



SPECIAL MEETING MINUTES OF THE MILPITAS CITY COUNCIL

**TUESDAY, JANUARY 11, 2022
MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)**

The City Council of the City of Milpitas convened on the Special Council Meeting day of January 11, 2022, via teleconference/Zoom webinar.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

Mayor Tran called the Special 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 (arrived at approximately 6:08 PM, and Phan

ABSENT: None

ADJOURN TO CLOSED SESSION

- (a) PUBLIC EMPLOYMENT
Pursuant to California Government Code Section 54957
Position: City Attorney (Receive an update on the City Attorney recruitment and provide direction.)

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

There were no presentations.

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.

There were no speakers under Public Forum.

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.

Mayor Tran requested that staff post the Council meeting Zoom link on social media to provide more access for the community.

City Manager McHarris announced that the 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.

Mayor Tran spoke about the Planet Fitness grand opening, thanked the City Council for attending the Diversity Training Friday, January 7 and commented on the rise in COVID numbers and testing.

Councilmember Phan recognized staff for their work at the testing sites and encouraged the community to utilize the testing services and get vaccinated and boosted.

Councilmember Dominguez expressed her appreciation towards City staff for all their work over the past months and encouraged individuals to work from home and get vaccinated and boosted.

Councilmember Chua thanked the City Manager and Public Information Officer for preparing a flyer to inform the community about the COVID testing in Milpitas and thanked Councilmember Dominguez for the birthday gift.

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 11, 2022, Special Meeting Agenda.

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

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 C7.

Councilmember Chua requested to have the dollar amount of the fiscal impact for an item listed in the summary on the agenda.

Mayor Tran asked to remove item C4.

Motion: to approve the modified Consent Calendar, with the removal of items C4 and C7.

Motion/Second: Mayor Tran / Councilmember Phan

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

Received the City Council Calendars of Meetings for January 2022.

C2. Approve the City Council Special Meeting Minutes of December 14, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Approved the City Council Special Meeting Minutes of December 14, 2021.

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. Adopt a Resolution Granting Acceptance of the Street Resurfacing 2021 Project, Project No. 4283 & 4298, Authorizing the City Engineer to file a Notice of Completion and Issue a Notice of Final Acceptance after the One-Year Warranty Period (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

This item was removed from Consent.

C5. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority (VTA) for the State Route 237 Near Term Improvements Project (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Approved and authorized the City Manager to execute Amendment No. 1 to the Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority (VTA) for the State Route 237 Near Term Improvements Project.

C6. 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.

- C7. Approve proposed City Council Procedures and Protocols Handbook (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Christopher Diaz, City Attorney, 408-586-3041)**

This item was removed from Consent.

- C8. Approve Amendment No. 1 to Cost Share Agreement between the Milpitas Unified School District and the City of Milpitas for the McCandless Park and Mattos Elementary School Joint Use Areas (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Approved Amendment No.1 to Cost Share Agreement between the Milpitas Unified School District and the City of Milpitas for the McCandless Park and Mattos Elementary School Joint Use Areas.

- C9. Consider Recommendations from Mayor Tran for Appointments to City Commissions (Contact: Mayor Tran, 408- 586-3029)**

Received Mayor Tran's recommendations and approve the appointments to City Commissions as follows:

Art Commission

1. Appoint Jamie Hekkelman to serve as Alternate No. 1 with a short-term to expire in October 2024.
2. Appoint Christine Lee to serve as a student non-voting member.

Community Advisory Commission

1. Reappoint Jinky Peralta to serve as a Commissioner with a term to in expire in January 2025.
2. Reappoint Jose Rosario to serve as a Commissioner with a term to in expire in January 2025.

Economic Development and Trade Commission

1. Appoint Ha Phan to serve as Alternate No. 1 with a short-term to expire in April 2024.
2. Appoint Stephan Huang to serve as a student non-voting member.

Energy and Environmental Sustainability Commission

1. Appoint Vikash Venkataramana to serve as a Commissioner with a short-term to expire in October 2024.

Parks, Recreation, and Cultural Resources Commission

1. Appoint Baljit Gill to serve as a Commissioner with a short-term to expire in June 2022.
2. Appoint Allen Roy Thomas to serve as Alternate No. 2 for a short-term to expire in June 2023.

Planning Commission

1. Appoint Sonia Medina-Ashby to serve as a Commissioner with a short-term to expire in December 2022.

Public Safety & Emergency Preparedness Commission

1. Appoint Rudaba Nazir Khan to serve as a Commissioner with a short-term to expire in June 2022.

Science, Technology & Innovation Commission

1. Reappoint Commissioner Anh Bao to serve as a Commissioner with a term to expire in January 2025.
2. Reappoint Commissioner Ratan Choudhury to serve as a Commissioner with a term to expire in January 2025.
3. Reappoint Commissioner Keven Le to serve as a Commissioner with a term to expire in January 2025.

Senior Advisory Commission

1. Reappoint Commissioner Melba Holliday to serve as a Commissioner with a term to expire in December 2024.
2. Reappoint Commissioner Nona Tolentino to serve as Alternate No. 1 with a short-term to expire in December 2023.
3. Reappoint Commissioner Barbara Jo Navarro to serve as Alternate No. 2 with a term to expire in December 2024.

Veteran Commission

1. Reappoint Commissioner William Devereux to serve as a Commissioner with a term to expire in January 2025.
2. Reappoint Commissioner Liliana Ramos to serve as a Commissioner with a term to expire in January 2025.
3. Reappoint Commissioner Bruce Choy to serve as a Commissioner with a term to expire in January 2025.
4. Reappoint Commissioner Victorino Monzon to serve as a Commissioner with a term to expire in January 2025.
5. Move Commissioner Puneet Sandhu from Alternate No. 2 to the vacant Commissioner seat with a term to expire in January 2025.

Youth Commission

1. Appoint Srinand Mudunuri to serve as Alternate No. 2 with a short-term to expire in September 2022.

Measure F Oversight Committee

Appoint Conrad Schapira to serve as a committee member with a short-term to expire in March 2023.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

10. **Introduce Ordinance No. 43.213 Amending Various Sections of Milpitas Municipal Code, Title V, Chapter 100 - Traffic (Staff Contacts: Steve Chan, Transportation and Traffic Manager, 408-586-3324, and Jared Hernandez, Chief of Police 408-586-2406)**

Transportation and Traffic Manager Chan presented the staff report.

City Attorney Diaz read the title of Ordinance 43.213 "An Ordinance of the City Council of the City of Milpitas Amending Various Sections of Title V, Chapter 100 ("Traffic") Of The Milpitas Municipal Code."

Motion: to move to waive the reading beyond the title and introduce Ordinance No. 43.213 amending various sections of Milpitas Municipal Code, Title V, Chapter 100 – Traffic.

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

LEADERSHIP AND SUPPORT SERVICES

11. Review List of Agenda Item Requests from Individual Councilmembers and Provide Direction to Staff, Through the Prioritization Process, on the Items in Group 1; and Provide Additional Clarification to Staff, If Any, on Group 2 Items (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Walter C. Rossmann, Deputy City Manager, 408-586-3012)

Assistant City Manager Kantak presented the staff report.

Councilmember Chua commented on item CC 49 in group 3 “Consider rescinding direction given on 1355 California Circle project and allow the project application to move forward without being tied to a specific plan” and asked that it be put on the next agenda.

Motion: to remove item CC 49 from the list and agendize it for discussion at the next Council meeting.

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

Council discussed the items and used an electronic voting system to select ten items from Group one to move forward. Council voted a total of eight rounds, with items receiving three or more votes selected to move forward. The results of each voting round are as follows:

- Round 1: CC 2 – Building Heights Limits Near the Hillside
CC 22 – Park Champions
CC 24 – Roller Skate Summer Program
CC 29 – Donate old Obsolete, Noncompliance Items from the Fire Department to Sister City Dagupan Philippines
- Round 2: CC 20 – Murals for Pillars on Main Street
- Round 3: CC 31 – Include a Bust of Maria Lemery and a Picture of Albert Vogal Sr. on the Existing Senior Center Thriving Legacy Mural
- Round 4: CC 35 – Saturday Senior Center Opening Hours Pilot
- Round 5: CC 34 – Provide Commissioners Appreciation Gifts
- Round 6: CC 7 – Outdoor Music Ordinance
- Round 7: No items were added in this round
- Round 8: CC 4 – Increase the Number of Commission Members from Seven to Nine on the Parks, Recreations and Cultural Resources Commission

The following people spoke under public comment:

1. Voltaire Montemayor

City Clerk Wood read the list of ten items that received three or more votes.

Motion: to approve the 10 selected items by the City Council as follows: CC Items 2, 22, 24, 29, 20, 31, 35, 34, 7, and 4.

Motion/Second: Vice Mayor Montano / Councilmember Dominguez

Motion carried by the following roll call vote:

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

NOES: None

12. Receive an Update on the American Rescue Plan Act, Approve the ARPA Reallocation Recommendation and Approve the Budget Appropriation Modification for Permit Automation Fund (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Lauren Lai, Director of Finance, 408-586-3111)

Assistant City Manager Kantak introduced the item and Finance Director Lai presented the staff report.

The following people spoke under public comment:

1. Voltaire Montemayor

Council asked clarifying questions.

Economic Development Director Andrade and Building Safety and Housing Director Goei provided additional information.

Councilmember Chua commented on Community Services for rental and mortgage assistance to low- and moderate-income residence and requested language in the selection process stating that the applicants should have not received state or federal assistance related to rent or mortgage. She also commented on the small business grants, stating that daycare services should not be included in the raffle. She requested the following business types automatically receive grant funding if they apply: daycare business (approximately 80), fitness/yoga businesses (approximately 20), and the 42 micro-enterprise businesses that were not selected in the first round and are still eligible.

Economic Development Director Andrade clarified that fitness centers, yoga studios, and martial arts studios are all in the same category.

Finance Director Lai summarized the requests from Councilmember Chua and stated the request for small businesses is to allocate funding for approximately 80 daycare services at \$5,000 each for an estimated total of \$400,000. The remaining balance would allow the City to assist approximately 200 more businesses with \$5,000 grants. From the 200 business grants the City would allocate funding for any of the 42 micro-enterprise businesses that were not selected in the first round and for approximately 20 grants for fitness/yoga studios/martial arts businesses if they applied and were deemed eligible. After the mentioned allocations there would be an estimated total of 140 grants left for all other business types.

Motion to approve the update on the American Rescue Plan Act (ARPA) and Budget Appropriation Modification for Permit Automation Fund, including allocations stated by the Finance Director.

Motion/Second: Vice Mayor Montano / Councilmember Dominguez

Motion carried by the following roll call vote:

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

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

4. **Adopt a Resolution Granting Acceptance of the Street Resurfacing 2021 Project, Project No. 4283 & 4298, Authorizing the City Engineer to file a Notice of Completion and Issue a Notice of Final Acceptance after the One-Year Warranty Period (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Mayor Tran asked clarifying questions.

Transportation and Traffic Manager Chan provided additional information.

Motion: to adopt **Resolution No. 9115** granting acceptance of the Street Resurfacing 2021 Project, Project No. 4283 & 4298, authorizing the City Engineer to file a Notice of Completion, and issuing a notice of final acceptance to the Contractor after the one-year warranty period.

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

7. **Approve proposed City Council Procedures and Protocols Handbook (Staff Contacts: Ashwini Katak, Assistant City Manager, 408-586-3053 and Christopher Diaz, City Attorney, 408-586-3041)**

Vice Mayor Montano requested increasing staff hours from four to six hours for Councilmember requests, which do not require prioritization; adding a reference to the censure policy in the Council Code of Conduct section of the Handbook; and disallowing cell phones in closed sessions.

Council discussed the requested changes and was not supportive of changing the number of staff hours for Councilmember requests, which do not require prioritization.

Motion: to approve proposed City Council Procedures and Protocols Handbook with amendments to add a reference to the censure policy in the Council Code of Conduct section of the Handbook and disallow cell phones in closed sessions.

Motion/Second: Vice Mayor Montano / Councilmember Dominguez

Motion carried by the following roll call vote:

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

NOES: None

ADJOURNMENT

Mayor Tran adjourned the meeting at 10:44 PM.

The foregoing minutes were approved by the Milpitas City Council on January 18, 2022.

Wendy Wood
City Clerk