

**Draft MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, December 1, 2015  
**Time:** 6:00 PM Closed Session / 7:00 PM Open  
**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 6:00 PM. City Clerk noted the roll.

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

**ABSENT:** Councilmember Barbadillo was absent at roll call and arrived in Closed Session at 6:03 PM.

**CLOSED SESSION**

City Council convened in Closed Session to discuss two matters.

City Council then convened in Open Session at 7:12 PM.

**ANNOUNCEMENT**

No announcement out of closed session.

**PLEDGE**

Boy Scouts Troop No. 92 led the pledge of allegiance.

**INVOCATION**

Mayor Esteves invited Pastor Antonio Cano from Seventh Day Adventist Church to provide a prayer to start the meeting.

**MEETING MINUTES**

Motion: to approve the minutes of November 17, 2015 City Council meeting

Motion/Second: Councilmember Grilli/Councilmember Barbadillo

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

**SCHEDULE OF MEETINGS**

Motion: to approve Council Calendar/Schedule of Meetings for December 2015

Motion/Second: Councilmember Grilli/Councilmember Barbadillo

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

**PRESENTATION**

None.

**PUBLIC FORUM**

Rob Means, Milpitas resident, spoke about PRT transportation and costs.

Robert Marini, Milpitas resident, addressed costs in the previous fiscal year's budget, including City Manager's salary and other costs. He thanked the City Council for the nice Holiday Tree Lighting held the previous evening.

Voltaire Montemayor, Milpitas resident, spoke of elders, homeless, education, water policy, and thanked the lord for lightness and new holiday season. He loved this City. All should pray for rain and get ready for el niño.

Steve Siddell, Milpitas resident, was thankful to be a resident of the City of Milpitas. All his interaction with City employees and the City Council made him grateful to live here. There were no better police and fire departments than here in this city.

**ANNOUNCEMENTS**

City Manager Tom Williams announced that on KLIV radio yesterday there was a news report about police departments in the county, and Milpitas was highlighted for having the fastest response time locally. Congratulations to the Police Department and its officers, where two minutes 30 seconds was the current average response time.

Vice Mayor Montano thanked all City staff especially Recreation Services for the terrific Tree Lighting event. On December 12, Lady of Guadalupe Club would have a 7:00 PM mass and the Mayor would do the liturgy at St John the Baptist Catholic Church.

**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.

Councilmember Barbadillo announced he had a conflict on agenda item no. 9, regarding location of his office being within the Transit Area Specific Plan.

**APPROVAL OF AGENDA**

Motion: to approve the meeting agenda, as amended

City Manager Williams requested to remove agenda item no. 6 (memorial park bench) from the agenda. This topic would be scheduled later for discussion by the Council’s Facilities Naming Subcommittee, in advance of a Council vote on the subject. Mayor Esteves requested that the subcommittee meet soon, come up with criteria for naming, to be consistent and fair for all future requests. He also requested all Commissions to shy away from naming items since there was a Council Subcommittee for this work. He especially referred to the Parks, Recreation and Cultural Resources Commission work. Vice Mayor Montano asked the Mayor to clarify his request to her and Councilmember Grilli, which he did.

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 presented

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

\* 4. Planning Commission Re-appointment

Approved Mayor’s recommendation to re-appoint Rajeev Madnawat to another term of three years on Milpitas Planning Commission to a term that expires in December 2018.

\* 5. Appointments to Odor Stakeholder Group

Appointed Mr. Minh Q. Le as the public representative and Mr. Jim Q. Li as the Alternate on the South Bay Odor Stakeholder Group.

\* 6. Memorial Bench

This matter was removed from the agenda, and no vote was taken.

\* 8. Accept Annual CAFR

Accepted the City’s Comprehensive Annual Financial Report (CAFR) and other related Annual Audited Reports for the fiscal year ended June 30, 2015.

\* 9. Adopt Ordinance No. 38.824

Waived the second reading and adopted Ordinance No. 38.824 for zoning changes needed in the Transit Area Specific Plan area.

Due to his announced conflict of interest, Councilmember Barbadillo abstained from voting on the ordinance. So the vote for adoption was 4 in favor and 1 abstain.

\*10. Resolution

Adopted Resolution No. 8513 making certain findings pursuant to the Mitigation Fee Act for Fiscal Year 2014-15 regarding continuing need for unexpended development fees and review and accept the annual developer fee disclosure information.



that Milpitas Municipal Code 1-21-1.04 listed explicitly what the fines were, with an escalated approach.

Voltaire Montemayor, Milpitas resident, referred to the title of the proposed ordinance and sections to be amended. He agreed with the goal to have a beautiful and clean city.

Steve Siddell, Milpitas resident, felt the concern for the court system was valid, as the court was bogged down. He said it was appropriate to ask property owners to maintain their properties and that escalating fines were appropriate, too.

(1) Motion: to close the public hearing, following comments from four speakers

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

Vice Mayor Montano remarked that the overall intent was good, but the City Council was here to be available to hear citizens, and could serve as the ultimate appeals body. She did not support the ordinance as presented, noting the courts were already bogged down.

Mayor Esteves felt this was just one option. The objective was to have more correcting of violations in the community, so he wanted to support the process. It could be a more expedient process than currently.

Councilmember Barbadillo agreed with the ordinance and to have tools to enforce the City's well being. His only problem was the appeals section going to the Superior Courts. This was about civil actions, not criminal. He thought the appeal should occur within city limits, prior to any court filing.

Councilmember Giordano thought this was good, to create a more uniform process. This would make it more clear for the public and so she supported it.

Vice Mayor Montano would have liked to have some hard facts and figures on which violations were common, how much staff time to rectify violations, and the costs. She felt she did not have enough information to make an informed decision.

City Attorney Chris Diaz read aloud the title of Ordinance No. 290, "An Ordinance of the City Council of the City of Milpitas Relating to Administrative Citations, Amending Title I of the Milpitas Municipal Cod to Add a New Chapter 21, Amending Sections of Titles XI and VII, and Repealing a Section of Title V."

(2) Motion: to waive the first reading beyond the title of Ordinance No. 290

Motion/Second: Councilmember Giordano/Councilmember Grilli

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

(3) Motion: to introduce Ordinance No. 290 amending Title I of the Milpitas Municipal Code to establish the Administrative Citations regulations

Motion/Second: Councilmember Giordano/Councilmember Grilli

Her motion included to bring back Councilmember Barbadillo's concern about not elevating appeals to the court level, by allowing appeals to City Council; and, additionally to address the tree removal process and include that in some way, as requested by the Mayor.

Mayor Esteves asked if this ordinance was implemented, to come back to the Council in one year to know how effective it was. Councilmember Giordano agreed to the Mayor's request to be included in the motion.

Motion carried by a vote of:

AYES: 4

NOES: 1 (Montano)

**2. Water Efficient Landscape Ordinance No. 238.4**

City Engineer Steven Machida presented the proposed ordinance related to water efficient landscaping ordinance update. State law was driving the newer requirements for efficient landscaping at both residential and commercial (non-residential) properties. Square footage limitations were detailed in the ordinance, according to new state requirements. City modifications to the state-proposed ordinance were described, including references to gray water and recycled water. Mr. Machida responded to various questions from the City Council.

Mr. Machida noted one a minor typing error on page 15 of the draft ordinance in reference to paragraph one, areas less than 8 feet wide, and that should be corrected to 10 feet.

Next, Mayor Esteves re-opened the public hearing.

Robert Marini, Milpitas resident, saw new restrictions on private residences, but there was a lot of hypocrisy when the City was expanding its population, thus using more water in total, meanwhile asking residents to conserve water.

Voltaire Montemayor, Milpitas resident, thanked Governor Brown for asking for water conservation by state residents overall. Milpitas residents did well on the rating for conservation, he knew.

(1) Motion: to close the hearing following two speakers

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of:

AYES: 5

NOES: 0

City Attorney Diaz read aloud the title of Ordinance No. 238.4, "An Ordinance of the City Council of the City of Milpitas Amending Title VIII Chapter 5 of the Milpitas Municipal Code Relating to Water Conservation in Landscaping Regulations."

(2) Motion: to waive the first reading beyond the title of Ordinance No. 238.4

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of:

AYES: 5

NOES: 0

(3) Motion: to introduce Ordinance No. 238.4 repealing and replacing Title VIII, Chapter 5 of the Milpitas Municipal Code, regarding water efficient landscaping and including correction of one fact on page 15 (to 10 feet)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of:

AYES: 5

NOES: 0

The City Council jumped ahead to agenda item No. 7 next at 9:08 PM.

**UNFINISHED BUSINESS**

**3. Odor Control Report and Update on Stakeholder Group**

City Engineer Steven Machida provided figures of the summary of odor reports to the Bay Area Air Quality Management District and to the City’s hotline. A spike in odors reported was noted in October 2014 and again a year later. He also reported on the Stakeholder Odor Group. Three meetings were held in 2015, with the next one on January 21, 2016. All meetings were held locally with a roundtable forum. The group discussed what specific agencies were doing to address odors caused by various sources.

Mr. Machida discussed the public members to be appointed. Milpitas was the first city to appoint public members to the group (agenda item No. 5 on this agenda) while Fremont id not yet recommend any.

Vice Mayor Montano asked if the staff had considered wind currents and wind effects from the north, with regard to the odor in Milpitas.

Councilmember Barbadillo asked if any odor sources were found to be in Milpitas. Staff responded they were studying if any came from the City’s wastewater pump station. The Mayor wanted to know the result of that study and data. He felt the public should know the facts and wanted to rebut any rumors about the odor source(s).

Councilmember Grilli left the dais at 9:34 PM and returned shortly thereafter.

Motion: to receive a report from staff on the odor report and the Odor Stakeholder group

Motion/Second: Vice Mayor Montano/Councilmember Giordano

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

**REPORTS**

Two items were approved on consent calendar.

**7. YAC Workplan**

Recreation Supervisor Andrew Mendes introduced the Chair of the Youth Advisory Commission Sahil Sandhu and Vice Chair Sabina King, who would make the presentation.

Chair Sandhu highlighted accomplishments over the fiscal year 2014-15 including a Spelling Bee and a Math Competition. YAC raised \$545 and \$735 for its scholarship program. Commissioners had volunteered at events during the year, and then presented the scholarship to David Olivar from Milpitas.

Vice Chair King presented the highlights of the 2015-16 YAC plans and events.

Councilmember Grilli asked the two about partnering with local charities. She urged Commissioners to contact Milpitas Kiwanis Club. She also asked about the mental health awareness activity, and which high schools would be included. The Councilmember was involved with the CASSY program at Milpitas High School, so she’d be happy to help with on YAC event on that topic.

Vice Mayor Montano attended the Math-a-thon activity last year, and it was an awesome event. She supported that one highly.

Mayor Esteves asked how the Council could help address the waiting list for the Spelling Bee and Math contests. The Chair and Vice Chair said they would hold the event for a longer period to include more students total than last time.

Mayor Esteves asked about the Talent Show and what happened to it. Vice Chair King reported there was more base for the educational type events than entertainment.

The Mayor finally thanked the two Commission leaders and the Commissioner for their volunteerism, and especially the previous evening at the City's Tree Lighting event at City facilities. They all served as good role models for the younger kids in Milpitas.

Motion: to approve the Youth Advisory Commission's 2015-16 work plan

Motion/Second: Councilmember Grilli/Vice Mayor Montano

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

**NEW BUSINESS**

One item was approved on consent calendar.

**ORDINANCE**

One ordinance was adopted on consent calendar.

**RESOLUTIONS**

Three resolutions were adopted on consent calendar.

**AGREEMENT**

Five items were approved on consent calendar.

**18. Sports Center Fields project**

City Engineer Steven Machida reviewed the schedule and fast-track plan for the complete renovation of the Milpitas Sports Center Sports Fields - a major project. First steps from August 18 to this evening for the bid award took a little more than three months, rather than more commonly six months timeframe. Refurbished fields and project completion prior to July 1, 2016 was the mandatory, achievable plan for this significant CIP.

Mr. Machida provided visual drawing of the overall plan for the synthetic turf for the soccer and football field, and described other amenities at the site. He gave a summary of the two bids received from the two pre-qualified bidders.

Vice Mayor Montano asked questions about the lighting and its enhancement at the fields. Staff reported it would be all brand new lighting and included shields to keep lights from flooding into nearby homes. A lighting consultant would recommend the newest technology. The Vice Mayor asked if the fields would be ready for statewide and regional competitions, and staff responded that would be the goal. She also asked if public art would be provided, per the new ordinance, to enhance the area.

Mayor Esteves agreed with the idea of an art project on site, but it would need to come back as a separate item in terms of expenditure of public funds.

The Mayor asked staff about costs for maintenance and if that would be part of the next budget process. He also asked if advertising could be part of the new scoreboard. Recreation Manager Renee Lorentzen could look into having a business logo added onto the sign, but it would be permanent. Mayor Esteves urged having ads that could change over time and to receive revenue from that effort. Finally, he emphasized the completion date by next July was very important.

Councilmember Grilli wanted to know if there was a policy about who could advertise or add corporate names onto the new scoreboard sign. Staff responded it come back to City Council with guidelines and rules on such sign, since it would be all new.

Councilmember Barbadillo sought more information on the contractor O.C. Jones & Co. Staff responded that the contractor would perform much of the work as an experienced general contractor and would have some sub-contractors working on the project.

Mayor Esteves asked for any comments from the audience.

Voltaire Montemayor, Milpitas resident, said the timing was right now to build the new fields. O.C. Jones was the right company along with the \$505,000 contingency funds.

Motion: approve the following:

- 1) Receive a presentation and project progress report on the Milpitas Sports Center Sports Fields, Project No. 5104
- 2) Award the construction contract to O.C. Jones & Sons, Inc. for an amount not to exceed \$3,364,800 and authorize the Director of Engineering/City Engineer to execute contract change orders for Sports Fields Project in the cumulative amount not to exceed \$505,000.
- 3) Approve a budget appropriation of \$1,710,000 from the Park Fund and General Government CIP Fund, which is required to award this project for construction

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

**ADJOURNMENT**

Mayor Esteves adjourned the City Council meeting at 10:06 PM.

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