



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND MILPITAS HOUSING AUTHORITY

AGENDA

TUESDAY, FEBRUARY 20, 2018

455 EAST CALAVERAS BOULEVARD, MILPITAS, CA

6:00 P.M. (CLOSED SESSION)

7:00 P.M. (PUBLIC BUSINESS)

SUMMARY OF CONTENTS

- I. CALL JOINT MEETING TO ORDER by Mayor and ROLL CALL by City Clerk**
- II. ADJOURN TO CLOSED SESSION (6:00 PM)**
 - (a) PUBLIC EMPLOYMENT**
Pursuant to California Government Code Section 54957
Title of position to be filled: City Manager
 - (b) CONFERENCE WITH LABOR NEGOTIATOR**
Pursuant to California Government Code Section 54957.6
Agency designated representatives: Christopher Diaz, Councilmember Nuñez
Unrepresented Employee: City Manager
 - (c) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9(d)(1)
Tom Williams v. City of Milpitas, et al. - Santa Clara County Superior Court Case No. 17CV309235
 - (d) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9(d)(1)
First Amendment Coalition v. City of Milpitas – Santa Clara County Superior Court Case No. 17CV310994
 - (e) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9(d)(1)
Tom Williams v. City of Milpitas, et al. - American Arbitration Case No. 01-17-0003-5823
 - (f) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Pursuant to California Government Code Section 54956.9(d)4. City as Plaintiff
- III. CLOSED SESSION ANNOUNCEMENT:** Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present
- IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- V. INVOCATION (Councilmember Barbadillo)**
- VI. PRESENTATIONS – if any**

VII. PUBLIC FORUM

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

VIII. ANNOUNCEMENTS

IX. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

X. APPROVAL OF AGENDA

XI. CONSENT CALENDAR

Consent Calendar items are considered to be routine and will be considered for adoption by one motion of the City Council. The City Manager will indicate any matters not eligible for consent. City Councilmembers shall either (a) state the agenda items they want placed on the Consent list, or (b) declare that they do not have any items for consent. From the dais, Council will then vote to approve all items going onto Consent Calendar and move to approve the listed items in one motion.

Any items not placed on Consent Calendar will be discussed in the order in which they appear on the agenda.

1. **Accept Schedule of Meetings/City Council Calendar for February 2018**
2. **Approve City Council Meeting Minutes of January 31, February 3 and 6, 2018 (Staff Contact: Mary Lavelle, 408-586-3001)**

XII. PUBLIC HEARINGS

3. **Conduct a Public Hearing and Adopt a Resolution Directing the Annual Weed Abatement Program for 2018 (Staff Contact: Albert Zamora, 408-586-3371)**
4. **Conduct a Public Hearing and Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit and Major Vesting Tentative Map for the 551 Lundy Place Residential Project (Staff Contact: Lillian Hua, 408-586-3073)**

XIII. UNFINISHED BUSINESS

5. **Consider Appointing One Councilmember to Santa Clara Valley Transportation Authority's Policy Advisory Committee and Possibly One Alternate Member (Contact: Mayor Tran, 408-586-3029)**
6. **Approve and Authorize the City Manager to Execute a Master Encroachment Agreement with MCI Metro Access Transmission Services Corp. doing business as Verizon Access Transmission Services for Installation of Network Facilities Within Public Right-of-Way (Staff Contact: Steve Erickson, 408-586-3301)**
7. **MILPITAS HOUSING AUTHORITY
Consider Adopting a Housing Authority Resolution Authorizing the Executive Officer (City Manager) to Purchase the Property Located at 1101 South Main St. #112 (Staff Contact: Tim Wong, 408-586-3286)**

XIV. REPORTS OF OFFICERS

8. **Receive Report of City Council Subcommittee on Commissions and Consider Changes to Existing Commissions and Commissioner Appointment**

Recommendations (Contacts: Councilmembers Nuñez, 408-586-3023 and Phan, 408-586-3032)

- 9 Per Request of Vice Mayor Grilli, Consider the Formation of a Task Force on Housing Issues (Staff Contact: Vice Mayor Grilli, 408-586-3031)**
- 10. Per Request of Councilmember Nuñez, Consider Approving a Letter Opposing Senate Bill 827 Relating to Transit-Rich Housing Bonus (Contact: Councilmember Nuñez, 408-586-3023)**
- 11. Per Request of Councilmember Nuñez, Discuss Assembly Bill 1975, Sponsored by Assemblymember Chu, an Act Relating to Solid Waste to Combat Odor Problems (Staff Contact: Councilmember Nuñez, 408-586-3023)**

XV. NEW BUSINESS

- 12. Receive List of Organizations that Submitted Community Development Block Grant Applications for FY 2018-19 (Staff Contact: Tim Wong, 408-586-3286)**

XVI. RESOLUTIONS

- 13. Adopt a Resolution Affirming the Appointment of Julie Edmonds-Mares as Milpitas City Manager and Approve Employment Agreement (Staff Contacts: Tina Murphy, 408-586-3086 and Chris Diaz, 408-586-3041)**
- 14. Adopt a Resolution Establishing the Complete Streets Policy that Contains Elements of Complete Streets Laid Out by Metropolitan Transportation Commission One-Bay Area Grant Cycle 2 Guidelines (Staff Contact: Steve Erickson, 408-586-3301)**

XVII. AGREEMENTS

- 15. Award the Bid and Authorize the City Manager to Execute the Contract with Sierra Traffic Markings, Inc. to Provide On-Call Pavement Striping and Marking at Various City Locations, Initially Not to Exceed \$100,000 (Staff Contacts: Chris Schroeder, 408-586-3161 and Robert Hill, 408-586-2626)**
- 16. Approve Amendment No. 12 to the Master Agreement Between the Santa Clara Valley Transportation Authority and the City of Milpitas to Extend the Term of the Agreement to December 31, 2018, Relating to the Silicon Valley Rapid Transit Program Berryessa Extension (BART) Project (Staff Contact: Steve Erickson, 408-586-3301)**

XVIII. REPORTS OF MAYOR & COUNCILMEMBERS – from assigned Commissions, Committees and Agencies

XIX. ADJOURN JOINT MEETING

NEXT REGULAR CITY COUNCIL MEETING
TUESDAY, MARCH 6, 2018

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. All City Council agendas and related materials can be viewed online here: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Current vacancies on:

Arts Commission, Library Commission
Bicycle Pedestrian Advisory Commission
Community Advisory Commission
Economic Development Commission
Emergency Preparedness Commission
Parks, Recreation & Cultural Resources Commission
Recycling & Source Reduction Advisory Commission
Sister Cities Commission
Telecommunications Commission
Veterans Commission
Youth Advisory Commission

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122

对中国人来说，请用 408-586-3263

Para sa mga Tagalog, tawagan 408-586-3051

Para español, llame 408-586-3232

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.

AGENDA REPORTS

XI. CONSENT CALENDAR

1. Accept Schedules of Meetings/City Council Calendars for February and March 2018

Recommendation: Receive Council calendar of meetings for the months of February and March, and note any changes or additions needed.

Attachments: February 2018 and March 2018 calendars

2. Approve City Council Meeting Minutes of January 31, February 3 and 6, 2018 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: move to approve the minutes of the January 31, 2018 Special Meeting and the February 3 and 6, 2018 meetings.

Attachments: Draft meeting minutes:

- a) January 31, 2018
- b) February 3, 2018
- c) February 6, 2018

XII. PUBLIC HEARINGS

3. Conduct a Public Hearing and Adopt a Resolution Directing the Annual Weed Abatement Program for 2018 (Staff Contact: Albert Zamora, 408-586-3371)

Background: At its meeting of January 16, 2018, the City Council adopted Resolution No. 8742 declaring weeds on certain described properties to be a public nuisance, and set the public hearing for February 20, 2018 to hear objections. A copy of the resolution was forwarded to the Santa Clara County Agricultural Commissioner. A notice for the public hearing was published in the local newspaper and property owners were mailed a notice of the proposed abatement by the City of Milpitas and the County.

The purpose of the public hearing is for the owners who object to the removal of the weeds to state their objections before the weeds are removed and the costs made a lien upon the property. A list of properties to be abated is included in the City Council's agenda packet along with a resolution directing the County Agricultural Commissioner to abate the weeds.

Fiscal Impact: None

Recommendations:

- 1) Open the public hearing for public comments; and, move to close the hearing.
- 2) Adopt a resolution directing the County Agricultural Commissioner to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with the Milpitas Municipal Code, for the 2018 weed abatement program.

Attachment: Resolution + List of Properties to be abated

4. Conduct a Public Hearing and Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit and Major Vesting Tentative Map for the 551 Lundy Place Residential Project (Staff Contact: Lillian Hua, 408-586-3073)

Background: On January 24, 2018, the Planning Commission held a Public Hearing on the proposed development of a 3.65 gross acre property in the Transit Area Specific Plan

(TASP). The project area is located on the west side of Lundy Place in the Trade Zone/Montague Sub District. The project includes the construction of 89 townhome units and the construction of a 10 foot wide public trail along Penitencia Creek within a 20 foot dedicated easement. A Conditional Use Permit is requested for tandem parking spaces. The applicant is proposing a one-time payment of \$1,000,000 towards affordable housing to offset the parking deviations requested. The project also includes 0.33 acres of private open space and landscaping as amenities for the residents.

Per adopted Resolution 18-002, the Planning Commission voted 6-0 to recommend City Council approve the Major Vesting Tentative Map, Conditional Use Permit, and Site Development Permit for the requested development.

Environmental: The Planning Division conducted an initial environmental assessment (P-EA17-0003) of the project in accordance with the California Environmental Quality Act (CEQA). The assessment concluded that the Project would not result in new significant impacts beyond those identified in the TASP FEIR, would not substantially increase the severity of impacts identified in the TASP FEIR, and would not require major revisions to the TASP FEIR. The Addendum was approved by City Council on October 3, 2017, as part of the 1992 Tarob Court project (see document in council agenda packet). The Addendum fully addressed all potential impacts associated with this project, and no material changes have been made to the project that would alter the conclusions of the Addendum.

Additionally, the TASP EIR included a program of activities including construction of up to 7,109 residential units within the TASP area. The 89 residential units proposed as a part of the Site Development Permit for the 551 Lundy Place site fall within this scope of development activity, as the TASP area has not reached its full build out.

Pursuant to Sections 15162 and 15163 of the California Environmental Quality Act, the project is exempt from further environmental analysis. Project design features required of projects covered under the TASP EIR are included as Conditions of Approval. Based on the foregoing, the project will not have additional environmental impacts beyond those identified in the TASP EIR, no additional environmental review is required, and no new or additional mitigation measures are required.

Fiscal Impact: The project will have a net neutral fiscal impact on the City, as the applicant will pay all TASP fees and other assorted development fees to the City. The applicant is also electing to make a one-time payment of \$1,000,000 to the City to benefit affordable housing, in addition to the required Affordable Housing Impact In-Lieu Fee of 5% of the construction value of the development.

Recommendations:

1. Open the public hearing, take public comment, and move to close the public hearing following all speakers.
2. Adopt a Resolution approving the Major Vesting Tentative Map, Site Development Permit, and Conditional Use Permit for the 551 Lundy Place residential project.

Attachments:

- a) Draft Resolution + Conditions of Approval + CEQA Addendum (by LSA)
- b) Planning Commission Staff Report 01/24/2018
- c) Adopted Planning Commission Resolution 18-002
- d) Planning Commission Meeting Minutes 01/24/2018
- e) Project Plans

XIII. UNFINISHED BUSINESS

5. **Consider Appointing One Councilmember to Santa Clara Valley Transportation Authority's Policy Advisory Committee and Possibly One Alternate Member (Contact: Mayor Tran, 408-586-3029)**

Background: On December 21, 2017, Mayor Tran received a letter from Santa Clara VTA requesting that the City of Milpitas either re-affirm current member or appoint a new person to serve on its Policy Advisory Committee (PAC), for a term of two years. Last year, Councilmember Nuñez was appointed to serve as the City Council representative to the Santa Clara Valley Transportation Authority's Policy Advisory Committee, which meets occasionally. Presently, VTA requests that the City appoint (or re-affirm) its representative and an alternate member to the PAC. Councilmember Nuñez is no longer eligible to serve on the PAC, due to his current service on the VTA Board of Directors.

Recommendation: Consider appointing one Councilmember to serve as the City Council representative to the Santa Clara Valley Transportation Authority's Policy Advisory Committee, and possibly appoint another as alternate.

Attachments:

- a) 2018 PAC Appointment Request
- b) VTA PAC Appointment Guidelines

6. **Approve and Authorize the City Manager to Execute a Master Encroachment Agreement with MCI Metro Access Transmission Services Corp. doing business as Verizon Access Transmission Services for Installation of Network Facilities Within Public Right-of-Way (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The City of Milpitas owns, manages, and regulates the use of public streets, easements, and public rights-of-way that have been dedicated to the City. Private companies and public utilities such as Pacific Gas & Electric, telephone company, and Comcast, etc. have the authority under state law and California Public Utilities Commission (CPUC) decisions to install and maintain their facilities within public streets and rights-of-way subject to regulations imposed by the City.

MCI Metro Access Transmission Services Corp. doing business as Verizon Access Transmission Services is planning a fiber-optic upgrade project within the City of Milpitas and is requesting permission to install new fiber-optic lines/conduits within the City public right-of-way. The fiber-optic installation would include new installations and the replacement of existing copper wiring located on existing overhead utility poles and in underground conduits. The work would occur throughout the City, and the system upgrade will provide high-speed telecommunications services to existing Verizon Wireless cell towers and serve large and medium business enterprises. No new cell towers, antennas, or wireless facilities will be installed as part of this upgrade.

Staff recommends approval of a Master Encroachment Agreement to allow for the installation of facilities, and to outline the terms and conditions for the non-exclusive use of the public right-of-way. The Master Agreement provides the City with some control over what and how facilities are installed and maintained within the public right of way, and it requires MCI / Verizon to provide the City with updated maps annually with details of their facilities installed. The Master Agreement also specifies the City may order the removal or relocation of the fiber-optic facilities without cost to the City should the City determine there is a need. The Master Encroachment Agreement has been reviewed by the City Attorney as to form and by the Acting City Engineer as to content.

Fiscal Impact: MCI/Verizon Access will obtain individual City Encroachment Permits for installation of fiber optic lines within City Streets and will pay fees to cover the costs

associated with City engineering review and construction inspection associated with the underground installation.

Recommendation: Approve and authorize the City Manager to execute a Master Encroachment Agreement with MCI Metro Access Transmission Services Corp. doing business as Verizon Access Transmission Services for installation of network facilities within public right-of-way.

Attachment: Encroachment Agreement

7. **MILPITAS HOUSING AUTHORITY**

Consider Adopting a Housing Authority Resolution Authorizing the Executive Officer (City Manager) to Purchase the Property Located at 1101 South Main St. #112 (Staff Contact: Tim Wong, 408-586-3286)

Background: The Housing Authority received notification from the property owners of 1101 S. Main Street #112 that they intend to sell their moderate-income affordable housing unit. The affordable sales price for the unit is approximately \$454,309. They purchased the unit for \$362,000 in March 2008.

Each owner-occupied affordable housing unit that is governed by resale restrictions is required to meet certain obligations when the unit is sold. When an affordable unit is sold, the Resale Restriction Agreement provides three outcomes for the sale.

Three potential outcomes - with a discussion regarding each - are:

1. **Purchase from a moderate income household.**

Generally, staff is able to find a moderate income household to purchase the unit. However, in this case, the homeowners association, Centria Homeowners Association, is involved in litigation with the developer, Western Pacific Housing, for construction defects. Because of the litigation, coupled with the required and recorded Resale Restrictions on the property, staff is not able to identify any banks that will extend a loan on the property because of risks.

Due to the housing crisis of 2008, lenders overall have been more risk adverse to lend and even more so on residences with litigation. When HOA files a lawsuit, there can be additional homeowner assessments. These potential assessments can be added to potential borrower's debt-to-income ratios, thus potentially making them a high risk borrower.

Staff has found lenders that will lend to units with ongoing litigation, but not units with resale restrictions. Coupled with the Housing Authority's resale restrictions on the unit, lenders have considered it too high risk. Therefore, the realtor has not been able to find any eligible buyers for the unit. There have been some all cash buyers interested, but they exceeded the City's moderate income household income levels, which is not consistent with the purpose and intent of the program.

2. **The Housing Authority exercises its Purchase Option.**

The Housing Authority may exercise its purchase option and purchase the unit at \$454,309.00 to preserve the affordability of the unit. However, there are potential risks involved in the preservation of the unit. Below is a summary of the advantages and disadvantages to the option if the Housing Authority were to purchase the unit.

OPTION	ADVANTAGE	DISADVANTAGE
1. Sell the moderate income unit to a low income household.	Preserves affordability of the unit	- Because of State requirements governing the City housing fund, the Housing Authority would need to sell the unit to a low income household, therefore the Housing Authority could not fully recoup its investment because the unit would need to be sold at a lower price to meet the affordability levels of a low income household. The price difference is approximately \$125,000. - Same situation as current situation in which qualified buyers may not be able to find a loan because of HOA litigation.
2. Housing Authority purchases the unit and rents it to a low income household	Preserves affordability of the unit	Property management of Housing Authority owned residential properties can be legally complex (i.e. relocation requirements may apply if the tenant is removed)
3. Housing Authority purchases the unit and leaves it vacant for the duration of the litigation. The trial date is set for March 26, 2018.	Preserves affordability of the unit	- Housing Authority would not generate any revenue from its investment in the unit while paying for HOA dues and utilities. - Uncertainty about the length of the legal proceedings.

If the Housing Authority wishes to exercise its Purchase Option, the Housing Authority will prepare a Notice to Exercise for the Milpitas Housing Authority to exercise its option to purchase the real property located at 1101 S. Main Street #112, Milpitas. The option has been granted by the Authority pursuant to the Resale Restriction and Option to Purchase Agreement between the Owner and the Authority.

3. The Housing Authority releases the Resale restriction, the seller sells the unit at market rate and the Housing Authority and seller split the appreciation per the Resale Restriction formula.

The Housing Authority has the ability to release the property for the resale restrictions and it enables the seller to sell the unit at market rate and split the appreciation per the Resale Restriction formula. Section 13 of the Resale Restriction Agreement states:

13. ***Obligation of Owner After Option Abandonment.*** *If the Authority records a notice of abandonment of the Option, then the Property may be sold by Owner to a third party without restriction as to price; however, upon such sale, Owner shall pay to Authority an amount ("Authority's Share") equal to eighty-five percent (85%) of the difference between (a) the actual sales price net of reasonable and customary real estate commissions paid (such commissions not to exceed six percent (6%) of the actual sales price), and (b) the Adjusted Resale Price. The Authority's Share shall be paid to the Authority concurrently with close of escrow on the sale of the Property, or upon receipt by Owner of the sale price for the Property, whichever shall first occur.*

For example, this unit sells for \$685,650 on the open market. After assuming a 5% real estate commission and subtracting the 5% commission, the net sales price is \$653,000. Subtracting the Adjusted Resale Price of \$453,000, it leaves a difference of \$200,000. Therefore the Housing Authority would get \$170,000 and the seller would receive \$30,000. So, using this example, the seller would gain an additional \$30,000 over the below market price of \$453,000.

Based on the three options, in order to preserve the affordability of the unit, staff recommends that the Housing Authority consider these options and direct staff accordingly.

Fiscal Impact: Sufficient funds are available in the Housing Authority Fund if the Authority Board chooses to exercise its purchase option on the unit. There is approximately \$8 million in the Housing Authority Fund.

Recommendations:

1. Consider adopting a resolution authorizing the Executive Officer of the Housing Authority to exercise the purchase option to purchase the unit located at 1101 S. Main St. #112, Milpitas, CA for \$454,309.
2. Approve a budget appropriation of \$454,309 from the Housing Authority Fund to purchase the unit.

Attachments:

- a) Housing Authority Resolution
- b) Budget Change Form

XIV. REPORTS OF OFFICERS

8. Receive Report of City Council Subcommittee on Commissions and Consider Changes to Existing Commissions and Commissioner Appointment Recommendations (Contacts: Councilmembers Nuñez, 408-586-3023 and Phan, 408-586-3032)

Background: The City Council Subcommittee on Commissions was formed on December 19, 2017 to review and recommend applicants to serve as new Commissioners for final approval by the Mayor and Council; and also to recommend any changes to the existing roster of City Commissions.

On Friday, February 16, 2018, the Subcommittee was scheduled to meet in order to review and recommend changes to existing City Commissions, the re-appointment of current Commissioners whose terms had expired in 2017 and 2018, the appointment of new Commissioners, and appointment of City Council liaison assignments to outside agencies.

The subcommittee recommends the following:

City Council liaison to Chamber of Commerce – Vice Mayor Marsha Grilli

Telecommunications Commission

Move current Commissioner Albert Alcorn into a vacant seat with a term to expire in January 2020.

Move current Alternate No. 1 Anh Bao into a seat with a term to expire in January 2019. Newly appoint Jamie Hallera to serve as Alternate No. 1 with a term to expire in January 2019.

Newly appoint Ratan Choudhury to serve as Alternate No. 2 with a term to expire in January 2020.

Copies of all applications on file for the Telecommunications Commission are included in the agenda packet.

Recommendations:

- 1) Receive a report of the City Council Subcommittee on Commissions and consider changes to existing City Commissions.
- 2) Approve recommendations by the Subcommittee for final appointment by the Mayor for the Telecommunications Commission, and Council liaison to the Chamber of Commerce.

Attachments:

- a) Memo from Subcommittee attachments
- b) Copies of Telecommunications Commission

9. Per Request of Vice Mayor Grilli, Consider the Formation of a Task Force on Housing Issues (Staff Contact: Vice Mayor Grilli, 408-586-3031)

In response to the situation in the Sunnyhills neighborhood last year, the County of Santa Clara recommended that the City of Milpitas consider the potential adoption of a Just Cause Eviction Ordinance and Rent Subsidy Discrimination Ordinance similar to the County's current ordinances. A Just Cause Eviction Ordinance would specify the types of factual circumstances that would allow for a property owner to evict a current tenant. A Rent Subsidy Discrimination Ordinance would have the effect of requiring property owners to not discriminate against a potential tenant based on income, including any potential Section 8 income.

In seeking ways to ensure long term housing options, it is important to strengthen the relationship between tenants and property owners. A Task Force comprised of tenants and property owners would allow for these groups to review and analyze all of the potential resources, including different types of legal ordinances. The hope is that the Task Force can find solutions to the housing crisis that will protect tenants and also preserve the rights of property owners. In discussions with property owners and tenants, it became clear that the City needs a communication tool to better understand the issues in Milpitas. Rather than create an adversarial approach, the Task Force could serve to bring both tenants and property owner together to explore a positive long term solution for the City.

One of the main goals of the Task Force should be to understand the leasing process and how leases can serve to address these various issues. An example of the types of questions that can be explored by the Task Force include:

- What circumstances would prompt a property owner to end a lease before its completion? How can Tenants gain a better understanding of what the lease agreements means?
- What changes can be made to a lease by either party?
- What happens upon the completion of a lease?

The Task Force should be comprised of housing industry representatives, property owner/managers, and potentially multiple residents/tenants in a current rental lease arrangement, with the selection of the Task Force members to occur at the staff level versus the Council level. Further, based on the importance of housing issues in the current economic climate, the Task Force would be requested to return with a report in August of 2018.

Fiscal Impact: Staff time to form and serve the Task Force.

Recommendation: Consider the formation of a City of Milpitas Task Force on housing issues.

Attachment: None

10. Per Request of Councilmember Nuñez, Consider Approving a Letter Opposing Senate Bill 827 Relating to Transit-Rich Housing Bonus (Contact: Councilmember Nuñez, 408-586-3023)

Background: On January 3, 2018, Senator Scott Wiener, representing San Francisco in State Senate District 11, introduced Senate Bill No. 827 relating to land use authorizing a transit-rich housing project to receive a transit-rich housing bonus. Transit-rich housing project is defined as a residential development project the parcels of which are well within a ½ mile radius of a major transit stop or a ¼ mile radius of a high-quality transit corridor. On January 16, 2018, this bill was referred to the Committees of Transportation & Housing and Governance & Finance in the state legislature.

This bill would exempt certain housing projects from locally developed and adopted building height limitation, densities, parking requirements, and design review standards. Specifically, SB 827 would undermine locally adopted General Plans, Housing Elements (which are certified by the Department of Housing and Community Development), and Sustainable Community Strategies (SCS). SB 827 allows private for-profit housing developers to determine housing densities, parking requirements, and design review standards within one-half mile of a “major transit stop,” or along a “high-quality transit corridor” which could be miles away from an actual bus stop. Additionally, housing developments within these areas can range in height between 45 feet and 85 feet depending on the desire of the developer. This bill threatens the character of communities that cities work so hard to encourage while promising zero affordable housing.

According to the League of California Cities, “SB 827 is an attack on community based planning and public engagement because developers will get to determine building height limitations, densities, parking requirements, and design review standards. SB 827 calls to question why cities should create General Plans and Housing Elements if these documents can be dismissed. While we can all agree that it makes sense to build housing near transit, it should not be to the detriment of thoughtful communities.”

According to the League of California Cities, “It is important to note that under existing law, cities are already required to zone for densities at levels necessary to meet their entire Regional Housing Needs Allocation (RHNA). The League of California Cities is requesting its member cities to send in a letter of opposition to the City’s District Senator.”

Fiscal Impact: Unknown.

Recommendation: Per request of the League of California Cities through Councilmember Nuñez, approve the draft letter opposing Senate Bill 827, transit-rich housing bonus legislation introduced by Senator Wiener.

Attachments:

- a) Senate Bill 827
- b) Draft letter from City of Milpitas

11. Per Request of Councilmember Nuñez, Discuss Assembly Bill 1975, Sponsored by Assemblymember Chu, an Act Relating to Solid Waste to Combat Odor Problems (Staff Contact: Councilmember Nuñez, 408-586-3023)

Background: On January 31, 2018, Assemblymember Kansen Chu representing District 25 introduced Assembly Bill No. 1975, relating to solid waste, to combat odor problems. The bill would require the state’s Department of Resources Recycling and Recovery, no later than July 1, 2019, to establish the South Bay Interagency Odor Taskforce, with a specified membership, to identify the sources of odor emissions and nuisance complaints based on odor

emissions received by the Bay Area Air Quality Management District and the City of Milpitas, the City of Fremont, the City of Santa Clara and the City of San Jose.

The bill would require the taskforce, no later than January 1, 2020, to take specified actions, including among others, developing and implementing a protocol for joint inspections by the air district and the enforcement agency represented on the taskforce. By adding to the duties of local agencies, this bill would impose a state-mandated local program. If approved, AB1975 will officially mandate regulatory agencies and area polluters to identify odorous sources and drive improvement measures.

Fiscal Impact: Unknown.

Recommendation: Direct staff to monitor Assembly Bill 1975 and report back to Council.

Attachment: Assembly Bill 1975

XV. NEW BUSINESS

12. **Receive List of Organizations that Submitted Community Development Block Grant Applications for FY 2018-19 (Staff Contact: Tim Wong, 408-586-3286)**

Background: The U.S. Department of Housing and Urban Development (HUD) provides annual grants through the Community Development Block Grant (CDBG) Program to local state and entitlement cities to assist in providing decent housing, a suitable living environment and expand economic opportunities for low to moderate-income persons.

Typically, in a funding year, entitlement cities such as Milpitas will receive their allocation amount from HUD by April, enabling the City Council to vote on final approval of the funding recommendations made by the Community Advisory Commission (CAC) at its March 7 meeting. Due to the uncertainty in the budget and potential shutdown of the federal government, it is unclear when the City may receive its allocation this year. For reference, the City received \$449,688 last fiscal year. The CAC will hold its public hearing on March 7, 2018 to review all applications received and provide funding recommendations to the City Council. At last year's Council meeting, Councilmembers had requested that staff present a list of submitted applications for Fiscal Year 2018-19 prior to the CAC meeting.

Pursuant to CDBG federal requirements, the total CDBG funding can set aside up to 15% for public service, 65% for capital projects and the 20% towards program administration. Therefore, organizations apply for either Public Service funds or Capital funds.

Here is a table listing all the CDBG Public Service and Capital applications received for FY 2018-19 and their funding requests:

PUBLIC SERVICES	1	Next Door Solutions to Domestic Violence	Crisis & Support Services for Victims of Domestic Violence	\$10,000
	2	Child Advocates of Silicon Valley	Child Advocates of Silicon Valley	\$10,000
	3	The Health Trust	Meals on Wheels	\$20,000
	4	Senior Adults Legal Assistance	Legal Assistance to Elders	\$7,000
	5	Silicon Valley Independent Living Center	Housing Services for Persons with Disabilities	\$7,800
	6	YWCA Silicon Valley	Domestic Violence Support Services	\$10,000
	7	India Community Center	Health & Fitness Program for Seniors	\$9,500
	8	Project Sentinel	Project Sentinel Fair Housing	\$27,293
	9	Milpitas Food Pantry	Milpitas Food Pantry	\$25,000

CAPITAL	10	Catholic Charities of Santa Clara County	Long Term Care Ombudsman Program	\$10,000
		TOTAL REQUEST		\$136,593
	11	Terrace Gardens	Walkway Bollards & Pole Fixture Project	\$14,000
	12	Terrace Gardens	Water Heater Replacement Project	\$5,500
	13	Rebuilding Together, Silicon Valley	Rebuilding Safety Home Repairs and Accessibility Modifications	\$120,000
	14	Bridge Housing	91 Montague	\$300,000
		TOTAL REQUEST		\$439,500

Last year, the City Council approved funding priorities for the CDBG funding on January 17, 2017. The priorities are:

Public Services Priorities:

1. Senior Services
2. Youth/Teen Services
3. Homeless Sheltering/Services
4. Child Care
5. Domestic Violence Prevention and Supportive Services

Capital Priorities:

1. Home repair/rehabilitation
2. Affordable housing
3. Rental apartment rehabilitation
4. Historic preservation

The CAC will refer to these adopted priorities when the Commission makes its funding recommendations to Council for FY 2018-19.

The submittal period for applications was from December 22, 2017 - February 2, 2018. The City advertised in the local newspaper and on the City website. E-mail notices were sent to past and current applicants notifying them about the submittal period by which to submit CDBG funding applications.

Fiscal Impact: None

Recommendation: Receive the list of community non-profit organizations that submitted applications to City of Milpitas for Community Development Block Grant funding in the FY 2018-19 grant cycle.

Attachment: None

XVI. RESOLUTIONS

13. **Adopt a Resolution Appointing Julie Edmonds-Mares as Milpitas City Manager and Approving Employment Agreement (Staff Contacts: Tina Murphy, 408-586-3086 and Christopher Diaz, 408-586-3041)**

Background: The City of Milpitas Human Resources Department conducted a nation-wide recruitment search to fill the vacancy of City Manager. The City received applications from 44 interested applicants and the Human Resources Director conducted phone screen interviews with the 12 qualified individuals. The City Council then interviewed the most qualified candidates on January 11, 2018 during a special Closed Session meeting. During the Closed Session meeting of January 16, 2018, City Council unanimously agreed to begin

contract negotiations with Julie Edmonds-Mares. Julie Edmonds-Mares comes to the City of Milpitas with extensive experience in city management with Edmonds-Mares currently serving as Deputy City Manager for the City of San Jose and previously served in management roles for the City of Tucson. In total, Edmonds-Mares is bringing to the City of Milpitas over 20 years of public service experience. The City and Edmonds-Mares have concluded negotiations with such negotiations memorialized in the employment agreement.

Terms and conditions of the employment agreement include the following:

- **Salary** - An annual salary of \$298,000. This amount represents the average City Manager salary in the region with regard to agencies similar in size to the City of Milpitas.
- **Vacation** - A credit of 40 hours of accrued vacation time at the start of the contract, with further accruals to occur at a rate that acknowledges Edmonds-Mares' years of public service.
- **Vehicle Allowance** - A \$550 per month vehicle allowance.
- **Retirement** - The City will enroll Edmonds-Mares in CalPERS. The City will also create a deferred compensation plan and contribute to the plan within the limits set by state law, if applicable.
- **Termination** – Edmonds-Mares' employment will be at will and can be terminated at any time, except within six months after the November 2018 election. In the event of a no-cause termination, Edmonds-Mares will be entitled to 6 months of severance.
- **Performance Evaluation** – Both the City and Edmonds-Mares agree to conduct a performance evaluation every 12 months.
- **Ethical Commitment** – Edmonds-Mares is committed to the ethics embodied within ICMA's Code of Ethics and has made this part of her commitment to the City.

Fiscal Impact: None. The position is funded in the operating budget of the City Manager's Office.

Recommendation: Adopt a resolution appointing Julie Edmonds-Mares as City Manager for the City of Milpitas and approving an employment agreement with her.

Attachment:

Resolution + Employment Agreement (Exhibit A to resolution) + Job Description (Exhibit A to agreement) + ICMA Code of Ethics (Exhibit B to agreement)

14. Adopt a Resolution Establishing the Complete Streets Policy that Contains Elements of Complete Streets Laid Out by Metropolitan Transportation Commission One-Bay Area Grant Cycle 2 Guidelines (Staff Contact: Steve Erickson, 408-586-3301)

Background: On November 8, 2016, the voters of Santa Clara County approved Measure B, a 30-year, ½ cent sales tax measure supporting County wide transportation projects and related services. In order to be eligible to receive 2016 Measure B funding, City's must adopt the "Complete Streets Policy" resolution specifying elements for Complete Streets as designated by the Metropolitan Transportation Commission (MTC) for One-Bay Area Grant (OBAG) Cycle 2 guidelines.

The term "Complete Streets" describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users; including pedestrians; bicyclists; and persons with disabilities; motorists; movers of commercial goods; users and operators of public transportation; seniors; children; youth; and families.

The Complete Streets principles serve all categories of users, and include the implementation of infrastructure into City streets to improve safety and convenience for all. The policy would also include the evaluation of how well streets and the transportation network are serving each category of user, and exception justifications are made publically available for review.

The City's General Plan includes circulation elements for transportation and pedestrians which are consistent with MTC's "Complete Streets" elements. However, it is desired the City adopt a policy that more explicitly states the policy which is desired by the regional transportation agency, the Metropolitan Transportation Commission.

Staff recommends the City Council adopt a resolution adopting the Complete Streets Policy to be eligible for future Santa Clara County 2016 Measure B transportation funding.

California Environmental Quality Act: The project is categorically exempt under Section 15301 of the California Environmental Quality Act guidelines for maintenance of existing facilities.

Fiscal Impact: Adopting the resolution adopting the Complete Streets Policy for the City of Milpitas would allow the City to be eligible for Measure B funding affecting streets and transportation improvements within the City.

Recommendation: Adopt a resolution establishing a Complete Streets Policy that contains elements of complete streets laid out by the Metropolitan Transportation Commission (MTC) for the One Bay Area Grant (OBAG) Cycle 2 guidelines.

Attachment: Resolution

XVII. AGREEMENTS

- 15. Award the Bid and Authorize the City Manager to Execute the Contract with Sierra Traffic Markings, Inc. to Provide On-Call Pavement Striping and Marking at Various City Locations, Initially Not to Exceed \$100,000 (Staff Contacts: Chris Schroeder, 408-586-3161 and Robert Hill, 408-586-2626)**

Background: On December 18, 2017, the City of Milpitas released the Invitation to Bid (IFB) No. 2216 "On-Call Pavement Striping and Marking." IFB 2216 was issued due to the current contract reaching its five-year maximum and thus requiring a rebid for services. A total of 65 companies received notification through Public Purchase, the City's eProcurement website. Two qualified bids were received to provide the specified services by the closing date of January 30, 2018. Sierra Traffic Markings, Inc. (STM) was selected as the lowest cost, responsive and responsible bidder.

STM will provide on-call pavement striping and marking at various City of Milpitas locations beginning on March 20, 2018 when the current contract expires. The City's agreement with STM is for one year, with four option years held solely by the City.

Fiscal Impact: Up to \$100,000 for the one-year agreement. Funding for the services is available in the Public Works operating budget for FY 2017-18.

Recommendations:

1. Award the bid and authorize the City Manager to execute a contract with Sierra Traffic Markings, Inc. to provide to provide On-Call Pavement Striping and Marking.
2. Authorize the Purchasing Agent to extend the term of the contract annually, for each of the four option years, with annual price increases per the terms of the contract and without further City Council action, except for the appropriation of funds.

Attachment: Contract with Sierra Traffic Markings

16. **Approve Amendment No. 12 to the Master Agreement Between the Santa Clara Valley Transportation Authority and the City of Milpitas to Extend the Term of the Agreement to December 31, 2018, Relating to the Silicon Valley Rapid Transit Program Berryessa Extension (BART) Project (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The extension of the Bay Area Rapid Transit (BART) system into Santa Clara County is being implemented by Santa Clara Valley Transportation Authority's (VTA) Silicon Valley Rapid Transit (SVRT) program. The City and VTA executed a VTA-City Master Agreement in 2010 creating the cooperative framework between the VTA and City for the design and construction of the BART extension through Milpitas. This agreement allows for reimbursement to the City for engineering and inspection costs related to a variety of coordination efforts; including but not limited to design approval and inspection of City facilities; encroachment permit oversight; easement dedications; utility maintenance operations; resolution of construction issues; and consultant support.

There have been a total of 11 amendments to the Master Agreement to include additional work on BART related improvements, time extensions, administer the design and construction of the Montague Pedestrian Overcrossing (POC), and Union Pacific railroad crossing protection signal installation at Dixon Landing Road.

VTA and City staff negotiated a work plan to extend the term of the agreement to December 31, 2018, allowing City staff and consultants to continue to support the BART extension project. City staff and consultant resources expended on BART project activities will be reimbursed by VTA per the hourly rates approved as part of the Master Agreement.

California Environmental Quality Act: The BART extension project is covered under VTA's BART Silicon Valley Extension Project environmental documents.

Fiscal Impact: None. City staff and consultant resources expended on BART project will be reimbursed by VTA.

Recommendation: Approve Amendment No. 12 to the Master Agreement between the Santa Clara Valley Transportation Authority and the City of Milpitas to extend the term of the agreement to December 31, 2018, relating to the Silicon Valley Rapid Transit Program Berryessa Extension (BART) project.

Attachment: Amendment No. 12 to the Master Agreement

- XVIII. **REPORTS OF MAYOR & COUNCILMEMBERS – from the assigned Commissions, Committees and Agencies**
- XIX. **ADJOURN JOINT MEETING**

NEXT REGULAR CITY COUNCIL MEETING
TUESDAY, MARCH 6, 2018