

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, August 4, 2020
Time: 7:00 PM
Location: Meeting held via teleconference/zoom webinar online
Milpitas, CA

CALL TO ORDER

Mayor Tran called the meeting to order at 7:05 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

PLEDGE

Mayor Tran led the pledge of allegiance.

INVOCATION

Councilmember Montano read aloud her own poem entitled "Corona."

PRESENTATION

Mayor Tran proclaimed August 2020 as *American Muslim Appreciation and Awareness Month*.

PUBLIC FORUM

None

ANNOUNCEMENTS

City Manager Steve McHarris reported on several Recreation Services summer programs, and Covid. Community and employee needs were being met regarding Covid-19 testing, meal provision and other services.

Councilmember Dominguez highlighted a local small business (on her computer screen background) during the meeting to support local business.

Vice Mayor Nuñez cited San Jose railroad noise issues, and asked the status of this topic in Milpitas. He noted it was on the Council requested agenda items list, which the City Manager confirmed.

Vice Mayor Nuñez asked Ms. Dominguez if she or the City had a list of businesses that were doing things above and beyond, so the City could honor them. Economic Development Director Alex Andrade added information regarding the City's small business outreach.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Chris 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.

APPROVAL OF AGENDA

Motion: to approve the August 4, 2020 meeting agenda, as presented

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

CONSENT CALENDAR

Motion: to approve the consent calendar, including items no. C1 – C12, and additionally items no. 16 and no. 19

Mayor Tran asked to put agenda item no. 19 (list of agenda items requested) on consent. Vice Mayor Nuñez agreed, and he'd work with the City Manager on railroad quiet zone proposal scheduling.

Councilmember Phan asked to place items no 16 and no. 18 on consent.

Councilmember Montano wanted to discuss item no. 18 (Investment policy) so the item was not placed on consent.

Motion/Second: Councilmember Dominguez/Councilmember Montano

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

- C1. Council Calendar Received the calendar of upcoming meetings for the month of August 2020.
- C2. Meeting Minutes Approved City Council meeting minutes of Special and Regular City Council meetings held on June 16, 23, and 30, 2020.
- C3. Ordinance No. 3 Waived the second reading and adopted Ordinance No. 306 for CEDAW.
- C4. Resolution Adopted Resolution No. 8988 granting acceptance of Temporary Fire Station No. 2 Tenant Improvements, Project No. 3447, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue Notice of Final Acceptance after the one-year warranty.
- C5. Resolution Adopted Resolution No. 8989 granting acceptance of the Street Resurfacing 2019 Projects No. 4291 and No. 4296, authorizing the City Engineer to file a Notice of Completion, and authorizing him to issue a Notice of Final Acceptance after the one-year warranty.
- C6. Resolution Adopted Resolution No 8990 to:
 - 1. Approve Street Resurfacing 2020 Project Plans & Specifications,
 - 2. Reject the bid received from O'Grady Paving, Inc. as non-responsive,
 - 3. Award the construction contract to DeSilva Gates Construction, Inc. in the amount of \$1,537,986.90 for Street Resurfacing 2020, Project No. 4296 and Federal Project No. STPL-5314(011),
 - 4. Authorize the City Manager to execute the construction contract with DeSilva Gates Construction, Inc.,
 - 5. Authorize Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$153,799, and
 - 6. Approve a budget appropriation of One Bay Area Grant Cycle 2 (OBAG2) funding to CIP Project No. 4296.
- C7. Resolution – new MOU Adopted Resolution No, 8991 approving a new Memorandum of Understanding and Side Letter between the City of Milpitas and Milpitas Employees Association, an affiliate of Laborers' International Union of North America (LIUNA/UPEC) covering the period of July 1, 2020 through June 30, 2023, and the All Job Classifications Salary Table Effective July 5, 2020.
- C8. Agreement – TDK Headway Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for TDK USA Corp. for TDK Headway at 497 South Hillview Drive.

- C9. Amendment No. 1 – Odyssey Power
1. Approved and authorized the City Manager to execute Amendment No. 1 to the Maintenance Services Agreement with Odyssey Power Corporation for preventive generator maintenance and repair services, decreasing the total not to exceed amount by \$248,564 from \$341,182 to \$92,618, over the five-year period, subject to annual appropriation of funds.
 2. Approved a budget amendment returning FY 2020-21 contractual savings in the amount of \$31,330 to various fund balances.
- C10. Agreement with Kaiser Approved the award and authorized the City Manager to execute an Agreement with “Kaiser Permanente On-the-Job” for Medical Services for Milpitas Uniformed Fire Personnel for a five-year term in an amount not to exceed \$300,000, subject to annual appropriation of funds.
- C11. Report on Sole Source Received the FY 2019-20 annual report of sole source contracts.
- C12. CAP Update Approved and authorized the City Manager to execute a Professional Services Agreement with Ascent Environmental, Inc. to provide consulting services to update the City’s Climate Action Plan for an amount not to exceed \$204,257, subject to the annual appropriation of funds.

PUBLIC HEARING

13. Weed Abatement Deputy Fire Chief/Fire Marshal Albert Zamora gave a brief report on the annual weed abatement program, with clearance of weeds by the County Consumer and Environmental Protection Agency and need for assessments on those listed properties in Milpitas. Mr. Moe Kumre, weed abatement manager from the County, was available to answer questions.

Councilmember Montano requested staff to work with Caltrans regarding the need to clear weeds on Calaveras Blvd.

Mayor Tran opened the public hearing.

Motion: to close the public hearing following no comments

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

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

Motion: to adopt Resolution No. 8992 confirming the 2020 Weed Abatement Assessment Report and the Assessment List of parcels to be entered onto the Santa Clara County tax assessment roll

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

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

COMMUNITY DEVELOPMENT

14. Microenterprise Grant Program Economic Development Director Alex Andrade presented the program to financially assist small businesses in Milpitas, which was approved by City Council in June as a loan program funded by CDBG Covid one-time funds. It was presented at this time as grants (not loan) to microbusinesses.

City Clerk read one public comment from Voltaire Montemayor.

Motion: to amend the Milpitas Small Business Loan Program and approve the Milpitas Microenterprise Grant Program in its place; to direct staff to launch the Program; and, to authorize the City Manager, or designee, to make any necessary changes to previously Council-approved Community Development Block Grant (CDBG) documents to amend the Milpitas Small Business Loan Program of \$150,000 for Microenterprises and \$50,000 for Small Businesses to the \$200,000 Milpitas Microenterprise Grant Program, and to make any necessary changes to comply with CDBG submission guidelines

Motion/Second: Councilmember Montano/Councilmember Dominguez

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

COMMUNITY SERVICES

15. Joint Use Agreement with MUSD – Amendment

Recreation Director Renee Lorentzen explained the request to approve an amendment to an existing Joint Use Agreement with the Milpitas school district for Russell Middle School fields for softball and other activities and sports.

The City Attorney said, to avoid any conflict of interest, the Council separated out any discussion of Dixon Landing Park, due to nearby location of one member's (Vice Mayor Nuñez) residence. Discussion or any action would be solely on the amendment to the agreement.

City Clerk read aloud comments from three residents: Yolie Garcia, Voltaire Montemayor and Urvish Mehta.

No vote was taken on the staff recommendation to approve the amendment and Council voted on the following motion.

Motion: to direct staff to return with additional information on the amendment to the agreement with Milpitas Unified School District on Russell School playing fields, to reach out to the School District, to work more collaboratively and return to City Council later

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

PUBLIC SAFETY

C16. Covid-19 Testing

This item was added to consent calendar and approved.

Received written update regarding status of COVID-19 testing in Milpitas; authorized \$175,000 to fund the City's mobile testing unit, the County mobile and pop-up testing sites and the fixed testing site at Milpitas Library through October 9, 2020; and authorized the City Manager to enter discussions with Milpitas businesses to provide testing services utilizing the mobile testing unit.

LEADERSHIP

17. Adopt 3 Resolutions for Sales Tax Ballot Measure

Finance Director Walter Rossmann discussed sales tax information, provided the proposed ballot measure question, and the actions to place the measure on the ballot along with outreach efforts planned. A contract with Lew Edwards Group would be

executed, if the City Council voted to place the measure on the ballot at a cost of \$30,000 - \$40,000.

City Clerk read aloud comments from three residents Jammie Schletzbaum, Voltaire Montemayor and Urvish Mehta.

Vice Mayor Nuñez asked to add "Committee" next to the words "citizens' oversight" in the ballot question.

Motion: to adopt three Resolutions:

1) Adopt Resolution No. 8893 calling for placement of a General Tax Measure on the Ballot for the November 3, 2020 General Municipal Election for submission to the qualified voters of an Ordinance to Enact a General Transactions and Use Tax at the Rate of One-Quarter Cent (1/4¢) for a period of eight years – and, including addition of the word "Committee" following "citizens' oversight"

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

2) Adopt Resolution No. 8894 requesting Board of Supervisors of the County of Santa Clara to consolidate a General Municipal Election to be held on November 3, 2020 with the Statewide General Election on that date, pursuant to §10403 of the California Elections Code

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

3) Adopt Resolution No. 8895 to provide for filing of primary and rebuttal arguments and setting rules for filing of written arguments regarding a City Measure to be submitted at the November 3, 2020 General Municipal Election, directing Mayor Tran and Councilmember Phan as the Councilmembers who may author and submit ballot arguments

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

18. Adopt Resolution for Investment Policy

Councilmember Montano did not want City investment in any company involved in child labor, or pipelines, and to ensure that the companies were ethical.

Director of Finance Walter Rossmann asked the investment group representative to comment on how the firm approached investment of City funds, with the overarching goals for safety, liquidity, and return overlaid with socially responsible filters.

Motion: to adopt Resolution No. 8896 approving the City of Milpitas Investment Policy for Fiscal Year 2020-21

Motion/second: Councilmember Montano/Vice Mayor Nuñez

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

He'd like to change the campaign contribution limit, currently \$250 per candidate per election, in the Milpitas Municipal Code.

At 1:08 AM, with no consensus of the City Council, Councilmember Phan withdrew his proposal and no vote was taken.

NEXT AGENDA PREVIEW

24. Next Agenda 8/18/20

Received list of anticipated agenda Items for the next Regular City Council meeting on August 18, 2020.

ADJOURNMENT

Mayor Tran adjourned the meeting at 1:11 AM on Wednesday, August 5, 2020.

The foregoing minutes were approved by Milpitas City Council on August 18, 2020.

***Mary Lavelle
City Clerk***