



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, JANUARY 10, 2023

CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA

5:30 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_2Ev4uF0IQY2GBBia0riPng

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 (5:30 PM)

PLEDGE OF ALLEGIANCE (Vice Mayor Chua)

INVOCATION (Vice Mayor Chua)

PUBLIC FORUM (5:35 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 (Vice Mayor Chua)

APPROVAL OF AGENDA

CONSENT CALENDAR (5:45 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 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

C2. Approve City Council City Council Regular Meeting Minutes of December 20, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Regular Meeting minutes of December 20, 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. Authorize and Approve Travel to Sacramento, CA for the Entire City Council and City Manager Steve McHarris to Attend the Annual League of California Cities *New Mayors & Council Members Academy* to be Held on January 18 – 20, 2023 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

Recommendation: (1) Authorize and approve travel to Sacramento, CA for the entire City Council to attend the Annual League of California Cities New Mayors & Council Members Academy scheduled on January 18 – 20, 2023 for a total combined estimated not-to-exceed amount of \$6,500.00 budgeted under Conferences/Trainings allocation for the City Council; and (2) Authorize and approve travel to

Sacramento, CA for City Manager Steve McHarris to attend the Annual League of California Cities New Mayors & Council Members Academy scheduled on January 18 – 20, 2023 for an estimated not-to-exceed amount of \$1,400.00 budgeted under Conferences/Trainings allocation for the City Manager's Office.

C6. Adopt a Resolution to Ratify the Emergency Proclamation of the City Manager of January 4, 2023 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)

Recommendation: Adopt a resolution to ratify the City of Milpitas Emergency Proclamation signed on January 4, 2023, by City Manager regarding a severe weather event.

C7. Consider Mayor's Appointments of City Councilmembers as Liaisons to City Commissions, City Subcommittees, and Outside Agency Boards and Committees (Contact: Mayor Carmen Montano, 408-586-3024)

Recommendation: Consider Mayor's appointments of City Council members to liaisons of City Commissions, City Subcommittees, and outside agencies, boards and committees, and move to confirm those appointments.

LEADERSHIP AND SUPPORT SERVICES (5:50 PM)

8. Approve the Prioritization of Additional Workplan Items City Council Policy (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

Recommendation: Approve the Prioritization of Additional Workplan Items City Council Policy.

9. Accept Staff Report about Response to Severe Weather Event on January 4-5, 2023 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)

Recommendation: Accept Staff Report about Response to Severe Weather Event on January 4-5, 2023.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (6:55 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 (7:00 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: 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.

December 2022						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Milpitas City Council Calendar

January 2023

February 2023						
S	M	T	W	Th	F	S
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

Item # C1.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 	2 CITY OBSERVED HOLIDAY CITY OFFICES CLOSED	3	4 2:00 PM -Housing Council Subcommittee (AP/EC) - CANCELLED 7:00 PM -Community Advisory Commission (EC) - CANCELLED	5 5:30 PM -Milpitas Chamber of Commerce Board (EC)	6 10:00 AM -Housing Council Subcommittee (AP/EC) – Virtual Mtg	7
8	9 4:30 PM -Economic Development and Trade Commission 7:00 PM -Parks, Recreation & Cultural Resources Commission (CM)	10 4:00 PM -HOPE Suicide Prevention Task Force 5:30 PM -Special City Council	11 Tent: 2:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (Santa Clara) 7:00 PM -Planning Commission 7:00 PM -Silicon Valley Clean Energy Board of Directors (Cupertino)	12 4:00 PM -Santa Clara VTA Policy Advisory Committee 4:00 PM -Treatment Plant Advisory Committee (San Jose) 5:30 PM -Santa Clara VTA Board of Directors 7:00 PM -Cities Assoc of SCC 7:00 PM -Youth Advisory Commission	13 *4:30 PM -City Council Finance Subcommittee	14  6:00 PM -Lunar New Year Celebration
15	16  MARTIN LUTHER KING JR. BIRTHDAY CITY OFFICES CLOSED	17 6:00 PM -Closed Session 7:00 PM -City Council	18 6:00 PM -Energy and Environmental Sustainability Commission	19 4:00 PM -VTA Policy Advisory Committee 6:30 PM -Bay Area Water Supply Conserv Agency (Burlingame Comm. Center – Sequoia Room) 7:00 PM -Public Safety and Emergency Preparedness Commission	20	21
22	23 7:00 PM -Arts Commission 7:00 PM -Library and Education Commission (Milpitas Public Library)	24	25 7:00 PM -Planning Commission	26 9:00 AM -City Council Retreat (location tbd) 4:00 PM -Silicon Valley Regional Interoperability Authority (SVRIA)	27	28
29	30	31 5:30 PM -City Council FY2023-24 Budget Study Session (Senior Center)				

*Finance Subcommittee will only meet as needed



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, DECEMBER 20, 2022

CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA
6:00 PM (PUBLIC BUSINESS)

The City Council of the City of Milpitas convened in a Special City Council meeting on December 20, 2022, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/Zoom webinar.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

Mayor Tran called the Regular City Council meeting to order at 6:02 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan (6:07 PM)
ABSENT: None.

PLEDGE OF ALLEGIANCE

Milpitas High School Naval Junior Reserve Officer Training Corps posted the colors and led the Pledge of Allegiance.

INVOCATION

Mayor Elect Montano invited the staff and City Council to sing We Wish You a Merry Christmas

AGENDA ITEMS

1. **Receive Report of Municipal Election Results of November 8, 2022, and Adopt a Resolution to Certify Final Results of Candidate and Ballot Measure Election (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

City Clerk Guzzetta presented the report.

There were no public speakers.

Motion: to receive the report of election results and voter turnout and to adopt **Resolution No. 9206** confirming the official canvass of election returns and declaring the results of the General Municipal Election held on November 8, 2022.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by the following:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran

NOES: None

2. **Presentation to Outgoing Mayor and Councilmember and Remarks**

City Manager McHarris presented flags that were flown over the City Civic Center to Councilmember Dominguez and Mayor Tran and offered remarks on their service to the City of Milpitas.

Mayor Tran spoke on his service as Mayor of the City of Milpitas.

3. Ceremonial Swearing-In of Newly Elected City Officials

- **Mayor Carmen Montano**
Dr. Jenni'fer JMB Chapman administered the ceremonial oath of office to Mayor Carmen Montano. Mayor Montano thanked the community, spoke on the election, and recognized supporters.
- **City Councilmember Garry Barbadillo**
Fred Barbadillo administered the ceremonial oath of office to Councilmember Garry Barbadillo. Councilmember Barbadillo provided remarks on his election and thanked supporters and staff.
- **City Councilmember Hon Lien**
Sydney Doa administered the ceremonial oath of office to Councilmember Hon Lien. Councilmember Lien thanked the community for their support and spoke on what she hopes to achieve as a member of the City Council.

Outgoing Mayor Rich Tran entrusted the gavel to incoming Mayor Carmen Montano and ceded the dais. Mayor Montano announced a recess at 6:59 PM for a short reception. During the break, City Clerk Guzzetta administered the official oath of office to the three newly elected officials and each were provided a signed Certificate of Election.

Mayor Montano reconvened the City Council at 7:47 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Councilmembers Barbadillo, Chua, Lien, and Phan

ABSENT: None.

AGENDA ITEMS (CONT'D.)

4. Elect New Vice Mayor (Contact: Mayor Carmen Montano, 408-586-3029)

Mayor Montano recommended Councilmember Evelyn Chua to serve as Milpitas Vice Mayor for a one-year term and made a motion: to approve the new Vice Mayor Evelyn Chua.

Motion/Second: Mayor Montano / Councilmember Phan

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

PUBLIC FORUM

The following people spoke under Public Forum:

1. Stephen Balsbaugh
2. Van Lan Truong
3. Hang Nguyen
4. Thu Tran
5. Hien La
6. Tuyet Lam
7. Khai Tran
8. Keira Huynh
9. Vicky Zhou
10. Lusi Wang
11. Kefing Aperto-Berry
12. Veronica Aperto-Berry
13. Sandy Perry, Affordable Housing Network

14. Thao Le, Organizing Coordinator from Community Land Trust
15. Allysson McDonald
16. Troi Tran
17. Alison Frost
18. Tiffany Vu
19. Moria Merriweather
20. Delma Hernandez
21. Tsegenet A
22. Walter Li
23. Voltaire Montemayor
24. Michael Tsai

Mayor Montano requested staff to agendize a discussion of Sunnyhills for the Housing Subcommittee.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Mutalipassi asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. City Attorney Mutalipassi asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, there were no reportable campaign contributions.

READING OF THE CITY COUNCIL CODE OF CONDUCT

City Attorney Mutalipassi read the Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the December 20, 2022 Regular Meeting Agenda

Motion/Second: Vice Mayor Chua / Councilmember Phan

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

CONSENT CALENDAR

Motion: to approve the consent calendar, pulling Item C6.

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

C5. Receive City Council Calendar of Meetings for December 2022 and January 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Received City Council Calendar of Meetings for December 2022 and January 2023.

C6. Approve City Council City Council Regular Meeting Minutes of December 6, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Pulled from Consent Calendar.

- C7. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received the list of anticipated agenda items for the next regular City Council meeting.

- C8. Receive and Review the List of Agenda Items Requested by City Councilmembers (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Reviewed the list of items that have been requested by City Councilmembers.

- C9. 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)**

Reconfirmed findings and determinations under Resolution No. 9165 and Assembly Bill 361 for the continuation of virtual meetings of the City Council and Legislative Bodies.

- C10. Approve and Authorize the City Manager to Execute an Encroachment and Maintenance Agreement with Milpitas – District 4 Owner, LLC, for the Perpetual Maintenance and Operation of Private Sidewalk Lighting Improvements within the City Right-of-Way Located at 150 Market Street (Staff Contact: Steve Erickson, Engineering Director / City Engineer, 408-586-3301; and Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Approved and authorized the City Manager to execute an Encroachment and Maintenance Agreement with Milpitas – District 4 Owner, LLC, for the perpetual maintenance and operation of private sidewalk lighting improvements within the city right-of-way located at 150 Market Street.

- C11. 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, 2022 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Adopted **Resolution No. 9207** 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, 2022.

- C12. Adopt a Resolution Authorizing the City Manager to Issue a Purchase Order in the Amount of \$297,573.91 for the Purchase of Five Police Vehicles from the National Auto Fleet Group through a Cooperative Procurement Contract with Sourcewell (Staff Contact: Jared Hernandez, Police Chief, 408-586-2406; and Chris Schroeder, Purchasing Agent, 408-586-3161)**

Adopted **Resolution No. 9208** authorizing the City Manager to issue a purchase order in the amount of \$297,573.91 for the purchase of five police vehicles from the National Auto Fleet Group through a Cooperative Procurement Contract with Sourcewell and find a CEQA exemption.

- C13. Adopt a Resolution Authorizing the City Manager to Execute the Five-Year Sole Source Agreement with Hadronex, Inc. Doing Business as SmartCover Systems for Alert System Services Related to the Deployment of SmartLevel Sewer Monitoring System Units for a Not-to-Exceed Amount of \$209,835.85, Subject to the Annual Appropriation of Funds (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Adopted **Resolution No. 9209** authorizing the City Manager to execute the five-year sole source agreement with Hadronex, Inc. doing business as SmartCovers Systems for alert system services related to the deployment of SmartLevel Sewer Monitoring System units for the not-to-exceed amount

of \$209,835.85, subject to the annual appropriation of funds and approval as to form by the City Attorney, and find a CEQA exemption.

C14. Accept a State of California Parks and Recreation grant in the amount of \$224,543.00 for Sunnyhills Albert Augustine Jr. Memorial Park and Appropriate the Funds to CIP No. 3500 (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Accepted a State of California Parks grant in the amount of \$224,543.00 for Sunnyhills Albert Augustine Jr. Memorial Park and appropriated the funds to CIP No. 3500 and found all potential significant effects sufficiently analyzed by the December 14, 2021 Negative Declaration.

ITEMS REMOVED FROM CONSENT CALENDAR

C6. Approve City Council City Council Regular Meeting Minutes of December 6, 2022 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Motion: to approve the City Council Regular Meeting minutes of December 6, 2022.

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

AYES: Councilmembers Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

ABSTAIN: Councilmember Barbadillo

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager McHarris wished the City Council and residents a happy and safe Holiday and announced the holiday closure for non-public safety services from December 23, 2022 through January 2, 2023.

Councilmember Phan congratulated the Mayor and Councilmembers on their new roles on the City Council and acknowledged Mayor Tran and Councilmember Dominguez for their service to the city.

Councilmember Barbadillo asked staff to prepare a summary of previous Council actions related to Sunnyhills affordable apartments from the first renewal to present day.

Councilmember Lien wished everyone a Happy Holiday and Happy New Year.

Vice Mayor Chua thanked staff for all their hard work over the year.

Mayor Montano thanked everyone for their attendance at the City Council meeting and assured the community that the Council intends to work collaboratively in the future.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:41 PM.

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta

TENTATIVE CITY COUNCIL AGENDA ITEM LIST

Item # C3.

as of 1/5/2023

January 17, 2023 – Regular Meeting

CLOSED SESSION

INVOCATION (Vice Mayor Chua)

PRESENTATION

CONSENT CALENDAR

1. Receive City Council calendar for January 2023 (City Clerk)
2. Approve City Council Meeting minutes of January 10, 2023 (City Clerk)
3. Preview list of items for February 7, 2023 (City Clerk)
4. Councilmember Request List (City Clerk)
5. Reconfirm Findings AB361 (City Attorney)
6. 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 Engineering Director/City Engineer to Release the Performance Bond after the One-Year Warranty Period (Engineering)
7. 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 Engineering Director/City Engineer to Release the Performance Bond after the One-Year Warranty Period (Engineering)
8. 2nd Reading of ADU/JADU Zoning Ordinance Amendment (Planning)
9. 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 (Planning)
10. Sports Field Score Board Replacement Award of Contract (Public Works)
11. Consider Kiwanis Annual Crab Feed Event Fee Waiver Request (Recreation and Community Services)

PUBLIC HEARING

12. Adoption of Housing Element (Housing)
13. 2nd Reading of Ordinance No. 65.153 Adopting by Reference the 2022 California Energy Code, and Ordinance No. 65.154 and the 2022 California Green Building Standards Code with Amendments (Building Safety)
14. 1339 Terra Vista (Lot 1) Hearing Regarding Variance & SDP (Planning)

COMMUNITY DEVELOPMENT

COMMUNITY SERVICES

15. Street Sweeping Program Update (Public Works)

PUBLIC SAFETY

Item # C3.

LEADERSHIP

16. FM3 Citywide Survey Results (City Manager)

17. Adopt a Resolution Appointing Glen Campi as Extra Help Public Works Manager (Human Resources)

REPORTS

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

Item # C4.

OPEN ITEMS				
Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
1	Prepare a brief summary of previous Council action related to Sunnyhills from the first renewal to present day	Barbadillo	12/20/2022	Information memorandum sent by City Manager 12/29/2022
2	Look into the impact of and how the City can compensate for the massive number of layoffs in the Bay Area. Staff consider how the City can help residents affected by layoffs, reach out to those affected and show them city programs.	Chua	12/6/2022	Referred to Economic Development and Trade Commission
3	Food pantry	Tran	11/15/2022	
4	Investigate labor policies related to Councilmember paternity/maternity leave, clarify if Councilmembers are employees and email to City Council prior to the next City Council meeting.	Dominguez	10/18/2022	Memo sent by City Attorney on 10/27
5	Review the City Council handbook to ensure that Councilmembers are guaranteed paternity/maternity leave and not made to give up their seat due to missing consecutive meetings.	Dominguez	10/18/2022	Memo sent by City Attorney on 10/27
6	Staff explore eliminating or waiving the fee for the gym at the Milpitas Senior Center	Chua	10/18/2022	Staff will evaluate this item consistent with the Recreation and Community Service Cost Recovery City Council Policy and bring it back to Council for consideration as part of approval of the FY 2023-24 Proposed Master Fee Schedule.
7	City Attorney or City Manager draft a written policy regarding foreign language spoken at the dais	Chua	9/20/2022	Item will be brought forward as part of the next City Council additional workplan items prioritization in February
8	City Manager to look into defining either a standalone teen center or updating information to indicate the Senior Center also functions as a Teen Center	Chua	9/20/2022	Item will be brought forward as part of the next City Council additional workplan items prioritization in February
9	Staff look into construction in the Sunnyhills area	Dominguez	9/20/2022	Staff is following up on this request and will send a status update to Council
10	Schedule an additional ADU workshop	Chua	9/6/2022	Staff is evaluating this request
11	City Manager to look into underutilized areas of parks or a portion of parks not being used and develop for use in the future.	Chua	8/16/2022	Item will be brought forward as part of the next City Council additional workplan items prioritization in February
12	Discuss converting vacant lot that was a basketball court into a community garden at Vasona and Adobe	Montano	8/16/2022	Item will be brought forward as part of the next City Council additional workplan items prioritization in February
13	City Manager look into implementing a workshop for small businesses on the bidding process for projects in the city	Chua	8/9/2022	Item will be brought forward as part of the next City Council additional workplan items prioritization in February
14	Memory bench at Sunny Hills Park for one of the founders, Dave Vohlberg, and to explore other historical plaques or benches to remember our history	Tran	8/9/2022	Item will be brought forward as part of the next City Council additional workplan items prioritization in February
15	Review of the Milpitas Chamber of Commerce previously approved request for funding including a financial report dating back 12 months and the workplan for the Art & Wine Festival	Tran	8/9/2022	Staff is working with the Chamber to obtain the requested documentation

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

Item # C4.

Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
16	Quarterly or Monthly crime statistics on Homekey Project	Chua	6/7/2022	PD will present quarterly reports starting on November 15, 2022.
17	Funding to hire a consultant for the Sunnyhills Historical Designation on a state level	Tran	6/7/2022	Request will be included with the Historic Resources Master Plan project approved as part of the 2023-2027 Capital Improvement Program.
18	Request for Crossing Guards at McCandless and Montague Expressway and review wages for Crossing Guards	Montano	4/5/2022	Staff is in the middle of a citywide traffic study, which includes school aged pedestrian counts around schools in the City including the McCandless and Montague Expressway intersection.
19	Host a Town Hall at City Hall in January, February, and March for the community to share comments about the issue of the unhoused.	Tran	11/2/2021	This item was postponed by Mayor Tran due to the Omicron variant and a rise in COVID-19 cases

ACTIVE ITEMS

Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
20	Establish a SPAR fund modelled after the City of Mountain View - sets asides moneys for opportunities to buy real estate	Montano	6/7/2022	Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
20	Memorial Plaque in honor of youth skateboarder that passed away	Montano	6/7/2022	Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
20	Prepare Vision Zero Action Plan	Tran	6/7/2022	Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022; Item will be brought forward for funding for Council consideration as part of the FY 2023-24 budget process.
20	Explore the policy for locking mechanisms on shopping carts for large commercial businesses	Tran	4/19/2022	Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
20	Explore an ordinance or policy to reduce thefts and increase security in the commercial retail parking areas	Chua	4/5/2022	Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
20	Create a plan for future solar paneling at City facilities	Montano	3/1/2022	Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward at the 5/03/2022 meeting; Discussed at the May 10 budget meeting and approved funding of \$25,000 in the 2022-23 budget

NOTE: Deferred and Completed Items are not listed

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

Item # C4.

Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
20	Evaluate reopening the childcare center with a non-profit organization running the center	Montano	2/1/2022	Approved during Spring Quarterly City Council Workplan Items Prioritization Discussion on 5/03/2022.
20	Requested an appropriation in an amount not to exceed \$250,000 to procure a contract to address the streetlights that are pending fieldwork.	Tran	2/1/2022	At this time, staff has sufficient Council approved resources to address the remaining streetlight outages; however, will bring relevant actions for Council consideration, if needed.
20	Explore a lease for the vacant land adjacent to the Library for City use	Tran	1/18/2022	Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward at the 5/03/2022 meeting;
20	Staff to look into mural Art on Great Mall Parkway on the VTA owned Light rail pillars	Montano	11/16/2021	Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved at the 5/03/2022 meeting; discussed funding at the 5/10/2022 budget meeting and approved \$100,000 of funding for one site
20	Request for the City to make the temporary third-party food deliver fee caps permanent and add additional provisions for enforcement	Phan	11/16/2021	Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward at the 5/03/2022 meeting
20	Have a picture of Albert Vogel Sr. put up in the Senior Center	Montano	10/19/2021	Approved to move forward at the 1/11/2022 Council meeting; Staff engaged the artist of the existing mural regarding this Council approved item.
20	Requested the City extend the outdoor dining options through March of next year	Phan	9/21/2021	Planning Director to provide information on current outdoor dining extension
20	Include a bust of Maria Lemire on the Mural in front of the Senior Center	Montano	8/17/2021	Approved to move forward at the 1/11/2022 Council meeting; Staff engaged the artist of the existing mural regarding this Council approved item.
20	Look into opening up the Senior Center on Saturdays for half a day	Chua	8/5/2021	This three-month pilot was kicked off on Saturday Sept. 10. Per the Information Memorandum issued on Nov. 22, 2022, due to the success of the Saturday Day hours, the pilot will be extended for the remainder of the current Fiscal Year.
20	Look into bringing back a roller rink	Montano	8/5/2021	Approved to move forward at the 1/11/2022 Council meeting. Funding for the program will need to be prioritized through the FY 22-23 budget process; Discussed at 5/10/2022 budget meeting and approved \$100,000 funding for a two-day event in 2023
20	Staff to create a plan on how to increase the number of local businesses doing business with the City	Chua	4/6/2021	At 8/9/2021 Council meeting, Council voted that this item may have to come back for additional discussion because there may be some legal considerations.

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

Item # C4.

Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
20	Staff to provide information on a landmark policy for the City of Milpitas	Tran	3/16/2021	8/09/2021 Council voted 5-0 to move this item forward; this item will be included for funding consideration in the development of the FY 2023-27 CIP for assessment of historical and cultural resources and development of landmark policy; The funding for the assessment of historical and cultural resources and development of a landmark policy will be included in the 2023-2027 Capital Improvement Program scheduled for adoption on May 3, 2022. This project will be scheduled to begin in FY 2022-23.
20	Amendment to the existing ordinance for third-party food delivery vendor services to prohibit regulatory response fees	Phan	2/16/2021	Agendized for discussion on 3/16/2021, deferred to 4/06/2021; CC direction for City Attorney to prepare a report; At the 11/12/2021 Transportation Subcommittee, the Subcommittee directed to bring back this request to Council as part of the FY 2022-23 budget process.
20	Requested that staff study the placement of a City sign for the Milpitas Police Department and explore the cost of a new sign	Dominguez	1/18/2021	Staff has been working on upgrading signage and landscaping around the Police Department and Public Works Building. Lit-up signs mounted on the building are scheduled to be installed by the end of December 2022
20	Ordinance to ban vaping in the City	Montano	12/15/2020	Ordinance regarding a ban on use in certain areas adopted by Council on 6/15/2021. Council received a follow-up presentation from staff on 6/21/22 and provided direction on establishing a local tobacco retail permitting program and regulating tobacco retail locations and the sale of flavored tobacco and electronic cigarette products in Milpitas. Staff is now coordinating with the Santa Clara County Department of Environmental Health (DEH) to set up the program, and those arrangement will be brought back to the Council in early 2023.
20	Consider Community Museum and Park on Main St.	Phan	8/20/2019	to Rules Subcommittee 8/23/2019. Moved to Specific Plan Community Conversation events.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize and Approve Travel to Sacramento, CA for the entire City Council and City Manager Steve McHarris to Attend the Annual League of California Cities New Mayors & Council Members Academy to be held on January 18 – 20, 2023. (Staff contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	1/10/2023
	Recommendations: 1. Authorize and Approve travel to Sacramento, CA for the entire City Council to attend the Annual League of California Cities <i>New Mayors & Council Members Academy</i> scheduled on January 18 – 20, 2023 for a total combined estimated not-to-exceed amount of \$6,500.00 budgeted under Conferences/Trainings allocation for the City Council. 2. Authorize and Approve travel to Sacramento, CA for City Manager Steve McHarris to attend the Annual League of California Cities <i>New Mayors & Council Members Academy</i> scheduled on January 18 – 20, 2023 for an estimated not-to-exceed amount of \$1,400.00 budgeted under Conferences/Trainings allocation for the City Manager's Office.

BACKGROUND:

The League of California Cities holds its New Mayors and Council Members Academy each January in Sacramento, California. This highly attended annual academy is scheduled for January 18 – 20, 2023. The entire City Council and City Manager's attendance at the New Mayors and Council Members Academy will allow them to engage with other elected and city officials. During this conference, attendees will have a chance to attend state-mandated trainings and will learn about a wide range of topics, such as land use, planning, social media/digital communications and civic engagement, and city revenues workshops. The preliminary agenda is attached to this report.

The total conference registration fee is \$625.00 per attendee. Additional costs will include accommodations for a two-night hotel stay which is estimated at \$215.00 (excluding hotel taxes/fees), and any other related conference costs. The total estimated cost for all of the elected officials to attend the conference is approximately \$6,500.00 and will be covered by budgeted amounts in the FY 2022-23 Adopted Budget. The total estimated cost for the City Manager to attend the conference is approximately \$1,082.00 (excluding hotel taxes/fees), and any other related conference costs.

ANALYSIS:

The City of Milpitas Travel and Expense Policy requires approval of travel for elected officials and the City Manager by the City Council. Council approval of this request will allow the entire City Council and City Manager McHarris to travel to Sacramento, CA to represent the City. Attendance at the conference will also offer the elected officials and City Manager the opportunity to garner additional knowledge from other city and county elected officials and administrators to share with their colleagues. Continued participation and attendance in these types of conferences ensures that the Milpitas community is fully represented at the local, regional, and state levels.

POLICY ALTERNATIVE(S):

Not applicable

FISCAL IMPACT:

The estimated expenses for the League of California Cities conference in Sacramento, including the registration fee, are \$1,055.00 for each attendee. To date, Mayor Montano has a remaining balance of \$4,842.05; Vice Mayor Chua has a remaining balance of \$4,872.04; Councilmember Anthony Phan has a remaining balance of \$4,805.00; and both, Councilmember Hon Lien and Councilmember Garry Barbadillo have \$5,000.00 each. Sufficient funds are available in the adopted Individual Elected Official allocation of \$5,000 for Conferences / Meetings / Memberships to cover the entire City Council's travel expenses.

The estimated expenses for the League of California Cities conference in Sacramento, including the registration fee, are \$1,055.00. To date, there is a \$2,536.00 remaining balance in the City Manager's adopted Conferences / Meetings budget to cover the City Manager's travel expenses.

California Environmental Quality Act (CEQA):

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA.

RECOMMENDATION:

1. Authorize and Approve travel to Sacramento, CA for the entire City Council to attend the Annual League of California Cities *New Mayors & Council Members Academy* scheduled on January 18 – 20, 2023 for a total combined estimated not-to-exceed amount of 6,500.00 budgeted under Conferences/Trainings allocation for the City Council.
2. Authorize and Approve travel to Sacramento, CA for City Manager Steve McHarris to attend the Annual League of California Cities *New Mayors & Council Members Academy* scheduled on January 18 – 20, 2023 for an estimated not-to-exceed amount of \$1,400.00 budgeted under Conferences/Trainings allocation for the City Manager's Office.

Attachment(s):

Attachment 1: Draft conference agenda for the 2023 New Mayors and Council Members Academy

Attachment 2: Council budget tracking



Welcome!

Jan. 18-20, 2023 ♦ Sacramento, CA

New Mayors and Council Members ACADEMY



WEDNESDAY, JAN. 18

9:00-11:00 a.m.	Harassment Prevention Training for Supervisors and Officials (AB 1661) This informational and interactive workplace harassment prevention training will focus on current and emerging issues resulting from the #MeToo movement, and teach officials and supervisors how to identify, prevent, and properly respond to workplace harassment, discrimination, retaliation, and abusive conduct in order to avoid personal and agency liability in compliance with AB 1825/2053/1661 and SB 396. Sign-in will begin 30 minutes prior to the session and you must be present for the full two hours to receive the certification of attendance. Entry will be prohibited once the session begins. <i>The Institute for Local Government is a State Bar of California minimum continuing legal education (MCLE) approved provider and certifies this activity meets the standards for MCLE credit by the State Bar of California in the total amount of 2 hours (general credits). Provider #13881</i>
11:30 a.m.-12:30 p.m.	Your Cal Cities and How To Use It As a city official, you are the League of California Cities. Meet the Cal Cities leadership team and learn about the organization's mission and structure, the advocacy and educational tools Cal Cities provides, and how you can get the most out of your membership.
12:30-1:30 p.m.	Networking Luncheon with your Divisions Take this opportunity to sit with members of your regional division and meet your Cal Cities Regional Public Affairs Manager.
1:45-3:15 p.m.	Developing an Effective City Council and City Manager Team: The Key to Good Governance and City Success Successful communities require highly effective governance and management, key to which is a positive city council/city manager working relationship guided by good, open communication. This session will help you to better appreciate the roles that the city council governing body, individual council members, and the city manager fulfill in a successful working relationship based on effective communication and sound governance practices.
3:30-5:00 p.m.	Your Legal Powers and Obligations; Open Government and Conflicts of Interest You were elected to make things happen in your city. Learn the breadth and limitations of your powers as a city official. Then, acquire a basic understanding of the legal authorities and restrictions under which cities and city officials operate, with a focus on open government laws, such as the Brown Act and the Public Records Act, and laws pertaining to conflicts of interest.
5:30-6:30 p.m.	Legislative Reception <i>Planned with League Partners</i> Take this opportunity to network with your peers from throughout the state after a full day of educational sessions. Assembly Members and Senators from throughout the state are invited to attend. Maps to the MIX Downtown are available at registration.

Sessions/Speakers are subject to change

THURSDAY, JAN. 19

7:45-9:45 a.m.	Understanding Public Service Ethics Laws and Principles (AB 1234) State law requires elected and appointed officials to receive two hours of training in specified ethics laws and principles every two years. Newly elected and appointed officials must receive this training within one year of becoming a public servant. Join a panel of experts as they help navigate the ethics laws and principles. Sign-in will begin 30 minutes prior to the session and you must be present for the full two hours to receive the certification of attendance. Entry will be prohibited once the session begins. <i>The Institute for Local Government is a State Bar of California minimum continuing legal education (MCLE) approved provider and certifies this activity meets the standards for MCLE credit by the State Bar of California in the total amount of 2 hours (general credits). Provider #13881</i>
10:00-11:00 a.m.	Policy Role in Land Use Planning Land use planning is one of the most important parts of a city official's responsibilities due to the long-term impacts it can have on a community's environment, economic vitality, and the physical health of its residents. Learn about tools and processes in land use planning, such as the general plan, zoning, and the California Environmental Quality Act, as well as the role of regional agencies and the state. This knowledge will help you foster a solid working relationship with your city's planning commission and planning staff.
11:15 a.m.-12:30 p.m.	Effective Advocacy and Key City Issues Meet the League of California Cities' legislative team and learn about the 2023 Cal Cities Action Agenda, legislative calendar, and trending issues in the Legislature. The Cal Cities team will also share ideas for establishing practical skills to develop persuasive arguments and testimony that will serve your city's interests.
1:45-3:15 p.m.	An Irregular Meeting of the City Council of Dysfunction Junction: The Do's and Don'ts of Conducting a Public Meeting Enjoy a popular depiction of a city council meeting gone awry and learn from its mistakes.
3:30-5:00 p.m.	Social Media/Digital Communications and Civic Engagement With constant advancements in social media over the last several years, it can be hard to keep up with the "do's and don'ts" of every platform. Moreover, as misinformation increases, elected officials need to be quick on their feet and have the necessary skills to proactively manage public perceptions about local governmental affairs. Discover what cities should be doing to communicate with their constituents in the 21st century, and the rules that elected officials must follow.

Sessions/Speakers are subject to change

FRIDAY, JAN. 20

8:30-10:00 a.m.

Financial Responsibilities, City Revenues Workshop *(Part 1)*

Learn about your responsibilities as an elected official when exercising fiduciary accountability and transparency in open government. In this enlightening conversation, discuss the local government financial cycle, elected official financial oversight duties, and state and local funding relationships, and the four stages of fiscal meltdown. Plus, learn how to be a better leader by discovering how to avoid micromanagement and manage complacency. The importance of structurally balanced budget tips for setting city council goals and the need for financial policies will be stressed during this session.

10:15-11:45 a.m.

Financial Responsibilities, City Revenues Workshop *(Part 2)*

Learn about your responsibilities as an elected official when exercising fiduciary accountability and transparency in open government. In this enlightening conversation, discuss the local government financial cycle, elected official financial oversight duties, and state and local funding relationships, and the four stages of fiscal meltdown. Plus, learn how to be a better leader by discovering how to avoid micromanagement and manage complacency. The importance of structurally balanced budget tips for setting city council goals and the need for financial policies will be stressed during this session.

Sessions/Speakers are subject to change

Travel and Training FY 22-23 Budget Tracking for Council

Mayor Montano				
	Training/Travel Event	FY22-23 Amount Expended/Estimated	Total \$	Remaining Balance \$
			157.95	4,842.05
1	2022 League of CA Cities Annual Conference & Expo in Long Beach from 9/7/2022 to 9/9/2022 (canceled, charged for the flight only)	\$ 157.95		

Vice Mayor Chua				
	Training/Travel Event	FY22-23 Amount Expended/Estimated	Total \$	Remaining Balance \$
			127.96	4,872.04
1	2022 League of CA Cities Annual Conference & Expo in Long Beach from 9/7/2022 to 9/9/2022 (canceled, charged for the flight only)	\$ 127.96		

Councilmember Phan				
	Training/Travel Event	FY22-23 Amount Expended/Estimated	Total \$	Remaining Balance \$
			195.00	4,805.00
1	Working Partnership - Champions for Change Event	\$ 100.00		
2	2022 Elected/Public Officials Retreat & Lunch in Palo Alto, 8/27/2022	\$ 10.00		
3	2022 GLBTQ+ Asian Pacific Alliance (GAPA) Banquet in Oakland, 10/01/2022	\$ 85.00		

Councilmember Lien				
	Training/Travel Event	FY22-23 Amount Expended/Estimated	Total \$	Remaining Balance \$
			-	5,000.00

Councilmember Barbadillo				
	Training/Travel Event	FY22-23 Amount Expended/Estimated	Total \$	Remaining Balance \$
			-	5,000.00



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution to Ratify the Emergency Proclamation of the City Manager of January 4, 2023 (Staff Contact: Ashwini Kankar, Assistant City Manager, 408-586-3056)
Category:	Consent Calendar-Public Safety
Meeting Date:	1/10/2023
	<u>Recommendation:</u> Adopt a resolution to ratify the City of Milpitas Emergency Proclamation signed on January 4, 2023, by City Manager regarding a severe weather event.

BACKGROUND:

The National Weather Service (NWS) issued a [high wind warning](#) for the greater Bay Area from 4:00 AM January 4 to 10:00 AM January 5. NWS forecasted rain showers and possible thunderstorms for Wednesday, January 4 and Thursday, January 5 that could produce heavy rains. Wind speeds were forecasted to be between 18 and 25 mph with wind gusts up to 50 mph. The high winds were expected to cause downed trees and power lines with power outages expected. The heavy rains on December 31, 2022, have already caused soils to be saturated and additional rainfall as a result of the January 4-5 weather event was expected to further exacerbate the soil conditions. Saturated soils combined with the anticipated high winds allow trees to topple more easily and cause damage to property and even people.

The National Weather Service also issued a [flood watch](#) for the entire San Francisco Bay Area in effect from the night of January 3 through Thursday afternoon, January 5 due to possible flooding from excessive rainfall. Excessive runoff was anticipated to result in potential flooding of rivers, creeks, streams, and other low-lying and flood-prone locations.

Although this specific weather event is expected to end by Thursday, January 5, additional rain is expected through at least the next 10 days. As discussed above, the already saturated soils may continue to present potential safety concerns related to flooding and downed trees and power lines.

ANALYSIS:

Based on the guidance from NWS, Santa Clara County, and Valley Water, the City activated its Emergency Operations Center on January 3 to ensure preparations for the storm event were well coordinated and appropriate communication was being sent out to help keep the Milpitas community safe.

The City Manager proclaimed a state of local emergency on January 4. This allows the City to procure services nimbly and efficiently and may allow the City to be eligible for reimbursement from FEMA for any costs incurred as a result of the City's response before, during, and after the event.

POLICY ALTERNATIVE:

Alternative: Do not adopt the ratifying resolution proclaiming a local emergency, thereby allowing the Emergency Proclamation to expire seven (7) days post signature.

Pros: None.

Cons: Requires the City to continue to operate as normal without altering purchasing guidelines and requirements and limiting the ability to implement working condition modifications for employees. Could impact the ability of the City to access State and/or Federal reimbursement and recovery funding.
Reason not recommended: Could limit the ability to respond to emergency needs and recover expenses related to the event response.

FISCAL IMPACT:

Possible short term increased spending of an unknown amount to cover costs related to responding to the event. Without a proclamation, the City would have difficulty recovering costs associated with its response. Project cost accounting code EM 2301 has been created to track expenditure related to this weather event.

California Environmental Quality Act (CEQA):

Not applicable.

RECOMMENDATION:

Adopt a resolution to ratify the City of Milpitas Emergency Proclamation signed on January 4, 2023, by City Manager regarding a severe weather event

Attachments:

1. Draft Resolution
2. Proclamation declaring a local emergency

RESOLUTION NO. ____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS PROCLAIMING A LOCAL EMERGENCY REGARDING ATMOSPHERIC RIVER EVENT AND RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY BY THE CITY MANAGER**

WHEREAS, beginning December 27, 2022, severe winter storms related to a series of atmospheric river systems struck California, bringing high winds, substantial precipitation, and river and urban flooding; and

WHEREAS, it is forecasted that additional and continuing storms related to this series of atmospheric river systems threaten California, bringing heavy rainfall, expected flooding, strong winds and wind gusts, falling debris, downed trees, and widespread power outages; and

WHEREAS, the series of atmospheric river systems create conditions of extreme peril to the safety of persons and property; and

WHEREAS, on January 4, 2023, California Governor Newsom declared a State of Emergency to make additional resources available and formalize emergency actions already underway across multiple State agencies and departments; and

WHEREAS, California Government Code Section 8630 and Milpitas Municipal Code V-1-4.02 empowers the City Council to proclaim the existence of a local emergency to protect and preserve public welfare when the City is affected or likely to be affected by a public calamity; and

WHEREAS, a declaration of a local emergency will assist in a coordinated response and mitigate public services that may be disrupted from this emergency, and mitigate any other effects of this emergency on the citizens of the City; and

WHEREAS, under Government Code section 8630(b), a proclamation of local emergency must be ratified by the City Council within seven (7) days to remain in effect; and

WHEREAS, the City Council desires to declare a local emergency and ratify the proclamation of local emergency by the City Manager.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Milpitas as follows:

Section 1. Pursuant to California Government Code section 8630 and Milpitas Municipal Code V-1-4.02, the City Council hereby finds and proclaims and ratifies a local emergency caused by conditions or threatened conditions of atmospheric river event in the City of Milpitas, which constitutes an extreme peril to the safety of persons and property within the territorial limits of the City.

Section 2. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

Section 3. The City Manager, acting as the Director of Emergency Services, is hereby authorized to furnish information, to promulgate orders and regulations necessary to provide for the protection of life and property pursuant to California Government Code section 8634, to enter into agreements and to take all actions necessary to obtain State emergency assistance to implement preventive

measures to protect and preserve the residents of the City within the scope of the local emergency hereby declared.

Section 4. During the existence of said local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by State law, ordinances, and resolutions of this City of Milpitas.

Section 5. The City Council has considered the circumstances of the state of emergency and finds that it continues to directly impact the ability of the members to meet safely in person.

PASSED AND ADOPTED this _____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney



CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
GENERAL INFORMATION: 408-586-3000, TDD: 586-3013, www.ci.milpitas.ca.gov

City Manager Proclamation of Local Emergency Within the City of Milpitas, California for a Significant Weather Event, January 4, 2023

WHEREAS, California Government Code Section 8630 authorizes local agencies to proclaim local emergencies when such events occur as are defined by California Government Code Section 8558(c); and

WHEREAS, Milpitas Municipal Code Title V, Chapter 1, Section 4.02-1 authorizes the City Manager as the Director of the Emergency Services to proclaim the existence or threatened existence of a local emergency when the City of Milpitas is affected or likely to be affected by a public calamity and City Council is not in session; and

WHEREAS, the Director of Emergency Services of the City of Milpitas hereby finds:

1. That conditions of extreme peril to the safety of persons, property and the environment have arisen with the City of Milpitas caused by significant rain and flooding resulting from an atmospheric river, which began January 4, 2023; and
2. That these conditions are likely to be beyond the normal control of the services, personnel, equipment, and facilities of the City of Milpitas; and
3. That the City Council of the City of Milpitas is not in session and cannot immediately be called into session; and

NOW, THEREFORE, the City Manager of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Manager has considered the full circumstances before him. The recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Manager hereby **PROCLAIMED** that a local emergency now exists throughout said City of Milpitas.
3. That during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City of Milpitas shall be those prescribed by State law and by ordinances and resolutions of this City.
4. That this emergency proclamation shall expire in seven days after issuance unless confirmed and ratified by the City Council of the City of Milpitas.

Signed and Subscribed at 2:59 a.m. / ^Xp.m. this 4th day of January, 2023.

DocuSigned by:
Signature: Steven G. McHarris, City Manager
6E71130DACC2464...
Steven G. McHarris,
City Manager / Director of Emergency Services

APPROVED AS TO FORM:

DocuSigned by:
Michael Mutalipassi, City Attorney
74850037D7764FB...
Jan-04-2023
Date



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Mayor's Appointments of City Councilmembers as Liaisons to City Commissions, City Subcommittees, and Outside Agency Boards and Committees (Contact: Mayor Carmen Montano, 408-586-3024)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	1/10/2023
	<u>Recommendation:</u> Consider Mayor's appointments of City Council members to liaisons of City Commissions, City Subcommittees, and outside agencies, boards and committees, and move to confirm those appointments.

Background:

Milpitas City Councilmembers serve as liaisons to City Commissions and outside agency boards and committees. Councilmembers also serve on Council Subcommittees. Traditionally, after a local election, the Mayor will reassign City Councilmembers to both the City and outside agency bodies, with input on the Councilmembers' interests and availability. These assignments are placed on a Council agenda and approved at a City Council meeting.

Analysis:

Mayor Montano has provided the attached recommendations for Councilmember appointments to City subcommittees and commissions, outside agencies, boards, and committees.

Fiscal Impact:

None

California Environmental Quality Act:

This item is not subject to CEQA.

Recommendation(s):

Consider Mayor's appointments of City Council members to liaisons of City Commissions and outside agencies and committees, and boards, and move to confirm those appointments.

Attachment(s):

List of recommendations – *To be distributed separately*

The Attachment “List of Recommendations” to be distributed separately.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve the Prioritization of Additional Workplan Items City Council Policy (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)
Category:	Leadership and Support Services
Meeting Date:	1/10/2023
	<u>Recommendation:</u> Approve the Prioritization of Additional Workplan Items City Council Policy.

BACKGROUND:

The City Council considers City priorities and associated workplan items as part of the annual budget process. However, outside of the budget process, individual members of the City Council may want to bring forward additional workplan items for consideration by the full Council. Currently, these items are requested by Members of the Council at City Council meetings, under the Announcements section. These items are placed on a list for a future Council discussion and action. On January 19, 2021, at a Special City Council meeting, in order to streamline the process, Council provided direction to staff to bring forward individual Council agenda item requests to Council, for prioritization, on a quarterly basis.

Since the beginning of this process, during five (5) Prioritization Sessions, the City Council has reviewed 292 items and approved 50 additional workplan items. During the last prioritization session, which was held on September 6, 2022, the City Council directed staff to return to the City Council in November 2022 with a City Council Policy formalizing the prioritization of additional workplan items initiated by Members of the City Council outside of the budget process. The item was agendaized for discussion at the November 15 City Council meeting but was deferred by Council for discussion at the meeting in January 2023.

ANALYSIS:

Consistent with Council direction, staff is bringing forward the attached draft Prioritization of Additional Workplan Items City Council Policy. Below, please find a summary discussion of the Policy including the purpose, policy statements, definitions and procedures.

As stated under the Purpose of the draft City Council Policy, the City Council recognizes that annually through the budget process department workplans are funded and approved and staff resources are budgeted and approve to execute these specific workplans with no capacity for other major requests. Further, the draft City Council Policy formalizes the process for requesting and approving additional workplan items requested by Members of the City Council consistent with the City Council approved Procedures and Protocols Handbook - specifically Chapter II, Section D titled "Duties of Mayor and Councilmembers," Subsection 6 titled "Requests for Staff Resources," and Chapter V, Section A titled "Agenda Order," Subsection 4 titled "Announcements and Future Agenda Items."

Reflective of City Council practice, the Policy Statements of the draft Policy are as follows:

- Members of the City Council workplan item requests to consider new programs, services, or requests for significant allocations of resources, shall be directed to the budget process to the maximum extent possible.
- From time to time, Members of the City Council may bring forward new workplan item requests for staff as part of the "Announcements and Future Agenda Items" section of the City Council meeting agenda.
- Individual City Councilmember workplan item requests are initially approved by consensus of the City Council.
- The City Manager determines whether a workplan item is a minor or major workplan item.
- Minor workplan items, approved by consensus, are referred to the City Manager for execution.

- A report of workplan items status is placed on the City Council meeting agenda. Although a status report is currently placed on every City Council agenda, staff is recommending bringing this update to Council as part of the quarterly prioritization process.
- Major workplan items, initially approved by consensus, will be placed on the agenda for Council discussion and prioritization on a quarterly basis.

To bring clarity to the Policy, the Policy defines:

- An additional or new workplan item request (herein referred as workplan item request) as an expansion of an existing program or service or a new program or service; it does not include routine administrative or operational tasks funded through the annual budget or compilation of data which is readily available through existing report functionalities of City systems.
- Minor workplan item requests generally require less than four hours of staff time to complete the task/project.
- Major workplan item requests generally require four or more hours of staff time to complete the task/project.

Finally, the draft Policy outlines the process for Members of the City Council requesting and approving additional workplan item requests and the City Manager's responsibilities, including but not limited to

- evaluating the staff time needed to complete workplan item requests
- classifying requests as minor or major workplan item requests.
- ensuring completion of minor workplan item requests while minimizing impact on existing operations given available staff capacity.
- preparing for the quarterly prioritization discussion for new potential major workplan items

As part of the quarterly prioritization discussion, the City Manager shall:

- provide sufficient detail for each new potential major workplan item, including but not limited to description of work effort, any actions taken to date, estimated resources and cost to complete the work, potential funding source, clarification or direction sought from Council, and other additional considerations including estimated time of completion and impacts on other workplan items.
- evaluate the number of new potential major workplan item requests, the status of Council approved major workplan items including workplan items approved through the annual budget, and staff capacity.
- limit, based on the aforementioned evaluation, the number of new workplan items between 30% to 50% of all City Council new workplan items requested during the last quarter.
- provide an update on previously approved items, including items underway and completed during the last quarter.

Consistent with past practices, the draft Policy stipulates that the City Council, through a structured process, approve by majority vote potential new major workplan items given existing workload and staff capacity. Further, the City Council shall refer all prioritized workplan items, which require a City Council budget appropriation action, to the annual operating or capital improvement program (CIP) budget process.

The Policy outlines various reporting requirements, such as keeping a list of all City Council work requests and their status, including items not approved by the City Council consistent with the City council approved records retention schedule and concludes that any Member of the City Council can bring forward again any workplan item requests, which the City Council did not approve by consensus or prioritize, for City Council consideration consistent with this Policy.

Since the current prioritization process has only been in effect since 2021, the proposed policy does not address process for requests made by individual Members of the Council who are no longer on the Council for the subsequent prioritization. Staff is seeking direction from the Council on whether these items should continue to be included or removed from the list. Staff will incorporate this direction and any other input from Council into the final Policy.

POLICY ALTERNATIVE(S):**Alternative 1: Do not approve the Policy**

Pros: None

Cons: The City Council and staff will not be able to rely on a formalized process.

Reason for Not Recommending: The City Council and City Manager have successfully advanced additional high priority workplan items through existing practices and processes as formalized in the draft City Council Policy.

FISCAL IMPACT:

There's no fiscal impact as this item formalizes existing practices and processes.

California Environmental Quality Act (CEQA):

This item is not a Project under CEQA in accordance with CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) as it can be seen with certainty that a general discussion of funding priorities by the City Council will not have a significant effect on the environment. Further, the item is also not a Project pursuant to CEQA Guidelines Section 15378(b)(4) as it is a government fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Although the use of funding will be discussed for various potential projects, any project scope and potential environmental analysis would be speculative to analyze at this time and future environmental analysis will be conducted for the various potential projects prior to the City making any commitment or approval of any project.

RECOMMENDATION:

Approve the Prioritization of Additional Workplan Items City Council Policy.

Attachment(s):

Draft City Council Policy



CITY OF MILPITAS

Item # 8.

Revision	Date
Original	1/10/2023

CITY COUNCIL POLICY

Policy No: Click or tap here to enter text.	PRIORITIZATION OF ADDITIONAL WORKPLAN ITEMS	Effective Date: 1/10/2023
Revision No: N/A	Policy Administrator: City Manager	Next Review Due: As Needed
Related Policies and Procedures: N/A	Approved by: Click or tap here to enter text.	Date Approved: Click or tap to enter a date.

1. PURPOSE

- 1.1. The City Council recognizes that annually through the budget process department workplans are funded and approved and staff resources are budgeted and approve to execute these specific workplans with no capacity for other major requests.
- 1.2. This Policy provides for
 - 1.2.1. referring minor workplan items for execution to the City Manager;
 - 1.2.2. a prioritization process of additional City Council workplan item requests consistent with the City Council Procedures and Protocols Handbook, Chapter II, Section D titled "Duties of Mayor and Councilmembers," Subsection 6 titled "Requests for Staff Resources," and Chapter V, Section A titled "Agenda Order," Subsection 4 titled "Announcements and Future Agenda Items."

2. POLICY

- 2.1. Members of the City Council workplan item requests to consider new programs, services, or requests for significant allocations of resources, shall be directed to the budget process to the maximum extent possible.
- 2.2. From time to time, Members of the City Council may bring forward new workplan item requests for staff as part of the "Announcements and Future Agenda Items" section of the City Council meeting agenda.
- 2.3. Individual City Councilmember workplan item requests are initially approved by consensus of the City Council.
- 2.4. The City Manager determines whether a workplan item is a minor or major workplan item.
- 2.5. Minor workplan items, approved by consensus, are referred to the City Manager for execution.
- 2.6. A report of workplan items status is placed on the City Council meeting agenda.
- 2.7. Major workplan items, initially approved by consensus, will be placed on the agenda for Council discussion and prioritization on a quarterly basis.

3. DEFINITION(S)

- 3.1. City Manager shall mean City Manager or designee.
- 3.2. An additional or new workplan item request (herein referred as workplan item request) generally refers to an expansion of an existing program or service or a new program or service; it does not include routine administrative or operational tasks funded through the annual budget or



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compilation of data which is readily available through existing report functionalities of City systems.

- 3.3. Minor workplan item requests generally require less than four hours of staff time to complete the task/project.
- 3.4. Major workplan item requests generally require four or more hours of staff time to complete the task/project.

4. PROCEDURE(S)

- 4.1. Members of the City Council bring all additional workplan item requests for staff as part of the "Announcements and Future Agenda Items" section of the City Council meeting agenda.
- 4.2. The City Manager
 - 4.2.1. evaluates the staff time needed to complete workplan item requests and classify the requests as minor or major workplan item requests.
- 4.3. The City Manager ensures completion of minor workplan item requests while minimizing impact on existing operations given available staff capacity.
- 4.4. Quarterly, the City Manager shall place a prioritization discussion for new potential major workplan items on a City Council meeting agenda.
 - 4.4.1. In preparation for the discussion, the City Manager shall:
 - 4.4.1.1 provide sufficient detail for each new potential major workplan item including but not limited to description of work effort, any actions taken to date, estimated resources and cost to complete the work, potential funding source, clarification or direction sought from Council, and other additional considerations including estimated time of completion and impacts on other workplan items.
 - 4.4.1.2 evaluate the number of new potential major workplan item requests, the status of Council approved major workplan items including workplan items approved through the annual budget, and staff capacity.
 - 4.4.1.3 limit, based on the aforementioned evaluation, the number of new workplan items between 30% to 50% of all City Council new workplan items requested during the last quarter.
 - 4.4.1.4 provide an update on previously approved items including items underway and completed during the last quarter.
 - 4.4.2. Through a structured process, the City Council shall approve by majority vote potential new major workplan items consistent with sections 4.4.1.2 and 4.4.1.3 of this Policy.
 - 4.4.3. The City Manager shall remove all items not approved from the list of additional workplan items.
 - 4.4.4. The City Council shall refer all prioritized workplan items, which require a City Council budget appropriation action, to the annual operating or capital improvement program (CIP) budget process.
- 4.5. The City Manager shall keep a list of all City Council work requests and their status including items not approved by the City Council consistent with the City council approved records retention schedule.
- 4.6. At various budget development meetings such as the preliminary budget study session or the CIP study session, the City Council shall by majority consensus or vote provide feedback or direction to staff whether to include a prioritized workplan item for funding in the budget or five-year CIP for the upcoming fiscal year.



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- 4.7. Any Mayor or City Councilmember can bring forward again any workplan item requests, which the City Council did not approve by consensus or prioritize, for City Council consideration consistent with this Policy.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Accept Staff Report about Response to Severe Weather Event on January 4-5, 2023 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)
Category:	Leadership and Support Services
Meeting Date:	1/10/2023
	<u>Recommendation:</u> Accept Staff Report about Response to Severe Weather Event on January 4-5, 2023

BACKGROUND:

The National Weather Service (NWS) issued a [high wind warning](#) for the greater Bay Area from 4:00 AM January 4 to 10:00 AM January 5. NWS forecasted rain showers and possible thunderstorms for Wednesday, January 4 and Thursday, January 5 that could produce heavy rains. Wind speeds were forecasted to be between 18 and 25 mph with wind gusts up to 50 mph. The high winds were expected to cause downed trees and power lines with power outages expected.

The National Weather Service also issued a [flood watch](#) for the entire San Francisco Bay Area in effect from the night of January 3 through Thursday afternoon, January 5 due to possible flooding from excessive rainfall. Excessive runoff was anticipated to result in potential flooding of rivers, creeks, streams, and other low-lying and flood-prone locations.

ANALYSIS:

Based on the guidance from NWS, Santa Clara County, and Valley Water, the City activated its Emergency Operations Center on January 3 to ensure preparations for the storm event were well coordinated and appropriate communication was being sent out to help keep the Milpitas community safe. The City Manager proclaimed a state of local emergency on January 4.

This report provides information about the advance preparations as well as operations and communication efforts by City staff to keep residents, businesses, and properties in Milpitas safe.

FISCAL IMPACT:

There is no fiscal impact associated with accepting this report.

California Environmental Quality Act (CEQA):

Not applicable.

RECOMMENDATION:

Accept Staff Report about Response to Severe Weather Event on January 4-5, 2023

Attachment(s):