



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, NOVEMBER 14, 2023

CITY COUNCIL CHAMBER, 455 E. CALAVERAS BLVD, MILPITAS, CA
5:30 PM

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_Yt_HeYJVRSaGncCX1p-W2w

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 (5:30 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Rick Bolanos, LCW

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

(b) CONFERENCE WITH LEGAL COUNSEL

Existing Litigation pursuant to Government Code Section 54956.9:

In re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-02873

City as a Class Member

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 (Mayor Montano)

PRESENTATIONS (6:00 PM)

PUBLIC FORUM (6:05 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 (6:15 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 and December 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

C2. 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.

C3. Approve the 2024 City Council Meeting Schedule (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve the 2024 Milpitas City Council meeting schedule, with any changes requested at the City Council meeting.

- C4. Authorize and Approve Travel to San Francisco, CA, for Councilmember Hon Lien to Attend the (1) 9th Annual CALNET Leadership Retreat to be Held on November 16 – 17, 2023, and the (2) National API Elected Officials Summit to be held on November 18 -19, 2023, for an Estimated Total Not-to-Exceed Amount of \$1000 Budgeted Under the Individual Elected Official Allocation for Conferences/Meetings/Trainings (Staff Contact: Ned Thomas, City Manager, 408-586-3053)**

Recommendation: Authorize and approve travel to San Francisco, CA, for Councilmember Hon Lien to attend (1) the 9th Annual CALNET Leadership Retreat to be held on November 16 – 17, 2023; and (2) the National API Elected Officials Summit to be held on November 18 -19, 2023, for an estimated total not-to-exceed amount of \$1,000 budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings.

- C5. Authorize the City Manager to Negotiate and Execute an Extension of the Existing Sister Cities Memorandum of Understanding with the City of Dagupan, Philippines (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)**

Recommendation: Authorize the City Manager to negotiate and execute an extension of the existing Memorandum of Understanding with the City of Dagupan, Philippines for a period of five years with two additional five year mutual options.

- C6. Approve and Authorize the City Manager to Execute a Software License and Professional Services Agreement with TriTech Software Systems, Inc. for Computerized Maintenance Management System Subscription License Fees for a Total Amount Not-to-Exceed \$374,105.21, Subject to the Annual Appropriation of Funds (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Approve and authorize the City Manager to execute a software license and professional services agreement with TriTech Software Systems, Inc. for computerized maintenance management system subscription license fees for a total amount not-to-exceed \$374,105.21, subject to the annual appropriation of funds.

- C7. Report on Bids and Adopt a Resolution Authorizing the City Manager to Award the Construction Contract to I & A Contractor, Inc. in the Amount of \$428,300.00 for the Sports Center Roof Rehabilitation Project (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: (1) Receive report on bids and adopt a resolution authorizing the City Manager to award a construction contract to the lowest responsible and responsive bidder, I & A Contractor, Inc., in the amount of \$428,300.00 for the Sports Center Roof Rehabilitation Project; and (2) Authorize the City Manager to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$64,245.00 for the Sports Center Roof Rehabilitation Project.

- C8. Consider One Fee Waiver from Kiwanis Club of Milpitas Foundation and one Donation Request from Knights of Columbus St. John's Council 5796 (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Approve a Fee Waiver of \$900.00 for the Kiwanis Club of Milpitas Foundation's 20th Annual MUSD Crab Feed and Auction Event scheduled for February 9, 2024; and (2) Approve a donation request of \$500.00 for the Knights of Columbus St. John's Council 5796 for their 45th Annual Free Thanksgiving Dinner event at the St. John the Baptist Catholic Church on Thursday, November 23, 2023.

COMMUNITY DEVELOPMENT (6:30 PM)

9. **Receive Report on Manufacturing Day 2023 and Issue Certificates of Commendation to Event Collaborators (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Michael Thomas, Economic Development Specialist, 408-586-3045)**

Recommendation: Receive report on Manufacturing Day 2023 and issue certificates of commendation to event collaborators.

10. **Receive Presentation on Proposed Mixed-Use Development at 70 N. Main St. and Provide Direction on Preferred Alternative regarding Shared Parking Agreement (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Michael Fossati, Senior Planner, 408-586-3274)**

Recommendation: (1) Receive a summary of a pre-application to demolish an existing vacant restaurant and develop a mixed-use building without on-site parking; and (2) Provide direction on the preferred alternative to provide exclusive access to City-owned land and facilitate a shared parking agreement with the property owner.

11. **Receive a Presentation from Staff and Applicant and Provide Direction Regarding Conceptual Plans for Proposed Development (“600 Valley Way”) to Subdivide Three Existing Lots into Two Parcels Totalling 7.22 Acres to Facilitate up to 104 Townhome Units and 140 Rental Affordable Units, for a Total of 244 Residential Units at 461, 538, and 602 Valley Way (APNs 022-28-022, -024, and -025) (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Lillian VanHua, Senior Planner, 408-586-3073)**

Recommendation: (1) Receive presentations from staff and the applicant; (2) Receive public comment; and (3) Provide feedback on the Preliminary Review Application and staff's recommendation on how to accommodate the Project through the Gateway-Main Street Specific Plan process.

LEADERSHIP AND SUPPORT SERVICES (8:00 PM)

12. **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 (8:30 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 (8:35 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.