



REGULAR MEETING MINUTES OF THE MILPITAS CITY COUNCIL

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

The City Council of the City of Milpitas convened on the Regular Meeting day of November 2, 2021, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/Zoom webinar.

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) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

City as Plaintiff

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District, Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

City as Defendant

Deborah Logan v. City of Milpitas, et al.

Santa Clara County Superior Court Case No. 19CV347649

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 de los Angeles stated that there was no reportable action.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Councilmember Chua introduced Pastor Vivian Villanueva of Captivate Church. Pastor Villanueva led the invocation.

PRESENTATIONS

There were no presentations.

PUBLIC FORUM

Those interested are invited to address City Council on any subject not on tonight's agenda, orally via zoom webinar (instructions on page 1). Speakers may provide their name and city of residence for the Clerk's record, and comments may be limited to three minutes or less. 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. Dipak Awasthi
2. Voltaire Montemayor
3. Rajesh Rathod

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Members of the City Council may make brief announcements or 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 subsequent agenda for City Council discussion.

City Manager McHarris made the following announcements:

1. The City of Milpitas is a member of the Silicon Valley Economic Development Alliance which is presenting a webinar on complying with the Americans with Disability Act (ADA). Local businesses and ADA experts will offer real-world perspectives to help protect against ADA compliance lawsuits. The webinar will begin at 3:00 p.m. on November 3. To register go to jointventure.org.
2. The City will be hosting a COVID-19 vaccine site for children ages 5-11 at the Milpitas Community Center on Sunday, November 7, from 2:00 p.m. – 7:00 p.m. This is the first such advertised offer in the County and no appointment is necessary. The vaccine offered is Pfizer and it is free. The site will also offer Pfizer boosters for those 18 years old and up who have waited six months since their second Pfizer dose.

Mayor Tran made the following request:

1. Staff to schedule a Special Transportation Subcommittee meeting on Friday, November 12 to go over the reflective street markers and the Botts' dots.
2. Host a Town Hall meeting at City Hall in the rotunda in January, February, and March with County health guidelines in place. Mayor Trans stated that this would be a forum for the community to share comments about the issue of the unhoused in Milpitas and should require minimal staff time.

Councilmember Chua shared photos and spoke about the Pet Halloween event at the Police Department, the Teen Halloween event, the Senior's Trunk full of Resource event, and the Halloween safety event at the farmer's market.

Vice Mayor Montano commented on the "Paws on Patrol" Halloween parade and the Senior's Trunk full of Resource event and thanked staff for their work on the events. She also attended the Milpitas Monsters Softball League Halloween contest and commented on Día de los Muertos. She requested the City Manager provide information on the mural ordinance.

Councilmember Chua made the following requests:

1. Add more catalytic converter events.
2. Look into having the County reimburse the City for the extra services provided to HomeKey.

Councilmember Dominguez commented on Día de los Muertos and stated that she wanted to recognize those that have passed away. She also made the following request:

1. Look at creating an ordinance that would provide a blanket business permit that would grandfather and waive all fees for any businesses that start a separate business different from their original business

that creates anything to help save lives such as face coverings or any other equipment during the pandemic.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney de los Angeles 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 de los Angeles 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

Motion: to approve the November 2, 2021, Regular Meeting Agenda.

Motion/Second: Mayor Tran / Vice Mayor Montano

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 he would like to add item number 14 to the Consent Calendar.

Motion: to approve the Consent Calendar including item number 14.

Motion/Second: Councilmember Chua / Mayor Tran

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

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

Receive the City Council Calendar of Meetings for November 2021.

- C2. Approve City Council Regular Meeting Minutes of October 19, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Approved the City Council Regular Meeting Minutes of October 19, 2021.

- 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. Receive and Review the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)**

Reviewed the list of items that have been requested by City Councilmembers.

- C5. Waive the Second Reading and Adopt Ordinance No. 208.54 Amending Various Sections of Title VIII, Chapter 2 of the Milpitas Municipal Code Relating to Sewer Operation and Maintenance (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Waived the second reading and adopted Ordinance No. 208.54 amending various sections of Title VIII, Chapter 2 of the Milpitas Municipal Code relating to sewer operation and maintenance.

- C6. Approve and Authorize the City Manager to Execute the Improvement Agreement with Chick-fil-A Incorporated, a Georgia Corporation for the Completion of Offsite Public Improvements Located at 755 E Calaveras Boulevard (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Approved and authorized the City Manager to execute the Improvement Agreement with Chick-fil-A Incorporated, a Georgia Corporation for the completion of offsite public improvements located at 755 E. Calaveras Boulevard.

- C7. Approve the First Amendment to the Lease Agreement Between the City of Milpitas and the County of Santa Clara for Operation of the Dog Park Facilities in Ed Levin Park (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Approved the First Amendment to the Lease Agreement between the City of Milpitas and the County of Santa Clara for Operation of the Dog Park Facilities in Ed Levin Park.

- C8. Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)**

Moved to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

- C9. Authorize and Approve Travel to Pasadena, CA for Councilmember Anthony Phan to Attend the Asian Pacific American Leadership Foundation's 6th Annual CALNET Leadership Retreat held November 4-5, 2021 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Authorized and approved travel to Pasadena, CA for Councilmember Anthony Phan to attend the 6th Annual CALNET Leadership Retreat held November 4-5, 2021, for a total expense amount not-to-exceed budgeted Conferences/ Meeting allocation for City Council.

- C10. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Software License and Professional Services Agreement with TriTech Software Systems, Inc. for Computerized Maintenance Management System (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Approved and authorized the City Manager to execute Amendment No. 2 to the software license and professional services agreement with TriTech Software Systems, Inc. for a computerized maintenance management system, for the total not-to-exceed amount of \$297,623.75.

- C11. Accept Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Accepted commissioner Steve Belong's resignation from the Planning Commission and confirmed the noticing of the unscheduled vacancy.

COMMUNITY DEVELOPMENT

12. COVID-19 Workforce Recovery Program and American Rescue Plan Act Workforce Development Programming (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046)

Economic Development Director Andrade and Economic Development Coordinator Degu gave a presentation on the staff report.

The representative from NOVAWorks, Jennifer Cheyer, presented information on the phases of the Milpitas MyPlan career accelerator program.

Vice Mayor Montano requested the ages for the At-Risk and Youth and Adult programs be changed to 16-24.

The representative from First 5, Wendi Mahaney, provided additional information.

Councilmember Chua requested the City look into an internship program that could help fill in vacancies in the City and look into creating a program tailored towards a dispatcher career. She also requested this program have a solid outreach marketing strategy and transparent selection process.

Councilmember Dominguez requested the City partner with the Work to the Future Foundation and would like Financial Literacy embedded into the program.

The following spoke during Public Comment:

1. Loreto Dimaadal
2. Voltaire Montemayor

Motion: to approve staff's presentation.

Motion/Second: Vice Mayor Montano / Mayor Tran

Councilmember Chua made a friendly amendment to add looking into getting the unhoused into the program.

Vice Mayor Montano and Mayor Tran accepted the friendly amendment and added that child development work closely with First 5.

Motion carried by a vote of:

AYES: 5
NOES: 0

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

13. Receive a Presentation on the Draft Milpitas Storm Drain Master Plan (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Public Works Director Ndah introduced the item.

The consultant from Schaaf & Wheeler, Chuck Anderson, presented the Draft Storm Drain Master Plan.

Principal Civil Engineer Siddiqui provided additional information.

The following spoke during Public Comment:

1. Voltaire Montemayor

The City Council received the presentation on the draft Milpitas Storm Drain Master Plan and provided feedback to staff.

14. Receive an Update on the Energy and Water Savings Program being Implemented by ENGIE Services U.S. Inc. and Approve and Authorize the City Manager to Execute the Community Resilience Program Capital Projects Grant Agreement; and Approve a Budget Appropriation in the amount of \$700,702 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Received an update on the Energy and Water Savings Program being implemented by ENGIE Services U.S. Inc.; approved and authorized the City Manager to execute the Community Resilience Program Capital Projects Grant Agreement; and approved a budget appropriation for \$700,702 in CIP Project No. 3488 Community and Senior Center Energy Resilience Project in FY 2021-22.

This item was moved onto the Consent Calendar and approved as follows:

Motion/Second: Councilmember Chua / Mayor Tran

Motion carried by a vote of:

AYES: 5

NOES: 0

15. Receive an Update of the City's Neighborhood Cleanup Program and Provide Direction to Staff (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)

Public Works Director Ndah introduced the item.

Deputy Public Works Director Marshall presented the staff report.

The following spoke during Public Comment:

1. Tom Valore
2. Voltaire Montemayor
3. Yolanda Garcia

The City Council received the update on the Neighborhood Cleanup Program and provided feedback to staff.

ADJOURNMENT

Mayor Tran adjourned the meeting at 9:44 PM.

The foregoing minutes were approved by the Milpitas City Council on November 16, 2021.

Wendy Wood
City Clerk