



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, AUGUST 8, 2023

The City Council of the City of Milpitas convened in a Special Meeting of the Milpitas City Council on August 8 2023, in the City Hall Council Chamber, 455 E. Calaveras Blvd, Milpitas, CA, and via teleconference/ Zoom webinar.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

Mayor Montano called the meeting to order at 5:31 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien and Phan.

ABSENT: None.

Councilmember Garry Barbadillo participated remotely from 5329 Thunder Ridge Circle, Rockling, CA 95765, pursuant to California Government Code Section 54953.

City Attorney Mutalipassi announced the closed session items.

The City Council adjourned to Closed Session at 5:34 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

(b) CONFERENCE WITH LEGAL COUNSEL--Existing Litigation:

Pursuant to Government Code Section 54956.9(d)(1)

County Sanitation District 2-3, et al. v. City of San Jose, et al., Santa Clara Superior Court Case number 18CV325480, City as a Plaintiff.

(c) CONFERENCE WITH LEGAL COUNSEL—Existing Litigation

Pursuant to Government Code section 54956.9(d)(1)

Alok Jain, et al. v. City of Milpitas, et al., Santa Clara Superior Court case number 18CV325365
City as Defendant

The City Council reconvened in open session at 6:54 PM.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi announced there was nothing to report.

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 "American Muslim Appreciation and Awareness Month" and, joined by the City Council, presented Certificates of Appreciation to participants in the Main Street Graffiti Clean-Up Event.

PUBLIC FORUM

There were the following public speakers:

1. Joseph Weinstein
2. Voltaire Montemayor

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Motalipassi 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 Motalipassi 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 August 8, 2023 Special 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 approve the Consent Calendar, pulling Items C2 and C7

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

There were no public speakers.

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

Received the City Council Calendar of Meetings for August 2023.

2. **Approve City Council City Council Meeting Minutes of June 20, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Pulled from Consent Calendar.

3. **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.

4. **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.

5. **Accept Commissioner Resignations (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Accepted the resignations of Rachel Plummer and Natalie Chen from the Youth Advisory Commission, Jose Rosario and Mike Bilbao from the Community Advisory Commission, Paul Medawar from the Economic Development and Trade Commission, and Chris Salian and Vikash Venkataramana from the Energy and Environmental Sustainability Commission; and directed the City Clerk to post the notice of unscheduled vacancies.

6. **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)**

Approved an American Rescue Plan Act (ARPA) Workforce Development grant in the amount of \$44,720.00 for SEMI Foundation to support hands-on learning using Science, Technology, Engineering, and Mathematics (STEM) Kits benefitting local youth in workforce development and education services.

7. **Approve and Execute Amendments to the Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) and Subscription and Services Agreement with RideCo for Milpitas SMART (Staff Contact: Jay Lee, Interim Planning Director, 408-586-3077)**

Pulled from Consent Calendar.

PUBLIC HEARINGS

8. **2023 Weed Abatement Assessments Public Hearing and Adopt a Resolution to Confirm the Assessment Report (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 the following public speakers:

1. Voltaire Montemayor

Mayor Montano closed the public hearing.

Deputy Fire Chief / Fire Marshal Belton responded to questions from the City Council.

After discussion, motion: to adopt a **Resolution No. 9266** confirming the 2023 Weed Abatement Assessment Report and the assessment list to be entered into the tax assessment rolls.

Motion/Second: Vice Mayor Chua / 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

C7. Approve and Execute Amendments to the Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) and Subscription and Services Agreement with RideCo for Milpitas SMART (Staff Contact: Jay Lee, Interim Planning Director, 408-586-3077)

Recommendation: (1) Approve amendments to the funding agreement with the Santa Clara Valley Transportation Authority (VTA) and subscription and services agreement with RideCo for Milpitas SMART related to changing the program from a hub-and-spoke to a point-to-point service model; and (2) Authorize the City Manager to execute the amended agreements.

Acting City Manager Thomas introduced the item. Interim Planning Director Lee presented the report and responded to questions from the City Council.

Vice Mayor Chua asked for staff to look into extending service hours, explore options for free ridership including cost to the city and how it would be funded, and to include that information with the Milpitas SMART presentation scheduled for September.

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to approve amendments to the funding agreement with the Santa Clara Valley Transportation Authority (VTA) and subscription and services agreement with RideCo for Milpitas SMART related to changing the program from a hub-and-spoke to a point-to-point service model; and to authorize the City Manager to execute the amended agreements.

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following:

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

NOES: None

C2. Approve City Council Meeting Minutes of June 20, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Councilmember Phan asked that the consensus polled for future agenda items more clearly reflect the decision made in the meeting minutes.

After discussion, motion: to approve City Council meeting minutes of June 20, 2023.

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following:

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

NOES: None

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Vice Mayor Chua congratulated staff for the success of the Retro Milpitas event. She asked that Acting City Manager Thomas look into the former Teen Center building at the Sports Center and what it would take to convert it to an indoor pickleball court. By unanimous consensus, the item was approved to move forward.

Councilmember Lien asked to agendaize a closed session item to discuss the claim of the former Milpitas City Manager. Acting City Manager Thomas noted that the item is currently scheduled for a Closed Session discussion at the next Council meeting.

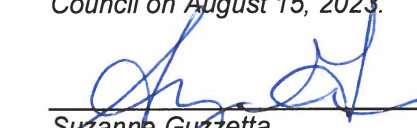
Mayor Montano also recognized the Retro Milpitas event.

Councilmember Barbadillo asked for staff to ensure that the discussion of the claim for the former Milpitas City Manager appears on the next agenda per Councilmember Lien's request and Acting City Manager Thomas' response.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:13 PM.

The foregoing minutes were approved by the Milpitas City Council on August 15, 2023.



Suzanne Guzzetta
Milpitas City Clerk