



**PRESENTATIONS**

Mayor Esteves proclaimed *Hindu American Month* for October 2013, and the proclamation was accepted by Rajeev Madnawat, Milpitas resident and Planning Commissioner, and another man.

Next, Mayor Esteves introduced visitors from Huizhou, China, one Sister City with the City of Milpitas since 2004. Officials came to the podium to sign two original documents to extend the memorandum of understanding for five more years between the two cities. Vice Mayor Dr. Liu addressed the Mayor and Council and presented gifts.

Next, Mayor Esteves introduced visitors from the City of Dagupan in the Philippines, another of Milpitas' Sister Cities since 2004. Dagupan Vice Mayor brought greetings and gifts from the Mayor of that City and expressed thanks to many local families in Milpitas for hosting youth visitors from Dagupan. Youngsters provided song and dance during a brief reception in the lobby.

**PUBLIC FORUM**

**Robert Marini**, Milpitas resident, commented on sewer rate calculations for Milpitas.

**Samantha Beard**, Community Advisory Commission Chair along with three other CAC members, addressed the Council inviting all to attend and participate in "Make a Difference Day" co-sponsored by Milpitas Lions Club, on Saturday, October 26, from 10:00 AM to 4:00 PM at Seasons Market Place (Landess Shopping Center) in the south end of Milpitas.

**Rob Means**, 1421 Yellowstone resident, spoke about climate change in California, highlighting a recent story in the San Jose Mercury News.

**ANNOUNCEMENTS**

Councilmember Gomez asked to adjourn the meeting in memory of Councilmember Montano's mother, Rose Montano, who died recently in Corcoran, CA, after a long lifetime in Milpitas.

Councilmember Giordano announced the Veterans Commission First Annual Car Show happening on Saturday, October 19 with many activities and prizes, starting at 10:00 AM at City Hall and surrounding civic plaza.

Mayor Esteves announced a Buddhist Temple event upcoming for free medical and dental services, on October 27 from 9:00 AM to 3:00 PM at 175 Dempsey Road in Milpitas.

**ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

City Attorney Ogaz asked City Councilmembers if they had any personal conflicts of interest or reportable campaign contributions and the response to both was none.

**APPROVAL OF AGENDA**

Motion: to approve the agenda, as amended

Vice Mayor Polanski asked to move the Joint Meeting item (McCandless property resolution) to be heard after the consent calendar, and to continue Agenda Item No. 4 (skate park discussion) due to Councilmember Montano's absence.

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

**CONSENT CALENDAR**

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

Mayor Esteves asked to remove Item No. 10 from the consent calendar (resolution on the Letter of Understanding between City and Police Officers Association).

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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



4. Skate Park Discussion

Item removed from the agenda.

**NEW BUSINESS**

5. New City Park

Planning Director Steven McHarris described three elements of the decision on the planned new park at the apex of the parcel for development at Great Mall Parkway and S. Abel St., formerly known as “Centria West,” now Apex. These were 1) maintenance agreement, 2) the name of the new park, and 3) its conceptual design. Mr. McHarris displayed overhead the newer urban park concept, including concern for where the PG&E easement ran across the land. The easement was taken into account in the new design.

Vice Mayor Polanski attended the Parks, Recreation and Cultural Resources Commission meeting when this park was discussed, so she was pleased to see the same design presented at the Council meeting..

Councilmember Gomez asked about barbecue pits at this park and staff responded those would not be offered. There were tables, benches, and pavers in a more urban design.

Mayor Esteves asked about restrooms at the park. Mr. McHarris noted such an amenity would become a maintenance issue for sure. With 366 units in the new development, with so many people who would live there on site, residents expected to use the park would be already in close proximity to the park. The Mayor asked if the long term maintenance in the agreement was permanent, and staff said yes.

Motion: to approve the following, related to the new 0.48 acre park located at Great Mall Parkway and S. Abel Street:

- 1) to amend the conceptual design plan, including removing a tennis court;
- 2) to approve the maintenance agreement with Milpitas Centria West LLC for the long term maintenance of the newly constructed park at no cost to City;
- 3) to adopt “Jerry Arnold” as the name for the new park, as recommended by the Parks, Recreation and Cultural Resources Commission

Motion/Second: Vice Mayor Polanski/Councilmember Gomez

Motion carried by a vote of:

AYES: 4  
 NOES: 0  
 ABSENT: 1 (Montano)

**RESOLUTIONS**

10. Resolution – LOU with POA

Mayor Esteves requested this item off consent because he asked staff for some information to be given to the public on the Milpitas Police Officers Association contract.

Human Resources Director Carmen Valdez explained the current furloughs and pay cuts that Police staff had experienced up to this evening. The financial impact of the new agreement would cease mandatory furloughs immediately upon adoption and the pay reduction would be 3.5%, reduced from the current 7%. In June 2014, the POA salary reduction would be 0%. Also past negotiated items would be included in the written Letter of Understanding, she reported. Cost for two years of the LOU was \$1.18 million.

Finance Director Emma Karlen displayed a comparison of compensation reduction for all City labor union groups.

Mayor Esteves opposed the new document for three reasons: it was not equitable, all employees should share costs, and, at the end Police would not have any cut, including no cut in longevity pay. He stated his objections were not related to police performance at all.

Motion: to adopt Resolution No. 8306 approving the Letter of Understanding with the Milpitas Police Officers Association covering the period of January 1, 2013 through December 31, 2014

Motion/Second: Councilmember Gomez/Vice Mayor Polanski

Motion carried by a vote of: AYES: 3  
NOES: 1 (Esteves)  
ABSENT: 1 (Montano)

## JOINT CITY COUNCIL/SUCCESSOR AGENCY/ECONOMIC DEVELOPMENT COMMISSION MEETING

- SA1. Call to Order** Mayor/Chair Esteves opened the joint meeting at 8:50 PM, with four members present. Member Carmen Montano was absent.
- SA2. Approve Agenda** The Council/Authority unanimously approved the agenda, upon motion by Vice Mayor Polanski, seconded by Councilmember Giordano.
- SA3. Resolution** City Manager Tom Williams provided history and a summary of the Transit Area Specific Plan, dissolution of Redevelopment Agency, and the plan for Valley Transportation Authority to bring Bay Area Rapid Transit station to Milpitas. All the actions related to the planned expansion of the City into the transit area. Mr. Williams explained the financing of the plan, including establishment of a new Community Facilities District and expressed what the City wanted to achieve with the recommendation for the McCandless property (joint school/park use) owned by the City.
- Councilmember Giordano reacted, stating the City Manager described the spirit of the Council very well. She noted the joint School District/Council communications committee had reviewed the plan for the joint use of parcel for park and school site.
- Councilmember Gomez wanted City values represented as the City and District moved forward, with neighborhood schools that students could walk to. The Transit Area Specific Plan included joint use for playing fields, recreation and a school on a site to be shared with MUSD.
- Mr. Williams reported that he had been working with the MUSD Superintendent recently, and agreed that all were on the same page. He'd work on a joint use agreement with Mr. Matsuoka and the School Board, ready to return to the City Council in November or December. It would be necessary to also work with the County of Santa Clara regarding a necessary change to an existing "standstill agreement." Mr. Gomez asked when the County and state Department of Finance would get involved.
- Vice Mayor Polanski thanked Superintendent Matsuoka and Vice President Grilli for meeting on this date at City Hall. All had the same vision for the City and the District. There was a desire to get this matter resolved by November 19 Council meeting (before Thanksgiving). She expressed willingness to continue working on this issue, perhaps in a City Council subcommittee, and with the County Supervisors, as necessary.
- Mayor Esteves invited speakers from the audience.
- Lara Cave**, staff for Supervisor Dave Cortese, read a letter from him supporting the MUSD seeking to build new school on the McCandless site.
- Vice Mayor Polanski asked the Supervisor's staff to set up a meeting with the Supervisor to meet with her and the MUSD School Board Vice President.
- Rob Means**, 1421 Yellowstone resident, asked the Council to accept the school district's original offer to buy the site at the City's cost and keep the standstill agreement whole. City Manager Williams responded to Mr. Means to explain why his request was not in the best interests of the citizens of Milpitas.

**Guy Haas**, Milpitas resident since 1982, commended people for making decisions and to keep volunteers in mind, and how they could influence decisions.

**Jennifer Gore**, legal counsel for the Milpitas Oversight Board, spoke of intention of the Board at its last meeting, supporting the school and city's goal for the land. She addressed points in the Resolution adopted by the Board, and its duties to all fiduciary entities.

**Michelle Ecret**, Milpitas resident, spoke years ago on this issue, to include a school in the Transit Area Specific plan, to make sure Council does the right thing for the children.

**Cary Matsuoka**, Superintendent of MUSD, discussed a resolution of the school board providing a path to get the land out of the standstill agreement and lawsuit, and to seek approval of the state Department of Finance.

Mayor Esteves asked the Superintendent about acreage needs for a school on this site with different numbers. An architect completed conceptual designs with different layouts for the School District. Mr. Matsuoka said they would need to analyze the needs for a K-6 school and possibly for a K-8 school. District would require 10.6 acres for the latter.

Councilmember Giordano noted that the rendering on the screen was for a two-story school. All other current schools in MUSD were only one story. She felt the district could condense the amount of land needed if a two-story school could be built.

Councilmember Gomez asked City Attorney Mike Ogaz about the status of the lawsuit. Mr. Ogaz replied it was in a preliminary stage, with attempts at conversations with the State and the County to get to the table with those two parties not interested so far. The trial was set for February 2014. One outcome could be that the Economic Development Corporation keeps all money and property, or a judge could say to return it all.

City Manager Williams wondered aloud if the land was public use for a school and for a park (as required by state). He questioned what was the difference if it all went for a school – deemed OK - and then why if land was for a joint school and city park government use, it still caused Oversight Board to disagree with the government use.

Lawyer Jennifer Gore came forward to reply. The Milpitas Oversight Board was presented with a resolution about the School District's need to establish a school at the McCandless site (not for joint use), and acted on that. She handed a copy of a letter to the City Clerk for the City Council.

Vice Mayor Polanski commented that Councilmember were public servants with fiduciary responsibilities. She cared to look out for the citizens here at this time and the ones who would be moving into all the new units in the Transit Area Specific Plan area.

Another speaker:

**Lynn Ngo**, asked Council stop all the redevelopment madness all around the south end of the City streets in Milpitas, with too much traffic and no resolution for the various schools. This used to be a small city and now it was crammed here.

Councilmember Giordano commented on the required General Plan Housing Element, mandated by the state. She asked the City Manager to explain that task to residents, to give an overall context for the responsibly planned development in the Transit Area over next 25-30 years. Mr. Williams summarized the Housing Plan.

Councilmember Gomez asked if the City had considered a land swap with the School District and Mr. Williams replied, yes. Staff looked at it, however, AB1600 fees required very strict application, with a direct nexus of land to schools or park.

Vice Mayor Polanski commented that the City looked at an additional three acres, if the MUSD wanted to purchase, to offset the footprint if the district wanted to. She asked Mr.

Williams if that was still possible, utilizing land at the top left of site plan.

More speakers:

**Dan Bobay**, MUSD school board President, read aloud a statement of view from the Board, for the urgent need to get a school in the TASP area. He said there was a need to “cut to the chase” to work things out, and come to terms, working with Mr. Williams.

**Jim Sullivan**, lived in Campbell with in-laws in Milpitas, and was a consultant for Citation Homes that would develop several of the properties in the Transit Area. He complimented the City Manager for explaining a complicated issue. As a builder, he would love to see a school in the area very soon, while the City protected its needs and requirements for public safety, etc.

**Sheryl Flesner**, resident of unincorporated area in the Milpitas Unified Schools boundary, learned about the need for the City to build more homes. She encouraged the City working with the school district officials for a joint use of the property.

**Howard Jones**, a Sunnyhills resident, supported the City Manager and what was written in the recommendation on the agenda.

**Mark Tiernan**, a Silvera St resident, thanked the Council for the Pumpkin Patch fee waiver for Milpitas Rotary Club. He thanked Council for its hard work done on the land issue, with the foresight in the past to buy the McCandless site. A school and a park were necessary in that part of the City.

**Russ Bargstadt**, Starlite Pines resident, had confidence in Williams’ ability to look after financial interests of citizens. He looked forward to find out what happened next.

**Tom Valore**, Cardiff Place resident, agreed with the last speaker, while trying to understand what was going on. Dollars and sense were involved. He tried to understand why Rob Means’ comments were maybe not correct, and wanted to better understand the financial implication.

**Michael Belknap**, Milpitas resident and PTA parent, thanked Mr. Williams for his report and he was doing a great job. Mr. Belknap was concerned for timing to resolve this issue.

Vice Mayor Polanski spoke of development Impact fees and infrastructure fees, explained by the City Manager previously. She noted many Transit Area costs for city services.

Councilmember Giordano commented about timelines. It was not less than 3 or 4 weeks ago when the MUSD President came to City Hall to ask City Council for movement on this issue, so she felt that was fast, actually. Mr. Williams commented additionally.

Vice Mayor Polanski asked about the planned demolition of buildings on McCandless. Mr. Williams replied that utilities were taken care of and the City was days away from bulldozing to remove the buildings on the site.

Motion: *not* to adopt any resolution removing the McCandless property from the Standstill Agreement with the Milpitas Oversight Board; and, to direct staff to work with the Milpitas Unified School District, Santa Clara County and Oversight Board to negotiate a fair and economically viable agreement for a park and school on the property in the Transit Area, and to return to the City Council no later than November 19, 2013 with a recommendation

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of:

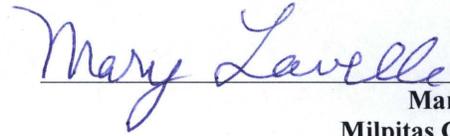
AYES: 4  
NOES: 0  
ABSENT: 1 (Montano)

The Mayor adjourned the Housing Authority portion of the joint meeting at 10:22 PM.

**ADJOURNMENT**

Mayor Esteves adjourned the meeting at 10:50 PM in memory of Mrs. Rosa Montano.

**The foregoing minutes were approved by the Milpitas City Council as submitted on November 5, 2013.**



**Mary Lavelle**  
**Milpitas City Clerk**