

CITY OF MILPITAS MEETING MINUTES

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, November 17, 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 regular meeting to order at 6:03 PM. City Clerk Mary Lavelle called the roll. The meeting took place via teleconference/zoom webinar.

PRESENT: Mayor Tran, Vice Mayor Nuñez, and Councilmember Dominguez

ABSENT: Councilmembers Montano and Phan were absent at roll call. Both arrived in Closed Session.

CLOSED SESSION

City Council convened into Closed Session (online webinar) to discuss three labor negotiation items, listed on the agenda.

At 8:00 PM, the Mayor and City Council reconvened for the Open Session.

ANNOUNCEMENT – from Closed Session

City Attorney Chris Diaz stated that City Council gave direction to staff but there was no reportable action taken in Closed Session.

PLEDGE

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

INVOCATION

Councilmember Dominguez introduced Tina Ortiz and Ana Vera Rodriguez from Milpitas Girls Softball - and then she gave the invocation prayer.

PUBLIC FORUM

12 residents provided oral comments (in the zoom webinar) limited to one minute: Inderjit Mundra, Voltaire Montemayor, Rob Jung, Jessica Yu, Urvishkumar Mehta, Tina Ortiz, Jen Lee, Rita, Steve Kantonemi, Anupam Khanuja, Tom Lin and Rekha Pardeshi.

ANNOUNCEMENTS & FUTURE AGENDA ITEMS

City Manager Steve McHarris updated the public on status of Covid-19 in Santa Clara County following re-entry to the purple tier on this date, with prohibition on much indoor activity. City Hall offices would be closed for Thanksgiving holidays the following week on November 26 and 27, 2020.

Councilmember Dominguez requested two agenda items: (1) to bring back an item before the end of December for the Mayor to appoint a representative by year's end to serve on the VTA Bicycle Committee, which could yield grant opportunities for the City. Four Councilmembers were in favor while Councilmember Montano abstained; (2) at the next City Council meeting, schedule a vote on the County's 2025 Community Plan to End Homelessness, and all five Councilmembers agreed to add this one.

Vice Mayor Nuñez noted the following week was National Hunger Homeless Awareness Week. He mentioned a new local group called Hope for the Unhoused, which had been providing direct assistance to the homeless in Milpitas.

**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 in the last 12 months were reported.

Regarding campaign contributions, Vice Mayor Nuñez and Councilmember Phan reported one campaign contribution each received from the Santa Clara and San Benito Counties Building Trades Council.

CODE OF CONDUCT

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

APPROVAL OF AGENDA

Motion: to approve the November 17, 2020 meeting agenda, as presented

Motion/Second: Councilmember Montano/Mayor Tran

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

CONSENT CALENDAR

Motion: to approve the consent calendar items no. C1, C2, C4 – C14 and No. 17

Councilmember Phan requested to add item no. 17 (Emergency Management Plan) onto consent and to remove item no. C3 (contract for Fire Station No. 2) from consent and to hear it after the public hearing.

Regarding item no. C7 (Funding for Engie Services contract), Vice Mayor Nuñez asked for more back-up information on the contract amounts, which the City Manager agreed staff could provide to him after the meeting.

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

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

C1. Council Calendar

Received the City Council calendars of upcoming meetings for November and December 2020.

C2. Meeting Minutes

Approved the meeting minutes of the November 4 and 10, 2020 Special City Council meetings.

**3. Resolution – Fire Station
No. 2 Award Contract**

This item was removed from consent. City Engineer Steve Erickson presented the request to award a contract to Sausal Corp. for the reconstruction of Fire Station No. 2, including a full explanation of a bid protest received after the bid opening.

Mayor Tran asked for public comments and heard from Rick Solis and Urvishkumar Mehta.

Councilmembers commented on the project and asked questions of staff. Concerns were expressed over the contract change order amount, and reasons for rejecting the bid protest including subcontractors' history.

Mayor Tran asked the City Manager if the Council could receive all information regarding all project bidders and to return with this Project No. 3447 on December 15. City Manager McHarris agreed. City Attorney Diaz also clarified what the staff would bring back, in response to the Mayor.

No motion on the staff recommendation to adopt a resolution awarding the bid was made and no vote taken.

C4. Accept Funds	Accepted Santa Clara County Emergency Medical Services (EMS) Agency Trust Funds of \$18,290.37; and approved a budget adjustment in the amount of \$18,290.37 into the Fire Department's FY 2020-21 operating budget.
C5. Resolution – Cayenta	Adopted Resolution No. 9017 approving and authorizing the City Manager to execute a 3-year Support and Maintenance Agreement with Cayenta, a division of N. Harris Computer Corp. Inc., as sole source vendor for Financial and Utility Billing Software Systems in the amount of \$247,718.83 and an additional \$20,000 for contingency projects, for an amount not to exceed \$267,718.93, and a total of \$825,674.13 over 3-year term of the Agreement, subject to the annual appropriation of funds.
C6. Agreement –Stormwater Maint. at 600 Amalfi Loop	Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for LS-Milpitas LLC for the Amalfi II - Siena Project at 600 Amalfi Loop.
C7. Fund Energy Services Agreement with Engie	Approved various budget amendments to fund the City Council-approved Energy Services Agreement with Engie Services U.S., Inc. for construction of energy and water conservation measures and establish the Citywide LED Lighting Upgrade Capital Improvement Project, Community and Senior Center Energy Resiliency Project, and Facilities Water Fixture Retrofit Project.
C8. Additional COPS grant funding	Accepted additional FY 2020 Citizens' Option for Public Safety (COPS) Grant funding and approved related budget appropriation.
C9. Bulletproof Vest Partnership Grant	Accepted the 2020 Bulletproof Vest Partnership Grant in the amount of \$9,405.45 and approved a budget appropriation into the Milpitas Police Department's FY 2020-21 operating budget.
C10.Side Letter-Compassionate Leave	Approved and authorized the City Manager to enter into a side letter agreement to amend the Memoranda of Understanding, as needed, to extend the period of time employees may take compassionate leave.
C11. Side Letter – Holiday Closure 2020	Approved and authorized the City Manager to enter into a side letter agreement to Memoranda of Understanding (MOU) with four employee labor groups for the closure of City Hall offices and selected operations to the public from Monday, December 28, 2020 through Thursday, December 31, 2020.
C12. Meeting Schedule	Approved the 2021 Milpitas City Council meeting schedule, including cancelation of July 2020 regular meeting dates.
C13. Commission Appointments	a) Re-appointed Arts Commissioner John Agg to a new 3-year term which expires in October 2023. b) Newly appointed Roque Lallana to a currently vacant term on the Milpitas Veterans Commission, which expires February 2022. c) On the Youth Advisory Commission, moved up Alternate No. 1 Tejas Balebail and Alternate No. 2 Andrea Liu into voting Commissioner seats; and, newly appointed Nidhi Kaki as Alternate No. 1 and Rachel Plummer as Alternate No. 2 on the YAC. All terms expire in September of 2022.
C14. Commission Work plans	Approved Fiscal Year 2020-21 Work Plans for the 12 City Commissions: Arts Commission, Community Advisory Commission, Economic Development and Trade Commission, Energy and Environmental Sustainability Commission, Library and Education Commission, Parks, Recreation and Cultural Resources Commission, Planning Commission, Public Safety and Emergency Preparedness Commission, Science, Technology, and Innovation Commission, Senior Advisory Commission, Veterans Commission, and Youth Advisory Commission.

PUBLIC HEARING

15. Residential Development – new units at Sunnyhills Apts.

Planning Director Ned Thomas briefly introduced the residential infill project at Sunnyhills Apartment with 44 new units proposed to be added to the complex, near 1724 Sunnyhills Court, as recommended by the Milpitas Planning Commission.

Senior Planner Rozalynne Thompson presented details of the proposed project.

Mayor Tran opened the public hearing.

Applicant/owners Megan and John Kehriotis addressed the Council on their project, adding 44 units with 15% affordable. Architect Anthony Ho discussed more details.

Mayor Tran opened the public hearing and the following residents addressed the Council: Johanna B, Allysson McDonald, Urvishkumar Mehta, Robert Means, Tiffany Vuong, Andre Krammer, and Voltaire Montemayor.

Motion: to close the public hearing following seven comments

Motion/Second: Mayor Tran/Councilmember Montano

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

Councilmembers asked questions and expressed support for the project.

Motion: to adopt Resolution No. 9018 approving an Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines Sections 15002(k)(2) and 15070 and approving Planned Unit Development Amendment P-PA19-0002, Site Development Permit P-SD18-0004, Tree Removal Permit P-TR19-0028, and Environmental Assessment P-EA20-0005, subject to findings and Conditions of Approval; including identified tree removal planned on site and smaller parking dimensions

Motion/Second: Councilmember Phan/Mayor Tran

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

COMMUNITY SERVICES

16. Railroad Quiet Zone

Item was not heard.

PUBLIC SAFETY

C17. Emergency Management Program Assessment

Item was added to the consent calendar and approved by unanimous vote.

Authorized the City Manager to approve an amendment to the Professional Services Agreement with Witt O'Brien's, LLC extending the time of performance to June 30, 2021.

LEADERSHIP

18. Quarterly Financial Report

Deputy City Manager Walter Rossmann presented the current financial status of the city's budget, with a proposed plan for monitoring revenues and expenditures.

Mayor Tran expressed grave concerns over the disparity between reduced revenues and continuing expenses, upon hearing staff's plan to balance the FY 2020-21 budget. He did not want to vote on the staff recommendation, and said he would adjourn the meeting at 12:24 AM.

While the City Council did hear the report by the Deputy City Manager/Finance Director on his review of the FY 2020-21 Quarterly Financial Status Report, no vote was taken on the second staff recommendation to approve budget amendments to rebalance the FY 2020-21 Amended General Fund Budget due to COVID-19 pandemic anticipated revenue losses.

19. General Fund Financial Forecast

Items No. 19 – No. 22 were not heard.

20. Purchasing Ordinance

21. Project Labor Agreement

22. Responsible Construction Ordinance

REPORTS

Items No. 23 – No. 28 were not heard.

23. Council Sponsored Events, and US Census

24. Cap on Business Rents

25. Council Ideas to Assist

26. Safety Event

27. Housing Subcommittee

28. List of Council requested Agenda Items

NEXT AGENDA PREVIEW

29. Preview Agenda Items

Received list of anticipated agenda Items for the next regular City Council meeting scheduled for December 1, 2020.

ADJOURNMENT

Mayor Tran adjourned the City Council meeting at 12:25 AM on Wednesday, November 18, 2020.

The foregoing minutes were approved by Milpitas City Council on December 1, 2020.

Mary Lavelle
City Clerk