



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, AUGUST 16, 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.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_QeFytPA7TIKsHlob5AzmyQ

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 Acting City Clerk (7:00 PM)

PLEDGE OF ALLEGIANCE

INVOCATION (Councilmember Phan)

PRESENTATIONS (7:05 PM)

- Women's Equality Day (Proclamation)
- Milpitas North Valley PAL 12U All Stars
- Tony Ndah Commendation and Key to the City

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 Calendars of Meetings for August and September 2022 (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3003)**

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

- C2. Approve City Council Special Meeting minutes of August 9, 2022 (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)**

Recommendation: Approve City Council Special Meeting minutes of August 9, 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 an Update on the Emergency Replacement of Two (2) Boilers and Install of a Temporary Heating System for the Public Works, Information Technology, and Police Department Building and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Receive an update on the emergency replacement of two boilers and the installation of a temporary heating system for the Public Works, Police and Information Technology Department buildings; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

- C5. Waive the Second Reading and Adopt Ordinance No. 38.846 Amending Sections of Chapter 10, Title XI of the Milpitas Municipal Code Relating to Non-Residential Building Heights in Certain Zoning Districts (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Move to waive the second reading and adopt Ordinance No. 38.846 amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to maximum building heights in certain zoning districts

- C6. Waive the Second Reading and Adopt Ordinance No. 38.847 Amending Sections of Chapter 10, Title XI (Zoning) and Sections of Chapter 213, Title V (Noise Abatement) of the Milpitas Municipal Code Relating to Outdoor Music as an Accessory Use to Bars and Restaurants and Aligning the Review and Permitting Requirements for Special Events with the City's Current Fee Schedule (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Move to waive the second reading and adopt Ordinance No. 38.847 amending Sections of Chapter 10, Title XI (Zoning) and sections of Chapter 213, Title V (Noise Abatement) of the Milpitas Municipal Code relating to outdoor music as an accessory use to bars and restaurants and aligning the review and permitting requirements for special events with the City's current fee schedule.

- C7. Approve Report of Actions Taken by the City Manager During the City Council Summer Recess from June 21 through August 9, 2022 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)**

Recommendation: Approve report of actions taken by the City Manager during the City Council Summer Recess from June 21 through August 9, 2022.

- C8. Authorize and Approve Travel to Long Beach, CA for City Manager Steve McHarris to Attend the Annual Conference of the League of California Cities to be held September 7 – 9, 2022; and Appoint City Manager Steve McHarris as the City's voting delegate for the 2022 Annual Conference. (Staff contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: (1) Authorize and approve travel to Long Beach, CA for City Manager Steve McHarris to attend the Annual Conference of the League of California Cities held September 7 – 9, 2022, for an estimated not-to-exceed amount of \$2,000 budgeted under Conferences/Trainings allocation for the City Manager's Office; and (2) Appoint City Manager Steve McHarris as the City's voting delegate for the 2022 Annual Conference.

- C9. Adopt a Resolution Approving the City of Milpitas Investment Policy for Fiscal Year 2022-23 (Staff Contact: Lauren Lai, Director of Finance, 408-586-3111)**

Recommendation: Adopt a resolution of the City of Milpitas approving the Investment Policy for FY 2022-23.

- C10. Approve Updates to the Commissioner Handbook, Commission Bylaws, and the Bylaw Addendums for the Economic Development and Trade Commission, the Science, Technology and Innovation Commission, and the Youth Advisory Commission (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)**

Recommendation: Approve updates to the Commissioner Handbook, Commission Bylaws, and the Bylaw Addendums for the Economic Development and Trade Commission, the Science, Technology and Innovation Commission, and the Youth Advisory Commission.

- C11. Receive and Review the FY 2021-22 Annual Report of Sole Source Contracts (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Receive and review the FY 2021-22 Annual Report of Sole Source Contracts.

PUBLIC HEARINGS (7:35 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.

- 12. Conduct a Public Hearing and Approve the 2022 Report on Compliance with Public Health Goals for Drinking Water (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: (1) Open the public hearing to receive public comments and then move to close the public hearing; and (2) Accept and approve the 2022 Report on Compliance with Public Health Goals for Drinking Water in accordance with provisions of the California Health and Safety Code.

COMMUNITY DEVELOPMENT (8:00 PM)

- 13. Economic Development and American Rescue Plan Act Economic Vitality Investment Framework Update (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046)**

Recommendation: Receive Economic Development and American Rescue Plan Act (ARPA) Economic Vitality Investment Framework Update.

- 14. Receive Progress Report on the Work Completed from Raimi and Associates and City Staff on the Milpitas Residential and Mixed-Use Objective Design Standards, Discuss Project Objectives and Priorities, and Provide Feedback on the Public Draft (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Jay Lee, Principal Planner, 408-586-3077)**

Recommendation: Receive progress report on the work completed from Raimi and Associates and City staff on the Milpitas Residential and Mixed-Use Objective Design Standards, discuss project objectives and priorities, and provide direction on the Public Draft.

- 15. 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.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (10:00 PM)

16. **Discuss the Formation of a City Council Ad Hoc Naming Subcommittee and Appoint the Subcommittee Members (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Recommendation: Discuss the formation of a City Council Ad Hoc Naming Subcommittee and Appointment the Subcommittee members.

LEADERSHIP AND SUPPORT SERVICES (10:30 PM)

17. **Review the List of Agenda Item Requests From Individual Councilmembers and Provide Direction to Staff, Through the Prioritization Process, on Groups 1 Items; Provide Additional Clarification to Staff, If Any, on Group 2 Items and Direct staff to return with a draft City Council Policy titled “City Council Request Prioritization Policy” formalizing the process (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Recommendation: (1) Review list of agenda item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on which Group 1 items should be advanced; (2) Provide additional input to staff, if any, on Group 1 items that received Council direction to advance and all Group 2 items; and (3) Direct staff to return with a draft City Council Policy titled “City Council Request Prioritization Policy”.

ADJOURNMENT (11:00 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's Office at 408-586-3001 or send an e-mail to CityClerk@milpitas.gov prior to the meeting. You may request a larger font agenda.