



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL



AGENDA

TUESDAY, AUGUST 13, 2024
MILPITAS COMMUNITY CENTER AUDITORIUM
457 E. CALAVERAS BLVD, MILPITAS, CA
5:30 PM

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 Milpitas Community Center Auditorium,
457 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_JcGKwlqeTUGDQeogblXuuQ

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)

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

(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957
Position: City Attorney

(c) 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 (Councilmember Barbadillo)

PRESENTATIONS (6:30 PM)

- National Night Out Commendations for Police Chief, Fire Chief and Block Captains
- American Muslim Appreciation & Awareness Month (Proclamation)

PUBLIC FORUM (6:35 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 (6:45 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 August 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

- C2. Approve City Council Meeting Minutes of June 18, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve City Council Meeting minutes of June 18, 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. Approve Report of Actions Taken by the City Manager During the City Council Summer Recess from June 18 through August 13, 2024 (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

Recommendation: Approve report of actions taken by the City Manager during the City Council Summer Recess from June 18 through August 13, 2024.

- C6. Consider the Recommendation from Mayor Montano for Appointments to City Commissions and to the Santa Clara Valley Transportation Authority Bicycle and Pedestrian Advisory Committee (Contact: Mayor Montano, 408-586-3024)**

Recommendation: (1) Receive the recommendation from Mayor Montano and approve appointments to City Commissions; and (2) Appoint Milpitas Resident Ricky Davis as the Milpitas Representative to the Santa Clara Valley Transportation Authority's Bicycle and Pedestrian Advisory Committee (BPAC) for a two-year term.

- C7. Authorize the City Attorney and City Manager to Execute a Contract with Meyers Nave for Contracted Outside Litigation Services (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)**

Recommendation: Authorize the City Attorney and City Manager to execute a contract with Meyers Nave for contracted outside litigation services.

- C8. Approve Additions to the City Naming Lists for New Streets (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Approve the addition of Passage, Escapade, and Voyage to the City's Naming List for Streets.

- C9. Approve Updates to the Community Advisory Commission Bylaws, and Approve Changing the Commission Name (Staff Contact: Robert Musallam, Housing Official, 408-586-3275; and Sarah Balcha, Senior Administrative Analyst 408-586-3268)**

Recommendation: (1) Approve updates to the Community Advisory Commission Bylaws; and (2) approve Commission name change to the Community Housing Commission.

- C10. Receive Report on Rent Relief Program, Approve an Agreement with FORWARD to Administer**

the Program, and Approve Programmatic Updates (Staff Contact: Robert Musallam, Housing Official, 408-586-3275)

Recommendation: (1) Receive report on Rent Relief Program, (2) approve transfer of \$763,000 from the State Budget for Homelessness Prevention and Unhoused Services to the Rent Relief Program; (3) authorize the City Manager to execute a Professional Services Agreement, approved by the City Attorney, with FORWARD to administer the Rent Relief Program in an amount not-to-exceed \$763,000, and (4) approve Rent Relief Programmatic updates.

C11. Approve an Agreement with Peninsula Pump & Equipment Inc. for Wet Well Cleaning Services (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: Approve and authorize the City Manager to execute an agreement with Peninsula Pump & Equipment Inc. for a five-year term in an amount not-to-exceed \$324,060 to provide wet well cleaning services, subject to the annual appropriation of funds.

C12. Adopt a Resolution to Accept the Grant Award from the Metropolitan Transportation Commission and Approve an Agreement with O'Dell Engineering, Inc. for Consultant Services Related to the Innovation District Parks and Trails Master Plan (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: Adopt a resolution to accept a grant award of \$200,000 from the Metropolitan Transportation Commission, award RFP No. 24-126, and authorize the City Manager to execute a Professional Services Agreement with O'Dell Engineering, Inc. for consultant services related to the Innovation District Parks and Trails Master Plan in the amount of \$198,178.

C13. Approve the Final Map and Authorize the City Manager to Execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast, LLC for a Residential Project at 1951 Tarob Court and 675 Trade Zone Boulevard (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; Michael Silveira, City Engineer, 408-586-3303)

Recommendation: (1) Approve Final Map, Tract No. 10614, including all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and (2) Approve and authorize the City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast, LLC, for a Residential Project at 1951 Tarob Court and 675 Trade Zone Boulevard.

C14. Consider Fee Waiver Requests from the Filipino American Real Estate Professional Association and Saint Elizabeth Church (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: (1) Approve a Fee Waiver of \$1,500 for the Filipino American Real Estate Professional Association Crossroads of Culture Dinner and Fundraiser at the Community Center Auditorium on August 22, 2024; and (2) Approve a Fee Waiver of \$1045.27 for the St. Elizabeth Church Family Festival at the St. Elizabeth Church Parking Lot on September 22, 2024.

C15. Approve 2024 Youth Advisory Commission Scholarship Awards (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: Approve three Youth Advisory Commission Community Service Scholarships of \$750 each and authorize a budget appropriation of \$2,250 from the Youth Holding Account to the Recreation and Community Services Department operating budget.

C16. Approve a Milpitas StoryWalk Initiative Installation at Murphy Park and Authorize the City Manager to Execute a Memorandum of Understanding with Santa Clara County Library District

for the Initiative Partnership (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: Approve a Milpitas StoryWalk Initiative Installation at Murphy Park at no cost to the City and Authorize the City Manager to Execute a Memorandum of Understanding, approved as to form by the City Attorney, with Santa Clara County Library District for the Initiative Partnership.

PUBLIC HEARINGS (7:00 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.

17. Conduct a Public Hearing, Adopt Resolutions Approving a Site Development Permit, Conditional Use Permit, and Environmental Assessment, and Introduce an Ordinance Establishing a Development Agreement to Allow the Development of a New Private Middle/High School at 1323 Great Mall Drive (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: (1) Conduct a public hearing; (2) Consider Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15064 and Public Resources Code Sections 21080(d) and 21082.2(d); (3) City Attorney shall read aloud title of the Ordinance; (4) Move to waive the first reading beyond the title and introduce Ordinance 38.856 approving a Development Agreement between the City of Milpitas and Store Master Funding IV, LLC; (5) Adopt a resolution to approve Conditional Use Permit No. UP23-0008, including Exhibit 1 to the resolution: Conditions of Approval; and (6) Adopt a resolution to approve Site Development Permit No. SD23-0012, including Exhibit 1 to the resolution: Conditions of Approval and Environmental Assessment No. EA24-0001, to approve an Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15064 and Public Resources Code Sections 21080(d) and 21082.2(d), including Exhibit 2 to the resolution: Mitigation Monitoring and Reporting Program (MMRP).

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (8:00 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 (8:05 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.