



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, SEPTEMBER 20, 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 7:02 PM. Roll call was taken by Acting City Clerk Guzzetta.

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

ABSENT: None.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Councilmember Dominguez led the invocation, reciting the poem "Still I Rise" by Maya Angelou.

PRESENTATIONS

Mayor Tran presented proclamations recognizing Ovarian Cancer Awareness Month and Hispanic Heritage Month.

PUBLIC FORUM

The following people spoke under Public Forum:

1. Loreto Quevedo Dimaandal
2. Voltaire Montemayor
3. Lusi Wang spoke and submitted petitions
4. Hien La
5. Hang Nguyen
6. A Sunnyhills Resident
7. Khai Tran
8. A Sunnyhills Resident
9. Allysson McDonald
10. Staff member for Community Land Trust
11. Inderjit Mundra, Milpitas Chamber of Commerce
12. Johanna B
13. Tiffany Vuong

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager McHarris announced the Filipino Flag Raising would occur on Saturday, October 1, 2022 at 10 AM at Caesar Chavez Plaza at Milpitas City Hall, and that the Milpitas Police Department will host "Coffee with a Cop" on Thursday, September 29, 2022 from 9-11 AM at the Starbucks on 120 Milpitas Boulevard.

Mayor Tran announced the 626 Night Market Mini on Saturday at the Great Mall.

Councilmember Phan spoke to affordable housing concerns from public forum speakers.

Councilmember Chua questioned the City Attorney if there is a policy regarding foreign languages spoken at the dais, and made the following requests:

1. Requested the City Attorney or City Manager draft a written policy regarding foreign language spoken at the dais. Mayor Tran requested that an independent third-party translator be utilized in the policy.
2. Asked the City Manager to look into defining either a standalone teen center or updating information to indicate that the Senior Center also functions as a Teen Center.
3. Requested the City Attorney to explore strengthening ethics education and policies for City Councilmembers.
4. Asked for City Manager to create a PSA (public service announcement) on best practices to prevent package theft for residents.

Councilmember Chua presented slides on Library statistics presented at the Library and Education Advisory Commission and announced the Citizens' Advisory Commission Spring Cleanup on Saturday, September 24, 2022 at the Mobilodge of Milpitas.

Vice Mayor Montano commended participants, coordinators, staff, City Council, and the community for their participation in the Mexican Flag Raising.

Councilmember Dominguez made the following requests:

1. Asked staff to look into construction in the Sunnyhills area;
2. Requested sharing or developing a City policy for Flag Raising Ceremonies including procedure for presentation of the colors and performance of the national anthem.

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 September 20, 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

There were the following speakers:
Mike Katz-LaCabe

Motion: to approve the consent calendar pulling Item 18 from the consent calendar to be heard after Item 20.

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 Calendars of Meetings for September and October 2022 (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)

Received City Council Calendars of Meetings for September and October 2022.

C2. Approve City Council City Council Regular Meeting Minutes of September 6, 2022 (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)

Approved City Council Regular Meeting minutes of September 6, 2022.

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

Reviewed the list of items that have been requested by City Councilmembers and provide direction to staff as necessary. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until it is scheduled as a full agenda item.

C5. Adopt a Resolution Updating the Conflict of Interest Code in 2022 and Amending List of Designated Disclosure Positions for the City of Milpitas (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001; and Michael Mutalipassi, City Attorney, 408-586-3041)

Adopted **Resolution No. 9190** updating the 2022 City of Milpitas Conflict of Interest Code, including the list of designated positions required to annually file the FPPC Form 700 Statement of Economic Interests.

C6. Accept the FY 2021-22 Commissioners Annual Report for Six (6) Commissions and Approve Six (6) City of Milpitas Commission Work Plans for FY 2022-23 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Walter C. Rossmann, Deputy City Manager, 408-586-3012)

Accepted the 2021-22 Commissioners Annual Report; and approved the proposed Fiscal Year 2022-23 Work Plans for the Arts Commission, Library and Education Commission, Parks, Recreation and Cultural Resources Commission, Senior Advisory Commission, Veterans Commission, and Youth Advisory Commission.

- C7. FY 2021-22 Fourth Quarter Financial Status Report, Fund Balances Thereof and Related Budget Amendments to Close-out the FY 2021-22 Budget (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Reviewed the FY 2021-22 Quarterly Financial Status Report for the quarter ending June 30, 2022 (unaudited); and approved budget, contingency and reporting recommendations.

- C8. Authorize the City Manager to Execute a Master Encroachment Agreement for Mobilitie, LLC, a Nevada Limited Liability Company for Installation of Network Facilities Within Public Right-of-Way (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301; and Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Authorized the City Manager to execute a Master Encroachment Agreement for Mobilitie, LLC, a Nevada Limited Liability Company, for installation of network facilities within the public right-of-way.

- C9. Approve and Authorize the City Manager to Execute a Sole Source One-Year Agreement with CentralSquare Inc. for Maintenance and Support of the Public Safety Computer Aided Dispatch System for the Not-to-Exceed Amount of \$129,264.92 (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

Approved and authorized the City Manager to execute a sole source one-year agreement with CentralSquare Inc. for maintenance and support of the Public Safety Computer Aided Dispatch System for the not-to-exceed amount of \$129,264.92, pending final approval by City Attorney.

- C10. Authorize and Approve Travel to Anaheim, CA for City Manager Steve McHarris to Attend the Annual Conference of the American Planning Association – California Chapter – to be held October 1 – 4, 2022. (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Authorized and approved travel to Anaheim, CA for City Manager Steve McHarris to attend the Annual Conference of the American Planning Association – California Chapter – to be held October 1 – 4, 2022, for an estimated not-to-exceed amount of \$2,500 budgeted under Conferences/Trainings allocation for the City Manager's Office.

- C11. Adopt a Resolution Authorizing the City Manager to Execute the Extension of the Sole Source Services Agreement with Flock Group Inc. for Automated License Plate Reader (ALPR) Cameras in an Amount Not-to-Exceed \$314,750.00 and Renew the Agreement for One Three-Year Period Subject to Annual Appropriation of Funds. (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Adopted **Resolution No. 9191** authorizing the City Manager to execute the extension of the sole source services agreement with Flock Group, Inc. for Automated License Plate Reader (ALPR) Cameras in an amount not-to-exceed \$314,750 and renew the agreement for one three-year period subject to annual appropriation of funds; and authorize the Chief of Police to execute contract change orders in an aggregate amount not to exceed \$78,500.00.

- C12. Award IFB 23-009 and Authorize the City Manager to Execute the Purchase Order with Iteris Inc. for the Purchase of Thirty Iteris Traffic Cameras for the Not-to-Exceed Amount of \$125,606.25 (Staff Contact: Roger Lee, Interim Public Works Director, 408-586-2602; and Chris Schroeder, Purchasing Agent, 408-586-3161)**

Awarded IFB 23-009 and authorized the City Manager to execute the purchase order with Iteris Inc. for the purchase of thirty Iteris traffic cameras for the not-to-exceed amount of \$125,606.25.

- C13. Approve and Authorize the City Manager to Execute the Five-Year General Services Agreement with Aramark Uniform Service for Citywide Uniform, Mat, and Linen Services for the not-to-exceed amount of \$240,916.30 (Staff Contact: Chris Schroeder, Purchasing Agent, 408-586-3161)**

Approved and authorized the City Manager to execute the five-year General Services Agreement with Aramark Uniform Service for Citywide Uniform, Mat, and Linen Services for the not-to-exceed amount of \$240,916.30.

- C14. Consider Sunnyhills Neighborhood Association Fee Waiver Request (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Approved a fee waiver of \$1,317.00 for the Sunnyhills Neighborhood Association Halloween Event scheduled for October 29, 2022.

- C15. Consider Korean Language and Culture Foundation's Annual Korean Alphabet Event Donation Request (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Approved a donation of \$500.00 for the Korean Language and Culture Foundation's annual Korean Alphabet Event scheduled for October 2, 2022.

- C16. Consider the Recommendations from Mayor Tran for Appointments to City Commissions (Contact: Mayor Tran, 408- 586-3029)**

Received the recommendation from Mayor Tran and approved appointments to the Energy and Environmental Sustainability Commission and Youth Advisory Commission.

- C17. Accept Commissioner Resignations (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)**

Accepted the resignation of Khloe Cruz from the Youth Advisory Commission and Dana Arbaugh from the Library and Education Advisory Commission; and direct the Acting City Clerk to post the notice of unscheduled vacancy.

- C18. Second Reading of Ordinance No. 228.1 of the City Council of the City of Milpitas Adding Chapter 9 ("Use Of Rights-Of-Way And Public Property") to Title X ("Streets And Sidewalks") of the Milpitas Municipal Code and Adding Section X-10-1.03 to Chapter 10 ("Structures Or Objects On Sidewalks Or Public Ways") to Title X ("Streets And Sidewalks") of the Milpitas Municipal Code (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3041)**

Item removed from Consent.

PUBLIC HEARINGS

- 19. Conduct a Public Hearing and Introduce Ordinance No. 38.846 Amending Sections of Chapter 10, Title XI of the Milpitas Municipal Code Relating to Non-Residential Building Heights (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Planning Director Thomas presented the report.

Mayor Tran opened the public hearing

There were the following speakers:

1. Barbara Jo Navarro
2. Allysson McDonald

3. Voltaire Montemayor
4. Yolie Garcia
5. Bill Korbe
6. Frank Bush

Mayor Tran closed the public hearing.

City Attorney Mutalipassi read aloud the title of the ordinance.

Motion: to waive the first reading beyond the title and introduce **Ordinance No. 38.846** amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to Non-Residential Building Heights and determine that the Municipal Code amendment is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a General Plan) and 15061(b)(3) (Common Sense Exemption)

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by the following:

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

NOES: None

20. Conduct a Public Hearing and Approve the Draft FY 2021-2022 Community Development Block Grant's (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)

Economic Development Director Andrade introduced the item. Housing and Neighborhood Services Administrator Musallam presented the report.

Mayor Tran opened the public hearing

There were the following speakers:

1. Loreto Dimaandal
2. Voltaire Montemayor

Mayor Tran closed the public hearing.

Motion: to approve the draft FY 2021-2022 Community Development Block Grant's (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER); and authorize the City Manager, or designee, to make any necessary changes and submit the approved Draft FY 2021-2022 CAPER to the U.S. Department of Housing and Urban Development (HUD) to comply with CDBG requirements

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following:

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

NOES: None

ITEMS PULLED FROM CONSENT

C18. Second Reading of Ordinance No. 228.1 of the City Council of the City of Milpitas Adding Chapter 9 ("Use Of Rights-Of-Way And Public Property") to Title X ("Streets And Sidewalks") of the Milpitas Municipal Code and Adding Section X-10-1.03 to Chapter 10 ("Structures Or Objects On Sidewalks Or Public Ways") to Title X ("Streets And Sidewalks") of the Milpitas Municipal Code (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3041)

City Attorney Mutalipassi presented the report and responded to questions from City Council.

There were the following speakers:

1. Loreto Dimaandal
2. Allysson McDonald
3. Voltaire Montemayor
4. Yolie Garcia
5. Tom Valore
6. Barbara Jo Navarro
7. Robert Means

Councilmember Dominguez voiced concerns about rights to assemble and proposed an amendment to the ordinance protecting the right to assemble in a public space.

Councilmember Chua clarified the City has a process in place regarding public assembly.

Mayor Tran responded to Councilmember Dominguez's concerns and suggested bringing back an item amending the ordinance to provide protection for the right to assemble.

Vice Mayor Montano raised clarifying points regarding existing language in the report that would protect the right of assembly.

After discussion, Motion: to waive the second reading and adopt **Ordinance No. 228.1** of the City Council of the City of Milpitas adding Chapter 9 ("Use Of Rights-of-way and Public Property") to Title X ("Streets and Sidewalks") of the Milpitas Municipal Code and adding Section X-10-1.03 to Chapter 10 ("Structures or Objects on Sidewalks or Public Ways") to Title X ("Streets and Sidewalks") of the Milpitas Municipal Code

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following:

AYES: Councilmember Chua, Vice Mayor Montano, Mayor Tran

NOES: Councilmembers Dominguez, Phan.

COMMUNITY DEVELOPMENT

21. 6th Cycle Draft Housing Element (2023-2031) (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Alex Andrade, Economic Development Director, 408-586-3046)

Assistant Director Kantak and Economic Development Director Andrade introduced the item. Hanson Hom, Raimi & Associates Consultant Eric Yurkovich, and Thomas Silverstein from the Lawyers Committee presented the report.

There were the following speakers:

1. Loreto Dimaandal
2. Allysson McDonald
3. Voltaire Montemayor

Vice Mayor Montano commented on unrealistic RHNA allocations for cities in Santa Clara County, voiced concerns with State requirements not applying to school districts and questioned how fair housing would be enforced.

Councilmember Chua emphasized the importance of balance between commercial, industrial, and residential, and asked when the item returns that they reduce the staff-identified surplus housing numbers so that commercial and industrial sites are not touched.

Councilmember Phan thanked staff and discussed the City's need to expand affordable housing inventory, work on anti-displacement measures, and address RHNA numbers in the low and very low AMI ranges. He asked for a program to bring unpermitted and non-compliant ADUs into compliance.

After discussion, Council received the report.

LEADERSHIP AND SUPPORT SERVICES

22. Discussion of State Funding Plan for Bike Lanes Facilities Enhancement and Homelessness Prevention and Unhoused Services (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Walter C. Rossmann, Deputy City Manager, 408-586-3012)

Assistant City Manager Kantak presented the report, and joined by Deputy City Manager Rossmann, responded to questions from the City Council.

There were the following speakers:

1. Loreto Quevedo Dimaandal
2. Voltaire Montemayor
3. Allysson McDonald
4. Robert Means

Mayor Tran thanked staff and the Milpitas Homelessness Task Force for their work and proposed transferring a portion of the funds from the mobile shower item to the navigation center.

Councilmember Phan cautioned that Council needed to be mindful of funding requirements and intentions and ensure that state funding was dedicated to services.

Councilmember Chua emphasized the importance of getting more money or grants for ADUs and asked staff to ensure the assessment program remains funded beyond 2023.

Councilmember Dominguez suggested City Council avoid transferring funds from the scope of work in the original funding requests, and voiced opposition for moving any funding away from mobile showers. She asked to see the mobile shower sign-in sheets when staff returns with the item.

After discussion, Council received the report.

ADJOURNMENT

Mayor Tran adjourned the meeting at 11:35 PM

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta