

Draft **MEETING MINUTES**
CITY OF MILPITAS

Minutes of: **Joint Meeting of the Milpitas City Council and Milpitas Housing Authority**
Date: **Tuesday, September 17, 2019**
Time: **5:30 PM Closed Session**
7:00 PM Open Session
Location: **Council Chambers, Milpitas City Hall,**
455 East Calaveras Blvd., Milpitas

CALL TO ORDER Mayor Tran called the joint meeting to order at 5:30 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Dominguez, Councilmembers Montano, Nuñez and Phan

ABSENT: None

CLOSED SESSION City Council convened in Closed Session to discuss three matters listed on the agenda.

City Council convened at the dais for the Open Session regular agenda at 7:01 PM.

ANNOUNCEMENT City Attorney Chris Diaz stated out of Closed Session there was no reportable action.

PLEDGE Girl Scouts Troop presented the flags and led the pledge of allegiance.

INVOCATION Councilmember Montano read a prayer by Mother Teresa, from the dais.

PUBLIC FORUM Mike, a Bay Area Ridge Trail representative and speaking also on behalf of Open Space Authority, addressed the City Council. He wanted Milpitas to consider the bigger picture of the greater Bay Area and the continuing need for green space for all. His agencies were working on the trail to ring the bay.

Allysson McDonald, resident, spoke on Assembly Bill 1482 adopted the previous week for statewide rent control of no more than 5% increase for specific rental property. She was concerned about what would happen between this evening and the date it would take effect next January 1. She sought an emergency ordinance adopted locally as a stop gap measure.

Councilmember Nuñez asked the City Attorney to review recently passed laws in order to update everyone. City Attorney Diaz replied there could be no discussion on these issues due to the Brown Act. He did say that Assembly Bill 1482 was on the Governor's desk for his signature. This new law would mandate some retroactive sections when applying the tenant protections in the bill to renters.

Yolie Garcia, resident, suggested that an emergency ordinance be adopted on the next Council agenda to prevent gouging by landlords.

Barbara Curry, resident, was a Milpitas crossing guard and asked what happened to pay raises for crossing guards as adopted in the new budget. When do they get this pay raise, she asked. It was due on July 1 and guards had not been notified by any City staff or officials. She inquired about necessary back pay for the 38 crossing guards.

Councilmember Phan wanted to see to it that they got a raise and asked for Human Resources to follow up with information.

Vice Mayor Dominguez thanked the speaker for coming. She said direction was given to the City Manager on this topic, that she gave him direction on this already. Vice Mayor asked staff to let the Council know what was going on with this concern.

Councilmember Montano said this was dear to her heart. She was proud that in the past the wage was raised when she brought it to Council's attention.

Penny Alexa, resident, was a crossing guard who retired in June. They were looking for their raise in the pay checks as promised by the Mayor last June in the budget.

Councilmember Nuñez felt the City Manager needed to get this figured out, and put it in place so it doesn't happen again. Crossing guards needed their raise and had been patient.

Evelyn Chua, resident, announced the Housing Sharing Program promoted by County of Santa Clara Housing office working with Catholic Charities to make house share matches of people. Building Safety & Housing Director Sharon Goei supported what was said, expressing that the City had hosted a workshop about this program at City offices the previous week.

Michael Trujilla, a lawyer, spoke on AB 1482 explaining that some of its rules would be retroactive to March 2019, once it was implemented on January 1, 2020. There was still potential for rent gouging, so protections were needed locally.

Loretta, an organizer and advocating for people weren't here while they were working, wanted to hold City Councilmembers accountable for their votes. Milpitas needed ordinances to protect and look out for renters and homeless people in this city.

Alex Lee, grew up in Milpitas, said he could not afford to rent in this City today. He supported AB 1482 and wanted the Governor to sign it to help people. There was a great need to build more affordable housing and to enforce inclusionary zoning.

Michael, spoke about rent, concern for increases, the need for rent control and just cause eviction. He mentioned what was adopted recently in the City of Mountain View.

Rob Means, 1421 Yellowstone resident, discussed the climate emergency and recent County Board of Supervisors resolution declaring it.

Sandy Perry, from San Jose, addressed the future of Sunnyhills Apartments and wanted an update on what was going on there, for the residents who want to participate in any process about their living situation. Rent control and just cause eviction regulation was needed.

Councilmember Phan asked who Mr. Perry meant by "we." Mr. Perry replied San Jose residents on housing, as well as those people he was helping who lived at Sunnyhills.

Councilmember Nuñez remembered there would be a report out on Sunnyhills. He thought it would be brought forward to the City Council and asked for an update on the City Council agenda. City Manager Steve McHarris said staff would respond.

Han Do, from Sunnyhills Apts. in Milpitas, knew there was a meeting with the landlord behind closed doors. He was against evictions and discrimination. Rising rents meant more homeless people so rent control was needed now.

William Au, from the tenants association of Sunnyhills Apartments, had received little information from the owner or others. There were no results and no update provided about status of the land at the apartments' site.

Councilmember Montano requested at the next Housing Subcommittee meeting that the City Manager shall bring an update on Sunnyhills.

Hien La, resident of Sunnyhills Apts, thanked City Council for past action to protect their apartments. She asked for an update, and what would help the residents once the five-year time frame had gone by.

Tiffany Huang, thanked Councilmembers Nuñez and Montano for working on housing issues. There was a continuing fear of landlords evicting tenants and raising rents if people had not been in their units for a year.

Veronica Salce, resident, was concerned about rent outrage. No more time to wait for rent control and just cause eviction. Residents needed emergency rent ordinance on the Council agenda.

Michelle, resident, 1577 David Lane off Dempsey Road, complained of noise between 1–4 am daily, due to constant activity in that area. She wanted rules about noise in neighborhoods.

Councilmember Phan asked if she knew if the noise was from City workers or private. She said that it was from garbage trucks and private companies cleaning properties.

Voltaire Montemayor, resident, felt that in Milpitas, all people were lucky. Council needed to help the crossing guards to get an increase in pay.

Frank DeSmidt, of Milpitas Rotary Club and Chamber of Commerce, invited all to various events.

ANNOUNCEMENTS

Interim City Manager McHarris discussed several agenda items:

Staff reported that for item no. C3 (Tarob Ct item), the applicant (developer) requested to continue the item to October 15. On item no. C9, staff received notice of Commissioner Brahmhatt's resignation from Economic Development and Trade Commission, so there was no need to act on recommendation no. 1 (removal) on that item.

Regarding all those topics continued from the September 3 meeting, the Council would want have time for those, so the City Manager requested to defer item no. 16 (UAS technology), 19 (Facility Use Manual), 20 (Council policy on training/events), 24 (museum park on Main St.) and 25 (community theater building) to the Rules Subcommittee to place those on October 1 and 15, 2019 meeting agendas.

Mayor Tran supported the City Manager's recommendations and City Council agreed.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, none were reported.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Mayor Tran would move item no. 23 (street re-naming request) to the front of the agenda to be heard prior to item no. 14.

The agenda would be approved with items removed, as noted above by the City Manager.

The City Attorney noted that City Council should hear public hearing items first, then it could go to the item the Mayor wished to move up (no. 23).

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

CONSENT CALENDAR

Motion: to approve the consent calendar including all agenda items no. C1 – C10, excepting item no. C3

Mayor Tran stated there were speakers who wished to speak on item no. 10 (fee waiver for Bark for Life). He would invite those persons to the podium while keeping the item on consent.

Gail, a local resident, appreciated support from the City for the American Cancer Society “Bark for Life” event upcoming. She appreciated waiving the fees for the park rental to hold the event.

Ricky Davis, a resident, spoke about family members who’d survived cancer. Bark for Life was a great community building event for ACS. He looked forward to seeing all Council there.

Councilmember Nuñez inquired, about item no. C10, regarding the reports back to the City on those fee waivers, and where were those submitted. City Clerk Mary Lavelle indicated the reports were submitted to her office following the events.

Councilmember Nuñez wanted to remove item no. C9 from consent.

Councilmember Montano wanted to remove items no. C5 and no. C7 from consent.

Mr. Nuñez inquired, regarding Economic Development and Trade Commission and the former Sister Cities Commission, that he recalled combining those two groups. He had received calls from Sister Cities Commissioners and when they would hear about the program’s status. Mayor Tran responded they did not need to pull it from consent.

Councilmember Montano asked about item no. C5 (On-Street Parking program) if there would be parking meters. City Engineer Steve Erickson replied there would be no meters, rather there would time limited parking per posted signs, enforced by the Milpitas Police.

Next, Ms. Montano asked if there would be a pedestrian crosswalk near the future hotel at 521 Alder Drive. Mr. Erickson said he would get back to the Council with a response.

Motion: with respect to agenda item no. C9, remove the first part of the recommendation, and then move to approve all items on the consent calendar, excepting item no. C3

Motion/Second: Councilmember Nuñez/Councilmember Phan

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

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| C1. Council Calendars | Accepted City Council calendar for September and October 2019. |
| C2. Meeting Minutes | Approved meeting minutes of August 30 and September 3, 2019 City Council meetings. |
| C3. Findings – 2001 Tarob Ct. development project | The True Life Companies requested to continue this item, via letter sent to the City Council and City Clerk received on September 16, 2019. The action was continued to October 15, 2019. |
| C4. Resolution | Adopted Resolution No. 8906 to approve project plans and specifications for the Alviso Adobe Renovation (Phase V – Interior Restoration), Project No. 5055, to award a construction contract to and authorize the Interim City Manager to execute the contract with the lowest responsible bidder submitting a responsive bid, CRW Industries, Inc., in the amount of \$523,900, and to authorize the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$160,000 for the project. |
| C5. Resolution | Adopted Resolution No. 8907 approving project plans and specifications, award a construction contract, and authorize the Interim City Manager to execute the contract with Chrisp Company, in the amount of \$116,130 for TASP On-Street Parking Program Project No. 2017, and authorize the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$17,420. |

C6. Maintenance Agreement	Approved a five-year agreement with TEC Accutite for Aboveground and Underground Storage Tank Maintenance and Certification Services, in the amount of \$49,050 in the first year and in a total amount not to exceed \$245,250 over the five-year period, subject to annual appropriation of funds.
C7. Improvement Agreement	Approved and authorized the Interim City Manager to execute the Improvement Agreement between the City of Milpitas and LD Milpitas Property, LLC, subject to any revisions deemed legally necessary by the City Attorney.
C8. 3 Master Plan Agreements	Approved and authorized the City Manager to execute three Professional Service Agreements with the following consultants for engineering services: <ul style="list-style-type: none"> 1) West Yost Associates for the preparation of the City's Water Master Plan in an amount not to exceed \$600,000. 2) Hydrosience Engineers, Inc. for the preparation of the City's Sewer Master Plan in an amount not to exceed \$642,000. 3) Schaaf & Wheeler, Consulting Civil Engineers for the preparation of the City's Stormwater Master Plan in an amount not to exceed \$134,629.
C9. Commission Appointment	To the Economic Development and Trade Commission, newly appointed Inderjit Mundra as a voting Commissioner representing the Milpitas Chamber of Commerce to a term that expires in April 2021. Also, confirmed Tina Broyles as Alternate from the Milpitas Chamber of Commerce, per Chamber Board action
C10. Fee Waiver Request	Per City Council's Fee Waiver & Donation Policy, moved to waive \$1,412.63 (and up to \$1,500 maximum if additional City fees were incurred) of identified City Planning and Recreation and Community Services fees charged for costs related to the American Cancer Society's Bark for Life walkathon event at Murphy Park on October 5, 2019.

PUBLIC HEARINGS

11. Summary Vacation of PSUE 1646 Centre Pointe	City Engineer Steve Erickson explained the need for summary vacation of a utilities easement at 1646 Centre Pointe Drive in an approved development project in the Transit Area Specific Plan area. Utilities had been moved, and next steps in the planned development were moving ahead.
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Mayor Tran then re-opened the public hearing continued from September 3, 2019.

Speakers:

Marshall Torre of Summerhill Apartment Communities said the developer had a vested right to continue with this project. A Subdivision Improvement Agreement required that the parties shall fully cooperate to move ahead on the development to be built. Vacating the easement qualified.

Voltaire Montemayor, resident, mentioned the easement and it should be allowed.

(1) Motion: to close the public hearing, following two speakers

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

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

(2) Motion: to adopt Resolution No. 8908 authorizing the summary vacation of an existing Public Service Utility Easement at 1646 Centre Pointe Drive

Motion/Second: Councilmember Montano/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 3
NOES: 1 (Nuñez)
ABSTAIN: 1 (Tran)

**12. CAPER Report on CDBG
FY 2018-19 funds**

Housing Administrator Robert Musallam explained what the annual Consolidated Annual Performance Evaluation Report (CAPER) on Community Development Block Grant (CDBG) funding was and what the report covered, as required by federal Department of Housing and Urban Development (HUD). The CAPER was due to that agency by September 30, 2019. He displayed a chart of accomplishments based on the funds awarded and distributed by the City to local non-profit organizations, including those related to affordable housing activity. Mr. Musallam reviewed specific projects funded and their accomplishments.

Councilmember Nuñez noted this was continued from the last meeting to allow for all Councilmembers including the Vice Mayor (who was absent on September 3) to be able to provide any comments, if desired.

Mayor Tran re-opened the public hearing, continued from the previous meeting.

Esther Deeckman of Next Door Solutions thanked the City Councilmembers for their commitment. 129 people were served with the funding from CDBG money in the prior year.

Councilmember Phan thanked her organization for the work done for residents in Milpitas. He asked about "Light the Night" fundraising event. Next Door representative said she would love to have elected officials participate and sponsor tables.

Councilmember Montano and Vice Mayor Dominguez thanked NextDoor for all the necessary work done in Milpitas.

Michelle from Senior Adults Legal Assistance (SALA) addressed the Council on legal services provided to seniors at the Barbara Lee Senior Center.

Wanda Hale of Long Term Care Ombudsman Program looked out for those seniors in long term care facilities in Milpitas.

Deann Everton, Executive Director of Rebuilding Together Silicon Valley thanked the city for ongoing support.

Teresa Johnson, Director of Meals on Wheels for the Health Trust, thanked the City for its support to her agency.

A representative of the Silicon Valley Independent Living Center for people with disabilities noted that finding affordable housing was one of SVILC's services. She thanked the City Council for continued support.

Voltaire Montemayor, resident, spoke about some of the figures presented by staff.

(1) Motion: to close the public hearing following seven speakers

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

Councilmember Nuñez complimented staff on re-focusing on the Community Development Block Grants for the upcoming year. He knew the non-profits did some great things.

(2) Motion: to approve the draft FY 2018-2019 Community Development Block Grant (CDBG)'s Consolidated Annual Performance Evaluation Report (CAPER); and, to authorize the City Manager, or designee, to make any necessary changes and to submit the approved draft FY 2018-2019 CAPER to the Department of Housing and Urban Development (HUD) to comply with CDBG requirements

Motion/Second:

Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of:

AYES: 5

NOES: 0

13. Ordinance No. 302

City Attorney Chris Diaz introduced his colleague attorney Ethan Walsh, who focused on housing issues for BB&K firm and joined the meeting over the phone by teleconference.

Building Safety & Housing Director Sharon Goei and Housing Administrator Robert Musallam came to the podiums to give a background report explaining how the Council arrived at the proposed ordinance for a rent review program and agreement with Project Sentinel to administer the ordinance on behalf of the city at a cost of \$50,000 annually. The proposed Milpitas ordinance was modeled after the City of Fremont's program, including a requirement to form a new rent review board. Ms. Goei reported that Assembly Bill 1482 was adopted in Sacramento and would significantly affect city renters starting in the new year.

Mr. Musallam described elements of the proposed rent review ordinance (showing a powerpoint slide of information).

Attorney Ethan Walsh summarized recent housing legislation adopted by the state legislature. He compared the proposed rent review ordinance to the Assembly Bill 1482 legislation, as passed in Sacramento, explaining some differences.

Mayor Tran next asked for speakers from the audience.

A representative from the California Apartment Association was supportive of the protections in the proposed ordinance. Requirement for no discrimination toward those with Section 8 vouchers, he felt was not needed. The ordinance would ensure compliance of property owners in Milpitas.

Michael Trujillo, Law Center of Silicon Valley, wanted to help residents stay in their homes. Tenants needed assistance. He did not support the rent review ordinance, since most concerns were not met in the proposed ordinance. He sought tenant protections.

Diana, a young child, said there should be rent control for all in Milpitas. It was hard in school.

Berta Rios, resident, was concerned about retaliation being taken towards those who were active in the City. City needed to advertise a lot more on housing services available.

Chris Rios, resident for three years, thanked the City Council for listening to him. He was passionate about this issue and was familiar with the housing crisis here. He complained about large companies that owned the rental apartment units. Emergency relief won't help and there was need to assist tenants with gouging, long term.

Allysson McDonald, resident, commented on specific sections of the proposed ordinance. She remarked on more work that needed to be done.

Sandy Perry, of the Affordable Housing Network, felt this was not going to be an effective program for tenants while it might be effective for landlords.

Ana Arajo, resident, expressed a need for more than what was in the paper (ordinance). The group represented more than just the Latin community who lived in Milpitas rental units. All had the right to have justice for housing. She thanked the City Council for support.

Rob Means, 1421 Yellowstone held a sign that read "Regulate Capitalism" and spoke of a fundamentally flawed process that was going to be suggested for implementation in Milpitas. He referred to Fremont, where a similar rule was adopted, but results of their program were not known yet. There needed to be fines that exceed the corporate profits.

Samantha Salcedo, a young woman, asked for consideration to have rent control in Milpitas.

Michelle, a resident, mother/grandmother, understood many years ago how expensive rent was. She knew coworkers in the school district who had difficulty living. There was need for rent control and just cause eviction.

Michael, on a proposed rent ordinance, did not agree with the non-binding mediation component. The City needed to be firm and binding in the outcome. Ordinance should not be geared to renters, but to landlords.

Voltaire Montemayor, resident, wanted to hear both sides. He felt rent control would help.

Veronica Salce, resident, got in touch with the Vice Mayor when she was going to be evicted. She called Project Sentinel seeking help and was told she still would have to move.

Tom Valore, resident, felt this was like déjà vu. This meeting felt like a repeat of other Council meetings in the recent past. It was not a good forum for solutions.

Yolie Garcia, resident, was coming here for months and it was heartbreaking to be at these meetings. City Council needed to do something useful for the tenants.

Tiffany, a resident, suggested ways to make the rent review program stronger. Make it automatic to have mediation when a landlord proposed a rent increase. Research more what was happening elsewhere and maybe have binding mediation.

Jeff Moore felt there was a need for a just cause eviction law.

(1) Motion: to close the public hearing, following 18 speakers

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

Councilmember Nuñez asked for an explanation of just cause eviction provision in AB1482 but not in the proposed City ordinance. Staff responded. Mr. Nuñez understood that the state assembly bill would allow the City to have just cause rules when that went into effect in January.

Councilmember Nuñez said there was a need to put together both the new ordinance alongside the state legislation, to protect local tenants effectively.

Councilmember Montano already knew that rent control would be the law once the Governor signed the assembly bill. She thanked Councilmember Nuñez for his work on housing issues for the Housing Subcommittee, on which they both served. She wanted to help tenants along with additional City staff be hired to help on this issue.

Vice Mayor Dominguez thanked the Housing Subcommittee members for their work and noted that the crisis had gotten worse since May this year. She did not want a pilot program, since these were programs that families needed. She requested a friendly amendment to add an emergency just cause section into the rent review ordinance to be implemented immediately.

City Attorney Diaz responded that direction can be given to bring findings for an urgency just cause ordinance at the next meeting. Vice Mayor asked more questions on the procedure for that type of ordinance and the City Attorney responded.

Councilmember Montano stated she was not in agreement with the Vice Mayor's request. Mayor Tran noted that an item for an emergency ordinance was not on the agenda. So the Council needed time to review or consider it at another meeting.

Councilmember Phan asked about state law regulation and sought to understand the timeline of local adoption of an ordinance versus when the state legislation would go into effect. He was concerned and wanted to have more conversation.

Vice Mayor Dominguez agreed it felt like déjà vu, as mentioned. She brought a just cause ordinance to City Council multiple times but was unsuccessful with the vote.

Mayor Tran asked his colleagues to refer any items requested to the Rules Subcommittee. This was to abide by Council's direction to bring any proposal to that committee for review.

Councilmember Nuñez felt it was good that Council was pretty close on most of it. His suggestion was that since the next City Council meeting was October 8, and the Housing Subcommittee usually meets on Council meeting dates, the City Council could adjust the local regulations to be consistent with AB1482. He asked to bring all that back on Tuesday. Focus in on just cause eviction or leave it as is. He wanted to bring it back to the Housing Subcommittee to finalize language.

City Attorney Diaz sought to clarify what Mr. Nuñez wanted at a Housing Subcommittee meeting and allowing for comments on the proposed document(s).

Councilmember Montano wanted to pass the ordinance at this meeting and then to make adjustments later if needed.

Councilmember Phan asked the City Attorney to clarify the effective date of retroactive rent caps. He wanted especially to avoid rent gouging in Milpitas.

Attorney Ethan Walsh responded that the City Council could adopt an emergency ordinance with a rent cap, effective immediately, while the Costa-Hawkins restrictions (on certain units when built) would apply.

Vice Mayor Dominguez then suggested a Study Session Council meeting next Tuesday. To the Rules Committee, there could be an item by memo on emergency just cause. Then bring the rent review ordinance to City Council on October 1.

Councilmember Phan asked if that would be a study session only with one issue only. Meantime, he wanted to vote on what they had in front of them at the meeting. Mayor Tran agreed with that.

Vice Mayor Dominguez reported a known problem of "inconvenience fees" being imposed on rental units by landlords, to get around rent control caps. She asked if the Council Subcommittee had discussed that issue and the two members replied no. Ms. Dominguez wanted language about that in any ordinance so as not to allow it to happen in Milpitas.

Next, Chris Diaz read aloud the title of the Ordinance, "An Ordinance of the City Council of the City of Milpitas Adding Chapters 2 and 3 to Title XII of the Milpitas Municipal Code Relating to the Adoption of a Rent Review Program and Tenant Protections."

(2) Motion: to waive the first reading beyond title and to introduce Ordinance No. 302 to add Chapters 2 and 3 to Title XII of the Milpitas Municipal Code relating to the adoption of a rent review program and tenant protections; and to schedule a City Council Housing Subcommittee meeting next Tuesday, September 24, 2019 allowing all City Councilmembers to attend (Joint Meeting with City Council) and provide comments on just cause eviction ordinance, rent review ordinance, Assembly Bill 1482 and possible language on other fees landlords charge, that could be included in an ordinance

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 4
NOES: 1 (Montano)

(3) Motion: to approve a Budget Amendment to appropriate funds from the Affordable Housing Fund to the FY 2019-20 Housing Operating Budget for Project Sentinel to manage the Rent Review program; and, to authorize the City Manager to prepare and execute a Professional Services Agreement with Project Sentinel ending December 31, 2021 to manage the Milpitas Rent Review Program

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

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

At 11:25 PM, the Council moved to agenda item no. 23.

COMMUNITY DEVELOPMENT

14. Rent Relief Program This item was not heard and would carry over to the next meeting date

15. Housing Authority: By-Laws and Officers This item was not heard and would carry over to the next meeting date

PUBLIC SAFETY

16. UAS tech for Police Dept. This item was removed from the agenda and would be heard at a later date.

LEADERSHIP

17. League Conference – Designate Voting Delegate (1) Motion: to designate Councilmember Montano as the voting delegate at the League of California Cities Annual Conference in Long Beach in October 16 – 18, 2019

Motion/Second: Mayor Tran/Councilmember Phan

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

(2) Motion: to designate Councilmember Nuñez as the Alternate delegate at the League of California Cities Annual Conference in Long Beach in October 16 – 18, 2019

Motion/Second: Mayor Tran/Councilmember Phan

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

18. Resolution to hire PERS Annuitant – Contract HazMat Inspector Human Resources Director Liz Brown explained the need for this resolution, according to CalPERS when hiring a retired person.

Motion: to adopt Resolution No. 8909 authorizing an exception to the 180-day wait period in accordance with the California Government Code Section 7522.56 and 21224; and, approve and authorize the City Manager to execute an employment agreement with Valerian Catunao to serve as a part-time Hazardous Materials Inspector

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried: AYES: 5
NOES: 0

19. Facility Use Manual This item was removed from the agenda and would be heard at a later date.

20. Direction on Policy for Training and Events

This item was removed from the agenda and would be heard at a later date.

REPORTS

21, 22, 24, 25

Four agenda item request forms were not discussed and would be moved to a future agenda.

23. Rename Dixon Rd.

Councilmember Bob Nuñez spoke on this item submitted by himself and Councilmember Phan to consider renaming Dixon Road as Barack Obama Blvd, on the section only from I-880 to Milmont. He referred to the Economic Development Director's report on economic activity in the City, and he believed his recommendation would cause the least disruption. He had spoken to NAACP in discussion on this idea, since that organization had an office in Milpitas.

Mayor Tran asked for public comments.

Henry Nichols, resident, wanted to learn what was going to happen with this road name change. He wondered if it would run it into the housing track where he grew up (Sunnyhills). He heard it would stop at Milmont. He expressed mixed feelings about the possible name change.

Rob Means, resident, said he was not a great fan of Barack Obama. He did think the name change had great merit. He spoke up about the Sunnyhills neighborhood the first planned integrated neighborhood in the U.S.

A man recalled working with some Boy Scouts who worked on badges to learn about the history of the City. New roads were going in in new developments. This road had a unique history already, so the City should keep the name as it is.

A young woman liked the idea of re-naming however she had reservations about naming it as Barack Obama Blvd. She did not agree with that name since that President deported a lot of immigrants, put many in prison, and she expressed other criticisms.

Voltaire Montemayor, resident, was frequently on Dixon and Dixon Landing Road. He was a giver and receiver.

Pastor Jeff Moore (NAACP) spoke of diversity, Sunnyhills, President Barack Obama, and the significance of renaming the road entering the Sunnyhills neighborhood.

Tom Valore, resident, voted for Barack Obama twice. He felt it would be strange to memorialize someone who was still alive.

Mayor Tran felt this was the most important agenda item that had come before him in his time. He spoke about history in the Sunnyhills neighborhood when he was growing up. He supported naming a street name after Barack Obama and also naming a street after Martin Luther King. He stated his list of concerns, particularly around naming any public facility.

Councilmember Montano concurred with all of what Mayor said. She was raised since 1964 in Sunnyhills and did not agree with the proposal to rename Dixon Landing due to the need to preserve the past. She thought a lot of people would be upset if the name changed, and asked colleagues to just leave it as is.

Ms. Montano wanted to revive the City Council Subcommittee on Facilities Naming. She'd also like to add the name "Sunnyhills" back to the park that was named for Al Augustine Park.

Vice Mayor Dominguez urged being respectful of what the community wanted. But this evening, Council declined to vote on a policy that the community members had been demanding. She understood not to forget history within the city. Honoring Barack Obama was worthy, she felt. She agreed with Councilmembers Nuñez and Phan with renaming the section of the street.

Councilmember Phan made comments about history. Celebrate the journey, he urged, and the Sunnyhills name would not be changed. Celebrate what Barack Obama means.

Councilmember Nuñez made further comments about history, President Obama, and recognition for this City. City Council could also name something for Mayor Ben Gross as well, in the future.

City Attorney Diaz stated that staff would need to come back with a report on how to achieve a street renaming, including the costs, necessary actions, etc. Staff would need to bring back criteria, resident impact, impact to businesses, the minimal segment minimal, address changes, legal processes and other related tasks. City Manager Steve McHarris responded that staff would aim to bring a report to City Council by December.

Councilmember Nuñez called for the question and the Mayor asked to conduct a roll call vote.

Vice Mayor Dominguez made remarks to the Mayor prior to the vote and asked him to be respectful towards each other and not to engage in certain behavior.

Motion: to consider "Renaming of Dixon Landing Road to Barack Obama Blvd. will be the first Barack Obama Blvd. in Silicon Valley. This roadway leads into the Sunnyhills Community known as one of America's first integrated communities;" and directing City Manager to return to City Council with information on how to proceed

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 3
NOES: 2 (Montano, Tran)

NEXT AGENDA

26. Preview next agenda Received of list of agenda items for October 1, 2019 City Council meeting agenda.

ADJOURNMENT Mayor Tran adjourned the joint meeting at 12:32 AM on Wednesday, September 18, 2019.

*Meeting minutes respectfully drafted and submitted by
Mary Lavelle, City Clerk*