

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, September 2, 2014
Time: 7:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

- CALL TO ORDER** Mayor Esteves called the meeting to order at 7:03 PM. The City Clerk noted the roll.
- PRESENT:** Mayor Esteves, Councilmembers Giordano, Gomez and Montano
- ABSENT:** Vice Mayor Polanski. Councilmember Montano was absent at roll call and arrived at 7:07 PM.
- CLOSED SESSION** Closed session was not convened on this date. Items listed on the agenda would be considered on a future meeting date.
- PLEDGE** Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.
- INVOCATION** Mayor Esteves offered a prayer to start the meeting.
- MEETING MINUTES** Motion: to approve the minutes of the August 19 and 25, 2014 City Council meetings
- Motion/Second: Councilmember Giordano/Councilmember Gomez
- Motion carried by a vote of: AYES: 3
NOES: 0
ABSENT: 2 (Polanski, Montano)
- SCHEDULE OF MEETINGS** Motion: to approve Council Calendars/Schedule of Meetings for September 2014, as amended
- City Manager Tom Williams announced that the special meeting of the Veterans Commission scheduled on September 3 was cancelled.
- Motion/Second: Councilmember Giordano/Councilmember Gomez
- Motion carried by a vote of: AYES: 3
NOES: 0
ABSENT: 2 (Polanski, Montano)
- PRESENTATIONS** Mayor Esteves presented the following:
- Proclamation of 100th Anniversary of Santa Clara County Library District and National Library Card Sign-Up Month for September 2014, accepted by new Milpitas Community Librarian Steve Fitzpatrick, along with County Library Deputy Director Derek Wolfe.
 - A special commendation to retiring Librarian Linda Arbaugh after 29 years of service to the County Library system, the majority at Milpitas Public Library.
 - A key to the City and certificates were presented to four visiting officials from *Nueva Vizcaya* in the Philippines.
- PUBLIC FORUM** Voltaire Montemayor, Milpitas resident, thanked the City Council and the visitors from the Philippines, whom he welcomed.

Robert Marini, Milpitas resident, announced there would be a candidates' forum at the Milpitas Library on Saturday, September 13 from 1 to 4 PM, for candidates for Mayor and City Council. He referred to rates of water use reductions, currently voluntary but could become mandatory.

Rob Means, 1421 Yellowstone Ave, congratulated all those involved in getting the McCandless property issue resolved with the School District. He sought to have resolved an issue for some Milpitas Fire Department retirees, as brought forward by one at a prior Council meeting. City Manager Tom Williams responded to Mr. Means.

Councilmember Giordano referred to comments at another meeting, when the City Council chose not to agendaize this matter. So when the new City Council gets elected, it could choose to take up the subject on a future agenda, and the City Attorney confirmed that comment.

ANNOUNCEMENT

Mayor Esteves noted that Vice Mayor Polanski was absent tonight, as she was on vacation. He welcomed a Filipina woman visitor on a courtesy visit to 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. No conflicts or contributions were reported.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Councilmember Montano

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

CONSENT CALENDAR

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

Mayor Esteves requested to remove agenda items No. 8 (Employee program) and No. 15 (American Heart Walk) from the consent calendar. He also announced that on item No. 4 (donation to Korean Foundation) he abstained from voting.

Motion/Second: Councilmember Giordano/Councilmember Montano

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

- * 2. Odor Report Received the odor report update.
- * 3. Youth Commission To the Youth Advisory Commission, Council re-appointed Riane Abaya as a regular member and appointed Clare Sern as a regular voting member, both to terms that will expire in September 2015.
- * 4. Donation Request Approved the request from the Korean Language and Culture Foundation for a \$500 donation to the non-profit group for its Hangeul Day celebration on October 4.

Vote on this item was 3 Ayes, 1 Absent (Polanski) and 1 abstain (Esteves) .
- * 5. Grant Funds Approved receipt of the CalRecycle Grant and appropriated the funding to the Engineering Department operating budget in the amount of \$17,992.
- * 6. Budget Adjustments Approved Fiscal Year 2013-14 year-end budget appropriations, by increases noted:

1) Finance Department by \$2,000. The increased amount is related to Community Development Block Grants (CDBG) administration costs in FY 2013-14 that is fully reimbursable by the U.S. Department of Housing and Urban Development.

2) Planning and Neighborhood Services Department by \$162,000. The increased amount is related to increased housing rehab loans provided to the community in FY 2013-14. The housing rehab loans will be fully reimbursable by the U.S. Department of Housing and Urban Development.

3) Street Fund Non-departmental budget by \$3,200. The increased amount is related to audit fees for street grants in FY 2013-14. The source of funding will be the Street Operating Fund.

4) Piper Montague Infrastructure Non-departmental budget by \$27,000 due to outside attorney costs for formation of Community Facilities District No. 2013-1 (Piper Montague). The City received full reimbursement from the three developers involved.

- * 9. Adopt Ordinance 38.815 Waived the second reading and adopted Ordinance No. 38.815 for Zoning Amendment to clarify and modify certain parking standards and regulations.
- *10. Adopt Ordinance 38.816 Waived the second reading and adopted Ordinance No. 38.816 for Zoning Amendment to conditionally permit thrift store uses in the Neighborhood Commercial (C1) Zoning District.
- *11. Resolution - Allied Waste recycling Adopted Resolution No. 8406 approving Non-Exclusive Collection, Transportation, and Recycling Agreements with Allied Waste Services, LLC doing business as Republic Services of Santa Clara County and GreenWaste Recovery, Inc. for three years starting October 4, 2014, and authorized City Manager (or his designee) to extend the agreements for a maximum of two, three-year extensions.
- *12. Resolution and other Actions for Electric Vehicle Charging Stations
1. Approved a new project in the City's Capital Improvement Program: Electric Vehicle Charging Stations, Project No. 4276.
 2. Approved a budget appropriation of \$20,000 from the Gas Tax Fund to design, administration and inspection related to Electric Vehicle Charging Stations.
 3. Approved a budget appropriation of \$40,000 from the Congestion Management Transportation Grant Funding Program to the Electric Vehicle Charging Stations.
 4. Adopted Resolution No. 8407 authorizing execution of an agreement with Santa Clara Valley Transportation Authority (VTA) for FY 2014-15 Congestion Management Program Transportation Fund for Clean Air (TFCA) to implement Electric Vehicle (EV) charging stations in Milpitas.
- *13. Resolution – Cathodic Protection Adopted Resolution No. 8408 granting initial acceptance of the Cathodic Protection Improvements, Projects No. 7115, No. 6115 and No. 3706, subject to a one year warranty period, and reduction of the faithful performance bond to \$53,113.33.
- *14. Resolution – Adjust Salary Adopted Resolution No. 8409 amending the Classification Plan to adjust salary ranges for City of Milpitas Fire Chief and Assistant City Manager positions

PUBLIC HEARING

1. Ordinance No. 38.817 Planning Director Steven McHarris explained reasons for the zoning text amendment, to extend the sunset provision for properties deemed non-conforming uses in two specific plan areas: Milpitas Mid-Town and the Transit Area Specific Plan. He recommended extending it for two years, as per the recommendation from staff and the Milpitas Planning Commission.

Councilmember Montano asked about industrial use continuing where housing was currently under construction. Mr. McHarris replied there was none now, and none anticipated in the next two years.

Mayor Esteves opened the public hearing, and there were no comments.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

City Attorney Mike Ogaz read aloud the title of Ordinance No. 38.817, "An Ordinance of the City Council of the City of Milpitas Amending Section 56 of Chapter 10 of Title XI Relating to the Sunset Provision for Re-establishment of Discontinued Non-Conforming Uses Within the Transit and Midtown Specific Plan Areas."

(2) Motion: to waive the first reading of Ordinance No. 38.817 beyond the title

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

(3) Motion: to introduce Ordinance No. 38.817

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

NEW BUSINESS

7. Presentation – Online Bill Pay

Finance Manager Jane Corpus gave a presentation to the City Council on the improved and innovative online utility bill presentment and payment service implemented on August 18, 2014. She reviewed the variety of ways to pay City utility (water, sewer and garbage) bills. Staff demonstrated the new software on the overhead presentation screen, including display of .pdf of an invoice, which includes a bar graph of water use by the customer at home or business. A raffle was announced for an ipad mini device, which was established to encourage participation by customers online, with the drawing planned in mid-November. Ms. Corpus responded to a few questions from the Mayor and Councilmembers on the e-service.

No action was needed beyond receiving staff's presentation, demonstrating online bill payment, at the City Council meeting.

8. Employee Recognition Program

Mayor Esteves inquired about criteria for selection of those awarded the new Employee Recognition awards. City Manager Williams responded they were nominated by their peers, in good standing with no disciplinary issue, and then selected by the senior management team. The Mayor asked why there was a money award in addition to being named Employee of the Year with a plaque. Mr. Williams responded it was treated as a bonus program, for the first time in Milpitas, and could serve as an incentive in future.

The Mayor asked what other cities offer monetary bonus for Employee of the Year award. City Manager Williams noted that other cities did so, but he did not have a list at the meeting, and could get back to the Mayor with that information.

Councilmember Giordano thought that the money award was a good thing for employees, and this type of bonus program was often used in the private sector. She viewed this as a good tool for the City Manager to use and gave employees something to strive for.

Mayor Esteves invited comments from the public.

Voltaire Montemayor, Milpitas resident, asked if it would be both money and a plaque, and staff responded both.

Robert Marini, Milpitas resident, asked if the award was for full time or part time employees. The City Manager replied for the first two, it was for full time employees, and the final one could be part-time and/or a temporary worker. Mayor Esteves pointed out this information was available in the written report on the agenda.

Motion: to approve the Employee Recognition Program and total funding of \$5,000 from City Council Community Promotions Unallocated budget to be used as the monetary prize for three winners, in the following categories and amounts:

Employee of the Year:	\$3,000
Rookie of the Year:	\$1,500
Rising Star Award:	\$ 500

Motion/Second: Councilmember Giordano/Councilmember Montano

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

15. Resolution to Close Streets

Mayor Esteves asked about fees paid for the request by American Heart Association to close select streets for a fundraising event.

Planning Director McHarris remarked on what the fees paid did cover, in terms of staff review and plans for safety when the road would be closed On Sunday morning, October 11. City Manager Williams noted this was handled via a “private job” (or PJ) account set up to pay for the administrative fees, staff costs, etc.

Police Commander Pang came to the podium and said two police officers would be on duty for the event, in addition to the security hired by the organization for the walk. Also KLA-Tencor security would be on site. Mayor Esteves wanted assurance that neighboring businesses were notified of this weekend event.

Motion: to adopt Resolution No. 8410 authorizing temporary partial street closure of Technology Drive, S. McCarthy Blvd. and Tasman Drive on Saturday, October 11, 2014, from 8:00 AM to 2:00 PM for the American Heart Association’s Heart Walk event

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 8:26 PM.

The foregoing minutes were approved by the Milpitas City Council on September 16, 2014.

Mary Lavelle
Milpitas City Clerk