



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MARCH 1, 2022

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

The City Council meeting is held in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas and via teleconference/Zoom webinar.

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 in person or by registering for the zoom meeting in advance. To register you will need to provide an email address (not disclosed) and a name. To minimize technical difficulties, please make sure that you have the latest version of the Zoom Application. Below is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_bgvzdK0ATiS-BLRIQscrtg

After you register 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 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.

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) DISCUSSION WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Jeannine Seher, Human Resources Director

Employee Organizations: MEA, Pro-Tech, Mid-Con

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Deborah Logan v. City of Milpitas, et al.

Santa Clara County Superior Court Case No. 19CV347649

(c) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957

Position: City Manager

CLOSED SESSION ANNOUNCEMENT: (7:00 PM)

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

INVOCATION (Councilmember Dominguez)

PRESENTATIONS (7:05 PM)

- American Red Cross Month (Proclamation)
- National Women's Heritage Month (Proclamation)
- Youth Art Month (Proclamation)

PUBLIC FORUM (7:10 PM)

Those in the audience and via Zoom are invited to address City Council on any subject not on tonight's agenda. In-person speakers wishing to address the Council are requested, but not required to complete a Speaker Card and submit it to the Mayor. In-person speakers will then be asked to come up to the podium and state their name for the record. Those interested in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. 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.

NOTE: If a member of the public wishes to share any presentation materials for Council consideration, they must be submitted to the Clerk's Office by email to CityClerk@ci.milpitas.ca.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:15 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 future 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 (7:25 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 the City Council Calendar of Meetings for March 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive the City Council Calendar of Meetings for March 2022.

- C2. Approve the City Council Regular Meeting Minutes of February 15, 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approved the City Council Regular Meeting minutes of February 15, 2022.

- C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive the list of anticipated agenda items for the next regular City Council meeting.

- C4. Receive and Review 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 and provide direction to staff as necessary. 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.

- C5. Approve and Authorize the City Manager to Execute Amendment No. 4 with PSOMAS for Mapping and Field Investigation of the Traffic Signal Intersection and Fiber Optic System in the City GIS for the total amount of \$93,201, for a Total Not-To-Exceed Contract Amount of \$339,529, for Technology Project, Project No. 3427 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and Authorize the City Manager to Execute Amendment No. 4 with PSOMAS for Mapping and Field Investigation of the Traffic Signal Intersection and Fiber Optic System in the City GIS for the total amount of \$93,201, for a total not-to-exceed contract amount of \$339,529, for Technology Project, Project No. 3427.

- C6. Approve and Authorize the City Manager to Execute a Design Services Agreement with Kimley-Horn in the Amount Not to Exceed \$475,034.00 for Design Services for the Street Resurfacing Project 2023, Project No. 4303 (Staff Contact: Steve Chan, Transportation and Traffic Manager, 408-586-3324)**

Recommendation: Approve and Authorize the City Manager to Execute a Design Services Agreement with Kimley-Horn in the amount not to exceed \$475,034.00 for design services for the Street Resurfacing Project 2023, Project No. 4303.

- C7. 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, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a Resolution Initiating the 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).

- C8. 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, Engineering Director/City Engineer, 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)

- C9. Adopt a Resolution Amending and Restating the Wage Theft Procurement Policy (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt a resolution to amend and restate the City's Wage Theft Procurement Policy

- C10. Approve Amendments to the Professional Services Agreement with Ascent Environmental for Consultant Services and Master Funding Agreement with the Metropolitan Transportation Commission for the Priority Development Area Planning Grant Program Related to Preparation of the Gateway/Main Street Specific Plan Update and Authorize the City Manager to Execute the Amended Agreements and Supplement to the Master Funding Agreement with the Metropolitan Transportation Commission (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Approve amendments to the Professional Services Agreement with Ascent Environmental for consultant services and Master Funding Agreement with the Metropolitan Transportation Commission for the Priority Development Area Planning Grant Program related to preparation of the Gateway/Main Street Specific Plan Update and authorize the City Manager to execute the amended agreements and Supplement to the Master Funding Agreement with the Metropolitan Transportation Commission.

- C11. Approve a Budget Appropriation in the amount of \$103,931 to the Equipment Fund Non-departmental FY 2021-22 Operating Budget and Approve the Replacement Purchase of Two Police Vehicles Through a Sourcewell Cooperative Contract with National Auto Fleet Group (Staff Contact: Frank Morales, Police Captain, 408-586-2521)**

Recommendation: Approve a budget appropriation in the amount of \$103,931 to the Equipment Fund Non-departmental FY 2021-22 operating budget and approve

the replacement purchase of two Police vehicles through a Sourcewell cooperative contract with National Auto Fleet.

- C12. Award RFP No. 22-036 to JAM Services and Authorize the City Manager to Purchase Illuminated Overhead Street Signs for the Not-To-Exceed Amount of \$104,535.86 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Award RFP No. 22-036 to JAM Services and authorize the City Manager to purchase illuminated overhead street signs for the not-to-exceed amount of \$104,535.86.

- C13. Accept Committee Member Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Accept the resignation of Commissioner Harsh Patel from the Measure F Oversight Committee and direct the City Clerk to post the notice of the unscheduled vacancy.

- C14. Adopt a Resolution Authorizing the City Manager or Designee to Donate Obsolete Fire Safety Personal Protective Equipment (Jackets, Pants and Boots) to the City of Dagupan (Staff Contact: Lauren Lai, Finance Director, 408-586-3111 and Brian Sherrard, Fire Chief, 408-586-2811)**

Recommendation: Adopt a Resolution Authorizing the City Manager or Designee to Donate Obsolete Fire Safety Personal Protective Equipment (Jackets, Pants and Boots) to the City of Dagupan.

- C15. Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)**

Recommendation: Move to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

- C16. Authorize and Approve Travel to Monterey, CA for City Manager Steve McHarris to Attend the Innovating Commerce Serving Communities (ICSC) Conference scheduled for March 8 - 9, 2022 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendation: Authorize and Approve Travel to Monterey, CA for City Manager Steve McHarris to Attend the Innovating Commerce Serving Communities (ICSC) Conference scheduled for March 8 – 9, 2022.

COMMUNITY DEVELOPMENT (7:30 PM)

- 17. Provide Direction on Homelessness Task Force Recommendations (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Provide direction on Homelessness Task Force recommendations.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:15 PM)

- 18. Review the Proposed Streets, Parks and Facilities Naming Policy and Provide Feedback to Staff (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Review the Proposed Streets, Parks and Facilities Naming Policy and Provide Feedback to Staff; (2) Review City Naming Lists and Provide Feedback to Staff; and (3) Authorize Staff to begin process for naming McCandless Park.

LEADERSHIP AND SUPPORT SERVICES (8:45 PM)

- 19. Receive Report on 2022 Citywide Community Engagement Survey (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Charmaine Angelo, Public Information Officer, 408-586-3055)**

Recommendation: Receive a report on results of the 2022 Citywide Community Engagement Survey.

- 20. Provide Direction on American Rescue Plan Act (ARPA) Funding for Council Priority Items and Modifications to the ARPA Investment Plan and Provide Input on Proposed Process for Future Changes to the ARPA Investment Plan (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Lauren Lai, Director of Finance, 408-586-3111)**

Recommendations: (1) Consider Council priority items for American Rescue Plan Act (ARPA) funding and provide direction to staff on any required modifications to the ARPA Investment Plan to allow for the additional allocation; and (2) Review and provide input to staff on proposed process for future changes to the ARPA Investment Plan.

21. Consider Resolution to Adopt Draft Goals and Performance Measures to Provide a Framework for Evaluating Potential City Participation in Middle-Income Workforce Housing Projects; and Consider Proposal to Convert the Turing Apartments to Low, Median, and Moderate Income-Housing with Housing Bonds from the California Statewide Communities Development Authority Community Improvement Authority (Authority) (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

Recommendations: (1) Consider resolution to adopt Draft Goals and Performance Measures to provide a framework for evaluating potential City participation in middle-income workforce housing projects, with revisions as directed by the Council; (2) Consider proposal to convert the Turing Apartments located at 1355 McCandless Drive to low, median, and moderate-income housing; and (3) Consider resolution to authorize the City to become a member of the Authority and the City Manager to execute the Recommended Public Benefit Agreement as amended by the City Council.

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.