

CITY OF MILPITAS MEETING MINUTES

Minutes of: Joint Meeting of the Milpitas City Council and
Milpitas Municipal Financing Authority
Date: Tuesday, October 20, 2020
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 joint meeting to order at 6:02 PM. City Clerk Mary Lavelle called the roll. The meeting took place via teleconference/zoom webinar.

PRESENT: Mayor Tran, Vice Mayor Nuñez, Councilmembers Dominguez, Montano and Phan

ABSENT: None

CLOSED SESSION

City Council convened into Closed Session (online webinar) to discuss two topics listed on the agenda, one labor negotiations and one anticipated litigation matter.

At 7:30 PM, the Mayor and City Council reconvened for the Open Session.

ANNOUNCEMENT – from Closed Session

City Attorney Chris Diaz stated there was no reportable action taken to announce out of Closed Session.

PLEDGE

Mayor Tran led all in the pledge of allegiance to the flag.

INVOCATION

Vice Mayor Nuñez offered his own prayer.

PUBLIC FORUM

The following residents provided oral comments (as attendees in the zoom webinar) limited to one minute, per Mayor Tran.

Voltaire Montemayor
Tom Valore
Karen Friedman
Urvish Kumarmehta
Elena Gill
Ana Rodriguez
Paul Kwan
George Xie
Allysson McDonald
Tina Ortiz
Jayant Shekhar
Tom Lin
Maria Martinez
Jackie Romero
Jessica Yu
Dawn Love
Janki Shah

Rekha Pardeshi
Loreto Dimaandal
Lan Nguyen
Xipeng (David) Sui
Jazmen Edwards
Bill Korbe
Ken Ng
Diana Sui
Art Curiel
Joe Renteria
Jen Lee
Penny Lee
Andre Krammer
Debra Chia
Kim Truong
Christina Yeh

ANNOUNCEMENTS

Mayor Tran announced a City-Milpitas Unified School District Collaborative meeting scheduled Friday, October 30, where the girls' softball playing fields was on the agenda.

Vice Mayor Nuñez asked for a future agenda item, for a “safety first” virtual event, through the Community Advisory Commission, partly due to cancellation of this year’s National Night Out. City Council consensus for the item was reached.

Councilmember Dominguez asked for a letter of support from the City to the school district, in order to solidify the partnership and move the girls’ softball field use issue forward. The City Attorney confirmed that she wanted an item to be scheduled on a future meeting to discuss such a letter and provide direction to staff that a discussion about the softball fields at Russell Middle School be placed on a City Council meeting agenda. Mayor Tran noted to include work being done by staff and the MUSD-City Collaborative, in the discussion by the full City Council. All five members agreed.

Mayor Tran expressed his goal for a short City Council regular meeting on November 3, with only consent calendar items. Further discussion yielded agreement to cancel the meeting on November 3, and to schedule a Special City Council meeting one week later on Tuesday, November 10. All five Councilmembers agreed.

Councilmember Phan asked to defer the Responsible Construction ordinance (item no. 11) on this agenda. He also thought that item no. 10 (purchasing update ordinance) might take some time and could be deferred to a future meeting.

Councilmember Dominguez wanted discussion on naming the “Milpitas Hills” on an agenda. She asked to send this idea to the Economic Development Commission for discussion. Four were in favor, with the Mayor opposed

City Manager Steve McHarris announced that on Thursday, October 22 at 7:00 PM, the City would host a public meeting (online) to answer questions on Ballot Measure F (1/4 cent sales tax increase) and all were welcome. Also, Covid-19 testing would be available on Friday, October 30 by County Health Services at Milpitas Sports Center.

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 or contributions in the last 12 months were reported.

Vice Mayor Nuñez and Councilmember Phan stated that in the past, each had received a contribution from the Building and Trades Council.

PROCLAMATIONS

Mayor Tran noted that October 12, 2020 was proclaimed as *Indigenous Peoples Day*. He proclaimed October 24 as *United Nations Day* in Milpitas, celebrating 75 years of the U.N.’s existence.

Vice Mayor Nuñez mentioned he walked during the march with Milpitas resident Ms. Tiny Rosales, who was due to get an award from Assemblymember Ash Kalra for keeping Native American dance alive. In reply, Mayor Tran said he would like to give her a key to the City.

CODE OF CONDUCT

City Attorney read aloud the City Council Code of Conduct, as printed on the agenda.

APPROVAL OF AGENDA

Motion: to approve the October 20, 2020 meeting agenda, as amended

Mayor Tran said he would move up item no. 9 (Parks and Recreation Master Plan) to be heard after the public hearing (no. 8).

City Attorney Chris Diaz noted Councilmember Phan’s earlier request to remove items no. 10 and no. 11, to be rescheduled to a later meeting date.

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

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

CONSENT CALENDAR

Motion: to approve the consent calendar, including items no. C1 – C5

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

- C1. Council Calendar Received calendars of upcoming meetings for October and November 2020.
- C2. Meeting Minutes Approved the City Council meeting minutes of the Regular City Council meeting on September 29, October 6 and 9, 2020.
- C3. Resolution Adopted Resolution No. 9012 approving and authorizing the City Manager to execute Amendment No. 1 to the "Purchase of Software and Software Services Agreement" for a two-year extension of the NEOGOV software services under the Agreement with Insight Public Sector Inc. through a cooperative procurement contract with OMNIA Partners, with additional funding in the amount of \$105,915, subject to the annual appropriation of funds, for a total agreement amount of \$178,902.
- C4. Amendment No. 2 to Agreement with Alta
1. Received a status report on the Trails and Bikeway Master Plan Update, Project No. 3448.
 2. Approved and authorized the City Manager to execute Amendment No. 2 to the Consultant Services Agreement with Alta Planning and Design in the new amount of \$229,402 with a term through December 31, 2021 for the Trails and Bikeway Master Plan Update.
 3. Approved a budget appropriation of \$36,219 from the General Government CIP Fund into Project No. 3448.
- C5. Change Order No. 2 – Playgrounds Rehab. Approved Change Order No. 2 in the amount of \$268,841 for the contract with Redwood Construction and Equipment, Inc. for the Citywide Parks and Playgrounds Rehabilitation Project, increasing the total project amount not to exceed from \$1,720,164 to \$1,989,005.

PUBLIC HEARING

6. Tax-Exempt Lease Revenue Bonds – Sale and Issuance Deputy City Manager/Finance Director Walter Rossmann defined the necessary steps, and the use of consultants, involved with bringing forward actions for the sale and issuance of tax-exempt bonds. Projects to be funded included Fire Station No. 2 Replacement and energy savings projects (per the approved contract with Engie). Bond consultants from Jones, Hall displayed historic bond yields over time, with borrowing rates trending down significantly.

Mayor Tran opened the public hearing for comments from Voltaire Montemayor and Urvishkumar Mehta.

Motion: to close the public hearing, following two comments

Motion/Second: Mayor Tran/Councilmember Montano

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

Motion: to adopt City Council Resolution No. 9013 and Milpitas Municipal Financing Authority Resolution No. MFA 4 authorizing and directing the City Manager, Assistant City Manager or Deputy City Manager to execute the sale and issuance of 2020 Lease Revenue Bonds with an estimated aggregate principal amount not to exceed \$25 million to finance construction of Fire Station No. 2 and energy efficiency projects

Motion/Second: Mayor Tran/Councilmember Montano

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

COMMUNITY DEVELOPMENT

7. Urgency Ordinance Economic Development Director Alex Andrade expressed a request for the proposed temporary urgency ordinance. Economic Development Specialist Nicole Inamine explained third party food delivery service from restaurants was provided for a fee, and discussed why local municipalities were placing a cap on those fees and defined the fee structures. Councilmembers spoke out in favor of the ordinance.

Councilmember Phan asked for two changes: (1) for the term end date, so the ordinance would be in effect up to when the local state of emergency time period ends, and when indoor dining was up to 100% capacity; and, (2) for the cost service fee (processing fee) to be capped no higher than 3% and for optional services, up to 10%.

Public comments were heard from residents Voltaire Montemayor and Urvishkumar Mehta.

City Attorney Chris Diaz read aloud specific changes to be included in the text of the ordinance to incorporate additions requested by Mr. Phan. He read the title of the proposed ordinance, "An Uncodified Urgency Ordinance of the City Council of the City of Milpitas Establishing a Temporary Limit on Fees Charged by Third-Party Food Delivery Services on Covered Establishments During the Covid-19 Emergency."

Motion: to adopt Urgency Ordinance No. 307 effective immediately, by a 4/5 minimum vote of the City Council, with a seven-day grace period

Motion/Second: Councilmember Montano/Councilmember Phan

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

8. Plan on Homelessness Item was not heard.

COMMUNITY SERVICES

9. Parks & Recreation
Master Plan

This item was heard following the Public Hearing, item no. 6.

City Engineer Steve Erickson addressed the Council on the Master Plan for the City's parks and recreation facilities and programs. The Master Plan was last adopted in 2008. The consultant Gates and Associates was contracted in June 2019 to develop a plan, for which a scope of work was identified.

Ms. Linda Gates and Ms. Melonie O'Sullivan from Gates and Associates made a presentation on the plan. Consultant Alan Pennington addressed fees and the Cost Recovery Scope of Services for sample cost recovery policy for Recreation.

Councilmember Montano requested to include softball field needs in the list of “user groups” for those who would give input into the Master Plan.

The following residents provided public comments: Urvishkumar Mehta, Voltaire Montemayor, Tina Ortiz, Allysson McDonald, and Jackie Romero.

Vice Mayor Nuñez asked that all City Commissioners be engaged in the community outreach process.

The City Manager explained that further discussion and approach to the City’s fee schedule would be discussed with next year’s budget process.

LEADERSHIP

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| 10. Ordinance No. 23.15 | Item was removed from the agenda. |
| 11. Ordinance No. 65.150 | Item was removed from the agenda. |
| 12. Community Engagement Budget | Agenda items no. 12 through 17 were not heard. |
| 13. Project Labor Agreement | |
| 14. Council Sponsored Events, and US Census | |
| 15. Council Ideas to Assist | |
| 16. Cap on Bus. Rent | |
| 17. List of Agenda Items | |

NEXT AGENDA PREVIEW

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| 18. Preview Agenda Items | Received list of anticipated agenda Items for the next regular City Council meeting scheduled for November 3, 2020. |
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ADJOURNMENT

Mayor Tran adjourned the joint meeting at 12:09 AM on Wednesday, October 21, 2020.

The foregoing minutes were approved by Milpitas City Council on November 10, 2020.

***Mary Lavelle
City Clerk***