



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, MARCH 17, 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 (6:00 – 7:00 PM)

- a) **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to California Government Code §54957.6
Agency designated representative: Human Resources Director Liz Brown
Employee Groups: Milpitas Employees Association, Mid Management and Confidential employees, and unrepresented employees
- b) **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to California Government Code §54957.6
Agency designated representative: Mayor Rich Tran
Unrepresented Employee: City Manager
- c) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Pursuant to California Government Code §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

PRESENTATION

Proclaim March 2020 as *National Women's History Month*

PUBLIC FORUM (7:05 – 7:15 PM)

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 or less. 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 AND FUTURE AGENDA ITEMS (7:15 – 7:25 PM)

Members of the City Council may make brief announcements or suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion, but shall simply state a "yes" or "no" as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a subsequent agenda for City Council discussion.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR (7:25 – 7:35 PM)

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 March and April 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Receive City Council calendars of meetings for March and April 2020.

C2. Approve City Council meeting minutes of March 3, 2020 City Council Meeting (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve draft meeting minutes of the March 3, 2020 joint meeting of the City Council and Housing Authority.

C3. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with HydroScience Engineers, Inc. for Consultant Engineering Services for the Sewer Master Plan (Staff Contact: Tony Ndah, 408-586-2602)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with HydroScience Engineers, Inc. to provide additional consultant engineering services for the Sewer Master Plan, increasing the total not to exceed amount by \$249,028, from \$642,000 to \$891,028.

C4. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Software License and Professional Services Agreement with Lucity, Inc. for Computerized Maintenance Management System in the Amount of \$31,600, for a Total Amount Not to Exceed \$267,742.47 (Staff Contact: Tony Ndah, 408-586-2602)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the software license and professional services agreement with Lucity, Inc. for computerized maintenance management system, increasing the total not to exceed amount by \$31,600.00 from \$236,142.47 to \$267,742.47.

C5. Receive a Report on Emergency Repair of Water Main at Intersection of Calaveras Boulevard and Park Victoria Drive; and, Ratify Award of Emergency Contract to, and Direct the City Manager to Execute a Contract with, Preston Pipelines (Staff Contact: Tony Ndah, 408-586-2602)

Recommendations:

- (1) Receive a report from the Public Works Director on the emergency repair work on a water main at the intersection of Calaveras Boulevard and Park Victoria Drive.
- (2) Ratify award of emergency contract to, and direct the City Manager to execute a contract with, Preston Pipelines.

C6. Receive Preview List of Anticipated Agenda Items for April 7, 2020 Regular City Council meeting (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Receive list of anticipated agenda items for the April 7, 2020 City Council meeting.

PUBLIC HEARING (7:35 – 7:40 PM)

7. Request to Continue Public Hearing to April 7, 2020: Consider Adoption of a Resolution Upholding the Appeal by Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in Compliance with the California Environmental Quality Act, and Approving: (1) Environmental Assessment; (2) Site Development Permit; and (3) Conditional Use Permit to Allow the demolition of an existing 22,300 square foot commercial building and development of a new 105-room hotel at 1000 Jacklin Road (Staff Contact: Lillian VanHua, 408-586-3073)

Recommendation: Move to continue the public hearing to April 7, 2020.

PUBLIC SAFETY (7:40 – 7:50 PM)

8. Adopt a Resolution to Ratify the Emergency Proclamation of the Interim City Manager on March 12, 2020 (Staff Contact: Steve McHarris, 408-586-3051)

Recommendation: Adopt a resolution to ratify the City of Milpitas Emergency Proclamation signed on March 12, 2020 by the interim City Manager regarding Coronavirus (COVID-19).

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies (7:50 PM – 8:50 PM)

9. Adopt a Resolution in Support of the Principles of the Convention on the Elimination of All Forms of Discrimination Against Women (Contacts: Councilmembers Dominguez, 408-586-3031 and Phan, 408-586-3032)

Recommendation: Consider request from Councilmember Dominguez and adopt a Resolution in support of the principles of the Convention on the Elimination of All Forms of Discrimination Against Women.

10. Receive and Direct Staff on Scheduling Agenda Items Requested by City Councilmembers (Contact: Mayor Tran, 408-586-3029)

Recommendation: Review list of items presented (list in agenda packet) that have been requested by City Councilmembers on a form, at a Council meeting, or through the City Manager. Direct items to Rules or other Council Subcommittee, to be placed onto a specific meeting date, or specify alternate direction to staff. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until the item is scheduled as a full agenda item.

11. Hear Request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” (Contacts: Councilmember Anthony Phan, 408-586-3032 and Mayor Tran, 408-586-3029)

Recommendation: Hear request of Councilmember Phan and Mayor Tran in support of “Laura’s Law” related to mandatory conservatorship and mental health services, and consider directing staff to send a letter of support to County of Santa Clara.

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.