

**Draft MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, April 15, 2014
Time: 6:00 PM Closed Session / 7:00 PM Open
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

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

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

ABSENT: Councilmember Gomez was absent at roll call and arrived at 6:05 PM for Closed Session

CLOSED SESSION

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

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

ANNOUNCEMENT

None out of Closed Session.

PLEDGE

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

INVOCATION

Councilmember Montano read a prayer from the bible.

MEETING MINUTES

Motion: to approve the minutes of April 1, 2014 City Council meeting, as submitted

Councilmember Montano announced that during the vote April 1 on agenda item No. 1 regarding Planned Development zoning, she had intended to vote no on the motion to approve a Resolution for General Plan amendment (motion 2), as she did on the introduction of the ordinance.

Motion/Second: Vice Mayor 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 April and May 2014

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

PRESENTATION

Mayor Esteves recognized the McCarthy family and McCarthy Ranch for its contribution to the 60th anniversary celebration, as a Silver sponsor. Joey McCarthy accepted the Certificate of Recognition from the Mayor and Vice Mayor.

PUBLIC FORUM

Robin Hayes, a Milpitas resident, commented on driving up Country Club Drive and requested the City install a sign at the bottom of the hill to best direct students walking and jogging up the street. She felt walkers needed to face traffic, not walk on the same side.

Gary Roope, Mente Mende Loop resident, spoke for the Terra Serena Homeowners Association. His neighborhood would like to be identified by name and not as KB Homes. It's Terra Serena, not the developer/builder's name. Residents would like to put up a sign but the location for the

sign would be on City land. The HOA would pay for landscaping around sign, although the sign ordinance was impeding progress so far. He sought help to get the sign put up.

Councilmember Giordano asked if Mr. Roope spoke for the association as a group and he said yes. She noted that the Planning Commission could possibly consider a variance or other arrangement.

Robert Marini, Milpitas resident, discussed the state Constitution and recent utility rate fee increases. He mentioned the basis for fees, written notice, and required letter from the City.

A man who is a new resident near McCandless Drive noted that the school bus was eliminated, and asked the City to include those residents. Mayor Esteves and several Councilmembers responded to the resident, explaining the School District was a separate government entity and that he would need to bring his concerns to the School Board.

Another man who is a new resident near McCandless Drive referred to a site where they were told there would be a new school so he asked when there would be a new school in his area. City Manager Tom Williams responded, explaining the dissolution of the Milpitas Redevelopment Agency and recent history of the Transit Area Specific Plan implementation.

Rob Means, 1421 Yellowstone Ave resident, referred to the school/park site, Redevelopment Agency elimination and the Brentwood case. He urged the City to “take the deal” from the offer of the School District to buy McCandless land owned by the City. Mr. Williams responded and commented there was a great deal of misinformation around this matter.

Another man who is a resident near McCandless Drive asked about the status of the land designated for a school. Vice Mayor Polanski responded, including noting the suspended meetings between MUSD School Board and City Council (not per the City’s request).

ANNOUNCEMENTS

Vice Mayor Polanski announced that she with Councilmembers Montano and Gomez attended the 40th annual awards banquet last Saturday, sponsored by Knights of Columbus celebrating the Citizen, Firefighter and Police Officer of the Year, who were honored in the City’s 60th year.

Councilmember Montano announced the Milpitas Library would host a writing contest for students in Milpitas co-sponsored by the City’s Library Advisory Commission, for grades 4–12, with an essay contest and prizes for the winners on Saturday, April 19.

**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. No conflicts or contributions were reported.

APPROVAL OF AGENDA

Motion: to approve the agenda, as amended

City Manager Tom Williams requested that the Council remove agenda Item No. 2 (SCVWD water issue) and Item No. 8 (update on BART).

Councilmember Gomez asked if the BART report would come back and Mr. Williams said yes, at a future date.

Motion/Second: Vice Mayor Polanski/Councilmember Gomez

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

Mayor Esteves stated that he wanted a report on route 237 issue when the Santa Clara Valley Transportation Authority staff returns to the City Council with a BART update.

CONSENT CALENDAR

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

Councilmember Montano requested to remove item no. 16 (Agreement for a study on wells) from consent. Regarding agenda Item No. 12 (adopt Ordinance on Planned Development zoning), she announced she was voting “No.”

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

- * 3. BPAC Workplan Approved the Bicycle Pedestrian Advisory Commission 2014 Work Plan.
- * 5. COPS Grant 2014 Accepted the 2014 Citizen Options for Public Safety (COPS) Grant in the amount of \$108,325.00, and approved a budget appropriation in the amount of \$108,325.00 to the Police Department’s operating budget.
- * 6. Firefighters Grant Accepted the Assistance to Firefighters Grant and appropriated grant funding totaling \$122,352 (federal share) for the purchase of 22 mobile radio units.
- *11. Letter of Support for AB 1799 Approved a letter for the Mayor’s signature in support of Assembly Bill 1799, Land Use: Mitigation Lands.
- *12. Adopt Ordinance 38.814 Waived the second reading and adopted Ordinance No. 38.814 for Zoning Amendments to create a new Planned Development zoning district and accompanying language.

4 AYES and 1 NO (Councilmember Montano)
- *13. Adopt Resolution Adopted Resolution No. 8359 requesting MTC allocation of Transportation Development Act, Article 3 Funds for the 2015 Street Resurfacing Project for Americans with Disabilities Act-compliant pedestrian ramp installations in Milpitas.
- *14. Adopt Resolution Adopted Resolution No. 8360 supporting Senate Bill 1345 related to state oversight of San Francisco’s Water System Improvement Program (WSIP).
- *15. Amendment to Agreement with Caltrans Approved Amendment No. 3 to the Cooperative Agreement with the State of California Department of Transportation, Project No. 4174, to extend the expiration date to June 30, 2016, for professional surveying and right of way engineering services to close out the I-880/Tasman Drive and I-880/SR-237 Interchange projects
- *17. Amendment to Agreement with Hopkins & Carley Approved the ninth amendment to the agreement with Hopkins & Carley law firm in the amount of \$225,000.
- *18. Approve Purchase of Fire Dept. equipment
 1. Authorized the purchase of fire hoses, nozzles and fittings in the total amount of \$61,534.60 from L.N. Curtis and Sons, subject to receiving FEMA grant funding in the amount of \$49,227.68. Purchase will not be completed unless FEMA approves the requested grant performance period extension allowing the purchase to be completed up to June 2, 2014.
 2. Approved appropriation of \$49,227.68 into the Fire Department budget, subject to receiving FEMA grant funding.
- *19. Authorize Purchase of LED Street Lighting Authorized the purchase of 1,000 LED retrofit street lights in the total amount of \$114,187.50 from LeoTek Electronics USA LLC.

PUBLIC HEARING

- 1. Parking Amendments Planning Director Steven McHarris introduced proposals regarding drive aisle width on certain streets, and a recommendation for a requirement for covered parking at single family residential households. Covered parking regulations existed in nearly all other cities in Santa Clara County and neighboring Alameda County. This issue was heard before the Planning Commission, which recommended approval of the first item but not

the second one. Also, Mr. McHarris pointed out the City did regulate off-street parking, but not the number of persons per household.

He reported an increase in garage conversions since 2010, with 27 approved in the last two years and complaints about those not permitted. He displayed photos of several streets in the City of Milpitas with crowded parking where there were garage conversions.

Councilmember Gomez was curious how certain staff was that this would fix the problem, since garages were filled with stuff now. He felt this change would make legal conversions more expensive and did not want to encourage illegal conversions.

Councilmember Giordano commented that the high cost of housing in this region caused garage conversions in Milpitas. She felt the proposal would be a burden on homeowners. She noted the 2-5 vote by Planning Commissioners, opposing this concept.

Mayor Esteves inquired about duplexes and impact on those structures, and Vice Mayor Vice Mayor Polanski responded to him pointing to page 3 of the draft ordinance, which referred to the number of spaces per housing unit.

Next, Mayor Esteves opened the public hearing.

Rob Means, 1421 Yellowstone Ave resident, said the problem was that we have too many cars in the city. He asked to focus on that problem versus housing the cars, and to provide alternatives and maybe a carbon tax on car owners.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

Mayor Esteves asked Mr. McHarris about parking and if it could be regulated on the street, and staff said yes. The Mayor felt it could be a possible solution. He asked staff to go back and study if two covered spaces were needed for one bedroom homes or units.

Vice Mayor Polanski noted if people bought electric cars, they still needed to plug in, and park and store the vehicle. Covered spaces were no problem, in general. She parked her car in the safest space, in her garage. She had heard of garages used for business enterprises, causing more parking on the street too.

Councilmember Gomez said there was a need to deal with stuff that was already illegal, and to encourage calls in to Code Enforcement about issues existing now.

Councilmember Giordano thanked staff for bringing this issue up, for Council to have a good discussion here at the meeting. She was not in favor, since there's no regulation of the number of occupants in a home. Lots of multi-families lived together nowadays. She respected and thanked the Planning Director for his creative ideas, while she would support the Planning Commission's vote.

She made a motion to approve the drive aisle width change only, not the covered parking requirement section of staff recommendation.

City Attorney Mike Ogaz explained that staff would need to amend the draft ordinance and could bring it back to Council with the one change.

Motion: to direct staff to return to the City Council with a revised ordinance, deleting any reference to changes regarding covered parking

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

UNFINISHED BUSINESS

2. Water Supply Issue This item was removed from the agenda.

COMMISSION REPORT

4. Telecommunications Master Plan 2014 Interim Information Services Director Mike Luu introduced Telecommunications Commission Chair Dinesh Gupta, who presented the updated Master Plan on Telecommunications for 2014 to City Council. It was an update from 2012 and he discussed five subject areas.

Vice Mayor Polanski thanked the Chair for his report, along with other Commissioners.

Councilmember Montano thought there was not much outreach with Milpitas High School students, while this program was for the community. Chair Gupta said Commissioners tried very hard to reach out to schools, but MUSD had its own technology programs.

Mayor Esteves asked if there were any issues with the wireless application around the City, since he'd heard comments from users not always having good access. Mr. Luu responded about the current status and improvement of service offered in Milpitas at no cost by Silicon Valley Unwired.

Councilmember Montano asked about a new technology and if staff had looked into geo-digital data. The city's data GIS staff, Mr. Luu responded, was already working a lot on that topic, and some exciting projects would be coming in the next few months.

The Mayor invited comments from the audience.

Robert Marini, Milpitas resident, felt the need for specific content on the City website, to include costs of utilities for the public.

Motion: to receive the Telecommunications Commission report and adopt the updated 2014-15 Telecommunications Master Plan

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

NEW BUSINESS

7. Public Art Committee Recreation Services staff Renee Lorentzen summarized options for the merging of Public Art Committee and the related Arts Commission. This was necessary due to the recent dissolution of the Milpitas Alliance for the Arts organization. The consensus of the two bodies was to merge the two together.

Motion: to direct staff to bring back an ordinance at the next meeting to merge the two as a body of 12 members (9 Commissioners and 3 alternates), as the preferred new organization termed the Milpitas Arts Commission

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

8. Update on BART

This item was removed from the agenda.

9. Trash Load Reduction

Engineering staff Leslie Stobbe presented the Long-Term Trash Load Reduction Plan, an eight year plan to eliminate illegal dumping and other goals.

Councilmember Giordano asked how staff broke down the control measures, including single use plastic bag and banning Styrofoam. She was not in favor of looking at the bag ban again so she asked how that affected the 70% goal sought. Ms. Stobbe responded on the process for the requirements in law for the trash reduction mandated goals.

Councilmember Montano asked about the 70% goal and the due date reported to be July 1, 2017. 40% was the goal for this year, and the city would get credit for a good faith effort. Ms. Montano remarked that street sweepers were not doing a good job clearing trash on streets at sewer grates. Public Works Director Jeff Moneda responded that there was no prohibition on street parking on sweeping days, which contributed to the situation.

Councilmember Montano next asked staff about catch basins in grates on streets. Also, she did want to have a type of bag ban, but less strict than what was proposed in the past.

Vice Mayor Polanski voted no on the bag ban last time with too stringent requirements for part of that. She reported that the Parks, Recreation and Cultural Resources Commission continued to request recycling containers in public parks, especially in those near creeks, to stop litter. On street sweeping, there should be a way to text people or email them about street sweeping days.

Mayor Esteves asked about the limited online outreach effort. Ms. Stobbe noted that the City had not done online outreach to residents for this type of information before this program. He asked about how much litter was generated from plastic bags.

Next, the Mayor invited speakers from the audience.

Robert Marini, Milpitas resident, talked about street sweeping schedule and how it changed sometimes. He got a notice in the mail, and stressed that consistency was needed.

Nancy Clement, of Republic Services, spoke on the schedule for street sweeping and the planned calendar throughout the year in Milpitas.

Mayor Esteves moved the following staff recommendation: to direct staff to include \$8,500 for increased code enforcement and \$25,000 for an online advertising campaign in the FY 2014-15 budget to begin implementation of the City's Long-Term Trash Load Reduction Plan.

However, there was no second to his motion and it failed.

Councilmember Giordano opposed moving the funding items recommended by staff. She offered the following motion instead: that staff come back with a revised Long Term Plan, with no single use bag ban and no Styrofoam ban, and add other ideas to the list. Councilmember Gomez supported enhanced commercial/residential street sweeping and to include enforcement and recycling containers in parks. Vice Mayor Polanski seconded the motion.

Mayor Esteves agreed with all the above and wanted to include a plastic bag ban review on the list of possible steps to achieve the long term plan.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

Mayor Esteves announced the City Council would take a break at 9:50 PM, and returned at 9:57 PM.

10. FY 2014-15 Capital Improvements Program

City Engineer/Director of Public Works Jeff Moneda presented steps for the annual Capital Improvement Program approval as well as the five-year CIP for 2014-19, and the projects planned for FY 2014-15. Mr. Moneda reviewed some of the work completed in the past year, displaying photos overhead. \$15,278,000 was the funding needed for the coming FY 2014-15 with less actual construction work planned than in the future with higher estimated costs closer to \$30 million.

Also, \$150,000 additional funds would need to be added for Community Center audio visual upgrades, if desired by City Council as requested at the last meeting.

Vice Mayor Polanski asked how would this \$150,000 affect coming out of the Transient Occupancy Tax funds? City Manager Williams replied on the funds availability, but it was more a matter of how funds would be allocated.

Councilmember Giordano wanted to see a drawing for a soccer field at Milpitas Sports Center, which staff did have available.

Mayor Esteves inquired about prioritizing projects at the two different Adobe buildings and parks, noting the interior of Alviso Adobe and outdoor improvements planned at Higuera Adobe.

Councilmember Giordano stated the Alviso Adobe interior project was very important to her and she asked about grants for it, and about which the Public Works Director reported some opportunities to go after.

Staff provided an update on the Sports Center Skate Park proposal along with a soccer field at the Milpitas Sports Center, including a possible visual layout design.

Councilmember Gomez responded that any skate park needed to be in a busy area, with lots of traffic and eyes on the site. Mr. Moneda reported an estimated preliminary cost of \$150,000 for a skate park, and recommended part time staff to monitor such facility.

The Pavement Condition Index was currently at 70, with a goal was to maintain it, and funding amount needed of \$4.5 million from multiple funding sources. More details on PCI were provided in response to Council questions. Mr. Moneda identified future projects recommended for FY 2015-19.

Councilmember Giordano stated this was one of the best presentations on the CIP since she had been on the City Council, and thanked Mr. Moneda and his staff for the precise information given.

Councilmember Montano noted with new developments and new streets, developers had to pay to build those and maintain. Mr. Moneda responded the developer constructs new infrastructure when a project was built, and the Community Facilities District handled the ongoing maintenance expenses.

Vice Mayor Polanski agreed with Councilmember Giordano on her comments to Mr. Moneda. She appreciated attention to detail for infrastructure needs, streets and other elements that people don't see. She would like audio/visual improvements included next year, and to add Alviso Adobe interior to the list of projects to eventually get done.

Mayor Esteves asked where would tree planting come in, on the list of projects. Staff responded that this could be part of the Streets CIP. He asked about the Community Advisory Commission's dream of planting hundreds of new trees throughout the City.

City Manager Williams offered to provide a memo to Council to answer the Mayor's questions on funds for trees. The Mayor wanted a clear list of what projects were needed, but not funded (or proposed for funding) in the next year.

Vice Mayor Polanski talked about CIP funding, as explained recently at the City Council's Finance Subcommittee.

Councilmember Gomez asked about gateway projects. Staff said there were none included in the draft CIP. It was possible to ask developer to include those in new projects. Then, Mr. Gomez asked about art projects and Fire Station upgrades needed.

Next, the Mayor invited speakers to podium from the audience.

Robert Marini, Milpitas resident, asked questions about sewer related CIP costs versus funding.

Rob Means, 1421 Yellowstone Ave., said one item missing from the CIP, that would benefit all, was a crossing over Montague Expressway - a PRT-type crossing, to move people safely from the new BART station. Funding would have to come from transit agencies for this crossover.

Councilmember Montano asked about trails, near new developments heading to BART. Mr. Moneda responded that could happen with new development projects.

Councilmember Giordano made a motion for the staff recommendation, adding a bridge as Mr. Means inquired. Mr. Williams explained that there were two overcrossings already planned and being designed by VTA near BART (not as part of the City's CIP).

Councilmember Gomez seconded the motion, and asked to include the audio visual upgrades at the Milpitas Community Center when staff would bring back the final CIP.

Motion: to provide comments to staff on the proposed FY 2014-19 CIP and include items noted above (bridge/overcrossing, skate park, audio visual upgrade at Community Center), when the final CIP was brought to Council for adoption

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

AGREEMENTS

16. Agreement with Hydro Science Engineers

Councilmember Montano asked how they could vote on this item, since Agenda Item No. 2 (Santa Clara Valley Water District water supply issue) was removed from the agenda.

Public Works Director Moneda responded that this was a separate independent item, from the District's request to change water sources for Milpitas customers. This item was solely to approve a study to find alternative water sources by potential blending of wells. It was a feasibility study on blending water.

Motion: to approve a consultant agreement with HydroScience Engineers, Inc. for a blending study of City water wells, in an amount not to exceed \$33,020.00 and for a term from April 15, 2014 to December 30, 2015, Projects No. 7076 and No. 7120

Motion/second: Councilmember Montano/Vice Mayor Polanski

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

ADJOURNMENT

Mayor/Chair Esteves adjourned the City Council meeting at 11:18 PM.

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