



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, MAY 3, 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 May 3, 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 7:00 PM. Roll Call was taken by City Clerk Wood.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez (arrived at approximately 7:05 PM), and Phan

ABSENT: None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Mayor Tran led the invocation and observed a moment of silence for Norman Mineta.

PRESENTATIONS

Mayor Tran proclaimed the month of May as Affordable Housing and Building Safety Month, National Mental Health Awareness Month, and Older Americans Month.

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 name 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 during the Public Forum:

1. Member of the Public
2. Voltaire Montemayor

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.

Mayor Tran requested the Science, Technology, and Innovation Commission agendaize and explore a comprehensive internet connectivity plan.

Councilmember Dominguez requested the following:

1. Explore installing a light or four-way stop sign at the Fanyon and Kennedy Street intersection during the budget or the CIP process and requested a presentation on the update for the intersection road safety plan.
2. Request for Council to draft and release a written statement supporting women's right to choose and support the opposition to the Supreme Court draft opinion regarding Roe versus Wade.

The two requests did not receive a majority of Council support.

Councilmember Chua thanked the Filipino America Real Estate Professional Association, the Milpitas Chamber of Commerce, and City staff, for last week's ADU workshop. She announced the Senior Resource Fair will be on Saturday, May 7, from 11:00 AM to 1:00 PM.

Vice Mayor Montano attended the Westmont Senior Living One-Year anniversary event, attended the ADU workshop event, and announced that the Parks and Recreation Commission will be having a summer camping program.

Councilmember Phan commented on reproductive rights and spoke about a letter to be sent to the governor to establish California as a sanctuary for the right of women to control their own bodies.

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 aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

Mayor Tran asked to move item 18 after item 15 and approved the agenda.

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.

Motion: to approve the Consent Calendar.

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 the City Council Calendar of Meetings for May 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**
- Received the City Council Calendar of Meetings for May 2022.
- C2. Approve the Special City Council Meeting Minutes of April 19, 2022, and the Regular Meeting Minutes of April 19, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**
- Approved the Special City Council meeting minutes of April 19, 2022, and the Regular Meeting Minutes of April 19, 2022.
- C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**
- Received the list of anticipated agenda items for the next regular City Council meeting.
- C4. Adopt a Resolution Requesting the Allocation of the Transportation Development Act (TDA), Article 3 Funding for the City's American Disability Act (ADA) Curb Ramp Transition Program, Project No. 4283 (Staff Contact: Steve Chan, Transportation and Traffic Manager, 408-586-3324)**
- Adopted **Resolution No. 9143** requesting the allocation of the Transportation Development Act (TDA), Article 3 Funding for the City's American Disability Act (ADA) Curb Ramp Transition Program, Project No. 4283.
- C5. Adopt a Resolution Designating Project No. 4304 Street Resurfacing 2022-2023 to be Funded by SB-1 The Road Repair and Accountability Act of 2017 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**
- Adopted **Resolution No. 9144** designating Project No. 4304 Street Resurfacing 2022-2023 to be funded by SB-1 The Road Repair and Accountability Act of 2017.
- C6. Authorize the City Manager to Accept \$31,474.00 in Grant Funding, Approve and Authorize the City Manager to Execute a Funding Agreement Between the Bureau of Reclamation and the City of Milpitas, and Approve \$27,655.00 in Matching Funds for the Installation of Pressure Loggers Throughout the City's Water System (Staff Contact: Tony Ndah, Public Works Director 408-586-2602)**
- Authorized the City Manager to accept \$31,474.00 in grant funding in the amount of \$31,474.00, approved and authorized the City Manager to execute a funding agreement between the Bureau of Reclamation and the City of Milpitas, and approved \$27,655.00 in matching funds for the installation of pressure loggers throughout the City's water system.
- C7. Adopt a Resolution to Supersede Resolution 9102 to Add the Commemoration of Mexican Independence Day at Cesar Chavez Plaza (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**
- Adopted **Resolution No. 9145** to supersede Resolution 9102 to add the commemoration of Mexican Independence Day at Cesar Chavez Plaza.
- C8. Accept Additional FY 2021 Citizens' Option for Public Safety (COPS) Grant in the Amount of \$72,578.93 for Front-Line Law Enforcement Services; Approve the Addition to the Spending Plan; and Approve the Appropriation of Funds in the Total Amount of \$72,578.93 to the Police Department's FY 2021-22 Operating Budget for Front-Line Law Enforcement Services (Staff Contact: Jared Hernandez, Police Chief, 408-586-2406)**

Accepted additional FY 2021 Citizens' Option for Public Safety (COPS) Grant in the amount of \$72,578.93 for Front-Line Law Enforcement Services; approved the addition to the Spending Plan, and approved the appropriation of funds in the total amount of \$72,578.93 to the Police Department's FY 2021-22 Operating Budget for Front-Line Law Enforcement Services.

- C9. Accept FY 2022 Citizens' Option for Public Safety (COPS) Grant in the Amount of \$115,913.00 for Front-Line Law Enforcement Services and Approve the Appropriation of Funds in the Total Amount of \$115,913.00 to the Police Department's FY 2021-22 Operating Budget for Front-Line Law Enforcement Services (Staff Contact: Jared Hernandez, Police Chief, 408-586-2406)**

Accepted FY 2022 Citizens' Option for Public Safety (COPS) Grant in the amount of \$115,913.00 for Front-Line Law Enforcement Services, and approved the appropriation of funds in the total amount of \$115,913.00 to the Police Department's FY 2021-22 Operating Budget for Front-Line Law Enforcement Services.

- C10. Receive an Update on the Emergency Replacement of Two (2) Boilers and the Installation of a Temporary Heating System for the Public Works, Police, and Information Technology Department Buildings; 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 determined by a unanimous vote that the condition continues to constitute an emergency.

- C11. Approve the Sole Source Purchase and Installation of Eleven (11) Ward's No Smoke Diesel Exhaust Removal System for an Amount Not to Exceed \$113,027.46; and Authorize the City Manager, or Designee, to Execute the Purchase, Sale, and Security Agreement with Ward Required to Complete the Purchase (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Adopted **Resolution No. 9146** approving the Sole Source purchase of eleven (11) Ward's No Smoke Diesel Exhaust Removal System for an amount not to exceed \$113,027.46; and authorized the City Manager, or designee, to execute the purchase, sale, and security agreement, to complete the purchase.

- C12. Waive the Second Reading and Adopt Ordinance No. 311 to Establish Guidelines for the Acquisition, Funding, Use and Reporting of "Controlled Equipment," as the Term is Defined in Government Code Section 7070 and to Fulfill the Obligations Set Forth in Assembly Bill No. 481 (Staff Contact: John Torrez, Assistant Police Chief, 408-586-2408)**

Waived the second reading and adopted **Ordinance No. 311** to Establish Guidelines for the Acquisition, Funding, Use and Reporting of "Controlled Equipment," as the Term is Defined in Government Code Section 7070 and to Fulfill the Obligations Set Forth in Assembly Bill No. 481.

- C13. Receive the Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Received the February 2022 report for unhoused services.

- C14. Authorize and Approve Travel to Sacramento, CA for Councilmember Evelyn Chua and Councilmember Karina R. Dominguez to Attend the League of California Cities City Leaders Summit to be Held on May 11 – 13, 2022 for a Combined Total Estimated Amount of \$2,500 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Authorized and approved travel to Sacramento, CA for Councilmember Evelyn Chua and Councilmember Karina R. Dominguez to attend the League of California Cities City Leaders Summit to be held on May 11 – 13, 2022 for a combined total estimated amount of \$2,500.

PUBLIC HEARINGS

Members of the public may be allotted up to three (3) minutes or less at the Mayor's discretion, to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of ten (10) minutes for opening statements and up to a total of five (5) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

15. Hold a Public Hearing and Adopt a Resolution Approving the 2023-2027 Capital Improvement Program (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301, Michael Silveira, CIP Manager, 408-586-3303)

Engineering Director/City Engineer Erickson introduced the item and Capital Improvement Program Manager Silveira presented the staff report.

Mayor Tran opened the public hearing.

The following spoke during the public hearing:

1. Voltaire Montemayor
2. Ana Iontcheva
3. Robert Means

Mayor Tran closed the public hearing.

Council discussed funding for the softball fields.

Deputy City Manager Rossmann, Finance Director Lai, Public Works Director Ndah, and Engineering Director/City Engineer Erickson provided additional information.

Council discussed reallocating \$300,000 from the Quiet Zone study and moving it to the Street Sweeping Project, reallocating \$300,000 from the Rose Garden project, and moving it to the Softball Project, and stated support for funding the Council Chamber AV System assessment and design.

After discussion, motion: to adopt **Resolution No. 9147** approving the 2023-2027 Capital Improvement Program with amendments to reallocate \$300,000 from the Quiet Zone study to the Street Sweeping project, reallocate \$300,000 from the Rose Garden project to the Softball Fields project, and support funding the Council Chamber AV assessment and design.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following roll call vote:

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

NOES: None

COMMUNITY DEVELOPMENT

16. Receive a Presentation and Provide Direction to Staff Regarding Conceptual Plans for a Proposed Mixed-Use Development Project, up to 60 Feet (5 Stories) in Height, with up to 94 Multi-family Residential Units and Approximately 2,000 sq. ft. of Ground-floor Retail on a 1.25-acre Vacant Parcel Situated Between South Main Street and Abel Street, Approximately 500 Feet South of Serra Way (APN: 083-06-008) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Lillian VanHua, Senior Planner, 408-586-3073)

Planning Director Thomas introduced the item.

Mayor Tran stated he would be recusing himself from this item due to the proximity of the project to his residence and handed the gavel to the Vice Mayor.

Senior Planner VanHua presented the staff report.

Project Applicant Kevin Weiss provided additional information on the proposed project.

Council received presentations from staff and the applicant, discussed the proposed mixed-use development project and stated general support to increase the affordable housing to 20%.

Councilmember Chua requested the development look at other options for the proposed restaurant area.

Councilmember Dominguez requested the development provide a community space.

Vice Mayor Montano requested the art piece on the development be a historical piece that represents Old Town Main Street.

The following spoke during public comment:

1. Voltaire Montemayor

Mayor Tran returned to the dais.

17. Accept Staff Report Providing an Update on the Mil on Main Project Located at 1380-1400 South Main Street; and Direct the City Manager as to Whether or Not to Send a Letter of Support to the County of Santa Clara for the Conversion to a 100% Deed Restricted Affordable Housing Project, with On-Site Support Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)

Building Safety and Housing Director Goei presented the staff report.

Project Applicate and Vice President of the Core Companies Vince Cantore gave a presentation on the proposed project.

City Attorney Mutalipassi stated that Vice Mayor Montano has recused herself based on the location of the project.

The following spoke during public comment:

1. Voltaire Montemayor
2. Robert Stromberg
3. Janette Stokley
4. Connie Frenzel

County of Santa Clara Office of Supportive Housing Director, Consuelo Hernandez, provided additional information.

Consultant and Vice President of the John Stewart Company, Warren Reed, provided additional information.

After discussion, motion: to accept the staff report providing an update on the Mil on Main project located at 1380-1400 South Main Street and direct the City Manager to send a letter of support to the

County of Santa Clara for the conversion to a 100% deed-restricted affordable housing project, with on-site support services.

Councilmember Chua made a friendly amendment to provide direction to maximize the rapid rehousing for families if possible, make sure the lease will be broken if a resident commits a felony, ensure social services are comparable to the number of residents based on the ratio, make sure the contract will always be 176 units, 20 units for Intellectual and Developmentally Disabled (IDD), and 24 for Rapid Rehousing (RRH) for the perpetuity of the project, make sure the agreement has to be approved by the City in terms of the contract, and increase the marketing for Milpitas residents.

Mayor Tran and Councilmember Phan accepted the friendly amendments.

Motion/Second: Mayor Tran / Councilmember Phan

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Mayor Tran

NOES: None

RECUSE: Vice Mayor Montano

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

- *18. Review the Proposed Streets, Parks, and Facilities Naming Policy and Provide Feedback to Staff (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

***This item was taken out of order**

Recreation and Community Services Director Lorentzen presented the staff report.

Mayor Tran requested Robert Livengood's name be considered for the list for McCandless Park.

Councilmember Dominguez requested the policy include language to prohibit using the names of current Councilmembers approving the policy.

Vice Mayor Montano requested the City reinstate the Facility Naming Council Subcommittee.

Councilmember Chua requested the City be more diversified in naming City structures.

The following spoke during public comment:

1. Voltaire Montemayor

Mayor Tran stated that Council has provided feedback to staff and authorized staff to begin the process of naming McCandless Park.

LEADERSHIP AND SUPPORT SERVICES

- 19. Review the List of Agenda Item Requests From Individual Councilmembers and Provide Direction to Staff, Through the Prioritization Process, on the Items In Groups 1; and Provide Additional Clarification to Staff, If Any, on Group 2 Items (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 staff report.

The following spoke during public comment:

1. Voltaire Montemayor

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

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

- CC 3 Explore Making Temporary 3rd-Party Food Delivery Fee Caps Permanent
- CC 4 Develop a Plan for Future Solar Panels at City Facilities
- CC 6 Evaluate Childcare Center Reopening to be Operated by a Non=Profit Organization
- CC 8 Explore Mural Art on Great Mall Parkway on VTA-Owned Pillars
- CC 9 Consider Placing City Hall Address on the Building Façade
- CC 10 Explore a Lease for the Vacant Land Adjacent to the Library for City Use

ADJOURNMENT

Mayor Tran adjourned the meeting at 11:39 in memory of Milpitas resident Rodney Schuler.

The foregoing minutes were approved by the Milpitas City Council on May 17, 2022.

Wendy Wood
City Clerk