

MEETING MINUTES CITY OF MILPITAS

Minutes of: Joint Meeting of the Milpitas City Council and Milpitas Housing Authority
Date: Tuesday, May 19, 2020
Time: 6:00 PM Closed Session
7:00 PM Open Session
Location: Meeting held via teleconference/zoom webinar
Milpitas, CA

CALL TO ORDER

Mayor Tran called the joint meeting to order at 6:12 PM. City Clerk called the roll. The meeting took place via teleconference and zoom webinar.

PRESENT: Mayor Tran, Vice Mayor Nuñez, Councilmembers Dominguez and Phan

ABSENT: Councilmember Montano. She arrived later in the Closed Session.

CLOSED SESSION

City Council convened into Closed Session to discuss two items listed on the agenda, one labor negotiations and one anticipated litigation.

By phone conference, Mayor Tran called to order the open session/regular joint meeting at 7:35 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 led a prayer to start the meeting.

PRESENTATIONS

Mayor Tran proclaimed May 2020 as *Teacher Appreciation Month* and *Affordable Housing and Building Safety Month*. He also proclaimed May 17 - 23, 2020 as *Public Works Week*.

PUBLIC FORUM

City Clerk Mary Lavelle read aloud comments from residents Voltaire Montemayor, Tom Valore, Inderjit Mundra, and Warren Wettenstein.

ANNOUNCEMENTS

Mayor Tran and Vice Mayor Nuñez requested to light up City Hall with blue and gold colors to celebrate local High School Seniors graduation. He requested using City funds from the Community Promotions budget, in the coming month. The Mayor asked all Councilmembers if they agreed and consensus was heard.

Vice Mayor Nuñez had ideas for the City Council Small Business Assistance Subcommittee: consider use of Community Development Block Grant funds for loans, establish parklets, use Arts funding for restaurants to do something artistic, and other ideas to help small businesses in Milpitas.

Councilmember Dominguez thanked Second Harvest, staff and volunteers who in the recent food distribution for Milpitas families. She also thanked Isert group, which collected food for the distribution.

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 submitted

Mayor Tran asked to hear item No. 15 (Agreement with City Manager) after the Public Hearings.

Motion/Second: Vice Mayor Nuñez Councilmember Dominguez

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

CONSENT CALENDAR

Motion: to approve consent calendar including items no. C1, C2, C4, C5, C7, C8 and C9

Vice Mayor Nuñez asked to removed agenda items no. C3 (Housing Authority loan term extension) and no. C6 (Amendment with De Novo Planning Group) from consent.

City Clerk read aloud one comment on item no. C5, from resident Puneet Sandhu.

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 May 2020.
- C2. Meeting Minutes Approved City Council meeting minutes of April 14 and 21 (2), 2020.
- 3. Loan Term Extension This Housing Authority topic was pulled from consent, and was not heard.
- C4. COPS Grant Accepted the 2020 Citizen Options for Public Safety Grant in the amount of \$115,531 and approve a budget appropriation to the Police Department’s operating budget.
- C5. Report to HCD Received the 2019 General Plan Annual Progress Report and authorized submittal of the report to the Governor’s Office of Planning and Research (OPR).
- 6. Amendment No. 1 with De Novo Planning Item was removed from consent and was not heard.
- C7. Reappoint Two Commission members Re-appointed Commissioner Casey McNeil and Alternate Member No. 2 Juliette Gomez to new 3-years terms on the Economic Development and Trade Commission. Terms would expire at the end of April of 2023.
- C8. Amendment No. 1 to MOU with Valley Water Approved and authorized the City Manager to execute Amendment No. 1 to the Memorandum of Understanding with the Valley Water District Establishing a mutual waiver of fees for City and District Capital Improvement Program projects.
- C9. Suspension of Carry Out Bags law Received and accepted the report on suspension of the state’s Carry-Out Bag (including grocery shopping bags at no charge) law under Executive Order N-54-20.

PUBLIC HEARINGS

- 10. McCarthy Ranch LLMD No. 95-1 City Engineer Steve Erickson provided a report on the McCarthy Ranch Landscape and Lighting Maintenance District, for the landscaped area along N. McCarthy Blvd., and reviewed the need for assessment annually to cover costs of maintenance.

Mayor Tran opened the public hearing and no comments were submitted.

Motion: to close the public hearing, after hearing no comments

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

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

Motion: to adopt Resolution No. 8971 confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2020-21

Motion/Second: Councilmember Phan/Councilmember Montano

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

**11. Sinclair Horizon LLMD
No. 98-1**

Mr. Erickson next provided a report on the Sinclair Horizon Landscape and Lighting Maintenance District, for the neighborhood developed near Los Coches and Sinclair Frontage Road, and reviewed the need for assessment annually to cover costs of maintenance.

Mayor Tran opened the public hearing.

City Clerk read aloud comments from two residents, Voltaire Montemayor and Urvishkumar Mehta.

Motion: to close the public hearing, following two comments

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

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

Motion: to adopt Resolution No. 8972 confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2020-21

Motion/Second: Councilmember Dominguez/Councilmember Phan

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

**12. Ordinance No. 305 for
medical billing fees**

Milpitas Fire Department Battalion Chief Geoff Maloon described the proposed ordinance, in order to impose appropriate fees for transport via the Fire Department's new ambulance. Standard transport fee was \$1,710.12, established by the County, and most often was billed to an insurance carrier (not the patient). The fee would be added to the City's Master Fee Schedule.

Mayor Tran opened the public hearing and heard no comments.

Motion: to close the public hearing, following no public comment

Motion/Second: Councilmember Montano/Councilmember Dominguez

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

City Attorney Diaz read aloud the title of Ordinance No. 305, "An Uncodified Ordinance of the City Council of the City of Milpitas Establishing Fees for Ambulance and Emergency Medical Services."

Motion: to waive the first reading beyond the title and introduce Ordinance No. 305 to establish ambulance and emergency medical services fees

Motion/Second: Councilmember Phan/Councilmember Dominguez

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

COMMUNITY DEVELOPMENT

13. Community ID and Branding Study

Assistant City Manager Ashwini Kantak introduced a summary of the study done for community identification and branding of the City of Milpitas. Articulate Solutions consultants made a presentation to the City Council. Staff recommended proceeding with Phase II after the end of the COVID-19 emergency.

City Clerk read aloud comments from three residents: Inderjit Mundra, Voltaire Montemayor, and Urvishkumar Mehta.

Motion: to receive the report from staff and consultant firm Articulate Solutions on Phase I of the Community Identification and Branding Study, and directed staff to proceed on to Phase II

Motion/Second: Councilmember Montano/Councilmember Dominguez

Motion carried by a vote of: AYES: 3
NOES: 2 (Nuñez, Phan)

At 11:00 PM, Mayor Tran agreed with the Vice Mayor's suggestion to complete items numbered 18, 17 and 16, and then to adjourn the meeting.

LEADERSHIP

14. IT Strategic Plan

Item was not heard.

15. Agreement with City Manager

Item was heard following the public hearings.

City Attorney Chris Diaz introduced the negotiated agreement for the City Council to confirm its hiring of Steve McHarris on a full-time basis as the permanent City Manager for the City of Milpitas. Mayor and City Councilmembers offered words of support and appreciation to Mr. McHarris.

City Clerk read aloud comments from two residents, Voltaire Montemayor and Urvish Mehta.

Mr. McHarris thanked the Mayor and Councilmembers for the permanent appointment, following his one year as the Interim City Manager of Milpitas.

Motion: to approve an Employment Agreement with Steven McHarris to serve as City Manager and directed staff to make minor modifications to the Unrepresented Employee Benefits Handbook

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

AYES: 5
NOES: 0

REPORTS

16. Agenda Item requests

Item was not heard.

17. Support for Laura's Law Councilmember Phan addressed his colleagues, explaining the purpose of Laura's Law regarding citizens' mental health issues and need for conservatorship under specific conditions, in cooperation with the County mental health services.

City Clerk read aloud one public comment from Voltaire Montemayor.

Motion: to support "Laura's Law" and to direct staff to send a letter of support to the County Board of Supervisors

Motion/Second: Councilmember Phan/Vice Mayor Nuñez

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

18. Resolution (CEDAW) Councilmember Dominguez asked for this resolution, along with Councilmember Phan, in order to support the United Nations effort to reduce or eliminate all discrimination against women.

Vice Mayor Nuñez wanted a specific date per Resolution (item No. 3 on page 2), when the City Manager would come back to City Council with a report and actions. City Attorney Diaz said he could work with Councilmember Dominguez to finalize the resolution with a firm date for the ordinance.

Motion: to adopt Resolution No. 8973 in support of the principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, known as CEDAW, and include the date for report back by June 16, 2020

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

AYES: 5
NOES: 0

AGENDA PREVIEW

19. Preview next Agenda City Council received the preview list of anticipated agenda items for June 2, 2020.

ADJOURNMENT

Mayor Tran adjourned the joint meeting at 11:14 PM.

The foregoing minutes were approved by the Milpitas City Council on June 2, 2020.

Mary Lavelle, City Clerk