



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, OCTOBER 3, 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_Qk5qNZ5QTzamAjiKkbPyrg

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) THREAT TO PUBLIC SERVICES OR FACILITIES

Pursuant to Government Code section § 54957

Consultation with: City of Milpitas Acting City Manager Ned Thomas

(b) PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957(b)(1)

Employee Position: City Manager

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 Phan)

PRESENTATIONS (7:05 PM)

- Fire Prevention Week (Proclamation)
- Indigenous Peoples' Day (Proclamation)
- Hindu American Awareness and Appreciation Month (Proclamation)
- Clean Air Day (Proclamation)
- Silicon Valley Clean Energy Electric Showcase Awards Presentation

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 October 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

C2. Approve City Council City Council Meeting Minutes of September 14 and 19, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Meeting minutes of September 14 and 19, 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 for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)

Recommendation: Receive recommendations and approve recommendations for appointments to the Community Advisory Commission and Energy and Environmental Sustainability Commission and direct the City Clerk to post the Notice of Unscheduled Vacancy.

C6. Adopt a Resolution Authorizing the Application to the Prohousing Designation Program (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, 408-586-3275)

Recommendation: Adopt a resolution authorizing the application to and participation in the Prohousing Designation Program.

C7. Authorize the Acting City Manager to Enter into a Master Professional Services Agreement with Asquare, Inc. for Temporary IT Staffing Services (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086; and Daniel Nam, Information Technology Director, 408-586-2712)

Recommendation: Authorize the Acting City Manager to enter into a two-year Master Professional Services Agreement with Asquare, Inc. for Temporary IT Staffing Services for the not-to-exceed amount of \$250,000.00.

C8. Adopt a Resolution to Approve Sole Source Procurement of Police Vehicles from Duval Ford, LLC, and Authorize the Acting City Manager to Execute a Purchase Agreement with a Total Not-to-Exceed Amount of \$701,953.92 for the Purchase of Up to 12 Police Vehicles (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406 and Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: (1) Adopt a resolution to approve sole source procurement of police vehicles from Duval Ford, LLC, and authorize the Acting City Manager to execute a purchase agreement with a total not-to-exceed amount of \$701,953.92 for the purchase of up to 12 police vehicles; and (2) In the event the City is unable to procure the vehicles from Duval Ford LLC, the City Manager is authorized to select another vendor and execute a purchase agreement with a total not-to-exceed amount of \$701,953.92 for the purchase of up to 12 police vehicles.

C9. 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.

- C10. Consider Two Fee Waiver Requests from FAREPA Silicon Valley and the Joseph Bettencourt Foundation and One Donation Request from Korean Language and Culture Foundation (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Approve a Fee Waiver of \$945.00 for the Joseph Bettencourt Foundation Fundraiser at the Milpitas Community Center on October 20, 2023; (2) Approve a Fee Waiver of \$1,500 for the FAREPA Silicon Valley Unity in Diversity event at the Milpitas Community Center on October 12, 2023; and (3) Approve Donation request of \$500 for the Korean Language and Culture Foundation Alphabet event at the Milpitas Library on October 1, 2023.

COMMUNITY DEVELOPMENT (7:30 PM)

- 11. Provide Feedback and Guidance on the Proposed Workforce Housing Rental Assistance Program Approve an Additional Appropriation of \$28,389.76 from the Affordable Housing Community Benefit Fund to FORWARD for the Administration of the Workforce Housing Rental Assistance Program, and Direct the Use of an Allocation from the State Budget for Homelessness Prevention and Unhoused Services (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing Division Manager, 408-586-3275)**

Recommendation: (1) Receive a recommendation from the Housing Subcommittee and staff to provide rental assistance for up to 50 households over 24 months through a Workforce Housing Rental Assistance Program; (2) Approve and Authorize the Acting City Manager, or designee, to allocate an additional appropriation of \$28,389.76 from the Affordable Housing Community Benefit Fund to FORWARD for the administration of the Workforce Housing Rental Assistance Program ; and (3) Provide feedback and guidance on the use of an allocation from the State Budget for Homelessness Prevention and Unhoused Services for the Workforce Housing Rental Assistance Program.

- 12. Receive a Progress Report and Provide Direction to Staff on the Work Completed to Date on Phase 1 of the Comprehensive Zoning Ordinance Update, Including the Background and Recommendations Report, Draft New Zoning Districts (Business Park. Research and Development and Metro Area Zoning Districts), and Draft Updated Citywide Zoning Map (Staff Contact: Jay Lee, Interim Planning Director, 408-586-3077; and Holly Pearson, Senior Special Projects Associate, 408-609-0072)**

Recommendation: Receive a progress report and provide direction to staff on the work completed to date on Phase 1 of the Comprehensive Zoning Update, including the Background and Recommendations Report, draft new zones (Business Park Research and Development and Metro Area Zones), and draft updated Citywide Zoning Map.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (9:00 PM)

- 13. Receive Presentation from Staff on Storm Drain System Revenue Requirements Analysis (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Receive an informational presentation on the stormwater revenue requirements analysis and provide feedback to staff.

LEADERSHIP AND SUPPORT SERVICES (9:45 PM)

- 14. Approve Employment Agreement for the City Manager (Staff Contact: Nick Raisch, Human Resources Director, 408-687-5086)**

Recommendation: Approve Employment Agreement for the City Manager.

PUBLIC FORUM (10:00 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.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (10:05 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 (10:10 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.