



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, JANUARY 7, 2025

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on January 7, 2025, 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 Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

ABSENT: None

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

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

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATOR

City's negotiator: Kelli Parmley, Human Resources Director
Organization(s) representing: Unrepresented

CLOSED SESSION ANNOUNCEMENT:

The City Council reconvened at 7:22 PM.

Assistant City Attorney Creech had nothing to report out.

PLEDGE OF ALLEGIANCE

Councilmember Chua led the pledge of allegiance.

INVOCATION

Vice Mayor Barbadillo provided the invocation.

PUBLIC FORUM

There were the following public speakers:

1. Michael Caulkins
2. Voltaire Montemayor

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

Councilmember Chua read the City Council Code of Conduct.

APPROVAL OF AGENDA

After discussion, motion: to approve the agenda.

Motion/Second: Councilmember Chua / Vice Mayor Barbadillo

Motion carried by the following:

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

NOES: None

CONSENT CALENDAR

Mayor Montano asked to pull Items C11 and C8. Councilmember Lien asked to pull Item C9. Vice Mayor Barbadillo asked to pull Item C14.

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to approve the consent calendar, pulling Items C8, C9, C11 and C14 to be heard separately.

Motion/Second: Councilmember Chua / Councilmember Lien

Motion carried by the following:

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

NOES: None

1. Receive City Council Calendar of Meetings for January 2025 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Received City Council Calendar of Meetings for January 2025.

2. Approve City Council City Council Meeting Minutes of December 10, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Meeting minutes of December 10, 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 Mayor's Appointments of City Councilmembers as Liaisons to City Commissions, City Subcommittees, and Outside Agency Boards and Committees (Contact: Mayor Carmen Montano, 408-586-3024)**

Considered Mayor's appointments of City Councilmembers as liaisons to City Commissions, City Subcommittees, and outside agencies, boards and committees, and confirmed those appointments.

6. **Authorize and Approve Out-of-State Travel Request for Mayor Carmen Montano to Attend the U.S. Conference of Mayors 93rd Winter Meeting in Washington, D.C. (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

Authorized and approved out-of-state travel to Washington, D.C., for Mayor Carmen Montano to attend the U.S. Conference of Mayors 93rd Winter Meeting to be held on January 16-20, 2025, for an estimated total not-to-exceed amount of \$5,900, budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings.

7. **Authorize and Approve Out-of-State Travel Request for Councilmember Evelyn Chua to Attend the U.S. Conference of Mayors 93rd Winter Meeting in Washington, D.C. (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

Authorized and approved out-of-state travel to Washington, D.C., for Councilmember Evelyn Chua to attend the United States Conference of Mayors 93rd Winter Meeting to be held on January 16-20, 2025, for an estimated total not-to-exceed amount of \$5,800, budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings.

10. **Adopt Ordinance 315 to Make Corrections, Clarifications and Minor Updates and Modifications to the Milpitas Municipal Code (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

(1) Waived the second reading and adopted **Ordinance No. 315** amending various sections of the Milpitas Municipal Code to make corrections, clarifications, minor updates and modifications; and (2) Made findings of exemption from environmental review pursuant to CEQA Guideline 15378(b)(4).

12. **Approve and Authorize the City Manager or Designee to Negotiate and Execute a Design Services Agreement with Wilsey Ham for Force Main A Project, CIP No. 6137 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; Michael Silveira, City Engineer, 408-586-3303; and Luz Cofresí-Howe, Finance Director, 408-586-3111)**

(1) Approved and authorized the City Manager or designee to negotiate and execute, with approval of the City Attorney, a four-year Design Services Agreement with Wilsey Ham in an amount not to exceed \$1,460,412, (2) Delegated authority to the City Manager or designee to execute amendments and change orders as required to extend the Agreement and complete the work for up to a 15% contingency amount; and (3) Delegated authority to the Public Works Director or designee to amend Exhibit "C" entitled Project Schedule of the Agreement as required without additional approvals for the Force Main A Agreement, CIP Project No. 6137.

13. **Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Sunnyhills Investors LLC, for the Sunnyhills Apartments Project at 1724 Sunnyhills Court (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Sunnyhills Investors LLC for the Sunnyhills Apartments Project at 1724 Sunnyhills Court.

15. 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.

PUBLIC HEARINGS

16. Adopt a Resolution Certifying Election Results and Adding the Property Located at 612 South Main Street into Community Facilities District No. 2005-1 (Annexation No. 25) (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

Public Works Division Manager - Engineering Alonzo presented the report

Mayor Montano opened the public hearing.

There were no public speakers.

Mayor Montano closed the public hearing.

City Clerk Guzzetta canvassed the election returns and reported out that all votes received were in support of the proposition.

Councilmember Lam requested staff provide the traffic study originally conducted for the Community Facilities District.

After discussion, motion: to receive election results from the City Clerk and adopt **Resolution No. 9376** certifying election results and adding the property located at 612 South Main Street into Community Facilities District No. 2005-1 (Annexation No. 25)..

Motion/Second: Councilmember Chua / Vice Mayor Barbadillo

Motion carried by the following:

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

NOES: None

COMMUNITY DEVELOPMENT

17. Receive Progress Report on the Work Completed on the Milpitas Gateway-Main Street Specific Plan (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Received progress report on the work completed from Ascent Environmental and staff on the Milpitas Gateway-Main Street Specific Plan.

City Manager Thomas introduced the item.

Planning Director Lee, Consultant Christine Babla, and Economic Development and Strategic Initiatives Director Andrade presented the report.

There were the following public speakers:

- 1. Voltaire Montemayor

Vice Mayor Barbadillo expressed concerns about the slow implementation of past specific plans. He proposed checkpoints every 2-5 years to track progress and ensure the plan's commercial and retail focus is preserved.

Planning Director Lee and Consultant Christine Babla highlighted the plan's adaptability through flexible zoning and development incentives, recommending biannual reviews to monitor progress and make adjustments.

Mayor Montano reflected on history of planning for Main Street, emphasizing the need to streamline permit processes, incentivize businesses, increase floor area ratios, address prior survey findings, and establish measurable benchmarks.

Councilmember Chua suggested categorizing goals to enhance manageability.

Economic Development Director Alex Andrade discussed initiatives to revitalize the Downtown Business Association, launch a storefront improvement grant program, and explore placemaking events to foster community engagement.

LEADERSHIP AND SUPPORT SERVICES

18. Adopt a Resolution Appointing Natalie Livezey as Part-Time Extra Help Senior Administrative Analyst (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811; and Kelli Parmley, Human Resources Director, 408-586-3086)

City Manager Thomas introduced the item. Human Resources Director Parmley and Fire Chief Schoonover responded to questions from the City Council.

There were the following public speakers:

1. Voltaire Montemayor

Vice Mayor Barbadillo raised concerns about hiring retired employees, including questions about the allocated hours, budget, and whether exceeding CalPERS hour limitations would require council approval.

Councilmember Chua questioned the lack of preparation for the retirement, requested documentation of the training process, sought assurance against recurring issues, and requested specific deliverables from the knowledge transfer. City Manager Thomas offered to provide regular updates to the City Council during one-on-one briefings.

Councilmember Lam inquired about qualifications, total budget allocation, and clarification on work hours. Fire Chief Schoonover discussed the challenges in hiring individuals with specialized public safety administrative experience.

Mayor Montano voiced skepticism about the hiring approach and emphasized the need for prudent use of public funds.

After discussion, motion: to (1) to adopt **Resolution No. 9377** appointing Natalie Livezey as part-time extra help Senior Administrative Analyst in accordance with California Government Code sections 7522.56 and 21224; and (2) approve and authorize the City Manager to execute an employment agreement with Natalie Livezey.

Motion/Second: Councilmember Chua / Councilmember Lien

Motion carried by the following:

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

NOES: None

19. Adopt Ordinance No. 316 Approving Measure J, the City of Milpitas Public Services Reauthorization Measure (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

City Manager Thomas introduced the item. Assistant City Manager presented the report.

There were the following public speakers:

1. Voltaire Montemayor

Councilmember Chua and Mayor Montano thanked City Manager Thomas and Assistant City Manager Cano for their outreach efforts.

After discussion, motion: to (1) adopt by a 4/5 vote **Ordinance No. 316** approving Measure J, the City of Milpitas Public Services Reauthorization Measure, as approved by the voters, amending Chapter 4 of Title IX of the Municipal Code to impose a Transactions and Use Tax to be administered by the California Department of Tax and Fee Administration; and (2) to adopt **Resolution No. 9378** and **Resolution No. 9379** authorizing the City Manager to execute any and all documents, agreements, and instruments necessary to implement and effectuate the provisions of Measure J, including but not limited to those required for the administration and collection of the Transactions and Use Tax as established by Ordinance No. 316, and to take any other actions deemed necessary to ensure the successful implementation of this measure as approved by over 80% of the voters as well as for the review of confidential information..

Motion/Second: Councilmember Lien / Councilmember Chua

Motion carried by the following:

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

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

14. Approve the Final Map and Authorize the City Manager to Execute the Subdivision Improvement Agreement with Toll West Coast, LLC, for a Residential Project at 612 South Main Street (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to (1) Approve the Final Map, Tract No. 10626, including all offers of dedications as stated and depicted upon completion and acceptance of improvements; and (2) Approve 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 612 South Main Street..

Motion/Second: Vice Mayor Barbadillo / Councilmember Lien

Motion carried by the following:

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

NOES: None

11. Approve and Authorize the City Manager or Designee to Negotiate and Execute an Agreement with KONE, Inc. for Library Garage Elevator Modernization (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Christian Di Renzo, Public Works Director, 408-586-2602)

Mayor Montano requested a report from city staff detailing the circumstances of the elevator failures. Assistant City Manager Matt Cano confirmed they could provide an informational memo to the council addressing these concerns.

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to adopt **Resolution No. 9380** to approve and authorize the City Manager, or their designee, to negotiate and execute a contract for an elevator modernization project for the Library Parking Garage with KONE, Inc. for \$464,660 with a contingency of \$56,401, subject to an executed amendment, for a total amount not-to-exceed \$521,061..

Motion/Second: Mayor Montano / Councilmember Chua

Motion carried by the following:

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

NOES: None

9. Authorize and Approve Travel Requests for Mayor Montano, Councilmember Chua, Councilmember Lien, and Councilmember Lam to Sacramento, CA (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Councilmember Lien inquired about the process for addressing the travel budget going over the total budgeted amount.

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to authorize and approve the travel to Sacramento, CA, for Mayor Carmen Montano, Councilmember Evelyn Chua, Councilmember Hon Lien, and Councilmember William Lam to attend the League of California Cities *Mayors and Council Members Academy* to be held on January 22–24, 2025, for a combined estimated total not-to-exceed amount of \$6,400 budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings..

Motion/Second: Councilmember Lien / Councilmember Chua

Motion carried by the following:

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

NOES: None

8. Authorize and Approve Out-of-State Travel Request for Councilmember Hon Lien to Attend the U.S. Conference of Mayor's 93rd Annual Winter Meeting in Washington, D.C. (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Mayor Montano voiced concerns regarding the recommendation, noting potential Brown Act implications and the distance involved. Councilmember Lien responded by emphasizing the benefits of previous trips to the same area.

Assistant City Attorney Creech addressed Brown Act concerns.

There were the following public speakers:

1. Voltaire Montemayor

Mayor Montano made a motion: to not authorize out-of-state travel to Washington, D.C., for Councilmember Hon Lien to attend the U.S. Conference of Mayors 93rd Winter Meeting to be held on January 16 20, 2025, for an estimated total not-to-exceed amount of \$5,000, budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings. Councilmember Lam seconded the motion.

Motion/Second: Mayor Montano / Councilmember Lam
by the following:

AYES: Mayor Montano, Councilmember Chua, Councilmember Lam

NOES: Vice Mayor Barbadillo, Councilmember Lien

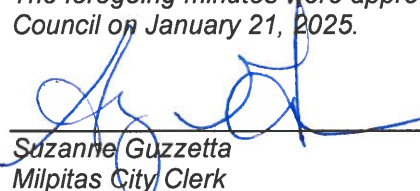
ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

There were no announcements.

ADJOURNMENT

Mayor Montano adjourned the meeting at 10:00 PM.

The foregoing minutes were approved by the Milpitas City Council on January 21, 2025.



Suzanne Guzzetta
Milpitas City Clerk