

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, May 5, 2020
Time: 6:00 PM Closed Session
7:00 PM Open Session
Location: Meeting held via teleconference/zoom meeting
Milpitas, CA

- CALL TO ORDER** Mayor Tran called the regular meeting to order at 7:01 PM. City Clerk called the roll. The meeting took place via teleconference and zoom webinar.
- PRESENT:** Mayor Tran, Vice Mayor Nuñez and Councilmembers Dominguez, Montano and Phan
- ABSENT:** None
- CLOSED SESSION** City Council convened into Closed Session (by telephone) to discuss two items listed on the agenda, one labor negotiation item and one anticipated litigation.
- By phone conference, Mayor Tran called to order the open session/regular meeting at 7:37 PM.
- ANNOUNCEMENT** City Attorney Chris Diaz reported no action out of Closed Session. He stated the City Council did not discuss closed session item (a).
- PLEDGE** Mayor Tran led the pledge of allegiance.
- INVOCATION** Councilmember Dominguez introduced Pastor Dan Vera from Community Church, who offered a prayer to start the meeting.
- PRESENTATIONS** Mayor Tran proclaimed May 2020 as Asian Pacific American Heritage Month, National Mental Health Awareness Month, and Older Americans Month.
- PUBLIC FORUM** City Clerk Mary Lavelle read aloud comments from residents Warren Wettenstein of the Milpitas Chamber of Commerce, and Yolie Garcia.
- ANNOUNCEMENTS** City Manager Steve McHarris reviewed the City's website concerning coronavirus and Covid-19 information and community resources.
- Councilmember Phan requested agenda item no. 11 (potential tax measures), not be discussed on this date. He asked to place the topic on the next meeting agenda, to narrow the focus to the sales tax only.
- Mr. Diaz re-stated what Mr. Phan had requested: to defer item no. 11 to the next meeting date, and for staff to bring back only the discussion of potential sales tax. Three members were in favor of this request while one abstained (Mayor Tran) and one opposed (Dominguez).
- Councilmember Dominguez felt a need to refocus on the City Council Rules Subcommittee process. It should work to alleviate what happened, bring back conversation, and provide rules on how policy was to be adopted by the Council. She requested a Rules Committee meeting with all five Councilmembers, and continue those meetings going forward, and on the next agenda.

City Attorney Diaz asked for a roll call vote on her proposal. The Mayor and three other Councilmembers did not favor Ms. Dominguez' request.

Councilmember Montano said it was "Teacher Appreciation Month" in May, and asked the Mayor for a proclamation. She reported that City of San Jose exempted charging a fee for grocery bags at stores, and Milpitas should look into that. The City Attorney explained that it was already suspended per the Governor's Executive Order. Ms. Montano sought enforcement in Milpitas, and all Councilmembers were in favor of a report coming back to the City Council on this topic at the next meeting.

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 or contributions were reported.

APPROVAL OF AGENDA

Motion: to approve the City Council agenda, as amended removing items no. 11 and 14

Councilmember Dominguez asked to remove item no. 14 (Resolution for CEDAW) and put it on the next agenda.

Previously, City Council voted to remove agenda no. 11 (potential tax measures).

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 – C6, and no. 15

Mayor Tran asked to place no. 15 on consent (Resolution to condemn discrimination).

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

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

- C1. Council Calendars Received the calendar of upcoming meetings for May 2020.
- C2. Meeting Minutes Approved City Council meeting minutes of April 14 and 21 (2), 2020.
- C3. Resolution – fire station no. 2 demolition Adopted Resolution No. 8963 to award a construction contract and authorize the Interim City Manager to execute the contract with the lowest responsible bidder submitting a bid, CVE Contracting Group Inc. doing business as Central Valley Environmental, in the amount of \$245,400 for demolition of Fire Station No. 2 as part of the Fire Station No. 2 Reconstruction Project No. 2447. Authorized City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$60,000.
- C4. Resolution – LLMD No. 95-1 Adopted Resolution No. 8964 approving the Annual Engineer's Report, and adopted Resolution No. 8965 declaring intention to levy and collect assessments for Fiscal Year 2020-21 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 95-1 (McCarthy Ranch), and provide Notice of Public Hearing to be held on May 19, 2020 for LLMD No. 95-1 McCarthy Ranch.
- C5. Resolution – LLMD No. 98-1 Adopted Resolution No. 8966 approving the Annual Engineer's Report, and adopted Resolution No. 8967 declaring intention to levy and collect assessments for Fiscal Year 2020-21 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 98-1 (Sinclair Horizon), and provide Notice of Public Hearing to be held on May 19, 2020 for LLMD No. 98-1 Sinclair Horizon.

C6. Resolution

Adopted Resolution No. 8968 to confirm the Order of the Director of Emergency Services imposing regulations to protect essential workers and consumers through the use of face coverings.

PUBLIC HEARING

7. Master Fee Schedule

Finance Director Walter Rossmann provided an overview on the proposed annual update to the Master Fee Schedule for the City of Milpitas.

Mayor Tran opened the public hearing.

Comments received:

- 1) recorded voicemail from resident Allysson McDonald, on Sunnyhills annual Halloween event park use fees
- 2) written comment read from resident Voltaire Montemayor

Motion: to close the public hearing, following two comments

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

Finance Direction Rossmann reported two corrections to the fee schedule, for solar permit fees in the Building Department.

Motion: to adopt Resolution No. 8969 approving the updated Master Fee Schedule, including two corrections to solar permit fees

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

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

COMMUNITY DEVELOPMENT

8. Economic Development Strategy

Economic Development Director Alex Andrade presented the proposed strategy (a five year plan), along with consultants from the Strategic Economics firm, Sujata Srivastava and Derek Braun. Mr. Andrade identified a list of business assistance actions the City had taken during Covid-19 crisis time.

Mayor Tran requested a performance measure, at the next update (in one year).

Vice Mayor Nuñez said missing from the report was recent action of the Economic Development staff helping businesses in the crisis time. He wanted to know costs of the plan and urged that be included. Delegation of scope to the City Manager was also missing.

City Manager McHarris responded that staff could return in two weeks, or respond by informational memorandum.

The City Clerk read aloud written comments submitted by two residents: Voltaire Montemayor and Urvish Mehta.

Motion: to receive the report from Alex Andrade, and to adopt the City of Milpitas Economic Development Strategy and implementation actions, and additionally include the efforts of the Economic Development office assisting small businesses specifically,

an estimated cost for implementation of the strategy over five years; and, delete item no. 33 in the plan (in reference to cannabis businesses)

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

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

9. Brand Strategy

At 11:00 PM, Mayor Tran asked to move this item to the next agenda.

LEADERSHIP

10. 3rd Quarter Financial Status FY 2019-20

Finance Director Rossmann reported on the third quarter of the City's fiscal year 2019-20 budget, including a recent drop in revenues due to the coronavirus pandemic.

Mayor Tran and Mr. Rossmann both noted the City Council would meet the following Tuesday for a budget study session for the next fiscal year 2020-21.

Motion: to approve necessary Budget Amendments to re-balance the amended FY 2019-20 General Fund budget, including use of reserves

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

AYES: 5
NOES: 0

11. Potential Tax Ballot Measures

This item was removed from the agenda. Earlier in the evening, Councilmembers requested this matter to be heard on May 19, regarding only the topic of a potential sales tax measure for the ballot (no discussion on cannabis sales tax).

REPORTS

12. Agenda Item requests

Item was not heard.

13. Support for Laura's Law

Item was not heard.

14. Resolution (CEDAW)

Item was removed from the agenda, to be rescheduled May 19, 2020 agenda.

C15. Resolution

Item was added to the consent calendar and approved. By unanimous vote, the City Council adopted Resolution No. 8970 to condemn xenophobia and discrimination directed toward all communities, during the time of the coronavirus pandemic.

AGENDA PREVIEW

16. Preview next Agenda

City Council received the preview list of anticipated agenda items for May 19, 2020.

ADJOURNMENT

Mayor Tran adjourned the regular meeting at 11:27 PM in memory of deceased former Mayor and distinguished veteran Denny Weisgerber, on his birthdate.

The foregoing minutes were approved by the Milpitas City Council on May 19, 2020.

Mary Lavelle, City Clerk