



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, MAY 6, 2025

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on May 6, 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 5:31 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Barbadillo (5:33 PM), Councilmember Chua, Councilmember Lam, Councilmember Lien

ABSENT: None

Acting City Attorney Creech briefed the City Council on the Closed Session items.

There were no public comments.

The City Council adjourned to Closed Session at 5:33 PM.

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6
Agency's Designated Representative(s): Rick Bolanos, Liebert Cassidy Whitmore
Employee Organization(s): Professional and Technical Employees, Mid-Management and Confidential Employees, Milpitas Employees Association, Unrepresented Employees

(b) PUBLIC EMPLOYEE APPOINTMENT AND HIRING

Pursuant to Government Code Section 54957(b)(1)
Employee Position: City Attorney

(c) PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957(b)(1)
Employee Position: Acting City Attorney

(d) CONFERENCE WITH LEGAL COUNSEL

Pursuant to Government Code Section 54956.9(d)(1)
Existing Litigation: *City of Milpitas vs Dominic Chang et al.*, Santa Clara County Superior Court Docket 24-CV-450646

CLOSED SESSION ANNOUNCEMENT:

The City Council reconvened at 7:12 PM

Acting City Attorney Christopher Creech reported out on the closed session items:

- The City Council voted unanimously to appoint Assistant City Attorney Christopher Creech as Acting City Attorney.
- The City Council voted unanimously to form a subcommittee comprising Vice Mayor Barbadillo and Councilmember Chua to work with staff on recruitment for the position of a permanent City Attorney.

PLEDGE OF ALLEGIANCE

Mayor Montano led the pledge of allegiance.

INVOCATION

Councilmember Chua provided the invocation.

PRESENTATIONS

Mayor Montano, joined by the City Council, presented proclamations in recognition of Building Safety Month and Older Americans Month.

PUBLIC FORUM

There were the following public speakers:

1. Niyati Shah
2. Rob Means
3. Eric Rodriguez
4. Voltaire Montemayor

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

Acting 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. Acting 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 Lien read the Milpitas City Council Code of Conduct.

APPROVAL OF AGENDA

Councilmember Chua asked to move Item 21 to be heard before the Public Hearings.

After discussion, motion: to approve the agenda, moving Item 21 to be heard before the Public Hearings.

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

There were no requests to make changes to the Consent Calendar.

There were the following public speakers:

1. BJ Navarro

After discussion, motion: to approve the Consent Calendar.

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

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

Received City Council Calendar of Meetings for May 2025.

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

Approved City Council Meeting minutes of April 2 and 15, 2025.

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)**

Received the list of items that have been requested by City Councilmembers and received consensus in previous meetings to date.

5. **Consider Recommendations from Mayor Montano for Appointments to City Commissions (Contact: Mayor Carmen Montano, 408-586-3024)**

Received recommendations from Mayor Montano and approved the following recommendations for appointments to City Commissions:

Arts Commission:

1. Appoint Precious Canaveral to a nonvoting student seat with an unexpired term ending October 2026.

Community Housing Commission:

1. Reappoint Armilyn Quijano to a full voting seat with an unexpired term ending January 2028.
2. Reappoint Jinky Peralta to a full voting seat with an unexpired term ending January 2028.
3. Reappoint Oscar Leon to a full voting seat with an unexpired term ending January 2028.

Library and Education Advisory Commission:

1. Promote Naga Sannidhi to a full voting seat with an unexpired term ending June 2027.

Parks, Recreation and Cultural Resources Commission:

1. Appoint Bhupendra Kumar as Alternate No. 2 with an unexpired term ending June 2026.

Science, Technology and Innovation Commission:

1. Reappoint Aahan Shah to a nonvoting student seat with an unexpired term ending January 2028.
2. Reappoint Amrita Mukherjee to a full voting seat with an unexpired term ending January 2028.
3. Reappoint Anh Bao to a full voting seat with an unexpired term ending January 2028.
4. Reappoint Kevin Le to a full voting seat with an unexpired term ending January 2028.
5. Reappoint Ratan Choudhury to a full voting seat with an unexpired term ending January 2028.
6. Appoint Vishal Gandhi as Alternate Member No. 1 with an unexpired term ending January 2027.

Senior Advisory Commission:

1. Reappoint Barbara Jo Navarro to a full voting seat with an unexpired term ending December 2027.

6. Adopt a Resolution and Increase Appropriation for the Annual Regional Wastewater Facility O&M and CIP Payments to the City of San Jose by \$2,027,512 (Staff Contact: Luz Cofresi-Howe, Finance Director, 408-586-3111; and Christian Di Renzo, Public Works Director, 408-586-2602)

Adopted **Resolution No. 9405** and increased the appropriation for the Annual Wastewater Facility O&M and CIP Payments to the City of San Jose by \$2,027,512.

7. Approve an Amendment to the Professional Services Agreement with Lisa Wise Consulting, Inc. for the Comprehensive Zoning Ordinance Update (Staff Contacts: Holly Pearson, Senior Special Projects Associate, 408-609-0072; and Jay Lee, Planning Director, 408-586-3077)

Approved and authorized the City Manager, or designee, to execute an amendment to the professional services agreement with Lisa Wise Consulting, Inc. in the amount of \$6,870 for the Comprehensive Zoning Ordinance Update project.

8. Waive the Second Reading and Adopt Ordinance No. 38.857 to Amend Chapter 10, Section 6 of Title XI of the Milpitas Municipal Code Regarding the Establishment of the Neighborhood Commercial Mixed-Use (NCMU) Zoning District and Town Center (TC) Subdistricts, and Amend the Designation of Certain Parcels within the Zoning Map (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

(1) Determined that the EIR Addendum and Supplemental Letter to the Addendum properly evaluate the potential environmental impacts of the proposed Zoning Amendments and are in compliance with CEQA Guidelines §15162 and §15164, (2) Waived the second reading and adopted **Ordinance No. 38.857** approving Zoning Text and Zoning Map Amendment No. ZA24-0001 amending Chapter 10, Section 6 of Title XI of the Milpitas Municipal Code regarding the establishment of the Neighborhood Commercial Mixed-Use (NCMU) Zoning District and Town Center (TC) Subdistricts; and (3) Amended the designation of certain parcels within the Zoning Map.

9. Adopt a Resolution Designating Street Resurfacing 2025-26, Project No. 4307, to be Funded by California Senate Bill 1 - The Road Repair and Accountability Act of 2017 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

Adopted **Resolution No. 9406** designating Street Resurfacing 2025-2026, Project No. 4307, to be funded by California Senate Bill 1 - The Road Repair and Accountability Act of 2017.

10. Adopt a Resolution Requesting the Allocation, Acceptance and Appropriation of Transportation Development Act Article 3 Funds for the Americans with Disabilities Act Curb Ramp Transition Program, Project No. 4283 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; Michael Silveira, City Engineer, 408-586-3303)

(1) Adopted **Resolution No. 9407** requesting allocation of Transportation Development Act Article 3 Funding for the City's Americans with Disabilities Act Curb Ramp Transition Program, Project No.

4283; (2) Authorized the City Manager, or their designee, to negotiate, accept and execute grant agreements and all ancillary documents necessary to execute the respective grant agreements administered by the funding agency, Metropolitan Transportation Commission, in an amount not-to-exceed \$281,351; and (3) Appropriated \$281,351 into the construction phase (Phase 7) for the ADA Curb Ramp Transition Program, Project No. 4283.

- 11. Adopt a Resolution to Accept the Improvements, Authorize the City Engineer to File a Notice of Completion and Issue a Notice of Final Acceptance After the One-Year Warranty, and Authorize Design Services Agreement Amendment No. 2 with MNS Engineers, Inc. for Fire Station 1 Pressure Reducing Stations Reconstruction, Project No. 7133 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

(1) Adopted **Resolution No. 9408** to accept improvements, (2) Authorized the City Engineer to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty; and (3) Approved and authorized the City Manager to execute Amendment No. 2 to the Design Services Agreement with MNS Engineers, Inc. in the amount of \$99,651 for Fire Station 1 Pressure Reducing Stations Reconstruction, Project No. 7133.

- 12. Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to VSS International, Inc. for Street Sealing Project 2024, Capital Improvement Plan (CIP) Nos. 3424, 3426, 4283, 4305 and 7118; and Approve the Budget Amendment for the Street Resurfacing Project 2023-24, CIP No. 4305 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Adopted **Resolution No. 9409** to (1) Approve Project plans and specifications, (2) Authorize the City Manager, or designee, to award and execute the construction contract with VSS International, Inc. in the amount of \$3,031,971.04, (3) Authorize the Public Works Director to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$316,000.00 for Street Sealing Project 2024, CIP Nos. 3424, 3426, 4283, 4305 and 7118; and (4) Approve the budget amendment in the amount of \$208,372.40 from the California State Bill 1 Road Maintenance and Rehabilitation Account (SB1 RMRA) for the Street Resurfacing Project 2023-24, CIP No. 4305.

- 13. Adopt Resolutions Approving the Annual Engineer's Report and Declaring Intent to Levy and Collect Assessments for Landscaping and Lighting Maintenance Assessment District No. 95-1 McCarthy Ranch (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

(1) Adopted **Resolution No. 9410** approving the Annual Engineer's Report, (2) Adopted **Resolution No. 9411** declaring the intent to levy and collect assessments; and (3) Provided notice of a public hearing to be held on June 3, 2025, for Landscaping and Lighting Maintenance Assessment District No. 95-1 McCarthy Ranch.

- 14. Adopt Resolutions Approving the Annual Engineer's Report and Declaring Intent to Levy and Collect Assessments for Landscaping and Lighting Maintenance Assessment District No. 98-1 Sinclair Horizon (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

(1) Adopted **Resolution No. 9412** approving the Annual Engineer's Report; (2) Adopted **Resolution No. 9413** declaring the intent to levy and collect assessments; and (3) Provided notice of a public hearing to be held on June 3, 2025, for Landscaping and Lighting Maintenance Assessment District No. 98-1 Sinclair Horizon.

- 15. Approve and Authorize the City Manager to Execute An Amended and Restated Master Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority for**

Bike and Pedestrian Outreach, CIP No. 4306 (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 an Amended and Restated Master Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority for Bike and Pedestrian Outreach, CIP No. 4306.

16. 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.

17. Adopt a Resolution Approving the Public Art Master Plan (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Adopted **Resolution No. 9414** approving the Public Art Master Plan.

LEADERSHIP AND SUPPORT SERVICES

21. Adopt a Resolution Appointing an Acting City Attorney (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3086)

Interim City Manager Deanna Santana introduced the item. Assistant City Manager Matt Cano presented the item, noting there was no presentation but he was available for questions.

There was the following public speakers:

- 1. Voltaire Montemayor

After discussion, motion: to (1) Adopt **Resolution No. 9415** to appoint an Acting City Attorney effective on adoption and continuing until City Council takes further action; and (2) Authorize the City Manager, or designee, to take such other actions as necessary and appropriate to carry out the purpose of this appointment, including establishment of acting pay..

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

PUBLIC HEARINGS

18. Adopt a Resolution Approving the FY 2025-26 Development and Storm Impact Fee Schedule for the Transit Area Specific Plan (TASP) Impact Fee, the Calaveras Boulevard Widening Traffic Impact Fee, and the Storm Drain Fee (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)

Interim City Manager Santana introduced the item. Finance Director Cofresí-Howe presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

- 1. Voltaire Montemayor

Mayor Montano closed the public hearing.

During Council discussion, Vice Mayor Barbadillo asked for clarification on how the fees are calculated and used. Finance Director Cofresí-Howe explained they are based on the San Francisco City Construction Cost Index and are used to offset infrastructure costs related to new development.

Mayor Montano inquired about the duration of these impact fees. Acting City Attorney Creech clarified they are ongoing as long as new development occurs, with each new project paying fees at the time of approval.

Councilmember Lam asked about the decrease in fees. Finance Director Cofresí-Howe confirmed it was a slight decrease and explained it was based on industry standard publications.

After discussion, motion: to adopt **Resolution No. 9416** approving the FY 2025-26 Development and Storm Impact Fee Schedule for the Transit Area Specific Plan (TASP) Impact Fee, the Calaveras Boulevard Widening Traffic Impact Fee, and the Storm Drain Fee..

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

19. Introduce an Ordinance to Adopt by Reference the Mapping of Fire Hazard Severity Zones as Issued by the California Department of Forestry and Fire Protection (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811)

Interim City Manager Santana and Fire Chief Schoonover introduced the report. Deputy Fire Chief / Fire Marshal Belton presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Voltaire Montemayor

Mayor Montano closed the public hearing.

Councilmember Lien asked about fire risks from dryer vents and ducts. Deputy Fire Chief Belton confirmed they can cause fires and recommended emptying lint traps regularly.

Vice Mayor Barbadillo inquired about the city's role after adopting the maps. Deputy Fire Chief Belton explained there are no additional requirements for moderate hazard zones, unlike high or very high zones which would require implementing certain code requirements.

Councilmember Lam asked for clarification on the map colors and hazard levels in areas bordering Milpitas. Deputy Fire Chief Belton explained the color distinctions and confirmed that fires in neighboring areas could impact Milpitas depending on conditions.

Acting City Attorney Creech read aloud the title of the ordinance.

After discussion, motion: to (1) waive the reading beyond the title; and (2) Introduce **Ordinance No. 317** to adopt by reference the mapping of fire hazard severity zones, as issued by the California

Department of Forestry and Fire Protection.

Motion/Second: Councilmember Lien / Vice Mayor Barbadillo

Motion carried by the following:

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

NOES: None

20. Consider a Substantial Amendment to the 2022-2025 Consolidated Plan and 2024-2025 Annual Action Plan (Staff Contact: Sarah Balcha, Acting Housing Official, 408-586-3222)

Interim City Manager Santana introduced the item. Acting Housing Official Sarah Balcha presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Alaina Purcell Schroeder
2. Voltaire Montemayor

Mayor Montano closed the public hearing.

Councilmember Chua asked for clarification on the Milpitas Historic Downtown Association boundary and its purpose. Economic Development Coordinator Thomas explained it aligns with the council's priority of investing in Main Street revitalization.

Councilmember Lien inquired about restrictions on how businesses could use the grant funds. Economic Development Coordinator Thomas explained eligible uses include supplies, equipment, tenant improvements, utilities, rent, and employee salaries.

Councilmember Lam suggested equalizing all grants to \$5,000 to benefit more businesses citywide.

After extensive discussion, the Council reached consensus on the following approach for CDBG funding allocations:

1. Program Administration: \$16,217.05
2. FY 2025-26 Public Services: \$12,162.79
3. Rebuilding Together Silicon Valley: \$385,000
4. Microenterprise Assistance Program: \$262,588.26

With the following directions for the implementation of the Microenterprise Assistance Program:

- Divide program into 2 areas (1) Milpitas Historic Downtown Business Association for \$100,000 and Remainder of City for \$135,000;
- First priority in each area will be to award grants to daycare/childcare businesses that did not receive funding last year;
- Second priority in each area will be to award grants to non daycare/childcare businesses that did not receive grants during the prior program year in each section.
- Third priority, if funding remains in Milpitas Historic Downtown area after priorities 1 and 2 above and eligible businesses remain in the Citywide area based on priority 1 and 2 above, then provide remaining money to those citywide eligible businesses;

- Fourth priority, if funding still remains, would be to provide remaining funding to business who did receive a grant in a prior cycle, mimicking the above priority in order of providing funds.

The Council also directed staff to conduct broad outreach efforts to raise awareness and ensure greater participation among eligible microenterprises. Any unallocated funds initially reserved for downtown businesses may be redirected to support businesses elsewhere in the city to ensure full utilization of available funds prior to expenditure deadlines.

In addition, staff was directed to continue exploring separate rental assistance options outside of the CDBG program, due to current program limitations on rental assistance expenditures.

After discussion, motion: to (1) Approve a substantial amendment to the 2022-2025 Consolidated Plan and the 2024-2025 Annual Action Plan; and (2) Authorize the City Manager, or designee, to make any necessary changes to the Plans.

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

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Interim City Manager Deanna Santana provided updates on the Milpitas Youth Force summer employment program and an upcoming Story Walk installation event at Murphy Park. She also congratulated City Clerk Suzanne Guzzetta on her appointment as First Vice President of the California Municipal Clerks Association.

Councilmember Chua thanked staff for successful commissioner appreciation dinner and Black April commemoration events. She also congratulated the interim City Manager and Acting City Attorney on their appointments.

Councilmember Lam noted May is Asian American Pacific Islander (AAPI) Heritage Month, highlighting the importance of celebrating Asian American and Pacific Islander communities' contributions and history.

Councilmember Lien echoed appreciation for the Black April event and suggested recognizing the young performers from the event at a future meeting.

Mayor Montano welcomed Interim City Manager Deanna Santana and congratulated Acting City Attorney Christopher Creech and City Clerk Suzanne Guzzetta on their new roles.

ADJOURNMENT

Mayor Montano adjourned the meeting at 9:04 PM.

The foregoing minutes were approved by the Milpitas City Council on May 20, 2025.


Suzanne Guzzetta
Milpitas City Clerk