



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND HOUSING AUTHORITY

AGENDA

TUESDAY, MARCH 21, 2023

CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, 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 408-586-2400

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_I9812ZgVTueh0PdDHZPgRQ

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 (6:00 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) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to California Government Code Section 54957
Position: City Attorney

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 (Vice Mayor Chua)

INVOCATION (Councilmember Barbadillo)

PRESENTATIONS (7:05 PM)

- STEM Milpitas Student Winners

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 March and April 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

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

- C2. Approve City Council City Council Special Meeting Minutes of February 28, 2023 and Regular Meeting Minutes of March 7, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve City Council Special Meeting minutes of February 28, 2023 and Regular Meeting minutes of March 7, 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 Recommendations from Mayor Montano for Removal from and Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)

Recommendation: Receive Mayor Montano's recommendations and approve one removal from the Community Advisory Commission; approve recommendations from the Mayor for appointments to City Commissions; and direct the City Clerk to post the notice of unscheduled vacancy.

C6. 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: Steve Chan, Interim Engineering Director/City Engineer 408-586-3324)

Recommendation: Adopt a resolution to approve project plans & specifications; award the construction contract to the lowest responsible, and responsive bidder, DeSilva Gates Construction, in the amount of \$3,262,139.00 for the Street Resurfacing Project No. 4283, 4303, 4304; Authorize the City Manager to execute the construction contract with DeSilva Gates Construction; Authorize the Engineering Director/City Engineer to negotiate and execute Contract Change Order(s) in an aggregate amount not to exceed \$652,427.80 for the project; and Approve the Budget Change Form to appropriate funding for CP 4303 and CP 4304.

C7. Approve and Authorize the City Manager to Execute Amendment No. 1 with Plante & Moran, PLLC for Enterprise Resource Planning (ERP) System Consultation to Extend the Term by 12 Months and Increase the Existing Contract by \$88,450.00 for a Total Contract Amount of \$188,210.00 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 with Plante & Moran, PLLC for Enterprise Resource Planning (ERP) System Consultation to extend the term by 12 months and increase the existing contract by \$88,450.00 for a total contract amount of \$188,210.00.

C8. Adopt a Universal Resolution Designating the City Manager as the Authorized Agent to Execute for, and on behalf of, the City of Milpitas for the Purpose of Obtaining Federal and State Financial Assistance (Staff Contact: Brian Stelling, Interim Fire Chief, 408-586-2811; and Toni Charlop, Emergency Services Coordinator, 408-586-2801)

Recommendation: Adopt a universal resolution designating the City Manager as the Authorized Agent to execute for, and on behalf, of the City of Milpitas for the purpose of obtaining Federal and State financial assistance.

C9. Adopt a Resolution Amending Resolution No.1626, the Classification Plan, to Establish the Position and Classification of Public Works Manager – Utilities and Modify, Approve and Adopt the Salary Schedule Titled “All Job Classifications/Salary Table” to Include the Salary Range for this Classification (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086; and Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: Adopt a resolution amending Resolution No. 1626, the Classification Plan, to establish the position and classification of Public Works Manager – Utilities, adjust the number of positions on the authorized position list, amend specific budgeted, allocated positions and modify, approve and adopt the Salary Schedule titled “All Job Classifications/Salary Table effective March 22, 2023” to include the salary range for the classification of Public Works Manager- Utilities of \$124,280 – \$173,992.

- C10. 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.”

- C11. Approve and Authorize the City Manager to Execute a 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 2023-2036 with two additional three-year options.

- C12. Receive the 2022 Housing Element Annual Progress Report and Housing Successor Agency Annual Report and Authorize the Submittal of Both Reports to California Department of Housing and Community Development (HCD) and Governor’s Office of Planning and Research (OPR) (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046 and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)**

Recommendation: Receive the 2022 Housing Element Annual Progress Report and Housing Successor Agency Annual Report and authorize the submittal of both reports to California Department of Housing and Community Development (HCD) and Governor’s Office of Planning and Research (OPR).

- C13. Adopt a Resolution Expressing Support for the City’s 2022-2023 Priority Development Area Planning Grant Applications to the Metropolitan Transportation Commission to Prepare a Master Streetscape Plan for Main Street and a Conceptual Parks and Trails Plan for the Innovation District (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Jay Lee, Principal Planner, 408-586-3077)**

Recommendation: Adopt a resolution expressing support for the City’s 2022-2023 Priority Development Area Planning Grant applications to the Metropolitan Transportation Commission to prepare a master streetscape plan for Main Street and a conceptual parks and trails plan for the Innovation District.

- C14. Accept Commissioner Resignation (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Accept the resignation of Abhijit Pandey from the Science, Technology and Innovation Commission and direct the City Clerk to post the notice of unscheduled vacancy.

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.

15. **Conduct a Public Hearing to Consider Protests Against Proposed Water and Recycled Water Rates for FY 2023-24 through FY2027-28 and Introduce Ordinance No. 120.50 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: (1) Open public hearing and receive all written and verbal testimony regarding proposed rate increases; (2) Move to close the public hearing following all speakers; (3) Receive a summary from the City Clerk of the number of written protest received and the number required for a majority protests; (4) City Attorney shall read aloud the title of Ordinance No. 120.50; and (5) If no majority protest exists, move to waive the first reading beyond the title and introduce Ordinance No. 120.50 to approve updated water and recycled water rates for FY23/24 through FY27/28. Ordinance is entitled: "An Ordinance of the City of Milpitas Amending Chapter 1 of Title VIII of the Milpitas Municipal Code Relating to Water Service Charges."

16. **Conduct a Public Hearing to Consider Protests Against Proposed Sewer Rates for FY23/24 through FY27/28 and Introduce Ordinance No. 208.55 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Recommendation: (1) Open Public Hearing and receive all written and verbal testimony regarding proposed rate increases; (2) Move to close the public hearing following all speakers; (3) Receive a summary from the City Clerk of the number of written protests received and the number required for a majority protest; (4) City Attorney shall read aloud the title of Ordinance No. 208.55; (5) If no majority protest exists, move to waive the first reading beyond the title and introduce Ordinance No. 208.55 to approve updated sewer rates for FY23/24 through FY27/28. Ordinance No. 208.55 is entitled: "An Ordinance of the City of Milpitas Amending Chapter 2 of Title VIII of The Milpitas Municipal Code Relating to Sewer Service Charges"; and (6) Approve subsidy program for Mobile Home Park customer class.

COMMUNITY DEVELOPMENT (8:30 PM)

17. **Housing Report and Proposed Funding for Emergency Motel Stays Program and WeHOPE for Mobile Showers and Laundry Services (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046)**

Recommendation: (1) Receive Housing Report and presentation; (2) Approve an amendment to the Professional Services Agreement with WeHOPE to add additional funding in the amount of \$10,000.00, with a total not-to-exceed amount of \$96,552.00; and (3) Approve additional Emergency Motel Stays Program funding of \$50,000.00 from the American Rescue Plan Act (ARPA) fund for unhoused individuals in Milpitas.

18. **Receive a Report on the Homekey Project at 1000 Hillview Court (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)**

Recommendations: Receive a Report on the Homekey Project at 1000 Hillview Court.

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.