



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, SEPTEMBER 3, 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 September 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 Regular City Council meeting to order at 6:00 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo (6:05 PM), Councilmember Lien, Councilmember Phan (6:02 PM)

ABSENT: None.

City Attorney Mutalipassi briefed the City Council on the items to be heard at Closed Session.

There were no public speakers.

The City Council adjourned to closed session at 6:02 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 *City of Milpitas vs Toll Bros., Inc.*, Superior Court of California, County of Santa Clara, Case No.22CV406447
City as Defendant

CLOSED SESSION ANNOUNCEMENT:

The City Council reconvened at 7:00 pm.

City Attorney Mutalipassi reported that the Closed Session matter was settled for \$40,000.

PLEDGE OF ALLEGIANCE

Councilmember Barbadillo led the pledge of allegiance.

INVOCATION

Councilmember Phan provided the invocation.

PRESENTATIONS

Mayor Montano, joined by the City Council, presented proclamations in recognition of National Suicide Prevention Week, National Preparedness Month, American Muslim Appreciation and Awareness Month and National IT Professionals Day. Additionally, certificates were presented recognizing the Milpitas IT team.

PUBLIC FORUM

There were the following public speakers.

1. Virgil King

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

Mayor Montano made a motion: to move Item 12 to the Consent Calendar.

Motion/Second: Mayor Montano / Councilmember Lien

by the following:

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

NOES: None

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

Councilmember Lien asked to pull Item C10 from the Consent Calendar.

There were no public speakers.

After discussion, motion: to pull Item C10 and approve the consent calendar.

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following:

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

NOES: Councilmember Phan

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

Received City Council Calendar of Meetings for September 2024.

2. **Approve City Council Meeting Minutes of August 13 and 20, 2024 (Staff Contact: Suzanne**

Guzzetta, City Clerk, 408-586-3001)

Approved City Council Meeting minutes of August 13 and 20, 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. Consider Recommendations from Mayor Montano for Removal from and Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)

Received Mayor Montano's recommendations, approved removal from the Public Safety and Emergency Preparedness Commission, and approved and confirmed recommendations for appointments to City Commissions as follows:

Economic Development and Trade Commission:

1. Reappoint Lynne Rice to a full-term ending April 2027
2. Reappoint Parkash Daryani to a full-term ending April 2027
3. Reappoint Vasista Ramachandruni as a non-voting student member with a full-term ending April 2027
4. Reappoint Conrad Schapira as Alternate No. 1 with a full-term ending April 2027

Library and Education Advisory Commission:

1. Reappoint Yu-Lan Chou to a full-term ending June 2027
2. Reappoint Rekha Pardeshi to a full-term ending June 2027

Parks, Recreation and Cultural Resources Commission:

1. Reappoint Ricky Davis to a full-term ending June 2027
2. Reappoint Joseph Ehardt to a full-term ending June 2027
3. Reappoint Allen Thomas to a full-term ending June 2027
4. Appoint Catalina Silva to a full-term ending June 2027

Public Safety and Emergency Preparedness Commission:

1. Remove Joe Nichols from a full voting seat with an unexpired term ending June 2026
2. Reappoint Evan Gan to a full-term ending June 2027
3. Appoint Norma Morales to a full-term ending June 2027
4. Appoint Diyan Shah as a non-voting student member with an unexpired term ending June 2026

Youth Advisory Commission:

1. Appoint Samyukta Rangarajan to an unexpired term ending September 2025

Measure F Oversight Committee:

1. Reappoint Joyita Ghose to a full-term ending March 2027
2. Reappoint Conrad Schapira to a full-term ending March 2027
3. Reappoint Madan Menon to a full-term ending March 2027
4. Appoint Anas Rehman to a full-term ending March 2027

6. Approve Amendments to the Subscription and Services Agreement with RideCo for Milpitas SMART (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

(1) Approved amendments to the subscription and services agreement with RideCo for Milpitas SMART, with a subscription and services fee increase per vehicle revenue hour but no change to the not-to-exceed contract amount of \$2,955,916; and (2) Authorized the City Manager to execute the amended agreements.

7. Approve Personnel Realignment to Support Department Operations (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Adopted **Resolution No. 9381** amending the budgeted allocated positions by approving the deletion of a vacant Fleet Maintenance Worker III and a vacant Maintenance Assistant position and adding two Maintenance Worker I/II positions in the Department of Public Works.

8. Authorize the City Manager to Execute a Memorandum of Understanding between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, to Install Telecommunication Equipment within the City Right-of-Way (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

Authorized the City Manager to execute a Memorandum of Understanding between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, to conduct a pilot project using the Rapid Connect proprietary method to install telecommunication equipment within the City Right-of-Way.

9. 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.

***12. Adopt a Resolution Adopting all of Volume 1 and the City of Milpitas Portion of Volume 2, of the Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811; and Toni Charlop, Emergency Management Coordinator 408-586-2801)**

Adopted **Resolution No. 9352** adopting all of Volume 1 and the City of Milpitas Portion of Volume 2, of the Santa Clara County Operational Area Hazard Mitigation Plan.

LEADERSHIP AND SUPPORT SERVICES

11. Provide Feedback on and Potentially Introduce Ordinance 302, Adding Chapter 15 ("Residential Trespass, Canvassing and Solicitation") to Title V ("Public Health, Safety and Welfare") of the Milpitas Municipal Code Relating to Solicitation on Residential Property (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)

City Manager Thomas introduced the item. City Attorney Mutalipassi provided additional background and Assistant City Attorney Creech presented the report.

Councilmember Lien raised several concerns about the ordinance and questioned the necessity of the new regulations. She expressed worry that the ordinance could impact political canvassing and other forms of community engagement and highlighted the importance of public education. She suggested that the ordinance should include a delayed effective date of January 1, 2025, to allow sufficient time for community outreach and education.

Vice Mayor Chua echoed Councilmember Lien's concerns, emphasizing the need for a comprehensive outreach strategy. She also mentioned potential challenges in enforcement and the importance of ensuring that the ordinance does not place an undue burden on city resources..

Councilmember Barbadillo, who initially proposed the ordinance, highlighted the importance of protecting homeowners' rights and providing them with peace of mind.

Councilmember Phan supported the ordinance, noting that it offered residents additional tools to control access to their homes while acknowledging the concerns about political canvassing.

After discussion, the council agreed on a delayed implementation.

Vice Mayor Chua made a motion: to waive the reading beyond the title and introduce Ordinance 302, which would add Chapter 15 to Title V of the Milpitas Municipal Code to prohibit the trespass of canvassers, solicitors and others on residential property with an effective date of January 1, 2025; and make findings of exemption from environmental review pursuant to CEQA Guidelines Sections 15061(b)(3), 15183, 15305, and 15378. Mayor Montano seconded the motion.

Motion/Second: Vice Mayor Chua / Mayor Montano

Motion carried by the following:

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

NOES: Councilmember Lien

PUBLIC SAFETY

- *12. Adopt a Resolution Adopting all of Volume 1 and the City of Milpitas Portion of Volume 2, of the Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811; and Toni Charlop, Emergency Management Coordinator 408-586-2801)**

Item added to Consent Calendar

ITEMS PULLED FROM CONSENT CALENDAR

- 10. Approve the Addition of Jose Esteves to the Milpitas Historical Names Naming List and Adopt a Resolution to Rename the Milpitas Library (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Councilmember Lien raised concerns about the timing of the proposal to rename the Milpitas Library to the Milpitas Jose Esteves Library, suggesting that the process should be postponed until after the upcoming election. She emphasized the importance of community outreach to ensure residents are involved in the decision.

Councilmember Phan supported moving forward with the renaming, noting that the request was made well in advance and had already gone through the appropriate processes, including input from the ad hoc subcommittee on naming.

Councilmember Barbadillo expressed support for the renaming, emphasizing that it was a deserving recognition based on the established naming criteria. He suggested that staff look for funding sources for new signage and recommended implementing the name change before the election.

Assistant City Manager Cano clarified that if the renaming was approved, it would take effect

immediately in practice, but new signage would depend on securing funding.

After discussion, motion: to (1) Approve adding Jose Esteves to the Milpitas Historical Names Naming List; and (2) Adopt a resolution to rename the Milpitas Library to "Milpitas Jose Esteves Library".

Motion/Second: Councilmember Barbadillo / Councilmember Phan

Motion carried by the following:

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

NOES: Councilmember Lien

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager Thomas informed the council that community recreation facilities would be open as cooling centers on September 4 and 5, due to warm weather, from 7:00 AM to 9:00 PM.

Vice Mayor Chua proposed updating the animal control ordinance to include other animals such as horses and cats. There was unanimous consensus to add the item to the prioritization list.

Mayor Montano made the following requests:

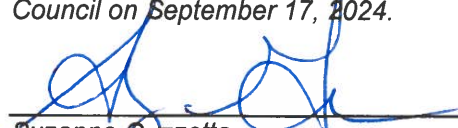
1. Explore the creation of a compassion fund to support community members dealing with cancer or other significant life events. There was unanimous consensus to add the item to the prioritization list.
2. Consider reducing the maximum rental assistance grant from \$5,000 to \$3,500 to assist more residents. There was consensus to add the item to the prioritization list (4-1. No: Phan).
3. Increase the days of operation for the local food pantry from two to five days a week to better serve community needs. The council agreed to have staff investigate this issue, as discussions with the food pantry are already in progress.
4. Reestablish or highlight the existing graffiti hotline due to an increase in graffiti. It was noted that graffiti can already be reported through the My Milpitas app, so no formal consensus was required.

Councilmember Barbadillo requested that staff explore funding options for new signage following the decision to rename the Milpitas Library to the Milpitas Jose Esteves Library. There was unanimous consensus to add the item to the prioritization list.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:30 PM.

The foregoing minutes were approved by the Milpitas City Council on September 17, 2024.


Suzanne Guzzetta
Milpitas City Clerk