



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND HOUSING AUTHORITY

MINUTES
TUESDAY, MARCH 21, 2023

The City Council of the City of Milpitas convened in a Joint Meeting of the Milpitas City Council and Housing Authority on March 21, 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 6:00 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien, and Phan (6:01 PM).
ABSENT: None.

City Attorney Mutalipassi announced the closed session items.

Councilmember Barbadillo asked for clarification on how items may be added to the Closed Session agenda.

After discussion, Vice Mayor Chua made a motion: to remove Item (B) from the closed session agenda and reschedule to May. Mayor Montano seconded the motion. Upon a call for the question, the motion failed (2-3).

Motion/Second: Vice Mayor Chua / Mayor Montano

Motion failed with the following vote:

AYES: Vice Mayor Chua and Mayor Montano

NOES: Councilmembers Barbadillo, Lien, and Phan

The City Council adjourned to Closed Session at 6:19 PM.

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) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957
Position: City Attorney

The City Council reconvened in regular session at 7:54 PM

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi stated there was nothing to report out.

PLEDGE OF ALLEGIANCE

Mayor Montano led the Pledge of Allegiance.

INVOCATION

Councilmember Barbadillo presented the invocation.

PRESENTATIONS

Mayor Montano and City Councilmembers presented certificates to the Santa Clara Valley Science and Engineering Fair Association (SCVSEFA) Milpitas student STEM winners.

PUBLIC FORUM

There were the following public speakers:

1. Shalaka Kathapurkar
2. Rob Means
3. Jessie Keung
4. Diane Pham
5. Allysson McDonald
6. Voltaire Montemayor

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Motalipassi 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 Motalipassi 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.

The City Council adjourned to Closed Session at 8:27 p.m.

The City Council reconvened at 8:54 p.m.

Mayor Montano reported that there was no action to report out.

APPROVAL OF AGENDA

Motion: to approve the March 21, 2023 Regular Meeting Agenda. Reschedule Item 17 to a date when the allocation of ARPA funds is determined and defer Item 18.

Motion/Second: Mayor Montano / Councilmember Phan

Motion carried by the following vote:

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

NOES: None

CONSENT CALENDAR

There were the following public speakers:

1. Lisa Reeve
2. Allysson McDonald
3. Loreto Dimaandal

Motion: to approve the Consent Calendar, pulling Items C6, C10, and C11, and deferring Item C9 to be discussed with the budget.

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following vote:

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

NOES: None

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

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

C2. Approve City Council City Council Special Meeting Minutes of February 28, 2023 and Regular Meeting Minutes of March 7, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Special Meeting minutes of February 28, 2023 and Regular Meeting minutes of March 7, 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 Recommendations from Mayor Montano for Removal from and Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)

Received Mayor Montano's recommendations, directed the City Clerk to post the notice of unscheduled vacancy, and took the following actions related to appointments to City Commissions:

Community Advisory Commission:

1. Removed Monica Rodriguez as commissioner from a seat with an unexpired term ending January 2024.
2. Appointed Elizabeth Ashley as a non-voting student member with a term ending January 2026.

Economic Development and Trade Commission:

1. Appointed Conrad Shapira as Alternate no. 1 with an unexpired term ending April 2024.
2. Appointed Michael Nguyen as Alternate no. 2 with an unexpired term ending April 2026.

Library and Education Advisory Commission:

1. Appointed Yunha Park as a non-voting student member with an unexpired term ending June 2026.

Parks, Recreation, and Cultural Resources Commission:

1. Appointed Jimmy Minh Duc Nguyen as a non-voting student member with a term ending June 2026.

Senior Advisory Commission:

1. Appointed Sai Anish as a non-voting student member with an unexpired term ending December 2025.

- C6. 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 (Staff Contact: Steve Chan, Interim Engineering Director/City Engineer 408-586-3324)**

Item pulled from consent calendar.

- C7. Approve and Authorize the City Manager to Execute Amendment No. 1 with Plante & Moran, PLLC for Enterprise Resource Planning (ERP) System Consultation to Extend the Term by 12 Months and Increase the Existing Contract by \$88,450.00 for a Total Contract Amount of \$188,210.00 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Approved and authorized the City Manager to execute Amendment No. 1 with Plante & Moran, PLLC for Enterprise Resource Planning (ERP) System Consultation to extend the term by 12 months and increase the existing contract by \$88,450.00 for a total contract amount of \$188,210.00.

- C8. Adopt a Universal Resolution Designating the City Manager as the Authorized Agent to Execute for, and on behalf of, the City of Milpitas for the Purpose of Obtaining Federal and State Financial Assistance (Staff Contact: Brian Stelling, Interim Fire Chief, 408-586-2811; and Toni Charlop, Emergency Services Coordinator, 408-586-2801)**

Adopted **Resolution No. 9227** designating the City Manager as the Authorized Agent to execute for, and on behalf, of the City of Milpitas for the purpose of obtaining Federal and State financial assistance.

- C9. Adopt a Resolution Amending Resolution No.1626, the Classification Plan, to Establish the Position and Classification of Public Works Manager – Utilities and Modify, Approve and Adopt the Salary Schedule Titled “All Job Classifications/Salary Table” to Include the Salary Range for this Classification (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086; and Christian Di Renzo, Public Works Director, 408-586-2602)**

Deferred to be heard with the budget.

- C10. Approve the addition of Names to City Naming Lists and 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.

- C11. Approve and Authorize the City Manager to Execute a Three-Year Agreement with the City of San Jose for Animal Control Services (Staff Contact: Bill Tott, Building Official, 408 586-3263)**

Item pulled from consent calendar.

- C12. Receive the 2022 Housing Element Annual Progress Report and Housing Successor Agency Annual Report and Authorize the Submittal of Both Reports to California Department of Housing and Community Development (HCD) and Governor’s Office of Planning and Research (OPR) (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046 and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)**

Received the 2022 Housing Element Annual Progress Report and Housing Successor Agency Annual Report and authorize the submittal of both reports to California Department of Housing and Community Development (HCD) and Governor’s Office of Planning and Research (OPR).

- C13. Adopt a Resolution Expressing Support for the City's 2022-2023 Priority Development Area Planning Grant Applications to the Metropolitan Transportation Commission to Prepare a Master Streetscape Plan for Main Street and a Conceptual Parks and Trails Plan for the Innovation District (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Jay Lee, Principal Planner, 408-586-3077)**

Adopted **Resolution No. 9228** expressing support for the City's 2022-2023 Priority Development Area Planning Grant applications to the Metropolitan Transportation Commission to prepare a master streetscape plan for Main Street and a conceptual parks and trails plan for the Innovation District.

- C14. Accept Commissioner Resignation (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Accepted the resignation of Abhijit Pandey from the Science, Technology and Innovation Commission and directed the City Clerk to post the notice of unscheduled vacancy.

PUBLIC HEARINGS

- 15. Conduct a Public Hearing to Consider Protests Against Proposed Water and Recycled Water Rates for FY 2023-24 through FY2027-28 and Introduce Ordinance No. 120.50 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Public Works Director Di Renzo presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Voltaire Montemayor
2. Katherine Suezaki
3. Melissa
4. Allysson McDonald
5. Loreto Dimaandal

Mayor Montano closed the public hearing.

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

Councilmember Lien asked for staff to return with information on the impacts if the increase was lowered to 3.2% in the first two years. Assistant City Manager Kantak noted that if the City has to come back at a later date, it wouldn't be incorporated into the operating budget.

City Clerk Guzzetta announced that the City had received 33 valid protests out of a total 10,357 required for a majority protest.

City Attorney Mutalipassi read aloud the title of the ordinance.

Motion: to move to waive the first reading beyond the title and introduce **Ordinance No. 120.50** to approve updated water and recycled water rates for FY23/24 through FY27/28. Ordinance is entitled: "An Ordinance of the City of Milpitas Amending Chapter 1 of Title VIII of the Milpitas Municipal Code Relating to Water Service Charges."

Motion/Second: Mayor Montano / Councilmember Barbadillo

Motion carried by the following vote:

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

NOES: Phan

16. Conduct a Public Hearing to Consider Protests Against Proposed Sewer Rates for FY23/24 through FY27/28 and Introduce Ordinance No. 208.55 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)

Public Works Director Di Renzo presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Rob Means
2. Voltaire Montemayor
3. Katherine Suezaki
4. Melissa

Mayor Montano closed the public hearing.

City Clerk Guzzetta announced that the City had received 33 valid protests out of a total 10,357 required for a majority protest.

Councilmember Lien suggested not raising both water and sewer rates at the same time.

Public Works Director Di Renzo, Assistant City Manager Kantak, and Recreation and Community Services Director Lorentzen responded to questions from the City Council.

City Attorney Mutalipassi read aloud the title of the ordinance.

Councilmember Lien moved to not raise the sewer rate for the next two years. Councilmember Phan seconded the motion. Upon a call for the question the motion failed (2-3).

Motion/Second: Councilmember Lien / Councilmember Phan

Motion failed with the following vote:

AYES: Councilmembers Lien and Phan.

NOES: Councilmember Barbadillo, Vice Mayor Chua, and Mayor Montano.

Mayor Montano then made a motion: to move to waive the first reading beyond the title and introduce **Ordinance No. 208.55** to approve updated sewer rates for FY23/24 through FY27/28 entitled: "An Ordinance of the City of Milpitas Amending Chapter 2 of Title VIII of The Milpitas Municipal Code Relating to Sewer Service Charges" and approve the subsidy program for Mobile Home Park customer class.

Motion/Second: Mayor Montano / Vice Mayor Chua

Motion carried by the following:

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

NOES: Councilmembers Lien and Phan

COMMUNITY DEVELOPMENT

17. Housing Report and Proposed Funding for Emergency Motel Stays Program and WeHOPE for Mobile Showers and Laundry Services (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046)

Deferred to a date when the allocation of ARPA funds is determined.

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

Deferred.

City Attorney Mutalipassi announced that the City Council had reached their curfew.

Councilmember Phan made a motion: to adjourn the meeting. Vice Mayor Chua seconded the motion. Upon a call for the question, it passed unanimously.

Motion/Second: Councilmember Phan / Vice Mayor Chua

Motion carried by the following:

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

NOES: None

Items C6, C10, and C11 pulled from the Consent Calendar were not heard.

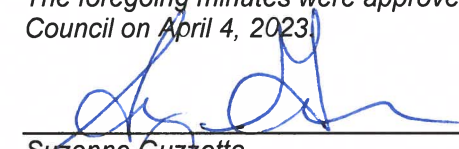
ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

This item was not heard.

ADJOURNMENT

Mayor Montano adjourned the meeting at 11:13 p.m.

The foregoing minutes were approved by the Milpitas City Council on April 4, 2023.



Suzanne Guzzetta
Milpitas City Clerk