

MEETING MINUTES CITY OF MILPITAS

Minutes of: Joint Meeting of Milpitas City Council and the
Milpitas Housing Authority
Date: Tuesday, August 21, 2018
Time: 5:30 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 joint meeting to order at 5:32 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Grilli, Councilmembers Barbadillo and Nuñez

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

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

ANNOUNCEMENT City Attorney Chris Diaz stated that there was no reportable action out of Closed Session, with general direction given to staff.

City Council then convened in Open Session at 7:14 PM.

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

INVOCATION Councilmember Barbadillo shared two bible verses to start the meeting.

PRESENTATIONS Mayor Tran proclaimed *National Payroll Week* for September 3–7, 2018. Representatives of Silicon Valley Chapter of American Payroll Association were present to accept the proclamation, along with the Finance Director, Human Resources Director and Assistant Finance Director.

The Mayor and City Council honored Fire Battalion Chief Jason Schoonover for his recent successful completion of Executive Fire Officer Training.

PUBLIC FORUM Rudy Parra, Hayward resident, spoke to Council about his building project in Milpitas. He was seeking approval in writing that his building plans were approved. He said he did not receive any response from City Manager, Mayor, Building or other city staff.

Voltaire Montemayor, resident, congratulated the Battalion Chief for completion of his training. He wanted to hear the singing of the Star Spangled Banner at the start of City Council meetings. Regarding fire and containment, water needed to be conserved and saving lives was important.

Harjit Singh, Pebble Beach Court resident, discussed the many fires that had been going on in California. Preventing wildfires was necessary. He wanted an ordinance requiring fire defensible space in the Summit Pointe Homeowners neighborhood.

Rob Means, 1421 Yellowstone resident, discussed Advanced Transit Technologies (Personal Rapid Transit displayed) in a powerpoint presentation.

Robert Marini, resident, had sought information regarding water rate calculation for more than one month, while he had received a letter from the City Attorney.

Tom Valore, resident, complimented Public Works Director Tony Ndah who had provided information to the members of the Citizens Task Force on Water Rates and the public. He asked to have agenda item no. 4 removed from the consent calendar.

Frank DeSmidt invited all to Casino Night on September 28 sponsored by the Milpitas Chamber of Commerce, a fundraising event. He also invited all to the Rotary Club's "Know A Vet" event in October at Ta Restaurant.

Annika McClure of Silicon Valley Leadership Group in San Jose invited all Councilmembers and the community to attend its annual Turkey Trot on Thanksgiving Day, November 24 in downtown San Jose. All proceeds benefitted residents in the South Bay. She encouraged participation from the City Council in the Mayor's Cup race.

ANNOUNCEMENTS

City Manager Julie Edmonds-Mares announced, that on August 14, the County Board of Supervisors announced the award of a joint grant of \$779,820 to the City and Milpitas Unified School District for state of the art playground equipment at McCandless Park and the new Mabel Mattos Elementary School.

Councilmember Nuñez responded to an announcement about Milpitas Christian School desiring to open a high school on a piece of property, and commended Planning Manager Jessica Garner for her clear written response with specifics on the potential proposal. The school would keep the high school on its campus in San Jose, after all.

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.

Councilmember Phan would recuse himself from item no. 3 and abstained from voting.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

CONSENT CALENDAR

Mayor Tran requested items no. 1 through no. 12, with removal of item no. 4.

Motion: to approve the Consent Calendar including agenda items numbered 1 – 12, not including item no. 4 and with Councilmember Phan abstaining on no. 3

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

*** 1. Council Calendar**

Accepted City Council calendar for August 2018.

*** 2. Meeting Minutes**

Approved City Council meeting minutes of August 7, 2018.

*** 3. Grant Award**

Approved award of in-kind Milpitas Arts and Culture Grant to the Ve Nguon Vietnamese Language School for its Moon Festival to be held on Saturday, September 22, 2018.

Councilmember Phan abstained, thus the vote was 4 in favor with none opposed.

4. Staff Report - Solid Waste Rate Process and Recycling

Engineering staff Leslie Stobbe addressed City Council with details regarding franchise agreements with Milpitas Sanitation Inc. and with Waste Management Inc. (Kirby landfill) and rate adjustments planned with both companies. Rate adjustments were planned to be presented to City Council in December. On a chart displayed, Milpitas had the lowest residential rate for refuse service rates in Santa Clara County.

Mayor Tran asked about the number of years for the proposed rate adjustment, and index based approach. Staff said these were calculated on an annual basis. He asked more about paper and plastic recycling and the market for these products in China.

Councilmember Nuñez made comments on recycling and how much more effort the city could do, so that the city would not be “wish-cycling” instead of recycling.

Vice Mayor Grilli had asked the City Manager if the City could change, per the franchise agreement, the location of the landfill the City used. The Assistant City Manager was looking into this topic, and could report back to City Council in a few months.

Councilmember Barbadillo asked staff questions about the chart displaying rates by city. He commented on the rates and how to balance costs versus rates charged to customers.

Mayor Tran invited comments from the audience.

Voltaire Montemayor, resident, said there were still questions on sorting into the collection bins at home. He could not fill up the garbage food scraps bin.

Elvira Jordan, resident, said “that sucks” for the food scraps part of recycling. She felt a lot of people were not filling up those bins and would like to go back to the old garbage company.

Councilmember Barbadillo responded to the speaker and defended his past vote to approve new garbage contracts with both providers, for benefit to the city and its ratepayers.

Vice Mayor Grilli said that Council responded to state mandates coming down upon the City, and there could be consequences much more substantial if the City did not have the recycling program. Some students offered to help educate the public about the recycling program.

Mayor Tran asked staff to send to Council some information on a Senate Bill that staff had mentioned.

More public comments were provided at the speaker podium.

Mr. Singh, resident, felt the program was good, but needed to have a larger container for garbage. Rates were going up and up, he felt.

A man, resident, said he liked the split bin but it was hard to separate. He received a lot of boxes at his home and needed to easily recycle those, and other packaging too.

Tom Valore, resident, had a question about “zero waste” and what that meant.

Motion: to receive a staff report on solid waste rate process and recycling market impacts.

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

Vice Mayor Grilli asked staff to send her and the Council the powerpoint slides.

* 5. Solid Waste pickup –
account late payments

Received the staff report on past due solid waste accounts and Milpitas Sanitation late payment protocol.

* 6. Housing Authority:
Resolution on units

Adopted Housing Authority Resolution No. HA25 extending the time period for development or disposition of Housing Authority properties in Milpitas to August 31, 2022.

- * 7. Improvement Agreement Authorized the City Manager to execute the Improvement Agreement between the City of Milpitas and Alps Group, Inc. for 1100 and 1200 Cadillac Court.
- * 8. 2018 Street Resurfacing Approved and authorized the Director of Engineering/City Engineer to execute Contract Change Order No. 1 for \$175,000 for the 2018 Street Resurfacing, Projects No. 4283 and No. 4287.
- * 9. Improvement Agreement Authorized the City Manager to execute the Improvement Agreement between the City of Milpitas and Sprig Center, LLC for 1585 N. McCarthy Blvd.
- *10. Pay Cayenta Authorized payment to Cayenta, per software support and maintenance agreement with the City, for the financial and utility billing system for the not-to-exceed amount of \$209,270.54.
- *11. Amendment No. 1 to Agreement with EMG Approved Amendment No. 1 to the Agreement with Clampett Industries LLC doing business as EMG for City-Wide Facility Condition Assessment services in the amount of \$20,000, resulting in a new total not to exceed \$111,766.40.
- *12. Amendment No. 2 to Agreement with Varsity Approved Amendment No. 2 to the Agreement with Varsity Facilities Service for City wide janitorial service at 12 City of Milpitas locations in the amount of \$46,345.93 for the agreement's year five resulting in an increase, with a total not to exceed \$509,805.18.

UNFINISHED BUSINESS

- 13. Commissions update** Recreation Director Renee Lorentzen presented a report to Council on recommended changes to City Commissions, recommendations for appointments, and a Commissioner Handbook.

Mayor Tran asked about the Library & Education Commission as proposed. Ms. Lorentzen responded on LAC and its role in communication with library staff, Friends of the Library and others. Activity would focus on connecting Library and MUSD and private schools in Milpitas, including on adult literacy. Councilmember Nuñez commented further and supported this goal.

Vice Mayor Grilli thanked staff for the report, and she was excited about the Energy and Environment Commission. She asked if Commissions would meet more frequently rather than every other month, and about term limits and attendance.

Councilmember Nuñez thanked the Recreation Director for keeping this report and topic on point and thanked City Clerk for putting together the draft Commissioner Handbook. He was pleased with work that Commissioners had done and could be doing with the new layout of Commissions.

Councilmember Phan thanked Mr. Lorentzen and staff for work done on this recommendation for all City Commissions, noting this was a work in progress.

Mayor Tran invited comments from the audience.

Voltaire Montemayor, resident, was a happy citizen serving on a Commission.

Motion: to receive a report of the City Council Subcommittee on Commissions and:

- a. Approve Subcommittee's recommendations on changes to City Commissions, going from 14 total to 12,
- b. Approve City of Milpitas Commissioner Handbook, including term limits
- c. Approve recommendations for final appointment by the Mayor to Commissions: Parks, Recreation and Cultural Resources Commission; appoint Voltaire Montemayor as Alternate No. 1 with a term to expire in June 2020.

Veterans Commission: appoint John Schmidt as Commissioner to a term to expire in February 2019.

Youth Advisory Commission: Reappointed students Carl Cerezo, Andrew Dinh, Aruna Doreswamy, Ravit Sharma, Saniya Shrotriya and Aavani Sree as Commissioners with

terms to expire in September 2019. Also reappointed Saili Karkare as Alternate No. 1 and Yugam Satija as Alternate No. 2 with terms to expire in September 2019.

and, approve staff recommendations for a phased approach to implementing the direction of the City Council in regards to any City Commission changes, outreach to seek new applicants to Commissions, and Commissioner Handbook protocol work.

Motion/Second: Vice Mayor Grilli/Councilmember Barbadillo

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

NEW BUSINESS

14. TASP area parking

Transportation Engineer Steve Chan presented the staff report on parking in the Transit Area Specific Plan area.

Councilmember Phan wanted to hear more from the consultant once studies were conducted. He'd been seeing Lime bikes and scooter sharing around, using apps on cell phones. He asked if that was something the City could outreach to such companies so as to incentivize people toward not using cars so much. Mr. Chan replied that was part of BART coming up with its Mode of Access plan around the new station area. He described a few different possible bike sharing programs that staff and the Bicycle Pedestrian Advisory Commission were exploring.

Councilmember Nuñez asked if The Pines neighborhood parking would be part of this discussion. Staff explained that would be reported next, and that this one needed more imminent action.

Councilmember Barbadillo commented on some of the parking and crowded neighborhoods anticipated. He urged making sure that any new developments were up to code with circulation and parking space requirements.

Vice Mayor Grilli was concerned about being pro-active on parking in this area, and it may have a problem once BART opened. She asked staff to explain further the proposed four-hour parking limit on streets around the station.

Mayor Tran asked for public comments.

Stacy Brobst, resident of The Pines, said there already was a parking problem in this area, at Bob McGuire Park.

Michael Tsai, resident, referred to the walking tour/review in the area one year ago. Pricing strategies, he mentioned San Pedro Square in downtown San Jose, with nearby restaurants that offered validation on parking fees. With more high density development upcoming, the City must work with VTA to develop strategies.

Voltaire Montemayor, resident, was ready to support this recommendation. People go to a 49ers game but the problem would be coming up with parking.

Motion: to receive the staff report on Transit Area On-Street Parking Management Strategies

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

Mr. Nuñez remarked that time limited parking would not be useful without parking enforcement, so he asked staff to include that when returning on TASP parking, if a four-hour limitation was planned.

15. The Pines parking

City Engineer Steve Erickson discussed parking concerns, existing for a long time in The Pines neighborhood of Milpitas, yielding congestion in the older neighborhood in south end of the City containing 976 single family homes. Staff had worked with consultant Nelson\Nygaard to develop a proposed parking strategy.

Mr. Erickson defined and described the proposed Pilot Parking Permit Program for The Pines residents. New signs and permits to be issued to residents would be needed, along with enforcement of the new parking rules. The recommended program was estimated at a cost of \$242,000. He listed five next steps for this program, which the City Council discussed. Those included presenting the study's finding to The Pines neighbors, and consider implementing a residential pilot parking permit program. Such program would require a budget of \$242,000, issuing an RFP and award of contract to consultant, notify residents, and adjust City ordinance for enforcement. Alternately, further engagement with The Pines Homeowners Association (HOA) and residents would be necessary for best practices implementation.

Mayor Tran invited comments from the audience.

Mel Hinshaw, resident and HOA Board member, lived in The Pines for 14 years, and had followed this topic for many years.

Stacy Brobst, resident of The Pines, was in favor of the permit parking program. If the City did not allow perpendicular parking in the cul-de-sacs, that would create more parking challenges. Many houses had multiple family generations living in the houses, with five and six cars.

Alene Tuyet, long time resident of The Pines, had been to the City Planning Commission in the past when new developments were proposed, and commented that 1.4 parking spaces would not be enough for the new housing complexes. She was in favor of the permit parking program. Any new TASP housing would need more parking.

Michael Tsai, resident of The Pines also, and noted that parking was a real problem on his street and in that neighborhood.

A man, resident of The Pines, puts his garbage can in his parking space on the street to hold space in front of his house so he could park.

Voltaire Montemayor, resident, said the City might need to ask the public, about being good citizens per household, practical in good neighborhoods, consider consequences to neighbors.

A woman, resident of The Pines, felt the parking in her neighborhood was a mess. When approving new residences, consider the parking and include more than was approved.

Mayor Tran thanked the neighbors who came to City Hall to give their remarks on parking.

Vice Mayor Grilli asked about Apex Apartments and possible violation of Conditional Use Permit (or conditions), and what would be done about that. She inquired about perpendicular parking and if that was a vehicle code violation. Police Chief Corpuz came forward to express what that violation was, explicitly.

Councilmember Phan asked about fines from enforcement and if those would go to cost recovery for the program. Chief Corpuz responded, very little. Mr. Phan inquired about a shared parking agreement with a private property owner (nearby plaza) to potentially offer night time parking. The City Manager said staff could certainly explore that possibility.

Councilmember Nuñez asked questions about the proposed budget of \$242,000 for this plan and how it would be funded. The City Manager replied.

Mayor Tran said there was a need to look at driveways and garages, in addition to on-street parking for this neighborhood. He was concerned about the fiscal impact.

Councilmember Barbadillo asked the proposed number of permits per household which was three. He wanted to understand impact on The Pines neighborhood section that would not have parking restrictions. He suggested some enforcement of parking in home garages.

Vice Mayor Grilli was clarifying the three permits per household, wherein some households would not need the full number of permits when they do park all cars in driveways or garage. There needed to be some feedback from the new apartment complexes, too, which should follow conditions that were established.

Councilmember Barbadillo put forward his idea to ask the neighborhood about the City relinquishing the public space to The Pines, and allow the residents manage it directly.

City Manager Edmonds-Mares could explore the HOA's interest in managing parking on those streets.

The staff recommended motion was to hear a report on parking in The Pines neighborhood and a parking strategy, and to proceed with "next steps" (5 of those as on slide) most of which would come back to City Council for action.

Councilmember Nuñez did not want to give up on Councilmember Barbadillo's idea to approach the Homeowners Association. He asked to add that to the next steps list. The City Manager said staff could do part II first, to get feedback from the HOA before proceeding with the steps.

Councilmember Phan noted that private streets were not unheard of, especially with condominium developments, to give homeowners more control of their own community. There was more to discuss than just the permit program.

Motion: to direct staff to begin implementation of a pilot permit program, with the first step on budget and identifying the funding source, to have a conversation with The Pines Homeowners Association if the group was interested in discussing street ownership, and to proceed with planning for the five steps for a pilot permit parking program, after a funding source was identified along with a clear answer from the HOA

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

REPORT OF MAYOR

16. Mayor's request on Traffic Calming

Mayor Tran presented his own powerpoint presentation to the City Council, on the need for a traffic calming program in the community. He'd heard a lot of requests for speed bumps, but he was not requesting those. Strategies could include more painted on roadways speed limits, more bulb-outs from sidewalks to slow drivers in intersections and pedestrian hybrid beacon (flashing lights) systems.

Councilmember Nuñez commented part way through Mayor's presentation. He credited City departments where efforts were already being done or studied to be implemented in Milpitas.

City Manager Edmonds-Mares commented that this was new information to staff at this meeting, and if authorized for more than four hours of staff time, staff could analyze which of these were in place or planned along with opportunity areas.

Mayor Tran discussed the fiscal impact and suggested funding from other partners and spending in the CIP and General Fund. He provided three policy recommendations: to add painted road signs with speed limits; direct staff on bulb outs; and direct staff to review all road signs within 100 yards of schools, churches and city parks (no speed bumps).

The City Manager responded that this would require significantly more than four hours of staff time, so there was a need to consider it perhaps at budget time.

Councilmember Nuñez wanted to have a report back to City Council, after the professional staff reviewed the Mayor's proposal.

Motion: to authorize more than four hours of staff time, and continue prior direction to staff to come back whenever scheduled to return to Council anyway on traffic and road issues across the City, include elements of the Mayor's proposal that made sense on traffic calming

Motion/Second: Councilmember Nuñez/Councilmember Phan

Councilmember Phan commented there was a traffic calming plan already and it's called the CIP. Some of the Mayor's proposal could make sense and he wanted staff to come back to the Council, once the transportation budget was known. The City needed to know about the outcome of the gas tax. The Mayor's plan was going to cost a lot of money, with various factors that made it more complicated.

Vice Mayor Grilli mentioned that VTA was here and would bring back recommendations on traffic flow and streets. The Mayor had policy recommendations on his slides, while Council had no plan to do that, and she understood traffic calming projects.

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

**REPORTS FROM MAYOR
& COUNCIL** None

ADJOURNMENT Mayor Tran adjourned the joint meeting at 11:45 PM.

The foregoing minutes were approved by Milpitas City Council on September 4, 2018.


Mary Lavelle
Milpitas City Clerk