



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, APRIL 16, 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, unless the City Council approves remote public comment. 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 unless the City Council approves remote public comment. To watch via Zoom, please register at:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_Lir5aegWQJyWWwPlcC294w

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)

AB 2449

1. **Consider Councilmember Anthony Phan's Request to Appear Remotely Pursuant to AB 2449 and Authorize the Council to Accept Public Comments Remotely at the April 16, 2024, Meeting of the Milpitas City Council (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040; Suzanne Guzzetta, 408-586-3001)**

Recommendation: Receive disclosure from Councilmember Phan regarding the nature of the medical emergency or just cause circumstances. Vote on a motion as to whether to allow Councilmember Phan to appear remotely pursuant to AB2449 and to allow remote public comment at the April 16, 2024 meeting of the Milpitas City Council.

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 (Mayor Montano)

PRESENTATIONS (7:05 PM)

- Earth Day (Proclamation)
- Arbor Day (Proclamation)
- National Public Safety Telecommunicators Week - April 14-20 (Proclamation)

PUBLIC FORUM (7:10 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 (7:15 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.

- C2. Receive City Council Calendar of Meetings for April and May 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

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

- C3. Approve City Council Regular and Special Meeting Minutes of April 2, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve City Council Regular and Special Meeting minutes of April 2, 2024.

- C4. 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.

- C5. 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.

- C6. Consider Recommendations from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)**

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

- C7. Reallocation of American Rescue Plan Act Funds (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3053)**

Recommendation: (1) Approve the reallocation of funding within the American Rescue Plan Act Fund and the General Fund to ensure completion of the programs in the ARPA Investment Plan previously approved by Council; and (2) Adopt the resolution authorizing the reallocation of funding within the American Rescue Plan Act fund balance as of March 31, 2024, and the General Fund to fund certain City staff positions during Fiscal Year 2023-2024 and to ensure completion of programs in the ARPA Investment Plan previously approved by Council.

- C8. Receive Report on American Rescue Plan Act Funding for Rent and Mortgage Relief Program and Approve Transfer of \$216,125.00 in Mortgage Relief Funds to Rent Relief (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing Division Manager, 408-586-3275)**

Recommendation: Receive report on American Rescue Plan Act (ARPA) funding for Rent and Mortgage Relief Program and approve transfer of \$216,125.00 in Mortgage Relief Funds to Rent Relief.

- C9. Receive the July - December 2023 Report for Unhoused Services (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Robert Musallam, Housing Division Manager, 408-586-3275)**

Recommendation: Receive the July – December 2023 report for unhoused services.

- C10. Approve and Authorize the City Manager to Execute a Three-Year Professional Services Agreement with Berry, Dunn, McNeil & Parker LLC for Enterprise Resource Planning Consulting**

Services (Staff Contact: Gabrielle Tsang, Interim Finance Director 408-586-3131; and Kelli Parmley, Human Resources Director 408-586-3086)

Recommendation: Approve a three-year professional services agreement with Berry, Dunn, McNeil & Parker LLC for Enterprise Resource Planning (ERP) Consulting Services for a not-to-exceed amount of \$375,500.00, authorize the City Manager to execute the contract, with additional authority to approve an optional two years and changes up to 10%.

C11. Approve and Authorize the City Manager to Execute an Amendment to the Professional Services Agreement with Ascent Environmental for Consultant Services Related to Preparation of the Gateway-Main St. Specific Plan (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: (1) Approve an amendment to the Professional Services Agreement with Ascent Environmental for consultant services related to preparation of the Gateway-Main St. Specific Plan; (2) Approve a Budget Appropriation of \$90,000.00 from the Community Planning Fund into Capital Improvement Program Project No. 3437; and (3) Authorize the City Manager to execute the amended agreement.

C12. Authorize the City Manager to Execute the Grant Agreement with the County of Santa Clara to Accept the 2023 State Homeland Security Grant Program Award and Approve a Budget Appropriation in the Amount of \$105,205.00 to the Police Department's FY 2023-24 Operating Budget (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)

Recommendation: Authorize the City Manager to execute the Grant Agreement with the County of Santa Clara to accept the 2023 State Homeland Security Grant Program Award and approve a budget appropriation in the amount of \$105,205.00 to the Police Department's FY 2023-24 Operating Budget.

C13. 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.

C14. Approve a Three-Year Agreement with Portford Solutions for Licensing, Maintenance, and Support of ApplicationXtender Document Management Software and Authorize the City Manager to Execute the Contract (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)

Recommendation: Approve a three-year agreement with Portford Solutions for the licensing and maintenance and support services related to ApplicationXtender for the not-to-exceed amount of \$118,150.19 and authorize the City Manager to execute the agreement.

C15. Consider One Donation Request from Milpitas Community Education Endowment, Inc. (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: Approve a donation request of \$500.00 for Milpitas Community Education Endowment, Inc. for their annual fundraiser on Friday, April 26, 2024.

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.

16. **Conduct a Public Hearing and Adopt a Resolution Approving Site Development Permit, Density Bonus Permit and Environmental Assessment and Allow the Development of Two Multi-Family Residential Buildings at 1300 South Main Street (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Recommendation: (1) Conduct a public hearing on the development of two multi-family residential buildings with 118 below-market rate (100% affordable); (2) Consider the project to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section §15332 (Class 32: In-Fill Projects) and, as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and (3) Adopt a resolution to approve Site Development Permit No. SD22-0015, Density Bonus Permit No. DB23-0011 and Environmental Assessment No. EA23-0015, subject to the findings and Conditions of Approval.

17. **Conduct a Public Hearing and Adopt a Resolution Approving the Proposed 2025-2029 Capital Improvement Program (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: Conduct a public hearing and adopt a resolution approving the 2025-2029 Capital Improvement Program.

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: 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.