



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, FEBRUARY 16, 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_rGROfqi4SBa4a1_ibOdbSA

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

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 Vice Mayor Montano*)

PRESENTATIONS

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 February and March 2021 (Staff Contact: Wendy Wood, 408-586-3001)**
- C2. Approve City Council meeting minutes of the January 26, 2021 Special City Council Meeting and February 2, 2021 Regular City Council Meeting (Staff Contact: Pam Caronongan, 408-586-3003)**

Recommendation: Approve meeting minutes of the January 26, 2021 Special City Council meeting and February 2, 2021 Regular City Council Meeting as drafted by the Deputy City Clerk.

- C3. Adopt a Resolution Granting Acceptance of City Improvements Constructed by Valley Water District as part of the Lower Berryessa Creek Flood Protection Work, and Approve and Authorize Reimbursement to Valley Water District for the Construction Cost of City Improvements Completed (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a resolution granting acceptance of City improvements constructed by Valley Water District as part of the Lower Berryessa Creek Flood Protection Work, and authorize reimbursement to Valley Water District for the Construction Cost of City Improvements completed.

- C4. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for Siena Amalfi II Subdivision at 600 Amalfi Loop by LS-Milpitas LLC, and Granting Authorization to the City Engineer to Release the Performance Bond After the One-year Warranty Period. (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendations: Adopt a resolution:

- a. Granting acceptance of public improvements for Siena Amalfi II Subdivision at 600 Amalfi Loop, Tract 10420, Public Improvement Plan No. 2-1359; and
- b. Approving a reduction in the faithful performance bond to \$4,500, which shall be subject to and in effect for the duration of a one-year warranty period; and
- c. 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.

- C5. Approve and Authorize the City Manager to Execute the Five-Year Professional Services Agreement with JPMorgan Chase Bank, N.A. to Provide Comprehensive Banking Services (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Approve and authorize the City Manager to execute the Government Merchant Processing Agreement, Commercial Card Participation Agreement, and the five-year Professional Services Agreement and related banking services implementation documents with JPMorgan Chase Bank, N.A. to provide comprehensive banking services subject to annual appropriation of funds

- C6. Accept the resignations of George Chen from the Community Advisory Commission; Aakar Shah from the Parks, Recreation and Cultural Resources Commission; Binh Nguyen from the Science, Technology and Innovation Commission; and Vicky Young from the Public Safety and Emergency Preparedness Commission (Staff Contact: Wendy Wood, 408-586-3001)**

Recommendation: Accept the resignations of George Chen from the Community Advisory Commission; Binh Nguyen from the Science, Technology and Innovation Commission; Aakar Shah from the Parks, Recreation and Cultural Resources; and Vicky Young from the Public Safety and Emergency Preparedness Commission; and confirm noticing of the unscheduled vacancy.

LEADERSHIP AND SUPPORT SERVICES (8:00 PM)

- 7. Receive Report on 2021 Citywide Community Engagement Survey (Staff Contact: Ashwini Kantak, 408-586-3053)**

Recommendation: Receive a report on results of the 2021 Citywide Community Engagement Survey.

- 8. FY 2020-21 Second Quarter Financial Status Report and Mid-Year Budget Amendments (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendations:

- a. Review the FY 2020-21 Quarterly Financial Status Report for the Quarter Ending December 31, 2020;
- b. Approve FY 2020-2021 Mid-Year Budget Amendments; and
- c. Establish the “Public Art” Capital Improvement Project

9. Adopt Urgency Ordinance No. 310 Temporarily Suspending Penalties for Delinquent Fire Permit Fees (Staff Contact: Walter C. Rossmann, 408-586-3111 and Christopher J. Diaz, 408-586-3040)

Recommendation: Adopt Urgency Ordinance No. 310 temporarily suspending penalties for delinquent fire permit fees.

10. Adopt a Resolution Authorizing the License Tax Collector to Delay or Waive Collection of the Business License Tax (Staff Contacts: Walter C. Rossmann, 408-586-3111 and Christopher J. Diaz, 408-586-3040)

Recommendation: Adopt a Resolution Authorizing the License Tax Collector to Delay or Waive Collection of the Business License Tax.

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

11. Consider Recommendations from Mayor Tran for Appointments and Removal 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 Energy & Environmental Sustainability Commission; and approve recommendation of two removals by the Mayor for the Parks, Recreation, and Cultural Resources Commission.

12. 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.

13. Per Councilmember Chua, Discuss Allocation of \$50,000 Fund Towards Hotel Vouchers for Homeless Residents during Cold Winter Months and Frequent Power Outages. (Contact: Councilmember Chua, 408-586-3023)

14. 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)

15. Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on March 2, 2021 (Staff Contact: Pam Caronongan, 408-586-3003)

Recommendation: Receive list of anticipated agenda items for the March 2, 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 wwood@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda.