MEETING MINUTES
CITY OF MILPITAS

Minutes of:	**Joint Meeting of Milpitas City Council and the Milpitas Housing Authority**
Date:	**Tuesday, June 5, 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 5:31 PM. City Clerk Mary Lavelle called the roll.

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

ABSENT: Councilmember Barbadillo was not present at the meeting. He did participate by telephone conference for both portions of the meeting (Closed and Open).

CLOSED SESSION

City Council convened in Closed Session to discuss litigation and matters listed on the agenda. Mayor Tran excused himself from item (b) on the closed session agenda.

City Council then convened in Open Session at 7:25 PM with four members present inside the Council Chambers and Mr. Barbadillo was on telephone conference.

ANNOUNCEMENT

City Attorney Chris Diaz stated there was direction but no reportable action out of Closed Session.

PLEDGE

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

INVOCATION

Vice Mayor Grilli introduced the Church of Jesus Chris of Latter Day Saints leader David Krueger who offered a prayer to start the meeting.

PRESENTATION

Mayor Tran presented the following:

- Proclaimed July as *Parks and Recreation Month* - accepted by members of Milpitas Little League teams, who play on City fields.
- Presented certificates to 4 Fire Department Explorers: Seth, Michael, Lisette and Alberto.
- Presented certificates to spring 2018 graduates of the Fire Department's Community Emergency Response Team (CERT) training.
- Commended Mrs. Marguerite Epps for her long-time volunteer service to Milpitas school children and library patrons over the past 30 years.

PUBLIC FORUM

Voltaire Montemayor, resident, spoke about his attendance and the success found at the Safety Summit meeting the previous Saturday. There was a need for a peace keeping officer at Milpitas schools. He expressed concern for a shooting that happened.

Linda Arbaugh, a resident representing Milpitas Historical Society, announced and invited all Councilmembers to attend the 2018 Annual Historical Tour to be held on Saturday, June 23 from 9:00 AM to 1:30 PM.

Yesenia Illescas, resident, was requesting custody transfer of her minor child and did not want her left homeless. She had not heard from anyone who could help her with this including transfer to MUSD. She sought assistance regarding her child.

Robert Marini, resident, addressed water losses of the City, which he had calcutated were 18.12%, alongside an increase in fees to the public as a result.

ANNOUNCEMENTS

City Manager Julie Edmonds-Mares introduced Mr. Steve McHarris, the city's new Deputy City Manager for development services. Mr. McHarris returned to the City after his recent professional work at City of San Jose.

The Santa Clara County Board of Supervisors voted on allocation of Measure A funds, including those for a project at 355 Sango Ct., $16 million for this low income housing development.

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

Mayor Tran requested items no. 1 through no. 17 to be on consent. He wanted to move item no. 23 to the next meeting date.

Motion: to approve the Consent Calendar including agenda items numbered 1 – 17

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

* 1. Council Calendar	Accepted City Council calendar for June 2018.
* 2. Meeting Minutes	Approved City Council meeting minutes of May 10, 12 and 15, 2018.
* 3. Adopt Ordinance	Waived the second reading and adopted Ordinance No. 198.5 to amend Bingo Games licensing regulations.
* 4. Three Resolutions – listing and amending benefits	Adopted the following three resolutions listing and amending fringe benefits: Resolution No. 8776 for Limited Service (Temporary) Employees Resolution No. 8777 for Seasonal (Temporary) Employees Resolution No. 8778 for City Councilmembers
* 5. Resolution – Election	Adopted Resolution No. 8779 calling a General Municipal Election for the City of Milpitas on Tuesday, November 6, 2018, requesting consolidation with the statewide gubernatorial election and requesting election services from the Santa Clara County Registrar of Voters.
* 6. Resolution – Faro scanner	1. Adopted Resolution No. 8780 approving the sole source purchase of a FARO Focus 360 S70 3D Digital Mapping Laser Scanner from FARO Technologies, Inc. for an amount not-to-exceed $65,319.82. 2. Allowed the City Attorney to negotiate final Purchase Order terms and conditions as may be necessary.
* 7. Resolution – Property into CFD 2008-1	1. Adopted Resolution No. 8781 certifying election results and adding Tract No. 10432 to Community Facilities District 2008-1 (Annexation No. 16). 2. Approved Final Map Tract No. 10432, acceptance of all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements. 3. Approved and authorized the City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and S & B Milpitas, LLC.

* 8. Resolution of Final Acceptance – Harmony	Adopted Resolution No. 8782 granting final acceptance of public improvements for the Harmony Subdivision project, Tracts No. 10137 and 10159, Public Improvement Plan No. 2-1162 and release of remaining faithful performance security.
* 9. Resolution – Streets 2018	1. Adopted Resolution No. 8783 awarding a contract to Granite Construction Company, as the lowest responsible bidder submitting a responsive bid, for the 2018 Street Resurfacing Project in the amount of $3,473,693. 2. Authorized the Director of Engineering/City Engineer to execute contract change orders for the Project in an aggregate amount not to exceed the construction contingency of $521,054.
*10. Amendment No. 7	Approved Amendment No. 7 to the agreement with Cayenta for Software Support and Maintenance Services and authorized the City Manager to execute it, for the financial and utility billing system for an amount not to exceed $28,500, with a total agreement amount not to exceed $168,284 and extend the term period through June 30, 2019.
*11. Agreement for Animal Services	Authorized the City Manager to execute a three-year service contract by agreement with the City of San Jose for Animal Services in the amount of $1,212,138 for fiscal years 2018-21.
*12. Amendment No. 4 to Agreement with RMC Water	Approved Amendment No. 4 to the consulting services agreement with RMC Water & Environment, Inc. for the Recycled Water Pipeline Extension Project.
*13. Fee Reimbursement Agreement – 765 Montague	Authorized the City Manager to execute the Fee Reimbursement Agreement with Lago Vista Milpitas, LLC for reimbursement of the actual cost of new public improvements to be constructed along Falcon Drive.
*14. Amendment No. 1 to Agreement with Verde Design	Approved and authorized the City Manager to execute Amendment No. 1 to the Agreement with Verde Design Inc. to increase the Agreement amount by $240,000 for Design Services for the Restroom/Snack Shack Building renovation associated with the Sports Center Skate Park, Project No. 5111.
*15. Street Resurfacing 2018	Approved plans and specifications, and authorized advertisement for bid proposals for the Street Resurfacing 2018, Phase II, Projects No. 4287 and No. 4291.
*16. Contract with Edelman for Police Security Camera	Awarded the bid and authorized the City Manager to execute the contract with Edelman Corporation for the purchase and installation of a Police Department Security Camera System for an amount not to exceed $79,239.90.
*17. Commission Appointments	Confirmed the following appointments to Commissions, as recommended by the Council Subcommittee on Commissions to the Mayor: **Arts Commission** Moved Alternate No. 2 Christina Driggers into voting seat with a term to expire in October 2020. Newly appointed John Agg to serve as Commissioner with a term to expire in October 2020. Newly appointed David Flashner to serve as Alternate No. 2 with a term to expire in October 2019. **Veterans Commission** Newly appointed Edward Smythe into a vacant seat with a term to expire in February 2019. **Youth Advisory Commission** Current members: Reappointed Claudia Wang as Commissioner with a term to expire in September 2018. Reappointed Christie Maly as Commissioner with a term to expire in September 2018. Reappointed Ravit Sharma as Commissioner with a term to expire in September 2018. Moved Alternate No. 4 Isaac Chang into a voting Commission seat with a term to expire in September 2018. New appointments: Newly appointed Aavani Sree as Commissioner with a term to expire in September 2018.

Newly appointed Carl Cerezo as Commissioner with a term to expire in September 2018.
Newly appointed Andrew Dinh as Commissioner with a term to expire in September 2018.
Newly appointed Saniya Shrotiya as Commissioner with a term to expire in September 2018.
Newly appointed Aruna Doreswamy as Commissioner with a term to expire in September 2018.

Newly appointed Saili Karkare to serve as Alternate No. 1, Yugam Satija as Alternate No. 2, Fengyi Huang to serve as Alternate No. 3 and Meghana Ambalathingal as Alternate No. 4 all to terms that will expire in September 2018.

PUBLIC HEARINGS

18. LLMD No. 95-1, McCarthy Ranch

City Engineer Steve Erickson introduced the annual item for consideration to take actions necessary for maintenance and financing the Landscape and Lighting Maintenance District No. 95-1 at McCarthy Ranch. $341,836 was the amount to be assessed in FY 2018-19.

Mayor Tran opened the public hearing. Resident Voltaire Montemayor spoke to the Council and urged them to keep the site nice.

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

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

(2) Motion: to adopt Resolution No. 8784 confirming the assessment and ordering the levy for the Landscaping Maintenance Assessment District No. 95-1 McCarthy Ranch for Fiscal Year 2018-19

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

19. LLMD No. 98-1, Sinclair Horizon

Next, Mr. Erickson introduced the annual item for consideration to take actions necessary for maintenance and financing the Landscape and Lighting Maintenance District No. 98-1 at Sinclair Horizon. $42,010 was the amount to be assessed in FY 2018-19.

Mayor Tran opened the public hearing. Resident Voltaire Montemayor spoke to the Council and urged them to keep the site maintained since he walked by there nearly every day.

(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. 8785 confirming the assessment and ordering the levy for the Landscaping Maintenance Assessment District No. 98-1 Sinclair Horizon for Fiscal Year 2018-19

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

20. Summary Vacation

Next, Mr. Erickson described this project area at Centre Pointe Drive within the Transit Area Specific Plan area, with two mixed use buildings. The tract map was approved in 2016. A

portion of Centre Pointe Drive's street easement and a Public Service Utility Easement needed to be vacated, as part of the Conditions of Improvement for the development project.

Mayor Tran opened the public hearing, and resident Voltaire Montemayor spoke at the podium.

(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

Councilmember Barbadillo asked some questions about the existing easements and the plan for the easements being vacated and process to do this. The City Engineer clarified that for him.

(2) Motion: to adopt Resolution No. 8786 for the summary vacation of an existing street easement and public service and utility easement, and reserve a 6′ public service utility easement at 1646 Centre Pointe Drive; and, to direct the City Clerk to have recorded a certified copy of the adopted Resolution, including Exhibits A, B, C and D, attested by the City Clerk under seal, with the County of Santa Clara Recorder

Motion/Second: Councilmember Phan/Vice Mayor Grilli

Motion carried by a vote of: AYES: 4
NOES: 0
ABSTAIN: 1 (Tran)

21. Summary Vacation

Next, Mr. Erickson described this project area at 1 Hanson Court, where a vacation of a water main pipe under the street was necessary for a development project being constructed at this site.

Mayor Tran opened the public hearing.

The project owner (Burton) of the 1 Hanson Ct. development explained that the creek would be widened at this site where the easement was planned to be vacated. The developer had moved the water main line to an advantageous location for the development.

Voltaire Montemayor, resident, agreed the City should alter plans if it was to the good of the developer and the city.

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

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

(2) Motion: to adopt Resolution No. 8787 for the summary vacation of an existing water line easement at 1 Hanson Court; and, to direct the City Clerk to have recorded a certified copy of the adopted Resolution, including Exhibits A & B, attested by the City Clerk under seal, with the County of Santa Clara Recorder

Councilmember Phan asked how much cost was involved to move the water main and the developer responded, $750,000.

Motion/Second: Councilmember Phan/Vice Mayor Grilli

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

22. Landmark Towers at 600 Barber Lane

Planning Director Brad Misner explained the request for an extension of time for the Landmark Towers mixed-use development project at 600 Barber Lane. The project developer had requested more time for the site development permit, tentative map and conditional use permit. He reviewed the list of benefits offered to the city by the project, including a new fire truck and training for it.

Mayor Tran opened the public hearing.

Cheryl Jordan, MUSD Superintendent, was appreciative of the $400,000 to be donated to the school district from this project. She described what was going on in Mountain View with future developments to benefit schools. She urged the City Council to consider that in the future, asking for enough contributions to cover true costs for the real number of anticipated new students.

Voltaire Montemayor, resident, said to extend the time for development.

(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

Vice Mayor Grilli had come before City Council in the past when she was School Board president. She had asked at that time about having a school on that side of I-880, and had opposed the Landmark Towers when it came to the Council. It was too hard to move students and needed a school over on that side of the City.

Councilmember Nuñez reviewed the list of benefits from the project. He talked about his own past history of this project, and what was worked out between the developer, City and the Milpitas Unified School District. He emphasized the additional 2% contribution on top of the original 5% to go towards affordable housing, a priority of this City Council. He was supportive of this request.

Councilmember Phan asked Mr. Bob Rittner (developer) to come to the podium to answer questions about the project. Mr. Phan asked him when the entitlements were set to expire and developer said March 5, and staff was able to extend that until the Planning Commission and City Council heard this request for extension. Mr. Phan said he wanted to wait before he could vote on this extension.

City Attorney Chris Diaz remarked to the Council on the purpose of this hearing and the vote requested of the City Council. Councilmember Nuñez asked the City Attorney for clarification.

Councilmembers Phan and Nuñez made further comments, and asked for clarification from the Planning Director. The City Manager asked Mr. Misner to explain the affordable housing component of this project and how it helped further the goals of the City.

Councilmember Nuñez said he felt that he and his colleagues would do whatever they could to get funds for affordable housing as projects came to the Council.

(2) Motion: to adopt Resolution No. 8778 approving the Time Extension Permit No. TE18-0002 for a Tentative Map (P-MT15-0003), Site Development Amendment Permit (P-SA15-0001), and Conditional Use Permit (P-UP15-0007) for the construction of a 250′ 4″ tall, 23-story (previously approved at 279′ 6″ tall/22-story) mixed use building on an approximately 3-acre parcel located at 600 Barber Lane known as Landmark Towers

Mr. Diaz stated the modification to No. 13 on the Conditions of Approval (list benefits to the community from the developer) attached to the Resolution.

Motion/Second: Councilmember Phan/Councilmember Nuñez

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

REPORT

23. Mayor – Traffic Calming

Item was removed from the agenda to be heard at a future date.

ORDINANCE

24. Introduce Ordinance No. 41.12 regarding Planning Commission compensation amount

Planning Director Brad Misner repeated what he had reported in the past to the Council on the request to update the compensation to Planning Commissioners by asking the City Council to introduce and adopt an ordinance to amend the municipal code, following a vote by the prior City Council for an increase in the stipend paid (currently $25 per meeting).

Mayor Tran invited public comment and resident Voltaire Montemayor felt the Commissioners did need to have more out of pocket money so $100 was okay.

All Councilmembers commented on Planning Commissioners' rate of pay.

City Manager Edmonds-Mares responded to Mr. Nuñez that staff could study other similar sized cities and come back after comparing the workload of the Planning Commission. Further comment and discussion was held.

Councilmember Nuñez wanted give it to the City Manager, who could come back on June 19 with the information offered, and Councilmember Phan seconded that. Mr. Nuñez wanted to hear about comparison to cities within Santa Clara County

Motion: to direct the City Manager to gather further information from neighboring cities in Santa Clara County on the amount of compensation and workload of Planning Commissioners in those cities and return on June 19 with that information

Motion/Second: Councilmember Nuñez/Councilmember Phan

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

RESOLUTIONS

25. HOUSING AUTHORITY – Four Resolutions to adopt FY 2018-19 Budget & CIP

Finance Director Will Fuentes summarized the request to the Council/Housing Authority to adopt the next year's City budget and Capital Improvement Program, and take related necessary actions.

He identified the changes made since the May 10 budget meeting included:
- add the After the Bell Program at the new Mabel Mattos Elementary School (cost neutral)
- add reclassification of Chief Building Official to Building and Housing Director ($53,000 in added cost offset by reductions elsewhere in that department's budget).

Mayor Tran spoke favorably and supported all the staff's effort at preparing this balanced budget for the next year.

Vice Mayor Grilli thanked Mr. Fuentes for taking on this project preparing the budget in a totally different way, with full community involvement and inclusion.

Councilmember Phan asked about the reserves policy and what was asked of the Council to approve when amending those. Staff displayed detail information from the City Manager's Letter of Transmittal in the budget document. He asked detail about replacement of artificial turf.

Regarding out of state travel, Mr. Phan asked if staff could have a policy back to Council so that it did not have to go to City Council each year, to streamline this process and the City Manager replied yes.

Councilmember Nuñez agreed that inclusion of the community and staff was well worth all the time spent. He asked some process questions on next item and amounts in the budget.

Mr. Nuñez asked the Recreation Director if families were charged a fee for the After the Bell program. Ms. Lorentzen said yes, and there were some grant funds available through the Recreation Assistant Program (RAP) from donations and some city funds.

(1) Motion: to adopt four resolutions:

1) Resolution No. 8789 approving the Fiscal Year 2018-19 Gann Appropriations Limit of $101,169,019
2) Joint City Council Resolution No. 8790 and Housing Authority Resolution No. HA23 approving the Fiscal Year 2018-19 Operating Budget total of $191,109,583 (General Fund total of $101,232,007) and the 2018-2023 Capital Improvement Program of $315,007,017 for the City of Milpitas and the Milpitas Housing Authority
3) Resolution No. 8791 amending the Classification Plan for Budgetary Reclassifications and Position Authorizations, with total of 389.5 full time equivalent (FTE) employees
4) Resolution No. 8792 amending the City's Fiscal Policies as they Relate to Reserves ($7,750,000 in additional reserves in FY 2018-19)

Motion/Second: Councilmember Phan/Councilmember Nuñez

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

(2) Motion: to approve requests for staff and elected officials to travel out of state in FY 2018-19, totaling $40,918 in costs

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

26. Three Resolutions Regarding Classification Plan

Acting Human Resources Director Liz Brown explained the staff request for Council to adopt three resolutions and what these were for, providing some history on employee compensation.

Mayor Tran commented positively about city employees and wanted to fairly compensate them.

Councilmember Nuñez asked Ms. Brown many questions regarding details provided on overhead slides, particularly on the unrepresented employee's benefits list. Mr. Nuñez asked if any employees would be paid off one salary schedule following Council action. The City Manager replied, following the adjustments, yes.

Motion: to adopt resolutions amending the City of Milpitas Classification Plan:

1) Resolution No. 8793 to adjust salaries for under market positions on the City-wide Classification and Compensation Study.
2) Resolution No. 8794 to establish new classifications for the FY 2018-19 budget.
3) Resolution No. 8795 adjust salary ranges of unrepresented management employees and authorize fringe benefits.

Motion/Second: Councilmember Nuñez/Councilmember Phan

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

REPORTS FROM MAYOR & COUNCIL

Councilmember Nuñez had finished work on the Ad Hoc South Flow Arrivals Committee to which he'd been appointed. The group had completed its task: recommended no more flights come over Milpitas that were going in to San Jose Airport. The recommendation would next move to the Cities Association of Santa Clara County, where there would be action the following week. So he urged good luck to Mayor Tran there.

Mayor Tran asked staff to contact Fremont on the noise issue, also, even though that city was in another county.

The Mayor thanked all staff for all their hard work on the budget and other matters.

ADJOURNMENT

Mayor Tran adjourned the joint meeting at 11:09 PM.

The foregoing minutes were approved by Milpitas City Council on June 19, 2018.

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Mary Lavelle
Milpitas City Clerk