



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, OCTOBER 18, 2022

The City Council of the City of Milpitas convened on the regular City Council meeting day of October 18, 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

Councilmember Chua introduced Brother Mariano Nucup of Iglesia Ni Cristo Church of Christ to present the invocation.

PRESENTATIONS

Mayor Tran presented proclamations recognizing the month of October 2022 as Breast Cancer Awareness Month and October 24, 2022 as Diwali in the City of Milpitas.

PUBLIC FORUM

The following people spoke under Public Forum:

1. Warren Wettenstein, Milpitas Chamber of Commerce President
2. Inderjit Mundra
3. Voltaire Montemayor
4. Resident of Milpitas
5. Christopher Martin

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Mayor Tran announced the grand opening of Milpitas Fire Station No. 2 on Thursday morning, thanked staff for their hard work, and encouraged staff to continue upgrading the remaining City Fire Stations.

Councilmember Chua asked staff to explore eliminating or waiving the fee for the gym at the Milpitas Senior Center.

Vice Mayor Montano responded to comments from the public forum and spoke regarding the Milpitas ArtWalk.

Councilmember Dominguez asked to review the City Council Handbook to ensure that Councilmembers are guaranteed paternity/maternity leave and not made to give up their seat due to missing consecutive meetings. City Attorney Mutalipassi indicated he would investigate labor policies. Councilmember Dominguez asked for that information to be emailed to Council by next City Council meeting and clarify if Councilmembers are employees.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Mutalipassi 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 Mutalipassi 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 October 18, 2022 Regular Meeting Agenda.

Motion/Second: Mayor Tran / Councilmember Chua

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, moving Item 16 up to the Consent Calendar

Motion/Second: Mayor Tran / Vice Mayor Montano

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 October and November 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Received City Council Calendar of Meetings for October and November 2022.

C2. Approve City Council City Council Regular Meeting Minutes of October 4, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Regular Meeting minutes of October 4, 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. Accept the FY 2021-22 Commissioners Annual Report for Seven (7) Commissions and Oversight Committee and Approve Seven (7) City of Milpitas Commission and Oversight Committee Work Plans for FY 2022-23 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Accepted the 2021-22 Commissioners Annual Report; and approved proposed Fiscal Year 2022-23 Work Plans for (a) Community Advisory Commission, (b) Economic Development and Trade Commission, (c) Energy and Environmental Sustainability Commission, (d) Planning Commission, (e) Public Safety and Emergency Preparedness Commission, (f) Science, Technology, and Innovation Commission, and (g) Measure F Oversight Committee.

- C6. Receive the April – June 2022 Report for Unhoused Services (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046)**

Received the April – June 2022 report for unhoused services.

- C7. Approve and Authorize the City Manager to Execute a General Services Agreement with Banner Pest Services to Provide Pest Control Services at Various City Facilities for the Not-to-Exceed Amount \$300,000.00 for a Five-Year Period Subject to the Annual Appropriation of Funds (Staff Contact: Roger Lee, Interim Public Works Director, 408-586-2602; and Chris Schroeder, Purchasing Agent, 408-586-3161)**

Approved and authorized the City Manager to execute a general services agreement with Banner Pest Services to provide pest control services at various city facilities for the not-to-exceed amount \$300,000.00 for a five-year period subject to the annual appropriation of funds.

- C8. Introduce Ordinance No. 65.152 Adopting by Reference the 2022 California Building Codes with Amendments and Set a Public Hearing on December 6, 2022 for Adoption of the Ordinance (Staff Contact: Bill Tott, Building Official, 408-586-3263)**

Waived the first reading beyond the title and introduced **Ordinance No. 65.152** amending Chapters 3, 3.5, 4, 5, 6, 7, 10, 14, 150, and 170 of Title II of the Milpitas Municipal Code relating to adopting by reference the 2022 California Building Code, 2022 California Residential Code, 2021 International Property Maintenance Code, 2022 California Mechanical Code, 2022 California Electrical Code, 2022 California Plumbing Code, 2021 International Swimming Pool and Spa Code, 2022 California Existing Building Code, and 2022 California Historical Building Code, with amendments; and set a public hearing on December 6, 2022, pursuant to California Government Code Section 50022.3, for adoption of the Ordinance.

- C9. Introduce Ordinance No. 113.26 Adopting by Reference with Certain Local Amendments the 2022 Edition of the California Fire Code and Set a Public Hearing for December 6, 2022 (Staff Contact: Arthur Belton, Deputy Fire Chief / Fire Marshal, 408-586-3384)**

Waived the first reading beyond the title and introduced **Ordinance No. 113.26** to be enacted as Chapter 300, Title V of the Milpitas Municipal Code, and set a public hearing for Tuesday, December 6, 2022 at 7:00 p.m. in the Milpitas City Council Chambers to consider adoption of Ordinance No. 113.26, adopting by reference with certain local amendments the 2022 Edition of the California Fire Code.

- C10. Approve and Authorize the City Manager to Execute the Improvement Agreement with Parktown Plaza Pak, LLC, for the completion of Offsite Public Improvements Located at 1400 S. Park Victoria Drive Associated with Site Development Permit (SD1300014) and Conditional Use**

Permit (UP14-0002) (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 the Improvement Agreement with Parktown Plaza Pak, LLC, for the completion of offsite public improvements located at 1400 S. Park Victoria Drive associated with Site Development Permit (SD1300014) and Conditional Use Permit (UP14-0002).

- C11. Adopt a Resolution Approving a Site Development Permit to Allow Development of a New 5,602-Square Foot, 1.5-story Single-Family Residence and a Planned Unit Development (PUD) Amendment to Deviate from the Previously Approved PUD Architectural Standards, on a Vacant 1.135-acre Lot Located in the R1-H Single-family Residential Zoning District with a Hillside Combining District at 1333 Terra Vista Court (PUD No. 68 – Countryside Estates Subdivision, Lot 2) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Adopted **Resolution No. 9194** approving Site Development Permit No. SD21-0009 and PUD Amendment Permit No. PA21-0002, subject to the attached Conditions of Approval, for a new 5,602-square foot, 1.5-story single-family residence on a vacant 1,135-acre lot located in the R-1-H Single-Family Residential Zoning District with an -H Hillside Combining District at 1333 Terra Vista Court (Countryside Estates, Lot 2) and making findings of CEQA exemption.

- C12. Adopt a Resolution Approving the Revised Policy on Discontinuance of Residential Water Service (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Adopted **Resolution No. 9195** approving the Revised Policy on Discontinuance of Residential Water Service.

- 16. Approve the Youth Scholarship Program City Council Policy (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Approved the Youth Scholarship Program City Council Policy.

PUBLIC HEARINGS (7:45 PM)

- 13. Conduct a Public Hearing and Introduce an Ordinance Amending Sections of Chapter 10, Title XI (Zoning) of the Milpitas Municipal Code Relating to Definitions and Regulations for Commercial Service Land Uses (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Planning Director Thomas introduced the item. Senior Planner VanHua presented the report.

Mayor Tran opened the public hearing

There were the following speakers:

1. Voltaire Montemayor

Mayor Tran closed the public hearing.

Consultant Pearson responded to questions from Council.

City Attorney Mutalipassi read the title of the ordinance.

After discussion, motion: to waive the first reading beyond the title and introduce **Ordinance No. 38.848** amending sections of Chapter 10 of Title XI (Zoning) of the Milpitas Municipal Code relating to Definitions and Regulations for Various Types of Commercial Service Land Uses and determine that the Municipal Code amendment is exempt from California Environmental Quality Act pursuant to CEQA

Guidelines Sections 15183 (Projects Consistent with a General Plan) and 15061(b)(3) (Common Sense Exemption).

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following:

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

NOES: None

- 14. Grant Funding from the California Department of Housing and Community Development (HCD) for the Permanent Local Housing Allocation (PLHA) and Budget Amendments (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046 and Sarah Balcha, Senior Administrative Analyst, 408-586-3268)**

Continued to the Regular City Council meeting on November 1, 2022.

COMMUNITY DEVELOPMENT (8:45 PM)

- 15. Introduce Ordinance No. 65.153 Adopting by Reference the 2022 California Energy Code, Introduce Ordinance No. 65.154 Adopting by Reference the 2022 California Green Building Standards Code with Amendments, and Set a Public Hearing on December 6, 2022 for Adoption of the Ordinances (Staff Contact: Bill Tott, Building Official, 408-586-3263)**

Building Official Tott presented the report.

There were the following speakers:

1. Voltaire Montemayor
2. Tom Valore
3. Lauren Weston

Mayor Tran expressed concerns with electricity availability during extreme weather conditions.

Councilmember Chua asked to write a letter to PG&E on their plan for the influx of electric usage. Mayor Tran suggested making it an amendment to invite PG&E to attend the public hearing.

Councilmember Chua asked for Slide 19 from the presentation to be reflected on City website Incentives Corner. Deputy City Manager Rossmann responded that the page was already updated.

Councilmember Phan cautioned to be mindful of the impact of policy as it relates to the needs of our community and its impact on the housing market and the economy. He questioned the equity of the accessibility of rebates and incentives.

TRC Representative Farhad Farahmand responded to questions from City Council.

Vice Mayor Montano asked how the City can inform the public about rebates for electric cars. Deputy Director of Public Works Marshall indicated the information can be added to the City website Incentives Corner.

Councilmember Dominguez stated she wanted to build a pathway to reliable and reachable situation and cautioned for care in how the programs are promoted.

City Attorney Mutalipassi read the title of the ordinances.

After discussion, Motion: to waive the first reading beyond the title and introduce **Ordinance No. 65.153** amending Chapter 11 of Title II of the Milpitas Municipal Code adopting by reference the 2022

California Energy Code, introduce **Ordinance No. 65.154** amending Chapter 19 of Title II of the Milpitas Municipal Code adopting by reference the 2022 California Green Building Standards Code with amendments, and set a public hearing on December 6, 2022, pursuant to California Government Code Section 50022.3, for adoption of the ordinances, and invite PG&E to attend the public hearing.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following:

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

NOES: None

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

16. Approve the Youth Scholarship Program City Council Policy (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)

- * Moved to Consent Calendar

ADJOURNMENT

Mayor Tran adjourned the meeting at 8:52 pm

The foregoing minutes were approved by the Milpitas City Council on November 1, 2022.

*Suzanne Guzzetta
Milpitas City Clerk*