



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, SEPTEMBER 5, 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_M3dMcTb_RU6pU6bdSAM5TQ

After you register a link will be sent to you to join the City Council meeting in order to give your comments. All Zoom meeting attendees who wish to speak must click on the "raise hand" icon when the Mayor calls for public comments. If participating via phone, dial *9 to use the "raise hand" feature, and when called to speak, dial *6 to unmute your phone. Your phone number will be displayed in the live meeting. The Mayor will call speakers by name to address the City Council.

All comments provided shall be limited to three minutes or less as determined by the Mayor. All members of the public will be limited to one comment per agenda item, and one comment for non-agenda items.

NOTE: If a member of the public wishes to share any presentation materials for Council consideration, they must be submitted to the Clerk's Office by email to CityClerk@milpitas.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk (6:00 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Nick Raisch, Human Resources Director

Bargaining unit: LIUNA, UPEC (Pro-Tech, MEA, MidCon), IAFF, MPOA

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 Barbadillo)

PRESENTATIONS (7:05 PM)

- National Suicide Prevention Week (Proclamation)
- National Preparedness Month (Proclamation)
- Certificates for Milpitas High School Digital Map Project Participants

PUBLIC FORUM (7:20 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 (7:25 PM)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

C1. Receive City Council Calendar of Meetings for September 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

C2. Approve City Council City Council Meeting Minutes of August 15, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Regular Meeting minutes of August 15, 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 Recommendations from Mayor Montano for Removal from and Appointments to City Commissions, and Accept Commissioner Resignation (Contact: Mayor Montano, 408-586-3024)

Recommendation: Receive Mayor Montano's recommendations and approve removals from the Science, Technology and Innovation Commission; Approve and confirm recommendations for appointments to City Commissions; Accept the resignation of Charles Lingle from the Energy and Environmental Sustainability Commission; and direct the City Clerk to post the notice of unscheduled vacancies.

C6. Authorize and Approve Travel to Sacramento, CA, for Councilmember Hon Lien to Attend the League of California Cities *Annual Conference and Expo* to be Held on September 20-22, 2023, for an Estimated Total Not-to-Exceed Amount of \$2,250 Budgeted under the Individual Elected Official Allocation for Conferences/Meetings/Trainings (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

Recommendation: Authorize and approve travel to Sacramento, CA, for Councilmember Hon Lien to attend the Annual Conference of the League of California Cities scheduled on September 20 – 22, 2023, for an estimated total not-to-exceed amount of \$2,250 budgeted under the Individual Elected Official allocation for Conferences / Meetings / Trainings.

C7. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Sango Court, L.P., for the Affordable Housing Project at 355 Sango Court (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 Sango Court, L.P., for the Affordable Housing Project at 355 Sango Ct.

C8. Approve and Authorize the City Manager to Execute the Public Trail Easement and Maintenance Agreement for a Residential Development at 355 Sango Court by Sango Court, L.P. (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)

Recommendation: Approve and authorize the City Manager to execute the Public Trail Easement and Maintenance Agreement for a residential development at 355 Sango Court by Sango Court, L.P.

C9. Approve and Authorize the City Manager to Execute the Encroachment and Maintenance Agreement with Sango Court, L.P., for the Installation and Maintenance of Private Landscape Improvements, within City Right-of-way, for the Sango Court Affordable Housing Project Located at 355 Sango Court (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)

Recommendation: Approve and authorize the City Manager to execute the Encroachment and Maintenance Agreement with Sango Court, L.P., for the installation and maintenance of private landscape improvements, within City Right-of-way, for the Sango Court Affordable Housing Project located at 355 Sango Court.

- C10. Receive the April – June 2023 Report for Unhoused Services (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046)**

Recommendation: Receive the April – June 2023 report for unhoused services.

- C11. Accept and Approve a Budget Appropriation of \$200,000 and Authorize the Acting City Manager or Designee to execute an agreement with Housekeys for Administration of City's Below Market Rate Homeownership Program (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586- 3275)**

Recommendation: Accept and approve a budget appropriation of \$200,000.00 from the Affordable Housing and Community Benefit Fund and authorize the Acting City Manager or Designee to execute an agreement with Housekeys for Administration of City's Below Market Rate Homeownership Program.

- C12. Adopt a Resolution Approving a Site Development Permit to Develop a New In-Ground Swimming Pool and Legalize the Unpermitted Site Improvements at an Existing Single-Family Residence at 640 Evans Road (Staff Contact: Jay Lee, Interim Planning Director, 408-586-3077)**

Recommendation: Consider the exemption in accordance with CEQA and adopt a resolution approving Site Development Permit No. SD20-0015, subject to the attached Conditions of Approval, to allow the development of a new in-ground swimming pool and legalize the unpermitted site improvements at an existing single-family residence on a 2.69 acre site at 640 Evans Road.

- C13. 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.

- C14. Adopt a Resolution Approving the City Manager, Acting City Manager or Designee to apply for an up to \$3,500,000 Community Resilience Center (CRC) Grant from the State of California Strategic Growth Council and Authorizing the City Manager, Acting City Manager or Designee to Accept a CRC Grant and Execute all Related Documents as the Authorized Agent on the Grant Agreements (Staff Contact: Matt Cano, Deputy City Manager, 408-890-8065)**

Recommendation: Adopt a resolution approving the City Manager, Acting City Manager or Designee to apply for an up to \$3,500,000 Community Resilience Center Grant from the State of California Strategic Growth Council and Authorizing the City Manager, Acting City Manager or Designee to accept a CRC grant and execute all related documents as the Authorized Agent on the Grant Agreements.

PUBLIC HEARINGS (7:30 PM)

Members of the public may be allotted up to three (3) minutes or less at the Mayor's discretion, to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of ten (10) minutes for opening statements and up to a total of five (5) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

- 15. Conduct a Public Hearing and Approve the Draft FY 2022-2023 Community Development Block Grant (CDBG)'s Consolidated Annual Performance and Evaluation Report (CAPER) (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing Division Manager, 408-586-3275)**

Recommendation: (1) Open the public hearing, hear testimony, then move to close the public hearing; (2) Approve the draft FY 2022-2023 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER); and (3) Authorize the Acting City Manager, or designee, to make any necessary changes and to submit the approved draft FY 2022-2023 CAPER to the U.S. Department of Housing and Urban Development (HUD) to comply with CDBG requirements.

COMMUNITY DEVELOPMENT (8:30 PM)

- 16. Adopt a Resolution Certifying Election Results and Adding Tract No. 10592 to Community Facilities District 2008-1 (Annexation No. 25); Approve Final Tract Map No. 10592 for a Residential Project at 2001 Tarob Court; and Approve and Authorize the City Manager to Execute the Subdivision Improvement Agreement. (Staff Contact: Roberto Alonzo, Principal Engineer, 408-586-3316)**

Recommendation: (1) Following receipt of election results from the City Clerk, adopt a resolution certifying election results and adding Tract No. 10592 to Community Facilities District 2008-1 (Annexation No. 25); (2) Approve Final Tract Map No. 10592, including all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and (3) Approve and authorize the City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and KB Home South Bay, Inc.

- 17. Accept an Allocation of \$1,600,000 in State Funding for the Milpitas SMART Program, Approve a Budget Appropriation into CIP Project No. 3493, and Provide Direction to Staff on Proposed Program Modifications (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Jay Lee, Interim Planning Director, 408-586-3077)**

Recommendation: (1) Accept \$1,600,000 in State funding through the Budget Act of 2023 (AB 102) for the Milpitas SMART program and approve a budget appropriation of \$1,600,000 in State funding into CIP Project No. 3493 Milpitas SMART; and (2) Receive a presentation on the current Milpitas SMART pilot program and provide direction on staff recommendations for proposed program modifications.

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: <https://www.milpitas.gov/129/Agendas-Minutes> (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.