



REGULAR MEETING OF THE MILPITAS CITY COUNCIL



AMENDED AGENDA*

TUESDAY, SEPTEMBER 2, 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.

** Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.*

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_BmtKQH7uQCOlvgtUZfzXtA

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)

*** AB 2449**

- * Consider Councilmember Evelyn Chua's Request to Appear Remotely Pursuant to AB 2449 and Authorize the Council to Accept Public Comments Remotely at the September 2, 2025, Meeting of the Milpitas City Council (Staff Contact: Christopher Creech, Acting City Attorney, 408-586-3040; and Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Receive disclosure from Councilmember Chua regarding the nature of the emergency or just cause circumstances. Vote on a motion as to whether to allow Councilmember Chua to appear remotely pursuant to AB2449 and to allow remote public comment at the September 2, 2025 meeting of the Milpitas City Council.

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) CONFERENCE WITH LEGAL COUNSEL

Pursuant to Government Code Section 54956.9(d)(1)
Existing Litigation: *Steven Fox vs. City of Milpitas*, WCAB Case No. ADJ18132318

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.

PRESENTATION OF THE COLORS and PLEDGE OF ALLEGIANCE

- Troop 0164 Christ Community Church, Milpitas

INVOCATION (Councilmember Lien)

PRESENTATIONS

- IT Professionals Day (Proclamation)
- National Suicide Prevention Week (Proclamation)
- National Preparedness Month (Proclamation)

PUBLIC FORUM

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

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 September 2025.

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

Recommendation: Approve City Council Meeting minutes of August 12 and 19, 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 Opting into Settlement Agreements with Purdue Pharma L.P. and the Sackler Family (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3050; and Christopher Creech, Acting City Attorney, 408-586-3040)

Recommendation: Opt into settlement agreement with manufacturers of opioids, Purdue Pharma L.P. and the Sackler Family, whereby the County of Santa Clara will receive the City's designated share of settlement funds and direct and authorize the City Manager to execute the settlement agreement and any documents necessary to implement the action.

C6. Consider Recommendations from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)

Recommendation: Receive Mayor Montano's recommendations and approve and confirm recommendations for appointments to City Commissions.

C7. Adopt Ordinance No. 65.155 for 2025 California Building Codes with Amendments (Staff Contact: Bill Tott, Building Official, 408-586-3263)

Recommendation: Waive the second reading and adopt Ordinance No.65.155 amending Chapters 3, 3.5, 4, 5, 6,7,10,11,14,16,19, and 150 of Title II of the Milpitas Municipal Code relating to adopting by reference the 2025 California Building Code, 2025 California Residential Code, 2025 California Mechanical Code, 2025 California Electrical Code, 2025 California Plumbing Code, 2025 California Energy Code, 2025 California Green Building Standards Code, 2025 California Wildland Urban Interface Code, 2025 California Existing Building Code, 2025 California Historical Building Code, 2025

Referenced Standards Code, 2024 International Property Maintenance Code, and 2024 International Swimming Pool and Spa Code, with amendments.

- C8. Adopt Ordinance No. 113.27, Adopting by Reference the 2025 Edition of the California Fire Code with Certain Local Amendments (Staff Contact: Arthur Belton, Deputy Fire Chief / Fire Marshal, 408-586-3384)**

Recommendation: Waive the second reading and adopt Ordinance No. 113.27, adopting by reference the 2025 Edition of the California Fire Code, to be enacted as Chapter 300, Title V of the Milpitas Municipal Code, with certain local amendments.

- C9. Waive the Second Reading and Adopt an Ordinance Approving Zoning Text and Zoning Map Amendment ZA25-0001 to Comprehensively Update the Zoning Ordinance (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Recommendation: Determine that the Environmental Impact Report (EIR) Addendum adequately analyzes the potential environmental impacts associated with the proposed Zoning Amendments and is in compliance pursuant to CEQA Guidelines §15162 and §15164; and waive the second reading and adopt Ordinance No. 38.858 approving Zoning Text and Zoning Map Amendment No. ZA25-0001 to comprehensively update the Zoning Ordinance and achieve consistency between the Zoning Ordinance and Zoning Map.

- C10. Approve and Authorize the City Manager, or Designee, to Execute a Design Services Agreement with Bennett Engineering for Street Resurfacing Project 2026, CIP No. 4307 (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, or designee, to execute a Design Services Agreement with Bennett Engineering in an amount not to exceed \$509,112 for the Street Resurfacing Project 2026, CIP No. 4307.

- C11. Adopt a Resolution to Accept the Completed Public Improvements for the Bridge Point Silicon Valley Project, Approve a Reduction of the Faithful Performance Bond for the Project, and Authorize the City Engineer to Release the Remaining Portion of the Bond After the One-Year Warranty Period (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 the completed public improvements for the Bridge Point Silicon Valley Project, (2) Approve a reduction in the faithful performance bond to \$120,260; and (3) Authorize the City Engineer to release the remaining portion of the bond after the one-year warranty period without further City Council action, provided all required warranty work has been completed to the satisfaction of the City Engineer.

- C12. Authorize the City Manager to Execute Purchase Orders with Multiple Vendors for Public Works Related On-Call Services (Staff Contact: Luz Cofresi-Howe, Finance Director, 408-586-3111; and Christian De Renzo, Public Works Director, 408-586-2602)**

Recommendation: Authorize the City Manager, or designee, to (1) Negotiate and execute purchase orders with twenty-five (25) vendors for Public Works related on-call maintenance and repair services – including parts, specialty equipment, and materials as required – for a five-year term in a total amount not to exceed \$8,335,342, subject to the appropriation of funds; and (2) Adjust the not-to-exceed amounts between vendors in specified services areas as required.

C13. Authorize the City Manager to Negotiate and Execute an Agreement with One Day Installation & Repair, Inc for Police Department Locker Room Renovation (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: Approve project plans and specifications, award bid, and authorize the City Manager, or designee, to negotiate and execute a Construction Agreement with One Day Installation & Repair, Inc. for Police Department Locker Room Renovation Project in an amount not to exceed \$700,000, which includes the base bid of \$598,609.25 and a contingency of \$101,390.75 for a maximum compensation of \$700,000, subject to the appropriation of funds, for a term of 270 days.

C14. Adopt a Resolution Authorizing Submittal of a Grant Application to the California Department of Resources Recycling and Recovery for the Rubberized Pavement Grant Program, and Authorize the City Manager, or Designee, to Execute Grant Funding Agreements and Appropriate Award Funds (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

Recommendation: (1) Adopt a resolution authorizing submittal of a grant application to the California Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement Grant Program, and (2) Authorize the City Manager, or designee, to execute grant funding agreement(s) with CalRecycle and appropriate awarded funds into City's street resurfacing program for five fiscal years.

C15. Consider a Fee Waiver Request from PRAGNYA (Preparing Resources & Alliances Galvanizing Neurodiversity Acculturation) (Staff Contact: Renée Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: Approve a Fee Waiver of \$872 for the PRAGNYA event Dinkchak Dhamaal Dandiya at the Milpitas Senior Center on September 27, 2025.

LEADERSHIP AND SUPPORT SERVICES

16. Consider Modifying the City Council Code of Conduct Regarding Electronic Device Use at the Dais (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Adopt a revision to Chapter 3 of the City Council Procedures and Protocols Handbook to (1) Maintain the existing Code of Conduct with no changes; or (2) Revise the Code of Conduct language to state, "Use electronic devices appropriately while on the Council dais."

17. Provide Direction on City Council Salaries in Accordance with California Government Code (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Recommendation: Provide direction to staff to return to City Council with an ordinance to update Chapter 14 of Title 1 of the City of Milpitas Municipal Code, which outlines City Council salaries.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

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

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.