

City Council
Rich Tran, Mayor
Marsha Grilli, Vice Mayor
Garry Barbadillo, Councilmember
Bob Nuñez, Councilmember
Anthony Phan, Councilmember



CITY OF MILPITAS - NOTICE OF ADJOURNED SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the Milpitas City Council has been scheduled for Tuesday, January 16, 2018 at 7:00 PM at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA in the Council Chambers on the second floor.

SPECIAL CITY COUNCIL MEETING

Tuesday, January 16, 2018

7:00 PM

Milpitas City Hall, Council Chambers 2nd floor
455 E. Calaveras Boulevard, Milpitas, CA

AGENDA

I. CALL TO ORDER / ROLL CALL / PLEDGE

II. PUBLIC HEARING

Conduct a Public Hearing and Adopt Interim Urgency Ordinance No. 291.2 Extending the Temporary Moratorium on Marijuana Uses Pending Enactment of an Update to the City's Municipal Code (Staff Contact: Christopher Diaz, 408-586-3040)

III. NEW BUSINESS

Appoint Retired CalPERS Annuitant as Interim City Manager and Approve and Authorize an Employment Agreement (Staff Contact: Christopher Diaz, 408-586-3040)

IV. 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, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

Materials related to an item on this agenda submitted to the City Council after distribution of the agenda would be available for public inspection at the City Clerk's office at Milpitas City Hall 3rd floor, 455 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney at Milpitas City Hall, 455 E. Calaveras Blvd, Milpitas, CA
E-mail: cdiaz@ci.milpitas.ca.gov / Phone 408/586-3040

The Open Government Ordinance is codified in Milpitas Municipal Code as Title I Chapter 310 and is available at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

AGENDA REPORTS

II. PUBLIC HEARING

Conduct a Public Hearing and Adopt Interim Urgency Ordinance No. 291.2 Extending the Temporary Moratorium on Marijuana Uses Pending Enactment of an Update to the City's Municipal Code (Staff Contact: Christopher Diaz, 408-586-3040)

Background: On January 17, 2017, the City Council adopted Urgency Ordinance No. 291, pursuant to California Government Code Section 65858, establishing a forty-five (45) day moratorium on all marijuana uses to the extent allowed by law, in light of the passage of Proposition 64 by California voters. At this same meeting, the City Council established a subcommittee of two Councilmembers to examine potential regulations regarding marijuana uses. Subsequently, thereafter, Council extended the Urgency Ordinance by adopting Urgency Ordinance No. 291.1 for 10 months and 15 days for a full year until January 17, 2018.

As the City Council subcommittee, with staff's assistance, continues to study the effects of regulating marijuana, it is recommended that the City Council further extend the Urgency Ordinance, as allowed by state law, for an additional year, for the full two years authorized under state law, until January 17, 2019.

Fiscal Impact: None.

California Environmental Quality Act: This Ordinance is not a project within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of 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 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.

Recommendations:

1. Conduct a public hearing, and move to close it following any speakers.
2. Direct the City Attorney to read the title aloud of Ordinance No. 291.2.
3. Move to waive the reading beyond the title and adopt Interim Urgency Ordinance No. 291.2, extending the temporary moratorium on marijuana uses pending enactment of update to the Municipal Code.

III. NEW BUSINESS

Appoint Retired CalPERS Annuitant as Interim City Manager and Approve and Authorize an Employment Agreement (Staff Contact: Christopher Diaz, 408-586-3040)

Background: After the resignation of the prior City Manager on September 15, 2017, the City Council appointed Steve Pangelinan to serve as Interim City Manager and Interim Police Chief. After the new Police Chief was selected earlier this year, Steve Pangelinan has continued to serve as the Interim City Manager on a part-time basis.

Steve Pangelinan shall soon resign from the position of Interim City Manager, due to the 960 hour limitation in a fiscal year under applicable California Public Employees' Retirement System (CalPERS) regulations. The City Council will discuss in closed session potential candidates who could further step in on a part-time interim basis to serve as Interim City Manager while the Council continues to search for a permanent City Manager. If a selection is made, the Council should take action on this agenda item to appoint the retired annuitant as the City's Interim City Manager and approve and authorize an employment agreement.

Fiscal Impact: Any Interim City Manager candidate appointed will be paid an hourly rate that does not exceed the hourly rate for the City Manager position on the latest adopted salary schedule. The appointed candidate will not be entitled to benefits, vacation or holidays.

Recommendation: Appoint retired CalPERS annuitant as Interim City Manager, and approve and authorize an employment agreement.