

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

**Minutes of:** **Regular Meeting of the Milpitas City Council**  
**Date:** **Tuesday, December 17, 2019**  
**Time:** **6:00 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 meeting to order at 6:06 PM. City Clerk Mary Lavelle called the roll.

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

**ABSENT:** Councilmembers Montano was absent at roll call. She arrived at approximately 8:02 PM.

**CLOSED SESSION** City Council convened in Closed Session to discuss three matters listed on the agenda, and then came out to the dais at 7:31 PM.

**ANNOUNCEMENT** No reportable action out of Closed Session.

**PLEDGE** Resident Voltaire Montemayor led the pledge of allegiance.

**INVOCATION** Veterans Commission Vice Chair Ed Ackerman read a prayer and honored the memory of Mr. Denny Weisgerber, honorable veteran of the US Marines, resident and former Mayor and Commissioner.

**PRESENTATIONS** Commendations were presented to 14 Santa Clara Valley Science and Engineering Fair Association (SCVSEFA) Milpitas student STEM winners.

**PUBLIC FORUM**

Rob Means, resident, discussed funding for personal rapid transit.

Guy Haas, resident of The Pines neighborhood, complained of speeding in his neighborhood.

Jim Arthur, resident and veteran, complimented Center Stage Performing Arts performers for their at the veterans lunch performance on November 16.

Voltaire Montemayor, resident, was impressed with the students.

**ANNOUNCEMENTS**

City Manager Steve McHarris announced that City Council meeting minutes would be prepared as “action minutes” by the City Clerk starting in January. Most City Hall offices would be closed December 24, 2019 through January 1, 2020.

City Engineer Steve Erickson updated the Council on Bay Area Air Quality Management District efforts on the planned odor study.

Mayor Tran requested an agenda item for the next Council meeting: to request a study on a proposal for a City performing arts center, and to potentially be included as a project in the Capital Improvement Program (CIP). Councilmembers supported the Mayor’s request.

Mayor Tran congratulated Milpitas High School varsity football team upon winning its second statewide championship.

Councilmember Nuñez inquired about the Silicon Valley Clean Energy Board meeting on January 8 and the status of cities signing on to a proposal by San Jose's Mayor regarding regionalization of utility service. He asked if the item would be on the agenda on January 7. Public Works Director Tony Ndah responded that staff was planning to have the CEO of SVCE present to Council on this topic in February. If staff had time sensitive information, it would bring that back to Council earlier.

**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.

Mayor Tran would abstain from voting on agenda item no. C3 (resolutions on Planning Areas), out of an abundance of caution due to the location of his residence.

**APPROVAL OF AGENDA**

Motion: to approve the City Council agenda, as submitted

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSENT: 1 (Montano)

**CONSENT CALENDAR**

Motion: to approve the consent calendar including agenda items no. 1, 2, 7, 8, 9, 13, 16 and 20

Councilmember Phan requested to add items no. 16 and no. 17 onto consent.

Mayor Tran asked to add no. 20 onto consent and to remove no. C6 from consent.

Councilmember Nuñez asked to hear item no. 17 and requested to remove agenda items no. 3, 4, 5, 10, 11, and 12 from consent.

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSENT: 1 (Montano)

C1. Council Calendar

Received City Council calendar for December 2019 and January 2020.

C2. Meeting Minutes

Approved City Council meeting minutes of December 3, 2019.

3. Two Resolutions

Assistant Planner Avery Stark addressed the Council regarding Preferred Development Areas (PDAs) and Preferred Priority Areas (PPAs) for planning, in order to be consistent with current Planning efforts and qualify for grant funding from regional organizations. Councilmember asked a variety of questions to clarify this subject, and Mr. Stark responded.

(1) Motion: to adopt Resolution No. 8931 to nominate one new Priority Development Area (PDA) and to amend the boundaries of an existing PDA

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSTAIN: 1 (Tran)

(2) Motion: to adopt Resolution No. 8932 nominating three new Priority Production Areas (PPAs) for consideration by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) for inclusion in Plan Bay Area 2050

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

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

4. Resolution

While this item was removed from consent, no discussion was held.

Motion: to adopt Resolution No. 8933 amending the City of Milpitas Classification Plan and to adjust the salary schedule for all represented classifications in Milpitas Police Officers Association by 4.5% effective January 5, 2020

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

5. Amendment No. 3

Police Chief Armando Corpuz responded to questions from Councilmember Nuñez.

Motion: to authorize the City Manager to execute Amendment No. 3 to the Retired Annuitant Employment Agreement between the City of Milpitas and Joseph Minton for one additional year annually not to exceed \$63,484.80 and a total not to exceed \$204,580.80

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

6. Final Map and SIA for The District 4

While this item was removed from consent, no discussion was held.

Motion: to approve Final Tract Map No. 10476, accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and to approve and authorize the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Milpitas – District 4 Owner, LLC, subject to minor legal changes deemed necessary by the City Attorney

Motion/Second: Councilmember Phan/Councilmember Nuñez

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

C7. Agreement with MUSD for McCandless

Approved and authorized the Interim City Manager to execute an Agreement with Milpitas Unified School District for construction of the Phase 2 Mabel Mattos Elementary School Project and completion of McCandless Drive Street Widening Improvements.

C8. Policy for Unmanned Aircraft System

Received the Milpitas Police Department and Unmanned Aircraft System (UAS) Policy.

C9. Contract for Repaving 2 Parking Lots

Received a report on bids and award of construction contract to American Asphalt Repair and Resurfacing Company, Inc. in the amount of \$123,930 for Repaving of the Public Works and Police Departments' Parking Lots Project. Authorized Public Works Director to negotiate and execute contract change orders in an aggregate amount not to exceed \$10,000 for this project.

10. MOU with SCC Library District

Recreation and Community Services Director Renee Lorentzen responded to a question from Councilmember Nuñez.

Motion: to approve a Memorandum of Understanding Agreement between the City of Milpitas and Santa Clara County Library District, regarding financial support for additional service hours

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

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

11. PRCRC Work Plan Councilmember Nuñez requested to move this item to January 2020, due to adding the Sister Cities cultural topic to the Parks, Recreation and Cultural Resources Commission.

12. Veterans Commission Work Plan Director Lorentzen responded to a question from Councilmember Nuñez.

Motion: (1) to approve the Milpitas Veterans Commission Fiscal Year 2019-20 Work Plan; and, (2) to approve the amended Veterans Commission Bylaws removing any term limits for Veterans Commissioners only

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

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

C13. Youth Advisory Commission Work Plan Approved the Milpitas Youth Advisory Commission Fiscal Year 2019-20 Work Plan.

**PUBLIC HEARING**

14. Resolution re: condo development 91 Montague Senior Planner Michael Fossati described the project and request for adjustments, for a residential development project with condominiums at 91 Montague in the MidTown planning area. He identified amounts of Park In Lieu fees and Public Art fees to be paid.

Mayor Tran opened the public hearing.

Voltaire Montemayor, resident, had a concern for traffic.

Motion: to close the public hearing, following one speaker

Motion/Second: Councilmember Nuñez/Councilmember Phan

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

Councilmembers asked staff for details of the project, and Mr. Fossati replied to questions.

Motion: to adopt Resolution No. 8934 approving Conditional Use Permit Amendment (UA19-0018) and Major Tentative Map (MT19-0001) to allow the subdivision of a previously approved residential complex located at 91 Montague Expressway into 72 residential condominiums

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSTAIN: 1 (Tran)

**COMMUNITY DEVELOPMENT**

15. Update on BART Mr. Dennis Ratcliffe, Director of Bay Area Rapid Transit (BART) Programs for Santa Clara Valley Transportation Authority (VTA), provided an update on the BART extension project. The Milpitas Transit Center was scheduled to open on December 28 for bus service (information about opening date for BART trains was not available).

Vice Mayor Dominguez asked the City Manager to post information when the topic of the contract for police services at the Milpitas BART station next came to the VTA Board.

No vote was taken upon receipt of the oral report.

## **LEADERSHIP**

\*16. Adopt Ordinance No. 120.49

This item was added to consent calendar. City Council waived the second reading and adopted Ordinance No. 120.49 amending Title VIII, Chapter 1 of the Milpitas Municipal Code relating to discontinuance and restoration of water service.

Consent calendar vote was four in favor with one member absent (Montano).

17. Comp. Annual Financial Report FY 2018-19

Finance Director Walter Rossmann reported on the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2018-19, including financial highlights. He introduced Amy Meyers from Maze & Associates, the city's audit consultant.

Motion: to accept the CAFR and other related annual audited reports for FY 2018-19

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

18. Resolution – Community Services Specialist

Employee Relations Officer Francine Hunt and Kari Mercer, consultant from Koff & Associates presented on the position of Community Services Specialist including classification description, study conducted and rationale for salary recommendation were given.

City Councilmembers provided feedback to staff, including the need to fill this position expeditiously.

No vote was taken. Councilmembers asked the consultant to seek input on this position from individual Councilmembers and from the Council Housing Subcommittee and directed staff to return to City Council as soon as possible.

## **REPORTS**

19. Sister Cities program

Economic Development Director Alex Andrade provided background information about the Sister Cities program in Milpitas, which started in May of 1996.

The Mayor and Councilmembers commented on Sister City relationships in The Philippines, China and Japan, and gave staff feedback on ideas from other cities, including working the program through service clubs and non-profit organizations.

Motion: (1) to approve the renewed Memorandum of Understanding with the City of Dagupan, Philippines continuing the Sister City relationship (as presented in the agenda packet); (2) to direct staff to return to City Council by the end of February on the topic of incorporating trade component of a Sister Cities program into the Economic Development and Trade Commission; and, (3) directed the cultural components of the Sister Cities program be added to the workplan of the Parks, Recreation and Cultural Resources Commission and have a report back on January 21, 2020

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

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

\*20. Commission appointments

This item was added to consent calendar. City Council approved all appointments and re-appointments to ten City Commissions, as recommended by Mayor Tran.

#### Arts Commission

1. Newly appointed Joyita Ghose as Commissioner to a term to expire in October 2022.
2. Newly appointed Sandeep Umarani as Commissioner to a term to expire in October 2022.
3. Newly appointed Jennifer Torai as Commissioner to a term to expire in October 2020.

#### Community Advisory Commission

1. Re-appointed Van Lan Truong to a term to expire in January 2023.
2. Re-appointed Thelma Batilo to a term to expire in January 2023.
3. Re-appointed Ashish Kathapurkar to a term to expire in January 2022.
4. Re-appointed Jose Rosario to a term to expire in January 2022.
5. Re-appointed Oscar Leon to a term to expire in January 2022.
6. Moved George Chen into Commissioner seat in a term to expire in January 2021.
7. Moved Vishal Gandhi into Commissioner seat in a term to expire in January 2023.
8. Newly appointed Gilroy Casanova III as Alternate No. 1 to a term to expire January 2021.
9. Newly appointed Kavita Sreedhar as Alternate No. 2 to a term to expire January 2023.

#### Energy and Environmental Sustainability Commission

1. Re-appointed Marta Martinez to a term to expire in October 2022.
2. Re-appointed Manpreet Badesha to a term to expire in October 2022.
3. Re-appointed Brian Shreve to a term to expire in October 2021.
4. Moved Yue George Liu as Commissioner in a term to expire in October 2022.
5. Newly appointed Charles Lingle as Alternate No. 1 in a term to expire in October 2022.

#### Library and Education Advisory Commission

1. Re-appointed Nonie McDonald to a term to expire in June 2022.
2. Moved Dana Arbaugh into Commissioner seat to a term to expire in June 2020.
3. Moved Therese Hoang into Commissioner seat to a term to expire in June 2021.
4. Newly appointed Susan Loh as Alternate No. 1 seat to a term to expire in June 2022.

#### Parks, Recreation and Cultural Resources Commission

1. Moved Ricky Davis into Commissioner seat in a term to expire in June 2021.
2. Moved Molly Current into Commissioner seat in a term to expire in June 2022.
3. Newly appointed Becky Strauss as Alternate No. 1 to a term to expire in June 2020.
4. Newly appointed Aaron Aquino as Alternate No. 2 to a term to expire in June 2022.
5. Re-appointed Aakar Shah as Commissioner to a term to expire in June 2022.

#### Public Safety & Emergency Preparedness Commission

1. Re-appointed Jonathan Nakapalau to a term to expire in June 2022.
2. Re-appointed Don Clendenin to a term to expire in June 2022.
3. Moved Aleck Bittencurt into Commissioner seat in a term to expire in June 2022.
4. Newly appointed Joe Nichols as Alternate No. 1 in a term to expire in June 2022.

#### Senior Advisory Commission

1. Re-appointed Patrick Yung to a term to expire in December 2022.
2. Re-appointed Jenny Berryhill to a term to expire in December 2022.
3. Re-appointed Alternate No. 1 Willy Wong to a term to expire in December 2020.
4. Re-appointed Alternate No. 2 Nona Tolentino to a term to expire in December 2021.

#### Science, Technology & Innovation Commission

1. Newly appointed Nasir Lalani as Commissioner to a term to expire in January 2021.
2. Newly appointed Urvishkumar Mehta as Commissioner to a term to expire in Jan. 2021.
3. Newly appointed Binh Nguyen as Commissioner to a term to expire in January 2022.
4. Re-appointed Ernesto Bautista to a term to expire in January 2022.
5. Re-appointed Anh Bao to a term to expire in January 2022.
6. Moved Ratan Choudhury to Commissioner seat to a term to expire in January 2022.
7. Moved Guy Haas to Alternate No. 1 in a term to expire in January 2021.

#### Veterans Commission

1. Moved Bruce Choy into Commissioner to a term to expire in February 2022.
2. Newly appointed Darl Travis as Commissioner to a term to expire in February 2022.

### **NEXT AGENDA**

#### **21. Preview next agenda**

Noted receipt of the list of agenda items for the January 7, 2020 City Council meeting.

Councilmember Nuñez thanked Public Information Officer Jennifer Yamaguma for her dedicated work for the City, as she prepared to depart for a new job.

He asked for a report back on the community polling survey related to the Mayor and Vice Mayor roles at the next Council meeting.

### **ADJOURNMENT**

Mayor Tran adjourned the meeting at 12:14 AM on Wednesday, December 18, 2019 in memory of Denny Weisgerber.

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