



CITY OF MILPITAS

Economic Development and Trade Commission

REGULAR MEETING MINUTES

4:30 PM

Monday, January 9, 2023

Milpitas City Hall

First Floor Committee Conference Room

455 E. Calaveras Boulevard

CALL TO ORDER Meeting called to order at 4:33 PM by Chair Norwood.

PLEDGE OF ALLEGIANCE Commissioner Romero led the pledge of allegiance.

ROLL CALL Economic Development Coordinator Daniel Degu called the roll.

PRESENT: Chair Chris Norwood, Vice Chair Casey McNeil; Commissioners Parkash Daryiani, Cheri Romero, Inderjit Mundra; Economic Development Director Alex Andrade, Economic Development Coordinator Daniel Degu, Economic Development Specialist Michael Thomas; Special Project Associates Travis Bell and Eddie Truong via teleconference.

ABSENT: Commissioner Lynne Rice, Student Commissioner Stephen Huang, Assistant City Manager Ashwini Kantak

SEATING OF ALTERNATES None. Both alternate seats are vacant. Director Andrade informed the Commission that the City has received applications for both alternate seat vacancies, which are under review. The Commission directed staff to update the Commission on the vacancy status.

APPROVAL OF AGENDA Recommended Action: Approve the January 9, 2023 agenda of the Economic Development and Trade Commission's meeting as submitted.

MOVER/SECONDER: McNeil/Romero

RESULT: Approved unanimous

AYES: Romero, Mundra, Daryiani, McNeil, Norwood

NOES: None

ABSTENTIONS: None

APPROVAL OF MINUTES: Recommended Action: Approve the Commission's regular meeting minutes of September 12, 2022

MOVER/SECONDER: McNeil/Romero

RESULT: Approved unanimously

AYES: Romero, Mundra, Daryiani, McNeil, Norwood

NOES: None

ABSTENTIONS: None

Recommended Action: Approve the Commission's regular meeting minutes of November 14, 2022

MOVER/SECONDER: McNeil/Romero

RESULT: Approved unanimously

AYES: Romero, Mundra, Daryiani, McNeil, Norwood

NOES: None

ABSTENTIONS: None

PUBLIC FORUM Public comment was neither submitted nor presented.

ANNOUNCEMENTS Vice Chair McNeil requested clarification on the Lucky grocery store closing at 1350 S. Park Victoria Drive. Director Andrade stated that staff will research the matter and update the Commission at a future meeting.

Commissioner Daryiani expressed concern about a recent break-in a co-tenant's business location at 890 Hillview Court. Other concerns at the property included other illegal activities on and in the vicinity of the property. Commissioner Daryiani planned to meet with the landlord on responding to these issues.

Commissioner Mundra stated that the Chamber of Commerce's board of directors is preparing events including a crab feed and wine festival and requested the Commission's assistance with developing the Chamber's business luncheon. Chair Norwood suggested staff to provide options for the Commission to collaborate with the Chamber in planning this event.

Chair Norwood asked when the Commission's Council Liaison will be determined. Director Andrade stated that Mayor Carmen Montano has appointment authority of liaisons, and her appointments are agendaized for the City Council's special meeting of January 10.

BUSINESS ITEMS 9a. Election of Officers

Recommended Action: That the Economic Development and Trade Commission elect a Chair and Vice-Chair.

Chair Norwood introduced this item and Economic Development Coordinator Degu summarized the process.

Chair Norwood and Commissioners Daryiani, Mundra and Romero nominated Casey McNeil to serve as Chair until January 2024.

MOVER/SECONDER: Daryiani/Mundra

RESULT: Approved

AYES: Romero, Mundra, Daryiani, Norwood

NOES: None

ABSTENTIONS: McNeil

New Chairperson McNeil and Commissioners Daryiani, Mundra and Romero nominated Chris Norwood to serve as Vice Chair until January 2024.

MOVER/SECONDER: Daryiani/Mundra
RESULT: Approved
AYES: Romero, Mundra, Daryiani, Norwood
NOES: None
ABSTENTIONS: Norwood

9b. Milpitas Business Layoffs

Recommended Action: Receive City staff report.

Chair McNeil introduced the item. Economic Development Coordinator Daniel Degu delivered a presentation dated January 9, 2023 and introduced NOVAworks' Business Liaison Rhonda Pryor discussed recent worker layoff notices issued by companies known as WARN notices.

Commissioners questioned the accuracy of average wages in manufacturing sector. Staff informed the commission that staff will review the data and clarify at a later date. Commissioner Daryani stated data more than two years old is not useful to businesses.

The Commission directed staff to include NOVAworks events to the Commission's electronic events and activities sign up form. In light of recent layoffs by manufacturing companies in Milpitas, Chair McNeil and Vice Chair Norwood requested WARN notice updates be included as a standing agenda item.

Chair McNeil requested clarification of the City Council's direction on this item. Director Andrade stated that Vice Mayor Evelyn Chua requested staff identify ways to assist residents who are facing recent or future layoffs. Director Andrade stated that the pilot program MyPlan Milpitas in partnership with NOVAworks provided 25 Milpitas residents with customized access to job search tools, resume building and other skills and resources resulting in new job opportunities and additional training from NOVAworks. NOVAworks will host layoff assistance webinars in January and February.

MOVER/SECONDER: Norwood/Daryiani
RESULT: Report received
AYES: Romero, Mundra, Daryiani, Norwood, McNeil
NOES: None
ABSTENTIONS: None

9c. American Rescue Plan Act (ARPA) Update

Recommended Action: Receive City staff report and provide feedback to staff.

Director Andrade introduced this item. Special Project Associates Travis Bell and Eddie Truong delivered presentation dated January 9, 2023 summarizing progress, status and next steps for the following ARPA-funded programs:

- Catalytic Converter Theft Deterrent Program
- Storefront Improvement Grant Program
- Business Improvement District Feasibility Study RFP
- Milpitas Youth Force
- First 5 Santa Clara County
- Build It Green

Specialist Truong informed the Commission that \$150,000 in ARPA funds will be allocated for workforce development efforts. Staff will recommend that the Milpitas Youth Force continue to be funded during the FY 24 budget process given the program's success. Specialist Truong requested the Commission identify non-profit organizations in Milpitas and workforce programs to be considered for grant opportunities. Mr. Truong provided examples of organizations including NOVAworks, Milpitas Unified School District Adult Education, and International Brotherhood of Electrical Workers local union, as well as individuals such as unhoused and workers aged 50 and over.

Chair McNeil requested that Commissioners need time to ponder, provide feedback via email to staff and share suggestions at the Commission's regular meeting on February 13 meeting. Director Andrade informed each commissioner to e-mail their suggestions individually to staff in advance of the Feb. 13 meeting.

Chair McNeil requested clarification on Civitas Advisors outreach to the commissioners regarding the BID feasibility study. Specialist Truong said outreach methods will be determined during the project development process between Civitas Advisors and staff and relayed to the Commission.

Commissioner Mundra requested Brown Act training at a later date. Director Andrade said the City Clerk and City Attorney present training sessions to boards and commissions.

MOVER/SECONDER: Norwood/Mundra

RESULT: Report received and feedback provided

AYES: Romero, Mundra, Daryiani, Norwood, McNeil

NOES: None

ABSTENTIONS: None

9d. Commissioner Roles and Involvement

Recommended Action: Receive memorandum and provide feedback to staff.

Economic Development Specialist Michael Thomas presented memorandum dated January 9, 2023.

Specialist Thomas will distribute an updated list of events and activities to the Commission via electronic mail consistent with Brown Act requirements.

MOVER/SECONDER: Norwood/Romero

RESULT: Memorandum received and feedback provided

AYES: Romero, Mundra, Daryiani, Norwood, McNeil

NOES: None

ABSTENTIONS: None

ADJOURNMENT Moved by Commissioner Daryani, seconded by Commissioner Mundra to adjourn this meeting at 6:05 PM to the next regularly scheduled Commission meeting on Monday, February 13, 2023, at 4:30 PM.

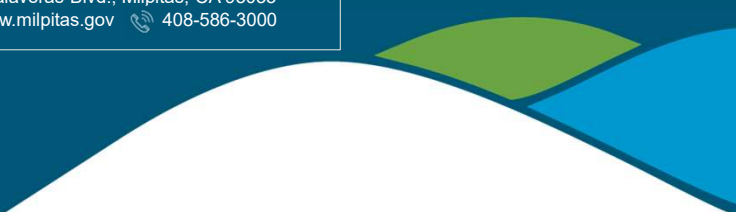


Economic Development & Trade Commission

Item # 9a: Open Meetings & Transparency

March 13, 2023

City of Milpitas
 Office of the City Attorney
 455 E. Calaveras Blvd., Milpitas, CA 95035
www.milpitas.gov 408-586-3000



1



The Brown Act

- The Act provides legal minimums for local agency transparency in decision making.
- The Brown Act is the guide to the public's right of access in government affairs.
- Must be followed by every Commissioner



2 Brown Act for Commissions | February - April, 2023

2

Open Meeting Procedures



- All meetings governed by the Ralph M. Brown Act
- All meeting must take place in a manner accessible to the public.
- The public must have advanced notice of what will be discussed in the meeting.
- Commissioners cannot take action to bypass the Brown Act.



3 Brown Act for Commissions | February - April, 2023

3

Serial Meetings



- Daisy Chain
- Hub & Spoke
- Emails
- Social Media



4 Brown Act for Commissions | February - April, 2023

4

Serial Meetings



➤ Use of:

- direct communication;
- intermediaries; or
- technology

to develop a collective concurrence outside of a meeting is expressly prohibited.



5 Brown Act for Commissions | February - April, 2023

5

Emails – Best Practices



➤ When emailing:

- Do not “reply to all”
- Do not take a position or make a commitment
- Do not add individual commission or councilmembers to emails responding to a constituent
- Take caution to ensure compliance with law



6 Brown Act for Commissions | February - April, 2023

6

Emails – Best Practices



➤ If a constituent sends an email to the full Commission:

- Send the email to the commission's staff liaison.
- Reply (but not reply-all!) to the constituent thanking them but do not express opinions.
- Staff will circle back to the full Commission indicating the outcome or to agree to agendize the matter.



7 Brown Act for Commissions | February - April, 2023

7

Public Meetings

- Regular Meetings
- Special Meetings
- Emergency Meetings
- Roll call voting
- Public's right to comment
 - Public has right to comment on every agenda item
 - Any topic within subject matter jurisdiction
 - Must allow public criticism of officials – first amendment right



8 Brown Act for Commissions | February - April, 2023

8

Rules Governing Meetings

- No action or discussion allowed for any item not listed on agenda except:
 - Brief responses to statements or questions from the public directing them to resources.
 - Questions to staff for clarification of matters based upon public comment.
 - Brief announcements or reports on member's or staff's activities
 - Tied to public comment time – Open Government
 - Asking staff to report back at a future meeting



9 Brown Act for Commissions | February - April, 2023

9

Meeting Exceptions



- Individual contact exception
- Seminar and conference exception
- Community meeting exception
- Other legislative body exception;
- Social or ceremonial occasion exception
- Standing committee exception

10 Brown Act for Commissions | February - April, 2023

10

Closed Sessions



- Must be:
 - Expressly authorized
 - Briefly described in agenda
 - Verbally announced
 - Confidential under the law
 - Recorded – Open Government



11 Brown Act for Commissions | February - April, 2023

11

Legal Ramifications for Brown Act Violations



- For violations, Court may:
 - Enjoin action,
 - Invalidate action, or
 - Mandate correction
- City Attorney has no enforcement authority
 - if there is a violation, there will be an investigation followed by an official Council decision
- Court costs & attorney fees are recoverable
- Individuals who intentionally violate the act may be guilty of a misdemeanor



12 Brown Act for Commissions | February - April, 2023

12

Electronic Appearances



- Requires Just Cause or Emergency
- Need to contact the Commission Chair as early as possible to agendaize approval.
- Must identify all adults in the room.
- Must appear on camera.
- Limited duration and number.

13 Brown Act for Commissions | February - April, 2023

13

Fair Process



- If you can't be fair, don't participate
- Avoid opinions before the close of a hearing
- Make decisions based on administrative record
 - If you meet with a developer – disclose
 - If you visit a site – disclose
- Avoid the appearance of bias
- Pay attention
- Above all, you will be judged by your fairness and integrity



14 Brown Act for Commissions | February - April, 2023

14

Due Process

▶ What does Due Process mean?

- Notice
- Opportunity to be heard
- Fair and impartial decision-maker

▶ Applies to life, liberty or property interests

- Example: land use developer

▶ Due Process Clause

“No state shall deprive any person of life, liberty or property without due process at law”

– U.S. Constitution Amend XIV, sec. 1

15 Brown Act for Commissions | February - April, 2023



15

Due Process

▶ Use Decorum to Protect Process

- City staff presents report
 - Commission can ask clarifying questions – no opinions

▶ Public hearing / comment period open

- Affected individuals with life, liberty or property interests
- Public comments
- Rebuttal

▶ Public hearing / comment period closes

- Commission can deliberate, state opinions and vote

16 Brown Act for Commissions | February - April, 2023



16



Michael Mutalipassi
City Attorney

mmutalipassi@milpitas.gov
408-586-3040



17 Brown Act for Commissions | February - April, 2023

17



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455 E. Calaveras Blvd., Milpitas, CA 95035
 www.milpitas.gov  408-586-3000



18



Comprehensive Zoning Ordinance Update ZONING ADVISORY COMMITTEE (ZAC)

LWC

The City of Milpitas is seeking representatives from various City commissions to join the Zoning Advisory Committee, or ZAC, to advise the Comprehensive Zoning Ordinance Update. More information on the Zoning Ordinance Update will become available at www.milpitaszoningupdate.org.

WHAT IS THE ZAC?

The Zoning Advisory Committee, or ZAC, is an ad hoc committee established to inform and guide the Zoning Ordinance Update project. The ZAC will be composed of representatives of existing City commissions and will convene at key points during the Zoning Ordinance process to review working material and provide insight and feedback. Participation by members appointed to the ZAC is temporary; the roles and responsibilities of its members will conclude with City Council adoption of the Zoning Ordinance Update, which is anticipated to occur in approximately 2.5 years.

PARTICIPANT ROLES AND RESPONSIBILITIES

The ZAC will be responsible for providing feedback to City staff and to the consultant regarding the Zoning Ordinance Update, including but not limited to issue identification and key changes to the standards and regulations of the Milpitas Zoning Ordinance. It is also the role of the ZAC to assist in ensuring the community's concerns and desires are adequately reflected in the Zoning Ordinance Update. Responsibilities of ZAC members include the following:

- Provide feedback to City staff and the consultant on the planning process and its products.
- Inform City staff and the consultant of information that is valuable to the process or issues/opinions that should be taken into consideration as part of the Zoning Ordinance preparation.
- Pass on knowledge to the community on topics pertinent to the Zoning Ordinance Update.
- Review and discuss items proposed by City staff and the consultant.
- Stay familiar with and seek consistency with the City's General Plan during discussions.
- Serve as an ambassador for the Zoning Ordinance Update, providing the community with information as appropriate.
- Irrespective of individual perspectives or preferences, seek the benefit of the entire community in discussions and feedback.

While the ZAC will provide feedback to the planning team throughout the duration of the project, the adoption of the Zoning Ordinance Update ultimately rests with the Milpitas Planning Commission and City Council.

PARTICIPANT COMMITMENTS

Members are expected to prepare for and participate in five ZAC meetings, anticipated to occur in May 2023, August 2023, April 2024, September 2024, and November 2024. Each meeting may run up to two hours in length. Reading materials will be assigned approximately one week prior to each meeting. Members should expect up to 100 pages of materials prior to some meetings, and are expected to come to each meeting having read and thought about the materials. Meetings will focus on the following topics:

- Project Initiation/Issues Identification
- Background and Recommendations Memo
- Key Topics (TBD)
- Public Review Draft Zoning Ordinance