



## MILPITAS CITY COUNCIL MEETING MINUTES

### **MEETING OF THE MILPITAS CITY COUNCIL**

MONDAY, AUGUST 9, 2021  
CITY COUNCIL CHAMBERS, 2<sup>nd</sup> 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 August 17, 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 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

City Council reconvened to the public portion of the meeting at 7:00 PM.

**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

No action was reported.

#### **PLEDGE OF ALLEGIANCE**

Mayor Tran led the Pledge of Allegiance.

#### **INVOCATION**

Vice Mayor Montano gave the Invocation and read a poem she wrote titled "Planet Earth."

#### **PRESENTATIONS**

Mayor Tran presented a Key to the City to retired Police Records Clerk II, Laura Edge, and retiring Information and Technology Director, Mike Luu.

Mayor Tran proclaimed August 26 as Women's Equality Day and Councilmembers provided comments on women's equality.

Mayor Tran and Councilmember Chua presented commendations to the Milpitas High School winners of EmPowerSV Scholarship Competition Daphne Tran, Michelle Ngo, and Philip Yang for the Creative Presentation category.

Mayor Tran and Councilmember Chua presented Certificates of Recognition to the Library Commission Essay Contest Winners Rajeesh Veera, Dylan Nguyen, Preesha Somaiya, Kim Hoang, Edith Chang, Tiffany Lieu, Sophia Do, Darren Lam, This Le, and Catherine Fung

Mayor Tran and Councilmember Chua presented Certificates of Recognition to Senior Center Nutrition Volunteers Dan Soriano, Aarush Arora, and Avinash Ravindra.

### **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 names 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

The Mayor called for a recess due to technical difficulties at 7:55 PM.

The City Council reconvened at 8:20 PM.

2. Elpidio Estioko
3. Allysson McDonald

### **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.

### **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 is continuing to partner with the County of Santa Clara for more testing in Milpitas. Starting this week there will be free weekly testing on Mondays and Thursdays at the Milpitas Community Center starting from 10:00 AM to 6:00 PM. Appointments are required and sign-up information can be found on the City's website, social media pages, as well as the County's testing and appointment resources page. The City also anticipates announcing additional pop-up sites in the future.

Mayor Tran made the following announcements:

1. The City is recruiting residents to serve on the Arts Commission, the Economic Development and Trade Commission for a Real Estate representative, the Energy & Environmental Sustainability Commission, the Parks, Recreation and Cultural Resources Commission, the Science Technology and Innovation Commission, and the Youth Commission. For more information, please visit the City's website and go to the Commission page. Applications can be submitted electronically to the City Clerk using a fillable form provided on the page. The application period will close on Friday, September 3, 2021.
2. The City is providing interpreters for item 14. Interpretations will be available in Spanish, Chinese, and Vietnamese.

Mayor Tran made a request to see if the City has a Press Release Policy and if it does, then he asked that it gets incorporated in the City Council Handbook.

Vice Mayor Montano made the following requests:

1. Adopt a Park program for the City of Milpitas.
2. Create street sweeping signage on East Calaveras.
3. Form a Main Street Revitalization Sub-committee.
4. Include a bust of Maria Lemire on the Mural in front of the Senior Center
5. Have staff look into creating a Poet Laureate similar to the County of Santa Clara County. The Poet Laureate would be an honoree two-year position in service to the Community to act as an advocate for poetry, literature, and arts, contributing to the City and participation in public events.

Councilmember Phan made the following requests:

1. Schedule a housing sub-committee meeting to review the study on the potential middle-income housing program, have the study distributed amongst the Council, and have Council take the next steps after reviewing the study.
2. Revisit the mask ordinance to help enforce the public health expert's recommendations.

Councilmember Chua made the following requests:

1. Create an "Incentive Corner," which will be a sub-page with links to different freebies, grants, and incentives from the City and the regions, including the Water District and Silicon Valley Clean Energy.
2. Partner with the Rotary Club of Silicon Andhra to promote the stem cell donor outreach with a webinar and campaign to help increase the number of donors.

Councilmember Dominguez spoke about the events happening in Afghanistan and stated support for the local Afghan community members. She also commented on several resources for refugees, those people in need of evacuation assistance, and community member that would like to provide support to refugee families.

Councilmember Dominguez made the following request:

1. That the City highlights mental health resources on the website, which includes the phone number that provides assistance 24 hours a day, seven days a week.
2. Ask that the City of Milpitas create a "Street Smart" program to provide traffic safety education to change driver, pedestrian, and bicyclist behavior and enhance safety in school zones and neighborhoods.

## **APPROVAL OF AGENDA**

Motion: to approve the August 17, 2021, Special Meeting agenda.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by a vote of:

AYES: 5

NOES: 0

## **CONSENT CALENDAR**

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**Buildings C, D and E Subdivision at 707 - 907 North McCarthy Boulevard by The McCarthy Ranch Limited Partnership and Granting Authorization to the City Engineer to Release the Performance Bond after the One-year Warranty Period (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Adopted **Resolution No. 9099** granting acceptance of public improvements for the McCarthy Creekside Phase 2 – Buildings C, D, and E Subdivision at 707 – 907 North McCarthy Boulevard, Tract 10393, and approved a reduction in the performance bond, subject to a one-year warranty period and reduction of the faithful performance bond to \$50,836 which shall be in effect for the duration of the warranty period, and granting authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

- C6. Adopt a Resolution Authorizing the Examination of Sales or Transactions and Use the Tax Records of the California Department of Tax and Fee Administration (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Adopted **Resolution No. 9100** authorizing the examination of sales or transactions and use the tax records of the California Department of Tax and Fee Administration.

- C7. Adopt a Resolution Approving the City of Milpitas Investment Policy for Fiscal Year 2021-22 (Staff Contact: Lauren Lai, Finance Director/Risk Manager, 408-586-3111)**

Adopted **Resolution No. 9101** approving the Investment Policy for FY 2021-22.

- C8. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Creekside Milpitas 3, LLC for the McCarthy Parking Lot Project at 1207 N. McCarthy Blvd. (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Creekside Milpitas 3, LLC for the McCarthy Parking Lot Project at 1207 N. McCarthy Blvd.

- C9. 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.

- C10. Approve and Authorize the FY 2021-2022 Santa Clara Valley Urban Runoff Pollution Prevention Program Assessment Payment for the Not to Exceed Amount of \$127,806.68 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Approved and authorized the FY 2021-2022 Santa Clara Valley Urban Runoff Pollution Prevention Program Assessment Payment for the not to exceed amount of \$127,806.68.

- C11. Receive and Review the FY 2020-21 Annual Report of Sole Source Contracts (Staff Contact: Lauren Lai, Finance Director/Risk Manager, 408-586-3111)**

Received and reviewed the FY 2020-21 annual report of Sole Source Contracts.

**C12. Approve Report of Actions Taken by the City Manager During the City Council Summer Recess (June 22 through August 5, 2021) (Staff Contact: Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Approved the report of actions taken by the City Manager during the City Council summer recess (June 22 through August 5, 2021).

**C13. Approve an Exhibit Space Use Policy for City Exhibit and Display Cases (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Approved the Exhibit Space Use Policy.

**COMMUNITY DEVELOPMENT**

**\* Translation services were available for Item No. 14 in Spanish, Chinese, and Vietnamese.**

**14. Receive Report on Pathways and Options for Sunnyhills Apartment Affordable Unit Residents, and Owner's, HUD's, and Santa Clara County Housing Authority's Responsibilities (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Assistant City Manager Kantak introduced the item and provided information on the interpretation services available. Building Safety and Housing Director Goei provided additional information on the interpretation services and outlined the presentation on this item. Housing and Neighborhood Services Administrator Musallam presented background information and Housing and Urban Development (HUD) Rental Assistance Programs. Building Safety and Housing Director Goei discussed possible future Sunnyhills scenarios and options and spoke about the communication process with the Sunnyhills residents.

Santa Clara County Housing Authority Executive Director Preston Prince and Senior Housing Policy Analyst, Felipe Casas introduced themselves and were available for questions.

The following spoke during Public Comment:

1. Voltaire Montemayor
2. Lisa Doan (interpreter translated speaker's comments to English)
3. Hien La
4. Tuyet Lam
5. Sandy Perry
6. Alysson McDonald
7. Aaron Ackhouse
8. Megan Kehriotis

The City Council discussed this item, expressed concerns, and asked clarifying questions from staff, Sunnyhills Apartments' representative Megan Kehriotis, and Santa Clara County Housing Authority representatives Preston Prince and Felipe Casas.

**15. Receive Report on the Community Identification and Brand Study Public Engagement and Outreach and Provide Direction on Community Mark/Logo (Staff Contact: Charmaine Angelo, Public Information Officer, 408-586-3055)**

Public Information Officer Angelo gave a follow-up presentation on the Community Identification and Brand Study Public Engagement and presented alternative logo option for Council to review.

Council received the report on the Community Identification and Brand Study Public Engagement and provided direction to staff to move forward with alternative C1 for the Community Mark/Logo for Citywide use.

The following spoke during Public Comment:

1. Voltaire Montemayor

## **COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE**

- 16. Approve and Authorize the City Manager to Execute a General Services Agreement with BrightView Landscape Services, Inc. for Landscaping Services at Various City Facilities for the Not-to-Exceed Amount \$581,300.00 for a Five-Year Period Subject to the Annual Appropriation of Funds (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Vice Mayor Montano commented on concerns with the agreement.

Public Works Director Ndah addressed the Vice Mayor's concerns and provided clarification.

The following spoke during Public Comment:

1. Voltaire Montemayor
2. Barbara Navarro

Motion: to approve and authorize the City Manager to execute a General Services Agreement with BrightView Landscape Services, Inc. for landscaping services at various City facilities for the not-to-exceed amount of \$581,300.00 over a five-year period, subject to the annual appropriation of funds.

Motion/Second: Councilmember Chua / Vice Mayor Montano

Motion carried by a vote of:

AYES: 5  
NOES: 0

## **PUBLIC SAFETY**

- 17. Receive Presentation of Police Department's Response to Drug-Related Calls (Staff Contact: Jared Hernandez, Acting Chief of Police, 408-586-2402)**

Acting Chief of Police Hernandez introduced Police Captain Morales. Captain Morales gave a presentation on California Drug Enforcement Laws, staff training, response to drug-related calls, the role of the judicial system, and citation and arrest statistics.

Council provided comments and asked questions.

The following spoke during Public Comment:

1. Voltaire Montemayor

## **REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees, and Agencies**

- 18. Receive and Direct Staff on the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)**

There was no public comment for this item.

Motion: to approve the list of items that have been requested by City Councilmembers. Motion/Second:

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by a vote of:

AYES: 5

NOES: 0

**19. Recommendations from Mayor Tran for Appointments for City Commissions (Contact: Mayor Tran, 408- 586-3029)**

Approved Mayor Tran's recommendations for appointments to City Commissions.

This item was moved onto the Consent Calendar and approved as follows:

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5

NOES: 0

**20. Provide Direction to Staff to Work with the Mayor and Vice Mayor and Submit a Letter Opposing Senate Bill 9 (Atkins) Housing Development: Approvals (Contact: Vice Mayor Montano, 408-586-3024)**

Mayor Tran limited Council discussion to three minutes per person.

Vice Mayor Montano commented on the Bill and stated her reasons for requesting that this item is on the agenda.

The following spoke during Public Comment:

1. Aaron Eckhouse
2. Cory Wolback
3. Voltaire Montemayor

After Council discussion, motion: to approve the recommendation for the City Council to provide direction to staff to work with the Mayor and Vice Mayor and submit a letter opposing Senate Bill 9 (Atkins) Housing Development: Approvals.

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by a vote of:

AYES: 3

NOES: 2 (Dominguez and Phan)

**NEXT AGENDA PREVIEW**

**21. Receive Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

There was no public comment for this item.

Motion: to approve the list of anticipated agenda items for the next regular City Council meeting.

Motion/Second: Councilmember Mayor Tran / Vice Mayor Montano

Motion carried by a vote of:

AYES: 5

NOES: 0

## **ADJOURNMENT**

Mayor Tran adjourned the meeting at 11:46 PM.

*The foregoing minutes were approved by the Milpitas City Council on September 7, 2021.*

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Wendy Wood  
City Clerk