

**Draft MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City
Date: Tuesday, April 21, 2015
Time: 5:30 PM Closed Session
7:00 PM Regular Business
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER Mayor Esteves called the meeting to order at 5:30 PM. The City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo, Giordano and Grilli

ABSENT: None

CLOSED SESSION City Council convened in Closed Session to discuss two items on the agenda.

ANNOUNCEMENT None, out of Closed Session.

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

STUDY SESSION A Study Session on the FY 2015-20 Capital Improvement Program was scheduled for 6:00 PM but it was not held. This matter was continued to May 5, 2015.

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

INVOCATION Councilmember Barbadillo quoted from a speech and offered a brief prayer.

MEETING MINUTES Motion: to approve minutes of April 7(2) and 9, 2015 City Council meetings

Mayor Esteves noted that the City Clerk had earlier distributed revised draft meeting minutes of the regular meeting of April 7, 2015, presented for approval.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

SCHEDULE OF MEETINGS Motion: to approve Council Calendars/Schedules of Meetings for April and May 2015

City Manager Williams announced that the Planning Commission meeting scheduled the following evening on April 22 was canceled.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

PRESENTATION Mayor Esteves commended The Milpitas Post upon its 60th year as a local newspaper. The commendation was accepted by the paper's publisher Rob Devincenzi and his staff.

PUBLIC FORUM

Robert Means, 1421 Yellowstone resident, showed a video of rapid transit “pods” at Heathrow Airport in London.

Karen Kolander, Milpitas resident, noted that the following day was Earth Day, April 22. It was important to recognize all the earth-friendly efforts, including recycling in schools.

Don Litchfield, Republic staff at Newby Island landfill, thanked the Mayor for coming to visit his company’s facility in Milpitas. There was a public meeting scheduled on Thursday evening, hosted by the Bay Area Air Quality Management District at City Hall. Also, there would be a stakeholders group meeting next week, with good progress being made. He encouraged the City Council with an open invitation to visit Newby Island.

Robert Marini, Milpitas resident, attended the recent City Council Finance Subcommittee meeting and afterwards, had questions about how rates based on per household numbers were calculated. He displayed some informatin provided by the State of California.

Voltaire Montemayor, Milpitas resident, congratulated the Milpitas Post. Regarding water, if the City could find more water sources and build bigger tanks. that would help and find more sources of water, like an aquifer or aqeduct somewhere.

At the City Manager’s request, Recreation Services Manager Renee Lorentzen announced the phone line **408-586-2666** as the new City of Milpitas Water Hotline for reporting water wasters and to gain information on water saving devices during this time of drought.

ANNOUNCEMENTS

City Manager Williams introduced and welcomed Bill Ekern as the City’s new interim Planning & Neighborhood Services Director, who arrived in Milpitas with most his recent management experience with the cities of Redwood City and San Jose.

City Manager Williams then went to the podium to present City Councilmembers with a plaque to recognize Money Magazine’s naming the City of Milpitas as 29th best city in America to live in.

Mayor Esteves reported that the first City Attorney in Milpitas, Mr. Haskell “Jack” Goodman had died recently, and he would adjourn the meeting in Mr. Goodman’s memory.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Ogaz asked the Mayor and 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 asked the Council to hear agenda item no. 12 (Housing Element Progress Report) following Public Hearing item no. 4 (approve new Housing Element).

Mayor Esteves asked to have Item No. 5 (450 Montague project) heard after Item No. 2 (CDBG).

Motion/Second: Councilmember Giordano/Councilmember Grilli

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

CONSENT CALENDAR

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

The City Manager asked to remove No. 12 from consent to hear a report from staff and remove No. 13 (Public Art ordinance) from consent based on a letter received from a project applicant.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

- * 9. Resolution - Newby Island as Public Nuisance Adopted Resolution No. 8463 finding public nuisance and negative environmental effect from operations at Newby Island landfill.

- *10. Commission Appointment To the Economic Development Commission:
 Newly appointed Ms. Teri Owens of Embassy Suites Hotel as the hotel representative, regular voting member, on the Commission to a term that will expire in April 2018.
 Re-appointed Ms. Charlene Tsao and Mr. Minh Nguyen as regular voting members to terms that will expire in April 2018.
 Re-appointed Ms. Melanie Holthaus as Alternate No. 1 to a term to expire in April 2017.

- 12. Housing Element update This matter was removed from consent calendar, but was not heard.

- 13. Public Art Ordinance This matter was removed from consent calendar, but was not heard.

- *14. Resolution Adopted Resolution No. 8464 approving a communication and integrity policy for the solid waste Request for Proposals process.

- *15. Animal Services Agreement Approved an agreement with the City of San Jose for Animal Services for Fiscal Years 2015-2018 in the amount of \$1,109,297 (\$358,891 in FY 2015-16; \$369,658 in FY 2016-17; and \$380,748 in FY 2017-18).

- *16. Soundwall Renovations Project Approved the plans and specifications for Soundwall Renovations, Project No. 4267 and authorized advertisement for bid proposals.

- *17. Sports Center Pool Repair Project Authorized the Director of Engineering to issue a bidder pre-qualification package for the Milpitas Sports Center Pool Repair, Project No. 3408.

PUBLIC HEARING

- 2. CDBG annual grant funding to Non-Profit Groups Principal Planner Felix Reliford explained the breakdown of \$393,490 in total Community Development Block Grant (CDBG) funds for the City of Milpitas into three areas: Public Services, Non-Public Services and Administration categories. Seventeen requests for funding from non-profit groups were received, while the total funds requested far outstripped the amount that could be awarded. The Community Advisory Commission met on March 4 and recommended that City Council fund 13 agencies.

 Mr. Reliford reviewed funding specifically for Project Sentinel where some of the funds came from Administration funds and previously some from the Housing Authority). He also mentioned that this year, the Catholic Charities Long Term Care Ombudsman Program was not recommended for funding this time.

 Councilmember Barbadillo asked if the funding priorities established in December of 2014 were considered in the recommendations, and staff replied yes. Mr. Barbadillo wanted to know how City staff monitored the spending of these funds. Mr. Reliford explained quarterly reporting requirements of the non-profits awarded CDBG funding.

 Vice Mayor Montano highlighted Habitat for Humanity, and its services for helping folks to stay in their homes. She sought more information on the City's Street Resurfacing project and if that was the norm to fund from CDBG funds. Staff explained this would fund curb cuts and access to buildings for accessibility per Americans with Disabilities helping seniors and disabled persons. The Vice Mayor urged Terrace Gardens Senior Housing to set a minimum resident age of 65, which Councilmember Giordano – a Terrace Gardens Board member – agreed to bring to the next Board meeting.

 Councilmember Giordano noted the Milpitas Food Pantry had recently received reduced rent for its facility from the City. She asked staff if that was figured into recommendation for CDBG funds and Mr. Reliford replied, yes.

Next, Mayor Esteves opened the public hearing and invited speakers to the podium.

1) Karen Kolander, Milpitas Food Pantry, noted that the 4,000 people served were unduplicated. She was very grateful for the CDBG funds. Her view was that the rent reduction was from completely different funds in the City budget.

2) Wanda Hale, program manager of the Long Term Care Ombudsman Program of Catholic Charities, would like her organization to be funded again, in the future, if not this year since there was a long history of funding from Milpitas. It was an unduplicated safety-net program to protect needy elderly out there.

Mayor Esteves asked how many Milpitas seniors were assisted last year and Ms. Hale mentioned 77 beds in senior care facilities were available in this City.

Councilmember Grilli asked about licensing and possible duplicative service. Ms. Hale explained long term care (Residential Care) licensing and skilled nursing facilities (nursing homes) that had different requirements for licensing.

3) Michelle Schroeder of Senior Adults Legal Assistance (SALA) described free legal services for senior citizens that the group provided at the Barbara Lee Senior Center in Milpitas twice monthly. Mayor Esteves questioned her about costs, hours and amount of legal services provided to specific number of seniors.

4) Theresa Johnson, Director of the Meals on Wheels program, served many residents in Milpitas with a hot meal, welfare check and follow-up for referrals that may be needed, such as to SALA. She expected to serve at least 20 clients in Milpitas next year.

5) Molly Current, Fair Housing Director of Project Sentinel and Milpitas resident, thanked the City Council for support for her organization over many years. There was a housing crisis in the Bay Area, making services more important than ever. Her fair-housing non-profit agency helped people stay in their homes, not become homeless and served low- and extremely-low income residents.

6) Brian Eggers and Randy Perry, of the new Fresh Life for Youth (“FLY”) organization, with its headquarters in Milpitas were first-time applicants for CDBG funding and CAC had not recommended funds this year. Specifically, FLY had reached out to partner with Calaveras Hills High School to offer legal education to young persons and help keep them out of the justice system.

Mayor Esteves, Councilmember Grilli, Vice Mayor Montano, and Councilmember Barbadillo all commented on this new organization, its value to young people, and to keep FLY in mind for any other possible funding opportunities to help them succeed.

7) Bev Jackson of Rebuilding Together, helped homeowners in need, to keep housing stock repaired and keep homeowners in their homes, with many emergency repairs.

8) Colleen Hudgen of Live Oak Adult Day Services, represented the licensed adult day care center for senior adults who need all day care for those with many disabilities. She noted that funding for senior services was going down across the South Bay lately.

9) Robert Marini, Milpitas resident, mentioned \$60,000 for public works resurfacing. He would like some of that to be used at N. Abel Street at Calaveras (going north) because one could not walk straight up, and crossing in the same direction was difficult. The shrubbery needed to be removed and trees caused sidewalks buckling, a hazard.

10) Voltaire Montemayor, Milpitas resident, referred to the budget for CDBG funds and all the groups justified their funding requests while doing good for the community.

(1) Motion: to close the public hearing following ten speakers

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

Mayor Esteves asked Mr. Reliford to review the adopted priorities for CDBG funding. Those were Seniors, Youth and Homeless. Mr. Reliford also identified those groups not recommended for funding this year. Mayor Esteves said he wanted to focus on seniors, so he sought funds for the Ombudsman Program at a minimum level.

Councilmember Barbadillo asked staff to explain how the \$78,698 in Administration funds were spent. He liked what he heard about the FLY program for youth.

Responding to Council remarks, the City Manager offered to meet with the two non-profits not recommended for funding (FLY and Catholic Charities Ombudsman Program), to research possible funding, and to come back to the City Council at budget time to consider, for example, money from the City Council's Community Promotions budget.

Vice Mayor Montano reiterated to the FLY program staff to contact the Milpitas Unified School District to seek funds via LCAP for their group.

(2) Motion: to approve additional CDBG funds of \$169,303 for Rehabilitation Revolving Loan Fund for FY 2015-16; to approve CDBG funding for FY 2015-16, as recommended by the Community Advisory Commission; and direct staff to meet with FLY and the Ombudsman Program non-profits to consider potentially other City funding

Motion/Second: Councilmember Grilli/Vice Mayor Montano

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

Councilmember Grilli then noted that regarding the CalPERS presentation by Ron Lind on the agenda (item no. 6) would need to be re-scheduled because Mr. Lind left the meeting. He will work with the Human Resources Director Carmen Valdez to reschedule.

3. Transitional and Supportive Housing

This public hearing was not held.

4. General Plan Housing Element certification

This public hearing was not held.

5. 450 Montague Expressway development project

Contract Planner Darryl Boyd introduced the development proposed for 450 Montague Expressway at East Capitol Ave, near the new BART station under construction in the Transit Area. He reviewed the major actions requested of the Council for the project's approval: Site Development Permit and Conditional Use Permit (for minor deviations from Transit Area Specific Plan and from Zoning Code) related to the Lennar project. He listed some of the Public Benefits offered on site.

Mayor Esteves wanted quantitative assessment specifically of the Public Benefits offered and asked staff to provide those numbers, which Mr. Boyd did not have at his fingertips.

Vice Mayor Montano asked about "shelf life" of the construction drawings for the vehicular bridge at Milpitas Blvd extension. She did not want funding for the bridge to be overlooked, with drawings sitting on the shelf and not ever built.

There was a great deal of discussion of actions needed for parking, a Conditional Use Permit for tandem parking, for open space, and other needs.

Vice Mayor Montano asked for explanation on the location of one of the two parks at the project, at the “back” of the site. Discussion on the two proposed park locations and design was held, with the linear park and creek trail design reviewed.

Councilmember Barbadillo asked if there was a qualification or definition for a “public benefit.” Staff asked if he meant criteria and reply was yes. Staff could look it up and report back. Mr. Barbadillo asked about if the park would be designed and built as presented to the Parks, Recreation and Cultural Resources Commission, which had concerns based on a past project. He wanted to know why the change in road design was made and more about the gas and water pipe lines.

Mayor Esteves next invited the applicant to the podium. Alex Waterberry from Lennar Homes spoke to the City Council, after two and one half years working on this project with many potential site plans. He referenced approximately \$2 million in value of public benefits, he reported to the Mayor.

Kevin Mong, also of Lennar, with his design team, worked with City staff for one and a half years on this site. A recycled water line would be extended for use at this site. He highlighted a “paseo” linear path through the project to connect the linear park to the one in the center of the development.

While Mr. Mong was addressing the City Council, technical difficulty ensued at the podium and dais with a lack of any sound from microphones at 10:28 PM. This caused a halt to the discussion, and ultimately to the public hearing being continued to the next scheduled City Council meeting date of May 5, 2015.

UNFINISHED BUSINESS

6. Overview of PERS Councilmember Grilli announced that PERS Board member Ron Lind needed to leave the meeting prior to this item, so the Mayor agreed to continue this item to a future meeting.
7. City Website Design This matter was not heard.
8. Amend Contract with PERS This matter was not heard.

NEW BUSINESS

11. Citrus Pest Prevention This matter was not heard.

RESOLUTIONS

Two resolutions were adopted on the consent calendar.

AGREEMENTS

Three items were approved on the consent calendar.

ADJOURNMENT

Technical difficulties regarding the microphones occurred near 10:30 PM while the City Council was discussing the 450 Montague project. Without use of the sound system, the Council agreed the meeting should be adjourned.

So Mayor Esteves adjourned the meeting at 10:35 PM. Councilmember Giordano then departed the Council Chambers.

However, the Mayor noted that a vote was necessary to continue the scheduled and noticed public hearing items, so he re-opened the meeting.

Vice Mayor Montano moved, seconded by Councilmember Grilli, to schedule a special City Council meeting the following Tuesday, April 28, 2015 at 7:00 PM in Council Chambers to continue all public hearings (450 Montague project and two housing matters) on the agenda this evening. The motion was approved on a vote of four in favor with one absent (Councilmember Giordano).

Mayor Esteves then adjourned the meeting again at 10:37 PM.

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