



JOINT MEETING OF THE MILPITAS CITY COUNCIL & MILPITAS HOUSING AUTHORITY

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

AGENDA (REVISED) TUESDAY, MAY 7, 2019 COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA 5:30 PM (CLOSED SESSION) 7:00 PM (PUBLIC BUSINESS)

CALL JOINT MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2) – 2 matters

(b) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to 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 LABOR NEGOTIATORS - COLLECTIVE BARGAINING

Pursuant to California Government Code Section 54957.6

City Negotiator: Liz Brown, Human Resources Director

Employee Groups: Professional and Technical Group & Mid-Management and Confidential Group

Under Negotiation: Wages, Hours, Benefits, and Working Conditions

(d) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Employee Position: City Manager

CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

- Proclaim *Public Works Week* for May 19 – 25, 2019
- Proclaim May 2019 as *Affordable Housing & Building Safety Month*
- Proclaim May 2019 as *Older Americans Month*

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.

ANNOUNCEMENTS

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR

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.

- C1. Receive City Council calendar of meetings for the month of May 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**
- C2. Approve City Council meeting minutes of April 16, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve April 16, 2019 City Council meeting minutes.

- C3. Waive the Second Reading and Adopt Ordinance No. 38.833 Amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 4, 13 and 57 Relating to Accessory Dwelling Units (Staff Contact: Rozalynne Thompson, 408-586-3278)**

Recommendations:

- 1) Waive the second reading of Ordinance No. 38.833 amending Milpitas Municipal Code (Zoning Text) Title XI, Chapter 10 for a zoning text amendment in Section 2 ("Definitions"), Section 4 ("Residential Uses"), Section 13 ("Special Uses"), and Section 57 ("Applications") complying with Government Code Sections 65852.2 and 65852.22, to further encourage the production of accessory dwelling units in the City of Milpitas and determine that the Municipal Code (zoning) amendment is statutorily exempt from California Environmental Quality Act pursuant to CEQA Guidelines Section 15282(h).
 - 2) Adopt Ordinance No. 38.833 amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 4, 13 and 57 relating to Accessory Dwelling Units.
- C4. Adopt a Resolution Approving the Annual Engineer's Report, and Adopt a Resolution Declaring Its Intention to Levy and Collect Assessments for Fiscal Year 2019-20 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 95-1, McCarthy Ranch, and Provide Notice of a Public Hearing on May 21, 2019 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a Resolution approving the Annual Engineer's Report, and adopt a Resolution declaring its intention to levy and collect assessments for Fiscal Year 2019-20 for Landscaping and Lighting Maintenance Assessment District No. 95-1 (LLMD No. 95-1 McCarthy Ranch), and provide Notice of a Public Hearing to be held on May 21, 2019.

- C5. Adopt Resolution Approving the Annual Engineer's Report, and Adopt a Resolution Declaring Its Intention to Levy and Collect Assessments for Fiscal Year 2019-20 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 98-1, Sinclair Horizons, and Providing Notice of Public Hearing on May 21, 2019 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt Resolution approving the Annual Engineer's Report, and adopt a Resolution declaring its intention to levy and collect assessments for Fiscal Year 2019-20 for Landscaping and Lighting Maintenance Assessment District No. 98-1 (LLMD No. 98-1 Sinclair Horizons), and providing Notice of Public Hearing to be held on May 21, 2019.

- C6. Award Construction Contract to St. Francis Electric for McCarthy/Sandisk Traffic Signal, Project No. 4292 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a Resolution awarding a construction contract to and authorizing the City Manager to execute the contract with the lowest responsible bidder submitting a responsive bid, St. Francis Electric, LLC, in the amount of \$595,100 for the McCarthy/Sandisk Traffic Signal Project, Project No. 4292, and authorizing the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$89,500 for the project.

- C7. Adopt a Resolution Requesting the Allocation of Transportation Development Act (TDA), Article 3 Funding for the City's Americans with Disabilities Act (ADA) Curb Ramp Transition Program, and Appropriate the Funding Received in to Project No. 4283 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a Resolution requesting allocation of Transportation Development Act (TDA), Article 3 Funding for the City's Americans with Disabilities Act (ADA) Curb Ramp Transition Program, and appropriate the funding received into Project No. 4283.

- C8. Adopt a Resolution Authorizing the City Manager to Execute a Purchase and Sale Agreement and all related closing documents for Property Located at 1700 Sango Court (APN 086-36-012) within the Transit Area Specific Plan (TASP) to accommodate expansion of Augustus Rathbone Public Park and Approve a Budget Amendment (Staff Contact: Steve McHarris, 408-586-3059)**

Recommendation: Adopt a Resolution authorizing the City Manager to execute a Purchase and Sale Agreement and all related closing documents for Property at 1700 Sango Court (APN 086-36-012) within the Transit Area Specific Plan (TASP) area to accommodate expansion of Augustus Rathbone Park and approve a budget amendment.

- C9. Adopt a Resolution Approving a Reimbursement Resolution Authorizing Reimbursement of Certain Water and Wastewater Capital Improvement Expenditures from the Proceeds of Future Indebtedness (Staff Contact: Jane Corpus, 408-586-3125)**

Recommendation: Adopt a Resolution authorizing reimbursement of certain water and wastewater capital improvement expenditures from the proceeds of future indebtedness.

- C10. Approve the 5-Year Professional Services Agreement with Precision K9 for Police Canine Training (Staff Contacts: Lt. John Torrez, 408-586-2408 and Chris Schroeder, 408-586-3161)**

Recommendation: Approve the 5-Year Professional Services Agreement with Precision K9 for Milpitas Police Department canine training in the amount not to exceed \$195,000.

C11. Permanently Change the Milpitas National Night Out day to Align with the Nationally Recognized Date of the first Tuesday in August (Staff Contact: Raj Maharaj, 408-586-2416)

Recommendation: Move to permanently change the annual Milpitas National Night Out day to align with the nationally recognized date of the first Tuesday in August.

C12. Approve and Authorize the City Manager to Execute Master Professional Service Agreements with Environmental Consultants for On-Call Environmental Services (Staff Contact: Rozalynne Thompson, 408-586-3278)

Recommendation: Approve and authorize the City Manager to execute Master Professional Service Agreements with the selected consulting firms to provide on-call environmental consulting services.

C13. Consider and Approve a \$500 donation to Milpitas Historical Society (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Consider request received by the City Clerk on April 23 and approve a donation of \$500 to Milpitas Historical Society to defray costs of a touring bus for historical tour of Milpitas on June 22, 2019.

C14. Consider and Approve a Fee Waiver for the Nuñez Community Foundation (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Consider request received by the City Clerk on April 23 and approve waiving the fee of \$1,080 to rent the Senior Center Auditorium on June 1, 2019 for the Nuñez Community Foundation, host of a Health and Wellness Fair.

C15. Receive Update on State Legislation of Critical Importance to Cities and authorize the City Manager to submit letters of support to State Legislators (Staff Contact: Ashwini Kantak, 408-586-3053)

Recommendations:

1. Authorize the City Manager to submit letters of support to state legislators for Assembly Bill 1235 - Youth Homelessness Prevention Centers; Assembly Bill 291 - Local Emergency Preparedness and Hazard Mitigation Fund; Assembly Bill 344 – New Beginnings California Program; Assembly Bill 916 - Suicide prevention; Assembly Bill 688 - Firearms: vehicle storage; Senate Bill 438 - Emergency Medical Services: Dispatch; Senate Bill 531 - Local Agencies: Retailers.
2. Receive informational update on Senate Bill 50 - Planning and Zoning: Housing Development: Incentives.

COMMUNITY DEVELOPMENT

16. Per Request from Councilmember Montano, Receive an Update and Presentation from Santa Clara Valley Transportation Authority Staff on Bay Area Rapid Transit Extension and Montague Expressway Pedestrian Overcrossing Projects (Staff Contact: Steve Chan, 408-586-3324)

Recommendation: Receive update and presentation from Valley Transportation Authority (VTA) staff on Bay Area Rapid Transit (BART) Extension and Montague Expressway Pedestrian Overcrossing projects.

17. **HOUSING AUTHORITY: Adopt a Resolution Authorizing \$6.5 million development loan for Sango Court for 355 Sango Court Affordable Housing Development and Approve Budget Appropriation (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendations:

1. Adopt a Resolution of the Milpitas Housing Authority to authorize the development loan to Sango Court L.P. in the amount of \$6.5 million.
2. Approve a budget appropriation of \$6.5 million from the Housing Authority Fund reserve into the FY 2018-19 Nondepartmental Operating Budget.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

18. **Approve the Schematic Design/Conceptual Plan and Provide Direction to Staff on Funding Options for the Replacement of Fire Station No. 2, Project No. 3447 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Approve the Schematic Design/Conceptual Plan and Provide Direction to Staff on Funding Options for the Replacement of Fire Station No. 2, Project No. 3447.

LEADERSHIP AND SUPPORT SERVICES

19. **Consider Recommendation from Councilmember Nuñez for One Appointment to the Milpitas Planning Commission (Contact: Councilmember Nuñez, 408-586-3023)**

Recommendation: Receive Councilmember Nuñez's recommendation of Ricky Ablaza, and consider confirming his appointment by Mayor Tran to a term on the City of Milpitas Planning Commission that would expire in December 2020.

20. **Receive an Update on the City Council Rules Subcommittee and Provide Direction on Potential Items for the Subcommittee's Consideration (Staff Contact: Ashwini Kantak, 408-586-3053)**

Recommendation: Receive an update on the Rules Subcommittee and provide direction on potential items for the Subcommittee's consideration.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies

21. **Consider Requests for an Urgency Tenant Protection Ordinance for Rent Control (Vice Mayor Dominguez and Mayor Tran) and an Urgency Tenant Protection Ordinance for Just Cause Eviction (Vice Mayor Dominguez and Councilmember Nuñez) (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendations:

1. Consider Council/Mayor requests related to:
 - a. Urgency Ordinance recommendation related to Tenant Protections – Just Cause Eviction; and
 - b. Urgency Ordinance recommendation related to Tenant Protections – Rent Control.
2. Provide direction to staff.

NEXT AGENDA PREVIEW

22. **Receive Preview List of Next Regular City Council Meeting Agenda for May 21, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

ADJOURNMENT

NEXT REGULAR CITY COUNCIL MEETING
Tuesday, May 21, 2019

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. 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.