



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, DECEMBER 15, 2020

MILPITAS, CA

6:30 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_N8k1A99KRuuXqYyTabS76Q

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 (6:30 PM)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to CA Government Code § 54956.9(d)(2)

City as Defendant

Award of Contract Regarding Fire Station No. 2 Replacement Project No. 3447

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 Councilmember Phan)

PUBLIC FORUM

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 (7:15 PM)

City Councilmembers may make brief announcements or suggest future agenda items at this time. For future agenda items, the 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 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 (7:30 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 December 2020 and January 2021 (Staff Contact: Mary Lavelle, 408-586-3001)**
- C2. Approve City Council meeting minutes of the December 1, 2020 Regular City Council Meeting (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve meeting minutes of the December 1, 2020 Regular City Council meeting, as drafted by the City Clerk.
- C3. Adopt a Resolution Granting Acceptance of Creighton Park Renovation, Project No. 5109, Authorizing the City Engineer to File a Notice of Completion, and Authorize the City Engineer to Issue a Notice of Final Acceptance (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a Resolution granting acceptance of Creighton Park Renovation, Project No. 5109, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance.

- C4. Adopt a Resolution Approving and Authorizing the City Manager to Purchase (3) Caterpillar XQ230 200kW and (1) Caterpillar XQ425 375kW Portable Generators from Peterson Power Systems Through a Sourcewell Cooperative Contract in the Amount of \$609,118.03 (Staff Contacts: Walter C. Rossmann, 408-586-3111 and Tony Ndah, 408-586-2602)**

Recommendation: Adopt a Resolution approving and authorizing the City Manager to purchase three Caterpillar XQ230 200kW and one Caterpillar XQ425 375kW Portable Generators from Peterson Power Systems through a Sourcewell Cooperative Contract in the amount of \$609,118.03.

- C5. Adopt a Resolution Updating the Conflict of Interest Code in 2020 and Amending List of Designated Disclosure Positions for the City of Milpitas (Staff Contacts: Mary Lavelle, 408-586-3001 and Pam Caronongan, 408-586-3003)**

Recommendation: Adopt a resolution updating the City of Milpitas Conflict of Interest Code in 2020, including the list of employee classifications required to file annually the FPPC Form 700/Statement of Economic Interests.

- C6. Adopt Two Resolutions Authorizing the Finance Director to Execute Agreements and other Documents with the California Department of Tax and Fee Administration for Implementation of Measure F (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Adopt two Resolutions authorizing the Finance Director to execute agreements and other documents with the California Department of Tax and Fee Administration for implementation of Measure F.

- C7. Approve and Authorize the City Manager to Execute an Agreement with Raimi & Associates to Provide Consulting Services related to the Preparation of Objective Design Standards for Residential Development in accordance with California Senate Bill 35 (Staff Contact: Jay Lee, 408-586-3077)**

Recommendation: Approve and authorize the City Manager to execute the Agreement with Raimi & Associates to provide consulting services related to the preparation of Objective Design Standards in accordance with California Senate Bill 35.

- C8. Approve and Authorize the City Manager to Enter into a Side Letter to Amend the Memorandum of Understanding between the City and the Milpitas Police Officers Association (MPOA) (Staff Contact: Jeannine Seher, 408-586-3086)**

Recommendation: Approve and authorize the City Manager to enter into a side letter agreement with the Milpitas Police Officers Association (MPOA) to extend the existing labor agreement through December 31, 2023; eliminate a 5% salary increase scheduled for January 2021; and provide for salary increases of 2.5% each for July 2022 and July 2023.

- C9. Approve and Accept a \$50,000 Donation to the Barbara Lee Senior Center from the Andrea Dorey Estate (Staff Contact: Renee Lorentzen, 408-586-3409)**

Recommendation: Approve and accept a \$50,000 donation to the Barbara Lee Senior Center from the Andrea Dorey Estate.

- C10. Receive Report on Bids and Award Five-Year General Services Agreement to BMI Imaging, Inc. for Document Digitization and Microfiche Services in the Amount of \$380,000 (Staff Contacts: Mike Luu, 408-586-2706 and Walter C. Rossmann, 408-586-3111)**

Recommendation: Receive a report on bids, and award and authorize the City Manager to execute a five-year General Services Agreement to the lowest responsible bidder submitting a responsive bid, BMI Imaging Inc., in the amount of \$380,000 for document digitization and microfiche services for various City departments, subject to annual appropriation of funds.

C11. Appoint Milpitas Resident Kristal Caidoy as the Milpitas Representative to the Santa Clara Valley Transportation Authority's Bicycle and Pedestrian Advisory Commission (BPAC) for a Two-Year Term (Staff Contact: Steve Chan, 408-586-3324)

Recommendation: Appoint Milpitas resident Kristal Caidoy to the Santa Clara Valley Transportation Authority's Bicycle and Pedestrian Advisory Commission (BPAC) for a two-year term retroactively from July 1, 2020 to July 1, 2022.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (7:45 PM)

12. 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 a Related Budget Amendment (Staff Contact: Steve Erickson, 408-586-3301)

Recommendations:

- a) Adopt a Resolution to reject a bid protest from C. Overaa & Co., waive immaterial bid deviations and award the construction contract to the lowest responsible bidder submitting a responsive bid, 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 with Sausal Corporation; and authorize the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$1,200,000
- b) Approve and authorize the City Manager to execute Amendment No. 1 to the Design Services Agreement with Shah Kawasaki Architects to increase compensation by \$75,000
- c) 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.

PUBLIC SAFETY (8:00 PM)

13. Receive Report on the Status of COVID19 Testing in the City of Milpitas; Authorize Additional \$278,000 to Fund the City's Mobile Testing Unit and the County Testing Sites through March 31, 2021; and Approve and Authorize the City Manager to execute Amendment No. 2 to Agreement with IGeneX (Staff Contact; Geoffrey Maloon, 408-586-2818)

Recommendations:

- a) Receive an update regarding the status of COVID-19 testing in Milpitas.
- b) Authorize \$278,000 to fund the City's mobile testing unit and the County testing sites through March 31, 2021.
- c) Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement with IGeneX extending the term from October 31, 2020 to December 31, 2021.

REPORTS OF MAYOR & COUNCILMEMBERS (8:15 PM)

14. Engage in Discussion on Councilmembers' Ideas to Economically Assist the Milpitas Community During the Pandemic (Contact: Councilmember Phan, 408-586-3032)

15. **Discuss Hosting a "Safety First" Community Event, Planned with/by the Milpitas Community Advisory Commission (Contact: Councilmember Phan, 408-586-3032)**
16. **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 (9:00 PM)

17. **Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on January 5, 2021 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Receive list of anticipated agenda items for the January 5, 2021 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.