

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, June 7, 2016
Time: 6:00 PM Closed Session / 7:00 PM Open Session
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 6:00 PM. City Clerk noted the roll.

PRESENT: Mayor Esteves, Councilmembers Giordano and Grilli

ABSENT: Vice Mayor Montano and Councilmember Barbadillo were absent at roll call. Both arrived prior to 6:05 PM in Closed Session.

CLOSED SESSION

City Council convened in Closed Session to discuss five items on the agenda, four related to existing and anticipated litigation.

City Council then convened at the dais for the Open Session at 7:00 PM.

ANNOUNCEMENT

No announcement out of Closed Session.

PLEDGE

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

INVOCATION

Vice Mayor Montano introduced Pastor Jennifer Chapman, who provided the invocation.

MEETING MINUTES

Motion: to approve the minutes of May 17 and 23, 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 June 2016

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

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

PUBLIC FORUM

Bill Ferguson, Milpitas resident, mentioned news related to a candidate for US President and campaign contributions. He noted the recommendations of the city's Campaign Finance Reform Committee and wanted to know why the Council voted last time not to pursue those possible changes for City of Milpitas. Mayor Esteves responded to him as did Councilmember Giordano.

Robert Marini, Milpitas resident, discussed water rates, bonds, leaking pipes, calculations, and irrigation water use. Change the priorities, he told the Council.

Arsalan Lodhi, president of Wisran company, discussed companies that work with start-ups. Those need a point of contact. He mentioned his own company which provides water leakage predictions and asked if the Council had any channels it wished to establish. He needed economic development tools to make his company a success and was seeking collaboration with the city.

Robert Means, Milpitas resident, displayed graphic about global temperature and climate change.

Steve Siddell, Milpitas resident, thanked elected officials for their past work and support for the Milpitas Police Department. He appreciated the budget meeting last time and openness.

Voltaire Montemayor, Milpitas resident, mentioned that he voted this date. Support everybody, he said, and there was a need for protocol for police. Report leaking pipes anywhere you see that.

Tom Valore, Milpitas resident, was surprised item no. 17 (results of referendum petition related to solid waste contract award) was on consent and asked for it to be discussed (to come off the consent calendar).

ANNOUNCEMENTS

City Manager Tom Williams announced the appointment of the new Planning Director Bradley Misner, who came to Milpitas from the City of Santa Monica, with many years of experience in planning and development services. Mr. Williams thanked Mr. Bill Ekern for his year of serving as the Interim Planning Director.

Mayor Esteves made several specific requests for the next meeting to add on to the City Council agenda:

1. Presentation of Transit Area Specific Plan capital projects - now that the five-year CIP was done, that should be presented and documented.
2. Tree ordinance – City needed a tree ordinance since there was no explicit tree replacement ratio, heritage trees, what to do with illegal cutting and other topics.
3. Fact sheet on the garbage disposal contract – to indicate what the truth was and known facts.
4. Fact sheet on the water rate increase – what was the reality, right from the City, something a person can read and hold in his/her hand.
5. From Councilmember Barbadillo, the request to look at the cost composition of the water rates, see where the Council may or may not be able to cut more, in terms of City costs.
6. Selection of garbage collection vendor, together with documentation of the schedule (a road map) with milestones listed.

Vice Mayor Montano asked to include the topic of the nexus study as promised by staff to be back in June, related to affordable housing. City Manager Williams said he would put this item on the agenda for discussion.

Councilmember Grilli asked to include the joint use agreement for the McCandless Park and school on the next agenda.

Vice Mayor Montano proposed to have a Council meeting in July, if needed, if too many items.

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 amended

The City Manager said that staff requested to remove agenda item No. 29, Senior Nutrition Contract with the County, and to place it onto a future Council agenda.

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 item no. 28 (Light Rail landscaping project) from consent.

Mayor Esteves asked to remove item no. 17 (referendum petition for a ballot measure) from consent.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

- * 2. Odor Control update Received the latest update of the odor control report.
- * 4. Decking for Milpitas Sports Center Received a report from the Director of Engineering/City Engineer on the purchase of the solid surface decking in the amount of \$283,130.63
- * 5. Commission Appointments Approved the Mayor's recommendations:

Economic Development Commission: Re-appointed Commissioner Cat-Tuong Nguyen to a new term of three years that will expire in April of 2019. Re-appointed Alternated No. 2 Raghu Reddy to a new term of two years that will expire in April of 2018.

Emergency Preparedness Commission: Re-appointed Commissioners Betty Jo Reuter and Don Clendenin to terms of three years that will each expire in June of 2019.
- * 8. Donation from Veterans to Milpitas Food Pantry Approved the donation of \$1,000 from the Milpitas Veterans Commission funds to the Milpitas Food Pantry, in support of local veterans.
- * 9. Grant for Disaster Training Accepted the State Homeland Security Grant Program (SHSGP) Grant in the amount of \$5,709 and approved a budget appropriation in the amount of \$5,709 into the Fire Department's operating budget.
- *10. 2016 COPS Grant Accepted the 2016 Citizen Options for Public Safety (COPS) Grant in the amount of \$113,490 and approved a budget appropriation in the amount of \$113,490 into the Police Department's operating budget.
- *11. Approve A/R Write Offs Approved the Accounts Receivable Write-offs for the fiscal year ended June 30, 2016.
- *12. Resolution Adopted Resolution No. 8550 to transfer a total of \$544.68 unclaimed checks and credits, per the list generated by the City's Finance Department, to the General Fund in accordance with Standard Operating Procedure No. 26-1.
- *13. Resolution Adopted Resolution No. 8551 approving the annual Engineer's Report, declaring intention to levy an assessment, and provide for a notice of public hearing on June 21, 2016 for LLMD No. 95-1, McCarthy Ranch.
- *14. Resolution Adopted Resolution No. 8552 approving the annual Engineer's Report, declaring intention to levy an assessment, and provide for a notice of public hearing on June 21, 2016 for LLMD No. 98-1, Sinclair Horizon.
- *15. Continue Item – Tract Map for 450 Montague As mutually agreed upon by the City of Milpitas and the project developer, this matter was continued to June 21, 2016.
- *16. Resolution Adopted Resolution No. 8553 calling a General Municipal Election for Tuesday, November 8, 2016, requesting consolidation with the statewide presidential election and requesting election services from the Santa Clara County Registrar of Voters.
- *18. Amendment No. 1 to Agreement with Co. Stadium Approved Amendment No. 1 to the agreement with the Santa Clara Stadium Authority setting forth terms under which Milpitas Police Officers may be authorized to work as reserve officers at the Santa Clara Stadium and authorized the City Manager to execute the Amendment No. 1.

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| *19. Amendment No. 2 to Agreement with Otis Elevator | <p>1. Authorized the City Manager to execute Amendment No. 2 to the Agreement with Otis Elevator Company extending it for five years with such changes to the amendment as may be deemed necessary by the City Attorney, for a total ten year amount not-to-exceed of \$236,055.</p> <p>2. Authorized the Purchasing Agent to exercise the annual options of the agreement for the next four years without further City Council action, except for appropriation of funds.</p> |
| *20. Award Bid to Bosco Oil | <p>1. Awarded the bid to Bosco Oil, Inc. doing business as Valley Oil Company for gasoline and diesel fuel and authorized the City Manager to execute a contract with Valley Oil for the not-to-exceed annual amount of \$600,000 per year.</p> <p>2. Authorized the Purchasing Agent to exercise up to four annual renewal options, subject to appropriation of funds and without further City Council approval.</p> |
| *21. Technical Services Agreement with Physio-Control | <p>1. Authorized the City Manager to execute a Technical Services Support Agreement with Physio-Control, Inc. to support and maintain the Fire Department's Lifepak Defibrillator Monitors and Lucas Chest Compression Systems.</p> <p>2. Authorized the purchase of new equipment through Physio-Control, Inc. to include four Lifepak-15 Cardiac Monitor/Defibrillators and four Lucas 2 Chest Compression Systems for and amount not to exceed \$165,138.</p> |
| *22. Amendment No. 2 to Agreement with OfficeMax | Approved Amendment No. 2 to the agreement with OfficeMax for the purchase of citywide office supplies for the increased amount of \$170,000 through June 30, 2018 for a total five year amount not to exceed \$610,000. |
| *23. Plans and Specs. For Street Resurfacing 2016 | Approved the Plans and Specifications for Street Resurfacing 2016, Project No. 4280 and authorized advertisement for bid proposals. |
| *24. Plans and Specs. For Parking Garage Fire Door | Approved Plans and Specifications and authorized advertisement for bid proposals for the Parking Garage Fire Door Conversion, Projects No. 3407 and No. 4276. |
| *25. Amendment No. 4 to Agreement with Hatch Mott | Approved and authorized the City Manager to execute Amendment No. 4 to the consulting services Agreement with Hatch Mott MacDonald, LLC in the amount of \$450,000, and extended the terms of the Agreement to June 30, 2017 continuing staff augmentation for the Land Development Engineering Division. |
| *26. Plans and Specs. For Bridge Improvements | Approved the project documents for Bridge Improvements, Project No. 4271 and authorized advertisement for bid proposals. |
| *27. Plans and Specs. For Higuera Adobe Park renovation | Approved the project contract documents for Higuera Adobe Park Picnic and Playground Renovation, Project No. 5097 and authorized advertisement for bid proposals. |
| *29. Agreement with County for Senior Nutrition Program | This item was removed from the agenda. |
| *30. Annual Payment to Cayenta software | Authorized and approved payment to Cayenta for annual support and maintenance in the amount of \$177,884.44 |

PUBLIC HEARING

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| 1. Urban Water Management Plan | <p>City Engineer Steven Machida provided an overview of the requirements of state statutory urban water management, and Milpitas' plan to meet those. Long term water planning was necessary, especially how to meet the ongoing demand for water in the community.</p> <p>Vice Mayor Montano asked questions about water delivered and metered to the two hillside golf courses, and plans for use of recycled water at those sites.</p> <p>Mr. Machida discussed water demand displaying total water consumption estimated for the next 15 year period, based on million gallons per day (mgd). He next reviewed the</p> |
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water use target for 2020. Also noted was the city's water conservation program. This plan was required by the state to be updated every five years, not annually.

Councilmember Giordano urged a more regular review of this plan.

Councilmember Grilli noted that the drought was not over yet, so she asked about the "water rebound" that Mr. Machida had mentioned.

Vice Mayor Montano wanted to make sure new developments used water efficient fixtures, such as those in the TASP. Mr. Machida responded that was what was found in the current (new) building code, per state of California. She asked if ground water use would be for emergency supply use only.

Mayor Esteves next opened the public hearing, inviting speakers from the audience.

Martin Skelson, Milpitas resident, discussed some specific tables that were included in the Plan document.

Rob Means, 1421 Yellowstone resident, talked about underground water, and subsidence as mentioned by Vice Mayor. It should be like a savings account. Use recycled water to flush toilets with, he urged, as done in other cities.

Robert Marini, Milpitas resident, talked about quantity of water losses referenced in a chart in the water management plan. He discussed leakage of potable water.

Steve Siddell, Milpitas resident, was happy to see the extension of recycled water pipelines in more places in the city and to consider requiring use of that water resource in the future.

Voltaire Montemayor, Milpitas resident, talked about water consumption, scale of water use, desalination as too expensive, marine versus water, problems with a reservoir, bury big tanks to store water.

Tom Valore, Milpitas resident, discussed the term "plan" for this item. He did not see a schedule for this plan, based on the increasing population for the City. How would the city acquire the additional water supply needed while there was a drought would be a continuous problem.

Councilmember Barbadillo left the dais at 8:26 PM and returned a few minutes later.

(1) Motion: to close the public hearing, following all speakers

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

(2) Motion: to adopt Resolution No. 8549 approving the 2015 Urban Water Management Plan; and to require a return annually to report back to City Council on plan status

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

UNFINISHED BUSINESS

3. Minimum Wage Increase

Economic Development Manager Edesa Bitbadal presented key findings of the county wide study on a possible minimum wage increase countywide. She explained this study was called for prior to the State of California adopting a statewide minimum wage of \$15.00 per hour over the next six years. City of San Jose sought to raise the wage to \$15.00 per hour by 2019. She responded to various questions and issues raised by the Mayor and Councilmembers.

Ms. Bitbadal reported survey results conducted by the City, reaching 40 mostly small businesses in the City of Milpitas.

Councilmember Barbadillo asked what the City could do to help small businesses to implement the state minimum wage. If businesses said they would be hurt, the City needed to figure out how to help. Suggestions would be helpful to hear, based on good helpful data gathered.

Vice Mayor Montano asked why staff did not discuss the synopsis in the Council agenda packet of the study done by UC Berkeley. Ms. Bitbadal had presented her study of the City of Milpitas businesses only, not a review of the \$15.00 by 2019 (San Jose plan).

Councilmember Barbadillo asked staff to come back and report more detail on each recommendation in the study, after more outreach was completed.

Mayor Esteves invited speakers from the audience.

Liz Ainsworth, Milpitas Chamber President, noted the study was not yet completely finished, so the Chamber did not have a position at the moment. 50% of its membership was made up of small businesses in Milpitas, where some were leaving Milpitas because it was too expensive to stay here.

Councilmember Barbadillo asked about rent control for commercial businesses and if that existed in Milpitas. He wanted to have that topic at a future Council meeting.

Mayor Esteves said it had long been a policy of the Milpitas Council not to have rent control in this City.

Councilmember Giordano said that such a policy – anything of this nature - would need a vote of the Council majority to decide if this topic was to be considered. She was opposed to studying this issue. City Manager Williams said the topic can be put on the agenda to ask if staff should study this issue in the future.

Next, the Mayor invited speakers from the audience.

Ms. Lopez from San Jose was representing a group seeking to increase the minimum wage to \$15.00 by 2019. In San Jose, when the minimum wage went up to \$10 per hour, the businesses did not leave San Jose. There could be great benefits if the region would act together, not separately by city.

Maria, spoke on behalf of workers and fast food industry workers who had a hard time meeting financial responsibilities here in the Silicon Valley area. People were suffering in this economy.

Alex Johnson, a franchise owner at The Great Mall, headquartered in Milpitas since 1994 when the Mall opened. He responded to Councilmember Barbadillo, stating his company asked that City Council do nothing right now, so the businesses could respond to the new state law that will be implemented over next several years. He talked about the response time, as he just recently learned about the City survey this week. Mr. Johnson employed about 35 employees here in Milpitas at Antie Ants and Cinnabon outlets at Great Mall.

Arzhang, resident of Spence Ave in Milpitas, said people needed to shift conversation from minimum wage to a living wage, to help people get out of poverty.

Kay, a restaurant owner at McCarthy Ranch since 1999, thanked the City for information provided on this wage issue and tax information. She noted the \$15.00 wage and the overtime wage of \$22.00/her hour. Her supply costs would go up too, if the local providers had to pay their workers higher wages and those costs going up would be passed on to the consumer.

Rob Means, 1421 Yellowstone resident, was not happy with discourse on this subject so far. Consider the impact on consumers and residents, and whether they were willing to pay 2.9% more so workers could get better pay.

Robert Marini, Milpitas resident, linked the increase in water rate fee and wages to consumers.

Voltaire Montemayor, Milpitas resident, said be patient and understand both sides.

A woman spoke on behalf of Milpitas members of the California Restaurant Association. Restaurants were not able to absorb the minimum wage increase the way other businesses could. In Milpitas, they operate on a 4% margin, that's it. Negative consequences would happen if the City pursued a faster implementation of the wage increase beyond the state's adopted six-year plan to get to \$15.00 per hour.

Ms. Bitbadal said she would return to City Council after more outreach to minority owned businesses was done, and when a final study would be completed.

Councilmember Giordano wanted to note receipt of the report. She appreciated what the Mayor had said earlier and to be sensitive to the business community. She referred back to the plastic bag ban, when Milpitas took a different approach than other cities.

Councilmember Grilli thanked staff for outreach that had been done and looked to forward to hearing about further work done. She was curious about the Cities Association's position to be taken on June 9.

Councilmember Barbadillo suggested to see if the study could define each industry, and types, and what could be done to help out those different ones.

Vice Mayor Montano would like to see more of a variety of types of businesses, not just restaurants. She inquired what the living wage was in Santa Clara County. When the Cities Association met, she would want to know the result.

Mayor Esteves was glad that the primary direction was local, considering the Milpitas local economy and residents. It was important to make sure all can survive and people always needed jobs. He did not want to see businesses move from Milpitas to Fremont or other nearby cities.

Motion: to note receipt of the report on minimum wage study from the Economic Development Manager

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

REPORTS

Two items were approved on consent calendar.

6. Mayor Esteves on VTA's Sales Tax Ballot Measure

Mayor Esteves asked for this topic on the agenda. He knew that Milpitas had a long list of important projects coming up, related to transportation, including for example, the

widening needed on Calaveras Blvd. (Highway 237) that was clogging up traffic each morning and afternoon commute time. He proposed not to support the Santa Clara Valley Transportation Authority sales tax measure since it did not address overall regional needs including Milpitas specifically.

Vice Mayor Montano respectfully did not agree with the Mayor on this one.

Councilmember Grilli said the City would generate \$10-12 million per year on this tax, and would not get enough benefit directly from this tax. So, she would support the Mayor's point of view. There was a need for more improvements in roads and traffic here.

Councilmember Giordano responded that there were two main crises, housing and transportation. She already endorsed this measure, as a regional effort to improve transit and roads in the region. She conveyed the need to get in there with VTA and get a fair share of the funds for Milpitas needs.

Mayor Esteves invited speakers from the audience.

Rob Means urged voting no against this measure, since ¼ of the funds would go to connect the Berryessa BART station to the Caltrain in San Jose. This was too much money for this "BART burrow" underground construction.

Arzhang, Milpitas resident, asked what the limit of growth in Milpitas was, which he had asked back in the 1980s when he was coming to the City Council meetings.

Voltaire Montemayor, Milpitas resident, agreed on both sides, about the 8.5% tax rate.

Mayor Esteves clarified that the sales tax rate would go from 8.75% to 9.25% in Milpitas.

Vice Mayor Montano spoke to Senator Wieckowski about funds for highways locally, and he said there would not be more federal money for highways since the focus was to be on public transportation.

The City Manager commented that if a ½ cent sales tax was to be considered, that should ideally be considered locally for needs here in the City of Milpitas.

Motion: to direct staff to return at the next meeting and bring a Resolution to oppose the Santa Clara Valley Transportation Authority sales tax measure on the November ballot

Motion/Second: Mayor Esteves/Councilmember Grilli

Motion carried by a vote of: AYES: 3
NOES: 2 (Montano, Giordano)

7. Request for Joint Meeting with MUSD Board of Trustees

City Manager Williams referred to a recent letter the school board sent to City Council asking for a joint meeting, covering several topics.

Mayor Esteves asked what happened to the request for a report from MUSD on projections for enrollment. The City Manager replied that was on the list of topics for discussion at a joint meeting.

Councilmember Grilli asked audience member and School Board member Bob Nunez if the enrollment study was online. She asked Mr. Nunez if he could ask the MUSD to forward a copy to the City Council, and he said yes, he would.

The City Manager said the city wanted to hear from the Superintendent about the revised future enrollment projections, which were lower than past figures reported.

Councilmember Giordano suggested this could be made more fruitful to get those numbers and have this topic be one of the items on the mutual agenda for discussion. Staff recommended August 30 as the joint meeting date.

Motion: to set Tuesday, August 30 at 6:00 PM as the time and place for a joint meeting with MUSD at City Hall

Motion/Second: Councilmember Giordano/Councilmember Grilli

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

NEW BUSINESS

Three items were approved on consent.

RESOLUTIONS

Six items were approved on consent.

17. Resolution related to
Referendum Ballot Measure
petition

City Attorney Chris Diaz reviewed this request, related to the initiative petition. The City Clerk had presented a certificate of sufficiency as to the number of signatures on the referendum petition, at the last City Council meeting. At this time, staff had prepared a resolution to place this matter as a ballot measure for the voters on November 8, 2016.

There were no questions from the City Council.

Mayor Esteves asked for speakers in the audience.

Howard Young, resident of Sunnyhills neighborhood for 15 years, complained of corporate politics being played by Republic Services. Pitting citizens of Milpitas against citizens of San Jose.

Martin Skelson, Milpitas resident, commented on San Jose and who owned land. Technology was there to take care of the odor issue. There would be minimum cost to put a building with a scrubber so somebody had got to do the right thing.

City Manager Williams pointed out that the Newby Island landfill was located in the City of San Jose, not in Milpitas.

Vice Mayor Montano asked for clarification on the previous speaker. He referred to an air scrubber device, to clean the air and take out the smell.

A woman Ruffiello, said that people were frustrated in Milpitas and suffered a long time with the issue of odor. She did not know about the contract Milpitas voted on until recently. Bringing Milpitas garbage to the Guadalupe neighborhood in San Jose was unethical.

A woman from Los Gatos did not want to be a “victim of victim” as on the signs held by several people in the audience. She spoke on behalf of residents in the Guadalupe neighborhood.

A man Fa, was very disappointed in the behavior of Republic Services, which did not even bid on the services for garbage disposal services. Now it pushed onto the residents of Milpitas to bring to the ballot a measure that will cost taxpayers \$53,000. He urged residents of San Jose to go to its City Council to help residents in both communities especially the odor at Newby Island landfill.

A man who lived in Guadalupe area had a company in Milpitas, where he worked every day. He knew what the smell was like, and did not want to smell that when he went home every day. Work together with San Jose to solve odor problem.

The City Manager encouraged San Jose residents at this meeting to go to San Jose Planning Commission to oppose the permit to expand Newby Island Landfill.

Arzhang, Milpitas resident, addressed the residents of San Jose. He urged them to mobilize those people to go to San Jose City Council to oppose the increase and permit of the landfill, based on the smell.

Jimmy Gong, resident of Almaden area in San Jose, had a map showing how close the closest residence was to Guadalupe landfill versus the closest residence was in Milpitas to Newby Island landfill, where there was a bad smell.

A man from San Jose spoke against the issue of hauling the garbage from Milpitas to Guadalupe landfill, including the problem of traffic congestion.

A man who worked in Milpitas and lived in San Jose near the landfill spoke. When some folks spoke to City Council in San Jose, those officials asked the residents to come here to Milpitas to complain about the contract award.

Marichel, San Jose resident, referred to an email that her friend sent to Milpitas officials. She read aloud much of the letter, which had no response.

Ganesh, resident of Milpitas for eight years, came to support the City Council of Milpitas on the open process for an RFP for the contract. Talked about the odor smell in Milpitas.

A man who lived in San Jose near the landfill, believed that the City Council had increased the costs to residents for garbage service while not solving the smell problem.

A man who worked in San Jose for 10 years, where the smell had increased where he worked near Zanker, spoke. It had increased in the Parktown area, especially when hot.

Robert Marini, Milpitas resident, said the Council needed to be practical, the garbage had to be dumped somewhere. Spoke on nullifying the contract with Waste Management. He wanted to know the consequences of voting actions.

City Attorney Diaz clarified the referendum petition and the choice of action by the City Council based on the valid signature on the petition.

Jen Liu, resident of Guadalupe area spoke of the beauty of the mountain where she lived, and how the children visited the mountain every day.

Voltaire Montemayor, Milpitas resident, referred to some newspaper articles he held in his hand. Mentioned need to get rid of the odor smell.

A woman who lived in Milpitas supported the City Council trying to reduce odor issue. She appreciated transparent legal issues, and was disappointed in Republic Services.

Tom Valore, Milpitas resident, asked for this to be pulled from the consent calendar, and wanted to see how the decision would be made. The issue was one of either rescinding a contract awarded or go to voters to decide about the contract.

City Manager Williams responded about comments from speakers on the RFP process, which was termed "flawed" and he disagreed with that. He explained the process to separate the hauling and the disposal tasks as separate bids.

A man who lived in Warm Springs section of Fremont, asked a question of the City Attorney, who said a decision needed to be made tonight, at this meeting.

Michael Tsai, Milpitas resident, who moved to Milpitas from San Jose, knew of the decades of the issue of dealing with the smell.

Mayor Esteves said he was in no position to rescind his vote on the Resolution following the fair RFP process.

Councilmember Giordano thanked everyone for coming forward. She wanted to honor the vote on the RFP process. She was in agreement to put this on the ballot in order to let the Milpitas voters decide this issue.

Vice Mayor Montano thanked the people for coming to the meeting. She wondered if there was an odor problem in Guadalupe neighborhood now. She mentioned prevailing winds affecting the level of odor in Milpitas often. The RFP process was very fair and now let voters decide.

Councilmember Grilli supported the fair and competitive process. Council made the correct decision and it would go to voters. She supported going to the voters.

Motion: to adopt Resolution No. 8554 calling for a ballot measure following receipt of a Petition for Referendum of Resolution No. 8532 awarding a contract for Solid Waste Disposal Services to Waste Management Inc. to be placed on the November 8, 2016 election ballot, consolidated with the scheduled municipal election on that date

Her motion also included naming Mayor Esteves and Councilmember Grilli to author arguments and rebuttals.

City Attorney Chris Diaz asked if the Council's vote would allow the City Clerk and City Attorney to make technical amendments that were needed on the Resolution document, and Council agreed affirmatively.

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

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

AGREEMENTS & BIDS

Ten items were approved on consent.

28. Plans and Specifications for Project No. 2001

Vice Mayor Montano asked if the City was paying for landscaping at the Light Rail medians. City Engineer Steve Machida replied no. He explained that in 2009, the City and Santa Clara Valley Transportation Authority signed an agreement in which VTA agreed to pay for this work.

The Vice Mayor mentioned when drivers exit 880 at Auto Mall Parkway, there are people nearly getting hit when walking across at that spot. Flashing lights or a beeper was needed. Staff said it would refer that suggestion to Caltrans, since it was state property. Vice Mayor noted that at Calaveras and Abel St., there was a similar situation.

Motion: to approve the project contract documents for Light Rail Median Landscaping, Project No. 2001 and authorize the advertisement for bid proposals

Motion/Second: Vice Mayor Montano/Councilmember Grilli

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

ADJOURNMENT

The City Council meeting was adjourned at 11:47 PM.

The foregoing minutes were approved as amended by the Milpitas City Council on June 21, 2016.

Mary Lavelle, Milpitas City Clerk