SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

CITY OF MILPITAS - NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the Milpitas City Council has been called. It is scheduled for Tuesday, November 10, 2020 at 7:00 PM via teleconference/zoom webinar only (no physical meeting space), which is permitted via Governor's Executive Order.

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

AGENDA

TUESDAY, NOVEMBER 10, 2020
MILPITAS, CA
6:30 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

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 below:

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 and by providing your email address (not disclosed) and a name.

Register for this November 10 special meeting here**:**
https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_mzmYU7EpRgqTos4Knv-Efg
After you register online, you will receive a confirmation email containing information about joining the webinar.

A link will be sent to you to join the City Council meeting in order to give 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. 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. The 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 (6:30 PM)

ADJOURN TO CLOSED SESSION

a) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Pursuant to Government Code Section 54956.9(d)(2). City as Defendant
Demand to Cure and Correct Alleged Brown Act Violation (written justification: e-mail in agenda packet)

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)

PRESENTATION

- Proclaim November 2020 as *Native American Heritage Month*

PUBLIC FORUM

Those interested are invited to address the City Council on the agenda item listed below only, by using the "raise hand" in the zoom webinar online (see instructions on page 1). Speakers may state their name and city of residence for the record, and limit spoken remarks to three minutes, or less, at the discretion of the Mayor.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

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 November 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

C2. Approve City Council meeting minutes of the October 15, 22, 26 and 28, 2020 Special and October 20 Regular City Council Meetings (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve meeting minutes of the October 15, 22, 26 and 28 Special City Council and October 20, 2020 Joint City Council/ Milpitas Municipal Financing Authority meetings, as drafted by the City Clerk.

C3. Adopt a Resolution authorizing the City to continue participation in the Cities Association of Santa Clara County Housing/Planning Collaborative and to provide $10,000 to continue consultant services to support the Collaborative; and Approve a related budget amendment (Staff Contact: Sharon Goei, 408-586-3260)

Recommendations:

a) Adopt a Resolution authorizing the City to continue participation in the Cities Association of Santa Clara County Planning Collaborative and to provide $10,000 to continue consultant services to support the Collaborative.
b) Approve a budget amendment to appropriate $10,000 from the Affordable Housing Community Benefit Fund to the FY 2020-21 Building Safety and Housing Operating Budget.

C4. Adopt a Resolution Granting Acceptance of Soil Vapor Intrusion Mitigation Measures for Sal Cracolice Building, Project No. 3406, Authorizing the City Engineer to File a Notice of Completion, and Authorize Him to Issue a Notice of Final Acceptance (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a resolution granting acceptance of Soil Vapor Intrusion Mitigation Measures for Sal Cracolice Building, Project No. 3406, authorizing the City Engineer to file a Notice of Completion, and authorize him to issue a Notice of Final Acceptance after the one-year warranty.

C5. Adopt a Resolution Approving the Department of Forestry and Fire Protection Contractor Certification Clauses for Services Agreement and Authorizing the City Manager to Execute the Agreement (Staff Contact: Rick Frawley, 408-586-2824)

Recommendation: Adopt a Resolution approving the Department of Forestry and Fire Protection Contractor Certification Clauses for Services Agreement and authorizing the City Manager to execute the agreement.

C6. Accept the Racing Hearts Foundation Grant and Approve a Related Budget Amendment (Staff Contact: Jared Hernandez, 408-586-2406)

Recommendation**:** Accept the Racing Hearts Foundation Grant in the amount of $29,777.44 for the purchase of Automated External Defibrillators (AEDs) and approve a budget appropriation to the Police Department's FY 2020-21 operating budget.

COMMUNITY DEVELOPMENT (7:50 PM)

7. Discuss and Provide Direction on a Milpitas Unhoused Response and Prevention Plan; Approve and Authorize the City Manager to Execute an Agreement with the County of Santa Clara for Homeless Outreach, Assessment, and Case Management Services (Staff Contacts: Sharon Goei, 408-586-3260 and Adam Marcus, 408-586-3244)

Recommendations:

a) Receive staff presentation; discuss and provide direction on a Milpitas Unhoused Response and Prevention Plan.
b) Approve and authorize the City Manager to execute an agreement with the County of Santa Clara for homeless outreach, assessment, and street-based case management services, in a form approved by the City Attorney.

LEADERSHIP AND SUPPORT SERVICES (9:30 PM)

8. Introduce Ordinance No. 23.15 for Updates to Milpitas Municipal Code on Purchasing (Staff Contact: Walter C. Rossmann, 408-586-3111)

Recommendations:

a) Receive presentation from staff.
b) Following the City Attorney reading the title, move to waive the first reading beyond the title of Ordinance No. 23.15.
c) Introduce Ordinance No. 23.15 to update the municipal code section on purchasing.

9. Discuss and provide direction to staff on negotiating a citywide Project Labor Agreement and/or adopt a resolution committing to negotiate and execute a Project Labor Agreement per project (Staff Contacts: Christopher J. Diaz, 408-586-3040 and Steve McHarris, 408-586-3059)

Recommendation: Discuss and provide direction to staff on negotiating a citywide Project Labor Agreement with the Building and Construction Trades Council and/or consider adopting a resolution committing to negotiate and execute a Project Labor Agreement per project.

REPORTS OF MAYOR & COUNCILMEMBERS (10:00 PM)

10. Discuss Council Sponsored Events; and, Discuss and Provide Direction on 2020 United States Census Outreach and Any Council Sponsorship (Contact: Councilmember Dominguez, 408-586-3031)

Recommendation: Discuss City Council sponsored event process; and, discuss and provide direction on the City's 2020 US Census outreach and any Council sponsorship.

11. Per Request of Councilmember Dominguez, Discuss Establishing an Emergency Cap on Business Tenant Rents in Milpitas (Contact: Councilmember Dominguez, 408-586-3031)

12. Per Request of Vice Mayor Nuñez, Engage in Discussion on Councilmembers' Ideas to Economically Assist the Milpitas Community During the Pandemic (Contact: Vice Mayor Nuñez, 408-586-3023)

13. Per Request of Vice Mayor, Discuss Hosting a "Safety First" Community Event, Planned with/by the Milpitas Community Advisory Commission (Contact: Vice Mayor Nuñez, 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

15. Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on November 17, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Receive list of anticipated agenda items for the November 17, 2020 regular City Council meeting.

ADJOURNMENT OF SPECIAL MEETING (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 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)

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.