

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, October 16, 2018
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 Tran called the meeting to order at 6:01 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Grilli and Councilmember Barbadillo

ABSENT: Councilmembers Nuñez and Phan were absent at roll call and arrived in Closed Session

CLOSED SESSION City Council convened in Closed Session to discuss litigation matters listed on the agenda.

ANNOUNCEMENT City Attorney Chris Diaz stated one action out of Closed Session: on a 4-0 vote, with Mayor Tran abstaining, the City Council voted to join as amicus curiae in U.S. v. California currently pending before the Ninth Circuit Court of Appeals, which is the federal government's legal challenge to various pro-immigration California laws. Also, Mayor Tran recused himself from item (a) on Closed Session.

City Council then convened at the dais for the Open Session regular agenda at 7:38 PM.

PLEDGE Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION Councilmember Phan asked to be blessed with a short meeting on this date.

PRESENTATIONS Mayor Tran proclaimed October 2018 as *Filipino American History Month*.

PUBLIC FORUM Chris Moylan, of Congressman Ro Khanna's office, announced the October Town Hall meeting on the following date at Milpitas High School. He was following up on the landfill issue. He'd write letter to BAAQMD about a long stalled-study to be done, asking that agency's staff do it.

Yoon Lee, resident, spoke about the Mayor, allegations, tax dollars spent, and asked if Mayor Tran would resign or step down.

Rob Means, resident, referred to a video on global warming. He mentioned feedback loops and showed an older video with a polar bear.

Voltaire Montemayor, resident, was touched by seeing two of the Councilmembers in their barong attire to celebrate Filipino American History Month. He commented on the topic of the campaign signs put in local yards. Some could be blown away by the wind.

ANNOUNCEMENTS Vice Mayor Grilli announced the Suicide Prevention Out of the Darkness Walk scheduled the following Sunday, October 21, with a Milpitas team entered in the 3 mile walk.

Mayor Tran announced "The Milpitas Monster" film from the 1970s would be shown October 30 at the Great Mall. He had some tickets to provide to those interested.

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

**AND CAMPAIGN
CONTRIBUTIONS**

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

CONSENT CALENDAR

Mayor Tran requested items no. 1 through no. 9 be on consent, and requested removal of item no. 6 (MOU with firefighters).

Councilmember Nuñez requested to remove item no. 5 (side letter with POA) for discussion.

Motion: to approve the Consent Calendar including agenda items numbered 1-4, and 7-9

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

- * 1. Council Calendars Accepted City Council calendars for October and November 2018.
- * 2. Meeting Minutes Approved City Council meeting minutes of October 2, 2018.
- * 3. Chapter V – Handbook Accepted recommendation from Council Handbook Subcommittee and adopted the updated Chapter V of the proposed City Council Handbook.
- * 4. 2019 Meetings Approved the 2019 Milpitas City Council meeting schedule, which included 21 regular meeting dates and several study session special meeting dates.
- 5. Side Letter – MPOA Human Resources Director Liz Brown came to the podium to explain the request from the Milpitas Police Officers Association related to the application of Retiree Dependent Health Care Fund and Police Command Staff Retiree Dependent Health Care Fund.

Councilmember Nuñez asked about the January 21, 2017 date as approved and asked why was it on the agenda at this time. Ms. Brown replied with explanation. Mr. Nuñez asked if all agreements with employee groups were done, with no other side letters.

Motion: to adopt the Side Letter between the City of Milpitas and the Milpitas Police Officers Association regarding MPOA Retiree Dependent Health Care Fund and Police Command Staff Retiree Dependent Health Care Fund

Motion/Second: Councilmember Nuñez/Councilmember Phan

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

**6. Adopt a Resolution –New
MOU with IAFF**

The Mayor and Councilmembers commented positively on the achievement of the City successfully coming to agreement on the new Memorandum of Understanding with the City’s firefighters, IAFF Local 1699.

Motion: to adopt Resolution No. 8821 approving the Memorandum of Understanding between the City of Milpitas and the International Association of Firefighters Local 1699 covering the period of July 1, 2018 through June 30, 2022

Motion/Second: Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of:

AYES: 5

NOES: 0

IAFF Local representative and Milpitas Firefighter James Queenan came to the podium and thanked Council for approving the new contract.

*** 7. Adopt a Resolution –
Homeland Security Grant**

1. Adopted Resolution No. 8822 accepting funds from the 2016 State Homeland Security Grant Program.
2. Authorized the City Manager or designee to execute the related agreement with the County of Santa Clara.
3. Approved a budget amendment to appropriate \$13,115 to the Police Department's FY 2018-19 operating budget.

*** 8. Design Services
Agreement with Gates**

Approved and authorized the City Manager to execute a Design Services Agreement with Gates and Associates in the amount not to exceed \$214,350 for the Sandalwood Park Renovation, Project No. 5110, subject to any changes deemed legally necessary by the City Attorney.

*** 9. Holiday Tree Lighting**

1. Awarded the bid to Holiday Lights LLC and authorized the City Manager to execute an agreement for Holiday Tree Lights Installation and Removal services for the annual amount not to exceed \$60,000 and the five-year contract maximum of \$300,000.
2. Authorized the Purchasing Agent to increase the agreement annually per the terms of the agreement and without further City Council action, except for appropriation of funds.

PUBLIC HEARINGS

**10. 1380-1400 South Main
Street development**

Planning Director Ned Thomas briefed the City Council, responding to five specific questions raised at the last Council meeting on this project and referenced a lengthy memo to Council distributed on the afternoon of this meeting. He detailed the density of the residential development project on Main Street.

Senior Planner Michael Fossatti discussed the public benefits of the project, including \$4.5 million in Transit Area Specific Plan fees in addition to more housing, including some affordable units and a public plaza. Mr. Fossatti also detailed the parking plan and design of the project. Mr. Thomas explained the traffic study done by consultant LSA for this project. Applicant Paul Ring was present with his professional partners/consultants.

Councilmember Nuñez asked many questions to which staff responded on details of design, parking, studies completed, impacts to neighbors and benefit to the community.

Councilmember Barbadillo thanked staff for the exhaustive explanation of information on the project. He asked staff details on the density bonus, for those units on each of two parcels. Staff responded to his questions, including on the tandem parking and need for more parking on site.

Mr. Ring came forward to address the Council, and gave some feedback on parking, describing 10% more than required in the plan. He also talked about transit options and a shared bicycle program option. Moderate income housing residents were anticipated for a majority of studios or one-bedroom units.

Councilmember Barbadillo inquired about the 64% of units that were studio or one bedroom units. Developer's representative Mark Hirth responded. Mr. Barbadillo asked how much property tax would be collected when housing was built.

Vice Mayor Grilli commented about concerns on parking, and a plan to communicate with The Pines neighborhood nearby. A traffic study consultant from Hexagon responded to her.

Councilmember Nuñez asked if a permit parking program would be considered. Mr. Ring said he would be happy to get involved with that. Mr. Nuñez asked when Council would hear from citizens on this project.

Mayor Tran re-opened the public hearing, initially opened on October 2, for any speakers.

Voltaire Montemayor, resident, was convincing people, solving traffic, and was for development for Milpitas. He asked Council to approve the project.

Yoon Lee, resident, questioned whether Milpitas really needed this project and new houses.

Michael Tsai, resident and YIMBY member, supported this project and did so at the Planning Commission. \$1 million for public schools was needed. More market-rate and affordable housing was necessary for this City. He complimented The Core Companies as a responsible developer and urged approval.

Rob Means, resident, was in favor of the project. He had questions about staff discouraging use of unbundled parking, as used in other cities. Maybe this was more parking than needed.

Natalie, on behalf of Silicon Valley Leadership Group, spoke up in favor of this project, which featured a thoughtful design for much needed housing.

Stacey Brobst, resident in The Pines, spoke about noticing of these meetings and the 500 feet rule. There really was a need to notify all residents of The Pines about nearby new housing developments proposed.

The applicant's architect returned to the podium and commented on parking design and detail at the project site.

(1) Motion: to close the re-opened public hearing, following six speakers

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

Councilmember Nuñez thanked staff for educating the Council with more information about the project. He remarked about how there was not enough housing in the Bay Area and a need for more everywhere. He made lengthy comments on parking and would vote in favor of the project.

Mayor Tran said he would not support this agenda item, with parking as the main issue for him. He had concern for future residents having adequate parking, and the need for more for The Pines residents.

Councilmember Phan appreciated that the project was different than other projects in the TASP. It was innovative with revitalization and the bike share plan was cool. Young people like himself needed this type of rental apartments, especially along Main Street.

Vice Mayor Grilli thanked the applicant and staff for spending so much time providing answers to questions and explaining parking and other issues. She cared that the School District supported the project and that it was affordable to some residents. She liked the design.

Councilmember Barbadillo said staff did a good job, and hoped this amount of information would be provided in the future. His concerns were answered about density bonuses, tandem parking, benefits etc. Councilmember Nuñez also made favorable comments about the project.

(2) Motion: to adopt Resolution No. 8823 approving a General Plan Amendment, Specific Plan Amendment, Site Development Permit, Conditional Use Permit, Density Bonus, and Lot Combination, allowing construction of a 7-story, 85-foot tall, 220 unit apartment complex with 10 units designated for very low income individuals or households

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 4
NOES: 1 (Tran)

City Attorney Diaz read aloud the title of Ordinance No. 38.381, “An Ordinance of the City Council of the City of Milpitas Amending the Zoning Code Contained in Title XI, Chapter 10, Section 3.03 of the Milpitas Municipal Code to Allow a Zoning Designation Change to Certain Parcels Within the Zoning Map.”

(3) Motion: to waive the first reading beyond the title and introduce Ordinance No. 38.831

Motion/Second: Councilmember Nuñez /Councilmember Phan

Motion carried by a vote of: AYES: 4
NOES: 1 (Tran)

At 10:50 PM, City Manager Edmonds-Mares asked the City Council to discuss what items to hear since the agenda was not yet completed. City Attorney Diaz said the Council could defer the public hearing (no. 11) and other items, if desired. Councilmember Nuñez replied that he preferred to defer that matter to the next meeting.

Mayor Tran then agreed to adjourn the meeting, for all items to be carried over to next agenda.

11. Planning Commission
appeal – Tarob Ct. land use This item was not heard.

UNFINISHED BUSINESS

12. Lighted Billboard This item was not heard.

13. Odor Update This item was not heard.

REPORTS

Commission reports were heard prior to Public Hearings.

14. Arts Commission Recreation Director Renee Lorentzen introduced Recreation Supervisor Rosana Cacao, staff liaison to the Milpitas Arts Commission. She reviewed the goals of the Arts Commission for FY 2018-19. Ms. Cacao also reviewed the process to bring the recommendation for the “Recreation Players” art piece to be installed at Dixon Landing Park.

Ms. Lorentzen explained how recreation staff tracked public art fund dollars, as contributed by new project developers.

Councilmember Phan commented favorably about the Butterfly alternate design, while he would support the recommendation from the Commission for the Recreation Players piece.

Motion: to approve the Arts Commission 2018-19 Work Plan, and, to approve the “Milpitas Recreation Players” art piece for the Dixon Landing Park art installation project

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

15. Youth Advisory
Commission Recreation Director Lorentzen introduced Youth Advisory Commission staff liaison Andrew Mendes with two members of the Youth Advisory Commission, Chair Christie Maly and Vice Chair Ravit Sharma. The primary goal was to revitalize having The Teen Center in Milpitas, soon to be hosted at the existing Senior Center building (primarily when the senior services were closed). Both looked forward to opportunities at the site. Another item on the YAC workplan was mental health awareness workshops and services to be developed.

Councilmember Phan urged consideration of a workforce development program of some type. He mentioned Manufacturing Day, which the City hosted for youth over the summer.

Mayor Tran and Vice Mayor Grilli were positive and complimentary of the youths' presentation.

Motion: to approve the Youth Advisory Commission 2018-19 Work Plan

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

ORDINANCE

16. Planning Commission stipend – Ordinance No. 41.12 This item was not heard.

ADJOURNMENT Mayor Tran adjourned the Council meeting at 10:53 PM.

The foregoing minutes were approved by Milpitas City Council on November 20, 2018.

Mary Lavelle
Milpitas City Clerk