

MEETING MINUTES

CITY OF MILPITAS

Minutes of: Joint Meeting of the Milpitas City Council and
Milpitas Public Financing Authority
Date: Tuesday, June 16, 2020
Time: 6:00 PM Closed Session
7:00 PM Open Session
Location: Meeting held via teleconference/zoom webinar online
Milpitas, CA

CALL TO ORDER

Mayor Tran called the joint meeting to order at 6:04 PM. City Clerk Mary Lavelle called the roll. The meeting took place via teleconference and zoom webinar.

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

ABSENT: None

CLOSED SESSION

City Council convened into Closed Session to discuss two items listed on the agenda - one labor negotiation and one litigation matter.

At 7:10 PM, the Council exited Closed Session to begin the public part of the meeting.

ANNOUNCEMENT – from Closed Session

City Attorney Chris Diaz said that while direction was given to staff, there was no announcement out of Closed Session.

PLEDGE

Mayor Tran led the pledge of allegiance.

INVOCATION

Councilmember Phan invited Vice Mayor Nuñez to provide an invocation.

PUBLIC FORUM

City Clerk and Deputy City Clerk read aloud 43 comments from the public, submitted via online form, referencing the City budget, Milpitas Police Department, Milpitas Fire Department, housing, racial justice and fairness.

PRESENTATIONS

Mayor Tran proclaimed:

- June 2020 as *LGBTQ Pride Month*
- July 2020 as *Parks and Recreation Month*
- City's Commitment to Racial Justice

ANNOUNCEMENTS

Mayor Tran announced he'd signed the Mayor's pledge of the Obama Foundation, per request of Councilmember Phan. He acknowledged recent protests and a rally held in Milpitas. The Mayor asked the City Manager to put out a statement, with a fiscal impact, concerning how the city maintained safety for all people during recent activity.

Councilmember Dominguez asked to bring back, for discussion, making implicit bias mandatory training of a two-hour duration for elected officials. Mayor Tran asked for a memo sent out to everybody on this topic, as he required more information. Councilmember Phan did not want to limit training only to elected officials, but to consider it for Commissioners and staff, too. City Council was in favor.

Vice Mayor Nuñez attended the Milpitas BART station opening, where he saw Councilmember Montano after she was injured at that event, and thus why she was not at

recent marches. He reminded the public that there was a Public Safety Commission and Councilmember Dominguez served as the Council liaison. He thanked the Mayor for signing the Mayor's pledge.

Councilmember Montano asked for an agenda item to form a Day Worker Program, essential in Milpitas, and look to other cities for expertise. She asked for another item to discuss City Council term limits to be eight years, not as currently defined.

City Attorney Diaz asked for a vote on two items requested by Councilmember Montano. All were in favor of discussion of a Day Worker program. Mayor Tran asked to revise the second one to be term limits in general (including Mayor and City Councilmembers), in August at the next regular meeting. Three favored this topic, while two did not (Phan, Dominguez).

City Manager McHarris said all these topics would go on the list of Agenda Items requested by Councilmembers.

Councilmember Dominguez reported the upcoming July 28 expiration of tenant eviction protections by the County. She wanted an emergency item for discussion on the next meeting agenda to protect residents, for the period when City Council was on recess in July – possibly an ordinance – prior to summer break. Mayor Tran suggested the June 30 meeting date. City Attorney Diaz asked for the vote on her request: 2 Ayes (Phan, Dominguez), 1 No (Nuñez), 1 Abstain (Tran) and Councilmember Montano did not participate. City Attorney Diaz said that passed, 2-1.

Councilmember Dominguez wanted a list of city charges of assistance or subsidy that could be brought back to assist the small business community. Mayor Tran asked the City Manager what fees this would concern, and Mr. McHarris responded the business license fee, and maybe tenant improvement fees if applicable to a small business.

Vice Mayor Nuñez said this topic could be discussed at item no. 20 (Small Business grant program) on this agenda, while any action would need to return in August. The City Attorney replied they could have a light discussion, and give direction to staff.

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

At 8:57 PM, City Attorney Diaz asked the Mayor and City Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, no conflicts or contributions were reported.

Vice Mayor Nuñez noted that he served on the Board of Directors of the Santa Clara Valley Transportation Authority. Regarding consent calendar item no.13, a property purchase from VTA, the City Attorney said Mr. Nuñez could vote on that item, so long as he did not feel he had a conflict. Mr. Nuñez agreed he did not.

APPROVAL OF AGENDA

Motion: to approve the June 16, 2020 meeting 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, including items no. C1 – C19, and adding items no. 22, 23, and 24

Mayor Tran asked to include agenda items no. 22 (Information Technology strategic plan), no. 23 (ordinance) and no. 24 (list of agenda items) onto consent.

City Attorney Diaz informed the City Council that he did need to read aloud the title of the Ordinance (item no. 23) before it was introduced. Councilmember Dominguez asked for a press release on the CEDAW ordinance.

The vote on the consent calendar was as follows:

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

For agenda item no. 23, the City Attorney read aloud the title of Ordinance No. 306, "An Uncodified Ordinance of the City Council of the City of Milpitas for the local implementation of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)" and City Council voted, as follows.

Motion: to waive the first reading beyond the title and introduce Ordinance No. 306 for local implementation of the United Nations Convention on the Elimination of all forms of Discrimination Against Women, including formation of a Task Force

Motion/Second: Councilmember Dominguez/Vice Mayor Nuñez

AYES: 5
NOES: 0

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| C1. Council Calendars | Received the calendars of upcoming meetings for the months of June and July 2020. |
| C2. Meeting Minutes | Approved City Council meeting minutes of Special and Regular City Council meetings held on June 2, 2020. |
| C3. Ordinance No. 38.840 | Waived the second reading and adopted Ordinance No. 38.840, amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to accessory dwelling units and determine that the Ordinance is exempt from CEQA. |
| C4. Resolution – accept The District Lot 1 | Adopted Resolution No. 8983 approving acceptance and reducing performance bond for The District 1, Lot 1 Subdivision, Tract No. 10140 and granting authorization to the City Engineer to release the performance bod after the one-year warranty period. |
| C5. Resolution – purchase of SCBA for Fire Dept. | <ol style="list-style-type: none">1) Adopted Resolution No. 8984 authorizing the purchase of MSA brand Self Contained Breathing Apparatus (SCBA) for the Milpitas Fire Department from LN Curtis & Sons in an amount not to exceed \$701,648.26 via cooperative contract through the Houston-Galveston Area Council.2) Approved a budget appropriation of \$400,000 from the Equipment Fund into the non-departmental operating budget. |
| C6. Resolution – LEAP Grant | <ol style="list-style-type: none">1) Adopted Resolution No. 8985 authorizing the City Manager to submit an application for \$300,000 in non-competitive grant funding, provided per the Local Early Action Planning (LEAP) grants program, and to execute grant agreement and all related documents required to secure the grant, subject to approval by the City Attorney.2) Approved a FY 2020-21 budget appropriation for \$300,000 into the Planning Department operating budget, subject to the award of the grant. |
| C7. 2 Resolutions – update signers for LAIF | Adopted City Council Resolution No. 8986 and Public Finance Authority Resolution No. PFA26, authorizing investment of monies in the Local Agency Investment Fund and updating officers' information. |

C8. Accept SB2 Grant	Authorized acceptance of non-competitive Planning Grant funding of \$310,000 provided per the Building Homes and Jobs Act (SB2) and approved a FY 2020-21 budget appropriation for \$310,000 in the Planning Department's operating budget, subject to the award of the grant.
C9. Replace Fire Hydrants	Received report on bids and awarded a construction contract to Platinum Pipeline, Inc. in the amount of \$190,532; and, authorized the Director of Public Works to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$9,000 for unforeseen work related to the Fire Hydrant Replacement Project.
C10. Purchase of Filters	Awarded Invitation for Bids No. 2435 and authorized the City Manager to execute a purchase order for 25,000 Fil-Trek POMF-1A-2-PS-NDS filters to ISC Sales for an amount not to exceed \$241,530.
C11. Pacific Coast Locators	Approved and authorized the City Manager to execute a Professional Services Agreement with Pacific Coast Locators, Inc. in the amount of \$201,000 for underground utility locating services.
12. Two Agreements for Homeless Camp Cleanup	<p>This item was initially approved on consent. However, it was reconsidered later in the evening, and Councilmembers directed that this action return for a staff report and new vote at the next City Council meeting on June 23, 2020.</p> <p>Councilmembers suggested that issues related to services needed for homeless individuals could be referred to the City Council Housing Subcommittee.</p> <p>Recommendation was to approve and authorize City Manager to execute on-call maintenance service agreements with (1) Yerba Buena Engineering & Construction, Inc. and (2) Tucker Construction, Inc. for Homeless Encampment Cleanup Services, for an annual amount not to exceed \$100,000 per vendor.</p>
C13. Property Purchase	Approved and authorized the City Manager to execute an Agreement with Santa Clara Valley Transportation Authority for the purchase of property related to the Silicon Valley Berryessa Extension (BART) Project.
C14. Contract with NTT American for Cisco Smartnet	Authorized the City Manager to execute Amendment No. 1 to the contract with NTT America Solutions, Inc. to extend the Cisco Smartnet Maintenance and Support Agreement for selected network switches and WiFi components increasing the total not to exceed contract amount by \$22,195.84 from \$825,847.04 to \$848,042.88.
C15. Release Bond for The Metro by Pulte Homes	Approved partial release of faithful performance bond for The Metro Subdivision, Tract 10349, at 1425 S. Milpitas Blvd. until improvements are accepted by City Council.
C16. Reappoint 2 Library Commissioners	Re-appointed current Library and Education Advisory Commissioners Hellie Mateo and Dana Arbaugh to new terms of three years, which will expire in June 2023.
C17. Approve Update to Meeting Schedule	Approved the revised 2020 Milpitas City Council meeting schedule, including addition of August 4, 2020 regular meeting.
C18. Delegation of Authority to City Manager	Approved delegation of authority to the City Manager, or his designee, to approve project related documents, including contract documents, and urgent administrative items during the City Council summer recess from the last City Council meeting held in June through August 3, 2020.
C19. City Hall Lighting over the 4 th of July	Approved red, white, and blue colored exterior lighting for the exterior of Milpitas City Hall in celebration of the 4 th of July in 2020.

COMMUNITY DEVELOPMENT

20. Small Business Assistance grant funding

Economic Development Director Alex Andrade presented an overview of the recommendation to provide financial assistance to small businesses in Milpitas using Community Development Block Grant (CDBG) additional funds granted to the City by the federal Department of Housing and Urban Development (HUD).

Councilmembers Nuñez and Phan wanted the program as loans to small businesses, not grants.

The City Clerk read aloud four comments from residents Chris Rios, Voltaire Montemayor, Urvish Mehta, and Thomas Valore.

Motion:

- (1) To approve the Milpitas Small Business Loan Program
- (2) To direct staff to include \$200,000 in Community Development Block Grant (CDBG) funds for the Milpitas Small Business Loan Program as part of the approval of the FY 2020-21 CDBG Annual Action Plan
- (3) To direct staff to use CDBG-CV (Covid-19 additional) funds for a loan program to be distributed to small and microenterprise businesses
- (4) To take additional ideas mentioned during discussion by Councilmembers, see if those not previously reviewed by staff can be moved forward administratively or return to Council for implementation in the business community

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

21. Pilot Rent Relief Program and funding

Building Safety and Housing Director Sharon Goei reported on the successful rent relief program, established by City Council in 2019, and implemented by the City of Milpitas with partner agency Silicon Valley Independent Living Center.

Earmarked CDBG funds would be allocated toward rent relief through November 2020. \$341,000 was to be allocated for the rent relief program in the next fiscal year. The City Council Housing Subcommittee's recommendation was to change the \$5000 maximum relief to a lower amount of \$3500.

City Attorney Chris Diaz described the Economic Development Corporation (EDC), established in 2012 following the dissolution of the Redevelopment Agency in 2012.

Councilmember Dominguez asked for the topic of the EDC to come back to City Council on how EDC would receive donations from any corporation.

The City Clerk read aloud comments from seven Milpitas residents: Allysson McDonald, Chris Rios, Yolie Garcia, Tiffany Vuong, Guiliana Brahim, Voltaire Montemayor and Urvish Mehta.

Councilmembers discussed the maximum rent relief, and did not change it. Councilmember Montano responded to Ms. Dominguez' request and wanted the EDC topic to come back to the next Housing Subcommittee meeting, then follow up with City Council discussion.

Motion:

- (1) To receive the staff report on the Pilot Rent Relief Program in Milpitas
- (2) To maintain program maximum assistance amount per household at \$5000
- (3) To designate total funding amount of \$341,000 and funding source as CDBG funds

- (4) To authorize the City Manager to prepare and execute an amendment or an agreement with Silicon Valley Independent Living Center accordingly
- (5) To remove the word Pilot” from the name of the program
- (6) After brief discussion of the Economic Development Corporation, directed staff to return to the City Council Housing Subcommittee and later present to City Council on what that “looks like”
- (7) To direct staff to return to City Council with data on how many families were assisted, how many per household, average need per family to pay toward rent

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

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

LEADERSHIP

C22. Info. Tech. Strategic Plan Item was placed onto consent and, by unanimous vote, approved the Information Technology Strategic Plan.

REPORTS

C23. Introduce Ordinance No. 306 re: CEDAW This item was added to, and voted upon by distinct vote, the consent calendar at the beginning of the meeting. Ordinance was introduced.

C24. Agenda Items Requested Received list of agenda items requested by City Councilmembers.

Revisited Consent Items City Attorney Diaz addressed an issue brought forward by a resident, noting that during Public Forum earlier in the meeting, the Council had received requests to remove from consent three agenda items.

Mayor Tran moved, seconded by Councilmember Dominguez, to reconsider agenda items no. 6, no. 8 and no. 12, which City Council had approved unanimously.

The City Clerk read aloud two comments submitted earlier during Public Forum from Lisa Moreno and Jackie Romero, asking to remove consent items no. 6, 8 and 12.

Mayor Tran suggested the idea for a community task force (in one public comment) could be directed to the City Council Housing Subcommittee for future discussion.

No staff reports were given on items no. 6 and no. 8, and voting proceeded.

Motion:

- 1) to adopt Resolution No. 8985 authorizing the City Manager to submit an application for \$300,000 in non-competitive grant funding, provided per the Local Early Action Planning (LEAP) grants program, and to execute grant agreement and all related documents required to secure the grant, subject to approval by the City Attorney.
- 2) to approve a FY 2020-21 budget appropriation for \$300,000 into the Planning Department operating budget, subject to the award of the grant

Motion/Second: Councilmember Montano/Councilmember Dominguez

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

Motion: to authorize acceptance of non-competitive Planning Grant funding of \$310,000 provided per the Building Homes and Jobs Act (SB2) and to approve a FY 2020-21 budget appropriation for \$310,000 into the Planning Department's operating budget, subject to the award of the grant

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

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

For Item No.12 (agreements with two vendors for homeless camp clean-up), Mayor Tran asked the City Clerk to read public comments. She read aloud written comments from six residents: Tiffany Vuong, Allysson McDonald, Jackie Romero, Urvish Mehta, Lisa Moreno, and Charles Schletzbaum.

Councilmember Dominguez suggested to move these contracts over to the City Council Housing Subcommittee, then bring contracts back to City Council.

Director of Public Works Tony Ndah explained the clean-up service performed by Public Works' staff presently, which vendors would handle, as needed in the future via contracts for the not-to-exceed amounts.

Councilmember Phan asked to move this item to the Council's next meeting for a more substantive conversation. Mayor Tran asked the City Manager if Council could move the item to next week's agenda and the City Manager agreed. Therefore, it was rescheduled to the June 23 meeting agenda.

ADJOURNMENT

Mayor Tran adjourned the joint meeting at 12:10 AM on Wednesday, June 17, 2020 in memory of George Floyd and others unjustly murdered, followed by a minute of silence in their memories.

The foregoing minutes were approved by Milpitas City Council on August 4, 2020.

Mary Lavelle
City Clerk