

*Draft* **MEETING MINUTES**  
**CITY OF MILPITAS**

**Minutes of:** **Regular Meeting of the Milpitas City Council**  
**Date:** **Tuesday, February 4, 2020**  
**Time:** **5:30 PM Closed Session**  
**7:00 PM Open Session**  
**Location:** **Council Chambers, Milpitas City Hall,**  
**455 East Calaveras Blvd., Milpitas**

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**CALL TO ORDER** Vice Mayor Nuñez called the meeting to order at 5:38 PM. City Clerk Mary Lavelle called the roll.

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

**ABSENT:** Mayor Tran was absent at roll call and arrived in Closed Session.

**CLOSED SESSION** City Council convened in Closed Session to discuss four items (two existing litigation matters and two labor negotiation items).

At the dais, Mayor Tran called to order the open session/regular meeting at 7:24 PM.

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

**PLEDGE** Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

**INVOCATION** Councilmember Montano offered remarks to start the meeting.

**PRESENTATION** Mayor Tran presented a signed Key to the City to outgoing CEO of Silicon Valley Leadership Group (SVLG) Carl Guardino, alongside Councilmembers.

Mayor Tran presented six commendations to companies and individuals involved with the successful Milpitas Manufacturing Day held on October 4, 2019.

**PUBLIC FORUM** Anu Nakka from Sinnott Elementary PTA invited all to a STEM event in February.

Rob Means, 1421 Yellowstone resident, thanked the Mayor for placing PRT (personal rapid transit) on the Transportation Subcommittee agenda.

Vice Mayor Nuñez asked the City Attorney about participation in the Subcommittee meeting.

Jackie Romero, resident, said one minute was not enough time to make public comment.

Frank DeSmidt announced upcoming Milpitas Rotary Club and Milpitas Chamber of Commerce events in March.

Voltaire Montemayor, resident, complimented Mr. Guardino's tenure at SVLG.

**ANNOUNCEMENTS** Councilmember Phan requested, for February 18, that the City Council consider implementation of support for "Laura's Law" and develop policies related to conservatorship and mental health treatment. He also requested for a future meeting in March, that the City Council discuss having a responsible construction ordinance.

Mayor Tran stated his support of both items proposed by Mr. Phan.

Councilmember Dominguez requested to add a policy in alliance with helping the unhoused population including transitional housing and how Milpitas residents would have the ability to fill those units first. She asked what the city policy was on implementing future housing development, and inquired how the city was tracking its homeless population.

Mayor Tran asked the City Attorney to comment on state law requirements on how persons were chosen for affordable housing units. Mr. Diaz stated he would bring these items back to the Council.

Vice Mayor Nuñez asked if the housing item could go to the Housing Subcommittee first.

Councilmember Montano asked staff to bring back information to the Housing Subcommittee on making Sango Court's 100% affordable units available for Milpitas residents first.

Mayor Tran summarized that there was consensus to bring the first two topics back to Council and to send the third topic to the Housing Subcommittee.

**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.

Vice Mayor Nuñez asked for item no. C8 (fee waiver request for Nuñez Foundation) to be removed from the agenda.

**APPROVAL OF AGENDA**

Motion: to approve the City Council agenda, as amended with removal of agenda item no. C8

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

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

**CONSENT CALENDAR**

Motion: to approve the consent calendar including items no. C1 – C7, no. 12 and 13 (with item no. C8 removed from the agenda above)

Mayor Tran asked to remove item no. C9 from consent.

Councilmember Phan requested to add items no. 12 and no. 13 (Commission work plans) onto the consent calendar.

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

- C1. Council Calendar Received the calendar of upcoming meetings for the month of February 2020.
- C2. Meeting Minutes Approved City Council meeting minutes of January 21, 2020.
- C3. Adopt Ordinance Waived second reading and adopted Ordinance No. 38.838 amending Milpitas Municipal Code Title X (Zoning, Planning, and Annexation, Chapter 10 (Zoning) to allow zoning designation change of certain parcels within the zoning map.
- C4. Two Resolutions –  
McCandless Well and Park Adopted Resolution No. 8940 approving Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) for Project No. 5102 McCandless Park, Project No. 7076 Well Upgrade - McCandless Well, and Project No. 2005 Penitencia Creek Pedestrian Bridge.  
  
Adopted Resolution No. 8941 approving project plans and specifications for Project No. 7076 Well Upgrade - McCandless Well; and awarded a construction contract for the base bid and

authorized the interim City Manager to execute the contract with Pacific Coast Well Drilling, Inc. in the amount of \$884,620; and authorized the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$265,000.

C5. Resolution

Adopted Resolution No. 8942 (a) granting acceptance of public improvements for the Centre Pointe Subdivision at 1463, 1515, 1557 & 1585 Centre Pointe Drive, Tract 10363, Public Improvement Plan No. 2-1218 and 2-1218 SD; and (b) approving a reduction in the faithful performance bond to \$97,800, which shall be subject to and in effect for the duration of a one-year warranty period.

Granted authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action - provided all required warranty work is completed to the satisfaction of the City Engineer.

C6. Resolution

Adopted Resolution No. 8943 declaring weeds on specific properties to be public nuisances and setting a public hearing date on March 3, 2020.

C7. Training Grant for Police

Accepted the CA Governor's Office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch, Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-20; and, approved a budget appropriation of \$10,000 from California Governor's office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch.

C8. Fee Waiver Request –  
Nuñez Foundation

Item was removed from the agenda.

9. Rename Park

This topic was removed from consent calendar and Recreation Services Director Renee Lorentzen provided history to date on the request to update the Al Augustine Jr. Park in the Sunnyhills neighborhood to include "Sunnyhills" in its name.

Mayor Tran invited speakers to the podium.

Mr. Augustine's daughter spoke to the City Council about the park name and significance of the Sunnyhills neighborhood in Milpitas.

Henry Nichols, resident, was pleased with the recommendation for the updated name and was glad to add "Sunnyhills" to the name of the park.

Councilmember Montano commented in support of the park name change. She offered a slightly different name: "Sunnyhills Albert Augustine Jr. Memorial Park."

Victor Valleneva, Sunnyhills resident, spoke in agreement with Councilmember Montano.

Guy Haas, resident, spoke in favor of having Sunnyhills at the beginning of the park name.

Jackie Romero, Sunnyhills resident, spoke in favor of the name change for the park.

Allyson McDonald, resident and president of Sunnyhills Neighborhood Association, thanked the Council for bringing this park name change to a vote.

Voltaire Montemayor, resident, spoke in support of the park name change.

Urvishkumar Mehta, resident, addressed process for changing the name of any one park.

Rob Means, resident, reminded City Council about a letter submitted in favor of park name change, from Sunnyhills Neighborhood Association.

Vice Mayor Nuñez asked what would be involved to change the name and staff responded.

Mayor Tran and Councilmember Dominguez expressed support for the park name change, and she wanted to add a historical plaque about Mr. Augustine at the park.

Councilmember Montano mentioned the need for a plaque designating site of the UAW Hall in Sunnyhills neighborhood, and other sites of historical reference.

Vice Mayor Nuñez asked if the Parks, Recreation and Cultural Resources, and Arts, Commissions would be involved with historical markers. Staff replied that was to be determined. He wanted this Sunnyhills park to be prioritized over other parks' historical markers.

Councilmember Montano referred to the prior Council Subcommittee on Facilities Naming, and wanted to bring it back so matters like this one would be referred there first.

Motion: to approve renaming Albert Augustine Jr. Memorial Park to “Sunnyhills Albert Augustine Jr. Memorial Park” and bring back having historical park markers at named parks, and restore the City Council Facilities Naming Subcommittee

Motion/Second: Councilmember Montano/Councilmember Phan

AYES: 5

NOES: 0

## **COMMUNITY SERVICES**

### **10. SVCE update**

Silicon Valley Clean Energy Chief Executive Officer Girish Balachandran provided an update to City Council upon one year of service in the city of Milpitas, and discussed possibilities on the restructuring of Pacific Gas & Electric company.

Mayor Tran invited speakers from the audience.

Allysson McDonald, resident, was pleased with the energy option from SVCE while concerned about PG&E restructuring and potential Municipal Utility District plans.

Rob Means, resident, commented on PG&E.

Voltaire Montemayor, resident, felt precaution was necessary regarding PG&E.

Urvishkumar Mehta, resident, knew what the alternatives were for clean energy and keeping infrastructure costs low.

Vice Mayor Nuñez thanked Mr. Balachandran and asked about San Jose Mayor Liccardo's plan on regional utility formation, and electric bikes. Mr. Balachandran replied. Mr. Nuñez wanted staff to look into a program for e-bikes use by high schoolers, who start their own business.

Councilmember Montano reminded all she served on the Board of Directors of SVCE.

Councilmember Phan commented on PG&E, monitoring its performance, cost savings, liabilities and related issues for SVCE.

Mayor Tran thanked Mr. Balachandran and Deputy Public Works Director Elaine Marshall.

### **11. ESCO savings**

Public Works Director Tony Ndah introduced the update on the Preliminary Energy and Water Savings Conservation Measures pertaining to the Energy Service Company (ESCO) Investment Grade Audit being implemented by Engie Services U.S. Inc. Mr. Ndah described four groups of measurement for the energy savings.

Representatives from Engie, John Paul Jewel and Steve Sealy, reported on the four groups to the City Council.

Mayor Tran asked staff to take into consideration the potential of a new police building in the future, while considering solar at that site.

Mayor Tran noted his support for five conservation measures: 5 (Energy Management Systems), 6 (HVAC Upgrades), 7 (High Efficiency Transformers), 9 (Irrigation Controls), and 11 (Water Meter Upgrades).

Vice Mayor Nuñez asked about elimination of gas used in homes and a plan could for that. He asked to have a field trip to visit sites with “Smart City” technology.

Councilmember Phan suggested using smart meters for the water service system.

Councilmember Dominguez described visiting Costa Rica where there was 100% renewable energy. She recommended Micro Power Systems in city creeks and to track the City’s ecological footprint.

Councilmember Montano asked how street lights were assessed. Mr. Ndah said a consultant and staff reviewed every street light in the city’s inventory.

Councilmember Dominguez felt the interior and exterior building lighting could be improved, providing safety through environmental design.

Mayor Tran thanked staff and the consultant for work on energy savings.

## **COMMISSIONS**

### **C12. PRCRC Work Plan**

Item was added to consent calendar. The Parks, Recreation and Cultural Resources Commission work plan including the Sister Cities Cultural and Community Relationship program was approved.

### **C13. STIC Work Plan**

Item was added to consent calendar. The Science, Technology and Innovation Commission work plan was approved.

## **NEXT AGENDA**

### **14. Preview next agenda**

Received a list of agenda items for the February 18, 2020 City Council meeting.

City Manager Steve McHarris stated that a few items would be deferred to later City Council meeting agendas. An item previously requested by Councilmember Dominguez would be placed on the next agenda.

## **ADJOURNMENT**

Mayor Tran adjourned the regular City Council meeting at 11:01 PM, in memory of his nephew.

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