

City Council

Jose Esteves, Mayor
Carmen Montano, Vice Mayor
Garry Barbadillo., Councilmember
Debbie Indihar Giordano, Councilmember
Marsha Grilli, Councilmember



CITY OF MILPITAS NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the City Council will be held at 4:30 p.m. on Wednesday, September 16, 2015, at Milpitas City Hall, 455 East Calaveras Blvd., Milpitas, CA in the room for Closed Session on the second floor. The agenda for the meeting is as follows:

SPECIAL MEETING AGENDA

Wednesday, September 16, 2015

4:30 PM

Milpitas City Hall, Council Chambers
Closed Session Room, 2nd floor
455 E. Calaveras Blvd., Milpitas, CA

I. CALL TO ORDER/ROLL CALL

II. APPROVAL OF AGENDA

III. AGREEMENT

*Approve Amendment to the Agreement for City Attorney Services with the Law Office of Attorney Gary Baum for \$60,000 (Staff Contact: Tom Williams, 408-586-3050)

IV. ADJOURN TO CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT/HIRING

Pursuant to California Government Code Section 54957

Position: City Attorney (interview of 2 Law Firms)

V. ANNOUNCEMENT – if any, out of Closed Session

VI. ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall at 455 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA Phone: 408/586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

**FIRST AMENDMENT TO AGREEMENT BETWEEN
THE CITY OF MILPITAS AND GARY M. BAUM**

THIS AMENDMENT is entered into this ____ day of September, 2015 by and between the City of Milpitas, hereinafter "City," and Gary M. Baum, individually and dba the Law Offices of Gary M. Baum, hereinafter "Baum." City and Baum are jointly referred to herein as the "parties."

Recitals:

Whereas, the parties entered into a written agreement for legal services dated July 7, 2015, with compensation for said services not to exceed \$100,000; and

Whereas, the parties now wish to amend that agreement as set forth below.

NOW, THEREFORE, **IT IS HEREBY AGREED** as follows:

1. The maximum compensation for services provided by Baum shall be amended by the addition of \$60,000.00.
2. All other terms and conditions remain unchanged.

APPROVED BY:

CITY OF MILPITAS

LAW OFFICES OF GARY M. BAUM

Thomas C. Williams

Gary M. Baum

MEMORANDUM

Office of the City Manager



***APPROVE INCREASE OF MAXIMUM BUDGET AMOUNT BY \$60,000 AND AMENDMENT TO THE AGREEMENT FOR LEGAL SERVICES WITH THE LAW OFFICES OF GARY M. BAUM (STAFF CONTACT: TOM WILLIAMS, 408-586-3050)**

Background: In early July, the City entered into an agreement with the Law Offices of Gary M. Baum to serve as Interim City Attorney and to provide the City with the full range of legal services as required. The approved agreement amount was not to exceed \$100,000.00. Due to some backlog of legal work, attendance at City Council meetings, Planning Commission meetings, Redevelopment dissolution Oversight Board meetings, Campaign Finance Reform Committee meetings, and to continue representing the Successor Agency regarding a dispute with Santa Clara County, the allocated budgeted amount is proposed to be extended by \$60,000. It is also anticipated the Interim City Attorney will work on the SCS lawsuit for about one month after the new City Attorney is hired in order to complete the hearing on the demurrer to the complaint. In addition, the City Attorney's office formerly consisted of two full-time attorneys and several part time attorneys while the Baum law firm has also been handling these cases more efficiently.

The additional \$60,000 budget is a not-to-exceed amount. If the extra time is not needed, the City will not be charged for the unused balance of the approved maximum compensation funding.

Fiscal Impact: The \$60,000 total increase is available in the City Attorney's current budget. At the rate of billing, the annual budget would be \$480,000 of the total adopted budget of \$852,040 – and, far less than the \$1,300,000 budget proposed by the previous in-house City Attorney.

Recommendation: approve an Amendment to the Agreement with the Law Offices of Gary M. Baum in an amount not to exceed \$60,000.00.

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of:	Special Meeting of the Milpitas City Council
Date:	Monday, September 16, 2015
Time:	4:30 PM
Location:	Milpitas City Hall, 2nd Floor 455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Esteves called the meeting to order at 4:31 PM.

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

ABSENT: None

Assistant City Manager Emma Karlen and Interim City Attorney Gary Baum were also present in Council Chambers.

APPROVAL of AGENDA

On a motion by Vice Mayor Montano, seconded by Councilmember Grilli, the meeting agenda was approved by unanimous vote.

AGREEMENT

On a motion by Councilmember Giordano, seconded by Councilmember Grilli, the amendment to the agreement for City Attorney Services with interim City Attorney Gary Baum was approved by unanimous vote.

Councilmember Barbadillo, Mayor Esteves and Councilmember Grilli asked several questions of Mr. Baum about his monthly invoice, his hourly rate for service rendered, work performed by attorneys with his firm, savings versus prior in-house attorney and the length of his contract with the City.

CLOSED SESSION

City Council convened then to Closed Session to discuss the following:

PUBLIC EMPLOYEE APPOINTMENT/HIRING

Pursuant to California Government Code Section 54957

Position: City Attorney - interview of two law firms

No announcement out of Closed Session and no reportable action taken.

ADJOURNMENT

Mayor Esteves adjourned the special meeting at 7:31 PM.

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

**Mary Lavelle
Milpitas City Clerk**