



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, FEBRUARY 6, 2024

The City Council of the City of Milpitas convened on the regular City Council meeting day in a Regular Meeting of the Milpitas City Council on February 6, 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 7:00 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo (7:01 PM), Councilmember Lien

ABSENT: Councilmember Phan.

PLEDGE OF ALLEGIANCE

Mayor Montano led the pledge of allegiance.

INVOCATION

Councilmember Barbadillo presented the invocation.

PRESENTATIONS

Mayor Montano presented proclamations in recognition of Lunar New Year and Black History Month.

PUBLIC FORUM

The following people spoke under Public Forum:

1. Stephen Balsbaugh
2. Steve Pham
3. Thao Phan
4. Yen Ho
5. Ariel Flandez
6. Tyler Wiest
7. Vikas Seth
8. Allen Thomas
9. Voltaire Montemayor

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: Phan). 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: Phan).

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

NOES: None

ABSENT: Councilmember Phan

CONSENT CALENDAR

There were no public speakers

After discussion, motion: to approve the Consent Calendar, pulling Item C12.

Motion/Second: Councilmember Barbadillo/Vice Mayor Chua

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Phan

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

Received City Council Calendar of Meetings for February 2024.

2. **Approve City Council City Council Meeting Minutes of January 23, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Meeting minutes of January 23, 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, and Accept Commissioner Resignations (Contact: Mayor Montano, 408-586-3024)**

Received Mayor Montano's recommendations and confirmed appointments to City Commissions; Accepted the resignations of Mona Sampath Khan from the Arts Commission and Eric Bernal from the Science, Technology and Innovation Commission; and directed the City Clerk to post the notice of unscheduled vacancy.

Science, Technology and Innovation Commission

1. Reappointed Albert Alcorn to a term ending January 2027

6. **Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Set a Public Hearing for March 5, 2024 (Staff Contact: Arthur Belton, Deputy Chief/Fire Marshal, 408-586-3384)**

Adopted **Resolution No. 9295** declaring weeds on specific properties to be public nuisances and setting a public hearing for March 5, 2024.

7. **Adopt a Resolution Approving a Site Development Permit to Allow Development of a 1,200-Square Foot Single-Story Pavilion with a 125-Square-Foot Standalone Bathroom, Construct a 76-Square Foot Bathroom Addition to the Existing Guest House, and a New In-Ground Pool at an Existing Single-Family Residence On 6.13-Acre Site at 1350 Country Club Drive (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Lillian VanHua, Senior Planner, 408-586-3073)**

Adopted **Resolution No. 9296** approving Site Development Permit SD21-0002, subject to the Conditions of Approval, to allow the development of a 1,200-square foot single-story pavilion with a 125-square foot standalone bathroom, construct a 76-square foot bathroom addition to the existing guest house, and a new in-ground pool at an existing single-family residence at 1350 Country Club Drive.

8. **Accept Additional FY 2023 Citizens' Option for Public Safety (COPS) Grant for Front-Line Law Enforcement Services and Approve the Appropriation of Funds to the Police Department's FY2023-24 Operating Budget (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2402)**

(1) Accepted additional FY 2023 Citizens' Option for Public Safety (COPS) Grant in the Amount of \$107,573.61 for Front-Line Law Enforcement Services to be spent in alignment with the City Council approved FY 2023 spending plan; and (2) Approved the appropriation of funds in the total amount of \$107,573.61 to the Police Department's FY2023-24 Operating Budget for Front-Line Law Enforcement Services.

9. **Accept the FY 2024 Citizens' Option for Public Safety (COPS) Grant for Front-Line Law Enforcement Services and Approve the Appropriation of Funds to the Police Department's FY2023-24 Operating Budget (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

(1) Accepted the FY 2024 Citizens' Option for Public Safety (COPS) Grant in the amount of \$126,044.00 for Front-Line Law Enforcement Services; and (2) Approved the appropriation of funds in the total amount of \$126,044.00 to the Police Department's FY2023-24 Operating Budget for Front-Line Law Enforcement Services.

10. **Adopt a Resolution to Approve Project Specifications, Award Construction Contract to Villalobos & Associates, Inc. for the 2023 Annual Sidewalk, Curb, and Gutter Repair Project No. 3426 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Adopted **Resolution No. 9297** to (1) approve project contract documents and specifications; (2) award a construction contract to the lowest responsible and responsive bidder, Villalobos & Associates, Inc., in the amount of \$562,415.00 for CIP 3426 Annual Sidewalk, Curb, and Gutter Repair Project; (3) authorize the City Manager to execute the construction contract with Villalobos & Associates, Inc.; and (4) authorize the Public Works Director to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$56,000.00 for the project.

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.

- 13. Approve and Authorize the City Manager to Execute the Maintenance Agreement with Creekside Milpitas 3, LLC, for the Maintenance of the Site Improvements Located within Lot A of the Amazon Parking Lot Project Located at 1207 N. McCarthy Boulevard (Staff Contact: Matt Cano, Assistant City Manager/Acting City Engineer, 408-586-3012; and Roberto Alonzo, PW Division Manager - Engineering, 408-586-3316)**

Approved and authorized the City Manager to execute the Maintenance Agreement with Creekside Milpitas 3, LLC, for the maintenance of the site improvements located within Lot A of the Amazon Parking Lot Project located at 1207 N. McCarthy Boulevard.

- 14. Approve and Authorize the City Manager to Enter into and Execute an Agreement for Completion of Public Improvements as Part of the Rajyoga Meditation and Research Center Project (Staff Contact: Matt Cano, Assistant City Manager/Acting City Engineer, 408-586-3012; Roberto Alonzo, PW Division Manager - Engineering, 408-586-3316)**

Approved and authorized the City Manager to enter into and execute an agreement for completion of public improvements as part of the Rajyoga Meditation and Research Center Project between the City of Milpitas and Rajyoga Meditation & Research Center LLC, a nonprofit organization.

PUBLIC HEARINGS

- 15. Review Applications Received for the 2024-2025 Community Development Block Grant Annual Action Plan (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Robert Musallam, Housing Division Manager, 408-586-3275)**

City Manager Thomas introduced the item. Economic Development Director Andrade provided introductory remarks. Housing Division Manager Robert Musallam presented the report.

Mayor Montano opened the public hearing.

There were the following speakers:

1. Marina Sanchez
2. Ray Maglalang
3. Knights of Columbus Deputy Grand Knight
4. Laura Clendaniel
5. Norma Morales
6. Mary Jude Doerpinghaus
7. Loreto Quevedo Dimaandal
8. Yolie Garcia
9. Milton Cadena
10. Georgia Bacil
11. Robert Jung
12. Deanne Everton
13. Tyler Wiest
14. Carole Conn
15. Voltaire Montemayor

Mayor Montano closed the public hearing.

The City Council asked questions of applicants and staff.

16. Receive Report on Storm Drainage Impact Fee Nexus Study; and Adopt a Resolution Adopting the Storm Drainage Impact Fee Nexus Study (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

City Manager Thomas introduced the item. Principal Civil Engineer Harris Siddiqui presented the report.

Mayor Montano opened the public hearing.

There were the following speakers:

1. Voltaire Montemayor

Mayor Montano closed the public hearing.

Council discussion ensued.

After discussion, motion: to adopt **Resolution No. 9298** adopting the Storm Drainage Impact Fee Nexus Study.

Motion/Second: Vice Mayor Chua/Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Phan

17. Adopt a Resolution and Consider an Ordinance Amending the Proposed Storm Drainage Impact Fee (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

The report was heard in conjunction with Item 16, the Storm Drainage Impact Fee Nexus Study.

Mayor Montano opened the public hearing.

There were the following speakers:

1. Voltaire Montemayor

Mayor Montano closed the public hearing.

After discussion, motion: to adopt **Resolution No. 9299** amending the City's Storm Drainage Impact Fee consistent with the Storm Drainage Impact Fee Nexus Study; waive the first reading beyond the title and introduce **Ordinance No. 239.8** amending 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.

Motion/Second: Councilmember Lien/Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Phan

ITEMS PULLED FROM CONSENT CALENDAR

12. **Approve Final Tract Map No. 10591 for a Residential Project at 1752 Houret Court; and Approve and Authorize the City Manager to Execute the Subdivision Improvement Agreement between the City and City Ventures Homebuilding, LLC (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; and Roberto Alonzo, PW Division Manager - Engineering, 408-586-3316)**

Assistant City Manager Cano introduced the item and Public Works Division Manager - Engineering Roberto Alonzo was available to respond to questions from Council.

Councilmember Barbadillo asked clarifying questions of staff and opined on parking requirements.

There were the following public speakers:

1. Voltaire Montemayor
2. Willie Pyle

After discussion, motion: to (1) Approve Final Tract Map No. 10591, including all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and (2) Approve and authorize the City Manager to execute a Subdivision Improvement Agreement between the City of Milpitas and City Ventures Homebuilding, LLC.

Motion/Second: Councilmember Barbadillo/Councilmember Lien

Motion carried by the following:

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

NOES: None

ABSENT: Councilmember Phan

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Councilmember Lien extended wishes for the Lunar New Year and praised staff for their hard work in organizing the Lunar New Year event. She also acknowledged the Black History Month event, honoring the life of Miss Katherine Johnson, and expressed gratitude to staff for hosting a great event at the community center.

Vice Mayor Chua thanked staff for successfully organizing the Lunar Festival and Black History Month events despite challenging weather conditions. She also requested the City Attorney share with the City Council the write-up he prepared for her on ADUs.

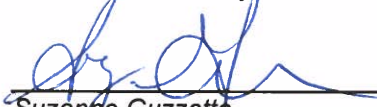
Councilmember Barbadillo called for a formal discussion to understand the positions of both the pickleball and tennis communities. Assistant City Manager Cano noted that the discussion was coming back to the City Council at a meeting following the Thursday town hall to discuss the issue.

Mayor Montano wished everyone a happy lunar new year.

ADJOURNMENT

Mayor Montano adjourned the meeting at 9:57 PM.

The foregoing minutes were approved by the Milpitas City Council on February 20, 2024.



Suzanne Guzzetta
Milpitas City Clerk