



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, MARCH 5, 2024

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, Housing Authority, and Successor Agency on March 5, 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 7:03 PM. Roll Call was taken by City Clerk Guzzetta.

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

ABSENT: None

PLEDGE OF ALLEGIANCE

Mayor Montano led the pledge of allegiance.

INVOCATION

Councilmember Phan presented the invocation.

PRESENTATIONS

Mayor Montano, joined by the City Council, presented a proclamation in recognition of Youth Art Month. Sofia Fojas from Santa Clara County Office of Education accepted the proclamation and offered remarks.

Mayor Montano presented a proclamation in recognition of National Women's Heritage Month. In recognition of their service to the community and Women's History Month, she also presented certificates to MariCris Benitez, Karina Dominguez, Maria Elena Acevedo Enriquez, Mila Garcia, Juliette Gomez, Marsha Grilli, Allyson McDonald, Jinky Peralta, Ha Phan, and Nancy Weinstein.

PUBLIC FORUM

There were the following public speakers:

1. Wayne Lee

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 City Council Code of Conduct.

APPROVAL OF AGENDA

After discussion, motion: to approve the agenda.

Motion/Second: Vice Mayor Chua/Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

CONSENT CALENDAR

There were the following public speakers:

1. Charles Schletzbaum

After discussion, motion: to approve the consent calendar

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

1. **Receive City Council Calendar of Meetings for March 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received City Council Calendar of Meetings for March 2024.

2. **Approve City Council City Council Meeting Minutes of February 20 and 22, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Meeting minutes of February 20 and 22, 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. **Adopt Ordinance 298.1, An Ordinance of The City Council of the City of Milpitas Amending the Milpitas Municipal Code Title XI ("Zoning, Planning and Annexation"), Chapter 10 ("Zoning"), Section 13 ("Special Uses"), Subsection 13.15 ("Cannabis Uses") to Prohibit and Regulate Cannabis Uses, Establishments, and Operations to the Fullest Extent Allowed by State Law (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)**

Waived the second reading and adopted **Ordinance 298.1**, which would amend Subsection XI-10-13.15 of the Milpitas Municipal Code consistently with Senate Bill 1186 by regulating the delivery of medicinal cannabis and cannabis products and otherwise preserve the City's prohibition against commercial cannabis to the fullest extent allowed after this change in State law.

6. **Adopt a Resolution Approving Memorandum of Understanding between the City of Milpitas and Milpitas Employees Association (MEA) Covering the Period of July 1, 2023 through June 30, 2025 (Staff Contact: Kelli Parmley, Human Resources Director, 408-586-3086)**

Adopted **Resolution No. 9303** approving Memorandum of Understanding between the City of Milpitas and Milpitas Employees Association (MEA) covering the period of July 1, 2023 through June 30, 2025.

7. **Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1 (McCarthy Ranch) (Staff Contact: Roberto Alonzo, Public Works Division Manager - Engineering, 408-586-3316)**

Adopted **Resolution No. 9304** initiating proceedings for the annual levy and collection of assessments and ordering the preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1 (McCarthy Ranch).

8. **Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1 (Sinclair Horizon) (Staff Contact: Roberto Alonzo, Public Works Division Manager - Engineering, 408-586-3316)**

Adopted **Resolution No. 9305** initiating proceedings for the annual levy and collection of assessments and ordering the preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1 (Sinclair Horizon).

9. **Award IFB 24-056 and Authorize the City Manager to Execute the Purchase Order with Econolite Control Products, Inc. in the amount of \$100,017.01 for the Purchase of Traffic Detection Controllers, Cabinets, and Battery Backup Systems (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Awarded IFB 24-056 and authorized the City Manager to execute the purchase order with Econolite Control Products, Inc. in the amount of \$100,017.01 for the purchase of traffic detection controllers, cabinets, and battery backup systems.

10. **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.

11. **Adopt a Resolution to Approve Project Plans & Specifications; Reject a Bid Protest from Galaxy Construction Services, Inc., and Award Construction Contract to A&B Mechanical Inc, for Alviso Adobe House HVAC System, Project No. 5055 (Staff Contact: Michael Silveira, Public Works Division Manager - Engineering, 408-586-3303)**

Adopted **Resolution No. 9306** to approve project plans & specifications; rejected a bid protest from Galaxy Construction Services, Inc.; awarded the construction contract to the lowest responsible bidder submitting a responsive bid, A&B Mechanical, Inc., in the amount of \$127,900.00; authorized the City Manager to execute the construction contract with A&B Mechanical, Inc.; and authorized the Public Works Director to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$25,600.00 for Alviso Adobe House HVAC System, Project No. 5055.

PUBLIC HEARINGS

12. 2024 Weed Abatement Public Hearing and Resolution Adoption to Abate the Weeds (Staff Contact: Arthur Belton, Deputy Fire Chief/Fire Marshal, 408-586-3384)

Deputy Fire Chief/Fire Marshal Belton presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Property owner of 1459 Canton Drive

Mayor Montano closed the public hearing.

Santa Clara County Weed Abatement Manager Mo Kumre and Deputy Fire Chief/Fire Marshal Belton were available to respond to questions from the City Council.

Councilmember Barbadillo questioned the process by which properties can be removed from the program. Santa Clara County Weed Abatement Manager Mo Kumre explained that to be removed from the program, the property owner needs to demonstrate three consecutive years of compliance or that the City Council can make a finding of extenuating circumstances. After questioning the property owner on the circumstances, Councilmember Barbadillo made a motion: to make a finding of extenuating circumstances for the property at 1459 Canton Drive with the condition that the property owner work with staff to address the violation. Councilmember Phan seconded the motion.

City Attorney clarified that the motion should be to move the item as recommended by staff while removing 1459 Canton Avenue from the list due to extenuating circumstances. Councilmembers Barbadillo and Phan accepted the amendment to the motion.

After discussion, motion: to adopt **Resolution No. 9307** directing the County of Santa Clara Consumer and Environmental Protection Agency - Weed Abatement Program to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with the Milpitas Municipal Code, removing 1459 Canton Avenue from the list due to extenuating circumstances.

Motion/Second: Councilmember Barbadillo/Councilmember Phan

Motion carried by the following:

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

NOES: None

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Vice Mayor Chua made the following requests:

1. City Manager and City Attorney to explore implementing AB 1033 for allowing ADUs to have separate title from main house.
2. Consider a Commissioner Arts Month exhibit in April for showcasing talents of commissioners

Both items received unanimous consensus to move forward. Vice Mayor Chua also presented art from a recent art contest at the Stratford School.

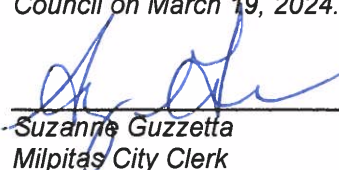
Councilmember Phan thanked the Milpitas Fire Department for their service and requested to recognize March as National Endometriosis Month. There was unanimous consensus in support.

Councilmember Lien spoke in recognition of the women at City Hall and the services they provide.

ADJOURNMENT

Mayor Montano adjourned the meeting at 7:47 PM.

The foregoing minutes were approved by the Milpitas City Council on March 19, 2024.



Suzanne Guzzetta
Milpitas City Clerk