



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, SEPTEMBER 7, 2021
CITY COUNCIL CHAMBERS, 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 408-586-3122
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 in person or by registering for the zoom meeting in advance. To register you will need to provide an email address (not disclosed) and a name. To minimize technical difficulties, please make sure that you have the latest version of the Zoom Application. Below is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_VEGO_DGFR16Z3fXzQDFJZq

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 (5:30 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to California Government Code §54956.9(d)(1)
Alok Jain, et al. vs. City of Milpitas, et al; Santa Clara County Superior Court, Case No. 18CV325365

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
City as Plaintiff
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

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 (7:00 PM)

INVOCATION (7:05 PM) (Councilmember Phan)

PRESENTATIONS (7:10 PM)

- Pain Awareness Month (Proclamation)
- Week of September 5th – National Suicide Prevention Week (Proclamation)
- National Preparedness Month (Proclamation)
- National Cleanup Day - September 18 (Proclamation)
- National Gymnastics Day - September 18 (Proclamation)

PUBLIC FORUM (7:25 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 (7:30 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 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 (7:40 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 for September 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive City Council Calendar of Meetings for September 2021.

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

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

- C3. Approve City Council Meeting Minutes of the August 17, 2021, Regular Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve meeting minutes of the August 17, 2021, Regular Meeting.

- C4. Adopt a Resolution Directing Staff to Fly City Event Celebration and/or Commemorative Flags at Various Standard Annual Events (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Adopt a resolution directing staff to fly City Event Celebration and/or Commemorative Flags at various standard annual events and flag position for multiple commemorative periods.

- C5. Approve and Authorize the City Manager to Execute a Professional Services Agreement with Disability Access Consultants, LLC in the amount of \$269,150 for ADA Self-Evaluation and Transition Plan for the ADA Compliance Review, Project No. 3436; and Approve a Budget Appropriation of \$134,158 in PLAN JPA Grant Funding, and \$37,000 of General Government CIP Funding into Project No. 3436 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: (1) Approve and authorize the City Manager to execute a Professional Services Agreement with Disability Access Consultants, LLC in the amount of \$269,150 for ADA Self-Evaluation and Transition Plan for the ADA Compliance Review, Project No. 3436; and (2) Approve a Budget Appropriation of \$134,158 of PLAN JPA Grant Funding, and \$37,000 from the General Government CIP Fund into CIP Project No. 3436.

- C6. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 2 Owner, LLC for the District 1 Lot 2 Project at 1415 McCandless Drive (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 2 Owner, LLC for the District 1 Lot 2 Project at 1415 McCandless Drive.

- C7. Review and Accept the Legislative Action Report (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Review and accept the Legislative Action Report.

- C8. 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.

- C9. Approve and Authorize the City Manager to Execute a Memorandum of Understanding with the Santa Clara County Specialized Enforcement Team for a Ten-Year Period in an Amount Not to Exceed \$100,000, Subject to the Annual Appropriation of Funds (Staff Contact: Jared Hernandez, Acting Chief of Police, 408-586-2406)**

Recommendation: Approve and authorize the City Manager to execute a Memorandum of Understanding with the Santa Clara County Specialized Enforcement Team for a ten-year period in an amount not to exceed \$100,000, subject to the annual appropriation of funds.

- C10. Approve and Authorize an Extension of an Employment List for the position of Fire Captain to July 13, 2022, unless otherwise exhausted or abolished in accordance with the Personnel Rules (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Jeannine Seher, Human Resources Director, 408-586-3086)**

Recommendation: Approve and authorize an extension of an Employment List for the position of Fire Captain to July 13, 2022, unless otherwise exhausted or abolished in accordance with the Personnel Rules.

- C11. Receive a Report on the Milpitas HOPE Suicide Prevention Task Force Activities Since September 2020 (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Receive a report on the Milpitas HOPE Suicide Prevention Task Force Activities.

- C12. Approve and Authorize Payments During Fiscal 2021-22 for Worker's Compensation, General Liability and Property Insurance Premiums and 10% Additional Payment Authority Designated to the City Manager (Staff Contact: Lauren Lai, Director of Finance, 408-586-3111)**

Recommendation: Approve and authorize payments during Fiscal 2021-22 for Worker's Compensation, General Liability and Property Insurance Premiums and 10% Additional Payment Authority Designated to the City Manager.

COMMUNITY DEVELOPMENT (7:45 PM)

- 13. Receive Report on Proposed Rent and Mortgage Relief Program Included in the Preliminary American Rescue Plan Act Investment Plan and Provide Direction to Staff (Staff Contact: Sharon Goei, Director of Building Safety and Housing, 408-586-3260)**

Recommendation: Receive report on proposed Rent and Mortgage Relief Program included in the Preliminary American Rescue Plan Act Investment Plan and provide direction to staff.

- 14. Receive a Report on the Pilot Mobile Shower and Laundry Program and Provide Direction to Staff (Staff Contact: Sharon Goei, Director of Building Safety and Housing, 408-586-3260)**

Recommendation: Receive a report on the pilot mobile shower and laundry program and provide direction to staff.

LEADERSHIP AND SUPPORT SERVICES (8:30 PM)

- 15. Introduce 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: (1) Receive presentation from staff; (2) Following the City Attorney reading the title, move to waive the first reading beyond the title of Ordinance No. 23.16; and (3) Introduce Ordinance No. 23.16 Amending Title I, Chapter 2, Section 2 of the Milpitas Municipal Code Relating to Purchases Made by Departments.

- 16. Receive a Report from Staff Regarding Transition to an In-House City Attorney, Establish the Position of City Attorney, Adopt a Resolution to Amend the Classification Plan to Add the Salary Range for the City Attorney, and Provide Input into the Desired Qualifications to Assist in the Selection Process for the City Attorney (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Jeannine Seher, Human Resources Director, 408-586-3086)**

Recommendation: Receive a report from staff regarding transition to an in-house City Attorney, establish the position of City Attorney, Adopt a Resolution to Amend the Classification Plan to add the Salary Range for the City Attorney, and provide input into the desired qualifications to assist in the selection process for the City Attorney.

REPORTS OF MAYOR & COUNCILMEMBERS (10:00 PM) - from assigned Commissions, Committees and Agencies

- 17. Establish the Main Street Revitalization Ad-Hoc Council Sub-Committee Comprised of Vice Mayor Montano and Councilmember Chua (Contact: Mayor Tran, 408- 586-3029)**

Recommendation: Establish the Main Street Revitalization Ad-Hoc Council Sub-Committee Comprised of Vice Mayor Montano and Councilmember Chua.

- 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

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.