



several pastors of the Christian church community. Vice Mayor Montano replied that the group had an affiliation with the City's Community Advisory Commission.

**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.

**APPROVAL OF AGENDA**

Motion: to approve the agenda, with one change

Mayor Esteves asked to move item no. 11 (Kids & Adults Day) to be heard after the public hearing.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

**CONSENT CALENDAR**

Motion: to approve the Consent Calendar items (noted by \*asterisk)

Councilmember Giordano requested items to be moved onto consent, however the Mayor and Vice Mayor wished to discuss those, so no changes were made.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

- \*6. Sports Field Maintenance Approved the Long Term Sports Field Maintenance Plan as recommended by the Parks, Recreation & Cultural Resources Commission.
- \*8. FEMA Grant to Fire Dept. Approved the grant agreement with the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) in the amount of \$48,713 with a local match of \$5,412.00 for purchase of a new breathing air compressor for the Fire Dept.
- \*12. Resolution – Sports Center Locker Room Renovations Adopted Resolution No. 8454 granting initial acceptance of the Milpitas Sports Center Locker Room Renovation Project No. 3408, subject to a one year warranty period; authorizing the City Manager to reduce the faithful performance bond to 10% of the final contract value; and, authorizing City Engineer to file the Notice of Final Acceptance after the one-year warranty period and to discharge the performance bond without further Council action.
- \*14. Agreement with Swati Shaw Approved Recreation agreement with Swati Shaw doing business as Bay Area Gurukul for Pre-K Enrichment and Youth Program classes in the amount not to exceed \$30,000.
- \*15. Amendment to Agreement with BFGC Architects for Project No. 3408 Approved Amendment No. 1 to the agreement with BFGC Architects Planners, Inc. doing business as IBI Group Architecture Planning to increase the agreement amount by \$75,115 for the additional design work related to the Milpitas Sports Center Pool Repairs.
- \*16. Agreement with Peckham & McKenney Authorized the City Manager to execute an agreement with Peckham & McKenney, subject to approval as to form by the City Attorney, in an amount not to exceed \$45,000 for the administration of recruitment and selection for a Financial Services Director and a Public Works Director. Approved budget appropriation of \$45,000.
- \*17. Agreement with M-Group Approved a consultant agreement with M-Group, Inc. for design review services on an as-needed basis for the term from March 4, 2015 to June 30, 2016 in the amount of \$140,000.

Approved an appropriation in the amount of \$140,000 to the Planning and Neighborhood Services Department Fiscal Year 2014-15 and 2015-16 Operating Budget.

\*18. Amendment to Agreement with attorney Kelly Smith

Approved Amendment No. to the agreement with Kelly Smith doing business as The Smith Firm for consulting services.

## **PUBLIC HEARINGS**

### **1. Springhill Suites Hotel**

Planning Director Steve McHarris explained the background on this project to build a new hotel at 1201 Cadillac Court. Usually, this type of development would be approved solely at the Planning Commission level and the Milpitas Planning Commission did recommend the City Council approve the hotel. The hotel project was before the City Council due to the developer's request for exemption from the new ordinance requiring use of non-potable water for landscaping. Springhill Suites would include a swimming pool and spa.

Councilmember Giordano asked if this was considered a gateway and staff replied yes. She felt that made it even more exciting, coming to the City of Milpitas.

Vice Mayor Montano asked about a trail planned behind this site that was part of a nearby approved residential project in this area. Staff explained the plan for that trail, which was not adjacent to the hotel site. The Vice Mayor suggested a signal light be added in order to cross safely from the hotel to get to the trail. Mr. McHarris described improvements at California Circle nearby already underway. A flashing pedestrian crossing was suggested along with palm trees on site.

Councilmember Grilli wanted to know the timeline for the project. Staff replied that the developer would like to get both of these hotels open on time for the Superbowl in 2016.

Vice Mayor Montano inquired about additional details of the planned hotel.

Mayor Esteves asked about landscape plans and design and sought a visual. He asked for and received information on specific type of trees as part of the landscape plan. He wondered if public art was incorporated into these plans.

Next, Mr. Saahil Khandwala from the Alps Group of Hotels in the San Diego area, addressed the Council stating his firm owned five properties now and hoped to add two new ones here in Milpitas.

Councilmember Grilli said she loved the living wall feature of the outdoor design. She wanted to clarify with the developer the location of the water wall.

Vice Mayor Montano inquired further about outside or inside for the water wall. The developer explained that it would be inside the building, as viewed from outside, while the living wall would be outside, outdoors. The developer commented further that Springhill Suites was a Marriott Hotels property, and that meant it had strict guidelines on how it must be built.

Next, Mayor Esteves opened the public hearing and invited speakers.

Robert Marini, Milpitas resident, asked what Council was going to do about a traffic increase due to the new hotel. He wanted to know about storage of water for the hotel. He remarked on the number of 200 employees.

Voltaire Montemayor, Milpitas resident, was a 49ers fan so he liked the new building coming to the City for the Superbowl. New buildings should be approved, he said.

Bob Nunez, Milpitas resident nearby this site, said he favored this type of building in his neighborhood, and would like it built by the time of the next Superbowl.

(1) Motion: to close the public hearing, after hearing three speakers

Motion/Second: Councilmember Giordano/Councilmember Grilli

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

(2) Motion: to adopt Resolution No. 8452 approving Site Development Permit No. SD14-0015 and Conditional Use Permit No. UP14-0016 to allow for a partial demolition of an existing industrial building and permit construction of a 124-room, five-story Springhill hotel, site improvements, sale of all types of alcohol in the hotel bar, exceed 35-foot height limit and an increase the maximum permitted total Floor Area Ratio from 50% to 61% and exemption from the Water Conservation Ordinance, as requested

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Councilmember Giordano stated that added to her motion was that the developer shall come back after checking the hotel's guidelines, with a condition requiring an art piece on the exterior of the building near the front. The developer could work with staff on this new required condition.

Mr. Sharad Khandwala (Alps Group President) came to the podium to explain the living wall which would be a large outside piece of art.

Mayor Esteves was happy with the living wall art piece, as shown and it was green. Ms. Giordano said one more art piece (not in lieu of the living wall) was needed, while the Mayor commented that it did not have to be expensive.

Councilmember Grilli favored that wall and asked the developer to keep it up (maintained) over the years.

Vice Mayor Montano suggested perhaps a small waterfall or spring outside near the wall.

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

## 2. Holiday Inn Suites Hotel

Planning Director Steve McHarris explained the background on this project to build a new hotel at 1100 Cadillac Court which was currently a vacant site, nearby the Springhill Suites hotel approved (above item). Usually this type of development would be approved solely at the Planning Commission level and the Milpitas Planning Commission did recommend the City Council approve the new hotel. It was before the Council due to the developer's request for exemption from the new ordinance requiring use of non-potable water for landscaping. It would include a swimming pool and spa. There was a planned view deck for special events also. He displayed the modern architecture for this hotel.

Vice Mayor Montano got up to view details on boards featuring hotel renderings on display in council chambers, and she encouraged those in the audience to view the details.

Vice Mayor Montano referred to the architecture. It was excellent and she wanted to allow for the excess height. She inquired about types of trees to be installed, and staff replied that some would be jacaranda. The Vice Mayor specifically asked not to place any ginko biloba trees while she sought palm trees at the site.

Mr. Sharad Khandwala, Alps Group President, came to the podium and said there would be a water element at the entrance of this hotel.

Mr. Saahil Khandwala, also from the Alps Group, referred to the excitement about Silicon Valley at his company, and with Milpitas being a part of that.

Next, Mayor Esteves opened the public hearing and invited speakers.

Robert Marini, Milpitas resident, said the Council did not answer questions he asked about the last building, and said the same about this one. He wanted to know about water conservation on site and commented on the number of employees for the hotel.

Voltaire Montemayor, Milpitas resident, was in favor of the project.

(1) Motion: to close the public hearing, after hearing two speakers

Motion/Second: Councilmember Grilli/Councilmember Giordano

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

(2) Motion: to adopt Resolution No. 8453 approving Site Development Permit No. SD14-0016, Conditional Use Permit No. UP14-0017, Variance No. VA14-0001, and exemption from the Water Conservation Ordinance to construct a 128-room, four-story hotel with various site improvements on a 3.29 acre site, and to allow for the hotel use with a restaurant and a bar serving all types of alcohol, a Floor Area Ratio (FAR) and building height increase and a deviation from the setback requirements at 1100 Cadillac Court

Motion/Second: Councilmember Grilli/Vice Mayor Montano

Vice Mayor Montano liked the living art with the water feature as public art.

Mayor Esteves wanted to confirm the hotel's name and stationary would refer to Milpitas, as he had similarly inquired about the Springhill Suites Hotel.

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

## UNFINISHED BUSINESS

### 3. Street Tree Master Plan and Our City Forest

Steven McHarris provided history on the street tree plan and vision of the Community Advisory Commission (CAC). A landscape architect contract was presented to City Council, and the architect from R3 Studios was present. Mr. McHarris described the Our City Forest (OCF) grant, and how that organization's work would aid in planting up to 200 trees in Milpitas. Planting of the trees in the fall was planned with CAC and OCF.

Rhonda Berry, CEO of Our City Forest, came to the podium to describe her organization and its services, serving Santa Clara County especially San Jose.

Vice Mayor Montano asked her if the infrastructure was already in place, when OCF planted trees. She wanted to know how trees would get watered and Ms. Berry said that would happen via agreement with property owners, who had to water trees planted on or in front of their property. The City would water in the right-of-way city areas, where the Milpitas trees would be planted.

Costs were discussed. The City Manager clarified the street tree plan and separately, the OCF grant for 200 trees to be planted in the southwest area of the City.

Mayor Esteves asked for a map with all city trees on it and wished to know how many trees were in the city presently (an inventory essentially). He wanted to know the long

term costs for maintenance of the trees and also asked about planting of jacaranda trees in the City.

Ms. Berry commented that no one species should be more than 10% of the inventory in a City. From her experience, jacaranda trees were not recommended for city street trees because they were not capable to survive freezing weather.

Vice Mayor Montano responded to comments about ginko biloba trees, when Ms. Berry explained that it made a difference whether the male or female species was planted. The Vice Mayor also asked about Caltrans land and planting trees there in Milpitas.

Councilmember Giordano thanked the members of the Community Advisory Commission for bringing the tree issue forward. She strongly supported this effort and more trees being planted in the city.

Motion: to authorize the City Manager to execute an agreement with R3 Studio, Inc. in the amount not to exceed \$20,000 to prepare a Street Tree Master Plan; and, to authorize the City Manager to execute an agreement with the non-profit Our City Forest in the amount not to exceed \$10,000 for 200 trees

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

4. Odor Control Update This item was not heard.

5. Possible RFP For MCTV This item was not heard.

## REPORT OF COMMISSION

7. Economic Development Commission Workplan This was heard following item no. 3 (prior to hearing No 4)

Economic Development Manager Edesda Bitbadal spoke along with Economic Development Chair Warren Wettenstein. She described the Commission's Special Projects Subcommittee, and the Business Attraction and Retention Subcommittee. EDC's workplan contained three main sections. She highlighted marketing and branding that was needed, especially for social media including LinkedIn and Facebook. Mr. Wettenstein highlighted special projects including Green City, Milpitas Super Community Committee (Super Bowl 50) to capture tax dollars around the upcoming 2016 game.

Councilmember Giordano noticed that she did not see the Milpitas Chamber of Commerce weaved into the plan so she would like to see that organization included. She also asked how to measure results of the work plan. Ms. Bitbadal described an active relationship between the City and the Chamber, noting that the Chamber would be part of the Super Community Committee also. Staff would provide performance measures for retention of businesses, bike share program, etc.

Mayor Esteves mentioned the City's Bicycle Commission and urged EDC to work with that group about the bike share program. He asked for update on the Super Committee efforts and accomplishments every four months, in advance of the Superbowl.

Vice Mayor Montano was glad to be the Council liaison to EDC, with such a creative group and effective subcommittees. She agreed that marketing and branding were needed. She urged inclusion of ads at light rail and BART stations.

Motion: to accept the oral report provided at the meeting and to approve the 2015 Economic Development Commission Work Plan

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

## NEW BUSINESS

### 9. Crime Report

This item was not heard.

### 10. Mayor's Challenge for Water Conservation

City Engineer Steven Machida explained this program offered by a private foundation, designed to foster competition between residents across the U.S. to save water. Milpitas would compete with other similar sized cities in southwestern states. Residents could make a commitment online and enter a drawing to win a prize at the conclusion.

Motion: to receive the Mayor's report on the 2015 National Mayor's Challenge for Water Conservation and direct staff to enroll the City as a participant in Wyland Foundation program

Motion/Second: Mayor Esteves/Councilmember Giordano

Councilmember Grilli wondered about accountability and asked how the city would measure progress. Staff replied that the Foundation would compile a report and provide that to cities at the end.

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

### 11. Co-Sponsor Kids & Adults Day event on April 25

This item was heard following the public hearings.

Recreation Manager Renee Lorentzen explained the event put on by Milpitas Executive Lions Club to host special needs adults and kids on April 25 at the Community Center, with a total cost for co-sponsorship by the City. Staff was supportive of the full co-sponsorship requested by Lions Club.

Mayor Esteves asked for a speaker from the Lions Club, and Thelma Batilo came forward. She explained the program that would be similar to a Special Olympics-type event.

Councilmember Grilli inquired about staff time. Ms. Lorentzen said part time staff would monitor the building, and if co-sponsored, would monitor the event. Ms. Grilli supported the City being co-sponsor.

Mayor Esteves asked if the City was covered liability wise, and staff replied that the Lions Club had its own insurance as did the city. Ms. Batilo explained the group was spending funds on media already and sought city co-sponsorship to cover costs of the facility rental.

City Manager Williams mentioned the freeway sign at I-880 where City was allocated 5% use of the sign and thus could advertise on there if coordinated.

Vice Mayor Montano supported Option 2 to co-sponsor this event.

Motion: to approve the City serving as a co-sponsor of the Milpitas Executive Lions Club's "Kids & Adult Day" on Saturday, April 25, 2015 at the Community Center and waive City fees in the amount of \$1,847

Motion/Second: Councilmember Grilli/Councilmember Giordano

Motion carried by a vote of:

AYES: 4  
NOES: 0  
ABSENT: 1 (Barbadillo)

## AGREEMENTS

Five items were approved on the consent calendar.

### 13. Skate Park Feasibility

This topic was heard prior to Unfinished Business.

City Engineer Steve Machida summarized steps taken to date on the proposal for a new skateboard park in Milpitas, in concert with the contractor Stantec. Mr. Kanten Russell, Designer/Project Manager from Stantec would present the feasibility study. The best choice site was determined to be at the Milpitas Sports Center, with a combination type Street Plaza Flow layout. A Light-Structure green system was suggested for the lighting at the skate park and \$1.5 million was the cost estimate to build the skate park.

Mr. Machida stated the plans were brought to the Parks, Recreation and Cultural Resources Commission on January 25, where Commissioners provided comment on the skate park and recommended the Council approve it.

Councilmember Giordano referred to the first skate park at Gill Park in 1990s, which only lasted about one year. She wanted to know how negative impacts would be dealt with, at the new location. Mr. Machida replied it was a better location. Nowadays, kids had cell phones to call parents, and there was access to the bus stop at Milpitas Sports Center, along with adequate parking. All of those were better than previous site.

Vice Mayor Montano inquired if tournaments would be held there. Staff replied that it was possible. The Vice Mayor remarked on the need for more activities for youth in Milpitas. The proposed skate park would be a controlled environment and she liked that.

Councilmember Grilli felt it would be a good gathering place for youth. It was disappointing that the park would not be available to the kids who'd done so much good work to get this going, if it did not actually get built until 2021.

Mayor Esteves asked what would be the ongoing cost for maintenance and operation of the park. Mr. Russell responded that it would be an average of \$5000 per year. Security cameras were used effectively at some skate parks in the U.S. The Mayor asked about how many people would use the skate park. Mr. Russell replied approximately 60-80 per day might use it, based on his experience in San Diego and around the country.

City Manager Tom Williams offered to bring back to City Council the cost per user, with 300 users on the estimated cost of \$1.5 million, with more detail.

Mayor Esteves asked further about the opportunity for more soccer fields and Mr. Russell responded that it was part of the study. \$1.8 million was the estimated total cost for field re-design at the Milpitas Sports Center, including skate park and soccer fields.

Vice Mayor Montano asked the Mayor for clarification on his view, on what was included in the study and including soccer fields. She asked how many there were in the Bay Area (number of skate boarders).

Councilmember Grilli thanked Councilmember Montano for bringing this item forward, while it fit into Milpitas being a "family friendly" city and to help make a place for young people to go. She believed waiting until 2020 was far too late and urged building it sooner.

Next, Mayor Esteves invited speakers on this item.

Robert Marini, Milpitas resident, wanted a clear understanding on how this skate park was going to work. He asked if it was to be fenced in and if not, it would be used 24 hours a

day. The park needed to be supervised at the site. He was uncertain about liability, and asked if there would be a charge for admission to the skate park.

Next, sixteen people – many youngsters from Milpitas – spoke in favor of the proposed skate park, the location, and its value to the lives of youth in town.

Vice Mayor Montano said she was a public school teacher and worked with youngsters every day. Skate boarding was a good sport and gave them freedom. Milpitas was a good place to raise a family, so the city should do all it could to provide a skate park for youth.

Motion: after receiving the presentation on Milpitas Skate Park Feasibility Study, Project No. 5100, to direct staff to prepare an expedited funding plan for the design and construction of the Skate Park, and approve Amendment No. 1 to the Agreement with Stantec Consulting Services, Inc. in the amount of \$5000 for the Skate Park Feasibility Study, Project No. 5100

Motion/Second: Vice Mayor Montano/Councilmember Giordano

Councilmember Grilli wanted to direct staff to make an “aggressive,” or rather as suggested by Councilmember Giordano, an “expedited” funding plan, which was accepted by motion maker and second.

Mayor Esteves asked Mr. Russell how many accidents could be expected at such a skate park. The consultant did not have an exact number but could include the injury rate in the final study.

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

## JOINT MEETING

## CITY COUNCIL and HOUSING AUTHORITY

HA1. Call to Order

The Joint Meeting was called to order at 11:07 PM with four members present and Authority Board Member Barbadillo absent.

HA2. Approve Agenda

Motion: to approve the agenda of the joint meeting and consent calendar item

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

\* HA3. Milpitas Food Pantry Rent

Approved Amendment to the Lease Agreement with the Milpitas Food Pantry to reduce the monthly rent from \$1,600 per month to \$1.00 only per month.

## ADJOURNMENT

Mayor Esteves adjourned the joint meeting at 11:08 PM.

**The foregoing minutes were approved by the Milpitas City Council on March 17, 2015.**

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Mary Lavelle  
Milpitas City Clerk