

MEETING MINUTES CITY OF MILPITAS

Minutes of: Joint Meeting of the Milpitas City Council and Housing Authority Commission
Date: Tuesday, September 6, 2016
Time: 5:00 PM Tour / 6:30 PM Closed Session
7:00 PM Open Session
Locations: 1) Tour – Newby Island Landfill, 1601 Dixon Landing Road, Milpitas
2) Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 5:00 PM. Deputy City Clerk noted the roll.

PRESENT: Mayor Esteves, Councilmembers Giordano, Grilli, and Barbadillo

ABSENT: Vice Mayor Montano was absent at roll call and for the site tour. She arrived at 6:30 PM for Closed Session.

CONVENE TO NEWBY ISLAND LANDFILL

City Council and staff departed Council Chambers and traveled to Republic Services' facility at 1601 Dixon Landing Road. General Manager Evan Boyd welcomed elected officials, City Manager, City Attorney and other staff, and the City's consultant from HF&H Peter Diebler to the Newby Island Landfill and recovery center. Hard hats were distributed to all, and Mr. Boyd led a tour of that facility describing and displaying operations at the location where Milpitas waste materials, including recyclables, were currently taken. Republic staff showed the manner in which materials were treated, recycled, and ultimately disposed of. Following the tour, City officials returned to City Hall for the remainder of the regular meeting.

CLOSED SESSION

At 6:30 PM, City Council convened in Closed Session to four litigation matters.

City Council then convened at the dais for the Open Session at 7:08 PM.

ANNOUNCEMENT

No announcement out of closed session.

PLEDGE

Boy Scouts Troop No. 92 led the Pledge of Allegiance.

INVOCATION

Councilmember Barbadillo introduced and requested Pastor Erwin dela Cruz from Pentecostal Missionary Church of Christ (4th Watch) of San Jose and Milpitas to conduct the invocation.

MEETING MINUTES

Motion: to approve the minutes of July 18, 2016 and August 16, 2016 City Council meetings

Motion/Second: Councilmember Grilli / Vice Mayor Montano

Motion carried by a vote of: AYES: 5

SCHEDULE OF MEETINGS Motion: to approve Council Calendar/Schedule of Meetings for September 2016

Motion/Second: Councilmember Grilli / Councilmember Giordano

Motion carried by a vote of: AYES: 5

PRESENTATIONS

Mayor Esteves acknowledged the following:

1. Proclaimed October as Emergency Preparedness Month and commended the Office of Emergency Services, the Emergency Preparedness Commission, and various community and volunteer-based organizations who are involved in emergency services. Staff members Fire Chief Robert Mihovich and Interim Emergency Services Coordinator Toni Charlop each expressed their thanks.

Interim Emergency Services Coordinator Charlop invited everyone to go to the upcoming 2016 Town Hall Event.

2. Commended Ms. Liz Ainsworth, Milpitas resident and outgoing President of the Milpitas Chamber of Commerce. Ms. Ainsworth thanked the City Council for the commendation.

PUBLIC FORUM

The following individuals spoke:

1. Ed Ackerman, Veterans Commissioner and Milpitas resident, spoke regarding Prisoner of War (POW) / Missing in Action (MIA) Day on Friday, September 16, 2016. Mayor Esteves stated that he would make a proclamation honoring POW / MIA Day during the next City Council meeting on September 20, 2016.
2. Paula Taddei, Milpitas resident, spoke regarding the morning traffic problems and the children's safety around the school in North Abel Street. Mayor Esteves requested Police Chief Steve Pangelinan to reach out to Ms. Taddei and help.
3. Robert Marini
4. Rob Means
5. Voltaire Montemayor

ANNOUNCEMENTS

Mayor Esteves requested the following from staff at the next City Council meeting:

1. Mail out the Water Rates Fact Sheet to the residents as soon as possible. Vice Mayor Montano agreed, further suggesting the factual bar graph to be included in the mailers.
2. Do a presentation regarding the Water Augmentation Program. Vice Mayor Montano reminded everyone that the City received grant funds due to the Water Augmentation Program.
3. Do a comprehensive presentation regarding the City's Tree Program.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

Councilmember Barbadillo announced that he would step away during Items 1, 2, and 15 due to possible conflict of interest. Councilmember Giordano suggested to Councilmember Barbadillo to consult with the California Fair Political Practices Commission (FPPC) to explore options that would allow him to participate in agenda items pertaining or involving the property where he was now leasing his office space.

APPROVAL OF AGENDA

1. Move agenda Item No. 8 (Milpitas Sport Center Turf) in front of the list of items to be heard tonight.
2. Move agenda Item No. 4 (Library Hours funding) as the second item to be heard.
3. Remove Item No. 17 (amendment to HF&H agreement) due to need for further staff evaluation.

- Item No. 9 (Citywide Weed Abatement Efforts), per Mayor Esteves' request.

Received the latest update of the Odor Control Report.

Received Mayor Esteves' recommendations and approved the following re-appointments and new appointments to City of Milpitas Commissions:

Bicycle Pedestrian Advisory Commission

Re-appointed Cristine Sanchez to another three-year term that will expire in August of 2019.

Sister Cities Commission

Newly appointed Tiffany Dinh as the student non-voting representative to serve for a term of two years that will expire in September of 2018.

Youth Advisory Commission – all terms will expire in September 2017.

Re-appointed Sabina King, Crystal Tran, Jashandeep Chahal, Clare Sern, Alan Pham, Claudia Wang, Christie Maly and Ravit Sharma as voting members of the Commission.

Moved Alternate No. 1 Emerald Gilana up to a seat as a voting Commissioner.

Moved Alternates No. 2 Jenna Zarbis, No. 3 Madeline Cacao, No. 4 Amanda Jimenez up to the seats as Alternates No. 1, 2, and 3.

Newly appointed Isaac Chang as Alternate No. 4.

Approved the Fiscal Year 2015-16 year-end budget appropriations and reallocations as itemized on the budget change form, increased the PERS stabilization reserve, as anticipated in the approved FY 2016-17 budget in the amount of \$3,006,862, and approved keeping open CIP Projects No. 6110, No. 7070 and No. 7114.

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| * 12. 1401 South Milpitas Boulevard (Metro) Residential Development | Approved the Final Tract Map No. 10349, including approval of street names and acceptance of all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and authorized the City Manager to execute the Subdivision Improvement Agreement. |
| * 13. 765 Montague Expressway (The Edge) Commercial / Office Development | Approved the Final Tract Map No. 10305, including approval of street names and acceptance of all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and authorized the City Manager to execute the Subdivision Improvement Agreement. |
| *14. Reconveyance of Six Permanent Easements – Santa Clara Valley Water District for Flood Protection Facilities | Re-conveyed six permanent easements to the Santa Clara Valley Water District for flood protection facilities. Authorized the City Manager to execute associated easement deeds. |
| *15. Centre Pointe by DR Horton – Annexation No. 10 (Communities Facilities District No. 2008-1) | Adopted Resolution No. 8585 declaring intention to annex real properties within Tract No. 10363 into Community Facilities District No. 2008-1 and to levy and collect special tax for public services. Set the public hearing for 7:00 pm on Tuesday, October 18, 2016 in the City Council Chambers. Directed the City Clerk to provide notice of public hearing per applicable state law. |
| *16. Contract with Preston Pipelines, Inc. / Amendment No. 3 with Triple HS, Inc. / H.T. Harvey & Associates (Wrigley-Ford Creek Erosion Repair Project) | Adopted Resolution No. 8586 awarding a contract to Preston Pipelines, Inc. as the lowest responsible bidder submitting a responsive bid, for the Wrigley-Ford Creek Erosion Repair Project No. 3700 in the amount of \$66,600.00. Authorized Director of Engineering/City Engineer to execute contract change orders for the Wrigley-Ford Creek Erosion Repair Project No. 3700 in an amount not to exceed a construction contingency of \$6,600.00. Approved Amendment No. 3 to the Agreement with H.T. Harvey & Associates in the amount of \$10,000. |
| *17. Amendment No. 4 to the Consultant Agreement with HF&H | This item was removed from this agenda. |
| *18. Joint Use Agreement and the Upper Berryessa Creek Flood Control Risk Master Agreement | Approved and authorized the City Manager to execute the Joint Use Agreement and the Upper Berryessa Creek Flood Control Risk Master Agreement between the City and the Santa Clara Valley Water District. |
| *19. Light Rail Median Landscaping Project No. 2001 | Rejected all bids and authorized staff to repackage and re-advertise the project. |
| *20. Storm Water Facilities within Piper / Montague Subdistrict – Milpitas Transit Area Specific Plan | Authorized the City Manager to execute, and make any necessary changes to, a Cost Sharing Agreement for Storm Water Facilities within the Piper/Montague Subdistrict of the Milpitas Transit Area Specific Plan. |
| *21. Storm Water Management Operation and Maintenance Agreement – Amalfi Milpitas, LLC | Authorized the City Manager to execute a Storm Water Management Operation and Maintenance Agreement for Amalfi Milpitas, LLC. |

*22. Storm Water Management Operation and Maintenance Agreement – Shapell

Authorized the City Manager to execute a Storm Water Management Operation and Maintenance Agreement for Shapell Norcal Rental Properties, LLC.

*23. Operating Memorandum No. 2 – South Main Senior Lifestyles Project

Authorized the Housing Authority Executive Director to execute the Operating Memorandum No. 2 to the First Amended and Restated Disposition and Development Agreement concerning South Main Senior Lifestyles project for assignment of the Development and Disposition Agreement and Approval of Operator and Services Plan.

PUBLIC HEARINGS

1. Annexation No. 8 to Community Facilities District (CFD) No. 2008-1 - Lennar Homes

The Public Hearing was opened.

Assistant City Engineer Judy Chu presented regarding the CFD process, public services funded by CFD No. 2008-1 and proposed Annexation No. 8.

Councilmember Giordano asked for clarification regarding the public services funded by CFD No. 2008-1, specifically asking as to which services are given priority. Assistant City Engineer Chu and City Manager Williams replied that the funding collected covers all of the listed public services so this eliminated the need for prioritization of funding.

Mayor Esteves asked on what would happen if the overall vote for annexation was “No.” Assistant City Engineer Chu and City Manager Williams stated that a vote of “No” would result in the denial of the development project, so it was imperative that vote would be “Yes.”

Mr. Montemayor, Milpitas resident, spoke in favor of annexation.

The Public Hearing was then closed.

Resolution No. 8581 was recommended to make certain determinations and authorizing submittal of the levy of special taxes to the qualified electors of certain territory (Lennar Homes) proposed to be annexed to CFD No. 2008-1 for public services.

The Deputy City Clerk opened the ballots and tallied the votes for results. The City Attorney announced that the vote was “Yes” in favor of annexation.

Resolution No. 8582 was recommended to declare the results of the special election and adding Annexation No. 8 to the CFD No. 2008-1 for public services.

City Clerk was directed to record notice of the annexation pursuant to Section 3117.5 of the California Streets and Highways Code.

Motion: relative to Lennar Homes development project, to adopt Resolutions No. 8581 and No. 8582, to accept Annexation No. 8 to CFD No. 2008-1 and authorize submittal of the levy of special taxes, and direct City Clerk to record Notice

Motion/Second:

Councilmember Giordano / Councilmember Grilli

Motion carried by a vote of:

AYES: 4

ABSTAIN: 1 (Barbadillo)

**2. Annexation No. 9 to
Community Facilities
District (CFD) No. 2008-1 –
The Edge**

The Public Hearing was opened.

Assistant City Engineer Judy Chu presented regarding the CFD process, public services funded by CFD No. 2008-1, and proposed Annexation No. 9.

There were no questions from the City Council. Mayor Esteves then opened the floor for public comment. Mr. Montemayor, Milpitas resident, spoke in favor of annexation.

The Public Hearing was then closed.

Resolution No. 8583 was recommended to make certain determinations and authorizing submittal of the levy of special taxes to the qualified electors of certain territory (The Edge) proposed to be annexed to CFD No. 2008-1 for public services.

The Deputy City Clerk opened the ballots and tallied the votes for results. The City Attorney announced that the vote was “Yes” in favor of annexation.

Resolution No. 8584 was recommended to declare the results of the special election and adding Annexation No. 9 to the CFD No. 2008-1 for public services.

City Clerk was directed to record notice of the annexation pursuant to Section 3117.5 of the California Streets and Highways Code.

Motion: relative to The Edge residential development, to adopt Resolutions No. 8583 and No. 8584, to accept Annexation No. 9 to CFD No. 2008-1 and authorize submittal of the levy of special taxes and direct City Clerk to record Notice

Motion/Second: Councilmember Giordano / Vice Mayor Montano

Motion carried by a vote of:

AYES: 4

ABSTAIN: 1 (Barbadillo)

UNFINISHED BUSINESS

4. Increase Library Hours

Item moved as the second item to be heard on the agenda.

Recreation Services Manager Lorentzen presented a report exploring the possibility of increasing library hours. The memorandum from the Santa Clara County Library outlined options to increase hours of operation at the Milpitas Library. City Manager Williams and Finance Director Russell Morreale also respectively offered answers, feedback, and clarification regarding the financial impact of each option and funding sources to implement the options presented by the County Library.

Discussion and consensus was made regarding the benefits of increasing the Milpitas Library hours to the community – especially to youngsters and students.

The following Milpitas residents spoke when Mayor Esteves opened the floor for public comment:

- Marie Pham from Library Commission thanked City Council and staff for considering the increase of library hours. She enumerated various pros if the library hours are increased.
- Linda Arbaugh, President of the Friends of Milpitas Library, expressed her approval in increasing library hours.
- Joanna Yeager also spoke in favor of adding library hours so that there would be more programs especially for people with special needs.
- Woman spoke in favor of adding library hours so that kids would have more productive hours.
- Man spoke in favor of extending library hours. He stated that this is a vital need, for it provided many things for the young and the old.
- Mr. Montemayor spoke in favor of extending library hours. He suggested having library signs and maintaining landscaping in the library area. He wants the library to be open 24/7
- Robert Marini spoke in favor of extending library hours. He wanted more accessible internet and add parking and to consider adjacent lot as additional parking.

Mayor Esteves read a letter from Yu-Lan Chou, Library Advisory Commissioner.

Councilmember Barbadillo expressed that he was also in favor of increasing library hours, but at the same time ensure that streets and infrastructures are not compromised. He further suggested in tapping into resources such as volunteers in order to minimize cash and meet the citizen's needs in terms of manpower.

Mayor Esteves invited for County Librarian Nancy Howe and Milpitas Librarian Steven Fitzgerald to both speak regarding the issue. County Librarian Howe spoke about the Santa Clara County Library memorandum which delineated the options available to the City and how much would each option cost the City for each implementation year.

Councilmember Barbadillo asked for County Librarian Howe and Milpitas Librarian Fitzgerald to elaborate on manpower need. County Librarian Howe said that the positions would be added which would mean City money spent, but reassured the City Council that there would be more "bang for the buck." Councilmember Barbadillo then asked if there would be an increase in library programming. Milpitas Librarian Fitzgerald stated that keeping the library doors open is the priority, but adding programming would be a possibility.

Mayor Esteves thanked County Librarian Howe and Milpitas Librarian Fitzgerald.

Councilmember Grilli asked for clarification regarding Option 1 and Option 2 which was stipulated in the Santa Clara County Library memorandum. After

Recreation Services Manager Lorentzen's explanation, Councilmember Grilli stated that she was in support of Option 2.

Vice Mayor Montano asked County Librarian Howe that if Option 2 was done, would the JPA pay more for staffing. After receiving clarification to her inquiry, Vice Mayor Montano expressed her support for Option 2 and asked City Manager Williams' feedback on which Option would staff recommend.

In response to Vice Mayor Montano's inquiry, City Manager Williams discussed about projected increases to the Transient Occupancy Tax (TOT) and decreases of City receipts stemming from gas tax revenue. City Manager Williams clarified that any additional funds going towards the increase of library hours would lessen funds for Capital Improvement Projects (CIP) use.

Motion: to approve the increase of hours of operations at the Milpitas Library by implementing Option 2 as proposed by the Santa Clara County Library, which would provide an increase of 71 hours to current library hours and would result in a \$470,052 increase in staffing cost to the City of Milpitas.

Motion/Second: Vice Mayor Montano / Councilmember Grilli

Motion carried by a vote of: AYES: 5

City Manager Williams mentioned that this item would be returning as a continuing item in the September 20, 2016 City Council meeting. The scope of the discussion would be regarding the budget appropriation to fund the implementation of Option 2.

REPORTS

6. Sister Cities Commission Fiscal Year 2016-17 Work Plan

This item was requested to be the third item heard.

Staff Liaison Leslie Stobbe introduced Commission Chair Dennis Grilli as well as Commissioners of the Sister Cities Commission that were present – Massoud Arefi, Nolan Chen, and Peter Chang.

Chair Grilli presented a presentation regarding the Commission's purpose, achievements, and work plan goals for Fiscal Year 2016-17.

Staff Liaison Stobbe showed a video from the Commission's E-Pals program.

Mayor Esteves asked Chair Grilli on how ties are started and maintained, with Mayor Esteves mentioning Latin America as an example. Chair Grilli shared that the Commission responds to requests for exploring avenues to establish "sister city" ties, and that the Commission had gone through exploratory stages of establishing ties with cities located in Latin America, Europe, India, and Pakistan just to name a few. Chair Grilli added that for the process to move forward, both cities have to be willing participants.

Mayor Esteves asked about the Commission's challenges in establishing and maintaining a "sister city." Chair Grilli stated economic and financial-based reasons were one of the Commission's challenges, namely the global economic downturn which affected people's desire and ability to afford travel and in-person

exchange.

Vice Mayor Montano complimented the Commission's work plan, stating that she was looking forward for the Latin America and India sister city visions to come into fruition and suggesting for the Commission to sponsor a community event to promote the Commission and the Sister Cities program.

Mr. Montemayor, Milpitas resident, spoke in favor of the Commission and the proposed work plan.

Motion: to approve the Sister Cities Commission's Fiscal Year 2016-17 Work Plan.

Motion/Second: Councilmember Giordano / Councilmember Barbadillo

Motion carried by a vote of: AYES: 5

NEW BUSINESS

7. Citizens Task Force on Water Rates

Councilmember Giordano requested staff to provide a report which would contain a list of recommended nominees to be forwarded to Mayor Esteves for his consideration.

Discussion and consensus was made regarding parameters for selecting members.

Councilmember Grilli thanked Councilmember Giordano on bringing this matter forward, suggesting for staff to delineate timelines or milestones in completing Task Force-related tasks.

Mayor Esteves requested City Manager Williams and staff to assign a staff liaison for the Task Force.

The following Milpitas citizens spoke when Mayor Esteves opened the floor for the public to speak:

1. Robert Marini spoke his disagreement on the process of selecting members for this Task Force.
2. Bob Nunez said that he agreed with the City Council and staff's plan to form the Task Force, further suggesting for the City Attorney to part of the Task Force meetings.
3. Michael Tsai agreed with Bob Nunez's comments, complimenting Councilmember Giordano for suggesting this Task Force.
4. Voltaire Montemayor spoke his agreement and optimism about the Task Force.

Councilmember Grilli said that she agreed with Bob Nunez that the City Attorney should be present for the Task Force meetings. Mayor Esteves agreed as well, stressing the importance of having this process.

Motion: to form the Citizens Task Force on Water Rates, and for staff to bring

forth nominees at the September 20, 2016 City Council meeting.

Motion/Second: Councilmember Giordano / Councilmember Grilli

Motion carried by a vote of: AYES: 5

8. Access to New Milpitas Sports Center Artificial Turf

Item moved as the first item to be heard from the agenda.

Recreation Services Manager Renee Lorentzen briefed City Council regarding current public access to the new Milpitas Sports Center Artificial Turf and the ongoing issues that staff face such as vandalism, dog owners not picking up after their dogs, and other acts of misuse.

Councilmember Grilli asked on whether issues of misuse were still there even if the facility was locked. Recreation Services Manager Lorentzen replied yes.

Councilmember Grilli then inquired if it was possible for staff to lock the Sports Center from dusk until dawn, just as staff would for any other facility. Recreation Services Manager Lorentzen replied that incidents of misuse and vandalism were not just limited during “dusk until dawn” hours.

Discussion between City Council and staff took place regarding acts of vandalism and misuse, staff actions made to address incidents and to prevent or minimize future ones from happening, efforts to protect and prolong the life of the new artificial turf, and meeting stakeholder needs.

Vice Mayor Montano asked regarding alternative walking paths, and whether these paths would suffice the needs for the stakeholders who have been using the walking paths. Recreation Services Manager Lorentzen replied that staff remains responsive to stakeholders’ needs, and that adjustment would be made if need be which would balance meeting stakeholders’ needs while protecting the artificial turf.

The following Milpitas residents / artificial turf users spoke:

1. Man spoke regarding soccer and being in favor of the fields. He enjoys the current arrangements that staff has provided for users.
2. Man (President of Milpitas Knights football) spoke in favor of locking up and protecting the fields.
3. Man spoke in favor of locking up the turf to keep it safe.
4. Ms. Ainsworth shared her experience as a walking path user. She is in favor of locking up the turf. She further suggested to dedicate an area for dogs to keep the kids safe while those who walk their dogs would still be able to do so. She suggested the City communicate on why they are doing this.
5. Ed Ackerman spoke, thanking Council and staff for the artificial turf and suggesting for these facilities to have security cameras.

6. Michael Tsai spoke, complimenting the field and is very much in favor of locking it up. He added that locking up the facility will reduce the burden from the Milpitas Police Department who would need to respond to such incidents.
7. Voltaire Montemayor agreed that the turf should be kept safe. He suggested watchtowers

Motion: to accept the report regarding access to the artificial turf fields at Milpitas Sports Center.

Motion/Second: Vice Mayor Montano / Councilmember Grilli

Motion carried by a vote of: AYES: 5

9. Citywide Weed Abatement Efforts

Public Works Director Nina Hawk briefed the City Council regarding current Citywide weed abatement efforts and presented a slide presentation “before” and “after” pictures of recent weed abatement efforts.

Mayor Esteves asked for clarification regarding pre- and post-emergent methods to prevent excessive weed growth. Public Works Director Hawk explained the processes involved in both methods.

Mayor Esteves then asked about volunteers that could assist staff towards successful weed abatement efforts. Public Works Director Hawk spoke about the San Jose Conservation Corps.

Mr. Montemayor, Milpitas resident, spoke regarding the importance of weed abatement.

Mayor Esteves suggested for staff to post the weed abatement slide presentation on the City website.

Motion: to accept the report regarding Citywide weed abatement efforts.

Motion/Second: Vice Mayor Montano / Councilmember Giordano

Motion carried by a vote of: AYES: 5

10. General Plan Update Process and Formation of the General Plan Advisory Committee (GPAC)

Planning Director Bradley Misner introduced City Senior Planner Sarah Fleming and Principal/Consultant Ben Richie from De Novo Planning to do their respective presentations regarding the General Plan update.

Mayor Esteves asked clarifying questions regarding performance measurement metrics and methodology for measuring the success in achieving General Plan goals. Mayor Esteves suggested and stressed the importance that the goals have to be specific and measurable.

Councilmember Grilli suggested for certain stakeholders to be included as potential members or participants in the General Plan Advisory Committee (GPAC) such as the school district and Valley Transit Authority.

Mayor Esteves requested for the consultant and staff to provide an activities flowchart that would reflect milestones or timelines for each step or phase of project.

Mr. Montemayor, Milpitas citizen, spoke in favor of this project and the GPAC.

After discussion and consensus, it was determined that the discussion would continue and that the activities flowchart and a list of nominations for GPAC would be due and presented in the October 4, 2016 City Council meeting.

No motion was made for this item.

ADJOURNMENT

The meeting was adjourned at 11:38 PM.

The foregoing minutes were approved by the Milpitas City Council on September 20, 2016.

Pam Caronongan, Deputy City Clerk