



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND THE MILPITAS HOUSING AUTHORITY

AGENDA

TUESDAY, DECEMBER 7, 2021
CITY COUNCIL CHAMBERS, 2ND FLOOR,
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 408-586-3122

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3232

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.ci.milpitas.ca.gov/youtube>

Web Streaming: <https://www.ci.milpitas.ca.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_YBakGtFcTjW4EBKQ1C-7rg

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

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.

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) DISCUSSION WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Jeannine Seher, Human Resources Director

Employee Organization: LIUNA (Mid-Management/Confidential Unit), IAFF, MPOA, Unrepresented

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 (7:05 PM) - (Mayor Tran)

PRESENTATIONS

- Certificate of Appreciation for Library Advisory and Education Commissioner Elpidio Estioko

PUBLIC FORUM (7:15 PM)

Those in the audience and via Zoom are invited to address City Council on any subject not on tonight's agenda. In-person speakers wishing to address the Council are requested, but not required to complete a Speaker Card and submit it to the Mayor. In-person speakers will then be asked to come up to the podium and state their name for the record. Those interested in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

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@ci.milpitas.ca.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:20 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 at this time. 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 to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a future agenda for City Council discussion.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (7:30 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 the City Council Calendar of Meetings for December 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive the City Council Calendar of Meetings for December 2021.

- C2. Approve the City Council Regular Meeting Minutes of November 16, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**
- Recommendation: Approve the City Council Regular Meeting Minutes of November 16, 2021.
- C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**
- Recommendation: Receive the list of anticipated agenda items for the next regular City Council meeting.
- C4. Approve and Authorize the City Manager to Execute a Funding Agreement with the Valley Transportation Authority for Completion of the Caltrans Project Approval and the Environmental Documentation Phases for the Calaveras Boulevard Widening Project, Project No. 4258, and Approve a Budget Appropriation of \$3.5 million from the TASP fund and \$1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into the Calaveras Boulevard Widening Project, Project No. 4258 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**
- Recommendation: Approve and authorize the City Manager to Execute a funding Agreement with the Valley Transportation Authority for completion of the Caltrans Project Approval and the Environmental Documentation Phases for the Calaveras Boulevard Widening Project, Project No. 4258, and approve a Budget Appropriation of \$3.5 million from the TASP fund and \$1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into the Calaveras Boulevard Widening Project, Project No. 4258.
- C5. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 4 Owner, LLC for the District 1 Lot 4 Project at 150 Market Street (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**
- Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 4 Owner, LLC for the District 1 Lot 4 Project at 150 Market Street.
- C6. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for SHAC Centre Pointe LLC for the Centre Pointe Apartments at 312 Gates Drive (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**
- Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for SHAC Centre Pointe LLC for the Centre Pointe Apartments at 312 Gates Drive.
- C7. Authorize the Surplus Sale of One Ditch Witch FX30 Vacuum Trailer (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**
- Recommendation: Authorize the Purchasing Agent to dispose of one surplus Ditch Witch FX30 Vacuum Trailer by auction.
- C8. Approve and Authorize Closure of City Hall and Selected Operations to the Public During the Holiday Period from Christmas Eve Holiday Through New Year's Day Holiday (Staff Contact: Jeannine Seher, Director of Human Resources, 408-586-3086)**

Recommendation: Approve and authorize the City Manager to enter into side letter agreements for the closure of City Hall and selected operations to the public from the recognized day for the Christmas Eve holiday through New Year's Day holiday.

- C9. Adopt a Resolution to amend the City of Milpitas Classification Plan to establish the position of Planning Technician and modify the Salary Schedule Titled "All Job Classifications/Salary Table" to include the salary range for this classification (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Jeannine Seher, Human Resources Director, 408-586-3086)**

Recommendation: Adopt a resolution amending the Classification Plan to establish the position of Planning Technician and amend the Salary Schedule titled "All Job Classifications/Salary Table" to include the salary range for this classification.

- C10. Waive the Second Reading and Adopt Ordinance No. 48.22, Amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to Comply with SB 1383 Requirements (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)**

Recommendation: Waive the second reading and adopt Ordinance No. 48.22, Amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to comply with SB 1383 requirements.

- C11. Approve and Authorize the City Manager to Execute the Professional Services Agreement with Raimi+ Associates Inc. to for Housing Opportunity Zone Consulting Services (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: (1) Approve and Authorize the City Manager to Execute the Professional Services Agreement with Raimi+ Associates Inc. to provide for Housing Opportunity Zone Consulting Services for the not-to-exceed amount of \$308,393; and (2) Authorize the City Manager to Execute amendments to the Professional Services Agreement with Raimi+ Associates Inc. for a not-to-exceed amount of \$50,000.00 without additional action by the City Council.

- C12. Receive Utility Outstanding Balance Due Update and Authorize City Staff to Resume Discontinuance of Water Services Policy and Late Fees and Penalties on April 1, 2022 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Receive Utility Outstanding Balance Due Update and Authorize City Staff to Resume Discontinuance of Water Services Policy on April 1, 2022.

- C13. Accept the City's Annual Comprehensive Financial Report and Other Related Annual Audited Reports for the Fiscal Year Ended June 30, 2021 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Accept the City's Annual Financial Comprehensive Report (ACFR) and other Related Annual Audited Reports for the Fiscal Year ended June 30, 2021.

- C14. Consider Opting into Settlement Agreements with Distributors of Opioids, Amerisource Bergen, Cardinal Health, and McKesson, and Opioid Manufacturer Janssen (owned by Johnson & Johnson) (Staff Contacts: Steven McHarris, City Manager, 408-586-3050 and Christopher J. Diaz, City Attorney, 408-586-3040)**

Recommendation: (1) Opt into settlement agreement with opioid distributors, Amerisource Bergen, Cardinal Health, and McKesson, whereby the County of Santa Clara will receive the City's designated

share of settlement funds and direct the City Manager to execute any documents necessary to implement the action; (2) Opt into settlement agreement with opioid manufacturer, Janssen (owned by Johnson & Johnson), whereby the County of Santa Clara will receive the City's designated share of the settlement funds and direct the City Manager to execute any documents necessary to implement the action.

- C15. Approve Four (4) City of Milpitas Commission Work Plans for FY 2021-22 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Recommendation: Approve proposed Fiscal Year 2020-21 Work Plans for: Economic Development and Trade Commission; Energy and Environmental Sustainability Commission; Public Safety and Emergency Preparedness Commission; and Science, Technology, and Innovation Commission.

- C16. Consider Recommendations from Mayor Tran for Appointments City Commissions (Contact: Mayor Tran, 408- 586-3029)**

Recommendation: Receive Mayor Tran's recommendations and approve the appointments to the Planning Commission.

- C17. Waive the Second Reading and Adopt Ordinance No. 262.8 Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code (Staff Contact: Christopher J. Diaz, City Attorney 408-586-3040)**

Recommendation: Waive the second reading and adopt Ordinance No. 262.8 Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code.

- C18. Approve the Proposed City Council Procedures and Protocols Handbook (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Christopher Diaz, City Attorney, 408-586-3041)**

Recommendations: Approve proposed City Council Procedures and Protocols Handbook.

PUBLIC HEARINGS (7:35 PM)

- 19. Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to Allow Development of a 32-Unit Townhome Condominium Subdivision, Comprised of Two Multi-Family Buildings up to 50 Feet in Height (Three to Four Stories), with Tandem Garages Accessed from a Central Drive Aisle, and Associated Site Improvements on a 1.22-Gross Acre Site Located in the Multi-Family High Density Residential (R3) Zoning District at 2001 Tarob Court, in the Transit Area Specific Plan (TASP) Planning Area (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: (1) Conduct a public hearing, receive public comment, and move to close the hearing; (2) Consider the consistency memorandums to the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) and the exemptions in accordance with CEQA; and (3) Adopt a Resolution approving Site Development Permit No. SD21-0004, Conditional Use Permit No. UP21-0005, Vesting Tentative Map No. MT21-0001, and Environmental Assessment No. EA21-0002 to allow development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height (three to four stories), with tandem garages accessed from a central drive aisle, and associated site improvements, subject to the findings and Conditions of Approval.

LEADERSHIP AND SUPPORT SERVICES (8:00 PM)

20. **Review List of Agenda Item Requests from Individual Councilmembers and Provide Direction to Staff, Through the Prioritization Process, on the Items in Groups 1; and Provide Additional Clarification to Staff, if any, on Group 2 Items (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053 Walter C. Rossmann, 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; and (2) 2. Provide additional input to staff, if any, on Group 1 items that received Council direction to advance and all Group 2 items.

COMMUNITY DEVELOPMENT (9:00 PM)

21. **Receive Staff report and Presentation; Provide Direction on the Recommended Approach to the Development and/or Disposition of the Parcels Located at 1432–1488 South Main Street (Sharon Goei, Director of Building Safety and Housing, 408-586-3260)**

Recommendations: Receive staff report and presentation and provide direction on the staff recommendation to proceed with option 1 and the sale of parcel 1 at 1432-1446 South Main Street and the further evaluation of parcels 2 and 3 at 1452-1488 South Main Street after adoption of the Metro Specific Plan.

ADJOURNMENT (10:30 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: cdiaz@ci.milpitas.ca.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.ci.milpitas.ca.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.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.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@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda.