



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, APRIL 5, 2022

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

5:30 PM (CLOSED SESSION)

7:00 PM (PUBLIC BUSINESS)

The City Council of the City of Milpitas convened on the regular City Council meeting day of April 5, 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 5:30 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 LEGAL COUNSEL – ANTICIPATED LITIGATION

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

City as Defendant - See document attached in agenda packet

(b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Jeannine Seher, Human Resources Director

Bargaining unit: IAFF

(c) PUBLIC EMPLOYEE APPOINTMENT/HIRING

Pursuant to California Government Code Section 54957

Position: City Attorney

(d) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Jeannine Seher, Human Resources Director

Unrepresented Employee: City Attorney

(e) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957

Position: City Manager

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.

City Attorney Diaz stated there was no reportable action on items a, d, and e. Council had no reportable action on items b and c.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Councilmember Chua led the invocation.

PRESENTATIONS

Mayor Tran proclaimed the month of April as National Public Safety Telecommunications Week and presented the proclamation to Communications Dispatcher Rachelle Boyd and Communications Dispatch Supervisor Lena Sillas. Mayor Tran also proclaimed the month of April as Vietnamese-American Heritage Month and Fair Housing Month.

Fair Housing Director for Project Sentinel Molly Current provided information on fair housing.

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. Rose Riggs
2. Warren Wettenstein
3. 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.

City Manager McHarris announced the City received 344 eligible applications for the ARPA Small Business Assistant Grant Program and 81 businesses qualified for the direct \$5,000 grant assistance based on the Council directive to prioritize key industries. The remaining 263 businesses will enter a lottery scheduled for Friday, April 8 at 2:00 p.m.

Mayor Tran attended the Milpitas High School Trojan Olympics and the Milpitas Chamber of Commerce Crab Feed. He made the following request:

1. To agendaize a discussion for the next meeting a CSCDA for the Eleanor building.

Vice Mayor Montano attended the Milpitas High School Trojan Olympics and the Milpitas Chamber of Commerce Crab Feed. She made the following requests:

1. Add crossing guards at McCandless and Montague Expressway.
2. Add Mexican Independence Day to the list of events.

Mayor Tran made an amendment to the crossing guards' item and ask that staff bring back a comprehensive report on the crossing guards' program.

Vice Mayor Montano accepted the amendment.

Councilmember Chua made the following requests:

1. Support SB 919 related to catalytic converters.
2. Asked Supervisor Otto Lee to look at funding a pilot project for DIY (do it yourself) catalytic converter etching kits to distribute to residents.
3. Explore an ordinance or policy for commercial retail parking areas in Milpitas to reduce thefts and increase security.

Councilmember Phan attended the annual policymaker conference in Yosemite, commented on the encampment resolution funding program, and would like housing staff to look at the program.

Councilmember Dominguez commented on the divider and wall north of Abel Street and made the following request:

1. Staff look at the center divider to help improve safety, and report back by the budget meeting to see if there is an opportunity to fund traffic mitigation.
2. Staff prepare a report on ghost guns in the City of Milpitas and look at any State bills that the Council should be aware of to write a letter of support.
3. Bring back a conversation in the budget meeting to fund "walking beats" in commercial and high crime areas.
4. A pilot program to help fund cameras for businesses on Main Street to monitor activity and would like this to come back to Council for direction and funding.

Mayor Tran made an amendment to the ghost guns proposal to tie it into the gun's buyback program as a further incentive to the program. He also asked that Councilmember Dominguez work with the City Manager to find funding sources for the "walking beats."

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz 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 Diaz 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

City Attorney Diaz read aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the April 5, 2022, regular meeting agenda.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by the following roll call vote:

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.

Motion: to approve the Consent Calendar.

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

Vice Mayor Montano asked to postpone item 16 to the next meeting.

Motion: to postpone item 16 to the next meeting.

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by the following roll call vote:

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

NOES: None

Vice Mayor Montano asked to move item 20 after item 14.

Motion: to move item 20 after item 14.

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by the following roll call vote:

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

NOES: None

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

Received the City Council Calendar of Meetings for April 2022.

C2. Approve the City Council Regular Meeting Minutes of March 15, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Approved the City Council Regular Meeting minutes of March 15, 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. Adopt a Resolution Granting an Easement to Pacific Gas and Electric Company and Authorizing the City Manager to Execute the Grant of Easement, and Any and All Necessary Documents, in a Form Approved by the City Attorney, For the Access, Construction, and Maintenance of PG&E Owned Electric Facilities Infrastructure to Serve the Fire Station No. 2 Property (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Adopted **Resolution No. 9136** granting an easement to Pacific Gas and Electric Company and authorizing the City Manager to execute the Grant of Easement, and any and all necessary property related documents, in a form approved by the City Attorney, for the access, construction, and maintenance of PG&E owned electric facilities infrastructure to serve the Fire Station No. 2 property.

C6. Receive an Update on the Repair of Pump No. 3 at the Main Lift Sewer Pump Station 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 repair of Pump No. 3 at the Main Lift Sewer Pump Station; and determined by a unanimous vote that the condition continues to constitute an emergency.

C7. Approve and Authorize the City Manager to Execute a Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; Approve a Budget Appropriation of \$1,355,916.00 including Measure B Innovative Transit Service Models Program Funds (\$1,084,732.00), developer contributions (\$200,000.00), and General Government CIP Fund (\$71,184.00) into Project No. 3493; and Adopt a Resolution to Approve and Authorize the City Manager to Execute a Subscription and Services Agreement with RideCo in a Not-to-Exceed Amount of \$1,355,916.00 for Consultant Services Related to Milpitas OnDemand and Making Sole Source Findings and Findings that the Procurement is in the Best Interest of the City (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Jay Lee, Principal Planner, 408-586-3077)

Approved and authorized the City Manager to execute a funding agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; approved the new Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; approve a budget appropriation of \$1,355,916.00 including Measure B Innovative Transit Service Models Program Funds (\$1,084,732.00), developer contributions (\$200,000.00), and General Government CIP Fund (\$71,184.00) into Project No. 3493; and adopted **Resolution No. 9137** approving and authorizing the City Manager to execute a subscription and services agreement with RideCo in a not-to-exceed amount of \$1,355,916.00 for consultant services related to Milpitas OnDemand and making sole source findings and findings that the procurement is in the best interest of the City.

C8. Adopt a Resolution Releasing Unclaimed Funds with a Value less than \$15 amounting to \$171.82 (Staff Contact: Lauren Lai, Finance Director/Risk Manager, 408-586-3111)

Adopted **Resolution No. 9138** releasing Unclaimed Funds with a value less than \$15 amounting to \$171.82.

C9. Consider the Request Received by the City Clerk and Approve Fee Waiver of \$1,500.00 for the Milpitas Community Educational Endowment & Samuel Ayer Alumni Association for an Event on September 30, 2022, and Approve a Fee Waiver of \$420.00 for the Christian Worship Center

for a Community Easter Egg Hunt on April 16, 2022. (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Approved a Fee Waiver of \$1,500.00 for the Milpitas Community Educational Endowment & Samuel Ayer Alumni Association for an event on September 30, 2022, and approved a Fee Waiver of \$420.00 for the Christian Worship Center Community Easter Egg Hunt on April 16, 2022.

C10. Accept Committee Member and Commissioner Resignations (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Accepted the resignation of Committee Member Dhanwant Dhaliwal from the Measure F Oversight Committee, accepted the resignation of Sukhpreet Badesha from the Arts Commission, and directed the City Clerk to post the notices of the unscheduled vacancies.

C11. Adopt a Resolution Approving the Application for \$224,543 Per Capita Grant Funds from the State Department of Parks and Recreation and Designating the City Manager as the Authorized Signer on the Grant Agreement with the State of California (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Adopted **Resolution No. 9139** approving the submittal of an application for Per Capita Grant Funds from the State Department of Parks and Recreation and Designating the City Manager as the authorized signer on the grant agreement with the State of California.

C12. Accept the Report for Key 2021 Approved State Laws Impacting Municipal Operations (Staff Contact: Walter C. Rossmann, Deputy City Manager, 408-586- 3012)

Accepted the report for Key 2021 approved State Laws impacting municipal operations.

C13. Consider the Recommendation from Mayor Tran for the Appointment to a City Commission (Contact: Mayor Tran, 408- 586-3029)

Received Mayor Tran's recommendation and approve the appointment to the Energy and Environmental Sustainability Commission for a non-voting student member.

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.

14. Conduct a Public Hearing to Discuss the FY2022-25 Consolidated Plan Goals and Funding Allocations for FY2022-23 Community Development Block Grant and Corresponding Annual Action Plan (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)

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

Mayor Tran opened the public hearing.

The following people spoke:

1. Voltaire Montemayor
2. Georgia Bacil
3. Teresa Johnson
4. Alaina Purcell Schroeder
5. Nicole Steward
6. Allysson McDonald

7. Marina Sanchez
8. Sheri Burns
9. Linda Phillips
10. Heather Griffin
11. Jordan Dancer
12. Renee Lorentzen

Mayor Tran closed the public hearing.

During staff presentation and Council discussion, it was noted that the amount of funding applicants requested is significantly more than the amount of funding anticipated to be available. Thus, a plan that proportionally allocates funding will need to be developed. Also, there was a discussion on evaluating which organizations were going to receive ARPA funding and that staff would bring back this information as part of the final proposed plan and recommendation for the second public hearing.

After discussion, motion: to move forward with the FY2022-25 Consolidated Plan Goals and funding allocations for FY2022-23 Community Development Block Grant with full funding to the established non-profits.

Councilmember Chua seconded the motion, commented on the Filipino Chamber of Commerce partnering with the Milpitas Chamber of Commerce, and made a friendly amendment to have staff find a way to subgroup the requests.

Mayor Tran accepted the friendly amendment.

Motion/Second: Mayor Tran / Councilmember Chua

Councilmember Dominguez made a friendly amendment to request that any money left over from overlapping service be used to provide funding for the Hope for the Unhoused.

Mayor Tran declined the friendly amendment.

Motion carried by the following roll call vote:

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

NOES: Dominguez

Building Safety and Housing Director Goei clarified that the motion would include the consolidated plan goals.

Mayor Tran confirmed.

After Building Safety and Housing Director Goei's clarification Councilmember Dominguez requested to change her vote.

Motion: to reconsider the item.

Motion/Second: Councilmember Dominguez / Mayor Tran

Motion carried by the following roll call vote:

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

NOES: None

Motion: to move forward the FY2022-25 Consolidated Plan Goals and funding allocation direction for FY2022-23 Community Development Block Grant with full funding to the established non-profits with an amendment requesting staff find a way to subgroup the requests.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following roll call vote:

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

NOES: None

COMMUNITY DEVELOPMENT

15. Receive a Presentation and Provide Direction to Staff on a Draft Zoning Ordinance Amendment amending Sections of Title V, Chapter 100, and Title XI, Chapter 10, of the Milpitas Municipal Code Relating to Mobile Food Vending (Food Trucks) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Avery Stark, Associate Planner, 408-586-3288)

Planning Director Thomas presented the staff report and Associate Planner Stark provided additional information.

The following people spoke during public comment:

1. Voltaire Montemayor
2. Felix M.

Mayor Tran asked for staff to include waste bin requirements and a designated restroom requirement for mobile food trucks at a location for more than five days.

Vice Mayor Montano asked to increase the curfew for food trucks to 11:00 p.m.

After discussion, motion: to provide direction to staff on the Zoning Ordinance Amendment setting forth regulations related to mobile food vending, changing the operating time to 11:00 p.m., including a waste bin requirement, and including a restroom requirement for food trucks that are parked five days or more in one place.

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 SERVICES AND SUSTAINABLE INFRASTRUCTURE

16. 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 continued to the next meeting.

17. Receive a Presentation on Responses to Council Inquiries and Other Matters Related to the Proposed 2023-2027 Capital Improvement Program and Provide Feedback to Staff (Staff Contact: Michael Silveira, CIP Manager, 408-586-3303)

CIP Manager Silveira presented staff report.

Police Chief Hernandez and Public Works Director Ndah presented additional information on the Council Inquiry items.

Information Technology Director Nam presented additional information on the Council Chamber Audio Video System replacement project.

Mayor Tran requested the Pavement Marker Pilot Program be postponed, commented on the Sports Center visitor bleachers and asked staff to explore some more cost-effective seating for an amount not to exceed \$100,000, and look for temporary strategies to be used in the meantime. He also commented on the Council Chamber Audio Visual System Replacement and stated he would like the CIP funds to focus on public safety.

Vice Mayor Montano agreed with the Mayor's requests and commented on concerns with the McCandless and Curtis Well Projects.

Mayor Tran stated that he would like to add the Mount Shasta/South Park Victoria intersection CIP project and traffic calming at Kennedy and North Park Victoria.

The following people spoke during public comment:

1. Voltaire Montemayor

18. Receive a Presentation on the Draft Climate Action Plan Update and Provide Direction to Staff (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)

Deputy Public Works Director Marshall, and Air Quality and Climate Change Specialist with Ascent Environmental Inc., Hannah Kornfield presented the staff report.

The following people spoke during public comment:

1. Voltaire Montemayor
2. Felix M.
3. Tiffany Vuong

Vice Mayor Montano commented on rebates for upgrading appliances in older homes and asked staff to study the number of residents in Milpitas who own electric vehicles to help determine the number of charging stations needed.

Councilmember Phan asked for a more ambitious plan to include the elimination of the use of fossil fuels to achieve net-zero emissions, upgrading the City's fleet to get it closer to 100% zero emissions by 2030, reducing fossil fuel as a backup by 2030, asked for a status update on what the City is doing with microgrid technology, have an expedited solar permitting process, and engaging the school districts on solar projects.

19. Receive Report on Community Odor Monitoring Pilot Program Results (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

This item was not heard.

LEADERSHIP AND SUPPORT SERVICES

- *20. Receive Report Regarding Mayoral/Council Term Limits and Provide Direction to Staff on Future Ballot Measures, If Any (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040 and Ashwini Kantak, Assistant City Manager, 408-586-3053)**

***This item was taken out of order after item 14.**

City Attorney Diaz presented the staff report.

Council discussed eliminating the office of an elected Mayor, changing the length of the Mayor and Councilmember term limits, changing the term limits from consecutive to lifetime, and setting different term limits for the elected Mayor and City Councilmembers.

There was a consensus of the majority of Council to change the term limits for Councilmembers from three four-year terms to two four-year terms with the option for a third term if they run for the Mayoral seat and keep the terms limits as consecutive.

Council discussed keeping the office of Mayor as elected and change the terms from three two-year terms to two two-year terms with the option for a third term if they run for Council. After further debate Council requested this discussion on the Mayoral seat come back at a later time.

ADJOURNMENT

Mayor Tran adjourned the meeting at 11:42 PM.

The foregoing minutes were approved by the Milpitas City Council on April 19, 2022.

Wendy Wood
City Clerk