

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, June 3, 2008  
**Time:** 6:30 PM  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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**ROLL CALL**

Mayor Esteves called the meeting to order at 6:30 PM.

**PRESENT:** Mayor Esteves, Vice Mayor Livengood, Councilmembers Giordano, Gomez and Polanski

**ABSENT:** Councilmember Gomez was absent for the start of the Closed Session. He arrived at 6:45 PM.

**CLOSED SESSION**

Mayor Esteves publicly stated the Council would convene to Closed Session to discuss two litigation matters: one workers compensation case v. City, and two employee groups v. City.

City Council convened in Open Session at 7:00 PM.

**CLOSED SESSION  
ANNOUNCEMENT**

City Attorney Michael Ogaz announced that a settlement was approved on a unanimous vote of the City Council for the Workers Compensation case in the amount of \$194,519.50.

**PLEDGE**

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

**INVOCATION**

Mayor Esteves invited Pastor Jacob Denys of Calvary Bible Church to provide the prayer.

**MINUTES**

Motion: to approve the minutes of May 13 and 20, 2008 City Council meetings as submitted

City Manager Williams noted the agenda incorrectly listed one of these dates, so the correct meeting dates for the minutes were May 13 and 20.

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

**SCHEDULE OF MEETINGS**

Motion: to approve the Council Calendar/Schedule of Meetings for June as submitted

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

**PRESENTATION**

Commendations were presented by the Mayor to winners of the Santa Clara County Realtors Foundation annual HomeWords Essay contest. Karen Lin was the first place winner and her teacher Deborah Carson, both of the Russell Middle School. Ilona Molina was honored, a 12th grade student at Milpitas High School (her teacher Mr. Skyler Draeger was unavailable to attend).

**PUBLIC FORUM**

**Alvin White**, Gods Brain, Milpitas, reported that the public safety communications system at the Milpitas Sports Center was not functioning.

**Ms. Thi Tran**, 15 year resident of Milpitas, had a daughter on the swim team Milpitas Tidal Waves. She'd heard that the City let go of the head coach, and that was a shame to lose him. She expressed concerns of swimmers and their parents to keep the coach.

City Manager Williams noted that the employee recently resigned to accept a full time position in another local agency. A meeting was scheduled this week to introduce the new coach to parents and swim team members.

**Annie Zian**, mother of a student on the swim team, spoke kindly about Brad the coach. She liked the replacement coach Alex very much, but he was just a temporary fix and he'd be looking for a permanent job, too. The young people loved the program, and she did not want the City to switch coaches every three months.

**Jill Cosgrove**, senior at Milpitas High School, spoke of her concern for homeless persons in Milpitas. She asked if the City Council would consider expanding the food pantry to allow for showers, telephones, a place to do laundry, and to provide hot meals. That would be enough for some people to get out of the situation.

**Lan Ngo**, senior at Milpitas High School, understood there was a Community Development Block Grant of \$500,000 already given to help low-income people. She noted that just a few thousand dollars more would help the needy a lot. Her point of view was that many were only a couple paychecks away from what those people experience and they were only human.

Vice Mayor Livengood noted that the Food Pantry had been increased in its CDBG amount for the last two years. Also, the Milpitas Police Department did refer homeless people in need to services available in the area.

Councilmember Polanski referred the youth speakers to the Community Advisory Commission which would meet the following evening at 7:00 PM.

Councilmember Giordano spoke about the Milpitas Rotary Club, which had also increased its donation to the Food Pantry.

**Isaac Hughes** commented that the City was bankrupt. It was taking Redevelopment funds and placing them into the General Fund. For the Food Pantry, the same people in this situation, and they put us into this situation. There could be enough money for the Food Pantry if City Council wanted to budget for their priorities.

## **ANNOUNCEMENTS**

**Councilmember Giordano** asked the City Manager for an update on the Strategic Plan.

Vice Mayor Livengood reminded voters there was an election taking place on this date, and while there was still time to vote, he encouraged voting residents to check online at [www.sccvote.org](http://www.sccvote.org) to find their polling places and to vote before 8:00 PM.

## **ANNOUNCEMENT OF CONFLICT OF INTEREST**

None

## **APPROVAL OF AGENDA**

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of: AYES: 5  
NOES: 0

## **CONSENT CALENDAR**

Motion: to approve the Consent Calendar (items noted with \*asterisk), as submitted

Motion/Second: Councilmember Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

- \*2. Change Commission Name      Approved the change of name from the Citizens' Emergency Preparedness Advisory Commission (CEPAC) to the Emergency Preparedness Commission (EPC).
- \*3. Approve Sports Center Corporate Membership Package      Approved the "Working in Wellness" Corporate Package at the Milpitas Sports Center effective July 2008.
- \*4. Resolution of Intention to Levy Assessment for FY2008-09 Notice of Public Hearing for LLMD No. 95-1      Adopted Resolution No. 7765 of Intention to Levy Assessment for Fiscal Year 2008-2009, Preliminary Approval of the Annual Engineer's Report and Provide for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch, Project No. 9474.
- \* 5. Resolution of Intention to Levy Assessment for FY2008-09 Notice of Public Hearing for LLMD No. 98-1      Adopted Resolution No. 7766 of Intention to Levy Assessment for Fiscal Year 2008-2009, Preliminary Approval of the Annual Engineer's Report and Provide for Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon, Project No. 9489.
- \* 6. Resolution Calling for the General Municipal Election      Adopted Resolution No. 7767 calling a General Municipal Election on November 4, 2008, and requesting consolidation with the statewide election.
- \* 7. Resolution Granting Final Acceptance of Project No. 5064      Adopted Resolution No. 7768 granting final acceptance for the Ball Park Fence Field Extension, Project No. 5064, and release of the contractor's bond.
- \* 8. Resolution Approving Membership in the Institute for Climate Leadership Education and Information      Adopted Resolution No. 7769 developing an Action Plan on reduction of Greenhouse Gas Emissions, and authorizing the City's membership in the Institute for Climate Leadership Education and Information (ICLEI) as part of the Climate Protection Program.
- \* 9. Resolution to Release Unclaimed Checks per Standard Operating Procedure No. 26-1      Adopted Resolution No. 7770 to transfer a total of \$109.09 in unclaimed checks per the prepared list to the General Fund in accordance with Standard Operating Procedure 26-1.
- \* 10. Authorize Agreement with the Wildlife Center of Silicon Valley for Animal Control      Authorized the City Manager to execute a contract agreement with the Wildlife Center of Silicon Valley to provide animal wildlife services in Milpitas in the amount not-to-exceed \$6,400, subject to approval as to form by the City Attorney.
- \* 11. Approve Consultant Agreement with RMC Water and Environment, Inc.      Approved a consultant agreement with RMC Water and Environment for on-call hydraulic modeling services not to exceed \$100,000, with approval effective July 1, 2008 and contingent upon adoption of the FY2008-13 Capital Improvement Program.
- \* 12. Approve Amendment No. 3 to the Consultant Agreement with RMC Water and Environment, Inc.      Approved Amendment No. 3 to the consultant agreement with RMC Water and Environment, Inc. for the Water and Sewer Master Plan Updates including developer impact fee analyses, connection fee update, and preparation of a programmatic environmental impact report. Approval was to be effective July 1, 2008 and contingent upon adoption of the FY 2008-13 Capital Improvement Program.
- \* 13. Approve Cost-Share Agreement with Water District for Creek Levee Certification      Authorized the City Manager to sign a Cost-Share Agreement with Santa Clara Valley Water District for Lower Penitencia Creek levee certification, CIP Project No. 3701, subject to approval as to form by the City Attorney.
- \* 14. Award the Bid and Authorize Contract for Street Light Pole Painting to Diaz Corp      Awarded bid to Diaz Corporation and authorized the City Manager to execute a contract for street light pole painting for the not-to-exceed amount of \$37,696.00, subject to approval as to form by the City Attorney.

**PUBLIC HEARING**

- 1. Actions Related to the Transit Area Specific Plan, including Ordinance No. 38.777 and the Financing Plan      Planning Director James Lindsay introduced the team who would present the Transit Area Specific Plan: consultant Ms. Leslie Gould of Dyett & Bhatia, Mr. Scott Gregory of Lamphier & Gregory, financial consultant Mr. Walter Keyser, and planner Ms. Rebecca Benassini of Economic & Planning Systems.

Ms. Gould began with overall history to date of the Project Area and definition of what she termed “a distinctive place.” She reviewed specific City goals for the area and described the many meetings with stakeholders and the community held over the past several years. Parks space was identified, with a wide variety of types in each of approximately four neighborhoods. A trails network was displayed, as a part of the open space within the Plan area.

Highlighted also was the City-preferred layout of the future BART station area (it was not the same as VTA’s). It was important to reserve development sites around the station, and to hold those for buses/parking at the BART station. In the McCandless/Centre Point area, there was a defined area near BART for parking. Building height strategy was noted, with a “stepping” concept of buildings next to each other. About 18,000 residents were anticipated to be added in 7,109 housing units in the plan area, as the maximum capacity, built out over many years.

Two notable issues that came out of the Environmental Impact Report were regarding increased traffic at certain intersections and air quality impacts exceeding allowable standards. Mitigations were necessary for those.

Next, Mr. Walter Keyser addressed the City Council regarding the Financing Plan for the Transit Area. He was pleased to work on the high quality plan, in an exciting new region of Milpitas. It was a challenge to convert an area like this, which would take up to 20 years at least, to implement the financial challenges over a number of phases, geographic and others. Despite the current market downturn, regional characteristics make the plan market realistic. On infrastructure costs, he had worked carefully with City staff. On funding sources, he’d worked closely with the Finance Director and other staff to estimate carefully.

Furthermore, Mr. Keyser explained that development would “pay its own way” essentially. Allocation of public costs was to be considered proportionally. Land acquisition was a priority for park lands, and it was required to balance the infrastructure versus development that occurs in the Transit Area. There were credit and reimbursement programs for developers available. Redevelopment Agency priorities must be clear and help the plan succeed.

The Transit Area Specific Plan (TASP) would be the focal point for the City of Milpitas over the next 20-30 years, with nearly 1.4 million square feet of commercial space, in a market-driven plan. Another facet was that utility capacity was important to the plan. He discussed the area impact fees that developers would pay at the time building permits were applied for, and for a specific project to be built. Other agency participation for cost sharing would be needed, while noting the high land costs in this expensive area.

Costs as described were: \$11,700 for impact for one hotel room, \$29,900 for a residential unit for sale, and \$29,500 per unit for a rental residential unit. Also, there was a potential need for additional Community Facilities District revenue in the area, depending on the land use mix (e.g. with or without a 350-room hotel). Staff next recommended a series of actions for success of the Transit Area Specific Plan (7 action items).

Mr. Lindsay spoke of the project benefits, which were consistent with Council goals defined in the beginning of this process. He reported the recommendation by the Parks, Recreation and Cultural Resources Commission for a 30-acre community park with a specified location. The Planning Commission gave unanimous approval to the Plan the previous week, with its strong recommendation for designating a school site within the area and locating a grocery store.

Councilmember Giordano asked about the MidTown Specific Plan and if it was part of the Plan presented at this meeting. Staff reported that boundaries for the Transit Area Specific Plan grew out of the MidTown Plan, except for the Piper Montague section.

Mr. Lindsay explained that there were a series of amendments for the City Council to amend that plan and to define the area for the TASP.

Councilmember Giordano inquired about land area for parks and whether goals met all state requirements. Mr. Lindsay referred to the state Quimby Act regarding dedication of park space. Within the plan, there was park space allocated from the MidTown Plan for urban area parks. Ms. Giordano wanted to know that there was no deviation from state or city requirements, and asked about a school site. Staff answered with state legislative requirements, for developer impact fees for school costs.

Councilmember Polanski remarked that all property in the area was privately owned. Staff confirmed that much of it was, with some public right-of-ways. The Final EIR noted the minimum required public open space, so the Councilmember wondered if the City was providing only the minimum. Mr. Lindsay responded that minimum means what was minimum in the MidTown Plan, and the TASP did not exceed the minimum in the new plan. A high quality of life in Milpitas was important, Ms. Polanski stated.

Vice Mayor Livengood commented that this meeting was not the end of the process, as it would take at least 20 years. BART was scheduled to come to the City maybe in 2018. The MidTown Plan was adopted six years ago, with some occupancy just recently taking place. So, timing was important. Developers had not come in yet with their plans and money played a role in all of that. The TASP was a second generation document to the MidTown Plan, demonstrating good long-term planning for Milpitas. He thanked staff.

Mayor Esteves felt the Transit Plan was a long term plan and with major components. Minimum items that must be considered in this area were in it. With 7,000 new homes, what would come next was important, while thinking of open space and parks, families and schools, then infrastructure and utilities. He urged, as the City moved along with this Plan, not to forget the basic important elements. Milpitas must remain flexible and work with our neighbor City of San Jose and an important element was the funding plan.

At 8:14 PM, the Mayor next opened the public hearing for comments.

Speakers:

1. **Dr. Karl Black**, Superintendent, speaking on behalf of the Milpitas Unified School District Board of Education, described the TASP as wonderful for the City, while the District had not recommended approval. With no delineated site for a new school, it was not valid. The foundation was not solid without a school site designated. He discussed numbers of anticipated new students and stated the district had nowhere to put 600-800 kids. MUSD was a high-achieving school district with neighborhood schools, and no busing across the City. The District could enter into a joint use agreement with the City, if appropriate. Consideration for children over buildings in the plan was crucial.

2. **David Cartnell**, planner with the firm working with the School District, commented that the plan was good but deficient without a school site designated. It was too hard to gain land back once the plan unfolded. Public education was the foundation for a democratic society. Please note the City and MUSD served the same constituents, and consider the tone set for future residents.

3. **Sharon Smith**, president of Milpitas Teachers Association, was a Milpitas teacher for 36 years. She observed different working relationships between the City and Schools over the years and noticed that schools were not a goal on the list for the TASP. She urged Council to set a site for an elementary school, to plan for families.

4. **Alison McDonald**, resident, was excited about the potential of the plan to beautify Milpitas, but there were no new schools in the plan. She provided statistics about numbers of students per elementary school and quoted studies.

5. A **man (parent)** reported that it was nice to see a large turnout for the schools. He felt that schools always got left behind in the interest of development. He urged citizens to show up at every meeting.

6. **Denny Weisgerber**, Casper St. resident, believed the Council had the opportunity to do something futuristic at a great advantage, but with no school. He noted that three City Councilmembers were products of Milpitas public schools. There was a clear need for a school in this region now, as there would be more children in the new residences.

7. **Teresa Allard**, Contemplation Place resident and parent, stated she wanted to see three sites for an elementary, a middle, and a high school needed. With high density, families all together, transit and transients to fit into the City, the plan must include all that and bike routes for bike traffic. Consider children's futures.

8. **Leyla Hedayat**, planning manager for the Silicon Valley Rapid Transit effort at the Valley Transportation Authority, reported that her agency supported the Transit Area Specific Plan, in particular the densities planned. VTA was working with City staff to work out some details of station area for BART. It could help to secure funding with dense housing planned near transit in Milpitas.

9. **Mark Liebman**, Superintendent of the Berryessa School District, had never seen a Specific Plan leave out a school and then put it in later. SB50 allowed many choices for a City to provide support for the local school district and could be more proactive beyond the SB50 minimum. He believed children would join his district if there was not enough room in Milpitas Unified, and he requested postponement of adoption of the TASP.

10. **Gary Cerezo**, Blue Spruce Way, served on the Community Advisory Board to the school district and applauded the recommendation of the Planning Commission to include a school in the TASP. Good schools were an incentive to home buyers.

11. **Emmy Lando**, Milpitas High School sophomore, and had sisters previously in the high school. The Transit Plan would affect future students, and a neighborhood school was important. Maybe a school and a park could be on the same site.

12. **Jerry Epps**, Mt. Shasta Ave resident, felt the business tonight was more important than other decisions recently. Include adequate schools in these plans for future of Milpitas. Ensure public safety and welfare, with a moral duty to make this City the best it can be.

13. **Emily Cerezo**, graduating senior at Milpitas High School, discussed traffic where parents drop off the children at elementary schools. She witnessed the tragic death of crossing guard Mabel Butler. With more children in Milpitas, there was a need for a new school and parks for those future new residents.

14. **Tametrus Morris**, Pinewood Way resident near Zanker School, did not need to lecture on the need for a school in the Plan area. The City needed to partner with schools to get it done. Schools bring about a sense of community.

15. **Rob Means**, Yellowstone resident, commented that if the Council did not identify a school site now, then it would disappear. He noted the same thing about a MidTown area BART station. There was already increased traffic in the City.

16. **Austa Falkner**, resident since 1988, and a teacher in MUSD, requested the inclusion of a school in the plan. She discussed raising her children here.

17. **Hei Hong Shu**, resident of Parc Metropolitan development, thought the Plan was good overall. She voiced concern about noise from trains, as she lived along a train line near her home now. Prevent negative impact to residents in the future, mainly from BART. She was concerned for the amount of open space and expressed the need for a

post office in the Transit Area too.

18. **David Matheson**, resident and MUSD teacher, had a three year old and a kindergartner. He discussed children's education and its importance in the community. He had read all the comments printed in the local newspaper stated by staff about the Transit Area Specific Plan.

19. **Martha Lamden**, parent of a current student, supported inclusion of a school in the plan and her family had three children in the District. Schools were already crowded and she was sick of high density housing. She liked the plan for transit, but did not trust that people would get out of their cars.

20. **Wallace Murphy**, property owner in the Plan area, stated the entire cost of infrastructure was to be borne by developers paying cash fees. It was an illusion that developer fees were free cash to the City. The consultant discussed tax increment financing, so he urged consideration of this method. Redevelopment Agency funds should go back into the RDA area for improvements.

21. **Michelle Ecret**, Mt. Diablo Ave. resident and parent of MUSD student, asked the Council not to adopt the plan. There was a need to set aside land for an additional school in the transit area.

At 9:05 PM, Mayor Esteves announced Council would take a short break. The City Council reconvened at 9:13 PM.

22. **Dan Griffiths**, church pastor and 26 year resident, loved Starbuck's when it came to town. For building a life in the City, there needed to be more than economics. Milpitas was seen as a family community and there was no need to change that. He urged Council to be careful what message was sent about children and grandchildren and to put some heart into it.

23. **Jacob Denys**, local pastor, echoed what had been said already about the important issue for the community. His church was located in this neighborhood on Hurat Ct. with planning going on all around him. Maybe the City needed a worship center area. A supermarket and church needs existed in this region too, in addition to the school site.

24. **Debra Lax**, a Milpitas pastor, thanked God for the Council, she had two children in the local schools with one graduating from high school. She drew parallels to her daughter who ran relay races and the need to work in collaboration with the schools.

25. **Mike Fisher**, Great House Drive resident of 20 years, opposed the Plan. It was not a good idea. Get something in concrete by working with the schools after this meeting.

26. **Cheryl Flesner**, resident of the bordering County area and within the MUSD schools, had three children in the schools, and she had been a volunteer on the PTA. With more kids coming, the Council needed a school written in to the Plan.

27. **Shirley Pang**, resided one street away from the Mayor, reported it was 3.5 miles to drive her kids to Spangler School. In Milpitas, two middle schools and one high school only was not enough.

28. **Elizabeth Brown**, Milpitas High School sophomore, felt it was not possible to increase API scores when classroom size was increased, as would occur in the Plan area.

29. **Debbie Sy**, Milpitas parent and Printy Ave. resident, moved here in 1981 for the reputation of good schools. She was very proud of her daughter and education received, and she had worked for MUSD for all those years too. The District and the City have worked very closely in many of those years, as a team.

30. **Alice Woodrow**, 48 years resident, had four children raised in the City. The lack of a school in the plan was negative and asked Council to include it in the long-term plan. She gave an example of a house built without a kitchen.

31. **Chuck Gary**, Milpitas High School principal, had lived or worked in this City for 48 years. He liked the idea of the plan presented, to make Milpitas greener as needed. It could be better than San Jose. Much would be available to residents in the TASP area, and looking at the adult residents while students were forgotten. A quality neighborhood must include a school one can walk to. Equity for all was valued in Milpitas.

32. **Guy Haas**, Fallen Leaf in the Pines resident, discussed his daughter who went through Milpitas schools. He mentioned the Rivermark development in Santa Clara, where a school was included in the plan in advance. He urged a school in the TASP.

33. **Sally**, PTA president-elect, worked at Zanker School and it was a victim of over-development lately. She asked Council to oppose the plan. There was a need for a joint use agreement on land for a school and possibly a community park.

34. **Dan Bobay**, PTA Council President, commented that the Transit Plan was never intended for residents, it was intended for industry, so that's why there was no need for a school. Milpitas had a history of neighborhood schools. TASP would require busing so he demanded amendments to it to include a school site. The plan was incomplete and must be fixed before being adopted. Correct traffic problems around schools now.

35. **Steve Munzel**, Walnut Drive, chair of the Parks, Recreation and Cultural Resources Commission, mentioned the Commission's recommendation to ask Council to establish a community park. Take the 30 acre parcel and use part of it for a school.

36. **Prabala**, a parent of Zanker School children, stated that school was where most children spent time. A new school was needed in the Transit area.

37. **Jim Murrar**, property owner in the TASP area, commended staff and consultants on the whole planning process. Representative land owners commended the vision of the City and the Council. Landowners would contribute millions of dollars, and then look to the Council on how to spend it.

38. **Isaac Hughes**, discussed social engineering and also crime patterns. He talked about Roberts Rules of Order, and consistent use of it. He discussed impacts of the plan and Council actions, with regard to density, schools, and value of homes/property.

39. **Kim Andoke**, Rocky Mountain Ave, felt it was a good plan but not with 20-story buildings. Reconsider the Transit Plan and put a school in it. She recommended Councilmembers not to vote until a school was added into plan. Traffic was already bad each morning going to two schools near her home.

40. **Kathy Doi**, Principal of Zanker School, commented on the speakers this evening. She appreciated the diversity and speaking from their hearts. She was proud to be in this community, where all deeply care about the children.

41. **Julie Goldberg**, West Capital resident, asked Council to think about the children and the school needed in the plan area.

Following the conclusion of the public speakers at the hearing, Council considered a series of actions.

(1) Motion: to move to close the Public Hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

Motion carried by a vote of:

AYES: 5

NOES: 0

Councilmember Gomez thanked everyone for coming out to speak on this plan. He went to Randall School, Rancho Middle and Milpitas High School. Today, he liked walking his children to school each morning. The City had needs, including schools and parks. There was not enough land allocated in that Transit Area Plan. While the School District was collecting some fees now, he asked the City Manager of amount of Level I fees anticipated. Mr. Williams responded about \$15 million and \$28 million tax increment pass through.

Mr. Gomez asked if the development impact fees could get to Level 2 fees, closer to \$50-60 million could be collected in total. Perhaps, that could be to acquire ten acres for a school or parks. Land might be used for soccer fields or a community center. Councilmember Gomez wanted to work with the school district to help MUSD obtain three more acres to have ten acres in total. He was willing for that to be his motion.

Councilmember Giordano thanked Superintendent Karl Black for his tremendous job done, and reported that people really like him in the community. She had many questions and thanked the many speakers who came out to the meeting. The solution was not clear. Did the District need to buy a site in the Plan area? Would it need one three-story school on a smaller site? The park master plan survey was done recently and found park facilities were positively reviewed by 85% of those residents surveyed. The TASP was so unique and not dealt with before by the City Council.

Councilmember Giordano felt that the affordable housing issue created a goal for the community and the City met goals without handcuffing developers. All wanted the best for the students with the best education offered. She did not have the answers right now. Keep talking between two groups (school and city) in different languages, and eventually it would produce something in between.

Councilmember Polanski thanked everyone for coming to meeting this evening. She was not a product of MUSD but her two kids were and she had served 19 years on the School Board. She knew the language and where the financing comes from and understood what folks said tonight. But, to designate a certain spot for a school, that's not possible. She met MUSD Board President Mendizabal and heard statistics from the consultant. There was a need to designate that there would be a school in this area. She wanted to work together with schools and supported Mr. Gomez' motion. She concurred with the need for a grocery store in that area.

Vice Mayor Livengood remarked speakers were persuasive and made valid points. A policy statement can be made that there will be a school site in the TASP. A tradition was that the School District paid for schools and ran them. The City does its buildings, he'd heard there would be a school in the area, and could add some land to the parks designated already, but the City was not going to fund the school. There would be an elementary school site within the Transit plan and could add some acreage to open space to provide for that. However, the City was not flush with cash. Another tradition was that the City demonstrated support for schools with crossing guards, DARE programs, fields and other activities for schools. However, there was no money to pay for a school.

Vice Mayor Livengood noted different levels of fees that schools received from development. The City could help MUSD to get to the higher level, maybe to generate higher dollar amounts to fund schools. Joint use was also a tradition in Milpitas that could be pursued again. Maybe there could be a more dense, taller school on a smaller amount of land than traditionally in the past. He gave an example such as Horace Mann School in San Jose, as a more urban concept.

The City and schools needed to agree on the exact number of students that would be generated and to come together on timing, on when it would be built. City should be able



(5) Motion: to waive the first reading beyond the title of Ordinance No. 38.777

City Attorney Ogaz read the title of Ordinance No. 38.777 aloud “An Ordinance of the City Council of the City of Milpitas, California, Amending Title XI Chapter 10 for the Purpose of Implementing the Transit Area Specific Plan.”

Motion/Second: Councilmember Gomez/Councilmember Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

(6) Motion: to introduce Ordinance No. 38.777

Motion/Second: Councilmember Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

### **JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

**RA 1. 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 10:26 PM.

**RA 2. ROLL CALL** **PRESENT:** Mayor/Chair Esteves, Vice Mayor/Vice Chair Livengood, Agency/Councilmembers Giordano, Gomez and Polanski

**ABSENT:** None

**RA 3. MEETING MINUTES** Motion: to approve the Redevelopment Agency minutes of May 20, 2008, including joint meeting with the City Council, as submitted

Motion/Second: Agency/Councilmember Polanski / Agency/Councilmember Gomez

Motion carried by a vote of: AYES: 5  
NOES: 0

**RA 4. Final Budget for City of Milpitas and Milpitas Redevelopment Agency for Fiscal Year 2008-09** Finance Director Emma Karlen reported back to the Council/Agency on budget matters that were identified previously at the recent City Council Budget Hearing held in May. First off, staff analyzed the state budget plan, with an estimated impact of about \$67,000 on the City (from reduction in COPS grant funds, cuts to the County for jail booking fees, and delay of the mandate rebate program) based on the Governor’s May revised budget proposal. She noted that the final state budget would not be adopted until the fall.

Regarding the hourly rate salary increase for the school crossing guards, the Milpitas Unified School District had that issue on its agenda for next week (re: request for funding solely the increase segment of the salary for next fiscal year). Staff did not include the increase amount in the budget resolution under consideration this evening. It could be amended later depending on the outcome of the School Board’s meeting.

On the Capital Improvement Program street resurfacing plan, Engineering staff initiated working with the Council’s CIP Subcommittee to come up with a financing plan for this subject. Councilmember Polanski commented on the subcommittee efforts to date.

Councilmember Gomez touched on Fire Department overtime, clarifying that exempt employees in that department. Battalion Chiefs would not receive overtime pay and the Fire Chief agreed. He reiterated that the City did not know the true situation of the state’s budget.



