



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MARCH 15, 2022

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 408-586-3122

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_Fp7UfVV8SoCxSpICxS_Nbw

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 (6:00 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

City as Plaintiff

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District, Cupertino

(b) CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation

Pursuant to Government Code Section 54956.9(d)(2)

City as Defendant - see attached letter

(c) PUBLIC EMPLOYEE APPOINTMENT/HIRING

Pursuant to California Government Code Section 54957

Position: City Attorney

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 Dominguez)

PRESENTATIONS

- Chez the Ice Cream Man Appreciation Day (Proclamation)

PUBLIC FORUM (7:05 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 (7:10 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 (7:20 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 the City Council Calendars of Meetings for March and April 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive the City Council Calendars of Meetings for March and April 2022.

- C2. Approve the City Council Regular Meeting Minutes of March 1, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approved the City Council Regular Meeting minutes of March 1, 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 Acceptance of the Public Improvements for the Ellison Park Residential Project Public Improvement Plan No. 2-1220; Approve a Reduction in the Performance Bond to \$79,900.00 Which Shall Remain in Effect for the Duration of the One-Year Warranty Period; and Grant Authorization to the City Engineer to Release the Performance Bond After the One-Year Warranty Period Without Further City Council Action Provided All Required Warranty Work is Completed to the Satisfaction of the City Engineer (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a resolution granting acceptance of the public improvements for the Ellison Park Residential Project Public Improvement Plan No. 2-1220; approve a reduction in the performance bond to \$79,900.00 which shall remain in effect for the duration of the one-year warranty period; and grant authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

- C6. Adopt a Resolution Granting Acceptance of the Completed Public Improvements for the Lucente Residential Project, Public Improvement Plans No. 2-1212, and Approve a Reduction of the Faithful Performance Bond to \$85,500.00 Which Shall Remain in Effect for the Duration of the Warranty Period, and Grant Authorization to the City Engineer to Release the Performance Bond After the One-Year Warranty Period Without Further City Council Action Provided All Required Warranty Work has Been Completed to the Satisfaction of the City Engineer (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a resolution granting acceptance of the completed public improvements for the Lucente Residential Project, Public Improvement Plans No. 2-1212, and approve a reduction of the faithful performance bond to \$85,500.00 which shall remain in effect for the duration of the warranty period, and grant authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided all required warranty work has been completed to the satisfaction of the City Engineer.

- C7. Adopt a Resolution Approving and Authorizing the City Manager to Execute a Six-year Sole-Source Services Agreement with Symbium Corporation for the Unlimited Use of Proprietary Web-based Tools (Symbium PlanCheck and Build Business) as a Cloud-based Service for the Not-To-Exceed Amount of \$210,000.00 and Approve appropriation of \$90,000.00 from Permit Automation Fund 506 for this project (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Adopt a resolution approving and authorizing the City Manager to execute a six-year sole-source services agreement with Symbium Corporation for the unlimited use of proprietary web-based tools (Symbium Plancheck and Build Business) as a cloud-based service for the not-to-exceed amount of \$210,000.00. Approve appropriation of \$90,000.00 from Permit Automation Fund 506 to this project.

- C8. Adopt Resolutions Approving and Authorizing the City Manager to Execute the 2021 Amended and Restated Water Supply Agreement Between the City and County of San Francisco Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County and Approving a Minimum Purchase Transfer Agreement from the City of Mountain View to the City of East Palo Alto (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Adopt a resolution approving and authorizing the City Manager to execute the 2021 amended and restated Water Supply Agreement between the City and County of San Francisco Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County; and (2) Adopt a resolution approving a Minimum Purchase Transfer Agreement from the City of Mountain View to the City of East Palo Alto.

- C9. Approve the Pickleball Pilot Program at Gill Park and related Budget Action (Staff Contacts: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409, Tony Ndah, Public Work Director, 408-586-2602)**

Recommendation: Approve the Pickleball Pilot Program at Gill Park Handball Courts and appropriate \$75,000 from the General Government CIP Fund to the Minor Sports Courts Rehabilitation Project

- C10. Amend Resolution 7779 Delegating Authority to the Public Works Director to Take Emergency Action and Receive a Report on the Emergency Repair of Pump at the Main Lift Sewer Pump Station; and Determine By a Four-Fifths Vote There is a Need to Continue the Emergency Repair (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: (1) Amend Resolution 7779 delegating authority to the Public Works Director to take emergency action and award emergency contracts without giving notice soliciting competitive bids; (2) Receive a report from the Public Works Director on the emergency repair of pump at the Main Lift Sewer Pump Station; and (3) Determine by a four-fifths vote that there is a need to continue the emergency action.

- C11. Receive Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive January 2022 report for unhoused services.

- C12. Receive the 2021 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: Sharon Goei, Building Safety and Housing Director, 408-586-3260 and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)**

Recommendation: Receive the 2021 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. Report on Bids and Award Construction Contract to Mercoza in the Amount of \$327,680.00 for Citywide Sidewalk Repairs (Staff Contacts: Tony Ndah, Public Works Director, 408-586-2602 and Chris Schroeder, Purchasing Agent, 408-586-3161)**

Recommendation: (1) Receive report on bids and award a construction contract to the lowest responsible bidder submitting a responsive bid, Mercoza, in the amount of \$327,680.00 for the Citywide Sidewalk Repair Project; and (2) Authorize the City Manager to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$35,000.00 for the Citywide Sidewalk Repairs Project.

- C14. Consider the Request Received by the City Clerk and Approve a Fee Waiver of \$1,500.00 for the Milpitas Kiwanis Club Foundation Crab Feed on April 8, 2022 at the Milpitas Community Center and a Fee Waiver of \$1,300.00 for the Milpitas Chamber of Commerce for an ADU Community Educational Event on April 30, 2022, at the Milpitas Community Center (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Consider the request received by the City Clerk and approve a Fee Waiver of \$1,500.00 for the Milpitas Kiwanis Club Foundation Crab Feed on April 8, 2022 at the Milpitas Community Center and a Fee Waiver of \$1,300.00 for the Milpitas Chamber of Commerce for an ADU Community Educational Event on April 30, 2022, at the Milpitas Community Center.

- C15. Accept Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Accept the resignation of Commissioner Crystal Caidoy from the Parks, Recreation, and Cultural Resources Commission and direct the City Clerk to post the notice of the unscheduled vacancy.

- C16. Consider the Recommendations from Mayor Tran for Appointments to City Commissions (Contact: Mayor Tran, 408- 586-3029)**

Recommendation: Consider the recommendations from Mayor Tran and approve the appointments to City Commissions.

- C17. Authorize and Approve Travel to Yosemite, CA for Councilmember Anthony Phan to Attend the 30th Annual Yosemite Policymakers Conference to be Held on March 17 – 20, 2022 for a Total Estimated Amount of \$1,200.00 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Authorize and approve travel to Yosemite, CA for Councilmember Anthony Phan to attend the 30th Annual Yosemite Policymakers Conference to be held on March 17 – 20, 2022 for a total estimated amount of \$1,200.00.

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.

- 18. 2022 Weed Abatement Public Hearing and Adopt a Resolution to Abate the Weeds (Staff Contact: Albert Zamora, Deputy Fire Chief / Fire Marshal, 408-586-3371)**

Recommendation: Conduct a Public Hearing and adopt a resolution directing the County of Santa Clara Consumer and Environmental Protection Agency- Weed Abatement Program to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with the Milpitas Municipal Code.

COMMUNITY DEVELOPMENT (7:45 PM)

19. **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)

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 the City Naming Lists and provide feedback to staff; and (3) Authorize staff to begin process for naming McCandless Park.

LEADERSHIP AND SUPPORT SERVICES (9:00 PM)

21. **Receive Report on 2022 Citywide Community Engagement Survey (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Charmaine Angelo, Public Information Officer, 408-586-3055)**

Recommendation: Receive a report on results of the 2022 Citywide Community Engagement Survey.

22. **Provide Direction on American Rescue Plan Act (ARPA) Funding for Council Priority Items and Modifications to the ARPA Investment Plan and Provide Input on Proposed Process for Future Changes to the ARPA Investment Plan (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Lauren Lai, Director of Finance, 408-586-3111)**

Recommendations: (1) Consider Council priority items for American Rescue Plan Act (ARPA) funding and provide direction to staff on any required modifications to the ARPA Investment Plan to allow for the additional allocation; and (2) Review and provide input to staff on proposed process for future changes to the ARPA Investment Plan

23. **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.

REPORTS OF MAYOR & COUNCILMEMBERS (11:00 PM)

24. **Per Councilmember Chua, Discuss the City's Lobbyist Ordinance (Contact: Councilmember Chua, 408-586-3023)**

ADJOURNMENT (11:30 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.