



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

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CITY OF MILPITAS - NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the Milpitas City Council will be held at 5:00 p.m. on Tuesday, April 21, 2020 via TELECONFERENCE (no physical meeting space).

Submit any Public Forum comments in writing via e-mail, to be read aloud, to:

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The agenda for the meeting is as follows:

AGENDA **TUESDAY, APRIL 21, 2020** **MILPITAS, CA** **5:00 PM**

CALL TO ORDER / ROLL CALL / PLEDGE

APPROVAL OF AGENDA

ANNOUNCEMENT OF CONFLICT OF INTEREST

PUBLIC FORUM

Viewers are invited to address City Council on any subject not on tonight's agenda. Speakers may submit written remarks to be read aloud, limited to three minutes or less. 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.

AGENDA ITEMS

1. **Receive** report and provide direction to staff on **COVID-19 Testing Site in Milpitas, Guidance on Face Coverings, and Community Partnerships on Face Coverings and Food Distribution, and other topics related to COVID-19 (Staff Contact: Ashwini Kantak, 408-586-3053)**

Recommendation: Receive report and provide direction to staff on COVID-19 testing site in Milpitas, guidance on face coverings, community partnerships on face coverings and food distribution, and other topics related to COVID-19.

2. Receive Staff Report and Provide Direction on Post COVID-19 Recreation and Community Services Programs and Events Transition Plan (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendation: Receive staff report and provide direction on post-COVID-19 Recreation and Community Services programs and events transition plan.

ADJOURNMENT

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- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Share information with all Councilmembers in advance of Council meetings.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

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CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive report and provide direction to staff on COVID-19 Testing Site in Milpitas, Guidance on Face Coverings, and Community Partnerships on Face Coverings and Food Distribution, and other topics related to COVID-19
Category:	Leadership and Support Services
Meeting Date:	4/21/2020
Staff Contact:	Ashwini Katak, 408-586-3053 Christopher Diaz, 408-586-3040
Recommendation:	Receive report and provide direction to staff on COVID-19 testing site in Milpitas, guidance on face coverings, community partnerships on face coverings and food distribution, and other topics related to COVID-19.

Background:

On March 16, Santa Clara County and other Bay Area counties announced a shelter-in-place order beginning March 17 and currently in effect through May 3, 2020, to prevent the spread of Covid-19. The City of Milpitas declared a local emergency on March 12 and is operating at Stage 5 (Extremely High Response) of the City's Pandemic Management Response Plan, with full activation of the Emergency Operations Center. As of April 17, there are 59 confirmed cases of Covid-19 in Milpitas, with more than 1800 cases in Santa Clara County. These cases are believed to be from community transmission, and limited testing capacity means that confirmed cases represent only a small portion of actual cases.

At the April 7 City Council meeting, Council discussed several COVID-19 related topics. Specifically, Council provided direction to staff to bring back three items for discussion:

1. Councilmember Phan's request to look at establishing a COVID-19 testing site in Milpitas;
2. Councilmember Montano's request for staff to research a Los Angeles County order related to face coverings and to explore similar guidance in Milpitas; and
3. Councilmember Dominguez's request for staff to enable the donation of face coverings through community organizations, without any significant staff work required.

Analysis:

Given the urgency of the pandemic and actions related to it, staff has been engaged in working on several COVID-19 related items including the items discussed above. Regular updates to the Council have been provided through Information Memos and Press Releases, including two Info Memos and three Press Releases since the April 7 Council meeting. All Press Releases and Info Memos can be found on the [City's Covid-19 page](#), under the "Press Releases" and "Info Memos" tab.

Testing Site in Milpitas

Staff began preliminary conversations with the County prior to April 7, and based on Council support and direction on April 7, staff worked with the County to establish a COVID-19 testing site at the Milpitas Sports Center. This testing site is administered by the Santa Clara County Hospitals and Clinics division and is staffed with Valley Medical Center nursing staff. At this time the testing capacity is limited to 20 tests (with a potential future ramp up to 40 tests) per day for Valley Medical Center patients only and is not open to the public. The tests are processed in the County's public health lab. Per information posted on the County's website, the County's public health laboratory is able to run a maximum of 100 tests per day. The lab is not structured, physically and otherwise, to scale to commercial-volume testing. As a result, the current focus of the public

health laboratory testing is to ensure that hospitalized patients are tested, as well as people who live or work in high risk settings, such as long-term care facilities, healthcare professionals, and first responders.

The County's website further states that large commercial laboratories have begun testing and have provided testing for patients of many different private and public healthcare delivery systems and at many different test collection sites.

One such example is Project Baseline, run by Verily, a subsidiary of Alphabet, Google's parent company. Project Baseline has partnered with the State of California to expand access to COVID-19 screening and testing. Their screening tool allows an individual to get tested if considered eligible for testing through their screening process. A drive-through testing site has been set up at the Santa Clara County Fairgrounds in San Jose; testing is only available to pre-screened patients with appointments. Other health care providers such as Kaiser Permanente and Sutter Health have also started offering testing for their patients, however at this time testing is not being offered by any health care facilities in Milpitas. As of April 19, 18,881 people in Santa Clara County have been tested for COVID-19 and 1,887 have tested positive.

City staff have had several conversations with County staff to try and increase the number of tests and to also make them available to the general public. The County has cited several constraints related to resources, testing capacity, and funding, and a significant ramp up in testing does not appear to be imminent with the current model. Staff will continue these discussions and also look to facilitate other partnerships that may make a ramp up possible.

Staff has also researched testing sites in other cities. The cities of Fremont and Hayward have testing sites that provide free testing for the general public. The Hayward testing site opened on March 23 and the Fremont testing site opened on April 3. Both sites provide testing for anyone with symptoms, typically prioritizing first responders and health care personnel.

Both cities have committed their own funding, with the goal of full or partial funding reimbursement through the Federal Emergency Management Agency (FEMA). The tests are being administered by the cities' fire departments and the Fremont site has limited support from a local hospital. The tests are being supplied and run by a private company; the cities are fronting the costs of the tests and personnel through their General Fund. It is important to note that per FEMA's Public Assistance (PA) Program Policy Guide, FEMA reimburses at least 75 percent of the eligible costs. The Policy Guide further states that although the Federal share is usually 75 percent, if actual Federal obligations, excluding administrative costs, meet or exceed a qualifying threshold, FEMA may recommend an increase up to 90 percent. For labor costs, however, FEMA only reimburses the incremental staff costs such as overtime or additional contract labor. As detailed in the [Information Memo](#) titled "CARES Act Stimulus Funds: Preliminary Analysis of Potential Grant Opportunities," there may also be other federal grant programs available to cover health care facility costs; however, based on the preliminary analysis, these grant funds may only be available to health and human services programs administered by the County of Santa Clara.

In order for the City of Milpitas to pursue a testing site that is available to the general public and has a higher capacity for testing, several factors would need to be considered:

1. Funding Source

Funding would be needed for the purchase of tests and for resources to administer the tests. The cost of each administered test is estimated to be \$85. Additionally, the cost of fire paramedics and other City staff would need to be factored in. Depending on number of tests, these could range from \$25,000-\$35,000 per day. A portion of these costs may be eligible for reimbursement through FEMA as discussed above; however, the City would be taking on a high financial risk in times of fiscal uncertainty.

2. Test Administration

The Milpitas Fire Department does not have adequate capacity to administer these tests, even if paramedics were approved to provide this service. Thus, a partnership will be needed with other fire departments and/or health care entities to provide this testing.

3. Partnerships

Partnerships with local companies could provide funding and testing resources and would be beneficial to the City; however, these would also require an investment of staff time and likely some City resources and funding.

In light of the above considerations, and the overarching need for testing from the public health perspective, staff recommends continuing to work with the County to try and increase testing capacity and availability at the Milpitas testing site. The City will continue to make the Milpitas Sports Center site available, provide some staffing support, and also help facilitate any needed partnerships with local companies such as IGeneX. Staff also requests Council to advocate for this approach with elected officials at the County.

Guidance on Face Coverings

Council directed staff to conduct research about a mandatory order in Los Angeles related to face coverings. The order was adopted on April 7 and became effective on April 10, 2020.

The order requires the following:

- Employers of non-medical essential businesses must now provide workers with cloth face coverings that shield their mouth and nose, or provide reimbursements to employees for the cost of purchasing one
- Essential businesses must implement physical distancing measures for employees, customers, and visitors
- Employees must have access to a clean and sanitary restroom, stocked with soap, sanitizer, and any other necessary cleaning products.
- Employees are required to allow their workers to wash their hands or use hand sanitizer every 30 minutes
- Non-medical essential businesses are allowed to refuse service to customers who do not wear face coverings
- (Additional recommendation, not requirement, for businesses to install plexiglass barriers between cashiers and customers)

Failure to comply with this order constitutes a misdemeanor subject to fines and imprisonment.

Santa Clara County issued guidance about face coverings on [their website](#), strongly urging all individuals to wear face coverings or homemade masks when outside of their homes. "Face coverings" refers to bandanas, scarves, towels, or other pieces of cloth or fabric worn over the mouth and nose. Face coverings are especially important for activities such as doctor appointments, grocery shopping, pharmacy visits, and riding on public transit, when being near people outside of one's own household is unavoidable. Face coverings should be used along with social distancing. Medical and N95 face masks and nonlatex gloves are still to be prioritized for first responders and medical staff. Face coverings are not recommended while exercising, as they may cause breathing issues. They are also not recommended for children under 6, and for anyone with breathing difficulties. Medical masks, such as N-95 and surgical masks, should be reserved for healthcare settings. The County's Public Health Officer Dr. Sarah Cody has cited concerns about enforcement resources as one of the reasons for strongly urging but not mandating the use of face coverings. [Read the full guidance](#) for more details and exceptions to the recommendation.

The City of Milpitas has been sharing information about the County and CDC guidance through its website and social media sites since February 18, 2020, with specific guidance about face coverings shared since April 3.

Additionally, the City has also developed and has been sharing simplified and easy to understand content to raise awareness about the importance of face coverings in slowing down COVID-19 transmission.

The City Council has two options when it comes to face coverings. It can continue to encourage the use of face coverings consistent with the County. Alternatively, the City Attorney's office has recently confirmed that the City can mandate face coverings in the City under its general police powers related to public health, safety and welfare so long as the regulation is not in conflict with any general or state laws. See, Cal. Constitution Article XI, Section 7. It has been confirmed that there does not appear to be anything within existing state law that would appear to limit a city's ability to issue regulations related to the health emergency. Generally, under existing California Health & Safety Code, a local health officer, may issue any preventative measures related to a health emergency. See, Cal. Health & Safety Code Section 101040. Milpitas does not have its own health officer and relies on the County Health Officer as the City's health officer. Nevertheless, there is nothing within the existing Health & Safety Code or any other state law that would prohibit a city from similarly issuing a preventative measure related to the health emergency, such as requiring face coverings. Further, per the City Attorney, Government Code 8634 would also be controlling here which states in part that "[d]uring a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety."

If the City Council sought to make face coverings a mandate, the regulation can be issued by the City's Emergency Services Director pursuant to Milpitas Municipal Code V-1-4.03. Further, the regulation can be enforced by the City's existing civil administrative citation provisions contained at Milpitas Municipal Code I-21 which imposes fines of \$100 for the first violation, \$200 for the second violation and \$500 for the third violation. It can also be enforced criminally under the City's existing provisions contained at Milpitas Municipal Code I-1-4.09.

Community Partnerships

On April 7, Council also asked staff to look at the potential of community organizations helping with the distribution of face coverings. Staff became aware of the Lions Executive Club and Rotary Club providing fabric face coverings to the public during resource research. Both clubs are currently working on providing free fabric face coverings to Milpitas households, while the Recreation and Community Services Department is also encouraging residents to make their own face coverings at home via their Virtual Community Center. Residents with unopened N95 masks are being encouraged to donate them by dropping them off at any of our local fire stations.

City staff has contacted local nonprofits and community-based organizations to develop and share a list of available food resources for all residents, particularly children and seniors. The meal and grocery distribution flyer can be found [here](#). Staff is also reaching out to Milpitas Senior Center members, in an effort to register them for the Meals on Wheels program, therefore limiting the need to leave their homes. Staff is also collaborating with the Second Harvest Food Bank, Milpitas Food Pantry and Milpitas Unified School District to create a drive-through grocery pickup site available to all residents in need.

Staff will continue to work with community partners to facilitate the provision of needed services in the community and will play a key role in making information available to the community through a variety of means and in multiple languages.

Fiscal Impact:

Acceptance of the report does not have any fiscal impact. Current support for the testing site is estimated to cost approximately \$1,100 per day and will be submitted to seek reimbursement from FEMA. As stated earlier, FEMA reimburses at least 75 percent of eligible costs and that although the Federal share is usually 75 percent, if actual Federal obligations, excluding administrative costs, meet or exceed a qualifying threshold, FEMA may recommend an increase up to 90 percent. For labor costs, however, FEMA only reimburses the incremental staff costs such as overtime or additional contract labor. Therefore, if FEMA deems the testing site

as a temporary medical facility, FEMA may reimburse a portion of the \$1,100 daily costs based on the deployment of staff on regular time or overtime and the reimbursement percentage between 75% and 90%. Staff will return with information on any additional potential fiscal impacts based on Council direction.

As of the writing of this report, staff learned that the White House and Congress are close to finalizing a deal on an interim coronavirus response bill. The legislation is expected to include up to \$500 billion in additional aid for small businesses, hospitals, and testing initiatives. It is unclear at this time, however, whether the City would be able to recuperate any of its costs above and beyond any FEMA eligible reimbursements.

California Environmental Quality Act:

Not applicable.

Recommendation:

Receive report and provide direction to staff on COVID-19 testing site in Milpitas, guidance on face coverings, community partnerships on face coverings and food distribution, and other topics related to COVID-19.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive Staff Report and Provide Direction on Post COVID-19 Recreation and Community Services Programs and Events Transition Plan
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	4/21/2020
Staff Contact:	Renee Lorentzen, Recreation and Community Services Director, 408-586-3409
Recommendation:	Receive staff report and provide direction on post-COVID-19 Recreation and Community Services programs and events transition plan.

Background:

This staff report is intended to provide the City Council with recommendations for upcoming community events and considerations for responsible service delivery to the public after the Shelter in Place order is lifted and the City ends its declared emergency.

In response to the COVID-19 Shelter in Place (SIP) order, non-essential programs, events and site operations have been temporarily suspended. Many of these suspended programs and services offer not only recreational programs, but much needed childcare, youth and adult enrichment opportunities, fitness and wellness, and senior socialization.

The Recreation and Community Services Department continues to provide essential services to the community through the Senior Nutrition Program, social services support through Case Management and HOPE, department and citywide marketing and communications support, and community-wide efforts related to food distribution. Limited activities and classes are being offered through a Virtual Community Center

On-site programs, general classes, events, and afterschool programs have all been suspended during the Shelter in Place order.

Analysis:

Upon the lifting of the SIP, City staff is committed to re-instating programs and services both expeditiously and responsibly. However, the ability to transition back to regular operations is contingent on a variety of factors including the SIP and the City declared emergency; long term protocols for social distancing; and any limitations on large gatherings. On April 14, 2020, Governor Gavin Newsom stated, "Large-scale events that bring in hundreds, thousands, tens of thousands of strangers ... [are] not in the cards based upon our current guidelines and current expectations," and that large gatherings in June, July and August were "unlikely." Santa Clara County Chief Executive, Dr. Jeffrey Smith echoed similar messaging during questioning on timeline for resuming professional sports in Santa Clara County, predicting these large gatherings may not resume until November of this year.

Staff is also tracking the re-opening of other countries and checking with peer agencies on transition plans. California city recreation departments, connected through the California Parks and Recreation Society (CPRS) are communicating daily on relevant topics such as public communication strategies, virtual/online classes and resources, social distancing measures for summer programs, and virtual special events.

Events

Annual Summer events typically take several months of pre-planning activities including contracting with necessary talent and services, purchasing supplies, and forming partnerships. The end date of the SIP and any associated phasing will be determined by the Santa Clara County Public Health Department and may include long term social distancing protocols and limitations on large gatherings. Thus, with the current level of uncertainty around events and the inability to plan for these events in advance staff is proposing to cancel most large events through August. Staff is continuing to look for other options to host events. At this time, staff is recommending the approach outlined below for events.

Community Events to be held Virtually

1. **Memorial Day Ceremony:** May 25 (200 avg. attendance)
Staff are working on an alternate Virtual Event that could include resources, photos from prior ceremonies, pre-recorded song and keynote speech(es) on the City's Virtual Community Center and social media pages.

Community Events Proposed to be Cancelled

1. **Summer Concert Series & Movies in the Park:** June 19 – August 11 (150 – 300 avg. attendance)
2. **Summer Flag Raisings:** April – August (25-75 avg. attendance)
Those pre-approved flags will still be raised on the appropriate day(s) and acknowledged on the City's social media pages.
3. **Milpitas Pride:** June 6 (700 avg. attendance)
Staff will be working with local LGBTQ+ organizations to join a national online campaign at the end of June to celebrate this community.
4. **4th of July Pool Party, Concert & Fireworks:** July 4 (12,000 avg. attendance)
Staff is researching and developing a Virtual 4th of July event or at-home suggested activities campaign that promotes patriotism and celebrates the holiday.

Fall Community Events

Staff will continue to monitor the possibility of holding Fall events between the months of September through December including Family Game Night, Oktoberfest, Car Show, Pumpkins in the Park, Veterans Day, Veterans Appreciation Lunch, Tree Lighting, and Milk and Cookies with Santa. Staff will continue to closely monitor orders from County Public Health and/or the Governor's office, with regards to social distancing and gathering limitations, which would determine the feasibility of holding these events.

Programs

Staff is assessing all programs and classes typically offered by the City. Similar to the approach used for events, staff is looking at potential deferrals for some programs while continuing to explore alternate models to provide recreational opportunities for the community.

1. **Milpitas Youth Force (MYF):** February - August
Due to the uncertainty of the SIP order being lifted, presumed social distancing and limitations to necessary pre-planning, and unsurety of the level of work available from participating Milpitas businesses and City departments, staff is developing a different model for MYF in 2020. The alternate program model would continue to promote leadership, job readiness, and self-esteem promoting activities. Alternately, the program could be offered in the Fall and the City could seek partnerships with other organizations like the MUSD, local non-profits, and available Milpitas businesses. The number of

students accepted into a potential Fall program, frequency and type of instruction, and available paid work hours would be subject to recommended social distancing, and state of the local economy. Staff will continue to closely monitor orders from County Public Health and/or the Governor's office that would affect this program.

2. Milpitas Community Theatre

The Spring Production of "Annie" began rehearsals in March, right before the SIP order with show dates the of week of May 8-16. There are several considerations for the ability of this production to continue, depending on when the SIP order is lifted. Due to the presumed social distancing and gathering limitations, safe sizes for both the cast (sometimes up to 30 children) as well as the size of the audience will need to be determined. Also with the current SIP order scheduled to be lifted so close to the previously planned show dates, staff will be meeting with the show Director to discuss alternate show dates schedules later in the summer so that if it is possible to hold the show, there is adequate time to both market and sell tickets for reliable show dates.

3. General Classes and Programs

Along with the previously mentioned events and programs, Summer and Fall season classes and programs will be monitored for re-instatement based on orders and recommendations from the County Public Health and/or the Governor's office. Staff has already been exploring and will be starting to offer some classes online through the City's Virtual Community Center (VCC) for the late spring season. Depending on the date that the SIP order is lifted, and services are safe to be re-instated, online classes and programs could continue through Summer and Fall.

Fiscal Impact:

As the resuming of programs, classes and events, and the capacity of in-person services are still to be determined, the fiscal impact of the Shelter in Place order and resulting Recreation and Community Services transition plan is best evaluated in late fall or early spring. At that time, accurate program and event cost savings as well as revenue losses can be reported to City Council.

Recommendation:

Receive staff report and provide direction on post-COVID-19 Recreation and Community Services programs and events transition plan.