



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 will be held via TELECONFERENCE zoom webinar only (no physical meeting space). Submit any Public Forum or agenda item comments in writing on the form online, to be read aloud by City staff.

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>

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

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

For Public Hearing Item No. 13 only, voicemail message comments may be submitted to telephone number 408-586-3010 until 3:00 PM on August 4.

AGENDA

**TUESDAY, AUGUST 4, 2020
MILPITAS, CA
7:00 PM**

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

PLEDGE OF ALLEGIANCE

INVOCATION (assigned to Councilmember Montano)

PRESENTATION

- Proclaim August 2020 as *American Muslim Appreciation and Awareness Month*

PUBLIC FORUM (7:05 PM)

Those interested may address Mayor and City Council in writing on any subject not on tonight's agenda. People commenting must submit written comments via online form and may include their name and city of residence for the Clerk's record. Remarks read aloud by the City Clerk will be limited 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.

Virtual public comments may be submitted on a form from the City website: www.ci.milpitas.ca.gov/publiccomment

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 (7:30 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 August 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**
- C2. Approve City Council Meeting Minutes of the Special and Regular City Council Meetings Held on June 16, 23 and 30, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve draft meeting minutes of June 16, 2020 regular meeting and June 23 and 30, 2020 special meetings of the Milpitas City Council.

- C3. Adopt Ordinance No. 306 for Local Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Contact: Councilmember Dominguez, 408-586-3031)**

Recommendation: Waive the second reading and adopt Ordinance No. 306 for local implementation of the United Nations Convention on the Elimination of all forms of Discrimination Against Women.

- C4. Adopt a Resolution Granting Acceptance of Temporary Fire Station No. 2 Tenant Improvements, Project No. 3447, Authorizing the City Engineer to file a Notice of Completion, and Authorizing the City Engineer to Issue Notice of Final Acceptance (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a resolution granting acceptance of Temporary Fire Station No. 2 Tenant Improvements, Project No. 3447, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue Notice of Final Acceptance after the one-year warranty.

- C5. Adopt a Resolution Granting Acceptance of the Street Resurfacing 2019 Projects No. 4291 and No. 4296, Authorizing the City Engineer to file a Notice of Completion, and Authorize City Engineer to issue a Notice of Final Acceptance after One-Year Warranty (Staff Contact: Steve Chan, 408-586-3324)**

Recommendation: Adopt a resolution granting acceptance of the Street Resurfacing 2019 Projects No. 4291 and No. 4296, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance after the one-year warranty.

- C6. Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to DeSilva Gates Construction, Inc. for Street Resurfacing Project 2020, Project No. 4296 and Federal Project No. STPL-5314(011), and Approve Related Budget Appropriation (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a Resolution to:

1. Approve Street Resurfacing 2020 Project Plans & Specifications,
2. Reject the bid received from O'Grady Paving, Inc. as non-responsive,
3. Award the construction contract to the lowest responsible and responsive bidder, DeSilva Gates Construction, Inc., in the amount of \$1,537,986.90 for the Street Resurfacing Project 2020, Project No. 4296 and Federal Project No. STPL-5314(011),
4. Authorize the City Manager to execute the construction contract with DeSilva Gates Construction, Inc.,
5. Authorize the Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$153,799 for the project, and
6. Approve a budget appropriation of One Bay Area Grant Cycle 2 (OBAG2) funding to CIP Project No. 4296.

- C7. Adopt a Resolution Approving the Memorandum of Understanding and Side Letter between the City of Milpitas and Milpitas Employees Association, an Affiliate of Laborers' International Union of North America (LIUNA/UPEC), and the All Job Classifications Salary Table Effective 7/05/2020 (Staff Contact: Francine Hunt, 408-586-3085)**

Recommendation: Adopt a Resolution approving a new Memorandum of Understanding and Side Letter between the City of Milpitas and Milpitas Employees Association, an affiliate of Laborers' International Union of North America (LIUNA/UPEC) covering the period of July 1, 2020 through June 30, 2023, and the All Job Classifications Salary Table Effective July 5, 2020.

- C8. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for TDK USA Corporation for TDK Headway at 497 South Hillview Drive (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 TDK USA Corp. for TDK Headway at 497 South Hillview Drive.

- C9. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Maintenance Services Agreement with Odyssey Power Corporation for Preventive Generator Maintenance and Repair Services and Related Budget Amendment (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendations:

1. Approve and authorize the City Manager to execute Amendment No. 1 to the Maintenance Services Agreement with Odyssey Power Corporation for preventive generator maintenance and repair services, decreasing the total not to exceed amount by \$248,564 from \$341,182 to \$92,618, over the five-year period, subject to annual appropriation of funds.
2. Approve a budget amendment returning FY 2020-21 contractual savings in the amount of \$31,330 to various fund balances.

- C10. Approve the Award and Authorize the City Manager to Execute an Agreement with “Kaiser Permanente On-the-Job” for Medical Services for Milpitas Uniformed Fire Personnel for a Five-Year Term in an Amount Not to Exceed \$300,000 (Staff Contact: Brian Stelling, Battalion Chief, 408-586-2827)**

Recommendation: Approve award and authorize the City Manager to execute an Agreement with “Kaiser Permanente On-the-Job” for Medical Services for Milpitas Uniformed Fire Personnel for a five-year term in an amount not to exceed \$300,000, subject to annual appropriation of funds.

- C11. Receive and Review the Fiscal Year 2019-20 Annual Report of Sole Source Contracts (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Receive and review the FY 2019-20 annual report of sole source contracts.

- C12. Approve and Authorize the City Manager to Execute a Professional Services Agreement with Ascent Environmental, Inc. to Provide Consulting Services to Update the City’s Climate Action Plan (Staff Contact: Elaine Marshall, 408-586-2603)**

Recommendation: Approve and authorize the City Manager to execute a Professional Services Agreement with Ascent Environmental, Inc. to provide consulting services to update the City’s Climate Action Plan for an amount not to exceed \$204,257, subject to the annual appropriation of funds.

PUBLIC HEARING (7:45 PM)

- 13. Conduct Public Hearing for 2020 Weed Abatement Assessments and Adopt a Resolution to Confirm the Assessment Report (Staff Contact: Albert Zamora, 408-586-3371)**

Recommendations:

1. Open the public hearing for comments, then move to close the Public Hearing.
2. Adopt a Resolution confirming the 2020 Weed Abatement Assessment Report and the Assessment List of parcels to be entered onto the Santa Clara County tax assessment roll.

COMMUNITY DEVELOPMENT (8:00 PM)

- 14. Receive Report and Direct Staff on the Milpitas Microenterprise Grant Program (Staff Contacts: Alex Andrade, 408-586-3046 and Sharon Goei, 408-586-3260)**

Recommendations:

1. Amend the Milpitas Small Business Loan Program and approve the Milpitas Microenterprise Grant Program in its place.
2. Direct staff to launch the Milpitas Microenterprise Grant Program.
3. Authorize the City Manager, or designee, to make any necessary changes to previously Council-approved Community Development Block Grant (CDBG) documents to amend the Milpitas Small Business Loan Program of \$150,000 for Microenterprises and \$50,000 for Small Businesses to the \$200,000 Milpitas Microenterprise Grant Program, and to make any necessary changes to comply with CDBG submission guidelines.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:30 PM)

15. **Approve and Authorize the City Manager to Execute an Amendment to Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas for the Russell Middle School Fields (Staff Contact: Renee Lorentzen, 408-586-3409)**

Recommendation: Approve and authorize the City Manager to execute an Amendment to the Russell Middle School Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas.

PUBLIC SAFETY (8:50 PM)

16. **Receive Report on the Status of COVID19 Testing in the City of Milpitas, Authorize Additional \$175,000 to Fund the City's Mobile Testing Unit and the County Fixed Testing Site through October 9 and Authorize the City Manager to Enter into Discussions with Milpitas Businesses to Provide Testing to Essential Employees Working in the City (Staff Contact: Geoffrey Maloon, 408-586-2818)**

Recommendations:

1. Receive an update regarding the status of COVID-19 testing in Milpitas
2. Authorize \$175,000 to fund the City's mobile testing unit, the County mobile and pop-up testing sites and the fixed testing site at Milpitas Library through October 9, 2020.
3. Provide authorization for the City Manager to enter discussions with Milpitas businesses to provide testing services utilizing the mobile testing unit.

LEADERSHIP AND SUPPORT SERVICES (9:15 PM)

17. **Adopt Three Resolutions Authorizing Placement of a ¼ Cent General Transactions and Use (Sales) Tax Measure on the November 3, 2020 Ballot (Staff Contacts: Ashwini Kantak, 408-586-3053 and Walter C. Rossmann, 408-586-3111)**

Recommendations:

1. Adopt a Resolution calling for the placement of a General Tax Measure on the Ballot for the November 3, 2020 General Municipal Election for submission to the qualified voters of an Ordinance to Enact a General Transactions and Use Tax at the Rate of One-Quarter Cent (1/4 ¢) for a period of eight years.
 2. Adopt a Resolution requesting the Board of Supervisors of the County of Santa Clara to consolidate a General Municipal Election to be held on November 3, 2020 with the Statewide General Election on that date, pursuant to §10403 of the California Elections Code.
 3. Adopt a Resolution providing for filing of primary and rebuttal arguments and setting rules for filing of written arguments regarding a City Measure to be submitted at the November 3, 2020 General Municipal Election.
18. **Adopt a Resolution Approving the City of Milpitas Investment Policy for Fiscal Year 2020-21 (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Adopt a Resolution approving the City of Milpitas Investment Policy for Fiscal Year 2020-21.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies
(10:00 PM)

19. Receive and Direct Staff on List of 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.

20. Discuss and Provide Direction to Staff on Agenda Topic Requested by Vice Mayor Nuñez - Community Workforce Agreement (Contact: Vice Mayor Nuñez, 408-586-3023)

Recommendation: On February 18, 2020, Vice Mayor Nuñez requested the City Council to consider adding Community Workforce Agreement to an upcoming agenda. Council shall discuss and provide direction to staff if it would like to include this subject, requiring staff work of four hours or more, on a particular Milpitas City Council meeting agenda.

21. Discuss and Provide Direction to Staff on Agenda Topic Requested by Councilmember Phan - Responsible Construction Ordinance (Contact: Councilmember Phan, 408-586-3032)

Recommendation: On February 4, 2020, Councilmember Phan requested the City Council to consider adding Responsible Construction Ordinance to an upcoming agenda. Council shall discuss and provide direction to staff if it would like to include this subject, requiring staff work of four hours or more, on a particular Milpitas City Council meeting agenda.

22. Discuss and Provide Direction to Staff on Agenda Topic Requested by Councilmember Montano - Elected Officials' Term Limits (Contact: Councilmember Montano, 408-586-3024)

Recommendation: On June 16, 2020, Councilmember Montano requested the City Council to consider adding Councilmember term limits to an upcoming agenda. Mayor Tran recommended the discussion include all elected officials. Council shall discuss and provide direction to staff if it would like to include this subject, requiring staff work of four hours or more, on a particular Milpitas City Council meeting agenda.

23. Discuss and Provide Direction to Staff on Agenda Topic Requested by Councilmember Phan - Campaign Finance and Open Government (Contact: Councilmember Phan, 408-586-3032)

Recommendation: On June 30, 2020, Councilmember Phan requested the City Council to consider adding campaign finance ordinance update and open government to an upcoming agenda. Council shall discuss and provide direction to staff if it would like to include this subject, requiring staff work of four hours or more, on a particular Milpitas City Council meeting agenda.

NEXT AGENDA PREVIEW (10:55 PM)

24. Receive List of Anticipated Agenda Items for the next Regular City Council meeting on August 18, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

ADJOURNMENT (11:00 PM)

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 the public inspection ~~at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas~~ and on the 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.