

CITY OF MILPITAS MEETING MINUTES

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, February 16, 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.

ABSENT: None

CLOSED SESSION

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
City Council reconvened to the public portion of the meeting at 7:35 PM.

CLOSED SESSION ANNOUNCEMENT

City Attorney Diaz announced there was no reportable action out of Closed Session.

PLEDGE

Mayor Tran led all in the Pledge of Allegiance.

INVOCATION

Vice Mayor Montano conducted the invocation, reading the scripture from *Corinthian 1* Chapter 13, verse 438 "Love."

PUBLIC FORUM

The following spoke during Public Comment:

1. Barbara Jo "BJ" Navarro
2. Voltaire Montemayor
3. Urvishkumar Mehta
4. Allysson McDonald
5. Bill Korby
6. Jessica Yu

ANNOUNCEMENTS & FUTURE AGENDA ITEMS

City Manager Steve McHarris stated he had no announcements.

Councilmember Phan made a request to agendize the following:

1. An amendment to the existing ordinance for third-party food delivery vendor services to prohibit regulatory response fees. Mayor Tran supported the request.
2. A discussion to explore opportunity housing and prohibit single-family zoning. Stating that it can provide an opportunity to explore a diverse stock of housing and expand on the existing Accessory Dwelling Unit (ADU) ordinance.

Councilmember Dominguez spoke about Laura's Law, stating that the County would be voting on it the following day and requested that the City Manager send a document

After the agenda was posted, staff sent the List of Agenda Items Requested by City Councilmembers.

City Clerk Wood stated that item 12 was missing the List of Proposed Committee and Alternate Committee Members.

Motion: to postpone item 12 to the next regular City Council meeting.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

The following items were added to the Consent Calendar:

1. Agenda Item No. 9: Adopt Urgency Ordinance No. 310 Temporarily Suspending Penalties for Delinquent Fire Permit Fees
2. Agenda Item No. 10: Adopt a Resolution Authorizing the License Tax Collector to Delay or Waive Collection of the Business License Tax
3. Agenda Item No. 11: Consider Recommendations from Mayor Tran for Appointments and Removal for City Commissions
4. Agenda Item No. 14: Receive and Direct Staff on List of Agenda Items Requested by City Councilmembers
5. Agenda Item No. 15: Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on March 2, 2021

Motion: to approve the modified Consent Calendar, including Items No. C1 – C6 and Agenda Item No. 9, 10 (Councilmember Phan Recused), 11, 14, and 15 with noted items.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

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| C1. Council Calendar | Received the City Council calendar of upcoming meetings for February and March 2021. |
| C2. Meeting Minutes | Approved the meeting minutes of the January 26, 2021, Special City Council Meeting and February 2, 2021, Regular City Council meetings, as drafted by the Deputy City Clerk and submitted to Council. |
| C3. Adopt Resolution | Adopt Resolution No. 9040 granting acceptance of City improvements constructed by Valley Water District as part of the Lower Berryessa Creek Flood Protection Work and authorize reimbursement to Valley Water District for the Construction Cost of City Improvements completed. |
| C4. Adopt Resolution | Adopt Resolution No. 9041 granting acceptance of public improvements for Siena Amalfi II Subdivision at 600 Amalfi Loop, Tract 10420, Public Improvement Plan No. 2-1359; approving a reduction in the faithful performance bond to \$4,500, which shall be subject to and in effect for the duration of a one-year warranty period; and granting authorization to the City Engineer to release the performance bond after the one-year |

warranty period, without further City Council action, provided all required warranty work is completed to the satisfaction of the City Engineer.

C5. Five-Year Professional Services Agreement with JPMorgan Chase Bank, N.A.

Approve and authorize the City Manager to execute the Government Merchant Processing Agreement, Commercial Card Participation Agreement, and the five-year Professional Services Agreement and related banking services implementation documents with JPMorgan Chase Bank, N.A. to provide comprehensive banking services subject to annual appropriation of funds.

C6. Accept Commissioner Resignations

Accept the resignations of George Chen from the Community Advisory Commission; Binh Nguyen from the Science, Technology and Innovation Commission; Aakar Shah from the Parks, Recreation and Cultural Resources; and Vicky Young from the Public Safety and Emergency Preparedness Commission; and confirm noticing of the unscheduled vacancies.

LEADERSHIP

7. Report on 2021 Citywide Community Engagement Survey

Assistant City Manager Kantak gave a brief presentation on the 2021 Citywide Community Engagement Survey report.

Curtis Below, Partner and COO of FM3 Research, presented results from the community survey.

The following spoke during Public Comment:

1. Voltaire Montemayor
2. Urvishkumar Mehta
3. Frank Bush

No motion was made for this agenda item.

8. FY 2020-21 Second Quarter Financial Status Report and Mid-Year Budget Amendments

Deputy City Manager Rossmann presented the FY 2020-21 Second Quarter Financial Status Report and the mid-year budget adjustments.

The following spoke during Public Comment:

1. Voltaire Montemayor
2. Urvishkumar Mehta
3. Allysson McDonald
4. R. Walker

Motion: to review the FY 2020-21 Quarterly Financial Status Report for the Quarter Ending December 31, 2020; approve FY 2020-2021 Mid-Year Budget Amendments; and establish the "Public Art" Capital Improvement Project.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by a vote of:

AYES: 5
NOES: 0

C9. Urgency Ordinance No. 310

Adopt Urgency **Ordinance No. 310** temporarily suspending penalties for delinquent fire permit fees.

This item was moved onto the Consent Calendar.

City Attorney Diaz read aloud the title of Ordinance 310, "An Urgency Ordinance of the City Council of the City of Milpitas Temporarily Suspending Penalties for Delinquent Fire Permit Fees in Chapter 300, Section 2.32 of Title V of the Milpitas Municipal Code"

Approved as follows:

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by a vote of: AYES: 4
NOES: 0

C10. Resolution - Delay or Waive Collection of the Business License Tax

Adopt **Resolution No. 9042** authorizing the License Tax Collector to Delay or Waive Collection of the Business License Tax.

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

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by a vote of: AYES: 4
NOES: 0
RECUSED: 1 (Councilmember Phan)

REPORTS

C11. Appointments and Removal for City Commissions

Receive Mayor Tran's recommendations and approve recommendations for final appointment by the Mayor for Energy & Environmental Sustainability Commission; and approve the recommendation of two removals by the Mayor for the Parks, Recreation, and Cultural Resources Commission.

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

Motion/Second: Mayor Tran / Vice Mayor Montano

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

12. Appointments to the Measure F Oversight Committee

Motion: to postpone to the next regular City Council meeting.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

13. Discuss Allocation of Fund Towards Hotel Vouchers for Homeless Residents

Councilmember Chua presented a proposed pilot program for 30-days to provide hotel vouchers for the most vulnerable Milpitas Residents during the winter of 2021.

The following spoke during Public Comment:

1. Voltaire Montemayor
2. Urvishkumar Mehta
3. Yolanda Garcia
4. Allysson McDonald
5. Jessica Yu

Mayor Tran commented on the need for a more detailed policy framework.

Council discussed the proposed program providing feedback and commented on the contract passed in November of 2020 with the Santa Clara County, for homeless outreach, assessment, and street-based case management services.

Motion: to amend the item to implement a pilot program for 30 days with a seven-day hotel voucher from the lowest responsible bidder in Milpitas, for senior citizens ages 55 and older, disabled individuals with the proper medical record, and school district

students and their families for an amount not to exceed \$25,000. Mayor Tran stated that he would give his travel budget of \$5,000 and his budget for an intern to fund this program. Councilmember Chua stated that she would do the same.

Motion/Second: Mayor Tran / Councilmember Chua

Motion failed by a vote of:

AYES: 2
NOES: 2
ABSTAIN:1

NEXT AGENDA PREVIEW

C14. Preview Agenda Items

Received list of anticipated agenda items for the March 2, 2021, Regular City Council meeting.

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

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by a vote of:

AYES: 5
NOES: 0

ADJOURNMENT

Mayor Tran adjourned the meeting at 11:16 PM.

The foregoing minutes were approved by Milpitas City Council on March 2, 2021.

***Wendy Wood
City Clerk***