

- 2) Proclaimed CPR Awareness Month for October. Deputy Fire Chief Rick Frawley accepted the proclamation, and encouraged residents to visit local fire stations in Milpitas for drop-in “hands-on” CPR training on Saturday, October 24, 2015.
- 3) Proclaimed *Helping Mentally Challenged People Days*, October 16 – 17 by two Knights of Columbus Councils in Milpitas, whose representatives accepted the proclamations.
- 4) Presented to homeowners the Annual Neighborhood Beautification awards, as selected by the Community Advisory Commission.

At 8:00 PM, Mayor Esteves announced that all were welcome to a reception in the lobby to celebrate the Award winners and Filipino American Month. The meeting reconvened at 8:18 PM.

PUBLIC FORUM

Syed Mohsin, member of the Community Advisory Commission, announced that the CAC and Lions Club were holding an event on Sunday, October 25 at Seasons Marketplace on Landess, “Make A Difference Day” from 10:00 AM to 4:00 PM, with several city public safety staff. It was an open and free event for the community.

Two men, Milpitas residents, addressed the Council by requesting no contract renewal for Republic Services, deemed a public nuisance. They sought the closure of the landfill at Newby Island. One of the men felt the rate for garbage service was much too high, especially compared to neighboring communities and that odor from that site continued to be very bad.

Robert Marini, Milpitas resident, commented on the Prop. 218 Notice regarding water rates that was planned to go out to all ratepayers. He sought more information to be printed on the notice related to how rates were calculated.

Tom Valore, 670 Cardiff Place, wondered if one member would clarify what was appropriate communication for those interested in the hauling and disposal contracts, and the selection of winners of the contract award (re: RFP for solid waste services). He wondered how those communications could affect the outcome, and reach a fair conclusion.

Voltaire Montemayor, Milpitas resident, talked about his family in the Phillipines and that CPR could save a life, so it was important to learn.

ANNOUNCEMENTS

City Manager Tom Williams introduced the City’s new Human Resources Director Tina Murphy, who started her new assignment with the City on this date.

Mr. Williams asked Recreation Services Manager Renee Lorentzen to explain the online survey that started on this date for the proposed new McCandless Park, seeking input from residents. He also encouraged everyone in the community to participate in the survey and give their input.

Mayor Esteves mentioned the national Mayor’s challenge for water conservation in 2015. Good success was reported for Milpitas, with pledges made online.

Mayor Esteves also noted the unfortunate recent death of a young woman in the community. The family sought donations following her passing. He then read aloud the GoFundMe online information from the newspaper and asked staff to place this request on the website.

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

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

CONSENT CALENDAR

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

Vice Mayor Montano asked to remove agenda item no. 6 (grand jury response letter) from the consent calendar.

Mayor Esteves asked a question about the fee waiver request from the Rotary Club and City Clerk confirmed that it was the first and only fee waiver request from that organization this year.

Motion/Second: Councilmember Grilli/Councilmember Giordano

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

*2. Commission Appointments

Arts Commission: re-appointed Nicole Phan to a new term of three years to a term that will expire in October 2018.

Recycling and Source Reduction Advisory Commission: re-appointed Kashmir Gill to a new term of three years that will expire in October of 2018.

Sister Cities Commission: re-appointed Peter Chang to a new term of three years that will expire September 2018.

*4. Out of State Training

Authorized out of state travel for Milpitas Fire Department administrative staff to attend the Kronos Inc. Telestaff conference in Las Vegas from November 16–18, 2015.

*5. Waive Fees for Pumpkin Patch

Per request from the Milpitas Rotary Club, approved fee waiver of Planning, Fire and Building fees totaling \$973.65 for the Rotary's Pumpkin Patch scheduled October 16 – November 2, 2015.

*7. Adopt Ordinance

Waived the second reading and adopted Ordinance No. 240.4 removing supplemental water penalties per state law.

*8. Resolution

1) Adopted Resolution No. 8507 amending the Classification Plan adding one Assistant City Engineer in the Engineering Land Development Division and one Assistant Transportation Planner in the Engineering Traffic Division.

2) Approved a budget appropriation from the General Fund and the TASP fees fund in the amount of \$62,500 respectively for the Assistant Transportation Planner into the Engineering Traffic Division budget.

*9. Amendment to Fee Credit Agreement - Milpitas Station

Approved the First Amendment to the Fee Credit Agreement for Transit Area Specific Plan Public Facilities and Public Improvements with Milpitas Station (San Jose) Venture.

UNFINISHED BUSINESS

1. Public Hearing on vacation of Utility Easement

City Engineer Steven Machida explained the reason that City Council was requested to approve the summary vacation of a Public Service Utility Easement at Railroad Court next to the Union Pacific Railroad. This was not property that the City would develop or use for any public services. It was to be acquired by Santa Clara Valley Transportation Authority, related to the BART extension project. Following the public hearing, the City Council was requested to adopt a resolution for this action.

Mayor Esteves asked what would occur if the vacation was not executed, and what consequences for the city if the easement was maintained by the City. Mr. Machida responded to several questions from the Mayor and Councilmember Barbadillo on the disposition of the property and why the action was needed.

Next, Mayor Esteves opened the public hearing for comments.

Robert Marini, Milpitas resident, inquired as to why the City did not sell this property to BART or VTA.

Voltaire Montemayor, Milpitas resident, said all the parties needed to talk: the City, VTA and BART. He urged the agencies to play it safe, and have no litigation.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Councilmember Grilli

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

Mayor Esteves said he would have to trust staff about this action to give away the land, the easement. He wanted it to be advantageous for the City.

(2) Motion: to adopt Resolution No. 8506 summarily vacating a portion of the Public Service Utility Easement (PSUE) along the Northerly Projection of Railroad Court and parallel to Union Pacific Railroad

Motion/Second: Councilmember Giordano/Councilmember Grilli

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

REPORT

One item was approved on the consent calendar.

3. Library Advisory Commission Work plan

Library Advisory Committee Chairman Elpidio Estioko addressed the City Council and first announced who all the members on the Commission were and displayed photos of the Commissioners, from the city website.

Five accomplishments by the Commission during the last year were highlighted. Those included adoption of a donation policy, construction of a four-tier donation board, library flyers about the programs, a Filipino memorial project mural and the essay contest for students.

Milpitas Librarian Steve Fitzgerald announced a very special art exhibit coming to Milpitas Library this fall due to a special grant by the Smithsonian Institution. The exhibit is titled "What it Means to be Human." The student essay contest will be tied in to the special exhibit later this fall, scheduled November 25 to December 13, 2015.

Vice Mayor Montano complimented the work of the Library Advisory Commissioners, where she served as the Councilmember liaison. She noted the Milpitas Library was the most utilized facility in the County.

Motion: to approve the report from the Commission Chair and adopt the Library Advisory Commission workplan for the coming year

Motion/Second: Vice Mayor Montano/Councilmember Grilli

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

NEW BUSINESS

Two items were approved on the consent calendar.

6. Reply to Grand Jury

Vice Mayor Montano wanted to inform the public about climate change and its impact on slowly rising sea change. City Manager Tom Williams responded, with background on what the Grand Jury inquired about and City of Milpitas actions planned to deal with the impending rise over coming decades.

Motion: to authorize the Mayor to send the proposed response letter regarding the issue of sea level rise and the City's response to the Santa Clara County Civil Grand Jury

Motion/Second: Vice Mayor Montano/Councilmember Grilli

Mayor Esteves invited comments from audience.

Robert Marini, Milpitas resident, said there would be water intrusion. He asked if they knew about water subsidence, if drilling wells for water services that could occur and that would make it disastrous for residents.

Voltaire Montemayor, Milpitas resident, said sometimes there was a high tide, which would cause problems farther into the bay when there was heavy rain with high tides. There was a concern for flooding then.

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

RESOLUTION

One Resolution was adopted on the consent calendar.

ORDINANCE

One Ordinance was adopted on the consent calendar.

AGREEMENT

One item was approved on the consent calendar.

ADJOURNMENT

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

The foregoing minutes were approved by the Milpitas City Council on November 3, 2015.

**Mary Lavelle,
Milpitas City Clerk**