



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, SEPTEMBER 5, 2023

The City Council of the City of Milpitas convened on September 5, 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 6:01 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien, and Phan (6:03 PM).
ABSENT: None.

City Attorney Mutalipassi announced the closed session items. The City Council adjourned to Closed Session at 6:03 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

The City Council reconvened in open session at 7:00 PM

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

Councilmember Barbadillo presented the invocation.

PRESENTATIONS

Mayor Montano and the City Council presented a proclamation in recognition of "National Preparedness Month" to Fire Chief Jason Schoonover and in recognition of "National Suicide Prevention Week" to Lorinne Patterson from the HOPE Suicide Prevention Task Force. She also presented certificates of commendation to Milpitas High School students participating in the Digital Map Project.

PUBLIC FORUM

There were no public speakers.

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 September 5, 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

ABSENT: None

CONSENT CALENDAR

Motion: to approve the Consent Calendar

Motion/Second: Vice Mayor Chua / Mayor Montano

Motion carried by the following:

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

NOES: None

ABSENT: None

There were no public speakers.

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

Received City Council Calendar of Meetings for September 2023.

C2. Approve City Council City Council Meeting Minutes of August 15, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Regular Meeting minutes of August 15, 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 Recommendations from Mayor Montano for Removal from and Appointments to City Commissions, and Accept Commissioner Resignation (Contact: Mayor Montano, 408-586-3024)

Received Mayor Montano's recommendations and approved removals from the Science, Technology and Innovation Commission; Approved and confirmed recommendations for appointments to City Commissions; Accepted the resignation of Charles Lingle from the Energy and Environmental Sustainability Commission; and directed the City Clerk to post the notice of unscheduled vacancies.

Community Advisory Commission:

1. Appointed Suraj Viswanathan to a full voting seat with an unexpired term ending January 2026

Economic Development and Trade Commission:

1. Confirmed appointment of Victor San Vicente to the Chamber of Commerce representative seat with a term ending April 2024

Public Safety and Emergency Preparedness Commission:

1. Confirmed appointment of Kelly Yip Chuan to the MUSD representative seat with a term ending June 2026

Science, Technology and Innovation Commission:

1. Removed Pulak Mehta from a full voting seat with an unexpired term ending January 2026
2. Removed Nasir Lalani from a full voting seat with an unexpired term ending January 2024

C6. Authorize and Approve Travel to Sacramento, CA, for Councilmember Hon Lien to Attend the League of California Cities *Annual Conference and Expo* to be Held on September 20-22, 2023, for an Estimated Total Not-to-Exceed Amount of \$2,250 Budgeted under the Individual Elected Official Allocation for Conferences/Meetings/Trainings (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

Authorized and approved travel to Sacramento, CA, for Councilmember Hon Lien to attend the Annual Conference of the League of California Cities scheduled on September 20 – 22, 2023, for an estimated total not-to-exceed amount of \$2,250 budgeted under the Individual Elected Official allocation for Conferences / Meetings / Trainings.

C7. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Sango Court, L.P., for the Affordable Housing Project at 355 Sango Court (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 Sango Court, L.P., for the Affordable Housing Project at 355 Sango Ct.

C8. Approve and Authorize the City Manager to Execute the Public Trail Easement and Maintenance Agreement for a Residential Development at 355 Sango Court by Sango Court, L.P. (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)

Approved and authorized the City Manager to execute the Public Trail Easement and Maintenance Agreement for a residential development at 355 Sango Court by Sango Court, L.P.

- C9. Approve and Authorize the City Manager to Execute the Encroachment and Maintenance Agreement with Sango Court, L.P., for the Installation and Maintenance of Private Landscape Improvements, within City Right-of-way, for the Sango Court Affordable Housing Project Located at 355 Sango Court (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Approved and authorized the City Manager to execute the Encroachment and Maintenance Agreement with Sango Court, L.P., for the installation and maintenance of private landscape improvements, within City Right-of-way, for the Sango Court Affordable Housing Project located at 355 Sango Court.

- C10. Receive the April – June 2023 Report for Unhoused Services (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046)**

Received the April – June 2023 report for unhoused services.

- C11. Accept and Approve a Budget Appropriation of \$200,000 and Authorize the Acting City Manager or Designee to execute an agreement with Housekeys for Administration of City's Below Market Rate Homeownership Program (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)**

Accepted and approved a budget appropriation of \$200,000.00 from the Affordable Housing and Community Benefit Fund and authorized the Acting City Manager or Designee to execute an agreement with Housekeys for Administration of City's Below Market Rate Homeownership Program.

- C12. Adopt a Resolution Approving a Site Development Permit to Develop a New In-Ground Swimming Pool and Legalize the Unpermitted Site Improvements at an Existing Single-Family Residence at 640 Evans Road (Staff Contact: Jay Lee, Interim Planning Director, 408-586-3077)**

Considered the exemption in accordance with CEQA and adopted **Resolution No. 9270** approving Site Development Permit No. SD20-0015, subject to the attached Conditions of Approval, to allow the development of a new in-ground swimming pool and legalize the unpermitted site improvements at an existing single-family residence on a 2.69 acre site at 640 Evans Road.

- C13. 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.

- C14. Adopt a Resolution Approving the City Manager, Acting City Manager or Designee to apply for an up to \$3,500,000 Community Resilience Center (CRC) Grant from the State of California Strategic Growth Council and Authorizing the City Manager, Acting City Manager or Designee to Accept a CRC Grant and Execute all Related Documents as the Authorized Agent on the Grant Agreements (Staff Contact: Matt Cano, Deputy City Manager, 408-890-8065)**

Adopted **Resolution No. 9271** approving the City Manager, Acting City Manager or Designee to apply for an up to \$3,500,000 Community Resilience Center Grant from the State of California Strategic Growth Council and authorized the City Manager, Acting City Manager or Designee to accept a CRC grant and execute all related documents as the Authorized Agent on the Grant Agreements.

PUBLIC HEARINGS

- 15. Conduct a Public Hearing and Approve the Draft FY 2022-2023 Community Development Block Grant (CDBG)'s Consolidated Annual Performance and Evaluation Report (CAPER) (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing Division Manager, 408-586-3275)**

Acting City Manager Thomas introduced the report. Economic Development Director Andrade and Housing Division Manager Musallam presented the report.

Housing Division Manager Musallam responded to questions from the City Council.

Mayor Montano opened the public hearing.

There were no public speakers.

Mayor Montano closed the public hearing.

After discussion, motion: to approve the draft FY 2022-2023 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER); and authorize the Acting City Manager, or designee, to make any necessary changes and to submit the approved draft FY 2022-2023 CAPER to the U.S. Department of Housing and Urban Development (HUD) to comply with CDBG requirements.

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

ABSENT: None

COMMUNITY DEVELOPMENT

- 16. Adopt a Resolution Certifying Election Results and Adding Tract No. 10592 to Community Facilities District 2008-1 (Annexation No. 25); Approve Final Tract Map No. 10592 for a Residential Project at 2001 Tarob Court; and Approve and Authorize the City Manager to Execute the Subdivision Improvement Agreement. (Staff Contact: Roberto Alonzo, Principal Engineer, 408-586-3316)**

Principal Engineer Alonzo presented the report.

There were no public speakers.

Mayor Montano stated that this is the time for the City Clerk to canvass the ballots and to report the results of the election to the City Council.

City Clerk Guzzetta reported that one ballot was received and opened the sealed ballot. She stated that the proposition was unanimously approved.

After discussion, motion: to receive election results from the City Clerk and adopt **Resolution No. 9272** certifying the election results and adding Tract No. 10592 to Community Facilities District 2008-1 (Annexation No. 25); Approve Final Tract Map No. 10592, including all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and Approve and authorize the City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and KB Home South Bay, Inc

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following:

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

NOES: None

ABSENT: None

17. Accept an Allocation of \$1,600,000 in State Funding for the Milpitas SMART Program, Approve a Budget Appropriation into CIP Project No. 3493, and Provide Direction to Staff on Proposed Program Modifications (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Jay Lee, Interim Planning Director, 408-586-3077)

Acting City Manager Thomas introduced the item. Acting Planning Director Lee presented the report, joined by Project Manager Sam Moffitt and Assistant City Manager Kantak.

There were the following public speakers:

1. Voltaire Montemayor

Vice Mayor Chua questioned the four-month reduction based on the Option 1 recommendation and asked if, with the grant funding, the program would continue on as planned.

Councilmember Barbadillo suggested the prudence of beginning to explore additional funding sources to continue the program beyond 2025 and supported continuing the Milpitas SMART program.

Councilmember Lien questioned if expanding hours was related to outreach efforts.

Mayor Montano supported the service hours expansion to extend weekday service from 7am-7pm to 6am-9pm and add Saturday service, and to begin by slowly converting to a hybrid fleet one vehicle at a time.

Vice Mayor Chua asked staff to look into other sources to support the program and to consider other options for efficiency such as fixed route service.

Assistant City Manager Kantak queried the Council for support the conversion a hybrid vehicle fleet. There was general consensus from the Council to consider hybrid vehicles.

Acting City Manager Thomas reiterated the City Council direction and asked for clarification on fares and promotions. Assistant City Manager noted that staff recommended four months of free fares over the year. Both Mayor Montano and Vice Mayor Chua supported the recommendation. There was consensus from the City Council to support continuing to charge current fares while offering more promotions, including the recommended four months of free fares over the course of a year.

After discussion, motion: to Accept \$1,600,000 in State funding through the Budget Act of 2023 (AB 102) for the Milpitas SMART program and approve a budget appropriation of \$1,600,000 in State funding into CIP Project No. 3493 Milpitas SMART.

Motion/Second: Councilmember Lien / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

ABSENT: None

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Mayor Montano asked for the following future agenda items:

1. Council to consider an amendment to the Affordable Housing Ordinance to increase the below-market-rate (BMR) requirement from 15% to 20% for all new residential projects and explore flexibility in meeting the new requirement. There was unanimous consensus from the City Council to add it to the prioritization list.
2. Consider an art project for the City Hall lobby make recommendations to the City Council. Acting City Manager Thomas noted that to use public art funds, it would need to be considered by the Arts Commission. Consensus from the City Council was that before funds are released to receive input from the Arts Commission.

Councilmember Phan requested the Council consider exploring taking steps towards becoming a Charter City. There was consensus from the City Council to add the item to the prioritization list (Noes: Mayor Montano).

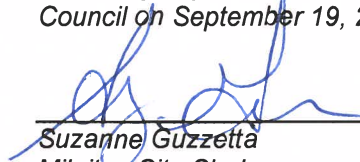
Vice Mayor Chua made the following requests:

1. City Attorney look at the policy for commissioners to release funds without the approval of the City Council. If any commission is granting a waiver, it must go through the City Council. There was unanimous support from the City Council to move the item forward.
2. Police Chief to have staff complete analysis if, working with the County, it would be beneficial to have a location where residents can pickup Narcan. There was unanimous support from the City Council to move the item forward.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:55 PM.

The foregoing minutes were approved by the Milpitas City Council on September 19, 2023.



Suzanne Guzzetta
Milpitas City Clerk