



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, DECEMBER 5, 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 December 5, 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 6:02 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo (6:05 PM), Councilmember Lien, Councilmember Phan (6:03 PM)

ABSENT:

City Attorney Mutalipassi announced the closed session items. The City Council adjourned to Closed Session at 6:04 PM.

ADJOURN TO CLOSED SESSION

The City Council reconvened at 7:35 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

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi reported that there was no action taken on Closed Session items.

PLEDGE OF ALLEGIANCE

Mayor Montano led the Pledge of Allegiance.

INVOCATION

Vice Mayor Chua introduced a video of the St. John the Baptist School Choir.

PRESENTATIONS

Posthumous Commendation for Navy Veteran Phil Coneeny

Mayor Montano presented a posthumous commendation in recognition of Phil Coneeny. Jim Arthur accepted the commendation and, joined by Bruce Coneeny, provided remarks.

PUBLIC FORUM

The following people spoke under Public Forum:

1. Stephen Balsbaugh
2. 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 December 5, 2023 Regular Meeting Agenda.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo, Councilmember Lien,
Councilmember Phan

NOES: None

CONSENT CALENDAR

There were no public speakers.

Motion: to approve the Consent Calendar.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo, Councilmember Lien,
Councilmember Phan

NOES: None

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

Received City Council Calendar of Meetings for December 2023.

2. **Approve City Council City Council Meeting Minutes of November 7 and 14, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Meeting minutes of November 7 and 14, 2023.

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. Consider the Recommendation from Mayor Montano for Appointments to and Removals from City Commissions (Contact: Mayor Montano, 408-586-3024)

Received the recommendation from Mayor Montano and approved commission appointments and removals, as follows, and directed the City Clerk to post a notice of unscheduled vacancy.

Arts Commission:

1. Reappoint Cheryl Oldham to a term ending October 2026
2. Appoint Vickie Young to a term ending October 2026
3. Appoint Darra Cacao to a term ending October 2026
4. Remove America Yulissa Irineo from the non-voting student member (CHHS) seat with an unexpired term ending October 2026
5. Remove Christine Lee from the non-voting student member (MHS) seat with an unexpired term ending October 2024

Community Advisory Commission:

1. Appoint Tien H. Mai as Alternate No. 1 with an unexpired term ending January 2026

Economic Development and Trade Commission:

1. Appoint Vasista Ramachandruni as a non-voting student member with an unexpired term ending April 2024

Energy and Environmental Sustainability Commission:

1. Appoint Pranav Parikh as the Business representative to a term ending October 2026
2. Appoint Mario Cayabyab as Alternate No. 2 with an unexpired term ending October 2024

Parks, Recreation and Cultural Resources Commission:

1. Appoint Becky Strauss to an unexpired term ending June 2025
2. Appoint Sedrick Ashby as Alternate No. 1 with an unexpired term ending June 2026

Public Safety and Emergency Preparedness Commission:

1. Reappoint Joe Nichols to a term ending June 2026

Science, Technology and Innovation Commission:

1. Appoint Simon Chu to a term ending January 2027
2. Appoint Eric Bernal to an unexpired term ending January 2026
3. Appoint Kulwant Viridi as Alternate No. 1 with a term ending January 2027

Senior Advisory Commission:

1. Appoint Neelam Wadhwani as Alternate No. 1 with an unexpired term ending December 2024.

6. Accept the FY 2022-23 Commissioners Annual Report for Three (3) Commissions and Approve Three (3) City of Milpitas Commission Work Plans for FY 2023-24 (Staff Contact: Suzanne

Guzzetta, City Clerk, 408-586-3001)

(1) Accepted the 2022-23 Commissioners Annual Report; and (2) Approved proposed Fiscal Year 2023-24 Work Plans for (a) Energy and Environmental Sustainability Commission, (b) Planning Commission, and (c) Public Safety and Emergency Preparedness Commission.

- 7. Accept the City's Annual Comprehensive Financial Report and Other Related Annual Audited Reports for the Fiscal Year Ended June 30, 2023 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Accepted the City's Annual Comprehensive Financial Report (ACFR) and other related annual audited reports for the Fiscal Year ended June 30, 2023.

- 8. FY 2023-24 1st Quarter Financial Status Report for the Quarter Ended September 30, 2023 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Reviewed the FY 2023-24 Quarterly Financial Status Report for the quarter ended September 30, 2023.

- 9. Adopt a Resolution Reviewing and Accepting the Annual Development Impact Fee Annual Report for the Calaveras Boulevard Widening Traffic Impact Fee, the Transit Area Specific Plan (TASP) Impact Fee, and the Storm Drain Fee for the Fiscal Year Ended June 30, 2023 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Adopted **Resolution No. 9285** consistent with the Mitigation Fee Act to review and accept the annual development impact fee disclosure information for the Calaveras Blvd Widening Traffic Impact Fee, Transit Area Specific Plan Impact Fee and Storm Drain Fee for the Fiscal Year Ended June 30, 2023.

- 10. Adopt a Resolution Approving a Site Development Permit and PUD Amendment Permit to Develop a New One-and-a-Half Story Single-Family Residence and to Deviate from the Approved Designs, on a Vacant 1.1-acre Lot Located in the R1-H Single-family Residential Zoning District with a Hillside Combining District at 1321 Terra Vista Court (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Considered the exemption in accordance with CEQA and adopted **Resolution No. 9286** approving Site Development Permit No. SD22-0013 and Planned Unit Development Amendment No. PA23-0001 to allow the development of a new single-family residence at 1321 Terra Vista Court, subject to the attached Conditions of Approval.

- 11. Adopt a Resolution Approving a Site Development Permit to Develop a New Two-Story, Single-Family Residence with an Attached Accessory Dwelling Unit, an In-Ground Swimming Pool, and Associated Site Improvements on a Vacant 1.3-Acre Lot Located in the R1-H Single-Family Residential Zoning District with a Hillside Combining District at 490 Vista Ridge Drive (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Considered the exemption in accordance with CEQA and adopted **Resolution No. 9287** approving Site Development Permit SD23-0003 to allow development of a new single-family residence with an attached ADU, an in-ground swimming pool, and associated site improvements at 490 Vista Ridge Drive, subject to the attached Conditions of Approval.

- 12. Waive the Second Reading and Adopt Ordinance No. 38.854 Amending the Zoning Code Contained in Title XI, Chapter 10, Section 3.03 of the Milpitas Municipal Code to Allow a Zoning Designation Change of a Certain Parcel (APN 022-38-007) Within the Zoning Map (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Lillian VanHua, Senior Planner, 408-586-3073)**

Waived the second reading and adopted **Ordinance 38.854** amending the Zoning Code contained in

Title XI, Chapter 10, Section 3.03 of the Milpitas Municipal Code to allow a Zoning Designation change of a Certain Parcel (APN 022-38-007), located on the west side of California Circle, from the MP Industrial Park Zoning District to the MXD Mixed Use Zoning District.

13. Receive an Update on Storm Drain System Emergency Repairs and Improvements at Evans Road and Piedmont Creek 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 storm drain system emergency repairs and improvements at Evans Road and Piedmont Creek (in the amount of \$137,519); and (2) Determined by a four-fifths vote that the condition continues to constitute an emergency.

14. 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 (Staff Contact: Christian DiRenzo, 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) Approved the termination of the emergency declaration.

15. Approve and Authorize the City Manager to Execute an Agreement with Imperial Maintenance Services, Inc. For a Five-Year Term in an Amount Not-to-Exceed \$2,486,863.50 to Provide Janitorial Services for City Facilities, Subject to Annual Appropriation of Funds (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

(1) Approved and authorize the City Manager to execute an agreement with Imperial Maintenance Services, Inc. for a five-year term in an amount not-to-exceed \$2,486,863.50 to provide janitorial services for city facilities, subject to the annual appropriation of funds; and (2) Approved a budget amendment to appropriate \$50,000.00 to the Department of Public Works FY 2023-24 Operating Budget.

LEADERSHIP AND SUPPORT SERVICES

16. Legislative Update from California State Senator Aisha Wahab (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)

Received the Legislative Update presentation from California State Senator Aisha Wahab.

City Manager Thomas introduced the item and California State Senator Aisha Wahab gave the presentation.

There were the following public speakers:

1. Voltaire Montemayor

Mayor Montano thanked the Senator for the presentation and her service in the State Senate and the Senator responded to questions from the City Council.

17. Consider A Request from the Cities Association of Santa Clara County and Adopt a Resolution Supporting a Formal Agreement to Establish the Cities Association of Santa Clara County Joint Powers Authority (Staff Contact: Ned Thomas, City Manager, 408-586-3059)

Received a presentation from the Cities Association of Santa Clara County and authorized the City Manager to execute the Joint Powers Authority Agreement.

City Manager Thomas introduced the item. Cities Association of Santa Clara County Incoming Chair Los Altos Councilmember Neysa Fligor presented the report on transitioning from an unincorporated association to a JPA.

Vice Mayor Chua offered thanks for the presentation and voiced support for the JPA.

Councilmember Lien asked for the makeup of the Board of Directors. CASCC Incoming Chair Fligor provided details on representatives to the Board, Cities Selection Committee, and Legislative Action Committee.

Mayor Montano noted the members of the executive board are elected from among the city representatives.

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to authorize the City Manager to execute the JPA.

Motion/Second: Mayor Montano / Vice Mayor Chua

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo, Councilmember Lien, Councilmember Phan

NOES: None

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

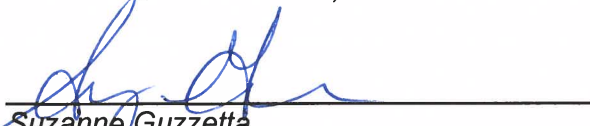
City Manager Thomas announced the award of the Land Water Conservation Fund Grant to complete the Delano Manongs Dog Park.

Mayor Montano requested adding consideration of the 20% Low Income Below Market Rate Housing to the prioritization list. There was consensus to add the item to the prioritization list (Noes: Lien).

ADJOURNMENT

Mayor Montano adjourned the meeting at: 8:49 PM.

The foregoing minutes were approved by the Milpitas City Council on December 12, 2023.


Suzanne Guzzetta
Milpitas City Clerk