



## SPECIAL 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

### **NOTICE OF SPECIAL MEETING**

**NOTICE IS HEREBY GIVEN** that a Special Meeting of the Milpitas City Council will be held at 6:00 P.M. on Tuesday, August 13, 2019 at Milpitas City Hall, 455 East Calaveras Boulevard, Milpitas, CA in the City Council Chambers on the second floor. Agenda is below.

### **AGENDA**

**TUESDAY, AUGUST 13, 2019  
COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA  
6:00 PM**

### **CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE**

### **CLOSED SESSION**

#### **(a) 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

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

#### **(b) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to Government Code Section 54956.9(d)(2) – City as Defendant

**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

### **PRESENTATIONS**

- Proclaim *Women's Equality Day* on August 26, 2019
- Proclaim August 2019 as *American Muslim Appreciation and Awareness Month*
- Recognition of Maria Lemery

### **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 and limit spoken remarks to 3 minutes. As an item not listed on the agenda, no response is required from City staff nor Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

## **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 calendar for August 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

**C2. Approve City Council meeting minutes of June 11 (special) and June 18 (regular), 2019 Council meetings (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve June 11 and 18, 2019 City Council meeting minutes.

**C3. Consider Mayor's Recommendation and Move to Re-appoint One Commissioner on the Milpitas Veterans Commission (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Receive Mayor Tran's recommendation, and move to re-appoint Commissioner Art Ebright to the Milpitas Veterans Commission to new 3-year term that will expire in February of 2022.

**C4. Approve and Authorize the City Manager to Execute a Temporary Fire Station No. 2 Lease Agreement for 1126 Yosemite Drive (Staff Contact: Alex Andrade, 408-586-3046)**

Recommendation: Approve and authorize the City Manager to execute a Lease Agreement for a temporary fire station located at 1126 Yosemite Drive by and between the City of Milpitas ("Tenant") and Casetronic Engineering Group ("Landlord") for a term of two years plus two six-month options, for a total of three years, commencing on August 13, 2019.

**C5. Approve and Award a Contract with Hoi's Construction, Inc. for the Water Bottle Refill Station Installation Project (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendations:

1. Approve and award a construction contract with Hoi's Construction, Inc. for the Water Bottle Refill Station Installation Project in the amount of \$178,000.
2. Authorize the Director of Public Works to execute contract change orders without any further City Council action except for appropriation of funds.

**C6. Receive a Report on Emergency Remediation Work at Police/Public Works Building and Authorize Payment of Invoices in the Amount of \$33,399.50 to Indoor Restore Environmental Services and S B Construction (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendations:

1. Receive a report from the Public Works Director for the emergency remediation work at the Police/Public Works Building.
2. Authorize payment of invoices from Indoor Restore Environmental Services and SB Construction, for a total amount of \$33,399.50.

- C7. Receive a Report on the Emergency Repair/Replacement of the HVAC System at Public Works/Police Department Building and Authorize Payment of Invoices Associated with the Work (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendations:

1. Receive a report from the Public Works Director for the Purchase and Installation of McQuay Turbocor compressors for the Public Works/Police Department Building.
2. Authorize payment of invoices from Dormatech in the amount of \$198,375.

**COMMUNITY DEVELOPMENT**

- 8. Authorize the City Manager or appointee serving on the Board to request the Board of Directors at Terrace Gardens to amend the bylaws to remove the City Councilmember's seat and City Manager's seat from the Board composition (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendation: Authorize the City Manager or appointee serving on the Board to request the Board of Directors at Terrace Gardens to amend the bylaws to remove the City Councilmember's seat and City Manager's seat from the Board composition.

- 9. Authorize the City Manager to approve Terrace Gardens' request to transfer surplus cash to the Terrace Gardens Replacement Reserve Account (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendation: Authorize the City Manager to approve Terrace Gardens' request to transfer surplus cash to the Terrace Gardens Replacement Reserve Account.

**COMMUNITY SERVICES**

- 10. Consider Introduction of Ordinance No. 43.212 amending Milpitas Municipal Code, Title V, Chapter 100, Section 15.06 "Parking Time Limited on Certain Enumerated Streets" (Staff Contact: Steve Chan, 408-586-3324)**

Recommendation: Following the City Attorney's reading aloud the title, move to waive the reading beyond the title and introduce Ordinance No. 43.212 amending Milpitas Municipal Code, Title V, Chapter 100, Section 15.06 "Parking Time Limited on Certain Enumerated Streets."

**LEADERSHIP**

- 11. Introduce Ordinance No. 301 to make corrections, clarifications, and minor updates and modifications to the Milpitas Municipal Code (Staff Contacts: Christopher Diaz, 408-586-3040 and Ashwini Kantak, 408-586-3053)**

Recommendation: Following the City Attorney's reading aloud the title, move to waive the first reading beyond the title and introduce Ordinance No. 301 amending various sections of Titles I, II, IV, V, VI, XI and XII of the Milpitas Municipal Code to make corrections, clarifications, minor updates and modifications.

**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 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](mailto: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](http://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. City Council agendas and related materials can be viewed online here: [www.ci.milpitas.ca.gov/government/council/agenda\\_minutes.asp](http://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](http://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](mailto: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.*