



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
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

City Council meeting will be held via TELECONFERENCE (no physical meeting space) Submit any Public Forum or agenda item comments in writing submitted online, to be read aloud.

Meeting shall be livestreamed - Go to:

Facebook: <https://www.facebook.com/CityofMilpitas/>
YouTube: <https://www.ci.milpitas.ca.gov/youtube>
Web Streaming: <https://www.ci.milpitas.ca.gov/webstreaming>

Virtual public comments may be submitted on a form from the City website:
<http://www.ci.milpitas.ca.gov/publiccomment>

For Public Hearing Items No. 10, 11, 12 only, voicemail message comments may be submitted to telephone number 408-586-3010 until 3:00 PM on May 19.

AGENDA
TUESDAY, MAY 19, 2020
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 – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Vibha Shah v. City of Milpitas, et al/City of Milpitas v. Kenneth Louis Kaldy, et al; Santa Clara County Superior Court, Case No. 18CV322398

(b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code §54957.6

Agency designated representative: Rick Bolanos of Liebert Cassidy Whitmore
Employee Group: Milpitas Employees Association

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 (7:00 PM)

INVOCATION

PRESENTATIONS

- Proclaim May as *Teacher Appreciation Month*
- Proclaim May as *Affordable Housing and Building Safety Month*
- Proclaim May 17 - 23, 2020 as *Public Works Week*

PUBLIC FORUM (7:10 – 7:25 PM)

Those interested are invited to address the City Council on any subject not on tonight's agenda. Written comments shall be submitted via form online, and commenters may state their name and city of residence for the Clerk's record. Comments will be read aloud by the City Clerk, and remarks may be 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.

Virtual public comments may be submitted on a form from the City website:

<http://www.ci.milpitas.ca.gov/publiccomment>

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:25 – 7:35 PM)

Members of the City Council may make brief announcements or suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion, but shall simply state a "yes" or "no" as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a subsequent agenda for City Council discussion.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR (7:35 – 7:40 PM)

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 May and June 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

C2. Approve City Council Meeting Minutes for the May 5, 2020 Special and Regular City Council Meetings (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve draft meeting minutes for both the special (5:00 PM) and regular (7:00 PM) City Council meetings held on Tuesday, May 5, 2020.

C3. Housing Authority: Approve and Authorize the Executive Director to Execute a Term Extension to the predevelopment loan agreement entered into by Resources for Community Development and City of Milpitas Housing Authority for 355 Sango Court (Staff Contact: Sharon Goei, 408-586-3260)

Recommendation: Approve and authorize the Executive Director to execute a term extension to the predevelopment loan agreement entered into by Resources for Community Development and the City of Milpitas Housing Authority for 355 Sango Court.

C4. Accept the FY 2020 Citizen Options for Public Safety (COPS) Grant in the amount of \$115,531 (Staff Contact: Jared Hernandez, 408-586-2406)

Recommendation: Accept the 2020 Citizen Options for Public Safety Grant in the amount of \$115,531 and approve a budget appropriation to the Police Department's operating budget.

C5. Receive the 2019 General Plan Annual Progress Report and Authorize Submittal of the Report to the Governor's Office of Planning and Research (OPR) (Staff Contact: Jay Lee, 408-586-3077)

Recommendation: Receive the 2019 General Plan Annual Progress Report and authorize submittal of the report to the Governor's Office of Planning and Research (OPR).

C6. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Agreement with De Novo Planning Group for the General Plan Update Extending the Term of Service Date from February 28, 2019 to December 31, 2021 (Staff Contacts: Jessica Garner, 408-586-3284)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the agreement with De Novo Planning Group for the General Plan update to extend the term of service date from February 28, 2019 to December 31, 2021.

C7. Receive Mayor's Recommendation and Move to Re-appoint Two Members of the Economic Development and Trade Commission (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Mayor Tran recommends that the City Council affirm his re-appointment of Commissioner Casey McNeil and Alternate Member No. 2 Juliette Gomez to new 3-years terms on the Economic Development and Trade Commission. If re-appointed, both currently serving members (whose terms recently expired at the end of April) will continue their Commission service through April of 2023.

C8. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Memorandum of Understanding with the Valley Water District Establishing a Mutual Waiver of Fees for City and District Capital Improvement Program Projects (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Memorandum of Understanding with the Valley Water District Establishing a mutual waiver of fees for City and District Capital Improvement Program Projects.

C9. Report on Suspension of the State Carry-Out Bag Law Under Executive Order N-54-20 (Staff Contact: Christopher Diaz, 408-586-3040)

Recommendation: Receive and accept the report on suspension of the state's Carry-Out Bag law under Executive Order N-54-20.

PUBLIC HEARINGS (7:40 – 8:15 PM)

Virtual public comments may be submitted on a form from the City website:

<http://www.ci.milpitas.ca.gov/publiccomment>

For Public Hearing Items No. 10, 11, and 12 only, voicemail message comments may be recorded on telephone number 408-586-3010 until 3:00 PM on May 19.

10. **Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2020-21 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendations:

- 1) Open the public hearing, receive any comments, and move to close the hearing following any testimony.
- 2) Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2020-21.

11. **Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2020-21 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendations:

- 1) Open the public hearing, receive any comments, and move to close the hearing following any testimony.
- 2) Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2020-21.

12. **Conduct a Public Hearing and Introduce Uncodified Ordinance No. 305 Establishing Fees for Ambulance and Emergency Medical Services (Staff Contact: Geoffrey Maloon, 408-586-2818)**

Recommendations:

- 1) Conduct a public hearing and move to close the hearing following comments.
- 2) City Attorney shall read aloud title of Ordinance No. 305.
- 3) Move to waive the first reading beyond the title and introduce Ordinance No. 305 to establish ambulance and emergency medical services fees.

COMMUNITY DEVELOPMENT (8:15 – 8:50 PM)

13. **Receive Report on the Community Identification and Brand Study (Phase I) and Provide Direction on Scope and Implementation of the Study (Phase II) (Staff Contact: Ashwini Kantak, 408-586-3053)**

Recommendations:

- 1) Receive report on the Community Identification and Brand Study (Phase I).
- 2) Provide direction to staff on scope and implementation of the Community Identification and Brand Study (Phase II).

LEADERSHIP AND SUPPORT SERVICES (8:50 – 10:00 PM)

14. **Adopt the City of Milpitas Information Technology Strategic Plan and provide feedback (Staff Contact: Mike Luu, 408-586-2706)**

Recommendation: Adopt the City of Milpitas Information Technology Strategic Plan and provide feedback to staff.

15. **Approve Employment Agreement with Steven McHarris to serve as City Manager and Provide Direction to Staff to Make Minor Modifications to the Unrepresented Employee Benefit Handbook (Staff Contact: Christopher Diaz, 408-586-3040)**

Recommendation: Approve Employment Agreement with Steven McHarris to serve as City Manager and provide direction to staff to make minor modifications to the Unrepresented Employee Benefits Handbook.

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

(10:00 – 11:00 PM)

16. Receive and Direct Staff on Scheduling Agenda Items Requested by City Councilmembers (Contact: Mayor Tran, 408-586-3029)

Recommendation: Review list of items presented (list in agenda packet) that have been requested by Mayor or City Councilmembers on a form, at a Council meeting, or through the City Manager. Direct items to Rules or other Council Subcommittee, to be placed onto a specific meeting date, or specify alternate direction to staff. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until the item is scheduled as a full agenda item.

17. Hear Request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” (Contacts: Councilmember Anthony Phan, 408-586-3032 and Mayor Rich Tran, 408-586-3029)

Recommendation: Hear request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” and consider directing staff to send a letter of support to the County of Santa Clara.

18. Adopt a Resolution in Support of the Principles of the Convention on the Elimination of All Forms of Discrimination Against Women (Contacts: Councilmember Dominguez, 408-586-3031 and Councilmember Phan)

Recommendation: Adopt a Resolution in support of the principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

NEXT AGENDA PREVIEW

19. Receive Preview List of Anticipated Items for the next Regular City Council Meeting Scheduled on June 2, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

ADJOURNMENT (11:00 PM)

MILPITAS CITY COUNCIL CODE OF CONDUCT

- 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.

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 City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and 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 City website. City 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.