



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, JANUARY 17, 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_Ra4KGq7KR3SFye8QMsHuUw

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 – EXISTING LITIGATION

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

City as Defendant

Anil Kumar Bhatnagar v. City of Milpitas, et al. Santa Clara Superior Court case no. 20CV369408

(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

(c) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

City as Defendant

Gene Smith v. City of Milpitas, WCAB nos. ADJ9910212, ADJ10230698, ADJ10230699, and ADJ12410959

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 (Councilmember Lien)

INVOCATION (Vice Mayor Chua)

PRESENTATIONS (7:05 PM)

- Martin Luther King, Jr. Day Proclamation

PUBLIC FORUM (7:10 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 (Councilmember Lien)

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 January and February 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendar of Meetings for January and February 2023.

- C2. Approve City Council City Council Special Meeting Minutes of January 10, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**
- Recommendation: Approve City Council Special Meeting minutes of January 10, 2022.
- 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. Reconfirm Findings and Determinations Under Resolution No. 9165 and Assembly Bill 361 for the Continuation of Virtual Meetings of the City Council and Legislative Bodies (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)**
- Recommendation: Move to reconfirm findings and determinations under Resolution No. 9165 and Assembly Bill 361 for the continuation of virtual meetings of the City Council and Legislative Bodies.
- C6. Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for Parkside – Tarob Court Project, Phase 1 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 Parkside – Tarob Court Project, Phase 1 Residential Project as shown on Public Improvement Plans No. 2-1234; and approve a reduction in the faithful performance bond to \$35,900.00, which is 10% 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 all required warranty work is completed to the satisfaction of the Engineering Director/City Engineer and find a CEQA exemption.
- C7. Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the Finch Hollow 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 Finch Hollow Residential Project as shown on Public Improvement Plans No. 2-1336; and approve a reduction in the faithful performance bond to \$122,000.00, which is 10% of the security's original value which shall be in effect for the duration of the warranty period; 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 Engineering Director/City Engineer; and find a CEQA exemption.
- C8. Waive the Second Reading and Adopt Ordinance No. 38.852 Amending Section 13 of Chapter 10, Title XI of the Milpitas Municipal Code Relating to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) for consistency with recent changes to state ADU law**

(Assembly Bill 2221 and Senate Bill 897) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Recommendation: Move to waive the second reading and adopt Ordinance No. 38.852 amending Section 13 of Chapter 10, Title XI of the Milpitas Municipal Code Relating to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) for consistency with recent changes to state ADU law (Assembly Bill 2221 and Senate Bill 897), and find a CEQA exemption.

- C9. Approve and Authorize the City Manager to Execute a Professional Services Agreement with Lisa Wise Consulting, Inc. for Comprehensive Zoning Ordinance Update Services for the Not-to-Exceed Amount of \$879,515.00 (Staff Contact: Ned Thomas, Planning and Neighborhood Services Director, 408-586-3273)**

Recommendation: Approve and authorize the City Manager to execute a Professional Services Agreement with Lisa Wise Consulting, Inc., for Comprehensive Zoning Update Services for the not-to-exceed amount of \$879,515.00 and find a CEQA exemption.

- C10. Consider Kiwanis Club of Milpitas Fee Waiver Request (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Approve a Fee Waiver of \$900.00 for the Kiwanis Club of Milpitas Foundation's 19th Annual MUSD Crab Feed and Auction Event scheduled for February 3, 2023.

- C11. Authorize and Approve Travel to Carlsbad, CA for City Manager Steve McHarris to Attend the Annual League of California Cities *City Managers Conference* to be held on February 8 – 10, 2023 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Authorize and approve travel to Carlsbad, CA for City Manager Steve McHarris to attend the Annual League of California Cities City Managers Conference scheduled on February 8 – 10, 2023 for an estimated not-to-exceed amount of \$1,700.00 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. Conduct a Public Hearing and Adopt Ordinance No. 65.153 Adopting by Reference the 2022 California Energy Code; and Adopt Ordinance No. 65.154 Adopting by Reference the 2022 California Green Building Standards Code with Amendments (Staff Contact: Bill Tott, Building Official, 408-586-3263)**

Recommendation: (1) Open the public hearing, hear testimony, then move to close the public hearing; (2) Waive the second reading, find a CEQA exemption, and adopt Ordinance No. 65.153 amending Chapter 11 of Title II of the Milpitas Municipal Code adopting by reference the 2022 California Energy Code; and (3) Waive the second reading, find a CEQA exemption, and adopt Ordinance No. 65.154 amending Chapter 19 of Title II of the Milpitas Municipal Code adopting by reference the 2022 California Green Building Standards Code with amendments.

LEADERSHIP AND SUPPORT SERVICES (8:00 PM)

- 13. Receive Report on 2023 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 2023 Citywide Community Engagement Survey.

14. Adopt a Resolution Appointing Glen Campi as Extra Help Public Works Manager (Staff Contact: Christian Di Renzo, Public Works Director; and Liz Brown, Interim Human Resources Director, 408-586-3086)

Recommendation: Adopt a resolution appointing Glen Campi as Extra Help Public Works Manager in accordance with California Government Code Sections 7522.56 and 21224 and approve and authorize the City Manager to execute an employment agreement with Glen Campi.

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.