



JOINT MEETING OF THE MILPITAS CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY

MINUTES

TUESDAY, NOVEMBER 1, 2022

CITY COUNCIL CHAMBERS, 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 City Council meeting day of November 1, 2022, 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 6:01 PM. Roll Call was taken by City Clerk Guzzetta.

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

ABSENT: None

City Attorney Mutalipassi announced the closed session items.

The City Council adjourned to Closed Session at 6:03 PM.

ADJOURN TO CLOSED SESSION

(a) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

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

City as Defendant

Steven Petrakovitz (Deceased) v. City of Milpitas, WCAB no. ADJ9926577

(b) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

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

City as Defendant

Alok Jain, et al. v. City of Milpitas, Santa Clara Superior Court Case no. 18CV325365

The City Council reconvened in regular session at 7:00 PM

CLOSED SESSION ANNOUNCEMENT

City Attorney Mutalipassi stated there was no reportable action.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Mayor Tran led the invocation.

PUBLIC FORUM

The following people spoke under Public Forum:

1. Allen Thomas
2. Steven Balsbaugh
3. Warren Wettenstein, Milpitas Chamber of Commerce President
4. Inderjit Mundra
5. Voltaire Montemayor

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager McHarris announced the Native American Flag Raising on Sunday, November 6, 2022 at 2 p.m. at Cesar Chavez Plaza, and the launch of the Catalytic Converter Theft Prevention Program.

Mayor Tran acknowledged the pickleball program in partnership with the City and commended the speed of the program's implementation. He also recognized the Catalytic Converter Theft Prevention program, Fire Station No. 2 and Alviso Adobe projects.

Councilmember Chua thanked members of the City Council for supporting her recommended pilot projects including pickleball and the Catalytic Converter Theft Prevention program, and thanked staff and the executive management team. She also acknowledged and thanked the Recreation Department for the success of the Saturday Senior Center pilot.

Councilmember Dominguez congratulated all stakeholders involved in the pickleball project. She commented on concerns with the democratic process and asked for inflammatory social media postings to stop.

Vice Mayor Montano announced her attendance at the ribbon cutting ceremony for Big Lots at McCarthy Ranch over the weekend, the ribbon cutting ceremony for Fire Station No. 2, and the grand opening of the Milpitas Alviso Adobe and encouraged the community to visit.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Mutalipassi 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 Mutalipassi 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 the Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the November 1, 2022 Regular Meeting Agenda.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

CONSENT CALENDAR

Motion: to approve the consent calendar moving Item 18 to the Consent Calendar.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

C1. Receive City Council Calendar of Meetings for November 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Received City Council Calendar of Meetings for November 2022.

C2. Approve City Council City Council Regular Meeting Minutes of October 18, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Regular Meeting minutes of October 18, 2022.

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

Reviewed the list of items that have been requested by City Councilmembers and provided direction to staff as necessary.

C5. Accept Commissioner Resignation (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Accepted the resignation of Marshall Jones from the Economic Development and Trade Commission and direct the City Clerk to post the notice of unscheduled vacancy.

C6. Consider the Recommendation from Mayor Tran for Appointment to City Commissions (Contact: Mayor Tran, 408- 586-3029)

Received the recommendation from Mayor Tran and approved appointment to the Science, Technology & Innovation Commission.

C7. Reconfirm Findings and Determinations Under Resolution No. 9165 and Assembly Bill 361 for the Continuation of Virtual Meetings of the City Council and Legislative Bodies (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)

Reconfirmed findings and determinations under Resolution No. 9165 and Assembly Bill 361 for the continuation of virtual meetings of the City Council and Legislative Bodies.

C8. Approve and Authorize the City Manager to Execute a Professional Services Agreement with SCI Consulting Group for Storm Drain Fee Analysis Services for a Not-to-Exceed Amount of \$229,216.00 (Staff Contact: Roger Lee, Interim Public Works Director, 408-586-2602)

Received report on professional services proposals received and approve a professional services agreement with SCI Consulting Group; and authorized the City Manager to execute the agreement in the not to exceed amount of \$229,216.00.

- C9. Authorize the City Manager to Accept the 2022 Bulletproof Vest Partnership Grant in the Amount of \$11,078.17 and Approve a Related Budget Appropriation (Staff Contact: Jared Hernandez, Police Chief, 408-586-2406; and Frank Morales, Police Captain, 408-586-2521)**

Authorized the City Manager to accept the 2022 Bulletproof Vest Partnership Grant in the amount of \$11,078.17 and approve a related budget appropriation.

- C10. Receive a Report on Milpitas HOPE Suicide Prevention Task Force Activities Since September 2021 (Staff Contact: Renee Lorentzen, Director, Recreation and Community Services, 408-586-3409)**

Received the Report on Milpitas HOPE Suicide Prevention Task Force Activities Since September 2021.

- C11. Approve the Purchase of a Police Vehicle, Find the Procurement to be in the Best Interest of the City, and Authorize the City Manager to Execute Any Documents Necessary to Effectuate the Purchase at the Negotiated Amount (Staff Contact: Jared Hernandez, Police Chief, 408-586-2406; and Matthew Miller, Police Captain, 408-586-2522)**

Approved the purchase of a police vehicle, found the procurement to be in the best interest of the city, and authorized the City Manager to execute any documents necessary to effectuate the purchase at the negotiated amount.

- C12. Approve an Additional Budget Appropriation of \$17,151.00 to the Equipment Fund Non-Departmental FY 2022-23 Operating Budget for the Replacement Purchase of Two Police Vehicles through a Sourcewell Cooperative Contract with National Auto Fleet Group (Staff Contact: Jared Hernandez, Police Chief, 408-586-2406; and Matthew Miller, Police Captain, 408-586-2522)**

Approved an additional budget appropriation of \$17,151.00 to the Equipment Fund Non-Departmental FY 2022-23 Operating Budget for the replacement purchase of two police vehicles through a Sourcewell Cooperative Contract with National Auto Fleet Group.

- C13. Housing Authority/Successor Agency: Sale of the residential unit located at 254 Parc Place Drive (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Michelle Silva, Administrative Analyst II, 408-586-3244)**

Adopted **Resolution No. HA31 / 9198 / SA14** authorizing the Executive Director of the Milpitas Housing Authority to execute documents for the sale of the residential property located at 254 Parc Place Drive in the amount of \$278,315.00; and approved related budget amendments due to the sale of the property located at 254 Parc Place Drive in the amount of \$278,315.00.

- C14. Approve and Authorize the City Manager to Execute Amendment No. 4 with AG Witt, LLC for Disaster and COVID19 Cost Recovery and Consultation Services to Extend the Term by 18 Months and Increase the Existing Contract by \$67,975.00 for a Total Contract Amount of \$229,211.25 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Approved and authorized the City Manager to execute Amendment No. 4 with AG Witt, LLC for Disaster and COVID19 Cost Recovery and Consultation Services to extend the term by 18 months and increase the existing contract by \$67,975.00 for a total contract amount of \$229,211.25.

- 18. Approve Revisions to the Speed Hump City Council Policy (Staff Contact: Steve Erickson, Engineering Director / City Engineer, 408-586-3301; and Steve Chan, Transportation and Traffic Manager, 408-586-3324)**

Approved revisions to the Speed Hump City Council Policy.

PUBLIC HEARINGS

15. **Conduct a Public Hearing on a Site Development Permit for Development of a New 5,900-Square Foot, Two-Story Single-Family Residence, Two Detached Accessory Structures, an In-Ground Swimming Pool, and Associated Site Improvements; an Amendment to Planned Unit Development (PUD) No. 68 to modify the Previously Approved Design Standards for Single-Family Homes; and a Zoning Variance to Allow a Visible Intrusion into the Hillside Crestline Zone of Protection Sight Line, as Established by the City's Hillside Development Standards, on a Vacant +1.14-Acre Lot Located within the R1-H Single-Family Residential-Hillside Zoning District at 1339 Terra Vista Court (Countryside Estates, Lot 1) (APN: 029-07-010) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Continued to Regular Meeting of January 17, 2023 at the request of the applicant.

16. **Adopt a Resolution Authorizing the Funding Application to the PLHA Program, Approving a Five-Year Plan for the PLHA Program Formula Allocation of an Estimated \$1,431,570.00 for the City of Milpitas, Authorizing the Receipt of the PLHA Grant, and Certifying to the California Department of Housing and Community Development Compliance with the PLHA Program Requirements (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Sarah Balcha, Senior Administrative Analyst, 408-586-3268)**

Economic Development Director Andrade introduced the item and Senior Administrative Analyst Balcha presented the report.

Mayor Tran opened the public hearing

There were the following speakers:

1. Voltaire Montemayor
2. Jonathan Brunson
3. Barbara Navarro

Mayor Tran closed the public hearing.

Vice Mayor Montano asked to include in the lottery preferences to select eligible households in the restaurant industry such as dishwashers and servers. Economic Development Director Andrade indicated that those households are already included under restaurant employees and those in the hotel and travel industry. Vice Mayor Montano asked staff to include outreach to the small business community.

Councilmember Chua emphasized the importance of knowing how long the City has to utilize the grant and the amounts per year. She also suggested adding nurses' aides in senior daycare centers, security guards, EMTs, and pastors to the list of lottery preference categories. She asked for a way to create a "catch-all" for the positions the City hasn't directly identified so they aren't overlooked in the selection process. Economic Development Director Andrade responded that this is workforce housing so the positions discussed would be included. Assistant City Manager Kantak clarified that the program would be open to anyone that qualified based on the 30% AMI or below, these are the criteria to provide the weighting to receive assistance. She cautioned on broadening the categories too wide. Councilmember Chua reiterated the importance of the categories she discussed being included in the weighting process.

Councilmember Phan asked for a category to prioritize workforce housing for public safety

Mayor Tran made a motion to adopt **Resolution No. 9196** authorizing the funding application to the PLHA program, approving a five-year Plan for the PLHA program formula allocation of an estimated \$1,431,570 for the City of Milpitas, authorizing the receipt of the PLHA grant, and certifying to the California Department of Housing and Community Development compliance with the PLHA program requirements.

Vice Mayor Montano seconded the motion.

Mayor Tran amended the motion to add nurses' aides in senior daycare centers, security guards, EMTs, and pastors to the list of lottery preference categories, and add a category to prioritize workforce housing for public safety. Vice Mayor Montano accepted the amendment.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

COMMUNITY DEVELOPMENT

17. **Adopt a Resolution to Approve the Milpitas Residential and Mixed-Use Objective Design Standards (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Jay Lee, AICP, Principal Planner, 408-586-3077)**

Planning Director Thomas introduced the item and with Principal Planner Lee and Raimi and Associates Consultant Sensenig presented the report.

There were the following speakers:

1. Voltaire Montemayor
2. Barbara Navarro

Planning Director Thomas, Principal Planner Lee, and Raimi and Associates Consultant Sensenig responded to questions from council.

Motion: to adopt **Resolution No. 9197** to approve the Milpitas Residential and Mixed-Use Objective Design Standards

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

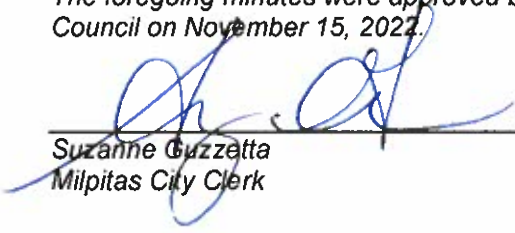
18. **Approve Revisions to the Speed Hump City Council Policy (Staff Contact: Steve Erickson, Engineering Director / City Engineer, 408-586-3301; and Steve Chan, Transportation and Traffic Manager, 408-586-3324)**

* *Moved to Consent Calendar*

ADJOURNMENT

Mayor Tran adjourned the meeting at: 8:33 PM

The foregoing minutes were approved by the Milpitas City Council on November 15, 2022.



Suzanne Guzzetta
Milpitas City Clerk