



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, OCTOBER 1, 2024

The City Council of the City of Milpitas convened on the regular City Council meeting day in a Meeting of the Milpitas City Council on October 1, 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 5:32 PM. Roll Call was taken by City Clerk Guzzetta.

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

ABSENT:

Assistant City Attorney Creech briefed the City Council on the Closed Session agenda.

There were no public comments.

The City Council adjourned to closed session at 5:34 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 - 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

CLOSED SESSION ANNOUNCEMENT:

The City Council reconvened at 7:16 PM.

Assistant City Attorney Creech had nothing to report.

PLEDGE OF ALLEGIANCE

Councilmember Lien led the pledge of allegiance.

INVOCATION

Mayor Montano provided the invocation.

PRESENTATIONS

Mayor Montano presented proclamations in recognition of Fire Prevention Week, Indigenous Peoples' Day, Hindu American Awareness and Appreciation Month, and California Clean Air Day. Mayor Montano, Vice Mayor Chua, and the City Council presented certificates to winners of the Library and Education Advisory Commission Youth Essay Contest.

PUBLIC FORUM

There were the following public speakers:

1. Voltaire Montemayor
2. Member of the Public

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

Assistant City Attorney Creech asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. Assistant City Attorney Creech 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 / Mayor Montano

Motion carried by the following:

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

NOES: None

CONSENT CALENDAR

There were no public speakers

City Manager Thomas announced that Item C7 had been removed from the calendar and will be brought back at a future date. Councilmember Lien asked to pull Item C9 from the Consent Calendar for discussion.

After discussion, motion: to approve the Consent Calendar with Item C7 to return at a later date and to pull Item C9.

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

Received City Council Calendar of Meetings for October 2024.

2. **Approve City Council Meeting Minutes of September 17, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**
Approved City Council Meeting minutes of September 17, 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. **Review and Accept the 2024 Legislative Season Action Report, Including an Update on 2024 State and Federal Earmark Requests (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**
Reviewed and accepted the 2024 Legislative Season Action Report, including an update on 2024 State and Federal Earmark Requests.
6. **Approve Travel to Long Beach, CA, for Mayor Carmen Montano and City Manager Ned Thomas to Attend the League of California Cities Annual Conference and Expo to be Held on October 16 – 18, 2024 (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**
(1) Authorized and approved travel to Long Beach, CA, for Mayor Carmen Montano to attend the League of California Cities Annual Conference and Expo, from October 16 – 18, 2024, for a not-to-exceed amount of \$3,000; and (2) Authorized and approved travel to Long Beach, CA, for City Manager Ned Thomas to attend the League of California Cities Annual Conference and Expo, from October 16 – 18, 2024, for a not-to-exceed amount of \$3,000.
7. **Adopt a Resolution Approving the FY 2024-25 Development and Storm Impact Fee Schedule (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)**
Item not heard.
8. **FY 2023-24 Fourth Quarter Financial Status Report, Fund Balances and Related Budget Actions to Close FY 2023-24 (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)**
(1) Reviewed and accepted the FY 2023-24 Quarterly Financial Status Report for the quarter ending June 30, 2024 (unaudited); and (2) Approved related budget actions to close FY 2023-24.
9. **Authorize the City of Milpitas to Join with Other Public Agencies as a Shareholder of the California Asset Management Trust (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)**
Item pulled from Consent Calendar.
10. **Adopt a Resolution Approving a Site Development Permit and PUD Amendment Permit to Develop a New One-and-a-Half Story Single-Family Residence and to Deviate from the Approved Designs, on a Vacant 1-Acre Lot Located in the R1-H Single-Family Residential Zoning District with a Hillside Combining District at 1327 Terra Vista Court (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Considered the exemption in accordance with CEQA and adopted **Resolution No. 9356** approving Site Development Permit No. SD23-0004 and Planned Unit Development Amendment No. PA24-0001 to allow the development of a new single-family residence at 1327 Terra Vista Court, subject to the attached Conditions of Approval.

11. Adopt a Resolution to Approve Project Agreement and Specifications and Authorize the City Manager to Execute an Agreement with West Coast Arborists, Inc., for Tree Maintenance Services (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Adopted **Resolution No. 9357** to (1) approve project agreement and specifications; (2) authorize a three-year agreement to the most responsive, responsible proposer, West Coast Arborists, Inc., in an annual not-to-exceed amount of \$480,000, for a total not-to-exceed amount of \$1,440,000; and (3) authorize the City Manager to execute the agreement with West Coast Arborists, Inc., subject to the annual appropriation of funds.

12. Authorize the City Manager to Execute the Fee Reimbursement Agreement for Sanitary Sewer Sectional Liner Improvements at the Frontage of the 1355 California Circle Project by Pulte Home Company, LLC (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

(1) Authorized the City Manager to Execute the Fee Reimbursement Agreement for Sanitary Sewer Sectional Liner Improvements at the 1355 California Circle Project by Pulte Home Company, LLC; and (2) Approved budget appropriation in the amount of \$551,995.20 to the non-departmental operating budget in the Sewer Infrastructure Fund.

13. Adopt a Resolution Authorizing the Purchase of a Cleaning and Excavation Truck from Owen's Equipment through a Sourcewell Cooperative Purchase Agreement (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Adopted **Resolution No. 9358** authorizing the purchase of a cleaning and excavation truck for the Public Works Department from Owen's Equipment through a Sourcewell Cooperative Purchase Agreement in an amount not-to-exceed \$677,713.

14. 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)

(1) Received an update on the security improvements at the McCarthy Ranch Sewer Lift Station; and (2) Determined by a four-fifths vote that the condition continues to constitute an emergency.

COMMUNITY DEVELOPMENT

15. Receive a Progress Report and Provide Feedback to Staff on Topics and Policy Considerations Related to Phase 2 of the Comprehensive Zoning Ordinance Update (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Holly Pearson, Senior Special Projects Associate, 408-609-0072)

City Manager Thomas introduced the item. Planning Director Lee presented the report, joined by LWC Consultant Jen Murillo.

There were the following public speakers.

1. Voltaire Montemayor

Councilmember Barbadillo asked how the proposed parking reductions align with past zoning changes,

state laws, and rezoning efforts to comprehensively address parking.

Vice Mayor Chua asked when housing opportunity districts would be discussed, though that was not part of this specific zoning update.

Mayor Montano recommended factoring in proximity to mass transit when deciding parking reductions for 100% affordable housing projects and also raised concerns about parking impacts from ADUs and suggested requiring neighbor notification.

Councilmember Barbadillo asked about balancing a more flexible vs restrictive approach to regulating non-conforming uses/buildings. He expressed concerns about whether new design standards could impact existing homes and increase costs for homeowners.

ITEMS PULLED FROM CONSENT CALENDAR

9. Authorize the City of Milpitas to Join with Other Public Agencies as a Shareholder of the California Asset Management Trust (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)

Finance Director Cofresí-Howe responded to questions from the City Council.

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to (1) Adopt **Resolution No. 9359** for the City of Milpitas to join with other Public Agencies as a Shareholder of the California Asset Management Trust, a Joint Powers Authority, to invest in shares of the Trust; and (2) Authorize the City Manager, the Assistant City Manager and the Finance Director or their designees to execute any required documents, including the California Asset Management Trust Declaration of Trust..

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried 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 annual employee appreciation luncheon and the eighth annual Manufacturing Day hosted by local businesses.

Vice Mayor Chua expressed gratitude for approving an initiative showcasing staff and commissioner artistic talents. She also requested the council explore updating the city's business tax rate schedule, which hasn't changed since 1976. There was unanimous consensus to add the item to the prioritization list.

Councilmember Lien suggested inviting the HR Director to a future meeting to present on hiring processes and vacancies. There was unanimous consensus to add the item to the prioritization list.

Councilmember Phan called for an RFP regarding the library renaming project to clarify costs and design by December of this year. Assistant City Manager Cano confirmed work on proposals but could not provide a timeline yet. There was consensus to add the item to the prioritization list (Noes: Lien).

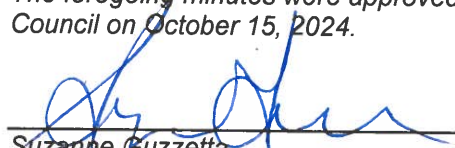
Councilmember Barbadillo inquired about past voter approved measures, which he believed were dedicated to funding the library's needs. He suggested looking into these measures as potential funding sources to reduce the use of general funds for the library renaming, and it be considered alongside Councilmember Phan's request.

Finally, Mayor Montano raised concerns about unsafe traffic conditions near Rose Elementary School at the intersection of Edsel and Roswell and asked staff to review the area for possible traffic control measures. City Manager Thomas acknowledged awareness of the intersection in question. He mentioned that it is currently a two-way stop and confirmed that staff would look into the issue. He added that the matter would likely be addressed by the transportation subcommittee, and based on their recommendations, it could be brought back to the council for further action.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:49 PM.

The foregoing minutes were approved by the Milpitas City Council on October 15, 2024.



Suzanne Buzzetta
Milpitas City Clerk