



## REGULAR MEETING OF THE MILPITAS CITY COUNCIL

**MINUTES**  
**TUESDAY, OCTOBER 3, 2023**

The City Council of the City of Milpitas convened on October 3, 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**

Vice Mayor Chua called the Regular City Council meeting to order at 6:00 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Vice Mayor Chua, Councilmembers Barbadillo (6:08 PM), Lien, and Phan.  
ABSENT: Mayor Montano.

City Attorney Mutalipassi announced the closed session items. The City Council adjourned to Closed Session at 6:01 PM.

### **ADJOURN TO CLOSED SESSION**

#### **(a) THREAT TO PUBLIC SERVICES OR FACILITIES**

Pursuant to Government Code section § 54957  
Consultation with: City of Milpitas Acting City Manager Ned Thomas

#### **(b) PUBLIC EMPLOYEE APPOINTMENT**

Pursuant to Government Code Section 54957(b)(1)  
Employee Position: City Manager

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

### **CLOSED SESSION ANNOUNCEMENT:**

City Attorney Mutalipassi announced that direction was given on Item (a) and announced that the City Council selected Acting City Manager Ned Thomas as City Manager.

### **PLEDGE OF ALLEGIANCE**

Councilmember Barbadillo led the Pledge of Allegiance.

### **INVOCATION**

Vice Mayor Chua announced that the meeting was dedicated to the memory of Senator Diane Feinstein.

Councilmember Lien presented the invocation.

### **PRESENTATIONS**

Vice Mayor Chua and the City Council presented proclamations in recognition of Fire Prevention Week accepted by Fire Marshal / Deputy Fire Chief Belton and Fire Chief Schoonover, Indigenous Peoples' Day, Hindu America Awareness and Appreciation Month, and Clean Air Day accepted by Silicon Valley Clean

Energy Director Monica Padilla. Vice Mayor Chua and Silicon Valley Clean Energy Director Padilla presented the Electric Showcase Award to Seema's Beauty Salon. Deputy Public Works Director Marshall provided additional comments.

### **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: Mayor Montano). 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: Mayor Montano).

### **READING OF THE CITY COUNCIL CODE OF CONDUCT**

Vice Mayor Chua read the Code of Conduct.

### **APPROVAL OF AGENDA**

Motion: to approve the October 3, 2023 Regular Meeting Agenda.

Motion/Second: Councilmember Lien / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

ABSENT: Mayor Montano.

### **CONSENT CALENDAR**

Motion: to approve the Consent Calendar

Motion/Second: Councilmember Lien / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

ABSENT: Mayor Montano.

There were the following public speakers:

1. Voltaire Montemayor

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

Received City Council Calendar of Meetings for October 2023.

**C2. Approve City Council City Council Meeting Minutes of September 14 and 19, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Meeting minutes of September 14 and 19, 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 for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)**

Received recommendations and approved recommendations for appointments to the Community Advisory Commission and Energy and Environmental Sustainability Commission and directed the City Clerk to post the Notice of Unscheduled Vacancy.

The following appointments were made:

Community Advisory Commission:

1. Appoint Armilyn Quijano to an unexpired term ending January 2026.

Energy and Environmental Sustainability Commission:

1. Promote Frank Bush from alternate to full voting seat with an unexpired term ending October 2025.
2. Appoint Thelma Batilo to a term ending October 2026.
3. Appoint Lisa Oliver to an unexpired term ending October 2024.

**C6. Adopt a Resolution Authorizing the Application to the Prohousing Designation Program (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, 408-586-3275)**

Adopted **Resolution No. 9274** authorizing the application to and participation in the Prohousing Designation Program.

**C7. Authorize the Acting City Manager to Enter into a Master Professional Services Agreement with Asquare, Inc. for Temporary IT Staffing Services (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086; and Daniel Nam, Information Technology Director, 408-586-2712)**

Authorized the Acting City Manager to enter into a two-year Master Professional Services Agreement with Asquare, Inc. for Temporary IT Staffing Services for the not-to-exceed amount of \$250,000.00.

**C8. Adopt a Resolution to Approve Sole Source Procurement of Police Vehicles from Duval Ford, LLC, and Authorize the Acting City Manager to Execute a Purchase Agreement with a Total Not-to-Exceed Amount of \$701,953.92 for the Purchase of Up to 12 Police Vehicles (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406 and Christian Di Renzo, Public Works Director, 408-586-2602)**

(1) Adopted **Resolution No. 9275** to approve sole source procurement of police vehicles from Duval Ford, LLC, and authorize the Acting City Manager to execute a purchase agreement with a total not-to-exceed amount of \$701,953.92 for the purchase of up to 12 police vehicles; and (2) In the event the City is unable to procure the vehicles from Duval Ford LLC, authorized the City Manager to select another vendor and execute a purchase agreement with a total not-to-exceed amount of \$701,953.92 for the purchase of up to 12 police vehicles.

**C9. 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.

**C10. Consider Two Fee Waiver Requests from FAREPA Silicon Valley and the Joseph Bettencourt Foundation and One Donation Request from Korean Language and Culture Foundation (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

(1) Approved a Fee Waiver of \$945.00 for the Joseph Bettencourt Foundation Fundraiser at the Milpitas Community Center on October 20, 2023; (2) Approved a Fee Waiver of \$1,500 for the FAREPA Silicon Valley Unity in Diversity event at the Milpitas Community Center on October 12, 2023; and (3) Approved Donation request of \$500 for the Korean Language and Culture Foundation Alphabet event at the Milpitas Library on October 1, 2023.

**COMMUNITY DEVELOPMENT**

**11. Provide Feedback and Guidance on the Proposed Workforce Housing Rental Assistance Program Approve an Additional Appropriation of \$28,389.76 from the Affordable Housing Community Benefit Fund to FORWARD for the Administration of the Workforce Housing Rental Assistance Program, and Direct the Use of an Allocation from the State Budget for Homelessness Prevention and Unhoused Services (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 item, and Economic Development Director Andrade presented the report, joined by Senior Administrative Analyst Balcha and Housing Manager Musallam.

There were the following public speakers:

1. Voltaire Montemayor

Council Discussion ensued.

After discussion, motion: to (1) Receive a recommendation from the Housing Subcommittee and staff to provide rental assistance for up to 50 households over 24 months through a Workforce Housing Rental Assistance Program; (2) Approve and Authorize the Acting City Manager, or designee, to allocate an additional appropriation of \$28,389.76 from the Affordable Housing Community Benefit Fund to FORWARD for the administration of the Workforce Housing Rental Assistance Program ; and (3) Provide feedback and guidance on the use of an allocation from the State Budget for Homelessness Prevention and Unhoused Services for the Workforce Housing Rental Assistance Program.

Motion/Second: Councilmember Lien / Councilmember Phan

Motion carried by the following:

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

NOES: None

ABSENT: Mayor Montano.

**12. Receive a Progress Report and Provide Direction to Staff on the Work Completed to Date on Phase 1 of the Comprehensive Zoning Ordinance Update, Including the Background and Recommendations Report, Draft New Zoning Districts (Business Park. Research and Development and Metro Area Zoning Districts), and Draft Updated Citywide Zoning Map (Staff**

**Contact: Jay Lee, Interim Planning Director, 408-586-3077; and Holly Pearson, Senior Special Projects Associate, 408-609-0072)**

**Recommendation:** Receive a progress report and provide direction to staff on the work completed to date on Phase 1 of the Comprehensive Zoning Update, including the Background and Recommendations Report, draft new zones (Business Park Research and Development and Metro Area Zones), and draft updated Citywide Zoning Map.

Acting City Manager Thomas introduced the item. Acting Planning Director Lee presented the report, joined by Associate Planner Kristina Phung and Consultant Holly Pearson, and LWC Consultant Jen Murrillo. LWC Consultants Monica Szydlik and Stefano Richichi were available to respond to questions.

There were the following public speakers:

1. Voltaire Montemayor
2. Sean Morley
3. Kristen Brown
4. Ward Mace
5. Philip Sidles

Councilmember Barbadillo questioned the customary order for updating zoning ordinances in whether they followed a specific plan and general plan or otherwise and asked how differences between the two would be resolved. Interim Planning Director Lee noted they are trying to strike a balance between the central vision and the businesses currently in those districts. He also indicated that non-conforming properties grandfathered in. Councilmember Barbadillo emphasized the importance of consistency between the zoning ordinance and the plans adopted by the city.

Councilmember Phan spoke in support of Councilmember Barbadillo's comments. He encouraged staff to work with affected businesses, conduct outreach, and report back to the City Council. He more specifically requested in outreach efforts to reach out to major employers in the city that would be affected and work on resolving any concerns.

Councilmember Lien thanked staff for their hard work and cautioned staff to ensure the new updates don't affect existing business owners.

Vice Mayor Chua echoed councilmember concerns. She asked how staff would ensure these issues wouldn't happen again. Interim Planning Director Lee noted that future updates would be more specific. Vice Mayor Chua continued, emphasizing the importance of few limitations in certain areas to bring more businesses to the area.

Further Council Discussion ensued.

No action was taken.

## **COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE**

### **13. Receive Presentation from Staff on Storm Drain System Revenue Requirements Analysis (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Acting City Manager Thomas introduced the item. Public Works Director Di Renzo presented the report, joined by SCI Consulting Group Consultant Jerry Bradshaw, and Principal Civil Engineer Siddiqui.

There were the following public speakers:

1. Voltaire Montemayor
2. Johnny Reed

Public Works Director Di Renzo and Principal Civil Engineer Siddiqui responded to questions from the City Council.

Councilmember Barbadillo asked for information regarding shared stormwater infrastructure or regulatory obligations.

Vice Mayor Chua asked to return with details on the differences between the varied scenarios and the estimated fees.

No action was taken.

## **LEADERSHIP AND SUPPORT SERVICES**

### **14. Approve Employment Agreement for the City Manager (Staff Contact: Nick Raisch, Human Resources Director, 408-687-5086)**

City Attorney Mutalipassi introduced the item.

There were the following public speakers:

1. Voltaire Montemayor
2. Avery Stark

Councilmembers Phan, Lien, Barbadillo and Vice Mayor Chua offered congratulations to the newly appointed City Manager. City Manager Thomas offered thanks and provided remarks on the future of the city.

After discussion, motion: to approve Employment Agreement for the City Manager.

Motion/Second: Vice Mayor Chua / Councilmember Phan

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan and Vice Mayor Chua.  
NOES: None  
ABSENT: Mayor Montano.

## **PUBLIC FORUM**

The following people spoke under Public Forum:

1. Amrita Nayyar
2. Johnny Reed
3. Avery Stark
4. Stephen Balsbaugh
5. Voltaire Montemayor

## **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS** (10:05 PM)

Councilmember Lien asked to agendize the Main Street International Festival. There was consensus from the City Council to move the item forward.

Councilmember Barbadillo made the following requests:

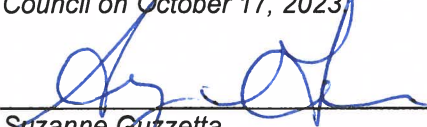
1. Agendize a discussion of what the City Council can do regarding shoplifting.
2. Consider a possible ordinance or policy regarding solicitations at home.

Both items received consensus to be placed on the future agenda items list.

## **ADJOURNMENT**

Vice Mayor Chua adjourned the meeting at 9:55 PM.

*The foregoing minutes were approved by the Milpitas City Council on October 17, 2023.*



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Suzanne Guzzetta  
Milpitas City Clerk