



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MAY 2, 2023

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

5:30 PM (CLOSED SESSION)

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_eSdLvIJ7SQS8WUh6htZbCg

After you register a link will be sent to you to join the City Council meeting in order to give your comments. All Zoom meeting attendees who wish to speak must click on the "raise hand" icon when the Mayor calls for public comments. If participating via phone, dial *9 to use the "raise hand" feature, and when called to speak, dial *6 to unmute your phone. Your phone number will be displayed in the live meeting. The Mayor will call speakers by name to address the City Council.

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.

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.

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 (5:30 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Nick Raisch, Human Resources Director

Bargaining unit: LIUNA, UPEC (Pro-Tech, MEA, MidCon), IAFF, MPOA

(b) PUBLIC EMPLOYEE APPOINTMENT/HIRING

Title: City Manager Recruitment Process

Agency designated representative: Nick Raisch, Human Resources Director

(c) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957

Position: City Attorney

CLOSED SESSION ANNOUNCEMENT:

Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present.

PLEDGE OF ALLEGIANCE (Councilmember Phan)

INVOCATION (Mayor Montano)

PRESENTATIONS (7:05 PM)

- Affordable Housing and Building Safety Month (Proclamation)
- Older Americans Month (Proclamation)
- Teacher Appreciation Week (Proclamation)

PUBLIC FORUM (7:15 PM)

Members of the public are invited to speak on any item that does not appear on today's agenda. Comments will be limited to three minutes or less at the Mayor's discretion. When called to speak, you are encouraged to state your name for the record. As an item not listed on the agenda, no action can be taken, however the City Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (7:20 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 May 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendar of Meetings for May 2023.

C2. Approve City Council City Council Meeting Minutes of April 12 and April 18, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Special Meeting minutes of April 12, 2023 and Regular Meeting minutes of April 18, 2023.

- C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, 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, 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. Accept Commissioner Resignation (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Accept the resignation of Patti Sexton from the Energy and Environmental Sustainability Commission and direct the City Clerk to post the notice of unscheduled vacancy.

- C6. Consider the Recommendation from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)**

Recommendation: Receive the recommendation from Mayor Montano and approve appointments to City Commissions.

- C7. Authorize and Approve Travel to Madison, Wisconsin for Mayor Carmen Montano to Attend the 2023 Mayors Innovation Project *New Mayors Cohort*, at no Cost to the City, to be Held on May 17 – 19, 2023 (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053)**

Recommendation: Authorize and approve travel to Madison, Wisconsin for Mayor Carmen Montano to attend the 2023 Mayors Innovation Project *New Mayors Cohort*, at no cost to the City, to be held on May 17 – 19, 2023.

- C8. Adopt a Resolution Granting Acceptance of the Street Resurfacing 2022 Project, Project No. 4283, 4298, & 4303, Authorizing the City Engineer to file a Notice of Completion and Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)**

Recommendation: Adopt a resolution granting acceptance of the Street Resurfacing 2022 Project, Project No. 4283, 4298, & 4303, authorizing the City Engineer to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty.

- C9. Award IFB 23-070 and Authorize the City Manager to Execute the Purchase Order with Core and Main for Valve Parts for the Not-to-Exceed Amount of \$135,866.71 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Award IFB 23-070 and authorize the City Manager to execute the purchase order with Core and Main for the purchase of valve parts for the not-to-exceed amount of \$135,866.71.

- C10. Receive a Report on the Selection of Representatives from Various City Commissions to Serve on the Zoning Advisory Group (ZAG) for the Comprehensive Zoning Update (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Receive the report on the selection of representatives from various City Commissions to serve on the Zoning Advisory Group for the Comprehensive Zoning Update.

- C11. Receive an Update on the Emergency Repairs to the HVAC System and Equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: (1) Receive an update on the emergency repairs to the HVAC system and equipment at City Hall and the Public Works/Information Technology/Police Department buildings; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

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.

- 12. Conduct a Public Hearing to Approve the Substantial Amendment to the FY 2022-25 Consolidated Plan, the Allocations for FY 2023-24 Community Development Block Grant, and the Corresponding Annual Action Plan, and Authorize the Use of \$594,882.86 from the City's Revolving Loan Fund to Continue Administration of the Home Rehab Loan Program (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)**

Recommendation: (1) Open the public hearing, hear testimony, then close the public hearing; (2) Adopt the FY2023-24 Annual Action Plan with recommended allocation amounts; (3) Approve a substantial amendment to the FY2022-25 Consolidated Plan; (4) Authorize the Acting City Manager, or designee, to make any necessary changes to the approved FY2022-25 Consolidated Plan and FY2023-24 Annual Action Plan as needed to comply with CDBG submission guidelines; (5) Authorize the Acting City Manager, or designee, to execute CDBG agreements with the approved subrecipients, and amend the CDBG agreements as needed to comply with CDBG guidelines; (6) Authorize the use of \$594,882.86 from the City's Revolving Loan Fund to continue administration of the Home Rehab Loan Program; and (7) Authorize the Acting City Manager, or designee, to pursue a subgrantee to administer a microenterprise grant assistance program.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:30 PM)

- 13. Consider Community Garden Rules and Regulations Update (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Approve new Community Garden Rules for the Community Garden at the Delano Manongs Park; (2) Receive recommendation from the Parks, Recreation and Cultural Resources Commission on Cesar Chavez Garden Plot reconfiguration; and (3) Provide feedback on potential changes to the Community Garden Rules for the Cesar Chavez Garden.

LEADERSHIP AND SUPPORT SERVICES (9:30 PM)

- 14. Adopt a Resolution for Exception to the 180-Day Wait Period in Accordance with California Government Code Section 7522.56 and 21224 (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)**

Recommendation: Adopt a resolution for exception to the 180-day wait period in accordance with California Government Code Sections 7522.56 and 21224; and approve and authorize the Acting City

Manager to execute a limited term and scope employment agreement with Jeannine Seher, with the agreement term from May 3, 2023 through June 30, 2023.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (9:45 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. 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 whether to move the item forward. If a majority of the City Council agrees to move the item forward, the City Manager shall place the item on a future agenda.

ADJOURNMENT (9:50 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.