



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND HOUSING AUTHORITY

MINUTES
TUESDAY, JUNE 20, 2023

The City Council of the City of Milpitas convened in a Joint Meeting of the Milpitas City Council and the Housing Authority on June 20, 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 6:02 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien, and Phan (6:06 PM).
ABSENT: None.

City Attorney Mutalipassi announced the closed session items.

The City Council adjourned to Closed Session at 6:04 PM.

ADJOURN TO CLOSED SESSION

(a) PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957
Employee Position: Acting City Manager

(b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 1432-1446 S. Main Street
Agency negotiator: Alex Andrade, Economic Development Director
Under negotiation: Both price and terms

The City Council reconvened in open session at 7:45 PM.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi announced that action was taken on Item (a) that will be reported out with Item No. 18 on the agenda, and that there was nothing to report out on Item (b).

PLEDGE OF ALLEGIANCE

Mayor Montano led the Pledge of Allegiance.

INVOCATION

Vice Mayor Chua presented the invocation.

PUBLIC FORUM

There were the following public speakers:

1. 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 June 20, 2023 Regular Meeting Agenda.

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

CONSENT CALENDAR

Motion: to approve the Consent Calendar

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, July, and August 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Received City Council Calendar of Meetings for June, July, and August 2023.

C2. Approve City Council City Council Meeting Minutes of June 6, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Special Meeting minutes of June 6, 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. Approve the Proposed Edits to the Commissioner Handbook, and Revisions to the Bylaws Addendum for the Science, Technology and Innovation Commission (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved the proposed edits to the Commissioner Handbook, and the revisions to the Bylaws Addendum for the Science, Technology and Innovation Commission to change meeting frequency, as recommended by the Commission.

- C5. Approve Delegation of Authority to the Acting City Manager or Designee to Approve and Execute Project Related Documents and Urgent Administrative Items During the City Council Summer Recess, from the Last City Council Meeting Held in June through August 8, 2023 (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053)**

Approved delegation of authority to the Acting City Manager, or their designee, to approve and execute project related documents, including contract documents, and urgent administrative items during the City Council summer recess from the last City Council meeting held in June through August 8, 2023.

- C6. Approve Changes to the City Council Procedures and Protocols Handbook to allow the use of Electronic Voting (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053; Michael Mutalipassi, City Attorney, 408-586-3041)**

Approved changes to the City Council Procedures and Protocols Handbook to allow the use of electronic voting, as part of the implementation of a new Agenda Management system.

- C7. Receive the January – March 2023 Report for Unhoused Services (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046)**

Received the January – March 2023 report for unhoused services.

- C8. Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the Stratford School Addition and Remodel Commercial 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. 9260** granting acceptance of the completed public improvements for the Stratford School Addition and Remodel Commercial Project as shown on Public Improvement Plans No. 2-1357; and approved a reduction in the faithful performance bond to \$28,600.00, which is 25% of the security's original value which shall be in effect for the duration of the warranty period; and granted 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.

- C9. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Parktown Plaza Pak LLC for the Park Town Plaza Modification Project at 1400 S. Park Victoria Dr. (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Parktown Plaza Pak LLC for the Park Town Plaza Modification Project at 1400 S. Park Victoria Dr.

- C10. Authorize the Acting City Manager to Execute the Fee Reimbursement Agreement for Transit Area Specific Public Facilities and Public Improvements at the 355 Sango Court Project by Sango Court L.P. and Approve Budget Change Form for Fiscal Year 2023-24 (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Authorized the Acting City Manager to execute the Fee Reimbursement Agreement for Transit Area Specific Public Facilities and Public Improvements at the 355 Sango Court Project by Sango Court L.P.

- C11. Approve Accounts Receivable Write-offs for the Fiscal Year Ending June 30, 2023 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Approved the Accounts Receivable write-offs for the Fiscal Year ending June 30, 2023.

- C12. Adopt a Resolution to Approve Compensation Changes Related to Annual Performance Evaluation of the City Attorney as Directed by the City Council (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)**

Adopted **Resolution No. 9261** to approve compensation changes related to Annual Performance Evaluation of the City Attorney as directed by the City Council.

- C13. Adopt a Resolution Approving the Sole Source Procurement of Crossing Guard Services; and Approve and Authorize the City Manager to Enter into a 1-Year Agreement with All City Management Services, Inc. for Crossing Guard Services in a Total Amount Not-to-Exceed \$781,858.00 for Fiscal Year 2023-24 (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Adopted **Resolution No. 9262** approving the sole source procurement of Crossing Guard Services; and approved and authorized the City Manager to enter into a 1-year agreement with All City Management Services, Inc. for Crossing Guard Services in a total amount not-to-exceed \$781,858.00 for Fiscal Year 2023-24.

- C14. Waive the Second Reading and Adopt 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 of the Milpitas Municipal Code to Change the Zoning Classification of Two Parcels (APNs: 083-40-044 and 083-40-045) Located on the Southwest Corner of South Main Street and Montague Expressway for Consistency with New, Approved General Plan Land Use Designations. (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Holly Pearson, Senior Special Projects Associate, 408-609-0072)**

(1) Determined that potential environmental impacts associated with the proposed 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 find that since the proposed Zoning Map changes are consistent with the General Plan, no further environmental analysis is required; and (2) Waived the second reading and adopted **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 of the Milpitas Municipal Code to change the zoning classification of two parcels (APNs: 083-40-044 and 083-40-045) located on the southwest corner of South Main Street and Montague Expressway for consistency with new, approved General Plan land use designations.

- C15. 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.

PUBLIC HEARINGS

- 16. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2023-24 (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Acting City Manager Kantak introduced the item. Principal Civil Engineer Alonzo presented the report.

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. 9263** confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2023-24.

Motion/Second: Councilmember Lien / Councilmember Phan

Motion carried by the following:

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

NOES: None

17. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2023-24 (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)

Acting City Manager Kantak introduced the item. Principal Civil Engineer Alonzo presented the report.

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. 9264** confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2023-24.

Motion/Second: Councilmember Lien / 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

18. Adopt a Resolution to Appoint an Acting City Manager and Consider Acting Pay Effective Upon Adoption and Continuing Until Council Takes Further Action (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)

Acting City Manager Kantak introduced the item.

Mayor Montano recognized the commitment of current Acting City Manager Kantak and reported that, in Closed Session, the City Council voted to appoint a new Interim City Manager.

There were the following public speakers:

1. Voltaire Montemayor

City Attorney Mutalipassi reported out that the City Council voted in Closed Session to appoint Ned Thomas as Acting City Manager and clarified that the action that needed to be taken should include any incentive pay.

Councilmember Barbadillo made a motion: to appoint Ned Thomas as Acting City Manager. Vice Mayor Chua seconded the motion including a friendly amendment to include 10% incentive above base salary during the term of the appointment. Councilmember Barbadillo accepted the amendment.

City Attorney Mutalipassi restated the motion with the friendly amendment to adopt a resolution to appoint Ned Thomas as Acting City Manager with 10% incentive pay above his current base salary.

Motion/Second: Councilmember Barbadillo / Vice Mayor Chua

Motion carried by the following:

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

NOES: None

ABSTAIN: Councilmember Lien

19. Receive a Report on the Homekey Project at 1000 Hillview Court, Direct Staff to Establish a Stakeholder Group and Appoint a Council Liaison (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053; and Matt Cano, Deputy City Manager, 408-586-3012)

Acting City Manager Kantak introduced the item. Deputy City Manager Cano presented the report, joined by Jamboree Chief Impact Officer George Searcy, Abode Services Vice President of Programs Katie Fantin, Police Captain Miller, Fire Chief Schoonover, and Director of the Office of Supportive Housing Consuelo Hernandez joined by residents from 1000 Hillview Court.

Mayor Montano thanked the 1000 Hillview Court tenants and noted the City Council wanted to form a stakeholder group to better understand the underlying issues and to make Homekey a model for the County. She questioned if a manager lives onsite 24/7 and asked for an update on the timeline to install fencing. Jamboree Chief Impact Officer Searcy responded there was a 24/7 onsite manager and deferred response to the county as driving the process to secure funding. He estimated closing financing in the next month and coming to the City for permits, with work beginning in September.

Councilmember Phan asked for more information on the current manager or managers. Jamboree Chief Impact Officer Searcy stated that there were two 24 hour onsite managers including a residence manager and maintenance manager. Tenants from 1000 Hillview clarified that there is not a 24 Hour onsite maintenance person and noted that if there is a live-in manager, it only occurred in the last week. Jamboree Chief Impact Officer Searcy responded that there has been turnover of the property management company, but that there are plans for a permanent resident manager and maintenance manager. Councilmember Phan asked for Domus, the property management company, to be available at the next meeting scheduled to hear this report. He asked for information on evictions and what that entails. Jamboree Senior Manager of Asset Management Gene Hua responded, citing the process for eviction. Councilmember Phan asked for interaction between public safety and any new partners in the project.

Councilmember Barbadillo emphasized the importance of taking action and questioned what the County can do to implement improvements. He cited ongoing promises but no report of action to improve conditions. Director of the County Office of Supportive Housing Hernandez responded that it typically takes a property three years to stabilize.

Mayor Montano stressed that the County needs to take responsibility in providing these services.

Vice Mayor Chua addressed the 1000 Hillview tenants, stressing the importance of their safety. She voiced frustration on the lack of response from the County and asked City Attorney Mutalipassi about options for litigation. City Attorney Mutalipassi responded that his office is looking into options including litigation and enforcement. He stated that it would have to be considered by Council before moving forward. Vice Mayor Chua asked the City Attorney to provide an information memorandum on how the City can proceed.

Councilmember Lien asked Jamboree which organization keeps any income or if it can be used to bring programs to Homekey. Jamboree Chief Impact Officer Searcy responded that the amount listed in the presentation was the budget. Director of the County Office of Supportive Housing Hernandez noted that any leftover money returning to the County would be prioritized to finish Phase III construction work at the site. Councilmember Lien questioned how Abode Services provided services to struggling residents. Abode Services Vice President of Programs Fantin responded and that the company is working hard to supplement mental healthcare services.

Mayor Montano noted that this is a complicated issue and stressed the importance of safety and quality of life for residents. She stated that establishing a stakeholder group is a start for addressing ongoing issues.

There were the following public speakers:

1. Loreto Quevedo Dimaandal
2. Voltaire Montemayor

Vice Mayor Chua suggested Mayor Montano as representative to the Stakeholder Group, and made a motion: approve the Stakeholder Group membership as recommended by staff and make Mayor Montano the Council liaison. There was consensus with the appointment recommendation.

Motion/Second: Vice Mayor Chua / Councilmember Montano

Motion carried by the following:

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

NOES: None

20. 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 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Matt Cano, Deputy City Manager, 408-586-3012)

Deputy City Manager Cano introduced the item and responded to questions from City Council.

There were the following public speakers:

1. Voltaire Montemayor
2. Loreto Quevedo Dimaandal

Staff responded to questions from City Council.

City Clerk Guzzetta read the results with the following items from Group 1 receiving the majority of votes to advance:

- CC02 – Citywide Senior Discount
- CC05 – Satellite Consulate Office

Vice Mayor Chua asked to explore both options presented regarding the Citywide Senior Discount and Councilmember Barbadillo suggested a compromise option to explore other methods to implementing

the program such as a senior benefit based on the California Constitution. If not, he recommended option no. 2 to create a senior discount subsidy program for Milpitas residents and businesses.

Mayor Montano suggested the low-cost option no. 2 for Satellite Consulate Office room rentals/ partnerships and asked to include Mexico on the list of consulates contacted for the program.

Mayor Montano recommended removing the Delivery Cap item from prioritization.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Mayor Montano made the following requests:

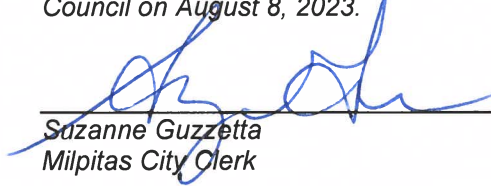
- Consider a Safe Parking Program to find businesses and churches that would allow the unhoused to sleep in their cars and vans.
- At the next Council meeting, to bring back the ARPA Workforce Development Program funded STEM kits for consideration.

Councilmember Lien asked to review the claim submitted by Steve McHarris in Closed Session at the first meeting after the legislative recess in July. Upon a survey of the City Council, there was no consensus.

ADJOURNMENT

Mayor Montano adjourned the meeting at 10:48 PM

The foregoing minutes were approved by the Milpitas City Council on August 8, 2023.



Suzanne Guzzetta
Milpitas City Clerk