

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, February 7, 2017
Time: 6:00 PM Closed Session / 7:00 PM Open
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Tran called the meeting to order at 6:00 PM. City Clerk Mary Lavelle called the roll.

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

ABSENT: Councilmember Barbadillo was absent at roll call and arrived for Closed Session. He departed the meeting prior to approval of the agenda and was absent for the remainder.

CLOSED SESSION

City Council convened in Closed Session to discuss three matters listed on the agenda.

City Council then convened in Open Session at 7:21 PM.

ANNOUNCEMENT

No announcement out of closed session.

PLEDGE

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

INVOCATION

Pastor Jethroe Moore offered a prayer to start the meeting.

SCHEDULE OF MEETINGS

Council reviewed the Council Calendar/Schedule of Meetings for February 2017.

City Manager Tom Williams noted that Thursday, February 9 at 1:00 PM was scheduled for the Council Subcommittee on cannabis.

Vice Mayor Grilli noted that the Treatment Plant Advisory Committee meeting for February 9 was canceled.

PRESENTATIONS

Mayor Tran presented the following:

He proclaimed February 2017 as Black History Month and the proclamation was accepted by Reverend Jeff Moore, President of the Silicon Valley NAACP.

Four Milpitas students in grades 6, 7 and 10 were commended as winners of the 2016 Science Fair Championship: Allen Cheung, Diptanshu Sikdar, Prathik Kakarlamudi and Aidtya Udgaonkar.

The Mayor recognized America "Pilli" Irineo as the Rose Elementary School Poet.

Councilmember Phan commended Ms. Christina Ly Truong, a Milpitas resident, for being chosen as Miss Vietnam California. She accepted the commendation from Mayor Tran and Mr. Phan.

PUBLIC FORUM

Chris Moylan, district director for Congressman Ro Khanna, said he would be a friend to Milpitas for any federal issues that the City or residents may have. He hoped to have a Town Hall soon in Milpitas. There were intern and staff positions open in the Congressman's office, and he was particularly eager to seek a staff member who spoke Vietnamese.

Robert Marini, resident, congratulated the New England Patriots for winning the Super Bowl and for the nice party held at the Milpitas Senior Center on Sunday. He recommended that Council members attend the meetings of the Citizens Task Force on Water Rates for the upcoming meetings. He wanted to comment on Item No. 9 on nepotism, relatives on Commissions.

Voltaire Montemayor, resident, spoke about rain, water, floods and awareness of puddles due to flooding and danger of driving through it. People were not drought-free yet.

Rob Means, resident, spoke of the US President targeting Muslims and he wanted the City of Milpitas to push back quickly against that action. Join other cities in Bay Area to become a sanctuary city and consider supporting impeachment of the President.

Steve Siddell, resident, lived here for 3.5 years and agreed this was a great community with a great government including first responders. He gave a shout out to Milpitas Police Department, the best in the world. He was glad he had the opportunity to speak out freely and openly.

ANNOUNCEMENTS

City Manager Tom Williams invited Economic Development Director Edesa Bitbadal to the podium to introduce a program called “FlexFactor,” introducing high school students to advanced manufacturing. It was open to Milpitas school students along with other organizations. A video was displayed of the visit to the company on this date, with Cal Hills High School students.

Councilmember Phan stated his opposition to President Trump’s Muslim ban and asked for the next meeting to have Council consider taking action against Trump’s executive order.

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 for February 7, 2017, as amended

Councilmember Phan wanted to hear item no. 5 (minimum wage issue) before item no. 1 (mosque application).

Vice Mayor Grilli felt that was not appropriate due to a large number of speakers for the first public hearing.

Councilmember Phan requested to move Items No. 8 (Charter City) and No. 11 (Flag Policy) to the next meeting date.

Councilmember Barbadillo left the dais at this time.

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

CONSENT CALENDAR

Motion: to approve the consent calendar for February 7, 2017, as amended

Vice Mayor Grilli heard one speaker’s request to remove item no. 9 from consent and requested to do so.

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

MEETING MINUTES

Motion: to approve the City Council meeting minutes for January 17, 2017

Motion/Second: Councilmember Nuñez/Mayor Tran

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Barbadillo)

- * 3. Odor Report Update Received the monthly update of the Odor Control report.
9. Nepotism This item was requested for removal from consent. However, it not was heard and was moved to the next Council meeting agenda.
- *10. Commission Re-appointed Denny Weisgerber to the Milpitas Veterans Commission to a term that will expire in February of 2019.
- *12. Award One Grant per Arts & Culture program Approved the Milpitas Arts and Culture Grant program application from South Bay Kids for a grant providing in-kind performance space and City staff support for a music concert.
- *13. Co-sponsor Event Approved the City of Milpitas co-sponsoring the Milpitas Executive Lions Club's "Celebrating Differences" day on April 23, 2017, for a value of \$3,147.90 including facility fees and City of Milpitas staff support.
- *14. Investment Report Received the investment report for the quarter ended December 31, 2016.
- *15. Authorize Travel Authorized out of state travel by Councilmember Nuñez to go to Washington, D.C. at the request of the Silicon Valley Leadership Group on March 14-15, 2017.
- *17. Resolution
 1. Adopted Resolution No. 8641 granting initial acceptance of the Milpitas Sports Center Sports Fields Project subject to a one year warranty period, and authorized reduction of the performance bond to \$312,572.76.
 2. Granted authorization to the Director of Engineering/City Engineer to issue the notice of final acceptance of Project No. 5104, after the one-year warranty period, and to release and discharge the performance bond without further City Council action.
- *18. Resolution
 1. Adopted Resolution No. 8642 granting initial acceptance of Bridge Improvements Project No. 4271, subject to a one year warranty period, and authorized reduction of the performance bond to \$80,228.00.
 2. Granted authorization to the City Engineer to issue the notice of final acceptance of Project No. 4271 after the one-year warranty period and to release and discharge the performance bond without further City Council action.
- *20. Resolution Adopted Resolution No. 8644 approving the sole source purchase of body worn cameras, associated equipment and cloud-based storage subscription. Authorized the City Manager to execute a five-year Master Services and Purchasing Agreement with TASER International in the amount of \$444,982.03.
- *21. Amendment to Agreement Approved Amendment No. 1 to the Agreement with West Yost Associates for staff augmentation services in the amount of \$75,000 and to extend the terms of the agreement to April 30, 2017.
- *22. Approve Radio Purchase Approved the purchase of Bendix King Fire Radios for Wild Land Urban Interface Fire Incident Communications for the Milpitas Fire Department in the amount of \$103,000.

PUBLIC HEARINGS

1. Al-Hilaal Mosque Planning Director Brad Misner provided the history on a request for re-use of a building at 372-374 Turquoise Street in order to operate the Al-Hilaal Mosque and Community Center. It could be achieved by a General Plan Amendment and a Zoning Code amendment.
- Mayor Tran announced that speaking time would be limited to one minute, rather than usual three minutes in order to accommodate everyone. He opened the public hearing.

First, he said the applicant would have five minutes to speak.

Mark Tiernan, resident and consultant for applicant Al-Hilaal Mosque, addressed the Council stating this was a land use matter, to be seen in the context of the state and nation. The request and project arrived at what was a compromise. The applicant purchased the building several years ago and the proposal would have the building remain open on one side for business use, to continue to generate revenue for the city. Religious freedom and support for different cultures was valued in Milpitas, and that would be demonstrated with approval for this mosque in Milpitas.

Syed Mohsin, resident and leader in the mosque, thanked the Planning Director for working diligently on the project. He thanked the Planning Commission for its vote of support and approval of the project. Mosque was a long time organization in the City and this project was very important for all the families who belong.

Jamal Ramahi, resident, been part of Muslim community from its inception, until now at the Dempsey Road site, which was not conducive as a place of worship.

Bayon Mada, resident of 13 years, was concerned about a growing negative presence toward the Muslim community, which needed this mosque and center more than ever.

Nawaz Ahmed Khan, resident and long time member of this community, really needed their own mosque and community center at this new location.

Pete McHugh, resident, felt this was a simple matter. A group of people moved here, raised their families here and now wanted a place to worship. The Planning Commission unanimously recommended approval of the changes to permit the mosque as he felt the City Council should do this evening.

Hosum Agog, echoed the sentiment of the reverend earlier, and noted some Africans brought to America were Muslims. He spoke of the community center in Santa Clara, where he lived. He sought support for the actions at this meeting.

Kadisha Kapoor said the mosque would be a place of cultural exchange and to learn more about each other at a place to have cultural connections.

Muhammad Gafoor, resident, wanted support for the new location of the mosque, which would be more permanent and contribute to cultural diversity of Milpitas.

Abed Gafoor, resident since 2012, visited the mosque on Dempsey Rd. once per day in Milpitas. At the new site, people could help fight the current climate in the U.S.

Abade Hasheed Gafoor, resident, felt the mosque would be a chance to be full participants in Milpitas community at this new site on Turquoise. He noted harmony as a focus.

Mr. Asif, resident for 29 years, was very proud to live here. He appreciated consideration of the new mosque site, at this meeting.

Mahmood Gafoor, resident, thanked the Council for having the meeting and to decide on the new mosque. He hoped City Council would approve the new location and would be grateful, since the current location on Dempsey was not ideal. Keep children safe.

Nabil, resident of four years, echoed sentiments of other speakers and would appreciate inclusion of other minorities in the city.

Eight young men aged 9 -11 and members of the mosque community spoke up in favor of the new site, where there would be more room for all activities.

Rob Means, 1421 Yellowstone resident, noted Planning Commission gave the thumbs up and this group wanted to get approval for what other churches had done in Milpitas. He was in favor of this mosque at this time.

Voltaire Montemayor, resident, asked Council how could it deny this action now. It was the largest audience he had seen at City Council.

Alvin Thomas, resident, said Planning Commission set the gauntlet for the group to run through to allow use this unused facility. He asked Council to approve this tonight.

Steve Siddell, Milpitas resident, stated his support of the Al-Hilaal community, listened to all that was said, and listened to the Planning Commission and urged support for the Turquoise location for the new mosque.

Dan Manassau, resident, said there was an alternative location at N. Milpitas Blvd and Jacklin Road for this use across the street from an existing church, in his neighborhood. Then, no change would be needed to the General Plan.

Omar, from Santa Clara, was overwhelmed by the support he saw here in Milpitas. The emphasis was on justice, in their book and in the constitution.

A man, Mohammed, read his statement aloud, seeking support.

A woman, resident who'd lived here for five years, noted Milpitas was a place of diversity and harmony and hoped to have the opportunity for the mosque at new site.

A man, resident of Milpitas, would like the permit to foster the growth of the young people in the community.

A man, thanked the Council for this opportunity and he quoted verse from the Koran and translated it, seeking harmony with God and neighbors.

A man, Safeen, a long time resident of Milpitas with five children noted he bought his house from Debbie Giordano, and he loved the diversity of the community.

A 12 year old girl by the last name Gafoor wanted to have more people to be able to come and pray at the new mosque.

A boy, age 9, spoke of not enough space to pray at the current site. More space was needed where it was safe for children.

A young man, age 13, from Fremont came to the Milpitas mosque often. A new building would help with classes and prayer location, and with no liquor store nearby.

(1) Motion: to close the public hearing, following many speakers in support

Motion/Second:

Vice Mayor Grilli/Councilmember Nuñez

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Barbadillo)

Council comments:

Councilmember Nuñez was favorable and thanked the community for coming out at this meeting. He was thankful to be part of this process, even at the tail end.

Vice Mayor Grilli was pleased to be at this point for the mosque. She appreciated how community and staff worked together to get to a viable project. She and her husband had been welcomed to the mosque.

Councilmember Phan said he was not a Muslim, but was a child of refugees, and so he understood how it was to work toward becoming members of a community. He thanked all the speakers.

Mayor Tran understood the current location of the mosque as a tough place, and still the mosque was flourishing. So the new space would be a peaceful place for worship.

(2) Motion: to adopt Resolution No. 8637 adopting an Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP)

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

(3) Motion: to adopt Resolution No. 8638 approving General Plan Amendment (16-002) and Conditional Use Permit (UP15-0008)

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

Next, the City Attorney read aloud the title of the Ordinance, with one modification on second to last page, "An Ordinance of the City Council of the City of Milpitas Amending the Zoning Code Contained in Title XI, Chapter 10, Section 7.02, Table XI-10-7.02-1 of the Milpitas Municipal Code to Allow Places of Assembly to Locate within the M1, M2 and MP Zoning Districts with a Conditional Use Permit and Amending Title XI, Chapter 10, Section 7.04 to Adopt Special Development and Performance Standards Applicable to Places of Assembly Within Industrial Zones."

(4) Motion: to waive the first reading beyond the title and introduce Ordinance No. 38.827 permitting the establishment of places of assembly with the approval of a Conditional Use Permit within the M1, M2, and MP Zoning Districts subject to special development standards

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

Vice Grilli requested to direct staff to do a fiscal and economic analysis of job ratio and fiscal impacts of General Plan amendment and zoning change.

Mayor Tran stated the City Council would take short break following the conclusion of this public hearing, and then reconvened at 9:44 PM.

2. MXD Zoning

Planner Michael Fossatti defined the city-initiated amendment for a zoning change. He described the zone change requested in the specified MXD zoned land in the Mid-Town area. Floor Area Ratio of .75 for commercial component, with residential at 21-30 units

per acre. For lots less than 20,000 square feet, the goal was to allow a limit on the number of residential density.

Mayor Tran referred to the corner of Dixon Road at N. Milpitas Blvd as referenced, which was vacant. Staff said that several times the owner of that property submitted an application to re-build on the site. The City Manager detailed how current zoning applied on a mixed-use building there, requiring a higher number of residential units than that owner wished to build at that site. Adopting the changes requested at this meeting would alleviate the burden of adding more units than necessary.

Planning Director Misner also explained that the ordinance provided language that would “clean-up” this section of the zoning ordinance.

Next, Mayor Tran opened the public hearing

Robert Marini, Milpitas resident, said if the City was going to reduce density on the number of units, it seemed to be a good idea. Traffic on Dixon Landing Road was going to increase dramatically. Traffic was heavy already going to 880 near railroad crossing.

Voltaire Montemayor, Milpitas resident, saw that corner all the time. It was a business area, so make the MXD zoning applicable and develop carefully.

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

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

Mayor Tran supported this good idea. Having the appropriate number of residential units at a site such as Dixon Rd at N. Milpitas Blvd. was useful.

(2) Motion: to adopt Resolution No. 8639 approving General Plan amendment No. GP16-0001, amending text within the Land Use Element of the General Plan to allow a decrease in densities for lots less than 20,000 square feet bearing a “Mixed Use” General Plan Designation

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

City Attorney Diaz read aloud the title of Ordinance No. 38.828, “An Ordinance of the City Council of the City of Milpitas Amending the Zoning Code Contained in Title XI, Chapter 10, Section 6.04 of the Milpitas Municipal Code to Allow a Decrease in Densities for Lots Less than 20,000 Square Feet in Size and Located in the “Mixed Use” Zoning District.”

(3) Motion: to waive the first reading beyond the title and introduce Ordinance No. 38.828

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

Next, Councilmember Nuñez made the motion to move agenda items no. 7 and no. 9 to the next meeting agenda. That was seconded by Councilmember Phan and approved by unanimous vote.

Mayor Tran said the City Council would move item no. 16 to be heard next.

3. Weed Abatement

Fire Marshal/Deputy Fire Chief Albert Zamora explained actions taken to date for the annual weed abatement program, including the resolution adopted last month. This evening was the opportunity to hear from any property owners who might object to clearing of weeds on their properties. Also, Mr. Moe Kumre from the County of Santa Clara Agriculture Office was present to answer any questions about the program.

Mayor Tran opened the public hearing.

Voltaire Montemayor, resident, said it was all for the good of the City. Avoid anything that causes a fire hazard.

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

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

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

(2) Motion: to adopt Resolution No. 8640 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

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

UNFINISHED BUSINESS

5. Minimum Wage

This matter was heard prior to agenda item no. 2.

Economic Development Director Edesa Bitbadal provided the background to date on the issue of the minimum wage in Milpitas. She reported the outcome of meetings of the Council's Minimum Wage Subcommittee which met to determine exemptions to a minimum wage ordinance. She defined "Formula Businesses" (11 or more establishments worldwide) and "Franchise" owned businesses.

Councilmember Nuñez asked for explanation of a waiver for collective bargaining except for those in the property industry.

The proposed Ordinance was modeled after the Cities Association of Santa Clara County with conditions set forth by City Councils. She reviewed how outreach would be done, if the ordinance was adopted.

Mayor Tran recommended outreach efforts to have effected businesses post on their window that each was a \$15.00 minimum wage business (complying with city policy). The City Manager read aloud about posting requirement in the text of the draft ordinance.

Ms. Bitbadal displayed a One Year Delay Option on a chart presented overhead.

Councilmember Nuñez asked Ms. Bitbadal as to which groups or people were involved in coming up with exemptions.

Councilmember Phan commented that members of the subcommittee listened extensively to speakers at the subcommittee meetings. There had been little input from workers however. He suggested that Council move forward to public comment to hear from those most affected.

Next, Mayor Tran invited speakers from the audience.

Doug Jones, regional political organizer for SEIU for health care workers in the Bay Area, supported the \$15 by 2019 with no exemptions and to keep the community healthy.

Michelle Kesinger, resident of David Lane and MUSD employee and union bargaining representative, supported \$15 by 2019 with no exemptions.

Councilmember Nuñez questioned if there would be an exemption for the School District or other governments. The City Attorney said he would research the answer.

David Erhausen, representing over 100 unions in the County, thanked the Council for showing leadership to support \$15 by 2019. All workers deserved to make the same minimum wage. If exempting businesses with 55 workers or less, he said that would exempt 90% of businesses in Milpitas.

Jessica Lynam, representing Milpitas members of the California Restaurant Association, strongly encouraged a more targeted approach to avoid unintended consequences. A more targeted approach was needed to improve the standard of living for all. She offered specific edits.

Alexander Johnson, owned and operated two Cinnabon shops at Great Mall, and he opposed the recommended minimum wage increase. It was too dramatic an increase too quickly and would affect him keeping 40 employees on his payroll.

Ron Lind, Yosemite Drive resident of Milpitas, thanked the Council for voting on this issue. Wages needed an increase in this area and those who lived here would spend their money here, too. He was willing to pay a little bit more at small businesses to help the wage increase for the workers.

Liz Ainsworth, Milpitas Chamber of Commerce and resident, was representing small business owners and talking about survival. She was concerned about cutting of benefits offered by businesses if the increase was implemented. Retail stores and strip mall stores would cut their work force, not grow it.

Tom Valore, Milpitas resident, took a look at this issue and felt there was merit to both sides. It was not only about profit for the small businesses. A major problem was that housing was expensive.

Emily Ramos, President of Silicon Valley Young Democrats, was in support of \$15 by 2019 with no exemptions. She reported other cities that had already adopted it.

Megan Fraley, of Raise the Wage South Bay Coalition, had been working on this issue for the past three years, and sought the \$15 by 2018 and regional consistency. It was an effort for democracy and was a moral issue.

Voltaire Montemayor, Milpitas resident, spoke about balance, from the Governor, families need money for food and to send kids to school, struggling employees and teamwork.

Michael Tsai, Milpitas resident, supported making the increase to the minimum wage and hoped that any exemptions would be minimal.

Rob Means, 1421 Yosemite, referred to the prior speaker and a comment about the historic nature of the minimum wage increase and he disagreed. He did not support any exemptions and wanted Council to vote to increase the minimum wage.

Next, the City Council stated their comments about the minimum wage proposal.

Vice Mayor Grilli thanked the Council that at last meeting, the group indicated it wanted to move forward. She worked hard with Mr. Phan to come up with a compromise. She wanted to hear what the rest of the Council felt about it and to move forward.

Councilmember Nuñez thanked the Council Subcommittee, considering he was a fiscally conservative person on the Council and wanted to find a way for this proposal to work. He wanted to support \$15 by 2019, with no exemptions. Mr. Phan supported that too.

Councilmember Phan, after hearing input at this meeting, felt the Council should move ahead with no exemptions, despite the work of the subcommittee. He saw a need to move toward a living wage (not simply a minimum wage).

Mayor Tran thanked staff for gathering statistics and the data to help the Council. He knew the city needed to adopt the \$15.00 minimum wage around here, considering people were struggling.

Councilmember Phan thanked all the speakers who came to this meeting and heard the comments from the businesses here. He noted other factors that contributed to increasing the costs. He heard both sides and knew that workers needed the most support.

Councilmember Nuñez stated a need for language about the Milpitas Unified School District. The City Attorney referred to state law that says when a government authority had authority to set its own salary, then this ordinance would not apply.

Mr. Diaz replied to City Council that he heard their desire for no exemptions. He would need to remove the language referring to collective bargaining in the draft ordinance.

Mr. Nuñez asked if compliance could be required of private employers to enforce the \$15.00 per hour wage. He wanted to know if some collective bargaining group contracts paid less than that figure presently.

Mayor Tran was supporting the \$15 by 2019 wage, and it would be yielding a lot of positive results, helping workers meet basic needs. Put Milpitas families first, he urged.

Mr. Diaz recommended that he revise and come back at the next meeting with all the changes incorporated in newer version of the ordinance, which could then be introduced.

Councilmember Nuñez did not agree with the attorney's approach and wanted to vote at this meeting for introduction and to bring it back next time for the final vote.

(1) Motion: to move ahead with the intent of the ordinance for \$15.00 per hour by 2019 minimum wage, with no exemptions for businesses and to remove language related to the School District

Motion/Second:

Councilmember Nuñez/Vice Mayor Grilli

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Barbadillo)

So, City Attorney Chris Diaz read aloud the title of Ordinance No. 292, “An Ordinance of the City Council of the City of Milpitas Adding Chapter 31 to Title III of the Milpitas Municipal Code to Establish a City-Wide Minimum Wage.”

(2) Motion: to waive the first reading beyond the title of Ordinance No. 292, with modifications requested

Motion/Second: Vice Mayor Grilli/Councilmember Phan

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

(3) Motion: to introduce Ordinance No. 292 with modifications

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

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

6. Parking – Pines Neighborhood

Transportation Engineer Steve Chan reported on the Pines On-Street Parking Survey Report. He explained how the study was conducted, when it was done, on which streets and the major results following stated concerns by the Pines neighborhood’s homeowners association regarding parking overflow from nearby new residential developments. Mr. Chan displayed a number of aerial photos to show parking currently and a few years ago.

Vice Mayor Grilli thought staff would be able to identify whether or not cars belonged to the neighborhood. Mr. Chan replied that staff could not use the police department’s capacity to look up license plates for engineering purposes (only for Police work). Meanwhile, the Police had done some enforcement for over nights and issued 19 citations.

Comments by the City Manager, based on input from Chief of Police, related to the cyclical process of parking enforcement in the Pines. The City wanted to work with Apex on their permit, and ensure proper parking regulations were followed. Vice Mayor Grilli asked what the time frame was to have Apex come in to compliance and Mr. Williams replied immediately.

Councilmember Nuñez asked how big a department Code Enforcement was in Milpitas. The City Manager replied, explaining that staff fell under the Planning & Neighborhood Services Department.

Mayor Tran spoke about residents in the Pines and their concerns for many years. He wanted the City to take a closer look at having permitted parking in that neighborhood, and had concerns for when BART comes in, near that neighborhood.

Councilmember Nuñez asked, for permit parking, was it more expensive or time consuming? He described how he understood permit parking worked in California. He wanted to go visit the Pines and could bring back the issue at the next Council meeting.

Vice Mayor Grilli felt that Mr. Nuñez’s was a great idea. She also wanted to hear from speakers in audience.

By consensus, the City Council would continue this subject and potential ordinance to the next meeting, after hearing comments.

Mayor Tran invited speakers from the audience.

Guy Haas, Fallen Leaf Drive resident and often on the Pines homeowners board, narrowed his comments to history and safety. He spoke of challenges with parking in the neighborhood, for quite a long time. Street sweepers could not clean completely due to the many cars parked. There was overflow parking in his neighborhood from the new nearby apartments.

Dean Bradshaw, resident on W. Capitol Ave., two blocks in, described the many cars parking around his driveway and on the street. He identified difficulties he had parking.

Amy Yoshida, resident of Moon Court, spoke of the daytime photos staff had displayed, but rather the Council needed to see the parking in the evening, when the spaces were totally full.

Voltaire Montemayor, resident, said it was hard for law enforcement to get in there at times. Not enough parking for the numbers of cars, so it was really hard.

Michael Tsai, resident, strongly agreed with Mayor's earlier comments on quality of life, wanted to invite Mr. Nunez and others to come by the neighborhood and see all the cars parked there. It was becoming a safety problem and the City should put Apex Apartments on notice. He would give any of the Council a tour.

Robert Marini, resident, said this was a key example of overdevelopment, approved by the previous City Council. Garage conversions were a part of the problem too.

Allen Thomas, resident on Starlite in the Pines for 15 years, commented that it was only partly a problem of parking, and there was also problems of trash in his neighborhood. He recommended to have trash pick-up more often. On density, he noticed that in some developments tandem parking was allowed. People would not park that way and thus, it would increase more parking on the street.

Mayor Tran thanked all the speakers for their comments.

Councilmember Phan stated that he had not been aware of this issue. He would like to visit the area to learn more. He asked the City Manager about parking enforcement on the streets in the Pines, if a permit program was established.

Mayor Tran said the Council would return in two weeks on this issue. He urged all the residents to come back then and to speak with staff or himself on their parking concerns.

7. MCTV Channel 26

This item was not heard and would be moved to the next Council meeting.

8. Charter City

This item was removed from the agenda, to be heard at the next Council meeting.

11. Flag policy

This item was removed from the agenda, to be heard at the next Council meeting.

RESOLUTIONS

19. Police Dispatcher

Human Resources Director Tina Murphy explained CalPERS regulations relative to any hiring of a retired employee. She explained PEPRA regulations that effected this hiring. Those laws were applicable to the staff request to hire Laura Sonora who retired on December 30, 2016, to return as a Police Communications Dispatcher on an interim contract basis, until the City hired a new full time dispatcher. Otherwise, a 180 day wait period would apply and the employee was limited to working a total of 960 hours per year, as a retiree.

Motion: to adopt Resolution No. 8643 appointing pursuant to California Government Code Sections 7522.56 and 21221(h), and authorize the City Manager to execute the employment agreement with Laura Sonora

Motion/second:

Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Barbadillo)

Mayor Tran invited comment by one person on the issue related to an item postponed to the next meeting date.

Kurt Bohan, Milpitas resident, came to speak on the MCTV Channel 26. He wanted to propose a solution, to modify by-laws of the existing corporation in such a way that it becomes a membership organization of local citizens, with a Board and Executive Officers and Board meetings open to the public.

REPORTS

No reports from the City Councilmembers.

City Attorney Chris Diaz noted that four members of the City Council had attended out of town League of California Cities training in Sacramento recently in January: Mayor Tran, Vice Mayor Grilli, Councilmembers Nuñez and Phan.

ADJOURNMENT

Mayor Tran adjourned the City Council meeting on Wednesday, February 8, 2017 at 12:52 AM.

The foregoing minutes were approved by Milpitas City Council on February 21, 2017.

Mary Lavelle
Milpitas City Clerk