



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, AUGUST 17, 2021
CITY COUNCIL CHAMBERS, 2nd Floor,
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 408-586-3122

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 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_cxZnkvDXRC2-31qQ1rhCZg

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 or staff 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

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Jeannine Seher, Human Resources Director

Employee Organization: LIUNA (MEA, ProTech, Mid-Con), IAFF, MPOA, Unrepresented

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 (Vice Mayor Montano)

PRESENTATIONS

- August 26 - Women's Equality Day (Proclamation)
- Milpitas High School winners of EmPowerSV Scholarship Competition in the Creative Presentation category
- Certificates of Recognition for Library Commission Essay Contest Winners
- Recognition of Senior Center Nutrition Volunteers

PUBLIC FORUM

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.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

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 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.

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 Calendars of Meetings for August and September 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

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

- C2. Approve City Council Meeting Minutes of the August 5, 2021, and Special Meeting and August 9, 2021, Special Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve meeting minutes of the August 5, 2021, and Special Meeting and August 9, 2021, Special Meeting.

- C3. Waive Second Reading and Adopt Ordinance No. 38.843 Amending Milpitas Municipal Code Title XI, Chapter 10 Relating to Accessory Dwelling Units and Determine that the Ordinance is Exempt from CEQA (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Waive second reading and adopt Ordinance No. 38.843 amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to accessory dwelling units and determine that the Ordinance is exempt from CEQA.

- C4. Adopt a Resolution Granting Acceptance of Public Improvements and Approve Reduction of Faithful Performance Bond for Public Improvements for the Sprig Center Commercial Project at 1585 North McCarthy Boulevard by Sprig Center, LLC and Granting Authorization to the City Engineer to Release the Performance Bond after the One-year Warranty Period (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a resolution granting acceptance of public improvements for the Sprig Center Project and approve a reduction in the performance bond, subject to a one-year warranty period and reduction of the faithful performance bond to \$195,923.00 which shall be in effect for the duration of the warranty period, and grant 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.

- C5. Adopt a Resolution Granting Acceptance of Public Improvements and Approve Reduction of Faithful Performance Bond for Public Improvements for the McCarthy Creekside Phase 2 – Buildings C, D and E Subdivision at 707 - 907 North McCarthy Boulevard by The McCarthy Ranch Limited Partnership and Granting Authorization to the City Engineer to Release the Performance Bond after the One-year Warranty Period (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a resolution granting acceptance of public improvements for the McCarthy Creekside Phase 2 – Buildings C, D and E Subdivision at 707 – 907 North McCarthy Boulevard, Tract 10393, and approve a reduction in the performance bond, subject to a one-year warranty period and reduction of the faithful performance bond to \$50,836 which shall be in effect for the duration of the warranty period, and grant 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.

- C6. Adopt a Resolution Authorizing the Examination of Sales or Transactions and Use Tax Records of the California Department of Tax and Fee Administration (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt a resolution authorizing the examination of sales or transactions and use tax records of the California Department of Tax and Fee Administration.

- C7. Adopt a Resolution Approving the City of Milpitas Investment Policy for Fiscal Year 2021-22 (Staff Contact: Lauren Lai, Finance Director/Risk Manager, 408-586-3111)**

Recommendation: Adopt a resolution of the City of Milpitas approving the Investment Policy for FY 2021-22.

- C8. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Creekside Milpitas 3, LLC for the McCarthy Parking Lot Project at 1207 N. McCarthy Blvd. (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 Creekside Milpitas 3, LLC for the McCarthy Parking Lot Project at 1207 N. McCarthy Blvd.

- C9. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Rental Agreement with PSI Water Technologies Inc. for the Rental of a Monoclor RCS Trailer for a total Amount Not-to-Exceed \$106,380.00 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 of the Rental Agreement with PSI Water Technologies Inc. for the rental of a Monoclor RCS Trailer for a total amount not-to-exceed \$106,380.00.

- C10. Approve and Authorize the FY 2021-2022 Santa Clara Valley Urban Runoff Pollution Prevention Program Assessment Payment for the Not-to-Exceed Amount of \$127,806.68 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Approve and authorize the FY 2021-2022 Santa Clara Valley Urban Runoff Pollution Prevention Program Assessment Payment for the not-to-exceed amount of \$127,806.68.

- C11. Receive and Review the FY 2020-21 Annual Report of Sole Source Contracts (Staff Contact: Lauren Lai, Finance Director/Risk Manager, 408-586-3111)**

Recommendation: Receive and review the FY 2020-21 annual report of Sole Source Contracts.

- C12. Approve Report of Actions Taken by the City Manager During the City Council Summer Recess (June 22 through August 5, 2021) (Staff Contact: Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Recommendation: Approve report of actions taken by the City Manager during the City Council summer recess (June 22 through August 5, 2021).

- C13. Approve an Exhibit Space Use Policy for City Exhibit and Display Cases (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Approve the Exhibit Space Use Policy.

COMMUNITY DEVELOPMENT

*** Translation services will be available for Item No. 14 in Spanish, Chinese, and Vietnamese.**

- 14. Receive report on pathways and options for Sunnyhills Apartment affordable unit residents, and Owner's, HUD's, and Santa Clara County Housing Authority's responsibilities (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive report on pathways and options for Sunnyhills Apartment affordable unit residents, and Owner's, HUD's, and Santa Clara County Housing Authority's responsibilities.

- 15. Receive Report on the Community Identification and Brand Study Public Engagement and Outreach and Provide Direction on Community Mark/Logo (Staff Contact: Charmaine Angelo, Public Information Officer, 408-586-3055)**

Recommendation: (1) Receive report on the Community Identification and Brand Study Public Engagement and Outreach, and (2) Provide direction to staff on the Community Mark/Logo for Citywide use.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

- 16. Approve and Authorize the City Manager to Execute a General Services Agreement with BrightView Landscape Services, Inc. for Landscaping Services at Various City Facilities for the Not-to-Exceed Amount \$581,300.00 for a Five-Year Period 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 a General Services Agreement with BrightView Landscape Services, Inc. for landscaping services at various City facilities for the not-to-exceed amount of \$581,300.00 over a five-year period, subject to the annual appropriation of funds.

PUBLIC SAFETY

- 17. Receive Presentation of Police Department's Response to Drug-Related Calls (Staff Contact: Jared Hernandez, Acting Chief of Police, 408-586-2402)**

Recommendation: Receive presentation of Police Department's response to drug-related calls.

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

- 18. Receive and Direct Staff on 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. 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.

- 19. Recommendations from Mayor Tran for Appointments for City Commissions (Contact: Mayor Tran, 408- 586-3029)**

Recommendation: Approve Mayor Tran's recommendations for appointments to City Commissions.

- 20. Provide Direction to Staff to Work with the Mayor and Vice Mayor and Submit a Letter Opposing Senate Bill 9 (Atkins) Housing Development: Approvals (Contact: Vice Mayor Montano, 408-586-3024)**

Recommendation: Recommend City Council provide direction to staff to work with the Mayor and Vice Mayor and submit a letter opposing Senate Bill 9 (Atkins) Housing Development: Approvals.

NEXT AGENDA PREVIEW

- 21. 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.

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.