



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, FEBRUARY 4, 2020
CITY 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 – EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9(d)(1)
Viashali Nikam and Vijaya Nikam v Devin J.R. Pedranti, City of Milpitas, et al., Santa Clara County Superior Court, Case No. 18CV326668

b) 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

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 LABOR NEGOTIATORS

Pursuant to California Government Code Section 54957.6
Agency designated representatives: Mayor Rich Tran
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

PRESENTATIONS

- Presentation of "Key to the City" to Carl Guardino
- Commendations for Manufacturing Day 2019 Partners

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 February 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Receive City Council Calendar of Meeting for February 2020 from the City Clerk.

C2. Approve Meeting Minutes of the January 21, 2020 City Council meeting (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve draft City Council meeting minutes of the January 21, 2020 regular meeting.

C3. Waive the Second Reading and Adopt Ordinance No. 38.838 Amending Milpitas Municipal Code Title XI (Zoning, Planning, and Annexation), Chapter 10 (Zoning) to Allow a Zoning Designation Change of Certain Parcels Within the Zoning Map (Staff Contact: Adrienne Smith, Associate Planner, 408-586-3287)

Recommendation: Move to Waive the Second Reading and Adopt Ordinance No. 38.838 Amending Milpitas Municipal Code Title X (Zoning, Planning, and Annexation, Chapter 10 (Zoning) to Allow a Zoning Designation Change of Certain Parcels Within the Zoning Map.

C4. 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 order(s) in an aggregate amount not to exceed \$265,000 for the Project.

- C5. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for the Centre Pointe Subdivision at 1463, 1515, 1557 & 1585 Centre Pointe Drive by D.R. Horton CA3, Inc. and Granting Authorization to the City Engineer to Release the Performance Bond After the One-year Warranty Period (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendations:

1) Adopt a resolution (a) granting acceptance of public improvements for the Centre Pointe Subdivision at 1463, 1515, 1557 & 1585 Centre Pointe Drive, Tract 10363, Public Improvement Plan No. 2-1218 and 2-1218 SD; and (b) approve a reduction in the faithful performance bond to \$97,800, which shall be subject to and in effect for the duration of a one-year warranty period; and,

(2) Grant authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

- C6. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for March 3, 2020 to Hear Objections (Staff Contact: Albert Zamora, 408-586-3371)**

Recommendation: Adopt a resolution declaring weeds on specific properties to be public nuisances and set a public hearing on March 3, 2020.

- C7. Accept the California Governor's Office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch, Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020 and Approve the Related Budget Amendment (Staff Contact: Henry Kwong, 408-586-2419)**

Recommendations:

1) Accept the Governor's Office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch, Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020.

2) Approve a budget appropriation of \$10,000 from California Governor's office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch.

C8. Consider and approve a Fee Waiver for the Nuñez Community Foundation (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Consider request and approve a fee waiver of \$1,000 for the Nuñez Community Foundation for use of the Milpitas Community Center Auditorium on March 14, 2020, to host a Health and Wellness Fair.

C9. Consider Community Member Request to Rename Albert Augustine Jr. Memorial Park to "Albert Augustine Jr. Memorial Park Jr. Park of Sunnyhills" (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendation: Approve Request from a Community Member to rename Albert Augustine Jr. Memorial Park to "Albert Augustine Memorial Park Jr. of Sunnyhills."

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

10. Receive Update and Presentation from Silicon Valley Clean Energy (Staff Contact: Elaine Marshall, 408-586-2603)

Recommendation: Receive update and presentation from Silicon Valley Clean Energy

11. Receive Update on Preliminary Energy and Water Savings Conservation Measures for Implementation on City Facilities and Land (Staff Contact: Tony Ndah, 408-586-2602)

Recommendations:

1) Accept the update on the Preliminary Energy and Water Savings Conservation Measures pertaining to the Energy Service Company (ESCO) Investment Grade Audit being implemented by Engie Services U.S. Inc.

2) Provide input to staff on Preliminary Conservation Measures

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

COMMISSION REPORTS

12. 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

13. Receive and approve the Science, Technology & Innovation Commission Work Plan 2019-2020 (Staff Contact: Mike Luu, 408 586-2706)

Recommendation: Receive report and approve the Science Technology and Innovation Commission Work Plan 2019-2020

NEXT AGENDA PREVIEW

14. Receive Preview of February 18, 2020 City Council Meeting Agenda (Staff Contact: Mary Lavelle, 408 586-3001)

Recommendation: Receive Preview of February 18, 2020 City Council Meeting Agenda as presented by the City Clerk.

ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

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.

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

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.