

# CITY OF MILPITAS MEETING MINUTES

**Minutes of:** Regular Meeting of the Milpitas City Council  
**Date:** Tuesday, August 18, 2020  
**Time:** 6:00 PM Closed Session  
7:00 PM Open Session  
**Location:** Meeting held via teleconference/zoom webinar online  
Milpitas, CA

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## CALL TO ORDER

Mayor Tran called the meeting to order at 6:02 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 (online webinar) to discuss two items listed on the agenda, one labor negotiation item and a real estate matter.

At 7:02 PM, Mayor and Council reconvened for the Open Session.

## ANNOUNCEMENT – from Closed Session

City Attorney Chris Diaz said there was no announcement out of Closed Session, while City Council provide direction to staff on items that will be on upcoming agendas.

## PLEDGE

Mayor Tran led the pledge of allegiance.

## INVOCATION

Councilmember Montano read a poem in honor of Susan B. Anthony.

## PRESENTATION

Mayor Tran proclaimed *Women's Equality Day* celebrated on August 26, 2020, which first was celebrated in the U.S. in 1971.

## PUBLIC FORUM

City Clerk and Planning Director read aloud comments submitted in writing from 28 residents.

## ANNOUNCEMENTS

Vice Mayor Nuñez requested three actions:

- 1) Following a report in the newspaper regarding "Project HomeKey" in Milpitas, he asked for a report or informational memo from the City Manager related to that housing program in Milpitas.
- 2) After he displayed a two-year old photo of various City officials and a candidate for office, he was concerned and did not want to put a 501(c)3 in jeopardy. He referred to a recent memorandum from the City Attorney and wanted it shared with others.
- 3) Concerning the budget and financial status, he asked for a resolution at the next Council meeting on the next steps the Council needs to take, and for the Council to be clear on specific ways it was going to address declining revenues. The resolution should include specific steps to be taken, following the most recent information shared by the Finance Director.

City Attorney Diaz queried all Councilmembers on the request for a resolution at the next meeting, and all were in favor.

Councilmember Phan asked, that when City branding comes back to the Council, to have a discussion on the Minute Man as the City's image. Upon the City Attorney's query, all were in favor of that topic.

Councilmember Dominguez wanted City Council direction, based on comments from the Vice Mayor, to find clarity of where they were moving. In the middle of a pandemic, she was concerned for staff time and burnout. She asked for a meeting with staff and the Council on their top three concerns to work on and identify staff time to make it clear. This should be done at a retreat with scope of work, goals, and listing the top three concerns on which to work.

After some discussion by the City Council, City Attorney Diaz queried all City Councilmembers about a special meeting for this topic and all were in favor.

Councilmember Montano proposed backing the Cities Association of Santa Clara County's support of the City of Mountain View's "Cut the Commute" effort. She proposed Milpitas support for the program to reduce single drivers on the road. The City Attorney queried all members and found four supporting it with one no (Phan).

City Manager McHarris introduced the new Human Resources Director Jeannine Seher. He highlighted service of Milpitas Firefighters, 11 of whom were sent to combat fires away from Milpitas. On Covid-19 testing, Fire and Recreation departments' staff were providing testing all around the City. He announced that a failed fire sprinkler caused water damage in the City Hall lobby. In the area of economic development, the City launched the Microenterprise grant program on August 14, with a lottery scheduled for August 31. A new Milpitas business Spotlight program would kick off on August 21, emphasizing "shop local."

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

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 in the last 12 months were reported.

Councilmember Dominguez reported that in 2018, she had received a contribution from Joe McCarthy (in relation to item no. C3 Traffic Signal Project).

**APPROVAL OF AGENDA**

Motion: to approve the August 18, 2020 meeting agenda, as presented

Motion/Second: Vice Mayor Nuñez/Mayor Tran

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

**CONSENT CALENDAR**

Motion: to approve the consent calendar, including items no. C1, C2, C3, C5, and including added items No. 6 and No. 12

Vice Mayor Nuñez asked to remove item no. C4 (Resolution) from consent.

Councilmember Phan requested to place item no. 6 (Vehicle Miles Traveled policy) onto consent.

Mayor Tran asked to add item no. 12 (celebrate Mexican Independence Day) onto consent.

Motion/Second: Mayor Tran/Vice Mayor Nuñez

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

- C1. Council Calendar Received calendars of upcoming meetings for August and September 2020.
- C2. Meeting Minutes Approved the City Council meeting minutes of the Regular City Council meeting on August 4, 2020.
- C3. Resolution Adopted Resolution No. 8997 granting acceptance of the McCarthy/Sandisk Traffic Signal, Project No. 4292, 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.
4. Resolution – Salary Table This item was removed from the consent calendar for discussion.
- Vice Mayor Nuñez asked one question and Employee Relations Manager Francine Hunt replied, on the approved salary increase for Milpitas Employees Association in the salary table. Mr. Nuñez requested that items related to salary increases or Memorandums of Understanding (MOUs) not be placed on the consent calendar of the agenda.
- Motion: to adopt Resolution No. 8998 amending Resolution No. 1626, the Classification Plan, to adjust salary ranges for Milpitas Employees Association, consistent with the approved and adopted pay schedule titled All Job Classifications Salary Table Effective July 5, 2020
- Motion/Second: Vice Mayor Nuñez/Mayor Tran
- Motion carried by a vote of: AYES: 5  
NOES: 0
- C5. Terminate Agreement Authorized the City Manager to terminate the Professional Services Agreement with Engie Services U.S. Inc. for conducting an investment grade audit of City facilities and land due to convenience.

**COMMUNITY DEVELOPMENT**

- C6. Vehicle Miles Traveled This item was added to the consent calendar and approved by unanimous vote.
- Per the staff agenda report on vehicle miles traveled (VMT), approved the policy to implement Senate Bill 743 and transition from level of service (LOS) to VMT for California Environmental Quality Act (CEQA) analysis.

**LEADERSHIP**

7. Coronavirus Relief Funds Expenditure Plan Finance Director Walter Rossmann presented information on funds that the City was awarded from Coronavirus Relief Funds of the federal government, and reviewed items the City had allocated those funds towards. Total costs for the calendar year were anticipated to be \$2,663,000.
- City Clerk read aloud public comments from two residents, Urvish Mehta and Voltaire Montemayor.
- Motion: to approve the Coronavirus Relief Funds Expenditure Justification Plan and to direct the Finance Director to submit the plan to the State of California for reimbursement in the amount of \$962,595 of costs incurred in March – June 2020
- Motion/Second: Vice Mayor Nuñez/Councilmember Montano
- Motion carried by a vote of: AYES: 5  
NOES: 0

## **REPORTS**

### **8. List of Agenda Items**

Mayor Tran asked the City Manager to review the list of topics that City Council members had requested for future agendas. Four topics were on the agenda at this meeting.

Vice Mayor Nuñez spoke about request no. 1 (Establish Railroad Quite Zone) on the list, wherein the City of San Jose was dealing with this issue and had some possible solutions, so a plan was to follow San Jose in taking action. He asked the City Manager to designate when this matter would come to City Council, with more clear information on the topic when it would become available (i.e. follow San Jose).

Councilmember Montano asked for an explanation of why an item was on the bottom of this list, since Free Dump Days had not occurred yet. Staff responded the matter was already brought to the Council during the CIP discussions.

City Councilmembers directed staff to provide more clarity on the list of items to indicate when scheduled, steps taken, and pertinent information in between when a topic was discussed and when it would be acted upon.

### **9. Requirement for Training**

Councilmember Dominguez described why she sought Council approval to require implicit bias training by a contracted professional trainer for all City of Milpitas City Councilmembers, Commissioners and staff. She had distributed a written memo to the Council on this date.

Ms. Dominguez' stated request was to require a certified trainer by a person of color, move beyond the awareness level, present real life interaction scenarios, including practical experience in making conscious decisions to move beyond the bias, implement equitable work practices, and behavior to dismantle oppressive systems and foster equitable outcomes. Training should ideally take place in person (if possible) for City Council, City Commissioners and City employees.

City Clerk read aloud public comments from five residents: Jammie Schletzbaum, Liberty Walker, Barbara Navarro, Urvish Mehta and Voltaire Montemayor.

Motion: to direct staff to incorporate implicit bias training as part of the existing City training program for City Council, all Commissioners and place this item on a future agenda for consideration

Motion/Second: Mayor Tran/Councilmember Phan

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

### **10. City-wide Beautification**

Assistant City Manager Ashwini Kantak gave a report on the City's volunteer (MVP) program, Adopt-a-Spot program, park clean-ups organized by the Community Advisory Commission annually, and "Lend-a-Tool" available by the Building Department staff for home improvement projects. She recommended the City Council consider technology, staffing, liability when working outdoors in rights-of-way, and perhaps expansion of the Adopt-a-Spot program in more areas of the City, if Council wished to expand volunteer beautification programs.

Councilmember Montano wanted City staff (Public Works) to coordinate with outside groups, and in concert with Santa Clara Valley Water District. She asked staff to research models from other cities and develop a program for which the City would

provide supplies. Staff would bring back program options for a program to start after the Covid19 pandemic.

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

Motion: per Councilmember Montano, City staff shall coordinate with outside groups such as Milpitas Cares, and in concert with Santa Clara Valley Water District, to provide minimal equipment for volunteers to conduct city clean-up and beautification, after looking into what other cities did; as a continual effort, monthly or another time frame with weed abatement and clean-ups – after the Covid19 pandemic

Motion/Second: Councilmember Dominguez/Councilmember Montano

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

**11. Read Code of Conduct**

Councilmember Montano requested making a requirement to read aloud the Code of Conduct for City Council at the start of each City Council meeting, as it was currently printed on every agenda. She read out loud the Code to demonstrate it would take less than one minute to do so.

Three Councilmembers favored moving the Code of Conduct to the front of the agenda and to consider displaying it on screen at the beginning of City Council meetings.

City Clerk read aloud public comments from seven residents: Curtis Jackson, Raymond Lawson, Roger Nguyen, Jammie Schletzbaum, J P, Voltaire Montemayor and Urvish Mehta.

Councilmember Phan agreed with a comment from resident Jammie Schletzbaum. All elected officials bear responsibility to be responsible in words and action, and he was not in favor of this proposal.

Motion: to consider adopting a policy to require the City Council Code of Conduct be read aloud at the beginning of each City Council meeting; to approve staff work hours to draft a policy, and return on a particular Milpitas City Council meeting

Motion/Second: Mayor Tran/Councilmember Montano

AYES: 3  
NOES: 1 (Phan)  
ABSTAIN: 1 (Dominguez)

**C12. Celebrate Mexican Independence Day**

This item was added to the consent calendar and approved unanimously.

Motion from Councilmember Montano was to request the City Council to consider adding a report from staff for a celebration in Milpitas of Mexican Independence Day each year near September 16, as a topic on an upcoming agenda. Council provided direction to staff to include this subject, requiring staff work, on a particular Milpitas City Council meeting.

**NEXT AGENDA PREVIEW**

**13. Anticipated Agenda**

Received list of anticipated agenda items for the next regular City Council meeting on September 1, 2020.

**ADJOURNMENT**

Mayor Tran adjourned the meeting at 10:53 PM, acknowledging the service of City of Milpitas Firefighters sent throughout California to assist in disaster response to fires and expressed support for volunteer Milpitas Spring Valley Firefighters.

*The foregoing minutes were approved by Milpitas City Council on September 1, 2020.*

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*Mary Lavelle  
City Clerk*