

MEETING MINUTES CITY OF MILPITAS

Minutes of: Joint Meeting of Milpitas City Council, Housing
Authority Commission and Successor Agency
Date: Tuesday, February 16, 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 6:06 PM. City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano and Councilmember Giordano

ABSENT: Councilmember Barbadillo was absent at roll call and arrived at 6:10 PM for Closed Session. Councilmember Grilli was absent while she did participate by telephone conference call-in to the Closed Session portion of the meeting only.

CLOSED SESSION

City Council convened in Closed Session to four litigation matters.

City Council then convened at the dais for the Open Session at 7:25 PM.

ANNOUNCEMENT

No announcement out of closed session.

PLEDGE

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

INVOCATION

Councilmember Giordano recited the Boy Scouts prayer.

MEETING MINUTES

Motion: to approve the minutes of February 2, 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 Calendar/Schedule of Meetings for March 2016

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

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

PRESENTATIONS

State of California Commission on POST (Peace Officers Standards and Training) awarded the Executive Certificate to Chief of Police Steve Pangelinan, upon his completion of the requirements for the highest level of POST certification. Mr. Robert Stresak, Executive Director of POST, presented the Certificate along with Mayor Esteves to Chief Pangelinan.

Mayor Esteves acknowledged February as Black History Month.

PUBLIC FORUM

Evelyn Chua, Milpitas resident, talked about a "safe zone" concept for Craigslist or other online exchanges to reduce criminal activity, related to online sales. Mayor Esteves replied that perhaps staff could look into her idea.

Robert Marini, Milpitas resident, discussed new and old water utility rates, and use of ground water. He provided an overhead chart in excel with data on it.

Rob Means, 1421 Yellowstone resident, addressed the Council discussing his view of benefits of Personal Rapid Transit as a possible future transit option in Milpitas.

Voltaire Montemayor, Milpitas resident, spoke of troops, the Chief of Police, Black History, slavery, great presidents and leaders, and affirmative action.

Liz Ainsworth, President of Milpitas Chamber of Commerce, requested to be placed on the next Council agenda for the City to partner with the Chamber on its International Barbecue event scheduled in May. She was pleased that President Obama stayed in this city recently. In reply, Councilmember Giordano supported her request for the Chamber's BBQ event.

Tom Valore, Milpitas resident, noted an increase was coming soon for water rates. He was concerned about the disposal and hauling contracts soon to be issued and wished to see the result with the most cost-effective contract awarded.

ANNOUNCEMENTS

Councilmember Giordano requested to adjourn in memory of Mr. Alfonso Montano, father of the City's Vice Mayor.

Mayor Esteves wished all a Happy Lunar New Year, celebrated especially by Asians in the City.

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 amended

City Manager Tom Williams requested to remove agenda item no. 7 (request related to a potential ballot measure on Town Center zoning). City Attorney Chris Diaz commented on further work that may need to be accomplished before bringing that item to Council for a vote.

Motion/Second: Vice Mayor Montano/Councilmember Giordano

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 submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

* 2. Commission Appointments Per recommendation of Mayor Esteves, approved the following:

Community Advisory Commission: re-appointed Mike Bilbao to a new term of four years, which will expire in January of 2020.

Planning Commission: re-appointed Gurdev Dave Sandhu and Hon Lien to new terms of three years each, which will expire in December of 2018.

Veterans Commission: re-appointed Liliana Ramos to a new term of three years, which will expire in February of 2019.

- * 3. Remove RSRAC members Voted to remove Steve Ybarra and Madan Arora as voting Commissioners on the Recycling and Source Reduction Advisory Commission.

- * 6. PRCRC Approve Youth Sport Policy Per recommendation of the Parks, Recreation and Cultural Resources Commission, approved the Youth Sport Priority and Indoor Facility Allocation Process and Indoor Youth Sport User Fee.

- * 7. Possible Ballot Measure Item removed from the agenda.

- * 9. Commissioners Lunch Approved the 2016 Commissioners Recognition Event as a catered luncheon to be held at the Milpitas Community Center on Saturday, April 30, 2016 from 11:30 AM to 1:30 PM, at a cost not to exceed \$8,000.

- *10. 911 Center Upgrade Approved an appropriation in the amount of \$15,025.17 into the Police Department's operating budget for the Communications Center Upgrade.

- *11. Resolution Adopted Resolution No. 8524 granting initial acceptance of the Community Center Auditorium Audio Visual Systems Upgrade, Project No. 3406, subject to a one year warranty period, and reduction of the faithful performance bond to \$16,355.87; and granting authorization to the Director of Engineering/ City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.

- *12. Resolution Adopted Resolution No. 8525 granting final acceptance of public improvements for Sewer Line 11A and portion of 11B, Improvement Plan No. 2-1153, (Tracts 10137, 10159), Project No. 2709, and release all bonds to the applicant, D.R. Horton.

- *13. Agreement with CHP Authorized the City Manager to execute an Agreement with the California Highway Patrol for joint use of Weapons Firing Range.

- *14. Amendment to Agreement with Triple HS/HT Harvey Approved Amendment No. 2 to the consultant agreement with Triple HS, Inc. doing business as H.T. Harvey & Associates, Project No. 3700 to increase the agreement amount by \$30,000.

- *15. Fire Engine Repair Received a report from the Director of Public Works of emergency repairs and authorize staff to pay invoice in the amount of \$11,976.26 to Burton's Fire, Inc. from the Fleet Maintenance Repair and Maintenance operating budget.

UNFINISHED BUSINESS

- 1. FY 2015-16 Mid-Year Budget Amendments Finance Director Russell Morreale presented FY 2015-16 mid-year budget adjustments, as requested by various City departments and in the Capital Improvement Program. He reviewed details of the amounts requested for a variety of City services, including several staff adjustments.

Mr. Morreale made a correction to the number of full time positions in City employment at this time, which was 329 versus a number reported in the agenda report earlier. Current reserves for the Water Fund were \$7.9 million, he reported.

City Engineer Steve Machida discussed the water bond funding and maintaining of reserves. \$665,000 would be returned to the Water reserves, after current CIP projects were completed. The City planned to bond fund key water projects that were identified, estimated at a total of \$25 million. Those projects included completion of automated water meter replacements.

Councilmember Barbadillo asked how much would the cost be for the first half of the year, on bonding key water projects. No expenses were begun yet, said Mr. Machida, while moving fund reserves to external bond funding. The City Engineer reported that

some work was just starting on the design for Dempsey Road seismic improvements, from the project list.

Vice Mayor Montano remarked that staff provided a really helpful report to City Council (included the powerpoint handout), and she appreciated the hard work that went into it.

Mayor Esteves asked if there were any comments from the audience.

Robert Marini, Milpitas resident, spoke of a recallable bond that could be issued, if a grant came in to cover the costs. Notice was not given to the public for the \$25 million bond. Allocation should change on who paid for the bond to those who use the ground water.

Voltaire Montemayor, Milpitas resident, mentioned equipment, materials, lifespan, earthquake, grants and costs should be covered.

Evelyn Chua, Milpitas resident, wondered what the impacts were of the various projects, since that was what was missing for her.

Motion: to accept the staff report and approve the Fiscal Year 2015-16 mid-year budget appropriations as itemized on the budget change form

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

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

REPORTS

4. CAC Recommendation for Official City Tree

Planning staff Tim Wong, staff liaison to the Community Advisory Commission (CAC), presented the recommendation from the Community Advisory Commission to recommend Jacaranda as the official city tree. He showed a photo of a large fully blooming tree with purple flowers. Factual information from Public Works was displayed, including a description of the watering needs for these trees. Financial considerations regarding jacarandas were noted.

Mayor Esteves asked what did it mean if the tree was adopted as “official?” Mr. Wong referred to discussions by the CAC while no formal plan was officially adopted to recommend to the City Council. Mayor Esteves commented this type was on the official City tree list. City Manager Williams noted that was correct and it was on the list as an accent tree, not a street tree.

Councilmember Barbadillo inquired how often this topic came before the Commission. Mr. Wong reported it was several times since August 2014, with a final recommendation made at the December 2015 meeting. Public Works Director Nina Hawk reported there were about 60 jacaranda trees now throughout the City.

Mr. Roman DeSota of R3 Studios came to the podium to address the concept of official tree, which could be similar to a mascot for a sports team. He highlighted the jacaranda’s affect as an accent tree here in Milpitas.

Councilmember Giordano wanted to know if this also applied to private property, a business or a homeowner. The City should encourage them to plant this accent tree. She thanked the CAC members for their efforts toward trying to beautify the City.

Community Advisory Commission Chair Syed Mohsin came up with several other Commissioners, to mention the group had discussed this topic several times and made the final recommendation to Council. They were aware of the drawbacks, as noted by staff about the tree. He suggested placing the tree at points of entry or points of interest.

Former CAC member Ray Maglalang provided more facts from the US Department of Agriculture Forest Service, based on a fact sheet he displayed. He referred to the best example of mature jacaranda trees in Milpitas at I-680 exit next to Landess and Montague.

Mayor Esteves invited comments from the public next.

Robert Marini, Milpitas resident, wanted to know what was the cost to maintain this type of tree. Cost would be the most important question, and other trees were available with less maintenance.

Barbara Ebright, Milpitas resident, mentioned that the jacarandas were beautiful in bloom, and she wanted to know if they had any fragrance. She did not want these in the neighborhoods if they left sticky stuff on the sidewalks or walkways.

Dan Manassau, Sudbury Drive resident, saw that recycled water could not be used to water the tree. But he was a gardener at the City's community gardens, where recycled water was going to be required.

Michael Tai, Milpitas resident, referred to special irrigation needs and priorities for water needs throughout the City. There were many other beautiful trees to consider in the City, that don't need special maintenance as jacarandas.

Voltaire Montemayor said Milpitas would be known as a Jacaranda city with the pride of the people in Milpitas.

Tom Valore, Milpitas resident, said there was no definition of what it meant to be an "official" city tree, as Mayor noted.

Mayor Esteves remarked on what he thought it meant to be an official city tree, regarding name recognition. He felt nothing was free and they want to beautify the city, there would be some cost. Jacaranda would be only an accent tree, not a city street tree.

Motion: per recommendation of the Community Advisory Commission, approve designation of the Jacaranda Mimosifolia tree as the Official City Tree - subject to staff coming back with language of what an "Official City Tree" means

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

5. Veterans Commission

Commission Chair Dana Arbaugh along with Commissioner Art Ebright, presented accomplishments over the past year, and reviewed the Veterans Commission work plan for 2016. It included that Annual Veterans Car Show and Veteran of the Year selection annually.

Mayor Esteves asked questions and sought clarification on the local veterans agencies that received donations from the car show each year. He hoped these would be non-profits that specifically helped Milpitas veterans. He also wanted more information on the process of the selection of the Veteran of the Year program.

Councilmember Giordano likened the program to the City's Artist of the Year selection, and getting local residents to apply for that honor. She supported the organizations that the Veterans Commission chose for the donations, which do serve Milpitas veterans, even though those non-profits' offices were located nearby - not in the City.

Vice Mayor Montano mentioned the GI Forum and Viva Nueva as organizations for local veterans to check out and get some ideas on how they helped provide services.

Chair Arbaugh highlighted five major activities for the Commission to work on in 2016, with some further explanation from staff.

Mayor Esteves asked about working with the Arts Commission and the Senior Advisory Commission (SAC) on new activities in the future work plan (toward older Americans Month with SAC and a future Phantom Art Gallery show).

Vice Mayor Montano would like to see more activity, including a dinner for veterans. She gave other future workplan suggestions to the Commissioners.

Mayor Esteves asked for comments from the audience.

Robert Marini, Milpitas resident, said the Senior Center could be opened for veterans for special events such as Super Bowl and could perhaps offer free use of the gym, and by reaching out directly to veterans.

Voltaire Montemayor, Milpitas resident, noted some veterans were reluctant to express their need for services.

Motion: to receive a presentation from the Veterans Commission and approve the 2016 Veterans Commission Work Plan

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

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

NEW BUSINESS

8. Sports Center Pool Repairs project update

City Engineer Steven Machida provided an up-to-date report with photos of the project that was moving along to revamp the City swimming pools at the Milpitas Sports Center on Calaveras Blvd. Completion of construction for all the upgrades to the pools was anticipated at the end of April this year.

Councilmember Barbadillo asked what happened to the water that was drained from the pools. Staff explained that the cost to transport it was too much to move, so the water was used to flush the City's sewer mains to improve flow.

Vice Mayor Montano asked for the explanation of the use of pools by the youngest kids in the City, since the wading pool was removed.

Motion: to receive a staff report and presentation updating the status of the Milpitas Sports Center Pool Repairs and improvements project

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

City Council portion of the meeting was concluded at 10:36 PM.

JOINT MEETING

CITY COUNCIL, HOUSING AUTHORITY and SUCCESSOR AGENCY

Call to Order & Roll Call

The joint meeting of the City Council, Milpitas Housing Authority and the Successor Agency to the former Redevelopment Agency was opened at 10:37 PM, with four members present (Marsha Grilli was absent).

Motion: approve the agenda, and remove item no. 16 from consent calendar

Vice Mayor Montano asked to remove the one item from consent.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

**16. Amendment to Agreement
with Forest City Consulting**

Vice Mayor Montano asked what this consulting firm would do for the City.

City Manager Tom Williams gave some history of actions following dissolution of the Redevelopment Agency. This firm provided community relations and outreach with the public response to a group concerned about the McCandless land park area.

Vice Mayor Montano would like some correspondence or a memo on what the consulting firm had done or planned to do for the City. It was the first she'd heard of this company.

Motion: to direct staff to proceed with an amendment to the agreement with Forest Consulting LLC not to exceed \$120,000 for Redevelopment Successor Agency and Housing Authority services

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

ADJOURNMENT

The joint meeting was adjourned at 10:52 PM in memory of Mr. Alfonso Montano.

The foregoing minutes were approved by Milpitas City Council on March 1, 2016.

**Mary Lavelle
Milpitas City Clerk**