



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, FEBRUARY 20, 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 Meeting of the Milpitas City Council on February 20, 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 6:01 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo, Councilmember Lien,
Councilmember Phan (6:04 PM)

ABSENT:

City Attorney Mutalipassi announced the closed session items. The City Council adjourned to Closed Session at 6:03 PM

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Pursuant to Government Code section 54956.9

Kevin Moscuza v. City of Milpitas, WCAB no. ADJ16972326

City as Defendant

(b) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Government Code § 54956.9

County Sanitation District 2-3, et al. v. City of San Jose, et al., Santa Clara Superior Court Case
number 18CV325480

City as Plaintiff

The City Council reconvened at 7:00 PM.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi indicated there was nothing to report out.

PLEDGE OF ALLEGIANCE

Vice Mayor Chua led the pledge of allegiance.

INVOCATION

Councilmember Barbadillo provided the invocation.

PRESENTATIONS

Mayor Montano and the City Council presented certificates to the 2023 Synopsys STEM Championship Winners and a proclamation in recognition of Rare Disease Day.

PUBLIC FORUM

The following people spoke under Public Forum:

1. Charles Wright
2. Allysson McDonald
3. Voltaire Montemayor
4. Sophia Wright

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

Councilmember Barbadillo read the City Council 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 C9. Mayor Montano asked to pull Items C5 and C6.

There were the following public speakers:

1. Allysson McDonald

After discussion, motion: to approve the consent calendar, pulling Items C5, C6, and C9.

Motion/Second: Vice Mayor Chua/Councilmember Lien

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

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

2. **Approve City Council City Council Meeting Minutes of January 30 and February 6, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Meeting minutes of January 30 and February 6, 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. **Consider Recommendations from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)**

Received Mayor Montano's recommendation and confirmed the promotion of Suresh Sinha to a full voting seat with an unexpired term ending January 2026 on the Science, Technology and Innovation Commission.

7. **Approve an Amendment to the Agreement with Cornerstone Structural Engineering Group for Additional Design and Construction Services for S. Milpitas Boulevard Bridge at Penitencia Creek (Staff Contact: Michael Silveira, Public Works - Engineering Division Manager, 408-586-3303)**

Approved and authorized the City Manager to execute Amendment No. 1 to the Design Services Agreement with Cornerstone Structural Engineering Group in an amount not-to-exceed \$500,000.00 for additional design and construction services for S. Milpitas Boulevard Bridge at Penitencia Creek - Project No. 2016.

8. **FY 2023-24 2nd Quarter Financial Status Report for the Quarter Ended December 31, 2023 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Reviewed the FY 2023-24 Quarterly Financial Status Report for the quarter ended December 31, 2023.

10. **Adopt a Resolution approving a new Memorandum of Understanding between the City of Milpitas and Milpitas Professional and Technical Group (ProTech) covering the period of July 1, 2023 through June 30, 2025 (Staff Contact: Kelli Parmley, Human Resources Director, 408-586-3086)**

Adopted **Resolution No. 9300** approving a new Memorandum of Understanding between the City of Milpitas and Milpitas Professional and Technical Group (ProTech) covering the period of July 1, 2023 through June 30, 2025.

11. **Adopt a Resolution Superseding Resolution No. 9286 to correct the Conditions of Approval for a previously approved Site Development Permit and PUD Amendment Permit to Develop a New One-and-a-Half Story Single-Family Residence and to Deviate from the Approved Designs, on a Vacant 1.1-acre Lot Located in the R1-H Single-Family Residential Zoning District with a Hillside Combining District at 1321 Terra Vista Court (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Considered the exemption in accordance with CEQA and adopted **Resolution No. 9301** superseding Resolution No. 9286 approving the corrected conditions of approval for Site Development Permit No. SD22-0013 and Planned Unit Development Amendment No. PA23-0001 to allow the development of a new single-family residence at 1321 Terra Vista Court, subject to the attached Conditions of Approval.

12. **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.

13. **Waive the Second Reading and Adopt Ordinance No. 239.8 to Amend Chapter 16 of Title XI of the Milpitas Municipal Code Relating to Storm Drainage Service Impact Fees (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

(1) Waived the second reading of **Ordinance No. 239.8**; and (2) Adopted **Ordinance No. 239.8** to amend Section 16 of Chapter 16 ("Stormwater and Urban Runoff Pollution Control") of Title XI ("Zoning, Planning and Annexation") of the Milpitas Municipal Code to be consistent with the newly adopted Storm Drainage Impact Fee and the City's Development Impact Fee Program.

14. **Approve Milpitas Arts and Culture Grant Request for Sunnyhills Neighborhood Association Juneteenth Event (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409; and Tegan McLane, Assistant Recreation and Community Services Director, 408-586-3212)**

Approved Milpitas Arts and Culture In-kind Grant request from Sunnyhills Neighborhood Association for the use of Sunnyhills Albert Augustine Jr. Memorial Park for a Juneteenth Celebration on June 15, 2024.

LEADERSHIP AND SUPPORT SERVICES

15. **Introduce 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)**

City Attorney Mutalipassi introduced the item. Assistant City Attorney Creech presented the report.

There were the following public speakers:

1. Voltaire Montemayor

Assistant City Attorney Creech and Police Chief Hernandez responded to questions from the City Council.

After discussion, motion: to (1) waive the reading beyond the title and introduce **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; and (2) Make findings of exemption from environmental review pursuant to CEQA Guidelines Sections 15061(b)(3), 15183, 15305, and 15378.

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

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

NOES: None

16. **Review the List of Agenda Item Requests From Individual Councilmembers and Provide Direction to Staff Through the Council-Approved Prioritization Process (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

City Manager Thomas introduced the item. Assistant City Manager Cano presented the report, citing there being only one item for consideration, the Affordable Housing Ordinance update.

Mayor Montano recommended reviewing the percentage of units or changing the target to encourage building for very low income development. Vice Mayor Chua suggested keeping the percentage or lowering it to incentivize low or very low income development. Mayor Montano asked staff to present options to the City Council. Councilmember Lien suggested bringing in a consultant to examine feasibility and incentives for developers.

Economic Development Director Andrade provided additional comments regarding exploring a lower percentage to incentivize developers.

There were the following Public Speakers:

1. Voltaire Montemayor

There was unanimous consensus in support of the proposal.

ITEMS PULLED FROM CONSENT CALENDAR

5. **Authorize and Approve Travel to Washington, D.C., for Councilmember Hon Lien from March 6 – 14, 2024; to Yosemite, CA, for Councilmember Anthony Phan from March 14 – 17, 2024; and to San Jose, CA, for Mayor Carmen Montano from March 15 – 16, 2024 (Staff Contact: Ned Thomas, City Manager, 408-586-3059)**

Mayor Montano asked questions regarding one of the travel items up for approval.

There were the following Public Speakers

1. Voltaire Montemayor

Council discussion ensued.

Councilmember Barbadillo left at 8:34 PM.

After discussion, motion: to (1) Authorize and approve travel to Washington, D.C., for Councilmember Hon Lien to attend the National League of Cities Congressional City Conference from March 9 – 14, 2024, for a total not-to-exceed amount of \$3,500 budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings; (2) Authorize and approve travel to Yosemite, California, for Councilmember Anthony Phan to attend the CivicWell Policymakers Conference from March 14 – 17, 2024, for a total not-to-exceed amount of \$2,000 budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings; and (3) Authorize and approve travel to San Jose, California, for Mayor Carmen Montano to attend the Water Education for Latino Leaders (WELL) 12th Annual Conference from March 15 – 16, 2024, for a total not-to-exceed amount of \$400 budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings.

Motion/Second: Mayor Montano/Vice Mayor Chua

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Barbadillo

6. Summary of 2023 Legislative Efforts (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

City Manager Thomas provided a brief introduction to the item.

Mayor Montano thanked staff for their hard work.

There were no public speakers

After discussion, motion: to review and accept the 2023 Legislative Season Summary Report, including an update on potential 2024 State and Federal Earmark Requests.

Motion/Second: Vice Mayor Chua/Mayor Montano

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Barbadillo

9. Review Fiscal Year 2023-24 Mid-Year Report, Approve FY2023-24 Mid-year Budget Amendments, Adopt a Resolution Amending Resolution No. 1626, the Classification Plan, to Reclassify Positions, Approve and Adopt the Pay Schedule titled "New Job Classifications/Salary Table (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; and Lauren Lai, Finance Director, 408-586-3111)

Fire Chief Schoonover responded to questions from City Council.

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to review Fiscal Year 2023-24 Mid-Year Report; Approve FY2023-24 Mid-Year Budget Amendments; and adopt **Resolution No. 9302** amending Resolution No. 1626, the Classification Plan, to reclassify positions, approve and adopt the pay schedule titled "New Job Classifications/Salary Table", and amend budgeted allocated positions.

Motion/Second: Vice Mayor Chua/Mayor Montano
by the following:

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

NOES: None

ABSENT: Councilmember Barbadillo

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

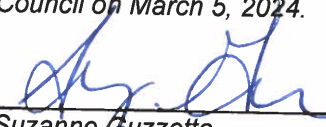
Vice Mayor Chua asked the City Manager and City Attorney to look into a catalytic converter theft prevention ordinance. There was unanimous support from those present to add the item to the prioritization list (Absent: Barbadillo)

Mayor Montano asked staff to look into a Friendship City with Guwahati, India to see if it's a possibility. The vote for consensus was two in support (Mayor Montano, Vice Mayor Chua) and two opposed (Councilmember Lien, Councilmember Phan) (Absent: Barbadillo). Mayor Montano also suggested staff look into a retreat for City Council.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:41 PM.

The foregoing minutes were approved by the Milpitas City Council on March 5, 2024.



Suzanne Guzzetta
Milpitas City Clerk