



JOINT MEETING OF THE MILPITAS CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY

AGENDA

TUESDAY, NOVEMBER 1, 2022

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_SkpUHGy6T_GgNOSUH7GPzQ

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) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

City as Defendant

Steven Petrakovitz (Deceased) v. City of Milpitas, WCAB no. ADJ9926577

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

City as Defendant

Alok Jain, et al. v. City of Milpitas, Santa Clara Superior Court Case no. 18CV325365

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 (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 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

- C2. Approve City Council City Council Regular Meeting Minutes of October 18, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**
- Recommendation: Approve City Council Regular Meeting minutes of October 18, 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. Accept Commissioner Resignation (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**
- Recommendation: Accept the resignation of Marshall Jones from the Economic Development and Trade Commission and direct the City Clerk to post the notice of unscheduled vacancy.
- C6. Consider the Recommendation from Mayor Tran for Appointment to City Commissions (Contact: Mayor Tran, 408- 586-3029)**
- Recommendation: Receive the recommendation from Mayor Tran and approve appointment to the Science, Technology & Innovation Commission.
- 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 Professional Services Agreement with SCI Consulting Group for Storm Drain Fee Analysis Services for a Not-to-Exceed Amount of \$229,216.00 (Staff Contact: Roger Lee, Interim Public Works Director, 408-586-2602)**
- Recommendation: (1) Receive report on professional services proposals received and approve a professional services agreement with SCI Consulting Group; (2) Authorize the City Manager to execute the agreement in the not to exceed amount of \$229,216.00.
- C9. Authorize the City Manager to Accept the 2022 Bulletproof Vest Partnership Grant in the Amount of \$11,078.17 and Approve a Related Budget Appropriation (Staff Contact: Jared Hernandez, Police Chief, 408-586-2406; and Frank Morales, Police Captain, 408-586-2521)**
- Recommendation: Authorize the City Manager to accept the 2022 Bulletproof Vest Partnership Grant in the amount of \$11,078.17 and approve a related budget appropriation.
- C10. Receive a Report on Milpitas HOPE Suicide Prevention Task Force Activities Since September 2021 (Staff Contact: Renee Lorentzen, Director, Recreation and Community Services, 408-586-3409)**

Recommendation: Receive the Report on Milpitas HOPE Suicide Prevention Task Force Activities Since September 2021.

- C11. Approve the Purchase of a Police Vehicle, Find the Procurement to be in the Best Interest of the City, and Authorize the City Manager to Execute Any Documents Necessary to Effectuate the Purchase at the Negotiated Amount (Staff Contact: Jared Hernandez, Police Chief, 408-586-2406; and Matthew Miller, Police Captain, 408-586-2522)**

Recommendation: Approve the purchase of a police vehicle, find the procurement to be in the best interest of the city, and authorize the City Manager to execute any documents necessary to effectuate the purchase at the negotiated amount.

- C12. Approve an Additional Budget Appropriation of \$17,151.00 to the Equipment Fund Non-Departmental FY 2022-23 Operating Budget for the Replacement Purchase of Two Police Vehicles through a Sourcewell Cooperative Contract with National Auto Fleet Group (Staff Contact: Jared Hernandez, Police Chief, 408-586-2406; and Matthew Miller, Police Captain, 408-586-2522)**

Recommendation: Approve an additional budget appropriation of \$17,151.00 to the Equipment Fund Non-Departmental FY 2022-23 Operating Budget for the replacement purchase of two police vehicles through a Sourcewell Cooperative Contract with National Auto Fleet Group.

- C13. Housing Authority/Successor Agency: Sale of the residential unit located at 254 Parc Place Drive (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Michelle Silva, Administrative Analyst II, 408-586-3244)**

Recommendation: (1) Adopt the resolution authorizing the Executive Director of the Milpitas Housing Authority to execute documents for the sale of the residential property located at 254 Parc Place Drive in the amount of \$278,315.00; and (2) Approve related budget amendments due to the sale of the property located at 254 Parc Place Drive in the amount of \$278,315.00.

- C14. Approve and Authorize the City Manager to Execute Amendment No. 4 with AG Witt, LLC for Disaster and COVID19 Cost Recovery and Consultation Services to Extend the Term by 18 Months and Increase the Existing Contract by \$67,975.00 for a Total Contract Amount of \$229,211.25 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 4 with AG Witt, LLC for Disaster and COVID19 Cost Recovery and Consultation Services to extend the term by 18 months and increase the existing contract by \$67,975.00 for a total contract amount of \$229,211.25.

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.

- 15. Conduct a Public Hearing on a Site Development Permit for Development of a New 5,900-Square Foot, Two-Story Single-Family Residence, Two Detached Accessory Structures, an In-Ground Swimming Pool, and Associated Site Improvements; an Amendment to Planned Unit Development (PUD) No. 68 to modify the Previously Approved Design Standards for Single-Family Homes; and a Zoning Variance to Allow a Visible Intrusion into the Hillside Crestline Zone of Protection Sight Line, as Established by the City's Hillside Development Standards, on a Vacant +1.14-Acre Lot Located within the R1-H Single-Family Residential-Hillside Zoning District at 1339 Terra Vista Court (Countryside Estates, Lot 1) (APN: 029-07-010) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Continued to Regular Meeting of January 17, 2023 at the request of the applicant.

16. **Adopt a Resolution Authorizing the Funding Application to the PLHA Program, Approving a Five-Year Plan for the PLHA Program Formula Allocation of an Estimated \$1,431,570.00 for the City of Milpitas, Authorizing the Receipt of the PLHA Grant, and Certifying to the California Department of Housing and Community Development Compliance with the PLHA Program Requirements (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Sarah Balcha, Senior Administrative Analyst, 408-586-3268)**

Recommendation: Adopt a Resolution authorizing the funding application to the PLHA program, approving a five-year Plan for the PLHA program formula allocation of an estimated \$1,431,570 for the City of Milpitas, authorizing the receipt of the PLHA grant, and certifying to the California Department of Housing and Community Development compliance with the PLHA program requirements.

COMMUNITY DEVELOPMENT (8:00 PM)

17. **Adopt a Resolution to Approve the Milpitas Residential and Mixed-Use Objective Design Standards (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Jay Lee, AICP, Principal Planner, 408-586-3077)**

Recommendation: (1) Conduct a public hearing and move to close the hearing following comments; and (2) Adopt a Resolution to approve the Milpitas Residential and Mixed-Use Objective Design Standards.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:30 PM)

18. **Approve Revisions to the Speed Hump City Council Policy (Staff Contact: Steve Erickson, Engineering Director / City Engineer, 408-586-3301; and Steve Chan, Transportation and Traffic Manager, 408-586-3324)**

Recommendation: Approve revisions to the Speed Hump City Council Policy.

ADJOURNMENT (9:00 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.