



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, APRIL 18, 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_VC1K_FmQSugsPHn72k7sRQ

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)

(b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Nick Raisch, Human Resources Director

Bargaining Unit: Other (City Attorney Performance Appraisal Process)

(c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)

Facts and circumstances related to the expiration of a contract to which the City is a party

City as Defendant

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 Barbadillo)

INVOCATION (Councilmember Phan)

PRESENTATIONS (7:05 PM)

- Earth Day (April 22, 2023) (Proclamation)
- Arbor Day (April 28, 2023) (Proclamation)
- National Autism Acceptance Month (Proclamation)
- Parkinson's Awareness Month (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 April and May 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

- C2. Approve City Council City Council Regular Meeting Minutes of April 4, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve City Council Regular Meeting minutes of April 4, 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. Consider Opting into Settlement Agreements with Pharmacies and Manufacturers of Opioids, Teva, Allergan, CVS, Walgreens, and Walmart (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3050; and Michael Mutalipassi, City Attorney, 408-586-3040)**

Recommendation: Opt into settlement agreement with pharmacies and manufacturers of opioids, Teva, Allergan, CVS, Walgreens, and Walmart, whereby the County of Santa Clara will initially receive the City's designated share of settlement funds and direct the Acting City Manager to execute any documents necessary to implement the action.

- C6. Approve and Authorize the City Manager to Execute the Improvement Agreement for a Residential Development at 308 Sango Court between the City of Milpitas and Milpitas Pacific Associates, L.P. (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Approve and authorize the City Manager to execute the Improvement Agreement for a residential development at 308 Sango Court between the City of Milpitas and Milpitas Pacific Associates, L.P.

- C7. Approve and Authorize the City Manager to Negotiate and Execute the Agreement for Completion of Public Improvements as part of the Innovation Campus Project between the City of Milpitas and Milpitas Unified School District (MUSD) including issuance of Faithful Performance and Labor and Materials Bonds (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Approve and authorize the City Manager to negotiate and execute the agreement for completion of public improvements as part of the Innovation Campus Project between the City of Milpitas and Milpitas Unified School District (MUSD).

- C8. Award IFB 23-060 and Authorize the City Manager to Execute the Purchase Order with Core and Main for the Purchase of Hydrants and Blow Off Valves for the Not-to-Exceed Amount of \$103,887.11 (Staff Contact: Christian Di Renzo, Director of Public Works, 408-586-2602)**

Recommendation: Award IFB 23-060 and authorize the City Manager to execute the purchase order with Core and Main for the purchase of Hydrants and Blow Off Valves for the not-to-exceed amount of \$103,887.11.

- C9. Authorize the City Manager to Execute an Agreement with Willdan Energy Solutions for the Replacement of Natural Gas Water Heaters with Electric Heat Pumps in City Facilities for the Grant Funded Amount of \$134,044.00 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Authorize the City Manager to execute an agreement with Willdan Energy Solutions for the replacement of natural gas water heaters with electric heat pumps in City facilities for the Grant Funded Amount of \$134,044.00.

- C10. Adopt a Resolution to Reject a Bid Protest from Ashron Construction and Restoration, Inc.; and Award a Construction Contract to Tucker Construction, Inc. in the amount of \$51,060.00 for the Fire Training Tower Concrete Repair (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Adopt a resolution to reject a bid protest from Ashron Construction and Restoration, Inc.; and Award a construction contract to Tucker Construction, Inc. in the amount of \$51,060.00 for the Fire Training Tower Concrete Repair.

- C11. Waive the Second Reading and Adopt Ordinance No. 120.50 to Amend Chapter 1 of Title VIII of the Milpitas Municipal Code Relating to Water Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Recommendation: (1) Waive the second reading of Ordinance No. 120.50; and (2) Adopt Ordinance No. 120.50 to amend Chapter 1 of Title VIII of the Milpitas Municipal Code relating to water service charges.

- C12. Waive the Second Reading and Adopt Ordinance No. 208.55 to Amend Chapter 2 of Title VIII of the Milpitas Municipal Code Relating to Sewer Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Recommendation: (1) Waive the second reading of Ordinance No. 208.55; and (2) Adopt Ordinance No. 208.55 to amend Chapter 2 of Title VIII of the Milpitas Municipal Code relating to sewer service charges.

- C13. Approve the addition of Names to City Naming Lists and Adopt a Resolution to Name a New City Park the Delano Manongs Park (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Approve adding Muwekma to the Influential People Naming List; (2) Approve adding Delano Manongs to the Influential People Naming List; and (3) Adopt a Resolution naming a new park in the Metro Area the "Delano Manongs Park."

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.

- 14. Hold a Public Hearing and Adopt a Resolution Approving the Proposed 2024-2028 Capital Improvement Program (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012; and 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 2024-2028 Capital Improvement Program.

15. **Conduct a Public Hearing to Discuss Substantial Amendment to the Consolidated Plan, the Allocations for FY 2023-24 Community Development Block Grant, and the Corresponding Annual Action Plan (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 move to close the public hearing; (2) Provide direction to staff on the allocation amounts for each application; and (3) Consider a substantial amendment to the FY 2023-25 Consolidated Plan to allow the re-launch of the home rehab loan program.

16. **Adopt a Resolution Approving the Fiscal Year 2023-24 User and Regulatory Fee Schedule (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt a resolution approving the Fiscal Year 2023-24 User and Regulatory Fee Schedule.

COMMUNITY DEVELOPMENT (10:00 PM)

17. **Adopt a Resolution Certifying Election Results and Adding the Properties Located at 1752 and 1810 Houret Court into Community Facilities District No. 2008-1 (Annexation No. 24) (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Following receipt of election results from the City Clerk, adopt a resolution certifying election results and adding the properties located at 1752 and 1810 Houret Court into Community Facilities District No. 2008-1 (Annexation No. 24).

LEADERSHIP AND SUPPORT SERVICES (10:15 PM)

18. **Consider Mayor's Appointments of City Councilmembers to Outside Committees and as Liaisons to City Commissions (Contact: Mayor Carmen Montano, 408-586-3024)**

Recommendation: Consider Mayor's appointments of City Council members to Outside Committees and as liaisons to City Commissions and move to confirm those appointments.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (10:30 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 (10:35 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.