



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, AUGUST 20, 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 August 20, 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 6:04 PM. Roll Call was taken City Attorney Mutalipassi.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo (6:07 PM), Councilmember Lien, Councilmember Phan

ABSENT: None

City Attorney Mutalipassi briefed the City Council on the items to be discussed in Closed Session. The City Council adjourned to closed session at 6:07 PM.

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Existing Litigation Pursuant to Government Code § 54956.9(d)(2)
In the Matter of *McHarris vs. City of Milpitas*, Superior Court of California, County of Santa Clara, Case No. 23CV427505
City as Defendant

(b) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Existing Litigation Pursuant to Government Code § 54956.9(d)(2):
Arash Motedaeiny v. City of Milpitas, WCAB case number ADJ16578112.

(c) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Existing Litigation Pursuant to Government Code § 54956.9(d)(2):
Arash Motedaeiny v. City of Milpitas, WCAB case number ADJ16578113.

(d) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Existing Litigation Pursuant to Government Code § 54956.9(d)(2):
Joseph Perez v. City of Milpitas, WCAB case number ADJ15568618.

CLOSED SESSION ANNOUNCEMENT:

The City Council reconvened at 7:48 PM.

City Attorney Mutalipassi noted there was nothing to report out.

PLEDGE OF ALLEGIANCE

Mayor Montano led the pledge of allegiance.

INVOCATION

Councilmember Phan presented the invocation.

PRESENTATIONS

Mayor Montano presented a proclamation in recognition of Women's Equality Day.

PUBLIC FORUM

There were the following public speakers:

1. Charles Wright
2. Sofia Wright
3. Amy Chen
4. 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

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

After discussion, motion: to approve the consent calendar.

Motion/Second: Councilmember Lien/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 and September 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received City Council Calendar of Meetings for August and September 2024.

2. **Approve City Council City Council Meeting Minutes of August 5, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Meeting minutes of August 5, 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. **Adopt a Resolution Supporting the Build the Future (Childcare) Santa Clara County Campaign (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

Adopted **Resolution No. 9351** supporting the Build the Future Santa Clara County Campaign.

6. **Waive the Second Reading and Adopt Ordinance No. 38.856 Approving a Development Agreement between the City of Milpitas and Stratford Schools, Inc., Store Master Funding IV, LLC (Staff Contact: Jay Lee, Planning Director, 408-586-3077 and Kristina Phung, Senior Planner, 408-586-3278)**

Waived the second reading and adopted **Ordinance No. 38.856** approving a Development Agreement between the City of Milpitas and Store Master Funding IV, LLC to provide certainty to the applicable development standards for a new private middle and high school at 1323 Great Mall Drive (APN 086-024-046).

7. **Approve an Agreement with McCampbell Analytical, Inc. for Analytical Laboratory Services and Bacteriological and General Physical (Water Quality) Laboratory Analysis Services (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Approved and authorized the City Manager to execute the Professional Service Agreement with McCampbell Analytical, Inc. for Analytical Laboratory Services and Bacteriological and General Physical (Water Quality) Laboratory Analysis Services for a five-year term in an amount not-to-exceed \$556,790, subject to the availability of funds.

8. **Receive an Update on the Security Improvements at the McCarthy Ranch Sewer Lift Station (Main Lift) and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Received an update on the security improvements at the McCarthy Ranch Sewer Lift Station; and determined by a four-fifths vote that the condition continues to constitute an emergency.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

9. **Potential Naming of the Milpitas Library (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

City Manager Thomas introduced the item. Recreation and Community Services Director Lorentzen presented the report.

There were the following public speakers:

1. Voltaire Montemayor

Recreation and Community Services Director Lorentzen reported that former Mayor Jose Esteves was open and honored to have his name associated with the Milpitas Library, following a recent council discussion about potentially naming a city building after him.

Councilmember Phan proposed a motion: to temporarily suspend the council's naming policy to rename the Milpitas Library as the "Jose Esteves Library." City Attorney Matalipassi clarified that the council has the authority to suspend its policies, but such actions should still consider associated costs and follow proper protocols. The motion was seconded by Councilmember Barbadillo but failed in a roll call vote.

Motion/Second: Councilmember Phan / Councilmember Barbadillo

Failed by the following:

AYES: Councilmember Barbadillo, Councilmember Phan

NOES: Mayor Montano, Vice Mayor Chua, Councilmember Lien

Following the failure of the initial motion, Councilmember Barbadillo proposed an alternate motion: to directly rename the library as the "Jose Esteves Library." However, the City Attorney noted that this alternate motion also required the suspension of the naming policy, which had already been voted down. Councilmember Barbadillo argued for the distinction between the motions, but it was clarified that without a motion to reconsider, the council could not take action on the alternate motion.

Vice Mayor Chua then made a motion: to refer the proposed name "Milpitas Jose Estevez Library" to the next City Council Naming Ad Hoc Subcommittee tentatively scheduled for Wednesday August 21, 2024; and referred the proposed name "Jose Estevez Auditorium" within the Milpitas Library to the City Council Naming Ad Hoc Subcommittee tentatively scheduled for Wednesday, August 21, 2024. The motion was seconded by Councilmember Lien.

Upon a call for the question, the motion passed.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Passed by the following:

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

NOES: None

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager Thomas announced the next meeting of the City Council Ad Hoc Naming Subcommittee.

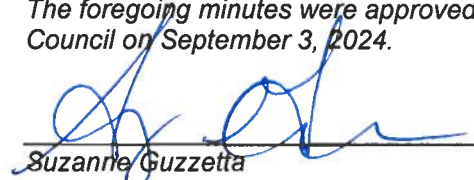
Councilmember Barbadillo made the following request:

1. Bring back the Solicitation Ordinance as previously presented to City Council with Council comments from when it was last considered. There was unanimous consensus to bring the item forward.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:47 PM.

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



Suzanne Guzzetta
Milpitas City Clerk