

*Draft* **MEETING MINUTES**  
**CITY OF MILPITAS**

**Minutes of:** **Regular Meeting of Milpitas City Council**  
**Date:** **Tuesday, December 18, 2012**  
**Time:** **6:15 PM**  
**Location:** **Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas**

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**ROLL CALL**

Mayor Esteves called the meeting to order at 6:28 PM. City Clerk Lavelle noted the roll.

**PRESENT:** Mayor Esteves, Vice Mayor Polanski, Councilmembers Giordano, Gomez and Montano

**ABSENT:** None

**CLOSED SESSION**

City Council convened in Closed Session to discuss labor negotiations and one litigation matter.

City Council then convened in Open Session at 7:03 PM.

**ANNOUNCEMENT**

No announcement out of Closed Session.

**PLEDGE**

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

**INVOCATION**

Mayor Esteves offered a prayer for the victims of the recent shooting violence, especially for the children. He would adjourn the meeting in their honor, per Councilmember Giordano.

**MINUTES**

Motion: to approve meeting minutes of December 4, 2012 City Council meeting, as submitted

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

**SCHEDULE OF MEETINGS**

Motion: to approve Council Calendars/Schedule of Meetings for December 2012 and January 2013, as amended

City Manager Tom Williams noted two meeting dates for the Milpitas Oversight Board on January 7 and 14, 2013 at 4:00 PM in the City Hall Committee Conference Room.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

**PRESENTATIONS**

Mayor Esteves proclaimed "Fitness for Humanity and Health Challenge Program Month" for December 2012, as requested by representatives of the Travelers Protective Association (TPA). Accepting the proclamation were Dem Nitafan, Art Panoringan, and Art Madlaing of the TPA Safety Committee.

Next, Mayor Esteves commended Heald College for its generous contribution to the Milpitas Food Pantry. Heald President Elmo Frazer and his staff accepted the commendation from the Mayor and they presented a check for \$5,000 to Karen Kolander of the Milpitas Food Pantry.

**PUBLIC FORUM**

Robert Marini, Milpitas resident, displayed information, regarding City calculation of fees for sewer service. He compared calculated fees v. actual fees charged for multi-family units.

Rob Means, 1421 Yellowstone, spoke on global warming and climate change.

**ANNOUNCEMENTS**

Mayor Esteves thanked staff for the beautiful tree lighting ceremony held on December 1.

**ANNOUNCEMENT OF CONFLICT OF INTEREST**

None.

**APPROVAL OF AGENDA**

Motion: to approve the agenda, as amended

Mayor Esteves stated, on item no. 3, he was removing subsection 3 because Councilmember Giordano was available for her assigned Committees.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

**CONSENT CALENDAR**

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

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

**\* 3. Commission Appointments**

Approved the following appointments:

To the Arts Commission/Public Art Committee:

Appointed Nicole Phan as a regular voting member to a term that expires in October 2015.  
Appointed Doris Roth as Alternate No. 1 to a term that expires in October 2014.

To the Sister Cities Commission:

Appointed German Galvan as regular voting member to a term that expires in Sept. 2014.  
Newly appointed Nolan Chen as Alternate No. 1 to a term that expires in September 2014.

**\* 6. Authorize position**

Approved and authorized developer’s request for employment of a Temporary Building Inspector. Approved budget appropriation of \$70,320, less the administrative fee, into the Building and Safety Department’s budget for remaining 6 months of Fiscal Year 2012-13.

**\* 7. Resolution approving Reclassification**

Adopted Resolution No. 8217 approving the reclassification of one administrative analyst position to a financial analyst position in the Finance Department.

**\* 8. Award Bid for New Truck**

Awarded the bid for a 2013 Ford F550 truck cab and chassis with utility body for Public Works Utilities Division to American Truck and Trailer Body, Inc. for the not-to-exceed amount of \$97,805.19.

**\* 9. Contract Extension with PMC for the CAP**

Authorized the City Manager to execute a contract extension through June 30, 2013 with PMC for the development of a Climate Action Plan in an amount not to exceed \$19,241.25.

**\*10. Report of Emergency Repair**

Received a report from Public Works Director of emergency repair of the Daniel Court water main on November 22, 2012.

**PUBLIC HEARINGS**

**1. Actions Related to 450 Montague Residential project**

Senior Planner Sheldon Ah Sing described the development planned at 450 Montague Parkway in the Trade Zone and Montague sub-districts of the Transit Area Specific Plan.



stated the City did not want empty retail spaces.

Councilmember Montano also felt this was a very good project, and she appreciated looking at the materials, its energy efficient construction with high standard windows. She gave examples of where child care space existed at built residential sites in Milpitas.

Finally, the Mayor asked the developer what he needed from staff for the success of the project, and Mr. Zach responded.

(2) Motion: to adopt Resolution No. 8216 approving a Site Development Permit, Tentative Map and Conditional Use Permit for the 450 Montague Residential Project by Lyons developer

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

2. Update of Transit Area Development Impact Fee

Planning Director Steve McHarris explained the desired update of the Transit Area Specific Plan Development Impact Fee, adopted in 2008 and provided some history. Mr. McHarris explained how the fees were to be calculated by the formula. These fees cover infrastructure city costs for roads, streetscape, water/sewer utilities, water, parks & trails, specific plan preparation and a financial plan. All of this was established so there would not be any impact on the City's General Fund with new development in the plan area.

Councilmember Giordano remarked on the fact that fees had not been raised in four years. She asked about percentage increase for retail units. She asked staff about the process for the public hearing, and notifying developers and property owners to be effected. Staff explained the noticing that was done. She was interested to know how Milpitas compared against other cities for these impact fees.

Walter Keiser, consultant, address Ms. Giordano's question. Fees were in the range of what was charged in Fremont and Santa Clara County. Fee review was occurring in San Jose and Fremont at this time, and his view was that proposed fees would be competitive in today's economy.

Councilmember Gomez was concerned about rushing the urgency action. The City Manager noted specific meetings with DR Horton, Integral, and Warmington developers. So staff had met with developers but not all of those in the area.

Vice Mayor Polanski asked about timing of the Council action. The City Manager responded about market absorption and economic factors. She asked why the urgent action was needed.

Mayor Esteves opened the public hearing to receive testimony.

Robert Marini, Milpitas resident, asked for an explanation of one part of a chart.

Rob Means, 1421 Yellowstone, felt this project was a good example of government being efficient, staying current, on top of City needs and costs for infrastructure in a new area of the City.

(1) Motion: to close the public hearing

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

(2) Motion: to adopt Resolution No. 8214 revising the fee schedule for the Transit Area Development Impact Fee, effective in 60 days

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

(3) Motion: to adopt an urgency measure by adopting Resolution No. 8215 revising the fee schedule for the Transit Area Development Impact Fee, by a minimum 4/5 vote of approval by the City Council, effective immediately

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

## REPORTS OF MAYOR

4. Mayor's Recommendations Mayor Esteves addressed the City Council with his recommendations regarding City Councilmember assignments.

He recommended to the Council that all current (five) subcommittees be suspended until recommended otherwise while Task Force or Ad Hoc Committees may be formed as needed for specific task or project.

Motion: to suspend all Council subcommittees

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

Mayor Esteves then displayed a list of assignments to various County-wide and other committees outside the City, including Santa Clara Valley Transportation Authority and Cities Association of Santa Clara County.

### Jose Esteves, Mayor

Senior Advisory Commission, Liaison  
Cities Association of Santa Clara County board member  
Cities Association of Santa Clara County Cities Selection Committee  
Cities Association of Santa Clara County Legislative Action Committee  
Santa Clara Valley Transp. Authority Board of Directors, Member  
Santa Clara VTA Northeast Group (with Sunnyvale and Santa Clara)  
Santa Clara VTA Admin. and Finance Committee  
Santa Clara VTA Silicon Valley Rapid Transit Rapid Transit Corridor (BART)  
Warm Springs Extension Policy Advisory Board  
Silicon Valley Rapid Transit Program Working Committee  
San Jose Treatment Plant Advisory Committee (TPAC)

### Althea Polanski, Vice Mayor

City/School Communication Committee with MUSD  
Emergency Preparedness Commission, Liaison  
Parks, Recreation and Cultural Resources Commission, Liaison  
Telecommunications Commission, Liaison  
Santa Clara County Emergency Preparedness Council  
Campaign Finance Task Force, Chair



Councilmember Montano concurred with Vice Mayor Polanski. Reimbursements should be only for training, for the job. No reimbursements for fundraising or groups should be permitted, she recommended.

Mayor Esteves said he was active, appearing at many community events. He paid his own way when he attended crab feeds or other events in the City. He promoted the City at each event, knowing people appreciated when elected officials show up, as Council member Giordano noted. There should be transparency and could have a budgeted amount per Councilmember perhaps, with a limit per person.

Vice Mayor Polanski noted that elected Councilmembers were elected because they chose to run for office. Donations should come from her personally, unless Council put an agenda item on the agenda for all to vote on. She felt having a report at end of the year was not adequate.

Councilmember Giordano said, for accountability, a report at the end of the year was a good idea. Free tickets should be reported.

Mayor Esteves recommended \$1,000 per Councilmember per year (less than \$100/month) be included in the budget, with quarterly or other reporting.

Vice Mayor Polanski suggested to delay this until January, to come up with basic written guidelines, get a report that Councilmember Gomez requested (no officeholder account), and give her time to review expenses she had asked for and review those along with reimbursements. This could come back in January and they could have better guidance.

Motion: to defer this topic (Council reimbursement policy) to the January meeting with more clarity given on criteria, and to gather more information, as well as to receive information that Councilmember Gomez asked for a report back from City Attorney

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

**RESOLUTION**

One resolution was adopted on consent calendar.

**BID/CONTRACT**

Two items were approved on consent calendar.

**DEMAND**

One item was approved on consent calendar.

**ADJOURNMENT**

Mayor Esteves adjourned the Council meeting at 9:38 PM in memory and in honor of the victims of those who died in Newtown, CT.

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