



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, AUGUST 15, 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_pK5INxfSQ4CgyQH16hoM3g

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) PUBLIC EMPLOYEE APPOINTMENT/HIRING

Title: City Manager Recruitment Update

(b) CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)
Facts and circumstances related to Claim against the City.

(c) CONFERENCE WITH LEGAL COUNSEL--Existing Litigation:

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

County Sanitation District 2-3, et al. v. City of San Jose, et al., Santa Clara Superior Court Case number 18CV325480, City as a Plaintiff.

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

INVOCATION (Councilmember Lien)

PRESENTATIONS (7:05 PM)

- Women's Equality Day (Proclamation)
- AeroTech Club (Commendation)
- Recognition of Jayceon Carswell and Jayden Petty – USA Jr. Olympics Track & Field Events

PUBLIC FORUM (7:15 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

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

Recommendation: Receive City Council Calendar of Meetings for August and September 2023.

C2. Approve City Council City Council Meeting Minutes of August 8, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Special Meeting minutes of August 8, 2023.

- C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Receive the list of anticipated agenda items for the next regular City Council meeting.

- C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Review the list of items that have been requested by City Councilmembers and provide direction to staff as necessary. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until it is scheduled as a full agenda item.

- C5. Consider the Recommendation from Mayor Montano for Appointments to City Commissions and Declare an Unscheduled Vacancy (Contact: Mayor Montano, 408-586-3024)**

Recommendation: (1) Receive the recommendation from Mayor Montano and approve appointments to City Commissions; and (2) Declare an unscheduled vacancy on the Community Advisory Commission and direct the City Clerk to post the notice of unscheduled vacancy.

- C6. Approve Report of Actions Taken by the City Manager During the City Council Summer Recess from June 20 through August 8, 2023 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3056)**

Recommendation: Approve report of actions taken by the City Manager during the City Council Summer Recess from June 20 through August 8, 2023.

- C7. Authorize and Approve Travel to Sacramento, CA, for Mayor Carmen Montano, Vice Mayor Evelyn Chua, and Acting City Manager Ned Thomas to Attend the League of California Cities Annual Conference and Expo to be Held on September 20-22, 2023, for a Combined Estimated Total Not-to-Exceed Amount of \$6,750.00 and Appoint Mayor Carmen Montano as the City's Voting Delegate and Vice Mayor Evelyn Chua as the City's Alternate Voting Delegate (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: (1) Authorize and approve travel to Sacramento, CA, for Mayor Carmen Montano and Vice Mayor Evelyn Chua to attend the Annual Conference of the League of California Cities scheduled on September 20 – 22, 2023, for a combined estimated total not-to-exceed amount of \$4,500.00 budgeted under the Individual Elected Official allocation for Conferences / Meetings / Trainings; (2) Authorize and approve travel to Sacramento, CA, for the Acting City Manager Ned Thomas to attend the Annual Conference of the League of California Cities scheduled on September 20 – 22, 2023, for a total estimated amount of \$2,250.00 budgeted under the City Manager's Office for Conferences / Meetings / Membership; and (3) Appoint Mayor Carmen Montano as the City's voting delegate and Vice Mayor Evelyn Chua as the alternate voting delegate for the 2023 Annual Conference.

- C8. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Alps Lodging 2, Inc. for the Springhill Suites Hotel Project at 1201 Cadillac Ct. (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Alps Lodging 2, Inc. for the Springhill Suites Hotel Project at 1201 Cadillac Ct.

- C9. Authorize the City Manager to Negotiate and Execute Amendment No. 1 to Master Agreement with Santa Clara Valley Water District for Flood Protection Improvements within Lower Calera Creek, Lower Penitencia Creek, and Lower Berryessa Creek for up to \$650,000.00; Authorize Reimbursement to the Santa Clara Valley Water District for City Improvements Completed as part of the Flood Protection Work, Project No. 3452; and Approve Budget Appropriation of \$145,692 from the Sewer Infrastructure Replacement Fund, and \$505,170.00 from the Water Fund Project No. 7100 Aging Water System/Seismic Improvement into Project No. 3452 (Staff Contact: Matt Cano, Deputy City Manager/Interim City Engineer, 408-586-3012)**

Recommendation: (1) Authorize the City Manager to negotiate and execute Amendment No. 1 to Master Agreement with Santa Clara Valley Water District for Flood Protection Improvements within Lower Calera Creek, Lower Penitencia Creek, and Lower Berryessa Creek for up to \$650,000.00; (2) Authorize reimbursement to the Santa Clara Valley Water District for City improvements completed as part of the Flood Protection Work, Project No. 3452; and (3) Approve budget appropriation of \$145,692.00 of the Sewer Infrastructure Replacement Fund, and \$505,170.00 from the Water Fund Project No. 7100 Aging Water System/Seismic Improvement into Project No. 3452.

- C10. Authorize the Acting City Manager to Execute the Fee Reimbursement Agreement for Transit Area Specific Public Facilities and Public Improvements at the 308 Sango Court Project by Milpitas Pacific Associates, L.P.; and Approve Budget Appropriation in the Amount of \$153,000.00 to the Non-Departmental Operating Budget in the TASP Fund (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: (1) Authorize the City Manager to execute the Fee Reimbursement Agreement for Transit Area Specific Public Facilities and Public Improvements at the 308 Sango Court Project by Milpitas Pacific Associates, L.P.; and (2) Approve budget appropriation in the amount of \$153,000.00 to the non-departmental operating budget in the TASP fund.

- C11. Receive and Review the FY 2022-23 Annual Report of Sole Source Contracts (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Receive and review the FY 2022-23 Annual Report of Sole Source Contracts.

- C12. Adopt a Resolution Approving the City of Milpitas Investment Policy for Fiscal Year 2023-24 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt a resolution of the City of Milpitas approving the Investment Policy for FY 2023-24.

- C13. City of Milpitas Mutual Aid Assistance Agreement with City of Fremont (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811)**

Recommendation: Adopt a resolution authorizing the City Manager to execute the Mutual Aid Assistance Agreement with the City of Fremont for Emergency Response Services.

- C14. Adopt a Resolution Authorizing the City Manager to Execute Blanket Purchase Orders and Purchase Agreements with National Auto Fleet Group and Mission Valley Ford San Jose for a Combined Amount Not-to-Exceed \$1,200,000.00 and Approve Sole Source with Mission Valley Ford San Jose (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Adopt a resolution authorizing the City Manager to execute blanket purchase orders and purchase agreements with National Auto Fleet Group and Mission Valley Ford San Jose for a combined amount not-to-exceed \$1,200,000.00 and execute purchase agreements and approve sole source with Mission Valley Ford San Jose.

- C15. Receive an Update on the Emergency Repairs to the HVAC System and Equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: (1) Receive an update on the emergency repairs to the HVAC system and equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

- C16. Approve Three Youth Advisory Commission 2023 Scholarship Recipients (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Approve three Youth Advisory Commission Community Service Scholarships of \$600.00 each for a total amount of \$1,800.00.

COMMUNITY DEVELOPMENT (7:30 PM)

- 17. Receive Staff Report and Presentation; Provide Direction on the Options Related to the Development and/or Disposition of the Parcels Located at 1432–1488 South Main Street (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Receive staff report and presentation; provide direction on purchase of 1432-1446 S. Main Street (Parcel 1) from the Housing Authority, and on options related to the parcels located at 1452-1488 S. Main Street (Parcels 2 and 3).

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (9:00 PM)

- 18. Receive Report from the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Community Task Force (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Receive a report with the recommendations from the CEDAW Task Force; and (2) Consider the need for additional work by the CEDAW Task Force, or provide direction to sunset the Task Force on August 31, 2023.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (9:30 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 (9:35 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.