



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, APRIL 16, 2024

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

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on April 16, 2024, 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 6:00 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Councilmember Barbadillo, Councilmember Lien, Councilmember Phan

ABSENT: Vice Mayor Chua

AB 2449

1. **Consider Councilmember Anthony Phan's Request to Appear Remotely Pursuant to AB 2449 and Authorize the Council to Accept Public Comments Remotely at the April 16, 2024, Meeting of the Milpitas City Council (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040; Suzanne Guzzetta, 408-586-3001)**

City Attorney Mutalipassi introduced the item. Councilmember Phan reported on his request to participate remotely due to a family medical emergency.

After discussion, motion: to allow Councilmember Phan to appear remotely pursuant to AB2449 and to allow remote public comment at the April 16, 2024 meeting of the Milpitas City Council.

Motion/Second: Councilmember Lien/Councilmember Barbadillo

Motion carried by the following:

AYES: Mayor Montano, Councilmember Barbadillo, Councilmember Lien

NOES: None

ABSENT: Vice Mayor Chua, Councilmember Phan

ADJOURN TO CLOSED SESSION

City Attorney Mutalipassi introduced the items to be discussed at Closed Session.

There were no public speakers.

The City Council adjourned to closed session at 6:03 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

The City Council reconvened at 7:04 PM.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi noted there was nothing to report out from Closed Session.

PLEDGE OF ALLEGIANCE

Councilmember Barbadillo lead the Pledge of Allegiance.

INVOCATION

Mayor Montano invited Dr. Jenni'fer JMB Chapman to provide the invocation.

PRESENTATIONS

Mayor Montano presented proclamations in recognition of Earth Day, Arbor Day, and National Public Safety Telecommunicators Week. Public Works Director DiRenzo invited the public to Calle Oriente Park on Saturday, April 20, 2024, for the city's Earth Day event. He accepted the proclamations for Earth Day and Arbor Day. Police Chief Hernandez and Public Safety Dispatchers accepted the proclamation. Chief Hernandez provided remarks highlighting the accomplishments of Milpitas Public Safety Dispatchers.

PUBLIC FORUM

There were the following public speakers:

1. Voltaire Montemayor
2. Pushti Mokani

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: Chua). 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: Chua).

Councilmember Lien reported that she would need to recuse herself from Item C15.

READING OF THE CITY COUNCIL CODE OF CONDUCT

Councilmember Barbadillo read the City Council Code of Conduct.

APPROVAL OF AGENDA

After discussion, motion: to approve the agenda.

Motion/Second: Councilmember Barbadillo/Councilmember Lien

Motion carried by the following:

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

NOES: None

ABSENT: Vice Mayor Chua

CONSENT CALENDAR

City Manager Thomas reported that Councilmember Lien would need to recuse herself from Item C15 and the item would need to be pulled from the Consent Calendar.

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to approve the Consent Calendar, pulling Item C15 to be heard immediately following the Consent Calendar.

Motion/Second: Councilmember Barbadillo/Councilmember Lien

Motion carried by the following:

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

NOES: None

ABSENT: Vice Mayor Chua

2. **Receive City Council Calendar of Meetings for April and May 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received City Council Calendar of Meetings for April and May 2024.

3. **Approve City Council Regular and Special Meeting Minutes of April 2, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Regular and Special Meeting minutes of April 2, 2024.

4. **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.

5. **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 provide direction to staff as necessary.

6. **Consider Recommendations from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)**

Received Mayor Montano's recommendation and confirmed appointments to City Commissions:

Economic Development and Trade Commission

1. Appointed Bhagvat Bimalkumar to the Hospitality seat with a term ending April 2027.

7. **Reallocation of American Rescue Plan Act Funds (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3053)**

(1) Approved the reallocation of funding within the American Rescue Plan Act Fund and the General Fund to ensure completion of the programs in the ARPA Investment Plan previously approved by Council; and (2) Adopted **Resolution No. 9316** authorizing the reallocation of funding within the American Rescue Plan Act fund balance as of March 31, 2024, and the General Fund to fund certain City staff positions wages during Fiscal Year 2023-2024 and to ensure completion of programs in the ARPA Investment Plan previously approved by Council.

8. **Receive Report on American Rescue Plan Act Funding for Rent and Mortgage Relief Program and Approve Transfer of \$216,125.00 in Mortgage Relief Funds to Rent Relief (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing**

Division Manager, 408-586-3275)

Received report on American Rescue Plan Act (ARPA) funding for Rent and Mortgage Relief Program and approved transfer of \$216,125.00 in Mortgage Relief Funds to Rent Relief.

9. **Receive the July - December 2023 Report for Unhoused Services (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing Division Manager, 408-586-3275)**

Received the July – December 2023 report for unhoused services.

10. **Approve and Authorize the City Manager to Execute a Three-Year Professional Services Agreement with Berry, Dunn, McNeil & Parker LLC for Enterprise Resource Planning Consulting Services (Staff Contact: Gabrielle Tsang, Interim Finance Director 408-586-3131; and Kelli Parmley, Human Resources Director 408-586-3086)**

Approved a three-year professional services agreement with Berry, Dunn, McNeil & Parker LLC for Enterprise Resource Planning (ERP) Consulting Services for a not-to-exceed amount of \$375,500.00, authorized the City Manager to execute the contract, with additional authority to approve an optional two years and changes up to 10%.

11. **Approve and Authorize the City Manager to Execute an Amendment to the Professional Services Agreement with Ascent Environmental for Consultant Services Related to Preparation of the Gateway-Main St. Specific Plan (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

(1) Approved an amendment to the Professional Services Agreement with Ascent Environmental for consultant services related to preparation of the Gateway-Main St. Specific Plan; (2) Approved a Budget Appropriation of \$90,000.00 from the Community Planning Fund into Capital Improvement Program Project No. 3437; and (3) Authorized the City Manager to execute the amended agreement.

12. **Authorize the City Manager to Execute the Grant Agreement with the County of Santa Clara to Accept the 2023 State Homeland Security Grant Program Award and Approve a Budget Appropriation in the Amount of \$105,205.00 to the Police Department's FY 2023-24 Operating Budget (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Authorized the City Manager to execute the Grant Agreement with the County of Santa Clara to accept the 2023 State Homeland Security Grant Program Award and approved a budget appropriation in the amount of \$105,205.00 to the Police Department's FY 2023-24 Operating Budget.

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; and (2) Determined by a four-fifths vote that the condition continues to constitute an emergency.

14. **Approve a Three-Year Agreement with Portford Solutions for Licensing, Maintenance, and Support of ApplicationXtender Document Management Software and Authorize the City Manager to Execute the Contract (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

Approved a three-year agreement with Portford Solutions for the licensing and maintenance and support services related to ApplicationXtender for the not-to-exceed amount of \$118,150.19 and authorized the City Manager to execute the agreement.

ITEMS PULLED FROM CONSENT CALENDAR

- 15. Consider One Donation Request from Milpitas Community Education Endowment, Inc. (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Councilmember Lien announced she had to recuse herself from the decision due to serving on the board of the organization. She left the meeting at 7:30 PM.

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to Approve a donation request of \$500.00 for Milpitas Community Education Endowment, Inc. for their annual fundraiser on Friday, April 26, 2024.

Motion/Second: Councilmember Barbadillo/Mayor Montano

Motion carried by the following:

AYES: Mayor Montano, Councilmember Barbadillo, Councilmember Phan

NOES: None

ABSTAIN: Councilmember Lien

ABSENT: Vice Mayor Chua

Councilmember Lien returned to the meeting at 7:32 PM.

PUBLIC HEARINGS

- 16. Conduct a Public Hearing and Adopt a Resolution Approving Site Development Permit, Density Bonus Permit and Environmental Assessment and Allow the Development of Two Multi-Family Residential Buildings at 1300 South Main Street (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

City Manager Thomas introduced the item. Acting Senior Planner Stark presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Voltaire Montemayor

Mayor Montano closed the public hearing.

Developer representative Jean Broussard addressed the Council and was available to respond to Council questions.

Councilmember Barbadillo inquired after other projects in the same area, raised questions about waivers and concessions granted, and asked about project amenities. Acting Senior Planner Stark, the developer's representative Jean Broussard, and Recreation Director Lorentzen responded to the Councilmember's questions.

Mayor Montano voiced concerns about traffic ingress and noise from the nearby train tracks seeking reassurances regarding resident safety and sound mitigation measures. She proposed working with a muralist to adorn a blank wall instead of paying an in lieu fee, emphasizing the importance of art in the community. The developer agreed to explore this option, and the discussion concluded with a compromise to enhance community benefits while expressing overall approval for the project and its

color scheme.

Councilmember Barbadillo expressed gratitude for the public art compromise and raised concerns about parking and traffic. He highlighted the potential issues of reduced parking and emphasized the importance of community education regarding the project's design and parking decisions given the constraints imposed by state law.

City Manager Thomas suggested proposed language for an additional condition of approval, "During development and construction of the project, the applicant shall coordinate with the Department of Recreation and Community Services to develop designs for a significant mural on the stairs from the tower facing Main Street with final design to be revised by the Arts commission for recommendation and final approval on design and cost by City Council with completion of the mural prior to 50% of occupancy permits being issued." The Developer asked if it would be possible that the design only go to the Arts Commission rather than going before the City Council again. The City Council agreed.

Mayor Montano inquired about bus passes for tenants and expressed appreciation for including 39 parking spaces despite not being required by state density bonus law. The developer explained the challenges of the site and the efforts made to maximize parking.

After discussion, motion: to (1) Conduct a public hearing on the development of two multi-family residential buildings with 118 below-market rate (100% affordable); (2) Consider the project to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section §15332 (Class 32: In-Fill Projects) and, as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and (3) Adopt **Resolution No. 9317** to approve Site Development Permit No. SD22-0015, Density Bonus Permit No. DB23-0011 and Environmental Assessment No. EA23-0015, subject to the findings and Conditions of Approval; and (3) add to the Conditions of Approval for the developer to, "coordinate with the Recreation and Community Services Department to develop designs for a significant mural on the stair tower facing Main Street, with the final design to be reviewed by the Arts Commission for recommendation, and completion of the mural prior to 50% of occupancy permits issued for the multifamily residential project at 1300 South Main Street."

Motion/Second: Mayor Montano/Councilmember Lien

Motion carried by the following:

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

NOES: None

ABSENT: Vice Mayor Chua

17. Conduct a Public Hearing and Adopt a Resolution Approving the Proposed 2025-2029 Capital Improvement Program (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

City Manager Thomas introduced the item. City Engineer Silveira presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Voltaire Montemayor

Mayor Montano closed the public hearing.

Mayor Montano inquired after street ratings, well regulations, infrastructure costs, and grant

opportunities.

After discussion, motion: to Conduct a public hearing and adopt **Resolution No. 9318** approving the 2025-2029 Capital Improvement Program..

Motion/Second: Councilmember Barbadillo/Councilmember Lien

Motion carried by the following:

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

NOES: None

ABSENT: Vice Mayor Chua

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager Thomas announced the Small Business Expo taking place on Saturday, April 20, 2024, and the commencement of Phase I of the Council Chamber Improvements.

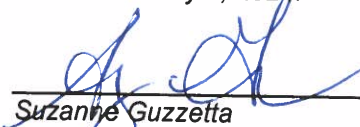
Councilmember Lien announced the Black April Event to take place at the City Hall Plaza on April 28, 2024.

Councilmember Barbadillo asked the City Council to revisit the solicitation ordinance for potential improvements and reintroduction, and to explore the possibility of augmenting the Planning Commission's stipend. There was consensus to add both items to the prioritization list (Vote: 4-0-1. Absent: Chua).

ADJOURNMENT

Mayor Montano adjourned the meeting at 9:10 PM.

The foregoing minutes were approved by the Milpitas City Council on May 7, 2024.



Suzanne Guzzetta
Milpitas City Clerk