

MEETING MINUTES CITY OF MILPITAS

Minutes of: Joint Meeting of Milpitas City Council and
Milpitas Housing Authority
Date: Tuesday, June 6, 2017
Time: 5:30 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 meeting to order at 5:30 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Grilli, Councilmember Nuñez

ABSENT: Councilmembers Barbadillo and Phan were absent at roll call, and both arrived later in Closed Session.

CLOSED SESSION City Council convened in Closed Session to discuss one litigation matter. Mayor Tran recused himself from two litigation matters (noted as (f) and (g) on the agenda).

City Council then convened in Open Session at 7:03 PM with all members present.

ANNOUNCEMENT City Attorney Chris Diaz made one announcement out of closed session: the City Council determined it would continue with litigation against CalRecycle, while Councilmember Phan voted no on that matter only.

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

INVOCATION Mayor Tran introduced Pastor Nick Belaski from Christian Worship Center, who provided the invocation prayer.

SCHEDULE OF MEETINGS Council Calendar/Schedule of Meetings for June 2017 was reviewed with no changes.

PRESENTATIONS Mayor Tran asked the City Council to join him at the speaker's podium for presentations.

- He awarded the Youth Advisory Commission Scholarship to Victoria Huynh.
- Vice Mayor Grilli and Councilmember Nuñez recognized participants in the Milpitas International Cultural Festival, including Charlene Lai, Gavin Heraldo, members of Tuoi Than Tien Dance Group, PNC Music Company and Yuan Chih Dance of America.
- Vice Mayor Grilli commended the Milpitas Executive Lions Club for its "Celebrating Differences" Event held recently at the Milpitas Community Center along with Community Advisory Commission and other participants, and City Recreation staff.
- The Mayor proclaimed "Juneteenth" in Milpitas on Friday, June 16, 2017, accepted by Ron Scott, a neighborhood leader who grew up in Sunnyhills and was Milpitas-proud.

PUBLIC FORUM Arzhang Kabali, Milpitas resident, expressed concern about pesticide used to control weeds in the City. He wanted to know about why that was contracted to a third party, and not done by city staff. He wanted to learn what chemicals were used.

Allysson McDonald, spoke about housing and what was going on at Sunnyhills Apartments. Also, she was surprised that City Council approved the purchase of an armored vehicle for police use, and was concerned about that action and its high cost.

Liz Ainsworth, resident and Relay for Life event Committee member, said the Committee would be ready to request that Council waive fees for the event this year and to bring that up at the next Council meeting. This would be the 19th year of the huge community fundraising event and the group wanted one City Councilmember to open the event.

Raymond Yau, resident, spoke of traffic problems on Jacklin at Milpitas Blvd., the levee and a wall getting built near where he lived.

Ankur Agarwal, resident of Elm Avenue in Starlite neighborhood, opposed the Newby Island landfill expansion. He wanted the City Council to do all it could to prevent expansion and did not want to be the garbage dump of Silicon Valley.

A woman reiterated what the prior speaker had said and was concerned about the landfill.

Hiep Tran, a resident for more than 15 years, suffered from landfill odor and wanted City Council to protect people. Garbage was dumped in the City's back yard.

Alison Frost, resident, was disappointed that City Council approved spending \$430,000 on a military vehicle for the police. She did not want a militarized police force, and there was a better use of that money in the city.

Nan Din, spoke in Vietnamese language to the Council, said residents had nowhere to go to seek help for those who lived in Sunnyhills Apartments, where older people were worried and getting sick with worry about where to go to live when the landlord pushed them out.

Tien La, resident, said this was the third time Sunnyhills residents came here. They were very concerned about the residents in her apartment complex, and they needed help.

Tran Le, resident, spoke in Vietnamese language to Council, said his income was very low and cannot afford to go to a new place. He really wanted Councilmembers to find him a new residence. He needed emergency help at age 72.

An older woman spoke in Vietnamese language and described that her husband lost his arm and leg in the war, and lived in the apartment for many years when he came here. There was nowhere else to move for low-income residents. The list was very long to wait for a new apartment.

Tu Phan, resident, said he was very old and lived at Sunnyhills Apartments, was very worried about locating a new place to live and needed help from the City.

Robert Marini, Milpitas resident, addressed the cost allocation plan and transfer of funds from the Water Fund to the General Fund. He said to find a way to have transparency and show costs explicitly, as required by the law.

Ganesh Rama, resident, was concerned about the landfill and the City not doing enough as leaders. Milpitas did not get anything in return from the City of San Jose, after all negotiations.

Anthony Di, resident, was disappointed that Council gave up on any litigation against San Jose over the issue of expansion of Newby Island landfill. Odor was the top priority issue. He felt elected officials had given up on that priority. Councilmembers should disclose their vote in Closed Session regarding litigation.

A man was opposed to the expansion of the landfill. He wanted Council to be here to support Milpitas residents.

Tom Clavel, resident, was disappointed about not going after San Jose over the landfill issue. Milpitas had nothing to negotiate with now. They needed to have more public discourse on this issue and he wanted to meet with each of the elected officials.

A man, resident, was concerned about the landfill and the odor issue. He said to follow the truth and felt the city leaders had given up.

Lan, resident of Milpitas since 1999, said the smell was very bad and he wanted to see what plan the Council had about that.

Rob Means, 1421 Yellowstone resident, talked about the President of the United States, and read aloud a letter he'd received in the mail, not favorable about the President.

Dustin, a resident, was disappointed about the odor issue and landfill expansion.

A woman, Milpitas resident, was here for the Sunnyhills Apartments matter. Residents needed the Council to look into the reasoning. She did not know about these meetings and needed help.

Voltaire Montemayor, resident, said on the flood protection project the City should get involved. Tenants feared eviction and that was tough.

A man, a new resident of Milpitas, was very concerned about the bad smell he noticed every day. He urged all Councilmembers to continue to fight against the odor.

A man urged Council to work for the people who worked for them. Go against the landfill expansion since there was odor in the city every day.

ANNOUNCEMENTS

Acting City Manager Steve Pangelinan read one announcement: while a public hearing was noticed for the Water Conservation Ordinance update for this date, that topic would be heard on June 20. Staff would re-notice the hearing, as required.

City Attorney Chris Diaz specified: regarding agenda item No. 12 – EPS Foam Foodware Ordinance, he noted that staff was directed on May 16 to return to City Council with additional recommendations to ban the use of EPS at places such as delicatessens and take-out food locations. That direction was clear and work was underway. City Council could either adopt the ordinance at this meeting, or ask for updates to be made and bring it back in August for re-consideration.

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 presented

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 requested to remove agenda item no. 6 (Commission re-appointment) from consent.

Councilmember Nuñez requested to remove the following items from consent: No. 7 (fee waiver), No. 9 (write-offs), No. 10 (Ordinance No. 38.829), No. 11 (Ordinance No. 197.14), No. 12 (Ordinance No. 293), No. 14 (Resolution on Green Infrastructure) and No. 23 (printing contract).

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

- * 3. Odor Update Received the monthly update of the odor control report.

- * 4. AlertSCC Received information regarding abandonment of the Teleminder Alert System and learned about the public use of AlertSCC.

- * 8. Performing Arts Approved transfer of \$20,000 from Center Stage Children's Theatre program's Holding Account into the Performing Arts operating budget to assist with the costs of additions and upgrades to the existing theater sound system in the current fiscal year budget.

- *13. Resolution Adopted Resolution No. 8672 approving the sole source purchase of two Pierce Velocity Fire Pumpers from Golden State Fire Apparatus, Inc. for the not-to-exceed amount of \$1,455,176.

- *15. Resolution Adopted Resolution No. 8674 certifying election results and adding Anton Development Project sites into Community Facilities District 2008-1 (Annexation No. 12), and authorized the City Manager to execute the Subdivision Improvement Agreement.

- *16. Resolution Adopted Resolution No. 8675 approving the annual Engineer's Report, declaring its intention to levy and collect assessments for Fiscal Year 2017-18, and setting a public hearing date on June 20, 2017 for the Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch.

- *17. Resolution Adopted Resolution No. 8676 approving the annual Engineer's Report, declaring its intention to levy and collect assessments for Fiscal Year 2017-18, and setting a public hearing date on June 20, 2017 for the Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon.

- *18. Resolution Adopted Resolution No. 8677 granting initial acceptance of City utility improvements constructed as part of the Santa Clara Valley Transportation Authority Bay Area Rapid Transit extension project, subject to a one year warranty period that VTA is responsible for, and release of that portion of the contractor's faithful performance bond attributable to the City utility improvements on which the City is dual-obligee; and granting authorization to the Director of Engineering/City Engineer to issue the Notice of Final Acceptance of City utility improvements after the one-year warranty period.

- *19. Resolution Adopted Resolution No. 8678 supporting Senate Bill 687 related to Emergency Medical Services.

- *20. Amendment No. 2 Authorized the City Manager to execute Amendment No. 2 to the Agreement with Santa Clara County Department of Environmental Health for the Countywide Household Hazardous Waste Collection Program with an additional \$5,000 budget for Milpitas residents.

- *21. Amendment No. 1 Approved and authorized the City Manager to execute Amendment No. 1 to the Master Agreement with the County of Santa Clara for the Senior Nutrition program extending the term to June 30, 2018.

- *22. MOU with SCVWD Authorized the City Manager to execute the Memorandum of Understanding with the Santa Clara Valley Water District establishing a mutual waiver of fees for City and District projects.

- *24. Cathodic Protection Approved project plans and specifications, and authorized the advertisement for bid proposals, for Cathodic Protection Improvements Project No. 7115.

- *25. Amendment No. 3 Approved Amendment No. 3 to the Agreement with West Yost Associates, Inc. for staff augmentation services in the amount of \$50,000, for a total contract amount not-to-exceed \$225,000.

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| *26. Amendment No. 6 | Approved and authorized the City Manager to execute Amendment No. 6 to the Consulting Services Agreement with Mott MacDonald, LLC to increase compensation in the additional amount of \$175,000 associated with land development projects. |
| *27. Water Service Agreement | Approved temporary water service agreement with Summitpointe Golf Course in the event that the golf course runs out of reserves and Santa Clara Valley Water District has not completed its pipeline project by June 27, 2017. |

MEETING MINUTES

Motion: to approve City Council meeting minutes of the following meeting dates:
May 3, 2017 – special Budget Study Session
May 11, 2017 – special Closed Session
May 16, 2017 – regular and special meeting
May 18, 2017 – special and Budget Study Session
May 30, 2017 – special Closed Session

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

Motion carried by a vote of:

	AYES: 5
	NOES: 0

PUBLIC HEARINGS

- ## 1. FY 2017-18 Budget

Assistant Finance Director Jane Corpus displayed an agenda for this public hearing. She identified all meetings held in 2017 related to the proposed Fiscal Year 2017-18 budget and Capital Improvement Program including four study sessions. She displayed a summary of all fund appropriations.

Finance Director Will Fuentes identified the list of Personnel Requests by Department for the new fiscal year, indicating costs for each.

Councilmember Nuñez asked if he missed a section on the Housing Authority budget. Mr. Fuentes said staff could address it. Ms. Corpus showed it was listed in the Summary of Fund Appropriations (\$440,000).

Next, Mayor Tran opened the public hearing.

Voltaire Montemayor, resident, said he agreed with sections of this budget and hiring.

Ganesh Rama, resident, said be careful since the city was getting a lot of money right now. Be careful hiring lots of new employees, as that was costly with PERS expenses. He said Council must do the right thing for residents.

Rob Means, resident, referred to revenue growth opportunities noted by staff. He wished to add to that list: recovering costs from polluters and free loaders. He displayed a list from the internet of these costs, related to pollution.

Tom Valore, resident, found it disturbing that every dollar of income was budgeted to be expended. He did not understand why there wasn't any management reserve set aside, when knowing that the future was uncertain.

Allysson McDonald, resident, had questions about the \$440,000 spent on the Housing Authority, and said perhaps that number should be larger with the housing crisis.

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

Motion/Second: Vice Mayor Grilli/Councilmember Barbadillo

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

Vice Mayor Grilli asked Ms. Corpus to explain the reserves the city did have, and she responded about the Council's policy for required adequate reserve funds.

Councilmember Nuñez asked about the equipment - armored vehicle for the Police Department - and policies to be developed. Police Chief Pangelinan responded, saying it would be many months before that vehicle arrived in the City and policies would be in place prior to that.

Councilmember Nuñez inquired about the process separating Human Resources and Recreation departments, as requested in the proposed Ordinance. Staff explained that change was to reflect current practice and to update the municipal code.

Councilmember Nuñez inquired of the City Attorney about litigation going forward. He wanted to know more on how to budget for legal expenses, and those expenditures. Chris Diaz and Jane Corpus explained how costs were allocated and budgeted.

Councilmember Nuñez displayed a video segment from Channel 2 news program, when a journalist participated in "Fire Opps 101." With that program and his own experience recently with Milpitas Fire Department staff, he wanted to consider use of any additional funds (after audit was completed) to go to equipment needs of the Fire Department. Fire Chief Mihovich responded to Councilmember Nuñez, noting his top priority was a new fire engine. Second would be a truck, similar to one the Department currently had.

Mayor Tran wanted to support Mr. Nuñez' proposal for the Fire Department fleet. He agreed to support Fire with the equipment it needed, especially as the City grew in population and density.

Councilmember Barbadillo knew some increase in City rentals was discussed, with possibility of reductions and he wanted to address that. Ms. Lorentzen said staff had looked at large park rentals for possible fee reductions, which could total approximately \$27,000. Staff could return in August with recommendation on the impacts and where potential funding to cover those impacts would come from.

Vice Mayor Grilli wanted clarification on her colleagues' idea on funding more Fire Department equipment, such as a cost analysis and a full report in September for consideration of new equipment. Ms. Corpus replied that could be done after auditors confirmed all fiscal year end numbers, in September.

Following discussion, Mayor Tran asked Council to move ahead on all action items needed to adopt the City's budget.

(2) Motion: to adopt Joint Resolution No. 8669/HA20 of the City Council and the Housing Authority approving the final Operating Budget for the City of Milpitas and the Milpitas Housing Authority for Fiscal Year 2017-18 in the total amount of \$134,591,470

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

(3) Motion: to adopt Resolution No. 8670 approving the Appropriations Limit for FY 2017-18 which shall be \$96,630,910

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

(4) Motion: to adopt Resolution No. 8671 amending the Classification Plan for Budgetary Reclassifications and Position Authorizations

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

(5) Motion: to approve out of state travel for FY 2017-18 (as provided for various department staff on a list provided in the Council agenda packet)

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

Mayor Tran announced at 8:57 PM that City Council would take a break, and the group returned to the dais at 9:10 PM to resume the meeting.

2. CDBG 2017-18 and Consolidated Plan

Housing Manager Tim Wong asked City Council to review and approved allocations for Community Development Block Grants for FY 2017-18, and also to review the 5-year Consolidated Plan and One Year Action Plan for this federal grants program. This year, the CDBG total was expected to be more than \$400,000. Mr. Wong reviewed the calendar of the funding cycle activity from January to December each year, with the recommendations usually coming before Council in April (while it was later this year). The final funding allocation amount for this year had not been notified by the federal Department of Housing and Urban Development (HUD) yet, due to federal budget uncertainties. So, the funding recommended to City Council was based on last year's allocation of \$420,364, while that may increase or decrease slightly.

Mr. Wong reviewed the City Council's adopted priorities for Public Services and Capital Services. \$5,000 was the minimum amount for grant funding. The City's fair housing service provider is Project Sentinel, and its funding was recommended out of the allocation for CDBG administration funds and an amount from the Housing Authority (i.e. not from the Public Services grant amount). 11 non-profits were recommended for funding for public services funds and eight for Capital Services.

Mr. Wong responded to a variety of questions from the City Council.

Councilmember Nuñez requested sent to Council the explanation of how groups or developers could come to the Housing Authority to request funding. To build more affordable housing in the City, he wanted to know the process.

Councilmember Phan asked staff when the City would know the final amount from HUD for this year. Mr. Wong responded, any day now fairly soon. Mr. Phan was reluctant to vote when the amount not known and there was a chance of not getting any funding at all.

Next, Mayor Tran opened the public hearing.

Voltaire Montemayor, resident, said this should be good, at least five years and to economize.

Sheri Burns, Director of Silicon Valley Independent Living Center, noted her agency was in the second year of funding from Milpitas from CDBG grants. The Center appreciated the funding it received, and was at 200% of the goal for serving Milpitas residents. SVILC held workshops at Barbara Lee Senior Center attended by residents and landlords.

Amy Marseline, Long Term Care Ombudsman Program of Santa Clara Valley staff, thanked the City Council for its past support of that program. They served as advocates

for seniors and disabled people who live in long-term care facilities. The ombudsman program was an unduplicated service in the County.

Laura Fulder, representing Child Advocates of Silicon Valley located in Milpitas, was a group that does advocacy for foster youth. She appreciated the City's support.

Teresa Johnson, from Meals on Wheels for the Health Trust, described the low-income seniors served in Milpitas with meals, for some who were home-bound.

Ann Marquart, Executive Director of Project Sentinel, said her organization provided tenant-landlord services for both sides to know their responsibilities. Project Sentinel helped people know how to understand leases, deposits, rental increases, and eviction notices and to resolve disputes. On the fair housing end, her group did investigate housing discrimination allegations.

Councilmember Barbadillo referred to residents from Sunnyhills Apartments who spoke earlier at this meeting, and maybe her group could offer help to those residents.

Georgia Bacil, Director of Senior Adults Legal Assistance, explained that SALA offered free legal services to seniors who were low income or at risk of abuse or loss of home. She thanked City Council for funding over the years, while they continued to provide legal services for free at the Milpitas Senior Center.

Councilmembers Phan and Barbadillo thanked her and the other non-profit staff present for all they do.

Michael Tsai, Milpitas resident, wanted to compliment Project Sentinel and the excellent service they provide to residents.

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

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

Mr. Wong described the second part of the public hearing was to review the 5-Year Consolidated Plan. He detailed the extensive public outreach that was conducted. He stated the recommendations requested for action by City Council, noting that the Consolidated Plan would be brought back on June 20 for adoption on that date.

Councilmember Nuñez asked for more explanation on process. He stated he would rather fund City's Recreation Assistance Program (RAP) from other funds but not from CDBG funds so that there would be more money available for the other non-profit groups. He also felt that Milpitas Unified School District had enough from other funds for its program listed under CDBG. He recommended to spread out the \$11,280 among the nine non-profit groups and to specifically not fund City and School District out of these CDBG grant allocation funds.

(2) Motion: to approve the majority of the CDBG funding recommendations from the Community Advisory Commission, while directing staff to spread out the \$11,280 among the nine non-profit groups and to specifically not fund City and School District grant requests out of these CDBG grant allocation funds (for Public Services and Capital CDBG Funding recommendations for Program Year 2017-18)

Motion/Second: Councilmember Nuñez/Councilmember Phan

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

Councilmember Nuñez left the dais for a short period at this time, following the vote above.

(3) Motion: to approve the Community Advisory Commission funding adjustment recommendation requiring a uniform percentage adjustment, depending on the total amount of funds announced by the federal HUD agency

Motion/Second: Vice Mayor Grilli/Councilmember Phan

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

(4) Motion: to authorize the City Manager to execute all agreements with the non-profit organizations receiving Community Development Block Grants from the City of Milpitas

Motion/Second: Councilmember Phan/Vice Mayor Grilli

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

UNFINISHED BUSINESS

5. Sports Fields

Recreation Director Renee Lorentzen reviewed the issue of access to the Sports Center playing fields and results of a community meeting with 33 people held on May 24. She presented a proposal for revised additional hours of access to the fields for both team sports and general public access, to start on Monday, July 10. That would allow enough time to post new signs, post messages, assign staff, and schedule maintenance.

Ms. Lorentzen reviewed concerns expressed about people having pets and waste out on the artificial turf field. She explained how staff would deal with that issue, cleaning and expectation on community members using the new fields.

Councilmember Barbadillo was glad to finally be at this point and felt that staff did a great job. The plan will satisfy many residents, he believed.

Councilmember Phan thanked staff for working with the community to come up with this proposal. He expressed concern about surveillance and to make sure the area was safe and clean. Staff would evaluate these new hours after six months, and return to Council if more resources were needed.

Councilmember Nuñez asked if a membership card was needed to go on the fields and staff replied no. He sought an explanation of the expenditure of \$3,120 for the staff budget. Ms. Lorentzen said that would pay for someone to open up the field at the early hour while other current staff were already available for the closing hour.

Mayor Tran inquired about Public Works maintenance and \$10,000 allocated. He thanked staff for all the effort on this proposal and meeting community needs.

Motion: to approve the staff recommendation as follows –

- 1) Receive staff report and approve general public access to the Milpitas Sports Center fields for unorganized use to be scheduled by the Recreation and Community Services Department.
- 2) Direct staff to return in the late fall this year with a report on the status of the additional use.

- 3) Approve a FY 2017-18 appropriation of \$10,000 to Public Works Maintenance budget for additional maintenance hours and supplies and \$3,120 to Recreation Services for its Part-Time staff budget for additional Building attendant hours from the FY 2017-18 Contingent Reserve account.

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

REPORT OF MAYOR

6. Recommendation for Commission re-appointment

Councilmember Phan did not support this candidate continuing to serve on the Emergency Preparedness Commission. He stated that he did not like Commissioners who made disparaging remarks about elected officials on social media.

Mayor Tran asked him more about his comment, to understand how to address the recommendation for re-appointment.

Councilmember Nuñez hadn't heard of any comments by the Commission member while he did want to get information on criteria for the Mayor to consider.

Mayor Tran commented on the current process, with applications submitted to the City Clerk and he talked with applicants. He was thankful for people who volunteered to serve on Commissions.

Councilmember Phan made his suggestion to hold all appointments until a revised process was worked out. He asked if Commissioners were employees and the City Attorney replied no.

Vice Mayor Grilli suggested to have any Councilmember convey their concerns to the Mayor prior to the meeting. She was the City Council liaison to the Emergency commission and she found all members on that Commission participating routinely and actively involved in the City.

Councilmember Barbadillo remarked there was already a process and certainly the City Council could continue this item to future.

City Clerk Mary Lavelle reviewed the current Commission application process, including that the directly-elected Mayor held the authority to make appointments to Commissions, as confirmed by the City Council, per State of California Government Code.

No action was taken on Mayor's recommendation. Therefore, Vicki Young was not re-appointed at this meeting as Alternate Member of Emergency Preparedness Commission.

NEW BUSINESS

7. Waive Fees

Councilmember Nuñez wanted to have staff provide in the future the balance of the Community Promotions Unallocated funds. The City Clerk agreed that would be routine on staff reports for Fee Waiver or Donation requests.

Motion: to approve the fee waiver request from Project Sentinel to waive the Certificate of Occupancy fee in the amount of \$537.90

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

9. Write-offs

Councilmember Nuñez said this was a lot of money to write off. He sought more information about what efforts were made to collect the funds, and staff could respond to him at a later time. Assistant Director of Finance Jane Corpus agreed she would do so.

Motion: to approve the Accounts Receivable Write-offs for the fiscal year ending June 30, 2017

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

ORDINANCES

10. Ordinance No. 38.829 – MXD Zoning

Councilmember Nuñez wanted to ask about additional changes potentially in the municipal code where persons congregate (beyond churches). He asked staff if that was something that would be dealt with at another time. Senior Planner Michael Fossati replied that this ordinance was correctly about what was allowed in a mixed-use commercial area, while additional changes could be discussed for industrial areas.

Motion: to waive the second reading and adopt Ordinance No. 38.829

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

11. Ordinance No. 197.14 – Adding Department

Councilmember Nuñez sought clarification on this ordinance to be adopted, and staff had explained the need during the budget discussion. This ordinance would separate out Recreation and Community Services as a City Department officially, and no longer mix recreation in with Human Resources.

Motion: to waive the second reading and adopt Ordinance No. 197.14

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

12. Ordinance No. 293 – EPS Foam Food Ware

Councilmember Nuñez asked if this item could move to August and staff confirmed yes, it could. City Attorney Diaz said staff could come back with additional sections included, as directed on May 16, 2017 by City Council to staff. Then, the ordinance – with changes – would be re-introduced in its modified form and adopted later in August.

Motion: to defer consideration of Ordinance No. 293 until August, in order for staff to review and add additional prohibitions on this material

Motion/Second: Councilmember Nuñez/Councilmember Barbadillo

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

RESOLUTION

14. Resolution

Councilmember Nuñez had requested to remove this item from consent.

Engineering staff Leslie Stobbe described what the Green Infrastructure Plan Framework was for, with a two-year development time frame. Several departments were involved and would take it back to Planning Commission and City Council for approval.

Councilmember Nuñez asked about budgeted funds of \$48,000, just approved. Ms. Stobbe said this Plan was only one part of the overall stormwater program, put together by staff.

Motion: to adopt Resolution No.8673 approving a Framework to develop a Green Infrastructure Plan as required by the Municipal Regional Stormwater Permit

Motion/Second: Councilmember Nuñez/Councilmember Barbadillo

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

AGREEMENT

23. Amendment No. 1 to Agreement - Prints Charles

Councilmember Nuñez recalled voting recently to approve an agreement for a printing contract for City printing needs. He asked if this new request was part of that.

Acting City Engineer Greg Chung said it was not, and rather this one was requested for two major services in Engineering and was separate from the contract for city-wide print jobs. Prints Charles would handle production of documents for projects that go out for bidding and also plan-well services (management) of bidding process integrity. These were a part of the competitive bid process.

Motion: to approve Amendment No. 1 to the Agreement with Adonai Perazim, Inc., doing business as Prints Charles Reprographics, to extend the term of the agreement and increase compensation in the additional amount of \$35,000 for on-call printing and plan well services for various Capital Improvement Projects and Engineering Department printing needs

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

REPORTS

Councilmember Phan reported on the last ad hoc subcommittee on marijuana, when the Council toured two dispensaries in a nearby City.

Councilmember Nuñez reported on Santa Clara Valley Transportation Authority that it was moving ahead with Measure B funds. A bridge across from BART would be the first one moving along for Milpitas. BART in Milpitas was on track to open in December.

Mayor Tran recently said to the Veterans Commission and Vice Mayor Grilli, thanks to the Commissioners and to the Vice Mayor for her leadership on Memorial Day at the City's ceremony held on that holiday.

Vice Mayor Grilli thanked City staff for putting together a great event. Resident Mr. Denny Weisgerber gave a wonderful speech on that occasion.

ADJOURNMENT

Mayor Tran adjourned the City Council meeting at 11:27 PM.