

CITY OF MILPITAS MEETING MINUTES

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, February 2, 2021
Time: 5:30 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 5:30 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 (arrived at approximately 5:40 PM.)

ABSENT: None

CLOSED SESSION

City Council adjourned to Closed Session to discuss three items listed on the agenda:

1. Conference with Labor Negotiators regarding City Attorney
2. Conference with Labor Negotiators regarding MEA, Mid-Con, and Protech bargaining units
3. Conference with Real Property Negotiators regarding 230 North Main Street

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 to the flag.

INVOCATION

Vice Mayor Montano introduced Pastor Jenni'fer Chapman, of Pray 4 Santa Clara to conduct the invocation.

PUBLIC FORUM

Five residents made comments:

1. Jordan Nuñez
2. Voltaire Montemayor
3. Carlos Arreola
4. Bria Myles
5. Forest Peterson

ANNOUNCEMENTS & FUTURE AGENDA ITEMS

City Manager McHarris announced the following:

1. The City of Milpitas' Recreation Services Department would be hosting a virtual Year of Ox Lunar New Year celebration from February 5, 2021 to February 16, 2021. The event would be broadcasted via the Recreation Services Department's YouTube Channel.
2. The new Milpitas City Clerk, Wendy Wood, was formally introduced.

1. Agenda Item No. 8. Approve and Authorize the City Manager to Execute the First Amendment to the Historical Heritage Grant Program Funding Agreement between the City of Milpitas and the County of Santa Clara for the Alviso Adobe Renovation, Project No. 5055

2. Agenda Item No. 13: Consider Recommendations from Mayor Tran for Appointments and Removal for City Commissions.

Motion/Second: Mayor Tran / Vice Mayor Montano

C1. Council Calendar	Received the City Council calendar of upcoming meetings for February 2021.
C2. Meeting Minutes	Approved the meeting minutes of the January 19, 2021 Regular City Council meetings, as drafted by the Deputy City Clerk.
C3. Adopt Ordinance	Moved to waive the second reading and adopted Ordinance No. 65.150, adding Chapter 32 (Responsible Construction) to Title III of the Milpitas Municipal Code, and directed staff to return with minor clean-up changes to the ordinance.
C4. Adopt Resolution	Adopted Resolution No. 9037 granting acceptance of Fire Station No. 2 Demolition, Project No. 3447, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance.
C5. Adopt Resolution	Adopted Resolution No. 9038 declaring weeds on specific properties to be public nuisances and set a public hearing on March 2, 2021.
C6. Adopt Resolution	Approved Resolution No. 9039 to amend the City of Milpitas PARS Alternative Retirement Plan (Plan) to provide eligible participants with the option to self-direct the investment of their retirement funds, adopted the PARS Trust Agreement for Participant Directed Investment Program (PDI Trust), withdrew from the current PARS Trust and authorized the City Manager to execute all necessary documents to carry about the preceding.
C7. Master Agreement – Valley Water District	Approved and authorized the City Manager to execute master agreement with Valley Water District for Flood Protection Improvements within Lower Calera Creek, Lower Penitencia Creek, and Lower Berryessa Creek and authorized reimbursement to the Valley Water District for City improvements completed as part of the Flood Protection Work, Project No. 3452.
8. Historic Heritage Grant Program – Alviso Adobe Renovation	Approved and authorized the City Manager to execute the First Amendment to the Historical Heritage Grant Program Funding Agreement between the City of Milpitas and the County of Santa Clara for the Alviso Adobe Renovation, Project No. 5055.

Engineering Director and City Engineer Erickson, gave a brief presentation.

The following spoke during Public Comment:

1. Urvishkumar Mehta

Motion: to approve and authorize City Manager to execute the First Amendment to the Historical Heritage Grant Program Funding Agreement between the City of Milpitas and the County of Santa Clara for the Alviso Adobe Renovation, Project No. 5055.

Motion/Second: Vice Mayor Montano / Mayor Tran

Vote: 5-0

9. Milpitas Metro Specific
Plan Update

Received a presentation from staff, Consultant Jane Lin from Urban Field Studio, Consultant Christina Paul from M-Group, and Mark Spencer and Barry Bergman from W-Trans.

City Council provided feedback and direction on transportation, mobility, circulation, and traffic policies to guide preparation of the Draft Milpitas Metro Specific Plan (MMSP).

The following spoke during Public Comment:

1. Urvishkumar Mehta

City Council spoke in favor of the Milpitas Metro Specific Plan presented topics. Consultants and staff will return for another presentation during the City Council's March 2, 2021 regular meeting. This upcoming Milpitas Metro Plan update would cover parks, trails, streetscape, and infrastructure.

No motion was made for this agenda item.

10. Draft City Trail,
Pedestrian, and Bicycle
Master Plan

Received a presentation from staff and Consultant Erin David from Alta Planning on the draft City Trail, Pedestrian, and Bicycle Master Plan, Project No. 3448.

The following spoke during Public Comment:

1. Urvishkumar Mehta
2. Voltaire Montemayor

City Council spoke in favor of the draft City Trail, Pedestrian, and Bicycle Master Plan.

No motion was made for this agenda item.

LEADERSHIP

11. Fiscal Year (FY)
2021-22 Budget
Development

Assistant City Manager Kantak and Deputy City Manager Rossmann presented before City Council regarding desired service levels to inform the FY 2021-22 budget development and prioritization of additional work plan items.

Council discussed the Group 1 Potential Work Plan Items list and Mayor Tran took a poll of the City Council to determine Council support for staff to expend four hours or more of time on each of the items. Councilmembers voted on each item listed with a raised hand.

1. Beautify Milpitas: Received a majority vote.
2. Building Height Limits - East Milpitas Boulevard: Mayor Tran requested this item be deferred for one year.
3. Community Gardens Update: Did not receive a majority vote.
4. Project Labor Agreement: Councilmember Phan requested this item be removed from the list.

5. Remove Affordable Housing In-Lieu Fee: Received a majority vote.
6. "Milpitas Hills" as City Branding: Did not receive a majority vote.
7. COVID-19 Testing and Vaccine Distribution: Received a majority vote.
8. Day Worker Program: Vice Mayor Montano requested this item be removed from the list.
9. Economic Development Corporation: Received a majority vote.
10. Main Street Revitalization and Impact Fees: Received a majority vote.
11. Mayor and Councilmember Term Limits: Received a majority vote.
12. Milpitas Business Expo: Did not receive a majority vote.
13. Pollinator Protection: Did not receive a majority vote.
14. Safety First Event: Councilmember Phan requested this item be removed from the list.
15. Satellite Consular Offices: Vice Mayor Montano requested this item be deferred indefinitely.
16. Speed Bump Policy Review: Received a majority vote.
17. Unpermitted ADU Legalization Program: Received a majority vote.
18. Vaping Ban: Received a majority vote.
19. Worker Recall Protection Program: Did not receive a majority vote.

Mayor Tran commented on the items that did not receive a majority vote and requested that those items be deferred to a later time.

Motion: to vote again for priority item number 3 (Community Gardens Update) and item number 13 (Pollinator Protection).

Motion/Second: Councilmember Dominguez / Councilmember Phan

Vote: 2-3

The following spoke during Public Comment:

1. Urvishkumar Mehta

No motion was made for this agenda item.

12. Financial Support For Utility Payments For Businesses and Delay of Payment for Annual Business Fees

Deputy City Manager Rossmann presented and facilitated the discussion and seeking of City Council policy direction regarding financial support for utility payments for businesses and delay of payment for annual fees charged to businesses.

The following spoke during Public Comment:

1. Urvishkumar Mehta
2. Voltaire Montemayor

City Council consensus was to approve the temporary suspending penalties for delinquent fire permit fees, as well as to delay or waive collection of business license tax charged to businesses.

Councilmember Phan recused himself from this item due to a potential conflict because he is a current Milpitas business license holder and left the meeting.

Motion: to direct staff to approve policy recommendations to temporarily suspend penalties for delinquent fire permit fees, and to delay or waive collection of business license tax charged to businesses.

Motion/Second: Mayor Tran / Councilmember Dominguez

Vote: 4-0-1 (Councilmember Phan recused)

Councilmember Phan returned to the meeting.

REPORTS

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| C13. Appointments and Removal for City Commissions | Received Mayor Tran's recommendations and approved recommendations for final appointment by the Mayor for the Planning Commission, 2) Approved recommendations for final appointment by the Mayor for the Science, Technology and Innovation Commission, and 3) Approved recommendation for removal by the Mayor for the Economic Development and Trade Commission. |
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NEXT AGENDA PREVIEW

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| 14. Preview Agenda Items | Received list of anticipated agenda items for the February 16, 2021 regular City Council meeting. |
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ADJOURNMENT

Mayor Tran adjourned the meeting at 11:41 PM.

The foregoing minutes is respectfully submitted to the Milpitas City Council on February 16, 2021.

***Pam Caronongan
Deputy City Clerk***