

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: City Council Open Government Subcommittee
Date: Wednesday, June 6, 2007
Time: 5:30 PM
Location: Committee Room, Milpitas City Hall,
 455 E. Calaveras Blvd., Milpitas

- I. ROLL CALL** PRESENT: Vice Mayor Livengood, Councilmember Gomez
- STAFF: City Attorney Eric Danly (by telephone conference)
 City Clerk Mary Lavelle
 Acting Planning Director Felix Reliford

Four members of the public were in attendance.

CALL TO ORDER Meeting was called to order at 5:32 PM.

- II. APPROVAL OF AGENDA** – approved by consensus
- III. APPROVAL OF MEETING MINUTES** - approved for April 4, 2007
- IV. PUBLIC FORUM**

Milpitas resident Jim Rabe addressed the subcommittee, with comments about agenda posting per the Brown Act and Subcommittee membership of the Public Art Committee. Since the issue was not on the agenda, Vice Mayor Livengood responded to Mr. Rabe by requesting the City Clerk to place this item on the next agenda. He asked staff to report on the posting of the Subcommittee's agendas and meeting minutes.

V. DISCUSSION OF OPEN GOVERNMENT ORDINANCE

Vice Mayor Livengood stated that the first agenda item was a high priority, and thus he wanted to delay discussion of the additional disclosures issue to a future meeting.

Upon request of the Subcommittee, an oral report was heard from acting Planning Director Felix Reliford regarding outreach. He reported what steps were presently taken to notify the community about any zoning or general plan matters before the Planning Commission (or City Council) for public hearings. For any publicly noticed public hearing, the City was required by law to notify property owners within a 300 ft. radius of a project. The meeting agenda was posted at City Hall and on the City's website. A legal ad in the local newspaper was also required, as was a posted physical sign at the project site (yellow plastic in-ground signs).

Mr. Reliford noted some prior problems with the yellow signs that Planning sought to improve. For certain projects, staff went beyond legal requirements about noticing, and held public information meetings, such as for the Barry Swenson project (high rise condominiums).

Councilmember Gomez replied he wanted a Community Outreach Policy in writing.

Vice Mayor Livengood asked if it was possible at the level of a GPA or ZC that staff advise the City Manager, who could agendaize it for the City Council to direct a particular process to be implemented? City Attorney Danly responded with three comments that would make that a challenge:

1. meeting minimum noticing was a requirement first
2. could not become procedural challenge for appellants (in court)
3. on ad hoc basis, additional outreach efforts were actually common in cities

Vice Mayor Livengood stated he wanted to recommend moving the 300 feet rule to 500 feet. Councilmember Gomez asked staff to find out what other cities do in this area. Mr. Livengood also mentioned noticing v. advertising and that the City should be creative in advertising.

Public Comments on this item:

Resident Frank DeSmidt recommended that the City needed larger orange signs posted at project sites (compared to the current ones), in order to read them more easily and to be more sturdy.

Resident Denny Weisgerber suggested a short "Public Notice" column in the newspaper on significant projects.

VI. ADJOURNMENT

There being no other business before the Subcommittee, the meeting was adjourned at 6:35 PM.

Next scheduled meeting date selected was for Tuesday, July 11, 2007 at 5:30 PM (no meeting on the July 4th holiday).

Meeting minutes submitted by
Mary Lavelle, City Clerk

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: City Council Open Government Subcommittee
Date: Wednesday, July 11, 2007
Time: 5:30 PM
Location: Committee Room, Milpitas City Hall,
455 E. Calaveras Blvd., Milpitas

- I. ROLL CALL** PRESENT: Vice Mayor Livengood
 ABSENT: Councilmember Gomez
- STAFF: City Attorney Elizabeth Pianca (by telephone conference)
 Economic Development Director Diana Whitecar
 Acting Planning Director Felix Reliford
 Information Service Director Bill Marion
 City Manager Tom Williams
 City Clerk Mary Lavelle

Two members of the public were in attendance.

CALL TO ORDER Meeting was called to order at 5:32 PM.

- II. APPROVAL OF AGENDA** – okay
- III. APPROVAL OF MEETING MINUTES** – to be approved when quorum present
- IV. PUBLIC FORUM** - None
- V. DISCUSSION OF OPEN GOVERNMENT**

Staff Reports:

1. Vice Mayor Livengood first requested Milpitas resident Jim Rabe to re-iterate his comments stated at the last meeting and subsequently provided in writing to the City Clerk. Mr. Rabe had two concerns: 1) that a subcommittee of the Public Art Committee met without posting the agenda in advance, and that 2) a subcommittee of 6 members was more than a majority of the full Committee and thus was a quorum of the entire body – not a subcommittee.

Staff liaison to the Public Art Committee, **Diana Whitecar**, responded. She erred in not posting subcommittee agendas and would do so properly in the future. Also, she reported that the PAC discussed and accepted one member stepping off the Subcommittee so that it would consist of the proper number of members (5). Mr. Livengood remarked that staff may want to go back and re-notice the Subcommittee meeting anew for re-votes of any recommendations. He suggested that the City Attorney provide guidance to staff on this subject, to clear up any actions taken by the PAC Subcommittee.

City Attorney Elizabeth Pianca noted that the subcommittee of the Public Art Committee was subject to the Brown Act and noticing requirements.

Discussion was also held around which member of subcommittees could (or could not) attend a public meeting, in the room with the remainder of the larger, deliberative body. City Attorney Pianca commented that all persons were welcome at a public, open meeting, but a Committee member who was not on a Subcommittee should not sit at the table nor comment on any discussion items. Vice Mayor Livengood remarked that the Milpitas City Council operated in such a manner that it was not the practice, nor appropriate, for a Councilmember to attend a meeting of a Subcommittee (of which he or she was not a member). Clarification was requested.

2. Report from Planning Staff on Outreach for development projects, beyond state law requirements: Acting Planning Director **Felix Reliford** provided a report to the Subcommittee on actions City of Milpitas staff takes presently, including written, mailed notices of public hearing to property owners within 300 ft. of a proposed project, legal ad in the newspaper, outdoor posted signs at project site, and when needed, community meetings.

Staff surveyed six neighboring cities on outreach policies (on environmental documents, zone changes and general plan amendments) and provided the resulting information to the Subcommittee. Mr. Reliford also provided information on cost for a display ad in the local newspaper, to be published near the front of the paper. Cost quote was for \$285, for the Community section (not the legal ad section).

Vice Mayor Livengood provided his response and desire for future action. He wished to required noticing to those within 500 ft (beyond the 300 ft per state law), to select a better format for the outdoor signs with larger lettering, and a possible display ad near the front of the local newspaper (not only the small print legal ad at the back of the paper). Also recommended was to add notification to 1,000 ft. on a project for a General Plan Amendment along with the earlier requirements for zoning changes and variances before the Planning Commission and/or City Council. Staff including the City Manager responded about useful information via GIS tools online to save time/money for preparing the names and addresses needed for notices 500 – 1,000 ft. around a proposed project.

The Vice Mayor recommended that the Subcommittee recommend to the full Council an ordinance that would require the additional outreach he identified. A recommendation would be placed on the next Open Government Subcommittee agenda, when both members would be present, as follows.

Re-zones, General Plan amendments and variances to ordinance would require noticing within a 1,000 feet radius, and one community meeting would be required, with staff allowing more if needed. Use Permits noticing would go to 500 feet noticing (from 300 feet now) with the standard public hearing. Cost to be borne by the applicant from their private job (“PJ”) accounts.

No quorum was present, so the City Clerk asked the City Attorney if the recommendation needed to be considered at the next meeting, and she concurred.

3. Cable television broadcasting from Committee Room: Information Services Director **Bill Marion** reported that the first floor meeting room was fully ready, technology-wise, for broadcasting. The issue was allocation of staffing available for broadcasts of Commission meetings. His department was working with the school district to train interns interested in

television to conduct some of this new work. When more trained staff was prepared, meetings would begin to be broadcast from this room.

4. Records available on City website: City Clerk **Mary Lavelle** provided a handout for the Subcommittee with a summary of records available to the public on City website.

VI. ADJOURNMENT

There being no other business before the Subcommittee, the meeting was adjourned at 6:42 PM.

Next scheduled meeting date was Tuesday, August 1, 2007 at 5:30 PM.

Meeting minutes submitted by
Mary Lavelle, City Clerk

**DRAFT MEETING MINUTES
CITY OF MILPITAS**

Minutes of: City Council Open Government Subcommittee
Date: Wednesday, August 1, 2007
Time: 5:30 PM
Location: Committee Room, Milpitas City Hall,
455 E. Calaveras Blvd., Milpitas

- I. ROLL CALL** PRESENT: Vice Mayor Livengood, Councilmember Gomez
- STAFF: City Attorney Eric Danly (by telephone conference)
 City Clerk Mary Lavelle

Two members of the public were in attendance.

CALL TO ORDER Meeting was called to order at 5:30 PM.

- II. APPROVAL OF AGENDA** – accepted
- III. APPROVAL OF MEETING MINUTES** – approved June 6 and July 11
- IV. PUBLIC FORUM**

Isaac Hughes addressed the Subcommittee about his concern regarding one section of the Open Government ordinance, I-310-3.20 (e) where the law referenced the Open Government Commission hearing a petition no later than 45 days. He referred to the Public Records Act as well, and felt there should be expeditious review of any petition to determine whether a record requested was public.

Vice Mayor Livengood requested the City Clerk to place this item on the agenda for the next meeting and to request review from the City Attorney.

- V. DISCUSSION OF OPEN GOVERNMENT**

Additional Public Outreach:

Vice Mayor Livengood asked for a report from staff. City Clerk Lavelle reminded Subcommittee members of the previous report from Mr. Felix Reliford, identifying current outreach practices in Milpitas, the survey of neighboring cities, and the possibility of increasing mailings to a wider area when publicly noticing General Plan amendments, zoning changes and variances. She read from the minutes the recommendation from Mr. Livengood at the July 11 meeting, for a possible ordinance for:

Re-zones, General Plan amendments and variances to ordinances would require noticing within a 1,000 feet radius, and one community meeting would be required, with staff allowing more if needed. Use Permits noticing would go to 500 feet noticing (from current 300 feet) with the standard public hearing. Cost to be borne by the applicant from their private job (“PJ”) accounts.

The Subcommittee requested to bring the recommendation for such an ordinance to the City Council at its August 21 meeting. The City Clerk agreed to place this topic on the agenda for that meeting, and the City Attorney would work to draft the ordinance language.

VI. ADJOURNMENT

Next scheduled meeting date was Tuesday, September 5, 2007 at 5:30 PM.

Councilmember Gomez requested for the next meeting to discuss the ordinance's requirement for annual training for Commissioners.

The meeting was adjourned at 5:41 PM.

Meeting minutes submitted by
Mary Lavelle, City Clerk

	<p>Public Hearing Notice- Does your City require notices beyond the standard 300 feet to surrounding property owners?</p>	<p>No. Only if it is a controversial project such as cell towers, mixed-use, rezoning or anything of public interest. Planning Officer will make the call beyond 300 ft.</p>	<p>Do they require specific notices for certain types of planning applications (General Plan, Zoning Change Amendments, Major Environmental documents?)</p>	<p>General Plan Initiations go straight to Council, General Plan Amendments go through planning. Standard notices are mailed out for major environmental documents unless if it is a public issue, then it will not be standard. Documents are available for review at the library and the City Clerk sends out noticing for rezones.</p>	<p>Does your City require community meetings? If so, for what type of planning applications?</p>	<p>What type of signage and posting is placed on the site before the public hearings?</p>	<p>What type of mailing is required for public hearings?</p>
<p>City of Sunnyvale</p>		<p>It is not required however the City prefers to have community meetings. Every year, City Council determines issues they feel are important that different departments should study such as cell towers, big box retail or other public issues. Staff will suggest a community meeting and collect study issues throughout the year. At the end of the year (early November) the ten departments will suggest study issues (there were 50 last year). The Planning issues will go directly to Planning Commission. Council researches the items including how many staff hours it will involve. These are issues that will affect business and residents. Generally the developer will get involved with the community meeting and staff will hold the meeting in the community center.</p>	<p>An 8 1/2 x 11 cardboard sign with a stake is hammered into the ground. The Planner is responsible for posting the sign.</p>	<p>Notice is mailed, placed in local paper, on website, posted at City hall and in front of property.</p>			

	Public Hearing Notice- Does your City require notices beyond the standard 300 feet to surrounding property owners?	Do they require specific notices for certain types of planning applications (General Plan, Zoning Change Amendments, Major Environmental documents?)	Does your City require community meetings? If so, for what type of planning applications?	What type of signage and posting is placed on the site before the public hearings?	What type of mailing is required for public hearings?
City of Cupertino	Depending on scope of project. Controversial projects involving multi-use development, new development or anything involving rezoning will require notices beyond 300 ft. The Sunnyvale mall is currently being renovated and staff will send out citywide notices.	Sometimes.	Depends on the scope of project. With the mall renovation, staff did have neighborhood meetings. The City usually doesn't get involved with community meetings unless there are issues and the City likes them to get resolved prior to the Planning Commission meeting.	The applicant puts up a notice with a rendering however it is not required.	A standard sheet is mailed out with the announcement of the public hearing. It is also published in the paper, posted on the Website and the bulletin board in the lobby. The applicant is also required to put a notice on the Construction board at the job site.
City of Fremont	In some areas and for some uses. The City will mail out 1,000 foot radius notices within the Niles district and Centerville district and also for massage establishments within 1000 feet. Basically any controversial items that garner public interest.	Public hearing notices are pretty generic.	No. Community meetings are not required only for bigger projects, controversial items and mixed-use projects. The City will strongly suggest that the developer and applicant hold the meetings but it is not mandatory.	Signage is not required to be posted on buildings. The property owners are notified by mailed notice, newspaper, website, and notices are posted in a display board in the lobby.	A public hearing notice is mailed out however if there is a negative declaration, it is mailed out prior to the meeting.

	Public Hearing Notice- Does your City require notices beyond the standard 300 feet to surrounding property owners?	Do they require specific notices for certain types of planning applications (General Plan, Zoning Change Amendments, Major Environmental documents?)	Does your City require community meetings? If so, for what type of planning applications?	What type of signage and posting is placed on the site before the public hearings?	What type of mailing is required for public hearings?
City of Mountain View	The standard is 300 feet however for controversial projects, large developments, mixed use projects, usually over 300 feet.	Depends on project.	Environmental review projects and controversial projects require community meetings. Currently, for a Home Depot application, required community meetings that Home Depot sponsored.	Posting is not required on site. Home Depot walked around the shopping center and passed out notices. The notices were also displayed at the counter and there was an announcement on the website and newspaper. The City also maintains an interested parties list and they are notified as well.	For CEQA exempt projects, postcards are the standard and for non-exempt, letters are mailed out. For larger projects a location map is included.

	<p>Public Hearing Notice- Does your City require notices beyond the standard 300 feet to surrounding property owners?</p>	<p>Do they require specific notices for certain types of planning applications (General Plan, Zoning Change Amendments, Major Environmental documents?)</p>	<p>Does your City require community meetings? If so, for what type of planning applications?</p>	<p>What type of signage and posting is placed on the site before the public hearings?</p>	<p>What type of mailing is required for public hearings?</p>
<p>City of Palo Alto</p>	<p>The City actually does a 600 foot radius within and touching for both property owners and residents and if the boundary touches unincorporated areas as well as other City jurisdiction, they will be notified too. The City is also required to publish in a major newspaper with citywide circulation.</p>	<p>Yes and all major Planning Entitlements, Individual Reviews, Director's decisions, notification of submittals, notification of appeal periods, notification of action.</p>	<p>Yes, for all major developments throughout the city especially when there may be impacts on the environment e.g. new housing development, large commercial projects, multi-use, any development in open space districts, commercial property that may have hazardous materials, community centers located in dense residential districts.</p>	<p>Postings are done in a public area and in a case on the Downtown Library Notice Board and signs are placed on City Hall entrance doors and the specific room that will be used - likewise with any public meeting - not just hearings that takes place in any City facility.</p>	<p>The types of mailings for public hearings are public hearing notice cards and depending on the event, to neighborhood organizations, to neighboring cities that may be impacted (Stanford, Mt. View, Menlo Park, East Palo Alto) as well as the legal advertisement that is published in the newspaper and depending on the event, display ads may also be required placed in other publications.</p>

Public Hearing Notice- Does your City require notices beyond the standard 300 feet to surrounding property owners?	Do they require specific notices for certain types of planning applications (General Plan, Zoning Change Amendments, Major Environmental documents?)	Does your City require community meetings? If so, for what type of planning applications?	What type of signage and posting is placed on the site before the public hearings?	What type of mailing is required for public hearings?
<p>300 feet is the normal, unless it is a big project, then staff will send out to a 1,000 ft. radius.</p> <p>No however for controversial projects such as mixed-use projects, rezones, major developments, residential projects, the City will mail out to a 1,000 ft. radius and will include both the property owners and occupants.</p>	<p>Different notices are sent out for different projects.</p> <p>A standard public hearing notice is mailed out to property owners however the City will notify the public about major environmental documents.</p>	<p>Yes, community meetings are required for major projects.</p> <p>The City does require community meetings with controversial projects, mixed-use projects, generally any project that will affect nearby residents.</p>	<p>The City Clerk will post on a bulletin board and in the newspaper.</p> <p>A yellow 24" by 36" coroplast sign with a black stake is posted on the site prior to the meeting.</p>	<p>Standard mailing.</p> <p>A standard public hearing notice is mailed out to all property owners within 300 ft. of the property unless it is a controversial project, then it would be mailed out within 1,000 ft. radius. The Planning Commission meeting is also posted in front of the site, on the website and in the <i>Milpitas Post</i>.</p>
<p>City of Santa Clara</p>				
<p>City of Milpitas</p>				