

CITY OF MILPITAS MEETING MINUTES

Minutes of: Joint Meeting of the Milpitas City Council
and the Public Finance Authority
Date: Tuesday, April 6, 2021
Time: 6:00 PM Closed Session
7:00 PM Open Session
Location: Meeting held via teleconference/zoom webinar online
Milpitas, CA

CALL TO ORDER

Mayor Tran called the regular meeting to order at 6:00 PM. City Clerk Wendy Wood called the roll. The meeting took place via teleconference/zoom webinar.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan (Councilmember Phan arrived at approximately 6:03 PM)

ABSENT: None

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Jeannine Seher, Human Resources Director
Bargaining units: LIUNA (MEA, ProTech, Mid-Con, MPOA)

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

City as Plaintiff

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District,

Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara

(c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

Cost Dispute with Tributary Agencies (Burbank Sanitary District, Cupertino Sanitary District, West Valley Sanitation District, County Sanitation District 2-3)
Regarding Legal Expenses

(d) 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 7:20 PM.

CLOSED SESSION ANNOUNCEMENT

City Attorney Diaz announced that the City Council made a decision in Closed Session but there was no reportable action.

PLEDGE

Mayor Tran led all in the Pledge of Allegiance.

INVOCATION

Councilmember Dominguez introduced Kevin Ng, a member of the Asian's with Attitude organization and asked him to lead the Invocation.

PRESENTATION

Mayor Tran proclaimed April 2021 as Vietnamese-American Heritage Month and the week of April 11 – 17, 2021, as National Public Safety Telecommunications Week. He recognized and commended the American Red Cross for its critical work during American Red Cross Month 2021.

Katie Roper, American Red Cross Representative, spoke about the American Red Cross and acknowledged the volunteer effort of a Milpitas High School student.

PUBLIC FORUM

The following spoke during Public Comment:

1. Voltaire Montemayor
2. Lisa Oliver
3. James Kusters
4. Barbara Navarro
5. Jackie Romero

**ANNOUNCEMENTS &
FUTURE AGENDA ITEMS**

City Manager McHarris announced the following:

1. The Midtown plan is on track to start in July. Community meetings will be held to get ideas and input. The meetings will be starting this month and going through June. For more Information on this please go to the Planning Department's webpage on the City's website.
2. The City is starting an in-home COVID19 vaccination program. City staff has been working closely with the Santa Clara County of Public Health to roll out this plan. The County will be setting up the appointments and determine the eligibility for the program. The County has collaborated with the City to determine vaccination locations. The Fire Department will begin the vaccinations on April 14, with an estimated five vaccines given every day.
3. The new Finance Director, Lauren Lai, was formally introduced.

Councilmember Phan announced the Kiwanis Club is having a fundraiser at Giorgio's Monday, April 12, and Tuesday, April 13, from 11:30 a.m. to 8:00 p.m. He asked that everyone bring a voucher which can be found on the Kiwanis Club Facebook page and join in supporting this community organization.

Vice Mayor Montano requested that the City look into the following items:

1. Create "Welcome to Milpitas" signs in key areas in the City.
2. Create a rose garden with a children's memorial site.

Councilmember Chua announced that the Santa Clara Milpitas Library will be opening on April 11 and made the following requests:

1. Create a plan on how to increase the number of businesses doing business with the City of Milpitas and would like this request to be included in the task list.
2. Receive statistics on how many Milpitas unhoused were assessed and what homeless sites the City has cleaned up. She requested that this information be provided by the end of April or beginning of May.

Councilmember Dominguez spoke about the following:

1. Senate Bill 823 closing the California Department of Juvenile Justice which is the State system that currently houses and treats youth who have committed the most serious crimes. She stated that now the youth will be housed locally, and the County will be hosting some facilitation community forums on April 7, from 5:00 – 7:00 p.m. and another one on Monday, April 12, from 5:00 – 7:00 p.m. The forums will be available in Spanish and English.
2. Requested a conversation about developing a pilot neighborhood association, with direction to staff to get more information and look into the best practices for other

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

CODE OF CONDUCT

APPROVAL OF AGENDA

NOES: 0

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| C3. Resolution – Allocation of Transportation Development Act, Article 3 Funds | Adopted Resolution No. 9050 , requesting the allocation of Transportation Development Act (TDA), Article 3 funding for the City's American Disability Act (ADA) Curb Ramp Transition Program. |
| C4. Resolutions – Investments of Monies in the Local Agency Investment Fund | Adopted Resolution No. 9051 of the Milpitas City Council and Milpitas Public Financing Authority Board Resolution No. PFA 27 , authorizing investment of monies in the Local Agency Investment Fund (LAIF) and updating officers' information. |
| C5. Resolution – Submission of Projects for Community Project Funding | Adopted Resolution No. 9052 supporting submission of projects for Community Project Funding. |
| C6. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Urban Field Studio | Approved and authorized the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Urban Field Studio in the new total amount of \$966,250 with a term through June 30, 2022, for the Milpitas Metro Specific Plan (TASP Update); and approved a budget appropriation of \$426,250 from the Transit Area Development Impact Fee Fund into CIP Project No. 2006. |
| C7. Resolution - WaterSmart Small-Scale Water Efficiency Project Grant Program | Adopted Resolution No. 9053 approving the City's Grant Application requesting \$31,474 from the Bureau of Reclamation's WaterSmart Small-Scale Water Efficiency Project Grant Program. |
| C8. Amendment No. 1 to the Animal Services Agreement with the City of San Jose | Approved and authorized the City Manager to execute Amendment No. 1 to the Agreement with the City of San Jose for Animal Services, adding a fourth year to the three-year agreement, increasing the total not-to-exceed amount by \$416,053 from \$1,212,158 to \$1,628,211, subject to annual appropriation of funds. |
| C9. Agreement with Milpitas Unified School District for the Widening of McCandless Drive | Authorized the City Manager to execute the Assignment and Assumption Agreement with Milpitas Unified School District for Roadway Easement and Public Service Utility Easements for the Widening of McCandless Drive. |
| C10. Agreement with Silicon Valley Independent Living | Approved and authorized the City Manager to execute a Professional Services Agreement with Silicon Valley Independent Living Center for the management of the Santa Clara County Emergency Food and Shelter Program (EFSP) grant for the Milpitas Rent Relief Program. |
| C11. Resolution - Program Submission for Federal American Jobs Plan Funding | Adopted Resolution No. 9054 Supporting Project and Program Submission for Federal American Jobs Plan Funding. |

PUBLIC HEARINGS

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| 12. Resolution - Approving the 2022-2026 Capital Improvement Program | Engineering Director/City Engineer Erickson gave a presentation on the 2022-2026 Capital Improvement Program, highlighted the key changes made since the item was presented at the February 11, 2021 Study Session, and commented on the three new projects added. |
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1) Motion: to open the public hearing.

Motion/Second: Mayor Tran / Councilmember Dominguez

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

The following spoke during Public Comment:

1. Voltaire Montemayor

2) Motion: to close the public hearing.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

(3) Motion: to adopt **Resolution No. 9055** approving the 2022-2026 Capital Improvement Program for the City of Milpitas.

Motion/Second: Mayor Tran / Councilmember Dominguez

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

13. Draft FY 2019-2020
Community Development
Block Grant (CDBG)'s
Consolidated Annual
Performance and
Evaluation Report

Housing Authority Administrator Musallam gave a presentation on the Draft FY 2019-2020 Community Development Block Grant (CDBG)'s Consolidated Annual Performance and Evaluation Report (CAPER).

(1) Motion: to open the public hearing.

Motion/Second: Mayor Tran / Councilmember Dominguez

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

The following spoke during Public Comment:

1. Ann Marquart

2. Voltaire Montemayor

(2) Motion: to close the public hearing.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

(3) Motion: to approve the draft FY 2019-2020 Community Development Block Grant (CDBG)'s Consolidated Annual Performance and Evaluation Report (CAPER); and Authorize the City Manager, or designee, to submit the approved draft FY 2019-2020 CAPER to the U.S. Department of Housing and Urban Development (HUD) to comply with CDBG requirements.

Motion/Second: Mayor Tran / Councilmember Chua

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

COMMUNITY DEVELOPMENT

14. Presentation on the Status of Accessory Dwelling Units (ADUs) in Milpitas
- Planning Director Thomas introduced the item. Principal Planner Lee gave a presentation on the status of Accessory Dwelling Units (ADUs) in Milpitas and the City's efforts to increase ADU production. Building Official Tott provided an update on the following programs: ADU Mondays, Safe ADU Legalization, and ADU Corner. Building Safety and Housing Director Sharon Goei provided additional information.

Councilmember Dominguez made a request for staff to include community feedback data in the next Council update.

The following spoke during Public Comment:

1. Tim Beaubien
2. Mallika Bevara
3. Yan Gao

No motion was made for this agenda item.

15. Presentation on Bike and Scooter Share Options and Policy Considerations for Local Jurisdictions
- Planning Director Thomas introduced the item. Principal Planner Lee gave a presentation on bike and scooter share options, policy considerations for local jurisdictions, and requested Council direction on policy to help draft a micro-mobility pilot program.

Council commented on the need to have community engagement in the process, stated concerns, and provided feedback related to staff's policy questions.

The following spoke during Public Comment:

1. Voltaire Montemayor

No motion was made for this agenda item.

REPORTS

- C16. Appointments for City Commissions
- Received Mayor Tran's recommendations for the Community Advisory Commission, the Economic Development and Trade Commission, the Energy and Environmental Sustainability Commission, and the Public Safety and Emergency Preparedness Commission; and approved the recommendations for final appointment.

This item was moved onto the Consent Calendar and approved as follows.

Motion/Second: Mayor Tran / Councilmember Dominguez

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

- C17. Discuss an Amendment to the Existing Ordinance for Third-Party Food Delivery Vendor Services to Prohibit Regulatory Response Fees
- This item was moved onto the Consent Calendar with the following comments:
- Councilmember Phan stated that he is requesting that the City Attorney come back with options to address how third-party restaurant delivery services are responding to the Limit on Fees Charged by Third-party Food Delivery Services ordinance and would like to close any loopholes.

City Attorney Diaz stated that staff will bring back information to a future meeting for Council direction, but it may not include a final ordinance.

This item was approved as follows:

Motion/Second: Mayor Tran / Councilmember Dominguez

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

18. Discussion on Providing a Second Round of Small Business Grants Using CDBG/Federal Funds to Help the Small Business Community
- Vice Mayor Montano presented her proposed plan, stating that she would like to help the small businesses as the City did in the first round, but would like an emphasis on daycare centers. She suggested that round two of the grants total \$250,000 with approximately \$40,000 to be used to help daycare centers. She stated that since the City partnered with Enterprise Foundation on round one of the business grants, she would like to use their services again to act as the fiscal agent and administer the grant program with the same service fee of 5%. She discussed keeping the terms of eligibility the same as the first round with the exception of changing the language for daycare, commercial spaces, and home-based businesses.

Dennis King spoke about the services they provide and helping small businesses.

Council discussed funding sources, the possibility of funding this program through the American Rescue Plan, and requested a cost analysis for services be provided when this item comes back to the Council.

Motion: to move this item forward to the May 11, 2021, City Council meeting with the discussion of the American Rescue Plan Funds.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of: AYES: 4
NOES: 0
ABSTAIN: 1 Councilmember Dominguez

- C19. List of Agenda Items Requested by City Councilmembers
- Reviewed list of items that have been requested by City Councilmembers
- This item was moved onto the Consent Calendar and approved as follows.

Motion/Second: Mayor Tran / Councilmember Dominguez

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

- C20. Preview Agenda Items
- Received list of anticipated agenda items for the April 20, 2021 regular City Council meeting.

This item was moved onto the Consent Calendar and approved as follows.

Motion/Second: Mayor Tran / Councilmember Dominguez

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

ADJOURNMENT

Mayor Tran adjourned the meeting at 10:55 PM.

The foregoing minutes were approved by Milpitas City Council on April 20, 2021.

Wendy Wood
City Clerk