



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, AUGUST 9, 2022

CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA

6:00 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_VzwgqkOfT_mgA1LOIri61Q

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 (6:00 PM)

PLEDGE OF ALLEGIANCE

INVOCATION (Councilmember Phan)

PRESENTATIONS (6:05 PM)

- American Muslim Appreciation Month (Proclamation)

PUBLIC FORUM (6:10 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 (6:15 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 (6:25 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 Calendar of Meetings for August 2022 (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)**

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

- C2. Approve City Council Special Meeting minutes of June 14, 2022, Regular Meeting minutes of June 21, 2022, Special Meeting minutes of July 7, 2022, and Special Meeting minutes of July 11, 2022 (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)**

Recommendation: Approve City Council Special Meeting minutes of June 14, 2022, Regular Meeting minutes of June 21, 2022, Special Meeting minutes of July 7, 2022, and Special Meeting minutes of July 11, 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 (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. 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.

C6. Adopt a Resolution Granting Acceptance of Public Improvements and Approve Reduction of Faithful Performance Bond for Public Improvements for the Anton Ascend (730) and Anton Aspire (750) Residential Projects and Granting Authorization to the Engineering Director/City Engineer to Release the Performance Bond after the One-year Warranty Period. (Staff Contact: Steve Erickson, Director of Engineering/City Engineer, 408-586-3301)

Recommendation: Adopt a resolution granting acceptance of public improvements for the Anton Ascend and Anton Aspire Residential Projects as shown on Public Improvement Plans No. 2-1228 and 2-1229; and approve a reduction in the performance bonds for the Projects, subject to the one-year warranty period and reduction of the faithful performance bonds to \$82,000.00 and \$69,500.00 respectively which shall be in effect for the duration of the warranty period; and grant authorization to the Engineering Director/City Engineer to release the performance bonds after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the Engineering Director/City Engineer.

C7. Adopt a Resolution Granting Acceptance of Public Improvements and Approve Reduction of Faithful Performance Bond for Public Improvements for the Centre Pointe – Summerhill Phase 1A Residential Project and Granting Authorization to the Engineering Director/City Engineer to Release the Performance Bond after the One-Year Warranty Period; (Staff Contact: Steve Erickson, Director of Engineering/City Engineer, 408-586-3301)

Recommendation: Adopt a resolution granting acceptance of the completed public improvements for the Centre Pointe – Summerhill Phase 1A Residential Project as shown on Public Improvement Plans No. 2-1221; and approve a reduction in the faithful performance bond to \$166,100.00, which is 10% of the security's original value which shall be in effect for the duration of the warranty period; and grant authorization to the Engineering Director/City Engineer to release the performance bond after the one-year warranty period without further City Council action provided all required warranty work is completed to the satisfaction of the Engineering Director/City Engineer.

C8. Approve Budget Appropriation of \$103,602.00 in Fiscal Year 2022/2023 California Transportation Development Act Article 3 (TDA-3) Funding for use in City Capital Improvement Program Project No. 4283 American Disability Act (ADA) Curb Ramp Transition Program (Staff Contact: Steve Chan, Transportation and Traffic Manager, 408-586-3324)

Recommendation: Approve budget appropriation of \$103,602.00 in Fiscal Year 2022/2023 California Transportation Development Act Article 3 (TDA-3) Funding for use in City Capital Improvement Program Project No. 4283 American Disability Act (ADA) Curb Ramp Transition Program

- C9. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for S&B Milpitas, LLC for the Lantana at 720 Montague Expressway. (Staff Contact: Steve Erickson, Director of Engineering/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for S&B Milpitas, LLC for Lantana at 720 Montague Expressway.

- C10. Consider Recommendations from Mayor Tran for Appointments to City Commissions (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)**

Recommendation: Receive Mayor Tran's recommendations and approve the appointments to City Commissions.

- C11. Accept Commissioner Resignations (Staff Contact: Suzanne Guzzetta, Acting City Clerk, 408-586-3001)**

Recommendation: Accept the resignations of Aileen Zhong from the Community Advisory Commission and Cecelia Hutnick from the Arts Commission; and direct the Acting City Clerk to post the notice of unscheduled vacancies.

- C12. 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.

PUBLIC HEARINGS (7:00 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. 2022 Weed Abatement Assessment Public Hearing and Adopt a Resolution to Confirm the Assessment Report (Staff Contact: Arthur Belton, Deputy Fire Chief / Fire Marshal, 408-586-3384)**

Recommendation: Conduct a Public Hearing and Adopt a Resolution Confirming the 2022 Weed Abatement Assessment Report and the Assessment List to be Entered into the Tax Assessment Rolls.

- 14. Adopt a Resolution Certifying Election Results and Adding the Property Located at 150 Market Street into Community Facilities District No. 2008-1 (Annexation No. 23) (Staff Contact: Steve Erickson, Director of Engineering/City Engineer, 408-586-3301)**

Recommendation: Following receipt of election results from the Acting City Clerk, adopt a resolution certifying election results and adding the property located at 150 Market Street into Community Facilities District No. 2008-1 (Annexation No. 23).

- 15. Conduct a Public Hearing, Adopt a Resolution to Adopt the Climate Action Plan Update and the Addendum to the General Plan Environmental Impact Report and Approve a related Budget Amendment (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)**

Recommendation: (1) Open the public hearing for comments and move to close the hearing; (2) adopt a Resolution to Adopt the Climate Action Plan Update and the Addendum to the Milpitas General Plan 2040 EIR for the Milpitas Climate Action Plan Update; (3) approve a Budget Appropriation in the amount of \$150,000 to CIP #3416 for near term implementation of the Climate Action Plan Update.

- 16. Conduct a Public Hearing and Adopt the Milpitas Water, Sewer, and Storm Master Plans and Addendum to the Environmental Impact Report for the Milpitas General Plan (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: (1) Open the public hearing for comments and move to close the hearing; (2) approve resolution to adopt Water Master Plan and direct staff to return with a five-year rate study by December 2022; (3) approve resolution to adopt Sewer Master Plan and direct staff to return with a five-year rate study by December 2022; (4) approve resolution to adopt Storm Master Plan and direct staff to return to Council with various funding options for the Stormwater System by December 2022; and (5) approve resolution to adopt the City of Milpitas Utility Master Plans – Addendum to the Environmental Impact Report for the Milpitas General Plan.

- 17. Conduct a Public Hearing and Introduce an Ordinance 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; (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).

- 18. Conduct a Public Hearing and Introduce an Ordinance 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 in Bars and Restaurants and Review and Permitting Requirements for Special Events (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; (3) move to waive the first reading beyond the title and introduce an Ordinance amending sections of Chapter 10 of Title XI (Zoning) and Chapter 213 of Title V (Noise Abatement) of the Milpitas Municipal Code relating to Outdoor Music in Bars and Restaurants and Review and Permitting Requirements for Special Events 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).

COMMUNITY DEVELOPMENT (9:30 PM)

- 19. Receive Progress Report on The Work Completed and Existing Conditions Analysis from Raimi and Associates and Staff on the Housing Opportunity Zones, Discuss Project Objectives and Priorities, and Provide Direction on Key Planning Concepts and Land Use Strategies (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 and existing conditions analysis from Raimi and Associates and staff on the Housing Opportunity Zones, discuss Project objectives and priorities, and provide direction on key planning concepts and land use strategies.

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'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.