



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, APRIL 18, 2023

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on April 18, 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, Lien, and Phan (5:37 PM).
ABSENT: None

ADJOURN TO CLOSED SESSION

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.

(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)

(b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Nick Raisch, Human Resources Director
Bargaining Unit: Other (City Attorney Performance Appraisal Process)

(c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)

Facts and circumstances related to the expiration of a contract to which the City is a party
City as Defendant

The City Council reconvened in open session at 7:02 PM

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi stated there was nothing to report out.

PLEDGE OF ALLEGIANCE

Councilmember Barbadillo led the Pledge of Allegiance.

INVOCATION

Mayor Montano provided the invocation.

PRESENTATIONS

Mayor Montano presented proclamations in recognition of Earth Day on April 22, 2023, Arbor Day on April 28, 2023, National Autism Acceptance Month and Parkinson's Awareness Month. Energy and Environmental Sustainability Commissioner Patti Sexton accepted the proclamation for Earth Day and invited the community to attend the upcoming Earth Day event. Public Works Director Elaine Marshall accepted the proclamation and invited the community to upcoming Arbor Day events. Police Chief Hernandez accepted the proclamation for National Autism Acceptance Month.

PUBLIC FORUM

There were the following public speakers:

1. Rob Means
2. Voltaire Montemayor
3. Allysson McDonald

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 Montano read the Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the April 18, 2023 Regular Meeting Agenda.

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following:

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

NOES: None

CONSENT CALENDAR

Motion: to approve the Consent Calendar, pulling Items C10, C11, C12, and C13.

Motion/Second: Councilmember Lien / Councilmember Phan

Motion carried by the following:

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

NOES: None

Acting City Manager Katak announced that Items C11 and C12 would need to be heard immediately following the Consent Calendar in order for action to be taken on Public Hearing Item 14.

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

Received City Council Calendar of Meetings for April and May 2023.

- C2. Approve City Council City Council Regular Meeting Minutes of April 4, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved the City Council Regular Meeting minutes of April 4, 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. Consider Opting into Settlement Agreements with Pharmacies and Manufacturers of Opioids, Teva, Allergan, CVS, Walgreens, and Walmart (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3050; and Michael Mutalipassi, City Attorney, 408-586-3040)**

Opted into settlement agreement with pharmacies and manufacturers of opioids, Teva, Allergan, CVS, Walgreens, and Walmart, whereby the County of Santa Clara will initially receive the City's designated share of settlement funds and directed the Acting City Manager to execute any documents necessary to implement the action.

- C6. Approve and Authorize the City Manager to Execute the Improvement Agreement for a Residential Development at 308 Sango Court between the City of Milpitas and Milpitas Pacific Associates, L.P. (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Approved and authorized the City Manager to execute the Improvement Agreement for a residential development at 308 Sango Court between the City of Milpitas and Milpitas Pacific Associates, L.P.

- C7. Approve and Authorize the City Manager to Negotiate and Execute the Agreement for Completion of Public Improvements as part of the Innovation Campus Project between the City of Milpitas and Milpitas Unified School District (MUSD) including issuance of Faithful Performance and Labor and Materials Bonds (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Approved and authorized the City Manager to negotiate and execute the agreement for completion of public improvements as part of the Innovation Campus Project between the City of Milpitas and Milpitas Unified School District (MUSD).

- C8. Award IFB 23-060 and Authorize the City Manager to Execute the Purchase Order with Core and Main for the Purchase of Hydrants and Blow Off Valves for the Not-to-Exceed Amount of \$103,887.11 (Staff Contact: Christian Di Renzo, Director of Public Works, 408-586-2602)**

Awarded IFB 23-060 and authorized the City Manager to execute the purchase order with Core and Main for the purchase of Hydrants and Blow Off Valves for the not-to-exceed amount of \$103,887.11.

- C9. Authorize the City Manager to Execute an Agreement with Willdan Energy Solutions for the Replacement of Natural Gas Water Heaters with Electric Heat Pumps in City Facilities for the Grant Funded Amount of \$134,044.00 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Authorized the City Manager to execute an agreement with Willdan Energy Solutions for the replacement of natural gas water heaters with electric heat pumps in City facilities for the Grant Funded Amount of \$134,044.00.

- C10. Adopt a Resolution to Reject a Bid Protest from Ashron Construction and Restoration, Inc.; and Award a Construction Contract to Tucker Construction, Inc. in the amount of \$51,060.00 for the Fire Training Tower Concrete Repair (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Item pulled from Consent Calendar.

- C11. Waive the Second Reading and Adopt Ordinance No. 120.50 to Amend Chapter 1 of Title VIII of the Milpitas Municipal Code Relating to Water Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Item pulled from Consent Calendar.

- C12. Waive the Second Reading and Adopt Ordinance No. 208.55 to Amend Chapter 2 of Title VIII of the Milpitas Municipal Code Relating to Sewer Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Item pulled from Consent Calendar.

- C13. Approve the addition of Names to City Naming Lists and Adopt a Resolution to Name a New City Park the Delano Manongs Park (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Item pulled from Consent Calendar.

ITEMS PULLED FROM CONSENT CALENDAR

- C11. Waive the Second Reading and Adopt Ordinance No. 120.50 to Amend Chapter 1 of Title VIII of the Milpitas Municipal Code Relating to Water Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Acting City Manager Kantak introduced the item.

There were no public speakers.

After discussion, motion: to waive the second reading of Ordinance No. 120.50 and adopt **Ordinance No. 120.50** to amend Chapter 1 of Title VIII of the Milpitas Municipal Code relating to water service charges.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

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

NOES: Councilmember Phan.

- C12. Waive the Second Reading and Adopt Ordinance No. 208.55 to Amend Chapter 2 of Title VIII of the Milpitas Municipal Code Relating to Sewer Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Acting City Manager Kantak introduced the item.

There were no public speakers.

After discussion, motion: to waive the second reading of Ordinance No. 208.55 and adopt **Ordinance No. 208.55** to amend Chapter 2 of Title VIII of the Milpitas Municipal Code relating to sewer service charges.

Motion/Second: Councilmember Barbadillo / Vice Mayor Chua

Motion carried by the following:

AYES: Councilmember Barbadillo, Vice Mayor Chua, and Mayor Montano

NOES: Councilmembers Lien and Phan.

PUBLIC HEARINGS

14. Hold a Public Hearing and Adopt a Resolution Approving the Proposed 2024-2028 Capital Improvement Program (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012; and Michael Silveira, CIP Manager, 408-586-3303)

Deputy City Manager Cano introduced the item and, joined by Capital Improvement Program Manager Silveira, presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Stephen Balsbaugh
2. David Hohl
3. Rob Means
4. Jasper Teboh
5. Allysson McDonald
6. AJ Luong
7. Barbara Navarro

Mayor Montano closed the public hearing.

Deputy City Manager Cano, Capital Improvement Program Manager Silveira, and City staff responded to questions from the City Council.

Councilmember Phan made a motion: to remove the City Attorney's Office referral from the Capital Improvement Project Budget. Councilmember Lien seconded the motion. Vice Mayor Chua suggested incorporating the Councilmember's motion as part of the final action. Councilmember Phan agreed.

Vice Mayor Chua proposed removing the funding recommendation for \$100,000.00 for the Human Resources Information System from the Sewer Fund and voiced support for Option 3 from the Pickleball portion of the presentation allotting \$100,000.00 reserve funding, pending final site selection at a future City Council Meeting.

Councilmember Phan asked to discuss the disposition of the funds that were allocated to the City Attorney office remodel. Councilmember Lien suggested that the use of funds be discussed at another time.

Vice Mayor Chua asked for a friendly amendment to remove the funding recommendation for \$100,000.00 for the Human Resources Information System from the Sewer Fund and include Option 3 from the Pickleball portion of the presentation allotting \$100,000.00 reserve funding, pending final site selection at a future City Council Meeting. Councilmember Phan and Councilmember Lien accepted the amendment.

Councilmember Barbadillo asked for a friendly amendment to discuss the allocation of the funds due to the removal of the City Attorney's Office remodel. Councilmembers Phan and Lien accepted the amendment.

Councilmember Phan restated the motion: to adopt **Resolution No. 9231** approving the 2024-2028 Capital Improvement Program, with the allocation for the City Attorney Office remodel removed to be considered at a later time and discussion to be had on how to allocate those funds, remove \$100,000.00 request for the HRIS from the water and sewer fund requests, and proceed with Option 3 from the Pickleball portion of the presentation allotting \$100,000.00 reserve funding, pending final site selection at a future City Council Meeting.

Motion/Second: Councilmember Phan / Councilmember Lien

Motion carried by the following:

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

NOES: None

15. Conduct a Public Hearing to Discuss Substantial Amendment to the Consolidated Plan, the Allocations for FY 2023-24 Community Development Block Grant, and the Corresponding Annual Action Plan (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)

Economic Development Director Andrade introduced the item and Housing and Neighborhood Services Administrator Musallam presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Teresa Johnson from the Health Trust
2. Marina Sanchez
3. Sheri Burns
4. Georgia Bacil
5. Mira Chandra
6. Alaina Purcell

Mayor Montano closed the public hearing.

Councilmember Phan suggested reallocating funds from the Pragnya and Lighthouse of Hope organizations to the Meals on Wheels program.

Councilmember Lien questioned funding LifeMoves due to it being located in San Jose. Housing and Neighborhood Services Administrator Musallam clarified that Milpitas does not have a homeless shelter and that the LifeMoves operating on Julian Street provides support to unhoused residents from Milpitas.

Councilmember Barbadillo asked for more funds to be reallocated, requested, or shared in Capital Projects from LifeMoves or Rebuilding Together Silicon Valley to the Terrace Gardens roof replacement capital project, and in Public Services to India Community Center and Meals on Wheels.

Vice Mayor Chua asked for funds to be allocated to microenterprises for small businesses and suggested other allocations be reviewed and reduced to fund microenterprise grants.

Mayor Montano voiced support for allocating funding to Rebuilding Together Silicon Valley and LifeMoves, and also agreed that staff needs to take a look at how the City can fund microenterprises.

The report was received and filed.

16. Adopt a Resolution Approving the Fiscal Year 2023-24 User and Regulatory Fee Schedule (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Finance Director Lai presented the report.

Mayor Montano opened the public hearing, there being no speakers, the Mayor closed the public hearing.

After discussion, motion: to adopt **Resolution No. 9232** approving the Fiscal Year 2023-24 User and Regulatory Fee Schedule

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

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

NOES: None

COMMUNITY DEVELOPMENT

17. Adopt a Resolution Certifying Election Results and Adding the Properties Located at 1752 and 1810 Houret Court into Community Facilities District No. 2008-1 (Annexation No. 24) (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)

Principal Engineer Alonzo presented the report.

There were no public speakers.

Mayor Montano stated that this is the time for the City Clerk to canvass the ballots and to report the results of the election to the City Council.

City Clerk Guzzetta reported that five ballots were received and opened the sealed ballots. She stated that the proposition was unanimously approved.

After discussion, motion: to receive election results from the City Clerk and adopt **Resolution No. 9233** certifying the election results and adding the properties located at 1752 and 1810 Houret Court into Community Facilities District No. 2008-1 (Annexation No. 24).

Motion/Second: Councilmember Barbadillo / Councilmember Phan

Motion carried by the following:

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

NOES: None

LEADERSHIP AND SUPPORT SERVICES

18. Consider Mayor's Appointments of City Councilmembers to Outside Committees and as Liaisons to City Commissions (Contact: Mayor Carmen Montano, 408-586-3024)

Mayor Montano recommended appointments of City Council members to Outside Committees and as liaisons to City Commissions:

- Santa Clara County Library Joint Powers Authority: Mayor Montano/Vice Mayor Chua (alternate)
- Senior Advisory Commission Council Liaison: Mayor Montano
- Community Advisory Council Liaison: Vice Mayor Chua
- Arts Commission Council Liaison: Vice Mayor Chua

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to confirm Mayor Montano's appointments of Mayor Montano/Vice Mayor Chua (alternate) to the Santa Clara County Library Joint Powers Authority, Mayor Montano as Council Liaison to the Senior Advisory Commission, Vice Mayor Chua as Council Liaison to the Community Advisory Commission, and Vice Mayor Chua as Council Liaison to the Arts Commission.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

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

NOES: None

ITEMS PULLED FROM CONSET CALENDAR

C10. Adopt a Resolution to Reject a Bid Protest from Ashron Construction and Restoration, Inc.; and Award a Construction Contract to Tucker Construction, Inc. in the amount of \$51,060.00 for the Fire Training Tower Concrete Repair (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Public Works Director Di Renzo responded to questions from City Council.

There were no public speakers.

After discussion, motion: to adopt **Resolution No. 9234** to reject a bid protest from Ashron Construction and Restoration, Inc.; and Award a construction contract to Tucker Construction, Inc. in the amount of \$51,060.00 for the Fire Training Tower Concrete Repair.

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following:

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

NOES: None

C13. Approve the addition of Names to City Naming Lists and Adopt a Resolution to Name a New City Park the Delano Manongs Park (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recreation and Community Services Director Lorentzen responded to questions from Council.

There were no public speakers.

After discussion, motion: to approve adding Muwekma to the Influential People Naming List, approve adding Delano Manongs to the Influential People Naming List, and adopt **Resolution No. 9235** naming a new park in the Metro Area the "Delano Manongs Park."

Motion/Second: Councilmember Phan / Councilmember Lien

Motion carried by the following:

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

NOES: None

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Councilmember Lien reported that she attended the Unsung Heroes Ceremony hosted by Assemblymember Alex Lee in Fremont, acknowledged an award recipient, and announced the upcoming Vietnamese Flag Raising.

Vice Mayor Chua reported also attended the Unsung Heroes ceremony hosted by Assemblymember Alex Lee and acknowledged award recipients.

Councilmember Barbadillo offered comments on the dais microphone management system.

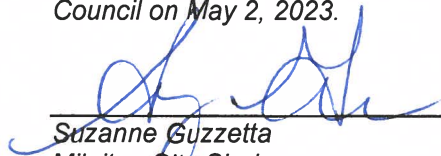
Councilmember Phan left at 11:02 PM.

Mayor Montano asked to have City-owned parcels 2 and 3 appraised. By a show of hands, there was unanimous consent of those present at the dais (Absent: Phan) to move to the list of Councilmember agenda item requests. She announced attending the Milpitas Chamber of Commerce Crab Feed and asked to close the meeting in memory of Joe Renteria, a long-time Milpitas resident.

ADJOURNMENT

Mayor Montano adjourned the meeting in memory of Joe Renteria at 11:04 PM.

The foregoing minutes were approved by the Milpitas City Council on May 2, 2023.



Suzanne Guzzetta
Milpitas City Clerk