

## *Draft* CITY OF MILPITAS MEETING MINUTES

**Minutes of:** Regular Meeting of the Milpitas City Council  
**Date:** Tuesday, September 15, 2020  
**Time:** 6:00 PM Closed Session  
7:00 PM Open Session  
**Location:** Meeting held via teleconference/zoom webinar online  
Milpitas, CA

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### **CALL TO ORDER**

Mayor Rich Tran called the meeting to order at 6:01 PM. Deputy City Clerk Pam Caronongan called the roll. The meeting took place via teleconference/zoom webinar.

**PRESENT:** Mayor Rich Tran, Vice Mayor Robert "Bob" Nuñez, Councilmembers Karina Dominguez and Anthony Phan

Councilmember Carmen Montano was not present during roll call but arrived during Closed Session.

**ABSENT:** None

### **CLOSED SESSION**

City Council convened into Closed Session (online webinar) to discuss one labor negotiation item, as listed on the agenda.

At 7:00 PM, the Mayor and Council reconvened for the Open Session.

### **ANNOUNCEMENT – from Closed Session**

City Attorney Christopher Diaz said there was no announcement out of Closed Session. City Attorney Diaz read the Milpitas Code of Conduct. City Council then provided direction to staff on items that will be on upcoming agendas.

### **PLEDGE**

Mayor Tran led the Pledge of Allegiance.

### **INVOCATION**

Mayor Tran conducted the invocation.

### **PRESENTATION**

Mayor Tran proclaimed September 15 - October 15, 2020 as *Hispanic Heritage Month*

### **PUBLIC FORUM**

Deputy City Clerk Caronongan read the following submitted public comment:

- |                          |                         |
|--------------------------|-------------------------|
| 1. Vasanthi Vishwanathan | 12. Ricardo Iglesia     |
| 2. Inderjit Mundra       | 13. Lupe Fletes         |
| 3. Teresa Stevenson      | 14. Omar Torrico        |
| 4. Vangie Robilos        | 15. Yuritza Rlos        |
| 5. Urvishkumar Mehta     | 16. Voltaire Montemayor |
| 6. Ha Do                 | 17. Art Curiel          |
| 7. Ana Rodriguez         | 18. Nicky Bautista      |
| 8. Serena Jean           | 19. Juanita Candelas    |
| 9. Adrian Alvarez        | 20. Luke Walker         |
| 10. Amy Lai-Richardson   | 21. Francisco Oceano    |
| 11. Lena Chavez          | 22. Frank Goldstein     |

### **ANNOUNCEMENTS**

City Manager Steven McHarris made announcements regarding Milpitas Small Business Spotlight nominations, the 2020 United States Census, and the County's pop-up COVID-19 testing at the Milpitas Sports Center Monday, September 21, 2020.

Councilmember Phan expressed concern about funding youth softball. He requested the City's community engagement and inclusion administrator to open lines of communication between the City and the community, and report back to City Council.

In addition, Councilmember Phan requested staff respond and update City Council regarding the City placing a cap on food delivery service fees. He mentioned that this was a previous request that he made with Mayor Tran. Mayor Tran concurred.

Vice Mayor Nuñez agreed with Councilmember Phan's request pertaining to youth softball.

Vice Mayor Nuñez requested staff consider diversity and inclusion in the formulation of City master plans starting with the Metro TASP Plan. He also asked when the City's recreation facilities will be opened, and how will staff communicate openings to the community.

In addition, Vice Mayor Nuñez mentioned that Santa Clara County has established a countywide homeless task force. He stated he and Councilmember Dominguez have been appointed as the City's representative for the County's homeless task force. He wanted to ensure that the City will not be forgotten in any countywide outreach efforts since he sees this as a way to help the City's homeless, including homeless families with students. He requested staff return with options to address the homeless issues at the October 6 City Council meeting.

Councilmember Dominguez invited the community to a roundtable discussion on Sunday, September 20, 2020 at 6PM along with Vice Mayor Nuñez in preparation for the upcoming County Unhoused Task Force meeting on September 24, 2020.

Councilmember Montano stated that the City Council is exploring solutions with Milpitas Unified School District (MUSD) for the City's youth softball program. She requested everyone's patience as the City works towards a solution.

#### **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 or reportable campaign contributions. By roll call, no conflicts or contributions in the last 12 months were reported.

#### **CODE OF CONDUCT**

The City Attorney read aloud the City Council Code of Conduct during the Announcements from Closed Session portion of the meeting (see above).

#### **APPROVAL OF AGENDA**

Motion: to approve the September 15, 2020 meeting agenda, as presented

Motion/Second: Vice Mayor Nuñez / Councilmember Montano

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

#### **CONSENT CALENDAR**

Deputy City Clerk Caronongan announced results of the election for parcel owner/ voter to authorize annexation of parcels into Community Facilities District No. 2008-1: 1 yes and 0 no. This announcement is related to Agenda Item No. C3 – Community Facilities District No. 2008-1 (Annexation No. 10 / 551 Lundy Place development)

Motion: to approve the Consent Calendar which included Agenda Item Nos. C1 through C7

Motion/Second: Vice Mayor Nuñez / Mayor Tran

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

- C1. Council Calendar Received calendars of upcoming meetings for September and October 2020.
- C2. Meeting Minutes Approved the City Council meeting minutes of the August 27, 2020 Special meeting and the Regular City Council meeting on September 1, 2020.
- C3. Resolution
- 1) Following receipt of election results from the Deputy City Clerk, adopted Resolution No. 9002 certifying election results and adding Tract No. 10475 to Community Facilities District No. 2008-1 (Annexation No. 19).
  - 2) Approved Final Tract Map No. 10475, including approval of street names and accepted all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements.
  - 3) Approved and authorized the City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast LLC for a residential development at 551 Lundy Place.
- C4. Resolution Adopted Resolution No. 9003 granting acceptance of Alviso Adobe Renovation, Phase V- Interior Restoration, Project No. 5055, authorizing the City Engineer to file a Notice of Completion, and authorizing him to issue a Notice of Final Acceptance after the one-year warranty period.
- C5. Settlement Agreements Authorized the City Manager to execute Release and Settlement Agreements with Valley Water District, Kuskokwim Corporation, and Suulutaaq, Inc. for reimbursement for repairs to Lighting Landscape Maintenance Assessment District (LLMD) No. 98-1 and appropriated \$86,125 to Sinclair Horizons LLMD No. 98-1.
- C6. Energy Services Agreement Approved and authorized the City Manager to execute an Energy Service Agreement with ENGIE Services US Inc. for development of energy and water conservation measures on City facilities and land, per California Government Code §4217.
- C7. YAC Scholarships Approved the award of five Youth Advisory Commission Community Service Scholarships of \$500 each, for a total amount of \$2,500.

## **COMMUNITY DEVELOPMENT**

8. Milpitas Metro Specific Plan Received report from Planning Director Ned Thomas, Planning Manager Jessica Garner, Transit Area Specific Plan (TASP) Manager Kevin Riley, and consultants Christina Paul from M-Group, Jane Lin from Urban Field Studio, and Teifion Rice-Evans from Economic & Planning Systems (EPS).

Director Thomas introduced the project team, and the consultants presented information about their ongoing work on the Milpitas Metro Specific Plan (TASP Update). The presentation included information gathered from an online survey conducted during August as well as goals and a planning framework for the overall project. The project team responded to questions from individual Council members, and Council members expressed appreciation for the detailed work completed.

The Council directed staff to move forward with the goals and planning framework as presented. Specific direction included a focus on multi-modal transportation, quality parks and recreation facilities, quality of life for residents and visitors, crime prevention, and continuing partnerships with project stakeholders.

No vote was taken for this item.

Deputy City Clerk Caronongan read a public comment from Voltaire Montemayor.

## **LEADERSHIP**

### **9. Delegates to League Conference**

Appointed Councilmember Dominguez as the voting delegate and Vice Mayor Nuñez as the alternate voting delegate to the annual conference League of California Cities scheduled online from October 7 – 9, 2020.

Motion/Second: Mayor Tran / Vice Mayor Nuñez

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

### **10. Agreements for Cellular Technology**

Information Technology Director Mike Luu presented before City Council.

Maureen Cruzen, Ginbar Ketema, Balaji Nagarajan, and Donna Barrett from Verizon as well as Cliff Fitterer, Leon Beauchman, Ellen Kamei, and Tom Shuler from AT&T were all present to respond to inquiries or request for clarification.

City Attorney Andrew McCardle from Best, Best & Krieger (BB&K) was also present to reply to questions coming from City Council

Deputy City Clerk Caronongan read public comments from the following:

1. Robert Jung
2. Allysson McDonald
3. Lisa Moreno
4. Charles Schletzbaum
5. Kelly Clark
6. Voltaire Montemayor

Motion: to approve and authorize the City Manager to execute the Municipal Facilities License Agreements (MLA) with Verizon and AT&T to attach Small Cell Antennas to City-owned vertical infrastructure in the public right-of-way

Motion/Second: Mayor Tran / Councilmember Phan

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

### **11. Agreement with County**

Assistant City Manager Ashwini Kantak presented her report before the City Council.

Ky Le, Deputy County Executive from the County of Santa Clara, was present to respond to any inquiries or requests for clarification on the County's behalf.

Motion: to approve and authorize the City Manager to execute a funding agreement with Santa Clara County for Countywide isolation and quarantine services, related to COVID-19, for an amount not to exceed \$109,588.

Deputy City Clerk Caronongan read public comments from the following:

1. Voltaire Montemayor
2. Urishkumar Mehta
3. Kelly Clark

Motion/Second: Mayor Tran / Vice Mayor Nuñez

Motion carried by a vote of:

AYES: 5

NOES: 0

**12. Social Media Policy**

Assistant City Manager Kantak introduced Management Fellow Ahmad Raza and City Attorney Isaac Rosen from BB&K who have presented the item before City Council.

Deputy City Clerk Caronongan read public comments from the following:

1. Voltaire Montemayor
2. Urvishkumar Mehta
3. T. Fontenot

Motion: to approve and adopt a new City of Milpitas Social Media Policy

Motion/Second: Mayor Tran / Vice Mayor Nuñez

Motion carried by a vote of:

AYES: 5

NOES: 0

**REPORTS**

**13. List of Agenda Items**

City Council received the list of agenda items from staff.

**14. Request - US Census,  
and City Sponsored Events**

Consensus made to move this Agenda Item to the next City Council meeting on October 6, 2020.

**NEXT AGENDA PREVIEW**

**15. Agenda Preview**

Received list of anticipated agenda Items for the next regular City Council meeting on October 6, 2020.

**ADJOURNMENT**

City Council adjourned the meeting at 12:07 PM in memory of Heide Wolf-Reed, who was an active member of the Milpitas business community.

*Draft meeting minutes submitted by  
Deputy City Clerk Pam Caronongan*