



MILPITAS CITY COUNCIL MEETING MINUTES

REGULAR MEETING OF THE MILPITAS CITY COUNCIL

TUESDAY, JUNE 15, 2021

MILPITAS, CA

6:00 PM (CLOSED SESSION)

7:00 PM (PUBLIC BUSINESS)

The City Council of the City of Milpitas convened on the regularly scheduled day of June 15, 2021, via teleconference/zoom webinar.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

Mayor Tran called the virtual 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: Mayor Rich Tran

Employee: City Attorney

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

Mayor Tran stated that there was nothing to report.

PLEDGE OF ALLEGIANCE

Mayor Tran led all in the Pledge of Allegiance.

INVOCATION

Mayor Tran gave the invocation.

PRESENTATIONS

Mayor Tran proclaimed June 19, 2021 as Juneteenth and proclaimed the month of July as Parks and Recreation month.

PUBLIC FORUM

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

Mayor Tran moved items 29, 31, and 32 to the Consent Calendar.

Councilmember Chua commented on item C16 thanking staff and requesting that the data for May, June, and July is on the August meeting with a full report to look at the pilot project which will expire the last week of June.

The following items were added to the Consent Calendar:

1. Agenda Item No. 29: **Receive a presentation on a Return to the Workplace Plan for the City of Milpitas**
2. Agenda Item No. 31: **Receive and Direct Staff on List of Agenda Items Requested by City Councilmembers**
3. Agenda Item No. 32: **Receive Preview List of Anticipated Items for the Next Regular City Council Meeting**

Motion: to approve the modified Consent Calendar, including Items No. C1 – C21; and Agenda Items No. 29, 31, and 32.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by a vote of:

AYES: 5

NOES: 0

- C1. Receive City Council Calendars of Meetings for June and July 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Received City Council Calendars of Meetings for June and July 2021.

- C2. Approve City Council meeting minutes of the June 1, 2021, Regular City Council Meeting and June 8, 2021, Special City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Approved meeting minutes of the June 1, 2021, Regular City Council Meeting and June 8, 2021, Special City Council Meeting.

- C3. Waive the Second Reading and Adopt Ordinance No. 227.8 Amending Chapter 215 (Regulation of Smoking in Certain Places), Title V (Public Health, Safety and Welfare), of the Milpitas Municipal Code Relating to Prohibiting Smoking in Multi-Unit Housing and Certain Outdoor Areas (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Waived the second reading and adopted **Ordinance No. 227.8** amending Chapter 215, Title V of the Milpitas Municipal Code relating to prohibiting smoking in multi-unit housing and certain outdoor areas.

- C4. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for 450 Montague Residential Project located at 450 Montague Expressway and 620 E. Capitol Avenue, Tract 10324 by Lennar Homes of**

California and LMC Milpitas Holdings I, LLC, 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. 9078** granting acceptance of public improvements for the 450 Montague Residential Project located at 450 Montague Expressway and 620 E. Capitol Avenue, Tract 10324, Public Improvement Plan 2-1202; approving a reduction in the faithful performance bonds to \$109,785 and \$115,255, respectively, which shall be subject and in effect for the duration of a one-year 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.

- C5. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for the Metro Subdivision Located at 1425 South Milpitas Boulevard, Tract 10349 by Pulte Home Corporation, 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. 9079** granting acceptance of public improvements for the Metro Subdivision located at 1425 South Milpitas Boulevard, Tract 10349 by Pulte Home Corporation, Public Improvement Plan 2-1183 and 2-1164; approving a reduction in the faithful performance bond to \$79,250, which shall be subject and in effect for the duration of a one-year 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 Continued Participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Adopted **Resolution No. 9080** authorizing the continued participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority; and authorizing the City Manager, or designee, to execute any documents necessary to continue participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority program.

- C7. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for the South Main Senior Lifestyles Project located at 80 Cedar Way by Milpitas Phase I, LP 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. 9081** granting acceptance of public improvements for the South Main Senior Lifestyles Project located at 80 Cedar Way, Public Improvement Plan 2-1236; approving a reduction in the faithful performance bonds to \$157,500 and \$116,800, respectively, which shall be subject and in effect for the duration of a one-year 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.

- C8. Adopt a Resolution Approving Site Development Permit Amendment No. SA21-0001 to Amend Site Development Permit No. SD17-0006 to Reduce the Scope of a Previously Approved Project From a Two-Story, 4,831-Square-Foot Home to a One-Story, 3,000-square-Foot Home Located on a 1.6-acre site at 517 Vista Ridge Drive in the R-1-H Hillside Single-Family Residential Zoning District and Making Findings of Exemption under CEQA (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Adrienne Smith, Associate Planner, 408-586-3287)**

Adopted **Resolution No. 9082** approving Site Development Permit Amendment No. SA21-0001 to reduce the scope of a previously approved project from a two-story, 4,831-square-foot home to a one-story, 3,000-square-foot home located on a 1.6-acre site at 517 Vista Ridge Drive in the R-1-H Hillside Single-family Residential Zoning District and making findings of exemption under the California Environmental Quality Act (CEQA).

- C9. Approve and Authorize the City Manager to Execute a General Services Agreement with Hanford Applied Restoration & Conservation for Wrigley, Ford, and Wrigley-Ford Creek Maintenance for a total Amount Not-to-Exceed \$128,430.00. (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Approved and authorized the City Manager to execute a General Services Agreement with Hanford Applied Restoration & Conservation for Wrigley, Ford, and Wrigley-Ford Creek Maintenance for a total amount not-to-exceed \$128,430.00.

- C10. Approve Change Order No. 3 in the Amount of \$93,826 for the Contract with Redwood Construction and Equipment, Inc. for the Citywide Parks and Playgrounds Rehabilitation Project, Increasing the Total Project Not-to-Exceed Amount from \$1,989,005 to \$2,082,831 and approve an appropriation in amount of \$253,497 from General Government CIP Fund to CP 3424. (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Approved Change Order No. 3 in the amount of \$93,826 for the contract with Redwood Construction and Equipment, Inc. for the Citywide Parks and Playgrounds Rehabilitation Project, increasing the total project not-to-exceed amount from \$1,989,005 to \$2,082,831; and (2) approve an appropriation in amount of \$253,497 from the General Government CIP Fund to CP 3424.

- C11. Approve and Authorize the City Manager to Execute an Agreement with Mark 43 for a Law Enforcement Records Management System (RMS) for a Six Year Software License Agreement for the Not-To-Exceed Amount of \$1,049,956 (Staff Contacts: Steven Fox, Police Captain, 408-586-2525)**

Approved and authorized the City Manager to execute an agreement with Mark 43 for a law enforcement Records Management System (RMS) for a six-year Software License Agreement for the not-to-exceed amount of \$1,049,956 subject to annual appropriations.

- C12. Approve Accounts Receivable Write-offs for the Fiscal Year Ending June 30, 2021 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Approved the Accounts Receivable write-offs for the Fiscal Year ending June 30, 2021.

- C13. Adopt a Resolution Declaring Certain City-Owned Land "Exempt Surplus Land" Under the Surplus Land Act (Government Code Section 54220 et seq.) and Approving and Authorizing, Pursuant to CEQA Findings, the City Manager to Execute the Right-of-Way Agreement with the Santa Clara Valley Water District for the Purchase of Easements and City Owned Land for Lower Penitencia Creek Flood Protection Improvements (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Adopted **Resolution No. 9083** declaring certain city-owned land "Exempt Surplus Land" under the Surplus Land Act (Government Code Section 54220 et seq.) and approving and authorizing, pursuant to CEQA findings, the City Manager to execute the Right-of-Way Agreement with the Santa Clara Valley Water District for the purchase of easements and city-owned land for Lower Penitencia Creek Flood Protection Improvements.

- C14. Approve and Authorize the City Manager to Execute the Construction Contract with McGuire and Hester to Provide Construction of the Main Lift Station Emissions Control Facility for the Not-To-Exceed the Amount of \$1,293,500. (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Awarded NIB No. 2511 to McGuire and Hester; approved and authorized the City Manager to execute the construction contract with McGuire and Hester to provide construction of the Main Lift Station Emissions Control Facility for the not-two exceed amount of \$1,293,500; and authorized the City Manager to execute one or more change orders related to the project to increase the maximum compensation by an aggregate amount not to exceed \$200,000.

- C15. Approve Amendment to Bateman Community Living, LLC Contract FY2020-21 for Senior Nutrition Services (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3226)**

Approved an amendment to Bateman Community Living, LLC contract FY2020-2021 to increase the contract amount by \$70,000 to \$146,500 to cover the cost of additional Senior Nutrition meals during the pandemic.

- C16. Receive Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Received the April 2021 report for unhoused services.

- C17. Approve Amendment to Measure F Oversight Committee Bylaws to Adjust Regular Quarterly Meeting Dates (Staff Contact: Lauren Lai, Lauren Lai, Finance Director, 408-586-3111)**

Approved an amendment to Measure F Oversight Committee Bylaws to adjust regular quarterly meeting dates.

- C18. Approve and Authorize the City Manager to Enter into a Side Letter to Amend the Memorandum of Understanding between the City and LIUNA/UPEC Local 792, representing the Milpitas Employees Association (MEA) Unit amending the Vacation Cash Out MOU provisions (Jeannine Seher, Director of Human Resources, 408-586-3086)**

Approved and authorized the City Manager to Enter into a Side Letter to amend the Memorandum of Understanding between the City and LIUNA/UPEC Local 792, representing the Milpitas Employees Association (MEA) Unit amending the Vacation Cash Out MOU provisions.

- C19. Accept Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Accepted the resignation of Commissioner Gil Roy Galindez Casanova III from Community Advisory Commission; and confirmed the noticing of the unscheduled vacancy.

- C20. Establish a Project titled “COVID-19 Safe Facility Improvements” and Approve a Budget Amendment in the Amount of \$375,000 to Fund the Project with American Rescue Plan Act Funds (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Established a Project titled “COVID-19 Safe Facility Improvements” and approved a budget amendment in the amount of \$375,000 to fund the project with American Rescue Plan Act Funds.

- C21. Approve Delegation of Authority to the City Manager or Designee to Approve and Execute Project Related Documents and Urgent Administrative Items During the City Council Summer**

Recess, from the last City Council meeting held in June through August 5, 2021 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

Approved the delegation of authority to the City Manager, or his designee, to approve and execute project related documents, including contract documents, and urgent administrative items during the City Council summer recess from the last City Council meeting held in June through August 5, 2021.

PUBLIC HEARINGS

22. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 98-1(Sinclair Horizon) for the Fiscal Year 2020-21 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Engineering Director/City Engineer Erickson presented the staff report.

Mayor Tran opened the public hearing.

The following spoke during Public Comment:

1. Voltaire Montemayor

Mayor Tran closed the public hearing.

Motion: to adopt **Resolution No. 9084** confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1 for the Fiscal Year 2020-21.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by a vote of:

AYES: 5

NOES: 0

23. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for the Fiscal Year 2021-22 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Engineering Director/City Engineer Erickson presented the staff report.

Mayor Tran opened the public hearing.

The following spoke during Public Comment:

1. Voltaire Montemayor

Mayor Tran closed the public hearing.

Motion: to adopt **Resolution No. 9085** confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for the Fiscal Year 2021-22.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5

NOES: 0

24. Conduct a Public Hearing to Approve an Amendment to the FY19-20 Annual Action Plan, Approve the Funding Allocations for FY21-22 Community Development Block Grant (CDBG), Adopt the Annual Action Plan for the Corresponding Year, and Consider an Amendment to the Citizen Participation Plan (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)

Building Safety and Housing Director Goei introduced the item. Housing Authority Administrator Musallam presented the staff report.

Mayor Tran opened the public hearing.

The following spoke during Public Comment:

1. Voltaire Montemayor
2. Alain Purell
3. Teresa Johnson
4. Gloria Baxter
5. Georgia Bacil
6. Sheri Burns
7. Beth Williams
8. Ann Marquart
9. Kishan
10. Michelle Leporini
11. Kavita Sreedhar
12. Liza Navarro
13. Linda Phillips
14. Jason McMonagle
15. Marina Sanchez

Mayor Tran closed the public hearing.

Vice Mayor Montano asked clarifying questions.

Motion: to approve the amendment to the FY19-20 Annual Action Plan; adopt the FY21-22 Annual Action Plan with recommended allocation amounts; authorize the City Manager, or designee, to make any necessary changes to the approved FY21-22 Annual Action Plan as needed to comply with CDBG submission guidelines; authorize the City Manager, or designee, to execute CDBG agreements with the approved subrecipients, and amend the CDBG agreements as needed to comply with CDBG guidelines; approve an amendment to the Citizen Participation Plan; and authorize the City Manager, or designee, to make any necessary changes to the Citizen Participation Plan as needed to comply with CDBG submission guidelines.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5
NOES: 0

25. Conduct a Public Hearing and Adopt a Resolution Adopting the 2020 Urban Water Management Plan and Authorize the Mayor to Sign Letters on Behalf of the City Council Regarding Water Supply Matters (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Public Works Director Ndah introduced the item. Consultants Michelle Maddaus from Maddaus Water Management, and Nicole Sandkulla, CEO of Bay Area Water Supply and Conservation Agency (BAWSCA), gave a detailed presentation on the Urban Water Management Plan.

Motion: to adopted **Resolution No. 9086** adopting the 2020 Urban Water Management Plan; and authorized the Mayor to sign letters on behalf of the City Council regarding water supply matters affecting the City of Milpitas.

Mayor Tran opened the public hearing.

The following spoke during Public Comment:

1. Voltaire Montemayor

Mayor Tran closed the public hearing.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5

NOES: 0

26. Conduct a Public Hearing and Adopt a Resolution Adopting the Water Shortage Contingency Plan (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Public Works Director Ndah introduced the item. Consultant Michelle Maddaus from Maddaus Water Management and Harris Siddiqui, Principal Engineer, gave a detailed presentation on the Water Shortage Contingency Plan.

Mayor Tran opened the public hearing.

The following spoke during Public Comment:

1. Voltaire Montemayor

Mayor Tran closed the public hearing.

Councilmember Chua requested the City increase the rebate program to be able to match the two dollars Valley Water will be increasing their rebate. She spoke about Valley Water's "Lawn Buster" program and requested the City look into expanding the program to more residents based on income. She would like this to be brought back for discussion at a future meeting as soon as possible and as appropriate.

Motion: to adopt **Resolution No. 9087** adopting the Water Shortage Contingency Plan.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5

NOES: 0

27. Conduct a Public Hearing, Adopt Resolution A, Conduct a Special Election for Community Facilities District No. 2008-1 – Annexation 21, and Adopt Resolution B. (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Engineering Director/City Engineer Erickson presented the staff report.

Mayor Tran opened the public hearing.

The following spoke during Public Comment:

1. Voltaire Montemayor

No motion was made for this item.

LEADERSHIP AND SUPPORT SERVICES

29. Receive a presentation on a Return to the Workplace Plan for the City of Milpitas (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

Receive a presentation on a Return to the Workplace Plan for the City of Milpitas.

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

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

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

This item was postponed to the June 21 Special Meeting during the approval of the agenda and approved as follows:

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of: AYES: 5
NOES: 0

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

Reviewed the list of items that have been requested by City Councilmembers at a Council meeting, or through the City Manager.

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

NEXT AGENDA PREVIEW

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

Received a list of anticipated agenda items for the June 15, 2021, Regular City Council meeting.

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

ADJOURNMENT

Mayor Tran adjourned the meeting at 10:48 PM.

The foregoing minutes were approved by Milpitas City Council on August 5, 2021.

Wendy Wood
City Clerk