



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, NOVEMBER 2, 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_RbV10xoTzi2wp1X97LIbA

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) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

City as Plaintiff

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District, Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

City as Defendant

Deborah Logan v. City of Milpitas, et al.

Santa Clara County Superior Court Case No. 19CV347649

CLOSED SESSION ANNOUNCEMENT (7:00 PM)

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 (7:15 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 (7:20)

Members of the City Council may make brief announcements or 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 subsequent 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 City Council Calendar of Meetings for November 2021 (Staff Contact: Wendy Wood 408-586-3001)

Recommendation: Receive City Council Calendar of Meetings for November 2021.

C2. Approve City Council Regular Meeting Minutes of October 19, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Approve City Council Regular Meeting Minutes of October 19, 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. 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. Waive the Second Reading and Adopt Ordinance No. 208.54 Amending Various Sections of Title VIII, Chapter 2 of the Milpitas Municipal Code Relating to Sewer Operation and Maintenance (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Recommendation: Waive the second reading and adopt Ordinance No. 208.54 amending various sections of Title VIII, Chapter 2 of the Milpitas Municipal Code relating to sewer operation and maintenance.

C6. Approve and Authorize the City Manager to Execute the Improvement Agreement with Chick-fil-A Incorporated, a Georgia Corporation for the Completion of Offsite Public Improvements Located at 755 E Calaveras Boulevard (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendation: Approve and authorize the City Manager to execute the Improvement Agreement with Chick-fil-A Incorporated, a Georgia Corporation for the completion of offsite public improvements located at 755 E. Calaveras Boulevard.

C7. Approve the First Amendment to the Lease Agreement Between City of Milpitas and the County of Santa Clara for Operation of Dog Park Facilities in Ed Levin Park (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Recommendation: Approve the First Amendment to the Lease Agreement Between City of Milpitas and the County of Santa Clara for Operation of Dog Park Facilities in Ed Levin Park.

C8. 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.

C9. Authorize and Approve Travel to Pasadena, CA for Councilmember Anthony Phan to Attend the Asian Pacific American Leadership Foundation's 6th Annual CALNET Leadership Retreat held November 4-5, 2021 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

Recommendation: Authorize and approve travel to Pasadena, CA for Councilmember Anthony Phan to attend the 6th Annual CALNET Leadership Retreat held November 4-5, 2021, for a total expense amount not-to-exceed budgeted Conferences/ Meeting allocation for City Council.

- C10. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Software License and Professional Services Agreement with TriTech Software Systems, Inc. for Computerized Maintenance Management System (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the software license and professional services agreement with TriTech Software Systems, Inc. for computerized maintenance management system, for the total not-to-exceed amount of \$297,623.75.

- C11. Accept Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Accept commissioner Steve Belong's resignation from the Planning Commission and confirm the noticing of the unscheduled vacancy.

COMMUNITY DEVELOPMENT (7:35 PM)

- 12. COVID-19 Workforce Recovery Program and American Rescue Plan Act Workforce Development Programming (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046)**

Recommendations: (1) Receive and accept a report on the COVID-19 Workforce Recovery Program; (2) Approve the Phase 2 recommendation to implement the Milpitas MyPlan Career Accelerator Program; and (3) Provide direction to staff on potential workforce development programs and initiatives funded through the American Rescue Plan Act.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:20 PM)

- 13. Receive a Presentation on the Draft Milpitas Storm Master Plan (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Receive presentation on the draft Milpitas Storm Master Plan and provide feedback to staff.

- 14. Receive an Update on the Energy and Water Savings Program being Implemented by ENGIE Services U.S. Inc. and Approve and Authorize the City Manager to Execute the Community Resilience Program Capital Projects Grant Agreement; and Approve a Budget Appropriation in the amount of \$700,702 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: (1) Receive an update on the Energy and Water Savings Program being implemented by ENGIE Services U.S. Inc.; (2) Approve and Authorize the City Manager to execute the Community Resilience Program Capital Projects Grant Agreement; and (3) Approve a budget appropriation for \$700,702 in CIP Project No. 3488 Community and Senior Center Energy Resilience Project in FY 2021-22.

- 15. Receive an Update of the City's Neighborhood Cleanup Program and Provide Direction to Staff (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)**

Recommendation: Receive an Update on the Neighborhood Cleanup Program and Provide Direction to Staff.

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.