



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND PUBLIC FINANCING 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 zoom webinar only (no physical meeting space) Submit any Public Forum or agenda item comments in writing on the form online, to be read aloud by City staff.

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>

AGENDA

TUESDAY, JUNE 16, 2020
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 (6:00 PM)

(a) 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

(b) 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

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 (Councilmember Phan)

PUBLIC FORUM (7:05 PM)

Those interested may address City Council on any subject not on tonight's agenda. Comments must be submitted in writing on the form available online. Those commenting may provide their name and city of residence for the Clerk's record, and limit remarks to be read aloud by the City Clerk 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: www.ci.milpitas.ca.gov/publiccomment

PRESENTATIONS

- Proclaim June 2020 as *LGBTQ Pride Month*
- Proclaim July 2020 as *Parks and Recreation Month*
- Proclaim the City's Commitment to Racial Justice

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:15 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 (7:30 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 public or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to comment in writing on any item on the consent calendar should request to have that item removed from the consent calendar.

C1. Receive City Council Calendars of Meetings for June and July 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

C2. Approve City Council Meeting Minutes of the Special and Regular City Council Meetings on June 2, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve draft City Council meeting minute for both the Special and Regular City Council meetings held on June 2, 2020.

C3. Waive the Second Reading and Adopt Ordinance No. 38.840 Amending Milpitas Municipal Code Title XI, Chapter 10 Relating to Accessory Dwelling Units and Determine that the Ordinance is Exempt from CEQA (Staff Contact: Rozalynne Thompson, 408-586-3278)

Recommendation: Waive second reading and adopt Ordinance No. 38.840 amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to accessory dwelling units and determine that the Ordinance is exempt from CEQA.

C4. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for District 1, Lot 1 Subdivision at 1315 McCandless Drive by Milpitas - District 1 Associates, LLC, and Granting Authorization to the

City Engineer to Release the Performance Bond After the One-year Warranty Period (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a resolution approving acceptance and reducing performance bond of The District 1, Lot 1 Subdivision, Tract No. 10140 and granting authorization to the City Engineer to release the performance bond after the one year warranty period.

- C5. Adopt a Resolution Authorizing the Purchase of MSA Brand Self-Contained Breathing Apparatus for the Fire Department from L.N. Curtis & Sons in the Amount Not to Exceed \$701,648.26 Through a Cooperative Contract Through the Houston-Galveston Area Council and Approve a Budget Appropriation of \$400,000 from the Equipment Fund (Staff Contacts: Galahad Zamora, 408-586-2826 and Chris Schroeder, 408-586-3161)**

Recommendations:

- (1) Adopt a Resolution authorizing the purchase of MSA Brand Self-Contained Breathing Apparatus for the Fire Department from L.N. Curtis & Sons in the Amount Not to Exceed \$701,648.26 through a cooperative contract through the Houston-Galveston Area Council.
- (2) Approve a budget appropriation of \$400,000 from the Equipment Fund into the Non-departmental Operating Budget.

- C6. Adopt a Resolution Authorizing Application for, and Receipt of, Local Government Planning Support Grant Program Funds and Approve Related Budget Amendment (Staff Contacts: Avery Stark, 408-586-3288 and Ned Thomas, 408-586-3273)**

Recommendation: Adopt a resolution authorizing the City Manager to submit an application for \$300,000 in non-competitive grant funding, provided under the Local Early Action Planning Grants Program (LEAP), and to execute the grant agreement and all related documents required to secure the grant, subject to approval by the City Attorney, and approve a FY 2020-21 budget appropriation for \$300,000 in the Planning Department's Operating Budget, subject to the award of the grant.

- C7. 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 two 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.

- C8. Authorize Acceptance of Non-competitive Planning Grant Funding of \$310,000 Provided Under the Building Homes and Jobs Act (SB2) and Approve a Related Budget Amendment (Staff Contact: Avery Stark, 408-586-3288)**

Recommendation: Authorize acceptance of non-competitive Planning Grant funding of \$310,000 provided per the Building Homes and Jobs Act (SB2) and approve a FY 2020-21 budget appropriation for \$310,000 in the Planning Department's operating budget, subject to the award of the grant.

- C9. Report on Bids and Award Construction Contract to Platinum Pipeline, Inc. in the amount of \$190,532 for the Replacement of City Fire Hydrants (Staff Contacts: Tony Ndah, 408-586-2602 and Chris Schroeder, 408-586-3161)**

Recommendations:

- (1) Receive report on bids and award a construction contract to the lowest responsible bidder submitting a responsive bid, Platinum Pipeline, Inc., in the amount of \$190,532 for the Fire Hydrant Replacement Project.
- (2) Authorize the Director of Public Works to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$9,000 for unforeseen work related to the Fire Hydrant Replacement Project.

C10. Award Invitation for Bids No. 2435 and Authorize the City Manager to Execute a Purchase Order for 25,000 Fil-Trek POMF-1A-2-PS-NDS Filters to ISC Sales for an Amount Not to Exceed \$241,530 (Staff Contact: Tony Ndah, 408-586-2602)

Recommendation: Award Invitation for Bids No. 2435 and authorize the City Manager to execute a purchase order for 25,000 Fil-Trek POMF-1A-2-PS-NDS filters to ISC Sales for an amount not to exceed \$241,530.

C11. Approve and Authorize the City Manager to Execute a Professional Services Agreement with Pacific Coast Locators, Inc. in the amount of \$201,000 for Underground Utility Locating Services (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve and authorize the City Manager to execute a Professional Services Agreement with Pacific Coast Locators, Inc. in the Amount of \$201,000 for underground utility locating services.

C12. Approve and Authorize City Manager to Execute On-Call Maintenance Service Agreements with Yerba Buena Engineering & Construction, Inc. and Tucker Construction, Inc. for Homeless Encampment Cleanup Services (Staff Contact: Tony Ndah, 408-586-2602)

Recommendation: Approve and authorize City Manager to execute on-call maintenance service agreements with Yerba Buena Engineering & Construction, Inc. and Tucker Construction, Inc. for Homeless Encampment Cleanup Services, for an annual amount not to exceed \$100,000 per vendor, for a term through June 21, 2025 for a total maximum compensation of \$500,000 per vendor, subject to the annual appropriation of funds.

C13. Approve and Authorize the City Manager to Execute an Agreement for Purchase of Property with Santa Clara Valley Transportation Authority for the Silicon Valley Berryessa Extension Project (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve and authorize the City Manager to execute an Agreement for the purchase of property with Santa Clara Valley Transportation Authority for the Silicon Valley Berryessa Extension (BART) Project.

C14. Authorize the City Manager to Execute Amendment No. 1 to the Contract with NTT America Solutions, Inc. to Extend the Cisco Smartnet Maintenance and Support Agreement for Selected Network Switches and WiFi Components for an Amount Not to Exceed \$22,195.84 (Staff Contacts: Mike Luu, 408-586-2706 and Chris Schroeder, 408-586-3161)

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the contract with NTT America Solutions, Inc. to extend the Cisco Smartnet Maintenance and Support Agreement for selected network switches and WiFi components increasing the total not to exceed contract amount by \$22,195.84 from \$825,847.04 to \$848,042.88.

C15. Approve Partial Release of Faithful Performance Bond for The Metro Subdivision, Tract 10349, at 1425 S. Milpitas Blvd. by Pulte Home Corporation (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve partial release of faithful performance bond for The Metro Subdivision, Tract 10349, at 1425 S. Milpitas Blvd. until improvements are accepted by City Council.

C16. Per Recommendation of Mayor Tran, Re-appoint Two Library Commissioners to New Three Year Terms through June 2023 (Contact: Mayor Tran, 408-586-3029)

Recommendation: Upon recommendation by the Mayor, move to re-appoint current Library and Education Advisory Commissioners Hellie Mateo and Dana Arbaugh to new terms of three years, which will expire in June 2023.

C17. Approve Revised City Council Meeting Schedule for 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Move to approve the revised 2020 Milpitas City Council meeting schedule, including addition of August 4, 2020 regular meeting.

C18. Approve Delegation of Authority to the City Manager or Designee to Approve Project Related Documents and Urgent Administrative Items During the City Council Summer Recess, from the last City Council meeting held in June through August 3, 2020 (Staff Contact: Ashwini Kantak, 408-586-3053)

Recommendation: Approve delegation of authority to the City Manager, or his designee, to approve project related documents, including contract documents, and urgent administrative items during the City Council summer recess from the last City Council meeting held in June through August 3, 2020.

C19. Approve Exterior Lighting for Milpitas City Hall in celebration of Fourth of July in 2020 (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendation: Approve exterior lighting for Milpitas City Hall in celebration of Fourth of July in 2020.

COMMUNITY DEVELOPMENT (7:45 PM)

20. Approve the Milpitas Small Business Grant Program Utilizing Community Development Block Grant Funds for Microenterprise Businesses and Small Businesses (Staff Contact: Alex Andrade, 408-586-3046)

Recommendations:

1. Approve the Milpitas Small Business Grant Program;
2. Direct staff to include \$200,000 in Community Development Block Grant (CDBG) Funds for the Milpitas Small Business Grant Program as part of the Approval of the FY 2020-21 CDBG Annual Action Plan; and
3. Direct staff to use CDBG-CV funds for a grant program to be distributed to microenterprise businesses and small businesses.

21. Receive Report on the Pilot Rent Relief Program and Provide Direction for Funding and Program Changes (Staff Contact: Sharon Goei, 408-586-3260)

Recommendations:

- (1) Receive report on the Pilot Rent Relief Program.
- (2) Direct staff to modify the program maximum assistance amount per household from \$5,000 to \$3,500.
- (3) Provide staff direction on the funding amount(s) and funding source(s) for the Pilot Rent Relief Program.

- (4) Depending on Council action for recommendation number 3, authorize the City Manager to prepare and execute an amendment or an agreement with Silicon Valley Independent Living Center accordingly.
- (5) Provide staff direction on whether to remove "Pilot" from the name of the program.
- (6) Discuss Economic Development Corporation and provide any direction to staff.

LEADERSHIP AND SUPPORT SERVICES (9:15 PM)

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

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

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

(10:15 PM)

23. Introduce Ordinance No. 306 for Local Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Contact: Councilmember Dominguez, 408-586-3031)

Recommendation: Following the City Attorney reading aloud the title of Ordinance No. 306, waive the first reading beyond the title and introduce Ordinance No. 306 for local implementation of the United Nations Convention on the Elimination of all forms of Discrimination Against Women.

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

Recommendation: Review list (in agenda packet) of potential City Council agenda items, as requested by Councilmembers. Direct staff to place those onto a specific meeting date or specify alternate direction to staff on those topics. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until it is scheduled as a full agenda item.

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.