

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, April 7, 2020
Time: 6:00 PM Closed Session
7:00 PM Open Session
Location: Meeting held via teleconference
Milpitas, CA

- CALL TO ORDER** Mayor Tran called the regular meeting to order at 6:30 PM. City Clerk called the roll. The meeting took place via teleconference and webinar.
- PRESENT:** Mayor Tran, Vice Mayor Nuñez, Councilmembers Dominguez, Montano and Phan
- ABSENT:** None
- CLOSED SESSION** City Council convened into Closed Session to discuss three items listed on the agenda, two labor negotiation items and one anticipated litigation.
- By phone conference, Mayor Tran called to order the open session/regular meeting at 7:43 PM.
- ANNOUNCEMENT** City Attorney Chris Diaz reported no action out of Closed Session.
- PLEDGE** Mayor Tran led the pledge of allegiance.
- INVOCATION** Vice Mayor Nuñez said a prayer to start the meeting.
- PRESENTATION** Mayor Tran proclaimed April 2020 as *Vietnamese American Heritage Month*.
- PUBLIC FORUM** City Clerk Mary Lavelle read aloud e-mailed comments received from: Amit Jain, Shiela Thomas, Maria Kardaeva, and Allysson McDonald, related to a County proposal regarding land on Thompson Street in Milpitas.
- Councilmember Dominguez summarized what she had observed, regarding results of a County Board of Supervisors meeting on the shelter topic, held this date April 7.
- ANNOUNCEMENTS** Councilmember Phan asked staff to explore an opportunity to have an onsite Milpitas testing location for Covid-19 made available to the public, due to difficulty with testing.
- Councilmember Montano proposed a proclamation for the City Council to recommend that residents wear face coverings for safety, promoting that idea, and to include discouraging adults from bringing children into the grocery with parents. The City Attorney suggested Councilmembers raise their hands to determine if all were in favor of her proposal for a future agenda.
- Councilmember Dominguez sought support for her idea to lead a collective of residents providing and making masks, wherein residents could bring masks to public safety departments, or another location, and then offer those masks to the public in Milpitas, if needed, and provided that no staff work was required.
- Vice Mayor Nuñez reported on a Milpitas High School group that showed a video at Milpitas Rotary Club. Youth were making masks and delivering those to first responders. Mr. Nuñez was in favor of all ways to get these masks out to the community.

Mayor Tran was not in favor of having the City provide PPE or face coverings.

Upon the Mayor's summary of the ideas mentioned, Councilmembers agreed that staff would bring back ideas on how to collaborate with community partners to provide, and promote use of, face coverings, at a future Council 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, no conflicts were reported.

Councilmember Dominguez reported, on the hotel agenda item, that consultant Mark Tiernan, contributed \$100 to her campaign for City Council (in 2018).

APPROVAL OF AGENDA

Motion: to approve the City Council agenda, as presented

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, items no. C1 – C5 and C7

Vice Mayor Nuñez requested to remove item no. C6 from consent.

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

- C1. Council Calendars Received the calendar of upcoming meetings for the month of April 2020.
- C2. Meeting Minutes Approved City Council meeting minutes of March 17, 2020.
- C3. Resolution – Game Time Adopted Resolution No. 8954 approving purchase of GameTime Playground Equipment through a cooperative procurement contract by the City of Charlotte, NC and authorizing the City Manager to execute an equipment purchase agreement with GameTime for an amount not to exceed \$711,003.89.
- C4. Resolution - Sielox Adopted Resolution No. 8955 to approve sole source request for the procurement of access control and alarm monitoring system manufactured by Sielox LLC for Fire Station No. 2 Replacement, Project No. 3447.
- C5. Resolution – Federal Emergency Procedures Adopted Resolution No, 8956 approving the City of Milpitas Federal Emergency and Federal Grant Procurement Procedures.
- 6. Resolution to Amend Classification Plan Item No. 6 was removed from consent. It was not heard, and would move to April 10.
- C7. MOU with County for Crime Lab case work Approved and authorized the City Manager to execute a Memorandum of Understanding between the County of Santa Clara and the City of Milpitas for Crime Laboratory Major Case Work and authorized the City Manager to pay the annual crime laboratory bill.

PUBLIC HEARING

- 8. Appeal regarding La Quinta Hotel development project City Attorney Chris Diaz explained why this appeal of the Planning Commission vote to deny the hotel project (La Quinta Hotel) was on the agenda at this meeting, scheduled originally within 60 days of receipt of the appeal, postponed on March 17 to be held on this date, which was fully within the law at an all electronic/teleconference meeting.

City Clerk Mary Lavelle described the multiple methods for incoming comments collected from the public for this hearing.

Mr. Diaz asked City Councilmembers, individually, if they had anything to reveal in preparation for this public hearing.

Councilmember Phan reported he'd met with everyone who asked to meet with him on the proposal, and drove by the site.

Councilmember Montano met with the applicant and his consultant, and with a neighborhood group. She walked the site and visited La Quinta Hotel in Morgan Hill.

Councilmember Dominguez made a site visit, went to La Quinta Hotel in Morgan Hill, met with the applicant, and with the public who asked. She read a 34-page report sent by a community group.

Vice Mayor Nuñez met with a community group, anyone who called him by phone, with the applicant and his representative. He drove by the site and went to Morgan Hill.

Mayor Tran met with the applicant and his consultant, with neighbors, drove by the site, and had been a member of the previous gym at the site.

Planning Director Ned Thomas and Associate Planner Lillian VanHua presented the appeal of a Planning Commission decision to deny the application for a new La Quinta Hotel at 1000 Jacklin Road in Milpitas.

Mayor Tran opened the public hearing at 9:46 PM.

Applicant/appellant presented a video from the La Quinta Hotel president. Consultant and resident Mark Tiernan spoke and displayed powerpoint slides, and responded to Council questions.

For public comments during the public hearing portion, remarks voicing both support and opposition, were provided in three manners:

- 1) 72 recorded voicemail messages were played aloud
- 2) 22 voice recordings with powerpoint slides were played and displayed online
- 3) 78 written email comments submitted from 12:00 PM April 7 through 1:30 AM on April 8 were read out loud by the City Clerk and Deputy City Clerk.

Appellant then had a rebuttal period of five minutes. Mr. Joe Gigantino, owner and project applicant, read aloud his response.

City Attorney Diaz provided guidance to the Mayor and City Council about closing the public hearing, in order to continue the meeting to Friday, April 10, 2020 to allow for deliberation and a vote. If the public hearing was closed at this meeting, no new information could be provided to Councilmembers, in order to make a decision.

The City Clerk read one more comment into the record, after Mayor Tran asked her if there were any more emails.

Motion: to close the public hearing, concerning the appeal on the Planning Commission decision to deny the planning actions for the La Quinta Hotel proposal, at 1:47 AM on Wednesday, April 8, 2020

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

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

Motion: to continue the deliberation on this appeal on La Quinta Hotel project to a special City Council meeting on Friday, April 10, 2020 at 5:30 PM, and to add agenda item no. 6 (Resolution amending Classification Plan), earlier removed from the consent calendar

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

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

REPORTS

- 9. Economic Development Items no. 9 through 13 were not heard.
- 10. Resolution (CEDAW)
- 11. Agenda Item requests
- 12. Support for Laura's Law
- 13. Preview next Agenda

ADJOURNMENT

Mayor Tran adjourned the regular meeting at 2:07 AM on Wednesday, April 8, 2020.

The foregoing minutes were approved by the Milpitas City Council on April 21, 2020.

Mary Lavelle, City Clerk