

MEETING MINUTES CITY OF MILPITAS

Minutes of: Joint Meeting of the Milpitas City Council and
Milpitas Housing Authority
Date: Tuesday, June 2, 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 6:07 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 and Phan

ABSENT: Councilmember Montano was absent at roll call, and arrived in the Closed Session.

CLOSED SESSION

City Council convened into Closed Session (online webinar conference) to discuss two items listed on the agenda, one labor negotiation item and a real estate matter.

At 8:15 PM, the Council exited Closed Session to begin the open session of the meeting.

ANNOUNCEMENT – from Closed Session

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

PLEDGE

Mayor Tran lead all in the pledge of allegiance.

INVOCATION

Councilmember Phan requested a moment of silence.

PRESENTATION

Mayor Tran proclaimed June 1 – 7, 2020 as *Milpitas High School Senior Recognition Week*, especially for the graduating classes of 2020 from Milpitas High School, Calaveras Hills, and the Milpitas Adult Education program.

PUBLIC FORUM

City Clerk read aloud comments from two Milpitas residents: Victor, and Voltaire Montemayor.

ANNOUNCEMENTS

City Manager Steve McHarris noted the new Santa Clara County Public Health Department order, which would be effective on Friday, June 5, and urged residents to view the latest information on the City's website on Covid-19 topics. The Economic Development office recently sent out a message to Milpitas businesses, and outdoor dining guidance would be available to restaurants soon.

Councilmember Montano requested to add future agenda items: 1) consider having consulate satellite offices at City Hall for nations including Mexico and the Philippines when Covid-19 was over (consensus reached); 2) forming a Historical Commission (4 were in favor), 3) request the City Council Code of Conduct to be read out aloud before each City Council meeting (3 were in favor); 4) request a celebration on September 16 to celebrate Mexican Independence Day (all were in favor).

**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 June 2 agenda, moving items no. 16 (Small Business Assistance) and no. 15 (agenda items list) to be heard following the Public Hearings

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 - C6, and C8 – C9

Vice Mayor Nuñez asked to remove item no. C7 (e-billing agreement) from consent.

Motion/Second: Vice Mayor Nuñez Councilmember Montano

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

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| C1. Council Calendar | Received the calendar of upcoming meetings for the month of June 2020. |
| C2. Meeting Minutes | Approved City Council meeting minutes of May 12, 15 and 19, 2020. |
| C3. Ordinance No. 305 | Waived the second reading and adopted Ordinance No. 305, establishing fees for ambulance and emergency medical services. |
| C4. Resolution – camera purchase for Public Works | Adopted Resolution No. 8974 authorizing the purchase of a RapidView IBAK Panoramo 150 4K 360-Degree Camera System for the Public Works Department Sanitary Sewer System from Jack Doheny Companies through a Sourcewell cooperative contract in the amount of \$147,777.04. |
| C5. Resolution – police equipment purchase | Adopted Resolution No. 8975 approving the purchase from Axon Enterprise, Inc. of 10 Body Worn Cameras, Conducted Electrical Weapons, Accessories and a Supplemental Subscription to Evidence.com cloud-based storage, for a total two-year cost of \$53,965.45, approving standardization of Axon Enterprise, Inc. equipment as the standard brand for the City of Milpitas, and authorizing the City Manager to execute Amendment No. 2 to the Agreement with Axon Enterprise, Inc. |
| C6. EMD Agreement | Authorized the City Manager to execute a five-year agreement between the County of Santa Clara and City of Milpitas for Emergency Medical Dispatch (EMD) services in an amount not to exceed \$328,736.37, subject to annual appropriations. |
| 7. Agreement with Invoice Cloud | <p>Item was removed from consent calendar early in the meeting and was heard at 12:53 AM on June 3.</p> <p><u>Motion</u>: to authorize the City Manager to execute an Agreement with Invoice Cloud, Inc. for e-bill presentment and e-payment of utility and miscellaneous invoices for a five-year period not to exceed \$207,109.59, subject to annual appropriation of funds</p> <p>Motion/Second: Vice Mayor Nuñez/Councilmember Phan</p> <p>Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Montano)</p> |

C8.Accounts Receivable
Write-offs in FY 2019-20

Approved Accounts Receivable write-offs for the Fiscal Year ending June 30, 2020.

C9. Waive Preclusion in
Agreement with C. Valdez

Approved and authorized the City Manager to waive the preclusion against seeking re-employment with the City contained in the settlement agreement with former Human Resources Director Carmen Valdez.

PUBLIC HEARINGS

10. FY 2020-21 Budget

Finance Director Walter Rossmann presented details of the proposed Fiscal Year 2020-21 City of Milpitas Budget and 2020-25 Capital Improvement Program (CIP). He reviewed anticipated revenues and expenditures for the next year. The overall budget totaled \$220 million, with a General Fund of \$117 million.

City Engineer Steve Erickson identified items added into the next year's Capital Improvement Program (CIP), as directed by the City Council following the CIP study session. \$396.5 million over five years was the cost of the CIP, with 32 funded projects in FY 2020-21 totaling \$39.7 million.

Mr. Rossman discussed reserves, budget strategy savings measures, and future reductions in the budget if necessary, considering whether or not revenue continued to decline drastically, following the coronavirus pandemic.

Mayor Tran opened the public hearing.

City Clerk read comments from three Milpitas residents: Thomas Valore, Voltaire Montemayor, and Urvish Mehta.

(1) Motion: to close the public hearing, following three comments

Motion/Second:

Vice Mayor Nuñez/Councilmember Montano

Motion carried by a vote of:

AYES: 5

NOES: 0

Councilmember Dominguez noted for the record that she lived on Abbott Avenue, the same street on which a new CIP project was proposed. City Attorney Diaz advised she could vote on all budget and CIP Resolutions.

Mayor and Councilmembers commented, and staff answered various questions on the new budget.

(2) Motion: to adopt seven Resolutions, related to the Fiscal Year 2020-21 City Budget and Capital Improvement Program (CIP), listed below:

- a) Joint Resolution No. 8976 / HA30 approving the Fiscal Year 2020-21 Operating Budget and the 2020-2025 Capital Improvement Program for the City of Milpitas and the Milpitas Housing Authority, approving the appropriations limit, and authorizing various financial actions by the City Manager, including approval of contracts and payments of more than \$100,000
- b) Resolution No. 8977 amending the Classification Plan to adjust the number of positions on the Authorized Positions List, and amend specific budgeted, allocated positions
- c) Resolution No. 8978 amending the Classification Plan to adjust the hourly rate and ranges for classifications due to the minimum wage increase per Ordinance No. 292 (minimum wage ordinance)

- d) Resolution No. 8979 amending the list of fringe benefits and eligibility for such benefits for Limited Term Employees
- e) Resolution No. 8980 amending the Classification Plan to authorize fringe benefits for Unrepresented Management Employees
- f) Resolution No. 8981 amending the Classification Plan to adjust the salary schedules for all International Association of Fire Fighters, Mid-Management and Confidential group, Professional and Technical group, miscellaneous unrepresented and Fire unrepresented classifications consistent with previous City Council action
- g) Resolution No. 8982 amending the Master Fee Schedule for FY 2020-21 for revised user and regulatory fees for various city services

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

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

11. Ordinance No. 38.840

Senior Planner Rozalynne Thompson defined recent state legislation and the need to update regulation of Accessory Dwelling Units (ADU) in the City of Milpitas. This would occur by Council adoption of zoning code amendments in the proposed ordinance. Ms. Thompson listed key provisions of the state ADU law, and locally specific provisions to be included.

Mayor Tran opened the public hearing.

City Clerk read aloud one comment from resident Voltaire Montemayor.

(1) Motion: to close the public hearing, following one comment

Motion/Second: Councilmember Montano/Councilmember Dominguez

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

City Attorney Chris Diaz read aloud the title of Ordinance No. 38.840, "An Ordinance of the City Council of the City of Milpitas Amending Sections of Chapter 10 of Title XI of the Milpitas Municipal Code Relating to Accessory Dwelling Units."

Motion: to waive the first reading beyond the title and introduce Ordinance No. 38.840

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

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

COMMUNITY DEVELOPMENT

12. Development Process

Building Safety and Housing Director Sharon Goei presented a report and visual timeline on the process and procedures for major development projects in the City.

Planning Director Ned Thomas explained the development project application process through his department, including the new Zoning Administrator process.

Ms. Goei reviewed the Building Permit application process, meeting with all applicants prior to building permit submittal, response, approval and issuance.

Mayor Tran and Councilmembers thanked staff for this valuable, detailed information.

13. Housing Authority: loan term extension

Vice Mayor Nuñez had removed this topic from consent on June 2, and since that time, had received a response to his questions.

Motion: to approve and authorize the Executive Director to execute a term extension to the predevelopment loan agreement entered into by Resources for Community Development and the City of Milpitas Housing Authority for residential development at 355 Sango Court

Motion/Second:

Vice Mayor Nuñez/Councilmember Dominguez

Motion carried by a vote of:

AYES: 5

NOES: 0

14. Amendment to De Novo Planning Group agreement

Vice Mayor Nuñez had removed this topic from consent on June 2, and since that time, had received a response to his questions.

Motion: to approve and authorize the City Manager to execute Amendment No. 1 to the agreement with De Novo Planning Group for the General Plan update to extend the term of service date from February 28, 2019 to December 31, 2021

Motion/Second:

Vice Mayor Nuñez/Councilmember Montano

Motion carried by a vote of:

AYES: 5

NOES: 0

REPORTS

15. Agenda Items Requested by City Councilmembers

There was discussion of agenda items requested by City Councilmembers on the list presented in the agenda packet. Seven topics were unassigned and Councilmembers provided direction to staff, including the idea of prioritizing items.

City Clerk read aloud one public comment from resident, Ed Nichols.

Agreement was reached to proceed with items no. 4, 5, 6 and 7. Items no. 1 and 2 were withdrawn, and item no. 3 was already underway. Councilmembers asked staff to add to the top of the list items requested earlier by Councilmember Montano.

16. Small Business Loan Program

City Council Small Business Assistance Subcommittee Chair Montano discussed the work of the subcommittee, in order to arrive at ways to help small businesses through a new loan program.

Economic Development Director Alex Andrade explained the method for the small business loan program, and the potential for use of newly additional federal Community Development Block Grant funds. Subcommittee members agreed on recommending the Enterprise Foundation and Kiva as the administrators of the program.

Building Housing and Safety Director Sharon Goei reviewed CDBG as a funding source for this loan program, from the newer supplemental CDBG allocation through the CARES Act, with \$397,911 granted to Milpitas. She listed the calendar of necessary steps, if Council wanted to proceed with this as the source for loans to businesses.

Mr. Dennis King from the Enterprise Foundation addressed the Council on the proposed program details.

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

Mayor Tran asked Councilmembers on their point of view on a source of funding. Consensus was towards the use of CDBG funds, not the General Fund.

Motion: to approve a \$200,000 Milpitas Small Business Loan Program and to authorize the City Manager (or his designee) to execute a contract with Enterprise Foundation and Kiva to act as fiscal agent, with source of funds to be confirmed a later date

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

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

AGENDA PREVIEW

17. Preview Next Agenda City Council received the list of anticipated agenda items for June 16, 2020.

ADJOURNMENT

Mayor Tran adjourned the joint meeting at 12:58 AM on Wednesday, June 3, 2020, in memory of George Floyd and others due to injustice in the U.S.

The foregoing minutes were approved by the Milpitas City Council on June 16, 2020.

Mary Lavelle, City Clerk