



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND HOUSING AUTHORITY

MINUTES

TUESDAY, DECEMBER 3, 2024

The City Council of the City of Milpitas convened on the regular City Council meeting day in a Joint Meeting of the Milpitas City Council and Housing Authority on December 3, 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 Joint Meeting of the City Council and the Housing Authority to order at 6:01 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 the Closed Session.

The City Council adjourned to Closed Session at 6:02 PM.

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL

Existing Litigation Pursuant to Government Code § 54956.9(d)(2):

Brian Bruce v. City of Milpitas, WCAB case number ADJ 13140823.

CLOSED SESSION ANNOUNCEMENT:

The City Council reconvened at 7:00 PM

City Attorney Mutalipassi had nothing to report out.

PLEDGE OF ALLEGIANCE

Councilmember Lien led the pledge of allegiance.

INVOCATION

Councilmember Lien provided the invocation

PRESENTATIONS

1. Receive Report on Manufacturing Day 2024 and Issue Commendation Certificates (Staff Contact: Alex Andrade, Economic Development and Strategic Initiatives Director, 408-586-3046)

Mayor Montano, joined by the Milpitas City Council, presented commendations to Manufacturing Day participants: BD Bioscience, Corsair Gaming, Simon Property Group, MUSD, and City of Milpitas Office of Economic Development.

Economic Development Coordinator Michael Thomas presented the report and video.

PUBLIC FORUM

The following people spoke under Public Forum:

1. Rob Means

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 aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

After discussion, motion: to approve the agenda.

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

CONSENT CALENDAR

Councilmember Phan asked to pull Item C6.

After discussion, motion: to approve the Consent Calendar, pulling Item C6.

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

2. **Receive City Council Calendar of Meetings for December 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received City Council Calendar of Meetings for December 2024.

3. **Approve City Council Special and Regular Meeting Minutes of November 19, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Special and Regular Meeting minutes of November 19, 2024.

4. **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.

5. 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.

7. Adopt a Resolution Updating the Conflict of Interest Code and Amending the List of Designated Positions Requiring Disclosure (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001; and Michael Mutalipassi, City Attorney, 408-586-3041)

Adopted **Resolution No. 9369** updating the City of Milpitas Conflict of Interest Code, including the list of designated positions required to annually file the FPPC Form 700 Statement of Economic Interests.

8. Approve and Authorize the City Manager to Execute Amendment No. 3 to the Professional Services Agreement with Liebert Cassidy Whitmore to Provide Essential Labor Relations and Other Services (Staff Contact: Kelli Parmley, Human Resources Director, 408-586-3086)

Approved and authorized the City Manager to execute Amendment No.3 to the Professional Services Agreement with Liebert Cassidy Whitmore (LCW) for an additional agreement amount of \$200,000, subject to the annual appropriation of funds.

9. Adopt a Resolution to Approve a Cost-of-Living Salary Adjustment for the City Manager as Directed by the City Council (Staff Contact: Kelli Parmley, Human Resources Director, 408-586-3086)

Adopted **Resolution No. 9370** to approve a 3% Cost-of-Living (COLA) salary adjustment for the City Manager as directed by the City Council.

10. Consider Personnel Realignment to Support Department Operations (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Adopted **Resolution No. 9371** to approve the deletion of a vacant Associate Planner position and the addition of a Junior/Assistant Planner position in the Planning Department.

11. Adopt a Resolution to Accept the Grant Award from and Approve an Agreement with the County of Santa Clara Public Health Department to Implement an Ordinance to Prevent Youth Access to Tobacco Products (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Adopted **Resolution No. 9372** to accept a grant award of \$22,997 from the County of Santa Clara Public Health Department and authorize the City Manager to execute an Agreement with the Santa Clara County Public Health Department for the Healthy Cities Program in the amount of \$22,997.

12. Adopt a Resolution Granting Acceptance of the Street Resurfacing Project 2024 and Project Nos. 4283, 4304, and 4305, Authorizing the City Engineer to File a Notice of Completion and Issue a Notice of Final Acceptance After the One-Year Warranty (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

(1) Adopted **Resolution No. 9373** granting acceptance of the Street Resurfacing Project 2024 and Project Nos. 4283, 4304, and 4305; and (2) Authorized the City Engineer to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty.

13. 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.

ITEMS PULLED FROM CONSENT CALENDAR

6. Adopt a Resolution Delegating Authority to the City Manager or Designee to Approve and Execute Project-Related Documents and Urgent Administrative Items During the City Council Winter Recess (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Councilmember Phan sought clarification asking about the definition of urgent items and the scope of project related documents. City Manager Thomas explained that this was a precautionary measure for extreme emergencies like natural disasters, emphasizing that it would not be used for routine administrative functions and that any actions taken would be fully reported back to the council in January 2025.

After discussion, motion: to adopt **Resolution No. 9368** delegating authority to the City Manager, or their designee, to approve and execute project-related documents, including contract documents and urgent administrative items during the City Council and City of Milpitas Housing Authority winter recess from the last City Council meeting held on December 10, 2024, through January 7, 2025.

Motion/Second: Councilmember Phan / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

LEADERSHIP AND SUPPORT SERVICES

14. Accept the City of Milpitas Annual Comprehensive Financial Report and Other Related Annual Audited Reports for the Fiscal Year Ended June 30, 2024 (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)

City Manager Thomas introduced the item and Finance Director Cofresí-Howe presented the report.

There were no public speakers.

The City Council engaged in discussions about the financial report, asking questions about audit procedures, internal policies, and future financial trends. Finance Director Cofresí-Howe responded to their questions. Councilmember Phan raised concerns about the Finance Subcommittee meetings not being held regularly and contract disclosures not being up-to-date on the website. Finance Director Cofresí-Howe committed to ensuring the prompt posting of contract disclosures and providing those to the City Council. Vice Mayor Chua asked for details on vacancy trends and expenditures from July to November.

After discussion, motion: to accept the City of Milpitas Annual Comprehensive Financial Report and other related annual audited reports for the fiscal year ended June 30, 2024..

Motion/Second: Mayor Montano / 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

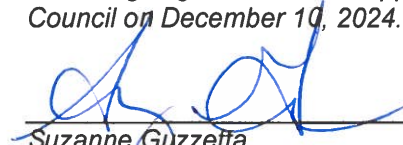
City Manager Thomas announced the Annual Tree Lighting on December 5th.

Councilmember Lien extended congratulations to the newly elected and reelected Councilmembers and Mayor. Vice Mayor Chua expressed similar sentiments and recognized Councilmember Phan for his eight years of dedicated service.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:24 PM.

The foregoing minutes were approved by the Milpitas City Council on December 10, 2024.



Suzanne Guzzetta
Milpitas City Clerk