



## REGULAR MEETING MINUTES OF THE MILPITAS CITY COUNCIL

TUESDAY, FEBRUARY 1, 2022  
MILPITAS, CA  
6:00 PM (CLOSED SESSION)  
7:00 PM (PUBLIC BUSINESS)

The City Council of the City of Milpitas convened on the regular Council Meeting day of February 1, 2022, 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, and Phan

ABSENT: None

### **ADJOURN TO CLOSED SESSION**

#### **(a) CONFERENCE WITH REAL ESTATE PROPERTY NEGOTIATOR**

Pursuant to Government Code Section 54956.8 Property: 1700 Sango Court and 1831-1841 Tarob Court  
Agency Negotiator: City Manager Steve McHarris  
Negotiating Parties: Nibbi Brothers General Contractors  
Under Negotiation: Price and Terms of Payment

#### **(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to California Government Code Section 54957  
Position: City Manager

### **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.

City Attorney Diaz stated there was no reportable action.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Tran.

### **INVOCATION**

The Invocation was led by Councilmember Phan.

### **PRESENTATIONS**

Mayor Tran virtually presented Certificates of Appreciation to the Homelessness Task Force Members and proclaimed the month of February as Black History Month.

## **PUBLIC FORUM**

Those in the audience via Zoom are invited to address City Council on any subject not on tonight's agenda. 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. Allysson McDonald

## **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.

City Manager McHarris announced the City continues to offer testing events at the Milpitas Community Center and the Milpitas Sports Center. Residents can sign up on the Santa Clara County website at [sccgov.org](http://sccgov.org). He also announced that the Milpitas Small Business Assistance Grant Program launched on January 31, funded by the America Rescue Plan Act (ARPA) with the application period open through March 1, 2022.

Mayor Tran wished everyone a Happy Lunar New Year and requested an appropriation in an amount not to exceed \$250,000 to procure a contract to address streetlights that are pending fieldwork.

Councilmember Chua stated support for Mayor Tran's recommendation and announced that Supervisor Joe Simitian is looking into having the libraries be a venue to distribute COVID home testing kits. She also announced the Library is now open seven days a week with hours Monday through Thursday 10:00 a.m. to 9:00 p.m. and Friday through Sunday 10:00 a.m. to 7:00 p.m. She thanked Mayor Tran and former Assembly Member Chu for hosting a safety in our neighborhood event and requested a public safety announcement (PSA) on best practices for businesses to be safe.

Vice Mayor Montano stated that she attended the Tet festival in San Jose to celebrate the Lunar New Year and made the following requests:

1. Look into reducing rates for the seniors and low-income families for Sports Center activities.
2. Reduce the park rental fees for the Samuel Ayer High School reunion.
3. Look into possible rebates for Commercial businesses similar to Valley Water District's conservation rebate program for residents.
4. Evaluate reopening the City childcare center with a non-profit organization running it.
5. Designate the California Oak Tree as the City's official heritage tree.
6. Look into putting the City Hall address on the building facade.
7. Add the following items to the next Transportation Subcommittee Agenda: discussion on bike lane striping; priority master plan near mass transit and schools; and have the subcommittee identify areas of traffic congestion.

Councilmember Dominguez spoke about a safety event hosted by Mayor Tran and commented on concerns with the safety at the Safeway shopping center. She requested a program to help support the safety of the shopping center, creating a partnership with the businesses, and allocating at least \$70,000 to support security. She also commented on Councilmember Chua's request for a PSA, stating that the Public Safety and Emergency Preparedness Commission is working on it. She asked Councilmember Chua if her request could be fulfilled by the commission and Councilmember Chua agreed. Councilmember Dominguez thanked the community for their partnership in COVID testing and announced that N95 masks are available at Walgreens.

Community members can get up to three N95 Masks provided by the federal government, and if they have any questions about getting Masks or access to COVID testing, they can call 669-228-1623.

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

Mayor Tran stated that he had dinner with one of the property owners of the project listed on the agenda as item 11. He stated the dinner was regarding unrelated business and asked the City Attorney if he was required to recuse himself from the item.

City Attorney Diaz stated that since there was no economic tie, it would not trigger a conflict of interest.

### **READING OF THE CITY COUNCIL CODE OF CONDUCT**

City Attorney Diaz read aloud the City Council Code of Conduct.

### **APPROVAL OF AGENDA**

Motion: to approve the February 1, 2022, Regular Meeting Agenda.

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

### **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 Calendar of Meetings for February 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Received the City Council Calendar of Meetings for February 2022.

#### **C2. Approve the City Council Regular Meeting Minutes of January 18, 2022, and Special Meeting Minutes of January 25, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Approved the City Council Regular Meeting minutes of January 18, 2022, and Special Meeting minutes of January 25, 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 requested by City Councilmembers.

**C5. Approve and Authorize the City Manager to Execute the Improvement Agreement with Sango Court L.P, for the Completion of the Offsite Public Improvements Located at 355 Sango Ct. (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Approved and authorized the City Manager to execute an Improvement Agreement with Sango Court L.P, for the completion of the Offsite Public Improvements Located at 355 Sango Ct.

**C6. Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)**

Move to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

**C7. Move to Waive the Second Reading Beyond the Title and Adopt Ordinance No. 297.1 Amending Milpitas Municipal Code Title XII, Chapter 1 (Affordable Housing Ordinance) (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Move to waive the second reading beyond the title and adopt **Ordinance No. 297.1** amending Milpitas Municipal Code Title XII, Chapter 1 (Affordable Housing Ordinance).

**C8. Approve and Authorize the City Manager to Execute a New 3-Year Agreement with CDW-G for Office 365 Cloud Products Through a Cooperative Subscription Contract with the County of Riverside California (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

Approved and authorized the City Manager to execute a new 3-year agreement with CDW-G for Office 365 Cloud products in the amount of \$147,757 annually and authorized 10% contingency in the amount of \$14,776 for unforeseen licensing needs, for the total amount not-to-exceed \$162,533 annually, for a total contract amount of \$487,599.

**C9. Consider the Recommendations from Mayor Tran for the Appointments to City Commissions (Contact: Mayor Tran, 408- 586-3029)**

Received Mayor Tran's recommendations and approved the appointments to City Commissions as follows:

Science, Technology & Innovation Commission

1. Appoint Pulak Mehta to serve as an Alternate #2 with a short-term to expire January 2023.

Planning Commission

1. Appoint Zeya Mohsin to serve as a Commissioner with a term to expire in December 2024.

## **COMMUNITY DEVELOPMENT**

### **10. Receive Report from Homelessness Task Force (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Building Safety and Housing Director Goei introduced the item and Homelessness Task Force Chair William Lam and Vice-Chair Sanae Alexander, presented the program ideas.

The following people spoke:

1. Christopher Denise
2. Voltaire Montemayor
3. Allyson McDonald

Vice Mayor Montano commented on the unhoused in Milpitas and them not being able to be housed in the Homekey project. She requested the City write a letter to the State and the County asking for a change in policy to allow unhoused residents in the City to have priority when housing opportunities occur.

Councilmember Dominguez would like the idea for the homelessness help center hotline to move forward and discuss the cost during the budget process. She wanted staff to explore the prevention program for McKinney-Vento families and bring the cost back during the budget process. She also requested staff draft a letter to Assembly Member Alex Lee, to look at opportunities for State funding to adopt and implement the homelessness help center hotline and have him look at the other recommendations from the task force to determine if additional funding is available.

Councilmember Chua requested staff add the recommended category to the MyMilpitas App to facilitate outreach to the unhoused.

Mayor Tran commented on issues with homelessness and requested that staff bring this item back for direction at the first regular meeting in March.

### **11. Conduct a Public Oversight Meeting Pursuant to California Senate Bill 35 (SB 35) for a Proposed 112-Unit Residential Development (100% affordable) up to Five Stories in Height Located at 1300 South Main Street (APN 083-36-002) within the Transit Area Specific Plan Planning Area. The Meeting is for Design Review and Public Oversight on Objective and Focused Design Standards Criteria Required for this Project, as Published and Adopted by Ordinance or Resolution by the City before Submission of a Development Application, and that are Broadly Applicable to Development Within the City. The Design Review and Public Oversight Shall Not in Any Way Inhibit, Chill, or Preclude the Ministerial Approval Provided by Government Code Section 65913.4. (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Planning Director Thomas introduced the item, and Senior Planner Fossati presented the report.

Representatives from AMG and Associates, Gene Broussard and Kim Calica, provided additional information on the proposed project.

Mayor Tran commented on the noise pollution and asked in good faith for the applicant to make efforts to mitigate the noise. He also commented on the architecture of the building, stating that a flat iron building could add square footage to the project.

Councilmember Chua stated concerns with trash collection and would like the applicant to work with staff to make trash collection safe. She also spoke about parking concerns and would like the applicant to address the parking issues.

Representative from AMG and Associates, Gene Broussard, indicated that they are looking at adding a parking level with approximately 25 stalls and exploring other opportunities for additional parking.

Vice Mayor Montano commented on noise pollution and wanted to ensure that the project would have some type of mitigation in place so that the residents will not be impacted by noise. She commented on parking and wanted to make sure there was American Disability Act (ADA) parking available. She also asked about having a drop-off area for Uber and delivery drivers and commented on providing preference to displaced Milpitas residents.

Councilmember Dominguez commented on providing tenants a green space or community garden and wanted to ensure safety measures such as security cameras will be in place.

Vice Mayor Montano commented on having a sound wall.

Representative from AMG and Associates, Gene Broussard, stated a willingness to explore options to address Council's comments and concerns.

The following people spoke:

1. Voltaire Montemayor
2. Guy Haas

## **ADJOURNMENT**

Mayor Tran adjourned the meeting at 10:28 PM in memory of Milpitas resident Harry Mok.

*Draft meeting minutes submitted by City Clerk, Wendy Wood*