



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, APRIL 4, 2023

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on April 4, 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 Lien and Phan.
ABSENT: Councilmember Barbadillo (5:35 pm).

City Attorney Mutalipassi announced that Councilmember Phan was requesting to participate remotely according to the just case provision of AB2449. The City Council had no comments.

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 emergency circumstances provision of AB2449.

City Attorney Mutalipassi announced the closed session items.

The City Council adjourned to Closed Session at 5:37 PM. Councilmember Phan arrived onsite at 5:45 pm and concluded his AB2449 virtual participation.

ADJOURN TO CLOSED SESSION

- (a) **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
- (b) **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)

The City Council reconvened in open session at 7:25 PM

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi stated there was nothing to report out.

PLEDGE OF ALLEGIANCE

Councilmember Lien led the Pledge of Allegiance.

INVOCATION

Vice Mayor Chua provided the invocation.

PRESENTATIONS

Mayor Montano and City Councilmembers presented a proclamation in recognition of Vietnamese American Heritage Month. Ha Phan offered comments and accepted the proclamation.

Mayor Montano presented a proclamation in recognition of National Public Safety Telecommunications Week. Police Chief Hernandez and Communications Dispatch Supervisor Lena Sillas accepted the proclamation.

Mayor Montano presented a proclamation in recognition of Fair Housing Month. Joshua Anh from Project Sentinel accepted the proclamation and provided remarks.

PUBLIC FORUM

There were the following public speakers:

1. Rob Means
2. Karina Dominguez
3. Osborn Way
4. Natasha Tiwari
5. Hanah Edwin
6. Roman Silivra
7. Huy Pham
8. Isaac Jones
9. Arjun Pai
10. Voltaire Montemayor

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 (Councilmember Lien was absent). 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 April 4, 2023 Regular Meeting Agenda.

Motion/Second: Vice Mayor Chua / Councilmember Lien

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 C6, C13, and C14, and C16,

Motion/Second: Councilmember Lien / Councilmember Phan

Motion carried by the following:

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

NOES: None

C1. Receive City Council Calendar of Meetings for April 2023

Received City Council Calendar of Meetings for April 2023.

C2. Approve City Council City Council Regular Meeting Minutes of March 21, 2023

Approved City Council Regular Meeting minutes of March 21, 2023.

C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting

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

Reviewed the list of items that have been requested by City Councilmembers and provided direction to staff as necessary.

C5. Consider Recommendation for Removal of Commissioner

Approved the removal of Kenneth Truong from the Student – CHHS Student seat on the Arts Commission and directed the City Clerk to post the notice of unscheduled vacancy.

C6. Approve and Authorize City Manager to Execute Three-Year Agreement with the City of San Jose for Animal Control Services

Item pulled from Consent Calendar.

C7. Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to DeSilva Gates Construction for Street Resurfacing Project No. 4283, 4303, 4304; and Approve Budget Change Form

Postponed indefinitely.

C8. Adopt a Resolution Releasing Unclaimed Checks with a Value less than \$15 in the Aggregate Amount of \$655.27

Adopted **Resolution No. 9229** releasing unclaimed checks with a value less than \$15 and transfer a total of \$655.27 in unclaimed checks to the General Fund.

C9. Approve an Amendment to the Professional Services Agreement with WeHOPE for Mobile Shower and Laundry Services to Add Additional Funding in the Amount of \$10,000.00, with a Total Not to Exceed Contract Amount of \$96,552.00

Approved an amendment to the professional services agreement with WeHOPE for Mobile Shower and Laundry Services to add additional funding in the amount of \$10,000.00, with a total not to exceed contract amount of \$96,552.00.

C10. Receive the 2022 General Plan Annual Progress Report and Authorize Submittal of the Report to the Governor's Office of Planning and Research (OPR)

Received the 2022 General Plan Annual Progress Report and authorize the submittal of the report to the Governor's Office of Planning and Research (OPR).

C11. Accept the FY 2023 Citizens' Option for Public Safety (COPS) Grant in the Amount of \$124,855.00 for Front-Line Law Enforcement Services and Approve the Appropriation of Funds in the Total Amount of \$124,855.00 to the Police Department's FY2022-23 Operating Budget for Front-Line Law Enforcement Services

Accepted the FY 2023 Citizens' Option for Public Safety (COPS) Grant in the amount of \$124,855.00 for front-line law enforcement services and approve the appropriation of funds in the total amount of \$124,855.00 to the Police Department's FY2022-23 Operating Budget for front-line law enforcement services.

C12. Accept Additional FY 2022 Citizens' Option for Public Safety (COPS) Grant in the Amount of \$75,657.69 for Front-Line Law Enforcement Services to be spent in alignment with the City Council Approved FY 2022 Spending Plan; and Approve the Appropriation of Funds in the Total Amount of \$75,657.69 to the Police Department's FY2022-23 Operating Budget for Front-Line Law Enforcement Services

Accepted additional FY 2022 Citizens' Option for Public Safety (COPS) Grant in the amount of \$75,657.69 for Front-Line Law Enforcement Services; and Approve the appropriation of funds in the total amount of \$75,657.69 to the Police Department's FY2022-23 Operating Budget for Front-Line Law Enforcement Services.

C13. 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

Item pulled from Consent Calendar.

C14. 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

Item pulled from Consent Calendar.

C15. Consider Two Fee Waiver Requests and One Donation Request from the Christian Worship Center, FAREPA, and Milpitas High School Aerotech Club

- (1) Approved a fee waiver of \$1,500.00 for the Christian Worship Center's Annual Community Easter Egg Hunt at Gill Park on Sunday, April 8, 2023;
- (2) Approved a fee waiver of \$830.00 for FAREPA Silicon Valley, Inc. for their ADU Workshop at the Milpitas Community Center on May 13, 2023; and
- (3) Approved a donation of \$500.00 to the Milpitas Unified School District's Milpitas High School Aerotech Club to participate in the American Rocketry Competition on May 20, 2023.

C16. Approve the addition of Names to City Naming Lists and Name a New City Park the Delano Manongs Park

Item pulled from Consent Calendar.

PUBLIC HEARINGS

17. **Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to Allow the Development of 57 Townhome Condominiums and Associated Site Improvements on an Approximately 2.35-Acre Site Located in the Mixed-Use (MXD) Zoning District at 612 South Main Street (APNs 086-25-027, 028) Located within the Midtown Specific Plan Area and Submitted Under California Senate Bill 330 (Housing Crisis Act of 2019)**

Adopted **Resolution No. 9230** to approve Site Development Permit No. SD22-0007, Conditional Use Permit No. UP22-0003, Vesting Tentative Map No. MT22-0003, Density Bonus Permit No. DB22-0002, Tree Removal Permit No. TR22-0014, and Environmental Assessment No. EA22-0005, subject to the Conditions of Approval.

Planning Director Thomas introduced the item. Associate Planner Phung presented the report. The applicant, True Life Companies, represented by Leah Beniston, presented additional information and, and joined by staff, responded to questions from the City Council.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Nita Itchhaporia
2. Hasu Shah
3. Nitin Shah
4. Mittal Kothari
5. Voltaire Montemayor
6. Yogesh Bapna
7. Kirit Bavishi
8. Albert Lustre

Mayor Montano closed the public hearing.

After discussion, motion: to adopt **Resolution No. 9230** to approve Site Development Permit No. SD22-0007, Conditional Use Permit No. UP22-0003, Vesting Tentative Map No. MT22-0003, Density Bonus Permit No. DB22-0002, Tree Removal Permit No. TR22-0014, and Environmental Assessment No. EA22-0005, subject to the Conditions of Approval

Vice Mayor Chua asked staff to look into trees on both sides of the street.

Motion/Second: Councilmember Lien / Councilmember Phan

Motion carried by the following:

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

NOES: Councilmember Barbadillo

18. **Conduct a Public Hearing and Introduce an Ordinance Amending Title III “Business and Professions” of the Milpitas Municipal Code to add Chapter 9 “Permits for Retailers of Tobacco Products”**

Tabled the discussion to a future meeting.

COMMUNITY DEVELOPMENT

19. Receive Housing Report and Presentation

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

There were the following public speakers:

1. Voltaire Montemayor
2. Allysson McDonald

Economic Development Director Andrade and Assistant City Manager Kantak responded to questions from the City Council.

The City Council received the report and presentation.

PUBLIC SAFETY

20. Receive Calendar Year 2022 Controlled Equipment Annual Report, Take Public Comment and Questions for the Purpose of Community Engagement, and Approve Proposed Acquisitions for Calendar Year 2023

Police Chief Hernandez introduced the item and Assistant Police Chief Morales presented the report.

There were the following public speakers:

1. Voltaire Montemayor

Assistant Police Chief Morales responded to questions from the City Council.

After discussion, motion: to receive Calendar Year 2022 Controlled Equipment Annual Report and approve proposed acquisitions for Calendar Year 2023.

Motion/Second: Councilmember Phan / Councilmember Lien

Motion carried by the following:

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

NOES: None

ITEMS PULLED FROM THE CONSENT CALENDAR

C6. Approve and Authorize City Manager to Execute Three-Year Agreement with the City of San Jose for Animal Control Services (Staff Contact: Bill Tott, Building Official, 408 586-3263)

Building Official Tott responded to questions from the City Council.

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to approve and authorize the City Manager to execute a three-year service contract agreement with the City of San Jose for Animal Services in the amount of \$1,655,696.64 for fiscal years 2023-2026 with two additional three-year options.

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. 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**
- C14. 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**

Vice Mayor Chua made a motion: to defer Items C13 and C14 to the next meeting.

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

- C16. Approve the addition of Names to City Naming Lists and Name a New City Park the Delano Manongs Park**

Councilmember Phan made a motion: to defer Item C16 and adjourn the meeting.

Motion/Second: Councilmember Phan / Vice Mayor Chua

Motion carried by the following:

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

NOES: None

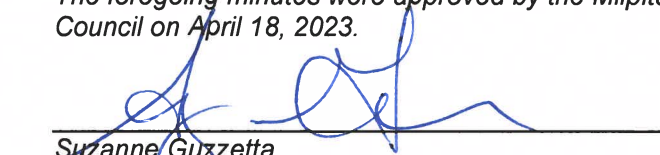
ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

The item was not heard.

ADJOURNMENT

Mayor Montano adjourned the meeting at 10:44 pm

The foregoing minutes were approved by the Milpitas City Council on April 18, 2023.



Suzanne Guzzetta
Milpitas City Clerk