



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND HOUSING AUTHORITY



AGENDA

TUESDAY, DECEMBER 3, 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_pjMeA0yNR_i6Y9xUt2dIXw

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 LEGAL COUNSEL

Existing Litigation Pursuant to Government Code § 54956.9(d)(2):
Brian Bruce v. City of Milpitas, WCAB case number ADJ 13140823.

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 Lien)

PRESENTATIONS (7:05 PM)

1. **Receive Report on Manufacturing Day 2024 and Issue Commendation Certificates (Staff Contact: Alex Andrade, Economic Development and Strategic Initiatives Director, 408-586-3046)**

Recommendation: Receive report on Manufacturing Day 2024 and issue commendation certificates to event collaborators.

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.

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

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

- C3. **Approve City Council Special and Regular Meeting Minutes of November 19, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve City Council Special and Regular Meeting minutes of November 19, 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. Adopt a Resolution Delegating Authority to the City Manager or Designee to Approve and Execute Project-Related Documents and Urgent Administrative Items During the City Council Winter Recess (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Recommendation: Adopt a resolution delegating authority to the City Manager, or their designee, to approve and execute project-related documents, including contract documents and urgent administrative items during the City Council and City of Milpitas Housing Authority winter recess from the last City Council meeting held on December 10, 2024 through January 7, 2025.

C7. Adopt a Resolution Updating the Conflict of Interest Code and Amending the List of Designated Positions Requiring Disclosure (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001; and Michael Mutalipassi, City Attorney, 408-586-3041)

Recommendation: Adopt a resolution updating the City of Milpitas Conflict of Interest Code, including the list of designated positions required to annually file the FPPC Form 700 Statement of Economic Interests.

C8. Approve and Authorize the City Manager to Execute Amendment No. 3 to the Professional Services Agreement with Liebert Cassidy Whitmore to Provide Essential Labor Relations and Other Services (Staff Contact: Kelli Parmley, Human Resources Director, 408-586-3086)

Recommendation: Approve and authorize the City Manager to execute Amendment No.3 to the Professional Services Agreement with Liebert Cassidy Whitmore (LCW) for an additional agreement amount of \$200,000, subject to the annual appropriation of funds.

C9. Adopt a Resolution to Approve a Cost-of-Living Salary Adjustment for the City Manager as Directed by the City Council (Staff Contact: Kelli Parmley, Human Resources Director, 408-586-3086)

Recommendation: Adopt a resolution to approve a 3% Cost-of-Living (COLA) salary adjustment for the City Manager as directed by the City Council.

C10. Consider Personnel Realignment to Support Department Operations (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: Adopt a resolution to approve the deletion of a vacant Associate Planner position and the addition of a Junior/Assistant Planner position in the Planning Department.

C11. Adopt a Resolution to Accept the Grant Award from and Approve an Agreement with the County of Santa Clara Public Health Department to Implement an Ordinance to Prevent Youth Access to Tobacco Products (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: Adopt a resolution to accept a grant award of \$22,997 from the County of Santa Clara Public Health Department and authorize the City Manager to execute an Agreement with the Santa Clara County Public Health Department for the Healthy Cities Program in the amount of \$22,997.

- C12. Adopt a Resolution Granting Acceptance of the Street Resurfacing Project 2024 and Project Nos. 4283, 4304, and 4305, Authorizing the City Engineer to File a Notice of Completion and Issue a Notice of Final Acceptance After the One-Year Warranty (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: (1) Adopt a resolution granting acceptance of the Street Resurfacing Project 2024 and Project Nos. 4283, 4304, and 4305; and (2) Authorize the City Engineer to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty.

- C13. 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.

LEADERSHIP AND SUPPORT SERVICES (7:30 PM)

- 14. Accept the City of Milpitas Annual Comprehensive Financial Report and Other Related Annual Audited Reports for the Fiscal Year Ended June 30, 2024 (Staff Contact: Luz Cofresi-Howe, Finance Director, 408-586-3111)**

Recommendation: Accept the City of Milpitas Annual Comprehensive Financial Report and other related annual audited reports for the fiscal year ended June 30, 2024.

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.