



## REGULAR MEETING OF THE 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, NOVEMBER 19, 2019**  
**CITY COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA**  
**6:00 PM (CLOSED SESSION)**  
**7:00 PM (PUBLIC BUSINESS)**

#### **CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk**

#### **ADJOURN TO CLOSED SESSION**

- a) **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**  
Pursuant to California Government Code Section 54956.9(d)(2)  
One potential matter
- b) **PUBLIC EMPLOYMENT**  
Pursuant to California Government Code Section 54957  
Position: City Manager
- c) **CONFERENCE WITH LABOR NEGOTIATORS**  
Pursuant to California Government Code Section 54957.6  
Agency designated representatives: Christopher Diaz, City Attorney  
Unrepresented Employee: 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**

**PRESENTATION** Proclaim November as *Sikh American Awareness 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.

**C1. Receive City Council Calendars of Meetings for November and December 2019 (Staff Contact: Mary Lavelle 408-586-3001)**

**C2. Approve City Council Meeting Minutes of November 5, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve draft City Council meeting minutes of the November 5 regular meeting.

**C3. Adopt a Resolution Authorizing Access To State Level and Federal Level Summary Criminal History Information for Employment, Certification, and Licensing Purposes (Staff Contact: Henry Kwong, 408-586-2419)**

Recommendation: Adopt a resolution authorizing access to state and federal level Summary Criminal History Information for employment, certification, and licensing purposes.

**C4. Adopt a Resolution Approving a Site Development Permit to develop a 5,807 square foot, one-story, single-family residence and certain accessory structures; and a Minor Site Development Permit to allow a portion of the Accessory Dwelling Unit in the front half of property, on a vacant 1.27-acre hillside lot at 898 Calaveras Ridge Drive (Staff Contact: Krishna Kumar, 408-586-3276)**

Recommendation: Adopt a resolution approving a Site Development Permit to develop a 5,807-square foot, one-story, single-family residence and certain accessory structures; and a Minor Site Development Permit to allow a portion of the ADU to be located within the front half of the property on a vacant 1.27-acre hillside lot at 898 Calaveras Ridge Drive.

**C5. Approve and Authorize the Interim City Manager to execute a Public Highway At-Grade Rail Crossing Agreement with Union Pacific Railroad Company for South Milpitas Boulevard rail crossing and signal improvements, and authorize payment to Union Pacific Railroad not to exceed \$750,000 for the cost of the improvements (Staff Contact: Steve Chan, 408-586-3324)**

Recommendation: Approve and authorize the Interim City Manager to execute a Public Highway At-Grade Rail Crossing Agreement with Union Pacific Railroad Company for South Milpitas Boulevard rail crossing and signal improvements and authorize payment to Union Pacific Railroad not to exceed \$750,000 for the cost of the improvements.

- C6. Review the FY 2019-20 Quarterly Financial Status Report for the Quarter Ending September 30, 2019 (Staff Contact: Walter C. Rossmann 408-586-3111)**

Recommendation: Review the FY 2019-20 Quarterly Financial Status Report for the quarter ending September 30, 2019.

- C7. Accept Additional FY 2019 Citizen Options for Public Safety (COPS) Grant funding and related Budget Amendment (Staff Contact: Jared Hernandez, 408-586-2406)**

Recommendation: Accept the additional FY 2019 COPS grant funding in the amount of \$63,658.27, approve the addition to the spending plan, and approve a budget amendment.

- C8. Consider Two Fee Waivers Requested by Kiwanis Club of Milpitas and Pragnya non-profit for a Total of \$2,200 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Per request forms received by the City Clerk, move to waive the fees to rent the Milpitas Community Center Auditorium for the Kiwanis Club of Milpitas (\$1,200) and for the non-profit organization Pragnya (\$1,000).

- C9. Receive a follow up report from staff on the affordable housing requirements for a 40-unit residential condominium building located at 2001 Tarob Court (Staff Contact: Ned Thomas, 408-586-3273)**

Recommendation: Receive a follow up report from staff on the affordable housing requirements for a 40-unit residential condominium building located at 2001 Tarob Court.

## **PUBLIC HEARINGS**

- 10. Conduct a Public Hearing and Introduce Ordinance No. 38.839 Amending Milpitas Municipal Code Title XI (Zoning, Planning and Annexation), Chapter 10 (Zoning) Relating to Massage Establishments (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. 38.839.
- 3) Move to waive the first reading beyond the title and introduce Ordinance No. 38.839 amending Milpitas Municipal Code, Title XI (Zoning, Planning and Annexation), Chapter 10 (Zoning) relating to massage establishments.

- 11. Re-open Public Hearing and Adopt a Resolution to Authorize the 2019 Adjustment to the Transit Area Specific Plan (TASP) Infrastructure Costs and Transit Area Development Impact Fees (TADIF) and Allow a Limited Term for Deferral of Payment or Reduced Fee for Residential Projects (Staff Contact: Ned Thomas, 408-586-3272)**

Recommendations:

- 1) Re-open public hearing and move to close hearing following comments.
- 2) Adopt a Resolution authorizing the City Manager to adjust the Transit Area Development Impact Fees (TADIF) based on cost estimates for infrastructure items listed in the TASP Basic Infrastructure Program (BIP), and to establish a graduated fee program and the deferral of TADIF payments until occupancy, with these provisions in effect for 12 months from the date of adoption.

## **LEADERSHIP AND SUPPORT SERVICES**

12. **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.

13. **Provide Direction to Staff on Draft City 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 City Council policies for training and events.

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

### **COMMISSION REPORTS**

14. **Approve the Milpitas Arts Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: Tegan McLane, 408-586-3212)**

Recommendation: Approve the proposed Arts Commission Fiscal Year 2019-20 Work Plan.

15. **Approve the Library and Education Advisory Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: John Macon, 408-586-3226)**

Recommendation: Approve the proposed Library and Education Advisory Commission Fiscal Year 2019-20 Work Plan.

16. **Approve the Milpitas Senior Advisory Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: John Macon, 408-586-3226)**

Recommendation: Approve the proposed Senior Advisory Commission Fiscal Year 2019-20 Work Plan.

17. **Approve the Milpitas Community Advisory Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: Robert Musallam, 408-586-3275)**

Recommendation: Receive and approve the proposed Community Advisory Commission Fiscal Year 2019-20 Work Plan.

18. **Approve the Milpitas Planning Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: Ned Thomas, 408-586-3273)**

Recommendation: Approve the proposed Planning Commission Fiscal Year 2019-20 Work Plan.

### **NEXT AGENDA PREVIEW**

19. **Receive Preview List of Agenda Items for Next Regular City Council meeting on December 3, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

### **ADJOURNMENT**

**NEXT REGULAR CITY COUNCIL MEETING**  
**DECEMBER 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](mailto: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](http://www.ci.milpitas.ca.gov) by selecting the Milpitas Municipal Code link.*

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online [www.ci.milpitas.ca.gov/government/council/agenda\\_minutes.asp](http://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](http://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](mailto: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.*