

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of the Milpitas City Council  
**Date:** Tuesday, February 18, 2020  
**Time:** 6:00 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**

Mayor Tran called the meeting to order at 6:00 PM. The City Clerk called the roll.

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

**ABSENT:** None

**CLOSED SESSION**

City Council convened in Closed Session to discuss three items (two existing litigation matters and one labor negotiation).

Mayor Tran called to order the open session/regular meeting at 7:20 PM.

**ANNOUNCEMENT**

City Attorney Chris Diaz stated there was no reportable action out of Closed Session, while direction was given to staff.

**PLEDGE**

Vice Mayor Nuñez led the pledge of allegiance.

**INVOCATION**

Councilmember Montano offered remarks to start the meeting.

**PUBLIC FORUM**

Yolie Garcia, resident, announced the public hearing on March 17 regarding a high rise hotel proposal and encouraged people to sign an online petition in opposition.

Spike Jones, resident, described busy traffic on Hillview Drive at Jacklin.

John Ball, resident, noted the proposal for a hotel at Jacklin and Hillview.

Stacy Brobst, resident, asked the City Council about a promised grocery store in the south end of the City. City Manager Steve McHarris replied that the developer had submitted plans for a grocery store in the mixed-use building called "The District."

Urvishkumar Mehta, resident, addressed water rates, with a goal to lower those.

Rob Means, 1421 Yellowstone resident, thanked the Council Transportation Subcommittee, where the topic of Personal Rapid Transit was recently discussed.

Voltaire Montemayor, resident, looked for a solution regarding the grocery store.

Frank DeSmidt announced the upcoming Rotary Club crab feed fundraiser in March.

**ANNOUNCEMENTS**

Vice Mayor Nuñez requested two future agenda items: (1) a discussion with regard to a 4<sup>th</sup> of July parade in the community (on behalf of himself and the Mayor); and, (2) a discussion on having a community workforce agreement (on behalf of himself and Councilmember Phan) for the next City Council meeting.

**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 presented

Motion/Second: Councilmember Montano/Councilmember Dominguez

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

**CONSENT CALENDAR**

Motion: to approve the consent calendar including items no. C1-C9, C11-C12, C14, and added items no. 17 and no. 24

Councilmember Phan requested to add items no. 16, no. 17 and no. 24 onto consent; and to defer item no. 20 (Chandler Asset Management) to the next Council meeting.

Vice Mayor Nuñez wanted to hear item no. 16. He had questions on item no. 13 and asked to remove item no. 10 from consent. Mr. Nuñez sought explanation of sole source purchasing in order to better understand items no. C4, C5, C6, C7 and C8. Mayor Tran asked City Engineer Steve Erickson to the podium to explain that term.

Councilmember Dominguez asked to move up items no. 11 (two Commission appointments, on consent) and no. 13 (Planning Commission appointment) to be heard early and Mayor agreed.

Councilmember Phan wanted the public hearing first and no. 13 after that.

Mayor Tran stated the order of agenda items to be no. 13, no. 18, no. 19, no. 17 and no. 16.

Motion/Second: Vice Mayor Nuiñez/Councilmember Montano

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

- C1. Council Calendars Received calendars of upcoming meetings for months of February and March 2020.
- C2. Meeting Minutes Approved City Council meeting minutes of February 4, 2020.
- C3. Adopt Ordinance Waived the second reading and adopted Ordinance No. 304 adding Subsection 7.02 of Chapter 9 (Parks) of Title V of the Milpitas Municipal Code relating to the Milpitas Skate Park.
- C4. Resolution Adopted Resolution No. 8944 approving the award of a sole source contract to Locution Systems Inc. for the Fire Station No. 2 Replacement, Project No. 3447, and authorizing the interim City Manager to execute a contract for the procurement and installation of the Locution fire alerting system in the amount of \$97,377.
- C5. Resolution Adopted Resolution No. 8945 approving and authorizing the City Manager to execute an Amendment to the Agreement with CentralSquare Technologies for the sole source purchase of Community Development software upgrade for an amount not to exceed \$433,437.21 for the term period February 19, 2020 to February 18, 2025.
- C6. Contract to Redwood Construction Received report on bids and awarded construction contract to Redwood Construction and Equipment, Inc. in the amount of \$1,715,652 for the Citywide Parks and Playgrounds Rehabilitation Project, subject to annual appropriations.

Authorized the Public Works Director to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$50,000 for the Citywide Parks and Playgrounds Rehabilitation Project.

- C7. Amend Agreement with Water Systems Optimization  
Approved and authorized the City Manager to execute Amendment No. 2 to the professional services agreement with Water Systems Optimization, Inc. for water loss technical assistance for a total amount not to exceed \$160,756.
- C8. Amend Agreement with TEC Accutite  
Approved and authorized the City Manager to execute Amendment No. 1 to the Maintenance Service Agreement with Technology, Engineering & Construction, Inc. doing business as TEC Accutite for Aboveground and Underground Storage Tank Maintenance and Certification Services for a new total not to exceed \$296,250.
- C9. Agreement with Urban Field Studio re: TASP  
Approved and authorized the City Manager to execute an Agreement with Urban Field Studio to provide consulting services related to the Transit Area Specific Plan (TASP) 2020 Update.
10. Report on Legislation  
Item was removed from consent, but was not heard.
- C11. Appoint Two Commissioners – Science, Technology and Innovation, and Arts Commissions  
(1) Appointed Guy Haas as a voting Commissioner on the Science, Technology and Innovation Commission into a term that will expire at the end of January 2023.  
(2) Newly appointed Benjamin Tang to the Milpitas Arts Commission into a vacant term that will expire in October of 2021.
- C12. Change VTA Board representative  
Appointed Vice Mayor Nuñez to the Santa Clara Valley Transportation Authority (VTA)'s Northeast group of cities, representing the City of Milpitas and requesting to serve on the VTA Board of Directors, effective immediately. Directed staff to notify the Northeast Group of cities in advance of its March 4 meeting and the SCVTA staff of the City Council authorized change of representative.
13. Planning Commission Appointment  
Item was removed from consent.  
Motion: to appoint resident Steve Belong into a three-year term on the Milpitas Planning Commission (to seat held by Demetress Morris) that will expire in December 2022  
Motion/Second: Councilmember Dominguez/Vice Mayor Nuñez  
Motion carried by a vote of: AYES: 5  
NOES: 0
- C14. Approve Travel  
(1) Authorized and approved travel for Councilmember Phan and City Manager McHarris to attend the Local Government Commission *2020 Yosemite Policy-makers Conference: Building Livable Communities* in Yosemite National Park, CA scheduled March 5–8, 2020, for a total combined estimated amount up to \$3,500.  
(2) Authorized and approved travel for Mr. McHarris to attend International Council of Shopping Centers *Annual Conference & Deal Making* in Monterey, CA scheduled March 10, 2020 for a total amount of \$95.

## **PUBLIC HEARING**

15. Public Hearing on Short-Term Rental Regulations  
Mayor Tran opened the public hearing.  
Milpitas residents who spoke were:  
Yolie Garcia  
Voltaire Montemayor  
Urvishkumar Mehta  
(1) Motion: to close the public hearing, following three speakers

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

City Attorney Diaz read aloud the title of Ordinance No. 38.835, "An Ordinance of the City Council of the City of Milpitas Amending Chapter 10 of Title XI of the Milpitas Municipal Code Relating to Short Term Rentals and Making Findings of CEQA Exemption."

(2) Motion: (a) to consider the CEQA exemption per Guidelines Section 15183 (Project Consistent with a Community Plan, General Plan, or Zoning) and categorically exempt the ordinance from environmental review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) and 15308 (Actions by Regulatory Agencies for Protection of the Environment); and, (b) to waive the first reading beyond the title and introduce Ordinance No. 38.835 Amending Milpitas Municipal Code Title XI, Chapter 10 for a zoning amendment in Section 2 "Definitions," Section 4 "Residential Zones and Standards," Section 6 "Mixed Use Zones and Standards," Section 13 "Special Uses" and Section 53 "Off-Street Parking Regulations"

Motion/Second: Councilmember Montano/Councilmember Dominguez

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

## **COMMUNITY DEVELOPMENT**

### **16. The Pines Pilot Parking Program**

Councilmember Montano left the dais, excusing herself from the discussion based on the proximity of her residence.

Speakers from the audience addressed the Council (residents):  
Dean Bradshaw  
Stacy Brobst  
Guy Haas  
Yolie Garcia  
Voltaire Montemayor

(1) Motion: to receive the staff update and to direct staff to implement a pilot Permit Parking Program in The Pines neighborhood, with the details noted, send it out to the community first and then bring the final program back to City Council

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

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

(2) Motion: to receive the staff update on Transit Area Specific Plan (TASP) area on-street parking

Motion/Second: Councilmember Phan/Vice Mayor Nuñez

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

## **LEADERSHIP**

### **C17. Draft Economic Development Framework**

Item was added to consent calendar. Received preview of the draft Economic Development Strategy Framework from the Office of Economic Development.

18. Communications Study Mayor Tran said Council accepted the staff report on the Matrix Consultants Group's City of Milpitas Communications Function Study, and it would come back in the future.

19. FY 2019-20 Mid-Year Budget and Resolution (1) Motion: to approve the three City staff position changes recommended by staff -  
(1) Delete one FTE Office Specialist and authorize one FTE Building Permit Technician in the Building Safety and Housing Department  
(2) Delete one FTE Building Inspector and authorize one FTE Building Plan Checker in the Building Safety and Housing Department  
(3) Delete one FTE Assistant Civil Engineer and authorize one Associate Civil Engineer in the Engineering Department

Motion/Second: Mayor Tran/Vice Mayor Nuñez

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

(2) Motion: (1) to review the FY 2019-20 Quarterly Financial Status Report for the quarter which ended on December 31, 2019; (2) to approve the FY 2019-20 Mid-Year budget amendments; and, (3) to adopt Resolution No. 8946 amending Resolution No. 1626, the Classification Plan, to approve and adopt the pay schedule titled "All Job Classifications/ Salary Table" and not appropriate any money at this time

Motion/Second: Councilmember Phan/Vice Mayor Nuñez

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

20. Investment Services Agreement - Chandler Item was removed from the City Council agenda, to be rescheduled for March 3, 2020.

## **REPORTS**

21. Council Rules Subcommittee Item was not heard.

22. Support for Laura's Law Item was not heard.

23. Resolution Item regarding Support of Principles of Convention on Elimination of All Forms of Discrimination Against Women was not heard.

## **COMMISSION**

C24. Economic Development and Trade Commission Work Plan Item was added to consent calendar. Approved the Fiscal Year 2019-20 Economic Development and Trade Commission Work Plan; and, received an International Trade progress report.

## **NEXT AGENDA**

25. Preview next agenda Item was not heard.

## **ADJOURNMENT**

Mayor Tran adjourned the regular City Council meeting at 11:26 PM.

**The foregoing minutes were approved by Milpitas City Council on March 3, 2020.**

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Mary Lavelle, City Clerk