

## MEETING MINUTES CITY OF MILPITAS

**Minutes of:** Meeting of Milpitas City Council  
**Date:** Tuesday, March 20, 2018  
**Time:** 5:30 PM Closed Session  
7:00 PM Open Session  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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### CALL TO ORDER

Mayor Tran called the meeting to order at 5:30 PM. City Clerk Mary Lavelle called the roll.

**PRESENT:** Mayor Tran, Vice Mayor Grilli, Councilmembers Nuñez and Phan

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

### CLOSED SESSION

City Council convened in Closed Session to discuss litigation matters, as listed on the agenda. City Attorney Chris Diaz said Mayor Tran excused himself from item (e) on Closed Session agenda.

City Council then convened in Open Session at 7:11 PM with all members present.

### ANNOUNCEMENT

The City Attorney stated there was no reportable action out of Closed Session.

### PLEDGE

Girl Scouts Troop No. 60852 with two Boy Scouts from Troop 468 presented flags and led the pledge of allegiance.

### INVOCATION

Councilmember Nuñez read aloud some thoughts and quoted from several poets. He asked all for support for youth.

### PRESENTATIONS

Mayor Tran presented the following:

- Proclaimed March 2018 as *American Red Cross Month*, accepted by three representatives from the American Red Cross of Santa Clara County. The volunteers provided a short presentation on the programs and goals of the American Red Cross. On April 28, Red Cross would be here in Milpitas to distribute free fire alarms in two mobile home parks.
- Honored Mr. Mort Levine, formerly of *The Milpitas Post* newspaper, where he'd been the long time publisher of the local paper. He continued to write opinion pieces for the *Post* after he retired from full time work and had recently ceased his writing career. Mr. Levine and his wife Elaine were present to receive the special commendation from the Mayor, and compliments from Rob DeVincenzi, former editor and publisher of the paper.

### PUBLIC FORUM

Voltaire Montemayor, resident, offered congratulations to American Red Cross and to Mr. Levine. He commented on pupils in school and preparations for any threat.

Councilmember Phan remarked that without a free press, democracy would suffer. He thanked Mr. Levine for his life long contribution to democratic values that made this country great.

Rob Means, 1421 Yellowstone Ave. resident, wanted to introduce the City Manager to Personal Rapid Transit (PRT). He showed a video of this transportation option.

Frank DeSmidt, on behalf of Milpitas Rotary Club, invited all to the third annual Milpitas Rotary Club fundraising dinner, on Friday, April 13 at 6:00 PM at Ta Restaurant. Beneficiary of the funds would be Calaveras Hills High School in Milpitas.

Tom Valore, 670 Cardiff Place resident, was disappointed when he saw the Council agenda. He hoped that City Council was about to embark on a process to limit weapons in the city of Milpitas. He noted that youth across the country were advocating, and locally City of Sunnyvale was taking the lead on the guns issue, related to schools. He asked for this topic to be on a future agenda.

Councilmember Nuñez wanted to put this on an agenda after getting more information. He said Milpitas Unified School District officials had reached out to the City and a community forum was being planned, in the next few weeks, with many public officials, to support youth and families.

Councilmember Phan heard the frustration expressed by Mr. Valore. Good public policy takes time, he said. Mr. Phan requested statistics on gun related crime, in the City of Milpitas, from the Police Department. He wanted a memo on the procedures in place, as to what happened after the Police Department confiscated stolen firearms.

Joe Lowry, Milpitas resident, referred to Mr. Means, transit, and Milpitas BART station. He did not know if the Milpitas BART station would ever open, since the opening date had been pushed out several times.

Councilmember Nuñez asked staff if Santa Clara Valley Transportation Authority (lead agency on BART extension in Milpitas) information was posted to City website. Staff confirmed, it was.

Councilmember Barbadillo saw a need to assess the psychological aspect of the use of guns, by students. The community needed to make sure young people were happy, to meet their needs, and so they don't turn to violence. Family support was needed, he stated.

## **ANNOUNCEMENTS**

City Clerk Mary Lavelle announced a one-time Passport Fair on Saturday, March 31 from 9:00 AM to 12:00 PM at City Hall lobby. It was partly to celebrate the 15 year anniversary of the service at the City Clerk's office. No appointment was required on Passport Fair day, and families were welcome, up to the first 75 applicants.

## **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

City Manager Julie Edmonds-Mares stated that staff requested to remove agenda item no. 17 (Amendment to Agreement with VTA), which would be rescheduled to a future meeting date.

Vice Mayor Grilli requested to move item no. 16 up, to be heard as the first discussion item.

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

## **CONSENT CALENDAR**

Mayor Tran asked to place every item on the consent calendar.

Councilmember Nuñez had a question on no. 3. Item no. 13 was a presentation and he'd like to hear it. He asked (No. 3), was there a list somewhere to outline what constituted wage theft? Staff responded that that information could be provided on the City's website.

Councilmember Nuñez wanted to hear presentations on items no. 12 and no. 13.

Vice Mayor Grilli wanted to hear the presentations on items no. 15 and no. 16.

Motion: to approve the Consent Calendar, including agenda items number 1 through 11, and 14

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

- \* 1. Council Calendar Accepted City Council calendars for March and April 2018.
- \* 2. Meeting Minutes Approved City Council meeting minutes of March 6 and 7, 2018.
- \* 3. Adopt Ordinance Waived the second reading and adopted Ordinance No. 295 related to wage theft and business licenses in the City of Milpitas.
- \* 4. Resolution
  1. Adopted Resolution No. 8756 granting initial acceptance of the Street Resurfacing 2017 Project No. 4284, subject to a one year warranty period and reduction of the faithful performance bond to \$328,166.
  2. Granted authorization to the Director of Engineering/City Engineer to issue the notice of final acceptance and to release and discharge the performance bond after the one-year warranty period, without further City Council action.
- \* 5. Resolution
  1. Adopted Resolution No. 8757 granting initial acceptance of the Park Access Improvement and Resurfacing Project No. 5105, and the Americans with Disabilities Act (ADA) Curb Ramp Transition Program, Project No. 4283, subject to the one year warranty period and reduction of the faithful performance bond to \$74,193.
  2. Granted authorization to the Director of Engineering/City Engineer to issue the notice of final acceptance and to release and discharge the performance bond after the one-year warranty period without further City Council action.
- \* 6. Fire Hose Purchase Awarded the bid and authorized purchase of a fire hose from L.N. Curtis & Sons for the Fire Department for \$56,466.36.
- \* 7. Replace Water Meters Authorized the City Manager to execute a contract with Pacific Meter Services, Inc. to perform water meter replacements throughout the City for an amount not to exceed \$51,210.
- \* 8. Project Design Services Approved and authorized the City Manager to execute an agreement with Verde Design, for the amount of \$370,000 for the Sports Center Skate Park, Project No. 5111.
- \* 9. Street Resurfacing 2018 Approved project plans and specifications, and authorized advertisement for bid proposals for Street Resurfacing 2018, Project No. 4287.
- \*10. Amendment No. 9 to Agreement with Vali Cooper Approved Amendment No. 9 to the agreement with Vali Cooper & Associates for activity related to the BART Extension projects.
- \*11. Council Subcommittee on Commissions Approved the following Commission appointments, as recommended to the Mayor by the City Council Subcommittee on Commissions:

Library Advisory Commission

Appointed Nonie McDonald to a voting Commissioner's term to expire in June 2019.  
Newly appointed Dana Arbaugh to serve as Alternate No. 1 with a term to expire in June 2019.  
Newly appointed Therese Hoang to serve as Alternate No. 2 with a term to expire in June 2019.

Parks Recreation and Cultural Resource Commission

Appointed Aakar Shah to a voting Commissioner's term to expire in June 2019.

**NEW BUSINESS**

- 12. Housing Reports** Planning Director Brad Misner provided an overview of the City's Housing Element, one of seven in the City's General Plan, which was required to be certified by the state. The Annual Report was to show progress of housing units built towards the City's Regional Housing Needs Allocation (RHNA) for 2015-2023. The next housing report would require many more data

points, so more categories with more details in the future would be required to be submitted to the state. 3290 was the RHNA total number of units for the City for 2015-2013. He provided a list of established goals for increasing affordable housing units in Milpitas.

Councilmember Nuñez asked if all work done prior was just swept away. Mr. Misner said essentially yes, while noting that units were built and housing provided. He commented on the lower end of housing units needed, and that was a deficit throughout the South Bay area. He asked staff to guide Council to ways to determine how to meet that lowest income housing need.

City Manager Edmonds-Mares noted that Measure A funds would help, as had occurred with other cities. Co-locating social services in the building was successful, too. Mr. Nuñez agreed, including a need for “wrap-around” services with housing.

Councilmember Barbadillo was trying to understand RHNA. He asked staff to explain some of what was required by that regulation. He commented further on that calculated figure.

Vice Mayor Grilli inquired about two parcels owned by the City, designated for affordable housing. Mr. Misner suggested the City would find a partner to consider planning to maximize the units, for various income levels. During “Affordable Housing Week” in May, the City could reach out to companies and non-profits. The City Manager asked Mr. Misner to explain the status of a new staff position recently approved in the mid-year budget appropriation. This would be for a new staff member to specifically follow legislation on housing issues.

Councilmember Nuñez felt the new position should be a higher level person, at management level, to go to Sacramento and handle other tasks. He requested to look at some of the types of things the City could do, despite the difficulty of acquiring or identifying land for housing - which was so expensive.

Councilmember Phan asked about financing projects, and what agency that would be. He talked about funding and incentivizing developers by bringing multiple projects at once.

Mr. Phan sincerely apologized to Brad Misner, for earlier remarks he’d made at a prior Council meeting. Mr. Phan expressed that he was grateful for all the work Mr. Misner did, and his professionalism, on behalf of the City.

Mayor Tran thanked Mr. Misner and Housing Manager Tim Wong for all their work on housing matters and acknowledged receiving the reports. No vote was taken.

### **13. Wholesale Water Rates**

Public Works Director Tony Ndah said 74% of operating costs of the water utility was for the purchase of water from the City’s two wholesalers, San Francisco Public Utilities Commission (provides 63%) and Santa Clara Valley Water District (provides 37%). SFPUC was projecting a 0% increase in rates next year, while the District was projecting a 9.87% increase next year. Mr. Ndah presented dates available for the public and Council to participate in SCVWD rate setting process over the next two months. In the City, a new water rate study was underway.

Mayor Tran thanked him for the report and all his work, especially on conservation.

Councilmember Nuñez asked detailed questions on water rate costs and projections of the cost increases. Staff said the cost increases assumed a 4% operating expenses increase. The Council member asked if the City could purchase more water from the PUC than the District, since the City was obligated to buy from SFPUC.

Councilmember Barbadillo referred to his work on the Santa Clara Water Commission. He had many comments on the Santa Clara Valley Water District CIP projects, calculations, a petition, customers speaking out, collaborating with other cities, and the effects of increased rates on consumers.

Councilmember Phan was glad he was proactive in water outreach efforts. He apologized that he was unable to attend the joint meeting with the Water District Board on the following day. Mr.

Phan commented on infrastructure obligations (the list of Key SCVWD projects funded). He asked if there was an asset management plan. Mr. Ndah replied, the City needed to do a Master Plan for water, and that was where asset management would go. He talked about a sharing program to have financial and operational benefits.

Councilmember Nuñez referred to retrofits of water infrastructure and dams that did not withstand earthquakes. He asked if City Managers had talked about what to do with the list of expensive projects. Ms. Edmonds-Mares said she had not yet networked on that particular topic while she'd be pleased to learn how cities could work together.

Mayor Tran thanked the staff for the helpful report and asked for comments from the audience.

Tom Valore, Milpitas resident, had served on the Water Task Force the previous year. He thought the City was dipping into the reserves account to manage water costs. He did not hear that addressed at this meeting. Deferred maintenance was one of the reasons for past low rates on water. There was a need to take a close look at maintenance and long term costs.

Voltaire Montemayor, Milpitas resident, said there should be a way to reduce the rates paid by Milpitas residents for water. Consider different calculations.

Mayor Tran said he would see Council and staff the following evening at the Santa Clara Valley Water District offices for the special joint meeting scheduled.

City Council received the update from staff regarding San Francisco Public Utilities Commission and Santa Clara Valley Water District proposed wholesale water rates for Fiscal Year 2018-19. No vote was taken on this item.

**\*14. Mid-Year Budget Appropriation**

Approved the Fiscal Year 2017-18 mid-year budget appropriations - 10 items (8 operational and 2 personnel) listed on the Budget Change Form.

**15. Update on Budget Process**

Finance Director Will Fuentes and City Manager Julie Edmonds-Mares would co-present this report along with Greg Larson from Management Partners. The City Manager referred to the more inclusive budget process for this City, with staff welcoming the approach, working along with the consultant. The new process was guiding budget recommendations this year. She reviewed what had been done to date on the FY 2018-19 budget process and preparations.

Vice Mayor Grilli thanked the City Manager and staff for bringing this inclusionary process forward for the next Fiscal Year budget.

Mayor Tran said staff could work with Council on establishing an earlier start time for the April 10 budget study session and May 8 budget public hearing (and additional dates, if needed), with 5:30 PM suggested. No vote was taken on this staff oral report.

Vice Mayor Grilli thanked Greg Larson of Management Partners, who was present.

**16. Update on Silicon Valley Clean Energy**

This was the first item for discussion. Economic Development Director Edesa Bitbadal explained the status of the City's participation in the new program for the purchase of clean generated electricity, via the Silicon Valley Clean Energy enrollment process. SVCE staff Pamela Leonard described how residents and businesses could enroll in community choice energy, with an option to "opt out" or stay with PG&E. She described additional savings versus PG&E that Milpitas customers could expect to realize once the switch took place.

Mayor Tran invited comments from the audience.

Rob Means, 1421 Yellowstone resident, said thank you to the City Council for bringing this program to Milpitas. He urged emphasizing the clean energy focus of this program and the savings over time. He suggested battery packs, solar panels and other possibilities in the future.

Voltaire Montemayor, resident, spoke of opting out from PG&E and the use of gas. He wondered if this was a government loan program. Staff responded to the resident's questions.

**AGREEMENT**

17. Amendment No. 13 to Agreement with SCVTA

This item was removed from the agenda and would be rescheduled.

**REPORTS**

None

**ADJOURNMENT**

Mayor Tran adjourned the Council meeting at 10:04 PM.

**The foregoing minutes were approved by Milpitas City Council on April 3, 2018.**

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**Mary Lavelle**  
**Milpitas City Clerk**