



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, NOVEMBER 16, 2021

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_3N6Hnu2_TyuOpGyEVvrLqw

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

ADJOURN TO CLOSED SESSION

- (a) PUBLIC EMPLOYMENT
Pursuant to California Government Code Section 54957
Position: City Attorney (review of candidates)

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) - (Councilmember Chua)

PRESENTATIONS

PUBLIC FORUM (7:10 PM)

Those interested are invited to address City Council on any subject not on tonight's agenda, orally via zoom webinar (instructions on page 1). Speakers may provide their name and city of residence for the Clerk's record, and comments may be limited to three minutes or less. 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.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (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.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (7:25 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 Calendars of Meetings for November and December 2021 (Staff Contact: Wendy Wood 408-586-3001)**

Recommendation: Receive City Council Calendars of Meetings for November and December 2021.

- C2. 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.

C3. Approve City Council Special Meeting Minutes of November 1, 2021 and the Regular Meeting Minutes of November 2, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Approve City Council Special Meeting Minutes of November 1, 2021 and the Regular Meeting Minutes of November 2, 2021.

C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)

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. Adopt a Resolution Granting Acceptance of Public Improvements and Approve Reduction of Faithful Performance Bond for Public Improvements for the Amalfi Apartments and Granting Authorization to the City Engineer to Release the Performance Bond after the One-year Warranty Period (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendation: Adopt a resolution granting acceptance of public improvements for the Amalfi Apartments Project, Public Improvement Plans No. 2-1172 and approve a reduction in the performance bond, subject to a one-year warranty period and reduction of the faithful performance bond to \$380,000.00 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 all required warranty work is completed to the satisfaction of the City Engineer.

C6. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Bridge Point Milpitas LLC for the Bridge Point Project at 205 N. McCarthy Blvd (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 Bridge Point Milpitas LLC for the Bridge Point Project at 205 N. McCarthy Blvd.

C7. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Robson Homes, LLC for the Finch Hollow Project at 1005 North Park Victoria (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 Robson Homes, LLC for the Finch Hollow Project at 1005 North Park Victoria.

C8. Approve and Adopt the Proposed City ADA/Section 504 Complaint/Grievance Procedure (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendation: Approve and adopt the proposed City ADA/504 Complaint/Grievance Procedure.

- C9. Authorize the City Manager to Accept the 2021 Bulletproof Vest Partnership Grant and Approve a Related Budget Appropriation in the Amount of \$10,239.97 (Staff Contact: John Torrez, Police Captain, 408-586-2408)**

Recommendation: Authorize the City Manager to accept the 2021 Bulletproof Vest Partnership Grant in the amount of \$10,239.97; and approve a budget appropriation into the Police Department's FY 2021-22 operating budget in the amount of \$10,239.97.

- C10. Authorize the City Manager to Execute the Grant Agreement With the County Of Santa Clara to Accept the 2020 State Homeland Security Grant Program Award; Approve and Authorize the Sole Source Purchase of Mobile Crash Barriers; and Approve a Budget Appropriation In the Amount of \$106,836.95 (Staff Contact: John Torrez, Police Captain, 408-586-2408)**

Recommendation: Authorize the City Manager to execute the grant agreement with the County of Santa Clara to accept the 2020 State Homeland Security Grant Program award and approve and authorize the sole source purchase of mobile crash barriers manufactured by Delta Scientific Corporation; and approve a budget appropriation of \$106,836.95 into the Police Department's FY 2021-22 operating budget.

- C11. Award IFB No. 22-014 to JAM Services and Authorize the City Manager to Purchase Decorative Light Poles and Fixtures for the Not-To-Exceed Amount of \$152,085.94 (Staff Contact: Tony Ndah, Public Works Director)**

Recommendation: Award IFB No. 22-014 to JAM Services and authorize the City Manager to purchase decorative light poles and fixtures for the not-to-exceed amount of \$152,085.94.

- C12. Award and Authorize the City Manager to Execute a Five-Year General Services Agreement with Merrimac Petroleum, Inc. dba Merrimac Energy Group to Provide Fuel and Diesel Delivery Services (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Award IFB No. 22-022 and authorize the City Manager to execute the five-year General Services Agreement with Merrimac Petroleum, Inc. dba Merrimac Energy Group to provide fuel and diesel delivery services.

- C13. Review the FY 2021-22 Quarterly Financial Status Report for the Quarter Ending September 30, 2021 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Review the FY 2021-22 Quarterly Financial Status Report for the Quarter Ending September 30, 2021

- C14. Approve City Council Meeting Schedule for 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve the 2022 Milpitas City Council meeting schedule, with any changes requested at the City Council meeting.

- C15. Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)**

Recommendation: Move to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

PUBLIC HEARINGS (7:30 PM)

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:15 PM)

- 16. Introduce 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)**

Recommendations: Following the City Attorney's reading aloud the title, move to waive the reading beyond the title and introduce Ordinance No. 48.22 amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code.

LEADERSHIP AND SUPPORT SERVICES (8:45 PM)

- 17. Adopt a Resolution for Exception to the 180-Day Wait Period in Accordance with California Government Code Section 7522.56 and 21224 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt a resolution exception to the 180-day wait period in accordance with California Government Code Sections 7522.56 and 21224; and approve and authorize the City Manager to execute, an employment agreement with Jane Corpus.

- 18. Introduce 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: Following the reading of the title by the City Attorney, move to waive reading beyond the title; and introduce Ordinance No. 262.8, amending various provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administrations) of the Milpitas Municipal Code.

- 19. Receive a Report Regarding Publication of Ordinances and Legal Notices in the City and Provide Direction to Staff (Staff Contacts: Christopher Diaz, City Attorney, 408-586-3040 and Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive a report regarding publication of ordinances and legal notices in the City and provide direction to staff.

- 20. Review proposed City Council Procedures and Protocols Handbook, provide input, and direct staff to bring back for Council consideration (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Christopher Diaz, City Attorney, 408-586-3041)**

Recommendations: Review proposed City Council Procedures and Protocols Handbook, provide input, and direct staff to bring back for Council consideration.

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.