



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, JANUARY 18, 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_cIENQXIOS72UEqRAQSy5Vw

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) DISCUSSION WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Jeannine Seher, Human Resources Director

Employee Organization: IAFF

(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 (Vice Mayor Montano)

PRESENTATIONS

PUBLIC FORUM (7:35 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 (7:10 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 City Council Calendars of Meetings for January and February 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive City Council Calendars of Meetings for January and February 2022.

- C2. Approve the City Council Special Meeting Minutes of January 7, 2022 and Special Meeting Minutes of January 11, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve the City Council Special Meeting Minutes of January 7, 2022 and Special Meeting Minutes of January 11, 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 Reviewing and Accepting the Annual Development Impact Fee Annual Report for the Calaveras Boulevard Widening Traffic Impact Fee, the Transit Area Specific Plan (TASP) Impact Fee, and the Storm Drain Fee for the Fiscal Year Ended June 30, 2021 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt a resolution consistent with the Mitigation Fee Act to review and accept the annual development impact fee disclosure information for the Calaveras Blvd Widening Traffic Impact Fee, Transit Area Specific Plan Impact Fee and Storm Drain Fee for the Fiscal Year Ended June 30, 2021.

- C6. Approve and Authorize the City Manager to execute Amendment No. 3 to the Agreement with HdL Software LLC for Business License Tracking Software Services (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 3 to the Agreement with HdL Software LLC for Business License Tracking Software services for a total amount not-to-exceed amount of \$110,609.86.

- C7. Award Construction Contract IFB No. 22-032 for the Installation of Card Access Control and Monitoring Systems at Fire Stations to Trofholz Technologies for the Not-To-Exceed Amount of \$104,324.42 and Authorize the City Manager to Execute the Construction Contract. (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Award construction contract IFB No. 22-032 for the installation of card access control and monitoring systems at Fire Stations to Trofholz Technologies for the not-to-exceed amount of \$104,324.42 and authorize the City Manager to execute the construction contract.

- C8. Receive Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive November 2021 report for unhoused services.

- C9. Accept the Resignation of Aysha Mohsin from the Planning Commission (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Accept the resignation of Aysha Mohsin from the Planning Commission; and confirm the noticing of the unscheduled vacancy.

- C10. Move to Waive the Second Reading and Adopt Ordinance No. 43.213 Amending Various Sections of Milpitas Municipal Code, Title V, Chapter 100 - Traffic (Staff Contact: Steve Chan, Transportation and Traffic Manager, 408-586-3324, and Jared Hernandez, Chief of Police, 408-586-2406)**

Recommendation: Move to waive the second reading beyond the title and adopt Ordinance No. 43.213 Amending Various Sections of Milpitas Municipal Code, Title V, Chapter 100 - Traffic.

- C11. Authorize and Approve Travel to Monterey, CA for City Manager Steve McHarris to Attend the League of California Cities City Managers Annual Conference scheduled for February 2 – 4, 2022 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Authorize and Approve Travel to Monterey, CA for City Manager Steve McHarris to Attend the League of California Cities City Managers Conference scheduled for February 2 – 4, 2022, for an estimated not-to-exceed amount of \$2,000 budgeted under Conferences/Trainings allocation for the City Manager's Office.

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.

- 12. Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to Allow Development of a 32-Unit Townhome Condominium Subdivision, Comprised of Two Multi-Family Buildings Up to 50 Feet in Height (Three to Four Stories), with Tandem Garages Accessed From a Central Drive Aisle, and Associated Site Improvements on a 1.22-Gross Acre Site Located in the Multi-Family High Density Residential (R3) Zoning District at 2001 Tarob Court, in the Transit Area Specific Plan (TASP) Planning Area (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: (1) Conduct a public hearing, receive public comment, and move to close the hearing (2) Consider the consistency memorandums to the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) and the exemptions in accordance with CEQA; and (3) Adopt a Resolution approving Site Development Permit No. SD21-0004, Conditional Use Permit No. UP21-0005, Vesting Tentative Map No. MT21-0001, and Environmental Assessment No. EA21-0002 to allow development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height (three to four stories), with tandem garages accessed from a central drive aisle, and associated site improvements, subject to the findings and Conditions of Approval.

COMMUNITY DEVELOPMENT (8:00 PM)

- 13. Receive a Presentation on the Draft Development Review Handbook and Accessory Dwelling Unit (ADU) Toolkit (Staff Contact: Jay Lee, Principal Planner, 408-586-3077)**

Recommendation: Receive a Presentation on the draft Development Review Handbook and Accessory Dwelling Unit (ADU) Toolkit

- 14. Milpitas Affordable Housing Ordinance Update (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Following the reading of the title by the City Attorney, move to waive the first reading beyond the title and introduce Ordinance No. 297.1 amending Milpitas Municipal Code Title XII, Chapter 1 (Affordable Housing Ordinance).

REPORTS OF MAYOR & COUNCILMEMBERS (9:30 PM)

15. **Per Councilmember Chua, Consider Rescinding the Direction Given to Staff on September 21, 2021, in Relation to the Preliminary Review of Conceptual Plans for a Proposed 206-Unit Multi-family Residential Development Project on a 6.69-Acre Site Located at 1355 California Circle (APN: 22-338-007) (Contact: Councilmember Chua, 408-586-3023) (Staff Will Provide a Brief Presentation)**

ADJOURNMENT (10:00 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.