



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, JUNE 21, 2022

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 408-586-2400

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3072

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_glCJvLOGTHmzXxnwToka-Q

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 (Vice Mayor Montano)

PRESENTATIONS (7:05 PM)

- Commendation to Retiring Deputy Fire Chief Albert Zamora
- Commendation of Appreciation for Businesses Supporting the Community
- Russell Girls Volleyball Team Recognition

PUBLIC FORUM (7:10 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 (7:15 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 (7:25 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 Calendar of Meetings for June and July 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive the City Council Calendar of Meetings for June and July 2022.

- C2. Approve the Regular and Special Meeting Minutes of June 7, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve the Regular and Special Meeting Minutes of June 7, 2022.

- C3. 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.

C4. 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.

C5. Authorize the City Manager to Accept CalRecycle Grant of \$107,661 and Approve Related Budget Amendment (Elaine Marshall, Deputy Public Works Director, 408-586-2603)

Recommendation: Authorize the City Manager to accept grant funding from CalRecycle's One-Time Senate Bill 1383 Local Assistance Grant and approve related budget amendment for revenues in the amount of \$107,661 for the Solid Waste Fund (Fund 280) for FY 2021-22.

C6. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas Town Center 2008 LP for the Chick-fil-A project at 755 East Calaveras Boulevard. (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas Town Center 2008 LP for the Chick-fil-A project at 755 East Calaveras Boulevard.

C7. Authorize City Manager to Enter into a Memorandum of Understanding with the MUSD for Expansion of After the Bell for the Extended Learning Opportunities Program (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)

Recommendation: Authorize City Manager to enter into a Memorandum of Understanding with the MUSD for expansion of After the Bell for the Extended Learning Opportunities Program.

C8. Approve the Accounts Receivable Write-offs for the Fiscal Year Ending June 30, 2022 (Lauren Lai, Finance Director, 408-586-3111)

Recommendation: Approve the Accounts Receivable write-offs in the amount of \$71,246 for the fiscal year ending June 30, 2022.

C9. Approve and Authorize the City Manager to Execute the Agreement for a One-Year Renewal with Brown & Brown for Excess Workers' Compensation Insurance Coverage for a total agreement amount of \$302,134 (Staff Contact: Jeannine Seher, Human Resources Director, 408-586-3086)

Recommendation: Approve and Authorize the City Manager to Execute the Agreement for a One-Year Renewal with Brown & Brown for Excess Workers' Compensation Insurance Coverage in the amount of \$302,134

C10. Approve and Authorize the City Manager to Enter into a Side Letter to Amend the Memorandum of Understanding between the City and LIUNA/UPEC Local 792, representing the Milpitas Employees Association (MEA) Unit, Mid-Management-Confidential Unit (Mid-Con), and the Professional and Technical Unit (ProTech) and to Approve and Authorize the City Manager to Enter into three Master Professional Services Agreements for On-Call Temporary Staffing Services (Staff Contact: Jeannine Seher, Human Resources Director, 408-586-3086)

Recommendation: Approve and authorize the City Manager to enter into a Side Letter to amend the Memorandum of Understanding between the City and LIUNA/UPEC Local 792, representing the

Milpitas Employees Association (MEA) Unit, Mid-Management-Confidential Unit (Mid-Con), and the Professional and Technical Unit (ProTech) and to approve and authorize the City Manager to enter into three Master Professional Services Agreements for On-Call Temporary Staffing Services, with a Not to Exceed annual amount of \$500,000 for each agreement.

- C11. Receive an Update on the Emergency Replacement of Two (2) Boilers and Install of a Temporary Heating System for the Public Works, Information Technology, and Police Department Building and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Receive an update on the emergency replacement of two boilers and the installation of a temporary heating system for the Public Works, Police and Information Technology Department buildings; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

- C12. Amended and Restated Weed Abatement Agreement Between City of Milpitas and the County of Santa Clara Consumer and Environmental Protection Agency - Weed Abatement Program (Staff Contact: Arthur Belton / Albert Zamora, Deputy Fire Chief / Fire Marshal, 408-586-3378 / 3371)**

Recommendation: Approve and authorize the City Manager to execute and sign the Amended and Restated Weed Abatement Agreement Between City of Milpitas and the County of Santa Clara Consumer and Environmental Protection Agency - Weed Abatement Program.

- C13. Approve Delegation of Authority to the City Manager or Designee to Approve and Execute Project Related Documents and Urgent Administrative Items During the City Council Summer Recess, from the Last City Council Meeting Held in June through August 9, 2022 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Approve delegation of authority to the City Manager, or his designee, to approve and execute project related documents, including contract documents, and urgent administrative items during the City Council summer recess from the last City Council meeting held in June through August 9, 2022.

- C14. Receive the Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive the March 2022 report for unhoused services.

- C15. Adopt a Resolution Accepting and Authorizing the City Manager to Execute the 5- Year Agreement Between Hiderliter De Llamas and Associates (HdL) and the City of Milpitas, and Approving and Authorizing a Sole Source Purchase for the Procurement of HdL Prime Business License Software with Web Module Services for a 5-Year Total Cost of Approximately \$123,700. (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt a resolution accepting and authorizing the City Manager to execute the 5-Year Agreement Between Hiderliter De Llamas and Associates (HdL) and the City of Milpitas, and Approving and Authorizing a Sole Source Purchase for the Procurement of HdL Prime Business License Software with Web Module Services for a 5-Year Total Cost of Approximately \$123,700.

- C16. Waive the Second Reading and Adopt Ordinance No. 38.845 Amending Sections of Chapter 10 of Title XI and Sections of Chapter 100 of Title V of the Milpitas Municipal Code Relating to Mobile Food Vending (Food Trucks) (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Move to waive the second reading and adopt Ordinance No. 38.845 amending sections of Chapter 10 of Title XI and Section of Chapter 100 of Title V of the Milpitas Municipal Code relating to mobile food vending (Food Trucks).

- C17. Second Reading of Ordinance No. 312 of the City Council of the City of Milpitas Adding Section 3.5 (“Regulation of Lobbying Activities”) to Chapter 310 (“Open Government Ordinance”), of Title I (“Administration”) of the Milpitas Municipal Code (The “Code”) and Modifying Section I-310-3.160 of the Code (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)**

Recommendation: Move to waive the second reading and adopt Ordinance No. 312 adding Section 3.5 (“Regulation of Lobbying Activities”) to Chapter 310 (“Open Government Ordinance”), of Title I (“Administration”) of the Milpitas Municipal Code (the “Code”) and Modifying Section I-310-3.160 of the Code).

- C18. Adopt a Resolution to Supersede Resolution 9145 to Add the Commemoration of India Independence Day as a Flag-raising Event at Cesar Chavez Plaza (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Recommendation: Adopt a Resolution to Supersede Resolution 9145 to Add the Commemoration of India Independence Day as a Flag-raising Event at Cesar Chavez Plaza

- C19. Accept Water and Wastewater Arrearage Grants from the Water State Board, Authorize a Subsidy for Residential Accounts with an Outstanding Balance of 85 days and Over and Approve a Budget Appropriation of \$248,048 for Grants and \$80,000 for Residential Utility Account Subsidy (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: (1) Accept Water and Wastewater Arrearage Grants from the Water State Board; (2) Authorize a subsidy for residential accounts with an outstanding balance of 85 days and over; and (3) Approve a budget appropriation of \$248,048 for grants and \$80,000 for residential utility account subsidy

- C20. Consider Recommendations from Mayor Tran for Appointments to City Commissions (Contact: Mayor Tran, 408- 586-3029)**

Recommendation: Receive Mayor Tran’s recommendation and approve the appointment to Economic Development and Trade Commission.

- C21. Approve the City Council Policy for Naming Streets, Parks and Facilities (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Recommendation: Approve the City Council Policy for Naming Streets, Parks and Facilities.

- C22. Reconfirm Findings and Determinations Under Resolution No. 9165 and Assembly Bill 361 for the Continuation of Virtual Meetings of the City Council and Legislative Bodies (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)**

Recommendation: Move to reconfirm findings and determinations under Resolution No. 9165 and Assembly Bill 361 for the continuation of virtual meetings of the City Council and Legislative Bodies.

- C23. Authorize the City Manager to Reject All Proposals for RFP No. 22-058 for Abandoned Shopping Cart Retrieval Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260; and Chris Schroeder, Purchasing Agent, 408-586-3161)**

Recommendation: Authorize the City Manager to Reject All Proposals for RFP No. 22-058 for Abandoned Shopping Cart Retrieval Services.

- C24. Approve and Authorize the City Manager to Execute Amendment No. 4 to the Shopping Cart Retrieval Services Contract with Alice Wright (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260; and Chris Schroeder, Purchasing Agent, 408-586-3161)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 4 to the Shopping Cart Retrieval Services Contract with Alice Wright, adding a one-year extension to the five-year contract, for a total of six years and increasing the total not-to-exceed amount by \$34,920.00 from \$111,384.62 to \$146,304.62.

- C25. Adopt a Resolution to Amend Resolution No. 1626 the City of Milpitas' Classification Plan to Approve and Adopt the Classification Specifications and Pay Schedules for the Legal Assistant, Assistant City Attorney, Deputy City Attorney and Deputy Director of Information Technology (Staff Contact: Jeannine Seher, Human Resources Director, 408-586-3086)**

Recommendation: Adopt a resolution to Amend Resolution No. 1626 the City of Milpitas' Classification Plan to approve and adopt the Classification Specifications and Pay Schedules for the Legal Assistant, Assistant City Attorney, Deputy City Attorney and Deputy Director of Information Technology.

- C26. Adopt a Resolution Approving Rental Rates for Public Spaces in City Hall (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Recommendation: Adopt a resolution approving rental rates to be added to the Master Fee Schedule for the City Hall Rotunda and the City Hall City Council Chambers.

- C27. Approve and Authorize the City Manager to Execute Amendment No. 2 with Avolve Software for the Maintenance Contract Extension for ProjectDox (Staff Contact: Daniel Nam, IT Director, 408-586-2712; and Chris Schroeder, Purchasing Agent, 408-586-3161)**

Recommendation: Approve and authorize the City Manager to Execute Amendment No. 2 with Avolve Software to extend the maintenance agreement for one (1) additional year and increase the existing contract amount of \$369,731.07 by \$29,906.55 for a total contract amount of \$399,237.62

- C28. Approve the Donation and Fee Waiver/Reduction City Council Policy (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Recommendation: Approve the Donation and Fee Waiver/Reduction City Council Policy.

PUBLIC HEARINGS (7:30 PM)

Members of the public may be allotted up to three (3) minutes or less at the Mayor's discretion, to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of ten (10) minutes for opening statements and up to a total of five (5) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

- 29. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2022-23 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Open the public hearing, receive any comments, and move to close the hearing following any testimony, and adopt a resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2022-23.

30. **Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2022-23 (Staff Contact Steve Erickson, Engineering Director, 408-586-3301)**

Recommendation: Open the public hearing, receive any comments, and move to close the hearing following any testimony, and Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2022-23.

COMMUNITY DEVELOPMENT (8:00 PM)

31. **Receive a Follow-up Presentation from Staff and provide Direction on Policy Options and Cost Estimates to Establish a Local Tobacco Retail Permitting (TRP) Program and to Regulate Tobacco Retail Locations and the Sale of Flavored Tobacco and Electronic Cigarette Products in Milpitas (Staff Contacts: Ned Thomas, Planning Director, 408-586-3273; Jay Lee, Principal Planner, 408-586-3077)**

Recommendation: (1) Receive a presentation from staff; and (2) Provide feedback and direction on policy options and cost estimates to establish a local tobacco retail permitting program and to regulate Tobacco Retail Locations and the Sale of flavored tobacco and electronic cigarette products in Milpitas.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (9:00 PM)

32. **Authorize City Manager to Execute the Fourth Amendment to the Franchise Agreement with MSI for the purpose of Assignment of Contract and Modify Certain Service Provisions (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Authorize City Manager to Execute the Fourth Amendment to the Franchise Agreement with MSI for the purpose of Assignment of Contract and modify certain service provisions.

LEADERSHIP AND SUPPORT SERVICES (10:00 PM)

33. **Rescind Resolution No. 9171 and Approve a Resolution Submitting to the Qualified Voters of the City of Milpitas a Measure Amending Chapter 400 (Mayoral and Councilmanic Term Limits) of Title 1 (Administration) of the Milpitas Municipal Code to Amend Term Limits on Mayoral and City Council Member Service, at a General Municipal Election to be Consolidated with the Statewide General Election to be Held November 8, 2022, and Setting Rules for Arguments and Rebuttals for and Against Said Measure (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)**

Recommendation: (1) Motion to rescind Resolution No. 9171. (2) Determine whether the Council wishes to print the text of the ballot measure at a cost of \$8,482 per page. (3) Motion to approve a Resolution Submitting to the Qualified Voters of the City of Milpitas a Measure Amending Chapter 400 (Mayoral and Councilmanic Term Limits) of Title 1 (Administration) of the Milpitas Municipal Code to Amend Term Limits on Mayoral and City Council Member Service, at a General Municipal Election to be Consolidated with the Statewide General Election to be Held November 8, 2022, and Setting Rules for Arguments and Rebuttals for and Against Said Measure.

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: mmutalipassi@milpitas.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@milpitas.gov prior to the meeting. You may request a larger font agenda.