



JOINT MEETING OF THE MILPITAS CITY COUNCIL & MILPITAS HOUSING AUTHORITY

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

AGENDA

TUESDAY, NOVEMBER 5, 2019
CITY COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA
5:30 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

CALL JOINT MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

ADJOURN TO CLOSED SESSION

a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9(d)(1)
County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District,
Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara
Santa Clara County Superior Court Case No. 18CV325480

b) PUBLIC EMPLOYMENT

Pursuant to California Government Code Section 54957
Position: City Manager

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

PRESENTATIONS

- Neighborhood Beautification Awards
- Recognition of Milpitas Star Award Recipients

PUBLIC FORUM

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit spoken remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

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, audience member 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 may ask to have that item removed from consent. If removed, the item will be discussed following all scheduled agenda items for discussion.

- C1. Receive City Council Calendar of Meetings for November 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**
- C2. Approve City Council Meeting Minutes of October 8 and 15, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve draft City Council Meeting Minutes of October 8 and 15, 2019.

- C3. Waive the First Reading Beyond the Title and Introduce Ordinance No. 113.25, Adopting by Reference with Certain Local Amendments the 2019 Edition of the California Fire Code (Staff Contact: Albert Zamora, Fire Marshal/Deputy Fire Chief, 408-586-3371)**

Recommendations:

- 1) Following the City Attorney reading aloud the title, waive the first reading beyond the title of Ordinance No. 113.25.
- 2) Move to introduce Ordinance No. 113.25, to be enacted as Chapter 300, Title V of the Milpitas Municipal Code.
- 3) Set a public hearing for Tuesday, December 3, 2019 at 7:00 p.m. in the Milpitas City Council Chambers to consider adoption of Ordinance No. 113.25, adopting by reference with certain local amendments the 2019 Edition of the California Fire Code.

- C4. Introduce Ordinance No. 65.147 Relating to Code Administration and Adopting by Reference the 2019 California Building Codes with Amendments, and Set a Public Hearing on December 3, 2019 for Adoption of the Ordinance (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendations:

1. Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce Ordinance No. 65.147 amending Chapters 1, 3, 3.5, 4, 5, 6, 7, 10, 13, 14, 150, and 170 of Title II of the Milpitas Municipal Code relating to Code Administration; adopting by reference the 2019 California Building Code, 2019 California Residential Code, 2018 International Property Maintenance Code, 2019 California Mechanical Code, 2019 California Electrical Code, 2019 California Plumbing Code, 2018 International Swimming Pool and Spa Code, 2019 California Existing Building Code, and 2019 California Historical Building Code, with amendments; and amending regulations pertaining to grading, excavation, paving, and erosion control, and gas shut-off devices.

2. Set a public hearing on December 3, 2019, pursuant to California Government Code Section 50022.3, for adoption of the Ordinance.

C5. Waive the Second Reading and Adopt Ordinance No. 38.837 Amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 4, 5, 7, and 56 Relating to Assembly and other Nonindustrial Uses in M2 Heavy Industrial Zoning District (Staff Contact: Rozalynne Thompson, 408-586-3278)

Recommendation: Move to waive the second reading and adopt Ordinance No. 38.837 amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 4, 5, 7, and 56 relating to assembly and other non-industrial Uses in the M2 Heavy Industrial Zoning District.

C6. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for the Waterstone Subdivision at 1494 California Circle by Lennar Homes of California, Inc. and Granting Authorization to the City Engineer to Release the Performance Bond After the One-year Warranty Period (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a resolution:

- 1) Granting acceptance of public improvements for the Waterstone Subdivision at 1494 California Circle, Tract 10270, Public Improvement Plan No. 2-1193; and
- 2) Approving a reduction in the faithful performance bond to \$190,000, which shall be subject to and in effect for the duration of a one-year warranty period; and
- 3) Granting authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

C7. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for the Coyote Creek Townhomes Subdivision at 601 Murphy Ranch Road by ORA Murphy Ranch 285 and Grant Authorization to the City Engineer to Release the Performance Bond After 1-year Warranty Period (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a resolution:

- 1) Granting acceptance of public improvements for the Coyote Creek Townhomes Subdivision at 601 Murphy Ranch Road, Tract 10087, Public Improvement Plan No. 2-1151; and
- 2) Approving a reduction in the faithful performance bond to \$30,000, which shall be subject to and in effect for the duration of a one-year warranty period; and
- 3) Granting authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

C8. Approve Funding Agreement Between the Bay Area Air Quality Management District and the City of Milpitas to Receive Grant Funds in the Amount of \$32,000 for Electric Vehicle Charging Stations at City Hall and Public Works Building (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Recommendation: Approve funding agreement between the Bay Area Air Quality Management District and the City of Milpitas to receive grant funds in the amount of \$32,000 for Electric Vehicle Charging Stations at City Hall and Public Works Building.

C9. Approve and Authorize the Interim City Manager to execute Amendment No. 1 to the Professional Services Agreement with David J. Powers & Associates for the Well Upgrade,

McCandless Well, Project No. 7076 and the Lower Penitencia Creek Pedestrian Bridge, Project No. 2005 (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve and authorize the Interim City Manager to execute Amendment No. 1 to the Professional Services Agreement with David J. Powers & Associates related to CIP Projects No. 7076 and No. 2005 to increase compensation by \$55,000, for a total agreement in the amount of \$123,843.

C10. Per recommendation of the Milpitas Arts Commission, move to approve James Dinh's Circle of Time Public Art Design for Higuera Adobe Park (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendation: Per recommendation of the Milpitas Arts Commission, move to approve James Dinh's Circle of Time Public Art design for Higuera Adobe Park.

C11. Accept the 2019 Bulletproof Vest Partnership Grant and approve a budget appropriation for \$18,546.07 into the Milpitas Police Department's operating budget (Staff Contact: Raj Maharaj, 408-586-2416)

Recommendation: Accept the 2019 Bulletproof Vest Partnership Grant and approve a budget appropriation for \$18,546.07 into the Milpitas Police Department's operating budget.

C12. Receive a Report on Emergency Repair of Abel Street Water Main and Authorize the Interim City Manager to Execute Contracts with Preston Pipeline and Joseph J. Albanese for the Emergency Repair Work (Staff Contact: Tony Ndah, 408-586-2602)

Recommendations:

- 1) Receive a report from the Public Works Director on the emergency repair work on a water main on Abel Street.
- 2) Authorize the Interim City Manager to execute two contracts with Preston Pipeline and Joseph J. Albanese, respectively, for the emergency repair of the Abel Street Water Main.

C13. Consider Request from Greater Love Church to Waive City Special Event Permit fees of \$932.63 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Per request form received by the City Clerk, move to waive \$932.63 for the Special Event Permit fee and automation fee identified by City Planning staff for the Greater Love Church of God in Christ for its car wash fundraising events in October, benefitting those in need in Milpitas with food and clothing.

C14. Approve City Council Meeting Schedule for 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Move to approve the 2020 Milpitas City Council meeting schedule, with any changes requested at the City Council meeting.

C15. Per recommendation of Mayor Tran, Re-appoint Public Safety and Emergency Services Commissioner to 3-Year Term (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Move to re-appoint Mercedes Albana to her current term of three years on the Public Safety and Emergency Services Commission. Upon re-appointment, her term of service will expire in June of 2020, since the Commissioner was last re-appointed on June 3, 2014 to a three-year term (which already expired in June of 2017). Ms. Albana has continued her service awaiting re-appointment by the Mayor.

C16. Adopt a City Council Code of Conduct (Staff Contact: Steve McHarris, 408-586-3059)

Recommendation: Adopt a City Council Code of Conduct.

PUBLIC HEARING

- 17. Conduct a Public Hearing and Adopt a Resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program in compliance with the California Environmental Quality Act, and Approving a General Plan Amendment, Planned Unit Development, Site Development Permit, Vesting Tentative Map, and an exception to the Affordable Housing Ordinance to allow the payment of fees in lieu of providing 15% of units on the site as below-market-rate units, to allow development of a residential subdivision with 36 single-family homes and 10 accessory dwelling units on a 4.88-acre site located at 1005 North Park Victoria Drive; and, Introduce Ordinance No. 38.838 to rezone the subject site from the Single-Family Residential (R1-6) Zoning District to the Single-Family Residential (R1-3) Zoning District (Staff Contact: Adrienne Smith, 408-586-3287)**

Recommendations:

- 1) Conduct a public hearing and move to close the hearing following comments.
- 2) Adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Program in compliance with the California Environmental Quality Act, and Approving General Plan Amendment (GP18-0001), Planned Unit Development (PD18-0001), Site Development Permit (SD18-0015), Vesting Tentative Map (MT18-0003), and an exception to the Affordable Housing Ordinance to allow the payment of fees in lieu of providing 15% of units on the site as below-market-rate units to allow development of a residential subdivision with 36 single-family homes and 10 accessory dwelling units on a 4.88-acre site located at 1005 North Park Victoria Drive.
- 3) Following the City Attorney reading aloud the title, move to waive the first reading beyond the title and introduce Ordinance No. 38.838 to rezone the site from the Single-Family Residential (R1-6) Zoning District to the Single-Family Residential (R1-3) Zoning District.

COMMUNITY DEVELOPMENT

- 18. Authorize the City Manager to Execute a Measure B Funding Agreement between the City of Milpitas and Santa Clara Valley Transportation Authority for State Route 237 Near Term Improvements Project (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Authorize the City Manager to execute a Funding Agreement between the City and the Santa Clara Valley Transportation Authority for 2016 Measure B State Route 237 near term improvements project.

- 19. Introduce Ordinance No. 65.148 Adopting by Reference the 2019 California Energy Code with Amendments; introduce Ordinance No. 65.149 Adopting by Reference the 2019 California Green Building Standards Code with Amendments; and Set a Public Hearing on December 3, 2019 for Adoption of the Ordinances (Staff Contact: Sharon Goei, 408-586-32060)**

Recommendations:

1. Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce Ordinance No. 65.148 amending Chapter 11 of Title II of the Milpitas Municipal Code adopting by reference the 2019 California Energy Code with amendments.
2. Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce Ordinance No. 65.149 amending Chapter 19 of Title II of the Milpitas Municipal Code adopting by reference the 2019 California Green Building Standards Code with amendments.

3. Set a public hearing on December 3, 2019, pursuant to California Government Code Section 50022.3, for adoption of the Ordinances.

20. HOUSING AUTHORITY:

Consider Adoption of a Housing Authority Resolution Approving and Adopting Bylaws of the City of Milpitas Housing Authority, and Consider Election of Officers for the City of Milpitas Housing Authority (Contacts: Councilmembers Nuñez and Montano, 408-586-3000)

Recommendations:

- 1) Adopt a Housing Authority Resolution approving and adopting the Bylaws for the City of Milpitas Housing Authority.
- 2) Following adoption of the Bylaws, elect a Chairperson, Vice Chairperson and Secretary of the Housing Authority by a vote of the Housing Authority Board of Commissioners.

LEADERSHIP AND SUPPORT SERVICES

- 21. Discuss clarifications related to the scope of the City Council Rules Subcommittee and provide direction to staff on next steps (Staff Contact: Steve McHarris, 408-586-3059)**

Recommendation: Discuss the City Council Rules Subcommittee scope document and provide direction to staff to incorporate clarifying language related to the Subcommittee's role in adding items to the agenda.

COMMISSION REPORTS

- 22. Approve the Milpitas Arts Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: Tegan McLane, 408-586-3212)**

Recommendation: Approve proposed Arts Commission Fiscal Year 2019-20 Work Plan.

- 23. Approve the Library and Education Advisory Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: John Macon, 408-586-3226)**

Recommendation: Approve proposed Library and Education Advisory Commission Fiscal Year 2019-20 Work Plan.

- 24. Approve the Senior Advisory Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: John Macon, 408-586-3226)**

Recommendation: Approve proposed Senior Advisory Commission Fiscal Year 2019-20 Work Plan.

NEXT AGENDA PREVIEW

- 25. Receive Preview List of Agenda Items for Next City Council meeting on November 19, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

ADJOURN JOINT MEETING

NEXT REGULAR CITY COUNCIL MEETING
NOVEMBER 19, 2019

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 agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the 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: cdiaz@ci.milpitas.ca.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.ci.milpitas.ca.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 the City website. City Council agendas and related materials are viewed online here: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 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 mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.