

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, August 5, 2008
Time: 6:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Esteves called the meeting to order at 6:00 PM.

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

ABSENT: None

CLOSED SESSION

Mayor Esteves publicly stated the Council would convene to Closed Session for discussion of labor negotiations with employee group Milpitas Professional and Technical Group (ProTech).

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

**CLOSED SESSION
ANNOUNCEMENT**

None

PLEDGE

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

INVOCATION

Mayor Esteves asked for a moment of prayer and he gave thanks.

MINUTES

Motion: to approve the minutes of June 17, 2008 City Council meeting, as submitted

Motion/Second: Councilmember Polanski/Vice Mayor Livengood

Councilmember Giordano stated she would abstain from the vote since she was absent at the last Council meeting.

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

SCHEDULE OF MEETINGS

Motion: to approve the Council Calendars/Schedule of Meetings for August

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

Councilmember Gomez left the dais at 7:03 prior to the vote above and returned within one minute.

PRESENTATION

Mayor Esteves issued a commendation to recently retired Police Commander David Rossetto for his 29 years of service to the City of Milpitas. He was honored by the Mayor and Council, and received a standing ovation from the audience, including Commander Rossetto's wife and son. He thanked the Mayor and City Council and the citizens of Milpitas for being a great community to serve and to live in.

Visitors from Milpitas's Sister City of Tsukuba, Japan were introduced, and greetings were exchanged between City of Milpitas officials and those from Tsukuba. Mayor Esteves also introduced members of the Sister Cities Commission and host families to Tsukuba students.

PUBLIC FORUM

Linda Rabe, Arts Commission Chair, presented a book from a recent artist's display and commented about printed remarks in the local newspaper.

Don Peoples, on behalf of the Milpitas Rotary Club, reported on the successful carnival at Serra Center held in May. \$14,000 was raised at the event over the Memorial Day weekend and all of the funds would go back into the community. Mr. Peoples thanked the Council and new owners LapTang group and the Big Lots store.

Isaac Hughes, addressed construction on N. Main Street, with various projects ongoing and he read about chemicals in soil at some locations. There were piles of dirt with plastic over them, and neighbors said more dust was found on houses and cars in the area. He requested someone to check on it to make sure there was no health concern at that site. Planters with palm trees were nice however they impeded senior citizens from using the crosswalk correctly.

ANNOUNCEMENTS

City Manager Tom Williams noted that two items were distributed on the dais for Council just prior to the start of this meeting: an e-mail message and a copy of a citizens' petition.

Councilmember Giordano announced groups helping out in schools, and to be part of Kids Club at several elementary schools, call Linda at 251-0523. Also, she had heard neighborhood concerns about sewer rates, and thus asked the City Manager to look into a special rate for senior citizens on sewer costs, similar to garbage rates.

Councilmember Polanski promoted "National Night Out" scheduled on Thursday, August 7 in Milpitas. She requested that within the next several weeks, that the City Council hold a joint Milpitas Unified School District Board of Education and City Council meeting or workshop for the benefit of both.

Mayor Esteves asked Police Chief Graham for any additional information on "National Night Out." Chief Graham added that this year was expected to have the largest turnout with 31 events city-wide: 29 on Thursday and two on other dates. This would be a valuable interaction time for neighbors. Vice Mayor Livengood requested that information be posted on the website.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None

APPROVAL OF AGENDA

Motion: to approve the agenda, as amended

The City Manager asked to remove Item No. 9 per staff request.

Councilmember Polanski requested to move Item No. 6 up and the Mayor suggested that be heard prior to the Item No. 1 public hearing.

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

CONSENT CALENDAR

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

Motion/Second: Vice Mayor Livengood/Councilmember Giordano

Councilmember Giordano requested to remove Item No. 10 for discussion.

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

- *7. Commission Reappointments Confirmed the following Commission appointments:
- Newly appointed Mr. Sobhan Dutta to the Arts Commission as Alternate No. 2 to a term that expires in October 2009.
- Newly appointed Ms. Robyn Cornell of the Crowne Plaza hotel to the Economic Development Commission as the hotel representative to a term that expires April 2009.
- Re-appointed Margie Stephens to the Library Advisory Commission to a term that expires in June 2010.
- Re-appointed Naomi Matau to the Parks, Recreation and Cultural Resources Commission to a term that expires in June 2011.
- To the Sister Cities Commission:
 Appointed Nolan Chen as a regular member to a term that expires in September 2010.
 Appointed Dana Arbaugh as Alternate No. 1 to a term that expires in September 2008.
 Newly appointed Marsha Binh Tran as Alternate No. 2 to a term that expires in September 2009.
- To the Telecommunications Commission:
 Appointed Hai Tran as a regular member to a term that expires in January 2010.
 Appointed Sumeet Ahuja as Alternate No. 1 to a term that expires in January 2009.
 Newly appointed Kurt Bohan as Alternate No. 2 to a term that expires in January 2010.
- *10. City Match for Water District Rebate Program Directed staff to study the feasibility of providing a City match for Santa Clara Valley Water District landscaping rebate and report back to Council with a recommendation.
- *11. Disposal of Four Police Ford Sedans at Auction Approved auctioning of four City-owned Police Dept. Ford sedan vehicles:
 1) 1991 Ford Taurus; 239C - VIN 1FACP50U5MA158980 - License# 344254
 2) 1997 Ford Crown Vic; 488Z - VIN 2FALP71W7VX185523 - License# 051404
 3) 1995 Ford Crown Vic; D6 - VIN 2FALP71W9SX152812 - License# 3KSJ893
 4) 1996 Ford Crown Vic; 465F - VIN 2FALP71W1TX168567 - License# 035096
- *12. Award Bid for Publishing Recreation Activity Guide Awarded the bid and authorized City Manager to execute a contract for publishing the Recreation Services Annual Activity Guide to Fricke-Parks Press, Inc. for the annual amount of \$22,150.00, subject to approval as to form by the City Attorney.
- *13. Award Contract to Anderson Pacific Engineering Awarded construction contract to Anderson Pacific Engineering Construction, Inc., for the Venus Pump Station Rehabilitation, Project No. 6101, in the amount of \$332,800.
- *14. Contract with ADHR for Personnel Services consulting Authorized City Manager to execute a contract with ADHR Consulting, subject to approval as to form by the City Attorney, in an amount not to exceed \$20,000 for personnel services.
- *15. Transition from Calnet I to new Calnet II Adopted Calnet II for telecommunications voice and data services, and authorized the City Manager to sign the contract, subject to approval by the City Attorney.
- *16. Amendment No. 2 to Contract with Empire for Maintenance Services Approved the amendment to the agreement with Empire Maintenance Services for Janitorial Services for the not-to-exceed amount of \$22,854.00, subject to approval as to form by the City Attorney.
- *17. Report on Emergency Tree Trimming Services Received report on emergency tree trimming service by Anderson's in the amount of \$9,856.
- *18. Police Mobile Computer purchase from Data 911 Approved a budget appropriation for \$21,812 for the Technology Equipment Fund and authorized the purchase of fourteen (14) additional Police mobile computers and software from Data 911.

PUBLIC HEARINGS

1. Weed Abatement Program for FY 2008

Assistant Fire Marshal Albert Zamora introduced the topic of the annual weed abatement program. He presented the list of properties provided by the County where weeds in Milpitas were cut back for fire safety. The list was presented for approval by Resolution in order to authorize the imposition of fees as liens on the named parcels.

Santa Clara County staff from Agriculture and Environmental Management were present: Mr. Moe Kumre – program director, and Mr. Nathaniel Hefner – weed abatement inspector. They addressed the Council, noting that 80 parcels were originally surveyed in Milpitas, but then only 26 required abatement by the County. So this year, a 67% compliance rate was achieved, although that was lower than prior years.

Mayor Esteves opened the public hearing for comments and none were heard.

(1) Motion: move to close the public hearing

Motion/Second: Councilmember Giordano/Vice Mayor Livengood

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

(2) Motion: to adopt Resolution No. 7774 confirming assessments for weed abatement in 2008, per the parcels list prepared by the County Agricultural Commissioner

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

2. Zoning Change for Hanson Ct. parcel

Planning Director James Lindsay reminded the City Council that staff presented the zone change in June, and Council had asked to continue the public hearing until this meeting. He reviewed the recommendation to rezone the Hanson Ct. parcel and reported that the applicant/landowner was present. The re-zone was from Agricultural to MP Industrial Park designation, to allow for the same zoning as parcels around the 1.17 acre parcel (APN 28-17-001) located at the end of Hanson Court.

Vice Mayor Livengood noted this was General Plan-zoned for industrial. He asked staff why anyone would vote no or oppose the change. Mr. Lindsay replied there was no history to support why it was not already zoned in that fashion, so his answer was no.

Mayor Esteves invited the applicant to come forward. **Mr. Peter McDonald**, resident of Tacoma WA, grew up in Santa Clara County. He and his sister had owned the Hanson Ct. property since his mother died, and it was the last piece of field that his father had farmed. He was not trying to get any variance, merely trying to bring this land up to 21st century plans. Mr. McDonald addressed the woman who spoke at the last meeting, stating he would be pleased to see it turn into a park. His mother and uncle gave the Higuera Adobe to the City as a gift in the past, so he was not in a position to give another major gift at this time. Agriculture was not the way of the City any longer, as it had been in earlier eras. He requested Council to change zoning to conform to the General Plan.

Mayor Esteves opened the public hearing for comments.

Speakers:

Mary Kay Oster, manager of the property association that was next door to this property zoned light industrial. She was concerned about impeding the right to sell the property, and with the ability of the City to manage it so it was not a hazard. She requested attention paid to the use, with no maximum height on any structure there.

Isaac Hughes pointed to maps on the overhead slides, and addressed the issue of dust in that area of the City. He wanted zoning that included limiting to no toxic chemicals at any business that may be located at that site in the future.

Katina Stravralakis, Milpitas resident and business owner on Hanson Ct., spoke earlier in June. She totally agreed with property owner Mr. McDonald and would love to see a community garden on the site. One was able to see over the overpass, and it could provide a better service to the community if developed as a green project/parcel only. She wanted a creative solution and no allowance for commercial development.

Rita Gray, Milpitas resident, did not want to see the land on Hanson Ct. developed differently, while finding ducks there (in water overflow) and flooding were not good.

Following the speakers, the Mayor asked for a motion from his colleagues.

(1) Motion: move to close the public hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

Councilmember Giordano asked staff where this land fit in the General Plan of the City. Mr. Lindsay responded that parcels were all designated Industrial Park in that area.

Councilmember Polanski requested to hear from the landowner. She valued open space, but everything cost money. Gifts to the City would be costly to owners. Restrictions on future uses of property could be handled by the Planning Commission process.

Councilmember Gomez agreed with Ms. Polanski. In terms of park land, one must look at realities of the location and what was already there. The land could be underutilized if it became park land, and it was not in an area of Milpitas that's park deficient.

Mayor Esteves wondered if there were any characteristics that would inhibit commercial development on that land. Mr. Lindsay replied none that he knew of.

Mr. McDonald spoke again stating that the zoning was not changed previously, most likely because his father objected. His father had used it agriculturally for the longest period of time that he was personally capable to farm it himself.

(2) Motion: to waive the first reading beyond the title of Ordinance No. 38.778

City Attorney Ogaz read the title of the ordinance, "An Ordinance of the City Council of the City of Milpitas CA Changing the Zoning of a 1.17 Acres Parcel Located at the End of Hanson Court"

Motion/Second: Councilmember Gomez/Councilmember Polanski

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

(3) Motion: to introduce Ordinance No. 38.778 related to rezoning APN 28-17-001

Motion/Second: Councilmember Gomez/Councilmember Polanski

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

3. Rezoning and General Plan amendment for Sinclair Frontage Road residential project

City Planner Cindy Hom introduced the Sinclair Renaissance Residential project, a request to re-zone and amend the General Plan for this planned unit development. She pointed to artist's renderings of the project on display in the Council Chambers.

Ms. Hom identified proposed PUD Development Standards for the residential area. A community meeting had been held on May 7, with comments received from nearby residents including issues of traffic concerns, views and privacy, sound wall height, and noise. This project was reviewed by the Milpitas Planning Commission on June 25, with a recommendation to City Council that included an additional three conditions.

Councilmember Giordano inquired if the project was essentially a continuance of the Sinclair Horizon neighborhood and staff agreed. It was compatible with the existing neighborhood. She asked why there were short driveways and the impact. Ms. Hom stated the parking standard was 9 x 18, so the project was consistent. Also, a special condition was in the PUD that there would be no garage conversions allowed.

Mayor Esteves opened the public hearing for comments.

Frances Krommenhock, member of the City's Parks, Recreation and Cultural Resources Commission, was concerned about the Commission's lack of opportunity to comment on park land at this site and whether it was sufficient.

A man (did not state his name) asked for specific design criteria including a retaining wall, a 16 feet high soundwall specifically, and a wall with structural integrity. He also wanted structural retaining capacity for truck traffic with high loads and storm drain improvements.

Isaac Hughes, stated this issue came after the Crosspoint Chinese Church matter was heard before the Planning Commission. He asked questions about staff efforts and the CEQA document filing on this residential project.

Steve Allen, a San Ramon resident who represented the Mission Peak Homes developer/applicant, informed the City Council that members of the project team were available to address the Council on any questions they had.

Councilmember Giordano asked for a response to the citizen's request for a higher soundwall. Mr. Allen replied that a sound consultant first said next to Sinclair Frontage Road should be a matching wall at 16 feet and then the design would step back as it went toward residential. He talked about property line and right to enter that would be needed.

Staff Ms. Hom reported on the landowner's agreement with Mr. Crane, the neighboring property owner. The City Council could add a condition about what was agreed between the parties. Councilmember Polanski asked staff about the agreement. Staff clarified that it was regarding the soundwall on the south end at 16 feet with the retaining portion at 2.5 feet in the ground and the above-ground wall portion at a height more than 13 feet.

Howard Nevise, resident at Cameron Circle, mentioned homeowner issues with regard to the HOA to be formed at Sinclair Renaissance. Staff reported that Council could further clarify the condition of approval for the HOA. On Special Condition No. 20, the applicant shall work with staff on privacy conditions. Also Planning Director Lindsay responded to the Mayor that the condition would change from HOA to "Homeowners."

Mayor Esteves asked if there were any more speakers, and with none, asked his colleagues for any motions.

(1) Motion: move to close the public hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

Mayor Esteves asked the Planning Director about traffic issues and about the structural integrity of wall. There was asphalt crumbling on Mr. Crane's wall presently and it would need a retaining wall to hold it. The structural integrity required must be up to standards with no opposition.

The Mayor also asked about storm drainage concerns, and staff referred to dialogue between neighbor Mr. Crane and applicant Mission Peak Homes. Drainage was at the western boundary, and when building the emergency vehicle access road, a portion of his property that drains away from Wrigley toward Sinclair Horizon may need adjustment.

City Attorney Ogaz replied, in response to Councilmember Gomez, that Council could make a condition of the retaining wall supporting truck traffic, and that if right-of-entry was not attained, then plans would revert back to the original condition of approval.

Councilmember Polanski asked for clarification what was going on with the 16 foot sound wall. She commented this was one of the best builders around the area and she was supportive of the project.

Mayor Esteves stated this was a great project. He wanted to make sure it was built smoothly and the City would help make it successful, especially upon the developer working with neighbors.

Vice Mayor Livengood knew that Mission Peak had a strong track record in Milpitas already, with the neighborhood next door. The current project had 92 conditions of approval, revealing that the project was not rushed by staff or Planning Commission. He also recognized that the Council did not have opportunity to vote on many single family residential housing plans, so it was nice to have a quality one to support.

(2) Motion: to adopt Resolution No. 7775 approving the General Plan Amendment (GM2006-2), Vesting Major Tentative Map (MA2007-4), Planned Unit Development No. PD2007-1, and S-Zone (SZ2007-10) subject to the findings and special conditions.

Included in the motion was additional wording to the list of Conditions as No. 13A and stipulated by the City Attorney: to require a retaining wall plus a soundwall with a total of 16 feet, with the retaining wall capable of supporting truck traffic on south side of the property under the condition of receiving a right-of-entry from the south side property owner, or otherwise to revert back to Condition No. 13 as originally worded for the south side soundwall; and separately, to delete the word "association" from Condition No. 20.

Motion/Second: Councilmember Polanski/Councilmember Gomez

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

(3) Motion: to waive the first reading beyond the title of Ordinance No. 38.779

City Attorney Ogaz read the title of the ordinance, "An Ordinance of the City Council of the City of Milpitas CA, Amending Title XI Chapter 10 for the Purpose of Approving Zone Change No. ZC 2007-8 Sinclair Residential Project"

Motion/Second: Councilmember Polanski/Councilmember Gomez

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

(4) Motion: to introduce Ordinance No. 38.779

Motion/Second: Councilmember Polanski/Councilmember Gomez

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

4. Zoning Amendments –
Streamlining Municipal Code

Senior Planner Sheldon Ah Sing discussed the phased update to the City’s Zoning Code, a part of the municipal code, noting staff had brought forward two previous amendments adopted by Council already this year. Mr. Ah Sing reviewed where and what some of the editing changes were on definitions, overlay districts, special uses, general provisions, and applications. He also recommended removal of a section of the code dealing with school impact fees, since that was now superseded by state law (SB 50).

Councilmember Giordano asked the City Manager if this update was a part of the roadmap to city services? In effect, she asked what generated this streamlining effort. Mr. Williams replied yes, and the work was to provide clarity in the zoning code for staff, the community, and project applicants. It would be easier to read and understand the Zoning code as a document, if the amendments were approved.

Mayor Esteves stated that was a good reason for the organization of this law. The Mayor next opened the public hearing for comments.

Speaker:

Isaac Hughes discussed this effort as a fraud to the public, termed the City staff frauds and did not believe City Council had all the information it needed to make a fair decision on the zoning code changes. He was dissatisfied that staff had not provided paper copy of the strikeout and highlighted version of the proposed ordinance, as was available on the website.

(1) Motion: move to close the public hearing

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

Mayor Esteves asked staff for two items that would have the most impact. Mr. Ah Sing replied, if someone looked at Town Center zoning district now, a CUP was required, but another area stated only a business permit was needed. With new amendments, that would be cleared up. The remainder was strictly formatting issues for applicants and the public. Staff noted consultants who worked with the City work with other cities, and should be able to follow our city’s code with ease.

City Attorney Ogaz commented that the new format would help to allow citizens to understand the law much more clearly than the current municipal code on zoning.

(2) Motion: to waive the first reading beyond the title of Ordinance No. 38.780

City Attorney Ogaz read aloud the title of the ordinance, “An Ordinance of the City Council of the City of Milpitas CA, Amending Title XI Chapter 10 for the Purpose of Streamlining the Zoning Ordinance”

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

(3) Motion: to introduce Ordinance No. 38.780 related to streamlining Zoning Code

Motion/Second: Vice Mayor Livengood/Councilmember Polanski

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

UNFINISHED BUSINESS

5. Report on Mobile Home Park Conversion Ordinance

Principal Housing Planner Felix Reliford discussed proposed amendments to the Mobile Home Park Conversion ordinance that staff would propose along with hosting public meetings for community input. The existing ordinance was adopted 20 years ago, with no changes since. He identified the topics of proposed changes with regard to rights of mobile home park owners and park residents – both home owners and tenants.

Councilmember Polanski asked if current ordinance allowed for renters who had paid rent, was there any sliding scale for that situation. Mr. Reliford replied that would be a legal matter.

Councilmember Giordano wanted to look at in-place value and who determined that. Staff reported that there would be an appraisal by a certified appraiser, paid for by the property owner.

Vice Mayor Livengood supported the suggested change in the ordinance as recommended by staff. It was important to take a look at tenants who had paid on time, but who then would get the same deal as a tenant who stopped paying rent timely. This was similar to the issue as identified by Councilmember Polanski .

City Manager Williams clarified that these suggestions would go out to the community first for discussion and feedback.

Mayor Esteves discussed having perhaps a maximum or a figure on the amount for moving personal property. Staff would consider that concept. The Mayor suggested taking a look at the number of days to settle into new housing.

The Mayor next allowed for speakers on this subject.

Speaker:

Pete McHugh, Milpitas resident, was encouraged that the City Council would proceed with an update to the ordinance, particularly on this unique housing stock (mobile homes) for Milpitas residents.

Vice Mayor Livengood noted that in 1987, Mr. McHugh authored the original ordinance, and in 1988, the City Council adopted that ordinance.

Motion: to direct staff to proceed with the proposed amendments to the Mobile Home Park Conversion Ordinance and conduct community meetings in existing Milpitas mobile home parks to obtain public comments, prior to setting the public hearing for amending the ordinance

Motion/Second: Vice Mayor Livengood/Councilmember Gomez

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 10:21PM.

- *RA 8. Actions Related to the Milpitas Senior Center Project No. 8176
Authorized staff to issue a bidder pre-qualification package for the Senior Center Project. Adopted Agency Resolution No. RA 310 approving the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Senior Center, Project No. 8176.
- *RA 9. Amendment to Contract with CSI for Senior Center
Authorized the Agency Executive Director to execute Amendment No. 1 to the Agreement with Critical Solutions Inc. for Pre-construction Design Review Services for an amount not to exceed \$45,000, subject to approval as to form by the Agency Counsel.
- *RA10. Change Order for Singley Area Project No. 8193
Authorized the City Engineer to execute a contract change order with Granite Construction for the Singley Area Street Rehabilitation, Phase V, Project No. 8193 in the amount not to exceed \$90,000.
- *RA11. Agreement with Landtech Consultants re: BART Extension work
Approved and authorized the Agency Executive Director to execute an agreement with Landtech Consultants, in the amount of \$18,000, subject to approval as to form by the City Attorney.
- *RA12. Award Contract for Corp. Yard Canopy Project
Approved budget appropriation in the amount of \$80,000, and awarded a construction contract to Balch Petroleum Builders and Contractors, Inc, for the Corporation Yard Canopy, Project No. 8183, in the amount of \$440,000.
- *RA13. City Investment Portfolio Status Report
Received the quarterly investment report from staff for the quarter ended June 30, 2008.

RA 14. ADJOURNMENT

Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 10:33 PM.

REPORTS OF OFFICERS

6. Mayor's request for discussion regarding the Tidal Waves Swim Team coach

This subject was heard prior to Item No.1 on the agenda, per direction of the Mayor due to the many speakers in the audience.

Mayor Esteves announced that he had received a petition signed by hundreds of parents. He read aloud the statement on the top of the petition. Next he read aloud an e-mail he'd received from parent Thi Tran stressing the need for a full time swim coach.

Vice Mayor Livengood said it was a good idea to have this subject on the agenda. The Tidal Waves swim team wasn't always in existence and he was on the Council when it was voted in to have the municipal swim club. The program has flourished, and it was well run, with the resources that Recreation had. He acknowledged receiving several e-mails sent to all Councilmembers from parents. His view was there was no question that it was time for a full-time aquatics teacher/coach in Milpitas.

Councilmember Giordano echoed Mr. Livengood's comments. She noted her own two daughters swam with the Tidal Waves team. She wanted to work together with parents to get to what they felt was needed for the team. Parents would have to work hard to get the end result.

Mayor Esteves re-iterated the result that parents wanted, for a full time coach to be hired and funded in this current fiscal year 2008-09.

The Mayor invited public speakers. All of the following spoke in favor of the City Council voting to authorize hiring a full time swim coach for the Milpitas Tidal Waves.

- 1) Henry Lee – parent
- 2) Jennifer Lee – parent
- 3) Miranda Lee - age 12, member of the team
- 4) Vincent Lee – 9 years old member of the team
- 5) Ryan Lee – 6 years old member of the team

- 6) Jacqueline Lu – age 10
- 7) Priscilla Lee - age 10
- 8) A girl - swimmer
- 9) Bill, swimmer
- 10) Thi Tran, mother of swimmer
- 11) Annie Zian, parent of two boys on the swim team
- 12) Ann Lee, mother of 3 children swim team members
- 13) Vivi Escolar, caring for 12 year old grandson swimmer
- 14) Isaac Hughes, resident
- 15) Jeffrey Lu, age 12 swimmer
- 16) Woman Len, mother of three swimmers
- 17) Leo, 2nd youngest of 5 brothers
- 18) A boy (older brother of Leo) - swimmer
- 19) Evan, smaller brother - swimmer
- 20) Victor - swimmer
- 21) Eric - swimmer
- 22) Sylvester Gouda – teenage swimmer
- 23) Carlos Drahon – parent
- 24) Sue – parent and mother of five boys who swim on team
- 25) Jennifer – swim team member

Mayor Esteves commented about the exact recommendation from the petition document he received. He was pleased to see so many people at this meeting, and he was inspired by citizen involvement and thankful to all who came down to the City Council meeting. All of their input was valuable.

Vice Mayor Livengood remarked that this issue was really all about vision, as there was back in 1990's about starting the team. The program had changed with an increase in participation, it was time to take the program to the next level with a full time coach/aquatics coordinator, in this budget cycle. It would have to be revenue neutral and it was up to the City Manager to determine.

Councilmember Giordano asked the City Manager if the City could support expansion of the club, facility-wise. Also, she was concerned about parents' participation with paid dues. She planned to vote for a coach, while missing one step and she preferred the City Manager to come back with information about whether the pools were at capacity.

Councilmember Polanski thanked everyone for being at the meeting, especially the children swimmers. She was supportive of a full time swim coach. She also shared the concern of Ms. Giordano about the support and participation of parents financially in the Tidal Waves swim team.

Motion: to authorize the hiring of a full time aquatics coach and coordinator, authorize the City Manager to make this revenue neutral, and find the revenues within the current budget

Motion/Second: Vice Mayor Livengood/Councilmember Gomez

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

City Manager Williams would work with swim team parents, and he asked them to work with staff to bring this item into the current fiscal year.

Vice Mayor Livengood thanked Mayor Esteves for putting this topic onto the Council agenda and for showing leadership on this issue.

Mayor Esteves announced that the City Council would take a five minutes break at 8:36 PM. The meeting resumed at 8:45 PM.

8. Residential Front Yard Beautification Program

Councilmember Giordano wanted a discussion and investigation into an ordinance that would allow for yards to be maintained at their best in the City. It was not solely about beautification but really neighborhood maintenance. She discussed some ways that had begun already. This effort might be another way to keep up neighborhoods. The City was not immune to what was going on via the economy. She had a specific example of the City of Sacramento requirements.

Councilmember Polanski responded that the Community Advisory Commission could take a look at this issue. She raised the issue of recently increased City water rates and conservation efforts. Such matters affected seniors in particular. She knew of problems with absentee landlords and that Code Enforcement was needed on a regular basis in a program. There was much to consider for such a program.

Vice Mayor Livengood wanted to find out what the City’s neighborhood beautification ordinance already contained about front yards. The City might have an ordinance that was not enforced. Staff responded to complaints, and there was not pro-active enforcement presently. So, to hone in on front yards, there might be elements of what was required already so Council could investigate and improve, if desired.

Councilmember Giordano agreed review of the current ordinance would help, but she wanted also to look at what other cities were doing on this, and desired more information on various alternatives and legal issues.

Mayor Esteves inquired what was the minimum the City could ask from residents to maintain public health and safety. There might be a need for some funds to go beyond that. Water conservation problems should be identified and discussed as an opportunity. Milpitas could be a “green” city then. It was time to start soliciting input from neighborhoods to get residents buy-in and ideas from homeowners, at the beginning of any process.

Speakers:

Pete McHugh, resident, commented that the two issues were related: property rights and impacts on people. He asked Council to look into code enforcement of existing ordinances; and there was a lot of impressive development so there was a need to preserve existing neighborhoods. He suggested organizations such as CSAC and LCC as resource references for approaches of other government agencies.

Isaac Hughes discussed videotaping of properties around town, marking the digital photo of locations that have violations, as a tool for code enforcement of any ordinances.

Motion: to direct staff to provide City Council with information on the current ordinance on front yards, learn what was the current law/regulations, and to consider the option to study it further

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

NEW BUSINESS

One item was approved on the consent calendar.

9. Public Art Program

This item was removed from the agenda per staff request.

10. Potential City Match for Santa Clara Valley Water District Landscaping Rebate program

Councilmember Giordano had removed this item from the consent calendar. That was because she wanted to make sure the community was aware of the landscape rebate program for low maintenance/low water landscaping. Perhaps the Council would support joining with two others cities, in the rebate program. She requested to add this information to the utility bills, on website, and on Channel 15 TV.

Vice Mayor Livengood asked how this related to residences that do not receive Santa Clara Valley water. City Manager Williams replied that it would be only applicable to the customers of the district. Engineering staff, however, reported the rebate program was indeed available to all residential customers in Santa Clara County, regardless of water provider.

Vice Mayor Livengood noted that the City of San Francisco was doing a similar project.

Councilmember Giordano asked to get the word out that the program was available.

Councilmember Polanski responded that if the City had still been publishing a newsletter, information could go out that way. She noted that the City Manager was asked to find money for a full time swim coach, and so she wondered where money would come from to fund this rebate program also.

Motion: to direct staff to study the feasibility of providing a City match for the Santa Clara Valley Water District landscaping rebate and report back to Council with a recommendation

Motion/Second: Councilmember Giordano/Vice Mayor Livengood

Motion carried by a vote of:

AYES: 4

NOES: 1 (Polanski)

BIDS AND CONTRACTS

Five items were approved on the consent calendar.

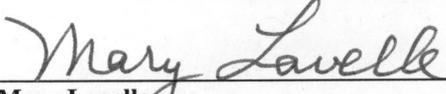
CLAIMS & DEMANDS

Two items were approved on the consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the Council meeting at 10:57 PM.

The foregoing minutes were approved by the Milpitas City Council on August 19, 2008, with correction requested by Councilmember Polanski.



Mary Lavelle
City Clerk