



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, FEBRUARY 6, 2024

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_E6Rud_80S_CYUhgkG4zw

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 (Councilmember Barbadillo)

PRESENTATIONS (7:05 PM)

- Lunar New Year (Proclamation)
- Black History Month (Proclamation)

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 February 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

C2. Approve City Council City Council Meeting Minutes of January 23, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Meeting minutes of January 23, 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 Resignations (Contact: Mayor Montano, 408-586-3024)

Recommendation: Receive Mayor Montano's recommendations and confirm appointments to City Commissions; Accept the resignations of Mona Sampath Khan from the Arts Commission and Eric Bernal from the Science, Technology and Innovation Commission; and direct the City Clerk to post the notice of unscheduled vacancy.

- C6. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Set a Public Hearing for March 5, 2024 (Staff Contact: Arthur Belton, Deputy Chief/Fire Marshal, 408-586-3384)**

Recommendation: Adopt a resolution declaring weeds on specific properties to be public nuisances and set a public hearing for March 5, 2024.

- C7. Adopt a Resolution Approving a Site Development Permit to Allow Development of a 1,200-Square Foot Single-Story Pavilion with a 125-Square-Foot Standalone Bathroom, Construct a 76-Square Foot Bathroom Addition to the Existing Guest House, and a New In-Ground Pool at an Existing Single-Family Residence On 6.13-Acre Site at 1350 Country Club Drive (Staff Contact: Jay Lee, Planning Director, 408-586-3077; and Lillian VanHua, Senior Planner, 408-586-3073)**

Recommendation: Adopt a resolution approving Site Development Permit SD21-0002, subject to the Conditions of Approval, to allow the development of a 1,200-square foot single-story pavilion with a 125-square foot standalone bathroom, construct a 76-square foot bathroom addition to the existing guest house, and a new in-ground pool at an existing single-family residence at 1350 Country Club Drive.

- C8. Accept Additional FY 2023 Citizens' Option for Public Safety (COPS) Grant for Front-Line Law Enforcement Services and Approve the Appropriation of Funds to the Police Department's FY2023-24 Operating Budget (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2402)**

Recommendation: (1) Accept additional FY 2023 Citizens' Option for Public Safety (COPS) Grant in the Amount of \$107,573.61 for Front-Line Law Enforcement Services to be spent in alignment with the City Council approved FY 2023 spending plan; and (2) Approve the appropriation of funds in the total amount of \$107,573.61 to the Police Department's FY2023-24 Operating Budget for Front-Line Law Enforcement Services.

- C9. Accept the FY 2024 Citizens' Option for Public Safety (COPS) Grant for Front-Line Law Enforcement Services and Approve the Appropriation of Funds to the Police Department's FY2023-24 Operating Budget (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Recommendation: (1) Accept the FY 2024 Citizens' Option for Public Safety (COPS) Grant in the amount of \$126,044.00 for Front-Line Law Enforcement Services; and (2) Approve the appropriation of funds in the total amount of \$126,044.00 to the Police Department's FY2023-24 Operating Budget for Front-Line Law Enforcement Services.

- C10. Adopt a Resolution to Approve Project Specifications, Award Construction Contract to Villalobos & Associates, Inc. for the 2023 Annual Sidewalk, Curb, and Gutter Repair Project No. 3426 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Adopt a resolution to (1) approve project contract documents and specifications; (2) award a construction contract to the lowest responsible and responsive bidder, Villalobos & Associates, Inc., in the amount of \$562,415.00 for CIP 3426 Annual Sidewalk, Curb, and Gutter Repair Project; (3) authorize the City Manager to execute the construction contract with Villalobos & Associates, Inc.; and (4) authorize the Public Works Director to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$56,000.00 for the project.

- C11. Receive an Update on Storm Drain System Emergency Repairs and Improvements at Evans Road and Piedmont Creek 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 storm drain system emergency repairs and improvements at Evans Road and Piedmont Creek; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

- C12. Approve Final Tract Map No. 10591 for a Residential Project at 1752 Houret Court; and Approve and Authorize the City Manager to Execute the Subdivision Improvement Agreement between the City and City Ventures Homebuilding, LLC (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; and Roberto Alonzo, PW Division Manager - Engineering, 408-586-3316)**

Recommendation: (1) Approve Final Tract Map No. 10591, including all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and (2) Approve and authorize the City Manager to execute a Subdivision Improvement Agreement between the City of Milpitas and City Ventures Homebuilding, LLC.

- C13. Approve and Authorize the City Manager to Execute the Maintenance Agreement with Creekside Milpitas 3, LLC, for the Maintenance of the Site Improvements Located within Lot A of the Amazon Parking Lot Project Located at 1207 N. McCarthy Boulevard (Staff Contact: Matt Cano, Assistant City Manager/Acting City Engineer, 408-586-3012; and Roberto Alonzo, PW Division Manager - Engineering, 408-586-3316)**

Recommendation: Approve and authorize the City Manager to execute the Maintenance Agreement with Creekside Milpitas 3, LLC, for the maintenance of the site improvements located within Lot A of the Amazon Parking Lot Project located at 1207 N. McCarthy Boulevard.

- C14. Approve and Authorize the City Manager to Enter into and Execute an Agreement for Completion of Public Improvements as Part of the Rajyoga Meditation and Research Center Project (Staff Contact: Matt Cano, Assistant City Manager/Acting City Engineer, 408-586-3012; Roberto Alonzo, PW Division Manager - Engineering, 408-586-3316)**

Recommendation: Approve and authorize the City Manager to enter into and execute an agreement for completion of public improvements as part of the Rajyoga Meditation and Research Center Project between the City of Milpitas and Rajyoga Meditation & Research Center LLC, a nonprofit organization.

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. Review Applications Received for the 2024-2025 Community Development Block Grant Annual Action Plan (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Robert Musallam, Housing Division Manager, 408-586-3275)**

Recommendation: (1) Conduct a public hearing; and (2) Provide feedback and/or direction to staff on Community Development Block Grant (CDBG) priority areas or specific applications that the City Council seeks to fund.

- 16. Receive Report on Storm Drainage Impact Fee Nexus Study; and Adopt a Resolution Adopting the Storm Drainage Impact Fee Nexus Study (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: (1) Conduct a public hearing on the Storm Drainage Impact Fee Nexus Study; and (2) Adopt a resolution adopting the Storm Drainage Impact Fee Nexus Study.

17. Adopt a Resolution and Consider an Ordinance Amending the Proposed Storm Drainage Impact Fee (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: (1) Open the public hearing for comments and move to close the hearing; (2) Adopt a resolution amending the City's Storm Drainage Impact Fee consistent with the Storm Drainage Impact Fee Nexus Study; and (3) Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce an ordinance amending Section 16 of Chapter 16 ("Stormwater and Urban Runoff Pollution Control") of Title XI ("Zoning, Planning and Annexation") of the Milpitas Municipal Code to be consistent with the newly adopted Storm Drainage Impact Fee and the City's Development Impact Fee Program.

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 (10:15 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.