



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

THURSDAY, AUGUST 05, 2021

MILPITAS, CA

5:30 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3232

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 first 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 Zoom Application. Here is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_hACfkCXbSRyTIBBHC53LBq

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 or staff 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

PLEDGE OF ALLEGIANCE

INVOCATION (Vice Mayor Montano)

*** PRESENTATIONS**

- Present a Key to the City to Henry Nichols
- Present certificate to Bodhi Meditation Center for the Annual Celebration of Meditation Day
- Present commendations to United States Table Tennis Olympians Kanak Jha and Xin Zhou

PUBLIC FORUM

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 City Clerk. Speakers in person 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 and will be called on after all in person speakers have spoken. 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 City Council consideration, they must be submitted to the City Clerk's Office by email to CityClerk@ci.milpitas.ca.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the City Council Chambers.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

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

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 2021 (Staff Contact: Wendy Wood 408-586-3001)

Recommendation: Receive City Council Calendars of Meetings for August 2021.

C2. Approve City Council Meeting Minutes of the June 14, 2021 Special Meeting, June 15, 2021 Regular Meeting, June 21, 2021, Special Meeting, and June 22, 2021 Special Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Approve meeting minutes of the June 14, 2021 Special Meeting, June 15, 2021 Regular Meeting, June 21, 2021 Special Meeting, and June 22, 2021 Special Meeting.

- C3. Adopt a Resolution Granting Acceptance of the Montague Expressway Pedestrian Overcrossing at Piper Drive, Project No. 2008 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a resolution granting acceptance of the Montague Expressway Pedestrian Overcrossing at Piper Drive, Project No. 2008.

- C4. Adopt a Resolution Granting Acceptance of the Enhanced Crosswalk Striping & Beacon / Radar Speed Feedback Signage, Project Nos. 3454 and 3458, Authorizing the City Engineer to File a Notice of Completion and Issue a Notice of Final Acceptance After the One-Year Warranty (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a resolution granting acceptance of the Enhanced Crosswalk Striping and Beacon / Radar Speed Feedback Signage, Project Nos. 3454 and 3458 authorizing the City Engineer to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty.

- C5. Adopt a Resolution Approving the Direct Purchase of Asphaltic Material and Authorizing City Staff to Negotiate and Execute Purchase Orders with Granite Construction Company and Reed & Graham Inc., for a Combined Annual Not-To-Exceed Amount of \$80,000 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Adopt a resolution approving the direct purchase of asphaltic material from Granite Construction Company and Reed & Graham Inc., for a combined annual not to exceed amount of \$ 80,000.00 and authorize staff to negotiate and execute multi-year purchase orders of up to five years with the above mentioned firms with a quarterly price adjustment based on the Liquid Asphaltic Rack Price.

- C6. Adopt a Resolution Granting Acceptance of the Street Resurfacing 2020 Project, Project No. 4296, Authorizing the City Engineer to file a Notice of Completion and Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a resolution granting acceptance of the Street Resurfacing 2020 Project, Project No. 4296, and authorizing the City Engineer to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty has elapsed.

- C7. Approve and Authorize the City Manager to Execute a General Services Agreement with BrightView Landscape Services, Inc. for Landscaping Services at Various City Facilities for the Not-to-Exceed Amount \$581,300.00 for a Five-Year Period Subject to the Annual Appropriation of Funds (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Approve and authorize the City Manager to execute a General Services Agreement with BrightView Landscape Services, Inc. for landscaping services at various City facilities for the not-to-exceed amount of \$581,300.00 over a five-year period, subject to the annual appropriation of funds.

- C8. Approve and Authorize the City Manager to Execute Amendment No. 3 to the Consultant Services Agreement with Alta Planning and Design for an Amount of \$47,322 to Complete California Environmental Quality Act (CEQA) Review, Extend the Term of the Agreement to December 31, 2022, and Approve Budget Appropriation of \$47,322 to the Trail, Bicycle,**

Pedestrian Master Plan Update Project No. 3448 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendation: (1) Approve and authorize the City Manager to execute Amendment No. 3 to the Consultant Services Agreement with Alta Planning and Design for an amount of \$47,322 to complete the California Environmental Quality Act (CEQA); (2) Review, extend the term of the agreement to December 31, 2022; and (3) Approve Budget Appropriation of \$47,322 to the Trail, Bicycle, Pedestrian Master Plan Update Project No. 3448.

- C9. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for LD Milpitas Property, LLC for the Element Hotel Project at 521 Alder Drive (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for LD Milpitas Property, LLC for the Element Hotel Project at 521 Alder Drive.

- C10. Receive Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive May 2021 report for unhoused services.

- C11. Accept the FY 2021 Citizens' Option for Public Safety (COPS) Grant (Staff Contact: Jared Hernandez, Acting Chief of Police, 408-586-2402)**

Recommendation: Accept the FY 2021 Citizens' Option for Public Safety (COPS) Grant in the amount of \$118,429.

PUBLIC HEARINGS

- 12. Conduct Public Hearing for 2021 Weed Abatement Assessments and Adopt a Resolution to Confirm the Assessment Report (Staff Contact: Albert Zamora, Deputy Fire Chief / Fire Marshal, 408-586-3371)**

Recommendation: (1) Open the public hearing for public comment and close the public hearing; and (2) Adopt a resolution confirming the 2021 Weed Abatement Assessment Report and the Assessment List of Parcels to be entered into the Santa Clara County Tax Assessment Roll.

- **13. Conduct a Public Hearing and Adopt Urgency Ordinance No. 240.7 Pursuant to Water Code Sections 375 and 376 Relating to the Water Shortage Contingency Plan (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: (1) Open Public Hearing and move to close it following all comments; (2) City Attorney shall read aloud title of Urgency Ordinance 240.7; and (3) Following a reading of the title, move to waive the reading beyond the title and adopt Urgency Ordinance No. 240.7 to amend the Milpitas Municipal Code Relating to the Water Shortage Contingency Plan.

- 14. Conduct a Public Hearing and Introduce Ordinance No. 38.843 Amending Sections of Chapter 10 of Title XI of the Milpitas Municipal Code Relating to Accessory Dwelling Units (ADUs) and Making Findings of CEQA Exemption (Staff Contact: Rozalynne Thompson, Senior Planner, 408-586-3278)**

Recommendation: (1) Conduct a public hearing and move to close the hearing following comments; (2) City Attorney shall read aloud title of Ordinance No. 38.843, and (3) Move to waive the first reading beyond the title and introduce Ordinance No. 38.843 amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to ADUs and asking findings of CEQA Exemption.

- 15. Adopt a Resolution Approving a Site Development Permit, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to allow demolition of an existing office/warehouse industrial building, removal of three protected trees, and development of a multi-family residential building, up to 77 feet (six stories) in height, with up to 85 dwelling units (100% affordable), a ground-floor parking garage with up to 48 vehicle spaces, and approximately 20,788 square feet of public and private open space, on a 1.11-acre parcel located at 308 Sango Court, in the Transit Area Specific Plan (TASP) planning area, pursuant to CEQA exemptions. (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: (1) Conduct a public hearing, receive public comment, and move to close the hearing; (2) Deliberate and provide direction regarding development fees; (3) Adopt a resolution to approve Site Development Permit No. SD19-0014, Density Bonus Permit No. DB19-0001, Tree Removal Permit No. TR19-0029, and Environmental Assessment No. EA19-0007 to allow demolition of an existing industrial building, removal of three protected trees, and development of a multi-family residential building, up to 77 feet (six stories) in height, with up to 85 dwelling units, a ground-floor parking garage with up to 48 vehicle spaces, and approximately 20,788 square feet of public and private open space, pursuant to CEQA exemptions, and subject to the findings and Conditions of Approval.

COMMUNITY DEVELOPMENT

- 16. Receive Report on the Community Identification and Brand Study Public Engagement and Outreach and Provide Direction on Community Mark/Logo (Staff Contact: Charmaine Angelo, Public Information Officer, 408-586-3055)**

Recommendation: (1) Receive report on the Community Identification and Brand Study Public Engagement and Outreach; and (2) Provide direction to staff on the Community Mark/Logo for Citywide use.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

- 17. Review the Proposed Mural Program and Provide Feedback to Staff (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Review the proposed Mural Program and provide feedback to staff; and (2) Provide feedback to staff regarding theme and location for a permanent or temporary mural for Main Street Revitalization events scheduled for December.

PUBLIC SAFETY

- 18. Adopt a Resolution Providing for the Order of Succession to the Office of the City Manager during Emergencies and Approving the Emergency Operations Plan and the City Manager's Authority to Amend the Emergency Operations Plan (Staff Contacts: Geoffrey Maloon, Battalion Chief, 408-586-2818 and Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Recommendation: Adopt a resolution amending Resolution 5417 providing for the order of succession to the office of the City Manager, the approval of the Emergency Operations Plan, and the City Manager's authority to amend such plan.

LEADERSHIP AND SUPPORT SERVICES

19. **Receive and Update on the American Rescue Plan Act, Provide Input to Staff on the Draft ARPA Investment Plan and Delegate Authority to the City Manager to Proceed with Approved Programs, Once Compliance with ARPA Guidance is Confirmed (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053; Walter C. Rossmann, Deputy City Manager, 408-586-3012; and Lauren Lai, Director of Finance, 408-586-3111)**

Recommendation: (1) Receive and update on the American Rescue Plan Act (ARPA), including compliance and reporting requirements; (2) Provide direction to staff on the draft ARPA Investment Plan and proposed programs; and (3) Delegate authority to the City Manager including appropriation and contract approval authority up to the approved amount for each program approved by Council, once compliance with ARPA procurement, contracting and reporting requirements is confirmed.

20. **Review List of Agenda Item Requests from Individual Councilmembers and Provide Direction to Staff on each of the items in Groups 1 and 2 (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053; and 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, by majority voice vote, on which Group 1 and Group 2 items should be advanced; and (2) Provide requested clarification and direction to staff on Group 1 items that receive majority vote to advance.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies

21. **Based on the June 21, 2021 Council Vote to Move to a Full-Time In-House City Attorney, recommend the City Council Establish an Ad-Hoc Council Sub-Committee, Comprised of Mayor and Vice Mayor, to Provide Additional Direction to Staff (Contact: Mayor Tran, 408- 586-3029)**

Recommendation: Based on the June 21, 2021 City Council vote to move to a full-time in-house city attorney, recommend the City Council establish an Ad-Hoc Council Sub-Committee comprised of Mayor and Vice Mayor, to provide additional direction to staff.

22. **Provide Direction to Staff to Work with the Mayor and Vice Mayor and Submit a Letter Opposing Senate Bill 9 (Atkins) Housing Development: Approvals (Contact: Vice Mayor Montano, 408-586-3024)**

Recommendation: Recommend City Council provide direction to staff to work with the Mayor and Vice Mayor and submit a letter opposing Senate Bill 9 (Atkins) Housing Development: Approvals.

NEXT AGENDA PREVIEW

23. **Receive Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive list of anticipated agenda items for the next regular City Council meeting.

ADJOURNMENT

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: cdiaz@ci.milpitas.ca.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.ci.milpitas.ca.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.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.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@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda.

This Agenda has been revised as posted in accordance with Government Code 54956. Revisions are noted with an asterisk.

* Presentations were added.

**Recommended language was revised.