



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, NOVEMBER 15, 2022

**CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA
7:00 PM (PUBLIC BUSINESS)**

The City Council of the City of Milpitas convened on the regular City Council meeting day of November 15, 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 7:00 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan (7:01 PM)

ABSENT: None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Mayor Tran invited Voltaire Montemayor to present the invocation.

PUBLIC FORUM

The following people spoke under Public Forum:

1. Robin Reynolds, Bill Wilson Center
2. Voltaire Montemayor

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager McHarris advised of the upcoming City Hall closure for Thanksgiving, announced the Tree Lighting ceremony on December 1, 2022 at the Civic Center Plaza, the Veterans Appreciation Lunch on November 19, 2022, and the Build it Green Program from November 30 – December 8, 2022.

Mayor Tran thanked the community for attending the Veterans Day Ceremony. He requested the City Manager add an item regarding a food pantry to the Council request list in January.

Councilmember Phan congratulated Mayor Elect Montano.

Vice Mayor Montano offered thanks to Councilmember Phan and the community.

Councilmember Chua congratulated Mayor Elect Montano and discussed running for office. She also offered congratulations to incoming Councilmembers Elect Barbadillo and Lien.

Councilmember Dominguez offered comments on attendance at the polls and the newly elected members of the Council.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Matalipassi 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 Matalipassi 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

Mayor Tran read the Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the November 15, 2022 Regular Meeting Agenda, postponing item 22 to first regular meeting of January 2023.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following:

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

NOES: None

CONSENT CALENDAR

Motion: to approve the consent calendar pulling C16 for discussion.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following:

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

NOES: None

- C1. Receive City Council Calendar of Meetings for November and December 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received the City Council Calendar of Meetings for November and December 2022.

- C2. Approve City Council City Council Regular Meeting Minutes of November 1, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved the City Council Regular Meeting minutes of November 1, 2022.

- C3. 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.

- C4. 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 and provided direction to staff as necessary.

C5. Approve City Council Meeting Schedule for 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved the 2023 Milpitas City Council meeting schedule, with any changes requested at the City Council meeting.

C6. Consider the Recommendation from Mayor Tran for Appointments to City Commissions (Contact: Mayor Tran, 408-586-3029)

Received the recommendation from Mayor Tran and approved appointments to City Commissions.

Arts Commission

1. Reappoint Sandeep Umarani to a term ending October 2025

Public Safety and Emergency Preparedness Commission

1. Promote Andrew Luu to Alternate #1 with an unexpired term ending June 2025

2. Appoint Rosana Cacao as Alternate #2 with an unexpired term ending June 2023.

C7. 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)

Moved to 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.

C8. Approve and Authorize the City Manager to Execute a Four-Year Agreement with CivicPlus for the CivicEngage Municipal Website Platform (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)

Approved and authorized the City Manager to execute a four-year agreement with CivicPlus for the CivicEngage Government Website Platform for a total not to exceed contract amount of \$200,000.00, in final form to be approved by the City Attorney.

C9. Waive the Second Reading and Adopt Ordinance No. 38.848 Amending Sections of Chapter 10 (Zoning), Title XI of the Milpitas Municipal Code Relating to Definitions and Regulations for Personal and Commercial Service Land Uses (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Waived the second reading and adopted **Ordinance No. 38.848** amending sections of Chapter 10 (Zoning) of Title XI of the Milpitas Municipal Code relating to definitions and regulations for commercial service land uses

C10. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Toll West Coast, LLC for the Parkside Project at 1980 and 1992 Tarob Court and 551 Lundy Place (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 a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Toll West Coast, LLC for the Parkside Project at 1980 and 1992 Tarob Court and 551 Lundy Place.

C11. Approve and Authorize the City Manager to Execute the Improvement Agreement with Satpreet Singh Thind and Jaspreet Kaur Thind, for Completion of Offsite Public Improvements Located at

250 Piedmont Road Associated with Site Development Permit (SD19-0004) (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)

Approved and authorized the City Manager to execute the improvement agreement with Satpreet Singh Thind and Jaspreet Kaur Thind, for completion of offsite public improvements located at 250 Piedmont Road associated with Site Development Permit (SD19-0004).

- C12. Award and Approve a 5-Year Professional Services Contract with Fireworks and Stage Effects America, LLC for the Annual 4th of July and Annual Lunar New Year's Fireworks Shows for a Not-to-Exceed Amount of \$140,510.00 (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Awarded and authorized the City Manager to execute the five-year professional services agreement with Fireworks and Stage Effects America, LLC for Annual 4th of July and Annual Lunar New Year pyrotechnical services for the not-to-exceed amount of \$140,510.00.

- C13. Review and Accept the 2022 Legislative Season Outcome Report (Staff Contact: Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Reviewed and accepted the 2022 Legislative Season Outcome Report.

- C14. Adopt a Resolution Appointing Roger Lee as Interim Public Works Director (Staff Contact: Jeannine Seher, Human Resources Director, 408-586-3086)**

Adopted **Resolution No. 9199** appointing Roger Lee as Interim Public Works Director in accordance with California Government Code Sections 7522.56 and 21221(h) and approve, and authorize the City Manager to execute, an employment agreement with Roger Lee.

- C15. Adopt a Resolution Appointing Liz Brown as Interim Human Resources Director (Jeannine Seher, Human Resources Director, 408-586-3086)**

Adopted **Resolution No. 9200** appointing Liz Brown as Interim Human Resources Director in accordance with California Government Code Sections 7522.56 and 21221(h) and approve, and authorize the City Manager to execute, an employment agreement with Liz Brown.

- C16. Appointment of City Council Ad Hoc Naming Subcommittee Members (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Pulled from the Consent Calendar.

- C17. FY 2022-23 1st Quarter Financial Status Report for the Quarter Ended September 30, 2022 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Reviewed the FY 2022-23 Quarterly Financial Status Report for the quarter ended September 30, 2022.

PUBLIC HEARINGS

- 18. Conduct a Public Hearing and Introduce an Ordinance Amending the Zoning Map of the City of Milpitas in Accordance with the Provisions of Section 3.03 of Chapter 10 of Title XI (Zoning) of the Milpitas Municipal Code to Change the Zoning Classification of Certain Parcels (APNs 086-38-021, -022, and -037), Located on the East Side of South Hillview Drive and Extending Approximately 1200 Feet Southerly From Los Coches Street, From the M2 Heavy Industrial Zoning District to the M1 Light Industrial Zoning District (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Planning Director Thomas introduced the item and Senior Planner Van Hua presented the report.

Mayor Tran opened the public hearing

There were the following speakers:

1. Voltaire Montemayor

Mayor Tran closed the public hearing.

Vice Mayor Montano questioned the effects of passing this ordinance. Planning Director Thomas responded that previous City Council action inadvertently affected the three parcels, and that the ordinance would have no effect on the surrounding properties. Vice Mayor Montano emphasized the importance of maintaining existing heavy industrial zoning.

City Attorney Mutalipassi read the title of the ordinance.

After discussion, motion: to waive the first reading beyond the title and introduce **Ordinance No. 38.849** amending the Zoning map of the City of Milpitas in accordance with the provisions of Section 3.03 of Chapter 10 of Title XI (Zoning Ordinance) of the Milpitas Municipal Code to change the Zoning Classification of Certain Parcels (APNs 086-38-021, -022, and -037), located on the east side of South Hillview Drive and extending approximately 1200 feet southerly from Los Coches Street, from the M2 Heavy Industrial Zoning District to the M1 Light Industrial Zoning District. In addition, determine that the zoning ordinance amendment is exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Sections 15183 (Projects Consistent with a General Plan and Zoning) and 15061(b)(3) (Common Sense Exemption).

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following:

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

NOES: None

19. Conduct a Public Hearing and Introduce an Ordinance Amending Section 13 "Special Uses" of Chapter 10 "Zoning" of Title XI of the Milpitas Municipal Code Relating to Outdoor Dining (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Planning Director Thomas presented the report.

Mayor Tran opened the public hearing

There were the following speakers:

1. Voltaire Montemayor

Mayor Tran closed the public hearing.

Vice Mayor Montano asked if the ordinance would affect existing Main Street restaurants with outdoor dining and questioned if they will need to reapply for a permit or are they grandfathered in. Planning Director Thomas noted that this ordinance addresses parking requirements that would limit restaurants that took part in the extended outdoor dining program. He indicated they would need to apply for a minor site development permit.

City Attorney Mutalipassi read the title of the ordinance.

After discussion, motion: to waive the first reading beyond the title and introduce **Ordinance No. 38.850** adding Subsection 13.19 "Outdoor Dining" to Chapter 10 "Zoning" of Title XI of the Milpitas Municipal Code Relating to Outdoor Dining Areas and determine the Zoning Ordinance Text Amendment is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a General Plan) and 15061(b)(3) (Common Sense Exemption).

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by the following:

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

NOES: None

20. Conduct a Public Hearing and Adopt a Resolution Certifying Election Results and Adding the Property Located at 1724 Sunnyhills Drive – Parcel 2 into Community Facilities District No. 2005-1 (Annexation No. 22) (Staff Contact: Steve Erickson, Engineering Director / City Engineer, 408-586-3301; and Roberto Alonzo, Principal Civil Engineer, 408-586-3316)

Engineering Director / City Engineer Erickson introduced the item and Principal Civil Engineer Alonzo presented the report.

Mayor Tran opened the public hearing

There were the following speakers:

1. Voltaire Montemayor

Mayor Tran closed the public hearing.

City Clerk Guzzetta reported that one ballot was received and opened the sealed ballot. She then stated that there was one vote in favor of the proposition and it was approved.

Recommendation: to adopt **Resolution No. 9201** certifying election Results and adding the property located at 1724 Sunnyhills Drive – Parcel 2 into Community Facilities District No. 2005-1 (Annexation No. 22).

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following:

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

NOES: None

COMMUNITY DEVELOPMENT

21. Receive a Report on the Homekey Project at 1000 Hillview Court (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)

Assistant City Manager Kantak presented the report joined by Jamboree Chief Impact Officer George Searcy, Abode Services Vice President of Programs Katie Fantin, Abode Services Senior Director of Health and Wellness Brittney Kirkland, Chief of Police Hernandez, Police Captain Miller, Deputy Fire Chief Schoonover, Director Consuelo Hernandez from the Santa Clara County Office of Supportive Housing, and Hyder Regional Manager Paige Range.

There were the following speakers:

1. Voltaire Montemayor

2. Hillview Tenants Association
3. Lisa Reeve

Mayor Tran offered observations on public safety and increasing site security. He asked the working group to review adding a perimeter fence to the apartments and explore if crimes are being committed by people that aren't residents of the facility.

Councilmember Dominguez emphasized the importance of controlling access to the facility and voiced concerns with music volume, cannabis usage, resident safety issues, and cleanliness outside of the main floor. She offered compliments to Abode Services staff for their interactions with residents and availability on-site but noted Jamboree staff appeared to be unavailable. She suggested the tenant's association be represented in the working group.

Councilmember Chua questioned the availability of staffing throughout the day and asked the working group to investigate the timing of public safety occurrences and if they coincide with times staff are not on site and focus on the statistics in each category regarding calls for service and address them. She also asked the working group to look into any reason that the number of calls for service in September 2022 increased.

Santa Clara County Supervisor Otto Lee commented on his recent visit, discussed actions taken in response to the letter sent in August, and commended staff and council for their work.

Vice Mayor Montano asked for staff to provide the ratio of calls compared to Citywide calls for service. Chief of Police Hernandez responded that he would need to narrow the scope to compare it to similar apartment complexes due to factors based on the differing City dynamics. She requested the project team include a representative of the Hillview Tenants Association as part of the biweekly meetings. She suggested adding a third full time staff member to the facility management team.

No action taken.

LEADERSHIP AND SUPPORT SERVICES

22. **Approve the Prioritization of Additional Workplan Items City Council Policy (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Postponed to first meeting in January 2023.

ITEMS PULLED FROM CONSENT CALENDAR

- C16. **Appointment of City Council Ad Hoc Naming Subcommittee Members (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Motion: To defer the appointment of two Members of the City Council to January 2023 to be heard with appointments of Members of the City Council to commissions, boards, and subcommittees for the next legislative period.

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by the following:

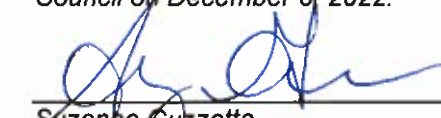
AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

ADJOURNMENT

Mayor Tran adjourned the meeting at 9:30 PM.

The foregoing minutes were approved by the Milpitas City Council on December 6, 2022.



Suzanne Guzzetta
Milpitas City Clerk