SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, JANUARY 11, 2022
MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (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

City Council meeting is held 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

PUBLIC COMMENT INSTRUCTIONS

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

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_PLHlJiBvQnGzZOF2oooX-w

After you register 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 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.

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 (6:00 PM)

ADJOURN TO CLOSED SESSION

(a) PUBLIC EMPLOYMENT
Pursuant to California Government Code Section 54957
Position: City Attorney (Receive an update on the City Attorney recruitment and provide direction.)

CLOSED SESSION ANNOUNCEMENT:
Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present.

PLEDGE OF ALLEGIANCE (7:00 PM)

INVOCATION (Vice Mayor Montano)

PRESENTATIONS

PUBLIC FORUM (7:05 PM)
Those in the audience via Zoom are invited to address City Council on any subject not on tonight's agenda. Those interested in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. 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.

NOTE: If a member of the public wishes to share any presentation materials for Council consideration, they must be submitted to the Clerk's Office by email to CityClerk@ci.milpitas.ca.gov by 12:00 p.m. on the day of the meeting.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:10 PM)
Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items 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 future 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 (7:20 PM)
Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

C1. Receive the City Council Calendars of Meetings for January 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Receive the City Council Calendars of Meetings for January 2022.

C2. Approve the City Council Special Meeting Minutes of December 14, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Approve the City Council Special Meeting Minutes of December 14, 2021.

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

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

C4. **Adopt a Resolution Granting Acceptance of the Street Resurfacing 2021 Project, Project No. 4283 & 4298, Authorizing the City Engineer to file a Notice of Completion and Issue a Notice of Final Acceptance after the One-Year Warranty Period (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a Resolution granting acceptance of the Street Resurfacing 2021 Project, Project No. 4283 & 4298, authorizing the City Engineer to file a Notice of Completion and issue a notice of final acceptance to the Contractor after the one-year warranty period.

C5. **Approve and Authorize the City Manager to Execute Amendment No. 1 to the Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority (VTA) for the State Route 237 Near Term Improvements Project (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority (VTA) for the State Route 237 Near Term Improvements Project.

C6. **Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)**

Recommendation: Move to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

C7. **Approve proposed City Council Procedures and Protocols Handbook (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Christopher Diaz, City Attorney, 408-586-3041)**

Recommendations: Approve proposed City Council Procedures and Protocols Handbook.

C8. **Approve Amendment No. 1 to Cost Share Agreement between the Milpitas Unified School District and the City of Milpitas for the McCandless Park and Mattos Elementary School Joint Use Areas (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409**

Recommendation: Approve Amendment No.1 to Cost Share Agreement between the Milpitas Unified School District and the City of Milpitas for the McCandless Park and Mattos Elementary School Joint Use Areas.

C9. **Consider Recommendations from Mayor Tran for Appointments to City Commissions (Contact: Mayor Tran, 408- 586-3029)**

Recommendation**:** Receive Mayor Tran's recommendations and approve the appointments to City Commissions.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (7:25 PM)

10. Introduce Ordinance No. 43.213 Amending Various Sections of Milpitas Municipal Code, Title V, Chapter 100 - Traffic (Staff Contacts: Steve Chan, Transportation and Traffic Manager, 408-586-3324, and Jared Hernandez, Chief of Police 408-586-2406)

Recommendation: Following the City Attorney's reading aloud the title, move to waive the reading beyond the title and introduce Ordinance No. 43.213 amending various sections of Milpitas Municipal Code, Title V, Chapter 100 - Traffic

LEADERSHIP AND SUPPORT SERVICES (8:05 PM)

11. Review list of agenda item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on the items in Groups 1; and provide additional clarification to staff, if any, on Group 2 items (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Walter C. Rossmann, Deputy City Manager, 408-586-3012)

Recommendation: (1) Review list of agenda item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on which Group 1 items should be advanced; and (2) Provide additional input to staff, if any, on Group 1 items that received Council direction to advance and all Group 2 items.

12. Receive an Update on the American Rescue Plan Act, Approve the ARPA Reallocation Recommendation and Approve the Budget Appropriation Modification for Permit Automation Fund (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Lauren Lai, Director of Finance, 408-586-3111)

Recommendations: (1) Receive an Update on the American Rescue Plan Act (ARPA), including compliance and reporting requirements; (2) Approve the ARPA reallocation recommendation; and (3) Approve the Budget Appropriation Modification for Permit Automation Fund.

ADJOURNMENT (10:30 PM)

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

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

December 2021

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February 2022

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Milpitas City Council Calendar

January 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	**3** **7:00 PM**-Parks, Recreation & Cultural Resources Commission (CM)	**4** ~~**7:00 PM** Closed Session~~ ~~**7:00 PM** City Council~~	**5** **2:00 PM**-Santa Clara VTA Monthly Briefing - Northeast Group (CM) **7:00 PM**-Community Advisory Commission (EC)	**6** **5:30 PM**-Santa Clara VTA Board of Directors (CM) **5:30 PM**-Milpitas Chamber of Commerce Board (EC)	**7** **1:00 PM**-Special City Council Meeting – Implicit Bias Training	**8**
9	**10** **4:30 PM**-Economic Development and Trade Commission (KD) **6:00PM-**Online Community Meeting – Planning Department	**11** **4:00 PM-**Milpitas HOPE Suicide Prevention Task Force **6:00 PM**- Special City Council Meeting	**12** **7:00 PM**-Planning Commission **7:00 PM**-Silicon Valley Clean Energy Board of Directors (EC)	**13** **4:00 PM**-Santa Clara VTA Policy Advisory Committee (AP) **4:00 PM**-Treatment Plant Advisory Committee (CM) **5:00 PM-**Homelessness Task Force **7:00 PM**-Cities Assoc of SCC (CM) **7:00 PM**-Youth Advisory Commission (EC)	**14** ***4:30 PM**-City Council Finance Subcommittee (RT/CM)*	**15**
16	**17** **MARTIN LUTHER KING JR. BIRTHDAY** **CITY OFFICES CLOSED**	**18** **?:00 PM**-Closed Session **7:00 PM**-City Council	**19** **6:00 PM**-Energy and Environmental Sustainability Commission (EC)	**20** **10:00 AM**-VTA Congestion Management Prog Planning (CM) **6:30 PM**-Bay Area Water Supply Conserv Agency (CM) **7:00 PM**-Public Safety and Emergency Preparedness Commission (KD)	**21** **9:00 AM**-Special VTA Board Workshop Meeting (CM)	**22**
23	**24** **5:30 PM**-Science, Technology, and Innovation Commission (RT) **7:00 PM**-Arts Commission (RT)	**25** **5:30 PM**-Special City Council Meeting – Preliminary FY2022-23 Budget Study Session	**26** **7:00 PM**-Planning Commission	**27** **9:00 AM**-Zoning Administrator Hearing **12:00 PM-**SCC Library Joint Powers Authority Board Mtg (EC) **4:00 PM**-Silicon Valley Regional Interoperability Authority (SVRIA) (KD)	**28** **4:00 PM**-City/School Collaborative Subcom (RT/CM)	**29**
30	**31** **7:00 PM**-Library and Education Advisory Commission (EC)					

Finance Subcommittee will only meet as needed

Updated 1/6/21

SPECIAL MEETING MINUTES OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, DECEMBER 14, 2021
CITY COUNCIL CHAMBERS, 2ND FLOOR, 455 E. CALAVERAS BLVD., MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

The City Council of the City of Milpitas convened on the Special Council Meeting day of December 14, 2021, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/Zoom webinar.

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

Mayor Tran called the Regular City Council meeting to order at 6:00 PM. Roll Call was taken by City Clerk Wood.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan

ABSENT: None

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(d)(2)
Receipt of Government Tort Claim from Hanhong Chen and Yan Tang

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.

City Attorney Diaz stated there was no reportable action.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

The Invocation was led by Mayor Tran.

PRESENTATIONS

Mayor Tran presented Jane Corpus and Jaime Garcia keys to the City in appreciation of their years of service with the City.

PUBLIC FORUM

Those in the audience and via Zoom are invited to address City Council on any subject not on tonight's agenda. In-person speakers wishing to address the Council are requested, but not required to complete a Speaker Card and submit it to the Mayor. In-person speakers will then be asked to come up to the podium and state their name for the record. Those interested in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. 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.

There were no speakers under Public Forum.

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 future agenda for City Council discussion.

Mayor Tran wished everyone a happy holiday and thanked staff for their work.

Vice Mayor Montano wished everyone a happy holiday and thanked staff for their work on the Holiday Magic on Main Street.

Councilmember Chua wished everyone a happy holiday, commented on her first year in office, and thanked everyone for their support. She also shared a short video of the Holiday Magic on Main Street.

Councilmember Dominguez thanked staff and Council for their work over the past year. She also announced the save the date for the Lean in Latinas first 'Get InspirED Virtual Summit" on January 15, 2022.

Councilmember Chua announced that the ADU online workshop will take place on December 15, 2021, at 4:00 PM.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

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

READING OF THE CITY COUNCIL CODE OF CONDUCT

City Attorney Diaz read aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

Mayor Tran stated that he would like to postpone item C5 to a future date at the request of staff.

Motion: to approve the December 14, 2021, Special Meeting Agenda with the postponement of item C5.

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran
NOES: None

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.

Motion: to approve the modified Consent Calendar, with the postponement of item C5.

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran
NOES: None

C1. Receive the City Council Calendars of Meetings for December 2021 and January 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Received the City Council Calendars of Meetings for December 2021 and January 2022.

C2. Approve the City Council Regular Meeting Minutes of December 7, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Approved the City Council Regular Meeting Minutes of December 7, 2021.

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

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

C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)

Reviewed the list of items that have been requested by City Councilmembers.

C5. Approve and Authorize the City Manager to Execute a Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; Approve a Budget Appropriation of $1,355,916 in Measure B Innovative Transit Service Models Program Funding and Developer Contributions into Project No. 3493; and Adopt a Resolution to Approve and Authorize the City Manager to Execute a Subscription and Services Agreement with RideCo in a Not-to-Exceed Amount of $1,355,916 for Consultant Services Related to Milpitas OnDemand and Making Sole Source Findings and Findings that the Procurement is in the Best Interest of the City (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

This item was postponed to a future meeting.

C6. Adopt a Resolution of the City Council of the City of Milpitas Declaring that a Certain Approximately 1.07-Acres of City-Owned Land "Exempt Surplus Land" Under the Surplus Land Act (Government Code Section 54420 et Seq.); and Considering the Environmental Impact Report and Addendum for the Lower Penitencia Creek Improvements Project; Adopting Findings of Fact and a Statement of Overriding Considerations in its Limited Role as a Responsible Agency Pursuant to the California Environmental Quality Act and Approving and Authorizing the City Manager to Execute a Right-Of-Way Agreement with the Santa Clara Valley Water District for the Purchase of Easements and City-Owned Land for Lower Penitencia Creek Flood Protection Improvements Project (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Adopted **Resolution No. 9111** declaring that a certain approximately 1.07-Acres of City-Owned Land "Exempt Surplus Land" under the Surplus Land Act (Government Code Section 54420 et Seq.) considering the Environmental Impact Report and Addendum for the Lower Penitencia Creek Improvements Project; adopting Findings of Fact and a Statement of Overriding Considerations in its limited role as a responsible agency pursuant to the California Environmental Quality Act; and approving and authorizing the City Manager to Execute a Right-Of-Way Agreement with the Santa Clara Valley Water District for the Purchase of Easements and City-Owned Land for Lower Penitencia Creek Flood Protection Improvements Project.

C7. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation & Maintenance Agreement for Anton Milpitas 730 LLC, a Delaware Limited Liability Company located at 730 E. Capitol Avenue (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Anton Milpitas 730 LLC at 730 E. Capitol Avenue.

C8. Approve and Authorize the City Manager to Enter into a Side Letter to Amend the Memorandum of Understanding between the City and LIUNA/UPEC Local 792, and the Milpitas Police Officer's Association amending the Sick Leave Cash Out MOU provisions (Staff Contact: Jeannine Seher, Director of Human Resources, 408-586-3086)

Approved and authorized the City Manager to enter into a Side Letter to amend the Memorandum of Understanding between the City and LIUNA/UPEC Local 792, and the Milpitas Police Officer's Association amending the Sick Leave Cash Out MOU provisions.

C9. Receive the Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)

Received the September and October 2021 reports for unhoused services.

C10. Action on a Resolution Acknowledging Receipt by City Council of a State Mandated Compliance Report on Required Annual Fire Inspection of Certain Occupancies (Staff Contact: Albert Zamora, Deputy Fire Chief, 408-586-3371)

Adopted **Resolution No. 9112** acknowledging receipt of the report herein by the Milpitas Fire Department regarding the inspection of certain occupancies requiring annual inspections pursuant to sections CA HSC §13146.2 and §13146.3 of the CA Health and Safety Code.

C11. Approve and Authorize the City Manager to Execute a Professional Services Agreement with Our City Forest to Administer the Lawn Bust Milpitas Pilot Program (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Approved and authorized the City Manager to execute a Professional Services Agreement with Our City Forest to administer the Lawn Bust Milpitas Pilot Program.

C12. Accept Commissioner Resignations (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Accepted the resignations of Commissioner Darl Travis from the Veterans Commission and Commissioners Ricky Davis, Martha Lamdin, and Lisa Moreno from the Homelessness Task Force; and confirmed the noticing of the unscheduled vacancies.

C13. Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)

Moved to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

PUBLIC HEARINGS

14. Adopt a Resolution to Adopt the Parks and Recreation Master Plan Update and Adopt the Parks and Recreation Master Plan Negative Declaration/Initial Study (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301 and Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Engineering Director/City Engineer Erickson presented the staff report.

Mayor Tran opened the Public Hearing.

The following people spoke:

1. Henry Gee
2. Stephen Balsbaugh
3. Allen Thomas
4. George Chen

Council discussed options for additional pickleball courts, a potential pickleball pilot program, and revising the language in the master plan to include more definitive language for pickleball.

Recreation and Community Services Director Lorentzen provided additional information.

Consultant Linda Gates provided additional comments.

Motion: to close the public hearing and adopt **Resolution No. 9113** adopting the Parks and Recreation Master Plan Update and adopting the Negative Declaration/Initial Study for the Parks and Recreation Master Plan; and authorizing the Engineering Director/City Engineer to file a Notice of Determination in accordance with CEQA guidelines section 15075.

Motion/Second: Vice Mayor Montano / Councilmember Chua

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran
NOES: None

15. Conduct a Public Hearing and consider adopting Urgency Ordinance No. 38.844 amending sections of Chapter 1 "Subdivisions" and Chapter 10 "Zoning" of the Milpitas Municipal Code relating to urban lot splits and two-unit projects to comply with Government Code Sections 66411.7 and 65852.21 and determining the ordinance to be statutorily exempt from CEQA (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Planning Director Thomas and Principal Planner Lee presented the staff report.

Mayor Tran opened the Public Hearing.

The following people spoke:

1. Frank Bush
2. Barbara Jo Navarro
3. George Chen

Attorney from Best Best and Krieger, Ryan Stager, provided additional information.

Mayor Tran closed the public hearing.

Motion: to adopt **Urgency Ordinance No. 38.844.**

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran
NOES: None

PUBLIC SAFETY

16. Adopt a Resolution for Appointing Jaime Garcia as Interim Assistant Fire Marshal (Staff Contact: Albert Zamora, Deputy Fire Chief, 408-586-3371, and Brian Sherrard, Fire Chief, 408-586-2811)

Fire Chief Sherrard presented the staff report.

Motion: to adopt **Resolution No. 9114** appointing Jaime Garcia as Interim Assistant Fire Marshall in accordance with California Government Code Sections 7522.56 and 21221(h) and approve and authorize the City Manager to execute an employment agreement with Jaime Garcia.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran
NOES: None

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

17. Approve and Authorize the City Manager to Execute the Assignment and Consent and Fourth Amendment to the Franchise Agreement with MSI for the purpose of Assignment of Contract and Modify Certain Service Provisions (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Public Works Director Ndah presented the staff report.

Council expressed concerns with the service and commented on exploring a competitive process to look at other waste collection companies.

The following people spoke under public comment:

1. Kent Kenny
2. Paul Nelson

Motion: to reject the Assignment of Contract and Fourth Amendment to the Franchise Agreement with MSI.

Motion/Second: Councilmember Phan / Mayor Tran

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Mayor Tran
NOES: None
ABSTAIN: Vice Mayor Montano

COMMUNITY DEVELOPMENT

18. American Rescue Plan Act (ARPA) Workforce Development Programming (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046)

Economic Development Andrade introduced the item.

City Attorney Diaz stated that Vice Mayor Montano sits on the commission for First 5 but because her seat as a Councilmember and on Frist 5 are both government positions there is no conflict of interest. He further stated that this is considered a non-interest under government code section 1080 and she is free to participate in this item.

Economic Development Specialist Truong presented the staff report.

A representative from Evergreen Valley College, Maniphon Dickerson provided additional information on the program.

The following people spoke under public comment:

1. Wendi Mahaney-Gurahoo
2. Warren Wettenstein

Motion: to approve ARPA Workforce Development funding to be deployed at $150,000 annually for two years for grants to non-profit organizations that have been adversely impacted and/or responding to the COVID-19 public health emergency; approve ARPA Workforce Development grants for ARPA beneficiaries providing workforce development and education services, addressing the negative economic impacts of the COVID-19 public health emergency, in the amount of $150,000: $40,000 for Milpitas Youth Force, a community service program for low-income youth including salaries and wraparound services, $50,000 for Evergreen Valley College to implement the Amazon Cloud Practitioner Program for cloud computing initiatives, $40,000 for First 5 Santa Clara County, a non-profit organization to support an early childhood education teacher apprenticeship program, $20,000 to be divided between Rising Sun Center for Opportunity and Build It Green, community-based organizations to implement a green building certification training program and climate careers externships; and direct staff to return for City Council consideration of the remaining $150,000 for additional ARPA beneficiary grants by summer 2022.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by a roll call vote of:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran
NOES: None

LEADERSHIP AND SUPPORT SERVICES

19. Receive an Update on the American Rescue Plan Act and Provide Direction to Staff (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Lauren Lai, Director of Finance, 408-586-3111)

Motion: to postpone this item to the next meeting.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by the following roll call vote:

AYES: Councilmembers Chua, Dominguez, Phan, Vice Mayor Montano, Mayor Tran
NOES: None

ADJOURNMENT

Mayor Tran adjourned the meeting at 11:19 PM.

MILPITAS CITY COUNCIL
AGENDA PREVIEW LIST

January 18, 2022

CLOSED SESSION

INVOCATION (assigned to Vice Mayor Montano)

PRESENTATION

CONSENT CALENDAR

1. Receive City Council calendar for January 2022 and February 2022 (City Clerk)

2. Approve City Council special meeting minutes of January 7, 2022 and special meeting minutes of January 11, 2022 (City Clerk)

3. Preview list of items for February 1, 2022 (City Clerk)

4. Councilmember Request List (City Clerk)

5. Approve and Authorize the City Manager to Execute a Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; Approve a Budget Appropriation of $1,355,916 in Measure B Innovative Transit Service Models Program Funding and Developer Contributions into Project No. 3493; and Adopt a Resolution to Approve and Authorize the City Manager to Execute a Subscription and Services Agreement with RideCo in a Not-to-Exceed Amount of $1,355,916 for Consultant Services Related to Milpitas OnDemand and Making Sole Source Findings and Findings that the Procurement is in the Best Interest of the City (Ned Thomas)

6. Adopt a Resolution Reviewing and Accepting the Annual Development Impact Fee Annual Report for the Calaveras Boulevard Widening Traffic Impact Fee, the Transit Area Specific Plan (TASP) Impact Fee, and the Storm Drain Fee for the Fiscal Year Ended June 30, 2021 (Lauren Lai)

7. Approve and Authorize the City Manager to Execute the Renewal Order for Office 365 Subscription (Daniel Nam)

8. Approve and Authorize the City Manager to execute Amendment No. 3 to the Agreement with HdL Software LLC for Business License Tracking Software Services (Daniel Nam)

9. Award IFB No. 22-032 and Authorize the City Manager to Award Construction Contract for the Installation of Card Access Control and Monitoring Systems at Fire Stations to Trofholz Technologies for the Not-To-Exceed Amount of $104,324.42 (Tony Ndah)

PUBLIC HEARING

10. Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to allow development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height (three to four stories), with tandem garages accessed from a central drive aisle, and associated site improvements on a 1.22-gross

acre site located in the Multi-Family High Density Residential (R3) Zoning District at 2001 Tarob Court, in the Transit Area Specific Plan (TASP) planning area (Ned Thomas)

COMMUNITY DEVELOPMENT

11. Receive a Presentation on the draft Development Review Handbook and Accessory Dwelling Unit (ADU) Toolkit (Jay Lee)

12. Affordable Housing Ordinance Update (Sharon Goei)

COMMUNITY SERVICES

PUBLIC SAFETY

LEADERSHIP

REPORTS

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Adopt a Resolution Granting Acceptance of the Street Resurfacing 2021 Project, Project No. 4283 & 4298, Authorizing the City Engineer to file a Notice of Completion and Issue a Notice of Final Acceptance after the One-Year Warranty Period**
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	1/11/2022
Staff Contact:	Steve Erickson, Engineering Director, 408-586-3301
Recommendation:	**Adopt a Resolution granting acceptance of the Street Resurfacing 2021 Project, Project No. 4283 & 4298, authorizing the City Engineer to file a Notice of Completion and issue a notice of final acceptance to the Contractor after the one-year warranty period.**

Background:
On May 4, 2021, the City Council awarded a construction contract to DeSilva Gates Construction, Inc. ("Contractor") for the Street Resurfacing 2021 Project, Project No. 4283 & 4298 ("Project") in the amount of $2,388,223.00. The Project included, among other things, asphalt concrete pavement repairs, micro-surfacing seal coat, installation of Americans with Disabilities Act (ADA) compliant curb ramps, sidewalk, curb, and gutter repairs, new class II bike lanes, and pavement delineation on the following street segments:

- Cresthaven Street from Moulton Drive to Piedmont Road
- Jurgens Drive from Milmont Drive to Larkwood Court
- Larkwood Court from Jurgens Drive to end
- Milmont Drive from Dixon Landing Road to Berryessa Creek overcrossing
- Piedmont Road from Yosemite Drive to Landess Avenue
- Pinard Street from Chipman Drive to Piedmont Road
- Aspenridge Drive, Balboa Drive, Bliss Avenue, Cascade Street, Chipman Drive, Dubois Street, Edgehill Way, Elkwood Drive, Farmcrest Street, Gingerwood Drive, Lynwood Terrace, Mesa Verde Drive, Moulton Drive, Pacifica Way, Palisades Drive, Petersburg Drive, Ridgemont Drive, Seacliff Drive, Seaside Drive, Seaside Way, Shiloh Avenue, Summerwind Drive, Summerwind Way, Woodruff Way

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

Policy Alternatives:
Alternative 1: Do not adopt the Resolution and deny Project acceptance, ,deny filling the Notice of Completion and do not begin the one-year warranty period.

Pros: None.

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

Reason not Recommended: The Contractor has completed the Project in accordance with the approved Contract Documents. Denying acceptance of the Project could be considered a breach of contract and put the City at risk for a claim by the Contractor.

Fiscal Impact:
None. The Project has been completed within the approved budget and schedule. Adequate funding remains in the Project budget to complete close-out activities.

California Environmental Quality Act:
The Project is exempt under Section 15301 (Existing Facilities) of the CEQA guidelines. A Notice of Exemption (NOE) was filed with the County of Santa Clara on October 6, 2020.

Recommendation:
Adopt a Resolution granting acceptance of the Street Resurfacing 2021 Project, Project No. 4283 & 4298, authorizing the City Engineer to file a Notice of Completion and issue a notice of final acceptance to the Contractor after the one-year warranty period.

Attachments:
1. Resolution and Notice of Completion

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING ACCEPTANCE OF STREET RESURFACING 2021, PROJECT NO. 4283 & 4298

WHEREAS, the City of Milpitas has heretofore entered into a contract with DeSilva Gates Construction, Inc., ("Contractor") for the Street Resurfacing 2021 Project, Project No. 4283 & 4298 ("Project") in the amount of $2,388,223.00, and the City Engineer of the City of Milpitas has recommended acceptance of said improvement as completed in accordance with plans, specifications and approved change orders and correction lists, and in accordance with the final inspection of said City Engineer.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The City of Milpitas does hereby accept the Project as completed on this 11th day of January, 2022, and does hereby authorize and direct the City Engineer of the City of Milpitas to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code of the State of California, and does hereby authorize and direct the City Engineer to file a Certificate of Completion in accordance with the provisions of Section 4005 of the Government Code of the State of California, if said work was by day's labor or force account.

3. The City Council authorizes the City Engineer to issue the Notice of Final Acceptance to the Contractor after a one-year warranty period without further City Council action; and nothing herein contained shall in any way be deemed to be a waiver, release or relinquishment by City of any obligations imposed upon the Contractor or its surety, or sureties, by law or by the above-referenced improvement contract, save and except those obligations specifically mentioned herein.

PASSED AND ADOPTED this _____ day of _____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: APPROVED:

_____ _____

Wendy Wood, City Clerk Rich Tran, Mayor

APPROVED AS TO FORM:

_____

Christopher J. Diaz, City Attorney

Recording Requested by and
When Recorded Mail to:

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

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

CITY OF MILPITAS

NOTICE OF COMPLETION
(Civil Code Section 9204)

NOTICE IS HEREBY GIVEN:

1. On or about May 4, 2021, the City Council of the City of Milpitas, a municipal corporation of the State of California, whose address is City Hall, 455 East Calaveras Boulevard, Milpitas, California, 95035 (as owner) entered into a contract for work of: **Street Resurfacing 2021 Project, Project No. 4283 & 4298.**

2. A description of the site of which the City is co-owner for said work of improvement is: Portions of Cresthaven St, Jurgens Dr, Larkwood Ct, Milmont Dr, Piedmont Rd, Pinard St and the entirety of Aspenridge Dr, Balboa Dr, Bliss Ave, Cascade St, Chipman Dr, Dubois St, Edgehill Way, Elkwood Dr, Farmcrest St, Gingerwood Dr, Lynwood Ter, Mesa Verde Dr, Moulton Dr, Pacifica Way, Palisades Dr, Petersburg Dr, Ridgemont Dr, Seacliff Dr, Seaside Dr, Seaside Way, Shiloh Ave, Summerwind Drive, Summerwind Way, Woodruff Way in the City of Milpitas, Santa Clara County, California, more particularly described on the plans.

3. The name and address of the direct contractor is: **DeSilva Gates Construction, Inc., 11555 Dublin Boulevard, Dublin CA 94568**

4. A general statement of the kind of work done or materials furnished to the City is as follows: construction of asphalt concrete street repairs, micro-surfacing seal coat, installation of Americans with Disabilities Act (ADA) compliant curb ramps, concrete sidewalk repair, curb & gutter repair, new class II bike lanes, and pavement delineation.

5. Said work of improvement was accepted by the Milpitas City Council as complete on **January 11, 2022**.

****

I, the undersigned, declare that I am the **City Engineer** of the City of Milpitas and am authorized to execute the foregoing Notice of Completion and this Verification thereof. I have read the foregoing Notice of Completion. I declare under penalty of perjury that the foregoing Notice of Completion is true and correct. Executed on _____, 2022 at Milpitas, California.

_____
Steven P. Erickson, Engineering
Director/City Engineer, City of Milpitas

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

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Approve and Authorize the City Manager to Execute Amendment No. 1 to the Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority (VTA) for the State Route 237 Near Term Improvements Project**
Category:	Consent Calendar-Community Development
Meeting Date:	1/11/2022
Staff Contact:	Steve Erickson, Engineering Director, 408-586-3301
Recommendation:	**Approve and authorize the City Manager to execute Amendment No. 1 to the Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority (VTA) for the State Route 237 Near Term Improvements Project.**

BACKGROUND:

On December 5th, 2017, the City Council adopted Resolution No. 8729 declaring State Route 237/Calaveras Boulevard (SR237) improvements as the highest priority transportation projects for the City of Milpitas, and selected three preferred projects for the improvement of SR237. The following are the three preferred SR237 corridor projects ("Project"):

1. Construct HOV (carpool) only lane on westbound Calaveras Boulevard between I-880 southbound off-ramp and SR237 freeway on ramp.

2. Construct HOV (carpool) only lane on westbound Calaveras Boulevard across McCarthy Boulevard freeway overpass.

3. Complete a SR237 corridor study and identify other transit, pedestrian, bicycle, and roadway infrastructure and operational improvements within the City of Milpitas between I-880 and I-680.

Total project cost was estimated at $2,000,000. On November 5, 2019, the City and VTA entered in a funding agreement (**Attachment 1**) to complete the Project, where VTA administers the design, environmental clearance, permitting, and construction of the Project with $1,800,000 of 2016 Measure B Highway Program grant funding. Under the terms of the Agreement, the City contributes $200,000 in funding to the Project, which is the Measure B required 10% local match. The Project is currently under the design phase, and construction is anticipated to begin in 2023.

ANALYSIS:

During the Project design phase, VTA discovered that additional evaluation and engineering design services are required to address unanticipated non-standard roadway features which include an existing narrow shoulder width and inadequate metering signals. This resulted in increasing Project design and anticipated construction cost by approximately $1,000,000 bringing the total estimated Project cost to $3,000,000.

On December 2nd, 2021, the VTA Board of Directors approved a budget appropriation of $900,000 from the 2016 Measure B funding into the Project. In addition, the City of Milpitas requirement to contribute a local project match increased by $100,000.

Staff recommends the City Council approve and authorize the City Manager to execute Amendment No. 1 to Funding Agreement with VTA (**Attachment 2**) to increase the City's local project match by $100,000, and the total City funding match not to exceed $300,000. Funding for the additional City project local match funding will come from Project No. 4294, SR237 HOV Lane Improvements.

POLICY ALTERNATIVE:

Alternative: Deny approval and authorization of Amendment No. 1 to Funding Agreement with VTA.

Cons: Not approving Amendment No.1 would not allow the SR237 traffic congestion relief projects to move forward.

Reason not Recommended: Completion of SR237 corridor projects will provide traffic congestion relief to residents and businesses in Milpitas.

FISCAL IMPACT:

The additional 10% local match of $100,000 is available from Project No. 4294, SR237 HOV Lane Improvements. Funding for this project comes from the Gas Tax Fund. The current balance of Project No. 4294 is $100,000, and sufficient funding is available.

California Environmental Quality Act (CEQA):

As part of the design of the Project, environmental review is being conducted and VTA shall complete environment clearance for projects per the proposed funding agreement.

RECOMMENDATION:

Approve and Authorize the City Manager to execute Amendment No. 1 to the Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority for the State Route 237 Near Term Improvements Project.

Attachment:

1. Funding Agreement between the City and VTA
2. Amendment No.1 to Funding Agreement between the City and VTA

FUNDING AGREEMENT
BETWEEN THE CITY OF MILPITAS AND
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
FOR THE STATE ROUTE 237 NEAR TERM IMPROVEMENTS PROJECT

THIS AGREEMENT ("Agreement") dated November 5, 2019, for purposes of reference, is made and entered into by and between the CITY OF MILPITAS, a municipal corporation of the State of California ("CITY"), and SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, a public agency organized as a special district under California law ("VTA"). Hereinafter, CITY and VTA may be individually referred to as "Party" or collectively referred to as "Parties".

I. RECITALS

A. Whereas, on June 24, 2016, the VTA Board of Directors adopted a resolution to place a ballot measure before the voters of Santa Clara County in November 2016 to authorize a one-half of one percent retail transaction and use tax ("**2016 MEASURE B**") for 30 years for nine transportation-related program categories; and

B. Whereas, on November 8, 2016, the voters of Santa Clara County enacted 2016 MEASURE B for 30 years to pay for the nine transportation-related program categories; and

C. Whereas, on October 5, 2017, the VTA Board of Directors established the 2016 Measure B Program ("PROGRAM") and adopted the 2016 Measure B Program Category Guidelines; and

D. Whereas, the PROGRAM includes a "Highway Interchange" program category (HIGHWAY IC CATEGORY), which includes a list of eligible projects, that funds highway projects throughout the valley; and

E. Whereas, CITY and VTA each recognize the need to improve traffic operations and improve circulation in the City of Milpitas in the County of Santa Clara by adding a high occupancy vehicle (HOV) bypass lane at the westbound SR 237/Calaveras Boulevard on ramp and by extending the westbound SR 237/McCarthy Boulevard HOV bypass lane across the McCarthy Boulevard/Calaveras Boulevard intersection limit line, hereinafter referred to as "PROJECT;" and

F. Whereas, the PROJECT is eligible for HIGHWAY IC CATEGORY funds; and

G. Whereas, the 2016 Measure B Program Category Guidelines for the HIGHWAY IC CATEGORY requires a minimum 10% non-2016 Measure B contribution for development of PROJECT.

H. Whereas, this Agreement is intended to delineate the duties, and funding responsibilities of the Parties for the PROJECT.

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, the Parties agree as follows:

II. AGREEMENT

1. **The PROJECT.** The Parties agree to construct the Project pursuant to the terms and conditions set forth herein.

2. **Cost of PROJECT.** The anticipated total cost of PROJECT is $2,000,000 (Two million dollars).

3. **CITY's Financial Contribution for PROJECT.** CITY agrees to contribute to the PROJECT an amount not to exceed TWO-HUNDRED THOUSAND ($200,000) dollars (hereinafter, "CITY's Contribution") towards the development of PROJECT.

   Upon execution of the Agreement, VTA shall invoice CITY for the CITY's Contribution, and, upon receipt, will deposit the CITY's Contribution into an interest-bearing account. CITY shall pay to VTA the CITY's Contribution within thirty (30) calendar days after receipt of invoice.

   CITY's Contribution and any interest earned will be considered toward the required minimum 10% non-2016 Measure B contribution for the listed cost of PROJECT as identified in the 2016 Measure B Program Category Guidelines for the HIGHWAY IC CATEGORY.

4. **City's Role in PROJECT.**

   During the term of the PROJECT, CITY shall provide CITY staff oversight of, and participation in, the PROJECT, and necessary and appropriate coordination with all departments of the CITY. CITY will issue, if required, necessary encroachment permits for the PROJECT at no cost. The CITY shall provide timely reviews, comments, and approvals of PROJECT's documents submitted by VTA to CITY. CITY will attend any Project Development Team meetings. CITY costs to administer and participate in PROJECT as described in this Agreement will not be allowable costs against CITY's Contribution.

5. **VTA's Role in PROJECT.**

   a. Tasks. VTA shall perform and/or be responsible for the following tasks to complete the PROJECT:

      i. Serve as project manager for PROJECT;
      ii. Coordinate with the State of California as necessary to allow for its review and approval of PROJECT;

iii. Obtain all necessary permits and rights of way for PROJECT; and
iv. Conduct preliminary engineering, and planning activities for PROJECT.
v. Complete Environmental Clearance and Permit Engineering Evaluation Report (PEER)
vi. Complete Construction of the PROJECT

Costs and expenses to perform these tasks shall be considered allowable costs and expenses pursuant to this Agreement.

b. Consultants. VTA may retain design consultants to perform any of the functions listed in Section 4(a). VTA's administrative costs to procure and manage consultant agreements as well as the actual costs of such consultants shall be allowable costs pursuant to this Agreement.

c. Project Cost Updates. VTA shall actively monitor actual PROJECT expenditures to ensure that CITY's Contribution is used to pay for allowable PROJECT expenditures.

If an amount exceeding $2,000,000 is required to complete PROJECT, VTA shall notify CITY in writing that additional funds are needed pursuant to Section II Article 7. VTA shall not perform any work beyond the amount of funds provided in Section II, Articles 2 and 3 until an amendment to this AGREEMENT is executed, adding funds to cover PROJECT completion.

d. Other Project Management Duties VTA shall include CITY staff as an active participant within VTA's project management process, VTA will hold periodic meetings as agreed upon by the PROJECT team to assess the progress of PROJECT and address PROJECT issues as they arise.

6. **Use of CITY's Contribution.** VTA will use the CITY's Contribution and the interest earned thereon for allowable costs and expenses related to work on the PROJECT, as set forth in this Agreement. The use of the City's Contribution shall not exceed 10% of total allowable costs incurred to date. Any portion of the City Contribution not used shall be returned to the City upon termination of the PROJECT and/or this Agreement.

7. **Additional Funds.** The final PROJECT cost may ultimately exceed current cost estimates. Any additional eligible costs resulting from increased contract prices or change orders arising from unforeseen conditions shall be submitted to CITY for review and CITY's responsibility for such additional costs shall not exceed 10% of the total PROJECT cost.

8. **Compliance with Governmental Requirements.** VTA shall comply with all laws and regulations pertaining to the PROJECT.

9. **Compliance with 2016 Measure B requirements.** VTA and CITY will comply with all 2016 Measure B requirements as identified in the 2016 Measure B Program and Program Guidelines for the HIGHWAY IC CATEGORY.

10. **Term of Agreement.** This Agreement shall become effective upon full execution and shall remain in effect through the earlier of: (i) December 31, 2023, or (ii) completion of PROJECT. If the PROJECT is delayed beyond December 31, 2023, or cancelled completely, either Party may terminate this Agreement which can be accomplished by either Party giving written notice to the other Party of such termination.

11. **Audit and Record Retention.** CITY may audit the expenses incurred in the performance of this Agreement. VTA shall retain all records related to the PROJECT for three (3) years after the completion of PROJECT. During this period, VTA shall make these records available to the City for inspection within a reasonable time, upon City's written request. VTA will repay any portion of the City Contribution used for unallowable expenses as determined by the audit.

12. **Parties' Representatives.** The General Manager of VTA, or the General Manager's designee, is hereby made the representative of VTA for all purposes under this Agreement. The Director of the Public Works for CITY ("Director"), or the Director's designee, is hereby made the representative of CITY for all purposes under this Agreement.

13. **Indemnification.**

    a. Neither VTA nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of CITY's negligence, recklessness, or willful misconduct under or in connection with any work, authority or jurisdiction associated with the PROJECT. In addition, CITY shall fully indemnify and hold VTA harmless from any liability imposed for injury (as defined by Government Code §810.8) occurring by reason of CITY's negligence, recklessness, or willful misconduct under or in connection with any work, authority or jurisdiction delegated to CITY under this Agreement. This provision will survive the termination or expiration of this Agreement.

    b. Neither CITY nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of VTA's negligence, recklessness, or willful misconduct in the completion of any work associated with the PROJECT. In addition, VTA shall fully indemnify and hold CITY harmless from any liability imposed for injury (as defined by Government Code §810.8) occurring by reason of VTA's negligence, recklessness, or willful misconduct in the completion of the work, undertaken by VTA pursuant to this Agreement. This provision will survive the termination or expiration of this Agreement.

14. **No Waiver.** The failure of either Party to insist upon the strict performance of any of the terms of this Agreement shall not be deemed a waiver of any right or remedy that either Party may have, and shall not be deemed a waiver of their right to require strict performance

of all of the terms thereafter.

15. **Notice.** Any notice required to be given by either Party, or which either Party may wish to give, shall be in writing and served either by personal delivery or sent by certified or registered mail, postage prepaid, addressed as follows:

To VTA: Santa Clara Valley Transportation Authority
Casey Emoto, Interim Chief Planning and Engineering Officer
3331 North First Street, Bldg. B
San Jose, CA 95134-1906
casey.emoto@vta.org

To CITY: City of Milpitas
Steve Erickson, City Engineer/Engineering Director
Department of Public Works
455 E. Calaveras Blvd.
Milpitas, CA 95035
serickson@ci.milpitas.ca.gov

Notice shall be deemed effective on the date personally delivered or, if mailed, three (3) days after deposit in the United States mail.

16. **Dispute Resolution.** If a question arises regarding interpretation of this Agreement or its performance, or the alleged failure of a Party to perform, the Party raising the question or making the allegation shall give written notice thereof to the other Party. The Parties shall promptly meet in an effort to resolve the issues raised. If the Parties fail to resolve the issues raised, alternative forms of dispute resolution, including mediation or arbitration, may be pursued by mutual agreement. It is the intent of the Parties to the extent possible that litigation be avoided as a method of dispute resolution.

17. **Entire Agreement.** This Agreement constitutes the entire Agreement between the Parties pertaining to the subject matter contained therein and supersedes all prior or contemporaneous agreements, representations and understandings of the Parties relative thereto.

18. **Amendments.** No alteration or variation of the terms of this Agreement will be valid unless made in writing and signed by both of the Parties hereto, and no oral understanding or agreement not incorporated herein will be binding on any of the Parties hereto.

19. **Warranty of Authority to Execute Agreement.** Each Party to this Agreement represents and warrants that each person whose signature appears hereon has been duly authorized and has the full authority to execute this Agreement on behalf of the entity that is a Party to this Agreement.

20. **Severability**. If any term, covenant, condition or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, covenants, conditions and provisions of this Agreement, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

21. **Governing Law**. The laws of the State of California will govern this Agreement, as well as any dispute that might arise between VTA and CITY, without regard to conflict of law provisions.

WITNESS THE EXECUTION HEREOF the day and year first hereinabove set forth.

"CITY"
City of Milpitas
a municipal corporation

Steven McHarris
Interim City Manager

11/27/19
Date

"VTA"
Santa Clara Valley Transportation Authority
a public agency

Nuria I. Fernandez
General Manager/CEO

12/12/19
Date

APPROVED AS TO FORM:

Christopher Diaz
City Attorney

APPROVED AS TO FORM:

Victor Pappalardo
Senior Assistant Counsel

Walter C. Rossmann
Finance Director

AMENDMENT No. 1 TO
FUNDING AGREEMENT
BETWEEN THE CITY OF MILPITAS AND
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
FOR THE STATE ROUTE 237 NEAR-TERM IMPROVEMENTS PROJECT

This FUNDING AGREEMENT AMENDMENT No.1 ("**First Amendment**") dated _____, 2021 for purposes of reference, is made and entered into by and between CITY OF MILPITAS, a municipal corporation of the State of California ("**CITY**") and SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, a public agency organized as a special district under California law ("**VTA**"). Hereinafter, CITY and VTA may be individually referred to as "PARTY" or collectively referred to as "Parties".

I. RECITALS

A. On November 5, 2019, Parties entered into an agreement ("**FUNDING AGREEMENT**") setting forth their respective obligations in regard to the modifications to the State Route 237 Near-Term Improvements Project ("**PROJECT"**).

B. CITY contributed an amount of two hundred thousand ($200,000) dollars to the PROJECT under the terms of the FUNDING AGREEMENT for the Environmental clearance, plans specifications and estimates (PS&E) and to complete construction of the PROJECT.

C. The PROJECT Environmental clearance, PS&E are scheduled to be completed by March 2022.

D. The Parties recognize the need for continuation of project developments into the construction phase. The Project anticipated encroachment permit process and a construction cost of one million ($1,000,000) dollars. During the design phase of the project, existing non-standard design features were identified that triggered a design engineering evaluation report thus increasing cost of the project.

E. The Parties wish to amend the FUNDING AGREEMENT to increase the CITY's contribution from two hundred thousand ($200,000) dollars to three hundred thousand ($300,000) dollars to continue project development into the Construction phase.

NOW, THEREFORE, the Parties agree to amend the FUNDING AGREEMENT as follows:

II. AMENDED AGREEMENT

1. SECTION II PARAGRAPH 3. CITY's Financial Contribution for PROJECT is hereby amended to increase CITY's contribution by one hundred thousand ($100,000) dollars. The first sentence shall be restated as follows:

   CITY agrees to contribute to the PROJECT an amount not to exceed THREE HUNDRED THOUSAND ($300,000) dollars (hereinafter, "CITY's Contribution") towards the development of PROJECT.

2. SECTION II PARAGRAPH 15. Notice is hereby amended to update VTA's address and shall be restated as follows:

   Any notice required to be given by either Party, or which either party may wish to give, shall be in writing and served either by personal delivery or sent by certified or registered mail, postage prepaid, addressed as follows:

   To VTA: Santa Clara Valley Transportation Authority
   Director of Engineering & Program Delivery
   3331 North First Street, Bldg. A
   San Jose, CA 95134-1906
   Casey.emoto@vta.org

   To CITY: City of Milpitas
   Steve Erickson, City Engineer/Engineer Director
   Department of Public Works
   455 E. Calaveras Blvd.
   Milpitas, CA 95035
   serickson@ci.milpitas.ca.gov

   Notice shall be deemed effective on the date personally delivered or, if mailed, three (3) days after deposit in the United States mail."

3. Unless specifically defined herein, the capitalized terms used in this First Amendment have the meanings as defined in the FUNDING AGREEMENT.

4. Except as herein modified, all other provisions of the FUNDING AGREEMENT, including any exhibits and subsequent amendments thereto, remain in full force and effect. All references to the FUNDING AGREEMENT in this First Amendment refer to the FUNDING AGREEMENT as amended (including this First Amendment) unless otherwise specifically set forth or otherwise indicated by context.

5. In the event of any conflict between the provisions of this First Amendment and the provisions of the FUNDING AGREEMENT, the provisions of this First Amendment will prevail. Whether or not specifically amended by this First Amendment, all of the terms and provisions of the FUNDING AGREEMENT are hereby amended to the extent necessary to give effect to the purpose and intent of this First Amendment.

6. If any provision of the FUNDING AGREEMENT, as amended by this First Amendment, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will continue in full force without being impaired or invalidated in any way.

In witness whereof, VTA and CITY have executed this First Amendment as of the last date set forth below.

"CITY" City of Milpitas a municipal corporation	"VTA" Santa Clara Valley Transportation Authority a public agency
By:_____ Steve McHarris City Manager	By:_____ Carolyn M. Gonot General Manager/CEO
Date: _____	Date: _____
APPROVED AS TO FORM:	APPROVED AS TO FORM:
By:_____ Christopher Diaz City Attorney	By:_____ TBD VTA Counsel

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	1/11/2022
Staff Contact:	**Christopher J. Diaz, City Attorney, (408) 586-3040**
Recommendation:	Move to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

Background:

On March 17, 2020, in the face of the COVID-19 pandemic, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means.

The provisions in the Brown Act that were suspended by the Governor's Executive Order are contained at Government Code Section 54953(b)(3) and require that when teleconferencing is used, outside of a statewide emergency, that the following occur:

- An agenda is required to be posted at all locations, including any teleconference locations
- Each teleconference location must be identified on the actual agenda
- Each teleconference location shall be accessible to the public
- A quorum of the legislative body must be in the jurisdiction

With the Governor's Executive Order, the four above requirements were suspended, allowing Councilmembers to not have to post an agenda at their teleconference location, not have to identify their location on the meeting agenda, not have to ensure public accessibility at the teleconference location, and the legislative body did not need a quorum present in the jurisdiction. As the Council is well aware, this allowed all City Council meetings and other meetings of legislative bodies of the City to be conducted by Zoom with councilmembers, commission members, committee members, and staff all joining from remote virtual locations.

The suspension of certain provisions of the Brown Act was further extended by the Governor on June 11, 2021 by the issuance of Executive Order N-08-21 which continued to allow for complete virtual meetings until September 30, 2021.

With the expiration of the Governor's Executive Order and the uncertainty that surrounded the Governor's potential recall, the State Legislature also took the remote meeting issue into its own hands through the adoption of Assembly Bill 361, which is explained in more depth in the Analysis section below.

On October 5, 2021, the City Council adopted Resolution No. 9105, making findings that there is an existing State of Emergency and that state or local officials continue to recommend social distancing measures to prevent the spread of COVID-19. In particular, the resolution included reference to Cal-OSHA regulation 3205, which

recommends physical distancing in the workplace. By motion and majority vote, the City Council may reconfirm the findings of Resolution No. 9105 and continue to hold virtual meetings pursuant to AB 361.

Analysis:
On September 16, 2021, the Governor signed AB 361, which allows legislative bodies to meet virtually provided there is a state of emergency declared by the Governor, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees. The Governor by executive order signed on September 20, 2021, suspended the effective date of AB 361 to October 1, 2021. As a result, if the City desires to have virtual meetings on or after October 1, 2021, it must do so consistent with the requirements of AB 361.

AB 361 preserves many of the provisions of the earlier executive orders, including the suspension of the four teleconferencing requirements noted above, while also adding new requirements to the management of remote and teleconference public meetings in order to better achieve the levels of transparency that the Brown Act demands. Specifically, AB 361 imposes two new rules on remote public meetings:

1. Local governments and agencies hosting teleconference meetings in lieu of traditional in-person public meetings must permit direct public comment during the teleconference, and must leave open the opportunity for public comment until the comment period for a given item is closed during the ordinary course of the meeting. The opportunity to make public comment must be of a sufficient duration so as to allow actual public participation.

2. Any action by the governing body during a public teleconference meeting must occur while the agency is actively and successfully broadcasting to members of the public through a call-in option or an internet-based service option. If a technical disruption within the agency's control prevents members of the public from either viewing the meeting of the public agency, or prevents members of the public from offering public comment, the agency must cease all action on the meeting agenda until the disruption ends and the broadcast is restored. Action taken during an agency-caused disruption may be challenged as a violation of the Brown Act.

In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the City Council must, within thirty (30) days of its first meeting under AB 361, and every thirty (30) days thereafter, make findings that (a) state or local officials continue to recommend measures to promote social distancing, or that (b) an in-person meeting would constitute an imminent risk to the safety of attendees.

The above conditions continue to exist at this time, and staff recommends that the City Council by motion reconfirm the findings made in Resolution No. 9105 so that the City Council and all other subordinate legislative bodies may continue to meet virtually.

Lastly, it is important to that AB 361 is optional. If the City Council wishes, it may meet in person. In addition, hybrid meetings are permissible. However, according to City Management, there is not a hybrid option for Commissions, Committees and Task Forces at the City. Thus, regardless of whether the City Council may prefer to meet in person, City Management is recommending that the City Council reconfirm the findings in the resolution to ensure all other Commission, Committee, and Task Force meetings can continue to meet and allow the public to meet remotely without risking public health.

Policy Alternatives:
Alternative 1: Do not by motion reconfirm the findings made in the resolution making findings and determinations under Assembly Bill 361 for the continuation of virtual meetings**.**

Pros: None
Cons: Many of the existing Commission, Committee, and Task Force meetings will not be able to meet virtually or through a hybrid format forcing all staff, commission or committee members, and the public to attend meetings in person.

Reason not recommended: The COVID-19 pandemic continues to be a global health issue and by forcing commission, committee, and task force meetings to be in person, public health may be put at risk.

Fiscal Impact:
The City Council's reconfirmation of the findings made in the resolution to continue with virtual meetings will maintain the status quo and no financial impact is anticipated by the reconfirmation of the findings.

California Environmental Quality Act:
The City Council's reconfirmation of the findings made in the resolution is not a project under the California Environmental Quality Act (CEQA) Guideline 15378(b)(5) as it constitutes an organizational or administrative activity of the government that will not result in direct or indirect physical changes in the environment. Further, virtual meetings are likely to reduce certain impacts associated with vehicular travel related to in-person public meetings.

Recommendation:
Move to reconfirm findings and determinations under Resolution No.9105 and Assembly Bill 361 for the continuation of virtual meetings

Attachment
Resolution 9105

RESOLUTION 9105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR THE CONTINUATION OF VIRTUAL MEETINGS

WHEREAS, the Ralph M. Brown Act (Gov. Code § 54950 *et seq.*) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to, among other things, provide public access at each location in which members of the legislative body are teleconferencing; and

WHEREAS, the Legislature recently enacted Assembly Bill 361 (AB 361), which amended Government Code section 54953 to allow local agencies to meet fully virtually, without fully adhering to the rules otherwise applicable to teleconferencing, during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Governor issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect; and

WHEREAS, the City Council of the City of Milpitas has considered the circumstances of the state of emergency; and

WHEREAS, state or local officials continue to recommend measures to promote social distancing to prevent the spread of COVID-19, in particular, Cal-OSHA regulation 3205 recommends physical distancing in the workplace generally and regulates a "close contact" defined as being within 6 feet of another under certain circumstances; and

WHEREAS, in order to continue to impose social distancing while holding in-person meetings there is a high likelihood that members of the public would not all be able to be present in the meetings spaces; and

WHEREAS, the continuation of virtual meetings will allow for full participation by members of the public until social distancing recommendations are no longer necessary; and

WHEREAS, the City Council of the City of Milpitas desires that all City legislative bodies continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The City Council and all other legislative bodies of the City of Milpitas who are required to hold public meetings, shall continue to meet virtually in accordance with Government Code section 54953(e) and without compliance with section 54953(b)(3) based upon the findings and determinations hereby made by the City Council.

PASSED AND ADOPTED this 5th day of October 2021, by the following vote:

AYES: (5) Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan

NOES: (0) None

ABSENT: (0) None

ABSTAIN: (0) None

ATTEST:

Wendy Wood, City Clerk

APPROVED:

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	Approve proposed City Council Procedures and Protocols Handbook.
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	1/11/2022
Staff Contact:	**Ashwini Kantak, Assistant City Manager, 408-586-3053** **Christopher Diaz, City Attorney, 408-586-3041**
Recommendations:	Approve proposed City Council Procedures and Protocols Handbook.

Background:

The 2004 City Council Handbook, last amended in 2007, was intended to provide guidance to the Council in conducting all City business. The City Council Handbook was designed to be periodically updated in order to reflect either changes in the law or in City Council procedure or policy. However, updates were not made in a timely manner and there was some conflicting and/or duplicative information. Thus, the document was in need of a careful review and potential streamlining.

On September 18, 2018, staff brought forward proposed changes to the City Council Handbook as well as to the agenda management process. Council expressed the need for more involvement in the Update and to that end, staff was directed by Council to work on the City Council Handbook with an Ad Hoc Council Handbook Subcommittee. Subcommittee meetings were held between September and October 2018, with the discussion focused on Chapter V, given its connection to the Agenda Management system and process improvements that were underway at that time. On October 16, 2018, Chapter V of the Handbook was approved by the City Council.

Subsequent to the Council action on October 16, 2018, the Subcommittee provided further direction to staff and a proposed City Council Handbook in a streamlined format was brought forward for Council consideration on December 18, 2018 (Agenda Report, scroll down to page 13). Since there were two newly elected Councilmembers on the Council, the Council voted to defer action on this item and asked staff to bring it back at a future retreat. Council also directed staff to reach out to surrounding cities to get handbook examples and provide a copy of the existing/previous Milpitas City Council Handbook. Examples of other similar handbooks from nine other cities were provided to the Council for reference; however, this discussion item was indefinitely deferred.

In 2020 and 2021, the need to update the City Council Handbook was discussed in various Council meetings and a specific request related to either develop a separate policy regarding external communications such as press releases or incorporating into the City Council Handbook was also discussed.

On November 16, staff presented an updated version of the Handbook to the Council. In order to better reflect the intended purpose of the document, staff recommended renaming it to “The Milpitas City Council Procedures and Protocols Handbook” (Handbook). Since the previous City Council Handbook had not been updated for more than a decade and contained information that was either duplicative of the Municipal Code and/or state law, staff recommended a streamlined format, which was also previously discussed by the Handbook Subcommittee.

The Mayor requested information on specific sections that were deleted from the proposed Handbook and Council provided direction to staff to incorporate additional sections into the proposed Handbook and bring back for Council consideration as soon as possible.

Analysis:
The proposed document does not track changes from the original City Council Handbook but includes tracked changes from the November 16 version. The proposed Handbook includes eight Chapters as noted below.

The key highlights of the proposed Handbook are:

1. **Chapter I – Purpose and Overview**
   This Chapter includes the name and the purpose and applicability of the Handbook. As revisions are made to the Handbook in the future, these will be recorded in this Chapter.

2. **Chapter II – Duties of the City Council and Roles of the City Manager and City Attorney**
   This Chapter covers the general authority and duties of the City Council, as well as specific duties of the Mayor and Vice Mayor. This Chapter also covers Council absences and vacancies and includes information about the roles of the City Manager and City Attorney. This Chapter has been modified since November 16 to include sections related to Administration of Oaths, Subpoenas, City Council Subcommittees, Council travel and reimbursable expenses.

3. **Chapter III – Mayor and Councilmember Conduct**
   Includes the approved Council Code of Conduct and other best practices related to Council meetings and Council conduct with staff.

4. **Chapter IV – Meetings**
   Includes language about types of meetings, including virtual meetings, and process for conducting them, public participation, and conflict of interest.

5. **Chapter V – Meeting Agendas and Minutes**
   This Chapter includes the Agenda order

6. **Chapter VI – City Council Actions**
   This Chapter includes process for Proclamations, Commendations, Ordinances, Resolutions, and Motions.

7. **Chapter VII – Communication**
   This Chapter includes guidance related to the California Public Records Act and the Ralph M. Brown Act. Additional language about the Brown Act has been added since November 16. It also covers general correspondence, communication with the Planning Commission, and any external communication by the Council. This Chapter has been modified since November 16 to include more detail on the Brown Act, and in particular, serial meetings, along with best practices to avoid violating the Brown Act when interacting with staff, constituents, and fellow City Council members.

8. **Chapter VIII – Council Liaison Roles**
   This Chapter provides guidance for Council participation as liaisons to other City bodies such as Council Subcommittees, Commissions, and Milpitas Public Financing Authority, Milpitas Municipal Financing Authority, and Housing Authority Commission. For Council's reference, the Milpitas Public Financing Authority was established in partnership with the Redevelopment Agency in 1997, and after the dissolution of the Redevelopment Agency, the Milpitas Municipal Financing Authority was established in 2016. The former Financing Authority is still in existence; however, the latter Financing Authority will be used for any City financing in the future

Policy Alternative:
Not Applicable

Fiscal Impact:
There is no fiscal impact associated with the approval of this item.

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.

Recommendations
Approve proposed City Council Procedures and Protocols Handbook.

Attachments:
1. Draft City Council Protocols and Procedures Handbook
2. Link to Handbooks for Other Cities

City of Milpitas
City Council Procedures and Protocols Handbook
2021

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CHAPTER I. Purpose and Overview

A. Purpose

This City Council Procedures and Protocols Handbook (Handbook) outlines the Milpitas City Council governing practices.

B. Applicability of Handbook

When not in conflict with the Constitution, the laws of the State of California or the Milpitas Municipal Code, this Handbook shall govern.

C. Revisions to the Handbook

This Handbook will be brought to Council for updates, as needed, due to changes in the law or if the City Council desires to change its procedures or protocols.

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CHAPTER II. Duties of the City Council

A. General Authorities of City Council

Milpitas was incorporated on January 26, 1954. As a general law city, Milpitas derives its authority from and is subject to the California Constitution and the general laws of the State of California.

The City Council is the policy and lawmaking body of the City. State and local laws define the powers and responsibilities of the City Council.

The City has a Council Manager form of government in which the elected City Council sets policy direction and the City Manager implements Council policy, manages day-to day operations and provides professional recommendations to support the Council on policy decisions. Although the Council and City Manager operate in all four dimensions of the governance process: mission, policy, administration and management, the Council's focus is on the mission and policy while the City Manager's focus is on administration and management. Clarity of roles are informed by this Handbook and Municipal Code provisions that provide the overall framework for the governance relationship.

B. Duties of Mayor

The Mayor is directly elected by Milpitas voters. The Mayor is the official head of the City of Milpitas for all ceremonial purposes. The Mayor is entitled to vote on all matters but does not possess any veto power. The Mayor signs all ordinances and resolutions after approval by the majority of the City Council.

C. Duties of Vice Mayor (Mayor Pro Tempore)

The Vice Mayor is selected from those on the Council during the first meeting at which the Mayor and returning or incoming Councilmembers commence their terms. Nomination is done through a motion and appointment is based on a majority vote.

In the event that the Mayor cannot attend a ceremonial function, the Vice Mayor shall serve as the official head of the City in his or her stead. In the event that neither the Mayor nor Vice Mayor can preside at a ceremonial function, one of the remaining members of the City Council shall serve as the official head of the City on a rotating basis to be administered by City staff.

D. Duties of Mayor and Councilmembers

1. Arrive on time for all Council meetings.

2. Review all meeting materials published in accordance with the Open Government Ordinance and other applicable laws, in preparation for Council meetings. As a body, provide clear direction to staff to aid in the development and consideration of proposed ordinances, policies, and

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procedures. Pass ordinances, adopt resolutions, approve new projects and programs, and approve the budget and contracts.

3. Keep in touch with the community and interpret what is heard to Council colleagues and to the staff.

4. Participate in City Council meetings and other public forums.

5. Represent the City Council by fulfilling the liaison assignments to legislators, external agencies, and the City's boards and commission.

6. Requests for Staff Resources
   a. Mayor and Councilmember requests to consider new programs, services, or requests for significant allocations of resources, shall be directed to the budget process to the maximum extent possible.

   b. Mayor or Councilmember requests for minor (generally less than four hours of staff time) research or other staff work must be directed to the City Manager.

   c. If more than four hours of staff time will be required to complete the task/project, the item will be placed on the agenda to ask the City Council if time should be spent on the proposed item. A discussion and prioritization of Mayor and Councilmember requests are scheduled on a quarterly basis.

   d. Mayor and Councilmember requests for more than four hours of staff work for City Council consideration will adhere to all the City of Milpitas Open Government Ordinance provisions, including, but not limited to:

      - I-310-2.30 Agenda Requirements. "(b) At least six (6) days before a regular City Council meeting, a preliminary agenda shall be posted containing a meaningful description of each item of business to be transacted."
      - "(c) A description is meaningful if it is sufficiently clear and specific to alert members of the public whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item.
      - To achieve the above requirements, all materials must be submitted to the City Clerk, to the extent possible, no less than eight (8) days in advance of a Council meeting.

   e. Staff responses to a Councilmember inquiry, including the original inquiry, shall be distributed to the Mayor and all City Councilmembers.

7. Absences

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a. Whenever a member knows in advance that he or she will be absent from a City Council meeting, it is the responsibility of that member to notify the City Manager or City Clerk as soon as possible of the impending absence.

b. If a City Councilmember is absent without permission from all regular City Council meetings for 60 calendar days consecutively from the last regular meeting he or she attended, his or her office becomes vacant pursuant to Government Code 36513.

8. Administration of Oaths

The Mayor may require any person addressing the City Council to be sworn as a witness and to testify under oath; and must so require if directed to do so by a majority of the City Council. The Mayor may administer oaths. Appeals and revocation hearings are the most likely instances when testimony is taken under oath.

9. Subpoenas

In accordance with Government Code 37104, the City Council may issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before it.

10. City Council Subcommittees

Council subcommittees, when used, are to help the Council do its job. Subcommittees ordinarily will assist the Council by studying an issue and preparing policy alternatives and implications for Council deliberation. Council subcommittees may not speak or act for the Council, and the subcommittee members should be regularly reporting out their work to the City Council through a scheduled agenda item.

There are generally two types of subcommittees as follows:

- Standing subcommittees that have continuous subject matter jurisdiction and will continue to exist until the City Council terminates their existence through formal action.
- Ad hoc subcommittees have limited subject matter jurisdiction and are usually formed primarily to study a particular topic or immediate issue, and once their task is complete, the ad hoc subcommittee will automatically terminate.

Both standing and ad hoc subcommittees of the City Council are subject to the Brown Act pursuant to the City's Open Government Ordinance.

Subcommittees shall obtain City Council concurrence before they proceed in any direction different from the original instructions of the City Council. In addition, Subcommittees should not implement policy, provide direction that

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would result in incurring additional expenses or provide direction to staff to take any actions that are not consistent with existing City Council direction without first obtaining City Council approval for such actions.

11. Compensation for Mayor and Councilmembers

Information about compensation for the Mayor and Councilmembers can be found in the Milpitas Municipal Code ~~xxx.~~I-14-1.00, et seq.

12. Travel Expenses and Reimbursements

Information about travel expenses and reimbursements for City related expenses can be found in the City Council Travel Policy 3-1.

E. City Council Vacancies

A vacancy in the office of Councilmember or Mayor may be filled by appointment by the City Council. The appointee shall hold office until the next special municipal election which shall be immediately called to fill the remainder of the vacant term as provided under Milpitas Municipal Code Section I-3-2.00. Any unexpired remainder of the term of such office shall be filled by the voters at such election.

F. Role of City Manager.

1. The City Manager is the chief executive officer and the head of the administrative branch of the City government. The City Manager is appointed by the City Council and reports to the full City Council. The City Manager shall work in collaboration with the City Attorney.

2. The City Manager implements policies and procedures initiated by City Council and manages the day-to-day operations of the City. The City Manager supports the full Council in setting clear goals for the City and optimizes the use of City resources to meet these goals.

3. The City Manager is the appointing authority, responsible for all City personnel. The City Manager or designee serves as a liaison to each commission. The use of City-owned property is handled through the City Manager's Office. The City Manager supports effective policy making and oversight by the City Council by providing information, formulating policy proposals, advising and informing the Council on policy matters while promoting team building and collaboration, and ensuring that the administration's delivery of service is consistent with City Council direction.

4. The City Manager prepares the budget annually, advises the City Council of future financial needs, and is responsible for budget administration after adoption. The City Manager prepares and submits to the City Council a complete report at the end of each fiscal year on the finances and

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administrative activities of the City during the preceding year. City Manager shall also present quarterly fiscal/budgetary updates or requested throughout the year.

G. Role of City Attorney.

1. The City Attorney is appointed by the City Council and reports to the full City Council. The City Attorney advises the City Council and City officers in their official capacity on legal matters affecting the City, attends all City Council meetings and some board/commission meetings, and represents the City in legal actions and proceedings. The City Attorney shall work in collaboration with the City Manager.

2. The Office of the City Attorney approves as to form all bonds and contracts made by the City, approves all ordinances and resolutions and related amendments for the City, and prosecutes criminal cases for violation of City ordinances.

3. The members of the City Attorney's Office (attorneys and staff) maintain an attorney-client relationship with the City, full City Council or individual members thereof, its officers, agents and employees, so their official communications are protected as confidential attorney-client privilege.

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CHAPTER III. Mayor and Councilmember Conduct

A. Mayor and Councilmembers shall:

The Milpitas City Council Code of Conduct, as approved by the City Council and noted below, shall be included in Council meeting agendas and read aloud at all City Council meetings.

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.

B. Mayor and Councilmember Best Practices for Council Meetings

- put constituents first at all times;
- treat each other and members of the public with dignity, courtesy, and respect;
- maintain confidentiality of all closed session materials and discussion;
- be attentive to others, limiting interruptions and distractions;
- encourage diverse viewpoints in debate while being mindful not to prolong discourse or block consensus;
- agree to respectfully disagree;
- keep comments clear, concise, and on topic;
- start meetings on time, work from the agenda; and
- present problems in a way that promotes discussion and resolution.

C. Mayor and Councilmember Conduct with City Staff:

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1. Always maintain professionalism, treat all staff with respect.

2. Direct staff personnel issues to the City Manager.

3. Comments about staff performance should not be made in public or to the individual employee and should only be made to the City Manager through private correspondence or conversation.

4. Comments about staff in the office of the City Attorney should be made directly to the City Attorney.

5. In accordance with Milpitas Municipal Code VI-1-2.04, except for purposes of inquiry, the City Council and its members shall deal with the administrative staff solely through the City Manager.

6. The Mayor and Councilmembers must not attempt to influence City staff on the making of employment appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

7. Routine administrative support will be provided to the Mayor and all Councilmembers. Requests for additional staff support - even in high priority or emergency situations — should be made to the City Manager.

8. Do not solicit political support from staff. The Mayor and Councilmembers should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace and on personal time.

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CHAPTER IV. Meetings

A. All Council decisions must occur at City Council meetings pursuant to the requirements of the Ralph M. Brown Act. The City Council shall not use a series of telephone calls, a conference call, mass e-mailing or any other method of communication to discuss or decide matters within the jurisdiction of the Council among a majority of the Councilmembers.

B. Quorum

1. No business may be transacted by the Council at a regular or special meeting unless a quorum of the membership is present (on a 5 member Council, a quorum is 3 members).

2. When there is no quorum, the Mayor or Vice Mayor, or any Councilmember may adjourn a meeting, or if no Councilmember is present, the City Clerk may adjourn a meeting.

C. Council Meeting Dates; Cancellation

1. If at any time any regular meeting of the Council falls on a holiday, the regular meeting shall be held on the next business day or the earliest business day within a week.

2. Any meeting of the City Council may be canceled in advance by the Mayor. It can also be cancelled by a majority of the Councilmembers at a City Council meeting. The City Manager may also cancel a meeting in cases of need, such as an emergency or when a majority of members have provided notice of their unavailability to attend a meeting.

D. Types of Meetings

1. Regular meetings are held on the first and third Tuesdays of each month at 7:00 p.m. in the City Hall Council Chambers, 455 E. Calaveras Blvd., Milpitas, California. Pursuant to the requirements of the City's Open Government Ordinance, the Preliminary agenda is posted by the Wednesday preceding the regular meeting date. The Brown Act requires the posting of an agenda at least 72 hours prior to a regular meeting.

2. Special Meetings may be called by the Mayor. They can also be called by a majority of the Council at a public meeting. Any special meeting called requires a minimum of 24 hours' notice as required by the Brown Act. Only business described in the notice may be transacted.

3. Study Sessions may be held as part of a regular meeting or special meeting and are held for the purpose of providing information to the City Council, particularly on issues that are more complex or more time-consuming. Study sessions may be conducted jointly with another City board, commission or committee or another governmental agency. At study sessions Councilmembers may state their individual responses and

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questions to the information provided and may collectively provide direction to City staff. No formal action is taken at the study sessions.

4. Closed Sessions can be part of either regular or special meetings, typically in advance of the regular or special meetings. The start time of the Closed Sessions shall be publicly noticed in accordance with the law. The Council conducts its business in public to the greatest extent possible. State law, however, recognizes that in certain limited circumstances authorized by the Brown Act, that the Council will need to meet in private without the public present. These matters may include certain personnel matters, labor negotiations, real property negotiations, matters of public security, and the discussion of litigation, among other topics listed in the Brown Act. These rules provide for strict confidentiality of City Council discussion as required by State law and no Councilmember shall disclose anything discussed in closed session to any individual not present in that closed session. Violating this confidentiality requirement can subject an individual Councilmember to disciplinary action, a referral to the grand jury, and in some limited circumstances, criminal prosecution. In limited instances, if action is taken in closed session, the City Attorney may need to report out any action taken and any vote on that action.

5. Emergency Meetings can occur in limited circumstances when there is a work stoppage, crippling activity, other activity that impairs public health, safety, or dire emergency. Depending on the factual circumstances, 24 hour notice or one hour notice may be required, or no notice at all.

E. Teleconferencing

1. Pursuant to Government Code Section 54953(b), teleconferencing may be used as a method for conducting meetings where Councilmembers may be counted towards a quorum and participate fully in the meeting from remote locations. If a Councilmember participates in a meeting via teleconference, the following requirements must be met:

   a. The remote locations must be connected to the main meeting location by telephone, video, or both.

   b. The notice and agenda of the meeting must identify the remote location.

   c. The agenda must be posted at the remote location and be accessible to the public.

   d. All votes must be by roll call.

   e. The meeting must in all respects comply with the Brown Act, including participation by members of the public present in the remote locations.

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f. During the teleconference, at least a quorum of the members of the City Council shall participate from locations within the boundaries of the City.

2. Because there are other legal nuances to making use of the teleconferencing provisions in the Brown Act, please check in with the City Attorney or City Clerk in advance.

3. During certain state of emergency situations, it may also be possible to meet remotely without complying with some of the requirements above, depending on certain findings that must be met during a state of emergency as required by the Brown Act. See, Cal. Gov. Code 54953(e)

F. Presiding Officer

1. The Mayor presides at all City Council meetings. In the absence of the Mayor, the Vice Mayor is the presiding officer. If both the Mayor and Vice Mayor are absent, the remaining Councilmembers should select a presiding officer for that meeting. The presiding officer votes on all questions as do other members of the City Council.

2. The Mayor/presiding officer always sits in the middle seat at all formal council meetings. The Vice Mayor and City Manager are always seated immediately next to the Mayor/presiding officer. Councilmembers are seated based on seniority on the City Council. The Councilmember with the most seniority is seated next to the Vice Mayor, followed by the next most senior Councilmember and so forth. Seniority is defined by continuous time of service as an elected member of the Council. When two or more Councilmembers have equivalent time of service, those Councilmembers shall be given priority in seat selection by the highest number of votes in his/her most recent election.

3. The presiding officer conducts the meetings of the City Council to:

a. Ensure that consideration of items on the agenda move along without delay.

b. Ensure that petitioners, proponents and opponents are heard but not allowed to disrupt the meeting.

c. Ensure that decorum is maintained at the meeting.

d. In presiding over matters where the public has provided testimony and/or raised questions, the presiding officer should:

(i) Restate every question coming before the Council.

(ii) Direct questions or comments requiring a response to staff for a response.

(iii) Ensure that staff and members of the public direct their comments to the presiding officer.

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(iv) If necessary, help keep Councilmember questions relevant to the matter being considered by the Council.

(v) If necessary, consider calling for a brief recess if orderly conduct of the meeting is being disrupted.

(vi) Announce the decision of the Council on all subjects.

4. Ensure that each member of the Council is provided an opportunity to completely express their views on items of business, the Mayor should:

(i) See that Councilmembers ask to be recognized by the Mayor before speaking.

(ii) Ensure that each Councilmember is given the opportunity to fully express their views.

5. The Chief of Police, or his or her representative, is the ex officio sergeant-at-arms of the City Council. The ex officio sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum in the council chamber.

G. Voting; Rules of Procedure

1. A motion, second, and a majority vote of the Council shall be required for any formal action of Council (except where a different vote requirement is set by state law). Votes and abstentions are taken by roll call and recorded in the meeting minutes.

2. Steps in making, discussing and voting on a formal motion:

a. The maker of the motion asks for recognition by the presiding officer. After the individual is recognized, he or she will say "I move that we ..."

b. The presiding officer will ask if there is a second. Another member of the group must second the motion in order for it to be discussed. A second is made by saying "I second the motion." The Mayor or any Councilmember can suggest one or more modifications in the motion, which the member making the motion can accept or reject. There also may be times where the City Manager or City Attorney may suggest an amendment to the motion for clarity purposes for the public, which the member making the motion can accept or reject.

c. The presiding officer then restates the motion "It has been moved and seconded that ..." and opens the floor to discussion and debate.

d. The presiding officer will recognize members who wish to comment on the motion. Only one “main motion” may be discussed at a time.

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e. Once discussion has concluded, the presiding officer will "call for the question" and conduct a roll call vote.

f. The presiding officer will announce the result of the vote.

3. Unless state law requires otherwise, a majority vote is needed for the motion to pass. In the event of a tie vote, the motion does not pass.

4. Subject to state law limitations and to the extent this Handbook does not address an issue of parliamentary procedure, Roberts Rules of Order shall apply. For example, even though Roberts Rules of Order permit a legislative body to reconsider or rescind prior actions, under due process the City Council cannot reconsider or rescind a quasi-judicial decision after the decision is final, in the absence of statutory authority to the contrary.

5. The City Attorney serves as parliamentarian during City Council meetings. The role of the parliamentarian is advisory; the Chair has the power to rule on questions of order.

H. Continued Matters

1. Any matter may be continued to a subsequent meeting.

2. If the Mayor or Councilmember who was not present at a prior meeting has reviewed the relevant documents and minutes from the missed meeting and, if possible, reviewed the recording or webcast from the meeting, then he or she shall disclose those actions on the record at the beginning of the discussion of the item and may vote on the continued matter.

a. Exception: Continued Public Hearing. If a hearing is required for an agenda item, then the Mayor or a Councilmember shall not participate in the decision if that member was not present during the entire hearing from the time of its opening to the time of its close. (MMC § I-20-3.14.)

I. Public Participation

1. Members of the public are encouraged and invited to participate in the legislative process by submitting written comments before the meeting or speaking at a meeting.

It is the intent of these rules to allow everyone to be heard without fear of jeers or cheers that may discourage public participation. For this reason, these rules are taken seriously. Persons attending the meeting will refrain from behavior which will disrupt the public meeting. This includes making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts, or impedes the orderly conduct of the meeting. Disruptive or threatening behavior may result in removal from the Council meeting.

2. Only the presiding officer can interrupt a speaker during a presentation. However, a Councilmember can ask the Mayor for a point of order if the

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speaker is off the topic or exhibiting behavior or language the Councilmember finds disruptive.

3. Time Limits for public comment:

   a. Individual Speakers - 3 minutes or less as determined by the Mayor/presiding officer.

   b. Organized group (in lieu of individual speakers) – up to 15 minutes, depending on the number of speakers represented and at the discretion of the Mayor.

   c. The presiding officer may take a poll to determine number of speakers for each item and at his/her discretion, limit the amount of time allotted to the speaker(s) when needed.

4. Individuals who wish to speak should submit a speaker card to the City Clerk to be called up at the appropriate time. Each speaker may only speak once on an item and shall speak at the podium into the microphone and address the City Council. A speaker may also provide comments virtually if the meeting format allows virtual participation.

5. Written or photographic materials relevant to consideration of a matter may be submitted to the Council. Copies of such materials should be provided for the Mayor, Councilmembers, City Clerk, City Manager and City Attorney. The materials must be submitted to the City Clerk's Office by email to CityClerk@ci.milpitas.ca.gov by 12:00 p.m. on the day of the meeting, for distribution to the city officials in advance of the meeting/hearing. The City Council retains discretion to accept or to reject new documentation furnished on the night of the City Council meeting/hearing. Accepted materials are retained by the City and become part of the official public record.

6. Wireless/Cellular telephones or any other telecommunications device should be in the silent mode or turned off during the City Council meeting.

7. Literature distribution or petition circulation is not permitted when the City Council is in session. Such activity may occur outside the meeting room, provided access is not blocked.

8. Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers, with the following restrictions:

   a. Signs or symbolic objects shall not obstruct the view or passage of other attendees, or otherwise disturb the meeting.

   b. Objects that are deemed a safety threat to persons at the meeting or could damage the facility itself will not be allowed.

J. Discussion Items on the agenda are to be conducted in the following order:

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1. Staff / applicant presentation

2. Council questions to applicant and/or staff

3. Open public hearing (or public comment section) for comments

4. Close public hearing (or public comment section)

5. Response by staff to public questions/concerns, if warranted

6. Council discussion and deliberation

7. Council votes

K. Quasi-Judicial Matters/Appeals/Revocation Hearings

1. Quasi-judicial matters and appeals will be considered at a noticed public hearing and will follow the order stated in Section I, above, with the following time allocations:

   a. Applicant/Appellant – 15 minutes

   b. Individual Speakers – 3 minutes

   c. Rebuttal – 5 minutes

   d. In an appeal, if the appellant is not the applicant, the applicant shall also have 15 min and is entitled to make any concluding remarks prior to closure of the public hearing

   The time limits may be changed by the presiding officer to permit full and fair consideration of a particular matter depending on the number of items on the agenda and the number of persons desiring to speak on a matter.

2. If the Mayor or a Councilmember has spoken or met with a proponent or opponent of a quasi-judicial matter or has visited the site of a project which is the subject of a hearing, that contact, or visit should be acknowledged and described on the record prior to the opening of the hearing. Any facts that could influence the Mayor or a Councilmember's decision, must be included in the public record.

L. Items Considered after 11:00 p.m.

1. Unless a majority of the Council determines there is a need to act, no items shall continue, and no new items shall be heard after 11:00 p.m.

M. Conflict of Interest

1. The Political Reform Act (PRA) enforced by the Fair Political Practices Commission (FPPC), controls financial conflicts of interest.

2. In accordance with the Open Government Ordinance (MMC I-310-2.180), at the beginning of each City Council meeting or upon the arrival of the

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Mayor or Councilmember, the City Attorney shall ask the Mayor and each member of the City Council to disclose any financial or personal conflict with any item on the City Council's agenda. Pursuant to Government Code section 87105, if the Mayor or a Councilmember discloses that such a personal financial interest is present, he or she shall publicly identify the conflict or potential conflict in detail sufficient to be understood by the public and shall recuse him or herself from taking action on the item if required to do so by law and leave the meeting room.

3. The other applicable law is Government Code §1090, which applies only to contracts in which a public official has a financial interest.

4. Whenever it appears to a Councilmember that he or she may have a prohibited financial interest in any item that may be presented to the City Council, the Councilmember should consult with the City Attorney at the earliest opportunity for advice on whether a disqualifying conflict of interest exists.

5. With full consideration of the City Attorney's advice, it is up to each individual Councilmember to decide for him/herself whether there is a conflict of interest. When a Councilmember may be in doubt, the City Attorney can obtain more formal advice from the Fair Political Practices Commission (FPPC).

6. A member shall not vote upon any matter on which s/he has a conflict of interest.

7. A member shall openly state the reason for his/her conflict of interest, or work in consultation with the City Attorney to state something on the record.

8. A member who is disqualified by a conflict of interest shall recuse him/herself from the dais and leave the room unless it is during the Consent Calendar.

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CHAPTER V. Meeting Agendas and Minutes

A. Agenda Order

City Council agendas will be prepared by the City Clerk and presented to the City Council in the order described below. The presiding officer with the approval of a majority of the Council can change the order of hearing the items on the agenda.

1. Opening

    a. Call to Order by Mayor and Roll Call by City Clerk

    b. Adjourn to Closed Session

    c. Closed Session Announcement

    d. Pledge of Allegiance. If the Mayor and Vice Mayor are both absent, then the City Clerk calls the meeting to order and a temporary presiding officer is elected by a majority of those councilmembers present. Upon the arrival of the Mayor or Vice Mayor, the temporary presiding officer relinquishes the chair at the conclusion of the business then before the City Council.

    e. Invocation. In accordance with the policy adopted by City Council (SOP 1.2), the Mayor and Councilmembers shall invite a community member to give an invocation at the speaker podium.

2. Ceremonial matters. The presentation and receipt of proclamations and commendations not requiring formal legislative action.

3. Public Forum. Members of the public wishing to comment on any item not appearing on the agenda may address the City Council at this time. State law prevents Council from taking action on any matter not on the agenda. Comments may be referred to staff for follow up. Individuals are limited to 3 minutes. However, the presiding officer has discretion to reduce the speaking time in situations where there are a large number of persons who wish to speak.

4. Announcements and Future Agenda Items. The Mayor and Councilmembers shall report on any meetings or conferences attended and paid for by the City and may also report on various assignments or other events. The Mayor and Councilmembers shall be limited to the same amount of speaking time as members of the public during open public comment (3 minutes). The City Manager may also make brief announcements. This section will include special reports and any other requests for staff work by the Mayor and Council.

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5. Announcements of Conflict of Interests and Campaign Contributions. City Attorney shall ask the Mayor and Councilmembers to declare any conflicts of interest or campaign donations related to items on the agenda, in accordance with the Milpitas Open Government Ordinance (Municipal Code I-310)

6. Reading of the City Council Code of Conduct

7. Approval of Agenda

8. Consent Calendar. All matters listed under the Consent Calendar, including minutes, are considered by the Council to be routine and will be enacted by one motion without discussion (except for simple clarifying questions). If discussion is desired, that item may be removed and considered separately.

9. Public Hearing. Duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the Council.

10. Community Development. This section will cover the Community Development City Service Area and will include items related to Building, Housing, Economic Development, Engineering (Land Development), and Planning.

11. Community Services and Sustainable Infrastructure. This section will cover the Community Services and Sustainable Infrastructure City Service Area and will include items related to Engineering (Capital Projects and Solid Waste), Public Works, and Recreation and Community Services,

12. Public Safety. This section will cover the Public Safety City Service Area and will include items related to Fire/Emergency Preparedness and Police.

13. Leadership and Support Services. This section will cover the Leadership and Support Services City Service Area and will include items related to the City Clerk, City Council, City Manager, Finance, Human Resources, and Information Services.

14. Reports of Mayor and Councilmembers. Reports and work plans from Commissions will be presented in this section.

15. Adjournment

B. Agenda Item Submission

1. The City Manager has the primary responsibility for the development of the Council Agenda, ensuring all protocols are followed, and that management of the agenda is closely linked to organizational goals and work plans. Any item that is placed on the agenda shall be in accordance with the City's

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Open Government ordinance (MMC I-310) so that it can be clearly understood by members of the community.

2. Mayor or Councilmember:

   a. The Mayor or a Councilmember may request the City Manager to add an item to a Council agenda. No staff report or other staff work will occur until the item is discussed before the full City Council. Discussion and prioritization by the City Council will occur on a quarterly basis.

   b. Councilmembers may make this request verbally during a meeting or may submit a written request to the City Manager at other times.

   c. See Section 2.C.4 “Request for Staff Resources” for further details on any associated staff work related an agenda item request.

3. Members of the Public. A member of the public may request Council action in the following ways:

   a. Write a letter to the City Council

   b. Speak during the Public Comment period at a City Council meeting

   c. Attend annual Council goal setting meeting and provide input

   Upon agreement of a majority of the City Council, Council will determine whether to place on a future agenda an item requested by the public.

C. Meeting Minutes

1. The preparation of accurate minutes is the responsibility of the City Clerk

   a) In general, summary minutes are used to record proceedings. The record focuses on who spoke and the motions and votes. Video recordings are used in order to serve a number of administrative, legal and historical functions and to provide verbatim record of meetings. Failure to record does not affect the validity of any proceedings or action taken by the City Council.

   b) The City Clerk may be directed by the presiding officer, with the consent of the City Council, to enter in the minutes a synopsis of the discussion of any matter coming before the City Council. The synopsis should be in complete sentences.

   c) The Mayor or a Councilmember may request, through the presiding officer, the privilege of having a previously prepared written abstract summarizing the major points of his or her statement on any subject

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under consideration entered into the minutes. If the City Council consents, such an abstract is entered into the minutes.

d) Items such as letters which individuals request “to have entered into the record” are referred to in, but do not become a part of, the minutes.

e) Changes in substantive matters may be made only at the direction of a majority of the City Council. Clerical corrections are to be made when discovered in order to maintain accuracy.

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CHAPTER VI. City Council Actions

Several different types of action may be taken by the Mayor and/or City Council.

A. Proclamations.

Proclamations are issued by the Mayor without formal action by the City Council. Proclamations are public announcements directing attention to a person, organization or event, such as Citizen of the Year, Girl Scout Week, or International Year of the Child. Councilmembers need to make their requests to the Mayor, only the Mayor can issue proclamations.

B. Commendations.

Commendations are acknowledgments of the activities of a person or organization, issued by the Mayor or by all Councilmembers without formal action being taken. Commendations typically acknowledge exceptional endeavors or are given to retiring employees and departing board and commission members and are presented at an appropriate function or council meeting.

C. Ordinances.

Legislative acts of the City Council are known as ordinances. Subject to certain state law exceptions, most ordinances are introduced at one meeting and are adopted by majority vote at a subsequent meeting and go into effect 30 days after adoption.

An ordinance is necessary (1) when state law requires a regulation to be adopted by ordinance, (2) to amend or repeal provisions of the Municipal Code or any uncodified ordinances, and (3) to impose regulations on persons or property in the City.

Ordinances shall be prepared by the City Attorney. Ordinances are prepared for presentation to the City Council when ordered by a majority vote of the City Council, or when requested by the Mayor or the City Manager, or when prepared on the City Attorney's own initiative.

D. Resolutions.

Resolutions are City Council actions which become effective upon adoption and encompass the business not addressed through ordinances. They are typically used to handle routine business and administrative matters requiring some type of formal memorialization. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another agency, or where the frequency of future reference back to its contents warrants a separate documents to facilitate reference and research.

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E. Motions.

The least formal of City Council actions, motions typically are used for procedural matters (such as to continue items) or for administrative matters (such as to accept reports). An adopted motion is as legally effective and binding as an adopted resolution but generally is recorded simply as an item entry in the minutes.

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CHAPTER VII. Communication

A. California Public Records Act.

All letters, memoranda, and email and other electronic communications involving City Councilmembers and members of boards, commissions, committees and task forces, the subject of which relate to the conduct of government or the performance of any governmental function, with a few exceptions as outlined in the Public Records Act, are public records. Emails and texts with content that concerns City business with other City employees or officials or interested members of the public are likely public records even if they are sent to/from a personal account or device.

B. Ralph M. Brown Act

Each Councilmember should be mindful of all of the requirements of the Brown Act and the Open Government Ordinance contained at Milpitas Municipal Code I-310.1.00 in communicating with each other. A majority of the Council shall not use a series of telephone calls, a conference call, mass e-mailing or any other informal session to discuss or decide matters before the City Council. This type of communication would be considered a "serial meeting" in violation of the law.

Section 54952.2(b)(1) of the Brown Act prohibits a majority of members of a legislative body outside of a lawful meeting from directly or indirectly using a series of meetings to discuss, deliberate or take action on any item of business within the subject matter jurisdiction of the body. Paragraph (b)(2) expressly provides that substantive briefings of members of a legislative body by staff are permissible, as long as staff does not communicate the comments or positions of members to any other members.

A serial meeting is a series of meetings or communications between individuals in which ideas are exchanged among a majority of a legislative body (i.e., three council members) through either one or more persons acting as intermediaries or through use of a technological device (such as a telephone answering machine, or e-mail or voice mail), even though a majority of members never gather in a room at the same time. Serial meetings commonly occur in one of two ways; either a staff member, a member of the body, or some other person individually contacts a majority of members of a body and shares ideas among the majority ("I've talked to Councilmembers A and B and they will vote 'yes.' Will you?") or, without the involvement of a third person, member A calls member B, who then calls member C, and so on, until a majority of the body has reached a collective concurrence on a matter.

1. Contacts with staff

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Staff can inadvertently become a conduit among a majority of a legislative body in the course of providing briefings on items of local agency business. To avoid an illegal serial meeting through a staff briefing:

a. Individual briefings of a majority of members of a legislative body should be "unidirectional," in that information should flow from staff to the member and the member's participation should be limited to asking questions and acquiring information. Otherwise, multiple members could separately give staff direction thereby causing staff to shape or modify its ultimate recommendations in order to reconcile the views of the various members, resulting in an action outside a meeting.

b. Members should not ask staff to describe the views of other members of the body, and staff should not volunteer those views if known.

c. Staff may present its viewpoint to the member, but should not ask for the member's views and the member should avoid providing his or her views unless it is absolutely clear that the staff member is not discussing the matter with a quorum of the legislative body.

2. Contacts with constituents, bargaining unit representatives, developers, and lobbyists

As with staff, a constituent, bargaining group representative, developer, or lobbyist can also inadvertently become an intermediary who causes an illegal serial meeting. Constituents' unfamiliarity with the requirements of the Act aggravates this potential problem because they may expect a member of a legislative body to be willing to commit to a position in a private conversation in advance of a meeting. To avoid serial meetings via constituent conversations:

a. First, state the ground rules "up front." Ask if the constituent has or intends to talk with other members of the body about the same subject; if so, make it clear that the constituent should not disclose the views of other members during the conversation.

b. Explain to the constituent that you will not make a final decision on a matter prior to the meeting. For example: "State law prevents me from giving you a commitment outside a meeting. I will listen to what you have to say and give it consideration as I make up my mind."

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c. Do more listening and asking questions than expressing opinions.

d. If you disclose your thoughts about a matter, counsel the constituent not to share them with other members of the legislative body.

3. Contacts with fellow members of the same legislative body

Direct contacts concerning local agency business with fellow members of the same legislative body, whether through face-to-face or telephonic conversations, notes or letters, electronic mail or staff members, are the most obvious means by which an illegal serial meeting can occur. This is not to say that a member of a legislative body is precluded from discussing items of agency business with another member of the body outside of a meeting; as long as the communication does not involve a quorum of the body, no "meeting" has occurred. There is, however, always the risk that one participant in the communication will disclose the views of the other participant to a third or fourth member, creating an illegal serial meeting. Therefore, it is recommended you avoid discussing local agency business with a quorum of the body or communicating the views of other members outside a meeting.

C. Mail Processing

1. Members of the City Council may receive mail and other materials through City Hall.

2. All mail received and specifically addressed to the Mayor or a Councilmember shall be placed in the mail drawer for that person without first being opened.

3. General correspondence addressed to Councilmembers as a whole may be opened and delivered to all Councilmembers if appropriate.

D. Correspondence

1. The City Manager or designee is authorized to receive and take administrative action on all correspondence directed to the City Council. The City Manager or designee may also respond to correspondence submitted to the full City Council on non-agenda items or authorize a staff member to respond. A courtesy copy is provided to each Councilmember.

2. Generally, correspondence relating to a specific City Council agenda item shall be distributed with the agenda report; correspondence received after the publication of agenda packets is to be compiled and distributed to the City Council prior to the City Council meeting.

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3. After the City Council has taken a position on an issue, official correspondence should reflect this position. While Councilmembers who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official City Council title, and staff support should not be utilized. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

E. City letterhead, logo, insignia and brand, as well as staff support cannot be utilized for personal or political purposes.

F. Council Communication to Planning Commission

1. The Mayor and Councilmembers should be mindful not to unduly influence the decision at the Planning Commission meeting so as not to get ahead of the process.

2. It is not appropriate for the Mayor or a Councilmember to make public comments at the Planning Commission meeting unless he/she is acting in his or her personal capacity. If/when the matter comes before the City Council, such member should recuse him or herself from the matter.

G. External Communication

1. The Mayor and Councilmember may communicate on behalf of the City through media interviews, letters, and newsletters. They may also be quoted in City issued press releases. Although the Mayor and Councilmember are able to express individual opinions, any communication made on behalf of the City shall be aligned with Council adopted policies, programs, priorities. City issued press releases will include a quote by Mayor and other quotes, if any, will be determined by the City Manager, based on related work by each Councilmember.

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CHAPTER VIII. Council Liaison Roles

The Mayor and Councilmembers serve on behalf of Milpitas as members of other governmental entities, committees and agencies.

A. City Council Liaison

1. All City Councilmembers shall serve as liaisons to other City Commissions which shall be approved by the full City Council. In serving as a liaison, a City Councilmember shall endeavor to attend all Commission meetings of the Commission to which he or she is assigned.

2. Statements made by the City Council liaison about the City's official position should reflect the majority opinion of the City Council, which is defined by current or past official City Council action via City Council vote or consensus.

3. If the Mayor or a Councilmember wishes to attend the meeting of a Board, Agency, Committee or Task Force to which he/she has not been appointed to serve on by the City Council, the Mayor or Councilmember, as a courtesy, should advise the City representative(s), if any, as well as the respective chair, and should be mindful of the influence of his/her presence. If the presence of the Mayor or Councilmember shall constitute a quorum of the City Council, the meeting should be noticed as that of the City Council and all Councilmembers invited. An exception to this rule is when the Mayor or Councilmember observes only and does not speak at the meeting.

B. Milpitas Public Financing Authority, Milpitas Municipal Financing Authority, and Housing Authority Commission**.**

The Mayor and Councilmembers serve as the members of the Milpitas Public Financing Authority. Milpitas Municipal Financing Authority, and Housing Authority Commission.

C. Regional Boards and Outside Agency Representatives.

1. The role of a Member on regional Boards will vary depending on the nature of the appointment.

2. Reporting. Council representatives to Regional Boards shall keep the Mayor and Councilmembers informed of ongoing business through short written reports to the Mayor and Councilmembers or update reports to the City Council during the "Mayor and Councilmember Reports" opportunity on the City Council meeting agenda.

3. In the event the primary assigned liaison is unable to attend a particular meeting, he or she should notify the chair of the board/agency, and the

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appointed alternate Council representative, or Mayor, should attend in the place of the primary.

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Link to Handbooks for other Cities

https://www.ci.milpitas.ca.gov/_pdfs/council/Handbook/VariousCityHandbooks.pdf

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Approve Amendment No. 1 to Cost Share Agreement between the Milpitas Unified School District and the City of Milpitas for the McCandless Park and Mattos Elementary School Joint Use Areas**
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	1/11/2022
Staff Contact:	**Renee Lorentzen, 408-586-3409**
Recommendation:	Approve Amendment No.1 to Cost Share Agreement between the Milpitas Unified School District and the City of Milpitas for the McCandless Park and Mattos Elementary School Joint Use Areas.

Background:

On July 1, 2016 the City of Milpitas and the Milpitas Unified School District entered into a Joint-Use Agreement specifying areas in both the District's new elementary school, Mabel Mattos Elementary School, and the new City park that would operate as joint-use recreational areas for the benefit of both the District and City programs, as well as the general public. Per this agreement, the District would construct as part of "Phase 1" of a two-phase project, the elementary school, a joint-use shared parking area and basketball court area. The cost of construction for these facilities would be shared equally between the City and District, and the City would provide reimbursement to the District for its share of the improvement cost. The agreement requires the City pay for enhanced improvements to the joint-use area which include adult height basketball pole/hoops and an enhanced court surface.

On December 19, 2017 City Council approved a Cost Share Agreement to memorialize the actual cost of the joint-use area items specified in the July 1, 2016 Joint-Use Agreement for Phase 1 items, and to specify terms for City reimbursement to the District as well as to address processes for unforeseen conditions during construction. The July 1, 2016 agreement also specifies future phases where the City would be responsible for construction of the future park including the installation of a joint-use soccer field. The cost to construct the field would be shared equally, and the District would reimburse the City for its share of the construction cost. The agreement required the City pay for enhanced improvements to the joint-use area which include field lighting. The District is also required to reimburse the City for one-half of the cost to extend the recycled water main within McCandless Drive to the location of the joint-use soccer field.

In 2020, both the MUSD Board of Education and City of Milpitas City Council approved, at their respective meetings on June 12 and October 20 respectively, a first Amendment to the Joint Use agreement to incorporate additional access.

As both the City and District are beginning to work on projects in Joint-Use areas referred to in the "future phases" section of the December 2017 Cost Share Agreement, an amendment to the agreement is required to memorialize the actual cost of the joint-use area items specified in Amendment No.1 to the McCandless Property Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas.

Analysis

Amendment No.1 to the McCandless Property Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas identifies areas in the McCandless Park and Mabel Mattos School that include:

Field, Parking Lot, Basketball Courts, Inclusive Playground, and Butterfly Garden. Areas in the agreement are on both City of Milpitas and MUSD property. Staff is seeking to add Phase 2 projects to this agreement such as: the inclusive playground, butterfly garden, District's new fire service line and backflow, and the City's installation of a new water main.

The breakdown of agency property for each joint use area is as follows:

Joint Use Area	**Agency Property**
Field	City of Milpitas/MUSD
Parking Lot	City of Milpitas/MUSD
Basketball Courts	MUSD
Inclusive Playground*	MUSD
Butterfly Garden	City of Milpitas/MUSD

**This is the small playground on the District property and not the larger park playground structures on City property.*

The District's elementary school is currently under construction for Phase 2 improvements including but not limited to additional classrooms and Multi-use room. The City's park is also under construction. As both the City and District are beginning to work on projects in Joint-Use areas referred to in the "future phases" section of the December 2017 Cost Share Agreement, an amendment to the Cost Share agreement is required to memorialize the actual cost of the joint-use area items specified in Amendment No.1 to the McCandless Property Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas and specify terms for City reimbursement to the District, and District reimbursement to the City, as well as to address processes for unforeseen conditions during construction.

The MUSD School Board of Education reviewed and approved the Amendment No.1 to the McCandless Property Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas at their December 14, 2021 meeting.

Fiscal Impact:
There is no fiscal impact associated with the approval of the cost share agreement amendment as the amendments pertain to the reimbursement that the City will receive from the District for the improvements as part of McCandless Park Project. The reimbursement includes the installation of the all-inclusive playground referenced above and the installation of a water main on the District Property.

California Environmental Quality Act:
The City Council's action in approving the amendment is not a project subject to the CEQA as the amendment only speaks to the arrangement between the City and MUSD and all construction work to occur as part of the arrangement between the parties will or has undergone independent CEQA review prior to any approval or action on the construction.

Recommendations:
Approve Amendment No.1 to Cost Share Agreement between the Milpitas Unified School District and the City of Milpitas for the McCandless Park and Mattos Elementary School Joint Use Areas.

Attachments:
Draft Amendment No.1 to Cost Share Agreement between the Milpitas Unified School District and the City of Milpitas for the McCandless Park and Mattos Elementary School Joint Use Areas.

AMENDMENT NO. 1 TO COST-SHARE AGREEMENT BETWEEN MILPITAS UNIFIED SCHOOL DISTRICT AND CITY OF MILPITAS

This Amendment No. 1 to Cost-Share Agreement ("Amendment No. 1") is entered into between the Milpitas Unified School District, a public school district organized and existing under the laws of the State of California ("District"), and the City of Milpitas, a municipal corporation of the State of California ("City") as of the date of the last signature set forth below (the "Effective Date"). District and City may be referred to individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, the Parties entered into a cost-share agreement for construction of Phase One of the Mabel Mattos Elementary School and McCandless Park improvements, dated February 6, 2018 ("Agreement"); and

WHEREAS, the Agreement relates to the premises located at the corner of McCandless Drive and Penitencia Creek East Channel, Milpitas, CA; and

WHEREAS, the District is currently constructing Phase Two of the Mabel Mattos Elementary School facility adjacent to McCandless Drive which will be completed in June 2022; and

WHEREAS, the City will construct the new McCandless Park adjacent to McCandless Drive and the Mabel Mattos Elementary School, the construction of which started in May 2021; and

WHEREAS, the Parties desire to amend the Agreement to modify the terms and conditions by which they will complete certain shared improvements benefiting both the City and District as specified in Exhibit A-1, attached hereto, and incorporated herein by reference.

NOW, THEREFORE, for and in consideration of their mutual promises and agreements, and subject to the terms, conditions, and provisions hereinafter set forth, the Parties hereto agree to amend the Agreement as follows:

1. Section I is hereby removed and replaced with the following:

   I. Notices

   Notices given under this Agreement may be delivered by first class mail addressed to the appropriate party at the following addresses:

   To City: 455 E. Calaveras Boulevard
   Milpitas, CA 95035
   Attn.: Steve Erickson, City Engineer

   To District: 1331 E. Calaveras Boulevard
   Milpitas, CA 95035
   Attn: Wendy Zhang, Assistant Superintendent, Business Services

2. A new exhibit to the Agreement in the form attached hereto as Exhibit A-1 is hereby added to the Agreement.

3. New Section J is hereby added as follows:

   J. Construction of Shared Inclusive Playgrounds

The City will construct the shared all-inclusive playground areas as specified in Area "E" and "J" of Exhibit A-1. The District and City applied for a grant through the Santa Clara County All-Inclusive Grant Program for an all-inclusive playground. The grant awarded the City and District a total of $779,820 towards the all-inclusive playground. The City will cover $1,033,023 of expected costs and the District will cover $187,157 of the expected costs. The District contribution is intended for the associated work in Area E of exhibit A-1. Any cost increase incurred in Area E, City will pay 85 % and District will pay 15%, which is inline with the original Santa Clara County All-Inclusive Grant Program budget contributions by both parties. The final reimbursement amount may be revised due to City approved contract change orders that are also pre-approved in writing by the District in accordance with Section D of this Agreement and shall be based upon verifiable actual costs. Notwithstanding the foregoing, District shall reimburse City for 100% of all costs for construction of additional amenities requested by the District.

4. New Section K is hereby added as follows:

   K. Construction of Butterfly Garden

   The City will construct the butterfly garden as part of the all-inclusive playground as specified in Area "F" of Exhibit A-1. The City will pay for all associated costs.

5. New Section L is hereby added as follows:

   L. District New Fire Service

   The District constructed a new fire service line and backflow as specified in Area "G" of Exhibit A-1. The District paid for all associated costs.

6. New Section M is hereby added as follows:

   M. New Water Main Within District Property

   The City will construct a new water line as specified in Area "H" of Exhibit A-1. City and District will each pay 50% of all costs for construction of the new water main, tee connection at the existing water main, and abandonment of the existing water main. City shall pay 100% of new water main easement and vacation of existing City Easement as shown on Exhibit C.

7. New Section N is hereby added as follows:

   N. Reimbursement Process

   The Parties shall provide the following documents to request reimbursement from the other Party: contract/agreement/proposal, invoices, pay warrants and copies of canceled checks.

   The requestor will receive payment within 45 days of submission.

All other provisions of the Agreement not amended by this Amendment No. 1 shall remain in full force and effect.

Signature Page
For

AMENDMENT NO. 1 TO COST-SHARE AGREEMENT BETWEEN MILPITAS UNIFIED SCHOOL DISTRICT AND CITY OF MILPITAS

IN WITNESS WHEREOF, this Amendment No. 1 is executed by the City of Milpitas, acting by and through its City Council that has authorized the City Manager to execute, and by the Milpitas Unified School District, acting by and through its Board of Education that has authorized the superintendent or his designee to execute.

CITY OF MILPITAS

By: _____

Name: _____

Title: _____

Date: _____

MILPITAS UNIFIED SCHOOL DISTRICT

By: _____

Name: Cheryl Jordan

Title: SUPERINTENDENT

Date: _____

APPROVED AS TO FORM

By: _____

Name: _____

Title: CITY ATTORNEY

Date: _____

EXHIBIT A-1

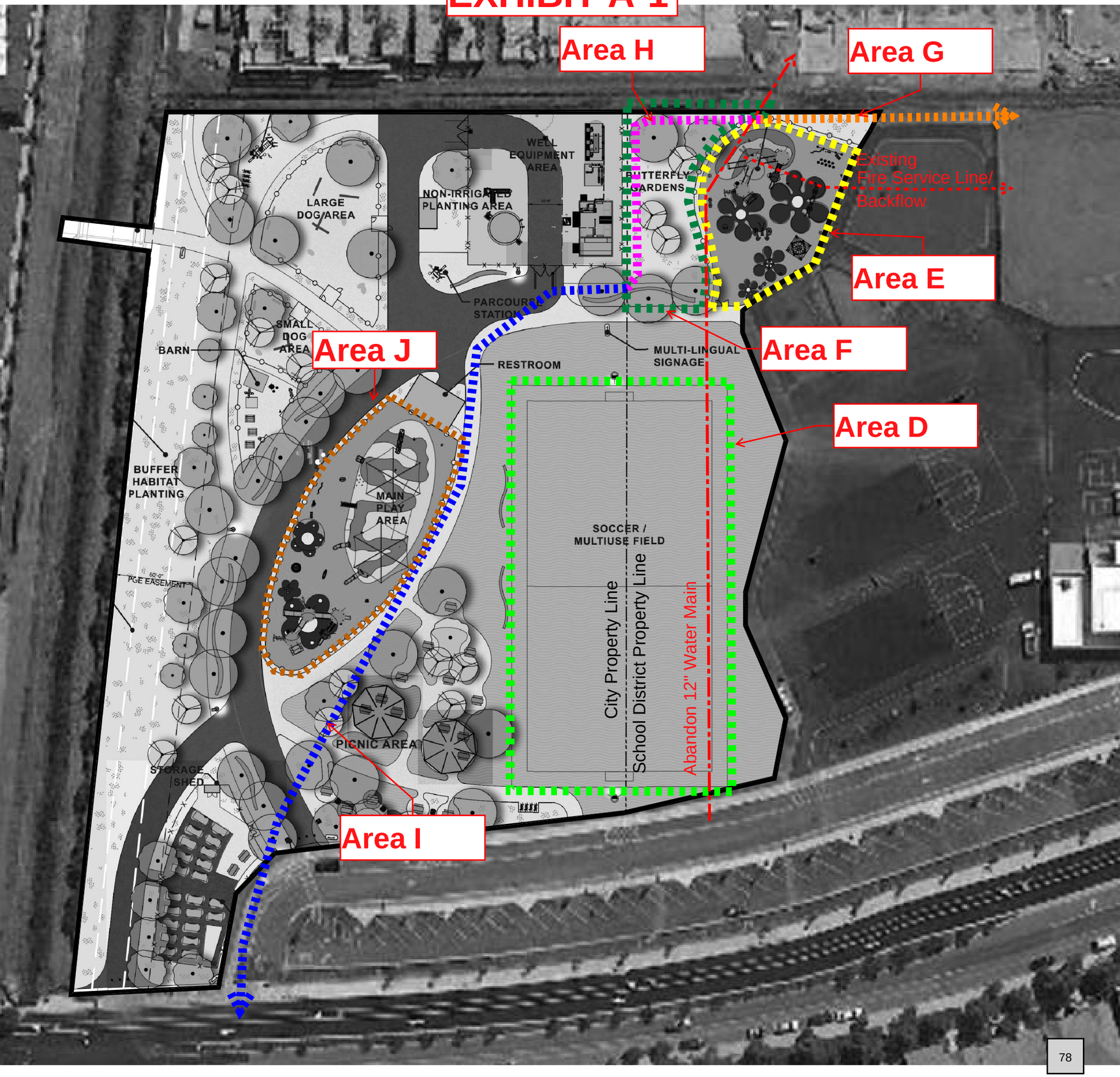
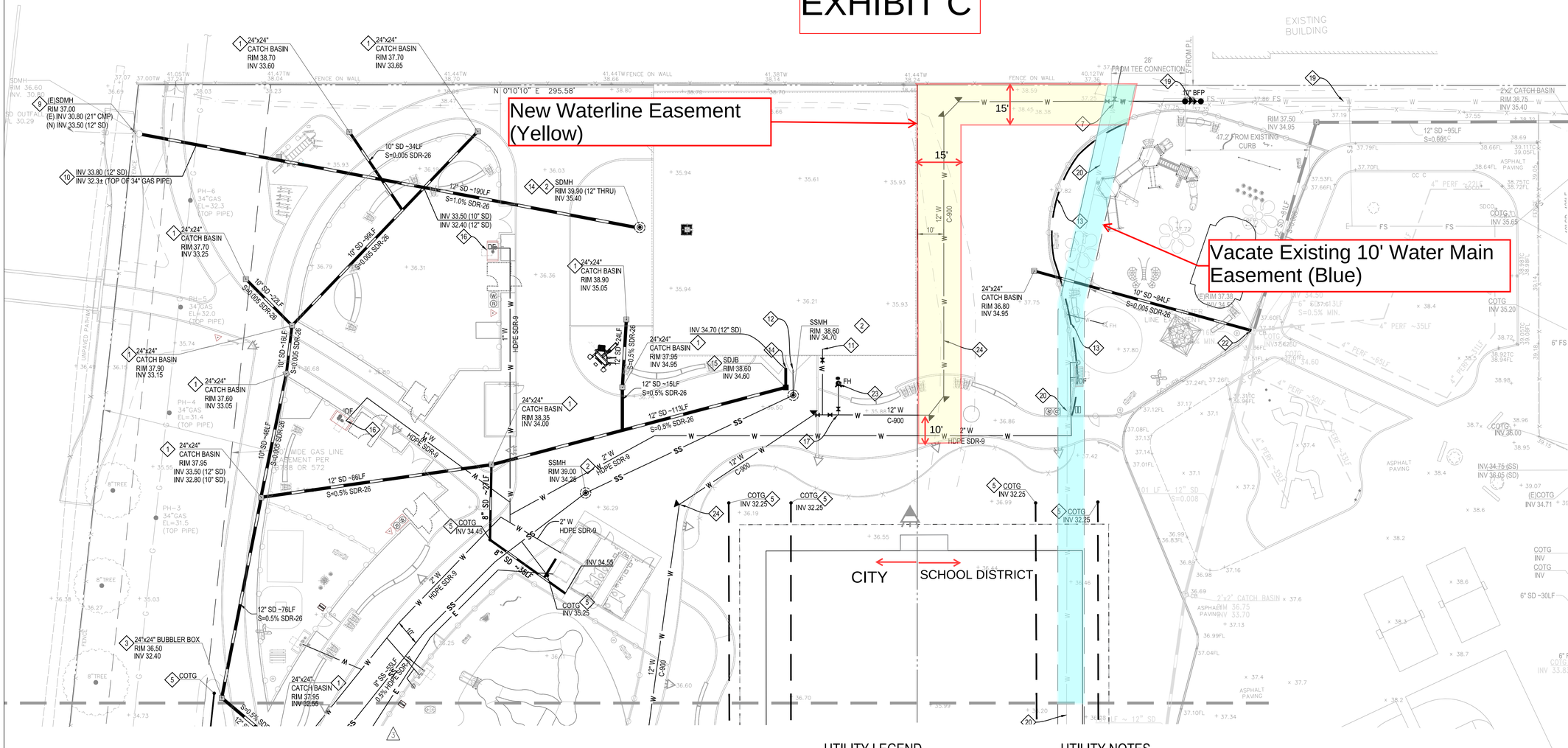

Area H
Area G
Existing
Fire Service Line/
Backflow
Area E
Area F
Area J
Area D
Area I
WELL
EQUIPMENT
AREA
BUTTERFLY
GARDENS
NON-IRRIGATED
PLANTING AREA
LARGE
DOG AREA
PARCOURSE
STATION
SMALL
DOG
AREA
BARN
RESTROOM
MULTI-LINGUAL
SIGNAGE
BUFFER
HABITAT
PLANTING
MAIN
PLAY
AREA
SOCCER /
MULTIUSE FIELD
60'-0"
PGE EASEMENT
City Property Line
School District Property Line
Abandon 12" Water Main
PICNIC AREA
STORAGE
SHED

EXHIBIT C



UTILITY KEYNOTES

1. CATCH BASIN, SEE DETAIL 1/C7.2
2. STORM DRAIN MANHOLE, SEE DETAIL 2/C7.2
3. BUBBLER BOX, SEE DETAIL 5/C7.2
4. OVERFLOW BOX, SEE DETAIL 4/C7.2
5. CLEANOUT TO GRADE, SEE DETAIL 3/C7.2
6. CONNECT NEW 6" SANITARY SEWER TO (E)SSMH.
7. CONNECT PROPOSED 12" WATER LINE TO (E)12" WATER MAIN. SEE DETAIL 4/C7.3
8. 12" WATER UNRESTRAINED CONNECTION TO (E)12" ACP WATER LINE. SEE DETAIL 3/C7.3
9. CONNECT PROPOSED STORM DRAIN TO (E)SDMH
10. INSTALL STORM DRAIN LINE 12" ABOVE (E)GAS. SEE PROFILE 6/C7.2.
11. STUB 12" WATER LINE FOR WELL SERVICE CONNECTION.
12. STUB 6" SANITARY SEWER FOR WELL SERVICE CONNECTION. TO BE INSTALLED BEFORE WELL.
13. INSTALL NEW 4" SUBDRAIN, SEE DETAIL 8/C7.2
14. STUB 12" STORM DRAIN FOR WELL SERVICE CONNECTION. TO BE INSTALLED BEFORE WELL.
15. INSTALL NEW 24"x24" JUNCTION BOX.
16. NEW WATER FOUNTAIN. SEE LANDSCAPE PLAN 1/L3.03 FOR INFORMATION.
17. INSTALL WATER VALVE PER CITY OF MILPITAS STANDARD DETAIL, SEE DETAIL 2/C7.3
18. CONNECT 2" PIPE TO EXISTING BACKFLOW DEVICE
19. NEW DOUBLE DETECTOR CHECK VALVE PER CITY STANDARD.TO BE CONSTRUCTED BY OTHERS
20. ABANDONED IN PLACE WATER LINE FILLED WITH SLURRY
21. REPLACE WATER MAIN & REMOVE VALVE, SEE DETAIL 3/C7.3
22. CONNECT 10" STORM DRAIN LINE TO EXISTING CATCH BASIN
23. INSTALL FIRE HYDRANT PER CITY STANDARD. SEE DETAIL 1/C7.3
24. 12" WATER LINE TO BE INSTALLED 48" BELOW FINISHED GRADE
25. JUNCTION BOX, SEE DETAIL 1/C7.2 (3)
26. WATER MAIN VERTICAL OFFSET MAY BE REQUIRED ABOVE OR BELOW THE STORM DRAIN LINE. CONTRACTOR SHALL DETERMINE IF A VERTICAL OFFSET IS REQUIRED IN THE FIELD TO MAINTAIN 48" MINIMUM OF COVER OVER THE WATER MAIN. THE CONTRACTOR BID PRICE SHALL INCLUDE ALL WORK NECESSARY TO COMPLETE VERTICAL OFFSET INCLUDING, BUT NOT LIMITED TO, AIR RELEASE AND/OR BLOW-OFF VALVE, VERTICAL TRUST BLOCKS AND MECHANICAL RESTRAINTS.
27. INSTALL QUICK COUPLER

UTILITY LEGEND

- FIRE HYDRANT
- WATER VALVE
- WATER METER
- THRUST BLOCK AND MECHANICAL RESTRAINT
- STORM DRAIN MANHOLE
- BACKFLOW PREVENTER
- CATCH BASIN
- AREA DRAIN
- CLEANOUT TO GRADE
- FIRE DEPARTMENT CONNECTION

UTILITY NOTES

1. CONTRACTOR SHALL STAKE LOCATION OF ABOVE GROUND UTILITY EQUIPMENT (HYDRANTS, TRANSFORMERS, ETC.) AND MEET WITH THE APPROPRIATE GOVERNMENTAL AUTHORITY AND PROPER UTILITY AUTHORITY TO REVIEW LOCATION PRIOR TO INSTALLATION. THE APPROPRIATE GOVERNMENTAL AUTHORITY AND PROPER UTILITY AUTHORITY MUST SPECIFICALLY AGREE WITH LOCATION PRIOR TO PROCEEDING WITH THE INSTALLATION.
2. CONTRACTOR SHALL VERIFY (POTHOLE IF NECESSARY) SIZE, MATERIAL, LOCATION AND DEPTH OF ALL SYSTEMS THAT ARE TO BE CONNECTED TO OR CROSSED PRIOR TO THE TRENCHING OR INSTALLATION OF PROPOSED UTILITIES, AND INFORM ENGINEER OF ANY CONFLICTS BEFORE PROCEEDING WITH WORK.
3. CATHODIC PROTECTION IS REQUIRED ON ALL METALLIC FITTINGS AND ASSEMBLIES THAT ARE IN CONTACT WITH THE SOIL. CONTRACTOR IS RESPONSIBLE FOR FULLY ENGINEERING AND INSTALLING THIS SYSTEM AND COORDINATE ANODE AND TEST STATION LOCATIONS WITH OWNER'S ENGINEER. SEE PROJECT SPECIFICATIONS FOR ADDITIONAL CORROSION PROTECTION REQUIREMENTS.
4. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES, INVERTS AND LOCATIONS PRIOR TO BEGINNING ANY WORK ON THIS SITE.
5. WATER LINES, SANITARY SEWER LINES AND STORMDRAIN LINES TO BE COORDINATED WITH THE RESTROOM BUILDING PERMIT PLANS
6. CONTRACTOR TO INSTALL 2" WATER LINE 36" BELOW FINISH GRADE

NORTH

0 10' 20' 30' 40'

SCALE: 1" = 20'

CALL BEFORE YOU DIG USA 800-227-2600

CONFORM SET

DISCLAIMER: TOPOGRAPHIC INFORMATION, INCLUDING PROPERTY LINES, EASEMENTS, EXISTING GRADES, EXISTING UTILITIES LOCATIONS, ETC., SHOWN ARE FOR GENERAL REFERENCE ONLY AND HAVE BEEN PROVIDED BY OTHERS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY HOHBACH-LEWIN, INC.

Plot Date: April 23, 2021 - 1:49 PM

Designer:
IBI
A CALIFORNIA PARTNERSHIP
San Jose
333 W. San Carlos St.,Suite 600
San Jose, CA 95110
408.924.0811 fax: 408.924.0844
ibigroup.com

Consultant:
HOHBACH–LEWIN, INC.
STRUCTURAL & CIVIL ENGINEERS
260 Sheridan Avenue, Suite 150
Palo Alto, CA 94306
(650) 617–5930, Fax (650) 617–5932

Designer Stamp:
REGISTERED PROFESSIONAL ENGINEER DANIEL G. HOHBACH No. C 24706 CIVIL STATE OF CALIFORNIA

Record Drawings

Designer: _____ Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
Public Improvements Initially Accepted by the City Council on: _____ Res. No. _____

Drawn By: VAB Date: _____
Checked By: BJH Date: _____
Designed By: JKN Date: APR. 2021

Revisions

Num.	Description	Engr. Aprv.	Date
1	2ND BUILDING SUBMITTAL		09/2020
2	3RD BUILDING SUBMITTAL		01/2021

CITY OF MILPITAS
ENGINEERING DIVISION

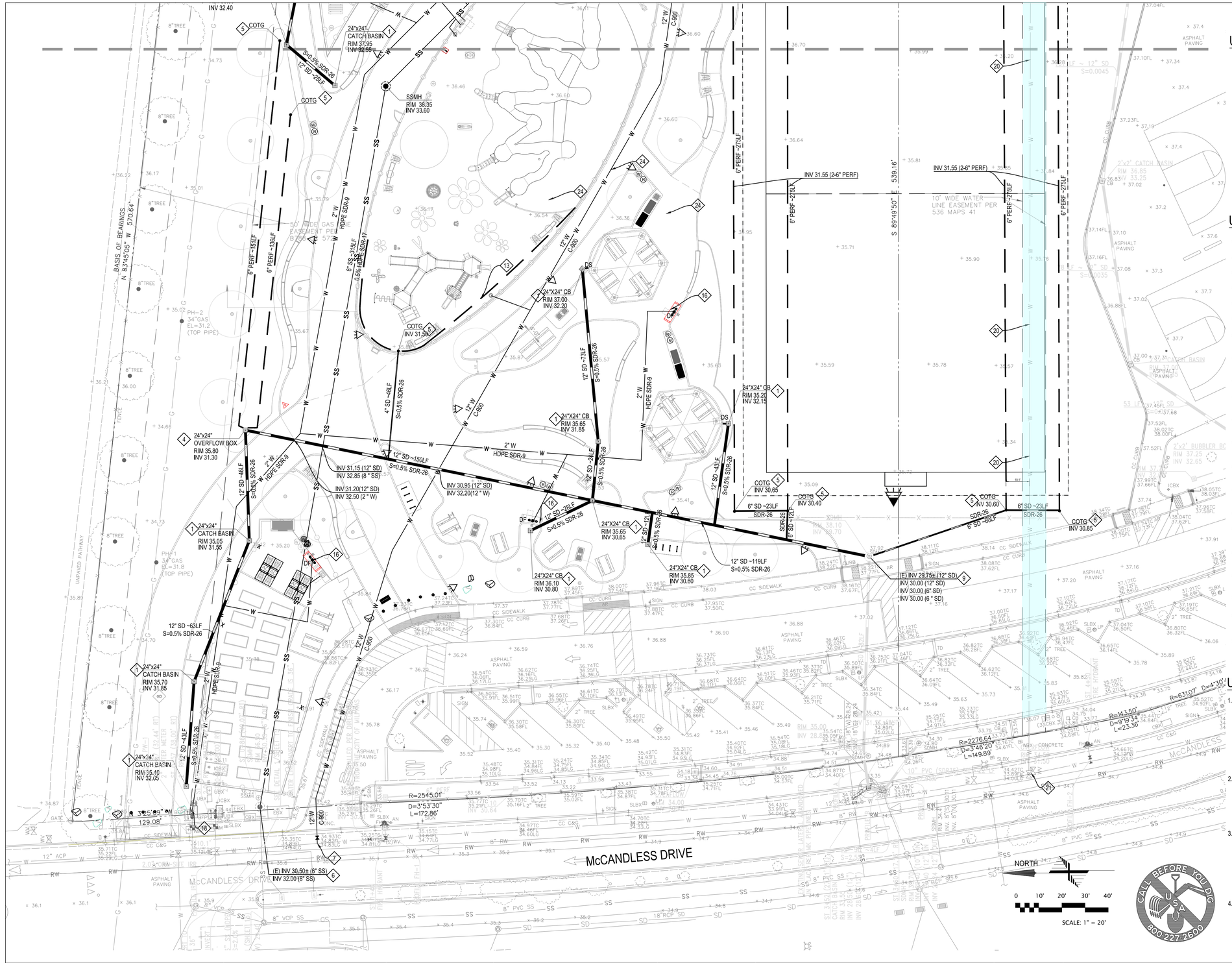
McCANDLESS PARK
PROJECT NO. 2005, 5109, 7076

UTILITY PLAN

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
MICHAEL SILVEIRA, CIP Project Manager
Signature

PROJECT NO. **2005, 5102, 7076**
Rec. Dwg No. **2-1364**
SCALE: **AS SHOWN**
C4.2
SHEET ___ OF **82**

HBACH-LEWIN #10259.37



UTILITY LEGEND

- FIRE HYDRANT
- WATER VALVE
- WATER METER
- STORM DRAIN MANHOLE
- BACKFLOW PREVENTER
- CATCH BASIN
- AREA DRAIN
- CLEANOUT TO GRADE
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Plot Date: September 15, 2020 - 4:54 PM

Designer:
A CALIFORNIA PARTNERSHIP
IBI
San Jose
333 W. San Carlos St.,Suite 600
San Jose, CA 95110
408.924.0811 fax: 408.924.0844
ibigroup.com

Consultant:
HOHBACH-LEWIN, INC.
STRUCTURAL & CIVIL ENGINEERS
260 Sheridan Avenue, Suite 150
Palo Alto, CA 94306
(650) 617-5930, Fax (650) 617-5932

Designer Stamp:
REGISTERED PROFESSIONAL ENGINEER — STANLEY G. HOHBACH-LEWIN — No. 29406 — CIVIL — STATE OF CALIFORNIA

Record Drawings

Designer: _____ Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
Public Improvements Initially Accepted by the City Council on: _____ Res. No. _____

Drawn By: VAB Date: _____
Checked By: BJH Date: _____
Designed By: JKN Date: SEP. 2020

Revisions

Num.	Description	Engr. Apv.	Date
1			

CITY OF MILPITAS
ENGINEERING DIVISION

McCANDLESS PARK
PROJECT NO. 2005, 5109, 7076

UTILITY PLAN

RECOMMENDED FOR BIDDING BY: _____ DATE: 09/30/2020
MICHAEL SILVEIRA, CIP Project Manager
Signature

PROJECT NO. 119316
Rec. Dwg No.
SCALE: AS SHOWN
C4.1
SHEET 13 OF 81

HOHBACH-LEWIN #10293.37

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Consider Recommendations from Mayor Tran for Appointments to City Commissions**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	1/11/2022
Staff Contact:	**Mayor Tran, 408- 586-3029**
Recommendation:	Receive Mayor Tran's recommendations and approve the appointments to City Commissions.

Background:
The City of Milpitas has 13 Commissions (including Measure F Oversight Committee), 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 recommendation for Commission.

Art Commission

1. Appoint Jamie Hekkelman to serve as a Commissioner with a short-term to expire October 2024.
2. Appoint Christine Lee to serve as a student non-voting member.

Community Advisory Commission

1. Reappoint Jinky Peralta to serve as a Commissioner with a term to expire January 2025.
2. Reappoint Jose Rosario to serve as a Commissioner with a term to expire January 2025.

Economic Development and Trade Commission

1. Appoint Ha Phan to serve as Alternate No. 1 with a short-term to expire April 2024.
2. Appoint Stephan Huang to serve as a student non-voting member.

Energy and Environmental Sustainability Commission

1. Appoint Vikash Venkataramana to serve as a Commissioner with a short-term to expire October 2024.

Parks, Recreation, and Cultural Resources Commission

1. Appoint Baljit Gill to serve as a Commissioner with a short-term to expire June 2022.
2. Appoint Allen Roy Thomas to serve as Alternate No. 2 for a short-term to expire June 2023.

Planning Commission

1. Appoint Sonia Medina-Ashby to serve as a Commissioner with a short-term to expire December 2022.

Public Safety & Emergency Preparedness Commission

1. Appoint Rudaba Nazir Khan to serve as a Commissioner with a short-term to expire June 2022.

Science, Technology & Innovation Commission

1. Reappoint Commissioner Anh Bao to serve as a Commissioner with a term to expire January 2025.

2. Reappoint Commissioner Ratan Choudhury to serve as a Commissioner with a term to expire January 2025.
3. Reappoint Commissioner Keven Le to serve as a Commissioner with a term to expire January 2025.

Senior Advisory Commission

1. Reappoint Commissioner Melba Holliday to serve as a Commissioner with a term to expire December 2024.
2. Reappoint Commissioner Nona Tolentino to serve as Alternate No. 1 with a short-term to expire December 2023.
3. Reappoint Commissioner Barbara Jo Navarro to serve as Alternate No. 2 with a term to expire December 2024.

Veteran Commission

1. Reappoint Commissioner William Devereux to serve as a Commissioner with a term to expire January 2025.
2. Reappoint Commissioner Liliana Ramos to serve as a Commissioner with a term to expire January 2025.
3. Reappoint Commissioner Bruce Choy to serve as a Commissioner with a term to expire January 2025.
4. Reappoint Commissioner Victorino Monzon to serve as a Commissioner with a term to expire January 2025.
5. Move Commissioner Puneet Sandhu from Alternate No. 2 to the vacant Commissioner seat with a term to expire January 2025.

Youth Commission

1. Appoint Srinand Mudunuri to serve as Alternate No. 2 with a short-term to expire September 2022.

Measure F Oversight Committee

1. Appoint Conrad Schapira to serve as a committee member with a short-term to expire March 2023.

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

Current Commissioners may seek to be re-appointed upon the expiration of their current term. Re-appointment to a new term is not automatic. Those commissioners seeking reappointment shall contact the Mayor to express their request. Re-appointment must be recommended by the Mayor and confirmed by the City Council.

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

Fiscal Impact:
There is no fiscal impact associated with this item.

Recommendation:
Receive Mayor Tran's recommendations and approve the appointments to the Planning Commission.

Attachments:
1. Commissioners Applications and Request for Reappointments

COMMISSION/COMMITTEE APPLYING FOR:	Arts Commission
Name	Jamie N Hekkelman
Address Type	Residence
Address	[redacted]
City	Milpitas
Postal/Zip Code	95035
Mobile Number	[redacted]
E-Mail Address	

City Clerk's Office
DEC 02 2021
RECEIVED

Present Employer	N/A
City	Milpitas
Postal / Zip code	95035
Occupation	Professional Artist
Education: If Youth Advisory Commission applicant, indicate your grade/school:	Associate of Arts
College, Professional, Vocational, or other schools attended	Mission College, Studio Art college International (Florence,Italy), College of the Siskyous
Major Subject	Art
Degree	AA

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

Name of Organization	North American Women Club Eindhoven
Member	2014- 2019
Name of Organization	Los Gatos Rotary
Member	2019- Present
Name of Organization	Rotary Vietnam Project D5170
Member	2017- 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):
Being a member of Rotary has involved me in projects both locally as well as internationally and connected me with others whom are like minded such as Robin Hays. She has mention the need for an artist on the Milpitas arts Commission and I believe I would be a good fit. I am a creative member in society with a formal and informal education in art internationally. Looking forward to working together on new art projects.

Date Nov 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.

student app

City Clerk's Office

SEP 30 2021

RECEIVED

CITY OF MILPITAS
COMMISSION/COMMITTEE APPLICATION

Arts Commission

COMMISSION APPLYING FOR

PROVIDE COMPLETE INFORMATION (in black ink)

Senior Advisory Commission applicants only: are you a member of Milpitas Senior Center? YES / NO

☐ Mr.

☑ Mrs./Ms.

Name: Christine (First) Hayoung (Middle) Lee (Last)

Address: [redacted] (Number) (Street) (Apt. #)

Telephone Number(s) [redacted]

Present Employer

Business Telephone

Address

Occupation

Education: If Youth Advisory Commission applicant, indicate your grade/school: 11th

College, Professional, Vocational, or other schools attended	Major Subject	Date	Degree

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

Date	Name of Organization	Officer / Member

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

I am accountable, hold great organizational skills, determination & integrity. Due to my past experiences in art from classes to having it has my hobby, I posses a creative mind & thought process. I am currently the president for an art club that incperates imaginative activities, inspires people to explore art, & build bonds using common interests.

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

8/18/21
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 or drop off your completed application to the City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035

Karen Chew

Subject: FW: Appointment to Community Advisory Commission

---------- Forwarded message ---------
From: **Jinky Peralta** [redacted]
Date: Thu, Dec 2, 2021 at 5:50 PM
Subject: Fwd: Appointment to Community Advisory Commission
To: Rich Tran <rtran@ci.milpitas.ca.gov>

Hello Mayor Tran,

I hope you and your family are doing well despite the pandemic.

I'm just following up on our phone conversation of last month regarding re-appointment to Community Advisory Commissioner (CAC).
I am writing to you requesting that I be reappointed upon the expiration of my current term. I enjoyed and learned a lot more than I expected to and I learned that I have a passion to serve the community of Milpitas.
Thank you for taking the time to assist me in this matter. If you have any further questions, I am happy to answer them.

Sincerely,

Jinky Peralta
[redacted]

---------- Forwarded message ---------
From: **Jinky Peralta** [redacted]
Date: Tue, Jul 6, 2021 at 12:35 AM
Subject: Re: Appointment to Community Advisory Commission
To: Wendy Wood <wwood@ci.milpitas.ca.gov>
CC: Karen Chew <kchew@ci.milpitas.ca.gov>, Pam Caronongan <pcaronongan@ci.milpitas.ca.gov>, Robert Musallam <rmusallam@ci.milpitas.ca.gov>, Sharon Goei <sgoei@ci.milpitas.ca.gov>

Hi Wendy,
Thank you for the information.

Karen Chew

Subject: FW: Commissioner re-appointment

----- Forwarded Message -----
From: Jose Rosario [redacted]
To: "rtran@ci.milpitas.ca.gov" <rtran@ci.milpitas.ca.gov>
Sent: Wednesday, January 5, 2022, 04:21:58 PM PST
Subject: Commissioner re-appointment

Dear Mayor Richard Tran,

I wish to be re-appointed Commissioner of CAC for the reason, I would like to continue my community services to the city since I am now retired. I am officer of the Dagupan City Association of Northern CA, Inc., in relation to the Sister-City with the City of Milpitas.
I am hoping for your kind understanding and more power.

Very respectfully yours,

Jose P. Rosario
E-mail: [redacted]

Sent from my iPhone

COMMISSION/COMMITTEE APPLYING FOR:	Economic Development and Trade Commission
Name	Ha Phan
Address Type	Residence
Address	[redacted]
City	Milpitas
Postal/Zip Code	95035
Mobile Number	[redacted]
E-Mail Address	[redacted]

Present Employer	East side school district
City	San Jose
Occupation	Child Nutrition
College, Professional, Vocational, or other schools attended	University of Phoenix
Major Subject	Business
Degree	MBA

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

Name of Organization	Lions International Clubs Org.
Member	Treasurer

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

Date	Jan 05, 2022
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 OF MILPITAS
YOUTH COMMISSION APPLICATION

Youth Commission
COMMISSION APPLYING FOR ↑

PROVIDE COMPLETE INFORMATION (In black ink)

If you are only applying for the Youth Commission, please indicate that on the line that states "Commission Applying for." If you would like to serve as a nonvoting member on another commission, see instruction below. Please note that you may apply for the Youth Commission and nonvoting commissions.

The City allow one nonvoting youth to server on the commissions listed below. Please indicate by checking the boxes below which commissions you would like to serve on as a nonvoting member. Please select all commissions you are interested in. The Mayor will review your application and make appointments as appropriate.

- ☑ **ARTS COMMISSION**
- ☑ **COMMUNITY ADVISORY COMMISSION**
- ☑ **ECONOMIC DEVELOPMENT & TRADE COMMISSION**
- ☐ **LIBRARY & EDUCATION COMMISSION**
- ☐ **PARKS, RECREATION & CULTURAL RESOURCES COMMISSION**
- ☐ **PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMISSION**
- ☐ **SCIENCE, TECHNOLOGY & INNOVATION COMMISSION**
- ☐ **SENIOR ADVISORY COMMISSION**
- ☐ **VETERANS COMMISSION**

City Clerk's Office
OCT 11 2021
RECEIVED

Name: Stephen (First) (middle) Huang (Last)

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

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

Education: Please indicate your grade & school: 11th Grade Milpitas High

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):
The Youth Commission intrigued me especially because I understand many current issues youth and teens are experiencing. I am rational when it comes to thinking, sympathetic to others, easy-to-talk-to, punctual, and hard-working and efficient student taking rigorous courses in my high school. The flexibility of the courses I'm taking allows me befriend all kinds of people of different ethnicity, grade level, and personality.

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] — **Signature**

10/07/2021 — **Date**

Appointments to Commissions 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.**

PLEASE BE AWARE THAT ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

E-mail, send in US mail or drop off your completed application to:
City Clerk, Milpitas City Hall 3rd floor, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: cityclerk@ci.milpitas.ca.gov

Scanned with CamScanner

COMMISSION/COMMITTEE APPLYING FOR:	Energy and Environmental Sustainability Commission
Name	Vikash Venkataramana
Address	[redacted]
City	Milpitas
Postal/Zip Code	95035
Mobile Number	[redacted]
E-Mail Address	

City Clerk's Office
DEC 0[illegible] 2021
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Present Employer	Enervenue
Other Phone	[redacted]
City	Fremont
Postal / Zip code	94539

Occupation	Energy Executive
Education: If Youth Advisory Commission applicant, indicate your grade/school:	PhD
College, Professional, Vocational, or other schools attended	University of St Andrews
Major Subject	Physics
Degree	PhD

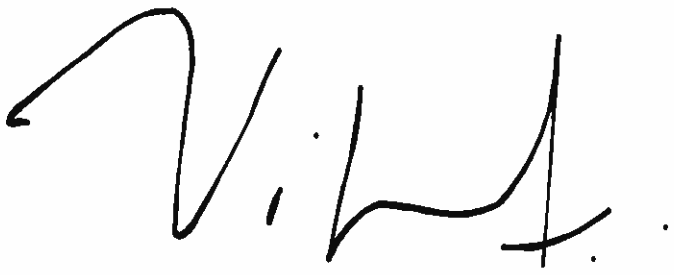
List community organizations to which you belong or have belonged (additional information may be attached).

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 been in renewable energy for 10+ years working on deploying solar and energy storage products in this space.

Upload a File	VikashVenkataramana_resume_11282021 (1).docx
Date	Dec 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.



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:	Parks, Recreation and Cultural Resources Commission
Name	baljit gill
Address Type	Residence
Address	[redacted]
City	milpitas
Postal/Zip Code	95035
Mobile Number	[redacted]
E-Mail Address	[redacted]

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	Dec 27, 2021

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:	Parks, Recreation and Cultural Resources Commission
Name	ALLEN ROY THOMAS
Address Type	Residence
Address	[redacted]
City	Milpitas
Postal/Zip Code	95035
Mobile Number	[redacted]
E-Mail Address	

City Clerk's Office
DEC 0 2021
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Present Employer	retired
Other Phone	[redacted]
Business Address (Optional)	N/A
City	Milpitas
Postal / Zip code	95035

Occupation	retired
Education: If Youth Advisory Commission applicant, indicate your grade/school:	BS
College, Professional, Vocational, or other schools attended	Chapman University, Penn State, UC Berkeley
Major Subject	Social Sciences
Degree	BS

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

Name of Organization	Milpitas Police Volunteers
Member	Lead volunteer(current)
Name of Organization	Milpitas Veterans Commission
Member	Past member
Name of Organization	Starlite Pines HOA
Member	President

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

Branch of Military	USAF retired
Officer	E-6

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):
I am a home owner in Milpitas and have lived here for 24years, I have 2 children that graduated from Milpitas High School. I am an active influential citizen interested in assisting the Parks and Recreations and cultural Resources committee provide the best advice to the City council while representing the needs and growth of the city. I am lucky to be retired so I can spend productive time as a member of the Parks and Rec commission. I have served on the Milpitas Veterans Commission so I know what is involved in being a good resource to the city. I am already familiar with many of the facilities and activities of the Milpitas Parks and Recs department and know many on the staff. Please consider my application.

Date Dec 08, 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.

Allen R Thomas

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
PLANNING COMMISSION APPLICATION

Thank you for your interest in serving on the City of Milpitas Planning Commission. The Planning Commission advises the City Council on matters related to land use, development, and planning permit decisions. Milpitas Municipal Code requires a Planning Commissioner to be a resident of the City of Milpitas and a registered voter. Planning Commissioners typically serve three-year terms and may serve up to three consecutive terms.

This Application is intended to provide basic information about your background and experience in relation to the work of the Planning Commission. City staff and members of the City Council will review this information and make recommendations to the Mayor for possible appointment to the Planning Commission. In addition to this Application form, applicants are required to complete the attached Supplemental Questionnaire.

PLEASE PROVIDE COMPLETE INFORMATION (in black ink)

☐ Mr. ☒ Mrs./Ms. **Milpitas Resident?** Yes **Registered voter?** Yes

Personal Information:

Name: Sonia (First) Medina-Ashby (Middle) (Last)

Address: [redacted] (Number) Milpitas, CA 95035 (Street (apt. # if needed)) Milpitas, CA 95035

Phone Number(s): [redacted] **E-mail Address:** [redacted]

Occupation: Realtor / Business Owner **Present Employer:** KW Santa Clara Valley

Business Address: 2520 Mission College Blvd ste. 102 **Business Phone:** 408-337-0218

Education:

College, Professional, Vocational, or other schools attended	Major Subject	Certificate or Degree?
San Jose City College	Real Estate	License
Modesto Junior College	Interior Design-Theatre Technical Theatre	2 AA degrees 1 Cert.

Experience:

Briefly describe any personal experience or work in the community that you believe would be an asset to your service on the Planning Commission (additional information may be attached):

Coached + Managed Milpitas PAL/MYSL Soccer for 5 yrs.
Organized street clean-ups in Milpitas
Volunteered for the Second Harvest Food Distribution
Sponsored equipment + Registration fees for soccer players

I hereby certify that all statements contained in this application are true and that I am a registered voter and a resident of the City of Milpitas. If appointed, I have enough time to devote to this responsibility and will attend the required meetings.

Signature 1/4/2022 Date

Note: All Commission Applications are Public Record. Applications will be kept on file by the City Clerk for one year.

Please Mail or drop off your completed application and supplemental questionnaire to:
City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035
Phone: (408) 586-3001 – Fax: (408) 586-3030 – E-mail (mlavelle@ci.milpitas.ca.gov)

PLANNING COMMISSION APPLICATION
SUPPLEMENTAL QUESTIONNAIRE
(Please type or print responses below or use a separate sheet of paper).

1. Why are you interested in serving on the Planning Commission?

I would like to be more actively involved in the Planning of my City.

2. What do you think are important skills or attributes for a Planning Commissioner, and why?

1- Being fair & open minded
2- Having knowledge of community issues + Ordinances
3- The ability to communicate

3. How will your personal or work experience contribute to your role as a Planning Commissioner?

I've been a Real Estate agent for 10 years
I have experience in doing remodels + flips

4. From your viewpoint, what are the most pressing land use or development issues in Milpitas?

- Preserving and protecting our existing family neighborhoods
- I would like to see more development of a downtown area or Central location w/ restaurants & shops

5. How would you typically prepare for a Planning Commission meeting?

- Do your homework
- Understand the communities Growth Policies
- Identify how the project will benefit the community

6. What do you see as the different roles of City staff, the Planning Commission, and City Council?

City staff - manage / organize
Planning Commission - Building plans / Zoning + Subdivision Ordinance
City Council - overseas City functions

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

Name	Rudaba Nazir Khan
Address Type	Residence
Address	[redacted]
City	Milpitas
Postal/Zip Code	95035
Mobile Number	[redacted]
E-Mail Address	

City Clerk's Office
DEC 13 2021
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Present Employer	Recent UC Davis graduate
Other Phone	[redacted]
Business Address (Optional)	
City	Milpitas
Postal / Zip code	95035-6745

Occupation	Private Equity Analyst
Education: If Youth Advisory Commission applicant, indicate your grade/school:	Milpitas High School
College, Professional, Vocational, or other schools attended	UC Davis
Major Subject	Political Science
Degree	BA

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

Name of Organization	NAACP
Member	Vice President
Name of Organization	Office of Emergency Services
Member	Intern

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 am a recent graduate of UC Davis, with a Bachelor's in Political Science. I think I would be a good asset because in 2017 I had interned for Victor Garza's Public Policy Institute, which also placed me into the Office of Emergency Services for the City of Milpitas. Because of this, I already have exposure to the role, and want to return to my community to give back. I also have been involved in the community with the NAACP Youth Division, and want to further my involvement at the local level.

Upload a File ~~Official Resumè 07:21 copy.pdf~~

Date Dec 15, 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

Karen Chew

From: [redacted]
Sent: Friday, December 10, 2021 3:20 PM
To: Rich Tran; Wendy Wood
Cc: Karen Chew; Anh Bao
Subject: Anh Bao Re: STIC Reappointment

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

Mayor Tran and Ms. Wood,
I would be honored to continue to serve our city in the STIC Commission. Please reappoint me and extend my term.

Thank you
Anh Bao

On Thursday, December 9, 2021, 3:56:31 PM PST, Karen Chew <kchew@ci.milpitas.ca.gov> wrote:

Hello Commissioner Bao,

I hope this email finds you well. This email is just to inform you that the term tied to your Commission seat is set to expire in January 2022. If you wish to be reappointed and have your term extended please send an email to Mayor Tran and our City Clerk, Wendy Wood, expressing your interest in continuing to serve. There will be a recruitment this month to fill any vacant positions on the Science, Technology and Innovation Commission. Our office will gather all applications submitted during this recruitment process and provide them to the Mayor for his review. Your reappointment email will be included in that batch if you choose to seek reappointment. Please email the Mayor and our City Clerk at your earliest convenience.

The Mayor's email is rtran@ci.milpitas.ca.gov and Wendy's email is wwood@ci.milpitas.ca.gov.

Sincerely,

Karen Chew
Office Assistant - City Clerk's Office
Phone (408) 586-3004
Email kchew@ci.milpitas.ca.gov
455 E. Calaveras Blvd, Milpitas CA 95035
www.ci.milpitas.ca.gov

Karen Chew

Subject: FW: Requesting Reappointment for Science, Technology, and Innovation Commission

From: Kevin V Le <[redacted]>
Sent: Friday, December 10, 2021 7:00 AM
To: Rich Tran <rtran@ci.milpitas.ca.gov>
Cc: Wendy Wood <wwood@ci.milpitas.ca.gov>
Subject: Requesting Reappointment for Science, Technology, and Innovation Commission

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

Dear Mayor Tran,

I wanted to reach out to let you know I would like to be reappointed to the Science, Technology, and Innovation Commission.

I am enjoying my time with the commission so far and have made a lot of progress as the project owner of the Digital Inclusion Strategy for the city. I would like to continue to serve and represent our community!

Regards,
Kevin Le

Karen Chew

Subject: FW: STIC Reappointment

From: Ratan Choudhury [redacted]
Sent: Sunday, December 12, 2021 3:37 PM
To: Rich Tran <rtran@ci.milpitas.ca.gov>; Wendy Wood <wwood@ci.milpitas.ca.gov>; Daniel Nam <dnam@ci.milpitas.ca.gov>
Subject: Fw: STIC Reappointment

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

Dear Mayor Tran,

Hope you are doing well!

My term is set to expire in January 2022. I would l ke to let you know that I love serving our city in the capacity of a commissioner in the STIC commission and would like to be reappointed.
I would greatly appreciate you could renew my appointment for the next term.

Best Regards,
Ratan Choudhury
Chair, STIC

CC.
Wendy Wood, City Clerk
Daniel Nam, Director, IT

----- Forwarded Message -----
From: Karen Chew <kchew@ci.milpitas.ca.gov>
To: Ratan Choudhury [redacted]
Cc: Wendy Wood <wwood@ci.milpitas.ca.gov>
Sent: Thursday, December 9, 2021, 03:56:17 PM PST
Subject: STIC Reappointment

Hello Commissioner Choudhury,

I hope this email finds you well. This email is just to inform you that the term tied to your Commission seat is set to expire in January 2022. If you wish to be reappointed and have your term extended please send an email to Mayor Tran and our City Clerk, Wendy Wood, expressing your interest in continuing to serve.

There will be a recruitment this month to fill any vacant positions on the Science, Technology and Innovation Commission. Our office will gather all applications submitted during this recruitment process and provide them to the Mayor for his review. Your reappointment email will be included in that batch if you choose to seek reappointment. Please email the Mayor and our City Clerk at your earliest convenience.

The Mayor's email is rtran@ci.milpitas.ca.gov and Wendy's email is wwood@ci.milpitas.ca.gov.

Sincerely,

Karen Chew
Office Assistant - City Clerk's Office
Phone (408) 586-3004
Email kchew@ci.milpitas.ca.gov
455 E. Calaveras Blvd, Milpitas CA 95035
www.ci.milpitas.ca.gov

Karen Chew

From: Melba Holliday
Sent: Wednesday, October 13, 2021 6:48 PM
To: Rich Tran
Cc: Wendy Wood
Subject: [BULK] Commission renewal

Importance: Low

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

Mayor Tran,

I am Melba Holliday, Chair of the Senior Advisory Commission.
I Am writing to renew my appointment to the Commission,
I have enjoyed serving on the Commission and have contributed and would like to continue serving our Seniors in Milpitas for another 3 years.

Regards,

Melba Holliday

Karen Chew

Subject: FW: Senior Advisory Commission

-----Original Message-----
From: NONA TOLENTINO [redacted]
Sent: Friday, October 22, 2021 11:59 AM
To: Rich Tran <rtran@ci.milpitas.ca.gov>; Wendy Wood <wwood@ci.milpitas.ca.gov>
Subject: Senior Advisory Commission

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

Hello Mayor Tran,

I'm still interested as a commissioner. I would like to be considered.

Thank you,

Nona Tolentino
[redacted]

Sent from my iPhone

Karen Chew

Subject: FW: Senior Advisory Reappointment

From: Barbara Jo Navarro <[redacted]>
Sent: Wednesday, January 05, 2022 2:49 PM
To: Wendy Wood <wwood@ci.milpitas.ca.gov>; Rich Tran <rtran@ci.milpitas.ca.gov>
Cc: Karen Chew <kchew@ci.milpitas.ca.gov>
Subject: Re: Senior Advisory Reappointment

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

Mr. Mayor and Ms. Wood
I would like to continue being a member of the Senior Advisory Commission.
I will accept an appointment to the commission as a member or an alternate.
Please reappoint me to this commission.
If you have any questions for me, please let me know.
Barbara Jo Navarro
[redacted]

Karen Chew

Subject: FW: Veteran Commission reappointment

From: William Devereux
Sent: Saturday, December 4, 2021 10:02 PM
To: Rich Tran
Cc: Wendy Wood
Subject: Veteran Commission reappointment

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

Dear Mayor Tran,

I would like to apply for reappointment to the Veterans Commission at this time.
I enjoy serving as a Veterans Commissioner and helping our Veterans.

Respectfully,

William Devereux

Karen Chew

Subject: FW: Milpitas Veterans Commission

From: Liliana Ramos
Sent: Saturday, December 4, 2021 6:17 AM
To: Rich Tran; Wendy Wood
Subject: Milpitas Veterans Commission

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

Mayor Tran and Ms. Wood,

I would like to continue serving as a commissioner on the Milpitas Veteran Commission. Although I have been on the Commission since it started, I feel that I still have more to contribute and would like to continue serving our City's veterans for at least the next three years.

As our veterans continue to struggle with homelessness, suicidality, integrating into civilian life, mental health, and many other challenges, I would like to be part of the solution in helping our City's veterans.

Thank you for your consideration.

Respectfully,

Liliana Ramos

Karen Chew

-----Original Message-----
From: Bruce Choy [redacted]
Sent: Thursday, December 30, 2021 12:15 PM
To: Wendy Wood <wwood@ci.milpitas.ca.gov>
Subject: Reappointment to the Veterans Commission

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

Dear Ms. Woods,
I would like to be reappointed to the Veterans Commission for another term.
Thank you for your consideration.
Regards,
Bruce Choy

Wendy Wood

Subject: FW: Re-appointment on Veterans Commission

From: VIC MONZON
Sent: Wednesday, January 5, 2022 4:40 PM
To: Rich Tran; Wendy Wood
Subject: Re-appointment on Veterans Commission

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

Greetings Mr Mayor,

I just wanted to go on the record to point out I am interested in continuing to serve.

Regards,

Vic Monzon
CDR USN (retired)

Wendy Wood

Subject: FW: Reappointment to Veterans commision.

From: puneet sandhu [redacted]
Sent: Wednesday, January 5, 2022 8:24:48 PM
To: Wendy Wood <wwood@ci.milpitas.ca.gov>
Cc: Rich Tran <rtran@ci.milpitas.ca.gov>
Subject: RE: Reappointment to Veterans commision.

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

Good Evening,
I would like this to serve as notice of my wish to continue serving as a Veteran Committee Commissioner . It has been an honor and privilege to have been part of this commission in the past year.
Please place me int the pool of candidates that are being considered for appointment.

Respectfully,
Puneet Sandhu

CITY OF MILPITAS
YOUTH COMMISSION APPLICATION

PROVIDE COMPLETE INFORMATION (in black ink)

YOUTH COMMISSION
COMMISSION APPLYING FOR ↑

If you are only applying for the Youth Commission, please indicate that on the line that states "Commission Applying for." If you would like to serve as a nonvoting member on another commission, see instruction below. Please note that you may apply for the Youth Commission and nonvoting commissions.

The City allow one nonvoting youth to server on the commissions listed below. Please indicate by checking the boxes below which commissions you would like to serve on as a nonvoting member. Please select all commissions you are interested in. The Mayor will review your application and make appointments as appropriate.

- ☐ ARTS COMMISSION
- ☐ COMMUNITY ADVISORY COMMISSION
- ☐ ECONOMIC DEVELOPMENT & TRADE COMMISSION
- ☐ LIBRARY & EDUCATION COMMISSION
- ☐ PARKS, RECREATION & CULTURAL RESOURCES COMMISSION
- ☒ PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMISSION
- ☒ SCIENCE, TECHNOLOGY & INNOVATION COMMISSION
- ☐ SENIOR ADVISORY COMMISSION
- ☐ VETERANS COMMISSION

City Clerk's Office
OCT 21 2021
RECEIVED

Name: SRINAND (First) (middle) MUDUNURI (Last)

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

Telephone Number(s): [redacted]

e-mail address: [redacted]

Education: Please indicate your grade & school: 9th grade (SUMMIT DENALI HIGH SCHOOL)

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

Enclosing details in attachment-

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.

Srinandm.
Signature

10/15/2021
Date

Appointments to Commissions 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.**

PLEASE BE AWARE THAT ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

E-mail, send in US mail or drop off your completed application to:

City Clerk, Milpitas City Hall 3rd floor, 455 E. Calaveras Blvd., Milpitas, CA 95035, email:

Hello everyone, my name is Srinand Mudunuri, a freshman at Summit Denali High School. I want to be part of the Milpitas Youth Advisory Commission because I like helping out my community, participating in community events, and speaking out on social issues that affect our community.

Helping out my community is something that I have been doing for many years, through service projects with my Boy Scouts troop since 5th Grade. I have experienced many fun moments during these service projects, whether it was serving food at a soup kitchen, selling Christmas trees for the underprivileged, or teaching younger kids about certain life skills that can be crucial for later on in their lives.

Participating in community events has always been a passion of mine, since I like to go out in my community and have fun, while making sure others are enjoying themselves as well.

Speaking out on social issues is important to keep a community strong. I would like to apply the knowledge I gained from a merit badge (Citizenship in the Community) on how to be a good citizen by actively helping out my community through fresh ideas. I can participate by assisting with programs implemented for youth related social issues, and helping to create activities that make awareness of social issues successfully engaging.

I have multiple years of experience in leadership roles, public safety, and emergency preparedness. If given the opportunity, I would like to help make a positive impact by being a role model for the youth in our community.

COMMISSION/COMMITTEE APPLYING FOR:	Measure F Oversight Committee
Name	Conrad Schapira
Address Type	Residence
Address	[redacted]
City	Milpitas
Postal/Zip Code	95035
Mobile Number	[redacted]
E-Mail Address	

Present Employer	Rasilient Systems, Inc.
City	Santa Clara
Postal / Zip code	95051

Occupation	Sr. Director, Manufacturing Operations
College, Professional, Vocational, or other schools attended	Almeda University
Major Subject	Business Management
Degree	BA

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

Name of Organization	Milpitas CERT - Current
Name of Organization	Turning Wheels for Kids - Current
Name of Organization	Jensen's School of Perf Arts - Past

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):
Unbiased leader. A high level of integrity. Strong understanding of budgets and allocations. Prior small business owner outside of Milpitas.

I would like to assure that the funds received through Measure F are used to maintain and enhance our 911, law enforcement, fire / EMS, youth and senior services.

Date	Sep 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.

Conrad Schapira

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:	**Introduce Ordinance No. 43.213 Amending Various Sections of Milpitas Municipal Code, Title V, Chapter 100 - Traffic**
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	1/11/2022
Staff Contact:	Steve Chan, Transportation and Traffic Manager, (408) 586-3324, and Jared Hernandez, Chief of Police (408) 586-2406
Recommendation:	Following the City Attorney's reading aloud the title, move to waive the reading beyond the title and introduce Ordinance No. 43.213 amending various sections of Milpitas Municipal Code, Title V, Chapter 100 - Traffic

Background:

The laws of the City of Milpitas are codified in Milpitas Municipal Code, which is comprised of ordinances passed by the City Council. These laws are enforced locally in addition to state laws and federal laws. Milpitas Municipal Code, Title V, Chapter 100 – "Traffic" sets provisions for motor vehicle, pedestrian, and bicycle travel on public roadways within the City of Milpitas. These provisions include authority for placement and defining operation period of official traffic control devices such as traffic signal, regulatory sign, parking sign, and pavement marking. Locations of traffic signals, regulatory signs, and parking restriction areas are also specified in Chapter 100.

Analysis:

Under the current Milpitas Municipal Code, installation or removal of traffic control devices such as traffic signals, regulatory signs, or parking signs have not kept pace with increased traffic regulating measures installed on the city's roadways to address traffic growth over past decades and are not reflective of the current organizational structure. Further, enforcement of traffic control devices and regulatory signs is more challenging due to discrepancies between Milpitas Municipal Code and deployed traffic control devices.

Certain installation or removal of traffic control devices such as a dedication of a one-way street, stop signs or parking restrictions require City Council approval through adoption by resolution or ordinance of the City Council. Neighboring jurisdictions, including City of San Jose, City of Mountain View, and City of Sunnyvale, have delegated authority to their staff to exercise the powers and duties with respect to traffic regulations and do not specify location of traffic regulatory devices in their municipal codes. These jurisdictions are more promptly able to implement and enforce traffic regulations and devices in respond to changes in traffic.

In 1969, when the Traffic ordinance was last significantly updated, the majority of responsibilities related to the installation or removal of traffic control devices were assigned to the Chief of Police including but not limited to the placement and erection of traffic signals or stop signs, the application of lane markings, or the placement of crosswalks. Given the current operational practice, these duties are handled by the Traffic Engineer under the guidance of the City Engineer in coordination with the Police Department.

To modernize the Traffic Chapter of the Milpitas Municipal Code and be more responsive in addressing changes in traffic conditions in the city, staff recommends delegating those powers and duties necessary for the administration of Chapter 100 – "Traffic" to the City Manager or his or her designee, remove traffic control device, regulatory sign and parking restriction location information from Chapter 100, and make traffic

regulatory device and sign information electronically available to the public. The proposed changes also modify outdated regulations and references to the California Vehicle Code.

Policy Alternative:
Alternative: Do not adopt Ordinance No. 43.213 amending various sections of Milpitas Municipal Code Title V, Chapter 100 – Traffic..

Pros: Adoption of a resolution or ordinance by the Council continues to be required for the installation or removal of traffic control devices.

Cons: On going tracking and update efforts will be needed to align Traffic Chapter of the Milpitas Municipal Code with deployed traffic control devices and conflicts with the Vehicle Code are not resolved.

Reason not recommended: With the adoption of the Ordinance administrative processes are streamlined, responsibilities for the ordinance are aligned with the organizational structure and outdated regulations and references to the California Vehicle Code are updated.

Fiscal Impact:
With the adoption of the Ordinance administrative processes are streamlined and conflicts with the vehicle code are removed freeing up staff time to focus on other high priority projects.

California Environmental Quality Act:
The introduction and adoption of this Ordinance is not a project subject to the California Environmental Quality Act (CEQA) as it can be seen with certainty that the project does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and is more akin to an administrative activity of the government pursuant to CEQA Guidelines Section 15378.

Recommendation:
Following the City Attorney's reading aloud the title, move to waive the reading beyond the title and introduce Ordinance No. 43.213 amending various sections of Milpitas Municipal Code, Title V, Chapter 100.

Attachment:
1. Ordinance No. 43.213

REGULAR

NUMBER: 43.213

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING VARIOUS SECTIONS OF TITLE V, CHAPTER 100 ("TRAFFIC") OF THE MILPITAS MUNICIPAL CODE

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by_____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Wendy Wood, City Clerk

APPROVED:

_____
Rich Tran, Mayor

APPROVED AS TO FORM:

_____
Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the California Vehicle Code (see Veh. Code §§ 21100–21117) authorizes local governments to adopt traffic rules and regulations regarding certain matters, including regulating traffic by means of traffic officers and regulating traffic by means of official traffic control devices; and

WHEREAS, the California Vehicle Code (see Veh. Code § 22507) authorizes local governments to regulate parking within their jurisdictions; and

WHEREAS, the City of Milpitas ("City") regulates traffic and parking upon its streets and sidewalks through Title V, Chapter 100 (Traffic) of the Milpitas Municipal Code ("Traffic Ordinance"); and

WHEREAS, the Traffic Ordinance was last updated in 1969; and

WHEREAS, the responsibilities assigned by the Traffic Ordinance are inconsistent with current City operations and provisions of the California Vehicle Code; and

WHEREAS, City staff has identified various sections of the Traffic Ordinance requiring corrections, clarifications, updates and modifications and requests that the City Council take action to correct these issues through the adoption of this Ordinance.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-2.02 "Holidays"

Title V, Chapter 100, Section V-100-2.02 "Holidays" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-2.02 – Holidays

Within the meaning of this Chapter, holidays are the following:

A. January 1st

B. The third Monday in February

C. March 31st, known as "Cesar Chavez Day"

D. The last Monday in May, known as "Memorial Day"

E. July 4th

F. The first Monday in September, known as "Labor Day"

G. November 11th known as "Veteran's Day"

H. Thanksgiving Day

I. The Friday after Thanksgiving Day

J. December 24th

K. December 25th

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-2.05 "Official Traffic Control Devices"

Title V, Chapter 100, Section V-100-2.05 "Official Traffic Control Devices" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-2.05 - Official Traffic Control Devices

All signs, signals, markings and devices as authorized in this Chapter and/or the California Vehicle Code or the California Manual of Traffic Control Devices shall be placed or erected consistent with the California Vehicle Code or the California Manual of Traffic Control Devices by authority of a public body or official having jurisdiction for the purposes of promoting safety and efficiency by providing orderly movement of all users on streets, bikeways, and pedestrian paths open to public travel.

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-3.01 "Authority of Police and Fire Department Officials"

Title V, Chapter 100, Section V-100-3.01 "Authority of Police and Fire Department Officials" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-3.01 - Authority of Police, Fire Department Officials and Other Authorized City Officers

3.01-1 There are conferred upon the City Manager those powers and duties necessary for the administration of this Chapter. In addition, there is also conferred upon the City Manager the authority and power to designate such officers and employees of the City as may be required to assist him or her in carrying out the intent and purpose of this Chapter.

3.01-2 It shall be the duty of the officers of the Police Department and/or other authorized City officers to enforce all street traffic laws of this City and all of the State vehicle laws applicable to street traffic in this City.

3.01-3 Officers of the Police Department and/or other authorized City officers are hereby authorized to direct all traffic by voice, hand or other signal in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

3.01-4 Officers of the Fire Department, in the course of their duties at the scene of a fire, may direct or assist the police in directing traffic.

SECTION 5. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-4.01 "General"

Title V, Chapter 100, Section V-100-4.01 "General" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-4.01 - General

All acts of the City Manager or designee required or authorized by the provisions of this Section shall be made in accordance with any applicable standards, limitations or rules as may be set forth in this Chapter or amendments thereto or as may be determined by ordinance or resolution of the legislative body of this City.

4.01-1 Reserved.

SECTION 6. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-4.02 "Authority to Install Traffic Control Devices"

Title V, Chapter 100, Section V-100-4.02 "Authority to Install Traffic Control Devices" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-4.02 - Authority to Install Traffic Control Devices

4.02-1 The City Manager or designee shall place and maintain or cause to be placed and maintained official traffic control devices when and as required under the traffic ordinances of this City to make effective the provisions of said ordinances.

4.02-2 Whenever the Vehicle Code of this State requires for the effectiveness of any provision thereof that traffic control devices be installed to give notice to the public of the application of such law the City Manager or designee is hereby authorized to install the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

4.02-3 The City Manager or designee may also place and maintain such additional traffic control devices as he may deem necessary to regulate traffic or to guide or warn traffic upon the basis of traffic engineering principles and traffic investigation.

4.02-4 The City Manager or designee shall maintain schedules of all official traffic control devices in electronic format.

SECTION 7. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-4.05 "Installation of Traffic Signals"

Title V, Chapter 100, Section V-100-4.05 "Installation of Traffic Signals" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-4.05 - Installation of Traffic Signals

4.05-1 The City Manager or designee shall install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

4.05-2 The City Manager or designee shall ascertain and determine the locations where such signals are required by resort to field observation, traffic counts and other traffic information as may be pertinent and his determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the Manual of Uniform Traffic Control Devices for streets and highways promulgated by The American Association Streets and Highways Officials and Public Roads Administration.

4.05-3 Whenever the City Manager or designee installs and maintains official traffic signals at any intersection, the City Manager or designee shall likewise erect and maintain at such intersection street name signs visible to the principal flow of traffic unless such street name signs have previously been placed and are maintained at any said intersection.

SECTION 8. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-4.06 "Lane Markings"

Title V, Chapter 100, Section V-100-4.06 "Lane Markings" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-4.06 - Lane Markings

The City Manager or designee is hereby authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway.

SECTION 9. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-4.07 "Distinctive Roadway Markings"

Title V, Chapter 100, Section V-100-4.07 "Distinctive Roadway Markings" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-4.07 - Distinctive Roadway Markings

Whenever the State Department of Public Works determines by resolution and designates a distinctive roadway marking which shall indicate no driving over such marking, the City Manager or designee is authorized to designate by such marking those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and marking shall have the same effect as similar markings placed by the State Department of Public Works pursuant to provisions of the Vehicle Code.

SECTION 10. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-4.08 "Authority to Remove, Relocate or Discontinue Traffic Control Devices"

Title V, Chapter 100, Section V-100-4.08 "Authority to Remove, Relocate or Discontinue Traffic Control Devices" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-4.08 - Authority to Remove, Relocate or Discontinue Traffic Control Devices

The City Manager or designee is hereby authorized to remove, relocate or discontinue the operation of any traffic control device not specifically required by state law or this Chapter whenever the City Manager or designee shall determine in any particular case that the conditions which warranted or required the installations no longer exist or obtain.

SECTION 11. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-4.09 "Traffic Control Devices—Hours of Operation"

Title V, Chapter 100, Section V-100-4.09 "Traffic Control Devices—Hours of Operation" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-4.09 - Traffic Control Devices—Hours of Operation

The City Manager or designee shall determine the hours and days during which any traffic control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this Chapter.

SECTION 12. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-5.01 "General"

Title V, Chapter 100, Section V-100-5.01 "General" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-5.01 - General

All acts of the City Manager or designee required or authorized by the provisions of this Section shall be made in accordance with any applicable standards, limitations or rules as may be set forth in this Chapter or amendments thereto or as may be determined by ordinance or resolution of the legislative body of this City.

SECTION 13. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-5.02 "Authority to Place and Obedience to Turning Markers—Intersections—Multiple lanes"

Title V, Chapter 100, Section V-100-5.02 "Authority to Place and Obedience to Turning Markers—Intersections—Multiple lanes" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-5.02 - Authority to Place and Obedience to Turning Markers—Intersections—Multiple lanes

5.02-1 The City Manager or designee is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the City Manager or designee is authorized to allocate and indicate more than one lane of traffic from which drivers of vehicles may make right or left hand turns.

5.02-2 When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

SECTION 14. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-5.03 "Authority to Place Restricted Turn Signs"

Title V, Chapter 100, Section V-100-5.03 "Authority to Place Restricted Turn Signs" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-5.03 - Authority to Place Restricted Turn Signs

The City Manager or designee is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

SECTION 15. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-5.05 "Authority to Prohibit Right Turns Against Traffic Stop Signal"

Title V, Chapter 100, Section V-100-5.05 "Authority to Prohibit Right Turns Against Traffic Stop Signal" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-5.05 - Authority to Prohibit Right Turns Against Traffic Stop Signal

The City Manager or designee is hereby authorized to determine those intersections within any business or residence district at which drivers of vehicles shall not make a right turn against a red or stop signal and shall erect proper signs giving notice of such prohibition. No driver of a vehicle shall disobey the directions of any such sign.

SECTION 16. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-5.06 "Specific Turning Movements Prohibited at Specific Places"

Title V, Chapter 100, Section V-100-5.06 "Specific Turning Movements Prohibited at Specific Places" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 17. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-6.01 "The Chief Police Officer to Sign One-Way Streets and Alleys"

Title V, Chapter 100, Section V-100-6.01 "The Chief Police Officer to Sign One-Way Streets and Alleys" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-6.01 - One-Way Streets and Alleys

Whenever the City Manager designates any one-way street or alley, the City Manager or designee shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

SECTION 18. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-7.01 "The Chief Police Officer to Erect Stop Signs"

Title V, Chapter 100, Section V-100-7.01 "The Chief Police Officer to Erect Stop Signs" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-7.01 - Stop Signs

Whenever the City Manager designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the City Manager or designee shall erect and maintain stop signs as follows:

A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required and at any railroad grade crossing so designated. Every such sign shall conform with and shall be placed as provided in the California Vehicle Code.

SECTION 19. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-7.02 "Stop at Through Street Or Stop Sign"

Title V, Chapter 100, Section V-100-7.02 "Stop at Through Street Or Stop Sign" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 20. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-7.04 "Chief Police Officer to Erect Right-of-Way Signs"

Title V, Chapter 100, Section V-100-7.04 "Chief Police Officer to Erect Right-of-Way Signs" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-7.04 - Right-of-Way Signs

7.04-1 Whenever the City Manager designates and describes any approach to an intersection of streets or highways (which are not through streets or highways), as one at which yield right-of-way signs shall be erected, the City Manager or designee shall erect and maintain at said approach, a Yield Right-of-Way sign.

7.04-2 Every Yield Right-of-Way sign shall conform with and be placed as provided in the California Vehicle Code.

7.04-3 Reserved.

SECTION 21. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-7.05 "Entrance Only And Exit Only Signs"

Title V, Chapter 100, Section V-100-7.05 “Entrance Only And Exit Only Signs” of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-7.05 - Entrance Only And Exit Only Signs

7.05-1 Whenever the City Manager designates and describes any entrance as "entrance only" and designates and describes any exit as "exit only", the City Manager or designee shall erect and maintain at said entrance and at said exit an "Entrance Only" sign and an "Exit Only" sign.

7.05-2 Reserved.

SECTION 22. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-7.06 “Stop Sign At Intersection of Street and Alley or Private Driveway”

Title V, Chapter 100, Section V-100-7.06 “Stop Sign At Intersection of Street and Alley or Private Driveway” of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-7.06 - Stop Sign At Intersection of Street and Alley or Private Driveway

7.06-1 Whenever the City Manager designates and describes the intersection of any public street with any alley or private driveway as one at which a stop sign should be posted, the City Manager or designee shall erect and maintain at the intersection of said public street and alley or private driveway, the stop sign which shall stop traffic upon said public street. The purpose of this Subsection is to provide stop signs upon public streets at the intersection of said streets with alleys or private driveways in such special circumstances where conditions are hazardous to traffic, and a stop sign on said street is necessary for the safety of persons traveling on said street, or upon said alley or private driveway. Nothing herein contained, however, shall be deemed or construed to repeal or amend Subsection V-100-7.03 of this Chapter.

7.06-2 Reserved.

SECTION 23. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-9.01 “Crosswalks”

Title V, Chapter 100, Section V-100-9.01 “Crosswalks” of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-9.01 - Crosswalks

9.01-1 the City Manager or designee shall establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway.

9.01-2 Reserved.

SECTION 24. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-9.04 “Pedestrian Walkways”

Title V, Chapter 100, Section V-100-9.04 “Pedestrian Walkways” of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-9.04 - Pedestrian Walkways

9.04-1 Whenever the City Manager restricts pedestrian travel to marked or constructed walkways in subways, tubes and tunnels or upon bridges or viaducts, the City Manager or designee shall erect appropriate signs giving notice thereof.

9.04-2 When signs have been posted restricting pedestrian travel as herein provided, no person shall stand or walk other than on the designated walkway.

9.04-3 Reserved.

SECTION 25. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-10.06 "Signs or Markings Indicating Angle Parking"

Title V, Chapter 100, Section V-100-10.06 "Signs or Markings Indicating Angle Parking" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-10.06 - Signs or Markings Indicating Angle Parking

10.06-1 Whenever the City Manager designates and describes any street or portion thereof upon which angle parking shall be permitted, the City Manager or designee shall mark or sign such street indicating the angle at which vehicles shall be parked.

10.06-2 When signs or markings are in place indicating angle parking as herein provided, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

10.06-3 Reserved.

SECTION 26. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-10.07 "Permit for Loading or Unloading at an Angle to the Curb"

Title V, Chapter 100, Section V-100-10.07 "Permit for Loading or Unloading at an Angle to the Curb" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 27. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-10.08 "Parking Adjacent to Schools"

Title V, Chapter 100, Section V-100-10.08 "Parking Adjacent to Schools" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-10.08 - Parking Adjacent to Schools

10.08-1 The City Manager or designee is hereby authorized to erect signs indicating no parking upon either side of any street adjacent to or opposite any school property when such parking would, in his opinion, interfere with traffic or create a hazardous condition.

10.08-2 When official signs are erected indicating "no parking" upon either side of a street adjacent to or opposite any school property, or "no parking" upon either side of a street between certain hours on certain days, no persons shall park a vehicle in any such designated place.

SECTION 28. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-10.09 "Parking Prohibited on Narrow Streets"

Title V, Chapter 100, Section V-100-10.09 "Parking Prohibited on Narrow Streets" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-10.09 - Parking Prohibited on Narrow Streets

10.09-1 The City Manager or designee is hereby authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of the street as indicated by such signs or markings when the width of the roadway does not exceed 30 feet.

10.09-2 When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking.

SECTION 29. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-10.10 "Stopping, Standing or Parking Prohibited—Signs Required"

Title V, Chapter 100, Section V-100-10.10 "Stopping, Standing or Parking Prohibited—Signs Required" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-10.10 - Stopping, Standing or Parking Prohibited—Signs Required

The City Manager or designee shall appropriately sign or mark the following places and when so signed or marked no person shall stop, stand or park a vehicle in any of said places.

10.10-1 At any place within twenty (20) feet of a point on the curb immediately opposite the mid-block end of a safety zone.

10.10-2 Within twenty-five (25) feet of the approach to any traffic signal, boulevard stop sign, or official electrical flashing device.

10.10-3 At any place where the City Manager or designee determines that it is necessary in order to eliminate dangerous traffic hazards.

10.10-4 Reserved.

SECTION 30. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-10.11 "Unlawful Parking—Peddlers, Vendors"

Title V, Chapter 100, Section V-100-10.11 "Unlawful Parking—Peddlers, Vendors" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-10.11 - Unlawful Parking—Peddlers, Vendors

10.11-1 Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or push-cart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street within this City, except that such vehicles, wagons or push-carts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten (10) minutes at any one place. The provisions of this Subsection shall not apply to persons delivering such articles upon order of, or by agreement with a customer from a store or other fixed place of business or distribution.

10.11-2 Deleted by Ord. 43.139.

10.11-3 Deleted by Ord. 43.139.

10.11-4 Deleted by Ord. 43.139.

10.11-5 Reserved.

10.11-6 Reserved.

SECTION 31. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-10.15 "Parking on City Property"

Title V, Chapter 100, Section V-100-10.15 "Parking on City Property" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-10.15 - Parking on City Property

10.15-1 Whenever the City Manager determines that the orderly, efficient conduct of the City's business requires that parking or standing of vehicles on City property be prohibited, limited or restricted, the City Manager shall have the power and authority to order signs to be erected or posted indicating that the parking of vehicles is thus prohibited, limited or restricted.

10.15-2 When signs authorized by the provisions of this Subsection are in place, giving notice thereof, no person shall park or stand any vehicle contrary to the directions or provisions of such signs, and any vehicle parked in violation of such signs may be towed to a public storage garage at the expense of the owner of such vehicle; or the Police Department may, and it is granted authority to, issue a citation in the usual form and manner for any violation of the prohibition, limitation or restriction indicated by such signs or for any violation of the provisions of this Subsection.

10.15-3 No person shall park or stand any vehicle exceeding twenty feet (20′) in length on any City-owned parking lot except for the loading or unloading of materials or passengers as permitted by Section V-100-11.03 of this Chapter.

10.15-4 Reserved.

10.15-5 Reserved.

SECTION 32. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-10.16 "Bicycle Parking Zones"

Title V, Chapter 100, Section V-100-10.16 "Bicycle Parking Zones" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-10.16 - Bicycle Parking Zones

Whenever the City Manager or designee determines that the establishment of a bicycle parking zone is reasonably necessary or desirable for the regulation of traffic or to provide facilities for the temporary parking of bicycles being operated upon the public streets, or to safeguard life or property, the City Manager or designee is hereby authorized to set aside a space on the street not more than thirty-six feet (36′) in length for the parking of bicycles during such hours of such days as are found by him to be best suited for the accomplishment of the purposes set forth in this Section. When a bicycle parking zone is so established, the City Manager or designee shall cause appropriate signs to be posted there at during such hours, giving notice that parking of other vehicles is prohibited. No person shall stop, stand or park any other vehicle in front of such zone while such signs are in place.

SECTION 33. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-11.01 "Authority to Establish Loading Zones"

Title V, Chapter 100, Section V-100-11.01 "Authority to Establish Loading Zones" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-11.01 - Authority to Establish Loading Zones

11.01-1 The City Manager is hereby authorized to determine and to mark loading zones and passenger loading zones as follows:

(a) At any place in any business district.

(b) Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.

11.01-2 In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes.

11.01-3 Deleted by Ord. 43.140.

11.01-4 Deleted by Ord. 43.140.

SECTION 34. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-11.02 "Curb Markings to Indicate No Stopping and Parking Regulations"

Title V, Chapter 100, Section V-100-11.02 "Curb Markings to Indicate No Stopping and Parking Regulations" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-11.02 - Curb Markings to Indicate No Stopping and Parking Regulations

11.02-1 The City Manager or designee is hereby authorized, subject to the provisions and limitations of this Chapter, to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, and said curb markings shall have the meanings as herein set forth.

(a) Red shall mean no stopping, standing or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.

(b) Yellow shall mean no stopping, standing or parking at any time between 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three (3) minutes nor the loading or unloading of materials more than twenty (20) minutes.

(c) White shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers or depositing mail in an adjacent mailbox which shall not exceed three (3) minutes and such restrictions shall apply between 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays and except as follows:

(1) When such zone is in front of a hotel or adjacent mailbox the restrictions shall apply at all times.

(2) When such zone is in front of a theater the restrictions shall apply at all times except when such theater is closed.

(d) Green shall mean no standing or parking for longer than twenty (20) minutes at any time between 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays.

(e) Blue indicates parking limited exclusively to vehicles of physically handicapped persons.

11.02-2 When the City Manager or designee as authorized under this ordinance has caused curb marking to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.

SECTION 35. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-11.07 "Bus Zones to be Established"

Title V, Chapter 100, Section V-100-11.07 "Bus Zones to be Established" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-11.07 - Bus Zones

11.07-1 The City Manager or designee is hereby authorized to establish bus zones opposite curb space for the loading and unloading of buses of common carriers of passengers and to determine the location thereof subject to the directives and limitations set forth herein.

11.07-2 The word "bus" as used in this section shall mean any motor bus, motor coach, trackless trolley coach, or passenger stage used as a common carrier of passengers.

11.07-3 No bus zone shall exceed 80 feet in length, except that when satisfactory evidence has been presented to the City Manager or designee showing the necessity therefor, the City Manager or designee may extend bus zones not to exceed a total length of 125 feet.

11.07-4 Bus zones shall normally be established on the far side of an intersection.

11.07-5 No bus zone shall be established opposite and to the right of a safety zone.

11.07-6 The City Manager or designee shall paint a red line stencil with white letters "NO STANDING", together with the words "BUS ZONE" upon the top or side of all curbs and places specified as a bus zone.

11.07-7 No person shall stop, stand or park any vehicle except a bus in a bus zone.

11.07-8 Reserved.

11.07-9 Reserved.

SECTION 36. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-11.08 "Mail deposit zones"

Title V, Chapter 100, Section V-100-11.08 "Mail deposit zones" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-11.08 - Mail deposit zones

11.08-1 Whenever the City Manager designates and describes any portion of any street as a mail deposit zone, the City Manager or designee shall place a white marking on the curb within said zone in accordance with the provisions of Subsection V-100-11.02 hereof.

11.08-2 Reserved.

SECTION 37. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-12.01 "Parking Time Limited on Certain Enumerated Streets"

Title V, Chapter 100, Section V-100-12.01 "Parking Time Limited on Certain Enumerated Streets" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-12.01 - Parking Time Limited

Whenever the City Manager designates and describes any street or portion thereof as time limited parking, the City Manager or designee shall erect and maintain parking restriction signs.

SECTION 38. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-12.02 "Parking Prohibited at all Times on Certain Streets"

Title V, Chapter 100, Section V-100-12.02 "Parking Prohibited at all Times on Certain Streets" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-12.02 - Parking Prohibited at all Times

Whenever the City Manager designates and describes any street or portion thereof as prohibited parking, the City Manager or designee shall erect and maintain parking restriction signs as follows:

A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required and at any railroad grade crossing so designated. Every such sign shall conform with and shall be placed as provided in the California Vehicle Code.

SECTION 39. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-12.04 "Parking Space Markings"

Title V, Chapter 100, Section V-100-12.04 "Parking Space Markings" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-12.04 - Parking Space Markings

The City Manager or designee is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbings where authorized parking is permitted.

When such parking space markings are placed in the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible.

SECTION 40. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-12.05 "Truck Routes"

Title V, Chapter 100, Section V-100-12.05 "Truck Routes" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-12.05 - Truck Routes

12.05-1 Whenever the City Manager designates and describes any street or portion thereof as a street the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three tons, the City Manager or designee is hereby authorized to designate such street or streets by appropriate signs as "Truck Traffic Routes" for the movement of vehicles exceeding a maximum gross weight limit of three tons.

12.05-2 When any such truck traffic route or routes are established and designated by appropriate signs the operator of any vehicle exceeding a maximum gross weight limit of three tons shall drive on such route or routes and none other except that nothing in this Section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three tons coming from a "Truck Traffic Route" having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefor.

12.05-3 The provisions of this Section shall not apply to (i) passenger buses under the jurisdiction of the Public Utilities Commission, or to (ii) any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

12.05-4 Reserved.

SECTION 41. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-12.06 "Commercial Vehicles Prohibited From Using Certain Streets"

Title V, Chapter 100, Section V-100-12.06 "Commercial Vehicles Prohibited From Using Certain Streets" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-12.06 - Commercial Vehicles Prohibited From Using Certain Streets

12.06-1 Whenever the City Manager designates and describes any street or portion thereof as a street the use of which is prohibited by any commercial vehicle, the City Manager or designee shall erect and maintain appropriate signs on those streets affected by such ordinance.

12.06-2 The provisions of this section shall not apply to passenger buses under the jurisdiction of the Public Utilities Commission.

12.06-3 The provisions of this Section shall not apply to house cars or camper-type pickup trucks provided the same are not designated, maintained or classified or required to be licensed as "commercial vehicle" under the provisions of the California Vehicle Code.

SECTION 42. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-12.07 "Vehicles Exceeding Maximum Gross Weight of 4 Tons Prohibited From Using Certain Streets"

Title V, Chapter 100, Section V-100-12.07 "Vehicles Exceeding Maximum Gross Weight of 4 Tons Prohibited From Using Certain Streets" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-12.07 - Vehicles Exceeding Maximum Gross Weight of 4 Tons Prohibited From Using Certain Streets

12.07-1 Whenever the City Manager designates and describes any street or portions thereof as a street the use of which is prohibited by any vehicle exceeding a maximum gross weight limit of 4 tons, the City Manager or designee shall erect and maintain appropriate signs as necessary to adequately provide notice of the prohibition.

12.07-2 Reserved.

12.07-3 The provisions of this Section shall not apply to any commercial vehicle having ingress and egress by direct route to and from said restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefor.

12.07-4 The provisions of this Section shall not apply to (i) passenger buses under the jurisdiction of the Public Utility Commission or to (ii) any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility or (iii) any vehicle owned or operated by a City Department while necessarily in use for construction or repair work or any vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail.

12.07-5 The provisions of this Section shall not apply to the bridge at Old Alviso-Milpitas Road over Coyote Creek just north of Highway 237 which lies partly in the County of Santa Clara and partly within the City of Milpitas, which shall have a maximum limit of 10 tons.

"The provisions of this Section shall not apply to non-commercial recreational vehicles or trailers, including boat and utility trailers, having ingress and egress by direct route to and from said restricted streets when necessary for the purpose of parking, loading, or unloading said recreational vehicle or trailer on said restricted street."

SECTION 43. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-12.10 "Commercial Vehicle Parking Time Limited on Certain Streets"

Title V, Chapter 100, Section V-100-12.10 "Commercial Vehicle Parking Time Limited on Certain Streets" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-12.10 - Commercial Vehicle Parking Time Limited

When authorized signs are in place giving notice thereof, no person shall stop, stand or park any commercial vehicle between the hours of 9:00 p.m. and 6:00 a.m. of any day on any street or portion thereof except to load or unload materials or passengers to the extent described and within the time limits specified in Subsection V-100-11.03 hereof.

SECTION 44. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-12.12 "Commercial Vehicle Parking Prohibited on Certain Streets"

Title V, Chapter 100, Section V-100-12.12 "Commercial Vehicle Parking Prohibited on Certain Streets" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-12.12 - Commercial Vehicle Parking Prohibited on Certain Streets

When authorized signs are in place giving notice thereof, no person shall stop, stand or park any commercial vehicle at any time of any day on any street or portion thereof except to load or unload materials or passengers to the extent described and within the time limits specified in Subsection V-100-11.03 hereof.

SECTION 45. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-12.14 "Parking Time Limited On Certain Streets Except By Permit"

Title V, Chapter 100, Section V-100-12.14 "Parking Time Limited On Certain Streets Except By Permit" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-12.14 - Parking Time Limited On Certain Streets Except By Permit

12.14-1 When authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle on any of the streets or portions thereof and during the hours posted on authorized signs.

12.14-2 Any vehicle on which is displayed a valid parking permit, as provided for herein, shall be permitted to be parked on such street without being limited by time restrictions established in Section 12.14-1.

12.14-3 Vehicle permits required under Section 12.14-2 shall be issued by the Police Department in accordance with the provisions of this section and in compliance with such administrative procedures as may be required by the Chief of Police. One permit may be issued for a vehicle which may otherwise be legally parked, owned, or under the control of, a resident of property adjacent to a street within the restricted parking area.

12.14-4 Permits shall be valid until the vehicle is sold or the permittee ceases to be resident of the restricted parking area; at such time the permit will be void and shall be removed from the vehicle. No permit issued

hereunder shall be transferred or sold. Replacement permits for vehicles which are sold will be issued without charge upon surrender of the old permit.

12.14-5 The Chief of Police may issue temporary parking permits.

12.14-6 The provisions of this Section shall not apply to any disabled person or disabled veteran whose vehicle displays either a distinguishing license plate or distinguishing placard issued in accordance with the California Vehicle Code.

SECTION 46. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-14.04 "Regulation of Speed by Traffic Signals"

Title V, Chapter 100, Section V-100-14.04 "Regulation of Speed by Traffic Signals" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 47. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.01 "One-Way Streets"

Title V, Chapter 100, Section V-100-15.01 "One-Way Streets" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 48. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.03 "Stop Intersections"

Title V, Chapter 100, Section V-100-15.03 "Stop Intersections" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 49. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.04 "Reserved for schedule pursuant to V-100-7.02-3"

Title V, Chapter 100, Section V-100-15.04 "Reserved for schedule pursuant to V-100-7.02-3" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 50. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.05 "Angle Parking on Certain Streets"

Title V, Chapter 100, Section V-100-15.05 "Angle Parking on Certain Streets" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 51. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.06 "Parking Time Limited on Certain Enumerated Streets"

Title V, Chapter 100, Section V-100-15.06 "Parking Time Limited on Certain Enumerated Streets" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 52. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.07 "Reserved for schedule pursuant to V-100-12.02"

Title V, Chapter 100, Section V-100-15.07 "Reserved for schedule pursuant to V-100-12.02" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 53. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.08 "Reserved for schedule pursuant to V-100-12.05-4"

Title V, Chapter 100, Section V-100-15.08 “Reserved for schedule pursuant to V-100-12.05-4” of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 54. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.09 “Reserved for schedule pursuant to V-100-12.06-2”

Title V, Chapter 100, Section V-100-15.09 “Reserved for schedule pursuant to V-100-12.06-2” of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 55. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.10 “Crosswalks”

Title V, Chapter 100, Section V-100-15.10 “Crosswalks” of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 56. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.11 “Stopping, Standing, Parking Prohibited”

Title V, Chapter 100, Section V-100-15.11 “Stopping, Standing, Parking Prohibited” of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 57. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.12 “Vehicles in Excess of Certain Gross Weight Limits Prohibited”

Title V, Chapter 100, Section V-100-15.12 “Vehicles in Excess of Certain Gross Weight Limits Prohibited” of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 58. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.13 “Mail Deposit Zones”

Title V, Chapter 100, Section V-100-15.13 “Mail Deposit Zones” of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 59. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.14 “Bus Zones”

Title V, Chapter 100, Section V-100-15.14 “Bus Zones” of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 60. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.16 “Specific turning movements prohibited at specific areas”

Title V, Chapter 100, Section V-100-15.16 “Specific turning movements prohibited at specific areas” of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 61. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.17 “Approaches to Intersections at Which Yield-Right-of-Way Signs Shall be Erected”

Title V, Chapter 100, Section V-100-15.17 “Approaches to Intersections at Which Yield-Right-of-Way Signs Shall be Erected” of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 62. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.18 “ Entrances and Exits at which Signs Shall Be Erected”

Title V, Chapter 100, Section V-100-15.18 " Entrances and Exits at which Signs Shall Be Erected" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 63. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.19 " Places at Which Stop Signs Shall Be Erected"

Title V, Chapter 100, Section V-100-15.19 "Places at Which Stop Signs Shall Be Erected" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 64. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.20 "Streets or Portions Thereof From Which Vehicles Can Be Removed"

Title V, Chapter 100, Section V-100-15.20 "Streets or Portions Thereof From Which Vehicles Can Be Removed" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 65. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.21 "Private Roads Open for Public Use"

Title V, Chapter 100, Section V-100-15.21 "Private Roads Open for Public Use" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-15.21 - Private Roads Open for Public Use

Pursuant to the provisions of Section 21107.5 of the California Vehicle Code, the City Council may from time to time, by resolution, find and declare that there are privately owned and maintained roads within the City generally held open for use of the public for purposes of vehicular traffic which so connect with highways that the public cannot determine that such roads are not highways. Upon enactment of such a resolution, the provisions of the California Vehicle Code shall apply to the privately owned and maintained roads unless the owner of the road erects a notice of a size, shape, and color as to be readily legible during daylight hours from a distance of 100 feet to the effect that the road is privately owned and maintained and that it is not subject to public traffic regulations or control.

SECTION 66. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.22 "Parking Prohibited Adjacent to Schools"

Title V, Chapter 100, Section V-100-15.22 "Parking Prohibited Adjacent to Schools" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 67. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.23 "Pedestrian Walkways"

Title V, Chapter 100, Section V-100-15.23 "Pedestrian Walkways" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 68. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.24 "Commercial Vehicle Parking Time Limited on Certain Streets"

Title V, Chapter 100, Section V-100-15.24 "Commercial Vehicle Parking Time Limited on Certain Streets" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 69. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.25 "Commercial Vehicle Parking Prohibited on Certain Streets"

Title V, Chapter 100, Section V-100-15.25 "Commercial Vehicle Parking Prohibited on Certain Streets" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 70. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.26 "Vehicle Parking Time Limited on Certain Streets Except by Permit"

Title V, Chapter 100, Section V-100-15.26 "Vehicle Parking Time Limited on Certain Streets Except by Permit" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 71. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-15.27 " Vehicle Parking Time on Certain Streets Except by Permit"

Title V, Chapter 100, Section V-100-15.27 "Vehicle Parking Time on Certain Streets Except by Permit" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 72. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-16.04-3

Title V, Chapter 100, Section V-100-16.04-3 of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 73. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-16.09 "Inspection of Bicycles"

Title V, Chapter 100, Section V-100-16.09 "Inspection of Bicycles" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 74. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-16.10 "Attachment of License Plates"

Title V, Chapter 100, Section V-100-16.10 "Attachment of License Plates" of the Milpitas Municipal Code is hereby deleted and reserved.

SECTION 75. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-16.16-1 "Bicycle Lanes, Routes and Paths Established"

Title V, Chapter 100, Section V-100-16.16-1 "Bicycle Lanes, Routes and Paths Established" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-16.16-1 - Bicycle Lanes, Routes and Paths Established

The City Manager may establish bicycle lanes and routes along designated streets or portions of streets and may establish bicycle paths in the interest of providing recreation and developing open space programs. Any person operating a bicycle along a bicycle route shall be subject to all of the rights and duties applicable to the operators of motor vehicles generally along the streets or portions of streets so designated, such designation being intended only to inform the operators of bicycles that such streets or portions of streets afford an expeditious route of travel by bicycle, and to alert the operators of motor vehicles of the likelihood of a higher incidence of bicycle traffic where the roadway is so marked.

SECTION 76. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SECTION V-100-16.16-2 "Bicycle Lanes, Routes and Paths Signs and Markings"

Title V, Chapter 100, Section V-100-16.16-2 "Bicycle Lanes, Routes and Paths Signs and Markings" of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-16.16-2 - Bicycle Lanes, Routes and Paths Signs and Markings

The City Manager or designee shall designate bicycle lanes, routes and paths by the placement of appropriate signs and roadway markings.

SECTION 77. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 78. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Review list of agenda item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on the items in Groups 1; and provide additional clarification to staff, if any, on Group 2 items.**
Category:	Leadership and Support Services
Meeting Date:	01/11/2022
Staff Contact:	**Ashwini Kantak, Assistant City Manager, 408-586-3053** **Walter C. Rossmann, Deputy City Manager, 408-586-3012**
Recommendation:	1. Review list of agenda item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on which Group 1 items should be advanced. 2. Provide additional input to staff, if any, on Group 1 items that received Council direction to advance and all Group 2 items.

Background:
At City Council meetings, under the Announcements section, individual Councilmembers request items they would like the full Council to consider. These items are placed on a list for a future Council discussion and action. On January 19, 2021, at the City Council special meeting, in order to streamline the process, Council provided direction to staff to bring forward individual Council agenda item requests to Council on a quarterly basis. On February 2, Council reviewed over 70 Council agenda item requests and directed staff to bring back information on nine items for additional discussion. On March 16, staff presented information on estimated costs, resources, and any relevant considerations for these nine items and received Council direction. On August 9, staff presented information on estimated costs, resources, and relevant considerations for 20 items. Information from prior Council discussions is available through the links below:

March 16, 2021 Council Meeting Agenda
March 16, 2021 Council Meeting Minutes
August 9, 2021 Council Meeting Agenda
August 9, 2021 Council Meeting Minutes

The Council prioritization was scheduled for the December 7, 2021 City Council meeting. Based on Council feedback and after meeting with Mayor Tran, three items were removed from the Group 1 prioritization list as further discussed below and the prioritization process was refined to ensure that at least ten Council referrals would be advanced for staff execution.

Analysis:
Staff is now bringing forward the next quarterly prioritization of items that were requested by Council between August and October 2021 including the status on items approved previously by Council.

As shown in Attachment 1, a total of 74 items, some of which were discussed during the prior prioritization discussion, have been grouped into four categories differentiated by level of effort and status of the agenda request as outlined below:

Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources (35 items).
Group 2 – Items that have not been initiated but will require less than 4 hours of staff work (6 items).
Group 3 – Items that are currently underway and/or already included in workplan (26 items).
Group 4 – Items that have been completed, postponed indefinitely, or withdrawn (7 items).

Similar to the prior prioritization process, the new agenda item requests are identified in Attachment 2 with

the following information: name of Councilmember making the request, date of request, lead and supporting departments,Council priority area(s) and item status. Since many of these requests have not yet been discussed in detail,staff has made an attempt to note alignment with Council priority areas to the extent possible. As part of Attachment 2, staff has included additional information about Group 1 items as part of this staff report and to the extent possible, sought clarification from members of the Council sponsoring the request; however, some items may still need additional clarification from the requesting Councilmembers. Items completed, deferred or withdrawn prior to August 9 have not been included in the list of 74 items but instead have been included as a separate attachment (Attachment 3).

It is important to note that the Adopted FY 21-22 budget eliminated or defunded 23.75 positions, thus reducing the workforce by approximately 5%. Furthermore, with the new projects and programs that were approved for funding using the $16.7 million of American Rescue Plan Act funds, as well as additional work items associated with the COVID-19 pandemic, staff capacity to take on new work items is limited. Taking this into consideration, staff is proposing a modified prioritization process to allow only those items that are considered to be a high priority for the majority of the Council be advanced as outlined below.

Prioritization Process
Similar to the meetings on March 16 and August 9, staff has included detailed information for Group 1 items for review by Council, in advance of the City Council meeting.

There are a total of 48 new items since August 2021. Of these 48 items, 35 items are in Group 1, six items are in Group 2, three items are in Group 3, and four items are in Group 4. Since Group 2 items require less than 4 hours of staff time, these can be advanced without requiring a majority vote, however, Council may wish to provide additional input or direction on these items. As discussed above, based on Council feedback and after meeting with Mayor Tran, 3 items were re-categorized from Group 1 to Group 2 or 3. The illegal dumping referral was recategorized as a Group 2 item. Staff will issue an Information Memorandum outlining current efforts. The press release policy referral item was re-categorized to Group 3 as it has been incorporated into the City Council Handbook scheduled for approval on January 11, 2022. The California Circle referral was re-categorized to Group 3 since a potential path forward is already being discussed with the developer.

Staff has prepared information for each of the Group 1 items such as lead and supporting departments, estimated resources and cost to complete the work, description of work effort, any actions taken to date, clarification or direction soughtfrom Council, and other additional considerations including impacts on other workplan items.

To facilitate Council prioritization, Group 1 items have been further categorized into three sub-groups: Ordinances and Policies, Projects and Programs, and Miscellaneous.

For 24 Group 1 items, the total costs are estimated at $5.1 million requiring close to 3,900 of staff hours. For 11 Group 1 items, staff was not able to estimate the cost and staff hours mostly due to gaps in information. Based on Council direction, staff will bring back items that require new funding to move forward as part of the FY 2022-2023 budget process. Council's direction to prioritize any of the items is crucial to inform the development of the FY 2022-2023 budget process and set expectationsfor completion of major staff work items across the organization.

Voting Process

Round 1
Each member of the Council will be asked to prioritize their top ten items from Group 1. Councilmembers will be provided hard copies to help them review and complete the preliminary prioritization and electronic voting will be conducted on mobile devices. Staff will conduct the tallying of votes while the Council considers the next agenda item and display the results for the public to view.

All items receiving three or more votes will move forward. If the number of items receiving three or more votes is 10 or greater, the prioritization process will be deemed complete. If the number of items is less than ten, the remaining items will be prioritized as described in Round 2.

Round 2
In case items receiving three or more votes are less than ten in number, Councilmembers will be asked to prioritize the remaining items so as to develop a top ten list. Each member of the Council will be given the number of votes equivalent to ten minus the number of items prioritized for staff work at the completion of Round 1. For example, if after Round 1, the Council agreed on advancing seven items, three additional items will require prioritization. Therefore, each Member of the Council will be asked to vote on three items. All items receiving three or more votes will be added to the prioritized list. If the voting in Round 2 results in the total number of items on the list being 10 or greater, the prioritization process will be deemed complete.

Additional Rounds (up to 3 additional rounds), if needed
If the total number of prioritized items after Round 2 is less than ten, all remaining items which received at least one vote will be prioritized through additional rounds of voting for up to a maximum of three additional rounds as described above. Items which receive zero votes in a round will be eliminated from the subsequent round of voting.

Please note that any items that do not advance through this multi-step prioritization process will be removed from the active list and would have to be resubmitted through Announcements for the next prioritization discussion scheduled for March-April 2022.

Next Steps
Based on Council direction, staff will bring back any Group 1 items that will require additional funding and/or resources as part of the FY 2022-2023 budget. The next quarterly prioritization will be scheduled in March-April 2022.

Policy Alternative:
Not applicable

Fiscal Impact:
For 24 Group 1 items, the total costs are estimated at $5.1 million requiring close to 3,900 of staff hours. For 11 Group 1 items, staff was not able to estimate the cost and staff hours mostly due to gaps in information. Based on Council direction, staff will bring back items that require new funding to move forward as part of the FY 2022-2023 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 Council 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 Council priorities 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. Review list of agenda item requests from individual Councilmembers and providedirection to staff, through the prioritization process, on which Group 1 items should be advanced.
2. Provide additional input to staff, if any, on Group 1 items that received Council direction to advance and all Group 2 items.

Attachments:
1. List of Councilmember Agenda Item Requests
2. Information on Group 1 items
3. List of Completed, Deferred, or Withdrawn Items

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
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ATTACHMENT 3

Group 4 – items that have been completed, deferred, or withdrawn

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Status
1	Add Green Bike Lanes	Tran, Montano	9/17/2019	N/A	Engineering	Included in CIP
2	Adopt Resolution similar to County's re: xenophobia, discrimination	Dominguez	4/21/2020	N/A	CMO, CAO	Added to the consent calendar and adopted Resolution on 5/5/2020
3	BMR Homes sub-lease option during COVID-19	Chua	1/19/2021	No	CAO, Building & Housing	Info Memo sent on 4/26/2021
4	Bring back update report & discuss status of playing fields for girls' softball in Milpitas	Dominguez	10/20/2020	N/A	CMO, Recreation	Discussed on 02/11/2021, amended JUA for Russell approved on 6/15/2021
5	Celebrate Mexican Independence Day annually on September 16	Montano	6/2/2020	N/A	Recreation	Approved on consent 8/18/2020
6	Community Theatre, perhaps with MUSD	Nuñez, Phan	8/20/2019	N/A	Recreation, CMO	Discussed @ CIP Study Session on 4/14/2020; councilmembers asked outdoor amphitheater to be placed into the tail end of 5 year CIP
7	Community Workforce Agreement (PLA)	Phan	2/18/2020	Yes	CMO, CAO, Engineering	Council voted to remove this item from the list on 2/02/2021 per CM Phan's request
8	Consider adding state certification NEC for electrical work done in the City (safety)	Dominguez	6/30/2020	N/A	Building & Housing	Not needed, staff is certified
9	Consider change in Commission structure, on term limits	Tran	12/15/2020	N/A	Recreation, CMO	Completed on 1/19/2021
10	Consider Community Museum and Park on Main St.	Phan	8/20/2019	N/A	CMO	To be considered as part of Specific Plan process
11	Consider naming "Milpitas Hills"	Dominguez	10/20/2020	Yes	Econ. Dev.	Deferred indefinitely on 2/02/2021; did not receive a majority vote from 2/02/2021 council meeting
12	Consider satellite consular offices (post Covid)	Montano	6/2/2020	Yes	CMO	Deferred indefinitely per VM Montano's request on 2/02/2021 council meeting
13	Discuss a "safety first" or other event in lieu of National Night Out (per CAC)	Phan	10/20/2020	Yes	Building & Housing, Police	Remove from the list per CM Phan's request on 2/02/2021 council meeting
14	Discuss budget reductions in next FY with input from residents, employees	Nuñez	10/6/2020	N/A	Finance, CMO	On 10/20/2020, to 11/10, 11/17
15	Discuss having 4th of July parade	Nuñez	2/18/2020	N/A	Recreation	No longer under discussion
16	Discuss potential litigation - re: govts' action on Jamboree-Project Homekey	Tran	10/6/2020	N/A	Building & Housing, CMO, CAO	Multiple Closed Sessions - Oct. 2020
17	Discussion of campaign finance reform and/or Open Government Ordinance	Phan	6/30/2020	N/A	City Clerk, CAO	Withdrawn @ 8/4/2020 CC meeting
18	Discussion of Minute Man as City's image, when City branding comes back	Phan	8/18/2020	N/A	CMO	Staff and consultant presented the item on 5/4/2021, due to the late hour it was deferred to a future meeting. Council provided input that the Minute Man discussion will not be pursued further.
19	Discussion on possible tax measures	Tran, Phan	4/21/2020	N/A	Finance	Done on 5/15/2020
20	Discussion/staff report on Beautify Milpitas, graffiti abatement, resources	Montano	6/30/2020	Yes	CMO, PW	City Council approved the Beautify Milpitas program on June 1, 2021
21	Economic Development Corporation (EDC)	Montano	12/15/2020, 01/05/2021, 01/19/2021, 01/26/2021	Yes	CMO, Econ. Dev.	Deferred on 4/20/2021
22	Emergency item for next agenda: extend tenant eviction protections	Dominguez	6/16/2020	N/A	Building & Housing, CAO	Withdrawn, covered by other govt
23	Emergency request to cap rents on small businesses (tenants) in Milpitas	Dominguez	10/6/2020	N/A	Econ. Dev., CAO	On 12/01/20. Not supported

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Group 4 – items that have been completed, deferred, or withdrawn

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Status
24	Establish "ADU Mondays"	Chua	1/5/2021	No	Building & Housing, Planning	Launched in March 2021
25	Establish a Day Worker Program	Montano	6/16/2020	Yes	CMO	Mayor & Vice Mayor to brainstorm in future; Council voted to remove this item from the list on 2/02/2021 per VM Montano's request
26	Establish Milpitas coronavirus testing site	Phan	4/7/2020	N/A	FCMO, Fire, CAO	Completed
27	Expedite process for Measure F Oversight Committee	Chua	12/15/2020	N/A	Finance	Staff explained planned process, appts. were approved by Council in March 2021
28	Form "Beautify Milpitas" subcommittee - for a future Task Force or Commission	Chua	12/15/2020	Yes	CMO, PW	Council approved the Beautify Milpitas program on June 1, 2021. No subcommittee to be formed.
29	Form a Historical Commission	Montano	6/2/2020	N/A	Recreation, CMO	Already part of PRCRC. Commission discussed on 01-05- 2021, no change
30	Form a Homelessness Task Force	Tran	12/15/2020	N/A	CMO	Approved by Council on 1/5/21
31	Info. on new SB 50 (housing, transit bill)	Phan	1/7/2020	N/A	Building & Housing	Sent memo to City Council
32	List of city charges/costs that could be waived for small businesses	Dominguez	6/16/2020	N/A	Finance, Econ. Dev.	6/30/2020 info memo
33	Maintain Dagupan, P.I. as a Sister City	Tran, Montano	9/17/2019	N/A	CMO	Approved the renewed MOU continuing the Sister City relationship on 12/17/2019
34	Mayor shall recommend a Milpitas resident to serve on VTA Bike Committee	Dominguez	11/17/2020	N/A	Engineering	12/15/20: resident Kristal Caidoy appointed to VTA BPAC
35	No on possible ban on vaping, yes on restricting smoking in multi-unit bldgs	Montano	1/7/2020	Yes	Planning, Recreation, CAO	Ordinance for multi-unit buildings adopted on 6/15/2021
36	Opportunity to share ideas for US census & on City "sponsored" events	Dominguez	9/1/2020	N/A	CMO	12/01: remove census topic, move events to CC retreat 2021; at 1/12 retreat Council direction to cease
37	Parade for MHS Trojans Football	Tran, City Manager	1/21/2020	N/A	Council	1/28/2020
38	Performance Evaluation (Contract) of City Attorney	Tran	1/5/2021	N/A	Council, CAO	Multiple Council closed session discussions held. Council voted to move to a full time in-house City Attorney on 6/21, additional direction on next steps to be provided to staff in August.
39	PG&E power outage plan presentation to Council	Tran	1/19/2021	No	CMO	Presented to Council on 3/16/2021
40	Plan to put utility fines into a fund to help small businesses in the City	Montano	12/15/2020	N/A	Finance	Directed staff on 2/02/2021 to approve policy recommendations temporarily suspending penalties for delinquent fire permit fees, and delay or waive business lic. tax collections but no direction to create a separate fund. On 2/16/2021 Council approved waiving business license penalty between Jan 1 - May 31, 2021. Also, the utility late fee and water shut off have been suspended consistent with State Emergency Order (through Sept 31, 2021). Also, Council allocated ARPA funds to assist small businesses.
41	Policy for Proclamations and Commendations	Nuñez, Phan	8/20/2019	N/A	CMO	Withdrawn 6/2/2020
42	Policy for Social Media	Nuñez, Phan	8/20/2019	N/A	CMO, CAO	Withdrawn 6/2/2020; policy already approved by Council
43	Pollination protection	Dominguez	1/5/2021	Yes	CMO	Deferred on 2/02/2021; did not receive a majority vote on 2/02/2021 council meeting
44	Postponement (not waiver) of penalties related to City business fees	Tran	1/5/2021	N/A	Finance	On 2/16/2021 Council approved waiving penalties until May 31. The suspension of penalties is now no longer in effect.
45	Proclamation and support for face coverings	Montano	4/7/2020	N/A	CMO, CAO	4/21/2020. CC directed City Manager to issue regs
46	Propose building height limits in area east of Milpitas Blvd.	Tran	12/15/2020	Yes	Planning	Deferred for one year from 2/02/2021 Council meeting
47	Read "Code of Conduct" aloud prior to each City Council meeting	Montano	6/2/2020	N/A	CAO	Approved 8/18/2020. City Attorney began this practice 9/01/20
48	Rename Augustine Park to include "Sunnyhills"	Tran, Montano	9/17/2019	N/A	Recreation	Approved on 2/4/2020
49	Rename portion of Dixon Landing Rd., as Barack Obama Boulevard	Nuñez, Phan	8/20/2019	N/A	Planning, CMO	Deferred indefinitely

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Group 4 – items that have been completed, deferred, or withdrawn

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Status
50	Report from staff on 2nd federal stimulus package - action plan on funds	Chua	12/15/2020	N/A	CMO, Finance	Info Memo sent to Council on 12/23/2020
51	Report on parking in The Pines	Nuñez	1/7/2020	N/A	Engineering	2/18/2020
52	Report on speed cameras like Fremont (radar displays) - no enforcement	Phan	1/7/2020	N/A	Police	1/28/2020, 3/24/2020, 4/14/2020
53	Request for Dumpster Days	Tran	1/7/2020	N/A	PW	Program initiated in Spring 2021
54	Resolution in support of elimination of discrimination v. women	Dominguez	1/7/2020	N/A	CMO, CAO	5/19/2020 Reso. Adopted 8/04/2020 Ord. adopted
55	Resolution on financial status of the City, steps to be taken	Nuñez	8/18/2020	N/A	Finance	Resolution adopted 9/01/2020
56	Responsible Construction Ordinance	Phan	2/4/2020	N/A	CAO, Building & Housing	Ordinance adopted on 02/02/2021
57	Revise Community Garden Strategy	Dominguez	1/5/2021	Yes	Recreation	Deferred on 2/02/2021; did not receive a majority vote on 2/02/2021
58	Revisit CC Housing Subcommittee, consider dismantling ; bring items to Council	Dominguez	11/10/2020	N/A	Building & Housing, CMO	12/01/20: Did not vote to eliminate Subcommittee
59	Revisit contract provisions of executive staff (CM + CA) best working environment	Phan	11/10/2020	N/A	Council, CMO, CAO	Discussed @ Closed Session 11/17/2020
60	Schedule and host a "Milpitas Business Expo" in late 2021	Chua	12/15/2020	Yes	Econ. Dev.	Did not receive a majority vote from 2/02/2021 council meeting
61	Street/traffic calming update	Nuñez	1/7/2020	N/A	Engineering	3/3/2020
62	Support community distribution of masks	Dominguez	4/7/2020	N/A	CMO, Fire, Recreation	Councilmembers supported at the 4/21/2020 Special Council meeting
63	Support for Laura's Law	Phan	2/4/2020	N/A	CMO, CAO	Supported @ 5/19/2020 council meeting
64	Update "My Milpitas" App for COVID- 19 information	Phan	1/5/2021	N/A	PW, IT	Updated App to provide links
65	Update on planning grant for ADU marketing.	Chua	1/5/2021	No	Planning	Presented to Council on 4/06/2021
66	Update on trash problems in homeless camps	Chua	1/19/2021	No	PW	Info Memo sent 1/24/2021
67	Vaccine distribution plan - add testing locations and expedite mass vaccine distribution	Phan	1/19/2021	Yes	CMO, Fire	COVID-19 mobile testing transition to vaccine distribution info memo was sent on 1/22/2021; SCC and MFD launched mobile vaccination on 4/5/2021, in-home vaccination program started on 4/15/2021
68	Vote on County 2020-2025 Plan to end Homelessness	Dominguez	11/17/2020	N/A	CAO, CMO	12/1/20 adopted Resolution in support+A36:G70A23:G70A11:G70G69A45:G70A2:G70G69A45:G70A1:G70

ATTACHMENT 1

COUNCIL PRIORITY AREAS LIST

	Community Wellness and Open Space	Continue to provide parks and amenities for people of all ages and abilities to enjoy higher levels of physical and mental health.
	Economic Development and Job Growth	Continue to strengthen our economic foundations that support community prosperity and opportunity while ensuring a sustainable and livable city.
	Environment	Promote a sustainable community and protect the natural environment.
	Governance and Administration Environment	Continue to streamline processes for enhanced service and remain committed to long-term fiscal discipline and financial stewardship.
	Neighborhoods and Housing	Continue to explore innovative approaches to incentivize affordable housing projects, collaborate with key stakeholders to care for our most vulnerable populations, and support and engage neighborhoods through dedicated programs and services.
	Public Safety	Continue to invest in police and fire protection, in partnership with our community.
	Transportation and Transit	Continue to seek and develop collaborative solutions to meet the transportation challenges facing our community and our region.

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No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
	Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources.							
Ordinances and Policies								
1	**Agreement with the owners of electrical boxes to allow City access and remove gang-related tagging within 24 hours**	Dominguez	9/7/2021	Yes	Building Safety and Housing, Police, Public Works, CAO		To be discussed at 1/11/2022 Council meeting	No
2	**Building height limits near the hillside**	Tran	9/21/2021	Yes	Planning, CAO		To be discussed at 1/11/2022 Council meeting	Yes
3	**Implement a new permit fee for food trucks, ensure that the food truck businesses are located in Milpitas**	Dominguez	10/19/2021	Yes	Planning, Finance		To be discussed at 1/11/2022 Council meeting	No
4	**Increase number of commission members from seven to nine on the Parks, Recreation and Cultural Resources Commission**	Montano	10/5/2021	Yes	CMO, Recreation, City Clerk		To be discussed at 1/11/2022 Council meeting	No
5	**Mask Ordinance to help enforce the public health expert's recommendations**	Phan	8/17/2021	Yes	CMO		To be discussed at 1/11/2022 Council meeting	Yes
6	**Ordinance to require six-foot social distancing**	Montano	8/5/2021	Yes	CMO, CAO		To be discussed at 1/11/2022 Council meeting	Yes
7	**Outdoor Music Ordinance**	Montano	8/5/2021	Yes	Planning, CAO		To be discussed at 1/11/2022 Council meeting	Yes
8	**Outdoor Music Ordinance for Main Street**	Dominguez	10/5/2021	Yes	CMO, CAO		To be discussed at 1/11/2022 Council meeting	Yes
9	**Proof of Vaccination requirement for citywide indoor events of 1,000 or more people**	Phan	10/5/2021	Yes	CMO, CAO		To be discussed at 1/11/2022 Council meeting	No
10	**Subsidize permit fees for small businesses with less than one hundred employees for the purpose of building outside to support outdoor dining**	Dominguez	9/21/2021	Yes	Planning, Finance, Economic Development, Building Safety & Housing		To be discussed at 1/11/2022 Council meeting	Yes
11	**Universal non-profit fee waiver for special events on the parcel located under the freeway on Main Street by December**	Dominguez	10/5/2021	Yes	Planning, CMO, Finance, Recreation		To be discussed at 1/11/2022 Council meeting	Yes

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
Projects and Programs								
12	**Adopt a program to post the suicide prevention 1-800 number on fences in the community and invest funds for small plaque with the 1-800 number to place around the City in places where youth congregate**	Dominguez	10/19/2021	Yes	Recreation, Public Works		To be discussed at 1/11/2022 Council meeting	Yes
13	**City of Milpitas adopt one developmental asset each month, with marketing materials; have each Councilmember adopt the developmental asset and consider implementing this program and adopt the 41 developmental assets**	Dominguez	10/19/2021	Yes	CMO, Recreation		Email sent to Council on 11/16/2021 with information on current City involvement with the Developmental Assets; the sponsorship of assets by Councilmembers to be discussed at 1/11/2022 Council meeting	Yes
14	**Citywide Bike Event**	Dominguez	9/21/2021	Yes	Recreation, Police, Planning, Engineering (Transportation)		To be discussed at 1/11/2022 Council meeting	Yes
15	**Consider holding an Annual Shredding Event**	Chua	9/21/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting	Yes
16	**Create "Street Smart" program to provide traffic safety education to change driver, pedestrian, and bicyclist behavior and enhance safety in school zones and neighborhoods**	Dominguez	8/17/2021	Yes	Police, Engineering (Transportation)		To be discussed at 1/11/2022 Council meeting	Yes
17	**Create Milpitas Poet Laureate similar to the County of Santa Clara County**	Montano	8/17/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting	Yes
18	**Employee Clipper passes**	Montano	10/19/2021	Yes	Human Resources, Finance		To be discussed at 1/11/2022 Council meeting	Yes
19	**Establish a new tool shed, possibly at the maintenance yard**	Montano	10/19/2021	Yes	Public Works, Building Safety and Housing, Fire, Engineering		To be discussed at 1/11/2022 Council meeting	Yes
20	**Murals for the pillars on Main Street**	Montano	9/7/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting	Yes
21	**Notify Council if there is a plan to create a pathway from the skate park to the bathrooms and if there is no plan then bring an item to Council to create a pathway**	Dominguez	9/7/2021	No	Public Works, Recreation		To be discussed at 1/11/2022 Council meeting	Yes
22	**Park Champions**	Chua	10/19/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting; email sent to Council on 11/4/2021 on current adopt a spot program	Yes
23	**Purchase a building on Main Street for a museum**	Montano	10/19/2021	Yes	CMO, Economic Development, Planning, Engineering		To be discussed at 1/11/2022 Council meeting	Yes

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
24	**Roller Skate Summer Program**	Montano	8/5/2021	Yes	Recreation, CMO		To be discussed at 1/11/2022 Council meeting	Yes
25	**Theater for performing arts (future site)**	Montano	10/19/2021	Yes	CMO, Recreation		To be discussed at 1/11/2022 Council meeting	Yes
26	**Trash bins for the unhoused community or City to help collect the trash and add them into a routine pickup or collection**	Dominguez	10/19/2021	Yes	Public Works, Building Safety and Housing		To be discussed at 1/11/2022 Council meeting	Yes

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
Miscellaneous								
27	**Ad Hoc Parks, Streets, and Facilities Naming Subcommittee**	Montano	10/19/2021	Yes	Recreation, CMO		To be discussed at 1/11/2022 Council meeting	No
28	**Consider lighting City Hall purple for Domestic Violence survivors on October 2022 (Domestic Violence Awareness Month)**	Dominguez	10/19/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting	Yes
29	**Donate old, obsolete, noncompliance items from the Fire Department to Sister City Dagupan Philippines**	Chua	8/9/2021	Yes	Fire, CAO, Finance		To be discussed at 1/11/2022 Council meeting	No
30	**Human trafficking training for staff - request was modified on 8/17.**	Dominguez	4/20/2021	Yes	CAO, CMO		To be discussed at 1/11/2022 Council meeting. Original request was a policy that makes human trafficking training mandatory in the hospitality industry but this is already legislated.	Yes
31	**Include a bust of Maria Lemery and a picture of Albert Vogel Sr. on the existing Senior Center Thriving Legacy Mural**	Montano	8/17/2021 10/19/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting	Yes
32	**Memorialization of the parcel on North Park Victoria that was historically a rose garden memorialized and commemorate those that started the rose garden with a plaque**	Dominguez	10/5/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting	Yes
33	**Place recycle bins in the parks**	Montano	10/19/2021	Yes	Public Works		To be discussed at 1/11/2022 Council meeting	Yes
34	**Provide Commissioners appreciation gifts**	Chua	10/19/2021	Yes	CMO, Finance		To be discussed at 1/11/2022 Council meeting	No
35	**Saturday Senior Center Opening Hours Pilot**	Chua	8/5/2021	Yes	Recreation, Public Works		To be discussed at 1/11/2022 Council meeting	No

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
	Group 2 – items that have not been initiated but will require less than 4 hours of staff time							
36	**Below Market Rate (BMR) units - process for selecting applicants**	Chua	10/19/2021	Yes	Building Safety and Housing, CAO		Staff will send an Info Memo	No
37	**Create an "Incentive Corner," which will be a sub-page with links to different freebies, grants, and incentives from the City and the regions, including the Water District and Silicon Valley Clean Energy**	Chua	8/17/2021	No	Information Technology, Public Works		Staff will implement this item early 2022.	No
38	**Extend the outdoor dining options through March of next year**	Phan	9/21/2021	No	Planning		Planning Director to provide information on current outdoor dining extension	No
39	**Guide small businesses on ADA (Americans with Disabilities Act) requirements due to the quick changes made to facilities during the pandemic**	Chua	8/5/2021	No	Economic Development		SVEDA/SV Joint Venture hosted the "SV Small Businesses & ADA Compliance" webinar on 11/3/21. Several Milpitas business reps, & staff from Econ. Dev. & Building participated. Staff met with reps from CA Comm. on Disability Access to discuss business education & outreach.	No
40	**Illegal dumping**	Phan	10/5/2021	Yes	Public Works		Staff will send an Info Memo	No
41	**Outreach to notify the community of the trash voucher program**	Chua	9/7/2021	No	Public Works		The vouchers are valid until December 31, 2021. Staff will be evaluating this pilot program and report back to the Council as part of the FY 2022-23 budget process.	No

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
Group 3 – items that are currently underway and/or already included in workplan								
42	**ADU workshop in Winter 2021**	Chua	6/15/2021	Yes	Planning, Building Safety & Housing		At 8/9/2021 Council meeting, Council approved a Winter 2021 timeline	N/A
43	**Amend Accessory Dwelling Units (ADU) ordinance to address unpermitted ADUs**	Chua	1/5/2021	Yes	Building Safety & Housing, Planning		Work is underway to create Safe ADU Legalization Program per Council majority vote on 3/16/2021. No Ordinance amendment is necessary	N/A
44	**Amend ordinance to remove affordable housing in-lieu fee**	Chua	12/15/2020	Yes	Building Safety & Housing, CAO		Agendized on 1/5/21, Info Memo sent on 1/5/2021. CC voted on 3/16/2021 to move forward. CC direction to agendize for further meeting. Stakeholder outreach to be conducted in Dec.-Jan. and draft ordinance for Council consideration in early 2022.	N/A
45	**Consider "Old Town" Main St. revitalization, funding, economic dev., improve area**	Montano	12/15/2020	Yes	CMO, Planning, Engineering, Finance		Council provided direction to move forward with revitalization efforts on May 11, 2021. Staff is working on various items related to revitalization and have provided subsequent updates to the Council in October and to the Main Street Revitalization Subcommittee in September and November.	N/A
46	**Consider change in term limits for Mayor + Councilmembers**	Montano	6/16/2020	Yes	CMO, CAO		8/4/2020: voted 3 -2 to pursue; 2/02/2021: to agendize for a future meeting; 3/16/2021: voted 3-1-1 to move forward. To be brought forward in Spring 2022, once new City Attorney is in place.	N/A
47	**Consider Community Museum and Park on Main St.**	Phan	8/20/2019	No	CMO		to Rules 8/23/2019. Moved to Specific Plan Community Conversation events.	N/A
48	**Consider placing a measure on the ballot to change the directly elected Mayor to a rotational at-large position**	Tran	3/16/2021	Yes	CMO, CAO		To be brought forward in Spring 2022, once new City Attorney is in place.	N/A

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
	Group 3 – items that are currently underway and/or already included in workplan							
49	**Consider rescinding direction given on 1355 California Circle project and allow the project application to move forward without being tied to a specific plan (Original request was for item to be placed on November 2 agenda)**	Chua	10/19/2021		Planning, CAO		Staff is working with the developer on options to move the project forward	N/A
50	**Discuss impacts fees for Midtown**	Montano	1/5/2021	Yes	CMO, Planning, Engineering, Finance		Impact fee discussion incorporated into Midtown Specific Plan Update process to include Main Street. Project kick-off meeting held in October 2021. Impact fees to be based on Basic Infrastructure Plan identified as part of the planning process.	N/A
51	**Explore opportunity housing and prohibit single family zoning**	Phan	2/16/2021	Yes	CMO, CAO, Building Safety & Housing, Planning		Discussed at 8/9/2021 Council meeting, staff will work on incorporating this into the Metro and Main Street/Gateway Specific Plan areas.	N/A
52	**Incorporate a Press Release Policy (if there is an existing policy) in the City Council Handbook**	Tran	8/17/2021	Yes	CMO, CAO		The City Council Handbook is scheduled for Council approval during the Jan. 11, 2022 City Council meeting.	N/A
53	**Increase the City's rebate program to match Valley Water's two dollars rebate increase and look into expanding the "Lawn Buster" program to more residents based on income**	Chua	6/15/2021	Yes	Public Works		On October 19, 2021, the Council approved a contract amendment with the Santa Clara Valley Water District (District) to match the District's rebate amount and to authorize the City to manage the "Lawn Buster" program with with "Our City Forest" on behalf of the District. On December 14, 2021, Council approved a contract with "Our City Forest."	N/A

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
	Group 3 – items that are currently underway and/or already included in workplan							
54	**Increase the number of local businesses doing business with the City**	Chua	4/6/2021	Yes	CMO, Economic Development, Finance		At 8/9/2021 Counil meeting, Council voted that this item may have to come back for additional discussion because there may be some legal considerations.	N/A
55	**Job fair with 20 local businesses to be held soon and an additional one in the fall with the Chamber taking a larger role and the City providing some support**	Chua	6/1/2021	Yes	Economic Development		On 10/12/2021 the Chamber reported that businesses they contacted were not available to participate in a Job Fair.	N/A
56	**Mini-libraries in the low-income areas of the City**	Montano	4/20/2021	Yes	Planning		Discussed on 8/9/2021, staff to follow up with Vice Mayor Montano on specific vision. Staff met with the Vice Mayor. The City will continue to facilitate libraries as needed but will not take a lead role in funding or operating them.	N/A
57	**Ordinance to ban vaping in the City**	Montano	12/15/2020	Yes	Planning, Recreation, CAO		Ordinance regarding a ban on use in certain areas adopted by Council on 6/15/2021. Policy related to access to products will be brought forward in Spring 2022.	N/A
58	**Partner with the Chamber of Commerce to promote the City with a City event like an Art and Wine Festival, Rancho Days, Little Cornfield's day, or Frontier day**	Montano	6/1/2021	Yes	Economic Development, Recreation		At 8/9/2021 Council meeting, Council approved 4-1 (Councilmember Phan)	N/A
59	**Reduce the City's Senior Center facilities deposit for the Auditorium/Community Room**	Montano	5/4/2021	Yes	Recreation, Finance		8/09/2021 Council voted 5-0 to refer this item as part of the development of the FY 2022-23 Master Fee Schedule	N/A
60	**Reflective road markers as an effective way to reduce cars doing donuts in the street**	Chua	10/19/2021	Yes	Engineering		At the 11/12/2021 Transportation Subcommittee, the Subcommittee directed to bring back this request to Council as part of the FY 2022-23 budget process.	N/A
61	**Require implicit bias training for City Council, Commissioners & staff**	Dominguez	6/16/2020	N/A	Human Resources		The training was scheduled for January 7, 2022.	N/A

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
Group 3 – items that are currently underway and/or already included in workplan								
62	**Review City policy on speed bumps**	Tran	12/15/2020	Yes	Engineering		Presented to Transportation Subcommittee on 02/12/2021; voted on 3/16/2021 to revisit this item	N/A
63	**Rose garden with a children's memorial site**	Montano	4/6/2021	Yes	Recreation, Engineering		At 8/9/2021 Council meeting, staff requested direction on location, landscaping, plaque, and funding. Vice Mayor met with staff to create a plan and bring it back to Council as part of the 2023-27 CIP.	N/A
64	**Signs in key areas of the City to welcome people to Milpitas**	Montano	4/6/2021	Yes	CMO, Planning, Engineering		At 8/9/2021 Council meeting, Council provided direction tht the signs should align with the efforts currently underway with the Metro Plan and Main Street Gateway Specific Plan process and work with private development. Staff was directed to work with Vice Mayor on additional clarification. In November, Vice Mayor Montano noted a preference for a location on South Main Street.	N/A
65	**Sliding scale permitting program for seniors and low-income residence for necessary safety renovations**	Tran	5/4/2021	Yes	Building Safety & Housing, Recreation		At 8/9/2021 Council meeting, direction was provided to explore modifying the existing Milpitas Assistance Program to include seniors. Staff will bring this item for funding consideration as part of the FY 2022-23 budget process.	N/A

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
Group 3 – items that are currently underway and/or already included in workplan								
66	**Staff to provide information on a landmark policy for the City of Milpitas**	Tran	3/16/2021	Yes	Recreation		8/09/2021 Council voted 5-0 to move this item forward; this item will be included for funding consideration in the development of the FY 2023-27 CIP for assessment of historical and cultural resources and development of a landmark policy	N/A
67	**Establish Railroad quiet zone**	Tran Montano	9/17/2019	Yes	Engineering		Received City Engineer Report on 11/17/2020	N/A

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
	Group 4 – items that have been completed or withdrawn (all items below are from August list)							
68	**Designate more street sweeping signage, and specifically at Capitol Avenue and Abel Street**	Montano	9/7/2021	No	Public Works		On 9/13/2021, staff sent an email to the Council clarifying that the identified streets are not part of the street sweeping pilot.	N/A
69	**Discussion to recognize Juneteenth as a City holiday for City employees**	Phan	6/21/2021	No	Human Resources		Item was discussed with Council in Closed Session	N/A
70	**Plan to put utility fines into a fund to help small businesses in the City**	Montano	12/15/2020	N/A	Finance		Directed staff on 2/02/2021 to approve policy recommendations temporarily suspending penalties for delinquent fire permit fees, and delay or waive business lic. tax collections but no direction to create a separate fund. On 2/16/2021 Council approved waiving business license penalty between Jan 1 - May 31, 2021. Also, the utility late fee and water shut off have been suspended consistent with State Emergency Order (through Dec. 31, 2021). Also, Council is appropriating ARPA funds to assist small businesses.	N/A
71	**Requested staff to provide an update on the food truck circle project**	Dominguez	10/19/2021	Yes	Planning		Email sent to Council on 11/18/2021	N/A
72	**Requested that the crossing guards be provided with the Milpitas neon safety jackets and rain boots**	Chua	10/19/2021	No	Police		Email sent to Council on November 5, 2021 informing the Council that each crossing guard is issued a neon rain jacket and rain boots.	N/A
73	**Pilot camera program**	Montano	9/21/2021	No	Police		Info Memo sent to Council on 11/16/2021 - not recommended at this time	N/A
74	**Memorialize those that have passed due to COVID-19 in Milpitas**	Dominguez	3/2/2021	Yes	CMO, Recreation		At 8/9/2021, Council provided input that COVID-19 had not yet passed and that the discussion about a memorial should be had at a future time.	N/A

MILPITAS CITY COUNCIL
GROUP 1 AGENDA ITEM REQUESTS
JANUARY 11, 2022

ATTACHMENT 2

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
	Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources.							
Ordinances and Policies								
1	**Agreement with the owners of electrical boxes to allow City access and remove gang-related tagging within 24 hours**	Dominguez	9/7/2021	Yes	Building Safety and Housing, Police, Public Works, CAO		To be discussed at 1/11/2022 Council meeting	No
2	**Building height limits near the hillside**	Tran	9/21/2021	Yes	Planning, CAO		To be discussed at 1/11/2022 Council meeting	Yes
3	**Implement a new permit fee for food trucks, ensure that the food truck businesses are located in Milpitas**	Dominguez	10/19/2021	Yes	Planning, Finance		To be discussed at 1/11/2022 Council meeting	No
4	**Increase number of commission members from seven to nine on the Parks, Recreation and Cultural Resources Commission**	Montano	10/5/2021	Yes	CMO, Recreation, City Clerk		To be discussed at 1/11/2022 Council meeting	No
5	**Mask Ordinance to help enforce the public health expert's recommendations**	Phan	8/17/2021	Yes	CMO		To be discussed at 1/11/2022 Council meeting	Yes
6	**Ordinance to require six-foot social distancing**	Montano	8/5/2021	Yes	CMO, CAO		To be discussed at 1/11/2022 Council meeting	Yes
7	**Outdoor Music Ordinance**	Montano	8/5/2021	Yes	Planning, CAO		To be discussed at 1/11/2022 Council meeting	Yes
8	**Outdoor Music Ordinance for Main Street**	Dominguez	10/5/2021	Yes	CMO, CAO		To be discussed at 1/11/2022 Council meeting	Yes
9	**Proof of Vaccination requirement for citywide indoor events of 1,000 or more people**	Phan	10/5/2021	Yes	CMO, CAO		To be discussed at 1/11/2022 Council meeting	No
10	**Subsidize permit fees for small businesses with less than one hundred employees for the purpose of building outside to support outdoor dining**	Dominguez	9/21/2021	Yes	Planning, Finance, Economic Development, Building Safety & Housing		To be discussed at 1/11/2022 Council meeting	Yes
11	**Universal non-profit fee waiver for special events on the parcel located under the freeway on Main Street by December**	Dominguez	10/5/2021	Yes	Planning, CMO, Finance, Recreation		To be discussed at 1/11/2022 Council meeting	Yes

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
Projects and Programs								
12	**Adopt a program to post the suicide prevention 1-800 number on fences in the community and invest funds for small plaque with the 1-800 number to place around the City in places where youth congregate**	Dominguez	10/19/2021	Yes	Recreation, Public Works		To be discussed at 1/11/2022 Council meeting	Yes
13	**City of Milpitas adopt one developmental asset each month, with marketing materials; have each Councilmember adopt the developmental asset and consider implementing this program and adopt the 41 developmental assets**	Dominguez	10/19/2021	Yes	CMO, Recreation		Email sent to Council on 11/16/2021 with information on current City involvement with the Developmental Assets; the sponsorship of assets by Councilmembers to be discussed at 1/11/22 Council meeting	Yes
14	**Citywide Bike Event**	Dominguez	9/21/2021	Yes	Recreation, Police, Planning, Engineering (Transportation)		To be discussed at 1/11/2022 Council meeting	Yes
15	**Consider holding an Annual Shredding Event**	Chua	9/21/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting	Yes
16	**Create "Street Smart" program to provide traffic safety education to change driver, pedestrian, and bicyclist behavior and enhance safety in school zones and neighborhoods**	Dominguez	8/17/2021	Yes	Police, Engineering (Transportation)		To be discussed at 1/11/2022 Council meeting	Yes
17	**Create Milpitas Poet Laureate similar to the County of Santa Clara County**	Montano	8/17/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting	Yes
18	**Employee Clipper passes**	Montano	10/19/2021	Yes	Human Resources, Finance		To be discussed at 1/11/2022 Council meeting	Yes
19	**Establish a new tool shed, possibly at the maintenance yard**	Montano	10/19/2021	Yes	Public Works, Building Safety and Housing, Fire, Engineering		To be discussed at 1/11/2022 Council meeting	Yes
20	**Murals for the pillars on Main Street**	Montano	9/7/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting	Yes
21	**Notify Council if there is a plan to create a pathway from the skate park to the bathrooms and if there is no plan then bring an item to Council to create a pathway**	Dominguez	9/7/2021	No	Public Works, Recreation		To be discussed at 1/11/2022 Council meeting	Yes
22	**Park Champions**	Chua	10/19/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting; email sent to Council on 11/4/2021 on current adopt a spot program	Yes
23	**Purchase a building on Main Street for a museum**	Montano	10/19/2021	Yes	CMO, Economic Development, Planning, Engineering		To be discussed at 1/11/2022 Council meeting	Yes

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
24	**Roller Skate Summer Program**	Montano	8/5/2021	Yes	Recreation, CMO		To be discussed at 1/11/2022 Council meeting	Yes
25	**Theater for performing arts (future site)**	Montano	10/19/2021	Yes	CMO, Recreation		To be discussed at 1/11/2022 Council meeting	Yes
26	**Trash bins for the unhoused community or City to help collect the trash and add them into a routine pickup or collection**	Dominguez	10/19/2021	Yes	Public Works, Building Safety and Housing		To be discussed at 1/11/2022 Council meeting	Yes

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
Miscellaneous								
27	**Ad Hoc Parks, Streets, and Facilities Naming Subcommittee**	Montano	10/19/2021	Yes	Recreation, CMO		To be discussed at 1/11/2022 Council meeting	No
28	**Consider lighting City Hall purple for Domestic Violence survivors on October 2022 (Domestic Violence Awareness Month)**	Dominguez	10/19/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting	Yes
29	**Donate old, obsolete, noncompliance items from the Fire Department to Sister City Dagupan Philippines**	Chua	8/9/2021	Yes	Fire, CAO, Finance		To be discussed at 1/11/2022 Council meeting	No
30	**Human trafficking training for staff - request was modified on 8/17.**	Dominguez	4/20/2021	Yes	CAO, CMO		To be discussed at 1/11/2022 Council meeting. Original request was a policy that makes human trafficking training mandatory in the hospitality industry but this is already legislated.	Yes
31	**Include a bust of Maria Lemery and a picture of Albert Vogel Sr. on the existing Senior Center Thriving Legacy Mural**	Montano	8/17/2021 10/19/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting	Yes
32	**Memorialization of the parcel on North Park Victoria that was historically a rose garden memorialized and commemorate those that started the rose garden with a plaque**	Dominguez	10/5/2021	Yes	Recreation		To be discussed at 1/11/2022 Council meeting	Yes
33	**Place recycle bins in the parks**	Montano	10/19/2021	Yes	Public Works		To be discussed at 1/11/2022 Council meeting	Yes
34	**Provide Commissioners appreciation gifts**	Chua	10/19/2021	Yes	CMO, Finance		To be discussed at 1/11/2022 Council meeting	No
35	**Saturday Senior Center Opening Hours Pilot**	Chua	8/5/2021	Yes	Recreation, Public Works		To be discussed at 1/11/2022 Council meeting	No

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
ORDINANCES AND POLICIES CC01	Agreement with the owners of electrical boxes so that the City could have access to remove gang-related tagging within 24 hours	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Building Safety and Housing	Police, Public Works, City Attorney's Office	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing, Public Safety, and Governance & Administration	Depending on staff resources in FY 2022-23	$14,000

Description of Required Work Effort

This referral asks staff to explore a partnership or agreement with utility companies and/or other owners of electrical boxes to remove gang graffiti on electrical boxes within 24 hours.

This activity will be a coordination between Building Safety and Housing, the department of Public Works (who would most likely encounter graffiti on public property) and Police (who would identify the graffiti as gang-related), as well as the City Attorney's Office.

Chapter 203 of Milpitas Municipal Code Title V (public health, safety, and welfare) details the regulation of graffiti. Currently, the Municipal Code prohibits graffiti "to be placed upon, or to remain upon, real or personal property, when the graffiti is visible from the street or any other public or private property."

The Municipal Code prohibits graffiti on electrical or other utility boxes. The Municipal Code allows the City to remove the graffiti with written consent of the property owner. The Municipal Code also allows the property owner to remove the graffiti and provides a maximum of ten days to remove the graffiti before the property becomes subject to the graffiti abatement procedure via an Order to Remove Graffiti.

To enact agreements with utility companies/property owners to remove gang graffiti within 24 hours of identification, staff would need to work with the City Attorney's Office to research the legality of the arrangement and to prepare the necessary agreement or agreements. Staff would need to coordinate with each utility company/property owner, gauge their willingness to participate in an agreement, and to develop a working agreement acceptable to all parties. Once agreements are approved, staff would establish a procedure to confirm graffiti as gang-related and removal of such graffiti.

City Council Referral

(requires more than 4 hours of staff time)

Initial startup work to identify and develop a process, coordinate with each department, identify utility companies and/or other owners of electrical boxes, and develop an agreement is estimated at approximately 100 hours of staff time, or $12,000.

In the past 3 years, Milpitas Police has had 5 reports of gang-related graffiti. Based on this, total ongoing estimated work hours required by all staff are approximately 16 hours per year, or $2,000 per year.

Status Update as of October 2021

Currently, the Building Safety and Housing Department does not have staff resources to address this request.

Council Clarification/Further Direction Requested

No additional clarification is needed at this time.

Other Considerations

Another consideration would be to explore amending the Municipal Code to require gang graffiti removal within 24 hours of identification. This would be more efficient than carrying out separate agreements with utility companies/property owners. However, the City Attorney's Office would need to conduct research to determine if 24 hours' notice is legally viable based on due process principles. If not, the City Council could explore some other timeframe that is less than the current 10 days in the Municipal Code after the City Attorney provides further analysis.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
ORDINANCES AND POLICIES CC02	Building Height Limits Near Hillside	Mayor Tran
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	City Attorney's Office	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods & Housing	TBD (depending on Staff resources to undertake Zoning Ordinance update)	$120,000 - discuss as part of annual budget process

Description of Required Work Effort

This referral will require time and effort by both the Planning Department and City Attorney's Office. To establish new or enhanced restrictions on building heights, the Planning Dept. will need to review the current zoning ordinance and make recommendations for new or enhanced regulations related to building heights. The recommendations should be presented to the Planning Commission and City Council in a study session for direction and community input. The Planning Dept would then draft a formal Zoning Ordinance amendment for presentation to the Planning Commission and Council in public hearings. The City Attorney's Office will need to review the draft ordinance amendments. It is estimated that the research and ordinance preparation work will require a cumulative total of 180 hours of staff time or approximately $50,000. Additional expense may be incurred if environmental review is required under CEQA.

If the Council wishes to advance this referral, staff will bring forward required resources and estimated costs as part of the FY 2022-2023 budget process.

Status Update as of October 2021

At present, the Planning Department does not have staff resources to address this request.

Council Clarification/Further Direction Requested

- Does the Council want to address this issue as an ad hoc Zoning Ordinance amendment, or could it be folded into a comprehensive Zoning Ordinance update programmed into the CIP?
- Are there specific areas of the City where the Council wants to restrict building heights?
- Given that the Zoning Ordinance already restricts building heights in all single-family residential neighborhoods, is a blanket height limit needed?
- For Commercial Zoning Districts, the maximum height is either set at 35 feet max or requires a Conditional Use Permit (CUP). Does the Council want to remove the flexibility provided by the CUP review process?

City Council Referral

(requires more than 4 hours of staff time)

Other Considerations
The Zoning Ordinance already restricts building heights to a maximum of 30 feet in all single-family residential zones, which make up most land areas east of Milpitas Blvd. and north of Calaveras Blvd. (i.e., the area where residents have voiced concerns about building heights). Building heights and architectural design are strictly regulated in the Hillside Overlay District. The Zoning Ordinance also limits building heights to 35 feet in the CO and C1 Zoning Districts, but in other commercial and industrial zoning districts, maximum building height is established through the Conditional Use Permit to give the Planning Commission and City Council flexibility in reviewing and approving projects. Approval is discretionary, and formal findings must be made by the Planning Commission and/or City Council. Building height limits could be addressed as an ad hoc amendment to the Zoning Ord. or included as part of the comprehensive Zoning Ordinance update. As part of the annual budget process, the Planning Dept. could add a Senior-level position to help manage long-range planning projects, including the Zoning Ordinance update. Alternatively, the Planning Dept. could hire a contract planner to assist with preparing the required Zoning Ordinance amendments to address this request.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
ORDINANCES AND POLICIES CC03	Implement a new permit fee for food trucks and ensure that the food truck businesses locate in Milpitas	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	Finance	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Economic Development and Job Growth	June 2022	Unknown
Description of Required Work Effort		
Work on new development standards for food trucks is already underway.		
Status Update as of October 2021		
The Planning Department has developed draft standards to regulate food trucks operating in Milpitas. Staff anticipates bringing the draft standards to a Council study session in early 2022. Implementation of the new standards would include the requirement for approval of a Minor Conditional Use Permit for food trucks. The standard fee for a Minor CUP would apply.		
Council Clarification/Further Direction Requested		
Clarify if this referral wishes to implement a new permit fee or to just ensure that food trucks apply for a business license		
Other Considerations		

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
ORDINANCES AND POLICIES CC04	Increase the number of commission members from seven to nine on the PRCRC	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
City Manager	City Clerk, and Recreation & Community Services	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration	Spring 2022	$2,000

Description of Required Work Effort

This referral will be in coordination between the Departments of City Manager, Recreation and Community Services and the office of the City Clerk. The current standardized bylaws for all City of Milpitas Commissions would need to be updated to reflect exceptions to the bylaws or recreated individual Commission bylaws for each commission. The current Parks, Recreation and Cultural Resources Commission addendum would also need to be updated. After approval by the City Council staff would need to 1) recruit new members, 2) have Mayor recommend appointment and City Council approve, 3) train new Commissioners. Total estimated work hours required by all staff are 20 hours or about $2,000 and could reasonably be conducted during regular staff working hours.

Status Update as of October 2021

No work has been done on this item.

Council Clarification/Further Direction Requested

Other Considerations

Although commission workplans contain many projects and initiatives, most work on all commissions is prepared, led, and conducted by City staff in support of the Commission. Therefore, increasing the number of commissioners may not correspond to completing more commission workplan items without increasing staff capacity.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
ORDINANCES AND POLICIES CC05	Mask Ordinance	Councilmember Phan
Lead Department/Office	**Supporting Department(s)/Office(s)**	
CMO	CAO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness, and Governance & Administration	01/11/2022	TBD based on Council direction

Description of Required Work Effort

This referral will be a coordination between the Departments of City Manager and City Attorney to develop an ordinance. Depending on the ordinance requirements, resources from Building Safety and Housing and Fire may be required to provide outreach and enforcement. Total estimated work hours required by all staff will vary, depending on Council direction.

If Council wishes to advance this referral, staff will bring back estimated costs and staffing resources needed, for Council consideration as part of the FY 2022-2023 budget process.

Status Update as of October 2021

The City had previously issued a mask mandate in April 2020; however, the mandate was rescinded in June 2021, so as to align with the County's Public Health Order. No staff work has been done on this item.

Council Clarification/Further Direction Requested

None

Other Considerations

The California Department of Public Health (CDPH) provides mask recommendations and requirements for specific settings, based on CDC guidance. The Santa Clara County Department of Public Health (SCCDPH) currently requires masks indoors regardless of vaccination status and recommends masks outdoors when social distancing is not possible.

Having mask requirements for Milpitas that are different from the rest of the County may cause confusion for residents and businesses and will require additional education and enforcement within City limits. Furthermore, several Bay Area counties are considering modifying masking requirements in the near future based on public health metrics.

City Council Referral

(requires more than 4 hours of staff time)

The counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Sonoma and the City of Berkeley will lift the indoor masking requirement in public spaces not subject to state and federal masking rules when all the following occur:

- The jurisdiction reaches the moderate (yellow) COVID-19 transmission tier, as defined by the Centers for Disease Control & Prevention (CDC), and remains there for at least three weeks; AND
- COVID-19 hospitalizations in the jurisdiction are low and stable, in the judgment of the health officer; AND
- 80% of the jurisdiction's total population is fully vaccinated with two doses of Pfizer or Moderna or one dose of Johnson & Johnson (booster doses not considered)
  OR
  Eight weeks have passed since a COVID-19 vaccine has been authorized for emergency use by federal and state authorities for 5- to 11-year-olds. Pediatric Pfizer approved November 3, 2021. Target date on or about December 29th, 2021.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
ORDINANCES AND POLICIES CC06	Ordinance to continue six-foot social distancing	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
CMO	CAO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration		TBD, based on Council direction

Description of Required Work Effort

This referral will be a coordination between the Departments of City Manager and City Attorney, to develop and implement an ordinance. Since the County does not currently mandate social distancing, the City will need to educate the community and expend a significant number of resources enforcing the ordinance.

If Council wishes to advance this referral staff will bring back additional information on estimated costs and resources needed.

Status Update as of October 2021

Staff has not done any work on this to date.

Council Clarification/Further Direction Requested

Need further direction from the Council.

Other Considerations

The State of California and Santa Clara County are the public health entities that provide guidance related to the COVID-19 pandemic. Although social distancing is recommended in certain settings, it is not mandated by the State or County. If the City adopts an ordinance, it will have a significant impact on the operations of Milpitas businesses and will be extremely challenging to enforce. It will also impact City operations and crate confusion for the community in general.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
ORDINANCES AND POLICIES CC07	Outdoor Music Ordinance	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	CAO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration	Unknown	$50,000 for 200 hours of staff time

Description of Required Work Effort

This referral will require time and effort by both the Planning Department and City Attorney's Office. Staff will need to research similar ordinances in other cities and bring forward options for Council consideration. Total estimated work hours required by all staff is 200 hours and total estimated cost is $50,000.

Status Update as of October 2021

At present, the Planning Department does not have staff resources to address this request.

Council Clarification/Further Direction Requested

Council to provide guidance on hours, locations, and general criteria for regulating outdoor music on a citywide basis. Staff will need to research examples from other cities. Is there a specific issue related to outdoor music that the Council wants to address? At present, staff is not aware of any complaints that could not be addressed through the City's existing noise ordinance or permitting processes.

Other Considerations

The City already has a noise ordinance: Title V, Chapter 213. Outdoor music in relation to a commercial business is typically addressed through the Conditional Use Permit process, and live music would be addressed through the Special Use Permit process. These existing permits are used to regulate decibels, location, and hours of operation for any outdoor music venues in conjunction with a business or event.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
ORDINANCES AND POLICIES CC08	Outdoor Music Ordinance for Main Street	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	CAO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration	TBD	TBD – depends on purpose and scope of request
Description of Required Work Effort		
See Item No. 26 - Outdoor Music Ordinance		
Status Update as of October 2021		
At present, the Planning Department does not have staff resources to address this item.		
Council Clarification/Further Direction Requested		
Can this item be folded into an ordinance amendment to address citywide noise regulations? Can this be folded into the comprehensive Zoning Ordinance update scheduled for FY22-23?		
Other Considerations		
Outdoor music is already addressed through the Conditional Use Permit process under the existing Zoning Ordinance. The CUP typically addresses decibels, location, and hours of operation for any outdoor music venues in conjunction with a business or event.		

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
ORDINANCES AND POLICIES CC09	Proof of vaccination requirement for indoor events of 1,000 people or more	Councilmember Phan
Lead Department/Office	**Supporting Department(s)/Office(s)**	
CMO	CAO, Building Safety and Housing, Fire, and Recreation and Community Services	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration		TBD
Description of Required Work Effort		
This referral will be a coordination between the Departments of City Manager, City Attorney, Building Safety and Housing, Fire, and Recreation and Community Services. Requiring proof of vaccination at all indoor events with 1,000 people or more will entail education and enforcement by City staff. Total estimated work hours will depend on Council direction about types of events and also on number of events that meet the 1,000 people or more criteria.		
Status Update as of October 2021		
No staff work has been done to date		
Council Clarification/Further Direction Requested		
Other Considerations		
The State requires proof of vaccination, or a negative COVID-19 Santa Clara County does not mandate proof of vaccination at indoor events; however, it does mandate face coverings in indoor settings regardless of vaccination status.		

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
ORDINANCES AND POLICIES CC10	Subsidize Permit Fees for small businesses with less than 100 employees for the purpose of building outside to support outdoor dining	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	Building Safety & Housing, Economic Development, and Finance	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Economic Development	TBD	TBD, based on number of applications and size and scope of projects

Description of Required Work Effort

The City currently does not charge a fee to participate in the Outdoor Dining Program, as long as no outdoor construction is required. The restaurant submits a site plan to the City and agrees in writing to follow a minimal set of guidelines to ensure safety and access. Note that with the exception of a few permanent structures such as decks and fences, there were no other permanent structures built under the Outdoor Dining Program.

If Council wishes to advance this referral staff will bring back an estimated cost, based on certain assumptions, for Council consideration as part of the FY 2022-2023 budget process.

Status Update as of October 2021

No staff work has been done on this.

Council Clarification/Further Direction Requested

Other Considerations

To date, the City's "emergency" and "extended" outdoor dining programs have not charged a fee. Most applications are very simple and straightforward, but a handful of others have required considerable staff time. This staff time has not been cost recovery. If the intent is to help small businesses, the 100-employee threshold may be too high. Amount of fees will vary depending on if the construction is permanent or temporary. If permanent, permit review and fees will involve multiple departments including Planning, Building Safety and Housing, Fire, and Engineering. Since the permit process will require staff time, the costs will need to be subsidized by either the General Fund or some alternate funding source.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
ORDINANCES AND POLICIES CC11	Universal non-profit fee waiver for special events on the parcel located under highway 237 on Main Street by December	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	City Manager's Office, Finance, and Recreation & Community Services	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Economic Development	unknown	$160,000 in staff costs. Total costs TBD, based on number and type of events

Description of Required Work Effort

This referral will be a coordination between the Departments of Planning, Finance, Recreation and Community Services, and the City Manager's Office to develop a framework and criteria for waiving fees and to determine the total estimated costs of waiving all fees for special events at the specified location and to identify a source of funding to cover those costs. Total estimated work hours required by all staff are 150 hours, or approximately $160,000. Additional staffing costs to review event applications and ensure compliance with framework will depend on number and type of event applications.

If Council wishes to advance this referral staff will bring back total costs for Council consideration as part of the FY 2022-2023 budget process.

Status Update as of October 2021

Staff is currently working on streamlining the permit process for special events. This request could be folded into that effort.

Council Clarification/Further Direction Requested

None

Other Considerations

If permit fees are waived, the General Fund would likely need to cover staffing costs, unless another funding source is identified.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC12	Adopt a program to post suicide prevention 1-800 number on fences community-wide and invest funds for small plaque with the 1-800 number to place around the City in places where youth congregate	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness, and Governance & Administration	FY 2022-23	$12,500

Description of Required Work Effort

This referral will be a coordination between the Departments of Recreation and Community Services and Public Works. Staff would need to assess common places Milpitas teens are congregating besides school. If those locations are private businesses, permission will need to be arranged to put a plaque or sign on their property. Agreements to access and maintenance to the plaque of signs would need to be developed and signed by all parties. Plaques would need to be designed and procured by a vendor. Plaques would need to be installed and maintained. Additionally, a marketing campaign to bring awareness to the plaques would need to be developed and launched. Total estimated work hours required by all staff are at least 40 hours, or approximately $8,000, depending on number of sites and sites on private property. Costs for a plaque or sign are dependent on the materials and number of characters and/or graphics on the plaque or sign. Assuming half a dozen plaques or signs, total estimated material costs would be approximately, $4,500.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

Staff did a preliminary assessment of Milpitas suicide and suicide attempts in the past three (3) full calendar years (2018 – 2020) to determine the location and average age of resident suicide death or attempt a suicide death. The highest age demographic of Milpitas suicide death is ages 45-54 and 65-74, accounting for approximately 50% of all suicide deaths. The highest age demographic for Milpitas suicide attempts is ages 15-24 and 25-34, accounting for approximately 59% of all suicide attempts. Approximately 18% of suicide attempts were residents 18 years or younger (7 people). Of those seven (7) attempts, five (5) attempts occurred at home.

City Council Referral

(requires more than 4 hours of staff time)

Council Clarification/Further Direction Requested
Direction from Council on the type of sign or plaque desired is needed to conduct a more thorough cost analysis.
Other Considerations
If the focus of this referral is to reach youth, partnerships through HOPE with the MUSD, private schools, churches and non-profits could be leveraged with the City producing metal signs or awarding small grants to others for signs. Alternatively, these HOPE partners could install signs on their properties and/or approach local businesses and entertainment locations, making it a community-wide effort reaching a larger demographic as statistics show Milpitas rate of suicides and attempts are more prevalent in older adults.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
PROJECTS AND PROGRAMS CC13	City of Milpitas adopt one developmental asset each month, with marketing materials, have each Councilmember adopt the developmental asset and consider implementing this program and adopt the 41 developmental assets	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation & Community Services	CMO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration, and Community Wellness		

Description of Required Work Effort

Per the email sent to Council on November 16, the Search Institute initially identified 40 positive supports and strengths that young people need to succeed. Half of the assets focus on the relationships and opportunities they need in their families, schools, and communities (external assets). The remaining assets focus on the social-emotional strengths, values, and commitments that are nurtured within young people (internal assets). This model has been adopted by the YMCA of Silicon Valley, MUSD, and other regional organizations supporting our youth as Project Cornerstone's Development Assets Program. Project Cornerstone added an additional asset titled culture and identity increasing the number of developmental assets from 40 to 41.

The Recreation and Community Services Department has been a long-standing supporter and participant of Project Cornerstone's Asset Program dating back to the early 2000s. In 2009 Recreation and Community Services received the Project Cornerstone Annual Asset Champion Award – "Community Values Youth" award. As a continuation of the earlier work, Recreation and Community Services afterschool program, After the Bell (ATB), highlights the Assets through a monthly activity and discussion with participants on a selected Asset. Monthly ATB newsletters to parents also feature the Asset of the Month so they can continue the conversation at home. To further promote healthy youth and our City's dedication to the effort, all the After the Bell staff shirts feature one of the Developmental Assets.

In order to implement the second part of the referral for each Councilmember to adopt a developmental asset and to develop marketing materials for each asset will require deferral of other high priority marketing projects including but not limited to marketing events for Beautify Milpitas, cultural flag-raising events, or other events organized by the Recreation and Community Services Department.

City Council Referral

(requires more than 4 hours of staff time)

Status Update as of October 2021
The 41 developmental assets were implemented in the ATB program in the early 2000s.
Council Clarification/Further Direction Requested
Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC14	Citywide Bike Event	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	Police, Planning, Transportation	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness	TBD	Between $127,500 and $147,500

Description of Required Work Effort

This referral will be a coordination between the Departments of Recreation and Community Services, Planning, Engineering (Transportation) and Police. Recreation and Community Services would be required to plan, organize, facilitate, and promote a new public event focusing on the promotion of bicycle transportation similar to Viva Calle in San Jose, when main streets in downtown San Jose are closed for traffic and streets can only be used by cyclists and pedestrians for half a day. Event Marketing, inter-departmental coordination on safe event routes, street closure and detour plans, communication with those affected with the street closures (residents/businesses), coordination of resource booths and vendors, as well as event day staffing. Total estimated work hours required by all staff are at a minimum, 250 hours for planning, coordination and marketing, and an additional $25,000 for staffing on the day of the event or approximately $87,500. Additional event costs including but not limited to materials, tents, tables, signage, fencing/barricades could cost between $40,000 - $60,000, depending on the scope of the event for a total of $147,500. There are currently no available staffing resources full-time or part-time for additional events of this size in any lead or supporting department. If the City Council would like to proceed with this event, events of similar magnitude such as 4th of July or Summer Concert Series would have to be discontinued in order to stage this event.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

Not started.

Council Clarification/Further Direction Requested

Other Considerations

The coordination with a qualified non-profit like the Silicon Valley Bike Coalition, or other agency whose mission is aligned with bicycle transportation, where the other entity produces the event, and the City sponsors certain aspects of the event including traffic control, could be an option. Regardless, given limited staff capacity, staff would still not be able to organize other events of similar magnitude.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC15	Consider holding an Annual Shredding Event	Councilmember Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services		
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	Fiscal Year 2022-23	$18,000 - $3,000 for event and $15,000 for preparation

Description of Required Work Effort

This referral is for a social services event coordinated by the Recreation and Community Services Department. Staff would need to coordinate and contract with a paper shredding company, identify a shredding event location, and drop off system (walk up or drive-through), market the event, and staff the event to ensure resident participation at the event. Total estimated work hours required by all staff to plan the event are 65 hours, or approximately $15,000. Total estimated cost for marketing, services, and day-of event staffing is approximately $3,000.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration

Status Update as of October 2021

Staff has researched the average cost to shred, per box by local shredding companies. With the average cost of $4.50 per box (banker-box size) the estimate cost includes 500 boxes to be shredded, marketing and promotions costs, and day-of event staff costs for PT staff and overtime for FT staff.

Council Clarification/Further Direction Requested

Other Considerations

Some banks and credit unions offer this service free to their members. Alternatively, the City could launch an informational campaign on the importance of regularly shredding documents and identity theft protection methods.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC16	Create "Street Smart" Program	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Police	Engineering (Transportation)	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Public Safety, and Transportation	TBD	$160,000

Description of Required Work Effort

Background:
In 2001, the City of San Jose Department of Transportation (DOT) was awarded a competitive grant through the Office of Traffic Safety (OTS) to reduce traffic fatalities within their city. The City of San Jose hired a full time, non-sworn, Traffic Safety Education Officer, herein referred to as "Safety Officer," within their Department of Transportation (DOT) and created the Street Smarts program. Under the Street Smarts program, the Safety Officer coordinated assemblies at various schools in San Jose and provided information about pedestrian and bicycle safety. The Safety Officer also provided driver, pedestrian, bicycle, and motorcycle safety presentations to various groups within the City of San Jose upon request. The grant funded educational materials, bicycle helmets, bicycles, and advertising materials (including signs to give to residents asking drivers to slow down). A website for Street Smart was created which included games, quizzes, and videos related to traffic safety.

The San Jose DOT made their Street Smart program materials available to other cities. The SJ DOT Street Smart website (https://www.getstreetsmarts.org) lists approximately twelve (12) localities in Northern California as an affiliate with the Street Smart program. In nearly all of these localities, the program is administered by city departments such as public works or traffic engineering and in partnership with the school district. Some of the localities are no longer funding their Street Smart program.

Staff contacted the City of San Jose Department of Transportation and learned the City of San Jose is no longer offering the Street Smart program and currently promoting a program called "Walk n' Roll" and uses some of the existing Street Smart materials. The "Walk n' Roll" program was funded by a measure passed by voters. The goal of "Walk n' Roll" is to increase walking and biking to school, fostering a healthy and active lifestyle, reduce traffic congestion and related air pollution from vehicles. The program uses the following concepts to achieve its goals:

- Education: Through bike rodeos, assemblies, and other activities, the City of San Jose provides pedestrian and bicycle safety tips, information on the benefits of an active and healthy lifestyle and highlight the positive impact students can have on their environment through biking and walking.

- Encouragement: The City of San Jose helps school staff and parents organize fun activities to encourage students to walk and bike. These activities include Walking School Busses, Bike Trains, and special events such as International Walk to School Day, Bike to School Day, and monthly Walk/Bike to School Day events.
- Engineering and Evaluation: The City of San Jose uses a community-based approach to identify improvements that would enhance suggested walking routes to each school. The City of San Jose utilizes existing grant funds and City funds to address high priority needs.
- Enforcement: To increase the safety of all involved, the City of San Jose reinforces safe driving behavior in school zones through the collaborative efforts of the San Jose Police Department's Operation Safe Passage and the Department of Transportation's Parking and Traffic Compliance Team.

Discussion:
Although the City of Milpitas does not have a formally titled program, the Milpitas Police Department has been providing relative information to the community for several years. The Police Community Relations Unit provides traffic safety presentations to schools within the City upon request and has previously provided bicycle helmets to children. The Milpitas Police Department Traffic Safety Unit also provides education in addition to enforcement. We utilize grant funding from the Office of Traffic Safety (OTS) to conduct traffic safety education presentations to youth and adult community members, to conduct seatbelt and child safety seat enforcement, to crosswalk/pedestrian enforcement, to conduct traffic enforcement in areas of increased collisions, to conduct increased enforcement for speeding, red light and stop sign violations. The Milpitas Police Department refers to these measures generally as traffic safety education. Additionally, the police department constantly evaluates practices related to deterrence, education, and enforcement of traffic safety related issues and partners with the Traffic Engineer to address roadways, sidewalk, signals, and lighting concerns when appropriate.

If the City Council would like to proceed with the creation of a City of Milpitas Street Smart program in addition to the existing traffic safety efforts provided by several units within the Police Department, this focused effort would require the addition of a Community Service Officer (CSO) position to administer the program. The fiscal impact of adding a CSO position is approximately $142,748 (full comp) annually. Additionally, funding for the creation of marketing material will be necessary. The implementation of a Street Smart program in the City of Milpitas is not recommended at this time as most benefits of such a program are being provided to the community.

Status Update as of October 2021

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC17	Create a Milpitas Poet Laureate	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services		
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration	Winter 2023	$18,000

Description of Required Work Effort

This referral would be led by the Department of Recreation and Community Services. Staff would need to develop the Poet Laureate Competition in coordination with the Milpitas Peaceful Poets and the Santa Clara County Public Library – Milpitas Branch. The competition would need to be marketed to the community, with staff assembling the competition review panelist. Once a Poet Laureate is selected, staff would identify a series of City events assigned to the Poet Laureate to write and present poems. Typically, an annual Poetry night is also organized to feature the Poet Laureate. A total estimated work hours required by all staff are 80 hours, or approximately $16,000, which can be absorbed with existing resources. An annual budget of $2,000 for the initial competition and additional poetry events would be required.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No Staff work has been done.

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC18	Employee Clipper passes	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Human Resources	Finance	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Transportation and Transit	TBD	TBD

Description of Required Work Effort

This referral will be a coordination between the Departments of Human Resources and Finance. Human Resources will be responsible for communicating any updated program details to employees and coordinating with Finance to ensure accurate disbursement of monthly cash incentives and/or funding of clipper passes.

If Council wishes to advance this referral, this benefit will need to be negotiated through a meet and confer process and discussed during the FY 2022-2023 budget process.

Status Update as of October 2021

Not started.

Council Clarification/Further Direction Requested

Clarification is needed from Council regarding the expectation to expand TRIP or establish clipper passes as a separate item in addition to TRIP.

Other Considerations

Currently the City encourages employees to participate in the Transportation Reduction Incentive Program (TRIP). TRIP is designed to give employees incentives to choose alternatives to single occupant vehicle commuting, such as walking, biking, transit, and carpool to relieve road congestive, reduce harmful emissions and improve employee health. TRIP satisfies the requirements of Senate Bill No. 1128. Current program components include:

Commute Alternative	Amount per month
Carpool/Vanpool	$20*
Bicycling	$10*
Walking	$10*
Valley Transportation Authority (VTA) Transit (Bus or Light Rail)	Adult - $70 Commuter Check Youth <18 yrs - $45 Commuter Check Senior 65+ - $25 Commuter Check
ACE, BART. Caltrain, Amtrak	Up to $100 Commuter Check

City Council Referral

(requires more than 4 hours of staff time)

*Cash incentive is dispersed monthly with paycheck

Employees who currently participate in TRIP can use the cash incentives or commuter checks to fund their clipper passes if applicable.

Another alternate option, but more expensive option, would be the VTA Smart Pass program that can be loaded on a Clipper card for unlimited rides on VTA buses and light rail. Participating agencies need to purchase Smart Pass for its employees. https://www.vta.org/go/fares/smartpass.

Since this is benefits related, the City will need to engage in the meet-and-confer process with the Unions. Due to fiscal impact of this benefit, it would need to be considered in the FY23 budget development.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC19	Establish a new tool shed, possibly at the maintenance yard	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Public Works	Fire, Engineering, Building Safety and Housing	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	Summer 2022	$22,000

Description of Required Work Effort

This referral will be a coordination between the Departments of Public Works, Building Safety and Housing, Fire, and Engineering. Total estimated work hours required by staff to purchase a new tool shed, relocate the inventory from Fire Station #2 to the Public Works' Building, and replenish the tool inventory is estimated at 60 hours, or approximately $7,500. Ongoing staff time to administer the program, maintain accurate logs of rentals, promote the program to the public, and to ensure program compliance would be approximately 8 hours per month, or $1,000 per month.

Staff would need to purchase a tool shed sizeable enough to store the tools. Staff estimates the cost of a durable tool shed to be approximately $7,000. Additional tools may need to be purchased at a cost estimate of $3,000. Depending on the utilization of the program, an ongoing budget allocation may be necessary for replacement of material and equipment.

The tool shed was originally located at Fire Station 2 and administered by the Building Safety and Housing Department. Due to renovation, the tools were relocated and being held at temporary Fire Station 2. Over the years, the Lend-a-Tool program usage has decreased dramatically. Usage has been sparse in recent years. In 2016 and 2017, there were a total of 2 tools rented in each of those years. The program is temporarily not operational due to COVID-19 concerns and precautions.

The program was planned to be moved to Fire Station 3 or to the new Fire Station 2 when complete. However, Public Works is better suited to administer the program. Therefore, the tool shed would be located on the 2nd floor of the administration building to ensure security of the equipment and facilitate administration of the program.

Status Update as of October 2021

No work has been completed.

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC20	Murals for the Pillars on Main Street	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	Engineering, Building Safety and Housing	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	Fiscal Year 2022-2023	$180,000 (Public Art Fund)

Description of Required Work Effort

This referral would be a coordinated project led by the Department of Recreation and Community Services, with local and regional partners such as MUSD, Cal Trans (pillar owner) and the Arts Commission. It would be modelled after the Utility Box Public Art program. Interest and accessibility from the prospective partners will need to be identified, including the permission and appropriate permits to paint the pillars from CalTrans. Should all parties elect to participate, mural area(s) identified, supervising professional artist(s) contracted, marketing and promotional materials developed and distributed, student oversight and execution of murals, and post mural graffiti treatment. Total estimated staff hours is 120+. Total estimated project budget is approximately $180,000 for the 12 pillars. Based on conversation with other cities that have done similar projects on CalTrans-owned support pillars, this will require formal engineering, additional inspections, full lot closure or partial lot closures on a rolling schedule, and rental equipment (lifts) to safely complete the painting.

Monies for this Mural contest can come from the Public Art Fund. Staff is already committed to four (4) murals per year as part of the City's new Mural Program. Should the Council direct staff to conduct a student mural contest to paint murals, given existing staff resources the annual mural program would have to be suspended for the remainder of FY 2021-22 and for FY 2022-23 for 1) program development, 2) discussions with outside agencies and 3) inspections. With the suspension of the annual mural program over two years, the $100,000 annual allocation would be recommended to be allocated the Murals Contest, thereby reducing the cost from $180,000 to $80,000.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No staff work has been conducted.

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires less than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC21	Notify Council if there is a plan to create a pathway from the skate park to the bathrooms and if there is no plan, then bring an item to Council to create a pathway	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Engineering	Recreation and Community Services, Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness, and Neighborhoods & Housing	FY 2024-25	$600,000 to $800,000

Description of Required Work Effort

This referral will be a coordination between the Departments of Engineering, Recreation and Community Services and Public Works. Currently, pathways around the Sports Center Complex and Skate Park, and leading to the snack shack, restroom buildings, and Cardoza Park are composed of decomposed granite except for a concrete ADA ramp from the restroom facilities to the football field.

To upgrade a portion of the pathways, specifically the segment from the snack shack/restroom facilities to the Skate Park, which is approximately 500 ft. long, would cost approximately $600,000 for an asphalt path or $800,000 for a concrete path. If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

Council Clarification/Further Direction Requested

Other Considerations

Disability Access Consultants, LLC (DAC) is currently completing and Americans with Disabilities Act (ADA) Evaluation and the required Transition Plan for the City in accordance with Title II of the ADA Act. The work will include a review of the Sports Center, Skate Park and Cardoza Park area. Staff recommends waiting for the completion of the ADA Evaluation and Transition Plan by DAC Consultants to allow staff to better understand the extent of required ADA pathway improvements to be funded for construction.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC22	Park Champions	Councilmember Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation & Community Services	Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Environment, Community Wellness, Neighborhoods & Housing	January 2023	$17,000

Description of Required Work Effort

This referral would be a coordination between the Departments of Recreation and Community Services and Public Work to establish a Park Champions Program. Park Champions, at minimum two persons per Park, volunteer to regularly check the condition of parks and report non-emergency issues through MyMilpitas App. City staff will inform Park Champions regarding the regular maintenance schedule, Council approved maintenance level, and funding for park repair and rehabilitation to help residents understand the expected and funded service level and related professional standards. The program establishment includes Champion agreements, eligible ages, scope of reports to Public Works, etc. A marketing campaign to residents following the development of all program and marketing collateral would need to be implemented for several months prior to program start date.

Monies for a marketing campaign of approximately $2,000 would need to be allocated through the 2022-23 Budget process.

Total estimated work hours required by all staff are 60+ hours, or approximately $15,000.

Status Update as of October 2021

Council Clarification/Further Direction Requested

Other Considerations

The City's Adopt a Spot program achieves the same proposed program goals and involves residents in contributing to the beautification of our parks. Having multiple programs at one park, trying to accomplish similar outcomes may be confusing to residents. Further, concentrating staff efforts on the adopt a spot program is a more effective us of limited staff resources.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC23	Purchase a building on Main Street for a museum	Vice Mayor Carmen Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
City Manager's Office	Economic Development, Planning, and Engineering	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Economic Development and Job Growth	To Be Determined	TBD - $1M-$2.5M+

Description of Required Work Effort

This referral will be a coordination between the City Manager's Office, Economic Development, Planning, and Engineering. This effort will require staff to research available properties along North and South Main Street for the development of a Milpitas Museum. If the City wishes to buy a property, it will also require the services of an environmental firm and potentially a real estate broker to conduct the environmental assessment and negotiate a deal for the property purchase.

Estimated costs could range from $1 -$2.5 million, however this will vary depending on the property, market conditions, and any remediation work needed on the property. This estimate does not include the building of the museum itself.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

In June and July 2021, staff conducted preliminary research on properties located throughout North and South Main Street and adjacent locations from Weller Lane to Serra Way (and just south). Based on this preliminary research, there is one property for sale at 36 Winsor Street, with an asking price of $1.3 M and spaces for lease at 131-155 South Main Street (1,607 and 815 square feet respectively), with rent at $2.35 per square foot.

Council Clarification/Further Direction Requested

No specific clarification is needed at this time.

Other Considerations

While some museums have positive impacts on local economies through direct, indirect, and induced contributions, the financial considerations to purchase property, and associated services and functions such as appraisal, environmental assessment and cleanup, operations and maintenance, parking, staff time, etc., may make this effort challenging to achieve in the near future.

City Council Referral

(requires more than 4 hours of staff time)

If the City Council is interested in proceeding with the purchase of property located at 36 Winsor Street, additional environmental investigation would be required, a considerable amount of funding will need to be identified and negotiation of “Price and Terms” under a City Council Closed Session meeting would also need to take place.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC24	Roller Skate Summer Program	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness	Summer 2023	Estimated $152,000 – $191,000

Description of Required Work Effort

This referral would be a coordinated specialty program by the Recreation and Community Services Department. Although the cost of this referral is dependent on the Council directed scope, it is assumed that the interest in a municipally run Roller Rink over the summer where both classes, events, and parties can take place is similar in operation as the City of Santa Clara's Central Park Ice Rink which runs for approximately 6-weeks. The Santa Clara rink operation is approximately $250,000, which includes set up, staffing and management of the rink by a contractor. Further comparison can be made with the Holiday Magic synthetic ice rink which is approximately $63,000 for a 16-day operation.

Assuming a run time for the roller rink of 4 weeks, it is estimated that minimally a program budget of approximately $126,000 is needed for the rink operations. Staff costs for setting up the program and marketing the rink is an additional 60+ hours or $15,000. Depending on the location of the rink, rink levelling may be needed for an additional $14,000, including required ADA ramp(s). For example, rink leveling would be required if the event would be held on Main Street. Overnight security for a rink would also be required for approximately $11,000. The above costs do not include any type of special event activities, food, music or otherwise, at the rink. Should any special event activities around the rink be desired, an additional $25,000 should be considered.

Therefore, the cost estimate without revenue estimate would range between $152,000 and $191,000. Due to the lack of experience with this program, revenue estimates cannot be determined at this time.

If the City Council would like to proceed with this event, events such as 4th of July or Summer Concert Series would have to be discontinued or reduced in order to stage and support the rink.

Status Update as of October 2021

Staff has reached out to a couple of Rink providers on rough estimated costs. One quote for a roller rink set up and operation is $45,000 for two (2) days.

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC25	Theater for performing arts	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
CMO	Recreation and Community Services	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Economic Development & Job Growth, and Neighborhoods & Housing	Completed in 2020	Funding for land acquisition and design and construction costs. Estimated cost will be determined based on site and size of facility.

Description of Required Work Effort

The Recreation and Community Services Department would conduct another feasibility study on locations for a theater for performing arts opportunities in Milpitas. This request would be duplicative of a study conducted in 2019 and 2020.

Status Update as of October 2021

The City completed a Cultural Arts Center Feasibility Study in 1998, and in 2020 the study was updated, and the name changed to the Performing Arts Center Feasibility Study. The updated study assessed types of Performing Art Theaters and Amphitheatre facilities including estimated design and construction costs, reviewed possible facility locations such as on Main Street adjacent to the Library, evaluated desired use of space including a possible history museum and analyzed required staffing levels and revenue generation opportunities. The Performing Arts Center Feasibility Study was added to the City's 2020-2025 CIP. This project was added to the 5th year of the CIP and will further analyze the findings of the Feasibility Study and provides for the acquisition of land and evaluation of funding and financing for a future facility as directed by the City Council.

Council Clarification/Further Direction Requested

Direction from City Council on the assigned project year in the current CIP is needed if Council would like it earlier than 2025.

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
PROJECTS AND PROGRAMS CC26	Trash bins for the unhoused community or City to help collect the trash and add them into a routine pickup or collection	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Public Works Department	Building Safety and Housing, Police, and Finance	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Environment, and Governance & Administration	FY 2022-23	$14,000 to $410,000

Description of Required Work Effort

This referral will be a coordination between the Departments of Public Works, Building Safety and Housing, Police Department, and the Finance Department. The proposal would involve placing trash bins at concentrated homeless sites around the city. The estimated cost for this proposal would be dependent on the number of sites included under this program in the City and whether the locations for the new bin is along an existing weekly trash collection route for MSI. The monthly cost for one location would be $330, which accounts for the supply of a four cubic yard solid waste bin and one pick up per week. Additional cost could apply if illegal dumping at the trash bin site affects the MSI operator's ability to access the bins with their equipment. If the proposed bin location(s) are not already on an existing weekly trash collection route, staff would need to work with MSI to add an additional route to service the proposed locations. An additional route could cost up to $400,000 annually and is dependent on the type of truck, bins, and number of stops needed to service the route.

Total estimated work hours required by all staff are 80+ hours, or approximately $10,000 to have staff work with MSI on adding trash bins and evaluating routes to service the encampment location(s).

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No work has been performed on this item.

Council Clarification/Further Direction Requested

Staff would need clarification from Council on the number and locations of the homeless sites where trash bins would be placed for service.

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
MISCELLANEOUS CC27	Ad Hoc Parks, Streets, and Facilities Naming Subcommittee	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	CMO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration		$5,000

Description of Required Work Effort

This referral will be a coordination between the Departments of Recreation and Community Services and the City Manager's Office, to establish a new Ad Hoc Parks, Streets, and Facilities Naming Subcommittee of the City Council, which would meet as needed.

At the February 26, 2019 Council Meeting, the Council, based on Mayor Tran's recommendation, approved to sunset the Facilities and Streets Naming Council Subcommittee and directed that naming considerations should be forwarded to Commission. For example, naming of parks should be reviewed by the Parks, Recreation and Cultural Resources Commission.

Total estimated work hours required by all staff depends on the frequency of the subcommittee meeting and tasks that will be brought forward by the Subcommittee members. Assuming the subcommittee meets twice per year, the cost to set up and hold two subcommittee meeting is estimated at $5,000 requiring 40 staff hours.

Status Update as of October 2021

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
MISCELLANEOUS CC28	Consider lighting City Hall purple for Domestic Violence survivors in October 2022 (Domestic Violence Awareness Month)	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation & Community Services	CMO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	Fall 2022	$9,250

Description of Required Work Effort

This referral will be in coordination between the Departments of Recreation and Community Services and the City Manager's Office. During the pandemic, the City Council had approved the lighting of City Hall for 4th of July for seven days ($2,535) and Lunar New Year for 29 days ($3,993). Each lighting event requires a contract to design, set up and run the lighting equipment. The cost of each lighting event is determined by the number of days, elaborateness of the design, and the season, as inclement weather calls for more expensive weatherized equipment.

For this referral, City staff time to coordinate the contract development and installation would be needed and is estimated at 15 hours or $5,250. The cost for the lighting event is estimated at $4,000 for the month of October. If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No work has been done on this item.

Council Clarification/Further Direction Requested

Other Considerations

If annual commemorative lighting is of interest and priority for the City Council, staff will evaluate the cost of installing permanent lighting infrastructure as opposed to a contractor bringing in external lighting equipment.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
MISCELLANEOUS CC29	Donate old, obsolete non-compliant items from the Fire Department to Sister City Dagupan Philippines	Councilmember Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Fire	CAO, Finance	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Public Safety, and Governance & Administration	Ongoing	$1,700

Description of Required Work Effort

Per Section I-2-7.01 titled "Disposal of Property with an Estimated Value of Five Thousand Dollars ($5,000) or Less," the Purchasing Agent or designee is authorized to dispose surplus items through a public or private sale or by renting or destroying the surplus items. However, the ordinance does not allow for donation of any surplus items.

Therefore, if Council approves this referral, in coordination with the City Attorney's Office (CAO), staff would bring forward a resolution authorizing donation to the Sister City of Dagupan, Philippines, of certain Fire Department obsolete safety equipment to Council for consideration. Further, the CAO would develop a waiver of liability to be signed by Dagupan for receipt of obsolete equipment.

Once Council approves the resolution and the waiver of liability is signed, the Fire Department will work with the Dagupan Sister City organization to pick up the surplus equipment for shipping to Dagupan, Philippines. Total estimated work hours required by all staff will initially be approx. 10 hours at a cost of $1,300 plus the evaluation of future surplus equipment and coordination with the Sister City organization, which will occur at a minimum annually, of approximately 4 hours of staff time or $400.

Status Update as of October 2021

A comprehensive inventory is being conducted of all surplus personal protective equipment (PPE). An inventory of PPE available for donation has been completed.

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
MISCELLANEOUS CC30	Human-Trafficking Training for staff, request was modified in August	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
City Attorney	CMO, Human Resources, Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration		TBD

Description of Required Work Effort

The original request was related to the hospitality industry; however, a preemption issue was identified, which would prevent the City from imposing a requirement that the hospitality industry train its workers in human-trafficking as there are currently two laws (SB 970 and AB 2034) that apply in this area.

At the August City Council meeting, Councilmember Dominguez modified the referral and requested training for City staff. The City would need to identify specific employees that could come into contact with victims of human trafficking and provide training, similar to what is required by SB 970. This may include departments such as Police Department, Fire Department, Building Safety and Housing, Public Works, and Engineering. This training may not be appropriate for all City staff.

Training could be provided to existing employees every two years and within six months of hire for new employees. This training could include:

1. the definition of human-trafficking and commercial exploitation of children;
2. guidance on how to identify victims or those at risk;
3. an explanation of the difference between labor and sex-trafficking, or the difference between the use of force, fraud, or coercion to compel a person into labor and commercial sex acts against his or her will;
4. guidance on the role of City employees in reporting and responding to human-trafficking; and
5. the contact information of appropriate agencies.

If Council wishes to advance this referral staff will bring back estimated resources and costs as part of the FY 2022-2023 budget process.

Status Update as of October 2021

No staff work has been done to date

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
MISCELLANEOUS CC31	Include a bust of Maria Lemery and Albert Vogel Sr. on the existing Senior Center Thriving Legacy Mural	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services		
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness	FY 2022-23	Estimated $19,000

Description of Required Work Effort

The Thriving Legacy Mural was installed in the Senior Center in 2011 after an interactive process with City Council for the selection of people to be included on the mural. Each Council member was able to nominate four (4) people who had a lasting impact on the Milpitas community. The names of the nominated and a synopsis of their contributions were shared at a public meeting and approved via motion of the Council. The mural currently features Dr. Albert Currlin, Al Augustine, Jimmy Rodgers, Dick Delong, Leo Murphy, Bob Cracolice, Oliver Jones, Barbara Lee, Haskell Goodman, Sal Cracolice, Ben Gross, Tom Evatt, Jim Murray, Ernestina Garcia, Josephine Guerrero, Mabel Mattos, Bob Browne, Joe House, Mort Levine, and Elaine Levine.

In order to implement this referral, staff would need to contract with the original mural artists to manage a mural project. An assessment of the existing mural would need to be done by the artist to see if additional people can be added to the mural. If it is possible to add Ms. Lemery and Mr. Vogel to the mural, staff would need to gather quality, high resolution photos of Ms. Lemery and Mr. Vogel. The mural would need to be removed and transported to the artist's studio. Any damage during the transport would need to be fixed. The mural key explaining who is on the mural would also need to be updated. Total estimated work hours required by all staff are 30+ hours, or approximately $9,000 which can be reasonably managed by staff. A preliminary estimated cost to have the artist update the Mural is $10,000, however actual cost will not be available until after a conversation and initial assessment with the artist.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No work has been done on this item.

Council Clarification/Further Direction Requested

City Council Referral

(requires more than 4 hours of staff time)

Other Considerations
If the current mural cannot accommodate additional people or the City Council would like to add more people to the Milpitas Thriving Legacy Mural, the City Council may consider directing staff to start the process for a new Mural at a different City location or somewhere else in the Senior Center as part of the annual Mural Program process.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
MISCELLANEOUS CC32	Memorialization of the parcel on North Park Victoria that was historically a rose garden and commemorate those that started the rose garden with a plaque	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness	FY 2022-2023	$30,000-$35,000 one-time, $7,500 ongoing annual

Description of Required Work Effort

This referral will be a coordination between the Departments of Recreation and Community Services and the Public Works for the memorialization of a City-owned parcel at N. Park Victoria and Nicklaus Drive.

Currently, this parcel, which includes bush roses, is minimally maintained by the Public Works Department. If the Council would like to proceed with a plaque, staff recommends improvements to the parcel at a cost between $15,000 and $20,000 using contractual services as well as including this parcel in a regularly scheduled maintenance cycle which would require monthly maintenance estimated at approximately $7,500 annually or 140 hours.

The request of memorialization could be in the form of a bronze plaque of an attractively designed informational sign at the site. Staff would need to work with the Councilmember and the community to understand and capture the history of the rose garden and the names of those that were instrumental to the installation and upkeep of the garden. Staff would then design and order the plaque or information sign. Additionally, a contract for a concrete base and plaque or sign installation would be coordinated with the Public Works Department. Estimated work hours required by all staff are 25 hours, or approximately $5,000. The cost of the plaque or sign is dependent upon the size and wording included. Staff estimated additional costs for materials and design at $10,000.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No work has been done on this item.

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
MISCELLANEOUS CC33	Place recycle bins in the park	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Public Works		
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Environment	FY 2022-23	$82,600 one-time and $86,400 annual ongoing

Description of Required Work Effort

This referral will be coordinated by the Public Works Department to add recycling bins at City Parks. The City currently has over 360 trash bins located at various locations throughout the City's 36+ parks. The parks do not have dedicated receptacles for recycling products.

To maximize the effectiveness of recycling in the parks, the recycling bins would need to be placed together with the existing trash bins to avoid having park users dropping their recyclable material in trash bins or use the recycling bins as trash cans. Additional items that would be needed include adding signage making it clear what items are allowable in each bin and utilizing colored bins with restrictive lids for recycling containers to keep waste streams separate. The estimated cost to empty 1 trash can per month is $20 based on existing contract pricing; hence, the addition of 360 recycling bins would cost $86,400 per year. One-time costs to purchase 360 dedicated recycling bins is estimated to be $75,000 and cost for additional signage at parks is estimated at $7,600.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No work has been done on this item.

Council Clarification/Further Direction Requested

Other Considerations

Council could consider limiting the scope of this request to specific parks in the City such as those that are most reserved by residents.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
MISCELLANEOUS CC34	Provide Commissioners appreciation gifts	Councilmember Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
CMO	Finance	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration		Approximately $2,700 for gifts and $1,800 in staff costs, total $4,500
Description of Required Work Effort		
This referral will be a coordination between the City Manager's Office, Finance, and all Departments supporting Commissions, to co-ordinate the ordering of the appreciation gifts. Total estimated work hours required by all staff are 15 hours, or approximately $1,800.		
Status Update as of October 2021		
No staff work has been done to date.		
Council Clarification/Further Direction Requested		
None		
Other Considerations		
Each Commission has a budget of $1,000 however, the Councilmember making this request has clarified that the appreciation gifts are to be funded by another funding source since the Commissions' budget is intended for projects. The appreciation event for Commissions could not be held in spring 2021 due to the public health restrictions related to the pandemic and the gifts would be in lieu of the event.		

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.:	Topic:	Requested by:
MISCELLANEOUS CC35	Saturday Senior Center Opening Hours Pilot	Councilmember Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	Fall 2022	$5,300

Description of Required Work Effort

Background

In surveys conducted with Senior Center members from 2018 – 2020, 12 % of members were interested in activities being provided on weekends. In response, Recreation and Community Services staff launched "Senior Center After Hours" which comprises of contract classes and meet-ups for seniors without the center being open for drop-in use. This effort was in response to the new generation of seniors who are still working and are interested in classes and programs on weekday evenings and weekends. Meet-ups were launched during the pandemic to supplement senior trips in a safe and socially distanced manner.

Discussion

Regardless of the previous low response rate for Saturday activities, consistent with the referral, staff would open the Center for three months as a pilot after conducting a survey to gauge seniors' interest regarding activities offered during the Saturday open hours which would be no more than 4 hours. Staff would work with existing contract program instructors to offer additional classes on Saturdays. New Part-time staff will need to be hired to work the additional open hours due to annual work hour restrictions under PERS. Regardless, existing contracts for program instructors and for facility maintenance would have to be amended. Marketing for the additional open hours and program opportunities would need to be developed and implemented to inform the greater senior community.

Total estimated work hours required by all staff are approximately 40 hours or $2,800 for the assessment and survey work. This can reasonably be incorporated into staff's regular work week. Total estimated staff costs for opening the Senior Center on Saturdays for four (4) hours for three months is approximately $2,500, which does not include costs for program instructors. Once the pilot is complete, staff will bring an assessment of the pilot to Council for consideration including costs offset by revenue for making the pilot permanent and a potential funding source. It is important to note that Recreation and Community Services Cost Recovery Policy, as approved by Council, senior programs fall into category C which calls for a goal of up to 20% cost recovery on programs and services.

City Council Referral

(requires more than 4 hours of staff time)

Status Update as of October 2021
No work has been done with this request.
Council Clarification/Further Direction Requested
Other Considerations

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Receive an Update on the American Rescue Plan Act, Approve the ARPA Reallocation Recommendation and Approve the Budget Appropriation Modification for Permit Automation Fund**
Category:	Leadership and Support Services
Meeting Date:	1/11/2022
Staff Contact:	**Ashwini Kantak, Assistant City Manager, 408-586-3053** **Lauren Lai, Director of Finance, 408-586-3111**
Recommendations:	1. Receive an Update on the American Rescue Plan Act (ARPA), including compliance and reporting requirements; 2. Approve the ARPA reallocation recommendation; and 3. Approve the Budget Appropriation Modification for Permit Automation Fund.

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 City's ARPA allocation of $16,736,815 is available in two tranches; the first half was received in June 2021, 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.

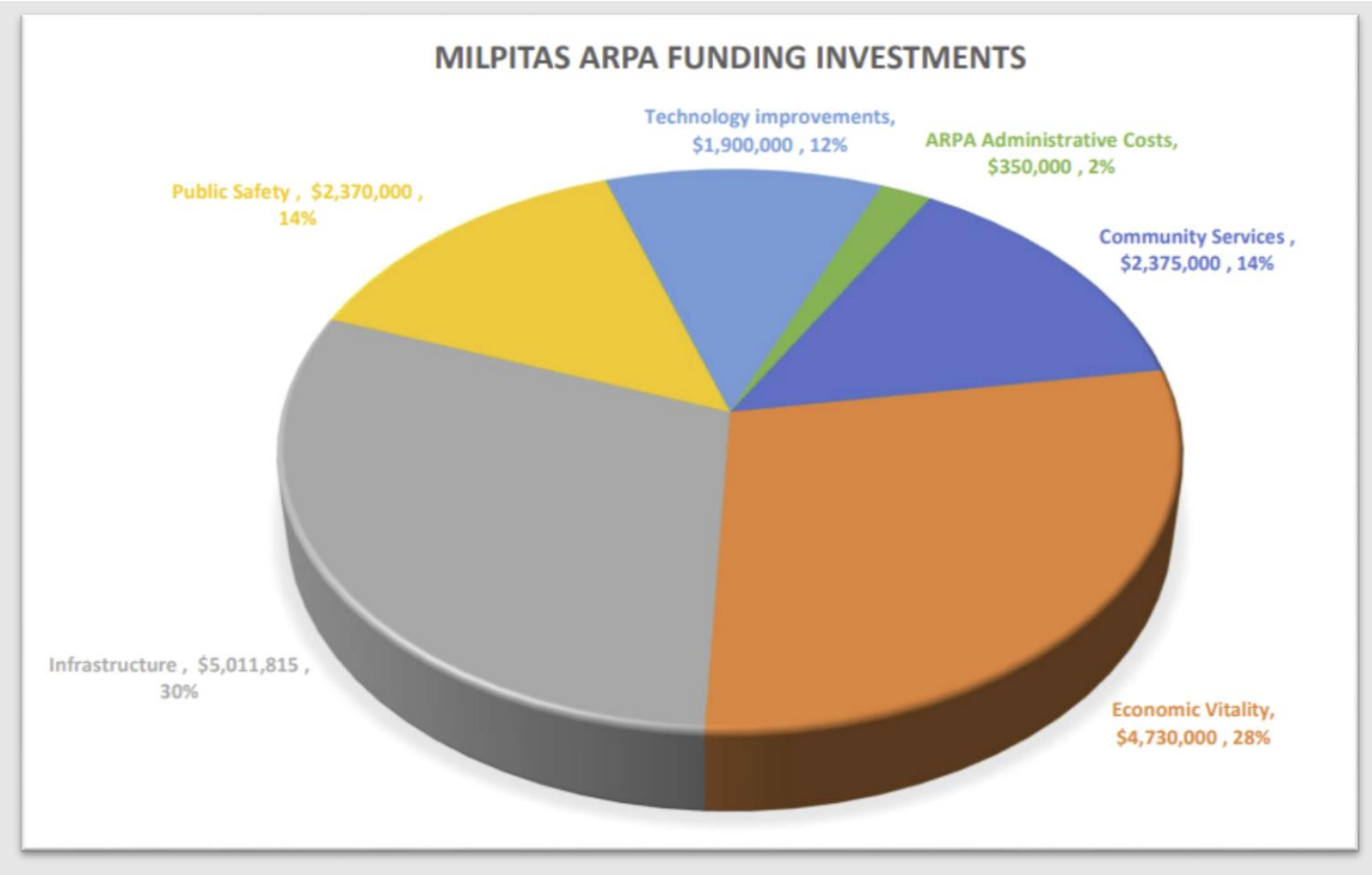
On May 11 (link to staff report), staff presented preliminary information on ARPA's Coronavirus State and Local Fiscal Recovery Funding. Staff also provided information on other funding through ARPA that could benefit the Milpitas community since the Coronavirus Local Fiscal Recovery Funding (CLFRF) is only a portion of the total ARPA funding. Staff received Council input on ARPA Plan spending priorities in May and June (June 8 Council Meeting agenda report). A majority of the spending priorities were related to financial assistance and social services to those impacted by the pandemic, economic vitality, infrastructure, public safety, and technology.

On June 21 (link to the agenda report), Council approved the ARPA Investment Framework including the Fiscal Guidelines and Five Investment Areas. Fiscal Guidelines include the following:

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.

On August 9 (link to the agenda report), Council approved funding for 25 programs in the ARPA Investment Plan and delegated authority to the City Manager to proceed with appropriation actions and contract approvals, up to the approved amount for each program approved by Council, once compliance with ARPA procurement, contracting, and reporting requirements are confirmed. This will allow the funding to go to residents and businesses significantly impacted by the pandemic, in an efficient and expeditious manner.

Funding for the Five Investment areas of **Community Services, Economic Vitality, Infrastructure, Public Safety,** and **Technology** is as follows:



Analysis:

In accordance with the August 9 Council direction and delegation, the City Manager and staff proceeded with the various ARPA programs as summarized in this first quarterly ARPA update to the City Council. As noted in prior Council discussions related to ARPA, the adopted ARPA Investment Plan is not required to be submitted to the Department of Treasury and allows flexibility to modify programs based on evolving needs and efficiencies.

Milpitas ARPA Website
The City's Information Technology staff developed and launched the Milpitas ARPA Website **(link)** to provide information about the Milpitas ARPA programs and user-friendly grant application to residents, businesses and non-profits. As programs are launched, the Milpitas community is encouraged to check this website often for updates, open applications, and deadlines. In addition, staff will be conducting public outreach to increase awareness and engagement with the various Milpitas ARPA programs.

ARPA Applications
In addition to the Milpitas ARPA Website, members of the Milpitas community may apply for the Milpitas ARPA programs in-person utilizing paper applications that are available at City Hall Fiscal Services. These

applications are available in the following languages: English, Spanish, Chinese, Vietnamese, Tagalog and Korean. This approach enhances the City's reach of public members who may not have access and/or proficiency necessary for the online applications.

Program Updates

For the purpose of the quarterly ARPA updates, programs will be summarized briefly with the full program descriptions available on the August 9 agenda report (link to the agenda report) and/or the Milpitas ARPA Website (link).

Community Services ($2,375,000)

1. Rental and mortgage assistance to low and moderate income residents ($1,200,000)

   Staff anticipates issuing the fiscal agent/administrator procurement request for proposal (RFP) in Spring 2022. Additional information on the proposed program, including program parameters, guidelines, procedures and required staffing resources will be brought forward to Council at a future date.

2. Social services ($500,000)

   Due to staff focusing on other high priority initiatives, the social services program implementation funded through ARPA is scheduled for spring 2022.

   The Council allocated $25,000 of ARPA funds to the City's Senior Nutrition program. Due to the onerous Federal procurement requirements, staff recommends allocating the ARPA funding for senior nutrition to At-Risk Youth programs and use the freed up General Fund dollars from the At-Risk Youth programs to the Senior Nutrition program. This change will allow for the Senior Nutrition and At-Risk Youth programs to be rendered with more efficiency. Staff will administer the budget amendment in accordance with the Council delegation of ARPA budget appropriation and contract authority to the City Manager on August 9, 2021.

3. Financial Assistance to Low and Moderate Income Residents ($400,000)

   Currently, the Milpitas Assistance Program (MAP) provides financial assistance for utility payments, and ARPA provides additional funding for the on-going program. Staff modified MAP to increase the utility subsidies using ARPA funds.

   Due to staff focusing on other high priority initiatives, the childcare subsidy program implementation is scheduled for spring 2022. Staff needs to develop a program in compliance with U.S. Treasury Guidelines and hire temporary staff to administer this program.

4. (4a) Beautify Milpitas Program & (4b) Weed Abatement ($190,000)

   With the ARPA funding, the Beautify Milpitas Program was expanded. Staff initially utilized budgeted funds and is in the process of purchasing materials for the Beautify Milpitas Litter Kits and Graffiti Removal Kits anticipated for distribution for events scheduled for the next 6 months.

   Staff has been working with the Human Resources department to hire the temporary staff to render weed abatement services. It is anticipated that temporary personnel will be hired by mid-January.

5. Pilot Curbside Trash Pick-Up Program ($85,000)

   Council provided direction to staff to move forward with a 3-month pilot at a cost of $85,000. The pilot program is scheduled to start in February 2022. 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. 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 ($5,011,815)

6. Small Business Assistance Program ($1,500,000)

Staff issued the fiscal agent/administrator procurement request for proposal (RFP) in August 2021 and are currently finalizing the vendor contract. The RFP was issued consistent with Federal 2CFR Part 200 regulations with outreach to woman and minority-owned business enterprises from a national database of such businesses. The 2022 Milpitas Small Business Assistant Grant Program outreach and program launch will begin in early 2022. Program funding and appropriation will be modified to $1,500,000 distribution in two tranches **within** 2022 to enhance program effectiveness and efficiency. This is instead of issuing the two tranches over two years (i.e. 2022 and 2023). Staff will administer the budget amendment in accordance with the Council delegation of ARPA budget appropriation and contract authority to the City Manager on August 9, 2021.

Previously some City Council members expressed interest in providing grants to local daycare centers including commercial and home-based daycare businesses. Staff recommends distributing ARPA grants to eligible daycare business in the amount of $5,000. Daycare businesses would be required to apply via the City ARPA portal and reviewed for Milpitas ARPA Small Business Program eligibilities. Based upon current information available to Staff, there are approximately 80 daycare businesses within the City, and should 100% of these businesses apply and qualify, approximately $400,000 of ARPA grant would be distributed to daycare businesses. The remaining balance of approximately $1,000,000 of ARPA funding (net of fiscal agent fee) would be available for all other small businesses (excluding daycare and hotels) that apply, qualify, and awarded $5,000 via a lottery process.

7. Assistance to Local Hotels ($200,000)

The 20 hotels in Milpitas may apply as Milpitas ARPA beneficiaries for $10,000 grant funding via the Milpitas ARPA website beginning in late-December 2021. Outreach to hotels occurred in late December and January. As of the date of this report, Staff has conducted three rounds of outreach. 7 hotels have submitted applications and 5 have drafted applications but not yet submitted. 8 hotels have not yet started their applications. Staff will continue to correspond with the remaining 8 hotels to ensure applications are submitted and all hotels throughout the process for reporting and compliance

As previously presented by Staff to Council, the use of funds was focused on COVID touchless systems and any other needed improvements to make hotels COVID safe. Given the COVID impacts have been endured since March 2020, hotels have approached Staff for costs incurred as eligible uses of funds. Moreover, it is especially important to recognize Milpitas hotels provided lodging to essential workers and/or unhoused during this prolonged pandemic responses. Staff recommends broadening the uses of ARPA funding beyond COVID touchless systems, and to include eligible costs in response to COVID impacts such as services, supplies, contracts and/or staffing.

8. Accessory Dwelling Units (ADU) Program ($1,290,000)

ADUs can provide housing options, foster economic growth through increased construction activity, and result in increased property values. In addition to these economic recovery aspects from the COVID

impacts, the ARPA ADU program encourages and assists residents with permits that ensure health and safety standards, which aligns with U.S. Treasury Interim Final Rule to use funds for the provision of police, fire, and other public safety services. At the August 9, 2021 Council meeting, an update was provided that staff was evaluating a program that could be a combination of fee waivers as well as prototype designs with engineered plans. Since that time, staff is evaluating a program that would be a combination of fee waivers to encourage new ADUs and legalization of unpermitted ADUs as well as a technology tool that would help visualize possible location and size of ADUs on a property. Staff anticipates providing ADU permit fee subsidies in spring/summer 2022.

Staff has already developed an ADU Toolkit and conducted an ADU workshop (link) on December 16, 2021. These tools provide resources to help homeowners explore their property's ADU potential, provide a step-by-step explanation of the process to building an ADU, and reduce uncertainty in the planning of an ADU.

Staff has also developed a Safe ADU Legalization Program to assist and encourage residents to legalize and improve the safety of ADUs that were constructed or converted without permits, including illegally converted garages and other structures. Staff will launch the program in conjunction with the ADU permit fee subsidy by ARPA for new ADU construction. Together with the ADU Monday Program and ADU Corner webpage that were launched in March 2021, the City is providing resources to simplify and streamline the permitting process for ADUs and to facilitate ADU production.

Similar to the Social Services program, in order to simplify the procurement process of the technology system, Staff recommends reallocating funding sources between ARPA and the Permit Automation Fund. Amongst the ARPA programs, Staff recommends reallocating $210,000 for technology from the ARPA ADU program to the ARPA Technology Improvements program. This will enable the City to acquire the necessary technology, while also being efficient and effective in City procurement. The remaining balance of $1,290,000 would be available for ADU program permit fee subsidies and Safe ADU Legalization Program.

With an average of $5,000 in plan review and permit fees per ADU, this ARPA funding will allow permit fees for 258 ADUs. Providing permit fee subsidies for new ADUs encourages residents to obtain permits to ensure that these new accessory dwelling units are compliant with building codes and meet health and safety standards. In response to COVID impacts, it is important to encourage and assist residents with permits that ensure life safety. Providing permit fee subsidies for legalization of unpermitted ADUs encourages residents to legalize and improve the safety of an existing accessory dwelling unit, converted garage, or other rooms or structures that were constructed or converted without obtaining permits. This reduces possible unknown risks to occupants, ensures code compliance, and provides a level of assurance for life safety for residents. As noted above, staff anticipates providing ADU permit fee subsidies for new ADUs and legalization of unpermitted ADUs in spring/summer 2022.

9. Main Street Revitalization ($500,000)

A pilot storefront improvement grant program, funded by the Community Benefit fund, is currently underway. The ARPA funded storefront improvement grant program will be developed, based on lessons learned from the pilot program and will be brought forward for Council consideration in Spring 2022. $500,000 has been allocated towards Main Street Revitalization, with $400,000 allocated for storefront improvements and $100,000 allocated to support ongoing activation of Main Street.

10. Community Events ($200,000)

Per the schedule of events provided to Council as part of the August 9, 2021 ARPA staff report, the first ARPA funded event to be held is scheduled for Spring 2022 and the recruitment for an Event Program Coordinator funded through ARPA funds for FY 2021-22 is underway.

11. Financial Assistance to the Chamber of Commerce ($200,000)

The Milpitas Chamber of Commerce (Chamber) may apply as a Milpitas ARPA beneficiary to provide support and programs Milpitas businesses. The Chamber has committed to the following events and business assistance activities: Crab Feed, Art and Wine Festival, Business Workshops, and Job Fair(s). The ARPA funding will be utilized for an Event Planner to assist with these events and activities and will be tied to performance metrics or milestones.

12. Workforce Development ($300,000)

At the December 14, 2021 Council meeting, the City Council approved the ARPA funded workforce development programs with funding to be deployed at $150,000 annually for two years for grants to ARPA beneficiaries that have been adversely impacted and/or responding to the COVID-19 public health emergency. Specifically, the Council allotted $40,000 for Milpitas Youth Force, a City program for low-income youth including salaries and wraparound services; $50,000 for Evergreen Valley College to implement the Amazon Cloud Practitioner Program for cloud computing initiatives; $40,000 for First 5 Santa Clara County to support an early childhood education teacher apprenticeship program; and $20,000 to be divided between Rising Sun Center for Opportunity and Build It Green to implement a green building certification training program and climate careers externships. Further, Council directed staff to return for City Council consideration of the remaining $150,000 for additional ARPA beneficiary grants by summer 2022.

13. Limited term Economic Development Specialist position ($330,000)

The two-year limited term position has been filled. The incumbent is dedicated to all the Economic Vitality ARPA programs as existing Economic Development staff is focused on other items included in the adopted Economic Development Strategy as well as business resiliency and recovery for businesses adversely impacted by COVID-19.

Infrastructure ($5,011,815)

14. Parks Rehabilitation ($4,386,815)

The ARPA allocation is expected to address short-term repairs and improvements at 20 of the City's 36 parks. The implementation of these repairs and improvements will address health and safety repairs and improve the condition of parks noted as in critical and poor condition per the City's Park Master Plan Update as approved by the City Council during the December 14, 2021 City Council meeting. The investment of ARPA funds addresses just over half of the short-term improvements identified for the next five years.

Staff have been working through the project planning phase for use of the approved ARPA park funding. Due to staffing shortages, current workload including projects already underway, staff anticipates starting the park ARPA project design phase and presenting professional service contract(s) to the City Council for approval in Spring 2022. The project design phase will require 12-16 months to complete and then staff will issue an Invitation for Bids to construct the improvements.

15. Public Safety Facilities' Improvements ($250,000)

One of the Fire Department's rehabilitation projects is the retrofitting of the majority of apparatuses' vehicle exhaust filtration systems, which will remove carcinogen causing particulates from the exhaust. Staff anticipates issuing the contract procurement request for proposal (RFP) in summer 2022.

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16. Mobile Emergency Operations Center ($375,000)

Staff is finalizing the procurement bid specification and researching lease/financing options versus purchasing the equipment.

Public Safety ($2,370,000)

17. Funding for 6 Public Safety positions for One Year ($1,200,000)

    At this time, it is anticipated that the two vacant police officer positions, which were defunded as part of the approval of the FY 2021-22 Adopted Budget, will be filled in FY 2022-23. Per the Information Memorandum titled Firefighter and Firefighter/Paramedics Recruitment dated October 15, 2021, staff is in the process of filling the four Firefighter/Paramedics positions, which were defunded as part of the approval of the FY 2021-22 Adopted Budget. Currently the candidates for these four positions are undergoing background checks and are scheduled to go through the Fire Academy starting in February 2022. Staff intends to use the ARPA allocation to fund the Academy and the salary and benefits for the recruits.

18. Fire Engine (Pumper) ($920,000)

    On August 9, Council authorized $920,000 for 1 fire engine pumper and 4 command/deployment vehicles with the remaining costs for the acquisition of this equipment funded through community development funds, which have not been received yet. Currently, there are qualifying Federally solicited fire apparatus vendor contracts which the City may leverage to expedite the pumper purchase, which is not the case for the 4 command vehicles. After research and given the complex, time-consuming Federal procurement, staff recommends applying the $920,000 to the 1 fire engine pumper (estimated to cost almost $1 million) and evaluating the 4 command vehicles in the next fiscal year (2022-23) budget development.

19. Emergency Management Planning Documents ($200,000)

    On August 5, 2021 Council approved the Emergency Operations Plan (EOP). The EOP, which is the overarching emergency management document, is scheduled to include 19 annexes, which are plans written to respond to specific hazards. Staff initiated the vendor procurement request for proposal (RFP) process to identify a consultant to assist staff with the completion of some annexes.

20. Virtual Reality Simulator Training Equipment ($50,000)

    Staff continues to evaluate available systems and solicit feedback from other public safety agencies.

Technology ($1,900,000)

21. Human Resources Information System ($1,100,000)

    Staff anticipates completing a procurement request for proposal by the end of FY21-22.

22. Financial Management System ($100,000)

    The City's financial management system is 24 years old (implemented in 1997) and needs to be evaluated for potential modernization, process improvement and efficiencies. $100,000 funding is available for this evaluation. Staff anticipates bringing forward recommendations, based on the evaluation, for Council consideration in FY22-23.

23. Cybersecurity Improvements and Training ($300,000)

    $300,000 was allocated for maintaining current systems to prevent cyberattacks and also to provide disaster recovery and business continuity support. Employee security training procurement is planned for winter 2021, and staff continues to research network threat remediation systems with an anticipated Spring 2022 implementation timeline.

24. Technology Improvements ($610,000)

$400,000 was allocated for technology improvements to enable hybrid public meetings and a hybrid work environment. 150 laptops and desktops have been procured and are in the process of being deployed.

The above ADU Program discussion summarizes the purpose and primary reason (efficient procurement) for the reallocation of $210,000 from ADU program to the Technology Improvements Program. With the ARPA funding of $210,000, Staff recommends utilizing it for City information technology staff that supports City permit technology. The approximate annual staffing costs incurred is $120,000 and the appropriation recommendation is $120,000 in FY2022 and $90,000 in FY2023. The attached Budget Change Form reflects the modification to the Permit Automation Fund FY2021/22 budget. Additionally, Staff recommends Symbium Technology to be funded with the Permit Automation Fund, which has accrued fund balance via permit technology fee revenues. As the Symbium contract exceeds the City Manager authority and not ARPA funding, this purchase contract will be brought to City council for consideration and final approval at a future date.

Administration ($350,000)

25. Administration ($350,000)

The administration of ARPA funds and programs is complex, comprehensive and spans the length of the spending period (i.e., possibly till 2026). Treasury ARPA guidance is complex and comprehensive. Moreover, Federal funding requires that ARPA program procurement be in full compliance with the rigorous Federal 2 CFR Part 200 legislation. Following the federal procurement limits and guidelines ensures a fair and competitive procurement process. It also requires the City conduct extensive outreach to woman and minority-owned business enterprises from a national database of such businesses. Any procurement over $10,000 requires competitive bidding with few exceptions.

Due to the complexity of the ARPA funding, monitoring and reporting requirements, staff is recommending the addition of a limited term, full time Senior Buyer position. The position will be benefited and is anticipated to be needed until the ARPA funds are expended and reporting requirements satisfied. Staff will bring the amended position resolution forward during the mid-year budget process.

Staff developed the Federal procurement process, updated contract templates consistent with 2 CFR Part 200 and consults with two Federal procurement and emergency response administrative experts. In addition to procurement, administration includes development of grant programs, applications and agreements – some of which are underway as programs are being developed and launched.

TABLE 1: SUMMARY OF 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	$400,000	$100,000	3 years
4a.	Beautify Milpitas program	$100,000	$25,000	4 years
4b.	Weed Abatement	$90,000	$90,000	1 year
5.	Pilot curbside trash pickup program	$85,000	$85,000	3 months
	Subtotal	**$2,375,000**	**$1,025,000**	
	Economic Vitality			
6.	Small business assistance – related to pandemic	$1,500,000	$1,500,000	1 year
7.	Assistance to hotels	$200,000	$200,000	1 year
8.	Accessory Dwelling Unit program	$1,290,000	$500,000	3 years
9.	Main Street Revitalization	$500,000	$250,000	2 years
10.	Community events	$200,000	$100,000	2 years
11.	Financial assistance to the Chamber of Commerce	$200,000	$100,000	2 years
12.	Workforce development	$300,000	$150,000	2 years
13.	Limited term Economic Development Specialist position	$330,000	$165,000	2 years
	Subtotal	**$4,520,000**	**$2,965,000**	
	Infrastructure			
14.	Parks Rehabilitation	$4,386,815	$2,000,000	4 years
15.	Public Safety Facilities' Rehabilitation	$250,000	-	1 year (FY 22-23)
16.	Mobile Emergency Operations Center (in lieu of COVID Safe Facilities Improvements)	$375,000	$375,000	1 year
	Subtotal	**$5,011,815**	**$2,375,000**	
	Public Safety			
17.	Public Safety staffing (funding for 2 Police and 4 Fire positions for one year)	$1,200,000	$800,000	2 years
18.	Fire Vehicles (fire pumper)	$920,000	$920,000	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	**$2,370,000**	**$1,870,000**	
	Technology			
21.	Human Resources Information System	$1,100,000	$100,000	TBD
22.	Financial Management System	$100,000	$100,000	1 year
23.	Cybersecurity programs and training	$300,000	$100,000	4 years
24.	Technology infrastructure	$610,000	$320,000	4 years
	Subtotal	**$2,110,000**	**$620,000**	
	Recommendations for Unassigned Allocation			
25.	ARPA Funds Administration	$350,000	$100,000	4 years
	Subtotal	**$350,000**	**$100,000**	
	Grand Total	**$16,736,815**	**$8,955,000**	

*Changes from August 9 FY21-22 Funding and/or Estimated Time in blue text.

Reporting Requirements

In addition to the procurement requirements, Treasury also has record retention and 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. The City is required to submit quarterly project and expenditure reports regarding utilization of Coronavirus State and Local Fiscal Recovery Funds. Furthermore, the subaward recipients of grants greater than or equal to $50,000 will be subject to mandatory monitoring and reporting requirements, such as project detail, expenditure reporting, additional programmatic performance indicators and others.

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 requirements for the federal awards. These comprehensive and strict requirements need staff resources to ensure compliance for each ARPA program/activity. On January 6, 2022, U.S. Treasury issued the Final Rule – which takes effect on April 1, 2022 – and provides state and local governments additional clarity and flexibility. Webinars are underway to gain an in-depth understanding of the Final Rule.

The risks of not meeting the full requirements of 2 CFR Part 200 can be significant and potentially, have ramifications such as adverse audit findings and future de-obligation (forfeiting) of federal funds. Procurement deficiencies are consistently the number one reason for de-obligations (forfeiting) of federal funds following federal audits conducted by the Office of Inspector General. For these reasons, staff analyzes the efficiency of service delivery with Federal or non-Federal funds. At times, it may be more efficient to exchange federal funding with non-federal funding sources when existing contracts may be leveraged and/or procurement can be streamlined (i.e., switching the senior nutrition program (via existing vendor contract). Staff will continue to analyze and present these opportunities to Council when appropriate.

Policy Alternative:
Alternative 1: Not approve the funding re-allocation for senior meals, workforce development and/or fire pumper.

Pros: Retains Council original August 9th direction.

Cons: May diminish the potential services and recipient benefits of the Milpitas ARPA programs.

Reason for not Recommending: It is in the best interest of the City to seek optimal services and recipient benefits of the ARPA allocations to the City to the extent possible.

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 of the date of this quarterly report, $211,845 has been encumbered and $41,002 expended.

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)(2) as an administrative activity which is defined in the CEQA Guidelines to include the purchase of supplies and personnel related actions. It is further exempt under CEQA Guideline 15378(b)(4) as it is a government fiscal activity that does not involve a 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, future environmental analysis will be conducted for the various

potential projects prior to the City making any commitment or approval of any project, or it is covered by the CEQA Guideline 15061(b)(3) and/or 15378(b)(2).

Recommendations:

1. Receive an Update on the American Rescue Plan Act (ARPA), including compliance and reporting requirements;
2. Approve the ARPA reallocation recommendations; and
3. Approve the Budget Appropriation Modification for Permit Automation Fund.

Attachments:

1. Budget Change Form

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From*		To*	
	Account	Amount	Account	Amount
Check one:	180-3551	$120,000	180-112-4111	$66,672
			180-112-4131	$21,063
☒ Budget Appropriation			180-112-4132	$29,581
			180-112-4133	$979
☐ Budget Transfer			180-112-4135	$333
			180-112-4138	$900
			180-112-4161	$473
	506-112-4119	$120,000	506-512-4237	$120,000

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 City's ARPA allocation of $16,736,815 is available in two tranches; the first half was received in June 2021, 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.

Analysis:

In accordance with the August 9 Council direction and delegation, the City Manager and staff proceeded with the various ARPA programs as summarized in this first quarterly ARPA update to the City Council. As noted in prior Council discussions related to ARPA, the adopted ARPA Investment Plan is not required to be submitted to the Department of Treasury and allows flexibility to modify programs based on evolving needs and efficiencies.

24. Technology Improvements ($610,000)

$400,000 was allocated for technology improvements to enable hybrid public meetings and a hybrid work environment. 150 laptops and desktops have been procured and are in the process of being deployed.

The above ADU Program discussion summarizes the purpose and primary reason (efficient procurement) for the reallocation of $210,000 from ADU program to the Technology Improvements Program. With the ARPA funding of $210,000, Staff recommends utilizing it for City information technology staff that supports City permit technology. The approximate annual staffing costs incurred is $120,000 and the appropriation recommendation is $120,000 in FY2022 and $90,000 in FY2023. Additionally, Staff recommends Symbium Technology to be funded with the Permit Automation Fund, which has accrued fund balance via permit technology fee revenues. As the Symbium contract exceeds the City Manager authority and not ARPA funding, this purchase contract will be brought to City council for consideration and final approval at a future date.

8. Accessory Dwelling Units (ADU) Program ($1,290,000)

Similar to the Social Services program, in order to simplify the procurement process of the technology system, Staff recommends reallocating funding sources between ARPA and the Permit Automation Fund. Staff recommends reallocating $210,000 for technology from the ARPA ADU program to the ARPA Technology Improvements program. This will enable the City to use ARPA funding to enhance ADU and to acquire the necessary technology, while also being efficient and effective in City procurement. The remaining balance of $1,290,000 would be available for ☐ ADU program permit fee subsidies and Safe ADU Legalization Program.

☐ **Check if City Council Approval required.** **Meeting Date**: January 11, 2022

Requested by:	**Department Head: Ned Thomas, Daniel Nam**	**Date: January 11, 2022**
Reviewed by:	**Finance Director: Lauren Lai**	**Date: January 11, 2022**

Date approved by City Council, if required: **Confirmed by:**

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