



JOINT MEETING OF THE MILPITAS CITY COUNCIL, HOUSING AUTHORITY, AND PUBLIC FINANCING AUTHORITY

MINUTES
TUESDAY, JUNE 6, 2023

The City Council of the City of Milpitas convened in a Joint Meeting of the Milpitas City Council, Housing Authority, and Public Financing Authority on June 6, 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 (6:04p).
ABSENT: None.

City Attorney Mutalipassi announced the closed session items.

The City Council adjourned to Closed Session at 6:02 PM.

ADJOURN TO CLOSED SESSION

(a) 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, MidCon), IAFF, MPOA

The City Council reconvened in open session at 7:33 PM

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi announced there was nothing to report.

Mayor Montano led a moment of silence for the 3 victims killed in the June 1, 2023 crime spree: Jiwonjot Dhariwal of Milpitas, age 26, Nguyen Pham of San Jose, age 72, and Phuc Pham of San Jose, age 71.

PLEDGE OF ALLEGIANCE

Mayor Montano led the Pledge of Allegiance.

INVOCATION

Vice Mayor Chua presented the invocation.

PRESENTATIONS

Mayor Montano presented a proclamation in recognition of Parks and Recreation Month. Rondi Murray, President of the Police Athletic League Youth Sports Group and Parks, Recreation and Cultural Resources Commissioner, accepted the proclamation and offered remarks.

Mayor Montano presented a proclamation in recognition of Telugu Pride Day. Members of Telugu community accepted the proclamation and offered remarks.

PUBLIC FORUM

There were the following public speakers:

1. Jacob Abeytia
2. Rob Means
3. Voltaire Montemayor
4. Tom Valore
5. Matthew Tinsley

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 June 6, 2023 Regular Meeting Agenda.

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

CONSENT CALENDAR

Motion: to approve the Consent Calendar, pulling Items C5 and C6

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

There were no public speakers.

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

Received City Council Calendar of Meetings for June 2023.

C2. Approve City Council City Council Meeting Minutes of May 9, 16, and 23, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Special Meeting minutes of May 9 and 23, 2023 and Regular Meeting minutes of May 16, 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 provide direction to staff as necessary.

- C5. Accept the Report for Key 2022 Approved State Laws Impacting Municipal Operations and an Update on 2023 State and Federal Earmark Requests (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)**

Item pulled from consent calendar.

- C6. American Rescue Plan Act (ARPA) Workforce Development Program Funding (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Margaret Tamisiea, Senior Special Projects Associate, 408-586-3047)**

Item pulled from consent calendar.

- C7. Adopt a Resolution Granting Acceptance of Delano Manongs Park Sports Field (Formerly known as McCandless Park Sports Field), Project No. 5102, Authorizing the City Engineer to File a Notice of Completion, and Authorize the City 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. 9248** granting acceptance of Delano Manongs Park Sports Field (formerly known as McCandless Park Sports Field), Project No. 5102, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance after the one-year warranty.

- C8. Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to Joseph J Albanese, Inc for Street Resurfacing 2023 Project No. 4283, 4303, 4304; and Approve Budget Change Form (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)**

Adopted **Resolution No. 9249** to approve project plans & specifications; award the construction contract to the lowest responsible, and responsive bidder, Joseph J. Albanese Inc, in the amount of \$2,899,299.75 for the Street Resurfacing Project No. 4283, 4303, 4304; Authorize the City Manager to execute the construction contract with Joseph J. Albanese Inc; Authorize the Engineering Director/City Engineer to negotiate and execute Contract Change Order(s) in an aggregate amount not to exceed \$434,894.96 for the project; and Approve the Budget Change Form to appropriate funding for CP 4303 and CP 4304.

- C9. Adopt Resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board Authorizing Investment of Monies in the Local Agency Investment Fund and Updating Officers' Information (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Adopted **Resolution No. 9250 / PFA Resolution No. 28** of the Milpitas City Council and Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

- C10. Approve and Authorize the City Manager to Execute the Purchase Order with Code 3 Technology for Police Mobile Computer Replacement (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

Approved and authorized the City Manager to execute the purchase order with Code 3 Technology for 32 Getac ruggedized laptop computers for a total amount not-to-exceed \$199,991.45.

- C11. Receive an Update on the Emergency Repairs to the HVAC System and Equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

(1) Received an update on the emergency repairs to the HVAC system and equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings; and (2) Determined by a four-fifths vote that the condition continues to constitute an emergency.

- C12. Approve Parks and Recreation and Community Services Programs Donation for a Memorial Bench in Honor of Mikhaila Saso (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Approved the Parks and Recreation Donation for a Memorial Bench for Mikhaila Saso.

- C13. Consider Two Fee Waiver Requests from the Samuel Ayer High School Alumni Association and the Filipino Chamber of Commerce (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

(1) Approved a Fee Waiver of \$1,500.00 for the Samuel Ayer High School Annual Reunion at Murphy Park on September 16, 2023; and (2) Approved a Fee Waiver of \$1,485.00 for the Filipino Chamber of Commerce Business Seminar at the Milpitas Community Center on June 24, 2023.

- C14. Adopt a Resolution Approving the Application for \$301,516.00 Land and Water Conservation Fund Grant from the State Department of Parks and Recreation and Designating the Acting City Manager or Designee as the Authorized Agent on the Grant Agreement with the State of California (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Adopted **Resolution No. 9251** approving the submittal of an application for Land and Water Conservation Grant Funds from the State Department of Parks and Recreation and designating the Acting City Manager or Designee as the Authorized Agent on the Grant Agreement with the State of California.

PUBLIC HEARINGS

- 15. Open the Public Hearing and Adopt Resolutions to Approve the Fiscal Year 2023-24 Operating Budget for the City of Milpitas and the Milpitas Housing Authority, Approve the Fiscal Year 2023-24 Gann Appropriations Limit, Authorize Various Financial Actions, Fiscal Policies and Budget Guidelines, Amend the Classification Plan for Alignment with the FY 2023-24 Budget, the Minimum Wage Increase, and Salary Schedules Consistent with Previous Council Action (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012; and Lauren Lai, Finance Director, 408-586-3111)**

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

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Tom Valore
2. Rob Means
3. Voltaire Montemayor

Mayor Montano closed the public hearing.

Staff responded to questions from the City Council.

Councilmember Phan questioned the difference between council feedback and the recommended budget. Assistant City Manager Kantak noted that the hearing today was the opportunity to provide final direction.

Councilmember Phan suggested taking a vote before the final motion and inquired on his request to consider cuts to the City Attorney's office remodel funding. Assistant City Manager responded that the remodel funding cut was presented as an option in the presentation and asked for any specific direction from the Councilmember. Councilmember Barbadillo spoke in agreement for considering a restructure of executive level in the future.

Mayor Montano suggested adding an IT technician in lieu of an IT Analyst.

Councilmember Phan continued and suggested providing direction or voting on a one City Manager / one City Attorney structure and bringing it forward at the start of the next calendar year.

Vice Mayor Chua stressed the importance of ARPA funds being used for Council related projects and noted that by removing the City Attorney office remodel from consideration, the funds allocated to that project could be reallocated to reducing the amount of ARPA funds used to balance the budget. She spoke in support of reviewing the executive structure in the future and provided direction to add language to fiscal policies regarding "instilling a culture of service", revenue generation, and revenue preservation.

Assistant City Manager Kantak summarized the change to the proposed budget and asked for confirmation on direction to bring back a review the structure of the City Manager's Office and City Attorney's Office as part of the Mid-Year Budget or in the next Calendar Year. Mayor Montano asked to include her request for adding an IT Technician in lieu of an IT Analyst. Vice Mayor Chua and Councilmember Phan agreed to bring back a review of the executive structure. Assistant City Manager Kantak asked if there was a specific time recommended to return with the review. Vice Mayor Chua stated at a future date to allow time for analysis, consider market factors such as the economy, and the appointment of a City Manager to allow time to make a better-informed decision.

Mayor Montano asked if there was Council consensus on her request for an IT Technician. Assistant City Manager Kantak noted that replacing an analyst with a technician would negatively impact the departments. Vice Mayor Chua suggested staff look at the workload for the IT Technician position and staff with an analyst if needed; Mayor Montano agreed with this suggestion. Councilmember Phan spoke in support of the IT Analyst position.

After discussion, Vice Mayor Chua made a motion to: (1) Adopt the following resolutions:

- (a) **Resolution No. 9252 / HA Resolution No. 32** Joint Resolution of the City Council and Milpitas Housing Authority to approve the Fiscal Year 2023-24 Operating Budget the City of Milpitas and the Milpitas Housing Authority, approve the Appropriations Limit, Fiscal Policies and Budget

Guidelines and authorizing various financial actions by the City Manager, including Approving and Authorizing the Execution of Various Contracts and Payments over \$100,000;

- (b) **Resolution No. 9253** Amending Resolution No. 1626, the Classification Plan, to authorize additional positions and amend budgeted allocated positions;
 - (c) **Resolution No. 9254** Amending Resolution No. 1626, the Classification Plan, to adjust the hourly rate ranges for classifications due to a minimum wage increase pursuant to Ordinance No. 292;
 - (d) **Resolution No. 9255** Amending Resolution No. 1626, the Classification Plan of Unrepresented Management Employees and Authorizing Fringe Benefits;
 - (e) **Resolution No. 9256** Amending Resolution No. 1626, the Classification Plan, to adjust the Salary Schedules for various classifications to align with the current memorandums of understandings (MOUs);
- (2) And incorporate the following direction:
- (a) Add language to fiscal policies regarding “instilling a culture of service”, revenue generation, and revenue preservation; and
 - (b) Reduce the use of ARPA Unallocated Funds to offset General Fund costs and transfer funds from General Government CIP previously proposed for the City Attorney’s Office.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

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

NOES: None

Vice Mayor Chua made a Motion to: **Resolution No. 9257** Amending Resolution No. 1626, the Classification Plan, to authorize additional positions and amend budgeted allocated positions for Human Resources Manager.

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None.

ABSTAIN: Councilmember Lien.

16. **Conduct a Public Hearing and Adopt a Resolution Approving a General Plan Amendment (GP23-0002) to Change the Land Use Designations for 168 Parcels on South Main Street, Generally Located South of Great Mall Parkway and North of Montague Expressway, for Consistency with the Boundaries of the Metro Specific Plan and the Proposed Boundaries of the Draft Gateway-Main Street Specific Plan; and Introduce an Ordinance Amending the Milpitas Zoning Map (ZA23-0001) in Accordance with the Provisions of Section 3.03 of Chapter 10 of Title XI (Zoning) of the Milpitas Municipal Code to Change the Zoning Classification of Certain Parcels (APNs: 083-40-044 and 083-40-045) for Consistency with the New General Plan Land Use Designations (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Holly Pearson, Senior Special Projects Associate, 408-609-0072)**

Planning Director Thomas and Special Projects Associate Pearson presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

- 1. Armando Gomez
- 2. Voltaire Montemayor

Mayor Montano closed the public hearing.

Planning Director Thomas responded to questions from the City Council.

City Attorney Mutalipassi read aloud the title of the ordinance.

After discussion, motion to: (1) Determine that potential environmental impacts associated with the proposed General Plan Map and Zoning Map changes have been previously analyzed under the Environmental Impact Report (EIR) for the Milpitas 2040 General Plan certified on March 9, 2021 (per Resolution 9047) and the Subsequent EIR for the Milpitas Metro Specific Plan certified on February 7, 2023 (per Resolution 9217), and find that since the proposed General Plan Map and Zoning Map changes are consistent with the General Plan and Metro Specific Plan, no further environmental analysis is required; (2) Determine that these actions are exempt from environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15183 (Projects Consistent with a General Plan, Community Plan, or Zoning); (3) Adopt **Resolution No. 9258** approving General Plan Amendment GP23-0002; and (5) Waive the first reading beyond the title and introduce **Ordinance No. 38.853** amending the Zoning Map of the City of Milpitas in accordance with the provisions of Section 3.03 of Chapter 10 of Title XI (Zoning Ordinance) of the Milpitas Municipal Code to change the zoning classification of two parcels (APNs: 083-40-044 and 083-40-045) for consistency with the new General Plan land use designations.

Motion/Second: Mayor Montano / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

LEADERSHIP AND SUPPORT SERVICES

17. Adopt a Resolution to Appoint Ashwini Kantak as Acting City Manager Effective Upon Adoption and Continuing Until a Permanent Appointment is Made (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)

City Attorney Mutalipassi introduced the item and responded to questions from City Council.

There were the following public speakers:

1. Voltaire Montemayor

Councilmember Phan noted that appointment decisions are typically first heard in Closed Session. He voiced concerns that the appointment recommendation didn't follow previous standards.

Vice Mayor Chua asked to consider the item in Closed Session.

Mayor Montano suggested that it was important to have a City Manager and urged the City Council to move forward and vote.

Mayor Montano made a motion to: adopt a resolution to appoint Ashwini Kantak as Acting City Manager effective upon adoption and continuing until the council takes further action and approve acting pay (10%) commensurate with established practices. Councilmember Lien seconded the motion. Upon a call for the question, the motion failed with the following vote:

AYES: Councilmember Lien and Mayor Montano

NOES: Councilmembers Barbadillo and Phan, and Vice Mayor Chua.

Mayor Montano then made a motion to: Appoint Ashwini Kantak as Acting City Manager until council takes further action and considers the appointment and incentives in Closed Session on June 20, 2023. The motion was seconded by Councilmember Lien.

Motion/Second: Mayor Montano / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None.

ITEMS PULLED FROM CONSENT CALENDAR

C6. American Rescue Plan Act (ARPA) Workforce Development Program Funding (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Margaret Tamisiea, Senior Special Projects Associate, 408-586-3047)

Vice Mayor Chua asked staff to divert the remaining \$100,000.00 from the ARPA Workforce Development Grant funds remaining after the action taken on the item and combine with the unallocated ARPA funds remaining after the budget adoption to be allocated later to other ARPA programs. Councilmember Lien asked for clarification and then voice support for the direction. No member of the City Council expressed dissent with the direction.

After discussion, motion to: Approve American Rescue Plan Act (ARPA) Workforce Development grant for Milpitas Unified School District's Adult Education Career Training Center to support workforce development programming and education services in the amount of \$30,000.00.

Motion/Second: Vice Mayor Chua / Councilmember Phan

Motion carried by the following:

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

NOES: None.

C5. Accept the Report for Key 2022 Approved State Laws Impacting Municipal Operations and an Update on 2023 State and Federal Earmark Requests (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)

Mayor Montano state that she pulled the item due to a question on grants and those grants applied to for the Main Street Lighting. Deputy City Manager Cano provided an update on possible avenues for funding.

After discussion, motion to: Accept the report for Key 2022 Approved State Laws impacting municipal operations and the 2023 State and Federal Legislative Earmark requests.

Motion/Second: Mayor Montano / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

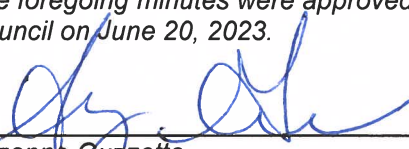
Councilmember Phan spoke on and recognized the Month of June as Pride Month.

Vice Mayor Chua reported on attending the Pride Celebration over the weekend.

ADJOURNMENT

Mayor Montano adjourned the meeting at 10:58 PM.

The foregoing minutes were approved by the Milpitas City Council on June 20, 2023.



Suzanne Guzzetta
Milpitas City Clerk