



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA
TUESDAY, DECEMBER 1, 2020
MILPITAS, CA
7:00 PM

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_pl76zcenSLGYstU8DUdQTg

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 (7:00 PM)

PLEDGE OF ALLEGIANCE

INVOCATION (assigned to Councilmember Phan)

PUBLIC FORUM (7:05 PM)

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. 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 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 (7:35 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 December 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

C2. Approve City Council meeting minutes of the November 17, 2020 Regular City Council Meeting (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve meeting minutes of the November 17, 2020 Regular City Council meeting drafted by the City Clerk.

C3. Adopt a Resolution Certifying Election Results and Adding Tract No. 10533 to Community Facilities District 2005-1 (Annexation No. 21); Approve Final Tract Map No. 10533; and Approve and Authorize the City Manager to Execute Subdivision Improvement Agreement for Residential Development at 1005 N Park Victoria Drive (Staff Contact: Steve Erickson, 408-586-3301)

Recommendations:

- a) Following receipt of election results from the City Clerk, adopt a resolution certifying election results and adding Tract No. 10533 to Community Facilities District 2005-1 (Annexation No. 21); and
- b) Approve Final Tract Map No. 10533, including approval of street names and accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and
- c) Approve and authorize the City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Robson Homes, LLC.

- C4. Adopt a Resolution Certifying Election Results and Adding Parcel 5 to Community Facilities District No. 2008-1, Annexation No. 20, for 355 Sango Ct. (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Following receipt of election results from the City Clerk, adopt a resolution certifying election results and adding Parcel 5 to Community Facilities District No. 2008-1 (Annexation No. 20) for 355 Sango Ct.

- C5. Adopt a Resolution to Eliminate 2021 Pay Raise for Unrepresented Miscellaneous and Safety Employees (Staff Contact: Jeannine Seher, 408-586-3086)**

Recommendation: Adopt a resolution eliminating pay raise for unrepresented miscellaneous employees effective in 2021, previously authorized on June 18, 2019, as specified in Resolution No. 8888, and eliminating the 2021 raise for Unrepresented Police Management classifications and Unrepresented Fire Management classifications.

- C6. Approve and Authorize the City Manager to execute the First Amendment to the 2019 State Homeland Security Grant Program Agreement (Staff Contact: John Torrez, 408-586-2408)**

Recommendation: Approve and authorize the City Manager to execute the First Amendment to the 2019 State Homeland Security Grant Program Agreement.

- C7. Accept the City's Comprehensive Annual Financial Report and Other Related Annual Audited Reports for the Fiscal Year Ended June 30, 2020 (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Accept the City's Comprehensive Annual Financial Report and other Related Annual Audited Reports for the Fiscal Year ended June 30, 2020.

- C8. Per Recommendation of Mayor Tran, Re-appoint One Member of the Energy and Environmental Sustainability Commission (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Per recommendation from Mayor Tran, confirm his re-appointment of current Commissioner Patti Sexton - first appointed on September 18, 2018 - to a new 3-year term on the Energy and Environmental Sustainability Commission, a term which will expire in October 2023.

COMMUNITY DEVELOPMENT (7:45 PM)

- 9. Accept Staff Report on Unhoused Response and Prevention in Milpitas and Provide Direction on Next Steps (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendation: Accept staff report on Unhoused Response and Prevention in Milpitas and provide direction on next steps, if any.

- 10. Adopt a Resolution to Endorse the 2020-2025 Santa Clara County Community Plan to End Homelessness (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendation: Adopt a resolution to endorse the 2020-2025 Santa Clara County Community Plan to End Homelessness

- 11. Receive a Staff Report on Railroad Quiet Zone Process and Provide Direction to Staff (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Receive staff report on Railroad Quiet Zone process and provide direction to staff.

LEADERSHIP AND SUPPORT SERVICES (9:15 PM)

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

Recommendations: Receive presentation from staff. Following the City Attorney reading the title, move to waive the first reading beyond the title and introduce Ordinance No. 23.15 to update the municipal code section on purchasing.

- 13. 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 Ordinance No. 65.150, adding Chapter 32 (Responsible Construction) to Title III of the Milpitas Municipal Code.

- 14. 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 (10:30 PM)

- 15. 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.

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

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

- 18. 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)**

- 19. Revisit the City Council Housing Subcommittee, Discuss Potentially Dismantling it, and provide direction to staff (Contact: Councilmember Dominguez, 408-586-3031)**

- 20. 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

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

Recommendation: Receive list of anticipated agenda items for the December 15, 2020 regular City Council meeting.

ADJOURNMENT

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 or arrange for mobility assistance.