



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, MAY 2, 2023

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on May 2, 2023, 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 Montano called the Regular City Council meeting to order at 5:30 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo (5:50 PM), Lien and Phan.

ABSENT: None.

City Attorney Mutalipassi announced the closed session items. Staff announced that Closed Session Item (a) would be deferred to the next City Council meeting. The City Council adjourned to Closed Session at 5:32 PM.

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Nick Raisch, Human Resources Director

Bargaining unit: LIUNA, UPEC (Pro-Tech, MEA, MidCon), IAFF, MPOA

(b) PUBLIC EMPLOYEE APPOINTMENT/HIRING

Title: City Manager Recruitment Process

Agency designated representative: Nick Raisch, Human Resources Director

(c) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957

Position: City Attorney

The City Council reconvened in open session at 7:16 PM

CLOSED SESSION ANNOUNCEMENT:

Assistant City Manager Kantak stated there was nothing to report on Closed Session Items (a) and (c). City Attorney Mutalipassi reported that for Closed Session Item (b) the Council voted to form a City Manager Selection Subcommittee (Motion/Second: Vice Mayor Chua / Mayor Montano. Vote: 5-0), and then voted to appoint Mayor Montano and Vice Mayor Chua as the subcommittee members (Motion/Second: Mayor Montano / Vice Mayor Chua. Vote: 4-0-1; Abstain: Councilmember Lien).

PLEDGE OF ALLEGIANCE

Councilmember Phan led the Pledge of Allegiance.

INVOCATION

Mayor Montano provided the invocation.

PRESENTATIONS

Mayor Montano presented proclamations in recognition of Affordable Housing and Building Safety Month, Older Americans Month and Teacher Appreciation Week. Housing and Neighborhood Services Administrator Robert Musallam accepted the Affordable Housing and Building Safety Month proclamation and provided comments. Senior Advisory Commissioners Deborah Langley, Ha Phan, Nona Tolentino, Jenny Berryhill, and Barbara Jo Navarro accepted the Older Americans Month Proclamation. Senior Advisory Commission Chair Jenny Berryhill accepted the proclamation and Commission Staff Liaison John Macon provided comments. Weller Elementary School teacher Cyd Mathias accepted the Teacher Appreciation Week proclamation and provided comments.

PUBLIC FORUM

There were the following public speakers:

1. Voltaire Montemayor
2. Kavita Sreedhar
3. Kishan S

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

Vice Mayor Chua read the Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the May 2, 2023 Regular Meeting Agenda.

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

Councilmember Phan requested to participate remotely due to a Just Cause accommodation pursuant to AB 2449 to assist with childcare. There were no questions from the City Council. Upon motion by Vice Mayor Chua, seconded by Councilmember Lien, the motion passed unanimously.

Motion/Second: Vice Mayor Chua / Councilmember Lien

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

The City Council authorized Councilmember Phan's remote appearance pursuant to the Just Cause provision of AB 2449.

CONSENT CALENDAR

Motion: to approve the Consent Calendar

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

There were no public speakers.

- C1. Receive City Council Calendar of Meetings for May 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received City Council Calendar of Meetings for May 2023.

- C2. Approve City Council City Council Meeting Minutes of April 12 and April 18, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Special Meeting minutes of April 12, 2023 and Regular Meeting minutes of April 18, 2023.

- 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 Commissioner Resignation (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Accepted the resignation of Patti Sexton from the Energy and Environmental Sustainability Commission and directed the City Clerk to post the notice of unscheduled vacancy.

- C6. Consider the Recommendation from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)**

Received the recommendation from Mayor Montano and approved the following appointments to City Commissions:

Economic Development and Trade Commission:

1. Reappoint Casey McNeil to the Technology/Trades seat with a term ending April 2026.

Senior Advisory Commission:

1. Promote Barbara Jo Navarro to a full voting seat with an unexpired term ending December 2023.

- C7. Authorize and Approve Travel to Madison, Wisconsin for Mayor Carmen Montano to Attend the 2023 Mayors Innovation Project *New Mayors Cohort*, at no Cost to the City, to be Held on May 17 – 19, 2023 (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053)**

Authorized and approved travel to Madison, Wisconsin for Mayor Carmen Montano to attend the 2023 Mayors Innovation Project New Mayors Cohort, at no cost to the City, to be held on May 17 – 19, 2023.

- C8. Adopt a Resolution Granting Acceptance of the Street Resurfacing 2022 Project, Project No. 4283, 4298, & 4303, Authorizing the City Engineer to file a Notice of Completion and Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)**

Adopted **Resolution No. 9236** granting acceptance of the Street Resurfacing 2022 Project, Project No. 4283, 4298, & 4303, authorizing the City Engineer to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty.

- C9. Award IFB 23-070 and Authorize the City Manager to Execute the Purchase Order with Core and Main for Valve Parts for the Not-to-Exceed Amount of \$135,866.71 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Awarded IFB 23-070 and authorized the City Manager to execute the purchase order with Core and Main for the purchase of valve parts for the not-to-exceed amount of \$135,866.71.

- C10. Receive a Report on the Selection of Representatives from Various City Commissions to Serve on the Zoning Advisory Group (ZAG) for the Comprehensive Zoning Update (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Received the report on the selection of representatives from various City Commissions to serve on the Zoning Advisory Group for the Comprehensive Zoning Update.

- C11. Receive an Update on the Emergency Repairs to the HVAC System and Equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

(1) Received an update on the emergency repairs to the HVAC system and equipment at City Hall and the Public Works/Information Technology/Police Department buildings; and (2) Determined by a four-fifths vote that the condition continues to constitute an emergency.

Councilmember Phan left the meeting at 7:41 PM. and joined the meeting virtually.

PUBLIC HEARINGS

- 12. Conduct a Public Hearing to Approve the Substantial Amendment to the FY 2022-25 Consolidated Plan, the Allocations for FY 2023-24 Community Development Block Grant, and the Corresponding Annual Action Plan, and Authorize the Use of \$594,882.86 from the City's Revolving Loan Fund to Continue Administration of the Home Rehab Loan Program (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)**

Recommendation: (1) Open the public hearing, hear testimony, then close the public hearing; (2) Adopt the FY2023-24 Annual Action Plan with recommended allocation amounts as set forth in the presentation; (3) Approve a substantial amendment to the FY2022-25 Consolidated Plan; (4) Authorize the Acting City Manager, or designee, to make any necessary changes to the approved FY2022-25 Consolidated Plan and FY2023-24 Annual Action Plan as needed to comply with CDBG submission guidelines; (5) Authorize the Acting City Manager, or designee, to execute CDBG agreements with the approved subrecipients, and amend the CDBG agreements as needed to comply with CDBG guidelines; (6) Authorize the use of \$594,882.86 from the City's Revolving Loan Fund to continue administration of the Home Rehab Loan Program; and (7) Authorize the Acting City Manager, or designee, to pursue a subgrantee to administer a microenterprise grant assistance program.

Housing and Neighborhood Services Administrator Musallam presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Teresa Johnson
2. Marina Sanchez
3. Kisha S
4. Georgia Bacil
5. Kavita Sreedhar
6. Alaina Purcell Schroeder
7. Liza Navarro

Mayor Montano closed the public hearing.

Council discussion ensued.

After discussion, motion to: Adopt the FY2023-24 Annual Action Plan with recommended allocation amounts as set forth in the presentation; Approve a substantial amendment to the FY2022-25 Consolidated Plan; Authorize the Acting City Manager, or designee, to make any necessary changes to the approved FY2022-25 Consolidated Plan and FY2023-24 Annual Action Plan as needed to comply with CDBG submission guidelines; Authorize the Acting City Manager, or designee, to execute CDBG agreements with the approved subrecipients, and amend the CDBG agreements as needed to comply with CDBG guidelines; Authorize the use of \$594,882.86 from the City's Revolving Loan Fund to continue administration of the Home Rehab Loan Program; and Authorize the Acting City Manager, or designee, to pursue a subgrantee to administer a microenterprise grant assistance program.

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

13. Consider Community Garden Rules and Regulations Update (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: (1) Approve new Community Garden Rules for the Community Garden at the Delano Manongs Park; (2) Receive recommendation from the Parks, Recreation and Cultural Resources Commission on Cesar Chavez Garden Plot reconfiguration; and (3) Provide feedback on potential changes to the Community Garden Rules for the Cesar Chavez Garden.

Acting City Manager Kantak introduced the item and Recreation and Community Services Director Lorentzen presented the report.

There were the following public speakers:

1. Pat Yung
2. Joann De Herrera
3. Mark Flores
4. Voltaire Montemayor
5. Enedina Navarro
6. Jackie Romero

Council discussion ensued.

Councilmember Barbadillo suggested the City explore other parks spaces to create more community garden plots.

Vice Mayor Chua proposed dividing the plots and conducting a study to determine the feasibility of permanent plots for long-time community garden users. She asked to create a process for determining that plots have become unused. She suggested that a standardized clean out schedule should be included in the SOP and to look at the Parks Master Plan to identify parks for additional community garden plots. The Vice Mayor suggested to include discussion of dividing plots and repairing the Cesar Chavez Community Garden gate in the upcoming Budget Session.

Mayor Montano voiced support for the seven-year term proposed by the commission but not the exclusion of single-family residences. She suggested reducing the size of some community garden plots, growing ivy on the fences at Delano Manongs Park to reduce weeds, asked to develop a plan for maintenance and include garden users in the discussion to address the unused and/or abandoned lots.

Vice Mayor Chua asked for a list of gardeners that have been in the community garden for 20 or more years and to consider permanent lots for those community garden users. She asked staff to come back with a recommendation for the Cesar Chavez Community Garden based on Council feedback.

After discussion, motion to: approve the Delano Manongs Garden Rules and Regulations and come back with a recommendation for the Cesar Chavez Community Garden

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None.

LEADERSHIP AND SUPPORT SERVICES

14. Adopt a Resolution for Exception to the 180-Day Wait Period in Accordance with California Government Code Section 7522.56 and 21224 (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)

Human Resources Director Nick Raisch responded to questions from the City Council.

There were no public speakers.

After discussion, motion: to adopt **Resolution No. 9237** for exception to the 180-day wait period in accordance with California Government Code Sections 7522.56 and 21224; and approve and authorize the Acting City Manager to execute a limited term and scope employment agreement with Jeannine Seher, with the agreement term from May 3, 2023 through June 30, 2023.

Motion/Second: Councilmember Lien / Councilmember Phan

Motion carried by the following:

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

NOES: None

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Vice Mayor Chua asked for the Human Resources Director to conduct a job fair specific to the job openings at City Hall. By a roll call vote, there was a consensus to add to the item to the future agenda items request list.

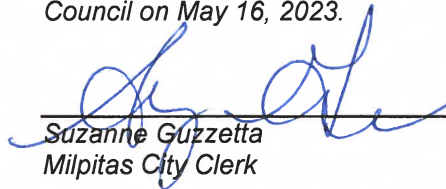
Councilmember Lien asked for City Council microphone management to return to the method used in the earlier portion of 2023.

Mayor Montano asked for the Community Advisory Commission staff liaison to bring for commissioner consideration conducting a contest for businesses that are beautifully maintained.

ADJOURNMENT

Mayor Montano adjourned the meeting at 9: 38 PM.

The foregoing minutes were approved by the Milpitas City Council on May 16, 2023.



Suzanne Guzzetta
Milpitas City Clerk