



# JOINT MEETING OF THE MILPITAS CITY COUNCIL AND MILPITAS MUNICIPAL FINANCING AUTHORITY

## AGENDA

**TUESDAY, OCTOBER 20, 2020**  
**MILPITAS, CA**  
**6:00 PM (CLOSED SESSION)**  
**7:00 PM (PUBLIC BUSINESS)**

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 is held via teleconference /Zoom webinar only (no physical meeting space). . .  
You may watch the Council meeting without providing public comment by accessing it via links below:

### **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>

---

## **PUBLIC COMMENT INSTRUCTIONS**

Oral public comments may be provided live during the City Council meeting by first registering for the zoom meeting in advance by: providing email address (not disclosed) and a name.

Here is the link to register for this meeting only:

[https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN\\_EMYiDkIGTaqQcCQPi8UN7Q](https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_EMYiDkIGTaqQcCQPi8UN7Q)

A link will be sent to you to join the City Council meeting in order to give your comments. All registered meeting attendees who wish to speak must click on the “raise hand” icon when the Mayor calls for public comments. If participating by calling in on your phone, dial \*9 to use the “raise hand” feature, and when you are called upon, hit \*6 to unmute your phone. Your phone number will be displayed in the live meeting. The Mayor or staff will call the speakers to begin.

All comments provided shall be limited to three minutes or less as determined by the Mayor. All members of the public will be limited to one comment per agenda item, and one comment for non-agenda items. The online written comment form previously used is no longer available for public comment.

## **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.
- 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.

**CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk** (6:00 PM)

### **ADJOURN TO CLOSED SESSION**

a) **CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**

Pursuant to California Government Code Section 54957.6

City Negotiator: Jeannine Seher, Human Resources Director

Employee Groups: International Association of Fire Fighters, Milpitas Police Officers Association, Professional and Technical Group, Mid-Management and Confidential Group, Milpitas Employees Association and unrepresented employees

Under negotiation: wages, hours and benefits

b) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to California Government Code Section 54956.9(d)(4)

City as Plaintiff. One Potential Case

**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** (assigned to Vice Mayor Nuñez)

### **PUBLIC FORUM**

Those interested are invited to address City Council on any subject not on tonight's agenda, orally via Zoom webinar (see instructions on page 1). Speakers may provide their name and city of residence for the Clerk's record, and comments 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.

### **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS**

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**

## **READ ALOUD CITY COUNCIL CODE OF CONDUCT**

### **APPROVAL OF AGENDA**

#### **CONSENT CALENDAR** (7:45 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 October and November 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**

**C2. Approve City Council meeting minutes of the September 29, October 6 and 9, 2020 Meetings (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve September 29, 2020 Special City Council, October 6, 2020 Regular City Council and October 9, 2020 Special Joint meeting minutes drafted by the City Clerk.

**C3. Adopt a Resolution Approving and Authorizing the City Manager to Execute Amendment No. 1 to the “Purchase of Software and Software Services Agreement” for a Two-Year Extension of NEOGOV Software Services under the Agreement with Insight Public Sector Inc. through a Cooperative Procurement Contract with OMNIA Partners, subject to the annual appropriation of funds (Staff Contact: Jeannine Seher, 408-586-3086)**

Recommendation: Adopt a resolution approving and authorizing the City Manager to execute Amendment No. 1 to the “Purchase of Software and Software Services Agreement” for a two-year extension of the NEOGOV software services under the Agreement with Insight Public Sector Inc. through a cooperative procurement contract with OMNIA Partners, with additional funding in the amount of \$105,915, subject to the annual appropriation of funds, for a total agreement amount of \$178,902.

**C4. Receive Status Report on Trails and Bikeway Master Plan Update, Project No. 3448; Approve and Authorize the City Manager to Execute Amendment No. 2 to the Consultant Services Agreement with Alta Planning and Design in the new amount of \$229,402 and Extend the Term of the Agreement to December 31, 2021 for the Project; and Approve a related Budget Amendment in the amount of \$36,219 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendations:

1. Receive a status report on Trails and Bikeway Master Plan Update, Project No. 3448.
2. Approve and authorize the City Manager to execute Amendment No. 2 to the Consultant Services Agreement with Alta Planning and Design in the new amount of \$229,402 with a term through December 31, 2021 for the Trails and Bikeway Master Plan Update.
3. Approve a budget appropriation of \$36,219 from the General Government CIP Fund into Project No. 3448.

**C5. Approve Change Order No. 2 in the Amount of \$268,841 for the Contract with Redwood Construction and Equipment, Inc. for the Citywide Parks and Playgrounds Rehabilitation Project, Increasing the Total Project Amount Not to Exceed from \$1,720,164 to \$1,989,005 (Staff Contacts: Chris Schroeder, 408-586-3161 and Tony Ndah, 408-586-2602)**

Recommendation: Approve Change Order No. 2 in the amount of \$268,841 for the contract with Redwood Construction and Equipment, Inc. for the Citywide Parks and Playgrounds Rehabilitation Project, increasing the total project amount not to exceed from \$1,720,164 to \$1,989,005.

**PUBLIC HEARING** (7:50 PM)

6. **Conduct a Public Hearing and Adopt Resolutions Authorizing the Sale and Issuance of Tax-exempt Lease Revenue Bonds (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendations:

- a) Open the public hearing, receive any comments and move to close the public hearing.
- b) Adopt resolutions of the City Council of the City of Milpitas and Governing Body of the Milpitas Municipal Financing Authority authorizing and directing the City Manager, Assistant City Manager or Deputy City Manager to execute the sale and issuance of 2020 Lease Revenue Bonds with an estimated aggregate principal amount of not-to-exceed \$25 million to finance the construction of Fire Station #2 and energy efficiency projects.

**COMMUNITY DEVELOPMENT**

7. **Receive Staff Report and Consider Adopting Uncodified Urgency Ordinance No. 307 to Temporarily Limit Fees Charged by Third-party Food Delivery Service Providers to Help Local Restaurants During the COVID-19 Emergency (Staff Contacts: Alex Andrade, 408-586-3406 and Nicole Inamine, 408-586-3045)**

Recommendations:

- a) Receive staff report on temporarily limiting fees charged by third-party food delivery service providers to help local restaurants during the COVID-19 emergency.
- b) Following the City Attorney reading the title, move to waive the reading of Ordinance No. 307 and adopt Uncodified Urgency Ordinance No. 307 by a minimum 4/5 vote of the City Council, effective October 20, 2020.

8. **Discuss Milpitas Unhoused Response Plan (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendation: Receive staff presentation; discuss and provide direction on a Milpitas Unhoused Response Plan.

**COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE** (9:00 PM)

9. **Receive Presentation on the Parks and Recreation Master Plan Update, Fee Assessment and Development of Cost Recovery Policy and Provide Direction to Staff, Project No. 5115 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Receive a presentation on the Parks and Recreation Master Plan Update Fee Assessment and Development of Cost Recovery Policy; and, provide direction to staff on Project No. 5115.

**LEADERSHIP AND SUPPORT SERVICES** (9:20 PM)

10. **Introduce Ordinance No. 23.15 for Updates to Milpitas Municipal Code on Purchasing (Staff Contact: Walter C. Rossmann, Deputy City Manager, 408-586-3111)**

Recommendations:

- a) Receive presentation from staff.
- b) Following the City Attorney reading the title, move to waive the first reading beyond the title of Ordinance No. 23.15.
- c) Introduce Ordinance No. 23.15 to update the municipal code section on purchasing.

**11. Introduce Ordinance No. 65.150 Regarding Responsible Construction (Staff Contacts: Christopher Diaz, 408-586-3040 and Steve McHarris, 408-586-3059)**

Recommendation: Following the reading of the title by the City Attorney, move to waive the first reading beyond the title and Introduce Ordinance No. 65.150 adding Chapter 32 (Responsible Construction) to Title III of the Milpitas Municipal Code.

**12. General Fund Structural Deficit Community and Employee Engagement Discussion and Direction (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Discuss and provide direction regarding Community and Employee Engagement Strategies to address the General Fund structural deficit.

**13. Discuss and provide direction to staff on negotiating a citywide Project Labor Agreement and/or adopt a resolution committing to negotiate and execute a Project Labor Agreement per project (Staff Contacts: Christopher J. Diaz, 408-586-3040 and Steve McHarris, 408-586-3059)**

Recommendation: Discuss and provide direction to staff on negotiating a citywide Project Labor Agreement with the Building and Construction Trades Council and/or consider adopting a resolution committing to negotiate and execute a Project Labor Agreement per project.

**REPORTS OF MAYOR & COUNCILMEMBERS (10:30 PM)**

**14. Discuss Council Sponsored Events; and, Discuss and Provide Direction on 2020 United States Census Outreach and Any Council Sponsorship (Contact: Councilmember Dominguez, 408-586-3031)**

Recommendation: Discuss City Council sponsored event process; and, discuss and provide direction on the City's 2020 US Census outreach and any Council sponsorship.

**15. Per Request of Vice Mayor Nuñez, Engage in Discussion on Councilmembers' Ideas to Economically Assist the Milpitas Community During the Pandemic (Contact: Vice Mayor Nuñez , 408-586-3023)**

**16. Per Request of Councilmember Dominguez, Discuss Establishing an Emergency Cap on Business Tenant Rents in Milpitas (Contact: Councilmember Dominguez, 408-586-3031)**

**17. Receive and Direct Staff on List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)**

Recommendation: Review list of items presented (list in agenda packet) that have been requested by City Councilmembers on a form, at a Council meeting, or through the City Manager. Direct items to a City 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.

**NEXT AGENDA PREVIEW**

**18. Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on November 3, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Receive list of anticipated agenda items for the November 3, 2020 regular City Council meeting.

**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](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.*