REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, OCTOBER 21, 2025

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council, Housing Authority, and Successor Agency on October 21, 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 7:03 PM. Roll Call was taken by City Clerk Guzzetta.

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

ABSENT: None

PLEDGE OF ALLEGIANCE

Scout Troop 0786 Shia Imami Ismaili presented the colors and led the Pledge of Allegiance.

INVOCATION

Councilmember Chua provided the invocation.

PRESENTATIONS

Mayor Montano and the Milpitas City Council presented proclamations in recognition of National Domestic Violence Prevention Month and Diwali.

The City Council recognized Community Heroes as nominated by members of the Council including: Rhoda Shapiro, Peaceful Poets of Milpitas, Knights of Columbus St. John's Council 5796, Milpitas Kiwanis Club, and MariCris Benitez and the Executive Lions Club.

The Mayor also presented commendations in recognition of Milpitas Students, Atharv and Nyssa Bagotra, in support of writing their first fantasy book, Maya Brooks and the Land of Fire and Ice.

The City Council adjourned to a reception in honor of the Community Heroes at 8:13 PM and reconvened in Open Session at 8:36.

PUBLIC FORUM

There were the following public speakers:

1. Ryan Heron
2. Alan Ha
3. Myvan Khuu-Seeman
4. Zuhayl Lambert
5. Michael Thomas
6. Margarita Mendoza
7. Henry Soong
8. Vikas Seth
9. Ron Long

10. Liz Medina
11. Matt Lambert

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 read the City Council Code of Conduct.

APPROVAL OF AGENDA

After discussion, motion: to approve the agenda.

Motion/Second: Mayor Montano / Vice Mayor Barbadillo
Motion carried by the following:

AYES:	Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien
NOES:	None

CONSENT CALENDAR

Councilmember Lam requested to pull Item C6.

Councilmember Lam made a motion: to table Item C6 to the next City Council meeting. Vice Mayor Barbadillo seconded the motion.

Police Chief Hernandez provided clarification on the necessity and specifics of the program, including its focus on mitigating stress-related cardiovascular risks unique to law enforcement, the motion to discuss was reconsidered. After Council discussion, Councilmember Lam rescinded the motion.

There were no public speakers.

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

Motion/Second: Councilmember Lien / Councilmember Chua
by the following:

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

Motion/Second: Councilmember Lien / Councilmember Chua
Vote: 4-1 (Noes: Barbadillo)

Acting City Attorney Creech noted that regular procedure called for items pulled from the Consent Calendar to be heard after the final agenda item, but advised that the City Council could make a motion to hear the item immediately following the Consent Calendar.

After discussion, motion: to hear Item C6 for discussion immediately following the Consent Calendar.

Motion/Second: Councilmember Chua / Councilmember Lien
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 October 2025.

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

   Approved City Council Meeting minutes of September 16, 26, and 30, 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 Nationwide Settlement Agreements with Additional Opioid Manufacturers (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3050; and Christopher Creech, Acting City Attorney, 408-586-3040)**

   Opted into settlement agreements with certain opioids manufacturers, whereby the City will assign will receive the City's designated share of settlement funds to the County of Santa Clara, and direct and authorize the City Manager to execute settlement agreement(s) and any other documents necessary to implement the action.

6. **Authorize the City Manager, or Designee, to Negotiate and Execute an Agreement with Telemedicine Group DE for Cardio-Metabolic Testing Services (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Jared Hernandez, Chief of Police, 408-586-2406)**

   Item pulled from Consent Calendar.

7. **Authorize the City Manager to Execute Grant Agreement with the Office of Traffic Safety to Accept the Fiscal Year 2026 Office of Traffic Safety Selective Traffic Enforcement Program Grant and Approve the Related Budget Appropriation (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

   Authorized the City Manager, or designee, to execute a grant agreement with the Office of Traffic Safety to accept the Fiscal Year 2026 Office of Traffic Safety Selective Traffic Enforcement Program Grant and approve the related budget appropriation in the amount of $110,000.

8. **Adopt a Resolution Accepting Completed Public Improvements and Authorizing Bond Reduction and Release for the Parkside Phase 2 Project at 1992 Tarob Court (Staff Contact:**

Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

Adopted **Resolution No. 9450** to (1) accept the completed public improvements; (2) approve a reduction in the faithful performance bond to $115,250.00; and (3) authorize the City Engineer to release the performance 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 for the Parkside Phase 2 Project at 1992 Tarob Court.

9. Authorize the City Manager, or Designee, to Negotiate and Execute an Amendment to the Agreement with W.W. Grainger, Inc. for the Purchase of Maintenance Supplies, Equipment, Tools, and Parts for the Public Works Department (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Christian Di Renzo, Public Works Director, 408-586-2602)

Authorized the City Manager, or designee, to negotiate and execute an amendment to the agreement with W. W. Grainger, Inc., to continue purchasing high quality maintenance supplies, equipment, tools, and parts for a four-year term in an amount not-to-exceed $549,000 for the full term of the contract agreement.

10. Adopt a Resolution to Approve Project Plans and Specifications; Award the Construction Contract to Innovative Construction Solutions; and Authorize the Design Services Agreement Amendment No. 2 with MNS Engineers, Inc. for the Gibraltar Pump Station Valves Replacement Project (Staff: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

Adopted **Resolution No. 9451** to: (1) Approve the Project plans and specifications; (2) Award the construction contract to Innovative Construction Solutions in the amount of $1,310,000; (3) Authorize the City Manager, or designee, to execute the construction contract with Innovative Construction Solutions; (4) Authorize the Public Works Director to negotiate and execute contract change order(s) in an aggregate amount not to exceed $196,500; and (5) Approve and Authorize the City Manager, or designee, to execute Amendment No. 2 to the Professional Services Agreement with MNS Engineers, Inc. in the amount not to exceed of $32,198 for the Gibraltar Pump Valves Replacement Project, Project Nos. 7133 and 7141.

ITEMS PULLED FROM CONSENT CALENDAR

6. Authorize the City Manager, or Designee, to Negotiate and Execute an Agreement with Telemedicine Group DE for Cardio-Metabolic Testing Services (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Jared Hernandez, Chief of Police, 408-586-2406)

Councilmember Lam elaborated on his reasons for pulling the item from the consent calendar. He raised concerns about whether such testing could be covered by existing health insurance plans rather than requiring additional city funds.

Police Chief Hernandez responded to questions from the City Council.

There were the following public speakers:
1. Voltaire Montemayor

After discussion, motion: to Authorize the City Manager, or designee, to negotiate and execute a Professional Services Agreement with Telemedicine Group DE for cardio-metabolic testing services in an amount not-to-exceed $206,640 for the full three-year term.

Motion/Second: Councilmember Lien / Mayor Montano
Motion carried by the following:
AYES: Mayor Montano, Councilmember Lien
NOES: Vice Mayor Barbadillo
ABSTAIN: Councilmember Chua, Councilmember Lam

Motion/Second: Councilmember Lien / Mayor Montano
Vote: 2-1-2 (Noes: Barbadillo. Abstain: Chua, Lam)

COMMUNITY DEVELOPMENT

11. 2025 Legislative Season Update and 2025 State and Federal Earmark Requests Update (Staff Contact: Alex Andrade, Director of Economic Development and Strategic Initiatives, 408-586-3046)

Interim City Manager Santana introduced the item. Economic Development Director Andrade presented the report, joined by Economic Development Specialist Zubair.

There were the following public speakers:
1. Voltaire Montemayor

Vice Mayor Barbadillo stressed collaborating with other cities for common legislative issues and proposed that a collective municipal strategy could boost advocacy efforts. Director of Economic Development and Strategic Initiatives Andrade detailed his participation in the Santa Clara County Legislative Coordinators Group, which meets monthly with various cities and agencies to strengthen legislative positions through shared information.

Councilmember Lam questioned ongoing links with groups like the Cities Association and California League of Cities. Director Andrade confirmed active collaboration, aligning city stances with larger coalition goals.

Mayor Montano, showing interest in inter-city partnerships, asked about the consistency of communication and updates on these cooperative efforts. Director Andrade affirmed the mayor's interest, agreeing to update the council through the City Manager's biweekly reports and exploring ways to deepen council involvement in legislative collaboration.

After discussion, motion: to accept the 2025 Legislative Season Agenda Report, including an update on 2025 State and Federal Earmark Requests.

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

LEADERSHIP AND SUPPORT SERVICES

12. Report on Violations of the City's Code of Conduct, Council Handbook, Open Government Ordinance, and Municipal Code (Staff Contact: Deanna J. Santana, City Manager, 408-586-3050)

Interim City Manager Santana provided opening remarks and was available to respond to questions from City Council.

There were the following public speakers:
1. Voltaire Montemayor

Vice Mayor Barbadillo initiated the discussion, questioning how it was determined that violations had occurred, why the item was presented without prior Council deliberation, whether legal advice had been sought, and why only two emails were included as exhibits, requesting that all related communications be provided for context. He emphasized that the report should have referred to "alleged violations" and urged adherence to due process before drawing conclusions.

Councilmember Lien asked why the matter was being held in open session rather than in closed session. Acting City Attorney Christopher Creech explained that, under the Brown Act, closed sessions are limited to specific purposes such as litigation or personnel matters, and this item did not fall within those categories.

Councilmember Lien noted she had reviewed all materials presented and asked for clarification on what constituted interference between the Council and the City Manager and whether the matter had been resolved. Interim City Manager Deanna Santana explained that she met with the parties involved to discuss the matter and restore effective working relations. She noted that the situation arose from actions taken outside established communication and supervisory protocols, emphasizing the importance of maintaining clear role boundaries and adherence to governance procedures.

Vice Mayor Barbadillo continued expressing concern that the agenda report implied that violations had occurred without formal Council determination. He stated that under the City's Censure Policy, only the Council may determine whether a violation occurred and that such determinations must follow principles of fairness and due process. He questioned who had concluded that violations occurred and emphasized that the Council had not yet reviewed all relevant materials. The Vice Mayor urged that the Council conduct a comprehensive review of all communications from the time period in question before reaching any conclusions.

Acting City Attorney Creech announced that the time was now 11:00 PM and, according to Council procedure, it would require a motion and vote to continue the discussion.

After discussion, <u>motion:</u> to continue the discussion past 11:00 PM.

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

Interim City Manager Santana responded that, under the Council–Manager form of government, she has a duty to report governance concerns to the City Council when they arise. She explained that the evidence included written communications showing staff were directed outside appropriate channels and that her intent was not to assign blame but to ensure transparency and accountability.

Acting City Attorney Creech added that, while the City Manager and City Attorney are obligated to report potential governance issues, it is ultimately the City Council that determines whether a violation has occurred and what action to take.

Councilmember Lien spoke again, emphasizing the importance of integrity and accountability among elected officials. She underscored the need for transparency and public trust, stating that the Council must set an example of ethical conduct and proper governance.

Vice Mayor Barbadillo returned to the discussion to ask what counterpart existed for staff to the Council's censure policy. He inquired whether, if a censure process applies to Councilmembers, there was an equivalent mechanism for addressing concerns related to the City Manager or City Attorney. Acting City Attorney Creech clarified that the Council's authority over staff is limited to its two appointees, the City Manager and City Attorney—and that the appropriate process available to the Council in such cases is the performance evaluation process. The Vice Mayor then asked how he could initiate evaluations for both positions.

Following the Acting City Attorney's clarification, Vice Mayor Barbadillo asked how he could formally initiate performance evaluations for the City Manager and City Attorney. Acting City Attorney Creech explained that any Councilmember may request that such an item be agendized at the end of a meeting, subject to majority approval. The Vice Mayor stated that he intended to make such a request once the Council had reviewed the additional information he had asked staff to provide.

Interim City Manager Santana acknowledged that the City Council has the authority to conduct a performance evaluation of the City Manager in closed session and stated that she supported the Council's ability to provide formal feedback through the established process. She clarified, however, that she had already resigned and that her last day would be October 31, 2025, and therefore she would not participate in any performance evaluation held during her final week. She emphasized that her purpose in bringing the report forward was to ensure good governance and adherence to City policies.

Councilmember Chua spoke next, stating that Council decisions must be grounded in factual evidence rather than emotion. She supported a thorough review of all relevant materials before any determination is made and emphasized the need to maintain professionalism and objectivity.

Councilmember Lam agreed that the Council should base its decisions on verified facts and proposed that a special meeting be held to review all pertinent communications and evidence in a systematic and transparent manner. He stated that a complete and verified record would enable the Council to make a fair and informed decision.

Mayor Montano facilitated the discussion, ensuring each Councilmember had the opportunity to speak. The Mayor encouraged the Council to resolve the matter promptly to maintain City stability and avoid disruption to operations. She expressed a preference for addressing the matter constructively and efficiently, suggesting that acknowledgment and corrective action might suffice without pursuing formal censure.

Acting City Attorney Creech provided additional clarification on the procedural requirements for any potential censure action, noting that such proceedings require formal Council action following due process. He added that the Council could consider waiving attorney–client privilege to release a legal memorandum related to the matter, which would enhance transparency and provide context for deliberations.

Interim City Manager Santana proposed that the Council consider engaging an independent third-party reviewer to conduct an impartial assessment of the situation. She stated that an external evaluation could help ensure objectivity, provide clarity, and support the Council in making an informed decision. Santana reaffirmed her commitment to transparency, accountability, and maintaining organizational stability.

Assistant City Manager Cano and several department heads addressed the Council to express concern regarding potential impacts on staff morale and operations. They commended the City Manager's leadership, noting that stability and consistency in direction were essential to maintaining staff confidence and effective City operations.

Motion: to hold a special meeting to review all relevant communications, documentation, and evidence related to the matter on Friday, October 24, 2025.

Motion/Second: Councilmember Lam / Councilmember Chua
Motion carried by the following:
AYES: Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam
NOES: Mayor Montano, Councilmember Lien

The meeting was tentatively scheduled for Friday subject to polling, providing time for staff to compile materials and for the Council to ensure due process, transparency, and accountability in its review.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Clerk Guzzetta announced that the City Council would need to take a vote to hear this item.

After discussion, motion: to continue the meeting and discuss Announcement and Future Agenda Items.

Motion/Second: Councilmember Lien / Councilmember Lam
by the following:
AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien
NOES: None

Mayor Montano requested two items be added to the priority list:
1. Placing a billboard at the sports center to inform the community about events and activities. There was unanimous consensus to add the item to the priority list.
2. Exploring the creation of small parks in two neighborhoods without them: North Park Victoria and Visona Park near Berryessa Road. There was unanimous consensus to add the item to the priority list.

Vice Mayor Barbadillo requested to agendize a discussion on the acting city attorney position. This request received majority support from the council (Noes: Montano. Absent: Lien)

ADJOURNMENT

Mayor Montano adjourned the meeting at 12:37 PM.

The foregoing minutes were approved by the Milpitas City Council on December 2, 2025.

Suzanne Guzzetta
Milpitas City Clerk