



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, SEPTEMBER 2, 2025

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on September 2, 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.

AB 2449

Consider Councilmember Evelyn Chua's Request to Appear Remotely Pursuant to AB 2449 and Authorize the Council to Accept Public Comments Remotely at the September 2, 2025, Meeting of the Milpitas City Council (Staff Contact: Christopher Creech, Acting City Attorney, 408-586-3040; and Suzanne Guzzetta, City Clerk, 408-586-3001)

Acting City Attorney Christopher Creech explained that Councilmember Chua was appearing remotely and requesting remote participation pursuant to Government Code section 54953(f)(2)(A)(2) for a temporary communicable illness. Councilmember Chua confirmed that no one over the age of 18 was in the room with her.

After discussion, motion: to approve Councilmember Chua's request to appear electronically at this meeting and receive remote public comment.

Motion/Second: Vice Mayor Barbadillo / Mayor Montano

Motion carried by the following:

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

NOES: None

ADJOURN TO CLOSED SESSION

Acting City Attorney Christopher Creech announced the items for closed session:

Mayor Montano called for public comment. There were no public speakers.

The Council adjourned to closed session at 6:04 PM.

(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) CONFERENCE WITH LEGAL COUNSEL

Pursuant to Government Code Section 54956.9(d)(1)

Existing Litigation: *Steven Fox vs. City of Milpitas*, WCAB Case No. ADJ18132318

CLOSED SESSION ANNOUNCEMENT:

Upon reconvening in open session at 7:20 PM, Acting City Attorney Christopher Creech reported that there was nothing to report out from the closed session.

PRESENTATION OF THE COLORS and PLEDGE OF ALLEGIANCE

Mayor Montano welcomed Troop 0164 from Christ Community Church of Milpitas to present the colors and lead the Pledge of Allegiance.

INVOCATION

Councilmember Lien provided the invocation.

PRESENTATIONS

Mayor Carmen Montano, joined by the City Council presented proclamations recognizing September 16, 2025, as National IT Professionals Day, recognizing September 2025 as National Suicide Prevention Awareness Month, and recognizing September 2025 as National Preparedness Month.

PUBLIC FORUM

There were the following public speakers:

1. 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

Mayor Montano recited the City Council Code of Conduct.

APPROVAL OF AGENDA

After discussion, motion: to approve the agenda.

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

CONSENT CALENDAR

Councilmember William Lam requested to pull item C13 and Mayor Montano asked to pull item C9 for discussion.

There were no public speakers.

After discussion, motion: to approve the Consent Calendar, with Item C13 and C9 pulled for discussion.

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

1. **Receive City Council Calendar of Meetings (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**
Received City Council Calendar of Meetings for September 2025.
2. **Approve City Council Meeting Minutes (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**
Approved City Council Meeting minutes of August 12 and 19, 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 Opting into Settlement Agreements with Purdue Pharma L.P. and the Sackler Family (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3050; and Christopher Creech, Acting City Attorney, 408-586-3040)**
Opted into settlement agreement with manufacturers of opioids, Purdue Pharma L.P. and the Sackler Family, whereby the County of Santa Clara will receive the City's designated share of settlement funds and directed and authorized the City Manager to execute the settlement agreement and any documents necessary to implement the action.
6. **Consider Recommendations from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)**
Received Mayor Montano's recommendations and approved and confirmed recommendations for appointments to City Commissions.
7. **Adopt Ordinance No. 65.155 for 2025 California Building Codes with Amendments (Staff Contact: Bill Tott, Building Official, 408-586-3263)**

Waived the second reading and adopted **Ordinance No.65.155** amending Chapters 3, 3.5, 4, 5, 6,7,10,11,14,16,19, and 150 of Title II of the Milpitas Municipal Code relating to adopting by reference the 2025 California Building Code, 2025 California Residential Code, 2025 California Mechanical Code, 2025 California Electrical Code, 2025 California Plumbing Code, 2025 California Energy Code, 2025 California Green Building Standards Code, 2025 California Wildland Urban Interface Code, 2025 California Existing Building Code, 2025 California Historical Building Code, 2025 Referenced Standards Code, 2024 International Property Maintenance Code, and 2024 International Swimming Pool and Spa Code, with amendments.

8. **Adopt Ordinance No. 113.27, Adopting by Reference the 2025 Edition of the California Fire Code with Certain Local Amendments (Staff Contact: Arthur Belton, Deputy Fire Chief / Fire Marshal, 408-586-3384)**

Waived the second reading and adopted **Ordinance No. 113.27**, adopting by reference the 2025 Edition of the California Fire Code, to be enacted as Chapter 300, Title V of the Milpitas Municipal Code, with certain local amendments.

9. **Waive the Second Reading and Adopt an Ordinance Approving Zoning Text and Zoning Map Amendment ZA25-0001 to Comprehensively Update the Zoning Ordinance (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Item Pulled from Consent Calendar.

10. **Approve and Authorize the City Manager, or Designee, to Execute a Design Services Agreement with Bennett Engineering for Street Resurfacing Project 2026, CIP No. 4307 (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, or designee, to execute a Design Services Agreement with Bennett Engineering in an amount not to exceed \$509,112 for the Street Resurfacing Project 2026, CIP No. 4307.

11. **Adopt a Resolution to Accept the Completed Public Improvements for the Bridge Point Silicon Valley Project, Approve a Reduction of the Faithful Performance Bond for the Project, and Authorize the City Engineer to Release the Remaining Portion of the Bond After the One-Year Warranty Period (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

(1) Adopted **Resolution No. 9448** to accept the completed public improvements for the Bridge Point Silicon Valley Project, (2) Approve a reduction in the faithful performance bond to \$120,260; and (3) Authorize the City Engineer to release the remaining portion of the bond after the one-year warranty period without further City Council action, provided all required warranty work has been completed to the satisfaction of the City Engineer.

12. **Authorize the City Manager to Execute Purchase Orders with Multiple Vendors for Public Works Related On-Call Services (Staff Contact: Luz Cofresi-Howe, Finance Director, 408-586-3111; and Christian De Renzo, Public Works Director, 408-586-2602)**

Authorized the City Manager, or designee, to (1) Negotiate and execute purchase orders with twenty-five (25) vendors for Public Works related on-call maintenance and repair services – including parts, specialty equipment, and materials as required – for a five-year term in a total amount not to exceed \$8,335,342, subject to the appropriation of funds; and (2) Adjust the not-to-exceed amounts between vendors in specified services areas as required.

13. **Authorize the City Manager to Negotiate and Execute an Agreement with One Day Installation & Repair, Inc for Police Department Locker Room Renovation (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Item Pulled from Consent Calendar.

14. **Adopt a Resolution Authorizing Submittal of a Grant Application to the California Department of Resources Recycling and Recovery for the Rubberized Pavement Grant Program, and Authorize the City Manager, or Designee, to Execute Grant Funding Agreements and Appropriate Award Funds (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

(1) Adopted **Resolution No. 9449** authorizing submittal of a grant application to the California Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement Grant Program, and (2) Authorized the City Manager, or designee, to execute grant funding agreement(s) with CalRecycle and appropriate awarded funds into City's street resurfacing program for five fiscal years.

15. **Consider a Fee Waiver Request from PRAGNYA (Preparing Resources & Alliances Galvanizing Neurodiversity Acculturation) (Staff Contact: Renée Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Approved a Fee Waiver of \$872 for the PRAGNYA event Dinkchak Dhamaal Dandiya at the Milpitas Senior Center on September 27, 2025.

LEADERSHIP AND SUPPORT SERVICES

16. **Consider Modifying the City Council Code of Conduct Regarding Electronic Device Use at the Dais (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Interim City Manager Santana introduced the item and City Clerk Guzzetta presented the report.

There were the following public speakers:

1. Voltaire Montemayor

Councilmember Lien asked whether the discussion was limited to device use in the code of conduct and, upon confirmation, offered no further comments.

Mayor Montano asked what devices were included under the term "electronic devices," and Acting City Attorney Creech confirmed the language was broad enough to cover phones, laptops, iPads, and other current or future technology. Mayor Montano emphasized that device use could create Public Records Act concerns and underscored the need to remain focused on city business.

Councilmember Lam expressed support for revising the language, explaining that councilmembers regularly use devices to access agendas and staff reports, and that permitting appropriate use better reflects current practice than prohibiting all use.

Councilmember Lam made a motion: to adopt a revision to Chapter 3 of the City Council Procedures and Protocols Handbook to revise the Code of Conduct language to state "Use electronic devices appropriately while on the council dais." Vice Mayor Barbadillo seconded the motion.

Motion/Second: Councilmember Lam / Vice Mayor Barbadillo

Motion carried by the following:

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

NOES: None

17. Provide Direction on City Council Salaries in Accordance with California Government Code (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Interim City Manager Santana introduced the item. Assistant City Manager Cano presented the report with clarification provided by Acting City Attorney Creech.

There were the following public speakers:

1. Voltaire Montemayor

Mayor Montano noted that councilmembers are considered city employees and have not received a raise in many years despite workloads often exceeding 40 hours per week.

Councilmember Lien agreed with the Mayor's remarks about the workload but expressed concern about the city's structural deficit. She recommended deferring any increases until the budget is in surplus. Mayor Montano acknowledged the structural deficit but noted that the city's budget is balanced for the next two years. She cautioned that waiting could mean no changes for at least five years.

Vice Mayor Barbadillo emphasized that the discussion was a policy matter for future councils, as any increases would not take effect until after the November 2026 election. He highlighted the stipend compared to the workload and outside board assignments and said higher compensation could encourage more residents to seek office.

Councilmember Lam noted that serving on the council requires significant time and effort, often resembling full-time work and agreed that compensation should be increased to incentivize future residents to serve.

Mayor Montano added that the mayor has additional responsibilities and expenses, such as travel to regional meetings, and argued that the mayor's salary should be higher than that of councilmembers.

Councilmember Chua acknowledged the workload and personal costs of serving and agreed that compensation changes would not affect the current Council. She said adjustments could help reduce barriers for residents considering running for office.

Mayor Montano compared the discussion to her experience serving on the Bay Area Water Services Conservation Agency board, where stipends were raised due to cost-of-living concerns, and noted that board members who opposed increases could opt out.

Councilmember Lam expressed support for Option D, proposing council salaries of \$22,800 annually and the mayor's salary of \$27,600 annually, with implementation after the 2026 election. Assistant City Manager Cano asked whether Lam wanted to include cost-of-living adjustments (CPI) and when the mayor's higher salary should begin. Acting City Attorney Creech clarified that the Council cannot approve automatic annual CPI increases in advance. However, when staff brings back the ordinance for adoption, the salary figures can be updated to reflect any CPI increases that have occurred since January 1, 2024.

Councilmember Chua clarified that she supported Option D with CPI adjustments, recommending that the mayor's higher salary also take effect in 2027 at the same time as the council salaries. Assistant City Manager Cano confirmed that under any option, implementation would begin in January 2027.

Councilmember Lam then made a motion: to direct staff to return to City Council with an ordinance to update Chapter 14 of Title 1 of the City of Milpitas Municipal Code, which outlines City Council salaries, with Option D, setting council salaries at \$22,800 annually and the mayor's salary at \$27,600 annually,

adjusted by CPI, with all increases effective after the November 2026 election. Vice Mayor Barbadillo seconded the motion.

Motion/Second: Councilmember Lam / Vice Mayor Barbadillo

Motion carried by the following:

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

NOES: Councilmember Lien

ITEMS PULLED FROM CONSENT CALENDAR

13. Authorize the City Manager to Negotiate and Execute an Agreement with One Day Installation & Repair, Inc for Police Department Locker Room Renovation (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Councilmember Lam raised questions about the project schedule, cost control measures, and contingency plans. Public Works Director Di Renzo explained that the proposed 270-day timeline allows for potential delays in materials and supplies. He assured the council that the project would be closely monitored with weekly progress reports and that change orders would be meticulously reviewed. Police Chief Hernandez confirmed that alternate space would be available for female officers during the renovation.

There were the following public speakers:

1. Voltaire Montemayor

Councilmember Chua and Vice Mayor Barbadillo expressed support for the project, noting its importance for accommodating the increasing number of female personnel in the police department.

After discussion, motion: to approve project plans and specifications, award bid, and authorize the City Manager, or designee, to negotiate and execute a Construction Agreement with One Day Installation & Repair, Inc. for Police Department Locker Room Renovation Project in an amount not to exceed \$700,000, which includes the base bid of \$598,609.25 and a contingency of \$101,390.75 for a maximum compensation of \$700,000, subject to the appropriation of funds, for a term of 270 days..

Motion/Second: Councilmember Lam / Councilmember Chua

Motion carried by the following:

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

NOES: None

9. Waive the Second Reading and Adopt an Ordinance Approving Zoning Text and Zoning Map Amendment ZA25-0001 to Comprehensively Update the Zoning Ordinance (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Mayor Montano asked for clarification on the zoning text and map amendments, including whether Council remains free to deny projects despite prior approvals. Principal Planner Van Hua, and Special Project Associate Pearson explained that Phase 2 primarily removes obsolete overlays, adds the freeway corridor overlay to the map, and incorporates previously approved Housing Opportunity Districts. Interim City Manager Santana confirmed that Council retains full authority to revisit or modify zoning.

Councilmember Chua asked whether Phase 2 included any changes to residential, commercial, or industrial zoning, and Special Projects Associate Pearson clarified that no base zoning changes were made, only increases to floor area ratios in certain commercial and industrial zones and other minor development standard updates.

There were the following public speakers:

1. Voltaire Montemayor

Councilmember Lam requested clarification on the freeway corridor overlay. Principal Planner Van Hua and Special Projects Associate Pearson explained that it applies to nonresidential parcels within 300 feet of I-880 and I-680, such as McCarthy Ranch, and allows a discretionary 20 percent increase in floor area ratio above the base zoning. City Attorney Christopher Creech clarified that the overlay district was originally adopted in 2014, and this action just depicts it on the zoning map without altering its standards.

After discussion, motion: to determine that the Environmental Impact Report (EIR) Addendum adequately analyzes the potential environmental impacts associated with the proposed Zoning Amendments and is in compliance pursuant to CEQA Guidelines §15162 and §15164; and waive the second reading and adopt **Ordinance No. 38.858** approving Zoning Text and Zoning Map Amendment No. ZA25-0001 to comprehensively update the Zoning Ordinance and achieve consistency between the Zoning Ordinance and Zoning Map.

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

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Interim City Manager Santana announced the following upcoming events:

- Community Cars and Coffee with a Cop on September 13;
- Police Department community meeting on September 15;
- Community cleanup at Dixon Landing Park on September 6;
- Milpitas Fiesta on October 11; and
- Council review of the censure policy at the October 3 priority session.

Councilmember Chua announced a donation of 20 laptops from Persistent Technology, with a donation ceremony scheduled for the following day, and reported on the appointment of Father Andrew Ligot of St. Elizabeth Church as an auxiliary bishop.

Mayor Montano requested staff to look into concerns regarding increased air traffic over Milpitas. Interim City Manager Santana noted that flight paths are under federal jurisdiction but agreed to review whether working groups exist to address the issue. There was unanimous consensus to move the item forward.

Before adjourning, Mayor Montano acknowledged the passing of former Milpitas City Attorney Michael Mutalipassi, recognizing his service to the city and extending condolences to his family.

ADJOURNMENT

Mayor Montano adjourned the meeting at 9:09 PM.

The foregoing minutes were approved by the Milpitas City Council on September 16, 2025.


Suzanne Guzzetta
Milpitas City Clerk