



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, SEPTEMBER 20, 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_-aQ-liBxSSmDYZEfaHDszw

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 (insert time)

PLEDGE OF ALLEGIANCE

INVOCATION (Councilmember Dominguez)

PRESENTATIONS (7:05 PM)

PUBLIC FORUM (7:10 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 (7:25 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 September and October 2022 (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendars of Meetings for September and October 2022.

C2. Approve City Council City Council Regular Meeting Minutes of September 6, 2022 (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)

Recommendation: Approve City Council Regular Meeting minutes of September 6, 2022.

C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, Acting 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, Acting 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. Adopt a Resolution Updating the Conflict of Interest Code in 2022 and Amending List of Designated Disclosure Positions for the City of Milpitas (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001; and Michael Mutalipassi, City Attorney, 408-586-3041)**

Recommendation: Adopt a resolution updating the 2022 City of Milpitas Conflict of Interest Code, including the list of designated positions required to annually file the FPPC Form 700 Statement of Economic Interests.

- C6. Accept the FY 2021-22 Commissioners Annual Report for Six (6) Commissions and Approve Six (6) City of Milpitas Commission 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) Arts Commission, (b) Library and Education Commission, (c) Parks, Recreation and Cultural Resources Commission, (d) Senior Advisory Commission, (e) Veterans Commission, and (f) Youth Advisory Commission.

- C7. FY 2021-22 Fourth Quarter Financial Status Report, Fund Balances Thereof and Related Budget Amendments to Close-out the FY 2021-22 Budget (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: (1) Review the FY 2021-22 Quarterly Financial Status Report for the quarter ending June 30, 2022 (unaudited); and (2) Approve budget, contingency and reporting recommendations.

- C8. Authorize the City Manager to Execute a Master Encroachment Agreement for Mobilitie, LLC, a Nevada Limited Liability Company for Installation of Network Facilities Within Public Right-of-Way (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301; and Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Authorize the City Manager to execute a Master Encroachment Agreement for Mobilitie, LLC, a Nevada Limited Liability Company, for installation of network facilities within the public right-of-way.

- C9. Approve and Authorize the City Manager to Execute a Sole Source One-Year Agreement with CentralSquare Inc. for Maintenance and Support of the Public Safety Computer Aided Dispatch System for the Not-to-Exceed Amount of \$129,264.92 (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

Recommendation: Approve and authorize the City Manager to execute a sole source one-year agreement with CentralSquare Inc. for maintenance and support of the Public Safety Computer Aided Dispatch System for the not-to-exceed amount of \$129,264.92, pending final approval by City Attorney.

- C10. Authorize and Approve Travel to Anaheim, CA for City Manager Steve McHarris to Attend the Annual Conference of the American Planning Association – California Chapter – to be held October 1 – 4, 2022. (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Authorize and approve travel to Anaheim, CA for City Manager Steve McHarris to attend the Annual Conference of the American Planning Association – California Chapter – to be held October 1 – 4, 2022, for an estimated not-to-exceed amount of \$2,500 budgeted under Conferences/Trainings allocation for the City Manager's Office.

- C11. Adopt a Resolution Authorizing the City Manager to Execute the Extension of the Sole Source Services Agreement with Flock Group Inc. for Automated License Plate Reader (ALPR) Cameras in an Amount Not-to-Exceed \$314,750.00 and Renew the Agreement for One Three-Year Period Subject to Annual Appropriation of Funds. (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Recommendation: Adopt a resolution authorizing the City Manager to execute the extension of the sole source services agreement with Flock Group, Inc. for Automated License Plate Reader (ALPR) Cameras in an amount not-to-exceed \$314,750 and renew the agreement for one three-year period subject to annual appropriation of funds; and authorize the Chief of Police to execute contract change orders in an aggregate amount not to exceed \$78,500.00.

- C12. Award IFB 23-009 and Authorize the City Manager to Execute the Purchase Order with Iteris Inc. for the Purchase of Thirty Iteris Traffic Cameras for the Not-to-Exceed Amount of \$125,606.25 (Staff Contact: Roger Lee, Interim Public Works Director, 408-586-2602; and Chris Schroeder, Purchasing Agent, 408-586-3161)**

Recommendation: Award IFB 23-009 and authorize the City Manager to execute the purchase order with Iteris Inc. for the purchase of thirty Iteris traffic cameras for the not-to-exceed amount of \$125,606.25.

- C13. Approve and Authorize the City Manager to Execute the Five-Year General Services Agreement with Aramark Uniform Service for Citywide Uniform, Mat, and Linen Services for the not-to-exceed amount of \$240,916.30 (Staff Contact: Chris Schroeder, Purchasing Agent, 408-586-3161)**

Recommendation: Approve and authorize the City Manager to execute the five-year General Services Agreement with Aramark Uniform Service for Citywide Uniform, Mat, and Linen Services for the not-to-exceed amount of \$240,916.30.

- C14. Consider Sunnyhills Neighborhood Association Fee Waiver Request (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Approve a fee waiver of \$1,317.00 for the Sunnyhills Neighborhood Association Halloween Event scheduled for October 29, 2022.

- C15. Consider Korean Language and Culture Foundation's Annual Korean Alphabet Event Donation Request (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Approve a donation of \$500.00 for the Korean Language and Culture Foundation's annual Korean Alphabet Event scheduled for October 2, 2022.

- C16. Consider the Recommendations 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 the Energy and Environmental Sustainability Commission and Youth Advisory Commission.

- C17. Accept Commissioner Resignations (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)**

Recommendation: Accept the resignation of Khloe Cruz from the Youth Advisory Commission and Dana Arbaugh from the Library and Education Advisory Commission; and direct the Acting City Clerk to post the notice of unscheduled vacancy.

- C18. Second Reading of Ordinance No. 228.1 of the City Council of the City of Milpitas Adding Chapter 9 (“Use Of Rights-Of-Way And Public Property”) to Title X (“Streets And Sidewalks”) of the Milpitas Municipal Code and Adding Section X-10-1.03 to Chapter 10 (“Structures Or Objects On Sidewalks Or Public Ways”) to Title X (“Streets And Sidewalks”) of the Milpitas Municipal Code (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3041)**

Recommendation: Move to waive second reading and adopt Ordinance No. 228.1 of the City Council of the City of Milpitas adding Chapter 9 (“Use Of Rights-of-way and Public Property”) to Title X (“Streets and Sidewalks”) of the Milpitas Municipal Code and adding Section X-10-1.03 to Chapter 10 (“Structures or Objects on Sidewalks or Public Ways”) to Title X (“Streets and Sidewalks”) of the Milpitas Municipal Code.

PUBLIC HEARINGS (7:30 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.

- 19. Conduct a Public Hearing and Introduce Ordinance No. 38.846 Amending Sections of Chapter 10, Title XI of the Milpitas Municipal Code Relating to Non-Residential Building Heights (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 of the Milpitas Municipal Code relating to Non-Residential Building Heights and determine that the Municipal Code amendment is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a General Plan) and 15061(b)(3) (Common Sense Exemption).

- 20. Conduct a Public Hearing and Approve the Draft FY 2021-2022 Community Development Block Grant’s (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)**

Recommendation: (1) Open the public hearing, hear testimony, then move to close the public hearing; (2) Approve the draft FY 2021-2022 Community Development Block Grant’s (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER); and (3) Authorize the City Manager, or designee, to make any necessary changes and to submit the approved draft FY 2021-2022 CAPER to the U.S. Department of Housing and Urban Development (HUD) to comply with CDBG requirements.

COMMUNITY DEVELOPMENT (8:30 PM)

- 21. 6th Cycle Draft Housing Element (2023-2031) (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Alex Andrade, Economic Development Director, 408-586-3046)**

Recommendation: (1) Receive a presentation on the Draft Housing Element; (2) receive public comments; and (3) provide comments to be reflected in a revised Draft Housing Element to be submitted to the California Department of Housing and Community Development (HCD) for its review.

LEADERSHIP AND SUPPORT SERVICES (9:45 PM)

- 22. Discussion of State Funding Plan for Bike Lanes Facilities Enhancement and Homelessness Prevention and Unhoused Services (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Recommendation: Receive presentation and provide feedback on the approved \$2.5 Million in State Funding for Bike Lane Facilities Enhancement and Homelessness Prevention and Unhoused Services.

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: 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.