



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MAY 2, 2023

CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA

5:30 PM (CLOSED SESSION)

7:00 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-2400

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3072

The City Council meeting is held in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas and via teleconference/Zoom webinar.

You may watch the Council meeting without providing public comment by accessing it via links here.

Meeting shall be livestreamed - Go to:

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

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

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

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may be provided live during the City Council meeting in person or by registering for the zoom meeting in advance. To register you will need to provide an email address (not disclosed) and a name. To minimize technical difficulties, please make sure that you have the latest version of the Zoom Application. Below is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_eSdLvIJ7SQS8WUh6htZbCq

After you register a link will be sent to you to join the City Council meeting in order to give your comments. All Zoom meeting attendees who wish to speak must click on the "raise hand" icon when the Mayor calls for public comments. If participating via phone, dial *9 to use the "raise hand" feature, and when called to speak, dial *6 to unmute your phone. Your phone number will be displayed in the live meeting. The Mayor will call speakers by name to address the City Council.

All comments provided shall be limited to three minutes or less as determined by the Mayor. All members of the public will be limited to one comment per agenda item, and one comment for non-agenda items.

NOTE: If a member of the public wishes to share any presentation materials for Council consideration, they must be submitted to the Clerk's Office by email to CityClerk@milpitas.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

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.
- 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.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk (5:30 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Nick Raisch, Human Resources Director

Bargaining unit: LIUNA, UPEC (Pro-Tech, MEA, MidCon), IAFF, MPOA

(b) PUBLIC EMPLOYEE APPOINTMENT/HIRING

Title: City Manager Recruitment Process

Agency designated representative: Nick Raisch, Human Resources Director

(c) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957

Position: City Attorney

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 (Councilmember Phan)

INVOCATION (Mayor Montano)

PRESENTATIONS (7:05 PM)

- Affordable Housing and Building Safety Month (Proclamation)
- Older Americans Month (Proclamation)
- Teacher Appreciation Week (Proclamation)

PUBLIC FORUM (7:15 PM)

Members of the public are invited to speak on any item that does not appear on today's agenda. Comments will be limited to three minutes or less at the Mayor's discretion. When called to speak, you are encouraged to state your name for the record. As an item not listed on the agenda, no action can be taken, however the City Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (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 May 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendar of Meetings for May 2023.

C2. Approve City Council City Council Meeting Minutes of April 12 and April 18, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Special Meeting minutes of April 12, 2023 and Regular Meeting minutes of April 18, 2023.

C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive the list of anticipated agenda items for the next regular City Council meeting.

C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Review the list of items that have been requested by City Councilmembers and provide direction to staff as necessary. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until it is scheduled as a full agenda item.

C5. Accept Commissioner Resignation (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Accept the resignation of Patti Sexton from the Energy and Environmental Sustainability Commission and direct the City Clerk to post the notice of unscheduled vacancy.

C6. Consider the Recommendation from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)

Recommendation: Receive the recommendation from Mayor Montano and approve appointments to City Commissions.

C7. Authorize and Approve Travel to Madison, Wisconsin for Mayor Carmen Montano to Attend the 2023 Mayors Innovation Project *New Mayors Cohort*, at no Cost to the City, to be Held on May 17 – 19, 2023 (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053)

Recommendation: Authorize and approve travel to Madison, Wisconsin for Mayor Carmen Montano to attend the 2023 Mayors Innovation Project New Mayors Cohort, at no cost to the City, to be held on May 17 – 19, 2023.

C8. Adopt a Resolution Granting Acceptance of the Street Resurfacing 2022 Project, Project No. 4283, 4298, & 4303, Authorizing the City Engineer to file a Notice of Completion and Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)

Recommendation: Adopt a resolution granting acceptance of the Street Resurfacing 2022 Project, Project No. 4283, 4298, & 4303, authorizing the City Engineer to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty.

C9. Award IFB 23-070 and Authorize the City Manager to Execute the Purchase Order with Core and Main for Valve Parts for the Not-to-Exceed Amount of \$135,866.71 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: Award IFB 23-070 and authorize the City Manager to execute the purchase order with Core and Main for the purchase of valve parts for the not-to-exceed amount of \$135,866.71.

C10. Receive a Report on the Selection of Representatives from Various City Commissions to Serve on the Zoning Advisory Group (ZAG) for the Comprehensive Zoning Update (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Recommendation: Receive the report on the selection of representatives from various City Commissions to serve on the Zoning Advisory Group for the Comprehensive Zoning Update.

C11. Receive an Update on the Emergency Repairs to the HVAC System and Equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: (1) Receive an update on the emergency repairs to the HVAC system and equipment at City Hall and the Public Works/Information Technology/Police Department buildings; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

PUBLIC HEARINGS (7:30 PM)

Members of the public may be allotted up to three (3) minutes or less at the Mayor's discretion, to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of ten (10) minutes for opening statements and up to a total of five (5) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

12. Conduct a Public Hearing to Approve the Substantial Amendment to the FY 2022-25 Consolidated Plan, the Allocations for FY 2023-24 Community Development Block Grant, and the Corresponding Annual Action Plan, and Authorize the Use of \$594,882.86 from the City's Revolving Loan Fund to Continue Administration of the Home Rehab Loan Program (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)

Recommendation: (1) Open the public hearing, hear testimony, then close the public hearing; (2) Adopt the FY2023-24 Annual Action Plan with recommended allocation amounts; (3) Approve a substantial amendment to the FY2022-25 Consolidated Plan; (4) Authorize the Acting City Manager, or designee, to make any necessary changes to the approved FY2022-25 Consolidated Plan and FY2023-24 Annual Action Plan as needed to comply with CDBG submission guidelines; (5) Authorize the Acting City Manager, or designee, to execute CDBG agreements with the approved subrecipients, and amend the CDBG agreements as needed to comply with CDBG guidelines; (6) Authorize the use of \$594,882.86 from the City's Revolving Loan Fund to continue administration of the Home Rehab Loan Program; and (7) Authorize the Acting City Manager, or designee, to pursue a subgrantee to administer a microenterprise grant assistance program.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:30 PM)

13. Consider Community Garden Rules and Regulations Update (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: (1) Approve new Community Garden Rules for the Community Garden at the Delano Manongs Park; (2) Receive recommendation from the Parks, Recreation and Cultural Resources Commission on Cesar Chavez Garden Plot reconfiguration; and (3) Provide feedback on potential changes to the Community Garden Rules for the Cesar Chavez Garden.

LEADERSHIP AND SUPPORT SERVICES (9:30 PM)

14. Adopt a Resolution for Exception to the 180-Day Wait Period in Accordance with California Government Code Section 7522.56 and 21224 (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)

Recommendation: Adopt a resolution for exception to the 180-day wait period in accordance with California Government Code Sections 7522.56 and 21224; and approve and authorize the Acting City

Manager to execute a limited term and scope employment agreement with Jeannine Seher, with the agreement term from May 3, 2023 through June 30, 2023.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (9:45 PM)

Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items. 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 whether to move the item forward. If a majority of the City Council agrees to move the item forward, the City Manager shall place the item on a future agenda.

ADJOURNMENT (9:50 PM)

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: mmutalipassi@milpitas.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.milpitas.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.milpitas.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.milpitas.gov or at Milpitas City Hall. Contact the City Clerk's Office at 408-586-3001 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 CityClerk@milpitas.gov prior to the meeting. You may request a larger font agenda.

April 2023						
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Milpitas City Council Calendar

May 2023

June 2023						
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Item # C1.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 7:00 PM-Parks, Recreation & Cultural Resources Commission (HL)	2 5:30 PM-Closed Session 7:00 PM-City Council	3 2:00 PM-Santa Clara VTA Monthly Briefing - Northeast Group (CM) 7:00 PM-Community Advisory Commission (EC)	4 5:30 PM-Santa Clara VTA Board of Directors (CM) 5:30 PM-Milpitas Chamber of Commerce Board (GB)	5	6
7	8 4:30 PM-Economic Development and Trade Commission (CM)	9 5:30 PM-City Council Special Meeting: Budget Study Session Senior Center, Room 140/141	10 7:00 PM-Planning Commission 7:00 PM-Silicon Valley Clean Energy Board of Directors (EC) (Cupertino)	11 11:00 AM-City Council Finance Subcommittee (CM/EC) 4:00 PM-Santa Clara VTA Policy Advisory Committee (EC) 5:30 PM-Cities Assoc of SCC Legislative and City Selection Committees (CM) (Mountain View) 6:00 PM-Youth Advisory Commission (HL) 7:00 PM-Cities Assoc of SCC (CM) (Mountain View)	12	13
14	15 7:00 PM-Special Meeting: Science, Technology, and Innovation Commission (GB) 7:00 PM-Library and Education Commission (EC) (Milpitas Public Library)	16 6:00 PM-Closed Session 7:00 PM-City Council	17 6:00 PM-Energy and Environmental Sustainability Commission (EC)	18 4:00 PM-Treatment Plant Advisory Committee (CM) (San Jose) 6:30 PM-Bay Area Water Supply Conserv Agency (CM) (Oak Room - San Mateo Main Library) 7:00 PM-Public Safety and Emergency Preparedness Commission (HL)	19	20
21	22 7:00 PM-Arts Commission (EC)	23 6:00 PM-Zoning Advisory Group	24	25 1:30 PM-SCC Emergency Operational Area Council Meeting (CM) (San Jose) 4:00 PM-Silicon Valley Regional Interoperability Authority (SVRIA) (GB) (Santa Clara)	26	27
28	29 9:00 AM-Memorial Day Ceremony, Civic Center Plaza  City Hall Closed	30	31			

*Finance Subcommittee will only meet as needed



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, APRIL 18, 2023

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on April 18, 2023, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/ Zoom webinar.

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

Mayor Montano called the Regular City Council meeting to order at 5:30 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien, and Phan (5:37 PM).
ABSENT: None

ADJOURN TO CLOSED SESSION

City Attorney Mutalipassi announced the closed session items. Staff announced that Closed Session Item (a) would be deferred to the next City Council meeting.

The City Council adjourned to Closed Session at 5:32 PM.

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Nick Raisch, Human Resources Director
Bargaining unit: LIUNA, UPEC (Pro-Tech, MEA)

(b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Nick Raisch, Human Resources Director
Bargaining Unit: Other (City Attorney Performance Appraisal Process)

(c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)
Facts and circumstances related to the expiration of a contract to which the City is a party
City as Defendant

The City Council reconvened in open session at 7:02 PM

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi stated there was nothing to report out.

PLEDGE OF ALLEGIANCE

Councilmember Barbadillo led the Pledge of Allegiance.

INVOCATION

Mayor Montano provided the invocation.

PRESENTATIONS

Mayor Montano presented proclamations in recognition of Earth Day on April 22, 2023, Arbor Day on April 28, 2023, National Autism Acceptance Month and Parkinson's Awareness Month. Energy and Environmental Sustainability Commissioner Patti Sexton accepted the proclamation for Earth Day and invited the community to attend the upcoming Earth Day event. Public Works Director Elaine Marshall accepted the proclamation and invited the community to upcoming Arbor Day events. Police Chief Hernandez accepted the proclamation for National Autism Acceptance Month.

PUBLIC FORUM

There were the following public speakers:

1. Rob Means
2. Voltaire Montemayor
3. Allysson McDonald

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Mutalipassi asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. City Attorney Mutalipassi asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, there were no reportable campaign contributions.

READING OF THE CITY COUNCIL CODE OF CONDUCT

Mayor Montano read the Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the April 18, 2023 Regular Meeting Agenda.

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, and Mayor Montano

NOES: None

CONSENT CALENDAR

Motion: to approve the Consent Calendar, pulling Items C10, C11, C12, and C13.

Motion/Second: Councilmember Lien / Councilmember Phan

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, and Mayor Montano

NOES: None

Acting City Manager Kantak announced that Items C11 and C12 would need to be heard immediately following the Consent Calendar in order for action to be taken on Public Hearing Item 14.

C1. Receive City Council Calendar of Meetings for April and May 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Received City Council Calendar of Meetings for April and May 2023.

- C2. Approve City Council City Council Regular Meeting Minutes of April 4, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved the City Council Regular Meeting minutes of April 4, 2023.

- C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received the list of anticipated agenda items for the next regular City Council meeting.

- C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Reviewed the list of items that have been requested by City Councilmembers and provided direction to staff as necessary.

- C5. Consider Opting into Settlement Agreements with Pharmacies and Manufacturers of Opioids, Teva, Allergan, CVS, Walgreens, and Walmart (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3050; and Michael Mutalipassi, City Attorney, 408-586-3040)**

Opted into settlement agreement with pharmacies and manufacturers of opioids, Teva, Allergan, CVS, Walgreens, and Walmart, whereby the County of Santa Clara will initially receive the City's designated share of settlement funds and directed the Acting City Manager to execute any documents necessary to implement the action.

- C6. Approve and Authorize the City Manager to Execute the Improvement Agreement for a Residential Development at 308 Sango Court between the City of Milpitas and Milpitas Pacific Associates, L.P. (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Approved and authorized the City Manager to execute the Improvement Agreement for a residential development at 308 Sango Court between the City of Milpitas and Milpitas Pacific Associates, L.P.

- C7. Approve and Authorize the City Manager to Negotiate and Execute the Agreement for Completion of Public Improvements as part of the Innovation Campus Project between the City of Milpitas and Milpitas Unified School District (MUSD) including issuance of Faithful Performance and Labor and Materials Bonds (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Approved and authorized the City Manager to negotiate and execute the agreement for completion of public improvements as part of the Innovation Campus Project between the City of Milpitas and Milpitas Unified School District (MUSD).

- C8. Award IFB 23-060 and Authorize the City Manager to Execute the Purchase Order with Core and Main for the Purchase of Hydrants and Blow Off Valves for the Not-to-Exceed Amount of \$103,887.11 (Staff Contact: Christian Di Renzo, Director of Public Works, 408-586-2602)**

Awarded IFB 23-060 and authorized the City Manager to execute the purchase order with Core and Main for the purchase of Hydrants and Blow Off Valves for the not-to-exceed amount of \$103,887.11.

- C9. Authorize the City Manager to Execute an Agreement with Willdan Energy Solutions for the Replacement of Natural Gas Water Heaters with Electric Heat Pumps in City Facilities for the Grant Funded Amount of \$134,044.00 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Authorized the City Manager to execute an agreement with Willdan Energy Solutions for the replacement of natural gas water heaters with electric heat pumps in City facilities for the Grant Funded Amount of \$134,044.00.

- C10. Adopt a Resolution to Reject a Bid Protest from Ashron Construction and Restoration, Inc.; and Award a Construction Contract to Tucker Construction, Inc. in the amount of \$51,060.00 for the Fire Training Tower Concrete Repair (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Item pulled from Consent Calendar.

- C11. Waive the Second Reading and Adopt Ordinance No. 120.50 to Amend Chapter 1 of Title VIII of the Milpitas Municipal Code Relating to Water Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Item pulled from Consent Calendar.

- C12. Waive the Second Reading and Adopt Ordinance No. 208.55 to Amend Chapter 2 of Title VIII of the Milpitas Municipal Code Relating to Sewer Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Item pulled from Consent Calendar.

- C13. Approve the addition of Names to City Naming Lists and Adopt a Resolution to Name a New City Park the Delano Manongs Park (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Item pulled from Consent Calendar.

ITEMS PULLED FROM CONSENT CALENDAR

- C11. Waive the Second Reading and Adopt Ordinance No. 120.50 to Amend Chapter 1 of Title VIII of the Milpitas Municipal Code Relating to Water Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Acting City Manager Kantak introduced the item.

There were no public speakers.

After discussion, motion: to waive the second reading of Ordinance No. 120.50 and adopt **Ordinance No. 120.50** to amend Chapter 1 of Title VIII of the Milpitas Municipal Code relating to water service charges.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Vice Mayor Chua, and Mayor Montano

NOES: Councilmember Phan.

- C12. Waive the Second Reading and Adopt Ordinance No. 208.55 to Amend Chapter 2 of Title VIII of the Milpitas Municipal Code Relating to Sewer Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Acting City Manager Kantak introduced the item.

There were no public speakers.

After discussion, motion: to waive the second reading of Ordinance No. 208.55 and adopt **Ordinance No. 208.55** to amend Chapter 2 of Title VIII of the Milpitas Municipal Code relating to sewer service charges.

Motion/Second: Councilmember Barbadillo / Vice Mayor Chua

Motion carried by the following:

AYES: Councilmember Barbadillo, Vice Mayor Chua, and Mayor Montano

NOES: Councilmembers Lien and Phan.

PUBLIC HEARINGS

14. Hold a Public Hearing and Adopt a Resolution Approving the Proposed 2024-2028 Capital Improvement Program (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012; and Michael Silveira, CIP Manager, 408-586-3303)

Deputy City Manager Cano introduced the item and, joined by Capital Improvement Program Manager Silveira, presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Stephen Balsbaugh
2. David Hohl
3. Rob Means
4. Jasper Teboh
5. Allysson McDonald
6. AJ Luong
7. Barbara Navarro

Mayor Montano closed the public hearing.

Deputy City Manager Cano, Capital Improvement Program Manager Silveira, and City staff responded to questions from the City Council.

Councilmember Phan made a motion: to remove the City Attorney's Office referral from the Capital Improvement Project Budget. Councilmember Lien seconded the motion. Vice Mayor Chua suggested incorporating the Councilmember's motion as part of the final action. Councilmember Phan agreed.

Vice Mayor Chua proposed removing the funding recommendation for \$100,000.00 for the Human Resources Information System from the Sewer Fund and voiced support for Option 3 from the Pickleball portion of the presentation allotting \$100,000.00 reserve funding, with usage pending final site selection at a future City Council Meeting.

Councilmember Phan asked to discuss the disposition of the funds that were allocated to the City Attorney office remodel. Councilmember Lien suggested that the use of funds be discussed at another time.

Vice Mayor Chua asked for a friendly amendment to remove the funding recommendation for \$100,000.00 for the Human Resources Information System from the Sewer Fund and include Option 3 from the Pickleball portion of the presentation allotting \$100,000.00 reserve funding, pending final site selection at a future City Council Meeting. Councilmember Phan and Councilmember Lien accepted the amendment.

Councilmember Barbadillo asked for a friendly amendment to discuss the allocation of the funds due to the removal of the City Attorney's Office remodel. Councilmembers Phan and Lien accepted the amendment.

Councilmember Phan restated the motion: to adopt **Resolution No. 9231** approving the 2024-2028 Capital Improvement Program, with the allocation for the City Attorney Office remodel removed to be considered at a later time and discussion to be had on how to allocate those funds, remove \$100,000.00 request for the HRIS from the water and sewer fund requests, and proceed with Option 3 from the Pickleball portion of the presentation allotting \$100,000.00 reserve funding, pending final site selection at a future City Council Meeting.

Motion/Second: Councilmember Phan / Councilmember Lien

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien and Phan, Vice Mayor Chua, and Mayor Montano

NOES: None

15. Conduct a Public Hearing to Discuss Substantial Amendment to the Consolidated Plan, the Allocations for FY 2023-24 Community Development Block Grant, and the Corresponding Annual Action Plan (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)

Economic Development Director Andrade introduced the item and Housing and Neighborhood Services Administrator Musallam presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Teresa Johnson from the Health Trust
2. Marina Sanchez
3. Sheri Burns
4. Georgia Bacil
5. Mira Chandra
6. Alaina Purcell

Mayor Montano closed the public hearing.

Councilmember Phan suggested reallocating funds from the Pragnya and Lighthouse of Hope organizations to the Meals on Wheels program.

Councilmember Lien questioned funding LifeMoves due to it being located in San Jose. Housing and Neighborhood Services Administrator Musallam clarified that Milpitas does not have a homeless shelter and that the LifeMoves operating on Julian Street provides support to unhoused residents from Milpitas.

Councilmember Barbadillo asked for more funds to be reallocated, requested, or shared in Capital Projects from LifeMoves or Rebuilding Together Silicon Valley to the Terrace Gardens roof replacement capital project, and in Public Services to India Community Center and Meals on Wheels.

Vice Mayor Chua asked for funds to be allocated to microenterprises for small businesses and suggested other allocations be reviewed and reduced to fund microenterprise grants.

Mayor Montano voiced support for allocating funding to Rebuilding Together Silicon Valley and LifeMoves, and also agreed that staff needs to take a look at how the City can fund microenterprises.

The report was received and filed.

16. Adopt a Resolution Approving the Fiscal Year 2023-24 User and Regulatory Fee Schedule (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Finance Director Lai presented the report.

Mayor Montano opened the public hearing, there being no speakers, the Mayor closed the public hearing.

After discussion, motion: to adopt **Resolution No. 9232** approving the Fiscal Year 2023-24 User and Regulatory Fee Schedule

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien and Phan, Vice Mayor Chua, and Mayor Montano

NOES: None

COMMUNITY DEVELOPMENT

17. Adopt a Resolution Certifying Election Results and Adding the Properties Located at 1752 and 1810 Houret Court into Community Facilities District No. 2008-1 (Annexation No. 24) (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)

Principal Engineer Alonzo presented the report.

There were no public speakers.

Mayor Montano stated that this is the time for the City Clerk to canvass the ballots and to report the results of the election to the City Council.

City Clerk Guzzetta reported that five ballots were received and opened the sealed ballots. She stated that the proposition was unanimously approved.

After discussion, motion: to receive election results from the City Clerk and adopt **Resolution No. 9233** certifying the election results and adding the properties located at 1752 and 1810 Houret Court into Community Facilities District No. 2008-1 (Annexation No. 24).

Motion/Second: Councilmember Barbadillo / Councilmember Phan

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien and Phan, Vice Mayor Chua, and Mayor Montano

NOES: None

LEADERSHIP AND SUPPORT SERVICES

18. Consider Mayor's Appointments of City Councilmembers to Outside Committees and as Liaisons to City Commissions (Contact: Mayor Carmen Montano, 408-586-3024)

Mayor Montano recommended appointments of City Council members to Outside Committees and as liaisons to City Commissions:

- Santa Clara County Library Joint Powers Authority: Mayor Montano/Vice Mayor Chua (alternate)
- Senior Advisory Commission Council Liaison: Mayor Montano
- Community Advisory Council Liaison: Vice Mayor Chua
- Arts Commission Council Liaison: Vice Mayor Chua

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to confirm Mayor Montano's appointments of Mayor Montano/Vice Mayor Chua (alternate) to the Santa Clara County Library Joint Powers Authority, Mayor Montano as Council Liaison to the Senior Advisory Commission, Vice Mayor Chua as Council Liaison to the Community Advisory Commission, and Vice Mayor Chua as Council Liaison to the Arts Commission.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

ITEMS PULLED FROM CONSET CALENDAR

- C10. Adopt a Resolution to Reject a Bid Protest from Ashron Construction and Restoration, Inc.; and Award a Construction Contract to Tucker Construction, Inc. in the amount of \$51,060.00 for the Fire Training Tower Concrete Repair (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Public Works Director Di Renzo responded to questions from City Council.

There were no public speakers.

After discussion, motion: to adopt **Resolution No. 9234** to reject a bid protest from Ashron Construction and Restoration, Inc.; and Award a construction contract to Tucker Construction, Inc. in the amount of \$51,060.00 for the Fire Training Tower Concrete Repair.

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

- C13. Approve the addition of Names to City Naming Lists and Adopt a Resolution to Name a New City Park the Delano Manongs Park (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recreation and Community Services Director Lorentzen responded to questions from Council.

There were no public speakers.

After discussion, motion: to approve adding Muwekma to the Influential People Naming List, approve adding Delano Manongs to the Influential People Naming List, and adopt **Resolution No. 9235** naming a new park in the Metro Area the "Delano Manongs Park."

Motion/Second: Councilmember Phan / Councilmember Lien

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Councilmember Lien reported that she attended the Unsung Heroes Ceremony hosted by Assemblymember Alex Lee in Fremont, acknowledged an award recipient, and announced the upcoming Vietnamese Flag Raising.

Vice Mayor Chua reported also attended the Unsung Heroes ceremony hosted by Assemblymember Alex Lee and acknowledged award recipients.

Councilmember Barbadillo offered comments on the dais microphone management system.

Councilmember Phan left at 11:02 PM.

Mayor Montano asked to have City-owned parcels 2 and 3 appraised. By a show of hands, there was unanimous consent of those present at the dais (Absent: Phan) to move to the list of Councilmember agenda item requests. She announced attending the Milpitas Chamber of Commerce Crab Feed and asked to close the meeting in memory of Joe Renteria, a long-time Milpitas resident.

ADJOURNMENT

Mayor Montano adjourned the meeting in memory of Joe Renteria at 11:04 PM.

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, APRIL 18, 2023

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on April 18, 2023, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/ Zoom webinar.

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

Mayor Montano called the Regular City Council meeting to order at 5:30 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien, and Phan (5:37 PM).
ABSENT: None

ADJOURN TO CLOSED SESSION

City Attorney Mutalipassi announced the closed session items. Staff announced that Closed Session Item (a) would be deferred to the next City Council meeting.

The City Council adjourned to Closed Session at 5:32 PM.

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Nick Raisch, Human Resources Director
Bargaining unit: LIUNA, UPEC (Pro-Tech, MEA)

(b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Nick Raisch, Human Resources Director
Bargaining Unit: Other (City Attorney Performance Appraisal Process)

(c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)
Facts and circumstances related to the expiration of a contract to which the City is a party
City as Defendant

The City Council reconvened in open session at 7:02 PM

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi stated there was nothing to report out.

PLEDGE OF ALLEGIANCE

Councilmember Barbadillo led the Pledge of Allegiance.

INVOCATION

Mayor Montano provided the invocation.

PRESENTATIONS

Mayor Montano presented proclamations in recognition of Earth Day on April 22, 2023, Arbor Day on April 28, 2023, National Autism Acceptance Month and Parkinson's Awareness Month. Energy and Environmental Sustainability Commissioner Patti Sexton accepted the proclamation for Earth Day and invited the community to attend the upcoming Earth Day event. Public Works Director Elaine Marshall accepted the proclamation and invited the community to upcoming Arbor Day events. Police Chief Hernandez accepted the proclamation for National Autism Acceptance Month.

PUBLIC FORUM

There were the following public speakers:

1. Rob Means
2. Voltaire Montemayor
3. Allysson McDonald

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Mutalipassi asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. City Attorney Mutalipassi asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, there were no reportable campaign contributions.

READING OF THE CITY COUNCIL CODE OF CONDUCT

Mayor Montano read the Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the April 18, 2023 Regular Meeting Agenda.

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, and Mayor Montano

NOES: None

CONSENT CALENDAR

Motion: to approve the Consent Calendar, pulling Items C10, C11, C12, and C13.

Motion/Second: Councilmember Lien / Councilmember Phan

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, and Mayor Montano

NOES: None

Acting City Manager Kantak announced that Items C11 and C12 would need to be heard immediately following the Consent Calendar in order for action to be taken on Public Hearing Item 14.

C1. Receive City Council Calendar of Meetings for April and May 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Received City Council Calendar of Meetings for April and May 2023.

- C2. Approve City Council City Council Regular Meeting Minutes of April 4, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved the City Council Regular Meeting minutes of April 4, 2023.

- C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received the list of anticipated agenda items for the next regular City Council meeting.

- C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Reviewed the list of items that have been requested by City Councilmembers and provided direction to staff as necessary.

- C5. Consider Opting into Settlement Agreements with Pharmacies and Manufacturers of Opioids, Teva, Allergan, CVS, Walgreens, and Walmart (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3050; and Michael Mutalipassi, City Attorney, 408-586-3040)**

Opted into settlement agreement with pharmacies and manufacturers of opioids, Teva, Allergan, CVS, Walgreens, and Walmart, whereby the County of Santa Clara will initially receive the City's designated share of settlement funds and directed the Acting City Manager to execute any documents necessary to implement the action.

- C6. Approve and Authorize the City Manager to Execute the Improvement Agreement for a Residential Development at 308 Sango Court between the City of Milpitas and Milpitas Pacific Associates, L.P. (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Approved and authorized the City Manager to execute the Improvement Agreement for a residential development at 308 Sango Court between the City of Milpitas and Milpitas Pacific Associates, L.P.

- C7. Approve and Authorize the City Manager to Negotiate and Execute the Agreement for Completion of Public Improvements as part of the Innovation Campus Project between the City of Milpitas and Milpitas Unified School District (MUSD) including issuance of Faithful Performance and Labor and Materials Bonds (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Approved and authorized the City Manager to negotiate and execute the agreement for completion of public improvements as part of the Innovation Campus Project between the City of Milpitas and Milpitas Unified School District (MUSD).

- C8. Award IFB 23-060 and Authorize the City Manager to Execute the Purchase Order with Core and Main for the Purchase of Hydrants and Blow Off Valves for the Not-to-Exceed Amount of \$103,887.11 (Staff Contact: Christian Di Renzo, Director of Public Works, 408-586-2602)**

Awarded IFB 23-060 and authorized the City Manager to execute the purchase order with Core and Main for the purchase of Hydrants and Blow Off Valves for the not-to-exceed amount of \$103,887.11.

- C9. Authorize the City Manager to Execute an Agreement with Willdan Energy Solutions for the Replacement of Natural Gas Water Heaters with Electric Heat Pumps in City Facilities for the Grant Funded Amount of \$134,044.00 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Authorized the City Manager to execute an agreement with Willdan Energy Solutions for the replacement of natural gas water heaters with electric heat pumps in City facilities for the Grant Funded Amount of \$134,044.00.

- C10. Adopt a Resolution to Reject a Bid Protest from Ashron Construction and Restoration, Inc.; and Award a Construction Contract to Tucker Construction, Inc. in the amount of \$51,060.00 for the Fire Training Tower Concrete Repair (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Item pulled from Consent Calendar.

- C11. Waive the Second Reading and Adopt Ordinance No. 120.50 to Amend Chapter 1 of Title VIII of the Milpitas Municipal Code Relating to Water Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Item pulled from Consent Calendar.

- C12. Waive the Second Reading and Adopt Ordinance No. 208.55 to Amend Chapter 2 of Title VIII of the Milpitas Municipal Code Relating to Sewer Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Item pulled from Consent Calendar.

- C13. Approve the addition of Names to City Naming Lists and Adopt a Resolution to Name a New City Park the Delano Manongs Park (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Item pulled from Consent Calendar.

ITEMS PULLED FROM CONSENT CALENDAR

- C11. Waive the Second Reading and Adopt Ordinance No. 120.50 to Amend Chapter 1 of Title VIII of the Milpitas Municipal Code Relating to Water Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Acting City Manager Kantak introduced the item.

There were no public speakers.

After discussion, motion: to waive the second reading of Ordinance No. 120.50 and adopt **Ordinance No. 120.50** to amend Chapter 1 of Title VIII of the Milpitas Municipal Code relating to water service charges.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Vice Mayor Chua, and Mayor Montano

NOES: Councilmember Phan.

- C12. Waive the Second Reading and Adopt Ordinance No. 208.55 to Amend Chapter 2 of Title VIII of the Milpitas Municipal Code Relating to Sewer Service Charges (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Lauren Lai, Director of Finance, 408-586-3111)**

Acting City Manager Kantak introduced the item.

There were no public speakers.

After discussion, motion: to waive the second reading of Ordinance No. 208.55 and adopt **Ordinance No. 208.55** to amend Chapter 2 of Title VIII of the Milpitas Municipal Code relating to sewer service charges.

Motion/Second: Councilmember Barbadillo / Vice Mayor Chua

Motion carried by the following:

AYES: Councilmember Barbadillo, Vice Mayor Chua, and Mayor Montano

NOES: Councilmembers Lien and Phan.

PUBLIC HEARINGS

14. Hold a Public Hearing and Adopt a Resolution Approving the Proposed 2024-2028 Capital Improvement Program (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012; and Michael Silveira, CIP Manager, 408-586-3303)

Deputy City Manager Cano introduced the item and, joined by Capital Improvement Program Manager Silveira, presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Stephen Balsbaugh
2. David Hohl
3. Rob Means
4. Jasper Teboh
5. Allysson McDonald
6. AJ Luong
7. Barbara Navarro

Mayor Montano closed the public hearing.

Deputy City Manager Cano, Capital Improvement Program Manager Silveira, and City staff responded to questions from the City Council.

Councilmember Phan made a motion: to remove the City Attorney's Office referral from the Capital Improvement Project Budget. Councilmember Lien seconded the motion. Vice Mayor Chua suggested incorporating the Councilmember's motion as part of the final action. Councilmember Phan agreed.

Vice Mayor Chua proposed removing the funding recommendation for \$100,000.00 for the Human Resources Information System from the Sewer Fund and voiced support for Option 3 from the Pickleball portion of the presentation allotting \$100,000.00 reserve funding, with usage pending final site selection at a future City Council Meeting.

Councilmember Phan asked to discuss the disposition of the funds that were allocated to the City Attorney office remodel. Councilmember Lien suggested that the use of funds be discussed at another time.

Vice Mayor Chua asked for a friendly amendment to remove the funding recommendation for \$100,000.00 for the Human Resources Information System from the Sewer Fund and include Option 3 from the Pickleball portion of the presentation allotting \$100,000.00 reserve funding, pending final site selection at a future City Council Meeting. Councilmember Phan and Councilmember Lien accepted the amendment.

Councilmember Barbadillo asked for a friendly amendment to discuss the allocation of the funds due to the removal of the City Attorney's Office remodel. Councilmembers Phan and Lien accepted the amendment.

Councilmember Phan restated the motion: to adopt **Resolution No. 9231** approving the 2024-2028 Capital Improvement Program, with the allocation for the City Attorney Office remodel removed to be considered at a later time and discussion to be had on how to allocate those funds, remove \$100,000.00 request for the HRIS from the water and sewer fund requests, and proceed with Option 3 from the Pickleball portion of the presentation allotting \$100,000.00 reserve funding, pending final site selection at a future City Council Meeting.

Motion/Second: Councilmember Phan / Councilmember Lien

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien and Phan, Vice Mayor Chua, and Mayor Montano

NOES: None

15. Conduct a Public Hearing to Discuss Substantial Amendment to the Consolidated Plan, the Allocations for FY 2023-24 Community Development Block Grant, and the Corresponding Annual Action Plan (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; and Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)

Economic Development Director Andrade introduced the item and Housing and Neighborhood Services Administrator Musallam presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Teresa Johnson from the Health Trust
2. Marina Sanchez
3. Sheri Burns
4. Georgia Bacil
5. Mira Chandra
6. Alaina Purcell

Mayor Montano closed the public hearing.

Councilmember Phan suggested reallocating funds from the Pragnya and Lighthouse of Hope organizations to the Meals on Wheels program.

Councilmember Lien questioned funding LifeMoves due to it being located in San Jose. Housing and Neighborhood Services Administrator Musallam clarified that Milpitas does not have a homeless shelter and that the LifeMoves operating on Julian Street provides support to unhoused residents from Milpitas.

Councilmember Barbadillo asked for more funds to be reallocated, requested, or shared in Capital Projects from LifeMoves or Rebuilding Together Silicon Valley to the Terrace Gardens roof replacement capital project, and in Public Services to India Community Center and Meals on Wheels.

Vice Mayor Chua asked for funds to be allocated to microenterprises for small businesses and suggested other allocations be reviewed and reduced to fund microenterprise grants.

Mayor Montano voiced support for allocating funding to Rebuilding Together Silicon Valley and LifeMoves, and also agreed that staff needs to take a look at how the City can fund microenterprises.

The report was received and filed.

16. Adopt a Resolution Approving the Fiscal Year 2023-24 User and Regulatory Fee Schedule (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Finance Director Lai presented the report.

Mayor Montano opened the public hearing, there being no speakers, the Mayor closed the public hearing.

After discussion, motion: to adopt **Resolution No. 9232** approving the Fiscal Year 2023-24 User and Regulatory Fee Schedule

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien and Phan, Vice Mayor Chua, and Mayor Montano

NOES: None

COMMUNITY DEVELOPMENT

17. Adopt a Resolution Certifying Election Results and Adding the Properties Located at 1752 and 1810 Houret Court into Community Facilities District No. 2008-1 (Annexation No. 24) (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)

Principal Engineer Alonzo presented the report.

There were no public speakers.

Mayor Montano stated that this is the time for the City Clerk to canvass the ballots and to report the results of the election to the City Council.

City Clerk Guzzetta reported that five ballots were received and opened the sealed ballots. She stated that the proposition was unanimously approved.

After discussion, motion: to receive election results from the City Clerk and adopt **Resolution No. 9233** certifying the election results and adding the properties located at 1752 and 1810 Houret Court into Community Facilities District No. 2008-1 (Annexation No. 24).

Motion/Second: Councilmember Barbadillo / Councilmember Phan

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien and Phan, Vice Mayor Chua, and Mayor Montano

NOES: None

LEADERSHIP AND SUPPORT SERVICES

18. Consider Mayor's Appointments of City Councilmembers to Outside Committees and as Liaisons to City Commissions (Contact: Mayor Carmen Montano, 408-586-3024)

Mayor Montano recommended appointments of City Council members to Outside Committees and as liaisons to City Commissions:

- Santa Clara County Library Joint Powers Authority: Mayor Montano/Vice Mayor Chua (alternate)
- Senior Advisory Commission Council Liaison: Mayor Montano
- Community Advisory Council Liaison: Vice Mayor Chua
- Arts Commission Council Liaison: Vice Mayor Chua

There were the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to confirm Mayor Montano's appointments of Mayor Montano/Vice Mayor Chua (alternate) to the Santa Clara County Library Joint Powers Authority, Mayor Montano as Council Liaison to the Senior Advisory Commission, Vice Mayor Chua as Council Liaison to the Community Advisory Commission, and Vice Mayor Chua as Council Liaison to the Arts Commission.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

ITEMS PULLED FROM CONSET CALENDAR

- C10. Adopt a Resolution to Reject a Bid Protest from Ashron Construction and Restoration, Inc.; and Award a Construction Contract to Tucker Construction, Inc. in the amount of \$51,060.00 for the Fire Training Tower Concrete Repair (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Public Works Director Di Renzo responded to questions from City Council.

There were no public speakers.

After discussion, motion: to adopt **Resolution No. 9234** to reject a bid protest from Ashron Construction and Restoration, Inc.; and Award a construction contract to Tucker Construction, Inc. in the amount of \$51,060.00 for the Fire Training Tower Concrete Repair.

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

- C13. Approve the addition of Names to City Naming Lists and Adopt a Resolution to Name a New City Park the Delano Manongs Park (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recreation and Community Services Director Lorentzen responded to questions from Council.

There were no public speakers.

After discussion, motion: to approve adding Muwekma to the Influential People Naming List, approve adding Delano Manongs to the Influential People Naming List, and adopt **Resolution No. 9235** naming a new park in the Metro Area the "Delano Manongs Park."

Motion/Second: Councilmember Phan / Councilmember Lien

Motion carried by the following:

AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: None

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Councilmember Lien reported that she attended the Unsung Heroes Ceremony hosted by Assemblymember Alex Lee in Fremont, acknowledged an award recipient, and announced the upcoming Vietnamese Flag Raising.

Vice Mayor Chua reported also attended the Unsung Heroes ceremony hosted by Assemblymember Alex Lee and acknowledged award recipients.

Councilmember Barbadillo offered comments on the dais microphone management system.

Councilmember Phan left at 11:02 PM.

Mayor Montano asked to have City-owned parcels 2 and 3 appraised. By a show of hands, there was unanimous consent of those present at the dais (Absent: Phan) to move to the list of Councilmember agenda item requests. She announced attending the Milpitas Chamber of Commerce Crab Feed and asked to close the meeting in memory of Joe Renteria, a long-time Milpitas resident.

ADJOURNMENT

Mayor Montano adjourned the meeting in memory of Joe Renteria at 11:04 PM.

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta

TENTATIVE CITY COUNCIL AGENDA ITEM LIST

Item # C3.

as of 4/27/2023

May 16, 2023 – Regular Meeting

CLOSED SESSION

- Labor Relations

INVOCATION (Mayor Montano)

PRESENTATION

- Asian Pacific American Heritage Month (Proclamation)
- Public Works Week (Proclamation)
- Memorial Day (Proclamation)
- Certificates for Earth Day Essay Winners

CONSENT CALENDAR

1. Receive City Council calendar for May and June 2023 (City Clerk)
2. Approve City Council Meeting minutes of April 25 and May 2, 2023 (City Clerk)
3. Preview list of items for June 6, 2023 (City Clerk)
4. Councilmember Request List (City Clerk)
5. Commission Appointments (City Clerk)
6. Adopt a Resolution Granting Acceptance of Fire Station No. 2 Replacement, Project No. 3447, authorizing the City Engineer to file a Notice of Completion, and authorize the City to issue a Notice of Final Acceptance after the one-year warranty (Engineering)
7. Adopt a Resolution Granting Acceptance of McCandless Park Phase I, Project No. 5102, authorizing the City Engineer to file a Notice of Completion, and authorize the City to issue a Notice of Final Acceptance after the one-year warranty (Engineering)
8. Report on Emergency HVAC Repairs (Public Works)
9. Memorial Benches (Recreation)
10. Historic Park Marker Project (Recreation)
11. Adopt a Resolution Designating Project No. 4305 Street Resurfacing 2023-2024 to be Funded by SB-1 The Road Repair and Accountability Act of 2017 (Engineering)
12. Adopt a Resolution Granting Acceptance of Delano Manongs Park (formerly known as McCandless Park), Project No. 2005, 5102, 7076, authorizing the City Engineer to file a Notice of Completion, and authorize the City to issue a Notice of Final Acceptance after the one-year warranty (Engineering)

PUBLIC HEARING

13. Adopt a Resolution Approving the Annual Engineer's Report LLMD 95-1 (Engineering)
14. Adopt a Resolution Approving the Annual Engineer's Report LLMD 98-1 (Engineering)

COMMUNITY SERVICES

15. Stormwater Fee Funding Options
16. Recission of Water Conservation – Stage 2 Declaration (Public Works)

PUBLIC SAFETY

LEADERSHIP

REPORTS

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

Item # C4.

OPEN ITEMS				
Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
1	Have City-owned parcels 2 and 3 on Main Street appraised	Montano	4/18/2023	This item will be discussed at the next quarterly prioritization in June 2023
2	Have the City look into the possibility of a Citywide Senior Discount	Barbadillo	2/7/2023	This item will be discussed at the next quarterly prioritization in June 2023
3	See if City Manager and staff could assist in finding a month and day to celebrate an International Cultural Festival on Main Street	Lien	2/7/2023	This item will be discussed at the next quarterly prioritization in June 2023
4	Look into purchasing a larger electronic billboard for Library	Montano	2/7/2023	At the February 28, 2023 CIP Study Session, the Council opted to discuss at the next prioritization session in June 2023

ACTIVE ITEMS				
Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
5	Add lights to Gill Park for Nighttime Usage	Chua	2/21/2023	At the February 28, 2023 CIP Study Session, Council asked for an inventory of parks with types of lighting available. This was provided in an info memo released on April 13, 2023
6	Look into the impact of and how the City can compensate for the massive number of layoffs in the Bay Area. Staff consider how the City can help residents affected by layoffs, reach out to those affected and show them city programs.	Chua	12/6/2022	Referred to Economic Development and Trade Commission. Staff, in partnership with NOVAworks, provided information about past and upcoming layoffs, wage and labor data as well as job and career resources available to Milpitas residents and businesses at the Economic Development and Trade Commission meeting on January 9, 2023. City staff is continuing to partner with NOVAworks by promoting their upcoming layoff assistance webinars to assist with career transition and unemployment services and resources. One webinar took place on January 24 and other webinars are scheduled to take place on February 7 and 21.
7	Staff explore eliminating or waiving the fee for the gym at the Milpitas Senior Center	Chua	10/18/2022	Staff will evaluate this item consistent with the Recreation and Community Service Cost Recovery City Council Policy and bring it back to Council for consideration as part of approval of the FY 2023-24 Proposed Master Fee Schedule.
8	City Manager to look into defining either a standalone teen center or updating information to indicate the Senior Center also functions as a Teen Center	Chua	9/20/2022	Discussed at February 2023 Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Prioritization Discussion on 2/7/23. At the 2/28/2023 CIP Study Session, Council directed staff to include funding for a feasibility analysis.

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

Item # C4.

9	Schedule an additional ADU workshop	Chua	9/6/2022	Similar to last year, staff will support any webinar hosted by a community partner.
10	Discuss converting vacant lot that was a basketball court into a community garden at Vasona and Adobe	Montano	8/16/2022	Item brought forward as part of the City Council additional workplan items prioritization in February 2023. Mayor Montano asked it come back after a survey of residents was completed to determine community support. At the February 28, 2023 CIP Study Session, Council asked staff to ask the nearby community for their input on other uses they would want for the property.
11	City Manager look into implementing a workshop for small businesses on the bidding process for projects in the city	Chua	8/9/2022	Discussed at February 2023 Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Prioritization Discussion on 2/7/23
12	Quarterly or Monthly crime statistics on Homekey Project	Chua	6/7/2022	PD will present quarterly reports starting on November 15, 2022.
13	Establish a SPAR fund modelled after the City of Mountain View - sets asides moneys for opportunities to buy real estate	Montano	6/7/2022	At the January 31, 2023 City Council budget hearing, staff was directed to update the City's Fiscal Policies to provide an option for a portion of future surplus funding to be reserved for real estate acquisition. Staff will include this edit to the Fiscal Policies as part of the Proposed Fiscal Year 2023-2024 Operating Budget; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
14	Memorial Plaque in honor of youth skateboarder that passed away	Montano	6/7/2022	At the January 31 2023 City Council budget hearing, City Council voted to consider this item in the FY 2023-24 budget development.; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
15	Funding to hire a consultant for the Sunnyhills Historical Designation on a state level	Tran	6/7/2022	Based on staff research, the best way to try for a Historical District Designation is at the National Level. This can be wrapped into the approved CIP for the Historical Resources Plan update or through grant consultant California Consulting. Request will be included with the Historic Resources Master Plan project approved as part of the 2023-2027 Capital Improvement Program.

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

Item # C4.

				MMC V-13-140 Mandatory Plan to Prevent Cart Removal includes requirement for physical measures to prevent cart removal however V-13-120 provides an exemption for cart owner that agrees to enter into a contract with a City-designated retrieval service. Staff suggestion to Council is to review this exemption and repeal it which would require all cart owners to have physical measures to prevent cart removal. Business outreach was conducted to grocery store operators in Q2 of 2022 to inquire about shopping cart removal and theft. Grocery stores contacted were Ocean Supermarket, Seafood City Supermarket, Chung Chou City, Milpitas Grocery Outlet, and 99 Ranch Market. Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
16	Explore the policy for locking mechanisms on shopping carts for large commercial businesses	Tran	4/19/2022	
17	Explore an ordinance or policy to reduce thefts and increase security in the commercial retail parking areas	Chua	4/5/2022	CAO conducting legal review of policies requiring businesses to hire security/install cameras; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
18	Request for Crossing Guards at McCandless and Montague Expressway and review wages for Crossing Guards	Montano	4/5/2022	Info Memos were sent to the City Council on 6/13/2022 and 1/27/2023. At the January 31st budget study session, Council voted to move to a contract model; Staff is in the middle of a citywide traffic study, which includes school aged pedestrian counts around schools in the City including the McCandless and Montague Expressway intersection.
19	Create a plan for future solar paneling at City facilities	Montano	3/1/2022	As discussed with the City Council at the 1/31/2023 Budget Study Session, staff will continue to explore grant opportunities to install additional solar panels on City facilities. However, staff will only proceed with further development if this grant funding is identified so work (other than reviewing grant opportunities) is on hold at this time. Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward at the 5/03/2022 meeting; Discussed at the May 10 budget meeting and approved funding of \$25,000 in the 2022-23 budget

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

Item # C4.

20	Evaluate reopening the childcare center with a non-profit organization running the center	Montano	2/1/2022	No additional funds required to complete the internal review. Internal review can be done by late 2023. Approved during Spring Quarterly City Council Workplan Items Prioritization Discussion on 5/03/2022.
21	Requested an appropriation in an amount not to exceed \$250,000 to procure a contract to address the streetlights that are pending fieldwork.	Tran	2/1/2022	At this time, staff has sufficient Council approved resources to address the remaining streetlight outages; however, will bring relevant actions for Council consideration, if needed.
22	Staff to look into mural Art on Great Mall Parkway on the VTA owned Light rail pillars	Montano	11/16/2021	VTA is not responsive to requests from the City to meet on this project. A discussion on other locations or projects with Council may be needed; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved at the 5/03/2022 meeting; discussed funding at the 5/10/2022 budget meeting and approved \$100,000 of funding for one site
23	Request for the City to make the temporary third-party food deliver fee caps permanent and add additional provisions for enforcement	Phan	11/16/2021	Requires legal analysis of 1:21-cv-07695-AT-SLC DoorDash, Inc. v. city of New York and 3:21-cv-05502-EMC Doordash, Inc. et al v. City and County of San Francisco. Doordash v. NYC remains pending and may settle the law on the matter. CAO will prepare confidential memorandum for the Council. Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward at the 5/03/2022 meeting
24	Have a picture of Albert Vogel Sr. put up in the Senior Center	Montano	10/19/2021	No additional funding needed. Need final names from City Council. Approved to move forward at the 1/11/2022 Council meeting; Staff engaged the artist of the existing mural regarding this Council approved item.
25	Include a bust of Maria Lemire on the Mural in front of the Senior Center	Montano	8/17/2021	Maria Lemery is to be included on the Senior Center Mural. It's not an actual "bust." Approved to move forward at the 1/11/2022 Council meeting; Staff engaged the artist of the existing mural regarding this Council approved item.
26	Look into bringing back a roller rink	Montano	8/5/2021	Monies budgeted. Roller Rink bids coming back end of Feb/early March. Event schedule for August 4 & 5, 2023. Approved to move forward at the 1/11/2022 Council meeting. Funding for the program will need to be prioritized through the FY 22-23 budget process; Discussed at 5/10/2022 budget meeting and approved \$100,000 funding for a two-day event in 2023

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

Item # C4.

27	Staff to create a plan on how to increase the number of local businesses doing business with the City	Chua	4/6/2021	Staff is tracking this local business participation item as part of Council Priority Item 3 in Group 1 on this list; At 8/9/2021 Council meeting, Council voted that this item may have to come back for additional discussion because there may be some legal considerations.
28	Staff to provide information on a landmark policy for the City of Milpitas	Tran	3/16/2021	This is part of the CIP for updating the Historic and Cultural Resources Plan; 8/09/2021 Council voted 5-0 to move this item forward; this item will be included for funding consideration in the development of the FY 2023-27 CIP for assessment of historical and cultural resources and development of landmark policy; The funding for the assessment of historical and cultural resources and development of a landmark policy will be included in the 2023-2027 Capital Improvement Program scheduled for adoption on May 3, 2022. This project will be scheduled to begin in FY 2022-23.
29	Amendment to the existing ordinance for third-party food delivery vendor services to prohibit regulatory response fees	Phan	2/16/2021	See update to item titled "Request for the City to make the temporary third-party food deliver fee caps permanent and add additional provisions for enforcement." Agendized for discussion on 3/16/2021, deferred to 4/06/2021; CC direction for City Attorney to prepare a report; At the 11/12/2021 Transportation Subcommittee, the Subcommittee directed to bring back this request to Council as part of the FY 2022-23 budget process.
30	Ordinance to ban vaping in the City	Montano	12/15/2020	Ordinance regarding a ban on use in certain areas adopted by Council on 6/15/2021. Council received a follow-up presentation from staff on 6/21/22 and provided direction on establishing a local tobacco retail permitting program and regulating tobacco retail locations and the sale of flavored tobacco and electronic cigarette products in Milpitas. Staff is now coordinating with the Santa Clara County Department of Environmental Health (DEH) to set up the program, and those arrangement will be brought back to the Council in early 2023.
31	Consider Community Museum and Park on Main St.	Phan	8/20/2019	to Rules Subcommittee 8/23/2019. Moved to Specific Plan Community Conversation events.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Accept Commissioner Resignation (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	5/2/2023
	<u>Recommendation:</u> Accept the resignation of Patti Sexton from the Energy and Environmental Sustainability Commission and direct the City Clerk to post the notice of unscheduled vacancy.

BACKGROUND:

In accordance with the City of Milpitas Commission By-Laws adopted as Resolution No. 7702, any member or alternate member of a Commission who is no longer available to serve, must submit a resignation in writing by sending a written communication to the Mayor and the City Clerk. The written resignation must then be accepted and confirmed by City Council via action on the consent calendar at a regularly scheduled City Council meeting. Patti Sexton submitted a notice of resignation from the Energy and Environmental Sustainability Commission.

ANALYSIS:

By state law, a Notice of an Unscheduled Vacancy must be posted by the City Clerk to advertise the vacant Commission seat. Final appointment to the board, commission, or committee for the Unscheduled Vacancy shall not be made by the legislative body for at least ten working days after the posting of the notice in the Clerk's office. The notice of the unscheduled vacancy for the Energy and Environmental Sustainability Commission will be posted Wednesday, May 3, 2023.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION:

Accept the resignation of Patti Sexton from the Energy and Environmental Sustainability Commission and direct the City Clerk to post the notice of unscheduled vacancy.

Attachments:

1. Letter from Energy and Environmental Sustainability Commissioner Patti Sexton

Suzanne Guzzetta

Subject: FW: [EXT] Resignation from Energy and Environmental Sustainability Commission

From: Patti Sexton [REDACTED]
Sent: Thursday, April 20, 2023 3:57 PM
To: Carmen Montano <cmontano@milpitas.gov>
Cc: Evelyn Chua <echua@milpitas.gov>; Elaine Marshall <emarshall@milpitas.gov>; Suzanne Guzzetta <sguzzetta@milpitas.gov>; Felix Mbuga [REDACTED]
Subject: [EXT] Resignation from Energy and Environmental Sustainability Commission

CAUTION: EXTERNAL SENDER

This email originated from outside the organization. Do NOT click links or open attachments unless you recognize the sender and know the content is safe. [Report suspicious messages](#) to the [IT Helpdesk](#).

Dear Mayor Montano,

I am resigning from the EESC effective April 30, 2013. I am moving out of state and will no longer be able to serve as a commissioner.

I appreciate the opportunity to participate in city activities and represent residents of Milpitas since 2018. The city has been making great strides in building climate resilience and reducing carbon pollution since 1991 when I moved to Milpitas from Dallas.

I will miss this wonderful city and the friendly folks who live and work here. Best wishes to you all,

Patti Sexton
EESC Commissioner

cc: Suzanne Guzzetta, City Clerk
Vice Mayor Chua, EESC Council Liaison
Elaine Marshall, Deputy Director Public Works, EESC Staff Liaison
Felix Mbuga, Chairperson EESC



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider the Recommendation from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	5/2/2023
	<u>Recommendation:</u> Receive the recommendation from Mayor Montano and approve appointments to City Commissions

Background:

The City of Milpitas has 13 Commissions (including the Measure F Oversight Committee), with members appointed by the Mayor and confirmed by the City Council. The Commissions advise the Milpitas elected officials on a variety of community interest and policy areas.

Any resident interested in serving on a City Commission must complete a Commission Application and submit the form to the City Clerk. Copies of the applications are provided to the Mayor for her consideration. Per Government Code 40605, in a general law city where the office of Mayor is an elective office, the Mayor with the approval of the City Council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute.

Current Commissioners may seek to be reappointed upon the expiration of their current term, but reappointment to a new term is not automatic. Those Commissioners seeking reappointment must contact the City Clerk and the Mayor to convey their request. Re-appointment must be recommended by the Mayor and confirmed by the City Council.

Analysis:

Mayor Montano is making the following recommendations for appointment:

Economic Development and Trade Commission:

1. Reappoint Casey McNeil to the Technology/Trades seat with a term ending April 2026.

Senior Advisory Commission:

1. Promote Barbara Jo Navarro to a full voting seat with an unexpired term ending December 2023.

All recommended Commissioner appointments have been reviewed and confirmed by the City Clerk's office.

Fiscal Impact:

There is no fiscal impact associated with this item.

Recommendation:

Receive the recommendation from Mayor Montano and approve appointments to City Commissions.

Attachments:

None.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize and Approve Travel to Madison, Wisconsin for Mayor Carmen Montano to Attend the 2023 Mayors Innovation Project <i>New Mayors Cohort</i>, at no Cost to the City, to be Held on May 17 – 19, 2023 (Staff contact: Ashwini Kantak, Acting City Manager, 408-586-3053)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	5/2/2023
	<u>Recommendation:</u> Authorize and approve travel to Madison, Wisconsin for Mayor Carmen Montano to attend the 2023 Mayors Innovation Project <i>New Mayors Cohort</i> , at no cost to the City, to be held on May 17 – 19, 2023.

BACKGROUND:

The [Mayors Innovation Project](#) (MIP) was founded in 2005 by Madison, WI's former Mayor Dave Cieslewicz and Joel Rogers, a professor, and Director of [COWS](#), and is a national peer learning network that convenes mayors and city leaders around policy and practice. MIP launched the New Mayors Cohort in 2019 to support recently elected mayors in their transition to executive governance.

MIP hosts annual cohort by invitation, and this year's cohort will kick off with an in-person workshop in Madison, WI, held May 17 – 19; followed by virtual sessions in June and July; and concluding with an opportunity to convene at its 2023 Summer Meeting in Scranton, PA with its full network of mayors and city leaders. During this workshop, attendees will learn about leading-edge thinking and concrete examples that they can implement and will share innovative city policies to advance equity, democratic governance, and sustainability. The agenda will be available the first week in May. The cost of attendance to the New Mayors Cohort is being donated to the City by MIP.

ANALYSIS:

The City of Milpitas Travel and Expense Policy requires approval of travel for elected officials and the City Manager by the City Council. Council approval of this request will allow Mayor Montano to travel to Madison, WI, to represent the City. Attendance at the conference will also offer the elected officials and City Manager the opportunity to garner additional knowledge from other city and county elected officials and administrators to share with their colleagues. Continued participation and attendance in these types of conferences ensures that the Milpitas community is fully represented at the local, regional, and state levels.

POLICY ALTERNATIVE(S):

Not applicable

FISCAL IMPACT:

Funding for costs associated with travel, room, board, meals, and participation in the conference is being donated to the City by MIP. The Mayor will be attending the conference as part of the official business of the City. To the extent that payments for the conference meet the requirements of Regulations 18944 or 18950.1, the City must report it on its Form 801. These costs are not reported on the individual's statement of economic interests (Form 700).

California Environmental Quality Act (CEQA):

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA.

RECOMMENDATION:

Authorize and Approve travel to Madison, Wisconsin for Mayor Carmen Montano to attend the 2023 Mayors Innovation Project New Mayors Cohort, at no cost to the City, to be held on May 17 – 19, 2023.

Attachment(s):

None



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Granting Acceptance of the Street Resurfacing 2022 Project, Project No. 4283, 4298, & 4303, Authorizing the City Engineer to file a Notice of Completion and Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/2/2023
	<u>Recommendation:</u> Adopt a resolution granting acceptance of the Street Resurfacing 2022 Project, Project No. 4283, 4298, & 4303, authorizing the City Engineer to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty.

BACKGROUND:

On May 17, 2022, the City Council awarded a construction contract to DeSilva Gates Construction, Inc. for the Street Resurfacing 2022 Project, Project No. 4283, 4298, & 4303 ("Project") in the amount of \$4,754,451. The Project provided for the construction of localized repair of asphalt concrete pavement, resurface asphalt concrete pavement, install Americans with Disabilities Act (ADA) compliant curb ramps, repair damaged concrete sidewalk, driveways, or curb & gutter, install class II bike lanes, reinstall pavement delineation, and traffic control devices. The following street segments were repaired under this Project:

- Traughber Street east of N Park Victoria,
- Kennedy Drive from Fanyon Drive to Evans Road,
- N Gadsden Drive north of E Calaveras Boulevard,
- N Temple Drive north of E Calaveras Boulevard,
- S Abbott Avenue south of E Calaveras Boulevard,
- S Park Victoria Drive at Mt Shasta Avenue.

Entire lengths of Michael Court, Michael Street, Brian Court, Santos Court, Prada Drive, Stemel Way, Stemel Court, Prada Court, Topham Court, Simas Drive, Ramos Court, Quail Drive, Serpa Drive, Old Evans Road, Fanyon Street, Ellis Avenue, Dennis Avenue, Carl Avenue, Braly Avenue, Adams Avenue, Lynn Avenue, Fair Hill Drive, Aran Court, View Drive, Golden Hills Drive, and Spring Valley Drive in the William Burnett Elementary School Neighborhood

ANALYSIS:

The Project has been successfully completed within budget. Staff recommends the City Council adopt a Resolution (**Attachment 1**) granting acceptance of the Project and authorize the City Engineer to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code. Staff also recommends the City Council authorize the City Engineer to issue a notice of final acceptance after the one-year warranty period without further City Council action, provided that all warranty work is completed to the satisfaction of the City Engineer.

POLICY ALTERNATIVE(S):

Alternative 1: Do not adopt Resolution and deny Project acceptance and deny filing the Notice of Completion and not begin the one-year warranty.

Pros: None.

Cons: A denial would result in the City being unable to accept the completed improvements in accordance with the City's contract with the Contractor.

Reason not Recommended: The Contractor has completed the Project in accordance with the approved Contract Documents. A denial to accept the Project could be considered a breach of contract and risk claim by the Contractor.

FISCAL IMPACT:

None. The Project has been completed within the approved budget. Adequate funding remains in the Project Budget to complete close-out activities.

California Environmental Quality Act (CEQA):

The project is exempt under Section 15301 (Existing Facilities) of the CEQA guidelines. A Notice of Exemption (NOE) was filed with the County of Santa Clara on April 12, 2022.

RECOMMENDATION:

Adopt a resolution to grant acceptance of Project No. CP 4283, 4298, & 4303, Street Resurfacing 2022 Project; and authorize the City Engineer to file a Notice of Completion and to issue a Notice of Final Acceptance after the one-year warranty.

Attachment(s):

Resolution and Notice of Completion

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING
ACCEPTANCE OF STREET RESURFACING 2022, PROJECT NO. 4283, 4298, & 4303**

WHEREAS, the City of Milpitas has heretofore entered into a contract with DeSilva Gates Construction, LLC., for the Street Resurfacing 2022 Project (“Project”), Project No. 4283, 4298, & 4303 in the amount of \$4,754,451.00, and the City Engineer of the City of Milpitas has recommended acceptance of said improvement as completed in accordance with plans, specifications and approved change orders and correction lists, and in accordance with the final inspection of said City Engineer.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas does hereby accept the Project as completed on this 2nd day of May, 2023, and does hereby authorize and direct the City Engineer of the City of Milpitas to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code of the State of California, and does hereby authorize and direct the City Engineer to file a Certificate of Completion in accordance with the provisions of Section 4005 of the Government Code of the State of California, if said work was by day’s labor or force account.

PASSED AND ADOPTED this _____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney

Recording Requested by and
When Recorded Mail to:

City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035
Attention: City Clerk

Record without fee under
Section 6103 - Government Code
State of California

CITY OF MILPITAS

NOTICE OF COMPLETION
(Civil Code Section 9204)

NOTICE IS HEREBY GIVEN:

1. On or about May 17, 2022, the City Council of the City of Milpitas, a municipal corporation of the State of California, whose address is City Hall, 455 East Calaveras Boulevard, Milpitas, California, 95035 (as owner) entered into a contract for work of: **Street Resurfacing 2022 Project, Project No. 4283, 4298, & 4303.**
2. A description of the site of which the City is co-owner for said work of improvement is: Portions of Traughber Street, Kennedy Drive, N Gadsden Drive, N Temple Drive, S Abbott Avenue, S Park Victoria Drive, Michael Court, Michael Street, Brian Court, Santos Court, Prada Drive, Stemel Way, Stemel Court, Prada Court, Topham Court, Simas Drive, Ramos Court, Quail Drive, Serpa Drive, Old Evans Road, Fanyon Street, Ellis Avenue, Dennis Avenue, Carl Avenue, Braly Avenue, Adams Avenue, Lynn Avenue, Fair Hill Drive, Aran Court, View Drive, Golden Hills Drive, and Spring Valley Drive in the City of Milpitas, Santa Clara County, California, more particularly described on the plans.
3. The name and address of the direct contractor is: **DeSilva Gates Construction, LLC., 11555 Dublin Boulevard, Dublin CA 94568**
4. A general statement of the kind of work done or materials furnished to the City is as follows: construction of asphalt concrete street repairs, micro-surfacing seal coat, installation of Americans with Disabilities Act (ADA) compliant curb ramps, concrete sidewalk repair, curb & gutter repair, new class II bike lanes, and pavement delineation.
5. Said work of improvement was accepted by the Milpitas City Council as complete on **May 2, 2023.**

I, the undersigned, declare that I am the **Deputy City Manager and Acting City Engineer** of the City of Milpitas and am authorized to execute the foregoing Notice of Completion and this Verification thereof. I have read the foregoing Notice of Completion. I declare under penalty of perjury that the foregoing Notice of Completion is true and correct. Executed on _____, 2023 at Milpitas, California.

Matt Cano, Deputy City Manager, City
of Milpitas

NOTE: RECORD WITHIN 15 DAYS OF ACCEPTANCE WITH COUNTY RECORDER OF SANTA CLARA COUNTY



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Award IFB 23-070 and Authorize the City Manager to Execute the Purchase Order with Core and Main for Valve Parts for the Not-to-Exceed Amount of \$135,866.71 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/2/2023
	<u>Recommendation:</u> Award IFB 23-070 and authorize the City Manager to execute the purchase order with Core and Main for the purchase of valve parts for the not-to-exceed amount of \$135,866.71.

Background:

An integral part of the City's water distribution system are components that regulate water pressure through the City. The City receives water from San Francisco Public Utilities Commission and Valley Water wholesalers and each supplies water at different pressure. Additionally, pressure regulating stations (PRSs) maintain regular pressure through the City including in areas of changing elevation. One critical pressure regulating station is located on Curtis Avenue where there is an 18-inch water line within Curtis Avenue and two PRSs located on the Fire Station No. 1 property. Each underground PRS reduces pressure from City Water Zone SC 2 (which operates at 130 to 140 PSI) and discharges to Zone SC1 (which operates at 77 PSI). The two PRSs are designed in a lead-lag configuration and include separate West and East connections.

The West PRS was constructed in 1998 and includes an underground vault with access hatch, 12-inch water line and pressure reducing valve, lighting, submersible pump to remove nuisance water, and ship ladder to access the vault. Pressure gauges and transmitters are installed on the upstream and downstream piping to the valve. The vault is approximately 9 feet wide, 9 feet long, and 7 feet deep and is located just west of the fire station driveway in a landscaped area.

The East PRS was constructed in 1970 and includes an underground vault with manhole cover access, a 16-inch water line and pressure reducing valve, and lighting. Pressure gauges and transmitters are installed on the upstream and downstream piping to the valve and an air relief valve is installed on the 16-inch pressure reducing valve discharge piping. The vault is approximately 4 feet wide, 9 feet long, and 4 feet deep and is in the center of the fire station's reinforced concrete driveway.

In late January, a surge event occurred within the City's water distribution system that damaged the existing 16-inch East PRS. The valve is a pressure reducing valve is well beyond its useful life and repairing the valve is not feasible. The damaged valve has been isolated and the remaining valves in the zone are able to hold consistent pressure for the time being.

The underground locations of the valves creates maintenance issues and impacts the long-term condition of the valve components. The City plans to reconstruct both PRSs located at Fire Station No. 1 in above ground locations, and relocate the 16 inch PRS so it is no longer in the middle of the driveway. Staff are currently working with MNS Engineers on completing the design work. The valves are anticipated to require between 20 and 28 weeks to arrive following purchase order submittal. Due to the extended lead time, pre-purchasing the valves during the design phase of the project for the contractor installation will expedite project construction.

Analysis:

On March 22, 2023, the Purchasing Division released an Invitation for Bid (IFB) 23-070 for the purchase of two pressure reducing valves for an emergency repair at Fire Station No. 1. The IFB was publicly noticed in

accordance with the City's municipal code and advertised on the City's website. Email notifications were sent to companies registered with the City via ProcureNow.com, the City's eProcurement system, and a bid notification placed on PublicPurchase.com. Upon release, 14 firms received the solicitation notification, and 13 firms downloaded the IFB documents. The Purchasing Division received 2 proposals by the April 12, 2023, deadline to respond to the IFB. Core and Main was the lowest responsible bidder submitting a responsive bid. The bid submitted was within the City's estimate for these repair parts.

Purchase of Fire Hydrants IFB No. 23-070	BASE BID
1. Core and Main	\$135,711.44
2. Iconix Waterworks	\$138,924.49

Policy Alternatives:

Alternative 1: Do not award IFB No. 23-070 to Core and Main for the purchase of valve parts.

Pros: None.

Cons: If the purchase of valve parts is not awarded to Core and Main, the replacement of these assets will be delayed.

Reason not recommended: The timeline for the replacement of the pressure reducing valves would be delayed at Fire Station No. 1. The current lead time for procuring the two pressure reducing valves is approximately 20 weeks.

Fiscal Impact:

Sufficient funds for the project are available in CIP 7133 – Minor Water Projects. As of April 13, 2023, there is a balance of \$680,703.00.

California Environmental Quality Act:

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA as this action has no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Recommendation:

Award IFB 23-070 and authorize the City Manager to execute the purchase order with Core and Main for the purchase of valve parts 135,866.71.

Attachment

1. Bid Proposal and Purchase Order Terms and Conditions



Bid Proposal for Purchase of Valve Parts Singer

CUSTOMER

CITY OF MILPITAS

1265 N Milpitas Blvd
Milpitas, CA 95035

Job

Purchase of Valve Parts Singer
Bid Date: 04/11/2023 06:00 pm
Bid #: 2830657

CONTACT

Sales Representative

David Hernandez
(M) 408-687-3298
(T) 405-297-7935
David.Hernandez@coreandmain.com

Core & Main

1240 N. 13th Street
San Jose, CA 95112
(T) 408-297-7935

NOTES





Bid Proposal for Purchase of Valve Parts Singer

CITY OF MILPITAS

Bid Date: 04/11/2023 06:00 pm

Core & Main 2830657

Core & Main

1240 N. 13th Street

San Jose, CA 95112

Phone: 408-297-7935

Seq#	Qty	Description	Units	Price	Ext Price
		DUE TO CURRENT SUPPLY CHAIN DISRUPTIONS, MATERIALS ARE SUBJECT TO PRICING AT TIME OF SHIPMENT. MATERIAL AVAILABILITY AND TIMELINESS OF SHIPMENTS CANNOT BE GUARANTEED. THIS TERM SUPERSEDES ALL OTHER CONTRACTUAL PROVISIONS.			
10	1	12 SINGER VALVE PRESSURE REDUCING VALVE W/ INTEGRAL BACKUP # S106-PR-SM-420-SPI	EA	55,782.00	55,782.00
40	1	16 SINGER VALVE PRESSURE REDUCING VALVE W/ INTEGRAL BACKUP # S106-PR-SM-420 SPI	EA	68,439.00	68,439.00
				SUBTOTAL	124,221.00
				Sub Total	124,221.00
				Tax	11,645.71
				Total	135,866.71
UNLESS OTHERWISE SPECIFIED HEREIN, PRICES QUOTED ARE VALID IF ACCEPTED BY CUSTOMER AND PRODUCTS ARE RELEASED BY CUSTOMER FOR MANUFACTURE WITHIN THIRTY (30) CALENDAR DAYS FROM THE DATE OF THIS QUOTATION. CORE & MAIN LP RESERVES THE RIGHT TO INCREASE PRICES TO ADDRESS FACTORS, INCLUDING BUT NOT LIMITED TO, GOVERNMENT REGULATIONS, TARIFFS, TRANSPORTATION, FUEL AND RAW MATERIAL COSTS. DELIVERY WILL COMMENCE BASED UPON MANUFACTURER LEAD TIMES. ANY MATERIAL DELIVERIES DELAYED BEYOND MANUFACTURER LEAD TIMES MAY BE SUBJECT TO PRICE INCREASES AND/OR APPLICABLE STORAGE FEES. THIS BID PROPOSAL IS CONTINGENT UPON BUYER'S ACCEPTANCE OF SELLER'S TERMS AND CONDITIONS OF SALE, AS MODIFIED FROM TIME TO TIME, WHICH CAN BE FOUND AT: https://coreandmain.com/TandC/					

PURCHASE ORDER TERMS AND CONDITIONS FOR EQUIPMENT AND MATERIALS

1. Acceptance. This purchase order for equipment and materials issued by the City of Milpitas ("CITY") to the Vendor designated in the purchase order must be promptly accepted and acceptance is expressly limited to the terms of this order. Any additions or different terms in the Vendor's forms are hereby deemed to be material alterations and notice of objection to them and rejection of them is hereby given. Vendor's shipment of goods in response to this order shall be considered acceptance by the Vendor.

2. Entire Agreement. Unless Vendor and CITY have entered into a separate written contract covering the purchase of the goods described herein, the entire contract between the parties consists of this order and the Vendor's acceptance as above stipulated, and said contract shall not be changed or added to except in writing signed by authorized representatives of each party.

3. Price. The price invoiced for the goods on this purchase order shall be no higher than the price stated on the front of this purchase order unless prior notification is received from Vendor prior to shipment and the change is accepted by CITY. If the Vendor's established price for any item upon the date of delivery shall be lower than the price shown on this purchase order, CITY shall have the benefit of such lower price. Vendor shall deliver to CITY all invoices within 30 days of shipping or service delivery.

4. Payment. Payments will be made net 30 days unless otherwise specified as per agreements regarding discount terms. The period of computation will commence on the date of receipt of a correctly completed invoice. Payment may be withheld, in whole or in part, due to deficiencies in Vendor's performance. Payment of an invoice by CITY shall be without prejudice to any and all claims CITY may have against Vendor in connection with such goods. Invoices are paid on a weekly basis and such practice may result in minor deviations from payment terms otherwise cited herein.

5. Time of the Essence. Time is of the essence on this order. If delivery is not made in the quantity or quantities and at the time or times specified, CITY shall have the right, at its option, to cancel the entire order or that part of same not so delivered. If CITY accepts delayed delivery the time of payment shall be extended accordingly.

6. Delivery and Acceptance. Vendor expressly warrants that any article, material or work is free and clear of all liens and encumbrances whatsoever, and that Vendor has good and marketable title to same. Unless otherwise specified, all goods are to be shipped prepaid, F.O.B. destination. No charge will be allowed for packing, crating, freight, express or other carrier's charges, or cartage, unless specifically agreed to by CITY. Title to equipment and materials purchased hereunder shall pass to Vendor at the designated F.O.B. point, subject to Vendor's right to inspect and reject or revoke acceptance.

7. Warranty. Vendor warrants for a period of 12 months following start of use or 18 months from receipt, whichever occurs first, that the goods described herein will be free of defects in workmanship, design, materials, and title, and notwithstanding anything herein to the contrary, will conform to all applicable proposals, specifications, instructions, drawings, data, descriptions, and samples, and will be of good and merchantable quality and fit and sufficient for the purpose intended. Vendor shall obtain and provide to CITY Material Safety Data Sheets (MSDS) for each product that contains hazardous substances as defined by CalOSHA. ..

8. Rejection of Goods. CITY shall have the right, at its option, to reject or revoke acceptance of any goods which do not conform to these warranties or to the specifications. In case of such rejection or revocation of acceptance, transportation of the rejected goods, both to and from CITY, shall be at the expense of Vendor, said rejected goods are not to be replaced except upon specific instruction from CITY, and CITY shall have the right at its option to cancel the remainder, if any, of the order, by notice to Vendor at the time notice is given of rejection or revocation of acceptance. Vendor shall be liable to CITY for all damages proximately caused by breach of any of the foregoing warranties, including incidental damages but excluding special or consequential damages.

9. Returns. CITY reserves the right to return for full credit any excess over quantity called for in any order or orders. Vendor to bear the cost of transportation both ways.

10. Force Majeure. Vendor shall not be held responsible for failure or delay in shipping nor CITY for failure or delay in accepting goods described herein if such failure or delay is due to act of God, war, federal or state legislation or any regulations or orders, fire, accident, or other causes, either similar or dissimilar to the foregoing, beyond their control. In the event of any such excused interference with shipments, CITY shall have the option either to reduce the quantity provided for in the order accordingly or to exercise its right of cancellation as set forth in these terms and conditions.

11. Additional Fees. Unless otherwise required by law or provided herein, Vendor assumes exclusive liability for, and shall pay before delinquency, all sales, use, excise and other taxes, charges or contributions of any kind now or hereafter imposed on or with respect to, or measured by the article sold or material or work furnished hereunder on the wages, salaries or other remunerations paid to persons employed in connection with performance of this order.

12. No Waiver. No exercise by CITY of its rights hereunder shall constitute a waiver of any rights it may have for breach of contract. CITY's waiver of or failure to enforce its rights on account of Vendor's failure or delay in performing any obligation of Vendor hereunder, or on account of Vendor's breach of contract in any respect, shall not constitute a waiver of any subsequent failure, delay or breach.

13. Compliance with Law. Vendor shall comply with all applicable laws and regulations of the federal, state and local government. CITY shall assist Vendor, as requested, in obtaining and maintaining all permits required of Vendor by Federal, State and local regulatory agencies. Vendor is responsible for all costs of clean up and/or removal of hazardous and toxic substances spilled as a result of his or her Work. Vendor is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq. ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. If the Work is being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Vendor agrees to fully comply with such Prevailing Wage Laws. Vendor shall defend, indemnify and hold CITY, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. Any stop orders issued by the Department of Industrial

Relations against Vendor or any subcontractor that affect Vendor's performance of services, including any delay, shall be Vendor's sole responsibility and Vendor shall indemnify CITY from liability arising out of the same. It shall be mandatory upon the Vendor and all subcontractors to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815), contractor registration (Labor Code Sections 1725.5 and 1771.1) and debarment of contractors and subcontractors (Labor Code Sections 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 and to be registered with the Department of Industrial Relations shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1771.4, 1725.5 and 1771.1.

14. Insurance. Vendor shall take out and maintain: A. Commercial General Liability Insurance, of at least \$1,000,000 per occurrence/ \$2,000,000 aggregate for bodily injury, personal injury and property damage, at least as broad as Insurance Services Office Commercial General Liability most recent Occurrence Form CG 00 01; B. Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, of at least \$1,000,000 per accident for bodily injury and property damage, at least as broad as most recent Insurance Services Office Form Number CA 00 01 covering automobile liability, Code 1 (any auto); C. Workers' Compensation in compliance with applicable statutory requirements and Employer's Liability Coverage of at least \$1,000,000 per occurrence; and D. Pollution Liability Insurance of at least \$1,000,000 per occurrence and \$2,000,000 aggregate shall be provided by those Vendors transporting hazardous materials. Insurance carriers shall be licensed to do business in California and maintain an agent for process within the state. Such insurance carrier shall have not less than an "A:VII" rating according to the latest Best Key Rating unless otherwise approved by CITY. VENDOR SHALL ENSURE THAT THIRD PARTY SHIPPERS CONTRACTED BY VENDOR HAVE ADEQUATE INSURANCE COVERAGE. If attached, Vendor shall refer to Exhibit "A" – Insurance Requirements, for further insurance requirements applicable to Vendor.

15. Indemnification. The Vendor shall indemnify and hold harmless CITY, its officials, officers, agents and employees from and against any and all claims, liabilities, expenses or damages, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, or patent infringement or fees for use of patented items, or any claim of the Vendor or sub-contractors for wages or benefits which arise in connection with the sale, delivery and/or installation of equipment or materials, except to the extent caused or resulting from the negligence or willful misconduct of CITY. The foregoing indemnity includes, but is not limited to, the cost of prosecuting or defending such action with legal counsel acceptable to CITY and CITY's attorneys' fees incurred in such an action.

16. Substitutions, Changes and Cancellation. No substitutions are acceptable unless expressly accepted in writing by CITY. CITY may make changes in the general scope of this order by giving written notice to Vendor. If any such change affects the cost of or time to deliver or perform under this order, an adjustment in price, delivery or both will be made as CITY determines to be equitable. Vendor may request changes; however, no such change shall be effective

unless accepted in writing by CITY. CITY may cancel this order in whole or in part at any time before acceptance of the equipment and materials due to Vendor's breach or for CITY's convenience.

17. Laws, Venue, and Attorneys' Fees. This purchase order shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this purchase order, the action shall be brought in a state or federal court situated in the County of Santa Clara, State of California. In the event of any such litigation between the parties, the prevailing party shall be entitled to recover all reasonable costs incurred, including reasonable attorney's fees, as determined by the court.

18. Contract Terms. Nothing herein shall be construed to give any rights or benefits to anyone other than CITY and the Vendor. The unenforceability, invalidity or illegality of any provision(s) of this purchase order shall not render the other provisions unenforceable, invalid or illegal. Notice may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to the parties to the addresses set forth in the purchase order. Vendor shall not assign, sublet, or transfer this purchase order, or any rights under or interest in this purchase order, without the written consent of CITY, which may be withheld for any reason. Vendor is retained as an independent contractor and is not an employee of CITY. No employee or agent of Vendor shall become an employee of CITY. This is an integrated agreement/purchase order representing the entire understanding of the parties as to those matters contained herein, and supersedes and cancels any prior oral or written understanding or representations with respect to matters covered hereunder. This Contract may not be modified or altered except in writing signed by both parties hereto.

19. Damage to City Facilities. Damage to CITY or public facilities or private property caused by the Vendor or by its subcontractors during delivery or installation shall be repaired and/or replaced in kind at no cost to the CITY.

20. Site Safety and Cleanup. The delivery and installation site shall be kept clean and free of hazards at all times during delivery and installation. After and installation is completed at the site, as applicable, Vendor shall clean the surrounding area to the condition prior to delivery and installation.

21. Installation. If the Vendor is responsible for providing installation services, finished installation work and/or equipment shall be subject to final inspection and acceptance or rejection by the CITY.

22. Wage Theft Prevention. Vendor, and any subcontractor it employs to complete work under this purchase order, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code and the Milpitas Minimum Wage Ordinance. By entering into this purchase order, Vendor affirms that it has disclosed any final judgments, decisions or orders from a court or investigatory government agency, finding in the five (5) years prior to the date of this purchase order that Vendor or its subcontractor(s) has violated any applicable wage and hour laws. Vendor further affirms that it or its subcontractor(s) has either fully satisfied each judgment, decision or order, or, if any judgment, decision or order has not been fully satisfied, Vendor affirms that it or its subcontractor(s) is currently satisfying said judgment, decision or order through a payment or alternative plan approved by the applicable court/government agency and that Vendor or its subcontractor(s) are in compliance with

said plan as of the date of this purchase order. If at any time during the term of this purchase order, a court or investigatory government agency issues a final judgment, decision or order finding that Vendor or a subcontractor it employs to perform work under this purchase order has violated any applicable wage and hour law, or Vendor learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Vendor shall inform the CITY no more than fifteen (15) calendar days after the judgment, decision or order becomes final or from the date of learning of the final judgment, decision or order. Vendor or its subcontractor(s) shall, within thirty (30) calendar days after notifying the CITY, either (i) fully satisfy any such judgment, decision, or order and provide the CITY with documentary evidence of satisfying said judgment, decision or order; or (ii) provide the CITY documentary evidence of a payment or other alternative plan approved by the court/government agency to satisfy the judgment, decision or order. If the Vendor or its subcontractor is subject to a payment or other alternative plan, the Vendor or its subcontractor shall continue to submit documentary evidence every thirty (30) calendar days during the term of the purchase order demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied. For purposes of this provision, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant

investigatory government agencies include: the United States Department of Labor, the California Division of Labor Standards Enforcement, the CITY, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws. Failure to comply with any part of this provision constitutes a material breach of this purchase order. Such breach may serve as a basis for immediate termination of this purchase order and/or any other remedies available under this purchase order and/or law. Notice provided to the CITY shall be addressed to: Attention: Finance Director, 455 E. Calaveras Blvd., Milpitas, CA 95035. The notice provisions of this paragraph are separate from any other notice provisions in this purchase order and, accordingly, only notice provided to the above address satisfies the notice requirements in this provision.

***OPTIONAL TERMS:** Check box if applicable

- ☐ Custom Design: If the goods are produced by Vendor in accordance with designs, drawings or blueprints provided by CITY, Vendor shall return same to CITY upon completion or cancellation of this order. Any materials, equipment, tools, artwork, designs or other property furnished by or specifically paid for by CITY shall be CITY's property.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive a Report on the Selection of Representatives from Various City Commissions to Serve on the Zoning Advisory Group (ZAG) for the Comprehensive Zoning Update (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Holly Pearson, Senior Special Projects Associate, 408-609-0072)
Category:	Consent Calendar-Community Development
Meeting Date:	5/2/2023
	<u>Recommendation:</u> Receive the report on the selection of representatives from various City Commissions to serve on the Zoning Advisory Group for the Comprehensive Zoning Update.

Background:

In February 2023 the Planning Department launched an effort to comprehensively update the Zoning Ordinance, which is the primary implementation tool for the City's General Plan with regard to land use and development regulations. The Zoning Ordinance, which is part of the Milpitas Municipal Code (Title XI–Zoning, Planning and Annexation; Chapter 10–Zoning) was originally written and adopted in 1955, and most recently comprehensively updated in 2008. Although there have been multiple ad-hoc amendments in recent years in response to changes in State law, zoning practice, and technology, the Zoning Ordinance overall has not kept pace with changing trends and does not reflect current best practices.

The City completed a comprehensive update to its General Plan in 2021. The recent adoption of the new General Plan has created an opportunity as well as a legal mandate to update the Zoning Ordinance to ensure that the code achieves the type of development that will carry out the vision set forth in the General Plan. The update will also ensure that the Zoning Ordinance implements the zoning-related General Plan policies and actions for community design, economic development, conservation and sustainability, and community health and wellness. A comprehensive update will add clarity to the overall organization and usability, ensure transparency to the administrative processes and permitting, and reflect current uses and development practices and trends. The zoning update effort will result in a user-friendly, illustrated, and legally compliant set of regulations that effectively implements the General Plan.

Public engagement for the zoning update will include a project website, online surveys, stakeholder interviews, community workshops, and study sessions before Planning Commission and City Council. In addition, the City has convened an ad-hoc advisory group, known as the Zoning Advisory Group (ZAG), comprised of citizens who currently serve on existing City commissions.

Analysis:

The purpose of the ZAG is to help inform and guide the Zoning Ordinance update project. The ZAG will meet at key points during the process to review working material and provide insight and feedback. Members' participation on the ZAG is temporary; the roles and responsibilities of the Group will conclude with City Council adoption of the updated Zoning Ordinance, which is anticipated to occur in approximately 2.5 years.

Given the highly technical nature of zoning regulations, Planning Department staff believes it will be beneficial to receive input from the City's standing commissions that work on issues related to land use planning, urban development, permitting, and related areas. These commissions include Planning; Parks, Recreation and Cultural Resources; Economic Development and Trade; Arts; and Energy and Environmental Sustainability. Members of these City commissions have been appointed by the City Council and represent a variety of interests across the community. In addition to their specialized knowledge and experience with relevant subject matter

members of these commissions are familiar with City regulations and procedures and know how to work together effectively on behalf of the City.

During March and April, Planning Department staff attended a regular meeting of each of the above-named commissions to request that they nominate one or two of their members to represent their interests on the temporary Zoning Advisory Group. The commissions have selected the following representatives to serve on the ZAG:

Planning

- Mercedes Albana
- Dipak Awasthi
- *Alternate – Bill Chuan*

Parks, Recreation and Cultural Resources

- Becky Strauss
- Ricky David
- *Alternate – Allen Thomas*

Arts

- John Agg
- Joyita Ghose

Economic Development and Trade

- Chris Norwood
- Prakash Daryani

Energy and Environmental Sustainability

- Frank Bush

The ZAG will meet five times over the next 18 months, with the first meeting scheduled for May 23, 2023. These meetings will be open to the general public. In addition to providing feedback to City staff and the consultant team on specific issues and reviewing and commenting on draft work products, the ZAG members will serve as liaisons with the broader community for the zoning update process.

Fiscal Impact:

This item is for informational purposes only. There is no fiscal impact.

California Environmental Quality Act (CEQA):

Not applicable. The selection of members to serve on the ad-hoc Zoning Advisory Group do not constitute a project in accordance with Section 15378 of the CEQA Guidelines.

Recommendation:

Receive the Report on the Selection of Representatives from Various City Commissions to Serve on the Zoning Advisory Group for the Comprehensive Zoning Update.

Attachment:

Zoning Advisory Group Informational Flyer



Comprehensive Zoning Ordinance Update ZONING ADVISORY GROUP (ZAG)

Item # C10.

LWC

The City of Milpitas is seeking representatives from various City commissions to join the Zoning Advisory Group, or ZAG, to advise the Comprehensive Zoning Ordinance Update. More information on the Zoning Ordinance Update will become available at www.milpitaszoningupdate.org.

WHAT IS THE ZAG?

The Zoning Advisory Group, or ZAG, is an ad hoc group established to inform and guide the Zoning Ordinance Update project. The ZAG will be composed of representatives of existing City commissions and will convene at key points during the Zoning Ordinance process to review working material and provide insight and feedback. Participation by members appointed to the ZAG is temporary; the roles and responsibilities of its members will conclude with City Council adoption of the Zoning Ordinance Update, which is anticipated to occur in approximately 2.5 years.

PARTICIPANT ROLES AND RESPONSIBILITIES

The ZAG will be responsible for providing feedback to City staff and to the consultant regarding the Zoning Ordinance Update, including but not limited to issue identification and key changes to the standards and regulations of the Milpitas Zoning Ordinance. It is also the role of the ZAG to assist in ensuring the community's concerns and desires are adequately reflected in the Zoning Ordinance Update. Responsibilities of ZAG members include the following:

- Provide feedback to City staff and the consultant on the planning process and its products.
- Inform City staff and the consultant of information that is valuable to the process or issues/opinions that should be taken into consideration as part of the Zoning Ordinance preparation.
- Pass on knowledge to the community on topics pertinent to the Zoning Ordinance Update.
- Review and discuss items proposed by City staff and the consultant.
- Stay familiar with and seek consistency with the City's General Plan during discussions.
- Serve as an ambassador for the Zoning Ordinance Update, providing the community with information as appropriate.
- Irrespective of individual perspectives or preferences, seek the benefit of the entire community in discussions and feedback.

While the ZAG will provide feedback to the planning team throughout the duration of the project, the adoption of the Zoning Ordinance Update ultimately rests with the Milpitas Planning Commission and City Council.

PARTICIPANT COMMITMENTS

Members are expected to prepare for and participate in five ZAG meetings, anticipated to occur in May 2023, August 2023, April 2024, September 2024, and November 2024. Each meeting may run up to two hours in length. Reading materials will be assigned approximately one week prior to each meeting. Members should expect up to 100 pages of materials prior to some meetings, and are expected to come to each meeting having read and thought about the materials. Meetings will focus on the following topics:

- Project Initiation/Issues Identification
- Background and Recommendations Memo
- Key Topics (TBD)
- Public Review Draft Zoning Ordinance



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive an Update on the Emergency Repairs to the HVAC System and Equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/2/2023
	<u>Recommendation:</u> 1) Receive an update on the emergency repairs to the HVAC system and equipment at City Hall and the Public Works/Information Technology/Police Department buildings; and 2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

Background:

Pursuant to Public Contract Code section 22050 and [Council Resolution No. 9134](#), the Director of Public Works, in the case of emergency, may authorize a repair of a public facility and procure the work without giving notice for bids. An emergency is defined as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.” Additionally, State law requires the Public Works Director, as the City official with delegated authority to take emergency action, to report any emergency authorization and the reason(s) for the authorization to the City Council not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action. Further, the Public Works Director is required to report why the emergency would not permit a delay resulting from a competitive solicitation for bids and the City Council is required to review the emergency action at every regularly scheduled meeting thereafter until the emergency repair is completed. The City Council shall continue to review the emergency action at every regularly scheduled meeting thereafter until the action is terminated. At each review, the City Council shall determine, by a four-fifths vote, whether there is a need to continue the action.

The HVAC systems for City Hall and the Public Works/Information Technology/Police Department buildings are showing signs of failure. The boiler at City Hall has visible leaks and signs of overheating. Additionally, the air handlers and variable air volume (VAV) boxes require extensive repairs to maintain proper airflow and cooling and heating of the building. The air conditioning units at both buildings are approaching the end of useful life and the design of the replacement is a priority due to the two-year lead time for the delivery of parts and equipment. The control system at the Public Works/Information Technology/Police Department building is in a failed state. The control system ensures the interior temperature meets the established set points for occupants of the building and to prevent overworking the mechanical equipment, shortening their useful life. The pneumatic valves for the VAV boxes are leaking as well as the boiler pumps and require replacement.

Analysis:

Consistent with applicable State law and Council Resolution, on April 27, 2023, the Public Works Director declared an emergency and authorized the City to contract with its existing HVAC maintenance contractor, Environmental Systems Inc. (ESI), for emergency repairs to the HVAC system at City Hall and Public Works/Information Technology/Police Department buildings with the following draft scope of work:

DRAFT SCOPE OF WORK	Cost Estimates
City Hall	
Design and installation of new boilers to include redundancy for the heating and boiler pump replacement at City Hall	\$250,000
Repair of two air handlers	\$18,500
Repair of 18 VAV boxes	\$22,000
Design for two AC Unit Replacement	\$120,000
City Hall Sub-Total	\$410,500
Public Works/Information Technology/Police Department Building	
Design and installation of new Building Management System for the HVAC system	\$285,000
Replace two boiler pumps	\$18,000
Replace all VAV boxes	\$140,000
PW/IT PD Sub-Total	\$443,000
TOTAL PROJECT COST	\$853,500

The City Hall boiler is an integral component in the HVAC system that provides heat to the entire building and its occupants. There is only one boiler serving the heating needs for City Hall and given the various issues identified by ESI, failure of the boiler is imminent. There are no alternative methods or temporary systems that could be installed to heat the building. The declaration of an emergency and subsequent ability to order replacement equipment, will allow for receipt and installation of new equipment in the Fall. However, if staff waits until the boiler fails before ordering a replacement, and then is subject to the 4 to 6 month estimated delivery timeframes, there is the risk that the building will not have heat during the Fall and Winter seasons and may necessitate a building shutdown. Furthermore, since the potential failure presented various safety concerns, the boiler at City Hall was decommissioned on Wednesday, April 26, 2023. The impact of this decommission on building occupants is expected to be minimal with temperature drops felt more acutely in the morning hours; the air conditioning system can continue to operate without the boiler. Should the City undertake the normal bidding process, it can be expected that the boiler would not be installed until wintertime, which would substantially impact building occupants.

At the Public Works/Information Technology/Police Department building the VAV boxes are leaking. There are currently four pneumatic valves that are leaking into work spaces including the Police Chief's office. The leaking VAV boxes may cause water intrusion, which could result in health and safety issues. The VAV box replacement portion of the project will need to be phased since the work will be done in the ceiling over workspaces. Staff will work with the impacted departments to coordinate the repairs and minimize the disruption to department operations. Undertaking the normal bidding process would delay the necessary repairs, which would result in continued health and safety issues.

Staff is recommending that the City Council determine, by a four-fifths vote, that there is a need to continue the emergency action declared by the Public Works Director. Staff will return to City Council with an update at every regularly scheduled City Council meeting until the emergency action is terminated. The entire project is expected to be completed by Fall 2023.

Fiscal Impact:

Funding for these repairs is available in the City's Capital Improvement Program (CIP) budget. CIP Project 3499 - HVAC Systems Repairs will fund \$620,000 for the upgrades to the BMS and VAV boxes at both buildings. The remaining repairs will be funded by CIP Project 3406 – City Building Improvements in the amount of \$233,500.

Upon completion of these necessary safety repairs, the City will need to identify funding for the replacement of the two AC units at City Hall. The 2024-2028 Adopted Capital Improvement Program contemplates \$900,000 in additional funding will need to be identified to complete this project. Preliminary estimates indicate that this need may range between \$900,000 to \$1,200,000. Better cost estimates will be available once the design of the AC units is completed and will be considered for funding prioritization during the development of the Fiscal Year 2024-25 budget.

California Environmental Quality Act:

The emergency repair work is exempt from CEQA, per CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction.

Recommendations:

1. Receive an update on the status of emergency repairs to the HVAC system and equipment at City Hall and Public Works/Information Technology/Police Department buildings; and
2. Determine by a four-fifths vote that the condition continues to constitute an emergency.

Attachment:

None



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct a Public Hearing to Approve the Substantial Amendment to the FY 2022-25 Consolidated Plan, the Allocations for FY 2023-24 Community Development Block Grant, and the Corresponding Annual Action Plan, and Authorize the use of \$594,882.86 from the City's revolving loan fund to continue administration of the Home Rehab Loan Program. (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046; Robert Musallam, Housing and Neighborhood Services Administrator, 408-586-3275)
Category:	Public Hearings-Community Development
Meeting Date:	5/2/2023
	<u>Recommendation:</u> 1. Open the public hearing, hear testimony, then close the public hearing. 2. Adopt the FY2023-24 Annual Action Plan with recommended allocation amounts. 3. Approve a substantial amendment to the FY2022-25 Consolidated Plan. 4. Authorize the Acting City Manager, or designee, to make any necessary changes to the approved FY2022-25 Consolidated Plan and FY2023-24 Annual Action Plan as needed to comply with CDBG submission guidelines. 5. Authorize the Acting City Manager, or designee, to execute CDBG agreements with the approved subrecipients, and amend the CDBG agreements as needed to comply with CDBG guidelines. 6. Authorize the use of \$594,882.86 from the City's revolving loan fund to continue administration of the Home Rehab Loan Program. 7. Authorize the Acting City Manager, or designee, to pursue a subgrantee to administer a microenterprise grant assistance program.

BACKGROUND:

The U.S. Department of Housing and Urban Development (HUD) provides annual grants through the Community Development Block Grant (CDBG) program to local entitlement cities and counties. The CDBG program provides resources to the most vulnerable low- and moderate-income communities to address a wide range of community development needs through investment in capital projects and public services. The amount of funds that Milpitas receives is determined by a formula based on population and other factors.

On December 30, 2022, the City announced that the FY 2023-24 application period would be open from January 16, 2023, through February 17, 2023. Staff also designed a simplified application to streamline and increase the efficiency of the process. A total of 19 simplified applications were received, requesting a total amount of \$1,194,657.95 in grants funds during the application period. A full breakdown of these simplified applications is provided in the Analysis section below.

On April 18, 2023, the City Council held a public hearing to discuss the substantial amendment to the FY2022-25 Consolidated Plan goals and funding allocations and to view and provide direction on the corresponding FY2023-24 Annual Action Plan. Staff received City Council feedback, which was incorporated into the final allocation recommendations for the May 2, 2023 City Council meeting.

Eligible and Ineligible Uses

HUD sets restrictions on how CDBG can be used. CDBG activities must be on HUD's list of eligible uses. A summary of eligible and ineligible activities is included in Attachment 1.

Meeting National Objectives

CDBG activities must meet one of the following National Objectives:

1. Provide a benefit to low- and moderate-income persons;
2. Eliminate or prevent slum or blight; or
3. Meet other community development needs having an urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs, often referred to as “urgent need.”

The City of Milpitas has historically used its CDBG allocation to benefit low- and moderate-income persons. To meet the slum or blight National Objective, the City would have to identify areas of the City that meet the definition of a slum, blighted, deteriorated, or deteriorating area under state or local law. Milpitas has not identified significantly blighted conditions within its boundaries. As such, CDBG formula funds must be used to benefit low- and moderate-income persons.

The table below displays the income limits determined by HUD to be low- and moderate income for Santa Clara County.

Person(s)	1	2	3	4	5	6	7	8
(50% AMI)*	\$59,000	\$67,400	\$75,850	\$84,250	\$91,000	\$97,750	\$104,500	\$111,250
(80% AMI)*	\$92,250	\$105,400	\$118,600	\$131,750	\$142,300	\$152,850	\$163,400	\$173,950

*HUD Definition of low-income is 50% area medium Income (AMI); moderate-income is 80% AMI

Consolidated Plan

The Consolidated Plan is a three to five-year document that demonstrates a jurisdiction’s plan to allocate CDBG funding to benefit low- and moderate-income individuals over that period. The Consolidated Plan's priorities and activities are based on needs determined by analysis of the City's needs, feedback from public outreach, and alignment with the City's priorities. During the Consolidated Plan period, a jurisdiction may amend its plan in accordance with HUD guidelines. The current Consolidated Plan was approved by the City Council on June 14, 2022 and is set to expire in 2025.

Annual Action Plan

For each of the three to five years covered by the Consolidated Plan, HUD requires the City to prepare a One-Year Action Plan which identifies programs, projects, and CDBG funding levels undertaken during any given year.

ANALYSIS:

Fiscal Year 2023-24 Annual Action Plan

The FY 2023-24 Annual Action Plan is the City’s plan to accomplish the second year of goals and priorities laid out by the Consolidated Plan. The complete FY 2023-24 draft Annual Action Plan is available as Attachment 2.

Available Funds

The City’s FY 2023-24 formula allocation from HUD is \$647,982.

HUD allows a maximum of:

- 15% of total funds for public services.
- 65% of total funds for capital services.
- 20% of total funds for planning and administration.

- Economic development activities do not apply to any of the program caps.

Based on the allocation of \$647,982, the maximum funding allowed in each category is as follows:

Allocation	Public Services (15%)	Capital Projects (65%)	Program Administration (20%)
\$647,982.00	\$97,197.30	\$421,188.30	\$129,596.40

At the April 18 City Council meeting, the City Council directed staff to seek out a subgrantee to administer a microenterprise grant assistance program that could assist low and moderate-income microenterprises in Milpitas. Staff connected with FORWARD which is an established City of Milpitas partner, is currently administering the American Rescue Plan Act (ARPA) funded Rent and Mortgage Relief Program, and successfully administered the ARPA Small Business Assistance Grant program in 2022. FORWARD demonstrated an interest in administering a microenterprise grant assistance program, should the City Council vote to approve the allocation of funding towards this activity under the Economic Development category.

As noted above, 19 simplified applications were received during the application period. A total of 16 applications from 19 applicants are being considered for FY 2023-24 CDBG funding. Additionally, the City Council discussed allocating funding for microenterprises via a grant assistance program. Since no subgrantee applied to administer this activity, Council direction would be required for staff to pursue a subgrantee to administer the program. Including a potential microenterprise grant assistance program, the combined total of all requests for FY2023-2024 CDBG funding is \$1,249,657.95, with the breakdown as follows:

- Public Service Requests = \$319,240.00
- Capital Improvement Requests = \$620,313.95
- Economic Development Requests = \$251,000.00
- Program Administration Request = \$59,104.00

The City received requests for funding that exceed the available amount it can allocate.

	Approximate Total Allocation	Public Services	Capital Projects	Program Administration
CDBG Funds Available	\$647,982.00	\$97,197.30	\$421,188.30	\$129,596.40
Total Application Requests*	\$1,249,657.95	\$294,240.00	\$620,313.95	\$59,104.00

*Economic Development activity does not apply to any of the program caps.

Based on the FY2023-24 formula allocation of \$647,982 and the maximum funding allowed in each category, it is likely that some of the applicants will not receive an allocation in the amount they have requested or any funding at all.

April 18, 2023 City Council Discussion

An updated list of the applicants, their proposed activity, requested amount, proposed funding amount, and funding source is displayed below. These tables have been updated to reflect the City Council's feedback from the April 18, 2023 City Council meeting.

To recap, listed below are the high-level discussion points made by the Council:

- Re-allocating funding from Pragnya and Lighthouse of Hope to the Health Trust for their Meals on Wheels program

- Re-allocating funding from LifeMoves and Rebuilding Together Silicon Valley to Terrace Gardens
- Funding be allocated to the India Community Center and to the Health Trust
- Funding a program to assist microenterprises
- Support for funding LifeMoves and Rebuilding Together

Based on the feedback from the City Council, the available funding, and the caps on each of the categories, staff has attempted to adjust the proposed allocations to best address Council input. The proposed approach strives to adjust the allocations in an equitable manner while maintaining compliance with HUD guidelines.

In summary, staff proposes slight downward adjustments to most of the allocated amounts to be able to fund the Health Trust and India Community Center and have slightly increased funding for Terrace Gardens. Staff also allocated funding for a microenterprise grant assistance program.

For a full summary of the applicant's original CDBG request, the amount staff recommended at the April 18th City Council meeting, and the allocation proposed based on Council feedback, please see Attachment 4.

Public Service

Organization Name	Project Description	CDBG Fund Request	Proposed CDBG Funding Amount
Catholic Charities of Santa Clara County	The mission of the Long-Term Care Ombudsman Program is to seek the resolution of problems and advocate for the rights and well-being of residents of long-term care facilities.	\$15,000.00	\$11,000.00
Child Advocates of Silicon Valley	Child Advocates' mission is to be there for every foster child in Santa Clara County who has experienced abuse, neglect and/or abandonment. They accomplish this by operating the Court Appointed Special Advocates (CASA) program in Santa Clara County. CASAs are trained community volunteers who are appointed by a judge's order to advocate for the best interests of foster children.	\$14,000.00	\$11,000.00
Next Door Solutions to Domestic Violence	Provide Support Services for Survivors of Domestic Violence by providing emergency shelter, crisis counseling, safety strategies, community and systems advocacy, support groups, and case management.	\$25,000.00	\$11,563.65
Senior Adults Legal Assistance (SALA)	SALA will continue our program of accessible and affordable free Legal Services, serving Milpitas residents 62 or older.	\$12,000.00	\$10,000.00
Silicon Valley Independent Living Center	The Housing & Support Services for Persons with Disabilities & Older Adults program is the most utilized service with over 75% of consumers requesting and receiving housing assistance, rent relief, and/or other emergency services.	\$13,070.00	\$11,070.00
YWCA Golden Gate Silicon Valley	YWCA Golden Gate Silicon Valley is proud to provide residents of Milpitas with a multiservice continuum of crisis response and prevention services for survivors of domestic violence.	\$30,530.00	\$11,563.65

Lighthouse of Hope	Provide counseling, psychological support, and education to the Milpitas community.	\$5,000.00	\$5,000.00
Pragnya	Support children, youth and adults from the Special Needs community by creating social emotional connections and preventing further isolation.	\$75,000.00	\$10,000.00
India Community Center	India Community Center supports over 150 Seniors at our center in Milpitas who participate in a variety of activities between Monday to Friday which includes lunch supported by Santa Clara County.	\$25,000.00	\$5,000.00
The Health Trust	Ensure critical, ongoing meal services and Wellness Checks for Milpitas older adults residents who are low-income.	\$40,640.00	\$11,000.00
Subtotal		\$255,240.00	\$97,197.30

Capital Projects

Organization Name	Project Description	CDBG Fund Request	Proposed CDBG Funding Amount
LifeMoves	Funding will be used to make improvements to the Julian Street Inn.	\$150,000.00	\$100,000.00
Rebuilding Together Silicon Valley	Rebuilding Together Silicon Valley's mission is repairing homes, revitalizing communities, rebuilding lives, and our vision is safe homes and communities for every person. We preserve affordable housing by providing critical home repairs and accessibility modifications for low-income residents, at no cost to the recipient.	\$258,973.95	\$125,000.00
Terrace Gardens Senior Housing	Requesting funds to replace existing Community Room trellis as it is in disrepair. The trellis is original to their property built in 1985. This will allow residents to continue to use the outdoor space in a covered and aesthetically pleasing place.	\$5,500.00	\$5,500.00
Terrace Gardens Senior Housing	The roofs of the "Community Building", and "G" Buildings need repair. We are requesting funds to replace both roofs.	\$205,840.00	\$125,688.30
Subtotal		\$620,313.95	\$356,188.30

<u>Economic Development</u>	Organization Name	Project Description	CDBG Fund Request	Proposed CDBG Funding Amount
	Filipino American Chamber of Commerce Silicon Valley	A training program that provides marketing, technical assistance, and financial strategies to small businesses in Milpitas via webinars and one on one advising to assist them in creating or pivoting into a stronger and more financially resilient business model.	\$16,000.00	\$10,000.00
	Microenterprise Grant Assistance Program*	Funding will be used to provide support to microenterprises in Milpitas.	\$0.00	\$55,000.00
	Subtotal		\$16,000.00	\$65,000.00
<u>Program Administration</u>	Project Sentinel	Milpitas residents and those seeking to reside in Milpitas will have their civil rights protected with fair housing education, counseling, investigation, and enforcement actions.	\$59,104.00	\$59,104.00
	Program Administration	Staff time in administering the program, including all public noticing, and publishing.	\$0.00	\$70,492.40
	Subtotal		\$59,104.00	\$129,596.40
		Total of proposed funded applications	\$950,657.95	\$647,982.00

*Pending City Council approval

Substantial Amendments to the Consolidated Plan

A substantial amendment to the Consolidated Plan is triggered by any of the following scenarios:

1. Changes in the allocation priorities or the method of distribution of funds.
2. Changes that carry out an activity, using funds from any program covered by the Consolidated Plan (including program income) not previously described in the Action Plan.
3. Changes to the purpose, scope, location, or beneficiaries of any activity.

Any amendment listed above shall be determined to be substantial if a change totals 25% or more of the City grant allocation. Minor adjustments in funding levels for public services, housing activities and administration due to differences in actual versus anticipated program income should not be considered substantial.

Home Rehab Loan Program

For over 20 years, the City has offered a Home Rehab Loan program to its residents. The program provides low interest rate loans to very low and low-income property owners. To secure the City's loans, a lien is placed on the property where the rehabilitation occurs. This ensures that if the property is sold, the City's loan will be repaid.

The City has an established revolving loan fund with HUD that is separate from the CDBG formula funding it receives on an annual basis. The revolving loan fund has an authorized specific use for these rehab loans which can only be changed with Council approval. Payments made to repay a loan must be deposited into the revolving loan fund and, per HUD guidelines, must be reallocated as soon as possible. These payments are known as program income. Potential penalties include loss of future CDBG funding if program income is not spent in a timely manner.

Most of the City's current loans do not require any on-going loan payments from the loan recipient. As such, payments are generally made in full when a property is sold. Recently, repayments have generated program income in the amount of \$594,882.86. Staff proposes to continue funding the Home Rehab Loan Program as it is already a City Council and HUD approved activity for these funds. Since this activity is not covered in the current iteration of the Consolidated Plan, a substantial amendment is required to include verbiage that reflects the additional \$594,882.86 for the Home Rehab Loan Program.

The Home Rehab Loan Program will require programmatic updates to bring the program guidelines current. Staff anticipates the re-launch of the program by Summer 2023.

For a full copy of the draft substantial amendments to the Consolidated Plan, see Attachment 3.

FISCAL IMPACT:

The City of Milpitas will receive FY2023-24 formula allocation in the amount of \$647,982 and authorizes the use of \$594,882.86 from the City's revolving loan fund to continue administration of the Home Rehab Loan Program.

California Environmental Quality Act (CEQA):

The actions being considered have no potential for causing a significant effect on the environment and are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Further, this action does not meet the definition of a project under CEQA Guideline 15378 as it is a government fiscal activity which does not commit to any project that would result in a potentially significant impact on the environment.

RECOMMENDATION:

1. Open the public hearing, hear testimony, then close the public hearing.
2. Adopt the FY2023-24 Annual Action Plan with recommended allocation amounts.
3. Approve a substantial amendment to the FY2022-25 Consolidated Plan.
4. Authorize the Acting City Manager, or designee, to make any necessary changes to the approved FY2022-25 Consolidated Plan and FY2023-24 Annual Action Plan as needed to comply with CDBG submission guidelines.
5. Authorize the Acting City Manager, or designee, to execute CDBG agreements with the approved subrecipients, and amend the CDBG agreements as needed to comply with CDBG guidelines.
6. Authorize the use of \$594,882.86 from the City's revolving loan fund to continue administration of the Home Rehab Loan Program.
7. Authorize the Acting City Manager, or designee, to pursue a subgrantee to administer a microenterprise grant assistance program.

Attachment(s):

1. Eligible and Ineligible CDBG Activities
2. FY 2023-24 draft Annual Action Plan
3. Substantial Amendment to the FY 2023-25 Consolidated Plan
4. Draft FY23-24 CDBG Allocations

Eligible and Ineligible CDBG Activities

Eligible CDBG Activities

1. Acquisition of Real Property
2. Disposition
3. Public Facilities and Improvements
4. Clearance and Remediation
5. Public Services
6. Interim Assistance
7. Relocation
8. Loss of Rental Income
9. Housing Services
10. Privately-Owned Utilities
11. Rehabilitation and preservation
12. Construction of Housing
13. Code Enforcement
14. Special Economic Development Activities
15. Microenterprise Assistance
16. Special Activities by Community-Based Development Organizations
17. Homeownership Assistance
18. Planning and Capacity Building
19. Program Administration Costs
20. Miscellaneous Other Activities

Ineligible CDBG Activities

1. **Buildings or portions thereof, used for the general conduct of government may not be assisted with CDBG funds.** This does not include, however, the removal of architectural barriers involving any such building, which may be assisted under the category of Public Facilities and Improvements.
2. **General government expenses.** Expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.
3. **Political activities.** CDBG funds may not be used to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities, such as candidate forums, voter transportation, or voter registration.
4. **Purchase of equipment.** The purchase of equipment with CDBG funds is generally ineligible – construction equipment, fire protection equipment, furnishings and personal property.
5. **Operating and maintenance expenses.** The general rule is that any expense associated with repairing, operating, or maintaining public facilities, improvements, and services is ineligible.
6. **New housing construction.**
7. **Income payments.** The general rule is that CDBG funds may not be used for income payments.

Adapted from HUD booklet, Community Development Block Grant Program; A guide to National Objectives & Eligible Activities for Entitlement Communities.



City of Milpitas

DRAFT ACTION PLAN

Fiscal Year 2023-2024



Draft for May 2, 2023

FY 2023-24 Annual Action Plan

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Milpitas (City) Fiscal Year (FY) 2023-24 One Year Annual Action Plan contains the City's plan to carry out housing and community development activities funded by Federal formula grant funds received from the U.S. Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG) program. This Annual Action Plan covers the second of three program years covered by the City's 2022-2025 Consolidated Plan which was adopted by the Milpitas City Council on June 14, 2022.

The City received an initial Community Development Block Grant (CDBG) entitlement allocation of \$647,982 for funding projects and programs during the 2023 Program Year. On December 30, 2022, the City announced that the application period for FY23-24 applications would be open from January 16, 2023 through February 17, 2023. Staff also designed a simplified application to streamline and increase efficiency of the process. Nineteen (19) simplified applications with requests totaling almost \$1,200,000 were received during the application period. A full breakdown of the simplified applications we plan to fund with CDBG funds is provided in the analysis section below. For the remainder of the applicants, the City plans to fund programs/activities with Housing funds. **[Staff will conduct two public hearings with the community and City Council on April 18 and May 2, 2023 to receive the community's input on priorities.]**

The City's Annual Action Plan covers the period from July 1, 2023 to June 30, 2024 (HUD's Program Year 2023). The City's FY 2023-24 Annual Action Plan reports in the status of needs and outcomes the City expects to achieve in the coming year. The activities mentioned in the Annual Action Plan are based on current priorities. By addressing these priorities, the City hopes to meet the objectives stated in the 2022-2025 Consolidated Plan.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

Located at the southern end of San Francisco Bay, Milpitas is a progressive community that is an integral part of Silicon Valley. A full-service city with water utility, sewer utility, police and fire services, Milpitas is a flourishing community with a very diverse and inclusive resident population of over 80,000.

The Annual Action Plan provides a snapshot of how the City will utilize its CDBG allocation to meet the needs of the City's low- and moderate- income individuals and the most vulnerable populations.

The objectives and outcomes identified in the 2022-2025 Consolidated Plan is to be achieved with the activities and programs mentioned in the Annual Action Plan. The Annual Action Plan's works towards accomplishing the following priorities to meet the housing and community development needs in Milpitas:

- Maintain and Preserve Existing Housing
- New Affordable Housing
- Affordable Housing Rental Rehabilitation
- Community Funding/Public Services
- Public services for low- and moderate-income residents at risk of eviction
- Fair Housing
- Public Services for Children and Youth
- Public Services for Seniors
- Public Services for Domestic Violence support
- Public Improvements including accessibility and improving public facilities
- Assist Microenterprises and Small Businesses
- Explore the use of HUD Section 108 Loan Guarantee Program

3. Evaluation of past performance

The City is responsible for ensuring compliance with all rules and regulations associated with the CDBG entitlement grant program. The City's Annual Action Plans and Consolidated Annual Performance and Evaluation Reports (CAPER) have provided many details about the goals, projects and programs completed by the City.

The City evaluates the performance of subrecipients regularly. Monitoring subrecipient's performance involves a review of reimbursement requests, submitted backup documentation, and quarterly reports. As outlined in the agreements, each organization is required to submit quarterly reports of its progress in meeting the goals listed in the contract. Substandard performance is followed up with phone contact, email communication, and if needed, an on-site review.

Prior to the start of the program year, program objectives are developed collaboratively by the subrecipient and the City, ensuring that they are aligned with the City's overall goals and strategies.

4. Summary of Citizen Participation Process and consultation process

The City solicited input throughout the development process of the FY 2023-24 Annual Action Plan. As required by HUD, the City provides multiple opportunities for public review and comment on the Annual Action Plan and on any substantial amendments.

Per the City of Milpitas' adopted Citizen Participation Plan, the City held a 30-day public review comment period for the Annual Action Plan. The City published notifications of upcoming public hearings and the 30-day public review comment period in a local newspaper of general circulation, copies at the front desk and local Library, on the City's CDBG webpage and via email blasts to stake holders. The City held two advertised public hearings on April 18, 2023 and May 2, 2023. The Annual Action Plan's 30-day public review period occurred from March 31, 2023, through May 2, 2023.

The City initiated the citizen participation process in March 2023, at the Community Advisory Commission (CAC) meeting. The City invited residents and potential CDBG stakeholders to attend and provide public comment on how they feel CDBG funds should be prioritized in the upcoming FY 23-24 Annual Action Plan.

The City held a public meeting with the CAC on March 1, 2023 to review applications and hear applicant presentations. The Commissioners deliberated and made their individual recommendations to the City Council, which have been synthesized into the staff's agenda report. This narrative and report will be presented at the April 18 public hearing. Nine (9) public comments were heard from prospective applicants summarizing their proposed activities and how their activities would benefit Milpitas residents.

5. Summary of public comments

[To be updated after close of comment period]

6. Summary of comments or views not accepted and the reasons for not accepting them

[To be updated after close of comment period]

7. Summary

Following the requirements of the Citizen Participation Plan, the CAC made their recommendations for priority areas to be funded to the City Council on March 1, 2023. The City held public hearings on April 18 and May 2, 2023. A summary of public comments will be added at the conclusion of the hearings.

On March 31, 2023, the City posted the draft FY23-24 Annual Action Plan on its website to provide opportunities for public comment. The documents were posted at this url:

<https://www.milpitas.gov/milpitas/departments/federal-program-community-development-block-grant-cdbg/>

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	MILPITAS	Building Safety & Housing

Table 1 – Responsible Agencies

Narrative (optional)

The City of Milpitas – Building Safety & Housing Department is the lead agency for the United States Department of Housing and Urban Development entitlement program, Community Development Block Grant.

Pursuant to the Department of Housing and Urban Development funding requirements and in conformance with 24 CFR Part 91, Consolidated Submission for Community Planning and Development Programs, City of Milpitas has prepared and adopted the 2023-2024 Annual Action Plan. The Action Plan is submitted annually and describes the eligible programs, projects, and activities to be undertaken with funds that are expected to be made available during the program year 2023-2024 and its relationship to the City's priorities and needs for housing, homelessness and community development laid out in the three-Year Consolidated Plan.

The public review and comments period for the Draft Annual Action Plan is March 31, 2023 – May 2, 2023.

In January 2023, City Council adopted the Housing Element. Staff anticipates receiving certification from HCD in the coming weeks.

Consolidated Plan Public Contact Information

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AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The Annual Action Plan is a one-year plan which describes eligible projects and activities to be completed accordingly to current priorities outlined in the 2022-2025 Consolidated Plan.

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The City will continue to work with organizations to provide programs and services for low- and moderate- income residents. The City participates in a monthly regional CDBG/ Housing Coordinators meeting with all local jurisdictions, which often includes the County Santa Clara Office of Supportive Housing (OSH), to discuss housing cooperation. City staff continues to maintain dialogue with all service providers, public and private to enhance services or if the City can connect service providers for better coordination of service deliveries.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Santa Clara County Office of Supportive Housing is the administrator of the Santa Clara County Continuum of Care (CoC). The CoC is a multi-sector group of stakeholders guiding the implementation of the County’s housing and service system to meet the need and prevent and end homelessness. This includes: 1) permanent housing, 2) emergency shelter with outreach and assessment services, 3) transitional housing with support services, and 4) prevention services.

In 2020, the City of Milpitas participated in the preparation of the Community Plan to End Homelessness in Santa Clara County. The Plan identifies strategies to address the needs of homeless persons in the county. On October 6, 2020, the City Council endorsed the 2020-2025 Santa Clara County Community Plan to End Homelessness.

City Staff attends monthly regional CDBG/ Housing Coordinators meetings. Meetings serve the purpose of identifying gaps in homeless services and funding priorities to address homelessness.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Milpitas does not receive Emergency Shelter Grant (ESG) funding however the City participates with the CoC to address homeless issues.

We have an established partnership and signed agreement with the County of Santa Clara Office of Supportive Housing (OSH) to provide homeless outreach, assessment, and street-based case management services for unhoused residents.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Love Never Fails
	Agency/Group/Organization Type	Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Love Never Fails attended a community meeting to voice the needs on behalf the community and seek support for the ITbiz Tech Academy Program for survivors of human trafficking and other no/low income residents to technology by providing them industry certification training.
2	Agency/Group/Organization	Next Door Solutions to Domestic Violence
	Agency/Group/Organization Type	Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Next Door Solutions to Domestic Violence attended to voice the need for services for family's experience abuse.
3	Agency/Group/Organization	Child Advocates of Silicon Valley
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Child Advocates attended to voice the need for the children in the foster care system.
4	Agency/Group/Organization	Senior Adults Legal Assistance (SALA)
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from SALA attended to voice the need for continuing legal services for senior persons.
5	Agency/Group/Organization	The Health Trust
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from The Health Trust attended to voice the need for continuing meal services for senior persons.
6	Agency/Group/Organization	Rebuilding Together Silicon Valley
	Agency/Group/Organization Type	Services-Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Rebuilding Together Silicon Valley attended to voice the need for continued services for low-income home repairs.
7	Agency/Group/Organization	YWCA Golden Gate Silicon Valley
	Agency/Group/Organization Type	Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from YWCA attended to voice the need for continued services for persons experiencing domestic abuse.
8	Agency/Group/Organization	Pragnya
	Agency/Group/Organization Type	Services-Persons with Disabilities

	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Pragnya attended to voice the need for continued services for neuro-diverse individuals in the community.
9	Agency/Group/Organization	Terrace Gardens Senior Housing, Inc.
	Agency/Group/Organization Type	Housing Services - Housing Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Terrace Gardens attended to voice the need for services for senior individuals.

Identify any Agency Types not consulted and provide rationale for not consulting

The City did not consult with nearby correctional facility or child welfare entities. The organization has various partnerships with the County and the City works with those organizations indirectly through the several partnerships through the County and sub-recipients funded and outlined in this Action Plan.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Regional Continuum of Care Council	The Continuum of Care works to alleviate the impact of homelessness in the community through the cooperation and collaboration of social service providers. This effort aligns with the Strategic Plan's goal to support activities to prevent and end homelessness.
City of Milpitas Housing Element	City of Milpitas	The Housing Element serves as a policy guide to help the City meet its existing and future housing needs. This effort aligns with the Strategic Plan's goal to assist in the creation and preservation of affordable housing.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal setting

The citizen participation process includes holding several public community meetings and workshops for maximum citizen participation. City staff worked closely with the City's Community Advisory Commission (CAC) to hold a public meeting for the Commission and community to understand and participate in the CDBG process. The CAC held the public meeting on March 1, 2023 to discuss the priorities, goals, and funding allocations for the FY23-24 Annual Action Plan.

The City conducted six publicly noticed meetings to discuss CDBG allocations, two of which were public hearings. Noticing for the public hearings were done in accordance with the Citizen Participation Plan.

Per the City's adopted Citizen Participation Plan, the City is to allow a 30-day public review and comment period for the Annual Action Plan. The City has published notifications of upcoming public hearings and the 30-day public review comment period in the local newspaper, on its CDBG webpage and via email blasts to stakeholders. The City held two advertised public hearings on April 18, 2023, and May 2, 2023. The Action Plan 30-day public review comment period occurred from March 31, 2023, through May 2, 2023. **[To be updated after close of comment period]**

The City held a public meeting with the CAC on March 1, 2023 to review applications and hear applicant presentations. The Commissioners deliberated and made their individual recommendations to the City Council, which have been synthesized into the staff's agenda report. This narrative and report will be presented at the April 18 public hearing. Nine (9) public comments were heard from prospective applicants summarizing their proposed activities and how their activities would benefit Milpitas residents.

On March 31, 2023, the City posted the amended FY22-25 Consolidated Plan and the draft FY22-23 Annual Action Plan on its website to provide opportunities for public comment. The documents were posted at this url: <https://www.milpitas.gov/milpitas/departments/federal-program-community-development-block-grant-cdbg/>

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	News-paper ad	Non-targeted/broad community	Opening the application period	No comments were received	n/a	n/a
2	Public Meeting (CAC)	Non-targeted/broad community	11 Attendees (CAC members & City staff)	The Commission heard 9 comments from the applicants. Each Commissioner then provided their feedback on priorities and goals the Council should consider funding with CDBG funds.	n/a	Needs to be updated
3	News-paper ad/website	Non-targeted/broad community	Public Hearing Notice for City Council Meetings			Needs to be updated
4	City Council Meeting Public Hearing	Non-targeted/broad community	Will update after meeting			Needs to be updated
5	Website	Non-targeted/Broad community	Draft AAP			Needs to be updated
6	City Council Meeting Public Hearing	Non-targeted/broad community	Will update after meeting			Needs to be updated

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Milpitas will receive \$647,982 for Program Year 2023 in CDBG funds to allocate to eligible activities that address the needs identified in the Consolidated Plan. Prior Year resources from revolving loan funds will be re-allocated to continue the City's Home Rehabilitation Loan Program.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan	Narrative Description
			Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	Public - Federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$647,982	\$0	\$594,882.86	\$1,242,864.86	\$737,135	Prior Year resources from revolving loan funds will be re-allocated to continue the City's Home Rehabilitation Loan Program.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Not applicable, the City does not match federal funds.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

There are two parcels controlled by the City. One parcel, located at 1432 S. Main Street, is owned by Milpitas Housing Authority and is approximately 0.9 acres in size. Currently the parcel is occupied by commercial tenants, but the land is zoned as high-density multi-family residential. In January 2022, City Council directed staff to sell the parcel owned by the Milpitas Housing Authority with the intent that the buyer will develop affordable housing. The sale of this parcel is expected by summer 2023.

The other parcel, approximately 1.7 acres, is located adjacent to the Milpitas Housing Authority property and is owned by the City of Milpitas. That City parcel is also occupied by commercial business but is also

zoned for multi-family residential use. Staff is awaiting City Council direction for this parcel.

Discussion

Please see discussion above.

DRAFT

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Maintain and Preserve Existing Housing	2022	2025	Affordable Housing Non-Homeless Special Needs	Citywide	Affordable Housing Development and Preservation	\$794,881.86	60 Homeowner housing rehabilitated
2	New Affordable Housing	2022	2025	Affordable Housing	Citywide	Affordable Housing Development and Preservation	N/A	N/A
3	Affordable Housing Rental Rehabilitation	2022	2025	Non-Housing Community Development	Citywide	Affordable Housing Development and Preservation	\$106,189.30	148 Homeowner housing rehabilitated
4	Community Funding/Public Services	2022	2025	Homeless Non-Homeless Special Needs	Citywide	Community Services	\$13,070	44 persons assisted - Public service activities other than LMI housing benefit
5	Public services for low- and moderate-income residents at risk of eviction	2022	2025	Homeless Non-Homeless Special Needs	Citywide	Community Services	N/A	N/A
6	Fair Housing	2022	2025	Affordable Housing Non-Homeless Special Needs	Citywide	Community Services	\$59,104	20 persons assisted - Public service activities other than LMI housing benefit
7	Public Services for Children and Youth	2022	2025	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services	\$14,000.00	4 persons assisted - Public service activities other than LMI housing benefit
8	Public Services for Seniors	2022	2025	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services	\$27,000	144 persons assisted - Public service activities other than LMI housing benefit

9	Public Services for Domestic Violence support	2022	2025	Non-Homeless Special Needs	Citywide	Community Services	\$43,127.30	97 Public service activities other than LMI housing benefit
10	Public Improvements including accessibility and improving public facilities	2022	2025	Non-Housing Community Development	Citywide	Community, Public, and Neighborhood Sustainability	\$100,000.00	105 persons assisted - Public facility or infrastructure activities for LMI housing benefit
11	Assist Microenterprises and Small Businesses	2022	2025	Non-Housing Community Development	Citywide	Economic Development	\$15,000	10 micro-enterprises assisted
12	Explore the use of HUD Section 108 Loan Guarantee Program	2022	2025	Affordable Housing Non-Housing Community Development	Citywide	Community Services Economic Development	N/A	N/A

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Maintain and Preserve Existing Housing
	Goal Description	Maintain and preserve existing housing for 60 Households
2	Goal Name	New Affordable Housing
	Goal Description	N/A
3	Goal Name	Affordable Housing Rental Rehabilitation
	Goal Description	Affordable housing rehabilitation to benefit 148 LMI households
4	Goal Name	Community Funding/Public Services
	Goal Description	Support public services activities to benefit 44 LMI individuals
5	Goal Name	Public services for low- and moderate-income residents at risk of eviction
	Goal Description	N/A
6	Goal Name	Fair Housing
	Goal Description	Provide fair housing services to benefit 20 LMI individuals
7	Goal Name	Public Services for Children and Youth
	Goal Description	Provide public services/activities to 4 children
8	Goal Name	Public Services for Seniors

	Goal Description	Provide public services/activities for 144 seniors
9	Goal Name	Public Services for Domestic Violence support
	Goal Description	Provide public services for victims of Domestic Violence.
10	Goal Name	Public Improvements including accessibility and improving public facilities
	Goal Description	Provide accessibility and access to public facilities such as homeless shelters to benefit 105 LMI individuals
11	Goal Name	Assist Microenterprises and Small Businesses
	Goal Description	Provide assistance to 10 microenterprises.
12	Goal Name	Explore the use of HUD Section 108 Loan Guarantee Program
	Goal Description	N/A

Projects

AP-35 Projects – 91.220(d)

Introduction

The Consolidated Plan goals represent high priority needs for the City of Milpitas and serve as the basis for the strategic actions the City will use to meet these needs. The City of Milpitas only receives Community Development Block Grant (CDBG) funding. If available and recommended in certain circumstances, the City Council may also augment the funds and contribute from local funds, such as the Housing Authority Fund. All the funds mentioned, are in efforts to serve and improve the lives of low- and moderate-income persons in Milpitas.

Projects

#	Project Name
1	Catholic Charities of Santa Clara County
2	Child Advocates of Silicon Valley
3	Next Door Solutions to Domestic Violence
4	Senior Adults Legal Assistance (SALA)
5	Silicon Valley Independent Living Center – Housing Search
6	YWCA – Domestic Violence Services
7	Filipino American Chamber of Commerce
8	LifeMoves - Capital
9	Terrace Gardens Senior Housing – Capital - Wood Trellis Repair

10	Terrace Gardens Senior Housing – Capital - Roof Repair
11	Rebuilding Together Silicon Valley - Capital
12	Project Sentinel
13	Home Rehabilitation Loan Program
14	Program Administration

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Allocation priorities are derived through qualitative research such as surveys, public meetings, public hearings and other avenues of resident input. The research has impacted the priority needs that address the most vulnerable population in our communities and the City Council has established the priorities to address those underserved needs. The main obstacle is the lack of available funding and lack of flexibility in CDBG funding. As only 15% of the grant is available for public service activities, this severely limits the use of funds on addressing high priority needs.

AP-38 Project Summary

Project Summary Information

1	Project Name	Catholic Charities of Santa Clara County
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: \$15,000
	Description	Investigate and resolve complaints for seniors and disabled adults in long term care facilities.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	124
	Location Description	All long term care facilities in Milpitas.
	Planned Activities	Site visits to long term care facilities and nursing homes and provide with case management for those clients with open cases.
2	Project Name	Child Advocates of Silicon Valley
	Target Area	Citywide
	Goals Supported	Public Services for Children and Youth
	Needs Addressed	Community Services
	Funding	CDBG: \$14,000
	Description	Provides court appointed youths with volunteers to maintain life-long mentorship and guidance.

	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	4
	Location Description	Milpitas, CA
	Planned Activities	Organization will recruit, train more volunteers and providing essential mentor and guidance for youth.
3	Project Name	Next Door Solutions to Domestic Violence
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services
	Funding	CDBG: \$21,563.65
	Description	Provide Support Services for Survivors of Domestic Violence by providing emergency shelter, crisis counseling, safety strategies, community and systems advocacy, support groups, and case management
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	45
	Location Description	Citywide
	Planned Activities	Next Door Solutions to Domestic Violence is a nonprofit, multi-cultural agency dedicated to providing proactive and progressive solutions to domestic violence. Next Door Solutions provides peer counseling, advocacy, legal help and support groups. Additionally, Next Door Solutions to Domestic Violence provides safe emergency shelter to victims of domestic violence and their children within a confidential and protected environment.
4	Project Name	Senior Adults Legal Assistance (SALA)
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: \$12,000

	Description	Legal services in the form of advice/referrals, consultations/brief service, and legal representation will be provided to Milpitas elders in areas of law common to SALA's target population including, but not limited to, the following: Public Benefits (Social Security, SSI, Medicare, and Medi-Cal); Nursing Homes and Alternatives to Institutionalization (including Advance Directives); Elder Abuse; Housing Law, Consumer Problems; and Personal Affairs (including Simple Wills through SALA's No Fee Wills Panel). SALA will provide services through on-site appointments scheduled at intake days at least once a month at the Barbara Lee (Milpitas) Senior Center. Home visits will be made to elders in Milpitas who are homebound or who reside in nursing homes. Milpitas residents with urgent problems will also be served on an emergency basis by telephone. Milpitas residents who appear at SALA intake sites in other cities will also be served. SALA will also conduct one community education presentation annually for the participants at the Milpitas Senior Center. All services described herein will be provided by one of the attorneys on SALA's staff, a pro bono (volunteer) attorney, or a paralegal (either paid staff or volunteer).
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	20
	Location Description	At their San Jose office, Milpitas Senior Center, and Milpitas Library.
	Planned Activities	Legal assistance, including advising and counseling on basic rights. Facilitation access to public benefits to meet basic life needs and legal planning.
5	Project Name	Silicon Valley Independent Living Center - Housing Search
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services
	Funding	\$13,070.00
	Description	The Housing & Support Services for Persons with Disabilities & Older Adults program is the most utilized service with over 75% of consumers requesting and receiving housing assistance, rent relief, and/or other emergency services.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	44
	Location Description	Housing search assistance for LMC Milpitas residents with disabilities.

	Planned Activities	Providing rental assistance to LMC Milpitas residents with disabilities at risk of eviction.
6	Project Name	YWCA- Domestic Violence Services
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services
	Funding	CDBG: \$21,563.65
	Description	Provide residents of the City of Milpitas domestic violence supportive services.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	52
	Location Description	Citywide
	Planned Activities	24-hour Support Line; emergency shelter; emergency response calls from law enforcement; crisis counseling, individual therapy, and support groups for adults and children; medical advocacy; transportation; criminal justice and social service advocacy; temporary restraining orders; court accompaniment; and children's programming.
7	Project Name	Filipino American Chamber of Commerce
	Target Area	Citywide
	Goals Supported	Assist Microenterprises and Small Businesses
	Needs Addressed	Economic Development
	Funding	CDBG: \$15,000
	Description	Provide hands on training for small business owners on how to create and/or revamp their websites and create marketing strategies.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	10
	Location Description	Citywide
	Planned Activities	Through this training program we plan to provide marketing, technical assistance, and financial strategies to microenterprises in Milpitas

8	Project Name	Terrace Gardens Senior Housing – Capital- Wood Trellis Repair
	Target Area	Citywide
	Goals Supported	Affordable Housing Rental Rehabilitation
	Needs Addressed	Affordable Housing Development and Preservation
	Funding	\$5,500
	Description	Rehab the existing trellis at Terrace Gardens
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	148
	Location Description	186 Beresford Court
	Planned Activities	Funding will be used to rehab the existing trellis at Terrace Gardens.
9	Project Name	Terrace Gardens Senior Housing – Capital- Roof Repair
	Target Area	Citywide
	Goals Supported	Affordable Housing Rental Rehabilitation
	Needs Addressed	Affordable Housing Development and Preservation
	Funding	\$100,689.30
	Description	Replace roofs at “Community Building” and “G” buildings
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	148
	Location Description	186 Beresford Court
	Planned Activities	Funding will be used to replace two roofs at Terrace Gardens.
10	Project Name	Rebuilding Together Silicon Valley
	Target Area	Citywide
	Goals Supported	Maintain and Preserve Existing Housing
	Needs Addressed	Affordable Housing Development and Preservation
	Funding	\$199,999
	Description	Funding to providing home repairs, rehabilitation, accessibility, and mobility services work to low-income homeowners in Milpitas.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	54
	Location Description	Citywide

	Planned Activities	Funding to providing home repairs, rehabilitation, accessibility, and mobility services work to low-income homeowners in Milpitas.
11	Project Name	LifeMoves - Capital
	Target Area	Citywide
	Goals Supported	Public Improvements including accessibility and improving public facilities
	Needs Addressed	Community Services
	Funding	CDBG: \$100,000
	Description	Performing repairs to Julian Street Inn Shelter.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	105
	Location Description	The shelter is in San Jose
	Planned Activities	Performing repairs to Julian Street Inn Shelter.
12	Project Name	Project Sentinel (Fair Housing)
	Target Area	Citywide
	Goals Supported	Fair Housing
	Needs Addressed	Community Services
	Funding	CDBG: \$59,104

	Description	Project Sentinel is a private nonprofit agency providing fair housing, tenant-landlord counseling and dispute resolution services to the City of Milpitas. In addition to counseling and case intake, education and outreach activities will be ongoing. Outreach activity includes: the publication of Rent Watch, a rental housing advice column; distribution of brochures, radio public service announcements and public presentations and workshops. Presentations and workshops are provided to a wide spectrum of the community: ESL classes at local schools; civic groups like the Rotary and Lions; social service agencies like Catholic Charities and Next Door Solutions; municipal offices such as the Senior Center and Community Center; housing provider associations such as the Apartment Owners Association (AOA). Program services are delivered by designated staff in the agency's Fremont office using a local Milpitas phone line and by staff in the agency's main office at 1490 El Camino Real, Santa Clara. Office hours for counseling and case intake are from 9:00 am to 4:00 pm, Monday through Friday. Evening and week-end appointments are provided when necessary. Tenant-Landlord counseling/Dispute Resolution includes all areas of concern in rental housing; however, evictions and substandard housing complaints receive priority attention. Mediations and conciliations are conducted by trained staff and volunteers. Services are delivered in a neutral, unbiased manner to all parties engaged in the rental housing relationship. Fair Housing services of community education, and complaint investigation are provided from the corporate office and other public facilities within the City of Milpitas (library, community center). HUD-certified mortgage default counseling and First Time Homebuyer workshops are open to Milpitas residents. These services are provided from Project Sentinel's office at the Milpitas Sobrato Center.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	20
	Location Description	At various venues in Milpitas and their Santa Clara office.
	Planned Activities	Provide educational presentations, outreach, and brochures at a variety of venues. Provide information and referral services and investigate cases of alleged discrimination.
13	Project Name	Home Rehabilitation Loan Program
	Target Area	Citywide
	Goals Supported	Maintain and Preserve Existing Housing
	Needs Addressed	Affordable Housing Development and Preservation
	Funding	RL: \$594,882.86

	Description	Rehabilitate very low-, low- income households
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	6
	Location Description	Milpitas, CA
	Planned Activities	Rehabilitate very low-, low- income households
14	Project Name	Program Administration
	Target Area	Citywide
	Goals Supported	Program Administration
	Needs Addressed	Program Administration
	Funding	CDBG: \$70,492.40
	Description	Program Administration
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	Program Administration
	Location Description	Milpitas, CA
	Planned Activities	Program Administration

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Not applicable. The City of Milpitas does not set geographic concentration areas for assistance. Instead, the City helps fund organizations that provide supportive services to low- and moderate-income individuals throughout the City.

Geographic Distribution

Target Area	Percentage of Funds

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Not applicable

Discussion

Not applicable

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City adopted Affordable Housing Ordinance No. 297 on June 12, 2018. The Affordable Housing Ordinance requires that all new developments over 10 units construct 15% of the total number of dwelling units be affordable. On March 5, 2019, the City established residential and non-residential affordable housing fees. In January 2022, Council approved changes to the Affordable Housing Ordinance to encourage more on-site affordable housing production. Council also adopted changes to add clarity and consistency throughout the ordinance.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	208
Special-Needs	0
Total	208

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	208
Acquisition of Existing Units	0
Total	208

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City anticipates allocating resources to Terrace Gardens and Rebuilding Together Silicon Valley. Terrace Gardens is a deed-restricted very-low- and low-income affordable housing seniors' rental development. The allocation would be for capital repairs to the common area which would benefit 148 affordable housing units.

Rebuilding Together Silicon Valley assists low-income homeowners with critical repairs. The resources allocated to Rebuilding Together would serve 54 low-income homeowners in Milpitas.

The Home Rehabilitation Loan Program will assist low-income homeowners with critical repairs. The resources allocated to the Home Rehabilitation Loan Program would serve 6 low-income homeowners in Milpitas. Total benefit of these three activities would be 208 units.

AP-60 Public Housing – 91.220(h)

Introduction

The City of Milpitas currently does not have any public housing. However, there is one Project-based Section 8 property in the City, the Sunnyhills Apartments. The Sunnyhills Apartments is a 171-unit development in which 149 units receive project-based Section 8 vouchers. The Project-based Section 8 vouchers subsidize assistance for each unit between the Department of Housing and Urban Development established fair market rent for the area and what the tenant can afford to pay. Its aim is to be competitive with the local market thus incentivizing the owner to rent to low income households.

Actions planned during the next year to address the needs to public housing

This is not applicable to the City of Milpitas as there are no public housing units owned or managed by the Housing Authority of the County of Santa Clara in the City.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Not applicable. There are no public housing units in the City of Milpitas.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable.

Discussion

Not applicable.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The County of Santa Clara and the City have designated homelessness as a critical issue. In Santa Clara County's 2022 Point-in-Time Census & Survey Comprehensive Report, the survey identified a total of 249 unsheltered homeless persons in Milpitas. Notably, there was an 119% increase in unsheltered homeless persons in Milpitas. Given the complexity of homelessness, interagency and interregional collaboration is crucial in solving the homeless issue.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

November 10, 2020, the City Council approved and authorized staff to enter into an agreement for homeless outreach, assessment, and street-based case management services with Santa Clara County. A new contract was executed in December 2022 to continue homeless outreach and assessment services.

In December 2020, City Council authorized staff to contract with WeHope to provide mobile shower and laundry services in Milpitas. The current contract has an expiration date of June 30, 2022. On April 4, 2023, City Council agenda is a request for gap funding to continue providing mobile laundry and shower services through the end of the service contract. Further funding has been identified to keep these services active for at least the next three fiscal years. Staff anticipates ratifying a new contract with WeHOPE by Summer 2023.

The City's Housing team will continue to explore resources that can further benefit the homeless population in Milpitas.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Milpitas will address emergency shelter and transitional housing needs of homeless persons by continuing to coordinate services between the City's Police, Building Safety & Housing, and Public Works Departments and our local service providers, such as LifeMoves. The City's Rent and Mortgage Relief program does allow for emergency housing relief for foster children or homeless families with school age children experiencing temporary homelessness. Funds can be used for obtaining temporary, secure housing (motel, hotel, etc.) followed by additional assistance for rent/deposit relief to move into more permanent housing.

CDBG Funded

- **Next Door Solutions to Domestic Violence:** Next Door Solutions to Domestic Violence provides client-centered, community-based supportive services for victims of domestic violence and his/her children. The organization also provides undisclosed emergency shelter when requested

and needed by the individual and/or family.

- YWCA Silicon Valley (YWCA): YWCA Silicon Valley empowers women and her children to end racism and violence through offering supportive services for self-improvement and undisclosed emergency shelter for short-term to a longer amount of time if needed. YWCA also provides clients referrals to permanent housing if possible, and available.

Other Funded Programs

- The City of Milpitas has an Emergency Motel Stays Program which provides up to three nights of temporary shelter at a Milpitas hotel for unhoused individuals and families.
- The City's Rent and Mortgage Relief program eligible uses include:
 - Eviction Protection
 - Domestic Violence Relocation
 - Child and Family Homelessness Relief
 - Emergency housing relief for foster children or homeless families with school age children experiencing temporary homelessness. Funds can be used for: obtaining temporary, secure housing (motel, hotel, etc.) and then be used for rent/deposit relief to move into more permanent housing.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

On November 10, 2020, the City Council approved and authorized staff to enter into an agreement for homeless outreach, assessment, and street-based case management services with Santa Clara County. The assessment will place our residents in the Santa Clara County community queue, which is the pathway towards being placed in rapid rehousing, transitional or permanent affordable housing. On March 16, 2022, the City Council approved allocating \$100,000 from the Federal American Rescue Plan Act funding to extend the homeless outreach, assessment, and street-based case management services contract for an additional year.

The City's Rent and Mortgage Relief program allows for emergency housing relief for foster children or homeless families with school age children experiencing temporary homelessness. Funds can be used for obtaining temporary, secure housing (motel, hotel, etc.) followed by additional assistance for rent/deposit relief to move into more permanent housing.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth

facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

Milpitas does not currently have an institutional discharge policy. The City collaborates with the Santa Clara County CoC, who recently updated their Quality Assurance Standards to include a homeless discharge coordination policy.

The County CoC endeavors to provide guidance and resources to those released from institutions. The discharge policy includes access to reentry resource centers where, for example, an VI-SPIDAT could be administered. The VI-SPIDAT measures the acuity level of an individual and is used to inform what type of support or housing needs are required. It also serves as the entry point for access to other resources or supportive services, such as residential or outpatient treatment, transitional housing, or emergency shelter access.

CDBG and City Local Funds

- **Rent Relief Program:** The City's Rent Relief program began in 2019 and expanded to a Rent and Mortgage Relief program in 2021. The rent relief portion assists with rent/deposit relief, eviction protection, domestic violence relocation, child and family homelessness relief, and section 8 good faith deposits.
- **Child Advocates of Silicon Valley:** Child Advocates connect court appointed special advocates (CASAs) to foster children. These volunteers must make a commitment to the children for a long-term, many for his or her entire life. The consistent support of the CASA is often the only adult who has steadily remained with the child, providing crucial mentorship.
- **Seniors Adults Legal Assistance (SALA):** SALA is committed to providing free-legal services to seniors. Legal services that SALA provides ranges from: public benefits, long-term care, alternatives to institutionalization, elder abuse, long-term care insurance, incapacity planning, probate, simple wills and housing – related to Landlord-Tenant issues. Often, many seniors do not know his or her housing rights or sign over the will of their house without knowing, and with fixed income, many are unable to provide legal help. SALA provides legal help free of charge for these low to extremely low-income seniors.

Discussion

Please see discussion above.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Along with other jurisdictions in Santa Clara County, the City of Milpitas is facing many obstacles in creating more affordable housing. The many constraints that the City is facing is the limited amount of developable land, government constraints, infrastructure and public facilities constraints, environmental, housing for persons with disabilities, and financing and construction costs.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Resolution No. 8523

The City adopted Resolution No. 8523 on February 2, 2016, which recognizes homelessness as a crucial problem in the County and will help contribute to future affordable housing projects that will house homeless.

Affordable Housing Ordinance

On June 12, 2018, the City Council adopted Affordable Housing Ordinance No. 297 which requires that any new development with 10 or more units must include 15% of the units these units as affordable. The ordinance applies to both rental and ownership developments. In January 2022, Council approved changes to the Affordable Housing Ordinance to encourage more on-site affordable housing production. Council also adopted changes to add clarity and consistency throughout the ordinance.

Density Bonus Ordinance

To attract developers to build affordable units, the Density Bonus Ordinance will allow developers the ability to build above their permitted densities in permitted zoning districts in exchange for the construction of affordable units.

Below Market Rate Ownership

The City manages a Below Market Rate (BMR) Ownership program for first-time, income-qualified homebuyers. Once a unit from the current BMR housing stock becomes available, a qualified applicant procured by lottery will have the ability to purchase a home in Milpitas at one of the various

developments throughout the City.

Fair Housing

Milpitas provides CDBG funds to Project Sentinel. Project Sentinel is a reputable organization that provides expertise in fair housing and tenant-landlord dispute. Services include information, referrals, community outreach and education in several languages other than English, investigation, and resolving fair housing complaints. In addition, they provide education and outreach to property owners, and property management to become proactive in their housing policies.

Discussion:

The City is in the process of completing its Housing Element, which will include an update to the Affirmatively Furthering Fair Housing. City Council adopted the Housing Element/AFFH adopted in January 2023. The City has submitted their draft to HCD and hopes to have certification in the coming weeks. Below is a tentative schedule of events for the adoption of the Housing Element:

- Public Review Draft Period: August – October 2022
- HCD Review Draft Period: October – December 2022
- Final Draft: January 2023
- Planning Commission and City Council Hearings: January 2023
- Adoption by City Council: January 2023
- Submitted to HCD for certification: March 2023

As of this writing, the city is expected to receive approval on its 6th Cycle Housing Element by April 2023.

AP-85 Other Actions – 91.220(k)

Introduction:

The most significant obstacle to addressing the underserved needs for fiscal year 2023-2024 is the lack of sufficient federal, state, and local funds to carry out all the necessary programs, activities, and projects.

Actions planned to address obstacles to meeting underserved needs

The diminishing amount of funds continues to be the most significant obstacle to addressing the needs of underserved populations. To address this, the City supplements its CDBG funding with other resources and funds, such as:

- The City of Milpitas Affordable Housing Fund is used primarily to increase the number of new affordable housing units. It is funded through fees collected from developers in accordance with Affordable Housing Ordinance 297. As an example, the City used these funds to initially fund the Pilot Rent Relief Program the City established in November 2019.
- The City's provides loans on an ongoing, as qualified basis for BMR applicants to qualify for purchasing an available BMR unit.
- Measure A Affordable Housing Bond was approved by voters in November 2016 that approved \$950 million dollars for the County to address housing needs for the most vulnerable residents, those in the extremely low-income households.
- American Rescue Plan Act (ARPA) funds have been allocated to fund the homeless outreach and assessment program for one year, as well as fund the Rent and Mortgage Relief Program.
- The City's Emergency Motel Stays Program has been funded through donations Vice Mayor Chua received. The Vice Mayor is working on securing donations to continue the funding of the program.
- In February 2023, the City received its approval letter for its Permanent Local Housing Allocation (PLHA) entitlement. The grant will help cover the homeless outreach and assessments services for the next three years. PLHA will also allow the city to create a Workforce Housing Rental Assistance Program that would offset rent paid by the tenant for a period of greater than 6 months. To qualify, tenants must have a household income of 30% AMI or below.
- In September 2022, City Council accepted Assemblymember Lee's one-time state funding request, including \$1,500,000 for homelessness prevention and unhoused services. While the allocation of which the homeless prevention and unhoused programs will be funded, the original request included continuation of the mobile shower and laundry services, additional rent relief funds, and the establishments of a Milpitas Resource Center.

Actions planned to foster and maintain affordable housing

The City has taken proactive steps to help decrease the barriers in affordable housing through the

following resolutions/ordinances:

Resolution No. 8523

The City adopted Resolution No. 8523 on February 2, 2016, which recognizes homelessness as a crucial problem in the County and will consider contributing to future affordable housing projects that will house the homeless. The City is in discussion to create its first 100% permanent supporting housing project in Milpitas.

Affordable Housing Ordinance

On June 12, 2018, the City Council adopted Affordable Housing Ordinance No. 297 which requires that any new development with 10 or more units must include 15% of the units these units as affordable. The ordinance applies to both rental and ownership developments. In January 2022, Council approved changes to the Affordable Housing Ordinance to encourage more on-site affordable housing production. Council also adopted changes to add clarity and consistency throughout the ordinance.

Density Bonus Ordinance

To attract developers to build affordable units, the Density Bonus Ordinance will allow developers the ability to build above their permitted densities in permitted zoning districts in exchange for the provision of affordable units in the development.

Below Market Rate Ownership

The City manages a Below Market Rate (BMR) Ownership program for first-time, income-qualified homebuyers. Once a unit from the current BMR housing stock becomes available, the homebuyer will have the ability to purchase a home in Milpitas at one of the various developments throughout the City. For qualified households, the City also provides a loan of up to \$50,000.

Fair Housing

Milpitas provides CDBG funds to Project Sentinel. Project Sentinel is a reputable organization that provides expertise in fair housing and tenant-landlord dispute. Services include information, referrals, community outreach and education in several languages other than English, investigation, and resolving fair housing complaints. In addition, they provide education and outreach to property owners, and property management to become proactive in their housing policies.

Actions planned to reduce lead-based paint hazards

The County of Santa Clara has received funding from State's Department of Health Service and Federal Government for Center for Disease Control to implement a Childhood Lead Poisoning Prevention

Program. The funded programs include community outreach screen, case management and public education to inform low-to-moderate income and older communities. The project will then follow up with environmental testing, lead-based education, blood-lead testing for children, hazard reduction grants and follow up with monitoring and testing.

Milpitas has adopted a Lead-Based Paint Management Plan which complies with HUD Based Paint regulations, which outlines the required states of abatement and remediation for rehabilitation projects. In addition, the City publicize and identifies lead-based hazards and older residential projects through its Code Enforcement Division and Building Department. In addition, projects undergoing rehabilitation, under the City's Rehabilitation, provides technical assistance and abatement of lead-based paints.

Actions planned to reduce the number of poverty-level families

The City of Milpitas will follow these actions:

- Work with non-profit housing developers to fund and provide more affordable housing opportunities to address the homeless problem and needs of very low and low-income households.
- Provide funding and supportive services to prevent very low-income persons and families from becoming homeless and assist them in ending the cycle of homelessness.
- Address the employment and income needs of individuals and families who are economically disadvantaged, including persons who are homeless, who have disabilities, and those who are participating in the County of Santa Clara Welfare-to-Work Programs.
- Provide funding for a variety of services and referrals to assist people in obtaining access to public assistance to prevent poverty.
- Per Section 3, if there are HUD funded projects that can create direct economic opportunities must take every effort to recruit, target and directed towards low and very low-income residents and businesses.

Actions planned to develop institutional structure

The City is striving to improve intergovernmental and private sector cooperation to synergize efforts and resources and develop new revenues for community service needs and the production of affordable housing. Collaborative efforts include:

- Regular monthly meetings between entitlement jurisdictions at the CDBG Coordinators Meeting

and Regional Housing Working Group

- Joint jurisdiction Request for Proposals and project review committees
- Coordination on project management for projects funded by multiple jurisdictions.

Actions planned to enhance coordination between public and private housing and social service agencies

The City benefits from a strong jurisdiction and region-wide network of housing and community development partners, such as the County and the CoC. To improve intergovernmental and private sector cooperation, the City will continue to participate with other local jurisdictions and developers in sharing information and resources.

Discussion:

Please see discussion above.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I) (1, 2, 4)

Introduction:

The City of Milpitas only receives CDBG funds and will receive the following program income for FY23-24.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	\$594,882.86
5. The amount of income from float-funded activities	0
Total Program Income:	\$594,882.86

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	90.00%



City of Milpitas

DRAFT CONSOLIDATED PLAN

Fiscal Year 2023-2024



Draft for May 2, 2023

FY2022-25 Consolidated Plan

Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Milpitas is located in Santa Clara County and is the fifth largest city within the County with a population of 71,533. Milpitas encompasses an area of approximately 18 square miles and is the home to numerous high-tech companies located in the heart of Silicon Valley. As of 2022, Santa Clara County has one of the highest median incomes in the nation at \$151,300 for a family of four. However, many low- and moderate-income residents within the County and City of Milpitas cannot afford the high cost of living required within San Francisco Bay Area.

Every three to five years as required by Department of Housing and Urban Development (HUD), the City of Milpitas must prepare a Consolidated Plan outlining the strategies used to meet a variety of housing and non-housing community needs. The preparation of Milpitas three-Year Consolidated Plan provides the analysis and financial resources to address the housing and non-housing community services of those residents that require assistance in housing and a variety of public services to fit their specific needs.

The Consolidated Plan covers a three-year period, which included maximum citizen participation through public consultation meetings, request for statistical data, research and information to be incorporated into the plan. Notices were provided in the local Milpitas Post and City's Website. Presently, City of Milpitas only receives Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development. The Consolidated Plan links identified needs in the community to the federal and local resources available to address those needs.

The City of Milpitas' Building Safety and Housing department is the lead agency responsible for the preparation of the Consolidated Plan. The Consolidated Plan was prepared with the cooperation and consultation from numerous agencies, organizations, social service providers, housing providers, non-profit groups and members of the general public.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The objectives and outcomes identified in this Consolidated Plan address the housing and community development needs in Milpitas. The objectives address these priority needs:

- **Need: Affordable Housing Development and Preservation**
 - Maintain and Preserve Existing Housing
 - New Affordable Housing
 - Affordable Housing Rental Rehabilitation
- **Need: Community Services**
 - Community funding/public services
 - Public services for special needs populations
 - Public services for low- and moderate-income residents at risk of eviction.
 - Fair Housing
 - Public services for Children and Youth
 - Public services for Seniors
 - Public service for Domestic Violence Support
- **Need: Community, Public, and Neighborhood Sustainability**
 - Public improvements including accessibility and improving public facilities.
- **Need: Economic Development**
 - Assist Microenterprises and Small Businesses
 - Explore the use of HUD Section 108 Loan Guarantee Program

3. Evaluation of past performance

The City is responsible for ensuring compliance with all rules and regulations associated with the CDBG entitlement grant program. The City's Annual Action Plans and Consolidated Annual Performance and Evaluation Reports (CAPER) have provided many details about the goals, projects and programs completed by the City over the past five years. A review of past consolidated annual performance and evaluation reports reveals a strong record of performance in the use of CDBG funds.

The City will meet or exceed the quantitative goals and objectives of its previous Consolidated Plan. The process implemented by the City has been effective with an annual evaluation of funding allocation and a bi-annual review of funding priorities. The City recognizes that the evaluation of past performance is important to ensure the City is implementing activities effectively.

4. Summary of citizen participation process and consultation process

The City initiated the citizen participation process in November 2021 by distributing a Consolidated Plan Community Survey to residents in Milpitas. In December, at the Community Advisory Commission (CAC) meeting, the City invited residents and potential CDBG stakeholders to attend and provide public comment on how they feel CDBG funds should be prioritized in the upcoming FY 22-25 Consolidated Plan.

Over 80 different agencies, organizations, social service providers, housing providers, non-profits groups, and members of the general public were contacted to participate in the public meetings to receive input and feedback on the preparation of the three-Year Consolidated Plan. The city held public meetings on December 1, 2021, and March 3, 2022, and public hearings on April 5 and June 14, 2022.

The City held a public meeting with the Community Advisory Commission (CAC) on March 2, 2022 to review applications and hear applicant presentations. The CAC made their recommendations for funding to the City Council. Nineteen (19) public comments were heard from prospective applicants summarizing their proposed activities and how their activities would benefit Milpitas residents.

On March 4, 2022, the City placed an advertisement in the Milpitas post for the April 5 and May 3, 2022 City Council meetings. The notice of public hearing is to review funding applications for the FY22-25 Consolidated Plan and FY22-23 CDBG funding year.

On April 1, 2022, the City posted the draft FY22-25 Consolidated Plan and draft FY22-23 Annual Action Plan on its website to provide opportunities for public comment. The documents were posted at this url: <http://www.ci.milpitas.ca.gov/milpitas/departments/federalprogram-community-development-block-grant-cdbg/>.

On April 5, 2022, the City Council conducted a Public Hearing to Discuss the FY2022-25 Consolidated Plan goals and funding allocations for FY2022-23 Community Development Block Grant and corresponding Annual Action Plan. Twelve (12) public comments were heard from prospective applicants summarizing their proposed activities and how their activities would benefit Milpitas residents.

The CDBG allocations were published on May 13, 2022. After the CDBG allocations were published, the City notified its residents and active CDBG community that the second public hearing to discuss the FY2022-25 Consolidated Plan goals and funding allocations for FY2022-23 Community Development Block Grant and corresponding Annual Action Plan would be held on June 14, 2022.

On June 14, 2022, the City held the second public hearing. Nine (9) public comments were heard from prospective applicants summarizing their proposed activities and how their activities would benefit Milpitas residents.

5. Summary of public comments

At the December 1, 2021, Community Advisory Commission meeting, staff provided a brief presentation on the fiscal year 2022-2024 CDBG Consolidated Plan process, including an overview of the results of the Consolidated Plan Community Survey, and a timeline of events for the upcoming fiscal year. Seven consultants from various public and private agencies that provide housing, health services, and other social services provided comments to the Commission. One member of the community provided public comment to the Commission in support of the services discussed during the meeting.

On March 2, 2022, the CAC received a staff presentation on, as well an overview of, the 23 simplified applications received for CDBG funding. The Commission heard 19 comments from the applicants. Each Commissioner then provided their feedback on priorities and goals the Council should consider funding with CDBG funds.

On April 5, 2022, the City Council conducted a Public Hearing to Discuss the FY2022-25 Consolidated Plan goals and funding allocations for FY2022-23 Community Development Block Grant and corresponding Annual Action Plan. Twelve (12) public comments were heard from prospective applicants summarizing their proposed activities and how their activities would benefit Milpitas residents.

On June 14, 2022, the City held the second public hearing. Nine (9) public comments were heard from prospective applicants summarizing their proposed activities and how their activities would benefit Milpitas residents.

Summary of comments or views not accepted and the reasons for not accepting them

All comments were accepted. Please see Exhibit C for comments.

7. Summary

It is the City's intent that the FY22-25 Consolidated Plan will help improve the quality of life for the residents in the City of Milpitas. By providing residents and stakeholders with the ability to communicate how the CDBG funds should be allocated and prioritized, we believe the CDBG funds will be allocated in the best interest of the City's low- and moderate-income residents.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	MILPITAS	Building Safety & Housing

Table 1 – Responsible Agencies

Narrative

The Building Safety and Housing Department serves as the lead agency in the preparation of the Consolidated Plan as well as the administration of the CDBG program. Per federal law, the preparation of the Consolidated Plan and Annual Action Plan is required by the Department of Housing and Urban Development (HUD). Both the Consolidate Plan and the first-year annual action plan must delineate the priorities and strategies for the use of federal funds.

Every three to five years, as required by HUD, the City of Milpitas must prepare a Consolidated Plan outlining the strategies used to meet a variety of housing and non-housing community needs. It has come to the City's attention that every other jurisdiction in the region is on the same Consolidated Plan timeline, except Milpitas. Therefore, Milpitas will be submitting a three-year Consolidated Plan in order to align our Consolidated Plan timeline with the rest of region. The preparation of Milpitas three-year Consolidated Plan provides the analysis and financial resources to address the housing and non-housing community services of those residents that require assistance in housing and a variety of public services to fit their specific needs.

Consolidated Plan Public Contact Information

Robert Musallam
Housing and Neighborhood Services Administrator
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

PR-10 Consultation – 91.100, 91.110, 91.200(b), 91.300(b), 91.215(I) and 91.315(I)

1. Introduction

The City of Milpitas requested a number of consultations with a multitude of local non-profit organizations, various jurisdictions, and other stakeholders in the development of the Consolidated Plan.

Milpitas conducted four (4) separate public meetings to obtain public input and comments on the preparation of the Consolidated Plan. meetings were conducted in different areas of the City in different times of the day. The City of Milpitas has reached out to the Santa Clara County Housing Authority and the Office of Supportive Housing, as well as surrounding jurisdictions for their input to the City's CDBG program. Milpitas also consulted with a wide variety of social service agencies that provide housing and support services to special needs groups in an effort to update data and information for the needs section of the Consolidated Plan. Finally, Milpitas along with the County of Santa Clara and other local jurisdictions held weekly meetings during the past three years to work together on sections of the Consolidated Plan which deal with regional issues such as fair housing and homelessness.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I)).

As mentioned, the City participates in a weekly meeting with all local jurisdictions to discuss general housing, homelessness, and CDBG related issues. These issues are core to the consultation required by the Consolidated Plan.

City staff continues to maintain dialogue with all service providers, public and private, to ascertain if there are any areas in which the City can partner with the organization to enhance services or if the City can connect service providers for better coordination of service deliveries.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

The Santa Clara County Continuum of Care (CoC) is a multi-sector group of stakeholders guiding the implementation of the County's housing and service system to meet the need and prevent homelessness in the county with the ultimate goal to end homelessness.

The Continuum of Care strategy includes permanent housing, emergency shelter with outreach and assessment services, transitional housing with support services, and prevention services. These services exist in Santa Clara County, but not in sufficient numbers to address the need. The County of Santa Clara, in collaboration with the entitlement jurisdictions, believe that strengthening the Continuum of Care on a regional basis will effectively address the needs of homeless people in individual cities and avoiding duplication of services, and increase the cost effectiveness.

In October 2020, the City of Milpitas participated in the preparation of the Community Plan to End Homelessness in Santa Clara County. The Plan identifies strategies to address the needs of homeless persons in the county, including chronically homeless individuals and families, families with children, veterans, and unaccompanied youth. Additionally, it also intended to address the needs of person at risk of homelessness.

In December 2020, the City Council directed staff to proceed with a pilot program to provide weekly hot shower and laundry services to the unhoused residents of Milpitas. The City will be using a nonprofit service provider, WeHOPE, to operate the Dignity on Wheels program, which includes mobile shower, mobile laundry, and connecting unhoused residents with resources.

In November 2020, the City Council authorized a revenue agreement with the County of Santa Clara in the amount of \$200,000 per year for the County to provide street outreach, assessment, and case management services for unhoused residents in Milpitas via their Homeless Engagement and Assessment Team (HEAT). The HEAT team focuses first on connecting clients with mental health service providers to stabilize them before assisting with a housing plan

In December 2020, the City Council directed staff to proceed with a pilot program to provide weekly hot shower and laundry services to the unhoused residents of Milpitas. The City will be using a nonprofit service provider, WeHOPE, to operate the Dignity on Wheels program, which includes mobile shower, mobile laundry, and connecting unhoused residents with resources.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

The City of Milpitas does not receive Emergency Shelter Grant (ESG) funding however the City participates with the CoC to address homeless issues.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

Agency/Group/Organization	Rebuilding Together Silicon Valley
Agency/Group/Organization Type	Services-Persons with disabilities Services-Elderly Persons
What section of the Plan was addressed by Consultation	Housing needs Assessment Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Forum where staff solicited input for community needs and priorities.
Agency/Group/Organization	Project Sentinel
Agency/Group/Organization Type	Services-Fair Housing
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs Homeless Needs-Families with Children
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Forum where staff solicited input for community needs and priorities. Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Housing Authority of County of Santa Clara
Agency/Group/Organization Type	Housing PHA
What section of the Plan was addressed by Consultation	Housing Needs Assessment Public Housing Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with a representative of the Housing Authority to discuss Housing Authority challenges, trends in housing concerns from the Housing Authority's perspective and determine potential areas where the City can partner with the Housing Authority.
Agency/Group/Organization	Catholic Charities
Agency/Group/Organization Type	Services-Elderly persons Services-Housing
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Child Advocates of Silicon Valley
Agency/Group/Organization Type	Services-Victims Services-Health Services- Children
What section of the Plan was addressed by Consultation	Non-Homeless Special needs

How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	City of Milpitas Recreation and Community Services
Agency/Group/Organization Type	Services-children Services-Elderly Persons Services-Narrowing the Digital Divide
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	LifeMoves
Agency/Group/Organization Type	Services-Homeless
What section of the Plan was addressed by Consultation	Homeless Needs-Chronically homeless Homeless Needs-Families with Children Homelessness-Veterans Homelessness-Unaccompanied Youth Homelessness Strategy
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Pragnya
Agency/Group/Organization Type	Services-Children Services-Elderly Person Services-Persons with Disabilities
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Milpitas Unified School District
Agency/Group/Organization Type	Services-Children
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs

How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Next Door Solutions to Domestic Violence
Agency/Group/Organization Type	Service-Victims of Domestic Violence
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Senior Adults Legal Assistance (SALA)
Agency/Group/Organization Type	Service-Elderly Person
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Silicon Valley Independent Living Center
Agency/Group/Organization Type	Service-Elderly Person Service-Persons with disabilities
What section of the Plan was addressed by Consultation	Non-homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	The Health Trust
Agency/Group/Organization Type	Service-Elderly Persons Service-Persons with Disabilities
What section of the Plan was addressed by Consultation	Non-Homeless Special needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	YWCA Silicon Valley

Agency/Group/Organization Type	Housing Services-Children Services-Victims of Domestic Violence Services-Health
What section of the Plan was addressed by Consultation	Homeless Needs – Families with Children Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Terrace Gardens
Agency/Group/Organization Type	Emergency Management
What section of the Plan was addressed by Consultation	Non-homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Housing staff conducted a one-on-one meeting with the City's Emergency Management Coordinator. The coordinator expressed a desire to more regularly attend community meetings to provide guidance on various issues regarding community emergency response.
Agency/Group/Organization	City of Milpitas – Emergency Management Coordinator
Agency/Group/Organization Type	Housing Services-Elderly Persons
What section of the Plan was addressed by Consultation	Housing Needs Assessment Non-homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.

Identify any Agency Types not consulted and provide rationale for not consulting

The City did not speak with the County of Santa Clara Office of Emergency Management and Santa Clara Valley Water District. The primary rationale was the lack of staff resources. The City of Milpitas had only one full time employee in the entire housing division from October 2021 – April 2022. The City's primary reason for producing a three-year Consolidated Plan was to align our Consolidated Plan start and end dates with the other cities in our region. Further, we'd ensure that any future Consolidated Plan would be created in collaboration with those regional partners and as those partners allocate resources to hire consultants that produce a Consolidated Plan, Milpitas would similarly contribute.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Regional Continuum of Care Council	The CoC works to alleviate the impact of homelessness in the community through the cooperation and collaboration of social service providers. This effort aligns with the Strategic Plan's goal to support activities to end homelessness.
City of Milpitas Housing Element	City of Milpitas	Housing Element serves as a policy guide to help the City meet its existing and future housing needs. This effort aligns with the Strategic Plan's goal to assist in the creation and preservation of affordable housing.

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

The City meets weekly with our regional partners on a Housing CDBG Coordinator's meeting. The purpose of these meetings is to receive updates on local initiatives and to receive timely guidance on any CDBG/Housing related issues we're experiencing.

Narrative (optional):

Santa Clara County Association of Planning Officials (SCAPPO) is a regional meeting for local planning officials to attend, cooperate, and coordinate with one another on regional issues. Items related to the consolidated plan are commonly discussed.

PR-15 Citizen Participation – 91.105, 91.115, 91.200(c) and 91.300(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal setting

The City initiated the citizen participation process in November 2021 by distributing a Consolidated Plan Community Survey to residents in Milpitas. In December, at the Community Advisory Commission (CAC) meeting, the City invited residents and potential CDBG stakeholders to attend and provide public comment on how they feel CDBG funds should be prioritized in the upcoming FY 22-25 Consolidated Plan.

Over 80 different agencies, organizations, social service providers, housing providers, non-profits groups, and members of the general public were contacted to participate in the public meetings to receive input and feedback on the preparation of the three-Year Consolidated Plan. The City held public meetings on December 1, 2021 and March 3, 2022 and public hearings on April 5 and June 14, 2022.

The CAC is a publicly noticed meeting that the community can attend. Seven organizations and one resident attended and provided input.

The City did not publish the notices of public hearings in any alternate languages to accommodate residents with limited English proficiency. The City is planning to begin publishing the notices in alternate languages during the program year.

A schedule of meetings for the development, input review and recommendations that created the Consolidated Plan are as follows:

Date	Organization	Action
December 1, 2021	Community Advisory Commission	Public Meeting/Presentation
March 3, 2022	Community Advisory Commission	Public Meeting/Presentation
April 5, 2022	Milpitas City Council	Public Hearing/Presentation
June 14, 2022	Milpitas City Council	Public Hearing/Presentation

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	News-paper ad	Non-targeted/broad community	Opening the application period	No comments were received	n/a	
2	Internet/Social Media Outreach	Broad community	32 responses	The City created a Consolidated Plan community survey to obtain citizen and stakeholder input and comments for the development of the Consolidated Plan. A total of 32 responses were received.	n/a	https://www.ci.milpitas.ca.gov/wp-content/uploads/2021/12/2022-2024-community-development-block-grant_results.pdf
3	Public Meeting (CAC)	Non-targeted/broad community	20 Attendees	Seven consultants from various public and private agencies that provide housing, health services, and other social services provided comments to the Commission. One member of the community provided public comment to the Commission in support of the services discussed during the meeting.	n/a	https://www.milpitas.gov/_pdfs/Commissions/cac/2021/120121/minutes.pdf
4	Public Meeting (CAC)	Non-targeted/broad community	10 Attendees	No comments were received	n/a	https://www.milpitas.gov/_pdfs/Commissions/cac/2022/020222/minutes.pdf
5	Public Meeting (CAC)	Non-targeted/broad community	30 Attendees	The Commission heard 19 comments from the applicants. Each Commissioner then provided their feedback on priorities and goals the Council should consider funding with CDBG funds. One public comment requested consideration for disabled individuals when considering upgrades to the City's parks.	n/a	https://www.milpitas.gov/_pdfs/Commissions/cac/2022/030222/minutes.pdf

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
6	News-paper ad/website	Non-targeted/broad community	Public Hearing Notice for City Council Meetings	No comments were received	n/a	https://www.milpitas.gov/milpitas/departments/federal-program-community-development-block-grant-cdbg/
7	City Council Meeting Public Hearing	Non-targeted/broad community	50 attendees	The Commission heard 12 comments from the applicants. Each Commissioner then provided their feedback on priorities and goals the Council should consider funding with CDBG funds.	n/a	https://www.milpitas.gov/_pdfs/council/2022/040522/Minutes.pdf
8	Website	Non-targeted/Broad community	Draft AAP	No comments were received	n/a	https://www.milpitas.gov/milpitas/departments/federal-program-community-development-block-grant-cdbg/
9	City Council Meeting Public Hearing	Non-targeted/broad community	50 attendees	The Commission heard 9 comments from the applicants. Each Commissioner then provided their feedback on priorities and goals the Council should consider funding with CDBG funds.	n/a	

Table 4 – Citizen Participation Outreach

Needs Assessment

NA-05 Overview

Needs Assessment Overview

Located at the southern end of the San Francisco Bay, the City of Milpitas has become an integral part of high-tech Silicon Valley since becoming incorporated in 1954. Per available 2020 census data, Milpitas has an estimated population of 80,273¹. The City is a strong employment center with a diverse population, quality schools, conveniently located neighborhood parks, and a variety of retail options. Milpitas is often called the “Crossroads of Silicon Valley” with most of its 13.6 square miles of land situated between two major freeways (I-880 and I-680), state route 237, and a county expressway. The City is served by Valley Transportation Authority (VTA) light rail and a BART extension that opened in 2020.

With the resurgence of the Silicon Valley economy, real estate has experienced dramatic price increase, with Milpitas being no exception. Milpitas has experienced a massive surge in residential building activity in recent years, with a considerable increase in residential permit applications, development entitlements, and new construction. In large part, these changes have been brought on by the adoption of two Specific Plans for areas adjacent to an existing VTA station and the City’s BART station. The increased development potential that was made possible by these Specific Plans has prompted the conversion of areas once dominated by vacant and underutilized land and aging and obsolete industrial space into high-density transit-oriented development to meet the heightened demand for housing.

Methodology

The majority of data utilized is provided by HUD for the purpose of preparing the Consolidated Plan. HUD periodically receives custom tabulations of data from the U.S. Census Bureau that are largely not available through standard Census products. Known as the Comprehensive Housing Affordability Strategy (CHAS) data, it demonstrates the extent of housing problems and housing needs, particularly for low income households. The CHAS data is used by local governments to plan how to spend HUD funds, and may also be used by HUD to distribute grant funds.

When CHAS data is not available or appropriate, other data is utilized, including 2010 and 2020 U.S. Census data and American Community Survey (ACS) 2013-2017 five-year estimates. While

¹ <https://www.census.gov/quickfacts/fact/table/milpitascitycalifornia/POP010210#POP010210>

ACS one-year estimates provide the most current data, this report utilizes five-year estimates as they reflect a larger sample size and are considered more reliable and precise.

Federal funds provided under the Community Development Block Grant (CDBG) entitlement program are primarily concerned with activities that benefit low-and moderate-income (LMI) households whose incomes do not exceed 80 percent of the area median family income (AMI), as established by HUD, with adjustments for smaller or larger families. HUD utilizes three income levels to define LMI households:

- Extremely low income: Households earning 30 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
- Very low income: Households earning 50 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
- Low and moderate income: Households earning 80 percent or less than the AMI (subject to adjustments for areas with unusually high or low incomes or housing costs)

NA-10 Housing Needs Assessment

Of the total 21,919 households in Milpitas, approximately 35 percent of City's households are LMI, with incomes ranging from 0-80% AMI:

- Thirteen percent of households (2,940) have incomes between 0-30% AMI
- Ten percent of households (2,175) have incomes between 30-50% AMI
- Twelve percent of households (2,550) have incomes between 50-80% AMI

NA-15 Disproportionately Greater Need: Housing Problems

NA-20 Disproportionately Greater Need: Severe Housing Problems

NA-25 Disproportionately Greater Need: Housing Cost Burden

NA-35 Public Housing

NA-40 Homeless Needs Assessment

NA-45 Non-Homeless Special Needs Assessment

NA-50 Non-Housing Community Development Needs

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

Demographics	Base Year: 2009	Most Recent Year: 2017	% Change
Population	65,371	75,500	15%
Households	18,379	21,920	19%
Median Income	\$92,205.00	\$110,752.00	20%

Table 5 - Housing Needs Assessment Demographics

Data Source: 2000 Census (Base Year), 2013-2017 ACS (Most Recent Year)

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	2,940	2,175	2,550	2,314	11,940
Small Family Households	960	1,075	1,395	1,319	7,785
Large Family Households	250	290	530	490	1,525
Household contains at least one person 62-74 years of age	684	635	570	555	2,050
Household contains at least one person age 75 or older	700	360	430	260	535
Households with one or more children 6 years old or younger	385	365	524	434	2,174

Table 6 - Total Households Table

Data Source: 2013-2017 CHAS

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	20	10	15	10	55	10	10	0	0	20
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	30	35	100	30	195	0	20	10	10	40
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	265	170	295	180	910	20	50	90	210	370
Housing cost burden greater than 50% of income (and none of the above problems)	825	400	45	0	1,270	720	295	215	65	1,295

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Housing cost burden greater than 30% of income (and none of the above problems)	120	320	570	265	1,275	180	245	360	470	1,255
Zero/negative Income (and none of the above problems)	210	0	0	0	210	94	0	0	0	94

Table 7 – Housing Problems Table

Data 2013-2017 CHAS
Source:

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	1,135	615	450	220	2,420	750	375	315	285	1,725
Having none of four housing problems	265	460	875	650	2,250	475	730	910	1,159	3,274
Household has negative income, but none of the other housing problems	210	0	0	0	210	94	0	0	0	94

Table 8 – Housing Problems 2

Data 2013-2017 CHAS
Source:

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	470	600	490	1,560	275	265	270	810
Large Related	175	195	155	525	70	65	115	250
Elderly	390	59	25	474	410	215	150	775
Other	160	75	145	380	165	35	95	295
Total need by income	1,195	929	815	2,939	920	580	630	2,130

Table 9 – Cost Burden > 30%

Data 2013-2017 CHAS
Source:

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	420	305	40	765	245	125	60	430
Large Related	120	85	10	215	60	15	10	85
Elderly	300	30	0	330	280	150	115	545
Other	150	35	10	195	150	15	45	210
Total need by income	990	455	60	1,505	735	305	230	1,270

Table 10 – Cost Burden > 50%

Data 2013-2017 CHAS
Source:

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	219	125	320	170	834	20	50	45	115	230

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Multiple, unrelated family households	25	80	75	25	205	0	20	55	105	180
Other, non-family households	50	0	10	15	75	0	0	0	0	0
Total need by income	294	205	405	210	1,114	20	70	100	220	410

Table 11 – Crowding Information – 1/2

Data 2013-2017 CHAS
Source:

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present								

Table 12 – Crowding Information – 2/2

Describe the number and type of single person households in need of housing assistance.

Elderly and/or disabled populations tend to experience greater hardships with regard to housing. Per the provided data, 1,889 households between 0-80% AMI contain at least one person years 62-74 years of age. This represents 8.6% of the total households in Milpitas. Of the 8.6%, 36.2% (684 households) have incomes between 0-30% AMI, 33.6% (635 households) have incomes between 30-50% AMI, and 30.1% (570 households) have incomes between 50-80% AMI.

Elderly populations are often on fixed incomes, such as social security, that are (a) generally provide an insufficient amount of income to adequately cover both housing and general life expenses and (b) do not increase proportionately to the rise in the cost of living to keep up with inflation. This creates a desperate need for affordable housing. The lack of affordable housing in general, but specifically for seniors, will continue to be the greatest barrier to assisting this population.

The disabled population draws parallels to the senior community. While employment opportunities may be available to some, in some cases, there may no ability to secure employment. As such, this community is reliant on social security and/or disability in order to

cover their living expenses. And similar to senior community, the income provided is not sufficient to adequately cover their expenses. The lack of available housing resources for the disabled community also represents one of the greatest challenges for this population.

The data above does not distinguish between whether the household is a renter or owner. Additional considerations should be made for elderly/disabled homeowners. As the cost of goods and services increase, these individuals may be homeowners whose properties have appreciated significantly, but they lack the resources to secure loan products that would grant them access to their equity. These individuals are considered house rich and cash poor. These homes, without proper maintenance and repair, often fall into disrepair and sometimes into uninhabitable situations. More resources should be available to these homeowners to ensure they age gracefully in a safe and habitable living environment.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

The data does not provide a true number and types of families in need of housing assistance for those who are disabled or victims of domestic violence. From FY18-22, the period of time covering the last consolidated plan, the City Council has allocated \$199,666 towards activities that directly benefit the victims of domestic violence. With these resources, various non-profit organizations such as YWCA Silicon Valley and Next Door Solutions to Domestic Violence have assisted over 1000 residents in Milpitas. Many of these individuals do not have access to the safe, affordable housing that is needed to more permanently remove themselves from domestic violence situations.

What are the most common housing problems?

Housing cost burden greater than 50% of income represents the greatest of housing problems. Of the eligible households, 825 renter occupied households who have incomes between 0-30% AMI experience a housing cost burden greater than 50% of their current income. A further 400 households who have incomes between 30-50% AMI also experience a housing cost burden greater than 50% of their current income. These number will only grow as affordability wanes.

Are any populations/household types more affected than others by these problems?

Low- to moderate-income renter households are more likely to experience at least one housing problem. Of the renters surveyed who had at least one housing problem, ninety-one percent (2,200) of them were LMI. LMI renter households are also severely cost burdened while extremely low and low income owner households are severely cost burdened.

LMI renter households are also more likely to be overcrowded. Households receiving incomes between 0-30% AMI are more heavily affected.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

The main characteristics are these families tend to be on the lower end of the income spectrum and are living in overcrowded households. In order to afford the high rent Milpitas commands, families must either live in a smaller (more affordable) unit or share space in a larger unit with another family.

As of this writing, we are approaching the end of year 2 of the COVID-19 pandemic. The City Council has allocated over \$800,000 in rent relief funds to assist families that are at imminent risk of eviction. The state of California has allocated over \$2B in rental assistance to prevent a mass wave of evictions. The economy continues to recover and these individuals, who predominantly work service level jobs, are now starting to go back to work. However, the costs of goods and services has increased tremendously with inflation reaching its highest year over year mark in decades (projected to be 7.5% in 2022)². Wages has not kept pace with inflation and as a result, these household's live paycheck to paycheck often teetering on the line between housed and unhoused.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

We don't have an estimate. To date our rent relief program has provided assistance to over 120 households and 300 Milpitas residents. Our best attempt to collect this data relies on the data collected when a household applies for rental assistance through our program. For an operational definition of at risk, we believe that any household that is unable to pay or is struggling to afford their monthly rental obligation in our jurisdiction, they are considered an at-risk population.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

² <https://tradingeconomics.com/united-states/inflation-cpi#:~:text=US%20Inflation%20Rate%20Accelerates%20to,coupled%20with%20strong%20demand%20weigh.>

Severe cost burden is the greatest link between instability and an increased risk of homelessness. More affordable housing or better public/private options are needed to ensure at risk individuals do not experience homelessness.

Discussion

See above.

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

Per HUD definition, disproportionate housing needs is defined as “significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups or the total population experiencing that category of housing need in the applicable geographic area” (24 CFR § 5.152).

Specifically, a disproportionately greater need exists when the members of a racial/ethnic group at a given income level experience housing problems at a greater rate (10 percentage points or more) than the jurisdiction as a whole at that income level.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,195	440	304
White	410	135	40
Black / African American	94	0	15
Asian	1,095	250	179
American Indian, Alaska Native	0	0	0
Pacific Islander	25	0	0
Hispanic	540	40	60

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Data 2013-2017 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,555	625	0
White	224	180	0

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Black / African American	90	25	0
Asian	939	290	0
American Indian, Alaska Native	0	10	0
Pacific Islander	0	0	0
Hispanic	260	120	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Data 2013-2017 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,695	855	0
White	115	180	0
Black / African American	10	34	0
Asian	1,195	425	0
American Indian, Alaska Native	0	0	0
Pacific Islander	40	0	0
Hispanic	310	190	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Data 2013-2017 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,240	1,074	0
White	145	84	0
Black / African American	25	50	0
Asian	900	684	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	100	215	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Data 2013-2017 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

Discussion

Seventy-five percent of households with 0%-30% AMI experience at least one housing problem.

- 86% of Black households with 0%-30% AMI experience at least one housing problem.
- 70% of White households with 0%-30% AMI experience at least one housing problem.
- 72% of Asian households with 0%-30% AMI experience at least one housing problem.
- 84% of Hispanic households with 0%-30% AMI experience at least one housing problem.

Seventy-one percent of households with 30%-50% AMI experience at least one housing problem.

- 93% of Black households with 30%-50% AMI experience at least one housing problem.
- 55% of White households with 30%-50% AMI experience at least one housing problem.
- 76% of Asian households with 30%-50% AMI experience at least one housing problem.
- 68% of Hispanic households with 30%-50% AMI experience at least one housing problem.

Sixty-six percent of households with 50%-80% AMI experience at least one housing problem.

- 23% of Black households with 50%-80% AMI experience at least one housing problem.
- 39% of White households with 50%-80% AMI experience at least one housing problem.
- 74% of Asian households with 50%-80% AMI experience at least one housing problem.
- 62% of Hispanic households with 50%-80% AMI experience at least one housing problem.

Fifty-four percent of households with 80%-100% AMI experience at least one housing problem.

- 33% of Black households with 80%-100% AMI experience at least one housing problem.
- 63% of White households with 80%-100% AMI experience at least one housing problem.
- 57% of Asian households with 80%-100% AMI experience at least one housing problem.
- 32% of Hispanic households with 80%-100% AMI experience at least one housing problem.

The groups disproportionately affected by housing problems include:

- Black households in 0-30% AMI and 30-50% AMI; and
- White households in 80-100% AMI; and
- Asian households in 50%-80% AMI; and

In summary, lower income Black and Asian households are disproportionately affected by housing problems within the city. White moderate households are affected by housing problems.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

Per HUD definition, disproportionate housing needs is defined as “significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups or the total population experiencing that category of housing need in the applicable geographic area” (24 CFR § 5.152).

A household is considered severely overcrowded when there are more than 1.5 persons per room and severely cost burdened when paying more than 50 percent of household income toward housing costs. For renters, housing costs include rent paid by the tenant plus utilities. For owners, housing costs include mortgage payment, taxes, insurance, and utilities.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,885	740	304
White	330	215	40
Black / African American	94	0	15
Asian	910	435	179
American Indian, Alaska Native	0	0	0
Pacific Islander	25	0	0
Hispanic	505	75	60

Table 17 – Severe Housing Problems 0 - 30% AMI

Data 2013-2017 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	990	1,190	0
White	149	255	0
Black / African American	25	90	0
Asian	624	605	0
American Indian, Alaska Native	0	10	0
Pacific Islander	0	0	0
Hispanic	155	220	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Data 2013-2017 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	765	1,785	0
White	70	225	0
Black / African American	10	34	0
Asian	540	1,075	0
American Indian, Alaska Native	0	0	0
Pacific Islander	40	0	0
Hispanic	80	420	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Data 2013-2017 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	505	1,809	0
White	10	225	0
Black / African American	10	65	0
Asian	395	1,189	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	80	235	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Data 2013-2017 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

Discussion

Sixty-four percent of households with 0%-30% AMI experience at least one severe housing problem.

- 86% of Black households with 0%-30% AMI experience at least one severe housing problem.
- 56% of White households with 0%-30% AMI experience at least one severe housing problem.
- 60% of Asian households with 0%-30% AMI experience at least one severe housing problem.
- 79% of Hispanic households with 0%-30% AMI experience at least one severe housing problem.
- 100% of Pacific Islander households with 0%-30% AMI experience at least one severe housing problem.

Forty-five percent of households with 30%-50% AMI experience at least one severe housing problem.

- 22% of Black households with 30%-50% AMI experience at least one severe housing problem.
- 37% of White households with 30%-50% AMI experience at least one severe housing problem.
- 51% of Asian households with 30%-50% AMI experience at one severe housing problem.

- 41% of Hispanic households with 30%-50% AMI experience at least one severe housing problem.

Thirty percent of households with 50%-80% AMI experience at least one severe housing problem.

- 23% of Black households with 50%-80% AMI experience at least one severe housing problem.
- 24% of White households with 50%-80% AMI experience at least one severe housing problem.
- 33% of Asian households with 50%-80% AMI experience at least one severe housing problem.
- 16% of Hispanic households with 50%-80% AMI experience at least one severe housing problem.
- 100% of Pacific Islander households with 0%-30% AMI experience at least one severe housing problem.

Twenty-two percent of households with 80%-100% AMI experience at least one severe housing problem

- 13% of Black households with 80%-100% AMI experience at one severe housing problem.
- 4% of White households with 80%-100% AMI experience at least one severe housing problem.
- 25% of Asian households with 80%-100% AMI experience at least one severe housing problem.
- 25% of Hispanic households with 80%-100% AMI experience at least one severe housing problem.

The groups disproportionately affected by severe housing problems include:

- Black households between 0-30% AMI; and
- Hispanic households between 0-30% AMI; and
- Pacific Islander households with 0-30% AMI and 50-80% AMI

In summary, extremely low-income households are disproportionately affected by severe housing problems.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

Per HUD definition, disproportionate housing needs is defined as “significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups or the total population experiencing that category of housing need in the applicable geographic area” (24 CFR § 5.152).

A household is considered cost burdened if they pay more than 30 percent of their household income toward housing costs.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	14,474	4,170	2,925	359
White	2,374	555	564	40
Black / African American	330	110	140	15
Asian	10,115	2,769	1,524	229
American Indian, Alaska Native	40	0	0	0
Pacific Islander	75	69	0	0
Hispanic	1,285	545	610	60

Table 21 – Greater Need: Housing Cost Burdens AMI

Data Source: 2013-2017 CHAS

Discussion:

As a whole, 32 percent of households are cost burdened and, of that percentage, 13 percent are severely cost burdened. Approximately 32% of White, 42% of Black, 29% of Asian, 48% of Pacific Islander, and 46 percent of Hispanic households are cost burdened. Of these percentages, both Black and Hispanic households contain more severe housing burdened households than not. Based on the data, we can conclude that Black, Pacific Islander, and Hispanic households are disproportionately severely cost burdened.

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Among the lowest income categories, we see disparities in Black households experiencing a greater percentage of housing problems compared to other race/ethnicities. From the sections NA-15 and NA-20 above, we see only one commonality amongst the racial and ethnic groups.

The groups disproportionately affected by housing problems include:

- Black households in 0-30% AMI and 30-50% AMI; and
- White households in 80-100% AMI; and
- Asian households in 50%-80% AMI; and

The groups disproportionately affected by severe housing problems include:

- Black households between 0-30% AMI; and
- Hispanic households between 0-30% AMI; and
- Pacific Islander households with 0-30% AMI and 50-80% AMI

Lower income Black households are disproportionately affected by severe housing problems. This data is also striking because of the relative lack of Black households in Milpitas. Per the latest census data, a mere 2% of the population in Milpitas identifies as Black.

If they have needs not identified above, what are those needs?

Any discussion on the experience of Black households experiencing a disproportionately greater housing need would be incomplete without at least an acknowledgement of systemic racism and housing discrimination. This is a topic that will not be covered in great detail here, but it bares noting that Black households have historically experienced the housing market very poorly. Discriminatory practices such as segregation and redlining have created generational inequities that cannot be undone easily.

The needs for this community are expressed in a more equitable way to navigate the housing market. Providing affordable housing, providing access to housing opportunities that can create wealth, such as homeownership. But most importantly, establishing that fair housing is truly fair to all and not just those who have the resources.

Generally speaking, more housing assistance resources are needed. Whether that comes as an increase in Section 8 funding or an increase in rental assistance funding to help tenants secure units and/or pay for some of the costs to move in. These resources are needed to help cure the imbalance felt by lower income tenants who spend 50% or more of their income on rent.

Further resources are needed to help manage the Landlord-Tenant power imbalance. Oftentimes, tenants will be threatened with eviction if they communicate any issues with their unit. Resources to create a safe space for these conversations to take place will go a long way to promoting equity and decreasing the housing cost burden on tenants.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

No

NA-35 Public Housing – 91.205(b)

Introduction

Totals in Use

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	48	20	10,212	692	9,267	212	0	36

Table 22 - Public Housing by Program Type

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Data Source: PIC (PIH Information Center)

Characteristics of Residents

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	
Average Annual Income	0	20,067	16,342	15,882	13,333	16,112	14,199		0
Average length of stay	0	7	5	8	1	9	0		0
Average Household size	0	2	2	2	1	2	1		0
# Homeless at admission	0	0	1	15	4	4	0		0

	Program Type							
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher	
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program
# of Elderly Program Participants (>62)	0	10	4	3,859	502	3,315	24	0
# of Disabled Families	0	10	6	1,784	69	1,610	85	0
# of Families requesting accessibility features	0	48	20	10,212	692	9,267	212	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Race	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	33	11	4,885	332	4,420	117	0	14
Black/African American	0	3	3	1,358	46	1,223	80	0	7
Asian	0	11	5	3,698	303	3,375	5	0	14
American Indian/Alaska Native	0	1	1	145	7	134	3	0	1

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Pacific Islander	0	0	0	95	4	84	7	0	0
Other	0	0	0	31	0	31	0	0	0
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 24 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Program Type									
Ethnicity	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	20	8	3,217	133	3,038	38	0	7
Not Hispanic	0	28	12	6,964	559	6,198	174	0	29
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 25 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

This data is not available for Milpitas.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

Finding landlords that will accept a voucher.

How do these needs compare to the housing needs of the population at large

This data is not available for Milpitas.

Discussion

See above

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

The tables below provide demographic data on homelessness in Milpitas.

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

In December 2021, the City Council authorized staff to enter into a revenue agreement with the County of Santa Clara Office of Supportive Housing to employ the Homeless Engagement and Assessment Team (HEAT) throughout Milpitas. A review of the data from HEAT shows that of the 100+ requests sent to HEAT, 99% were for chronically homeless single adults. Twenty-six percent of those individuals were residing in a vehicle while the others were predominantly living outdoors.

For families with children, the City has been actively using rent relief funding for temporary motel stays. The City has assisted in over 15 such cases since 2019.

Nature and Extent of Homelessness: (Optional)

Data Source: County of Santa Clara Continuum of Care							
Jurisdiction	Unsheltered		Sheltered		Total		2017-2019 % Change
	2017	2019	2017	2019	2017	2019	
Total Incorporated	5,259	7,652	1,775	1,594	7,034	9,246	31%
City of Campbell	94	74	0	0	94	74	-21%
City of Cupertino	127	159	0	0	127	159	25%
City of Gilroy	295	345	427	359	722	704	-2%
City of Los Altos	6	76	0	0	6	76	*
City of Los Altos Hills	0	2	0	0	0	2	*
Town of Los Gatos	52	16	0	0	52	16	*
City of Milpitas	66	125	0	0	66	125	89%
City of Monte Sereno	0	0	0	0	0	0	*
City of Morgan Hill	388	114	0	0	388	114	-71%
City of Mountain View	411	574	5	32	416	606	46%
City of Palo Alto	256	299	20	14	276	313	13%
City of San Jose	3,231	5,117	1,119	980	4,350	6,097	41%
City of Santa Clara	199	264	73	62	272	326	20%
City of Saratoga	12	10	0	0	12	10	*
City of Sunnyvale	122	477	131	147	253	624	147%
Total Unincorporated	189	270	113	89	302	359	19%
Confidential Locations	NA	NA	58	101	58	101	74%
Total	5,448	7,922	1,946	1,784	7,394	9,706	31%

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

The City of Milpitas' Rent Relief Program provides various forms of financial assistance to Milpitas residents and families that have emergency housing needs. The funds are used to pay for rent and/or deposit assistance, emergency hardship relief, eviction protection, domestic violence relocation, and section 8 good faith deposits. These funds assist at-risk Milpitas residents from experiencing homelessness. To date, the program has assisted over 120 families and over 300 Milpitas residents, many of them families with children. It's likely that without these funds, many of these families would now be experiencing homelessness.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

Data Source: County of Santa Clara Continuum of Care	
Race:	Percent of respondents
White	40%
Black or African American	18%
Asian	3%
Pacific Islander	1%
Multiple Races	29%
Ethnicity:	
Hispanic	41%
Not Hispanic	59%

These figures are provided by the 2019 Santa Clara County Homeless Census & Survey. They provide a regional view of the race and ethnicity data, as the City does not have local data to provide.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

Data Source: County of Santa Clara Continuum of Care	
Current Living Arrangement	Percent of respondents
Outdoors	34%
Emergency/Transitional Shelter	22%

Vehicle	18%
Structure not meant for permanent habitation	14%
Motel/Hotel	9%
Other	3%

These figures are provided by the 2019 Santa Clara County Homeless Census & Survey. They provide a regional view of the unsheltered and sheltered data, as the City does not have local data to provide.

As noted above, the City's HEAT program has assessed over 100 homeless individuals in Milpitas. Of those assessed, approximately 26% were living in a vehicle with most of the remaining individuals living outdoors.

Discussion:

See above

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

The following section describes the needs of the following non-homeless populations:

Elderly households (defined as 60 years or older)
 Persons with developmental, physical, and/or mental disabilities
 Large households
 Female-headed households
 Persons living with HIV/AIDS and their families

Describe the characteristics of special needs populations in your community:

Elderly households account for over 11% of the Milpitas population. Many seniors live on fixed incomes, making affordability an issue. Some elderly residents own homes but are unable to afford the maintenance on them due to rising costs. These residents are considered house rich and cash poor where most of their retirement income and/or asset value is tied into the home itself, with few options to safely extract the value.

Persons with developmental, physical, and/or mental disabilities require affordable housing as well as special accommodations in terms of accessibility to ensure maximal independence. These individuals may also live on fixed incomes or with family who provide for them. Over 6% of the population in Milpitas identifies as disabled.

Large households may live in overcrowded environments. As affordability wanes in the region, many low-income families are choosing to live together in order to make rents more affordable.

Female headed households disproportionately pay a higher ratio of gross income as expenses. Rent and childcare costs create challenges for female headed households. Additionally, these households are more likely to overcrowd to share space, rent, and childcare to blunt costs. Affordable housing, childcare subsidy, and/or other financial assistance could benefit female headed households.

Milpitas does not currently have data and/or programs geared toward persons living with HIV/AIDS and their families.

What are the housing and supportive service needs of these populations and how are these needs determined?

The Consolidated Plan Community Survey respondents noted that creation of affordable housing is a significant need for this population. As generally the highest expense incurred, quality of life could be improved by reducing housing costs. Further assistance in terms of childcare, food/nutrition subsidy, and job improvement training could benefit these groups as well.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

n/a

Discussion:

See above

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction's need for Public Facilities:

The City of Milpitas Recreation and Community Services Department manages the City's public facilities. Of the facilities discussed in the Consolidated Plan Community Survey, the two most widely discussed as needing additional funding were: (1) the Barbara Lee Senior Center and (2) the City's Parks.

How were these needs determined?

Milpitas' needs were consulted through extensive community engagement. Seventy-one percent of respondents stated that improving city facilities that provide public services was a high priority. Additionally, the Recreation and Community Services department submitted their budget for the upcoming fiscal year, an approximate \$4M in funding for upgrading the City parks was included.

Fifty-six percent of respondents indicated that more funding should go to improving city facilities that provide social services, such as the Barbara Lee Senior Center and the Milpitas Library.

Describe the jurisdiction's need for Public Improvements:

Milpitas' needs were consulted through extensive community engagement. Water, street, stormwater, accessibility, sidewalks and trails were among the areas of need for the City.

How were these needs determined?

Milpitas' needs were consulted through extensive community engagement. Fifty-six percent of respondents to the Consolidated Plan Community Survey noted the need for trail improvements, 53% requested accessibility improvements for people with disabilities, 69% requested water/sewer improvements, and 47% requested improvements to the sidewalks.

Describe the jurisdiction's need for Public Services:

Currently, the City contracts all of its public services to local or regional non-profits. Milpitas has a need to assist its growing homeless population, elderly households, victims of domestic violence, children and youth, and residents at-risk of eviction.

How were these needs determined?

Milpitas' needs were consulted through extensive community engagement. Fifty-six percent of respondents to the Consolidated Plan Community Survey responded they'd like to see improvements to non-profit community services, 59% responded that homeless services are very important and should receive more consideration for funding.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

Milpitas is predominantly a single-family based community with 75% of the housing stock being single-family attached and detached homes. The remaining housing stock are multi-family units with 14 of the remaining 25% of those units being a property type of 20 or more units.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	12,200	54%
1-unit, attached structure	4,814	21%
2-4 units	1,210	5%
5-19 units	1,035	5%
20 or more units	3,075	14%
Mobile Home, boat, RV, van, etc	440	2%
Total	22,774	100%

Table 26 – Residential Properties by Unit Number

Data Source: 2013-2017 ACS

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	75	1%	250	3%
1 bedroom	90	1%	1,425	18%
2 bedrooms	1,814	13%	3,075	39%
3 or more bedrooms	12,145	86%	3,045	39%
Total	14,124	101%	7,795	99%

Table 27 – Unit Size by Tenure

Data Source: 2013-2017 ACS

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

- Sunnyhills Apartments, a 171-unit apartment complex with 149 project based rental assistance units
- Terrace Gardens, a 149-unit apartment complex for seniors under 50% AMI

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

The Sunnyhills apartments project based rental assistance contract is set to expire in 2023. At this time the owner has not expressed an interest in renewing their contract with HUD. The Santa Clara County Housing Authority and the City have been in communication with the tenants to provide resources and information to the group to ensure they are aware of their rights and protections should the contract not be renewed.

City and Housing Authority staff has also been in communication with the ownership group to ensure they follow all applicable state and federal laws pertaining to the termination of an affordable unit or development to a market rate one.

Does the availability of housing units meet the needs of the population?

As noted during the citizen participation process, there is a significant lack of housing available to lower income populations. At this time, the demand for affordable housing is greater than the availability of the units.

Describe the need for specific types of housing:

Affordable rental housing is needed for all income levels but mostly for below 50% AMI. Additionally, housing units specifically geared toward seniors, people with disabilities, homeless individuals, and people at-risk of homelessness will assist in providing the most vulnerable with housing opportunities currently unafforded to them.

Discussion

See above

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

The City of Milpitas continues to see a sharp increase in the cost of housing, along with the region in general. From 2009 to 2017, the median contract rent in Milpitas increased 43%.

Cost of Housing

	Base Year: 2009	Most Recent Year: 2017	% Change
Median Home Value	619,600	704,300	14%
Median Contract Rent	1,405	2,016	43%

Table 28 – Cost of Housing

Data Source: 2000 Census (Base Year), 2013-2017 ACS (Most Recent Year)

Rent Paid	Number	%
Less than \$500		
\$500-999		
\$1,000-1,499		
\$1,500-1,999		
\$2,000 or more		

Table 29 - Rent Paid

Data Source: 2013-2017 ACS

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	400	No Data
50% HAMFI	1,000	240
80% HAMFI	2,705	413
100% HAMFI	No Data	847
Total	4,105	1,500

Table 30 – Housing Affordability

Data Source: 2013-2017 CHAS

Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	2145	2418	2868	3687	4213
High HOME Rent	n/a	n/a	n/a	n/a	n/a
Low HOME Rent	n/a	n/a	n/a	n/a	n/a

Table 31 – Monthly Rent

Data Source: HUD FMR and HOME Rents

Is there sufficient housing for households at all income levels?

The data presented above is limited but the narrative from our resident survey and our citizen participation continues to express that there is an insufficient amount of housing for households at all income levels.

How is affordability of housing likely to change considering changes to home values and/or rents?

Housing affordability will continue to decline as home values and/or rent costs increase. The State of California has implemented AB 1584, which limited rent increases on applicable units to 5% plus CPI. However, as noted above, Milpitas is 75% single-family homes, which are not applicable to AB 1584. The other thing to note is that the CPI the past two years will allow rent increases of 8+% each year. This compounding effect on the rent impacts lower income populations the greatest. But the lack of an effective control on rents on single-family homes also impacts larger households disproportionately since there's no limit on rent increases on those units.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

Fair market rents compare favorably to moderate income area median rent level. In order to achieve affordability at the 2BR rent level, a household must earn approximately \$115,000 per year. Presently, the need for extremely low, very low, and low-income housing is in high demand. The challenges to create these housing opportunities are multi-faceted. High land and development costs, ongoing maintenance and repairs, and the ability of a development to provide a positive return while collecting on the lower end rents. Without further subsidy, it makes deeply affordable developments very challenging to develop.

Discussion

See above

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

This section analyzes the condition of housing and the risks of lead based paint.

Definitions

HUD defines “condition” as: 1) Lack of complete plumbing; 2) Lack of kitchen facilities; 3) More than one person per room; and, 4) Housing cost burden greater than 30 percent.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	4,375	31%	3,510	45%
With two selected Conditions	215	2%	690	9%
With three selected Conditions	0	0%	15	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	9,535	68%	3,580	46%
Total	14,125	101%	7,795	100%

Table 32 - Condition of Units

Data Source: 2013-2017 ACS

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	2,419	17%	2,160	28%
1980-1999	4,060	29%	2,805	36%
1950-1979	7,420	53%	2,720	35%
Before 1950	229	2%	115	1%
Total	14,128	101%	7,800	100%

Table 33 – Year Unit Built

Data Source: 2013-2017 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	7,649	54%	2,835	36%
Housing Units build before 1980 with children present	2,833	20%	1,428	18%

Table 34 – Risk of Lead-Based Paint

Data Source: 2013-2017 ACS (Total Units) 2013-2017 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units			
Abandoned Vacant Units			
REO Properties			
Abandoned REO Properties			

Table 35 - Vacant Units

Need for Owner and Rental Rehabilitation

Fifty-three percent of Milpitas owner occupied homes were built from 1950-1979. These homes are now 50-70+ years old and in need of deferred maintenance to ensure they maintain a standard of habitability. Long time owners of these homes are often house rich and cash poor. Meaning, the majority of their wealth is stored in the substantial increase in equity created from owning their home, but they do not currently earn large incomes to continue supporting the cost of owning a home.

Rebuilding Together Silicon Valley has been working with low-moderate income owners in Milpitas to homes in our community are safe and habitable. Milpitas currently supports their mission with CDBG funding.

Estimated Number of Housing Units Occupied by Low- or Moderate-Income Families with LBP Hazards

The data is not clear as to the number of units occupied by low- or moderate-income families with LBP hazards but again a predominant amount of owner and renter occupied households were built prior to 1979. Therefore, we can estimate that there are still homes in Milpitas that could have occupants at risk of LBP.

Discussion

See above

MA-25 Public and Assisted Housing – 91.210(b)

Introduction

The city current does not have any public housing developments.

Totals Number of Units

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	0	48	20	10,635	815	9,820	1,964	0	465
# of accessible units									
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 36 – Total Number of Units by Program Type

Data PIC (PIH Information Center)
Source:

Describe the supply of public housing developments:

n/a

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

n/a

Public Housing Condition

Public Housing Development	Average Inspection Score

Table 37 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

n/a

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

n/a

Discussion:

n/a

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

This section discusses homeless facilities and services available for the homeless population.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)					
Households with Only Adults					
Chronically Homeless Households					
Veterans					
Unaccompanied Youth					

Table 38 - Facilities and Housing Targeted to Homeless Households

Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons

Mainstream services that complement services targeted to homeless persons include:

- The Valley Homeless Healthcare Program (VHHP) is part of the Santa Clara Valley Medical Center and provides medical services to homeless individuals, including primary care and urgent care. VHHP also manages a Medical Respite program for homeless individuals discharged from hospitals as well as a Backpack Homeless Health Care Program for those in encampments. 21
- The County Social Services Agency has expedited the review process of homeless household CalFresh applications so that they may receive benefits within three days.
- The County Behavioral Health Services Department (BHS) has multiple programs to connect homeless individuals with housing or shelter assistance. BHS also treats those going through behavioral health crises.
- The County Reentry Resource Center (RRC) provides services to those who have been previously incarcerated and to individuals who are homeless upon release. Services include referrals to drug treatment, housing assistance, food assistance, counseling, and other benefits.
- The County Office of Supportive Housing (OSH) mission is to increase the supply of housing and supportive housing that is affordable and available to extremely low income and /or special needs households. OSH supports the County mission of promoting a healthy, safe, and prosperous community by ending and preventing homelessness.
- Other mainstream services include:

- Non-Employment Income: Social Security, Social Security Disability, General Assistance, Cash Aid, CALWORKS, Veterans Benefits, Tribal TANF, and CAPI.
- Food Related Assistance: CalFresh, SNAP, and WIC.
- Legal Services: Bay Area Legal Aid and Law Foundation of Silicon Valley.
- Medical: Medicaid, Medicare, Covered California, and Valley Homeless Healthcare Program (VHHP).
- Employment Training Opportunities: Living Wage Employment Initiative. The area Continuum of Care provides a Living Wage Employment Initiative, which is a program that engages previously homeless program participants in job training, holds jobs fairs, and connects them with living-wage employment leading to careers in high growth industries.²²
- Transportation: CalWorks
- Childcare: Early Childhood Providers and CalWorks

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

There are currently no facilities that meet the needs of the homeless or chronically homeless in Milpitas.

The services provided to meet the needs of the homeless are:

- Project WeHope - Mobile shower and laundry services
- Homeless Engagement and Assessment Team – In partnership with the County, the County HEAT team contracts with ABODE Services to provide outreach and engagement with the homeless population, to provide VI-SPIDAT assessments and enter these individuals into the community queue for housing opportunities.

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

This section describes facilities and services for the special needs communities

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

Elderly, Frail Elderly, and Persons with Disabilities

Elderly, frail elderly, and persons with disabilities have a range of housing needs, including maintaining affordability as rents continue to rise and fixed incomes do not keep pace. Another major factor will be retrofitting housing to accommodate their individual needs. Additional resources to combat social isolation, depression, and food insecurity are all areas of concern for these special needs communities.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

The City does not directly provide supportive housing services for persons returning from mental and physical health institutions. The City partners with the Santa Clara County Continuum of Care to implement these services. The Santa Clara County Community Plan to End Homelessness 2020-2024 details a three-part strategy to end homelessness in the County. Strategy 1, addressing the root causes of homelessness through system and policy change addresses the needs of the most vulnerable, including persons returning from mental and physical health institutions. Strategy 2, expanding homelessness prevention and housing programs to meet the need and strategy 3, improve the quality of life for unsheltered individuals and create healthy neighborhoods for all aim to expand the access to supporting housing services for very vulnerable residents.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

For FY2022-23, the City Council allocated \$150,000 to LifeMoves, a homeless shelter provider located in San Jose, CA who provides services and shelter space to Milpitas residents.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

See above

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

- High cost of land and development of housing in general
- Lack of local, state, and federal resources to promote more affordable housing
- Lack of available, developable land throughout the city
- Lack of appetite for more affordable housing from key stakeholders
- General political opposition preventing affordable housing

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

This section describes the non-housing community development assets that are unique to the city of Milpitas.

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	213	4	1	0	-1
Arts, Entertainment, Accommodations	3,583	5,383	10	11	1
Construction	1,353	3,052	4	6	3
Education and Health Care Services	5,603	4,179	15	8	-7
Finance, Insurance, and Real Estate	1,384	965	4	2	-2
Information	2,375	889	6	2	-5
Manufacturing	7,740	14,423	21	29	8
Other Services	1,079	1,595	3	3	0
Professional, Scientific, Management Services	6,445	8,931	17	18	1
Public Administration	0	0	0	0	0
Retail Trade	2,778	4,832	7	10	2
Transportation and Warehousing	712	776	2	2	0
Wholesale Trade	1,557	2,298	4	5	0
Total	34,822	47,327	--	--	--

Table 39 - Business Activity

Data 2013-2017 ACS (Workers), 2017 Longitudinal Employer-Household Dynamics (Jobs)
Source:

Labor Force

Total Population in the Civilian Labor Force	40,160
Civilian Employed Population 16 years and over	37,800
Unemployment Rate	5.90
Unemployment Rate for Ages 16-24	12.15
Unemployment Rate for Ages 25-65	4.34

Table 40 - Labor Force

Data Source: 2013-2017 ACS

Occupations by Sector	Number of People
Management, business and financial	14,225
Farming, fisheries and forestry occupations	1,830
Service	3,829
Sales and office	6,774
Construction, extraction, maintenance and repair	1,735
Production, transportation and material moving	2,460

Table 41 – Occupations by Sector

Data Source: 2013-2017 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	18,498	58%
30-59 Minutes	11,123	35%
60 or More Minutes	2,539	8%
Total	32,160	100%

Table 42 - Travel Time

Data Source: 2013-2017 ACS

Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	2,000	210	1,905
High school graduate (includes equivalency)	5,180	330	1,615
Some college or Associate's degree	7,895	610	2,304
Bachelor's degree or higher	18,240	770	3,174

Table 43 - Educational Attainment by Employment Status

Data Source: 2013-2017 ACS

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	55	240	400	1,140	1,690

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
9th to 12th grade, no diploma	515	405	515	1,414	625
High school graduate, GED, or alternative	1,535	1,720	1,445	3,980	1,800
Some college, no degree	2,305	1,690	1,785	3,388	1,650
Associate's degree	250	880	1,040	2,020	684
Bachelor's degree	1,189	4,709	3,639	4,844	1,740
Graduate or professional degree	200	3,853	2,634	2,504	728

Table 44 - Educational Attainment by Age

Data Source: 2013-2017 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	
High school graduate (includes equivalency)	
Some college or Associate's degree	
Bachelor's degree	
Graduate or professional degree	

Table 45 – Median Earnings in the Past 12 Months

Data Source: 2013-2017 ACS

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

Milpitas is highly specialized in computer and electronics design and manufacturing. Milpitas has a unique strength in attracting and retaining Research and Development (R&D) and advanced manufacturing. These firms are at the forefront of new technological innovations.

Manufacturing. This is Milpitas' largest industry sector, accounting for 26 percent of all jobs. By comparison, manufacturing jobs make up 15 percent of jobs in Santa Clara County. Employment in the manufacturing sector was stable between 2009 and 2013, but increased by 8 percent between 2013 and 2018. Manufacturing jobs grew at a comparable rate of 10 percent in Santa Clara County during this same period. Businesses in the manufacturing sector tend to be nationally and globally connected, trading and exporting goods to outside communities. Most manufacturing jobs in Milpitas are in advanced and high-tech Manufacturing, with only a small share of "traditional" manufacturing (e.g. food, beverage, wood products).

Professional, Scientific, and Technical Services (PSTS). This is the second largest industry by employment in Milpitas, with 19 percent of all jobs in the City. From 2009 to 2018, PSTS jobs in Milpitas grew at a healthy pace, but not as fast as Santa Clara County overall. Cisco is Milpitas' largest employer and accounts for a large share of these PSTS jobs.

Accommodation and Food Services. This is the third largest sector in Milpitas, with 10 percent of all jobs. Jobs in this sector have increased since 2009, matching a national shift away from traditional retail toward dining and drinking. "Accommodation" jobs (hospitality and hotel) also increased in Milpitas, in conjunction with strong hotel performance (pre-pandemic).

Retail trade. Milpitas has many jobs in retail trade (9 percent), and a mix of regional-serving and local-serving retail. For example, the Great Mall is a major regional retail destination drawing customers from a wide trade area, and auto dealerships also tend to draw from a regional trade area. Milpitas also has smaller, more local-serving retail centers as well.

Health Care and Social Assistance. This sector is primarily household-serving. Jobs in this sector grew rapidly, increasing from approximately 1,800 jobs in 2009 to 3,800 jobs in 2018, as Milpitas' local population ages.

Describe the workforce and infrastructure needs of the business community:

Milpitas has a very diverse workforce, with occupations at a range of skill levels and wages. The top three occupations, which each have more than 1,500 workers, include software developers and programmers, retail salespersons, and electrical/electronic assemblers. Milpitas has many high skill/high wage computer, mathematical, and engineering occupations. This includes software developers and programmers, electrical and electronics engineers, industrial engineers, computer hardware engineers, and computer and information analysts.

There is also a concentration of various skilled trade production occupations in Milpitas—this is relatively unique within Silicon Valley. The largest production occupations in Milpitas include electrical and electronics assemblers, miscellaneous assemblers, fabricators, and production workers, semiconductor processors, machinists, and other assorted inspectors, testers, and samplers. These occupations are relatively concentrated in Milpitas compared to Santa Clara County. These tend to be middle-wage jobs with opportunities for upward mobility that, while requiring specialized skills and training, do not necessarily require very advanced degrees.

Many workers in Milpitas hold occupations in logistics. These include laborers and material

movers, truck drivers, and industrial truck/tractor operators. These are generally low to mid-wage jobs, that require mid or low skill levels. Milpitas also has a large number of service industry workers, especially in retail and restaurants. Some of these occupations, such as retail salespersons, fast food and counter workers, waiters and waitresses, cashiers, and cooks, tend to be lower skill, lower paying jobs. Such low wages make it difficult for workers to afford housing in Silicon Valley, especially given rapidly rising housing costs across the region. Workers may need to take on more than one job in order to make ends meet.

On average, employed residents of Milpitas have slightly higher educational attainment than Milpitas workers. Employed residents in Milpitas that have a bachelor's degree, or more is 37 percent, compared to 35 percent of workers in Milpitas.

With a net import of workers, Milpitas is a jobs-rich community. There are more outside workers commuting into Milpitas for work than there are Milpitas residents leaving Milpitas for work. Milpitas' jobs-to-employed-residents ratio is 1.47, which is considerably higher than other neighboring cities such as San José or Fremont. About 12 percent of Milpitas' working residents both work and live in Milpitas.

The Office of Economic Development currently has two workforce development initiatives underway:

- COVID-19 Workforce Recovery** – The purpose of Milpitas MyPlan Career Accelerator Program is to increase access to career pathway programs and help Milpitas residents with barriers to employment enter the workforce in skilled occupations. The goal of this program is to provide customized workforce training workshops, assessments, career navigation and career counseling for Milpitas unemployed, underemployed workers, and young adult learners impacted by COVID-19. The Milpitas MyPlan Career Accelerator Program has hosted one cohort of 15 students in February 2022 and will launch the next cohort on April 4, 2022. Cohort members receive 21 hours of training over three weeks. Each participant will also have access to two hours of one-on-one career advising. To learn more, please visit the [program homepage](#).
- American Rescue Plan Act (ARPA) Workforce Development Program** – On November 2, 2021, the City Council directed staff to explore various programming categories that include At-Risk Youth, Youth & Adult, Green/Clean/Sustainable Jobs, Childcare Workforce and to Partner with unhoused population on community beautification. On December 14, 2021, the City approved the following workforce development programs and funding:

- **Milpitas Youth Force** is a community service that will support low-income youth & develop a workforce pipeline to City careers and private industry (i.e., Tech & Advanced Mfg.). Milpitas Youth Force will also include wraparound services: professional attire stipend, transportation passes, career coaches, and industry mentorships. ARPA funding will be used to re-instate youth's salary over 8 weeks (12-15 hours/week) - \$40,000.
- **Evergreen Valley College (EVC)** will provide Amazon Web Services Cloud Practitioner Programming in a 4-class series consisting of cloud-based computing, emerging technologies, and clean tech. EVC will coordinate wraparound services: direct academic counselor, industry connection mentor, food assistance, emergency grant vouchers and laptop/textbook assistance. ARPA funding will assist 60 Milpitas residents to achieve an industry recognized certification for skills enhancement- \$50,000.
- **First 5 Santa Clara County** will develop a Pilot Early Childhood Education (ECE) Teacher Apprenticeship program to be launched Fall of 2022 for a 22-month program. ARPA grant funding will be employed to support residents with a portion of college tuition, textbooks/laptops, permitting fees, and transportation assistance related to the ECE Teacher Apprenticeship program - \$40,000.
- **Rising Sun Center for Opportunity Climate Careers** will develop a two-part program addressing climate change by employing local youth to provide energy efficiency services to residential households. ARPA funding will help expand an externship program that may be coordinated with the City's Climate Action Plan for 2-4 positions - \$10,000.
- **Build It Green** will implement a Certified Green Building Professional (CGBP) training program introduces participants to green building and construction concepts. It will include online courses which requires 80% minimum for passing grade. ARPA funding provides certification opportunity for up to 25 low-income Milpitas residents to access high-wage jobs - \$10,000.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period.

- Milpitas Transit Center opened in June 2020, which includes a multi-modal transit hub with BART, VTA Light Rail, bus system and future shuttle that connects Milpitas north, south and west.
- The Innovation District located around the Milpitas Transit Center may result in approximately 3M square feet of new office, research and development, industrial

space with a workforce of thousands located in a premier Silicon Valley location with over 7,000 new residential units as part of a complete district and neighborhood.

- Milpitas Metro Specific Plan addresses the urban district with a focus on the Great Mall, the Innovation District, and the remaining connections and sites that will make this emerging area into an attractive and convenient neighborhood surrounded by the Milpitas Transit Center over the next 20 years.
- Gateway/Main Street Specific Plan will focus on preservation areas, civic, historic, cultural, & educational facilities, catalytic redevelopment, low height/density maximums, large blocks, and inconsistent setbacks, opportunities for urban parks, plazas, & small open spaces (existing creeks & greenways), streetscape improvements, branding, etc.
- Milpitas General Plan 2040 establishes goals, policies, and actions to guide the future growth and development of the city. The General Plan is a comprehensive, long-term policy document used by City leaders, City staff, developers, and community members in making decisions about the City's physical and social development. There is an
- Economic Development Element as part of the General Plan 2040.
- Housing Element

Describe any needs for workforce development, business support or infrastructure these changes may create.

Before the pandemic Milpitas experienced a sub-3% unemployment similar to the rest of Santa Clara County for several years due to technology being the economic engine in Silicon Valley. In April 2020 the unemployment rate dramatically increased to 12.9% which had a devastating economic impact on local businesses and the community. We are now two years into the pandemic and the unemployment rate is 3.3% as of January 2022. While there have been improvements in local economic vitality, there is still a dire need on the workforce front. The City of Milpitas is strongly supporting the growth of employment lands and therefore, there is a need to ensure that Milpitas residents can compete for quality jobs since the cost of living continues to increase significantly.

Infrastructure and business support systems are needed for a successful Innovation District and complete neighborhood and Metro Specific Plan area.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

Given that Milpitas residents have a high education attainment rate (bachelor's degree or higher of 55.3%), median household income of \$140,124, home ownership rate of 63.7% and median age of 37.7 years, the future looks promising. However, during the pandemic, Milpitas

has experienced an increase in the unhoused population and vulnerable people needing more assistance due to the housing crisis and the increase in the Bay Area's cost of living. While the poverty rate in Milpitas is 6.7% compared to the state of California's at 12.6%, the Bay Area constantly ranks as the most expensive area to live within the United States.

While Milpitas ranks well in Computer, Engineering and Science occupations, only 26.6% of those working in these fields are female. There is a strong desire for equity and balance as well as pay and wages to match male counterparts.

Milpitas's occupational mix is diverse. Of the top occupations by number of employees, there are good quality jobs in Software Development, Programming, Electrical and Electronics Assembly and Engineering. It also consists of Retail Salespersons, Fast Food and Counter Workers, Servers, Cashiers and Cooks. The occupations in Professional, Scientific, and Technical Services (PSTS) generally pay well. For the workforce in the service industry, it is likely that some of these employees may be under resourced and spending more than 30% of their household income on housing and transportation expenses. The City of Milpitas is focused on ensuring that career pipelines are in place for increasing the quality of life for all residents and employees.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. See above.

Describe how these efforts will support the jurisdiction's Consolidated Plan.

The economic, workforce and community development programs outlined above will provide valuable resources and funding to assist individuals and families from low- to moderate-income households. The City of Milpitas is prioritizing programs and projects that address our most pressing economic, workforce and community development and housing needs.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)? Yes

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

The City of Milpitas approved the first Economic Development Strategy in 15 years on May 5, 2020 which takes into account all of the stated goals in CEDS as outlined below.

- **Goal 1 BUSINESS CLIMATE.** Develop policies to improve the business climate to retain and expand our strong economic base and culture of innovation.
- **Goal 2 WORKFORCE.** Improve workforce training and provide pathways to better jobs by improving the alignment between workforce skills, business and employer needs, and working conditions and earnings in low wage occupations.
- **Goal 3 HOUSING AND WORK PLACES.** House the labor force needed to fill the low, middle and high wage jobs required by our economy as well as the nonworking population, while providing flexibility for timely expansion of work places.
- **Goal 4 INFRASTRUCTURE.** Prioritize investments to address the growing strains on public services transportation, water, energy and communications.

Discussion

See above

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

There are currently no predominately low and moderate income census tracts in the city.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

Minority concentration is defined as census tracts where the percentage of individuals of a particular racial or ethnic minority group is at least 20 percentage points higher than the citywide average. LMI concentration is defined as census tracts where the median household income is 80% or less than the jurisdiction as a whole.

Because of the high percentage of minorities in the city, there are no areas that meet the definition of concentration. As for LMI concentration, there are areas of LMI concentration. Those areas are primarily in Census Tract 5044.18 (the Selwyn Dr./Edsel Dr. neighborhood) and the Census Tract 5044.12 (E. Calaveras apartments).

What are the characteristics of the market in these areas/neighborhoods?

These areas are multi-family, generally higher density, residential neighborhoods.

Are there any community assets in these areas/neighborhoods?

n/a

Are there other strategic opportunities in any of these areas?

The city will continue to explore strategic opportunities for our lower income residents.

MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households - 91.210(a)(4), 91.310(a)(2)

Describe the need for broadband wiring and connections for households, including low- and moderate-income households and neighborhoods.

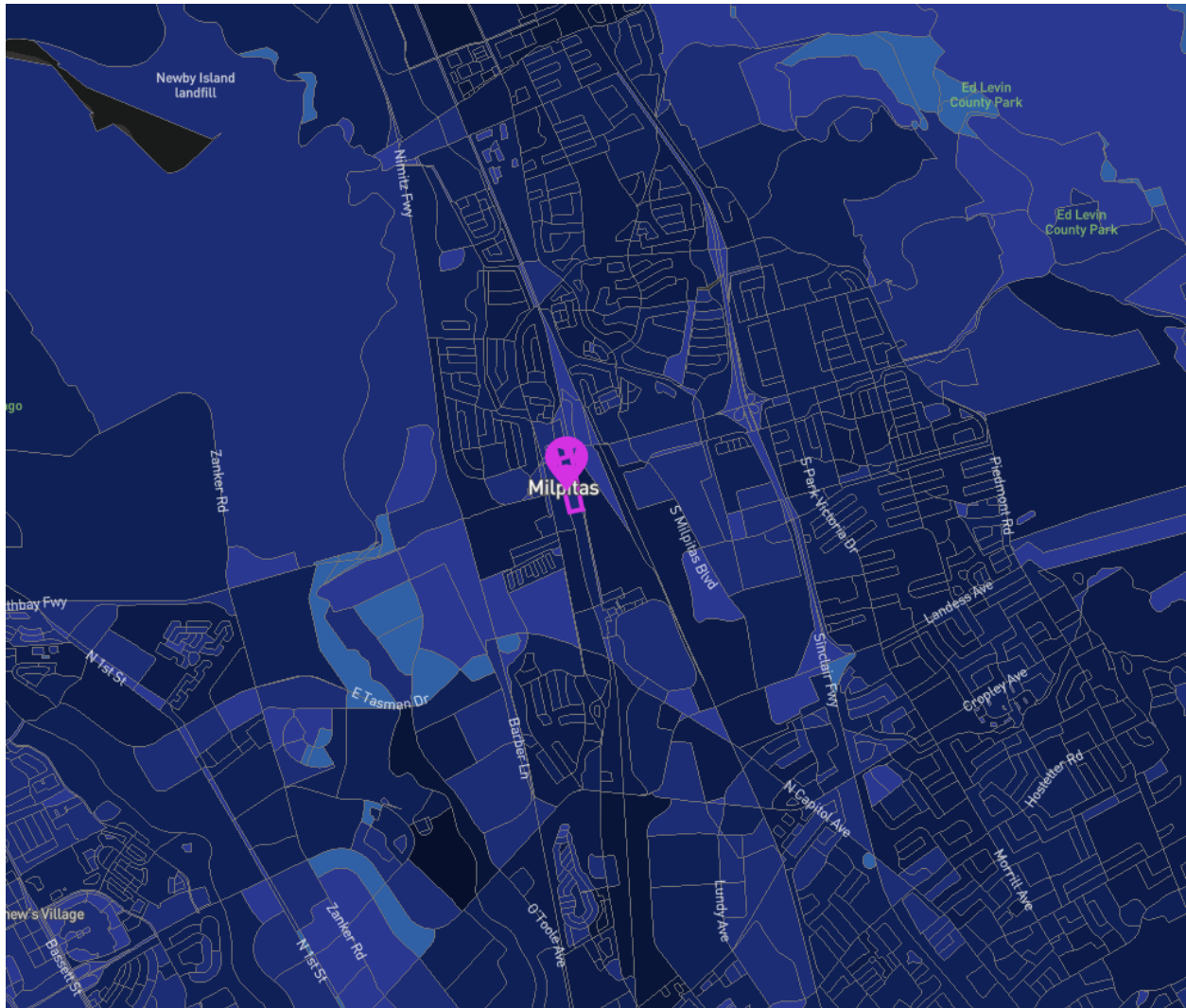
Access to technology is fundamental for low- and moderate-income households and neighborhoods. The need to adopt to modern technology is rooted in one's ability to be connected. Lack of broadband creates a distinct disadvantage in a world where every day tasks continue to be migrated online. These disparities are worsened in terms of access to health care, education, employment, civic participation, commerce, and inclusion in society.³

Describe the need for increased competition by having more than one broadband Internet service provider serve the jurisdiction.

Per HUD guidance, all Consolidated Plan submitted after January 1, 2018, must address broadband needs within the jurisdiction. Below is a map outlining mobile and the region's access to providers offering broadband services. According to the Federal Communications Commission Fixed Broadband Deployment Map, 100% of the City of Milpitas residents have access to broadband.

The majority of the City of Milpitas has access to 3-5 internet service providers. Data was obtained from [the Federal Communications Commission's Fixed Broadband Deployment website](https://www.fcc.gov/sites/default/files/bdac-low-income-communities-approved-rec-12172020.pdf). See attached photos for reference.

³ <https://www.fcc.gov/sites/default/files/bdac-low-income-communities-approved-rec-12172020.pdf>



All Providers Reporting Service



Census block ID: 060855045044022

Number of Fixed Residential Broadband Providers



Broadband



Technology ADSL, Cable, Fiber, Fixed Wireless, Satellite, Other
Speed $\geq 25/3$ Mbps
Date Dec. 2020 (*latest public release*)

Provider	Tech	Down ▼ (Mbps)	Up (Mbps)
Comcast Corporation	Cable	1000	35
Sail Internet	Fixed Wireless	200	100
Etheric Networks, Inc.	Fixed Wireless	150	150
ViaSat, Inc.	Satellite	100	3
Hughes Network Systems, LLC	Satellite	25	3
AT&T Inc.	ADSL	18	1.5
Raw Bandwidth Telecom, Inc.	ADSL	15	1.5
VSAT Systems, LLC	Satellite	2	1.3

MA-65 Hazard Mitigation - 91.210(a)(5), 91.310(a)(3)

Describe the jurisdiction's increased natural hazard risks associated with climate change.

Per HUD guidance, all Consolidated Plan submitted after January 1, 2018, must assess risks of natural hazard associated with climate change to low-and moderate-income residents. As part of the 2017 [County of Santa Clara's Operational Area Hazard Mitigation Plan](#) – a county wide plan that identifies risks from natural and manmade disasters and how to minimize damage – the City of Milpitas has reviewed and evaluated a set of potential natural hazards to help identify the top hazards threatening the area. The table below summarizes the analysis.

Hazard Type (in order of risk)	Exposed Population	# of buildings exposed	Total Value Exposed
Earthquake	All	18,242	\$19,146,882,365
Flood (1% Annual Chance area)	17,998	4,373	\$3,326,581,303
Flood (.2% Annual Chance area)	45,594	11,241	\$15,779,588,420
Severe weather	N/A	N/A	\$19,146,882,365
Dam Fail (Anderson)	4,406	1,065	\$1,370,025,538
Dam Fail (Lexington)	0	0	\$0
High Risk Landslide Areas	N/A	N/A	\$376,962,365
Estimated Population Residing in Sea Level Rise Inundation Areas	2,691	635	\$854,962,309

Describe the vulnerability to these risks of housing occupied by low- and moderate-income households based on an analysis of data, findings, and methods.

Vulnerable populations such as the elderly and disabled communities are adversely affected by natural hazards. Low- and moderate-income populations are also disproportionately affected by natural disasters as, on average, they lack the resources to adequately deal with the financial burden a natural disaster may impose.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The Consolidated Plan for the City of Milpitas represents the needs of the community and goals to help address the needs which are outlined in the three-year Housing and Community Development Strategy. The list below will help allocate resources, identify strategies, and prioritize funding to implement the Consolidated Plan.

The following are the City's housing and community development goals:

1. Available resources to implement the proposed strategies
2. Affordable housing needs
3. Homeless needs and objectives
4. Other special groups needs
5. Anti-poverty strategy
6. Fair housing and services needs
7. Youth needs and services
8. Lead-Based paint reduction strategy
9. Institutional structure for implementing strategies
10. Reduction of barriers to affordable housing
11. Housing Authority
12. Community and economic development needs
13. Coordination among various agencies
14. Support activities that provide interim assistance to low- and moderate-income households at risk of being evicted due to a COVID-19-related hardship.
15. Support activities that provide loans to microenterprises experiencing hardships due to COVID-19.
Support activities that provide loans to small businesses experiencing hardships due to COVID-19.

The Milpitas Housing and Community Development Strategy Plan identify activities that will be funded with the Community Development Block Grant entitlement funds. Whenever appropriate, Milpitas will use other funding sources (local funds, housing authority funds, outside grants, housing trust fund, leveraging, etc.) to address the needs that will be discussed in this chapter to provide a comprehensive assessment of the City's overall housing and community development strategy.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

This is not applicable to the City of Milpitas. The City does not target specific geographic areas to focus CDBG funds. The City attempts to fund programs that target low to moderate income households only.

Table 46 - Geographic Priority Areas

General Allocation Priorities

The City receives only CDBG which is not geographically prioritized but the City does have funding priorities for its CDBG Public Service and Capital activities.

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

The city does not receive HOPWA funds. It does receive CDBG funds which are allocated to benefit low- and moderate-income persons throughout the city.

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

Table 47 – Priority Needs Summary

Order	Priority Need	Priority Level	Description	Population or Geographic Area	Goal	Basis for Relative Priority
	Affordable Housing Development and Preservation	High	Develop and preserve affordable housing and owner housing which includes rehabilitation and new construction.	Targeted towards low to moderate income persons. No geographic areas targeted.	New Affordable Housing Maintain and Preserve Existing Housing Affordable Housing Rental Rehabilitation	Priority needs based on current housing prices and conditions. Feedback from communitywide survey and public forums.
	Community Services	High	Greater provision of community services for those who are homeless or who have urgent housing instability.	Extremely low, very low, low- and moderate-income individuals, veterans, emancipated youth. No geographic areas targeted.	Community Funding/Public Services	Housing data has shown increasing rates of homelessness and increasing housing prices. Feedback from communitywide survey and public forums.
	Community Services	High	Greater provision of community social services low- and moderate-income families with children,	Low- and moderate-income families with children, youth, emancipated youth, and victims of	Public Services for Children and Youth	Feedback from COVID-19 focus groups.

			youth and emancipated youth	domestic violence, No geographic areas targeted		
	Community Services	High	Greater provision of community services for seniors	Low- and moderate-income seniors No geographic areas targeted.	Public Services for Seniors	Feedback from COVID-19 focus groups.
	Community Services	High	Greater provision of community services including fair housing, landlord/tenant mediation, and legal services	Low- and moderate-income renters and landlords. No geographic areas targeted.	Community Funding/Public Services Fair Housing	Feedback from public forum.
	Community, Public, and Neighborhood Sustainability	Low	Preservation, revitalizing, and maintenance of neighborhoods.	All geographic areas are targeted.	Public Improvements	The priority needs are based on feedback from communitywide survey and public forums.
	Economic Development	High	Create and retain jobs and encourage businesses etc. to provide educational and job readiness.	People of low to moderate income, microenterprises and small businesses	Community Funding/Public Services	The priority needs are based on feedback from communitywide survey and public forums and COVID-19 stakeholder meetings.

Narrative (Optional)

SP-30 Influence of Market Conditions – 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	As per the Needs Assessment, 12 percent of households in the city are severely cost burdened and pay more than 50 percent of their income toward housing costs.
TBRA for Non-Homeless Special Needs	Housing costs in the region continue to increase and be more burdensome for those with special needs. Housing affordability can help minimize the burden held by persons with special needs along with greater availability for supportive housing.
New Unit Production	The State of California's Housing and Community Development Department has established the current Regional Housing Needs Assessment (RHNA) for the City of Milpitas for the years 2014-2023. The city was allocated 3,290 units, of which 1,004 units for very-low income households, 570 to low income, 565 units to moderate and 1,151 units to above moderate-income households. This number is expected to close to 10,000 units in the next RHNA cycle.
Rehabilitation	Over 60% of the housing stock in Milpitas was built before 1970, in which many will be due for repairs and rehabilitation work. The city's CDBG funds will continue to fund organizations that complete repairs and rehabilitation for low and very low-income households.
Acquisition, including preservation	With a lack of vacant land and funding for new development, acquisition and preservation of the current housing stock is important to maintain the affordable housing stock.

Table 48 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan	Narrative Description
			Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$660,781	\$8,959	\$0	\$669,740	\$1,980,000	<u>Resources in the amount of \$594,882.86 was received from past Rehab Loan that will be used in the second year of the Con Plan to start up Rehab Loan Program.</u>

Table 49 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Not applicable, the City does not match federal funds.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

There are two parcels controlled by the City. One parcel, located at 1432 S. Main Street, is owned by Milpitas Housing Authority and is approximately 0.9 acres in size. Currently the parcel is occupied by commercial tenants, but the land is zoned as high-density multi-family residential. The other parcel, approximately 1.7 acres, is located adjacent to the Milpitas Housing Authority property and is owned by the City of Milpitas. That City parcel is also occupied by commercial business but is also zoned for multi-family residential use. In January 2022, the City Council directed staff to sell the parcel owned by the Milpitas Housing Authority with the intent that the buyer will develop affordable housing.

Discussion

See above

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible	Role	Geographic
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Consolidated Plan

MILPITAS

85

	Entity Type		Area Served
City of Milpitas	Government	Economic Development, Homelessness, Non-homeless, special needs, Ownership, Planning, Rental Neighborhood improvements, Public facilities, Public Services	Jurisdiction
County of Santa Clara Office of Supportive Housing	Continuum of Care	Homelessness, Non-homeless, Special Needs, Planning	Region
Project Sentinel	Non-profit	Planning, Rental	Region
SCCHA	PHA	Ownership, Public Housing Rental	Region
The Health Trust	Non-profit	Public Services	Region
SV Independ. Living Center	Non-profit	Public Services	Region
Catholic Charities	Non-profit	Public Services	Region
Rebuilding Together SV	Non-profit	Non-homeless, special needs Public Services	Region
Abode Services, Inc.	Non-profit	Homelessness	Region
Next Door Solutions to DV	Non-profit	Public Services	Region
YWCA	Non-profit	Public Services	Region

Assess of Strengths and Gaps in the Institutional Delivery System

The delivery structure is established to provide social services to the community. Current strengths of the system include its ability to reach seniors, children and youth, and victims of domestic violence. The system has gaps in assisting the homeless and those most at-risk of homelessness. Currently, there are no homeless shelters located within the City limits. The closest shelter is more than 10 miles away in downtown San Jose. The system also lacks in providing adequate resources for those most at risk of experiencing homelessness. While the city has made strides to enhance that section of the delivery system, a substantial investment must be made to prevent those most at risk of homelessness from experiencing homelessness.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	
Legal Assistance	X	X	
Mortgage Assistance			
Rental Assistance	X		
Utilities Assistance	X		
Street Outreach Services			
Law Enforcement	X	X	
Mobile Clinics	X	X	
Other Street Outreach Services	X	X	

Supportive Services			
Alcohol & Drug Abuse			
Child Care			
Education			
Employment and Employment Training			
Healthcare			
HIV/AIDS			
Life Skills			
Mental Health Counseling	X	X	
Transportation			
Other			
Other			

Table 50 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

Currently, there are no homeless shelters located within the City limits. The closest shelter is more than 10 miles away in downtown San Jose. The system also lacks in providing adequate resources for those most at risk of experiencing homelessness. While the city has made strides to enhance that section of the delivery system, a substantial investment must be made to prevent those most at risk of homelessness from experiencing homelessness.

The City contracts with the County of Santa Clara's Office of Supportive Housing to secure services from its Homeless Engagement and Assessment Team (HEAT). HEAT focuses on providing direct outreach services to Milpitas' unhoused residents. The outreach results in the placement of our unhoused residents into the community queue for transitional housing opportunities in the long term and counseling, mental health, and other resources in the short term.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

Current strengths of the system include its ability to reach seniors, children and youth, and victims of domestic violence. The system has gaps in assisting the homeless and those most at-risk of homelessness. Currently, there are no homeless shelters located within the City limits. The closest shelter is more than 10 miles away in downtown San Jose. The system also lacks in providing adequate resources for those most at risk of experiencing homelessness. While the city has made strides to enhance that section of the delivery system, a substantial investment must be made to prevent those most at risk of homelessness from experiencing homelessness.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

The City endeavors to connect with new service providers that can aid in filling gaps in the delivery system. However, the greatest need is to provide affordable housing opportunities. These opportunities are very few and far between. The 2020 County plan to end homelessness addresses the region's strategy to house the unhoused population. As a regional approach, the County plan identifies a three part strategy: (1) Address the root causes of homelessness through system and policy change; (2) Expand homelessness prevention and housing programs to meet the need; and (3) Improve quality of life for unsheltered individuals and create healthy neighborhoods for all. With this strategy, the county estimates a 30% reduction in the annual inflow of people becoming homeless.

SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Maintain and Preserve Existing Housing	2022	2024	Affordable Housing Non-Homeless Special Needs	Citywide	Affordable Housing Development and Preservation	\$1,294.882.86700,000	1590 Homeowner housing rehabilitated
2	New Affordable Housing	2022	2024	Affordable Housing	Citywide	Availability/Accessibility	\$50,000	50 Rental units constructed
3	Affordable Housing Rental Rehabilitation	2022	2024	Non-Housing Community Development	Citywide	Affordable Housing Development and Preservation	\$100,000	148 Homeowner housing rehabilitated
4	Community Funding/Public Services	2022	2024	Homeless Non-Homeless Special Needs	Citywide	Community Services	\$150,000	500 persons assisted - Public service activities other than LMI housing benefit
5	Public services for low- and moderate-income residents at risk of eviction	2022	2024	Homeless Non-Homeless Special Needs	Citywide	Community Services	\$50,000	20 households assisted - Public service activities for LMI housing benefit
6	Fair Housing	2022	2024	Affordable Housing	Citywide	Community Services	\$150,000	

				Non-Homeless Special Needs				60 persons assisted - Public service activities other than LMI housing benefit
7	Public Services for Children and Youth	2022	2024	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services	\$45,000	50 persons assisted - Public service activities other than LMI housing benefit
8	Public Services for Seniors	2022	2024	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services	\$210,000	1250 persons assisted - Public service activities other than LMI housing benefit
9	Public Services for Domestic Violence support	2022	2024	Non-Homeless Special Needs	Citywide	Community Services	\$75,000	80 persons assisted - Public service activities other than LMI housing benefit
10	Public Improvements including accessibility and improving public facilities	2022	2024	Non-Housing Community Development	Citywide	Community Services	\$450,000	1000 persons assisted - Public facility or infrastructure activities for LMI housing benefit
11	Assist Microenterprises and Small Businesses	2022	2024	Non-Housing Community Development	Citywide	Economic Development	\$50,000	50 Businesses assisted
12	Explore the use of HUD Section 108 Loan Guarantee Program	2022	2024	Affordable Housing Non-Housing Community Development	Citywide	Community Services Economic Development	N/A	N/A

Table 51 – Goals Summary

Goal Descriptions

1	Goal Name	Maintain and Preserve Existing Housing
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	Goal Description	Maintain and preserve existing housing for LMI Households
2	Goal Name	New Affordable Housing
	Goal Description	Create new affordable housing
3	Goal Name	Affordable Housing Rental Rehabilitation
	Goal Description	Affordable housing rehabilitation to benefit LMI households
4	Goal Name	Community Funding/Public Services
	Goal Description	Support public services activities to benefit members of the community
5	Goal Name	Public services for low- and moderate-income residents at risk of eviction
	Goal Description	Support public services activities to benefit members of the community at risk of eviction
6	Goal Name	Fair Housing
	Goal Description	Provide fair housing services to benefit LMI individuals
7	Goal Name	Public Services for Children and Youth
	Goal Description	Provide public services activities to LMI children
8	Goal Name	Public Services for Seniors
	Goal Description	Provide public services activities to LMI seniors
9	Goal Name	Public Services for Domestic Violence support
	Goal Description	Support public services activities to benefit LMI individuals
10	Goal Name	Public Improvements including accessibility and improving public facilities
	Goal Description	Provide accessibility and access to public facilities such as homeless and domestic violence shelters to benefit LMI individuals
11	Goal Name	Assist Microenterprises and Small Businesses
	Goal Description	Support activities that support microenterprises and small businesses to benefit LMI households
12	Goal Name	Explore the use of HUD Section 108 Loan Guarantee Program
	Goal Description	Support activities that assist in addressing the Affordable Housing Development and Preservation& Economic Development goals with the use of Section 108 funds.

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

The three-year Consolidated Plan estimates to provide affordable housing as defined by HOME to 148 renter households, 100 homeowner households, as well as assisting in the construction of 50 affordable rental units. That is a total of 298 households. The estimated breakdown of affordability will be as follows:

ELI: 180

LI: 80

MOD: 38

The City's goal is to assist the lowest income residents as these residents tend to experience housing insecurity more disproportionately.

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

n/a

Activities to Increase Resident Involvements

n/a

Is the public housing agency designated as troubled under 24 CFR part 902?

no

Plan to remove the ‘troubled’ designation

n/a

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

Along with other jurisdictions in Santa Clara County, the City of Milpitas is facing many obstacles in creating more affordable housing. The many constraints that the City is facing is the limited amount of developable land, government constraints, infrastructure and public facilities constraints, environmental, housing for persons with disabilities, and financing and construction costs.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

Resolution No. 8523

The City adopted Resolution No. 8523 on February 2, 2016, which recognizes homelessness as a crucial problem in the County and will help contribute to future affordable housing projects that will house homeless.

Affordable Housing Ordinance

On June 12, 2018, the City Council adopted Affordable Housing Ordinance No. 297 which requires that any new development with 10 or more units must include 15% of the units these units as affordable. The ordinance applies to both rental and ownership developments. In January 2022, Council approved changes to the Affordable Housing Ordinance to encourage more on-site affordable housing production. Council also adopted changes to add clarity and consistency throughout the ordinance.

Density Bonus Ordinance

To attract developers to build affordable units, the Density Bonus Ordinance will allow developers the ability to build above their permitted densities in permitted zoning districts in exchange for the construction of affordable units.

Below Market Rate Ownership

The City manages a Below Market Rate (BMR) Ownership program for first-time, income-qualified homebuyers. Once a unit from the current BMR housing stock becomes available, a qualified applicant from the waiting list will have the ability to purchase a home in Milpitas at one of the various developments throughout the City. For qualified households, the City also provides a loan of up to \$50,000.

Fair Housing

Milpitas provides CDBG funds to Project Sentinel. Project Sentinel is a reputable organization that provides expertise in fair housing and tenant-landlord dispute. Services include information, referrals,

community outreach and education in several languages other than English, investigation, and resolving fair housing complaints. In addition, they provide education and outreach to property owners, and property management to become proactive in their housing policies.

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

In October 2020, the City Council endorsed the 2020-2024 Santa Clara County Plan to End Homelessness. On November 10, 2020, the City Council approved and authorized staff to enter into an agreement for homeless outreach, assessment, and street-based case management services with Santa Clara County. In December 2020, the City Council authorized staff to contract with Project WeHope to provide mobile shower and laundry services in Milpitas. The City Council also established a Homelessness Task Force, who will be responsible for providing low cost homeless response suggestions to the City Council. The City's Building Safety and Housing team will continue to explore resources that can further benefit the homeless population in Milpitas.

The Santa Clara Office of Supportive Housing surveys homeless individuals every two years and writes strategic plans every five years, which involves extensive community engagement.

Addressing the emergency and transitional housing needs of homeless persons

The City of Milpitas will address emergency shelter and transitional housing needs of homeless persons by continuing to coordinate services between the City's Police, Building Safety & Housing, and Public Works Departments and our local service providers, such as LifeMoves.

CDBG Funded

- **Next Door Solutions to Domestic Violence:** Next Door Solutions to Domestic Violence provides client-centered, community-based supportive services for victims of domestic violence and his/her children. The organization also provides undisclosed emergency shelter when requested and needed by the individual and/or family.
- **YWCA Silicon Valley (YWCA):** YWCA Silicon Valley empowers women and her children to end racism and violence through offering supportive services for self-improvement and undisclosed emergency shelter for short-term to a longer amount of time if needed. YWCA also provides clients referrals to permanent housing if possible, and available.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

On November 10, 2020, the City Council approved and authorized staff to enter into an agreement for

homeless outreach, assessment, and street-based case management services with Santa Clara County. The assessment will place our residents in the Santa Clara County community queue, which is the pathway towards being placed in rapid rehousing, transitional or permanent affordable housing. On March 16, 2022, the City Council approved allocating \$100,000 from the Federal American Rescue Plan Act funding to extend the homeless outreach, assessment, and street-based case management services contract for an additional year.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

Milpitas does not currently have an institutional discharge policy. The City collaborates with the Santa Clara County CoC, who recently updated their Quality Assurance Standards to include a homeless discharge coordination policy.

The County CoC endeavors to provide guidance and resources to those released from institutions. The discharge policy includes access to reentry resource centers where, for example, an VI-SPIDAT could be administered. The VI-SPIDAT measures the acuity level of an individual and is used to inform what type of support or housing needs are required. It also serves as the entry point for access to other resources or supportive services, such as residential or outpatient treatment, transitional housing, or emergency shelter access.

CDBG and City Local Funds

- **Rent Relief Program:** The Silicon Valley Independent Living Center has been administering the City's Rent Relief Program, which offers low- and moderate-income residents no more than 3 months of rental assistance to prevent eviction, avoid community displacement, and to remain housed.
- **Child Advocates of Silicon Valley:** Child Advocates connect court appointed special advocates (CASAs) to foster children. These volunteers must make a commitment to the children for a long-term, many for his or her entire life. The consistent support of the CASA is often the only adult who has steadily remained with the child, providing crucial mentorship.
- **Seniors Adults Legal Assistance (SALA):** SALA is committed to providing free-legal services to seniors. Legal services that SALA provides ranges from: public benefits, long-term care, alternatives to institutionalization, elder abuse, long-term care insurance, incapacity planning, probate, simple wills and housing – related to Landlord-Tenant issues. Often, many seniors do not know his or her housing rights or sign over the will of their house without knowing, and with fixed income, many are unable to provide legal help. SALA provides legal help free of charge for

these low to extremely low-income seniors.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

The County of Santa Clara has received funding from State's Department of Health Service and Federal Government for Center for Disease Control to implement a Childhood Lead Poisoning Prevention Program. The funded programs include community outreach screen, case management and public education to inform low-to-moderate income and older communities. The project will then follow up with environmental testing, lead-based education, blood-lead testing for children, hazard reduction grants and follow up with monitoring and testing.

Milpitas has adopted a Lead-Based Paint Management Plan which complies with HUD Based Paint regulations, which outlines the required states of abatement and remediation for rehabilitation projects. In addition, the City publicize and identifies lead-based hazards and older residential projects through its Code Enforcement Division and Building Department. In addition, projects undergoing rehabilitation, under the City's Rehabilitation, provides technical assistance and abatement of lead-based paints.

How are the actions listed above related to the extent of lead poisoning and hazards?

Fifty-five percent of owner-occupied homes in Milpitas were built prior to 1970, the period of time identified as using lead-based paint.

How are the actions listed above integrated into housing policies and procedures?

Milpitas has adopted a Lead-Based Paint Management Plan which complies with HUD Based Paint regulations, which outlines the required states of abatement and remediation for rehabilitation projects.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The City of Milpitas will follow these actions:

- Work with non-profit housing developers to fund and provide more affordable housing opportunities to address the homeless problem and needs of very low and low-income households.
- Provide funding and supportive services to prevent very low-income persons and families from becoming homeless and assist them in ending the cycle of homelessness.
- Address the employment and income needs of individuals and families who are economically disadvantaged, including persons who are homeless, who have disabilities, and those who are participating in the County of Santa Clara Welfare-to-Work Programs.
- Provide funding for a variety of services and referrals to assist people in obtaining access to public assistance to prevent poverty.
- Per Section 3, if there are HUD funded projects that can create direct economic opportunities must take every effort to recruit, target and directed towards low and very low-income residents and businesses.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

Many of the organizations the City contracts with regionally work to reduce poverty within the City. Our respective plan and missions are very well aligned to confront poverty.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

At this time, the city does not have a documented monitoring process or procedure. The City's goal is to create these detailed standards and procedures during program year 2022.

In general, the City enters into a subrecipient agreement with each subgrantee. The terms and conditions are in compliance with HUD regulations and approved by our City Attorney. Once per quarter, each subgrantee is to report their activities to the City. This has allowed the City to maintain a high integrity level with regards to monitoring our subgrantees and reporting our progress to HUD.

	Applicant	Activity	Applicant Request	CDBG FY22-23	Proposed at 4/18 CC	CDBG FY23-24
						647,982.00
Public Services	Catholic Charities	Funding for the Long Term Care Ombudsman Program to facilitate visits to long-term care facilities.	15,000.00	\$14,000	\$14,000.00	\$11,000.00
	Child Advocates of Silicon Valley	Recruit, train, and assign Court Appointed Special Advocate (CASA) volunteers for children.	14,000.00	\$10,000	\$14,000.00	\$11,000.00
	Next Door Solutions to Domestic Violence	Provide Support Services for Survivors of Domestic Violence by providing emergency shelter, crisis counseling, safety strategies, community and systems advocacy, support groups, and case management.	25,000.00	\$25,250	\$14,563.65	\$11,563.65
	Senior Adults Legal Assistance	Provide free legal assistance that includes legal services to Milpitas seniors 62 or older.	12,000.00	\$7,000	\$12,000.00	\$10,000.00
	Silicon Valley Independent Living Center	Provide comprehensive Housing Assistance Services for low to very-low income persons with disabilities.	13,070.00	\$10,000	\$13,070.00	\$11,070.00
	YWCA - Domestic Violence Services	Provide residents of the City of Milpitas domestic violence supportive services.	30,530.00	\$23,500	\$14,563.65	\$11,563.65
	Lighthouse of Hope Counseling Center	Provide counseling, psychological support, and education to the Milpitas community.	5,000.00	\$5,000	\$5,000.00	\$5,000.00
	Pragnya	Support children, youth and adults from the Special Needs community by creating social emotional connections and preventing further isolation.	75,000.00	\$10,006	\$10,000.00	\$10,000.00
	India Community Center	India Community Center supports over 150 Seniors at our center in Milpitas who participate in a variety of activities between Monday to Friday which includes lunch supported by Santa Clara County.	25,000.00	\$0	\$0	\$5,000.00
	The Health Trust	Ensure critical, ongoing meal services and Wellness Checks for Milpitas older adults residents who are low-income.	40,640.00	\$15,000	\$0	\$11,000.00
	Subtotal		255,240.00	119,756.00		97,197.30
Econ Dev	Filipino American Chamber of Commerce	Extend the marketing project they are currently doing for small businesses by helping them pivot businesses from just brick and mortar to creating a more robust online presence.	16,000.00	\$15,000	\$15,000	\$10,000.00
	Microenterprise Assistance	Funding will be used to provide support to microenterprises in Milpitas	n/a	n/a	n/a	\$55,000.00
	Subtotal		16,000.00	15,000.00		65,000.00
Capital	LifeMoves	Funding will be used to make improvements to the Julian Street Inn.	150,000.00	\$100,000	\$100,000	100,000.00
	Rebuilding Together	Funding to providing home repairs, rehabilitation, accessibility and mobility services work to low-income homeowners in Milpitas.	258,973.95	\$173,970	\$199,999	125,000.00
	Terrace Gardens	The existing wood trellis located in the community courtyard is an original fixture to our property built in 1989. Throughout the 33 years that Terrace Gardens has been in operation, the trellis has naturally had its fair share of 'wear and tear' and is in need of repair or replacement in order to remain structurally sound.	5,500.00	\$11,000	\$5,500	5,500.00
	Terrace Gardens	For the roof repair of the "Community Building," and "G" buildings.	205,840.00	\$0	\$100,689	125,688.30
	Subtotal		620,313.95	\$284,970		356,188.30
Program Admin	Project Sentinel	City's fair housing provider that provides fair housing, tenant-landlord counseling and dispute resolution services.	59,104.00	\$56,290	\$59,104	\$59,104.00
	Program Administration	Staff time in administering the program, including all public noticing and publishing.	0.00	\$75,884	\$70,492	\$70,492.40
	Subtotal		59,104.00	\$132,174		\$129,596.40



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Community Garden Rules and Regulations Update (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	5/2/2023
	<u>Recommendation:</u> 1) Approve new Community Garden Rules for the Community Garden at the Delano Manongs Park 2) Receive recommendation from the Parks, Recreation and Cultural Resources Commission on Cesar Chavez Garden Plot reconfiguration 3) Provide feedback on potential changes to the Community Garden Rules for the Cesar Chavez Garden

BACKGROUND:

The City of Milpitas' Recreation and Community Services Department manages Community Garden programs for the residents of Milpitas. The City currently has one (1) operating garden as part of a Joint Use Agreement with the Milpitas Unified School District (MUSD) on Weller Elementary School property, and one (1) new garden that is located at the new Delano Manongs Park which will open this summer.

The Cesar Chavez Community Garden is a recycled water garden located at Weller School. This garden has operated for over 25 years and hosts 48 plots utilized by Milpitas residents, MUSD and the City of Milpitas.

The new Delano Manongs Park includes a new potable water garden that hosts 24 plots in varying size up to 50 square feet.

Per the Parks, Recreation and Cultural Resources Commission (PRCRC) bylaws, Community Garden Rules and regulations are to be reviewed and recommended by the PRCRC to City Council for final approval. Community Garden Rules and Regulations are in place for the Cesar Chavez Garden, however new garden rules for the Community Garden at Delano Manong's Park have not yet been approved.

At the January 9, 2023, PRCRC meeting, City staff reviewed a draft Delano Manongs Park Community Garden Rules and Regulations document. Following the draft review, the Commission requested that staff agendize a broader community garden discussion at their February meeting as they were hearing concerns about equity at the site due to the length of the waiting list at Cesar Chavez Community Garden due to no existing limitations on how long gardeners were able to participate in the program. They requested that the staff presentation include current gardener demographics and program term limit examples, including comparable local community garden examples.

At the February 6, 2023 PRCRC the Commission made recommendations for City Council consideration on the rules and regulations at the Cesar Chavez Community Garden and Delano Manongs Park Community Garden, as well as potential reconfiguration opportunities at the Cesar Chavez Garden plots.

ANALYSIS:

On February 6, 2023 staff presented the requested information and recommendations for 1) revising the rules and regulations at the Cesar Chavez Community Garden including program term limits, and 2) Approving new rules and regulations for the new Delano Manongs Community Garden.

Delano Manongs Community Garden Rules and Regulations

The Delano Manongs Park Community Garden Rules has 24 plots including two (2) ADA accessible plots and is on a potable water system. Plots are generally 50 square feet and in raised gardening beds. The new garden rules and regulations draft include but are not limited to directives such as basic gardener conduct, types of allowable vegetation, and participation eligibility. It is recommended that eligibility for the garden consist of three (3) priority areas with plots assigned in the following order:

- **Priority A** - Milpitas resident living within a two and a half (2.5) mile radius of the garden, in urban housing (Single Family Residence (SFR) homes do not qualify), and enrolled in the Milpitas Assistance Program and/or receiving County/State/Federal Assistance (i.e. CalFresh, PG&E Cares);
- **Priority B** - Milpitas resident living within a two and a half (2.5)-mile radius of the garden in urban housing (Single Family Residence (SFR) homes do not qualify);
- **Priority C** - Milpitas resident

Term limits at the Delano Manongs Park Community Garden would reflect the Cesar Chavez Garden Rules and Regulations. The PRCRC recommended final City Council approval of the Delano Manongs Park Community Garden with any future minor administrative changes to the document to be carried out at the staff administrative level. The complete Draft Delano Manongs Community Garden Rules and Regulations is included in this packet. In addition to the prohibitions presented to PRCRC, staff has added prohibitions related to cannabis and vaping to the rules recommended for City Council approval.

Cesar Chavez Community Garden Rules and Regulations

The Cesar Chavez Community Garden has 48 plots available to residents only. Plots are 600 square feet and are on a recycled water system. There are currently 118 people on the Wait List for this garden. Existing garden rules and regulations include but are not limited to directives such as basic gardener conduct, types of allowable vegetation, and participation eligibility. Due to the site being on recycled water additional rules are required by South Bay Water Recycling (SBWR) including watering protocols and washing harvested edible items.

On February 6, 2023, the PRCRC received the requested presentation on current gardener demographics, term limit examples including comparable local community garden examples, and updated rules and regulations language.

Current Gardener Demographics

As of February 2023 the community garden has:

- 34 plot holders live in a Single-Family Residence (SFR)
- Six (6) plot holders live in non-SFR homes

There are currently no restrictions related to dwelling type and no term limits on plot use included in the garden's rules and regulations. The below chart outlines the length of time current plot holders have been in the Cesar Chavez Community Garden program:

Joined Program (year)	# of Plot Holders who joined	Totals Years in Program
2002	8	20
2004	1	18
2012	1	10
2014	3	8
2015	1	7

2017	18	5
2021	7	1.5
2022	1	Less than 1

Current Wait List Demographics

The wait list for this program has 118 residents. Demographics on those waiting to use the garden are:

- 74 are ages 50+
- 44 are ages 18-49
- 67 Wait List participants live in an SFR
- 51 Wait List participants live in non-SFR housing

Comparable Community Gardens Surveyed

Staff surveyed surrounding city community gardens to assess if they had term limits and/or dwelling type restrictions. The below table reflects that all of the surrounding cities surveyed have program term limits, however dwelling type restrictions are found in just one of the cities, where priority is given to those living in higher density housing.

Garden	Location	Term	Residence Dwelling Restrictions
Latham Community Garden	Mountain View	1 year	No restrictions
McClellan Ranch Reserve	Cupertino	3 years	Priority given to those who live in higher density.
Edith Morley Park	Campbell	5 years	No restrictions

Three examples of term limit options and dwelling type restrictions were presented to the Commission for discussion and development:

	Option 1	Option 2	Option 3
Term Limit	5 years	7 years	Current/Leave as-is
Dwelling Type Restrictions	Non-SFR, with no private yard, including terrace	Non-SFR, with no private yard, including terrace	Mixed (SFR, medium – high density)
Plot Transition	Longest-standing SFR phasing out at conclusion of spring 2024 growing season with eligible WL.	Longest-standing SFR phasing out at conclusion of spring 2024 growing season with eligible WL.	N/A

After receiving comment from the public and Commissioner discussion the Commission recommended for final City Council approval of updated Cesar Chavez Community Garden Rules and Regulations to include the addition of:

- 1) Seven (7) year term limit;

- 2) Eligible resident types include those that live in a non-SFR with no private yard, including terraces;
- 3) Grandfathering in all current gardeners who are subject to the new seven (7) year term limit which would start at the time of City Council approval;
- 4) No stagnant or standing water is allowed to prevent mosquito breeding and the spread of West Nile Virus, including but not limited to water left in buckets, containers, and on coverings like plastic ground covers and tarps; and

Staff begin implementing transition plan including refining the Wait List to those now eligible per the new dwelling type restrictions and any subsequent administrative adjustments to the document being carried out at the administrative level.

Staff is seeking feedback from the City Council regarding the recommended changes to the Cesar Chavez Garden. Based on the feedback received, staff will return to City Council with a final draft of the Cesar Chavez Rules and Regulations for approval. In particular, staff would like feedback on the seven-year grandfathering recommendation. While staff understands why the commission voted for this, it would mean that it could take many years for all of the gardeners to meet the new eligibility requirements. A shorter grandfathering period would ensure that the gardener demographics match the new guidelines much sooner and provide better equity and access to other residents.

The complete Draft Cesar Chavez Community Garden Rules and Regulations is included in this packet. In addition to the prohibitions presented to PRCRC, staff has added prohibitions related to cannabis and vaping to the rules presented to the City Council.

Cesar Chavez Community Garden Plot Reconfiguration

As part of the PRCRC's February 6, 2023, discussion the Commission felt that even with recommended program changes, increase access to the Cesar Chavez Community Garden is needed. The Commission recommended City Council consider future direction to City staff to research the the feasibility of dividing the large plots into smaller garden plots, potentially doubling plots accessible by the community access. Staff has not performed any cost estimating work at this time and would perform this in the future pending city council prioritization and funding of this effort.

POLICY ALTERNATIVE(S):

Alternative 1: Do not approve Rules and Regulations for the new Delano Manongs Park Community Garden.

Pros: City staff will be able to continue to address current projects and tasks and not work on additional changes to the program or managing the community garden.

Cons: Without approved garden rules and regulations, the Delano Manongs Park Community Garden will stay closed.

Reason for Not Recommending: Without approved garden rules and regulations, the Delano Manongs Park Community Garden will stay closed.

FISCAL IMPACT:

There is no fiscal impact to recommendations to garden rules and regulations at the Delano Manongs Park Community Garden and Cesar Chavez Garden.

California Environmental Quality Act (CEQA):

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA.

RECOMMENDATION:

- 1) Approve new Community Garden Rules for the Community Garden at the Delano Manongs Park
- 2) Receive recommendation from the Parks, Recreation and Cultural Resources Commission on Cesar Chavez Garden Plot reconfiguration
- 3) Provide feedback on potential changes to the Community Garden Rules for the Cesar Chavez Garden

Attachment(s):

1. Draft Cesar Chavez Community Garden Rules and Regulations
2. Draft Delano Manongs Community Garden Rules and Regulations

CITY OF MILPITAS
COMMUNITY GARDEN RULES AND REGULATIONS
CESAR CHAVEZ COMMUNITY GARDEN

The Recreation Program Coordinator or his/her authorized representative will act as the Community Garden Coordinator, hereafter referred to as "Coordinator."

Plot Assignments & Fees

1. An annual plot fee will be charged to all plot holders based on rates approved in the City of Milpitas Master Fee Schedule. Recycled water plots are assessed an annual fee of \$0.15 - \$0.55 per square foot.

A one-time refundable deposit of \$100.00 is required. Deposit is returned when the plot is relinquished and cleaned out by the plot holder to the satisfaction of the Coordinator.

- ~~Plot assignments made in the order they are received. Eligibility is limited to the following: priority will be given to qualifying Milpitas residents in the following order:~~

2. ~~a. Priority A. Must be a Milpitas Resident living in urban housing (Single Family Residence homes do not qualify) with no private yard or, including a terrace.~~

~~4. (Single Family Residence homes do not qualify) and enrolled in the Milpitas Assistance Program and/or receiving County/State/Federal Assistance (i.e. CalFresh, PG&E Cares)~~

~~Priority B. Milpitas resident living in high density housing.~~

3. ~~The term for a community garden plot is seven (7) years. After a gardener's seven-year period ends, they may apply for a new seven-year term if there are no residents on the waiting list. If an active waiting list exists, the gardener or a member of their household may place their names on the Wait List at the end of their term.~~

~~An annual plot fee will be charged to all plot holders based on rates approved in the City of Milpitas Master Fee Schedule.~~

~~Recycled water plots are assessed an annual fee of \$0.15 - \$0.55 per square foot. A one time refundable deposit of \$100.00 is required. Deposit is returned when the plot is relinquished and cleaned out by the plot holder to the satisfaction of the Coordinator.~~

1. ~~An annual plot fee will be assessed to all plotholders. The following fee schedule will apply:~~

Milpitas Resident	\$60
Milpitas Resident, Senior Citizen (50 years and over)	\$15.00

~~A one time refundable deposit of \$100.00 is required. Deposit is returned when the plot is relinquished and cleaned out by the plotholder to the satisfaction of the Garden Coordinator.~~

4. ~~2.~~ Plotholders may not begin gardening until their annual plot fee is paid in full. Registration packets will be mailed from the Recreation and Community Services ~~o~~Office annually.

5. ~~6.3.~~ It is the responsibility of each plotholder to provide the Coordinator with an up-to-date address, telephone number, and email address (if applicable). Milpitas residents must provide two proofs of Milpitas residency (i.e. a photo ID such as CA Driver's License or CA ID Card, and a current utility bill, bank statement, or credit card statement).

Commented [RL1]: This needs to be laid out per the recommended sq. foot rate schedule.

Plot_____

~~6.~~ ~~47.~~ New plots are issued on a first-come, first-serve basis. Only Milpitas residents are eligible to be assigned plots. Any individual interested in obtaining a plot should contact the Garden Coordinator or the Recreation and Community Services ~~o~~ffices. If a plot is not available immediately, the individual's name will be placed on a Waiting List. The City reserves the right to hold up to 10% of the plots for educational use by local schools and/or City Programs.

~~4. 8.~~ Plotholders who do not intend to continue gardening the plot for any reason should promptly notify the Garden Coordinator so the plot may be reassigned.

~~7.~~

~~2.~~ ~~9.~~ Plotholders do not have any ownership interest in their assigned plot. Plot assignments may only be transferred to the plotholder's spouse, and only by the Community Garden Coordinator upon written request from the assigned plotholder. Plots cannot be sublet.

~~8.~~

~~3. 10.~~ No person may use a vacant plot ~~absent assignment by the Community Garden Coordinator, without prior written approval from the Garden Coordinator and payment of the annual fee.~~ Only one community garden plot is allowed per household. Gardens will be confined to designated areas.

~~9.~~

~~5. 10.~~ ~~11.~~ A plotholder can only garden his/her assigned plot.

~~6. 12.~~ A plotholder personally must physically cultivate the assigned plot but may have unpaid assistance from friends and family.

Gardener Conduct

~~13.~~ ~~10.~~ The behavior of family members and friends is the plotholder's responsibility. No one is permitted to engage in loud, offensive, or boisterous activity within the garden enclosure.

~~14.~~ ~~11.~~ No alcohol, smoking, vaping, cannabis use, illegal drugs of any kind, or fighting allowed in, or around, the Community Garden at any time.

~~15.~~ ~~12.~~ Pets other than certified Service Animals are not permitted in the garden at any time.

~~16.~~ ~~13.~~ All plots must be maintained in a manner acceptable to the Garden Coordinator. This includes normal weeding, watering and general care of the assigned plot. The surrounding pathways are to be kept free of weeds-encroaching plants and debris. Plotholders are responsible for at least one half the width of the pathway adjacent to the garden plot and 3 ft. of the pathway if adjacent to the main driveway.

~~17.~~ ~~14.~~ Each plot holder will be issued a key or combination for the locks on the garden gates. The key or combination is not to be shared with anyone outside of immediate family and spouses. Plotholders are required to close gates and lock all locks upon entering and leaving the garden. If a key is lost, the plotholder will be charged a \$100.00 replacement fee. Plotholder Initial Here

Commented [MM2]: What about cannabis use? What about vaping?

Plot _____

~~15.~~ ~~Plotholders are not allowed to make copies of the key. If found in violation, it will result in the immediate revocation of the plotholder's gardening privileges and plot without a refund, and the responsibility of paying the cost of replacing the locks and keys for the entire garden and other gardeners.~~

Commented [RL3]: Is there a key? Aren't they on a combination system now? If so, update.

~~16.~~ ~~Gardeners Meetings will be held on a quarterly basis. All gardeners must attend at least one Gardeners Meeting during the year. Plotholders who fail to attend at least one meeting will not be able to renew.~~

Commented [RL4]: What is a garden work day?

~~18.~~ ~~17.~~ Garden hours: Sunrise until Sunset.

~~Power equipment (i.e., fuel operated soil tillers) can be used 7:00 am-Sunset.~~

Commented [RL5]: Let's double check sound ordinance

Gardening

~~19.~~ ~~1819.~~ Produce from the garden is to be used for family consumption and may not be grown for sale, profit, or used in a business.

~~20.~~ ~~1919.~~ All loose materials (refuse, tools, etc.) must be cleared from the area each day. Sheds of any kind are not permitted in plots.

~~21.~~ ~~2020.~~ Only flowers, fruits, vegetables, and herbs may be grown in the plots. Animal husbandry is not allowed. Only plant species that do not present a danger to others and that produce edible food may be grown. No illegal plants or cannabis are allowed.

~~22.~~ ~~2121.~~ Tall plants such as corn and sunflowers must be located such that they do not produce shade on adjoining plots and do not protrude into pathways.

~~23.~~ ~~2222.~~ Trellises of any kind must be kept no higher than five (5) feet. Perimeter fences are not to be used as trellises. All trellises must be cleaned of all non-producing annuals soon after the plants stop producing.

~~24.~~ ~~2323.~~ Trees and permanent structures are not permitted in plots.

~~25.~~ ~~2424.~~ Cactus and woody perennials must be kept pruned to a height of no more than 6 feet and may only be grown along the south side of the assigned plot.

~~26.~~ ~~2525.~~ All plants that spread roots or rhizomes (i.e., mint and horseradish) must be in an above ground container/planter that is not a permanent structure.

~~27.~~ ~~2626.~~ There is no planting of water intensive crops (i.e., sugar cane, taro) allowed.

~~28.~~ ~~2727.~~ Use of poison grains for rodent control is prohibited. Pesticides are not permitted in the garden. Please contact the Garden Coordinator for use of alternatives.

~~29.~~ ~~2828.~~ Monoculture – exclusively growing only one cultivar – may not be practiced in any assigned plot.

~~30.~~ ~~2929.~~ Assigned plots must be maintained in all seasons. Plots should not lay fallow and must be kept free of excessive weed growth.

~~31.~~ ~~3030.~~ Compost piles may be made only in areas designated by the Garden Coordinator for that use. No trash is permitted in compost piles. Individual plots may have a compost pile no larger than 3' wide by 3' long by 3' high, and the pile must be within the plot boundaries.

RCS 11493 V
Revised ~~3/19/21~~ 3/22/2022

Plot _____

- ~~32. 31.~~ Standing Water: To reduce the breeding of mosquitos and the spreading of West Nile Virus, no
 a. stagnant/standing water is allowed, including but not limited to water left in containers, buckets and on
 b. coverings such as plastic ground covers and tarps.

- ~~33. 3132.~~ Vandalism or theft of produce, plants, tools, and/or other gardeners' or City property will be cause for immediate revocation of plotholder privileges and possible criminal prosecution. If the individual involved is not a plotholder, he/she will be turned over to the appropriate authorities. Any plotholder who witnesses any theft or vandalism of a plot, must notify the Garden Coordinator immediately. _____
 Plotholder Initial Here

Watering

- ~~3233.~~ The Cesar Chavez Community Garden uses recycled water. All ~~garden users~~ plotholders of the Cesar Chavez Community Garden must complete a Recycled Water usage training prior to gardening. Failure to follow Recycled Water Regulations will result in the revocation of the plotholder's gardening privileges and plot without a refund. The McCandless
~~34. Plotholders in that~~ Plotholder Initial Here
~~35. 3334.~~ To encourage water conservation, gardeners are required to stay in the vicinity of their plots while watering. All gardeners are requested to turn off all faucets at unattended plots. Recycled Water Regulations do not allow the use of timer systems. Drip Irrigation systems can only be used when the gardener is within the vicinity of his/her plot.
~~36. 3435.~~ It is preferred that watering be done before 10:00 am and after 4:00 pm, 7 days a week.

Vehicle Access

- ~~37. 3536.~~ Personal vehicles are permitted at the Cesar Chavez Community Garden for the purpose of loading and unloading equipment and supplies only. Vehicles must be relocated to the street via the approved access road when done loading/unloading.
~~38. 3637.~~ Vehicle access is only permitted on the designated access road (gravel pathway that begins at Weller Elementary School's front parking lot on Boulder Street). No vehicle access allowed from Dixon Road or Coelho Street.
~~39. 3738.~~ No vehicles are allowed on access road during the hours of 7:45-8:30 am and 1:45-2:30 pm, Monday-Friday when school is in session (school's drop-off and pick-up times).
~~40. 3839.~~ Only vehicles with a valid CA Disabled Person Parking Placard or Disabled Person License Plate are permitted to park on the south side of the garden. Vehicles cannot park inside the Community Garden.
~~41. 3940.~~ Each plot holder will be issued a Community Garden Vehicle Pass with his/her plot number. Pass must be visible when driving on the access road and at the Community Garden.
~~42. 4041.~~ Vehicle access and parking allowances are subject to change to be in accordance with the City of Milpitas and MUSD Community Joint Use Agreements.

Drought Plan

- ~~43. 4142.~~ In the situation where the State of California or City of Milpitas declares a water shortage, plotholders will be required to adhere to the water conservation measures instituted by the State/City. If a plotholder

RCS 11493 V
 Revised 3/19/219/22/2022

violates the measures instituted, the result will be the immediate revocation of the plotholder's gardening privileges and plot without a refund.

Plot _____

Garden Team

- ~~42. The Community Garden Coordinator will be assisted by a Garden Team. The Garden Team will consist of 5 plotholders who will serve a term of 3 years and 1 Parks, Recreation & Culture Resources Commissioner. The goal of the Garden Team is to improve the structure of the Community Garden program. Duties will include, but are not limited to:~~
- ~~a. Attend meetings with Coordinator (every 1-4 months)~~
 - ~~b. Provide feedback to Coordinator on garden issues (i.e., maintenance, violations)~~
 - ~~c. Serve as liaisons with other gardeners to ensure 2-way communication~~
 - ~~d. Provide input on garden issues and future improvements~~
 - ~~e. Assist in planning Community Garden meetings, guest speakers, volunteer projects~~

~~Interested plotholders can submit a Garden Team Application. Recreation Services staff will conduct interviews from the applicants and select the Garden Team members.~~

Non-Compliance/Violations and Consequences

~~44. 4343.~~ In the event of non-compliance with any of the above rules, this procedure will be followed:

- A. The Garden Coordinator will issue a written warning to the individual plotholder.
- B. If at the end of a ~~30 day~~30-day period the problem has not been solved, or arrangements have been made to resolve the problem, the plot will be reassigned to the next person on the waiting list. Annual fees will not be refunded.
- C. Plotholders may appeal any action to the Community Garden Coordinator in writing within 30 days of notice of the action. The Coordinator will submit a staff report and recommendation to the PRCRC at their next regularly scheduled meeting for review and appropriate action.
- D. Plotholders are only allowed two (2) violations in a year. A third violation in the same year will result in the revocation of the garden plot and no refund of annual fees.

Please Note: Depending on the severity, a non-compliance/violation may result in the immediate revocation of the plot holder's gardening privileges and plot without a refund of fees and deposit.

- ~~◆ Please Note: Depending on the severity, a non-compliance/violation may result in the immediate revocation of the plotholder's gardening privileges and plot without a refund of fees and deposit.~~

~~NOTE: Please contact Garden Coordinator at (408) 586-3403, 40 N. Milpitas Blvd., Milpitas, California, 95035, if you would like more information on these rules and regulations or any other aspect of the Community Garden Program.~~

I have read the Community Garden Rules and Regulations and understand that non-compliance will result in plot and fee forfeiture.

Signature of Plotholder: _____

Date: _____

Please contact Garden Coordinator at (408) 586-3403 if you would like more information on these rules and regulations or any other aspect of the Community Garden Program.

RCS 11493 V
Revised 3/19/219/22/2022

Plot_____

RCS 11493 V
Revised ~~3/19/21~~9/22/2022

CITY OF MILPITAS COMMUNITY GARDEN PROGRAM
RULES AND REGULATION
DELANO MANONGS PARK COMMUNITY GARDEN

The Recreation and Community Services Program Coordinator or his/her authorized representative will act as the Community Garden Coordinator, hereafter referred to as “Coordinator.”

Plot Assignments & Fees

1. An annual plot fee will be charged to all plot holders based on rates approved in the City of Milpitas Master Fee Schedule. Potable water plots are assessed an annual fee of \$0.75 - \$1.15 per square foot.

A one-time refundable deposit of \$100.00 is required. Deposit is returned when the plot is relinquished and cleaned out by the plot holder to the satisfaction of the Coordinator.

2. Plot assignment priority will be given to qualifying Milpitas residents in the following order:

Priority A. Must be a Milpitas Resident living within a two and half mile (2.5)-mile radius of the garden, in urban housing (Single Family Residence (SFR) homes do not qualify) and enrolled in the Milpitas Assistance Program and/or receiving County/State/Federal Assistance (i.e. CalFresh, PG&E Cares)

Priority B. Milpitas resident living within a two and half mile (2.5)-mile radius of the garden in urban housing (Single Family Residence (SFR) homes do not qualify).

Priority C. Milpitas resident

3. The term for a community garden plot is seven (7) years. After a gardener’s seven-year period ends, they may apply for a new seven-year term if there are no residents on the waiting list. If an active waiting list exists, the gardener or a member of their household may place their names on the Wait List at the end of their term.
4. Plot holders may not begin gardening until their annual plot fee is paid in full. Registration packets will be mailed from the Recreation and Community Services Office annually.
5. It is the responsibility of each plot holder to provide the Coordinator with an up-to-date address, telephone number, and email address (if applicable). Milpitas residents must provide two proofs of Milpitas residency (i.e. a photo ID such as CA Driver’s License or CA ID Card, and a current utility bill, bank statement, or credit card statement).
6. New plots are issued on a first-come, first-serve basis, by priority level. Only Milpitas residents are eligible to be assigned plots. Any individual interested in obtaining a plot should contact the Coordinator or the Recreation and Community Services Department. If a plot is not immediately available, the individual’s name will be placed on a Waiting List. The City reserves the right to hold

up to 10% of the plots for City Programs.

7. ADA accessible garden plots are for those who have disabilities that are in accordance with the Americans with Disabilities ACT (ADA) of 1990, Title 42, Chapter 126 or under California Law. ADA plots may temporarily be assigned to the general public, but must be relinquished if not yet in use, at the end of a growing season, or at the end of the registration year (whichever is sooner) once a qualified ADA person is interested in the plot. _____Plot holder Initial Here
8. Plot holders who do not intend to continue gardening the plot for any reason should promptly notify the Coordinator so the plot may be reassigned.
9. Plot holders do not have any ownership interest in their assigned plot. Plot assignments may only be transferred to the plot holder's spouse, and only by the Coordinator upon written request from the assigned plot holder. Plots cannot be sublet.
10. No person may use a vacant plot absent assignment by the Coordinator. Only one community garden plot is allowed per household. Gardens will be confined to designated areas.
11. A plot holder can only garden his/her assigned plot.
12. A plot holder must be physically cultivate the assigned plot but may have unpaid assistance from friends and family.

Gardener Conduct

13. The behavior of visiting family members and/or friends is the plot holder's responsibility. No one is permitted to engage in loud, offensive, or boisterous activity within the garden enclosure.
14. No alcohol, smoking, vaping, cannabis, illegal drugs of any kind, or fighting allowed in, or around, the Community Garden at any time.
15. Animals other than certified Service Animals are not permitted in the garden at any time.
16. All plots must be maintained in a manner acceptable to the Coordinator. This includes normal weeding, watering and general care of the assigned plot. The surrounding pathways are to be kept free of weeds encroaching plants and debris. Plot holders are responsible for at least one half the width of the pathway adjacent to the garden plot and 3 ft. of the pathway if adjacent to the main driveway.
17. Each plot holder will be issued a combination for the locks on the garden gates. The combination is not to be shared with anyone outside of immediate family and spouses. Plot holders are required to close the gates and lock all locks upon entering and leaving the garden.
18. Garden hours: Dawn to Dusk. Power equipment (i.e., fuel operated soil tillers) can be used 7:00 am-Sunset.

Gardening

19. Produce from the garden is to be used for family consumption and may not be grown for sale, profit, or used in a business.

20. All loose materials (refuse, tools, etc.) must be cleared from the area each day. Sheds of any kind are not permitted in plots.
21. Only flowers, fruits, vegetables, and herbs may be grown in the plots. Animal husbandry is not allowed. Only plant species that do not present a danger to others and that produce edible food may be grown. No cannabis or illegal plants are allowed.
22. Tall plants such as corn and sunflowers must be located such that they do not produce shade on adjoining plots and do not protrude into pathways.
23. Perimeter fences are not to be used as trellises.
24. Trees and permanent structures are not permitted in plots.
25. All plants that spread roots or rhizomes (i.e., mint and horseradish) must be in an above ground container/planter that is not a permanent structure.
26. There is no planting of water intensive crops (i.e., sugar cane, taro) allowed.
27. Use of poison grains for rodent control is prohibited. Pesticides are not permitted in the garden. Please contact the Coordinator for use of alternatives.
28. Monoculture – exclusively growing only one cultivar – may not be practiced in any assigned plot.
29. Assigned plots must be maintained in all seasons. Plots should not lay fallow and must be kept free of excessive weed growth.
30. Compost piles may be made only in areas designated by the Garden Coordinator for that use. No trash is permitted in compost piles.
31. Standing Water: To reduce the breeding of mosquitos and the spreading of West Nile Virus, no stagnant/standing water is allowed, including but not limited to water left in containers, buckets and on coverings such as plastic ground covers and tarps.
32. Vandalism or theft of produce, plants, tools, and/or other gardeners' or City property will be cause for immediate revocation of plot holder privileges and possible criminal prosecution. If the individual involved is not a plot holder, they will be turned over to the appropriate authorities. Any plot holder who witnesses any theft or vandalism of a plot, must notify the Garden Coordinator immediately. _____ Plot holder Initial Here

Watering

33. To encourage water conservation, gardeners are required to stay in the vicinity of their plots while watering. All gardeners are requested to turn off all faucets at unattended plots. Drip Irrigation systems can only be used when the gardener is within the vicinity of his/her plot.
34. It is preferred that watering be done before 10:00 am and after 4:00 pm, 7 days a week.

Drought Plan

35. In the situation where the State of California or City of Milpitas declares a water shortage, plot

holders will be required to adhere to the water conservation measures instituted by the State/City. If a plot holder violates the measures instituted, the result will be the immediate revocation of the plot holder's gardening privileges and plot without a refund.

Non-Compliance/Violations and Consequences

36. In the event of non-compliance with any of the above rules, this procedure will be followed:
- A. The Coordinator will issue a written warning to the individual plot holder.
 - B. If at the end of a 30-day period the problem has not been solved, or arrangements have been made to resolve the problem, the plot will be reassigned to the next person on the waiting list. Annual fees will not be refunded.
 - C. Plot holders may appeal any action to the Community Garden Coordinator in writing within 30 days of notice of the action. The Coordinator will submit a staff report and recommendation to the PRCRC at their next regularly scheduled meeting for review and appropriate action.
 - D. Plot holders are only allowed two (2) violations in a year. A third violation in the same year will result in the revocation of the garden plot and no refund of annual fees.

Please Note: Depending on the severity, a non-compliance/violation may result in the immediate revocation of the plot holder's gardening privileges and plot without a refund of fees and deposit.

I have read the Community Garden Rules and Regulations and understand that non-compliance will result in plot and fee forfeiture.

Signature of Plot holder: _____ Date: _____

Please contact Garden Coordinator at (408) 586-3403 if you would like more information on these rules and regulations or any other aspect of the Community Garden Program.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution for Exception to the 180-Day Wait Period in Accordance with California Government Code Section 7522.56 and 21224 (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)
Category:	Leadership and Support Services
Meeting Date:	5/2/2023
	<u>Recommendation:</u> Adopt a resolution for exception to the 180-day wait period in accordance with California Government Code Sections 7522.56 and 21224; and approve and authorize the Acting City Manager to execute a limited term and scope employment agreement with Jeannine Seher, with the agreement term from May 3, 2023 through June 30, 2023.

BACKGROUND:

The California Public Employees Reform Act of 2013 requires a 180-day “wait” period before a retiree can return to work for a public agency; however, the 180-day “wait” period can be waived if: The employer certifies that the appointment is necessary to fill a critically needed position before 180-days has passed and the appointment has been approved by the governing body of the employer in a public meeting and not on a consent calendar.

ANALYSIS:

Jeannine Seher served as the Human Resources Director for the City of Milpitas from August of 2020 until her retirement in December of 2022. In her capacity as the Human Resources Director, Ms. Seher directly handled confidential and sensitive personnel matters such as disciplinary actions, grievances, and administrative investigations. Ms. Seher has specific knowledge, background and expertise that is required for the City to adequately represent the details of a confidential personnel matter related to an ongoing arbitration. Council’s action through adopting this resolution will allow the City under a limited term and scope to utilize Ms. Seher for the purposes of testifying as a witness on the City’s behalf and providing first person accounts as well as subject matter expertise. Council action will allow the City to enter into an employment agreement with Jeannine Seher from May 3, 2023 through June 30, 2023.

POLICY ALTERNATIVE(S):

Alternative 1: Do not adopt the resolution authorizing the exception to the 180-day wait period in accordance with California Government Code Section 7522.56 and 21224 and approve, and authorize the City Manager to execute, an employment agreement with Jeannine Seher.

Pros: None

Cons: Will impact the City’s ability to be successful in arbitration.

Reason For Not Recommending: Not adopting the resolution will impact the City’s ability to be successful in the upcoming arbitration hearing.

FISCAL IMPACT:

The compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties and limited to 960 hours per fiscal year. Accordingly, the hourly rate to be paid is \$117.37. Funding is available from staff vacancies within the FY2022-23 adopted budget.

California Environmental Quality Act (CEQA):

Approval of the recommendation is not an activity defined as a “project” under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061(b)(3) and 15378(b)(4) either because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and/or because the action is financial and/or administrative and does not directly impact the environment.

RECOMMENDATION:

Adopt a resolution for exception to the 180-Day wait period in accordance with California Government Code Section 7522.56 and 21224; and approve and authorize the City Manager to execute, an employment agreement with Jeannine Seher, , with the agreement term from May 3, 2023 through June 30, 2023.

Attachment(s):

1. Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MILPITAS FOR EXCEPTION TO THE 180-DAY
WAITING PERIOD IN ACCORDANCE WITH
CALIFORNIA GOVERNMENT CODE SECTIONS 7522.56
AND 21224 AND APPROVING EMPLOYMENT
AGREEMENT FOR JEANNINE SEHER**

WHEREAS, in compliance with Government (Gov.) Code section 7522.56 of the Public Employees' Retirement Law, the Milpitas City Council must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since their retirement date; and

WHEREAS, Jeannine Seher retired from the City of Milpitas in the position of Human Resources Director, effective 12/31/2022; and

WHEREAS, Gov. Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is (date of 181st day after retirement) without this certification resolution; and

WHEREAS, Section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Milpitas City Council, the City of Milpitas, and Jeannine Seher certify that Jeannine Seher has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Milpitas City Council hereby appoints Jeannine Seher as an extra help retired annuitant to provide limited and specific services for the City of Milpitas under Gov. Code section 21224 between May 3, 2023 and June 30, 2023; and

WHEREAS, the entire employment agreement, contract or appointment document between Jeannine Seher and the City of Milpitas has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is \$20,344.13 and the hourly equivalent is \$117.37, and the minimum base salary for this position is 14,532.27 and the hourly equivalent is \$83.84; and

WHEREAS, the hourly rate paid to Jeannine Seher will be \$117.37; and

WHEREAS, Jeannine Seher has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council hereby certifies the nature of the appointment of Jeannine Seher as described herein and detailed in the attached employment agreement and that this appointment is necessary for the City to adequately represent the details of a confidential personnel matter related to an ongoing arbitration beginning on May 3, 2023, because the Milpitas City Council has determined the unique and specialized skills possessed by Jeannine Seher are necessary for the purposes of testifying as a witness on the City's behalf and providing first person accounts as well as subject matter expertise.
2. The City Council hereby waives the 180-day waiting period pursuant to Government Code Sections 7522.56 and 21224.
3. The employment agreement with Jeannine Seher, a copy of which is incorporated herein as Exhibit A, is approved by the City Council, effective May 3, 2023 through June 30, 2023.
4. The City Manager is authorized to execute said agreement on behalf of the City, with such technical amendments as may be deemed appropriate by the City Manager and City Attorney.

PASSED AND ADOPTED this _____, day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney

EXHIBIT A

EMPLOYMENT AGREEMENT FOR JEANNINE SEHER, RETIRED ANNUITANT – EXTRA HELP

This Employment Agreement (“Agreement”) is made by and between the City of Milpitas, a municipal corporation of the State of California (“City”) and Jeannine Seher, an individual (“Retiree”) as of May 3, 2023 (“Effective Date”).

RECITALS

- 2. Retiree was previously employed by the City for two years, serving as Human Resources Director until December 30, 2022; and
- B. Retiree retired from the City effective December 31, 2022 and has begun collecting a retirement pension from the California Public Employees’ Retirement System (CalPERS); and
- D. In her capacity as the Human Resources Director, Ms. Seher directly handled confidential and sensitive personnel matters such as disciplinary actions, grievances, and administrative investigations; and
- E. Retiree has specific knowledge, background and expertise that is required for the City to adequately represent the details of a confidential personnel matter related to an ongoing arbitration; and
- F. Retired Annuitant’s employment is authorized by Government Code section 21224, which permits the City to hire a CalPERS retired annuitant as extra help to perform work of limited duration, such as special project work; and
- G. City desires to retain the services of Retiree in accordance with California Government Code Section 21224 and Retiree agrees to provide certain services to City under the strict terms and conditions set out in this Agreement.

In consideration of this matter described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the parties of this Agreement agree as follows:

AGREEMENT

Section 1. Term of Services

The term of this Agreement is from May 3, 2023 through June 30, 2023, unless the City or Retiree elect to terminate this agreement on an earlier date by providing written notice to the other party.

Section 2. Scope of Services

Retiree agrees to represent the details of a confidential personnel matter related to an ongoing arbitration, testifying as a witness on the City's behalf and providing first person accounts as well as subject matter expertise. Retiree will work with City's attorneys to prepare to offer testimony at the ongoing arbitration. Retiree shall comply with all City rules, policies, guidelines, regulations, and laws.

Section 3. Compensation; Hours

City agrees to compensate Retiree at \$117.37 per hour for all services provided under this Agreement. Payments from City to Retiree shall be made during the normal payroll cycles of other City employees.

City has reviewed and compared the hourly rate set forth in this Section with other employees performing comparable duties and the hourly rate set forth in this Section does not exceed such other employee's compensation.

Retiree agrees and acknowledges that she shall not perform any services under this Agreement exceeding a total of nine hundred sixty (960) hours during any fiscal year (July 1 to June 30). Retiree shall record her hours on a pre-approved timesheet that shall be submitted to the City every week.

The position is a temporary, hourly assignment which is generally not expected to exceed 40 hours per week. The City, through the Human Resources Director, will assign Retiree hours to work. Due to the nature of the position, it is understood that the work day and work week hours may vary.

There are no other benefits, incentives, compensation in lieu of benefits or other forms of compensation in addition to the hourly pay rate set forth in this Section.

Section 4. Location

The primary location for services will be at the following address:

455 E. Calaveras Blvd., Milpitas, California 95035

Section 5. Compliance with Laws

This Agreement will be construed in accordance with and governed by the laws in the State of California. In the event that suit shall be brought by any of the parties, the parties agree that venue shall be exclusively vested in the state courts of the County of Santa Clara, or if federal jurisdiction is appropriate, exclusively in the United States District Court, Northern District of California, San Jose, California. Retiree shall comply with all applicable laws, rules, policies, and guidelines. Retiree agrees and acknowledges that the State of California and the governing body of the California Public Employees' Retirement System enact strict laws, regulations and guidelines

relating to services provided by “retired annuitants” to public agencies contracting with the California Public Employees’ Retirement System. Retiree agrees to comply with all applicable laws, regulations and guidelines relating to the services provided under this Agreement.

Section 6. Termination

This Agreement may be terminated by either party for convenience by providing written notice to the other party.

Section 7. Miscellaneous

- a. Retiree has read each and every part of this Agreement and Retiree freely and voluntarily has entered into this Agreement. This Agreement is a negotiated document and shall not be interpreted for or against any party by reason of the fact that such party may have drafted this Agreement or any of its provisions.
- b. If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjusted shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- c. This Agreement, including the exhibits, represents the entire and integrated agreement between City and Retiree and supersedes all prior negotiations, representations, or agreements, either written or oral.

In witness where of the parties have duty affixed their signatures on this 3rd day of May, 2023.

CITY:

RETIREE:

Ashwini Katak, Acting City Manager

Jeannine Seher