



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, DECEMBER 3, 2019** **CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA** **6:00 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 – EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9(d)(1)
County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District,
Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara
Santa Clara County Superior Court Case No. 18CV325480

b) PUBLIC EMPLOYMENT

Pursuant to California Government Code Section 54957
Position: City Manager

c) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code Section 54957.6
Agency designated representatives: Christopher Diaz, City Attorney
Unrepresented Employee: City Manager

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

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.

C1. Receive City Council Calendar of Meetings for the Month of December 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

C2. Approve City Council Meeting Minutes of November 12 and 19, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve draft City Council meeting minutes of the special meeting on November 12, 2019 and regular meeting on November 19, 2019.

C3. Waive the Second Reading and Adopt Ordinance No. 38.839 Amending Milpitas Municipal Code Title XI (Zoning, Planning, and Annexation), Chapter 10 (Zoning) Relating to Massage Establishments (Staff Contact: Rozalynne Thompson, 408-586-3278)

Recommendation: Move to waive the second reading and adopt Ordinance No. 38.839 amending Milpitas Municipal Code Title X (Zoning, Planning, and Annexation, Chapter 10 (Zoning) relating to Massage Establishments.

C4. Adopt a Resolution Authorizing the Purchasing Agent to Purchase Vehicles and Equipment Approved as Part of the FY 2019/20 Budget through Two (2) Cooperative Procurement Contracts with Sourcewell for a Total Amount of \$627,552.97 (Staff Contact: Tony Ndah, 408-586-2602)

Recommendation: Adopt a Resolution authorizing the Purchasing Agent to purchase vehicles and equipment approved in the FY 2019-20 budget through two Cooperative Procurement Contracts with Sourcewell for (1) 6 police Department vehicles and 6 Public Works vehicles from the National Auto Fleet Group for \$458,684.53; and (2) one Caterpillar 430F2 HRC Backhoe Loader with Caterpillar WT-BHL Work Tools for the Public Works Department from Peterson Cat for \$168,868.44.

C5. Adopt a Resolution Approving Acceptance of the South Milpitas Boulevard Extension, Project No. 2004, and Water, Sewer, and Storm Drain Utility Improvements, Projects No. 3711, No. 6121 and No. 7125 Completed by the Santa Clara Valley Transportation Authority as part of the Bay Area Rapid Transit Extension (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a Resolution approving acceptance of the South Milpitas Boulevard Extension, Project No. 2004, and Water, Sewer, and Storm Drain Utility Improvements, Projects No. 3711, No. 6121 and No. 7125 completed by the Santa Clara Valley Transportation Authority as part of the Bay Area Rapid Transit (BART) Extension.

C6. Adopt a Resolution to Approve Project Plans and Specifications, and Award Construction Contract to Ron Paris Construction Co., Inc. for the Temporary Fire Station No. 2 Tenant Improvements, Project No. 3447 (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a Resolution to approve project plans and specifications for the temporary Fire Station No. 2 tenant improvements Project No. 3447, to award a construction contract for the Base Bid and to authorize the Interim City Manager to execute the contract with the lowest responsible bidder submitting a responsive bid, Ron Paris Construction Co., Inc., in the amount of \$207,198; and, to authorize the Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$50,000 for the Project.

- C7. Adopt a Resolution authorizing the City to join members of the Cities Association of Santa Clara County to form a housing collaborative and to provide funding for consultant services related to the housing collaborative (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendation: Adopt a Resolution authorizing the City to join members of the Cities Association of Santa Clara County to form a housing collaborative and to provide funding for consultant services related to the housing collaborative.

- C8. Adopt a Resolution Authorizing Reimbursement of Fire Station No. 2 Capital Improvement Expenditures from the Proceeds of Future Tax-Exempt Obligations (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Adopt a Resolution authorizing reimbursement of Fire Station No. 2 Capital Improvement Expenditures from proceeds of future tax-exempt obligations.

- C9. Adopt a Resolution Increasing Massage Permit Fee and Amending Master Fee Schedule (Staff Contact: Christopher Diaz, 408-586-3040)**

Recommendation: Adopt a Resolution increasing the Massage Permit Fee and amending the FY 2019-20 Master Fee Schedule.

- C10. Receive and Review the FY 2018-19 Annual Sole Source Report (Staff Contact: Chris Schroeder, Purchasing Agent, 408-586-3161)**

Recommendation: Receive and review the FY 2018-19 Annual Sole Source Report for the year ending June 30, 2019.

- C11. Accept the City's Comprehensive Annual Financial Report and Other Related Annual Audited Reports for Fiscal Year Ended June 30, 2019 (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Accept the City's Comprehensive Annual Financial Report and other related Annual Audited Reports for the Fiscal Year ended June 30, 2019.

- C12. Accept the FY 2019 Car Break-In Prevention Grant of \$750,000 for the Milpitas Police Department (Staff Contact: Jared Hernandez, 408-586-2406)**

Recommendation: Accept the 2019 Car Break-In Prevention Grant in the amount of \$750,000 and approve a budget appropriation into the Police Department's Operating Budget.

- C13. Approve the Milpitas Public Safety and Emergency Preparedness Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: Toni Charlop, 408-586-2801)**

Recommendation: Approve proposed Public Safety and Emergency Preparedness Commission Fiscal Year 2019-20 Work Plan.

PUBLIC HEARINGS

14. **Conduct a Public Hearing, Waive the Second Reading and Adopt Ordinance No. 113.25, Adopting by Reference with Certain Local Amendments the 2019 Edition of the California Fire Code (Staff Contact: Albert Zamora, 408-586-3371)**

Recommendation: Open the public hearing and move to close it following any comments; and, waive the second reading and adopt Ordinance No. 113.25, enacted as Chapter 300, Title V of the Milpitas Municipal Code.

15. **Conduct a Public Hearing and Adopt Ordinance No. 65.147 Relating to Code Administration and Adopting by Reference the 2019 California Building Codes with Amendments (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendations:

1. Open the public hearing; hear testimony, then move to close the public hearing.
2. Waive the second reading and adopt Ordinance No. 65.147 amending Chapters 1, 3, 3.5, 4, 5, 6, 7, 10, 13, 14, 150, and 170 of Title II of the Milpitas Municipal Code relating to Code Administration; adopting by reference the 2019 California Building Code, 2019 California Residential Code, 2018 International Property Maintenance Code, 2019 California Mechanical Code, 2019 California Electrical Code, 2019 California Plumbing Code, 2018 International Swimming Pool and Spa Code, 2019 California Existing Building Code, and 2019 California Historical Building Code, with amendments; and amending regulations pertaining to grading, excavation, paving, and erosion control, and gas shut-off devices.

16. **Conduct a Public Hearing; Adopt Ordinance No. 65.148 Adopting by Reference the 2019 California Energy Code with Amendments; and Adopt Ordinance No. 65.149 Adopting by Reference the 2019 California Green Building Standards Code with Amendments (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendations:

1. Open the public hearing; hear testimony, then move to close the public hearing.
2. Waive the second reading and adopt Ordinance No. 65.148 amending Chapter 11 of Title II of the Milpitas Municipal Code adopting by reference the 2019 California Energy Code with amendments.
3. Waive the second reading and adopt Ordinance No. 65.149 amending Chapter 19 of Title II of the Milpitas Municipal Code adopting by reference the 2019 California Green Building Standards Code with amendments.

LEADERSHIP AND SUPPORT SERVICES

17. **Introduce Ordinance No. 120.49 Amending Title VIII, Chapter 1 of the Milpitas Municipal Code Relating to Discontinuance and Restoration of Water Service and Adopt a Resolution Approving a Policy on Discontinuance of Residential Water Service(Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendations:

- 1) Following the City Attorney reading aloud the title, move to waive the first reading beyond the title and introduce Ordinance No. 120.49 amending Title VIII, Chapter 1 of the Milpitas Municipal Code relating to Discontinuance and Restoration of Water Service.
- 2) Adopt a Resolution approving a policy on Discontinuance of Residential Water Service.

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

18. Receive Update on the Milpitas Sister Cities Program (Contact: Mayor Tran, 408-586-3029)

Recommendations:

1. Receive background information and preliminary analysis on Sister Cities Programming.
2. Consider request for a Sister Cities Memorandum of Understanding with the City of Dagupan, Philippines.

19. Upon Request of Mayor Tran, Consider Election of New Vice Mayor for 2020 (Contact: Mayor Tran, 408-586-3029)

Recommendation: At the November 19, 2019, Mayor Tran requested this item be added to the meeting agenda of December 3. If desired, City Council may vote to elect a new Vice Mayor of the City of Milpitas to serve for the year 2020.

NEXT AGENDA PREVIEW

20. Receive Preview List of Items on the December 17, 2019 City Council Agenda (Staff Contact: Mary Lavelle, 408-586-3001)

ADJOURNMENT

NEXT CITY COUNCIL MEETING
DECEMBER 17, 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 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. For hearing assistance, headsets are available in the City Council Chambers for all meetings.