



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, APRIL 2, 2024

CITY COUNCIL CHAMBER, 455 E. CALAVERAS BLVD, MILPITAS, CA

5:30 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.

Councilmember Barbadillo will participate remotely from:

The Westin Palace, Madrid

Plaza de las Cortes,7

Madrid, Spain 28014

Pursuant to California Government Code Section 54953

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_Fwz7kwu9QZesNCVKEyKSsA

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)

PLEDGE OF ALLEGIANCE

INVOCATION (Mayor Montano)

PRESENTATIONS (5:35 PM)

- Black April (Proclamation)
- Fair Housing Month (Proclamation)
- Cesar Chavez Day (Proclamation)
- Milpitas Concert Band Certificates of Recognition

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

RECESS TO SPECIAL JOINT SESSION (7:00 PM)

- See Separate Joint Session Agenda

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.

PUBLIC FORUM (7:30 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 (7:35 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 April 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

- C2. Approve City Council City Council Meeting Minutes of March 19, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve City Council Meeting minutes of March 19, 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 (Contact: Mayor Montano, 408-586-3024)**

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

- C6. Adopt a Resolution Releasing Unclaimed Checks with a Value Less than \$15.00 in the Aggregate Amount of \$141.91 (Staff Contact: Gabrielle Tsang, Acting Finance Director/Risk Manager, 408-586-3131)**

Recommendation: Adopt a resolution releasing unclaimed checks with a value less than \$15.00 and transfer a total of \$141.91 in unclaimed checks to the General Fund.

- C7. Adopt a Resolution Approving a Site Development Permit to Develop a New Two-Story Single-Family Residence on a Vacant 2.3-Acre Lot Located in the R1-H Single-family Residential Zoning District with a Hillside Combining District at 500 Vista Spring Court (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Recommendation: Consider the exemption in accordance with CEQA and adopt a resolution approving Site Development Permit No. SD23-0005 to allow the development of a new single-family residence at 500 Vista Spring Court, subject to the attached Conditions of Approval.

- C8. 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.

- C9. Approve and Authorize the City Manager to Execute a Software License and Professional Services Agreement with CivicPlus LLC for SeeClickFix Subscription Services (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 CivicPlus, LLC, for SeeClickFix subscription services for a total amount not-to-exceed \$121,048.24, subject to the annual appropriation of funds.

- C10. Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to McKim Corporation for Street Resurfacing 2024 Project No. 4283, 4304, 4305; and Approve Budget Change Form (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 approve project plans & specifications; Award the construction contract to the lowest responsible, and responsive bidder, McKim Corporation, in the amount of \$3,328,125.94 for the Street Resurfacing 2024 Project No. 4283, 4304, 4305; authorize the City Manager to execute the construction contract with McKim Corporation; authorize the City Engineer to negotiate and execute Contract Change Order(s) in an aggregate amount not to exceed \$499,218.90 for the project; and approve the Budget Change Form to appropriate funding for CIP 4304 and CP 4305.

- C11. Adopt a Resolution Granting Acceptance of the Street Resurfacing 2023 Project, Project No. 4283, 4303, & 4304, Authorizing the City Engineer to file a Notice of Completion and Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Matt Cano, Assistant City Manager 408-586-3012; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: Adopt a resolution granting acceptance of the Street Resurfacing 2023 Project, Project No. 4283, 4303, & 4304, authorizing the City Engineer to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty.

- C12. Adopt a Resolution to Approve Project Plans & Specifications, Award the Construction Contract with Mark Lee and Yong Kay, Inc., Dba Bay Construction Co., Authorize Design Services Agreement Amendment No. 1 to the with Callander Associates Landscape Architecture, Inc. for ARPA Parks Rehabilitation, Project Nos. 3500, 3501, 5110 (Staff: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: (1) Adopt a Resolution to approve project plans & specifications; (2) award the construction contract to the lowest responsible bidder submitting a responsive bid, Mark Lee and Yong Kay Inc, Dba Bay Construction Co., in a total amount of \$2,532,000; (3) authorize the City Manager to execute the construction contract with Mark Lee and Yong Kay Inc, Dba Bay Construction Co., (4) authorize the Public Works Director to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$380,000; and (5) approve and authorize the City Manager to execute Amendment No. 1 to the Design Services Agreement with Callander Associates Landscape Architecture, Inc. for Sinnott Park Playground design in the amount of \$75,000 for ARPA Parks Rehabilitation Phase 2, Project Nos. 3500, 3501, 5110.

PUBLIC HEARINGS (8:00 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.

- 13. Conduct a Public Hearing and Adopt a Resolution for the Summary Vacation of a Portion of the Existing Public Right-of-Way on Houret Court for the Benefit of a Residential Project Located at 1752 Houret Court (Staff Contact: Matt Cano, Assistant City Manager 408-586-3012; and Arthur Valderrama, Principal Civil Engineer, 408-586-3355)**

Recommendation: Conduct a public hearing; and adopt a resolution for the summary vacation of a portion of the existing Public Right-of-Way on Houret Court.

LEADERSHIP AND SUPPORT SERVICES (8:30 PM)

14. Introduce Ordinance 314, Adding Chapter 15 (“Residential Trespass, Canvassing and Solicitation”) to Title V (“Public Health, Safety and Welfare”) of the Milpitas Municipal Code (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)

Recommendation: (1) Following the City Attorney reading aloud the title, move to waive the reading beyond the title and introduce Ordinance 314, which would add Chapter 15 to Title V of the Milpitas Municipal Code to prohibit the trespass of canvassers, solicitors and others on residential property; and (2) Make findings of exemption from environmental review pursuant to CEQA Guidelines Sections 15061(b)(3), 15183, 15305, and 15378.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (9:00 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 (9:05 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.