



JOINT MEETING MINUTES OF THE MILPITAS CITY COUNCIL AND THE MILPITAS HOUSING AUTHORITY

**TUESDAY, DECEMBER 7, 2021
CITY COUNCIL CHAMBERS, 2ND FLOOR,
455 E. CALAVERAS BLVD., MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)**

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

Mayor Tran called the Regular City Council meeting to order at 6:00 PM. Roll Call was taken by City Clerk Wood.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez (virtual), and Phan

ABSENT: None

ADJOURN TO CLOSED SESSION

(a) DISCUSSION WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Jeannine Seher, Human Resources Director

Employee Organization: LIUNA (Mid-Management/Confidential Unit), IAFF, MPOA, Unrepresented

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

City Attorney Diaz stated there was no reportable action.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Mayor Tran led the Invocation.

PRESENTATIONS

Councilmember Chua presented a Certificate of Appreciation to Library Advisory and Education Commissioner Elpidio Estioko.

PUBLIC FORUM

Those in the audience and via Zoom are invited to address City Council on any subject not on tonight's agenda. In-person speakers wishing to address the Council are requested, but not required to complete a Speaker Card and submit it to the Mayor. In-person speakers will then be asked to come up to the podium and state their name for the record. Those interested in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. As an item not listed on the agenda, no response is required from City staff

or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

The following spoke under Public Forum:

1. Voltaire Montemayor

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:20 PM)

Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion but shall simply state a “yes” or “no” as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a future agenda for City Council discussion.

City Manager McHarris made the following announcements:

1. The City hosting online resources related to Accessory Dwelling Units (ADUs) with an online workshop on Thursday, December 16, at 4:00 PM and will be recorded and posted on the Planning Department’s webpage.
2. The City is hosting a hiring fair in partnership with the Milpitas Element Hotel at the Community Center on December 7, and 8, from 12:00 PM - 7:00 PM, and Sunday, December 12, from 9:00 AM – 5:00 PM.

Vice Mayor Montano thanked staff for their work on the Holiday Magic on Main Street event and requested to have a consulate office at City Hall.

Councilmember Phan acknowledged and thanked staff for their efforts to deter crime over the Thanksgiving holidays and asked that staff notify Council if there are additional resources the City can invest in to help continue to deter crimes.

Councilmember Chua thanked staff for their work on the Holiday Magic on Main Street event, the ADU workshop, and the hiring fair. She also showed a short video on the Firefighters Toys for Tots drive, and requested staff check to see if the City has an ordinance for house numbers.

Councilmember Dominguez thanked Public Works staff for all the work they have done around the City and thanked the Economic Development and Trade Commission for all their work. She also commented on the recent smash and grab robberies and requested an investment of \$100,000 of American Rescue Plan Act (ARPA) funding to help the Milpitas Police Department add support staff, time to a position, or at the discretion of the Police Chief, use the funding to support a partnership to keep the community safe.

Vice Mayor Montano commented on the number of people living in a house and requested staff to look into an ordinance for the number of people allowed in a house.

Mayor Tran commented on the Holiday Magic on Main Street event and thanked City staff.

Councilmember Dominguez clarified her previous request and stated it was not for a position, it was for extra funding from ARPA.

Councilmember Phan stated that he would like to follow up with staff on the funding requests for additional personnel.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. City Attorney Diaz asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, there were no reportable campaign contributions.

READING OF THE CITY COUNCIL CODE OF CONDUCT

Mayor Tran read aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

Mayor Tran stated that he would like to postpone item 19 to a future date at the request of the applicant and postpone item C18 to the next Council meeting.

Councilmember Dominguez stated that she had comments for item C18 and would like to pull items C15 and C16 from Consent for discussion.

Mayor Tran stated that he would like to move item C16 to be the first item to be discussed

Councilmember Chua stated that she would like to pull item C7 from Consent for discussion and commented on item C12 commending Finance Director Lai for the recommendation.

Motion: to approve the December 7, 2021, Regular Meeting Agenda with the postponement of items C18 and 19 and moving item C16 to be the first item to be discussed.

Motion/Second: Mayor Tran / Councilmember Chua

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

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

Mayor Tran stated that items C7, C15, and C16 would be removed from the Consent Calendar for discussion.

Motion: to approve the modified Consent Calendar, removing items C7, C15, and C16 and including the additional attachment for Item C2 revised the minutes.

Motion/Second: Mayor Tran / Councilmember Chua

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

- C1. Receive the City Council Calendar of Meetings for December 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Received the City Council Calendar of Meetings for December 2021.

- C2. Approve the City Council Regular Meeting Minutes of November 16, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Approved the City Council Regular Meeting Minutes of November 16, 2021, including the additional attachment to revise the minutes.

- C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Received the list of anticipated agenda items for the next regular City Council meeting.

- C4. Approve and Authorize the City Manager to Execute a Funding Agreement with the Valley Transportation Authority for Completion of the Caltrans Project Approval and the Environmental Documentation Phases for the Calaveras Boulevard Widening Project, Project No. 4258, and Approve a Budget Appropriation of \$3.5 million from the TASP fund and \$1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into the Calaveras Boulevard Widening Project, Project No. 4258 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Approved and authorized the City Manager to Execute a funding Agreement with the Valley Transportation Authority for completion of the Caltrans Project Approval and the Environmental Documentation Phases for the Calaveras Boulevard Widening Project, Project No. 4258, and approve a Budget Appropriation of \$3.5 million from the TASP fund and \$1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into the Calaveras Boulevard Widening Project, Project No. 4258.

- C5. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 4 Owner, LLC for the District 1 Lot 4 Project at 150 Market Street (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 4 Owner, LLC for the District 1 Lot 4 Project at 150 Market Street.

- C6. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for SHAC Centre Pointe LLC for the Centre Pointe Apartments at 312 Gates Drive (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for SHAC Centre Pointe LLC for the Centre Pointe Apartments at 312 Gates Drive.

- C7. Authorize the Surplus Sale of One Ditch Witch FX30 Vacuum Trailer (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

This item was removed from Consent.

- C8. Approve and Authorize Closure of City Hall and Selected Operations to the Public During the Holiday Period from Christmas Eve Holiday Through New Year's Day Holiday (Staff Contact: Jeannine Seher, Director of Human Resources, 408-586-3086)**

Approved and authorized the City Manager to enter into side letter agreements for the closure of City Hall and selected operations to the public from the recognized day for the Christmas Eve holiday through New Year's Day holiday.

- C9. Adopt a Resolution to amend the City of Milpitas Classification Plan to establish the position of Planning Technician and modify the Salary Schedule Titled "All Job Classifications/Salary Table" to include the salary range for this classification (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Jeannine Seher, Human Resources Director, 408-586-3086)**

Adopted **Resolution No. 9110** amending the Classification Plan to establish the position of Planning Technician and amending the Salary Schedule titled "All Job Classifications/Salary Table" to include the salary range for this classification.

- C10. Waive the Second Reading and Adopt Ordinance No. 48.22, Amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to Comply with SB 1383 Requirements (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)**

Waived the second reading and adopted **Ordinance No. 48.22**, Amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to comply with SB 1383 requirements.

- C11. Approve and Authorize the City Manager to Execute the Professional Services Agreement with Raimi+ Associates Inc. for Housing Opportunity Zone Consulting Services (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Approved and authorized the City Manager to Execute the Professional Services Agreement with Raimi+ Associates Inc. to provide for Housing Opportunity Zone Consulting Services for the not-to-exceed amount of \$308,393; and authorized the City Manager to execute amendments to the Professional Services Agreement with Raimi+ Associates Inc. for a not-to-exceed amount of \$50,000.00 without additional action by the City Council.

- C12. Receive Utility Outstanding Balance Due Update and Authorize City Staff to Resume Discontinuance of Water Services Policy and Late Fees and Penalties on April 1, 2022 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Received the Utility Outstanding Balance Due Update and authorized City Staff to resume discontinuance of the Water Services Policy on April 1, 2022.

- C13. Accept the City's Annual Comprehensive Financial Report and Other Related Annual Audited Reports for the Fiscal Year Ended June 30, 2021 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Accepted the City's Annual Financial Comprehensive Report (ACFR) and other related annual audited reports for the Fiscal Year ended June 30, 2021.

- C14. Consider Opting into Settlement Agreements with Distributors of Opioids, Amerisource Bergen, Cardinal Health, and McKesson, and Opioid Manufacturer Janssen (owned by Johnson & Johnson) (Staff Contacts: Steven McHarris, City Manager, 408-586-3050 and Christopher J. Diaz, City Attorney, 408-586-3040)**

Opted into a settlement agreement with opioid distributors, Amerisource Bergen, Cardinal Health, and McKesson, whereby the County of Santa Clara will receive the City's designated share of settlement funds and directed the City Manager to execute any documents necessary to implement the action; and Opted into a settlement agreement with the opioid manufacturer, Janssen (owned by Johnson & Johnson), whereby the County of Santa Clara will receive the City's designated share of the settlement funds and directed the City Manager to execute any documents necessary to implement the action.

- C15. Approve Four (4) City of Milpitas Commission Work Plans for FY 2021-22 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

This item was pulled from Consent.

C16. Consider Recommendations from Mayor Tran for Appointments City Commissions (Contact: Mayor Tran, 408- 586-3029)

This item was pulled from Consent.

C17. Waive the Second Reading and Adopt Ordinance No. 262.8 Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code (Staff Contact: Christopher J. Diaz, City Attorney 408-586-3040)

Waived the second reading and adopted **Ordinance No. 262.8** Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code.

C18. Approve the Proposed City Council Procedures and Protocols Handbook (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Christopher Diaz, City Attorney, 408-586-3041)

This item was postponed to the next City Council meeting.

ITEM REMOVED FROM CONSENT

C16. Consider Recommendations from Mayor Tran for Appointments City Commissions (Contact: Mayor Tran, 408- 586-3029)

Councilmember Dominguez asked clarifying questions.

Mayor Tran responded.

The following spoke under public comment:

1. Voltaire Montemayor

After discussion, motion: to receive Mayor Tran's recommendations and approve the appointments to the Planning Commission as follows:

1. Appoint Dipak Awasthi to serve as a Commissioner with a term to expire in December 2024.
2. Appoint Aysha Mohsin to serve as a Commissioner with a term to expire in December 2024.
3. Re-appoint Commissioner Galang to a term to expire in December 2024.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 3

NOES: 2 (Councilmember Phan and Dominguez voted no)

PUBLIC HEARINGS

19. Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to Allow Development of a 32-Unit Townhome Condominium Subdivision, Comprised of Two Multi-Family Buildings up to 50 Feet in Height (Three to Four Stories), with Tandem Garages Accessed from a Central Drive Aisle, and Associated Site Improvements on a 1.22-Gross Acre Site Located in the Multi-Family High-Density Residential (R3) Zoning District at 2001 Tarob Court, in the Transit Area Specific Plan (TASP) Planning Area (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

This item was postponed to a future meeting at the request of the applicant during the approval of the agenda and approved as follows.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5

NOES: 0

LEADERSHIP AND SUPPORT SERVICES

- 20. Review List of Agenda Item Requests from Individual Councilmembers and Provide Direction to Staff, Through the Prioritization Process, on the Items in Groups 1; and Provide Additional Clarification to Staff, if any, on Group 2 Items (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053 Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Assistant City Manager Kantak presented the staff report.

The following spoke under public comment:

1. Voltaire Montemayor

Council had questions on some of the items and the voting process.

Mayor Tran requested the items be categorized into sections by ordinances, events, and projects and have them listed by cost from the most expensive to least expensive.

Motion: to postpone this item to the next Council meeting.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 4

NOES: 1 (Councilmember Dominguez voted no)

COMMUNITY DEVELOPMENT

- 21. Receive Staff report and Presentation; Provide Direction on the Recommended Approach to the Development and/or Disposition of the Parcels Located at 1432–1488 South Main Street (Sharon Goei, Director of Building Safety and Housing, 408-586-3260)**

Assistant City Manager Kantak introduced the item. Building Safety and Housing Director Goei, Housing and Neighborhood Services Manager Marcus, and City Attorney Walsh presented the staff report.

The following spoke under public comment:

1. Voltaire Montemayor
2. Member of the public
3. Loreto Dimaandal
4. Lisa Reeve

After discussion, motion: to proceed with option one and the sale of parcel 1 at 1432-1446 South Main Street and the further evaluation of parcels two and three at 1452-1488 South Main Street after the adoption of the Metro Specific Plan with an amendment to look into relocation grants for the six

businesses, and one resident on parcel one, and vacant units on parcel two and three with tiered relocation compensation based on the amount received for the sale of the property.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5

NOES: 0

ITEMS REMOVED FROM CONSENT

C7. Authorize the Surplus Sale of One Ditch Witch FX30 Vacuum Trailer (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Councilmember Chua requested clarification.

Public Works Director Ndah responded.

The following spoke under public comment:

1. Voltaire Montemayor
2. Lisa Reeve

Motion: to authorize the Purchasing Agent to dispose of one surplus Ditch Witch FX30 Vacuum Trailer by auction.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5

NOES: 0

C15. Approve Four (4) City of Milpitas Commission Work Plans for FY 2021-22 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Walter C. Rossmann, Deputy City Manager, 408-586-3012)

Motion: to approve the proposed Fiscal Year 2020-21 Work Plans for the Economic Development and Trade Commission; the Energy and Environmental Sustainability Commission; the Public Safety and Emergency Preparedness Commission; and the Science, Technology, and Innovation Commission.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by a vote of:

AYES: 5

NOES: 0

ADJOURNMENT

Mayor Tran adjourned the meeting at 10:52 PM in memory of Kevin Nishita and Alyssa Fernandez.

The foregoing minutes were approved by the Milpitas City Council on December 14, 2021.

Wendy Wood
City Clerk