REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MAY 21, 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

** To access written translation during the meeting, scan the QR Code.*

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_n6YZJlq1QjmkJMDhqkVIng

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) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957
Position: City Manager

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 (Vice Mayor Chua)

PRESENTATIONS (7:05 PM)

- Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Heritage Month (Proclamation)
- Public Works Week (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 and June 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

C2. Approve City Council City Council Meeting Minutes of May 7, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Meeting minutes of May 7, 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. Authorize the Reallocation of Money Appropriated in the FY 2023-2024 Budget from the Legacy Special Council Provider to the Current Special Council Provider and Approve and Authorize the City Attorney and City Manager to Execute an Amendment to the Contract with Meyers Nave for Contracted Outside Counsel (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)

Recommendation: (1) Authorize the reallocation of money appropriated in the FY-23/24 budget from the legacy special council provider to the current special council provider and approve; (2) Approve an amendment to the contract with Meyers Nave for contracted outside counsel in the amount of $90,000; and (3) Authorize the City Attorney and City Manager to execute the amended agreement.

C6. Confirm Chamber of Commerce Appointment to the Economic Development and Trade Commission (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3004)

Recommendation: Receive the Chamber of Commerce recommendation for appointment to the Economic Development and Trade Commission and confirm appointment.

C7. Receive Summary of 2024 Earmark Requests (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Recommendation: Accept the report outlining the City of Milpitas' 2024 State and Federal Earmark Requests.

C8. Adopt a Resolution Accepting Public Improvements and Approve a Reduction of Faithful Performance Bond for Public Improvements for the RCD Housing Project Located at 355 Sango Court (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; Michael Silveira, City Engineer, 408-586-3303; and Roberto Alonzo, Public Works Division Manager – Engineering, 408-586-3316)

Recommendation: Adopt a resolution granting acceptance of the completed public improvements for the RCD Housing Project as shown on Public Improvement Plans No. 2-1386; and approve a reduction in the faithful performance bond to $396,275.75, which is 25% of the security's original value for the public improvements construction cost and shall be in effect for the duration of the warranty period; and grant authorization to the City Engineer to release the remaining portion of the performance bond after the one-year warranty period without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

C9. Receive and Approve the Calendar Year 2023 Controlled Equipment Annual Report (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)

Recommendation: Receive and approve the Calendar Year 2023 Controlled Equipment Annual Report.

C10. Adopt a Resolution Accepting ARPA Park Rehabilitation Phase 1, Project No. 3500, Authorizing the Public Works Director to File a Notice of Completion, and Authorize the City to issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: Adopt a resolution granting acceptance of ARPA Park Rehabilitation Phase 1, Project No. 3500, authorizing the Public Works Director to file a Notice of Completion, and authorizing

the Public Works Director to issue a Notice of Final Acceptance after the one-year warranty.

C11. Receive Final Update on Storm Drain System Emergency Repairs and Improvements at Evans Road and Piedmont Creek, Terminate the Emergency Declaration, and Adopt a Resolution Granting Acceptance of the Emergency Declaration - Storm Drain System Repairs and Improvements (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: (1) Receive an update on the emergency repairs and improvements at Evans Road and Piedmont Creek; (2) Approve the termination of the emergency declaration; and (3) Adopt a resolution granting acceptance of Storm Drain System Repairs and Improvements at Evans Road and Piedmont Creek, Project No. 24-044 and 24-045, and authorizing the Public Works Director to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty.

C12. Approve Agreements and Related Amendments with the County of Santa Clara for the Collection of AB939 Implementation Fees and Administration of the Countywide Household Hazardous Waste (HHW) Collection Program (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Elaine Marshall, Deputy Public Works Director, 408-586-2603)

Recommendation: Approve and authorize the City Manager to execute two agreements and related amendments with the County of Santa Clara for (1) Collection of AB939 Implementation Fees and (2) Administration of the Countywide Household Hazardous Waste (HHW) Collection Program for the term July 1, 2024 – June 30, 2027.

C13. Approve a Professional Service Agreement with Backflow Prevention Specialists, Inc. for the Backflow Hazard Assessment Survey (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

Recommendation: Approve and authorize the City Manager to execute a Professional Service Agreement with Backflow Prevention Specialists, Inc. in the amount of $121,394.00 for the Backflow Hazard Assessment Survey.

C14. Consider Fee Waiver Requests from the Samuel Ayer High School Alumni Association, Rotary Club of Milpitas, and LEAD Filipino, and a Donation to the Sunnyhills Neighborhood Association (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: (1) Approve a fee waiver of $1,500.00 for the Samuel Ayer High School 24th Annual Reunion at Murphy Park on September 21, 2024; (2) Approve a fee waiver of $522.50 for the Rotary Club of Milpitas Fundraiser “A Rose for You” on May 19, 2024; (3) Approve a fee waiver of $93.00 for the LEAD Filipino Yoga event at Delano Manongs Park Filed on June 9, 2024; and (4) Approve a donation of $500.00 for the Sunnyhills Neighborhood Association Milpitas Juneteenth 2024 event at Sunnyhills Albert Augustine, Jr. Memorial Park on June 15, 2024.

C15. Approve the Community Heroes Program City Council Policy (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: Approve the Community Heroes City Council Policy.

PUBLIC HEARINGS (7:20 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. Approve the Conceptual Designs for South Milpitas Boulevard Road Extension, Project No. 2016, and Montague Pedestrian Overcrossing at Penitencia Creek, Project No. 2018; and Adopt a

Resolution Adopting the Initial Study Mitigated Negative Declaration for South Milpitas Boulevard Road Extension, Project No. 2016 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

Recommendation: (1) Approve the conceptual designs for the South Milpitas Boulevard Road Extension, Project No. 2016, and the Montague Pedestrian Overcrossing at Penitencia Creek, Project No. 2018; (2) Conduct a public hearing for the South Milpitas Boulevard Road Extension, Project No. 2016; (3) Adopt a resolution to adopt the Initial Study/Mitigated Negative Declaration for the South Milpitas Boulevard Road Extension, Project No. 2016; (4) Authorize the Public Works Director to file a Notice of Determination for South Milpitas Boulevard Road Extension, Project No. 2016, in accordance with CEQA Guidelines Section 15075. (5) Find that the Montague Pedestrian Overcrossing at Penitencia Project meets all the requirements for a Statutory Exemption under Public Resources Code section 21080.25 and is therefore, is statutorily exempt from environmental review under CEQA; and (6) Authorize the Public Works Director to file a Notice of Exemption for Montague Pedestrian Overcrossing, Project No. 2018 in accordance with CEQA guidelines section 15062.

17. Adopt a Resolution Approving the Fiscal Year 2024-25 User and Regulatory Fee Schedule (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)

Recommendation: Conduct a public hearing and adopt a resolution approving the Fiscal Year 2024-25 User and Regulatory Fee Schedule.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:30 PM)

18. Presentation from Bay Area Air Quality Management District Staff on the Results of the South Bay Odor Attribution Study (Staff Contact: Christian Di Renzo, 408-586-2602, Public Works Director; and Elaine Marshall, Deputy Public Works Director, 408-586-2603)

Recommendation: Receive a presentation from Bay Area Air Quality Management District Staff on the Results of the South Bay Odor Attribution Study.

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.