



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, FEBRUARY 7, 2023

CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on February 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 7:00 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien, and Phan (9:24 PM).
ABSENT: None.

PLEDGE OF ALLEGIANCE

Councilmember Barbadillo led the Pledge of Allegiance.

INVOCATION

Councilmember Lien presented the invocation.

PRESENTATIONS

Mayor Montano presented a proclamation in recognition of Black History Month.

PUBLIC FORUM

There were the following public speakers:

1. Charles Wright
2. Stephen Balsbaugh
3. Rob Means
4. Voltaire Montemayor
5. Frank Bush

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

Councilmember Barbadillo read the Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the February 7, 2023 Regular Meeting Agenda.

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Phan

CONSENT CALENDAR

Motion: to approve the consent calendar

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Phan

C1. Receive City Council Calendar of Meetings for February 2023

Received City Council Calendar of Meetings for February 2023.

C2. Approve City Council City Council Regular Meeting Minutes of January 17, 2023, and Special Meeting Minutes of January 24, January 26, and January 31, 2023

Approved City Council Regular Meeting minutes of January 17, 2023, and Special Meeting Minutes of January 24, January 26, and January 31, 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. Reconfirm Findings and Determinations Under Resolution No. 9165 and Assembly Bill 361 for the Continuation of Virtual Meetings of the City Council and Legislative Bodies

Reconfirmed findings and determinations under Resolution No. 9165 and Assembly Bill 361 for the continuation of virtual meetings of the City Council and Legislative Bodies.

C5. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Set a Public Hearing for March 7, 2023

Adopted **Resolution No. 9215** declaring weeds on specific properties to be public nuisances and set a public hearing for March 7, 2023 and find a CEQA exemption.

C6. Receive a Report on the Local Emergency Related to the Severe Weather Event on January 4-5, 2023

Received a report on the local emergency relating to the severe weather event on January 4-5, 2023.

PUBLIC HEARINGS

7. 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 78 townhome condominiums and 12 accessory dwelling units and associated site improvements on an approximately 4.1-acre site located in the High-Density Mixed-Use (R3-TOD) Zoning District with a Transit Oriented Development Overlay at 675 Trade zone Boulevard and 1951 Tarob Court, and find a CEQA exemption. The Project is located within the Transit Area Specific Plan (TASP) area and submitted under California Senate Bill 330 (Housing Crisis Act of 2019)

Planning Director Thomas introduced the item and Senior Planner Fossati presented the report. Nick Kosla from Toll Brothers, Alli Sweeney from Toll Brothers, Dominic Carucci from RJA Civil Engineers, and Roman De Sota from R3 Studios Landscape Architecture were available to respond to questions from the City Council.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Voltaire Montemayor

Mayor Montano closed the public hearing.

After discussion, motion: to adopt **Resolution No. 9216** to approve Site Development Permit No. SD22-0006, Conditional Use Permit No. UP22-0002, Vesting Tentative Map No. MT22-0002, Density Bonus Permit No. DB22-0001, Tree Removal Permit No. TR22-0006, and Environmental Assessment No. EA22-0003, subject to the Conditions of Approval, and find a CEQA exemption.

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following:

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

NOES: None.

ABSENT: Councilmember Phan.

8. Adopt a Resolution Certifying Milpitas Metro Specific Plan Final Subsequent Environmental Impact Report (SEIR) (SCH#:2006032091) and adopting the Milpitas Metro Specific Plan (updating the 2008 Transit Area Specific Plan)

City Manager McHarris and Planning Director Thomas introduced the report. TASP Manager Riley offered opening remarks and Consultants Jane Lin from Urban Field Studio, Christina Black from M-Group, and Kristi Black from ICF presented the report and responded to questions from the City Council.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Voltaire Montemayor
2. Rob Means
3. Jocelyn Gubler

Mayor Montano closed the public hearing.

Mayor Montano suggested possible sites for a Police Substation be on South Main Street or as shown in the plan.

After discussion, motion: to adopt the findings to support the Final Subsequent Environmental Impact Report (SEIR), to adopt the Mitigation Monitoring or Reporting Program (MMRP), and to adopt **Resolution No. 9217** to certify the Milpitas Metro Specific Plan Final Subsequent Environmental Impact Report (SEIR) and adopt the Milpitas Metro Specific Plan.

Motion/Second: Mayor Montano / Vice Mayor Chua

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Phan

LEADERSHIP AND SUPPORT SERVICES

9. Review the List of Agenda Item Requests From Individual Councilmembers and Provide Direction to Staff, Through the Prioritization Process, on Groups 1 Items; Provide Additional Clarification to Staff, If Any, on Group 2 Items

Assistant City Manager Kantak presented the report and responded to questions from the City Council.

Vice Mayor Chua asked staff to clarify the intent of City Council Referral #1, "City Attorney or City Manager to draft a written policy regarding foreign language spoken at the dais" and explain why there was a cost associated with the item. City Attorney Mutalipassi responded that English is the official language in the California Constitution and all business from the dais should be conducted first in English. He indicated that the cost was for translation services for meetings and suggested the item could be incorporated into the City Council Handbook. Vice Mayor Chua withdrew the item from prioritization with direction to the City Attorney to incorporate it into the City Council Handbook.

There were the following public speakers:

1. Voltaire Montemayor

Vice Mayor Chua asked to withdraw City Council Referral #4, "City Manager to look into underutilized areas of parks..." and use recommendations from the Parks Master Plan as guidance in how to proceed.

Mayor Montano expressed concerns with City Council Referral #5, "Discuss converting vacant lot that was a basketball court into a community garden at Vasona and Adobe" and the associated cost. Assistant City Manager Kantak and Deputy City Manager Cano noted that the cost included not only community outreach, but a feasibility study for converting the property. Mayor Montano stated she expected a survey of residents nearby to determine if the City should pursue converting the property to a garden prior to committing additional resources. She restated her request to conduct a survey of residents to clarify if there is community support for a project, and if there was to bring the item back for further consideration. Vice Mayor Chua stated a survey of residents would not take more than four hours staff time. Together with Mayor Montano, they agreed that the request should be moved to Council Referral Group 2 and would be conducted between themselves.

Councilmember Phan arrived at 9:24 PM.

Council reviewed the list of agenda item requests from individual Councilmembers, and individually voted electronically for four items in group one to advance as a priority.

City Clerk Guzzetta read the result of the vote with the following items receiving a majority of votes and moving forward:

CC #2 – City Manager to look into defining either a standalone teen center or updating information to demonstrate the Senior Center also functions as a Teen Center.

CC #3 – City Manager to look into implementing a workshop for small businesses on the bidding process for projects in the City.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Councilmember Lien asked to see if the City Manager and staff could assist in finding a month and day to celebrate an International Cultural Festival on Main Street. Vice Mayor Chua objected.

Councilmember Barbadillo made the following requests:

- 1) Have the City look into the possibility of a Senior Citywide Discount from all Milpitas businesses; and
- 2) Information on how the City can proceed with the grant for the Milpitas Chamber of Commerce, what it would take to move it forward, where the City is in the process. City Manager McHarris responded that this would be discussed at the Mid-Year Budget meeting on February 21st. In response, Councilmember Barbadillo asked for staff to meet with the Chamber of Commerce on the status of the ARPA funding, as identified in the October City council Info Memo. Councilmember Phan and Mayor Montano objected to the request.

Vice Mayor Chua requested that the City Manager write a congratulatory letter from the Council to newly elected Sheriff Bob Jonsen and express support for two platforms: 1) form partnership among cities to address crimes in Santa Clara County; and 2) and modernizing booking for detainees / suspects streamline the process. Councilmember Phan objected.

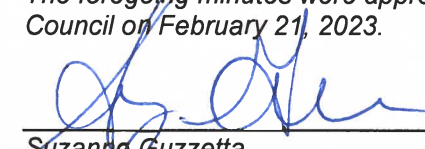
Mayor Montano announced that she recently attended the Santa Clara County Library JPA seminar and talked about the open space areas created by libraries for patrons. She made the following requests:

- 1) Ask the City to investigate the cost of purchasing the parcel next to the library. Councilmembers Phan, Lien, and Barbadillo objected.
- 2) Look into replacing the existing City Hall electronic sign by purchasing a larger electronic billboard. Councilmember Phan objected

ADJOURNMENT

Mayor Montano adjourned the meeting at 9:47 PM.

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



Suzanne Guzzetta
Milpitas City Clerk