



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, SEPTEMBER 6, 2022

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 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 Acting City Clerk

Mayor Tran called the regular City Council meeting to order at 7:00 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 a moment of silence for community members lost to COVID-19.

PRESENTATIONS

Mayor Tran presented proclamations recognizing National Pain Awareness Month, National Suicide Prevention Week, National Preparedness Month, National Cleanup Day, and National Gymnastics Day.

The Mayor and Council accepted a check presented by Assembly Member Alex Lee for Homelessness Prevention and Unhoused Services and Bike Lanes Facilities Enhancement Funding.

PUBLIC FORUM

The following people spoke under Public Forum:

1. Allysson McDonald
2. Voltaire Montemayor
3. Tom Valore

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager McHarris announced the 3rd Virtual Community Workshop on the Housing Element to be conducted on September 13, 2022 and announced the launch of Milpitas SMART as a 12-month pilot program jointly funded with a grant from Valley Transportation Agency.

Councilmember Dominguez made the following requests:

1. Requested an agenda item for the next City Council meeting to approve a Waiver for the Halloween Event sponsored by Sunnyhills Neighborhood Association. Mayor Tran noted that the non-profit should contact the City Manager.
2. Asked for a conversation on possible partnerships between the City and Milpitas Unified School District to discuss housing affordability issues for educators. Mayor Tran indicated the City-School Collaborative Subcommittee recently discussed this item and passed a resolution in support. Councilmember Dominguez asked for the subcommittee liaison to provide minutes of that meeting to the City Council.

Councilmember Phan expressed thanks to Assembly Member Lee for the work completed by the State Legislature in this session, highlighting AB 2949 to provide toll exemptions for veterans, and AB 2164 to provide funding for ADA compliance for small businesses. He announced that Assembly Member Lee would be hosting an event at Taqueria Las Vegas on September 7, 2022 for Latino Heritage Honorees.

Councilmember Chua commended the increased number of ADUs completed in Milpitas this year. She requested City Manager McHarris to schedule another ADU workshop, and announced that on Saturday, September 10, 2022, from 9 a.m. to noon, there will be a celebration for the opening of the Senior Center on Saturdays.

Vice Mayor Montano expressed additional support for ADUs and announced that the City of Milpitas will host the first Mexican Independence Flag raising ceremony to be held in Milpitas on September 16, 2022.

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 6, 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 removing Items 12 and 13 from the consent calendar to be heard after Item 19.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

Received City Council Calendars of Meetings for September 2022.

- C2. Approve City Council City Council Regular Meeting minutes of August 16, 2022 (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)**

Approved City Council Regular Meeting minutes of August 16, 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 (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. 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)**

Moved to 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.

- C6. Review and Accept the 2022 Legislative Season Action Report and Direct Staff to Issue a Request for Proposals for Federal and State Legislative Advocacy Services (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053, and Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Reviewed and accepted the Quarterly Legislative Season Action Report and directed staff to issue a request for proposals for Federal and State Legislative Advocacy Services.

- C7. Consider the Recommendations from Mayor Tran for Appointments to the Youth Advisory Commission (Contact: Mayor Tran, 408- 586-3029)**

Received the recommendation from Mayor Tran and approve appointments to the Youth Advisory Commission.

- C8. Confirm Appointment of Milpitas Unified School District Representative to the Energy and Environmental Sustainability Commission (Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)**

Confirmed appointment of Milpitas Unified School District representative Jared Acosta to the Energy and Environmental Sustainability Commission to an unexpired term ending October 2023.

- C9. Approve the 2022 Youth Advisory Commission Scholarship Recipients (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Approved budget appropriation of \$1,500.00 to the Recreation and Community Services Department operating budget for three individual \$500.00 Youth Advisory Commission Community Service Scholarships.

- C10. Adopt a Resolution Approving a Site Development Permit to Develop a New Two-story, Single-family Residence on a Vacant 4.67-acre Lot Located in the R1-H Single-family Residential**

Zoning District with a Hillside Combining District at 489 Vista Ridge Drive (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Adopted **Resolution No. 9189** approving Site Development Permit SD21-0011, subject to the attached Conditions of Approval, for a new two-story, single-family residence on a vacant 4.67-acre lot located in the R1-H single-family residential zoning district with a hillside combining district at 489 Vista Ridge Drive and making findings of CEQA Exemption.

- C11. Approve Change Order No. 1 to the Contract with Trofholz Technologies for the Installation of Card Access Control and Monitoring Systems at Fire Stations in the Amount of \$39,162.70, Increasing the Total Project Not to Exceed Amount from \$104,324.42 to \$143,487.12 (Staff Contact: Roger Lee, Interim Public Works Director, 408-586-2602 and Chris Schroeder, Purchasing Agent, 408-586-3161)**

(1) Approved Change Order No. 1 to the contract with Trofholz Technologies for the installation of card access control and monitoring systems at Fire Stations in the amount of \$39,162.70, increasing the total project amount not to exceed from \$104,324.42 to \$143,487.12; and (2) Authorized the City Manager to execute one or more additional change orders related to the project to increase the maximum compensation amount to not to exceed \$158,487.12.

- C12. 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)**

Item removed from Consent.

- C13. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with WeHOPE for Mobile Shower, Laundry, and Case Management Services through January 15, 2023 for a Total Contract Amount of Not to Exceed \$86,552.00 (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046, and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)**

Item removed from Consent.

- C14. Authorize and Approve Out-of-State Travel to Columbus, OH for City Manager Steve McHarris to Attend the Annual Conference of the International City/County Management Association to be held September 17 – 21, 2022. (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Authorized and approved out-of-state travel to Columbus, OH for City Manager Steve McHarris to attend the Annual Conference of the International City/County Management Association (ICMA) to be held September 17 – 21, 2022, for an estimated not-to-exceed amount of \$3,500.00 under the approved budget for Conferences/Trainings allocation for the City Manager's Office.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

- 15. Review the Proposed Youth Sports Scholarship Program City Council Policy and Provide Feedback to Staff (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Deputy City Manager Rossmann presented the report.

Councilmember Chua requested additional scholarship allocations for: 1) Scholastic Improvement, 2) Community Service, and 3) NJROTC.

Mayor Tran voiced support for an NJROTC scholarship and asked to bring forward initiating the process to transfer the Mayor's budget allocation for training/travel to support scholarships, and requested the process be brought back as an item for City Council consideration. City Manager McHarris said it could not be considered at this time but could be brought back at a later date.

There were the following speakers

1. Voltaire Montemayor

Mayor Tran concluded that he preferred not to wait until the Mid-Year Budget process and asked to direct staff to return to Council with a request to transfer the Mayor's travel budget to an NJROTC scholarship. City Manager McHarris noted that City Council would need to agree to the transfer and cautioned that the budget for travel and training also encompasses the term of the incoming mayor to be elected. The Mayor asked to include consideration of transferring the Mayor's travel/training budget allocation to an NJROTC scholarship when the policy returns to City Council in October.

LEADERSHIP AND SUPPORT SERVICES

16. Appoint Members to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Community Task Force (Staff Contact: Walter Rossmann, Deputy City Manager, 408-586-3012)

Deputy City Manager Rossmann presented the report.

The following members of the public spoke:

1. Voltaire Montemayor

Councilmember Phan asked the Council to appoint Councilmember Dominguez to the Task Force.

Motion: to approve the appointment of Giuliana Brahim, Dr. Swatisikta, Zakia Afrin, and Vicky Ly as Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Community Task Force members; and appoint Councilmember Dominguez as Council Liaison to the CEDAW Community Task Force.

Motion/Second: Councilmember Phan / Mayor Tran

Motion carried by the following:

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

NOES: None

17. Introduce an Ordinance 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.

The following spoke during public comment:

1. Allysson McDonald
2. Tom Valore
3. Voltaire Montemayor

Councilmember Phan voiced dissent for the item until shelter services and plans are in place and housing available.

Councilmember Dominguez expressed concerns relating to enforcement and opted to abstain from the vote.

After discussion, motion: to waive reading of **Ordinance No. 228.1** and introduce an Ordinance 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: Councilmembers Chua, Vice Mayor Montano, Mayor Tran

NOES: Phan

ABSTAIN: Dominguez

18. Review the List of Agenda Item Requests From Individual Councilmembers and Provide Direction to Staff, Through the Prioritization Process, on Groups 1 Items; Provide Additional Clarification to Staff, If Any, on Group 2 Items and Direct staff to return with a draft City Council Policy titled “City Council Request Prioritization Policy” formalizing the process (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; Walter C. Rossmann, Deputy City Manager, 408-586-3012)

Assistant City Manager Kantak presented the report.

The following spoke during public comment:

1. Voltaire Montemayor
2. Barbara Navarro

Council reviewed the list of agenda item requests from individual Councilmembers, and individually voted electronically for four items in group one to advance as a priority.

Acting City Clerk Guzzetta read the result of the vote with the following items receiving a majority of votes and moving forward:

- CC 2 Explore an ordinance or policy to reduce thefts and increase security in the commercial retail parking areas
- CC 3 Explore the policy for locking mechanisms on shopping carts for large commercial businesses
- CC 6 Prepare Vision Zero Action Plan
- CC 7 Establish a fund for real estate acquisitions
- CC 8 Memorial Plaque in honor of youth skateboarder that passed away

19. Consider Nomination of a Member of the City Council to the Santa Clara County Unhoused Task Force for Appointment by the Santa Clara County Board of Supervisors (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

Assistant City Manager Kantak presented the report.

There was no public comment.

Motion: to confirm Councilmember Chua as the Member of the Milpitas City Council appointed to the Santa Clara County Unhoused Task Force and confirm the nomination for appointment by the Santa Clara County Board of Supervisors.

Motion/Second: Mayor Tran / Councilmember Phan

Motion carried by the following:

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

NOES: None

ITEMS REMOVED FROM CONSENT CALENDAR

- C12. 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)**

Finance Director Lai and Purchasing Agent Schroeder responded to questions from City Council.

Vice Mayor Montano emphasized the importance of using environmentally sustainable products and suggested bringing a resolution forward for the City to use only biodegradable products.

Motion: to postpone until next regular City Council meeting on September 20, 2022.

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by the following:

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

NOES: None

- C13. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with WeHOPE for Mobile Shower, Laundry, and Case Management Services through January 15, 2023 for a Total Contract Amount of Not to Exceed \$86,552.00 (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046, and Robert Musallam, Housing and Neighborhood Services Administrator, 4089-586-3275)**

Staff was available to respond to questions from Council.

There was no public comment.

Motion: to approve and authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with WeHOPE for Mobile Shower, Laundry, and Case Management Services through January 15, 2023, in the amount of \$15,000.00, for a total not to exceed contract amount of \$86,552.00.

Motion/Second: Councilmember Phan / Councilmember Dominguez

Motion carried by the following:

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

NOES: None

ADJOURNMENT

Mayor Tran adjourned the meeting at 10:13 PM.

The foregoing minutes were approved by the Milpitas City Council on September 20, 2022.

*Suzanne Guzzetta
Acting City Clerk*