



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

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, FEBRUARY 05, 2019
CITY COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA
6:00 PM (CLOSED SESSION)

7:00 PM (PUBLIC BUSINESS)

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

ADJOURN TO CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to California Government Code Section 54956.8

Potential Property: APN 086-036-012

Agency negotiator: Julie Edmonds-Mares

Under negotiation: Price and terms of payment

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 Phan)

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, 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. If removed, this item will be discussed in the order in which it appears on the agenda.

- C1. Approve City Council Calendar for February 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**
Recommendation: Approve the City Council Calendar for February 2019.
- C2. Approve City Council meeting minutes of January 15, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**
Recommendation: Approve the meeting minutes for January 15, 2019 regular Council meeting.
- C3. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for March 5, 2019 to Hear Objections (Staff Contact: Albert Zamora, 408-586-3371)**
Recommendation: Adopt a resolution declaring weeds on specific properties to be public nuisances and set a public hearing on March 5, 2019.
- C4. Adopt a Resolution to Approve Site Development Permit to construct a single-family residence on a vacant lot, zoned R1-H Hillside Combining District with a Site and Architectural (-S) overlay, at 529 Vista Ridge Drive (Staff Contact: Michael Fossati, 408-586-3274)**
Recommendation: Adopt a resolution approving Site Development Permit SD17-0012, subject to the written Conditions of Approval (attached to resolution), for a residence at 529 Vista Ridge Drive and Making Findings of CEQA Exemption
- C5. Approve Out of State Travel for Police Lieutenant Raj Maharaj to attend the Federal Bureau of Investigation (FBI) National Academy 275th Session in Quantico, VA January 7, 2019 to March 15, 2019 (Staff Contact: Armando Corpuz, 408-586-2534)**
Recommendation: Authorize Out of State Travel for Police Lieutenant Raj Maharaj to attend the FBI National Academy in Quantico, VA January 7, 2019 to March 15, 2019.
- C6. Approve Out of State Travel for Two Milpitas Police Detectives so They May Follow-up on a Homicide Investigation in the State of Washington (Staff Contact: Armando Corpuz, 408-586-2534)**
Recommendation: Authorize Out of State Travel for two Police Detectives to travel to the state of Washington, from January 11-12, 2019, so they may follow-up on a homicide investigation for the Milpitas Police Department.
- C7. Approve Agreement with Pump Repair Service Co. for the water pump replacement at the Hillside Pump Station (Staff Contact: Tony Ndah, 408-586-2602)**
Recommendation: Approve the agreement with Pump Repair Service Co. for the water pump replacement at the Hillside Pump Station for the not-to-exceed amount of \$117,100.
- C8. Approve the Agreement with Pump Repair Service Co. for the water pump replacement at the Tularcitos Pump Station (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendation: Approve the agreement with Pump Repair Service Co. for the water pump replacement at the Tularcitos Pump Station for the not-to-exceed amount of \$118,200.00.

- C9. Approve Project Plans and Specifications and Authorize Advertisement for Invitation for Bids for the Americans with Disabilities (ADA) Curb Ramp Transition, Projects No. 4283 and No. 4287 (Staff Contact: Steve Chan, 408-586-3324)**

Recommendation: Approve project Plans and Specifications and authorize advertisement for Invitation for Bids for the Americans with Disabilities Act (ADA) Curb Ramp Transition, Projects No. 4283 and No. 4287.

- C10. Adopt a Resolution Approving the Safe, Clean Water Program Grant for Lower Penitencia Creek Pedestrian Bridge, Project No. 2005 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a Resolution Authorizing the City Manager or Designee to Apply for Grant Funding from the Santa Clara Valley Water District under the 2019 Safe, Clean Water and Natural Flood Protection Priority "D3" Grant Program in the Amount of \$100,000 for the Lower Penitencia Creek Pedestrian Bridge, Project No. 2005 and if Awarded Grant Funding, Authorize the City Manager or Designee to Execute the Grant Funding Agreement.

- C11. Receive a Report on Emergency Repair of Montague Expressway Storm Drain Pipeline and Authorize Payment of Invoices Associated with the Repair Activities (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendations: 1) Receive a report from the Public Works Director on the emergency repair work on roadway and storm drain pipeline at Montague Expressway. 2) Authorize staff to pay invoices associated with the repair activities.

- C12. Receive a Report on Emergency Repair of Technology Drive Water Main and Authorize Payment of Invoices Associated with the Repair Activities (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendations: 1) Receive a report from the Public Works Director on the emergency repair work of a water main on Technology Drive. 2) Authorize staff to pay invoices from Preston Pipeline for work associated with the repair of the water main.

- C13. Authorize Payment to County of Santa Clara Registrar of Voters for November 6, 2018 Election Costs (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Authorize payment in the amount of \$112,855 in total to the County of Santa Clara Registrar of Voters for its services for the November 6, 2018 election.

- C14. Receive Preview List for Next Regular Council meeting: February 19, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

PUBLIC HEARINGS

- 15. Conduct a Public Hearing to Consider Protests Against Proposed Sewer Rates for FY 2018-19 through FY 2022-23 and Introduce Ordinance No. 208.53 (Staff Contact: Tony Ndah, 408-586-2606)**

Recommendations:

1. Open Public Hearing and receive all written and verbal testimony regarding proposed rate increases.
2. Move to close the public hearing following all speakers.

3. Receive a summary from the City Clerk of the number of written protest received and the number required for a majority protests.
 4. City Attorney shall read aloud the title of Ordinance No. 208.53.
 5. If no majority protests exist, move to waive the first reading beyond the title and introduce Ordinance No. 208.53 to approve proposed sewer rates for FY 2018-19 through FY 2022-23. Ordinance No. 208.53 is entitled "AN ORDINANCE OF THE CITY OF MILPITAS AMENDING CHAPTER 2 OF TITLE VIII OF THE MILPITAS MUNICIPAL CODE RELATING TO SEWER SERVICE CHARGES."
 6. Approve subsidy program for Mobile Home Park customer class.
- 16. Conduct a Public Hearing to Consider Protests Against Proposed Water and Recycled Water Rates for FY 2018-19 through FY 2022-23 (Staff Contact: Tony Ndah, 408-586-2606)**

Recommendations:

1. Open Public Hearing and receive all written and verbal testimony regarding proposed rate increases
2. Move to close the public hearing following all speakers
3. Receive a summary from the City Clerk of the number of written protest received and the number required for a majority protest.
4. City Attorney shall read aloud the title of Ordinance No. 120.48.
5. If no majority protest exists, move to waive the first reading beyond the title and introduce Ordinance No. 120.48 to approve updated water and recycled water rates for FY 2018-19 through FY 2022-23. Ordinance is entitled: "AN ORDINANCE OF THE CITY OF MILPITAS AMENDING CHAPTER 1 OF TITLE VIII OF THE MILPITAS MUNICIPAL CODE RELATING TO WATER SERVICE CHARGES."

COMMUNITY DEVELOPMENT

- 17. Reconsider previous Direction from the City Council to the City Manager to Conduct a Study of Potential Locations and Regulations for Digital Billboards (Staff Contact: Ned Thomas, 408-586-2602)**

Recommendation: Direct the City Manager to provide a signature on the pending application by Outfront-Allvision LLC to obtain permits for the proposed construction of a digital billboard on City-owned property.

- 18. Adopt a Resolution to Support Regional Housing Needs Allocation (RHNA) Subregion (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendation: Adopt a Resolution of Intent to support formation of a Housing Subregion of Santa Clara County local and county governments to facilitate and implement Countywide housing production consistent with the Regional Housing Needs Allocation (RHNA) formula currently assigned by the Association of Bay Area Governments (ABAG).

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

- 19. Receive a Staff Presentation and Approve a New FY 2018-19 Capital Improvement Program Project No. 3451, The Pines Pilot Parking Permit Program (Staff Contact: Steve Chan, 408-586-3324)**

Recommendation: Receive a staff presentation and approve a new FY 2018-19 Capital Improvement Program Project No. 3451, The Pines Pilot Parking Permit Program.

REPORTS OF MAYOR & COUNCILMEMBERS - from the assigned Commissions, Committees and Agencies

20. Consider Mayor's List of City Council Subcommittees and Subcommittee Appointments of City Councilmembers and Make One City Council Appointment to Bay Area Water Conservation & Supply Agency (Staff Contact: Mayor Rich Tran, 408-586-3029)

Recommendations: 1) Consider Mayor's list of City Council Subcommittees and Subcommittee Appointments of City Councilmembers, and move to confirm the list and those appointments.
2) Consider Mayor's recommendation of Councilmember Carmen Montano to serve on the Board of Bay Area Water Conservation & Supply Agency and its Regional Financing Authority, to fill the unexpired 4-year term recently vacated that will expire on June 30, 2021. This action includes rescinding the appointment of Councilmember Anthony Phan made at the January 15, 2019 City Council meeting.

ADJOURNMENT

**NEXT REGULAR CITY COUNCIL MEETING
FEBRUARY 19, 2019**

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 City website. All City Council agendas and related materials can be 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.