



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

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

AGENDA

TUESDAY, APRIL 16, 2019
COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA
5:30 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2) – 2 matters

(b) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Tom Williams v. City of Milpitas, et al. - American Arbitration Case No. 01-17-0003-5823

(c) CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING

Pursuant to California Government Code Section 54957.6

City Negotiator: Liz Brown, Human Resources Director

Employee Groups: International Association of Fire Fighters, Milpitas Police Officers Association, Professional and Technical Group, Mid-Management and Confidential Group, and Milpitas Employees Association, and all unrepresented City employees

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

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

PRESENTATION

- Proclaim *National Public Safety Telecommunications Week* for April 14-20, 2019

PUBLIC FORUM

Those in the audience are invited to address City 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 spoken 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. Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR

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. If removed, this item will be discussed in the order in which it appears on the agenda.

C1. **Receive City Council calendars of meetings for the months of April and May 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

C2. **Approve City Council meeting minutes of April 2, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve meeting minutes for the April 2, 2019 City Council meeting.

C3. **Adopt a Resolution to Release Unclaimed Checks Per the City of Milpitas Standard Operating Procedures (Staff Contact: Cristina Benninghouse, 408-586-3136)**

Recommendation: Adopt a Resolution to transfer a total of \$801.30 in unclaimed checks and credits, per the list generated by the City's Finance Department, to the General Fund in accordance with the City of Milpitas Standard Operating Procedure No. 26-1.

C4. **Adopt a Resolution Authorizing the Purchase of Oracle Database Enterprise Software from Mythics through a Cooperative Procurement Contract by Region 4 Educational Services Center (Staff Contact: Mike Luu, 408-586-2706)**

Recommendation: Adopt a resolution authorizing the Purchasing Agent to make a cooperative purchase of Oracle Database Enterprise Software from Mythics (OMNIA Partners) for the initial cost for the software and first year's software update license and support of \$100,000.84, and to exercise the four years of contract renewal options for an additional amount of \$79,639.27, for a grand total amount not to exceed \$179,640.

C5. **Adopt a Resolution Approving Sole Source Purchase of Axon Body Worn Cameras, Conducted Electrical Weapons with Associated Equipment and a Supplementary Subscription to Evidence.com for the Police Department and Approving Amendment No. 1 to the Agreement with Axon Enterprises, Inc. for the Sole Source Purchase (Staff Contacts: Lt. John Torrez, 408-586-2408 and Chris Schroeder, 408-586-3161)**

Recommendation: Adopt a resolution approving the sole source purchase of Axon body worn cameras, conducted electrical weapons with associated equipment and a supplementary subscription to Evidence.com for a total three-year cost of \$85,734.83 and approving Amendment No. 1 to the Agreement with Axon Enterprises, Inc. for said sole source purchase, thereby increasing the agreement amount of \$444,982.03 by \$85,734.83 for a new total agreement amount not to exceed \$530,716.86.

- C6. **Adopt a Resolution Approving the Sole Source Purchase of a Neutral Output-Discharge Elimination System (NO-DES) Water Main Flushing Truck and Accessories for a Not-to-Exceed Amount of \$509,580.77 and Authorizing the City Manager to Execute the Purchase, Sale and Security Agreement with NO-DES required to Complete the Purchase (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendation: Adopt a resolution approving the sole source purchase of a Neutral Output-Discharge Elimination System (NO-DES) water main flushing truck and accessories from NO-DES, Inc. for an amount not to exceed \$509,580.77, and authorizing the City Manager to execute the NO-DES Purchase, Sale and Security Agreement required to complete the purchase.

- C7. **Approve Two Construction Contracts with DRYCO Construction, Inc. for the rehabilitation of the tennis courts at Pinewood and Robert E. Browne Parks (Staff Contacts: Chris Schroeder, 408-586-3161 and Tony Ndah, 408-586-2602)**

Recommendations:

- 1) Approve construction contract with DRYCO Construction, Inc. for the rehabilitation of the tennis courts at Pinewood Park for an amount not to exceed \$157,600, and authorize the Public Works Director to negotiate and execute contract change orders in the aggregate not to exceed \$23,640.
- 2) Approve construction contract with DRYCO Construction, Inc. for the rehabilitation of the tennis courts at Robert E. Browne Park for an amount not to exceed \$162,100, and authorize the Public Works Director to negotiate and execute contract change orders in the aggregate not to exceed \$27,860.

- C8. **Approve Amendment No. 15 to the Master Agreement with the Santa Clara Valley Transportation Authority Relating to the Silicon Valley Rapid Transit Berryessa Bay Area Rapid Transit (BART) Extension Project (Staff Contacts: Steve Chan, 408-586-3324 and Steve Erickson, 408-586-3301)**

Recommendation: Approve Amendment No. 15 to the Master Agreement with the Santa Clara Valley Transportation Authority Relating to the Silicon Valley Rapid Transit Berryessa BART Extension Project, subject to any minor and clarifying revisions deemed necessary by the City Attorney.

- C9. **Authorize Agreement with Fireworks & Stage FX America for Annual Fireworks Shows (Staff Contacts: Chris Schroeder, 408-586-3161 and Renee Lorentzen, 408-586-3409)**

Recommendations:

- 1) Authorize the City Manager to execute the Agreement with Fireworks & Stage FX America for Annual Fireworks Shows for the amount of \$26,500.
- 2) Authorize the Purchasing Agent to exercise the options per the terms of the agreement.

- C10. **Receive a Report on Emergency Purchase of Nomex Wildland Personal Protective Equipment for the Milpitas Fire Department and Authorize Payment of the Invoice Associated with the Purchase (Staff Contact: Chris Schroeder, 408-586-3161)**

Recommendation: Receive a report from the Purchasing Agent for the Purchase of Nomex Wildland Personal Protective Equipment for the Milpitas Fire Department, and authorize payment of invoices from LN Curtis & Sons for purchase of Nomex Wildland protective clothing.

PUBLIC HEARING

11. **Conduct a Public Hearing and Consider Introduction of Ordinance No. 38.833 Amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 4, 13 and 57 Relating to Accessory Dwelling Units (Staff Contact: Rozalynne Thompson, 408-586-3278)**

Recommendations:

- 1) Open the public hearing and move to close the hearing following any comments.
- 2) City Attorney shall read aloud the title of Ordinance No. 38.833.
- 3) Move to waive the first reading beyond the title and introduce Ordinance No. 38.833 amending Milpitas Municipal Code (Zoning Text) Title XI, Chapter 10 for a zoning text amendment in Section 2 (“Definitions”), Section 4 (“Residential Uses”), Section 13 (“Special Uses”), and Section 57 (“Applications”) complying with Government Code Sections 65852.2 and 65852.22, to further encourage the production of accessory dwelling units in the City of Milpitas.
- 4) Determine that the Municipal Code (zoning) amendment is statutorily exempt from California Environmental Quality Act pursuant to CEQA Guidelines Section 15282(h).

COMMUNITY DEVELOPMENT

- 12. Receive an Update and Presentation from Santa Clara Valley Transportation Authority Staff on Bay Area Rapid Transit Extension Project and Montague Expressway Pedestrian Overcrossing Project (Staff Contacts: Steve Chan, 408-586-3324 and Steve Erickson, 408-586-3301)**

Recommendation: Receive update and presentation from Valley Transportation Authority staff on Bay Area Rapid Transit (BART) Extension and Montague Expressway Pedestrian Overcrossing Projects.

- 13. Receive Presentation Related to the Draft Report on the Evaluation of the Development Review Process and the Draft Report on the Development Review Cost of Services (User Fee) Study (Staff Contact: Steve McHarris, 408-586-3059)**

Recommendation: Receive a presentation related to evaluation of the Development Review Process and Development Review Cost of Services (User Fee) Study completed by Matrix Consulting Group.

PUBLIC SAFETY

- 14. Receive Fire Department Standards of Cover Briefing (Staff Contact: Rick Frawley, 408-586-2424)**

Recommendation: Receive Fire Department Standards of Cover briefing completed by Citygate Associates.

LEADERSHIP AND SUPPORT SERVICES

- 15. Approve Standardized Bylaws for All City of Milpitas Commissions (except Planning Commission) (Staff Contacts: Renee Lorentzen, 408-586-3409 and Chris Diaz, 405-586-3041)**

Recommendation: Approve standardized Bylaws for all City of Milpitas Commissions, with exception of the Planning Commission.

- 16. Discuss Formation of a City Council Agenda Subcommittee and provide direction to staff on next steps (Staff Contact: Ashwini Kantak, 408-586-3053)**

Recommendation: Discuss the formation of a City Council Agenda Subcommittee and provide direction to staff on next steps.

- 17. Approve Recommended Revisions to the City’s Travel and Expense Reimbursement Policy, Standard Operating Procedure No. 06-01 (Staff Contact: Jane Corpus, 408-586-3125)**

Recommendation: Approve revised Travel and Expense Reimbursement Policy, Standard Operating Procedure No. 06-01, for City of Milpitas employees and City officials.

REPORTS OF MAYOR & COUNCILMEMBERS - from the assigned Commissions, Committees and Agencies

18. Consider Recommendations for Appointments to the Milpitas Planning Commission and Additional Appointments by the Mayor to Six Commissions (Contact: Mayor Tran, 408-586-3029)

Recommendations:

1. Receive Mayor and Councilmember recommendations for appointments to the Planning Commission, and consider confirming two appointments.
2. Receive Mayor's recommendations and approve appointments to the Arts Commission; Economic Development & Trade Commission; Parks, Recreation and Cultural Resources Commission; Public Safety & Emergency Preparedness Commission; Science Technology & Innovation Commission; and the Veterans Commission.

NEXT AGENDA PREVIEW

19. Receive Preview List of Next Regular City Council Meeting Agenda for May 7, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

ADJOURNMENT

**NEXT REGULAR CITY COUNCIL MEETING:
May 7, 2019**

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 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. City Council agendas and related materials viewed online here: 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. For hearing assistance, headsets are available in the City Council Chambers for all meetings.