

CITY OF MILPITAS MEETING MINUTES

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, September 1, 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 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 one litigation matter listed on the agenda.

At 7:04 PM, Mayor and Council reconvened for the Open Session.

ANNOUNCEMENT – from Closed Session

City Attorney Chris Diaz stated there was no announcement out of Closed Session, while City Council did provide direction to staff.

PLEDGE

Mayor Tran led all in the pledge of allegiance to the flag.

INVOCATION

Mayor Tran offered remarks for the invocation.

PRESENTATIONS

Mayor Tran proclaimed:

- September 6 - 12, 2020 as *National Suicide Prevention Week*
- September 2020 as *National Preparedness Month*

The Mayor also presented a special commendation to City Attorney Chris Diaz upon his five years of service to the City.

Code of Conduct

City Attorney Chris Diaz read aloud the Milpitas City Council Code of Conduct, as printed on the meeting agenda.

PUBLIC FORUM

City Clerk read aloud comments submitted via form online from 28 residents:

Mayor Tran asked the City Manager to issue information to express what the City had done to provide service to homeless persons, including in the budget.

ANNOUNCEMENTS

Councilmember Dominguez highlighted two Milpitas businesses.

Vice Mayor Nuñez had read an article about Project Homekey in Milpitas, and sought a method for the community to have conversation, allowing all of the City Council to participate.

Councilmember Phan thanked all Milpitas firefighters in containing the many wildfires.

Councilmember Montano announced the Gardner Health Center in San Jose, with help from the County Board of Supervisors, would provide weekly no-cost Covid testing.

Councilmember Dominguez asked for a new agenda item to clarify what City-sponsored events look like, to give community updates, and bring it back for discussion at the next meeting. She also asked for a new agenda item regarding the US Census, to discuss Council ideas at the next meeting. All Councilmembers were in favor of both requests.

City Manager Steve McHarris announced the successful Micro Enterprise program's grant lottery, in which 38 Milpitas businesses were selected, and a waiting list was formed. The Business Spotlight program launched on August 21, with nominations for local favorite businesses to be highlighted in an upcoming ad.

Councilmember Montano requested City staff to follow up with a business owner who stated (in the public forum) that he'd had to pay permit fees for his business expansion, and sought assistance including possibly waiving fees.

**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 were reported.

APPROVAL OF AGENDA

Motion: to approve the September 1, 2020 meeting agenda, as presented

Motion/Second: Councilmember Montano/Councilmember Dominguez

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

CONSENT CALENDAR

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

City Attorney Diaz stated three clerical corrections to documents for the purchase and sale of property (agenda item no. C4). Those would be incorporated into the documents when signed, if City Council approved the item.

Vice Mayor Nuñez asked to remove agenda items no. C3 and no. C6 from consent.

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

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

C1. Council Calendar

Received the City Council calendar of upcoming meetings for September 2020.

C2. Meeting Minutes

Approved the City Council meeting minutes of the Regular City Council meeting on August 18, 2020.

3. Resolution – claims

This resolution was removed from consent. Vice Mayor Nuñez inquired about some language within the text of the Resolution, which the City Attorney confirmed was standard in all City Council Resolutions.

Motion: to adopt Resolution No. 8999 establishing a government tort claims procedure for the City of Milpitas

Motion/Second: Vice Mayor Nuñez/Mayor Tran

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

- C4. Resolution – parcel purchase
- a) Adopted Resolution No. 9000 authorizing the City Manager to execute the Purchase and Sale Agreement for property located at 1831-1841 Tarob Court (APN 086-036-030) within the Transit Area Specific Plan (TASP) area to accommodate extensions of South Milpitas Boulevard and Sango Court.
 - b) Approved a Transit Area Development Impact Fee (TADIF) budget amendment to appropriate \$11.1 million.

- C5. Agreement with Environ. Services Inc.
- Approved and authorized the City Manager to execute a five-year agreement with Environmental Services Inc. for citywide HVAC Maintenance Services, for an amount of \$41,270.00 in the first year and a total amount not to exceed \$214,707.35 over the five-year period, subject to annual appropriation of funds.

6. Amendment No. 1 – Environmental Logistics
- This item was removed from consent.

Mayor Tran inquired about what type of hazardous materials were handled, and Public Works Director Tony Ndah replied.

Motion: to approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with Environmental Logistics, Inc. to increase the annual contract not to exceed amount by \$40,000 - to \$80,000 - for the remaining two years

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

- C7. Agreement with SVILC
- a) Approved and authorized the City Manager to execute a Professional Services Agreement with Silicon Valley Independent Living Center for the management of the EFSP grant for the Rent Relief Program.
 - b) Approved a budget amendment to appropriate \$12,600 from the Affordable Housing Fund to the FY 2020-21 Building Safety and Housing operating budget.

- C8. Appoint STIC Alternates
- Appointed two residents to the Science, Technology and Innovation Commission:
- a) Ms. Rajani Nair as Alternate Member No. 1 to a term that will expire in January of 2021.
 - b) Mr. Kevin Le as Alternate Member No. 2 to a term that will expire in January of 2023.

LEADERSHIP

9. 4th Quarter Financial Report for FY 2019-20
- Finance Director Walter Rossmann presented information on results at the end of the last Fiscal Year 2019-20. He displayed final figures in the FY 2019-20 budget's total expenditures, total revenues, use of reserve funds, and including \$4.8 million savings.

City Clerk read aloud one public comment from resident Urvish Mehta.

Vice Mayor Nuñez asked for the City Council to go through the budget status again at the first City Council meeting in October, for Councilmembers to each present new programs for the community that would be funded with some of the remaining reserve funds. Then, staff could return in November with a report on those ideas and possible implementation.

Motion:

- a) to accept the Fiscal Year 2019-20 Quarterly Financial Status Report for the quarter ended on June 30, 2020
- b) to approve a budget appropriation from Affordable Housing Fund for \$26,419 to the City Attorney's operating budget, from Hetch-Hetchy Fund for \$258 to the Non-Departmental operating budget, from 2008 Community Facilities Fund for \$7,933 to the Public Works and Non-Departmental operating budget and from Vehicle Registration Fee Fund for \$303,331 to CIP No. 3440 Annual Street Light, Signal and Signage Project
- c) to direct staff to place on the agenda an item on October 6, and potentially the first meeting in November, to talk about the need for programs and funding associated with that need in the community and those programs

Motion/Second: Mayor Tran/Vice Mayor Nuñez

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

10. 2021-2030 Forecast

Finance Director Rossmann provided an updated ten year financial forecast, with more current data having been received following the close of the last quarter of prior Fiscal Year. He displayed changes in the forecast with significant further reduced revenue expected. Ongoing anticipated deficits were forecast due to the ongoing negative effects of Covid-19 on the economy.

City Clerk read aloud one comment from resident Voltaire Montemayor.

Motion: to accept the FY 2021-2030 Ten-Year General Fund Financial Forecast update

Motion/Second: Mayor Tran/Vice Mayor Nuñez

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

11. Resolution – Fiscal Strategies

Mr. Rossmann reported that the drafted Resolution was before the City Council based on direction given two weeks prior. Staff presented the resolution for adoption, with specific strategies to follow allowing the City to be successful in the current challenging economy.

Staff provided Strategies and Guidelines - numbered 1 – 13 - including the use of technology.

City Clerk read aloud one comment from resident Urvish Mehta.

Motion: to adopt Resolution No. 9001 approving and directing the City Manager to implement the COVID-19 Fiscal Response Strategies and Guidelines

Motion/Second: Mayor Tran/Vice Mayor Nuñez

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

12. Side Letter with MPOA

Employee Relations Officer Francine Hunt addressed the need to extend a previous side letter, to continue the contribution related to police (MPOA) retirees.

Motion: to approve Side Letter No. 4 between the Milpitas Police Officers Association (MPOA) and the City of Milpitas regarding the MPOA Retiree Dependent Health Care Fund for Fiscal Year 2020-21

Motion/Second: Vice Mayor Nuñez/Mayor Tran

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

REPORT

13. List of Agenda Items Vice Mayor Nuñez noted that the City Council had accomplished item no. 7 on the list, and the City Manager agreed to update that item. No action was taken by Council and the list was received.

NEXT AGENDA PREVIEW

14. Anticipated Agenda Received list of anticipated agenda items for the next regular City Council meeting on September 15, 2020.

ADJOURNMENT

Mayor Tran adjourned the meeting at 10:21 PM in memory of Rex Skiver, a long time Milpitas resident.

The foregoing minutes were approved by Milpitas City Council on September 15, 2020.

*Mary Lavelle
City Clerk*