

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Special Meeting of Milpitas City Council  
**Date:** Tuesday, April 28, 2015  
**Time:** 7:00 PM  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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**CALL TO ORDER**

Mayor Esteves called the meeting to order at 7:08 PM. The City Clerk noted the roll.

**PRESENT:** Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo, Giordano and Grilli

**ABSENT:** None

**PUBLIC FORUM**

Rob Means, Milpitas resident, urged a Personal Rapid Transit station in conjunction with the new BART station in Milpitas.

Robert Marini, Milpitas resident, described too many items on recent Council agendas so meetings go too late. He urged the Mayor to do presentations earlier, so there was enough time to address the City Council and have less items on the agenda.

Voltaire Montemayor, Milpitas resident, wanted to mention the dump smell. He felt there was a solution to this problem.

**PRESENTATION**

Mayor Esteves proclaimed the month of May 2015 as “Mental Health Month.” The proclamation was accepted by Liz Schoeben, of CASSY (Counseling and Support Services for Youth), which had partnered with Milpitas Unified School District schools. The proclamation was issued at the request of Councilmember Grilli, who thanked the Mayor and CASSY, a Milpitas non-profit organization.

**AGENDA APPROVAL**

Councilmember Giordano moved and Vice Mayor Montano seconded approval of the agenda and it was approved by unanimous vote of the Council.

**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.

**PUBLIC HEARINGS**

**1. Transitional and Supportive  
Housing Amendment**

Principal Housing Planner Tim Wong explained the rationale for the changes required per state law, for accommodating supportive and transitional housing in Mixed Use and R2 residential zones. This could be accomplished by introduction and adoption of an ordinance for the zoning amendment. The zone change was per State of California Housing and Community Development’s requirements.

Vice Mayor Montano remarked how attractive the manufactured homes were in the photos, as displayed overhead.

Councilmember Barbadillo asked about the modifications in the ordinance. He asked if there were any applications on file for transitional or supportive housing currently, and staff replied no. Mr. Wong clarified to City Council that there was no requirement to

provide or build this type of housing but rather the need was to remove any possible barriers to it.

Next, Mayor Esteves opened the public hearing.

Robert Marini, Milpitas resident, asked if this change meant mobile homes could be moved and placed anywhere throughout the City.

Mayor Esteves asked staff to respond and Mr. Wong explained that no, mobile homes were permitted only in the R1 and R2 zoning districts, not anywhere throughout the City. City Manager Tom Williams also explained that manufactured homes and mobile homes were not the same.

Rob Means, Milpitas resident, wanted to confirm manufactured homes sited in California would conform to energy requirements of state law.

Voltaire Montemayor, Milpitas resident, talked about energy, water systems and regulation of manufactured homes.

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

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

Next, City Attorney Mike Ogaz read aloud the title of Ordinance No. 38.822, "An Ordinance of the City Council of the City of Milpitas Amending Chapter 10 of Title XI of the Milpitas Municipal Code Permitting Transitional and Supportive Housing in Mixed Use Zoning District and Manufactured Homes in Residential Zoning District."

(2) Motion: to waive the first reading beyond the title of Ordinance No. 38.822

Motion/Second: Councilmember Giordano/Councilmember Grilli

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

(3) Motion: to introduce Ordinance No. 38.822 to amend the zoning code

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

## 2. General Plan Housing Element

Principal Housing Planner Tim Wong acknowledged the hard work of Felix Reliford and the City's consultant in preparing the General Plan Housing Element Update, in advance of the actions at this meeting. The previously established Regional Housing Needs Assessment for the City of Milpitas was 3,290 housing units for 2015-2023 (which was not a requirement to construct). He reviewed more than one year's actions within this document, including approval of the new draft Housing Element by the state's Housing and Community Development department.

Councilmember Giordano remarked that this was an eight year plan, while in the past it was only for five years. Staff confirmed that fact and noted that new legislation changed it to the newer eight year (or in certain circumstances, four year) cycle.

Mayor Esteves inquired about compliance with affordable housing as part of the current Housing Element. Mr. Wong said the City was following recommended activity in the

Housing Element, such as the ordinance just recently introduced. The Mayor asked what other cities required for an affordable housing fee, upon completion of a nexus study. Mr. Wong displayed a chart showing which Santa Clara County cities were calling for or planning to study a possible fee by developers for affordable housing. He explained what such a nexus study was and what it could do for a city, based on a fee per square foot of new market rate housing being built. Nexus studies were typically prepared for rental housing units.

Vice Mayor Montano believed that other cities realize the need for affordable housing. It was very difficult for local folks to purchase a home in this city, even those who've lived here their entire lifetime.

Councilmember Giordano was opposed to adding any impact fee, because that then added to the cost of purchasing new housing. The City had done a great job already of providing lower cost housing. Upon the demise of the RDA, Mr. Reliford responded to her that the City could not meet its goals in the Housing Element for the next cycle without any financial vehicle (such as RDA funds, impact fees, or other).

Mayor Esteves asked many questions about the timing of a nexus study, cost of the study, and its application to incoming development applications, if Council agreed.

Next, Mayor Esteves opened the public hearing.

Alvin White, Milpitas resident God's Brain, talked about documents, past CDBG applications, and phone number to call with only an answering machine.

Rob Means, 1421 Yellowstone resident, noted that the report mentioned that affordable housing was not happening in Milpitas now. So he shared the Mayor's concerns. He also agreed with Ms. Giordano about inclusionary housing costs being put onto those buying new homes noting this was a region-wide problem.

Robert Marini, Milpitas resident, commented that he did not know how many people could afford a \$350,000 house in Milpitas.

Voltaire Montemayor, Milpitas resident, was concerned about the Safety Element and conservation of water, especially if there was a flood and an extra high tide. He urged all to be ready for emergencies.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

Mayor Esteves wanted to add a requirement for the nexus study for affordable housing, both rental and ownership housing.

Councilmember Giordano wanted to support the Mayor's motion, but did not agree with the nexus study since she was not in favor of the possible impact fee on new housing development. She would be happy to learn all options or other vehicles for funding affordable housing. The Mayor agreed that was part of his motion.

(2) Motion: to adopt a Resolution No. 8465 approving Environmental Assessment No. EA14-0007 (Negative Declaration) and adopt General Plan Amendment No. GP14-0004 relating to the Draft Housing Element 2015-2023 and revisions to the Seismic Safety Element and Open Space/Environmental Conservation Element of the General Plan

In addition, the motion included calling for a nexus study on inclusionary affordable housing, with the potential impact fee on developers, in all areas including a commercial development impact fee.

Motion/Second: Mayor Esteves/Vice Mayor Montano

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

## NEW BUSINESS

### 3. Housing Element Annual Progress Report

Principal Housing Planner Tim Wong presented the progress on annual housing performance, based on the Regional Housing Needs Assessment numbers for City of Milpitas (displayed chart overhead). Excellent progress through 2012 was noted, however due to the dissolution of the Milpitas Redevelopment Agency (RDA), numbers were down significantly, with no new tools for financing future affordable housing,

Councilmember Barbadillo asked the dollar amount that the former RDA had allocated for affordable housing. Mr. Wong replied that 20% was required to be set aside when the RDA existed. Mr. Felix Reliford reported that the agency spent approximately \$50 million on 1200 units over the time of the last few housing elements in Milpitas.

Mayor Esteves invited speakers from the audience.

Robert Marini, Milpitas resident, said it looked like in future years, the trend was going down for low and very low income housing. And, it did not look like the City could afford any affordable income housing for the future.

Voltaire Montemayor, Milpitas resident, was categorizing low and very low-income affordable units. Those homes sometimes get abandoned, with no occupants.

Motion: to receive a report from staff on the 2014 Housing Element Annual Progress

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

### 4. City Website Re-design

Information Services Director Mike Luu introduced the Council to a new, revitalized web site design for the City. The new look (vs. current 2009 design) was created by in-house staff. He described the current design as not mobile-friendly and noted the City focus had changed in the last six years. The new design would include social media focus with a Content Management System (CMS). He was working with the local Camera Club to obtain local photographs of the city for the homepage main window. Also, with database management, updates would no longer happen page by page.

Councilmember Grilli liked the new design. She asked regarding the mobile application: would that be accessible for all users and all phone types (i.e. not solely iphone and Android)? Mr. Luu responded yes, with the first release for Apple iphone, while Android users could use it on the website, and soon would work on the next new release.

Vice Mayor Montano thought the new design was really great. She asked why the Chamber of Commerce was not on the map, as displayed. Mr. Luu said the website had already linked to or marked the Chamber on other pages. The Vice Mayor also felt that "hotlines" should be displayed.

Councilmember Barbadillo served as liaison to the Telecommunications Commission, and that group unanimously supported and recommended this new design.

Mayor Esteves asked the fiscal impact to staff (versus paying a vendor). Mr. Luu replied it was the cost of City staff time only, and in the future would reduce staff time for updating website pages with the new dbase model. City departments could get to their own pages to improve the look and feel, as desired. Mayor Esteves suggested checking with the Milpitas Arts Commission for recommendations for photos to go on the site on the homepage (not solely the Camera Club).

Councilmember Giordano was highly impressed with the translation opportunity to so many languages, via the Google translation option that Mr. Luu demonstrated.

Motion: to receive a report from the Information Services Director and direct staff to continue working on the City website update and modern redesign

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Mayor Esteves allowed for public comments.

Robert Marini, Milpitas resident, liked to use the streaming video on the City's website but experienced some difficulty. When meetings ran longer, it took more time to decompress video to watch it. He wanted to see the powerpoint presentations that were given at the Council Finance Subcommittee meetings, which should go on the website.

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

## RESOLUTION/ORDINANCE

### 5. Amendment to Contract with CalPERS - Resolution and Ordinance

Human Resources Director Carmen Valdez explained the necessary Council actions to implement a change for Fire Department members of PERS. They would contribute a total of 12% now for classic employees and 14.25% for PEPRA employees. There was no change to the contract with the International Association of Fire Fighters Local 1699. The change would incorporate the additional 3% paid by local fire members. Once introduced by the City Council at this meeting, the ordinance would be brought back for a second reading and adoption in late May.

(1) Motion: to adopt Resolution No. 8466 of intention to approve a contract amendment with the Public Employees Retirement System to provide Section 20516 (Employees Sharing Additional Cost) of 3% for local Fire Department members in International Association of Fire Fighters

Motion/Second: Vice Mayor Montano/Councilmember Grilli

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

Next, City Attorney Mike Ogaz read aloud the title of Ordinance No. 101.23, "An Ordinance of the City Council of the City of Milpitas Authorizing and Amendment to the Contract Between the City Council of the City of Milpitas and the Board of Administration of the California Public Employees' Retirement System."

(2) Motion: to waive the first reading beyond the title of Ordinance No. 101.23

Motion/Second: Vice Mayor Montano/Councilmember Grilli

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

(3) Motion: to introduce Ordinance No. 101.23 to amend the city's contract with CalPERS, regarding contributions by Fire Department employees

Motion/Second: Vice Mayor Montano/Councilmember Grilli

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

**ADJOURNMENT**

Mayor Esteves adjourned the Special City Council meeting at 9:30 PM.

**The foregoing minutes were approved by the Milpitas City Council on May 19, 2015.**

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**Mary Lavelle  
Milpitas City Clerk**