



JOING MEETING OF THE MILPITAS CITY COUNCIL AND MILPITAS PUBLIC FINANCING AUTHORITY

MINUTES

TUESDAY, OCTOBER 17, 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 and Milpitas Public Financing Authority on October 17, 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 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Councilmembers Barbadillo (6:08 PM), Lien and Phan, Vice Mayor Chua, and Mayor Montano.
ABSENT: None.

City Attorney Mutalipassi announced the closed session items, noting that the agency representative for Item (a) would be Rick Belanos.

There were no public speakers.

The City Council adjourned to Closed Session at 6:02 PM.

ADJOURN TO CLOSED SESSION

(a) **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency designated representative: Ned Thomas, City Manager

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

(b) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: 1700 Sango Court

Agency negotiator: Alex Andrade, Economic Development Director

Under negotiation: Both lease price and terms

(c) **THREAT TO PUBLIC SERVICES OR FACILITIES**

Pursuant to Government Code section § 54957

Consultation with: IT Director Daniel Nam

The City Council reconvened in open session at 7:35 PM.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi announced there was nothing to report.

PLEDGE OF ALLEGIANCE

Mayor Montano led the Pledge of Allegiance.

INVOCATION

Councilmember Phan presented the invocation.

PRESENTATIONS

Mayor Montano presented a proclamation in recognition of Breast Cancer Awareness Month. Vice Mayor Chua offered comments on Filipino Heritage Month.

PUBLIC FORUM

There were the following public speakers:

1. KS Teh
2. Charles Wright
3. Sushant Agrawal
4. Diego Valdez
5. Johnny Reed
6. Vikas Seth
7. Kaylene Buteau
8. Mayank Patel
9. Voltaire Montemayor
10. Nicole Teh
11. Jonas Teh
12. Wei Liu
13. Anishka Agrawal

Councilmember Barbadillo left at 7:40 PM.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Matalipassi 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 Matalipassi 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).

READING OF THE CITY COUNCIL CODE OF CONDUCT

Mayor Montano read the Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the October 17, 2023 Regular Meeting Agenda

Motion/Second: Vice Mayor Chua/Councilmember Lien
by the following:

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

NOES: None

ABSENT: Councilmember Barbadillo

CONSENT CALENDAR

Councilmember Phan requested to add Item 17 to the Consent Calendar.

After discussion, motion: to add Item 17 to and approve the Consent Calendar.

Motion/Second: Vice Mayor Chua/Councilmember Phan
by the following:

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

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

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

2. Approve City Council City Council Meeting Minutes of October 3, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Meeting minutes of October 3, 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. 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 appointment to the Planning Commission and removal from the Parks, Recreation and Cultural Resources Commission, and directed the City Clerk to post the notice of unscheduled vacancy.

Parks, Recreation and Cultural Resources Commission:

1. Remove Yesenia Illescas from a full voting seat with an unexpired term ending June 2025.

Planning Commission:

1. Appoint Parveen Gupta to an unexpired term ending December 2024.

5. Accept the FY 2022-23 Commissioners Annual Report for Four (4) Commissions and Oversight Committee and Approve Four (4) City of Milpitas Commission and Oversight Committee 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 the proposed Fiscal Year 2023-24 Work Plans for (a) Community Advisory Commission, (b) Economic Development and Trade Commission, (c) Science, Technology, and Innovation Commission, and (d) Measure F Oversight Committee.

6. Receive Recommendations from Staff Regarding a Proposed Joint Powers Agency (JPA) Agreement for the Cities Association of Santa Clara County and Approve Direction on Feedback to the Cities Association Board (Staff Contact: Ned Thomas, City Manager: 408-586-3059)

Received recommendations regarding a Proposed Joint Powers Agency (JPA) Agreement for the Cities Association of Santa Clara County (CASCC) and approved direction to staff and Mayor Montano, as the City's representative to the CASCC, to oppose the formation of a Joint Powers Authority at this time.

7. Receive Report on the American Rescue Plan Act (ARPA) Investment Plan (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3053; and Lauren Lai, Director of Finance, 408-586-3111)

Received Report on the American Rescue Plan Act (ARPA) Investment Plan.

8. **Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the Self-Storage Project located at 1 Hanson Court and Grant Authorization to the City Engineer to Release the Performance Bond after the One-year Warranty Period (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012; and Roberto Alonzo, Transportation and Traffic Manager, 408-586-3316)**

Adopted **Resolution No. 9276** granting acceptance of the completed public improvements for the Self-Storage Project located at 1 Hanson Court as shown on Public Improvement Plans No. 2-1224; and approved a reduction in the faithful performance bond to \$16,000.00, which is 10% of the security's original value which shall be in effect for the duration of the warranty period; and granted authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided that all required warranty work is completed to the satisfaction of the City Engineer.

9. **Adopt Resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board Authorizing Investment of Monies in the Local Agency Investment Fund and Updating Officers' Information (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Adopted **Resolution No. 9277** of the Milpitas City Council and **Resolution No. PFA 29** of the Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

10. **Approve and Authorize the City Manager to Execute a Sole Source Three-Year Agreement with CentralSquare Inc. for Maintenance and Support of the Public Safety Computer Aided Dispatch System (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

Approved and authorized the City Manager to execute a sole source three-year agreement with CentralSquare Inc. for maintenance and support of the Public Safety Computer Aided Dispatch System for the not-to-exceed amount of \$142,160.56 annually and \$426,481.68 for a three-year term.

11. **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.

12. **Approve and Authorize the FY 2023-2024 Santa Clara Valley Urban Runoff Pollution Prevention Program Assessment Payment for the Not-to-Exceed Amount of \$154,067.00 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Approved and authorized the FY 2023-2024 Santa Clara Valley Urban Runoff Pollution Prevention Program Assessment Payment for the not-to-exceed amount of \$154,067.00.

13. **Approve and Authorize the City Manager to Execute a No-Cost Amendment No. 7 to extend the terms of the Agreement with West Yost Associates for Construction Support Services for the Main Lift Pump Station Odorous Emissions Control Facility Project (Staff Contact: Christian Di Renzo, Public Works Director, 408- 586-2602)**

Approved and authorized the City Manager to execute a no-cost Amendment No. 7 to extend the terms for the agreement with West Yost Associates for construction support services for the Main Lift Pump Station Odorous Emissions Control Facility Project.

- 14. Authorize and Approve Travel to Santa Cruz, CA, for City Manager Ned Thomas to Attend the Annual 2023 Silicon Valley Economic Development Alliance (SVEDA) Conference on November 2, 2023 (Staff Contact: Ned Thomas, City Manager, 408-586-3059)**

Authorized and approved travel to Santa Cruz, CA, for City Manager Ned Thomas to attend the Annual 2023 Silicon Valley Economic Development Alliance (SVEDA) Conference on November 2, 2023, for a total amount of \$150.00 budgeted under Conferences/Trainings allocation for the City Manager's Office.

- 17. Consider the Authorization of the Final Application for the \$301,516.00 Land and Water Conservation Fund Grant from the State Department of Parks and Recreation and associated Land Protection for Delano Manongs Park (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Authorized the Final Application for the \$301,516.00 Land and Water Conservation Fund (LWCF) Grant from the State Department of Parks and Recreation and associated Land Protection for Delano Manongs Park placing the entire Delano Manongs Park in the LWCF boundary map of protected open space, in perpetuity.

PUBLIC HEARINGS

- 15. Conduct a Public Hearing to Consider a Zoning Variance to Allow Development of a Structure with a Height that Extends Above the Hillside Crestline Zone of Protection Sight Line, as Related to an Application for a Site Development Permit and Planned Unit Development Amendment for a Proposed 5,900-Square Foot Single-Family Residence, on a Vacant +1.4-Acre Lot in the R1-H Single-Family Residential - Hillside Zoning District Located at 1339 Terra Vista Court (APN: 029-07-010) (Staff Contact: Jay Lee, Planning Director, 408-586-3273, and Avery Stark, Acting Senior Planner, 408-586-3288)**

City Manager Thomas introduced the item. Planning Director Lee and Acting Senior Planner Stark presented the report.

The applicant and representative made a presentation.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Yolie Garcia
2. John Doll
3. Frank Bush
4. Bill Korbe
5. Barbara Jo Navarro
6. Ivan Tam
7. Rekha Sankar
8. Lakshmi
9. Ramesh Konda
10. Venkat
11. Doc Nguyen
12. John Nguyen
13. Kalyan Katramuri
14. Mike Caulkins
15. Subbu Shrinivasan
16. KP

17. Ravi
18. Voltaire Montemayor
19. Vi Nguyen
20. Penny Alexa

Mayor Montano closed the public hearing.

Vice Mayor Chua questioned what changes could be made to the design to bring it within the required specifications.

Councilmember Lien stressed the importance of building in a manner fair to both the community and the applicant and suggested not taking action at this meeting.

Councilmember Phan questioned why the applicant had made no changes to their designs following the Planning Commission recommendation.

Mayor Montano addressed the need for a compromise and asked the applicant if they would be willing to return after making changes and working with the Planning Department.

Vice Mayor Chua questioned the City Attorney on options to avoid denying the request outright. City Attorney Mutalipassi responded that certain timelines are set based on the request of the applicant for the public hearing. He noted that denial today doesn't mean the applicant can't return with changes. Vice Mayor Chua asked Planning Department staff to do what was needed to expedite the process and made a motion: to deny the request for a structure with a height that extends above the Hillside Crestline Zone of Protection Sight Line, as established by the City's Hillside development standards, on a vacant +1.4-acre lot in the R1-H Single-Family Residential-Hillside Zoning District located at 1339 Terra Vista Court (Countryside Estates, Lot 1).

Motion/Second: Vice Mayor Chua/Councilmember Phan

Motion carried by the following:

AYES: Vice Mayor Chua, Councilmember Phan

NOES: Mayor Montano

ABSENT: Councilmember Barbadillo

ABSTAIN: Councilmember Lien

COMMUNITY DEVELOPMENT

16. Receive Progress Report from Raimi and Associates and Staff on the Housing Opportunity Districts and Provide Direction on the Preferred Alternative (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Avery Stark, Acting Senior Planner, 408-586-3288)

City Manager Thomas introduced the item. Planning Director Lee and Raimi and Associates Consultant Chris Sensinig presented the report.

There were the following public speakers:

1. Nels DeLander
2. Voltaire Montemayor
3. Member of the public

Council discussion ensued. Vice Mayor Chua asked staff to return with potential housing numbers for the NCMU area designations.

Councilmember Lien questioned how parking issues were addressed with the addition of so many units. Planning Director Lee noted that the current parking requirement would be applied and reviewed on a project-by-project basis and according to CEQA requirements.

Mayor Montano inquired about the density bonus and no required parking. Planning Director Lee noted the possibility, but that any project requesting a waiver of parking requirements would have to be approved by the City Council. The Mayor questioned the Floor Area Ratio (FAR) of both areas and the possibility of a performance arts center in the TCU district.

Councilmember Phan suggested the TWC areas be less restrictive with residential only projects, and recommended incentivizing AB 2011 for projects in these zones.

No action taken.

LEADERSHIP AND SUPPORT SERVICES

- 18. Introduce Ordinance 196.12, an Ordinance of the City Council of the City of Milpitas Amending Section 4.05 of Chapter 9 (“Parks”) of Title V (“Public Health, Safety, and Welfare”) of the Milpitas Municipal Code and Introduce Ordinance 196.13 an Ordinance of the City Council of the City of Milpitas Adding Section 2.13 to Chapter 9 (“Parks”) of Title V (“Public Health, Safety, And Welfare”) of the Milpitas Municipal Code and Amending Section 4.00 of Chapter 9 (“Parks”) of Title V (“Public Health, Safety, And Welfare”) of the Milpitas Municipal Code (Staff Contact: Michael Mutalipassi, City Attorney, 408-858-3040)**

City Manager Thomas introduced the item and City Attorney Mutalipassi presented the report.

Mayor Montano asked for clarification that this ordinance would treat Gill Park the same as other parks.

There were the following public speakers:

1. Jennifer Ting
2. Albert
3. Voltaire Montemayor

Vice Mayor Chua asked the City Attorney to define amplified music.

Councilmember Phan made a motion: to waive the reading beyond the title and introduce **Ordinance 196.12**; and decline to introduce Ordinance 196.13.

City Attorney Mutalipassi read the title of the ordinance.

Motion/Second: Councilmember Phan/Mayor Montano

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Chua, Councilmember Phan

NOES: Councilmember Lien

ABSENT: Councilmember Barbadillo

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Mayor Montano made the following requests:

1. Add Graywater Rebates Program to the council prioritization list. There was consensus to add the item.
2. Add a Main Street Parade in the future. There was no consensus to add the item.

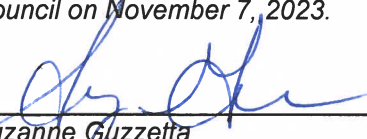
3. Referral for utility infrastructure cost on Main Street from Carlo to Corning Streets.

Mayor Montano thanked staff for their hard work on the Art Walk and Delano Manongs Park Grand Opening events and reported out on her trip to Washington, D.C.

ADJOURNMENT

Mayor Montano adjourned the meeting at 11:02 PM.

The foregoing minutes were approved by the Milpitas City Council on November 7, 2023.



Suzanne Guzzetta
Milpitas City Clerk