



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND HOUSING AUTHORITY

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122

对中国人来说，请用 408-586-3263

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3232

AGENDA (REVISED)

TUESDAY, JUNE 19, 2018

455 EAST CALAVERAS BOULEVARD, MILPITAS, CA

5:30 P.M. (CLOSED SESSION)

7:00 P.M. (PUBLIC BUSINESS)

SUMMARY OF CONTENTS

- I. CALL JOINT MEETING TO ORDER by Mayor and ROLL CALL by City Clerk**
- II. ADJOURN TO CLOSED SESSION (5:30 PM)**
 - (a) CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**
Pursuant to California Government Code Section 54957.6
City Negotiator: Liz Brown
Employee Group: International Association of Fire Fighters
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
 - (b) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9(d)(1)
Tom Williams v. City of Milpitas, et al. - American Arbitration Case No. 01-17-0003-5823
 - (c) 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
- III. 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
- IV. PLEDGE OF ALLEGIANCE** (7:00 p.m.)
- V. INVOCATION** (Vice Mayor Grilli)

VI. PUBLIC FORUM

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit spoken remarks to three minutes. 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.

VII. ANNOUNCEMENTS

VIII. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

IX. APPROVAL OF AGENDA

X. CONSENT CALENDAR (Items No. 1 through No. 17)

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. If removed, this item will be discussed in the order in which it appears on the agenda.

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| 1. | Accept Schedules of Meetings/City Council Calendars June and July 2018 |
| 2. | Approve City Council Meeting Minutes for June 5, 2018 (Staff Contact: Mary Lavelle, 408-586-3001) |
| 3. | Approve the Accounts Receivable Write-offs for the Fiscal Year Ended June 30, 2018 (Staff Contact: Jane Corpus, 408-586-3125) |
| 4. | Consider Request from St. Elizabeth's Catholic Church to Waive Fees for the Church's Parish Festival (Staff Contact: Mary Lavelle, 408-586-3001) |
| 5. | Approve Receipt of a Contribution from DR Horton CA3, Inc. for the Lower Penitencia Creek Pedestrian Bridge and Approve a Budget Appropriation into the Lower Penitencia Creek Pedestrian Bridge Project No. 2005 in the Amount of \$32,842 (Staff Contact: Steve Erickson, 408-586-3301) |
| 6. | Waive the Second Reading and Adopt Ordinance No. 297 to Amend Title 1, Chapter 1, Section 4.02 and to Add Title XII of the Milpitas Municipal Code relating to Affordable Housing (Staff Contact: Tim Wong, 408-586-3286) |
| 7. | Adopt a Resolution Approving the Purchase of Police Department Furniture from the Contract Office Group for the Not-To-Exceed Amount of \$129,107.63 Through a Cooperative Procurement Contract with the U.S. Communities Government Purchasing Alliance (Staff Contacts: Chris Schroeder, 408-586-3161 and Raj Maharaj, 408-586-2416) |
| 8. | Adopt a Resolution Directing Staff to Fly California Native American Tribes Flag at Cesar Chavez Plaza (Staff Contact: Renee Lorentzen, 408-586-3409) |
| 9. | Adopt a Resolution Awarding a Contract to Corrpro Companies, Inc. and Authorize Director of Engineering/City Engineer to Execute Contract Change Orders for the Cathodic Protection Improvements Project - Main Sewage Pump Station, Project No. 7115 (Staff Contact: Steve Erickson, 408-586-3301) |
| | |

10.	Adopt a Resolution Authorizing the City Manager to Execute an Agreement with the Santa Clara Valley Water District, Accept \$30,745 in Grant Funds from Priority B3 of the Safe, Clean Water and Natural Flood Protection Program, and Authorize Appropriation of the Funds (Staff Contact: Tony Ndah, 408-586-2602)
11.	Award the Bid and Authorize the City Manager to Execute the Contract with West Coast Arborist, Inc. for City-Owned Tree Maintenance Services for the Annual Amount Not to Exceed \$477,510 (Staff Contacts: Chris Schroeder, 408-586-3161 and Rob Hill, 408-586-2626)
12.	Approve and Authorize the City Manager to Execute an Agreement with Mott MacDonald Group, Inc. in the Amount of \$350,00 for On-Call Land Development and Traffic Engineering Staff Augmentation and Land Surveyor Services (Staff Contact: Steve Erickson, 408-586-3301)
13.	Approve and Authorize the City Manager to Execute Amendment No. 2 to the Agreement with JDH Corrosion Consultants, Inc. for Extension of Contract Time for the Corrosion Protection Improvement Project No. 7115 (Staff Contact: Steve Erickson, 408-586-3301)
14.	Approve a Final Map for Tract No. 10447; and Approve and Authorize the City Manager to Execute the Subdivision Improvement Agreement for Mixed-Use Development at 1415–1475 McCandless Drive (Staff Contact: Steve Erickson, 408-586-3301)
15.	Approve and Authorize the City Manager to Execute Amendment No. 2 to the Agreement with Best Best & Krieger LLP (BBK) to Provide City Attorney Services for the Period of July 1, 2018 to August 31, 2018 (Staff Contact: Julie Edmonds-Mares, 408-586-3050)
16.	Authorize Renewal of Terms Presented for Excess Workers’ Compensation Insurance Contracted Via Brown & Brown of California and Authorize Payment (Staff Contact: Liz Brown, 408-586-3086)
17.	Receive Report on June 2, 2018 Community and School Safety Table Talk Event (Staff Contact: Renee Lorentzen, 408-586-3409)

XI. NEW BUSINESS The following items No. 18 – 23 scheduled for discussion

- 18. Receive a Report from Fairbank, Maslin, Maullin, Metz and Associates (FM3) Regarding Public Opinion Polling of Three Potential Tax Measures, Direct Staff on Ballot Measure(s) for the November 6, 2018 Election, and if desired on Cannabis Tax Use, Direct Staff to Develop Regulations on Acceptable Cannabis Uses in Milpitas and Authorize the City Manager to Execute an Agreement with Hinderliter, de Llamas & Associates (HdL Companies) for Cannabis Consulting Services for an Amount Not to Exceed \$75,210 for June 20, 2018 to June 19, 2019 (Staff Contacts: Will Fuentes, 408-586-3111; Renee Lorentzen, 408-586-3409; and Edesa Bitbadal, 408-586-3052)**

- 19. Approve the Milpitas Chief of Police’s Response to the 2017-2018 Civil Grand Jury Final Report on “Police and the Mentally Ill: Improving Outcomes” (Staff Contact: Armando Corpuz, 408-586-2402)**

XII. PUBLIC HEARING

20. **Conduct a Public Hearing and Consider the Approval for Community Development Block Grant Allocations for Fiscal Year 2018-19 and Adopt the One-year Annual Action Plan (Staff Contact: Tim Wong, 408-586-3286)**

XIII. REPORTS OF OFFICERS

21. **Per Request of Vice Mayor Grilli, Consider Adopting Resolution to Adopt and Implement a City of Milpitas Suicide Prevention Policy (Contacts: Vice Mayor Grilli 408-586-3031 and Renee Lorentzen, 408-586-3409)**
22. **Receive Final Report and Consider a Vote Approving Recommendations of City Council Subcommittee on Commissions and Commissioners Handbook (Contacts: Councilmembers Nuñez, 408-586-3023 and Phan, 408-586-3032)**

XIV. RESOLUTION

23. **HOUSING AUTHORITY
Adopt a Resolution Authorizing the Executive Director to Prepare and Execute Loan Documents to Forego the First Eight Years of Anticipated Residual Receipts Loan Payments for Montevista Apartments at 1001 South Main Street (Staff Contact: Tim Wong, 408-586-3286)**

XV. REPORTS OF MAYOR & COUNCILMEMBERS – from the assigned Commissions, Committees and Agencies

XVI. ADJOURN JOINT MEETING

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 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.

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 the City website. All City Council agendas and related materials can be viewed online here: 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. For hearing assistance, headsets are available in the City Council Chambers for all meetings.

AGENDA REPORTS

X. CONSENT CALENDAR

1.	<p>Accept Schedules of Meetings/City Council Calendars June and July 2018</p> <p><u>Recommendation:</u> Receive and accept Council calendars of meetings for June and July, 2018. Note any changes or additions, if needed.</p> <p><u>Attachments:</u> June 2018 and July 2018 Calendars</p>																																				
2.	<p>Approve City Council Meeting Minutes for June 5, 2018 (Staff Contact: Mary Lavelle, 408-586-3001)</p> <p><u>Recommendation:</u> Move to approve the June 5, 2018 City Council meeting minutes.</p> <p><u>Attachment:</u> Draft meeting minutes June 5, 2018</p>																																				
3.	<p>Approve the Accounts Receivable Write-offs for the Fiscal Year Ended June 30, 2018 (Staff Contact: Jane Corpus, 408-586-3125)</p> <p><u>Background:</u> On a periodic basis staff presents a listing of accounts receivable (AR) write-offs to City Council for approval. This report covers the period prior to June 2017. In the Council’s agenda packet are two Accounts Receivable (AR) lists, one for utility accounts (water, sewer, solid waste) and the other for non-utility accounts that have remained unpaid for more than 12 months. When customers are first invoiced, normal accounting procedures require us to record AR revenue with the intent of collecting amounts due in a year’s time or less. However, a small percentage of receivables are ultimately found to be uncollectible for a variety of reasons and subject to bad-debt write off. When such items have been outstanding for more than a year and all collection methods have been exhausted, it is necessary to write off these accounts off. This is a routine, but important, audit and year-end procedure. Collections efforts that precede this write-off request include internal billing mailings, past due notices, phone call follow up and collection agency services. Some collection efforts may continue after write off but are expected to have a low probability of success.</p> <p>The table below identifies account/invoice categories, payees and amounts for the entire one-year term. It should be noted that during this period, the City achieved an overall collection rate of 99.67%. The proposed write-off amount of \$163,476 is approximately 0.33% of all the amounts invoiced during the same period. The following table displays the write off dollars and percentage by invoice category.</p> <table border="1"> <thead> <tr> <th></th> <th>Invoiced amounts</th> <th>Proposed write-off amounts</th> <th>% of invoiced amount</th> </tr> </thead> <tbody> <tr> <td>Utility accounts</td> <td>\$ 47,040,990</td> <td>\$147,240</td> <td>0.31%</td> </tr> <tr> <td>Private Development Jobs</td> <td>1,156,461</td> <td>12,095</td> <td>1.05%</td> </tr> <tr> <td>Fire Annual Permits</td> <td>587,115</td> <td>246</td> <td>0.04%</td> </tr> <tr> <td>Business License</td> <td>329,362</td> <td>51</td> <td>0.02%</td> </tr> <tr> <td>Police False Alarms</td> <td>55,200</td> <td>2,400</td> <td>4.35%</td> </tr> <tr> <td>Animal Regulation Violations</td> <td>5,290</td> <td>1,300</td> <td>24.57%</td> </tr> <tr> <td>Shopping Cart Retrieval</td> <td>10,060</td> <td>144</td> <td>1.43%</td> </tr> <tr> <td>Total</td> <td>\$ 49,184,478</td> <td>\$163,476</td> <td>0.33%</td> </tr> </tbody> </table>		Invoiced amounts	Proposed write-off amounts	% of invoiced amount	Utility accounts	\$ 47,040,990	\$147,240	0.31%	Private Development Jobs	1,156,461	12,095	1.05%	Fire Annual Permits	587,115	246	0.04%	Business License	329,362	51	0.02%	Police False Alarms	55,200	2,400	4.35%	Animal Regulation Violations	5,290	1,300	24.57%	Shopping Cart Retrieval	10,060	144	1.43%	Total	\$ 49,184,478	\$163,476	0.33%
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Upon reviewing the listing above, the largest amount relate to utility based uncollectible billings equaling \$147,240. However, at 0.31% of all utility amounts invoiced, this is a small percentage and common to the industry of annual bad-debt accounts.

Fiscal Impact: Write offs of \$163,476 from the outstanding accounts receivable will reduce the full-accrual fund balances of the following funds:

General Fund:	\$ 16,236
Utility Funds:	\$ 147,240

Recommendation: Approve the Accounts Receivable Write-offs for the fiscal year ended June 30, 2017.

Attachments:

- a) Utility Bill Write off list
- b) Misc. Accounts Receivable Write off list

4. Consider Request from St. Elizabeth’s Catholic Church to Waive Fees for the Church’s Parish Festival (Staff Contact: Mary Lavelle, 408-586-3001)

Background: On May 23, 2018, the City Clerk received a Fee Waiver/Reduction Request Application Form from St. Elizabeth Catholic Church for its annual Parish Festival event. The Church’s committee chair submitted the application form along with the required IRS letter stating its non-profit status. The group has applied to the Planning Department for a Special Event Permit to hold the festival.

The request is for the City Council to waive two fees for the summer time Parish Festival at St. Elizabeth Catholic Church on church grounds on Sunday, August 12, 2018. Volunteers for the Festival applied for a Special Event Permit from the Planning Department. Fees to be waived are for the Special Event Permit (Planning Dept.) \$250.00 and Fire Marshal’s Temporary Fire Assembly permit (Fire Dept.), currently charged at the rate of \$523.77. The latter fee is due to increase on July 1, 2018, so the fee waiver is requested for the new amount to be charged which will be \$652.77. No generator will be in use at the festival, so there is no associated fee charged by Building Department as had been done in prior years.

Fiscal Impact: \$20,000 was approved and included in the FY 2018-19 City budget for City Council’s Unallocated Community Promotions. Because the event will be occurring in the new Fiscal Year (August), the fees waived will be charged to the newly adopted FY 18-19 budget. If approved, that would then yield a balance of \$19,097.23.

Recommendation: Consider request and move to waive \$902.77 in fees for costs related to the annual St. Elizabeth Catholic Church Parish Festival scheduled on Church grounds on Sunday, August 12, 2018.

Attachments:

- a) Application form + documents – St. Elizabeth Church
- b) List of FY 2017-18 Fee Waivers/Donations

5. Approve Receipt of a Contribution from DR Horton CA3, Inc. for the Lower Penitencia Creek Pedestrian Bridge and Approve a Budget Appropriation into the Lower Penitencia Creek Pedestrian Bridge Project No. 2005 in the Amount of \$32,842 (Staff Contact: Steve Erickson, 408-586-3301)

Background: The Lower Penitencia Creek Pedestrian Bridge project (Bridge Improvements), Project No. 2005 is included in the approved five-year (2017-2022) Capital Improvement Program. This project provides for design and construction of a pedestrian bridge over the Penitencia Creek East Channel near McCandless Drive. The new pedestrian bridge will connect the DR Horton Centre Pointe residential development and the multi-use levee trail along Penitencia Creek. The bridge will also provide access to McCandless Park and Mabel Mattos Elementary school which is currently under construction.

The developer, DR Horton CA3, Inc., agreed to contribute \$32,842 to cover costs associated with grading conforms from the multi-use trail to the Bridge Improvements. This is necessary due to the timing between completion of public trail improvements for the DR Horton Centre Pointe residential development and the Bridge Improvements. Staff recommends the approval of a budget appropriation in the amount of \$32,842 adding the DR Horton contribution into the Lower Penitencia Creek Pedestrian Bridge Project, Project No. 2005.

California Environmental Quality Act: This project is included within the area evaluated as part of the Transit Area Specific Plan Environmental Impact Report, SCH#2006032091, which was certified by the City Council on June 3, 2008. On March 17, 2015, City Council approved two addendums to the TASP EIR with determination that the 2008 TASP EIR remains sufficient to address the potential impacts resulting from the trail and bridge projects.

Fiscal Impact: None. DR Horton CA3, Inc. provided the City \$32,842 in funding for the Lower Penitencia Creek Pedestrian Bridge project.

Recommendation: Approve receipt of a contribution from DR Horton CA3, Inc. and approve a budget appropriation of \$32,842 into the Lower Penitencia Creek Pedestrian Bridge, CIP Project No. 2005.

Attachment: Budget Change Form

6. Waive the Second Reading and Adopt Ordinance No. 297 to Amend Title 1, Chapter 1, Section 4.02 and to Add Title XII of the Milpitas Municipal Code relating to Affordable Housing (Staff Contact: Tim Wong, 408-586-3286)

Background: On June 12, 2018, the City Council introduced Ordinance No. 297 to amend Title 1, Chapter 1, Section 4.02 and to Add Title XII of the Milpitas Municipal Code relating to Affordable Housing. At the meeting, the City Council requested to change the affordability percentage requirement in new residential development projects from 10% to 15% for residential developments. That change has been included in the final version of the Ordinance. Ordinance No. 297 is now ready for a second reading and adoption.

Recommendation: Waive the second reading and adopt Ordinance No. 297. 2 Amending Title 1, Chapter 1, Section 4.02 and to Add Title XII of the Milpitas Municipal Code relating to Affordable Housing.

Attachment: Ordinance No. 297

7. Adopt a Resolution Approving the Purchase of Police Department Furniture from the Contract Office Group for the Not-To-Exceed Amount of \$129,107.63 Through a Cooperative Procurement Contract with the U.S. Communities Government Purchasing Alliance (Staff Contacts: Chris Schroeder, 408-586-3161 and Raj Maharaj, 408-586-2416)

Background: All of the furniture in the Police Department, both modular and free standing, is 25-30 years old, worn and faded, or suffering from various kinds of wear damage and has reached the end of its useful life. Working with Contract Office Group (COG), the local representative for Haworth furniture, comprehensive plans and specifications were developed that include replacement of the furniture in five areas/rooms including the Executive Secretary and Executive Lounge area, the Police Lobby, Records Room, Criminal Investigations, and the Interview Room.

Section I-2-3.08 of the Milpitas Municipal Code allows the Purchasing Agent to make cooperative purchases and authorizes the City Council to award contracts without competition when the purchase is pursuant to a cooperative agreement by another public agency, as defined by Government Code 6500, provided that the underlying purchase used competitive negotiation or bidding procedures at least as restrictive as the City's and may include a nationally bid cooperative contract; regardless of whether the City is a named party to the agreement or an actual participant in such a program.

In July of 2012, Fairfax County Virginia acting as the lead public agency for the U.S. Communities Government Purchasing Alliance, of which the City of Milpitas is a member, conducted a national solicitation of RFP 2000000330 for "Systems Furniture, Freestanding Furniture, Seating, Filing Equipment and Related Products, Support Services and Solutions." Contract 4400003402 was awarded to Haworth Furniture Company for the period January 1, 2013 through December 31, 2016 with four one year renewals. As such, the contract is still current. The Purchasing Agent, having reviewed all of the documentation from the U.S. Communities Government Purchasing Alliance, for RFP 2000000330 has determined that the underlying purchase was made using competitive bidding procedures at least as restrictive as those of the City of Milpitas and that the price for the new furniture is the same as that offered in the original contract.

The quote from COG includes all new modular and free standing furniture, color and finish coordinated to the Police Departments specification. It also includes concept design, project management, assembly and installation of the modular furniture and disposal of the old furniture, modular and free standing. The project will be done in phases by floor and area. Because work will be done during normal business hours, except for the Records Unit, which will be done after hours, it is critical to stage the dismantling and removal of the old furniture in synchronization with installation of the new furniture.

Milpitas Municipal Code Section I-2-8.01 provides that the Purchasing Agent shall be empowered to dispose of property of the City, including abandoned property, which cannot be used by any department of the City, at public or private sale or by renting or destroying the same, (all with or without notice, competitive bid or necessity of posting bond, at the Purchasing Agent's discretion, and upon such terms as he or she deems best) provided any single item of property involved does not exceed \$5,000 in current market value.

All of the old Police department furniture was determined to have little or no resale value. And as the City does not have staff or facilities to handle storage or disposal of the old furniture, quotes for disposal of the old furniture were solicited by COG from the three different installation companies who bid on the contract. The low bid for the five areas was \$6,695 from All Modular and has been factored into the total price of the COG removal, disposal and replacement of the old Police Department furniture. Once the furniture is ordered installation should take approximately 30 days.

Fiscal Impact: \$129,107.63. Funds for this purchase are available from the Police Department operating budget in FY 2017-18.

Recommendations:

1. Adopt a resolution approving the purchase of Police Department furniture from the Contract Office Group for an amount not to exceed \$129,107.63 through a cooperative procurement contract with the U.S. Communities Government Purchasing Alliance which includes removal and disposal of the old furniture.
2. Allow the City Attorney to negotiate final purchase order terms and conditions as may be necessary.

Attachments:

- a) Resolution
- b) Quote for Furniture from Cog

8. Adopt a Resolution Directing Staff to Fly California Native American Tribes Flag at Cesar Chavez Plaza (Staff Contact: Renee Lorentzen, 408-586-3409)

Background: Pursuant to Milpitas Municipal Code Section I-600-2.30(3), the City Council may, by resolution, direct City staff to display Commemorative Flags as an expression of the City's official sentiments by any of the following means: (i) display in lieu of the MIA/POW flag on one of the four City Hall Display Flag Poles located at the rear of City Hall adjacent to the pond, (ii) display in lieu of the flag of the State of California on one of the three flag poles located at Cesar Chavez Plaza, or (iii) display through ground level ceremonies at any of the following locations at the Civic Center complex or the City of Milpitas Community Center: (1) City Hall Rotunda, (2) Area adjacent to pond at City Hall, (3) Cesar Chavez Plaza and (4) City Council Chambers.

City Council is requested to adopt a resolution directing staff to fly the California Native American Tribes Flag from November 1–30, 2018 in honor of National Native American Heritage Month. Per municipal code, the Commemorative Flag shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 continuous days.

Recommendation: Adopt a resolution directing staff to fly the California Native American Tribes Flag from November 1 – 30, 2018 at the Cesar Chavez Plaza.

Attachment: Resolution

9. Adopt a Resolution Awarding a Contract to Corrpro Companies, Inc. and Authorize Director of Engineering/City Engineer to Execute Contract Change Orders for the Cathodic Protection Improvements Project - Main Sewage Pump Station, Project No. 7115 (Staff Contact: Steve Erickson, 408-586-3301)

Background: On June 6, 2017, the City Council approved the plans and specifications and authorized the advertisement for construction bid proposals for the Cathodic Protection Improvements Project (Main Sewage Pump Station), Project No. 7115. The project will provide for cathodic protection system improvements to the City's metallic sewer forcemain pipeline located at the Main Sewer Pump Station at North McCarthy Boulevard.

The project was advertised in the local newspaper and no sealed bid proposals were received. After the bid opening, staff contacted prospective bidders to find out why they did not submit a bid. Prospective bidders indicated they were very busy and several contractors indicated they were not taking on new work until 2019.

As allowed under Section 22038(c) of the Public Contract Code, if no bids are received, the City may negotiate a construction contract directly with a contractor. Staff contacted several contractors and was able to negotiate a contract with Corrpro Companies, Inc. to

perform the project this year. The price to complete submitted by Corrpro Companies is \$130,500. Staff recommends that the Council award a contract to Corrpro Companies, Inc. for a total contract amount of \$130,500. There are sufficient funds available within the project budget to award and construct this project.

As was previously approved for the successful completion of recent projects with tight completion schedules, staff is requesting the use of the same change order policy (copy of policy is included in the Council agenda packet). This policy allows for the timely completion of the project, while addressing the need to respond swiftly to construction conditions and approving necessary change orders in order to limit potential claims or risk to the City. The construction contingency established for this project is \$19,575; approximately 15% of the total contract value. The change order authority is not anticipated to exceed this amount and would not require an additional appropriation.

Alternative: Denial of this request would result in not moving forward to construct the needed improvements.

California Environmental Quality Act: This project is categorically exempt under Section 15301 of the California Environmental Quality Act guidelines for maintenance of existing facilities.

Fiscal Impact: None. Adequate funds are available in the project budget for construction.

Recommendations:

1. Adopt a resolution awarding a contract to Corrpro Companies, Inc. for Cathodic Protection Improvements Project (Main Sewage Pump Station), Project No. 7115, in the amount of \$130,500.
2. Authorize the Director of Engineering/City Engineer to execute contract change orders for the project in an aggregate amount not to exceed the construction contingency of \$19,575.

Attachments:

- a) Resolution
- b) Change Order Policy

10.

Adopt a Resolution Authorizing the City Manager to Execute an Agreement with the Santa Clara Valley Water District, Accept \$30,745 in Grant Funds from Priority B3 of the Safe, Clean Water and Natural Flood Protection Program, and Authorize Appropriation of the Funds (Staff Contact: Tony Ndah, 408-586-2602)

Background: State regulations require agencies with sewer systems to reduce the occurrence of sanitary sewer system overflows. In FY 2017-18, the City began implementing a program for “smart” manhole covers to help prevent sanitary sewer overflows. The “smart” manhole covers are a web-based technology that provides real-time remote sewer overflow monitoring via a reliable satellite communications system. The units are installed on the underside of existing manhole covers and provide real-time security monitoring of sewage levels in manholes.

The Santa Clara Valley Water District (District) has allocated a Priority B3 Safe, Clean Water and Natural Flood Protection Program grant in the amount of \$30,745 to the City towards the purchase and installation of eight “smart” manhole covers. These units would be installed on manholes in the vicinity of high risk creek crossings, to help prevent the occurrence of sanitary sewer overflows into creeks.

Fiscal Impact: None. Capital Improvement Program Project No. 6123 – Sanitary Sewer Overflow Improvements was approved in FY 2017-18, and contains sufficient funds to

fund the purchase and installation of the “smart” manhole covers. This grant will help offset the total cost of the project and allows for the City to exceed the project’s expectations with the purchase of additional “smart” manhole cover units for the sewer system.

Recommendation: Adopt a resolution authorizing the City Manager to execute the agreement with the Santa Clara Valley Water District, accept \$30,745 in grant funds from Priority B3 of the Safe, Clean Water and Natural Flood Protection Program, and authorize appropriation of those funds.

Attachments:

- a) Resolution
- b) Agreement
- c) Budget Change Form

11. Award the Bid and Authorize the City Manager to Execute the Contract with West Coast Arborist, Inc. for City-Owned Tree Maintenance Services for the Annual Amount Not to Exceed \$477,510 (Staff Contacts: Chris Schroeder, 408-586-3161 and Rob Hill, 408-586-2626)

Background: On April 13, 2018, the City of Milpitas issued a Request for Proposal for City-Owned Tree Maintenance services (RFP No. 2233). The scope of work in the RFP included a variety of pruning types for all City-owned trees that would provide pruning on a five-year schedule. This schedule would enable all City-owned trees to be maintained properly and data collected on the health and vitality of the trees and uploaded to the City’s tree survey database, on which work is in the early stages and is scheduled to be completed later this Fall. Additional on-call services were also listed in the RFP such as tree stump removal, tree planting services and emergency crew assistance.

The bid was publically advertised on the City’s website and Public Purchase, the City’s eProcurement vendor. The notification of the released of RFP No. 2233 was sent to 39 companies and 17 firms downloaded the bid documents. Two bids were submitted for consideration: West Coast Arborists, Inc. and The Professional Tree Care Company. A review panel of three Public Works Department managers conducting a review of the proposals and provided the following final scored based on the weighted scoring criteria advertised in the RFP that included price, technical abilities, qualifications, quality of the proposal and references. The scores are:

- 1. West Coast Arborist, Inc. – 88.00 points
- 2. The Professional Tree Care Company – 58.33 points

The recommended contract with West Coat Arborists, Inc. is based on the offering that is considered to be the best value and most advantageous after consideration of all criteria. The contract is based on an urban forest of approximately 20,000 trees. The contract is for five years to ensure that pruning and data collection from all City-Owned trees will be conducted through the duration of the contract. The contract commences on July 1, 2018 and ends on June 30, 2023. The annual cost for the contract is \$477, 510.00 and the total five year not-to-exceed amount is \$2,387,550. Annual price increases are tied to the “Consumer Price Index – All Urban Consumers. Consumer Price Index Series ID: CUURS49BSAO Not Seasonally Adjusted Series. Title: All items in San Francisco-Oakland-Hayward, CA all urban consumers, not seasonally adjusted, to a maximum of 5%. After posting the Notice of Intent to Award, no protest was filed.

Fiscal Impact: None. Funding of \$477,510 for this service is available from the Public Works Department operating budget.

Recommendations:

1. Award the bid to West Coast Arborist Inc. and authorize the City Manager to execute the contract with the company for City-owned tree maintenance services for the annual amount not to exceed \$477,510.
2. Authorize the Purchasing Agent to approve annual increases per the contract terms without further City Council action, except for appropriation of funds.

Attachment: Contract with West Coast Arborist

12.

Approve and Authorize the City Manager to Execute an Agreement with Mott MacDonald Group, Inc. in the Amount of \$350,00 for On-Call Land Development and Traffic Engineering Staff Augmentation and Land Surveyor Services (Staff Contact: Steve Erickson, 408-586-3301)

Background: The City is experiencing a high volume of private development construction requiring the review and permitting of offsite improvement plans for work within city streets and the public-right-of-way. To help with the timely review of plans and the processing of related permits, it is recommended the City enter into a contract with Mott MacDonald Group, Inc. (MMG) for on-call Land Development and Traffic Engineering staff augmentation services. MMG would also provide on-call land surveying services including the review and signing of maps, legal and land boundary descriptions as required by the Subdivision Map Act and the California Board of Professional Engineers and Land Surveyors.

The standard Request for Proposal (RFP) process to evaluate potential firms to provide these services was completed. Staff negotiated a scope of work and fee with Mott McDonald Group for these services in an amount not to exceed \$350,000, which is considered reasonable for the services to be provided.

Fiscal Impact: Sufficient funding is programed in the Engineering Department budget for staff augmentation services, to be provided by Mott McDonald Group, Inc. will be reimbursed by private development fees paid by developers for projects assigned.

Recommendation: Approve and authorize the City Manager to execute an agreement with Mott MacDonald Group, Inc. in the amount of \$350,000 for Land Development and Traffic Engineering staff augmentation and Land Surveyor services.

Attachment: Agreement with Mott McDonald

13.

Approve and Authorize the City Manager to Execute Amendment No. 2 to the Agreement with JDH Corrosion Consultants, Inc. for Extension of Contract Time for the Corrosion Protection Improvement Project No. 7115 (Staff Contact: Steve Erickson, 408-586-3301)

Background: The Corrosion Protection Improvement Project No. 7115 is in the approved 2017-2022 Capital Improvement Program. This project provides for corrosion engineering services for City buried metallic pipelines, and provides field surveys and technical support for the repair of the cathodic protection system at the Main Sewage Pump Station.

The project advertisement for this project has been rescheduled for spring of 2019 to provide for more competitive pricing. Staff recommends the Council approve Amendment No. 2 to the Agreement with JDH Corrosion Consultants, Inc. to provide an extension of contract time. Approval of the amendment does not change the total Agreement amount of \$30,000.

Alternate: Failure to proceed with this extension of time will result in the consultant's contract expiring.

California Environmental Quality Act: The Cathodic Protection Improvements Project is exempt from CEQA (Public Resources Code §§21000, *et seq.*, as further governed by the Guidelines for CEQA, 14 CCR §§15000, *et seq.*) pursuant to the Class One categorical exemption (14 CCR §15301) because they relate to the repair of "existing facilities" with no expansion of existing use.

Fiscal Impact: None.

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement with JDH Corrosion Consultants, Inc. for extension of agreement time for Cathodic Protection Improvements Project No. 7115.

Attachment: Amendment No. 2 to the Agreement with JDH

14. Approve a Final Map for Tract No. 10447; and Approve and Authorize the City Manager to Execute the Subdivision Improvement Agreement for Mixed-Use Development at 1415–1475 McCandless Drive (Staff Contact: Steve Erickson, 408-586-3301)

Background: On March 20, 2012, the City Council approved a Major Tentative Map (MT11-0002), and on November 17, 2015, approved an amendment to Site Development Permit (SD11-0001) and Conditional Use Permit (UP11-0037) to allow the construction of 4 mixed use buildings with 953 residential units and 98,684 square feet of commercial space on 13.33 acres (District 1) and 200 residential condominium units on 9.68 acres (District 2) located at 1315 – 1600 McCandless Drive with ancillary lots for private streets and public streets. District 1 is currently being developed in phases with multiple final maps.

The current phase of the project, Tract No. 10447, consist of 218 residential units and 3,480 square feet of commercial space on 2.55 acres located at 1415 – 1475 McCandless Drive (District 1, Lot 2) to be constructed by Milpitas-District 2 Associates, LLC (Developer).

The final map for the development is now complete and ready for approval by the City Council. The City Engineer has examined the final map for Tract No. 10447 and determined that the map is substantially the same as the previously approved Vesting Tentative Map, and finds that it conforms to all requirements of the State of California Subdivision Map Act, and Milpitas Municipal Code (MMC). The Developer has offered dedications to the City for public use, such as public service, utilities, and sidewalk, emergency vehicle access and multi-use trail and access, as shown on the final map. Staff recommends the City Council approve the final map and to accept the dedications, subject to completion and acceptance of improvements.

The City Engineer reviewed the public improvement plans (E-EN16-0127) and is recommending the City Council approve the Subdivision Improvement Agreement for the development to allow for construction of public improvements that will be accepted by the City upon completion. Public improvements to be constructed include asphalt concrete pavement, signing and striping, curb and gutter, sidewalk, driveway approach, speed table, median improvements, utility services, landscaping and other miscellaneous items of work identified on the improvement plans. The Developer has executed the Subdivision Improvement Agreement and provided improvement securities to guarantee completion of required public improvements.

California Environmental Quality Act: Approval of final subdivision map is a ministerial action exempt from CEQA pursuant to Guidelines Section 15268(b)(3). Approval of the Subdivision Improvement Agreement implements this project for which CEQA review has already been completed through the City Council's adoption of Resolution No. 8509 adopting an addendum to the previously certified Transit Area Specific Plan Environmental Impact Report.

Fiscal Impact: None

Recommendations:

1. Approve a Final Map for Tract No. 10447, acceptance of all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and
2. Approve and authorize the City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Milpitas-District 2 Associates, LLC.

Attachments:

- a) Final Map Tract 10447
- b) Subdivision Improvement Agreement

15. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Agreement with Best Best & Krieger LLP (BBK) to Provide City Attorney Services for the Period of July 1, 2018 to August 31, 2018 (Staff Contact: Julie Edmonds-Mares, 408-586-3050)

Background: On September 22, 2015, the City Council approved the Legal Services Agreement with Best Best & Kreiger LLP (BBK) for City Attorney services. Prior to this time, legal services were provided by an in-house City Attorney. The BBK agreement had an initial term of approximately three years and a termination date of June 30, 2018. At this time, staff recommends a two-months' extension in length and terms of the original agreement to August 31, 2018. Such an extension will provide the City with continuity of legal services and the City Council with the opportunity to fully evaluate the performance of BBK over the last three years and to consider possible additional language for the BBK agreement.

Fiscal Impact: The expiring BBK agreement has a not to exceed amount of \$550,000 per fiscal year for regular legal services that are not reimbursable by a developer or other third party. An extension in length of two months under the terms of the expiring agreement would cost \$91,667 for regular legal services. The Fiscal Year 2018-19 adopted budget for contractual City Attorney services which are not reimbursable is currently established at \$561,400. Thus, a two month extension to the BBK agreement is fully funded within the FY 2018-19 adopted budget and additional appropriations in FY 2018-19 are not necessary at this time.

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the agreement with Best Best & Krieger LLP (BBK) to provide City Attorney services for the period of July 1, 2018 to August 31, 2018.

Attachment: Amendment No. 2 to Agreement with Best Best Krieger LLP

16. Authorize Renewal of Terms Presented for Excess Workers' Compensation Insurance Contracted Via Brown & Brown of California and Authorize Payment (Staff Contact: Liz Brown, 408-586-3086)

Background: The City carries excess workers' compensation insurance in accordance with state law and the City's insurance broker is Brown & Brown Insurance Services of California. Brown & Brown accepted bids from three carriers, who have been known as the major writers of Municipal Excess Workers' Compensation coverage in California. The most competitive bid came from Safety National Casualty Corporation, which has been the city's carrier since 2008. For the last Fiscal Year 2017-18, the cost of the excess workers' compensation was \$146,450. The City's self-insured retention is \$1,000,000 for Safety employees and \$750,000 for Miscellaneous employees. The renewal premium for Fiscal Year 2018-19 is based on the City's payroll and will be \$158,590.

Fiscal Impact: None. There are sufficient funds allocated in the Human Resources Department budget for Fiscal Year 2018-19. In addition, the two-year agreement will allow the City to skip the process of compiling renewal information and budget appropriately for Fiscal Year 2019-20.

Recommendation: Authorize renewal of terms presented for Excess Workers' Compensation Insurance, authorize the City Manager to pay Brown & Brown Insurance Services of California the premium rate of \$158,590, and authorize Safety National Casualty Corporation to provide for the City's excess workers' compensation insurance for Fiscal Years 2018-19 and 2019-20.

Attachment: Terms of Excess Workers Comp. insurance

17.

Receive Report on June 2, 2018 Community and School Safety Table Talk Event (Staff Contact: Renee Lorentzen, 408-586-3409)

Background: On Saturday, June 2, 2018, the City of Milpitas co-hosted the first Community and School Safety Table Talks event with the Milpitas Unified School District (MUSD) from 8:30 AM – 1:30 PM in the Community Center Auditorium. The event started with nine City staff, District staff, and community leaders, trained as facilitators, leading 72 residents in separate discussions on the two major topics of Community Safety, School Safety. A panel discussion including Milpitas High School Principal Francis Rojas, Chief of Police Armando Corpuz, School Board Member Chris Norwood, City Council Member Bob Nuñez, Santa Clara County Supervisor Dave Cortese, Assembly Member Kansan Chu, and Congressman Ro Khanna provided insight to the community on safety from a variety of local and state-level perspectives.

After a City-sponsored lunch, event participants were able to choose from a series of safety related topics for a third and final table discussion. Those discussions focused on mental health support services, safety in places of assembly/worship, firearms, and safety in the work place. Event participants were invited to complete worksheets on their thoughts and ideas on each of the three discussions. Facilitators also completed worksheets on each discussion topic and the ideas and comments at their tables. City and District staff are currently working together to organize and formulate the information generated from the event into a comprehensive report.

Staff plans to provide a complete report to City Council for review, discussion and desired policy direction later this summer, in August.

Recommendation: Receive the report from staff of the successful Community and School Safety Table Talk Event on June 2.

Attachment: None

XI. NEW BUSINESS The following items No. 18 – 23 scheduled for discussion

- 18. Receive a Report from Fairbank, Maslin, Maullin, Metz and Associates (FM3) Regarding Public Opinion Polling of Three Potential Tax Measures, Direct Staff on Ballot Measure(s) for the November 6, 2018 Election, and if desired on Cannabis Tax Use, Direct Staff to Develop Regulations on Acceptable Cannabis Uses in Milpitas and Authorize the City Manager to Execute an Agreement with Hinderliter, de Llamas & Associates (HdL Companies) for Cannabis Consulting Services for an Amount Not to Exceed \$75,210 for June 20, 2018 to June 19, 2019 (Staff Contacts: Will Fuentes, 408-586-3111; Renee Lorentzen, 408-586-3409; and Edesa Bitbadal, 408-586-3052)**

Background: On May 1, 2018, the City Council received a presentation from staff and polling consultant, FM3, about potential November 2018 ballot measures and directed staff to proceed with having FM3 conduct public opinion polling regarding a Transient Occupancy Tax (TOT) increase, a Cannabis Use Tax, and a Business License Tax Modernization only. Thus, FM3 started conducting both online and telephone polling of Milpitas residents on June 5.

In addition to polling Milpitas residents on taxation topics, staff conducted a series of surveys online through an “Open Town Hall” platform, at special events, and at two community meetings on the topic of Cannabis use, business/retail and taxation in Milpitas. Polling performed by FM3 is only provided to a sampling of Milpitas residents, but is performed in a scientific manner using best polling practices. Surveys provided at City events and through the Open Town Hall platform are very valuable, but less scientific and accurate in predicting voter behavior.

Should the City Council decide to move forward with placing a Transient Occupancy Tax (TOT) Increase, a Cannabis Use Tax, and/or a Business License Tax Modernization on the November 2018 ballot, City Council must adopt a resolution on or before its August 7, 2018 regular meeting to meet the required deadline set by the Elections Code (88 days prior to election day), or August 10.

Should the City Council decide to place a Cannabis Use Tax on the ballot and/or choose to establish regulations on acceptable cannabis uses, staff has selected, through a Request for Qualifications (RFQ) process, Hinderliter, de Llamas & Associates (HdL Companies) to assist the City in drafting cannabis use ballot language, establishing guidelines on cannabis uses and developing appropriate cost recovery fees, tax structure, zoning ordinance, and regulatory ordinance. If Milpitas voters and the City Council pass a cannabis-related ballot measure, zoning ordinance, and regulatory ordinance, HdL Companies will also manage the application process for approved cannabis-related businesses types, review the applications in a merit based process, conduct background investigations if applicable, assist staff in conducting interviews, develop security regulations to minimize/prevent criminal activity, and provide ongoing training and consultation to staff, as needed.

For reference, on May 1, 2018, staff issued a Request for Qualifications (RFQ) to six cannabis consulting firms to assist the City with a potential cannabis action by Council ahead of the November 2018 elections. Five firms responded to the RFQ, were evaluated by staff, and HdL Companies was selected for recommendation as the successful consultant. If for any reason in the future, the City chooses to cease its cannabis related activities, section 17 of the agreement allows for termination given 10 calendar days. In such an event, the City will not be liable for any costs other than services performed to date.

Fiscal Impact: There could be positive revenue impacts should the City Council choose to place one or more tax measures on the November 2018 ballot and these measures are approved by Milpitas voters. The estimated cost of the agreement with Hinderliter, de

Llamas and Associates (HdL Companies) for Cannabis Consulting Services is \$75,210 total, with \$65,400 for known needs shown in Exhibit B of the agreement and a 15% contingency of \$9,810 for services which cannot be known upfront. Funds for this agreement are available within the City Manager's budget for FY 2017-18 and 2018-19.

Recommendations:

1. Receive a report from Fairbank, Maslin, Maullin, Metz and Associates (FM3) regarding public opinion polling of three potential tax measures for the November 6, 2018 ballot.
2. Direct staff regarding possible ballot measures for the municipal election November 6.
3. If desiring to move forward with the Cannabis Tax Use, and/or develop regulations on acceptable cannabis uses, authorize the City Manager to execute an agreement with Hinderliter, de Llamas & Associates (HdL Companies) for cannabis consulting services for an amount not to exceed \$75,210 for the period of June 20, 2018 to June 19, 2019.

Attachment: Agreement

19. **Approve the Milpitas Chief of Police's Response to the 2017-2018 Civil Grand Jury Final Report on "Police and the Mentally Ill: Improving Outcomes" (Staff Contact: Armando Corpuz, 408-586-2402)**

Background: On May 9, 2018, the 2017-2018 Santa Clara County Civil Grand Jury issued a final report titled "Police and the Mentally Ill: Improving Outcomes." The Grand Jury issued findings and recommendations directed at several law enforcement agencies, including the Milpitas Police Department. California Penal Code § 933.05(b) compels the Police Department to provide a written response and it is due to the presiding judge by August 7, 2018. The written response is included in the Council agenda packet for review and approval.

Fiscal Impact: None.

Recommendation: Approve the Chief of Police's written response to the 2017-2018 Santa Clara County Civil Grand Jury regarding the final report on "Police and the Mentally Ill: Improving Outcomes."

Attachments:

- a) Police Chief's written response
- b) County Grand Jury report

XII. PUBLIC HEARING

20. **Conduct a Public Hearing and Consider the Approval for Community Development Block Grant Allocations for Fiscal Year 2018-19 and Adopt the One-year Annual Action Plan (Staff Contact: Tim Wong, 408-586-3286)**

Background: The U.S. Department of Housing and Urban Development (HUD) provides annual grants through the Community Development Block Grant (CDBG) program to local, state and entitlement cities to assist in providing decent housing, a suitable living environment and expand economic opportunities for low to moderate-income persons. The purpose of this public hearing is to approve the funding recommendations that were recommended by the Community Advisory Commission (CAC) following its March 7 and 16, 2018 meetings. In addition, Council is requested to adopt the One-Year Annual Action Plan which outlines how the CDBG funds will be used for the upcoming year and how it follows the adopted Five-Year Consolidated Plan.

Pursuant to CDBG federal requirements, the total CDBG funding can set aside up to 15% for public service, 65% for capital services and the 20% towards program administration. Therefore, the overall maximum CDBG entitlement allocation for FY 2018-19 will be:

Public Services	\$78,177.30
Non-public (capital)	\$338,768.30
Program Administration	<u>\$104,236.40</u>
Total:	\$521,182.00

In addition, the City has approximately \$154,000 in unspent, uncommitted funds. By HUD regulations, these funds cannot be used for additional program administration or public services. Thus, those dollars were added to the capital funds for FY 2018-19 for a total amount of \$493,084.

During the month of January 2018, the City advertised in the local newspaper, City's website and sent notices to current service providers and surrounding local service providers notifying them about the 30-day time period by which to submit CDBG funding applications.

Community Advisory Commission meetings

The CAC held a public hearing on March 7, 2018, to review the 20 applications received and to provide funding recommendations to the City Council. Commissioners made final allocation recommendations at a May 16, 2018 special meeting.

March 7 Community Advisory Commission meeting

The City did not receive the FY 2018-19 allocation from HUD prior to the March 7 CAC meeting. The CAC made funding recommendations based on the previous year's CDBG allocation of \$449,688. Because the amount was not awarded prior to the CAC meeting, Commissioners also approved a contingency plan. Given that the final allocation amount would be awarded after the CAC met, the Commission approved a contingency recommendation that allowed staff to increase or decrease its recommended amounts by the percentage increase or decrease of the actual allocation. In the beginning of May, HUD released allocations amounts for 2018-19 and the City received \$521,182, an increase of 15.89%. This 15.98% increase was added evenly to all the applications recommended for funding.

The City was undersubscribed for Capital application funding. Therefore, City staff kept the application submittal period open through April 27 specifically for Capital applications. Submittal of Public Service applications was not permitted in the extended application submittal period.

May 16 Community Advisory Commission meeting

The Commission held a special meeting on May 16 to review the additional Capital application. The City received six more Capital applications during the extended submittal period. During this time, the City received its allocation from HUD in the amount of \$521,182. Commissioners recommended funding three of the six applications according to the City Council priorities. CAC final recommendations are outlined in the Annual Action Plan section below.

The CAC had a second meeting to make recommendations to City Council for allocation of the unspent, uncommitted funds. In addition, in the first round of funding recommendations, the City was undersubscribed and did not receive sufficient number of applications requesting funding. Compared to nearby jurisdictions, the amount the City receives in capital funds is significantly less and the administration costs for organizations to administer the grant might not be the best use of those resources, thus the City historically receives less applications for capital.

The funding recommendations listed in the Annual Action Plan are those made by the CAC. The City Council is responsible for making the final allocation amounts.

Annual Action Plan for Program Year 2018-19

The draft Annual Action Plan describes the anticipated CDBG activities and expenditures to be undertaken for fiscal year 2018-19 and how these activities relate to meeting the goals and objectives identified in the Five-Year Consolidated Plan. The draft Annual Action Plan was advertised for public review and comments for 30 days (from May 18 to June 18, 2018) and the draft was sent to CDBG applicants for their review. The draft Annual Action Plan was also made available at the Milpitas Public Library, City Hall and online on the City’s website. Any significant public comments received will be incorporated into the final Action Plan prior to submittal to HUD. The federal Department reviews and approves the Action Plan prior to releasing CDBG funds. The City did not receive any comments or questions about or related to the Annual Action Plan.

The Annual Action Plan will include the approved CDBG funding recommendations made by City Council on June 19, 2018. The Annual Action Plan lists all the organizations approved for CDBG funding, what projects they will undertake and how those will meet the goals and objectives outlined in the Consolidated Plan.

This table lists all CDBG applications recommended for funding in FY 2018-19:

PUBLIC SERVICES	Catholic Charities of Santa Clara County	\$8,202
	Child Advocates of Silicon Valley	\$9,629
	India Community Center	\$6,181
	Milpitas Food Pantry	\$13,748
	Next Door Solutions to Domestic Violence	\$9,172
	Senior Adults Legal Assistance	\$6,439
	SVILC	\$6,746
	The Health Trust	\$9,605
	YWCA Silicon Valley	\$8,455
	TOTAL	\$78,177
CAPITAL	LifeMoves	\$48,723
	Resources for Community Development	\$299,097
	Terrace Gardens, Inc.	\$5,764
	Rebuilding Together Silicon Valley	\$120,000
	Terrace Gardens, Inc.	\$14,000
	Terrace Gardens, Inc.	\$5,500
	TOTAL	\$493,084
ADMINISTRATION	Project Sentinel	\$10,000
	Program Administration	\$94,236
	TOTAL	\$104,236

Note: one service provider, Project Sentinel, is being funded outside of the Public Service allocation. Project Sentinel is an extension of staff as the City's fair housing and tenant/landlord consultant. The City will fund Project Sentinel in the amount of \$10,000 from CDBG FY 2018-19's program administration with additional \$15,000 from the Housing Authority fund. This is the same arrangement as in previous years. The City Council is also financially supporting the Milpitas Food Pantry outside of CDBG funds. On March 3, 2015, the Council voted to reduce the Milpitas Food Pantry rent from \$1,600 per month to \$1.00 per month.

Fiscal Impact: None

Recommendations:

1. Open the public hearing, then move to close the hearing, following testimony.
2. Approve Community Development Block Grant funding for Fiscal Year 2018-19.
3. Approve the draft Fiscal Year 2018-19 Action Plan.
4. Authorize the City Manager to execute CDBG agreements with the service providers.

Attachment: FY 2018-19 Annual Action Plan for CDBG Funds

XIII. REPORTS OF OFFICERS

21. **Per Request of Vice Mayor Grilli, Consider Adopting a Resolution to Adopt and Implement a City of Milpitas Suicide Prevention Policy (Contacts: Vice Mayor Grilli 408-586-3031 and Renee Lorentzen, 408-586-3409)**

Background: There is a growing awareness of suicide as a major public health problem, worldwide. Even though death by suicide is the tenth leading cause of death in the United States, it still is a taboo and difficult discussion topic in many societies. Suicides are preventable and the opportunity to unite as a community in commitment and action to ensure that suicides are prevented, that those living with mental illness receive support services, that community-based care and close follow-up are available to people who attempt suicide, can save lives.

By approving the recommended Suicide Prevention Policy, the Council pledges the City of Milpitas to lead and promote community collaboration; planning, implementing and evaluating strategies for suicide prevention and intervention education, promoting aftercare services, and the de-stigmatization of the need for mental health care.

City Council is requested to adopt a resolution and implement the City of Milpitas Suicide Prevention Policy.

Recommendation: Upon request of Vice Mayor Grilli, consider and adopt a resolution to adopt and implement the City of Milpitas Suicide Prevention Policy.

Attachment: Resolution + Suicide Prevention Policy

22. **Receive Final Report and Consider a Vote Approving Recommendations of City Council Subcommittee on Commissions and Commissioners Handbook (Contacts: Councilmembers Nuñez, 408-586-3023 and Phan, 408-586-3032)**

Background: The City Council Subcommittee on Commissions was formed on December 19, 2017 to review and recommend applicants to serve as new Commissioners for final approval by the Mayor and Council; and to recommend any changes to the existing roster of City Commissions. Per direction of City Council, recommendations to the Mayor on the appointments and reappointments of Commissioners will come from one Subcommittee

member and the Commission Council Liaison, with exception of the Planning Commission, which will come from the Subcommittee.

At the subcommittee's Friday, June 8, 2018 meeting, the two members made their final recommendations for the full City Council's consideration.

Subcommittee recommendations for current City Commissions are:

Arts Commission

Advise Council on: Retain current Commission advisory areas and topics

Bicycle Pedestrian Advisory Commission (retire)

Bike and Trail topics going to the Parks, Recreation and Cultural Resources Commission; circulation topics going to Planning Commission

Economic Development and Trade Commission

Advise Council on: current commission advisory areas; addition of "trade" to include international trade relationships, and Sister Cities Commission programs into its work plan and scope

Energy and Environmental Sustainability Commission (formerly known as Recycling and Source Reduction Commission)

Advise Council on: current commission advisory areas and topics; addition of Sustainability, Climate Action Plan, Recycling, waste diversion

Community Advisory Commission

Advise Council on: Community Development Block Grant recommendations, Neighborhood Beautification, neighborhood abatement issues

Library and Education Commission

Advise Council on: current commission advisory areas and topics; addition of "education" component, incorporate school partnerships and initiatives into its work plan and scope

Parks, Recreation and Cultural Resources Commission

Advise Council on: current commission advisory areas and topics; addition of Bicycle and Pedestrian Advisory Commission (BPAC) Bicycle and Trail topics and events into its work plan and scope

Public Safety and Emergency Preparedness Commission (formerly known as Emergency Preparedness Commission)

Advise Council on: current Emergency Preparedness Commission topics; addition of "Public Safety" to include Police and Fire Community interest items into its work plan and scope

Planning Commission

Advise Council on: current Commission advisory areas and topics; addition of transportation topics, traffic, streets into its work plan and scope

Science, Technology, and Innovation Commission

Name change for the Telecommunication Commission; Advise Council on: current Commission advisory areas and topics

Senior Advisory Commission

Advise Council on: current Commission advisory areas and topics

Sister Cities Commission (retire)

Exchange program going to the Economic Development and Trade Commission

Veterans Commission

Advise Council on: current Commission advisory areas and topics

Youth Advisory Commission

Advise Council on: current Commission advisory areas and topics

Subcommittee recommendations for new City Commission and Committees are:

Human Services Commission

Advise Council on: promoting the fulfillment of human rights; studies, reviews, evaluates and makes recommendations to the City Council relative to matters affecting human rights

City Council Rules Committee

Council Agenda setting – direction to staff on Council agenda items

Subcommittee recommends that the Milpitas Housing Authority meet as a distinct body on separate date/time from the regular City Council meetings.

The subcommittee also reviewed and recommends a new “Commissioners Handbook” for full Council consideration. Handbook outlines standard rules and procedures for serving on a City of Milpitas Commission, whether as a voting Commissioner or Alternate Member.

Following direction of City Council on the above recommendations, staff will conduct a resource evaluation on any expansion of staff support needed. Staff will also return to City Council for a re-evaluation on City Council assignments to Commissions, Committees and outside agency assignments of City Councilmembers. Some conflicts in meeting dates and times have been discovered as part of the larger process.

Recommendation: Receive final report of the City Council Subcommittee on Commissions, and consider approving the recommendations and the draft Commissioners Handbook, subject to legal review by the City Attorney.

Attachment: draft Commissioners Handbook

XIV. RESOLUTION

23. HOUSING AUTHORITY

Adopt a Resolution Authorizing the Executive Director to Prepare and Execute Loan Documents to Forego the First Eight Years of Anticipated Residual Receipts Loan Payments for Montevista Apartments at 1001 South Main Street (Staff Contact: Tim Wong, 408-586-3286)

Background: Milpitas Housing Associates (MHA), a California Limited Partnership, is an entity formed by Bridge Housing Corporation (Bridge Housing). Bridge Housing is a non-profit housing developer and property management organization that creates high-quality, affordable housing for working families and seniors throughout the Bay Area. Its portfolio includes multi-family, senior, supportive and assisted housing, totaling over 16,000 homes. Bridge Housing has one development in Milpitas, the Montevista Apartments, which contains one, two and three bedroom affordable and market rate units on the property. Bridge Housing formed the Milpitas Housing Associates, specifically for the development of the Montevista Apartments.

In 1996, the former Redevelopment Agency (RDA) of the City of Milpitas entered into an agreement with Bridge Housing to build 306 units on the 16-acre property. The property, located at 1001 S. Main Street, includes 76 low-income (60% of AMI) units, and 87 very-low (50% of AMI) income units for a total of 163 restricted units. The affordable units are restricted for 55 years. The remaining 143 units are market rate apartment rental units.

June 12, 2018 Housing Authority Meeting

On June 12, 2018, the Milpitas Housing Authority met to discuss the request from Bridge Housing to restructure their existing loans with the Montevista Apartments. Bridge Housing requested that the Housing Authority Commission consider approving the following five items as part of the loan restructuring. The items included:

1. Authorize a short term Subordination of the City Loan to a short term lender, LIIF Housing Preservation Fund, LLC; and the long term subordination to the California Housing Finance Agency for the permanent loan
2. Revise the Existing Interest Rate
3. Forgive Accrued Interest
4. Restructure the Housing Authority's share of the project cash flow, and
5. Forego the first 10 years of anticipated residual receipts loan payments.

The Commission approved the Items 1-4; however, there was additional discussion about Item No. 5. The discussion focused on potential areas where Bridge Housing could lessen the Housing Authority's financial risk. Bridge Housing agreed to see if it could adjust Item 5, above, to address the Commission's request. The Commission directed staff to discuss with options for adjusting the timeframe for Item 5 and return to the Commission with a proposed adjustment.

After discussions with staff, Bridge Housing revised its request and proposed that the City forego the first eight years of anticipated residual receipts loan payments instead of the previous ten years proposal.

Fiscal Impact: With the initial proposal, the foregoing of ten years of anticipated residual receipts payments of approximately \$200,000 per year with a cumulative amount of \$2.0 million. With foregoing eight years of payments instead of ten years, the City would collect payments sooner than originally proposed.

Recommendation: Adopt a joint resolution authorizing the Executive Director to prepare and execute the loan documents for the existing loan with Milpitas Housing Associates for Montevista Apartments to forego the first eight years of anticipated residual receipts loan payments.

Attachment: Resolution

XV. REPORTS OF MAYOR & COUNCILMEMBERS – from the assigned Commissions, Committees and Agencies

XVI. ADJOURN JOINT MEETING

NEXT REGULAR CITY COUNCIL MEETING
TUESDAY, AUGUST 7, 2018