



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, APRIL 19, 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 April 19, 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 7:58 PM. Roll Call was taken by City Clerk Wood.

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 Chua)

Councilmember Chua introduced Reverend Andres Ligot and he led the invocation.

PRESENTATIONS

Mayor Tran proclaimed the April 29, 2022, as Arbor Day and the month of April as National Autism Acceptance Month and Parkinson's Awareness Month during the Special City Council meeting held April 19, 2022 at 5:00 p.m.

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 people spoke under Public Forum:

1. John Agg

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 stated in recognition of Earth Day the City is celebrating the construction of the new sustainable microgrid and will host an unveiling ceremony on Saturday, April 25 at 10:00 AM at the Milpitas Community Center parking lot.

Mayor Tran attended an event at the Indian Community Center to recognize the Hindu New Year and the Ahmadiyya Muslim Community Silicon Valley Annual Ifar Dinner. Mayor Tran made the following request:

1. Explore the policy for locking mechanisms on shopping carts for large commercial businesses and would like it brought back to Council sometime in August, September, or October.

Councilmember Dominguez attended Easter events in several faith-based communities, including an Easter egg hunt hosted by the Christian Worship Center (CWC) and an Easter egg hunt hosted by Knights of Columbus at St. John the Baptist Church. She announced the Bay Area Hero's Annual Golf Tournament hosted by the Rotary Club of Milpitas will be on May 7, 2022. Councilmember Dominguez made the following request:

1. Explore the use of roundabouts as a traffic calming mechanism.

Councilmember Dominguez also announced the City of Milpitas received a grant to establish a women's commission.

Mayor Tran stated the roundabout item should go to the CIP meeting and commented on the women's task force commission.

Councilmember Chua announced the following upcoming events: Spelling Bee event hosted by the Youth Advisory Commission on April 22, the Earth Day event on April 23, and the Accessory Dwelling Unit (ADU) workshop event on April 30.

Councilmember Phan made the following request:

1. Consider policies to regulate automated equipment that would replace a position typically filled by an employee.

Councilmember Phan expressed his gratitude to the staff at Best Best and Krieger and thanked Christopher Diaz for his service to the City of Milpitas.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney de los Angeles 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 de los Angeles 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 22 after item 19.

Motion: to approve the April 19, 2022, regular meeting agenda moving item 22 after item 19.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by the following:

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

NOES: None

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.

C1. Receive the City Council Calendar of Meetings for April and May 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Received the City Council Calendar of Meetings for April and May 2022.

C2. Approve the City Council Regular Meeting Minutes of April 5, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Approved the City Council Regular Meeting minutes of April 5, 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. Receive and Review 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.

C5. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation & Maintenance Agreement for BP Products North America Inc. at 1575 Landess Avenue (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 BP Products North America Inc. for the Gas Station and Convenience Store Project at 1575 Landess Avenue.

C6. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation & Maintenance Agreement for Robinson Oil Corporation at 1787 South Main Street (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 Robinson Oil Corporation for the Gas Station and Convenience Store Project at 1787 South Main Street.

C7. Approve Updates to the Commission Bylaws, the Bylaw Addendum for the Arts Commission, the Bylaw Addendum for the Parks, Recreation and Cultural Resources Commission, and associated Commissioner Handbook updates (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Approved updates to the Commission Bylaws, the Bylaw Addendum for the Arts Commission, the Bylaw Addendum for the Parks, Recreation and Cultural Resources Commission, and associated Commissioner Handbook updates.

- C8. Approve the Purchase of a Police Vehicle, Find the Procurement to be in the Best Interest of the City, and Authorize the City Manager to Execute Any Documents Necessary to Effectuate the Purchase (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Approved the purchase of a Police vehicle, find the procurement to be in the best interest of the City, and authorize the City Manager to execute any documents necessary to effectuate the Purchase.

- C9. Approve an Amendment of a Software License and Services Agreement with Mark43 by Adding the Evidence Data Migration and Morpho Mugshot Interface, Increasing the Not-to-Exceed Amount from \$1,049,956.00 to \$1,085,456.00 (Staff Contact: Steven Fox, Police Captain, 408-586-2525)**

Approved an amendment of a Software License and Services Agreement with Mark43 by adding the Evidence Data Migration and Morpho Mugshot Interface, increasing the not-to-exceed amount from \$1,049,956.00 to \$1,085,456.00.

- C10. Receive the 2021 General Plan Annual Progress Report and Authorize Submittal of the Report to the Governor's Office of Planning and Research (OPR) (Staff Contact: Jay Lee, Principal Planner, 408-586-3077)**

Received the 2021 General Plan Annual Progress Report and authorize the submittal of the report to the Governor's Office of Planning and Research (OPR).

- C11. 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 (2) boilers and the installation of a temporary heating system for the Public Works, Police, and Information Technology Department buildings; and determine by a unanimous vote that the condition continues to constitute an emergency.

- C12. Receive an Update on the Repair of Pump No. 3 at the Main Lift Sewer Pump Station and Authorize Staff to Pay Final Invoices to Koffler Electric Totaling \$90,095.32 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Received an update on the emergency repair of Pump No. 3 at the Main Lift Sewer Pump Station.

- C13. Agreement with Best, Best & Krieger, LLP for Specialized/Supplemental Legal Services (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Approved and authorized the City Manager to execute an agreement for specialized/supplemental legal services with Best Best & Krieger LLP.

- C14. Adopt a Resolution Supporting the Submission of Projects for 2023 Community Project Funding (Staff Contact: Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Adopted **Resolution No. 9140** supporting the submission of projects for 2023 Community Project Funding.

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. Introduce an Ordinance Adopting a Controlled Equipment Use Policy per California Assembly Bill 481 (Staff Contact: John Torrez, Assistant Chief of Police, 408-586-2408)

Assistant Chief of Police Torrez presented the staff report.

Mayor Tran opened the public hearing.

The following people spoke during the public hearing.

1. Voltaire Montemayor

Mayor Tran closed the public hearing.

City Attorney read the title of Ordinance 311 “An Uncodified Ordinance Of The City Council Of The City Of Milpitas 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”

Motion: to introduce **Ordinance No. 311** adopting a Controlled Equipment Use Policy per California Assembly Bill 481 and waive further reading beyond the title.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following:

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

NOES: None

16. Conduct a Public Hearing and Adopt a Resolution Approving Issuance of the California Municipal Finance Authority Multifamily Housing Revenue Bonds in an Aggregate Principal Amount Not to Exceed \$47,000,000.00 for the Benefit of Milpitas Pacific Associates to Provide for the Financing of an Affordable Housing Project at 308 Sango Court (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)

Building Safety and Housing Director Goei presented the report.

Mayor Tran opened the Public Hearing.

The following people spoke:

1. Ben Barker
2. Voltaire Montemayor

Mayor Tran closed the Public Hearing.

After discussion, motion: to adopt **Resolution No. 9141** approving the issuance of the Multifamily Housing Revenue Bonds in an aggregate principal amount not to exceed \$47,000,000 by the California Municipal Finance Authority (CMFA) for the benefit of Milpitas Pacific Associates to provide for the financing of the 308 Sango Court project. Such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code, and the California Government Code Section 6500 regarding Joint Exercise of Powers.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following:

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

NOES: None

17. Adopt a Resolution Approving the Fiscal Year 2022-23 Master Fee Schedule (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Finance Director presented the staff report.

Public Works Director Ndah provided additional information on water rates.

Assistant City Manager Kantak and Building Safety and Housing Director Goei provided information on Milpitas Assistance Program.

Mayor Tran opened the Public Hearing.

The following spoke:

1. Voltaire Montemayor

Mayor Tran closed the Public Hearing.

After discussion, motion: to adopt **Resolution No. 9142** approving the Fiscal Year 2022-23 Master Fee Schedule.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following:

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

NOES: None

COMMUNITY DEVELOPMENT

18. Homelessness Task Force Options (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Sharon Goei, Building Safety and Housing Director, 408-586-3260)

Assistant City Manager Kantak introduced the item and Building Safety and Housing Director Goei presented the staff report.

Received staff report related to the Homelessness Task Force recommendations and provided direction to staff on next steps.

The City Council discussed the homelessness program and project options and provided feedback.

The following spoke during public comment:

1. Voltaire Montemayor

Mayor Tran asked the Council to vote on the six project and program options presented as follows, by show of hands:

1. Expanded Shower and Laundry Services – Councilmember Dominguez and Phan raised their hands.
2. Trash Collection Service – Councilmember Dominguez and Phan raised their hands.
3. Day Worker/Help Center – Vice Mayor Montano and Mayor Tran raised their hands.
4. Navigation Center – Councilmember Phan raised his hand.
5. RV Safe Parking – Mayor Tran raised his hand
6. Tiny Homes Village – Councilmembers Chua, Dominguez, Phan, and Mayor Tran raised their hands.

Council provided direction to staff to move forward with only the Tiny Homes Village feasibility study.

19. Receive Report on Recommended Changes to the Municipal Code to Remove and Prohibit Property in Public and Provide Direction to Staff (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)

City Attorney de los Angeles presented the staff report.

Police Chief Hernandez provided additional information.

The following spoke during public comment:

1. Voltaire Montemayor

After discussion, motion: to direct the City Attorney to make the recommended changes to the Municipal Code to remove and prohibit property in public.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following:

AYES: Councilmembers Chua, Vice Mayor Montano, Mayor Tran

NOES: Dominguez, Phan

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

20. 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 not heard.

LEADERSHIP AND SUPPORT SERVICES

21. Approve Employment Agreement with, and Appoint Michael Mutalipassi to Serve as City Attorney (Staff Contact: Jeannine Seher, Human Resources Director, 408-586-3086)

Human Resources Director Seher announced the employment salary and benefit package for the City Attorney.

After discussion, motion: to approve Employment Agreement with Michael Mutalipassi and appoint him to serve as City Attorney for the City of Milpitas.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following:

AYES: Councilmember Chua, Vice Mayor Montano, Mayor Tran

NOES: Councilmember Dominguez and Phan

REPORTS OF MAYOR & COUNCILMEMBERS

- *22. Per Mayor Tran, Discuss a California Statewide Communities Development Authority (CSCDA) Program for the Eleanor Project to Provide Middle-Income Workforce Housing (Contact: Mayor Tran, 408- 586-3029)**

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

Bradley Griggs from Opportunity Housing Group gave a brief presentation on the proposed project.

Council discussed the item and City Manager McHarris stated that staff does not have the capacity or resources to complete the proposed project in the timeline requested by the applicant.

Council acknowledged the capacity restrictions of staff and because the applicant's timeline cannot be met, the project will not move forward.

ADJOURNMENT

Mayor Tran adjourned the meeting at 11:48 PM.

The foregoing minutes were approved by the Milpitas City Council on May 3, 2022.

Wendy Wood
City Clerk