

CITY COUNCIL MEETING

01/15/2019

SUMMARY OF ACTIONS

Item

Staff

CLOSED SESSION

No announcement out of Closed Session.

PUBLIC FORUM

- 1) Alysson MacDonald - need for residential rental protections
- 2) Resident said there's parking difficulty where he lived (Metro) near Great Mall.
- 3) Woman was concerned about crime.
- 4) Woman concerned about crime when BART opens.
- 5) Robert Marini - comments on Prop. 218 notice in mailbox
- 6) Stacy Brobst, resident of The Pines, waiting eagerly for the permit parking program Council voted to implement in her neighborhood.

ANNOUNCEMENTS

- 1) City Manager complimented Public Works and other staff on great job done repairing significant sinkhole on Montague Exp. over the previous weekend.
- 2) Mayor Tran asked City Manager to place on next Council agenda an item related to plans for Digital Billboard
- 3) Councilmember Montano requested to have discussion on Commissions, and consider forming a Transportation Commission.
- 4) Councilmember Phan noted for the record agenda item no. 3 on consent (ordinance to ban marijuana business) he would vote in favor with his colleagues.
- 5) Councilmember Nunez favored a Transportation Commission and discussing the signs, and looked forward to those coming back to Council.

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| *1. | <u>APPROVE CITY COUNCIL CALENDAR FOR JANUARY 2019</u>
Approved City Council calendar for January 2019.
VOTE: 5-0 | Mary Lavelle |
| *2. | <u>APPROVE CITY COUNCIL MEETING MINUTES OF DECEMBER 18 AND 19, 2018</u>
Approved City Council Meeting Minutes of December 18 and 19, 2018.
VOTE: 5-0 | Mary Lavelle |
| *3. | <u>WAIVE THE SECOND READING AND ADOPT ORDINANCE NO. 298 TO PROHIBIT COMMERCIAL CANNABIS & REGULATE CULTIVATION FOR PERSONAL USE</u>
Waived 2nd reading and adopted Ordinance No. 298 to Prohibit Commercial Cannabis in the City and Regulate Cultivation of Cannabis for Personal Use.
VOTE: 5-0 | Ashwini Kantak
Chris Diaz |
| *4. | <u>ADOPT A RESOLUTION AMENDING THE CLASSIFICATION PLAN, ADD 3 FIREFIGHTERS + 1 FIRE BATTALION CHIEF TO AUTHORIZED POSITIONS LIST, AND APPROPRIATING FUNDING NECESSARY TO SUPPORT THE INCREMENTAL COSTS OF 1 FIRE BATTALION CHIEF</u>
Adopted Resolution No. 8838 amending Classification Plan to establish classifications of Entry Firefighter + Entry Firefighter Paramedic, authorizing addition of 3 FTE Firefighter Paramedic positions and 1 FTE Fire Battalion Chief to Authorized Positions List; & approved budget amendment to appropriate \$60,000 in Fire Dept's FY 2018-19 General Fund Operating Budget to fund incremental salary and benefits for 1 Fire Battalion Chief position (above the SAFER grant).
VOTE: 5-0 | Liz Brown
Will Fuentes
Brian Sherrard |

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- *5. **ADOPT A RESOLUTION APPROVING SOLE SOURCE PURCHASE OF 2 JWC ENVIRONMENTAL CHANNEL MONSTER MODEL CDD6020 GRINDERS FOR THE PUBLIC WORKS DEPARTMENT FROM MISCOWATER FOR THE NOT-TO-EXCEED AMOUNT OF \$226,250**
Adopted Resolution No. 8839 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.
VOTE: 5-0
Tony Ndah and Chris Schroeder
6. **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**
Adopted Resolution No. 8840 approving Professional Services Agreement with Cayenta as 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; and, to authorize the City Manager to execute the agreement, subject to any revisions deemed necessary by the City Attorney.
VOTE: 5-0
Mike Luu
- *7. **RECEIVE RECOMMENDATION TO APPOINT ENERGY AND ENVIRONMENTAL SUSTAINABILITY COMMISSIONER AS THE COMMUNITY REPRESENTATIVE TO THE SOUTH BAY ODOR STAKEHOLDERS GROUP**
Received recommendation from the Energy and Environmental Sustainability Commission (EESC) and appointed EESC Commissioner Chia Ling Kong as Community Representative to the South Bay Odor Stakeholders Group.
VOTE: 5-0
Steve Erickson
- *8. **APPROVE THE COMMUNITY ADVISORY COMMISSION 2019 WORK PLAN**
Removed from the agenda.
Avery Stark
- *9. **APPROVE THE ENERGY AND ENVIRONMENTAL SUSTAINABILITY COMMISSION 2019 WORK PLAN**
Removed from the agenda.
Elaine Marshall
- *10. **APPROVE THE LIBRARY AND EDUCATION ADVISORY COMMISSION 2018-19 WORK PLAN**
Removed from the agenda.
John Macon
- *11. **RECEIVE AND APPROVE THE SCIENCE, TECHNOLOGY & INNOVATION COMMISSION WORK PLAN 2018-19**
Removed from the agenda.
Eliren Pasion

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- *12. **APPROVE OUT OF STATE TRAVEL FOR 3 FIRE DEPARTMENT PERSONNEL TO CONDUCT FINAL INSPECTION OF THE NEW TILLER TRUCK FIRE APPARATUS AT THE PIERCE FACTORY IN APPLETON, WI** Brian Sherrad and Rick Frawley
- Approved 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.
VOTE: 5-0
- *13. **APPROVE FINAL MAP TRACT NO. 10408 FOR A MIXED USE DEVELOPMENT AT 1646 CENTRE POINTE DRIVE** Steve Erickson
- Approved 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.
VOTE: 5-0
14. **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** Steve Erickson
- Authorized 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.
VOTE: 5-0
- *15. **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** Mike Luu
- 1) Awarded bid for IFB No. 2281 to Crayon Software Experts, LLC for the purchase of 500 Microsoft 365 Licenses for the Information Services Department for 3 year license period in amount not to exceed \$277,620.
2) Authorized Purchasing Agent to pay for year 2 and 3 without further City Council action except for appropriation of funds.
VOTE: 5-0
16. **CONSIDER APPROVAL OF AGREEMENT WITH KINSALE INSURANCE COMPANY TO PROVIDE EMPLOYMENT PRACTICES LIABILITY COVERAGE TO THE CITY AND APPROPRIATE \$129,103.20 INTO FY 2018-19 GENERAL FUND OPERATING BUDGET** Will Fuentes
Liz Brown
- 1) City Manager and Finance Director/Risk Manager responded to questions from Mayor and Council to explain reason for this purchase.
2) Directed staff to bring this topic back to Council before end of FY, and provide more info. on current training/workshops of supervisory staff, current policies & practices, and keeping a safe, supportive work culture for employees in the City. Human Resources Director can provide current information to meet this request.
3) Return on a future agenda to consider an agreement with Kinsale Insurance Company to provide employment practices liability coverage to the City.
VOTE: 5-0

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17. **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** Jennifer Yamaguma
- 1) Did not award to Casey Printing, Inc. for the City Manager's Office Printing Services, for city newsletter and minimum wage notice.
2) Directed staff to return to Council in the future with plan for a different newsletter, potentially online publication, with cultural competency.
VOTE: 5-0
18. **RECEIVE PREVIEW LIST FOR NEXT REGULAR COUNCIL MEETING: FEBRUARY 5, 2019** Mary Lavelle
- 1) Received list provided in agenda packet of anticipated business items for the February 5, 2019 City Council meeting.
2) Requested the following items on upcoming meeting agendas: digital billboard, consider a Transportation Commission, review of all Commissions including what other cities have;, and description of what was anticipated to occur at Special Meeting on January 29..
No vote was taken.
19. **HOUSING AUTHORITY: RECEIVE REPORT ON HOUSING PROGRAM STATUS AND PROVIDE DIRECTION** Sharon Goei and Robert Musallam
- 1) Received report from Building & Housing Director, Housing Authority Administrator and County staff on housing program status.
2) Directed staff to research a commitment level up to \$6.5 million of Housing Authority Funds for Affordable Housing Construction at 355 Sango Court.
3) Directed staff to initiate research to develop affordable housing on Housing Authority and City-owned properties on South Main Street.
4) Directed staff to review future development entitlement proposal for 308 Sango Court along with sources (including Measure A) and use of funds; and, authorized staff to process predevelopment loan application for future City Council/Housing Authority Commission.
VOTE: 5-0
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** Sharon Goei and Robert Musallam
- Adopted Joint Resolution No. HA 27/ 8841/ SA12 of the City Council, Housing Authority and Successor Agency authorizing HA Executive Director to prepare and execute loan documents to forego first 10 years of residual receipts loan payments for MonteVista Apartments, 1001 So. Main Street, Milpitas.
VOTE: 5-0

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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** Rozalynne Thompson
- Received report from Senior Planner Rozalynne Thompson and offered support for staff suggestions regarding future amendments to the City of Milpitas Municipal Code on zoning for Accessory Dwelling Units, in order to allow more affordable housing options in Milpitas.
VOTE: 5-0
22. **RECEIVE REPORT AND PROVIDE DIRECTION ON RESIDENTIAL SHORT-TERM RENTAL REGULATION OPTIONS** Daniel Degu
- This item was not heard.
23. **ADOPT AN URGENCY ZONING ORDINANCE NO. 299 TO PROHIBIT COMMERCIAL CANNABIS IN THE CITY AND REGULATE CULTIVATION OF CANNABIS FOR PERSONAL USE** Ashwini Kantak
- a) Receive comments from 22 speakers.
b) Following a reading aloud of the title of Urgency Ordinance No. 299 by the City Attorney, moved to waive the reading beyond the title.
c) Adopted Urgency Zoning Ordinance No. 299 to prohibit commercial cannabis in the City and regulate cultivation of cannabis for personal use.
- VOTE: 5-0
24. **CONSIDER MAYOR’S APPOINTMENTS OF CITY COUNCILMEMBERS AS LIAISONS TO CITY COMMISSIONS, AND OUTSIDE AGENCY BOARDS AND COMMITTEES** City Manager’s office
- Approved the Mayor’s recommended list of appointments of City Councilmembers to serve as liaisons to City Commissions and outside agencies, committees, and boards, and confirming those appointments, with the exception of Valley Transportation Authority’s Board Committees.
VOTE: 4 AYES and 1 ABSENT (Phan)