

Phil Chapman and Todd Santino of the Oakland A's. Kathryn Gray of the Parks and Recreation Foundation was pleased to receive the donation from the A's in the amount of \$5,250, which benefited Milpitas families to participate in programs at City Parks & Recreation facilities.

Mayor Livengood presented commendations to the Milpitas Community Advisory Commission and Emergency Preparedness Commission for the February 5 Town Hall Meeting. EPC Chairman Russ Cherry and CAC Chairman Mike Queenan were present to receive Certificates of thanks for the leadership and energy put into the successful and valuable event.

Next, the Mayor presented a commendation to youth "role model" and Milpitas High School Graduate Steven Fanua upon his receiving a five-year scholarship to study and play football at the University of California, Berkeley. His parents were present with Steve to receive the commendation from the Mayor.

PUBLIC FORUM

Art Marshall, representing Santa Clara County Firefighters, announced that firefighters missed their "buddy" former County Supervisor, and current Vice Mayor, Pete McHugh, and did not have time to thank him for his leadership and friendship at the County. Four County IAFF firefighters presented a special plaque with a firefighting ax on it, thanking him for his past support.

Frank DeSmidt, from the Milpitas Chamber of Commerce, announced on Friday, May 8, the Chamber would host its first-ever golf tournament. He also reminded Councilmembers of the upcoming annual Crab Feed event, and he had tickets for sale.

Isaac Hughes, Milpitas resident, addressed the Council on open government topics. He had attended a recent Rules Committee meeting. He noted that Mr. Gomez left the meeting early, before he got the opportunity to comment. He made further remarks on open government and the detriment to the citizens/people of Milpitas.

Councilmembers Gomez and Giordano left the dais at 7:23 PM and returned shortly thereafter.

ANNOUNCEMENTS

Mayor Livengood distributed a brochure to all Councilmembers, put together by the Library Commissioners, and it was so well done, he chose to recognize the LAC and City staff, again on the new Library and its services described in the brochure.

Vice Mayor McHugh reported the the next day at 10:00 AM would be the naming of the Lundy Ave. Post Office for Gordon M. Chan, the godfather of the Asian community in this area.

Councilmember Polanski received a letter from the Superior Court of California seeking applicants for the Civil Grand Jury, with March 5 as the deadline to apply. She left applications with the City Clerk. Regarding the February 5 Town Hall meeting, it was excellent and she thanked all Commissioners - especially Jenifer Lind - and the City staff who put it together and attended. She especially thanked OES Coordinator Sean Simonson in particular, and all the residents who took time to attend.

Councilmember Giordano inquired about the front yard landscaping issue. She suggested it could come through the Community Advisory Commission, and then return to Council with a recommendation. Councilmember Polanski responded that staff Gloria Anaya gave remarks and provided a survey taken by residents at the Town Hall meeting.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

CONSENT CALENDAR

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

Councilmember Gomez requested to place Item No. 2 onto the consent calendar.

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

- * 2. Professional Appearance Policy Approved the Professional Appearance Policy for the City of Milpitas, effective upon adoption.
- *3. Commission Appointments To the Sister Cities Commission:
Appointed Dana Arbaugh as a regular member to a term that expires in September 2010.
Appointed Marsha Tran as a regular member to a term that expires in September 2009.
- *5. Arts Commission ByLaws and Work Plan Approved updated Arts Commission By-Laws and 2009 Work Plan.
- *6. Public Art Committee 2009 Master Plan Approved the Public Art Committee 2009 Master Plan.
- *9. Adopt Ordinance No. 17.16 Waived the second reading and adopted Ordinance No. 17.16, amending Title I, Chapter 1 (Administration) of the Milpitas Municipal Code, related to the Schedule of Misdemeanors.
- *10. Resolution for Lease Agreement with Key Government Financial Adopted Resolution No. 7833 authorizing the City Manager to execute a lease agreement with Key Government Financial for network equipment in the amount of \$385,786.82, subject to approval as to form by the City Attorney, and appropriated the first annual lease payment for \$77,157.36 from the Information Technology Replacement Fund.
- *11. Resolution to Amend SIA for MIL Aspen Family Apts. Adopted Resolution No. 7834 and authorized the City Manager to execute Amendment No. 1 to the Subdivision Improvement Agreement for MIL Aspen Family Apartments to provide consistency with the Owner's Participation Agreement dated April 17, 2007.
- *12. Resolution Certifying Annexation of MIL Aspen into CFD 2205-1 Adopted Resolution No. 7835 certifying and annexing APN 086-22-043 to 086-22-045, MIL Aspen Family Apartments, Project No. 3199, into Community Facilities District No. 2005-1.
- *13. Resolution for Initial Acceptance of Project No. 3160 Adopted Resolution No. 7836 granting initial acceptance of subdivision improvements for Tract 9697 of the KB Home Terra Serena Project No. 3160.
- *14. Resolution for the Use of Proposition 1B money Adopted Resolution No. 7837 approving the plan for the use of Fiscal Year 2008-09 Proposition 1B Funds toward street resurfacing, Project No. 8194.
- *15. Resolution for City Manager to Execute Contract with Acco Engineered Systems Adopted Resolution No. 7838 authorizing the City Manager to execute a contract with ACCO Engineered Systems for the not-to-exceed amount of \$40,000 for annual HVAC maintenance and repair, subject to approval as to form by the City Attorney.
- *16. Agreement for Tax Compliance Services Approved the agreement with Tax Compliance Services to provide transient occupancy tax auditing and consulting services, subject to approval as to form by the City Attorney.

PUBLIC HEARING

1. Citation Homes residential project at 1200 Piper Drive Senior Planner Sheldon Ah Sing defined and described the condominium project in the location of the Transit Area Specific Plan, in the Piper-Montague sub-district for high density residential near shopping. Developer Citation Homes had submitted this project with 639 housing units, adjacent to two other future development projects by Swenson and Milpitas Station concepts. There would be on-street parking on both sides of new streets, with a sidewalk connecting to the Great Mall. He provided some visual displays of the proposed three new streets. Building elevations would go up to four stories.

There were some issues unique to the project that needed resolution: an interim design for Piper Drive, building no. 3 deviated from standard for the block dimensions, and a three-party agreement for timely construction and fair share of the costs for public improvements would be necessary. Mr. Ah Sing displayed planned pedestrian walking routes and paths. On January 28, the Milpitas Planning Commission recommended approval of this Transit Area Specific Plan project to the City Council.

Vice Mayor McHugh asked about the adequacy of parking (based on TASP) in this development. Staff reported that the project offered more parking spaces than the Plan called for. Pedestrian linkages to BART and light rail were specific to allow for the higher densities. The future homeowners association would need to enforce parking on the private property.

Mayor Livengood opened the public hearing for comments.

Speaker:

Isaac Hughes, wanted more time to speak on this item, and the same amount of time as the Councilmembers, per the Open Government ordinance from which he was quoting. Mayor Livengood instructed him not to talk about the Open Government ordinance at this time of public hearing on the residential project.

(1) Motion: move to close the public hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

The Mayor next invited the applicant to address the City Council. Mr. Charles McKeag of Citation Homes felt staff did a great job, and he would answer any questions.

Vice Mayor McHugh asked for elaboration on how the parking would work with 1.6 parking spaces per unit. The company wanted to build housing that the market would support and customers would want to buy. 91% of units were 2- and 1-bedroom, with only a few 3-bedroom counts, so the parking ratio was appropriate. The structured parking garage would help a lot in this type development. Citation Homes had built in the City of Santa Clara, as an example, where residents had moved in recently.

Councilmember Gomez asked about the effect on neighboring businesses and parking spillover. Mr. Ah Sing replied that parking would be on the development property, not at businesses. Mr. Gomez was impressed with park land in our City, but he did not want to add any staff. Had the City considered public-private-partnerships? City Manager Williams said private open space in the area would be maintained by the future homeowners association, and the proposed Community Facilities District would fund maintenance of the new public park.

(2) Motion: to adopt Resolution No. 7830 approving the Citation Homes residential development project at 1200 Piper Drive, including approval of the Major Tentative Map, Site Development Permit and Conditional Use Permit

Motion/Second: Councilmember Gomez/Councilmember Polanski

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

UNFINISHED BUSINESS

One item was approved on the consent calendar.

JOINT REDEVELOPMENT AGENCY, PUBLIC FINANCE AUTHORITY AND CITY COUNCIL MEETING

RA 1. CALL TO ORDER Mayor/Agency Chair Livengood called to order the regular meeting of the Milpitas Redevelopment Agency and Public Finance Authority, meeting jointly with the City Council, at 7:56 PM.

ROLL CALL **PRESENT:** Chair/Mayor Livengood, Vice Chair/Vice Mayor McHugh, Agency/Councilmembers Giordano, Gomez and Polanski

ABSENT: None

RA 2. MINUTES Motion: to approve the meeting minutes of the Redevelopment Agency meeting of February 3, 2009

Motion/Second: Vice Chair/Vice Mayor McHugh / Agency/Councilmember Giordano

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

RA 3. Agenda Approval and Consent Calendar Motion: to approve the agenda and consent calendar item (*), as amended

Vice Mayor McHugh requested to remove Item No. RA5 from consent calendar.

Motion/Second: Vice Chair/Vice Mayor McHugh / Agency/Councilmember Polanski

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

RA 4. Amending Documents related to KB Home Terra Serena Development

Senior Housing Planner Felix Reliford explained the required amendments to the Memorandum of Understanding, the Development and Disposition Agreement, and the Regulatory Agreement with KB Home for the Terra Serena Residential housing development. At issue was that 67 affordable housing units remain unsold, over the last two years. While more than 40 units were sold to new homeowners, after a good deal of local advertising, many remain for sale. KB Home had reduced the purchase prices to the minimum price floor.

Proposed was to un-restrict 46 of the 67 units to go for sale at market rates, upon the proper payments described. This action would allow the Redevelopment Agency to un-encumber \$2.3 million in funds for future use. Finally, 21 units would be made available to low income households, with lower prices, and the Agency would provide \$50,000 in down payment costs to eligible buyers.

On January 14, the Milpitas Planning Commission reviewed the requested amendments and recommended approval to the City Council.

Motion: to adopt Joint Redevelopment Agency Resolution No. RA321/City Council Resolution No. 7832 authorizing the City Manager/Executive Director to execute three amendments to the Memorandum of Understanding, Disposition and Development Agreement, and Regulatory Agreement for the KB Home Terra Serena Residential Project, subject to the approval of the City Attorney/Agency Counsel.

Motion/Second: Vice Chair/Vice Mayor McHugh / Agency/Councilmember Giordano

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

RA 5. Resolution for Purchase of 3 Affordable Housing Units

Vice Mayor McHugh had requested this item be removed from the consent calendar. He wanted to point out that on Exhibit A (to the Resolution) there was extraneous information, related to another project at 700 S Abel St. Staff confirmed and directed that

it was not relevant to the specific recommendation for this action. A snapshot of housing types was intended in that information and 700 S. Abel St. was only provided as an example.

Motion: to adopt Resolution No. RA 322 authorizing the purchase of three affordable housing units: 127 Parc Place, 347 Imagination Place, and 48 Rain Walk

Motion/Second: Vice Chair/Vice Mayor McHugh / Agency/Councilmember Gomez

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

*RA 6. Three Resolutions related to the Local Agency Investment Fund

Adopted Redevelopment Agency Resolution No. RA323, City Council Resolution No. 7832 and Public Financing Authority Resolution No. FA 13 authorizing investment of monies in the Local Agency Investment Fund.

*RA 7. Agreement with Harris & Associates for Street Resurfacing Project 2009

Approved and authorized the Agency Executive Director to execute an agreement with Harris and Associates, for consulting services for the Street Resurfacing Project 2009, Project No. 8194.

RA 8. ADJOURNMENT

Chair/Mayor Livengood adjourned the Redevelopment Agency/Public Finance Authority meeting at 8:08 PM.

REPORTS OF OFFICERS

4. Status of Milpitas representation in the M-G-M grouping of the Santa Clara Valley Transportation Authority

Vice McHugh asked for a status report on Milpitas representation in the Milpitas-Gilroy-Morgan Hill group of the Valley Transportation Authority, from the Mayor.

Mayor Livengood served as alternate member on the VTA Board. Other cities tried to remove Milpitas from the M-G-M grouping. However, the Mayor said there was no legal way to take away Milpitas from that current position. He noted it was a bigger issue – what would happen in 2010, when Milpitas was due for its turn on the VTA Board as a voting member. Milpitas needed to consider its long term role with BART coming to the area, and having the busiest light rail station, as the Transit Area Specific Plan began to develop.

Vice Mayor McHugh was not ready to act on this matter tonight. Perhaps staff needed to come back with any alternatives. He put forward that it might be best to get the VTA Policy Advisory Committee to select representatives for the smaller cities. He inquired if staff could look into that and get back to the Council.

Councilmember Gomez had big problems with that concept, of the PAC selecting members. He termed it the “I Hate San Jose, I hate BART” committee.

Mayor Livengood felt the PAC was anti-BART, but it had changed its tune a little since voters showed support for BART last November. He had no problem looking at the whole governance issue, but Milpitas would be affected in December this year, as to the position on the VTA Board and he did not want to lose representation on the VTA Board at such a critical time.

Motion: to direct staff to gather more information on the status of governance on the Valley Transportation Authority Board of Directors, and Milpitas’ place on it, with any alternatives for our City, along with additional direction to find out about current VTA projects and associated costs

Motion/Second: Vice Mayor McHugh/Councilmember Gomez

Mayor Livengood wanted to send a message to his fellow VTA Boardmembers that if this City lost its representation on the Board, it would become a big problem for all member cities that belong to the VTA.

ORDINANCE One ordinance was adopted on the consent calendar.
RESOLUTION Six resolutions were adopted on the consent calendar.
CONTRACT One item was approved on the consent calendar.
ADJOURNMENT Mayor Livengood adjourned the City Council meeting at 8:48 PM.

The foregoing minutes were approved by the Milpitas City Council as amended on March 3, 2009.



Mary Lavelle
City Clerk