

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Joint Meeting of the Milpitas City Council  
and Milpitas Housing Authority  
**Date:** Tuesday, March 3, 2020  
**Time:** 6:00 PM Closed Session  
7:00 PM Open Session  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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**CALL TO ORDER**

Mayor Tran called the meeting to order at 6:06 PM. The City Clerk called the roll.

**PRESENT:** Mayor Tran, Vice Mayor Nuñez and Councilmember Phan

**ABSENT:** Councilmembers Dominguez and Montano

Councilmember Montano was absent at roll call. She arrived in Closed Session and departed the meeting at 9:25 PM.

**CLOSED SESSION**

City Council convened in Closed Session to discuss two items regarding labor negotiations.

At the dais, Mayor Tran called to order the open session/regular meeting at 8:00 PM.

**ANNOUNCEMENT**

City Attorney Chris Diaz reported no action out of Closed Session.

**PLEDGE**

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

**INVOCATION**

Rajesh Shah, as invited by Mayor Tran, gave the invocation prayer.

**PRESENTATION**

Mayor Tran proclaimed March 2020 as *American Red Cross Month*, accepted by Ms. Thu Thuy Nguyen from the American Red Cross Silicon Valley.

**PUBLIC FORUM**

The following residents addressed the City Council, opposed to a proposed new hotel:

Badal Choudhary  
Spike Jones  
Allysson McDonald  
Nida Peralta  
Barbara Doll  
John Doll  
Yolie Garcia  
Manu Jain  
Barbara Jo Navarro  
Fauja Bariana

Other speakers were:

Voltaire Montemayor  
Frank DeSmidt

**ANNOUNCEMENTS**

Vice Mayor Nuñez indicated that officials including the Mayor, himself and the Milpitas Unified School Board President and Vice President would meet to discuss steps regarding coronavirus, as the two largest public agencies in the city.

Councilmember Montano attended a meeting on the US census sponsored by Congressman Ro Khanna. She reported that San Mateo County had adopted a resolution on the census and asked the Mayor for the City of Milpitas to do so. Regarding the Code of Ethics, she asked to have her colleagues recite it before each meeting. Referring to a

policy in the City of Santa Clara, Ms. Montano wanted a similar policy of no cell phone use at the dais during Milpitas City Council meetings.

Vice Mayor Nuñez noted for his colleagues the sign recently posted of the adopted City Council Code of Conduct, found printed on each agenda.

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

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, none were reported.

**APPROVAL OF AGENDA**

Motion: to approve the City Council agenda, as presented, with a change in the order items would be heard: after the Public Hearing no. 15, go to agenda items no. 20, no. 21, no. 23

Items requested to be moved onto consent were: no. 16, no. 17, no. 18, no. 21, no. 23, no. 25, no. 27 and no. 28.

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

**CONSENT CALENDAR**

Motion: to approve the consent calendar including items added to consent, identified by Mayor Tran as numbers 16, 17, 21, 22, 23, 25, 27 and 28

While requested, no. 18 was not added to consent due to public speakers.

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

- C1. Council Calendars Received the calendar of upcoming meetings for the month of March 2020.
- C2. Meeting Minutes Approved City Council meeting minutes of January 28 and 31, and February 18, 2020.
- C3. Adopt Ordinance Waived the second reading and adopted Ordinance No. 38.835, amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 4, 6, 13, and 53 to establish regulations for Short Term Rentals.
- C4. Resolution Adopted Resolution No. 8947 to initiate proceedings for the annual levy and collection of assessments and ordering preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch.
- C5. Resolution Adopted Resolution No. 8948 to initiate proceedings for the annual levy and collection of assessments and ordering preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon.
- C6. Resolution Adopted Resolution No. 8949 acknowledging receipt of the report by the Milpitas Fire Department regarding inspection of certain occupancies requiring annual inspections, pursuant to sections §13146.2 and §13146.3 of the California Health and Safety Code.
- C7. Resolution Adopted Resolution No. 8950 granting acceptance of the Transit Area Specific Plan On-Street Parking Program, Project No. 2017, authorizing the City Engineer to file a Notice of Completion, and to authorize the City Engineer to issue a Notice of Final Acceptance after the one-year warranty.

- C8. Bidders for Fire Station No. 2 Replacement Approved list of pre-qualified bidders and authorized advertisement for bids for the Fire Station No. 2 Replacement, Project No. 3447.
- C9. Stormwater Agreement Authorized the Interim City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Alps Group, Inc. for the Holiday Inn development project at 1100 Cadillac Court.
- C10. Amendment to Agreement with DeltaWRX Approved and authorized the City Manager to execute Amendment No. 1 to the Agreement with DeltaWRX, LLC for Law Enforcement Records Management System consulting services by increasing the not to exceed amount from \$59,340 to \$209,061. Authorized the transfer of \$149,721 from the City Manager's Contingency Fund to the CIP Project No. 3423, Police Records Management System.
- C11. Fee Waiver For the request received by the City Clerk from Milpitas Friends of the Library on February 7, 2020, approved a fee waiver of \$112.86 for Temporary Banner Sign Permit fee to hang a Book Sale Banner on the Library (outdoors) on six dates in 2020.
- C12. Fee Waiver For the request received by the City Clerk from Christ Community Church on February 3, 2020, approved a fee waiver of \$1,500 maximum towards Special Event Permit Fee (\$923.63) and partial Park Rental Fee (\$567.37) for Sinnott Park on April 4, 2020 for an Easter Egg Hunt community event.
- C13. Legislation Received a summary report on California Assembly Bill 291 and Senate Bill 378 and authorized letters of support.
- C14. Appoint New Planning Commissioner Newly appointed Mercedes Albana to a term of three years on the Milpitas Planning Commission into a term that will expire in December 2022.

**PUBLIC HEARING**

15. Weed Abatement Fire Marshal/Deputy Fire Chief Albert Zamora presented the annual weed abatement program and introduced Mr. Moe Kumre from the Santa Clara County Agriculture office.
- Mayor Tran opened the public hearing, and resident Voltaire Montemayor spoke.
- (1) Motion: to close the public hearing, following one speaker
- Motion/Second: Councilmember Phan/Councilmember Montano
- Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSENT: 1 (Dominguez)
- (2) Motion: to adopt Resolution No. 8951 directing the County of Santa Clara Consumer and Environmental Protection Agency-Weed Abatement Program to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council, in accordance with the Milpitas Municipal Code
- Motion/Second: Vice Mayor Nuñez/Councilmember Phan
- Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSENT: 1 (Dominguez)

**COMMUNITY DEVELOPMENT**

- C16. Second hand smoke in multi-unit housing Item was added to consent. Received agenda report and authorized the City Manager to conduct public outreach, develop policy options to prohibit smoking and exposure to

secondhand smoke in multi-unit housing, and to prepare an implementation plan for future consideration and adoption by the City Council.

C17. Housing Report

Item was added to consent. Received the 2019 Housing Element Annual Progress Report and Housing Successor Agency Annual Report, and authorized submittal of both reports to the California Department of Housing and Community Development (HCD).

18. Pilot Rent Relief Program update

Housing Authority Administrator Robert Musallam updated Council on the pilot rent relief program for low income residents.

Mayor Tran invited speakers, and residents Yolie Garcia, Allysson McDonald and Voltaire Montemayor addressed the Council.

Motion: to approve a budget amendment to appropriate an additional \$100,000 from the Affordable Housing Fund to the FY 2019-20 Housing Operating Budget for Silicon Valley Independent Living Center (SVILC) to fund the Pilot Rent Relief Program; and, to authorize the City Manager to prepare and execute an amendment to the one-year Professional Services Agreement with Silicon Valley Independent Living Center to include the additional \$100,000 for the management of the Pilot Rent Relief Program

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 3  
NOES: 0  
ABSENT: 2 (Dominguez, Montano)

**COMMUNITY SERVICES**

19. Agreement with BrightView Landscape

Public Works Director Tony Ndah requested Council approval of an extended contract with the current vendor BrightView for landscape maintenance of ten City parks, in addition to the 26 parks currently maintained by the contracted service.

Motion: to approve and authorize the City Manager to execute a five-year agreement with BrightView Landscape Services Inc. for Citywide parks maintenance services for an amount of \$1,601,698.93 in the first year and a total amount not to exceed \$8,419,055.76 over five years, subject to annual appropriation of funds

Motion/Second: Vice Mayor Nuñez/Mayor Tran

Motion carried by a vote of: AYES: 3  
NOES: 0  
ABSENT: 2 (Dominguez, Montano)

**LEADERSHIP**

20. Resolution

City Manager Steve McHarris explained the request for adjustment to salaries for police and fire management positions to correct for compaction. Assistant City Manager Ashwini Katak described compaction, staff equity issues, and costs for the proposed action by Resolution.

(1) Motion: to adopt Resolution No. 8952 amending the Classification Plan adjusting salary ranges for unrepresented Police management and specific unrepresented Fire management classifications by 10.69% and adopt the pay schedule entitled "All Job Classifications Salary Table"

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

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

(2) Motion: to approve salary increases for the unrepresented police management by 10.69%, effective the first full pay period following this City Council meeting date

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

Motion carried by a vote of:

AYES: 4  
NOES: 0  
ABSENT: 1 (Dominguez)

At 9:25 PM, Councilmember Montano departed the meeting.

C21. Pension Report Item was added to consent. Reviewed the pension actuarial report and directed staff to return to City Council with the necessary documents for the establishment of a 115 Pension Trust.

C22. Agreement with Chandler Asset Management Item was added to consent. Approved and authorized the City Manager to execute the agreement with Chandler Asset Management for a five-year contract amount not to exceed \$790,000, with the first year of the contract in the amount of \$150,000, for investment services to manage the City's pooled portfolio, subject to the annual appropriation of funds.

C23. Community Engagement Survey Item was added to consent. Received a report on results of the 2020 Citywide Community Engagement Survey.

#### **REPORTS**

Vice Mayor Nuñez asked staff to comment about the City's response to the corona virus, and the City Manager responded.

24. Agenda Items requested Item was not heard.

C25. Council Rules Subcommittee Item was added to consent. Received meeting minutes of the City Council Rules Subcommittee on January 31, 2020, a joint meeting with the City Council.

26. Support for Laura's Law Item was not heard.

C27. Housing Subcommittee Item was added to consent. Received meeting minutes of the January 14, 2020 City Council Housing Subcommittee meeting.

C28. Transportation Subcommittee Item was added to consent. Received meeting minutes of the February 12, 2020 City Council Transportation Subcommittee meeting.

#### **NEXT AGENDA**

29. Preview next agenda Received the preview list of agenda items for the March 17, 2020 City Council meeting.

#### **ADJOURNMENT**

Mayor Tran adjourned the joint meeting at 10:24 PM.

*The foregoing meeting minutes were approved by Milpitas City Council on March 17, 2020.*

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*Mary Lavelle, City Clerk*