make it a fun activity recreation-wise. Direct staff to inquire of other California cities that had cyclists through their cities last year and what they did surrounding the Tour.

Motion/Second: Vice Mayor Gomez/Councilmember Polanski

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

NEW BUSINESS

Items adopted on the Consent Calendar.

ORDINANCES

8. Waive First Reading Beyond the Title and Introduce Ordinance 239.5 Amending Title XI Chapter 16 Sections 16-10, 16-11, and 16-14 of the Milpitas Municipal Code - Stormwater And Urban Runoff Pollution Control

Principal Engineer Darryl Wong introduced the Urban Runoff ordinance, strengthening of it for enforcement purposes. The City complied currently with the permit as issued by the Regional Water Quality Control Board, regarding stormwater pollution discharge throughout the City. Best Management Practices were required, including those for contractors within the City.

Three specific recommendations were made, in order to ensure compliance with the urban runoff pollution control laws:

1. Require that if a contractor should fail to install proper controls, the City may issue a "non-compliance" order and require immediate corrective action,
2. If a spill occurs, and if a contractor was not able to respond properly, then the City may contract with a third party to immediately perform corrective action to minimize damage to creeks (reimbursable to City)
3. City could advise a contractor that if there was a history of non-compliance (3 orders or more), that the City may issue a suspension order on the construction project. Then, the City would hire a licensed civil engineer specifically for urban runoff Best Management Practices implementation.

(1) MOTION: Waive the first reading of Ordinance No. 239.5, beyond the title

Mr. Wong read the title "An Ordinance of the City of Milpitas Amending Sections 16.10, 16.11 and 16.14 of Chapter 16, Title IX of the Milpitas Municipal Code, Relating to Stormwater and Urban Runoff Pollution Control."

Motion/Second: Councilmember Livengood/Vice Mayor Gomez

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

(2) MOTION: Introduce Ordinance No. 239.5

Motion/Second: Councilmember Livengood/Vice Mayor Gomez

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

RESOLUTIONS	Resolutions were adopted on the Consent Calendar.
BIDS AND CONTRACTS	Items were adopted on the Consent Calendar.
CLAIMS AND DEMANDS	Item was adopted on the Consent Calendar.
ADJOURNMENT	Mayor Esteves adjourned the meeting at 8:17 PM, in memory of the first Mayor of Milpitas Tom Evatt.

Meeting minutes respectfully submitted by:

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Mary Lavelle, City Clerk