

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, April 19, 2016
Time: 6:00 PM Closed Session / 7:00 PM Open Session
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. City Clerk noted the roll.

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

ABSENT: Councilmember Grilli was absent.

Councilmember Grilli did participate in the Closed Session portion of the meeting by telephone conference, while she was in Boston, MA.

City Manager Tom Williams was absent. Assistant City Manager Emma Karlen sat in for the City Manager at the dais.

CLOSED SESSION

City Council convened in Closed Session to discuss litigation cases and one item regarding labor negotiations.

City Council then convened at the dais for the Open Session at 7:00 PM.

ANNOUNCEMENT

No announcement out of Closed Session.

PLEDGE

Boy Scouts Troop No. 92 led the pledge of allegiance.

INVOCATION

Councilmember Grilli had invited School Board member Chris Norwood to provide the invocation and Mr. Norwood offered a prayer to start the meeting.

MEETING MINUTES

Motion: to approve the minutes of April 5, 2016 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedule of Meetings for April and May 2016

Assistant City Manager Emma Karlen announced that the City Council Facilities Naming Subcommittee would meet on Friday, April 22 at 4:00 PM, and the Milpitas Planning Commission was canceled on April 27.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

PUBLIC FORUM

Martin Skelson, Milpitas resident, handed the Mayor some photographs of the Milpitas Community Garden showing that some posts installed there were not maintained well, and had termite damage, due to untreated wood.

Robert Marini, Milpitas resident, had spoken to an attorney this date about a previous comment from the City Attorney about his effort being termed campaigning at the dais during Council meetings. He discussed new well water and costs spent by the City to switch over to that source in the future. Groundwater would not be used for residential source of household water.

Lekha Shankla was angry about a letter she'd received about her husband's car and the request to move the 1977 Camaro. She felt the City did not have a right to tell the couple to move the car off their property. They paid taxes and this should not be a communist place.

Ms. Shankla's husband said the car had been sitting there more than 20 years, and only recently someone had complained. So now the City was telling them to move it. He did not understand that and wanted an explanation why he got such a letter. He claimed no neighbors he'd spoken to had complained to the City.

Councilmember Giordano responded to the couple about a blight ordinance. She asked the City Attorney if the couple could file for an exemption to that. City Attorney Chris Diaz said he would read the ordinance and talk to code enforcement staff if there was an appeal process.

Rob Means, Milpitas resident, displayed a video about "Tipping Points" that he had shown in the past about climate change.

Voltaire Montemayor, Milpita resident, commented on the video shown by Mr. Means. He felt lucky to be in Milpitas, a well-balanced City.

Michael Tsai, Milpitas resident, said steps needed to be taken to fight climate change. He identified some taken by City Council, specifically with the TASP and BART station area development, which he favored. He suggested that public safety needed more resources.

Ysenia Illescas, Milpitas resident, needed to advocate for her child who was assaulted. She sought assistance for the child, who needed services. Her rights needed to be represented in court.

ANNOUNCEMENTS

None.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Assistant City Manager Karlen reported that item no. 6 (MUSD enrollment report) would not be heard at this meeting, and requested to continue it to May 3. Councilmember Giordano wanted to comment on the item, so she asked to leave it on the agenda for the moment and could move to continue it later.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

CONSENT CALENDAR

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

Vice Mayor Montano asked to defer item no. 3 (on the County-wide minimum wage) since the report had been issued and she wanted to have more in-depth discussion on the topic. The Mayor and Councilmembers agreed with her to continue the matter to a future meeting.

Motion/Second: Vice Mayor Montano/Councilmember Giordano

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

* 3. Minimum Wage Study Deferred to a later council meeting date.

* 4. Commission Appointments The Mayor's recommendation was approved:

Arts Commission: appointed Daniel Bobay as the Milpitas Unified School District Board member representative to a term that will expire in October 2016.

Community Advisory Commission: re-appointed George Chen as Alternate No. 3 to a term that expires in January of 2018.

* 5. Housing Report Received the 2015 Annual Housing Element Progress Report and 2015 Housing Successor Annual Report.

* 7. Adopt a Resolution Adopted Resolution No. 8536 granting initial acceptance of Santa Clara Valley Transportation Authority Project No. C740, subject to a one year warranty period and reduction of the faithful performance bond to \$171,300.

* 8. Amendment to York Insurance for Third Party Administrator Authorized the City Manager to execute Amendment No. 4 to the current agreement with York Insurance Services Group, Inc. (formerly Southern California Risk Management Association) to extend the agreement effective July 1, 2016 through June 30, 2018 in accordance with the terms and conditions stated in the attached amendment.

* 9. Amendment No. 2 to Contract with JP Graphics Approved Amendment No. 2 to the contract with JP Graphics, a California corporation, for citywide printing services increasing by \$45,010 for a FY 2015-16 contract total amount not-to-exceed \$180,010.

PUBLIC HEARING

1. CDBG Allocations for Fiscal Year 2016-17 Housing Planner Hung Nguyen presented an overview of the Community Development Block Grant (CDBG) program for the upcoming fiscal year. \$420,364 was the amount of available total funding from the federal government for City of Milpitas, with 65% allocated for non-public, 15% public and 20% for administration.

She reported that City Council had previously had adopted priorities for this funding. Non-public priorities were: 1) home repair, 2) affordable housing, and 3) rental apartment rehabilitation. \$200,000 was recommended for the Rehabilitation Loan Fund for the next Fiscal Year.

The One Year Action Plan would also be adopted this evening to inform the federal Housing and Urban Development department of the plan for the CDBG funds in Milpitas over the coming year.

Councilmember Giordano stated that it would be helpful to know how much each group had received in CDBG funding in the past few years.

Vice Mayor Montano asked if the \$200,000 for the rehabilitation fund was taken away from otherwise funding other groups. Mr. Wong replied no, it was an allocation from HUD for this purpose (not the public funds to outside non-profits).

Mayor Esteves asked for speakers to come to the podium from the applicant groups.

Karen Kolander, of Milpitas Food Pantry, spoke of the money being allocated to make the most impact on the most residents in Milpitas. She knew that other agencies had millions of dollars, while her group really needed the \$25,000 she had requested.

Theresa Johnson, Director of Meals of Wheels for the Health Trust, discussed funds that help her agency's clients with provision of hot meals in Milpitas. The recommendation was zero from staff, while the City Council's first priority for funding was seniors.

Alex was the Director of Government Affairs for the Fresh Lifelines for Youth (FLY) program for youth) at Calaveras Hills high school. He thanked the Council for past support and looked forward to continued support from the City. FLY hoped to serve 40 - 80 youth in Milpitas with its legal education program.

Karen Scussel, Executive Director of Child Advocates of Silicon Valley, advocated for foster youth in Santa Clara County. The program had been in Milpitas since 2003 and first received CDBG funds from this city two years ago. The agency planned to serve 42-43 foster children in Milpitas next year.

Amy Marseline, from the Long Term Care Ombudsman program of the Catholic Charities of Santa Clara County, spoke next. The program served one nursing home in Milpitas and seven assisted living centers and board & care homes. She and two volunteers visited the facilities in Milpitas, advocating for vulnerable residents, who were seniors and disabled.

Mayor Esteves asked her about other sources of funding. Vice Mayor Montano asked her about the types of residential care facilities Ms. Marseline visited in Milpitas, and how many people were in each.

Leslie, Development Director for Rebuilding Together Silicon Valley, thanked the City Council for its current and past support of the program. She looked forward to continued funding from the city to help residents take care of their homes, with minor repairs and urgent needed work.

Georgia Bacil, senior legal attorney for Senior Adults Legal Assistance (SALA), provided free legal services to very low income senior citizens. SALA helped seniors on-site at the Barbara Lee Senior Center, by scheduling appointments monthly two days per month. Her group requested the same funding amount as last year. SALA served 49 seniors last year, and expected to increase that number next year.

Vice Mayor Montano asked for further details of the services SALA provided.

At 8:30 PM, the Mayor opened the public hearing for speakers from the audience.

Christian, lived in Milpitas 21 years and worked at Kaiser. He was a volunteer with FLY and had been a juvenile offender in his teens. He was an advocate for the FLY program, graduated early from high school, and went to college younger than most kids.

Ronald Fernando, a Milpitas native, spoke of a difficult family life and crimes in the past. He was introduced to the FLY program by his brother when he was young and now advocated for funding for this youth legal program.

Bob Nunez, Milpitas resident and former County Commissioner, addressed a prior comment about the method of funding for CDBG funds. He supported the staff and CAC recommendation to City Council for allocation of these federal funds.

Robert Marini, Milpitas resident, felt more information and disclosure on this program was needed. How many people would be served and how much money should be stated by the staff, with regard to the Rehabilitation Revolving loan fund.

The Mayor responded about regular reporting required on use of these funds.

Rob Means, 1421 Yellowstone Ave resident, agreed all of the groups should be getting more money. All of the organizations were serving more residents, with an increasing need for all the services. There was poverty with great need in Milpitas.

Steve Siddell, Milpitas resident, felt all these groups had wonderful programs in Milpitas, and congratulated the young men present who turned away from violence and crime. He supported more funds for hot meals for seniors delivered by Meals on Wheels.

Voltaire Montemayor, Milpitas resident, thought the total amount of CDBG funds was not necessarily enough money for the needs in the city.

Tom Valore, Milpitas resident, noted the need was greater than the resources made available in the city. CDBG was about allocation of federal funds, where the City was not augmenting those. He suggested that the City Council consider doing so.

Motion: to close the hearing following testimony from eight speakers, and comments from representatives of the non-profit applicants

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

Councilmember Giordano wanted to make a motion that she supported the Community Advisory Commission's recommendation to Council. And also, four groups should be augmented as follows: 1) Child Advocates of Silicon Valley – change the allocation to \$7,000 total; 2) FLY – change the total amount to \$10,000; 3) Milpitas Food Pantry – change to \$20,000; and, 4) Meals on Wheels – provide \$5,000 (not zero).

Ms. Giordano asked Assistant City Manager Karlen where those funds could come from. Staff replied possibly from the Community Promotions budget while this could be discussed at the City Council budget workshop scheduled next week.

Mayor Esteves thanked all the speakers and referred to the budget workshop scheduled the following week on Monday. The Mayor said Council should amend the total amount of funds, and then consider how to vote on allocating such augmentation. There might be a total increase of \$20,000, for example.

Vice Mayor Montano thanked all the service providers for coming and speaking to the Council. She acknowledged there were more needs out there and agreed with the CAC recommendation. She agreed to consider funding those additional amounts that Councilmember Giordano asked for, but at the Council study session next week.

Motion: to approve the following:

- 1) to funding the organizations and programs, based on the recommendations from the Community Advisory Commission, for CDBG funds, and also to include a look at the four organizations recommended for increased funding at the budget workshop on April 25, and perhaps consider other groups
- 2) Approve additional CDBG funding in the amount of \$200,000 for the Rehabilitation Revolving Loan Fund in Fiscal Year 2016-17
- 3) Approve Community Development Block Grant Funding of \$420,364 for Fiscal Year 2016-17 – based on Community Advisory Commission's recommendations - and the draft Action Plan
- 4) Authorize the City Manager to execute agreements for CDBG funds with the 16 service providers

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

UNFINISHED BUSINESS

2. Update on BART project

This matter was heard following agenda item no. 6. Ms. Carolyn Gonot, Director of Engineering and Transportation Program for the Santa Clara Valley Transportation Authority, provided the City Council with her update on BART.

Ms. Gonot reviewed Phase 1 (new Warm Springs BART station in south Fremont) which was nearly complete, and discussed the status of Phase 2 (the planned Milpitas station at Great Mall). She displayed a variety of photos of the work done to date. She showed a video of the site and current construction of the station, bus area, and the 1200 space multi-story parking garage.

The Mayor and Vice Mayor asked her a variety of questions on station details, including measures of security and safety, parking, lighting, and timing of the station opening.

Next, Mayor Esteves asked for speakers from the audience.

Rob Means, 1421 Yellowstone resident, commented on the number of parking spaces which was too small versus the anticipated number of BART riders at the station. He wanted to have a PRT loop at the BART station.

Robert Marini, Milpitas resident, noticed the reduced capacity on Dixon Landing Road, while traffic would be getting worse. The train would still cross over Dixon Landing Road and also BART would not help that traffic situation, he thought. He liked the PRT suggestion by Rob Means.

Voltaire Montemayor, Milpitas resident, felt security cameras were good to have at the BART station. He was excited for this modern development.

Steve Siddell, Milpitas resident, thought \$3 million should be allocated by BART to hire ten new police officers to have the policing needed in the area, for true community policing as the citizens were used to.

Mayor Esteves asked about the security plan on site. Ms. Gonot said VTA was still working on that for the new stations, working with BART police and the County Sheriff. The Mayor reported that residents asked him why the trains for BART would not go underneath the ground, instead they were at the ground level (at grade). Several reasons were decided related to site distance, grade and ADA issues that would have made it complicated to go underground or below grade level.

The Mayor noted that people were advocating for a shuttle bus throughout Milpitas once BART opened, and would like to work in concert with Santa Clara VTA on that. He referred to residents' concern about noise occurring during construction.

Mayor Esteves thanked VTA staff for coming to this meeting to provide the update report. The City looked forward very much to the new station opening in Milpitas.

Motion: to receive a report on the status of the BART station construction from VTA staff Carolyn Gonot at the Council meeting

Motion/Second: Councilmember Barbadillo/Vice Mayor Montano

Motion carried by a vote of:

AYES: 3
NOES: 0
ABSENT: 2 (Giordano and Grilli)

NEW BUSINESS

6. Report on MUSD Enrollment This item was discussed prior to item No. 2, BART update.

Councilmember Giordano acknowledged that this matter will return to City Council when the school district staff was available. She wanted to ask district staff where they were with the McCandless school site. When a development project arrives (as at the last Council meeting), and when there are recommendations from the school district, she wanted to hear more proactive comments from the district.

Vice Mayor Montano remarked about growth and development due to BART coming. She talked about enrollment that has gone down in some of the school districts in the region, not grown. This was happening all around, in part due to housing costs.

Mayor Esteves asked for any comments from the public on this item.

Steve Siddell, Milpitas resident, noted his kids went to public school in San Francisco with 40 to 42 kids per class. That yielded differing results for each child. If MUSD was worried about a few more kids in the schools, when it was possible to have success even with high enrollment. Feedback from the School District on class sizes would be helpful.

The next speaker was a member of the Board of Trustees so the Mayor asked Mr. Bob Nunez if he was speaking on behalf of MUSD, and he said yes. Mr. Nunez said he would take the questions to the Superintendent from this meeting.

Voltaire Montemayor, Milpitas resident, believed it was parents' job to send their kids to school. He noted that some were slow learners, and he wanted to inspire all kids.

Motion: to continue this item to a future meeting date and to ask the Milpitas Unified School District to respond to questions raised

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

Councilmember Giordano then departed from the meeting at 9:07 PM.

ADJOURNMENT

The City Council meeting was adjourned at 10:02 PM.

The foregoing minutes were approved by Milpitas City Council on May 3, 2016.

Mary Lavelle
Milpitas City Clerk