



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, MARCH 19, 2024

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

The City Council of the City of Milpitas convened on the City Council meeting day in a Regular Meeting of the Milpitas City Council March 19, 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, Vice Mayor Chua, Councilmember Barbadillo, Councilmember Lien, Councilmember Phan (6:06 PM)

ABSENT: None.

The City Council adjourned to Closed Session at 6:01 PM.

ADJOURN TO CLOSED SESSION

(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 7:10 PM.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi noted there was nothing to report.

PLEDGE OF ALLEGIANCE

Councilmember Lien lead the Pledge of Allegiance.

INVOCATION

There was no invocation.

PRESENTATIONS

Mayor Montano presented a proclamation in recognition of National Endometriosis Month.

PUBLIC FORUM

There were the following public speakers:

1. Voltaire Montemayor
2. Karina Dominguez

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

Vice Mayor Chua read the Code of Conduct.

APPROVAL OF AGENDA

After discussion, motion: to approve the 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

Vice Mayor Chua asked to pull item C6 from the Consent Calendar.

There were the following public speakers:

1. Ha Phan

After discussion, motion: to approve the Consent Calendar, pulling Item C6.

Motion/Second: Councilmember Lien/Vice Mayor Chua

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 March and April 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

2. Approve City Council City Council Meeting Minutes of March 5, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Meeting minutes of March 5, 2024.

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

Received Mayor Montano's recommendation and confirmed the following appointments:

Senior Advisory Commission

1. Appointed Barbara Jo Navarro to an unexpired term ending December 2024.

7. Designation of Community Development Block Grant Program Certifying Officer for the National Environmental Policy Act (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Robert Musallam, Housing Division Manager, 408-586-3275)

Adopted **Resolution No. 9308** designating the City Manager as the "Certifying Officer" as defined in 24 CFR Part 58 for the Housing Division of the City of Milpitas for purposes of compliance with the National Environmental Policy Act under the Community Development Block Grant Program.

8. Receive the 2023 Housing Element Annual Progress Report and Housing Successor Agency Annual Report and Authorize the Submittal of Both Reports to California Department of Housing and Community Development (HCD) and Governor's Office of Planning and Research (OPR) (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)

Received the 2023 Housing Element Annual Progress Report and Housing Successor Agency Annual Report and authorized the submittal of both reports to California Department of Housing and Community Development (HCD) and Governor's Office of Planning and Research (OPR).

9. Receive the 2023 General Plan Annual Progress Report and Authorize Submittal of the Report to the Governor's Office of Planning and Research (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Lillian VanHua, Principal Planner, 408-586-3073)

Received the 2023 General Plan Annual Progress Report and authorize the submittal of the report to the Governor's Office of Planning and Research (OPR).

10. Approve and Authorize the City Manager to Execute a Five-Year Professional Services Agreement with Precision K9 for Canine Acquisition and Training (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)

Approved and authorized the City Manager to execute a five-year professional services agreement with Precision K9 for canine acquisition and training in a total not-to-exceed amount of \$195,000.00 over the five-year term.

11. 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.

12. Approve and Authorize the City Manager to Execute a Design Services Agreement with Callander Associates Landscape Architecture, Inc., for Metro Tango Subdistrict Park, Project No. 2023 (Staff Contact: Michael Silveira, Public Works - Engineering Division Manager, 408-586-3303)

Approved and authorized the City Manager to execute a Design Services Agreement with Callander

Associates Landscape Architecture, Inc (CALA) in the amount of \$420,237.00 for Metro Tango Subdistrict Park, Project No. 2023.

- 13. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Milpitas Pacific Associates, L.P., for the Affordable Housing Project at 308 Sango Ct. (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; and Arthur Valderrama, Principal Civil Engineer, 408-586-3355)**

Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Milpitas Pacific Associates, L.P., for the affordable housing project at 308 Sango Ct.

- 14. Adopt a Resolution to Supersede Resolution 9145 to Update City Event Celebration Flags and/or other Commemorative Flags at Cesar Chavez Plaza (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Adopted **Resolution No. 9309** to supersede Resolution No. 9145 updating City Event Celebration Flags and/or other Commemorative Flags at Cesar Chavez Plaza.

PUBLIC HEARINGS

- 15. Conduct a Public Hearing on the Request for a Bingo License for St. John the Baptist Catholic Church to Hold a Regular Bingo Game on Church Grounds (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

City Manager Thomas introduced the item and City Clerk Guzzetta presented the report

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Voltaire Montemayor
2. Rizalina Santoro
3. Cecille Sevilla
4. Lucy Galian

Mayor Montano closed the public hearing.

After discussion, motion: to approve a Bingo License for St. John the Baptist Catholic Church to hold a regular bingo game on church grounds.

Motion/Second: Vice Mayor Chua / Mayor Montano

Motion carried by the following:

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

NOES: None

COMMUNITY DEVELOPMENT

- 16. Receive Presentation from Staff and Applicant and Provide Direction Regarding Conceptual Plans for Proposed Mixed-Use Development at 1851 McCarthy Boulevard (Staff Contact: Jay Lee, Planning Director, 408-586-3077, Michael Fossati, Senior Planner, 408-586-3274)**

City Manager Thomas introduced the item and Senior Planner Fossati and the applicant presented the report.

There were the following public speakers:

1. Voltaire Montemayor

Vice Mayor Chua questioned retail space size and the percentage of employment lands. Economic Development Director Andrade discussed the city's economic development strategy, mentioning the ongoing loss of industrial space and the conversion of some areas into residential zones. He also shared a breakdown of commercial inventory in Milpitas. He noted that the requested redevelopment would be 1% or less of the existing space.

Councilmember Barbadillo questioned the effects on the Milpitas economic development strategy and concerns about rezoning and spot zoning. Director Andrade noted a shift towards Business Park Research and Development zoning and highlighted the area's significance for sales tax revenue. Senior Planner Fossati and Planning Director Lee spoke about the potential requirement for amendments to the general plan and zoning due to the project. They noted that while the project might necessitate an environmental impact report, it wouldn't significantly alter the ongoing comprehensive zoning update. They also addressed concerns about "spot zoning," emphasizing that decisions are carefully considered to align with the city's long-term goals and zoning integrity.

Councilmember Lien asked after parking requirements and usage of the proposed commercial retail space. She voiced a desire to see businesses that served the community. The developer highlighted existing programs at other Milpitas facilities and a commitment to continuing to serve the community.

Mayor Montano asked staff to explain community benefits, which are extra contributions to the city beyond zoning requirements. The Strategic Property Acquisition Revenue Fund (SPAR) was mentioned, with its use dependent on the project. The City council discussed potential benefits for the project, such as supporting Main Street revitalization and providing space for shuttle services. Staff assured that these concerns would be addressed.

No action was taken.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

17. Consider Approval of a Permanent Pickleball Site and Provide Feedback on Future Programming Plan (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)

City Manager Thomas introduced the item and Recreation and Community Services Director Lorentzen presented the report.

There were the following public speakers:

1. Selena Bolyard
2. Melissa Pereira
3. Maria Pereira
4. Ana Melo
5. Hai Vo
6. Hung Vo
7. Jorge Melo
8. Kimberly Vo
9. Vishnu Dave'
10. Vikas Seth
11. Thuong Tran
12. Jim Louie

13. Stephen Balsbaugh
14. Rohit
15. Aravind
16. Payal P.
17. Mei Goh
18. Steven
19. Voltaire Montemayor
20. Sunil

Vice Mayor Chua questioned staff on resident concerns include traffic, illegal parking, noise, and loitering. Recreation and Community Services Director Lorentzen spoke on potential solutions. The Vice Mayor suggested other options include reducing hours for the tennis and pickleball courts. Director Lorentzen responded with required next steps to establish the reduced hours. Vice Mayor Chua followed questioning City Attorney Mutalipassi on the legality of limiting park use to residents. He indicated he would look into the matter.

Councilmember Barbadillo inquired after the community surveys, feedback, and questioned outreach efforts. After response by Director Lorentzen, he suggested the program wasn't ready for a final decision.

Mayor Montano raised concern about the traffic impact to the surrounding neighborhood and suggested options to alleviate the situation. She also questioned the effectiveness of windscreens asking about evidence of their efficacy. The Mayor suggested curfews on the courts and needing a plan to spread pickleball courts throughout the city.

Councilmember Lien questioned how the approved budget would be spent. Director Lorentzen detailed the plans including resurfacing the courts, repainting court lines, installing net systems, safety fences, and sound dampening windscreens. She also noted that this was time when staff was asking for feedback from the City Council.

Vice Mayor Chua noted that now would be a good time to address the issues raised and proposed limiting pickleball hours and enforcing parking immediately. She added that the Pickleball Club should sponsor events with the price of entry being quiet paddles and balls.

Mayor Montano requested a safety fence between pickleball and tennis courts, to develop a comprehensive plan for pickleball sites throughout the city, and add parking.

City Attorney Mutalipassi summarized the motion including an immediate limitation on pickleball hours, immediate parking enforcement on the streets adjacent to the park, use current CIP funds for noise dampening and for a safety fence between the pickleball and tennis courts.

Vice Mayor Chua followed up asking to see if the unused building at the Milpitas Sports Center could be converted to indoor pickleball use. She also asked for the 1851 McCarthy Blvd developer to include pickleball in their design.

After discussion, motion: to limit the pickleball court time immediately, work on parking enforcement, use some of the CIP budget for sound dampening nets and a safety fence between tennis and pickleball, and then bring back to the council a more comprehensive plan that includes indoor building at the sports center that's not currently being used for indoor pickleball, and potentially asking developers to include pickleball in some of their open spaces in future developments

Motion/Second: Vice Mayor Chua/Mayor Montano

Motion carried by the following:

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

NOES: Councilmember Barbadillo

ITEMS PULLED FROM CONSENT CALENDAR

6. Approve the Proposed Edits to the Commissioner Handbook (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Vice Mayor Chua asked to add language regarding Outgoing Commissioner Presentations of "Before the term, the Commissioner" ...

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to approve the proposed edits to the Commissioner Handbook adding language to the Section, Outgoing Commissioner Presentations, of "Before the end of their term..."

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

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager Thomas announced the upcoming Community Forum on Retail Theft.

Vice Mayor Chua proposed honoring military residents by selecting several at one month during the year for recognition with banners displayed on Main Street. There was unanimous consensus in support of placing the item on the prioritization list. She also implementing a "walking in the park with council" program where council members walk in a park for one hour monthly, providing residents an opportunity for informal interaction. The Council agreed to skip the item due to time constraints in individual councilmember schedules.

ADJOURNMENT

Mayor Montano adjourned the meeting at 10:14 PM.

The foregoing minutes were approved by the Milpitas City Council on April 2, 2024.



Suzanne Guzzetta
Milpitas City Clerk