



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MAY 3, 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_1_U5rVUcTiOTZX1hucELxw

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 (Mayor Tran)

PRESENTATIONS (7:05 PM)

- Affordable Housing and Building Safety Month (Proclamation)
- National Mental Health Awareness Month (Proclamation)
- Older Americans Month (Proclamation)

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@ci.milpitas.ca.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 (7:15 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 (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 the City Council Calendar of Meetings for May 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive the City Council Calendar of Meetings for May 2022.

- C2. Approve the Special City Council Meeting Minutes of April 19, 2022, and the Regular Meeting Minutes of April 19, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve the Special City Council meeting minutes of April 19, 2022, and the Regular Meeting Minutes of April 19, 2022.

- C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

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

- C4. Adopt a Resolution Requesting the Allocation of the Transportation Development Act (TDA), Article 3 Funding for the City's American Disability Act (ADA) Curb Ramp Transition Program, Project No. 4283 (Staff Contact: Steve Chan, Transportation and Traffic Manager, 408-586-3324)**

Recommendation: Adopt a resolution requesting the allocation of the Transportation Development Act (TDA), Article 3 Funding for the City's American Disability Act (ADA) Curb Ramp Transition Program, Project No. 4283.

- C5. Adopt a Resolution Designating Project No. 4304 Street Resurfacing 2022-2023 to be Funded by SB-1 The Road Repair and Accountability Act of 2017 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a resolution designating Project No. 4304 Street Resurfacing 2022-2023 to be funded by SB-1 The Road Repair and Accountability Act of 2017.

- C6. Authorize the City Manager to Accept \$31,474.00 in Grant Funding, Approve and Authorize the City Manager to Execute a Funding Agreement Between the Bureau of Reclamation and the City of Milpitas, and Approve \$27,655.00 in Matching Funds for the Installation of Pressure Loggers Throughout the City's Water System (Staff Contact: Tony Ndah, Public Works Director 408-586-2602)**

Recommendation: Authorize the City Manager to accept \$31,474.00 in grant funding in the amount of \$31,474.00, approve and authorize the City Manager to execute a funding agreement between the Bureau of Reclamation and the City of Milpitas, and approve \$27,655.00 in matching funds for the installation of pressure loggers throughout the City's water system.

- C7. Adopt a Resolution to Supersede Resolution 9102 to Add the Commemoration of Mexican Independence Day at Cesar Chavez Plaza (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Adopt a resolution to supersede Resolution 9102 to add the commemoration of Mexican Independence Day at Cesar Chavez Plaza.

- C8. Accept Additional FY 2021 Citizens' Option for Public Safety (COPS) Grant in the Amount of \$72,578.93 for Front-Line Law Enforcement Services; Approve the Addition to the Spending Plan; and Approve the Appropriation of Funds in the Total Amount of \$72,578.93 to the Police Department's FY 2021-22 Operating Budget for Front-Line Law Enforcement Services (Staff Contact: Jared Hernandez, Police Chief, 408-586-2406)**

Recommendation: Accept additional FY 2021 Citizens' Option for Public Safety (COPS) Grant in the amount of \$72,578.93 for Front-Line Law Enforcement Services; approve the addition to the Spending Plan; and approve the appropriation of funds in the total amount of \$72,578.93 to the Police Department's FY 2021-22 Operating Budget for Front-Line Law Enforcement Services.

- C9. Accept FY 2022 Citizens' Option for Public Safety (COPS) Grant in the Amount of \$115,913.00 for Front-Line Law Enforcement Services and Approve the Appropriation of Funds in the Total Amount of \$115,913.00 to the Police Department's FY 2021-22 Operating Budget for Front-Line Law Enforcement Services (Staff Contact: Jared Hernandez, Police Chief, 408-586-2406)**

Recommendation: Accept FY 2022 Citizens' Option for Public Safety (COPS) Grant in the Amount of \$115,913.00 for Front-Line Law Enforcement Services; and Approve the Appropriation of Funds in the Total Amount of \$115,913.00 to the Police Department's FY 2021-22 Operating Budget for Front-Line Law Enforcement Services.

- C10. Receive an Update on the Emergency Replacement of Two (2) Boilers and the Installation of a Temporary Heating System for the Public Works, Police, and Information Technology Department Buildings; 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.

- C11. Approve the Sole Source Purchase and Installation of Eleven (11) Ward's No Smoke Diesel Exhaust Removal System for an Amount Not-to-Exceed \$113,027.46; and Authorize the City Manager, or Designee, to Execute the Purchase, Sale, and Security Agreement with Ward Required to Complete the Purchase (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Adopt a resolution approving the Sole Source purchase of eleven (11) Ward's No Smoke Diesel Exhaust Removal System for an amount not-to-exceed \$113,027.46; and Authorize the City Manager, or designee, to execute the purchase, sale, and security agreement, to complete the purchase.

- C12. Waive the Second Reading and Adopt Ordinance No. 311 to Establish Guidelines for the Acquisition, Funding, Use and Reporting of "Controlled Equipment," as the Term is Defined in Government Code Section 7070 and to Fulfill the Obligations Set Forth in Assembly Bill No. 481 (Staff Contact: John Torrez, Assistant Police Chief, 408-586-2408)**

Recommendation: Waive the second reading and adopt Ordinance No. 311 to Establish Guidelines for the Acquisition, Funding, Use and Reporting of "Controlled Equipment," as the Term is Defined in Government Code Section 7070 and to Fulfill the Obligations Set Forth in Assembly Bill No. 481.

- C13. Receive the Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive the February 2022 report for unhoused services.

- C14. Authorize and Approve Travel to Sacramento, CA for Councilmember Evelyn Chua and Councilmember Karina R. Dominguez to Attend the League of California Cities City Leaders Summit to be Held on May 11 – 13, 2022 for a Combined Total Estimated Amount of \$2,500 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Authorize and approve travel to Sacramento, CA for Councilmember Evelyn Chua and Councilmember Karina R. Dominguez to attend the League of California Cities City Leaders Summit to be held on May 11 – 13, 2022 for a combined total estimated amount of \$2,500.

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.

15. **Hold a Public Hearing and Adopt a Resolution Approving the 2023-2027 Capital Improvement Program (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301, Michael Silveira, CIP Manager, 408-586-3303)**

Recommendation: Open the public hearing to receive any comments and then move to close the hearing; and Adopt a Resolution approving the 2023-2027 Capital Improvement Program.

COMMUNITY DEVELOPMENT (8:30 PM)

16. **Receive a Presentation and Provide Direction to Staff Regarding Conceptual Plans for a Proposed Mixed-Use Development Project, up to 60 Feet (5 Stories) in Height, with up to 94 Multi-family Residential Units and Approximately 2,000 sq. ft. of Ground-floor Retail on a 1.25-acre Vacant Parcel Situated Between South Main Street and Abel Street, Approximately 500 Feet South of Serra Way (APN: 083-06-008) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Lillian VanHua, Senior Planner, 408-586-3073)**

Recommendation: (1) Receive presentations from staff and the applicant; (2) Receive public comment; and (3) Discuss the proposed mixed-use development project and provide direction to staff on relevant policy issues to inform ongoing work on the Milpitas Gateway-Main Street Specific Plan (formerly the Midtown Specific Plan) and guidance on desired design modifications to the project, if any.

17. **Accept Staff Report Providing an Update on the Mil on Main Project Located at 1380-1400 South Main Street; and Direct the City Manager as to Whether or Not to Send a Letter of Support to the County of Santa Clara for the Conversion to a 100% Deed Restricted Affordable Housing Project, with On-Site Support Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: (1) Accept staff report providing an update on the Mil on Main project located at 1380-1400 South Main Street; and (2) Direct the City Manager as to whether or not to send a letter of support to the County of Santa Clara for the conversion to a 100% deed restricted affordable housing project, with on-site support services.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (9:30 PM)

18. **Review the Proposed Streets, Parks and Facilities Naming Policy and Provide Feedback to Staff (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Review the Proposed Streets, Parks and Facilities Naming Policy and provide feedback to staff; (2) Review City Naming Lists and provide feedback to staff; and (3) Authorize staff to begin process for naming McCandless Park.

LEADERSHIP AND SUPPORT SERVICES (10:00 PM)

19. **Review the List of Agenda Item Requests From Individual Councilmembers and Provide Direction to Staff, Through the Prioritization Process, on the Items In Groups 1; and Provide Additional Clarification to Staff, If Any, on Group 2 Items (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; and (2) Provide additional input to staff, if any, on Group 1 items that received Council direction to advance and all Group 2 items.

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@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.