



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MARCH 7, 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.

Councilmember Garry Barbadillo will participate remotely from:

5329 Thunder Ridge Cir.
Rocklin, CA 95765

Pursuant to California Government Code Section 54953

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_jmTnUd7JTMWvMkWWfisPzg

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 of a transactional occurrence related to fees charged for the use of sanitary sewer.

City as Defendant

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

City as Plaintiff

County Sanitation District 2-3, et al. v. The City of San Jose, et al. Santa Clara Superior Court case no. 18CV325480

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 (Mayor Montano)

INVOCATION (Councilmember Barbadillo)

PRESENTATIONS (7:05 PM)

- American Red Cross Month (Proclamation)
- National Women's History Month (Proclamation)
- Youth Art Month (Proclamation)
- 25th Annual Women in Construction Week (Proclamation)
- CEDAW Task Force Certificates of Appreciation

PUBLIC FORUM (7:25 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 (Mayor Montano)

APPROVAL OF AGENDA

CONSENT CALENDAR (7:30 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 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

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

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

Recommendation: Approve City Council Regular Meeting minutes of February 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. Accept Commissioner Resignation (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Accept the resignation of Barbara Ebright from the Senior Advisory Commission and direct the City Clerk to post the notice of unscheduled vacancy.

- C6. Authorize the City Manager to execute the Non-Exclusive License Agreement between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, for the installation of Small Cell Facilities on Municipal Facilities (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Authorize the City Manager to execute the Non-Exclusive License Agreement between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, for the installation of Small Cell Facilities on Municipal Facilities and find a CEQA exemption.

- C7. Adopt a Resolution Granting Acceptance of Alviso Adobe Renovation. (Phase V – Exhibits), Project No. 5055, Authorizing the City Engineer or other appropriate representative designated by the City Manager, to File a Notice of Completion, and Authorize the City Engineer, or other appropriate representative designated by the City Manager, to Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Michael Silveira, Capital Improvement Program Manager, 408-586-3303)**

Recommendation: Adopt a Resolution granting acceptance of Alviso Adobe Renovation (Phase V – Exhibits), Project No. 5055; authorizing the City Engineer, or other appropriate representative designated by the City Manager, to file a Notice of Completion, and authorizing the City Engineer, or

other appropriate representative designated by the City Manager, to issue a Notice of Final Acceptance after the one-year warranty.

- C8. Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1 (McCarthy Ranch) (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Adopt a resolution initiating proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1 (McCarthy Ranch).

- C9. Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1 (Sinclair Horizon) (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Adopt a resolution initiating proceedings for the Annual Levy and Collection of Assessments and ordering the preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1 (Sinclair Horizon).

- C10. Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the Lantana Apartments Residential Project and Grant Authorization to the City Engineer to Release the Performance Bond after the One-Year Warranty Period (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Adopt a resolution granting acceptance of the completed public improvements for the Lantana Apartments Residential Project as shown on Public Improvement Plans No. 2-1235; and approve a reduction in the faithful performance bond to \$112,250.00, which is 25% of the security's original value which shall be 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 that all required warranty work is completed to the satisfaction of the City Engineer.

- C11. Approval of Fourth Amendment to Memorandum of Agreement with Other Santa Clara Valley Municipalities to Allow for the Continuation of the Santa Clara Valley Urban Runoff Pollution Prevention Program (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Elaine Marshall, Deputy Public Works Director, 408-586-2603)**

Recommendation: Authorize the City Manager to execute the Fourth Amendment to the Memorandum of Agreement (MOU) for the Santa Clara Valley Urban Runoff Pollution Prevention Program which will allow for a five (5) year extension of the MOU with no change to the existing 2.75% cost share for the City of Milpitas.

- C12. Adopt a Resolution to Appoint Second Council Liaison to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Community Task Force (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001; and Mayor Montano, 408-586-3024)**

Recommendation: (1) Adopt a resolution approving the addition of a second City Council Liaison to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Task Force; and (2) Approve the Mayor's Appointment of Vice Mayor Evelyn Chua as the second City Council Liaison to the CEDAW Task Force.

C13. Consider the Recommendation from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)

Recommendation: Receive the recommendation from Mayor Montano and approve appointments to City Commissions.

C14. Adopt a Resolution to End the Emergency Proclaimed by then Interim City Manager on March 12, 2020, and Ratified by the City Council on March 17, 2022 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)

Recommendation: Adopt a resolution of the City Council of the City of Milpitas for Termination of the Proclamation of Local Emergency regarding Novel Coronavirus (COVID-19).

PUBLIC HEARINGS (7:35 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 for the 2023 Weed Abatement Program and Adopt a Resolution to Abate the Weeds (Staff Contact: Arthur Belton, Deputy Fire Chief/Fire Marshal, 408-586-3384)

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.

16. 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: Continue to Regular Meeting of April 4, 2023.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:00 PM)

17. Update on Street Sweeping Pilot Project Expansion (CIP #3455) (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Elaine Marshall, Deputy Public Works Director, (408) 586-2603)

Recommendation: Receive a presentation on the options for expanding the Pilot Street Sweeping Program and support staff's recommendation to perform additional survey work and return to the Mayor and City Council to discuss next steps following completion of the surveys.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (9:00 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 (9:05 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.