



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, NOVEMBER 14, 2023

CITY COUNCIL CHAMBER, 455 E. CALAVERAS BLVD, MILPITAS, CA

The City Council of the City of Milpitas convened on the regular City Council meeting day in a Joint Meeting of the Milpitas City Council, Housing Authority, and Successor Agency on November 14, 2023, in the City 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 Regular City Council meeting to order at 5:34 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Councilmember Lien, Councilmember Phan

ABSENT: Vice Mayor Chua, Councilmember Barbadillo

City Attorney Mutalipassi announced the closed session items.

There were no public speakers.

The City Council adjourned to Closed Session at 5:36 PM.

ADJOURN TO CLOSED SESSION

The City Council reconvened in open session at 6:32 PM.

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Rick Bolanos, LCW

Bargaining unit: LIUNA, UPEC (Pro-Tech, MEA, MidCon), IAFF, MPOA

(b) CONFERENCE WITH LEGAL COUNSEL

Existing Litigation pursuant to Government Code Section 54956.9:

***In re: Aqueous Film-Forming Foams Products Liability Litigation*, MDL No. 2:18-mn-02873**

City as a Class Member

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi announced that there was nothing to report out.

PLEDGE OF ALLEGIANCE

Mayor Montano led the Pledge of Allegiance.

INVOCATION

Mayor Montano presented the invocation.

PRESENTATIONS

There were no presentations.

PUBLIC FORUM

The following people spoke under Public Forum:

1. Jim Arthur
2. Vy Joel

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, Vice Mayor Chua). City Attorney Mutalipassi asked the Mayor and City Councilmembers if they had any reportable campaign contributions. Councilmember Phan reported a possible contribution by the development project applicant for Item 15. By roll call, there were no additional reportable campaign contributions (Absent: Councilmember Barbadillo, Vice Mayor Chua).

READING OF THE CITY COUNCIL CODE OF CONDUCT

Mayor Montano read the Code of Conduct.

APPROVAL OF AGENDA

Mayor Montano moved to defer Item 12 to the next City Council meeting. Without a second, the motion failed.

Councilmember Lien made a motion to approve the agenda.

Motion/Second: Councilmember Lien / Councilmember Phan
by the following:

AYES: Mayor Montano, Councilmember Lien, Councilmember Phan
NOES: None
ABSENT: Vice Mayor Chua, Councilmember Barbadillo

CONSENT CALENDAR

Mayor Montano requested to pull Item C5.

After discussion, motion to approve the Consent Calendar, pulling Item C5.

Motion/Second: Councilmember Lien / Councilmember Phan
Motion carried by the following:

AYES: Mayor Montano, Councilmember Lien, Councilmember Phan
NOES: None
ABSENT: Vice Mayor Chua, Councilmember Barbadillo

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

Received City Council Calendar of Meetings for November and December 2023.

2. **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.

3. **Approve the 2024 City Council Meeting Schedule (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved the 2024 Milpitas City Council meeting schedule, with any changes requested at the City Council meeting.

4. **Authorize and Approve Travel to San Francisco, CA, for Councilmember Hon Lien to Attend (1) the 9th Annual CALNET Leadership Retreat to be Held on November 16 – 17, 2023; and (2) the National API Elected Officials Summit to be held on November 18 -19, 2023, for an Estimated Total Not-to-Exceed Amount of \$1000 Budgeted Under the Individual Elected Official Allocation for Conferences/Meetings/Trainings (Staff Contact: Ned Thomas, City Manager, 408-586-3053)**

Authorized and approved travel to San Francisco, CA, for Councilmember Hon Lien to attend (1) the 9th Annual CALNET Leadership Retreat to be held on November 16 – 17, 2023; and (2) the National API Elected Officials Summit to be held on November 18 -19, 2023, for an estimated total not-to-exceed amount of \$1,000 budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings.

6. **Approve and Authorize the City Manager to Execute a Software License and Professional Services Agreement with TriTech Software Systems, Inc. for Computerized Maintenance Management System Subscription License Fees for a Total Amount Not-to-Exceed \$374,105.21, Subject to the Annual Appropriation of Funds (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Approved and authorized the City Manager to execute a software license and professional services agreement with TriTech Software Systems, Inc. for computerized maintenance management system subscription license fees for a total amount not-to-exceed \$374,105.21, subject to the annual appropriation of funds.

7. **Report on Bids and Adopt a Resolution Authorizing the City Manager to Award the Construction Contract to I & A Contractor, Inc. in the Amount of \$428,300.00 for the Sports Center Roof Rehabilitation Project (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Received a report on bids and adopted **Resolution No. 9284** authorizing the City Manager to award a construction contract to the lowest responsible and responsive bidder, I & A Contractor, Inc., in the amount of \$428,300.00 for the Sports Center Roof Rehabilitation Project; and authorized the City Manager to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$64,245.00 for the Sports Center Roof Rehabilitation Project.

8. **Consider One Fee Waiver from Kiwanis Club of Milpitas Foundation and one Donation Request from Knights of Columbus St. John's Council 5796 (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Approved a Fee Waiver of \$900.00 for the Kiwanis Club of Milpitas Foundation's 20th Annual MUSD Crab Feed and Auction Event scheduled for February 9, 2024; and approved a donation request of \$500.00 for the Knights of Columbus St. John's Council 5796 for their 45th Annual Free Thanksgiving Dinner event at the St. John the Baptist Catholic Church on Thursday, November 23, 2023.

COMMUNITY DEVELOPMENT

- 9. Receive Report on Manufacturing Day 2023 and Issue Certificates of Commendation to Event Collaborators (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Michael Thomas, Economic Development Specialist, 408-586-3045)**

The City Council received a report on Manufacturing Day 2023 and issued certificates of commendation to event collaborators:

There were no public speakers.

Economic Development Director Andrade introduced the item and Economic Development Specialist Thomas presented the report and the City Council issued certificates of commendation to event collaborators: Paul Okoye and something Christensen, noting that a representative from KAL was not available to accept their certificate, and Public Information Officer Angelo.

- 10. Receive Presentation on Proposed Mixed-Use Development at 70 N. Main St. and Provide Direction on Preferred Alternative regarding Shared Parking Agreement (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Michael Fossati, Senior Planner, 408-586-3274)**

City Manager Thomas introduced the item. Senior Planner Fossati presented the report. Applicant Terry Pries provided additional comment.

There were no public comments.

Council discussion ensued.

Councilmember Lien noted she met with the applicant recently and encouraged the applicant to work with staff.

Mayor Montano thanked staff and the applicant for their commitment to revitalizing Main Street. She expressed concerns about parking for apartment tenants and asked the applicant to continue working with staff.

Planning Director Lee clarified that they were asking for feedback from the Council and if they would support a shared parking agreement. Upon polling council, there was consensus for support of a shared parking agreement.

- 11. Receive a Presentation from Staff and Applicant and Provide Direction Regarding Conceptual Plans for Proposed Development ("600 Valley Way") to Subdivide Three Existing Lots into Two Parcels Totaling 7.22 Acres to Facilitate up to 104 Townhome Units and 140 Rental Affordable Units, for a Total of 244 Residential Units at 461, 538, and 602 Valley Way (APNs 022-28-022, -024, and -025) (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Lillian VanHua, Senior Planner, 408-586-3073)**

City Manager Thomas introduced the item and Senior Planner VanHua presented the report. Tim Steele, Senior Vice President of Development from the Sobrato Organization made additional remarks.

Councilmember Lien questioned as to why the developer is dedicating the land rather than developing the land. Tim Steele from the Sobrato Organization provided additional information. Economic Development Director Andrade spoke on the pros and cons of dedicating the land.

Councilmember Phan voiced support for the land dedication.

Mayor Montano suggested a senior housing development might be a good use for the site. She questioned aspects of the project including qualifications for density bonuses and dedicating the land versus developing it, and ended voicing support for the land dedication.

City Manager Thomas presented additional remarks.

LEADERSHIP AND SUPPORT SERVICES

12. Review the List of Agenda Item Requests From Individual Councilmembers and Provide Direction to Staff Through the Council-Approved Prioritization Process (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)

Deputy City Manager Cano presented the report.

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

City Clerk Guzzetta read the results of the first voting round with the following items receiving a majority of votes and moving forward:

- CC#1 - Charter City Evaluation
- CC#5 - International Festival on Main Street

After discussion, motion: to review the list of agenda item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on which Group 1 items should be advanced.

Motion/Second: Councilmember Phan / Councilmember Lien

Motion carried by the following:

AYES: Mayor Montano, Councilmember Lien, Councilmember Phan

NOES: None

ABSENT: Vice Mayor Chua, Councilmember Barbadillo

ITEMS PULLED FROM CONSENT CALENDAR

5. Authorize the City Manager to Negotiate and Execute an Extension of the Existing Sister Cities Memorandum of Understanding with the City of Dagupan, Philippines (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)

Deputy City Manager Cano presented the report.

There were no public speakers.

Councilmember Phan made a motion to integrate the requested amendments into the Memorandum of Understanding:

- 1) adding language to make the agreement in perpetuity

- 2) to specifically name the Dagupan Sister City Association
- 3) form a Sister Cities' Committee/Commission

Councilmember Lien noted that the recommendation is to authorize the City Manager to negotiate.

Deputy City Manager Cano asked for clarification if the commission can be incorporated into an existing commission. Councilmember Phan requested a separate commission.

Mayor Montano asked for further discussion and to bring the item back to City Council. She noted that the formation of a committee was in a gray area.

Deputy City Manager Cano asked if the Council would be amenable to incorporating the committee or commission into another advisory body. Councilmember Phan voiced a desire to eventually see a separate commission and suggested bringing it back to further discussion options.

After discussion, motion: to Authorize the City Manager to negotiate and execute an extension of the existing Memorandum of Understanding with the City of Dagupan, Philippines, incorporating the following amendments: 1) adding language to make the agreement in perpetuity; 2) to specifically name the Dagupan Sister City Association; and 3) to discuss options for the formation of a committee/commission at a later time.

Motion/Second: Councilmember Phan / Councilmember Lien
Motion carried by the following:

AYES: Mayor Montano, Councilmember Lien, Councilmember Phan
NOES: None
ABSENT: Vice Mayor Chua, Councilmember Barbadillo

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

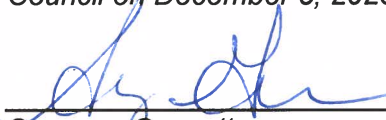
There were the following announcements:

City Manager Thomas announced the closure of City Hall in observation of Thanksgiving.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:57 PM.

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



Suzanne Guzzetta
Milpitas City Clerk