



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, AUGUST 15, 2023

The City Council of the City of Milpitas convened on August 15, 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 6:00 PM. Roll Call was taken by City Clerk Guzzetta.

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

ABSENT: Councilmember Barbadillo.

City Attorney Motalipassi announced the closed session items. The City Council adjourned to Closed Session at 6:02 PM.

ADJOURN TO CLOSED SESSION

(a) **PUBLIC EMPLOYEE APPOINTMENT/HIRING**

Title: City Manager Recruitment Update

(b) **CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation**

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)

Facts and circumstances related to Claim against the City.

(c) **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.

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

CLOSED SESSION ANNOUNCEMENT:

Mayor Montano and City Attorney Motalipassi reported that there was no action taken on Closed Session items (a) and (c). Adam Lindgren reported that the City Council received an update on Item (b).

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 Women's Equality Day. She then presented commendations to Jayceon Carswell and Jayden Petty for USA Jr. Olympics Track & Field Events, and

presented commendations recognizing the achievements of members of the Milpitas High School AeroTech Club.

PUBLIC FORUM

There were the following public speakers:

1. Greg Jones

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 (Absent: Councilmember Barbadillo). 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 (Absent: Councilmember Barbadillo).

READING OF THE CITY COUNCIL CODE OF CONDUCT

Mayor Montano read the Code of Conduct.

Mayor Montano called for a recess at 8:03 PM. The City Council reconvened at 8:13 PM

APPROVAL OF AGENDA

Motion: to approve the August 15, 2023 Regular Meeting Agenda, considering Item 18 before 17.

Motion/Second: Vice Mayor Chua / Councilmember Phan

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Barbadillo

CONSENT CALENDAR

Motion: to approve the Consent Calendar

Motion/Second: Councilmember Lien / Councilmember Phan

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Barbadillo

There were no public speakers.

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

Received City Council Calendar of Meetings for August and September 2023.

C2. Approve City Council City Council Meeting Minutes of August 8, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Special Meeting minutes of August 8, 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. Consider the Recommendation from Mayor Montano for Appointments to City Commissions and Declare an Unscheduled Vacancy (Contact: Mayor Montano, 408-586-3024)

(1) Received the recommendation from Mayor Montano and approved appointments to City Commissions; and (2) Declared an unscheduled vacancy on the Community Advisory Commission and directed the City Clerk to post the notice of unscheduled vacancy.

Arts Commission

1. Appoint America Yulissa Chiuapilli Irineo as a non-voting student member (CHHS) with a term ending October 2026

Library and Education Advisory Commission

1. Reappoint Hellie Mateo to a term ending June 2026
2. Reappoint Ann Anderson to a term ending June 2026

Parks, Recreation and Cultural Resources Commission

1. Appoint Raghu Reddy to a term ending June 2026

Public Safety and Emergency Preparedness Commission

1. Reappoint Rosana Cacao as Alternate No. 2 with a term ending June 2026
2. Appoint Vienna Sun as a non-voting student member with a term ending June 2026

Veterans Commission

1. Appoint Connor Long as a non-voting student member with a term ending February 2025

C6. Approve Report of Actions Taken by the City Manager During the City Council Summer Recess from June 20 through August 8, 2023 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)

Approved report of actions taken by the City Manager during the City Council Summer Recess from June 20 through August 8, 2023.

C7. Authorize and Approve Travel to Sacramento, CA, for Mayor Carmen Montano, Vice Mayor Evelyn Chua, and Acting City Manager Ned Thomas to Attend the League of California Cities Annual Conference and Expo to be Held on September 20-22, 2023, for a Combined Estimated Total Not-to-Exceed Amount of \$6,750.00 and Appoint Mayor Carmen Montano as the City's Voting Delegate and Vice Mayor Evelyn Chua as the City's Alternate Voting Delegate (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

(1) Authorized and approved travel to Sacramento, CA, for Mayor Carmen Montano and Vice Mayor Evelyn Chua to attend the Annual Conference of the League of California Cities scheduled on September 20 – 22, 2023, for a combined estimated total not-to-exceed amount of \$4,500.00 budgeted under the Individual Elected Official allocation for Conferences / Meetings / Trainings; (2) Authorized

and approved travel to Sacramento, CA, for Acting City Manager Ned Thomas to attend the Annual Conference of the League of California Cities scheduled on September 20 – 22, 2023, for a total estimated amount of \$2,250.00 budgeted under the City Manager's Office for Conferences / Meetings / Membership; and (3) Appointed Mayor Carmen Montano as the City's voting delegate and Vice Mayor Evelyn Chua as the alternate voting delegate for the 2023 Annual Conference.

- C8. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Alps Lodging 2, Inc. for the Springhill Suites Hotel Project at 1201 Cadillac Ct. (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 Alps Lodging 2, Inc. for the Springhill Suites Hotel Project at 1201 Cadillac Ct.

- C9. Authorize the City Manager to Negotiate and Execute Amendment No. 1 to Master Agreement with Santa Clara Valley Water District for Flood Protection Improvements within Lower Calera Creek, Lower Penitencia Creek, and Lower Berryessa Creek for up to \$650,000.00; Authorize Reimbursement to the Santa Clara Valley Water District for City Improvements Completed as part of the Flood Protection Work, Project No. 3452; and Approve Budget Appropriation of \$145,692 from the Sewer Infrastructure Replacement Fund, and \$505,170.00 from the Water Fund Project No. 7100 Aging Water System/Seismic Improvement into Project No. 3452 (Staff Contact: Matt Cano, Deputy City Manager/Interim City Engineer, 408-586-3012)**

(1) Authorized the City Manager to negotiate and execute Amendment No. 1 to Master Agreement with Santa Clara Valley Water District for Flood Protection Improvements within Lower Calera Creek, Lower Penitencia Creek, and Lower Berryessa Creek for up to \$650,000.00; (2) Authorized reimbursement to the Santa Clara Valley Water District for City improvements completed as part of the Flood Protection Work, Project No. 3452; and (3) Approved budget appropriation of \$145,692.00 of the Sewer Infrastructure Replacement Fund, and \$505,170.00 from the Water Fund Project No. 7100 Aging Water System/Seismic Improvement into Project No. 3452.

- C10. Authorize the Acting City Manager to Execute the Fee Reimbursement Agreement for Transit Area Specific Public Facilities and Public Improvements at the 308 Sango Court Project by Milpitas Pacific Associates, L.P.; and Approve Budget Appropriation in the Amount of \$153,000.00 to the Non-Departmental Operating Budget in the TASP Fund (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

(1) Authorized the City Manager to execute the Fee Reimbursement Agreement for Transit Area Specific Public Facilities and Public Improvements at the 308 Sango Court Project by Milpitas Pacific Associates, L.P.; and (2) Approve budget appropriation in the amount of \$153,000.00 to the non-departmental operating budget in the TASP fund.

- C11. Receive and Review the FY 2022-23 Annual Report of Sole Source Contracts (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Received and reviewed the FY 2022-23 Annual Report of Sole Source Contracts.

- C12. Adopt a Resolution Approving the City of Milpitas Investment Policy for Fiscal Year 2023-24 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Adopted **Resolution No. 9267** of the City of Milpitas approving the Investment Policy for FY 2023-24.

C13. City of Milpitas Mutual Aid Assistance Agreement with City of Fremont (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811)

Adopted **Resolution No. 9268** authorizing the City Manager to execute the Mutual Aid Assistance Agreement with the City of Fremont for Emergency Response Services.

C14. Adopt a Resolution Authorizing the City Manager to Execute Blanket Purchase Orders and Purchase Agreements with National Auto Fleet Group and Mission Valley Ford San Jose for a Combined Amount Not-to-Exceed \$1,200,000.00 and Approve Sole Source with Mission Valley Ford San Jose (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Adopted **Resolution No. 9269** authorizing the City Manager to execute blanket purchase orders and purchase agreements with National Auto Fleet Group and Mission Valley Ford San Jose for a combined amount not-to-exceed \$1,200,000.00 and execute purchase agreements and approve sole source with Mission Valley Ford San Jose.

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.

C16. Approve Three Youth Advisory Commission 2023 Scholarship Recipients (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Approved three Youth Advisory Commission Community Service Scholarships of \$600.00 each for a total amount of \$1,800.00.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

18. Receive Report from the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Community Task Force (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Acting City Manager Thomas introduced the item. Recreation and Community Services Deputy Director McLane, joined by Task Force Members Zakia Afrin and Giuliana Brahim, presented the report, and responded to questions from City Council.

Mayor Montano provided background on the Task Force and observed that future actions depended on obtaining grant funding.

Vice Mayor Chua commended members of the Task Force, thanked them for their work, and made a motion: to receive the report and the recommendation from the Task Force, and, in the future, revive the Task Force to look at the recommendations.

There were no public speakers.

Motion/Second: Vice Mayor Chua / Mayor Montano

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Barbadillo

COMMUNITY DEVELOPMENT

- 17. Receive Staff Report and Presentation; Provide Direction on the Options Related to the Development and/or Disposition of the Parcels Located at 1432–1488 South Main Street (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Assistant City Manager Kantak introduced the item and presented the report.

There were no public speakers.

Vice Mayor Chua spoke in favor of returning with a Closed Session discussion on pricing and terms for the purchase of Parcel 1, deferring discussion on taking action related to Parcels 2 and 3, deferring discussion on declaring Parcels 2 and 3 as surplus land until a decision is made regarding Parcel 1 and continuing with prior council direction for tenant assistance. Councilmember Lien supported the direction. Councilmember Phan also supported the recommendation and added a suggestion to consider temporarily using the location for storage of the public safety fleet. Mayor Montano also spoke in favor of the direction.

Vice Mayor Chua reiterated the direction adding the suggestion from Councilmember Phan to use the parcels for storage. Assistant City Manager Kantak noted that it may not be feasible to use Parcel 3 for storage due to the estimate cost of \$1.4 million for needed repairs.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Vice Mayor Chua asked for staff to provide the City Council with an informational memorandum on lessons learned from the recent fire on Maui and how the City can update its emergency plan. There was unanimous support to move forward with the request.

Mayor Montano announced the India Independence Day celebration and referred staff to review the City's weed abatement policy.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:59 PM

The foregoing minutes were approved by the Milpitas City Council on September 5, 2023.



Suzanne Guzzetta
Milpitas City Clerk