

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, November 1, 2011
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. City Clerk Lavelle noted the roll.

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

ABSENT: None

CLOSED SESSION

City Council convened in Closed Session to discuss labor negotiations with two employee groups, Milpitas Police Officers Association and Mid-Management/Confidential group.

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

ANNOUNCEMENT

None.

PLEDGE

Boy Scouts Troop No. 92 presented the colors and led the pledge of allegiance.

INVOCATION

Imam Abdur Rashid Khan, a Milpitas resident who was invited by Mayor Esteves, offered a prayer to start the meeting. He prayed in Arabic language and then provided English translation.

MINUTES

Motion: to approve City Council meeting minutes of October 18, 2011, as amended

City Clerk Lavelle noted two changes to the minutes: the correct date for a Milpitas Community Television event held on October 22 (on page one), and adding the specific name of a town in Italy of Figline, Valdarno (on page two).

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

SCHEDULE OF MEETINGS

Motion: to approve the Council Calendar/Schedule of Meetings for November 2011

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

PRESENTATION

Mayor Esteves proclaimed Veterans Day to be celebrated on Friday, November 11, 2011. He invited all to attend the City's planned event at 9:00 AM that date to commemorate those who fought and died for this country. The proclamation was accepted by veteran and Milpitas Police Officer Levine Visico.

PUBLIC FORUM

Rebecca Villalobos, Milpitas resident and PRCRC Commissioner, spoke about the many active parks in Milpitas. She identified those with and without play structures. She would like to see a passive type park on N. Main Street without play structure, to be enjoyed as a peaceful setting next to the Library.

Councilmember Giordano had spoken to the City Manager about the adopted parks master plan and a potential update. Maybe then there could be discussion of the plan for the new Main St. Park along with that. City Manager Tom Williams noted that the agenda item would come to the Council independent of the request for review of the new park.

Robert Marini, Milpitas resident, discussed the poll conducted regarding the Senior Center hours and about whether the facility would be open on weekends. He inquired why there were not other polls conducted on items of interest to residents in the City.

ANNOUNCEMENT

Councilmember Giordano made corrections to a recent article published in the local newspaper, stating that, on the recently adopted campaign finance ordinance, she had previously voted to put in place the subcommittee. Also, the City Council had unanimously voted for aggregation at the time the ordinance was introduced. Regarding Veterans Day, she served as liaison to the Veterans Commission and the members planned to have a table with information and be a part of the ceremony this year on the November 11 holiday.

Councilmember Polanski congratulated Milpitas Community Television on the 5-year celebration held on October 22, with a jazz band and lots of activity. She requested a report on public records requests to the City including the number, by whom, and type of requests, for the months of August, September and October, at the next City Council meeting.

Councilmember Gomez had attended a great event last Thursday at the Great Mall. It was an event honoring four local women leaders who were role models, including the City's two women City Council members.

Vice Mayor McHugh asked to adjourn the meeting in honor and in memory of fallen Marine Sgt. Stephen Dunning of Milpitas. On Veterans Day, there would be a ceremony at 11:00 AM in San Jose in front of the Fairmont Hotel, including the annual parade starting at 12:00 PM on Market St. Regarding the Milpitas Sister Cities Commission: a recent successful visit was enjoyed from 15 students from China, from the Philippines, Dagupan visitors at last minute visited Milpitas, and Commissioner Karen Serpa returned from a visit to Italy with a potential new Sister City (Figline Valdarno in the province of Florence) in that country.

Mayor Esteves announced a Community Health Day on November 6 with free flu shots and medical information and other activity on 175 Dempsey Rd. He congratulated City staff for an excellent job at the "Howl at the Moon" Halloween-themed event last Friday for families and pets.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST**

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as amended

City Manager Williams requested to continue Item No. 8 to the November 15 agenda.

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

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: Vice Mayor McHugh/Councilmember Giordano

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

*3. Report on work on Ayer
Pump Station

Received a progress report from the Public Works Director on emergency contract work order for the variable frequency drives/pump motor assemblies for the Ayer Pump Station.

the soil and air contaminants concerned, and those conditions were recommended by the two regulatory bodies.

Councilmember Gomez wanted to stick with the staff recommendation, did not care for the union approach and comments on the project, and did not want to change the recommended conditions. Councilmember Giordano was also satisfied with the Planning Commission's recommendation on this project.

Mayor Esteves asked questions on details of the project features, bicycle lane signs, school issues, future studies required, dedicated park space, and a suggestion for an art piece at this project site. He urged the developer to hire local labor.

(2) Motion: to adopt Resolution No. 8132 to approve the Citation Residential Project, with an encouragement for hiring of local labor and adding art to the project

Motion/Second: Councilmember Gomez/Councilmember Polanski

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

2. Shea Residential

Senior Planner Sheldon Ah Sing reviewed the Shea Residential Apartments project proposed for the Great Mall area at 1201 Main Street. This residential project was a change to one previously approved in 2007. The new design displayed more varied rooflines in style and included a density bonus, per state law. Staff responded to comments staff had received on air quality issues around this development.

Mr. Keith Fichtner of The Kingsmill Group in Pleasanton was present along with several members of his staff who worked on the project development.

Mr. JJ Abraham with Shea Properties addressed the City Council, describing Shea as a construction company that had been around since 1881. He provided some corporate history, and detailed features of the new apartments planned in Milpitas, terming it a "boutique" project since the number of apartment units at 204 was relatively small.

Mayor Esteves opened the public hearing and invited speakers.

Robert Marini, Milpitas resident, opposed the project due to an increase in the number of residents in the city and a resulting increase in water and sewer rates.

(1) Motion: to close the public hearing

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

Mayor Esteves inquired about terms of the density bonus and staff explained affordable housing requirements and the bonus, which was reduced setbacks. He asked why there was no longer retail at the street level for this project. The developer explained why that would not work at the site due to current economic conditions and parking.

Councilmember Polanski remarked that it was a new style of an entry way for this residential project and was designed so well. She was in favor.

(2) Motion: to adopt Resolution No. 8133 to approve the Shea Residential Project at 1201 Main Street

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

RA4. Financial Status Finance Director Emma Karlen discussed the City's economic status with regard to budget revenues, which were slightly increasing and expenditures, which were on target for the first quarter of the current fiscal year. Ms. Karlen reviewed benchmarks of the City's five largest economic segments. She displayed staff's revised revenue projections with a very slightly higher than expected revenue for the year, \$1.07 million higher than the adopted budget.

Motion: to receive the financial status report for the three months ended September 30, 2011 from the city's Finance Director

Motion/Second: Agency/Councilmember Polanski / Agency/Councilmember Giordano

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

*RA5. Investment Report Receive the investment report for the quarter ended September 30, 2011.

RA 6. ADJOURNMENT Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 9:16 PM.

JOINT HOUSING AUTHORITY AND CITY COUNCIL MEETING

HA 1. CALL TO ORDER Mayor/Agency Chair Esteves called to order the regular meeting of the Milpitas Housing Authority meeting jointly with City Council at 9:16 PM.

ROLL CALL

PRESENT: Chair/Mayor Esteves, Vice Chair/Vice Mayor McHugh and Board/ Council members Gomez, Giordano, and Polanski

ABSENT: None

HA 2. Agenda Approval/ Consent Calendar Motion: to approve the agenda/consent calendar

Motion/Second: Board/Councilmember Polanski / Board/Councilmember Gomez

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

*HA3. Resolution Establishing Selection Process Adopted Resolution No. HA 1 establishing the selection process for affordable housing applicants by the City of Milpitas Housing Authority.

*HA4. Resolution to Sell Five Affordable Housing Units

- 1) Adopted Joint Resolution No. HA 2 / Council Resolution No. 8134 authorizing the sale of five affordable housing units and donation of the sale proceeds to the Housing Authority, and authorize it to accept the donation and to enter into five loans not to exceed \$235,000 in total.
- 2) Approved an operating transfer of \$1,250,000 from the General Fund to the Housing Authority and appropriate \$235,000 of housing loans from the Housing Authority.

HA 5. ADJOURNMENT Chair/Mayor Esteves adjourned the Housing Authority meeting at 9:17 PM.

REPORTS OF MAYOR AND COUNCIL

7. Records Retention Policy Councilmember Giordano had requested a report on the City's records retention policy from the City Attorney. City Attorney Ogaz gave a brief oral report on the City's current records retention schedule and policy. He explained how the newest schedule initiated by the City Clerk and City Attorney was adopted in September this year and updated with input from all City departments.

Councilmember Giordano questioned him about security video retention and policy versus state law. She inquired also about employee card key entry records, which were not

public record in Milpitas, about phone line records and a change in 2005 to stop saving phone call records.

Councilmember Polanski spoke about security cameras, talked about surveillance for safety and security of employees. Her primary concern was to protect the safety of employees and residents of Milpitas.

City Attorney Ogaz noted there were no requirements to have security cameras in place. Councilmembers engaged in a discussion on the use of the cameras, security practices, id cards, lighting, safety and other issues of security.

Mayor Esteves asked staff, when requested to send out a document like the Records Retention Schedule of 48 pages, to please send a link to the material online so that it did not need to be printed.

Motion: to direct the City Attorney to review the issue of surveillance cameras, security cameras and card access, and return to Council with a report

Motion/Second: Councilmember Polanski/Councilmember Giordano

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

8. Sister Cities Commission This item was removed from the agenda.

NEW BUSINESS

9. CDBG Funding Priorities Principal Housing Planner Felix Reliford reviewed previously established priorities for Community Development Block Grant funds, provided by the federal Housing and Urban Development Department, in the City of Milpitas. Staff requested input from the City Council at this meeting on maintaining or updating the priorities for future funds.

Mayor Esteves inquired what the total amount of funds was. Mr. Reliford replied that was unknown just yet and the dollar figure was likely to be reduced next year to a total of approximately half a million dollars.

City Engineer Greg Armendariz responded to questions about sidewalk repair and Americans with Disabilities Act compliance street work that was completed, and what remained to be done throughout the City.

Motion: to direct staff to add priorities as follows: for the non-public services, add park renovation and sidewalk replacement, and under public services, add historic preservation and code enforcement

Motion/Second: Councilmember Polanski/Councilmember Gomez

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

RESOLUTION One resolution was adopted on the consent calendar.

ADJOURNMENT Mayor Esteves adjourned the City Council meeting at 10:08 PM in memory of the fallen Marine from Milpitas, Sgt. Stephen Dunning.

The foregoing minutes were approved by the Milpitas City Council as submitted on November 15, 2011.



Mary Lavelle, City Clerk