

Jackie Romero, 30 year resident of Milpitas, mother of two both in the Rainbow Theater, was disappointed in the lack of notice about the closing of the theater program. She was very supportive of the Rainbow Theater and it was needed.

Logan, 8 year old resident and actress in Rainbow Theater, invited all the Council to come to the next performance. She asked City Council not to close the theater program.

Elizabeth Shoyer, 13 years old, actress in Rainbow Theater, supported the program.

Dave Machour, 7 year resident and parent, was a supporter of Rainbow Theater.

Rob Means, 1421 Yosemite, Milpitas, discussed cuts in the budget, and lack of money flowing into the community. He urged all to sign a petition by the California Forward group.

A woman submitted a petition to the City Council in support of Rainbow Theater signed by parents and handed it to the City Clerk.

Ms. Keys, a 12 year old student at Rancho Middle School and Rainbow Theater actor, said she did not have much patience, and did not want to wait until high school for acting. She urged the Council to maintain the Rainbow Theater program.

Robert Marini, Milpitas resident, discussed the water meter reading and how the fee was calculated. He'd asked for information which was not provided, because it was not calculated. This was against the law, he claimed.

Lisa Montini, a student involved with Rainbow Theater, participating in her first play, stated she would like the program to continue.

ANNOUNCEMENTS

Councilmember Giordano had a plea to anyone who'd like to fill the vacant seats on the Terrace Gardens Board of Directors. Call 946-9034 to speak to the manager to apply, and daytime Board meetings were held every other month.

Councilmember Polanski planned to attend the Rainbow Theater play on Saturday. She acknowledged difficult cuts Council was considering, and the Council did discuss the Theater becoming a contract class like other Recreation offerings. Corporate sponsors might help also.

Councilmember Gomez felt there was opportunity for public-private partnership on this type of program, the Rainbow Theater to be restructured and to continue maybe as a class.

Mayor Esteves asked for an update on July 4th funding. Councilmember Gomez detailed the corporate commitments of \$47,000 to date, as well as \$20,000 received.

Councilmember Giordano asked if the revenues would be augmented by fees from residents who participate on July 4th. Councilmember Gomez described the \$75,000 cost and the fee to be charged at \$3 per person at the entry for the fireworks show. Ms. Giordano felt the City Manager would need to review these costs and get back to the Council. Mr. Williams suggested he could respond by memo.

Councilmember Polanski would go raise funds as needed, if committed funds were not received.

Mayor Esteves encouraged those who wish to contribute for July 4th to come forward. He thanked Library staff, volunteers and Friends for continued services at keeping up the state of the art Milpitas Library. More than \$60,000 was raised by Friends of the Library.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as amended

Vice Mayor McHugh requested to hear agenda Item No. 10 (Public Works staff budget presentation) to be heard after agenda item No. 4 (City Manager budget report).

Motion/Second: Councilmember Polanski/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 Polanski

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

- * 5. March Odor Report Received the March 2012 odor report.
- * 6. Commission Appointments To the Economic Development Commission, re-appointed Minh Nguyen representing City residents and Charlene Tsao representing restaurants to terms expiring in April 2015.
- * 9. SAC Work Plan Approved the Senior Advisory Commission 2012 Work Plan.
- *12. Resolution Adopted Resolution No. 8170 granting initial acceptance of and authorizing reduction in penal sum of subdivision improvement bond for Western Pacific Housing, Inc. Paragon Condominiums, subject to a one-year warranty period and reduction of the faithful performance bond to \$80,000.00. Approved the Encroachment Permit authorization upon public right-of -way.
- *13. Resolution Adopted Resolution No. 8171 requesting allocation of Transportation Development Act, Article 3 Funds for Street Resurfacing Project 2013, Projects No. 4255 and No. 4261.
- *14. Plans and Specifications Approved plans and specifications for Project No. 4259 and authorized advertisement for bid proposals, pending Caltrans E-76 project approval.
- *15. Plans and Specifications Approved plans and specifications for Project No. 4260 and authorized advertisement for bid proposals, pending Caltrans E-76 project approval.
- *16. Purchase of Fireworks Authorized the City Manager to execute a contract with Pyro Spectaculars for the not-to-exceed amount of \$21,600 for 4th of July fireworks display in the City of Milpitas.

PUBLIC HEARINGS

- 1. Public Hearing Introduce Ordinance No. 38.803 Senior Planner Sheldon Ah Sing provided background information to support the staff request for a zoning text amendment for streamlining the process for Conditional Use Permits in the City of Milpitas. A subcommittee met and came forward with the recommended elements of the ordinance recommended at this meeting. For instance, minor Conditional Use Permits could be approved by staff or Planning Commission subcommittee. There would be a resulting reduction in cost for some customers, and more resources to focus on major projects before the City.

Councilmember Giordano asked about time constraints, and length of Planning Commission meetings. This ordinance would shorten the Planning Commission meeting times, she thought, and staff confirmed that.

Councilmember Polanski said it was good to move forward, and to cut down staff time needed on the project applications.

Mayor Esteves asked about fees being reduced, and potentially less revenue as a result of the changes. He asked staff about the noticing for CUPs and on occasion, a lack of input received. All public input should be heard, and he wanted to ensure the appeal process still would exist.

Next, the Mayor opened the public hearing and no speakers came forward.

(1) Motion: to close the public hearing, after hearing no comments

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

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

City Attorney Mike Ogaz read aloud the title of Ordinance No. 38.803 “An Ordinance of the City Council of the City of Milpitas Amending Chapter 10 of Title XI of the Milpitas Municipal Code Relating to Conditional Use Permit Process Streamlining.”

(2) Motion: to waive the first reading beyond the title of Ordinance No. 38.803

Motion/Second: Vice Mayor McHugh Councilmember Giordano

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

(3) Motion: to introduce Ordinance No. 38.803, which would approve a zoning text amendment in Milpitas Municipal Code to streamline the Conditional Use Permit process

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

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

2. Public Hearing for Fees related to Animal Licensing and Conditional Use Permits

Interim Planning Director Felix Reliford provided a history on how the City came to provide animal services through a contract with the City of San Jose. A new contract for renewal of those services would include a significant cost increase, and staff justified why that would still allow for the most reasonably-priced same service to City residents.

Councilmember Gomez announced he would abstain from this agenda item due to his employment with the City of San Jose. He left the dais for Item No. 2.

Mr. Reliford also reviewed the fee changes requested for the Conditional Use Permit changes, identified in the last agenda item. Fee updates were requested for animal licensing and for CUP charges, by adoption of a recommended resolution.

Vice Mayor McHugh asked about licensing fees prior to the proposed fee increase request. Mr. Reliford displayed a chart which stated current and updated new fees.

Councilmember Polanski inquired as to the number of cats and dogs that were licensed in the City of Milpitas. Staff reported approximately 1,300, per reported information from Animal Services of the City of San Jose. She encouraged reaching animal owners who had never licensed their animals, and encouraged that for those residents.

Mayor Esteves wanted to ensure fees were remaining as a flat rate and staff said yes. He then opened the public hearing.

Robert Marini, resident, asked about the senior exemption, and at what age that would be available. Vice Mayor McHugh replied to him, age 65.

Joseph Weinstein, Milpitas resident, remarked that there should be a City registration fee whenever a person gets a dog from the SPCA or other organization. Then, the City could send a notice that the owners had to get a license. If owners did not follow through, then there could be a penalty of twice the normal cost for a license and five times that fee if a dog bit someone. He described his own experience when adding a dog in his household.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

City Attorney Ogaz read aloud the title of the Ordinance No. 54.25, "An Ordinance of the City Council of the City of Milpitas Amending the Animal Regulation Ordinance."

(2) Motion: to waive the first reading beyond the title of Ordinance No. 54.25

Motion/Second Councilmember Giordano/Vice Mayor McHugh

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

(3) Motion: to introduce Ordinance No. 54.25

Motion/Second Councilmember Giordano/Vice Mayor McHugh

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

Councilmember Polanski felt one speaker brought up good points, and staff should take a look at those suggestions and come back to the Council. Mr. Reliford explained the notice and hearing process, and legal provisions that were already in place. Councilmember Giordano accepted these comments, in her motion

(4) Motion: to adopt Resolution No. 8168 with Exhibit A, revising the animal license fees and reducing certain Conditional Use Permit fees

Motion/Second Vice Mayor McHugh/Councilmember Giordano

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

UNFINISHED BUSINESS

Two items were approved on consent calendar.

3. SunPower and Flextronics

Interim Planning Director Felix Reliford announced that no funds had been provided to either SunPower or Flextronics, two Milpitas companies. He explained the terms of two agreements previously approved, several of the terms were not yet met.

Vice Mayor McHugh inquired, now that one year had passed, could the Council simply nullify the agreements and consider these as null and void? He wanted the City Attorney to report back on this question.

Staff responded to questions from the Mayor and others about staff efforts to reach out to the companies, since the time those agreements had been signed for the loans.

Motion: to receive the staff update on SunPower and Flextronics companies in Milpitas, regarding prior agreements with the City

Motion/Second: Councilmember Giordano/Councilmember Gomez

Resident Robert Marini asked about the loan to SunPower. He asked if the City did not pay any money to that company, and Mayor Esteves said no.

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

4. Budget Update

Finance Director Emma Karlen gave a verbal explanation of a chart displayed, listing all Annual Paid Leaves by employee union groups, first for Public Safety and then for Non-safety employees. This information had been requested by City Council at a prior meeting.

Mayor Esteves and City Councilmembers commented on the amount of leave time. Ms. Karlen explained the types of leaves that can be part of “cash out.”

Motion: to receive the staff report on employee annual paid leave amounts

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

REPORTS OF OFFICERS

Two items were approved on consent calendar.

7. Councilmember Giordano

Councilmember Giordano had requested a report on the City’s membership and participation in the League of California Cities.

City Manager Tom Williams reported \$18,076 was the fee paid by the City for annual dues for membership in the League of California Cities. He detailed what the League did in California, lobbying in Sacramento on behalf of more than 400 cities. He discussed some of the valuable training opportunities available to various professionals. He felt there was quite a bit of value, with legislative updates and representation in Sacramento.

Councilmember Gomez had attended some training functions and meetings offered by the League in the past two years. He announced he could give an update to his colleagues, upon return from any such meetings in the future.

Motion: to note receipt and file of this information

Motion/Second: Councilmember Polanski/Vice Mayor McHugh

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

8. Councilmember Gomez

Councilmember Gomez discussed the need to be transparent in government. He felt there was a loophole on campaign consultants in open government since they are not required to register as lobbyists. He reviewed his written report. His recommendation was to send this subject to the Campaign Finance Task Force for review and recommendation to correct this oversight.

Councilmember Giordano responded. She discussed an article in the newspaper, definition of lobbyist that already existed, the issue of influence in government, campaign contributions, and other matters that she believed were going on here in Milpitas. She directly asked the City Attorney to come back to the Council in 30 days, regarding Councilmember Gomez’ other fundraising activities and necessary reporting.

Councilmember Polanski gave her colleagues the history on campaign finance ordinances that were adopted, then repealed, and a new one approved recently. She agreed with Mr. Gomez to really delve into these issues was needed.

Mayor Esteves remarked that the current campaign finance ordinance was weak on campaign consultants and lobbyists, though there was such activity. He advocated full disclosure and transparency, and agreed with sending it back to the Task Force.

Vice Mayor McHugh asked the City Attorney about feasibility of having an enforceable ordinance on lobbyist registration. Mr. Ogaz said the Council could craft such an ordinance. The Vice Mayor agreed with Ms. Polanski on remarks of constitutionality of any ordinance which was never risk-free.

Councilmember Giordano stated she would vote no on any motion to move forward because she felt this action was targeted toward one person.

Mayor Esteves invited speakers from the audience.

Paul Mullett, Local 792 representative, agreed with Councilmember Gomez that stronger lobbyist registration was needed in Milpitas. He described his contact with one political consultant by phone when he'd received a call from him a few weeks ago.

Joseph Weinstein, 66 Hamilton Avenue, when looking at this issue, he felt Council could be more careful in how to define a lobbyist. He had worked on many of the campaigns of the Councilmembers and so he might have to disclose his real estate buyers. That would be a breach of his confidentiality.

Rob Means, 1421 Yellowstone, felt ultimately they were discussing the influence of corporations and money in campaigns. He talked about the US Supreme Court and its decisions, and recent actions in the state of Montana.

Motion: to refer this subject back to the Council's Campaign Task Force for a recommendation to be brought back to City Council

Motion/Second: Councilmember Gomez/Councilmember Polanski

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

NEW BUSINESS

10. Budget Ideas

This item was heard following agenda item no. 4.

Public Works Supervisor and member of the Milpitas Supervisors Association (MSA) Steve Smith presented the Corporation Yard Budget Task Force's MEA/MSA proposal. It included planned retirements, elimination of approximately 75% of existing maintenance contracts (e.g. to do meter reading). It did include one cost item of \$88,000 for four additional seasonal employees. The proposal was estimated to save the next fiscal year's budget in excess of \$1.2 million, as the group was tasked to complete.

Councilmember Gomez asked about how would they do same work level and services with less workers? Mr. Smith explained that staff would be more efficient, with a "worker-ant" approach to tasks with a wider skill set.

Public Works Supervisor Paul Mullett provided further comments on how work would get done. He referred to activity in City of San Jose and the "blitz" method.

Vice Mayor McHugh thanked the group for trying to come up with a solution. He liked the entry level position to groom new workers and liked the survey of job classes. He

stated it was now up to the City Manager and Public Works Director to evaluate.

Councilmembers Giordano, Gomez, and Polanski thanked the Public Works staff for their report and commented on the proposal, and all looked forward to a response by the City Manager.

Mayor Esteves wanted to know exactly how many FTEs (full time employees) would be reduced from Public Works. Mr. Smith replied ten.

Councilmember Gomez stated he would like to get out in the field to spend time with Public Works crews on the job, as he had previously done with Police and Fire. Mr. Mullett and Mr. Smith said they would be happy to have any of the City Councilmembers to visit the work place.

Vice Mayor McHugh moved to refer the recommendations from Public Works to the City Manager and Director of Public Works to analyze the provisions of the proposals presented at this meeting and get back to Council in 2 or 4 weeks on its viability. Councilmember Polanski seconded his motion.

Councilmember Giordano thought there would be a presentation from staff. She was trying to figure out how that would fit in with the schedule for the May 8 budget meeting. They were prolonging the ability to fully wrestle with millions in deficits anticipated.

Vice Mayor McHugh amended the motion to return in two weeks, and Councilmember Polanski agreed.

Mayor Esteves stated he would vote no, since he felt he had seen no real plan and it needed to be laid out in much detail.

The re-stated motion was as follows.

Motion: to refer the recommendations from Public Works staff this evening to the City Manager and Director of Public Works to analyze the provisions and get back to the City Council in two weeks on the viability of the proposals

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

Motion carried by a vote of: AYES: 3
NOES: 2 (Giordano, Esteves)

At 9:42 PM, Mayor Esteves announced the Council would take a five minutes break, and they returned at 10:50 PM.

ORDINANCES

11. Ordinances No. 192.25 and No. 192.26

City Attorney Mike Ogaz explained the need for the proposed ordinances, which were related to actions following the settlement of a recent lawsuit challenging added areas to the Milpitas Redevelopment Agency and the dissolution, by the state of California, of the Milpitas RDA. The actions below would implement the City's part of the settlement of the lawsuit by Santa Clara County.

The City Attorney read aloud the lengthy title of Ordinance No. 192.25.

(1) Motion: to waive the first reading beyond the title of Ordinance No. 192.25

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

2) Motion: to introduce Ordinance No. 192.25 repealing the 6th Amendment to the Great Mall Redevelopment Project

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

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

The City Attorney read aloud the lengthy title of Ordinance No. 192.26.

(3) Motion: to waive the first reading beyond the title of Ordinance No. 192.26

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

4) Motion: to introduce Ordinance No. 192.26 repealing the 13th Amendment to the Redevelopment Plan for Project Area No. 1

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

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

(5) Motion: to adopt Successor Agency Resolution No. 8169 repealing certain resolutions of the former Milpitas Redevelopment Agency, related to the 6th Amendment to the Redevelopment Plan for Great Mall, and the 13th Amendment to Redevelopment Project Area No. 1

Motion/Second: Vice Mayor McHugh/Councilmember Giordano

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

RESOLUTIONS

Two resolutions were adopted on the consent calendar.

BIDS AND CONTRACTS

Three items were approved on consent calendar.

JOINT MEETING OF THE HOUSING AUTHORITY AND MILPITAS CITY COUNCIL

Roll Call All members were present at 10:44 PM.

Approval of Agenda and
Consent Calendar

Motion/Second: Vice Mayor McHugh/Councilmember Polanski

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

*HA3. Adopt Resolution

Adopted Joint Resolution No. 8172/HA 5 amending the Enforceable Obligation Payment Schedule.

ADJOURNMENT

Mayor Esteves adjourned the City Council and Housing Authority meeting at 10:44 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on April 17, 2012.


Mary Lavelle, City Clerk