



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, FEBRUARY 2, 2021

MILPITAS, CA

5:30 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__rvfO6EqQ0aYjXr8usGOdA

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 (5:30 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Mayor Rich Tran
Employee: City Attorney

(b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Jeannine Seher, Human Resources Director
Employee Organizations: LIUNA (MEA, Mid-Con, Pro-Tech bargaining units)

(c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 230 North Main Street
Agency negotiator: City Manager Steve McHarris
Under negotiation: Price and terms of payment

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

- Black History Month
- Manufacturing Day Participants Recognition

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 February 2021 (Staff Contact: Pam Caronongan, 408-586-3003)**

- C2. Approve City Council meeting minutes of the January 19, 2021 Regular City Council Meeting (Staff Contact: Pam Caronongan, 408-586-3003)**

Recommendation: Approve meeting minutes of the January 19, 2021 Regular City Council meeting as drafted by the Deputy City Clerk.

- C3. Waive the Second Reading and Adopt Ordinance No. 65.150 Regarding Responsible Construction (Staff Contacts: Christopher J. Diaz, 408-586-3040 and Steve McHarris, 408-586-3059)**

Recommendation: Move to waive the second reading and adopt Ordinance No. 65.150, adding Chapter 32 (Responsible Construction) to Title III of the Milpitas Municipal Code, and direct staff to return with minor clean-up changes to the ordinance.

- C4. Adopt a Resolution Granting Acceptance of Fire Station No. 2 Demolition, Project No. 3447, Authorizing the City Engineer to file a Notice of Completion, and Authorizing the City Engineer to issue a Notice of Final Acceptance (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a Resolution granting acceptance of Fire Station No. 2 Demolition, Project No. 3447, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance.

- C5. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for March 2, 2021 to Hear Objections (Staff Contact: Albert Zamora, 408-586-3371)**

Recommendation: Adopt a resolution declaring weeds on specific properties to be public nuisances and set a public hearing on March 2, 2021.

- C6. Adopt a Resolution Authorizing Changes to the City of Milpitas PARS Alternative Retirement Plan (Staff Contact: Jeannine Seher, 408-586-3086)**

Recommendation: Approve the Resolution to amend the City of Milpitas PARS Alternative Retirement Plan (Plan) to provide eligible participants with the option to self-direct the investment of their retirement funds, adopt the PARS Trust Agreement for Participant Directed Investment Program (PDI Trust), withdraw from the current PARS Trust and authorize the City Manager to execute all necessary documents to carry about the preceding.

- C7. Approve and Authorize the City Manager to Execute Master Agreement with Valley Water District for Flood Protection Improvements within Lower Calera Creek, Lower Penitencia Creek, and Lower Berryessa Creek and Authorize Reimbursement to the Valley Water District for City Improvements Completed as part of the Flood Protection Work, Project No. 3452 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Approve and Authorize the City Manager to Execute Master Agreement with Valley Water District for Flood Protection Improvements within Lower Calera Creek, Lower Penitencia Creek, and Lower Berryessa Creek and Authorize Reimbursement to the Valley Water District for City Improvements Completed as part of the Flood Protection Work, Project No. 3452

- C8. Approve and Authorize the City Manager to Execute the First Amendment to the Historical Heritage Grant Program Funding Agreement between the City of Milpitas and the County of Santa Clara for the Alviso Adobe Renovation, Project No. 5055 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Approve and Authorize the City Manager to Execute the First Amendment to the Historical Heritage Grant Program Funding Agreement between the City of Milpitas and the County of Santa Clara for the Alviso Adobe Renovation, Project No. 5055.

COMMUNITY DEVELOPMENT (8:00 PM)

- 9. Conduct Fourth 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 Transportation, Mobility, Circulation and Traffic (Staff Contacts: Ned Thomas, 408-586-3273 and Kevin Riley, TASP Manager 408-586-3292)**

Recommendations:

1. Receive a presentation from staff
2. Provide feedback and direction on key policies for Transportation, Mobility, Circulation and Traffic to guide preparation of the Draft Milpitas Metro Specific Plan

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:30 PM)

- 10. Receive a Presentation on the draft City Trail, Pedestrian, and Bicycle Master Plan, Project No. 3448 (Staff Contacts: Steve Erickson, 408-586-3301 and Steve Chan, 408-586-3324)**

Recommendation: Receive a Presentation on the draft City Trail, Pedestrian, and Bicycle Master Plan, Project No. 3448.

LEADERSHIP AND SUPPORT SERVICES (9:00 PM)

- 11. Discussion regarding desired service levels to inform the FY 2021-22 Budget Development and Prioritization of Additional Workplan Items (Staff Contacts: Ashwini Kantak, 408-586-3053 and Walter C. Rossmann, 408-586-3111)**

Recommendation: Discuss and provide input regarding desired service levels to inform the FY 2021-22 Budget Development and Prioritization of Additional Workplan Items.

- 12. Discussion and Direction regarding Financial Support for Utility Payments for Businesses and Delay of Payment for Annual Fees charged to Businesses (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Discussion and Direction regarding Financial Support for Utility Payments for Businesses and Delay of Payment for Annual Fees charged to Businesses.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies
(10:00 PM)

13. Consider Recommendations from Mayor Tran for Appointments and Removal for City Commissions (Contact: Mayor Tran, 408-586-3029)

Recommendation:

1. Receive Mayor Tran's recommendations and approve recommendations for final appointment by the Mayor for the Planning Commission,
2. Approve recommendations for final appointment by the Mayor for the Science, Technology and Innovation Commission, and
3. Approve recommendation for removal by the Mayor for the Economic Development and Trade Commission.

NEXT AGENDA PREVIEW (10:25 PM)

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

Recommendation: Receive list of anticipated agenda items for the February 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 408-586-3001 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.