



REGULAR MEETING OF THE MILPITAS CITY COUNCIL



AGENDA

TUESDAY, OCTOBER 1, 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

** 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_LCPzqApbTtaW9rEh6fmYEA

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) 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) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Existing Litigation Pursuant to Government Code § 54956.9(d)(2)
In the Matter of *McHarris vs. City of Milpitas*, Superior Court of California, County of Santa Clara,
Case No. 23CV427505
City as Defendant

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)

- Fire Prevention Week - October 6-12 (Proclamation)
- Indigenous Peoples' Day - October 14 (Proclamation)
- Hindu American Awareness and Appreciation Month (Proclamation)
- California Clean Air Day (Proclamation)
- Youth Essay Contest Certificates

PUBLIC FORUM (7:20 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 (7:25 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 October 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

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

- C2. Approve City Council Meeting Minutes of September 17, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve City Council Meeting minutes of September 17, 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. Review and Accept the 2024 Legislative Season Action Report, Including an Update on 2024 State and Federal Earmark Requests (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

Recommendation: Review and accept the 2024 Legislative Season Action Report, including an update on 2024 State and Federal Earmark Requests.

- C6. Approve Travel to Long Beach, CA, for Mayor Carmen Montano and City Manager Ned Thomas to Attend the League of California Cities Annual Conference and Expo to be Held on October 16 – 18, 2024 (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

Recommendation: (1) Authorize and approve travel to Long Beach, CA, for Mayor Carmen Montano to attend the League of California Cities Annual Conference and Expo, from October 16 – 18, 2024, for a not-to-exceed amount of \$3,000; and (2) Authorize and approve travel to Long Beach, CA, for City Manager Ned Thomas to attend the League of California Cities Annual Conference and Expo, from October 16 – 18, 2024, for a not-to-exceed amount of \$3,000.

- C7. Adopt a Resolution Approving the FY 2024-25 Development and Storm Impact Fee Schedule (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)**

Recommendation: Item has been taken off calendar.

- C8. FY 2023-24 Fourth Quarter Financial Status Report, Fund Balances and Related Budget Actions to Close FY 2023-24 (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)**

Recommendation: (1) Review and accept the FY 2023-24 Quarterly Financial Status Report for the quarter ending June 30, 2024 (unaudited); and (2) Approve related budget actions to close FY 2023-24

- C9. Authorize the City of Milpitas to Join with Other Public Agencies as a Shareholder of the California Asset Management Trust (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)**

Recommendation: (1) Adopt a resolution for the City of Milpitas to join with other Public Agencies as a Shareholder of the California Asset Management Trust, a Joint Powers Authority, to invest in shares of the Trust; and (2) Authorize the City Manager, the Assistant City Manager and the Finance Director or

their designees to execute any required documents, including the California Asset Management Trust Declaration of Trust.

- C10. Adopt a Resolution Approving a Site Development Permit and PUD Amendment Permit to Develop a New One-and-a-Half Story Single-Family Residence and to Deviate from the Approved Designs, on a Vacant 1-Acre Lot Located in the R1-H Single-Family Residential Zoning District with a Hillside Combining District at 1327 Terra Vista 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. SD23-0004 and Planned Unit Development Amendment No. PA24-0001 to allow the development of a new single-family residence at 1327 Terra Vista Court, subject to the attached Conditions of Approval.

- C11. Adopt a Resolution to Approve Project Agreement and Specifications and Authorize the City Manager to Execute an Agreement with West Coast Arborists, Inc., for Tree Maintenance Services (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Adopt a resolution to (1) approve project agreement and specifications; (2) authorize a three-year agreement to the most responsive, responsible proposer, West Coast Arborists, Inc., in an annual not-to-exceed amount of \$480,000, for a total not-to-exceed amount of \$1,440,000; and (3) authorize the City Manager to execute the agreement with West Coast Arborists, Inc., subject to the annual appropriation of funds.

- C12. Authorize the City Manager to Execute the Fee Reimbursement Agreement for Sanitary Sewer Sectional Liner Improvements at the Frontage of the 1355 California Circle Project by Pulte Home Company, LLC (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: (1) Authorize the City Manager to Execute the Fee Reimbursement Agreement for Sanitary Sewer Sectional Liner Improvements at the 1355 California Circle Project by Pulte Home Company, LLC; and (2) Approve budget appropriation in the amount of \$551,995.20 to the non-departmental operating budget in the Sewer Infrastructure Fund.

- C13. Adopt a Resolution Authorizing the Purchase of a Cleaning and Excavation Truck from Owen's Equipment through a Sourcwell Cooperative Purchase Agreement (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Adopt a resolution authorizing the purchase of a cleaning and excavation truck for the Public Works Department from Owen's Equipment through a Sourcwell Cooperative Purchase Agreement in an amount not-to-exceed \$677,713.

- C14. Receive an Update on the Security Improvements at the McCarthy Ranch Sewer Lift Station (Main Lift) 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 security improvements at the McCarthy Ranch Sewer Lift Station; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

COMMUNITY DEVELOPMENT (7:30 PM)

- 15. Receive a Progress Report and Provide Feedback to Staff on Topics and Policy Considerations Related to Phase 2 of the Comprehensive Zoning Ordinance Update (Staff Contact: Jay Lee,**

Planning Director, 408-586-3077; and Holly Pearson, Senior Special Projects Associate, 408-609-0072)

Recommendation: Receive a progress report on work completed to date on Phase 2 of the Comprehensive Zoning Ordinance Update and provide feedback to staff on key issues and policy considerations for Phase 2 of the zoning update work.

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.