



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND THE MILPITAS PUBLIC FINANCING AUTHORITY BOARD

AGENDA

TUESDAY, OCTOBER 17, 2023

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

6:00 PM (CLOSED SESSION)

7:00 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-2400

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3072

The City Council meeting is held in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas and via teleconference/Zoom webinar.

You may watch the Council meeting without providing public comment by accessing it via links here.

Meeting shall be livestreamed - Go to:

Facebook: <https://www.facebook.com/CityofMilpitas/>

YouTube: <https://www.milpitas.gov/youtube>

Web Streaming: <https://www.milpitas.gov/webstreaming>

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may only be provided live during the City Council meeting in person. 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. Members of the public may submit written comments by email to CityClerk@milpitas.gov

The meeting will be streamed via Zoom for viewing purposes only. To watch via Zoom, please register at:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_j6dZ-hDvS8uFgJDAV4Mdag

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

(b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 1700 Sango Court

Agency negotiator: Alex Andrade, Economic Development Director

Under negotiation: Both lease price and terms

(c) THREAT TO PUBLIC SERVICES OR FACILITIES

Pursuant to Government Code section § 54957

Consultation with: IT Director Daniel Nam

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.

PRESENTATIONS (7:05 PM)

- Breast Cancer Awareness Month
- Diwali

PLEDGE OF ALLEGIANCE

INVOCATION (Councilmember Phan)

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

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

- C2. Approve City Council City Council Meeting Minutes of October 3, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve City Council Meeting minutes of October 3, 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. Consider the Recommendation from Mayor Montano for Appointments to and Removals from City Commissions (Contact: Mayor Montano, 408-586-3024)**

Recommendation: Receive the recommendation from Mayor Montano and approve appointment to the Planning Commission and removal from the Parks, Recreation and Cultural Resources Commission, and direct the City Clerk to post the notice of unscheduled vacancy.

- C5. Accept the FY 2022-23 Commissioners Annual Report for Four (4) Commissions and Oversight Committee and Approve Four (4) City of Milpitas Commission and Oversight Committee Work Plans for FY 2023-24 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: (1) Accept the 2022-23 Commissioners Annual Report; and (2) Approve proposed Fiscal Year 2023-24 Work Plans for (a) Community Advisory Commission, (b) Economic Development and Trade Commission, (c) Science, Technology, and Innovation Commission, and (d) Measure F Oversight Committee.

- C6. Receive Recommendations from Staff Regarding a Proposed Joint Powers Agency (JPA) Agreement for the Cities Association of Santa Clara County and Approve Direction on Feedback to the Cities Association Board (Staff Contact: Ned Thomas, City Manager: 408-586-3059)**

Recommendation: Receive recommendations regarding a Proposed Joint Powers Agency (JPA) Agreement for the Cities Association of Santa Clara County (CASCC) and approve direction to staff and Mayor Montano, as the City's representative to the CASCC, to oppose the formation of a Joint Powers Authority at this time.

- C7. Receive Report on the American Rescue Plan Act (ARPA) Investment Plan (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3053; and Lauren Lai, Director of Finance, 408-586-3111)**

Recommendation: Receive Report on the American Rescue Plan Act (ARPA) Investment Plan.

- C8. Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the Self-Storage Project Located at 1 Hanson Court and Grant Authorization to the City Engineer to Release the Performance Bond after the One-Year Warranty Period (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012; and Roberto Alonzo, Transportation and Traffic Manager, 408-586-3316)**

Recommendation: Adopt a resolution granting acceptance of the completed public improvements for the Self-Storage Project located at 1 Hanson Court as shown on Public Improvement Plans No. 2-1224; and approve a reduction in the faithful performance bond to \$16,000.00, which is 10% of the security's original value which shall be in effect for the duration of the warranty period; and grant authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided that all required warranty work is completed to the satisfaction of the City Engineer.

- C9. Adopt Resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board Authorizing Investment of Monies in the Local Agency Investment Fund and Updating Officers' Information (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt two Resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

- C10. Approve and Authorize the City Manager to Execute a Sole Source Three-Year Agreement with CentralSquare Inc. for Maintenance and Support of the Public Safety Computer Aided Dispatch System (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

Recommendation: Approve and authorize the City Manager to execute a sole source three-year agreement with CentralSquare Inc. for maintenance and support of the Public Safety Computer Aided Dispatch System for the not-to-exceed amount of \$142,160.56 annually and \$426,481.68 for a three-year term.

- C11. 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.

- C12. Approve and Authorize the FY 2023-2024 Santa Clara Valley Urban Runoff Pollution Prevention Program Assessment Payment for the Not-to-Exceed Amount of \$154,067.00 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Approve and authorize the FY 2023-2024 Santa Clara Valley Urban Runoff Pollution Prevention Program Assessment Payment for the not-to-exceed amount of \$154,067.00.

- C13. Approve and Authorize the City Manager to Execute a No-Cost Amendment No. 7 to extend the terms of the Agreement with West Yost Associates for Construction Support Services for the Main Lift Pump Station Odorous Emissions Control Facility Project (Staff Contact: Christian Di Renzo, Public Works Director, 408- 586-2602)**

Recommendation: Approve and authorize the City Manager to execute a no-cost Amendment No. 7 to extend the terms for the agreement with West Yost Associates for construction support services for the Main Lift Pump Station Odorous Emissions Control Facility Project.

- C14. Authorize and Approve Travel to Santa Cruz, CA, for City Manager Ned Thomas to Attend the Annual 2023 Silicon Valley Economic Development Alliance (SVEDA) Conference on November 2, 2023 (Staff Contact: Ned Thomas, City Manager, 408-586-3059)**

Recommendation: Authorize and approve travel to Santa Cruz, CA, for City Manager Ned Thomas to attend the Annual 2023 Silicon Valley Economic Development Alliance (SVEDA) Conference on November 2, 2023, for a total amount of \$150.00 budgeted under Conferences/Trainings allocation for the City Manager's Office.

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 to Consider a Zoning Variance to Allow Development of a Structure with a Height that Extends Above the Hillside Crestline Zone of Protection Sight Line, as Related to an Application for a Site Development Permit and Planned Unit Development Amendment for a Proposed 5,900-Square Foot Single-Family Residence, on a Vacant +1.4-Acre Lot in the R1-H Single-Family Residential - Hillside Zoning District Located at 1339 Terra Vista Court (APN: 029-07-010) (Staff Contact: Jay Lee, Planning Director, 408-586-3273, and Avery Stark, Acting Senior Planner, 408-586-3288)**

Recommendation: Hold a public hearing and, by a motion of the Council, uphold a Variance recommendation made by the Milpitas Planning Commission to deny the request for a structure with a height that extends above the Hillside Crestline Zone of Protection Sight Line, as established by the City's Hillside development standards, on a vacant +1.4-acre lot in the R1-H Single-Family Residential-Hillside Zoning District located at 1339 Terra Vista Court (Countryside Estates, Lot 1).

COMMUNITY DEVELOPMENT (8:30 PM)

- 16. Receive Progress Report from Raimi and Associates and Staff on the Housing Opportunity Districts and Provide Direction on the Preferred Alternative (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Avery Stark, Acting Senior Planner, 408-586-3288)**

Recommendation: (1) Receive progress report on the work completed and summary of community feedback from Raimi and Associates and staff on the Housing Opportunity Districts; and (2) Provide direction on the preferred alternative for the Housing Opportunity Districts.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (9:00 PM)

- 17. Consider the Authorization of the Final Application for the \$301,516.00 Land and Water Conservation Fund Grant from the State Department of Parks and Recreation and associated Land Protection for Delano Manongs Park (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Authorize the Final Application for the \$301,516.00 Land and Water Conservation Fund (LWCF) Grant from the State Department of Parks and Recreation and associated Land Protection for Delano Manongs Park which places the entire Delano Manongs Park in the LWCF boundary map of protected open space, in perpetuity.

LEADERSHIP AND SUPPORT SERVICES (9:30 PM)

- 18. Introduce Ordinance 196.12, an Ordinance of the City Council of the City of Milpitas Amending Section 4.05 of Chapter 9 ("Parks") of Title V ("Public Health, Safety, and Welfare") of the Milpitas Municipal Code and Introduce Ordinance 196.13 an Ordinance of the City Council of the City of Milpitas Adding Section 2.13 to Chapter 9 ("Parks") of Title V ("Public Health, Safety, And Welfare") of the Milpitas Municipal Code and Amending Section 4.00 of Chapter 9 ("Parks") of Title V ("Public Health, Safety, And Welfare") of the Milpitas Municipal Code (Staff Contact: Michael Mutalipassi, City Attorney, 408-858-3040)**

Recommendation: (1) Following the City Attorney's reading aloud the titles, move to waive the reading beyond the title and introduce Ordinance 196.12; and (2) Decline to introduce Ordinance 196.13.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (10:00 PM)

Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items. For future agenda items, the City Council shall not debate the topic or engage in

discussion but shall simply state a “yes” or “no” as whether to move the item forward. If a majority of the City Council agrees to move the item forward, the City Manager shall place the item on a future agenda.

ADJOURNMENT (10:05 PM)

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government’s duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people’s business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people’s review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney’s office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: mmutalipassi@milpitas.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City’s website www.milpitas.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk’s office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: <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.