



REGULAR MEETING OF THE MILPITAS CITY COUNCIL



AGENDA

TUESDAY, JANUARY 7, 2025

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_I1RvOy7HSKOU_rqLqOKIFw

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 NEGOTIATOR

City's negotiator: Kelli Parmley, Human Resources Director
Organization(s) representing: Unrepresented

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)

PUBLIC FORUM (7:05 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 (7:10 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 January 2025 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendar of Meetings for January 2025.

C2. Approve City Council City Council Meeting Minutes of December 10, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Meeting minutes of December 10, 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. Consider Mayor's Appointments of City Councilmembers as Liaisons to City Commissions, City Subcommittees, and Outside Agency Boards and Committees (Contact: Mayor Carmen Montano, 408-586-3024)

Recommendation: Consider Mayor's appointments of City Councilmembers as liaisons to City Commissions, City Subcommittees, and outside agencies, boards and committees, and move to confirm those appointments.

C6. Authorize and Approve Out-of-State Travel Request for Mayor Carmen Montano to Attend the U.S. Conference of Mayors 93rd Winter Meeting in Washington, D.C. (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Recommendation: Authorize and approve out-of-state travel to Washington, D.C., for Mayor Carmen Montano to attend the U.S. Conference of Mayors 93rd Winter Meeting to be held on January 16 20, 2025, for an estimated total not-to-exceed amount of \$5,900, budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings.

C7. Authorize and Approve Out-of-State Travel Request for Councilmember Evelyn Chua to Attend the U.S. Conference of Mayors 93rd Winter Meeting in Washington, D.C. (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Recommendation: Authorize and approve out-of-state travel to Washington, D.C., for Councilmember Evelyn Chua to attend the United States Conference of Mayors 93rd Winter Meeting to be held on January 16 20, 2025, for an estimated total not-to-exceed amount of \$5,800, budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings.

C8. Authorize and Approve Out-of-State Travel Request for Councilmember Hon Lien to Attend the U.S. Conference of Mayor's 93rd Annual Winter Meeting in Washington, D.C. (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Recommendation: Authorize and approve out-of-state travel to Washington, D.C., for Councilmember Hon Lien to attend the U.S. Conference of Mayors 93rd Winter Meeting to be held on January 16 20, 2025, for an estimated total not-to-exceed amount of \$5,000, budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings.

C9. Authorize and Approve Travel Requests for Mayor Montano, Councilmember Chua, Councilmember Lien, and Councilmember Lam to Sacramento, CA (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Recommendation: Authorize and approve the travel to Sacramento, CA, for Mayor Carmen Montano, Councilmember Evelyn Chua, Councilmember Hon Lien, and Councilmember William Lam to attend the League of California Cities *Mayors and Council Members Academy* to be held on January 22–24, 2025, for a combined estimated total not-to-exceed amount of \$6,400 budgeted under the Individual Elected Official allocation for Conferences/Meetings/Trainings.

C10. Adopt Ordinance 315 to Make Corrections, Clarifications and Minor Updates and Modifications to the Milpitas Municipal Code (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Recommendation: (1) Move to waive the second reading and adopt Ordinance No. 315 amending various sections of the Milpitas Municipal Code to make corrections, clarifications, minor updates and modifications; and (2) Make findings of exemption from environmental review pursuant to CEQA Guideline 15378(b)(4).

- C11. Approve and Authorize the City Manager or Designee to Negotiate and Execute an Agreement with KONE, Inc. for Library Garage Elevator Modernization (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Adopt a resolution to approve and authorize the City Manager, or their designee, to negotiate and execute a contract for an elevator modernization project for the Library Parking Garage with KONE, Inc. for \$464,660 with a contingency of \$56,401, subject to an executed amendment, for a total amount not-to-exceed \$521,061.

- C12. Approve and Authorize the City Manager or Designee to Negotiate and Execute a Design Services Agreement with Wilsey Ham for Force Main A Project, CIP No. 6137 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; Michael Silveira, City Engineer, 408-586-3303; and Luz Cofresí-Howe, Finance Director, 408-586-3111)**

Recommendation: (1) Approve and authorize the City Manager or designee to negotiate and execute, with approval of the City Attorney, a four-year Design Services Agreement with Wilsey Ham in an amount not to exceed \$1,460,412, (2) Delegate authority to the City Manager or designee to execute amendments and change orders as required to extend the Agreement and complete the work for up to a 15% contingency amount; and (3) Delegate authority to the Public Works Director or designee to amend Exhibit "C" entitled Project Schedule of the Agreement as required without additional approvals for the Force Main A Agreement, CIP Project No. 6137.

- C13. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Sunnyhills Investors LLC, for the Sunnyhills Apartments Project at 1724 Sunnyhills Court (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 Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Sunnyhills Investors LLC for the Sunnyhills Apartments Project at 1724 Sunnyhills Court.

- C14. Approve the Final Map and Authorize the City Manager to Execute the Subdivision Improvement Agreement with Toll West Coast, LLC, for a Residential Project at 612 South Main Street (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: (1) Approve the Final Map, Tract No. 10626, including all offers of dedications as stated and depicted 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 612 South Main Street.

- C15. 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.

PUBLIC HEARINGS (7:15 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. **Adopt a Resolution Certifying Election Results and Adding the Property Located at 612 South Main Street into Community Facilities District No. 2005-1 (Annexation No. 25) (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: Following receipt of election results from the City Clerk, adopt a resolution certifying election results and adding the property located at 612 South Main Street into Community Facilities District No. 2005-1 (Annexation No. 25).

COMMUNITY DEVELOPMENT (7:30 PM)

17. **Receive Progress Report on the Work Completed on the Milpitas Gateway-Main Street Specific Plan (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Recommendation: Receive progress report on the work completed from Ascent Environmental and staff on the Milpitas Gateway-Main Street Specific Plan.

LEADERSHIP AND SUPPORT SERVICES (8:30 PM)

18. **Adopt a Resolution Appointing Natalie Livezey as Part-Time Extra Help Senior Administrative Analyst (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811; and Kelli Parmley, Human Resources Director, 408-586-3086)**

Recommendation: (1) Adopt a resolution appointing Natalie Livezey as part-time extra help Senior Administrative Analyst in accordance with California Government Code sections 7522.56 and 21224; and (2) Approve and authorize the City Manager to execute an employment agreement with Natalie Livezey.

19. **Adopt Ordinance No. 316 Approving Measure J, the City of Milpitas Public Services Reauthorization Measure (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

Recommendation: (1) Adopt by a 4/5 vote Ordinance No. 316 approving Measure J, the City of Milpitas Public Services Reauthorization Measure, as approved by the voters, amending Chapter 4 of Title IX of the Municipal Code to impose a Transactions and Use Tax to be administered by the California Department of Tax and Fee Administration; and (2) Approve resolutions authorizing the City Manager to execute any and all documents, agreements, and instruments necessary to implement and effectuate the provisions of Measure J, including but not limited to those required for the administration and collection of the Transactions and Use Tax as established by Ordinance No. 316, and to take any other actions deemed necessary to ensure the successful implementation of this measure as approved by over 80% of the voters as well as for the review of confidential information.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (9:30 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 (9:35 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.