

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of the Milpitas City Council  
**Date:** Tuesday, January 7, 2020  
**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 6:00 PM. City Clerk Mary Lavelle called the roll.

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

**ABSENT:** None

**CLOSED SESSION**

City Council convened in Closed Session to discuss three items, listed on the agenda.

Mayor and City Council started the Open Session regular meeting at 7:00 PM.

**ANNOUNCEMENT**

No reportable action out of Closed Session.

**PLEDGE**

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

**INVOCATION**

Councilmember Phan deferred to Councilmember Nuñez, who led a prayer.

**PRESENTATION**

Mayor Tran proclaimed January 2020 as Santa Clara County Month of Racial Healing.

**PUBLIC FORUM**

Frank DeSmidt, of Milpitas Rotary Club and Milpitas Chamber of Commerce, announced upcoming events on February 1, 2020, an International Expo event; and on March 6, 2020, the Chamber's annual Crab Feed.

Voltaire Montemayor, resident, said the Council was doing a great job.

**ANNOUNCEMENTS**

Councilmember Phan requested an update on California Senate Bill 50, which addresses transit oriented development and housing, at the next Council meeting. He asked for the City Attorney's help and to take a position to support or oppose it. City Attorney Diaz responded that he would provide an update on SB 50; however, he would not take a position. He would walk the Council through the bill and could assist with a letter to state officials.

Councilmember Phan asked, on the next agenda, to have conversation about speed cameras similar to the City of Fremont, paid for by County transportation tax measure and grants. There was consensus from the Council on both items he'd requested.

Councilmember Nuñez wanted to discuss SB50 in a timely manner before the legislature voted on the bill. Also, consider the timing of other agencies - such as the Cities Association that would discuss or vote on the bill. The City Attorney replied the Council could do so at the next meeting on January 21.

Councilmember Nuñez asked about parking in The Pines neighborhood and when that topic would come back to the Council.

City Engineer Steve Erickson responded that the funding for this project was programmed for FY 2021. Meanwhile, staff had monitored the situation, and had not received the same amount of complaints as in the past. Apartment residents on Main St. had previously been subletting their units, contributing to parking problems in The Pines. After that was resolved, parking surveys indicated most garages were no longer full.

Councilmember Nuñez noted the newspaper reported that parking and bus transit centers opened at the new BART stations, affecting traffic and parking; and asked about a potential police substation. The Police Chief had reported that the Valley Transportation Authority (VTA) was waiting until the stations opened, on the bidding process for the station's police services.

City Manager Steve McHarris asked Mr. Erickson to respond, and he replied there were two pieces to this issue. Staff could survey The Pines again. The BART station area parking as a pilot program had already started with new signs and parking restrictions being enforced. Staff could report back to Council on both items, most likely at the second City Council meeting in February.

Councilmember Nuñez discussed street calming seen in Long Beach, where there was a section on transportation and street calming. It could be applied to discussion of the La Quinta Hotel project and be brought back for further information and consideration, such as a driveway to slow drivers down without putting in stop lights. This concept could expand to other areas of the city. He wanted this brought back for consideration, in a reasonable amount of time, with material for education of the Council on the issue. The City Manager responded that this was being worked on by the transportation engineering staff and could be brought to Council in March.

Councilmember Montano noted on SB50, she was the Council's representative to the Santa Clara County Cities Association, which took a position on that bill last year. The Association would discuss the revised bill this year. She also noted regarding The Pines, people found out it was not Apex Apartments causing the problem, rather, it was due to the expansion of the neighborhood's family size.

Councilmember Montano, regarding the issue of vaping, wanted to propose a ban on vaping cigarettes, especially for young people, and to ask for four hours or more of staff time on that topic. The City Attorney replied that some cities had limited those devices via their existing tobacco retailer ordinance, which Milpitas did not have, but could consider.

Mayor Tran requested a "Dumpster Days" idea, similar to what other cities have (such as San Jose), be placed on a City Council agenda.

Councilmember Montano stated that traffic calming, along with flashing lights (beacons), would be discussed at the next Transportation Subcommittee meeting.

Vice Mayor Dominguez commented on The Pines and parking citations in the cul-de-sacs there, and asked staff to provide a timeline, since the issue had started. She also announced a San Jose Women's March on Saturday, January 18 at 11:00 AM and said one of the speakers would be a young lady from Milpitas.

**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 City Council agenda, as submitted

Motion/Second: Councilmember Nuñez/Councilmember Phan

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

## CONSENT CALENDAR

Motion: to approve the consent calendar

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

- C1. Council Calendar City Council received the calendar of upcoming meetings for the month of January 2020.
- C2. Meeting Minutes Approved City Council meeting minutes of December 17, 2019.
- C3. Adopt Resolution Adopted Resolution No. 8935 approving the prequalification procedures, authorized advertisement of the prequalification package and approved project plans and specifications for the Fire Station No. 2 Replacement Project No. 3447.

## COMMUNITY SERVICES

4. EESC Work Plan Deputy Public Works Director Elaine Marshall presented the work plan for the Energy and Environmental Sustainability Commission, reviewing its purpose and proposed topics and events for 2020.
- Councilmember Nuñez inquired about solar panels on city facilities. He also inquired about Silicon Valley Clean Energy and staff stated the Chief Executive Officer was scheduled to address the Council in February.
- Councilmember Montano asked about the Climate Action Master Plan. Ms. Marshall replied that the Climate Action Plan was adopted in the past, and would be updated this year.
- Vice Mayor Dominguez requested staff provide a copy of the Climate Action Plan. On recycling and solid waste services, she asked if that was for all city facilities. She reported that seniors wanted to have separation of recycling bins at all city facilities.
- Councilmember Phan asked for an update on solid waste contracts, to discuss in Closed Session on that topic (recycling and solid waste). City Attorney Chris Diaz would check if that would be possible.
- The City Manager noted that the Council had received an e-mail from a resident on banning natural gas and reminded Councilmembers that they recently adopted an update to the building code where this was addressed. However, further discussion on a gas ban could be a topic of the Climate Action Plan update.
- Councilmember Nuñez recommended a look at the odor issue, and discussion at the Technology Commission, where the Public Works Director had visited to describe plans (regarding odor monitoring technology). Managing data and putting it online was a future goal.

Motion: to approve the Energy and Environmental Sustainability Commission 2020 Work Plan, and to direct staff to provide information as requested by the Mayor and Councilmembers

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

## LEADERSHIP

5. Interim Update on Mayor and Vice Mayor topics Assistant City Manager Ashwini Kantak provided an interim update on the Mayor and Vice Mayor roles and shared community polling results. Polling through January 3 revealed that 92.9% of those who responded favored a directly elected Mayor, not a rotating Mayor. 67.9% supported the two-year appointment of the Vice Mayor.

City Attorney Chris Diaz referred to his brief memo sent to Council on the laws related to an elected Mayor and process for appointment of Vice Mayor.

Mayor Tran remained firm on his idea of shared leadership, that he brought up last month. Councilmembers discussed the possible change.

The Mayor invited speakers to the podium.

Voltaire Montemayor, resident, dreamt of being Mayor someday. A new Vice Mayor would be respected.

John Agg, a 25 year resident, was unclear why this issue was being raised.

Tom Valore, resident, felt Bob Nuñez would make a fine Vice Mayor, however it bothered him that the City Council was changing the process.

Eric Stroker, San Jose resident, expressed his disappointment on this issue and thought this was only for the Mayor's own goal, not the community's.

Motion: to appoint Councilmember Bob Nuñez to serve as Vice Mayor for shared leadership governance for one year term, for the year 2020

Motion/Second: Mayor Tran/Councilmember Phan

AYES: 3

NOES: 0

ABSTAIN: 2 (Dominguez, Montano)

Ms. Dominguez left the dais at 9:19 PM.

## **REPORTS**

### **6. Mayor Request**

Recreation and Community Services Director Renee Lorentzen made a presentation in response to a request from Mayor Tran for a study on a potential performing arts center in Milpitas.

Motion: to approve staff time to conduct a study on a potential performing arts center in Milpitas and report back to City Council with the possibility of adding a project to the Capital Improvement Program. Study shall include a look at potential facilities including an amphitheater, space for Historical Society, use of school district space at former Samuel Ayer High School, and other creative ideas, consider partnering with other agencies and their funding sources, and bring back cost and revenue options

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Dominguez)

## **NEXT AGENDA**

### **7. Preview next agenda**

Received a list of agenda items for the January 21, 2020 City Council meeting.

## **ADJOURNMENT**

Mayor Tran adjourned the regular City Council meeting at 9:34 PM.

**The foregoing minutes were approved by Milpitas City Council on January 21, 2020.**

---

**Mary Lavelle, City Clerk**