MILPITAS CITY COUNCIL MEETING AGENDA

TUESDAY, OCTOBER 4, 2016

455 EAST CALAVERAS BOULEVARD, MILPITAS, CA
6:00 P.M. CLOSED SESSION ● 7:00 P.M. PUBLIC BUSINESS

SUMMARY OF CONTENTS

I. CALL TO ORDER/ROLL CALL by the Mayor (6:00 p.m.)

II. ADJOURN TO CLOSED SESSION

(a)CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION
Pursuant to California Government Code section 54956.9(d)(1)
Name of Case: Montei v. Lee, et al., Case No. CV 16-2712 LHK, U.S. District Court, Northern District of California

(b)CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(d)(2) – City as Defendant

(c)CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION
Name of Case: American Arbitration Association Case No. 01-16-0000-4753

III. CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote or abstention of each member present

IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)

V. INVOCATION (Councilmember Grilli)

VI. APPROVAL OF COUNCIL MEETING MINUTES – September 20, 2016

VII. SCHEDULE OF MEETINGS – COUNCIL CALENDAR - October 2016

VIII. PRESENTATION Proclaim *Fire Prevention Week* – October 9 – 15, 2016

IX. PUBLIC FORUM

Members of the audience are invited to address the Council on any subject not listed on this agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their 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. However, the Council may instruct the City Manager to place the item on a future meeting agenda.

X. ANNOUNCEMENTS

XI. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

XII. APPROVAL OF AGENDA

XIII. CONSENT CALENDAR (Items with asterisks*)

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 member of the City Council, 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.

XIV. UNFINISHED BUSINESS

***1. Receive the Update of the Odor Control Report (Staff Contact: Engineering Staff, 408-586-3353)**

2. Receive a Report on International Park Feasibility and Alternate Locations (Staff Contact: Renee Lorentzen, 408-586-3409)

XV. REPORTS OF COMMISSIONS

3. Approve Parks, Recreation and Cultural Resources Commission 2016-18 Work Plan (Staff Contact: Renee Lorentzen, 408-586-3409)

4. Approve Telecommunications Commission 2016-17 Work Plan (Staff Contact: Eliren Pasion, 408-586-2730)

***5. Per Recommendation of Milpitas Arts Commission, Approve Art Piece for K. Hovanian Homes Traverse Development Park (Staff Contact: Renee Lorentzen, 408-586-3409)**

XVI. RESOLUTIONS

***6. Adopt a Resolution Authorizing the Purchase of a 2017 Chevrolet Tahoe SSV for the Fire Department from the National Auto Fleet Group for the Not-To-Exceed Amount of $44,263.48 through a Cooperative Procurement Contract (Staff Contact: Chris Schroeder, 408-586-3161)**

***7. Adopt a Resolution Amending the City's Classification Plan Related to a Position in the Milpitas Fire Department (Staff Contact: Tina Murphy, 408-586-3086)**

XVII. AGREEMENTS

***8. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Agreement with J.J.R. Construction to Increase the Amount for Year Two by $338,750 and Appropriate Funds in the Amount of $455,000 to Augment the Adopted Budget for the Annual Amount of $220,000 (Staff Contacts: Nina Hawk, 408-586-2603 and Chris Schroeder, 408-586-3161)**

***9. Authorize the City Manager to Sign a Memorandum of Understanding Between the City of Milpitas and City of Campbell for Shared Use of Public Safety Computer Aided Dispatch System (Staff Contacts: Armando Corpuz 408-586-2534 and Mike Luu 408-586-2706)**

***10. Approve Amendment No. 4 to the Consultant Agreement with HF&H Consultants for Solid Waste Procurement Services in the Amount of $138,160 and Approve a Budget Appropriation in the Amount of $200,000 for CIP No. 3401 (Staff Contact: Marilyn Nickel, 408-586-3348)**

XVIII. ADJOURNMENT

NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, OCTOBER 18, 2016

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

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. Phone 408-586-3040

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

Current Vacancies on
Economic Development Commission (hotel rep.)
Emergency Preparedness Commission
Sister Cities Commission
Veterans 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, 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 in that facility.

AGENDA REPORTS

XIV. UNFINISHED BUSINESS

***1. Receive the Update of the Odor Control Report (Staff Contact: Engineering Staff, 408-586-3353)**

Background: From August 10 through September 6, 2016, the Bay Area Air Quality Management District (BAAQMD) forwarded 72 complaints originating in Milpitas. 29 complaints identified a garbage odor and 43 complaints did not identify an odor source. As of the last Council update, the City's odor reporting website has received 21 reported complaints.

Recommendation: Receive the update of the Odor Control Report.

2. Receive a Report on International Park Feasibility and Alternate Locations (Staff Contact: Renee Lorentzen, 408-586-3409)

Background: On May 11, 2015, City Council directed staff to conduct a feasibility study on creating an International Park at the current Tom Evatt Park that runs linear from Abel Street to Main Street. Consultant firm Callander Associates Landscape Architecture, Inc. was hired to work with staff to conduct community meetings with interested cultural groups and residents, draft conceptual park designs based on that input, and meet with the staff review committee and San Francisco Public Utility Commission (SFPUC) as Tom Evatt Park is located over SFPUC utility lines.

After completing two community meetings and meeting with the SFPUC, findings conclude that an International Park at the current Tom Evatt Park location is not feasible.

Two potential alternate locations for an International Park were identified as:
1) *Starlite Park* – currently listed in the CIP Plan for design and construction in 2018-19 & 2019-20. An international theme or section(s) could be incorporated as part of the park renovation.
2) *Main Street* – "Urban Parklets" representing varying cultures could work in tandem with the Midtown Street Light Project listed in the CIP Plan for design and construction in 2016-17 & 2018-19 which runs from Carlo Street to Great Mall Parkway.

This item was reviewed at the September 12, 2016, Parks, Recreation and Cultural Resources Commission. Commissioners unanimously recommended the City Council pursue the Main Street option for International Park.

A staff presentation will include conceptual designs for both alternate locations. Depending on Council direction, staff will assess the cost of the preferred project location and return for final project budget approval. There is currently $444,384 in the CIP Plan for an International Park Project.

Fiscal Impact: Unknown

Recommendation: Direct staff to pursue the Main Street Parklet location and design concept in tandem with the Midtown Street Light project.

XV. REPORTS OF COMMISSIONS

3. Approve Parks, Recreation and Cultural Resources Commission 2016-18 Work Plan (Staff Contact: Renee Lorentzen, 408-586-3409)

Background: The Parks, Recreation and Cultural Resources Commission was founded on August 4, 1992. The Commission serves as an advisory body to the City Council on matters pertaining to recreation, leisure services, and historic preservation. The Commission's 2016-18 Work Plan identifies the Commission's goals, projects and ongoing tasks that Commissioners plan to accomplish for the next two years.

Recommendation: Approve the Parks, Recreation and Cultural Resources Commission 2016-18 Work Plan.

4. Approve Telecommunications Commission 2016-17 Work Plan (Staff Contact: Eliren Pasion, 408-586-2730)

Background: The Milpitas Telecommunications Commission was established September 9, 1994 to address the growing technology needs of the City of Milpitas. The Commission has recommended and supported ongoing technology projects and programs that have benefited that City and the Milpitas community over the past 22 years.

For the 2016-17 Telecommunications Commission work plan, the Commissioners have included new activities that will lead to future growth and improved communications technologies for City Hall and the Milpitas community. The Commission has continued to update the existing Milpitas telecommunications master plan document, it has supported the creation of the City's first mobile application smart phones, reviewed and implemented the city's new VOIP (voice over internet) telephony technology. As for future applications and programs, the Commission is supporting the development of the new city website, provide refurbished computers to low-income members of the Milpitas community, launch a new Android mobile application, support the development of a new citizen camera registry application for public safety, and continue to review a new high-speed WiFi technology service for the Milpitas community.

The Telecommunications Commission supports ongoing efforts to utilize cost-effective technology programs and projects for the city while maintaining a high level of service with existing Information Services department staffing. The commission will continue to support future technology endeavors that will benefit the city and Milpitas community.

Recommendation: Accept and approve the FY 2016-17 Telecommunications Commission Work Plan.

***5. Per Recommendation of Milpitas Arts Commission, Approve Art Piece for K. Hovanian Homes Traverse Development Park (Staff Contact: Renee Lorentzen, 408-586-3409)**

Background: The Arts Commission reviewed a privately commissioned public art piece for the K. Hovanian Homes Traverse Development Park on January 26, 2015 and on September 26, 2016. The art piece is to be placed in a .73 acre park that includes open space and playgrounds for children 2-12 years old. The privately developed park will be dedicated to the City as public park space upon completion and final acceptance by the Milpitas City Council.

Professional and local artist, Scott Donahue, was commissioned by K. Hovanian to execute the art for this project. Mr. Donahue's work can be seen all over the Bay Area, Colorado and New Jersey.

The art piece, titled "Watching You" is an approximately 11 feet 6 inches sculpture and round seating bench made of concrete, fiberglass and color ceramic tile. It features animals and fish that can be found in Milpitas and its hills, looking down upon the park. Below the main animals are relief finishes and carvings depicting local landscapes. On September 26, 2016, the Arts Commission unanimously voted to recommend final City Council approval of "Watching You" art piece.

Fiscal Impact: None. The project is privately funded by K. Hovanian Homes.

Recommendation: Approve the Arts Commission's recommended "Watching You" art piece for the K. Hovanian Homes Traverse Development Park.

XVII. RESOLUTIONS

***6. Adopt a Resolution Authorizing the Purchase of a 2017 Chevrolet Tahoe SSV for the Fire Department from the National Auto Fleet Group for the Not-To-Exceed Amount of $44,263.48 through a Cooperative Procurement Contract (Staff Contact: Chris Schroeder, 408-586-3161)**

Background: The Fire Department's Fiscal Year 2016-17 budget includes the purchase of one 2017 Chevrolet Tahoe SSV vehicle for a total cost of $44,263.48, to replace the current Command Vehicle that has reached the end of its useful life.

Staff recommends a cooperative purchase through the National Joint Powers Alliance (NJPA). Cooperative purchasing through NJPA is specifically authorized pursuant to Municipal Code Section I-2-3.08 "Cooperative Procurement." The Purchasing Agent reviewed all of the documentation from the National Joint Powers Alliance Request for Proposal (RFP) #102811 entitled "Passenger Cars, Light Duty, Medium Duty, and Heavy Duty Trucks with Related Accessories" and has determined that the underlying purchase was made using competitive bidding procedures at least as restrictive as the City of Milpitas. The price for the vehicles is the same as that offered in the original agreement. Staff has used this contract in the past and it is still current.

Fiscal Impact: None. Sufficient funding is in the FY 2016-17 adopted budget within the Equipment Replacement Fund for this purchase.

Recommendation: Adopt a resolution authorizing the purchase of a 2017 Chevrolet Tahoe SSV for the Fire Department from the National Auto Fleet Group for the not-to-exceed amount of $44,263.48 through a cooperative procurement contract, per Milpitas Municipal Code Section I-2-3.08 "Cooperative Purchasing."

***7. Adopt a Resolution Updating the City's Classification Plan Related to a Position in the Milpitas Fire Department (Staff Contact: Tina Murphy, 408-586-3086)**

Background: Amendments to the Classification Plan are periodically required to account for organizational changes and changes in job responsibilities. The proposed amendment reflects one change, noted below.

The Fire Department has a need for additional enforcement and investigation duties to be performed for the Fire Marshal's Office. Due to the current workload of the Fire Marshal's Office, the Fire Department has analyzed the needs of the division and determined that it would be best served to delete the newly requested position of Fire Prevention Inspector and add the new position of Chief Fire Enforcement Officer. The Chief Fire Enforcement Officer will be an exempt position responsible for enforcement, education and criminal investigations necessary to meet the demands of the Fire Marshal's Office.

Fiscal Impact: The recommended annual salary range for the exempt position of Chief Fire Enforcement Officer is $126,208.88 - $152,733.28, which results in an increase of $10,884.84 in the range. The cost of this classification update will be primarily recovered through inspection fees. No budget appropriation is required as the FY 2016-17 Fire Department budget includes the projected amount.

Recommendation: Adopt a resolution amending the Classification Plan to reflect the addition of Chief Fire Enforcement Officer in the Fire Department.

XVII. AGREEMENTS

***8. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Agreement with J.J.R. Construction to Increase the Amount for Year Two by $338,750 and Appropriate Funds in the Amount of $455,000 to Augment the Adopted Budget for the Annual Amount of $220,000 (Staff Contacts: Nina Hawk, 408-586-2603 and Chris Schroeder, 408-586-3161)**

Background: On August 5, 2015, the City entered into an agreement with J.J.R. Construction to provide on-call services related to sidewalk repair, curbs, and gutters at various locations throughout the City. The total annual contract amount for these services was $336,250. Driven by an increase in customer service needs and requests, staff identified numerous locations throughout the City in need of sidewalk, curb and gutter repairs. Following an assessment of the significant backlog of sidewalk repair requests, staff determined through site inspection that more than 40 sites warrant urgent repair. An amendment is requested to the agreement with J.J.R. and an appropriation of funds in order to address locations currently on the repair list and anticipated locations that will be added throughout FY 2016-17. This change will increase the total value of the agreement to $725,000 for year two.

Fiscal Impact: Appropriate $455,000 from General Government CIP Fund to CIP No. 3426 Annual Sidewalk, Curb and Gutter Repair.

Recommendation: Approve and to authorize the City Manager to execute Amendment No. 1 to the agreement with J.J.R. Construction to increase the amount for year two only by $388,750 and appropriate funds from General Government CIP in the amount of $455,000 to Capital Improvement Program, Project No. 3426.

***9. Authorize the City Manager to Sign a Memorandum of Understanding Between the City of Milpitas and City of Campbell for Shared Use of Public Safety Computer Aided Dispatch System (Staff Contacts: Armando Corpuz 408-586-2534 and Mike Luu 408-586-2706)**

Background: The Memorandum of Understanding (MOU) between the City of Milpitas and City of Campbell allows for shared use of the Milpitas Police Department's existing Computer Aided Dispatch (CAD) System, developed by Tritech Software Systems. The Milpitas Police Department has been using Tritech CAD to dispatch and manage 911 calls for Police and Fire for the past eight years. The City of Campbell will maintain its dispatch center and dispatchers and will remotely connect to the Milpitas Police CAD in order to dispatch police services for the City of Campbell. Campbell will have a separate contract and Statement of Work with Tritech Software Systems. The City of Campbell will pay Tritech for all integration costs associated with getting its system "live." This joint use will provide some cost savings to both cities and provide a foundation for possible sharing of emergency dispatching resources in future years. Milpitas and Campbell will share the cost for hardware for future upgrades.

The City of Milpitas and City of Campbell have had many meetings with Tritech to work through system design and technical details to ensure successful implementation.

Fiscal Impact: None.

Recommendation: Authorize the City Manager to sign the Memorandum of Understanding with the City of Campbell for shared use of the Public Safety CAD System.

***10. Approve Amendment No. 4 to the Consultant Agreement with HF&H Consultants for Solid Waste Procurement Services in the Amount of $138,160 and Approve a Budget Appropriation in the Amount of $200,000 for CIP No. 3401 (Staff Contact: Marilyn Nickel, 408-586-3348)**

Background: The City's 30-year solid waste collection and disposal agreements with Republic Services expire in September 2017. On December 2, 2014, the City entered into an agreement with HF&H Consultants (HF&H) for $55,525 to identify and analyze the City's options for obtaining future services. On April 7, 2015, Council chose to conduct a competitive process. On May 5, 2015 and June 16, 2015, staff received Council direction regarding the policies governing and the content of the solid waste services Request for Proposal (RFP). Proposals were received on October 27, 2015 as required in the RFP schedule.

On June 16, 2015, Council approved Amendment No. 1 in the amount of $49,925 to include the next phase of work, which involved developing a list of proposers, completing development of, and issuing the RFP including two draft agreements, posting the RFP to a dedicated website, responding to proposer questions, and receiving and conducting an initial review of the proposals. On November 17, 2015, Council approved Amendment No. 2 to the Agreement with HF&H in the amount of $106,800 to allow continuation of work related to initial proposal review for both disposal and collection proposals and to perform most of the work necessary for the evaluation, negotiation and public presentation of information related to the selection of disposal services contractor. On March 1, 2016, Council approved Amendment No. 3 in the amount of $200,000 to complete the procurement process.

On June 21, 2016, the City Council directed staff to conduct negotiations and secure collection agreements with four of the collection proposers. It is now necessary to amend the consultant agreement to address the next phase of work, which includes additional effort for final contract negotiations and execution, developing an implementation plan, and providing implementation assistance during the next several months. Staff anticipates providing a status update to Council in approximately six months. Staff recommends increasing the contract amount by $138,160, for a total not-to-exceed cost of $550,410.

In each case, staff recommended use of a phased approach for the consultant work due to unknowns that have included the number and content of proposals that were to be submitted, the extent of the alternatives/ exceptions proposed, needs for added public outreach, and Council direction in negotiating agreements with one or more finalist for disposal and for collection.

California Environmental Quality Act: The item is not considered a project under CEQA as there will be no direct, or reasonably foreseeable indirect physical change to the environment, as it merely provides for staffing needs to address solid waste procurement services.

Alternative: If the amendment is not approved, engineering staff will not receive additional consulting services to complete implementation of solid waste collection.

Fiscal Impact: A budget appropriation of $200,000 from the Solid Waste Fund to CIP No. 3401 is necessary to perform this work.

Recommendations:

1. Approve Amendment No. 4 to the consultant agreement with HF&H Consultants for solid waste procurement services in the amount of $138,160.
2. Approve a budget appropriation in the amount of $200,000 from the Solid Waste Fund to CIP No. 3401.

XVIII. ADJOURNMENT

NEXT REGULARLY SCHEDULED COUNCIL MEETING: TUESDAY, OCTOBER 18, 2016