



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA
TUESDAY, MARCH 16, 2021
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_mv2roSgASiCyOV-fam73EA

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 (7:00 PM)

PLEDGE OF ALLEGIANCE

INVOCATION (assigned to Councilmember Phan)

PRESENTATIONS

- Cesar Chavez Day Proclamation
- Presentation to Santa Clara Valley Science and Engineering Fair Association (SCVSEFA) Milpitas student STEM winners

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 March and April 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**
- C2. Approve City Council meeting minutes of the March 2, 2021, Regular City Council Meeting, and the March 9, 2021, Special City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve meeting minutes of the March 2, 2021, Regular City Council Meeting, and the March 9, 2021, Special City Council Meeting.
- C3. Authorize the establishment of a Y-Rate for 2.0 FTE Executive Assistants reclassified as the Administrative Assistants and amend the staffing resolution #1626 to reflect the reclassification (Staff Contact: Jeannine Seher, Director of Human Resources, 408-586-3086)**

Recommendation: Adopt a Resolution establishing the Y-Rate for the employees reclassified from Executive Assistant to Administrative Assistant and amend the Classification Plan to reflect the reclassification.

- C4. Adopt Ordinance No. 65.151 Regarding Responsible Construction (Staff Contact: Christopher J. Diaz, City Attorney 408-586-3040, Steve McHarris, City Manager 408-586-3059)**

Recommendation: Waive the Second Reading and Adopt Ordinance No. 65.151, amending various sections of Chapter 32 (Responsible Construction) of Title III of the Milpitas Municipal Code.

- C5. Accept the 2020 Emergency Management Performance Grant (EMPG) and Authorize the City Manager or Designee to Execute the Related Agreement with the County of Santa Clara and Approve a Related Budget Amendment (Staff Contact: Toni Charlop, Emergency Services Coordinator, 408-586-2801)**

Recommendation: Accept the 2020 Emergency Management Performance Grant (EMPG) and Authorize the City Manager to execute the 2020 Emergency Management Performance Grant (EMPG) Memorandum of Understanding with the County of Santa Clara and appropriate funds in the amount of \$22,400 to the Milpitas Fire Department, Office of Emergency Services for the purchase of Computers and Technology for the Emergency Operations Center.

- C6. Approve a Letter to Santa Clara Valley Transportation Authority Expressing the City of Milpitas' Support for a 2016 Measure B 10-year Funding Program that Provides Fairness in Transportation Funding Countywide (Steve Chan, Transportation and Traffic Manager, 408-586-3324)**

Recommendation: Approve a letter to Santa Clara Valley Transportation Authority expressing the City of Milpitas' support for a 2016 Measure B 10-year funding program that provides fairness in transportation funding countywide

- C7. Accept a Grant from the County of Santa Clara in the amount of \$37,560 to implement strategies to prevent use of tobacco and authorize the City Manager to Execute the Service Agreement with the County of Santa Clara and Approve a related Budget Amendment (Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Accept a grant from the County of Santa Clara in the amount of \$37,560 to implement strategies to prevent use of tobacco and authorize the City Manager to Execute the Service Agreement with the County of Santa Clara and Appropriate the funds to the Recreation and Community Services Operating Budget

- C8. Accept Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Accept commissioner resignation and confirm noticing of the unscheduled vacancy.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:00 PM)

- 9. Receive Presentation from Pacific Gas & Electric (PG&E) Representatives Regarding the City's Recent Power Outages and Corrective Actions Taken and also Provide Information on Public Safety Power Shutoffs (PSPS) and Unscheduled Power Outages (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**
- 10. Receive Presentation on the Parks and Recreation Master Plan Updates, Recreation and Community Service Fee Assessment and Development of Cost Recovery Policy and Adopt a Resolution Approving Cost Recovery Policy for Recreation and Community Service Department, Project No. 5115 (Steve Erickson, Engineering Director/City Engineer, 408-586-3301, Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Receive a presentation on the Parks and Recreations Master Plan Update, Recreation and Community Services Fee Assessment and Development of Cost Recovery Policy; (2) Adopt a Resolution Approving Cost Recovery Policy for Recreation and Community Service Department.

LEADERSHIP AND SUPPORT SERVICES (8:45 PM)

- 11. Federal Coronavirus Relief Funds Spending Plan Considerations (Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Recommendation: Provide direction to staff on Federal Coronavirus Relief Funds Spending Plan Considerations.

- 12. Receive scope and resources information for Council requested workplan items identified at the February 2, 2021 City Council meeting and provide direction to staff on specific items to be incorporated into the development of FY 2021-2022 budget (Ashwini Kantak, Assistant City Manager, 408-586-3053, Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Recommendation: Receive scope and resources information for Council requested workplan items identified at the February 2, 2021 City Council meeting and provide direction to staff on specific items to be incorporated into the development of FY 2021-2022 budget.

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

- 13. Per Mayor's Recommendations, Appoint Seven Members and Two Alternate Members to the Measure F Oversight Committee (Contact: Mayor Rich Tran, 408-586-3029)**

Recommendation: Per Mayor's Recommendations, Appoint Seven Members and Two Alternate Members to the Measure F Oversight Committee for 3-year terms to expire in March 2024.

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

Recommendation: Recommendation: Receive Mayor Tran's recommendations for the City Commissions and approve the recommendations for final appointment by the Mayor.

- 15. Per Councilmember Dominguez, Discuss Distribution of COVID-19 Vaccines and Consider Drafting a Letter to the County of Santa Clara (Contact: Councilmember Dominguez, 408-586-3031)**

- 16. Per Councilmember Phan, Discuss an Amendment to Existing Ordinance for Third-Party Food Delivery Vendor Services to Prohibit Regulatory Response Fees (Contact: Councilmember Phan, 408-586-3023)**

- 17. 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)

18. Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on April 6, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Receive list of anticipated agenda items for the April 6, 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*