



JOINT MEETING OF THE MILPITAS CITY COUNCIL & HOUSING AUTHORITY COMMISSION

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, JANUARY 15, 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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Tom Williams v. City of Milpitas, et al. - American Arbitration Case No. 01-17-0003-5823

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 (Councilmember Nuñez)

PRESENTATION

Commend Nithurhan Carthikeyan, Milpitas Library e-waste recycling coordinator

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. If removed, this item will be discussed in the order in which it appears on the agenda.

C1. Approve City Council calendar for January 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve City Council calendar for January 2019.

C2. Approve City Council Meeting Minutes of December 18 and 19, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve City Council Meeting Minutes of December 18 and 19, 2019.

C3. Waive the Second Reading and Adopt Ordinance No. 298 to Prohibit Commercial Cannabis in the City and Regulate Cultivation of Cannabis for Personal Use (Staff Contact: Ned Thomas, 408-586-3273)

Recommendation: Waive the Second Reading and Adopt Ordinance No. 298 to Prohibit Commercial Cannabis in the City and Regulate Cultivation of Cannabis for Personal Use.

C4. Adopt a Resolution Amending the Classification Plan, Adding Three Firefighter Positions and One Fire Battalion Chief to the City's Authorized Positions List, and Appropriating Funding Necessary to Support the Incremental Costs of One Fire Battalion Chief (Staff Contact: Liz Brown, 408-586-3086)

Recommendation: Adopt a resolution amending the Classification Plan by establishing the classifications of Entry Firefighter and Entry Firefighter Paramedic, authorizing the addition of three (3) Full Time Equivalent (FTE) Firefighter Paramedic positions and one (1) Full Time Equivalent (FTE) Fire Battalion Chief to the City's Authorized Positions List and approve a budget amendment to appropriate \$60,000 in the Fire Department's FY 2018-19 General Fund Operating Budget to fund the incremental salary and benefits for one (1) Fire Battalion Chief position over and above what the SAFER Grant will support.

C5. Adopt a Resolution Approving the Sole Source Purchase of Two (2) JWC Environmental Channel Monster Model CDD6020 Grinders for the Public Works Department from MISCOWater for the Not-To-Exceed Amount of \$226,250 (Staff Contacts: Tony Ndah, 408-586-2602 and Chris Schroeder, 408-586-3161)

Recommendation: Adopt a resolution approving the sole source purchase of two (2) JWC Environmental Channel Monster Model CDD6020 Grinders for the Public Works Department from MISCOWater for the not-to-exceed amount of \$226,250.

C6. Adopt a Resolution Approving a Professional Services Agreement with Cayenta, a Division of N. Harris Computer Corporation Inc., as the Sole Source Vendor to Implement an Upgrade of the

Financial and Utility Billing Software Systems for a Total Not-to-Exceed Amount of \$419,892 (Staff Contact: Mike Luu, 408-586-2706)

Recommendations: 1) Adopt a resolution approving a Professional Services Agreement with Cayenta, a Division of N. Harris Computer Corporation Inc., as the sole source vendor to implement an upgrade of the Financial and Utility Billing Software Systems for a total not-to-exceed amount of \$419,892. 2) Authorize the City Manager to execute the agreement, subject to any revisions deemed necessary by the City Attorney.

C7. Receive Recommendation to Appoint Energy and Environmental Sustainability Commissioner as the Community Representative to the South Bay Odor Stakeholders Group (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Receive recommendation from the Energy and Environmental Sustainability Commission (EESC) and appoint EESC Commissioner Chia Ling Kong as Community Representative to the South Bay Odor Stakeholders Group.

C8. Approve the Community Advisory Commission 2019 Work Plan (Staff Contact: Avery Stark, 408-586-3288)

Recommendation: Approve the Community Advisory Commission 2019 Work Plan

C9. Approve the Energy and Environmental Sustainability Commission 2019 Work Plan (Staff Contact: Elaine Marshall, 408-586-2603)

Recommendation: Approve the Energy and Environmental Sustainability Commission 2019 Work Plan

C10. Approve the Library and Education Advisory Commission 2018-19 Work Plan (Staff Contact: John Macon, 408-586-3226)

Recommendation: Approve Library and Education Advisory Commission FY 2018-19 Work Plan

C11. Receive and Approve the Science, Technology & Innovation Commission work plan 2018-19 (Staff Contact: Eliren Pasion, 408-5832730)

Recommendation: Approve the Science Technology and Innovation Commission Work Plan 2018-19.

C12. Approve Out of State travel for three (3) Milpitas Fire Department personnel to conduct a final inspection of the new Tiller Truck Fire Apparatus at the Pierce Factory in Appleton, WI (Staff Contact: Brian Sherrard, 408-586-2811 and Rick Frawley, 408-586-2824)

Recommendation: Approve Out of State travel for three Milpitas Fire Department personnel to conduct a final inspection of the new Tiller Truck Fire Apparatus at the Pierce Factory in Appleton, WI for the dates of January 21 - 24, 2019.

C13. Approve Final Map Tract No. 10408 for a Mixed Use Development at 1646 Centre Pointe Drive (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve Final Map Tract No. 10408 Centre Pointe at 1646 Centre Pointe Drive, Acceptance of All Offers of Dedications as Stated and Depicted on the Final Map upon Completion and Acceptance of Improvements.

C14. Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for McCarthy Center Holdings LLC for Development at 400-940 North McCarthy Boulevard (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for McCarthy Center Holdings LLC for development at 400-940 North McCarthy Boulevard.

- C15. Award the Bid for IFB No. 2281 to Crayon Software Experts, LLC for the Purchase of 500 Microsoft 365 Licenses for the Information Services Department, in an Amount Not to Exceed \$277,620.00 for a Three-year License Period and Approve the First Year Payment of \$84,780 (Staff Contact: Mike Luu, 408-586-2706)**

Recommendations: Award the Bid for IFB No. 2281 to Crayon Software Experts, LLC for the purchase of 500 Microsoft 365 Licenses for the Information Services Department for a Three-year license period in the not-to-exceed amount of \$277,620.

Authorize the Purchasing Agent to pay for year two and three without further City Council action except for appropriation of funds.

- C16. Approve and Authorize the City Manager to Execute an Agreement with Kinsale Insurance Company to Provide Employment Practices Liability Coverage to the City of Milpitas and Appropriate \$129,103.20 in the FY 2018-19 General Fund Operating Budget for this Purpose (Staff Contact: Will Fuentes, 408-586-3111)**

Recommendation: Approve and Authorize the City Manager to Execute an Agreement with Kinsale Insurance Company to Provide Employment Practices Liability Coverage to the City of Milpitas and Appropriate \$129,103.20 in the FY 2018-19 General Fund Operating Budget for this Purpose

- C17. Award the Bid and Authorize the City Manager to Execute the Letter Agreement with Casey Printing, Inc. for the City Manager's Office Printing Services for the Annual Not-To-Exceed Amount of \$50,176 and the Five-Year Contract Maximum of \$250,880 (Staff Contact: Jennifer Yamaguma, 408-586-3055)**

Recommendation: 1) Award the Bid and Authorize the City Manager to Execute the Letter Agreement with Casey Printing, Inc. for the City Manager's Office Printing Services for the Annual Not-To-Exceed Amount of \$50,176 and the Five-Year Contract Maximum of \$250,880. 2) Authorize the Purchasing Agent to exercise the option year in accordance per the terms of the agreement and without further City Council Action, except for appropriation of funds.

- C18. Receive Preview List for Next Regular Council meeting: February 5, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

COMMUNITY DEVELOPMENT

- 19. HOUSING AUTHORITY: Receive Report on Housing Program Status and Provide Direction (Staff Contacts: Sharon Goei, 408-586-3260 and Robert Musallam, 408-586-3275)**

Recommendation: Receive report on Housing Program Status; direct staff to research a commitment level up to \$6.5 million of Housing Authority Funds for Affordable Housing Construction at 355 Sango Court; direct staff to initiate research to develop Affordable Housing on Housing Authority and City-Owned Properties on South Main Street; and direct staff to review future development entitlement proposal for 308 Sango Court along with Sources and Uses of Funds, and authorize staff to process the predevelopment loan application for future City Council/Housing Authority Commission consideration.

- 20. HOUSING AUTHORITY: Adopt a Joint Resolution Authorizing the Executive Director of the Housing Authority to Prepare and Execute Loan Documents to Forego the First Ten Years of**

Residual Receipts Loan Payments for the MonteVista Apartments at 1001 South Main Street (Staff Contacts: Sharon Goei, 408-586-3260 and Robert Musallam, 408-586-3275)

Recommendation: Adopt a Joint Resolution of the City Council, Housing Authority and Successor Agency authorizing the Executive Director of the Housing Authority to prepare and execute loan documents to forego the first 10 years of residual receipts loan payments for the MonteVista Apartments located at 1001 South Main Street in Milpitas.

21. **Receive Report and Provide Direction Regarding Potential Amendments to Milpitas Municipal Code Section XI-10-13.08 (“Second Family Unit”) Regarding Accessory Dwelling Units (Staff Contact: Rozalynne Thompson, 408-586-3278)**

Recommendation: Receive report and provide direction regarding potential amendments to the City of Milpitas Municipal Code on zoning related to Accessory Dwelling Units.

22. **Receive Report and Provide Direction on Residential Short-Term Rental Regulation Options (Staff Contact: Daniel Degu, 408-586-3054)**

Recommendation: Discuss and provide direction regarding potential regulation for residential short-term rentals.

LEADERSHIP AND SUPPORT SERVICES

23. **Adopt an Urgency Zoning Ordinance No. 299 to Prohibit Commercial Cannabis in the City and Regulate Cultivation of Cannabis for Personal Use (Staff Contact: Ned Thomas, 408-586-3273)**

Recommendations:

- a) Receive comments from the public, if any.
- b) Following a reading aloud of the title of Urgency Ordinance No. 299 by the City Attorney, move to waive the reading beyond the title.
- c) Adopt Urgency Zoning Ordinance No. 299 to prohibit commercial cannabis in the City and regulate cultivation of cannabis for personal use, by a 4/5 vote of the City Council.

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

24. **Consider Mayor’s Appointments of City Councilmembers as liaisons to City Commissions, and Outside Agency Boards and Committees (Contact: Mayor Rich Tran, 408-586-3029)**

Recommendation: Consider Mayor’s appointments of City Councilmembers to serve as liaisons to City Commissions and outside agencies, committees, and boards, and move to confirm those appointments.

ADJOURNMENT

NEXT REGULAR CITY COUNCIL MEETING

FEBRUARY 5, 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 / 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 the City website. All City Council agendas and related materials can be viewed online here: 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.