

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, April 5, 2016
Time: 6:00 PM Closed Session / 7:00 PM Open Session
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER Mayor Esteves called the meeting to order at 6:00 PM. City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo and Grilli

ABSENT: Councilmember Giordano was absent at roll call. She arrived in Closed Session.

CLOSED SESSION City Council convened in Closed Session to discuss three litigation matters and one item regarding labor negotiations.

City Council then convened at the dais for the Open Session at 7:15 PM.

ANNOUNCEMENT No announcement out of Closed Session.

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

INVOCATION Councilmember Grilli introduced Rudy Medina, who read aloud the Farmworkers Struggle prayer from the 1960s. Mr. Medina is a nephew of Cesar Chavez.

MEETING MINUTES Motion: to approve the minutes of March 15, 2016 City Council meeting, as amended

City Clerk Mary Lavelle reported one edit on page 7, fourth paragraph from the bottom should read "Councilmember Grilli would not be in support of . . ." adding the word *not* which was missing from the draft meeting minutes.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

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

Motion/Second: Councilmember Grilli/Councilmember Giordano

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

PUBLIC FORUM Martin Skelson, Milpitas resident, talked about a sign post that recently went up, made of Douglas fir wood. For quality control, the post would eventually rot and another type of post should be used that was treated wood or made of redwood.

Shankar, who lived in the north part of Milpitas, spoke of N. Milpitas Blvd. which was in terrible condition with large holes in it. Dixon Landing Road was also a mess, with weeds. He complained further about much development and bad traffic.

Voltaire Montemayor, Milpitas resident, spoke on a variety of issues that he had heard about in the City of Milpitas. It was important to speak out.

Steve Siddell, Milpitas resident, complimented the Milpitas Police Department, which he viewed as the best in the bay area.

Michael Tsai, Milpitas resident, noted with population growth anticipated in the city, a need to continue to fund enough police officers and increase those to keep community safe.

Robert Marini, Milpitas resident, complained of being prohibited from using public equipment at the dais, after being determined that it was campaigning.

Robert Means, Milpitas resident, showed a video from Dr. James Hansen and discussed climate change and sea level rise anticipated as a result.

Tom Valore, Milpitas resident, talked about water and having safe reliable water. There was a petition going around town about reducing water rates, to go on the ballot. He sought information and facts to be shared with the public by City staff, about consequences of the fees if changed and not having enough funds, and not having neglect like Flint, MI.

ANNOUNCEMENTS

None.

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. Mayor Esteves said he joined a rose parade, but did not receive any contributions.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

CONSENT CALENDAR

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

City Manager Williams announced there was a Budget Change Form for approval allocating \$100,000 to the Planning budget for Item No. 9 (amendment to the agreement with M Group).

Vice Mayor Montano asked to move item no. 6 (park names) to come off consent and moved up on the agenda before the Public Hearing.

Councilmember Grilli asked to remove item no. 8 (swimming pool) and no. 10 (planning expense for General Plan) for discussion.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

*** 3. Odor Report**

Received the monthly update of the odor control report

*** 5. Re-appointments to two City Commissions**

Telecommunications Commission: re-appointed Albert Alcorn to a term that expires in January of 2017. Re-appointed Idrees Munir to a term that will expire in January of 2018.

Veterans Commission: re-appointed Dana Arbaugh to a term that will expire in February of 2019. Re-appointed Alternate No. 1 William Devereux to a term that will expire in February of 2019.

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| * 7. EMS Trust Funds for Tech Purchase for Fire Dept. | Accepted \$17,194.50 funds from the Santa Clara County EMS Trust Fund and approve a budget appropriation into the Fire Department's budget. to Purchase Patient Care Data Hardware |
| * 9. Amendment to Agreement with M Group | Approved the second amendment to the agreement with M Group for planning services in the amount of \$100,000, for a total agreement of \$290,000; and appropriated \$100,000 via approving a budget change form. |
| *11. Amendment to Contract with Level 3 Communications | Authorized the City Manager to amend the contract with Level 3 Communications, LLC - the City's current voice and internet service provider - to a new term of 36 months starting April 5, 2016. |

PUBLIC HEARINGS

1. Landmark Towers project

Planner Richard Patenaude addressed the City Council on the Landmark Towers development on Montague Expressway at the former Billings Chevrolet site, next to I-880. This project is a revision of a previously approved one highrise building at the site, approved by City Council in 2008.

Councilmember Giordano asked about the height and if a shadow study was done. Staff replied yes, a new report was done and no impacts were found. An acoustic study reported no impact to the environment would be found, with the project when completed (modern windows and other features). She asked about school impacts.

Councilmember Giordano asked the City Manager about possible re-alignment of school projection figures, and wanted to know about a change in those numbers. She wanted to know overall, in the City. Mr. Williams replied that the original project was reviewed by school district and more recently enrollment projections were reduced from past numbers reported. He could request a report from the District to the Council.

Councilmember Grilli had conversation with the Superintendent and MUSD School Board Vice President this afternoon, and those two persons reported to her that they would not support the project. She did not know the reason why.

Mayor Esteves pointed out that the school district was aware of this project since 2008, and no objections were heard about the newest version of the project.

Councilmember Barbadillo asked why there was a change to the project. Staff said this was from a new, different applicant and was not sure why new applicant did not continue the past owner's project design. He reviewed the addendum to the EIR, over 30 pages. Councilmember Barbadillo noted there were major differences from the past project to the current one, with large increase in number of units and up to 22 stories tall.

Councilmember Giordano asked if these were "luxury condos" and Planning Director Bill Ekern said that was left to the developer to define. She wanted to hear from the Economic Development Manager about the jobs/housing balance with this project.

Economic Development Edesa Bitbadal came forward to report that the Economic Development Commission had heard this project about one month ago, and it unanimously supported Landmark Towers. Commissioners wanted to see a "white tablecloth" restaurant included there. Retail space was adequate for this site and project.

Vice Mayor Montano said she was concerned about the overall height. Staff reported it was cleared by the FAA, and approved. She felt there was hardly any park space and asked about amenities. She talked about the need to balance retail space with various nearby centers, including McCarthy Ranch.

Planner Patenaude responded that the Fire Chief had reviewed and approved the project for fire safety, particularly the new equipment donated to help with rapid response to emergencies. Fire Chief Mihovich agreed that the new till truck would allow access.

Vice Mayor Montano urged electric car chargers to be included with these new buildings. Mr. Patenaude replied that the applicant could address that concern in plan details.

Next, Mayor Esteves invited the project applicant to give a presentation next.

Mr. Bob Rittner from Mission Viejo, CA who was present with his architect, said his firm bought the project about one year ago. Changes were made from the original design, from one building to two and a different layout. His firm sought to make it sleek and contemporary to be more marketable, ultimately. He sought to have the retail component accessible from parking and street. The square footage was essentially same overall. Vehicle impact would be significantly less than the previous. Recreational amenities of the project for residents were described. A new fire truck and a \$400,000 contribution toward community benefit would be included – the donation for best needed use.

Matt McClaren, architect for the project, sought to create a great urban space for people at the Barber Lane site. He displayed an action video of the anticipated project and how it may be built and unveiled to the community.

Mayor Esteves asked about signs that would be viewed at this project site, next to I-880. The Developer said the intent was to have the name of project on the building viewable from freeway. The Mayor asked some details on the automated parking feature and how it would be handled if there was any breakdown of that system.

Councilmember Montano asked about public art and the amount of money that would be spent on it at the site.

Mayor Esteves next opened the public hearing, inviting speakers from the audience.

Michael Tsai, Milpitas resident, recognized the applicants and really liked the design to improve Milpitas while concerned for traffic. He'd like there to be a pilot project to allow one or two residences to be for police officers, who could live there and help keep the facility safe. He spoke of his experience at UC Berkeley.

Rob Means, 1421 Yellowstone resident, said he was confused. He thought more housing was to be funneled to the Transit Area. Recently, Council had constricted housing at the Town Center, but now there would be more units at this project site with no affordable housing included. He thought housing/schools balance was more important than housing/jobs balance.

Kanesh Rama, Milpitas resident, was opposed to this project for several reasons and did not understand logic behind the project at all. Of the \$400,000 donation, that was not acceptable and should have at least \$2 million in public benefits. ABAG Housing says Milpitas needed 3,000 units by 2022.

Robert Marini, Milpitas resident, did not understand how this building was efficient with regard to carbon footprint. In a drought situation, and now adding 450 units, and would use so much more water and other resources.

Steve Siddell, Milpitas resident, complimented the developer for bringing this modern project to Milpitas, and the business development that would result. A highrise next to the freeway allowed people to purchase homes with short walk or drive to work, without going onto the freeways. He liked the modern appearance.

Voltaire Montemayor, Milpitas resident, noted there were positive and negative impacts. He said "wow" about this project and the design.

Richard Tran, Milpitas resident, said the development was fantastic and he supported it. It would bring lots of tax revenue, schools with kids from working families and maybe some who would go to private schools.

Jezell, from the Sandalwood neighborhood, felt Milpitas was concerned for residents. There would be an impact on hospitals and on the library too.

Tom Valore, Milpitas resident, said quality schools made a big difference in the quality of life and home values. He was disappointed that no one was available at the meeting from the school district to address any of their concerns.

Mayor Esteves invited applicant back to the podium for response to any comments. Bob – building would be built to LEED standard, in response to green building remark. Plumbing would be built to use recycled water for landscaping.

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

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

Councilmember Giordano this was most interesting project. Cisco was bringing in more improvements to their buildings nearby and other companies were expanding. Milpitas was still a great place for employees to buy a home and families to come. This project complimented what was going on in the City. She was in favor of the project.

Vice Mayor Montano was first concerned about the height, while the location swayed her to change her mind since it was on the other side of 880 (away from the central section of City). Residents could walk to jobs or shopping with light rail was nearby too.

Councilmember Grilli said it was a very attractive project, but the location troubled her. No school was over there and would be adding to the problem. She recalled concerns from the School Board in the past and she would not support it.

Councilmember Barbadillo was in support of the project and it would literally be a “landmark” for Milpitas to help the City stand out in the south bay. Investors were attracted to Milpitas and would be so when these towers were built.

Mayor Esteves responded to several issues raised, including the jobs/housing balance, donations by developer (fire truck and money), the best location, on landscaping he wanted jacaranda as the City tree to be included as an accent tree on site, fire safety, school district knowing about the project since 2008, and timeline from developer for building the project.

The developer reported they would move ahead soon getting all permits by early January, and work with the Building Official on the foundation for seismic safety. Then it would take at least two years to build.

Councilmember Giordano noted that in the City’s General Plan Housing Element, it said there was a lack of high end housing in this City (following Measure Z) while this new highrise could fill that gap.

(2) Motion: to adopt Resolution No. 8533 approving the Addendum to the Certified Final Environmental Impact Report, adopting the Environmental Findings, Adopting a Statement of Overriding Considerations and Adopting a Mitigation Monitoring and Reporting Program

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

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

(3) Motion: to adopt Resolution No. 8534 approving the Major Tentative Map, Conditional Use Permit, Site Development Permit and Environmental Assessment for a 22-story, mixed-use building including two 19-story residential towers over one to two levels of subterranean parking and three levels of parking and retail and office uses on a three-acre parcel

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

At 9:42 PM, Mayor Esteves said the Council would take a break and then reconvened at 9:58 PM.

2. Piper Drive Residential development project

Planner Richard Patenaude described a new project in the Transit Area Specific Plan area, in the Piper-Montague Subdistrict. The project would include townhomes and apartment units. It would be located directly next to the under-construction new BART station, with modern style architecture.

Councilmember Barbadillo left the dais at 10:04 PM. City Attorney Diaz noted that he did so since his law firm office was very close to the site, and was not necessarily in conflict, but he stepped out to be cautious.

Mayor Esteves asked staff for confirmation that there were no comments received about this project from the public and the planner confirmed that fact.

The Mayor asked about tandem parking and staff said that was offered for a number of the townhomes, but not for the tower structure.

Vice Mayor Montano talked about people parking additionally on the street in some of the newer developments in the City. Staff said conditions required parking in a specific manner to prevent that issue, and the required Home Owners Association was designed to enforce those parking design regulations.

Mayor Esteves invited the applicant to come to podium.

Paul Lopez, of KB Homes South Bay, was working closely with the Swenson Group (tower developer) and his firm was planning the townhomes portion. He was pleased to have this development coming before City Council, and accepted all the conditions of approval staff recommended.

Mayor Esteves asked about community benefits. Mr. Lopez pointed to the TASP fees to be paid, school impact fees, park fees, and he also offered an additional \$250,000 for city's benefit.

Councilmember Montano asked which would be the exit where there would be a lot of pedestrian traffic and inquired about the railroad tracks adjacent to project site.

Councilmembers provided more comments about parking and traffic in the area.

Mayor Esteves felt the design a bit dull in terms of colors as seen in the renderings, so he thought it could be made more detailed and more upscale.

Next, the Mayor opened the public hearing at 10:30 PM.

Voltaire Montemayor, Milpitas resident, said if he lived here he would enjoy walking any time of day. It was nice that it was near Great Mall and BART.

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

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

Vice Mayor Montano commented on this project's fit with the TASP and the city's goals for projects near BART.

Councilmember Grilli agreed with Vice Mayor that this was very nice looking and would fill in that area.

Mayor Esteves asked if the developer would include jacaranda trees as accent, since that was now the official City tree and the developers agreed.

(2) Motion: to adopt Resolution No. 8535 approving the Major Vesting Tentative Map, the Conditional Use Permit, and the Site Development Permit, for a 12-story tower containing 210 apartments, 2,937 square feet of commercial space, and 98 townhome units on a 5.72-acre parcel within the Piper-Montague Sub-District of the Transit Area Specific Plan; and add Condition No. 102 to make a \$250,000 contribution to the City (as offered by the developer)

Motion/Second: Councilmember Giordano/Vice Mayor Montano

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

UNFINISHED BUSINESS

4. Report on New & Improved City Website

Information Services Director Mike Luu unveiled the city-staff designed all new and improved website, which was planned to go the following Monday, April 11. It was particularly developed to be much more mobile-friendly and driven by Content Management System (CMS) to be more flexible. The new website design could be updated more simply and offer more features. Cost savings were potentially as much as \$150,000 or more by designing it in-house by city staff with an open-source product.

Councilmembers complimented Mr. Luu on how nice the new site looked and would be very helpful to the residents and the community.

Motion: receive report and direct staff to move forward with launching the new and modernized edition of the City of Milpitas website, as designed and implemented by City Information Services staff

Motion/Second: Councilmember Grilli/Vice Mayor Montano

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

REPORT OF OFFICERS

6. Naming Two Parks

Vice Mayor Montano reported from the Facilities Naming Subcommittee, comprised of herself and Councilmember Grilli, that the two parks were to be named for significant

persons, and she then asked for a family member of Mr. Itliong to come to the podium.

John Itliong, son of Larry Itliong, thanked the City Council for honoring his father and all he'd done as a civil rights leader during the farmworkers struggle in the states of Washington and California.

Mayor Esteves invited Mrs. Harriet McGuire to come forward to speak on the naming of a park for her husband. Mrs. McGuire said thank you to the City Council for honoring the first City's Parks & Recreation Director, since 1964.

Motion: per the recommendation of the City Council Facilities Naming Subcommittee, approve two new City of Milpitas Park names - Bob McGuire Park (at Amalfi) and Larry Itliong Park (at 450 Montague)

Motion/Second: Councilmember Grilli/Councilmember Giordano

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

NEW BUSINESS

8. Grant Permit for Swimming Pool 1506 August Court

Councilmember Grilli asked for clarification on the justification for an exemption when the state had not changed the mandatory water restrictions at this time.

Planning Director Bill Ekern explained that City Council was asked to treat this property the same as other large development projects, which did allow swimming pool to be planned and built, but not filled in with water until the state drought restriction by the Governor was lifted.

Motion: to approve Site Development Permit No. 15-0003 to allow the construction of an in-ground swimming pool and spa at 1506 Augusta Court, in the Hillside Zoning District, subject to the Conditions of Approval

Motion/Second: Councilmember Grilli/Councilmember Giordano

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

AGREEMENTS

10. Agreement with De Novo Planning Group for new General Plan

Councilmember Grilli said that with the upcoming General Plan update, she wanted an understanding of the process, stakeholders and plan for completing the document. She read that there would be an Advisory Group and wanted to know the role of schools in that. Planning Director Bill Ekern reported that his staff would work with the contractor and come back to City Council, with all the recommendations for specifics on the groups to be represented on such advisory group. That group of people would then look closely at land uses throughout the City, including schools.

Mayor Esteves expected a broad announcement of any and all public meetings on the General Plan. He wanted stakeholders to have multiple chances to comment on the future revised General Plan. Mr. Ekern responded that the DeNovo firm did understand how much outreach was necessary and was quite experienced with this process for cities.

Motion: to approve an agreement with De Novo Planning Group for the preparation of the General Plan Update, Environmental Impact Report and Economic Development Strategy, in an amount not to exceed \$1,200,000

Motion/Second: Councilmember Grilli/Councilmember Giordano

Motion carried by a vote of:

AYES: 5

NOES: 0

ADJOURNMENT

The City Council meeting was adjourned at 10:56 PM.

The foregoing minutes were approved by Milpitas City Council on April 19, 2016.

Mary Lavelle
Milpitas City Clerk