



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND THE MILPITAS HOUSING AUTHORITY

AGENDA

TUESDAY, MARCH 2, 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_VjrCrikSI2cjVBs1IkTmQ

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 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 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 Phan*)

PRESENTATIONS

- Proclaim March as Youth Arts Month

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 March 2021 (Staff Contact: Wendy Wood, 408-586-3001)**

- C2. Approve City Council meeting minutes of the February 11, 2021, Special City Council Meeting and February 16, 2021, Regular City Council Meeting (Staff Contact: Wendy Wood, 408-586-3003)**

Recommendation: Approve meeting minutes of the February 16, 2021, Special City Council Meeting and February 16, 2021, Regular City Council Meeting as drafted by the City Clerk.

- C3. Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1 (McCarthy Ranch) (Staff Contact: Steve Erickson 408-586-3301)**

Recommendation: Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1 (McCarthy Ranch)

- C4. Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1 (Sinclair Horizon) (Staff Contact: Steve Erickson 408-586-3301)**

Recommendation: Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1 (Sinclair Horizon)

- C5. Adopt a Resolution Authorizing the City Manager to Engage in Legislative Advocacy related to the COVID-19 Pandemic (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Adopt a Resolution Authorizing the City Manager to Engage in Legislative Advocacy related to the COVID-19 Pandemic

- C6. Approve and Authorize the City Manager to Issue a Purchase Order for the Purchase of Six Police Vehicles from the National Auto Fleet Group through a Cooperative Procurement Contract with Sourcwell and related Budget Amendment (Staff Contacts: Captain Frank Morales, 408-586-2434 and Chris Schroeder, 408-586-3161)**

Recommendation: Approve and authorize the City Manager to Issue a Purchase Order for the Purchase of Six Police Vehicles from the National Auto Fleet Group through a Cooperative Procurement Contract with Sourcwell and Appropriate \$107,842 from the Equipment Fund

- C7. Report on Bids and Award of Construction Contract to Johnson Controls Fire Protection LP in the amount of \$138,480.00 for the City Hall Fire Suppression System Repairs Project. (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendations:

- a. Receive report on bids and award of construction contract to Johnson Controls Fire Protections LP, in the amount of \$138,480.00 for the City Hall Fire Suppression System Repairs project;
- b. Authorize the Director of Public Works to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$10,000.00 for the City Hall Fire Suppression System Repairs Project.

- C8. Approve and Authorize the City Manager to Execute an Agreement with the City of San Jose for the Pavement Restoration of Landess Avenue Between Highway 680 and Piedmont Road (Staff Contacts: Steve Erickson 408-586-3301 and Steve Chan 408-586-3324)**

Recommendation: Approve and authorize the City Manager to execute an Agreement with the City of San Jose for the Pavement Restoration of Landess Avenue between Highway 680 and Piedmont Road.

- C9. Reject All Bids and Authorize Staff to Re-package and Re-advertise the Project for Bid Proposals, McCandless Park Project No. 2005, No.5102, and No. 7076 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Reject All Bids and Authorize Staff to Re-package and Re-advertise the Project for Bid Proposals, McCandless Park Project No. 2005, No. 5102, and No. 7076.

- C10. Receive the 2020 Housing Element Annual Progress Report and Housing Successor Agency Annual Report and Authorize the Submittal of Both Reports to California Department of Housing and Community Development (HCD) and Governor's Office of Planning and Research (OPR) (Sharon Goei, 408-586-3260 and Adam Marcus, 408-586-3244)**

Recommendation: Receive the 2020 Housing Element Annual Progress Report and Housing Successor Agency Annual Report and authorize the submittal of both reports to California Department of Housing and Community Development (HCD) and Governor's Office of Planning and Research (OPR).

- C11. Receive the 2020 General Plan Annual Progress Report and Authorize Submittal of the Report to the Governor's Office of Planning and Research (OPR) (Staff Contact: Jay Lee, 408-586-3077)**

Recommendation: Receive the 2020 General Plan Annual Progress Report and authorize the submittal of the report to the Governor's Office of Planning and Research (OPR).

- C12. Approve and Authorize the City Manager to Enter into a Side Letter to Amend the Memorandum of Understanding between the City and the Mid-Management-Confidential (Mid-Con) Unit – LIUNA/UPEC Local 792 (Staff Contact: Jeannine Seher, 408-586-3086)**

Recommendation: Approve and authorize the City Manager to enter into a side letter agreement with the Mid-Management-Confidential (Mid-Con) Unit – LIUNA/UPEC Local 792 to extend the existing labor agreement through June 30, 2025; eliminate a 3% salary increase scheduled for July 2021; reduce the salary increase scheduled for July 2022 from 3% to 2%; add a salary increase of 2% in July 2023; and add a salary increase of 3% in July 2024.

PUBLIC HEARINGS (8:00 PM)

- 13. 2021 Weed Abatement Public Hearing and Adopt a Resolution to Abate the Weeds (Staff Contact: Albert Zamora, 408-586- 3371)**

Recommendation: Conduct a Public Hearing and adopt a resolution directing the County of Santa Clara Consumer and Environmental Protection Agency- Weed Abatement Program to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with the Milpitas Municipal Code.

COMMUNITY DEVELOPMENT (8:30 PM)

14. **Conduct Fifth Study Session on the Milpitas Metro Specific Plan (Update of 2008 Transit Area Specific Plan) with a Presentation, Discussion and City Council direction on Key Plan Policies related to Parks, Trails, Streetscape, Placemaking and Sustainability (Staff Contacts: Ned Thomas, Planning Director, 408-586-3273 and Kevin Riley, TASP Manager 408-586-3292)**

Recommendations:

- a. Receive a presentation from staff
- b. Provide feedback and direction on key policies for Parks, Trails, Streetscape, Placemaking and Sustainability to guide preparation of the Draft Milpitas Metro Specific Plan

LEADERSHIP AND SUPPORT SERVICES (9:30 PM)

15. **Introduce Ordinance No. 65.151 Regarding Responsible Construction (Staff Contacts: Christopher J. Diaz, City Attorney 408-586-3040 and Steve McHarris, City Manager 408-586-3059)**

Recommendation: Following the reading of the title by the City Attorney, move to waive reading beyond the title and introduce Ordinance No. 65.151, amending various sections of Chapter 32 (Responsible Construction) of Title III of the Milpitas Municipal Code

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies (9:50 PM)

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

Recommendation: Receive Mayor Tran's recommendations and approve recommendations for final appointment by the Mayor for the Veterans Commission, Energy & Environmental Sustainability Commission, Community Advisory Commission, Economic Development and Trade Commission, and Parks, Recreation, and Cultural Resources Commission.

17. **Per Mayor's Recommendations, Appoint Seven Members and Two Alternate Members to the Measure F Oversight Committee (Staff 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.

18. **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 (10:20 PM)

19. Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on March 16, 2021 (Staff Contact: Wendy Wood, 408-586-3001)

Recommendation: Receive list of anticipated agenda items for the March 16, 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*