



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, APRIL 4, 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_r-bs6oVzSfi4z7tNswa3gg

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 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

(b) **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)

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 Lien)

INVOCATION (Councilmember Phan)

PRESENTATIONS (7:05 PM)

- Vietnamese American Heritage Month (Proclamation)
- National Public Safety Telecommunications Week (Proclamation)
- Fair Housing 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 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

C2. Approve City Council City Council Regular Meeting Minutes of March 21, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Regular Meeting minutes of March 21, 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 Recommendation for Removal of Commissioner (Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve the removal of Kenneth Truong from the Student – CHHS Student seat on the Arts Commission and direct the City Clerk to post the notice of unscheduled vacancy.

- C6. Approve and Authorize City Manager to Execute Three-Year Agreement with the City of San Jose for Animal Control Services (Staff Contact: Bill Tott, Building Official, 408 586-3263)**

Recommendation: Approve and authorize the City Manager to execute a three-year service contract agreement with the City of San Jose for Animal Services in the amount of \$1,655,696.64 for fiscal years 2023-2026 with two additional three-year options.

- C7. Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to DeSilva Gates Construction for Street Resurfacing Project No. 4283, 4303, 4304; and Approve Budget Change Form (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)**

Recommendation: Postpone indefinitely.

- C8. Adopt a Resolution Releasing Unclaimed Checks with a Value less than \$15 in the Aggregate Amount of \$655.27 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt a resolution releasing unclaimed checks with a value less than \$15 and transfer a total of \$655.27 in unclaimed checks to the General Fund.

- C9. Approve an Amendment to the Professional Services Agreement with WeHOPE for Mobile Shower and Laundry Services to Add Additional Funding in the Amount of \$10,000.00, with a Total Not to Exceed Contract Amount of \$96,552.00 (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)**

Recommendation: Approve an amendment to the professional services agreement with WeHOPE for Mobile Shower and Laundry Services to add additional funding in the amount of \$10,000.00, with a total not to exceed contract amount of \$96,552.00.

- C10. Receive the 2022 General Plan Annual Progress Report and Authorize Submittal of the Report to the Governor's Office of Planning and Research (OPR) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Jay Lee, Principal Planner, 408-586-3077)**

Recommendation: Receive the 2022 General Plan Annual Progress Report and authorize the submittal of the report to the Governor's Office of Planning and Research (OPR).

- C11. Accept the FY 2023 Citizens' Option for Public Safety (COPS) Grant in the Amount of \$124,855.00 for Front-Line Law Enforcement Services and Approve the Appropriation of Funds in the Total Amount of \$124,855.00 to the Police Department's FY2022-23 Operating Budget for Front-Line Law Enforcement Services (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Recommendation: Accept the FY 2023 Citizens' Option for Public Safety (COPS) Grant in the amount of \$124,855.00 for front-line law enforcement services and approve the appropriation of funds in the total amount of \$124,855.00 to the Police Department's FY2022-23 Operating Budget for front-line law enforcement services.

- C12. Accept Additional FY 2022 Citizens' Option for Public Safety (COPS) Grant in the Amount of \$75,657.69 for Front-Line Law Enforcement Services to be spent in alignment with the City Council Approved FY 2022 Spending Plan; and Approve the Appropriation of Funds in the Total Amount of \$75,657.69 to the Police Department's FY2022-23 Operating Budget for Front-Line Law Enforcement Services (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Recommendation: Accept additional FY 2022 Citizens' Option for Public Safety (COPS) Grant in the amount of \$75,657.69 for Front-Line Law Enforcement Services; and Approve the appropriation of funds in the total amount of \$75,657.69 to the Police Department's FY2022-23 Operating Budget for Front-Line Law Enforcement Services.

- C13. 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.

- C14. 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.

- C15. Consider Two Fee Waiver Requests and One Donation Request from the Christian Worship Center, FAREPA, and Milpitas High School Aerotech Club (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Recommendation: (1) Approve a fee waiver of \$1,500.00 for the Christian Worship Center's Annual Community Easter Egg Hunt at Gill Park on Sunday, April 8, 2023; (2) Approve a fee waiver of \$830.00 for FAREPA Silicon Valley, Inc. for their ADU Workshop at the Milpitas Community Center on May 13, 2023; and (3) Approve a donation of \$500.00 to the Milpitas Unified School District's Milpitas High School Aerotech Club to participate in the American Rocketry Competition on May 20, 2023.

- C16. Approve the addition of Names to City Naming Lists and 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) Approve naming a new park in the Metro Area the "Delano Manongs Park."

PUBLIC HEARINGS (7:25 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.

17. **Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to Allow the Development of 57 Townhome Condominiums and Associated Site Improvements on an Approximately 2.35-Acre Site Located in the Mixed-Use (MXD) Zoning District at 612 South Main Street (APNs 086-25-027, 028) Located within the Midtown Specific Plan Area and Submitted Under California Senate Bill 330 (Housing Crisis Act of 2019) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Adopt a resolution to approve Site Development Permit No. SD22-0007, Conditional Use Permit No. UP22-0003, Vesting Tentative Map No. MT22-0003, Density Bonus Permit No. DB22-0002, Tree Removal Permit No. TR22-0014, and Environmental Assessment No. EA22-0005, subject to the Conditions of Approval.

18. **Conduct a Public Hearing and Introduce an Ordinance Amending Title III "Business and Professions" of the Milpitas Municipal Code to add Chapter 9 "Permits for Retailers of Tobacco Products" (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Table the discussion to a future meeting.

COMMUNITY DEVELOPMENT (8:00 PM)

19. **Receive Housing Report and Presentation (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)**

Recommendation: Receive Housing Report and presentation.

PUBLIC SAFETY (9:00 PM)

20. **Receive Calendar Year 2022 Controlled Equipment Annual Report, Take Public Comment and Questions for the Purpose of Community Engagement, and Approve Proposed Acquisitions for Calendar Year 2023 (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406; and Frank Morales, Assistant Chief of Police, 408-586-2521)**

Recommendation: Receive Calendar Year 2022 Controlled Equipment Annual Report, take public comment and questions for the purpose of community engagement, and approve proposed acquisitions for Calendar Year 2023.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (9:30 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 (9:35 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.