



REGULAR MEETING OF THE MILPITAS CITY COUNCIL



AGENDA

TUESDAY, MAY 6, 2025

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_WnBmVH_4RjOcU1kBGLt6mA

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 NEGOTIATOR

Pursuant to Government Code Section 54957.6
Agency's Designated Representative(s): Rick Bolanos, Liebert Cassidy Whitmore
Employee Organization(s): Professional and Technical Employees, Mid-Management and Confidential Employees, Milpitas Employees Association, Unrepresented Employees

(b) PUBLIC EMPLOYEE APPOINTMENT AND HIRING

Pursuant to Government Code Section 54957(b)(1)
Employee Position: City Attorney

(c) PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957(b)(1)
Employee Position: Acting City Attorney

(d) CONFERENCE WITH LEGAL COUNSEL

Pursuant to Government Code Section 54956.9(d)(1)
Existing Litigation: *City of Milpitas vs Dominic Chang et al.*, Santa Clara County Superior Court
Docket 24-CV-450646

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 Barbadillo)

PRESENTATIONS (7:05 PM)

- Building Safety Month (Proclamation)
- Older Americans Month (Proclamation)

PUBLIC FORUM (7:15 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 (7:20 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 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

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

Recommendation: Approve City Council Meeting minutes of April 2 and 15, 2025.

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: Receive the list of items that have been requested by City Councilmembers and received consensus in previous meetings to date.

C5. Consider Recommendations from Mayor Montano for Appointments to City Commissions (Contact: Mayor Carmen Montano, 408-586-3024)

Recommendation: Receive recommendations from Mayor Montano and approve recommendations for appointments to City Commissions.

C6. Adopt a Resolution and Increase Appropriation for the Annual Regional Wastewater Facility O&M and CIP Payments to the City of San Jose by \$2,027,512 (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: Adopt a resolution and increase the appropriation for the Annual Wastewater Facility O&M and CIP Payments to the City of San Jose by \$2,027,512.

C7. Approve an Amendment to the Professional Services Agreement with Lisa Wise Consulting, Inc. for the Comprehensive Zoning Ordinance Update (Staff Contacts: Holly Pearson, Senior Special Projects Associate, 408-609-0072; and Jay Lee, Planning Director, 408-586-3077)

Recommendation: Approve and authorize the City Manager, or designee, to execute an amendment to the professional services agreement with Lisa Wise Consulting, Inc. in the amount of \$6,870 for the Comprehensive Zoning Ordinance Update project.

C8. Waive the Second Reading and Adopt Ordinance No. 38.857 to Amend Chapter 10, Section 6 of Title XI of the Milpitas Municipal Code Regarding the Establishment of the Neighborhood Commercial Mixed-Use (NCMU) Zoning District and Town Center (TC) Subdistricts, and Amend the Designation of Certain Parcels within the Zoning Map (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: (1) Determine that the EIR Addendum and Supplemental Letter to the Addendum properly evaluate the potential environmental impacts of the proposed Zoning Amendments and are in

compliance with CEQA Guidelines §15162 and §15164, (2) Waive the second reading and adopt Ordinance No. 38.857 approving Zoning Text and Zoning Map Amendment No. ZA24-0001 amending Chapter 10, Section 6 of Title XI of the Milpitas Municipal Code regarding the establishment of the Neighborhood Commercial Mixed-Use (NCMU) Zoning District and Town Center (TC) Subdistricts; and (3) Amend the designation of certain parcels within the Zoning Map.

- C9. Adopt a Resolution Designating Street Resurfacing 2025-26, Project No. 4307, to be Funded by California Senate Bill 1 - The Road Repair and Accountability Act of 2017 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: Adopt a resolution designating Street Resurfacing 2025-2026, Project No. 4307, to be funded by California Senate Bill 1 - The Road Repair and Accountability Act of 2017.

- C10. Adopt a Resolution Requesting the Allocation, Acceptance and Appropriation of Transportation Development Act Article 3 Funds for the Americans with Disabilities Act Curb Ramp Transition Program, Project No. 4283 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: (1) Adopt a resolution requesting allocation of Transportation Development Act Article 3 Funding for the City's Americans with Disabilities Act Curb Ramp Transition Program, Project No. 4283; (2) Authorize the City Manager, or their designee, to negotiate, accept and execute grant agreements and all ancillary documents necessary to execute the respective grant agreements administered by the funding agency, Metropolitan Transportation Commission, in an amount not-to-exceed \$281,351; and (3) Appropriate \$281,351 into the construction phase (Phase 7) for the ADA Curb Ramp Transition Program, Project No. 4283.

- C11. Adopt a Resolution to Accept the Improvements, Authorize the City Engineer to File a Notice of Completion and Issue a Notice of Final Acceptance After the One-Year Warranty, and Authorize Design Services Agreement Amendment No. 2 with MNS Engineers, Inc. for Fire Station 1 Pressure Reducing Stations Reconstruction, Project No. 7133 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: (1) Adopt a resolution to accept improvements, (2) Authorize the City Engineer to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty; and (3) Approve and authorize the City Manager to execute Amendment No. 2 to the Design Services Agreement with MNS Engineers, Inc. in the amount of \$99,651 for Fire Station 1 Pressure Reducing Stations Reconstruction, Project No. 7133.

- C12. Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to VSS International, Inc. for Street Sealing Project 2024, Capital Improvement Plan (CIP) Nos. 3424, 3426, 4283, 4305 and 7118; and Approve the Budget Amendment for the Street Resurfacing Project 2023-24, CIP No. 4305 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: Adopt a resolution to (1) Approve Project plans and specifications, (2) Authorize the City Manager, or designee, to award and execute the construction contract with VSS International, Inc. in the amount of \$3,031,971.04, (3) Authorize the Public Works Director to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$316,000.00 for Street Sealing Project 2024, CIP Nos. 3424, 3426, 4283, 4305 and 7118; and (4) Approve the budget amendment in the amount of \$208,372.40 from the California State Bill 1 Road Maintenance and Rehabilitation Account (SB1 RMRA) for the Street Resurfacing Project 2023-24, CIP No. 4305.

- C13. Adopt Resolutions Approving the Annual Engineer's Report and Declaring Intent to Levy and Collect Assessments for Landscaping and Lighting Maintenance Assessment District No. 95-1 McCarthy Ranch (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: (1) Adopt a resolution approving the Annual Engineer's Report, (2) Adopt a resolution declaring the intent to levy and collect assessments; and (3) Provide notice of a public hearing to be held on June 3, 2025, for Landscaping and Lighting Maintenance Assessment District No. 95-1 McCarthy Ranch.

- C14. Adopt Resolutions Approving the Annual Engineer's Report and Declaring Intent to Levy and Collect Assessments for Landscaping and Lighting Maintenance Assessment District No. 98-1 Sinclair Horizon (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: (1) Adopt a resolution approving the Annual Engineer's Report; (2) Adopt a resolution declaring the intent to levy and collect assessments; and (3) Provide notice of a public hearing to be held on June 3, 2025, for Landscaping and Lighting Maintenance Assessment District No. 98-1 Sinclair Horizon.

- C15. Approve and Authorize the City Manager to Execute An Amended and Restated Master Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority for Bike and Pedestrian Outreach, CIP No. 4306 (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 an Amended and Restated Master Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority for Bike and Pedestrian Outreach, CIP No. 4306.

- C16. 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.

- C17. Adopt a Resolution Approving the Public Art Master Plan (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Adopt a resolution approving the Public Art Master Plan.

PUBLIC HEARINGS (7:30 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.

- 18. Adopt a Resolution Approving the FY 2025-26 Development and Storm Impact Fee Schedule for the Transit Area Specific Plan (TASP) Impact Fee, the Calaveras Boulevard Widening Traffic Impact Fee, and the Storm Drain Fee (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)**

Recommendation: Adopt a resolution approving the FY 2025-26 Development and Storm Impact Fee Schedule for the Transit Area Specific Plan (TASP) Impact Fee, the Calaveras Boulevard Widening Traffic Impact Fee, and the Storm Drain Fee.

19. **Introduce an Ordinance to Adopt by Reference the Mapping of Fire Hazard Severity Zones as Issued by the California Department of Forestry and Fire Protection (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811)**

Recommendation: (1) Conduct a public hearing and waive the reading beyond the title; and (2) Introduce Ordinance No. 317 to adopt by reference the mapping of fire hazard severity zones, as issued by the California Department of Forestry and Fire Protection.

20. **Consider a Substantial Amendment to the 2022-2025 Consolidated Plan and 2024-2025 Annual Action Plan (Staff Contact: Sarah Balcha, Acting Housing Official, 408-586-3222)**

Recommendation: (1) Conduct the public hearing; (2) Approve a substantial amendment to the 2022-2025 Consolidated Plan and the 2024-2025 Annual Action Plan; and (3) Authorize the City Manager, or designee, to make any necessary changes to the Plans.

LEADERSHIP AND SUPPORT SERVICES (9:00 PM)

21. **Adopt a Resolution Appointing an Acting City Attorney (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3086)**

Recommendation: (1) Adopt a resolution to appoint an Acting City Attorney effective on adoption and continuing until City Council takes further action; and (2) Authorize the City Manager, or designee, to take such other actions as necessary and appropriate to carry out the purpose of this appointment, including establishment of acting pay.

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: ccreech@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.