



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, NOVEMBER 7, 2023

CITY COUNCIL CHAMBER, 455 E. CALAVERAS BLVD, MILPITAS, CA
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_auvmCsXmTPWtM-mmTYLBHA

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 (7:00 PM)

PLEDGE OF ALLEGIANCE

INVOCATION (Mayor Montano)

PRESENTATIONS (7:05 PM)

- Diwali (Proclamation)

PUBLIC FORUM (7:10 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 (7:15 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 November 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

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

- C2. Approve City Council City Council Meeting Minutes of October 17, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve City Council Meeting minutes of October 17, 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. Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the District 1 Lot 4 (Gideon) Project located at 150 Market Street and Grant Authorization to the City Engineer to Release the Remaining Portion of the Lot 4 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 District 1 Lot 4 (Gideon) Project as shown on Public Improvement Plans No. 2-1295; and approve a reduction in the faithful performance bond of \$38,085.00 which is 25% of the security's original value for the Lot 4 public improvements construction cost, the remaining amount of the Lot 4 performance bond cost 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.

- C5. Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the Thind Residence Residential Project 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 Thind Residence Residential Project as shown on Public Improvement Plans No. 2-1371; and approve a reduction in the Phase 1 faithful performance bond to \$15,989.00 and a reduction in the Phase 2 faithful performance bond to \$1,792.00, which are 25% of the securities' original values 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.

- C6. Approve and Authorize the City Manager to Execute Amendment #1 to the Agreement with HdL and Associates for Sales Tax Audit, Analysis, Reports and Forecasting Services in an Amount of \$300,000.00 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Approve and authorize the City Manager to execute Amendment #1 to the agreement with HdL and Associates for sales tax audit, analysis, reports and forecasting services in an amount of \$300,000.00.

- C7. Approve and Authorize City Manager to execute a Lease Agreement with Pacific West Builders, Inc. to Lease City Owned Land at 1700 Sango Court in the Amount of \$34,800.00 (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing Division Manager, 408-586-3275)**

Recommendation: Approve and authorize City Manager to execute a lease agreement with Pacific West Builders, Inc. to lease City owned land at 1700 Sango Court in the amount of \$34,800.00.

- C8. Authorize the City Manager to Accept the 2023 Bulletproof Vest Partnership Grant in the Amount of \$7,628.91 and Approve a Related Budget Appropriation (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Recommendation: Authorize the City Manager to accept the 2023 Bulletproof Vest Partnership Grant in the amount of \$7,628.91 and approve a related budget appropriation.

- C9. Authorize the City Manager to Execute the Grant Agreement with the Office of Traffic Safety to Accept the Fiscal Year 2024 Office of Traffic Safety Selective Traffic Enforcement Program Grant and Approve a Related Budget Appropriation in the Amount of \$110,000.00 (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Recommendation: Authorize the City Manager to execute the grant agreement with the Office of Traffic Safety to Accept the Fiscal Year 2024 Office of Traffic Safety Selective Traffic Enforcement Program Grant and approve a related budget appropriation in the amount of \$110,000.00.

- C10. Adopt a Resolution to Reject a Bid Protest from Iteris; Award IFB 24-025 and Authorize the City Manager to Execute the Purchase Order with Econolite Control Products, Inc. in the amount of \$127,871.66 for the Purchase of 25 Citywide Traffic Detection Cameras (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Adopt a resolution to reject a bid protest from Iteris; award IFB 24-025 and authorize the City Manager to execute the purchase order with Econolite Control Products, Inc. in the amount of \$127,871.66 for the purchase of 25 citywide traffic detection cameras.

- 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. Authorize the City Manager to enter into a Funding Agreement Between the City of Milpitas and the Santa Clara Valley Transportation Authority for Grant Funds from the 2010 Measure B Vehicle Registration Fee Countywide Program in an Amount Not to Exceed \$120,000.00 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Authorize the City Manager to enter into a funding agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority for grant funds from the 2010 Measure B Vehicle Registration Fee Countywide Program in an amount not to exceed \$120,000.00.

- C13. Authorize the City Manager to Execute the Third Amendment to the Agreement with the Santa Clara Valley Water District for Water Conservation Program Cost Sharing and to Execute an Amendment to the Professional Services Agreement with Our City Forest to Administer the Lawn Bust Milpitas Pilot Program (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Elaine Marshall, Deputy Public Works Director, 408-586-2603)**

Recommendation: Authorize the City Manager to Execute (1) Third Amendment to the Agreement with the Santa Clara Valley Water District for Water Conservation Program Cost Sharing to extend term by an additional year and increase Valley Water cost share payment to City for Lawn Bust Milpitas for additional not to exceed of \$40,000.00; and (2) Amendment to the Professional Services Agreement with Our City Forest to administer the Lawn Bust Milpitas Pilot Program to implement program for an additional year at a cost not to exceed \$120,000.00.

- C14. Waive Second Reading of Ordinance No. 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 (Staff Contact: Michael Mutalipassi, City Attorney, 408-858-3040)**

Recommendation: Move to waive the second reading and adopt Ordinance No. 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

- C15. Authorize International Travel for One (1) Member of the Milpitas Police Department's Criminal Investigations Bureau to Provide Technical Assistance in Support of an Out-of-Country Criminal Investigation, as a Member of the Santa Clara County Regional Enforcement Allied Computer Task Force (REACT) and in Coordination with the United States Secret Service (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406; and Stephen Parodi, Police Captain, 408-586-2523)**

Recommendation: Authorize international travel for one (1) member of the Milpitas Police Department's Criminal Investigations Bureau currently assigned to REACT to assist in an out-of-country criminal investigation.

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.

- 16. Adopt a Resolution Certifying an Environmental Impact Report (SCH No: 2022110251) and Approving a General Plan Text Amendment, Zoning Map Amendment, Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment; and Introduce an Ordinance Amending the Zoning Map in Accordance with the Provisions of Section 3.03 of Chapter 10 of Title XI (Zoning) of the Milpitas Municipal Code to Change the Zoning Classification of a Certain Parcel (APN 022-38-007) from the MP Industrial Park Zoning District to the MXD Mixed Use Zoning District; and Allow Development of a Multi-Family Residential Project Consisting of 13 Residential Buildings, up to 51 feet in Height, and One Residential Apartment Building, up to 78 feet in Height, for a Total of 206 Residential Units, and Associated Site Improvements on an Approximately 6.7-acre Site Located at 1355 California Circle. (Staff Contact: Jay Lee, Planning Director, 408-586-3077 and Lillian VanHua, Senior Planner, 408-586-3073)**

Recommendation: (1) Conduct a public hearing and move to close the hearing following comments; (2) Consider Environmental Impact Report pursuant to Public Resources Code Sections 21080(d) and 2108.2(d) and CEQA Guidelines Section 15064; (3) Adopt a resolution certifying an Environmental Impact Report pursuant to Public Resources Code Section 21080(d) and 21082.2(d) and CEQA Guidelines Section 15064; (4) City Attorney shall read aloud title of the Ordinance; (5) Move to waive the first reading beyond the title and introduce an Ordinance amending the Zoning map of the City of Milpitas in accordance with the provisions of Section 3.03 of Chapter 10 of Title XI (Zoning Ordinance) of the Milpitas Municipal Code to change the Zoning Classification of a Certain Parcel (APN 022-38-007), located on the west side of California Circle, from the MP Industrial Park Zoning District to the MXD Mixed Use Zoning District; (6) Adopt a resolution to approve General Plan Text Amendment No. GP22-0001; and (7) Adopt a resolution to approve Zoning Map Amendment No. ZA22-0001, Site Development Permit No. SD22-0003, Conditional Use Permit No. UP22-0001, Vesting Tentative Map MT22-0001, Density Bonus Permit No. DB23-0003, Tree Removal Permit No. TR23-0021, and Environmental Assessment No. EA22-0002, subject to the findings and Conditions of Approval.

LEADERSHIP AND SUPPORT SERVICES (8:00 PM)

- 17. Receive a Presentation and Provide Direction to Staff on Potential Revenue Measures for the November 2024 Election (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)**

Recommendation: Proceed with community outreach surveys for a potential Public Safety Infrastructure General Obligation Bond Measure, Storm Drain Property Tax Fee Measure F Sales Tax Measure extension and/or Business Tax Modernization Measure.

- 18. Introduce Ordinance 298.1, An Ordinance of The City Council of the City of Milpitas Amending the Milpitas Municipal Code Title Xi ("Zoning, Planning and Annexation"), Chapter 10 ("Zoning"), Section 13 ("Special Uses"), Subsection 13.15 ("Cannabis Uses") to Prohibit and Regulate Cannabis Uses, Establishments, and Operations to the Fullest Extent Allowed By State Law, and Making Findings of Exemption From Environmental Review Pursuant To CEQA Guidelines Sections 15061(b)(3) 15183, 15305, and 15378 (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)**

Recommendation: Following the City Attorney's reading aloud the title, move to waive the reading beyond the title and introduce Ordinance 298.1, which would amend Subsection XI-10-13.15 of the Milpitas Municipal Code consistently with Senate Bill 1186 by regulating the delivery of medicinal

cannabis and cannabis products and otherwise preserve the City's prohibition against commercial cannabis to the fullest extent allowed after this change in State law.

19. Review the List of Agenda Item Requests From Individual Councilmembers and Provide Direction to Staff Through the Council-Approved Prioritization Process (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)

Recommendation: (1) Review list of agenda item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on which Group 1 items should be advanced; (2) Provide additional input to staff, if any, on Group 1 items that received Council direction to advance and all Group 2 items (3) Approve recommendations on certain Group 3 items as outlined in the Analysis section of this report.

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: 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.