



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, JANUARY 5, 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_KixQEBmBSkao50qmWNtz7A

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

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
Santa Clara County Superior Court Case No. 18CV325480

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 Mayor Tran*)

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 staff or Council and no action can be taken. City Council may instruct the City Manager to place items on a future meeting agenda.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:20 PM)

Members of the City Council may make brief announcements or 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 January 2021 (Staff Contact: Pam Caronongan, 408-586-3003)

C2. Approve City Council meeting minutes of the December 10, 15, and 22, 2020 City Council Meetings (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve the meeting minutes of the December 10 and 22, 2020 Special and December 15, 2020 Special and Regular City Council meetings, as drafted by the City Clerk.

C3. Waive Second Reading and Adopt Ordinance No. 23.15 for Updates to the Milpitas Municipal Code on Purchasing (Staff Contact: Walter C. Rossmann, 408-586-3111)

Recommendation: Waive the second reading and adopt Ordinance No. 23.15 for updates to the Milpitas Municipal Code on Purchasing.

- C4. Adopt a Resolution Reviewing and Accepting the Annual Developer Fee Disclosure Information for the Calaveras Boulevard Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, the Transit Area Specific Plan (TASP) Impact Fee, and the Storm Drain Fee for the Fiscal Year Ended June 30, 2020 (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Adopt a resolution consistent with the Mitigation Fee Act to review and accept the annual developer fee disclosure information for the Calaveras Blvd Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, Transit Area Specific Plan Impact Fee and Storm Drain Fee for the Fiscal Year Ended June 30, 2020.

- C5. Adopt a Resolution Amending the Classification Plan to Temporarily Suspend the Car Allowance for Executive Management Employees (Staff Contact: Jeannine Seher, 408-586-3086)**

Recommendation: Adopt a resolution amending the classification plan to temporarily suspending the car allowance (specified in adopted Resolution No. 8980) for executive management effective beginning in January of 2021.

- C6. Approve and Authorize the City Manager to Enter into a Side Letter to Amend the Memorandum of Understanding between the City and United Public Employees of California (UPEC Local 792), the Mid-Management and Confidential Unit (Staff Contact: Jeannine Seher, 408-586-3086)**

Recommendation: Approve and authorize the City Manager to enter into a side letter agreement with the United Public Employees of California (UPEC Local 792), the Mid-Management and Confidential Unit citing the correct section of the Government Code for temporary out of class pay.

- C7. Approve and Authorize the City Manager to Enter into a Side Letter to Amend the Memorandum of Understanding (MOU) between the City and Milpitas Employee Association (MEA) (LIUNA/UPEC Local 792) regarding callback pay (Staff Contact: Jeannine Seher, 408-586-3086)**

Recommendation: Approve and authorize the City Manager to enter into a Side Letter to amend the Memorandum of Understanding (MOU) between the City and Milpitas Employees Association (MEA) (LIUNA/UPEC Local 792) amending the callback pay provisions as specified in the side letter.

- C8. Approve and Authorize the City Manager to Execute an Agreement with HCI Systems for a Five-Year Not-to-Exceed Contract Amount of \$208,660 for Fire Alarm and Fire Suppression System Services (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendation: Approve and authorize the City Manager to execute an agreement with HCI Systems for the Fire Alarm and Fire Suppression System Service, for an annual amount of \$41,732 in the first year and a total not to exceed amount of \$208,660 over the five year period, subject to the annual appropriation of funds.

- C9. Approve and Authorize the City Manager to Execute an Agreement with Silicon Valley Fire for a Five-Year Not-to-Exceed Contract Amount of \$130,000 for the Fire Extinguisher Inspection and Testing Services (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendation: Approve and authorize the City Manager to execute an agreement with Silicon Valley Fire for the Fire Extinguisher Inspection and Testing Service, for an annual amount of \$26,000 in the first year and a total not to exceed from \$130,000, over the five-year period, subject to the annual appropriation of funds.

C10. Per Mayor's Recommendations, Re-appoint 1 Planning Commissioner and Appoint 1 New Veterans Commissioner (Contact: Mayor Rich Tran, 408-586-3029)

Recommendation: Per Mayor Tran's recommendations, (1) re-appoint Planning Commissioner Bill Chuan to a new 3-year term to expire in December 2023, and (2) newly appoint Victorino Monzon to the Milpitas Veterans Commission to a currently vacant 3-year term that will expire in February 2022.

LEADERSHIP AND SUPPORT SERVICES (7:50 PM)

11. Introduce Ordinance No. 65.150 Regarding Responsible Construction (Staff Contacts: Christopher J. Diaz, 408-586-3040 and Steve McHarris, 408-586-3059)

Recommendation: Following the reading of the title by the City Attorney, move to waive the first reading beyond the title and introduce Option 2 - Ordinance No. 65.150, adding Chapter 32 (Responsible Construction) to Title III of the Milpitas Municipal Code.

12. Introduce Ordinance No. 309 to make corrections, clarifications, updates and modifications to the Milpitas Municipal Code (Staff Contacts: Christopher Diaz, 408-586-3040 and Ashwini Kantak, 408-586-3053)

Recommendation: Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce Ordinance No. 309 amending various sections of Titles I, IV, V, VIII, X, and XI of the Milpitas Municipal Code to make corrections, clarifications, updates and modifications.

REPORTS OF MAYOR & COUNCILMEMBERS (8:40 PM)

13. Consider Mayor's Appointments of City Councilmembers as Liaisons to City Commissions, City Subcommittees, and Outside Agency Boards and Committees (Contact: Mayor Rich Tran, 408-586-3029)

Recommendation: Consider Mayor's appointments of City Council members to liaisons of City Commissions, City Subcommittees, and outside agencies, boards and committees, and move to confirm those appointments.

14. Per Request of Mayor Tran, Discuss Formation of a City Homelessness Task Force (Contact: Mayor Rich Tran, 408-586-3029)

15. Per Request of Mayor Tran, Discuss City of Milpitas Commission Structure, including Current Term Limits (Contact: Mayor Rich Tran, 408-586-3029)

16. Discuss Potential of Amending Milpitas Municipal Code to require residential developers to include 15% affordable units and remove the Option to Pay Fees in-lieu (Contact: Councilmember Chua, 408-586-3000)

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 (9:45 PM)

18. Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on January 19, 2021 (Staff Contact: Pam Caronongan, 408-586-3003)

Recommendation: Receive list of anticipated agenda items for the January 19, 2021 regular City Council meeting.

ADJOURNMENT (10:00 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 408-586-3003 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 mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda.