

CITY OF MILPITAS MEETING MINUTES

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, January 5, 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. Deputy City Clerk Pam Caronongan called the roll. The meeting took place via teleconference/zoom webinar.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua and Dominguez. Councilmember Phan arrived at 6:06 PM.

ABSENT: None

CLOSED SESSION

City Council adjourned to Closed Session to discuss one item listed on the agenda – existing litigation with City as plaintiff. At 7:33 PM, the members reconvened for the public meeting.

CLOSED SESSION ANNOUNCEMENT

City Attorney Chris 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

Mayor Tran

PUBLIC FORUM

Four residents made comments:

1. Allysson McDonald
2. Voltaire Montemayor
3. Barbara Jo “BJ” Navarro
4. Urvishkumar Mehta

ANNOUNCEMENTS & FUTURE AGENDA ITEMS

City Manager Steve McHarris announced the following:

1. Update regarding the City’s annual “Community Survey” of residents as part of the budget process.
2. Relaunching of the “Milpitas Matters” community newsletter.
3. The City, in partnership with Santa Clara County, will continue to provide COVID-19 testing scheduled for Saturday, January 9, 2021 at Milpitas Community Center 7AM to 7PM by appointment only, available online.

Mayor Tran requested staff to address the following:

1. Return “Dumpster Days” to residents by Spring 2021.
2. Exploring avenues for the City to alleviate hardships faced by local businesses due to the economic effects brought by COVID-19 with postponement of City business fees towards spring at the latest.
3. Discuss the City Attorney contract during Closed Session on February 2, 2021.
4. Explore potential wrongful anonymous hateful emails received and use cyber expertise to track the IP addresses.

Councilmember Dominguez requested to agendize the following:

1. How the City could protect pollinators such as bees and monarch butterflies so that the ecosystem's biodiversity is protected for future meeting
2. How the City can update its current Community Garden Strategy for future meeting.

Councilmember Phan requested for the City's "My Milpitas" mobile application to include updates such as latest COVID-19 information, securing COVID testing appointments, and contact tracing.

Councilmember Chua requested to agendize the following:

1. Amend ADU ordinance to address unpermitted ADU policy to attract upgrading for permits. Model after City of San Jose.
2. Establish ADU Monday – a day residents can call for ADU assistance.
3. Bring to Council as a refresher how the City will market ADUs to residents.

Vice Mayor Montano shared that the Silicon Valley Clean Energy is offering \$20,000 scholarship awards and for interested high school students to apply for the scholarship. Vice Mayor Montano also requested staff to research in four hours and report back on how the City could bring back a discussion on the Economic Development Corporation during the budget study sessions.

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 or reportable campaign contributions. By roll call, no conflicts of interest or contributions were reported.

CODE OF CONDUCT

City Attorney Diaz read aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the January 5, 2021 meeting agenda, as submitted.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

CONSENT CALENDAR

Motion: to approve the Consent Calendar, including Items No. C1 – C10. The following agenda items were pulled out from the Consent Calendar for further discussion:

1. Agenda Item No. 4: Adopt a Resolution Reviewing and Accepting the Annual Developer Fee Disclosure Information for the Calaveras Boulevard Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, the Transit Area Specific Plan (TASP) Impact Fee, and the Storm Drain Fee for the Fiscal Year Ended June 30, 2020
2. Agenda Item No. 5: Adopt a Resolution Amending the Classification Plan to Temporarily Suspend the Car Allowance for Executive Management Employees

Motion/Second: Mayor Tran / Councilmember Dominguez

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

C1. Council Calendar

Received the City Council calendar of upcoming meetings for January 2021.

- C2. Meeting Minutes Approved the meeting minutes of the December 10 and 22, 2020 Special and December 15, 2020 Special and Regular City Council meetings, as drafted by the City Clerk.
- C3. Adopt Ordinance Councilmember Chua inquired from Deputy City Manager Walter C. Rossmann if staff can provide a list of local providers that the City transacted with in 2020. Deputy City Manager Rossmann replied that the list would be furnished to the City Council.
- Waived the second reading and adopted Ordinance No. 23.15 for updates to the Milpitas Municipal Code on Purchasing as recommended by staff.
4. Adopt Resolution Item originally appearing as a Consent Calendar item pulled for discussion.
- Adopted **Resolution No. 9031** consistent with the Mitigation Fee Act to review and accept the annual developer fee disclosure information for the Calaveras Blvd Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, Transit Area Specific Plan Impact Fee and Storm Drain Fee for the Fiscal Year Ended June 30, 2020.
- Vice Mayor Montano inquired with City Engineer Erickson as to when the City will start collecting fees connected to Midtown/Main Street and what will it take to start, with staff to agendize this on another day.
- Motion to approve item as recommended by staff and agendize Midtown Development fees.
- Motion/Second:** Vice Mayor Montano / Mayor Tran
Vote: 5-0
5. Adopt Resolution Item originally appearing as a Consent Calendar item pulled for comment.
- Adopted **Resolution No. 9032** amending the classification plan to temporarily suspend the car allowance (specified in adopted Resolution No. 8980) for executive management effective beginning in January of 2021.
- Motion/Second:** Vice Mayor Montano / Mayor Tran
Vote: 5-0
- C6. Side Letter – MidCon Approved and authorized the City Manager to enter into a side letter agreement with the United Public Employees of California (UPEC Local 792), the Mid-Management and Confidential Unit citing the correct section of the Government Code for temporary out of class pay.
- C7. Side Letter – MEA Approved and authorized the City Manager to enter into a Side Letter to amend the Memorandum of Understanding (MOU) between the City and Milpitas Employees Association (MEA) (LIUNA/UPEC Local 792) amending the callback pay provisions as specified in the side letter.
- C8. HCI Systems Approved and authorized the City Manager to execute an agreement with HCI Systems for the Fire Alarm and Fire Suppression System Service, for an annual amount of \$41,732 in the first year and a total not to exceed amount of \$208,660 over the five year period, subject to the annual appropriation of funds.

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| C9. Silicon Valley Fire | Approved and authorized the City Manager to execute an agreement with Silicon Valley Fire for the Fire Extinguisher Inspection and Testing Service, for an annual amount of \$26,000 in the first year and a total not to exceed from \$130,000, over the five-year period, subject to the annual appropriation of funds. |
| C10. Commission Appointments | Per Mayor Tran's recommendations, (1) re-appointed Planning Commissioner Bill Chuan to a new 3-year term to expire in December 2023, and (2) newly appointed Victorino Monzon to the Milpitas Veterans Commission to a currently vacant 3-year term that will expire in February 2022. |

LEADERSHIP

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| 11. Introduce Ordinance No. 65.150 | City Attorney Diaz presented the report. Staff recommended Option 2 as provided in the agenda packet for introduction and adoption. |
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Speakers in favor of Option 2 with addition of amendments:

1. Ruth Silver Taube
2. Tess Brillante
3. Neil Park-McClintik
4. Felwina Opiso-Mondina
5. Allyson McDonald
6. Felicia Gershberg
7. Forest Peterson
8. Mirna Henriquez
9. Urvishkumar Mehta
10. Dennis Martin - spoke in opposition of Ordinance, but if City feels that it would be best to pass the agenda item then he requested for Council to choose Option 2 without additional requirements.

The City Council inquired into the addition of amendments and indicated support for the amendments.

City Attorney Diaz read aloud the title of Ordinance No. 65.150, "An Ordinance of the City Council of the City of Milpitas Adding Chapter 32 (Responsible Construction) to Title III of the Milpitas Municipal Code."

Motion: to waive the first reading beyond the title and introduce Option 2 - Ordinance No. 65.150, adding Chapter 32 (Responsible Construction) to Title III of the Milpitas Municipal Code with amendments noted per public feedback and City Council consensus.

Motion/Second: Councilmember Phan / Mayor Tran

Vote: 5-0

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| 12. Introduce Ordinance No. 309 | City Attorney Diaz read aloud the title of Ordinance No. 309, "An Ordinance of the City Council of the City of Milpitas Amending Various Sections of Titles I, IV, V, VIII, X, and XI of the Milpitas Municipal Code to Make Corrections, Clarifications, Updates and Modifications." |
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Speakers were the following:

1. Urvishkumar Mehta
2. Voltaire Montemayor

Motion: to waive the first reading beyond the title and introduce Ordinance No. 309 amending various sections of Titles I, IV, V, VIII, X, and XI of the Milpitas Municipal Code to make corrections, clarifications, updates and modifications as recommended by staff.

Motion/Second: Vice Mayor Montano / Councilmember Phan

Vote: 5-0

REPORTS

13. Appointments

Motion: to accept Mayor's appointments of City Councilmembers to liaisons of City Commissions, City Subcommittees, and outside agencies, boards and committees, and moved to confirm those appointments.

Motion/Second: Mayor Tran / Councilmember Dominguez

Vote: 5-0

14. New Task Force

Mayor Tran spoke about organizing the residents, cultivating leadership and advocacy to address homelessness issues within the City.

The following speakers have spoken in favor of the formation of the City Homelessness Task Force

1. Allyson McDonald
2. Urvishkumar Mehta
3. Thomas Valore

Mayor Tran stated the following regarding the Task Force:

1. Duration of Task Force will be determined quarter by quarter
2. Size will be no more than 10 members
3. Eligibility is to be a resident of Milpitas.
4. Youth are invited to join as well.

Regarding terms, Mayor Tran commented that the Task Force will not be permanent.

As to selection process, Mayor Tran will appoint but will also welcome recommendations from City Council. Also included will be one to two City staff members to facilitate meetings. There will be no Council liaison for the Task Force.

Councilmember Dominguez suggested for the Task Force meetings to be made public via teleconference / Zoom meetings. Councilmember Dominguez shared that Santa Clara County efforts are already underway and proposed for City and County efforts to be in sync.

Mayor Tran agreed with Councilmember Dominguez's suggestion due to transparency and that the community will find it productive to see the Task Force members' efforts.

In support to Councilmember Dominguez's suggestion, Councilmember Chua proposed for the Task Force to provide quarterly reports and recommendations. This would help the City in actively addressing and prioritizing homelessness issues and would synchronize the City and County's respective Homelessness Task Force's efforts. Councilmember Chua further suggested for the Task Force to meet twice a month.

City Manager McHarris inquired and received clarification from City Council that Task Force will report to City Council.

Motion: to agendize the formation of the City Homelessness Task Force for further discussion at a future City Council Meeting.

Motion/Second: Mayor Tran / Councilmember Dominguez

Vote: 5-0

15. Commissions

Mayor Tran discussed about going back to the old rules regarding Commission current term limits because there have been some long-serving Commissioners who had to stop serving in compliance to the current Commission By-Law rules. Mayor Tran further clarified that current commission names will be left as is, and that changes will be limited to reverting to the former rules, eliminating lifetime term limits.

Councilmember Dominguez proposed for each Commission to add a Commission chair dedicated to the youth. Assistant City Manager Ashwini Kantak received clarification from City Council that the additional seat for the youth will be as a non-voting member.

Motion: to agendize discussions of reverting back to the former Commission term limits and adding a non-voting Commission seat dedicated to the youth in each commission at a future City Council Meeting in two weeks.

Motion/Second: Mayor Tran / Councilmember Dominguez

Vote: 5-0

16. Amend Housing Ord.

Councilmember Chua clarified that the removal of the option to pay in-lieu fees would only affect for-sale-unit property developers. Rental-unit property developers will not be affected.

Councilmember Phan explained his opposition to the removal of the option to pay in-lieu fees.

Speakers:

1. Dennis Martin suggested for this item to have this done the right way. He suggested for staff to include feasibility studies.
2. Allyson McDonald spoke in favor of including affordable units and remove the option to pay in-lieu fees.

Motion: to direct staff to return with provisions to the Inclusionary Housing Ordinance to potentially remove the in-lieu fee option on for-sale-unit properties, and for staff to bring more information so that City Council can make informed decisions at a future City Council Meeting.

Motion/Second: Councilmember Chua / Mayor Tran

Vote: 4-1 (No: Councilmember Phan)

17. List of Council requested Agenda Items

Mayor Tran led the review of the list of items presented (list in agenda packet) by staff. City Council received the list from staff.

NEXT AGENDA PREVIEW

18. Preview Agenda Items

Received list of anticipated agenda items for the January 19, 2021 regular City Council meeting.

ADJOURNMENT

Mayor Tran adjourned the meeting at 10:58 PM.

The foregoing minutes were approved by Milpitas City Council on January 19, 2021.

***Pam Caronongan
Acting City Clerk***