



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, FEBRUARY 15, 2022

MILPITAS, CA

6:00 PM (CLOSED SESSION)

7:00 PM (PUBLIC SESSION)

The City Council of the City of Milpitas convened on the regular City Council meeting day of February 15, 2022, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/Zoom webinar.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

Mayor Tran called the regular City Council meeting to order at 6:00 PM. Roll Call was taken by City Clerk Wood.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez (virtual), and Phan (virtual)

ABSENT: None

ADJOURN TO CLOSED SESSION

(a) **DISCUSSION WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency designated representative: Jeannine Seher, Human Resources Director

Employee Organization: MEA

(b) **PUBLIC EMPLOYEE APPOINTMENT/HIRING**

Pursuant to California Government Code Section 54957

Position: City Attorney

CLOSED SESSION ANNOUNCEMENT

Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present.

Mayor Tran stated that direction was given to staff and no reportable action.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Vice Mayor Montano led the invocation.

PRESENTATIONS

Mayor Tran, Vice Mayor Montano, and Councilmember Chua presented certificates to the Santa Clara Valley Science and Engineering Fair Association (SCVSEFA) Milpitas student STEM winners.

PUBLIC FORUM

Those in the audience and via Zoom are invited to address City Council on any subject not on tonight's agenda. In-person speakers wishing to address the Council are requested, but not required to complete a Speaker Card and submit it to the Mayor. In-person speakers will then be asked to come up to the podium and state their name for the record. Those interested in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

The following people spoke under Public Forum:

1. Voltaire Montemayor
2. Frank Bush

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion but shall simply state a "yes" or "no" as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a future agenda for City Council discussion.

Mayor Tran requested the City Attorney's office explore encampment ordinances for the City of Oakland, Los Angeles, and other regional cities for discussion to be brought back before the July Council meeting recess.

Councilmember Phan stated dissent to the proposal.

Vice Mayor Montano commented on the solar panels at the Senior Center and she would like to have solar panels in other City facilities such as the Maintenance Yard and Police Department.

Councilmember Chua requested a regional meeting of Police Chiefs to address neighborhood safety.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

Attorney Merewitz asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. Attorney Merewitz asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, there were no reportable campaign contributions.

READING OF THE CITY COUNCIL CODE OF CONDUCT

Mayor Tran read aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

Mayor Tran requested Item 16 be moved after the consent items.

Motion: to approve the February 15, 2022, regular meeting agenda and move Item 16 after the consent items.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to

remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

Motion: to approve the Consent Calendar.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

C1. Receive the City Council Calendars of Meetings for February and March 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Received the City Council Calendars of Meetings for February and March 2022.

C2. Approve the City Council Regular Meeting Minutes of February 1, 2022, Special Meeting Minutes of February 7, 2022, and Special Meeting Minutes of February 8, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Approved the City Council Regular Meeting Minutes of February 1, 2022, Special Meeting Minutes of February 7, 2022, and Special Meeting Minutes of February 8, 2022.

C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Received the list of anticipated agenda items for the next regular City Council meeting.

C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)

Reviewed the list of items that have been requested by the City Council.

C5. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for March 15, 2022, to Hear Objections (Staff Contact: Albert Zamora, Deputy Fire Chief / Fire Marshal, 408-586-3371)

Adopted **Resolution No. 9118** declaring weeds on specific properties to be public nuisances and set a public hearing on March 15, 2022.

C6. Adopt a Resolution Authorizing the City Manager or Designee to Submit Applications for and Administration of CalRecycle Grants for Five Years (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)

Adopted **Resolution No. 9119** authorizing the City Manager or designee to submit applications for and administration of CalRecycle Grants for five years.

C7. Review the FY 2021-22 Quarterly Financial Status Report for the Quarter Ending December 31, 2021 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Reviewed the FY 2021-22 Quarterly Financial Status Report for the Quarter Ending December 31, 2021.

- C8. Receive the Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Received the December 2021 report for unhoused services.

- C9. Approve and Authorize the City Manager or Designee to Execute a Commercial Lease Agreement with Nibbi Brothers General Contractor's for Property Located at 1700 Sango Court and 1831-1841 Tarob Court (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046)**

Approved and authorized the City Manager or Designee to execute a Commercial Lease Agreement by and between Nibbi Brothers General Contractor's ("Tenant") and the City of Milpitas ("Landlord") for a term of 15 months plus three extension periods of (1) month each, for a not-to-exceed contract of 18 months.

- C10. Consider the Recommendation from Mayor Tran for the Appointment to a City Commission (Contact: Mayor Tran, 408- 586-3029)**

Received Mayor Tran's recommendation and approved the appointment to the Library and Education Advisory Commission as follows:

Library and Education Advisory Commission

Appoint Rekha Pardeshi to serve as a Commissioner with a short-term to expire June 2024.

- C11. Accept Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Accepted the resignation of Commissioner Manpreet Badesha from the Energy and Environmental Sustainability Commission and directed the City Clerk to post the notice of the unscheduled vacancy.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

- 12. Review the Proposed Streets, Parks and Facilities Naming Policy and Provide Feedback to Staff (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

This item was not heard.

LEADERSHIP AND SUPPORT SERVICES

- 13. Receive Report on 2022 Citywide Community Engagement Survey (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Charmaine Angelo, Public Information Officer, 408-586-3055)**

This item was not heard.

- *14. Review Fiscal Year 2021-22 Mid-Year Report, Approve FY2021-22 Mid-year Budget Amendments, Adopt a Resolution Amending Resolution No. 1626, the Classification Plan, to Reclassify Positions, Approve and Adopt the Pay Schedule titled "New Job Classifications/Salary Table", and Amend Budgeted Allocated Positions, and Approve and Authorize the City Manager to Negotiate and Execute a contract amendment with Bateman Community Living, LLC (dba TRIO COMMUNITY MEALS, LLC) FY21-22 for additional meals through the Senior Nutrition Program, not to exceed \$124,000 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

- * Item out of order after item 16**

Councilmember Dominguez left the meeting at approximately 10:43 PM.

Finance Director Lai presented the staff report.

The following people spoke during public comment:

1. Voltaire Montemayor

After discussion, motion: to approve the FY 2021-22 Mid-Year Budget Amendments; adopt **Resolution No. 9120** amending Resolution No. 1626, the Classification Plan, to reclassify positions, approve and adopt the pay schedule titled "New Job Classifications/Salary Table", and amend budgeted allocated positions; and approve and authorize the City Manager to negotiate and execute a contract amendment with Bateman Community Living, LLC (dba TRIO COMMUNITY MEALS, LLC) FY21-22 for additional meals through the Senior Nutrition Program, not to exceed \$124,000.

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

ABSENT: Dominguez

15. Provide Direction on American Rescue Plan Act (ARPA) Funding for Council Priority Items and Modifications to the ARPA Investment Plan and Provide Input on Proposed Process for Future Changes to the ARPA Investment Plan (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Lauren Lai, Director of Finance, 408-586-3111)

Assistant City Manager Kantak and Finance Director Lai presented the staff report.

Mayor Tran did not support the funding request for Unhoused Services. He indicated that the County had adequate funding for these services, and he would like to explore using the dollars elsewhere.

The following people spoke during public comment:

1. Warren Wettenstein
2. Voltaire Montemayor
3. Allysson McDonald
4. Tom

Councilmember Dominguez returned to the meeting at approximately 11:30 PM.

After discussion, motion: to adjourn the meeting.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

- *16. Consider Resolution to Adopt Draft Goals and Performance Measures to Provide a Framework for Evaluating Potential City participation in Middle-Income Workforce Housing Projects; and Consider Proposal to Convert the Turing Apartments to Low, Median, and Moderate Income-Housing with Housing Bonds from the California Statewide Communities Development Authority Community Improvement Authority (Authority) (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

*** This item was taken out of order after item C11.**

Assistant City Manager Kantak and Senior Vice President from Fieldman Rolapp and Associates, Un Chu Reardon, presented the staff report. During the presentation Assistant City Manager Kantak requested clarification from the project team on the public benefit agreement because the team's previous correspondence referred to attachment six in the agenda packet which did not have some of the previously agreed upon terms.

Co-Founder of Waterford Property Company, Sean Rawson, gave a presentation on the proposed project and stated that he sent an email earlier to adopt attachment seven in staff report and striking the yellow highlighted language from the City Attorney and accept their proposed language for bond refinancing provisions and more frequent property needs assessments as shown in their presentation.

The following people spoke during public comment:

1. Bob Livengood
2. Peter Zack
3. Voltaire Montemayor
4. Kyle Suryan
5. Allysson McDonald

Kyle Suryan submitted a letter regarding Lyon Living and The Fields childcare facility.

Council discussed the item and asked clarifying questions regarding the refinancing time period, total bond amounts that need to be repaid, property tax backfill, and legal liability.

Mayor Tran asked about changing the minimum term that would prohibit refinancing from 10 years to 15 years.

Co-Founder of Waterford Property Company, Sean Rawson, stated that they are agreeable to a 15-year lockout provision.

Assistant City Manager Kantak provided additional information on the recommended Public Benefit Agreement and commented on the need to get clarification from Mr. Rawson on the infrastructure fee and the payment of City fees. She also stated there had been some discussion on the refinancing restructuring, but since Mr. Rawson's email was sent to staff at 7:45 that evening, the City Attorney did not have a chance to review it.

Mayor Tran discussed legal concerns and asked about having the City included in the insurance.

Co-Founder of Waterford Property Company, Sean Rawson, stated that they are willing to add the City as an additional insured party.

After discussion, motion: to adopt a resolution to join the California Statewide Communities Development Improvement Authority (CSCDIA) as shown in attachment seven and to move forward with approving the public benefits agreement also shown in attachment seven excluding the areas of disagreement as highlighted in yellow.

Motion/Second: Councilmember Phan / Councilmember Dominguez

Mayor Tran asked if the motion included his amendment for the refinancing minimum time period.

Councilmember Phan agreed and stated he would like to accommodate the applicant's request to add language on the bond refinancing as well as the property needs assessment.

Councilmember Dominguez accepted the amendments.

Assistant City Manager requested clarification to confirm the motion is to approve the Public Benefit Agreement listed in attachment seven without the highlighted text, adding the 15-year refinancing minimum and including the property needs assessment every five years. She also asked if it should include the language naming the City as an additional insured party as mentioned by the Mayor and asked Attorney Merewitz to provide some clarification on the inclusion of the infrastructure fee (Community Facility District (CFD)) in the Public Benefit Agreement.

Co-Founder of Waterford Property Company, Sean Rawson, commented on concerns with the CFD in the Public Benefit Agreement.

Attorney Merewitz stated there are still questions about the CFD, the Administrative Fee, and the preference policy. He also stated that several proposals came in that day and he did not receive them to review.

After further discussion, Councilmember Phan amended his motion to continue this item to the next City Council meeting.

Councilmember Dominguez accepted the amendment.

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

ADJOURNMENT

Mayor Tran adjourned the meeting at 11:38 PM.