



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, SEPTEMBER 21, 2021

CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA

7:00 PM (PUBLIC BUSINESS)

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

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.ci.milpitas.ca.gov/youtube>

Web Streaming: <https://www.ci.milpitas.ca.gov/webstreaming>

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may be provided live during the City Council meeting by first registering for the zoom meeting in advance by providing email address (not disclosed) and a name. To minimize technical difficulties, please make sure that you have the latest version of Zoom Meetings. Here is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_pgR69dXcR0WU0BfTSX48YQ

After you register a link will be sent to you to join the City Council meeting in order to give your comments. All registered meeting attendees who wish to speak must click on the "raise hand" icon when the Mayor calls for public comments. If participating by calling in on your phone, dial *9 to use the "raise hand" feature, and when you are called upon, hit *6 to unmute your phone. Your phone number will be displayed in the live meeting. The Mayor will call the speakers to begin.

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.

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 (7:00 PM)

PLEDGE OF ALLEGIANCE

INVOCATION (Councilmember Phan) (7:05 PM)

PRESENTATIONS (7:10 PM)

- Ovarian Cancer Awareness Month

PUBLIC FORUM (7:15 PM)

Those in the audience and via Zoom are invited to address City Council on any subject not on tonight's agenda. In-person speakers wishing to address the Council are requested, but not required to complete a Speaker Card and submit it to the Mayor. In-person speakers will then be asked to come up to the podium and state their name for the record. Those interested in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

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@ci.milpitas.ca.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:20 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 at this time. 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 to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a future agenda for City Council discussion.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (7:30 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 the City Council Calendars of Meetings for September and October 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive the City Council Calendars of Meetings for September and October 2021.

- C2. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive the list of anticipated agenda items for the next regular City Council meeting.

- C3. Approve the City Council Meeting Minutes of the September 7, 2021, Regular Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve the meeting minutes of the September 7, 2021, Regular Meeting.

- C4. Adopt a Resolution to Approve and Authorize the City Manager to Procure Vectra Cybersecurity Threat Detection Hardware and Service and Making Findings that the Procurement is in the Best Interests of the City (Staff Contact: Daniel Nam, Interim Information Technology Director, 408-586-2712)**

Recommendation: Adopt a resolution to approve and authorize the City Manager to procure Vectra Cybersecurity Threat Detection Hardware and Service and make findings that the procurement is in the best interests of the City.

- C5. Waive the Second Reading and Adopt Ordinance No. 23.16 Amending Title I, Chapter 2, Section 2.03 of the Milpitas Municipal Code Relating to Purchases Made by Departments (Staff Contact: Lauren Lai, Director of Finance, 408-586-3111)**

Recommendation: Move to waive the second reading and adopt Ordinance No. 23.16 Amending Title I, Chapter 2, Section 2.03 of the Milpitas Municipal Code Relating to Purchases Made by Departments.

- C6. Approve and Authorize the City Manager to Execute the Improvement Agreement with Stratford Schools, Inc. for the Completion of Offsite Public Improvements Located at 25 Corning Avenue (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute the Improvement Agreement between the City of Milpitas and Stratford Schools, Inc.

- C7. Approve and Authorize the City Manager to Execute Amendment No. 2 with CivicPlus LLC for SeeClickFix Subscription, Training, and Apple/Android Apps for a total Amount Not-to-Exceed \$109,969.18 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Approve and authorize the City Manager to Execute Amendment No. 2 with CivicPlus LLC for SeeClickFix subscription, training, and Apple/Android Apps for a total amount not-to-exceed \$109,969.18.

- C8. Approve and Authorize the City Manager to Execute the Five-Year Professional Services Agreement with Echologics LLC for Pipeline Condition Assessment for the Not-to-Exceed Amount of \$260,000.00, Subject to the Annual Appropriation of Funds (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Approve and authorize the City Manager to execute the five-year Professional Services Agreement with Echologics LLC for Pipeline Condition Assessment for the not-to-exceed amount of \$260,000.00, subject to the annual appropriation of funds.

- C9. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with WeHOPE for 52 Additional Mobile Shower and Laundry Sessions of Services for a Total Amount Not to Exceed \$71,552 (Staff Contact: Sharon Goei, Director of Building Safety and Housing, 408-586-3260)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with WeHOPE for 52 additional mobile shower and laundry sessions of services for a total amount not to exceed \$71,552.

- C10. Receive the Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive the June 2021 report for unhoused services.

- C11. Authorize the City Manager to Execute the Master Funding Agreement with the Metropolitan Transportation Commission for the Priority Development Area Planning Grant Program and the Professional Services Agreement with Ascent Environmental for Consultant Services Related to Preparation of the Milpitas Gateway/Main Street Specific Plan Update in the Amount of \$930,708.00 (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Authorize the City Manager to execute the master funding agreement with the Metropolitan Transportation Commission for the Priority Development Area Planning Grant Program and the professional services agreement with Ascent Environmental for consultant services related to preparation of the Main Street/Gateway Specific Plan Update in the amount of \$930,708.00.

- C12. Approve First Amendment to City Manager Employment Agreement with Steven McHarris (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)**

Recommendation: Approve First Amendment to City Manager Employment Agreement with Steven McHarris.

- C13. Accept Committee Member and Commissioner Resignations (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Accept the resignations of Committee Member Nicholas Dold from the Measure F Oversight Committee and Arthur Ebright from the Veteran's Commission; and confirm the posting of the unscheduled vacancies.

PUBLIC HEARINGS (7:35 PM)

- 14. Conduct a Public Hearing and Approve the Draft FY 2020-2021 Community Development Block Grant (CDBG)'s Consolidated Annual Performance and Evaluation Report (CAPER) (Staff Contact: Sharon Goei, Director of Building Safety and Housing, 408-586-3260)**

Recommendation: (1) Open the public hearing, hear testimony, then move to close the public hearing; (2) Approve the draft FY 2020-2021 Community Development Block Grant (CDBG)'s Consolidated Annual Performance and Evaluation Report (CAPER); and (3) Authorize the City Manager, or designee, to make any necessary changes and to submit the approved draft FY 2020-2021 CAPER to the U.S. Department of Housing and Urban Development (HUD) to comply with CDBG requirements.

COMMUNITY DEVELOPMENT (8:10 PM)

- 15. Receive a Report and Provide Direction to Staff Regarding Goals and Policies in the Milpitas General Plan that Call for Preparation of a Specific Plan in the California Circle Area to Address Issues Related to Land Use Compatibility, Traffic Circulation, Public Safety, Open Space, etc. in Relation to Conceptual Plans for Proposed Development of up to 206 Multi-family Residential Units on a 6.69-acre Site Located at 1355 California Circle (APN: 22-338-007) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: (1) Receive presentations from staff and the applicant; (2) Receive public comment; and (3) Restate and Affirm the City Council's Prior Direction to Staff to prepare a Specific Plan for the California Circle area to address issues related to land use compatibility, traffic circulation, public safety, open space, etc., as outlined in the Milpitas General Plan, and direct staff to provide comments on the Preliminary Review Application consistent with the General Plan Land Use Goal LU-2, Land Use Policy LU2-1, and Land Use Action LU-2b.

LEADERSHIP AND SUPPORT SERVICES (8:45 PM)

16. **FY 2020-21 Fourth Quarter Financial Status Report, Fund Balances Thereof and Related Budget Amendments to Close-out the FY 2020-21 Budget (Staff Contact: Lauren Lai, Director of Finance, 408-586-3111)**

Recommendation: (1) Review the FY 2020-21 Quarterly Financial Status Report for the Quarter Ending June 30, 2021; (2) Provide direction on fund balance allocation, and (3) Approve budget amendment recommendations.

17. **Receive a report on the proposed project proposal for moderate income housing at Turing Apartments through a California Statewide Communities Development Authority program and provide direction to staff on next steps, if any (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendations: (1) Receive a report on the proposed project proposal for moderate income housing at Turing Apartments through a California Statewide Communities Development Authority program; and (2) If Council wishes to pursue the proposed project, (a) provide input to staff on the preliminary recommendations; (b) direct staff to bring back a framework and goals for this type of a moderate income housing program for Council consideration based on staff recommendations and Council input, and (c) direct staff to bring back for Council consideration along with a revised project proposal consistent with the framework and goals for a moderate income housing program.

REPORTS OF MAYOR & COUNCILMEMBERS (10:20 PM) - from assigned Commissions, Committees and Agencies

18. **Receive and Review the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)**

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.

ADJOURNMENT (10:30 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: 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. City Council agendas and related materials can be viewed online: 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 408-586-3001 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@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda.