



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, JANUARY 23, 2024

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_fBeOc0cNQeKdqQcpntCguQ

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

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 Lien)

PRESENTATIONS

- Martin Luther King, Jr. Day (Proclamation)
- Curtner Elementary 2nd Annual Martin Luther King Day of Service
- Milpitas Incorporation 70th Anniversary

PUBLIC FORUM (6:30 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 (6:35 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 January and February 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendar of Meetings for January and February 2024.

C2. Approve City Council City Council Meeting Minutes of December 12, 2023 and January 9, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Meeting minutes of December 12, 2023 and January 9, 2024.

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 Appointments to City Commissions, and Accept Commissioner Resignation (Contact: Mayor Montano, 408-586-3024)

Recommendation: Receive Mayor Montano's recommendations and confirm appointments to City Commissions; Accept the resignation of Melba Holliday from the Senior Advisory Commission; and direct the City Clerk to post the notice of unscheduled vacancy.

C6. Approve Travel for City Manager Ned Thomas to Attend the City Managers Conference in Los Angeles, CA (Staff Contact: Ned Thomas, City Manager, 408-586-3053)

Recommendation: Authorize and approve travel to Los Angeles, CA, for City Manager Ned Thomas to Attend the League of California Cities' Annual 2024 City Managers Conference scheduled for February 7 – 9, 2024, for a total not-to-exceed amount of \$3,000.00 budgeted under Conferences/Trainings allocation for the City Manager's Office.

C7. Approve and Authorize the City Manager to Execute Master Professional Service Agreements with Environmental Consultants for On-Call Environmental Services (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Michael Fossati, Senior Planner, 408-586-3274)

Recommendation: Approve and authorize the City Manager to execute Master Professional Service Agreements with LSA Associates, Inc; Michael Baker International; Impact Sciences, Inc; First Carbon Solutions; Moore, Iacofano and Goltsman (MIG), Inc; and Ascent Environmental, Inc for up to \$1,000,000 each for on-call environmental services.

C8. Adopt a Resolution Authorizing the City Manager to Execute a Fund Transfer Agreement with the California Department of Transportation (Caltrans) to Fund Project No. 4299 Bicycle Lane Improvement Project (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012, Roberto Alonzo, PW Division Manager - Engineering, 408-586-3316)

Recommendation: Adopt a resolution authorizing the City Manager to execute a Fund Transfer Agreement with the California Department of Transportation (Caltrans) to receive Caltrans 2022 Priority Legislative Budget Project (PLPB) Appropriation to fund Project No. 4299 Bicycle Lane Improvement Project.

C9. Authorize the Surplus of City Vehicles and Authorize the City Manager to Execute a General Services Agreement with JJ Kane Auctioneers for the Surplus of City Assets (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Finance Director, 408-586-3111)

Recommendation: Authorize the surplus of City Vehicles and authorize the City Manager to execute a General Services Agreement with JJ Kane Auctioneers for the surplus of City assets in an amount not to exceed 5% of an assets auction price.

- C10. Adopt a Resolution to Adopt the Citywide Travel Safety Plan, Project No. 4293, Citywide Traffic Safety Assessment (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; and Roberto Alonzo, PW Division Manager - Engineering, 408-586-3316)**

Recommendation: Adopt a resolution to adopt the Citywide Travel Safety Plan, Project No. 4293, Citywide Traffic Safety Assessment.

- C11. Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the District 1 Lot 2 (Graham) Project Located at 1415 McCandless Drive and Grant Authorization to the City Engineer to Release the Remaining Portion of the Lot 2 Performance Bond After the One-Year Warranty Period (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; and Roberto Alonzo, PW Division Manager - Engineering, 408-586-3316)**

Recommendation: Adopt a resolution granting acceptance of the completed public improvements for the District 1 Lot 2 (Graham) Project as shown on Public Improvement Plans No. 2-1217; and approve a reduction in the faithful performance bond of \$24,950.00 which is 10% of the security's original value for the Lot 2 public improvements construction cost. The remaining amount of the Lot 2 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.

- C12. Approve Budget Appropriation of \$250,000 from the Gas Tax Fund to Increase the City's Local Project 10% Matching Contribution and Authorize the City Manager to Execute Future Amendment No. 3 to the Funding Agreement between the City and the Santa Clara Valley Transportation Authority (VTA) for the Calaveras Boulevard Near Term Improvement Project (CIP Project No. 4294 – SR 237 HOV Lane Improvements) (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; and Roberto Alonzo, PW Division Manager, 408-586-3316)**

Recommendation: Approve budget appropriation of \$250,000.00 from the Gas Tax Fund to increase the City's local project 10% matching contribution to \$550,000.00 and Authorize the City Manager to Execute Future Amendment No. 3 to the Funding Agreement between the City and the Santa Clara Valley Transportation Authority (VTA) for the Calaveras Boulevard Near Term Improvement Project (CIP Project No. 4294 – SR 237 HOV Lane Improvements).

- C13. Consider One Fee Waiver from Christian Worship Center Bay Area and One Donation Request from My Roots are Rich (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Approve a Fee Waiver of \$1,500.00 for the Christian Worship Center Bay Area's Annual Easter Egg Hunt scheduled for March 20, 2024; and (2) Approve a Donation request of \$500.00 for My Roots are Rich Black History Month Flag Raising Ceremony on Thursday, February 1, 2024.

LEADERSHIP AND SUPPORT SERVICES (6:40 PM)

- 14. Authorize Additional Community Engagement Regarding a Potential November 2024 Ballot Measure (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

Recommendation: Authorize staff to continue to perform a voter survey in Spring 2024 with a focus on potential re-authorization of Measure F, the quarter-cent local sales tax, as part of the November 2024 General Election ballot and return to City Council for a final decision by June 2024.

15. **Approve Changes to the City Council Procedures and Protocols Handbook (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; Michael Mutalipassi, City Attorney, 408-586-3041)**

Recommendation: Approve changes to the City Council Procedures and Protocols Handbook.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:45 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 (7:50 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.