



## REGULAR MEETING MINUTES OF THE MILPITAS CITY COUNCIL

TUESDAY, OCTOBER 5, 2021

CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA  
7:00 PM (PUBLIC BUSINESS)

The City Council of the City of Milpitas convened on the Regular Meeting day of October 5, 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 7:00 PM. Roll Call was taken by City Clerk Wood.

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

ABSENT: None

### **PLEDGE OF ALLEGIANCE**

Mayor Tran led the Pledge of Allegiance.

### **INVOCATION**

Councilmember Dominguez led the Invocation.

### **PRESENTATIONS**

Mayor Tran proclaimed the week of October 3 – 9, 2021, as Milpitas Fire Prevention Week and proclaimed the month of October as Domestic Violence Awareness Month in the City of Milpitas.

### **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**

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 that the City will be hosting the fifth annual Manufacturing Day event in partnership with the Milpitas Unified School District, introducing students to careers in Technology and Advanced Manufacturing. The event will take place Thursday, October 7, from 11:00 AM to 12:15 PM. The City



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/Second: Mayor Tran / Vice Mayor Montano

NOES: 0

Received the City Council Calendar of Meetings for October 2021.

Approved the City Council Regular Meeting Minutes of September 21, 2021, and the Special Meeting Minutes of September 28, 2021.

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

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

Received Mayor Tran's recommendations and approved the appointments to the Art Commission and Youth Commission, and the removal of one commissioner from the Public Safety & Emergency Preparedness Commissions as follows:

1. Reappoint Giuliana Brahim to serve as a Commissioner with a term to expire in October 2024.
2. Appoint Cecelia Hutnick to serve as a Commissioner with a term to expire in October 2024.

1. Appoint Khloe Cruz to serve as a Commissioner with a term to expire in September 2022.
2. Appoint Nitya Reddy to serve as Alternate No. 1 with a term to expire in September 2022.

1. Remove Aleck Bittencourt as a Commissioner from a seat with a term that expires in June 2022.

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Accepted the resignation of Melissa Tan from the Art Commission, and confirmed the posting of the unscheduled vacancy.

- C7. Approve and Authorize the City Manager to Execute Amendment No. 1 with Environmental Services Inc. for Citywide HVAC Maintenance Services for a total Amount Not-to-Exceed \$454,197.35 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Approved and authorized the City Manager to execute Amendment No. 1 with Environmental Services Inc. for Citywide HVAC maintenance services for a total amount not-to-exceed \$454,197.35.

- C8. Approve and Authorize the City Manager to Execute a Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; Approve a Budget Appropriation of \$1,355,916 in Measure B Innovative Transit Service Models Program Funding and Developer Contributions into Project No. 3493; and Adopt a Resolution to Approve and Authorize the City Manager to Execute a Subscription and Services Agreement with RideCo in a Not-to-Exceed Amount of \$1,355,916 for Consultant Services Related to Milpitas OnDemand and Making Sole Source Findings and Findings that the Procurement is in the Best Interest of the City (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

This item was postponed to a future meeting.

- C9. Approve the Mural Program City Council Policy and Appropriate First Year Annual Funding in the amount of \$50,000 (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Approved the Mural Program City Council Policy and appropriated \$50,000 from the Public Art Fund to Public Arts CP 3489.

- C10. Police Chief Position Reassignment Benefit Authorization (Staff Contact: Jeannine Seher, Human Resources Director, 408-586-3086)**

Authorized the City Manager to include a Position Reassignment Benefit in the Police Chief appointment letter.

## **COMMUNITY DEVELOPMENT**

- 11. Receive a Status Update on the Main Street Revitalization Initiative and Provide Direction to Staff on the American Rescue Plan Act Funding for Main Street Revitalization (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Assistant City Manager Kantak provided background and a summary of the revitalization elements.

Recreation and Community Services Director Lorentzen provided information on the Holiday Magic Event.

Deputy Fire Chief Marshall Zamora provided information on the Holiday Magic Event layout and street closure.

Vice Mayor Montano commented on the Holiday Magic Event provided feedback and requested the City put flowerpots in front of the businesses with the businesses watering them on Main Street temporarily until the storefront façades can be completed.

Planning Director Thomas provided information from the three “Community Conversations” and an update on the Gateway-Main Street Specific Plan.

Economic Development Director Andrade provided information on the Storefront Improvement Grant Programs and the Potential Business Improvement District (BID).

Mayor Tran recommended that the Business Improvement District (BID) be sent to the Economic Development and Trade Commission with possible Main Street business owner outreach.

Assistant City Manager Kantak provided additional information on the American Rescue Plan Act Funds.

Councilmember Chua would like to explore having Public Works maintenance staff setup the lighting at City Hall.

The following spoke under Public Comment:

1. Voltaire Montemayor
2. John Agg

Councilmember Dominguez stated that she would like collaboration with non-profits and staff to come back with a preapproved diagram for non-profits that can adopted for events on Main Street. She would like to use American Rescue Plan Act (ARPA) funding to subsidize the permit fees for those non-profits to host events on Main Street. She requested staff look into how they can use ARPA funding to subsidize permit fees for the expansion or the implementation of COVID-19 upgrades for businesses to keep customers safe. She also requested staff come back with an item that uses ARPA funding to support a Main Street live music universal permit and subsidize the fees or a universal program that would be free for all.

Councilmember Phan commented on concerns with public health and safety and requested that the City require proof of vaccination.

Motion: to provide direction to staff on the American Rescue Plan Act (ARPA) funding for Main Street Revitalization to include Councilmember Dominguez’s recommendations regarding nonprofit support and send it to the Economic Development and Trade Commission for further discussion, and recognize Councilmember Phan’s comments on public health and continue to follow the Santa Clara County Public Health Department’s guidelines for outdoor events, acknowledged Councilmember Chua’s comment on City Hall lights but wants to ensure City Hall lighting is contracted out because of a personnel shortage of maintenance workers, send the Business Improvement District (BID) to the Economic Development and Trade Commission for further discussion, and approved everything else as presented by staff.

Motion/Second: Mayor Tran / Vice Mayor Montano

After discussion, Motion carried by a vote of:

AYES: 3

NOES: 1 (Phan voted no)

ABSTAIN: 1 (Dominguez abstained from the vote)

**12. Receive a Presentation From Staff and Provide Direction on Policy Options to Regulate Tobacco Retail Permitting, Flavored Tobacco and Electronic Cigarette Products, and Tobacco Retail Location Limits (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Planning Director Thomas and Principal Planner Lee gave a presentation on policy options to regulate tobacco retail permitting, flavored tobacco and electronic cigarette products, and tobacco retail location limits.

The following spoke under Public Comment:

1. Voltaire Montemayor
2. Carol Baker
3. Vanessa Marvin
4. Bob Gordan
5. Thomas Valore

Council discussed the options and commented on San Jose's ordinance.

Motion: to adopt a policy similar to the City of San Jose.

Motion/Second: Councilmember Dominguez / Mayor Tran

Motion carried by a vote of:

AYES: 5

NOES: 0

### **COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE**

- 13. Approve Design Proposal for Montague Pedestrian Overcrossing Public Art Selection and Appropriation from Public Art Fund to Public Arts Project (CP 3489) (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recreation and Community Services Director Lorentzen and Community Services Engagement and Inclusion Administrator McLane presented the Design Proposals for the Montague Pedestrian Overcrossing Public Art Selection.

The following spoke under Public Comment:

1. Voltaire Montemayor

After discussion, motion: to approve the Ryan Petersen Design Proposal for the Montague Pedestrian Overcrossing Public Art Selection and approve an appropriation of \$15,000 from the Public Art Fund to Public Arts Project (CP 3489).

Motion/Second: Vice Mayor Montano / Councilmember Phan

Motion carried by a vote of:

AYES: 5

NOES: 0

### **LEADERSHIP AND SUPPORT SERVICES**

- 14. Adopt a Resolution Making Findings and Determinations Under Assembly Bill 361 for the Continuation of Virtual Meetings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)**

City Attorney Diaz gave a presentation on Assembly Bill 361 and provided information for the continuation of virtual meetings.

Assistant City Manager Kantak presented policy considerations.

Motion: to adopt **Resolution No. 9105** making findings and determinations under Assembly Bill 361 for the continuation of virtual meetings.

The following spoke under Public Comment:

1. John Agg
2. Voltaire Montemayor

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by a vote of:

AYES: 5  
NOES: 0

## **ADJOURNMENT**

Mayor Tran adjourned the meeting at 10: 47 PM.

*The foregoing minutes were approved by the Milpitas City Council on October 19, 2021.*

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Wendy Wood  
City Clerk