



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MAY 18, 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_5YKU79TQTC6h7IFE1damWQ

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

ADJOURN TO CLOSED SESSION (6:00 PM)

(a) 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

(b) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

Cost Dispute with Tributary Agencies (Burbank Sanitary District, Cupertino Sanitary District, West Valley Sanitation District, County Sanitation District 2-3) Regarding Legal Expenses

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 (Councilmember Chua)

PRESENTATIONS

- Public Works Week (Proclamation)
- Eritrea Independence Day (Proclamation)
- Memorial Day (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 (7:45 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 May and June 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**
- C2. Approve City Council meeting minutes of the May 4, 2021, Regular City Council Meeting, May 7, 2021 Special City Council Meeting, and May 11, 2021, City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**
- Recommendation: Approve meeting minutes of the May 4, 2021, Regular City Council Meeting, May 7, 2021, Special City Council Meeting, and May 11, 2021, Special City Council Meeting.
- C3. Adopt a Resolution Approving the Annual Engineer's Report; Adopt a Resolution Declaring Its Intention to Levy and Collect Assessments; and Provide Notice of Public Hearing to be held on June 15, 2021 for Landscaping and Lighting Maintenance Assessment District No. 95-1 (LLMD 95-1 McCarthy Ranch) (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**
- Recommendation: Adopt a Resolution approving the Annual Engineer's Report; adopt a Resolution declaring its Intention to Levy and Collect Assessments; and provide Notice of Public Hearing to be held on June 15, 2021 for LLMD 95-1 McCarthy Ranch.
- C4. Adopt a Resolution Approving the Annual Engineer's Report; Adopt a Resolution Declaring Its Intention to Levy and Collect Assessments; and Provide Notice of Public Hearing to be held on June 15, 2021 for Landscaping and Lighting Maintenance Assessment District No. 98-1 (LLMD 98-1 Sinclair Horizon) (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**
- Recommendation: Adopt a Resolution approving the Annual Engineer's Report; adopt a Resolution declaring its Intention to Levy and Collect Assessments; and provide Notice of Public Hearing to be held on June 15, 2021 for LLMD 98-1 Sinclair Horizon.
- C5. Adopt a Resolution Approving Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for the California Circle Residential Project located at 1210 California Circle, Tract 10359 by KB Home South Bay, Inc., 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: Adopt a Resolution: (1) Approving acceptance of public improvements for the California Circle Residential Project located at 1210 California Circle, Tract 10359, Public Improvement Plan 2-1219; and (2) Approving a reduction in the faithful performance bond to \$131,000.00, which shall be subject and in effect for the duration of a one-year warranty period; and (3) Granting 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 Accepting the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information Program; A Program Under the Community Rating System of the Federal Emergency Management Agency's National Flood Information Program (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**
- Recommendation: Adopt a Resolution Accepting the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information Program; A Program Under the Community Rating System of the Federal Emergency Management Agency's National Flood Information Program.

- C7. Adopt a Resolution upholding the Appeal of the Planning Commission's Denial and approving a Site Development Permit and Conditional Use Permit Amendment to Demolish an Existing Manual Coin-operated Car Wash and Develop a New, Fully Automatic 3,189-square foot Car Wash with an Additional 2,301-square foot Canopy Area and associated site improvements with an increased front setback of 37 feet-7 inches on a .46 Acre Site Located at 554 S. Main Street Pursuant to CEQA Guidelines 15303 and 15183 (Staff Contact: Rozalynne Thompson, Senior Planner, 408-586-3278)**

Recommendation: Adopt a Resolution upholding the Appeal of the Planning Commission's Denial and approving Site Development Permit SD18-0010 and Conditional Use Permit Amendment UA18-0020 to demolish an existing manual coin-operated car wash and develop a new, fully automatic 3,189-square foot car wash with an additional 2,301-square foot canopy area and associated site improvements with an increased front setback of 37 feet-7 inches.

- C8. Accept Four Donations Totaling \$8,000 and approve a related FY 2021-22 Budget Amendment (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Recommendation: Accept four donations totaling \$8,000 from Gomez Consulting, Morley Bros., Overton Moore Properties, and the Pulte Group for funding temporary housing for unhoused persons and approve an appropriation of \$8,000 to the FY 2021-22 Recreation and Community Services Department Operating Budget.

- C9. Approve the Proposed Legislative Advocacy Policy and Legislative Guiding Principles (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Approve the Legislative Advocacy Policy and Legislative Guiding Principles.

- C10. Approve and Authorize the City Manager, or his Designee, to Execute a Memorandum of Understanding (MOU) by and Between the City of Milpitas and the Milpitas Unified School District Regarding the MUSD Alliance Partners for Future-Ready Learners Program (Staff Contacts: Alex Andrade, Director of Economic Development, 408-586-3046; and Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Recommendation: Approve and authorize the City Manager, or his designee, to execute a Memorandum of Understanding (MOU) by and between the City of Milpitas and the Milpitas Unified School District regarding the MUSD Alliance Partners for Future-Ready Learners Program.

- C11. Consider the Mayor's Recommendation of Vice Mayor Carmen Montano to Serve on the Bay Area Water Supply and Conservation Agency and its Regional Financing Authority Board of Directors a four-year term from July 1, 2021 through June 30, 2025. (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Consider Mayor's recommendation of Vice-Mayor Carmen Montano to serve on the Board of Bay Area Water Supply and Conservation Agency and its Regional Financing Authority for a four-year term from July 1, 2021 through June 30, 2025.

- C12. Approve and Authorize the City Manager to Enter into a Side Letter to Amend the Memorandum of Understanding between the City and the Milpitas Police Officers Association (MPOA) and between the City and LIUNA/UPEC Local 792, representing the Mid-Management-Confidential Unit (Mid-Con) and the Professional and Technical Unit (ProTech) amending the Vacation Cash Out MOU provisions. (Staff Contact: 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 the Milpitas Police Officers Association (MPOA) and between the City and LIUNA/UPEC Local 792, the Mid-Management-Confidential Unit (Mid-Con) and the Professional and Technical Unit (Pro-Tech) relating to the vacation cash-out provisions amending the Vacation Cash Out MOU provisions.

C13. Accept Youth Advisory Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Accept Resignation of Commissioner Andrea Liu from the Youth Advisory Commission and confirm the noticing of the unscheduled vacancy.

PUBLIC HEARINGS (8:00 PM)

14. Adopt a Resolution Approving Vehicle Miles Traveled Policy to Implement Senate Bill 743 (Staff Contact: Ned Thomas, Director of Planning, 408-586-3273)

Recommendations: (1) Conduct a public hearing and move to close the hearing following comments; and (2) adopt a resolution for a new citywide policy to establish Vehicle Miles Traveled (VMT) as the standard of measurement for analysis of potential environmental impacts from vehicle traffic under the California Environmental Quality Act (CEQA).

COMMUNITY DEVELOPMENT (8:30 PM)

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

Recommendation: Receive March 2021 report for unhoused services.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (9:00 PM)

16. Receive a Presentation on the Draft Milpitas Water Master Plan (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Recommendation: Receive presentation on the draft Milpitas Water Master Plan and provide feedback to staff.

17. Receive a Presentation on the Draft Milpitas Sewer Master Plan (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Recommendation: Receive a presentation on the draft Milpitas Sewer Master Plan and provide feedback to staff.

LEADERSHIP AND SUPPORT SERVICES (9:45 PM)

18. Approve and Authorize the City Manager to Execute a Five-Year Professional Services Agreement with up to two additional two-year options to extend the service with PFM Asset Management LLC to Provide Section 115 Pension Trust Management Services and Establish a Section 115 Pension Trust (Staff Contacts: Walter C. Rossmann, Deputy City Manager, 408-585-3012; and Lauren Lai, Finance Director/Risk Manager, 408-586-3111)

Recommendations: (1) Approve and authorize the City Manager to execute a Five-Year Professional Services Agreement with PFM Asset Management LLC to Provide Section 115 Pension Trust Management Services. (2) Authorize the City Manager to execute up to two (2) additional two-year

options to extend services without further City Council Action. (3) Authorize the City Manager to execute any Trust related documents after approval as to form by the City Attorney. (4) Adopt the Resolution for the Post-Employment Benefits Trust Agreement between PFM Assets Management LLC ("PFM") as Trust Administrator and Wells Fargo Bank, N.A. ("Wells Fargo") as directed Trustee; approve the Investment Earnings Goal for the Trust; and designate the City Trust Administrators.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies
(10:15 PM)

19. 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 at a Council meeting, or through the City Manager. Direct items 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 (10:25 PM)

20. Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on Jun 1, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Receive list of anticipated agenda items for the June 1, 2021 regular City Council meeting.

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.