



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, MARCH 7, 2023

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on March 7, 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 (7:04 PM).
ABSENT: None.

City Attorney Mutalipassi announced the closed session items.

The City Council adjourned to Closed Session at 6:01 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 of a transactional occurrence related to fees charged for the use of sanitary sewer.
City as Defendant

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
City as Plaintiff
County Sanitation District 2-3, et al. v. The City of San Jose, et al. Santa Clara Superior Court case no. 18CV325480

The City Council reconvened in regular session at 7:01 PM

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi stated there was nothing to report out.

PLEDGE OF ALLEGIANCE

Mayor Montano led the Pledge of Allegiance.

City Attorney Mutalipassi announced that Councilmember Phan was participating remotely according to the emergency circumstances provision of AB 2449 due to illness. 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.

INVOCATION

Councilmember Barbadillo presented the invocation.

PRESENTATIONS

Mayor Montano presented proclamations in recognition of American Red Cross Month, National Women's History Month, Youth Art Month, and the 25th Annual Women in Construction Week. Joined by Vice Mayor Chua, she presented certificates of appreciation to CEDAW Task Force members.

PUBLIC FORUM

There were the following public speakers:

1. Nidhi Saigal
2. Rob Means
3. Kelly Yip-Chuan
4. 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. 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 March 7, 2023 Regular Meeting Agenda.

Motion/Second: Councilmember Lien / Councilmember Barbadillo

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

Motion/Second: Councilmember Lien / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

There were the following speakers:

1. Voltaire Montemayor

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

Received City Council Calendar of Meetings for March 2023.

- C2. Approve City Council City Council Regular Meeting Minutes of February 21, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Regular Meeting minutes of February 21, 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 Barbara Ebright from the Senior Advisory Commission and directed the City Clerk to post the notice of unscheduled vacancy.

- C6. Authorize the City Manager to execute the Non-Exclusive License Agreement between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, for the installation of Small Cell Facilities on Municipal Facilities (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Authorized the City Manager to execute the Non-Exclusive License Agreement between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, for the installation of Small Cell Facilities on Municipal Facilities and find a CEQA exemption.

- C7. Adopt a Resolution Granting Acceptance of Alviso Adobe Renovation. (Phase V – Exhibits), Project No. 5055, Authorizing the City Engineer or other appropriate representative designated by the City Manager, to File a Notice of Completion, and Authorize the City Engineer, or other appropriate representative designated by the City Manager, to Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Michael Silveira, Capital Improvement Program Manager, 408-586-3303)**

Adopted **Resolution No. 9220** granting acceptance of Alviso Adobe Renovation (Phase V – Exhibits), Project No. 5055; authorizing the City Engineer, or other appropriate representative designated by the City Manager, to file a Notice of Completion, and authorizing the City Engineer, or other appropriate representative designated by the City Manager, to issue a Notice of Final Acceptance after the one-year warranty.

- C8. Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1 (McCarthy Ranch) (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Adopted **Resolution No 9221** initiating proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1 (McCarthy Ranch).

- C9. Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1 (Sinclair Horizon) (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Adopted **Resolution No. 9222** initiating proceedings for the Annual Levy and Collection of Assessments and ordering the preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1 (Sinclair Horizon).

- C10. Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the Lantana Apartments Residential Project and Grant Authorization to the City Engineer to Release the Performance Bond after the One-Year Warranty Period (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Adopted **Resolution No. 9223** granting acceptance of the completed public improvements for the Lantana Apartments Residential Project as shown on Public Improvement Plans No. 2-1235; and approve a reduction in the faithful performance bond to \$112,250.00, which is 25% of the security's original value which shall be in effect for the duration of the warranty period; and grant authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided that all required warranty work is completed to the satisfaction of the City Engineer.

- C11. Approval of Fourth Amendment to Memorandum of Agreement with Other Santa Clara Valley Municipalities to Allow for the Continuation of the Santa Clara Valley Urban Runoff Pollution Prevention Program (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Elaine Marshall, Deputy Public Works Director, 408-586-2603)**

Authorized the City Manager to execute the Fourth Amendment to the Memorandum of Agreement (MOU) for the Santa Clara Valley Urban Runoff Pollution Prevention Program which will allow for a five (5) year extension of the MOU with no change to the existing 2.75% cost share for the City of Milpitas.

- C12. Adopt a Resolution to Appoint Second Council Liaison to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Community Task Force (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001; and Mayor Montano, 408-586-3024)**

Adopted **Resolution No. 9224** approving the addition of a second City Council Liaison to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Task Force; and approved the Mayor's appointment of Vice Mayor Evelyn Chua as the second City Council Liaison to the CEDAW Task Force.

- C13. 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.

Community Advisory Commission:

1. Reappoint Vishal Gandhi to a full voting seat with a term ending January 2026.
2. Promote Jose Geronimo to a full voting seat with a term ending January 2026.
3. Appoint Miguel Bilbao to a full voting seat with a term ending January 2026.
4. Appoint Raghu Reddy as Alternate No. 2 with a term ending January 2026.

Economic Development and Trade Commission:

1. Appoint Paul Medewar to the hospitality seat with an unexpired term ending April 2024.

Parks, Recreation, and Cultural Resources Commission:

1. Appoint Juliette Gomez to a full voting seat with a term ending June 2026.
2. Appoint Peter Felix to a full voting seat with an unexpired term ending June 2025.

Senior Advisory Commission:

1. Appoint Simon Chu as Alternate No. 2 with a term ending December 2026.

Science, Technology, and Innovation Commission:

1. Appoint Pulak Mehta to a full voting seat with a term ending January 2026.
2. Appoint Suresh Sinha as Alternate No. 2 with a term ending January 2026.

Veterans Commission:

1. Appoint Diego Hammett to a full voting seat with an unexpired term ending February 2025.
2. Appoint Rich Tran as Alternate No. 1 with an unexpired term ending February 2025.
3. Appoint Leo Garcia as Alternate No. 2 with an unexpired term ending February 2025.

C14. Adopt a Resolution to End the Emergency Proclaimed by then Interim City Manager on March 12, 2020, and Ratified by the City Council on March 17, 2022 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)

Adopted **Resolution No. 9225** of the City Council of the City of Milpitas for Termination of the Proclamation of Local Emergency regarding Novel Coronavirus (COVID-19).

PUBLIC HEARINGS

15. Conduct a Public Hearing for the 2023 Weed Abatement Program and Adopt a Resolution to Abate the Weeds (Staff Contact: Arthur Belton, Deputy Fire Chief/Fire Marshal, 408-586-3384)

Deputy Fire Chief / Fire Marshal Belton presented the report.

Mayor Montano opened the public hearing.

There were no public speakers.

Mayor Montano closed the public hearing.

Motion: to adopt **Resolution No. 9226** directing the County of Santa Clara Consumer and Environmental Protection Agency - Weed Abatement Program to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with the Milpitas Municipal Code.

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.

16. 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” (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Continued to Regular Meeting of April 4, 2023.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

- 17. Update on Street Sweeping Pilot Project Expansion (CIP #3455) (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Elaine Marshall, Deputy Public Works Director, (408) 586-2603)**

Received a presentation on the options for expanding the Pilot Street Sweeping Program and supported staff's recommendation to perform additional survey work and return to the Mayor and City Council to discuss next steps following completion of the surveys.

Deputy Public Works Director Marshall presented the report

There were the following public speakers:

1. Voltaire Montemayor

Deputy Public Works Director Marshall responded to questions from the City Council.

Mayor Montano asked staff to provide an update when the item returns on high traffic thoroughfare areas.

After discussion, motion: to receive the presentation on the options for expanding the Pilot Street Sweeping Program and support staff's recommendation to perform additional survey work and return to the Mayor and City Council to discuss next steps following completion of the surveys

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

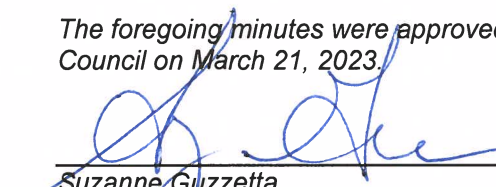
Assistant City Manager Kantak announced the Milpitas Community Theatre production of Shrek March 9-12, 2023, and that the Mortgage Relief portion of the Rent and Mortgage Relief Program launched on March 6, 2023.

Mayor Montano announced she attended the recent Holi event hosted by Parks and Neighborhood Services and was invited to the International Women's Celebration.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:26 PM

The foregoing minutes were approved by the Milpitas City Council on March 21, 2023.



Suzanne Guzzetta
Milpitas City Clerk