

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, December 18, 2018
Time: 7:00 PM Open Session
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Tran called the meeting to order at 7:01 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Grilli, Councilmembers Barbadillo and Phan

ABSENT: Councilmember Nuñez was absent at roll call and for the first voting action. He arrived in Chambers prior to the ceremonial swearing-in of elected officials.

PLEDGE

Milpitas Fire Department Explorers led the presentation of colors and pledge of allegiance.

INVOCATION

Vice Mayor Grilli invited Police Chief Armando Corpuz to provide an invocation to start the meeting.

ELECTION RESULTS

City Clerk Mary Lavelle gave an oral report detailing the November 6, 2018 municipal election results. Certified election results provided by the Registrar of Voters of Santa Clara County revealed the successful election of Rich Tran as Mayor, Carmen Montano and Karina Dominguez as Councilmembers, and adoption of Measure R, an ordinance to allow an increase in the Transient Occupancy (hotel) Tax. Voters adopted Ordinance No. 300.

Motion: to adopt Resolution No. 8831 reciting that a General Municipal Election was held on November 6, 2018, confirming the canvass of returns and declaring the results, per California Elections Code Sections 10262-10264, for Mayor, two Councilmembers and Ballot Measure R

Motion/Second: Councilmember Phan/Councilmember Barbadillo

Motion carried by a vote of:
AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

PRESENTATION

City Manager Julie Edmonds-Mares presented words of thanks and appreciation to the two outgoing elected officials, City Councilmember Garry Barbadillo and Vice Mayor Marsha Grilli. Each was presented with a boxed US flag, which had previously flown over Cesar Chavez Plaza and Milpitas City Hall earlier on this date.

A break for a reception in the City Hall lobby was announced, and the new City Council would reconvene after that.

During the break, City Clerk Mary Lavelle issued the official oaths of office to the three newly elected officials, together in a group next to the dais: re-elected Mayor of Milpitas Rich Tran, newly elected City Councilmember Carmen Montano and City Councilmember Karina Dominguez. Following their signing of the oaths, Ms. Lavelle handed a signed Certificate of Election to each elected official.

SWEARING IN

Upon return from the break, the ceremonial oath of office was given at the podium to the three newly elected officials, followed by individual comments.

For Mayor Rich Tran, the former Mayor and long time resident Denny Weisgerber read the oath and swore in the re-elected Mayor, who then asked his pastor to pray after the oath. Mayor Tran made remarks to the audience, thanking his family, the voters and residents of Milpitas.

For Councilmember Karina Dominguez, the ceremonial oath of office was given by her daughter Larissa Sampreth. Ms. Dominguez gave thanks and made remarks to her supporters, family and audience members.

For Councilmember Carmen Montano, the ceremonial oath of office was issued by Judge Katherine Lucero. Ms. Montano thanked the Judge for swearing her in, gave thanks to her supporters, family and audience members.

At 8:41 PM, Mayor Tran called for a break and invited everyone to enjoy ceremonial cake and music in the City Hall lobby.

The City Council reconvened at 9:14 PM. The City Clerk did not conduct a new roll call, while at this point, all five members of the incoming City Council were present on the dais.

PUBLIC FORUM

Alysson McDonald, resident, referred to Sunnyhills residents who were present earlier. She said they wanted to tell the Council that the clock was ticking, regarding an agreement made for assistance to residents of the Sunnyhills Apartments in HUD Section 8 housing. They requested that the City provide a report on how money was being spent, and continued to seek support.

Rob Means, resident, referred to past occasions when a large number of residents had attended City Council meetings. He talked about symbolism of what City Council discussed. He advised a sunset clause in the proposed ban on marijuana to be discussed the following night.

Joseph Weinstein, resident, expressed gratitude to the Mayor and Councilmembers for what they do, serving the community as elected officials.

A representative of Assemblymember Kansen Chu's office discussed AB1975, a bill that failed. Mr. Chu would continue working on odor issues, including the required study. He discussed more action on odor related to City of San Jose, BAAQMD, and CalRecycle.

Robert Marini, resident, said he could not attend the meeting the next day regarding marijuana, so he gave his remarks about that issue. Ten dispensaries in Milpitas was too many, and the issue should be on the ballot for local voters.

Tom Valore, resident, spoke about courage of officials, and the need to act appropriately on the vote on a ban on marijuana. He said bans don't work and urged control on that.

Fourteen speakers addressed City Council in opposition to marijuana businesses in Milpitas, a topic that was scheduled on the City Council's agenda for the following evening.

Voltaire Montemayor, resident of Penitencia St, said he was in a caroling group earlier for St. John's. This was a nice meeting tonight (oaths). He referred to champions in Milpitas.

Councilmember Montano asked for a copy of material from the last speaker, who then handed the information to the City Clerk.

ANNOUNCEMENTS

City Manager Julie Edmonds-Mares introduced the City's new Economic Development Director Alex Andrade. She described his background and recent experiences in the public sector. Mr. Andrade thanked her for the opportunity to join the City staff and gave a few remarks to the Mayor and Council.

Councilmember Phan made remarks of apology to Mayor Tran and his family. He congratulated the incoming Councilmembers on their successful elections, as well as the Mayor's.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST
AND CAMPAIGN
CONTRIBUTIONS**

City Attorney Chris Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, with deferral of agenda item No. 19 to a future meeting

Councilmember Nuñez said that on item no. 19/Legislative Agenda, he wanted to remove that item to consider it when doing the budget. The content was something to discuss at length and needed input from both the City Manager and the City Attorney.

City Manager Edmonds-Mares responded that the City would try to address legislative items, before the legislative season kicked in in January. The funding section of the agenda report was to start a dialogue and assess priorities. This could be postponed.

City Attorney Diaz responded to Mr. Nuñez' question, about his law firm's work following legislation in Sacramento, for the City's interest. His firm did provide regular updates on those items to client cities and was available to assist Milpitas with its legislative concerns.

Ms. Edmonds-Mares asked Councilmembers to let her know individually where each one was in alignment with legislative priorities, and where gaps existed. Staff could come back in January.

Motion/Second: Councilmember Montano/Councilmember Nuñez

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

**ELECTION OF
VICE MAYOR**

Mayor Tran described his view of what a Vice Mayor could be, including becoming Mayor one day. Teamwork was his number one priority for the new term on Council.

Councilmember Montano first learned about the Mayor wanting to nominate her on Facebook. She expressed that experience was the best teacher. Therefore, she wanted to recommend new City Councilmember Dominguez for a term as Vice Mayor.

Motion: to appoint Councilmember Karina Dominguez to serve as the Vice Mayor of the Milpitas City Council for the two-year period December 2018 to December 2020

Motion/Second: Councilmember Phan/Councilmember Montano

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

CONSENT CALENDAR

Motion: to approve the Consent Calendar consisting of agenda items no. 2 – 4, 6 – 8, 10, 12 – 15, and 17 – 18

Motion/Second: Councilmember Nuñez/Councilmember Phan

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

*** 2. Council Calendars**

Accepted City Council calendars for December 2018 and January 2019.

*** 3. Meeting Minutes**

Approved City Council meeting minutes of November 29 and December 4, 2018.

*** 4. Resolution – flags**

Adopted Resolution No. 8832 directing staff to fly City Event Celebration and/or commemorative flags at various events in Cesar Chavez Plaza for the 2019 calendar year.

**5. Resolution – Conflict of
Interest Code update**

Councilmember Nuñez removed this item from consent due to a few questions. He sought to know about some positions on the Conflict of Interest Code filers list. City Clerk Mary Lavelle

explained the review of all positions on the list that was necessary bi-annually. It was a list of job classification titles and not specific as to whether those positions were filled or not.

Motion: to adopt Resolution No. 8833 updating the list of employee classifications required to file FPPC Form 700/Statement of Economic Interests and adopting the updated City of Milpitas Conflict of Interest Code

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

- * 6. Resolution Adopted Resolution No. 8834 granting acceptance of Street Resurfacing Project 2018, Phase I, Projects No. 4283 and No. 4287 and granting authorization to the City Engineer to file a Notice of Completion, per provisions of Section 9204 of the California Civil Code.
- * 7. Resolution Adopted Resolution No. 8835 granting acceptance of Street Resurfacing Project 2018, Phase II, Projects No. 4284, No. 4287 and No. 4291 and granting authorization to the City Engineer to file a Notice of Completion, per provisions of Section 9204 of the California Civil Code.
- * 8. Resolution Adopted Resolution No. 8836 approving the sole source purchase of one Pierce Velocity Fire Pumper from Golden State Fire Apparatus, Inc. for an amount not to exceed \$870,279.24 and authorize out-of-state travel for Milpitas Fire Department representatives to attend the factory trip for final inspection of the pumper.
9. Resolution – Dimension Data N.A. Inc. Councilmember Nuñez asked if this item was for City-wide wi-fi service. Information Services Director Mike Luu came forward to respond. He said that wi-fi was part of the planning that would be done by a contracted consultant. Mr. Nuñez was especially interested in that subject and did want to hear back on that.

Councilmember Montano had a question about how this contract came about. Mr. Luu explained it had been 9 or 10 years since the City's data network was upgraded while the telephone system was about 7 years old. It was past due for both of these significant infrastructure elements of city government.

Purchasing Agent Chris Schroeder came forward to describe the Request for Proposals process and the bids received. Councilmember Montano stated that she wanted the bid information to be included in the agenda packet in the future.

Councilmember Nuñez reported that at the Santa Clara Valley Transportation Authority, the issue they had regarding Cisco equipment, and why BART was held up from opening, was with technology not matching new and old equipment. So he understood the City's request here and wanted to move the staff's recommendation.

Costs identified in the staff report were \$952,244.74 in total, comprised of the following items: \$825,847.04 payable to Dimension Data for network devices, phone system, wireless network, installation, training, an operating system upgrade in year 3, and five years of maintenance; \$39,830 payable to Communication Strategies for project management; and, \$86,567.70 - a 10% project contingency.

Motion: to adopt Resolution No. 8837 authorizing the City Manager to:

1. Award the Request for Proposal 2231 to Dimension Data North America, Inc. and enter into an Agreement with Dimension Data for delivery and installation of a Local Area Network, Wide Area Network, Wireless and Telecommunications Upgrade and Replacement, subject to any revisions deemed necessary by the City Attorney,
2. Execute an Amendment to the Agreement with Communication Strategies for System Implementation Services, and
3. Execute Property Schedule 3 to the Master Tax-Exempt Lease/Purchase Agreement with Key Government Finance, Inc. and to enter into an Agreement and Amend Existing Related

Agreements with Communication Strategies and Key Government Finance for a Telephone System Equipment Purchase and Related Costs.

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

11. City Council Handbook

Councilmember Nuñez asked the City Manager if there was going to be an upcoming planning session scheduled. Ms. Edmonds-Mares, replied yes, as she recommended to the City Council to have a retreat in late February. She listed various upcoming meetings.

Councilmember Nuñez wanted to hold the Handbook discussion until that time. It guided how the City Council did business, and they had made some changes. He wanted the brand new City Council to have a chance to review what the prior City Council Subcommittee recommended in the Handbook.

City Manager Edmonds-Mares noted that the existing Handbook was rather unwieldy. She proposed that Council accept use of the Handbook as to how they would interact with each other, and also review it further in detail later.

Vice Mayor Dominguez felt as a new member, that this was a living document. Once passed, it was hard to retract. She wanted to take time to review it, the guiding manual, and to know how it acts on future policy. She requested a copy of the past handbook, even with crossouts. Staff replied that it would be provided, including in redline copy.

Ms. Dominguez wanted to clarify if the Handbook Subcommittee had looked at other cities. Mr. Diaz gave some background history. She asked for copies of other cities' Council Handbooks, as examples. Staff could work with City Clerk's office to gather those and provide to the Council.

Councilmember Montano would like to wait on this Handbook. She liked the idea of going over it at a retreat. She wanted to make a motion to deny this item.

City Attorney Diaz offered specific recommended language for a motion.

Motion: to defer action on this item and to ask staff to bring it back at a retreat, direct staff to reach out to surrounding cities to get handbook examples, and provide a copy of the existing/previous Milpitas City Council Handbook

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

***12. Grant Funds - MPD**

1. Authorized the City Manager (or her designee) to accept the Santa Clara County Health Department Grant in the amount of \$30,866.
2. Approved a budget appropriation in the amount of \$29,430 for the Police Department overtime budget and \$1,436 for the Police Department supplies budget from grant revenue.

***13. Commissioners**

Approved the following appointments.

Arts Commission: Reappointed Nicole Phan to a term to expire in October 2020.

Parks, Recreation and Cultural Resources Commission: Reappointed Bhupinder Singh to a term to expire in June 2020. Approved moving Commissioner Kristal Caidoy from the Bicycle Pedestrian Advisory Commission to the Parks, Recreation and Cultural Resources Commission to a term to expire in June 2020.

Senior Advisory Commission: Reappointed Patrick Yung to a term to expire in December 2019 and Deborah Langley to a term to expire in December 2020.

- *14. Fee Waiver
Waived the City fee of \$1200 for the Kiwanis Club rental of the Community Center Auditorium for its fundraising event on Friday, February 8, 2019.
- *15. Agreement with M. McGrath Architects
Approved and authorized the City Manager to execute a Design Services Agreement with Mary McGrath Architects in an amount not to exceed \$260,128 for the Main Fire Station No. 1 Assessment, Project No. 3442, and the Police/Public Works Buildings Assessment, Project No. 3444.
- 16. City Hall 3rd floor office layout proposals**
Councilmember Nuñez asked City Engineer Steve Erickson where the \$300,000 was coming from. Staff reported that the funds were from an approved project within the adopted CIP. Mr. Nuñez asked about more specifics of the plan. Mr. Erickson displayed plans, and then Mr. Nuñez asked about the location of the City Attorney and his support staff. He wanted to ensure City Attorney was centrally located.
- Councilmember Phan was not okay with the proposed new design. He spoke of existing conference rooms and even offered to give up his office if needed. The City Attorney needed to remain always on the third floor of City Hall.
- Mayor Tran asked about the CIP and source of funds for this project. Mr. Erickson said it was within a general building improvement project, No. 3406, for needs all across the City, which contained more than \$700,000 (general government CIP funds).
- Mayor Tran stated he did not support City Attorney Chris Diaz moving out from his current location (next door to the Mayor's office).
- Councilmember Montano would like to see this presentation information in the agenda binder next time, including bids and results, when it came back to Council. She did not support moving the City Attorney farther away, as he needed to be on the third floor.
- Councilmember Nuñez felt a consensus, not a cost problem, which was that the City Attorney belonged in the third floor suite with the City Manager. It seemed he'd been slowly getting moved out of that area. Mr. Nuñez wanted to see the plan for the City Attorney and support staff staying in the main City Manager office area on third floor of City Hall.
- Councilmember Phan wanted the City Attorney's office to remain on the third floor.
- Motion:** to approve proceeding with making plans and the proposed dollar amount, directing that the City Attorney and his staff remain in the City Manager's suite proper on third floor of City Hall, and to come back to Council with final layout plans; and, to include plans for future items - like this one - in the Council agenda packets
- Motion/Second: Councilmember Nuñez/Councilmember Montano
- Motion carried by a vote of: AYES: 5
NOES: 0
- *17. Repair of UPS unit and pay invoices
1. Received a report from the Public Works Director on the emergency repair and replacement of the uninterruptable power supply unit at the Police Department/Public Work building.
2. Authorized staff to pay invoices in the amount of \$249,613.08.
- *18. Repair Work at Pump Stations & pay invoices
1. Received a report from Public Works Director on emergency work at City's Pump Stations.
2. Authorized staff to pay invoices in the amount of \$11,936 for emergency pump repairs at Tularcitos and Country Club Pump Stations.
3. Authorized staff to pay invoices in the amount of \$6,794 for emergency pump repairs at the Main Lift Pump Station.

LEADERSHIP

19. Legislative Framework This matter was deferred to a future date.

REPORT

Councilmember Montano said that the previous weekend, she'd attended IAFF's Toys for Tots event helping families and she enjoyed going on the fire truck "Jing-along" in Milpitas neighborhoods.

Mayor Tran said he looked forward to the future, working toward happier times.

NEXT AGENDA

Received the list of agenda topics anticipated for January 15, 2019.

ADJOURNMENT

Mayor Tran adjourned the City Council meeting at 11:13 PM.

The foregoing minutes were approved by Milpitas City Council on January 15, 2019.

Mary Lavelle
Milpitas City Clerk