



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, OCTOBER 4, 2022

The City Council of the City of Milpitas convened on the regular City Council meeting day of June 21, 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 7:00 PM. Roll call was taken by City Clerk Guzzetta.

PRESENT: Mayor Tran, Vice Mayor Montano (7:07 PM), Councilmembers Chua, Dominguez, and Phan.

ABSENT: None.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Councilmember Chua presented a video from the St. John the Baptist School Choir.

PRESENTATIONS

Mayor Tran presented proclamations in recognition of Fire Prevention Week, Indigenous Peoples' Day, Hindu Heritage Month, and California Clean Air Day.

PUBLIC FORUM

The following people spoke under Public Forum:

1. Barbara Curry
2. Penny Alexa
3. Voltaire Montemayor
4. Mary Beth Bykowsky
5. Inderjit Mundra
6. Barbara Jo Navarro

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Councilmember Chua thanked the Milpitas Police Department for the Public Service Announcement on package theft and thanked staff for their work on the Filipino American History Event last week.

Councilmember Phan also offered thanks to the Milpitas Police Department and congratulated City Clerk Guzzetta on her appointment.

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 October 4, 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.

Motion/Second: Mayor Tran / Councilmember Chua

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 October 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Received the City Council Calendar of Meetings for October 2022.

C2. Approve City Council City Council Regular Meeting Minutes of September 20, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved the City Council Regular Meeting minutes of September 20, 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. 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.

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 appointments to City Commissions.

Energy and Environmental Sustainability Commission:

1. Revise appointment of Carmelo Coronel to Alternate # 2 with an unexpired term ending October 2024.

Arts Commission:

1. Reappoint Joyita Ghose to a term ending October 2025.
2. Promote Jamie Hekkelman from Alternate No. 1 to the vacant seat with an unexpired term ending October 2024.
3. Appoint Mona Sampath Khan as Alternate No. 1 with a term ending October 2025.
4. Appoint Kenneth Truong to the Calaveras Hills High School Student seat with an unexpired term ending October 2023.

C7. Waive the Second Reading and Adopt Revised Ordinance No. 38.846 Amending Sections of Chapter 10, Title XI of the Milpitas Municipal Code Relating to Non-Residential Building Heights in the C2 General Commercial, HS Highway Services, and TC Town Center Zoning Districts (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Waived the second reading and adopted **Ordinance No. 38.846** amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to maximum building heights in certain zoning districts

C8. Report on Bids and Award Construction Contract to Mercoza, Inc. in the Amount of \$344,928.00 for the Annual Sidewalk, Curb, and Gutter Repair Project (Staff Contacts: Roger Lee, Interim Public Works Director, 408-586-2602; and Chris Schroeder, Purchasing Agent, 408-586-3161)

Received report on bids and awarded a construction contract to the lowest responsible and responsive bidder, Mercoza Inc., in the amount of \$344,928.00 for the Annual Sidewalk, Curb, and Gutter Repair Project; and authorized the City Manager to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$35,000.00.

C9. Adopt a Resolution Accepting and Authorizing the City Manager to Execute a Sole Source Purchase for Procurement of six (6) LIFEPAK 15 V4 Monitor/Defibrillators from Stryker Sales Corporation in the Amount of \$220,107.43, Net of Credit (Staff Contact: Brian Sherrard, Fire Chief, 408-586-2811; and Kenju Suzuki, EMS Battalion Chief, 408-586-2824)

Adopted **Resolution No. 9192** accepting and authorizing the City Manager to execute the Sole Source Purchase of six (6) LIFEPAK 15 V4 Monitor/Defibrillators with Stryker Sales Corporation in the amount of \$220,107.43, net of credit; and approved a budget appropriation into the Fire Department's FY 2022-23 operating budget.

C10. Authorize the City Manager to Execute a Contract with Colliers Parrish International Contract for Real Estate Services (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046)

Authorized the City Manager to execute a contract with Colliers Parrish International for real estate services related to the disposition of property located at 1432-1446 South Main Street, for a fee of four percent (4%) of the final gross sales price.

- C11. Accept Funding from the Association of Bay Area Governments (ABAG) for the Management of the Regional Early Impact Planning (REAP) Grant (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)**

Authorized the City Manager to accept grant funding from the Association of Bay Area Governments (ABAG) for the Management of the Regional Early Impact Planning (REAP) Grant and approved related budget amendments for revenue in the amount of \$142,718.00 (\$62,823 for FY21-22 and \$79,895 for FY22-23).

- C12. Adopt a Resolution to Amend the City of Milpitas Classification Plan to Establish the Position of Risk Analyst 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. 9193** amending the Classification Plan to establish the position of Risk Analyst and amending the Salary Schedule titled “All Job Classifications/ Salary Table” to include the salary range for this classification.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

- 13. Proposed Revisions to the City Council Policy for Donations for City Parks and Recreation and Community Services Programs (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recreation and Community Services Director Lorentzen presented the report.

There were the following speakers:

1. Voltaire Montemayor

Mayor Tran moved to approve proposed revisions to the City Council Policy for Donations for City Parks and Recreation and Community Services Programs.

Councilmember Chua asked for clarification on how community services programs are defined and requested councilmember fundraising be included in the policy.

Recreation and Community Services Director Lorentzen noted that the fundraising completed by Councilmember Chua for emergency motel stays in 2021 was previously approved under the budget guidelines for accepting grants and donations as they fell under the threshold for the City Manager’s authority, but the donation went before City Council for acceptance because it would require additional Recreation and Community Services Department staff oversight. Mayor Tran agreed to accept the amendment to the motion.

After Finance Director Lai noted that the proposed policy is specific to recreation programs and confirmed that there is an internal procedure to receive grants under the City Manager threshold, Councilmember Chua withdrew the recommended amendment to the motion.

Deputy City Manager Rossmann stated that any FPPC reporting requirements for councilmember fundraising should be included in administrative policies and proposed to work with the City Attorney.

Vice Mayor Montano suggested that the Milpitas Housing Department or MAP would be the best area to assume responsibility, and recommended the policy be revised to include recognition of donations greater the \$100,000.00.

Councilmember Dominguez asked staff to include fundraising reports on the City website.

Councilmember Chua requested staff clarify language on reporting fundraising to the City Clerk to clearly define the event that triggers the deadline to report.

After discussion, motion: to approve proposed revisions to the City Council Policy for Donations for City Parks and Recreation and Community Services Programs.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by the following:

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

NOES: None

LEADERSHIP AND SUPPORT SERVICES (8:15 PM)

14. Receive an Update on the American Rescue Plan Act and Provide Direction to Staff (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Lauren Lai, Director of Finance, 408-586-3111)

There were the following speakers:

1. Voltaire Montemayor
2. Alex Caraballo

Councilmember Chua recommended transferring additional funds to the catalytic converter program. Assistant City Manager Kantak indicated that the request could be brought back with the Mid-Year Budget in February.

Councilmember Phan asked for a status update on ARPA money allocated to the Milpitas Chamber of Commerce. Assistant City Manager Kantak responded that an update will be provided as soon as the City received the requested information.

Councilmember Phan expressed doubts with the Chamber of Commerce's ability to respond to the request for information and asked Council to consider rescinding ARPA funding for the Chamber of Commerce.

ADJOURNMENT

Mayor Tran adjourned the meeting at 8:47 PM

The foregoing minutes were approved by the Milpitas City Council on October 18, 2022.

*Suzanne Guzzetta
Milpitas City Clerk*