

MEETING MINUTES CITY OF MILPITAS

Minutes of: Joint Meeting of Milpitas City Council and
Public Financing Authority
Date: Tuesday, June 20, 2017
Time: 6:00 PM Closed Session / 7:00 PM Open
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER Mayor Tran called the joint meeting to order at 6:01 PM. City Clerk Mary Lavelle called the roll.

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

ABSENT: None

CLOSED SESSION City Council convened in Closed Session to discuss labor negotiations, litigation and personnel matters, as listed on the agenda.

City Attorney Chris Diaz said the Mayor recused himself on items (d) and (e) in Closed Session.

City Council then convened in Open Session at 7:09 PM with all members present.

ANNOUNCEMENT No announcement out of closed session.

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

INVOCATION Mayor Tran invited Imam Khan from the Al-Hilaal Mosque who read from the Koran for the invocation, during the ninth month of the year when Muslims celebrated Ramadan.

Councilmember Nuñez introduced America Pilli Irineo, who joined him at the dais. She was a Milpitas High School student and a published poet.

SCHEDULE OF MEETINGS Council reviewed the Calendars/Schedule of Meetings for June and July 2017. No changes were noted or announced.

PRESENTATIONS Mayor Tran presented the following five items:

- Recognized Milpitas Librarian Steve Fitzgerald as Honoree for Employee Excellence
- Awarded Larry Voellger Scholarships, a Milpitas Arts Commission program, to recent High School graduates Cindy Tsai and Kristine May
- Proclaimed July 2017 as Parks & Recreation Month
- Commended Milpitas Swoosh Community Youth Basketball Teams, with certificates presented to players on four teams, and seven coaches including Director Marlon Pacis
- Proclaimed Filipino Independence Remembrance Day on June 20, 2017 – a brief reception in the 2nd floor lobby followed this item. Councilmember Barbadillo presented awards along with the Mayor. Special Guest Philippines Consul General Henry S. Bensurto, Jr. provided remarks to the audience, accompanied by his wife, and Deputy Consul General and Consul.

Mayor Tran announced that the Council would take a break for a reception at 8:14 PM and returned to the meeting agenda at 8:26 PM.

PUBLIC FORUM Alex Pandrangi, from Squadz, described a new software to streamline facility rentals, increase participation and maximize utilization. He provided flyers and information to the Council.

Robert Marini, Milpitas resident, spoke on his own behalf (not the Citizens Task Force on Water Rates) and displayed a Water Rate Study Variable Rate chart, provided by City staff to him.

Rob Means, 1421 Yellowstone resident, talked about global warming and the recent heat wave.

Voltaire Montemayor, Milpitas resident, mentioned fire prevention and quick responding fire and police officers in Milpitas.

ANNOUNCEMENTS

Councilmember Nuñez noted that the City Council would take a break in July. In August, he wanted brought back for review by the Council: the ordinance or policy to review the credit card process and use of city credit cards, and also the limit of contracts for the City Manager (currently \$100,000) for review and audit.

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 submitted

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

CONSENT CALENDAR

Motion: to approve the Consent Calendar (items noted with *asterisk), as amended

Councilmember Phan asked to remove agenda items from consent: no. 5 (Oversight Board appointment), no. 18 (vehicle purchase) and no. 30 (Burke Williams amendment); and requested to move items no. 10 (flags ordinance) and no. 11 (housing ordinance) to the front of the agenda.

Councilmember Nuñez asked to remove items no. 8 (attendance report) and no. 9 (fee waiver) from the consent calendar.

Motion/Second: Councilmember Nuñez/Councilmember Phan

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

***12. Resolution**

Adopted Resolution No. 8681 authorizing the purchase of Avolve ProjectDox software from Insight Public Sector in the amount of \$334,656.20 through a cooperative procurement contract through US Communities.

***13. Resolutions including one Joint Resolution**

Adopted City Council Resolution No. 8682 and Public Financing Authority Resolution No. PFA 20 authorizing investment of monies in the Local Agency Investment Fund (LAIF) and updating officers' information.

***14. Resolution**

Adopted Resolution No. 8683 rescinding Resolution No. 8292 and appoint certain employees to the Association of Bay Area Government Pooled Liability Assurance Network Board of Directors.

***15. Resolution**

Adopted Resolution No. 8684 awarding a contract to O'Grady Paving, Inc. for the Street Resurfacing 2017, Project No. 4284 in the amount of \$3,296,097. Also authorized the Director of Engineering/City Engineer to execute contract change orders for Street Resurfacing 2017, Project No. 4284 in an aggregate amount not to exceed the construction contingency of \$300,000.

- *16. Resolution Adopted Resolution No. 8685 granting approval to submit a grant application to the County of Santa Clara Historical Heritage Grant Program for the Alviso Adobe, Phase 5 Interior Restoration, Project No. 5055.
- *17. Resolution Waived immaterial bid irregularity and adopted Resolution No. 8686 awarding a contract to D & D Pipelines, Inc. as the lowest responsible bidder submitting a responsive bid, for the Project, in the amount of \$1,058,850.00.
Authorized the Director of Engineering/City Engineer to execute contract change orders for the Daniel Court Water Main and Services Replacement, Projects No. 7110 and No. 7131, in an aggregate amount not to exceed the construction contingency of \$211,770.
Approved Amendment No. 1 to the Consulting Services Agreement with Mott MacDonald, LLC in the amount of \$33,840.
- *22. Amendment No. 1 Approved and authorized the City Manager to execute Amendment No. 1 to the Joint Use Agreement for portions of Lower Penitencia Creek and Penitencia East Channel for the pedestrian/bicycle trail and bridge improvements.
- *23. Fee Reimbursement Agreement Authorized the City Manager to execute a Fee Reimbursement Agreement with Lennar Homes, Inc. related to its development at 450 Montague Expressway, in a final form as approved by the City Attorney.
- *24. Approve Plans & Specifications Approved plans and specifications for the Park Access Improvement and Resurfacing, Project No. 5105 and American with Disabilities Act Curb Ramp Transition Program, Project No. 4283; and, authorized advertisement for bid proposals.
- *25. Agreement with Biggs Cardosa Approved an agreement with Biggs Cardosa Associates, Inc. for the Lower Penitencia Creek Pedestrian Bridge, Project No. 2005.
- *26. Amendment No. 2 – HydroScience Approved Amendment No. 2 to the Consulting Services Agreement with HydroScience Engineers, Inc. in the amount of \$75,000 to continue staff augmentation services for Utility Engineering.
- *27. Amendment No. 2 – All Line Uniforms Approved Amendment No. 2 to the agreement with Matthew W. Adams, doing business as All-Line Uniform Sales, for annual clothing requirements for City employees including Recreation Services for the not-to-exceed amount of \$30,585.
- *28. Amendment No. 4 - Cayenta Approved Amendment No. 4 to the Cayenta Software Support and Maintenance Service Agreement for the financial and utility billing system for the not-to-exceed amount of \$23,550, and extend the Agreement through June 30, 2018.
- *29. Bridge Contract with Terracare Authorized the City Manager to execute a bridge contract with Terracare Associates LLC (current contractor) in the amount of \$383,333 for four months to allow staff additional time to rebid the agreement for city parks maintenance.
- *31. Agreement with San Jose Approved an Agreement with the City of San Jose in the amount of \$66,267 to provide Fats, Oils and Grease (FOG) inspection and plan check services and transitional training, and directed the City Manager to execute the Agreement in a form approved by the City Attorney.
- *32. Water Main Repair Received a report from the Public Works Director on the emergency repair of Yosemite Drive Water Main; and, authorized payment of invoices up to \$200,000 to Suuluutaq and up to \$30,000 to R&B Company.

MEETING MINUTES

Motion: to approve the City Council meeting minutes of May 22, 2017 and June 6, 2017

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

The motion carried by unanimous vote of the City Council to approve the minutes.

PUBLIC HEARINGS

1. LLMD No. 95-1, McCarthy Ranch

Assistant City Engineer Judy Chu described the requirement to confirm assessments for the Landscape and Lighting Maintenance Assessment District No. 95-1. This was for property owners within the District to pay for upkeep and improvements for the parcels in the District at McCarthy Ranch. Funds paid for landscape and irrigation, street/median trees, gateway signage and other City services. The total amount to be assessed was \$325,877, on costs of \$345,914.

Councilmember Phan asked what was the relationship with the Assessor's office? Ms. Chu responded the City paid the Assessor a 1% fee for administrative costs.

Councilmember Barbadillo asked if this would affect those at McCarthy Ranch and staff replied, yes, all parcels in that district would be assessed. Ms. Chu further responded to the Councilmember on the method used, and that parcel sizes varied a lot, so the assessed amounts also varied, while all were based on a rate per square foot.

Next, Mayor Tran opened the public hearing.

Voltaire Montemayor, resident, addressed the Council.

(1) Motion: to close the public hearing, following one speaker

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

(2) Motion: to adopt Resolution No. 8679 approving the annual Engineer's Report, confirming the diagram and assessment, and ordering levy of assessments for Fiscal Year 2017-18 for the Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

2. LLMD No. 98-1, Sinclair Horizon

Assistant City Engineer Judy Chu provided a similar presentation as the one above, but for the Sinclair Horizon property for Landscape and Lighting Maintenance Assessment District No. 98-1. Located off Los Coches, the Sinclair Horizon development contained 98 lots. Fees assessed were per lot, not per parcel (as in the other LLMD). The total amount to be assessed \$40,473, on \$56,755 of total costs.

Next, Mayor Tran opened the public hearing.

Voltaire Montemayor, resident, thanked the City and the developer for upkeep.

(1) Motion: to close the public hearing, following one speaker

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

(2) Motion: to adopt Resolution No. 8680 approving the annual Engineer's Report, confirming the diagram and assessment, and ordering levy of assessment for Fiscal Year 2017-18 for the Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

3. 1 year Action Plan and 5 year Consolidated Plan for CDBG Funding

Housing Manager Tim Wong presented the FY 2017-18 Annual Action Plan and the FY 2017-2022 Consolidated Plan for the Community Development Block Grant federal program. \$449,688 was the new, revised total grant amount to City of Milpitas for FY 2017-18, an increase of more than \$29,000 from last year's grant amount. He displayed the final public service allocations for the grants, with the adjusted amounts.

Mr. Wong explained the four content sections of the consolidated plan. It revealed that 22% of households were "housing cost burdened."

Mayor Tran opened the public hearing.

Voltaire Montemayor, resident, said five years was very hard work. He commended the Council.

Tom Valore, resident, recalled that the Milpitas Food Pantry grant amount was a lot less than it had asked for. The Food Pantry helped residents who were in dire straits. Any avenues for augmenting that funding would be very useful. Anything to help feed those in need would really help.

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

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

(2) Motion: to approve the 2017-18 Action Plan, related to Community Development Block Grants

Motion/Second: Councilmember Phan/Councilmember Barbadillo

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

(3) Motion: to approve the 5-Year Consolidated Plan for Fiscal Years 2017-2022, related to Community Development Block Grants for the City of Milpitas

Councilmember Nuñez had comments for staff, noting that most meetings on this topic were held in November. He asked what staff had done to collect input from three new members when the Council changed. Mr. Wong responded, nothing really, while Council input was given at priority setting time.

Councilmember Nuñez stated that affordable housing was a strong current priority. Some of the funds were for that purpose, but not all of it. He wanted to know how could the City Council fund affordable housing with those dollars.

Planning Director Brad Misner responded to him on how the schedule could change, to go to Council earlier in the process. Staff could get the Council involved earlier, to discuss priorities for this funding program.

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

At 11:16 PM, Councilmember Phan asked to identify time sensitive items for a vote at this meeting so as not to continue beyond 12:00 AM.

4. Ordinance No. 240.6 Water Use Restrictions

Public Works Director Nina Hawk reviewed recent history (2014-2016) of the drought and water conservation regulation in the state, local retailers and City of Milpitas. At this meeting, staff requested to move to Stage 0 (from Stage 2) of the Water Shortage Contingency Plan, and to continue appropriate conservation measures throughout the City.

Councilmembers Phan and Barbadillo left the dais for some time.

Mayor Tran asked what the call for savings would be. Ms. Hawk said the ordinance would go into effect immediately with 0% restriction on water use while finding ways to minimize water use. The Mayor was not happy with that figure as the City still needed to have a call for savings number. He supported keeping the regulation of requiring nozzles on hoses used to wash a car. He asked if the City could sell any “leftover” or excess water.

Councilmember Nuñez spoke of comments by speaker Santa Clara Valley Water District Director Richard Santos, who recently said the drought was never over and all should continue to save water.

Councilmember Barbadillo said he and the City were bracing for a July increase by SCVWD in water costs. He was concerned about new construction of homes and water savings on those sites. He asked about a model ordinance at the state on new construction. The Councilmember wanted the Public Works Director to look anew at the model ordinance and tailor it to Milpitas.

Vice Mayor Grilli spoke of the effect of removing all the restrictions as not best for the residents, and to encourage water savings. She did not want to allow seven days of watering their yards. All of the community needed conservation to be permanent.

Mayor Tran felt the drought changed the way people lived. He wanted to find a middle ground, not go to seven days of watering allowed.

Vice Mayor Grilli would like to change the watering schedule to four days, with time restrictions. They could change to “Stage 1” for the reduction, not 0. She wanted reduction to 10%, and only allow for three or four days watering. Councilmember Phan favored what she said.

Councilmember Nuñez asked if it was for residential and commercial water users, and staff responded yes, including government buildings.

Next, Mayor Tran opened the public hearing.

Voltaire Montemayor, resident, said residents were covered by the main source, nature.

Tom Valore, resident, noted that water rates had gone up substantially so that would keep water users restrained a bit.

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

Motion/Second: Mayor Tran/Councilmember Nuñez

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

City Attorney Diaz noted the changes in the ordinance text for adoption included to re-insert watering restrictions, indicate a Stage 1 level (not zero) for 10% reduction, and to adjust days permitted for watering to a maximum of four.

The City Attorney read aloud the title of Ordinance No. 240.6. “An Ordinance of the City Council of the City of Milpitas Amending Chapter 6 of Title VIII of the Milpitas Municipal Code Relating to the terminated water shortage emergency and eased Supplemental Water Use Restrictions.”

(2) Motion: to adopt Ordinance No. 240.6 effective upon adoption this date

Motion/Second: Councilmember Nuñez/Councilmember Phan

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

REPORTS

5. Oversight Board This item was removed from consent but was not heard.
6. State of the City Address Item was not heard and would be continued.

NEW BUSINESS

7. MTC/ABAG on Plan Bay Area 2040 Councilmember Nuñez asked what was the Plan Bay Area 2040. Mr. Ken Kirkey, Planning Director of MTC spoke to City Council on this plan. He described the Bay Area wide plan for transportation and urban planning across nine counties. Mr. Kirkey talked about the highest ever congestion of traffic and significant need for housing. The Plan focused on an action plan for housing (Casa) and was due to be adopted July 26.

Mayor Tran thanked him for presenting this plan overview to the Council.

Councilmember Nuñez would be interested in all of Mr. Kirkey’s slides (he’d shortened his presentation due to the late hour). The City was well poised to make use of higher education in this community. Mr. Nuñez asked about the structure of the scheduled meetings. This evening was not for a discussion specifically on Regional Housing Needs Assessment (RHNA), as usually a more intense and in-depth topic, said Mr. Kirkey.

Councilmember Nuñez would like to be invited to any of those meetings and to continue to learn more.

Councilmember Phan thanked the MTC staff and asked about workforce housing. Mr. Kirkey replied there was a big focus on worker housing. Moderate income housing also was a pressing topic, as it was the area with the least effort recently so it was a major focus.

No vote was taken on the MTC/ABAG Plan.

9. Fee Waiver Councilmember Nuñez asked questions on the budgeted amount for fee waivers. He also sought clarity on what had been waived for the recent Chamber International BBQ. He inquired to staff about the American Cancer Society’s Relay for Life new site at Murphy Park and if it would be permanently moved there. Mr. Nuñez requested for the future to include the balance in the City Council Unallocated Community Promotions budget.

City Clerk Mary Lavelle, Relay for Life Team Leader Liz Ainsworth and Recreation Services Director Renee Lorentzen responded to his questions.

Motion: to approve two fee waivers requested:

- (1) waived \$1,500 in fees for costs related to the annual American Cancer Society’s Relay for Life walkathon event scheduled at Murphy Park for July 8-9, 2017; and,
(2) waived \$773.77 in fees for costs related to the annual St. Elizabeth Catholic Church Parish Festival scheduled on Church grounds on Sunday, August 13, 2017

Motion/Second:

Councilmember Nuñez/Vice Mayor Grilli

Motion carried by a vote of:

AYES: 5

NOES: 0

ORDINANCES

10. Ordinance No. 260.2

City Attorney Chris Diaz went to the podium to present the flag ordinance. He reviewed history on this topic to date. He defined the limited public forum regarding flags allowed currently on City flagpoles per the Municipal Code. Option 2 (of three offered by staff in the past) was directed, to amend the municipal code regarding flags. The process could allow for the City Attorney to return with a resolution to limit display of certain flags. The revised new ordinance would allow flags at ground level ceremonies in listed locations.

The nearby City of San Jose's flag policy allowed flying other flags, but only at the request of city officials. Milpitas currently allowed private individual, to fly flags at select sites and thus, Milpitas has a "limited public forum."

The proposed new ordinance would create a non-public forum for all flag poles. Similar locations to fly flags was included (as current regulation) and added the Cesar Chavez Plaza. The ordinance included an expansive definition of "Commemorative Flags" to include others like the Tibetan freedom flag, LGBT pride flag, etc.

The proposed Ordinance could be adopted at the next Council meeting on August 1, and thus would be effective September 1. Mr. Diaz offered – as previously requested by City Council - to bring back a resolution both promoting the Vietnamese Heritage flag and banning the Socialist Republic of Vietnam flag.

At 10:22 PM, the Mayor stepped out of the Council chambers, and shortly returned. Vice Mayor Grilli left at 10:29 PM and returned shortly thereafter.

Councilmember Nuñez noted that China had a building in Santa Clara, where they fly the flag of China. So, he clarified that this city rule was only about flags on City property.

Mr. Diaz clarified that Councilmembers would bring a proposal or suggestion to fly a certain flag to the Council. Councilmember Phan responded that the City Council had control and decision about flying any flags.

Mayor Tran then invited comments from the audience.

Voltaire Montemayor, resident, said he was for the city and for the people. He hoped it was 100% that there was no problem.

City Attorney Diaz then read aloud the title of Ordinance No. 260.2, "An Ordinance of the City Council of the City of Milpitas Amending Portions of Chapter 600 of Title I of the Municipal Code Relating to the Display of Flags on City-Owned Property."

Motion: to waive the first reading beyond the title and introduce Ordinance No. 260.2, regarding flag flying on City property

Motion/Second:

Councilmember Phan/Councilmember Barbadillo

Motion carried by a vote of:

AYES: 5

NOES: 0

11. Urgency Ordinances

This item was heard first on the discussion portion of the agenda, ahead of the public hearings.

Deputy City Attorney Katy Wisniski presented this item. She referred to the study session the Council held on May 22 on housing issues when housing production and preservation were discussed. She defined two possible urgency ordinances for consideration: a moratorium on demolition, and a just cause eviction ordinance.

Vice Mayor Grilli inquired on the possible relief options, if there was a requirement that it could be approved by City Manager? Staff said it could be changed to City Council.

Councilmember Nuñez asked why there was a second part of the staff presentation. It was per direction from Council to staff on May 22, to explore possible avenues for action related to affordable housing. Mr. Nuñez thought that the Just Cause (Just Cause Eviction) idea dealt with much more than just affordable housing, so the first part of her presentation dealt with what Council wanted to discuss.

Ms. Wisniski stated the reason staff brought JCE for consideration was that given the low vacancy rate, high rental rates, and relative burden felt by lower income households, staff was looking at all possible tools for preserving those options. This was a common way that cities were looking at dealing with affordable housing.

Mr. Nuñez felt the need to have the community more involved on the second issue. He was not sure all those people concerned were even here in Milpitas.

Vice Mayor Grilli appreciated that staff brought different options, but she agreed they were concerned with the preservation of affordable housing. It was too quick on the possible JCE as an option. She wanted to look at preserving what the City had.

Councilmember Barbadillo understood the reason for preservation, and understood urgency around the issue of affordable housing. He wanted to know about other data and the need to gather it before the Council can consider an ordinance.

Councilmember Phan believed there was concurrence on that second ordinance.

Mr. Nuñez asked how would they preserve affordable housing that the City had and then to move on parcels available. It was a top priority issue for City Council to address it.

Mayor Tran said it was clear that affordable housing was a priority issue in this City. The Mayor said he liked the idea of Just Cause Eviction but would need more information. It was something he would request to see at another meeting.

Councilmember Nuñez wanted to move to adopt the first ordinance on demolition.

City Attorney Diaz spoke to the audience: he said to be clear that the proposed Just Cause Eviction ordinance would not be considered at this meeting. The City Council would consider the no demolition urgency ordinance.

Ms. Wisniski suggested having a menu of options, and then to direct staff on what to craft for future consideration.

Councilmember Phan responded, among options, to inform tenants in multiple languages. Education went a long way for owners and tenants. An alternative to just cause eviction, it would be more productive to consider a voluntary mediation program before a neutral third party. That would be not forcing on any property owner.

The Mayor next called for comments from the audience. A translator was available for those who spoke in Vietnamese language.

Speakers:

A woman spoke in support of neighbors and human rights. When low income housing was demolished, it hurt people and took away rights.

Thuy Hang Do, Sunnyhills resident, wanted care for the Milpitas family and needed low income housing. There was a long wait for affordable rentals and needed City's help.

A woman, Sunnyhills resident, would have nowhere to live if she doesn't have her apartment. A community would be destroyed if townhomes were built.

A woman, homeowner resident of Sunnyhills, spoke of neighbors and her parents, and taking care. She really cared about people in the community.

Justher Gutierrez, lived in the Pines, continued to keep in mind families like her own, an immigrant low income family. Continue to be innovators.

Mr. Li, lived at Sunnyhills apartment for 15 years after immigrating to America. He was very lucky since he had a subsidized apartment to live in.

Mona Simpson, of Sunnyhills, grew up here and raised a child here and now the children were becoming afraid. They were worried with nowhere to stay and live.

Lechi Nguyen, resident of Milpitas, thanked Bob Nuñez for his effort to bring this issue. Stress was occurring among those residents, with one person who had to go to the hospital today. The residents voted for the Council, who must care for them.

Rob Means, resident, said tens of thousands of jobs were created in Silicon Valley but only single digits amount of housing units were built. Landlords were getting wealthy. This was a gentrification problem.

Sandy Perry, from a county-wide coalition, supported the demolition ordinance. Housing was needed all across the Bay Area and she was here to support Sunnyhills Apartments.

Danielle Perslin, was thinking that demolition went hand-in-hand with what developers did and it has displaced families. Consider Section 8, she urged.

Gail Osmer came to the Senior Advisory Commission asking for support, asking to pass a moratorium and support seniors. This is a vulnerable population.

Mayor Tran re-emphasized that Council would not be considering just cause ordinance.

Susan, was a resident in San Jose with property in Milpitas. Just cause eviction was bad policy so she was glad it was not considered at this meeting. It's hard to evict a bad tenant.

Terry Naylor, lived in Sunnyhills Apartments for 28 years, and wanted the ordinance extended when 45 days went by and she supported the residents.

Yin, lived in Sunnyhills Apartments for five years, where tenants really needed the help of the City Council and landlord to let them stay.

Evelyn Chua, supported the proposed ordinance and the City was a compassionate one. You don't want homeless elders and senior citizens.

Voltaire Montemayor, resident, listened to the presentation and those who spoke from the heart, and asked to preserve the residents.

Charlene Jens, resident of Sunnyhills Apartments, had a disabled adult son and spoke of the population of that site. She had medical issues.

Tony Alexander supported the residents of Sunnyhills Apartments. People were not getting information and needed support and help for the low income residents.

Evan Tran, resident and smaller housing provider, stated this was a social issue for everyone. Address both sides of this issue, and don't put landlords opposing the tenants.

Elsie, supported the Sunnyhills residents. She'd been both a tenant and property manager. She talked about crime and protection of residents. There were consequences of just cause eviction, while there was a need to create more solutions for affordable housing.

Ann Sherman, spoke of the recent eviction of her father in San Jose, and she was here in support of Sunnyhills Apartments residents. Do more to support these residents.

Quan, just got out of the hospital. Tenants and housing providers are not enemies - they are friends and do not want to fight against each other.

Larry Chew, an owner of apartments on Calaveras for 40-50 years, said the only thing that just cause eviction did was pit good tenants against bad, and he'd never evict any tenants.

Sade Stanberry, resident and property manager in Milpitas, opposed just cause eviction. She cared about tenants and did not want such a proposal to cause difficulties.

A man who was a real estate broker and property manager, and a four decades resident, loved Milpitas. There was potential for rental property to go downhill if just cause eviction rules were passed.

Vince Rocha, from a Santa Clara County coalition, cared about effecting rental owners and their properties.

A man needed a specific solution. More affordable housing was needed, and do not reduce supply if owners take units off market. Protections and caution were needed.

Jessica Yang said it was rational to remove the just cause discussion. Just cause eviction rules could make it even harder to rent and landlords don't want to deal with trouble.

A man spoke against just cause ordinance. It would be a big mistake.

A man applauded Council for taking off consideration just cause eviction. He cared about older residents and knew that some were dependent on rental income.

Amanda, had lived in Sunnyhills for 50 years and was disabled. She'd be stuck if the apartments closed.

Robert Marini, resident, agreed with other speakers. This was in his neighborhood and he did not want them thrown out on the street.

Terri Naylor cared about the residents. The city needed more housing for these people and all. She opposed just cause eviction while maybe re-zoning would work.

Sandy had a rental house in Milpitas with one tenant over 20 years. She kept the rent really low and the tenants really cared about the home.

A young lady spoke of her parents who were property managers. It was very hard for her mom to evict the bad tenants while good tenants were okay.

A woman was concerned about Sunnyhills Apartments. She had a rental property and was a homeowner.

Liz Ainsworth, resident, stated she was an immigrant. She worked to get her citizenship, and was heartbroken upon hearing about longtime residents possibly losing their homes.

A younger man knew a lot of residents at Sunnyhills, and he should not worry about them becoming homeless. Just help them out, he urged.

Pastor of Sunnyhills Church said to understand the heart of the people. She believed in justice and was a servant of the people. Listen to your heart.

Tom Valore, resident, was sure a moratorium would be put in place. That only kicked the can down the street for two years. Major action was needed to solve this problem which required the entire population of the City to get involved.

A woman said there was a need for apology. She was from San Jose and spoke of the largest eviction in California in that city.

A woman lived in the apartments for more than 25 years and knew all the families there. They needed the City's help.

Anh Wan, resident, was opposed to the idea of just cause eviction.

A woman resident spoke in Vietnamese language to the City Council.

Lisa, who lived at Sunnyhills Apartments, spoke of how hard it was to apply for another place to live in the valley. Receiving the notice was like a death sentence.

Next, the City Council commented.

Councilmember Nuñez thanked the community for coming to speak to Council. This issue was longer than just this evening. This city needed to get a plan started. A moratorium did not create housing. He identified Bradley Misner, Planning Director, who would be key staff on this topic, to bring affordable housing to Milpitas. The city needed an answer in less than two years (time frame for ordinance). He had conversations with the County and hoped to have the skeleton of a plan when returning in August.

Councilmember Nuñez made a motion, seconded Vice Mayor Grilli, to proceed with the Urgency Ordinance prohibiting demolition.

City Attorney Diaz read aloud the title of the proposed ordinance, "An Urgency Ordinance of the City Council of the City of Milpitas Enacted pursuant to California Government Code Section 65858 adopting a moratorium on the Issuance of Demolition Permits for Structures Providing Affordable Housing Units."

Vice Mayor Grilli remarked that this Urgency Ordinance allowed the Council to get together a plan, to be able to increase what was needed in the City. She was uncomfortable on the relief section that the City Manager had authority for exceptions, and she wanted that to be City Council. The Deputy City Attorney replied that the timeline was 15 days, so she suggested 30 business days for a response if an exception was to be handled by the Council. She reviewed the 45 days by state law for initial term, and staff could return in that time frame to extend.

Councilmember Phan said to all the tenants, he empathized with them deeply. He was a believer in the function of a city to negotiate for their housing needs. Staff was urged to bring all parties together and he did not want anyone homeless. Housing was a critical issue and the Council cared about it. He spoke next in Vietnamese language to the audience. Mr. Phan explained the demolition ordinance allowed Council to have control of that process and could halt it if needed. Also, he asked them to stick around for the next item related to the flag ordinance.

Councilmember Barbadillo said he would vote for the urgency ordinance, with reservation. More information was needed, he felt, and he wanted that when the extension of this ordinance was brought back.

Mayor Tran was a big supporter of affordable housing. If there was no affordable housing, there was no Milpitas. Put Milpitas families first, he said.

Motion: to adopt Urgency Ordinance No. 294, prohibiting demolition of existing affordable housing

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

RESOLUTIONS

18. Resolution

Purchasing Agent Chris Schroeder was ready to answer questions on the purchase of three police vehicles. Councilmember Phan asked why the City needed these vehicles. Public Works Director Nina Hawk responded they were requested to support new landscape crews to be hired, as recently approved in the new Fiscal Year budget.

Motion: to adopt Resolution No. 8687 authorizing the purchase of three vehicles (for Public Works Department) from the National Auto Fleet Group through a cooperative procurement contract through the National Joint Powers Alliance

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

19. Resolution

Human Resources Director Tina Murphy explained the need for staff to support Records Management and CAD projects in the Police Department. When hiring PERS retirees, new regulations applied for exceptions to prohibitions on that. The City was seeking to hire police officer A.J. Minton after his recent retirement, from August 1, 2017 to June 30, 2018.

Motion: to adopt Resolution No. 8688 for exception to the 180-day wait period per CA Government Code Sections 7522.56 and 21224, related to the re-hiring of retired A.J. Minton in the Milpitas Police Department

Motion/Second: Councilmember Phan/Vice Mayor Grilli

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

20. Resolution

Human Resources Director Murphy asked for the Council to adopt a resolution to make small technical correction regarding the recent hiring of Steve Pangelinan as Acting City Manager. These were changes requested by the California Public Employees Retirement System.

Motion: to adopt Resolution No. 8689 approving a technical correction to Resolution No. 8668 appointing Steve Pangelinan as Acting City Manager per CA Government Code Sections 7522.56 and 21224

Motion/Second: Councilmember Nuñez/Councilmember Phan

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

21. Resolution – censure policy

Item was not heard and would be continued.

AGREEMENT

30. Amendment – Burke,
Williams law firm

Item was not heard and would be continued.

ADJOURNMENT

Mayor Tran adjourned the joint meeting at 12:36 AM on Wednesday, June 21, 2017.

The foregoing minutes were approved by Milpitas City Council on August 1, 2017.

Mary Lavelle
Milpitas City Clerk