



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

City Council meeting held via TELECONFERENCE (no physical meeting space)

Submit any Public Forum comments in writing via e-mail, to be read aloud

Virtual public comments may be submitted on a form from the City website:

<http://www.ci.milpitas.ca.gov/publiccomment>

Meeting shall be livestreamed - Go to:

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

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

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

AGENDA

TUESDAY, APRIL 21, 2020

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 LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to California Government Code §54956.9(d)(2)

City as Defendant – One Potential Case

La Quinta Hotel Appeal

(b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code §54957.6

Agency designated representative: 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

- Proclaim *National Public Safety Telecommunications Week* for April 12 - 18, 2020
- Proclaim *Earth Day* on April 22, 2020

PUBLIC FORUM (7:07 – 7:15 PM)

Those interested may address City Council on any subject not on tonight's agenda. Speakers may state their name and city of residence for the Clerk's record, and limit spoken remarks to three minutes or less. E-mailed comments will be read aloud by the City Clerk. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. City Council may instruct the City Manager to place the item on a future meeting agenda.

Virtual [public comments](http://www.ci.milpitas.ca.gov/publiccomment) may be submitted on a form from the City website: <http://www.ci.milpitas.ca.gov/publiccomment>

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:15 – 7:30 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 (7:30 – 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 April and May 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**
- C2. Approve City Council Meeting Minutes of the April 7 and 10, 2020 City Council meetings (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve draft City Council meeting minutes of the Special Meeting on April 7, Regular Meeting on April 7 and Special Meeting on April 10, 2020.

- C3. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for The Edge Subdivision at 765 Montague Expressway by Lago Vista Milpitas, LLC, 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)**

Recommendation: Adopt a resolution:

- (1) Granting acceptance of public improvements for The Edge Subdivision at 765 Montague Expressway, Tract 10305, Public Improvement Plan No. 2-1214; and
- (2) Approving a reduction in the faithful performance bond to \$40,000, which shall be subject to and in effect for the duration of a one-year warranty period; and
- (3) Granting 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.

C4. Adopt a Resolution Listing the Projects for Fiscal Year 2020-21 to be Funded By SB 1: The Road Repair and Accountability Act of 2017 (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a Resolution listing the projects for Fiscal Year 2020-21 to be funded by SB 1: The Road Repair and Accountability Act of 2017.

C5. Adopt a Resolution Designating the City Manager, Assistant City Manager, and Director of Finance as Authorized Agents to Submit Reimbursement Requests to California Office of Emergency Services (Cal OES) and the Federal Emergency Management Agency (FEMA) (Staff Contact: Walter Rossmann, 408-586-3111)

Recommendation: Adopt a Resolution (Cal OES Form 13) designating the City Manager, Assistant City Manager, and Director of Finance as authorized agents to submit reimbursement requests to Cal OES and FEMA.

C6. Adopt a Resolution Releasing Unclaimed Checks and Credits, Per Standard Operating Procedure (Staff Contact: Walter Rossmann, 408-586-3111)

Recommendation: Adopt a resolution to transfer a total of \$909.77 in unclaimed checks and credits, per the list generated by the City's Finance Department, to the General Fund in accordance with City of Milpitas Standard Operating Procedure No. 26-1.

C7. Continued from April 7 and April 10: Adopt a Resolution Denying the Appeal and Upholding the Planning Commission's Decision to Deny Site Development Permit No. SD18-0012 and Conditional Use Permit No. UP18-0012 to allow 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 1.3, 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: Ned Thomas, 408-586-3273)

Recommendation: Adopt a Resolution denying the appeal and Upholding the Planning Commission's decision to deny Site Development Permit No. SD18-0012 and Conditional Use Permit No. UP18-0012 to allow 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 1.3, and one level of below-grade parking; the relocation of wireless telecommunication equipment to the rooftop of the new building; and the on- and off-premises sale of beer and wine on a 1.14-acre site at 1000 Jacklin Road.

C8. Approve and Authorize the City Manager to Execute an Agreement with Maze & Associates Accountancy Corporation for Professional Auditing Services for a Five-Year Period for an Amount Not to Exceed \$479,175 (Staff Contact: Walter Rossmann, 408-586-3111)

Recommendation: Approve and authorize the City Manager to execute an Agreement with Maze & Associates Accountancy Corporation for Professional Auditing Services for a five-year period for an amount not to exceed \$479,175, subject to annual appropriation of funds.

C9. Accept Report from the Purchasing Agent Regarding Emergency Purchases over \$20,000 Related to the Novel Coronavirus (COVID-19) Outbreak for the Period of April 1 to April 14, 2020 (Staff Contact: Chris Schroeder, 408-687-1639)

Recommendation: Accept a report from the Purchasing Agent regarding emergency purchases over \$20,000 related to the novel coronavirus (COVID-19) outbreak for the period of April 1 to April 14, 2020 for the purchase of Personal Protective Equipment (PPE) for Milpitas Firefighters.

- C10. Receive Summary Report on Assembly Bill 3005 and Authorize Letter of Support (Staff Contacts: Christopher Diaz, 408-586-3040 and Tony Ndah, 408-586-2602)**

Recommendation: Receive summary report on Assembly Bill 3005 and authorize a letter of support.

- C11. Award Invitation for Bid No. 2425 to Long Beach BMW Motorcycles and Authorize the City Manager to purchase five new BMW R 1250 RT-P motorcycles for the Milpitas Police Department for an Amount Not to Exceed \$135,055.80 (Staff Contact: Jared Hernandez, 408-586-2406)**

Recommendation: Award Invitation for Bid No. 2425 to Long Beach BMW Motorcycles and authorize the City Manager to purchase five new BMW R 1250 RT-P motorcycles for the Milpitas Police Department for an amount not to exceed \$135,055.80.

LEADERSHIP AND SUPPORT SERVICES (7:35 – 7:50 PM)

- 12. 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: Francine Hunt, 408-586-3085)**

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.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies (7:50 – 9:30 PM)

- 13. 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.

- 14. Hear Request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” (Contacts: Councilmember 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 a letter of support to the County.

- 15. 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 in support of the principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

- 16. Receive City Council Economic Development Subcommittee Recommendation to Change its Subcommittee name and to Establish a Small Business Loan Program (Contacts: Subcommittee Chair Montano, 408-586-3024 and Councilmember Dominguez, 408-586-3031)**

Recommendations:

(1) Change name of Economic Development Subcommittee to “Small Business Assistance Subcommittee.”

(2) Develop a \$200,000 City sponsored Small Business Loan Program utilizing the services of Silicon Valley Community Foundation (SVCF) and Opportunity Fund as a fiscal agent and administrator of the loan program.

NEXT AGENDA PREVIEW

17. Receive List of Anticipated Agenda Items for the May 5, 2020 Regular City Council Meeting (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Receive Preview List of agenda items for May 5 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 / 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.