



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, AUGUST 13, 2024

The City Council of the City of Milpitas convened on the regular City Council meeting day of August 13, 2024, in the Milpitas Community Center Auditorium 457 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 5:30 PM. Roll Call was taken by City Clerk Guzzetta.

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

ABSENT: None.

City Attorney Mutalipassi briefed the City Council on matters to be considered at Closed Session. The City Council recessed to Closed Session at 5:43 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) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957
Position: City Attorney

(c) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957
Position: City Manager

The City Council reconvened at 6:51 PM

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi announced there was nothing to report for Item (a), and Human Resources Director Parmley noted there was nothing to report on items (b) and (c).

PLEDGE OF ALLEGIANCE

Mayor Montano led the pledge of allegiance.

INVOCATION

Councilmember Barbadillo led the invocation.

PRESENTATIONS

Mayor Montano, joined by the City Council, presented commendations recognizing National Night Out participants and American Muslim Awareness and Appreciation Month.

PUBLIC FORUM

There were the following public speakers:

1. Rob Means
2. Yolie Garcia
3. 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. 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 Lien

Motion carried by the following:

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

NOES: None

CONSENT CALENDAR

Councilmember asked to pull Item C7 for discussion.

There were the following public speakers:

1. Voltaire Montemayor
2. Jinky Peralta

After discussion, motion: to pull Item C7 and approve the Consent Calendar.

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

- 1. Receive City Council Calendar of Meetings for August 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**
Received City Council Calendar of Meetings for August 2024.
- 2. Approve City Council Meeting Minutes of June 18, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**
Approved City Council Meeting minutes of June 18, 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. Approve Report of Actions Taken by the City Manager During the City Council Summer Recess from June 18 through August 13, 2024 (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**
Approved report of actions taken by the City Manager during the City Council Summer Recess from June 18 through August 13, 2024.
- 6. Consider the Recommendation from Mayor Montano for Appointments to City Commissions and to the Santa Clara Valley Transportation Authority Bicycle and Pedestrian Advisory Committee (Contact: Mayor Montano, 408-586-3024)**
Appointed Milpitas Resident Ricky Davis as the Milpitas Representative to the Santa Clara Valley Transportation Authority's Bicycle and Pedestrian Advisory Committee (BPAC) for a two-year term.
- 8. Approve Additions to the City Naming Lists for New Streets (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**
Approved the addition of Passage, Escapade, and Voyage to the City's Naming List for Streets.
- 9. Approve Updates to the Community Advisory Commission Bylaws, and Approve Changing the Commission Name (Staff Contact: Robert Musallam, Housing Official, 408-586-3275; and Sarah Balcha, Senior Administrative Analyst 408-586-3268)**
(1) Approved updates to the Community Advisory Commission Bylaws; and (2) approved Commission name change to the Community Housing Commission.
- 10. Receive Report on Rent Relief Program, Approve an Agreement with FORWARD to Administer the Program, and Approve Programmatic Updates (Staff Contact: Robert Musallam, Housing Official, 408-586-3275)**
(1) Received report on Rent Relief Program, (2) Approved transfer of \$763,000 from the State Budget for Homelessness Prevention and Unhoused Services to the Rent Relief Program; (3) Authorized the City Manager to execute a Professional Services Agreement, approved by the City Attorney, with FORWARD to administer the Rent Relief Program in an amount not-to-exceed \$763,000, and (4) Approved Rent Relief Programmatic updates.

- 11. Approve an Agreement with Peninsula Pump & Equipment Inc. for Wet Well Cleaning Services (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Approved and authorized the City Manager to execute an agreement with Peninsula Pump & Equipment Inc. for a five-year term in an amount not-to-exceed \$324,060 to provide wet well cleaning services, subject to the annual appropriation of funds.

- 12. Adopt a Resolution to Accept the Grant Award from the Metropolitan Transportation Commission and Approve an Agreement with O'Dell Engineering, Inc. for Consultant Services Related to the Innovation District Parks and Trails Master Plan (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Adopted **Resolution No. 9348** to accept a grant award of \$200,000 from the Metropolitan Transportation Commission, award RFP No. 24-126, and authorized the City Manager to execute a Professional Services Agreement with O'Dell Engineering, Inc. for consultant services related to the Innovation District Parks and Trails Master Plan in the amount of \$198,178.

- 13. Approve the Final Map and Authorize the City Manager to Execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast, LLC for a Residential Project at 1951 Tarob Court and 675 Trade Zone Boulevard (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; Michael Silveira, City Engineer, 408-586-3303)**

(1) Approved Final Map, Tract No. 10614, including all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and (2) Approved and authorized the City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast, LLC, for a Residential Project at 1951 Tarob Court and 675 Trade Zone Boulevard.

- 14. Consider Fee Waiver Requests from the Filipino American Real Estate Professional Association and Saint Elizabeth Church (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

(1) Approved a Fee Waiver of \$1,500 for the Filipino American Real Estate Professional Association Crossroads of Culture Dinner and Fundraiser at the Community Center Auditorium on August 22, 2024; and (2) Approved a Fee Waiver of \$1045.27 for the St. Elizabeth Church Family Festival at the St. Elizabeth Church Parking Lot on September 22, 2024.

- 15. Approve 2024 Youth Advisory Commission Scholarship Awards (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Approved three Youth Advisory Commission Community Service Scholarships of \$750 each and authorized a budget appropriation of \$2,250 from the Youth Holding Account to the Recreation and Community Services Department operating budget.

- 16. Approve a Milpitas StoryWalk Initiative Installation at Murphy Park and Authorize the City Manager to Execute a Memorandum of Understanding with Santa Clara County Library District for the Initiative Partnership (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Approved a Milpitas StoryWalk Initiative Installation at Murphy Park at no cost to the City and authorized the City Manager to Execute a Memorandum of Understanding, approved as to form by the City Attorney, with Santa Clara County Library District for the Initiative Partnership.

PUBLIC HEARINGS

17. Conduct a Public Hearing, Adopt Resolutions Approving a Site Development Permit, Conditional Use Permit, and Environmental Assessment, and Introduce an Ordinance Establishing a Development Agreement to Allow the Development of a New Private Middle/High School at 1323 Great Mall Drive (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

City Manager Thomas introduced the item. Senior Planner Phung presented the report.

Mayor Montano opened the public hearing.

There were the following speakers:

1. Bernadette Gomez
2. Rob Means
3. Voltaire Montemayor

Mayor Montano closed the public hearing.

Applicant Kelly Woods, Executive Vice President of Strategy from the Stratford School offered additional comments on the proposal.

Councilmember Lien disclosed a prior meeting with Sean Morley regarding outreach to the school district and confirmed communication with Superintendent Jordan, expressing support for the project.

Councilmember Phan voiced support for the project, emphasizing the importance of providing educational choices amid insufficient public school funding and acknowledging the project's community engagement and thorough due diligence.

Vice Mayor Chua disclosed meeting with the Stratford team, praising the project's design and all-electric features, and highlighted the developer's unique agreement and financial contributions to the city.

Councilmember Barbadillo inquired about project specifics, particularly zoning and deviations from existing standards. He questioned staff about the development agreement and its implications for city planning and zoning ordinances. Staff explained the adaptive reuse of an existing office building and the development agreement's role in addressing zoning deviations.

Further discussion ensued regarding the impact of the project on local school enrollment and community reception. The applicant clarified minimal impact on the local school district and emphasized continued partnership and transparency with the district.

Vice Mayor Chua made a motion: Consider Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15064 and Public Resources Code Sections 21080(d) and 21082.2(d); to waive the first reading beyond the title and introduce **Ordinance 38.856** approving a Development Agreement between the City of Milpitas and Store Master Funding IV, LLC; to adopt **Resolution No. 9349** to approve Conditional Use Permit No. UP23-0008, including Exhibit 1 to the resolution: Conditions of Approval; and to adopt **Resolution No. 9350** to approve Site Development Permit No. SD23-0012, including Exhibit 1 to the resolution: Conditions of Approval and Environmental Assessment No. EA24-0001, to approve an Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15064 and Public Resources Code Sections 21080(d) and 21082.2(d), including Exhibit 2 to the resolution: Mitigation Monitoring and Reporting Program (MMRP). Councilmember Lien seconded the motion.

City Attorney Mutalipassi read aloud the title of the ordinance.

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

ITEMS PULLED FROM CONSENT CALENDAR

7. Authorize the City Attorney and City Manager to Execute a Contract with Meyers Nave for Contracted Outside Litigation Services (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)

There were the following public speakers:

1. Rob Means
2. Karina Dominguez
3. Voltaire Montemayor

Councilmember Phan inquired about the costs and scope of a proposed contract, questioning whether the services differed from previous agreements with the firm. City Attorney Mutalipassi clarified that the new contract is specifically for legal services related to a specific litigation matter, unlike previous contracts, which were for general legal services.

Councilmember Phan requested a breakdown of past spending on this matter versus other services under the previous contract. The City Attorney explained that the prior contract covered multiple legal services, including overflow and conflict work, and was structured as an evergreen contract. He noted that he had changed the policy to require annual Council approval for general services contracts.

Councilmember Phan expressed concerns about transparency and financial oversight, questioning why the contract was not split into more specific agreements and why it did not follow a competitive bidding process. He requested an audit of financial controls and spoke against the contract.

Councilmember Barbadillo spoke in favor of the contract, emphasizing the need for Council oversight and the ability to terminate the contract if necessary. He highlighted the importance of defending the city against litigation efficiently and requested a review of the censure policy and the central ordinance to ensure proper handling of sensitive information and to protect the city.

After discussion, motion: to Authorize the City Attorney and City Manager to execute a contract with Meyers Nave for contracted outside litigation services. .

Motion/Second: Councilmember Barbadillo / Mayor Montano

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 upcoming flag raising event for Indian Independence Day and the Great Mall's 50th anniversary open house event in September.

Vice Mayor Chua made the following request:

- (1) Have the City Manager look into adopting an ordinance similar to San Jose allowing ADUs (Accessory Dwelling Units) to have a separate title and be sold separately. There was unanimous consensus to add the item to the prioritization list.

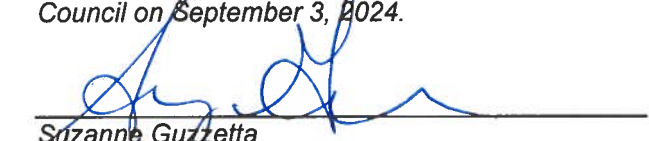
Mayor Montano made the following requests:

- (1) The City Council send a letter to Supervisory Otto Lee regarding the weeds on Montague Expressway. There was unanimous consensus.
- (2) Look into a property for sale on Main Street to investigate the cost and feasibility of creating a museum for downtown or Old Town Main Street as part of the revitalization efforts. There was unanimous consensus to add the item to the prioritization list.

ADJOURNMENT

Mayor Montano adjourned the meeting at 9:06 PM.

The foregoing minutes were approved by the Milpitas City Council on September 3, 2024.



Suzanne Guzzetta
Milpitas City Clerk