



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, DECEMBER 20, 2022

CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA

6:00 PM (PUBLIC BUSINESS)

The City Council of the City of Milpitas convened in a Special City Council meeting on December 20, 2022, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/Zoom webinar.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

Mayor Tran called the Regular City Council meeting to order at 6:02 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan (6:07 PM)

ABSENT: None.

PLEDGE OF ALLEGIANCE

Milpitas High School Naval Junior Reserve Officer Training Corps posted the colors and led the Pledge of Allegiance.

INVOCATION

Mayor Elect Montano invited the staff and City Council to sing We Wish You a Merry Christmas

AGENDA ITEMS

- 1. Receive Report of Municipal Election Results of November 8, 2022, and Adopt a Resolution to Certify Final Results of Candidate and Ballot Measure Election (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

City Clerk Guzzetta presented the report.

There were no public speakers.

Motion: to receive the report of election results and voter turnout and to adopt **Resolution No. 9206** confirming the official canvass of election returns and declaring the results of the General Municipal Election held on November 8, 2022.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

- 2. Presentation to Outgoing Mayor and Councilmember and Remarks**

City Manager McHarris presented flags that were flown over the City Civic Center to Councilmember Dominguez and Mayor Tran and offered remarks on their service to the City of Milpitas.

Mayor Tran spoke on his service as Mayor of the City of Milpitas.

3. Ceremonial Swearing-In of Newly Elected City Officials

- **Mayor Carmen Montano**
Dr. Jennifer JMB Chapman administered the ceremonial oath of office to Mayor Carmen Montano. Mayor Montano thanked the community, spoke on the election, and recognized supporters.
- **City Councilmember Garry Barbadillo**
Fred Barbadillo administered the ceremonial oath of office to Councilmember Garry Barbadillo. Councilmember Barbadillo provided remarks on his election and thanked supporters and staff.
- **City Councilmember Hon Lien**
Sydney Doa administered the ceremonial oath of office to Councilmember Hon Lien. Councilmember Lien thanked the community for their support and spoke on what she hopes to achieve as a member of the City Council.

Outgoing Mayor Rich Tran entrusted the gavel to incoming Mayor Carmen Montano and ceded the dais. Mayor Montano announced a recess at 6:59 PM for a short reception. During the break, City Clerk Guzzetta administered the official oath of office to the three newly elected officials and each were provided a signed Certificate of Election.

Mayor Montano reconvened the City Council at 7:47 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Councilmembers Barbadillo, Chua, Lien, and Phan

ABSENT: None.

AGENDA ITEMS (CONT'D.)

4. **Elect New Vice Mayor (Contact: Mayor Carmen Montano, 408-586-3029)**

Mayor Montano recommended Councilmember Evelyn Chua to serve as Milpitas Vice Mayor for a one-year term and made a motion to approve the new Vice Mayor Evelyn Chua.

Motion/Second: Mayor Montano / Councilmember Phan

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

PUBLIC FORUM

The following people spoke under Public Forum:

1. Stephen Balsbaugh
2. Van Lan Truong
3. Hang Nguyen
4. Thu Tran
5. Hien La
6. Tuyet Lam
7. Khai Tran
8. Keira Huynh
9. Vicky Zhou
10. Lusi Wang
11. Kefing Aperto-Berry
12. Veronica Aperto-Berry
13. Sandy Perry, Affordable Housing Network

14. Thao Le, Organizing Coordinator from Community Land Trust
15. Allysson McDonald
16. Troi Tran
17. Alison Frost
18. Tiffany Vu
19. Moria Merriweather
20. Delma Hernandez
21. Tsegenet A
22. Walter Li
23. Voltaire Montemayor
24. Michael Tsai

Mayor Montano requested staff to agendize a discussion of Sunnyhills for the Housing Subcommittee.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Mitalipassi asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. City Attorney Mitalipassi asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, there were no reportable campaign contributions.

READING OF THE CITY COUNCIL CODE OF CONDUCT

City Attorney Mitalipassi read the Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the December 20, 2022 Regular Meeting Agenda

Motion/Second: Vice Mayor Chua / Councilmember Phan

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

CONSENT CALENDAR

Motion: to approve the consent calendar, pulling Item C6.

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

C5. Receive City Council Calendar of Meetings for December 2022 and January 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Received City Council Calendar of Meetings for December 2022 and January 2023.

C6. Approve City Council City Council Regular Meeting Minutes of December 6, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Pulled from Consent Calendar.

- C7. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received the list of anticipated agenda items for the next regular City Council meeting.

- C8. Receive and Review the List of Agenda Items Requested by City Councilmembers (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Reviewed the list of items that have been requested by City Councilmembers.

- C9. Reconfirm Findings and Determinations Under Resolution No. 9165 and Assembly Bill 361 for the Continuation of Virtual Meetings of the City Council and Legislative Bodies (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)**

Reconfirmed findings and determinations under Resolution No. 9165 and Assembly Bill 361 for the continuation of virtual meetings of the City Council and Legislative Bodies.

- C10. Approve and Authorize the City Manager to Execute an Encroachment and Maintenance Agreement with Milpitas – District 4 Owner, LLC, for the Perpetual Maintenance and Operation of Private Sidewalk Lighting Improvements within the City Right-of-Way Located at 150 Market Street (Staff Contact: Steve Erickson, Engineering Director / City Engineer, 408-586-3301; and Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Approved and authorized the City Manager to execute an Encroachment and Maintenance Agreement with Milpitas – District 4 Owner, LLC, for the perpetual maintenance and operation of private sidewalk lighting improvements within the city right-of-way located at 150 Market Street.

- C11. Adopt a Resolution Reviewing and Accepting the Annual Development Impact Fee Annual Report for the Calaveras Boulevard Widening Traffic Impact Fee, the Transit Area Specific Plan (TASP) Impact Fee, and the Storm Drain Fee for the Fiscal Year Ended June 30, 2022 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Adopted **Resolution No. 9207** consistent with the Mitigation Fee Act to review and accept the annual development impact fee disclosure information for the Calaveras Blvd Widening Traffic Impact Fee, Transit Area Specific Plan Impact Fee and Storm Drain Fee for the Fiscal Year Ended June 30, 2022.

- C12. Adopt a Resolution Authorizing the City Manager to Issue a Purchase Order in the Amount of \$297,573.91 for the Purchase of Five Police Vehicles from the National Auto Fleet Group through a Cooperative Procurement Contract with Sourcewell (Staff Contact: Jared Hernandez, Police Chief, 408-586-2406; and Chris Schroeder, Purchasing Agent, 408-586-3161)**

Adopted **Resolution No. 9208** authorizing the City Manager to issue a purchase order in the amount of \$297,573.91 for the purchase of five police vehicles from the National Auto Fleet Group through a Cooperative Procurement Contract with Sourcewell and find a CEQA exemption.

- C13. Adopt a Resolution Authorizing the City Manager to Execute the Five-Year Sole Source Agreement with Hadronex, Inc. Doing Business as SmartCover Systems for Alert System Services Related to the Deployment of SmartLevel Sewer Monitoring System Units for a Not-to-Exceed Amount of \$209,835.85, Subject to the Annual Appropriation of Funds (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Adopted **Resolution No. 9209** authorizing the City Manager to execute the five-year sole source agreement with Hadronex, Inc. doing business as SmartCovers Systems for alert system services related to the deployment of SmartLevel Sewer Monitoring System units for the not-to-exceed amount

of \$209,835.85, subject to the annual appropriation of funds and approval as to form by the City Attorney, and find a CEQA exemption.

C14. Accept a State of California Parks and Recreation grant in the amount of \$224,543.00 for Sunnyhills Albert Augustine Jr. Memorial Park and Appropriate the Funds to CIP No. 3500 (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Accepted a State of California Parks grant in the amount of \$224,543.00 for Sunnyhills Albert Augustine Jr. Memorial Park and appropriated the funds to CIP No. 3500 and found all potential significant effects sufficiently analyzed by the December 14, 2021 Negative Declaration.

ITEMS REMOVED FROM CONSENT CALENDAR

C6. Approve City Council City Council Regular Meeting Minutes of December 6, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Motion: to approve the City Council Regular Meeting minutes of December 6, 2022.

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

AYES: Councilmembers Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

ABSTAIN: Councilmember Barbadillo

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager McHarris wished the City Council and residents a happy and safe Holiday and announced the holiday closure for non-public safety services from December 23, 2022 through January 2, 2023.

Councilmember Phan congratulated the Mayor and Councilmembers on their new roles on the City Council and acknowledged Mayor Tran and Councilmember Dominguez for their service to the city.

Councilmember Barbadillo asked staff to prepare a summary of previous Council actions related to Sunnyhills affordable apartments from the first renewal to present day.

Councilmember Lien wished everyone a Happy Holiday and Happy New Year.

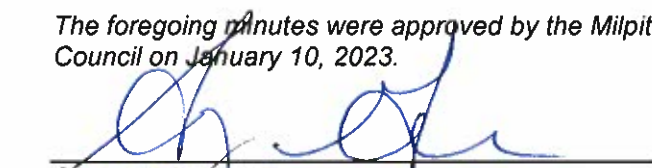
Vice Mayor Chua thanked staff for all their hard work over the year.

Mayor Montano thanked everyone for their attendance at the City Council meeting and assured the community that the Council intends to work collaboratively in the future.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:41 PM.

The foregoing minutes were approved by the Milpitas City Council on January 10, 2023.



Suzanne Guzzetta
Milpitas City Clerk