



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, DECEMBER 12, 2023

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 Regular Meeting of the Milpitas City Council on December 12, 2023, 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 5:32 PM. Roll Call was taken by City Clerk Guzzetta.

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

ABSENT: None.

City Manager Thomas noted Item (b) in Closed Session will be tabled to a later date. 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

(b) CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)

Facts and circumstances related to Claim against the City

The City Council reconvened at 7:01 PM

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi reported that there was no action taken on Closed Session items.

PLEDGE OF ALLEGIANCE

Mayor Montano led the pledge of allegiance.

INVOCATION

Vice Mayor Chua introduced Ms. Lerma Reyes from North Valley Baptist Church to present the invocation.

PRESENTATIONS

There were no presentations.

PUBLIC FORUM

There were no public speakers.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Matalipassi 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 Matalipassi 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: Councilmember Lien/Vice Mayor Chua
by the following:

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

NOES: None

CONSENT CALENDAR

After discussion, motion: to approve the consent calendar, pulling Items C1 and C8.

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

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

NOES: None

2. Approve City Council City Council Meeting Minutes of December 5, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Meeting minutes of December 5, 2023.

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. Accept Commissioner Resignation (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Accepted the resignation of Peter Felix from the Parks, Recreation and Cultural Resources Commission effective January 1, 2024, and directed the City Clerk to post the notice of unscheduled vacancy.

6. Approve Appointments to the Cities Association of Santa Clara County Joint Powers Authority (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)

(1) Approved the appointment of Mayor Montano as board member to the Cities Association of Santa Clara County Joint Powers Authority; and (2) Approved the appointment of Vice Mayor Chua as alternate board member to the Cities Association of Santa Clara County Joint Powers Authority.

7. **Approve and Authorize the City Manager to Negotiate and Execute Amendment No. 2 to the Professional Services Agreement with David J. Powers & Associates, Inc. in an Amount Not-to-Exceed \$400,000.00 for Completing the Environmental Review pursuant to the National Environmental Policy Act (NEPA) and requirements of the California Department of Transportation Office of Local Assistance (Caltrans) for S. Milpitas Blvd Vehicle Bridge at Penitencia Creek, Project No. 2016 (Staff Contact: Matt Cano, Deputy City Manager / Interim City Engineer, 408-586-3012)**

Approved and authorized the City Manager to negotiate and execute Amendment No. 2 to the Professional Services Agreement with David J. Powers in an amount not-to-exceed \$400,000.00 for completing the environmental review pursuant to the National Environmental Policy Act (NEPA) and requirements of the California Department of Transportation Office of Local Assistance (Caltrans) for S. Milpitas Blvd Vehicle Bridge at Penitencia Creek, Project No. 2016.

9. **Report on Bids and Adopt a Resolution Authorizing the City Manager to Award the Construction Contract to PCD in the Amount of \$835,768.08 for the Council Chamber AV System Replacement Project (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

(1) Received report on bids and adopted **Resolution No. 9288** authorizing the City Manager to award a construction contract to the lowest responsible and responsive bidder, PCD, in the amount of \$835,768.08 for the Council Chamber AV System Replacement Project, including \$752,559.08 for the Council Chamber AV replacement and \$83,209.00 for the Committee Conference Room AV replacement; and (2) Authorized the City Manager to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$79,231.92 for the Council Chamber AV System Replacement Project.

10. **Adopt a Resolution Authorizing the City Manager to Execute the Sole Source Services Agreement with Flock Group Inc. for Automated License Plate Reader (ALPR) Cameras in an Amount Not-to-Exceed \$732,000.00 (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Adopted **Resolution No. 9289** authorizing the City Manager to execute the extension of the Sole Source Services Agreement with Flock Group, Inc. for Automated License Plate Reader (ALPR) Cameras in an amount not-to-exceed \$732,000, which includes a contingency of \$91,500.00; and Authorized the Chief of Police to execute contract change orders in an aggregate amount not to exceed \$91,500.00.

11. **Approve Three Utility Boxes for Repainting During FY 2024 (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409; and Tegan McLane, Recreation and Community Services Assistant Director, 408-586-3212)**

Approved locations for three (3) Utility Box murals for the FY 24 Mural Program.

LEADERSHIP AND SUPPORT SERVICES

12. **Adopt a Resolution to Amend the City of Milpitas' Classification Plan to Establish the Classifications of City Engineer and Public Works Division Manager, Aligned with the Realignment of the Engineering and Public Works Departments (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012; and Christian Di Renzo, Public Works Director, 408-586-2602)**

City Manager Thomas introduced the item. Deputy City Manager Cano and Public Works Director Di Renzo presented the report.

There were no public speakers.

Mayor Montano and Vice Mayor Chua spoke in support of the recommendation, thanking staff for their work in bringing the item forward.

After discussion, motion: to adopt **Resolution No. 9290** to amend the City of Milpitas' Classification Plan to establish the classification of City Engineer, reclassify CIP Manager and Transportation & Traffic Manager to Public Works Division Manager – Engineering, reclassify one Public Works Manager to Public Works Division Manager – Operations, and delete the classifications of Engineering Director and Assistant City Engineer.

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

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

NOES: None

13. Elect Vice Mayor (Contact: Matt Cano, Deputy City Manager, 408-586-3012)

Mayor Montano introduced the item and nominated Evelyn Chua to continue as Vice Mayor.

After discussion, motion: to nominate and appoint Evelyn Chua by majority vote as Vice Mayor for the City of Milpitas to serve a one year term.

Motion/Second: Mayor Montano/Councilmember Phan
by the following:

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

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

1. Receive City Council Calendar of Meetings for December 2023 and January 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Councilmember Barbadillo raised concerns about the scheduling of meetings in January, particularly on the 9th and 16th, due to a pre-planned engagement. He requested to either consolidate the meetings into one date or to be excused from the meetings.

Vice Mayor Chua made a motion: to excuse Councilmember Barbadillo from the City Council meetings scheduled on January 9th and 16th.

City Attorney Mutalipassi clarified that the other option was to consolidate the meetings and settle on which meeting date would be cancelled. He restated the current motion on the floor.

Councilmember Phan voiced concerns regarding the meetings scheduled back to back and noted he would not support the motion as originally proposed by the Vice Mayor.

Vice Mayor Chua clarified the intent of the motion to allow the Councilmember to be absent. She spoke

in agreement with Councilmember Phan regarding the frequency of meetings scheduled in January.

Councilmember Barbadillo asked if it was possible to have two motions – one to excuse his absence and a second to consolidate the meetings. City Attorney Mutalipassi noted it could be either by one or two motions. He recommended that if there's a motion to amend the calendar that the motion include specifics about the date and time.

City Manager Thomas noted the January 9th special meeting was scheduled in lieu of the original regular meeting date of January 2nd.

Vice Mayor Chua proposed keeping the motion as is to excuse absences by Councilmember Barbadillo and to have a second motion to consolidate meetings.

City Manager Thomas suggested the possibility of special meetings on the 23rd and 30th as substitutes for the canceled meetings on the 9th and 16th. He reiterated the motion on the floor.

Councilmember Phan suggested the City Manager's Office poll the City Council for meeting dates and confirm the meeting schedule.

Councilmember Lien seconded the motion.

City Attorney Mutalipassi clarified the motion: to excuse Councilmember Barbadillo from any City Council meeting scheduled through January 16th and to have the City Manager work with the City Council to confirm the meeting dates in January.

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

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

NOES: None.

8. Approve and Authorize the City Manager to Execute the Five-Year Software as a Service (SaaS) Agreement with Tyler Technologies for Financial System Enterprise Resource Planning (ERP) and Human Resources Information System (HRIS) (Staff Contact: Lauren Lai, Finance Director 408-586-3111; and Vicky Lien, Acting Human Resources Director 408-586-3085)

Vice Mayor Chua withdrew her request to discuss.

There were no public speakers.

Councilmember Barbadillo questioned if the agreement was authorized in the budget. Deputy City Manager Cano confirmed that the item was approved as part of the budget.

After discussion, motion: to approve and authorize the City Manager to execute the five-year Software as a Service Agreement with Tyler Technologies for Financial System Enterprise Resource Planning (ERP) and Human Resources Information System (HRIS) for an amount not to exceed \$2,123,588 and delegate authority to the City Manager for additional optional 5 years and change order authority up to 10%.

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

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

NOES: None

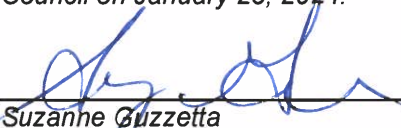
ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

There were no announcements.

ADJOURNMENT

Mayor Montano adjourned the meeting at 7:38 PM.

The foregoing minutes were approved by the Milpitas City Council on January 23, 2024.



Suzanne Guzzetta
Milpitas City Clerk