



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, JANUARY 21, 2020
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: Liz Brown, Human Resources Director
Employee Groups: Milpitas Employees Association, Milpitas Police Officers Association, and
International Association of Fire Fighters, Professional and Technical Group, Mid-Management and
Confidential Group
Under Negotiation: Wages, Hours, Benefits and Working Conditions

d) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to California 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

PLEDGE OF ALLEGIANCE

INVOCATION

ANNOUNCEMENTS

- Parade honoring Milpitas High School Trojans Football team as state champions

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.

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 Calendars of Meetings for January and February 2020 (Staff Contact: Mary Lavelle 408-586-3001)**
- C2. Approve Meeting Minutes of the January 7, 2020 Regular City Council meeting (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve draft meeting minutes of the January 7, 2020 City Council regular meeting.

- C3. Adopt Two Resolutions (1) approving the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) for Project No. 5102 McCandless Park, Project No. 7076 Well Upgrade - McCandless Well, and Project No. 2005 Penitencia Creek Pedestrian Bridge; and, (2) approving project plans and specifications for Project No. 7076 Well Upgrade - McCandless Well, and to award a construction contract for the Base Bid and authorize the Interim City Manager to execute the contract with Pacific Coast Well Drilling, Inc. in the amount of \$884,620; and to authorize the Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$265,000 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendations:

- (1) Adopt a Resolution approving the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) for the Project No. 5102 McCandless Park, Project No. 7076 Well Upgrade - McCandless Well, and Project No. 2005 Penitencia Creek Pedestrian Bridge.
- (2) Adopt a Resolution to approve project plans and specifications for Project No. 7076 Well Upgrade - McCandless Well; and to award a construction contract for the Base Bid and authorize the Interim City Manager to execute the contract with the lowest responsible bidder submitting a responsive bid, Pacific Coast Well Drilling, Inc., in the amount of \$884,620; and to authorize the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$265,000 for the project.

- C4. Adopt a Resolution Certifying Election Results and Adding Tract No. 10522 to Community Facilities District 2008-1 (Annexation No. 18); Approve Final Tract Map No. 10522; and Approve and Authorize the Interim City Manager to Execute the Subdivision Improvement Agreement for a Residential Development at 1316 S. Main Street (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendations:

- (1) Following receipt of election results from the City Clerk, adopt a resolution certifying election results and adding Tract No. 10522 to Community Facilities District 2008-1 (Annexation No. 18); and
- (2) Approve Final Tract Map No. 10522, and accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and
- (3) Approve and authorize the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and SJ Main St, LLC.

- C5. Adopt a Resolution Reviewing and Accepting the Annual Developer Fee Disclosure Information for the Calaveras Boulevard Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, the Transit Area Specific Plan (TASP) Impact Fee, and the Storm Drain Fee and Five Year Findings for the Calaveras Boulevard Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, and the Transit Area Specific Plan (TASP) Impact Fee for the Fiscal Year Ended June 30, 2019 (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Adopt a resolution consistent with the Mitigation Fee Act for Fiscal Year 2018-19 to review and accept the annual developer fee disclosure information Calaveras Blvd. Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, Transit Area Specific Plan Impact Fee and Storm Drain Fee and making five-year findings for the Calaveras Blvd. Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, and Transit Area Specific Plan Impact Fee for the fiscal year ended June 30, 2019.

- C6. Adopt a Resolution Amending FY 2019-20 Master Fee Schedule (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Adopt a Resolution amending the FY 2019-20 Master Fee Schedule.

- C7. Approve and Authorize the Interim City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Sprig Center LLC for Sprig Center Project at 1585 North McCarthy Boulevard (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Sprig Center LLC for the Sprig Center development project at 1585 N. McCarthy Boulevard.

- C8. Approve and Authorize the City Manager to Execute Amendment No. 4 to Contract with J.P. Graphics to Extend the Term by Six Months and Increase the Compensation by \$77,500 (Staff Contact: Chris Schroeder, 408-586-3161)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 4 to the contract with J.P. Graphics for printing services, extending the term by six months and increasing compensation by \$77,500 from \$780,010 to a not-to-exceed compensation amount of \$857,510.

- C9. Authorize the Interim City Manager to Issue Blanket Purchase Orders to Summit Uniforms and LC Action Policy Supply for Police and Fire Departments' Uniforms and Equipment and related Services (Staff Contact: Chris Schroeder, 408-586-3161)**

Recommendations:

(1) Authorize the Interim City Manager to issue blanket purchase orders for Police and Fire uniforms and equipment and related services, in substantially the same form as the draft purchase order, to Summit Uniforms in an amount not to exceed \$30,000 per year, and to LC Action Police Supply in an amount not to exceed \$50,000 per year.

(2) Authorize the Purchasing Agent to exercise the options to renew the term of the blanket purchase orders for two additional one-year periods, subject to annual appropriations, if the service remains acceptable to the City.

- C10. Approve Side Letter Agreements between Milpitas Police Officers Association (MPOA) and City of Milpitas and Milpitas International Association of Firefighters Local 1699 (IAFF) and City of Milpitas Regarding Exchange of City Holiday from Lincoln's Birthday to César Chávez Day (Staff Contact: Liz Brown, 408-586-3086)**

Recommendation: Approve the Side Letter Agreements between the City of Milpitas and (1) the Milpitas Police Officers Association (MPOA) and (2) the International Association of Firefighters (IAFF), regarding exchange of City Holiday from Lincoln's Birthday to César Chávez Day.

- C11. Approve Side Letter Agreement Between International Association of Firefighters, Local 1699 (IAFF) and City of Milpitas Regarding the Special Assignment Pay for 40-Hour Fire Captains (Staff Contact: Liz Brown, 408-586-3086)**

Recommendation: Approve the Side Letter Agreement Between International Association of Firefighters, Local 1699 (IAFF) and City of Milpitas for 10% Special Assignment Pay applied to employees assigned to the Fire Captain 40 Hour Classification.

- C12. Approve Side Letter with the Milpitas Police Officers Association to Increase the Compensatory Time Off (CTO) Maximum Accrued Time from 240 to 480 hours for Communications Dispatcher and Communications Dispatcher Supervisor for Calendar Year 2020 (Staff Contact: Liz Brown, 408-586-3086)**

Recommendation: Approve a Side Letter amending the Memorandum of Understanding between the City of Milpitas and the Milpitas Police Officers Association Agreement dated January 1, 2017 – December 31, 2021 Section 17.06.1 Compensatory Time Off (CTO) allowing the maximum accrued CTO increase from 240 to 480 hours for Communications Dispatcher and Communications Dispatcher Supervisor for the calendar year 2020.

- C13. Approve and Authorize the City Manager to Execute the Agreement with Chandler Asset Management for a Five-Year Amount Not to Exceed \$790,000 for Investment Services (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Approve and authorize the City Manager to execute the Agreement with Chandler Asset Management for a Five-Year contract amount not to exceed \$790,000, with the first year of the contract in the amount of \$150,000, for investment services to manage the City's pooled portfolio, subject to the annual appropriation of funds.

- C14. Authorize and Approve Travel for Vice Mayor Nuñez, Councilmember Montano, and Interim City Manager McHarris (Staff Contact: Steve McHarris, 408-586-3059)**

Recommendations:

(1) Authorize and approve travel for Vice Mayor Bob Nuñez, Councilmember Carmen Montano, and Interim City Manager Steve McHarris to attend the League of California Cities *New Mayors &*

Council Members Academy in Sacramento, CA scheduled on January 22–24, 2020, for a total combined estimated amount of \$5,800.

- (2) Authorize and approve travel for Interim City Manager Steve McHarris to attend the League of California Cities *City Managers Conference* in Napa, California Scheduled on February 5–7, 2020, for a total estimated amount up to \$1,500.

PUBLIC HEARING

15. **Conduct a Public Hearing and Adopt a Resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program in compliance with the California Environmental Quality Act; Approving a General Plan Amendment, Planned Unit Development, Site Development Permit, and Vesting Tentative Map to allow development of a residential subdivision with 34 single-family homes (market-rate), four paired homes (designated as below-market-rate), and 10 detached accessory dwelling units on a 4.88-acre site located at 1005 North Park Victoria Drive; Allowing an exception to the Affordable Housing Ordinance to allow the payment of fees in lieu of providing a full 15% of units on the site as below-market-rate units; and, Introduce Ordinance No. 38.838 to rezone the subject site from the Single-Family Residential (R1-6) Zoning District to the Single-Family Residential (R1-3) Zoning District (Staff Contact: Adrienne Smith, 408-586-3287)**

Recommendations:

- (1) Conduct a public hearing and move to close the hearing following comments.
- (2) Adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Program in compliance with the California Environmental Quality Act; Approving the revised project including General Plan Amendment (GP18-0001), Planned Unit Development (PD18-0001), Site Development Permit (SD18-0015), and Vesting Tentative Map (MT18-0003) to allow development of a residential subdivision with 34 single-family homes (market-rate), four paired homes (designated as below-market-rate), and 10 accessory dwelling units on a 4.88-acre site located at 1005 North Park Victoria Drive; and, Allowing an exception to the Affordable Housing Ordinance to allow the payment of fees in lieu of providing a full 15% of units on the site as below-market-rate units.
- (3) Following the City Attorney reading aloud the title, move to waive the first reading beyond the title and introduce Ordinance No. 38.838 to rezone the subject site from the Single-Family Residential (R1-6) Zoning District to the Single-Family Residential (R1-3) Zoning District.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

16. **Introduce Ordinance No. 304 Adding Subsection 7.02 to Chapter 9 (Parks) of Title V of the Milpitas Municipal Code Relating to the Milpitas Skate Park (Staff Contact: Renee Lorentzen, 408-586-3409)**

Recommendation: Following the City Attorney reading aloud the title of the ordinance, move to waive the first reading beyond the title and introduce Ordinance No. 304 adding Subsection 7.02 of Chapter 9 (Parks) of Title V of the Milpitas Municipal Code relating to the Milpitas Skate Park.

LEADERSHIP AND SUPPORT SERVICES

17. **Review the Pension Actuarial Report and Direct Staff to Return to the Council with the necessary Documents for Establishment of a 115 Pension Trust (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Review the Pension Actuarial Report and direct staff to return to City Council with the necessary documents for establishment of a 115 Pension Trust.

18. **Receive Update from City Attorney on Senate Bill 50 (Staff Contact: Christopher Diaz, 408-586-3040)**

Recommendation: Receive update on CA Senate Bill 50 and direct staff regarding position letter or other legislative efforts.

19. **Follow Up on Councilmember requests from January 7, 2020 (Staff Contact: Steven McHarris, 408-586-3059)**

Recommendations:

- (1) Receive staff report on planned follow up actions for Councilmember requests from January 7, 2020 and provide input to staff.
- (2) Provide direction to staff on pending agenda item requests and process for adding items to future Council agendas.

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

COMMISSION REPORT

20. **Approve the Milpitas Parks, Recreation and Cultural Resources Commission Work Plan for Fiscal Year 2019-20 and Consider Approval of the Sister Cities Cultural and Community Relationship program (Staff Contact: Renee Lorentzen, 408-586-3409)**

Recommendations: (1) Approve proposed Parks, Recreation and Cultural Resources Commission Fiscal Year 2019-20 Work Plan and (2) consider approval of the Sister Cities Cultural and Community Relationship program.

NEXT AGENDA PREVIEW

21. **Receive Preview List of Agenda Items for the Next Regular City Council meeting on February 4, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**

ADJOURNMENT

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.
- Share information with all Councilmembers in advance of Council meetings.
- 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

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. For hearing assistance, headsets are available in the City Council Chambers for all meetings.