

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

<b>Minutes of:</b>	<b>Regular Meeting of the Milpitas City Council</b>
<b>Date:</b>	<b>Tuesday, September 3, 2019</b>
<b>Time:</b>	<b>7:00 PM Open Session (no closed session)</b>
<b>Location:</b>	<b>Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas</b>

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**CALL TO ORDER**

Mayor Tran called the meeting to order at 7:00 PM. City Clerk Mary Lavelle called the roll.

**PRESENT:** Mayor Tran, Councilmembers Montano and Nuñez

**ABSENT:** Vice Mayor Dominguez and Councilmember Phan

Interim City Manager Steve McHarris was absent, so Assistant City Manager Ashwini Kantak sat at the dais for the manager.

**PLEDGE**

Boy Scouts Troop No. 92 led the pledge of allegiance.

**INVOCATION**

Councilmember Montano provided remarks from the dais.

**PRESENTATIONS**

Mayor Tran proclaimed September 2 – 6, 2019 as *National Payroll Week*, accepted by Brandi Trevino; and also proclaimed September as *Pain Awareness Month*, accepted by Michele Rice of the US Pain Foundation.

Councilmember Nuñez commended the Milpitas Suicide Prevention Task Force, and presented a certificate to Pastor Robert Mize and Recreation Services Supervisor John Macon

**PUBLIC FORUM**

Rob Means, 1421 Yellowstone, discussed the climate change emergency in the country.

Allysson McDonald, resident, said she and other residents were disappointed with vote of the City Council at the last meeting when it allowed an exception to affordable housing requirements for 15% of new units in a residential development project to be built for low income residents.

Voltaire Montemayor, resident, spoke to the Council with positive comments.

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

Veronica Salce, resident, addressed Council with the goal of having an emergency housing ordinance and for renter protections in Milpitas, due to high rents in this City. There was too much development occurring, making it hard for existing families to survive.

**ANNOUNCEMENTS**

City Clerk Mary Lavelle announced election results from one parcel owner/voter – a “yes” vote consenting to allowing the property to be annexed into Community Facilities District No. 2008 – 1 (related to agenda item no. C7).

Councilmember Nuñez reported that the City Council’s retreat meeting the prior Friday went very well, and he felt it brought the City Councilmembers together. He also spoke with compliments for Police Chief Armando Corpuz.

**ANNOUNCEMENT OF  
CONFLICT OF INTEREST  
AND CAMPAIGN  
CONTRIBUTION**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, no conflicts were reported.

## **APPROVAL OF AGENDA**

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 3  
NOES: 0  
ABSENT: 2 (Dominguez, Phan)

## **CONSENT CALENDAR**

Motion: to approve the consent calendar including agenda items no. C1 – C16

City Attorney Diaz noted that there was a slightly revised Ordinance No. 38.836 for item no. C4, and a copy was distributed at the dais. The Ordinance had one typo corrected.

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 3  
NOES: 0  
ABSENT: 2 (Dominguez, Phan)

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| C1. Council calendars                              | Received City Council calendar for September 2019.   |
| C2. Meeting Minutes                                | Approved City Council meeting minutes of August 9, 13 and 20, 2019.  |
| C3. Adopt Ordinance                                | Waived the second reading and adopted Ordinance No. 43.212 amending Milpitas Municipal Code, Title V, Chapter 100, Section 15.06 “Parking Time Limited on Certain Enumerated Streets.”   |
| C4. Adopt Ordinance                                | Waived the second reading and adopted Ordinance No. 38.836 amending Sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to temporary public safety facilities and making findings of CEQA Exemption.  |
| C5. Resolution – Flags                             | Adopted Resolution No. 8902 directing staff to fly city event celebration and/or commemorative flags at various events from October 2019 through June 2020.  |
| C6. Resolution – Green Plan                        | Adopted Resolution No. 8903 approving the Green Stormwater Infrastructure Plan as required by the Municipal Regional Stormwater Permit.  |
| C7. Resolution, Final Map and SIA – 1992 Tarob Ct. | <ol style="list-style-type: none"><li>1. Following receipt of election results from the City Clerk (one yes vote), adopted Resolution No. 8904 certifying election results and adding Tract No. 10455 to Community Facilities District 2008-1 (Annexation No. 17).</li><li>2. Approved Final Tract Map No. 10455, including approval of street names and accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements.</li><li>3. Approved and authorized the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast LLC.</li></ol> |
| C8. Budget Adjustments                             | Approved the Fiscal Year 2018-19 year-end budget appropriations in the General Fund and Community Development Block Grant Fund.  |
| C9. Sandalwood Park                                | Approved the conceptual plan for Sandalwood Park Renovation, Project No. 5110.   |
| C10. Clothing Purchase                             | Awarded the bid and authorized the City Manager to execute the agreement with 2Meart.com for Citywide clothing, jackets and caps for the five-year contract amount not to exceed \$205,250, subject to annual appropriations.  |
| C11. OTS Grant                                     | Adopted Resolution No. 8905 authorizing the Chief of Police to execute the Grant Agreement with the Office of Traffic Safety to accept the FY 2020 Office of Traffic Safety Selective Traffic  |

Enforcement Program Grant in the amount of \$83,000 and approved a budget appropriation in the amount of \$83,000 to the Police Department overtime budget.

C12. Youth Advisory Commission

Appointed four Members - Saili Karkare, Yugam Satija, Fengyi Huang and Meghana Ambalathingal - as voting Commissioners, and re-appointed Commissioners Ravit Sharma, Aruna Doreswamy and Saniya Shrotriya to the Milpitas Youth Advisory Commission to new terms that will expire in September of 2022.

C13. SVCE Board

Appointed Councilmember Montano as a Regular Director and appointed Deputy Public Works Director Elaine Marshall as Staff Alternate to the Silicon Valley Clean Energy Board of Directors.

C14. Approve Travel

Authorized and approved travel to Long Beach, CA for four City Councilmembers along with Interim City Manager to attend the Annual Conference of the League of California Cities held October 16-18, 2019, for a combined total expense amount not to exceed budgeted Conferences/ Meeting allocation for City Council and for City Manager's office.

C15. Two Donations

Received applications from two Milpitas non-profit organizations requesting \$500 donations each and approved both: (1) to Korean Language and Culture Foundation for its Hangeul Day event on September 19, 2019 at Milpitas Library, and (2) to Milpitas Community Educational Endowment for its Mid-Autumn Festival at SJCC Milpitas Extension on September 28, 2019.

C16. Letter to SCC Civil Grand Jury on VTA

Authorized Mayor's response letter to the 2018-2019 Santa Clara County Civil Grand Jury Final Report "Inquiry into the Governance of the Valley Transportation Authority."

## PUBLIC HEARINGS

17. Public Health Goals for Water Quality

Deputy Public Works Director Elaine Marshall addressed the Council and presented the City's Public Health Goals for water quality. She described how water quality was monitored, and how the program was meeting all requirements.

Mayor Tran opened the public hearing.

Rob Means, resident, commented on 89 different potential contaminants, and said he was pleased that all but one was not detected in Milpitas at all.

Voltaire Montemayor, resident, thanked the staff for high water quality, and concern for coliform in any drinking water or in reservoir.

Councilmember Montano asked who tested the water, and Ms. Marshall explained that Public Works staff did the task of collecting samples and then a lab conducted the tests.

Allysson McDonald, resident, did want to know if the wells were tested, as inquired about by Councilmember Montano.

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

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by vote of: AYES: 3  
NOES: 0  
ABSENT: 2 (Dominguez, Phan)

(2) Motion: to accept and approve the City of Milpitas 2019 Public Health Goals Report on Water Quality in accordance with provisions of the California Health and Safety Code

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by vote of:

AYES: 3  
NOES: 0  
ABSENT: 2 (Dominguez, Phan)

**18. Consolidated Annual  
Performance Report on  
Community Development  
Block Grant funds FY2018-19**

Housing & Building Director Sharon Goei and Housing Authority Administrator Robert Musallam brought to the Council the draft Consolidated Annual Performance Evaluation Report which reviewed the Community Development Block Grant Fiscal Year 2018-19 funding cycle of federal grants to local non-profit organizations. The report discussed how goals were met by agencies funded, via the adopted Action Plan. The annual CAPER is required by the federal Department of Housing and Urban Development (HUD) and was due by September 30. Staff described fourteen non-profit organizations that benefitted in the last fiscal year.

Next, Mayor Tran opened the public hearing.

Wanda Hale, Catholic Charities Long Term Care Ombudsman program, thanked the City Council for its support.

Esther Dieckmann, Executive Director of Next Door Solutions to Domestic Violence, noted her organization was celebrating 48 years in service in the county. Next Door served survivors of domestic violence, and thanked the City staff for assisting the agency in exceeding goals in the community. She explained that 24 hour service was available, including an all-night hotline.

Councilmember Montano remarked on police reports regarding domestic violence in the City. She asked if Milpitas Police officers gave out cards to survivor to refer them to the agency and available in the language needed. The Police Chief responded affirmatively.

Michele Schroeder, representing Senior Adults Legal Assistant (SALA) thanked the City Council for support for her non-profit group that helped seniors with free legal assistance provided at the Barbara Lee Senior Center, next door to City Hall.

Teresa Johnson, Director of Meals on Wheels at The Health Trust, thanked City Council for its support to her agency. She quoted the number of meals served in Milpitas to seniors.

Allysson McDonald, resident, had questions and asked to delay approving the report until the full Council was present. She quoted numbers of homeless persons and the number served, and similar with goals for affordable housing needed in the City. More outreach was needed to let tenants know about services of Project Sentinel.

Ms. Rose, Child Advocates of Silicon Valley, thanked City Council for its support for her program that worked to help with services for foster children in Milpitas.

Councilmember Montano thanked her for helping foster kids in particular. She inquired about refugee children and any services provided to them, as well. The Child Advocates representative said her agency helped all those who were in the foster care system, as referred.

Deanne Everton, Rebuilding Together of Silicon Valley, helped low income homeowners especially seniors stay in their homes. RTSV assisted residents with aging in place, performing basic repairs and safety modifications to homes.

Voltaire Montemayor, resident, spoke of goals, needs, housing, support services, and helping everybody. The City was very generous.

Councilmember Nuñez inquired about several numbers reported (on powerpoint slides). Staff Mr. Musallam replied concerning one organization that had met only 43% of its goal.

Mr. Nuñez asked if there was a plan to come back to City Council with a proposal from the Council Housing Subcommittee regarding rent assistance and tenant needs, and staff reported it was working on that proposal. Mr. Nuñez asked if the CAPER approval could be put off until September 17, so the other member of the Council CDBG Subcommittee could comment. He

wanted to defer to the Chair of that Subcommittee, and to allow for receipt of any comments she (Vice Mayor Dominguez) had on the CAPER before it was approved.

Mayor Tran offered that the City Council could keep the public hearing open and continue it to the next meeting. Thus, no vote was taken at this meeting on the staff recommended actions.

Motion: to continue the public hearing on the CAPER to the September 17 City Council meeting date, following comments from eight speakers, and allowing for input from Vice Mayor Dominguez, Chair of the City Council CDBG Subcommittee

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by vote of: AYES: 3  
NOES: 0  
ABSENT: 2 (Dominguez, Phan)

## 19. PSUE Vacation

Principal Engineer Kan Xu explained the request presented to the City Council for action on the need to vacate a public service utility easement at 1646 Centre Pointe Drive for the Summerhill mixed use development project. This was for land where several utilities had already been moved, based on adopted plans for the development project in the Transit Area near BART.

Next, Mayor Tran opened the public hearing.

Marshall Torre of Summerhill Development Communities came to the podium and respectfully requested the Council to vote to approve the vacation of the easement for its project.

Voltaire Montemayor, resident, said this action sounds good and he was in favor.

Mayor Tran asked to review the map displayed by staff. He sought more explanation of what would occur once the city released the easement to the developer. Staff reviewed the plans.

City Attorney Chris Diaz explained the legal rationale for this action, and why the staff requested to relinquish the easement since utilities had been moved already for the development project that was underway. He responded to Mr. Nuñez further, who thought this action should have come to Council first, not after the fact. Staff described the vacation action was part of the approved Conditions of Approval for the project.

Mr. Nuñez commented that if there was a way to achieve a higher walkability score at this site, with more walking paths on site, then staff should look at that. He supported Mayor's comments.

Councilmember Montano said with previous City Councils, this type of action was the norm. She trusted staff with this process and on siting of the utilities. She supported the staff recommendation and would like to take action as requested.

Mr. Torre of Summerhill provided some background on this project and the steps taken in 2015 when the project was approved. He also described additional history about two properties the developer had purchased.

Mayor Tran said he would abstain when the vote was taken. The City Attorney noted a majority would be needed (three votes) to adopt the resolution.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by vote of: AYES: 3  
NOES: 0  
ABSENT: 2 (Dominguez, Phan)

Since it appeared that a majority vote at this meeting was not likely on the staff recommended resolution, the City Attorney advised the Council to re-open this public hearing and continue it to the next City Council meeting date when all five Councilmembers would be present. This would defer the vote on the resolution.

(2) Motion: to re-open the public hearing, move to continue the hearing to September 17, and reschedule the vote on the resolution for the summary vacation of the easement at 1646 Centre Pointe Drive following the hearing

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by vote of: AYES: 3  
NOES: 0  
ABSENT: 2 (Dominguez, Phan)

## REPORTS

Mayor Tran recently attended MUSD School/City communication meeting along with two School Board members, and found it was a great meeting with happy residents. This group would meet monthly to be on a more regular basis. He attended the Veterans Commission car show last month, also.

Councilmember Nuñez said that Milpitas had the best Police Chief in the County. Chief Corpuz had done great work recently with activity at the Great Mall, including alongside the City's Public Information Officer Jennifer Yamaguma.

## NEXT AGENDA

**21.** Preview next agenda Received the list of anticipated agenda items for September 17, 2019 City Council meeting.

**ADJOURNMENT** Mayor Tran adjourned the meeting at 9:10 PM.

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