



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, MARCH 1, 2022
MILPITAS, CA
6:00 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 March 1, 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 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) DISCUSSION WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Jeannine Seher, Human Resources Director
Employee Organizations: MEA, Pro-Tech, Mid-Con

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
Deborah Logan v. City of Milpitas, et al.
Santa Clara County Superior Court Case No. 19CV347649

(c) 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.

Attorney Merewitz stated there was no reportable action.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Councilmember Dominguez led the invocation.

PRESENTATIONS

Vice Mayor Montano presented commendations to Juliette Gomez, Demetress Morris, and Nyla Choates to recognize their involvement in the community. She also recognized Tshaka Campbell for being the Santa Clara County Honorary Poet Laureate.

Mayor Tran proclaimed the month of March as American Red Cross Month, National Women's Heritage Month, and Youth Art 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 people spoke under Public Forum:

1. Bob Livengood
2. Voltaire Montemayor
3. Howard Beale
4. Jacqueline Romero
5. Allysson McDonald

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 as of March 2, 2022, the Santa Clara County Public Health Department will no longer require indoor masking. They recommend everyone stay up to date on vaccinations and boosters. Those not vaccinated or at high risk are strongly encouraged to wear masks indoors. The California Department of Public Health continues to require masking in higher risk settings such as public transit, health care facilities, and long-term care facilities.

Mayor Tran made the following requests:

1. A reform of the City's Speed hump policy.
2. Fee waiver for the Kiwanis Annual Crab Feed.
3. Fee waiver for the Christian Worship Center's Easter egg hunt.
4. Fee waiver for the Ayer High School Annual Reunion.
5. Add a mobile stage to the Juneteenth event.
6. Proclaim Saturday, March 19, 2022, as Chez the Ice Cream Man Appreciation Day.

Councilmember Chua recognized the Milpitas Community Theater Cast Members and requested the City Manager agendaize an update to the Lobbyist Ordinance for the next meeting.

Councilmember Phan requested the meeting be adjourned in honor of Terry Sandoval.

Vice Mayor Montano thanked Bob Livengood for his work with Charity Bingo and commented on Women's Heritage Month. She also made the following requests:

1. Fee waiver for the Chamber of Commerce for either the Oktoberfest or Arts and Wine festival.

2. Fee waiver for the Ayer High School annual reunion.
3. Create a plan for future solar paneling at City facilities.
4. Have the Police Department contact the Post Office to put something on the mailboxes to help stop mail theft.

Councilmember Dominguez commented on women leaders in the City and requested the Mayor give Keys to the City to Nyla Choates and Yolie Garcia from Hope for the Unhoused. She also spoke about attending the Ahmadiyya Muslim Women's Auxiliary and requested a discussion be agendized in the next three meetings to implement a faith-based circle group for Milpitas that will meet quarterly.

City Manager McHarris stated that he will reach out to the faith-based group currently in Milpitas and provide an info memo or email to the Council.

Councilmember Chua requested a fee waiver for the Filipino American Real Estate Professional Association to hold an ADU workshop at the Community Center. She also announced today is the last day to apply for the \$5,000 small business grant.

Mayor Tran announced the Milpitas Unified School District had its second capital fundraising event for the new innovation campus and thanked the Bay View Golf Club for sponsoring the event.

Councilmember Dominguez requested a fee waiver for the Filipino American South Bay Community to hold a pop-up resource fair at a City Park.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

Attorney Merewitz asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. Attorney Merewitz 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

Vice Mayor Montano read aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

Councilmember Dominguez commented on the minutes and wanted to note her dissent for the request made under the Announcements and Future Agenda Items for the exploration of the encampment ordinances.

Mayor Tran asked that item 21 be moved after item C16.

Councilmember Dominguez asked to move item 20 after item 17.

Motion: to approve the March 1, 2022, regular meeting agenda and move Item 21 after C16 and move 21 after 17.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

CONSENT CALENDAR

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 / Councilmember Dominguez

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 March 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Received the City Council Calendar of Meetings for March 2022.

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

Approved the City Council Regular Meeting minutes of February 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. Approve and Authorize the City Manager to Execute Amendment No. 4 with PSOMAS for Mapping and Field Investigation of the Traffic Signal Intersection and Fiber Optic System in the City GIS for the total amount of \$93,201, for a Total Not-To-Exceed Contract Amount of \$339,529, for Technology Project, Project No. 3427 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Approved and authorized the City Manager to Execute Amendment No. 4 with PSOMAS for Mapping and Field Investigation of the Traffic Signal Intersection and Fiber Optic System in the City GIS for the total amount of \$93,201, for a total not-to-exceed contract amount of \$339,529, for Technology Project, Project No. 3427.

C6. Approve and Authorize the City Manager to Execute a Design Services Agreement with Kimley-Horn in the Amount Not to Exceed \$475,034.00 for Design Services for the Street Resurfacing Project 2023, Project No. 4303 (Staff Contact: Steve Chan, Transportation and Traffic Manager, 408-586-3324)

Approved and authorized the City Manager to execute a Design Services Agreement with Kimley-Horn in the amount not to exceed \$475,034.00 for design services for the Street Resurfacing Project 2023, Project No. 4303.

C7. Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting

Maintenance Assessment District No. 95-1 (McCarthy Ranch) (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Adopted **Resolution No. 9123** Initiating the Proceedings for the Annual Levy and Collection of Assessments and ordering the preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1 (McCarthy Ranch).

- C8. Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1 (Sinclair Horizon) (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Adopted **Resolution No. 9124** Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1 (Sinclair Horizon)

- C9. Adopt a Resolution Amending and Restating the Wage Theft Procurement Policy (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Adopted **Resolution No. 9125** to amend and restate the City's Wage Theft Procurement Policy

- C10. Approve Amendments to the Professional Services Agreement with Ascent Environmental for Consultant Services and Master Funding Agreement with the Metropolitan Transportation Commission for the Priority Development Area Planning Grant Program Related to Preparation of the Gateway/Main Street Specific Plan Update and Authorize the City Manager to Execute the Amended Agreements and Supplement to the Master Funding Agreement with the Metropolitan Transportation Commission (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Approved amendments to the Professional Services Agreement with Ascent Environmental for consultant services and Master Funding Agreement with the Metropolitan Transportation Commission for the Priority Development Area Planning Grant Program related to the preparation of the Gateway/Main Street Specific Plan Update and authorized the City Manager to execute the amended agreements and Supplement to the Master Funding Agreement with the Metropolitan Transportation Commission.

- C11. Approve a Budget Appropriation in the amount of \$103,931 to the Equipment Fund Non-departmental FY 2021-22 Operating Budget and Approve the Replacement Purchase of Two Police Vehicles Through a Sourcewell Cooperative Contract with National Auto Fleet Group (Staff Contact: Frank Morales, Police Captain, 408-586-2521)**

Approved a budget appropriation in the amount of \$103,931 to the Equipment Fund Non-Departmental FY 2021-22 operating budget and approve the replacement purchase of two Police vehicles through a Sourcewell cooperative contract with National Auto Fleet.

- C12. Award RFP No. 22-036 to JAM Services and Authorize the City Manager to Purchase Illuminated Overhead Street Signs for the Not-To-Exceed Amount of \$104,535.86 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Awarded RFP No. 22-036 to JAM Services and authorized the City Manager to purchase illuminated overhead street signs for the not-to-exceed amount of \$104,535.86.

- C13. Accept Committee Member Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Accepted the resignation of Commissioner Harsh Patel from the Measure F Oversight Committee and direct the City Clerk to post the notice of the unscheduled vacancy.

- C14. Adopt a Resolution Authorizing the City Manager or Designee to Donate Obsolete Fire Safety Personal Protective Equipment (Jackets, Pants, and Boots) to the City of Dagupan (Staff Contact: Lauren Lai, Finance Director, 408-586-3111 and Brian Sherrard, Fire Chief, 408-586-2811)**

Adopted **Resolution No. 9126** Authorizing the City Manager or Designee to Donate Obsolete Fire Safety Personal Protective Equipment (Jackets, Pants, and Boots) to the City of Dagupan.

- C15. Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)**

Moved to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

- C16. Authorize and Approve Travel to Monterey, CA for City Manager Steve McHarris to Attend the Innovating Commerce Serving Communities (ICSC) Conference Scheduled for March 8 - 9, 2022 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Authorized and approved Travel to Monterey, CA for City Manager Steve McHarris to Attend the Innovating Commerce Serving Communities (ICSC) Conference scheduled for March 8 – 9, 2022.

COMMUNITY DEVELOPMENT

- 17. Provide Direction on Homelessness Task Force Recommendations (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Building Safety and Housing Director Goei presented the staff report.

Mayor Tran stated support for the homelessness help center, safe parking areas, and prevention programs.

Vice Mayor Montano proposed a day work center and a feasibility study for a navigation center.

Councilmember Dominguez requested the City provide a dumpster or trash cans.

Councilmember Chua stated she supports everything except for the accountability item.

Councilmember Phan spoke about providing dumpsters and expanding the shower program.

The following people spoke during public comment:

1. Salman Siraj
2. Howard Beal
3. Christopher Denise
4. Loreto Dimaandal
5. Allysson McDonald
6. Norma Morales
7. Jacqueline Romero
8. Sanae Alexander

No motion was made for this item

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 not heard.

LEADERSHIP AND SUPPORT SERVICES

- 19. Receive Report on 2022 Citywide Community Engagement Survey (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Charmaine Angelo, Public Information Officer, 408-586-3055)**

This item was not heard.

- 20. Provide Direction on American Rescue Plan Act (ARPA) Funding for Council Priority Items and Modifications to the ARPA Investment Plan and Provide Input on Proposed Process for Future Changes to the ARPA Investment Plan (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Lauren Lai, Director of Finance, 408-586-3111)**

This item was not heard.

- *21. Consider Resolution to Adopt Draft Goals and Performance Measures to Provide a Framework for Evaluating Potential City Participation in Middle-Income Workforce Housing Projects; and Consider Proposal to Convert the Turing Apartments to Low, Median, and Moderate Income Housing with Housing Bonds from the California Statewide Communities Development Authority Community Improvement Authority (Authority) (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

- * This item was taken out of order after item C16.**

Assistant City Manager Kantak presented the staff report.

Co-Founder of Waterford Property Company, Sean Rawson, gave a presentation on the proposed project and answered questions from Council.

Council discussed the item, asked clarifying questions, and commented on concerns.

The following people spoke during public comment:

1. Lamar
2. Allysson McDonald
3. Sanae Alexander
4. Salman Siraj
5. Peter Zack

Senior Vice President from Fieldman Rolapp and Associates Un Chu Reardon provided clarifying information regarding the bonds.

After discussion, motion: to continue this item to the next meeting.

Motion/Second: Councilmember Dominguez / Councilmember Chua

Motion failed by the following vote:

AYES: 2

NOES: 3 (Councilmember Phan, Vice Mayor Montano, Mayor Tran)

After further discussion, motion: to approve **Resolution No. 9127** adopting, Goals and Performance Measures to evaluate the City's potential participation in future middle-income workforce housing projects; approve the proposal to convert the Turing Apartments located at 1355 McCandless Drive to low, median, and moderate income housing; approve **Resolution No. 9128** authorizing the City to become a member of the CSCDA Community Improvement Authority; and authorize the City Manager to execute the Public Benefit Agreement without the blue line revisions included in Attachment 3 of the agenda packet.

Motion/Second: Councilmember Phan / Councilmember Dominguez

Motion carried by the following roll call vote:

AYES: Dominguez, Phan, Mayor Tran

NOES: Councilmember Chua

ABSTAIN: Vice Mayor Montano

ADJOURNMENT

Mayor Tran adjourned the meeting at 11:52 PM.

The foregoing minutes were approved by the Milpitas City Council on March 15, 2022.

Wendy Wood
City Clerk