



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, NOVEMBER 15, 2022

**CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA
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_vUur-ru0RAKutjFF-7ys-g

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 (7:00 PM)

PLEDGE OF ALLEGIANCE

INVOCATION (Mayor Tran)

PUBLIC FORUM (7:05 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@milpitas.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 (7:10 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 (7:15 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 November and December 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Receive City Council Calendar of Meetings for November and December 2022.

- C2. Approve City Council City Council Regular Meeting Minutes of November 1, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve City Council Regular Meeting minutes of November 1, 2022.

- 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. Approve City Council Meeting Schedule for 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve the 2023 Milpitas City Council meeting schedule, with any changes requested at the City Council meeting.

C6. Consider the Recommendation from Mayor Tran for Appointments to City Commissions (Contact: Mayor Tran, 408-586-3029)

Recommendation: Receive the recommendation from Mayor Tran and approve appointments to City Commissions.

C7. Reconfirm Findings and Determinations Under Resolution No. 9165 and Assembly Bill 361 for the Continuation of Virtual Meetings of the City Council and Legislative Bodies (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)

Recommendation: Move to reconfirm findings and determinations under Resolution No. 9165 and Assembly Bill 361 for the continuation of virtual meetings of the City Council and Legislative Bodies.

C8. Approve and Authorize the City Manager to Execute a Four-Year Agreement with CivicPlus for the CivicEngage Municipal Website Platform (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)

Recommendation: Approve and authorize the City Manager to execute a four-year agreement with CivicPlus for the CivicEngage Government Website Platform for a total not to exceed contract amount of \$200,000.00, in final form to be approved by the City Attorney.

C9. Waive the Second Reading and Adopt Ordinance No. 38.848 Amending Sections of Chapter 10 (Zoning), Title XI of the Milpitas Municipal Code Relating to Definitions and Regulations for Personal and Commercial Service Land Uses (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Recommendation: Move to waive the second reading and adopt Ordinance No. 38.848 amending sections of Chapter 10 (Zoning) of Title XI of the Milpitas Municipal Code relating to definitions and regulations for commercial service land uses

C10. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Toll West Coast, LLC for the Parkside Project at 1980 and 1992 Tarob Court and 551 Lundy Place (Staff Contact: Steve Erickson, Engineering Director / City Engineer, 408-586-3301; and 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 Toll West Coast, LLC for the Parkside Project at 1980 and 1992 Tarob Court and 551 Lundy Place.

C11. Approve and Authorize the City Manager to Execute the Improvement Agreement with Satpreet Singh Thind and Jaspreet Kaur Thind, for Completion of Offsite Public Improvements Located at 250 Piedmont Road Associated with Site Development Permit (SD19-0004) (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)

Recommendation: Approve and authorize the City Manager to execute the improvement agreement with Satpreet Singh Thind and Jaspreet Kaur Thind, for completion of offsite public improvements located at 250 Piedmont Road associated with Site Development Permit (SD19-0004).

- C12. Award and Approve a 5-Year Professional Services Contract with Fireworks and Stage Effects America, LLC for the Annual 4th of July and Annual Lunar New Year's Fireworks Shows for a Not-to-Exceed Amount of \$140,510.00 (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Award and authorize the City Manager to execute the five-year professional services agreement with Fireworks and Stage Effects America, LLC for Annual 4th of July and Annual Lunar New Year pyrotechnical services for the not-to-exceed amount of \$140,510.00.

- C13. Review and Accept the 2022 Legislative Season Outcome Report (Staff Contact: Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Recommendation: Review and accept the 2022 Legislative Season Outcome Report.

- C14. Adopt a Resolution Appointing Roger Lee as Interim Public Works Director (Staff Contact: Jeannine Seher, Human Resources Director, 408-586-3086)**

Recommendation: Adopt a resolution appointing Roger Lee as Interim Public Works Director in accordance with California Government Code Sections 7522.56 and 21221(h) and approve, and authorize the City Manager to execute, an employment agreement with Roger Lee.

- C15. Adopt a Resolution Appointing Liz Brown as Interim Human Resources Director (Jeannine Seher, Human Resources Director, 408-586-3086)**

Recommendation: Adopt a resolution appointing Liz Brown as Interim Human Resources Director in accordance with California Government Code Sections 7522.56 and 21221(h) and approve, and authorize the City Manager to execute, an employment agreement with Liz Brown.

- C16. Appointment of City Council Ad Hoc Naming Subcommittee Members (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Defer the appointment of two Members of the City Council to January 2023 to be heard with appointments of Members of the City Council to commissions, boards, and subcommittees for the next legislative period.

- C17. FY 2022-23 1st Quarter Financial Status Report for the Quarter Ended September 30, 2022 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Review the FY 2022-23 Quarterly Financial Status Report for the quarter ended September 30, 2022.

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.

- 18. Conduct a Public Hearing 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) of the Milpitas Municipal Code to Change the Zoning Classification of Certain Parcels (APNs 086-38-021, -022, and -037), Located on the East Side of South Hillview Drive and Extending Approximately 1200 Feet Southerly From Los Coches Street, From the M2 Heavy Industrial**

Zoning District to the M1 Light Industrial Zoning District (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Recommendation: (1) Conduct a public hearing and move to close the hearing following comments; (2) City Attorney shall read aloud title of the Ordinance; and (3) 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 Certain Parcels (APNs 086-38-021, -022, and -037), located on the east side of South Hillview Drive and extending approximately 1200 feet southerly from Los Coches Street, from the M2 Heavy Industrial Zoning District to the M1 Light Industrial Zoning District. In addition, determine that the zoning ordinance amendment is exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Sections 15183 (Projects Consistent with a General Plan and Zoning) and 15061(b)(3) (Common Sense Exemption).

19. Conduct a Public Hearing and Introduce an Ordinance Amending Section 13 “Special Uses” of Chapter 10 “Zoning” of Title XI of the Milpitas Municipal Code Relating to Outdoor Dining (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Recommendation: (1) Conduct a public hearing and move to close the hearing following comments; (2) City Attorney shall read aloud the title of the Ordinance; and (3) Move to waive the first reading beyond the title and introduce an Ordinance adding Subsection 13.19 “Outdoor Dining” to Chapter 10 “Zoning” of Title XI of the Milpitas Municipal Code Relating to Outdoor Dining Areas and determine the Zoning Ordinance Text Amendment is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a General Plan) and 15061(b)(3) (Common Sense Exemption).

20. Conduct a Public Hearing and Adopt a Resolution Certifying Election Results and Adding the Property Located at 1724 Sunnyhills Drive – Parcel 2 into Community Facilities District No. 2005-1 (Annexation No. 22) (Staff Contact: Steve Erickson, Engineering Director / City Engineer, 408-586-3301; and Roberto Alonzo, Principal Civil Engineer, 408-586-3316)

Recommendation: Conduct a public hearing and, following receipt of election results from the City Clerk, adopt a resolution certifying election Results and adding the property located at 1724 Sunnyhills Drive – Parcel 2 into Community Facilities District No. 2005-1 (Annexation No. 22).

COMMUNITY DEVELOPMENT (8:05 PM)

21. Receive a Report on the Homekey Project at 1000 Hillview Court (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)

Recommendation: Receive a report on the Homekey Project at 1000 Hillview Court.

LEADERSHIP AND SUPPORT SERVICES (8:50 PM)

22. Approve the Prioritization of Additional Workplan Items City Council Policy (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; Walter C. Rossmann, Deputy City Manager, 408-586-3012)

Recommendation: Approve the Prioritization of Additional Workplan Items City Council Policy.

ADJOURNMENT (9:30 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: 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.