

**Draft MEETING MINUTES
CITY OF MILPITAS**

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

CALL TO ORDER Mayor Esteves called the meeting to order at 6:00 PM. The City Clerk noted the roll.
PRESENT: Mayor Esteves, Vice Mayor Polanski, Councilmembers Gomez and Montano
ABSENT: Councilmember Giordano

CLOSED SESSION City Council convened in Closed Session to discuss litigation and labor negotiations.
City Council then convened in Open Session at 7:10 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 passage from the bible to start the meeting.

MEETING MINUTES Motion: to approve the minutes of April 15, 2014 City Council meeting
Motion/Second: Vice Mayor Polanski/Councilmember Gomez
Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Giordano)

SCHEDULE OF MEETINGS Motion: to approve the Council Calendar/Schedule of Meetings for May 2014
Motion/Second: Vice Mayor Polanski/Councilmember Gomez
Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Giordano)

PRESENTATION Mayor Esteves proclaimed the following:

“Building Safety Month” for the month of May 2014. It was accepted by four City of Milpitas Building Inspectors, who planned to be at the Milpitas Library on May 8 and 20 to answer the public’s questions and promote building safety.

“Older Americans Month” for the month of May 2014, this year with a theme of “Safe Today, Healthy Tomorrow” while celebrating and recognizing senior citizens/older adults in Milpitas. It was accepted by Debra Langley, Senior Advisory Commissioner.

Recognition was provided to 12 Milpitas Public Library Essay Contest Winners, a contest sponsored by the Milpitas Library and the City’s Library Advisory Commission held on April 19, 2014. Mayor Esteves presented certificates to the contest winners.

PUBLIC FORUM

Martha Brown Lamdin, Milpitas resident on Mt. Diablo, thanked the Council for including funding for a study on a possible skate board park. She advocated for youngsters in the City to have a skate board park and encouraged many to attend the Council meeting this evening.

Daniel Brown, of Saratoga Drive and a 29-years resident, lived in Parktown since the City was known for parks. It was a shame there was no place for young skaters to hang out and perform this sport with their friends.

Linda Delcato, Milpitas resident, thought it was a good idea to have a skate park for youth, to have a safe space to go on their boards.

Sarah Lamdin, a young Milpitas resident, felt there should be a skate park in Milpitas. It was a good sport and a good idea for kids to be able to hang out and bring people together.

Nathan and David, two boys who skate in Milpitas, presented a video displaying skate boarding and bike riding to the City Council.

Frank Devetto, Milpitas resident, supported a skate park for young people. Previous complaints of noise problems in Milpitas could be managed, if hiring a professional skate park design planner.

Vincent, a young resident, supported a skate park for young people in Milpitas.

Alan Tran, Milpitas resident, supported the sport of skateboarding which changed his life. It was a good outlet to channel stress and problems.

Rob Means, 1421 Yellowstone resident, supported adding a skate park to the Capital Improvement Program and a Personal Rapid Transit (PRT) crossing over Montague Expressway to be added. He showed a video of this type of transit being used in England.

Robert Marini, Milpitas resident, discussed recent sewer rate fee increases and alleged overcharging for the service by the City.

Jim Bates, Milpitas resident, talked about skateboarders, and complimented the young men who filmed their own video shown earlier. They were improving their minds and exercising.

A young man spoke in support of a skateboard park in the City.

Mayor Esteves thanked all the young people for coming to the meeting and speaking out for a skate boarding park.

Councilmember Gomez noted that young people were skating in a lot of places maybe they shouldn't. The City Council built a lot of "passive parks" over the last 12 years, so there was an imbalance now. He reported to speakers that a feasibility study was underway. During the next year's budget discussion, he asked to find out the cost for a skate park and move it along and to hear that information at the May 20 hearing.

ANNOUNCEMENTS

Vice Mayor Polanski announced the Barbara Lee Senior Center held its first annual ping pong tournament recently, which she attended with the Mayor and Councilmember Giordano. It was very well attended and successful.

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

Motion/Second: Vice Mayor /Councilmember Montano

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

CONSENT CALENDAR

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

Mayor Esteves asked to remove Item No. 14 (an agreement on demolition of McCandless buildings).

Councilmember Montano said she would recuse herself from voting on Item No. 7 related to the fee waiver request for May 10 Pre-Mother's Day event at the Senior Center.

Motion/Second: Vice Mayor Polanski/Councilmember Gomez

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

- * 2. Odor Report Received the update of the odor control report update.
- * 3. Bicycle Commission Appointed Chris Lee as a regular member to a term that will expire in August 2014. Appointed Kristal Caidoy as Alternate #1 to a term that will expire in August 2014. Newly appointed Samuel Usal as Alternate #2 to a term that will expire in August 2015.
- * 4. Financial Status Received financial status report for the nine months ended March 31, 2014.
- * 5. Investment Portfolio Received the investment report for the quarter ended March 31, 2014.
- * 6. Recreation budget Authorized transfer of funds from Center Stage Theatre Program (holding account) to Recreation Services operating budget to cover the cost of theatre show royalty fees and supplies in the amount of \$3,500 for FY 2013-14 and \$9,000 for FY 2014-15.
- * 7. Waive Rental Fee Approved the request from Our Lady of Guadalupe Club and move to approve fee waiver of \$880.00 for rental of Senior Center Community Room for a Pre-Mother's Day Event hosted by Councilmember Montano on Saturday, May 10, 2014.

Vote on this item only was: 3 AYES, 1 ABSENT (Giordano), 1 ABSTAIN (Montano)
- * 9. Adopt Resolution Adopted Resolution No. 8361 directing the preparation of the Annual Engineer's Report for LLMD No. 95-1 at McCarthy Ranch.
- *10. Adopt Resolution Adopted Resolution No. 8362 directing the preparation of the Annual Engineer's Report for LLMD No. 98-1 at Sinclair Horizon.
- *11. Adopt Resolution Adopted Resolution No. 8363 authorizing the purchase of one Ford F-150 regular cab truck from the National Auto Fleet Group for the not-to-exceed amount of \$20,576.63 through a cooperative procurement contract.
- *12. Adopt Resolution Adopted Resolution No. 8364 approving a sole source agreement with Oracle America Inc., a Delaware Corporation, for software technical support from May 16, 2014 to May 15, 2019, an annual not-to-exceed amount of \$11,775 and total not-to-exceed amount of \$58,878.
- *13. Amend Dental Services Agreement Approved Amendment No. 1 to the agreement with Ye-Ming Wu, DDS of Agape Mobile Dental Services to provide free monthly dental services outside the Senior Center through June 30, 2015.
- *15. Amend Agreement for Waste Collection Approved the second amendment to the agreement with the County of Santa Clara for FY 2014-15 Countywide Household Hazardous Waste Collection Program.

*16. Pay Repair Work

1. Received report of emergency repair of the Milpitas Police/Public Works Building.
2. Authorized payment of invoices for this work up to the maximum amount of \$250,000.

PUBLIC HEARING

1. FY 2014-15 Community Development Block Grant (CDBG) funding and One Year Action Plan

Principal Planner Felix Reliford presented the annual CDBG funding requests along with a request for Council to adopt a one-year action plan along with amendments to the citizen participation plan, all for Fiscal Year 2014-15. The total CDBG allocation for the coming year was \$395,456 from the federal Department of Housing and Urban Development to the City of Milpitas. He reported the outcome of the public hearing and discussion on the grant applications at the Community Advisory Commission in March.

Councilmember Gomez asked if Commissioners had an in-depth discussion about the \$5,000 grant minimum policy. He suggested it could be higher dollar grants in the future, in a fewer number of grants in total.

Councilmember Montano concurred with Mr. Gomez, that it cost too much to do all the paperwork for a small grant amount.

Vice Mayor Polanski agreed in part about the amount of funding per group. The City Council needed to look at the priorities as established.

Mayor Esteves noticed most were repeat applicants, and therefore they needed only to update a template on the application each year. Mr. Reliford responded about necessary reporting and visits, required even after a grant was awarded. The Mayor thought there could be a lower grant amount or no minimum, to make this more of a competition. He wanted to know more about the number of Milpitas residents served by specific agencies receiving grant funds.

Vice Mayor Polanski specifically asked staff to put on a future Council agenda how volunteers were put in place and to make priorities for spending of CDBG grants. The established policy should be brought back for discussion by the City Council.

Councilmember Montano reviewed the entire binder on CDBG funding. She noticed a lot of funds went to seniors, but not much to young people and she'd like that to change. Schools got plenty of funding now through the state formula, while more was needed for youth served by the City.

Next, Mayor Esteves opened the public hearing.

Karen Kolander of the Milpitas Food Pantry commented on the reporting requirements and how it changed each year. Much more breakdown of Milpitas residents was required. Smaller grants (from other sources) in the past were no longer available to her agency.

Anne Marquart of Project Sentinel thanked the Council for past support of her organization. She came for CDBG grant funds and also sought reprogrammed Redevelopment Agency funding for Project Sentinel which had long served Milpitas residents. They would need to reduce services to Milpitas residents, possibly tenant-landlord service.

Robert Marini, Milpitas resident, spoke of simplifying the process. He felt the amount of the grants should be proportional to those served in Milpitas.

Kathy Lincoln of Child Development Services noted local control of the funds available for specific programs. Her non-profit focused on literacy at schools, Head Start for pre-school and educating pre-K children.

Theresa Johnson of Meals on Wheels for the Health Trust said the CDBG funding was critical for the lives of seniors in Milpitas. This was a small grant but it helped with all other sources. Meal delivery was a welfare check done in addition to the primary work.

Beverly Jackson of Rebuilding Together of Silicon Valley thanked the City Council. Her group helped to perform small home repairs, especially for senior citizens in need.

Anna Jones from Live Oak Adult Day Services provided services for seniors in Milpitas, who might be forgetful or needed food, games, crafts, exercise at a day care center nearby in San Jose.

Councilmember Montano and the Mayor asked Ms. Jones questions about her program that served eight Milpitas residents. Ms. Montano asked about outreach to other than Chinese users of the Milpitas Senior Center, stressing that it needed to be for all residents - African-American, white and other diverse people.

Jeannie Conner of Child Advocates of Silicon Valley thanked the City Council for the first time consideration for CDBG funding for her agency.

Sabrina of the Catholic Charities of Santa Clara County - the Long Term Care Ombudsman Program, explained it was an advocate service provided for senior residents. She thanked City Council for funding her agency, which investigated elder abuse cases.

Georgia Bacil of Senior Adults Legal Assistance offered legal service to seniors by appointment twice monthly at the Barbara Lee Senior Center. SALA was the only legal aid provided in Milpitas which was able to offer expanded services at the Center.

Rob Means, 1421 Yellowstone resident, spoke of how many people were served by these agencies. He highlighted the Milpitas Food Pantry and asked the City Council to consider the very basic needs of people.

Motion: to close the public hearing, following all the speakers heard

Motion/Second: Councilmember Gomez/Vice Mayor Polanski

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

Councilmember Gomez thanked all the speakers for coming down to City Hall. There was not enough money to do everything the groups wanted to do. Council must discuss what the values were and set top priorities. He urged staying with the recommendations.

Vice Mayor Polanski thanked all for speaking here tonight. She got a letter from Project Sentinel requesting more funds. Staff replied \$15,000 was the recommendation for that group from CDBG funds. Mr. Reliford also explained that more funds could come from Program Administration CDBG funds to any of the programs since 20% of the overall grant was allocated for program administration.

Vice Mayor Polanski asked if the Council chose to move funds to a group, was there another funding source for the \$10,000 worth of staffing. City Manager Tom Williams replied it would come from the General Fund, so he had to look and get back to her. She asked further about the Food Pantry and rent modification sought. She asked for that to come back to City Council.

The City Manager noted there might be an opportunity in the future for funding from the Housing Authority rather than CDBG funding. It required legal review. Vice Mayor Polanski requested to bring it back at the next meeting.

Mayor Esteves wanted to remove the \$5,000 grant minimum as a policy. Overall, he agreed with the CDBG grant recommendations.

Motion: to approve the following three actions:

> Approve the additional \$5,000 fund for Project Sentinel from Program Administration, and approve the additional \$2,971.40 for Milpitas Food Pantry

> Approve additional CDBG funding in the amount of \$301,521 from the Rehabilitation Revolving Loan Fund FY 2014-15 for rehabilitation activities

> Approve the recommended CDBG Funding for FY 2014-15, the Action Plan and the Amendments to the Citizen Participation Plan

Removed from the staff recommendation was to maintain a policy of \$5,000 minimum grant awards. The City Council directed staff to bring this back to discuss the policy further, along with making appropriate current priorities and values to best serve the needs of those served by non-profits groups in Milpitas.

Motion/Second: Councilmember Montano/Councilmember Gomez

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

ORDINANCE

8. Introduce Ordinance No. 27.1 regarding Public Art Committee

Recreation staff Renee Lorentzen repeated the direction given by the Council to staff at the last Council meeting to bring the ordinance at this meeting to merge Public Arts Committee into the Arts Commission. This would establish one Milpitas Arts Commission only consisting of 9 Commissioners and 3 Alternates, with 12 total members.

City Attorney Mike Ogaz read aloud the title of Ordinance No. 271.1, "An Ordinance of the City Council of the City of Milpitas Amending Chapter 20 of Title V of the Milpitas Municipal Code Relating to Public Art Policy."

(1) Motion: to waive the first reading beyond the title of Ordinance No. 271.1

Motion/second: Councilmember Gomez/Vice Mayor Polanski

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

(2) Motion: to introduce Ordinance No. 271.1 creating the new Arts Commission, consisting of former Public Art Committee members and current Milpitas Arts Commissioners

Motion/second: Councilmember Gomez/Vice Mayor Polanski

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

AGREEMENT

14. Agreement with DR Horton Mayor Esteves asked about funding for this action changing from the Development Impact Fee, as the source for this project. Finance Director Emma Karlen responded.

With sufficient funds collected at this point in the Transit Area to cover these costs, it was the correct funding source rather than the Housing Authority funds, as provided previously.

Motion: to approve an agreement with D.R. Horton for the demolition and other related work of City buildings at 1650-1690 and 1740-1830 McCandless Drive, for an amount not to exceed \$707,741.29, and to appropriate \$707,741.29 from the Transit Area Specific Plan Development Impact Fee Fund to pay D.R Horton Bay, Inc. for demolition and related work at the McCandless site

Motion/Second: Vice Mayor Polanski/Councilmember Gomez

Motion approved by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Giordano)

ADJOURNMENT

Mayor/Chair Esteves adjourned the City Council meeting at 9:43 PM.

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