



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, FEBRUARY 20, 2024

CITY COUNCIL CHAMBER, 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_qP628luSSryC7d2WouwUAq

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 LEGAL COUNSEL – Existing Litigation

Pursuant to Government Code section 54956.9
Kevin Moscuza v. City of Milpitas, WCAB no. ADJ16972326
City as Defendant

(b) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Government Code § 54956.9
County Sanitation District 2-3, et al. v. City of San Jose, et al., Santa Clara Superior Court Case
number 18CV325480
City as Plaintiff

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 Barbadillo)

PRESENTATIONS (7:05 PM)

- 2023 Synopsys STEM Championship Winners
- Rare Disease Day (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 and March 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

C2. Approve City Council City Council Meeting Minutes of January 30 and February 6, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Meeting minutes of January 30 and February 6, 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. Consider Recommendations from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)**

Recommendation: Receive Mayor Montano's recommendations and confirm appointments to City Commissions.

- C5. Authorize and Approve Travel to Washington, D.C., for Councilmember Hon Lien from March 6 – 14, 2024; to Yosemite, CA, for Councilmember Anthony Phan from March 14 – 17, 2024; and to San Jose, CA, for Mayor Carmen Montano from March 15 – 16, 2024 (Staff Contact: Ned Thomas, City Manager, 408-586-3059)**

Recommendation: (1) Authorize and approve travel to Washington, D.C., for Councilmember Hon Lien to attend the National League of Cities Congressional City Conference from March 9 – 14, 2024, for a total not-to-exceed amount of \$3,500 budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings; (2) Authorize and approve travel to Yosemite, California, for Councilmember Anthony Phan to attend the CivicWell Policymakers Conference from March 14 – 17, 2024, for a total not-to-exceed amount of \$2,000 budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings; and (3) Authorize and approve travel to San Jose, California, for Mayor Carmen Montano to attend the Water Education for Latino Leaders (WELL) 12th Annual Conference from March 15 – 16, 2024, for a total not-to-exceed amount of \$400 budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings.

- C6. Summary of 2023 Legislative Efforts (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

Recommendation: Review and accept the 2023 Legislative Season Summary Report, including an update on potential 2024 State and Federal Earmark Requests.

- C7. Approve an Amendment to the Agreement with Cornerstone Structural Engineering Group for Additional Design and Construction Services for S. Milpitas Boulevard Bridge at Penitencia Creek (Staff Contact: Michael Silveira, Public Works - Engineering Division Manager, 408-586-3303)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Design Services Agreement with Cornerstone Structural Engineering Group in an amount not-to-exceed \$500,000.00 for additional design and construction services for S. Milpitas Boulevard Bridge at Penitencia Creek - Project No. 2016.

- C8. FY 2023-24 2nd Quarter Financial Status Report for the Quarter Ended December 31, 2023 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Review the FY 2023-24 Quarterly Financial Status Report for the quarter ended December 31, 2023.

- C9. Review Fiscal Year 2023-24 Mid-Year Report, Approve FY2023-24 Mid-year Budget Amendments, Adopt a Resolution Amending Resolution No. 1626, the Classification Plan, to Reclassify Positions, Approve and Adopt the Pay Schedule titled "New Job"**

Classifications/Salary Table (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; and Lauren Lai, Finance Director, 408-586-3111)

Recommendation: Review Fiscal Year 2023-24 Mid-Year Report; Approve FY2023-24 Mid-Year Budget Amendments; and adopt a resolution amending Resolution No. 1626, the Classification Plan, to reclassify positions, approve and adopt the pay schedule titled "New Job Classifications/Salary Table", and amend budgeted allocated positions.

- C10. Adopt a Resolution approving a new Memorandum of Understanding between the City of Milpitas and Milpitas Professional and Technical Group (ProTech) covering the period of July 1, 2023 through June 30, 2025 (Staff Contact: Kelli Parmley, Human Resources Director, 408-586-3086)**

Recommendation: Adopt a Resolution approving a new Memorandum of Understanding between the City of Milpitas and Milpitas Professional and Technical Group (ProTech) covering the period of July 1, 2023 through June 30, 2025.

- C11. Adopt a Resolution Superseding Resolution No. 9286 Correcting the Attached Conditions Of Approval for a previously approved Site Development Permit and PUD Amendment Permit to Develop a New One-and-a-Half Story Single-Family Residence and to Deviate from the Approved Designs, on a Vacant 1.1-acre Lot Located in the R1-H Single-family Residential Zoning District with a Hillside Combining District at 1321 Terra Vista Court (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Recommendation: Consider the exemption in accordance with CEQA and adopt a resolution superseding resolution No.9286 correcting the conditions of approval for a previously approved Site Development Permit No. SD22-0013 and Planned Unit Development Amendment No. PA23-0001 to allow the development of a new single-family residence at 1321 Terra Vista Court, subject to the attached Conditions of Approval.

- C12. 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.

- C13. Waive the Second Reading and Adopt Ordinance No. 239.8 to Amend Chapter 16 of Title XI of the Milpitas Municipal Code Relating to Storm Drainage Service Impact Fees (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: (1) Waive the second reading of Ordinance No. 239.8; and (2) Adopt Ordinance No. 239.8 to amend 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.

- C14. Approve Milpitas Arts and Culture Grant Request for Sunnyhills Neighborhood Association Juneteenth Event (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409; and Tegan McLane, Assistant Recreation and Community Services Director, 408-586-3212)**

Recommendation: Approve Milpitas Arts and Culture In-kind Grant request from Sunnyhills Neighborhood Association for the use of Sunnyhills Albert Augustine Jr. Memorial Park for a Juneteenth Celebration on June 15, 2024.

LEADERSHIP AND SUPPORT SERVICES (7:30 PM)

- 15. 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 (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)**

Recommendation: (1) 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; and (2) Make findings of exemption from environmental review pursuant to CEQA Guidelines Sections 15061(b)(3), 15183, 15305, and 15378.

- 16. 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, Assistant 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 (8:40 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.