

**Draft MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular and Special Meetings of Milpitas City Council  
**Date:** Tuesday, November 1, 2016  
**Time:** 5:30 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 5:30 PM. City Clerk noted the roll.

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

**ABSENT:** Councilmember Barbadillo was absent at roll call. He arrived in Closed Session.

**CLOSED SESSION**

City Council convened in Closed Session to discuss six of seven items on the regular meeting agenda and one litigation matter on the special meeting agenda.

City Council then convened in Open Session at 7:16 PM.

**ANNOUNCEMENT**

No announcement out of closed session.

**PLEDGE**

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

**INVOCATION**

Mayor Esteves invited head priest Kamaljit Singh of the Gurdwara Sahib Singh Sabha to provide opening prayer.

**MEETING MINUTES**

Motion: to approve the minutes of October 17 and 18, 2016 City Council meetings

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

**SCHEDULE OF MEETINGS**

Motion: to approve Council Calendar/Schedule of Meetings for November 2016

Motion/Second: Councilmember Giordano/Councilmember Grilli

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

**PUBLIC FORUM**

Robert Marini commented about a ballot proposition and a filed lawsuit against three City Councilmembers. Councilmember Giordano responded to his comments.

Gurdev Dave Sandhu thanked the Mayor for inviting the priest to give the invocation.

Ken Reed, long time resident of Milpitas and now resident of Berryessa in San Jose, was an author of the new novel "Both My Sons." On Saturday, November 5, the Milpitas Public Library would host a book signing open to all. He invited all Councilmembers and the public to attend.

Micky Skelson, Milpitas resident, displayed notices sent one year ago to residents about a water rate increase proposal. He was still mad about the unclear notification and wanted the Council to listen to the people about the water rates and the increases, which were too much.

Mathew Napolitano, Milpitas resident, was unhappy with the response to a water rate initiative. It was a poor response, trying to sneak by the residents a very large increase in the rates charged to residents for their water at home.

A representative of Green Belt Alliance spoke in support of several green-friendly measures placed on the ballot, and gave strong support from his organization to Measures I, J, and K.

Bob Narilla, Milpitas resident, worked for the Santa Clara County Public Health Department and invited all to a public health tech conference on Friday November 18 for supporting the health of all employees and residents.

Michael Tsai, Milpitas resident, found of YIMBY, was supportive of comments by the Greenbelt Alliance man. As a resident, he'd heard a lot lately on water issues. He then spoke about an aquifer in North Dakota and its impact to Native Americans there, seeking a letter of support as was done in the City of San Jose.

Vice Mayor Montano felt that the Council should consider Mr. Tsai's request.

## **ANNOUNCEMENT**

Recreation Services Manager Renee Lorentzen reported on the award of NFL Play 360 grant, one of only nine such awards in the entire country. On October 24, 2016, children from the After The Bell program enjoyed activities with San Francisco 49ers players on the new artificial turf Sports Field at the Milpitas Sports Center, based on the grant award.

City Manager Tom Williams announced the annual City of Milpitas ceremony for Veterans Day on Friday, November 11 at 9:00 AM.

Councilmember Giordano asked about the status of the appointed Citizens Water Rates Task Force. City Manager Tom Williams replied that staff had corresponded with all members of the Task Force and would schedule two meetings in November, the first one on the 10<sup>th</sup>.

Councilmember Grilli noted that the Santa Clara Valley Water District would be talking about a water rate increase in upcoming meetings, which should be listed on the City's website with information about the date and time for Milpitas residents to attend if they wish.

## **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 presented

Motion/Second: Councilmember Montano/Councilmember Barbadillo

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

## **CONSENT CALENDAR**

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

City Manager Williams requested that Council add April 11 and May 9 to the calendar of Council meetings for next year in 2017 (for agenda item no. 6).

Mayor Esteves requested to remove agenda item No. 2 (odor report update) from consent to hear a staff report.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

\* 5. Investment Status

Received the investment report for the quarter ended September 30, 2016.

\* 6. Meeting Schedule

Approved the 2017 City Council meeting schedule, including two budget meeting dates on April 11 and May 9, 2017.

## **PUBLIC HEARING**

### **1. Annexation into CFD**

Assistant City Engineer Judy Chu described the actions needed at this meeting to further streamline the process to add parcels into Community Facilities District No. 2008-1 in the future. This particularly helped with all of the new development being built in the area of the Transit Area Specific Plan.

Mayor Esteves asked her to describe what a Community Facilities District was designed to do here in the City, and Ms. Chu explained.

Vice Mayor Montano and Councilmember Barbadillo asked various questions, to which Ms. Chu and City Manager Williams replied.

Next, Mayor Esteves opened the public hearing.

Michael Tsai, Milpitas resident, agreed with remarks by City Manager Tom Williams so that new residential impacts were covered and that the financial impacts were responsibly managed.

(1) Motion: to close the public hearing, following one speaker

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

(2) Motion: to adopt Resolution No. 8601 authorizing the annexation of territory in the future into CFD No. 2008-1 for public services and to direct the City Clerk to record it with the County of Santa Clara Recorder

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

## **UNFINISHED BUSINESS**

### **2. Odor Report**

Interim City Engineer Greg Chung provided an overview of the report on odor complaints received by the City and the Bay Area Air Quality Management District since the last report to the Council.

City Councilmembers asked the City Engineer a variety of questions about the source of odor, the reason for the reduction in number of complaints submitted, and what the response was to complaints made.

Motion: to note receipt of the report from staff regarding odor complaints

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

## COMMISSION REPORTS

### 3. Community Advisory Commission work plan

Chair of Community Advisory Commission Syed Mohsin presented seven achievements of the past year 2016, and the work plan and program for the upcoming year 2017. He introduced fellow Commissioners Thelma Batilo and Mike Bilbao.

Councilmember Grilli asked about Make a Difference Day and why the Commission had to pay for the permit for the event. This was part of the Commission work plan, and members paid out of their own pocket. The City Manager said he would look into that.

Councilmember Giordano inquired about tree planting and what areas fell under the work plan for next year. She mentioned some homeowners on Summit Pointe who'd like trees planted on Country Club Drive.

Mayor Esteves asked for monitoring of trees throughout the City. Maybe the tree Master Plan should go before the Community Advisory Commission, especially when having a goal to increase the number of trees year after year.

Vice Mayor Montano noted that Public Works staff did maintain already an extensive inventory of all trees in Milpitas.

Mayor Esteves asked for comment from the audience.

Ray Maglalang, Milpitas resident, wanted comments on a final tree ordinance. He remarked on trees on Dempsey Road that were cut, and sought code enforcement there.

Planning Director Brad Misner came to the podium to respond at the Mayor's request. Mayor Esteves further commented, and the City Manager responded a bit about the goal for 500 trees while there was a drought and a requirement to cut back on water use throughout the City.

Motion: to receive the oral report from Community Advisory Commission Chairman and to approve work plan for 2017

Motion/Second: Vice Mayor Montano/Councilmember Grilli

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

### 4. Library Advisory Commission work plan

Library Advisory Commission (LAC) Chair Marie Pham along with Milpitas Librarian Steve Fitzgerald came to the podium. She highlighted five accomplishments over 2016, with various events and activities.

Mr. Fitzgerald announced a grant the Library had been awarded for events related to education on World War I. This may be able to tie in with the Veterans Commission.

Mayor Esteves thanked the Chair and Commissioners along with the Milpitas Library and librarian for the report and ongoing activity at the busiest library in the county system.

He had a suggestion that the LAC brainstorm on what could be done better in the library for any type of improvements for the future each year, prior to when the budget was considered. Keeping the library always a state of the art facility was important.

Mayor Esteves invited speakers from the audience.

Voltaire Montemayor, Milpitas resident, wondered if the City could expand north of the library and mentioned parking issues.

City Manager Tom Williams reported that residents could park across the street on the third and fourth floors of the parking garage for the County medical facility.

Some signs to that effect would be helpful, suggested Vice Mayor Montano. It would be a good idea to work with the Milpitas Librarian to post signs about that parking and flyers to give to Librarian patron.

Mayor Esteves added to include signs directing people back to CA 237 from the Library.

Motion: to receive the oral report from the Library Advisory Commission Chairwoman and to approve the LAC work plan for 2017, and include consideration of signs requested, and future Library improvement suggestions

Motion/Second: Vice Mayor Montano/Councilmember Grilli

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

## ORDINANCES

### 7. Building Code Update – Ordinance No. 65.145

Chief Building Official Keyvan Irannejad explained the need to update the building code, after three years, based on the California Building Standards Commission, along with local amendments. Milpitas participated with other bay area communities to prepare a common code locally.

Councilmember Giordano said what a great job his department was doing for the residents and the businesses. She highlighted an award the department recently received.

Mr. Irannejad reported that the Building & Safety Department had received the No. 1 rating by ISO for cities, a distinction achieved by only ten cities nationwide.

Mayor Esteves agreed with the Councilmember's comments also, especially after he attended new business openings around the City, where he heard appreciation for the service provided.

Councilmember Barbadillo asked about the effect on existing homeowners if they come in to renovate the home. The Building Official replied, that if more than 1,000 square feet was impacted, then residents would need to be in compliance with 2015 regulations.

Mayor Esteves invited comments from the audience.

Voltaire Montemayor, Milpitas resident, said the City had to maintain its building standards and inspection of all buildings to ensure safety.

City Attorney Chris Diaz read aloud the title of Ordinance No. 65. 145, An Ordinance of the City Council of Milpitas Adopting By Reference the 2016 California Building Code Volumes 1 and 2, along with many related codes and also repealing and replacing many Chapters of Title II of the Milpitas Municipal Code.

Motion: to waive the first reading beyond the title, to introduce Ordinance No. 65.145 and set the public hearing date for November 15, 2016

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

### 8. Fire Code Update – Ordinance No. 113.24

Fire Marshal Albert Zamora provided an overview of the need to update the Fire Code, to be adopted every three years with local amendments. He worked in collaboration with

fire safety officials across Santa Clara County to have uniform amendments to the code adopted locally.

Mayor Esteves complimented the fine work of Mr. Zamora and his department.

City Attorney Diaz read aloud the title of Ordinance No. 113.24, "An Ordinance of the City Council of the City of Milpitas Repealing and Replacing Chapter 300 of Title V of the Milpitas Municipal Code and Adopting by Reference the 2016 Edition of the California Fire Code with Specified Local Amendments."

Motion: to waive the first reading beyond the title of Ordinance No. 113.24

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

Motion: to introduce Ordinance No. 113.24 and set the public hearing date for November 15, 2016

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 9:25 PM.

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