



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, FEBRUARY 21, 2023

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on February 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 7:06 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien, and Phan.
ABSENT: None.

PLEDGE OF ALLEGIANCE

Mayor Montano led the Pledge of Allegiance.

INVOCATION

Councilmember Lien presented the invocation.

PRESENTATIONS

Mayor Montano presented a proclamation in recognition of Rare Disease Day.

PUBLIC FORUM

There were the following public speakers:

1. Rob Means
2. Paul Ellis
3. Tom Valore
4. Joseph Weinstein
5. Voltaire Montemayor
6. Anna Nguyen
7. Christopher Martin
8. Frank Bush
9. Uyenthy Nguyen

Councilmember Lien suggested the City Council schedule a Special Meeting and Closed Session to discuss consideration of extending the City Manager's employment agreement.

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 February 21, 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 pull Items C9 and C10 and defer to the next City Council meeting.

Motion/Second: Councilmember Barbadillo / Vice Mayor Chua

Motion carried by the following:

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

NOES: Councilmembers Lien and Phan

Motion: to approve the Consent Calendar and pull Item C6.

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

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

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

C2. Approve City Council City Council Regular Meeting Minutes of February 7, 2023, and Special Meeting Minutes of February 2, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Regular Meeting minutes of February 7, 2023, and Special Meeting Minutes of February 2, 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 Karen Adams from the Senior Advisory Commission and directed the City Clerk to post the notice of unscheduled vacancy.

- C7. Authorize City Manager's Response Letter to the December 14, 2022 Santa Clara County Civil Grand Jury Final Report "Show Me the Money: Financial Transparency Needed" (Staff Contact: Lauren Lai, Finance Director, 408-586-3111; and Michael Mutalipassi, City Attorney, 408-586-3040)**

Authorized the City Manager to send a letter in response to the December 14, 2022 Santa Clara County Civil Grand Jury Final Report "Show Me the Money: Financial Transparency Needed" pursuant to Penal Code Section 933.

- C8. Adopt a Resolution Approving a Site Development Permit to Develop a New Two-story, Single-family Residence with an Attached Accessory Dwelling Unit, an In-Ground Swimming Pool/Spa, and Associated Site Improvements on a Vacant 4.29-acre Lot Located in the R1-H Single-family Residential Zoning District with a Hillside Combining District at 531 Vista Ridge Drive (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Considered the exemption in accordance with CEQA and adopted **Resolution No. 9218** approving Site Development Permit No. SD22-0001, subject to the attached conditions of approval.

- C9. 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)**

Deferred to March 7, 2023.

- C10. 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)**

Deferred to March 7, 2023.

- C11. FY 2022-23 2nd Quarter Financial Status Report for the Quarter Ended December 31, 2022 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Reviewed the FY 2022-23 Quarterly Financial Status Report for the quarter ended December 31, 2022.

PUBLIC HEARINGS

- 12. 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 March 7, 2023.

LEADERSHIP AND SUPPORT SERVICES

- 13. Review Fiscal Year 2022-23 Mid-Year Report, Approve FY2022-23 Mid-year Budget Amendments, Adopt a Resolution Amending Resolution No. 1626, the Classification Plan, to Reclassify Positions, Approve and Adopt the Pay Schedule titled "New Job Classifications/Salary Table (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Reviewed the FY 2022-23 Mid-Year Report; approved FY 2022-23 Mid-Year Budget Amendments; and adopted **Resolution No. 9219** amending Resolution No. 1626, the Classification Plan, to reclassify positions, approve and adopt the pay schedule titled "New Job Classifications/Salary Table", and amend budgeted allocated positions.

Finance Director Lai presented the report.

There were no public speakers.

Finance Director Lai and Assistant City Manager Kantak responded to questions from the City Council.

Vice Mayor Chua observed that the City's goal for the next budget cycle should be to reduce overtime. She also asked for staff to provide a list of all consultants for the last year, the projects they have, and contract amounts.

Councilmember Barbadillo asked for more information on why Fire Department staffing is creating overtime.

After discussion, Councilmember Lien made a motion: to review the FY 2022-23 Mid-Year Report, to approve FY 2022-23 Mid-Year Budget Amendments; and to adopt **Resolution No. 9219** amending Resolution No. 1626, the Classification Plan, to reclassify positions, approve and adopt the pay schedule titled "New Job Classifications/Salary Table", and amend budgeted allocated positions.

Vice Mayor Chua seconded the motion but asked to amend the motion to include direction to staff to provide an informational memorandum on Fire Department overtime and provide a list of all consultants for the last year, their projects, and contract amounts. Councilmember Lien accepted the amendment.

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

14. Receive Report on the American Rescue Plan Act (ARPA) Investment Plan and Provide Direction on Changes, if Any (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Lauren Lai, Finance Director, 408-586-3111)

Received report on the American Rescue Plan Act (ARPA) Investment Plan and provided direction on changes, if any.

Assistant City Manager Kantak introduced the item. Finance Director Lai presented the report.

There were the following public speakers:

1. Tom Valore
2. Yolie Garcia
3. Bill Korbe

Vice Mayor Chua suggested reallocating funds from the Chamber of Commerce in an amount of \$51,500.00 to the Business Improvement District, and at least \$50,000.00 to Hotel Accommodations for the Unhoused.

Councilmember Lien proposed reallocating the entirety of the Chamber of Commerce allocation to assist the unhoused.

Councilmember Barbadillo asked for further information on the staff meeting with the Chamber of Commerce and questioned if the Chamber representatives discussed their ARPA request. Councilmember Barbadillo requested that if the funding is reallocated, the opportunity for the Chamber of Commerce to ask for funding help. In addition, he supported reallocations to Public Safety such as additional pedestrian crossings, to Community Services for homeless students, to Social Services funding for more services to seniors, and reallocate funds to explore a Citywide Senior Discount Program.

Councilmember Phan agreed that the Chamber of Commerce funds should be reallocated entirely. He spoke in support of reallocating funds for Business Improvement District and Workforce Development. Councilmember Phan voiced concerns for reallocating \$30,000 from LGBTQIA+ supportive services to "Family Friendly" programs. He agreed with Councilmember Lien's suggestion for allocating resources to the unhoused and supported Councilmember Barbadillo's request to reallocate funds related to exploring a Citywide Senior Discount.

Mayor Montano supported reallocation to the Business Improvement District, Hotel Vouchers, and exploring a Senior Discount Program. She asked to consider reallocations for a feasibility study for Parcel 2 and 3 for a police substation, a safe parking space with a day worker program, Main Street Christmas holiday decorations, consider a reduction for the Rent and Mortgage Relief Program from \$5000 to \$3000 to assist a greater number of participants, and graffiti abatement through Beautify Milpitas.

Police Chief Hernandez, Assistant City Manager Kantak, Deputy City Manager Cano, and Finance Director Lai responded to questions from Councilmember Barbadillo and Vice Mayor Chua regarding Public Safety and Infrastructure allocations.

Vice Mayor Chua asked to include at least one ADU workshop a year for the next three years as part of Community Events.

After discussion, Vice Mayor Chua made a motion: to defund the Pilot Curbside Trash Pick Up Program in an amount of \$85,000, Small Business Assistance Program in an amount of \$4,900, Sustainable Neighborhood Program in an amount of \$60,000, and Milpitas Chamber of Commerce Program in an amount of \$200,000; to allocate \$51,500 from other programs to contract for the Business Improvement District; to direct staff to find a LGBTQIA+ youth services provider in the Social Services Program; to reallocate \$70,000 within the Workforce Development Program for Youth Force; and support staff's recommendation to reallocate the \$97,000 within the parks appropriation to Selwyn Park.

Motion/Second: Vice Mayor Chua / Councilmember Phan

Motion carried by the following:

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

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

C6. Approve Proposed Edits to the City Council Procedures and Protocols Handbook (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3041)

Approved proposed edits to the City Council Procedures and Protocols Handbook.

Councilmember Lien voiced concerns that the City Council was not seated as to the policy detailed in the handbook. She asked the City Council to be seated as described in the policy.

Mayor Montano suggested agendizing a special meeting to review the Council Handbook.

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

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

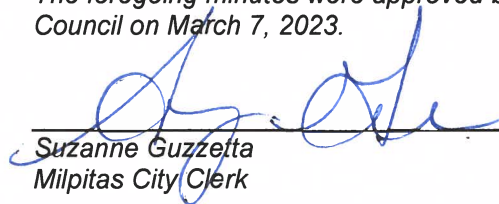
Councilmember Lien asked staff to look into improving the sound system at the Milpitas Community Center.

Vice Mayor Chua requested lights to be added to Gill Park for night time usage.

ADJOURNMENT

Mayor Montano adjourned the meeting at 10:40 PM.

The foregoing minutes were approved by the Milpitas City Council on March 7, 2023.



Suzanne Guzzetta
Milpitas City Clerk