

CITY OF MILPITAS MEETING MINUTES

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, December 1, 2020
Time: 7:00 PM
Location: Meeting held via teleconference/zoom webinar online
Milpitas, CA

CALL TO ORDER

Mayor Tran called the regular meeting to order at 7:03 PM. City Clerk Mary Lavelle called the roll. The meeting took place via teleconference/zoom webinar.

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

ABSENT: None

PLEDGE

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

INVOCATION

Councilmember Phan asked Vice Mayor Nuñez to give the invocation prayer.

PUBLIC FORUM

Six residents provided oral comments (in the zoom webinar): Voltaire Montemayor, Urvishkumar Mehta, Lupe Ruvalcaba (on item no.14), Rosie Walker, Jenina Fernandez, and Jade Dang.

ANNOUNCEMENTS & FUTURE AGENDA ITEMS

City Manager Steve McHarris reported a key to the City was recently presented to Ms. Tiny Rosales, a member of the native community, and showed a video with her thanks to City officials. He updated all on Covid 19 status related to the latest County directive. A virtual holiday tree lighting was available to view online, prepared by Recreation Services for residents and viewers at any time.

Mayor Tran announced the annual Jack Emory canned goods food drive going on at Milpitas schools, with additional donations welcome. He also made an announcement explaining why the field lights were not on at night at the Milpitas Sports Center playing fields. He was pleased to view success at the new skate park.

Councilmember Montano asked staff about work occurring at Penitencia Creek near Curtis. The City Manager and Public Works Director Tony Ndah responded that the work was most likely related to annual maintenance work and staff would provide a follow up response.

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 were reported.

Reporting out of an abundance of caution, Councilmember Phan and Vice Mayor Nuñez both said they had received campaign contributions from the Santa Clara & San Benito Counties Building Trades Council, relative to agenda item no. 14 (Project Labor Agreement).

CODE OF CONDUCT

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

APPROVAL OF AGENDA

Motion: to approve the December 1, 2020 meeting agenda, as presented

Motion/Second: Councilmember Montano/Councilmember Dominguez

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

CONSENT CALENDAR

City Clerk Mary Lavelle announced election results related to agenda items no. C3 and C4, resolutions approving parcels to be added into Community Facilities Districts No. 2005-1 and 2008-1. Parcel owners (voters) for both developments submitted ballots with result for each 1 Yes and 0 No votes. Thus, the City Council was able to go ahead with its vote on the Resolutions on consent.

Councilmember Phan and Vice Mayor Nuñez requested to remove items no. 13 (Responsible Construction Ordinance) and no. 14 (Project Labor Agreement) from this agenda, and to postpone both items.

(1) Motion: to reconsider the vote above to approve the agenda

Motion/Second: Mayor Tran/Councilmember Phan

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

(2) Motion: to approve the December 1, 2020 City Council agenda, including deferral of items no. 13 and no. 14

Motion/Second: Mayor Tran/Councilmember Montano

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

(3) Motion: to approve the consent calendar, including items no. C1 – C8

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

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

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| 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. |
| C3. Adopt Resolution | <ul style="list-style-type: none">a) Following receipt of election results from the City Clerk, adopted Resolution No. 9019 certifying election results and adding Tract No. 10533 to Community Facilities District 2005-1 (Annexation No. 21); andb) Approved Final Tract Map No. 10533, including approval of street names and accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; andc) Approved and authorized the City Manager to execute a Subdivision Improvement Agreement between City of Milpitas and Robson Homes, LLC. |
| C4. Adopt Resolution | Following receipt of election results from the City Clerk, adopted Resolution No. 9020 certifying election results and adding Parcel 5 to Community Facilities District No. 2008-1 (Annexation No. 20) for 355 Sango Ct. |

C5. Adopt Resolution	Adopted Resolution No. 9021 eliminating pay raise (salary increase) for unrepresented miscellaneous employees effective in 2021, previously authorized on June 18, 2019, as specified in Resolution No. 8888, and eliminating a 2021 raise for unrepresented Police Management classifications and unrepresented Fire Management classifications.
C6. Amend Grant Agreement	Approved and authorized the City Manager to execute the First Amendment to the 2019 State Homeland Security Grant Program Agreement.
C7. Accept CAFR	Accepted the City's Comprehensive Annual Financial Report (CAFR) and other Related Annual Audited Reports for the Fiscal Year ended June 30, 2020.
C8. Reappoint 1 EESC Commissioner	Re-appointed Commissioner Patti Sexton to a new 3-year term on the Energy and Environmental Sustainability Commission, a term that would expire in October 2023.

COMMUNITY DEVELOPMENT

9. Assistance to Homeless in Milpitas	Building Housing and Safety Director Sharon Goei presented a request for City Council to approve two proposed actions: (1) a pilot program to provide mobile shower and laundry service for homeless and at risk residents; and (2) a resolution to endorse Santa Clara County's 2020-2030 Plan to end homelessness.
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Housing Manager Adam Marcus provided information on the recommendation for the mobile service - Dignity on Wheels by Project WeHOPE. Director Mr. TJ Clark from Dignity on Wheels (DoW) gave more details and answered Councilmembers' questions on how DoW mobile units operated in the communities served.

Mayor Tran invited public comments and heard six speakers Voltaire Montemayor, Lisa – Hope for the Unhoused, Allysson McDonald, Urvishkumar Mehta, Jackie Romero, and Tom Valore,

Motion: to accept the staff report and direct staff to proceed with an agreement with Dignity on Wheels by Project WeHope as a pilot program in Milpitas for six months, and include collaboration with the Milpitas Unified School District to provide assistance to MUSD students/families for laundry service and detergent

Mayor Tran allowed for one more resident speaker and heard Norma Morales.

Motion/Second: Mayor Tran/Councilmember Montano

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

Vice Mayor Nuñez departed the meeting at 9:20 PM.

10. Adopt Resolution on County 5 Year Plan to End Homelessness	Ms. Goei introduced the Council-directed request to adopt a resolution in support of the County plan.
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The Mayor invited public speakers and heard from: Allysson McDonald, Urvishkumar Mehta, Voltaire Montemayor, Matthew Reed of Silicon Valley at Home, Tom Valore, Jackie Romero.

Mayor Tran stated he would propose a Homelessness Task Force in January.

Motion: to adopt Resolution No. 9022 endorsing the 2020-2025 Santa Clara County Community Plan to End Homelessness

Motion/Second: Councilmember Montano/Mayor Tran

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

11. Railroad Quiet Zone

Transportation Engineer Steve Chan gave a report on railroad noise and efforts to establish a Railroad Quiet Zone in Milpitas, as regulated by the Federal Railroad Administration.

Mayor Tran invited speakers and heard from: Urvishkumar Mehta, Jackie Romero, and Voltaire Montemayor.

Mayor Tran would like this project added into the Capital Improvement Program (CIP).

Motion: to receive the staff report and to add the Railroad Quiet Zone study into the City's Capital Improvement Program (CIP) in year 5, with no expenditure at this time

Motion/Second: Councilmember Phan/Councilmember Dominguez

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

LEADERSHIP

12. Introduce Ordinance –
on Purchasing

Deputy City Manager/Finance Director Walter Rossmann presented the new ordinance to update city regulations on purchasing, including an increase in bidding thresholds and in contract amendment authority.

Mayor Tran asked for public comments: Voltaire Montemayor and Urvishkumar Mehta.

The City Attorney read aloud the title of Ordinance No. 23.15, "An Ordinance of the City Council of the City of Milpitas Amending Chapters 2 (Purchasing) and 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code Relating to Purchasing."

Motion: to waive the first reading beyond the title and introduce Ordinance No. 23.15 to update the Milpitas Municipal Code section on purchasing

Motion/Second: Councilmember Phan/Mayor Tran

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

13. Responsible
Construction Ordinance

Item was removed from this agenda.

14. Project Labor Agreement

Item was removed from this agenda.

REPORTS

15. Council Sponsored
Events, and US Census

Councilmember Dominguez requested to skip this item, and to move ahead to item no. 16, and Mayor Tran agreed upon hearing no objections from the City Council.

Mayor Tran returned to the item at 11:40 PM, and requested staff to remove the part about the US Census, since that was over. Ms. Dominguez agreed. She suggested the

events topic be discussed at a City Council retreat, after the addition of one new City Councilmember, and related to City Council Handbook. Council agreed.

16. Cap on Business Rents

This item was discussed prior to item no. 15. Councilmember Dominguez expressed need in the Milpitas small business community for financial and other resource assistance, during the pandemic. City Attorney Diaz described what might be legally possible with regard to business rent restrictions.

Mayor Tran invited comments and heard from: Jackie Romero, Voltaire Montemayor and Urvishkumar Mehta.

Following further discussion, the following motion was voted upon.

Motion: to bring the topic of an emergency cap on business tenants rent at a future City Council meeting

Motion/Second: Councilmember Dominguez/Councilmember Phan

Motion failed by a vote of:

AYES: 2 (Dominguez, Phan)
NOES: 2 (Montano, Tran)
ABSENT: 1 (Nuñez)

17. Council Ideas to Assist

Item was not heard.

18. Safety Event

Item was not heard.

19. City Council Housing Subcommittee

Mayor Tran did not want to dismantle the Housing Subcommittee and to continue on with important current topics.

Councilmember Dominguez expressed her goal to eliminate the Housing Subcommittee and for the full City Council/Housing Authority to discuss major housing items.

Mayor Tran invited comments and heard from: Jackie Romero, Voltaire Montemayor and Urvishkumar Mehta.

Councilmember Dominguez made a motion to bring all housing discussion of the City of Milpitas to the body of five elected officials representing the Housing Authority (City Council) rather than to the Housing Subcommittee, starting in January.

No second to her motion was offered, so the motion died. No vote was taken.

20. List of Council requested Agenda Items

Mayor Tran stated that this item (list of future agenda items) was okay.

Councilmember Phan asked that on those items listed for Vice Mayor Nuñez, to change those to his own name upon Mr. Nuñez' departure from the City Council.

NEXT AGENDA PREVIEW

21. Preview Agenda Items

Received list of anticipated agenda items for the next regular City Council meeting scheduled for December 15, 2020.

ADJOURNMENT

Mayor Tran adjourned the regular City Council meeting at 12:10 AM on Wednesday, December 2, 2020.

The foregoing minutes were approved by Milpitas City Council on December 15, 2020.

Mary Lavelle, City Clerk