



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

CITY OF MILPITAS - NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the Milpitas City Council will be held at 5:00 p.m. on Monday, June 21, 2021 via teleconference / Zoom webinar only (no physical meeting space). 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.ci.milpitas.ca.gov/youtube>

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

AGENDA

MONDAY, JUNE 21, 2021

MILPITAS, CA

5:00 PM (PUBLIC BUSINESS)

CLOSED SESSION WILL BEGIN FOLLOWING PUBLIC BUSINESS

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3232

PUBLIC COMMENT INSTRUCTIONS

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

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_rG6XY9S-Q1gf0i_a-QNcZQ

A link will be sent to you to join the City Council meeting in order to give your comments. All registered meeting attendees who wish to speak must click on the "raise hand" icon when the Mayor calls for public comments. If participating by calling in on your phone, dial *9 to use the "raise hand" feature, and when you are called upon, hit *6 to unmute your phone. Your phone number will be displayed in the live meeting. The Mayor or staff will call the speakers to begin.

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. online written comment form previously used is no longer available for public comment.

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC FORUM

Those interested are invited to address City Council on any subject not on tonight's agenda, orally via zoom webinar (instructions on page 1). Speakers may provide their name and city of residence for the Clerk's record, and comments may be limited to three minutes or less. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

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

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR

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. Recommendations from Mayor Tran for Appointments for City Commissions (Contact: Mayor Tran, 408- 586-3029)

Recommendation: Approve Mayor Tran's recommendations for appointments for the following City commissions: Arts Commission; Community Advisory Commission; Economic Development and Trade Commission; Energy and Environmental Sustainability Commission; Library and Education Advisory Commission; Parks, Recreation, and Cultural Resources Commission; Public Safety and Emergency

Preparedness Commission; Science, Technology, and Innovation Commission; Veterans Commission; and Youth Advisory Commission.

C2. Approve and Authorize the City Manager to Execute the Master Joint Use Agreement for Open Space with the Milpitas Unified School District (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: Approve and Authorize the City Manager to Execute the Master Open Space Joint Use Agreement with the Milpitas Unified School District.

C3. Adopt a Resolution to Confirm the Order of the Director of Emergency Services to Rescind the Order Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)

Recommendation: Adopt a Resolution to Confirm the Order of the Director of Emergency Services to Rescind the Order Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings.

LEADERSHIP AND SUPPORT SERVICES

4. Adopt the Proposed ARPA Investment Framework and Provide Input and Direction to Staff on the Preliminary ARPA Investment Plan (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)

Recommendation: Adopt the American Rescue Plan Act (ARPA) Investment Framework including Fiscal Guidelines and Investment Areas; and provide input to staff on the Proposed Preliminary ARPA Investment Plan and provide direction to bring back a draft ARPA Investment Plan for Council consideration in August 2021.

ADJOURN TO CLOSED SESSION

a. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Jeannine Seher, Human Resources Director
Bargaining Unit: MEA

b. PUBLIC EMPLOYMENT

Pursuant to Government Code Section 54957
Title: 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.

ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

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



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Recommendations from Mayor Tran for Appointments for City Commissions
Category:	Reports of Mayor and Councilmembers
Meeting Date:	6/21/2021
Staff Contact:	Mayor Tran, 408- 586-3029
Recommendation:	Approve Mayor Tran's recommendations for appointments for the following City commissions: Arts Commission; Community Advisory Commission; Economic Development and Trade Commission; Energy and Environmental Sustainability Commission; Library and Education Advisory Commission; Parks, Recreation, and Cultural Resources Commission; Public Safety and Emergency Preparedness Commission; Science, Technology, and Innovation Commission; Veterans Commission; and Youth Advisory Commission.

Background:

The City of Milpitas has 12 Commissions, with the members appointed by the Mayor and confirmed by the City Council, that advise the Milpitas elected officials on a variety of community interest and policy areas. Mayor Tran is making the following recommendations for new appointments to Commissions.

Arts Commission

1. Newly appoint Robin Hays to server as a commissioner with a term to expire in October 2023.
2. Newly appoint Guiliana Brahim to server as a commissioner with a term to expire in October 2021.

Community Advisory Commission

1. Newly appoint Jinky Peralta to server as a commissioner with a term to expire in January 2022.
2. Newly appoint Monica Rodriguez to serve as Alternate No. 1 with a term to expire in January 2024.

Economic Development and Trade Commission

1. Newly appoint Marshall Jones to server as a hospitality representative commissioner with a term to expire in April 2024.

Energy and Environmental Sustainability Commission

1. Newly appoint Jeffrey Hogg to server as Alternate No. 1 with a term to expire in October 2022.

Library and Education Advisory Commission

1. Reappoint Yu-Lan Chou to serve as a Commissioner with a term to expire in June 2024.
2. Reappoint Ha Phan to serve as a Commissioner with a term to expire in June 2024.
3. Reappoint Therese Hoang to serve as a Commissioner with a term to expire in June 2024.
4. Reappoint Elpidio Estioko to serve as a Commissioner with a term to expire in June 2024.
5. Reappoint Rekha Pardeshi to serve as Alternate No. 2 for a term to expire in June 2024.

Parks, Recreation, and Cultural Resources Commission

1. Reappoint Ricky Davis to serve as a Commissioner with a term to expire in June 2024.

Public Safety and Emergency Preparedness Commission

1. Reappoint Evan Gan to serve as a Commissioner with a term to expire in June 2024.
2. Reappoint Paul Ellis to serve as a Commissioner with a term to expire in June 2024.
3. Move Joe Nichols from Alternate No. 1 to serve as a Commissioner with a term to expire in June 2023.
4. Newly appoint Michael Berryhill to serve as Alternat No. 1 with a term to expire in June 2022.
5. Newly appoint Andrew Luu to serve as Alternat No. 2 with a term to expire in June 2023.

Science, Technology, and Innovation Commission

1. Reappoint Nasir Lalani to serve as a Commissioner with a term to expire in January 2024.
2. Move Kevin Le from Alternate No. 2 to serve as a Commissioner with a term to expire in January 2022.
4. Newly appoint Jason Wong to serve as a Commissioner with a term to expire in January 2022.
3. Newly appoint Ahbijit Pandey to serve as Alternate No. 1 with a term to expire in January 2024.

Veterans Commission

1. Newly appoint Dr. Puneet Sandhu to serve as Alternate No. 1 with a term to expire in February 2022.

Youth Advisory Commission

1. Newly appoint Rachel Plummer as a Commissioner with a term to expire in September 2022.

Analysis:

Any resident interested in serving on a City Commission must submit a commission application to the City. Additionally, appointees to the Planning Commission must be registered voters in Milpitas and may not hold any other public office or employment in the government of the City of Milpitas.

The City Clerk's Office confirms each applicant's residency and current voter registration (if applicable). 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:

Approve Mayor Tran's recommendations for appointments for the following City commissions: Arts Commission; Community Advisory Commission; Economic Development and Trade Commission; Energy and Environmental Sustainability Commission; Library and Education Advisory Commission; Parks, Recreation, and Cultural Resources Commission; Public Safety and Emergency Preparedness Commission; Science, Technology, and Innovation Commission; Veterans Commission; and Youth Advisory Commission.

Attachments:

Commission Applications and Reappointment Letters

APR 30 2021

RECEIVED

COMMISSION/COMMITTEE APPLYING FOR:

Arts Commission
Name Robin F Hays
Address Type Residence
Address [REDACTED]
City Milpitas
Postal/Zip Code 95035
Mobile Number [REDACTED]
E-Mail Address [REDACTED]

Present Employer Self in Milpitas, Natural Health Center
Business Address (Optional) 485 Los Coches Street
City Milpitas
Postal / Zip code 95035

Occupation Acupuncturist, Was an artist for 10 years prior
Education: If Youth Advisory Commission applicant, indicate your grade/school: B.S. Florida State University in Art Education
College, Professional, Vocational, or other schools attended Florida State University
Major Subject Art Education
Degree BS

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization Milpitas Rotary
Member 1994-present
Name of Organization Milpitas Art Commission
Member 2000-2019? Founding member

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

About 20 years experience on the art commission as a founding member and chair a few times, degree in art, excellent attendance record on attending meeting. I sat on a number of committees and championed the percent for arts that is now a part of Milpitas. My goal has always been to 'decorate' the city and make it a destination visually.

Date Apr 30, 2021

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Robin F. Hays

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION/COMMITTEE APPLYING FOR:

Arts Commission

Name

Giuliana Brahim Brahim

Address Type

Residence

Address**City**

Milpitas

Postal/Zip Code

95035

Mobile Number**E-Mail Address**

City Clerk's Office

APR 27 2021

RECEIVED

Present Employer

Milpitas Unified School District

Other Phone**Occupation**

Principal Adult Education Milpitas USD

College, Professional, Vocational, or other schools attended

Western Governors University-USA, Universidad de Los Andes-Colombia, Universidad San Agustin, Peru-Universidad Ricardo Palma-Peru

Major Subject

Education and Technology

Degree

Masters in Education

List community organizations to which you belong or have belonged (additional information may be attached).**Name of Organization**

Stanford-Anderson Collection

Member

Volunteer

Name of Organization

DeYoung Museum

Member

Member

Name of Organization

St. Vincent de Paul Society

Member

Member

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).**Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):**

Prior to coming to the USA, I worked for over 10 years as a cultural manager for the Instituto Cultural Peruano Norteamericano and Instituto del Sur in my hometown of Arequipa, Peru. As a daughter of immigrants who arrived from the Middle East to South America in the mid-1930s, I understand the importance of preserving one's culture and art while immersing in the country that has welcomed us. Fast forward, I came to live in the USA in 1997, experiencing being an immigrant for a second time. Keeping my ethnic and cultural identity has not only helped me reaffirm those values that my parents instilled in me but has given me the opportunity to pass it to my children and younger generations. I am passionate about the arts in all its forms and just like education, the arts need to be made accessible to all as an equalizer that levels the playing field in our community. Milpitas is a diverse and rich community with talented individuals from all walks of life and from all over the world. I look forward to the opportunity of transferring my organizational and management skills gained from my past and present careers on behalf of the City of Milpitas.

Date

Apr 26, 2021

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

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Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

COMMISSION/COMMITTEE APPLYING FOR: Community Advisory Commission

Name Jinky Lynn H. Peralta

Address Type Residence

Address

City Milpitas

Postal/Zip Code 95035

Mobile Number

E-Mail Address

City Clerk's Office
APR 28 2021
RECEIVED

Present Employer Stanford Healthcare

Business Address (Optional) 300 Pasteur Drive

City Palo Alto

Postal / Zip code 94305

Occupation Payer Authorization Representative

College, Professional, Vocational, or other schools attended Institute for Business Technology

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization Sleeping Bags for the Homeless of Silicon Valley

Member Board of Directors/Treasurer

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

As a Community Advisory Commission, I am responsible for voicing community needs and providing their thoughts and ideas. To serve in an advisory capacity, Because if I have something to bring to the table... it's the whole idea that I can represent.. And the community listen to it. I am responsible to participate and going to fairs, giving out information, and can better prepare, or target population in relation to what I know about the people we know, we serve, or the needs of the people we serve.

As a Community Advisory Commission, I'll make sure to priorities, access to the resources and networks needed to facilitate the work of the projects, decision-making processes as both formal, such as voting, as well as informal with all members brainstorming solutions to a problem. And I will discuss what I see and experience within the groups to help narrow down the greatest needs of the community.

Date Apr 27, 2021

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Jinky Peralta

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION/COMMITTEE APPLYING FOR: Community Advisory Commission

Name Monica Rodriguez

Address Type Business

Address [REDACTED]

City Milpitas

Postal/Zip Code 95035

Mobile Number [REDACTED]

E-Mail Address [REDACTED]

City Clerk's Office
APR 30 2021
RECEIVED

Occupation Small business self employed

Education: If Youth Advisory Commission applicant, indicate your grade/school: Boynton Highschool

College, Professional, Vocational, or other schools attended Business Workshop Class

Major Subject Business

List community organizations to which you belong or have belonged (additional information may be attached).

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I have a great understanding of the obstacles the working class communities struggle with such as small businesses struggling and people who have become unemployed because of the pandemic and folks struggling with rent on a monthly basis and folks who are homeless who need permanent housing as well as mental health support.

My goal is to help the community and I would like advise the city of Milpitas on the many issues the community struggles with on a daily basis. All I want is the betterment for those who are struggling the most and I want the economy in Milpitas to flourish again. I want to serve the community for a better future.

Date Apr 29, 2021

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Monica Rodriguez

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION APPLYING FOR:

Economic Development and Cultural Trade Commission

Title

Mr.

Name

Marshall E. Jones

Address Type

Residence

Address**City**

Milpitas

Postal/Zip Code

95035

Mobile Number**E-Mail Address**

City Clerk's Office

JUL 15 2020

RECEIVED

Present Employer

Prestige Global Meeting Source

City

Milpitas

Postal / Zip code

95035

Occupation

Vice President of Regional Sales

Education: If Youth Advisory Commission applicant, indicate your grade/school:

Bachelor of Science, Hospitality Management

College, Professional, Vocational, or other schools attended

Georgia State University

Major Subject

Hospitality

Degree

Bachelor of Science

List community organizations to which you belong or have belonged (additional information may be attached).**Name of Organization**

SV Creates

Member

Executive Board

Name of Organization

SVO

Member

Board

Name of Organization

Silicon Valley Capital Club

Member

Board of Governors

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).**Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):**

I have devoted most of my life to the pursuit of Hospitality. Over the years, I have worked in numerous other states in Hotels or a complimenting business. I also am an adjunct professor at San Jose State University. There I teach in the hospitality department. I have lead many successful teams and coordinated with the local government and key stakeholders to insure that business was a win/win for the client, business and the community.

Date

Apr 04, 2020

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Marshall E. Jones

COMMISSION/COMMITTEE APPLYING FOR: Energy and Environmental Sustainability Commission

Name JEFFREY C HOGG

Address Type Residence

Address

City Milpitas

Postal/Zip Code 95035

Mobile Number

E-Mail Address

Present Employer Engineering Assisant

Other Phone

City Clerk's Office

APR 19 2021

RECEIVED

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization Enginerr

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I have been a member of this community for over a decade since returning. I grew up in Milpitas from Elementary School through High School.

I am currently a joint business owner(with my wife) in Milpitas as well as a homeowner and registered voter.

I support the Milpitas Police Officers Association through donations by my business.

My wife and I attend Cathedral of Faith, Milpitas branch.

Date Apr 19, 2021

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

JEFFREY C HOGG

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

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COMMISSION/COMMITTEE APPLYING FOR: Library and Education Commission

Name Rekha Pardeshi

Address Type Residence

Address

City Milpitas

Postal/Zip Code 95035

Mobile Number

E-Mail Address

City Clerk's Office
FEB 12 2021
RECEIVED

Present Employer Stratford Schools /Spring Education Group

Other Phone (510) 438-9745

Business Address (Optional) 890 Pomeroy Ave

City Santa Clara

Postal / Zip code 94087

Occupation Curricular Development Lead/ Faculty Trainer/ Teacher

College, Professional, Vocational, or other schools attended Bombay University, De Anza College

Major Subject Hist /English

Degree MA, M.ED, ECE, (RE)

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization Fremont Union High School Foundation

Member Served as Vice President/Now as visting Board Member

Name of Organization Western Association of School and Colleges

Member Accrediting Visting Committee Member

Name of Organization Khan Academy

Member Pilot Program

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

Application to serve on the Library and Education Commission

Milpitas is growing rapidly, and I would like to have an opportunity to be part of this dynamic growth by contributing back. Milpitas is my home. It is also the place where I own a business, therefore, its growth and well-being are extremely important to me. I am applying for the position to serve on the Library and Education Commission. This is an exciting and unique time in the field of education, and libraries are directly linked to bringing education at all ages to its residents. I have served as an educator since 1987, across three continents, and I have taught students and trained teachers Pre-school to college level. I would very much appreciate the opportunity to serve as a member on the Library and Education Advisory Commission, Milpitas.

The diversity of Bay Area is well reflected in Milpitas. While serving on the commission, I will ensure that this diversity is well reflected and we are inclusive of all. Over the years, I have moved from being in a traditional school to a 21st century school. Digital media has changed how teachers, students, and all concerned shareholders interact and collaborate. As part of my job as an educator, I have piloted and given feedback for numerous programs and curriculums; some traditional and others technology based and geared to the new learning methods. I have been part of several popular pilot programs such as Khan Academy, Newsela, and several others. I believe I will be a good fit for the position, hence, I am taking the initiative of writing this letter to show my interest to serve the City of Milpitas.

In addition to my strong training and experience in a school, I have been fortunate to gather some other experiences in the field of education. I serve as a WASC visiting committee member and visit schools to accredit them. During my visits to other schools, I get to

learn how other organizations and schools' function and bring back that knowledge to my own organizations. Serving initially as a Board Member, and then as a Vice-President for the Fremont Union High School Foundation, my job entailed making decisions on what programs are important to the schools in Cupertino and which programs we should help fund for the District. This was a position where I got to work closely with the Superintendent of the School District and the Principals of all the five high schools in Cupertino, to make decisions that benefit the students and faculty the most. This is a skill set that I can transfer to my position as a serving member on the Library and Education Commission.

Thank you for considering me for the position.

Sincerely,

Rekha Pardeshi

Date

Feb 12, 2021

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Rekha Pardeshi

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NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

From: Yu-Lan M. Chou
Date: May 5, 2021
To: Honorable Mayor Rich Tran, c/o Wendy Wood, City Clerk

Re: Seeking approval to be re-appointed to serve on the Library and Education Advisory Commission

Dear Honorable Mayor Tran,

I am writing to seek your approval to be re-appointed to the Library and Education Advisory Commission. I currently serve as the Chair of LEAC. I am a resident of Milpitas since 1996 and a professional librarian of 30 years. I was an academic librarian/manager at the Ohio State University and the University of California, Berkeley. I also worked at a library management software company from 2004-2013 managing more than 200 library projects. At present, I work at the Santa Clara City Library managing the technical services. (This is a job that doesn't exist in the Milpitas Library for it is part of the County Library system.)

I first applied to serve on the Library Commission in 2002 and was able to participate in the Library building needs assessment and space design. It was more than a dream come true to extend the library to its current location. Not only I myself am a frequent library user, it is always exciting to see the library being used heavily by kids and adults. It was a great pleasure to walk into the library a few weeks ago after it re-opened. More than ever, we need the library service to break the digital divide and provide students with access equity to the abundant knowledge and services that the Milpitas Library can provide. According to the Pew Research, most Americans, especially Millennials, say libraries help them to find reliable and trustworthy information.

The Library and Education Advisory Commission hosted essay contests in the past to encourage students to engage in creative writings. Thanks to the City Council's generous support we had a huge turnout in the past. (It was attended by 220 contestants last time.) I am happy to report that we have a subcommittee lead by Elpi, working with Councilmember Chua, Youth Commission and the City Park & Recreation staff, and the Essay Contest will be held once again next month in June this year. We would love to have you presented at the virtual winner announcement and award ceremony in June, date TBA (SAT and ACT dates in June will not be available to schedule.) An invitation will be sent to you in the coming week or so.

Kindly let me know if you need any additional information of my credentials to serve on the Library and Education Advisory Commission. I look forward to hearing from you of your decision of my re-appointment. Thank you very much.

Regards,



Yu-Lan M. Chou

Wendy Wood

Subject: FW: Library Commission reappointment

To: Rich Tran Mayor <mr.richard.tran@gmail.com>

Cc: Wendy Wood <wwood@ci.milpitas.ca.gov>

Subject: Library Commission reappointment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Mayor,

Meanwhile I am on the waiting list for Planning Commission please reappoint me to the Library Commission to continue my services for my hometown of thirty three years as it will expire in June 2021.

Thank you

Ha Phan

Wendy Wood

Subject: FW: LEAC Commission Reappointment

To: Karen Chew <kchew@ci.milpitas.ca.gov>

Subject: Re: LEAC Commission Reappointment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

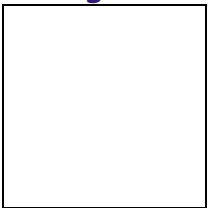
Dear Milpitas Mayor Tran,

I would like to inform you that I love to continue with my work as Commissioner at the Library and Education Advisory Commission. Please count on me.

Sincerely yours

Therese Hoang

Hoàng Lan



**Notice: This e-mail message, together with any attachments, contains information of Hoang Lan. that may be confidential, proprietary copyrighted and/or legally privileged, and is intended solely for the use of the individual or entity named in this message. If you are not the intended recipient and have received this message in error, please immediately return this by e-mail and then delete it without reading, forwarding or saving them. Thank you.*

Wendy Wood

Subject: FW: Request to renew appointment as LEAC commissioner

To: Rich Tran <rtran@ci.milpitas.ca.gov>

Cc: John Macon <jmacon@ci.milpitas.ca.gov>

Subject: Request to renew appointment as LEAC commissioner

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Good morning Mayor Rich,

I would like to continue as city commissioner. I understand my appointment will expire next month.

Please renew my appointment and I'm looking forward to continue working with you and the city council as LEAC commissioner.

Thank you.

Elpi
Elpidio R. Estioko

Sent from my iPhone

Wendy Wood

Subject: FW: [BULK] Re: Library and Education Advisory Commission Term Renewal
Attachments: image002.png
Importance: Low

To: Wendy Wood <wwood@ci.milpitas.ca.gov>; City Clerk <CityClerk@ci.milpitas.ca.gov>; Rich Tran <rtran@ci.milpitas.ca.gov>

Subject: [BULK] Re: Library and Education Advisory Commission Term Renewal
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

To,
The Mayor and City Clerk's Office,

As you are aware, I got appointed in the last Library and Education Advisory Commission Meeting. This post expires in June. I would like you to kindly consider me for another term for the same position. Since my application is only a few days old, there is no change or update for me to report. Please let me know if you need any further information from me.

Thank you
Regards,
Rekha Pardeshi

Wendy Wood

Subject: FW: Reappointment

To: Rich Tran <rtran@ci.milpitas.ca.gov>

Cc: City Clerk <CityClerk@ci.milpitas.ca.gov>

Subject: Reappointment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Rich,

Per our conversation, I would like to be reappointed to the Parks, Recreation and Cultural Resources Commission for the next term.

Thanks again,
Ricky Davis

COMMISSION APPLYING FOR:

Parks, Recreation and Cultural Resources Commission

Title

Mr.

Name

Ricky Duane Davis

Address Type

Residence

Address**City**

Milpitas

Postal/Zip Code

95035

Mobile Number**E-Mail Address**

City Clerk's Office

JAN 29 2019

RECEIVED

Present Employer

Samaritan house

Other Phone

(408) 262-4685

Occupation

Volunteer coordinator

College, Professional, Vocational, or other schools attended

San Jose State

Major Subject

Recreation management

Degree

BS Recreation management

List community organizations to which you belong or have belonged (additional information may be attached).**Name of Organization**

Guadalupe River Park Conservancy

Member

Employee

Name of Organization

Samaritan house

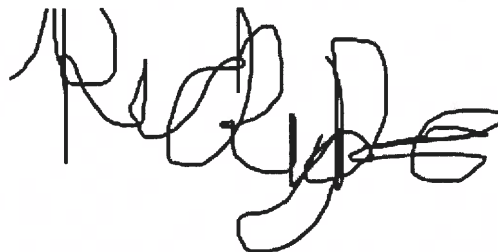
If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).**Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):**

I studied park management at West Valley College and Recreation management at San Jose state. I believe parks and recreation are a key to a healthy community

Date

Jan 28, 2019

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

Wendy Wood

Subject: FW: [BULK] PSEPC Reappointment

Importance: Low

To: Rich Tran <rtran@ci.milpitas.ca.gov>

Cc: Karen Chew <kchew@ci.milpitas.ca.gov>; Wendy Wood <wwood@ci.milpitas.ca.gov>

Subject: [BULK] PSEPC Reappointment

Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Good Evening Mayor Tran,

Thank you for your appointment on the PSEPC Commission, this is a great opportunity to serve the city and work with the group of wonderful people I knew and respected for years.

The temporary appointment will expire in June 2021, I like to continue serving in the new term, please consider me for the reappointment.

Thank you and sincerely,

Evan Gan

COMMISSION/COMMITTEE APPLYING FOR: Public Safety and Emergency Preparedness Commission

Name Evan Gan

Address Type Residence

Address [REDACTED]

City Milpitas

Postal/Zip Code 95035

Mobile Number [REDACTED]

E-Mail Address [REDACTED]

Present Employer Safe Community Initiative

Other Phone (408) 464-2036

Occupation community activist

College, Professional, Vocational, or other schools attended UC Davis, California South Bay University

Major Subject Business Development

Degree MBA

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization Alpha Phi Omega

Member yes

Name of Organization CERT

Member yes

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I have been involved in community service since young age, and have deep connection with the population I serve and am a part of. I'm used to collaboration and sensitive to people in need. I am a UC Certified mediator and has been using it the skill to help with conflicts. at this period in time, I believe i can be helpful in the commission to the community which I Love and been living in since 2001.

Date Mar 18, 2021

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

City Clerk's Office

MAR 18 2021

RECEIVED

CITY OF MILPITAS COMMISSION/COMMITTEE APPLICATION

Emergency Preparedness Commission

PROVIDE COMPLETE INFORMATION (in black ink)

COMMISSION APPLYING FOR

☒ Mr. ☐ Mrs. ☐ Miss

Name: Paul Joseph Ellis
 First Middle Last

Address: [redacted] [redacted] Milpitas 95035
 Number Street (apt. # if needed) City & Zip Code

Telephone Number(s) [redacted] e-mail address [redacted]

Retired N/A

Present Employer Business Telephone

N/A Retired

Business Address Occupation

Education: If Youth Advisory Commission applicant, indicate your grade/school: _____

College, Professional, Vocational, or other schools attended	Major Subject	Date	Degree
Frostburg University	Pre-engineering	1969	

List community organizations to which you belong or have belonged (additional information may be attached). If application is for **Veterans Commission**, indicate branch and service in any U.S. military organization (retired or active duty).

Date	Name of Organization or Branch of Military	Officer / Member

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

Over 40 years of hi-tech management experience across a variety of disciplines including marketing, product management, mergers and acquisitions, strategic planning and financial marketing on a world-wide basis. \$500M revenue responsibility, \$2+M budget and a staff of up to 30 direct contributors and first-line managers. Milpitas CERT team captain, FEMA certified CERT instructor. RACES Emergency Coordinator / Chief Radio officer for Milpitas ARES/RACES. Served first term on PSEPC ending in June 2021

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Signature

05/20/2021

Date

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. **Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.**

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

Mail, email or drop off your completed application to:

City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035, [email: mlavelle@ci.milpitas.ca.gov](mailto:mlavelle@ci.milpitas.ca.gov)

Wendy Wood

Subject: FW: [BULK] Re: Appointment Public Safety & Emergency Preparedness Commission

To: Wendy Wood <wwood@ci.milpitas.ca.gov>

Subject: [BULK] Re: Appointment Public Safety & Emergency Preparedness Commission

Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Wendy,

I would like to be considered for appointment to the open seat on the Public Safety and Emergency Preparedness Commission. If you can please forward my request to Mayor Tran for an commission appointment that would be great .

Thank You,

Joe W Nichols

COMMISSION APPLYING FOR:

Public Safety and Emergency Preparedness Commission

Title

Mr.

Name

Joe William Nichols

Address Type

Residence

Address**City**

Milpitas

Postal/Zip Code

95035

Mobile Number**E-Mail Address**

City Clerk's Office

DEC 14 2018

RECEIVED

Present Employer

Nichols Manufacturing

Other Phone

(408) 945-0911

Business Address (Optional)

913 Hanson Court

City

Milpitas

Postal / Zip code

95035

Occupation

Admin Assistant

College, Professional, Vocational, or other schools attended

Ohlone College

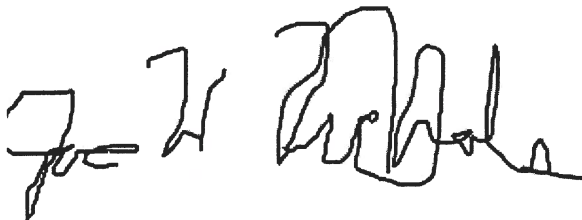
List community organizations to which you belong or have belonged (additional information may be attached).**If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).****Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):**

As a volunteer firefighter i believe i can bring a unique perspective into the Emergency planning and preparedness

Date

Dec 14, 2018

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION/COMMITTEE APPLYING FOR:	Public Safety and Emergency Preparedness Commission	
Name	Michael John Berryhill	
Address Type	Residence	
Address	[REDACTED]	
City	Milpitas	
Postal/Zip Code	95035	
Mobile Number	[REDACTED]	
E-Mail Address	[REDACTED]	

Present Employer	BCL Technologies
-------------------------	------------------

Occupation	Tech Support Manager
College, Professional, Vocational, or other schools attended	SJSU
Major Subject	Math-CompSci
Degree	Bachelor's Degree

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization	BSA Troop 92
Member	1975-Present
Name of Organization	Milpitas ARES/RACES
Member	1995-Present

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):
 Previous member of the Public Safety and Emergency Preparedness Commission.
 Current member of the Milpitas ARES/RACES (Amateur Radio Emergency Service / Radio Amateur Civil Emergency Service).
 Current member of BSA Troop 92 in Milpitas.
 Counselor for BSA's Emergency Preparedness Merit Badge.

Date	Apr 21, 2021
-------------	--------------

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Michael John Berryhill

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION/COMMITTEE APPLYING FOR: Public Safety and Emergency Preparedness Commission

Name Andrew Minh Luu

Address Type Residence

Address

City Milpitas

Postal/Zip Code 95035

Mobile Number

E-Mail Address

City Clerk's Office
APR 06 2021
RECEIVED

Present Employer BestBuy

Other Phone (408) 942-0201

Business Address (Optional) 63 Ranch Drive

City Milpitas

Postal / Zip code 95035

Occupation Sales Supervisor

Education: If Youth Advisory Commission applicant, indicate your grade/school: Bachelors (June 2021)

College, Professional, Vocational, or other schools attended California State EastBay

Major Subject Criminal Justice

Degree Bachelors

List community organizations to which you belong or have belonged (additional information may be attached).

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

Criminal Justice Education (Law enforcement and Corrections)

Supervisory Experience, provides feedback and directly reports to market and district superiors.

Responsible for personal development and progression of all employees, mentors, coaches, and enacts corrective action on all accounts.

Maintains employee and customer safety experiences, following mandated safety ordinances as per city and county.

Works with local law enforcement on fraudulent charges and activity, as well as providing information as such to investigators and detectives.

Upload a File Resume.docx

Date Apr 06, 2021

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Andrew Luu

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

Wendy Wood

Subject: FW: [BULK] STIC Commision

To: [Mary Lavelle](#)

Cc: [Rich Tran](#)

Subject: [BULK] STIC Commision

Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello Mary;

My term as a STIC commissioner has expired and would like to continue serving for STIC.
Please let me know what needs to be done.

When my term expired in January 2021, no one from the staff asked me or informed me that my term is getting expired and if I would like to continue or not. Even there are vacant commissioner spots. In the past when the commissioner term is expired the staff would ask and get reapproved from the city, like in EPC.

I do not if the regulations have changed recently about such matters.

Please advise

Thanks

--

-Nasir

Quote for the day..

"We don't have a great day, we make it a great day"

COMMISSION APPLYING FOR:

Science, Technology and Innovation Commission

Title

Mr.

Name

Kevin Viet Le

Address Type

Residence

Address**City**

Milpitas

Postal/Zip Code

95035

Mobile Number**E-Mail Address**

City Clerk's Office

FEB 13 2020

RECEIVED

Present Employer

Office of the Director of National Intelligence

Other Phone

(703) 733-8600

Business Address (Optional)

1500 Tysons McLean Dr.

City

McLean

Postal / Zip code

22102

Occupation

VSFS Intern (Remote Role)

College, Professional, Vocational, or other schools attended

University of California, Santa Cruz

Major Subject

Computer Science

Degree

Bachelors

List community organizations to which you belong or have belonged (additional information may be attached).**Name of Organization**

Selective Service System

Member

Appointed Board Member

Name of Organization

Kiwanis International

Member

Member

Name of Organization

MATHeasy & Read, Write, and Discover

Member

Math, English, and Writing Volunteer Tutor

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).**Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):**

I became extremely interested in public service when I learned about my grandpa's experience during the Vietnam War. He fought for South Vietnam in the Army of the Republic of Vietnam. He worked closely with the U.S. Army as a liaison. Without his affiliation and work with the United States, my family would not have been able to come over here.

Ever since finding that out, I have been on a path to give back and contribute to the betterment of the United States, which has given my family so much. I have been living in Milpitas for the past two decades, attending all public schools from Pomeroy Elementary to Russell Middle School, Milpitas High School, and ultimately UC Santa Cruz.

I have experience directly relatable to your commission.

- Working on technology implementation at a corporate level (ServiceNow).

- Experience with information security governance and risk management including adherence to corporate and government grade frameworks like NIST CSF, ISO 27000, CIS Security Controls, COBIT 5, and concepts from SANS (Symantec).

- Providing information technology advisory at a federal level (Office of the Director of National Intelligence).

COMMISSION APPLYING FOR:

Science, Technology and Innovation Commission

Name

Jason Wong

Address Type

Residence

Address

City

Milpitas

Postal/Zip Code

95035

Mobile Number

E-Mail Address

City Clerk's Office

DEC -7 2020

RECEIVED

Present Employer

Roblox

Business Address (Optional)

1446 Saratoga Dr

City

Milpitas

Postal / Zip code

95035

Occupation

Product Manager

Education: If Youth Advisory Commission applicant, indicate your grade/school:

Masters, Bachelors

College, Professional, Vocational, or other schools attended

Cornell University

Major Subject

Computer Science, Applied Economics and Management

Degree

Masters, Bachelors

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization

Chess for Kids

Member

Founder

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I believe that I have the critical thinking skills to understand all stakeholders within the Milpitas economy, and to ultimately improve it.

Date

Dec 05, 2020

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION APPLYING FOR:

Science, Technology and Innovation Commission

Name

Abhijit Pandey

Address Type

Residence

Address

City

Milpitas

Postal/Zip Code

95035

Mobile Number

E-Mail Address

City Clerk's Office

NOV - 2 2020

RECEIVED

Present Employer

Netgear

Occupation

Cybersecurity --Engineering

Education: If Youth Advisory Commission applicant, indicate your grade/school:

MS,MBA

College, Professional, Vocational, or other schools attended

UC-Davis

Degree

MBA

List community organizations to which you belong or have belonged (additional information may be attached).

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Date

Nov 01, 2020

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION APPLYING FOR:

Veterans Commission

City Clerk's Office

OCT - 8 2020

RECEIVED

Name

Puneet Sandhu

Address Type

Business

Address

City

Milpitas

Postal/Zip Code

95035

Mobile Number

E-Mail Address

Present Employer

Milpitas Smild Design

Other Phone

(510) 825-0445

City

Milpitas

Postal / Zip code

95035

Occupation

Dentist

College, Professional, Vocational, or other schools attended

UCLA school of dentistry

Degree

Doctor of dental surgery

List community organizations to which you belong or have belonged (additional information may be attached).

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Branch of Military

USAF

Officer

Major

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

Have several businesses in Milpitas so I am personally vested in the growth and progress of the city . I have a strong sense of community and a calling to serve my fellow veterans

Date

Oct 07, 2020

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Puneet Sandhu

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute the Master Joint Use Agreement for Open Space with the Milpitas Unified School District
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	6/21/2021
Staff Contact:	Renee Lorentzen, 408-586-3409
Recommendation:	Approve and Authorize the City Manager to Execute the Master Open Space Joint Use Agreement with the Milpitas Unified School District

Background:

The City of Milpitas and the Milpitas Unified School District (MUSD) have a long-established history beginning in 1988 of agreed joint mutual use of each agency's open space, including but not limited to fields, parks, and courts. This type of partnership maximizes available outdoor spaces in benefit of Milpitas residents through the provision of quality outdoor learning, sports, recreation, physical education, and event spaces. Over the last 33 years, several iterations of joint use agreements have been implemented, adding and removing certain properties due to the addition of new public open spaces, new schools, changing community interests, and evolving programming and/or curriculum. The most recent joint use agreement for general open space was approved in 2015. Special area joint use agreements for the Russell Bobbysox fields and the McCandless Park/Mattos School were approved in 2010 and 2021 respectively.

In 2020, the MUSD requested an amendment to the Russell Bobby Sox Fields Joint Use Agreement, in anticipation for Bond Project work at the athletic fields at Russell Middle School. The planned renovation of the Russell Middle School site would result in the renovation of the field grounds which currently includes four (4) softball fields, a track, a multi-use field, and two (2) regulation softball fields, and the demolition of the snack shack. Project construction at the school site is starting in late June 2021.

At the August 4, 2020 City Council meeting, Council directed staff to find an alternative location for girls softball programs in Milpitas so that they could consider an amendment to the joint use agreement knowing an alternative location was identified. At the February 11, 2021 City Council meeting, City Council adopted the 2022-2026 Capital Improvement Program Plan which includes a new project for Softball Fields at Cardoza Park; however, a funding source still needs to be identified for this project with an estimated cost of \$5 million. Therefore, in the interim, the girls' softball program will continue at Dixon Landing Park.

Analysis:

In response to the Council direction received on August 4, 2020 and the extended amount of time since the last general open space joint use agreement was reviewed and approved, representatives from the City of Milpitas and MUSD began meeting in spring of 2021 to discuss the Master Joint Use Agreement (JUA) for Open Space. The purpose of this JUA is to memorialize the mutual use of each agency's open space, including but not limited to fields, parks, and courts. This type of partnership maximizes available outdoor spaces in benefit of Milpitas residents through the provision of quality outdoor learning, sports, recreation, physical education, and event spaces. There are over 277 acres and 48 open space City and District properties included in the Open Space JUA.

The agreement terms reflect the current practice for use of each agency's open space. It is structured to provide general terms of access including coordination and scheduling to each agency's properties, with supporting exhibits for properties, as applicable, noting special uses outside of the Open Space JUA's general terms.

Agreement Term

The term of the agreement is approximately ten (10) years starting on the date of full execution until December 31, 2031. The JUA would continue from year to year unless terminated earlier by one or both of the agencies. Subject to the dispute resolution procedures outlined in the agreement, either party could terminate the agreement if 1) there was a breach in the agreement, and the alleged breaching agency could not fix the issue within ten (10) days, or 2) if unforeseen circumstances such as unfavorable financial conditions, unforeseen loss of revenue or funding, or an unforeseen need for the exclusive use of a facility or site. Termination for unforeseen circumstances requires a one (1) year written notice to the other party.

Access and Mutual Use

Per the agreement's general terms, each agency retains the priority use of their own properties. The MUSD would have use of City open space properties outside of any scheduled City programmed use or recreation programs, City staff classes, activities, exercises or functions, or previously permitted use by private parties or other agencies. The City would have use of MUSD open space when such use does not conflict with the MUSD's use, such as any time when school is not in session, which is typically the months of mid- August through early June after 4:00 PM for elementary schools and 6:30 PM for middle and high schools (including Summer School, which varies in location and hours depending on District student needs), on weekends, and after any scheduled MUSD special program use, or previously permitted use by private parties or other agencies.

Exhibits

For JUA properties that currently have special mutual uses, separate exhibits describe terms outside of the general agreement terms. These locations and their existing special uses are summarized below:

City Properties:

Cardoza Park Softball Field

- Captures existing Calaveras Hills Highschool use of Cardoza Park Softball field for school team sports and other student sports activities

Gill Park Softball Field

- Captures existing Calaveras Hills Highschool use of Gill Park Softball field for school team sports and other student sports activities
- Identified SFPUC Easement

Milpitas Sports Center Turf Fields

- Captures Calaveras Hills Highschool use of Milpitas Sports Center fields field for school team sports and other student sports activities
- Allows for after hours use of the fields for the annual Calaveras Hills Highschool Graduation ceremony, free of use fees

MUSD Properties:

Cesar Chavez Community Garden

- Captures existing Community Garden infrastructure as installed by the City
- Defines garden access hours and trail access hours
- Defines responsibility of City maintenance, and improvements to garden, trail and paved access roads, metered electric and utilities for field lighting and irrigation
- Identifies three (3) garden plots for Weller Elementary and Sunnyside Preschool outdoor learning
- Identifies SFPUC Easement

Curtner Elementary School Field

- Captures existing youth soccer field use and City installed lighting and water utility infrastructure
- Defines maintenance on MUSD property by City
- Defines cost share through City maintenance, metered electric and utilities for field lighting and irrigation
- Identifies PG&E Easement

Rancho Middle School Trail Access Path

- Captures City improvement of a Trail access path on the property
- Defines public access hours to trail access path
- Defines maintenance and improvements of trail access path on MUSD property by City

Russell Middle School Softball Fields

- Captures MUSD-led changes to the existing JUA area
- Approves the demolition of the existing snack shack (City property) to allow for the new field renovations
- Commits City and MUSD staff to meet annually in 2022 and 2023 to monitor needed softball program field access and subsequently any future cost sharing discussions for the maintenance and utilities costs resulting from significant softball program use.

Other significant terms in the Open Space JUA's include the days and hours of use, ancillary fees, existing 3rd party easements on JUA properties (i.e. SFPUC), maintenance and repairs, site improvements, insurance, and agreement terminations and related notifications.

Next Steps:

Following the approval of the Open Space JUA, City and MUSD staff will continue discussions to incorporate the responsibility for maintenance and repair of existing pathways along parks and schools as a future amendment to the recommended Open Space JUA. Additionally, both agencies will convene to develop a Master Indoor Facilities JUA which will be brought back to City Council for approval by the end of the calendar year.

Fiscal Impact:

The Master JUA reflects the current relationship between the City and MUSD including responsibility for maintenance and operating costs for use of each other's open space facilities. Therefore, there is no fiscal impact associated with the approval of the Master Joint Use Agreement for Open Space with the Milpitas Unified School District.

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 Agreement merely memorializes the existing arrangement between the parties. Further, this agreement does not allow for any new development but will allow for routine maintenance and repair of existing facilities which is exempt from CEQA pursuant to CEQA Guideline 15301.

Recommendation:

Approve and Authorize the City Manager to Execute the Master Joint Use Agreement for Open Space with the Milpitas Unified School District.

Attachments:

Draft Master Joint Use Agreement for Open Space

**JOINT USE AGREEMENT BETWEEN
CITY OF MILPITAS
AND MILPITAS UNIFIED SCHOOL DISTRICT
FOR OPEN SPACE**

This Joint Use Agreement (“Agreement”) is made and entered into this ____ day of _____, 2021 (“Effective Date”), by and between the City of Milpitas, a municipal corporation of the State of California (“City”) and the Milpitas Unified School District, a California public school district (“District”). City and District are sometimes referred to individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, Education Code Section 10900, *et seq.*, of the State of California authorizes and empowers school districts and cities to “organize, promote, and conduct programs of community recreation;” to establish systems of playgrounds and recreation; and to acquire, improve, maintain, and operate recreation centers within or without the territorial limits of such districts; and

WHEREAS, City and District desire to establish a basis for the cooperative use of District open space and City open space; and

WHEREAS, it is in the community’s interest that the usage of open space of the City and District be maximized; and

WHEREAS, City is the owner of certain real properties identified in Section 2 of this Agreement, located in Milpitas, California (“City Sites”); and

WHEREAS, District is the owner of certain real properties identified in Section 3 of this Agreement, located in Milpitas, California (“District Sites”); and

WHEREAS, the Parties now wish to establish one comprehensive agreement, superseding all prior agreements executed from 1988 to 2016, that addresses the Parties’ respective access of each other’s open space for the community’s use; and

WHEREAS, in the interest of providing recreation programs to the community with the least possible expenditure of public funds, full cooperation between the City and District is both necessary and desirable.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the Parties agree as follows:

1. Term of Agreement. The Term of this Agreement shall be for approximately ten (10) years commencing on the Effective Date, and shall remain in effect until December 31, 2031, and shall continue from year to year unless terminated earlier pursuant to the termination provisions set forth in this Agreement.

2. Use of City Sites.

A. City Sites subject to this Agreement are:

- i. General Use Areas (Exhibit C-1)

ii. Specific Use Areas:

- Cardoza Park Softball Field (Exhibit C-2)
- Gill Park Softball Field (Exhibit C-3)
- Milpitas Sports Center Turf Fields (Exhibit C-4)

Other real property owned by the City not expressly identified in the Exhibits (“Other Property”) shall not be considered City Sites subject to the terms of this Agreement. Use of Other Property shall be subject to an amendment to this Agreement.

B. City’s Use. Unless otherwise specified in the Exhibits to this Agreement, the City’s use of the sports courts, paved surfaces, pools, sports turf areas, playgrounds, and parking lots (“City Facilities”) located on the City Sites for any purpose shall take precedence and priority over the District’s or any other person or entity’s use. “City’s Use” includes use of the City’s Facilities, without limitation:

- i. Use during any time when a scheduled recreation program is in session;
- ii. Use during any time that has been scheduled in advance by City staff for classes, activities, exercises, or functions; and
- iii. Use during any time when the City has permitted another person or entity to use the City Facilities for specific event(s) or activity(ies). District acknowledges and agrees that City may have existing, pre-scheduled use that cannot be re-scheduled to accommodate City’s use. In this event, District shall have second priority behind the existing and pre-scheduled use.

C. District’s Use. The District may use the City Facilities when such use does not conflict with the City’s use. District’s right of use shall be non-exclusive.

3. Use of District Sites.

A. District Sites subject to this Agreement are:

- i. General Use Areas: (Exhibit D-1)
- ii. Specific Use Areas:
 - Cesar Chavez Community Garden (Exhibit D-2)
 - Curtner Elementary School Field (Exhibit D-3)
 - Rancho Middle School Trail Access Path (Exhibit D-4)
 - Russell Middle School Softball Fields (Exhibit D-5)

Other real property owned by the District not expressly identified in the Exhibits (“Other Property”) shall not be considered District Sites subject to the terms of this Agreement. Use of Other Property shall be subject to an amendment to this Agreement.

B. District’s Use. Unless otherwise specified in the Exhibits to this Agreement, the District’s use of the sports courts, paved surfaces, pools, sports turf areas, playgrounds, and parking lots (“District Facilities”) located on the District Sites for any purpose shall take precedence and

priority over the City's or any other person or entity's use. "District's Use" includes use of the District's Facilities, without limitation:

- i. Use during any time when school is in session, which is typically the months of mid-August through early June from 7:00 AM – 4:00 PM for Elementary School sites and 7:00 AM – 6:30 PM for Middle and High Schools sites, including Summer School, which varies in location and hours depending on District student needs;
- ii. Use during any time when school is not in session for special District-sponsored events;
- iii. Use during any time that has been scheduled in advance by the various school principals or other school officers for classes, activities, exercises, or functions; and
- iv. Use during any time when the District has permitted another person or entity to use the District Facilities for specific event(s) or activity(ies). City acknowledges and agrees that District may have existing, pre-scheduled use that cannot be re-scheduled to accommodate City's use. In this event, City shall have second priority behind the existing and pre-scheduled use.

C. City's Use. The City may use the District Facilities when such use does not conflict with the District's use. City's right of use shall be non-exclusive.

4. Use of Parties' Facilities.

A. Coordination Meetings. District and City shall establish a master schedule of facilities, dates, and times for the use of the District and City Facilities ("Master Schedule") at semi-annual coordination meetings. The first meeting shall occur on or before [August 31] of each year. The purpose of the first meeting shall be to coordinate the schedule for each Party's uses of the facilities for the District and City Sites and to avoid conflict between District, City, and third-party users, to resolve any issues concerning maintenance or renovation of the Facilities, and to address any of the Parties' concerns or issues arising under this Agreement. The Parties will also meet as needed to discuss any necessary repairs or maintenance issues, ongoing scheduling, and/or use issues associated with the Facilities.

B. Process to Request/Schedule Facility Use. The Parties shall follow the following process in scheduling use of the other Party's Facilities:

- i. City staff is responsible for scheduling City Facilities.
- ii. District staff is responsible for scheduling District Facilities.
- iii. All users are required to complete appropriate District or City permit forms, pay applicable fees, and meet insurance requirements set by the District and City in order to request use of District and/or City Facilities.
- iv. Non-City and non-District users will be scheduled based on remaining facility availability and on a "first come, first served" basis.
- v. Once each Party has developed a schedule for its own Facilities usage, designated staff from each Party will provide the other Party with the proposed schedule.

- vi. Once the Parties agree to a Master Schedule, each Party's scheduled use of the Facilities shall receive priority over all other use, except as may be otherwise required by law or mutual written agreement of the Parties.

C. Facility Use - Unforeseen Occurrences

- i. Notwithstanding any other provision of this Agreement, in the event of unforeseen occurrences, including but not limited to, unscheduled maintenance or repair of City Facilities, weather conditions, or scheduling conflicts with respect to previously scheduled use of City Facilities, City shall have the right to free occasional use of District Facilities at City's discretion.
- ii. Notwithstanding other provision of this Agreement, in the event of unforeseen occurrences, including but not limited to, unscheduled maintenance or repair of District Facilities, weather conditions, or scheduling conflicts with respect to previously scheduled use of District Facilities, District shall have the right to free occasional use of City Facilities at the District's discretion.

D. Ancillary Fees.

- i. City shall pay an "Ancillary Fee" (Exhibit E) related to the direct costs to District for City's use of District Facilities. The direct costs shall include, but not be limited to, costs for District staff required to be present at the District Facilities during City's use. All users will be required to pay the fees for the District Facilities as outlined in Exhibit E. District will endeavor to provide an annual fee schedule for this Exhibit E by no later than May 31st of each year, if known. If not provided by June 30, the fee schedule from the previous year shall apply until an updated fee schedule is submitted.
- ii. District shall pay an "Ancillary Fee" related to the direct costs to City for District's use of City's Facilities. The direct costs shall include, but not be limited to, costs for City staff required to be present at the City Facilities during District's use. All users will be required to pay the fees for the City Facilities as outlined in Exhibit E. City will endeavor to provide an annual fee schedule for this Exhibit E by no later than May 31st of each year, if known. If not provided by June 30, the fee schedule from the previous year shall apply until an updated fee schedule is submitted.

E. Third Party Easements.

- i. The Parties recognize that there may be existing third party easements in, on, over, and throughout a particular District Site for the purpose of constructing, installing, or maintaining utilities and/or services for the benefit of the Site, or for other purposes reasonably related to the operation of the Site. District shall notify City of any conditions requiring a third party easement holder to perform construction, installation, maintenance or other services on the District Site or any portion thereof. If possible, such notification shall be provided at least seventy-two (72) hours in advance of the activities and/or services to be performed by the third party easement holder. The District will be responsible to ensure that the third party easement holder return the Site to its previous condition.

- ii. The Parties recognize that there may be existing third party easements in, on, over, and throughout a particular City Site for the purpose of constructing, installing, or maintaining utilities and/or services for the benefit of the Site, or for other purposes reasonably related to the operation of the Site. City shall notify District of any conditions requiring a third party easement holder to perform construction, installation, maintenance or other services on the City Site or any portion thereof. If possible, such notification shall be provided at least seventy-two (72) hours in advance of the activities and/or services to be performed by the third party easement holder. The City will be responsible to ensure that the third party easement holder return the Site to its previous condition.

5. Maintenance.

- A. City Maintenance. Unless otherwise specified in the Exhibits to this Agreement, City agrees to provide, at its own cost and expense, any and all maintenance for the City Facilities. Maintenance to be provided by City shall be staffed by City personnel, be consistent with normal maintenance levels as applied to other comparable City Facilities and shall insure safe and healthful use. Maintenance to be provided by City shall also include payment by City, at its own cost and expense, any and all utility costs, including without limitation, electricity, water, and refuse removal costs.
- B. District Maintenance. Unless otherwise specified in the Exhibits to this Agreement, District agrees to provide, at its own cost and expense, any and all maintenance for the District Facilities. Maintenance to be provided by District shall be staffed by District personnel, be consistent with normal maintenance levels as applied to other comparable District Facilities and shall insure safe and healthful use. Maintenance to be provided by District shall also include payment by District, at its own cost and expense, any and all utility costs, including without limitation, electricity, water, and refuse removal costs.

6. Custodial. Unless otherwise specified in the Exhibits to this Agreement, each Party agrees to provide, at its own cost and expense, any and all custodial services for their respective facilities for special, on-going uses of District or City Facilities. Each Party will return utilized space in a clean and useable manner after each use which includes the removal and proper disposal of trash. If either Party fails to adhere to the provisions of this Section, that Party may be charged applicable fees and billed directly as extra cost under this Agreement.

7. Repairs.

- A. District shall be responsible for the cost of repair and/or replacement of any damage to City Facilities, including fixtures and improvements with the City Facilities that are lost, damaged, or stolen during and/or as the result of District's use of City Facilities, normal wear and tear excepted. District shall promptly notify City upon District's actual knowledge of any loss or damage to the City Facilities of which the District becomes aware during and/or in conjunction with District's use of same.
- B. City shall be responsible for the cost of repair and/or replacement of any damage to District Facilities, including fixtures and improvements that are lost, damaged, or stolen during and/or as the result of City's use of District's Facilities, normal wear and tear excepted. City shall promptly notify District upon City's actual knowledge of any loss or damage to the District's Facilities of which City becomes aware during and/or in conjunction with City's use of same.

8. Site Development. Should the Parties agree to jointly fund and/or develop a facility, site-specific agreements would be developed to address details required for satisfactory design, construction, maintenance, repair, renovation, use, and other items which have not been anticipated in this Agreement. Once such sites are developed, a site specific exhibit will be added to this Agreement or an existing site specific exhibit amended, as applicable.

9. Improvements.

A. Existing Improvements.

- i. Each Party shall retain its existing ownership interest in and to its Sites and any improvement(s) existing thereon as of the Effective Date of this Agreement. No past, present, or future use of any of the Sites pursuant to this Agreement shall be interpreted as conveying any ownership or other property interests in any of the Sites.
- ii. In the event of sale, redevelopment, and/or reconstruction of a particular Site, the Party who owns the Site ("Owner") shall notify the Party who owns the improvement(s) existing thereon ("Improvement Owner") of its request to remove the improvement(s) at least six (6) months prior to the intended date of removal. The Owner shall provide payment to the Improvement Owner, if requested by the Improvement Owner, for the value of the improvement(s) requested to be removed. If the parties cannot agree on the value, the parties shall jointly select an independent, third-party appraiser who shall determine the value of the improvement requested to be removed. The appraised value of the improvement shall be the amount to be paid by the Owner to the Improvement Owner.
- iii. In the event the Improvement Owner chooses to vacate the Owner's site, the Improvement Owner shall provide at least six months notice prior to the intended date of vacating the site. The Improvement Owner shall be solely responsible to remove all improvements and return the site to a safe condition at the Improvement Owner's expense unless the Owner provides permission to vacate without removal of the improvement.

B. Additional Improvements. Either Party may make additional capital or non-capital improvements to any Site owned by the other Party, subject to a separate agreement by the Parties. The separate agreement shall address, at a minimum, responsibility for all costs associated with any improvements, responsibility for compliance with California Environmental Quality Act (CEQA), the Division of State Architects (DSA), the Department of Toxic Substances Control (DTSC), or the California Department of Education (CDE), and the terms of construction delivery including contracting with the architect and contractor. Once such improvements are developed, a site specific exhibit will be added to this Agreement or an existing site specific exhibit amended, as applicable.

10. Insurance.

Each Party shall maintain the following programs of insurance coverage:

- A. General Liability insurance with limits of not less than the following, and naming the other part as an additional insured:

General Aggregate:	\$2 million
Personal Injury:	\$1 million

Each Occurrence: \$1 million

- B. Workers' Compensation and Employers Liability insurance providing workers' compensation benefits, as required by the State of California.
- C. The insurance coverage requirements in this Section shall be subject to review and adjustment to reflect coverage recommended by the parties' insurance advisors over the term of this Agreement. Any such adjustment shall be set forth in a written amendment to the Agreement signed by both Parties.

11. Indemnification.

- A. Indemnification of District. To the furthest extent permitted by California law, City shall protect, defend, indemnify, and hold harmless District and its officers, agents, representatives, consultants, employees, and volunteers ("District's Indemnified Parties") from any and all demands, liabilities, losses, damages, injury, claims, suits, and actions ("Claims against the City") of any kind, nature, or description, including, but not limited to, personal injury, death, property damage, and consultants' and/or attorneys' fees and costs, directly or indirectly arising out of, connecting with or resulting from the performance of the Agreement or from any activity, work, or thing done, permitted, or suffered by the City in conjunction with this Agreement except to the extent that the Claims against the City are not caused by the negligence or willful misconduct of the District's Indemnified Parties. The District shall have the right to accept or reject any legal representation that City proposes to defend the District's Indemnified Parties.
 - B. Indemnification of City. To the furthest extent permitted by California law, District shall protect, defend, indemnify, and hold harmless City and its officers, agents, representatives, consultants, employees, and volunteers ("City's Indemnified Parties") from any and all demands, liabilities, losses, damages, injury, claims, suits, and actions ("Claims against the District") of any kind, nature, or description, including, but not limited to, personal injury, death, property damage, and consultants' and/or attorneys' fees and costs, directly or indirectly arising out of, connecting with or resulting from the performance of the Agreement or from any activity, work, or thing done, permitted, or suffered by the District in conjunction with this Agreement except to the extent that the Claims against the District are not caused by the negligence or willful misconduct of the City's Indemnified Parties. The City shall have the right to accept or reject any legal representation that District proposes to defend the City's Indemnified Parties.
12. Termination For Cause. Failure of a Party to comply with any provision of this Agreement and/or Exhibit to this Agreement shall constitute a breach. The Party alleging breach (the "Noticing Party") shall provide written notification to the other Party (the "Breaching Party") identifying the alleged breach. The Breaching Party shall have ten (10) business days ("Cure Period") to cure said breach. If the Breaching Party does not cure the breach within the Cure Period, the Noticing Party, may, pursuant to the dispute resolution process set forth in Section 14 of this Agreement, a) suspend its performance under this Agreement and if applicable, suspend the Breaching Party's use of the Site until the breach is cured, or b) terminate this Agreement without regard for any remaining term provided by this Agreement or early termination rights provided herein. Upon termination of this Agreement, all ongoing obligations of either Party shall also terminate.
13. Termination For Unforeseen Circumstances. Notwithstanding Section 12 of this Agreement, either Party may terminate this Agreement due to unforeseen circumstances upon one (1) year's written

notice to the other Party. For purposes of this Section, “unforeseen circumstances” means unfavorable financial conditions of the noticing Party, either Party’s unforeseen loss of revenue or funding, or the noticing Party’s unforeseen need for the exclusive use of a facility or site.

14. Dispute Resolution. In the event of any dispute arising under the terms of this Agreement, the Parties shall follow the dispute resolution procedures below.

- A. Meet and Confer. The Parties shall meet and confer with the objective of resolving any dispute, controversy, or claim arising out of or relating to this Agreement (“Dispute”) within seventy-two (72) hours of the request of either Party.
- B. Non-binding Mediation. If, within seven (7) calendar days, or such longer period as may be agreed upon by the Parties, the Dispute cannot be resolved to the Parties’ mutual satisfaction, either Party may request that a non-binding mediation take place. In such mediation, representatives of the Parties with the authority to resolve the Dispute shall meet with a mutually agreed upon mediator. If the Parties are unable to agree upon a mediator, then either Party may request the American Arbitration Association to appoint a mediator. The mediator’s fee and expenses shall be paid one-half by each Party. Absent written agreement of the Parties to the contrary, the mediation process shall be completed or terminated within forty-five (45) days of the initial request for mediation.
- C. Arbitration. In the event that the Parties are unable to resolve the Dispute through non-binding mediation, if elected, the issues in dispute may, upon mutual election by the Parties, be submitted to arbitration pursuant to California Code of Civil Procedure Section 1280 *et seq.* Should the Parties agree to arbitration, the Parties may also choose to agree on whether such arbitration shall decide each and every dispute in accordance with the laws of the State of California, or whether such arbitration shall be non-binding in nature. Nothing herein shall limit the Parties’ rights to any formal judicial determination.

15. Superseding All Prior Agreements. This Agreement sets forth the entire understanding of the Parties relating to the joint use of each Party’s Facilities located on the District and City Sites, and supersedes all prior understandings relating to them, whether written or oral. There are no obligations, commitments, representations, or warranties relating to the facilities except those expressly set forth in this Agreement.

16. Notice.

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

City of Milpitas
455 E. Calaveras Boulevard
Milpitas, California 95035
Attn: City Manager

Milpitas Unified School District
1331 E. Calaveras Boulevard
Milpitas, CA 95035
Attn: Superintendent

and shall be effective upon receipt thereof.

17. General Provisions.

- A. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.
- B. Incorporation of Recitals and Exhibits. The Recitals and Exhibits herein are deemed true and correct, are hereby incorporated into this Agreement as though fully set forth herein, and the Parties acknowledge and agree that they are bound by the same. In the event of any conflict between this Agreement and the Exhibits to this Agreement, the Exhibits shall govern.
- C. Force Majeure. Notwithstanding any other terms and conditions hereof, in the event that a party is materially unable to perform any of its obligations hereunder because of severe weather, natural disasters, epidemics, riots, wars, acts of terrorism, governmental action or other events of force majeure beyond the party's control, then such party shall, upon written notice to the other party hereof, be relieved from its performance of such obligations to the extent, and for the duration that such performance is prevented by such events; provided that such party shall at all times use its best efforts to resume such performance.
- D. Compliance with Law. Each Party agrees to comply with all federal, state and local laws, statutes, codes, ordinances, rules, regulations, policies and requirements (collectively, "Law") regarding their respective use of the Facilities under this Agreement. The Parties further agree that they shall not cause Facilities to be used, occupied, or improved under this Agreement in any manner or for any purpose that is in any way in violation of any Law. If any license, permit, or other governmental authorization is required for either Party's lawful use of the Facilities, such affected Party shall procure and maintain same to the extent required by Law. Each Party shall be solely and completely responsible for the safety of all persons and property associated with their respective use of the Facilities, and all materials, equipment, and supplies provided by such Party during said use shall fully conform to all applicable Law.
- E. No Assignment of Rights. No rights that District or City has under this Agreement may be assigned to any other person(s), entity, agency, or corporation without prior written approval of the other Party.
- F. Non-Discrimination. Neither Party shall employ any discriminatory practices in its performance hereunder, including its employment practices, on the basis of sex, race, color, religion, national origin, ancestry, age, sexual orientation, or physical or mental disability.
- G. Independent Contractor. This Agreement is by and between two independent entities and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association.
- H. Laws and Venue. This Agreement 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 Agreement, the action shall be brought in a state or federal court situated in the County of Santa Clara, State of California.
- I. Entire Agreement. This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.

- J. Approval and Amendment of Exhibits. Notwithstanding the provisions of Section 16.I, any addition to, amendment to, or termination of the Exhibits attached hereto shall take effect only after being approved by both Parties.
- K. Entry and Inspection. Each Party reserves, and shall always have the right, to enter upon the Party's respective sites at reasonable times for the purpose of viewing and ascertaining the condition of the sites.
- L. Third Party Beneficiaries. Nothing in this Agreement shall be construed to confer any rights upon any party not a signatory to this Agreement.
- M. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, legal representatives, successor, and assigns.
- N. Waiver. The waiver by either Party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.
- O. Counterparts. This Agreement may be signed in multiple counterparts, which, when taken together, shall constitute a single signed original, as though all Parties had signed the same Agreement.
- P. Captions. The captions contained in this Agreement are for convenience of reference only and shall not affect the interpretation of this Agreement.
- Q. Joint Preparation. This Agreement shall be deemed to have been prepared jointly by the Parties, and the usual rule that the provisions of a document are to be construed against the drafter shall not apply.

**SIGNATURE PAGE FOR JOINT USE AGREEMENT BETWEEN
CITY OF MILPITAS AND MILPITAS UNIFIED SCHOOL DISTRICT
FOR OPEN SPACE**

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

CITY OF MILPITAS

Approved By:

Steven G. McHarris, City Manager

Date

Approved As To Form:

Christopher J. Diaz, City Attorney

Approved:

Lauren Lai, CPA, MPA, Finance Director/Risk
Manager

Approved As To Content:

Renee Lorentzen, Recreation and Community
Services Director

MILPITAS UNIFIED SCHOOL DISTRICT

Cheryl Jordan, Superintendent

Date

DIR Registration Number (If Applicable)

[EXHIBITS]

City of Milpitas General Use Areas		EXHIBIT: C-1	
Property Owner:	City of Milpitas		
Property Address:	NA		
Property Acreage:	181.28		

Park/Complex Name	Park Acreage
Alviso Adobe	2.26
Sunnyhills Augustine Memorial Park	6.2
Bob McGuire Park	3
Ben Rodgers Park	8.66
Calle Oriente Park	0.35
Cardoza Park	10.15
Cerano Park	1
Creighton Park	5
Dixon Landing Park	11.4
Foothill Park	3.98
Gill Memorial Park	8.16
Hall Memorial Park	9.91
Hidden Lake Park	6.57
Higuera Adobe Park	4.8
Hillcrest Park	5.08
John McDermott Park	0.94
Jones Memorial Park	4.93
McCandless Park **	4
Milpitas Sports Center Complex	24.4
Murphy Park	8.3
O'Toole Elms Park	1.63
Parc Metro East	2.06
Pecot Park	3
Pinewood Park	9.88
Robert E. Browne Park	4.93
Russell Fields JUA	8
Sandalwood Park	3.88
Selwyn Park	0.23
Sinnott Park	4.67
Skatepark	0.46
Starlite Park	3.44
Strickroth Park	4.87
Tom Evatt Park	4.42
Traverse Park Phase 1	0.72
Total	181.28

** Separate Joint Use Agreement

Joint Use Area: Cardoza Park Softball Field		EXHIBIT: C.2	
Property Owner:	City of Milpitas	Other Agency Easements: None	
Property Address:	1525 Kennedy Dr.		
Property Acreage:	10.0 Acres		

Description of Area: The Cardoza Park Softball Field area includes one (1) softball field, bleacher seating and walking paths.
Hours of Use: The District may have use of the property during regular school hours until 3:00 PM, or as mutually agreed upon by the District and City.
Terms of Use: The District will shall have access to the site property for the majority use of Calaveras Hills High Physical Education program but not limited to and other student sports activities.
Cost Share: The District shall be solely responsible for all custodial staff costs, including costs related to area amenities (i.e., restrooms), for use of the property during non-regular business hours (after 5pm on weekdays and all day on weekends).

Joint Use Area: Gill Park Softball Field		EXHIBIT: C.3	
Property Owner:	City of Milpitas	Other Agency Easements: SFPUC	
Property Address:	611 Paseo Refugio Dr.		
Property Acreage:	8.0 Acres		

Description of Area: The Gill Park Softball Field area includes one (1) softball field, bleacher seating and walking paths.
Hours of Use: The District may have use of the property during regular school hours until 3:00 PM, or as mutually agreed upon by the District and City.
Terms of Use: The District will shall have access to the site property for the majority use of Calaveras Hills High Physical Education program but not limited to any other student sports activities.
Cost Share: The District shall be solely responsible for all custodial staff costs, including costs related to area amenities (i.e., restrooms), for use of the property during non-regular business hours (after 5pm on weekdays and all day on weekends).

Joint Use Area: Milpitas Sports Center Turf Fields		EXHIBIT: C.4	
Property Owner:	City of Milpitas	Other Agency Easements: None	
Property Address:	1325 E. Calaveras Blvd.		
Property Acreage:	5.0 Acres		

Description of Area: The Milpitas Sports Center Turf Fields area includes one (1) multi-use football and soccer field, one (1) multi-use soccer field, and two (2) volleyball courts, bleacher seating and walking paths.
Hours of Use: The District may have use of the property during regular school hours until 3:00 PM, or as mutually agreed upon by the District and City.
Terms of Use: 1. The District will shall have access to the site property for the majority use of Calaveras Hills High Physical Education program but not limited to and other student sports activities. 2. The District shall have access to the property for the Calaveras Hills High School Graduation ceremony, typically held on the first weekend in June.
Cost Share: Except for the Calaveras Hills High School Graduation ceremony, the District shall be solely responsible for all custodial staff costs, including costs related to area amenities (i.e., restrooms), for use of the property during non-regular business hours, after 5pm on weekdays and all day on weekends.

Milpitas Unified School District General Use Areas		EXHIBIT: D-1	
Property Owner:	Milpitas Unified School District		
Property Address:	NA		
Property Acreage:	89.55		

SCHOOL NAME	OPEN SPACE ACREAGE
Burnett Elementary School	7.61
Curtner Elementary School	6.52
Mattos Elementary School **	6.7
Milpitas High School	18.37
Pomeroy Elementary School	3.71
Rancho Middle School	16.79
Randall Elementary School	5.99
Rose Elementary School	5.1
Russell Middle School	11.59
Sinnott Elementary School	4.06
Spangler Elementary School	3.55
Weller Elementary School	4.05
Zanker Elementary School	2.21
TOTAL	96.25

** ** Separate Joint Use Agreement

Joint Use Area: Cesar Chavez Community Garden		EXHIBIT: D.2	
Property Owner:	Milpitas Unified School District	Other Agency Easements: SFPUC	
Property Address:	345 Boulder Street		
Property Acreage:	1.2 Acres		

Description of Area:

1. The Milpitas Cesar Chavez Community Garden is east of Weller Elementary School. The City improved the property by installing garden infrastructure including irrigation, utilities, perimeter fencing north of Sunnyhills Augustine Park.
2. The Hetch Hetchy Trail Access Path is approximately 600 feet long and runs north to south on the west side of the Cesar Chavez Community Garden. The Trail Access Path provides safe access to surrounding parks and Weller Elementary School.

Hours of Use:

1. The City shall have use of the Cesar Chavez Community Garden seven days a week, year-round, from 8:00 a.m. to sunset.
2. The Trail Access Path shall be available to the public, seven days a week, year-round, dawn to dusk.

Terms of Use:

1. Cesar Chavez Community Garden
 - a. City shall assume sole responsibility for the management and oversight of the property, in accordance with the terms of the Agreement, including but not limited to, all programs, events, and services related to the Cesar Chavez Community Garden.
 - b. Weller Elementary School and Sunnyhills Preschool shall be allotted three (3) garden plots for school educational purposes, with the third plot assigned as it becomes available.
 - c. Vehicular access to the identified property shall be restricted to delivery or pick-up of gardening equipment and supplies for gardeners, and for City maintenance purposes only. Vehicular access is restricted to Boyd St. Parking shall otherwise be off-site on Dixon Landing Road or other adjacent streets.
 - d. No power equipment such as rototillers will be allowed before 9:30 a.m. or after 6:00 p.m. daily.
2. Trail Access Path
 - a. The City shall maintain on District property a Trail Access path for residents to safely access the surrounding parks and Weller Elementary School.
 - b. Any District perimeter/safety fencing on the property shall not include the path area. The space between the path and said fencing shall be at least 12" to allow for maintenance and repair.

Maintenance & Improvements:

1. Cesar Chavez Community Garden
 - a. The City shall be responsible for all maintenance of the property, including the fencing around the garden.
 - b. No pesticides shall be used on the property due to State School Pesticide restrictions.
 - c. Any additions, modifications, or capital improvements to the property must be reviewed by the District Superintendent or his/her authorized representative for final approval prior to the commencement of any project.
 - d. The City shall be responsible for all maintenance of the City-installed paved access road at Boulder and Boyd Street, sidewalk entrance/exit to the garden.
2. Trail Access Path

- a. The City shall be responsible for all maintenance and any additions, modifications or capital improvements to the Trail Access Path, including the sidewalk and bollards at Dixon Landing Road.

Cost Share:

1. The cost of maintenance, utilities, and any additions, modifications or capital improvements to the property shall be the sole responsibility of the City.
2. If the District sells the property in which the Community Garden is on, the City, at its own cost and expense, shall remove the sewer line within three (3) months of City's receipt of written request by the new owner.

Joint Use Area: Curtner Elementary School Field		EXHIBIT: D.3	
Property Owner:	Milpitas Unified School District	Other Agency Easements: PG&E	
Property Address:	275 Redwood Dr.		
Property Acreage:	6.5 Acres		

Description of Area:

The Curtner Elementary School Field area consists of open space typically used for youth soccer. The field property line is adjacent to the City of Milpitas Hall Park and field. Infrastructure for field lighting and irrigation in the joint use area is located on both City and District property. (See Map Exhibit D.3.1)

Hours of Use:

The City may have use of the Curtner Elementary School Field per the master JUA.

Terms of Use:

1. Any school site perimeter/safety fencing shall be swing, retractable, or removable so as not to impede on the joint use area or Access Path.
2. The City and third-party users shall have restricted access to the property for equipment for the lining of fields for games played outside of District related events, programs, graduations, and ceremonies. City will inform District prior to lining the field.

Maintenance & Improvements:

1. The City shall be responsible for all field maintenance.
2. The City shall be responsible for all lighting and water utility maintenance and any additions, modifications or capital improvements to the field lighting and irrigation shall be the sole responsibility of the City.

Cost Share:

1. The City shall pay all utilities related to field lighting and irrigation.
2. The City shall pay the District for required custodial staff.



Joint Use Area: Rancho Middle School Trail Access Path		EXHIBIT: D.4	
Property Owner:	Milpitas Unified School District	Other Agency Easements: None	
Property Address:	1915 Yellowstone Ave.		
Property Acreage:	17.0 Acres		

Description of Area(s): 1. The Rancho Middle School Trail Access Path is approximately 1,042 feet long and runs north to south at the farthest west end of the Rancho Middle School property. The Trail Access Path provides safe access to Sinnott Park, Bob Browne Park, and Murphy Park for the arterial streets opposite the path.
Hours of Use: 1. The Trail Access Path will be available to the public, seven days a week, year-round, dawn to dusk.
Terms of Use: 1. Trail Access Path a. The City shall provide on the property a Trail Access Path for residents to safely access Sinnott Park, Bob Browne Park and Murphy Park. b. Any District perimeter/safety fencing on the property will not include the path area. The space between the path and said fencing shall be at least 12" to allow for maintenance and repair.
Maintenance & Improvements: 1. Trail Access Path a. The City shall be responsible for all maintenance of the Trail Access Path and any additions, modifications or capital improvements to the path, including the sidewalk and bollards, shall be the sole responsibility of the City. b. The City shall maintain the space between the Trail Access Path and fencing.
Cost Share: None

Joint Use Area: Russell Middle School Softball Fields		EXHIBIT: D.5	
Property Owner:	Milpitas Unified School District	Other Agency Easements: SCVWD	
Property Address:	1500 Escuela Parkway		
Property Acreage:	11.5 Acres		

Description of Area:

Currently, the Russell Middle School site includes a City built structure (Snack Shack). The District is scheduled to begin reconstruction of the site in June 2021 to rehabilitate the Russell Middle School Athletic fields, which will consist of two (2) regulation softball fields.

Hours of Use:

The City may have use of the Russell Middle School Softball fields per the terms of this Agreement.

Terms of Use:

1. As of the Effective Date of this Agreement, the District shall be authorized to demolish the City built structure (Snack Shack), which the City has determined as having no value, at the District's expense consistent with the terms of the Agreement, and specifically Paragraph 9 thereof.
2. The City and District shall engage in discussions regarding the terms of use for the site by no later than June 2022 and shall resume discussions in 2023.
3. Should the City's use of this property be more significant than described in the Master JUA Section C. Facility Use – Unforeseen Occurrences, third party users will be referred to the District for direct field rental.

Cost Share:

The City and District shall engage in discussions regarding maintenance and utility costs for the site by no later than June 2022 and shall resume discussions in 2023.

City of Milpitas and Milpitas Unified School District
Master Joint Use Agreement For Open Space

Ancillary Fees

Milpitas Unified School District Ancillary Fee Schedule:

- Custodial Cost - \$58 - \$78.00/hour (Staff will be on duty for the duration of the event. Custodial clean up time is additional. Grounds staff require a minimum of three (3) hours a day when fields are in use.)

City of Milpitas Ancillary Fee Schedule:

- Custodial Cost - \$50-75.00/hour (Custodian staff will be on duty for the duration of the event. Custodial clean up time is additional; Custodial staff require a minimum three (3) hours a day when fields are in use..)



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution to Confirm the Order of the Director of Emergency Services to Rescind the Order Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings
Category:	Leadership and Support Services
Meeting Date:	6/21/2021
Staff Contact:	Christopher J. Diaz, City Attorney (408) 586-3040
Recommendation:	Adopt a Resolution to Confirm the Order of the Director of Emergency Services to Rescind the Order Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings

Background:

On April 22, 2020, the City Manager, acting as the Director of Emergency Services, and pursuant to his authority under Milpitas Municipal Code section V-1-4.03, issued an Order Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings to Prevent the Spread of the Novel Coronavirus (COVID-19), which took effect on April 24, 2020 (the "Face Covering Order"). The Face Covering Order requires that individuals who work at or perform services at certain essential businesses wear face coverings; employers provide face coverings for their employees; customers and visitors of the essential businesses wear face coverings; and provides that business owners and operators may refuse admission or service to those who fail to wear face coverings. On May 5, 2020, the City Council confirmed the order of the Director of Emergency Services imposing regulations to protect essential workers and consumers through the use of face coverings.

As a result of the effective actions taken by California, as well as the successful and ongoing distribution of COVID-19 vaccines, the Governor and the State Department of Public Health have announced a plan for moving Beyond the Blueprint for a Safer Economy as of June 15, 2021. Effective June 15, 2021, the State amended its face covering requirement to align with guidelines from the Centers for Disease Control and Prevention (CDC), which provide guidance about higher risk settings where face coverings are required or recommended. In workplaces, employers are subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS), or in some workplaces the CalOSHA Aerosol Transmissible Diseases Standard.

Analysis:

In light of the current state of the COVID-19 pandemic in the State, County of Santa Clara, and City of Milpitas, and changing face covering guidance issued by the CDC and the State Department of Public Health, the City's Director of Emergency Services has issued an order to rescind the previously issued Face Covering Order because it either duplicates or could be construed as imposing greater restrictions than those imposed by current State orders and guidance, which are not warranted by health conditions in the City at this time. The Face Covering Order indicates that the order is to remain in effect for the duration of the local emergency proclaimed in response to the COVID-19 crisis; however, based on current pandemic metrics and the State's modified face covering guidance, it is appropriate to rescind the Face Covering Order to align with the aforementioned authorities and guidelines on face coverings.

Staff is therefore requesting that the City Council, in accordance with Milpitas Municipal Code section V-1-4.03, confirm the order of the Director of Emergency Services to rescind the Face Covering Order.

Policy Alternatives:

Alternative 1: Do not adopt the resolution confirming the order of the Director of Emergency Services to Rescind the Order Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings, or seek changes to the order.

Pros: None.

Cons: The order will remain valid despite loosening COVID-19-related restrictions and modified face covering guidance issued by the State.

Reason not recommended: Not confirming the order could result in inconsistencies or conflicts with the State's modified face covering guidelines based on recent updated guidance issued by the CDC.

Fiscal Impact:

None at this time.

California Environmental Quality Act:

Under Title 14 of the California Code of Regulations, Section 15061(b)(3) and Section 15378(b), each as a separate and independent basis, the City Council's adoption of the resolution confirming the order is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

Recommendation:

Adopt a resolution to confirm the Order of the Director of Emergency Services to Rescind the Order Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings.

Attachments:

Resolution and Exhibit A (Order Rescinding Order Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings)

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CONFIRMING THE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES TO RESCIND THE ORDER IMPOSING REGULATIONS TO PROTECT ESSENTIAL WORKERS AND CONSUMERS THROUGH THE USE OF FACE COVERINGS TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS (COVID-19)

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, on March 12, 2020, the City Manager, acting as the Director of Emergency Services, proclaimed the existence of a local emergency in response to the COVID-19 pandemic within the City of Milpitas; and

WHEREAS, on April 22, 2020, the City Manager, acting as the Director of Emergency Services, issued an order Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings to Prevent the Spread of the Novel Coronavirus (COVID-19) (the “Face Covering Order”), which took effect on April 24, 2020; and

WHEREAS, on May 5, 2020, the Milpitas City Council confirmed the order of the Director of Emergency Services imposing regulations to protect essential workers and consumers through the use of face coverings; and

WHEREAS, since March 2020, the State of California, Santa Clara County, and City of Milpitas have taken decisive and meaningful actions to reduce the spread and mitigate the impacts of COVID-19; and

WHEREAS, as a result of the effective actions Californians have taken, as well as the successful and ongoing distribution of COVID-19 vaccines, California is turning a corner in its fight against COVID-19; and

WHEREAS, the Governor and State Department of Public Health issued public health guidance requiring the wearing of face coverings on November 16, 2020 and amended the guidance on May 3, 2021; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20, issued on March 19, 2020), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020); and

WHEREAS, the Governor and the State Department of Public Health have announced a plan for moving Beyond the Blueprint for a Safer Economy as of June 15, 2021; and

WHEREAS, the State Department of Public Health has modified face covering guidance based on recent updated guidance issued by the Centers for Disease Control and Prevention (CDC); and

WHEREAS, based on current pandemic metrics and the State’s modified face covering guidance, the City’s Director of Emergency Services issued an order to rescind the previously issued Face Covering

Order because it either duplicates or could be construed as imposing greater restrictions than those imposed by current State orders and guidance, which are not warranted by health conditions in the City of Milpitas at this time; and

WHEREAS, the previously issued Face Covering Order indicates that the order is to remain in effect for the duration of the local emergency proclaimed in response to the COVID-19 crisis. However, in light of the current state of the COVID-19 pandemic in California, Santa Clara County, and the City of Milpitas, and changing health guidance issued by the CDC and the State, it is appropriate to rescind the order to align with the above mentioned authorities and guidelines on face coverings.

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

Section 1. The City Council hereby confirms the order issued by the Director of Emergency Services to rescind the Face Covering Order issued April 22, 2020 Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings to Prevent the Spread of the Novel Coronavirus (COVID-19). A copy of the order is attached hereto as **Exhibit “A”** and incorporated herein by reference.

Section 2. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

Section 3. Effective Date. This Resolution shall become effective immediately.

PASSED, APPROVED and ADOPTED by the City Council of the City of Milpitas at a special meeting of said Council held on June 21, 2021 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

City of Milpitas

Rich Tran, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
AL INFORMATION: 408-586-3000, TDD: 586-3013, www.ci.milpitas.ca.gov

**CITY OF MILPITAS
DIRECTOR OF EMERGENCY SERVICES ORDER
RESCINDING ORDER IMPOSING REGULATIONS TO
PROTECT ESSENTIAL WORKERS AND CONSUMERS
THROUGH THE USE OF FACE COVERINGS TO
PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS
(COVID-19)**

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, on March 12, 2020, the City Manager, acting as the Director of Emergency Services, proclaimed the existence of a local emergency in response to the COVID-19 pandemic within the City of Milpitas; and

WHEREAS, on March 17, 2020, the Milpitas City Council ratified the City Manager's Emergency Proclamation regarding the existence of a local emergency; and

WHEREAS, on April 22, 2020, the City Manager, acting as the Director of Emergency Services, issued an Order Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings to Prevent the Spread of the Novel Coronavirus (COVID-19), which took effect on April 24, 2020; and

WHEREAS, on May 5, 2020, the Milpitas City Council confirmed the Order of the Director of Emergency Services imposing regulations to protect essential workers and consumers through the use of face coverings; and

WHEREAS, since March 2020, the State of California, Santa Clara County, and City of Milpitas have taken decisive and meaningful actions to reduce the spread and mitigate the impacts of COVID-19; and

WHEREAS, as a result of the effective actions Californians have taken, as well as the successful and ongoing distribution of COVID-19 vaccines, California is turning a corner in its fight against COVID-19; and

WHEREAS, the Governor and State Department of Public Health issued public health guidance requiring the wearing of face coverings on November 16, 2020 and amended the guidance on May 3, 2021; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20, issued on March 19, 2020), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020); and

WHEREAS, the Governor and the State Department of Public Health have announced a plan for moving Beyond the Blueprint for a Safer Economy as of June 15, 2021; and

WHEREAS, the State Department of Public Health has modified face covering guidance based on recent updated guidance issued by the Centers for Disease Control and Prevention (CDC); and

WHEREAS, based on current pandemic metrics and the State's modified face covering guidance, the City's Director of Emergency Services has decided to rescind the previously issued Order imposing regulations to protect essential workers and consumers through the use of face coverings because it either duplicates or could be construed as imposing greater restrictions than those imposed by current State orders and guidance, which are not warranted by health conditions in the City of Milpitas at this time; and

WHEREAS, the previously issued Order of the Director of Emergency Services indicates that the Order is to remain in effect for the duration of the local emergency proclaimed in response to the COVID-19 crisis. However, in light of the current state of the COVID-19 pandemic in California, Santa Clara County, and the City of Milpitas, and changing health guidance issued by the CDC and the State, it is appropriate to rescind the Order to align with the above mentioned authorities and guidelines on face coverings.

NOW, THEREFORE, by virtue of the authority granted pursuant to Milpitas Municipal Code section V-1-4.03, the Director of Emergency Services rescinds the Order issued April 22, 2020 Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings to Prevent the Spread of the Novel Coronavirus (COVID-19).

Approved and issued on June , 2021.

Steve McHarris
City Manager/Director of Emergency
Services



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt the Proposed ARPA Investment Framework and Provide Input and Direction to Staff on the Preliminary ARPA Investment Plan
Category:	Leadership and Support Services
Meeting Date:	6/21/2021
Staff Contact:	Ashwini Kantak, Assistant City Manager, 408-586-3053
Recommendation:	1. Adopt the American Rescue Plan Act (ARPA) Investment Framework including Fiscal Guidelines and Investment Areas 2. Provide input to staff on the Proposed Preliminary ARPA Investment Plan and provide direction to bring back a draft ARPA Investment Plan for Council consideration in August 2021

Background:

In March 2020, due to the rampant spread of the Coronavirus (Pandemic), a state of emergency was declared at the local, state, and federal levels and stay-at-home orders issued, which had an enormous impact on the local, State and national economy as well as the City's finances.

On March 11, 2021, President Biden signed into law the American Rescue Plan Act (ARPA), a \$1.9 trillion stimulus package, to counteract the economic impacts of the pandemic. The bill contains a \$350 billion allocation for state and local government aid. Of that amount, the local portion of the funding is approximately \$130 billion, equally divided between cities and counties. For cities, \$45.5 billion of the \$65 billion will be allocated to metropolitan cities (population over 50,000), such as the City of Milpitas, utilizing a modified CDBG (Community Development Block Grant) formula.

On May 11, staff presented preliminary information on ARPA's Coronavirus State and Local Fiscal Recovery Funding, including the four funding categories and eligible and ineligible uses, and the Interim Final Rule (IFR) issued by the U.S. Treasury Department on May 10. Comments are due on the IFR by July 16, after which the IFR may be revised and finalized. Staff also provided information on other funding through ARPA that could benefit the Milpitas community since the Coronavirus Local Fiscal Recovery Funding (CLFRF) is only a portion of the total ARPA funding. The CLFRF includes four categories: COVID-10 response, revenue replacement, water, sewer, and broadband infrastructure, and premium pay for essential workers.

The City's ARPA allocation of \$16,736,815 is available in two tranches; the first half was received on June 1, and the second half will be provided in June 2022. Funds need to be either expended or encumbered by December 31, 2024, with all funds to be expended by December 31, 2026. The IFR gives recipients flexibility for each government to meet local needs – including government services, support for households, small businesses, impacted industries, essential workers, and the communities hardest hit by the crisis. These funds can also be used to make investments in water, sewer, and broadband infrastructure. The first expenditure report for any City expenditures between June 1 and July 31 is due on August 31 and the first quarterly report is due on October 31. **It is important to note that the Treasury Department does not require agencies to submit a final investment/funding plan and is allowing agencies to adjust funding as needed, as long as funds are expended by the required deadlines.**

At the May 11 meeting and thereafter, staff received Council feedback regarding ARPA Plan spending priorities. There were 39 requests received at the Council meeting and 24 requests received subsequently, thus resulting in a total of 63 requests.

Staff created a matrix of all Council investment priorities and grouped overlapping priorities. A majority of the requests were related to financial assistance and social services to those impacted by the pandemic, economic vitality, infrastructure, public safety, and technology. Although the majority of Council requests have been incorporated into the preliminary proposed Investment Plan, some items have not been included due to one or more of the following reasons:

1. Considered an ineligible use of ARPA funds.
2. Funded through a separate effort.
3. Not aligned with the Proposed ARPA Investment Framework.
4. Requires further policy direction from the Council.

On June 8, staff presented information (See Attachment A) about the ARPA State and Local Fiscal Recovery Funds and proposed an ARPA Investment Framework including ARPA fiscal guidelines and five Investment Areas for Council consideration. The proposed allocation of funding, based on input from the Council and community, was \$2.2 million for community services, \$4.2 million for economic vitality, \$4.1 million plus, for Infrastructure, \$2.2 million for Public Safety, and \$4.1 million for Technology.

Of the four funding categories in the CLFRF, the broadest category for eligible expenditures relates to providing government services up to the calculated revenue replacement amount. Per Finance's initial calculation, using the IFR methodology, the City incurred a revenue loss of approximately \$45 million, which is more than the \$16,736,815 allocation the City will receive during the next 12 months. This funding category allows the maximum flexibility and administrative efficiencies; hence, staff intends to document the use of ARPA funds under the revenue replacement category. Additional instructions on the revenue loss calculation will be issued at a later date, which may further refine the initial calculation.

Analysis:

At the June 8 special Council meeting, the Council engaged in a robust discussion about the proposed Investment Plan and provided feedback to staff. Specific direction was provided to move \$1 million from the Investment Area of Technology and to bring back for Council discussion the allocation of this \$1 million to other Investment Areas. There were Council questions about the level of detail on proposed programs and concerns about all of the allocation not being used if some programs were deemed infeasible in the future. Staff has included additional information in this report in response to these questions and concerns.

It is important to note that the process of allocating and expending ARPA funds will span multiple years. Staff is initially seeking Council approval of the proposed Investment Framework including the fiscal guidelines and the five Investment Areas which guides staff's investment recommendations as well as feedback on the proposed levels of funding. Please note that details for some of the potential programs still need to be worked out, which will be completed over the next few months, guided by Council approval of the overall Investment Plan and the Final Rule from the Treasury Department. For example, providing financial assistance and social services to the community will require substantive work on program parameters and partnerships and that level of work will only be undertaken once the full Council has confirmed interest in providing those services along with a preliminary dollar amount. The new and updated programs may also require prioritization of other workplan items so as to ensure there is adequate staff capacity to complete implementation. As stated above, the funding levels for any investments can be modified in the future to allocate unspent funds in response to changing priorities as long as funds are expended by the federally mandated deadlines.

ARPA Investment Framework

In response to the fiscal crisis caused by the pandemic, the Council authorized the net use of \$7 million in reserves and the defunding of capital projects in the amount of approximately \$6 million. If allowable, staff would have recommended using ARPA funds to replenish reserves consistent with Fiscal Policy #16, which states that, “One-time revenues will be used for one-time expenditures only including capital outlay and reserves.” However, since this is not an eligible use of ARPA funds, an allocation of money towards reserves has not been included in the proposed preliminary Investment Plan but staff has included several items that would benefit the General Fund; a reference to this is included in the discussion for those items.

Staff is proposing an ARPA Investment Framework which includes Fiscal Guidelines and Investment Areas. Based on the City’s fiscal policies and the National League of Cities and Government Finance Officers Association fiscal considerations, staff is recommending the following **ARPA Investment Plan Fiscal Guidelines**:

1. Identify and promote **other ARPA or State funding sources** to the extent possible before dedicating local ARPA funds.
2. Use one-time ARPA funds for **one-time expenditures** such as investment in infrastructure or technology with minimum ongoing operating costs.
3. **Avoid ongoing General Fund commitments** with additional programs and positions.
4. **Avoid creating a structural budget deficit** if restoring any reduced services.
5. Leverage **regional agencies, non-profit partners, and existing programs** to maximize efficiency in delivering programs and services.

Staff is also recommending the following five **ARPA Investment Areas**:

- | |
|--|
| <ol style="list-style-type: none">1. Community Services2. Economic Vitality3. Infrastructure4. Public Safety5. Technology |
|--|

Proposed Preliminary ARPA Investment Plan

Based on the IFR, the proposed ARPA Investment Framework and the Councilmember requests, staff has developed a preliminary ARPA Investment Plan. It is important to note that the preliminary Plan includes requests from individual Councilmembers, but staff still requires direction from the full Council on certain programs and initiative before spending significant time on developing detailed parameters and implementation plans for each program or initiative.

After Council deliberation, staff intends to return in August with an updated Plan for Council consideration. Since a final Plan is not being required by the Treasury Department, staff will bring periodic updates to the Council and depending on future needs and changing priorities, the Council may choose to adjust investment amounts. As additional details are developed for each of the investments, these will be brought forward for Council consideration, along with appropriation actions.

Staff is recommending a proposed Preliminary ARPA Investment Plan as discussed below. A summary of the Investment Plan is included in Table 1.

Community Services (\$2,200,000)

1. Rental and mortgage assistance to low and moderate income residents.
Several Councilmembers indicated rent and mortgage assistance was a high priority for ARPA investment. The City currently partners with Silicon Valley Independent Living Center (SVILC) to administer the Milpitas Rent Relief Program for low-income residents. Including the CDBG allocation the City Council approved on June 15, 2021, the City has allocated \$869,096 for rent relief since October 2019 from the Affordable Housing Fund and CDBG funding. To date, the Rent Relief Program has provided \$492,556 in funding to assist over 90 families with over 300 Milpitas residents. With the anticipated end of the current eviction moratorium, staff anticipates the need for rent relief in the next fiscal year will be significant. The proposed ARPA allocation of \$1,200,000 is envisioned to expand rent and mortgage relief eligibility to moderate-income residents, based on income limits defined by the California Department of Housing and Community Development (HCD). For 2021 in Santa Clara County, to qualify as moderate income for a household of four, the household income cannot exceed \$181,550, representing 120% of the Area Median Income (AMI). Current rent relief being funded by CDBG provides assistance to households with income up to 80% AMI to meet CDBG requirements. For a household of four in Santa Clara County, the 80% AMI income limit is \$117,750. Please note that the income limits adjust based on household size. For a smaller family, the income threshold will be lower. If Council approves this item, expanding rent relief eligibility to serve households that earn up to 120% AMI and adding mortgage assistance will require some staff time to ensure program management, criteria, and delineation are coordinated with SVILC. A Councilmember also requested including Homeowner Association (HOA) fees, staff needs to do additional research on whether and how this could be incorporated into the program.

The proposed allocation for rental and mortgage assistance is based on recent discussions with the City's nonprofit service providers and the City's experience with rent relief. Staff is recommending continuing to partner with SVILC to create a mortgage relief program based on the City's and residents' experience with SVILC. As stated earlier, creating a new program will require staff time to design program parameters, guidelines, and procedures, and to bring the program to Council for consideration. Thus, this item will proceed after future Council discussion and appropriation action.

2. Social services
There is high interest from the Council and community to provide a variety of social services such as mental health services and services to the LGBTQ plus community and at risk youth as well as victims of domestic violence and abuse. The City would partner with non-profits such as the Bill Wilson Center, Avenidas, Fresh Lifelines for Youth (FLY), Next Door Solutions to Domestic Violence, YWCA, and the Asian Americans for Community Involvement (AACI). Establishing partnerships and executing agreements with non-profits with objectives and performance metrics will require a significant amount of staff time. Staff will bring forward a detailed plan, contracts and appropriation actions as needed.

Supplemental funding in the amount of \$25,000 per year for the senior nutrition program is also recommended in this area. Prior to Covid-19, the senior nutrition program served an average of 80 seniors per day, 250 days per year. Since March 2020 the average number of meals served per day has increased to approximately 125 per day, an increase of 45 meals per day. Additionally, the nutrition program has almost 200 new members. Thus, additional funding is needed to supplement the current budget for this program.

The funding allocated in the FY 2021-22 Adopted Budget provides for 77 meals per day. With the supplemental funding of \$25,000 an additional 18 meals per day could be served bringing the total to 95 meals a day, which is 30 meals a day short of number of meals provided during the pandemic. If demand continues to be high in the future, staff will seek additional funding opportunities. If the

Council supports increased funding for the senior nutrition program, staff will bring forward amendment(s) to contract(s) and related appropriation actions; however, no additional Council discussion is needed.

3. Financial Assistance to Low and Moderate Income Residents

Currently, the Milpitas Assistance Program (MAP) provides financial assistance for utility payments, certain building permits (e.g.: HVAC, water heater) and City run programs such as After the Bell, Senior Center Membership and Swim Lessons to very low and low income residents as defined by the federal government as well as for temporary hardship cases. A Councilmember has also requested staff to look into assistance to non-profits for childcare assistance to families. Expanding eligibility to moderate and potentially including assistance for non-City run programs will require staff time to design the updated program parameters and bring back for Council consideration, thus this item will proceed after future Council discussion and appropriation action.

4. Beautify Milpitas Program

Based on Council direction at the June 1 meeting, the City will provide staffing support and materials for one clean-up day every month and a National Clean-Up day once a year. Annual funding in the amount of \$25,000 for four years totaling \$100,000 will provide for staffing to program the clean-up days and purchase materials for the Beautify Milpitas Litter Kits and Graffiti Kits to be handed out at the clean-up days. The kits are for volunteers to keep and hopefully continue to beautify in and around their individual neighborhoods. Since specific Council direction was already provided on June 1, no additional Council discussion is needed for this item. The annual funding amount will be reflected included in the FY 2021-22 Budget Amendment that will be brought to Council in fall.

5. Pilot Curbside Trash Pick-Up Program

Based on Council direction, staff has been working with MSI, the current refuse collection provider, on potential costs for a modified curbside pick-up of bulky items pilot program. Under the current Bulky Item/On Call Clean-up Program, single-family residential customers are entitled to four bulky item/clean ups per a rolling 12 month period. Residents can either dispose of their unwanted items into two 1.5-cubic yard bags or instead of using the bags, one (1) large/bulky item may be set out for collection. Under the pilot program, residents would be able to set out up to three (3) large/bulky items for collection. The pilot program would utilize the existing bulky item pickup routes and pickups would remain on an appointment basis. According to MSI estimates, a 3-month pilot program would cost the City \$85,000 because the implementation of the pilot requires additional equipment and staff. The pilot program would allow staff to collect data to assess the needs of residents and determine an appropriate service level for large/bulky items for each scheduled pick up. Staff will need to perform outreach to announce start and end dates of the pilot program, evaluate the program through an online survey and return to Council with the results of the pilot to get direction on any changes to the current bulky item/on-call clean-up program. If the current pilot were to be permanently implemented, the ongoing cost for this enhanced service level is approximately \$340,000 which equates to a 1.6% rate increase or about \$5 per year for a single family household. However, this cost may be lower or higher based on the outcome of the pilot.

Economic Vitality (\$4,100,000)

6. Small Business Assistance Program

Based on multiple requests from Councilmembers, staff is recommending providing financial assistance to businesses impacted by the pandemic. Similar to the recent Microenterprise Grant Program where the City provided \$5,000 grants to 38 microenterprises, staff is recommending partnering with Enterprise Foundation, as the Fiscal Agent/Administrator of the Program to provide a total of \$1,200,000. Based on lessons learned from the initial Microenterprise Grant Program, staff will also bring forward simplified eligibility criteria and other parameters including a potential focus on business sectors that have been negatively affected such as daycare centers, for Council consideration in early August. Simplified eligibility criteria could include reducing the number of years that a business has operated, reducing the required net adjusted income for businesses, and allowing home-based

businesses to participate which may result in more businesses being eligible to receive grants. An appropriation action will be brought forward at that time as well.

7. Assistance to Local Hotels

There are currently 20 hotels in Milpitas and the pre-pandemic revenue from the Transit Occupancy Tax was \$14.5 million in Fiscal Year 2018-2019 and made up 12% of the City's General Fund revenue. Through the pandemic, with business travel virtually at zero, Milpitas hotels have suffered a tremendous loss in revenue and workforce, and with the economy now opening up, they need to incur additional costs to make COVID safe improvements. Based on a Councilmember's request, staff is recommending allocating \$100,000 to provide some funding relief to the local hotel sector. Staff has conducted outreach to the hotels to understand specific needs and potential use of the funds and is recommending up to \$5,000 for each hotel to install touchless systems and any other needed improvements to make the hotels COVID-19 safe. If Council approves this item, no further Council discussion is needed, staff will bring back an appropriation action in August.

8. Accessory Dwelling Units (ADU) Program

In order to incentivize the building of ADUs and encourage the legalization of unpermitted ADUs in the City, staff is proposing funding for fee waivers. With an average of \$5,000 in plan review and permit fees per ADU, this funding will allow permit fees for 100 ADUs per year for three years, or 300 ADUs, which is 2.4% of ADUs that could be potentially built in the City. The proposed ARPA funds will reimburse the General Fund for any fees waived. This program is based on a Councilmember request and a total of \$1,500,000 is being recommended since ADUs can provide affordable housing options, foster economic growth through increased construction activity, and result in increased property values. Staff is already working on a similar program for Safe ADU Legalization and could expand it to incorporate permit fee waivers for all previously unpermitted and new ADUs. If Council approves this item with proposed level of funding, staff can initiate the program in summer 2021. Since the proposed amount is based on usage estimates, staff will report back to Council on an annual basis and Council could choose to adjust the funding level, if desired.

9. Main Street Revitalization

On May 11, during the budget study session, the City Council directed staff to move forward with several activities and programs to revitalize and activate Main Street ([Link to May 11 Agenda Report](#)). Staff is recommending \$400,000 for façade improvements and staffing to support this effort. Staff will return with additional details in late summer/early fall, along with an update on preparations for the community events in December 2021.

10. Community Events

Based on requests from Councilmembers, staff is recommending investing \$200,000 in community events over the next two years. The funding could be used to partner with external entities to host events such as an Art and Wine festival, Cultural Celebrations, Art Walk and/or 5k Run. Staff will initiate discussions with potential partners and bring back details on specific events, along with appropriation actions, if needed.

11. Financial Assistance to the Chamber of Commerce

The Milpitas Chamber of Commerce supports Milpitas businesses and has been hard hit with the pandemic and loss of members as businesses have temporarily or permanently closed. The recommended one-time funding amount of \$100,000 will help the Chamber continue to support the business community through initiatives such as job fairs and events. Additional details on specific programs and metrics will be brought forward in August.

12. Workforce Development

The City partners with NovaWorks, NextFlex, Evergreen Valley College, and Milpitas Unified School District on several Workforce Development initiatives. Workforce Development is an integral part of the City's adopted Economic Development Strategy and funding for various programs will help decrease the unemployment rate due to the COVID-19 impacts, help businesses rehire staff and prepare residents for future jobs. Based on a request from a Councilmember, funding could support programs for low

income youth as well as expand the City's summer Youth Workforce program to introduce and prepare youth to future career opportunities, build occupational skills and earn supplemental income. At the June 8 meeting staff had recommended \$270,000 in funding; however, there was Council interest to allocate more funding towards this item. Depending on the preliminary level of funding requested by Council, staff will bring back program details along with appropriation actions for Council consideration.

13. Limited term Economic Development Specialist position

Office of Economic Development staff have been working on implementing the Economic Development Strategy in addition to assisting the business community through the pandemic. With the proposed additional programs and initiatives, staff is recommending \$330,000 to add staff resources for a limited term. If Council approves this item staff will move forward with either recruiting for a 2 year limited term Economic Development Specialist position or alternately bring on a contract employee. No additional Council discussion or appropriation action is needed for this item.

Infrastructure (\$4,086,815)

14. Parks Rehabilitation

During the June 15 City Council meeting, the Council reviewed and provided direction to staff regarding the draft Parks and Recreation Master Plan (Plan). During the presentation, staff discussed immediate health and safety improvements needed at 20 parks and the overall condition of the 36 parks.

To address immediate health and safety concerns in 20 parks, the Plan identified a funding need of \$2.1 million (see attachment). Therefore, staff recommends allocating this amount for immediate Health and Safety repairs including replacement of swing sets at Calle Oriente and Sinnott Parks, play equipment and surface repairs at Sunnyhills, Albert Augustine, Cerano, John McDermott, O'Tool Elms, and Starlight Parks, and removal of tree hazards at Dixon Landing, Starlight, and Strickroth Parks.

Per the Plan, the City's park system is in fair condition with 24 parks noted as in good to fair condition, however, 7 parks are in poor and 5 parks in critical condition (see attached draft parks prioritization matrix). The five parks identified being in critical condition are Starlite Park, Sinnott, Strickroth, Foothill and Sandalwood. The seven parks identified being in poor condition are Murphy Park, Ben Rogers Park, Robert E. Browne, Hidden Lake Park, Sunnyhills Albert Augustine Jr. Park, Oliver Jones Memorial and Parc Metro West. The cost for short-term repairs and improvements for the parks in critical condition is estimated at \$2 million and for parks in poor condition at \$1.8 million, respectively. The estimated short-term and long-term cost to repair and improve all 36 City parks including the Sports Center facility is \$7.96 million for short-term repairs to be completed over the next 5 years, and \$81.1 million for longer term improvements that are recommended to be completed over the next 20 years.

With the remaining \$1.56 million of the preliminary allocation for parks infrastructure, staff recommends to fund improvements for the 5 parks identified to be in critical condition in the Plan, which will provide funding for about 80% of improvements necessary. Staff will bring forward a refined prioritization for this investment based on the criteria discussed during the June 15 City Council meeting. The total cost for improvements of these 12 parks over the next 5 years is estimated at \$3.8 million.

Alternatively, instead of investing \$90,000 in short-term repairs for the Sandalwood Park, the City Council could allocate funds to rehabilitate the park. The design for the rehabilitation of Sandalwood Park was recently completed, however the project has been delayed due to lack of funding to start the project's construction phases which is estimated to cost \$2.2 million. A significant project delay may require a review of the design element of the project due to changing standards, changing community expectations and/or cost for material and labor.

Since these costs would typically be covered by the General Fund, this allocation translates to future General Fund savings. Staff requests direction from Council regarding the use of the preliminary ARPA funding allocation.

15. Public Safety Facilities' Improvements

The City's five year Capital Improvement Program includes planned and only partially funded capital projects to rehabilitate Fire Stations 1 and 3. One of the Fire Department's rehabilitation projects is the retrofitting of the majority of apparatuses' vehicle exhaust filtration systems. Updating these systems will improve firefighter health and wellness by removing carcinogen causing particulates from the exhaust. It will also negate the need to install a vehicle exhaust system in the new fire station and eliminate the need to continue to use and maintain the current systems in the other three fire stations. Staff is recommending investing \$250,000 for these needed capital improvements. Since these costs would typically be covered by the General Fund, this allocation translates to future General Fund savings. If Council approves this item, no further Council discussion is needed other than the appropriation of funds and approval of contract.

16. COVID Safe City Facilities' Improvements

Given the time sensitivity of this item, Council approved the recommending funding on June 15, to ensure that City facilities are retrofitted to be COVID safe including HVAC improvements, sanitizer stations, and acrylic shields. Since these costs would typically be covered by the General Fund, this allocation translates to General Fund savings. No additional Council discussion or appropriation action is needed for this item.

Public Safety (\$2,250,000)

17. Funding for 6 Public Safety positions for One Year

Funding in the amount of \$1,200,000, is recommended to fund 2 Police Officers and 4 Firefighter positions that were defunded for one year in the Adopted FY 21-22 Budget. The funding may be used for FY 21-22 if a FEMA waiver for the SAFER grant to maintain a certain sworn Fire position count in Fire suppression is denied or alternatively it could be used to fund the positions in FY 22-23, resulting in future General Fund savings of \$1.2 million. If Council approves this funding, no separate Council action is needed; the funding will be incorporated into the FY 21-22 Budget amendment or the development of the FY 22-23 budget, as applicable.

18. Fire Engine (Pumper)

With Council support, the Fire Department has been able to replace an aging front-line apparatus fleet during the last four years with the replacement of 4 Engines and 1 Truck. To complement this investment and extend the useful life of the equipment, staff is recommending allocating \$800,000 to purchase a Fire Engine (Pumper). The Fire Department currently has three reserve fire engines (pumpers) and one reserve fire truck (aerial ladder). There is a need to replace two of the reserve fire engines (pumpers). These units were originally added to the fleet in 2003 and 2005 and have exceeded their asset life span. Best practice is to have at least two reliable reserve fire pumpers for unit repair / backfill, additional emergency staffing, and mutual aid deployment. The addition of this new fire pumper will substantially improve the reliability of the reserve fleet allowing the reduction of the reserve fleet from three to two reserve fire pumpers. Further, by adding a new pumper to the fleet, the most utilized pumper will be placed in the Reserve Fleet thereby extending the useful life of the existing front-line apparatus fleet. Since these costs would typically be covered, at least partially, by the General Fund, this allocation translates to future General Fund savings. If Council approves this funding, no separate Council discussion is needed, except for the purchase approval and related appropriation action for the Pumper.

19. Emergency Management Planning Documents

On November 17, 2020 Council accepted the Emergency Management Program Assessment and Implementation Plan (Plan), which included over 100 recommendations. As discussed in the related staff report, with funding support, staff will be able to implement the recommendations in a shorter timeframe. Since the acceptance of the Plan, staff focused on the most critical recommendations which focus on finalizing the Emergency Operations Plan (EOP). The EOP, which is the overarching emergency management document, is scheduled for Council approval in August 2021. With the allocation of \$200,000, staff will be able to work with consultants, temporary staff and internal staff to

develop the necessary EOP annexes, training plan development and implementation, and EOC configuration, process and procedure gap analysis. Since these costs would typically be covered by the General Fund, this allocation translates to future General Fund savings. If Council approves this item, no further Council action is needed other than the appropriation of funds and approval of contracts, if applicable.

20. Virtual Reality Simulator Training Equipment

Staff is recommending allocating \$50,000 for the purchase of a virtual reality simulator to improve training in police officer decision making and tactics. Virtual reality allows for realistic and immersive training that provides a 3-dimensional, 360-degree field of view designed to put officers in real-to-life situations and believable ways to form visceral reactions to certain situations. Virtual reality training has a variety of applications from use-of-force, de-escalation, active shooter, to person-in-crisis response. Depending on the officers' actions, the instructor can branch the scenarios to escalate or de-escalate the situation, then review their decision-making skills to ensure proper tactics are used from any angle during after-action review. These virtual environments and ambient features increase the officers' psychological immersion and focus when dealing with the situation at hand. By increasing the immersions, the officers' mental recall is heightened, thus enhancing their overall training experience. Virtual reality training will allow the Police Department to provide training in high-stakes scenarios improving decision making and improving community and officer safety. If Council approves this item, no further Council action is needed other than the appropriation of funds.

Technology (\$3,100,000)

21. Human Resources Information System/Financial Management System

The City is a service organization, with the majority of its budget going towards personnel costs. However, it currently does not have an HR Information System (HRIS) to manage its most critical asset, its employees. Furthermore, the City's financial management system is also 24 years old (implemented in 1997) and needs to be evaluated for potential modernization, process improvement and efficiencies. Thus, staff had recommended \$3,000,000 towards a new HRIS/financial management system, however, based on Council direction on June 1, the recommendation has been modified to \$2,000,000. Staff is proposing to complete a business process mapping analysis and a functional needs assessment in FY 21-22 and issuing a Request for Proposals. Since most enterprise systems have now moved from on premise hardware to software as a service (SaaS) models, reducing the funding by \$1,000,000 will result in fewer years of funding for this system. Since these costs would typically be covered by the General Fund, this allocation translates to future General Fund savings. Staff anticipates bringing forward recommendations and appropriation actions for Council consideration in FY 21-22 and FY 22-23.

22. Cybersecurity Improvements and Training

Cybersecurity is a high priority item given the multitude of recent ransomware attacks on public and private organizations. The City has been investing in systems to prevent cyberattacks and also to provide disaster recovery and business continuity support. It is also important to provide regular employee trainings so as to protect against phishing and malwares. Staff is recommending an additional \$300,000 for maintaining current cybersecurity systems to reduce the number of possible attack vectors, building a robust system that can rapidly restore business to normal and to provide regular employee trainings on cybersecurity. Since these costs would typically be covered by the General Fund, this allocation translates to future General Fund savings. If Council approves this item, no further Council action is needed other than the appropriation of funds.

23. Technology Improvements

With a paradigm shift in the way we have been delivering services to the community during the pandemic, staff envisions the City will continue to provide both in-person and virtual services in a hybrid format. This will require technology investments into the Council Chambers and other meeting spaces in order to conduct hybrid public meetings and a hybrid work environment. Staff is recommending investing \$800,000 towards technology improvements, with \$400,000 to be allocated in FY 21-22.

Since these costs would typically be covered by the General Fund, this allocation translates to future General Fund savings. If Council approves this item, no additional Council discussion is needed.

Of the 23 programs and initiatives, 11 items require a significant amount of additional staff work while 12 items can proceed soon after Council approval. The 11 items will be brought back to Council with additional detail and related appropriation actions. After reviewing the program details and anticipated outcomes if Council determines that the level of funding needs to be increased or decreased, the Investment Plan can be modified accordingly as long as all funds are able to be expended by the required deadlines.

Staff has grouped the 23 items based on level of work and the need for additional Council discussion.

Group 1:

Items that can be incorporated into existing programs and staff workplans and do not need future Council discussion; funding can be reflected in FY 21-22 budget amendment or incorporated in the development of future budgets, as appropriate.

Beautify Milpitas program	Funding for 6 Public Safety positions for one year
Assistance to Local Hotels	Fire Engine (Pumper)
Accessory Dwelling Unit (ADU) program	Emergency Management Planning Documents
Limited Term Economic Development Specialist	Virtual Reality Simulator Training Equipment
COVID Safe City Facility Improvements	Cybersecurity Improvements and Trainings
Public Safety Facilities' Improvements	Technology Infrastructure

Group 2:

Items that will need additional staff work, future Council discussion and appropriation actions, and potential prioritization of other planned workplan items.

Rental and Mortgage Assistance for Low and Moderate Income Residents	Community Events
Social Services	Financial Assistance to the Chamber of Commerce
Financial Assistance to Low and Moderate Income Residents	Workforce Development
Pilot Curbside Trash Pick-up program	Parks Rehabilitation
Small Business Assistance program	HRIS/Financial Management system
Main Street Revitalization	

TABLE 1: SUMMARY OF PROPOSED ARPA INVESTMENT PLAN

No.	Program/Activity	Proposed Funding	FY 21-22 Funding	Estimated Time
Community Services				
1.	Rent relief and mortgage assistance to low and moderate income residents – related to pandemic	\$1,200,000	\$600,000	2 years
2.	Social services – mental health services, services for domestic violence and abuse victims and LGBTQ plus community, senior nutrition program	\$500,000	\$125,000	3 years
3.	Financial assistance to low and moderate income residents for utility payments, recreation classes, and digital access	\$300,000	\$100,000	3 years
4.	Beautify Milpitas program	\$100,000	\$25,000	4 years
5.	Pilot curbside trash pickup program	\$100,000	\$100,000	1 year
	Subtotal	\$2,200,000	\$950,000	
Economic Vitality				
6.	Small business assistance – related to pandemic	\$1,200,000	\$600,000	2 years
7.	Assistance to hotels	\$100,000	\$100,000	1 year
8.	Accessory Dwelling Unit program	\$1,500,000	\$500,000	3 years
9.	Main Street Revitalization	\$400,000	\$200,000	2 years
10.	Community events	\$200,000	\$100,000	2 years
11.	Financial assistance to the Chamber of Commerce	\$100,000	\$100,000	1 year
12.	Workforce development	\$300,000	\$100,000	3 years
13.	Limited term Economic Development Specialist position	\$330,000	\$165,000	2 years
	Subtotal	\$4,100,000	\$1,865,000	
Infrastructure				
14.	Parks Rehabilitation	\$3,461,815	\$2,000,000	4 years
15.	Public Safety Facilities' Rehabilitation	\$250,000	-	1 year (FY 22-23)
16.	COVID Safe City Facilities Improvements	\$375,000	\$375,000	1 year
	Subtotal	\$4,086,815	\$2,375,000	
Public Safety				
17.	Public Safety staffing (funding for 2 Police and 4 Fire positions for one year)	\$1,200,000	\$1,200,000	1 year
18.	Fire Pumper	\$800,000	\$800,000	1 year
19.	Implementation of High Priority Emergency Management Program Assessment Study	\$200,000	\$100,000	2 years
20.	Virtual Reality Simulator Training Equipment	\$50,000	\$50,000	1 year
	Subtotal	\$2,250,000	\$2,150,000	
Technology				
21.	Human Resources/Financial Management system	\$2,000,000	\$100,000	4 years
22.	Cybersecurity programs and training	\$300,000	\$100,000	4 years
23.	Technology infrastructure	\$800,000	\$400,000	4 years
	Subtotal	\$3,100,000	\$600,000	
	To be Allocated	\$1,000,000	TBD	
	Grand Total	\$16,736,815	\$7,940,000	

Reporting Requirements

Financial records and supporting documents related to the award must be retained for a period of five years after all funds have been expended or returned to Treasury, whichever is later. Recipients will be required to submit an interim report, quarterly project and expenditure reports, and annual recovery plan performance reports (for communities with population over 250,000) regarding their utilization of Coronavirus State and Local Fiscal Recovery Funds. All entities receiving CSFRF and LSFRF funding will be required to submit an interim report of their expenditures from date of award through July 31 by August 31, 2021 with the first quarterly report due by October 31, 2021. Additional detailed guidance and instructions on the reporting requirements will be issued at a later date.

Reporting requirements for each funding category are different. As stated earlier, the guidance to date appears to provide the most flexibility and streamlined reporting process for the Revenue Replacement funding category. Thus, staff is recommending aligning the investment areas with this funding category for reporting purposes.

Audit/Reporting		
Report Type	Due Date	Who Submits
Interim Report - recipient's expenditures by category at summary level from date of award to July 31, 2021; additionally states and territories to provide info on distribution to NEUs	Aug. 31, 2021	States, territories, metro cities, counties, Tribal governments
Quarterly Report –financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient's utilization of award funds; first quarterly report will cover the two quarters from date of award to Sept. 30, 2021, subsequent reports will only cover one calendar quarter	First quarterly report due Oct. 31, 2021 Subsequent quarterly reports due within 30 days after calendar quarter end	States, territories, metro cities, counties, Tribal governments
Annual Project and Expenditure Reports - First annual report will cover activity from the date of award to Sept. 30, 2021	First annual report due Oct. 31, 2021 Subsequent reports due Oct. 31 each year	NEUs
Annual Recovery Plan Performance Report – First report will cover period from the date of award to July 31, 2021, subsequent reports will cover 12-mo period with the second report covering from July 1, 2021 – June 30, 2022	First performance report due Aug. 31, 2021. Subsequent reports due within 30 days after the end of 12-mo. period, e.g. by July 31, 2022	States, territories, metro cities, and counties with population over 250,000

Key Compliance Considerations

Procurement and Contract Requirements will be governed by the “Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards” in accordance with the Code of Federal Regulation [2 CFR Part 200](#). This regulation will also stipulate the financial reporting and audit requires for the federal awards. These comprehensive and strict requirements will need Staff resources to ensure compliance for each ARPA program/activity. Moreover, while the comment period on the Interim Final Rule closes on July 16, there is no deadline for the Federal government to issue the Final Rule. To that end, eligible use(s) are subject to change.

Next Steps

Based on Council direction staff will bring back an updated Investment Plan in August. Since the proposed FY 2021-22 budget does not include the use of any ARPA funds, once Council has approved a plan for ARPA funds, a budget amendment will be brought forward for Council approval. Staff will also bring back separate discussion items and appropriation actions, as needed, for Council consideration.

Policy Alternative:

Not applicable

Fiscal Impact:

The ARPA allocation to the City is in the amount of \$16,736,815. \$8,368,407.50 has been received on June 1, 2021 and \$8,368,407.50 is scheduled to be received in June FY 21-22. As the Federal Final Ruling on the ARPA Coronavirus State and Local Fiscal Recovery Funding is pending, staff does not recommend full appropriation of ARPA funding. Instead, prior to ARPA programs / activities being initiated, staff will request Council ARPA funding appropriation, either through separate actions or through the budget process.

California Environmental Quality Act:

This item is not a Project under CEQA in accordance with CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) as it can be seen with certainty that a general discussion of funding priorities by the City Council will not have a significant effect on the environment. Further, the item is also not a Project pursuant to CEQA Guidelines Section 15378(b)(4) as it is a government fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Although the use of funding will be discussed for various potential projects, any project scope and potential environmental analysis would be speculative to analyze at this time and future environmental analysis will be conducted for the various potential projects prior to the City making any commitment or approval of any project.

Recommendation:

1. Adopt the American Rescue Plan Act (ARPA) Investment Framework including Fiscal Guidelines and Investment Areas
2. Provide input to staff on the Proposed Preliminary ARPA Investment Plan and provide direction to bring back a draft ARPA Investment Plan for Council consideration in August 2021

Attachments:

Attachment A – June 8 Agenda Report

Attachment B – List of Parks

Attachment C – Proposed Timeline



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive American Rescue Plan Act (ARPA) Update and Provide Direction on Proposed ARPA Investment Framework and Preliminary ARPA Investment Plan
Category:	Leadership and Support Services
Meeting Date:	6/8/2021
Staff Contact:	Ashwini Kantak, Assistant City Manager, 408-586-3053
Recommendation:	Receive American Rescue Plan Act Update and Provide Direction on Proposed ARPA Investment Framework and Preliminary ARPA Investment Plan

Background:

In March 2020, due to the rampant spread of the Coronavirus (Pandemic), a state of emergency was declared at the local, state, and federal levels and stay-at-home orders issued, which had an enormous impact on the local, State and national economy as well as the City's finances.

On March 11, 2021, President Biden signed into law the American Rescue Plan Act (ARPA), a \$1.9 trillion stimulus package, to counteract the economic impacts of the pandemic. The bill contains a \$350 billion allocation for state and local government aid. Of that amount, the local portion of the funding is approximately \$130 billion, equally divided between cities and counties. For cities, \$45.5 billion of the \$65 billion will be allocated to metropolitan cities (population over 50,000), such as the City of Milpitas, utilizing a modified CDBG (Community Development Block Grant) formula.

On March 16, Staff provided for Council consideration, a policy framework for the Federal Coronavirus Relief Funds ([link to agenda report](#)). At that time, Council directed staff to bring this item back to the Budget Study Session on May 11 for further consideration. On May 11, staff presented preliminary information on ARPA's state and local fiscal recovery funding and the Interim Final Rule (IFR) issued by the U.S. Treasury Department on May 10. Staff also provided information on other funding through ARPA that could benefit the Milpitas community. The ARPA allocation of \$16,736,815 to the City is available in two tranches, with the first half received on June 1, and the second half to be provided in June 2022. Funds need to be either expended or encumbered by December 31, 2024, with all funds to be expended by December 31, 2026. The IFR gives recipients substantial flexibility for each government to meet local needs—including government services, support for households, small businesses, impacted industries, essential workers, and the communities hardest hit by the crisis. These funds can also be used to make investments in water, sewer, and broadband infrastructure. The Treasury Department will be accepting comments on the Interim Final Rule until July 10 after which the Final Rule will be released.

The stated goals of the funds are:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control
- Replace lost revenue for eligible state, local, territorial, and Tribal governments to strengthen support for vital public services and help retain jobs
- Support immediate economic stabilization for households and businesses
- Address systemic public health and economic challenges that have contributed to the inequal impact of the pandemic

Funding Categories

The IFR outlines four funding categories consistent with the ARPA legislation as well as ineligible uses as summarized below. Please refer to Attachment A for additional details.

COVID-19 Response

Public Health and Economic Recovery

This category includes funding for activities, programs, and projects to combat COVID. It also includes funding for assistance to businesses and residents impacted by COVID.

Revenue Replacement

This category provides funding in the amount of lost revenue for various governmental services. Lost revenue calculations are defined in the IFR and allow recipients to calculate extend of reduction in revenue over the course of four years. This approach recognizes that some recipients may experience lagged effects of the pandemic on revenues. The IFR states that funds made available for the provision of governmental services (to the extent of reduction in revenue) are intended to support direct provision of services to citizens. Contributions to rainy day funds are not considered provision of government services, since such expenses do not directly relate to the provision of government services.

Water, Sewer, and Broadband Infrastructure

Eligible uses align with the wide range of types or categories of projects that would be eligible to receive financial assistance through the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF). Types of eligible projects include storage, treatment, transmission, and distribution of water systems, publicly owned sewer system infrastructure, water reuse projects, efforts to address climate change and to meet cybersecurity needs. Eligible broadband projects have to reliably deliver certain minimum speeds and serve unserved or underserved households and businesses.

Premium Pay for Essential Workers

Funds can be used to provide premium pay to essential workers. Essential workers are those in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others. The IFR emphasizes the need for recipients to prioritize premium pay for lower income workers.

Ineligible Uses

1. Paying interest or principal on outstanding debt.	5. Pension deposits.
2. Replenishing rainy day or other reserve funds.	6. Non-federal funding match if barred by regulation or statute.
3. Paying settlements or judgments.	7. General new infrastructure projects, economic development, and workforce development, if not related to the pandemic.
4. Offsetting tax reductions or delaying a tax or a tax increase.	

The City Council provided general feedback on potential areas of investment and directed staff to bring back a recommended funding plan. The Council feedback from the May 11 City Council meeting as well as any subsequent requests sent by individual Councilmembers are included in Attachment B. On June 1, Council requested staff to bring back the list of eliminated and defunded positions as part of the ARPA funding discussion. This list is included as Attachment C.

Analysis:

The City applied for the first tranche and received \$8,368,407.50 on June 1. In order to understand the ARPA fund uses, City staff have attended several webinars hosted by the National League of Cities (NLC), the Treasury Department, and the Government Finance Officers Association (GFOA), and also reviewed the

guidance documents and FAQs from the Treasury. The webinars hosted by NLC and GFOA provided useful interpretation of the guidance as well as a set of fiscal considerations for spending the one-time ARPA funds.

Based on the eligible uses of the funding, as currently defined in the IFR, input from the Council, community, and employees through the budget process, and specific input from Council on the use of ARPA funding, staff recommends an ARPA Investment Framework and a preliminary ARPA Investment Plan for use of the one-time ARPA funds. If Council wishes to fund programs or staffing that will require ongoing funding, staff recommends using ARPA funding through December 2024.

ARPA Investment Plan Development

In response to the fiscal crisis caused by the pandemic, the Council authorized the net use of \$7 million in reserves and the defunding of capital projects in the amount of approximately \$6 million. If allowable, staff would have recommended using ARPA funds to replenish reserves consistent with Fiscal Policy #16, which states that, "One-time revenues will be used for one-time expenditures only including capital outlay and reserves." However, this is not an eligible use of ARPA funds. NLC and GFOA have also developed a set of fiscal considerations for spending ARPA funds, which staff has taken into consideration.

Staff is proposing an ARPA Investment Framework which includes Fiscal Guidelines and Investment Areas. Based on the City's fiscal policies and the NLC and GFOA fiscal considerations, staff is recommending the following **ARPA Investment Plan Fiscal Guidelines**:

1. Identify and promote **other ARPA or State funding sources** to the extent possible before dedicating local ARPA funds.
2. Use one-time ARPA funds for **one-time expenditures** such as investment in infrastructure or technology with minimum ongoing operating costs.
3. **Avoid ongoing General Fund commitments** with additional programs and positions.
4. **Avoid creating a structural budget deficit** if restoring any reduced services.
5. Leverage **regional agencies, non-profit partners, and existing programs** to maximize efficiency in delivering programs and services.

As mentioned above, at the May 11 Special Council Meeting, staff presented the four funding categories for ARPA CLFRF funds. The broadest category relates to providing government services up to the calculated revenue replacement amount. Per Finance's initial calculation, using the IFR methodology, the City incurred a revenue loss of approximately \$45 million, which is more than the \$16,736,815 million allocation the City will receive during the next 12 months. This funding category allows the maximum flexibility and administrative efficiencies; hence, staff intends to document the use of ARPA funds under the revenue replacement category. Additional instructions on the revenue loss calculation will be issued at a later date, which may further refine the initial calculation.

At the May 11 meeting and thereafter, staff received Council feedback regarding ARPA Plan spending priorities (see attachment with all Council requests received). There were 39 requests received at the Council meeting and 24 requests received subsequently, thus resulting in a total of 63 requests. Staff created a matrix of all Council spending priorities and grouped overlapping priorities. A majority of the requests were related to financial assistance and social services to those impacted by the pandemic, economic vitality, infrastructure, public safety, and technology. Although several Council requests align with the existing seven Council Priority Areas, there are a large number of requests related to financial assistance and social services that are not representative of typical City services and hence do not align well with the existing Council Priority Areas. Although the majority of Council requests have been incorporated into the proposed Investment Plan, some items have not been included due to one or more of the following reasons:

1. Considered an ineligible use for ARPA funds.
2. Funded through a separate effort.
3. Not aligned with the Proposed ARPA Fiscal Guidelines.
4. Requires further policy direction from the Council.

Thus, staff is recommending the following five ARPA Investment Areas:

1. **Community Services:** provide funding assistance to low and moderate income residents, social services to vulnerable populations, and fund senior nutrition services.
2. **Economic Vitality:** support re-building our local economy.
3. **Infrastructure:** invest in eligible infrastructure projects.
4. **Public Safety:** prioritize public safety services and equipment.
5. **Technology:** invest in hardware, software, and protection of critical infrastructure to improve organizational productivity, efficiency and cybersecurity.

Proposed Preliminary ARPA Investment Plan

Based on the IFR, the ARPA Investment Plan Fiscal Guidelines, and the ARPA Investment Areas, staff is recommending a preliminary ARPA Investment Plan. After Council deliberation, staff intends to return in August for approval of the final Plan. This will allow staff to incorporate information about other federal and State programs which may be available to businesses and residents, which, depending on Council direction, would free up funds for investments into park or other infrastructure. For example, per the forthcoming Park Master Plan, the identified total short-term improvement needs for our parks amounts to \$8 million. The initial ARPA Investment Plan recommends allocating \$3 million for park improvements.

Staff is recommending allocating **\$2,200,000** to the area of **Community Services**. This will allow funding for rental and mortgage assistance to low and moderate income residents and social services including mental health services and services to the LGBTQ plus community and at risk youth as well as victims of domestic violence and abuse. Supplemental funding for the senior nutrition program is also recommended in this area. The funding will supplement the City's existing Milpitas Assistance Program to subsidize digital access and financial assistance to low and moderate income residents for utility payments and recreation programs. Funding for a one year pilot curbside trash pick-up program is also recommended, staff is still working on potential costs and may need to come back with a revised amount for funding in August. Funding will also be provided for staffing and materials for the Beautify Milpitas program.

Given the impact of the pandemic on the local economy and the multiple Council requests related to this, staff is recommending investing **\$4,100,000** in the **Economic Vitality** area to fund financial assistance to businesses impacted by the pandemic, including local hotels, establish a program to incentivize Accessory Dwelling Units (ADUs), revitalize Main Street, fund community events, in partnership with other entities, and provide financial assistance to the Milpitas Chamber of Commerce so as to support their mission of assisting the business community. A limited term Economic Development Specialist position is also recommended to be funded for two years.

An allocation of **\$4,136,815** is proposed for the area of **Infrastructure**. The City has a significant amount of infrastructure funding needs and although the proposed funding will only be able to address a fraction of these needs, staff is recommending \$3.3 million in funding for critical rehabilitation of Fire Stations and parks. A more detailed investment plan for parks will be brought forward after the Recreation and Parks Master Plan discussion on June 15. Staff is also recommending funding improvements to ensure that City facilities are retrofitted to be COVID safe.

In the area of **Public Safety**, staff is recommending an allocation of **\$2,200,000**. This will allow funding of the defunded positions of 2 Police Officers and 4 Firefighters. This funding may be used for FY 21-22 if a FEMA waiver for the SAFER grant, which funds the 4 Firefighter positions, is denied or alternatively it could be used to fund the positions in FY 22-23, resulting in a General Fund savings of \$1.2 million. Additionally, staff is recommending funding a Pumper which is a critical component of the fire fleet and implementing high priority items included in the recently approved Emergency Management Plan.

An allocation of **\$4,100,000** is recommended for the area of **Technology**. The City is a service organization, with the majority of its budget going towards personnel costs. However, it currently does not have an HR Information System (HRIS) to manage this critical asset. Furthermore, the City's financial management system is also 24 years old (implemented in 1997) and needs to be evaluated for potential modernization. Thus, staff is recommending \$3 million towards a new HRIS/financial management system, as well as cybersecurity improvements and related trainings and several technology improvements to support hybrid public meetings, increased teleworking and virtual City services.

No.	Program/Activity	Proposed Funding	FY 21-22 Funding	Estimated Time
Community Services				
1.	Rent relief and mortgage assistance to low and moderate income residents – related to pandemic	\$1,200,000	\$600,000	2 years
2.	Social services – mental health services, services for domestic violence and abuse victims and LGBTQ plus community, senior nutrition program	\$500,000	\$150,000	3 years
3.	Low and moderate income assistance for utility payments, recreation classes, and digital access	\$300,000	\$100,000	3 years
4.	Beautify Milpitas staffing and materials	\$100,000	\$25,000	4 years
5.	Pilot curbside trash pickup program	\$100,000	\$100,000	1 year
	Subtotal	\$2,200,000	\$950,000	
Economic Vitality				
1.	Small business assistance – related to pandemic	\$1,200,000	\$600,000	2 years
2.	Assistance to hotels	\$100,000	\$100,000	1 year
3.	Accessory Dwelling Unit program	\$1,500,000	\$500,000	3 years
4.	Main Street Revitalization including façade improvements and staffing	\$400,000	\$200,000	2 years
5.	Community events, including grants and staffing	\$300,000	\$150,000	2 years
6.	Workforce development	\$300,000	\$100,000	3 years
7.	Limited term Economic Development Specialist position	\$330,000	\$165,000	2 years
	Subtotal	\$4,100,000	\$1,865,000	
Infrastructure				
1.	Parks Rehabilitation (e.g.: \$2.2 million defunded for Sandalwood as part of FY 2020-21 Budget; \$8 million for short-term park rehabilitations per forthcoming Parks Master Plan)	\$3,461,815	\$2,000,000	4 years
2.	Public Safety Facilities' Rehabilitation	\$300,000	-	1 year (FY 22-23)
3.	COVID Safe City Facilities Improvements	\$375,000	\$375,000	1 year
	Subtotal	\$4,136,815	\$2,375,000	
Public Safety				
1.	Public Safety staffing (funding for 2 Police and 4 Fire positions for one year)	\$1,200,000	\$1,200,000	1 year
2.	Fire Pumper	\$800,000	\$800,000	1 year
3.	Implementation of High Priority Emergency Management Program Assessment Study	\$200,000	\$100,000	2 years
	Subtotal	\$2,200,000	\$2,100,000	
Technology				
1.	Human Resources/Financial Management system	\$3,000,000	\$100,000	4 years
2.	Cybersecurity programs and training	\$300,000	\$100,000	4 years
3.	Technology infrastructure to enable hybrid public meetings, teleworking, virtual services, and ongoing replacement	\$800,000	\$400,000	4 years
	Subtotal	\$4,100,000	\$600,000	
	Grand Total	\$16,736,815	\$7,890,000	

Reporting Requirements

Financial records and supporting documents related to the award must be retained for a period of five years after all funds have been expended or returned to Treasury, whichever is later. Recipients will be required to submit an interim report, quarterly project and expenditure reports, and annual recovery plan performance reports (for communities with population over 250,000) regarding their utilization of Coronavirus State and Local Fiscal Recovery Funds. All entities receiving CSFRF and LSFRF funding will be required to submit an interim report of their expenditures from date of award through July 31 by August 31, 2021 with the first quarterly report due by October 31, 2021. Additional detailed guidance and instructions on the reporting requirements will be issued at a later date.

Reporting requirements for each funding category are different. The guidance to date appears to provide the most flexibility and streamlined reporting process for the Revenue Replacement funding category. Thus, staff is recommending aligning the investment areas with this funding category for reporting purposes.

Audit/Reporting		
Report Type	Due Date	Who Submits
Interim Report - recipient's expenditures by category at summary level from date of award to July 31, 2021; additionally states and territories to provide info on distribution to NEUs	Aug. 31, 2021	States, territories, metro cities, counties, Tribal governments
Quarterly Report –financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient's utilization of award funds; first quarterly report will cover the two quarters from date of award to Sept. 30, 2021, subsequent reports will only cover one calendar quarter	First quarterly report due Oct. 31, 2021 Subsequent quarterly reports due within 30 days after calendar quarter end	States, territories, metro cities, counties, Tribal governments
Annual Project and Expenditure Reports - First annual report will cover activity from the date of award to Sept. 30, 2021	First annual report due Oct. 31, 2021 Subsequent reports due Oct. 31 each year	NEUs
Annual Recovery Plan Performance Report – First report will cover period from the date of award to July 31, 2021, subsequent reports will cover 12-mo period with the second report covering from July 1, 2021 – June 30, 2022	First performance report due Aug. 31, 2021. Subsequent reports due within 30 days after the end of 12-mo. period, e.g. by July 31, 2022	States, territories, metro cities, and counties with population over 250,000

Next Steps

Based on Council direction staff will bring back a final spending plan in August. Since the proposed FY 2021-22 budget does not include the use of any ARPA funds, once Council has approved a plan for ARPA funds, a budget amendment will be brought forward for Council approval.

For any time-sensitive funding needs, such as funding for COVID Safe facilities and technology improvements or other assistance programs staff will bring back separate appropriation actions for Council consideration.

Policy Alternative:

Not applicable

Fiscal Impact:

The ARPA allocation to the City is in the amount of \$16,736,815. \$8,368,407.50 has been received on June 1, 2021 and \$8,368,407.50 is scheduled to be received in June FY 21-22. Staff will bring forward for Council consideration future appropriation actions consistent with Council direction regarding the ARPA Investment Plan.

California Environmental Quality Act:

This item is not a Project under CEQA in accordance with CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) as it can be seen with certainty that a general discussion of funding priorities by the City Council will not have a significant effect on the environment. Further, the item is also not a Project pursuant to CEQA Guidelines Section 15378(b)(4) as it is a government fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Although the use of funding will be discussed for various potential projects, any project scope and potential environmental analysis would be speculative to analyze at this time and future environmental analysis will be conducted for the various potential projects prior to the City making any commitment or approval of any project.

Recommendation:

Receive American Rescue Plan Act Update and Provide Direction on Proposed ARPA Investment Framework and Preliminary ARPA Investment Plan.

Attachments:

Attachment A - ARPA CLFRF Funding Categories

Attachment B - Councilmember Requests

Attachment C – List of defunded and eliminated positions in Adopted FY 21-22 budget

Attachment A – ARPA Coronavirus Local Fiscal Recovery (CLFRF) Funding Categories

COVID -19

Public Health

Several activities and programs to combat COVID-19 could be eligible such as vaccination programs, testing, support for isolation or quarantine, enforcement of public health orders, public communication efforts, and purchases of personal protective equipment. Capital investments in public facilities to meet pandemic operational needs are also eligible, such as adaptations to public buildings to implement COVID-19 mitigation tactics.

Economic Recovery

Eligible uses include assistance to households; small businesses and nonprofits; and aid to impacted industries. Assistance to households includes, but is not limited to: food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance; emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; or job training to address negative economic or public health impacts experienced due to a worker's occupation or level of training. Assistance to small business and non-profits includes, but is not limited to:

- a. loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs;
- b. loans, grants, or in-kind assistance to implement COVID-19 prevention or mitigation tactics, such as physical plant changes to enable social distancing, enhanced cleaning efforts, barriers or partitions, or COVID-19 vaccination, testing, or contact tracing programs; and
- c. technical assistance, counseling, or other services to assist with business planning needs.

Revenue Replacement

The IFR states that funds made available for the provision of governmental services (to the extent of reduction in revenue) are intended to support direct provision of services to citizens. Contributions to rainy day funds are not considered provision of government services, since such expenses do not directly relate to the provision of government services.

The IFR refined the calculation of lost revenue as provided for in underlying legislation. Recipients are permitted to calculate the extent of reduction in revenue as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023. This approach recognizes that some recipients may experience lagged effects of the pandemic on revenues. Upon receiving Fiscal Recovery Fund payments, recipients may immediately calculate revenue loss for the period ending December 31, 2020.

Base Year Revenue is General Revenue collected in the most recent full fiscal year prior to the COVID-19 public health emergency. General Revenue includes revenue from taxes, current charges, and miscellaneous general revenue. It excludes refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and revenue generated by utilities and insurance trusts. To estimate the revenue shortfall, recipients may incorporate their average annual revenue growth rate in the three full

fiscal years prior to the public health emergency. Use of pre-pandemic projections are not allowed.

Water, Sewer, and Broadband Infrastructure

Eligible uses align with the wide range of types or categories of projects that would be eligible to receive financial assistance through the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF). Under the DWSRF, categories of eligible projects include treatment, transmission and distribution (including lead service line replacement), source rehabilitation and decontamination, storage, consolidation, and new systems development. Under the CWSRF, categories of eligible projects include construction of publicly owned treatment works, nonpoint source pollution management, national estuary program projects, decentralized wastewater treatment systems, stormwater systems, water conservation, efficiency, and reuse measures, watershed pilot projects, energy efficiency measures for publicly-owned treatment works, water reuse projects, security measures at publicly-owned treatment works, and technical assistance to ensure compliance with the Clean Water Act. Eligible projects under the DWSRF and CWSRF also include efforts to address climate change, as well as to meet cybersecurity needs to protect water and sewer infrastructure.

Eligible broadband projects have to reliably deliver minimum speeds of 100 Mbps download and 100 Mbps upload. In cases where it is impracticable due to geography, topography, or financial cost to meet those standards, projects must reliably deliver at least 100 Mbps download speed, at least 20 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed. Projects must also be designed to serve unserved or underserved households and businesses, defined as those that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed.

Premium Pay for Essential Workers

Funds can be used to provide premium pay to essential workers. Essential workers are those in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others. The IFR emphasizes the need for recipients to prioritize premium pay for lower income workers.

May 11, 2021 Minutes Excerpts

Council asked clarifying questions regarding staffing, Measure F funding, and FEMA grant funding and stated support for the proposed budget.

The following spoke during Public Comment:

1. Voltaire Montemayor
2. Barbara Navarro

No further motions were made for this item.

2. American Rescue Plan Act Update

Assistant City Manager Kantak gave a presentation on the American Rescue Plan Act (ARPA) and noted that the United States Treasury Department issued guidance on May 10, 2021. She further stated that the presentation was based on a preliminary review and staff will need to go back to analyze the interim final rule in more detail.

Mayor Tran requested that the City Manager send more information and the plan guidelines along with recommendations.

Councilmember Chua gave a PowerPoint presentation and requested ARPA funding for the following items:

1. Increase affordable housing and generate property tax revenue by allocating grant funding for Accessory Dwelling Units (ADU) and waiving the fees for plan review and inspection. She requested \$3.13 million for this grant program.
2. Support for Microenterprise & Small Business Round 2 grant funding, focusing on Daycare, restaurants, and small landlords who have rental properties with no more than three units. She requested \$1.5 million for this grant program which includes \$100,000 for hotels.
3. Increase Transient Occupancy Tax (TOT) by providing digital tools for the safety of customers and staff. She requested \$100,000; this amount is part of the \$1.5 million previously stated.
4. Support workforce creation by providing 20 City Interns for four years. She requested \$48,000.
5. Support to the Milpitas Chamber of Commerce with a requested amount of \$100,000.
6. Support for a storefront improvement grant program in line with the revitalization of Main Street. She requested \$100,000.

Councilmember Dominguez requested ARPA funding for the following items:

1. Invest funding to support a mobile crises intervention service known as MCIS to the Milpitas Police Department to address nonviolent calls of service when someone is experiencing a mental health crisis. Have professional licensed clinical social workers with advanced training work with the Police Department in situations where individuals experiencing mental health crises need immediate site assessment and connection to immediate resources. She is requesting \$1 million.
2. Investment into community partnerships to implement yoga, tai chi, art therapy, and healing sessions.
3. Partner with the Santa Clara Behavior Health Services to provide continual care to those in need.
4. Invest in aquatic underwater equipment.
5. Implementing a family camp in Yosemite for children.
6. Reinvest money into broadband infrastructure to revitalize the economy and to attract businesses.
7. Invest in workforce development, education strategies, Economic Development Department, key workforce programs, and the Chamber of Commerce.
8. Consider a temporary limited-term Economic Development specialist that focuses on COVID19 business recovery and assistance for a term of 24 months.

9. Invest in training for law enforcement that is survivor-centered and trauma-informed when responding to calls of service involving domestic violence. She is requesting \$100,000.
10. Invest in training in strangulation response for law enforcement. She is requesting \$50,000.
11. Increase the need for legal services for victims to get restraining orders, food, housing, and shelter. She is requesting \$100,000.
12. LGBT assistance for exiting domestic and partner violence relationships. She is requesting \$100,000.
13. Join a response system such as the Victim Advocacy Program and have the Milpitas Police Department ensure that a victim advocate present before questioning clinical counseling. She is requesting \$100,000.
14. Community solutions to provide coordination support for the South Bay Coalition to end human trafficking and keep accessible data. She is requesting \$50,000.
15. Investment into the Economic Development of \$3 million.
16. Reinvest in a rental assistance program and build a first-time homebuyer's program.

Vice Mayor Montano requested ARPA funding for the following items:

1. Help provide Water Utility assistance and raise the threshold for the Milpitas Assistance Program (MAP), so more residents can qualify for assistance
2. Support small business, restaurants, childcare providers, and nonprofits
3. Include youth sports in the Milpitas Assistance Program
4. City assistance to low-income programs such as "After the Bell," allowing more middle-income people to qualify
5. Rent relief and mortgage relief
6. Direct payment for Childcare
7. Broadband to close the digital divide
8. A pilot program to provide counseling when domestic violence occurs
9. Economic development for the revitalization of Main Street
10. Increase the Library hours or sustain what the City had
11. Provide youth sports and possible use APRA funding for the softball field

Councilmember Phan requested ARPA funding for the following items:

1. Provide funding for the existing nonprofit services proposals
2. Support the at-risk youth
3. Support mental health services
4. Expand existing services and programs such as rent relief and mortgage assistance
5. Funding positions to the extent possible to eliminate layoffs

Councilmember Chua spoke about dumpster days and requested free curbside pick-ups.

No Motion was made for this item.

3. Potential Hero/Hazard Pay Ordinance

This Item was deferred indefinitely during the approval of the agenda and approved as follows.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by a vote of:

AYES: 4

NOES: 1 (Dominguez)

4. Discussion to Create Middle-Income Workforce Housing Through the

Councilmember Phan spoke about a proposal to convert existing market-rate housing to middle-income workforce housing. He asked Council to consider engaging an independent consultant to do a study on this and join the JPA as part of the Statewide program allowing municipalities to produce middle-income housing. This program is

Requests sent by Vice Mayor Carmen Montano subsequent to the May 11, 2021 Council Meeting

ARPA Suggestions

May 14, 2021

1. Replace city reserves used during COVID
2. Increase and add a water, utility fund to the MAP (Milpitas Assistance Program)
 - a. Raise the threshold guidelines so middle-class can be included
 - b. Include electricity assistance
3. Increase MAP city assistance programs to include scholarships to youth groups in sports such as: PAL, YMCA, theatre, music, math, and tutoring clinics and increase After the Bell afterschool programs for low income and lower middle-class families
4. Provide a childcare assistance fund to help families struggling to pay for childcare
5. Increase rent relief to include middle-class continue to include rent relief to include homeowners behind in their mortgage payments and HOA fees
6. Purchase building on Main Street as or a Community Multipurpose Center that provides activities and resources to the community in that end of town
7. Lease or purchase a building on Main Street to make it a city run Museum
8. Lease or purchase a building on Main Street or other site for a Theatre for the Performing Arts or expand existing community center
9. Funding CIP Girls Softball fields to expedite Girls softball fields
10. Infrastructure projects such as streetlights, street paving, storm drains, etc.
11. Provide citywide broadband
12. Create a youth jobs work program for under-privileged kids so they can help out the family unit
 - a. Summer programs
13. Create a Day-worker program for unemployed adult labor workers. Mountain View and San Jose have one and we can model from them
14. Create a pilot program to create a Social worker/police officer (dual role) to provide counseling/mediator skills to help diffuse volatile police calls that deal with mental illness and domestic violence and other social issues.
15. Create a Beautify Milpitas fund or use our current EDC (Economic Dev. Corporation) to solicit funds from private donors to Beautify Milpitas.
16. Create a Main Street new development impact fees ordinance
17. Extend library hours to include tutoring services program in partnership with MUSD
18. Increase Microenterprise fund to help our small businesses
19. Waive taxes for one year to invite new businesses in town to revitalize economically depressed areas
20. Create a Chamber of Commerce fund for an economic development strategy for them to create a citywide community social event such as Arts & Wine festival, Rancho Days, Little cornfields festival, or Frontier Days themes.

21. Create a Teen Center 24-hour refuge “time out” place for teenagers to go when they are experiencing family problems at home. It will be a counseling center and it can be a partnership with MUSD. We used to have a youth bureau at PD but not sure if it still exist.
22. Create a “Cultural fund” to fund a Multicultural Day event in Milpitas where our diversity is shared and celebrated.
23. Create an economic development fund to create a “Little India” shopping center on South Main Street

Vice Mayor- Carmen Montano

Requests sent by Councilmember Evelyn Chua subsequent to the May 11, 2021 Council Meeting

FUNDING ARPA REQUESTS

Revenue Generation	Description	Grant Amount	Count	Ask	Eligible Category	Description
Property Tax	ADUs	\$10K	300	\$3M	Infrastructure	Increase affordable housing
Sales Tax	Micro/Small Business	\$5K	300	\$1.5M	Infrastructure	Restaurants, Daycare, Small landlords (no more than 3) rentals
Hotel Tax	Hotels' Touchless Tools	\$5K	20	\$100K	Health	Safety, Pandemic related tools
	Interns	20X4X160X15	20	\$48K		Manpower replacements (tasks related to pandemic)
	Chamber of Commerce	\$150K	1	\$150K	Small Business	Business recovery and rebuilding
	Storefront Enhancements	\$100K	4	\$400K	Small Business	Business recovery and rebuilding
	Free Curbside Trash Pickup	TBD	TBD	TBD	Public Safety	Homeowners' Assistance; Health
Additional						
	Library Commission Project	\$3K	1	\$3K	Education	Education
	Monthly Clean-up	TBD	12X4=48	TBD	Climate Change	Reduce Greenhouse Gas (GHG) emission
	VW Rainwater Capture Rebates	TBD	TBD	TBD	Climate Change	Water conservation; More and increase incentives
	VW Irrigation Equipment Rebates	TBD	TBD	TBD	Climate Change	Water conservation; More and increase incentives
	Software/Hardware	TBD	TBD	TBD	IS	HRIS; Cyber Defense Software (cybersecurity)
	Parks Repair/Upgrade	TBD	TBD	TBD	Infrastructure	More outdoor congregation; defunded projects
	Additional Temporary/Hotel Housing	\$50K	1	\$50K	Housing	Low income temporary housing
	COVID-free Compliant City Hall	TBD	TBD	TBD	Public Safety	If applicable, retrofit City Hall for Employee and Public Safety

Attachment C –

List of defunded and eliminated positions in Adopted FY 21-22 budget

Delete:

- One (1) FTE Administrative Assistant – City Attorney’s Office
- One (1) FTE Chief Fire Enforcement Officer – Fire Department
- One (1) FTE Planning Manager – Planning Department

Defund:

- One (1) FTE Office Specialist – City Manager’s Office
- One (1) FTE Building Inspector – Building Safety & Housing Department
- One (1) FTE Building Plan Checker - Building Safety & Housing Department
- One (1) FTE Associate Civil Engineer – Engineering Department
- One (1) FTE Financial Analyst – Finance Department
- Four (4) FTE Fire Fighters – Fire Department until June 30, 2022.
- One (1) FTE Entry Level Fire Inspector – Fire Department
- One (1) FTE Human Resources Technician – Human Resources Dept until 12/31/21
- One (1) FTE Information Systems Analyst – Information Technology Dept until 6/30/2022
- Two (2) FTE Police Officers – Police Department until June 30, 2022.
- One (1) FTE Equipment Maintenance Worker II – Public Works Department
- One (1) FTE Equipment Maintenance Worker III – Public Works Department
- One (1) FTE Recreation Supervisor – Recreation & Community Services Department
- One (1) FTE Recreation Services Assistant IV - Recreation & Community Services Department
- One (1) FTE Public Services Assistant - Recreation & Community Services Department
- One (0.75) FTE Office Assistant II - Recreation & Community Services Department
- One (1) FTE Special Events Coordinator - Recreation & Community Services Department
- One (1) FTE Recreation Services Assistant III - Recreation & Community Services Department

Reallocate

- One (1) FTE Assistant Planner to One (1) FTE Associate Planner
- One (1) FTE Assistant Planner to One (1) FTE Junior Planner

Transfer One half time (0.5) FTE Office Assistant II from the City Clerk’s Office to the City Manager’s Office

PRIORITIZATION MATRIX - PARKS

MILPITAS PARKS PRIORITY MATRIX		CODE	PARK SIZE Acres	TOTAL USER GROUPS SERVED	CAPACITY			CONDITION			ACCESS			PROXIMITY			COMMUNITY PRIORITY			OPPORTUNITY			TIME FRAME			COST														
FACILITY / ELEMENT	Priority				CHILDREN 2-12			TEENS 13-19			ADULTS 18-55			SENIORS 55+			Good	Fair	Poor	Critical	PATH	FURN	PLAY	U	C	Low	Med	High	M	U	R	1-5 Years	6-10 Years	10-20 Years	LOW	MED	HIGH			
					1	1	1	1	1	1	1	1	1	1	1	1																								
Murphy Park (N)	A	8.30	27	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	1	2	2	0	4	0	2	4	2	2	2	2	2	2	2	2	2	2		
Starline Park (N)	A	3.44	26	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	4	2	2	4	0	0	0	0	4	2	0	0	0	0	0	0	0	0		
Simont (N)	A	4.67	25	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	4	2	2	0	0	0	0	4	2	2	0	0	0	0	0	0	0	0		
Peter Gil (N)	B	8.16	24	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	1	2	2	0	4	0	0	0	0	0	0	2	2	2	2	2	2	2		
Dixon Landing (C)	C	11.40	24	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	1	2	2	0	4	0	0	0	4	2	2	2	2	2	2	2	2	2		
Strickroth (N)	B/C	4.87	23	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	4	2	2	0	0	0	0	4	0	0	2	2	2	2	2	2	2	2		
Ben Rogers Park (N)	A	8.66	22	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	3	2	2	0	0	0	0	4	2	2	2	2	2	2	2	2	2	2		
Robert E. Browne (N)	B	4.93	22	0	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	3	2	2	0	4	0	0	4	2	0	0	0	0	0	0	0	0	0		
Hidden Lake Park (N)	C	6.57	22	0	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	3	2	2	0	4	0	0	4	2	0	0	0	0	0	0	0	0	0		
Foothill (N)	A	3.98	21	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	4	2	2	0	4	0	0	2	0	2	0	0	0	0	0	0	0	0		
Sandalwood Park (N)	A	3.88	21	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	4	2	2	0	0	0	0	4	2	0	0	0	0	0	0	0	0	0		
Selwyn Park (U)	M	0.23	19	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	4	0	0	4	2	0	0	0	0	0	0	0	0	0		
Sunnyhill Albert Augustine Jr. Park (N)	B	6.20	19	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	3	1	2	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0		
Caribou Park (C)	A	10.15	19	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	4	0	0	0	0	0	2	2	2	2	2	2	2	2		
Hall Memorial Park (N)	B	9.91	19	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	0	0	0	2	0	2	0	0	0	0	0	0	0	0		
Calaveras Ridge (S)	A	1.80	19	0	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	4	0	0	4	0	2	0	0	0	0	0	0	0	0		
Parc Metro Central (U)	C	0.58	17	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0		
Oliver Jones Memorial (N)	C	4.93	16	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	3	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Parc Metro East (U)	B	2.06	15	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0		
Parc Metro West (U)	C	0.98	15	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	3	0	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0		
Milpitas Dog Park (S)	M	1.57	15	0	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0		
Tom East East (N)	C	0.38	14	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	4	0	0	0	2	0	0	0	0	0	0	0	0	0		
Hillcrest Park (N)	C	5.08	14	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0		
Milpitas Sports Center (C)	A	18.47	14	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	2	2	2	2	2	2		
Obispo Elm (U)	M	1.63	14	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	4	0	0	2	0	0	0	0	0	0	0	0	0	0		
Calix Oriente Mini Park (U)	M	0.35	12	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	4	0	0	2	0	0	0	0	0	0	0	0	0	0		
John McDermott (U)	M	0.94	12	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0		
Pinewood Park (U)	M	9.88	11	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0		
Tom East West (N)	M	4.04	11	0	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0		
Alviso Adobe (S)	M	2.26	10	0	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	4	0	0	0	2	0	0	0	0	0	0	0	0	0		
Jose Higuera Adobe Park (S)	C	4.80	10	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Cerrano Park (N)	C	1.00	9	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	2	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Bob Maguire Park (N)	M	3.00	7	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
McCandless Park (N)	M	4.00	7	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Creighton Park (N)	M	5.00	6	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Skate Park (S)	M	1.23	5	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Augustus Rathbone (N)	M	0.73	3	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Pecot Park (U)		3.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			

PARK TYPE (X)
 (C) Community Park
 (N) Neighborhood Park
 (S) Special Use Park
 (U) Urban Park
 (L) Linear Park

CODES
 A Major Renovation - <\$1,000,000
 B Minor Renovation - \$250,000 - \$1,000,000
 C Strategic Upgrades \$0 - \$250,000
 M Preventative Maintenance

OPPORTUNITY
 M TO MEET CURRENTLY UNMET NEED
 U TO MEET CURRENTLY UNMET NEED
 R GENERATE REVENUE

PROXIMITY
 U UNDERSERVED COMMUNITY
 C COMMUNITY-WIDE ASSET

Item	Park site	Description	Cost	Note	Pictures
1	Albert Augustine	Playground Equipment & Surface Repairs	\$ 286,000.00	(PW Rehab project, Phase 3 - On hold)	
2	Calle Oriente	Replace Swing Set	\$ 35,000.00	poses a safety hazard	
3	Cerano Park	Playground Equipment & Surface Repairs	\$ 76,000.00	(PW Rehab project, Phase 3 - On hold)	
4	Dixon Landing	Remove Hazardous Tree	\$ 25,000.00	Pose a safety hazard	
5	Sport Center Complex	Removal and replacement of hazardous trees along eastern property line	\$ 150,000.00		
6	Tom Evatt	Repair Paver	\$ 48,000.00	this buckling paver can cause Trippign hazard	
7	Tom Evatt	Replace Picnic Area Pavers with concrete	\$ 40,000.00	Pavers heaving and settling creating uneven surface and tripping hazardous.	
8	Ben Rodger	Sidewalk repair	\$ 10,000.00		

9	O'Toole Elms	Repair Paver	\$ 10,000.00		
10	O'Toole Elms	Replace Pedestrian Pavers w/ Stamped Concrete	\$ 40,000.00	Pavement is cracking and bucking causing tripping	
11	O'Toole Elms	Playground Equipment & Surface Repairs	\$ 12,000.00	(PW Rehab project, Phase 3 - On hold)	
12	John McDermott	Playground Equipment & Surface Repairs	\$ 40,000.00	(PW Rehab project, Phase 3 - On hold)	
13	Parco Metro East	Grind Concrete pathway avoid tripping hazard	\$ 10,000.00		 
14	Parco Metro West	Repair defect play equipment	\$ 50,000.00		 
15	Murphy Park	Replacement of fitness station	\$ 60,000.00	outdated wood and metal equipment. Most are rotting, rusted and non operational and poses a safety hazardous.	
16	Pecot	Asphalt Path Repairs	\$ 34,000.00	Path is cracking and heaving causing trip hazardous	
17	Peter Gill	Repair Playground Equipment	\$ 50,000.00	Play area is disrepair with broken fencing	
18	Pinewood	Playground Equipment & Surface Repairs	\$ 197,000.00	(PW Rehab project, Phase 3 - On hold)	

19	Robert E Brown	Replacement of fitness station	\$ 30,000.00	poor condition, post safety risk	
20	Robert E Brown	Pathway spot repair	\$ 50,000.00	Asphalt and concrete paths throughout the site are cracking and heaving from tree roots.	
21	Selwyn Park	Playground Equipment & Surface Repairs	\$ 57,000.00	(PW Rehab project, Phase 3 - On hold)	
22	Sinnott Park	Swing Repair	\$ 10,000.00	swing set in poor condition	
23	Sinnott Park	Replacement of fitness station	\$ 100,000.00	Fitness equipment court in poor condition, poses safety hazard	
24	Starlight	Trees survey and maintenance (prune and removal of hazardous trees)	\$ 100,000.00	all trees need extensive pruning. Aging eucalyptus trees over the picnic area pose safety hazard	
25	Starlight	Replacement play equipment and surface	\$ 400,000.00	Per Master plan, play equipment poses a safety hazard and is recommended for replacement. PW rehab project does not include rehab for the playground, but we believe this is immediate repair.	
26	Strickroth Park	Repair Hill Tunnel Recommendation: "Refurbish hill tunnel play feature: Add safety surfacing and safety railings at bridge. Repaint tunnel interior and remove all rust and jagged edges."	\$ 50,000.00	The hillside tunnel is in poor condition, posing safety hazards. With no safety handrails or poured in place surfacing below, the approx. 48" high bridge above the tunnel presents a fall hazard. The interior of the tunnel is heavily rusted with some protruding metal lips."	
27	Strickroth Park	Trees survey and maintenance (prune and removal of hazardous trees)	\$ 100,000.00	all trees need extensive pruning. Aging eucalyptus	

\$ 2,070,000.00

American Rescue Plan Act (ARPA) Investment Plan - Implementation Timeline

Date	Lead Agency	Function	Milestone
March 11, 2021	Federal	Legislation	President Biden signed \$1.9 trillion American Rescue Plan Act
March 16, 2021	City	Policy/Plan	Preliminary framework to Council, discussion deferred to May 11
May 10, 2021	Federal	Legislation	U.S. Treasury issued Interim Final Rule for CLFRF
May 11, 2021	City	Policy/Plan	Council provided input on potential ARPA investments
May 12 - June 1, 2021	City	Policy/Plan	Additional Council ideas submitted
June 8, 2021	City	Policy/Plan	Preliminary ARPA Investment Framework and Plan
June 21, 2021	City	Policy/Plan	Follow up ARPA Council discussion scheduled
July 16, 2021	Federal	Legislation	Public comment period on Interim Final Rule closes
August 2021	Federal	Legislation	U.S. Treasury to issue Final Rule on CLFRF
August 2021	City	Policy/Plan	Updated Plan to be presented to Council
August 31, 2021	City	Reporting/ Audit	Interim Report (Expenditure by Category) due to Treasury
September-October 2021	City	Policy/Plan	Final Plan to be presented to Council
October 31, 2021	City	Reporting/ Audit	Quarterly Report (financial data, contracts >\$50K, projects, etc.) due to Treasury
November 2021	City	Reporting/ Audit	Audit of ARPA CLFRF expenditures
2021 – 2022	City	Policy/Plan	Appropriation actions along with program details for Council approval, as needed
2021 – 2024 / 26	City	Policy/Plan	Implementation of Programs / Activities
2021 – 2024 / 26	City	Reporting/ Audit	Reporting of Programs / Activities
2021 – 2024 / 26	City	Reporting/ Audit	Audit of Programs / Activities

Note: Periodic updates on the status of the Investment Plan will be provided to Council through the entire implementation period.