



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, APRIL 20, 2021
MILPITAS, CA

6:00 PM (CLOSED SESSION)
7:00 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

City Council meeting is held via teleconference /Zoom webinar only (no physical meeting space).
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 by first registering for the zoom meeting in advance by: providing email address (not disclosed) and a name. Here is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_35nhIVXITJmHo0XDGv8YwA

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. online written comment form previously used is no longer available for public comment.

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

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

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Jeannine Seher, Human Resources Director

Bargaining Units: LIUNA (MEA and ProTech)

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

City as Plaintiff

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District, Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara

(c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

Cost Dispute with Tributary Agencies (Burbank Sanitary District, Cupertino Sanitary District, West Valley Sanitation District, County Sanitation District 2-3) Regarding Legal Expenses

(d) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to California Government Code §54956.9(d)(1)

Alok Jain, et al. vs. City of Milpitas, et al; Santa Clara County Superior Court, Case No. 18CV325365

(e) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9 (d)(2)

One Potential Case

Agenda Item 22 Appeal of Planning Commission's Denial of a Site Development Permit and Conditional Use Permit Amendment for an Automatic Car Wash at 554 South Main Street

PLEDGE OF ALLEGIANCE (7:00 PM)

INVOCATION (assigned to Councilmember Dominguez)

PRESENTATIONS

- Earth Day (Proclamation)
- Affordable Housing and Building Safety Month (Proclamation)
- National Autism Acceptance Month (Proclamation)
- Parkinson's Awareness Month (Proclamation)

PUBLIC FORUM

Those interested are invited to address City Council on any subject not on tonight's agenda, orally via zoom webinar (instructions on page 1). Speakers may provide their name and city of residence for the Clerk's record, and comments may be limited to three minutes or less. 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.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:20 PM)

Members of the City Council may make brief announcements or 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 subsequent 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 (7:45 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 April and May 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**
- C2. Approve City Council meeting minutes of the April 6, 2021, Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve meeting minutes of the April 6, 2021, Regular City Council Meeting.

- C3. Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to Gizmo Art Productions, Inc.; and Authorize Consulting Services Agreement Amendment No. 4 with Page & Turnbull, Inc., for the Alviso Adobe Renovation, (Phase V – Exhibits), Project No. 5055 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendations: (1) Adopt a Resolution to approve project plans and specifications; (2) award the construction contract to the lowest responsible bidder submitting a responsive bid Gizmo Art Productions in the amount of \$792,573; (3) authorize the City Manager to execute the construction contract with Gizmo Art Productions; (4) authorize the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$198,000 for the Alviso Adobe Renovation (Phase V – Exhibits), Project No. 5055; and (5) approve and authorize the City Manager to execute Amendment No. 4 to the Consulting Services Agreement with Page & Turnbull, Inc. to increase compensation by \$10,000 for construction support services.

- C4. Adopt a Resolution to Approve Project Plans & Specifications; Award the Construction Contract to McGuire and Hester; and Authorize Design Services Agreement Amendment No. 3 with IBI Group Architectural Planning for McCandless Park, Project No. 2005, 5102, 7076 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendations: (1) Adopt a Resolution to approve project plans & specifications; (2) Award the construction contract to the lowest responsible bidder submitting a responsive bid, McGuire and Hester, in the amount of \$6,303,700; (3) Authorize the City Manager to execute the construction contract with McGuire and Hester; (4) Authorize the Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$945,000 for McCandless Park, Project No. 2005, 5102, 7076; and (5) Approve and authorize the City Manager to execute Amendment No. 3 to the Design Services Agreement with IBI Group Architecture Planning for construction support services.

- C5. Adopt a Resolution Releasing Unclaimed Checks and Credits with a Value less than \$15 (Staff Contact: Lauren Lai, Finance Director/Risk Manager, 408-586-3111)**

Recommendation: Adopt a Resolution Releasing Unclaimed Checks and Credits with a Value less than \$15 and Transfer a total of \$1,561.10 in Unclaimed Checks and Credits to the General Fund.

- C6. Authorize the Mayor to Send Letter of Support for Assembly Bill No. 271 in support of the Anderson Dam Project (Staff Contacts: Steve Erickson, Engineering Director, 408-586-3301; Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Authorize the Mayor to Send Letter of Support for Assembly Bill No. 271 in support of the Anderson Dam Project.

- C7. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Lago Vista Milpitas, LLC for The Edge Project at 765 Montague Expressway (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 Lago Vista Milpitas, LLC for The Edge Project at 765 Montague Expressway.

- C8. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas Phase I, LP for the South Main Senior Lifestyles Project at 80 Cedar Way (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 Milpitas Phase I, LP for the South Main Senior Lifestyles Project at 80 Cedar Way.

- C9. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Pulte Home Corporation for the Metro Project at 1401 South Milpitas Boulevard (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 Pulte Home Corporation for the Metro Project at 1401 South Milpitas Boulevard.

- C10. Approve and Authorize the City Manager to Execute the Improvement Agreement for a Warehouse/Manufacturing Building Development at 205 N. McCarthy Blvd. (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute the Improvement Agreement between the City of Milpitas and Bridge Point Milpitas LLC.

- C11. Approve and Authorize the City Manager to execute Amendment No. 1 to the Fee Reimbursement Agreement with Anton Milpitas 730 LLC and Anton Milpitas 750 LLC for reimbursement for the actual cost of crosswalk improvements on E. Capitol Avenue, and approve the budget appropriation of \$145,000 from TASP to the non-departmental operating budget (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Fee Reimbursement Agreement with Anton Milpitas 730 LLC and Anton Milpitas 750 LLC for reimbursement for the actual cost of crosswalk improvements on E. Capitol Avenue, and approve the budget appropriation of \$145,000 from TASP to the non-departmental operating budget.

- C12. Approve and Authorize the City Manager to Execute the Fee Credit Agreement Amendment for Transit Area Specific Plan Public Facilities and Public Improvements at the 1425 S. Milpitas Blvd Project by Pulte Homes Corporation and approve the budget appropriation of \$242,000 from TASP to a non-departmental operating budget (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to Execute the Fee Credit Agreement Amendment for Transit Area Specific Plan Public Facilities and Public Improvements at the 1425 S. Milpitas Blvd Project by Pulte Homes Corporation, and approve the budget appropriation of \$242,000 from TASP to a non-departmental operating budget.

- C13. Approve and Authorize the City Manager to Execute the Improvement Agreement for a Surface Parking Lot Development at 1207 N. McCarthy Blvd. (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute the Improvement Agreement between the City of Milpitas and Creekside Milpitas 3, LLC.

- C14. Approve and Authorize the City Manager to Execute the Five-Year General Services Agreement with DataProse LLC to Provide Utility Bill Printing and Mailing Services for an amount not to exceed \$337,150 (Staff Contact: Lauren Lai, Finance Director/Risk Manager, 408-586-3111)**

Recommendation: Approve and authorize the City Manager to execute the five-year General Services Agreement with DataProse LLC to provide Utility Bill Printing and Mailing Services for the amount not to exceed \$337,150.

- C15. Approve and Authorize the City Manager to Execute a Professional Services Agreement with David J. Powers & Associates, Inc. in the amount of \$184,785 for Environmental Review and Permitting Services for the S. Milpitas Boulevard Bridge, Project No. 2016 and the Pedestrian Overcrossing at Montague Expressway and Penitencia Creek, Project No. 2018 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and Authorize the City Manager to Execute a Professional Services Agreement with David J. Powers in the amount of \$184,785 for Environmental Review and Permitting Services for the S. Milpitas Boulevard Bridge and the Pedestrian Overcrossing at Montague Expressway and Penitencia Creek Projects, Project No. 2016 and 2018.

- C16. Increase the Purchasing Amount with Crayon Software Experts LLC for Microsoft Office 365 Licenses from \$277,620 by \$32,285 for a Total Contract Amount of \$309,905 to Cover the Cost of 75 Additional Licenses (Staff Contact: Mike Luu, Information Technology Director, 408-586-2706)**

Recommendation: Increase the purchasing amount for \$277,620.00 with Crayon Software Experts LLC by \$32,285 to cover cost of 75 additional Microsoft Office 365 licenses.

- C17. Authorize Auction of One Surplus Ford 675D Tractor/Backhoe (300U) (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Authorize the Purchasing Agent to sell a Ford 675D Tractor/Backhoe (300U) at auction as surplus City property.

- C18. Accept Robson Homes Donation of \$5,000 and approve appropriation of \$5,000 from donations to community promotions for FY 2021-22 (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Accept a \$5,000 donation from Robson Homes to Recreation and Community Services' Social Services Programs for the purpose of providing emergency housing for unhoused persons. Approve appropriation of \$5,000 from donations to community promotions for FY 2021-22.

- C19. Authorize the Mayor to send a letter opposing Senate Bill 278 - Public Employees' Retirement System: Disallowed Compensation. Benefit Adjustments (Staff Contact: Jeannine Seher, Director of Human Resources, 408-586-3086)**

Recommendation: Authorize the Mayor to send a letter opposing Senate Bill 278 - Public Employees' Retirement System: Disallowed Compensation. Benefit Adjustments.

- C20. Authorize the Mayor to Send a Letter Opposing Senate Bill 210 Relating to Automated License Plate Recognition Systems: Use of Data (Staff Contact: Jared Hernandez, Acting Chief of Police, 408-586-2406)**

Recommendation: Authorize the Mayor to send a letter opposing Senate Bill 210 relating to Automated License Plate Recognition Systems: Use of Data.

- C21. Accept Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Accept commissioner Ashish Kathapurkar resignation from the Community Advisory Commission and confirm the noticing of the unscheduled vacancy.

PUBLIC HEARINGS (8:00 PM)

- 22. Conduct a Public Hearing and Consider Adopting a Resolution Denying the Appeal and Upholding the Planning Commission's Denial of a Site Development Permit and Conditional Use Permit Amendment to Demolish an Existing Manual Coin-operated Car Wash and Construct a New, Fully Automatic 3,189-square foot Car Wash with an Additional 2,301-square foot Canopy Area on a .46 Acre Site Located at 554 South Main Street (Staff Contact: Rozalynne Thompson, Senior Planner, 408-586-3278)**

Recommendation: At the appellant's request, move to continue the public hearing to the regular City Council meeting of May 4, 2021.

- 23. Conduct Public Hearing and Introduce Ordinance No. 209.5 Amending Section XI-15-4.3 (Duties and Responsibilities of the Floodplain Administrator) of Chapter 15, Title XI of the Milpitas Municipal Code (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendations: (1) Conduct a public hearing and move to close the hearing following comments; (2) City Attorney shall read aloud title of Ordinance No. 209.5; (3) Move to waive the first reading beyond the title and introduce Ordinance No. 209.5 amending Section XI-15-4.3 (Duties and Responsibilities of the Floodplain Administrator) of Chapter 15, Title XI of the Milpitas Municipal Code.

24. **Conduct a Public Hearing and Introduce Ordinance No. 38.841 Amending Sections of Chapter 10 of Title XI of the Milpitas Municipal Code Relating to Off-Street Parking Requirements for Hotels and Other Lodging Uses 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. 38.841; and (3) Move to waive the first reading beyond the title and introduce Ordinance No. 38.841 Amending Sections of Chapter 10 of Title XI of the Milpitas Municipal Code Relating to Off-Street Parking Requirements for Hotels and Other Lodging Uses and Making Findings of CEQA Exemption.

COMMUNITY DEVELOPMENT (9:00 PM)

25. **Receive report on Main Street Revitalization and provide direction to staff on both, a short term approach and a long term strategy (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Receive report on Main Street Revitalization and provide direction to staff on both, a short-term approach and a long-term strategy.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (9:30 PM)

26. **Approve Amandalynn Design Proposal for Montague Pedestrian Overcrossing Public Art Selection and Appropriation from Public Art Fund to Public Arts Project (CP 3489) (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Approve Amandalynn Design Proposal for Montague Pedestrian Overcrossing Public Art Selection and Appropriation from Public Art Fund to Public Arts Project (CP 3489).

LEADERSHIP AND SUPPORT SERVICES (9:45 PM)

27. **Discuss proposed Legislative Advocacy Policy and Legislative Guiding Principles and provide direction to staff (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Discuss proposed Legislative Advocacy Policy and Legislative Guiding Principles and provide direction to staff.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies (10:00 PM)

28. **Receive and Direct Staff on List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)**

Recommendation: Review list of items presented (list in agenda packet) that have been requested by City Councilmembers on a form, at a Council meeting, or through the City Manager. Direct items to a City Council Subcommittee, to be placed onto a specific meeting date, or specify alternate direction to staff. 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.

29. **Per Councilmember Dominguez, Discuss Distribution of COVID-19 Vaccines and Consider Drafting a Letter to the County of Santa Clara (Contact: Councilmember Dominguez, 408-586-3031)**

NEXT AGENDA PREVIEW (10:25 PM)

30. Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on May 4, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Receive list of anticipated agenda items for the May 4, 2021 regular City Council meeting.

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: 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 <https://www.ci.milpitas.ca.gov/our-government/commission/>. Please contact the City Clerk's office at CityClerk@ci.milpitas.ca.gov or 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please contact the City Clerk's office at 408-586-3003 or send an e-mail to CityClerk@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda.