



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

AGENDA
THURSDAY, DECEMBER 10, 2020
MILPITAS, CA
9:00 AM

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 Thursday, December 10, 2020 at 9:00 AM via teleconference/webinar only (no physical meeting space), which is permitted via California 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

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_e5AAkK62Tu64M060tQco1w

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 TO ORDER / ROLL CALL / PLEDGE

APPROVAL OF AGENDA

ANNOUNCEMENT OF CONFLICT OF INTEREST

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.

AGENDA ITEM

- 1. Adopt Resolution Declaring and Certifying the Election Results of Measure F (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Adopt a resolution regarding the General Municipal Election held on November 3, 2020 and declaring the results of ballot Measure F (0.25% sales and use tax).

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).

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.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt Resolution Declaring and Certifying the Election Results of Measure F
Category:	Leadership and Support Services
Meeting Date:	12/10/2020
Staff Contact:	Walter C. Rossmann, 408-586-3111
<u>Recommendation:</u>	Adopt Resolution reciting the fact of the General Municipal Election held on November 3, 2020 and declaring the results of Measure F

Background:

On August 4, 2020 the Milpitas City Council unanimously placed Measure F – the City of Milpitas Public Services Measure – on the November ballot for voter consideration. Measure F enacts a ¼ cent sales tax for 8 years. As part of the November 3rd General Election, voters approved the measure with 60.36% of ballots cast supporting the local sales tax. Measure F funds will help maintain the City’s finances and prevent reductions to vital City public safety, youth, senior and other services.

Analysis:

The City of Milpitas General Municipal Election was conducted on November 3, 2020 by the Santa Clara County Registrar of Voters and the results were certified by the Registrar of Voters on December 3, 2020.

According to the report provided by the Registrar of Voters, there were a total of 17,041 votes cast, or 60.36%, in favor of Measure F and 11,192 votes cast, or 39.64%, against Measure F. Therefore, Measure F has passed.

California Elections Code requires that, once the results are certified by the Registrar of Voters, the City Council must meet and declare the results of the election “no later than the next regularly scheduled city council meeting following presentation of the 28-day canvass of the returns, or at a special meeting called for this purpose. . .”

The City Council is already scheduled to hold its next regular meeting on December 15, 2020. It was originally intended to declare the results of the General Municipal Election for both City Council Members and Measure F at this regular meeting.

However, the California Department of Tax and Fee Administration (CDTFA), the State agency that collects local sales taxes like Measure F for cities, recently informed the City that, due to a timing technicality in State tax law, the City Council must certify the Measure F election results by no later than Friday, December 11. If it does not, collection of the Measure F tax will not start on April 1, 2021, as anticipated, but will be delayed until July 1, 2021. This represents a fiscal quarter of potential sales tax revenue not collected and remitted to the City.

Therefore, staff recommends approval of the resolution accepting the City Clerk’s certification of the election and an attachment with the Statement of Votes cast for Measure F and the Statement of Certification of Election Results for Measure F at the 2020 General Municipal Election. The timely approval of this resolution

will satisfy the technical timing rules outlined above and ensure that sales tax collection commences on April 1, 2021 as anticipated.

It is important to note that this action is limited to Measure F only. The certification of the election results for the Mayor and City Council Members will remain on schedule for December 15 as originally planned. At that time, newly elected Members will be sworn in and assume office.

Policy Alternatives:

Alternative 1: Do not adopt a resolution certifying the election results of Measure F.

Pros: None.

Cons: With the timely certification of the election results, CDFTA will start tax collection on April 1, 2021.

Reason not recommended: The additional sales tax revenue estimated at \$1.5 million will offset anticipated revenue losses related to COVID-19.

Fiscal Impact:

Measure F is expected to raise an estimated \$6.5 million annually, that will help sustain City services. With the timely certification of Measure F, approx. \$1.5 million is estimated to be generated in additional revenue for FY 2020-21

California Environmental Quality Act:

Not applicable.

Recommendation:

Adopt Resolution reciting the fact of the General Municipal Election held on November 3, 2020 and declaring the results of Measure F

Attachments:

Resolution

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS RECITING THAT
A GENERAL MUNICIPAL ELECTION WAS HELD ON NOVEMBER 3, 2020 FOR VOTER
CONSIDERATION OF MEASURE F AND DECLARING THE RESULT OF MEASURE F**

WHEREAS, a General Municipal Election was held and conducted in the City of Milpitas, California on Tuesday, November 3, 2020, as required by law, for the purpose of submitting a local ballot measure (Measure F) to Milpitas voters; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting centers were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for general law cities; and

WHEREAS, the Registrar of Voters of Santa Clara County has duly canvassed the votes cast and has certified to the City Council the results of Measure F to this City Council, which are attached as **“Exhibit A.”**

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. That the measure voted upon at the election was as follows:

	“City of Milpitas Public Services Measure. To provide funding to maintain the City’s finances and services, including: police and fire protection, 9-1-1 emergency response, and natural disaster preparation; youth, senior, and recreation services; repairing park equipment and maintaining parks and recreation centers; and attracting and retaining local businesses; shall the measure, establishing a 1/4¢ sales tax, providing approximately \$6,500,000 annually for 8 years, requiring independent audits, citizens’ oversight committee, all funds spent locally, be adopted?”	YES
		NO

SECTION 3. That the number of votes given in the City for and against the measure were as listed in **“Exhibit A”** attached.

SECTION 4. Measure F relating to the City of Milpitas’ sales tax, was voted upon by the registered voters of the City of Milpitas. The total number of votes cast for and against Measure F was:

Yes	17,041
No	11,192

And, therefore, as a result of the election, a majority of the voters voting on Measure F did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified.

SECTION 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election: (1) The whole number of votes (ballots) cast in the City; (2) The measure voted upon; (3) The total number of votes given to for and against the measure.

SECTION 6. That the City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 7. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 8. Effective Date. This Resolution shall become effective immediately.

SECTION 9. Certification. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

EXHIBIT A

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, Shannon Bushey, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. A Presidential General Election was held in the County of Santa Clara, in the **City of Milpitas**, on November 3, 2020 for the purpose of submitting the following measure to the voters:

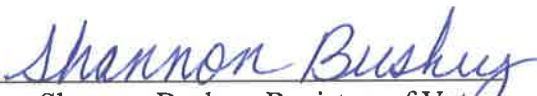
F City of Milpitas Public Services Measure. To provide funding to maintain the City's finances and services, including: police and fire protection, 9-1-1 emergency response, and natural disaster preparation; youth, senior, and recreation services; repairing park equipment and maintaining parks and recreation centers; and attracting and retaining location businesses; shall the measure, establishing a 1/4% sales tax, providing approximately \$6,500,000 annually for 8 years, requiring independent audits, citizens' oversight committee, all funds spent locally, be adopted?

2. The official canvass of the returns of the election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file at my office, shows the whole number of votes cast for **Measure F** in each of the precincts and the total shown is true and correct.

WITNESS my hand and Official Seal this 3rd day of December 2020.




Shannon Bushey, Registrar of Voters

Measure C - City of Mountain View, Municipal Code Amendment (Vote for 1)

Precincts Reported: 11 of 11 (100.00%)

	Total	
Times Cast	35,328 / 40,380	87.49%

Candidate	Party	Total	
Yes		18,455	56.59%
No		14,159	43.41%
Total Votes		32,614	

Measure E - City of Santa Clara, Transient Occupancy Tax (Vote for 1)

Precincts Reported: 30 of 30 (100.00%)

	Total	
Times Cast	49,283 / 58,593	84.11%

Candidate	Party	Total	
Yes		33,183	73.57%
No		11,923	26.43%
Total Votes		45,106	

Measure F - City of Milpitas, Use Tax (Vote for 1)

Precincts Reported: 10 of 10 (100.00%)

	Total	
Times Cast	30,576 / 36,665	83.39%

Candidate	Party	Total	
Yes		17,041	60.36%
No		11,192	39.64%
Total Votes		28,233	

Measure G - City of San Jose, Charter Amendment (Vote for 1)

Precincts Reported: 268 of 268 (100.00%)

	Total	
Times Cast	437,432 / 529,599	82.60%

Candidate	Party	Total	
Yes		302,315	77.25%
No		89,056	22.75%
Total Votes		391,371	