



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, JANUARY 23, 2024

The City Council of the City of Milpitas convened on the City Council meeting day in a Special Meeting of the Milpitas City Council on January 23, 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 5:34 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo, Councilmember Lien, Councilmember Phan (5:38 PM)

ABSENT: None.

City Attorney Mutalipassi announced the closed session items. The City Council adjourned to Closed Session at 5:36 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 7:14 PM.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi indicated there was nothing to report out.

PLEDGE OF ALLEGIANCE

Councilmember Lien led the pledge of allegiance.

INVOCATION

Councilmember Lien provided the invocation.

PRESENTATIONS

Mayor Montano presented a proclamation in recognition of Martin Luther King, Jr., Day. The Mayor and Council recognized Curtner Elementary Students for their 2nd Annual Martin Luther King Day of Service. Mayor Montano offered remarks on the 70th Anniversary of the Incorporation of Milpitas.

PUBLIC FORUM

There were the following public speakers:

1. Ha Phan

2. Voltaire Montemayor
3. Allysson McDonald
4. Sol Tan
5. Shrijith Vaniyan
6. Ha Trieu
7. Ryan Heron
8. Avery Stark
9. Vikas Seth
10. Loreto Quevedo Dimaandal

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

Mayor Montano 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

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to approve the Consent Calendar, pulling Item C5.

Motion/Second: Vice Mayor Chua/Councilmember Phan

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

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

2. **Approve City Council City Council Meeting Minutes of December 12, 2023 and January 9, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Meeting minutes of December 12, 2023 and January 9, 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.

6. **Approve Travel for City Manager Ned Thomas to Attend the City Managers Conference in Los Angeles, CA (Staff Contact: Ned Thomas, City Manager, 408-586-3053)**

Authorized and approved travel to Los Angeles, CA, for City Manager Ned Thomas to Attend the League of California Cities' Annual 2024 City Managers Conference scheduled for February 7 – 9, 2024, for a total not-to-exceed amount of \$3,000.00 budgeted under Conferences/Trainings allocation for the City Manager's Office.

7. **Approve and Authorize the City Manager to Execute Master Professional Service Agreements with Environmental Consultants for On-Call Environmental Services (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Michael Fossati, Senior Planner, 408-586-3274)**

Approved and authorized the City Manager to execute Master Professional Service Agreements with LSA Associates, Inc; Michael Baker International; Impact Sciences, Inc; First Carbon Solutions; Moore, Iacofano and Goltsman (MIG), Inc; and Ascent Environmental, Inc for up to \$1,000,000 each for on-call environmental services.

8. **Adopt a Resolution Authorizing the City Manager to Execute a Fund Transfer Agreement with the California Department of Transportation (Caltrans) to Fund Project No. 4299 Bicycle Lane Improvement Project (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012, Roberto Alonzo, PW Division Manager - Engineering, 408-586-3316)**

Adopted **Resolution No. 9291** authorizing the City Manager to execute a Fund Transfer Agreement with the California Department of Transportation (Caltrans) to receive Caltrans 2022 Priority Legislative Budget Project (PLPB) Appropriation to fund Project No. 4299 Bicycle Lane Improvement Project.

9. **Authorize the Surplus of City Vehicles and Authorize the City Manager to Execute a General Services Agreement with JJ Kane Auctioneers for the Surplus of City Assets (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Finance Director, 408-586-3111)**

Adopted **Resolution No. 9294** authorizing the surplus of City Vehicles and authorized the City Manager to execute a General Services Agreement with JJ Kane Auctioneers for the surplus of City assets in an amount not to exceed 5% of an assets auction price.

10. **Adopt a Resolution to Adopt the Citywide Travel Safety Plan, Project No. 4293, Citywide Traffic Safety Assessment (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; and Roberto Alonzo, PW Division Manager - Engineering, 408-586-3316)**

Adopted **Resolution No. 9292** to adopt the Citywide Travel Safety Plan, Project No. 4293, Citywide Traffic Safety Assessment.

11. **Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the District 1 Lot 2 (Graham) Project Located at 1415**

McCandless Drive and Grant Authorization to the City Engineer to Release the Remaining Portion of the Lot 2 Performance Bond After the One-Year Warranty Period (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; and Roberto Alonzo, PW Division Manager - Engineering, 408-586-3316)

Adopted **Resolution No. 9293** granting acceptance of the completed public improvements for the District 1 Lot 2 (Graham) Project as shown on Public Improvement Plans No. 2-1217; and approved a reduction in the faithful performance bond of \$24,950.00 which is 10% of the security's original value for the Lot 2 public improvements construction cost. The remaining amount of the Lot 2 performance bond cost shall be in effect for the duration of the warranty period; and granted authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided that all required warranty work is completed to the satisfaction of the City Engineer.

- 12. Approve Budget Appropriation of \$250,000 from the Gas Tax Fund to Increase the City's Local Project 10% Matching Contribution and Authorize the City Manager to Execute Future Amendment No. 3 to the Funding Agreement between the City and the Santa Clara Valley Transportation Authority (VTA) for the Calaveras Boulevard Near Term Improvement Project (CIP Project No. 4294 – SR 237 HOV Lane Improvements) (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; and Roberto Alonzo, PW Division Manager, 408-586-3316)**

Approved budget appropriation of \$250,000.00 from the Gas Tax Fund to increase the City's local project 10% matching contribution to \$550,000.00 and Authorized the City Manager to Execute Future Amendment No. 3 to the Funding Agreement between the City and the Santa Clara Valley Transportation Authority (VTA) for the Calaveras Boulevard Near Term Improvement Project (CIP Project No. 4294 – SR 237 HOV Lane Improvements).

- 13. Consider One Fee Waiver from Christian Worship Center Bay Area and One Donation Request from My Roots are Rich (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

(1) Approved a Fee Waiver of \$1,500.00 for the Christian Worship Center Bay Area's Annual Easter Egg Hunt scheduled for March 20, 2024; and (2) Approved a Donation request of \$500.00 for My Roots are Rich Black History Month Flag Raising Ceremony on Thursday, February 1, 2024.

LEADERSHIP AND SUPPORT SERVICES

- 14. Authorize Additional Community Engagement Regarding a Potential November 2024 Ballot Measure (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

City Manager Thomas presented introductory remarks. Assistant City Manager Cano presented the report joined by Consultant Curt Below from FM3.

Public Speakers:

1. Voltaire Montemayor

Mayor Montano asked for clarification.

After discussion, motion: to Authorize staff to continue to perform a voter survey in Spring 2024 with a focus on potential re-authorization of Measure F, the quarter-cent local sales tax, as part of the November 2024 General Election ballot and return to City Council for a final decision by June 2024.

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

AYES: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo, Councilmember Lien, Councilmember Phan
NOES: None

15. Approve Changes to the City Council Procedures and Protocols Handbook (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; Michael Mutalipassi, City Attorney, 408-586-3041)

City Manager Thomas introduced the item. Assistant City Manager Cano presented the report.

#1 - Chapter II: Vice Mayor Term

Vice Mayor Chua supported making no changes to the existing language.

#2 - Chapter II: Photographs of Past Councilmembers

Mayor Montano supported photographs of past councilmembers being posted in the Council Chamber once they're out of office. Vice Mayor Chua added the posting should be part of the outgoing ceremony for councilmembers leaving office.

#3 Chapter III: Mayor and Councilmember Code of Conduct

Mayor Montano suggested that language should be added to turn off personal devices and store them. Vice Mayor Chua noted no need for the restriction.

#4 - Chapter IV: Meetings

There was no Council discussion.

#5 - Chapter V: Dais Seating

Mayor Montano asked for clarification on the definition of continuous service.

#6 - Chapter VI, Section G: Voting Order

There was no Council discussion.

#7 - Chapter VI, Sections A & B: Proclamations & Commendations

There was no Council discussion.

#8 - Chapter VI: Keys to the City

There was no Council discussion.

#9 - Chapter V, Items B1 and B2: Requests for Agenda Items

There was no Council discussion.

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to make no changes to Chapter 2, Section C of the City Council Procedures and Protocols Handbook regarding the term of the Vice Mayor.

Motion/Second: Vice Mayor Chua / Councilmember Phan

Motion carried by the following:

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

NOES: None

After discussion, motion: to approve the addition of Chapter 2, Section H to the City Council Procedures and Protocols Handbook to post photographs of Past Councilmembers with no waiting period following the end of their term.

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

After discussion, motion: to make no changes to Chapter III, Section A of the City Council Procedures and Protocols Handbook.

Motion/Second: Councilmember Lien / Councilmember Phan

Motion carried by the following:

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

NOES: Mayor Montano

After discussion, motion: to delete reference to meeting start time in Chapter IV, Section D1 of the City Council Procedures and Protocols Handbook.

Motion/Second: Mayor Montano / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

After discussion, motion: to approve changes to Chapter IV, Section F(2) of the City Council Procedures and Protocols Handbook to add language that after the Mayor and Vice Mayor are seated, the remaining Councilmembers select their seat at the dais on a seniority basis of continuous time served.

Motion/Second: Councilmember Barbadillo / Vice Mayor Chua

Motion carried by the following:

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

NOES: None

After discussion, motion: to make no changes to Chapter IV, Section G of the City Council Procedures and Protocols Handbook.

Motion/Second: Vice Mayor Chua / Councilmember Phan

Motion carried by the following:

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

NOES: None

After discussion, motion: to add language to Chapter VI, Sections A & B of the City Council Procedures and Protocols Handbook clarifying that commendations are issued by the Mayor and can also be signed by Councilmembers; and add language that allows a Councilmember to request a City Council agenda item if the Mayor refuses to sign a proclamation or commendation.

Motion/Second: Councilmember Phan / Vice Mayor Chua

Motion carried by the following:

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

NOES: None

After discussion, motion: to add language to Chapter VI of the City Council Procedures and Protocols Handbook indicating Keys to the City must be approved by the Mayor & City Council for "significant and/or extraordinary achievement or contributions" with exceptions for Sister Cities, which would not need City Council approval.

Motion/Second: Councilmember Lien / Mayor Montano

Motion carried by the following:

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

NOES: None

After discussion, motion: to add language to Chapter V, Item B1 and B2 of the City Council Procedures and Protocols Handbook clarifying that the City Manager is responsible for setting the open session City Council agendas and the City Attorney is responsible for setting the closed session City Council agendas.

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

ITEMS PULLED FROM CONSENT CALENDAR

5. Consider Recommendations from Mayor Montano for Appointments to City Commissions, and Accept Commissioner Resignation (Contact: Mayor Montano, 408-586-3024)

Councilmember Lien expressed concerns regarding the Planning Commission appointment and suggested reappointing the current commissioner in place of the current recommendation.

City Attorney Mutalipassi clarified that nominations are made by the Mayor in accordance with State Law for General Law Cities.

Mayor Montano made a motion: to appoint Chia Ling Kong to the Planning Commission. City Clerk Guzzetta asked the Mayor to confirm if the recommendation was only for the Planning Commission or if it included the other recommended appointments. The Mayor confirmed the motion included all recommended appointments.

Councilmember Phan voiced reservations regarding the Planning Commissioner nomination.

Vice Mayor Chua suggested in the future each councilmember have a say in the recommendation.

Mayor Montano suggested the Council could approve the other recommendations and consider the Planning Commission appointment at a later time.

Councilmember Lien expressed concern about the commission appointment process.

Councilmember Barbadillo spoke regarding State Law and the City Municipal Code granting the Mayor the authority to recommend appointments and the City Council to vote to determine the outcome.

Vice Mayor Chua spoke in favor of the recommended appointment to the Planning Commission.

There were the following public speakers:

1. Karina Dominguez

After discussion, motion: to (1) receive Mayor Montano's recommendations and confirm appointments to City Commissions as follows: Community Advisory Commission: Appoint Albert Wu to a full voting seat with a term ending January 2027; Planning Commission: Appoint Chia Ling Kong to a full voting seat with a term ending December 2026; Senior Advisory Commission: Reappoint Ha Phan to a full voting seat with a term ending December 2026, Reappoint Deborah Langley to a full voting seat with a term ending December 2026, Appoint Mary Llamas to a full voting seat with a term ending December 2026; and Youth Advisory Commission: Appoint Vienna Sun to a full voting seat with an unexpired term ending September 2025; Appoint Ayanna Medina Ashby to a full voting seat with an unexpired term ending September 2025; (2) accept the resignation of Melba Holliday from the Senior Advisory Commission; and (3) direct the City Clerk to post the notice of unscheduled vacancy.

Motion/Second: Mayor Montano / Vice Mayor Chua

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo

NOES: Councilmember Lien, Councilmember Phan

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager Thomas announced the Milpitas 70th Anniversary Open House on January 25th.

City Attorney Mutalipassi announced the Brown Act Training on Thursday, January 25th in the Council Chamber.

There were the following Councilmember requests:

Councilmember Phan requested exploring the possibility of naming the County library on Main Street. There was unanimous consensus to add the item to the prioritization list.

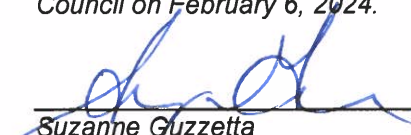
Vice Mayor Chua made the following requests:

1. A workshop for retailers focusing on best practices and safety with plans for quarterly sessions.
Councilmember Barbadillo added additional thoughts. There was unanimous consensus to add the item to the prioritization list.
2. Update the Commissioner Handbook to include an option for outgoing commissioners to make presentations to other commissions, aiming to share their knowledge and talents. There was unanimous consent to add the item to the prioritization list.

ADJOURNMENT

Mayor Montano adjourned the meeting at 9:44 PM.

The foregoing minutes were approved by the Milpitas City Council on February 6, 2024.



Suzanne Guzzetta
Milpitas City Clerk