MEETING MINUTES
CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, September 4, 2012
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 Giordano, and Polanski

ABSENT: Councilmember Gomez was absent at Roll Call, and arrived at 6:01 PM

CLOSED SESSION
City Council convened in Closed Session to discuss labor negotiations with all employee groups, and real property negotiation regarding 1740-1830 McCandless Drive.

City Council then convened in Open Session at 7:07 PM.

ANNOUNCEMENT
No announcement out of Closed Session.

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

INVOCATION
Mayor Esteves offered a prayer to start the meeting.

MINUTES
Motion: to approve the City Council meeting minutes of August 21, 2012, as submitted

Motion/Second: Councilmember Giordano/Councilmember Polanski

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

SCHEDULE OF MEETINGS
Motion: to approve the Council Calendars/Schedule of Meetings for September, as submitted

Motion/Second: Councilmember Gomez/Councilmember Polanski

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

PRESENTATION
Mayor Esteves presented the following:

1) Commendation to the India Community Center for its “ArtICCulators,” accepted by Mr. Mit Shah, on the Toastmasters Club that promotes public speaking and leadership.

2) Proclaimed National Preparedness Month for September 2012, accepted by Office of Emergency Services staff Sean Simonson, SAFE team leader and Fire Service volunteers.

3) Proclaimed 2nd Third World Independent Film Festival Weekend to be held September 21-23, 2012 at the Century 20 Great Mall cinemas, accepted by Lorna Garcia.

PUBLIC FORUM
Robert Marini, Milpitas resident, addressed the City Council on sewer charges, with a reference to figures in multi-family home units in the City.

Natalie Gonzalez, 1199 Belbrook in Milpitas, expressed concern for the safety of residents. She had lived in the City more than 42 years. After learning that the City was considering outsourcing
police, she wondered if collaboration between Police and Fire service had been discussed. She did not favor outsourcing these City services.

ANNOUNCEMENTS
Vice Mayor McHugh noted last meeting’s 3-2 vote to send out the RFP for contracting out police services, and felt that was not the right move for the City. He wanted to urge a public vote on the issue, to seek public input pro and con from the community’s citizens.

Councilmember Polanski announced that the next meeting of Parks, Recreation and Cultural Resources Commission would be held next Monday, September 10 at the Community Center (changed due to last Monday’s holiday).

ANNOUNCEMENT OF CONFLICT OF INTEREST
None.

APPROVAL OF AGENDA
Motion: to approve the agenda, as amended

City Attorney Mike Ogaz requested the Council to remove agenda item no. 7 (marquee request for film festival) from the agenda. He had reviewed regulations for use of the marquee sign and it was for City events only, while any exceptions to that had no established criteria.

Councilmember Giordano requested to remove agenda item no. 3 (request for possible joint meeting of School Board and City Council), to postpone and perhaps revisit it in 90 days.

Motion/Second: Councilmember Giordano/Vice Mayor McHugh
Motion carried by a vote of: 

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

Mayor Esteves requested to remove item no. 9 (response to Grand Jury report) from consent. He had one question on agenda item no. 10 (reassignment of solar power purchase agreement) on why City was assigning it to another company and staff explained.

Vice Mayor McHugh requested an answer later on the utility account write-offs for 2010 and 2011 and why there was one that was closed in 2008.

Motion/Second: Councilmember Giordano/Councilmember Polanski
Motion carried by a vote of: 

* 1. Odor Control Report
Received the August 2012 odor report.

* 2. Commission Appointments
Approved the following appointments, recommended by Mayor Esteves:

Sister Cities Commission: re-appointed Massoud Arefi as a member to a term that expires in September 2015.

Youth Advisory Commission:
Re-appointed Monica La as a member to a term that expires in September 2013.
Re-appointed Isaiah Rigmaiden-Daniels as a member to a term that expires in September 2013.
Re-appointed Randolph Abaya as a member to a term that expires in September 2013.
Re-appointed Jose Ajero III as a member to a term that expires in September 2013.
Re-appointed Pilar Ferguson as a member to a term that expires in September 2013.
Re-appointed Sahil Sandhu as a member to a term that expires in September 2013.
Appointed Cindy Wang as a regular member to a term that expires in September 2013.
Newly appointed Sabina King as a regular member to a term that expires in September 2013.
Newly appointed Sabrina Leon as a regular member to a term that expires in September 2013.
Re-appointed Sahil Hansalia to Alternate No. 1 to a term that expires in September 2013.
Re-appointed Veronica Wang to Alternate No. 2 to a term that expires in September 2013.
Re-appointed Arjun Goyal to Alternate No. 3 to a term that expires in September 2013.

5. Fire Dept. CAD Integration
Accepted monies from the Santa Clara County and approved a budget appropriation for $10,180 for the implementation costs and first year maintenance of the CAD system to the Fire Department budget for FY 2012-13.

6. Fee Waiver Request for Festival of Trees
Approved Milpitas Parks and Recreation Foundation’s request for facility rental fee waiver and in-kind donation of equipment and staffing totaling $1,793.75 for fifth Annual Festival of Trees Gala Fundraiser event in the Milpitas City Hall Rotunda scheduled on December 13, 2012.

7. Approve Marquee Request
This item was removed from the agenda.

8. Approve Write offs
Approved the write-offs of utility accounts receivable for the fiscal year ended June 30, 2012.

9. Power Purchase Agreement with Fresh Air Energy
Authorized the City Manager to execute a power purchase assignment agreement from Fresh Air Energy–II, LLC to Integrys Solar, LLC, subject to approval as to form by the City Attorney.

11. 4th Amendment to Contract with Renne, Sloan
Approved Amendment No. 4 to contract with law firm of Renne, Sloan, Holtzman & Sakai, LLP authorizing $15,000 to be added to existing contract for legal services.

UNFINISHED BUSINESS
One item was approved on the consent calendar.

REPORT

3. Request for joint meeting with School District Board
This item was removed from the agenda, for consideration in 90 days.

NEW BUSINESS

4. Housing Update Report
Principal Housing Planner and Acting Planning Director Felix Reliford reported to the City Council on the status of major housing development projects in the City at this time. He later identified where affordable housing units were planned within approved projects.

Mr. Reliford identified and reviewed status of the following:

1) Coyote Creek Townhomes residential development project on Murphy Ranch Rd. with 285 units.
2) Fairfield Murphy Ranch with 374 multi-family units.
3) Sinclair Renaissance development on Sinclair Frontage Road, with 80 homes.
4) Landmark Tower at the former Billings Chevrolet site, an 18-story building with 375 dwelling units planned.
5) Apex project with 366 dwelling units on Great Mall Parkway at Abel, under construction next to Centria West development.
6) Milpitas Station near Montague Expressway not yet built with 303 units.
7) Robson Homes development on the site of a former rolling skating rink, off Calaveras Blvd. (behind Shell) with 83 homes.
8) Citation Homes on Piper Drive with 732 units in two buildings on 16 acres.
9) Shea Homes on the former Mattson site at Main and S. Abel St. with 204 (not built).
10) Harmony project, south of Integral, with 276 units by D.R. Horton.
11) Trumark project, west of the proposed school site, with 134 units on Montague Expressway.
12) Capitol Towers planned across from the to-be-constructed BART station, with 382 units in three stacked tall 12-story buildings.
13) Integral Properties, just south of Great Mall, the largest of all with 1,154 dwelling units and many features over 23 acres.

Those identified represented a total over five years of 3,643 new housing units, mostly within the Transit Area Specific Plan and the Midtown Plan areas.
Mr. Reliford reported also that the City had met 146% of its regional fair share of housing allocation per the Association of Bay Area Governments, over a seven year period.

Councilmember Giordano asked staff when the next five year cycle was for the General Plan’s housing element and staff responded, October of 2014. Ms. Giordano thanked Mr. Reliford for his report and clever presentation on the slides.

Mayor Esteves asked where the City stood with development of affordable housing units. Staff responded and remarked on the effect of dissolution of the redevelopment agency. Next, the Mayor asked for speakers from audience.

Robert Marini asked about interest rates charged to homeowners.

Councilmember Gomez left the dais and the meeting prior to the conclusion of this item, at approximately 8:00 PM.

Motion: to receive the oral report on housing from Acting Planner Director Felix Reliford, identifying many residential housing development projects approved and several under construction in the MidTown and Transit Area Specific Plan areas.

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

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

Mayor Esteves asked for a summary of Grand Jury findings and the City’s response. Finance Director Emma Karlen provided an overview of the seven findings and recommendations discussed in the report related to public pensions and retirement benefits. Next, the Mayor invited speakers from audience.

A woman said “analysis is paralysis” and the City could not spend more than it brought in.

Dan Manassau, Milpitas resident, reminded City Council that the Citizens Budget Task Force a few years ago requested the Council to reduce the percentage paid to public safety retirees, and that had not been done.

Councilmember Polanski requested staff to make a correction on the last page of the draft letter.

Motion: to receive an overview of the findings and response to those findings by the Finance Director, and to authorize the response letter from the City for the Mayor’ signature to be sent to the Santa Clara County Civil Grand Jury

Motion/Second: Councilmember Giordano/Vice Mayor McHugh

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

Two items were approved on consent calendar.

Mayor Esteves adjourned the City Council meeting at 8:31 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on September 18, 2012.