



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MARCH 7, 2017

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 by Mayor and ROLL CALL by City Clerk

CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING

Pursuant to California Government Code Section 54957.6

City Negotiators: Tom Williams, Tina Murphy

Employee Groups: Milpitas Police Officers Association

Under Negotiation: Wages, Hours, Benefits, and Working Conditions

II. 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

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

IV. INVOCATION (Councilmember Barbadillo)

V. SCHEDULE OF MEETINGS – COUNCIL CALENDAR March 2017

VI. PRESENTATIONS

- Commend Milpitas Artist of the Year Irene Hentschke
- Proclaim week of March 20, 2017 as Science Fair Week
- Proclaim March 2017 as Arts Education Month
- Proclaim March 2017 as American Red Cross Month

VII. PUBLIC FORUM

Members of the audience are invited to address the 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 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.

VIII. ANNOUNCEMENTS

IX. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

X. APPROVAL OF AGENDA

XI. 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.

XII. APPROVE COUNCIL MEETING MINUTES February 21, 2017

XIII. UNFINISHED BUSINESS

- * 1. **Receive the Monthly Update of the Odor Control Report (Staff Contact: Greg Chung, 408-586-3355)**
- 2. **Waive Reading Beyond the Title and Adopt Urgency Ordinance No. 43.212 Amending Chapter 100 of Title V of Milpitas Municipal Code Relating to Overnight Parking Time Limits in any parking lots or designated areas adjacent to or at a City Park, Removal of Vehicles Unlawfully Parked or Standing in a City Park, and Parking Time Limits in Bob McGuire Park and on Streets Fronting Bob McGuire Park (Staff Contacts: Steve Chan, 408-586-3324 and Chris Diaz, 408-586-3040)**
- * 3. **Receive Update on Resolution in Support of the Vietnamese Heritage and Freedom Flag (Contact: Councilmember Phan, 408-586-3032)**

XIV. NEW BUSINESS

- * 4. **Approve Request for Out of State Travel for Mayor to Attend US Conference of Mayors Annual Meeting in Miami Beach, FL from June 23–26, 2017 (Contact: Mayor Tran, 408-586-3029)**
- * 5. **Approve Request for Appropriation of \$100,000 for Weed Abatement Services (Staff Contact: Nina Hawk, 408-586-2603)**

XV. RESOLUTIONS

- * 6. **Adopt a Resolution to Grant Initial Acceptance of, and Reduce the Performance Bond for, the Milpitas Library Parking Garage Roll-up Door Modification Projects No. 3407 and No. 4276, and Grant Authorization to the Director of Engineering/City Engineer to Issue the Notice of Final Acceptance after the One-Year Warranty Period and to Release the Performance Bond (Staff Contact: Steve Erickson, 408-586-3301)**

XVI. AGREEMENTS

- * 7. **Approve an Agreement with RMC Water and Environment for the Marylinn Drive Sanitary Sewer Replacement, Projects No. 6115 and No. 6116 (Staff Contact: Steve Erickson, 408-586-3301)**
- * 8. **Approve an Agreement with West Yost Associates for the Well Upgrade Project No. 7076 (Staff Contact: Steve Erickson, 408-586-3301)**

XVII. REPORTS OF MAYOR & COUNCILMEMBERS – from the assigned Commissions, Committees and Agencies

XVIII. ADJOURNMENT

NEXT REGULAR CITY COUNCIL MEETING
TUESDAY, MARCH 21, 2017

SPECIAL CITY COUNCIL MEETING - Budget Study Session
WEDNESDAY, MARCH 29, 2017

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

Current vacancies on:

Economic Development Commission (MUSD rep.)

Emergency Preparedness Commission

Parks, Recreation and Cultural Resources 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.

AGENDA REPORTS

XIII. UNFINISHED BUSINESS

- * 1. **Receive the Monthly Update of the Odor Control Report (Staff Contact: Greg Chung, 408-586-3355)**

Background: From January 13 through February 9, 2017, the Bay Area Air Quality Management District (BAAQMD) forwarded 101 complaints originating in Milpitas. 55 complaints identified a garbage odor, 6 complaints identified a sewage odor, and 40 complaints did not identify an odor source. As of the last Council update, the City's odor reporting website has received 15 reported complaints.

Recommendation: Receive the monthly update of the odor control report.

2. **Waive Reading Beyond the Title and Adopt Urgency Ordinance No. 43.212 Amending Chapter 100 of Title V of Milpitas Municipal Code Relating to Overnight Parking Time Limits in any parking lots or designated areas adjacent to or at a City Park, Removal of Vehicles Unlawfully Parked or Standing in a City Park, and Parking Time Limits in Bob McGuire Park and on Streets Fronting Bob McGuire Park (Staff Contacts: Steve Chan, 408-586-3324 and Chris Diaz, 408-586-3040)**

Background: Bob McGuire Park is located on Garden Street in a new Transit Area residential district. The City opened Bob McGuire Park to the public on September 3, 2016. Since the park opening, staff observed vehicles are frequently stored within the park's vehicle parking lot during overnight hours. Overnight storage of vehicles within the park presents a misuse of city park facilities.

In September and October, 2016, staff conducted outreach to residents and the leasing office of Amalfi development located adjacent to Bob McGuire Park by email and flyer explaining the observed misuse of park's parking lot during overnight periods. To prevent overnight parking, City Public Works placed temporary overnight parking restriction signage and temporary barriers at the park's parking lot entrances. This had little effect curbing continual overnight parking in the park. On January 23, 2017, chained posts were installed to physically restrict vehicles from entering the parking lot during overnight periods. On January 25, 2017, staff documented that vehicles drove through the chained parking lot entrances, damaging City property, and continued to park in the park's parking lot during the nighttime hours. Furthermore, there was evidence that vehicles drove onto the park's pedestrian walkways to bypass the closed parking lot entrances creating a public safety issue with vehicles driving in areas where pedestrians could be potentially injured. Staff recommends amending the Milpitas Municipal Code to prohibit overnight parking in city parks and authorize the removal of vehicles unlawfully parked or standing in city parks.

In addition, the public reported park access is difficult due to a shortage of vehicle parking in and around Bob McGuire Park during the park operation hours. Staff recommends limited time parking in Bob McGuire Park and on streets fronting Bob McGuire Park to create greater parking turnover and more opportunities for the public to access Bob McGuire Park. A 3-hour time limit is proposed in Bob McGuire Park parking lot and streets fronting Bob McGuire Park, including Garden Street and Merry Loop, during the periods between 6:00 AM and 9:00 PM every day unless a city park rental exception is applied. Overnight parking on Garden Street and Merry Loop will not be restricted between 9:00 PM to 6:00 AM.

For public safety, to prevent damage to City property and to create greater parking opportunity for public to access Bob McGuire Park, staff prepared Urgency Ordinance No. 43.212 amending Chapter 100 of Title V of the Milpitas Municipal Code to place overnight

parking time limits in any parking lots or designated areas adjacent to or at a City Park, removal of vehicles unlawfully parked or standing in a City Park, and parking time limits in Bob McGuire Park and on streets fronting Bob McGuire Park.

This urgency ordinance requires a vote of 4/5 to pass and would become effective upon adoption. A copy of the proposed ordinance is included in the Council agenda packet.

Fiscal Impact: None.

Recommendations:

1. Following the City Attorney's reading of the title, move to waive the reading beyond the title of Ordinance No. 43.212.
2. Adopt Urgency Ordinance No. 43.212 by at least a four-fifths vote, effective immediately.

*** 3. Receive Update on Resolution in Support of the Vietnamese Heritage and Freedom Flag (Contact: Councilmember Phan, 408-586-3032)**

At the February 21, 2017 City Council meeting, the Council directed that a resolution in support of the Vietnamese Heritage and Freedom Flag be brought forth at a future meeting and that the existing Municipal Code flag provisions be researched to determine if certain types of flags can be prohibited in the future. The resolution continues to be worked on by staff and the various other issues are currently being researched by the City Attorney's office. The resolution will be placed on a future City Council meeting agenda.

Recommendation: Receive staff update on flag issues.

XIV. NEW BUSINESS

*** 4. Approve Request for Out of State Travel for Mayor to Attend US Conference of Mayors Annual Meeting in Miami Beach, FL from June 23–26, 2017 (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Approve out of state travel for Mayor Tran to attend the annual meeting of the US Conference of Mayors in Miami Beach, FL from June 23–26, 2017, with the costs to be paid out of the City Council budget for meetings and travel.

*** 5. Approve Request for Appropriation of \$100,000 for Weed Abatement Services (Staff Contact: Nina Hawk, 408-586-2603)**

Background: Due to record rainfall this winter, Public Works staff anticipates a substantial amount of weed growth from late spring through early fall. Uncontrolled weed growth poses a serious health and safety hazard to the public, but especially as a fire hazard in the wild-urban interface areas, a traffic hazard for both drivers and pedestrians on major thoroughfares, and a pest control hazard along certain public rights-of-way.

During the summer and fall of 2016, Milpitas experienced excessive weed growth. Public Works identified more than 55 locations throughout the City in need of weed removal, 35 of which were determined to be high priority due the hazards posed. By utilizing City staff and mobilizing contractors, Public Works was able to manually abate excessive weeds at all hazardous and nuisance weed locations in 2016.

Public Works requests an appropriation of \$100,000 for weed abatement services for 2017. Funds will be used to contract out services for pesticide application to prevent excessive weed growth and for manual weed abatement in areas where pesticide application is not feasible.

Fiscal Impact: Appropriation in the amount of \$100,000 from the General Fund to the Public Works Department.

Recommendation: approve an appropriation in the amount of \$100,000 from the General Fund to the Public Works Department's Trees & Landscape Maintenance function in order to allow Public Works to contract out pesticide application and manual removal services for weed abatement.

XV. RESOLUTIONS

- * 6. **Adopt a Resolution to Grant Initial Acceptance of, and Reduce the Performance Bond for, the Milpitas Library Parking Garage Roll-up Door Modification Projects No. 3407 and No. 4276, and Grant Authorization to the Director of Engineering/City Engineer to Issue the Notice of Final Acceptance after the One-Year Warranty Period and to Release the Performance Bond (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The City Council awarded the Milpitas Library Parking Garage Roll-up Door Modification Projects No. 3407 and No. 4276 to JDI Electrical Services Inc, LLC. On August 16, 2016, the project provided for the modification of manual fire doors with the installation of electric motors including all related conduit, wiring, switches, connections, and installation of a new electric subpanel and circuit breaks to supply power to the electric motors. Work included installation of conduit and wiring to support a future electric vehicle charging station within the parking garage.

The project was successfully completed on time and under budget and is now ready for initial acceptance and commencement of the one-year warranty period. Staff recommends the City Council adopt a resolution granting initial acceptance of the project and authorize the reduction of the performance bond to \$9,875.82, which is 10% of the final contract value. Staff also recommends the City Council authorize the Director of Engineering/City Engineer to issue the Notice of Final Acceptance and to release the performance bond after the one year warranty period without further City Council action, provided all warranty work is completed to the satisfaction of the Director of Engineering/City Engineer.

Alternative: Failure to adopt the resolution would result in the project not being accepted and the Notice of Completion not being filed and a potential delay claim by the Contractor.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance of the Milpitas Library Parking Garage Roll-up Door Modification Projects No. 3407 and No. 4276, subject to a one year warranty period, and authorize reduction of the performance bond to \$9,875.82; and granting authorization to the Director of Engineering/City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.

XVI. AGREEMENTS

- * 7. **Approve an Agreement with RMC Water and Environment for the Marylinn Drive Sanitary Sewer Replacement, Projects No. 6115 and No. 6116 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The Marylinn Drive Sanitary Sewer Replacement Project is funded in the 2016-2021 Capital Improvement Program. The project will provide for the design and construction cured-in-place (CIPP) lining of sewers on Marylinn Drive near Heath Street including the including the trunk main under State Route 880.

These sewer pipelines were installed in the 1950s and range in size from 10 to 30 inches in diameter, and transmit up to 40% of the City's sewer flows to the main sewage pump station. The sewer lines experience frequent backups and problems requiring staff time to correct to maintain flow. A video inspection of the lines was completed in 2013 and proved the pipelines are in poor condition and reached the end of their service life.

The CIPP lining process installs a flexible liner inside the existing host pipe that is inflated and cures to form a ridged liner that adds strength and a smooth surface to the old pipe. The CIPP process does not require the removal and replacement of the old pipe. The estimated construction cost to line the existing sewers is anticipated to be around \$1 million and construction is anticipated to occur this summer.

Staff negotiated a fee for the design services not to exceed \$138,945, which is considered reasonable for the work involved. There are sufficient funds in the project budget to cover this additional expense.

Alternative: Denial of this agreement would result in not proceeding with the rehabilitation alternative design and construction work.

California Environmental Quality Act: This project is categorically exempt under Section 15301 of the CEQA guidelines for maintenance of existing facilities.

Fiscal Impact: None. Sufficient funds are available in the project budget.

Recommendation: Approve an agreement with RMC Water and Environment Inc. in the amount of \$138,945 for Marylinn Drive Sanitary Sewer Replacement, Projects No. 6115 and No. 6116.

*** 8. Approve an Agreement with West Yost Associates for the Well Upgrade Project No. 7076 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The Well Upgrade Project No. 7076 is funded in the 2016-2022 Capital Improvement Program, and provides for the upgrade of the City's existing potable water wells and development of new wells to serve the City's potable water needs.

As one of many strategies to meet the City's need for potable water within the Transit Area Specific Plan (TASP) area, the installation and development of a new well is proposed. The new well would be located within the City's McCandless Park which is currently under design, and is located east of McCandless Drive. This location was studied and determined to be a good potential well site based upon modeled hydrogeologic conditions and location within the City's water distribution system. The design and installation of the well will be executed in phases. Phase 1 design services will provide for the evaluation of the hydrogeologic characteristics of the McCandless site, including installation of a test bore hole. Bore hole installation will allow for the evaluation of the subsurface conditions and verify the site will provide satisfactory water quality and flow.

Staff negotiated a fee for the Phase 1 design services not to exceed \$435,000, which is considered reasonable for the work involved. There are sufficient funds in the project budget to cover the phase 1 design services. Upon the successful completion of phase 1 design services, staff will propose an amendment to the design services agreement for Phase 2 design services for the actual production well, including control and power generation equipment, pump and pipeline equipment, and water quality disinfection and treatment.

Alternative: Denial of the agreement would result in not proceeding with the rehabilitation alternative design and construction work.

California Environmental Quality Act: The design phase will include provisions for CEQA approval.

Fiscal Impact: None. Sufficient funds are available in the project budget to cover the costs associate with the initial design phase.

Recommendation: Approve the agreement with West Yost Associates in the amount of \$435,000 for the Well Upgrade Project No. 7076.

XXI. REPORTS OF MAYOR & COUNCILMEMBERS – from the assigned Commissions, Committees and Agencies

XXII. ADJOURNMENT

NEXT REGULAR CITY COUNCIL MEETING
TUESDAY, MARCH 21, 2017

SPECIAL CITY COUNCIL MEETING - Budget Study Session
WEDNESDAY, MARCH 29, 2017