

Draft **MEETING MINUTES**
CITY OF MILPITAS

Minutes of: Milpitas City Council regular meeting
Date: Tuesday, April 16, 2013
Time: 6:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Esteves called the joint meeting to order at 6:00 PM. The City Clerk noted the roll.

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

ABSENT: Councilmember Gomez was absent at roll call, and arrived at 6:03 PM.

CLOSED SESSION

City Council convened in Closed Session to discuss labor negotiations and one litigation matter.

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

ANNOUNCEMENT

No announcement out of Closed Session.

PLEDGE

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

INVOCATION

Mayor Esteves invited all to observe a minute of silence for victims at the Boston Marathon bombing the previous day. Councilmember Montano offered a prayer to start the meeting.

MINUTES

Motion: to approve meeting minutes of April 2, 2013 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedule of Meetings for April and May 2013

City Manager Tom Williams reporting the Bicycle Pedestrian Advisory Commission meeting would be on Thursday, May 2 at 7:00 PM.

Vice Mayor Polanski announced there would be a meeting on Tuesday, April 23 at 5:00 PM of the City-Schools communication group.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

PRESENTATIONS

Mayor Esteves proclaimed *National Crime Victims' Rights week* for April 27-27, 2013 and the proclamation was accepted by Kasey Halcon, Director of Victim Witness Assistance Program of Santa Clara County.

The Mayor proclaimed *Building and Safety Month* for May 2013 and it was accepted by Milpitas Building Department's Chief Building Official Keyvan Irannejad and staff Poh Yee, Mike Mariano and Bardia Khadiv.

PUBLIC FORUM

Mr. Timon Norimoto, PG&E local government representative, urged all residents to call before digging in their yards for any reason, in order to check on location for any gas lines. Call 811, a free service.

Mr. Ahmad, a Milpitas resident, spoke on behalf of Milpitas Cricket Club which sought a playing field for his sport in Milpitas, as recently expressed before the Parks, Recreation and Cultural Resources Commission.

Marie Pham, Milpitas Library Commissioner with Linda Arbaugh, Milpitas Librarian, said they were celebrating *National Library Week*, and showed a video with library history and services available in Santa Clara County. Both women encouraged residents to visit the city’s Library and to obtain a library card, which was available free to residents.

Robert Marini, Milpitas resident, commented on calculations used for sewer rates in Milpitas.

Carol Kassab, CEO of the Milpitas Chamber of Commerce, announced that on Sunday, April 21 the Chamber’s first radio show, featuring an interview with the Mayor and a valued Chamber member, would be broadcast on KLIV 1590 AM radio.

Rob Means, 1421 Yellowstone resident, had good news on the energy front due to recent state legislation regarding battery chargers. Medium-speed electric vehicles would soon be considered.

ANNOUNCEMENTS

City Manager Tom Williams noted that the City fleet contained two hybrid vehicles, and also reported the first student tour of Alviso Adobe Park by on Spanish immersion class was held.

Vice Mayor Polanski announced the Telecommunications Commission met last night at the Public Works building, and received a demonstration by Information Services staff of the new city telephone system. It provided excellent flexibility and help to communicate with the public. She thanked staff and the Mayor for an excellent event thanking City Commissioners last Saturday on the same date that the Knights of Columbus held its 39th annual event honoring Citizen, Police Officer and Firefighter of the Year.

City Councilmember Giordano made a request for an upcoming Council meeting on crime activity in the City. She would like to inform the public on how the City was doing.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as amended

City Manager Williams requested to remove item no. 20 (amend contract with East Bay Construction) from the agenda.

Motion/Second: Vice Mayor 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

City Manager Williams called the Council’s attention to two items distributed on the dais, related to agenda item No. 13 (development agreement on signs), and for no. 14 (letter from Chamber of Commerce on fee waiver policy).

Vice Mayor Polanski requested to remove items no. 12 (Mayor’s letter to CPUC) and no. 14 (new policy on fee waivers and donations) from consent.

Councilmember Gomez asked to remove item no. 16 (Resolution Fire Department) from consent.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

- * 4. Commission Appointments Confirmed the following appointments:

Economic Development Commission: re-appointed Cat-Tuong Nguyen and Marsha Grilli to terms that expire in April 2016.

Senior Advisory Commission: Appointed Deborah Langley as a regular voting member to a term that will expire in December 2014, and Moo Jin Choi as Alternate No. 1 to a term that expires in Dec. 2013.
- * 6. Art Commission work plan Approved the Arts Commission Work Plan for 2013-14.
- * 7. Veterans Work Plan Approved the Veterans Commission Work Plan for 2013-14.
- *10. Excess Property Program Approved the Police Department's request for certification into the CPSPP 1033 Excess Property Program.
- *11. Final Map for Harmony Approved the final map (Tract 10137) for Harmony residential development project and authorize the signing of the map by designated City staff.
- *13. Adopt Ordinance 38.807 Waived the second reading and adopted Ordinance No. 38.807, approving the development agreement with Milpitas Sign Company LLC.
- *15. Resolution for CHP Use of Weapons Firing Range Adopted Resolution No. 8240 approving and authorizing the City Manager to execute the agreement with the California Highway Patrol for joint use of the Weapons Firing Range.
- *17. Avoid the 13 Agreement Authorized the Chief of Police to execute the agreement with the County of Santa Clara for the 2013 "Avoid the 13" grant program.
Approved a budget appropriation in the amount of \$8,000.00 to the Police Department overtime budget as a result of the 2013 "Avoid the 13" grant program.
- *18. Amendment Contract with CSG Systems Inc. Authorized the City Manager to execute amendment No. 2 to the agreement with CSG Systems, Inc. to extend the contract for one additional year for an annual not-to-exceed amount of \$81,000.
- *19. Amend Contract with Universal Building Services Approved Amendment No. 5 to the contract with Universal Building Services for additional janitorial services for the not-to-exceed amount of \$73,461.
- *20. Amend Contract with East Bay Construction Removed from the agenda.

PUBLIC HEARINGS

- 1. Amendment No. 5 to VTA Master Agreement Kathleen Phalen reviewed and explained the need for the land exchange, to serve the needs of the Bay Area Rapid Transit construction project by Santa Clara Valley Transportation Authority (VTA). The Union Pacific Railroad would take land for building the railway, making way for BART's arrival. VTA agreed to help the City prepare plans for, and seek grant funding (from OBAG) for a pedestrian bridge over the rail lines.

Mayor Esteves wondered what happened if the grant was not successful. Staff expected it would come through successfully, towards the \$10 million estimated bridge costs.

Mayor Esteves opened the public hearing.

Rob Means, 1421 Yellowstone resident, asked about the crossing's direction, in relation to the BART alignment and staff explained the crossing was on east side near Piper Drive.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

(2) Motion: to adopt Resolution No. 8247 to dispose of public park land and accept Santa Clara Valley Transportation Authority's proposal for Curtis Park acquisition and mitigation by authorizing Amendment No. 5 to the Master Agreement between VTA and City of Milpitas

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

2. Community Development Block Grants for FY 2013-14

Principal Planner Felix Reliford presented the recommendation for the Community Development Block Grants of \$360,716 in total funds for FY 2013-14. He reported that the Community Advisory Commission held a public hearing on March 6, and heard from fourteen applicant organizations. All were recommended for funding this year.

If a CDBG funding cut of 8-10% occurred later in the spring, then cuts across the board could be required. Staff recommended cuts from City's Recreation Assistance Program, Milpitas Food Pantry, and City's Rehabilitation Program, if necessary. Also, the One Year Action Plan must be approved for expenditure of CDBG funds in the coming year.

In reply to Councilmember Giordano, Mr. Reliford reported that all groups on the list were reviewed, and no affiliation with any political group was noted.

Councilmember Montano felt that all the funding should help Milpitas residents. She urged support for teens and youth, and recommended the Bill Wilson Center for Adolescents, which helped teens in need.

Mayor Esteves sought information about the outreach conducted to ensure a fair response for applications from many groups. Staff reviewed how the marketing was done.

Councilmember Montano sought more assistance for tutoring services for children, rather than the "Raising a Reader" program for pre-school kids. Mayor Esteves supported the reading program.

Vice Mayor Polanski commented with regard to school district activities now and in the past, with relationship to non-profits, that this was a good topic for the upcoming joint communication meeting, expressing needs of the community.

Mayor Esteves opened the public hearing.

Karen Kolander, Milpitas Food Pantry, commented on the \$5000 minimum funding.

Anne Marccourt, Project Sentinel, thanked Council for support over the years, in their work to do fair housing support services.

Linda Lambert, Milpitas Family Literacy Project, provided a program to train parents to teach the youngsters to read and thanked Council for continued support over the years.

Bev Jackson, Rebuilding Together Silicon Valley, thanked Council for the City's support with primarily helping seniors in Milpitas with repairs to their homes.

Georgia Basil, Senior legal service, helping seniors primarily with safety net issues, here in Milpitas at the Barbara Lee Senior Center, and she thanked Council for the support.

Anna Jones, Live Oak Senior Center, provided adult senior services in San Jose, including for many Milpitas senior residents.

Adriana Caldera, YWCA support services for domestic violence clients, thanked Council for past support for their program which offered bilingual crisis line, emergency shelter, therapy, case management and more to clients.

Mary Balger, Meals on Wheels program of the Health Trust, program director, provided home delivery of hot meals to home bound clients along with a wellness check and friendly visit to the frailest residents.

Paul Lerner, property manager at Terrace Gardens, thanked Council for continued support over the years.

Patricia Bennett, Next Door Solutions for Domestic Violence Director, served Milpitas families with shelter, hotline, legal services, in court, and self sufficiency program.

Mayor Esteves asked City staff to discuss the Recreation Assistance Program. Dale Flunoy explained the value of RAP, which provided funds for low income families to participate in city recreation programs.

(1) Motion: to close the public hearing

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

(2) Motion: to approve CDBG funding amounts for FY 2013-14 as recommended by Citizens Advisory Commission and to adopt the One Year Action Plan for expenditure of CDBG funds in FY 2013-14 (including cuts recommended by staff only if CDBG funds in total were reduced by the federal government)

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

At 8:50 PM the City Council took a break and returned at 9:00 PM.

UNFINISHED BUSINESS

3. Public Art Installation – Minute Man sculpture

Recreation staff Renee Lorentzen presented the recommendation from the Public Art Committee for the “Minute Man” bronze art piece to be installed in front of City Hall. She confirmed a community vote last year that resulted in 34% in favor of the sculpture, over two other proposed pieces. An image was displayed of the art in front of City Hall.

Vice Mayor Polanski thought it was wonderful and would look forward to seeing it in front of City Hall. A city seal with a mosaic design already existed and maybe the city logo could go on the base of the sculpture, in the future.

Mayor Esteves asked staff to explain the distinction between Arts Commission and the Public Art Committee (PAC). Staff said these were two separate bodies, where only the PAC voted on public art projects.

Vice Mayor Polanski read in the staff report that the work could take up to one year. Staff responded that yes, normally that would be true. Ms. Lorentzen had checked with the artist, who agreed he could have it ready for the weekend of January 25, 2014, but no sooner.

Robin Hays, Chair of the Public Art Committee, spoke to the Council stating she and the PAC very much supported a vote for this project, and had waited a long time for it.

Motion: to approve the “Minute Man” art sculpture, to approve a budget appropriation of \$175,000 to Public Art Fund, Non-Departmental contract services, and authorize the City Manager to execute a contract with artist David Alan Clark for the sculpture, in the amount of \$175,000

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

REPORT OF OFFICERS

Three items approved on consent calendar.

5. 60th Anniversary of City

Vice Mayor Polanski would like the City to celebrate its upcoming 60th year of incorporation, which would occur on January 26, 2014, and to work with interested groups on how to do that. She could work with staff on a committee to come up with costs and ways to celebrate.

Councilmember Giordano asked how much was spent for the City’s 50 anniversary. The City Manager thought it was quite expensive but he did not have a figure. Staff supported Vice Mayor Polanski’s recommendation. Ms. Giordano was concerned about where the money would come from and hoped to be able to find it.

Vice Mayor Polanski did not envision anything like the 50th celebration, which was extensive. The city could seek business partners and others to sponsor, perhaps. Council member Montano offered to work with Ms. Polanski on a subcommittee.

Motion: to form a City Council Subcommittee consisting of Councilmember Montano and Vice Mayor Polanski, to work with staff and community groups for a plan on the 60th anniversary of incorporation of the City, and to come back to City Council with the plan for celebrating and a proposed budget

Motion/Second: Councilmember Giordano/Councilmember Montano

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

NEW BUSINESS

Two items were approved on consent calendar.

8. Strategic Planning Process

This matter was not discussed.

9. Draft 2013-2018 CIP

CIP Manager Steve Erickson introduced the draft five year Capital Improvement Program (CIP), with projects in six identified categories. He reviewed several accomplishments in completed projects over the past year, including photographs displayed overhead.

\$19 million over the various fund groups was proposed for the upcoming Fiscal Year 2013-14, including: \$5.5 million proposed in street projects, \$1.4 million in community improvements, \$2.1 million for Parks and \$9.9 million in water and sewer, and storm drain utilities.

Staff sought comments from the City Council, and then he would return with the final proposed CIP at the scheduled May 14 Budget Hearing.

Councilmember Gomez inquired about the Alviso Adobe interior. Over \$1 million in interior needs were identified for that structure, but a funding source was not yet identified. Mr. Gomez inquired about road improvements, and the pedestrian bike overcrossing at Curtis & Gibraltar, with no funds. Staff reported that was another project with unidentified funding right now. As revenue grows, the Councilmember felt some of it should be dedicated to road maintenance.

Councilmember Giordano agreed with Mr. Gomez, especially in regard to streets. She suggested more preventative work be done, re-surfacing rather than re-building. Staff provided a chart showing Milpitas's Pavement Condition Index (PCTI) versus several other cities in Santa Clara County, with Milpitas at 70 and only Santa Clara and Palo Alto at a higher rating number. Staff explained the pavement program in Public Works.

Vice Mayor Polanski referred to the Alviso Adobe interior renovations, and noted that grants or other sources of funding would be needed. Streets were important to maintain, she agreed. She thought the City could have a percent of any new incoming revenue dedicated towards streets and also infrastructure.

Councilmember Montano sought Sunnyhills Park benches to be put onto the list since there was no where to sit at that park. At Roger Yee Park, bathrooms were not in good shape. She agreed streets were looking bad and needed help. Perhaps there was a need for a bond to pay for improvements in the future. Between Calaveras and Abel Street, there was no sidewalk and needed paved improvement.

Councilmember Gomez noted that on walkways connecting schools to residences, some were cracking and littered. He asked about Sports Center Master Plan items, including the Cardoza Park improvements Phase II.

The Mayor asked what was dropped from past CIP for no funding, due to lack of redevelopment agency funding. He discussed flood problems, and if there should be infrastructure to prevent flooding more. Mr. Erickson explained the City was accumulating funds in storm drain fund to get ready to do some of those projects in future.

Mayor Esteves recommended working with the Santa Clara Valley Water District on creeks, and maybe creating trails for recreation. Staff replied there was work on water ways to enhance flood protection. The Mayor asked if the City was involved in a possible history museum site. City Manager Williams replied, only with possible site location assistance, with no funding available.

Councilmember Montano asked about street signs and whether the City was making some new ones. City Manager Mr. Williams explained that those were developer-driven, as new projects were built in the Mid-Town and Transit Area parts of the City. Ms. Montano also inquired about having a child development center, which was needed in the Transit Area or near The Pines area, and to put that on a wish list.

Councilmember Gomez thought the school district could consider Ms. Montano's idea as a joint use along with the City, possibly on the McCandless property. He wanted to know the status of creek trail hazard plan. City Manager Williams replied that staff can certainly put that on an agenda to update the Council on implementation of the Creek Trail Master Plan.

Mayor Esteves wanted to include projects suggested for future, a wish list, even if such items were not funded.

The Mayor thanked staff for the presentation and asked for public input.

Rob Means, 1421 Yellowstone, requested to add crossing of railroad tracks, with more aggressive funding request than staff suggested, as he discussed in the past.

Mayor Esteves said this policy would express Council's gesture of support for the non-profit groups' events and fundraising efforts. He sought consistency and fairness with approach to the groups. He asked the City Manager whether the Chamber of Commerce would be affected by the policy, and Mr. Williams replied that it depended on the event.

Vice Mayor Polanski commented that when fee waivers were requested, there was a cost to the City for staff time to review the events or do an inspection.

Motion: to adopt Resolution No. 8248 approving the new City Council donation and fee waiver/reduction policy, to review the policy in six months, and double the total amount available (at budget time)

Motion/Second: Vice Mayor Polanski/Councilmember Gomez

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

16. Resolution on Fire Department Budget

Councilmember Gomez said he needed to understand the specific amount of overtime in the Fire Department, and received various reports from last fall through the present time. He was unable to support the requested Resolution, unless he had a better understanding of current situation.

City Manager Williams responded with the Fire Department's overtime budget, annualized. Fire overtime was beyond the amount budgeted for FY 2012-13, which would add to the City's deficit he said.

Fire Chief Sturdivant responded to an inquiry about current amount of employee overtime being expended, in each of the last several months. He also responded to a question about salary savings, and recent vacancies.

Motion: to adopt Resolution No. 8250 confirming current Fire Department budget status

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

CONTRACTS

Three items were approved on consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the meeting at 10:47 PM.

*Meeting minutes respectfully submitted by
Mary Lavelle, City Clerk*