



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, AUGUST 16, 2022

CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA

7:00 PM

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 7:03 PM. Roll call was taken by Acting City Clerk Guzzetta.

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

ABSENT: Councilmember Dominguez.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Councilmember Phan led the invocation.

PRESENTATIONS

Councilmember Chua presented a proclamation recognizing Women's Equality Day.

Vice Mayor Montano presented commendations to members of the Milpitas North Valley PAL 12U All Stars

Mayor Tran and members of the City Council presented a commendation and Key to the City to outgoing Public Works Director Tony Ndah.

PUBLIC FORUM

The following people spoke under Public Forum:

1. Warren J. Wettenstein, Milpitas Chamber of Commerce
2. Carol Chang
3. Isaac Stringer
4. Frank Bush
5. Andrew Fry
6. Christopher Denise
7. Anil Patel
8. Brian Estes, Olinger's Real Estate
9. Inderjit Mundra, Milpitas Chamber of Commerce

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Councilmember Chua made the following requests:

1. City Manager or Deputy City Manager to look into underutilized areas of parks or a portion of parks not being used and develop for use in the future.
2. City Attorney investigate moving the City Clerk's office into a direct report to the City Council.

Vice Mayor Montano announced the recent first celebration in Milpitas for Indian Independence Day. She made the following request:

1. Discuss converting vacant lot that was a basketball court into a community garden at Vasona and Adobe.

Vice Mayor Montano noted that she received a letter from First Five thanking the City for funding future childcare programs.

Mayor Tran recognized individuals responsible for bringing Pickleball to Milpitas Parks including Public Works Director Tony Ndah and Councilmember Chua.

ANNOUNCEMENT OF CONFLICT OF INTEREST

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 August 16, 2022 Regular Meeting Agenda and postpone Item C5 to September 6, 2022.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Dominguez

CONSENT CALENDAR

Motion: to approve the consent calendar and postpone Item C5 to September 6, 2022.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Dominguez

- C1. Receive City Council Calendars of Meetings for August and September 2022 (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)**

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

- C2. Approve City Council Special Meeting minutes of August 9, 2022 (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)**

Approved City Council Special Meeting minutes of August 9, 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 an Update on the Emergency Replacement of Two (2) Boilers and Install of a Temporary Heating System for the Public Works, Information Technology, and Police Department Building and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Received an update on the emergency replacement of two boilers and the installation of a temporary heating system for the Public Works, Police and Information Technology Department buildings; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

- C5. Waive the Second Reading and Adopt Ordinance No. 38.846 Amending Sections of Chapter 10, Title XI of the Milpitas Municipal Code Relating to Non-Residential Building Heights in Certain Zoning Districts (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Postponed to September 6, 2022 Regular City Council meeting.

- C6. Waive the Second Reading and Adopt Ordinance No. 38.847 Amending Sections of Chapter 10, Title XI (Zoning) and Sections of Chapter 213, Title V (Noise Abatement) of the Milpitas Municipal Code Relating to Outdoor Music as an Accessory Use to Bars and Restaurants and Aligning the Review and Permitting Requirements for Special Events with the City's Current Fee Schedule (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Moved to waive the second reading and adopted **Ordinance No. 38.847** amending Sections of Chapter 10, Title XI (Zoning) and sections of Chapter 213, Title V (Noise Abatement) of the Milpitas Municipal Code relating to outdoor music as an accessory use to bars and restaurants and aligning the review

- C7. Approve Report of Actions Taken by the City Manager During the City Council Summer Recess from June 21 through August 9, 2022 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)**

Approved report of actions taken by the City Manager during the City Council Summer Recess from June 21 through August 9, 2022.

- C8. Authorize and Approve Travel to Long Beach, CA for City Manager Steve McHarris to Attend the Annual Conference of the League of California Cities to be held September 7 – 9, 2022; and Appoint City Manager Steve McHarris as the City's voting delegate for the 2022 Annual Conference. (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Authorized and approved travel to Long Beach, CA for City Manager Steve McHarris to attend the Annual Conference of the League of California Cities held September 7 – 9, 2022, for an estimated not-

to-exceed amount of \$2,000 budgeted under Conferences/Trainings allocation for the City Manager's Office; and Appointed City Manager Steve McHarris as the City's voting delegate for the 2022 Annual Conference.

C9. Adopt a Resolution Approving the City of Milpitas Investment Policy for Fiscal Year 2022-23 (Staff Contact: Lauren Lai, Director of Finance, 408-586-3111)

Adopted **Resolution No. 9188** of the City of Milpitas approving the Investment Policy for FY 2022-23.

C10. Approve Updates to the Commissioner Handbook, Commission Bylaws, and the Bylaw Addendums for the Economic Development and Trade Commission, the Science, Technology and Innovation Commission, and the Youth Advisory Commission (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)

Approved updates to the Commissioner Handbook, Commission Bylaws, and the Bylaw Addendums for the Economic Development and Trade Commission, the Science, Technology and Innovation Commission, and the Youth Advisory Commission.

C11. Receive and Review the FY 2021-22 Annual Report of Sole Source Contracts (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Received and reviewed the FY 2021-22 Annual Report of Sole Source Contracts.

PUBLIC HEARINGS

12. Conduct a Public Hearing and Approve the 2022 Report on Compliance with Public Health Goals for Drinking Water (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Public Works Director Ndah presented the staff report.

Mayor Tran opened the public hearing

There were no public speakers.

Mayor Tran closed the public hearing.

Motion: To accept and approve the 2022 Report on Compliance with Public Health Goals for Drinking Water in accordance with provisions of the California Health and Safety Code

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Dominguez

COMMUNITY DEVELOPMENT

13. Economic Development and American Rescue Plan Act Economic Vitality Investment Framework Update (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046)

Director of Economic Development Andrade and Special Project Associate Truong presented the report. Director of Economic Development Andrade responded to questions from Council.

There were the following speakers:

1. A member of the public
2. Wendi Mahaney-Gurahoo
3. Antonio Fuentes

Vice Mayor Montano asked staff to investigate adding anti-theft signs in shopping centers as part of the framework. Assistant City Manager Kantak responded that Council Prioritization included an item on safety in Milpitas shopping centers.

After discussion, Council received the update.

14. Receive Progress Report on the Work Completed from Raimi and Associates and City Staff on the Milpitas Residential and Mixed-Use Objective Design Standards, Discuss Project Objectives and Priorities, and Provide Feedback on the Public Draft (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Jay Lee, Principal Planner, 408-586-3077)

Planning Director Thomas introduced the report. Raimi & Associates Consultant Sensenig presented the report.

There were no public speakers.

Vice Mayor Montano asked if the depth of retail space on the ground floor in Mixed Use Developments be covered as part of the Objective Design Standards.

Councilmember Phan asked to explore including pre-approved plans for smaller scale projects such as ADUs to further incentivize and streamline the process. Planning Director Thomas indicated that preapproved plans for ADUs have been the subject of conversation between the Planning Department and Building Safety & Housing Department several times and will be considered separately for a future update.

After discussion, Council received the report.

15. Receive a Report on the Homekey Project at 1000 Hillview Court (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)

Received a Report on the Homekey Project at 1000 Hillview Court.

Assistant City Manager Kantak introduced the report. Jamboree Chief Impact Officer George Searcy presented the report joined by Director Consuelo Hernandez from the Santa Clara County Office of Supportive Housing, and Hyder Regional Manager Paige Range. Police Chief Hernandez and Fire Chief Sherrard presented Calls for Services data showing a significant increase of public safety resources dedicated since the opening of Project Homekey.

Mayor Tran expressed concern about crime and its effect on the surrounding neighborhood and noted he was looking to Jamboree to play a pivotal role in area safety. He asked for the following:

- 1) Provide an estimate of the Fiscal Impact of Public Safety response to 1000 Hillview Court.
- 2) Jamboree coordinate with City contractual services related to removing shopping carts.
- 3) Partner with Milpitas Police Department for periodic canine patrols.
- 4) Property owner put up fencing around the property to limit tenant spillover into neighboring properties.

Councilmember Chua recommended the onsite property management figure out a policy for utilizing the onsite property management team rather than public safety for those calls they can handle.

Councilmember Phan asked to have a report of success stories and to hear more about outreach efforts to get Milpitas unhoused residents registered for and applied to the program.

There were the following speakers:

1. Allysson McDonald

Vice Mayor Montano commented that the screening process needs to be improved and recommended sending a letter providing crime statistics from the staff presentation to Supervisor Otto Lee and asking if the County would fund a full-time police officer for the Homekey Site.

Mayor Tran directed staff to draft a letter from Vice Mayor Montano and Councilmember Chua to Supervisor Otto Lee requesting county funding to fund one full-time police officer for the 1000 Hillview Court site. Councilmember Chua asked to include language to the Supervisor asking to provide additional funding for a Supportive Housing Specialist to address mental health, drug and alcohol issues for the site.

After discussion, Council received the report.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

- 16. Discuss the Formation of a City Council Ad Hoc Naming Subcommittee and Appoint the Subcommittee Members (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Postponed to the November 15, 2022 Regular City Council Meeting.

LEADERSHIP AND SUPPORT SERVICES

- 17. 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)**

Motion: To postpone to September 6, 2022 Regular City Council Meeting.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Dominguez

ADJOURNMENT

Mayor Tran adjourned the meeting at 11:26pm.

The foregoing minutes were approved by the Milpitas City Council on September 6, 2022.

*Suzanne Guzzetta
Acting City Clerk*