

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, August 6, 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 6:01 PM. The City Clerk 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 7:17 PM.

**ANNOUNCEMENT**

On the agreement with Milpitas Employees Association (MEA), City Attorney Mike Ogaz announced that the City had reached agreement with MEA for a new one-year agreement, terms of which included a 3% salary restoration upon adoption, plus a 3% additional salary increase if the MEA picked up payment of LIUNA pension contributions.

**PLEDGE**

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

**INVOCATION**

Pastor Dan Griffiths provided invocation prayer to start the meeting.

**MINUTES**

Motion: to approve meeting minutes of June 18, 2013 City Council, as submitted

Motion/Second: Vice Mayor Polanski/Councilmember Montano

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

**SCHEDULE OF MEETINGS**

Motion: to approve Council Calendars/Schedule of Meetings for August 2013, as amended

City Manager Tom Williams noted that the Sister Cities Commission would not meet this month (no meeting on August 22 as typed on calendar).

Motion/Second: Councilmember Giordano/Councilmember Gomez

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

**PRESENTATIONS**

Mayor Esteves presented three items:

1. A commendation to Mr. and Mrs. John Leonie along with their two sons Leonard and Daniel for Heroic Acts, performed during a recent emergency, a residential fire, in Milpitas.
2. A proclamation promoting Volunteerism in the Community and the Milpitas Cares organization, accepted by Pastor Dan Griffiths and resident Robert Maize.
3. Recognition of Milpitas Resident Lou Horyza for his participation in Fremont's 4th of July Parade. He volunteered to drive Mayor and Gomez in his own made-in-Milpitas 1964 Ford Mustang convertible car on that holiday.

**PUBLIC FORUM**

Mr. Sharma, a Milpitas resident, spoke to the City Council about the disappointing condition of 1.7 acres of land next door to the Milpitas Library. He felt it was turning into a dumping area with piles of soil and debris on the undeveloped land, including cement, concrete, and other truck debris. He asked to put this matter on a future agenda for action.

Mayor Esteves asked the City staff to take note of the report from Mr. Sharma.

Pete McHugh, Milpitas resident, and two other members of St. John the Baptist Catholic Church, asked the Council to consider changing the maximum amount that can be awarded in bingo games for non-profit organizations. State law recently changed to allow a higher maximum prize, beyond the City’s \$250 current amount. Church volunteers requested the City change to the maximum \$500, in order to attract as many people as would like to play popular bingo on Monday nights.

Mayor Esteves asked staff to place this subject on a future meeting agenda for consideration.

Aminja Kaur, Milpitas resident, asked to bring the issue of taxi regulation and to promote licensing of taxicabs in the City. It was questionable to continue with unregulated taxicabs in the City and she sought regulations like other nearby cities San Jose and Santa Clara. She had valuable suggestions for new regulations with concern especially for safety, but also licensing could bring new revenue to the City if licenses or permits were issued.

Mayor Esteves asked staff to report back on her suggestion.

**ANNOUNCEMENTS**

City Clerk Mary Lavelle announced that there was a ballot box to drop off Measure A Library tax ballots, for those participating in the vote-by-mail election this month. The secure box was located on the 3<sup>rd</sup> floor of City Hall and would be available until August 27, the final voting day.

Vice Mayor Polanski had recently visited a new dental mobile clinic and it was very nice. She recently brushed up on SAFE training with the City at Fire Station 1 in July. National Night Out was planned for Thursday night, August 9 with many neighborhood parties scheduled and participation by police officers that night.

Councilmember Giordano sent out a request to all car buffs to participate in the upcoming Veterans Commission Car Show, planned for October 19. It would be a fun “car meet” to display older model cars while raising funds for the Commission to help out veterans in Milpitas. Applications would be available at all City facilities to join the show.

Mayor Esteves recognized two Korean officials present in the audience: Consul General of Korea from San Francisco and also the President of the Korean American Federation.

Also, the Mayor asked the Police Chief to provide Councilmember with the current list of the various neighborhood parties for National Night Out.

**ANNOUNCEMENT OF  
CONFLICT OF INTEREST  
AND CAMPAIGN  
CONTRIBUTIONS**

City Attorney Ogaz asked City Councilmembers if they had any personal conflicts of interest or reportable campaign contributions and the response was none for both.

**APPROVAL OF AGENDA**

Motion: to approve the agenda, as amended

Councilmember Gomez asked to remove item no. 5 (report from PG&E) from the agenda.

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 amended

Councilmember Montano requested removal of the following agenda items from consent:  
No. 11 Recycling Grant from State of California  
No. 13 Resolution of Initial Acceptance of Alviso Adobe Renovation  
No. 19 Resolution approving Contracts for Senior Nutrition Program  
No. 21 Plans and Specifications for Soundwall Renovations  
No. 24 Agreement for Assessment to Prepare for Standards of Response Coverage

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

Mayor Esteves presented signed Resolutions to Korean officials for agenda item no. 20.

\* 3. Receive odor reports Received June and July 2013 odor control reports.

\* 4. Commission Appointments Confirmed the following Mayor's appointments to five Commissions:

Emergency Preparedness Commission:

Re-appointed Don Clendenin to a term that will expire in June 2016.  
Appointed Betty Jo Reutter as a regular member to a term that will expire in June 2016.  
Newly appointed Nasir Lalani as Alternate No. 1 to a term that will expire in June 2015.  
Newly appointed Evelyn Chua as Alternate No. 2 to a term that will expire in June 2015.

Library Advisory Commission:

Re-appointed Sonny Wang to a term that will expire in June 2015.

Parks, Recreation, and Cultural Resources Commission:

Re-appointed Vishnu Mathur to a term that will expire in June 2016.

Recycling and Source Reduction Advisory Commission:

Appointed Madan Arora as a regular member to a term that will expire in October 2013.  
Appointed Eddie Inamdar as Alternate No. 1 to a term that will expire in October 2013.  
Newly appointed Conrad Chua as Alternate No. 2 a term that will expire in October 2014.

Senior Advisory Commission:

Appointed Patrick Yung as Alternate No. 1 to a term that expires in December 2013.  
Newly appointed Jae Kuk Wi as Alternate No. 2 to a term that expires in December 2014.

\* 6. Economic Development Commission By-Laws Approved amending the Economic Development Commission By-Laws to include economic development aspects as it relates to Sister Cities Commission.

\* 7. Library Advisory Commission By-Laws Approved changes to Sections 5 (Officers) and 6 (Meetings) of the Library Advisory Commission's By Laws.

\*10. Donation Request Approved a \$500 donation to BAPS Charities for July walkathon benefit.

\*12. Investment Portfolio Received the investment report for the quarter ended June 30, 2013.

\*14. Resolution  
1. Adopted Resolution No. 8279 granting initial acceptance of the Fairfield (Cerano) Project No. 3170, subject to a one-year warranty period and reduction of the faithful performance security to \$440,000.  
2. Accepted fee title to Cerano Park in accordance with CA Government Code.  
3. Authorized budget appropriation in the amount of \$361,776 from the park funds for the reimbursement to the developer for park improvements.

\*15. Resolution Adopted Resolution No. 8280 granting final acceptance of and releasing subdivision improvement bond for MIL Aspen Family Apartments Project No. PJ 3199.



Motion carried by a vote of:

AYES: 5

NOES: 0

## 2. Weed Abatement Assessments

Fire Marshal Albert Zamora described the need to remove the public nuisance, namely weeds, on certain properties in the City of Milpitas. Those whose properties were cleared of weeds by the Santa Clara County Agriculture Department, following notification, would be liened for the costs on their property tax bill. He referred to the list of properties and the owners who were notified (per list with Resolution in the Council's agenda packet). Mr. Zamora introduced Mr. Moe Kumre from the County Department of Agriculture who was present to answer any questions.

Councilmember Giordano inquired about the fee amounts on the list. Mr. Kumre explained the fees ranged \$250 to higher amounts, the lowest being the failed inspection fee. Higher fee included the cost for the contractor doing the abatement, cutting weeds.

Mayor Esteves opened the public hearing for speakers.

Bill Silker, a hills resident and property owner on the list, complained that the County did not tell owners when they were going to come up and inspect property. So, he disagreed with the whole procedure, and noted types of soil in hills, with the dry/damp cycle and soil erosion that occurred. He did not mow until mid-May usually, needing to maintain the seed base. He suggested a need to correct the process.

Don Peoples, a hills resident, discussed cutting grass on hillside property and the moisture content of grass. The timing of weed cutting was very important, he realized.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Polanski

Motion carried by a vote of:

AYES: 5

NOES: 0

Councilmember Montano appreciated comments from the speakers. Soil erosion was important to keep track of, so she wanted staff to re-visit this, create a waiver if possible and/or determine a certain time period for weeds to be cut.

Mayor Esteves asked County staff to respond. Mr. Kumre said there were two issues: safety and understanding conditions on the hill as different from flat lands, and the fact that property owners could always ask for a change in time frame. He had discussed the first issue with the Fire Marshal (about seeds, etc.), and so would like to ask for scientific input from the Department of Agriculture and biologists from University of California, to best deal with hillsides. In January, he could return to City Council with input.

Councilmember Giordano wanted to know if it was a county policy, not just the City. Mr. Kumre said different cities have different deadlines. She was glad the existing policy was flexible already and the county could work it out with property owners. She did not see the need to change what was in place.

Vice Mayor Polanski noted that looking at terrain with experts and a recommendation to come in January was an excellent way to move forward, and thanked Mr. Kumre.

(2) Motion: to adopt Resolution No. 8277 confirming assessments on tax bills for the weed abatement in 2013; and, also to ask staff to review policy for any issues to change and bring those back to the Council, if needed

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of:

AYES: 5

NOES: 0

## REPORTS

Three items were approved on consent calendar.

### 5. Request regarding PG&E

This matter was removed item from the agenda.

## NEW BUSINESS

### 8. Chamber Request to Approve Festival Event

Planner Director Steve McHarris explained the request the City had received from the Milpitas Chamber of Commerce to host its "International BBQ and Festival" on South Milpitas Blvd. over the weekend of September 28-29, 2013. The Chamber sought either the City to be a co-sponsor of the event, or, a simple fee waiver up to \$1500.

Councilmember Giordano was excited about the Festival. Diversity in this community was significant, and the festival would help promote business so she said yes. She wanted the City of Milpitas to support the effort for the festival.

Councilmember Montano felt it had been a long time since she had seen a community event like this. She believed it was a good way to bring people together cohesively, and she supported Option 2 to co-sponsor.

Vice Mayor Polanski loved barbeque, so she could not say no. She thought it was wonderful to have such a type of event in Milpitas. She asked where the funds would come from to cover the fees not collected, if the city was a co-sponsor.

City Manager Tom Williams said there were sufficient funds in contingency reserves to cover the costs.

Vice Mayor Polanski moved, and Councilmember Gomez seconded, Option 2 to have the City of Milpitas be a co-sponsor of the Chambers' International Festival and BBQ and waive fees in the total amount of \$12,450.

Mayor Esteves asked what did "co-sponsor" mean? Staff responded it would include participation beyond the policy for a fee waiver. Carol Kassab, Chamber of Commerce executive, expressed that the City logo would be on all marketing material, on banners, city-wide events, inviting all from Silicon Valley to visit Milpitas on festival dates.

Ms. Kassab responded to the Mayor about insurance for liability purposes and understood that certificates were necessary. Mayor Esteves asked her the goals for attendance at the event. She anticipated 5,000 per day, had done some marketing, and described advertising for the event to date. With expenses expected to be \$77,000 to put on the festival, the Chamber was seeking more sponsors even beyond the City.

Mayor Esteves asked for comments.

Tom Valore, from Chamber of Commerce Board, emphasized past actions of the City Council supporting the Chamber. This event was critical for financial survival of the Chamber of Commerce, and to ensure that the Chamber makes it through the future. It was imperative to have success.

Councilmember Montano asked about any conflict with St. John Autumn Festival. Chamber staff noted other events were on different weekends. Ms. Montano asked about public safety and alcohol served at the event.

Police Chief Pangelinan commented on police service based on the past Art & Wine Festivals, noting that few problems were anticipated. Fire Chief Sturdivant suggested having a dedicated response unit for the event and possibly even a contracted dedicated ambulance, mostly due to alcohol sales.



available from bond proceeds to finish. Once the work was finally done, the bond was released and project accepted. The City Attorney noted a typical one year warranty period, for contractor's duty to correct steps necessary to City's satisfaction.

Motion: adopt Resolution No. 8278 granting initial acceptance of Alviso Adobe Renovation Phase IV, Project No. 5055, subject to a one year warranty period, and reduction of the faithful performance bond to \$256,793.11

Motion/Second: Councilmember Montano/Councilmember Giordano

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

Vice Mayor Polanski stepped away from the podium briefly.

**19. Resolution for Senior Nutrition Program Agreements**

Councilmember Montano removed this item from consent in order to inquire of staff whether they surveyed the senior citizens about the menu options offered for the lunch program, and whether this program included "Meals on Wheels." Stephanie Douglas, Recreation Supervisor at the Senior Center, responded to the question indicating that each year the seniors were surveyed by the County, in order to best meet the needs of the senior lunch participants. Staff said program did not include Meals on Wheels.

City Council was then requested to take action to approve the following:

1. Authorize the City Manager to execute Amendment No. 2 to the Master Senior Nutrition Program Agreement with the County of Santa Clara retroactively effective from July 1, 2013 to June 30, 2014 in the amount of \$168,955.
2. Authorize the City Manager to execute an agreement for the Senior Nutrition Program with Compass Group USA dba Bateman retroactively from July 1, 2013 to July 31, 2014 with four one-year options in the initial amount of \$74,976 and authorize the City Manager to exercise annual option(s) based on the approved annual budget from Santa Clara County and subject to annual appropriation of the City Council for the Senior Nutrition Program.
3. Authorize the City Manager to execute an agreement for the Senior Nutrition Program with Frank Szeto, an individual, dba New Orient Restaurant retroactively from July 1, 2013 to December 31, 2013 in the amount of \$18,774.

Motion: to adopt Resolution No. 8284 authorizing three actions listed above for the Senior Nutrition Program

Motion/Second: Councilmember Montano/Councilmember Giordano

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

**CONTRACTS**

Three agreements and other documents were approved on consent calendar.

**21. Plans and Specifications for Project No. 4267**

Councilmember Montano had removed this item from consent, in order to request that staff provide the documentation (in agenda packet) in larger style font so that she could more easily read the detailed information in the agenda packet. She also inquired about "sound control" mentioned in the report.

Motion: to approve the plans and specifications for Soundwall Renovations 2013 Project No. 4267 and authorize advertisement for bid proposals

Motion/Second: Councilmember Montano/Councilmember Gomez

Motion carried by a vote of: AYES: 5

NOES: 0

**24. Agreement for Standards of Response Coverage**

Councilmember Montano asked questions to be clear about the purpose for this agreement, and Fire Chief Sturdivant responded explaining the value of ultimately having the Standards of Coverage document for Milpitas Fire Department. The action requested on this agenda was only the first step, in a scientific approach.

Motion: to authorize the Fire Chief to execute an agreement with the Center for Public Safety Excellence for technical support services and development of the Milpitas community risk assessment and Milpitas Fire Department Standards of Coverage document

Motion/Second: Councilmember Montano/Councilmember Giordano

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

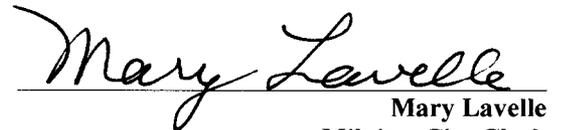
**DEMAND**

One demand for payment was authorized on consent calendar.

**ADJOURNMENT**

Mayor Esteves adjourned the meeting at 9:28 PM.

**The foregoing minutes were approved by the Milpitas City Council as submitted on August 20, 2013.**

  
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Mary Lavelle  
Milpitas City Clerk