

# CITY OF MILPITAS MEETING MINUTES

**Minutes of:** Regular Meeting of the Milpitas City Council  
**Date:** Tuesday, October 6, 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 Tran called the meeting to order at 6:05 PM. City Clerk Mary Lavelle called the roll. The meeting took place via teleconference and zoom webinar.

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

**ABSENT:** Councilmembers Dominguez was absent at roll call. She joined her colleagues in Closed Session and was present for the Open Session.

## CLOSED SESSION

City Council convened into Closed Session (online webinar) to discuss five topics listed on the agenda, all related to existing and anticipated litigation matters.

At 7:42 PM, Mayor and Council reconvened for the Open Session.

## ANNOUNCEMENT – from Closed Session

City Attorney Chris Diaz stated there was no formal action taken to announce out of Closed Session, while the City Council did provide direction to staff on items that will be on upcoming agendas.

## PLEDGE

Mayor Tran led the pledge of allegiance to the flag.

## INVOCATION

Vice Mayor Nuñez read a prayer authored by Abraham Lincoln.

## PRESENTATION

Mayor Tran proclaimed *Fire Prevention Week* for October 4 – 10, 2020 and October 2020 as *Filipino Heritage Month*.

## PUBLIC FORUM

The City Clerk read aloud four written public comments submitted to the City Council during its special joint meeting held on September 29, 2020. Comments were from Yolie Garcia, Elena Gill, Tina Ortiz, and Dennis Grilli.

The following residents provided oral comments (as attendees in the zoom webinar). Nearly all addressed the proposed Project Homekey by Santa Clara County for supportive housing at the Extended Stay Hotel site in Milpitas.

Allysson McDonald, resident  
Howard Young, resident  
Charles Schletzbaum, resident  
Loreta Quivedo's Brigade, resident  
Mirna Henriquez, from a coalition  
Paul Kwan, resident  
Anh Bui, resident  
Jessica Yu, resident  
Janice Breaux, resident  
Suraj Viswanathan, resident

Diane Le, resident  
Yolanda Garcia, resident  
Monica Hsiang, resident  
Huyen Nguyen, resident  
Yang Liao, resident  
Hsia Yu, resident  
Yvonne Tangari, resident  
Eric Dunn, resident  
Rekha Pardeshi, resident  
Veronica Salce, resident

Urvishkumar Mehta, resident	Lan Dong, resident
Lisa, co-founder of Hope for the Unhoused	Tina, resident
Gang Chen, resident	Zhoutong Fu, resident
Jesse Healy, resident	Raghav Karnam, resident
Joseph Weinstein (public speaking rights)	Lizza Abella, resident
Van Leong, resident	Husband of Linda Wang, resident
Christopher Martin, resident	Voltaire Montemayor, (on yard signs)
Sergey Odintsov, resident	Wendy Duong, resident
Gino Relampagos, resident	Christina, resident
Galina Odintsova, resident	

It was noted that a community meeting was scheduled on October 22 by the developer, and written notification would be mailed to residents in proximity to the project.

**ANNOUNCEMENTS**

City Manager Steve McHarris highlighted the change to live public comments format (on zoom webinar) at this meeting. It would occur at upcoming Commission and Subcommittee meetings. Measure F (1/4 cent sales tax) was on the November ballot, with a public meeting scheduled on October 22 for information. He reported that City of Milpitas was currently at 77.4% participation (higher than 2010) to date in the 2020 US Census. The public could participate until October 31. Monday, October 19 was the next date for Covid19 testing at the Milpitas Sports Center by appointment.

Mayor Tran asked, regarding Project Homekey (Jamboree project for homeless), on the next City Council agenda: a vote on Project Homekey due to AB 83 (90 day period for funding), which he described as an overreach in local municipalities, stating it showed disrespect to cities like Milpitas. He wanted to explore litigation regarding CEQA and the permitting process against the State of California, Santa Clara County and other entities over an unfair process, and any appeals process that would be available. The City Attorney clarified that it would be a closed session anticipated litigation item. Mayor Tran queried his colleagues and all agreed to have the discussion.

Vice Mayor Nuñez asked for a future City Council agenda item: recommendations for budget reductions for the next fiscal year, placed onto the next appropriate agenda (for the City Manager and Deputy City Manager to determine the date). His request was to formulate groups of employees, citizens, and community members, to present to City Council with potential reductions in the next year’s budget formulation. Additionally, Mayor Tran asked to have a community meeting on the topic prior to the agenda item, in the next three weeks, and the Vice Mayor agreed. The City Manager said he and the Deputy City Manager could determine a final date for a meeting and agenda item, and consider all options to meet Council direction. Council consensus reached.

Councilmember Dominguez requested the City Council explore the possibility, regarding increased rents on small businesses, not being able to afford rent, to have an emergency request to cap the rent on commercial spaces, for a time period. She wanted to have the agenda item in the next two weeks. Councilmember Phan wished to explore things to support small businesses as it related to paying their rents. Councilmember Montano asked to include the Chamber of Commerce for outreach to find out if these businesses would be compatible. All five were in favor of the agenda item.

**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**

City Attorney read aloud the City Council Code of Conduct, as printed on the agenda.

**APPROVAL OF AGENDA**

Motion: to approve the October 6, 2020 meeting agenda, as presented

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

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

**CONSENT CALENDAR**

Motion: to approve the consent calendar, including items no. C1 – C13

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

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

- C1. Council Calendar Received calendar of upcoming meetings for October 2020.
- C2. Meeting Minutes Approved the City Council meeting minutes of the Regular City Council meeting on September 15, 2020.
- C3. Resolution Adopted Resolution No. 9004 accepting and authorizing the City Manager to execute the Agreement to accept the 2019 State Homeland Security Grant Program Funding, and approving and authorizing a sole source purchase for procurement of Mobile Crash Barriers and Portable Bollards manufactured by Delta Scientific Corp.; and approved a budget appropriation into Police Department FY 2020-21 operating budget.
- C4. Resolution
  - a) Adopted Resolution No. 9005 to authorize the Chief of Police to execute the Grant Agreement with the Office of Traffic Safety accepting the FY 2021 Office of Traffic Safety Selective Traffic Enforcement Program grant.
  - b) Approved a budget appropriation in the amount of \$57,500 for overtime into the Police Department operating budget.
- C5. Resolution Adopted Resolution No. 9006 approving project plans and specifications; rejected a bid protest from Pacific Electric Contracting, Inc.; awarded a construction contract to Bear Electrical Solutions, Inc. in the amount of \$418,150 for the Enhanced Crosswalk Striping & Beacons/ Radar Speed Feedback Signage, Projects No. 3454 and No. 3458; authorize the City Manager to execute the contract with Bear; and authorized the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$63,000.
- C6. Resolution Adopted Resolution No. 9007 granting acceptance of the Milpitas Skate Park & Snack Shack/Restroom Building Replacement, Projects No. 5111, No. 3424, and No. 6133, authorizing the City Engineer to file a Notice of Completion, and authorized him to issue a Notice of Final Acceptance, and approved a budget appropriation of \$52,900 from Community Facilities District No. 2005 funds into the Public Works operation and maintenance budget.
- C7. Resolution Adopted Resolution No. 9008 granting acceptance of Water Bottle Refill Station Installation Project, CUP (California Uniform Public Construction Cost Accounting Act public works project) 2353 and authorizing the Director of Public Works to file a Notice of Completion and to issue a Notice of Final Acceptance after the one-year warranty period has elapsed.
- C8. Resolution Adopted Resolution No. 9009 granting acceptance of public improvements for 260 South Main Street Subdivision at 260 South Main Street, Tract 10435, Public Improvement Plan No. 2-1233; approving a reduction in the faithful performance bond to \$16,000, which shall be subject to and in effect for the duration of a one-year warranty period; and granting authorization to the City Engineer to release the

performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to his satisfaction.

- C9. Amendment – Group4 Approved and authorized the City Manager to execute Amendment No. 1 to the Agreement with Group 4 Architecture, Research & Design for Space Planning and Design of Office Spaces at City Hall, resulting in a decrease of the total not to exceed amount by \$40,000 - from \$150,000 to \$110,000 - and approved a budget amendment returning the contractual savings to the General Government CIP Fund balance.
- C10. Pay Invoice Authorized the City Manager to pay the Santa Clara County Cal ID Program FY 2020-21 invoice in an amount not to exceed \$126,235.
- C11. Funds for 2 Vehicles Approved a budget appropriation in the amount of \$96,100 to the Equipment Fund Non-departmental FY 2020-21 operating budget for replacement of two Police vehicles.
- C12. Covid19 Testing
- a) Received an update regarding the status of COVID-19 testing in Milpitas.
  - b) Authorized \$155,000 to fund the City’s mobile testing unit, the County mobile and pop-up testing sites and the fixed testing site at Milpitas Library through December 31, 2020.
  - c) Directed the City Manager to develop a Memorandum of Understanding with the County of Santa Clara for COVID-19 testing activities retroactive to March 13, 2020 for FEMA reimbursement purposes.
  - d) Directed the City Manager to explore developing an agreement with the County to establish a City-operated vaccination site when a vaccine becomes available.
- C13. Senior Advisory Commission Appointments
- a) Appointed current Alternate No. 1 Willy Wong as a voting Commissioner to a term that will expire in December of 2022.
  - b) Moved current Alternate No. 2 Nona Tolentino into the Alternate No.1 seat, into a term that will expire in December of 2020.
  - c) Newly appointed Barbara Jo Navarro as Alternate No. 2 into a term that will expire in December of 2021.

## **PUBLIC HEARING**

### **14. Energy and Water Conservation**

Public Works Director Tony Ndah presented a report alongside Deputy Public Works Director Elaine Marshall, Engie Corp. representative John Paul Jewell and senior project manager Mariana de Britto.

Mr. Ndah cited goals for the energy and water conservation program, designed to effect significant cost savings to the City for those services, including long term maintenance. Mr. Jewell gave a detailed presentation, followed by Mr. Ndah, including a list of 6 Key Takeaways of the program.

Mayor Tran opened the public hearing. Two residents spoke: Voltaire Montemayor and Urishkumar Mehta.

Mayor Tran and Councilmembers commented in full support of this valuable resource conservation program, and asked questions of the staff and consultant. Vice Mayor Nuñez inquired about bond financing for later “bundles” of energy conservation steps.

Motion: to close the public hearing, following two comments

Motion/Second: Mayor Tran/Councilmember Montano

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

Motion:

- 1) To approve list of energy and water conservation measures developed for the City. To find that the implementation of the proposed projects is categorically exempt under California Environmental Quality Act Guideline Section 15301. To adopt Resolution No. 9010 authorizing the City Manager to execute a contract with ENGIE Services U.S. for energy and water conservation measures identified in Bundles A, B, and C.1 in the amount of \$33,983,429, subject to the City obtaining the necessary financing and appropriation of funds.
- 2) To authorize the City Manager to execute one or more amendments to the Energy Service Agreement to increase the maximum compensation by an aggregate amount not to exceed \$3.3 million
- 3) Direct the City Manager to return to City Council for authorization to sell approximately \$11.3 million of General Fund Lease Revenue Bonds needed to finance implementation of Bundles B and C.1

Motion/Second: Councilmember Dominguez/Vice Mayor Nuñez

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

**COMMUNITY DEVELOPMENT**

**15. Resolution – Plan on Homelessness**

Director of Building Safety & Housing Sharon Goei presented facts regarding the homeless population in Milpitas. She was joined by Santa Clara County representatives, describing the work of the Santa Clara County Unhoused Task Force, on which Vice Mayor Nuñez and Councilmember Dominguez served.

The “Community Plan to End Homelessness” was described by Ray Branson, Chief Operating Officer of Destination Home, a public-private partnership. Kathryn Kaminski from the County Office of Supportive Housing gave highlights of the Plan.

Consuela Hernandez, acting Director of the Santa Clara County Office of Supportive Housing was asked to address Project Homekey by Jamboree (at Extended Stay site).

Public comments were received from: Voltaire Montemayor, Charles Schletzbaum, Howard Young, Loreta Quidado, Urvishkumar Mehta, Yolanda Garcia, Joseph Weinstein, and Jacqueline Romero.

Councilmembers commented extensively on an initial motion made by Councilmember Dominguez (no second was made to that motion).

Councilmember Dominguez also requested, as directed by the conversation, to bring information back from a meeting that she and Vice Mayor Nuñez would have with Santa Clara County staff Kathryn Kaminski.

Motion: to direct staff to host a community meeting hosted by the City of Milpitas and then host a community meeting to debrief on the County framework and bring back a scope of work for the specific view of City of Milpitas on how we will house our unhoused population, and at same time, bring back a framework Resolution by the County of Santa Clara that will be specific on how we will assess and house our homeless population in our community - in partnership with the School District

Motion/Second: Councilmember Dominguez/Vice Mayor Nuñez

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

Milpitas City Council did not vote on the resolution as recommended on the agenda to support the County plan.

**LEADERSHIP**

16. Financial Status

This item was not heard.

17. Resolution – Measure F Oversight Committee

Deputy City Manager Walter Rossmann reported details of a proposed Measure F Oversight Committee, along with the existing structure and membership, and by-laws of all current City of Milpitas Commissions. The Committee was defined, in anticipation of voter approval on November 3 of the ¼ cent sales tax proposed in Measure F.

Public comments were heard from Voltaire Montemayor, Joseph Weinstein, and Urvish-kumar Mehta.

Mr. Weinstein specifically asked to add a formal amendment into the By-laws that said if a majority of the Oversight Committee wanted to speak, that the City Council is required to allow them to speak at the next regular meeting.

Motion: to adopt Resolution No. 9011 establishing the Measure F Oversight Committee and approve the Measure F Oversight Committee structure and responsibilities, subject to voter approval of Measure F (1/4 cent sales tax) on November 3, 2020, and to include a resident request for a By-laws addition allowing for Committee members to speak at City Council meetings

Motion/Second:

Mayor Tran/Vice Mayor Nuñez

Motion carried by a vote of:

AYES: 5

NOES: 0

18. Ordinance No. 23.15

Five agenda items (18 – 22) were not heard and would be rescheduled to the next City Council meeting.

19. Ordinance No. 65.150

20. Council Sponsored Events, and US Census

21. Council Ideas to Assist

22. List of Agenda Items

**NEXT AGENDA PREVIEW**

23. Preview Agenda Items

Received list of anticipated agenda Items for the next regular City Council meeting on October 20, 2020.

**ADJOURNMENT**

Mayor Tran adjourned the meeting at 1:38 AM on Wednesday, October 7, 2020.

*The foregoing minutes were approved by Milpitas City Council on October 20, 2020.*

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**Mary Lavelle**  
City Clerk