



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, APRIL 19, 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_KvXKMOX1T3Sfp0jIqc97pw

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 (Councilmember Chua)

PRESENTATIONS (7:05 PM)

- Arbor Day (Proclamation)
- National Autism Acceptance Month (Proclamation)
- Parkinson's Awareness 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 April and May 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

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

- C2. Approve the City Council Regular Meeting Minutes of April 5, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approved the City Council Regular Meeting minutes of April 5, 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. Receive and Review the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)

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. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation & Maintenance Agreement for BP Products North America Inc. at 1575 Landess Avenue (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 BP Products North America Inc. for the Gas Station and Convenience Store Project at 1575 Landess Avenue.

C6. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation & Maintenance Agreement for Robinson Oil Corporation at 1787 South Main Street (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 Robinson Oil Corporation for the Gas Station and Convenience Store Project at 1787 South Main Street.

C7. Approve Updates to the Commission Bylaws, the Bylaw Addendum for the Arts Commission, the Bylaw Addendum for the Parks, Recreation and Cultural Resources Commission, and associated Commissioner Handbook updates (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: Approve updates to the Commission Bylaws, the Bylaw Addendum for the Arts Commission, the Bylaw Addendum for the Parks, Recreation and Cultural Resources Commission, and associated Commissioner Handbook updates.

C8. Approve the Purchase of a Police Vehicle, Find the Procurement to be in the Best Interest of the City, and Authorize the City Manager to Execute Any Documents Necessary to Effectuate the Purchase (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)

Recommendation: Approve the purchase of a Police vehicle, find the procurement to be in the best interest of the City, and authorize the City Manager to execute any documents necessary to effectuate the Purchase.

C9. Approve an Amendment of a Software License and Services Agreement with Mark43 by Adding the Evidence Data Migration and Morpho Mugshot Interface, Increasing the Not-to-Exceed Amount from \$1,049,956.00 to \$1,085,456.00 (Staff Contact: Steven Fox, Police Captain, 408-586-2525)

Recommendation: Approve an amendment of a Software License and Services Agreement with Mark43 by adding the Evidence Data Migration and Morpho Mugshot Interface, increasing the not-to-exceed amount from \$1,049,956.00 to \$1,085,456.00.

C10. Receive the 2021 General Plan Annual Progress Report and Authorize Submittal of the Report to the Governor's Office of Planning and Research (OPR) (Staff Contact: Jay Lee, Principal Planner, 408-586-3077)

Recommendation: Receive the 2021 General Plan Annual Progress Report and authorize the submittal of the report to the Governor's Office of Planning and Research (OPR).

- C11. 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: (1) 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 (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

- C12. Receive an Update on the Repair of Pump No. 3 at the Main Lift Sewer Pump Station and Authorize Staff to Pay Final Invoices to Koffler Electric Totaling \$90,095.32 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Receive an update on the emergency repair of Pump No. 3 at the Main Lift Sewer Pump Station.

- C13. Agreement with Best, Best & Krieger, LLP for Specialized/Supplemental Legal Services (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Approve and authorize the City Manager to execute an agreement for specialized/supplemental legal services with Best Best & Krieger LLP.

- C14. Adopt a Resolution Supporting the Submission of Projects for 2023 Community Project Funding (Staff Contact: Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Recommendation: Adopt a resolution supporting the submission of projects for 2023 Community Project Funding.

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. Introduce an Ordinance Adopting a Controlled Equipment Use Policy per California Assembly Bill 481 (Staff Contact: John Torrez, Assistant Chief of Police, 408-586-2408)**

Recommendation: Introduce an ordinance adopting a Controlled Equipment Use Policy per California Assembly Bill 481.

- 16. Conduct a Public Hearing and Adopt a Resolution Approving Issuance of the California Municipal Finance Authority Multifamily Housing Revenue Bonds in an Aggregate Principal Amount Not to Exceed \$47,000,000.00 for the Benefit of Milpitas Pacific Associates to Provide for the Financing of an Affordable Housing Project at 308 Sango Court (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: (1) Open the public hearing under the requirements of the Tax and Equity Fiscal Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended (the "Code"); (2) Move to close the public hearing following any comments; and (3) Adopt a resolution approving the issuance of the Multifamily Housing Revenue Bonds in an aggregate principal amount not to exceed \$47,000,000.00 by the California Municipal Finance Authority (CMFA) for the benefit of Milpitas Pacific

Associates to provide for the financing of the 308 Sango Court project. Such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code, and the California Government Code Section 6500 regarding Joint Exercise of Powers.

- 17. Adopt a Resolution Approving the Fiscal Year 2022-23 Master Fee Schedule (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt a resolution approving the Fiscal Year 2022-23 Master Fee Schedule.

COMMUNITY DEVELOPMENT (8:30 PM)

- 18. Homelessness Task Force Options (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive staff report related to the Homelessness Task Force recommendations and provide direction to staff on next steps.

- 19. Receive Report on Recommended Changes to the Municipal Code to Remove and Prohibit Property in Public and Provide Direction to Staff (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)**

Recommendation: Receive report on recommended changes to the Municipal Code to remove and prohibit property in public and provide direction to staff.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (9:15 PM)

- 20. 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 (9:45 PM)

- 21. Approve Employment Agreement with, and Appoint Michael Mutalipassi to Serve as City Attorney (Staff Contact: Jeannine Seher, Human Resources Director, 408-586-3086)**

Recommendation: Approve Employment Agreement with Michael Mutalipassi and appoint him to serve as City Attorney for the City of Milpitas.

REPORTS OF MAYOR & COUNCILMEMBERS (10:45 PM) - from assigned Commissions, Committees and Agencies

- 22. Per Mayor Tran, Discuss a California Statewide Communities Development Authority (CSCDA) Program for the Eleanor Project to Provide Middle-Income Workforce Housing (Contact: Mayor Tran, 408- 586-3029) - See Attached Letter and Memo**

ADJOURNMENT (11:00 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 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.