



JOINT MEETING MINUTES OF THE MILPITAS CITY COUNCIL AND THE SUCCESSOR AGENCY OF THE MILPITAS REDEVELOPMENT AGENCY BOARD

**TUESDAY, OCTOBER 19, 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 October 19, 2021, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, 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, and Phan

ABSENT: None

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Jeannine Seher, Human Resources Director

Employee Organization: LIUNA (MEA, ProTech, Mid-Con), 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 that there was no reportable action.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by former Mayor Bob Livengood.

INVOCATION

Councilmember Dominguez led the Invocation.

PRESENTATIONS

Mayor Tran proclaimed the month of October as Breast Cancer Awareness Month in the City of Milpitas and presented a City key to the family of former City employee Dale Flunoy.

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
2. Joseph Weinstein
3. Thomas Valore

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

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 announced the City will be holding a Philippines flag Raising Event on Friday from 4:00 PM to 5:30 PM. He also announced the City will be holding a virtual interactive community open house to review the Milpitas Metro District Specific Plan on Monday, October 25, from 6:00 PM to 8:00 PM.

Mayor Tran thanked the Milpitas Police Department for the actions in protecting the community. He also announced homecoming week for Milpitas High School and the Homecoming game on Friday at 7:00 PM.

Councilmember Chua announced that she attended the Annual League of California Cities conference and made the following requests:

1. Staff look into using reflective road markers to reduce cars doing donuts in the street.
2. An agenda item for the November 2 Council meeting to allow the Council to rescind direction given to 1355 California Circle and include direction to allow the project application to move forward without being tied to a specific plan.
3. An initiative to have an Adopt a Park program and staff provide guidelines.
4. Look into the selection of BMR units in the City and would like to know how the applicants get selected to be on the below-market-rate units.
5. Crossing guards be provided the Milpitas neon safety jackets and rain boots.
6. City provide Commissioners with appreciation gifts.

Councilmember Chua also announced that the Youth Commission will be holding a Halloween event for teens and their families at the Milpitas Teen Center on October 29, from 5:00 PM to 9:00 PM.

Vice Mayor Montano thanked the Police Department for protecting the citizens and made the following requests:

1. City look into a future site for a theater for performing arts.
2. City place recycle bins in the parks.
3. Adopt a Park signage subcommittee.
4. City reestablish employee clipper passes.
5. City establish a new tool shed site, possibly at the maintenance yard.
6. City look into purchasing a building on Main Street for a museum.
7. A picture of Albert Bogel Sr. be displayed in the Senior Center.
8. Staff set a meeting for the Main Street Subcommittee.

Councilmember Dominguez made the following requests:

1. Requested staff bring back an item for Council discussion and direction to implement a new permit fee for food trucks and ensure that the food truck businesses are located in Milpitas.
2. Requested that staff provide an update on the food truck circle project.
3. Requested consideration to implement a program with 41 developmental assets and have the City adopt one asset each month and have each Councilmember adopt the asset.

4. Requested the Council adopt a program to post the suicide prevention 1-800 number on fences in the community and invest funds to implement a small plaque with the 1-800 number to place around the City in places where youth congregate.
5. Requested that an item be brought back to fund trash bins for the unhoused community or to be placed in the City to help collect the trash and add them into a routine pickup or collection.

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

City Attorney Diaz read aloud the City Council Code of Conduct.

APPROVAL OF AGENDA.

Mayor requested that item 17 be taken after item 12.

Motion: to approve the October 19, 2021, Regular Meeting Agenda with the request to move item 17 after 12.

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.

Motion: to approve the Consent Calendar.

Motion/Second: Mayor Tran / Councilmember Chua

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

- C1. Receive City Council Calendars of Meetings for October and November 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Received City Council Calendars of Meetings for October and November 2021.

- C2. 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.

- C3. 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.

- C4. Approve the City Council Regular Meeting Minutes of October 5, 2021, and the Special Meeting Minutes of October 12, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Approved the City Council Regular Meeting Minutes of October 5, 2021, and the Special Meeting Minutes of October 12, 2021.

- C5. Adopt a Resolution Approving and Recertifying the City of Milpitas' 2021 Sewer System Management Plan Including Revisions to the Overflow Emergency Response Plan (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Adopted **Resolution No. 9106** approving and recertifying the City of Milpitas' 2021 Sewer System Management Plan including revisions to the Overflow Emergency Response Plan.

- C6. Approve and Authorize the City Manager to Execute the First Amendment to the Agreement with the Santa Clara Valley Water for Water District Conservation Program Cost Sharing (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Approved and authorized the City Manager to execute the First Amendment to the Agreement with the Santa Clara Valley Water District to increase cost-sharing amounts and partner on the Lawn Bust Milpitas Pilot Program.

- C7. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Rental Agreement with PSI Water Technologies Inc. for the Rental of a Monoclor RCS Trailer for a Total Amount Not-to-Exceed \$106,380.00 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Approved and authorized the City Manager to execute Amendment No. 2 of the Rental Agreement with PSI Water Technologies Inc. for the rental of a Monoclor RCS Trailer for a total amount not-to-exceed \$106,380.00.

- C8. Approve and Authorize the City Manager to Execute Amendment No. 2 with West Coast Arborist, Inc. for City-Owned Tree Maintenance Services for a total Amount Not-to-Exceed \$2,697,550.00 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Approved and authorized the City Manager to execute Amendment No. 2 with West Coast Arborist, Inc. for City-owned tree maintenance services for a total annual amount of \$80,000.00 for the remaining two years of the contract, for a total not-to-exceed contract amount of \$2,697,550.00.

- C9. Approve and Authorize the City Manager to Execute the Professional Services Agreement with Raimi + Associates Inc. for Consultant Services for the 2023-2031 Housing Element (Staff Contact: Sharon Goei, Director of Building Safety and Housing, 408-586-3260)**

Approved and authorized the City Manager to execute the Professional Services Agreement with Raimi + Associates Inc. for consultant services for the 2023-2031 Housing Element for a not-to-exceed amount of \$431,710; 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 and approved associated budget appropriation without additional action by the City Council; and approved a budget appropriation in an amount of \$317,332 from Fund 216 fund balance to Fund 216 contractual services.

- C10. Approve Eight (8) City of Milpitas Commission Work Plans for FY 2021-22 (Staff Contact: Walter Rossmann, Deputy City Manager, 408-586-3012; and Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Approved the proposed Fiscal Year 2020-21 Work Plans for: Arts Commission; Community Advisory Commission; Library and Education Commission; Parks, Recreation and Cultural Resources

Commission; Planning Commission; Senior Advisory Commission; Veterans Commission; Youth Advisory Commission.

C11. Joint Resolution of the City Council and Successor Agency of the Milpitas Redevelopment Agency Board Approving a \$65,000 Loan Agreement from the City to the Successor Agency and Authorizing Various Financial Actions by the City Manager (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Approved joint **Resolution No. 9107** of the City Council and Successor Agency of the Milpitas Redevelopment Agency Board to approve a \$65,000 Loan Agreement from the City to the Successor Agency and authorize various financial actions by the City Manager.

PUBLIC HEARING

12. Introduce 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)

Public Works Director Ndah introduced the item, and Deputy Public Works Director Marshall presented the staff report.

Mayor Tran opened the public hearing.

The following spoke:

1. Voltaire Montemayor
2. Joseph Weinstein
3. Barbara Jo Navarro

Council discussed concerns with potential damage to the sewer pipes on the homeowner's property caused by tree roots.

Mayor Tran closed the public hearing.

Vice Mayor stated she would like to make a motion to accept staff's recommendation and remove the item with the pipe from the house to the mainline and bring it back for a more in-depth discussion.

Deputy Public Works Director clarified the section the Vice Mayor was referencing was Section 18 Amendment of the Milpitas Municipal Code Title VIII, Chapter 2, Article XIII, Section VIII-2-13.02 "Maintenance by User."

City Attorney Diaz stated if it is the direction of Council then staff will remove section 18 of the proposed ordinance and renumber all remaining sections consecutively. He read the title of Ordinance No. 208.54 "An Ordinance of the City Council of the City of Milpitas Amending Various Sections of Title VIII, Chapter 2 of the Milpitas Municipal Code Relating to Sewer Operation and Maintenance." He stated that the motion would be to introduce the ordinance with the modification to delete section 18 of the ordinance and waive further reading beyond the title.

Motion: to waive the first reading beyond the title and introduce Ordinance No. 208.54 amending various sections of Title VIII, Chapter 2 of the Milpitas Municipal Code relating to sewer operation and maintenance with the modification to remove Section 18 Amendment of the Milpitas Municipal Code Title VIII, Chapter 2, Article XIII, Section VIII-2-13.02 "Maintenance by User."

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by a vote of:

AYES: 3

NOES: 2 (Dominguez, Phan)

COMMUNITY DEVELOPMENT

Motion: to postpone item 16 to a future meeting.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by a vote of:

AYES: 3

NOES: 2 (Dominguez, Phan)

Mayor Tran took public comment for item 16.

The following spoke:

1. Peter Zak
2. Jake Bilchinsky
3. Allysson McDonald
4. Haim Avizov
5. Alfred Williams
6. Bob Livengood
7. Armando Gomez
8. Sean Rawson
9. Member of the Public
10. Member of the Public
11. Karolyn Hernandez
12. Member of the Public
13. Member of the Public
14. Voltaire Montemayor
15. Wenling Chen
16. Wendy (no last name given)
17. Ashley Malone
18. Kevin Martin
19. Amaka Anyanwu
20. Roger Staulbach
21. Ngoc Ngan Thai
22. Josh Childress
23. Ananda Camuendo
24. Arnold Valencia
25. Ford Christopher
26. Mitchell Sweet
27. Harshad Joshi
28. Member of the Public

- 13. Receive a Report on the Homekey Project at 1000 Hillview Court. (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; Jared Hernandez, Police Chief, 408-586-2406; and Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Assistant City Manager Kantak stated that the presentations for items 13 and 14 will be presented together. She provided background information on the HomeKey Project.

Police Chief Hernandez provided information on the calls for service and police reports generated.

Deputy City Manager Rossmann introduced this item and Public Works director Ndah presented the staff report.

Council discussed setting service levels at the highest level possible and commented on the meet and confer with MEA.

The following spoke during Public Comment:

1. Voltaire Montemayor
2. Allysson McDonald
3. Barbara Jo Navarro

After discussion, motion: to accept staff's recommendations and the landscaping and parks maintenance service levels.

City Manager McHarris clarified the service levels the Council discussed were level one for Parks Maintenance and Landscape Maintenance and confirmed that this is the highest level. He stated that because this will require additional staff, it will need to be brought back during the budget cycle for mid-year budget review in January. He further stated the Council also discussed support for continuing the meet and confer with MEA for the ten parks since the contract is in place in order to free up existing staff.

Vice Mayor Montano and Mayor Tran confirmed the motion included the City Manager's clarification.

Motion/Second: Vice Mayor Montano / Mayor Tran

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

ADJOURNMENT

Mayor Tran adjourned the meeting at 11:56 PM.

The foregoing minutes were approved by the Milpitas City Council on November 2, 2021.

Wendy Wood
City Clerk