



JOINT MEETING OF THE MILPITAS CITY COUNCIL, HOUSING AUTHORITY, AND PUBLIC FINANCING AUTHORITY

AGENDA

TUESDAY, JUNE 6, 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_0P4sbYV5QVmYZzkMbBGUjQ

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) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Nick Raisch, Human Resources Director

Bargaining unit: LIUNA, UPEC (Pro-Tech, MEA, MidCon), IAFF, MPOA

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)

PRESENTATIONS (7:05 PM)

- Parks and Recreation Month (Proclamation)
- Telugu Pride Day (Proclamation)

PUBLIC FORUM (7:15 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 (7:20 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 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendar of Meetings for June 2023.

C2. Approve City Council City Council Meeting Minutes of May 9, 16, and 23, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Special Meeting minutes of May 9 and 23, 2023 and Regular Meeting minutes of May 16, 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. Receive and Review the List of Agenda Items Requested by City Councilmembers (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Review the list of items that have been requested by City Councilmembers and provide direction to staff as necessary. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until it is scheduled as a full agenda item.

C5. Accept the Report for Key 2022 Approved State Laws Impacting Municipal Operations and an Update on 2023 State and Federal Earmark Requests (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)

Recommendation: Accept the report for Key 2022 Approved State Laws impacting municipal operations and the 2023 State and Federal Legislative Earmark requests.

C6. American Rescue Plan Act (ARPA) Workforce Development Program Funding (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Margaret Tamisiea, Senior Special Projects Associate, 408-586-3047)

Recommendation: Approve American Rescue Plan Act (ARPA) Workforce Development grant for Milpitas Unified School District's Adult Education Career Training Center to support workforce development programming and education services in the amount of \$30,000.00.

C7. Adopt a Resolution Granting Acceptance of Delano Manongs Park Sports Field (Formerly known as McCandless Park Sports Field), Project No. 5102, Authorizing the City Engineer to File a Notice of Completion, and Authorize the City to Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Michael Silveira, Capital Improvement Program Manager, 408-586-3303)

Recommendation: Adopt a resolution granting acceptance of Delano Manongs Park Sports Field (formerly known as McCandless Park Sports Field), Project No. 5102, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance after the one-year warranty.

C8. Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to Joseph J Albanese, Inc for Street Resurfacing 2023 Project No. 4283, 4303, 4304; and Approve Budget Change Form (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)

Recommendation: Adopt a resolution to approve project plans & specifications; award the construction contract to the lowest responsible, and responsive bidder, Joseph J. Albanese Inc, in the amount of \$2,899,299.75 for the Street Resurfacing Project No. 4283, 4303, 4304; Authorize the City Manager to execute the construction contract with Joseph J. Albanese Inc; Authorize the Engineering Director/City Engineer to negotiate and execute Contract Change Order(s) in an aggregate amount not to exceed \$434,894.96 for the project; and Approve the Budget Change Form to appropriate funding for CP 4303 and CP 4304.

C9. Adopt Resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board Authorizing Investment of Monies in the Local Agency Investment Fund and Updating Officers' Information (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Recommendation: Adopt resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

- C10. Approve and Authorize the City Manager to Execute the Purchase Order with Code 3 Technology for Police Mobile Computer Replacement (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

Recommendation: Approve and authorize the City Manager to execute the purchase order with Code 3 Technology for 32 Getac ruggedized laptop computers for a total amount not-to-exceed \$199,991.45.

- C11. 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.

- C12. Approve Parks and Recreation and Community Services Programs Donation for a Memorial Bench in Honor of Mikhaila Saso (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Approve the Parks and Recreation Donation for a Memorial Bench for Mikhaila Saso.

- C13. Consider Two Fee Waiver Requests from the Samuel Ayer High School Alumni Association and the Filipino Chamber of Commerce (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Approve a Fee Waiver of \$1,500.00 for the Samuel Ayer High School Annual Reunion at Murphy Park on September 16, 2023; and (2) Approve a Fee Waiver of \$1,485.00 for the Filipino Chamber of Commerce Business Seminar at the Milpitas Community Center on June 24, 2023.

- C14. Adopt a Resolution Approving the Application for \$301,516.00 Land and Water Conservation Fund Grant from the State Department of Parks and Recreation and Designating the Acting City Manager or Designee as the Authorized Agent on the Grant Agreement with the State of California (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Adopt a resolution approving the submittal of an application for Land and Water Conservation Grant Funds from the State Department of Parks and Recreation and designating the Acting City Manager or Designee as the Authorized Agent on the Grant Agreement with the State of California.

PUBLIC HEARINGS (7:30 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.

- 15. Open the Public Hearing and Adopt Resolutions to Approve the Fiscal Year 2023-24 Operating Budget for the City of Milpitas and the Milpitas Housing Authority, Approve the Fiscal Year 2023-24 Gann Appropriations Limit, Authorize Various Financial Actions, Fiscal Policies and Budget Guidelines, Amend the Classification Plan for Alignment with the FY 2023-24 Budget, the Minimum Wage Increase, and Salary Schedules Consistent with Previous Council Action (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012; and Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: (1) Open the public hearing and move to close the hearing following any speakers; and (2) Adopt the following resolutions: (a) Joint Resolution of the City Council and Milpitas Housing Authority to approve the Fiscal Year 2023-24 Operating Budget the City of Milpitas and the Milpitas Housing Authority, approve the Appropriations Limit, Fiscal Policies and Budget Guidelines and authorizing various financial actions by the City Manager, including Approving and Authorizing the Execution of Various Contracts and Payments over \$100,000; (b) Amending Resolution No. 1626, the Classification Plan, to authorize additional positions and amend budgeted allocated positions; (c) Amending Resolution No. 1626, the Classification Plan, to adjust the hourly rate ranges for classifications due to a minimum wage increase pursuant to Ordinance No. 292; (d) Amending Resolution No. 1626, the Classification Plan of Unrepresented Management Employees and Authorizing Fringe Benefit; (e) Amending Resolution No. 1626, the Classification Plan, to adjust the Salary Schedules for various classifications to align with the current memorandums of understandings (MOUs); and (f) Amending Resolution No. 1626, the Classification Plan, to authorize additional positions and amend budgeted allocated positions for Human Resources Manager.

- 16. Conduct a Public Hearing and Adopt a Resolution Approving a General Plan Amendment (GP23-0002) to Change the Land Use Designations for 168 Parcels on South Main Street, Generally Located South of Great Mall Parkway and North of Montague Expressway, for Consistency with the Boundaries of the Metro Specific Plan and the Proposed Boundaries of the Draft Gateway-Main Street Specific Plan; and Introduce an Ordinance Amending the Milpitas Zoning Map (ZA23-0001) in Accordance with the Provisions of Section 3.03 of Chapter 10 of Title XI (Zoning) of the Milpitas Municipal Code to Change the Zoning Classification of Certain Parcels (APNs: 083-40-044 and 083-40-045) for Consistency with the New 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) Conduct a public hearing and receive public comments; (2) Determine that potential environmental impacts associated with the proposed General Plan Map and 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 the Subsequent EIR for the Milpitas Metro Specific Plan certified on February 7, 2023 (per Resolution 9217), and find that since the proposed General Plan Map and Zoning Map changes are consistent with the General Plan and Metro Specific Plan, no further environmental analysis is required; (3) Determine that these actions are exempt from environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15183 (Projects Consistent with a General Plan, Community Plan, or Zoning); (4) Adopt a resolution approving General Plan Amendment GP23-0002; (5) City Attorney shall read aloud title of the Ordinance; and (6) Move to waive the first reading beyond the title and introduce an Ordinance amending the Zoning Map of the City of Milpitas in accordance with the provisions of Section 3.03 of Chapter 10 of Title XI (Zoning Ordinance) of the Milpitas Municipal Code to change the zoning classification of two parcels (APNs: 083-40-044 and 083-40-045) for consistency with the new General Plan land use designations.

LEADERSHIP AND SUPPORT SERVICES (9:30 PM)

- 17. Adopt a Resolution to Appoint Ashwini Kantak as Acting City Manager Effective Upon Adoption and Continuing Until a Permanent Appointment is Made (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)**

Recommendation: Adopt a resolution to appoint Ashwini Kantak as Acting City Manager effective upon adoption and continuing until a permanent appointment is made and approve acting pay (10%) commensurate with established practices.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (9:40 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 (9:45 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.