



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, OCTOBER 18, 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_XYTHpctuSlqsV22rt9M-6A

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 (Councilmember Chua)

PRESENTATIONS (7:05 PM)

- October 1-31, 2022 as Breast Cancer Awareness Month (Proclamation)
- Diwali (Proclamation)

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@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 (7:20 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 City Council Calendar of Meetings for October and November 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

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

- C2. Approve City Council City Council Regular Meeting Minutes of October 4, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve City Council Regular Meeting minutes of October 4, 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 the FY 2021-22 Commissioners Annual Report for Seven (7) Commissions and Oversight Committee and Approve Seven (7) City of Milpitas Commission and Oversight Committee Work Plans for FY 2022-23 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Walter C. Rossmann, Deputy City Manager, 408-586-3012)

Recommendation: (1) Accept the 2021-22 Commissioners Annual Report; and (2) Approve proposed Fiscal Year 2022-23 Work Plans for (a) Community Advisory Commission, (b) Economic Development and Trade Commission, (c) Energy and Environmental Sustainability Commission, (d) Planning Commission, (e) Public Safety and Emergency Preparedness Commission, (f) Science, Technology, and Innovation Commission, and (g) Measure F Oversight Committee.

C6. Receive the April – June 2022 Report for Unhoused Services (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046)

Recommendation: Receive the April – June 2022 report for unhoused services.

C7. Approve and Authorize the City Manager to Execute a General Services Agreement with Banner Pest Services to Provide Pest Control Services at Various City Facilities for the Not-to-Exceed Amount \$300,000.00 for a Five-Year Period Subject to the Annual Appropriation of Funds (Staff Contact: Roger Lee, Interim Public Works Director, 408-586-2602; and Chris Schroeder, Purchasing Agent, 408-586-3161)

Recommendation: Approve and authorize the City Manager to execute a general services agreement with Banner Pest Services to provide pest control services at various city facilities for the not-to-exceed amount \$300,000.00 for a five-year period subject to the annual appropriation of funds.

C8. Introduce Ordinance No. 65.152 Adopting by Reference the 2022 California Building Codes with Amendments and Set a Public Hearing on December 6, 2022 for Adoption of the Ordinance (Staff Contact: Bill Tott, Building Official, 408-586-3263)

Recommendation: (1) Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce Ordinance No. 65.152 amending Chapters 3, 3.5, 4, 5, 6, 7, 10, 14, 150, and 170 of Title II of the Milpitas Municipal Code relating to adopting by reference the 2022 California Building Code, 2022 California Residential Code, 2021 International Property Maintenance Code, 2022 California Mechanical Code, 2022 California Electrical Code, 2022 California Plumbing Code, 2021 International Swimming Pool and Spa Code, 2022 California Existing Building Code, and 2022 California Historical Building Code, with amendments; and (2) Set a public hearing on December 6, 2022, pursuant to California Government Code Section 50022.3, for adoption of the Ordinance.

C9. Introduce Ordinance No. 113.26 Adopting by Reference with Certain Local Amendments the 2022 Edition of the California Fire Code and Set a Public Hearing for December 6, 2022 (Staff Contact: Arthur Belton, Deputy Fire Chief / Fire Marshal, 408-586-3384)

Recommendation: (1) Following the City Attorney reading aloud the title, waive the first reading beyond the title of Ordinance No. 113.26; (2) Move to introduce Ordinance No. 113.26, to be enacted as Chapter 300, Title V of the Milpitas Municipal Code; and (3) Set a public hearing for Tuesday, December 6, 2022 at 7:00 p.m. in the Milpitas City Council Chambers to consider adoption of

Ordinance No. 113.26, adopting by reference with certain local amendments the 2022 Edition of the California Fire Code.

- C10. Approve and Authorize the City Manager to Execute the Improvement Agreement with Parktown Plaza Pak, LLC, for the completion of Offsite Public Improvements Located at 1400 S. Park Victoria Drive Associated with Site Development Permit (SD1300014) and Conditional Use Permit (UP14-0002) (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 the Improvement Agreement with Parktown Plaza Pak, LLC, for the completion of offsite public improvements located at 1400 S. Park Victoria Drive associated with Site Development Permit (SD1300014) and Conditional Use Permit (UP14-0002).

- C11. Adopt a Resolution Approving a Site Development Permit to Allow Development of a New 5,602-Square Foot, 1.5-story Single-Family Residence and a Planned Unit Development (PUD) Amendment to Deviate from the Previously Approved PUD Architectural Standards, on a Vacant 1.135-acre Lot Located in the R1-H Single-family Residential Zoning District with a Hillside Combining District at 1333 Terra Vista Court (PUD No. 68 – Countryside Estates Subdivision, Lot 2) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Adopt a resolution approving Site Development Permit No. SD21-0009 and PUD Amendment Permit No. PA21-0002, subject to the attached Conditions of Approval, for a new 5,602-square foot, 1.5-story single-family residence on a vacant 1.135-acre lot located in the R-1-H Single-Family Residential Zoning District with an -H Hillside Combining District at 1333 Terra Vista Court (Countryside Estates, Lot 2) and making findings of CEQA exemption.

- C12. Adopt a Resolution Approving the Revised Policy on Discontinuance of Residential Water Service (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt a resolution approving the Revised Policy on Discontinuance of Residential Water Service.

PUBLIC HEARINGS (7:45 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.

- 13. Conduct a Public Hearing and Introduce an Ordinance Amending Sections of Chapter 10, Title XI (Zoning) of the Milpitas Municipal Code Relating to Definitions and Regulations for Commercial Service Land Uses (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 sections of Chapter 10 of Title XI (Zoning) of the Milpitas Municipal Code relating to Definitions and Regulations for Various Types of Commercial Service Land Uses and determine that the Municipal Code amendment is exempt from California Environmental Quality Act pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a General Plan) and 15061(b)(3) (Common Sense Exemption).

- 14. Grant Funding from the California Department of Housing and Community Development (HCD) for the Permanent Local Housing Allocation (PLHA) and Budget Amendments (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046 and Sarah Balcha, Senior Administrative Analyst, 408-586-3268)**

Recommendation: Continued to the Regular City Council meeting on November 1, 2022.

COMMUNITY DEVELOPMENT (8:45 PM)

15. **Introduce Ordinance No. 65.153 Adopting by Reference the 2022 California Energy Code, Introduce Ordinance No. 65.154 Adopting by Reference the 2022 California Green Building Standards Code with Amendments, and Set a Public Hearing on December 6, 2022 for Adoption of the Ordinances (Staff Contact: Bill Tott, Building Official, 408-586-3263)**

Recommendation: (1) Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce Ordinance No. 65.153 amending Chapter 11 of Title II of the Milpitas Municipal Code adopting by reference the 2022 California Energy Code; (2) Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce Ordinance No. 65.154 amending Chapter 19 of Title II of the Milpitas Municipal Code adopting by reference the 2022 California Green Building Standards Code with amendments; and (3) Set a public hearing on December 6, 2022, pursuant to California Government Code Section 50022.3, for adoption of the ordinances.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (insert time)

16. **Approve the Youth Scholarship Program City Council Policy (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Recommendation: Approve the Youth Scholarship Program City Council Policy.

ADJOURNMENT (10:00 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.