



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, FEBRUARY 1, 2022

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

City Council meeting is held via teleconference /Zoom webinar only (no physical meeting space).

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 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_R8SBRcHzRmOb5hoDC6Kfow

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 (insert time)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH REAL ESTATE PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8 Property: 1700 Sango Court and 1831-1841 Tarob Court
Agency Negotiator: City Manager Steve McHarris
Negotiating Parties: Nibbi Brothers General Contractors
Under Negotiation: Price and Terms of Payment

(b) 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 Phan)

PRESENTATIONS (7:05 PM)

- Certificate of Appreciation – Homelessness Task Force
- Black History Month (Proclamation)

PUBLIC FORUM (7:10 PM)

Those in the audience via Zoom are invited to address City Council on any subject not on tonight's agenda. 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.

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 February 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

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

- C2. Approve the City Council Regular Meeting Minutes of January 18, 2022, and Special Meeting Minutes of January 25, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve the City Council Regular Meeting minutes of January 18, 2022, and Special Meeting minutes of January 25, 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. Approve and Authorize the City Manager to Execute the Improvement Agreement with Sango Court L.P, for the Completion of the Offsite Public Improvements Located at 355 Sango Ct. (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to Execute the Improvement Agreement with Sango Court L.P, for the completion of the Offsite Public Improvements Located at 355 Sango Ct.

- C6. Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)**

Recommendation: Move to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

- C7. Move to Waive the Second Reading Beyond the Title and Adopt Ordinance No. 297.1 Amending Milpitas Municipal Code Title XII, Chapter 1 (Affordable Housing Ordinance) (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Move to waive the second reading beyond the title and adopt Ordinance No. 297.1 amending Milpitas Municipal Code Title XII, Chapter 1 (Affordable Housing Ordinance).

- C8. Approve and Authorize the City Manager to Execute a New 3-Year Agreement with CDW-G for Office 365 Cloud Products Through a Cooperative Subscription Contract with the County of Riverside California (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

Recommendation: Approve and authorize the City Manager to execute a new 3-year agreement with CDW-G for Office 365 Cloud products in the amount of \$147,757 annually and authorize 10% contingency in the amount of \$14,776 for unforeseen licensing needs, for the total amount not-to-exceed \$162,533 annually, for a total contract amount of \$487,599.

- C9. Consider the Recommendations from Mayor Tran for the Appointments to City Commissions (Contact: Mayor Tran, 408- 586-3029)**

Recommendation: Receive Mayor Tran's recommendation and approve the appointments City Commissions.

COMMUNITY DEVELOPMENT (7:30 PM)

10. **Receive report from Homelessness Task Force (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive report from Homelessness Task Force.

11. **Conduct a Public Oversight Meeting Pursuant to California Senate Bill 35 (SB 35) for a Proposed 112-Unit Residential Development (100% affordable) up to Five Stories in Height Located at 1300 South Main Street (APN 083-36-002) within the Transit Area Specific Plan Planning Area. The Meeting is for Design Review and Public Oversight on Objective and Focused Design Standards Criteria Required for this Project, as Published and Adopted by Ordinance or Resolution by the City before Submission of a Development Application, and that are Broadly Applicable to Development Within the City. The Design Review and Public Oversight Shall Not in Any Way Inhibit, Chill, or Preclude the Ministerial Approval Provided by Government Code Section 65913.4. (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: (1) Receive a presentation from staff regarding SB 35 and the criteria for streamlined review of qualifying projects; (2) Receive a presentation from the applicant of the proposed development; (3) receive public comment; (4) Assess compliance with the criteria for streamlined review as well as any City-adopted objective design standards in accordance with Government Code Section 65913.4.

ADJOURNMENT (9:00 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.