



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, APRIL 5, 2022

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 408-586-3122

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3232

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_FsmEOemASEa5vf3fEvXm8A

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 (5:30 PM)

ADJOURN TO CLOSED SESSION

- (a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Pursuant to Government Code Section 54956.9(d)(2)
City as Defendant - See document attached
- (b) CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
Agency designated representative: Jeannine Seher, Human Resources Director
Bargaining unit: IAFF
- (c) PUBLIC EMPLOYEE APPOINTMENT/HIRING**
Pursuant to California Government Code Section 54957
Position: City Attorney
- (d) CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Jeannine Seher, Human Resources Director
Unrepresented Employee: City Attorney
- (e) PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to California Government Code Section 54957
Position: City Manager

CLOSED SESSION ANNOUNCEMENT: (7:00 PM)

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

INVOCATION (Councilmember Chua)

PRESENTATIONS (7:05 PM)

- Vietnamese-American Heritage Month (Proclamation)
- National Public Safety Telecommunications Week (Proclamation)
- Fair Housing 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 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

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

- C2. Approve the City Council Regular Meeting Minutes of March 15, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approved the City Council Regular Meeting minutes of March 15, 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. Adopt a Resolution Granting an Easement to Pacific Gas and Electric Company and Authorizing the City Manager to Execute the Grant of Easement, and Any and All Necessary Documents, in a Form Approved by the City Attorney, For the Access, Construction, and Maintenance of PG&E Owned Electric Facilities Infrastructure to Serve the Fire Station No. 2 Property (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a resolution granting an easement to Pacific Gas and Electric Company and authorizing the City Manager to execute the Grant of Easement, and any and all necessary property related documents, in a form approved by the City Attorney, for the access, construction, and maintenance of PG&E owned electric facilities infrastructure to serve the Fire Station No. 2 property.

- C6. Receive an Update on the Repair of Pump No. 3 at the Main Lift Sewer Pump Station 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 repair of pump no. 3 at the Main Lift Sewer Pump Station; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

- C7. Approve and Authorize the City Manager to Execute a Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; Approve a Budget Appropriation of \$1,355,916.00 including Measure B Innovative Transit Service Models Program Funds (\$1,084,732.00), developer contributions (\$200,000.00), and General Government CIP Fund (\$71,184.00) into Project No. 3493; and Adopt a Resolution to Approve and Authorize the City Manager to Execute a Subscription and Services Agreement with RideCo in a Not-to-Exceed Amount of \$1,355,916.00 for Consultant Services Related to Milpitas OnDemand and Making Sole Source Findings and Findings that the Procurement is in the Best Interest of the City (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Jay Lee, Principal Planner, 408-586-3077)**

Recommendation: (1) Approve and authorize the City Manager to execute a funding agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; (2) Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; (3) Approve a budget appropriation of \$1,355,916.00 including Measure B Innovative Transit Service Models Program Funds (\$1,084,732.00), developer contributions (\$200,000.00), and General Government CIP Fund (\$71,184.00) into Project No. 3493; and (4) Adopt a resolution to approve and authorize the City Manager to execute a subscription and services agreement with RideCo in a not-to-exceed amount of \$1,355,916.00 for consultant services related to Milpitas OnDemand and making sole source findings and findings that the procurement is in the best interest of the City.

- C8. Adopt a Resolution Releasing Unclaimed Funds with a Value less than \$15 amounting to \$171.82 (Staff Contact: Lauren Lai, Finance Director/Risk Manager, 408-586-3111)**

Recommendation: Adopt a resolution releasing Unclaimed Funds with a value less than \$15 Amounting to \$171.82.

- C9. Consider the Request Received by the City Clerk and Approve Fee Waiver of \$1,500.00 for the Milpitas Community Educational Endowment & Samuel Ayer Alumni Association for an Event on September 30, 2022, and Approve a Fee Waiver of \$420.00 for the Christian Worship Center for a Community Easter Egg Hunt on April 16, 2022. (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve Fee Waiver of \$1,500.00 for the Milpitas Community Educational Endowment & Samuel Ayer Alumni Association for an event on September 30, 2022, and approve a Fee Waiver of \$420.00 for the Christian Worship Center Community Easter Egg Hunt on April 16, 2022.

- C10. Accept Committee Member and Commissioner Resignations (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Accept the resignation of Committee Member Dhanwant Dhaliwal from the Measure F Oversight Committee, accept the resignation of Sukhpreet Badesha from the Arts Commission, and direct the City Clerk to post the notices of the unscheduled vacancies.

- C11. Adopt a Resolution Approving the Application for \$224,543 Per Capita Grant Funds from the State Department of Parks and Recreation and Designating the City Manager as the Authorized Signer on the Grant Agreement with the State of California (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Adopt a resolution approving the submittal of an application for Per Capita Grant Funds from the State Department of Parks and Recreation and Designating the City Manager as the authorized signer on the grant agreement with the State of California.

- C12. Accept the Report for Key 2021 Approved State Laws Impacting Municipal Operations (Staff Contact: Walter C. Rossmann, Deputy City Manager, 408-586- 3012)**

Recommendation: Accept the report for Key 2021 approved State Laws impacting municipal operations.

- C13. Consider the Recommendation from Mayor Tran for the Appointment to a City Commission (Contact: Mayor Tran, 408- 586-3029)**

Recommendation: Receive Mayor Tran's recommendation and approve the appointment to the Energy and Environmental Sustainability Commission for a non-voting student member.

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. Conduct a Public Hearing to Discuss the FY2022-25 Consolidated Plan Goals and Funding Allocations for FY2022-23 Community Development Block Grant and Corresponding Annual Action Plan (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: (1) Open the public hearing, hear testimony, then move to close the public hearing; and (2) Provide direction on the FY2022-25 Consolidated Plan goals and funding allocations for FY2022-23 Community Development Block Grant and corresponding Annual Action Plan.

COMMUNITY DEVELOPMENT (8:00 PM)

- 15. Receive a Presentation and Provide Direction to Staff on a Draft Zoning Ordinance Amendment amending Sections of Title V, Chapter 100, and Title XI, Chapter 10, of the Milpitas Municipal Code Relating to Mobile Food Vending (Food Trucks) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Avery Stark, Associate Planner, 408-586-3288)**

Recommendation: (1) Receive a presentation from staff; and (2) Provide direction to staff on a draft Zoning Ordinance Amendment setting forth regulations related to mobile food vending.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:30 PM)

- 16. 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.

- 17. Receive a Presentation on Responses to Council Inquiries and Other Matters Related to the Proposed 2023-2027 Capital Improvement Program and Provide Feedback to Staff (Staff Contact: Michael Silveira, CIP Manager, 408-586-3303)**

Recommendation: Receive a presentation on responses to Council Inquiries and other matters related to the proposed 2023-2027 Capital Improvement Program and provide feedback to staff.

- 18. Receive a Presentation on the Draft Climate Action Plan Update and Provide Direction to Staff (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)**

Recommendation: Receive a presentation on the Draft Climate Action Plan Update and provide direction to staff.

19. Receive Report on Community Odor Monitoring Pilot Program Results (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Recommendation: Receive a report on the Community Odor Monitoring Pilot Program Results and provide direction to staff.

LEADERSHIP AND SUPPORT SERVICES (10:30 PM)

20. Receive Report Regarding Mayoral/Council Term Limits and Provide Direction to Staff on Future Ballot Measures, If Any (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040 and Ashwini Kantak, Assistant City Manager, 408-586-3053)

Recommendation: Receive report regarding Mayor/Council term limits and provide direction to staff on future ballot measures, if any.

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.