



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, NOVEMBER 17, 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 here.

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_yYvbFgRmS0OuLDHOaUQphQ

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. 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

ADJOURN TO CLOSED SESSION (6:02 PM)

a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code §54957.6

City representative: Human Resources Director Jeannine Seher

Employee Groups: International Association of Firefighters (IAFF), Mid-Management and Confidential Unit (Mid-Con), Milpitas Employees Association (MEA), Milpitas Professional and Technical Group (ProTech), and Unrepresented Employees

Under Negotiation: Wages, Hours, Benefits and Working Conditions

b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code §54957.6

Agency Designated Representative: Mayor Tran

Unrepresented Employee: City Manager

c) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code §54957.6

Agency Designated Representative: Mayor Tran

Unrepresented Employee: City Attorney

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 (assigned to Councilmember Dominguez)

PUBLIC FORUM (7:05 PM)

Those interested are invited to address City Council on any subject not on tonight's agenda, orally via zoom webinar (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 (7:20 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

READING OF THE 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 November and December 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

C2. Approve City Council meeting minutes of the November 4 and 10, 2020 Special City Council Meetings (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve meeting minutes of the November 4 and 10, 2020 Special City Council meetings, as drafted by the City Clerk.

C3. Adopt a Resolution to Reject a Bid Protest from C. Overaa & Co., Waive Immaterial Bid Deviations and Award the Construction Contract to Sausal Corporation, in the amount of \$7,638,200 for the Fire Station No. 2 Replacement Project No. 3447; Authorize the City Manager to Execute the Construction Contract; Authorize the Engineering Director/City Engineer to Negotiate and Execute Contract Change Orders; Approve and Authorize the City Manager to Execute Amendment No. 1 to the Design Service Agreement with Shah Kawasaki Architects; and Approve Related Budget Amendment (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a resolution to:

1. Reject a bid protest from C. Overaa & Co.;
2. Waive immaterial bid deviations in Sausal Corporation's bid;
3. Award a construction contract to the lowest responsible bidder submitting a responsive bid, Sausal Corporation, in the amount of \$7,638,200;
4. Authorize the City Manager to execute the construction contract with Sausal Corporation;
5. Authorize the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$1,200,000;
6. Approve and authorize the City Manager to execute Amendment No. 1 to the Design Services Agreement with SKA to increase compensation by \$75,000 for construction support services on the Project;
7. Approve a budget amendment for the Fire Station No. 2 Replacement (Project No. 3447) by reducing lease revenue bonds proceeds and construction costs by \$3.4 million.

C4. Accept Santa Clara County Emergency Medical Services Agency Trust Funds of \$18,290.37 to Purchase Fire Department Hardware to Support Prehospital Care Policy, Field Capture Devices, and CPR Training Equipment Benefiting the Santa Clara County Emergency Medical System and Approve Related Budget Amendment (Staff Contact: Geoffrey Maloon, 408-586-2818)

Recommendation: Accept Santa Clara County Emergency Medical Services (EMS) Agency Trust Funds of \$18,290.37; and approve a budget adjustment in the amount of \$18,290.37 to the Fire Department's FY 2020-21 operating budget.

C5. Adopt a Resolution Approving and Authorizing the City Manager to Execute a Three-Year Support and Maintenance Agreement with Cayenta as the Sole Source Vendor for Financial and Utility Billing Software Systems, in the Amount of \$247,718.83 and an additional \$20,000 for contingency projects for an Amount not to exceed \$267,718.93 for the First Year and a Total Amount of \$825,674.13 over the Three-Year Term of the Agreement, Subject to Annual Appropriation of Funds (Staff Contacts: Mike Luu, 408-586-2706 and Walter C. Rossmann, 408-586-3111)

Recommendation: Adopt a Resolution approving and authorizing the City Manager to execute a three-year Support and Maintenance Agreement with Cayenta, a division of N. Harris Computer Corporation Inc., as the sole source vendor for the Financial and Utility Billing Software Systems, in the amount of \$247,718.83 and an additional \$20,000 for contingency projects, for an amount not to exceed \$267,718.93, and a total of \$825,674.13 over the three-year term of the Agreement, subject to annual appropriation of funds.

- C6. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for LS-Milpitas LLC for the Amalfi II - Siena Project at 600 Amalfi Loop (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for LS-Milpitas LLC for the Amalfi II - Siena Project at 600 Amalfi Loop.

- C7. Approve Various Budget Amendments to fund the Council approved Energy Services Agreement with Engie Services U.S., Inc. for the Construction of Energy and Water Conservation Measures and Establish the Citywide LED Lighting Upgrade Capital Improvement Project, the Community and Senior Center Energy Resiliency Project and the Facilities Water Fixture Retrofit Project (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendation: Approve various budget amendments to fund the City Council-approved Energy Services Agreement with Engie Services U.S., Inc. for construction of energy and water conservation measures and establish the Citywide LED Lighting Upgrade Capital Improvement Project, Community and Senior Center Energy Resiliency Project, and Facilities Water Fixture Retrofit Project.

- C8. Accept Additional FY 2020 Citizens' Option for Public Safety (COPS) Grant funding and Approve a Related Budget Appropriation (Staff Contact: Jared Hernandez, 408-586-2406)**

Recommendation: Accept additional FY 2020 Citizens' Option for Public Safety (COPS) Grant funding and approve related budget appropriation.

- C9. Accept the 2020 Bulletproof Vest Partnership Grant and Approve a Related Budget Amendment (Staff Contact: John Torrez, 408-586-2408)**

Recommendation: Accept the 2020 Bulletproof Vest Partnership Grant in the amount of \$9,405.45 and approve a budget appropriation into the Police Department's FY 2020-21 operating budget.

- C10. Approve and Authorize the City Manager to enter into a Side letter Agreement to amend the Memoranda of Understanding for Compassionate Leave (Staff Contact: Jeannine Seher, 408-586-3086)**

Recommendation: Approve and authorize the City Manager to enter into a side letter agreement to amend the Memoranda of Understanding, as needed, to extend the period of time employees may take compassionate leave.

- C11. Approve and Authorize Closure of City Hall and selected operations to the public from Monday, December 28, 2020 through Thursday, December 31, 2020 and Authorize City Manager to enter Side Letter Agreement to Memoranda of Understanding with Four Employee Labor Groups (Staff Contact: Jeannine Seher, 408-586-3086)**

Recommendation: Approve and authorize the City Manager to enter into a side letter agreement to Memoranda of Understanding (MOU) with four employee labor groups for the closure of City Hall and selected operations to the public from Monday, December 28, 2020 through Thursday, December 31, 2020.

- C12. Approve City Council Meeting Schedule for 2021 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Move to approve the 2021 Milpitas City Council meeting schedule.

C13. Receive Mayor's Recommendations and Approve 1 Re-appointment and 3 New Appointments to City of Milpitas Commissions (Contact: Mayor Tran, 408-586-3029)

Recommendations: Receive Mayor Tran's recommendations, and move to appoint the following:

- a) Re-appoint Arts Commissioner John Agg to a new 3-year term which expires in October 2023.
- b) Newly appoint Roque Lallana to a currently vacant term on the Milpitas Veterans Commission, which expires February 2022.
- c) On the Youth Advisory Commission, move up current Alternate No. 1 Tejas Balebail and current Alternate No. 2 Andrea Liu into voting Commissioner seats; and, newly appoint Nidhi Kaki as Alternate No. 1 and Rachel Plummer as Alternate No. 2 on the YAC. All terms expire in September of 2022.

C14. Approve 12 City of Milpitas Commission Work Plans for FY 2020-21 (Staff Contacts: Steve McHarris, 408-586-3056 and Ashwini Kantak, 408-586-3053)

Recommendation: Approve proposed Fiscal Year 2020-21 Work Plans for the 12 City Commissions: Arts Commission, Community Advisory Commission, Economic Development and Trade Commission, Energy and Environmental Sustainability Commission, Library and Education Commission, Parks, Recreation and Cultural Resources Commission, Planning Commission, Public Safety and Emergency Preparedness Commission, Science, Technology, and Innovation Commission, Senior Advisory Commission, Veterans Commission, and Youth Advisory Commission.

PUBLIC HEARING (7:50 PM)

15. Conduct a Public Hearing and Consider Adoption of a Resolution Approving the Addition of 44 Residential Units to an Existing Multi-Family Housing Complex at 1724 Sunnyhills Court (Staff Contact: Rozalynne Thompson, 408-586-3278)

Recommendations:

1. Move to close the public hearing following any comments.
2. Adopt a resolution approving an Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines Sections 15002(k)(2) and 15070 and approving Planned Unit Development Amendment P-PA19-0002, Site Development Permit P-SD18-0004, Tree Removal Permit P-TR19-0028, and Environmental Assessment P-EA20-0005, subject to findings and Conditions of Approval.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:40 PM)

16. Receive a Staff Report on Railroad Quiet Zone Process and Provide Direction to Staff (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Receive staff report on Railroad Quiet Zone process and provide direction to staff.

PUBLIC SAFETY (9:00 PM)

17. Receive and Accept the City of Milpitas Emergency Management Program Assessment and Implementation Plan and authorize the City Manager to approve an amendment to the Professional Services Agreement with Witt O'Brien's, LLC extending the time of performance to June 30, 2021 (Staff Contact: Geoff Maloon, 408-586-2818)

Recommendations:

- a) Receive and accept the City of Milpitas Emergency Management Program Assessment and Implementation Plan.

- b) Authorize the City Manager to approve an amendment to the Professional Services Agreement with Witt O'Brien's, LLC extending the time of performance to June 30, 2021.

LEADERSHIP AND SUPPORT SERVICES (10:00 PM)

18. **Review the FY 2020-21 Quarterly Financial Status Report for the Quarter Ending September 30, 2020 and Approve Related Budget Amendments due to COVID-19 Pandemic Anticipated Revenue Losses (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Review the FY 2020-21 Quarterly Financial Status Report for the quarter ending September 30, 2020 and approve budget amendments to rebalance the FY 2020-21 Amended General Fund Budget due to COVID-19 pandemic anticipated revenue losses.

19. **Accept the Initial Preliminary FY 2022-31 General Fund Financial Forecast and FY 2021-22 Budget Calendar (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Accept the initial Preliminary FY 2022-31 General Fund Financial Forecast and FY 2021-22 Budget calendar.

20. **Introduce Ordinance No. 23.15 for Updates to Milpitas Municipal Code on Purchasing (Staff Contact: Walter C. Rossmann, 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 Milpitas Municipal Code section on purchasing.

21. **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.

22. **Introduce Ordinance No. 65.150 Regarding Responsible Construction (Staff Contacts: Christopher J. 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.

REPORTS OF MAYOR & COUNCILMEMBERS (11:00 PM)

23. **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.

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

25. **Per Request of Vice Mayor, Engage in Discussion on Councilmembers' Ideas to Economically Assist the Milpitas Community During the Pandemic (Contact: Vice Mayor Nuñez, 408-586-3023)**
26. **Per Request of Vice Mayor, Discuss Hosting a "Safety First" Community Event, Planned with/by the Milpitas Community Advisory Commission (Contact: Vice Mayor Nuñez, 408-586-3023)**
27. **Revisit the City Council Housing Subcommittee, Discuss Potentially Dismantling it, and provide direction to staff (Contact: Councilmember Dominguez, 408-586-3031)**
28. **Receive and Direct Staff on List of Agenda Items Requested by City Councilmembers (Contacts: 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 it is scheduled as a full agenda item.

NEXT AGENDA PREVIEW

29. **Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on December 1, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Receive list of anticipated agenda items for the December 1, 2020 regular City Council meeting.

ADJOURNMENT

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.