



# CITY OF MILPITAS CITY COUNCIL APRIL 7, 2020

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## TELECONFERENCE SPECIAL NOTICE

### **For Submission of Public Comments:**

For the April 7 City Council meeting, comments may be submitted in advance or during the meeting. Since each member of the public is only allowed one opportunity to comment, please choose only one way to send your comments. **Multiple comments from the same person are not allowed.**

**Note: The length of all comments read into the record and presentation slides and audio messages played during the City Council meeting will be three (3) minutes or less. Actual time will be determined by the Mayor or other Presiding Officer at the meeting, based on the number of public comments and agenda items.**

### Prior to the City Council meeting:

Comments and presentation slides may be emailed to [hotel@ci.milpitas.ca.gov](mailto:hotel@ci.milpitas.ca.gov) for the Public Hearing item for La Quinta hotel.

For all other agenda items, comments and slides may be submitted to [councilmeeting@ci.milpitas.ca.gov](mailto:councilmeeting@ci.milpitas.ca.gov).

**All presentation slides shall be submitted by 12:00 noon on Tuesday, April 7.**

Written comments will be included in the Council agenda packet or read into the record by the City Clerk or designee. Presentation slides will be shared with the City Council during the meeting.

### During the April 7 City Council meeting:

Comments can be submitted in writing via e-mail to [councilmeeting@ci.milpitas.ca.gov](mailto:councilmeeting@ci.milpitas.ca.gov)

Comments can also be submitted through links within three livestreams by going to:  
<https://www.ci.milpitas.ca.gov/councilcomment/>

Livestream links are available here:

Facebook: <https://www.facebook.com/CityofMilpitas/>

YouTube: <https://www.ci.milpitas.ca.gov/youtube>

Web Streaming: <https://www.ci.milpitas.ca.gov/webstreaming>

Public comments submitted during the meeting will be read into the record by the City Clerk or designee.

### **Public Comment by Telephone:**

For the Public Hearing on April 7, comments can also be submitted by phone by calling 408-586-3010. The phone number will be available to receive public comments starting at **9 a.m. on Thursday, April 2 and up until 12:00 noon on Tuesday, April 7.** Comments will be played during the public comment period of the Public Hearing item.

Any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact the City Clerk via e-mail [mlavelle@ci.milpitas.ca.gov](mailto:mlavelle@ci.milpitas.ca.gov) or by phone 408-586-3001.



## 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, APRIL 7, 2020  
MILPITAS, CA  
6:00 PM (CLOSED SESSION)  
7:00 PM (PUBLIC BUSINESS)

#### **MEETING BY TELECONFERENCE ONLY**

(see separate cover page for instruction on how to view or listen to meeting & submit comments)

#### **CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk**

#### **ADJOURN TO CLOSED SESSION** (6:00 PM – 7:00 PM)

##### **a) CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to California Government Code §54957.6  
Agency designated representative: Human Resources Director Liz Brown  
Employee Group: Milpitas Employees Association

##### **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 – One Potential Case  
La Quinta Hotel Appeal and Hearing Date

**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** (7:00 PM)

## **INVOCATION**

## **PRESENTATION**

Proclaim April as Vietnamese-American Heritage Month

## **PUBLIC FORUM**(7:05 – 7:10 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**

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** (7:15 – 7:20 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 Calendar of Meetings for April 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**
- C2. Approve City Council meeting minutes of March 17, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve draft meeting minutes of the March 17, 2020 regular and special City Council meetings.

- C3. Adopt a Resolution Approving the Purchase of GameTime Playground Equipment through a Cooperative Procurement Contract Solicited by the City of Charlotte, NC and Authorizing the City Manager to Execute an Equipment Purchase Agreement with GameTime for an Amount Not to Exceed \$711,003.89 (Staff Contact: Renee Lorentzen, 408-586-3409)**

Recommendation: Adopt a resolution approving the purchase of GameTime Playground Equipment through a cooperative procurement contract by the City of Charlotte, NC and authorizing the City Manager to execute an equipment purchase agreement with GameTime for an amount not to exceed \$711,003.89.

- C4. Adopt a Resolution to Approve Sole Source Designation for the Procurement of Access Control and Alarm Monitoring System Manufactured by Sielox LLC for Fire Station No. 2 Replacement, Project No. 3447 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a resolution to approve sole source request for the procurement of access control and alarm monitoring system manufactured by Sielox LLC for Fire Station No. 2 Replacement, Project No. 3447.

- C5. Adopt a Resolution Approving the City of Milpitas Federal Emergency and Federal Grant Procurement Procedures (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Adopt a Resolution approving the City of Milpitas Federal Emergency and Federal Grant Procurement Procedures.

**C6. Adopt a Resolution to amend the City of Milpitas Classification Plan to adjust the Salary Range of the Senior Public Works Lead classification (Staff Contact: Liz Brown, 408-586-3086)**

Recommendation: Adopt a Resolution amending the Classification Plan Salary Range and salaries for the Senior Public Works Lead classification by 6.67% retroactive to March 1, 2020.

**C7. Approve and Authorize the City Manager to Execute a Memorandum of Understanding between the County of Santa Clara and the City of Milpitas for Crime Laboratory Major Case Work and Authorize the City Manager to Pay the Annual Crime Laboratory Bill (Staff Contact: Raj Maharaj, 408-586-2416)**

Recommendation: Approve and authorize the City Manager to execute a Memorandum of Understanding between the County of Santa Clara and the City of Milpitas for Crime Laboratory Major Case Work and authorize the City Manager to pay the annual crime laboratory bill.

**PUBLIC HEARING** (7:20 – 11:00 PM)

**8. Conduct a Public Hearing and Consider Adopting 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 No. EA18-0002; (2) Site Development Permit No. SD18-0012; and (3) Conditional Use Permit No. UP18-0012 to Allow demolition of an existing 22,300-square foot commercial building; development of a hotel with up to 105 rooms and up to five stories in height, a tower element up to 73 feet in height, a floor area ratio up to 1.63, and one level of below-grade parking; relocation of wireless telecommunication equipment to the rooftop of the new building; and on- and off-premises sale of beer and wine on a 1.14-acre site at 1000 Jacklin Road (Staff Contact: Lillian VanHua, 408-586-3073)**

Recommendations:

- 1) Consider and adopt public hearing procedures.
- 2) Conduct a public hearing, receive public comment, and move to close the hearing.
- 3) Adopt 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 No. EA18-0002; (2) Site Development Permit No. SD18-0012; and (3) Conditional Use Permit No. UP18-0012 to allow demolition of an existing 22,300-square foot commercial building; development of a hotel with up to 105 rooms and up to five stories in height, a tower element up to 73 feet in height, a floor area ratio up to 1.63, and one level of below-grade parking; the relocation of wireless telecommunication equipment to the rooftop of the new building; and on- and off-premises sale of beer and wine on a 1.14-acre site at 1000 Jacklin Road.

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

**9. Receive Report of the Economic Development Council Subcommittee (Contacts: Subcommittee Chair Montano, 408-586-3024 and Councilmember Dominguez, 408-586-3031)**

Recommendation: Receive update on the Economic Development Subcommittee meeting of March 24, 2020.

10. **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: Adopt a Resolution supporting the principles of the Convention on the Elimination of All Forms of Discrimination Against Women.

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” and consider directing staff to send letter of support.

12. **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.

#### **NEXT AGENDA PREVIEW**

13. **Receive Preview List of Anticipated Items for the April 21, 2020 Regular City Council meeting (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Receive list of anticipated agenda items for the April 21, 2020 City Council meeting.

#### **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](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 City website. City Council agendas and related materials can be viewed online: [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.*