

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council, meeting jointly with Public Financing Authority  
**Date:** Tuesday, January 15, 2013  
**Time:** 6:00 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 6:00 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 7:05 PM.

**ANNOUNCEMENT**

No announcement out of Closed Session.

**PLEDGE**

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

**INVOCATION**

Mr. Patel and three youth from the BAPS Temple in Milpitas offered a prayer to start the meeting.

**MINUTES**

Motion: to approve meeting minutes of December 18, 2012 City Council meeting, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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 the Economic Development Commission meeting scheduled for January 11 was canceled. The Bicycle Pedestrian Advisory Commission was re-scheduled from Monday, January 14 to Thursday, January 17 at 7:00 PM.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

**PRESENTATIONS**

Mayor Esteves commended four Milpitas residents who were 2012 Santa Clara County Emergency Volunteers of the Year: Joseph Weinstein, Kristen Valus, Leo Martinez, and Josh Azaveda.

Next, Mayor Esteves presented Neighborhood Beautification awards for 2012 to many resident homeowners and business owners. A brief reception was held in the lobby following the awards.

**PUBLIC FORUM**

Robert Marini, Milpitas resident, spoke to the City council regarding sewer rates.

Vice Mayor Polanski commented in response to him, acknowledging an e-mail sent to him, which she quoted from.

Alvin White, Milpitas, addressed the Council with his belief that his vehicle was “stolen” while it was actually towed after Christmas by a service directed by Milpitas Police Department.

George Lund, 50 year resident of Milpitas, was unhappy about the lien issued against his property, due to comments from his neighbors to City staff, and other issues related to his home. He felt he had been threatened by the City.

Frank DeSmidt, representing Milpitas Rotary Club, was Chair of the Gene Schwab City employee annual awards luncheon which all were invited to attend on Monday, January 28 at the Beverly Heritage Hotel.

Carol Kassab, CEO of the Milpitas Chamber of Commerce, announced a “State of the State” luncheon with local elected officials in the state capitol, was scheduled for Wednesday, January 30 in Fremont, with more information on the Chamber’s website.

**ANNOUNCEMENTS**

Mayor Esteves congratulated a new business, King Wah restaurant, which opened at 1235 East Calaveras Blvd. with Cantonese Dim Sum food offered.

**ANNOUNCEMENT OF CONFLICT OF INTEREST**

None.

**APPROVAL OF AGENDA**

Motion: to approve the agenda, as submitted

City Manager Williams requested that the City Council hear public hearing agenda items No. 2 and No. 3 in reverse order and the Councilmembers agreed.

Motion/Second: Councilmember Gomez/Councilmember Giordano

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

**CONSENT CALENDAR**

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

The City Manager noted that regarding agenda item No. 11 (fee waiver request), the correct amount to be waived was \$6,653.20. He requested the Council - acting as the Board of the Public Financing Authority - simply add agenda item no. PFA2. (adopt two Resolutions) to the consent calendar.

Councilmember Giordano requested to remove Item No. 6 (Commission appointments) for discussion.

Mayor Esteves had several questions of staff on the Commissioners Recognition event (agenda item No. 10) and then asked to remove this from consent.

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

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

\* 5. Appointment Council member to Two Committees

1. Received the Mayor’s recommendations for appointments.
2. Adopted Resolution No. 8223 approving the appointment of Councilmember Montano as the alternate member from Milpitas to the San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC), which was retroactively effective on January 10, 2013.
3. Approved the appointment of Councilmember Montano as a regular member, and Mayor Esteves as the alternate, to the Santa Clara Valley Water District’s Coyote Flood Protection and Watershed Advisory Committee.



Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

## 2. Actions related to Los Coches Residential Development Project

Planner Tiffany Brown spoke on the new residential proposed at 31 Los Coches, in the Town Center Zoning District, with a zone change from industrial to residential at the former corporate buildings. She reviewed the Planning Commission meeting where it recommended, on 3-2 vote, that the Council approve the project. The Commission had some discussion on appropriateness of residential next to a railroad yard and crossings.

Mayor Esteves asked an assortment of questions regarding the project's location to transit, Town Center zoning and the low density proposed, links to shopping, schools and other facilities for residents to walk to.

Councilmember Montano answered the Mayor on one issue: it was two miles from the site to the BART station at Great Mall.

Councilmember Giordano said the conversion of industrial to residential was the question for this site, in an under-utilized part of town. That's why the overlay was put on it. She felt housing made sense in the neighborhood.

Vice Mayor Polanski addressed concerns about schools, mitigation for BART when it comes through, noise and vibration studies, soundwalls, and the necessary lighting on the walking path under 237overcrossing.

Councilmember Gomez inquired about the ideal commercial use of the site, as it had been vacant more than ten years. He asked further about what schools children living there would attend, and recreation, including parks, to be available.

Councilmember Montano asked about the trail, height of soundwall, needed widening of Calaveras Blvd., and other concerns about water, lack of commercial, and the "fortress" like feel to the project design.

Mayor Esteves asked the developer if the company made any contributions to Council members' campaign accounts, and the reply was no.

Mayor Esteves invited the applicant to the podium, so representative Andy Byde from Braddock and Logan gave background of his company and the project. He then went on to answer some previous questions raised by City Councilmembers.

Mayor Esteves opened the public hearing for comments.

Freeman Jenkins, Church pastor in Milpitas, said there was not enough parking in the area now. He mentioned Hammond St. and limited parking for apartments.

Planning Director Steve McHarris told the City Council that the speaker was likely addressing another proposed project in a different area of the City.

Robert Marini, Milpitas resident, said with 3,500 more housing units coming in next few years so he did not understand why more was needed. This would bring more traffic, more use of city services, difficult access for public safety, and marginalized the right to vote on utility rate increases. Building the project would be detrimental.

Rob Means, 1421 Yellowstone, said there were bike lanes on Milpitas Blvd. With access to trails and bus stops, this development would be transit friendly. The houses were large, however, at more than 2500 square feet for single family homes. So residents were less likely to use public transit.

(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. 8219 approving the Vesting Major Tentative Map, Environmental Impact Assessment, Site Development Permit, and Conditional Use Permit for the Los Coches residential project located at 31 Los Coches Street

Mayor Esteves commented favorably on the style of homes, and positive impacts of this new proposed residential neighborhood. His only concern remaining was the school that children would attend from this location.

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of: AYES: 4  
NOES: 1 (Montano)

### 3. General Plan Amendments

Senior Planner Sheldon Ah Sing presented the explanation for the request to adopt some new policies to include in the Land Use Element and the Circulation Element in the approved City of Milpitas General Plan. The Circulation Element was requested to be amended in part to qualify for grant funds available for the Complete Streets Program.

Councilmember Giordano noticed the Planning Commission had approved this recommendation and she asked staff if it was a unanimous vote, and staff affirmed it was.

Vice Mayor Polanski referred to a letter from Sunnyhills Neighborhood Association, seeking some additional requested projects to be listed in the Circulation Element. She asked how those could be included and what would those affect.

Councilmember Montano asked if there areas of the City excluded in the recommended action. Staff explained that upon a review of the specific areas in the Resolution, one could find that information. The City Manager replied to her, that the City Council could have a study session on this subject, if desired.

Vice Mayor Polanski noted that a previous subcommittee discussed the Complete Streets Plan and was ready to vote on this, since it was first brought up last August.

Mayor Esteves opened the public hearing for comments.

Guy Haas, Fallen Leaf Drive resident, asked for one typographical correction in the Circulation element.

Rob Means, 1421 Yellowstone Ave, wanted to see the connection from Yellowstone to Curtis included in the plan. That project was not on the list in the Circulation Element as drafted. So, the City could not even request funds from the larger regional transportation agencies. He requested that the four specific projects (in Sunnyhills letter) be added onto the list for the regional groups to consider for future funding.

Robert Marini, Milpitas resident, felt that if the business/housing mix was changing, then the City should add on some plan for transportation and put it into the Resolution, to move people around the City better and to get money for projects.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Vice Mayor Polanski



(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

(2) Motion: to adopt urgent Resolution No. 8221 extending the revised fee schedule for the Transit Area Development Impact Fee effective for 30 days (requiring a 4/5 minimum vote for approval)

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

### **JOINT PUBLIC FINANCING AUTHORITY AND CITY COUNCIL MEETING**

**PFA1.** Call to Order/Roll Call A joint meeting was called to order by Mayor Esteves at the very start and all Public Financing Authority members were present.

\* **PFA2.** Resolutions This item was added to the consent calendar.

Adopted Resolution No. 8222 and Resolution No. PFA 15 authorizing the investment of monies in the Local Agency Investment Fund, updating the signatures of current officials.

**PFA3.** Authority Adjourn Adjourn occurred at the end of the City Council meeting.

### **REPORTS**

Two items were approved on consent calendar.

6. Commission Appointments Councilmember Giordano requested to separate the votes on the Planning Commission appointments from all the others.

(1) Motion: to appoint all the Mayor's recommended Commission appointments, with the exception of the Planning Commission:

#### Bicycle Pedestrian Advisory Commission:

Appoint Christine Sanchez as a regular member to a term that will expire in August 2013.  
Appoint Chris Lee as Alternate No. 1 to a term that will expire in August 2014.  
Newly appoint Kristal Caidoy as Alternate No. 2 to a term that will expire in Aug. 2013.

#### Senior Advisory Commission:

Reappoint Melba Holliday to a term that will expire in December 2014.  
Reappoint Moo Jin Choi as Alternate No. 2 to a term that will expire in December 2014.

#### Sister Cities Commission:

Reappoint Brenda Su as the student non-voting member to a term to expire in Sept. 2014.

#### Telecommunications Commission:

Reappoint William Lam to a term that will expire in January 2015.

#### Veterans Commission:

Reappoint Denny Weisgerber to a term that will expire in February 2016.  
Reappoint Dana Arbaugh to a term that will expire in February 2016.  
Reappoint Bruce Choy to a term that will expire in February 2016.  
Reappoint Arthur Ebright to a term that will expire in February 2016.  
Reappoint David Grundstrom to a term that will expire in February 2016.  
Reappoint Mel Hinshaw to a term that will expire in February 2016.  
Reappoint Liliana Ramos as Alternate No. 1 to a term that will expire in February 2016.

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

(2) Motion: to re-appoint Gurdev “Dave” Sandhu and Rajeev Madnawat for another term of three years to the Milpitas Planning Commission (terms expire December 2015)

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

(3) Motion: to appoint Garry Barbadillo (current Alternate Member) to a three-year term as a voting member of the Milpitas Planning Commission (term expires December 2015)

Motion/Second: Vice Mayor Polanski/Councilmember Montano

Motion carried by a vote of: AYES: 4  
NOES: 1 (Giordano)

Councilmember Montano reported there was a vacancy on the Library Advisory Commission since she was elected to the Council. She requested the Mayor to move up the Alternate Members on that one Commission, at the next Council meeting.

## NEW BUSINESS

Three items were approved on consent calendar.

### 8. Consider Fire Department Temporary Reduction in Force

Fire Chief Brian Sturdivant gave a presentation to explain current costs including overtime expenses, with a request to reduce staff and brown out one engine at the Milpitas Fire Department. The reduction would involve ten members (four firefighter layoffs and others bumped) to save approximately \$315,000 through the end of the fiscal year. This was recommended as a temporary strategy. The Chief said he would meet with San Jose and Fremont Fire Chiefs about mutual aid implementation.

Councilmember Gomez asked for details on how the numbers impacted the department and the City, if approved. He acknowledged there could be a need to add to the Fire Department in the future with all the new developments, and he sought to understand impacts of the proposal. He had looked at this issue in the past with Councilmember Giordano, and it was an issue for the City for a long time. Perhaps a Task Force could be formed to study how to deal with the overtime costs, long term.

Councilmember Giordano remarked on high overtime costs versus the budget. She termed the Chief’s a “viable option” as presented.

Vice Mayor Polanski inquired if this approach has worked in other jurisdictions and the Chief replied yes.

Councilmember Montano asked the amount over budget and the Chief replied 6%. She agreed with Mr. Gomez to have a Task Force to deal with the problem.

Mayor Esteves noted they needed to find a more permanent solution. He was not supportive of adding more money into the budget to solve this, as there was a need to find ways to pay for the level of service, while spending only what the City had.

Mayor Esteves invited speakers on the issue.

Robert Marini, Milpitas resident, said the Council was not responsible approving more projects. The City gave more time off as people worked at the City longer and that was

no good. He asked if there was any plan where firefighters would come back in an emergency situation to provide service.

City Manager Williams responded to the public that each new housing unit built in Milpitas must join an established Community Facilities District to pay its fair share of costs for city services.

Denny Weisgerber, Casper Street resident, commented on the 23% vacancy rate and it was due to many factors. He felt that cutting out a complete fire company, with only minimum station crew was not proper.

Mia Bradway Winter, Milpitas resident, told Council they had a responsibility to protect residents. Staffing had been in place since 1980. Taking out one rig meant a 20% reduction of service while they needed that to protect the community.

Steve King, IAFF local 1699 President, remarked on a recent structure fire and the lack of response by the neighboring Fire Departments in San Jose and Fremont. Those relationships never met needs of the contract, so staffing levels were not sufficient.

Leif Juliassen, 15 years with Milpitas Fire, said with minimum staffing there were 15 on duty each day. In the last ten years, staffing reduction was requested by the City. Then, the overtime budget was cut in this current budget when full staffing was not realized.

Brian Stelling, a Fire Captain with nearly 20 years with Milpitas, requested that City Council dip into reserves to pay for current overtime costs. It was not realistic to have neighbors help more, when they've been cutting, too.

Courtney Anderson, just six months with Milpitas Fire, had four children and always wanted to be a firefighter. He could not understand how he just got here and now he would get laid off. It was not right for him and his family.

Heather Fisher, born and raised in Milpitas and a new firefighter, said this was her dream job in her hometown. She feared hearing her parents' address over the radio, and the need to be with them if nobody was coming.

Jerrell Hardy, a new Milpitas firefighter, left his previous career to come to Milpitas Fire Department. Their purpose was to serve and protect the people of Milpitas.

Jaime Garcia, Fire Prevention division employee, looked at all the new projects and structures. He referred to previous City budgets for Fire. Overtime budgets had been reduced from \$1.5 million to \$464,000 while giving up positions which he termed "really unfair" when concessions were given.

Isaac Lorenzani, Milpitas firefighter, had family here in Milpitas. He urged Council to think about how to deal with this issue before making a decision.

James Queenan, a lifelong resident with parents who live here, said when giving up positions, there would be overtime necessary. That was what Council agreed to. He referred to longer response times and effect on citizens. It was a union busting tactic.

Kristen Valice, resident, was a disaster worker and a SAFE Team leader who cared very much about any reduction in service, especially with Dixon Landing closed. The recent flooding was a problem there.

Yvonne Matagulay, 25 year Milpitas firefighter, asked to look at the real numbers. When she was first hired, there was more staff than today with less than 20 per platoon.

Eric Conklin, a Milpitas firefighter/paramedic, wanted to let Council know Fremont could not let firefighters run medical calls in Milpitas. He termed this action disrespectful.

Councilmember Gomez asked Chief Sturdivant if this matter was something he could manage and the Chief responded yes, temporarily. Mr. Gomez proposed a Council Task Force with a list of responsibilities to solve the financial issue.

Councilmember Giordano was in favor of going forward with the temporary solution. Maybe having a task force was a good idea, too.

Vice Mayor Polanski questioned Chief Sturdivant: was one life worth this cut? She was concerned for neighbors and friends, with the increase in residents in new housing, and the time for response. She did not support the current recommendation, but did support Mr. Gomez' idea of having a Council Task Force to come back within 60 days.

Mayor Esteves noted this subject was not a new thing, rather it was an ongoing issue, and asked everybody for solutions.

Councilmember Gomez shared the same reservations as the Vice Mayor, and it made him nervous. Barring other solutions, he did not know what else to do. He did not want to pull from reserves and would like to be on the Task Force, if formed.

Councilmember Montano was surprised at the ongoing issue of fire overtime costs and had been concerned about abuses. She would go with what the Chief recommended.

Motion: to adopt Resolution No. 8224 approving a temporary reduction in force within the Milpitas Fire Department

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

Motion: to establish a Task Force of two Councilmembers to address the issue of Fire Department overtime costs and to report back immediately to City Council, with potential recommendations including for a long term solution

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

Mayor Esteves asked for volunteers from the Council to serve on the Task Force and Councilmember Gomez and Vice Mayor Polanski offered, so the Mayor appointed those two to serve on the Task Force.

All other agenda items were then continued and the meeting was adjourned.

9. CAFR for FY 2011-12 This matter was not heard, and so was continued to the next Council meeting.
10. Commissioners Recognition This item was removed from consent calendar and was continued to the next meeting.
- BID/CONTRACTS** Four items were approved on consent calendar.
- DEMANDS** Two items were approved on consent calendar.

**ADJOURNMENT** Mayor Esteves adjourned the meeting at 12:09 AM on Wed. morning, January 16, 2013. The foregoing meeting minutes were approved by Milpitas City Council, as submitted, on February 5, 2013.

  
Mary Lavelle, City Clerk