



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND PUBLIC FINANCING AUTHORITY

AGENDA

TUESDAY, APRIL 6, 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. Here is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_sMVYktVFSay3z2T1kHjqtg

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: Jeannine Seher, Human Resources Director

Bargaining units: LIUNA (MEA, ProTech, Mid-Con, MPOA)

(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

(c) 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

(d) 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 Councilmember Dominguez)

PRESENTATIONS

- Vietnamese-American Heritage Month (Proclamation)
- National Public Safety Telecommunications Week (Proclamation)
- Commendations to the American Red Cross

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 Calendar of Meetings for April 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

C2. Approve City Council Meeting Minutes of the March 16, 2021, Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Approve meeting minutes of the March 16, 2021, Regular City Council Meeting.

C3. Adopt a Resolution Requesting the Allocation of Transportation Development Act (TDA), Article 3 Funds for the ADA Curb Ramp Transition Program 2022 (Staff Contact: Steve Chan, Transportation and Traffic Manager, 408-586-3324)

Recommendation: Adopt a resolution requesting the allocation of Transportation Development Act (TDA), Article 3 Funding for the City's American Disability Act (ADA) Curb Ramp Transition Program.

C4. Adopt Resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board Authorizing Investment of Monies in the Local Agency Investment Fund and Updating Officers' Information (Staff Contact: Lauren Lai, Finance Director/Risk Manager, 408-586-3111)

Recommendation: Adopt two resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund (LAIF) and updating officers' information.

C5. Adopt a Resolution Supporting Submission of Projects for Community Project Funding (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendation: Adopt a resolution supporting submission of projects for Community Project Funding.

C6. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Urban Field Studio in the new total amount of \$966,250 and Extend the Term of the Agreement to June 30, 2022 for the Milpitas Metro Specific Plan (TASP Update); and Approve a related Budget Amendment in the amount of \$426,250 (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Recommendations: (1) Approve and authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Urban Field Studio in the new total amount of \$966,250 with a term through June 30, 2022 for the Milpitas Metro Specific Plan (TASP Update); and (2) Approve a Budget appropriation of \$426,250 from the Transit Area Development Impact Fee Fund into CIP Project No. 2006.

C7. Adopt Resolution Approving the City's Grant Application Requesting \$31,474 from the Bureau of Reclamation's WaterSmart Small-Scale Water Efficiency Project Grant Program (Staff Contact: Tony Ndah, Public Works Director 408-586-2602)

Recommendation: Adopt resolution approving the City's Grant Application requesting \$31,474 from the Bureau of Reclamation's WaterSmart Small-Scale Water Efficiency Project Grant Program.

- C8. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Animal Services Agreement with the City of San Jose (Staff Contacts: 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. 1 to the Agreement with the City of San Jose for Animal Services, adding a fourth year to the three-year agreement, increasing the total not-to-exceed amount by \$416,053 from \$1,212,158 to \$1,628,211, subject to annual appropriation of funds.

- C9. Authorize the City Manager to execute the Assignment and Assumption Agreement with Milpitas Unified School District for Roadway Easement and Public Service Utility Easements for the Widening of McCandless Drive (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Authorize the City Manager to execute the Assignment and Assumption Agreement with Milpitas Unified School District for Roadway Easement and Public Service Utility Easements for the Widening of McCandless Drive.

- C10. Approve and Authorize the City Manager to Execute a Professional Services Agreement with Silicon Valley Independent Living Center for the Management of the Santa Clara County Emergency Food and Shelter Program (EFSP) Grant for the Milpitas Rent Relief Program (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Approve and authorize the City Manager to execute a Professional Services Agreement with Silicon Valley Independent Living Center for the management of the Santa Clara County Emergency Food and Shelter Program (EFSP) grant for the Milpitas Rent Relief Program.

- C11. Adopt a Resolution Supporting Project and Program Submission for Federal American Jobs Plan Funding (Staff Contacts: Steve Erickson, Engineering Director/City Engineer, 408-586-3301; and Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Adopt a resolution supporting Project and Program Submission for Federal American Jobs Plan Funding.

PUBLIC HEARINGS (8:00 PM)

- 12. Hold a Public Hearing and Adopt a Resolution Approving the 2022-2026 Capital Improvement Program for the City of Milpitas (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendations: (1) Open the public hearing to receive any comments and then move to close the hearing; and (2) Adopt a resolution approving the 2022-2026 Capital Improvement Program for the City of Milpitas.

- 13. Conduct a Public Hearing to Consider the Approval of the Draft FY 2019-2020 Community Development Block Grant (CDBG)'s Consolidated Annual Performance and Evaluation Report (CAPER) (Staff Contacts: Sharon Goei, Building Safety and Housing Director, 408-586-3260; and Robert Musallam, Housing Authority Administrator, 408-586-3275)**

Recommendations: (1) Open the public hearing, hear testimony, then move to close the public hearing; (2) Approve the draft FY 2019-2020 Community Development Block Grant (CDBG)'s Consolidated Annual Performance and Evaluation Report (CAPER); and (3) Authorize the City Manager, or designee, to make any necessary changes and to submit the approved draft FY 2019-2020 CAPER to the U.S. Department of Housing and Urban Development (HUD) to comply with CDBG requirements.

COMMUNITY DEVELOPMENT (9:00 PM)

- 14. Receive a Staff Presentation on the Status of Accessory Dwelling Units (ADUs) in Milpitas and the City's Efforts to Increase ADU Production (Staff Contacts: Ned Thomas, Director of Planning, 408-586-3273; and Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive a staff presentation on the status of Accessory Dwelling Units (ADUs) in Milpitas and the City's efforts to increase Accessory Dwelling Units production and provide guidance and direction as needed.

- 15. Receive a Staff Presentation on Bike and Scooter Share Options and Policy Considerations for Local Jurisdictions (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Receive a staff presentation on bike and scooter share options and policy considerations for local jurisdictions and provide direction on a future pilot program.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies (9:30 PM)

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

Recommendation: Receive Mayor Tran's recommendations for the Community Advisory Commission, the Economic Development and Trade Commission, the Energy and Environmental Sustainability Commission, and the Public Safety and Emergency Preparedness Commission; and approve the recommendations for final appointment.

- 17. Per Councilmember Phan, Discuss an Amendment to the Existing Ordinance for Third-Party Food Delivery Vendor Services to Prohibit Regulatory Response Fees (Contact: Councilmember Phan, 408- 586-3032)**

- 18. Per Vice Mayor Montano, Discussion on Providing a Second Round of Small Business Grants Using CDBG/Federal Funds to Help the Small Business Community (Contact: Vice Mayor Montano, 408- 586-3024)**

- 19. Receive and Direct Staff on List of Agenda Items Requested by City Councilmembers (Contacts: Mayor and City Councilmembers, 408-586-3000)**

Recommendation: Review list of items presented (list in agenda packet) 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 (10:25 PM)

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

Recommendation: Receive list of anticipated agenda items for the April 20, 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 408-586-3003 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 wwood@ci.milpitas.ca.gov prior to the meeting.
You may request a larger font agenda*