



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, JUNE 15, 2021

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

City Council meeting is held via teleconference /Zoom webinar only (no physical meeting space).
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_cuZS3NW5RU6G3TIENKviNg

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. online written comment form previously used is no longer available for public comment.

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 (6:00 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Mayor Rich Tran

Employee: City Attorney

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 (assigned to Mayor Tran)

PRESENTATIONS

- Juneteenth (Proclamation)
- July – Parks and Recreation Month (Proclamation)

PUBLIC FORUM

Those interested are invited to address City Council on any subject not on tonight's agenda, orally via zoom webinar (instructions on page 1). Speakers may provide their name and city of residence for the Clerk's record, and comments may be limited to three minutes or less. 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.

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 subsequent 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 City Council Calendars of Meetings for June and July 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendars of Meetings for June and July 2021.

C2. Approve City Council meeting minutes of the June 1, 2021, Regular City Council Meeting and June 8, 2021 Special City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Approve meeting minutes of the June 1, 2021, Regular City Council Meeting and June 8, 2021 Special City Council Meeting.

- C3. Waive the Second Reading and Adopt Ordinance No. 227.8 Amending Chapter 215 (Regulation of Smoking in Certain Places), Title V (Public Health, Safety and Welfare), of the Milpitas Municipal Code Relating to Prohibiting Smoking in Multi-Unit Housing and Certain Outdoor Areas (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Move to waive the second reading and adopt Ordinance No. 227.8 amending Chapter 215, Title V of the Milpitas Municipal Code relating to prohibiting smoking in multi-unit housing and certain outdoor areas.

- C4. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for 450 Montague Residential Project located at 450 Montague Expressway and 620 E. Capitol Avenue, Tract 10324 by Lennar Homes of California and LMC Milpitas Holdings I, 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)**

Recommendations: (1) Adopt a Resolution granting acceptance of public improvements for the 450 Montague Residential Project located at 450 Montague Expressway and 620 E. Capitol Avenue, Tract 10324, Public Improvement Plan 2-1202; (2) approving a reduction in the faithful performance bonds to \$109,785 and \$115,255, respectively, which shall be subject and in effect for the duration of a one-year warranty period; (3) 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 Approving Reduction of Faithful Performance Bond for Public Improvements for the Metro Subdivision located at 1425 South Milpitas Boulevard, Tract 10349 by Pulte Home Corporation, 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)**

Recommendations: (1) Adopt a resolution granting acceptance of public improvements for the Metro Subdivision located at 1425 South Milpitas Boulevard, Tract 10349 by Pulte Home Corporation, Public Improvement Plan 2-1183 and 2-1164; (2) approve a reduction in the faithful performance bond to \$79,250, which shall be subject and in effect for the duration of a one-year warranty period; (3) 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 Continued Participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendations: (1) Adopt a Resolution authorizing the continued participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority; and (2) authorize the City Manager, or designee, to execute any documents necessary to continue participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority program.

- C7. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for the South Main Senior Lifestyles Project located at 80 Cedar Way by Milpitas Phase I, LP 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: (1) Adopt a Resolution granting acceptance of public improvements for the South Main Senior Lifestyles Project located at 80 Cedar Way, Public Improvement Plan 2-1236; (2) approve a reduction in the faithful performance bonds to \$157,500 and \$116,800, respectively, which shall be subject and in effect for the duration of a one-year warranty period; and (3) 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.

- C8. Adopt a Resolution approving Site Development Permit Amendment No. SA21-0001 to amend Site Development Permit No. SD17-0006 to reduce the scope of a previously approved project from a two-story, 4,831-square-foot home to a one-story, 3,000-square-foot home located on a 1.6-acre site at 517 Vista Ridge Drive in the R-1-H Hillside Single-family Residential Zoning District and Making Findings of Exemption under CEQA (Staff Contact: Ned Thomas, Planning Director, 408-586-3273 and Adrienne Smith, Associate Planner, 408-586-3287)**

Recommendation: Adopt a Resolution approving Site Development Permit Amendment No. SA21-0001 to reduce the scope of a previously approved project from a two-story, 4,831-square-foot home to a one-story, 3,000-square-foot home located on a 1.6-acre site at 517 Vista Ridge Drive in the R-1-H Hillside Single-family Residential Zoning District and making findings of exemption under the California Environmental Quality Act (CEQA).

- C9. Approve and Authorize the City Manager to Execute a General Services Agreement with Hanford Applied Restoration & Conservation for Wrigley, Ford, and Wrigley-Ford Creek Maintenance for a total Amount Not-to-Exceed \$128,430.00. (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Approve and Authorize the City Manager to execute a General Services Agreement with Hanford Applied Restoration & Conservation for Wrigley, Ford, and Wrigley-Ford Creek Maintenance for a total amount not-to-exceed \$128,430.00.

- C10. Approve Change Order No. 3 in the Amount of \$93,826 for the Contract with Redwood Construction and Equipment, Inc. for the Citywide Parks and Playgrounds Rehabilitation Project, Increasing the Total Project Not-to-Exceed Amount from \$1,989,005 to \$2,082,831 and approve an appropriation in amount of \$253,497 from General Government CIP Fund to CP 3424. (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendations: (1) Approve Change Order No. 3 in the amount of \$93,826 for the contract with Redwood Construction and Equipment, Inc. for the Citywide Parks and Playgrounds Rehabilitation Project, increasing the total project not-to-exceed amount from \$1,989,005 to \$2,082,831; and (2) approve an appropriation in amount of \$253,497 from the General Government CIP Fund to CP 3424.

- C11. Approve and Authorize the City Manager to Execute an Agreement with Mark 43 for a Law Enforcement Records Management System (RMS) for a Six Year Software License Agreement for the Not-To-Exceed Amount of \$1,049,956 (Staff Contacts: Steven Fox, Police Captain, 408-586-2525)**

Recommendation: Approve and Authorize the City Manager to execute an agreement with Mark 43 for a law enforcement Records Management System (RMS) for a six-year Software License Agreement for the not-to-exceed amount of \$1,049,956 subject to annual appropriations.

- C12. Approve Accounts Receivable Write-offs for the Fiscal Year Ending June 30, 2021 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Approve the Accounts Receivable write-offs for the Fiscal Year ending June 30, 2021.

- C13. Adopt a Resolution Declaring Certain City Owned Land “Exempt Surplus Land” Under the Surplus Land Act (Government Code Section 54220 et seq.) and Approving and Authorizing, Pursuant to CEQA Findings, the City Manager to Execute the Right-of-Way Agreement with the Santa Clara Valley Water District for the Purchase of Easements and City Owned Land for Lower Penitencia Creek Flood Protection Improvements (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a Resolution declaring certain City owned land “Exempt Surplus Land” under the Surplus Land Act (Government Code Section 54220 et seq.) and approving and authorizing, pursuant to CEQA findings, the City Manager to execute the Right-of-Way Agreement with the Santa Clara Valley Water District for the purchase of easements and City owned land for Lower Penitencia Creek Flood Protection Improvements.

- C14. Approve and Authorize the City Manager to Execute the Construction Contract with McGuire and Hester to Provide Construction of the Main Lift Station Emissions Control Facility for the Not-To-Exceed Amount of \$1,293,500. (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendations: (1) Award NIB No. 2511 to McGuire and Hester; (2) approve and authorize the City Manager to execute the construction contract with McGuire and Hester to provide construction of the Main Lift Station Emissions Control Facility for the not-two exceed amount of \$1,293,500; and (3) authorize the City Manager to execute one or more change orders related to the project to increase the maximum compensation by an aggregate amount not to exceed \$200,000.

- C15. Approve Amendment to Bateman Community Living, LLC Contract FY2020-21 for Senior Nutrition Services (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3226)**

Recommendation: Approve amendment to Bateman Community Living, LLC contract FY2020-2021 to increase the contract amount by \$70,000 to \$146,500 to cover the cost of additional Senior Nutrition meals during the pandemic.

- C16. Receive Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive April 2021 report for unhoused services.

- C17. Approve Amendment to Measure F Oversight Committee Bylaws to Adjust Regular Quarterly Meeting Dates (Staff Contact: Lauren Lai, Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Approve amendment to Measure F Oversight Committee Bylaws to adjust regular quarterly meeting dates.

- C18. 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 amending the Vacation Cash Out MOU provisions (Jeannine Seher, Director of Human Resources, 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 amending the Vacation Cash Out MOU provisions.

C19. Accept Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Accept the resignation of Commissioner Gil Roy Galindez Casanova III from Community Advisory Commission; and confirm the noticing of the unscheduled vacancy.

C20. Establish a Project titled “COVID-19 Safe Facility Improvements” and Approve a Budget Amendment in the Amount of \$375,000 to Fund the Project with American Rescue Plan Act Funds (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Recommendation: Establish CP 3495 titled “COVID-19 Safe Facility Improvements” and approve a budget amendment in the amount of \$375,000 to fund the project with American Rescue Plan Act Funds.

C21. 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 5, 2021 (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 5, 2021.

PUBLIC HEARINGS (7:45 PM)

22. 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 2020-21 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendations: (1) Open the public hearing, receive any comments, and move to close the hearing following any testimony; and (2) adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1 for Fiscal Year 2020-21.

23. 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 2021-22 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendations: (1) Open the public hearing, receive any comments, and move to close the hearing following any testimony; and (2) 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 2021-22.

24. Conduct a Public Hearing to Approve an Amendment to the FY19-20 Annual Action Plan, Approve the Funding Allocations for FY21-22 Community Development Block Grant (CDBG), Adopt the Annual Action Plan for the Corresponding Year, and Consider an Amendment to the Citizen Participation Plan (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)

Recommendations: (1) Open the public hearing, hear testimony, then move to close the public hearing; (2) approve the amendment to the FY19-20 Annual Action Plan; (3) adopt the FY21-22 Annual Action Plan with recommended allocation amounts; (4) authorize the City Manager, or designee, to make any necessary changes to the approved FY21-22 Annual Action Plan as needed to comply with CDBG submission guidelines; (5) authorize the City Manager, or designee, to execute CDBG agreements with the approved subrecipients, and amend the CDBG agreements as needed to comply with CDBG guidelines; (6) approve an amendment to the Citizen Participation Plan; and (7) authorize the City Manager, or designee, to make any necessary changes to the Citizen Participation Plan as needed to comply with CDBG submission guidelines.

25. Conduct a Public Hearing and Adopt a Resolution Adopting the 2020 Urban Water Management Plan and Authorize the Mayor to Sign Letters on Behalf of the City Council Regarding Water Supply Matters (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Recommendations: (1) Open the public hearing, hear testimony, then move to close the public hearing; (2) Adopt a Resolution Adopting the 2020 Urban Water Management Plan; and (3) Authorize the Mayor to sign letters on behalf of the City Council regarding water supply matters affecting the City of Milpitas.

26. Conduct a Public Hearing and Adopt a Resolution Adopting the Water Shortage Contingency Plan. (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Recommendations: (1) Conduct a Public Hearing, hear testimony, then move to close the public hearing; and (2) adopt a Resolution Adopting the Water Shortage Contingency Plan.

27. Conduct a Public Hearing, Adopt Resolution A, Conduct a Special Election for Community Facilities District No. 2008-1 – Annexation 21, and Adopt Resolution B. (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendations: Conduct a Public Hearing, hear testimony, then move to close the public hearing; and adopt the following Resolutions: (1) Resolution (A) of the City Council of the City of Milpitas Acting as the Legislative Body of Community Facilities District No. 2008-1 (Public Services), Making Certain Determinations and Authorizing Submittal of Levy of Special Taxes to the Qualified Electors of Certain Territory Proposed to be Annexed to Community Facilities District No. 2008-1 (Public Services); and (2) Resolution (B) of the City Council of the City of Milpitas Acting in its Capacity as the Legislative Body of Community Facilities District No. 2008-1 (Public Services), Declaring the Results of a Special Election in that Territory Designated as Community Facilities District No. 2008-1 (Public Services), Annexation No. 21 and Adding Such Territory To Such Community Facilities District.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (9:45 PM)

28. Receive a Presentation on the Draft Parks and Recreation Master Plan and Provide Direction to Staff (Staff Contacts: Steve Erickson, Engineering Director/City Engineer, 408-586-3301; and Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: Receive a Presentation on the Draft Parks and Recreation Master Plan and provide direction to staff.

LEADERSHIP AND SUPPORT SERVICES (10:15 PM)

29. Receive a presentation on a Return to the Workplace Plan for the City of Milpitas (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

Recommendation: Receive a presentation on a Return to the Workplace Plan for the City of Milpitas.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies
(10:45 PM)

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

Recommendation: Approve Mayor Tran's recommendations for the following City commissions: Arts Commission; Community Advisory Commission; Economic Development and Trade Commission; Energy and Environmental Sustainability Commission; Library and Education Advisory Commission; Parks, Recreation, and Cultural Resources Commission; Public Safety and Emergency Preparedness Commission; Science, Technology, and Innovation Commission; Veterans Commission; and Youth Advisory Commission; and approve the final appointments.

31. 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 on a form, at a Council meeting, or through the City Manager. Direct items to a City Council Subcommittee, to be placed onto a specific meeting date, or specify alternate direction to staff. 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.

NEXT AGENDA PREVIEW (10:55 PM)

32. 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 (11:00 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.