



JOINT MEETING OF THE PUBLIC FINANCING AUTHORITY & MILPITAS CITY COUNCIL

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

TUESDAY, AUGUST 20, 2019
COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA
6:00 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 – EXISTING LITIGATION

Pursuant to Calif. 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

(b) CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING

Pursuant to California Government Code Section 54957.6
City Negotiator: Liz Brown, Human Resources Director
Employee Group: Milpitas Employees Association
Under Negotiation: Wages, Hours, Benefits, and Working Conditions

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

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.

- C1. Receive City Council Calendars of Meetings for August and September 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**
- C2. Waive the Second Reading and Adopt Ordinance No. 38.834 Amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 13, 15, 24, 53, 55, and 57 Relating to the Establishment of an Administrative Hearing Process (Zoning Administrator) and Discontinuance of the Planning Commission Subcommittee (Staff Contact: Rozalynne Thompson, 408-586-3278)**

Recommendations:

- 1) Waive the second reading of Ordinance No. 38.834 amending Milpitas Municipal Code (Zoning Text) Title XI, Chapter 10 for Section 2 (“Definitions”), Section 13 (“Special Uses”), Section 15 (“Special Events and Activities”), Section 24 (“Signs”), Section 53 (“Off-Street Parking Regulations”), Section 55 (“Exceptions”), Section 57 (“Applications”), and Section 64 (“Development Review Process”) of the Zoning Code. And, determine that the Municipal Code (zoning) amendment is categorically exempt pursuant to Section 15061(b) (3) (“common sense exemption”) of the California Code of Regulations (CEQA Guidelines) and is not a “project” under CEQA per Section 15378(b) (5) of the CEQA Guidelines.
 - 2) Adopt Ordinance No. 38.834 amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 13, 15, 24, 53, 55, and 57 relating to the establishment of an administrative hearing process (Zoning Administrator) and discontinuance of the Planning Commission Subcommittee.
- C3. Adoption of Ordinance No. 172.6 to Amend Milpitas Municipal Code, Title III, Chapter 6 Relating to Massage Establishments and Practitioners (Staff Contact: Christopher Diaz, 408-586-3041)**

Recommendation: Waive the second reading and adopt Ordinance No. 172.6 amending Milpitas Municipal Code, Title III, Chapter 6 relating to massage establishments and practitioners.

- C4. Adopt Ordinance No. 301 to make corrections, clarifications, and minor updates and modifications to the Milpitas Municipal Code (Staff Contacts: Christopher Diaz, 408-586-3040 and Ashwini Katak, 408-586-3053)**

Recommendation: Waive the second reading and adopt Ordinance No. 301 amending various sections of Titles I, II, IV, V, VI, XI and XII of the Milpitas Municipal Code to make corrections, clarifications, minor updates and modifications.

- C5. Adopt Resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board Authorizing Investment of Monies in the Local Agency Investment Fund and Updating Officers’ Information (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Adopt Resolutions of (1) the Milpitas City Council and (2) the Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

C6. Adopt a Resolution Approving the Investment Policy (Staff Contact: Walter Rossmann, 408-586-3111)

Recommendation: Adopt a resolution approving the Investment Policy for FY 2019-20.

C7. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for the McCarthy Creekside Phase 1 – Buildings A, B and F Subdivision at 625 North McCarthy Boulevard by The McCarthy Ranch Limited Partnership, and Granting Authorization to the City Engineer to Release the Performance Bond After one-year Warranty Period (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a resolution granting acceptance of public improvements for the McCarthy Creekside Phase 1 – Buildings A, B and F Subdivision at 625 North McCarthy Boulevard, Tract 10393, Public Improvement Plan No. 2-1213 & 2-1222; approving a reduction in the faithful performance bond to \$60,300, which shall be subject to and in effect for the duration of a one-year warranty period; and granting authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

C8. Approve and Authorize the Interim City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 1 Owner, LLC for the District 1 Lot 1 Mixed Use Project at 1315 McCandless Drive (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve and authorize the Interim City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 1 Owner, LLC for the District 1 Lot 1 mixed use project at 1315 McCandless Drive.

C9. Approve and Authorize the Interim City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for The New Home Company Northern California LLC and Ellison Park Community Association for the Ellison Park Residential Project at 231, 247, 271 Houret Drive and 1757 Houret Court (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve and authorize the Interim City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for The New Home Company Northern California LLC and Ellison Park Community Association for the Ellison Park residential project at 231, 247, 271 Houret Drive and 1757 Houret Court.

C10. Accept Additional FY 2018 Citizen Options for Public Safety (COPS) Grant funding (Staff Contact: Jared Hernandez, 408-586-2406)

Recommendation: Accept the additional FY 2018 Citizen Options for Public Safety (COPS) grant funding in the amount of \$56,242.63 and approve a budget amendment.

C11. Authorize and Approve Travel for Vice Mayor Karina Dominguez, Councilmember Anthony Phan, and Interim City Manager Steve McHarris to Attend the 2019 Study Mission to Nashville, Tennessee Hosted by the Silicon Valley Organization Scheduled on September 3–6, 2019 (Staff Contact: Steve McHarris, 408-586-3059)

Recommendation: Authorize and approve travel for Vice Mayor Karina Dominguez, Councilmember Anthony Phan, and Interim City Manager Steve McHarris to attend the 2019 Study Mission from September 3-6, 2019, to Nashville, TN hosted by the Silicon Valley Organization, for a combined total expense amount not to exceed budgeted Conferences/Meeting allocation of \$9,000.

PUBLIC HEARINGS

12. **Conduct a Public Hearing and Adopt a Resolution approving Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to develop a 40-unit residential condominium building, up to 49 feet in height (four stories), with parking for up to 74 vehicles, on a 1.22 acre site at 2001 Tarob Court (Staff Contact: Lillian Hua, Associate Planner, 408-586-3073)**

Recommendations:

- 1) Conduct a public hearing and move to close the hearing following comments.
- 2) Consider the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR). As a separate and independent basis, consider the exemption from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15182 (Project Consistent with a Specific Plan), 15183 (Project Consistent with the General Plan), and 15168 (Projects Consistent with a Program EIR).
- 3) Adopt a Resolution approving Site Development Permit (SD18-0014), Conditional Use Permit (UP19-00090, Vesting Tentative Map (MT18-0004), and Environmental Assessment (EA19-0002) to allow development of a 40-unit residential condominium building, up to 49 feet in height (four stories), with parking for up to 74 vehicles, on a 1.22-acre site located at 2001 Tarob Court and denying the applicant's request for an exception to the Affordable Housing Ordinance.

13. **Move to Waive the First Reading and Introduce Ordinance No. 38.836 Amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 4, 5, 7, 10, and 13 Relating to Nonindustrial Land Uses in Industrial Zoning Districts, Mobile Fueling Services, and Temporary Public Safety Facilities (Staff Contact: Rozalynne Thompson, 408-586-3278)**

Recommendations:

- 1) Conduct a public hearing and move to close the hearing following comments.
- 2) City Attorney shall read aloud title of Ordinance No.38.836.
- 3) Consider the exemption from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 (Projects consistent with General Plan), Section 15301 (Existing Facilities) and 15061(b)(3) (Common Sense Exemption).
- 4) Move to waive the first reading beyond the title and introduce Ordinance No. 38.836 amending Milpitas Municipal Code Section 2 ("Definitions"), Subsection 4.02 ("Residential Use Regulations"), Subsection 5.02 ("Commercial Use Regulations"), Subsection 7.02 ("Industrial Use Regulations"), Subsection 7.04 ("Industrial Zone Special Development and Performance Standards"), Subsection 10.02 ("Institutional Use Regulations"), and Subsection 13.11 ("Temporary Uses and Structures").

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

14. **Adopt Two Resolutions Approving the Establishment of the Milpitas Assistance Program and the Establishment of the Residential Building Incentive Program, as proposed (Staff Contacts: Renee Lorentzen, 408-586-3409 and Sharon Goei, 408-586-3260)**

Recommendation: Adopt two Resolutions approving establishment of (1) the Milpitas Assistance Program and (2) the Residential Building Incentive Program, as proposed.

LEADERSHIP AND SUPPORT SERVICES

15. **Approve Updated City of Milpitas Facility Use Manual (Staff Contacts: Renee Lorentzen, 408-586-3409 and Christopher Diaz, 408-586-3040)**

Recommendation: Approve the updated City of Milpitas Facility Use Manual.

16. **Provide Direction to Staff on Draft Council Policies for Training and Events (Staff Contacts: Christopher Diaz, 408-586-3040 and Ashwini Kantak, 408-586-3053)**

Recommendation: Provide direction to staff on draft Council policies for training and events.

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

NEXT AGENDA PREVIEW

17. **Receive Preview List for the Next Regular City Council Meeting Scheduled for September 3, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

ADJOURNMENT

NEXT CITY COUNCIL MEETING **TUESDAY, SEPTEMBER 3, 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. Council agendas and related materials can be viewed online www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.