UNAPPROVED MEETING MINUTES
CITY OF MILPITAS

Minutes of:	**Regular Meeting of Milpitas City Council**
Date:	**Tuesday, October 18, 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, Councilmembers Giordano, Livengood and Polanski
ABSENT: Vice Mayor Gomez

CLOSED SESSION

Mayor Esteves publicly stated the Council would convene in Closed Session to discuss the the following two 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)
Under Negotiation: Wages, Hours, Benefits, Working Conditions

(2) CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Government Code Section 54956.8)
Property: 110 Meadowland Dr., Milpitas, California
Agency Negotiators: City of Milpitas (Richard Pio Roda, Steve Mattas). Negotiating Party: Williamson / Wilson. Under negotiation: Terms and Conditions for Disposition of property

The City Council reconvened in Open Session at 7:00 PM with Mayor Esteves presiding and three Councilmembers present.

CLOSED SESSION ANNOUNCEMENT

NONE

PLEDGE

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

INVOCATION

Rev. Norman Segovia of St. John the Baptist Catholic Church offered the invocation.

MINUTES

MOTION: to approve minutes of the October 4 City Council meeting, as submitted.

Motion/Second: Councilmember Giordano / Councilmember Polanski

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1

SCHEDULE OF MEETINGS

MOTION: to approve the Schedule of Meetings

Councilmember Livengood noted that the VTA meeting scheduled on October 26 was canceled.

Motion/Second: Councilmember Polanski / Councilmember Giordano

Motion carried unanimously by a vote of:

AYES: 4
NOES: 0
ABSENT: 1

PRESENTATIONS

Proclamations

Mayor Esteves proclaimed "Help Mentally Disabled People Days" for the week of October 21-28 for two Knights of Columbus Councils: Knights of Columbus – Milpitas Council #5796, and to Knights of Columbus – St. Elizabeth Council #8747, presented to Joe Byrne.

Mayor Esteves proclaimed YWCA of Silicon Valley "Week Without Violence" for the week of October 16-22, 2005, presented to LaDonna Curtman of the YWCA.

CITIZENS FORUM

***Bill Dale**, resident of 211 Smithwood*, Assistant Radio Operator with the RACES ham radio organization announced a new radio repeater system was installed in the City, for 2-meter operation. This new equipment contributes to "interoperability" and mutual aide during the time of a large scale disaster. There was high praise for radio service and support at Hurricane Katrina. Lastly, all residents were invited on Saturday, October 22 from 2 – 4 pm to observe the radio disaster drill exercise.

ANNOUNCEMENTS

Diana Whitecar, Economic Development Manager, announced a visit from Chinese visitors to City Hall last Tuesday. Municipal representatives from Anshan, China visited the City of Milpitas. They enjoyed touring the new City Hall building with its technology, along with gaining an understanding of the local economy. Several senior City staff met with the Chinese officials, who were particularly interested in development projects and funding mechanisms. Mayor Esteves accepted gifts from the Anshan visitors on behalf of City.

Councilmember Giordano announced the Chamber of Commerce "Shop and Dine" effort for the month of November, launching the promotion on November 5th at the Wells Fargo Bank.

Mayor Esteves congratulated City Recreation staff for the successful "Harvest Festival" held last Saturday at Cardoza Park. He also announced a Health Fair sponsored by SuChee Foundation, with free flu shots for those ages 55 and over on Sunday, October 30, from 9:30 am to 3:30 pm at 175 Dempsey Road in Milpitas.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None

APPROVAL OF AGENDA

Planning and Neighborhood Services Manager Tom Williams, requested that Item No. 1 (Conditions of Approval for KB Homes) be removed from the agenda, and re-noticed at a later date, as the applicant had withdrawn the application.

Councilmember Livengood inquired how much money it would cost to advertise again. Mr. Williams replied that it was a recoverable cost.

MOTION: to approve the agenda, as amended.

Motion/Second: Councilmember Livengood / Councilmember Giordano

Motion carried by a vote of:

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

CONSENT CALENDAR

Mayor Esteves stated that Items #3 and #13 could be removed from consent, by public request.

Councilmember Polanski requested moving Item 13, so it would be heard prior to Item 3.

MOTION: to approve the Consent Calendar, as amended.

Motion/Second: Councilmember Polanski / Councilmember Livengood

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

*** 6. Approve Two Organizational Youth Sport Grant Requests**

Approved the following two grants:
(1) one Organizational Youth Sports Assistance Fund Application was received from **Red Devil's Youth Baseball Program, requesting $1,000** to offset travel expense costs for regional baseball tournament held in Las Vegas, Nevada on October 28-30, 2005.

(2) one Organizational Youth Sports Assistance Fund Application was received from **Southpawprep, requesting $1,000** to offset the cost of purchasing team traveling first aid kits, sports tape and a electric ball pump for practices and games.

*** 9. 2006 Special Events Calendar**

The City Council approved the special events planned by Recreation Services. The 2006 Special Events Calendar details include time, date, event specifics and locations.

*** 10. Encroachment Agreement Between City and LSI Logic Corp. for Installation of Fiber Optic Network Facilities Within Public Right of Way, Project No. 3137**

Approved Encroachment Agreement with LSI Logic Corporation for installation of fiber optic network facilities within the public right-of-way and authorized the City Manager to execute the agreement, subject to the approval of City Attorney as to form

*** 11. Approve Proposed Changes to Recreation Services Program's Refund Policy**

Staff concluded that an increase in service charge fees from $5 to $10 was comparable to other cities refund processing fees. Proposed was a separate Preschool Program refund policy, due to the need to be flexible with children who may have individual needs. No changes were recommended for the refund policy for Senior programs.

Approved the changes to Recreation Services Program's Refund Policy.

*** 12. Waive Second Reading of the Title and Adopt Traffic Ordinance 43.201: an Amendment to Traffic Code, to Change Speed Zones Boundaries and Speed Limits on Main St. Between Railroad Ct and Montague Expressway**

Waived the second reading beyond the title.

Adopted traffic Ordinance No. 43.201.

*** 14. Adopt Resolution of Intention to Vacate a Portion of Weller Lane and Winsor Street for Construction of the North Main Street Improvements, Library, and the Midtown East Parking Garage**

Adopted Resolution No. 7558 of Intention to vacate portions of Weller Lane and Winsor Street, and to hold a Public Hearing for November 15, 2005.

*** 15. Award Construction Contract and Approve Budget Appropriation City Reservoir Evaluation & Upgrade, Project No. 7091, San Jose Water Co.**

Approved a budget appropriation for $200,000 from the Water Fund into City Reservoir Evaluation and Upgrade, Project No. 7091.

Awarded a Construction Contract to the San Jose Water Company in the amount of $321,385.16.

*** 16. Authorize City Manager to Approve Debris Box Agreement With Pagnini's Inc.**

Authorized the City Manager to approve a debris box agreement with Pagnini's Inc., subject to approval as to form by the City Attorney.

*** 17. Extend Coast Landscape Management, Inc. Contract for the McCarthy Ranch Assessment District for a Second Year**

Authorized the City Manager to execute an amendment to the contract with Coast Landscape Management to exercise the first option year in an amount not to exceed $76,074.00, for landscape maintenance services at the McCarthy Ranch Assessment District 95-1, subject to approval as to form by the City Attorney.

*** 18. Approve Payment Requests**

Approved the following three payments:

1. $9,168.29 to Jam Services for LED traffic lights that had to be replaced due to a lightening strike at the Tasman/Alder, I-880 north- and south- bound off ramps
2. $6,719.95 to Clean Source for the purchase of assorted custodial supplies.
3. $6,700.00 to J.J.R. Construction, Inc. for repairs to the curb and hand railing at 40 N. Milpitas Blvd.

PUBLIC HEARINGS

1. Approval of Major Tentative Map Amendment No. TM2005-1 to modify Conditions of Approval Nos. 69 (Streetlight fixtures) and 86 (Recycled Water) of the recently approved KB Homes Development located on east and west sides of So. Abel St.

Applicant withdrew the application, and thus Mr. Tom Williams requested that this item be removed from the agenda. The Mayor asked if any members of the public wanted to speak and none were heard.

2. Consider General Plan Amendment To Amend Chapter 4.4, Water Quality And Conservation, And Chapter 4.9 D, Open Space/Conservation Principles And Policies (Water Quality And Conservation) To Reflect Requirements of the City's National Pollutant Discharge Elimination System (NPDES) Permit As Revised In 2001

Principal Planner Dennis Carrington presented the amendment to the Water Quality and Conservation sections of the Municipal Code, regarding NPDES. On September 28, the Planning Commission voted to recommend that the City Council adopt these changes. Principal Engineer Darryl Wong was available to answer questions.

The City of Milpitas with 12 other cities are co-permittees in the NPDES permit, for specified federal purposes for clean water. Staff explained that there were C-3 requirements needed in amendment. The Regional Water Quality Control Board checks in with the City each year on NPDES requirements.

Mayor Esteves asked how often the plan was updated. Mr. Carrington said the NPDES Permit was reviewed every year, while the City's General Plan was reviewed over a ten year period.

Mayor opened the public hearing for testimony and none was heard.

(1) Motion: to close the Public Hearing

Motion/Second: Councilmember Giordano/ Councilmember Polanski

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

(2) Motion: move to Adopt the Municipal Code and General Plan Amendments, as recommended by staff and the Planning Commission

Motion/Second: Councilmember Giordano/Councilmember Livengood

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

UNFINISHED BUSINESS

3. Marquee Request from Milpitas Rotary Club

Recreation staff Renee Lorentzen explained the request from the Milpitas Rotary Club for a marquee announcement and the reason for the recommendation to deny, based on the City's rules.

Mr. Don Peoples, Rotary President, thanked City Council for the opportunity to present information on the fundraising event, the upcoming "Texas Hold 'Em" fundraiser to be held for the first time within City limits. Residents and those interested should go to www.rotaryholdem.com for the event details.

Motion: move to deny the request, in accordance with the City's *Facility Manual Rules* and Regulations, Item X. General Rules and Regulations, 9.3

Motion: Councilmember Livengood / Councilmember Polanski

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

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 8:04 PM.

RA2.
ROLL CALL

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

RA3.
MINUTES

Motion: to approve the Redevelopment Agency minutes of October 4, 2005, including joint meeting with the City Council, as submitted.

Motion/ Second: Agency/Councilmember Polanski/ Agency/Councilmember Giordano

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

RA 4. Approval of Agenda and Consent Calendar

Motion: to approve the agenda and consent calendar

Motion/Second: Agency/Councilmember Polanski / Agency/Councilmember Giordano

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

RA 5. Review, Consider and Provide Staff Direction on Funding Concept for Landscaping and Maintenance of 237/I880 Interchange

City Engineer Greg Armendariz provided a detailed overview of the need for direction from the Agency on how to proceed with funding for landscaping and maintenance at the two significant roadway interchanges. He reviewed financial concerns, as detailed in the staff report to Council.

The landscape concept plan was already developed, with maintenance costs estimated at $100,000 per year. If the city initiated a maintenance plan, then it would start with the landscaping portion in 2010. Partial funding for underneath the light rail median, at the Great Mall Parkway, from the Valley Transportation Authority would be assigned to the light rail transit project area to cover maintenance costs for the landscaping.

Councilmember Livengood asked was the maintenance issue going to change? The City Engineer clarified that it was a $2 million commitment, no matter what (regardless of timing). Mr. Livengood further inquired who was responsible for the VTA area landscaping, and the response was the City since it was City property. Maintenance would

be performed either of two ways: Caltrans contracted labor or City staff. Council member Livengood felt that income from new homes to be built would be appropriated toward future labor and maintenance costs.

Mayor Esteves asked how much City money must go into the maintenance costs for the freeway interchange. Staff replied the City would maintain it over a long period of time.

VTA representative John Bristow was available to answer questions. Mr. Bristow mentioned issues of Caltrans level of maintenance, all over the City. $1.8 million was committed for landscaping due in 2010 (until then no landscaping would be done).

Councilmember Giordano expressed her comments that the project is terrific. She felt that the new Community Facilities District impacts would be felt all over the City.

Staff expressed that direction was sought to move forward to get draft agreements, and commitments from all sides (though not set in stone). Or, Council could direct staff not to move forward at all. The City Engineer said it was a matter of leveraging money City has now, from the VTA.

Councilmember Polanski inquired, in 2010, how does the City know the money would be available. Mr. Armendariz would draft the agreement in such a way with VTA that STIP funds must be received first, before any work would proceed.

Councilmember Livengood reiterated that some agreements already were made which the City must live up to, in partnership with Caltrans and VTA. Otherwise, the City would have to return money back to these funders if no progress was made. His opinion of the prospect of 880 just growing weeds over the next ten years was unpalatable. He said it would be wise to follow (2nd column on the screen display) "Optional Funding" to move the landscaping and maintenance projects forward, with the strong hope that STIP money comes due in 2010.

Mayor Esteves inquired about $2 million from Caltrans, for the agreement needed between the City and Caltrans directly. The City Engineer said it would come as one lump sum. Currently, very basic weeding of mulch occurred. That was only what would continue, if the STIP funds were not received.

Motion: Move the City Council and Redevelopment Agency adopt the Optional Funding plan, as described by the City Engineer

Motion/Second: Agency/Councilmember Livengood /Agency/Councilmember Giordano

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

*** RA 6. Approval of 20% Low-Income Housing Set-Aside Funds for the Rehabilitation of Four (4) Existing Housing Units at 1129 & 1143 Edsel Drive and 1116 & 1124 Shirley Drive**

Approved the amount not-to-exceed $200,000 for renovation and rehabilitation of the four existing apartment units at 1129 and 1143 Edsel Drive and 1116 and 1124 Shirley Drive from the Redevelopment Agency 20% Low-Income Housing Set-Aside Fund.

*** RA 7. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals: N. Main St. Development Project Demolition and Abatement at 94 to 130**

Approved plans and specifications and authorized advertising for bid proposals.

Winsor St, East Garage Land Acquisition & Site Preparation Projects No. 8154 & 8169

*** RA 8. Authorize City Manager To Execute Agreement Amendment: Olivia Chen Consultants, Berryessa Pump Station, Project No. 8138**

Authorized the City Manager to execute the agreement amendment with Olivia Chen Consultants in the amount of $51,000, subject to approval as to form by the City Attorney.

RA 9. ADJOURNMENT

Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 8:41 PM.

REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

4. Mayor's Appointments to the Council Open Government Subcommittee

Mayor Esteves moved to appoint himself and Councilmember Polanski to the new subcommittee.

Councilmember Livengood announced that he would not support that recommendation and asked if it failed to return at the next meeting with another recommendation.

Motion: appoint Mayor Esteves and Councilmember Polanski to serve on the Council's Open Government Subcommittee

Motion/Second: Mayor Esteves / Councilmember Polanski

Motion failed by a vote of:

AYES: 2 (Esteves, Polanski)
NOES: 2 (Livengood, Giordano)
ABSENT: 1 (Gomez)

A memo was requested from the City Attorney on all options the Mayor had at his disposal, and City Attorney Mattas agreed to prepare such memo prior to the next City Council meeting.

5. Approve Mayor's Appointments To City Commissions

Mayor Esteves announced his recommendations for the following Commissions.

Community Advisory Commission

Appoint Michael Queenan from Alternate #1 to a 3-year unexpired vacant term that expires January 2007.

Appoint Nelson Villegas as Alternate #1 from Alternate #2
Appoint Reena Choudhury as Alternate #2 from Alternate #3
Appoint Oliver Wan as Alternate #3 (new)

Public Art Committee

According to Ordinance No. 271, all members of the Arts Commission will serve as members of the Public Art Committee. All terms on the Public Art Committee are for three year terms, expiring October 2008.

Appoint Carla Ann Moss as the member-at-large.

Appoint the following three members from the Alliance for the Arts: Larry Voellger, Elena Lawson and Julie Cherry.

Motion: to approve the Mayor's Appointments, as listed above.

Motion/ Second: Councilmember Livengood / Councilmember Giordano

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

NEW BUSINESS

7. Approve Two Amendments to City Council Handbook

Mr. Richard Pio Roda described the two items prepared for the City Council: one was a descriptive list of Commissions as Appendix G to the Handbook , and a provision for action on Unfinished Business (to place such items after Public Hearings on all agendas).

Motion: motion to approve the two amendments

Motion/Second: Councilmember Polanski/Councilmember Livengood

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

8. Approval of the Proposed Terra Serena (KB Homes) Public Park Equipment, Fixtures and Furnishings for Alvarez and Elm Parks

Assistant Planner Staci Pereira described and displayed photos of the park equipment for the new KB Homes development, where there were 683 units on 35 acres on S. Abel St., at Terra Serena. There was seven acres of new public park area.

Public park equipment, fixtures and furnishing for the parks already had been before the City's Parks, Recreation and Cultural Resources Commission. The PRCRC gave specific feedback on the proposed equipment. There are three parks described in the new neighborhood (including one in condominium project area). At this meeting, the City Council would vote on proposals for two of the parks: Alvarez Court Park and Elm Park.

One condition was added to Concept D for the park equipment, because the City's elm trees were diseased, and some rotted, so the use of the wood for outdoor benches and tables was questionable. It was recommended that the applicant work to display a portion of the original Elm trees if the wood was not feasible for tables and benches.

Councilmember Polanski was very pleased with the fixtures, details and plans displayed. She and other Councilmembers expressed surprise at how decayed the Elm trees were, and hoped some wood could be saved.

Councilmember Livengood inquired about the impacts of material that would go on the ground (recycled rubber surfacing) and asked how far out would the material go. Ms. Pereira responded that it would be located in the play area, at the play structures.

Councilmember Giordano requested a change in recommendation number 3, in the event benches/tables cannot be made from the Elm trees, that that issue then must return to the PRCRC. The Commission could then make a recommendation to the Council about the display of a portion of the original Elms.

Mayor Esteves inquired about the "pre-fab" restrooms proposed and whether it was standard to install those in Milpitas. Staff responded it was not; however, the applicant requested those due to their durability. Recreation staff had reviewed the plan and was satisfied. Also, the exteriors of the restroom building at the park would compliment the remainder of the buildings in the housing development.

Motion: move to authorize the developer-proposed and PRCRC-approved park equipment with the following three conditions:

1) Pre-fabricated restrooms shall use the same concrete tiles and be painted to compliment the approved residential buildings.
2) Applicant shall provide the Public Works Department (Park Maintenance) with 10 additional roof tiles ("Lifetile" Concrete "S" tile, Class B) for future repairs.

3) Implement all of the elements of Concept D. If Elm benches and tables are determined not to be possible, to display a section or piece of the original Elms in some manner.

Councilmember Giordano's motion included that in Item 3, that the Parks Recreation and Cultural Resources Commission review such display and make their recommendation to the City Council.

Motion/Second: Councilmember Giordano / Councilmember Polanski

Motion carried a vote of:

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

ORDINANCE

Item adopted on the Consent Calendar.

RESOLUTION

13. Adopt Resolution for Emergency Water Supply and Approve Agreement for a Permanent Water Connection with Spring Valley Heights Assoc.

Principal Engineer Darryl Wong presented the request from Spring Valley Heights Association, due to its diminished well water. He explained that Spring Valley wanted an extension for emergency water supply since its most recent well had failed.

The current request was to extend water service until 12-31-07, and for the association to find a permanent water supply (potentially with the City of Milpitas). Mr. Wong stated that members of the Homeowners Association were present in the audience.

Councilmember Giordano inquired as to the original intention. Staff replied to drill for wells and four were drilled and each had failed. The ongoing problem for Spring Valley was that they were unable to provide water consistently.

Councilmember Livengood stated that Spring Valley Heights would pay for the construction and other costs of the water delivery to the neighborhood. He asked who does the work and by whose contractor? Construction would be done via a contract, with a provision that the company meet all City requirements and get permits for inspection, to assure compliance. Reimbursement costs would be paid through an account to recover personnel and other costs. Operation and maintenance would be paid by Spring Valley, as included in the agreement.

Councilmember Polanski asked if liens could be placed on accounts if individual water bills were not paid. Mr. Wong responded yes, just as occurred with current customers. She also had a question about the Minnis Reservoir, serving Summit Pointe and Spring Valley Heights. Mr. Wong said it cascades and its capacity is very large, plenty of water was available at the reservoir. Adding more demand to the tank was sufficient for use in the future.

Mayor Esteves asked if all construction was the responsibility of Spring Valley and where was the construction connection point? Staff explained that a pipeline runs to the highest reservoir point, across county property through Ed Levin Park, and then connected to Spring Valley. Water meters would be installed in water main lines and an agreement signed with the Homeowners Association.

Public Speakers

Greg McRoberts, a resident since 1976, described two disruptions of water at Summit Pointe. One was due to a house that burned down, maybe from lack of water. He regarded the Minnis tank as an emergency source, in case the power goes out. He was concerned if an earthquake comes and if a water line uphill severs, then they would have emergency water. If it goes over to Spring Valley and broke, then there would be no water. He said Summit Pointe had paid for this water supply.

Bob Scott, President of Spring Valley Homeowners Association, explained he had been before the Council many times in the past five years, about studies regarding water. He felt there was plenty of water capacity. Summit Pointe should have an emergency water supply tank already. Mitigating measures already were taken. He wanted to continue the approval process. Mr. Scott reminded the public that all information on this subject was public and available.

Tom Morse, Chief Financial Officer for Spring Valley Heights Association, which now had 19 homes, would have 26 at its maximum build-out. There was low usage in that neighborhood, with 1.7 million gallons (less than 250 gallons per day per home). The mitigated negative declaration was adopted and published, and he asked the Council to move forward on the agreement presented.

Larry Pennington, Tularcitos Drive, attended the Homeowners Association board meeting last week. He did not have time to review this plan yet. The emergency supply sounded reasonable. He had concerns for when an earthquake hit, and if a line breaks, and what would occur about the water supply in the hills.

Councilmember Livengood remembered that Spring Valley Heights and the City along with LAFCo had been going along with this matter for long time. It was time to be approved, so he supported the staff recommendation. He also suggested that staff should have a meeting with Summit Pointe residents to provide information and answer any questions that remain.

Mayor Esteves was surprised that Summit Pointe residents do not know about this subject as it had been a long time in coming, the homework was done patiently, it was about time to move forward on this topic, he said. He felt there was no major negative.

Councilmember Giordano stated that she would vote against the motion. She preferred the agreement to be delayed one to two more meetings, in order that Summit Pointe residents have more time to review the material.

Motion: move to adopt the following two actions:

(1) Approved Resolution No. 7557 for emergency water supply until December 31, 2007 or until a permanent water connection is constructed, and water is supplied under a water supply agreement.

(2) Approved water supply agreement with Spring Valley Heights Association, subject to approval as to form by the City Attorney.

Motion /Second: Councilmember Livengood/ Councilmember Polanski

Motion carried by a vote of:

AYES: 3
NOES: 1 (Giordano)
ABSENT: 1 (Gomez)

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 9:13 PM.

Meeting minutes respectfully submitted by:

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Mary Lavelle, City Clerk