



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND HOUSING AUTHORITY

AGENDA

TUESDAY, JUNE 20, 2023

CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA

6:00 PM (CLOSED SESSION)

7:00 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-2400

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3072

The City Council meeting is held in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas and via teleconference/Zoom webinar.

You may watch the Council meeting without providing public comment by accessing it via links here.

Meeting shall be livestreamed - Go to:

Facebook: <https://www.facebook.com/CityofMilpitas/>

YouTube: <https://www.milpitas.gov/youtube>

Web Streaming: <https://www.milpitas.gov/webstreaming>

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may be provided live during the City Council meeting in person or by registering for the zoom meeting in advance. To register you will need to provide an email address (not disclosed) and a name. To minimize technical difficulties, please make sure that you have the latest version of the Zoom Application. Below is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_xsT5eBTDRequSCWg097glw

After you register a link will be sent to you to join the City Council meeting in order to give your comments. All Zoom meeting attendees who wish to speak must click on the "raise hand" icon when the Mayor calls for public comments. If participating via phone, dial *9 to use the "raise hand" feature, and when called to speak, dial *6 to unmute your phone. Your phone number will be displayed in the live meeting. The Mayor will call speakers by name to address the City Council.

All comments provided shall be limited to three minutes or less as determined by the Mayor. All members of the public will be limited to one comment per agenda item, and one comment for non-agenda items.

NOTE: If a member of the public wishes to share any presentation materials for Council consideration, they must be submitted to the Clerk's Office by email to CityClerk@milpitas.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk (6:00 PM)

ADJOURN TO CLOSED SESSION

(a) PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957

Employee Position: Acting City Manager

(b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 1432-1446 S. Main Street

Agency negotiator: Alex Andrade, Economic Development Director

Under negotiation: Both price and terms

CLOSED SESSION ANNOUNCEMENT:

Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present.

PLEDGE OF ALLEGIANCE

INVOCATION (Vice Mayor Chua)

PUBLIC FORUM (7:05 PM)

Members of the public are invited to speak on any item that does not appear on today's agenda. Comments will be limited to three minutes or less at the Mayor's discretion. When called to speak, you are encouraged to state your name for the record. As an item not listed on the agenda, no action can be taken, however the City Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (7:15 PM)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

C1. Receive City Council Calendar of Meetings for June, July, and August 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendar of Meetings for June, July, and August 2023.

C2. Approve City Council City Council Meeting Minutes of June 6, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Special Meeting minutes of June 6, 2023.

C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive the list of anticipated agenda items for the next regular City Council meeting.

- C4. Approve the Proposed Edits to the Commissioner Handbook, and Revisions to the Bylaws Addendum for the Science, Technology and Innovation Commission (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve the proposed edits to the Commissioner Handbook, and the revisions to the Bylaws Addendum for the Science, Technology and Innovation Commission to change meeting frequency, as recommended by the Commission.

- C5. Approve Delegation of Authority to the Acting City Manager or Designee to Approve and Execute Project Related Documents and Urgent Administrative Items During the City Council Summer Recess, from the Last City Council Meeting Held in June through August 8, 2023 (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053)**

Recommendation: Approve delegation of authority to the Acting City Manager, or their designee, to approve and execute project related documents, including contract documents, and urgent administrative items during the City Council summer recess from the last City Council meeting held in June through August 8, 2023.

- C6. Approve Changes to the City Council Procedures and Protocols Handbook to allow the use of Electronic Voting (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053; Michael Mitalipassi, City Attorney, 408-586-3041)**

Recommendation: Approve changes to the City Council Procedures and Protocols Handbook to allow the use of electronic voting, as part of the implementation of a new Agenda Management system.

- C7. Receive the January – March 2023 Report for Unhoused Services (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046)**

Recommendation: Receive the January – March 2023 report for unhoused services.

- C8. Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the Stratford School Addition and Remodel Commercial Project and Grant Authorization to the City Engineer to Release the Performance Bond after the One-Year Warranty Period;(Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Adopt a resolution granting acceptance of the completed public improvements for the Stratford School Addition and Remodel Commercial Project as shown on Public Improvement Plans No. 2-1357; and approve a reduction in the faithful performance bond to \$28,600.00, which is 25% of the security's original value which shall be in effect for the duration of the warranty period; and grant authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided that all required warranty work is completed to the satisfaction of the City Engineer.

- C9. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Parktown Plaza Pak LLC for the Park Town Plaza Modification Project at 1400 S. Park Victoria Dr. (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Parktown Plaza Pak LLC for the Park Town Plaza Modification Project at 1400 S. Park Victoria Dr.

- C10. Authorize the Acting City Manager to Execute the Fee Reimbursement Agreement for Transit Area Specific Public Facilities and Public Improvements at the 355 Sango Court Project by**

Sango Court L.P. and Approve Budget Change Form for Fiscal Year 2023-24 (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)

Recommendation: Authorize the Acting City Manager to execute the Fee Reimbursement Agreement for Transit Area Specific Public Facilities and Public Improvements at the 355 Sango Court Project by Sango Court L.P.

- C11. Approve Accounts Receivable Write-offs for the Fiscal Year Ending June 30, 2023 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Approve the Accounts Receivable write-offs for the Fiscal Year ending June 30, 2023.

- C12. Adopt a Resolution to Approve Compensation Changes Related to Annual Performance Evaluation of the City Attorney as Directed by the City Council (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)**

Recommendation: Adopt a resolution to approve compensation changes related to Annual Performance Evaluation of the City Attorney as directed by the City Council.

- C13. Adopt a Resolution Approving the Sole Source Procurement of Crossing Guard Services; and Approve and Authorize the City Manager to Enter into a 1-Year Agreement with All City Management Services, Inc. for Crossing Guard Services in a Total Amount Not-to-Exceed \$781,858.00 for Fiscal Year 2023-24 (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Recommendation: Adopt a resolution approving the sole source procurement of Crossing Guard Services; and Approve and authorize the City Manager to enter into a 1-year agreement with All City Management Services, Inc. for Crossing Guard Services in a total amount not-to-exceed \$781,858.00 for Fiscal Year 2023-24.

- C14. Waive the Second Reading and Adopt Ordinance No. 38.853 Amending the Zoning Map of the City of Milpitas in Accordance with the Provisions of Section 3.03 of Chapter 10 of Title XI of the Milpitas Municipal Code to Change the Zoning Classification of Two Parcels (APNs: 083-40-044 and 083-40-045) Located on the Southwest Corner of South Main Street and Montague Expressway for Consistency with New, Approved General Plan Land Use Designations. (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Holly Pearson, Senior Special Projects Associate, 408-609-0072)**

Recommendation: (1) Determine that potential environmental impacts associated with the proposed Zoning Map changes have been previously analyzed under the Environmental Impact Report (EIR) for the Milpitas 2040 General Plan certified on March 9, 2021 (per Resolution 9047) and find that since the proposed Zoning Map changes are consistent with the General Plan, no further environmental analysis is required; and (2) Move to waive the second reading and adopt Ordinance No. 38.853 amending the Zoning Map of the City of Milpitas in accordance with the provisions of Section 3.03 of Chapter 10 of Title XI of the Milpitas Municipal Code to change the zoning classification of two parcels (APNs: 083-40-044 and 083-40-045) located on the southwest corner of South Main Street and Montague Expressway for consistency with new, approved General Plan land use designations.

- C15. Receive an Update on the Emergency Repairs to the HVAC System and Equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: (1) Receive an update on the emergency repairs to the HVAC system and equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

PUBLIC HEARINGS (7:20 PM)

Members of the public may be allotted up to three (3) minutes or less at the Mayor's discretion, to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of ten (10) minutes for opening statements and up to a total of five (5) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

- 16. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2023-24 (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Open the public hearing, receive any comments, and move to close the hearing following any testimony, and Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2023-24.

- 17. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2023-24 (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Open the public hearing, receive any comments, and move to close the hearing following any testimony, and Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2023-24.

LEADERSHIP AND SUPPORT SERVICES (8:00 PM)

- 18. Adopt a Resolution to Appoint an Acting City Manager and Consider Acting Pay Effective Upon Adoption and Continuing Until Council Takes Further Action (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)**

Recommendation: (1) Adopt a resolution to appoint an Acting City Manager effective upon adoption and continuing until council takes further action; and (2) Consider acting pay during the assignment.

- 19. Receive a Report on the Homekey Project at 1000 Hillview Court, Direct Staff to Establish a Stakeholder Group and Appoint a Council Liaison (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053; and Matt Cano, Deputy City Manager, 408-586-3012)**

Recommendations: Receive a report on the Homekey Project at 1000 Hillview Court, and direct staff to establish a stakeholder group and appoint a Council liaison to the stakeholder group.

- 20. Review the List of Agenda Item Requests From Individual Councilmembers and Provide Direction to Staff, Through the Prioritization Process, on Groups 1 Items; Provide Additional Clarification to Staff, If Any, on Group 2 Items (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Matt Cano, Deputy City Manager, 408-586-3012)**

Recommendation: (1) Review list of agenda item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on which Group 1 items should be advanced; (2) Provide additional input to staff, if any, on Group 1 items that received Council direction to advance and all Group 2 items; and (3) Provide additional direction on Group 3 items as needed.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (10:45 PM)

Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items. For future agenda items, the City Council shall not debate the topic or engage in discussion but shall simply state a “yes” or “no” as whether to move the item forward. If a majority of the City Council agrees to move the item forward, the City Manager shall place the item on a future agenda.

ADJOURNMENT (10:50 PM)

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: mmutalipassi@milpitas.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.milpitas.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: www.milpitas.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.milpitas.gov or at Milpitas City Hall. Contact the City Clerk's Office at 408-586-3001 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to CityClerk@milpitas.gov prior to the meeting. You may request a larger font agenda.