



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

**TUESDAY, JANUARY 18, 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 Council Meeting day of January 18, 2022, 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 Organization: IAFF

(b) 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.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

The Invocation was led by Vice Mayor Montano.

PRESENTATIONS

Mayor Tran presented a proclamation in honor of Martin Luther King Jr. Day.

PUBLIC FORUM

Those in the audience via Zoom are invited to address City Council on any subject not on tonight's agenda. 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. Allen Thomas
2. Stephen Balsbaugh
3. Tisha Patel
4. Elina Kumar
5. Anyala
6. Shravya Augaria
7. Barbara Jo Navarro

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 that COVID testing is currently offered at the Milpitas Sports Center, on the first and third Friday of the month from 9:00 a.m. to 4:30 p.m.; and at the Milpitas Community Center on Mondays and Thursdays from 10:00 a.m. to 6:00 p.m. The Community Center will be adding a new testing day on Tuesdays beginning January 25. He announced that the Federal Government is offering four free at-home COVID tests per household. He also invited interested Milpitas residents to apply to the Milpitas My Plan Career Accelerator program as a free program offering residents 18 years and older the opportunity to participate in career assessment, navigation, and counseling services.

Mayor Tran announced the grand opening of HL Peninsula Restaurant in McCarthy Ranch. He also requested that staff explore leasing the vacant land adjacent to the Library for City use.

Councilmember Dominguez requested that the Police Department work with Safeway and other businesses in the shopping center to conduct a "Business Watch" presentation. She would like the presentation to provide information to businesses and the public on the best practices for personal safety, the difference between public and private property, include the latest call stats, and have information on when to call the police and the difference between the 911 and non-emergency numbers.

Mayor Tran made a friendly amendment to include minority-owned small businesses.

Councilmember Chua also requested a friendly amendment to have the Police Department come up with a format on Zoom that can be applied one-on-one with businesses.

Mayor Tran made an additional amendment to partner with all the Chambers of Commerce.

Councilmember Dominguez accepted all the amendments to her request. She announced that January 19 is a day of policy action for the Violence Against Women Act, inviting the public to attend the Futures without Violence virtual rally on January 19 at 12:15 p.m. She also requested staff to explore the cost of a new Police Department sign that would be visible from both sides of North Milpitas Boulevard.

Councilmember Chua requested to agendaize a discussion on the pickleball courts for the next meeting. However, City Manager McHarris stated that discussion can happen during the budget study session on January 25, 2022, agreed upon by Councilmember Chua.

Vice Mayor Montano requested the Old Town Main Street Subcommittee meet next month. She also requested to adjourn the Council meeting in memory of the recent victim of domestic violence.

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 January 18, 2022, Regular Meeting Agenda with the modification to move item 15 after item 12.

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.

Vice Mayor Montano asked to remove item C5.

Motion: to approve the modified Consent Calendar, with the removal of items C5.

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

C1. Receive the City Council Calendars of Meetings for January and February 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Received the City Council Calendars of Meetings for January and February 2022.

C2. Approve the City Council Special Meeting Minutes of January 7, 2022, and Special Meeting Minutes of January 11, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Approved the City Council Special Meeting Minutes of January 7, 2022, and Special Meeting Minutes of January 11, 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 and provide direction to staff as necessary.

C5. Adopt a Resolution Reviewing and Accepting the Annual Development Impact Fee Annual Report for the Calaveras Boulevard Widening Traffic Impact Fee, the Transit Area Specific Plan (TASP) Impact Fee, and the Storm Drain Fee for the Fiscal Year Ended June 30, 2021 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

This item was removed from consent.

C6. Approve and Authorize the City Manager to execute Amendment No. 3 to the Agreement with HdL Software LLC for Business License Tracking Software Services (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)

Approved and authorized the City Manager to execute Amendment No. 3 to the Agreement with HdL Software LLC for Business License Tracking Software services for a total amount not-to-exceed amount of \$110,609.86.

C7. Award Construction Contract IFB No. 22-032 for the Installation of Card Access Control and Monitoring Systems at Fire Stations to Trofholz Technologies for the Not-To-Exceed Amount of \$104,324.42 and Authorize the City Manager to Execute the Construction Contract. (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Awarded construction contract IFB No. 22-032 for the installation of card access control and monitoring systems at Fire Stations to Trofholz Technologies for the not-to-exceed amount of \$104,324.42 and authorize the City Manager to execute the construction contract.

C8. Receive the Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)

Received the November 2021 report for unhoused services.

C9. Accept the Resignation of Aysha Mohsin from the Planning Commission (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Accepted the resignation of Aysha Mohsin from the Planning Commission; and confirm the noticing of the unscheduled vacancy.

C10. Move to Waive the Second Reading and Adopt Ordinance No. 43.213 Amending Various Sections of Milpitas Municipal Code, Title V, Chapter 100 - Traffic (Staff Contact: Steve Chan, Transportation and Traffic Manager, 408-586-3324, and Jared Hernandez, Chief of Police, 408-586-2406)

Moved to waive the second reading beyond the title and adopt **Ordinance No. 43.213** amending various sections of Milpitas Municipal Code, Title V, Chapter 100 - Traffic.

C11. Authorize and Approve Travel to Monterey, CA for City Manager Steve McHarris to Attend the League of California Cities City Managers Annual Conference scheduled for February 2 – 4, 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 League of California Cities City Managers Conference scheduled for February 2 – 4, 2022, for an

estimated not-to-exceed amount of \$2,000 budgeted under Conferences/Trainings allocation for the City Manager's Office.

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.

12. Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to Allow Development of a 32-Unit Townhome Condominium Subdivision, Comprised of Two Multi-Family Buildings Up to 50 Feet in Height (Three to Four Stories), with Tandem Garages Accessed From a Central Drive Aisle, and Associated Site Improvements on a 1.22-Gross Acre Site Located in the Multi-Family High-Density Residential (R3) Zoning District at 2001 Tarob Court, in the Transit Area Specific Plan (TASP) Planning Area (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Planning Director Thomas introduced the item and Senior Planner Van Hua presented the staff report.

The representative for the applicant Leah Beniston, of The True Life Companies (TTLC), gave a brief presentation.

Mayor Tran opened the public hearing.

The following people spoke:

1. Voltaire Montemayor

Representatives for the applicant, Leah Beniston and legal counsel for the applicant, Arielle Harris from Miller Starr Regalia, provided closing statements and additional information.

Mayor Tran closed the Public Hearing.

Council discussed the project and commented on concerns.

After further discussion, motion: to Conduct a public hearing, receive public comment, and move to close the hearing; consider the consistency memorandums to the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) and the exemptions in accordance with CEQA; and adopt **Resolution No. 9116** approving Site Development Permit No. SD21-0004, Conditional Use Permit No. UP21-0005, Vesting Tentative Map No. MT21-0001, and Environmental Assessment No. EA21-0002 to allow the development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height (three to four stories), with tandem garages accessed from a central drive aisle, and associated site improvements, subject to the Findings and Conditions of Approval.

Motion/Second: Vice Mayor Montano / Councilmember Phan

Motion carried by the following roll call vote:

AYES: Councilmembers Dominguez, Phan, Vice Mayor Montano

NOES: Councilmember Chua, Mayor Tran

ITEM TAKEN OUT OF ORDER

- 15. Per Councilmember Chua, Consider Rescinding the Direction Given to Staff on September 21, 2021, in Relation to the Preliminary Review of Conceptual Plans for a Proposed 206-Unit Multi-family Residential Development Project on a 6.69-Acre Site Located at 1355 California Circle (APN: 22-338-007) (Contact: Councilmember Chua, 408-586-3023) (Staff Will Provide a Brief Presentation)**

Planning Director Thomas gave a presentation on the item, and provided Council with three options for consideration.

Applicant James Sullivan gave a brief presentation.

The following people spoke under public comment:

1. Voltaire Montemayor
2. Barbara Jo Navarro
3. Armando Gomez

Council discussed the options presented and stated general support for option one.

After discussion, motion: to rescind the direction given to Staff on September 21, 2021, in relation to the preliminary review of conceptual plans for a proposed 206-unit multi-family residential development Project on a 6.69-acre site located at 1355 California Circle (APN: 22-338-007); and directed staff and the application to explore option one in the presentation to amend the General Plan and remove Council policy for the preparation of a Specific Plan, and have the project representative reach out to the community, host meetings, and get community feedback.

Motion/Second: Councilmember Chua / Councilmember Phan

Motion carried by the following roll call vote:

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

NOES: Councilmember Dominguez

COMMUNITY DEVELOPMENT

- 13. Receive a Presentation on the Draft Development Review Handbook and Accessory Dwelling Unit (ADU) Toolkit (Staff Contact: Jay Lee, Principal Planner, 408-586-3077)**

Principal Planner Lee gave a presentation on the draft Development Review Handbook and Accessory Dwelling Unit (ADU) Toolkit.

The following people spoke under public comment:

1. John Doll
2. Voltaire Montemayor

Council accepted the presentation and provided feedback.

- 14. Milpitas Affordable Housing Ordinance Update (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Building Safety and Housing Director Goei presented the staff report.

City Attorney Diaz read the title of Ordinance No. 297.1 “An Ordinance of the City Council of the City of Milpitas Amending Title Xii, Chapter 1 of the Milpitas Municipal Code Relating to Affordable Housing and Making CEQA Exemption Findings.”

Motion: to introduce **Ordinance No. 297.1** amending Milpitas Municipal Code Title XII, Chapter 1 (Affordable Housing Ordinance).

Motion/Second: Councilmember Chua / Mayor Tran

Motion carried by the following roll call vote:

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

NOES: None

REPORTS OF MAYOR & COUNCILMEMBERS

- *15. Per Councilmember Chua, Consider Rescinding the Direction Given to Staff on September 21, 2021, in Relation to the Preliminary Review of Conceptual Plans for a Proposed 206-Unit Multi-family Residential Development Project on a 6.69-Acre Site Located at 1355 California Circle (APN: 22-338-007) (Contact: Councilmember Chua, 408-586-3023) (Staff Will Provide a Brief Presentation)**

* This item was moved after item 12.

ITEMS PULLED FROM CONSENT CALENDAR

- C5. Adopt a Resolution Reviewing and Accepting the Annual Development Impact Fee Annual Report for the Calaveras Boulevard Widening Traffic Impact Fee, the Transit Area Specific Plan (TASP) Impact Fee, and the Storm Drain Fee for the Fiscal Year Ended June 30, 2021 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Vice Mayor Montano asked for clarification on the process.

Transportation and Traffic Manager Chan provided additional information.

The following spoke under public comment:

1. Voltaire Montemayor

Motion: to adopt **Resolution No. 9117** consistent with the Mitigation Fee Act to review and accept the annual development impact fee disclosure information for the Calaveras Blvd Widening Traffic Impact Fee, Transit Area Specific Plan Impact Fee, and Storm Drain Fee for the Fiscal Year Ended June 30, 2021.

Motion/Second: Vice Mayor Montano / Councilmember Chua

Motion carried by the following roll call vote:

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

NOES: None

ADJOURNMENT

Vice Mayor Montano asked for a few moments of silence and adjourned the meeting at 10:44 PM in memory of Christina Alexis Raymond.

The foregoing minutes were approved by the Milpitas City Council on February 1, 2022.

Wendy Wood
City Clerk