

**Draft MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular & Special Meetings of the Milpitas City Council and Meeting of the Successor Agency  
**Date:** Tuesday, December 2, 2014  
**Time:** 6:00 PM Closed Session  
6:30 PM Special Meeting  
7:00 PM Open Session  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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**CLOSED SESSION**  
**CALL TO ORDER**

Mayor Esteves called the meeting to order at 6:00 PM. The City Clerk noted the roll.

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

**ABSENT:** Councilmember Gomez was absent at roll call and arrived at 6:09 PM for the Closed Session.

**ANNOUNCEMENT**

No announcement out of closed session.

**SPECIAL MEETING**  
**CALL TO ORDER**

Mayor Esteves called the meeting to order at 6:32 PM. The City Clerk noted the roll.

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

**ABSENT:** None

**MOTION/RESOLUTION**

**Motion:** to approve this special meeting agenda, including one item on consent as follows: adopt Resolution No. 8425 approving (1) City of Milpitas and International Association of Fire Fighters (IAFF) Local 1699 Settlement Agreement and (2) a new Memorandum of Understanding between the City of Milpitas and International Association of Fire Fighters Local 1699 for the period December 3, 2014 through December 31, 2016

Motion/Second: Vice Mayor Polanski/Councilmember Gomez

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

**ADJOURN**

Special City Council meeting was adjourned at 6:32 PM.

**OPEN SESSION**  
**CALL TO ORDER**

Mayor Esteves called the regular meeting to order at 7:00 PM. All members were present.

Councilmembers-elect Barbadillo and Grilli were in the audience until the swearing-in.

**PLEDGE**

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

**INVOCATION**

Mayor Esteves invited Pastor Robert Mize to offer a prayer for the invocation.

**ELECTION RESULTS**

City Clerk Mary Lavelle reported the certified election results from the Santa Clara County Registrar of Voters of the General Municipal Election held November 4, 2014. Jose Esteves was

declared the winner of the Mayoral election, and Garry Barbadillo and Marsha Grilli were declared winners of two seats on the Milpitas City Council. Measure E regarding a casino card room ordinance was defeated with 76% opposed to the measure.

Motion: to adopt Resolution No. 8426 confirming the canvass of returns and declaring results of the General Municipal Election on November 4, 2014, per Elections Code §10262

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

**PRESENTATION**

Mayor Esteves honored and appreciated the 12-years of service of the two outgoing elected officials, by presenting a folded US flag in a glass-front wooden box with engraved plaque to both outgoing Vice Mayor Althea Polanski and City Councilmember Armando Gomez. Mr. Gomez and Ms. Polanski departed the dais upon the swearing-in of the new members.

**SWEARING IN  
NEW MAYOR**

Mr. Charles T. Munger Jr. gave the ceremonial oath of office to Jose Esteves, swearing him in as Mayor of the City of Milpitas to a term of two years.

**SWEARING IN  
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Mr. Rick Hopkins (brother of Councilmember) provided the ceremonial oath of office to Marsha Grilli, and Pastor Virgil Fernando provided the ceremonial oath of office to Garry Barbadillo, as members of the Milpitas City Council.

**MAYOR'S REMARKS**

Mayor Esteves thanked his family and supporters for their support and assistance upon his recent re-election to office.

**BREAK & OATHS**

The City Council took a break for refreshments in the City Hall lobby rotunda at 7:48 PM. The City Clerk administered the official oath of office to each of the three newly elected officials at the dais during the break. Each elected member and the City Clerk signed the official oaths of office and she provided a signed Certificate of Election to Mr. Esteves, Mr. Barbadillo and Mrs. Grilli.

**ROLL CALL**

Mayor Esteves reconvened the City Council at 8:35 PM in Council Chambers. City Clerk Mary Lavelle noted that the two newly seated City Councilmembers joined current members at the dais for the remaining portion of the meeting.

**MEETING MINUTES**

Motion: to approve the minutes of November 18, 2014 City Council meeting

Motion/Second: Councilmember Giordano/Councilmember Montano

Motion carried by a vote of: AYES: 3  
NOES: 0  
ABSTAIN: 2 (Barbadillo, Grilli)

**SCHEDULE OF MEETINGS**

Motion: to approve Council Calendars/Schedule of Meetings for December 2014

Motion/Second: Councilmember Giordano/Councilmember Montano

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

**PUBLIC FORUM**

Robert Marini, Milpitas resident, congratulated the new City Councilmembers, and hoped they would uphold the laws of the state of California.

Voltaire Montemayor, Milpitas resident, noted that those who were talented in sports would shine in the future.

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City Manager Tom Williams congratulated the Mayor upon re-election and welcomed the two new City Councilmembers. He introduced two City staff appointments: Renee Lorentzen was

appointed the permanent Recreation Services Manager (after serving as interim manager), and Edesa Bitbadal, the new Economic Development Manager who joined the City having served in several other Bay Area municipalities.

Mayor Esteves thanked everyone for participating in the December 1 Tree Lighting ceremony (the previous evening), celebrating the great city as one family.

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

City Attorney Ogaz asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

**ELECTION OF VICE MAYOR** Motion: to appoint Councilmember Montano as Vice Mayor to serve a two year term as Vice Mayor of Milpitas for 2014-16

Motion/Second: Mayor Esteves/Councilmember Giordano

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

**APPROVAL OF AGENDA** Motion: to approve the agenda as submitted

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

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

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

Councilmember Montano asked to remove Item No. 6 (weed abatement) from consent.

Mayor Esteves announced he would vote “no” on Item No. 5 (zone change ordinance).

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

\* 2. Odor Report Received the odor report update.

\* 3. Donation to Toy Program Per request from the Milpitas Firefighters Toy Program non-profit, approved a \$500 donation to the 2014 Firefighters Toy drive.

\* 5. Adopt Ordinance Waived the second reading and adopted Ordinance No. 38.818 for Zone Change No. ZA14-0010 for the iStar residential project at 1210 California Circle.

On this item only, Mayor Esteves announced his “no” vote, so the vote adopting the ordinance was as follows.

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

\* 7. Resolution Adopted Resolution No. 8429 granting final acceptance of the Park Renovation Project 2011, Project No. 5091 and release of the contractor’s bond.

\* 8. Resolution Adopted Resolution No. 8430 approving the final acceptance of and releasing warranty security for the Cerano Apartments (Fairfield), Project No. 3170.



Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

(3) Motion: to introduce Ordinance No. 128.12 (for 5% Council salary increase)

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

**6. Resolution – Weed  
Abatement Program for 2015**

Fire Marshal Albert Zamora came to answer questions on the weed abatement program.

Vice Mayor Montano asked, since he enforced weed abatement, what could be done about weeds on public properties (since list of lands for assessment were private property). She wanted to know what could be done on Caltrans (freeway entrance and exits) and other public areas.

Mr. Zamora reported to the City Council that every year, he worked with Caltrans staff to notify that state agency of locations in Milpitas where disking must be done to weeds, and he worked with city's Public Works Department on weeds locally, within City.

Motion: to adopt Resolution No. 8428 declaring weeds on specific properties to be public nuisances and set the public hearing date on January 6, 2015

Motion/Second: Vice Mayor Montano/Councilmember Giordano

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

**SUCCESSOR AGENCY**

Call to Order

Chair Esteves called the Successor Agency meeting to order, with all members present, at 9:05 PM.

Approve Agenda

Motion: to approve the agenda for the Successor Agency meeting

Motion/Second: Successor Agency Board Members Giordano/ Vice Mayor/ Vice Chair Montano

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

**SA3. Adopt Resolution**

Finance Director Emma Karlen described the need for and necessity of adopting the resolution for the re-funding of tax allocation bonds. \$145.990 million was the current amount outstanding. The action was related to follow up activity as a result of the dissolution of the Redevelopment Agency and the current Successor Agency, as well as the Milpitas Oversight Board whose actions must be approved by the state Department of Finance. Due to state Assembly Bill 1484, current action was necessary.

She introduced the financial consultant Jim Fabian and bond counsel, attorneys from Jones Hall law firm, for the bond actions, who ably assisted the City with these steps.

Ms. Karlen responded to several questions from the Mayor and Vice Mayor.

Next, Mayor Esteves invited speakers from the audience.

Robert Marini, Milpitas resident, inquired about the bond and rate of interest. He wanted to know what was the principal of the bond, how many years, what were annual payments, and the interest rate.

Ms. Karlen responded to him. \$145.9 million was the amount of the existing bond outstanding. So when re-funded, the outstanding amount on current bonds would be less than that principal amount. The interest rate was to be determined upon refinancing (around 3%, with maturity at September of 2032).

Motion: to adopt Resolution No. SA 6 approving the issuance of refunding bonds in order to refund certain outstanding bonds of the former Milpitas Redevelopment Agency, approving execution and delivery of an Indenture of Trust and other related documents

Motion/Second: Successor Agency Board Member Giordano / Vice Mayor/ Vice Chair Montano

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

**ADJOURNMENT**

Mayor Esteves adjourned the joint City Council meeting at 9:17 PM.

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

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**6. Resolution – Weed  
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**SUCCESSOR AGENCY**

Call to Order

Chair Esteves called the Successor Agency meeting to order, with all members present, at 9:05 PM.

Approve Agenda

Motion: to approve the agenda for the Successor Agency meeting

Motion/Second: Successor Agency Board Members Giordano/ Vice Mayor/ Vice Chair Montano

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

**SA3. Adopt Resolution**

Finance Director Emma Karlen described the need for and necessity of adopting the resolution for the re-funding of tax allocation bonds. \$145.990 million was the current amount outstanding. The action was related to follow up activity as a result of the dissolution of the Redevelopment Agency and the current Successor Agency, as well as the Milpitas Oversight Board whose actions must be approved by the state Department of Finance. Due to state Assembly Bill 1484, current action was necessary.

She introduced the financial consultant Jim Fabian and bond counsel, attorneys from Jones Hall law firm, for the bond actions, who ably assisted the City with these steps.

Ms. Karlen responded to several questions from the Mayor and Vice Mayor.

Next, Mayor Esteves invited speakers from the audience.

Robert Marini, Milpitas resident, inquired about the bond and rate of interest. He wanted to know what was the principal of the bond, how many years, what were annual payments, and the interest rate.

Ms. Karlen responded to him. \$145.9 million was the amount of the existing bond outstanding. So when re-funded, the outstanding amount on current bonds would be less than that principal amount. The interest rate was to be determined upon refinancing (around 3%, with maturity at September of 2032).

Motion: to adopt Resolution No. SA 6 approving the issuance of refunding bonds in order to refund certain outstanding bonds of the former Milpitas Redevelopment Agency, approving execution and delivery of an Indenture of Trust and other related documents

Motion/Second: Successor Agency Board Member Giordano / Vice Mayor/ Vice Chair Montano

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

**ADJOURNMENT**

Mayor Esteves adjourned the joint City Council meeting at 9:17 PM.

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

**Draft MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular & Special Meetings of the Milpitas City Council and Meeting of the Successor Agency  
**Date:** Tuesday, December 2, 2014  
**Time:** 6:00 PM Closed Session  
6:30 PM Special Meeting  
7:00 PM Open Session  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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**CLOSED SESSION**  
**CALL TO ORDER**

Mayor Esteves called the meeting to order at 6:00 PM. The City Clerk noted the roll.

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

**ABSENT:** Councilmember Gomez was absent at roll call and arrived at 6:09 PM for the Closed Session.

**ANNOUNCEMENT**

No announcement out of closed session.

**SPECIAL MEETING**  
**CALL TO ORDER**

Mayor Esteves called the meeting to order at 6:32 PM. The City Clerk noted the roll.

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

**ABSENT:** None

**MOTION/RESOLUTION**

**Motion:** to approve this special meeting agenda, including one item on consent as follows: adopt Resolution No. 8425 approving (1) City of Milpitas and International Association of Fire Fighters (IAFF) Local 1699 Settlement Agreement and (2) a new Memorandum of Understanding between the City of Milpitas and International Association of Fire Fighters Local 1699 for the period December 3, 2014 through December 31, 2016

Motion/Second: Vice Mayor Polanski/Councilmember Gomez

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

**ADJOURN**

Special City Council meeting was adjourned at 6:32 PM.

**OPEN SESSION**  
**CALL TO ORDER**

Mayor Esteves called the regular meeting to order at 7:00 PM. All members were present.

Councilmembers-elect Barbadillo and Grilli were in the audience until the swearing-in.

**PLEDGE**

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

**INVOCATION**

Mayor Esteves invited Pastor Robert Mize to offer a prayer for the invocation.

**ELECTION RESULTS**

City Clerk Mary Lavelle reported the certified election results from the Santa Clara County Registrar of Voters of the General Municipal Election held November 4, 2014. Jose Esteves was

declared the winner of the Mayoral election, and Garry Barbadillo and Marsha Grilli were declared winners of two seats on the Milpitas City Council. Measure E regarding a casino card room ordinance was defeated with 76% opposed to the measure.

Motion: to adopt Resolution No. 8426 confirming the canvass of returns and declaring results of the General Municipal Election on November 4, 2014, per Elections Code §10262

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

**PRESENTATION**

Mayor Esteves honored and appreciated the 12-years of service of the two outgoing elected officials, by presenting a folded US flag in a glass-front wooden box with engraved plaque to both outgoing Vice Mayor Althea Polanski and City Councilmember Armando Gomez. Mr. Gomez and Ms. Polanski departed the dais upon the swearing-in of the new members.

**SWEARING IN  
NEW MAYOR**

Mr. Charles T. Munger Jr. gave the ceremonial oath of office to Jose Esteves, swearing him in as Mayor of the City of Milpitas to a term of two years.

**SWEARING IN  
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Mr. Rick Hopkins (brother of Councilmember) provided the ceremonial oath of office to Marsha Grilli, and Pastor Virgil Fernando provided the ceremonial oath of office to Garry Barbadillo, as members of the Milpitas City Council.

**MAYOR'S REMARKS**

Mayor Esteves thanked his family and supporters for their support and assistance upon his recent re-election to office.

**BREAK & OATHS**

The City Council took a break for refreshments in the City Hall lobby rotunda at 7:48 PM. The City Clerk administered the official oath of office to each of the three newly elected officials at the dais during the break. Each elected member and the City Clerk signed the official oaths of office and she provided a signed Certificate of Election to Mr. Esteves, Mr. Barbadillo and Mrs. Grilli.

**ROLL CALL**

Mayor Esteves reconvened the City Council at 8:35 PM in Council Chambers. City Clerk Mary Lavelle noted that the two newly seated City Councilmembers joined current members at the dais for the remaining portion of the meeting.

**MEETING MINUTES**

Motion: to approve the minutes of November 18, 2014 City Council meeting

Motion/Second: Councilmember Giordano/Councilmember Montano

Motion carried by a vote of: AYES: 3  
NOES: 0  
ABSTAIN: 2 (Barbadillo, Grilli)

**SCHEDULE OF MEETINGS**

Motion: to approve Council Calendars/Schedule of Meetings for December 2014

Motion/Second: Councilmember Giordano/Councilmember Montano

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

**PUBLIC FORUM**

Robert Marini, Milpitas resident, congratulated the new City Councilmembers, and hoped they would uphold the laws of the state of California.

Voltaire Montemayor, Milpitas resident, noted that those who were talented in sports would shine in the future.

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City Manager Tom Williams congratulated the Mayor upon re-election and welcomed the two new City Councilmembers. He introduced two City staff appointments: Renee Lorentzen was

appointed the permanent Recreation Services Manager (after serving as interim manager), and Edesa Bitbadal, the new Economic Development Manager who joined the City having served in several other Bay Area municipalities.

Mayor Esteves thanked everyone for participating in the December 1 Tree Lighting ceremony (the previous evening), celebrating the great city as one family.

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

City Attorney Ogaz asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

**ELECTION OF VICE MAYOR** Motion: to appoint Councilmember Montano as Vice Mayor to serve a two year term as Vice Mayor of Milpitas for 2014-16

Motion/Second: Mayor Esteves/Councilmember Giordano

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

**APPROVAL OF AGENDA** Motion: to approve the agenda as submitted

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

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

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

Councilmember Montano asked to remove Item No. 6 (weed abatement) from consent.

Mayor Esteves announced he would vote “no” on Item No. 5 (zone change ordinance).

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

\* 2. Odor Report Received the odor report update.

\* 3. Donation to Toy Program Per request from the Milpitas Firefighters Toy Program non-profit, approved a \$500 donation to the 2014 Firefighters Toy drive.

\* 5. Adopt Ordinance Waived the second reading and adopted Ordinance No. 38.818 for Zone Change No. ZA14-0010 for the iStar residential project at 1210 California Circle.

On this item only, Mayor Esteves announced his “no” vote, so the vote adopting the ordinance was as follows.

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

\* 7. Resolution Adopted Resolution No. 8429 granting final acceptance of the Park Renovation Project 2011, Project No. 5091 and release of the contractor’s bond.

\* 8. Resolution Adopted Resolution No. 8430 approving the final acceptance of and releasing warranty security for the Cerano Apartments (Fairfield), Project No. 3170.



Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

(3) Motion: to introduce Ordinance No. 128.12 (for 5% Council salary increase)

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

**6. Resolution – Weed  
Abatement Program for 2015**

Fire Marshal Albert Zamora came to answer questions on the weed abatement program.

Vice Mayor Montano asked, since he enforced weed abatement, what could be done about weeds on public properties (since list of lands for assessment were private property). She wanted to know what could be done on Caltrans (freeway entrance and exits) and other public areas.

Mr. Zamora reported to the City Council that every year, he worked with Caltrans staff to notify that state agency of locations in Milpitas where disking must be done to weeds, and he worked with city's Public Works Department on weeds locally, within City.

Motion: to adopt Resolution No. 8428 declaring weeds on specific properties to be public nuisances and set the public hearing date on January 6, 2015

Motion/Second: Vice Mayor Montano/Councilmember Giordano

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

**SUCCESSOR AGENCY**

Call to Order

Chair Esteves called the Successor Agency meeting to order, with all members present, at 9:05 PM.

Approve Agenda

Motion: to approve the agenda for the Successor Agency meeting

Motion/Second: Successor Agency Board Members Giordano/ Vice Mayor/ Vice Chair Montano

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

**SA3. Adopt Resolution**

Finance Director Emma Karlen described the need for and necessity of adopting the resolution for the re-funding of tax allocation bonds. \$145.990 million was the current amount outstanding. The action was related to follow up activity as a result of the dissolution of the Redevelopment Agency and the current Successor Agency, as well as the Milpitas Oversight Board whose actions must be approved by the state Department of Finance. Due to state Assembly Bill 1484, current action was necessary.

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Motion: to adopt Resolution No. SA 6 approving the issuance of refunding bonds in order to refund certain outstanding bonds of the former Milpitas Redevelopment Agency, approving execution and delivery of an Indenture of Trust and other related documents

Motion/Second: Successor Agency Board Member Giordano / Vice Mayor/ Vice Chair Montano

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

**ADJOURNMENT**

Mayor Esteves adjourned the joint City Council meeting at 9:17 PM.

*Meeting minutes respectfully submitted by  
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**Draft MEETING MINUTES  
CITY OF MILPITAS**

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**CALL TO ORDER**

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

**ABSENT:** Councilmember Gomez was absent at roll call and arrived at 6:09 PM for the Closed Session.

**ANNOUNCEMENT**

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Motion/Second: Vice Mayor Polanski/Councilmember Gomez

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Motion/Second: Mayor Esteves/Councilmember Giordano

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NOES: 0

**APPROVAL OF AGENDA** Motion: to approve the agenda as submitted

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

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\* 3. Donation to Toy Program Per request from the Milpitas Firefighters Toy Program non-profit, approved a \$500 donation to the 2014 Firefighters Toy drive.

\* 5. Adopt Ordinance Waived the second reading and adopted Ordinance No. 38.818 for Zone Change No. ZA14-0010 for the iStar residential project at 1210 California Circle.

On this item only, Mayor Esteves announced his “no” vote, so the vote adopting the ordinance was as follows.

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

\* 7. Resolution Adopted Resolution No. 8429 granting final acceptance of the Park Renovation Project 2011, Project No. 5091 and release of the contractor’s bond.

\* 8. Resolution Adopted Resolution No. 8430 approving the final acceptance of and releasing warranty security for the Cerano Apartments (Fairfield), Project No. 3170.



Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

(3) Motion: to introduce Ordinance No. 128.12 (for 5% Council salary increase)

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

**6. Resolution – Weed  
Abatement Program for 2015**

Fire Marshal Albert Zamora came to answer questions on the weed abatement program.

Vice Mayor Montano asked, since he enforced weed abatement, what could be done about weeds on public properties (since list of lands for assessment were private property). She wanted to know what could be done on Caltrans (freeway entrance and exits) and other public areas.

Mr. Zamora reported to the City Council that every year, he worked with Caltrans staff to notify that state agency of locations in Milpitas where disking must be done to weeds, and he worked with city's Public Works Department on weeds locally, within City.

Motion: to adopt Resolution No. 8428 declaring weeds on specific properties to be public nuisances and set the public hearing date on January 6, 2015

Motion/Second: Vice Mayor Montano/Councilmember Giordano

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

**SUCCESSOR AGENCY**

Call to Order

Chair Esteves called the Successor Agency meeting to order, with all members present, at 9:05 PM.

Approve Agenda

Motion: to approve the agenda for the Successor Agency meeting

Motion/Second: Successor Agency Board Members Giordano/ Vice Mayor/ Vice Chair Montano

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

**SA3. Adopt Resolution**

Finance Director Emma Karlen described the need for and necessity of adopting the resolution for the re-funding of tax allocation bonds. \$145.990 million was the current amount outstanding. The action was related to follow up activity as a result of the dissolution of the Redevelopment Agency and the current Successor Agency, as well as the Milpitas Oversight Board whose actions must be approved by the state Department of Finance. Due to state Assembly Bill 1484, current action was necessary.

She introduced the financial consultant Jim Fabian and bond counsel, attorneys from Jones Hall law firm, for the bond actions, who ably assisted the City with these steps.

Ms. Karlen responded to several questions from the Mayor and Vice Mayor.

Next, Mayor Esteves invited speakers from the audience.

Robert Marini, Milpitas resident, inquired about the bond and rate of interest. He wanted to know what was the principal of the bond, how many years, what were annual payments, and the interest rate.

Ms. Karlen responded to him. \$145.9 million was the amount of the existing bond outstanding. So when re-funded, the outstanding amount on current bonds would be less than that principal amount. The interest rate was to be determined upon refinancing (around 3%, with maturity at September of 2032).

Motion: to adopt Resolution No. SA 6 approving the issuance of refunding bonds in order to refund certain outstanding bonds of the former Milpitas Redevelopment Agency, approving execution and delivery of an Indenture of Trust and other related documents

Motion/Second: Successor Agency Board Member Giordano / Vice Mayor/ Vice Chair Montano

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

**ADJOURNMENT**

Mayor Esteves adjourned the joint City Council meeting at 9:17 PM.

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

**Draft MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular & Special Meetings of the Milpitas City Council and Meeting of the Successor Agency  
**Date:** Tuesday, December 2, 2014  
**Time:** 6:00 PM Closed Session  
6:30 PM Special Meeting  
7:00 PM Open Session  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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**CLOSED SESSION**  
**CALL TO ORDER**

Mayor Esteves called the meeting to order at 6:00 PM. The City Clerk noted the roll.

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

**ABSENT:** Councilmember Gomez was absent at roll call and arrived at 6:09 PM for the Closed Session.

**ANNOUNCEMENT**

No announcement out of closed session.

**SPECIAL MEETING**  
**CALL TO ORDER**

Mayor Esteves called the meeting to order at 6:32 PM. The City Clerk noted the roll.

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

**ABSENT:** None

**MOTION/RESOLUTION**

**Motion:** to approve this special meeting agenda, including one item on consent as follows: adopt Resolution No. 8425 approving (1) City of Milpitas and International Association of Fire Fighters (IAFF) Local 1699 Settlement Agreement and (2) a new Memorandum of Understanding between the City of Milpitas and International Association of Fire Fighters Local 1699 for the period December 3, 2014 through December 31, 2016

Motion/Second: Vice Mayor Polanski/Councilmember Gomez

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

**ADJOURN**

Special City Council meeting was adjourned at 6:32 PM.

**OPEN SESSION**  
**CALL TO ORDER**

Mayor Esteves called the regular meeting to order at 7:00 PM. All members were present.

Councilmembers-elect Barbadillo and Grilli were in the audience until the swearing-in.

**PLEDGE**

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

**INVOCATION**

Mayor Esteves invited Pastor Robert Mize to offer a prayer for the invocation.

**ELECTION RESULTS**

City Clerk Mary Lavelle reported the certified election results from the Santa Clara County Registrar of Voters of the General Municipal Election held November 4, 2014. Jose Esteves was

declared the winner of the Mayoral election, and Garry Barbadillo and Marsha Grilli were declared winners of two seats on the Milpitas City Council. Measure E regarding a casino card room ordinance was defeated with 76% opposed to the measure.

Motion: to adopt Resolution No. 8426 confirming the canvass of returns and declaring results of the General Municipal Election on November 4, 2014, per Elections Code §10262

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

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

**PRESENTATION**

Mayor Esteves honored and appreciated the 12-years of service of the two outgoing elected officials, by presenting a folded US flag in a glass-front wooden box with engraved plaque to both outgoing Vice Mayor Althea Polanski and City Councilmember Armando Gomez. Mr. Gomez and Ms. Polanski departed the dais upon the swearing-in of the new members.

**SWEARING IN  
NEW MAYOR**

Mr. Charles T. Munger Jr. gave the ceremonial oath of office to Jose Esteves, swearing him in as Mayor of the City of Milpitas to a term of two years.

**SWEARING IN  
NEW COUNCIL**

Mr. Rick Hopkins (brother of Councilmember) provided the ceremonial oath of office to Marsha Grilli, and Pastor Virgil Fernando provided the ceremonial oath of office to Garry Barbadillo, as members of the Milpitas City Council.

**MAYOR'S REMARKS**

Mayor Esteves thanked his family and supporters for their support and assistance upon his recent re-election to office.

**BREAK & OATHS**

The City Council took a break for refreshments in the City Hall lobby rotunda at 7:48 PM. The City Clerk administered the official oath of office to each of the three newly elected officials at the dais during the break. Each elected member and the City Clerk signed the official oaths of office and she provided a signed Certificate of Election to Mr. Esteves, Mr. Barbadillo and Mrs. Grilli.

**ROLL CALL**

Mayor Esteves reconvened the City Council at 8:35 PM in Council Chambers. City Clerk Mary Lavelle noted that the two newly seated City Councilmembers joined current members at the dais for the remaining portion of the meeting.

**MEETING MINUTES**

Motion: to approve the minutes of November 18, 2014 City Council meeting

Motion/Second: Councilmember Giordano/Councilmember Montano

Motion carried by a vote of: AYES: 3  
NOES: 0  
ABSTAIN: 2 (Barbadillo, Grilli)

**SCHEDULE OF MEETINGS**

Motion: to approve Council Calendars/Schedule of Meetings for December 2014

Motion/Second: Councilmember Giordano/Councilmember Montano

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

**PUBLIC FORUM**

Robert Marini, Milpitas resident, congratulated the new City Councilmembers, and hoped they would uphold the laws of the state of California.

Voltaire Montemayor, Milpitas resident, noted that those who were talented in sports would shine in the future.

**ANNOUNCEMENTS**

City Manager Tom Williams congratulated the Mayor upon re-election and welcomed the two new City Councilmembers. He introduced two City staff appointments: Renee Lorentzen was

appointed the permanent Recreation Services Manager (after serving as interim manager), and Edesa Bitbadal, the new Economic Development Manager who joined the City having served in several other Bay Area municipalities.

Mayor Esteves thanked everyone for participating in the December 1 Tree Lighting ceremony (the previous evening), celebrating the great city as one family.

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

City Attorney Ogaz asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

**ELECTION OF VICE MAYOR** Motion: to appoint Councilmember Montano as Vice Mayor to serve a two year term as Vice Mayor of Milpitas for 2014-16

Motion/Second: Mayor Esteves/Councilmember Giordano

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

**APPROVAL OF AGENDA** Motion: to approve the agenda as submitted

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

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

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

Councilmember Montano asked to remove Item No. 6 (weed abatement) from consent.

Mayor Esteves announced he would vote “no” on Item No. 5 (zone change ordinance).

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

\* 2. Odor Report Received the odor report update.

\* 3. Donation to Toy Program Per request from the Milpitas Firefighters Toy Program non-profit, approved a \$500 donation to the 2014 Firefighters Toy drive.

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On this item only, Mayor Esteves announced his “no” vote, so the vote adopting the ordinance was as follows.

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\* 7. Resolution Adopted Resolution No. 8429 granting final acceptance of the Park Renovation Project 2011, Project No. 5091 and release of the contractor’s bond.

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Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

(3) Motion: to introduce Ordinance No. 128.12 (for 5% Council salary increase)

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

**6. Resolution – Weed  
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Fire Marshal Albert Zamora came to answer questions on the weed abatement program.

Vice Mayor Montano asked, since he enforced weed abatement, what could be done about weeds on public properties (since list of lands for assessment were private property). She wanted to know what could be done on Caltrans (freeway entrance and exits) and other public areas.

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Motion: to adopt Resolution No. 8428 declaring weeds on specific properties to be public nuisances and set the public hearing date on January 6, 2015

Motion/Second: Vice Mayor Montano/Councilmember Giordano

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

**SUCCESSOR AGENCY**

Call to Order

Chair Esteves called the Successor Agency meeting to order, with all members present, at 9:05 PM.

Approve Agenda

Motion: to approve the agenda for the Successor Agency meeting

Motion/Second: Successor Agency Board Members Giordano/ Vice Mayor/ Vice Chair Montano

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

**SA3. Adopt Resolution**

Finance Director Emma Karlen described the need for and necessity of adopting the resolution for the re-funding of tax allocation bonds. \$145.990 million was the current amount outstanding. The action was related to follow up activity as a result of the dissolution of the Redevelopment Agency and the current Successor Agency, as well as the Milpitas Oversight Board whose actions must be approved by the state Department of Finance. Due to state Assembly Bill 1484, current action was necessary.

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Motion: to adopt Resolution No. SA 6 approving the issuance of refunding bonds in order to refund certain outstanding bonds of the former Milpitas Redevelopment Agency, approving execution and delivery of an Indenture of Trust and other related documents

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**ADJOURNMENT**

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