



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MAY 7, 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, 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_rRYF0GcxRjSD1smr8iafsA

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 (Vice Mayor Chua)

PRESENTATIONS (7:05 PM)

- Affordable Housing and Building Safety Month (Proclamation)
- National Mental Health Awareness Month (Proclamation)
- Older Americans Month (Proclamation)
- Distracted Driving Awareness Month (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.

C1. Receive City Council Calendar of Meetings for May 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

C2. Approve City Council City Council Meeting Minutes of April 16, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Meeting minutes of April 16, 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. Adopt a Resolution Approving a Memorandum of Understanding between the City of Milpitas and Milpitas Police Officers Association (MPOA) Covering the Period of January 1, 2024 through December 31, 2026 (Staff Contact: Kelli Parmley, Human Resources Director, 408-586-3086)**

Recommendation: Adopt a resolution approving a Memorandum of Understanding between the City of Milpitas and Milpitas Police Officers Association (MPOA) covering the period of January 1, 2024 through December 31, 2026.

- C6. Approve and Authorize the City Manager to Execute the Purchase Order with Code 3 Technology for Fire Mobile Computer Replacement (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

Recommendation: Approve and authorize the City Manager to execute the purchase order with Code 3 Technology for 27 Getac ruggedized laptop computers for a total amount not-to-exceed \$152,507.45.

- C7. Approve Amendments to the Subscription and Services Agreement with RideCo for Milpitas SMART (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Recommendation: (1) Approve amendments to the subscription and services agreement with RideCo for Milpitas SMART; and (2) Authorize the City Manager to execute the amended agreement.

- C8. Adopt Resolutions Approving the Annual Engineer's Report and Declaring Intention to Levy and Collect Assessments, and Provide Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 95-1 - McCarthy Ranch (Staff Contact: Michael Silveira, City Engineer, 408-586-3303; and Roberto Alonzo, Public Works Division Manager - Engineering, 408-586-3316)**

Recommendation: Adopt a resolution approving the Annual Engineer's Report, adopt a resolution declaring its intention to levy and collect assessments, and provide notice of public hearing to be held on June 4, 2024, for Landscaping and Lighting Maintenance Assessment District No. 95-1 - McCarthy Ranch.

- C9. Adopt Resolutions Approving the Annual Engineer's Report and Declaring Intention to Levy and Collect Assessments, and Provide Notice of Public Hearing for Landscaping and Lighting Maintenance Assessment District No. 98-1 - Sinclair Horizon (Staff Contact: Michael Silveira, City Engineer, 408-586-3303; and Roberto Alonzo, Public Works – Engineering Division Manager, 408-586-3316)**

Recommendation: Adopt a resolution approving the Annual Engineer's Report, adopt a resolution declaring its intention to levy and collect assessments, and provide notice of public hearing to be held on June 4, 2024, for Landscaping and Lighting Maintenance Assessment District No. 98-1 - Sinclair Horizon.

- C10. Adopt a Resolution Designating Street Resurfacing 2024-2025, Project No. 4300 to be Funded by California Senate Bill 1 - The Road Repair and Accountability Act of 2017 (Staff Contact: Michael Silveira, City Engineer, 408-586-3303; and Roberto Alonzo, Public Works Division Manager – Engineering, 408-586-3316)**

Recommendation: Adopt a resolution designating Street Resurfacing 2024-2025, Project No. 4300 to be Funded by California Senate Bill 1 - The Road Repair and Accountability Act of 2017.

- C11. Authorize the City Manager to Accept the CalRecycle Grant and Approve Related Budget Amendment (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2603; and Elaine Marshall, Deputy Public Works Director, 408-586-2603)**

Recommendation: Authorize the City Manager to accept grant funding from CalRecycle's Senate Bill 1383 Local Assistance Grant and approve related budget amendment for revenues in the amount of \$217,999.00 for the Solid Waste Fund (Fund 280) for FY 2024-25.

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. Approve Design for Dixon Landing Public Art Project (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 artist Lacey Bryant's design for Dixon Landing Park public art mural.

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.

14. Conduct a Public Hearing on an Appeal of the Planning Commission's Decision to Deny Conditional Use Permit No. UP23-0013 to Allow for the Retail Sales of Tobacco Products at 1225 Jacklin Road (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: (1) Conduct a public hearing and move to close the hearing following comments; (2) Consider the project to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and (3) Adopt a Resolution upholding or overturning the appeal and overturning the Planning Commission's decision to deny Conditional Use Permit No. UP23-0013 to allow for the retail sales of tobacco products within an existing 870-square-foot tenant space of a 9,960-square-foot multi-tenant commercial building located on a 0.9-acre site located at 1225 Jacklin Road within the C1 Neighborhood Commercial Zoning District.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (8:20 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 (8:30 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.