REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, FEBRUARY 21, 2023
CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA
7:00 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:
Đối với Việt Nam, gọi 408-586-2400
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3072

The City Council meeting is held in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas and via teleconference/Zoom webinar.
You may watch the Council meeting without providing public comment by accessing it via links here.

Meeting shall be livestreamed - Go to:
Facebook: https://www.facebook.com/CityofMilpitas/
YouTube: https://www.milpitas.gov/youtube
Web Streaming: https://www.milpitas.gov/webstreaming

PUBLIC COMMENT INSTRUCTIONS

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

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_4hHkJ0peQLiaCka6wHf2lA

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

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

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

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk (7:00 PM)

PLEDGE OF ALLEGIANCE (Councilmember Phan)

INVOCATION (Councilmember Lien)

PRESENTATIONS (7:05 PM)

- Rare Disease Day (Proclamation)

PUBLIC FORUM (7:10 PM)
Members of the public are invited to speak on any item that does not appear on today's agenda. Comments will be limited to three minutes or less at the Mayor's discretion. When called to speak, you are encouraged to state your name for the record. As an item not listed on the agenda, no action can be taken, however the City Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT (Councilmember Phan)

APPROVAL OF AGENDA

CONSENT CALENDAR (7:15 PM)
Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

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

Recommendation: Receive City Council Calendar of Meetings for February and March 2023.

C2. Approve City Council City Council Regular Meeting Minutes of February 7, 2023, and Special Meeting Minutes of February 2, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Regular Meeting minutes of February 7, 2023, and Special Meeting Minutes of February 2, 2023.

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

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

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

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

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

Recommendation: Accept the resignation of Karen Adams from the Senior Advisory Commission and direct the City Clerk to post the notice of unscheduled vacancy.

C6. **Approve Proposed Edits to the City Council Procedures and Protocols Handbook (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3041)**

Recommendation: Approve proposed edits to the City Council Procedures and Protocols Handbook.

C7. **Authorize City Manager's Response Letter to the December 14, 2022 Santa Clara County Civil Grand Jury Final Report "Show Me the Money: Financial Transparency Needed" (Staff Contact: Lauren Lai, Finance Director, 408-586-3111; and Michael Mutalipassi, City Attorney, 408-586-3040)**

Recommendation: Authorize the City Manager to send a letter in response to the December 14, 2022 Santa Clara County Civil Grand Jury Final Report "Show Me the Money: Financial Transparency Needed" pursuant to Penal Code Section 933.

C8. **Adopt a Resolution Approving a Site Development Permit to Develop a New Two-story, Single-family Residence with an Attached Accessory Dwelling Unit, an In-Ground Swimming Pool/Spa, and Associated Site Improvements on a Vacant 4.29-acre Lot Located in the R1-H Single-family Residential Zoning District with a Hillside Combining District at 531 Vista Ridge Drive (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Recommendation: Consider the exemption in accordance with CEQA and adopt a resolution approving Site Development Permit No. SD22-0001, subject to the attached conditions of approval.

C9. **Authorize the City Manager to execute the Non-Exclusive License Agreement between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, for the installation of Small Cell Facilities on Municipal Facilities (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Recommendation: Authorize the City Manager to execute the Non-Exclusive License Agreement between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, for the installation of Small Cell Facilities on Municipal Facilities and find a CEQA exemption.

C10. **Adopt a Resolution Granting Acceptance of Alviso Adobe Renovation. (Phase V – Exhibits), Project No. 5055, Authorizing the City Engineer or Other Appropriate Representative Designated by the City Manager to File a Notice of Completion, and Authorize the City Engineer or Other Appropriate Representative Designated by the City Manager to Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Michael Silveira, Capital Improvement Program Manager, 408-586-3303)**

Recommendation: Adopt a resolution granting acceptance of Alviso Adobe Renovation (Phase V – Exhibits), Project No. 5055; authorizing the City Engineer or other appropriate representative designated by the City Manager to file a Notice of Completion, and authorizing the City Engineer or other appropriate representative designated by the City Manager to issue a Notice of Final Acceptance after the one-year warranty.

C11. **FY 2022-23 2nd Quarter Financial Status Report for the Quarter Ended December 31, 2022 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Review the FY 2022-23 Quarterly Financial Status Report for the quarter ended December 31, 2022.

PUBLIC HEARINGS (7:20 PM)

Members of the public may be allotted up to three (3) minutes or less at the Mayor's discretion, to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of ten (10) minutes for opening

statements and up to a total of five (5) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

12. Conduct a Public Hearing and Introduce an Ordinance Amending Title III "Business and Professions" of the Milpitas Municipal Code to add Chapter 9 "Permits for Retailers of Tobacco Products" (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Recommendation: Continue to Regular Meeting of March 7, 2023.

LEADERSHIP AND SUPPORT SERVICES (7:25 PM)

13. Review Fiscal Year 2022-23 Mid-Year Report, Approve FY2022-23 Mid-year Budget Amendments, Adopt a Resolution Amending Resolution No. 1626, the Classification Plan, to Reclassify Positions, Approve and Adopt the Pay Schedule titled "New Job Classifications/Salary Table (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Recommendation: (1) Review the FY 2022-23 Mid-Year Report; (2) Approve FY 2022-23 Mid-Year Budget Amendments; and (3) Adopt a resolution amending Resolution No. 1626, the Classification Plan, to reclassify positions, approve and adopt the pay schedule titled "New Job Classifications/Salary Table", and amend budgeted allocated positions.

14. Receive Report on the American Rescue Plan Act (ARPA) Investment Plan and Provide Direction on Changes, if Any (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Lauren Lai, Finance Director, 408-586-3111)

Recommendation: Receive report on the American Rescue Plan Act (ARPA) Investment Plan and provide direction on changes, if any.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (9:00 PM)

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

ADJOURNMENT (9:05 PM)

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

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

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

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

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.milpitas.gov or at Milpitas City Hall. Contact the City Clerk's Office at 408-586-3001 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to CityClerk@milpitas.gov prior to the meeting. You may request a larger font agenda.

January 2023

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
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Milpitas City Council Calendar
February 2023

March

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Item # C1.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 **2:00 PM**-Santa Clara VTA Monthly Briefing - Northeast Group (CM) (Santa Clara) **5:30 PM**-Veterans Commission (CM) **7:00 PM**-Community Advisory Commission (AP)	**2** **5:30 PM**-Milpitas Chamber of Commerce Board (GB/HL) **5:30 PM**-Santa Clara VTA Board of Directors (CM)	**3**	**4**
5	**6** **7:00 PM**-Parks, Recreation & Cultural Resources Commission (HL)	**7** **7:00 PM**-City Council	**8** **7:00 PM**-Silicon Valley Clean Energy Board of Directors (EC/CM) (Cupertino) **7:00 PM**-Planning Commission	**9** **4:00 PM**-Treatment Plant Advisory Committee (CM/EC) (San Jose) **4:00 PM**-Santa Clara VTA Policy Advisory Committee (EC/AP) **5:30 PM**-Cities Association City Selection Committee Special Mtg (CM) {Los Altos Community Center} **6:00 PM**-Youth Advisory Commission (HL) **7:00 PM**-Cities Assoc of SCC (CM/EC) {Los Altos Community Center}	**10**	**11**
12	**13** **6:00 PM**-Gateway/Main St. Specific Plan Community Workshop (Virtual)	**14** **4:00 PM**-HOPE Task Force	**15** **6:00 PM**-Energy and Environmental Sustainability Commission (EC)	**16** **3:00 PM**-VTA SSTPO Committee (CM)	**17**	**18**
19	**20** **PRESIDENT'S DAY** **CITY HALL CLOSED**	**21** **7:00 PM**-City Council	**22** **5:30 PM**-Recycling and Waste Reduction Commission (AP) **7:00 PM**-Planning Commission	**23**	**24**	**25**
26	**27** **7:00 PM**-Science, Technology, and Innovation Commission (GB)	**28** **1:30 PM**-Senior Advisory Commission (AP) **5:30 PM** CIP Study Session (Senior Center, Room 140/141)				

***Finance Subcommittee will only meet as needed**

February 2023

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Milpitas City Council Calendar
March 2023

April 2

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30				

Item # C1.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 **2:00 PM**-Santa Clara VTA Monthly Briefing - Northeast Group (CM) (Virtual) **2:30 PM**-SCC Emergency Operational Area Council (CM) **5:30 PM**-Veterans Commission (CM) **7:00 PM**-Community Advisory Commission (AP)	**2** **3:00 PM**-Ad Hoc Parks, Streets and Facilities Naming Subcommittee (CM/EC) **5:30 PM**-Santa Clara VTA Board of Directors (CM) **5:30 PM**-Milpitas Chamber of Commerce Board (GB)	**3** **9:00 AM**-VTA Board of Directors Workshop (CM)	**4** **11AM-2PM**-Holi Festival (Cardoza Park)
5	**6** **4:00 PM**-City/School Collaborative Subcommittee (CM/EC) **7:00 PM**-Parks, Recreation & Cultural Resources Commission (HL)	**7** **6:00 PM**-Closed Session **7:00 PM**-City Council	**8** **7:00 PM**-Silicon Valley Clean Energy Board of Directors (EC) (Cupertino)	**9** **4:00 PM**-Santa Clara VTA Policy Advisory Committee (EC) **4:00 PM**-Treatment Plant Advisory Committee (CM) (San Jose) **6:00 PM**-Youth Advisory Commission (HL) **6:00 PM**-Cities Association Legislative Action Committee (CM) **7:00 PM**-Cities Assoc of SCC (CM)	**10**	**11**
12	**13** **4:30 PM**-Economic Development and Trade Commission (CM)	**14** **4:00 PM**-Milpitas HOPE Task Force	**15** **5:30 PM**-Measure F Oversight Committee **6:00 PM**-Energy and Environmental Sustainability Commission (EC)	**16** **3:00 PM**-VTA Safety, Security, and Transit Planning and Operations Committee (CM) **6:30 PM**-Bay Area Water Supply Conservation Agency (CM) **7:00 PM**-Public Safety and Emergency Preparedness Commission (HL)	**17**	**18**
19	**20** **7:00 PM**-Library and Education Commission (EC) (Milpitas Public Library)	**21** **6:00 PM**-Closed Session **7:00 PM**-City Council	**22** **7:00 PM**-Planning Commission	**23** **4:00 PM**-Silicon Valley Regional Interoperability Authority (SVRIA) (GB)	**24**	**25**
26	**27** **7:00 PM**-Arts Commission (AP)	**28**	**29**	**30**	**31** **Cesar Chavez Day** **City Hall Closed**	

***Finance Subcommittee will only meet as needed**

Item # C2.

SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

THURSDAY, FEBRUARY 2, 2023
CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA

The City Council of the City of Milpitas convened in a Special Meeting of the Milpitas City Council on February 2, 2023, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/ Zoom webinar.

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

Mayor Montano called the Special City Council meeting to order at 9:03 AM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien, and Phan.
ABSENT: None

PLEDGE OF ALLEGIANCE

Mayor Montano led the Pledge of Allegiance.

PUBLIC FORUM

There were no public speakers.

ANNOUNCEMENT OF CONFLICT OF INTEREST

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

READING OF THE CITY COUNCIL CODE OF CONDUCT

Mayor Montano read the City Council Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the February 2, 2023 Special Meeting Agenda

Motion/Second: Vice Mayor Chua / Councilmember Lien
Motion carried by the following:
AYES: Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, and Mayor Montano
NOES: None

City Attorney Mutalipassi announced the closed session items.

There were no public speakers.

The City Council adjourned to Closed Session at 9:09 AM.

ADJOURN TO CLOSED SESSION

1. **PUBLIC EMPLOYEE APPOINTMENT/HIRING**
   Pursuant to California Government Code Section 54957
   Position: City Manager

The City Council reconvened in open session at 11:48 AM.

CLOSED SESSION ANNOUNCEMENT

Mayor Montano announced the City Council voted not to reappoint City Manager Steve McHarris. The result of the vote was 3-2 with Mayor Montano, Vice Mayor Chua, and Councilmember Barbadillo voting yes, and Councilmembers Lien and Phan voting no.

ADJOURNMENT

Mayor Montano adjourned the meeting at 11:49 AM.

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta

REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, FEBRUARY 7, 2023
CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on February 7, 2023, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/ Zoom webinar.

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

Mayor Montano called the Regular City Council meeting to order at 7:00 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien, and Phan (9:24 PM).
ABSENT: None.

PLEDGE OF ALLEGIANCE

Councilmember Barbadillo led the Pledge of Allegiance.

INVOCATION

Councilmember Lien presented the invocation.

PRESENTATIONS

Mayor Montano presented a proclamation in recognition of Black History Month.

PUBLIC FORUM

There were the following public speakers:
1. Charles Wright
2. Stephen Balsbaugh
3. Rob Means
4. Voltaire Montemayor
5. Frank Bush

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

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

READING OF THE CITY COUNCIL CODE OF CONDUCT

Councilmember Barbadillo read the Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the February 7, 2023 Regular Meeting Agenda.

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo
Motion carried by the following:
AYES: Councilmembers Barbadillo, Lien, Vice Mayor Chua, and Mayor Montano
NOES: None
ABSENT: Councilmember Phan

CONSENT CALENDAR

Motion: to approve the consent calendar

Motion/Second: Vice Mayor Chua / Councilmember Lien
Motion carried by the following:
AYES: Councilmembers Barbadillo, Lien, Vice Mayor Chua, and Mayor Montano
NOES: None
ABSENT: Councilmember Phan

C1. Receive City Council Calendar of Meetings for February 2023

Received City Council Calendar of Meetings for February 2023.

C2. Approve City Council City Council Regular Meeting Minutes of January 17, 2023, and Special Meeting Minutes of January 24, January 26, and January 31, 2023

Approved City Council Regular Meeting minutes of January 17, 2023, and Special Meeting Minutes of January 24, January 26, and January 31, 2023.

C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting

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

C4. Reconfirm Findings and Determinations Under Resolution No. 9165 and Assembly Bill 361 for the Continuation of Virtual Meetings of the City Council and Legislative Bodies

Reconfirmed findings and determinations under Resolution No. 9165 and Assembly Bill 361 for the continuation of virtual meetings of the City Council and Legislative Bodies.

C5. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Set a Public Hearing for March 7, 2023

Adopted **Resolution No. 9215** declaring weeds on specific properties to be public nuisances and set a public hearing for March 7, 2023 and find a CEQA exemption.

C6. Receive a Report on the Local Emergency Related to the Severe Weather Event on January 4-5, 2023

Received a report on the local emergency relating to the severe weather event on January 4-5, 2023.

PUBLIC HEARINGS

7. Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to

allow the development of 78 townhome condominiums and 12 accessory dwelling units a associated site improvements on an approximately 4.1-acre site located in the High-Density Mixed-Use (R3-TOD) Zoning District with a Transit Oriented Development Overlay at 675 Trade zone Boulevard and 1951 Tarob Court, and find a CEQA exemption. The Project is located within the Transit Area Specific Plan (TASP) area and submitted under California Senate Bill 330 (Housing Crisis Act of 2019)

Planning Director Thomas introduced the item and Senior Planner Fossati presented the report. Nick Kosla from Toll Brothers, Alli Sweeney from Toll Brothers, Dominic Carucci from RJA Civil Engineers, and Roman De Sota from R3 Studios Landscape Architecture were available to respond to questions from the City Council.

Mayor Montano opened the public hearing.

There were the following public speakers:
1. Voltaire Montemayor

Mayor Montano closed the public hearing.

After discussion, motion: to adopt **Resolution No. 9216** to approve Site Development Permit No. SD22-0006, Conditional Use Permit No. UP22-0002, Vesting Tentative Map No. MT22-0002, Density Bonus Permit No. DB22-0001, Tree Removal Permit No. TR22-0006, and Environmental Assessment No. EA22-0003, subject to the Conditions of Approval, and find a CEQA exemption.

Motion/Second: Councilmember Lien / Vice Mayor Chua
Motion carried by the following:
AYES: Councilmembers Barbadillo, Lien, Vice Mayor Chua, and Mayor Montano
NOES: None.
ABSENT: Councilmember Phan.

8. Adopt a Resolution Certifying Milpitas Metro Specific Plan Final Subsequent Environmental Impact Report (SEIR) (SCH#:2006032091) and adopting the Milpitas Metro Specific Plan (updating the 2008 Transit Area Specific Plan)

City Manager McHarris and Planning Director Thomas introduced the report. TASP Manager Riley offered opening remarks and Consultants Jane Lin from Urban Field Studio, Christina Black from M-Group, and Kristi Black from ICF presented the report and respondedto questions from the City Council.

Mayor Montano opened the public hearing.

There were the following public speakers:
1. Voltaire Montemayor
2. Rob Means
3. Jocelyn Gubler

Mayor Montano closed the public hearing.

Mayor Montano suggested possible sites for a Police Substation be on South Main Street or as shown in the plan.

After discussion, motion: to adopt the findings to support the Final Subsequent Environmental Impact Report (SEIR), to adopt the Mitigation Monitoring or Reporting Program (MMRP), and to adopt **Resolution No. 9217** to certify the Milpitas Metro Specific Plan Final Subsequent Environmental Impact Report (SEIR) and adopt the Milpitas Metro Specific Plan.

Motion/Second: Mayor Montano / Vice Mayor Chua
Motion carried by the following:
AYES: Councilmembers Barbadillo, Lien, Vice Mayor Chua, and Mayor Montano
NOES: None
ABSENT: Councilmember Phan

LEADERSHIP AND SUPPORT SERVICES

9. Review the List of Agenda Item Requests From Individual Councilmembers and Provide Direction to Staff, Through the Prioritization Process, on Groups 1 Items; Provide Additional Clarification to Staff, If Any, on Group 2 Items

Assistant City Manager Kantak presented the report and responded to questions from the City Council.

Vice Mayor Chua asked staff to clarify the intent of City Council Referral #1, "City Attorney or City Manager to draft a written policy regarding foreign language spoken at the dais" and explain why there was a cost associated with the item. City Attorney Mutalipassi responded that English is the official language in the California Constitution and all business from the dais should be conducted first in English. He indicated that the cost was for translation services for meetings and suggested the item could be incorporated into the City Council Handbook. Vice Mayor Chua withdrew the item from prioritization with direction to the City Attorney to incorporate it into the City Council Handbook.

There were the following public speakers:
1. Voltaire Montemayor

Vice Mayor Chua asked to withdraw City Council Referral #4, "City Manager to look into underutilized areas of parks…" and use recommendations from the Parks Master Plan as guidance in how to proceed.

Mayor Montano expressed concerns with City Council Referral #5, "Discuss converting vacant lot that was a basketball court into a community garden at Vasona and Adobe" and the associated cost. Assistant City Manager Kantak and Deputy City Manager Cano noted that the cost included not only community outreach, but a feasibility study for converting the property. Mayor Montano stated she expected a survey of residents nearby to determine if the City should pursue converting the property to a garden prior to committing additional resources. She restated her request to conduct a survey of residents to clarify if there is community support for a project, and if there was to bring the item back for further consideration. Vice Mayor Chua stated a survey of residents would not take more than four hours staff time. Together with Mayor Montano, they agreed that the request should be moved to Council Referral Group 2 and would be conducted between themselves.

Councilmember Phan arrived at 9:24 PM.

Council reviewed the list of agenda item requests from individual Councilmembers, and individually voted electronically for four items in group one to advance as a priority.

City Clerk Guzzetta read the result of the vote with the following items receiving a majority of votes and moving forward:

CC #2 – City Manager to look into defining either a standalone teen center or updating information to demonstrate the Senior Center also functions as a Teen Center.

CC #3 – City Manager to look into implementing a workshop for small businesses on the bidding process for projects in the City.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Councilmember Lien asked to see if the City Manager and staff could assist in finding a month and day celebrate an International Cultural Festival on Main Street. Vice Mayor Chua objected.

Councilmember Barbadillo made the following requests:

1) Have the City look into the possibility of a Senior Citywide Discount from all Milpitas businesses; and
2) Information on how the City can proceed with the grant for the Milpitas Chamber of Commerce, what it would take to move it forward, where the City is in the process. City Manager McHarris responded that this would be discussed at the Mid-Year Budget meeting on February 21st. In response, Councilmember Barbadillo asked for staff to meet with the Chamber of Commerce on the status of the ARPA funding, as identified in the October City council Info Memo. Councilmember Phan and Mayor Montano objected to the request.

Vice Mayor Chua requested that the City Manager write a congratulatory letter from the Council to newly elected Sheriff Bob Jonsen and express support for two platforms: 1) form partnership among cities to address crimes in Santa Clara County; and 2) and modernizing booking for detainees / suspects streamline the process. Councilmember Phan objected.

Mayor Montano announced that she recently attended the Santa Clara County Library JPA seminar and talked about the open space areas created by libraries for patrons. She made the following requests:

1) Ask the City to investigate the cost of purchasing the parcel next to the library. Councilmembers Phan, Lien, and Barbadillo objected.
2) Look into replacing the existing City Hall electronic sign by purchasing a larger electronic billboard. Councilmember Phan objected

ADJOURNMENT

Mayor Montano adjourned the meeting at 9:47 PM.

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta

TENTATIVE CITY COUNCIL AGENDA ITEM LIST

as of 2/16/2023

March 7, 2023 – Regular Meeting

INVOCATION (Councilmember Barbadillo)

PRESENTATION

- American Red Cross Month (Proclamation)
- National Women's History Month (Proclamation)
- Youth Art Month (Proclamation)
- 25th Annual Women in Construction Week (Proclamation)

CONSENT CALENDAR

1. Receive City Council calendar for March 2023 (City Clerk)

2. Approve City Council Meeting minutes of February 21, 2023 (City Clerk)

3. Preview list of items for March 21, 2023 (City Clerk)

4. Councilmember Request List (City Clerk)

5. Commission Appointments (City Clerk)

6. Approval of Fourth Amendment to Memorandum of Agreement with other Santa Clara Valley municipalities to allow for the continuation of the Santa Clara Valley Urban Runoff Pollution Prevention Program (Public Works)

COMMUNITY DEVELOPMENT

COMMUNITY SERVICES

7. Street Sweeping Pilot Update (Public Works)

PUBLIC HEARING

8. Weed Abatement (Fire Prevention)

9. Intro and First Reading – Tobacco Retail Permit Ordinance (Planning)

PUBLIC SAFETY

LEADERSHIP

REPORTS

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

OPEN ITEMS				
Request No.	**Topic**	**Submitted by:**	**Date Requested**	**STATUS and/or DATE scheduled on City Council meeting agenda:**
2023-004	Look into purchasing a larger electronic billboard	Montano	2/7/2023	
2023-003	City Manager write a congratulatory letter from the Council to newly elected Sheriff Bob Jonsen and express support for two platforms: 1) form partnership among cities to address crimes in Santa Clara County; and 2) and modernizing booking for detainees / suspects streamline the process	Chua	2/7/2023	Staff has prepared a draft letter and will send to the Sheriff shortly
2023-002	Have the City look into the possibility of a Citywide Senior Discount	Barbadillo	2/7/2023	This item will be discussed at the next quarterly prioritization in June 2023
2023-001	See if City Manager and staff could assist in finding a month and day to celebrate an International Cultural Festival on Main Street	Lien	2/7/2023	This item will be discussed at the next quarterly prioritization in June 2023
1	Staff explore eliminating or waiving the fee for the gym at the Milpitas Senior Center	Chua	10/18/2022	Staff will evaluate this item consistent with the Recreation and Community Service Cost Recovery City Council Policy and bring it back to Council for consideration as part of approval of the FY 2023-24 Proposed Master Fee Schedule.
2	Schedule an additional ADU workshop	Chua	9/6/2022	Similar to last year, staff will support any webinar hosted by a community partner.
3	Discuss converting vacant lot that was a basketball court into a community garden at Vasona and Adobe	Montano	8/16/2022	Item brought forward as part of the City Council additional workplan items prioritization in February 2023. Mayor Montano asked it come back after a survey of residents was completed to determine community support.
4	Quarterly or Monthly crime statistics on Homekey Project	Chua	6/7/2022	PD will present quarterly reports starting on November 15, 2022.

ACTIVE ITEMS				
Request No.	**Topic**	**Submitted by:**	**Date Requested**	**STATUS and/or DATE scheduled on City Council meeting agenda:**
5	Staff explore eliminating or waiving the fee for the gym at the Milpitas Senior Center	Chua	10/18/2022	Staff will evaluate this item consistent with the Recreation and Community Service Cost Recovery City Council Policy and bring it back to Council for consideration as part of approval of the FY 2023-24 Proposed Master Fee Schedule.
6	Schedule an additional ADU workshop	Chua	9/6/2022	Similar to last year, staff will support any webinar hosted by a community partner.
7	Discuss converting vacant lot that was a basketball court into a community garden at Vasona and Adobe	Montano	8/16/2022	Item brought forward as part of the City Council additional workplan items prioritization in February 2023. Mayor Montano asked it come back after a survey of residents was completed to determine community support.
8	Quarterly or Monthly crime statistics on Homekey Project	Chua	6/7/2022	PD will present quarterly reports starting on November 15, 2022.

NOTE: Deferred and Completed Items are not lis

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
9	Look into the impact of and how the City can compensate for the massive number of layoffs in the Bay Area. Staff consider how the City can help residents affected by layoffs, reach out to those affected and show them city programs.	Chua	12/6/2022	Referred to Economic Development and Trade Commission. Staff, in partnership with NOVAworks, provided information about past and upcoming layoffs, wage and labor data as well as job and career resources available to Milpitas residents and businesses at the Economic Development and Trade Commission meeting on January 9, 2023. City staff is continuing to partner with NOVAworks by promoting their upcoming layoff assistance webinars to assist with career transition and unemployment services and resources. One webinar took place on January 24 and other webinars are scheduled to take plae on February 7 and 21.
10	City Attorney or City Manager draft a written policy regarding foreign language spoken at the dais	Chua	9/20/2022	Item brought forward as part of the City Council prioritization in February 2023. Vice Mayor Chua withdrew the item with direction to City Attorney to incorporate into City Council Handbook. City Council Handbook update scheduled to be heard by City Council on February 21, 2023.
11	City Manager to look into defining either a standalone teen center or updating information to indicate the Senior Center also functions as a Teen Center	Chua	9/20/2022	Discussed at February 2023 Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Prioritization Discussion on 2/7/23
12	City Manager look into implementing a workshop for small businesses on the bidding process for projects in the city	Chua	8/9/2022	Discussed at February 2023 Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Prioritization Discussion on 2/7/23
13	Funding to hire a consultant for the Sunnyhills Historical Designation on a state level	Tran	6/7/2022	Based on staff research, the best way to try for a Historical District Designation is at the National Level. This can be wrapped into the approved CIP for the Historical Resources Plan update or through grant consultant California Consulting; Request will be included with the Historic Resources Master Plan project approved as part of the 2023-2027 Capital Improvement Program.
14	Request for Crossing Guards at McCandless and Montague Expressway and review wages for Crossing Guards	Montano	4/5/2022	Info Memos were sent to the City Council on 6/13/2022 and 1/27/2023. At the January 31st budget study session, council voted to move to a contract model; Staff is in the middle of a citywide traffic study, which includes school aged pedestrian counts around schools in the City including the McCandless and Montague Expressway intersection.

NOTE: Deferred and Completed Items are not lis

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
15	Establish a SPAR fund modelled after the City of Mountain View - sets asides moneys for opportunities to buy real estate	Montano	6/7/2022	At the January 31, 2023 City Council budget hearing, staff was directed to update the City's Fiscal Policies to provide an option for a portion of future surplus funding to be reserved for real estate acquisition. Staff will include this edit to the Fiscal Policies as part of the Proposed Fiscal Year 2023-2024 Operating Budget; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
16	Memorial Plaque in honor of youth skateboarder that passed away	Montano	6/7/2022	At the January 31 2023 City Council budget hearing, City Council votes to consider this item in the FY 2023-24 budget development.; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
17	Explore the policy for locking mechanisms on shopping carts for large commercial businesses	Tran	4/19/2022	MMC V-13-140 Mandatory Plan to Prevent Cart Removal includes requirement for physical measures to prevent cart removal however V-13-120 provides an exemption for cart owner that agrees to enter into a contract with a City-designated retrieval service. Staff suggestion to Council is to review this exemption and repeal it which would require all cart owners to have physical measures to prevent cart removal. Business outreach was conducted to grocery store operators in Q2 of 2022 to inquire about shopping cart removal and theft. Grocery stores contacted were Ocean Supermarket, Seafood City Supermarket, Chung Chou City, Milpitas Grocery Outlet, and 99 Ranch Market; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
18	Explore an ordinance or policy to reduce thefts and increase security in the commercial retail parking areas	Chua	4/5/2022	CAO conducting legal review of policies requring businesses to hire security/install cameras; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
19	Create a plan for future solar paneling at City facilities	Montano	3/1/2022	As discussed with the City Council at the 1/31/2023 Budget Study Sessio, staff will continue to explore grant opportunities to install additional solar panels on City facilities. However, staff will only proceed with further development if this grant funding is identified so work (other than reviewing grant opportunities) is on hold at this time. Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward at the 5/03/2022 meeting; Discussed at the May 10 budget meeting and approved funding of $25,000 in the 2022-23 budget
20	Evaluate reopening the childcare center with a non-profit organization running the center	Montano	2/1/2022	No additional funds required to complete the internal review. Internal review can be done by late 2023; Approved during Spring Quarterly City Council Workplan Items Prioritization Discussion on 5/03/2022.
21	Requested an appropriation in an amount not to exceed $250,000 to procure a contract to address the streetlights that are pending fieldwork.	Tran	2/1/2022	At this time, staff has sufficient Council approved resources to address the remaining streetlight outages; however, will bring relevant actions for Council consideration, if needed.
22	Staff to look into mural Art on Great Mall Parkway on the VTA owned Light rail pillars	Montano	11/16/2021	VTA is not responsive to requests from the City to meet on this project. A discussion on other locations or projects with Council may be needed; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved at the 5/03/2022 meeting; discussed funding at the 5/10/2022 budget meeting and approved $100,000 of funding for one site
23	Request for the City to make the temporary third-party food deliver fee caps permanent and add additional provisions for enforcement	Phan	11/16/2021	Requires legal analysis of 1:21-cv-07695-AT-SLC DoorDash, Inc. v. city of New York and 3:21-cv-05502-EMC Doordash, Inc. et al v. City and County of San Francsico. Doordash v. NYC remains pending and may settle the law on the matter. CAO will prepare confidential memorandum for the Council; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward at the 5/03/2022 meeting
24	Have a picture of Albert Vogel Sr. put up in the Senior Center	Montano	10/19/2021	No additional funding needed. Need final names from City Council; Approved to move forward at the 1/11/2022 Council meeting; Staff engaged the artist of the existing mural regarding this Council approved item.
25	Requested the City extend the outdoor dining options through March of next year	Phan	9/21/2021	Planning Director to provide information on current outdoor dining extension

NOTE: Deferred and Completed Items are not lis

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
26	Include a bust of Maria Lemire on the Mural in front of the Senior Center	Montano	8/17/2021	Maria Lemery is to be included on the Senior Center Mural. It's not an actual "bust" Approved to move forward at the 1/11/2022 Council meeting; Staff engaged the artist of the existing mural regarding this Council approved item.
27	Look into opening up the Senior Center on Saturdays for half a day	Chua	8/5/2021	Funding for Senior Center hours will be incorporated in the FY23-24 budget; This three-month pilot was kicked off on Saturday Sept. 10. Per the Information Memorandum issued on Nov. 22, 2022, due to the success of the Saturday Day hours, the pilot will be extended for the remainder of the current Fiscal Year.
28	Look into bringing back a roller rink	Montano	8/5/2021	Monies budgeted. Roller Rink bids coming back end of Feb/early March. Event schedule for August 4 & 5, 2023; Approved to move forward at the 1/11/2022 Council meeting. Funding for the program will need to be prioritized through the FY 22-23 budget process; Discussed at 5/10/2022 budget meeting and approved $100,000 funding for a two-day event in 2023
29	Staff to create a plan on how to increase the number of local businesses doing business with the City	Chua	4/6/2021	Staff is tracking this local business participation item as part of Council Priority Item 3 in Group 1 on this list; At 8/9/2021 Council meeting, Council voted that this item may have to come back for additional discussion because there may be some legal considerations.
30	Staff to provide information on a landmark policy for the City of Milpitas	Tran	3/16/2021	This is part of the CIP for updating the Historic and Cultural Resources Plan; 8/09/2021 Council voted 5-0 to move this item forward; this item will be included for funding consideration in the development of the FY 2023-27 CIP for assessment of historical and cultural resources and development of landmark policy; The funding for the assessment of historical and cultural resources and development of a landmark policy will be included in the 2023-2027 Capital Improvement Program scheduled for adoption on May 3, 2022. This project will be scheduled to begin in FY 2022-23.
31	Amendment to the existing ordinance for third-party food delivery vendor services to prohibit regulatory response fees	Phan	2/16/2021	See update to item titled "Request for the City to make the temporary third-party food deliver fee caps permanent and add additional provisions for enforcement"; Agendized for discussion on 3/16/2021, deferred to 4/06/2021; CC direction for City Attorney to prepare a report; At the 11/12/2021 Transportation Subcommittee, the Subcommittee directed to bring back this request to Council as part of the FY 2022-23 budget process.

NOTE: Deferred and Completed Items are not lis

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS

Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
32	Ordinance to ban vaping in the City	Montano	12/15/2020	Ordinance regarding a ban on use in certain areas adopted by Council on 6/15/2021. Council received a follow-up presentation from staff on 6/21/22 and provided direction on establishing a local tobacco retail permitting program and regulating tobacco retail locations and the sale of flavored tobacco and electronic cigarette products in Milpitas. Staff is now coordinating with the Santa Clara County Department of Environmental Health (DEH) to set up the program, and those arrangement will be brought back to the Council in early 2023.
33	Consider Community Museum and Park on Main St.	Phan	8/20/2019	to Rules Subcommittee 8/23/2019. Moved to Specific Plan Community Conversation events.

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Accept Commissioner Resignation (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	2/21/2023
	Recommendation: Accept the resignation of Karen Adams from the Senior Advisory Commission and direct the City Clerk to post the notice of unscheduled vacancy.

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

ANALYSIS:
By state law, a Notice of an Unscheduled Vacancy must be posted by the City Clerk to advertise the vacant Commission seat. Final appointment to the board, commission, or committee for the Unscheduled Vacancy shall not be made by the legislative body for at least ten working days after the posting of the notice in the Clerk's office. The notice of the unscheduled vacancy for the Senior Advisory Commission will be posted Wednesday, February 22, 2023.

FISCAL IMPACT:
There is no fiscal impact associated with this item.

RECOMMENDATION:
Accept the resignation of Karen Adams from the Senior Advisory Commission and direct the City Clerk to post the notice of unscheduled vacancy.

Attachments:
1. Letter from Senior Advisory Commissioner Karen Adams

January 27, 2023

Dear Mayor Montano,

At this time, I would like to respectfully offer my resignation as a long-standing Commissioner on the Senior Advisory Commission. In this role, I've thoroughly enjoyed the opportunity to serve and advocate on behalf of the Milpitas Community seniors.

At the current time, I cannot commit to the time and effort necessary to successfully serve as a Senior Advisory Commissioner and would like to open-up the opportunity for a deserving alternate.

As time allows, I will continue to participate in Milpitas Senior Center activities and look forward to enjoying the many friendships that I've nurtured there and in the Milpitas Community.

Thank you for affording me the opportunity to serve as Commissioner and my best wishes always.

Respectfully,

Karen Adams

Karen Adams

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Approve Proposed Edits to the City Council Procedures and Protocols Handbook (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3041)**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	2/21/2023
	Recommendation: Approve proposed edits to the City Council Procedures and Protocols Handbook.

Background:
On January 11, 2022, the City Council approved the City of Milpitas City Council Procedures and Protocols Handbook 2021 (the "Handbook"). The 2021 City Council Handbook was a substantial overhaul of the previous 2004 City Council Handbook, which at the time, had not been amended since 2007. The process to overhaul the handbook took substantial time, effort, and the formation of a Ad Hoc Council Handbook Subcommittee. This work spanned from 2018 to the Handbook's adoption in 2022. The Handbook is designed to 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.

On February 7, 2023, the Council clarified its request for a written policy regarding the use of languages other than English at City Council meetings. The Council determined that the requested policy should be added to the Handbook and that the City should not incur the expense of providing translation services at City Council meetings except under specific circumstances that require translation services or as required by law. The item was moved from the Category 1 priority list to the Category 2 priority list, and the City Attorney was directed to prepare the appropriate draft edits to the Handbook.

On September 13, 2022, Governor Gavin Newsome signed AB 2449 into law. AB 2449 relaxes certain Brown Act requirements for remote appearances by Councilmembers at City Council meetings for just cause or due to emergency circumstances. AB 2449 is a substantial change in open meeting laws that necessitates an update to the Handbook's section on teleconferencing rules.

Analysis:
A red-lined draft of the proposed changes to the Handbook is attached. The proposed edits are shown in red. The edits are summarized as follows.

1. **AB 2449**
   Section E(2) has been added to the Chapter IV on Meetings. This section provides a means for a Councilmember to appear virtually at a City Council meeting under the relaxed Brown Act requirements of AB 2449 for just cause or due to emergency circumstances. The policy sets forth the definitions of emergency circumstances and just cause as those terms are defined in AB 2449. The policy clarifies the nature of the general description of the circumstances supporting the emergency circumstances or just cause that the requesting Councilmember must report to the Council and directs the Council to act based on that general description. The policy sets forth the limitations and requirements of AB 2449 including the limitation on the number of meetings at which a Councilmember may attend virtually and the requirements that a Councilmember appearing pursuant to AB 2449 must keep his or her camera on and publicly disclose the adults in the room at the location in which the virtual appearance is being made.

2. **Language Policy**

Section N has been added to the Handbook's Chapter IV on Meetings. The section sets forth the Council policy on language use at City Council meetings. It acknowledges that Article III, Section 6 of the California Constitution identifies English is the official language of the State of California. It goes on to state that English should be the language used for the formal portions of a City Council meeting and that all of the business of the Council should be transacted in English. The policy allows for Councilmembers who wish to translate brief comments or questions made in English from the dais into a language that assists limited English-proficient speakers to do so, so long as the question or comment is first placed into the record in English, and the translation is a true and correct translation of the English comment. The policy allows Councilmembers to address their constituents in any language they choose outside of a meeting in which the official business of the City is conducted. The policy directs that when appropriate or otherwise required by law, the City may provide access, services, and programs for limited English-proficient speakers such as translation services for limited English-proficient speakers including in person, telephonic, or Zoom translation services. Finally, the policy requires that limited English-proficient speakers must be allowed the same amount of time to comment on at item or at public comment as other speakers. The translation of a person's comments cannot be counted toward his or her time limit.

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 edits to the City Council Procedures and Protocols Handbook.

Attachments:
1. Draft City Council Protocols and Procedures Handbook

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 would result in incurring additional expenses or provide direction to staff to

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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 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 administrative activities of the City during the preceding year. City Manager

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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. Alternatively, a Councilmember may appear virtually at a limited number of meetings without identifying his or her location on the agenda, posting the agenda in the remote location, or allowing public attendance in the remote location so long the Councilmember is participating remotely for just cause or due to emergency circumstances. The Councilmember must inform the City Manager as early as possible of the just cause or emergency circumstance so that the need for a remote appearance can be agendized and acted on by the entire Council.

a. An emergency circumstance means a physical or family medical emergency that prevents a Councilmember from attending in person.

b. Just cause means, (A) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a Councilmember to participate remotely, (B) a contagious illness that prevents a Councilmember from attending in person, (C) a need related to a physical or mental disability, or (D) travel while on official business of the City or another state or local agency.

c. The Councilmember requesting the virtual appearance shall offer the Council a general description of the circumstances relating to his or her need to appear virtually. The description generally need not exceed 20 words and shall not require the Councilmember to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law. The Council shall act on the request based on this description.

d. A Councilmember may appear virtually for just cause not more than two times per calendar year. A Councilmember may not participate virtually pursuant to the relaxed Brown Act rules for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

e. During the meeting, the Councilmember shall publicly disclose, before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the Councilmember, and the general nature of the Councilmember's relationship with any such individuals.

f. The member shall participate through both audio and visual technology, which means that the Councilmember must have their camera turned on during the conduct of the meeting.

~~2.~~3. 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.

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~~3.~~4. 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.

(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.

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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.

   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.

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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 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.

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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:

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)

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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 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

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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.

N. Meeting Language

1. In accordance with Article III, Section 6 of the California Constitution, English is the official language of the State of California. English should be the language used for the formal portions of any meeting. All business of the Council should be transacted in English.

2. Councilmembers who wish to translate brief comments or questions made in English from the dais into a language that assists limited English-proficient speakers may do so, so long as the question or comment is first placed into the record in English, and the translation is a true and correct translation of the English comment.

3. Councilmembers may address their constituents in any language they choose outside of a meeting in which the official business of the City is conducted.

4. When appropriate or otherwise required by law, the City may provide access, services, and programs for limited English-proficient speakers such as translation services for limited English-proficient speakers including in person, telephonic, or Zoom translation services.

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5. Limited English-proficient speakers must be allowed the same amount of time to comment on at item or at public comment as other speakers. The translation of a person's comments cannot be counted toward his or her time limit.

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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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CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Authorize City Manager's Response Letter to the December 14, 2022 Santa Clara County Civil Grand Jury Final Report "Show Me the Money: Financial Transparency Needed" (Staff Contact: Lauren Lai, Finance Director, 408-586-3111; and Michael Mutalipassi, City Attorney, 408-586-3040)**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	2/21/2023
	Recommendation: Authorize the City Manager to send a letter in response to the December 14, 2022 Santa Clara County Civil Grand Jury Final Report "Show Me the Money: Financial Transparency Needed" pursuant to Penal Code Section 933.

Background:
On December 14, 2022, the City of Milpitas received the Santa Clara County Civil Grand Jury final report titled "Show Me the Money: Financial Transparency Needed". The Grand Jury listed a finding and recommendation in regard to monthly treasurer reports required under Government Code section 41004.

Pursuant to California Penal Code section 933(c), the City is required to provide a response to the Presiding Judge of the Superior Court no later than March 14, 2023.

Analysis:
Government Code section 41004 states that the City Treasurer will regularly, at least once each month, submit to the City Clerk a written report and accounting of all receipts, disbursements, and fund balances. The City Treasurer shall file a copy with the legislative body. Pursuant to the Milpitas Municipal Code ("MMC"), the duties of the City Treasurer are transferred to the City Manager who has delegated those duties and responsibilities to the Finance Director. The Finance Director presents the City Council with a number of regular periodic reports including the Accounts Payable Claims (disbursement) Report, Overtime Report, City Manager Contract Authorization Report, Fiscal Update Report (including both the General Fund and Enterprise Funds), Claims Report, Investments Report, and Annual Comprehensive Financial Report (ACFR). As Government Code section 41004 does not specify any particular form treasurer's report, the City's existing practices substantially comply with the requirements of Government Code section 41004.

On December 14, 2022, the Santa Clara County Civil Grand Jury issued a final report on its investigation into section 41004 reports. Because section 41004 relates to the municipal affairs and governance of a City, it applies only to general law cities. It does not apply to charter cities. The Civil Grand Jury investigated nine general law cities within the Santa Clara County. The grand jury found that seven of the nine general law cities, including Milpitas, were noncompliant with section 41004. (The grand jury found that Cupertino was initially noncompliant, but it took corrective action during the course of the investigation.)

With regard to Milpitas, the grand jury found that the Finance Director's reports are well-prepared, indicating that those reports contain all of the necessary disclosures. However, it found the City out of compliance because those reports are not filed on a monthly basis. The grand jury recommends that the Finance Director file a monthly report with the City Clerk and present that report to the City Council.

Attached is a draft response to the grand jury report pursuant to Penal Code section 933. The response partially disagrees with the finding of the grand jury based on the City's contention that the reports prepared by the Finance Director provide all of the section 41004 information, are transparent, and well prepared. Nonetheless the City agrees that its Finance Director will develop a monthly report and file a copy with the City

Clerk and City Council. Staff recommends that the City Council authorize the City Manager to send the attached letter in response to the December 14, 2022 Santa Clara County Civil Grand Jury Final Report "Show Me the Money: Financial Transparency Needed" pursuant to Penal Code section 933.

Policy Alternatives:

Alternative 1:
Not responding to the Santa Clara County Civil Grand Jury final report on "Show Me the Money: Financial Transparency Needed" as required by California Penal Code section 933.

Pros: None
Cons: Pursuant to Penal Code Section 933(c), the City is required to provide a response to the Presiding Judge of the Superior Court. Not responding as directed could result in legal consequences imposed upon the City.

Reason not recommended:
The City will be out of compliance with section 933 and may face legal consequences.

Fiscal Impact:
None

California Environmental Quality Act:
Approval of the recommendation is not an activity defined as a "project" under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061(b) (3) and 15378(b)(4) either because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and/or because the action is financial and/or administrative and does not directly impact the environment.

Recommendation:
Authorize the City Manager to send a letter in response to the December 14, 2022 Santa Clara County Civil Grand Jury Final Report "Show Me the Money: Financial Transparency Needed" pursuant to Penal Code section 933.

Attachments:

1. City of Milpitas Response to December 14, 2022 Santa Clara County Civil Grand Jury Final Report "Show Me the Money: Financial Transparency Needed"

2. December 14, 2022 Santa Clara County Civil Grand Jury Final Report "Show Me the Money: Financial Transparency Needed"

CITY OF MILPITAS

OFFICE OF THE CITY MANAGER

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
PHONE: 408-586-3040, FAX: 408-586-3056, www.milpitas.gov

February 10, 2023

Via U.S. Mail
Honorable Beth McGowen
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

Re: City of Milpitas Response to December 14, 2022 Santa Clara County Civil Grand Jury Final Report "Show Me the Money: Financial Transparency Needed"

Dear Judge McGowen:

The City of Milpitas' ("the City") responds to the December 14, 2022 Grand Jury Final Report, "Show Me the Money: Financial Transparency Needed" (the "Report"). The City is providing this response pursuant to California Penal Code section 933.

FINDINGS

Finding 5: The City of Milpitas does not produce monthly treasurer's reports as required by California Government Code section 41004.

City of Milpitas Response: The City of Milpitas partially disagrees with the Civil Grand Jury's finding that the City does not produce monthly treasurer's reports as required by California Government Code section 41004. The City of Milpitas's Finance Director presents information to the City Council, in the form of periodic written reports, which include all of the information required by Government Code section 41004. These reports are the Accounts Payable Claims (disbursement) Report, Overtime Report, City Manager Contract Authorization Report, Fiscal Update Report (including both the General Fund and Enterprise Funds), Claims Report, Investments Report, and Annual Comprehensive Financial Report (ACFR). As Government Code section 41004 does not specify any particular form treasurer's report, the City's existing practices substantially comply with the requirements of Government Code section 41004.

RECOMMENDATIONS

Recommendation 5: The Civil Grand Jury recommends that the City of Milpitas comply with California Government Code section 41004 by producing monthly

treasurer's reports that include monthly disbursements, receipts, and fund balances by March 15, 2023.

City of Milpitas Response: Though City's existing practice and periodic reports provided to the City Council substantially comply with Government Code section 41004, the City is in the process of developing a single monthly report consolidating all of the Government Code section 410004 information in one place. The City expects that report to be developed by July of 2023.

This completes the City of Milpitas' response to the Report per section 933.

Sincerely,

Steven McHarris
City Manager

SHOW ME THE MONEY:
FINANCIAL TRANSPARENCY NEEDED

2022 Santa Clara County
Civil Grand Jury

December 14, 2022

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GLOSSARY AND ABBREVIATIONS

Government Code, Section 41004	California Government Code section 41004 states: "Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. The city treasurer shall file a copy with the legislative body."
Treasurer's Reports	The reports required by Government Code section 41004 may have various styles and titles. For purposes of this report, the Civil Grand Jury will refer to these reports throughout as "treasurer's reports."
Charter City	Article XI, section 3(a) of the California Constitution authorizes the adoption of a city charter and provides that the charter has the force and effect of state law. Article XI, section 5(a), the "home rule" provision, grants to charter cities the ability to govern over "municipal affairs." There are six charter cities in Santa Clara County: San José, Palo Alto, Santa Clara, Sunnyvale, Gilroy, and Mountain View.
General Law City	A general law city may only have a form of government authorized by state general law. A city that has not adopted a charter is bound by the state's general laws even with respect to municipal affairs. There are nine general law cities and towns in Santa Clara County: Los Altos, Los Altos Hills, Los Gatos, Milpitas, Campbell, Monte Sereno, Cupertino, Saratoga and Morgan Hill. The scope of this investigation is limited to general law cities.
GAAP	Generally Accepted Accounting Principles: a set of accounting rules and standards established by the accounting industry.

SUMMARY

General law cities in California are required to comply with California Government Code section 41004 (Section 41004), which states, “at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. The city treasurer shall file a copy with the legislative body.” The benefit of the law is to ensure financial accountability and public transparency as well as to foster better fiscal affairs. Treasurer's reports provide city councils with timely and accurate financial information necessary to make reliable and sound decisions.

The 2022 Santa Clara County Civil Grand Jury (Civil Grand Jury) found that there is widespread noncompliance with this state requirement throughout Santa Clara County (County) by the general law cities. As of the date of this report, six of the nine general law cities[1] in the County are noncompliant with this state law: Los Altos, Los Altos Hills, Los Gatos, Milpitas, Campbell, and Monte Sereno. Additionally, the City of Cupertino was initially noncompliant until the city took corrective action during the Civil Grand Jury’s investigation. The City of Saratoga and City of Morgan Hill were the only two cities compliant prior to the investigation.

Based on responses from city officials, the Civil Grand Jury determined that there is a widespread misunderstanding among these general law cities in the County regarding Section 41004 reporting requirements. The Civil Grand Jury recommends that the noncompliant cities – Los Altos, Los Altos Hills, Los Gatos, Milpitas, Campbell, and Monte Sereno – comply with Section 41004.

[1] The Town of Los Altos Hills and the Town of Los Gatos are general law cities.

BACKGROUND

The State Legislature established the office of city treasurer by enactment of California Government Code, Title 4 - Government of Cities, Division 3 - Other Officers, Chapter 3 - City Treasurer. The statutory duties for city treasurers may generally be found in the following sections:

> Section 41001: The city treasurer shall receive and safely keep all money the treasurer receives.
>
> Section 41002: (a) The city treasurer shall comply with all laws governing the deposit and securing of public funds and the handling of trust funds in their possession; and (b) if the city has issued bonds, the city treasurer shall use a system of accounting and auditing that adheres to generally accepted accounting principles.
>
> Section 41003: The city treasurer shall pay out money only on warrants signed by legally designated persons.
>
> Section 41004: Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. The city treasurer shall file a copy with the legislative body.

Pursuant to California Government Code section 36502, the city treasurer is an elective office. California Government Code section 36508 and California Elections Code section 9222 permit cities to submit to the electors the question of whether the city treasurer position should be an appointive office. In that instance, the financial duties assigned by the state statutes to the city treasurer are transferred from an elected treasurer to an appointed officer if approved by the electorate. Only one general law city in the County, Morgan Hill, continues to have an elected city treasurer, who serves for four years. All other cities in the County have opted to assign city treasurer duties to senior administrative staff.

METHODOLOGY

Upon receiving a complaint regarding Government Code section 41004 noncompliance in Cupertino, the Civil Grand Jury decided to expand the investigation to review all nine general law cities in the County: Los Altos, Los Altos Hills, Los Gatos, Milpitas, Campbell, Monte Sereno, Cupertino, Saratoga, and Morgan Hill. From March to August 2022, the Civil Grand Jury began the process by polling these Cities to determine if they produced treasurer's reports.

The Civil Grand Jury took the following steps:

- Contacted a total of 22 officials across nine cities who were responsible for tasks relevant to the topic of this report.
- Reviewed relevant sections of the California Government Code, California Elections Code, and examined the ordinances, policies, and memos of each city relevant to their city treasurer duties.
- Reviewed published city council and city committee agendas relevant to Section 41004.
- Reviewed other relevant city documents, including but not limited to financial audits, city organizational charts, and relevant job descriptions.
- Verified the six most recent treasurer's reports of each city, if submitted.

The Civil Grand Jury inspected the contents of each report to verify the inclusion of the required elements: monthly disbursements, receipts, and fund balances. The Civil Grand Jury also determined whether the reports were published at least once each month to be compliant with Section 41004.

It should be noted that most cities do not call their report "Treasurer's Report." Appendix A provides links to examples of compliant Section 41004 reports, showcasing variations in terms of report name, style, layout, and appearance.

The Civil Grand Jury used the 2011-2012 Solano County Civil Grand Jury report entitled "City Treasurer Functional Review" as a reference for this report.

INVESTIGATION

All interviews and email correspondence were designed to determine if general law cities complied with Section 41004. To be deemed compliant, a city must produce a financial document at least once each month that details all of the following: monthly disbursements, receipts, and fund balances – and must be filed with the legislative body. Six months of reports were requested to verify an existing track record. Data collection and verification took place from March to July 2022.

The results of this investigation are depicted in Table 1 below.

Table 1. Section 41004 Compliance Among Nine General Law Cities

City/Town	Compliant	Noncompliant
Los Altos		X
Los Altos Hills		X
Los Gatos		X
Milpitas		X
Campbell		X
Monte Sereno		X
Cupertino		X*
Saratoga	X	
Morgan Hill	X	

*During the investigation, Cupertino started complying with Section 41004.

There are a number of reasons for cities' noncompliance:

- Some cities were under the impression that the Section 41004 mandate was a discretionary guideline.
- Others adopted the practice of other cities that did not produce the requisite monthly reports.

However, the primary error among the cities was that they produced abbreviated reports that omitted required information such as receipts, disbursements, and fund balances. Some of the deficient reports lacked substance, with abbreviated information presented without context or details.

The Civil Grand Jury believes there is no fiscal impact involved in complying with Section 41004. Outside resources should not be required since existing staff already make some financial reports, collect this type of data, and should be able to produce treasurer's reports. Therefore, each of the deficient cities can be compliant with minimal effort or burden.

Noncompliant Cities and Towns

Los Altos

The City of Los Altos does not have an elected city treasurer. Further, the Los Altos Municipal Code does not specifically state which official performs the duties of a city treasurer. Los Altos Municipal Code Section 2.01.060, however, provides that the city manager is the administrative head of the city and is specifically empowered "keep the council at all times fully advised as to the financial condition and needs of the city." In the City of Los Altos, monthly treasurer's reports are not prepared and submitted to the city clerk in accordance with Section 41004.

At the time of the Civil Grand Jury inquiry in June 2022, the City of Los Altos did not submit any treasurer's reports. According to the City of Los Altos, Government Code section 37208 indemnified them from the Section 41004 mandate. However, the language of Government Code Section 37208 refers to payroll warrants or checks and makes no mention of the reporting required by Section 41004, which requires a report of "receipts, disbursements and general fund balances." Moreover, the language of Government Code Section 37208 neither excuses a city from complying with Section 41004 nor makes any reference to Section 41004.

Further, the city erroneously noted that its Generally Accepted Accounting Principles (GAAP) policy on financial reporting excused noncompliance with Section 41004 reporting requirements. In 2015, the city adopted a "Financial Policy" that reads in part, "The city's accounting and financial reports are to be maintained in accordance with GAAP." GAAP accounting does not address the Section 41004 mandated requirements.

The Civil Grand Jury determined that the City of Los Altos does not produce treasurer's reports and thus is noncompliant.

Los Altos Hills

The Town of Los Altos Hills does not have an elected city treasurer. The town's Municipal Code is silent on who performs the duties of the treasurer; however, the Civil Grand Jury learned that the treasurer responsibilities fall to the director of administrative services.

The Civil Grand Jury received monthly treasurer's reports in June 2022. Upon inspection, however, they contained only disbursements and lacked receipts as well as fund balances; thus the reports are incomplete and noncompliant.

Los Gatos

The Town of Los Gatos does not have an elected city treasurer. The town's Municipal Code Section 2.30.035 delegates the responsibility of the treasurer and the ability to assign those duties to the town manager. The director of finance is responsible for the town's financial matters. The Town of Los Gatos produces quarterly reports, not monthly reports as required by Section 41004. While the disbursements, receipts, and fund balances are in the reports, they must be published at least once each month to comply with Section 41004. Because the production intervals are quarterly, the Town of Los Gatos is not in compliance.

Milpitas

The City of Milpitas does not have an elected city treasurer. Milpitas Municipal Code section VI-1-3.02 vests the duties of a city treasurer with the city manager, who is empowered to appoint a city treasurer pursuant to Section VI-1-3.04. In the City of Milpitas, the finance director produces weekly disbursement reports, quarterly receipt and investment reports for the general and special districts' funds, and annual reports for all other reporting.

At the time of inquiry in June 2022, the Civil Grand Jury noted well-prepared reports. However, the frequency of report submission does not meet Section 41004 criteria, which requires monthly reports. Reports showing all receipts, disbursements, and fund balances must be filed with the city clerk at least once each month. Due to submission infrequency, the City of Milpitas is not in compliance.

Campbell

In November of 2010, voters in the City of Campbell approved Measure O, which changed the office of the city treasurer (and city clerk) from an elected to an appointed office. The City of

Campbell's Municipal Code is silent on who has officially assumed those duties.[2] The Civil Grand Jury learned that the city's finance director has the responsibilities of a treasurer and oversees the preparation of financial reports. The reports are prepared by the accounting clerk, reviewed by the finance manager and the finance director, and approved by the city manager for inclusion in the council packet.

At the time of inquiry in June 2022, 21 reports were submitted. The submitted documents had no payroll records and accounts payable balances with paid or disbursed funds. Additionally, the required information was not published at least once each month.

The City of Campbell's submitted reports do not comply with Section 41004 because disbursements, receipts, and balances are not filed at least once each month.

Monte Sereno

The City of Monte Sereno does not have an elected city treasurer. The Monte Sereno Municipal Code section 2.04.010 designates the city manager as the director of finance and tasks the city manager with "performing all duties of City treasurer as set forth in Government Code sections 41000 et seq." At the time of inquiry in June 2022, six treasurer's reports were received by the Civil Grand Jury. While the reports did contain the required fund balances, the receipts and disbursements were not compliant with the Section 41004 requirement.

Compliant Cities

Cupertino

The City of Cupertino does not have an elected city treasurer. The City of Cupertino's Municipal Code section 2.24.030 states:

> The treasurer shall make monthly reports which conform to the requirements of Government Code Section 41004. Said reports shall be delivered to the City Council, city manager and made available for review by such other persons who may so request.

Until 2022, no staff member for the City of Cupertino had been preparing and delivering a monthly treasurer's report to the Cupertino City council. However, during the Civil Grand Jury's

[2] The City of Campbell's Municipal Code does not appear to have been updated. The City of Campbell's Municipal Code section 2.08.010 still states that the elected officers shall be those designated by general laws, which includes a city treasurer. Further, the code has other references to an elected city treasurer. (See Sections 2.16.040 [city treasurer compensation] and 2.16.010 [establishment of salaries].)

investigation, the belated monthly treasurer's reports for January and February 2022 were published and placed on the Cupertino Audit Committee agenda.

The Civil Grand Jury recognizes the action taken by the City of Cupertino as soon as it was brought to their attention. The City of Cupertino is now compliant with Section 41004 as of March 2022, despite the stated history of not submitting the required reports.

Saratoga

The City of Saratoga does not have an elected city treasurer. The City of Saratoga Municipal Code section 2-20.035 states that the city manager shall serve as the city treasurer and be responsible for "other duties and responsibilities as required by law to be performed by the City Treasurer." Thus, the city manager is responsible for the preparation and submission of monthly treasurer's reports.

The Civil Grand Jury verified in June 2022 that regular monthly treasurer's reports are filed with the City of Saratoga and are fully compliant with Section 41004. These reports can also be found by the public on the city's website. An example is shown in Appendix A.

Morgan Hill

The City of Morgan Hill has an elected city treasurer. The treasurer, in conjunction with the finance director, prepares the treasurer's reports.

The Civil Grand Jury verified in June 2022 that regular monthly treasurer's reports are produced. The reports contain all the required components of disbursements, receipts, and fund balances. Thus, the City of Morgan Hill is compliant with Section 41004. A compliant Morgan Hill treasurer's report is shown in Appendix A.

CONCLUSION

Within the County, there is widespread noncompliance with California Government Code section 41004 by the general law cities. The Civil Grand Jury commends the cities of Saratoga and Morgan Hill for being in full compliance and notes the City of Cupertino's quick action to become compliant. The Civil Grand Jury recommends that the noncompliant cities of Los Altos, Los Altos Hills, Los Gatos, Milpitas, Campbell, and Monte Sereno comply with Section 41004. This is to be done by producing treasurer's reports at least once each month containing the required disbursements, receipts, and fund balance information. The benefit of implementing this recommendation overshadows any limited cost impact since existing staff could compile the report. In short, there is great benefit in producing these reports, as they improve financial transparency to the residents of the cities.

FINDINGS AND RECOMMENDATIONS

It is recommended that noncompliant cities start producing treasurer's reports as required by law. Some cities produce abbreviated information that does not include requisite financial information as defined in state Government Code section 41004. Some cities produce requisite reports, but not on a monthly basis.

Finding 1
The City of Los Altos is not submitting monthly treasurer's reports in compliance with California Government Code section 41004.

Recommendation 1
The City of Los Altos should comply with Government Code section 41004 by submitting monthly treasurer's reports that include monthly disbursements, receipts, and fund balances and by filing those reports with the city. This recommendation should be implemented by March 15, 2023.

Finding 2
The City of Los Altos does not produce treasurer's reports in compliance with California Government Code section 41004. The reason provided for non-compliance was that the City of Los Altos' financial policy does not require the preparation and submission of treasurer's reports. It is an erroneous belief that internal policies excuse compliance with Government Code section 41004.

Recommendation 2
The City of Los Altos should amend its financial policy to require that monthly treasurer's reports be prepared and submitted in accordance with California Government Code section 41004 by March 15, 2023.

Finding 3
The Town of Los Altos Hills produces monthly treasurer's reports but the content of those reports lacks monthly disbursements, receipts, and fund balances required by California Government Code section 41004.

Recommendation 3
The Town of Los Altos Hills should update their existing monthly reports to include monthly disbursements, receipts, and fund balances by March 15, 2023.

Finding 4
The Town of Los Gatos produced reports that contain the required content but does not produce the treasurer's reports on a monthly basis as required by California Government Code section 41004.

Recommendation 4
The Town of Los Gatos should produce its reports on a monthly basis to comply with California Government Code section 41004 by March 15, 2023.

Finding 5
The City of Milpitas does not produce monthly treasurer's reports as required by California Government Code section 41004.

Recommendation 5
The Civil Grand Jury recommends that the City of Milpitas comply with California Government Code section 41004 by producing monthly treasurer's reports that include monthly disbursements, receipts, and fund balances by March 15, 2023.

Finding 6
The City of Campbell does not produce monthly treasurer's reports as required by California Government Code section 41004.

Recommendation 6
The City of Campbell should comply with California Government Code section 41004 by producing monthly treasurer's reports that include monthly disbursements, receipts, and fund balances by March 15, 2023.

Finding 7
The City of Monte Sereno does not produce monthly treasurer's reports as required by California Government Code section 41004.

Recommendation 7
The City of Monte Sereno should comply with California Government Code section 41004 by producing monthly treasurer's reports that include monthly disbursements, receipts, and fund balances by March 15, 2023.

Finding 8
When the Civil Grand Jury began this investigation, the City of Cupertino was not in compliance with California Government Code section 41004. However, starting in March 2022, the City of Cupertino began producing treasurer's reports compliant with Section 41004.

Recommendation 8
The City of Cupertino should maintain compliance with California Government Code section 41004. Continued compliance is recommended.

Finding 9
The Civil Grand Jury commends the City of Saratoga for producing monthly treasurer's reports that include disbursements, receipts, and fund balances. The City of Saratoga is in full compliance with California Government Code section 41004.

Recommendation 9
No recommendation.

Finding 10
The Civil Grand Jury commends the elected city treasurer for producing monthly treasurer's reports that include monthly disbursements, receipts, and fund balances. The City of Morgan Hill is in full compliance with California Government Code section 41004.

Recommendation 10
No recommendation.

REQUIRED RESPONSES

Pursuant to California Penal Code section 933(b) et seq. and California Penal Code section 933.05, the Civil Grand Jury requests responses from the following governing bodies:

Responding Agency	Findings	Recommendations
City of Los Altos	1, 2	1, 2

Responding Agency	Findings	Recommendations
Town of Los Altos Hills	3	3

Responding Agency	Findings	Recommendations
Town of Los Gatos	4	4

Responding Agency	Findings	Recommendations
City of Milpitas	5	5

Responding Agency	Findings	Recommendations
City of Campbell	6	6

Responding Agency	Findings	Recommendations
City of Monte Sereno	7	7

Responding Agency	Findings	Recommendations
City of Cupertino	8	8

Responding Agency	Findings	Recommendations
City of Saratoga	9	

Responding Agency	Findings	Recommendations
City Treasurer of Morgan Hill	10	

APPENDIX A: EXAMPLES OF COMPLIANT TREASURER'S REPORTS

On the following pages are two examples of monthly treasurer's reports that contain the required disbursements, receipts, and starting and ending fund balances and are therefore compliant with California Government Code section 41004. They are included to show that there are various names and formats that the reports may take. Following the examples are links to the full reports for ease of access.

Example 1. Page 3 of 7 from Saratoga August 2022 Treasurer's Report

TABLE 1: CHANGES IN TOTAL FUND BALANCE

Fund Description	Prior Year Carryforward 7/1/2022	Increase/ (Decrease) July	Current Revenue	Current Expenditure	Transfer In	Transfer Out	Fund Balance 8/31/2022*	
General Fund								
Restricted Fund Balances:								
Environmental Services Reserve	63,182	-	-	-	-	-	63,182	
Committed Fund Balances:								
Hillside Stability Reserve	1,000,000	-	-	-	-	-	1,000,000	
Assigned Fund Balances:								
Future Capital Replacement & Efficiency Project Reserve	2,796,663	-	-	-	-	-	2,796,663	
Carryforwards Reserve	20,850	-	-	-	-	-	20,850	
Facility Reserve	3,700,000	-	-	-	-	-	3,700,000	
Unassigned Fund Balances:								
Working Capital Reserve	1,000,000	-	-	-	-	-	1,000,000	
Fiscal Stabilization Reserve	3,150,000	-	-	-	-	-	3,150,000	
Compensated Absences Reserve	331,481	-	-	-	-	-	331,481	
Other Unassigned Fund Balance Reserve (Pre YE distribution)	3,348,282	(602,197)	682,632	(1,063,288)	-		2,365,429	
General Fund Total	15,410,458	(602,197)	682,632	(1,063,288)	-	-	14,427,605	
Special Revenue								
Landscape/Lighting Districts	977,231	-	44	(15,943)	-	-	961,331	
ARPA Federal Grants	7,127,589	-	-	-	-	-	7,127,589	
Special Revenue Fund Total	8,104,820	-	44	(15,943)	-	-	8,088,920	
Debt Service								
Library Bond	805,311	(714,893)	3,312	-	-	-	93,730	
Arrowhead Bond	481,242	(774)	-	(68,767)	-	-	411,701	
Debt Service Fund Total	1,286,554	(715,667)	3,312	(68,767)	-	-	505,431	
Internal Service Fund								
Liability/Risk Management	641,403	(759,998)	517	(6,948)	-	-	(125,027)	**
Workers Compensation	232,829	(2,185)	-	(54,431)	-	-	176,212	
Office Support Fund	155,443	149	890	(2,027)	-	-	154,456	
Information Technology Services	661,159	(30,693)	-	(98,942)	-	-	531,525	
Vehicle & Equipment Maintenance	278,317	(5,541)	-	(20,466)	-	-	252,310	
Building Maintenance	764,302	(22,267)	-	(60,637)	-	-	681,398	
Vehicle & Equipment Replacement	1,201,979	-	-	-	-	-	1,201,979	
Technology Replacement	798,337	-	-	-	-	-	798,337	
Facility FFE Replacement	1,012,136	-	-	-	-	-	1,012,136	
Internal Service Fund Total	5,745,905	(820,535)	1,407	(243,452)	-	-	4,683,326	
Trust/Agency								
WVCWP Agency Fund	558,655	(29,955)	-	(41,044)	-	-	487,656	
Trust/Agency Fund Total	558,655	(29,955)	-	(41,044)	-	-	487,656	
Capital Project								
Street Projects	3,381,066	(34,069)	50,747	(355,438)	-	-	3,042,306	
Park and Trail Projects	849,562	-	-	(4,143)	-	-	845,419	
Facility Projects	623,475	4,458	-	(53,643)	-	-	574,289	
Administrative Projects	1,429,921	7,042	8,205	(290)	-	-	1,444,879	
Tree Fund Projects	52,541	-	-	-	-	-	52,541	
Park In-Lieu Projects	1,172,555	-	-	-	-	-	1,172,555	
CIP Grant Street Projects	(46,912)	-	-	-	-	-	(46,912)	**
CIP Grant Park & Trail Projects	-	-	100,000	-	-	-	100,000	
CIP Grant Administrative Projects	(164,574)	-	-	-	-	-	(164,574)	**
CIP Grant ARPR/SLFRF Projects	-	-	-	(142,725)	-	-	(142,725)	**
Gas Tax Fund Projects	247,731	-	126,140	-	-	-	373,871	
CIP Fund Total	7,545,366	(22,570)	285,092	(556,240)	-	-	7,251,649	
Total City	**38,651,757**	**(2,190,923)**	**972,487**	**(1,988,733)**	**-**	**-**	**35,444,587**	

*Fund balances are unaudited, and may not include all necessary adjustments. These figures will be updated in future reports once the FY 2021/22 independent audit is completed.
**Negative fund balance due to authorized spending of anticipated revenues

https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1578630/Treasurer_Report_for_August_2022.pdf

Example 2. Page 12 of 21 from Morgan Hill March 2022 Financial and Investment Report

CITY OF MORGAN HILL

CITY OF MORGAN HILL CASH AND INVESTMENT REPORT
FOR THE MONTH OF MARCH 31, 2022
FOR THE FISCAL YEAR OF 2021-22

	Invested in Fund	Yield	Book Value End of Month	% of Total	Market Value
Investments					
State Treasurer LAIF - City	All Funds Pooled	0.37%	$ 45,441,165	25.03%	$ 45,324,795
2015 Wastewater Rev Bonds - CIP	Wastewater Fund	0.37%	16,505,883	9.09%	16,463,614
Federal Issues	All Funds Pooled	0.94%	98,042,404	54.01%	94,770,480
US Treasury Notes	All Funds Pooled	1.73%	6,437,395	3.55%	4,489,470
Certificate of Deposits	All Funds Pooled	0.45%	500,000	0.28%	499,998
Dreyfus Treas Cash Management Acct	All Funds Pooled	0.16%	85,113	0.05%	85,113
	SUBTOTAL		**$ 167,011,960**	**92.00%**	**$ 161,633,469**
Bond Reserve Accounts - held by trustees					
Zions Bank - Civic Center/Library Facility					
Blackrock Liq Fund	Debt Service	0.01%	3	0.00%	3
Zions Bank - MH Police Facility Lease Revenue Bonds					
Blackrock Liq Fund	Debt Service	0.01%	4	0.00%	4
BNY - RDA Bonds					
Dreyfus Cash Mgmt 521	Successor Fund	0.01%	6,262,932	3.45%	6,262,932
Zions Bank - MH Ranch 2015					
Blackrock Liq Funds Fed Fund -DI -2015	Agency Fund	0.01%	614,302	0.34%	614,302
Zions Bank - Madrone Bus Park Taxable/ Tax Exempt 2015					
Blackrock Liquidity Temp Fund-2015	Agency Fund	0.01%	596,450	0.33%	596,450
	SUBTOTAL		**7,473,690**	**4.12%**	**7,473,690**
Other Cash/Deposits					
General Checking	All Funds		1,825,901	1.01%	1,825,901
Workers' Comp Administrators	Workers' Comp		30,000	0.02%	30,000
Petty Cash & Emergency Cash	General Fund		7,112	0.00%	7,112
CALPERS CERBT - OPEB Trust			3,487,404	1.92%	4,194,950
PARS - PENSION Trust			1,700,000	0.94%	1,987,827 **
	SUBTOTAL		**7,050,417**	**3.88%**	**8,045,789**
Total Cash and Investments			**$ 181,536,067**	**100.00%**	**$ 177,152,949**

** As of 02/28/2022

CASH ACTIVITY SUMMARY
FY 2021-22

Fund Type	07/1/21 Balance	Change in Cash Balance	3/31/2022 Balance
General Fund	$ 19,007,873	$ 1,673,604	$ 20,681,477
Community Development	1,077,499	74,934	1,152,433
RDA Successor Agency (except Housing)	508,427	5,755,321	6,263,749
Housing Successor Agency/ CDBG	4,307,419	334,589	4,642,008
Water - Operations	2,573,349	431,704	3,005,052
Water Other	15,405,786	3,097,753	18,503,539
Sewer - Operations	1,593,140	1,632,205	3,225,345
Sewer Other	57,221,072	(3,033,264)	54,187,808
Other Special Revenue	7,425,644	1,105,689	8,531,334
Streets and Capital Projects (except RDA)	37,931,830	(173,075)	37,758,756
Debt Service	337,123	(32,855)	304,268
Internal Service	19,378,242	1,128,766	20,507,008
Agency Funds (assessment dists./refundable deposits)	3,356,940	(583,651)	2,773,290
Total	**$ 170,124,346**	**$ 11,411,721**	**$ 181,536,067**

https://www.morgan-hill.ca.gov/DocumentCenter/View/40944/March-2022-Financial-and-Investment-Report-PDF

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Los Gatos Municipal Code 2.30.035.

Milpitas Municipal Code VI-1-3.04.

Interviews

Interviews were conducted with 16 individuals between April 25, 2022, and June 16, 2022.

This report was **ADOPTED** by the 2022 Santa Clara County Civil Grand Jury on this 14th day of December, 2022.

Karen Enzensperger
Foreperson

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Adopt a Resolution Approving a Site Development Permit to Develop a New Two-story, Single-family Residence with an Attached Accessory Dwelling Unit, an In-Ground Swimming Pool/Spa, and Associated Site Improvements on a Vacant 4.29-acre Lot Located in the R1-H Single-family Residential Zoning District with a Hillside Combining District at 531 Vista Ridge Drive (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**
Category:	Consent Calendar-Community Development
Meeting Date:	2/21/2023
Recommendation:	Recommendation: Consider the Exemption in accordance with CEQA and adopt a resolution approving Site Development Permit No. SD22-0001, subject to the attached Conditions of Approval

BACKGROUND:

On February 15, 2022, Bridgett Shank of Timbre Architecture submitted a Site Development Permit application to develop a new 3,347-square foot, two-story single-family residence with a 1,012-square foot attached garage on a vacant 4.29-acre lot (Lot 16 of the Spring Valley Heights subdivision) located at 531 Vista Ridge Drive. The proposed project includes an attached 1,200 ADU, in-ground pool and spa, deer fencing up to eight-feet in height, landscaping, and associated site improvements. The zoning designation for this property is Single-Family Residential (R1) with a Hillside (H) Combining District. Per Milpitas Municipal Code (MMC) Section XI-10-45.09-2, no building permit shall be issued for the construction or expansion of a single-family structure in the Hillside (H) Combining District until such structure has received a site and architectural review approval by the Planning Commission (PC) and City Council (CC). On January 25, 2023, the Planning Commission held a duly noticed public hearing on this item and voted unanimously (6-0, one absent) to approve the proposed project and also recommend approval by the City Council. A copy of Planning Commission Resolution No. 23-002 is attached to this report.

ANALYSIS:

Planning staff recommends that the City Council review and approve a resolution to allow the development of a single-family residence with an attached four-car garage, attached Accessory Dwelling Unit (ADU), in-ground pool and spa, deer fencing up to eight-feet in height, landscaping, and associated site improvements on a vacant lot located at 531 Vista Ridge Drive. The project site is located on the southeastern edge of the City of Milpitas, adjacent to properties with the same single-family hillside zoning designation. Unincorporated Santa Clara County properties are located further to the north and east.

The proposed residence is designed to be compatible with the other homes in the area by incorporating strong lines and a mix of high-quality metal or wood and earth tone materials that reflect with the rural character of the neighborhood. The blend of architectural forms and a variety of finishes creates an attractive front elevation. The exterior materials include exterior siding in a natural cedar wood color, stacked gray limestone cladding, dark bronze color standing seam metal roofing and garage door. The doors and windows will have a dark bronze color to match the roof and garage door. The roof deck will have a metal guardrail with glass panels. All exterior materials and finishes work together as a palette of earth tone colors creating harmony with the surroundings. The colors and materials proposed are complementary to the character of the rural, neighboring residences.

In accordance with MMC Section XI-10-45.09-7, and as outlined in the attached Planning Commission staff report and resolution, the City Council shall consider the following guidelines in its review of the proposed project:

(a) Avoid unreasonable interference with views and privacy. The height, elevations and placement on the site of the proposed main or accessory structure, when considered with reference to the nature and location of the residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.

(b) Preserve Natural Landscape. The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal.

(c) Minimize Perception of Excessive Bulk. The design of the proposed main and/or accessory structure(s) in relation to the immediate neighborhood should minimize the perception of excessive bulk.

(d) Impairment of Light and Air. The proposed main or accessory structure(s) shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.

(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.

The project, including the home, attached garage, and attached ADU, features a creative design, with a minimal building footprint and substantial setbacks from neighboring property lines to alleviate unreasonable interference with views and privacy. The majority of land around the residence and associated driveway will be preserved as natural landscape similar to nearby vacant properties and designated open space lots in the immediate area.

The perception of excessive bulk has been minimized by the incorporation of varying rooflines including a partial second-story floor, a clear delineation of colors and materials, and the punctuation of walls along the front and side elevations. The proposed maximum height of the residence at 25-feet and 6-inches is within the 27-feet height limit, and all required building setbacks will substantially exceed the minimum standards to help mitigate potential impairment of light and air. In addition, the structure's foundation follows the natural slope of the hillside to ensure minimal grading which will be 453 cubic yards (cy) of cut and 213 cy of fill. The estimated amount of cut is due to the excavation for the in-ground pool/spa (209 cy), driveway (117 cy), and landscaping (127 cy). Furthermore, the Architectural Review Committee of the Spring Valley Heights Homeowners Association provided a tentative approval letter for the proposed project design on August 8, 2022. As noted earlier in the report, the Planning Commission recommended Council approval of the project based on the required findings for approval.

POLICY ALTERNATIVE(S):

Alternative 1: Direct staff to draft a resolution to deny the project for review at a subsequent meeting.
Pros: The existing hillside lot is not developed and remains as open space, or a new or revised project could be proposed.
Cons: The applicant would need to either withdraw the application or resubmit revised plans for development of a new residence at this location.
Reason for Not Recommending: The proposed project meets the required findings for approval and is consistent with the City's goals of supporting the development of new high-quality housing in all areas of the City, including appropriate hillside locations. Both staff and the Planning Commission are recommending approval of the proposed project.

FISCAL IMPACT:

If the proposed project is approved, the applicant will apply for building permits and pay associated fees. The new single-family home will increase the property value and tax revenues but will also increase the demand for City services, including public safety and utilities. The project is located within an existing residential subdivision with existing services nearby.

California Environmental Quality Act (CEQA):

The project is exempt from further environmental review under CEQA pursuant to Section 15303(a) for New Construction or Conversion of Small Structures including one single-family residence or a second dwelling u

in a residential zone. The Project proposes the new construction of a single-family residence with an attached garage and attached ADU within a residentially zoned area on a legally established parcel, and it can be seen with certainty that there is no possibility that these actions may have a significant effect on the environment. As a separate and independent basis, the project is exempt from further CEQA review pursuant to Section 15183 of the CEQA Guidelines for projects consistent with a community plan, general plan or zoning. The project is consistent with the General Plan and the applicable zoning, and there are no significant environmental impacts peculiar to the project or its site.

RECOMMENDATION:

Adopt a resolution approving Site Development Permit SD22-0001, subject to the Conditions of Approval (attached to resolution), to allow development of a new single-family residence with an attached ADU and associated accessory structures and site improvements at 531 Vista Ridge Drive.

Attachments:

1. City Council Resolution No.
2. Planning Commission Staff Report dated January 25, 2023
3. Planning Commission Resolution No. 23-002
4. Project Plans

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT NO. SD22-0001 TO CONSTRUCT A NEW HILLSIDE HOME WITH AN ATTACHED ACCESSORY DWELLING UNIT, IN-GROUND POOL AND SPA, DEER FENCING UP TO EIGHT-FEET IN HEIGHT, LANDSCAPING, AND ASSOCIATED SITE IMPROVEMENTS ON A VACANT 4.29-ACRE SITE IN THE R1-H SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT WITH AN H HILLSIDE COMBINING DISTRICT LOCATED AT 531 VISTA RIDGE DRIVE AND MAKING CEQA FINDINGS OF EXEMPTION

WHEREAS, the City of Milpitas, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, on September 28, 1982, the County of Santa Clara Board of Supervisors approved the final map for Tract 6744 to create the 26-lot subdivision known as the Spring Valley Heights neighborhood; and

WHEREAS, on January 21, 1983, the City of Milpitas annexed Tract 6744 from the County of Santa Clara; and

WHEREAS, on February 15, 2022, Bridgett Shank of Timbre Architecture ("Applicant" or "Permittee") submitted an application for a development proposal to allow development of a 3,347-square foot, single-family residence up to 25 feet, six inches (two stories) in height, with a 1,012-square foot attached garage, 1,200-square foot attached Accessory Dwelling Unit, in-ground pool and spa, deer fencing up to eight-feet in height, landscaping, and associated site improvements on a vacant 4.29 acre site (Lot 16 of the Spring Valley Heights subdivision) at 531 Vista Ridge Drive (APN: 042-30-029) (the "Project"). The Project site is zoned Single Family Residential - Hillside; and

WHEREAS, the Planning Division completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), which assessment determined that the Project is exempt from environmental review under CEQA in accordance with CEQA Guidelines Section 15303 (New Construction and Conversion of Small Structures) and, as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning); and

WHEREAS, on January 25, 2023, the City of Milpitas Planning Commission held a duly noticed public hearing on the subject application, at which time all those in attendance were given the opportunity to speak on the Project, and the Planning Commission unanimously (6-0, one absent) recommended approval of the Project to the City Council subject to Conditions of Approval per Planning Commission Resolution No. 23-002; and

WHEREAS, on February 21, 2023, the City of Milpitas City Council held a duly noticed public hearing on the subject application, at which time all those in attendance were given the opportunity to speak on the Project; and

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

SECTION 1: Recitals

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 incorporated herein by reference.

SECTION 2: California Environmental Quality Act (CEQA) Findings

The project is exempt from environmental review under CEQA pursuant to CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures).The Project involves development of one single-family residence with an attached garage, attached ADU, and associated accessory structures and site improvements within a residentially zoned area on a legally established parcel, and it can be seen with certainty that there is no possibility that these actions may have a significant effect on the environment. As a separate and independent basis, the project is exempt from further

environmental review under CEQA pursuant to CEQA Guidelines Section 15183 (Projects consistent with a Co Plan, General Plan or Zoning). The project is consistent with the General Plan and the R1-H Single-family Residential Zoning District with an H Hillside Combining District, and there are no significant environmental impacts peculiar to the project or its site.

SECTION 3: Site Development Permit Findings (Section XI-10-57.03(F)(1))

The City Council makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD22-0001:

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

As described within the staff report, the development's architectural design and site planning is aesthetically compatible with the neighboring properties, and the on-site grading plan minimizes changes to the natural topography. The proposed single-family residence incorporates earth tone colors and materials that complement both the site and existing neighborhood. Furthermore, the design of the proposed project will complement adjacent and surrounding development as the new residence will only have a partial second-story floor and be built up to 44% of the allowed size for a main residence on the 4.29-acre lot in the Hillside Zoning Ordinance.

2. *The Project is consistent with the Milpitas Zoning Ordinance.*

Table 1 demonstrates the Project's consistency with the applicable development standards of the R1-H Zoning District per Section XI-10-45 - "H" Hillside Combining District of the Milpitas Zoning Ordinance, including setbacks, height requirements, maximum impervious surface coverage, and parking.

Table 1:
Summary of Development Standards

Standards	Hillside Requirements	Proposed – 4.67-acre lot	Complies
Front Setback	25 ft. minimum when avg. slope is <16%. Otherwise, 40 ft. minimum	206 ft. 9 in. (Avg. slope of lot is 14.51%)	Yes
Side Yard Setback	40 ft. minimum	134 ft. 8 in. to east 40 ft. to west	Yes
Rear	40 ft. minimum	264 feet	Yes
Size of Main Residence	10,000 sq. ft. maximum (lots > 3 acres)	4,359 sq. ft. (including attached garage)	Yes
Size of Accessory Structures	1,200 sq. ft. maximum per individual structure	1,200 sq. ft. (attached ADU) 594 sq. ft. (attached unenclosed patio cover)	N/A
Impervious Surfaces	30,000 sq. ft. maximum (lots > 3 acres)	14,443 sq. ft.	Yes
Building Height (maximum)	27 ft. east of crestline	25 ft. 6 in.	Yes
Parking	Main Residence - Three spaces required ADU – One space required	Six spaces (four inside garage & two outside)	Yes

Due to the subject property's location, the Project is also required to comply with the development standards in the City's Hillside Combining District. Per Section XI-10-45.09-7 of the Zoning Ordinance, the Planning Commission and City Council shall consider the following guidelines in their review of proposed new

development. Staff has determined the home to be consistent with the Hillside Architectural Guidelines a demonstrated below. See Table 2 for consistency.

Table 2:
Hillside Zoning Ordinance Compliance

Site and Architectural Guidelines *Section XI-10-45.09-7*	**Consistency Finding**
(a) Avoid unreasonable interference with Views and Privacy. The height, elevations and placement on the site of the proposed main or accessory structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.	**Consistent.** Due to the proposed location and minimal scale of the home in consideration to its maximum allowable size outlined in Table 3, the development will not substantially interfere with views and privacy to adjacent lots. In addition, the proposal exceeds all setback requirements, is within its 27-foot, two-story height limit at 25-feet and 6-inches, and substantially setback from adjacent residences to the south and west, which minimizes interference with views and privacy. The adjacent lot located immediately south of the subject property at 529 Vista Ridge Drive is the only other residence that would be nearby the subject property. The residence is currently under construction as a one-story, single-family residence, and is sited entirely on an up-sloped elevation and will not have any immediate line of sight to the new proposed residence. The lot immediately east and north of the subject parcel is dedicated as Common Area only and will not be developed with future residential uses. Three other existing developed lots with single-family residences located west of the subject parcel are on the other side of Vista Ridge Drive are also located on higher elevations and are accessible from a different street, Vista Spring Court. As such, these other residences contain substantial rear setbacks and the residences will not face each other. Additionally, existing trees and established landscaping features obstruct direct views of the other residences from 531 Vista Ridge Drive.
(b) Preserve Natural Landscape. The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal.	**Consistent.** The project site is currently vacant and undeveloped with no trees or shrubs on the proposed building footprint. All existing trees are on the sloped portions of the lot where development will not occur. As such, no trees will be removed. As currently proposed, the design of the house is carefully sited to be built on the flattest portions of the lot, following the natural landscape and existing contours of the site to limit cut and fill to an equal 453 cubic yards of cut and 213 cubic yards of fill. The amount of cut is due to the excavation for the pool/spa, driveway, and landscaping.
(c) Minimize Perception of Excessive Bulk. The design of the proposed main and /or accessory structure(s) in relation to the	**Consistent.** The proposed design includes varying rooflines, a clear delineation of different colors and materials, and punctuation of certain front and side facing elevations to remove the perception of bulk

Site and Architectural Guidelines *Section XI-10-45.09-7*	**Consistency Finding**
immediate neighborhood should minimize the perception of excessive bulk.	within the two-story residence. The footprint of the proposed home is also angled in its orientation to the front property line and only contains a partial second story, thus minimizing the perception of excessive bulk. The overall building footprint of the main residence on the 4.29-acre lot is consolidated, and the remaining portions of the lot will also remain undeveloped.
(d) Impairment of Light and Air. The proposed main or accessory structure(s) shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.	**Consistent.** The proposed home will not exceed the maximum height limit for homes east of the crestline, only has a partial second story, and exceeds all minimum setbacks as required by the Hillside development standards. The proposed home has a combination of flat and minimally pitched roof systems that could be used to utilize future solar energy. With regards to adjacent properties, the lots to the north and east are reserved as Common Area and the residence under construction to the south will be located on a higher elevation greater than 170-feet away. The residences to the west are also located entirely on a higher elevation and are facing Vista Spring Court from the proposed residence. As such, the proposed project will not cause an impairment to the adjacent properties access to light and air.
(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.	**Consistent.** As designed, the proposed location of the main dwelling is where the existing lot is relatively flat and the majority of the remainder of the lot is substantially upsloping or down-sloping. The grading is limited for construction of the driveway, landscaping, and excavating for the in-ground pool and integrated spa. The remainder of the existing upsloping and down-sloping topography of the lot will remain minimally altered to preserve the existing natural contours of the hillside.

3. *The Project is consistent with the Milpitas General Plan.*

As demonstrated in Table 3 below, the Project is consistent with the existing General Plan policies of the Milpitas 2040 General Plan:

Table 3:

General Plan Consistency

Policy	**Conformance**
CD 7-1 *Maintain the visual character of hillsides, recognizing both the importance of the exposure of hillside development from off-site public views and the importance of providing panoramic public views from and of hillsides.*	**Consistent.** The proposed Project will not impact the visual character of the hillside from the valley floor or other viewpoints as the project site is located over a half mile east of the crestline and the new residence will be shielded by an existing hill

	when viewed from the valley floor. Project Plan sheets G0.1 and G0.2 illustrate how the proposed residence will not obstruct panoramic public views from and of the hillsides.
CD 7-2 *Minimize the alteration of existing landforms and maintain the natural topographic characteristics of the hillside areas, allowing only minimal disruption.*	**Consistent.** The proposed new residence will be situated at the flattest portion of the lot to limit disruption to the existing natural topography by limiting cut to 453 cubic yards and fill to 213 cubic yards for both construction phases. Substantial grading (209 cubic yards) is a result of the excavation for the pool area at a vertical depth of 4-feet. The remaining 244 cubic yards of cut is for the driveway and landscaping. The proposed residence is naturally sited on the existing flattest portion of the lot as the remainder of the lot is either significantly downsloping or upsloping. Therefore, only minimal alterations to the existing topographical characteristics of the lot are proposed for the in-ground pool/spa, driveway, and landscaping.
CD 7-3 *Protect the natural character of hillside areas by means of contour grading to blend graded slopes and terraces with the natural topography.*	**Consistent**. Minimal contour grading will be required for construction of the new residence due to its siting on the flattest areas of the lot. All new contours will be designed to blend with the natural existing site contours as demonstrated in the civil drawings in the plan set. Grading of the driveway follows the natural contours, does not require steep cuts, and follows the natural grade of the existing hillside**.**
CD 7-4 *Avoid mass graded pads within hillside areas. Smaller steps or grade changes should be used over single, large, slope banks to the greatest extent feasible.*	**Consistent**. The building pad is proposed at the flattest portion of the lot and will necessitate only minimal grading for the driveway and landscaping. Grading has been substantially minimized in the project, in that the siting follows the site's natural contours, in an effort to preserve the natural terrain quality. Other grading includes excavation for the proposed in-ground pool and integrated spa along an existing flat portion of the lot.
CD 7-5 *Ensure that any change in hillside land use is accompanied by appropriate safety measures and that the environmental constraints are adequately addressed especially with respect to runoff and erosion.*	**Consistent.** No changes are proposed to the existing land use and zoning designation for the subject site to be used as a single-family residence. Prior to construction of the residence, all proposed project construction and operational details will be reviewed thoroughly by applicable Departments during the building permit review process. The building permit application will be reviewed with the latest adopted State and local building and development codes, which will include standard requirements such as Construction Best Management Practices (BMPs) and an erosion and

	sediment control plan to control runoff onto adjacent properties.
CD 7-6 *Require hillside development to incorporate architecture, scale, massing, building form, building color, roof materials, and landscaping to reflect the natural hillside setting.*	**Consistent.** The proposed Project's low-profile building design and earth tone materials and colors will blend into the rural environment and only includes a partial second story for reduced massing and scale. The exterior façade will include materials such as natural cedar siding and stacked gray limestone with metal materials and accents on the roof, windows/doors, and garage door in a dark bronze color to match. As demonstrated by Sheet G.03, the 3D renderings show the new residence with its earth-toned proposed colors and materials that brings together the natural hillside topography of the lot. Additionally, the proposed landscaping materials are consistent with the Hillside Landscaping Ordinance.

As described above, the Project is compatible and consistent with the surrounding uses and has been found to conform to the intent of the Milpitas 2040 General Plan designation. The proposed home is designed to fit in with the natural topographic features of the property and reduces the visual impact as viewed from the valley floor.

SECTION 4: City Council Approval

Based on the foregoing, the City Council hereby approves Site Development Permit No. SD22-0001 to allow the development of a new 3,347-square foot, single-family residence up to 25 feet, six inches (two stories) in height, with a 1,012-square foot attached garage, 1,200-square foot attached ADU, in-ground pool and spa, deer fencing up to eight-feet in height, landscaping, and associated site improvements on a vacant 4.29-acre hillside lot in the R1-H Single-family Residential Zoning District with an H Hillside Combining District located at 531 Vista Ridge Drive, based on the above findings and subject to the Conditions of Approval attached hereto as **Exhibit 1** and incorporated herein.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

_____
Suzanne Guzzetta, Acting City Clerk

APPROVED:

_____
Carmen Montano, Mayor

APPROVED AS TO FORM:

_____
Michael Mutalipassi, City Attorney

EXHIBIT 1

CONDITIONS OF APPROVAL
SITE DEVELOPMENT PERMIT NO. SD22-0001
531 VISTA RIDGE DRIVE (APN 042-30-029)

GENERAL CONDITIONS

1. General Compliance. The applicant, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. Site Development Permit No. SD22-0001 ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County's Recorder Office and a copy shall be provided to the Planning Department. **(P)**

2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**

3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
   a. Acceptance of this Permit by Permittee; and
   b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.

4. Permit Expiration. Pursuant to Section XI-10-64.06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the Project:
   a. Completes a foundation associated with the Project; or
   b. Dedicates any land or easement as required from the zoning action; or
   c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

6. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(ALL)**

7. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(P)**

8. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to City at the rate in effect at time of building permit issuance, or the rate in effect when the fees and charges are due and paid in full to City. There is no vesting of any fees or charges with the adoption of this Resolution. **(P)**

9. Conditions. Each and every condition set forth in this Exhibit shall apply to the Project and continue to ap Project so long as the Permittee is operating the Project under the permits and approvals in this Resolution. **(P)**

10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**

11. Previous Approvals. Permittee shall abide by and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(ALL)**

12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the Project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(CA)**

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code. **(P)**

14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable. **(ALL)**

15. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

16. Development in Conformance with Approved Plans: Permittee shall develop the approved Project in conformance with the approved plans approved by the Planning Commission on January 25, 2023, in accordance with these Conditions of Approval.

    Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, Permittee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

17. Prior to the issuance of a building permit, the owner or designee shall include within the four first pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the Project. **(P)**

18. Streets shall be designed to generally follow the contours and landform in order to minimize cut and fill. Exposed walls facing roadways and retaining walls shall be no greater than six feet in height. Crib walls facing roadways shall be no greater than 15 feet in height. **(P)**

19. Landscaping coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation or to replace removed natural vegetation and should recognize climate, soil, and

ecological characteristic of the region. Plant materials that require excessive water after becoming establish be avoided. **(P)**

20. Within six months, or such other period established by the Planning Commission, after the commencement of grading activities, all graded areas not covered by an impervious surface shall be stabilized in such manner as shall be approved by the Planning Director. **(P)**

21. The proposed home is located east of the Crestline and is subject to a maximum height of 2 stories or 27 feet. **(P)**

22. The play lawn area located behind the garage and accessible through an approximately 18-foot wide rear garage door shall not be converted or used for any type of temporary or permanent storage for any form of vehicle or other physical structures for the life of the project. Failure to adhere to this condition may result in a required alteration to the rear garage door as shall be approved by the Planning Director and/or Planning Commission. **(P)**

FIRE DEPARTMENT CONDITIONS

The plans approved by the Planning Department process are not building plans and have not been reviewed nor approved for conformance to the California Building Code (CBC), California Fire Code (CFC) and the Milpitas Municipal Code (MMC). Do not consider this set of plans as final building plans approved by the Fire Department. Building plans must be submitted for review and approval before construction is to commence. The following notes are a general list of the applicable code requirements (2016) and are provided to assist with the building permit process. Please note that these are not all inclusive. All applicable Building, Fire and Municipal Code requirements must be met in advance of any building permit approvals or related construction.

23. Electronic documents. The fire code official may require electronic base documents for all construction documents and operational permits. The fire code official shall designate the software base format for the electronic documents. CFC Section 105.4.2.2, added by MMC Section V-300-2.11, and CFC Section 102.9

24. Automatic Fire Sprinkler Requirements. An automatic sprinkler system shall be provided throughout the new dwellings (main and guest), inclusive of basements and garages. Milpitas Municipal Code Section V-300-2.62, CFC Section 903.2.8

25. Fire Department access. Sheets A-1.0 and C1.0 shows an acceptable Fire Dept. apparatus access. Fire apparatus access roads shall be provided for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building. Fire apparatus access shall meet the following:

    25.1. Fire apparatus access shall extend to within 150 feet of all portions of exterior walls of the building/structure per the California Fire Code Section 503.1.

    25.2. The proposed driveway shall be designed for fire apparatus access. Fire Access Dimensions, fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm). CFC Section 503.2.1

    Exception:
    Milpitas Municipal Code XI-45.11 45.11-1 Privately owned and maintained access from the public road to each single-family dwelling shall be a minimum of fourteen (14) feet in width. Turning radius shall be designed to meet the Fire Department's requirements.

    45.11-2 Turnout space shall be provided on driveways over one hundred fifty (150) feet in length with a maximum spacing of one hundred fifty (150) feet if driveway is less than eighteen (18) feet wide.

    45.11-3 Turnaround. All dwelling units shall provide an on-site area for vehicles to turn around if served by a driveway over one hundred fifty (150) feet in length to meet Fire Department's requirements.

45.11-4 Vertical Clearance. All privately owned and maintained roads and drives shall assure a mini fourteen (14) foot vertical clearance.

25.3. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather capabilities. Bearing capacity for the driveway and the entry drive court shall be designed to provide a minimum of 60,000 lbs bearing capacity for the fire apparatus. CFC Section 503.2.3

25.4. When there is a dead-end condition, means for fire apparatus turn-around shall be provided as per the CA Fire Code Section 503.2.5. The Fire Department reserves the right to request site design changes as needed to meet the requirements of the CFC, and/or make the request for additional fire protection measures in conformance with the CFC Section 102.9.

25.5. The grade (maximum 15%) of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus. CFC Section 503.2.7

25.6. Electric gates. Where provided, gates shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. CA Fire Code Section 503.5

Electric gates shall also be provided with a Milpitas Fire Department approved "Knox" electronic switch in addition to the keypad. CA Fire Code Section 102.9

26. Premises identification. New and existing buildings shall have approved address numbers. Address numbers shall be illuminated and located where they are clearly visible from the street. CFC Section 505

27. Water supply requirements. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. CFC Section 507.5.1

    Exception:

    For Group R-3 and Group U occupancies, equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance requirement shall be not more than 600 feet

28. Sprinkler system supervision and alarms, and monitoring. It is recommended that due to the location of the home (hillside) the automatic fire sprinkler system for this home be a system that has supervision and alarm, and monitoring system in conformance to the CA Fire Code Section 903.4.

BUILDING DEPARTMENT CONDITIONS

29. Compliance with California Code of Regulations. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety and Housing Department.

ENGINEERING DEPARTMENT CONDITIONS

PRIOR TO CONSTRUCTION PLAN SUBMITTALS

*The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of*

Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met. ***(E)***

30. Stormwater Control Plan: Permittee shall submit City approved final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit, including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.

31. Submittal Requirements: Permittee to ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

The following conditions shall be addressed as part of the off-site improvement plan review and shall be met ***prior to*** *encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer.* ***(E)***

32. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:

    a. Milpitas Design Guidelines: (http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/);

    b. Standard details and specifications: (http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/standard-details-and-specifications/);

    c. Americans with Disabilities Act (ADA) requirements, where applicable.

33. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.

34. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.

35. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service.

36. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.

37. Pothole Encroachment Permit: Due to new utility service connections on City streets, Permittee shall pothole and verify all potential utility crossing conflict as part of the public improvement plan during the design stage.

38. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 Water Efficient Landscapes for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.

39. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc.

40. Solid Waste Management: The project must meet all Milpitas Sanitation and SB 1383 requirements for solid waste management.

41. Mailboxes: The Permittee shall obtain information from the US Postal Services regarding placement of required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review.

DURING CONSTRUCTION

*The following conditions shall be complied with at all times **during** the construction phase of the project, unless otherwise approved by the Director of Engineering/City Engineer.* ***(E)***

42. Dewatering: If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.

43. On-site Recycle Water Coordination: Permittee's cross-connection specialist shall coordinate the phasing of the construction; facilitate the cross-connection testing in order to minimize the impact for occupied buildings during cross-connection testing; sign-off before the water meter set; coordinate on-site construction inspection; complete the site inspection; fill out required paperwork/questionnaire; and provide them to the City for forwarding to South Bay Water Recycling.

44. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council.

45. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public rights-of-way or public easements.

46. Water Shut-down Plan: Permittee shall provide a water shut-down plan at least seven days in advance of the shut-down in coordination with the Engineering Inspector and notify affected property owners/tenants when cut-in tee(s) is/are required.

PRIOR TO FIRST OCCUPANCY

*The following conditions shall be met **prior to** first building occupancy on either lot, unless otherwise approved the Director of Engineering/City Engineer.*

47. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to frontage improvements and fire hydrants, as shown on City approved plans.

48. Landscape Certificate of Completion: Permittee shall submit a Certificate of Substantial Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance.

LEGEND

(P) = Planning Department
(B) = Building Department
(E) = Engineering Department
(F) = Fire Department
(CA) = City Attorney
ALL = All Reviewing Departments

AGREEMENT

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and hereby agrees to use the project property on the terms and conditions set forth in this resolution.

Dated: _____ _____

Signature of Permittee

MILPITAS PLANNING COMMISSION
STAFF REPORT

January 25, 2023

APPLICATION: **NEW HILLSIDE RESIDENCE – Site Development Permit No. SD22-0001** – A Site Development Permit to allow development of a 3,347-square foot, single-family residence up to 25 feet, six inches (two stories) in height, with a 1,012-square foot attached garage, 1,200-square foot attached accessory dwelling unit (ADU), in-ground pool and spa, deer fencing up to eight-feet in height, landscaping, and associated site improvements on a vacant 4.29-acre hillside lot located in the R1-H Single-Family Residential Hillside Zoning District at 531 Vista Ridge Drive.

RECOMMENDATION: **Staff recommends that the Planning Commission adopt Resolution No. 23-002, recommending approval of Site Development Permit SD22-0001 to the City Council, subject to the attached Conditions of Approval.**

LOCATION:
Address/APN: 531 Vista Ridge Dr. (APN 042-30-029)
Area of City: East of Vista Ridge Drive

PEOPLE:
Project Applicant: Bridgett Shank, Timbre Architecture
Property Owner: Milan Brahmbhatt
Project Planner: Kristina Phung, Associate Planner

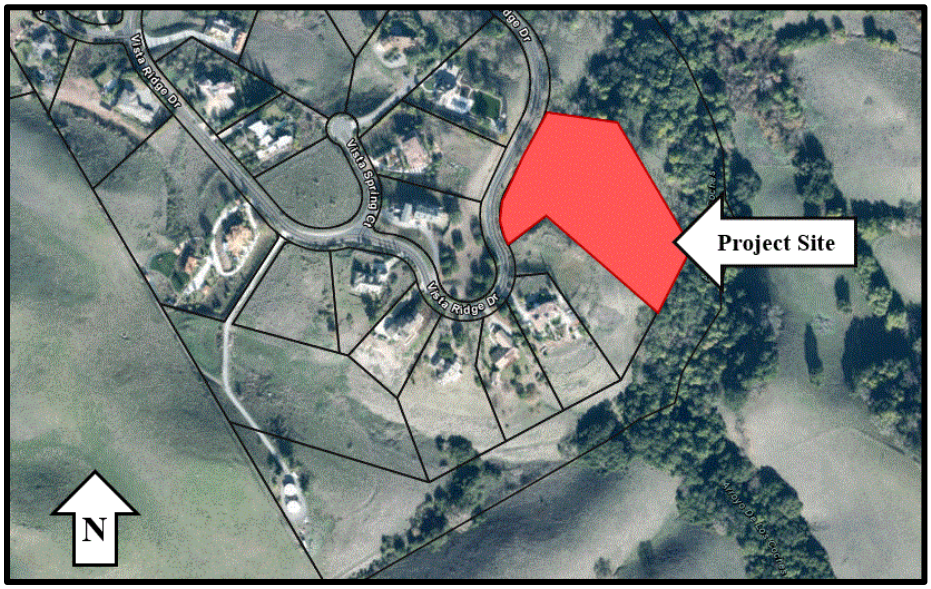
LAND USE:
General Plan Designation: Hillside Low-Density (HLD)
Zoning District: Single Family Residential-Hillside (R1-H)
Site Area: 4.29 acres

ENVIRONMENTAL: Categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

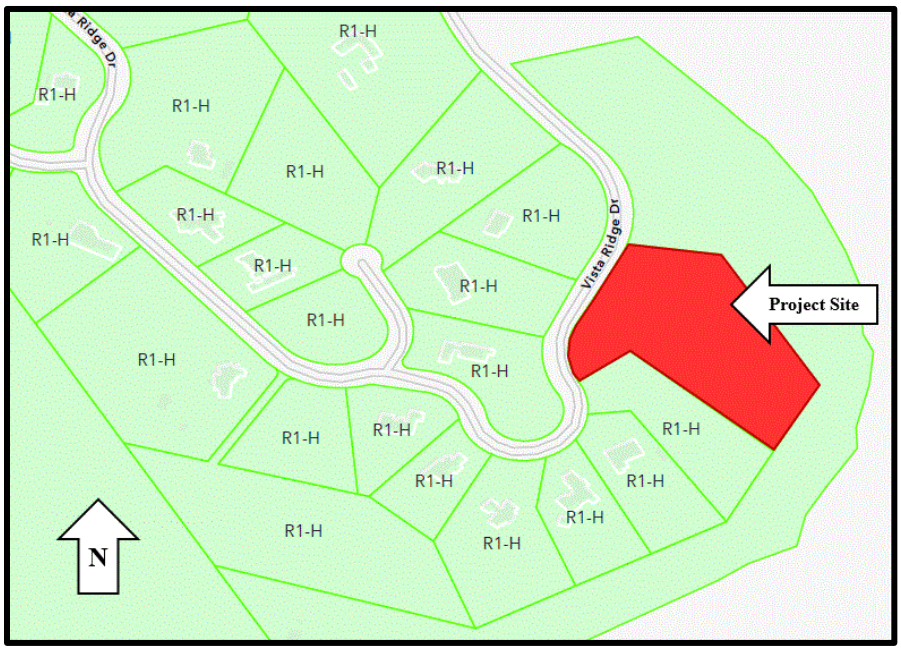
EXECUTIVE SUMMARY

The applicant is requesting a Site Development Permit to construct a 3,347-square foot, two-story single-family residence with a 1,012-square foot attached garage on a 4.29-acre vacant hillside lot. The proposed project includes an attached 1,200 ADU, in-ground pool and spa, deer fencing up to eight-feet in height, landscaping, and associated site improvements. Map 1 demonstrates the vacant lot and Map 2 demonstrates the neighboring zoning designation.

Map 1 - Project Location



Map 2 - Zoning Map



BACKGROUND

History

On October 13, 1982, "Tract No. 6744" was filed for recordation in the Office of the Recorder of the County of Santa Clara, State of California. Tract Map No. 6744 created 26 lots, known as the Spring Valley Heights subdivision, with Lots 1-25 ranging in size from approximately 1.0-acre to 5.0-acres. Lot 26 was designated as "Common Area" and contains approximately 45.6 acres, with portions dedicated to future trails.

Subsequently, Tract Map 6744 was amended twice. On February 27, 1986, a lot line adjustment altered the boundaries of lots 1, 4, 5, 16, and 26. On April 8, 1988, Tract Map 6744 was further amended to include the following:

- the elimination of all building envelopes previously recorded on lots 1-25,
- modifications to easements on lots 7, 18, and 20, and
- requiring a geologic considerations analysis for all future developed lots.

Lot 16 is now known as 531 Vista Ridge Drive. The lot has remained vacant since the subdivision was approved in 1982. Approximately three other lots remain vacant in this Hillside subdivision; the remaining 21 lots have been developed or approved for single-family residences.

The Application

The following is a summary of the applicant's request:

- *Site Development Permit:* To allow the development of a 3,347-square foot, two-story single-family residence with a 1,012-square foot attached garage on a 4.29-acre vacant lot within the hillside. The proposal also includes a 1,200-square foot, attached ADU, in-ground pool and spa, deer fencing up to eight-feet in height, landscaping, and associated site improvements.

Process

In addition to satisfying the substantive and procedural requirements typically applicable to a Site Development Permit, the application must be considered by both the Planning Commission and the City Council due to the project's location within the Hillside Combining District ("H") (Milpitas Municipal Code Section XI-10-45.09) for conformance with the Hillside Site and Architectural Guidelines.

PROJECT DESCRIPTION

Overview

The applicant is requesting a Site Development Permit to construct a two-story, single-family residence with four bedrooms and three and a half bathrooms. The proposed project also includes an attached one-story, two-bedroom ADU[1], totaling approximately 1,200-square feet (sq. ft.).

[1] The proposed ADU meets the minimum requirements per State law and Milpitas Municipal Code (MMC) Section XI-10-13.08, Accessory Dwelling Units. Therefore, the ADU must be approved ministerially and is not subject to any discretionary review.

The first floor, totaling approximately 2,511 sq. ft. will include the following: laundry room, three bedrooms, two and a half bathrooms, living room, dining room, play room, kitchen/pantry area, prayer room, and an attached four-car garage. Two additional onsite uncovered parking stalls will be located west of the new residence for the ADU.

A staircase by the common entryway of the residence will connect to a partial second floor totaling approximately 836 sq. ft. The second floor will contain the master bedroom suite with a full bathroom and an office area. Additionally, a roof deck connecting from the master bedroom is proposed. The master bedroom windows and roof deck are at the rear of the residence, with the roof deck facing southeast looking onto undeveloped hillside views and will not have a direct line of sight to neighboring residences. The accessible roof deck will also feature a low-profile green roof.

A hammerhead asphalt concrete driveway approximately 275-feet long will be built matching the existing slope. Behind the garage and between the main residence and ADU will feature an open play-lawn area. The rear of the main residence wing will also include an attached unenclosed patio cover. Other proposed accessory structures include an in-ground pool with an integrated spa. Proposed fencing surrounding the residence includes an eight-foot tall deer fence made of standard coated steel with a motorized, six-foot tall entry gate in the driveway.

No existing onsite trees will be removed as part of the proposed project as all existing trees are located on the sloped portions of the lot, and the proposed residence and associated structures will be constructed on the flattest portion of the lot. On-site improvements designed by professional Todd Kalbfeld Landscape Design will primarily surround the immediate areas of the new driveway and residence with drought tolerant, fire resistant, and low water use landscaping. These improvements include numerous shrubs, ground cover species, and trees, including but not limited to: 33 California wild lilac shrubs, eight California Holly shrubs, six fruit trees, and seven crepe myrtle trees.

Location and Context

The project site is in the eastern portion of the City of Milpitas in the hillside area on an undeveloped 4.29-acre parcel along Vista Ridge Drive. The subject property and all neighboring properties are zoned Single-Family Residential-Hillside. Unincorporated Santa Clara County properties are located further from the project site to the north and east. The following table provides a summary of the Zoning and Land Uses surrounding the site:

Table 1:

Surrounding Zoning and Land Uses

	General Plan	Zoning	Existing Use
Subject Site	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)	Vacant
North	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)	Common Area (Vacant Undeveloped Preserved Lot)
South	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)	Single-family home (under construction)
East	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)	Common Area (Vacant Undeveloped Preserved Lot)

West	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)	Single-family home

PROJECT ANALYSIS

General Plan and Zoning Conformance

Milpitas General Plan 2040

Hillside Low Density (HLD) is the General Plan land use designation. Topography within this designation is characterized by gentle to steep slopes, grassy terrain with some chaparral trees, wildlife, and geologically unstable areas. The HLD designation was created to ensure safe, appropriate development that preserves the natural hillside ambiance. All development in the hillside area is low-density, in scale with other single-family residences, and rural in nature. As designed, the Project is in conformance with the policies and standards in the City's General Plan, as demonstrated in the following table:

Table 2:

General Plan Consistency

Policy	Conformance
CD 7-1 *Maintain the visual character of hillsides, recognizing both the importance of the exposure of hillside development from off-site public views and the importance of providing panoramic public views from and of hillsides.*	**Consistent.** The proposed project will not impact the visual character of the hillside from the valley floor or other viewpoints as the project site is located over a half mile east of the crestline and the new residence will be shielded by an existing hill when viewed from the valley floor. Project Plan sheets G0.1 and G0.2 illustrate how the proposed residence will not obstruct panoramic public views from and of the hillsides.
CD 7-2 *Minimize the alteration of existing landforms and maintain the natural topographic characteristics of the hillside areas, allowing only minimal disruption.*	**Consistent.** The proposed new residence will be situated at the flattest portion of the lot to limit disruption to the existing natural topography by limiting cut to 453 cubic yards and fill to 213 cubic yards for both construction phases. Substantial grading (209 cubic yards) is a result of the excavation for the pool area at a vertical depth of 4-feet. The remaining 244 cubic yards of cut is for the driveway and landscaping. The proposed residence is naturally sited on the existing flattest portion of the lot as the remainder of the lot is either significantly downsloping or upsloping. Therefore, only minimal alterations to the existing topographical characteristics of the lot are proposed for the in-ground pool/spa, driveway, and landscaping.

Policy	Conformance
CD 7-3 *Protect the natural character of hillside areas by means of contour grading to blend graded slopes and terraces with the natural topography.*	**Consistent**. Minimal contour grading will be required for construction of the new residence due to its siting on the flattest areas of the lot. All new contours will be designed to blend with the natural existing site contours as demonstrated in the civil drawings in the plan set. Grading of the driveway follows the natural contours, does not require steep cuts, and follows the natural grade of the existing hillside.
CD 7-4 *Avoid mass graded pads within hillside areas. Smaller steps or grade changes should be used over single, large, slope banks to the greatest extent feasible.*	**Consistent**. The building pad is proposed at the flattest portion of the lot and will necessitate only minimal grading for the driveway and landscaping. Grading has been substantially minimized in the project, in that the siting follows the site's natural contours, in an effort to preserve the natural terrain quality. Other grading includes excavation for the proposed in-ground pool and integrated spa along an existing flat portion of the lot.
CD 7-5 *Ensure that any change in hillside land use is accompanied by appropriate safety measures and that the environmental constraints are adequately addressed especially with respect to runoff and erosion.*	**Consistent.** No changes are proposed to the existing land use and zoning designation for the subject site to be used as a single-family residence. Prior to construction of the residence, all proposed project construction and operational details will be reviewed thoroughly by applicable Departments during the building permit review process. The building permit application will be reviewed with the latest adopted State and local building and development codes, which will include standard requirements such as Construction Best Management Practices (BMPs) and an erosion and sediment control plan to control runoff onto adjacent properties.
CD 7-6 *Require hillside development to incorporate architecture, scale, massing, building form, building color, roof materials, and landscaping to reflect the natural hillside setting.*	**Consistent**. The proposed project's low-profile building design and earth tone materials and colors will blend into the rural environment and only includes a partial second story for reduced massing and scale. The exterior façade will include materials such as natural cedar siding and stacked gray limestone with metal materials and accents on the roof, windows/doors, and garage door in a dark bronze color to match. As demonstrated by Sheet G.03, the 3D renderings show the new residence with its earth-toned

Policy	Conformance
	proposed colors and materials that brings together the natural hillside topography of the lot. Additionally, the proposed landscaping materials are consistent with the Hillside Landscaping Ordinance.

Development Standards

The site is in the R1-H Single-Family Residential-Hillside Combining District. The "H" Zoning District promotes and encourages the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular constraints associated with development of hillside areas, including, but not limited to, geologic problems, slope, safe access and visibility.

Per Milpitas Municipal Code Section XI-10-45.17-4, the subject parcel is greater than 3.0-acres, which allows for a larger maximum size for the main residence and greater impervious surface coverage compared to parcels under this acre threshold. Although the proposed new residence could be developed substantially greater in size for the main residence and impervious surface coverage, the project applicant chose to conform to development standards well within its maximum limitations. Table 3 demonstrates the project's consistency with the applicable development standards of the R1-H zone.

Table 3:
Summary of Development Standards

Standards	Hillside Requirements	Proposed	Complies
Front Setback	25 ft. minimum when avg. slope is <16%. Otherwise, 40 ft. minimum	206 ft. 9 in. (Avg. slope of lot is 14.51%)	Yes
Side Yard Setback	40 ft. minimum	134 ft. 8 in. to east 40 ft. to west	Yes
Rear	40 ft. minimum	264 feet	Yes
Size of Main Residence	6,000 sq. ft. maximum (lots < 3 acres) 10,000 sq. ft. maximum (lots > 3 acres)	4,359 sq. ft. (including attached garage)	Yes
Size of Accessory Structures	1,200 sq. ft. maximum per individual structure	1,200 sq. ft. (attached ADU) 594 sq. ft. (attached unenclosed patio cover)	Yes
Impervious Surfaces	8,000 sq. ft. maximum (lots < 3 acres)	14,443 sq. ft.	Yes

Standards	Hillside Requirements	Proposed	Complies
	30,000 sq. ft. maximum (lots > 3 acres)		
Building Height (maximum)	17 ft. west of crestline; 27 ft. east of crestline	25 ft. 6 in.	Yes
Parking	Main Residence - Three spaces required ADU – One space required	Six spaces (four inside garage & two outside)	Yes

Due to the subject property's location, the project is required to comply with the development standards in the City's Hillside Combining District. Per MMC Section XI-10-45.09-7, the Planning Commission and City Council shall consider the following guidelines in its review. Staff recommends that the proposed design is consistent with the Hillside Architectural Guidelines as shown in Table 4 below.

Table 4:
Site and Architectural Guidelines – City of Milpitas – Hillside

Site and Architectural Guidelines *Section XI-10-45.09-7*	**Consistency Finding**
(a) Avoid unreasonable interference with Views and Privacy. The height, elevations and placement on the site of the proposed main or accessory structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.	**Consistent.** Due to the proposed location and minimal scale of the home in consideration to its maximum allowable size outlined in Table 3, the development will not substantially interfere with views and privacy to adjacent lots. In addition, the proposal exceeds all setback requirements, is within its 27-foot, two-story height limit at 25-feet and 6-inches, and substantially setback from adjacent residences to the south and west, which minimizes interference with views and privacy. The adjacent lot located immediately south of the subject property at 529 Vista Ridge Drive is the only other residence that would be nearby the subject property. The residence is currently under construction as a one-story, single-family residence, and is sited entirely on a upsloped elevation and will not have any immediate line of sight to the new proposed residence. The lot immediately east and north of the subject parcel is dedicated as Common Area only and will not be developed with future residential uses. Three other

Site and Architectural Guidelines *Section XI-10-45.09-7*	**Consistency Finding**
	existing developed lots with single-family residences located west of the subject parcel are on the other side of Vista Ridge Drive are also located on higher elevations and are accessible from a separate street, Vista Spring Court. As such, these other residences contain substantial rear setbacks and the residences will not front each other. Additionally, existing trees and established landscaping features obstruct direct views of the other residences from 531 Vista Ridge Drive.
(b) Preserve Natural Landscape. The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal.	**Consistent.** The project site is currently vacant and undeveloped with no trees or shrubs on the proposed building footprint. All existing trees are on the sloped portions of the lot where development will not occur. As such, no trees will be removed. As currently proposed, the design of the house is carefully sited to be built on the flattest portions of the lot, following the natural landscape and existing contours of the site to limit cut and fill to an equal 453 cubic yards of cut and 213 cubic yards of fill. The amount of cut is due to the excavation for the pool/spa, driveway, and landscaping.
(c) Minimize Perception of Excessive Bulk. The design of the proposed main and /or accessory structure(s) in relation to the immediate neighborhood should minimize the perception of excessive bulk.	**Consistent.** The proposed design includes varying rooflines, a clear delineation of different colors and materials, and punctuation of certain front and side facing elevations to remove the perception of bulk within the two-story residence. The footprint of the proposed home is also angled in its orientation to the front property line and only contains a partial second story, thus minimizing the perception of excessive bulk.
(d) Impairment of Light and Air. The proposed main or accessory structure(s) shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.	**Consistent.** The proposed home will not exceed the maximum height limit for homes east of the crestline, only has a partial second story, and exceeds all minimum setbacks as required by the Hillside development standards. The proposed home has a combination of flat and minimally pitched roof systems that could be used to utilize future solar energy. With regards to adjacent properties, the lots to the north and east are

Site and Architectural Guidelines *Section XI-10-45.09-7*	**Consistency Finding**
	reserved as Common Area and the residence under construction to the south will be located on a higher elevation greater than 170-feet away. The residences to the west are also located entirely on a higher elevation and are facing Vista Spring Court from the proposed residence. As such, the proposed project will not cause an impairment to the adjacent properties access to light and air.
(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.	**Consistent.** As designed, the proposed location of the main dwelling is where the existing lot is relatively flat and the majority of the remainder of the lot is substantially upsloping or downsloping. The grading is limited for construction of the driveway, landscaping, and excavating for the in-ground pool and integrated spa. The remainder of the existing upsloping and downsloping topography of the lot will remain minimally altered to preserve the existing natural contours of the hillside.

Site & Architectural Design

The project is designed influenced by the California modern bungalow style by utilizing long overhangs for shading and emphasizing natural materials throughout, which adds to the neighborhood's diversity of housing stock. The home incorporates strong lines, a mixture of high-quality metal or wood and earth tone materials. Articulating the architectural forms and blending with various finishes creates an attractive front elevation. Large windows are concentrated towards the hillside to frame views and provide opportunities for extensive natural lighting. The open plan layout forms an L-shape to encompass the pool/integrated hot tub and outdoor living areas for a seamless indoor-outdoor connection. The layout of the residence together with the natural grading of the lot maximizes privacy for the homeowners and minimizes views into adjacent properties.

The overall color scheme of the residence will have light tan, brown, and gray shades. The exterior materials include exterior siding in a natural cedar wood color, stacked gray limestone cladding, dark bronze color standing seam metal roofing and garage door. The doors and windows will have a dark bronze color to match the roof and garage door. The roof deck will have a metal guardrail with glass panels. All exterior materials and finishes work together as a palette of earth tone colors creating harmony with the surroundings. The colors and materials proposed are complementary to the character of the rural, neighboring residences. A visual rendering with all materials and colors is demonstrated in the Colors/Materials Sheet G0.3 in Attachment B (Project Plans).

Grading

Due to the proposed residence location from the main road and vehicular access requirements, the site must be graded to make residential development feasible. In an effort to limit the amount of grading, the applicant designed the home on the flattest portion of the site which will result in 453 cubic yards of cut and 213 cubic yards fill for the construction of the new home and the required grade of the driveway for firetruck access. As previously noted, a substantial amount of cut (209 cubic yards) is due to the estimated excavation for the pool and integrated spa area. Attachment B (Project Plans) demonstrates the preliminary grading plan on Sheet C4 and is consistent with the grading requirements within the Hillside Ordinance.

Crestline Zone of Protection

Per MMC Section XI-10-45.06, the purpose of the Crestline Zone of Protection is to preserve the crestline's natural quality and the slopes immediately below when viewed from the valley floor. To demonstrate compliance, the applicant took pictures from the three nearest vantage viewpoints established by the City from the crestline. As demonstrated in Sheets G0.1 and G0.2 of Attachment B (Project Plans), the project site will not be visible from the valley floor, and is obstructed from views by an existing hill, and is therefore, compliant with the Crestline Zone of Protection.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information that the Planning Commission must consider in making a decision. Findings shall identify the rationale behind the decision to take a certain action. Based on substantial evidence in the public record, Staff has found that the proposed Project is consistent with the General Plan, Zoning Ordinance, and all required findings.

Site Development Permit Findings (Section XI-10-57-03-1(F))

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

As described within the staff report, the development's architectural design and site planning is aesthetically compatible with the neighboring properties, and the on-site grading plan minimizes changes to the natural topography. The proposed single-family residence incorporates earth tone colors and materials that complement both the site and existing neighborhood. Furthermore, the design of the proposed project will complement adjacent and surrounding development as the new residence will only have a partial second-story floor and be built up to 44% of the allowed size for a main residence on the 4.29-acre lot in the Hillside Zoning Ordinance.

2. *The Project is consistent with the Milpitas Zoning Ordinance in that:*

As described within the staff report and demonstrated within Table 3 of the staff report, the proposed single-family residence is consistent with the development standards of the Milpitas Zoning Ordinance for the R1-H Single-Family Residential-Hillside Zoning District for setbacks, height requirements, and landscaping.

3. *The Project is consistent with the Milpitas General Plan in that:*

As demonstrated within Table 2 of the staff report, the Project is consistent with the existing Hillside General Plan policies of the City of Milpitas. The proposed residence is designed to fit in with the existing natural topographic features of the property with minimal grading and will have little to no visual impact as viewed from the valley floor as the subject residence will be shielded by an existing hill and is located on a farther eastern edge of the City. No mass grading is required, and the majority of the lot will remain undeveloped. The scale, mass, building form, and overall design of the new Hillside residence will be similar to other single-family residences in the Hillside and will have earth toned features.

ENVIRONMENTAL REVIEW

The proposed Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning).

PUBLIC COMMENT/OUTREACH

Staff provided public notice for the application per City and State public notice requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on January 13, 2023. In addition, 12 notices were sent to owners and occupants within 300 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.milpitas.gov, and posted at City Hall.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing; and
3. Adopt Resolution 23-002, recommending that the City Council approve Site Development Permit No. SD22-0001, to allow development of a single-family residence in the R1-H Single-family Residential Hillside Zoning District, subject to the findings and attached Conditions of Approval.

ATTACHMENTS

A: Resolution 23-002
B: Project Plans

DocuSign Envelope ID: BC7D9E21-F1A0-4D7A-ADD9-2F3FC9EE2250

RESOLUTION NO. 23-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING APPROVAL OF SITE DEVELOPMENT PERMIT NO. SD22-0001 TO CONSTRUCT A NEW HILLSIDE HOME ON A VACANT 4.29-ACRE SITE LOCATED AT 531 VISTA RIDGE DRIVE (APN: 042-30-029)

WHEREAS, on February 15, 2022, an application was submitted by Bridgett Shank of Timbre Architecture ("Applicant" or "Permittee"), for a development proposal to allow development of a 3,347-square foot, single-family residence up to 25 feet, six inches (two stories) in height, with a 1,012-square foot attached garage, 1,200-square foot attached accessory dwelling unit (ADU), in-ground pool and spa, deer fencing up to eight-feet in height, landscaping, and associated site improvements on a vacant 4.29-acre site at 531 Vista Ridge (APN: 042-30-029) (the "Project"). The Project site is zoned Single Family Residential - Hillside; and

WHEREAS, the Planning Division completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), which assessment determined that the Project is exempt from CEQA review pursuant to Section 15303 (New Construction and Conversion of Small Structures) of the CEQA Guidelines and, as a separate and independent basis, pursuant to Section 15183 of the CEQA Guidelines; and

WHEREAS, on January 25, 2023, a duly noticed public hearing was held by the City of Milpitas Planning Commission on the subject application, at which time all those in attendance were given the opportunity to speak on the Project; and

WHEREAS, the Planning Commission has considered all of the written and oral testimony presented at the public hearing in making its decision; and

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

SECTION 1: Recitals

The Planning Commission 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 incorporated herein by reference.

SECTION 2: CEQA Finding

The project is exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303(a) for "New Construction or Conversion of Small Structures including one single-family residence, or a second dwelling unit in a residential zone," because it can be seen with certainty that there is no possibility that these actions may have a significant effect on the environment. The Project's proposed new construction of a single-family residence and its accessory structures are within a residentially zoned area on a legal parcel and none of the exceptions, as specified in Section 15300.2 of the CEQA Guidelines that would preclude applicability of this exemption are present. As a separate and independent basis, the Project is exempt from Section 15183 of the CEQA Guidelines as a project consistent with a community plan, general plan or zoning in that it is consistent with the development density established in the Milpitas General Plan and the applicable zoning and there are no project-specific significant effects which are peculiar to this project or its site.

SECTION 3: Site Development Permit Findings (Section XI-10-57.03(F)(1)) - ***The Planning Commission makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD22-0001:***

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

As described within the staff report, the development's architectural design and site planning is aesthetically c with the neighboring properties, and the on-site grading plan minimizes changes to the natural topography. The proposed single-family residence incorporates earth tone colors and materials that complement both the site and existing neighborhood. Furthermore, the design of the proposed project will complement adjacent and surrounding development as the new residence will only have a partial second-story floor and be built up to 44% of the allowed size for a main residence on the 4.29-acre lot in the Hillside Zoning Ordinance.

2. *The Project is consistent with the Milpitas Zoning Ordinance.*

Table 1 demonstrates the Project's consistency with the applicable development standards of the R1-H Zoning District per Section XI-10-45 - "H" Hillside Combining District of the Milpitas Zoning Ordinance, including setbacks, height requirements, maximum impervious surface coverage, and parking.

Table 1:
Summary of Development Standards

Standards	Hillside Requirements	Proposed – 4.67-acre lot	Complies
Front Setback	25 ft. minimum when avg. slope is <16%. Otherwise, 40 ft. minimum	206 ft. 9 in. (Avg. slope of lot is 14.51%)	Yes
Side Yard Setback	40 ft. minimum	134 ft. 8 in. to east 40 ft. to west	Yes
Rear	40 ft. minimum	264 feet	Yes
Size of Main Residence	6,000 sq. ft. maximum (lots < 3 acres) 10,000 sq. ft. maximum (lots > 3 acres)	4,359 sq. ft. (including attached garage)	Yes
Size of Accessory Structures	1,200 sq. ft. maximum per individual structure	1,200 sq. ft. (attached ADU) 594 sq. ft. (attached unenclosed patio cover)	Yes
Impervious Surfaces	8,000 sq. ft. maximum (lots < 3 acres) 30,000 sq. ft. maximum (lots > 3 acres)	14,443 sq. ft.	Yes
Building Height (maximum)	17 ft. west of crestline; 27 ft. east of crestline	25 ft. 6 in.	Yes
Parking	Main Residence - Three spaces required ADU – One space required	Six spaces (four inside garage & two outside)	Yes

Due to the subject property's location, the Project is also required to comply with the development standards in the City's Hillside Combining District. Per Section XI-10-45.09-7 of the Zoning Ordinance, the Planning Commission and City Council shall consider the following guidelines in their review of proposed new development. Staff has determined the home to be consistent with the Hillside Architectural Guidelines as demonstrated below. See Table 2 for consistency.

Table 2:
Hillside Zoning Ordinance Compliance

Site and Architectural Guidelines *Section XI-10-45.09-7*	**Consistency Finding**
(a) Avoid unreasonable interference with Views and Privacy. The height, elevations and placement on the site of the proposed main or accessory structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.	**Consistent.** Due to the proposed location and minimal scale of the home in consideration to its maximum allowable size outlined in Table 3, the development will not substantially interfere with views and privacy to adjacent lots. In addition, the proposal exceeds all setback requirements, is within its 27-foot, two-story height limit at 25-feet and 6-inches, and substantially setback from adjacent residences to the south and west, which minimizes interference with views and privacy. The adjacent lot located immediately south of the subject property at 529 Vista Ridge Drive is the only other residence that would be nearby the subject property. The residence is currently under construction as a one-story, single-family residence, and is sited entirely on a upsloped elevation and will not have any immediate line of sight to the new proposed residence. The lot immediately east and north of the subject parcel is dedicated as Common Area only and will not be developed with future residential uses. Three other existing developed lots with single-family residences located west of the subject parcel are on the other side of Vista Ridge Drive are also located on higher elevations and are accessible from a different street, Vista Spring Court. As such, these other residences contain substantial rear setbacks and the residences will not face each other. Additionally, existing trees and established landscaping features obstruct direct views of the other residences from 531 Vista Ridge Drive.
(b) Preserve Natural Landscape. The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal.	**Consistent.** The project site is currently vacant and undeveloped with no trees or shrubs on the proposed building footprint. All existing trees are on the sloped portions of the lot where development will not occur. As such, no trees will be removed. As currently proposed, the design of the house is carefully sited to be built on the flattest portions of the lot, following the natural landscape and existing contours of the site to limit cut and fill to an equal 453 cubic yards of cut and 213 cubic yards of fill. The amount of cut is due to the excavation for the pool/spa, driveway, and landscaping.
(c) Minimize Perception of Excessive Bulk. The design of the proposed main and /or accessory structure(s) in relation to the immediate neighborhood should minimize the perception of excessive bulk.	**Consistent.** The proposed design includes varying rooflines, a clear delineation of different colors and materials, and punctuation of certain front and side facing elevations to remove the perception of bulk within the two-story residence. The footprint of the proposed home is also angled in its orientation to the

Site and Architectural Guidelines *Section XI-10-45.09-7*	**Consistency Finding**
	front property line and only contains a partial second story, thus minimizing the perception of excessive bulk. The overall building footprint of the main residence on the 4.29-acre lot is consolidated, and the remaining portions of the lot will also remain undeveloped.
(d) Impairment of Light and Air. The proposed main or accessory structure(s) shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.	**Consistent.** The proposed home will not exceed the maximum height limit for homes east of the crestline, only has a partial second story, and exceeds all minimum setbacks as required by the Hillside development standards. The proposed home has a combination of flat and minimally pitched roof systems that could be used to utilize future solar energy. With regards to adjacent properties, the lots to the north and east are reserved as Common Area and the residence under construction to the south will be located on a higher elevation greater than 170-feet away. The residences to the west are also located entirely on a higher elevation and are facing Vista Spring Court from the proposed residence. As such, the proposed project will not cause an impairment to the adjacent properties access to light and air.
(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.	**Consistent.** As designed, the proposed location of the main dwelling is where the existing lot is relatively flat and the majority of the remainder of the lot is substantially upsloping or downsloping. The grading is limited for construction of the driveway, landscaping, and excavating for the in-ground pool and integrated spa. The remainder of the existing upsloping and downsloping topography of the lot will remain minimally altered to preserve the existing natural contours of the hillside.

Site & Architectural Design

The project is designed influenced by the California modern bungalow style by utilizing long overhangs for shading and emphasizing natural materials throughout, which adds to the neighborhood's diversity of housing stock. The home incorporates strong lines, a mixture of high-quality metal or wood and earth tone materials. Articulating the architectural forms and blending with various finishes creates an attractive front elevation. Large windows are concentrated towards the hillside to frame views and provide opportunities for extensive natural lighting. The open plan layout forms an L-shape to encompass the pool/integrated hot tub and outdoor living areas for a seamless indoor-outdoor connection. The layout of the residence together with the natural grading of the lot maximizes privacy for the homeowners and minimizes views into adjacent properties.

The overall color scheme of the residence will have light tan, brown, and gray shades. The exterior materials include a exterior siding in a natural cedar wood color, stacked gray limestone cladding, dark bronze color standing seam metal roofing and garage door. The doors and windows will have a dark bronze color to match the roof and garage door. The roof deck will have a metal guardrail with glass panels. All exterior materials and finishes work together as a palette of earth tone colors creating harmony with the surroundings. The colors and materials proposed are complementary to the character of the rural, neighboring residences. A visual rendering with all materials and colors is demonstrated in the Colors/Materials Sheet G0.3 in Attachment B (Project Plans).

Grading

Due to the proposed residence location from the main road and vehicular access requirements, the site must be graded to make residential development feasible. In an effort to limit the amount of grading, the applicant designed the home on the flattest portion of the site which will result in 453 cubic yards of cut and 213 cubic yards fill for the construction of the new home and the required grade of the driveway for firetruck access. As previously noted, a substantial amount of cut (209 cubic yards) is due to the estimated excavation for the pool and integrated spa area. Attachment B (Project Plans) demonstrates the preliminary grading plan on Sheet C4 and is consistent with the grading requirements within the Hillside Ordinance.

Crestline Zone of Protection

Per MMC Section XI-10-45.06, the purpose of the Crestline Zone of Protection is to preserve the crestline's natural quality and the slopes immediately below when viewed from the valley floor. To demonstrate compliance, the applicant took pictures from the three nearest vantage viewpoints established by the City from the crestline. As demonstrated in Sheets G0.1 and G0.2 of Attachment B (Project Plans), the project site will not be visible from the valley floor, and is obstructed from views by an existing hill, and is therefore, compliant with the Crestline Zone of Protection.

3. The Project is consistent with the Milpitas General Plan.

As demonstrated in Table 3 below, the Project is consistent with the existing General Plan policies of the Milpitas 2040 General Plan:

Table 3:

General Plan Consistency

Policy	Conformance
CD 7-1 *Maintain the visual character of hillsides, recognizing both the importance of the exposure of hillside development from off-site public views and the importance of providing panoramic public views from and of hillsides.*	**Consistent.** The proposed Project will not impact the visual character of the hillside from the valley floor or other viewpoints as the project site is located over a half mile east of the crestline and the new residence will be shielded by an existing hill when viewed from the valley floor. Project Plan sheets G0.1 and G0.2 illustrate how the proposed residence will not obstruct panoramic public views from and of the hillsides.
CD 7-2 *Minimize the alteration of existing landforms and maintain the natural topographic characteristics of the hillside areas, allowing only minimal disruption.*	**Consistent.** The proposed new residence will be situated at the flattest portion of the lot to limit disruption to the existing natural topography by limiting cut to 453 cubic yards and fill to 213 cubic yards for both construction phases. Substantial grading (209 cubic yards) is a result of the excavation for the pool area at a vertical depth of 4-feet. The remaining 244 cubic yards of cut is for the driveway and landscaping. The proposed residence is naturally sited on the existing flattest portion of the lot as the remainder of the lot is either significantly downsloping or upsloping. Therefore, only minimal alterations to the existing topographical characteristics of the lot are

	proposed for the in-ground pool/spa, driveway, and landscaping.
CD 7-3 *Protect the natural character of hillside areas by means of contour grading to blend graded slopes and terraces with the natural topography.*	**Consistent.** Minimal contour grading will be required for construction of the new residence due to its siting on the flattest areas of the lot. All new contours will be designed to blend with the natural existing site contours as demonstrated in the civil drawings in the plan set. Grading of the driveway follows the natural contours, does not require steep cuts, and follows the natural grade of the existing hillside**.**
CD 7-4 *Avoid mass graded pads within hillside areas. Smaller steps or grade changes should be used over single, large, slope banks to the greatest extent feasible.*	**Consistent.** The building pad is proposed at the flattest portion of the lot and will necessitate only minimal grading for the driveway and landscaping. Grading has been substantially minimized in the project, in that the siting follows the site's natural contours, in an effort to preserve the natural terrain quality. Other grading includes excavation for the proposed in-ground pool and integrated spa along an existing flat portion of the lot.
CD 7-5 *Ensure that any change in hillside land use is accompanied by appropriate safety measures and that the environmental constraints are adequately addressed especially with respect to runoff and erosion.*	**Consistent.** No changes are proposed to the existing land use and zoning designation for the subject site to be used as a single-family residence. Prior to construction of the residence, all proposed project construction and operational details will be reviewed thoroughly by applicable Departments during the building permit review process. The building permit application will be reviewed with the latest adopted State and local building and development codes, which will include standard requirements such as Construction Best Management Practices (BMPs) and an erosion and sediment control plan to control runoff onto adjacent properties.
CD 7-6 *Require hillside development to incorporate architecture, scale, massing, building form, building color, roof materials, and landscaping to reflect the natural hillside setting.*	**Consistent.** The proposed Project's low-profile building design and earth tone materials and colors will blend into the rural environment and only includes a partial second story for reduced massing and scale. The exterior façade will include materials such as natural cedar siding and stacked gray limestone with metal materials and accents on the roof, windows/doors, and garage door in a dark bronze color to match. As demonstrated by Sheet G.03, the 3D renderings show the new residence with its earth-toned proposed colors and materials that brings together the natural hillside topography of the lot. Additionally, the proposed landscaping materials are consistent with the Hillside Landscaping Ordinance.

As described above, the Project is compatible and consistent with the surrounding uses and has been conform to the intent of the Milpitas 2040 General Plan designation. The proposed home is designed to fit in with the natural topographic features of the property and reduces the visual impact as viewed from the valley floor.

SECTION 4: The Planning Commission of the City of Milpitas hereby recommends the City Council approve Site Development Permit No. SD22-0001 to allow the construction of a single-family residence in the R1-H Single-Family Residential-Hillside Zoning District at 531 Vista Ridge Drive, based on the above findings and subject to the Conditions of Approval attached hereto as **Exhibit 1** and incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on January 25, 2023.

DocuSigned by:
Chair Bill Chuan BC Jan-27-2023
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Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on January 25, 2023, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mercedes Albana	✓			
Dipak Awasthi	✓			
Bill Chuan	✓			
Larry Ciardella	✓			
Alexander Galang	✓			
Sonia Medina-Ashby			✓	
Zeya Mohsin	✓			

EXHIBIT 1

CONDITIONS OF APPROVAL
SITE DEVELOPMENT PERMIT NO. SD22-0001
531 VISTA RIDGE DRIVE (APN 042-30-029)

GENERAL CONDITIONS

1. General Compliance. The applicant, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. Site Development Permit No. SD22-0001 ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County's Recorder Office and a copy shall be provided to the Planning Department. **(P)**

2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**

3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
   a. Acceptance of this Permit by Permittee; and
   b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.

4. Permit Expiration. Pursuant to Section XI-10-64.06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the Project:
   a. Completes a foundation associated with the Project; or
   b. Dedicates any land or easement as required from the zoning action; or
   c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

6. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(ALL)**

7. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(P)**

8. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to City. There is no vesting of any fees or charges with the adoption of this Resolution. **(P)**

9. Conditions. Each and every condition set forth in this Exhibit shall apply to the Project and continue to ap Project so long as the Permittee is operating the Project under the permits and approvals in this Resolution. **(P)**

10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**

11. Previous Approvals. Permittee shall abide by and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(ALL)**

12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the Project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(CA)**

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code. **(P)**

14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable. **(ALL)**

15. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

16. Development in Conformance with Approved Plans: Permittee shall develop the approved Project in conformance with the approved plans approved by the Planning Commission on January 25, 2023, in accordance with these Conditions of Approval.

    Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, Permittee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

17. Prior to the issuance of a building permit, the owner or designee shall include within the four first pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the Project. **(P)**

18. Streets shall be designed to generally follow the contours and landform in order to minimize cut and fill. Exposed walls facing roadways and retaining walls shall be no greater than six feet in height. Crib walls facing roadways shall be no greater than 15 feet in height. **(P)**

19. Landscaping coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation or to replace removed natural vegetation and should recognize climate, soil, and ecological characteristic of the region. Plant materials that require excessive water after becoming established should be avoided. **(P)**

20. Within six months, or such other period established by the Planning Commission, after the commencement of grading activities, all graded areas not covered by an impervious surface shall be stabilized in such manner as shall be approved by the Planning Director. **(P)**

21. The proposed home is located east of the Crestline and is subject to a maximum height of 2 stories or 27 feet.
22. The play lawn area located behind the garage and accessible through an approximately 18-foot wide rear garage door shall not be converted or used for any type of temporary or permanent storage for any form of vehicle or other physical structures for the life of the project. Failure to adhere to this condition may result in a required alteration to the rear garage door as shall be approved by the Planning Director and/or Planning Commission. **(P)**

FIRE DEPARTMENT CONDITIONS

The plans approved by the Planning Department process are not building plans and have not been reviewed nor approved for conformance to the California Building Code (CBC), California Fire Code (CFC) and the Milpitas Municipal Code (MMC). Do not consider this set of plans as final building plans approved by the Fire Department. Building plans must be submitted for review and approval before construction is to commence. The following notes are a general list of the applicable code requirements (2016) and are provided to assist with the building permit process. Please note that these are not all inclusive. All applicable Building, Fire and Municipal Code requirements must be met in advance of any building permit approvals or related construction.

23. Electronic documents. The fire code official may require electronic base documents for all construction documents and operational permits. The fire code official shall designate the software base format for the electronic documents. CFC Section 105.4.2.2, added by MMC Section V-300-2.11, and CFC Section 102.9

24. Automatic Fire Sprinkler Requirements. An automatic sprinkler system shall be provided throughout the new dwellings (main and guest), inclusive of basements and garages. Milpitas Municipal Code Section V-300-2.62, CFC Section 903.2.8

25. Fire Department access. Sheets A-1.0 and C1.0 shows an acceptable Fire Dept. apparatus access. Fire apparatus access roads shall be provided for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building. Fire apparatus access shall meet the following:

    25.1. Fire apparatus access shall extend to within 150 feet of all portions of exterior walls of the building/structure per the California Fire Code Section 503.1.

    25.2. The proposed driveway shall be designed for fire apparatus access. Fire Access Dimensions, fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm). CFC Section 503.2.1

    Exception:
    Milpitas Municipal Code XI-45.11 45.11-1 Privately owned and maintained access from the public road to each single-family dwelling shall be a minimum of fourteen (14) feet in width. Turning radius shall be designed to meet the Fire Department's requirements.

    45.11-2 Turnout space shall be provided on driveways over one hundred fifty (150) feet in length with a maximum spacing of one hundred fifty (150) feet if driveway is less than eighteen (18) feet wide.

    45.11-3 Turnaround. All dwelling units shall provide an on-site area for vehicles to turn around if served by a driveway over one hundred fifty (150) feet in length to meet Fire Department's requirements.

    45.11-4 Vertical Clearance. All privately owned and maintained roads and drives shall assure a minimum fourteen (14) foot vertical clearance.

    25.3. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather capabilities. Bearing capacity for the driveway and the entry

drive court shall be designed to provide a minimum of 60,000 lbs bearing capacity for the fire apparatus. Section 503.2.3

25.4. When there is a dead-end condition, means for fire apparatus turn-around shall be provided as per the CA Fire Code Section 503.2.5. The Fire Department reserves the right to request site design changes as needed to meet the requirements of the CFC, and/or make the request for additional fire protection measures in conformance with the CFC Section 102.9.

25.5. The grade (maximum 15%) of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus. CFC Section 503.2.7

25.6. Electric gates. Where provided, gates shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. CA Fire Code Section 503.5

Electric gates shall also be provided with a Milpitas Fire Department approved "Knox" electronic switch in addition to the keypad. CA Fire Code Section 102.9

26. Premises identification. New and existing buildings shall have approved address numbers. Address numbers shall be illuminated and located where they are clearly visible from the street. CFC Section 505

27. Water supply requirements. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. CFC Section 507.5.1

    Exception:

    For Group R-3 and Group U occupancies, equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance requirement shall be not more than 600 feet

28. Sprinkler system supervision and alarms, and monitoring. It is recommended that due to the location of the home (hillside) the automatic fire sprinkler system for this home be a system that has supervision and alarm, and monitoring system in conformance to the CA Fire Code Section 903.4.

BUILDING DEPARTMENT CONDITIONS

29. Compliance with California Code of Regulations. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety and Housing Department.

ENGINEERING DEPARTMENT CONDITIONS

PRIOR TO CONSTRUCTION PLAN SUBMITTALS

*The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met.* ***(E)***

30. Stormwater Control Plan: Permittee shall submit City approved final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit, including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.

31. Submittal Requirements: Permittee to ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

The following conditions shall be addressed as part of the off-site improvement plan review and shall be met ***prior to*** *encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer.* ***(E)***

32. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:

    a. Milpitas Design Guidelines: (http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/);

    b. Standard details and specifications: (http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/standard-details-and-specifications/);

    c. Americans with Disabilities Act (ADA) requirements, where applicable.

33. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.

34. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.

35. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service.

36. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.

37. Pothole Encroachment Permit: Due to new utility service connections on City streets, Permittee shall pothole and verify all potential utility crossing conflict as part of the public improvement plan during the design stage.

38. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 Water Efficient Landscapes for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.

39. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc.

40. Solid Waste Management: The project must meet all Milpitas Sanitation and SB 1383 requirements for solid waste management.

41. Mailboxes: The Permittee shall obtain information from the US Postal Services regarding placement of required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review.

DURING CONSTRUCTION

*The following conditions shall be complied with at all times **during** the construction phase of the project, unless otherwise approved by the Director of Engineering/City Engineer.* ***(E)***

42. Dewatering: If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.

43. On-site Recycle Water Coordination: Permittee's cross-connection specialist shall coordinate the phasing of the construction; facilitate the cross-connection testing in order to minimize the impact for occupied buildings during cross-connection testing; sign-off before the water meter set; coordinate on-site construction inspection; complete the site inspection; fill out required paperwork/questionnaire; and provide them to the City for forwarding to South Bay Water Recycling.

44. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council.

45. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public right-of-ways or public easements.

46. Water Shut-down Plan: Permittee shall provide a water shut-down plan at least seven days in advance of the shut-down in coordination with the Engineering Inspector, and notify affected property owners/tenants when cut-in tee(s) is/are required.

PRIOR TO FIRST OCCUPANCY

*The following conditions shall be met **prior to** first building occupancy on either lot, unless otherwise approved the Director of Engineering/City Engineer.*

47. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to frontage improvements and fire hydrants, as shown on City approved plans.

48. Landscape Certificate of Completion: Permittee shall submit a Certificate of Substantial Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance.

LEGEND

(P) = Planning Department
(B) = Building Department
(E) = Engineering Department
(F) = Fire Department
(CA) = City Attorney
ALL = All Reviewing Departments

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the Project property on the terms and conditions set forth in this resolution.

Dated: Feb-06-2023

DocuSigned by:

1629132D4BAF439...

Signature of Permittee

Certificate Of Completion

Envelope Id: 997FEE680962471B9826EC5A41F9BFAE
Status: Completed
Subject: Complete with DocuSign: Reso 23-002 - 531 Vista Ridge for DocuSign for Chair.pdf
Source Envelope:
Document Pages: 14
Signatures: 1
Certificate Pages: 5
Initials: 0
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Envelope Originator:
Elizabeth Medina
455 E Calaveras Blvd
Milpitas, CA 95035
emedina@milpitas.gov
IP Address: 50.59.22.2

Record Tracking

Status: Original
January 26, 2023 | 10:20

Holder: Elizabeth Medina
emedina@milpitas.gov

Location: DocuSign

Signer Events	Signature	Timestamp
Chair Bill Chuan bill_chuan@yahoo.com Security Level: Email, Account Authentication (None)	DocuSigned by: Chair Bill Chuan BC 1CD00AF9F201461... Signature Adoption: Drawn on Device Using IP Address: 67.188.2.13 Signed using mobile	Sent: January 26, 2023 | 10:23 Viewed: January 27, 2023 | 07:09 Signed: January 27, 2023 | 07:09

Electronic Record and Signature Disclosure:
Accepted: January 27, 2023 | 07:09
ID: 2c394816-2b75-4f96-8a49-05a71317abf3

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
Kristina Phung KPhung@milpitas.gov Security Level: Email, Account Authentication (None)	COPIED	Sent: January 26, 2023 | 10:23 Viewed: January 26, 2023 | 13:34

Electronic Record and Signature Disclosure:
Accepted: September 12, 2022 | 08:39
ID: 67e8185e-6b9e-448b-879b-93e19f78bc26

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	January 26, 2023 | 10:23
Certified Delivered	Security Checked	January 27, 2023 | 07:09
Signing Complete	Security Checked	January 27, 2023 | 07:09
Completed	Security Checked	January 27, 2023 | 07:09

Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Carahsoft OBO City of Milpitas (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Carahsoft OBO City of Milpitas:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: mluu@ci.milpitas.ca.gov

To advise Carahsoft OBO City of Milpitas of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at mluu@ci.milpitas.ca.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Carahsoft OBO City of Milpitas

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to mluu@ci.milpitas.ca.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Carahsoft OBO City of Milpitas

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to mluu@ci.milpitas.ca.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: https://support.docusign.com/guides/signer-guide-signing-system-requirements.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Carahsoft OBO City of Milpitas as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Carahsoft OBO City of Milpitas during the course of your relationship with Carahsoft OBO City of Milpitas.

ABREVIATIONS

A.F.F.	ABOVE FINISHED FLOOR
ALT.	ALTERNATE
APPROX.	APPROXIMATE
ARCH.	ARCHITECTURAL
BD.	BOARD
BLK'G.	BLOCKING
BTWN.	BETWEEN
CLG.	CEILING
CLKG.	CAULKING
CLR.	CLEAR
COL.	COLUMN
CONC.	CONCRETE
DN.	DOWN
(E)	EXISTING
EL.	ELEVATION
ELEV.	ELEVATION
EXT.	EXTERIOR
F.F.	FINSH FLOOR
FLR.	FLOOR
F.O.C.	FACE OF CONCRETE
GALV.	GALVINIZED
GYP. BD.	GYPSUM BOARD
H.B.	HOSE BIBB
HDWD.	HARDWOOD
HDWE.	HARDWARE
HVAC	HEATING, VENTILATION AND AIR CONDITIONING
INT.	INTERIOR
JST.	JOIST
MAX.	MAXIMUM
MECH.	MECHANICAL
MFR.	MANUFACTURER
MISC.	MISCELLANEOUS
(N)	NEW
N.I.C.	NOT IN CONTRACT
O.C.	ON CENTER
OH.	OVERHEAD
P.L.	PROPERTY LINE
PLYWD.	PLYWOOD
(R)	REMODELED OR RELOCATED
REINF.	REINFORCED
REQ'D.	REQUIRED
R.O.	ROUGH OPENING
SCHED.	SCHEDULE
S.F.	SQUARE FOOT
S.S.	STAINLESS STEEL
STL.	STEEL
STRUC.	STRUCTURAL
T & G	TONGUE & GROOVE
THK.	THICK
TYP.	TYPICAL
U.O.N.	UNLESS OTHERWISE NOTED
VERT.	VERTICAL
W/	WITH
W/O	WITHOUT

NOTE: Clarify with Architect all abbreviations not listed.

ARCHITECTURAL SYMBOLS

SECTION:
SECTION NUMBER
SHEET NUMBER

ELEVATION:
ELEVATION NUMBER
SHEET NUMBER

DETAIL:
DETAIL NUMBER
SHEET NUMBER

DOOR TAG:
DOOR NUMBER
DOOR TYPE

WINDOW TAG:
WINDOW NUMBER
WINDOW TYPE

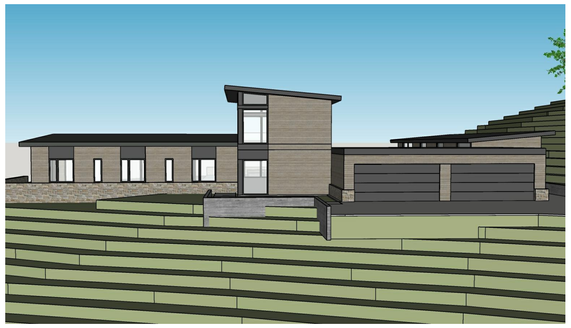
ELEVATION TAG

PROPERTY LINE

CENTER LINE

REVISION

PROPOSED RENDERINGS



NORTHWEST VIEW

EAST VIEW

SOUTHEAST VIEW

APPLICABLE CODES

CODE REVIEW INFORMATION

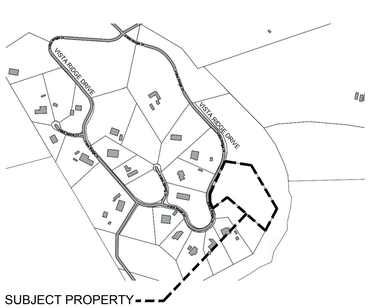
APPLICABLE CODES: ALL WORK DONE UNDER THIS CONTRACT SHALL COMPLY WITH THE PROVISIONS OF THE SPECIFICATIONS, DRAWINGS, AND CONSTRUCTION CRITERIA SET FORTH IN THESE DOCUMENTS AND SHALL SATISFY ALL APPLICABLE CODES, ORDINANCES, AND REGULATIONS OF ALL GOVERNING BODIES INVOLVED. ANY MODIFICATIONS TO THE CONTRACT WORK REQUIRED BY SUCH AUTHORITIES SHALL BE PERFORMED BY THE OWNER'S CONTRACTOR. ALL PERMITS AND LICENSES NECESSARY FOR THE EXECUTION OF THE WORK SHALL BE SECURED AND PAID FOR BY THE TENANT'S CONTRACTOR(S). APPLICABLE CODES INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:

THE MOST CURRENT OF THE FOLLOWING:

2019 CALIFORNIA BUILDING CODE
2019 CALIFORNIA PLUMBING CODE
2019 CALIFORNIA ELECTRICAL CODE
2019 CALIFORNIA MECHANICAL CODE
2019 CALIFORNIA ENERGY CODE (TITLE 24)
ANY APPLICABLE MILPITAS CODE AMENDMENTS
2019 CALIFORNIA RESIDENTIAL CODE
GREEN BUILDING STANDARDS CODE (CalGreen)

BUILDING SHALL BE SPRINKLERED UNDER SEPARATE PERMIT

VICINITY MAP



PROJECT DIRECTORY

OWNER
MILAN BRAHMBHATT
1089 RANKIN DRIVE
MILPITAS, CA 95035
TEL: 408 802 9411
EMAIL: MILAN.BRAHMBHATT@GMAIL.COM

ARCHITECT
BRIDGETT SHANK
TIMBRE ARCHITECTURE
1130 KEELER AVE, SUITE 1
BERKELEY, CA 94708
TEL: 415 200 8106
EMAIL: BRIDGETT@TIMBREARCH.COM

STRUCTURAL ENGINEER
TBD

ENERGY CONSULTANT
TBD

CONTRACTOR
TBD

CIVIL ENGINEER
NINH LE, PE, QSD
LC ENGINEERING
598 E SANTA CLARA ST. STE 270
SAN JOSE, CA 95112
TEL: 408 806 7187
EMAIL: NLE@LCENGINEERING.NET

LANDSCAPE DESIGNER
TODD KALBFELD
TODD KALBFELD LANDSCAPE DESIGN
2345 TULIP RD.
SAN JOSE, CA 95128
TEL: 408 605 9973
EMAIL: TKALBFELD@SCGLOBAL.NET

SCOPE OF WORK

THE PROJECT CONSISTS OF A NEW TWO STORY SINGLE FAMILY RESIDENCE WITH ATTACHED GARAGE AND SINGLE STORY ACCESSORY DWELLING UNIT. THE PRIMARY RESIDENCE INCLUDES AN IN-GROUND POOL AND INTEGRATED HOT TUB, LAWN AREAS, COVERED UNENCLOSED PATIO, AND ROOF DECK FROM THE SECOND-STORY PRIMARY BEDROOM.

PROJECT INFORMATION

ADDRESS:	531 VISTA RIDGE DR., MILPITAS, CA, 95035
BLOCK/LOT:	042-30-029
OCCUPANCY:	R-3
ZONING DISTRICT:	R1-H
CONSTRUCTION TYPE:	V-B

SETBACKS	REQUIRED	PROVIDED
FRONT:	25'	206'-9"
SIDE YARD A:	40'	134'-8"
SIDE YARD B:	40'	40'
REAR:	40'	264'-0"

PARKING:	REQUIRED	PROVIDED
MAIN RESIDENCE	3	4
ADU	1	2
TOTAL SPACES	4	6

BUILDING HEIGHT & BULK

PRINCIPAL STURCTURE	REQUIRED	PROVIDED
PROPOSED HEIGHT	MAX. 27'	25'-6"
STORIES:	MAX 2	2
ADU		
PROPOSED HEIGHT	MAX 17'	15'-5"
STORIES:	MAX 1	1

SITE STATISTICS

GROSS LOT AREA:	187,080 sf / ± 4.29 ACRES
LOT COVERAGE:	12,833 sf
OPEN SPACE CALCULATION:	174,247 sf
AVERAGE SLOPE:	14.51%

BUILDING AREA CALCULATIONS

AREA	**1ST FL**	**2ND FL**	**TOTAL**
HOUSE & STORAGE	2511 sf	836 sf	3347 sf
ADU	1200 sf		1200 sf
GARAGE	1012 sf		1012 sf
ROOF DECK		247 sf	247 sf
COVERED UNENCLOSED PATIO	594 sf		594 sf
POOL/HOT TUB	864 sf		864 sf
POOL EQPT	190 sf		190sf
TOTAL =	**6371 sf**	**1083 sf**	**7454 sf**

PROGRAM	**BEDS**	**BATHS**
PRINCIPAL STRUCTURE	4	3 1/2
ADU	2	1 1/2

DRAWING INDEX

G0.0	COVER SHEET
G0.1	CRESTLINE MAP & VIEW POINT IMAGES
G0.2	AREA DIAGRAMS & SITE PHOTOS
G0.3	COLOR & MATERIALS BOARD

CIVIL

C1	GENERAL NOTES
C2	BLUEPRINT FOR A CLEAN BAY
C3	BOUNDARY SURVEY & TOPOGRAPHIC MAP
C4	OVERALL SITE PLAN
C5	DRIVEWAY PLAN
C6	DRIVEWAY PROFILE & SECTIONS
C7	MAIN HOUSE & ADU GRADING & DRAINAGE PLAN
C8	BUILDING CROSS SECTIONS
C9	EROSION CONTROL PLAN
C10	EROSION CONTROL DETAILS

ARCHITECTURAL

A1.0	SITE PLAN
A2.0	FIRST FLOOR PLAN
A2.1	SECOND FLOOR PLAN
A2.2	ROOF PLAN
A3.0	EXTERIOR ELEVATIONS
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR SECTION / ELEVATION
A4.0	BUILDING SECTIONS
A4.1	BUILDING SECTIONS
A10.0	DOOR & WINDOW SCHEDULES

LANDSCAPE

L-1	MATERIALS AND SITE PLAN
L-2	CONSTRUCTION DETAILS
L-3	LANDSCAPE PLANTING PLAN

timbre ARCHITECTURE
1130 Keeler Avenue, Suite 1
Berkeley, CA 94708
info@timbrearch.com
p 415.200.8106

LICENSED ARCHITECT BRIDGETT R. SHANK STATE OF CALIFORNIA
11.30.23

PROJECT
531 VISTA RIDGE

ADDRESS
531 VISTA RIDGE DRIVE
MILPITAS, CA 95035

OWNER
MILAN BRAHMBHATT

CURRENT RELEASE DATE
October 25, 2022

CURRENT RELEASE SET
Planning Permit 4
Plan Check Response 4

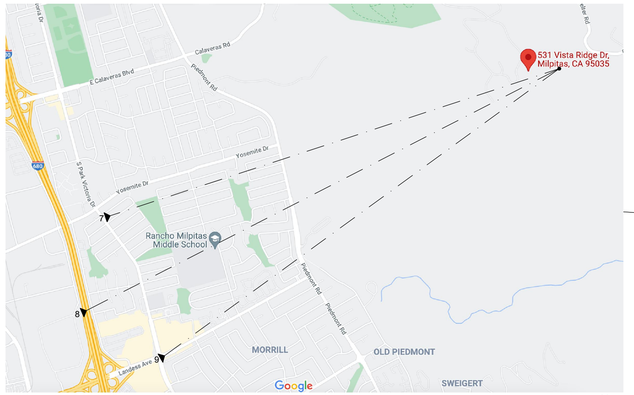
PREVIOUS RELEASE

Title	Date
Planning Permit Set	01.28.2022
Planning Permit Plan Check R1	05.27.2022
Planning Permit Plan Check R2	08.12.2022
Planning Permit Plan Check R3	09.14.2022
Planning Permit Plan Check R4	10.25.2022

SHEET TITLE
COVER SHEET

SCALE NTS
JOB NUMBER 20-01
DRAWN BY BS

G0.0



5 PHOTO KEY MAP

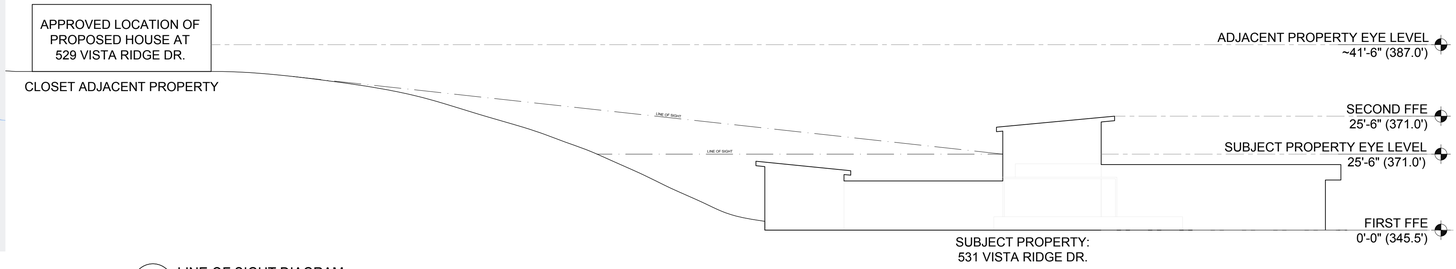
N

C. STREET VIEW FROM VIEWPOINT 9 - LANDESS AVE. AT DEMSEY RD.
STRUCTURE NOT VISIBLE, BLOCKED BY RIDGELINE IN FOREGROUND

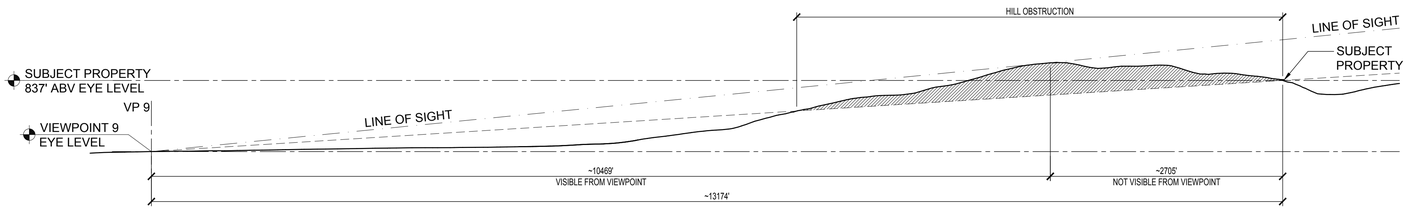
B. STREET VIEW FROM VIEWPOINT 8 - SINCLAIR FWY (I-680) AT CHEWPON AVE.
STRUCTURE NOT VISIBLE, BLOCKED BY RIDGELINE IN FOREGROUND

A. STREET VIEW FROM VIEWPIONT 7 - YOSEMITE DR. AT DEMPSEY RD.
STRUCTURE NOT VISIBLE, BLOCKED BY RIDGELINE IN FOREGROUND

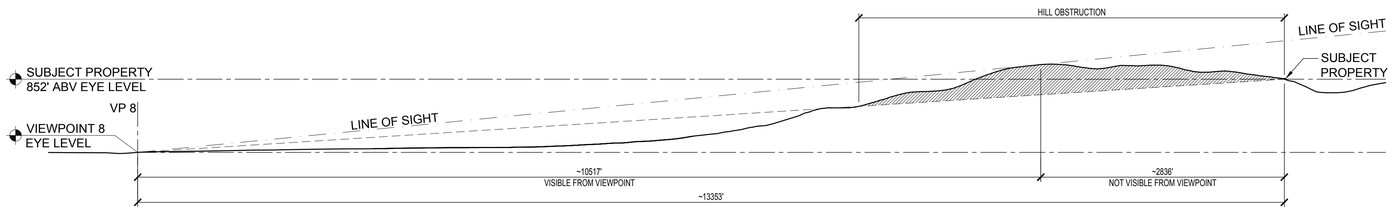
4 VIEWPOINT IMAGES



6 LINE OF SIGHT DIAGRAM
1/16" = 1'-0"



3 SITE SECTION AT VIEWPOINT 9
1"=10000'



2 SITE SECTION AT VIEWPOINT 8
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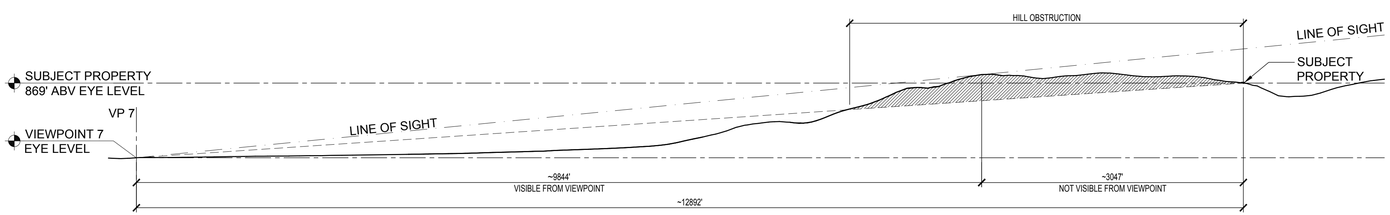

1 SITE SECTION AT VIEWPOINT 7
1"=10000'

timbre ARCHITECTURE
1130 Keeler Avenue, Suite 1
Berkeley, CA 94708
info@timbresarch.com
p 415.200.8106

LICENSED ARCHITECT
BRODERICK R. SHANE
11.30.23
STATE OF CALIFORNIA

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SHEET TITLE
CRESTLINE MAP & VIEW POINT IMAGES

SCALE	NTS
JOB NUMBER	20-01
DRAWN BY	BS

G0.1

A. VIEW FACING NORTHWEST

A. VIEW FACING WEST

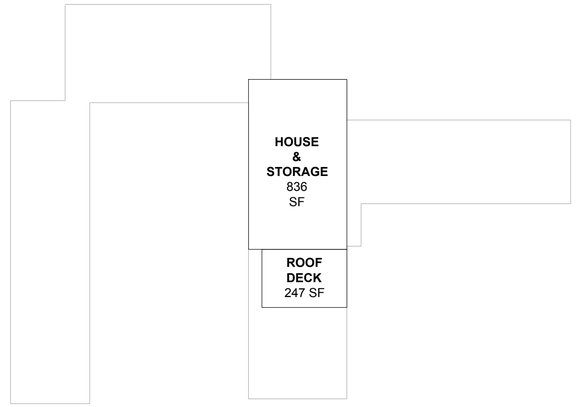
A. VIEW FACING SOUTHEAST

A. VIEW FACING EAST

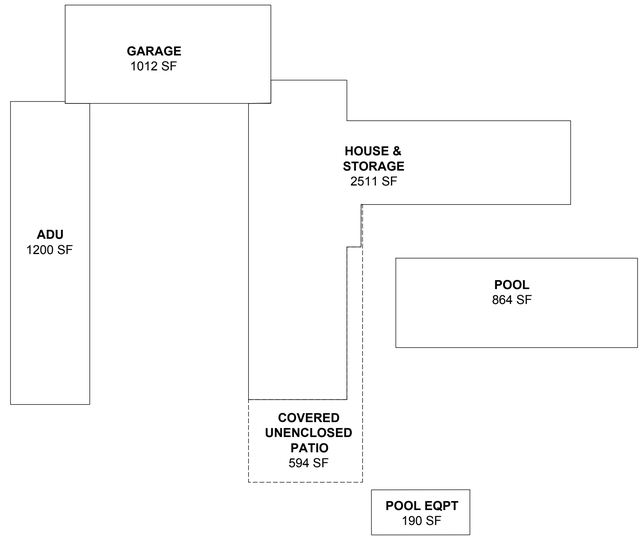
A. VIEW FACING SOUTHWEST

A. VIEW FACING SOUTH

4 SITE PHOTOS



3 AREA DIAGRAMS - SECOND FLOOR



2 AREA DIAGRAMS - FIRST FLOOR

BUILDING AREA CALCULATIONS

AREA	1ST FL	2ND FL	TOTAL
HOUSE & STORAGE	2511 sf	836 sf	3347 sf
ADU	1200 sf		1200 sf
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COVERED UNENCLOSED PATIO	594 sf		594 sf
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1 AREA CALCULATIONS

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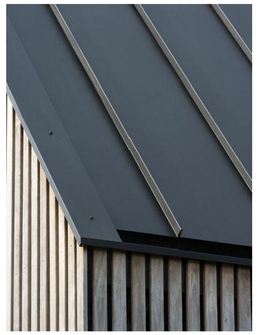
SHEET TITLE
AREA DIAGRAMS & SITE PHOTOS

SCALE 1/16" = 1'- 0"
JOB NUMBER 20-01
DRAWN BY BS

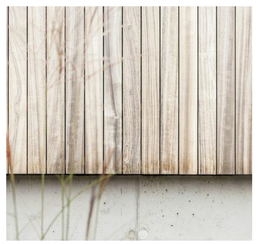
G0.2

COLORS AND MATERIALS



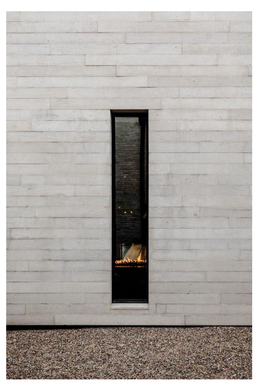
1

ROOFING:
STANDING SEAM METAL ROOF, DARK BRONZE COLOR



2

EXTERIOR SIDING:
NATURAL CEDAR, SELECT TIGHT KNOT OR BETTER GRADE W/ CLEAR SEALER

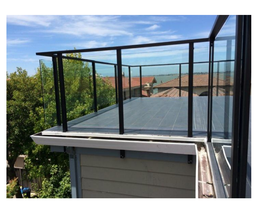


3

SITE RETAINING WALL:
BOARDFORM CONCRETE, NATURAL COLOR

4

EXTERIOR STONE CLADDING:
STACKED GRAY LIMESTONE, SQUARE CUT W/ MINIMUM GROUT LINES



5

EXTERIOR ROOF DECK:
METAL GUARDRAIL W/ GLASS INFILL PANELS

6

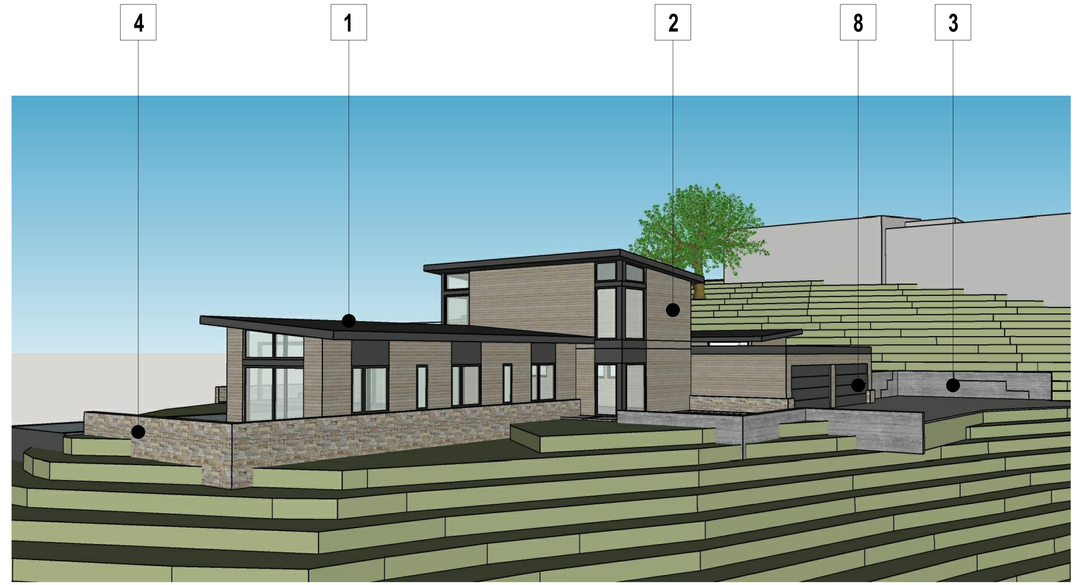
WINDOWS & DOORS:
METAL DOOR AND WINDOW FRAMES, DARK BRONZE COLOR

7

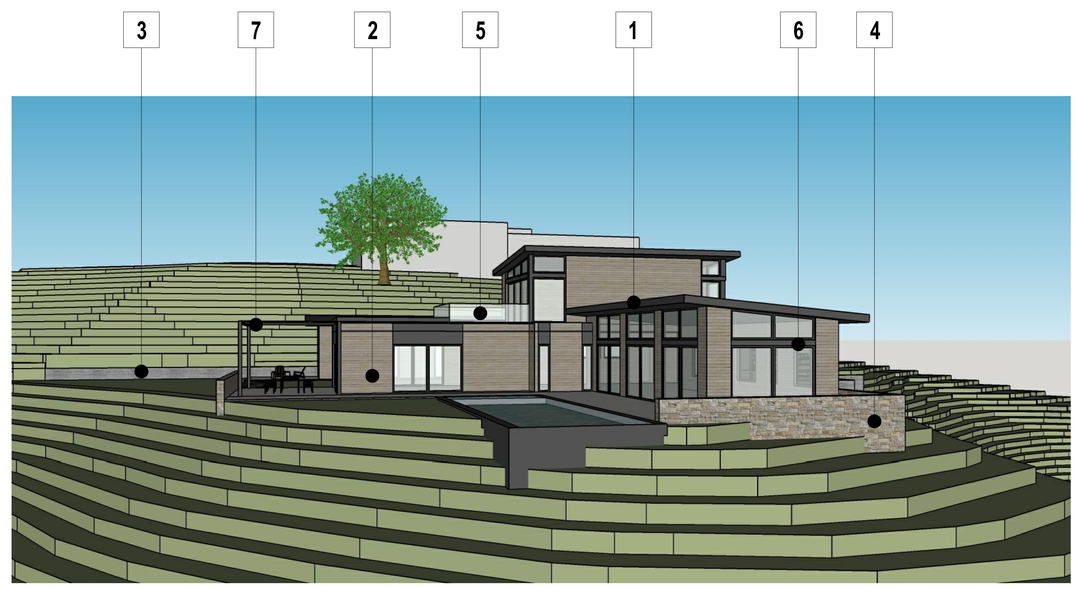
PATIO COVER:
STEEL FRAME STRUCTURE WITH BAMBOO OR WOOD SLAT INFILL

8

GARAGE DOORS:
METAL DOORS, DARK BRONZE COLOR TO MATCH THE EXTERIOR WINDOW & DOOR FRAMES



3D PERSPECTIVE - SOUTH (FRONT)



3D PERSPECTIVE - WEST (BACK)

timbre ARCHITECTURE
1130 Keeler Avenue, Suite 1
Berkeley, CA 94708
info@timbresarch.com
p 415.200.8106

LICENSED ARCHITECT
BURKETT R. SHANDY
11.30.23
STATE OF CALIFORNIA

PROJECT
531 VISTA RIDGE

ADDRESS
531 VISTA RIDGE DRIVE
MILPITAS, CA 95035

OWNER
MILAN BRAHMBHATT

CURRENT RELEASE DATE
October 25, 2022

CURRENT RELEASE SET
Planning Permit 4
Plan Check Response 4

PREVIOUS RELEASE

Title	Date
Planning Permit Set	01.28.2022
Planning Permit Plan Check R1	05.27.2022
Planning Permit Plan Check R2	08.12.2022
Planning Permit Plan Check R3	09.14.2022
Planning Permit Plan Check R4	10.25.2022

SHEET TITLE
COLORS/ MATERIALS

SCALE	N.T.S.
JOB NUMBER	20-01
DRAWN BY	BS

G0.3

IMPROVEMENT PLANS

PROJECT NAME: 531 VISTA RIDGE DRIVE

LOT NO. D, TRACT NO. 6744

IMPROVEMENT PLANS GENERAL NOTES

GENERAL

1. All work and materials shall comply with standard specifications, construction details, and standard drawings (listed on this sheet) of the City of Milpitas available in the City Engineer's office. It is the responsibility of the contractor to obtain permits necessary to perform the improvements in these plans from the appropriate agencies and to comply with the agencies' requirements. All plans shall be prepared on City's Improvements Title Block. The contractor must comply with all applicable national, state and local laws.

2. Plans used for construction of public facilities purposes must be signed by the City Engineer or his representative. Any subsequent changes shall be approved by the City Engineer or his representative prior to their construction.

3. The official copy of these plans are on file in the office of the City Engineer in Milpitas.

4. This plan is subject to review and subsequent approval in the event the work has not commenced within six (6) months of the date of plan approval.

5. All utilities and improvements that become damaged during construction shall be completely restored to the satisfaction of the City Engineer.

6. A $2,000 deposit shall be made to the City of Milpitas and a construction water meter shall be obtained for incidental water used during grading and roadway construction. Water meter(s) shall be installed for incidental water use during building (s) construction and pressure test of water line within the building (s).

7. The contractor shall notify Underground Service Alert (U.S.A.) at (800) 642–2444 48 hours prior to any construction activities, and obtain a reference number.

8. Prior to any construction or installation of public facilities, the developer's engineer shall arrange a pre–construction conference between the contractors and the City Public Works Inspector. This shall take place a minimum of 7 days prior to the scheduled start of work. At the conference, the developer's engineer shall present the Public Works Inspector with a certified copy of a material list and specifications for installation. Prior to the installation, approval by the City Engineer is required of any non–standard materials. Any non–standard materials shall be demonstrated by the developer's engineer and contractor to equal or exceed City standards.

9. The contractor shall call City of Milpitas Public Works Facilities Inspection at (408) 586–2884 to schedule inspections, 48 hours prior to start of construction.

10. Prior to any work, the contractor shall obtain a City Business license and a Public Works Construction or Encroachment Permit.

11. The Contractor is responsible for the preservation and or perpetuation of all existing monuments and stakes within the Contractor's area of work. The Contractor shall not disturb or remove any monuments or stakes without the permission of the City Engineer, and he shall bear the expense of resetting any monuments or stakes which may be disturbed or removed with or without permission. The Contractor shall provide a minimum of 15 Working days notice to the City Engineer prior to disturbance or removal of existing monuments or stakes. The Contractor shall utilize the services of a California Licensed Land Surveyor to reset all disturbed or removed monuments and stakes or provide witness monuments, and file the required documentation with the County Surveyor pursuant to the Business and Professions Code Section 8771.

12. When it is found that field conditions are not as shown on the plans, the consulting engineer shall make revisions and/or adjustments to the satisfaction of the City Engineer prior to further construction.

13. Upon completion of improvements, the developer's engineer shall submit a letter to the City Engineer certifying that those privately maintained improvements (street, lighting, utilities, etc.) have been constructed per the improvement plans.

14. Developer shall coordinate with Pacific Gas and Electric Company for the design and installation of all gas and electric facilities.

15. Developer shall coordinate with Pacific Bell for the design and installation of all Telephone facilities.

16. Construction shall not begin until 7 AM and shall end by 7 PM, weekdays and weekends, except holidays.

17. A National Pollution Discharge Elimination System Permit (NPDES construction permit) is required prior to commencement of construction activity related to this site and shall be obtained by the owner and/or owner's contractor as appropriate. Any discharge (during construction) of groundwater into the downstream storm system must be uncontaminated. The contractor shall make this determination prior to any discharge.

18. If archaeological materials are uncovered during grading, trenching or other excavation, earthwork within 100' of this area shall be stopped until a professional archaeologist who is certified by the Society of California archaeologist (SCA) or the Society of Professional Archaeologist (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation measures, if they are deemed necessary.

19. Record drawings original plans, including a copy of the AutoCAD files (digital format) shall be furnished to the City Engineer within 60 days of the completion of construction and prior to initial acceptance of public improvements.

20. All grading shall comply with City of Milpitas Grading Ordinance, this plan, and the Preliminary Soils Report prepared by _____ dated _____ and all subsequent addendums.

21. City approval of plans does not relieve the developer from his/her responsibility to correct errors and omissions discovered during construction. Upon request, any required plan revisions shall be promptly submitted to the City Engineer for approval.

22. A water valve shall be installed for each residential unit after the meter and prior to entry of the building such that it is accessible to homeowner and City Meter Reader.

23. The following entities shall be responsible for inspection and maintenance / ownership of the listed facilities and completion certificate by design engineer (state ownership's name and inspection by P.W. inspection or Build. Div.):

Facilities	Ownership	Inspection	Design Engineer
Water	*	**	***
Sewer	*	**	***
Storm	*	**	***
Street	*	**	***
Street Light	*	**	***
Park	*	**	***
Common Area	Homeowner's Association	Build. Div.	Required

* "City of Milpitas" or "Homeowner's Association/Homeowners"
** "P.W. inspection" or "Build. Division"
*** Design Engineer completion certificate "Required" if inspection by Build. Div., "Not required" if inspection by P.W. inspection.

24. Each parcel shall have separate solid waste enclosure and BFI service. Unless, necessary agreements have been recorded to provide for joint use of enclosure and or BFI services for more than one parcel.

STREET SURFACE NOTES

1. Upon completion of rough grading, actual thickness (structural section) of the base material and AC pavement shall be determined based on the results of R–values, Sand equivalents laboratory testing. Geotechnical/Soil Engineer shall recommend the structural sections of streets to the City Engineer for review and approval.

2. The contractor shall not order or place any Portland cement concrete or asphalt concrete paving until the forms and subgrade and/or aggregate base have been inspected by the City Public Works Inspector and approved by the engineer in charge of construction.

3. Edge of existing pavement shall be tack coated prior to constructing new pavement.

4. Standard street monuments shall be installed on all street intersections and other locations shown on this plan in conformance with City Standard Drawing No. 446.

5. Driveway locations shall be set by owner's engineer in compliance with City Standard Drawing No. 430 or 432, unless locations are shown on these plans.

6. One street name sign assembly shall be installed in conformance with City Standard Drawing No. 440 at each intersection, and where shown on plans.

7. All fire hydrants, electroliers and meter boxes shall clear driveways and other facilities by 5', 5' and 1' respectively.

8. All existing facilities shall be adjusted to finish grade as directed by City Public Works Inspector. Manholes, water valve boxes, clean out frames and covers shall be brought to finished grade by the contractor after paving is completed.

9. Minimum 24" box size tree with a caliper of 2" measure 6" above rootball shall be installed, one per lot per street for residential developments and at 20'–50' separation for non–residential developments in conformance with the Approved Street Tree List and according to the City Standard Drawing No. 448.

10. Mailboxes shall be provided as required by U. S. Postal Services, but will not be inspected by the Public Works Inspector.

11. The final or surface layer of asphalt concrete shall not be placed until all on–site improvements have been completed, including all grading, and until all unacceptable concrete work has been removed and replaced, unless otherwise approved by the City Engineer.

UNDERGROUND

1. The letter "W" shall be impressed in the face of curb where each water service crosses the curb, the letter "S" shall be impressed in the face of curb where each sewer lateral crosses the curb and the letter "R" shall be impressed in the face of curb where each recycled water service crosses the curb.

2. The location, depth and existence of underground improvements are shown in their approximate positions based upon information available to the engineer. The contractor shall excavate inspection holes "pot holes" and determine the location and depth of all underground structures and utilities that are in the vicinity of and/or may be affected by the proposed improvement work prior to any construction work which could damage or conflict with said structures and/or utilities.

3. Minimum cover for utilities in roadway (from top of pipe to roadway surface) shall be provided (60" sanitary sewer, 42" water line in street, 48" water line in easement, 24" storm line in street). Where the minimum cover cannot be achieved, such locations shall be specifically identified on the plans and the method of protecting the pipe and valve stems shall be indicated. The following solutions shall be subject to the City Engineer's approval:

   a. Use of ductile iron pipe and butterfly valves.
   b. Concrete cap.
   c. Any other solution devised by the Engineer and Contractor.

4. Water services and mains are to be separated a minimum of 10' horizontal distance and 1' vertical distance from sewer and recycled water laterals and mains. Potable water lines shall be above all storm drain, sanitary sewer and recycle water lines.

5. Separation between the Recycle water lines from other utilities; such as potable water, fire protection and sanitary sewer; shall be in accordance with the City of Milpitas "Recycled (non–potable) Water Guidelines". Call (408) 586–3329 for a copy.

6. House sewers shall not be connected to laterals until sewers are tested.

7. One sanitary sewer lateral shall be constructed to each lot at the location to be staked in field by owner's engineer prior to construction. A backflow protection device shall be installed per City Standard Drawing No. 624 when the elevation of the lowest floor containing gravity waste drainage is less than one foot above the surface elevation of the nearest upstream public sewer structure (manhole, etc.).

8. Connections to existing water mains shall be approved by City Engineer. Contractor shall perform all excavation, prepare site, furnish all materials, install tapping tee, valve and all thrust blocks, backfill, restore surface, and clean up. Non–metallic water lines shall be installed with a trace wire per City Standard Drawing No. 752.

9. All water valves shall be clustered, unless otherwise directed by the City Engineer.

10. Each lot shall have separate water, sewer and storm drain services.

11. Water service pressure regulators and sewage backflow protection devices are shown on these plans for the information of the developer and City's Building Division. These items are not included in the Public Works inspection or acceptance.

12. All utility stubs, especially water line components, shall be capped.

13. Abandonment of existing water lines shall take place at the main line.

14. Contractors shall not turn water valves without prior approval from Utility Maintenance Supervisor at (408) 586–2640.

15. All metallic underground piping shall be protected against corrosion per City standard specifications.

16. The contractor is responsible for performing locate services for those facilities installed by the contractor until such time as the work has been officially accepted by the City of Milpitas. The marking, labeling, and timing of such locates shall be in conformance with the requirements of Underground Service Alert.

SIGNING AND STRIPING

1. All signs shall conform to State of California, Traffic Manual, Chapter 4, and latest edition of "Uniform Sign Chart."

2. Signs shall be of standard size designated for each type in the Traffic Manual, except where noted otherwise.

3. Mounting shall conform to appropriate provisions of Chapter 4, Traffic Manual, and applicable "standard plans," State of California (Caltrans), latest edition, except where otherwise indicated on plans.

4. All traffic signs (except street nameplates) shall be of minimum .080 gage aluminum blanks with reflective faces of Scotchlite (engineer grade) or approved equal. Except, R1 and R2 signs which require high intensity.

5. Striping shall conform to appropriate provisions of Chapter 6, "Markings" of the Traffic Manual and Chapter XVI of the Maintenance Manual, State of California.

6. Striping paint for City streets shall be:

   a. Paint shall be TMT Pathway, or approved equal. Solvent–based paints shall not be used.
   b. TMT Pathway #2675A5 water base white paint, or approved equal
   c. TMT Pathway #2676A5 water base yellow paint, or approved equal
   d. TMT Pathway #2677A7 water base black paint, or approved equal
   e. Glass beads shall conform to State Specification No. 8010–11E–22 (Type II).

   The certification requirements shall be submitted for ready mixed white and yellow paints.

7. Raised Pavement Markers of various types shall conform to Section 85, "Pavement Markers", of the State Standard Specifications, these Technical Provisions, and as shown on the plans.

8. Painted legends shall conform to standard sizes and patterns used by the City of Milpitas. Arrangements may be made to use the City's Stencils by calling (408) 586–2631.

STREET LIGHTS

1. Splicing of street light conductor is permitted only in pull boxes.

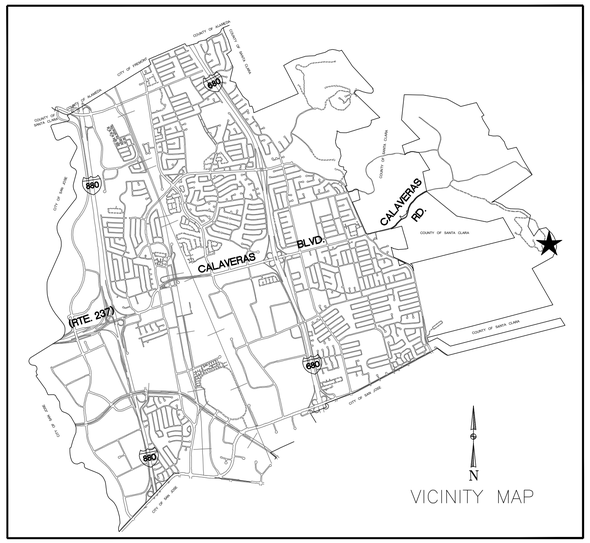
2. Electroliers shall be connected to the closest underground secondary P.G.&E. source. Pull (junction) boxes shall be required at each electrolier and where more than one bend of the cable is necessary to reach to electrolier, where shown on plans, and at service point where no P.G.&E. box is installed. Install in–line fuses at electroliers, in the hand hole of each pole. Fuses shall be installed on each energized lead, and shall be adequately sized and enclosed in a phenolic case. Head configuration shall be either double door mounted ballast or single door – swing down ballast. 120/240 volt ballasts shall be provided. Voltage and wattage of electroliers shall be as shown on the plans.

3. Street Light Numbers will be assigned by the City and installed on the poles by the contractor as directed by the Public Works Inspector.

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

CITY OF MILPITAS

ENGINEERING DIVISION



INDEX OF DRAWINGS

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EROSION CONTROL PLAN	9
EROSION CONTROL DETAILS	10

1–800–227–2600
CALL BEFORE YOU DIG
USA
UNDERGROUND SERVICE ALERT
1–800–227–2600

CIVIL ENGINEER: I hereby declare that I am the engineer of work for this project, that I have exercised responsible charge over the design of the project as defined in section 6703 of the business and professions codes, and that the design is consistent with current standards. The design shown hereon is necessary and reasonable and does not restrict any historic drainage flows from adjacent properties nor increase drainage to adjacent properties. The design includes principles and techniques to reduce quantity and improve the quality of storm water runoff, as required by NPDES. I understand that the check of project drawings and specifications by the City of Milpitas is confined to a review only and does not relieve me, as engineer of work, of my responsibilities for project design.

SIGNATURE C47518 P.E.
Firm: LC ENGINEERING
Address: 598 E Santa Clara St, #270, San Jose, CA 95112
Telephone: (408) 806–7187

REGISTERED PROFESSIONAL ENGINEER N. M. LE No. 47518 CIVIL STATE OF CALIFORNIA

TITLE SHEET
531 VISTA RIDGE DRIVE
APN 042-30-029

Milpitas California

LC ENGINEERING
598 E Santa Clara St, #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006

PT	01/10/22
DESIGNED	DATE
PT	01/10/22
DRAWN	DATE
NTS	
SCALE	
NL	01/10/22
CHECKED	DATE

SOILS ENGINEER: These plans have reviewed and found to be in substantial conformance with the intent and purpose of the Engineering Geologic Reconnaissance and Geotechnical Investigation (file no. SV1621 dated June 12, 2017).
prepared by: VIEN VO
(Name) Date
Firm: SILICON VALLEY SOIL ENGINEERING
Address: 2391 ZANKER RD, SAN JOSE, CA 95131
Telephone: (408) 324–1400

Record Drawings
To be competed prior to acceptance of work by the City

Signature and Seal Date
P.E. No. Exp.
Public Works Inspector:

Revisions

Num.	Date	By	Description	City Engr. Aprv.	Date
1	05/27/22	PT	RESP TO 03/15/22 COMMENTS		
2	08/03/22	NC	RESP TO 07/27/22 COMMENTS		
3	09/13/22	NC	RESP TO 09/12/22 COMMENTS		

CITY OF MILPITAS ENGINEERING DIVISION

Approved:
City Engineer Date
Any changes to public improvements shall be approved by the City engineer
Recommended for approval:
Fire Dept. Date:
Engineering Date:

Project No.
File No.
E.P. No.
Sheet 1 of 10

BLUEPRINT FOR A CLEAN BAY

Best Management Practices for the Construction Industry

Remember: The property owner and the contractor share ultimate responsibility for the activities that occur on a construction site. You may be held responsible for any environmental damage caused by your subcontractors or employees.

Preventing Pollution: It's Up to Us

In the Santa Clara Valley, storm drains transport water directly to local creeks and San Francisco Bay without treatment. Stormwater pollution is a serious problem for wildlife dependent on our creeks and bays and for the people who live near polluted streams or baylands. Common sources of this pollution include spilled oil, fuel, and fluids from vehicles and heavy equipment; construction debris; sediment created by erosion; landscaping runoff containing pesticides or weed killers; and materials such as used motor oil, antifreeze, and paint products that people pour or spill into a street or storm drain.

Santa Clara Valley Urban Runoff Pollution Prevention Program

Thirteen valley municipalities have joined together with Santa Clara County and the Santa Clara Valley Water District to educate local residents and businesses and fight stormwater pollution. This "blueprint" summarizes "Best Management Practices "(BMPs) for stormwater pollution prevention.

Spill Response Agencies:

1. Dial 911
2. Santa Clara County Environmental Health Services (408) 299-6930
3. Governor's Office of Emergency Services Warning Center (800) 852-7550 (24 hours).

Small Business Hazardous Waste Disposal Program

Santa Clara County businesses that generate less than 27 gallons or 220 pounds of hazardous waste per month are eligible to use Santa Clara County's Small Business Hazardous Waste Disposal Program. Call (408) 299-7300 for a quote, more information or guidance on disposal.

Local Pollution Control Agencies

Santa Clara County Office of Toxics and Solid Waste Management
(408) 441-1195

Santa Clara Valley Water District
(408) 265-2600

San Jose/Santa Clara Water Pollution Control Plant
(408) 945-5300
Serving Milpitas, Cupertino, Los Gatos, Milpitas, Monte Sereno, San Jose, Santa Clara and Saratoga

Fresh Concrete and Mortar Application

Who should use this information?

- Masons and Bricklayers
- Sidewalk Construction Crews
- Patio Construction Workers
- Construction Inspectors
- General Contractors
- Home Builders
- Developers
- Concrete Delivery/Pumping Workers

Storm Drain Pollution from Fresh Concrete And Mortar Applications

Fresh concrete and cement-related mortars that wash into lakes, streams, or estuaries are toxic to fish and the aquatic environment. Disposing of these materials to the storm drains or creeks can block storm drains, causes serious problems, and is prohibited by law.

Doing the Job Right
General Business Practices

- ❑ Wash out concrete mixers only in designated wash-out areas in your yard, away from storm drains and waterways, where the water will flow into a temporary waste pit in a dirt area. Let water percolate through soil and dispose of settled, hardened concrete as garbage. Whenever possible, recycle washout by pumping back into mixers for reuse.
- ❑ Wash out chutes onto dirt areas at site that do not flow to streets or drains.
- ❑ Always store both dry and wet materials under cover, protected from rainfall and runoff and away from storm drains or waterways. Protect dry materials from wind.
- ❑ Secure bags of cement after they are open. Be sure to keep wind-blown cement powder away from streets, gutters, storm drains, rainfall, and runoff.
- ❑ Do not use diesel fuel as a lubricant on concrete forms, tools, or trailers.

During Construction

- ❑ Don't mix up more fresh concrete or cement than you will use in a two-hour period.
- ❑ Set up and operate small mixers on tarps or heavy plastic drop cloths.
- ❑ When cleaning up after driveway or sidewalk construction, wash fines onto dirt areas, not down the driveway or into the street or storm drain.
- ❑ Protect applications of fresh concrete and mortar from rainfall and runoff until the material has dried.
- ❑ Wash down exposed aggregate concrete only when the wash water can (1) flow onto a dirt area; (2) drain onto a bermed surface from which it can be pumped and disposed of properly; or (3) be vacuumed from a catchment created by blocking a storm drain inlet. If necessary, divert runoff with temporary berms. Make sure runoff does not reach gutters or storm drains.
- ❑ When breaking up pavement, be sure to pick up all the pieces and dispose of properly. Recycle large chunks of broken concrete at a local recycling facility.
- ❑ Never bury waste material. Dispose of small amounts of excess dry concrete, grout, and mortar in the trash.
- ❑ Never dispose of washout into the street, storm drains, drainage ditches, or streams.

Heavy Equipment Operation

Who should use this information?

- Vehicle and Equipment Operators
- Site Supervisors
- General Contractors
- Home Builders
- Developers

Stormwater Pollution from Heavy Equipment on Construction Sites

Poorly maintained vehicles and heavy equipment that leak fuel, oil, antifreeze or other fluids on the construction site are common sources of storm drain pollution. Prevent spills and leaks by isolating equipment from runoff channels, and by watching for leaks and other maintenance problems. Remove construction equipment from the site as soon as possible.

Doing the Job Right
Site Planning and Preventive Vehicle Maintenance

- ❑ Designate one area of the construction site, well away from streams or storm drain inlets, for auto and equipment parking, refueling, and routine vehicle and equipment maintenance. Contain the area with berms, sand bags, or other barriers.
- ❑ Maintain all vehicles and heavy equipment. Inspect frequently for and repair leaks.
- ❑ Perform major maintenance, repair jobs, and vehicle and equipment washing off site where cleanup is easier.
- ❑ If you must drain and replace motor oil, radiator coolant, or other fluids on site, use drip pans or drop clot hs to catch drips and spills. Collect all spent fluids, store in separate containers. Recycle them wherever possible, otherwise, dispose of them as hazardous wastes.
- ❑ Do not use diesel oil to lubricate equipment parts, or clean equipment. Use only water for any onsite cleaning.
- ❑ Cover exposed fifth wheel hitches and other oily or greasy equipment during rain events.
- ❑ Use as little water as possible for dust control. Ensure water used doesn't leave silt or discharge to storm drains.

Spill Cleanup

- ❑ Clean up spills immediately when they happen.
- ❑ Never hose down "dirty" pavement or impermeable surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter, and/or rags) whenever possible and properly dispose of absorbent materials.
- ❑ Sweep up spilled dry materials immediately. Never attempt to "wash them away" with water, or bury them.
- ❑ Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- ❑ Report significant spills to the appropriate local spill response agencies immediately. In Milpitas, dial 9-1-1 if hazardous materials might enter the storm drain.

General Construction and Site Supervision

Who should use this information?

- General Contractors
- Site Supervisors
- Inspectors
- Home Builders
- Developers
- Homeowners

Storm Drain Pollution from Construction Activities

Construction sites are common sources of storm water pollution. Materials and wastes that blow or wash into a storm drain, gutter, or street have a direct impact on local creeks and the Bay.

As a contractor, or site supervisor, owner or operator of a site, you may be responsible for any environmental damage caused by your subcontractors or employees.

Doing the Job Right
General Principles

- ❑ Keep an orderly site and ensure good housekeeping practices are used.
- ❑ Maintain equipment properly.
- ❑ Cover materials when they are not in use.
- ❑ Keep materials away from streets, storm drains and drainage channels.
- ❑ Ensure dust control water doesn't leave site or discharge to storm drains.

Advance Planning To Prevent Pollution

- ❑ Schedule excavation and grading activities for dry weather periods. To reduce soil erosion, plant temporary vegetation or place other erosion controls before rain begins. Use the Erosion and Sediment Control Field Manual , available form the Regional Water Quality Control Board San Francisco Bay Region, as a reference.
- ❑ Control the amount of runoff crossing your site (especially during excavation!) by using berms or temporary or permanent drainage ditches to divert water flow around the site. Reduce stormwater runoff velocities by constructing temporary check dams or berms where appropriate.
- ❑ Train your employees and subcontractors. Make these brochures available to everyone who works on the construction site. Inform subcontractors about the stormwater requirements and their own responsibilities.

Good Housekeeping Practices

- ❑ Designate one area of the site for auto parking, vehicle refueling, and routine equipment maintenance. The designated area should be well away from streams or storm drain inlets, bermed if necessary. Make major repairs off site.
- ❑ Keep materials out of the rain – prevent runoff contamination at the source. Cover exposed piles of soil or construction materials with plastic sheeting or temporary roofs. Before it rains, sweep and remove materials from surfaces that drain to storm drains, creeks, or channels.
- ❑ Keep pollutants off exposed surfaces. Place trash cans and recycling receptacles around the site to minimize litter.
- ❑ Clean up leaks, drips and other spills immediately so they do not contaminate soil or groundwater or leave residue on paved surfacrs.
- ❑ Never hose down "dirty" pavement or surfaces where materials have spilled.
- ❑ Use dry cleanup methods whenever possible. If you must use water, use just enough to keep the dust down.
- ❑ Cover and maintain dumpsters. Check frequently for leaks. Place dumpsters under roofs or cover with tarps or plastic sheeting secured around the outside of the dumpster. Never clean out a dumpster by hosing it down on the construction site.
- ❑ Place portable toilets away from storm drains. Make sure portable toilets are in good working order. Check frequently for leaks .

Materials/Waste Handling

- ❑ Practice Source Reduction -- minimize waste when you order materials. Order only the amount you need to finish the job.
- ❑ Use recyclable materials whenever possible. Arrange for pick-up of recyclable materials such as concrete, asphalt, scrap metal, solvents, degreasers, cleared vegetation, paper, rock, and vehicle maintenance materials such as used oil, antifreeze, batteries, and tires.
- ❑ Dispose of all wastes properly. Many construction materials and wastes, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and cleared vegetation can be recycled.
  Materials that cannot be recycled must be taken to an appropriate landfill or disposed of as hazardous waste.
  Never bury waste materials or leave them in the street or near a creek or stream bed.

Permits

- ❑ In addition to local grading and building permits, you will need to obtain coverage under the State's General Construction Activity Stormwater Permit if your construction site's disturbed area totals 1 acre or more. Information on the General Permit can be obtained from the Regional Water Quality Control Board.

Earth-Moving and Dewatering Activities

Who should use this information?

- Bulldozer, Back Hoe, and Grading Machine Operators
- Dump Truck Drivers
- Site Supervisors
- General Contractors
- Home Builders
- Developers

Storm Drain Pollution from Earth-Moving Activities

Soil excavation and grading operations loosen large amounts of soil that can flow or blow into storm drains when handled improperly. Sediments in runoff can clog storm drains, smother aquatic life, and destroy habitats in creeks and the Bay. Effective erosion control practices reduce the amount of runoff crossing a site and slow the flow with check dams or roughened ground surfaces.

Contaminated groundwater is a common problem in the Santa Clara Valley. Depending on soil types and site history, groundwater pumped from construction sites may be contaminated with toxics (such as oil or solvents) or laden with sediments. Any of these pollutants can harm wildlife in creeks or the Bay, or interfere with wastewater treatment plant operation. Discharging sediment-laden water from a dewatering site into any water of the state without treatment is prohibited.

Doing the Job Right
General Business Practices

- ❑ Schedule excavation and grading work during dry weather.
- ❑ Perform major equipment repairs away from the job site.
- ❑ When refueling or vehicle/equipment maintenance must be done on site, designate a location away from storm drains.
- ❑ Do not use diesel oil to lubricate equipment parts, or clean equipment.

Practices During Construction

- ❑ Remove existing vegetation only when absolutely necessary. Plant temporary vegetation for erosion control on slopes or where construction is not immediately planned.
- ❑ Protect downslope drainage courses, streams, and storm drains with wattles, or temporary drainage swales. Use check dams or ditches to divert runoff around excavations. Refer to the Regional Water Quality Control Board's Erosion and Sediment Control Field Manua l for proper erosion and sediment control measures, and California Stormwater Quality Association Stormwater Best Management Practice Handbook (construction, 2003)
- ❑ Cover stockpiles and excavated soil with secured tarps or plastic sheeting.

Dewatering Operations
Check for Toxic Pollutants

- ❑ Check for odors, discoloration, or an oily sheen on groundwater.
- ❑ Call your local wastewater treatment agency and ask whether the groundwater must be tested.
- ❑ If contamination is suspected, have the water tested by a certified laboratory.
- ❑ Depending on the test results, you may be allowed to discharge pumped groundwater to the storm drain (if no sediments present) or sanitary sewer. OR, you may be required to collect and haul pumped groundwater offsite for treatment and disposal at an appropriate treatment facility.

Detecting Contaminated Soil or Groundwater

Contaminated groundwater is a common problem in the Santa Clara Valley. It is essential that all contractors and subcontractors involved know what to look for in detecting contaminated soil or groundwater, and testing ponded groundwater before pumping. Watch for any of these conditions:

1. Unusual soil conditions, discoloration or odor.
2. Abandoned underground tanks.
3. Abandoned wells.
4. Buried barrels, debris or trash.

If any of these are found follow the procedures below.

Landscaping,Gardening, And Pool Maintenance

Who should use this information?

- Landscapers
- Gardeners
- Swimming Pool/Spa Service and Repair Workers
- General Contractors
- Home Builders
- Developers
- Homeowners

Storm Drain Pollution from Landscaping and Swimming Pool Maintenance

Many landscaping activities expose soils and increase the likelihood that earth and garden chemicals will run off into the storm drains during irrigation or when it rains. Swimming pool water containing chlorine and copper-based algaecides should never be discharged to storm drains. These chemicals are toxic to aquatic life.

Doing the Job Right
General Business Practices

- ❑ Protect stockpiles (e.g. asphalt, sand, or soil) and landscaping materials from wind and rain by storing them under tarps or secured plastic sheeting.
- ❑ Store pesticides, fertilizers, and other chemicals indoors or in a shed or storage cabinet.
- ❑ Schedule grading and excavation projects during dry weather.
- ❑ Use temporary check dams or ditches to divert runoff away from storm drains.
- ❑ Protect storm drains with sandbags or other sediment controls.
- ❑ Revegetation is an excellent form of erosion control for any site. Replant as soon as possible with temporary vegetation such as grass seed.

Landscaping/Garden Maintenance

- ❑ Consider using Integrated Pest Management Techniques. Use pesticides sparingly, according to instructions on the label. Rinse empty containers, and use rinsewater as product. Dispose of rinsed, empty containers in the trash.
- ❑ Dispose of unused pesticides as hazardous waste.
- ❑ Collect lawn and garden clippings, pruning waste, and tree trimmings. Chip if necessary, and compost if possible.
- ❑ Do not blow or rake leaves, etc. into the street, or place yard waste in gutters or on dirt shoulders. Sweep up any leaves, litter or residue in gutters or on street.

Pool/Fountain/Spa Maintenance
Draining pools or spas

- ❑ When it's time to drain a pool, spa, or fountain, please be sure to call your local wastewater treatment plant before you start for further guidance on flow rate restrictions, backflow prevention, and handling special cleaning waste (such as acid wash). Discharge flows should be kept to the low levels typically possible through a garden hose. Higher flow rates may be prohibited by local ordinance.
- ❑ Never discharge pool or spa water to a street or storm drain; discharge to a sanitary sewer cleanout.
- ❑ If possible, when emptying a pool or spa, let chlorine dissipate for a few days and then recycle/ reuse water by draining it gradually onto a landscaped area. OR
- ❑ San Jose/Santa Clara Water Pollution Control Plant (408) 945-5300. You may be able to discharge to the sanitary sewer by running the hose to a utility sink or sewer pipe clean-out.
- ❑ Do not use copper-based algaecides Control algae with chlorine or other alternatives, such as sodium bromide.

Filter Cleaning

- ❑ Never clean a filter in the street or near a storm drain. Rinse cartridge and diatomaceous earth filters onto a dirt area, and spade filter residue into soil. Dispose of spent diatomaceous earth in the garbage.
- ❑ If there is no suitable dirt call San Jose/Santa Clara Water Pollution Control Plant (408) 945-5300 for instructions on discharging filter backwash or rinse water to the sanitary sewer.

Roadwork and Paving

Who should use this information?

- Road Crews
- Driveway/Sidewalk/Parking Lot Construction Crews
- Seal Coat Contractors
- Operators of Grading Equipment, Paving Machines, Dump Trucks, Concrete Mixers
- Construction Inspectors
- General Contractors
- Developers
- Home Builders

Storm Drain Pollution from Roadwork

Road paving, surfacing, and pavement removal happen right in the street, where there are numerous opportunities for asphalt, saw-cut slurry, or excavated material to illegally enter storm drains. Extra planning is required to store and dispose of materials properly and guard against pollution of storm drains, creeks, and the Bay.

Doing the Job Right
General Business Practices

- ❑ Develop and implement erosion/sediment control plans for roadway embankments.
- ❑ Schedule excavation and grading work during dry weather.
- ❑ Check for and repair leaking equipment.
- ❑ Perform major equipment repairs at designated areas in your maintenance yard, where cleanup is easier. Avoid performing equipment repairs at construction sites.
- ❑ When refueling or when vehicle/equipment maintenance must be done on site, designate a location away from storm drains and creeks.
- ❑ Do not use diesel oil to lubricate equipment parts or clean equipment.
- ❑ Recycle used oil, concrete, broken asphalt, etc. whenever possible, or dispose of properly.

During Construction

- ❑ Avoid paving and seal coating in wet weather, or when rain is forecast, to prevent fresh materials from contacting stormwater runoff.
- ❑ Cover and seal catch basins and manholes when applying seal coat, slurry seal, fog seal, or similar materials.
- ❑ Protect drainage ways by using earth dikes, sand bags, or other controls to divert or trap and filter runoff.
- ❑ Never wash excess material fr om exposed aggregate concrete or similar treatments into a street or storm drain. Collect and recycle, or dispose to dirt area.
- ❑ Cover stockpiles (asphalt, sand, etc.) and other construction materials with plastic tarps. Protect from rainfall and prevent runoff with temporary roofs or plastic sheets and berms.
- ❑ Park paving machines over drip pans or absorbent material (cloth, rags, etc.) to catch drips when not in use.
- ❑ Clean up all spills and leaks using "dry" methods (with absorbent materials and/or rags) Dig up, remove, and properly dispose of contaminated soil.
- ❑ Collect and recycle or appropriately dispose of excess abrasive gravel or sand.
- ❑ Avoid over-application by water trucks for dust control.

Asphalt/Concrete Removal

- ❑ Avoid creating excess dust when breaking asphalt or concrete.
- ❑ After breaking up old pave ment, be sure to remove all chunks and pieces. Make sure broken pavement does not come in contact with rainfall or runoff.
- ❑ When making saw cuts, use as little water as possible. Shovel or vacuum saw-cut slurry and remove from the site. Cover or protect storm drain inlets during saw-cutting. Sweep up, and properly dispose of, all residues.
- ❑ Sweep, never hose down streets to clean up tracked dirt. Use a street sweeper or vacuum truck. Do not dump vacuumed liquor in storm drains.

Painting and Application of Solvents and Adhesives

Who should use this information?

- Painters
- Paperhangers
- Plasterers
- Graphic Artists
- Dry Wall Crews
- Floor Covering Installers
- General Contractors
- Home Builders
- Developers
- Homeowners

Storm Drain Pollution from Paints, Solvents, and Adhesives

All paints, solvents, and adhesives contain chemicals that are ha rmful to wildlife in local creeks. San Francisco Bay, and the Pacific Ocean. Toxic chemicals may come from liquid or solid products or from cleaning residues or rags. Paint material and wastes, adhesives and cleaning fluids should be recycled when possible, or disposed of properly to prevent these materials from flowing into storm drains and watercourses.

Doing the Job Right
Handling Paint Products

- ❑ Keep all liquid paint products and wastes away from the gutter, street, and storm drains. Liquid residues from paints, thinners, solvents, glues, and cleaning fluids are hazardous wastes and must be disposed of as hazardous.
- ❑ Wash water from painted buildings constructed before 1978 can contain high amounts of lead, even if paint chips are not present. Before you begin stripping paint or cleaning pre-1978 building exteriors with water under high pressure, test paint for lead by taking paint scrapings to a local laboratory. See Yellow Pages for a state-certified laboratory.
- ❑ If there is loose paint on the building, or if the paint tests positive for lead, block storm drains. Check with the wastewater treatment plant to determine whether you may discharge water to the sanitary sewer, or if you must send it offsite for disposal as hazardous waste.

Paint Removal

- ❑ Paint chips and dust from non-hazardous dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.
- ❑ Chemical paint stripping residue and chips and dust from marine paints or paints containing lead, mercury or tributyl tin must be disposed of as hazardous wastes. Lead based paint removal requires a state-certified contractor.
- ❑ When stripping or cleaning building exteriors with high-pressure water, block storm drains. Direct wash water onto a dirt area to find out if you can collect (mop or vacuum) building cleaning water and dispose to the sanitary sewer. Sampling of the water may be required to assist the wastewater treatment authority in making its decision.

Painting Cleanup

- ❑ Never clean brushes or rinse paint containers into a street, gutter, storm drain, French drain, or stream.
- ❑ For water-based paints, paint out brushes to the extent possible, and rinse into a drain that goes to the sanitary sewer. Never pour paint down a storm drain. Dispose of excess liquids and residue as hazardous waste.
- ❑ For oil-based paints, paint out brushes to the extent possible and clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of excess liquids and residue as hazardous waste.
- ❑ When thoroughly dry, empty paint cans, used brushes, rags, and drop cloths may be disposed of as garbage in a sanitary landfill. Leave lids off paint cans so the refuse collector can see that they are empty. Empty, dry paint cans also may be recycled as metal.
- ❑ Dispose of empty aerosol paint cans as hazardous waste or at household hazardous waste collection events.

Recycle/Reuse Leftover Paints Whenever Possible

- ❑ Donate excess water-based (latex) paint for reuse.
- ❑ Reuse leftover oil-based paint. Dispose of non-recyclable thinners, sludge and unwanted paint, as hazardous waste.
- ❑ Unopened cans of paint may be able to be returned to the paint vendor. Check with the vendor regarding its "buy-back" policy.

Milpitas Municipal Code (MMC) 2017

XI-16-11 Accidental Discharge - Notification of Discharge

(a) All persons shall notify the City by telephone immediately by dialing 911 upon accidentally discharging any material other than an acceptable discharge into a storm drain or watercourse to enable countermeasures to be taken by the City to minimize damage to storm drains and the receiving waters. Prohibited discharges include but are not limited to:
(1) Sewage;
(2) Discharges of wash water resulting from the cleaning of exterior surfaces and pavement, or the equipment and other facilities of any commercial business, or any other public or private facility;
(3) Discharges of runoff from material storage areas, including containing chemicals, fuels, or other potentially polluting or hazardous materials;
(4) Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water;
(5) Discharges of sediment, pet waste, vegetation clippings, or other landscape or construction-related wastes; and
(6) Discharges of food-related wastes (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).
The City, at its sole option, may direct the person or persons responsible for the discharge to perform cleanup activities when it is deemed by the City that the person or persons have the capability to perform such activities. All violations shall be corrected in a timely manner before the next rain event, but no longer than ten (10) business days after the violations are discovered.
(b) The person deemed by the City responsible for the discharge shall, within five (5) days of the date of occurrence, provide a detailed written statement to the City Manager or his or her designee describing the causes of the accidental discharge and the measures being taken to prevent future occurrences. Such notification will not relieve persons of liability for violations of this Chapter or for any fines imposed on the City on account thereof under Section 13350 of the California Water Code, or for violation of Section 5650 of the California Fish and Wildlife Code, or any other applicable provisions of State or federal law.
(c) Persons deemed by the City responsible for the discharge are responsible for all expenses resulting from the discharge, including, but not limited to, damages, fines, and costs of clean-up, whether performed by their own efforts, City efforts, or the efforts of a third party. Reimbursement of City efforts shall be determined by the number of personnel required and amount of time necessary for the coordination of City efforts and actual clean-up. All personnel costs shall be charged at their current fully-burdened rate, including overtime, plus any and all other direct costs.

XI-16-14 Enforcement and Penalties

(a) Criminal Penalties. Violations of the provisions of this Chapter shall be subject to criminal penalties as provided in Section I-1-4.09-1 of this Code.

(b) Judicial Civil Penalties. Any person who intentionally or negligently violates any provision of this Chapter or any provision of any permit or certificate issued pursuant to this Chapter shall be civilly liable to the city in a sum not to exceed twenty-five thousand dollars per day for each day in which such violation occurs.

(c) Administrative Citations. When the City Manager and/or his or her designee determines that one or more violations of this Chapter have occurred an administrative citation may be issued pursuant to the procedures set forth in Sections V-500-8.00 through V-500-8.06. The schedule of fines for administrative citations issued for violations of this Chapter shall be set forth in the schedule of fines established by resolution of the City Council.

(d) Notice of Noncompliance. If the severity of the violation warrants immediate action, a Notice of Noncompliance or Stop Work Notice shall be issued, permits may be suspended or revoked, Stormwater Pollution Prevention Plans may be found in noncompliance, and corrective actions may be implemented in accordance with Section 11 of this Chapter. For all other cases, including those sites or projects where a stormwater pollution prevention plan is not required, the City Manager or his or her designee shall issue a Notice of Noncompliance that shall enumerate the violations found. The City Manager or his or her designee shall order compliance by a date or hour certain at his or her discretion. If the violations are not abated in the time period identified in the Notice of Noncompliance, the site shall be deemed to be in noncompliance with federal, State and local laws and the City Manager or his or her designee shall have the authority to issue a Stop Work Notice and/or deem the Stormwater Pollution Prevention Plan inadequate. If a Stop Work Notice is issued, corrective actions must be performed until the site has achieved compliance. Corrective actions may include revision and resubmission of any Plan, including, but not limited to, Stormwater Pollution Prevention Plan, Erosion Control Plan or Grading Plan. The City Manager or his or her designee may also require a discharger that has violated any discharge limits contained in this Chapter to install a temporary system for the capture, testing, and release of stormwater.

(e) Suspension of Utility Service. The City may, without prior notice, suspend water service, sanitary sewer service, and/or storm drain discharge access to a person discharging to the storm drain system when such suspension is necessary to stop an actual or threatened discharge which presents, or may present, imminent and substantial danger to the environment or to the health or welfare of persons; or presents, or may present, imminent and substantial danger to the storm drain system.

(f) For construction projects where a total of three or more Stop Work Notices and Notices of Noncompliance for urban runoff violations have been issued, the City Manager or his or her designee may require the contractor to hire a Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) within three business days. The QSD/QSP shall establish effective BMPs, provide guidance for improvement for the duration of the project, and certify compliance. A Stop Work Notice shall be issued for failure to comply.

(g) Remedies Cumulative. The remedies provided in this section are cumulative and not exclusive, and shall be in addition to any other penalty provided for in this Chapter and shall be in addition to all other remedies available to the City under State and federal law.

CIVIL ENGINEER: I hereby declare that I am the engineer of work for this project, that I have exercised responsible charge over the design of the project as defined in section 6703 of the business and professions codes, and that the design is consistent with current standards. The design shown hereon is necessary and reasonable and does not restrict any historic drainage flows from adjacent properties nor increase drainage to adjacent properties. The design includes principles and techniques to reduce quantity and improve the quality of storm water runoff, as required by NPDES. I understand that the check of project drawings and specifications by the City of Milpitas is confined to a review only and does not relieve me, as engineer of work, of my responsibilities for project design.

SIGNATURE C47518 P.E.
Firm: LC ENGINEERING
Address: 598 E Santa Clara St, #270, San Jose, CA 95112
Telephone: (408) 806-7187

REGISTERED PROFESSIONAL ENGINEER N. M. L. No. 47518 CIVIL STATE OF CALIFORNIA

BLUE PRINT FOR A CLEAN BAY
531 VISTA RIDGE DRIVE
APN 042-30-029

Milpitas California

LC ENGINEERING
598 E Santa Clara St, #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006

PT	01/10/22
DESIGNED	DATE
PT	01/10/22
DRAWN	DATE
NTS	
SCALE	
NL	01/10/22
CHECKED	DATE

SOILS ENGINEER: These plans have reviewed and found to be in substantial conformance with the intent and purpose of the Engineering Geologic Reconnaissance and Geotechnical Investigation (file no. SV1621 dated June 12, 2017).
prepared by:
(Name) Date
Firm:
Address:
Telephone:

Record Drawings
To be competed prior to acceptance of work by the City
Signature and Seal Date
P.E. No. Exp.
Public Works Inspector:

Revisions

Num.	Date	By	Description	City Engr. Aprv.	Date
1	05/27/22	PT	RESP TO 03/15/22 COMMENTS		
2	08/03/22	NC	RESP TO 07/27/22 COMMENTS		
3	09/13/22	NC	RESP TO 09/12/22 COMMENTS		

CITY OF MILPITAS
ENGINEERING DIVISION

Approved:
City Engineer Date
Any changes to public improvements shall be approved by the City engineer
Recommended for approval:
Fire Dept. Date:
Engineering Date:

Project No.
File No.
E.P. No.
Sheet 2 of 10

LEGEND & ABBREVIATIONS

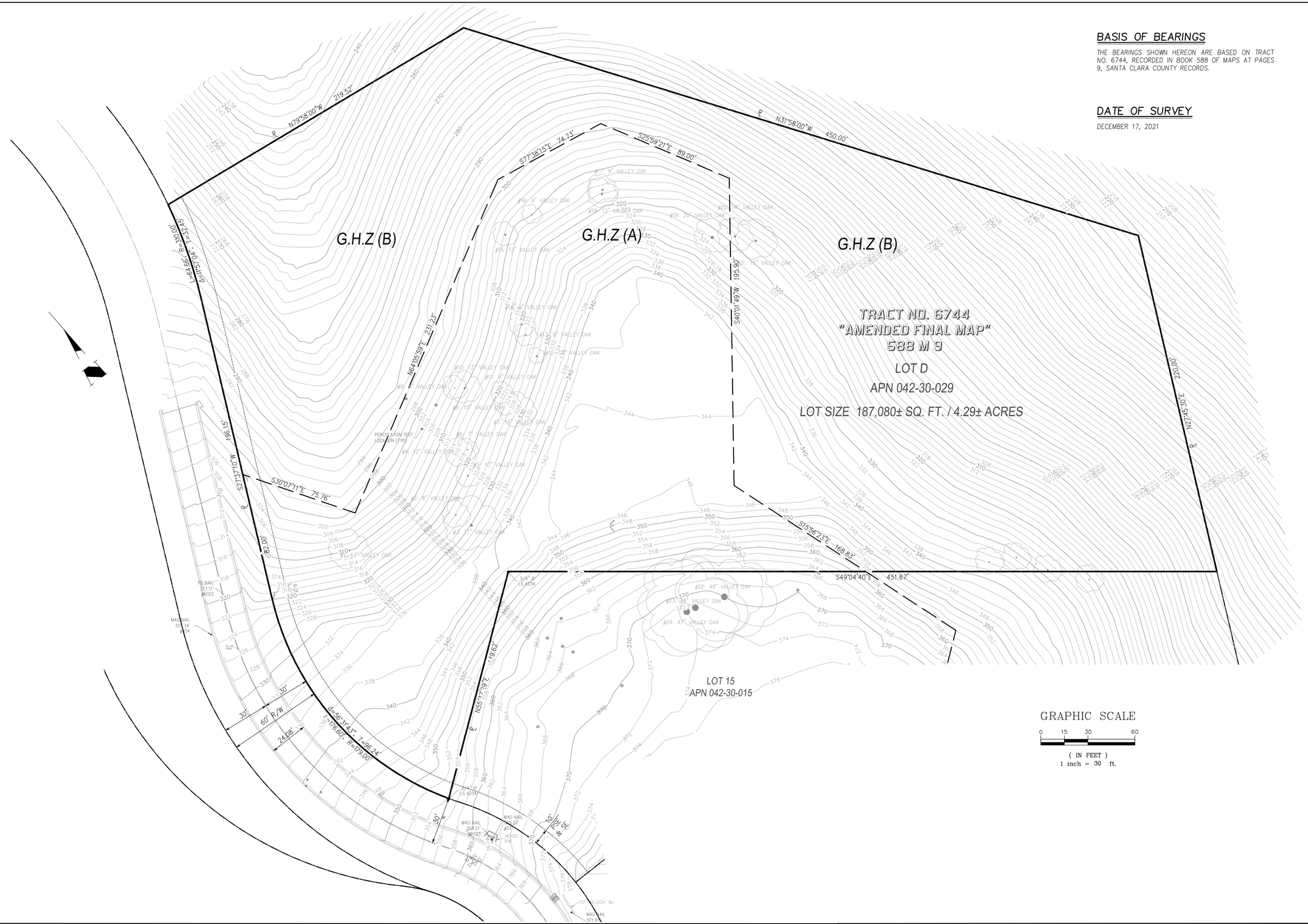
AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
BB	BUBBLER BOX
BK	BOOK
BLDG	BUILDING
BSL	BUILDING SETBACK LINE
CED	COBBLE ROCK ENERGY DISSIPATOR
CG	CURB & GUTTER
℄	CENTERLINE
CO	SANITARY SEWER CLEANOUT
CONC	CONCRETE
CSD	COUNTY STANDARD DETAIL
DS	DOWNSPOUT
DWY	DRIVEWAY
EA	EASEMENT
ELEV	ELEVATION
EM	ELECTRIC METER
E(OH)	ELECTRIC OVERHEAD
E(UG)	ELECTRIC UNDERGROUND
EP	EDGE OF PAVEMENT
EX	EXISTING
FD	FOUND
FF	FINISH ELEVATION OF SUBFLOOR
FG	GROUND FINISH GRADE
FH	FIRE HYDRANT
FL	FLOW LINE
G	GARAGE SLAB ELEVATION GAS LINE
G.H.Z	GEOLOGIC HAZARD ZONE
GM	GAS METER
HP	HIGHT POINT
INV	INVERT
LIP	LIP OF GUTTER
LS	LANDSCAPED AREA
LT	LEFT
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
NTS	NOT TO SCALE
OH	OVERHEAD
OG	ORIGINAL GROUND
P	PAVEMENT FINISH GRADE
PAD	PAD ELEVATION
PG	PAGE
ℙ	PROPERTY LINE
PP	POWER POLE PROP PROPOSED
PSE	PUBLIC SERVICE EASEMENT
PVMT	PAVEMENT
PVC	POLYVINYL CHLORIDE
R	RADIUS
RT	RIGHT
R/W	RIGHT OF WAY
SCCSD	SANTA CLARA COUNTY STANDARD DETAIL
S.C.V.W.D	SANTA CLARA VALLEY WATER DISTRICT
SD	STORM DRAIN
SS	SANITARY SEWER/LATERAL
STA	STATION
SW	SIDEWALK
TC	TOP OF CURB
TG	TOP OF GRATE
TPF	TREE PROTECTION FENCE
TYP	TYPICAL
W	WATER
WLK	WALKWAY
WM	WATER METER
WV	WATER VALVE
	BENCHMARK
	BOUNDARY
	COBBLE ROCK ENERGY DISSIPATOR
	CONCRETE
550	CONTOUR: EXISTING
550	CONTOUR: PROPOSED OR NEW
100.46	DESIGN GRADE
	DOWNSPOUT WITH SPLASHBLOCK
DIV	DIVERSION VALVE
	BACKWATER VALVE (SEE PROJECT NOTES)
	DRAINAGE SWALE
	EASEMENT LINE
OR (101.70)	EXISTING ELEVATION
	EXISTING FENCE
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO REMAIN
	FOUND IRON PIPE AT PROPERTY CORNER
	FILTER FABRIC ROLLS
GM	GAS METER
	FIRE HYDRANT
	INLET
	JOINT POLE
	LIGHTING
	LIGHTING POLE
	MONUMENT WELL
	OVERLAND FLOW DIRECTION
PGE	PGE BOX
	PROJECT SITE
	RIGHT OF WAY
	SANITARY SEWER CLEAN OUT MANHOLE
	SANITARY SEWER MANHOLE
	STORM DRAIN MANHOLE
W	UTILITY: EXISTING
W	UTILITY: PROPOSED
WM	WATER METER
WV	WATER VALVE
	WELL
	TREE PROTECTION FENCE
	ABANDON UTILITY LINE

BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED ON TRACT NO. 6744, RECORDED IN BOOK 588 OF MAPS AT PAGES 9, SANTA CLARA COUNTY RECORDS.

DATE OF SURVEY

DECEMBER 17, 2021



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REGISTERED PROFESSIONAL ENGINEER N. M. L. No. 47518 CIVIL STATE OF CALIFORNIA

BOUNDARY SURVEY AND TOPOGRAPHIC MAP
531 VISTA RIDGE DRIVE
APN 042-30-029

Milpitas California

LC ENGINEERING
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Phone: (408) 806-7187

PT	01/10/22
DESIGNED	DATE
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DRAWN	DATE
1" =30'	
SCALE	
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(Name) Date

Firm:

Address:

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ENGINEERING DIVISION

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Fire Dept. Date:

Engineering Date:

Project No.

File No.

E.P. No.

Sheet 3 of 10

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TYP	TYPICAL
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WLK	WALKWAY
WM	WATER METER
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BENCHMARK
BOUNDARY
COBBLE ROCK ENERGY DISSIPATOR
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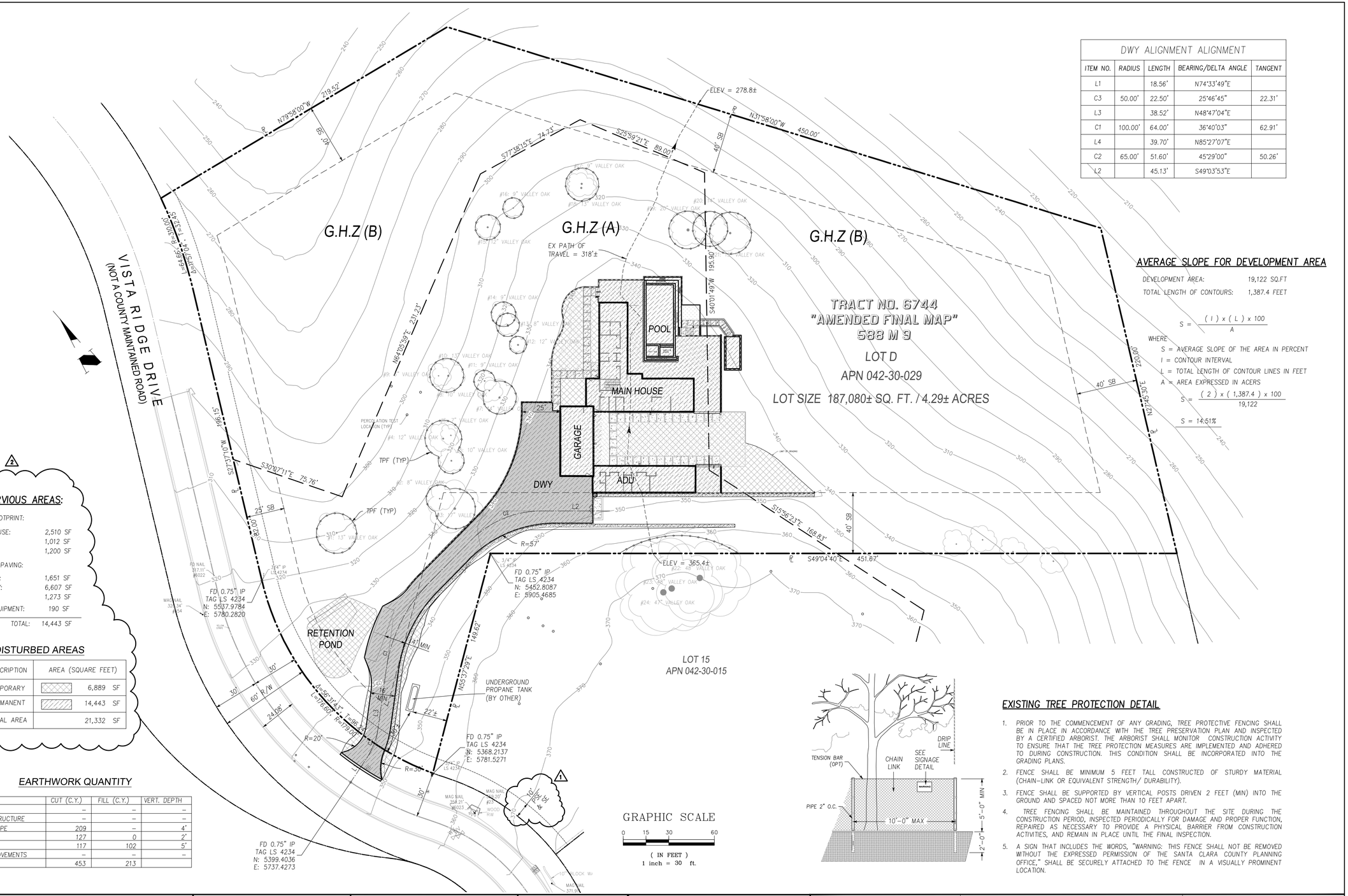
FIRE HYDRANT
INLET
JOINT POLE
LIGHTING
LIGHTING POLE
MONUMENT WELL
OVERLAND FLOW DIRECTION
PGE BOX
PROJECT SITE
RIGHT OF WAY
SANITARY SEWER CLEAN OUT MANHOLE
SANITARY SEWER MANHOLE
STORM DRAIN MANHOLE
W UTILITY: EXISTING
W UTILITY: PROPOSED
WM WATER METER
WV WATER VALVE
W WELL
TREE PROTECTION FENCE
ABANDON UTILITY LINE



DWY ALIGNMENT ALIGNMENT				
ITEM NO.	RADIUS	LENGTH	BEARING/DELTA ANGLE	TANGENT
L1		18.56'	N74°33'49"E	
C3	50.00'	22.50'	25°46'45"	22.31'
L3		38.52'	N48°47'04"E	
C1	100.00'	64.00'	36°40'03"	62.91'
L4		39.70'	N85°27'07"E	
C2	65.00'	51.60'	45°29'00"	50.26'
L2		45.13'	S49°03'53"E	

AVERAGE SLOPE FOR DEVELOPMENT AREA

DEVELOPMENT AREA: 19,122 SQ.FT

TOTAL LENGTH OF CONTOURS: 1,387.4 FEET

$$S = \frac{(I) \times (L) \times 100}{A}$$

WHERE

S = AVERAGE SLOPE OF THE AREA IN PERCENT

I = CONTOUR INTERVAL

L = TOTAL LENGTH OF CONTOUR LINES IN FEET

A = AREA EXPRESSED IN ACERS

$$S = \frac{(2) \times (1{,}387.4) \times 100}{19{,}122}$$

S = 14.51%

NEW IMPERVIOUS AREAS:

1. BUILDING FOOTPRINT:

MAIN HOUSE:	2,510 SF
GARAGE:	1,012 SF
ADU:	1,200 SF

2. IMPERVIOUS PAVING:

WALKWAY:	1,651 SF
DRIVEWAY:	6,607 SF
POOL:	1,273 SF
POOL EQUIPMENT:	190 SF
TOTAL:	14,443 SF

DISTURBED AREAS

NO.	DESCRIPTION	AREA (SQUARE FEET)
1.	TEMPORARY	6,889 SF
2.	PERMANENT	14,443 SF
	TOTAL AREA	21,332 SF

EARTHWORK QUANTITY

LOCATION	CUT (C.Y.)	FILL (C.Y.)	VERT. DEPTH
RESIDENCE	–	–	–
ACCESSORY STRUCTURE	–	–	–
POOL/HARDSCAPE	209	–	4'
LANDSCAPE	127	0	2'
DRIVEWAY	117	102	5'
OFF SITE IMPROVEMENTS	–	–	–
TOTAL	453	213	

EXISTING TREE PROTECTION DETAIL

1. PRIOR TO THE COMMENCEMENT OF ANY GRADING, TREE PROTECTIVE FENCING SHALL BE IN PLACE IN ACCORDANCE WITH THE TREE PRESERVATION PLAN AND INSPECTED BY A CERTIFIED ARBORIST. THE ARBORIST SHALL MONITOR CONSTRUCTION ACTIVITY TO ENSURE THAT THE TREE PROTECTION MEASURES ARE IMPLEMENTED AND ADHERED TO DURING CONSTRUCTION. THIS CONDITION SHALL BE INCORPORATED INTO THE GRADING PLANS.
2. FENCE SHALL BE MINIMUM 5 FEET TALL CONSTRUCTED OF STURDY MATERIAL (CHAIN–LINK OR EQUIVALENT STRENGTH/ DURABILITY).
3. FENCE SHALL BE SUPPORTED BY VERTICAL POSTS DRIVEN 2 FEET (MIN) INTO THE GROUND AND SPACED NOT MORE THAN 10 FEET APART.
4. TREE FENCING SHALL BE MAINTAINED THROUGHOUT THE SITE DURING THE CONSTRUCTION PERIOD, INSPECTED PERIODICALLY FOR DAMAGE AND PROPER FUNCTION, REPAIRED AS NECESSARY TO PROVIDE A PHYSICAL BARRIER FROM CONSTRUCTION ACTIVITIES, AND REMAIN IN PLACE UNTIL THE FINAL INSPECTION.
5. A SIGN THAT INCLUDES THE WORDS, "WARNING: THIS FENCE SHALL NOT BE REMOVED WITHOUT THE EXPRESSED PERMISSION OF THE SANTA CLARA COUNTY PLANNING OFFICE," SHALL BE SECURELY ATTACHED TO THE FENCE IN A VISUALLY PROMINENT LOCATION.

CIVIL ENGINEER: I hereby declare that I am the engineer of work for this project, that I have exercised responsible charge over the design of the project as defined in section 6703 of the business and professions codes, and that the design is consistent with current standards. The design shown hereon is necessary and reasonable and does not restrict any historic drainage flows from adjacent properties nor increase drainage to adjacent properties. The design includes principles and techniques to reduce quantity and improve the quality of storm water runoff, as required by NPDES. I understand that the check of project drawings and specifications by the City of Milpitas is confined to a review only and does not relieve me, as engineer of work, of my responsibilities for project design.

C47518
SIGNATURE P.E.
Firm: LC ENGINEERING
Address: 598 E Santa Clara St, #270, San Jose, CA 95112
Telephone: (408) 806-7187

REGISTERED PROFESSIONAL ENGINEER N. M. LE No. 47518 CIVIL STATE OF CALIFORNIA

OVERALL SITE PLAN
531 VISTA RIDGE DRIVE
APN 042-30-029

Milpitas California

LC ENGINEERING
598 E Santa Clara St, #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006

PT	01/10/22
DESIGNED	DATE
PT	01/10/22
DRAWN	DATE
1" = 30'	
SCALE	
NL	01/10/22
CHECKED	DATE

SOILS ENGINEER: These plans have reviewed and found to be in substantial conformance with the intent and purpose of the Engineering Geologic Reconnaissance and Geotechnical Investigation (file no. SV1621 dated June 12, 2017). prepared by:

(Name) Date
Firm:
Address:
Telephone:

Record Drawings
To be competed prior to acceptance of work by the City

Signature and Seal Date
P.E. No. Exp.
Public Works Inspector:

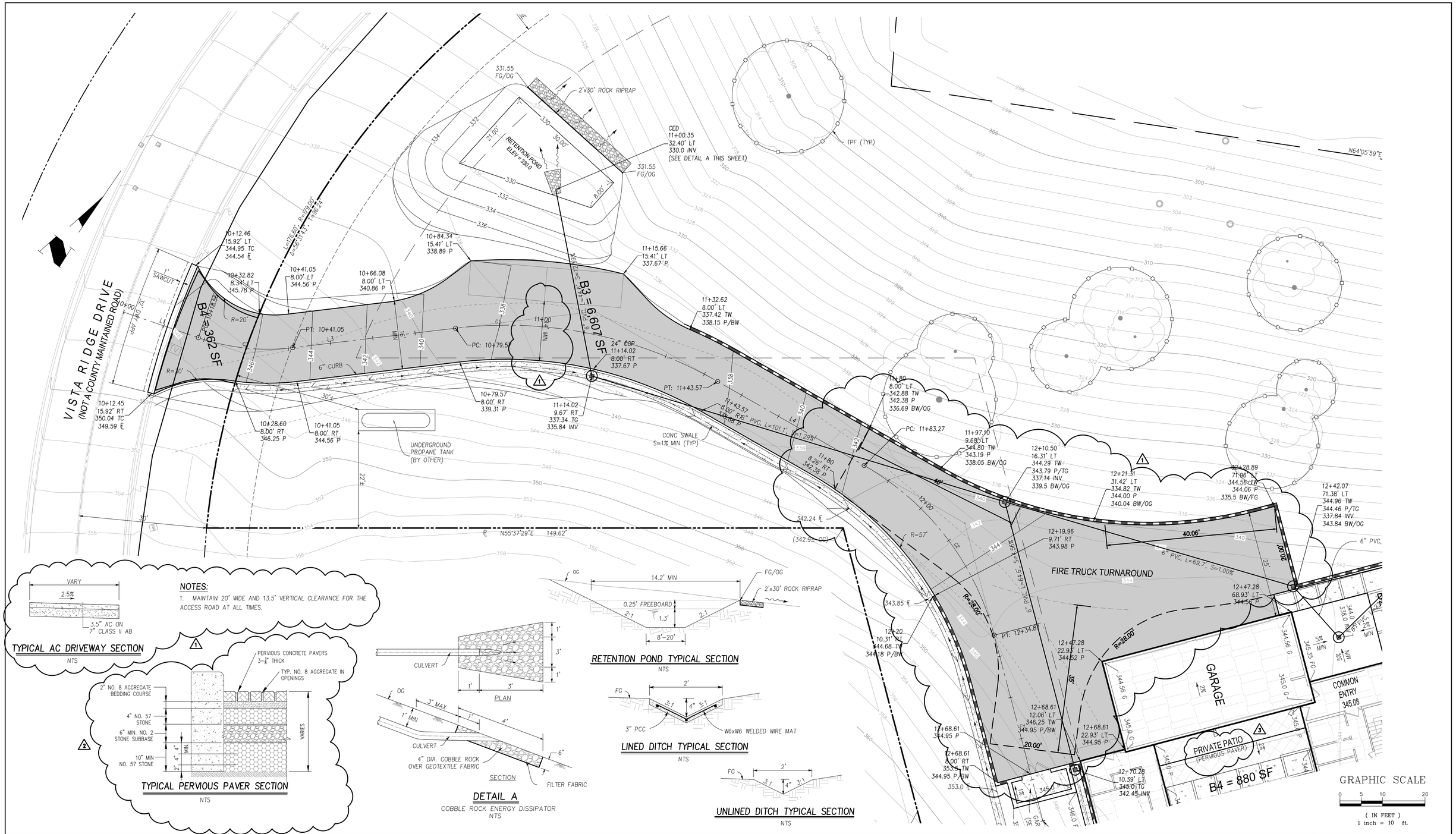
Revisions

Num.	Date	By	Description	City Engr. Aprv.	Date
1	05/27/22	PT	RESP TO 03/15/22 COMMENTS		
2	08/03/22	NC	RESP TO 07/27/22 COMMENTS		
3	09/13/22	NC	RESP TO 09/12/22 COMMENTS		

CITY OF MILPITAS
ENGINEERING DIVISION

Approved:
City Engineer Date
Any changes to public improvements shall be approved by the City engineer
Recommended for approval:
Fire Dept. Date:
Engineering Date:

Project No.
File No.
E.P. No.
Sheet 4 of 10



VARY
2.5%
3.5" AC ON
7" CLASS II AB

TYPICAL AC DRIVEWAY SECTION

NTS

NOTES:

1. MAINTAIN 20' WIDE AND 13.5' VERTICAL CLEARANCE FOR THE ACCESS ROAD AT ALL TIMES.

TYPICAL PERVIOUS PAVER SECTION

NTS

DETAIL A

COBBLE ROCK ENERGY DISSIPATOR
NTS

RETENTION POND TYPICAL SECTION

NTS

LINED DITCH TYPICAL SECTION

NTS

UNLINED DITCH TYPICAL SECTION

NTS

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SIGNATURE C47518 P.E.

Firm: LC ENGINEERING

Address: 598 E Santa Clara St, #270, San Jose, CA 95112

Telephone: (408) 806-7187

REGISTERED PROFESSIONAL ENGINEER — N. M. LE — No. 47518 — CIVIL — STATE OF CALIFORNIA

DRIVEWAY PLAN
531 VISTA RIDGE DRIVE
APN 042-30-029

Milpitas California

LC ENGINEERING
598 E Santa Clara St, #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006

PT	01/10/22
DESIGNED	DATE
PT	01/10/22
DRAWN	DATE
1" = 10'	
SCALE	
NL	01/10/22
CHECKED	DATE

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prepared by: _____

(Name) Date

Firm: _____

Address: _____

Telephone: _____

Record Drawings

To be competed prior to acceptance of work by the City

Signature and Seal Date

P.E. No. Exp.

Public Works Inspector:

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CITY OF MILPITAS
ENGINEERING DIVISION

Approved:

City Engineer Date

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Recommended for approval:

Fire Dept. Date:

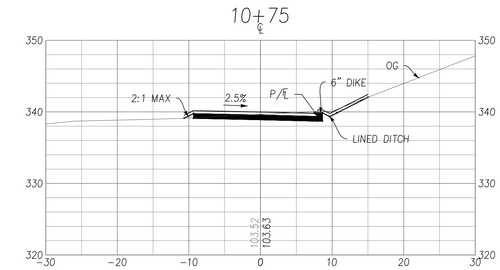
Engineering Date:

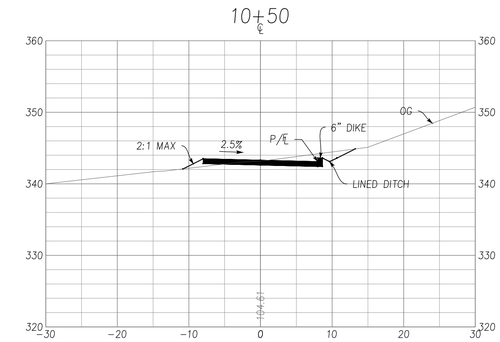
Project No.

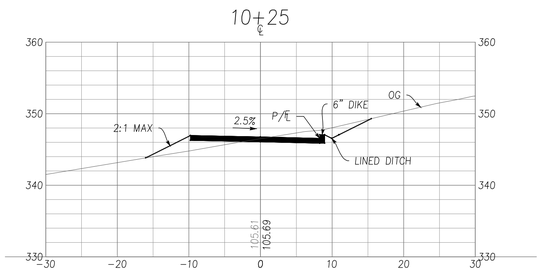
File No.

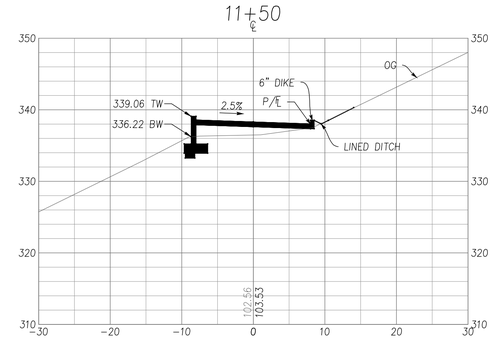
E.P. No.

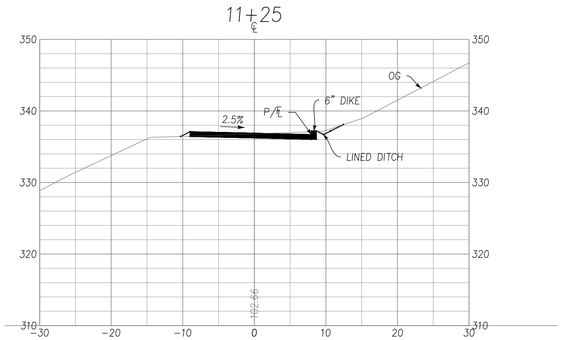
Sheet 5 of 10

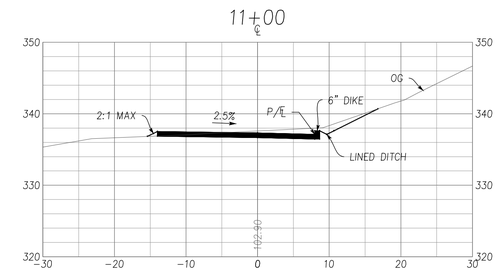


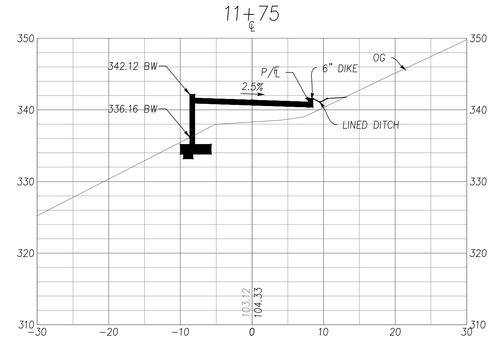


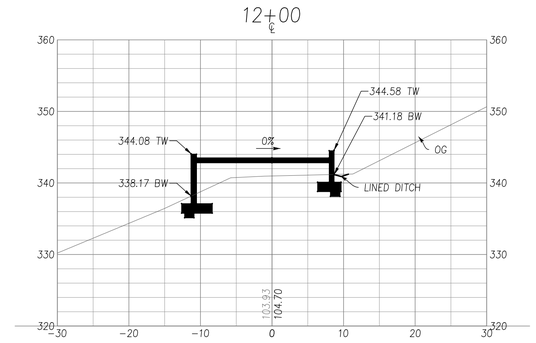


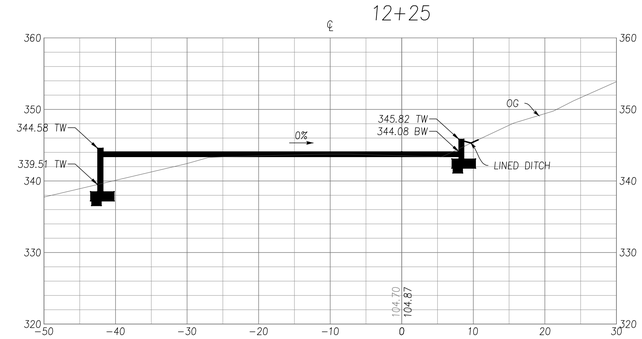


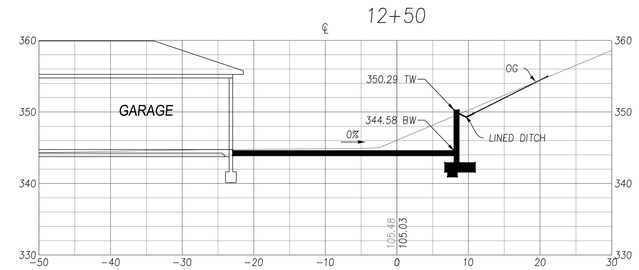


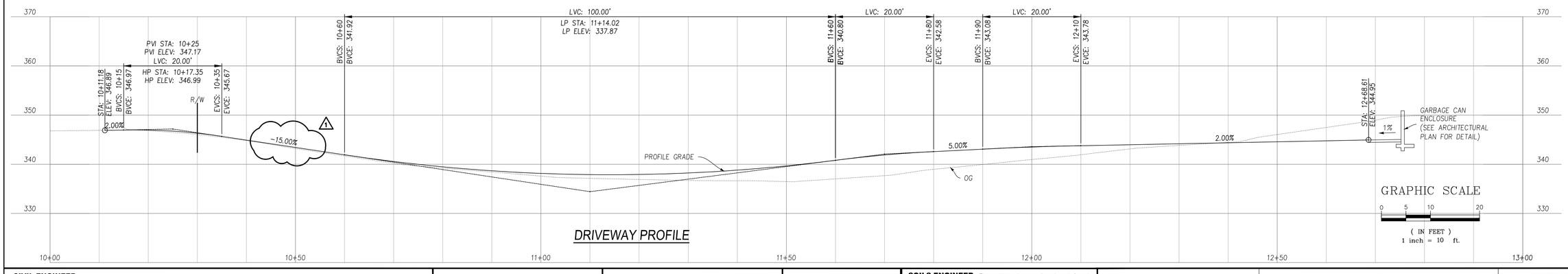












DRIVEWAY PROFILE

CIVIL ENGINEER: I hereby declare that I am the engineer of work for this project, that I have exercised responsible charge over the design of the project as defined in section 6703 of the business and professions codes, and that the design is consistent with current standards. The design shown hereon is necessary and reasonable and does not restrict any historic drainage flows from adjacent properties nor increase drainage to adjacent properties. The design includes principles and techniques to reduce quantity and improve the quality of storm water runoff, as required by NPDES. I understand that the check of project drawings and specifications by the City of Milpitas is confined to a review only and does not relieve me, as engineer of work, of my responsibilities for project design.

SIGNATURE C47518 P.E.

Firm: LC ENGINEERING

Address: 598 E Santa Clara St, #270, San Jose, CA 95112

Telephone: (408) 806-7187

PROFESSIONAL ENGINEER — REGISTERED — N. M. LC — No. 47518 — CIVIL — STATE OF CALIFORNIA

DRIVEWAY PROFILE AND SECTIONS
531 VISTA RIDGE DRIVE
APN 042-30-029

Milpitas California

LC ENGINEERING
598 E Santa Clara St, #270
San Jose, CA 95112
Phone: (408) 806-7187

PT	01/10/22
DESIGNED	DATE
PT	01/10/22
DRAWN	DATE
1" = 10'	
SCALE	
NL	01/10/22
CHECKED	DATE

SOILS ENGINEER: These plans have reviewed and found to be in substantial conformance with the intent and purpose of the Engineering Geologic Reconnaissance and Geotechnical Investigation (file no. SV1621 dated June 12, 2017). prepared by:

(Name) Date

Firm:

Address:

Telephone:

Record Drawings

To be competed prior to acceptance of work by the City

Signature and Seal Date

P.E. No. Exp.

Public Works Inspector:

Revisions

Num.	Date	By	Description	City Engr. Aprv.	Date
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3	09/13/22	NC	RESP TO 09/12/22 COMMENTS		

CITY OF MILPITAS
ENGINEERING DIVISION

Approved:

City Engineer Date

Any changes to public improvements shall be approved by the City engineer

Recommended for approval:

Fire Dept. Date:

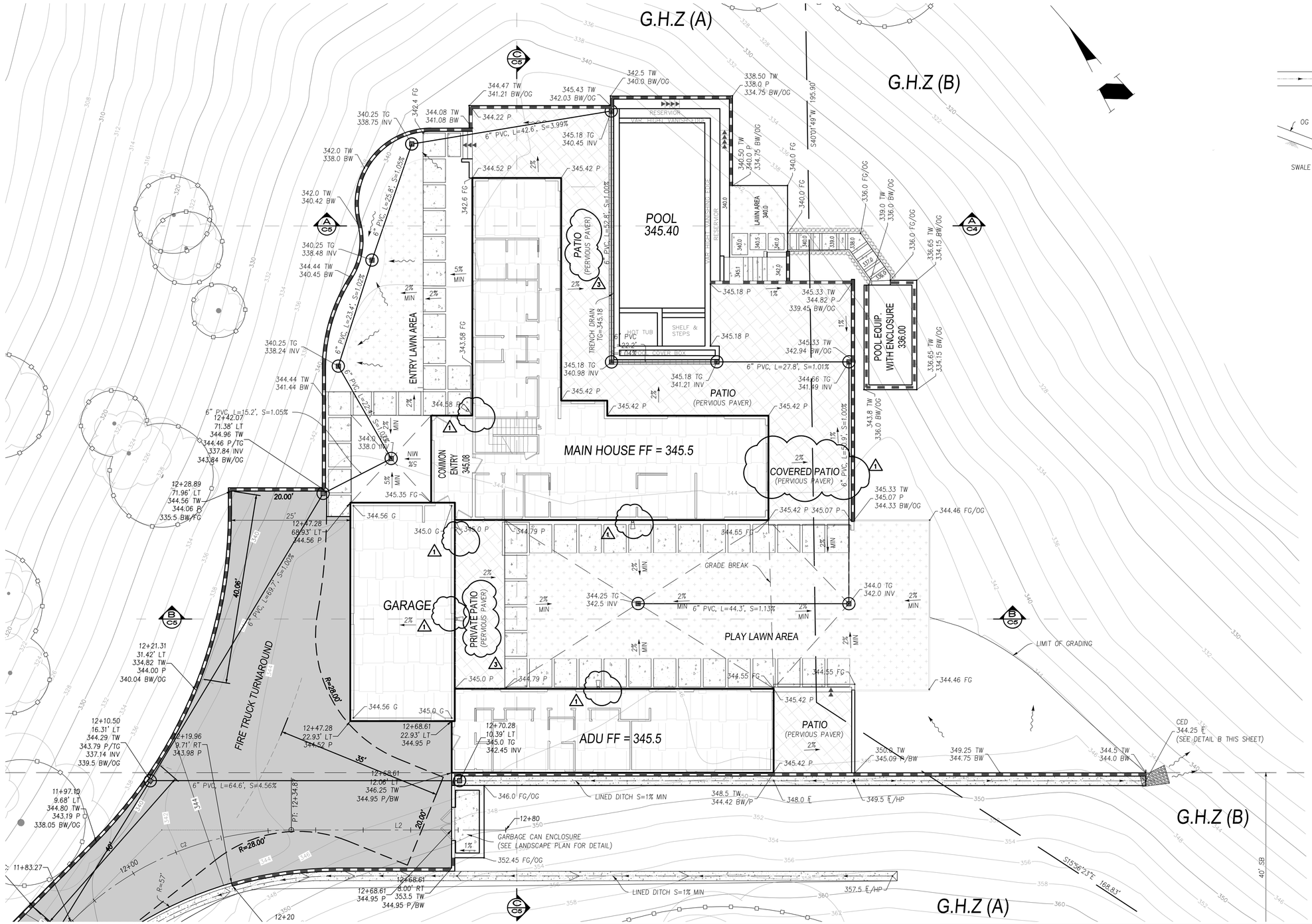
Engineering Date:

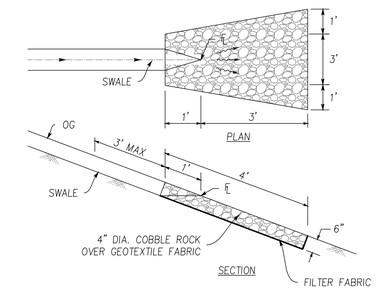
Project No.

File No.

E.P. No.

Sheet 6 of 10





DETAIL B
COBBLE ROCK ENERGY DISSIPATOR
NTS

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C47518
SIGNATURE P.E.
Firm: LC ENGINEERING
Address: 598 E Santa Clara St, #270, San Jose, CA 95112
Telephone: (408) 806-7187

REGISTERED PROFESSIONAL ENGINEER
N. M. LE
No. 47518
CIVIL
STATE OF CALIFORNIA

MAIN HOUSE AND ADU GRADING PLAN AND DRAINAGE PLAN
531 VISTA RIDGE DRIVE
APN 042-30-029

Milpitas California

LC ENGINEERING
598 E Santa Clara St, #270
San Jose, CA 95112
Phone: (408) 806-7187

PT	01/10/22
DESIGNED	DATE
PT	01/10/22
DRAWN	DATE
1" = 10'	
SCALE	
NL	01/10/22
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(Name) Date
Firm:
Address:
Telephone:

Record Drawings
To be competed prior to acceptance of work by the City

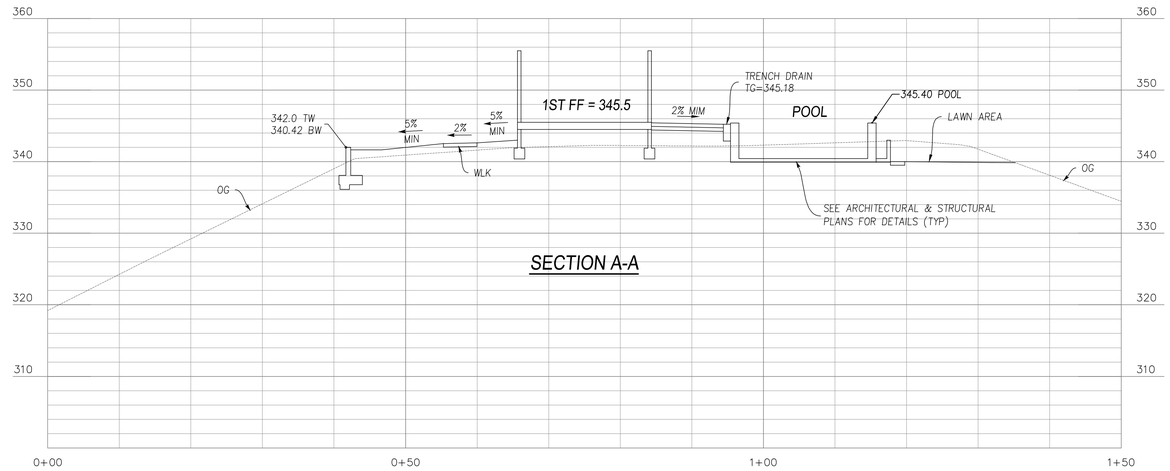
Signature and Seal Date
P.E. No. Exp.
Public Works Inspector:

Num.	Date	By	Description	City Engr.	Aprv.	Date
1	05/27/22	PT	RESP TO 03/15/22 COMMENTS			
2	08/03/22	NC	RESP TO 07/27/22 COMMENTS			
3	09/13/22	NC	RESP TO 09/12/22 COMMENTS			

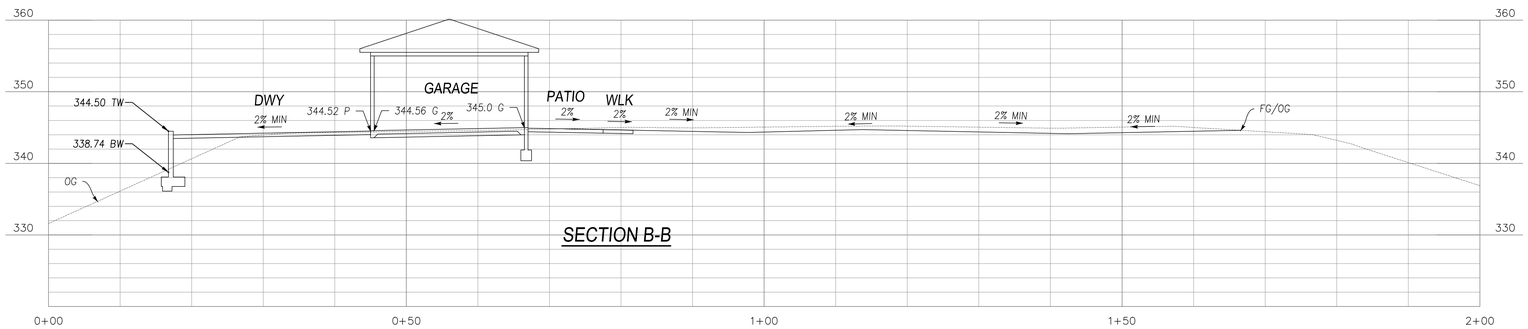
CITY OF MILPITAS
ENGINEERING DIVISION

Approved:
City Engineer Date
Any changes to public improvements shall be approved by the City engineer
Recommended for approval:
Fire Dept. Date:
Engineering Date:

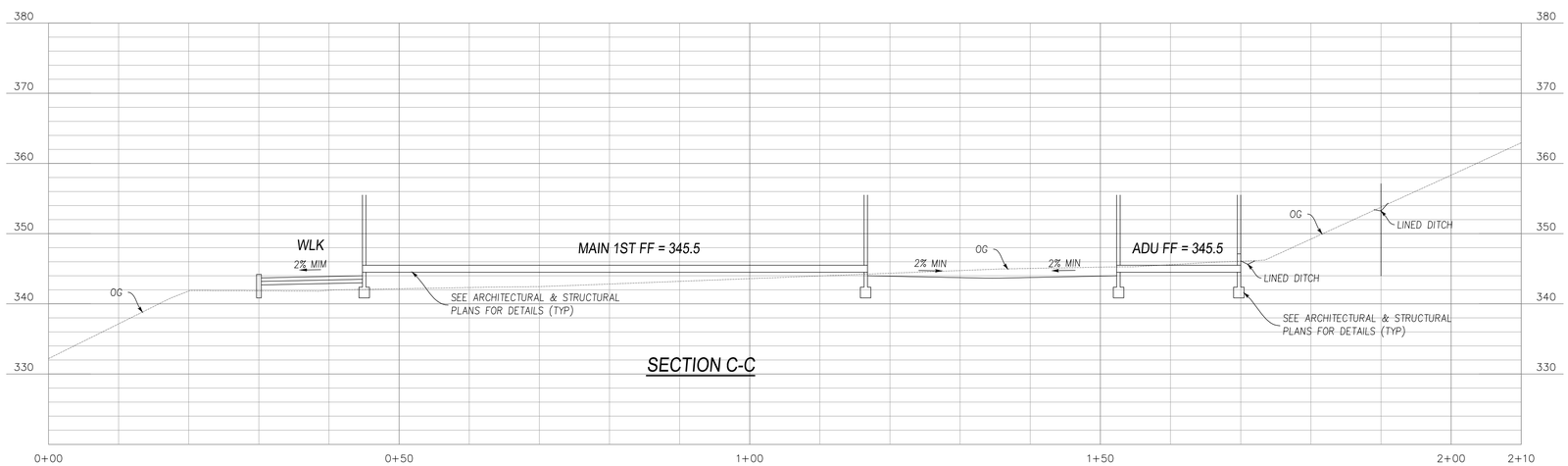
Project No.
File No.
E.P. No.
Sheet 7 of 10



SECTION A-A



SECTION B-B



SECTION C-C

GRAPHIC SCALE

0 5 10 20

(IN FEET)
1 inch = 10 ft.

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C47518
SIGNATURE P.E.

Firm: LC ENGINEERING

Address: 598 E Santa Clara St, #270, San Jose, CA 95112

Telephone: (408) 806-7187

REGISTERED PROFESSIONAL ENGINEER
N. M. L.
No. 47518
CIVIL
STATE OF CALIFORNIA

BUILDING CROSS SECTIONS
531 VISTA RIDGE DRIVE
APN 042-30-029

Milpitas **California**

LC ENGINEERING
CIVIL ENGINEERS

598 E Santa Clara St, #270
San Jose, CA 95112
Phone: (408) 806-7187

PT	01/10/22
DESIGNED	DATE
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(Name) Date

Firm:

Address:

Telephone:

Record Drawings

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Signature and Seal Date
P.E. No. Exp.

Public Works Inspector:

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CITY OF MILPITAS
ENGINEERING DIVISION

Approved:

City Engineer Date

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Recommended for approval:

Fire Dept. Date:

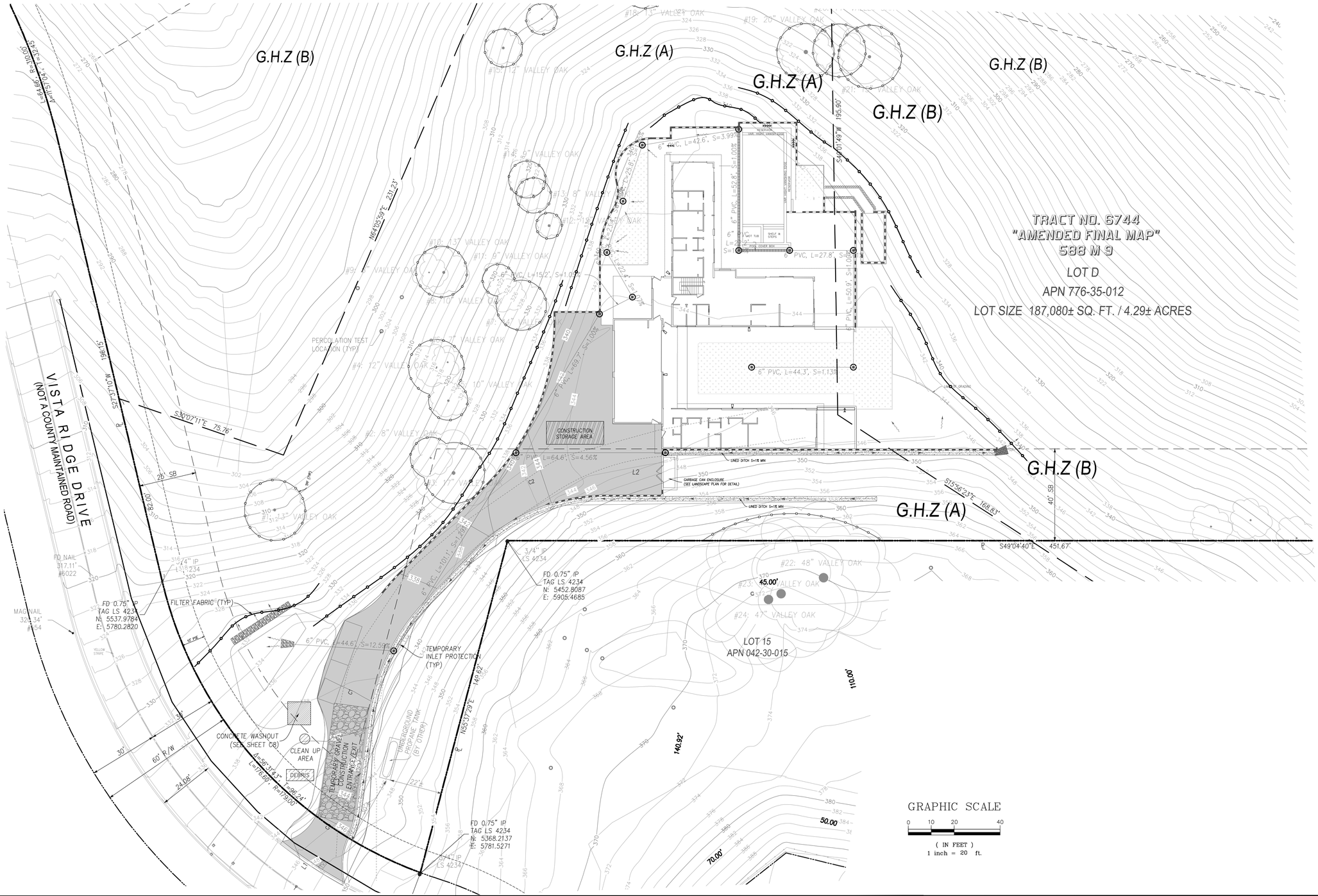
Engineering Date:

Project No.

File No.

E.P. No.

Sheet 8 of 10



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SIGNATURE C47518 P.E.

Firm: LC ENGINEERING

Address: 598 E Santa Clara St, #270, San Jose, CA 95112

Telephone: (408) 806-7187

REGISTERED PROFESSIONAL ENGINEER — M. L. No. 47518 — CIVIL — STATE OF CALIFORNIA

EROSION CONTROL PLAN
531 VISTA RIDGE DRIVE
APN 042-30-029

Milpitas California

LC ENGINEERING
598 E Santa Clara St, #270
San Jose, CA 95112
Phone: (408) 806-7187

PT	01/10/22
DESIGNED	DATE
PT	01/10/22
DRAWN	DATE
1" = 20'	
SCALE	
NL	01/10/22
CHECKED	DATE

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(Name) Date

Firm:

Address:

Telephone:

Record Drawings

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P.E. No. Exp.

Public Works Inspector:

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CITY OF MILPITAS
ENGINEERING DIVISION

Approved: Project No.

City Engineer Date File No.

Any changes to public improvements shall be approved by the City engineer

Recommended for approval: E.P. No.

Fire Dept. Date:

Engineering Date:

Sheet 9 of 10

GENERAL EROSION AND SEDIMENT CONTROL NOTES:

1. CONTRACTOR/OWNER: MILAN BRAHMBHATT
   ADDRESS: 1089 RANKIN DRIVE , MILPITAS, CA 95035
   PHONE NUMBER: (---)--------
   IT SHALL BE THE OWNER'S RESPONSIBILITY TO MAINTAIN CONTROL OF THE ENTIRE CONSTRUCTION OPERATION AND TO KEEP THE ENTIRE SITE IN COMPLIANCE WITH THE SOIL EROSION CONTROL PLAN.

2. CIVIL ENGINEER: LC ENGINEERING
   ADDRESS: 598 E SANTA CLARA ST #270, SAN JOSE, CA 95112
   PHONE NUMBER: (408) 806-7187

3. CONSTRUCTION SUPERINTENDENT: MILAN BRAHMBHATT
   ADDRESS: 1089 RANKIN DRIVE , MILPITAS, CA 95035
   24-HOUR PHONE NUMBER: (---)--------
   CONTRACTOR: MILAN BRAHMBHATT
   ADDRESS: 1089 RANKIN DRIVE , MILPITAS, CA 95035
   24-HOUR PHONE NUMBER: (---)-------

4. THIS PLAN IS INTENDED TO BE USED FOR INTERIM EROSION AND SEDIMENT CONTROL ONLY AND IS NOT TO BE USED FOR FINAL ELEVATIONS OR PERMANENT IMPROVEMENTS.

5. DEVELOPER WILL SUBMIT TO THE CITY MONTHLY (AT THE FIRST OF EACH MONTH BETWEEN OCT 1ST AND APRIL 30TH) CERTIFICATIONS THAT ALL EROSION/SEDIMENT MEASURES IDENTIFIED ON THE APPROVED EROSION CONTROL PLAN ARE IN PLACE. IF MEASURES ARE NOT IN PLACE, DEVELOPER SHALL PROVIDE THE CITY WITH A WRITTEN EXPLANATION OF WHY THE MEASURE IS NOT IN PLACE AND WHAT WILL BE DONE TO REMEDY THIS SITUATION.

6. OWNER/CONTRACTOR SHALL BE RESPONSIBLE FOR MONITORING EROSION AND SEDIMENT CONTROL MEASURES PRIOR, DURING, AND AFTER STORM EVENTS.

7. REASONABLE CARE SHALL BE TAKEN WHEN HAULING ANY EARTH, SAND, GRAVEL, STONE, DEBRIS, PAPER OR ANY OTHER SUBSTANCE OVER ANY PUBLIC STREET, ALLEY OR OTHER PUBLIC PLACE. SHOULD ANY BLOW, SPILL, OR TRACK OVER AND UPON SAID PUBLIC OR ADJACENT PRIVATE PROPERTY, IMMEDIATE REMEDY SHALL OCCUR.

8. SANITARY FACILITIES SHALL BE MAINTAINED ON THE SITE.

9. DURING THE RAINY SEASON, ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIAL AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT LADEN RUNOFF TO ANY STORM DRAINAGE SYSTEM, INCLUDING EXISTING DRAINAGE SWALES AND WATER COURSES.

10. CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER THAT EROSION AND WATER POLLUTION WILL BE MINIMIZED. STATE AND LOCAL LAWS CONCERNING POLLUTION ABATEMENT SHALL BE COMPLIED WITH.

11. CONTRACTOR SHALL PROVIDE DUST CONTROL AS REQUIRED BY THE APPROPRIATE FEDERAL, STATE AND LOCAL AGENCY REQUIREMENTS.

EROSION AND SEDIMENT CONTROL MEASURES

1. THE FACILITIES SHOWN ON THIS PLAN ARE DESIGNED TO CONTROL EROSION AND SEDIMENT DURING THE RAINY SEASON, OCTOBER 1 TO APRIL 30. FACILITIES ARE TO BE OPERABLE PRIOR TO SEPTEMBER 15 OF ANY YEAR. GRADING OPERATIONS DURING THE RAINY SEASON WHICH LEAVE DENUDED SLOPES SHALL BE PROTECTED WITH EROSION CONTROL MEASURES IMMEDIATELY FOLLOWING GRADING ON THE SLOPES. DURING THE NON-RAINY SEASON BEST MANAGEMENT PRACTICES (BMPS) MUST BE IMPLEMENTED DURING CONSTRUCTION WHICH INCLUDES, BUT IS NOT LIMITED TO: STABILIZED CONSTRUCTION ENTRANCE, TIRE WASH AREA AND INLET PROTECTION.

2. THIS PLAN COVERS ONLY THE FIRST WINTER FOLLOWING GRADING WITH ASSUMED SITE CONDITIONS AS SHOWN ON THE EROSION CONTROL PLAN. PRIOR TO SEPTEMBER 15, THE COMPLETION OF SITE IMPROVEMENT SHALL BE EVALUATED AND REVISIONS MADE TO THIS PLAN AS NECESSARY WITH THE APPROVAL OF THE CITY ENGINEER. PLANS ARE TO BE RESUBMITTED FOR CITY APPROVAL PRIOR TO SEPTEMBER 1 OF EACH SUBSEQUENT YEAR UNTIL SITE IMPROVEMENTS ARE ACCEPTED BY THE CITY.

3. CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF GRADING. ALL CONSTRUCTION TRAFFIC ENTERING ONTO THE PAVED ROADS MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCE WAYS. (ALSO INCLUDE THIS NOTE ON GRADING PLANS.)

4. CONTRACTOR SHALL MAINTAIN STABILIZED ENTRANCE AT EACH VEHICLE ACCESS POINT TO EXISTING PAVED STREETS. ANY MUD OR DEBRIS TRACKED ONTO PUBLIC STREETS SHALL BE REMOVED DAILY AND AS REQUIRED BY THE CITY.

5. IF HYDROSEEDING IS NOT USED OR IS NOT EFFECTIVE BY 09/23, THEN OTHER IMMEDIATE METHODS SHALL BE IMPLEMENTED, SUCH AS EROSION CONTROL BLANKETS, OR A THREE-STEP APPLICATION OF 1) SEED, MULCH, FERTILIZER 2) BLOWN STRAW 3) TACKIFIER AND MULCH.

6. INLET PROTECTION SHALL BE INSTALLED AT OPEN INLETS TO PREVENT SEDIMENT FROM ENTERING THE STORM DRAIN SYSTEM. INLETS NOT USED IN CONJUNCTION WITH EROSION CONTROL ARE TO BE BLOCKED TO PREVENT ENTRY OF SEDIMENT.

7. LOTS WITH HOUSES UNDER CONSTRUCTION WILL NOT BE HYDROSEEDED. EROSION PROTECTION FOR EACH LOT WITH A HOUSE UNDER CONSTRUCTION SHALL CONFORM TO THE TYPICAL LOT EROSION CONTROL DETAIL SHOWN ON THIS SHEET.

8. THIS EROSION AND SEDIMENT CONTROL PLAN MAY NOT COVER ALL THE SITUATIONS THAT MAY ARISE DURING CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. VARIATIONS AND ADDITIONS MAY BE MADE TO THIS PLAN IN THE FIELD. NOTIFY THE CITY REPRESENTATIVE OF ANY FIELD CHANGES.

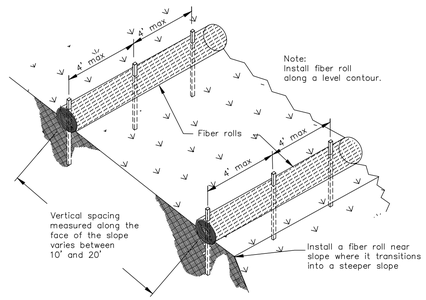
MAINTENANCE NOTES

1. MAINTENANCE IS TO BE PERFORMED AS FOLLOWS:
   A. REPAIR DAMAGES CAUSED BY SOIL EROSION OR CONSTRUCTION AT THE END OF EACH WORKING DAY.
   B. SWALES SHALL BE INSPECTED PERIODICALLY AND MAINTAINED AS NEEDED.
   C. SEDIMENT TRAPS, BERMS, AND SWALES ARE TO BE INSPECTED AFTER EACH STORM AND REPAIRS MADE AS NEEDED.
   D. SEDIMENT SHALL BE REMOVED AND SEDIMENT TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN SEDIMENT HAS ACCUMULATED TO A DEPTH OF 1 FOOT.
   E. SEDIMENT REMOVED FROM TRAP SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
   F. RILLS AND GULLIES MUST BE REPAIRED.

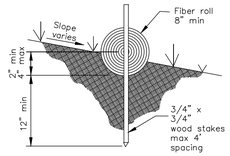
2. SAND BAG INLET PROTECTION SHALL BE CLEANED OUT WHENEVER SEDIMENT DEPTH IS ONE HALF THE HEIGHT OF ONE SAND BAG.

BMP SUMMARY TABLE

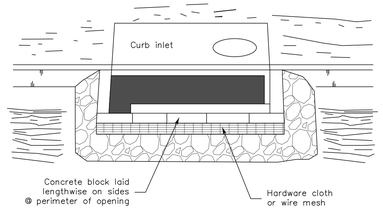
BMP CATEGORY	BMP USED
EROSION CONTROL	FIBER ROLLS
SEDIMENT CONTROL	DRAINAGE INLET PROTECTION, TEMPORARY GRAVEL ENTRANCE/EXIT
GOOD SITE MANAGEMENT	CONCRETE WASTE MANAGEMENT, TEMPORARY GRAVEL ENTRANCE/EXIT
NON-STORMWATER MANAGEMENT	CHECK PAVEMENT & EXTERNAL BUILDING WASH DOWN, FIRE HYDRANT FLUSHING, IRRIGATION DRAINAGE, GROUND WATER, FOUNDATION DRAIN FLOWS
RUN-ON AND RUN-OFF CONTROL	INSPECTION AND MAINTENANCE OF ALL ON/OFF-SITE DRAIN SYSTEM CONTROL WASTE AT THE CONSTRUCTION SITE SUCH AS DISCARDED BUILDING MATERIALS, TRUCK WASHOUT, CHEMICALS, LITTER AND SANITARY WASTE
ACTIVE TREATMENT SYSTEMS	BIO SWALE, SAND BAG FILTER,

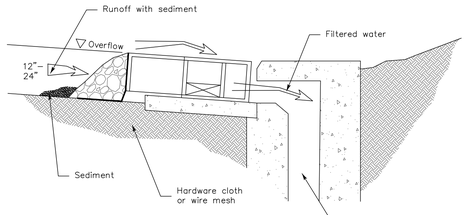


TYPICAL FIBER ROLL INSTALLATION
N.T.S.



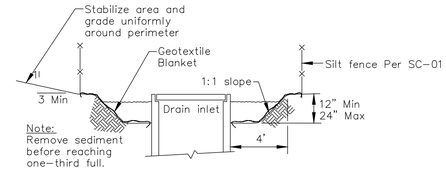
ENTRENCHMENT DETAIL
N.T.S.



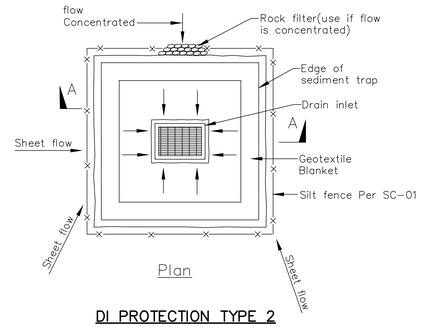


DI PROTECTION – TYPE 4
NOT TO SCALE

Storm Drain Inlet Protection

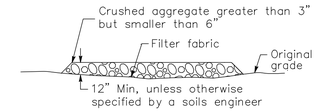


Section A-A
NTS

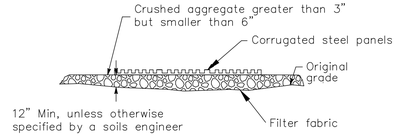


DI PROTECTION TYPE 2
NOT TO SCALE

Notes
1. For use in cleared and grubbed and in graded areas.
2. Shape basin so that longest inflow area faces longest length of trap.
3. For concentrated flows, shape basin in 2:1 ratio with length oriented towards direction of flow.



SECTION B-B
NTS



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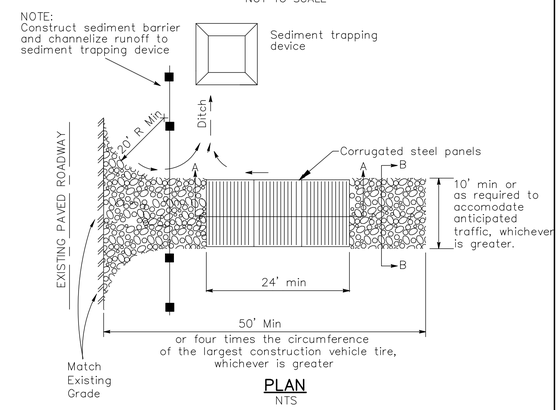
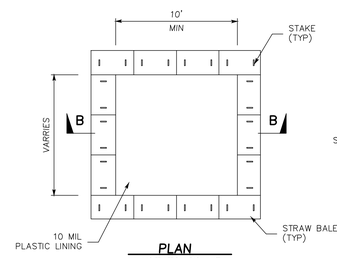
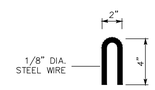
NOT TO SCALE



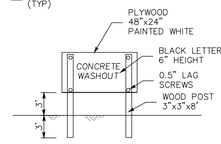
PLAN
NTS



PLAN
NOT TO SCALE
TYPE "ABOVE GRADE" WITH STRAW BALES



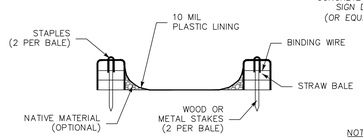
STAPLE DETAIL



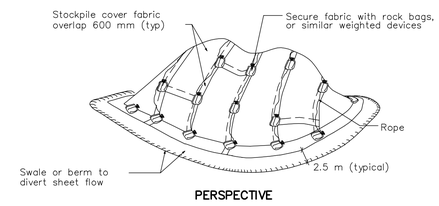
CONCRETE WASHOUT SIGN DETAIL
(OR EQUIVALENT)

NOTES:

1. ACTUAL LAYOUT DETERMINED IN FIELD.
2. THE CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30FT. OF THE TEMPORARY CONCRETE WASHOUT FACILITY.



SECTION B-B
NOT TO SCALE



PERSPECTIVE
TEMPORARY COVER on STOCKPILE

Concrete Waste Management

CIVIL ENGINEER: I hereby declare that I am the engineer of work for this project, that I have exercised responsible charge over the design of the project as defined in section 6703 of the business and professions codes, and that the design is consistent with current standards. The design shown hereon is necessary and reasonable and does not restrict any historic drainage flows from adjacent properties nor increase drainage to adjacent properties. The design includes principles and techniques to reduce quantity and improve the quality of storm water runoff, as required by NPDES. I understand that the check of project drawings and specifications by the City of Milpitas is confined to a review only and does not relieve me, as engineer of work, of my responsibilities for project design.

C47518
SIGNATURE P.E.
Firm: LC ENGINEERING
Address: 598 E Santa Clara St, #270, San Jose, CA 95112
Telephone: (408) 806-7187

REGISTERED PROFESSIONAL ENGINEER M. N. LE No. 47518 CIVIL STATE OF CALIFORNIA

EROSION CONTROL DETAILS
531 VISTA RIDGE DRIVE
APN 042-30-029

Milpitas California

LC ENGINEERING
598 E Santa Clara St, #270
San Jose, CA 95112
Phone: (408) 806-7187

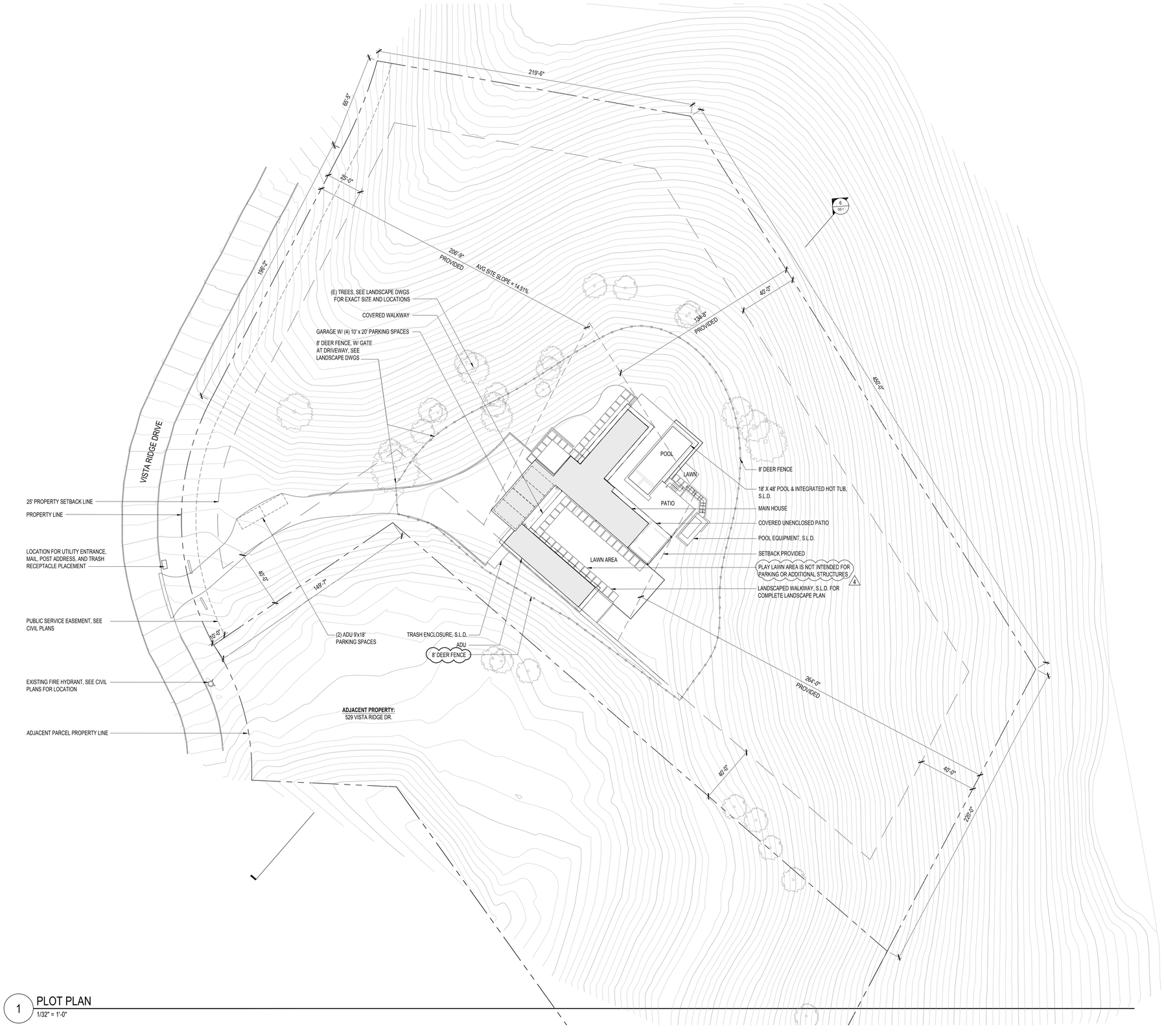
PT	DESIGNED	01/10/22 DATE
PT	DRAWN	01/10/22 DATE
NTS	SCALE	
NL	CHECKED	01/10/22 DATE

SOILS ENGINEER: These plans have reviewed and found to be in substantial conformance with the intent and purpose of the Engineering Geologic Reconnaissance and Geotechnical Investigation (file no. SV1621 dated June 12, 2017). prepared by:
(Name) Date
Firm:
Address:
Telephone:

Record Drawings
To be competed prior to acceptance of work by the City
Signature and Seal Date
P.E. No. Exp.
Public Works Inspector:

Num.	Date	By	Description	City Engr. Aprv.	Date
1	05/27/22	PT	RESP TO 03/15/22 COMMENTS		
2	08/03/22	NC	RESP TO 07/27/22 COMMENTS		
3	09/13/22	NC	RESP TO 09/12/22 COMMENTS		

CITY OF MILPITAS
ENGINEERING DIVISION
Approved: Project No.
City Engineer Date
Any changes to public improvements shall be approved by the City engineer
File No.
Recommended for approval: E.P. No.
Fire Dept. Date:
Engineering Date:
Sheet 10 of 10



1 PLOT PLAN
1/32" = 1'-0"

SYMBOL LEGEND

- PROPERTY LINE
- SETBACK REQUIRED
- SETBACK PROVIDED
- DEER FENCE
- PUBLIC SERVICE EASEMENT

N

0 16' 32' 64'

timber ARCHITECTURE

1130 Keeler Avenue, Suite 1
Berkeley, CA 94708

info@timbrearch.com
p 415.200.8106

LICENSED ARCHITECT
BARRETT R. SHANKS
11.30.23
STATE OF CALIFORNIA

PROJECT
531 VISTA RIDGE

ADDRESS
531 VISTA RIDGE DRIVE
MILPITAS, CA 95035

OWNER
MILAN BRAHMBHATT

CURRENT RELEASE DATE
October 25, 2022

CURRENT RELEASE SET
Planning Permit 4
Plan Check Response 4

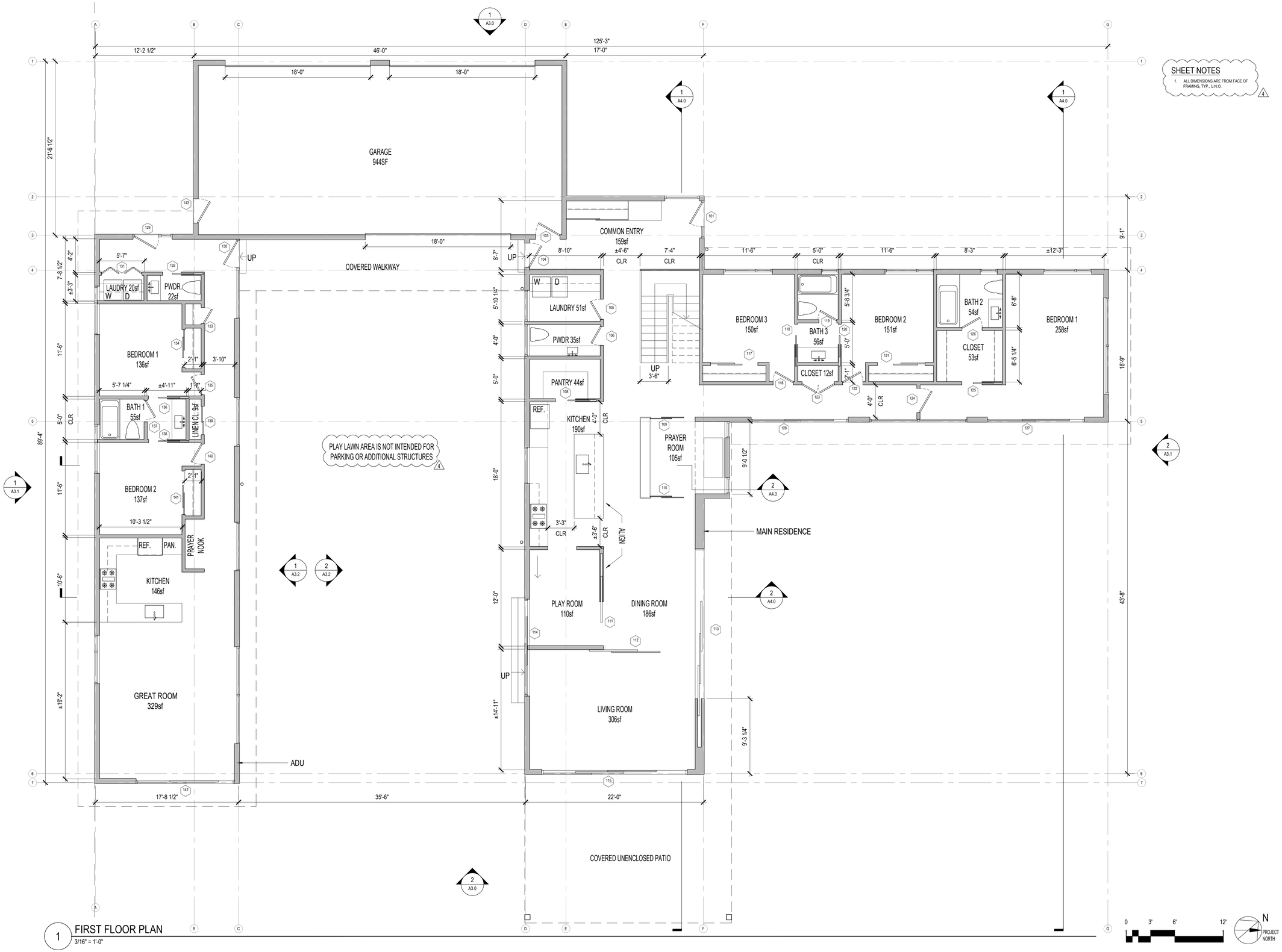
PREVIOUS RELEASE

Title	Date
Planning Permit Set	01.28.2022
Planning Permit Plan Check R1	05.27.2022
Planning Permit Plan Check R2	08.12.2022
Planning Permit Plan Check R3	09.14.2022
Planning Permit Plan Check R4	10.25.2022

SHEET TITLE
SITE PLAN

SCALE 1/32"=1'-0'
JOB NUMBER 20-01
DRAWN BY BS

A1.0



1 FIRST FLOOR PLAN
3/16" = 1'-0"

SHEET NOTES

1. ALL DIMENSIONS ARE FROM FACE OF FRAMING, TYP., U.N.O.

timber ARCHITECTURE
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Berkeley, CA 94708
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LICENSED ARCHITECT
BARNETT R. BRAUN
STATE OF CALIFORNIA
11.30.23

PROJECT
531 VISTA RIDGE

ADDRESS
531 VISTA RIDGE DRIVE
MILPITAS, CA 95035

OWNER
MILAN BRAHMBHATT

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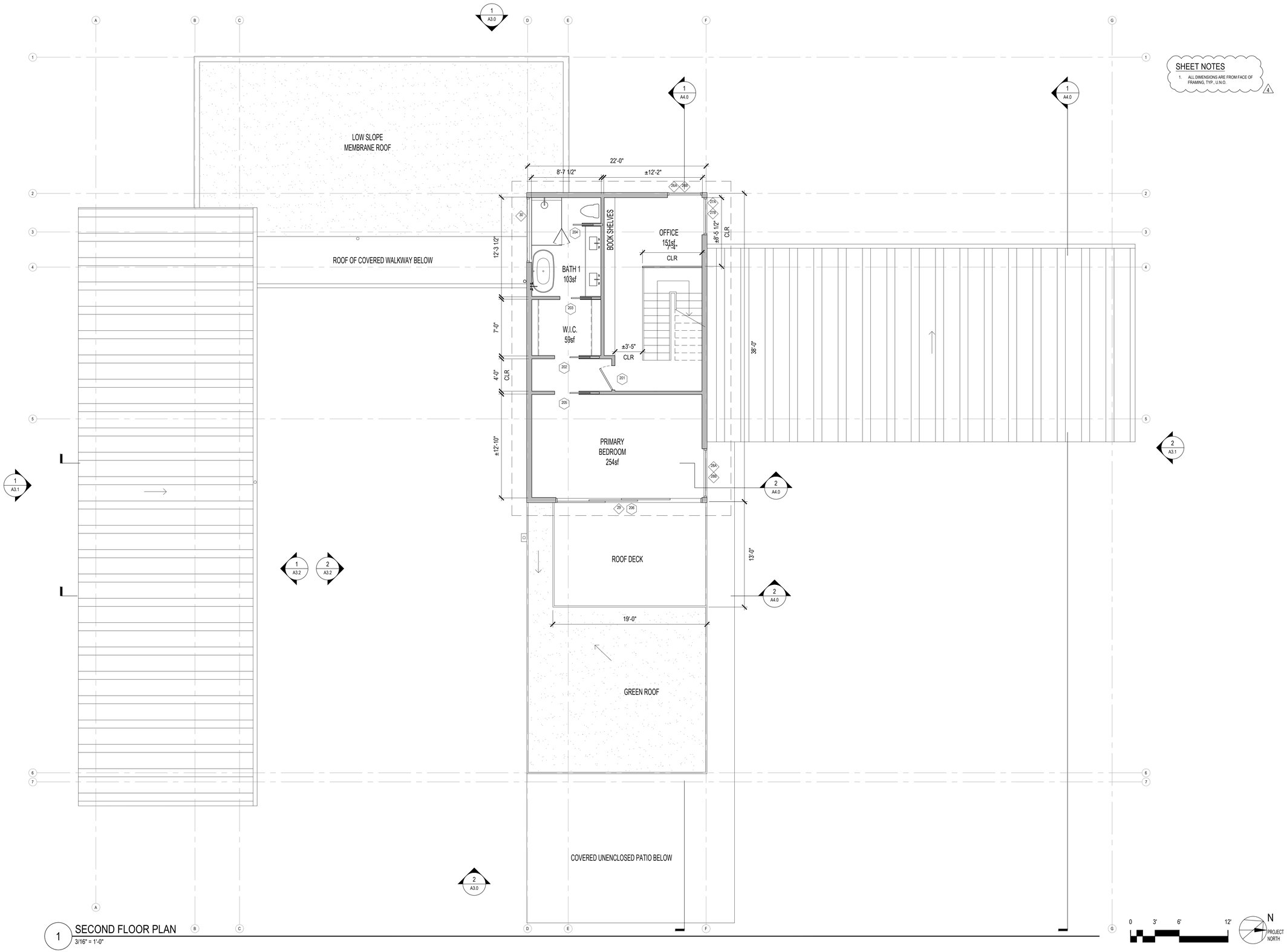
SHEET TITLE
FIRST FLOOR PLAN

SCALE 3/16" = 1'-0"
JOB NUMBER 20-01
DRAWN BY BS

A2.0



1 SECOND FLOOR PLAN
3/16" = 1'-0"

SHEET NOTES

1. ALL DIMENSIONS ARE FROM FACE OF FRAMING, TYP., U.N.O.

4

timber ARCHITECTURE
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p 415.200.8106

LICENSED ARCHITECT
BARRY SCOTT R. SMITH
C-17675
11.30.23
STATE OF CALIFORNIA

PROJECT
531 VISTA RIDGE

ADDRESS
531 VISTA RIDGE DRIVE
MILPITAS, CA 95035

OWNER
MILAN BRAHMBHATT

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SHEET TITLE
SECOND FLOOR PLAN

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JOB NUMBER 20-01
DRAWN BY BS

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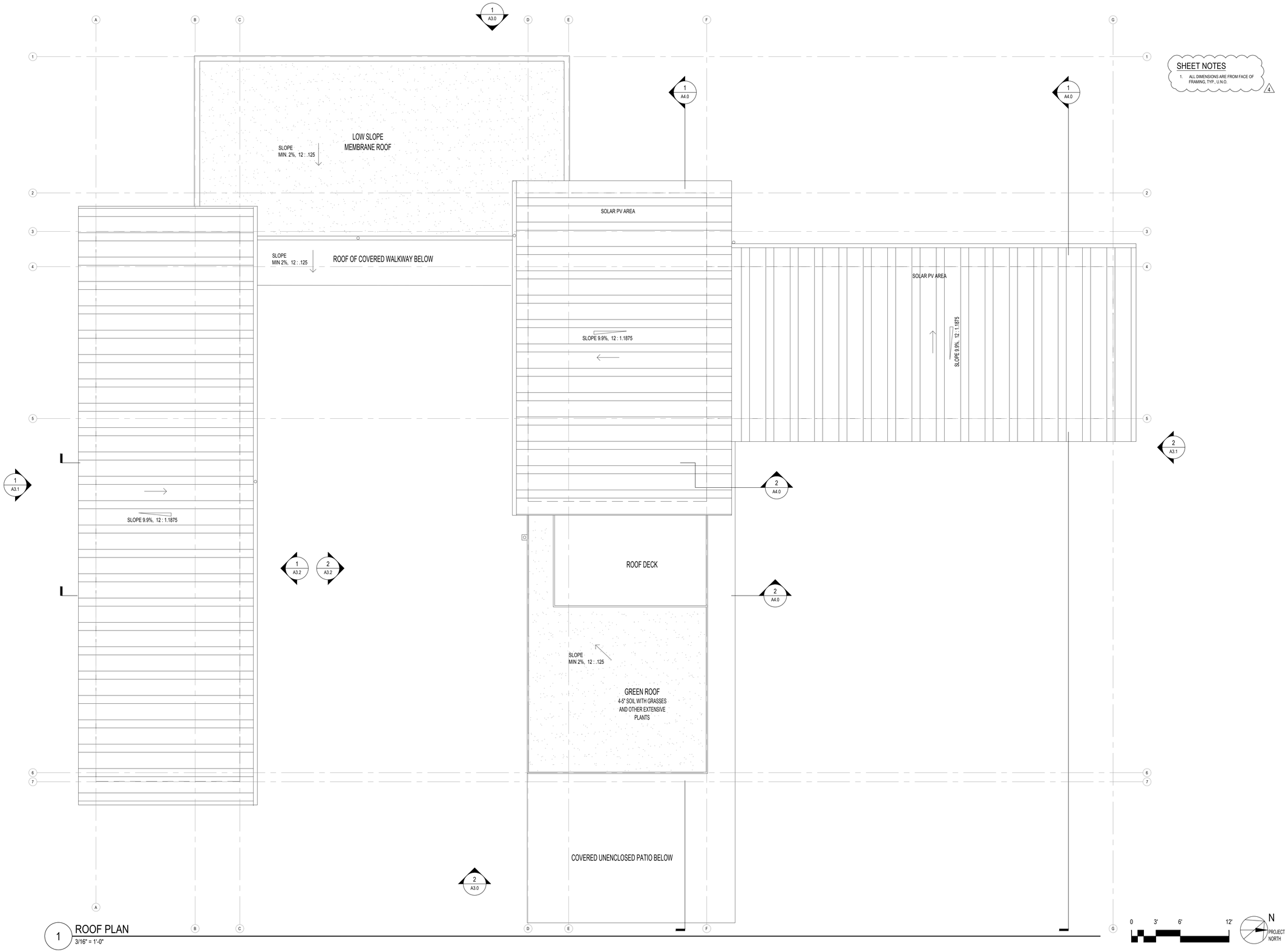

1 ROOF PLAN
3/16" = 1'-0"

SHEET NOTES

1. ALL DIMENSIONS ARE FROM FACE OF FRAMING, TYP., U.N.O.

4

timber ARCHITECTURE
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Berkeley, CA 94708
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p 415.200.8106

LICENSED ARCHITECT
BRIDGETT R. SMITH
C-17675
STATE OF CALIFORNIA
11.30.23

PROJECT
531 VISTA RIDGE

ADDRESS
531 VISTA RIDGE DRIVE
MILPITAS, CA 95035

OWNER
MILAN BRAHMBHATT

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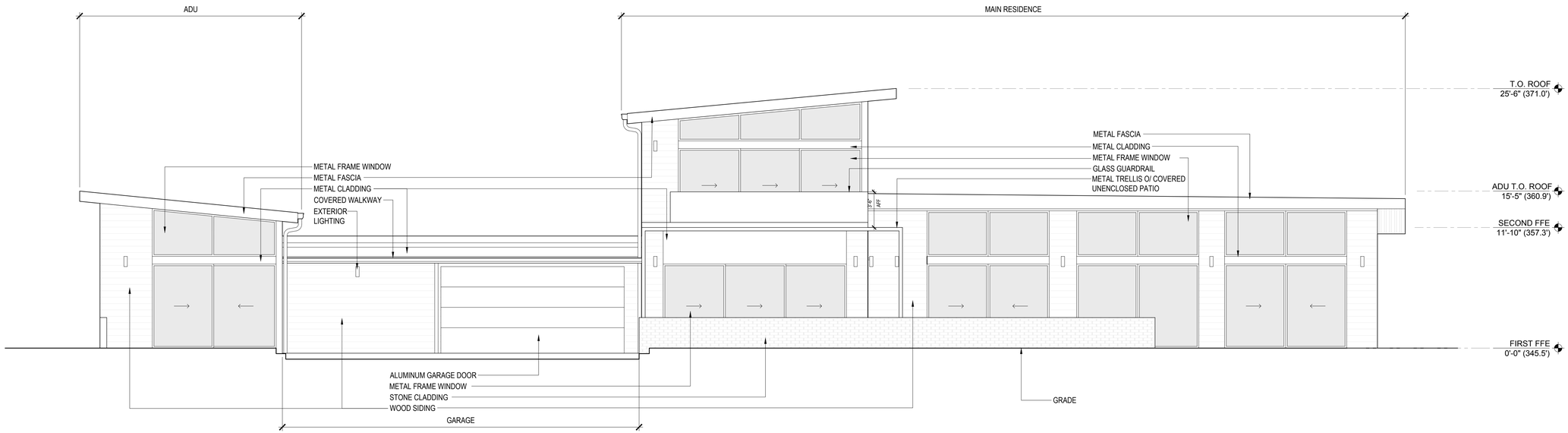
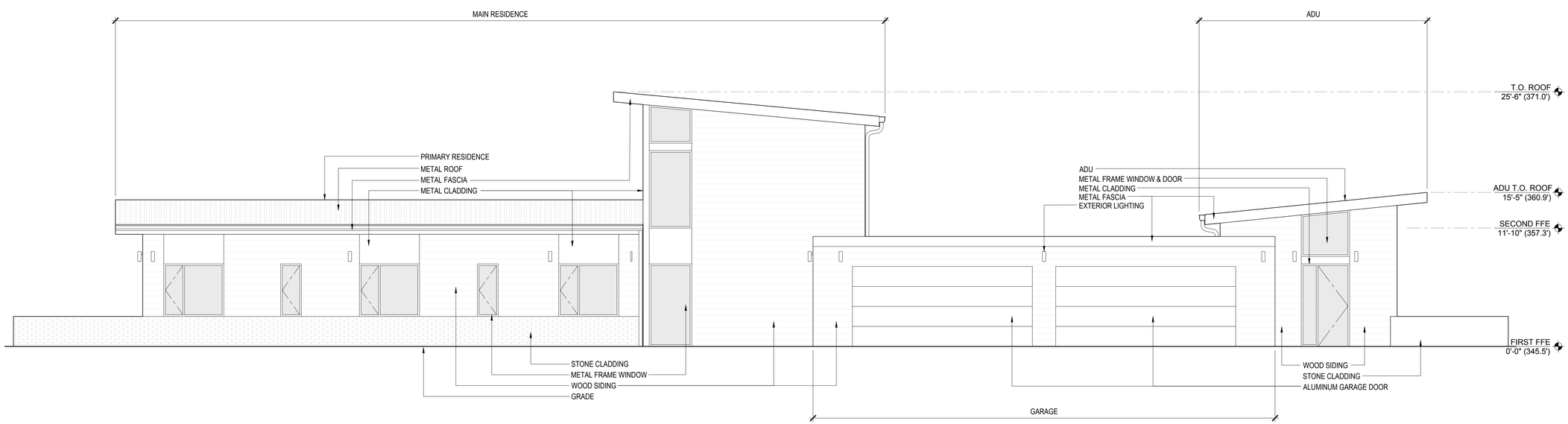
SHEET TITLE
ROOF PLAN

SCALE 3/16" = 1'-0"
JOB NUMBER 20-01
DRAWN BY BS

A2.2



2 EAST ELEVATION



1 WEST ELEVATION

0 3' 6' 12'

timbre ARCHITECTURE

1130 Keeler Avenue, Suite 1
Berkeley, CA 94708
info@timbrearch.com
p 415.200.8106

LICENSED ARCHITECT BRIGGETT R. SMALL C-17 STATE OF CALIFORNIA
11.30.23

PROJECT
531 VISTA RIDGE

ADDRESS
531 VISTA RIDGE DRIVE
MILPITAS, CA 95035

OWNER
MILAN BRAHMBHATT

CURRENT RELEASE DATE
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Planning Permit Plan Check R4	10.25.2022

SHEET TITLE
EXTERIOR ELEVATIONS

SCALE 3/16" = 1'-0"
JOB NUMBER 20-01
DRAWN BY BS

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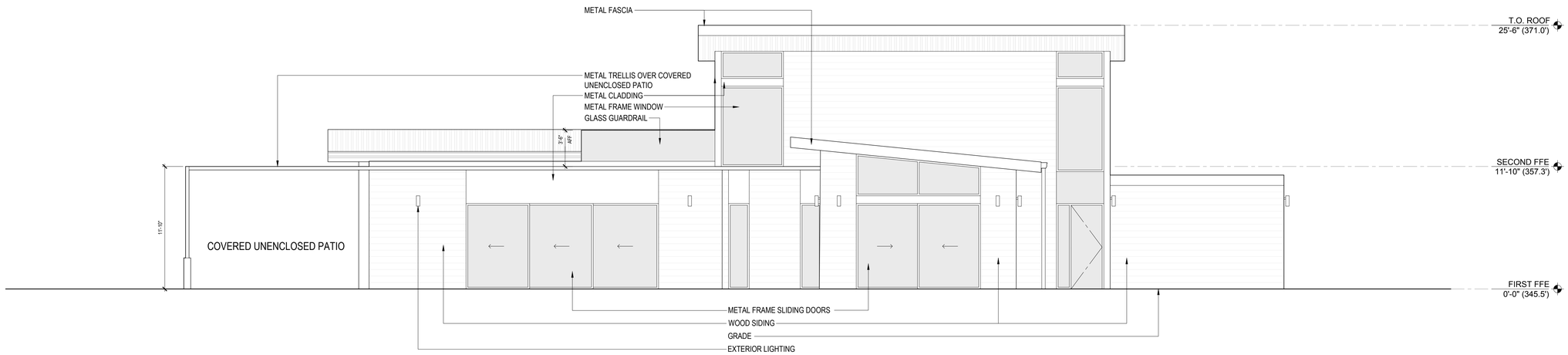
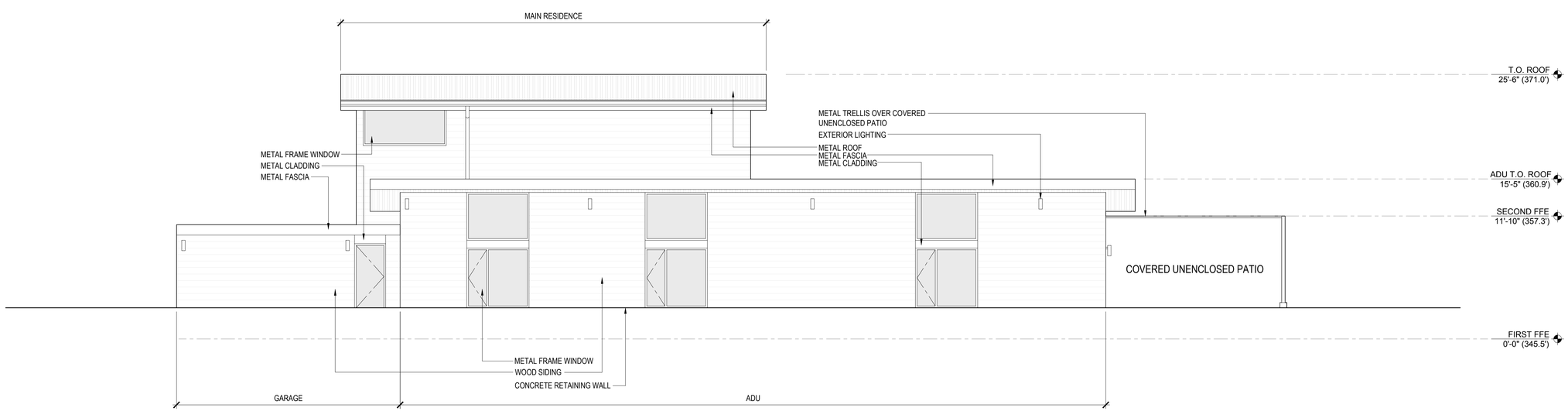


2 NORTH ELEVATION - MAIN RESIDENCE



1 SOUTH ELEVATION

0 3' 6' 12'

timbre ARCHITECTURE

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Berkeley, CA 94708
info@timbrearch.com
p 415.200.8106

LICENSED ARCHITECT
BRIGGETT R. SMITH
STATE OF CALIFORNIA
11.30.23

PROJECT
531 VISTA RIDGE

ADDRESS
531 VISTA RIDGE DRIVE
MILPITAS, CA 95035

OWNER
MILAN BRAHMBHATT

CURRENT RELEASE DATE
October 25, 2022

CURRENT RELEASE SET
Planning Permit 4
Plan Check Response 4

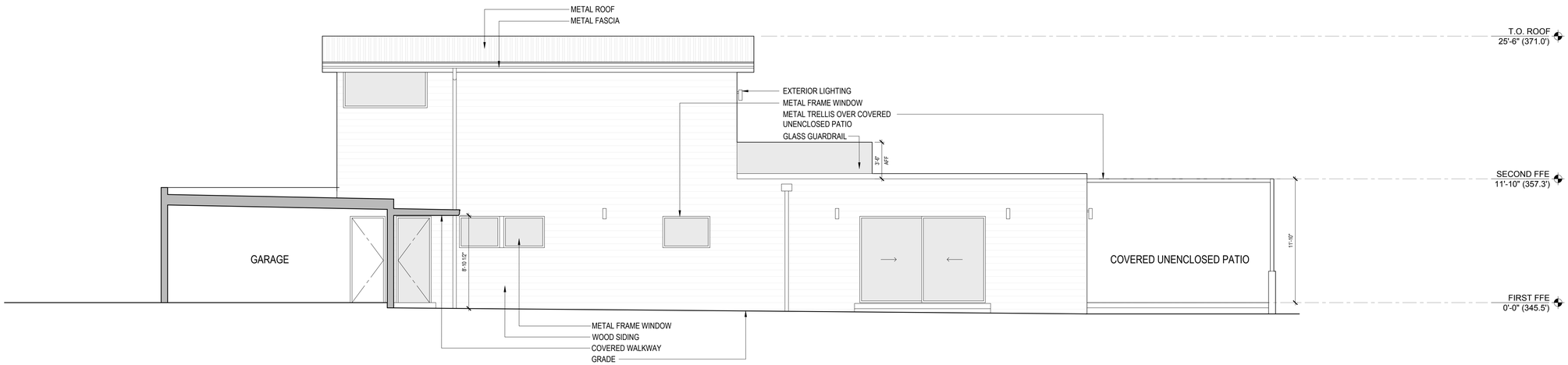
PREVIOUS RELEASE

Title	Date
Planning Permit Set	01.28.2022
Planning Permit Plan Check R1	05.27.2022
Planning Permit Plan Check R2	08.12.2022
Planning Permit Plan Check R3	09.14.2022
Planning Permit Plan Check R4	10.25.2022

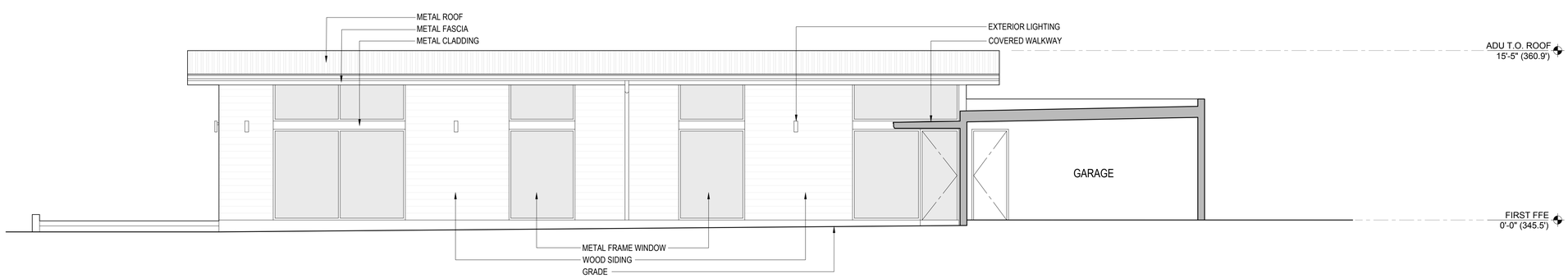
SHEET TITLE
EXTERIOR ELEVATIONS

SCALE 3/32" = 1'-0"
JOB NUMBER 20-01
DRAWN BY BS

A3.1



2 SOUTH SECTION / ELEVATION - MAIN RESIDENCE



1 NORTH SECTION / ELEVATION - ADU

0 3' 6' 12'

timber ARCHITECTURE

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LICENSED ARCHITECT
BRADGETT R. SMITH
11.30.23
STATE OF CALIFORNIA

PROJECT
531 VISTA RIDGE

ADDRESS
531 VISTA RIDGE DRIVE
MILPITAS, CA 95035

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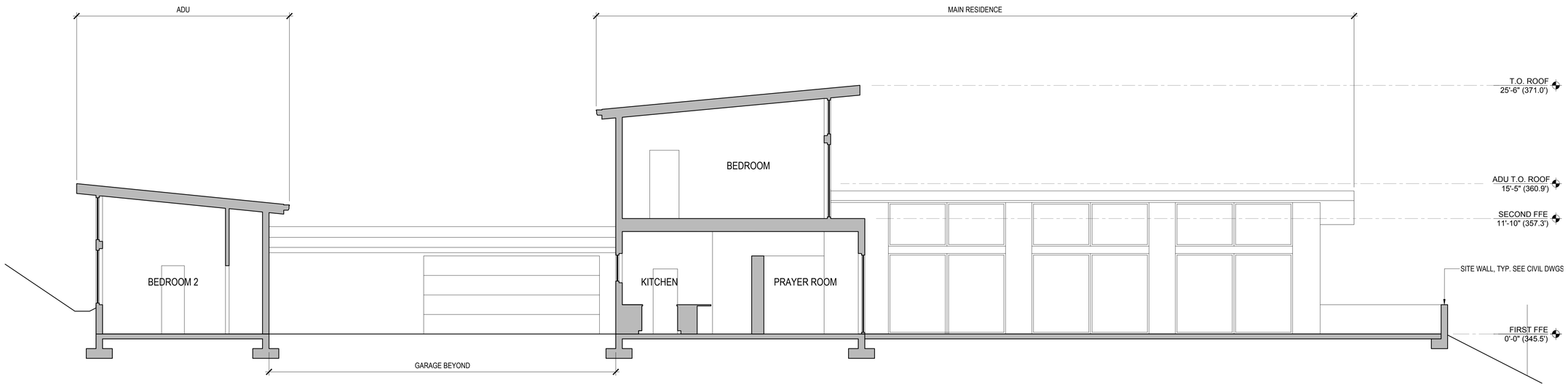
Planning Permit Plan Check R4	10.25.2022

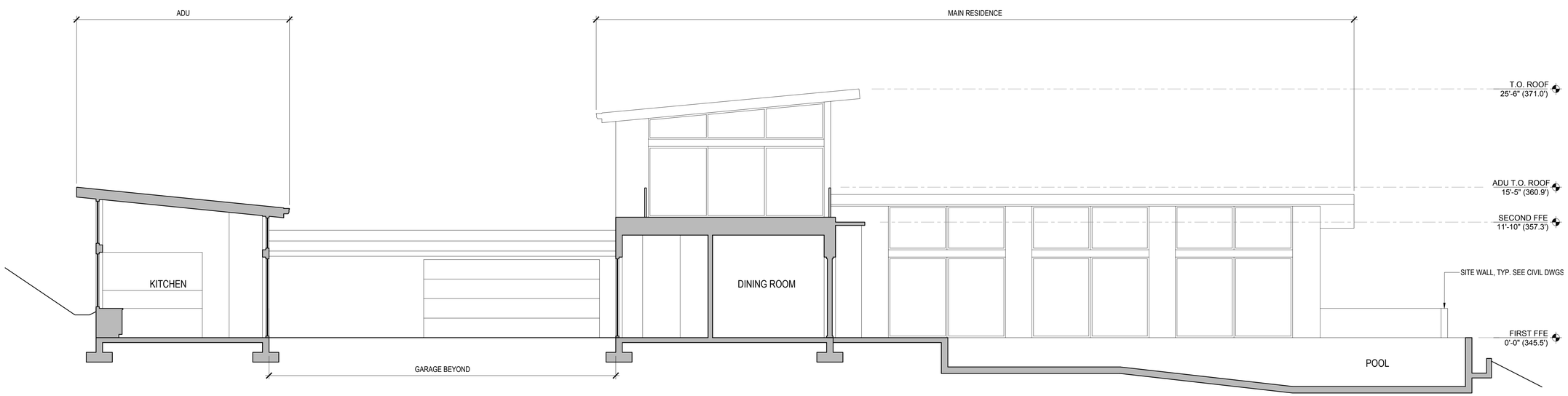
SHEET TITLE
EXTERIOR SECTION/ ELEVATIONS

SCALE 3/16" = 1'-0"
JOB NUMBER 20-01
DRAWN BY BS

A3.2



2 BUILDING SECTION



1 BUILDING SECTION

0 3' 6' 12'

timber ARCHITECTURE
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p 415.200.8106

LICENSED ARCHITECT
BRIGGETT R. SMITH
11.30.23
STATE OF CALIFORNIA

PROJECT
531 VISTA RIDGE

ADDRESS
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MILPITAS, CA 95035

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Planning Permit Plan Check R4	10.25.2022

SHEET TITLE
BUILDING SECTIONS

SCALE 3/16" = 1'-0"
JOB NUMBER 20-01
DRAWN BY BS

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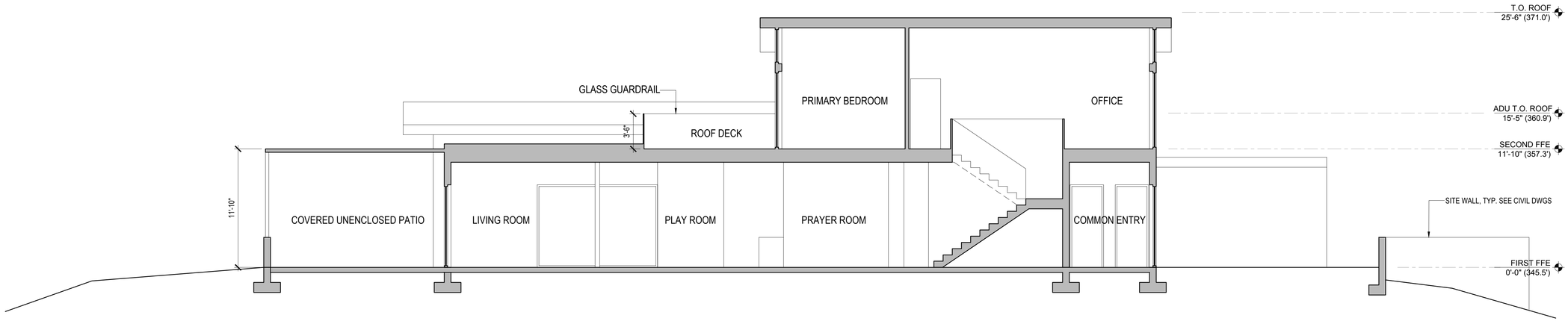

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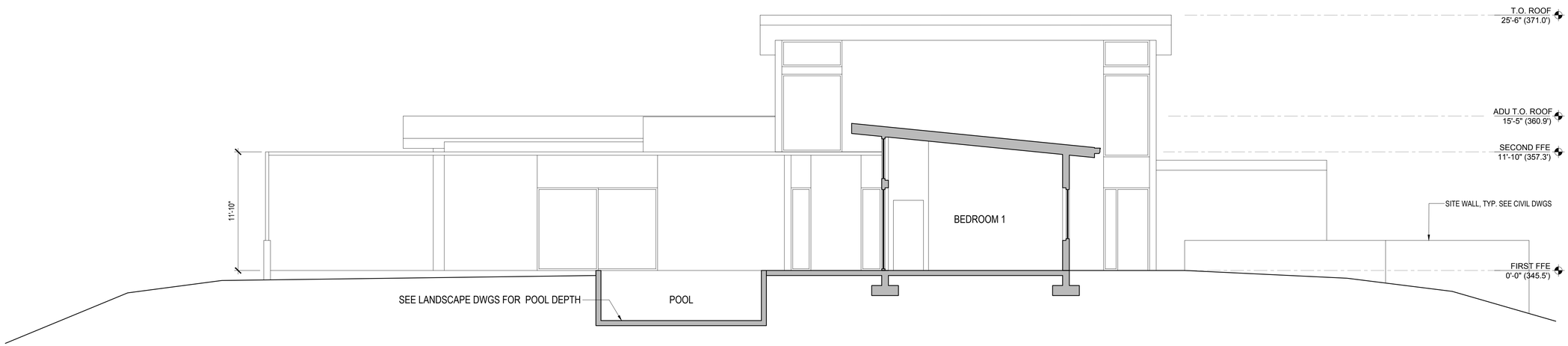

1 BUILDING SECTION - MAIN RESIDENCE

0 3' 6' 12'

timber ARCHITECTURE
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LICENSED ARCHITECT
BRODERICK R. SMITH
C-17675
11.30.23
STATE OF CALIFORNIA

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531 VISTA RIDGE

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MILPITAS, CA 95035

OWNER
MILAN BRAHMBHATT

CURRENT RELEASE DATE
October 25, 2022

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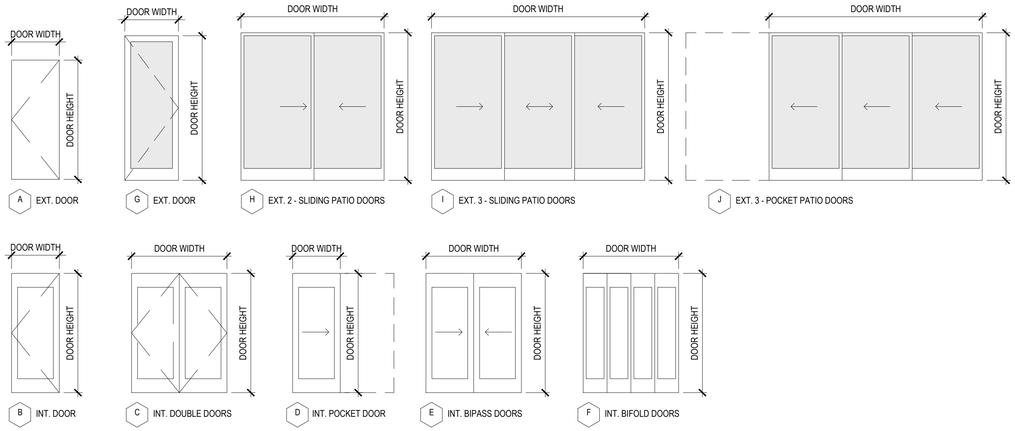
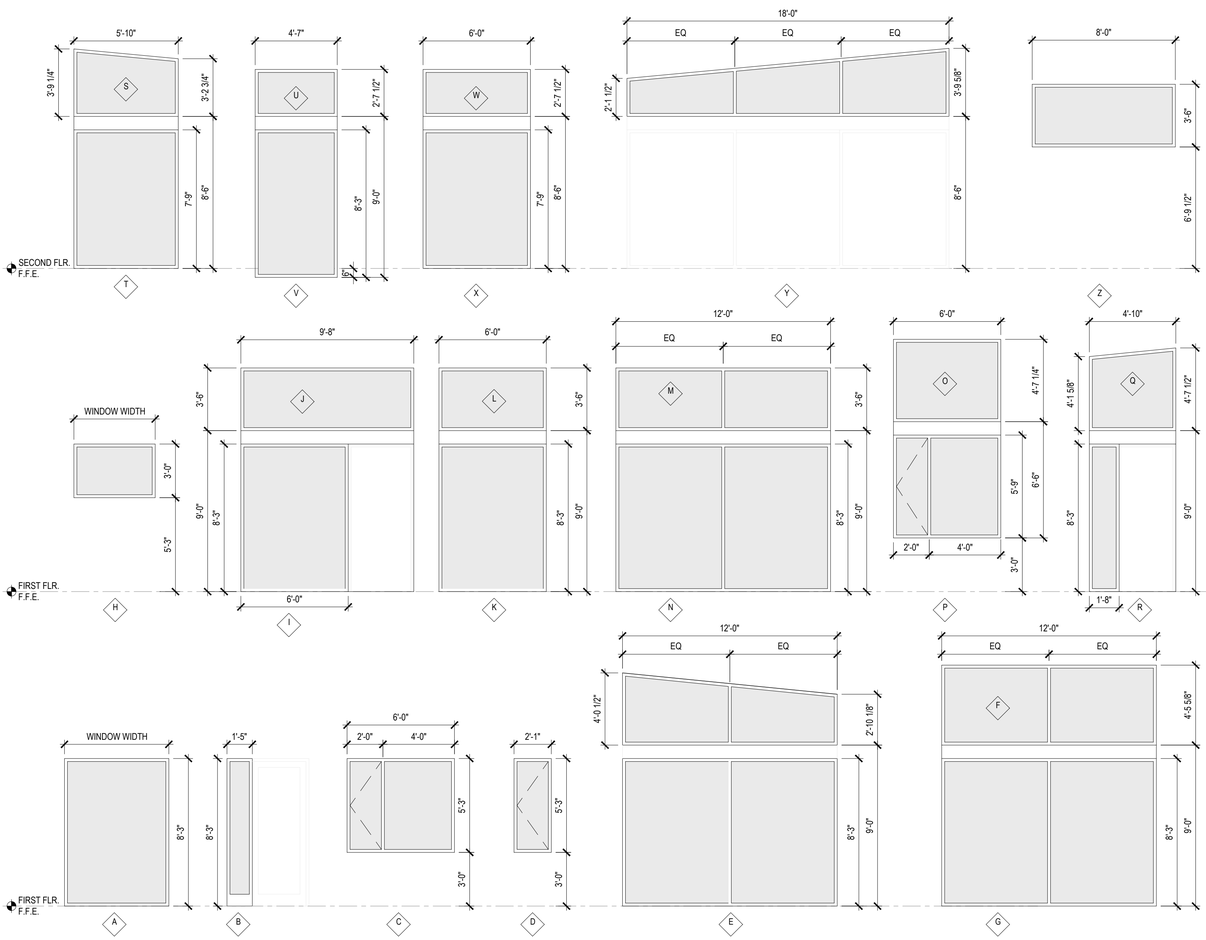
SHEET TITLE
BUILDING SECTIONS

SCALE 3/16" = 1'-0"
JOB NUMBER 20-01
DRAWN BY BS

A4.1



2 DOOR ELEVATIONS AND SCHEDULE



1 WINDOW ELEVATIONS AND SCHEDULE

DOOR SCHEDULE

NO.	AREA	DOOR OPENING WIDTH	DOOR OPENING HEIGHT	TYPE	CORE	DOOR HDWR	REMARKS
			FIRST FLOOR				
101	COMMON ENTRY	3'-0"	8'-3"	G			
103	GARAGE	3'-0"	8'-3"	A			
104	COMMON ENTRY	3'-0"	8'-3"	G			
105	LAUNDRY	2'-6"	6'-8"	B			
106	POWDER ROOM	2'-4"	6'-8"	B			
107	CLOSET	2'-6"	6'-8"	B			
108	PANTRY	2'-6"	6'-8"	D			
109	PRAYER ROOM	6'-2"	8'-3"	E			
110	PRAYER ROOM	6'-2"	8'-3"	E			
111	DINING RM / PLAY RM	5'-10"	8'-3"	D			
112	DINING RM / LIVING RM	11'-6"	8'-3"	E			
113	DINING RM / LIVING RM	18'-7"	8'-3"	J			
114	PLAY RM / LIVING RM	12'-0"	8'-3"	I			
115	LIVING RM	18'-0"	8'-3"	H			
			ADU				
116	BEDROOM 3	2'-6"	6'-8"	B			
117	BEDROOM 3	5'-10"	6'-8"	E			
118	BEDROOM 3	2'-6"	6'-8"	D			
119	BATH 3	2'-4"	6'-8"	B			
120	BEDROOM 2	2'-6"	6'-8"	D			
121	BEDROOM 2	5'-10"	6'-8"	E			
122	BEDROOM 2	2'-6"	6'-8"	B			
123	CLOSET	4'-0"	6'-8"	C			
124	BEDROOM 1	3'-0"	6'-8"	B			
125	BEDROOM 1	2'-6"	6'-8"	D			
126	BATH 2	2'-6"	6'-8"	B			
127	BEDROOM 1	12'-0"	8'-3"	H			
128	HALL	12'-0"	8'-3"	H			
129	ADU ENTRY	3'-0"	8'-3"	G			
130	ADU ENTRY	3'-4"	8'-3"	G			
131	ADU LAUNDRY	5'-0"	6'-8"	F			
132	ADU POWDER	2'-4"	6'-8"	D			
133	ADU CLOSET	2'-0"	6'-8"	B			
134	ADU BEDROOM 1	5'-0"	6'-8"	E			
135	ADU BEDROOM 1	2'-6"	6'-8"	B			
136	ADU BEDROOM 1	2'-4"	6'-8"	D			
137	ADU BATH 1	2'-4"	6'-8"	B			
138	ADU BEDROOM 2	2'-4"	6'-8"	D			
139	ADU LINEN CLOSET	3'-11"	6'-8"	E			
140	ADU BEDROOM 2	2'-6"	6'-8"	B			
141	ADU BEDROOM 2	5'-5"	6'-8"	E			
142	ADU GREAT ROOM	12'-0"	8'-3"	H			
143	GARAGE	3'-0"	6'-8"	A			
			SECOND FLOOR				
201	PRIMARY BEDROOM	3'-0"	6'-8"	B			
202	WALK-IN-CLOSET	3'-0"	6'-8"	D			
203	BATH 1	2'-6"	6'-8"	D			
204	BATH 1	2'-6"	6'-8"	D			
205	PRIMARY BEDROOM	3'-0"	6'-8"	D			
206	PRIMARY BEDROOM	18'-0"	7'-9"	I			

WINDOW SCHEDULE

NO.	AREA	WINDOW OPENING WIDTH	WINDOW OPENING HEIGHT	WNDW TYPE	GLASS TYPE	REMARKS
			FIRST FLOOR			
01	COMMON ENTRY	4'-3"	8'-3"	A		
02	COMMON ENTRY			B		
03	BEDROOM 3			C		
04	BATH 3			D		
05	BEDROOM 2			C		
06	BATH 2			D		
07	BEDROOM 1			C		
08A	BEDROOM 1			E		
08B	BEDROOM 1			E		
09	BEDROOM 1			F		
10	BEDROOM 1			G		
11	BEDROOM 1			F		
12	HALL			F		
13	PRAYER ROOM	2'-0"	8'-3"	A		
14	PRAYER ROOM	2'-0"	8'-3"	A		
15	KITCHEN	4'-6"	3'-0"	H		
16	POWDER	3'-10"	3'-0"	H		
17	LAUNDRY	3'-10"	3'-0"	H		
			ADU			
18A	HALL			I		
18B	HALL			J		
19A	HALL			L		
19B	HALL			K		
20A	HALL			L		
20B	HALL			K		
21A	GREAT ROOM			M		
21B	GREAT ROOM			N		
22A	GREAT ROOM			O		
22B	GREAT ROOM			P		
23A	BEDROOM 2/BATH1			O		
23B	BEDROOM 2/BATH1			P		
24A	BEDROOM 1/LAUNDRY			O		
24B	BEDROOM 1/LAUNDRY			P		
25A	ENTRY			Q		
25B	ENTRY			R		
			SECOND FLOOR			
26A	OFFICE			S		
26B	OFFICE			T		
27A	OFFICE			U		
27B	OFFICE			V		
28A	PRIMARY BEDROOM			W		
28B	PRIMARY BEDROOM			X		
29	PRIMARY BEDROOM			Y		
30	BATH 1			Z		

SHEET NOTES:

DOOR NOTES:

1. CONTRACTOR TO VERIFY ALL ROUGH OPENINGS AND JAMB THICKNESS BEFORE FINALIZING DOOR ORDER.
2. TEMPERED OR SAFETY GLASS IS REQUIRED IN THE FOLLOWING HAZARDOUS LOCATIONS:
   A. GLAZING IN OPERABLE DOORS AND ADJACENT FIXED LITES.
4. ALL FIRE RATED DOORS TO HAVE SELF-CLOSER AND SMOKE GASKET PER NFPA 252 OR UL 10C.
5. FINISHED FLOOR ELEVATION DROP OVER DOOR THRESHOLD SHALL NOT EXCEED $\frac{1}{2}$".

DOOR HARDWARE TYPES:
PA = PASSAGE
PO = POCKET DOOR HARDWARE w/ LOCK
PL = PULL/PUSH PLATE ONLY
PR = PRIVACY
CL = CLOSET
SC = SLIDING CLOSET
AP = APARTMENT
DB = PUSH PLATE/DOOR PULL w/ DEADBOLT
EG = EXTERIOR GATE
EX = EXTERIOR: EXTERIOR LOCK W/ DEAD BOLT
SD = EXTERIOR: SLIDING W/ LOCK

DOOR CONSTRUCTION:
SC = SOLID CORE
HC = HOLLOW CORE
FR = MTL FRAME w/WOOD SLATS
SR = STILES & RAILS
GL = GLASS
HM = HOLLOW METAL

WINDOW NOTES:

1. ALL FENESTRATION MUST MEET THE FOLLOWING MANDATORY ENERGY REQUIREMENTS:
   A. Air infiltration rates for manufactured fenestration and petdoors must be ≤0.3 cfm/ft2 of window area at a pressure differential of 75 pascals
   B. All new fenestration that separates conditioned space from unconditioned space or outdoors must have a maximum or weighted-average U-factor of 0.58 or lower
   C. All fenestration products must either have their performance rated by the National Fenestration Rating Council (NFRC), or use default performance values for U-factor, Solar Heat Gain Coefficient (SHGC) and visible trasmittance (VT) from Tables 110.6-A and 110.6-B of the Standards. Buildings with unrated products will not qualify for prescriptive compliance and must use the performance compliance approach.
2. CONTRACTOR TO VERIFY ALL ROUGH OPENINGS AND JAMB THICKNESS BEFORE FINALIZING WINDOW ORDER.
3. ALL WINDOWS TO BE LOW-E, DOUBLE GLAZED WITH A MAXIMUM U-VALUE OF 0.55
4. ALL WINDOWS TO BE ALUMINUM CLAD WINDOWS, U.N.O
5. TEMPERED OR SAFETY GLASS IS REQUIRED IN THE FOLLOWING HAZARDOUS LOCATIONS:
   A. GLAZING IN SHOWER AND BATHTUB ENCLOSURES SHALL BE TEMPERED IF BOTTOM EDGE OF GLASS IS WITHIN 60 INCHES MEASURED VERTICALLY ABOVE ANY STANDING SURFACE AND WITHIN 60 INCHES HORIZONTALLY FROM THE PERIMETER OF A TUB OR SHOWER..
   B. GLAZING AT SKYLIGHTS SHALL BE FULLY TEMPERED.
   C. GLAZING ADJACENT TO DOORS AND GLAZING IN FIXED PANELS ADJACENT TO WALKING SURFACES MUST BE OF SAFETY GLAZING MATERIALS.
6. EMERGENCY ESCAPE AND RESCUE OPENING WINDOWS MEET CLEAR OPENING AREA, WIDTH AND HEIGHT AS FOLLOWS PER MANUFACTURER'S SPECIFICATIONS::
   A. MIN. NET CLEAR OPENING WIDTH OF 20".
   B. MIN. NET CLEAR OPENING HEIGHT OF 24".
   C. MAXIMUM FINISH SILL HEIGHT OF 44" ABOVE THE FLOOR.
   D. MINIMUM TOTAL NET CLEAR OPENING AREA IS 5.7 SQ. FT.
7. EXTERIOR WINDOWS IN A W.U.I. AREA MUST BE CONSTRUCTED OF MULTIPANE GLAZING WITH A MINIMUM OF ONE TEMPERED PANE MEETING THE REQUIREMENTS OF SECTION 2406 SAFETY GLAZING PER CRC 327.8.2.1.
8. OPERABLE WINDOWS LOCATED WITHIN A DWELLING UNIT WHERE THE SILL IS LESS THAN 24" A.F.F. AND GREATER THAN 72" ABOVE GRADE SHALL HAVE OPENINGS THAT WILL NOT ALLOW A 4-INCH-DIAMETER (102 MM) SPHERE TO PASS THROUGH THE OPENING WHERE THE OPENING IS IN ITS LARGEST OPENED POSITION PER CRC 312.2.1.1.

WINDOW TYPES:
AN = AWNING
CS = CASEMENT
DH = DOUBLE HUNG
ST = STOREFRONT
FR = 45-MIN. RATED LABELED UNIT
SL = SLIDING
HP = HOPPER
FX = FIXED
SKY = SKYLIGHT

GLASS TYPE:
T = TEMPERED
I = DOUBLE GLAZED
TN = TINTED
SB = SAND BLASTED
S = SINGLE GLAZED
M = METAL PANEL

* SEE 2/A10.0 WINDOW ELEVATIONS FOR FRAME DIMENSIONS.

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LICENSED ARCHITECT BURKETT R. SHAW STATE OF CALIFORNIA
11.30.23

PROJECT
531 VISTA RIDGE

ADDRESS
531 VISTA RIDGE DRIVE
MILPITAS, CA 95035

OWNER
MILAN BRAHMBHATT

CURRENT RELEASE DATE
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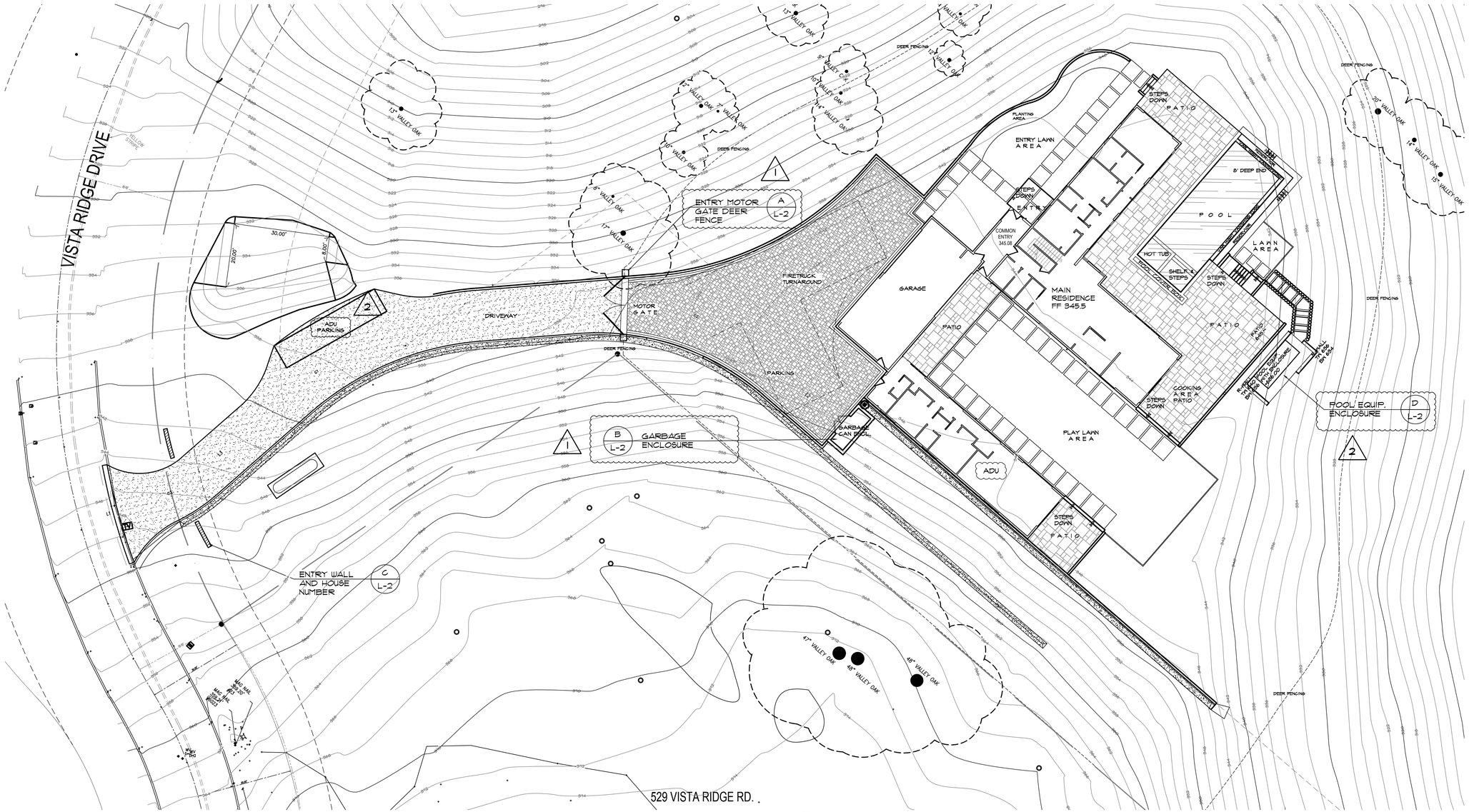
SHEET TITLE
WINDOW / DOOR SCHEDULES

SCALE 1/4"=1'-0"
JOB NUMBER 20-01
DRAWN BY

A10.0



MATERIALS LEGEND

PERMEABLE PAVER DRIVEWAY.
STYLE BY OWNER.
INSTALL PER MANUFACTURERS SPECIFICATIONS

STONE PATIO AND PADS ON CONCRETE BASE.
STONE TO BE SELECTED BY OWNER
STONE TO BE MORTARED ON 4" MIN THICK CONC. BASE
SUB BASE TO BE 4" MIN CLASS 3 BASEROCK.

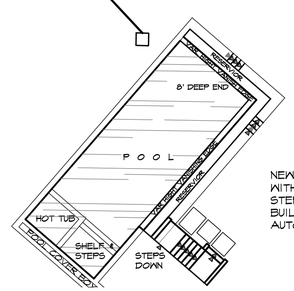
ASPHALT DRIVEWAY

STEEL BORDER EDGING FOR LAWN AREAS ETC.

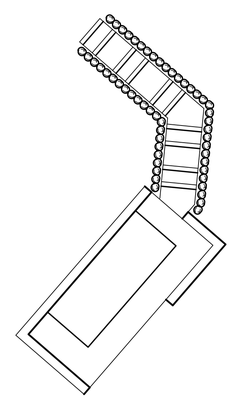
STONE PADS
STONE ON CONCRETE BASE
SEE ABOVE FOR CONSTRUCTION

ENTRY WALL WITH HOUSE NUMBERS
SEE DETAILS

POWERED MOTOR GATE
SEE DETAILS



NEW SWIMMING POOL
WITH 18" HIGH VANISHING EDGE
STEPS DOWN TO RESERVOIR LEVEL
BUILT IN HOT TUB AND SHELF
AUTOMATIC COVER AT PATIO END



6"x6" TIMBER STEPS WITH FIELDSTONE
BOULDER WALL BORDERS STEPS DOWN
TO POOL EQUIPMENT ENCLOSURE SET
INTO SLOPE WITH RETAINING WALLS
AS SHOWN ON PLAN

General Project Notes

1. I Agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package 1/28/2022
2. Recirculating water systems shall be used for water features.
3. I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plans
4. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation Controller for subsequent managment purposes.
5. A Certificate of Completion shall be filled out and certified by either the designer of the landscape plans, irrigation plan or licensed landscape contractor for the project.
6. An irrigation audit report shall be completed at the time of final inspection. Submit this report to San Mateo County Planning for review and acceptance.
7. At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule of landscape and irrigation maintenance.

Todd Kalbfeld
Professional Landscape Designer
1/28/2022

NORTH

Todd Kalbfeld Landscape Design
landscapedesign & construction Management
2345 TULIP ROAD, SAN JOSE, CA 95128
(408) 605-4973

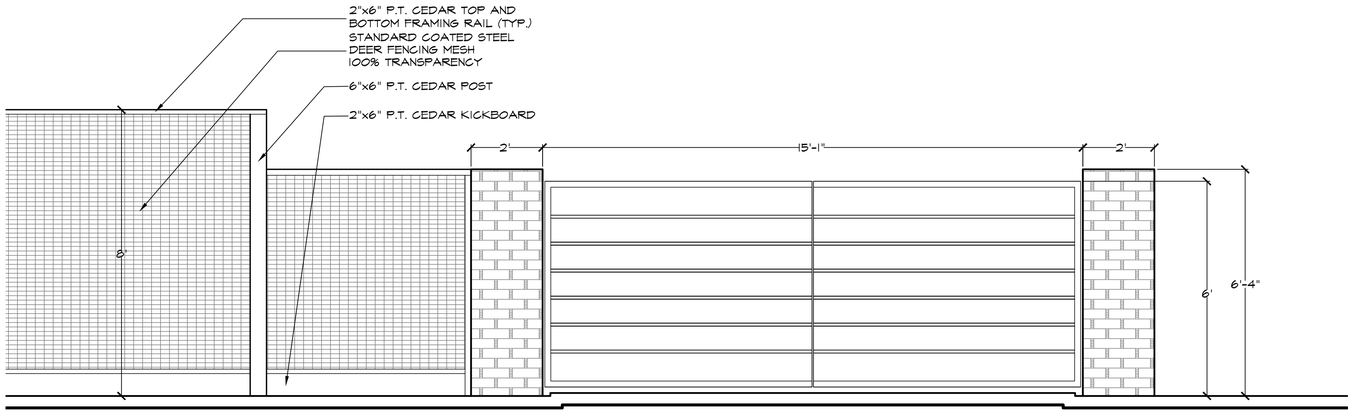
REVISIONS	BY
1 5/27/2022	TK
2 8/8/2022	TK

TODD KALBFELD
PROFESSIONAL
LANDSCAPE DESIGNER

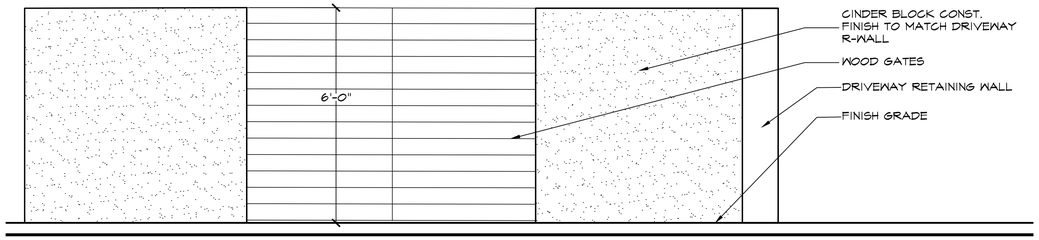
SINGLE FAMILY RESIDENCE
531 VISTA RIDGE DR., MILPITAS, CA

MATERIALS AND SITE PLAN

DATE	JAN / 2022
SCALE	1/16"=1'-0"
DRAWN	TK
JOB	VISTA RIDGE
SHEET	L-1
OF	SHEETS

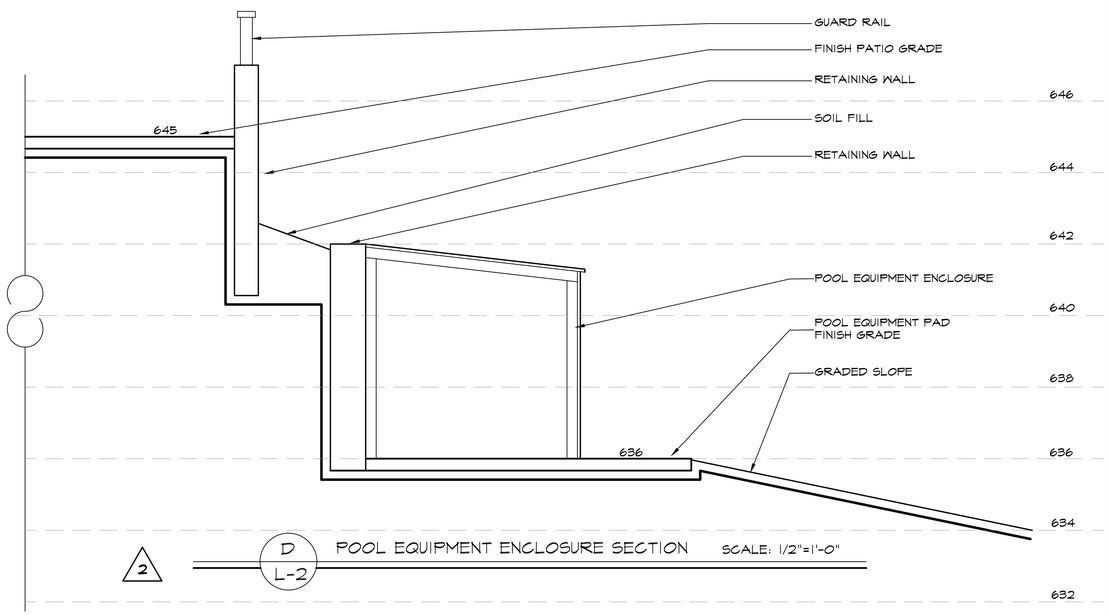


A / L-2 ENTRY MOTOR GATE/DEER FENCE SCALE: 1/2"=1'-0" 1



B / L-2 GARBAGE CANS ENCLOSURE SCALE: 1/2"=1'-0" 1

C / L-2 ENTRY WALL AND HOUSE NUMBER SCALE: 1/2"=1'-0" 2



2 D / L-2 POOL EQUIPMENT ENCLOSURE SECTION SCALE: 1/2"=1'-0"

1
2

Todd Kalfeld Landscape Design
landscapedesign & Construction Management
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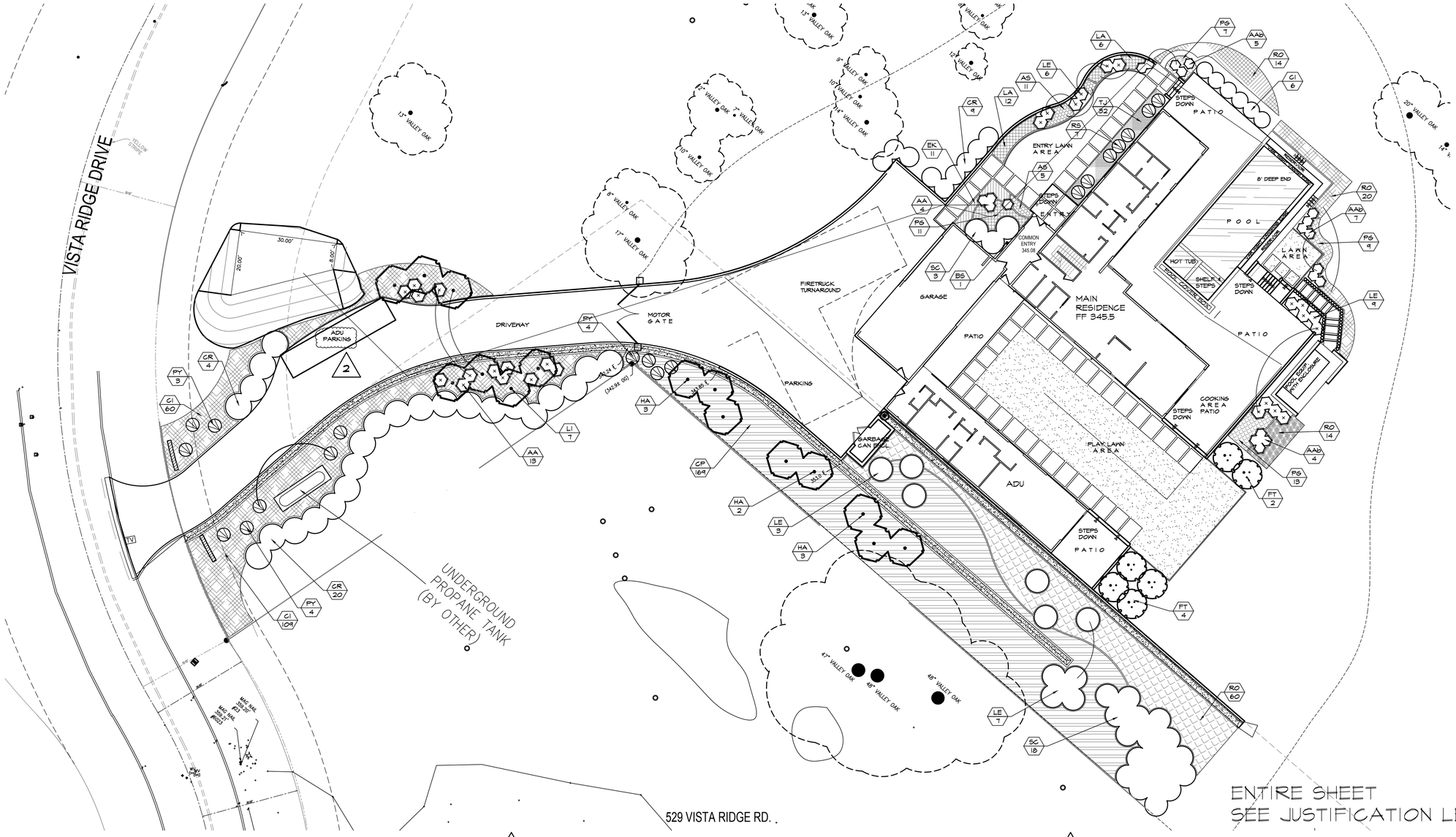
(408) 605-9973

REVISIONS	BY
5/27/2022	TK
8/12/2022	TK

SINGLE FAMILY RESIDENCE
531 VISTA RIDGE DR., MILPITAS, CA

CONSTRUCTION DETAILS

DATE	JAN / 2022
SCALE	AS SHOWN
DRAWN	TK
JOB	VISTA RIDGE
SHEET	L-2
OF	SHEETS



PLANT LEGEND

2

SYM.	SIZE	QTY.	BOTANICAL NAME	COMMON NAME	REMARKS	WUCOLS P. F.
TREES						
CR	15g	33	Ceanothus 'Ray Hartman'	Wild Lilac	Natural Form	P.F. 0.2 Low
FT	15g	6	Fruit Trees 'Owner Select'	Fruit Trees	Standard	Special Water
HA	15g	8	Heteromeles arbutifolia	Toyon	Natural Form	P.F. 0.2 Low
LI	24" Bx	7	Lagerstroemia I. 'Natchez'	Crepe Myrtle	Natural Form	P.F. 0.2 Low
SHRUBS						
AA	15g	17	Agave attenuata	Foxtail Agave		P.F. 0.2 Low
AAb	15g	16	Agave 'Boutin Blue'	Blue Foxtail Agave		P.F. 0.2 Low
AS	1g	16	Aeoneum 'Sunset'	Sunset Aeoneum	Space 18" o.c.	P.F. 0.2 Low
CI	5g	175	Cistus skanbergii	Rockrose	Space 48" o.c.	P.F. 0.2 Low
CP	5g	169	Cistus purpurea	Rockrose	Space 48" o.c.	P.F. 0.2 Low
LA	5g	18	Lavandula 'Grosso'	Lavandin	Space 33" o.c.	P.F. 0.2 Low
LE	5g	25	Leucadendron 'Safari Sunset'	Safari Conebush		P.F. 0.2 Low
PG	5g	40	Penstemon 'Appleblossom'	Garden Penstemon	Space 30" o.c.	P.F. 0.2 Low
PY	5g	11	Phormium 'Yellow Wave'	New Zealand Flax		P.F. 0.2 Low
RS	5g	7	Rose 'Owner Selected'	Rose Bush		P.F. 0.5 Mod.
SC	5g	21	Salvia clevelandii	Cleveland Sage		P.F. 0.2 Low

2

VINES AND GROUND COVERS						
BS	15g	1	Bougainvilla 'San Diego Red'	Bouglanvilla		P.F. 0.2 Low
EK	1g	11	Erigeron karvinskianus	Santa Barbara Daisy	Space 33" o.c.	P.F. 0.2 Low
TJ	1g	32	Trachelospermum jasminoides	Star Jasmine	Space 30" o.c.	P.F. 0.5 Mod.
RO	1g	108	Rosmarinus o. 'Irene'	Prostrate Rosemary	Space 36" o.c.	P.F. 0.2 Low

Planting Notes

1. All trees 15 gallons or larger to receive (2) 2'x10' Lodge Pole Pine Stakes with (1) 1"x4" backer board nailed to stakes. Tie all trees to stakes with rubber ties at mid point of trunk, and right below branck crotch. Nail with galvanized roofing nails.

2. Provide deep watering/inspection tubes on all trees. Water basins should be sufficient enough to contain water at base of tree, as necessary.

3.Fertilizer tablets shall be placed at the mid-point of root ball per manu. recommendation.

4.Rototill and amend entire planting site with 6" or more of compost into top 6"-12" of existing soil as necessary for planting needs.

For All soils:
compost at a rate of a min. of 4 cubic inches per 1000 square feet of permeable area shall be incorporated to a depth of 6" of soil.

5.Provide Min. 3" of shredded mulch under all trees, shrubs and unplanted areas for water conservation.

General Project Notes

1. I Agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package 1/28/2022
2. Recirculating water systems shall be used for water features.
3. I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plans
4. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation Controller for subsequent managment purposes.
5. A Certificate of Completion shall be filled out and certified by either the designer of the landscape plans, irrigation plan or licensed landscape contractor for the project.
6. An irrigation audit report shall be completed at the time of final inspection. Submit this report to San Mateo County Planning for review and acceptance.
7. At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule of landscape and irrigation maintenance.

Todd Kalbfeld
Professional Landscape Designer
1/28/2022

Planting Justification

Landscape Planting Plan is designed to accomplish following needs as well as meet hillside planting guidelines. Below is listed justifications:

1. Hillsides and disturbed areas are planted in order to reduce surface runoff.
2. All plants are drought tolerant on sloped areas.
3. All plants used are fire retardant.
4. All irrigation is low water use to reduce runoff.
5. Expected water use is less than 600 gpd.

NORTH

Todd Kalbfeld Landscape Design
landscapedesign & construction Management
2345 TULIP ROAD, SAN JOSE, CA
(408) 605-4973
95128

REVISIONS	BY
1 5/27/2022	TK
2 8/8/2022	TK

TODD KALBFELD
PROFESSIONAL
LANDSCAPE DESIGNER

SINGLE FAMILY RESIDENCE
531 VISTA RIDGE DR., MILPITAS, CA

PLANTING PLAN

DATE	JAN / 2022
SCALE	1/16"=1'-0"
DRAWN	TK
JOB	VISTA RIDGE
SHEET	L-3
OF	SHEETS

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Authorize the City Manager to execute the Non-Exclusive License Agreement between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, for the installation of Small Cell Facilities on Municipal Facilities (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**
Category:	Consent Calendar-Community Development
Meeting Date:	2/21/2023
	Recommendation: Authorize the City Manager to execute the Non-Exclusive License Agreement between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, for the installation of Small Cell Facilities on Municipal Facilities and find a CEQA exemption.

BACKGROUND:

Voice and data information has been transmitted using different wavelengths of electromagnetic radiation for a very long time, and over the last four decades, the ability to transfer data over the air has evolved. The newest wireless connectivity is referred to as 5G, the fifth generation of cellular wireless services. This technology can transmit and receive wireless data a capacity of 20 gigabits per second with nearly zero delay in sending and receiving information between devices. Demand for wireless broadband is expected to continue to grow exponentially over the next several years with tremendous increases in the amount of available connected devices. Traditionally, wireless antennas and equipment were primarily installed on large towers on private land and on the rooftops of buildings. In recent years, companies seek to install smaller wireless facilities in the public right of way on existing City owned utility poles, streetlights, and other infrastructure which are suited for 5G antenna placement due to their sheer numbers and locations.

Crown Castle Fiber LLC, a host provider of wireless infrastructure, has stated an interest in applying for Encroachment Permits for installation of 237 small cellular 5G node antennas upon city owned infrastructure in multiple locations in Milpitas. Their project is anticipated to begin in 2023 and carry through late 2024, however, their final network planning is not complete, so starting locations have not been determined. Crown Castle has proposed a Non-Exclusive License Agreement for the installation of their infrastructure within the City of Milpitas.

ANALYSIS:

The proposed Non-Exclusive License Agreement (**Attachment**) between the City and Crown Castle Fiber LLC is recommended to allow for the installation, maintenance, perpetual use of Crown Castle owned 5G antenna nodes located on City infrastructure within the public right of way. The installation of such equipment will be in conformance with city specifications and design standards for such equipment installed on city infrastructure. As allowed by State law, the term of the agreement is for ten-years with up to three successive five-year renewals. The agreement also establishes an annual rental payment for use of City property. The initial rent payment will be $270 per facility/per calendar year as allowed under Federal Communications Commission (FCC) order. On January 14, 2019, FCC adopted a Declaratory Ruling (FCC 18-133) that relates to a per pole fee of $270.00 dollars, which escalates at 3% annually, that the City would receive from the applicant on a yearly basis for each location covered by a Site Supplement.

Crown Castle Fiber would also pay City Engineering plan review and permitting fees associated with issuance of City Encroachment Permits for the antenna installations. City staff and the City Attorney's Office have reviewed the proposed agreement, and staff recommends the City Council authorize the City Manager to execute the agreement.

POLICY ALTERNATIVE(S):

Alternative 1: Do not approve the Non-Exclusive License Agreement with Crown Castle Fiber, LLC.

Pros: The proposed Licensed Agreement includes requirements for City approval of Encroachment Permits for Crown Castle and establishes payment of the maximum annual rental fee as allowed by law for use of City infrastructure.

Cons: None. Recent State law and FCC Order's limit the City's ability to regulate the use of city-owned vertical infrastructure for small cell facilities and requires the City to issue permits for such installation within very short periods of time. The City can even face legal challenges for failing to act on small cell applications. The Non-Exclusive License Agreement specifies the requirements for installations, maintenance, and perpetual use of City infrastructure, includes the requirements for City review and permitting including rental fees for use of city infrastructure.

Reason not recommended: With the limits placed on the City's authority by federal and state laws, staff does not recommend the alternative due to the potential negative and complicating effects described above.

FISCAL IMPACT:

Approval of the Crown Castle Non-Exclusive Agreement for installation of new wireless communications facilities on City infrastructure will generate revenue for each installation. In addition, Crown Castle will pay City costs for plan review, permitting, and for construction inspection for the review of equipment installed.

California Environmental Quality Act (CEQA):

Categorically Exempt. The project is categorically exempt in accordance with Section 15303 (New Construction or Conversion of Small Structures) Class 3 - Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed project would not have a significant effect on the environment.

RECOMMENDATION:

Authorize the City Manager to execute the Non-Exclusive License Agreement between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, for the installation of Small Cell Facilities on Municipal Facilities and find a CEQA exemption.

Attachment(s):

Non-Exclusive License Agreement with Crown Castle Fiber LLC

NON-EXCLUSIVE LICENSE AGREEMENT BETWEEN THE CITY OF MILPITAS, CALIFORNIA AND CROWN CASTLE FIBER LLC, A NEW YORK LIMITED LIABILITY COMPANY, FOR THE USE OF MUNICIPAL FACILITIES TO INSTALL SMALL CELL ANTENNAS AND ASSOCIATED EQUIPMENT

This Agreement is made and entered into by and between the **City of Milpitas, California**, a California municipal corporation ("Licensor" or "City") and **Crown Castle Fiber LLC** ("Licensee"). Licensor and Licensee may be referred to herein individually as a "Party" or collectively as the "Parties."

RECITALS

This Agreement is made with reference to the following Recitals, each of which is deemed to be a material term and provision of this Agreement:

A. Licensor is the owner of certain Municipal Facilities (as defined below).

B. Licensee is Crown Castle Fiber LLC, and it is authorized to conduct business in the State of California.

C. Licensee desires to use space on certain of Licensor's Municipal Facilities located in the public rights of way and public utilities easements within the jurisdictional limits of the City of Milpitas to locate, place, attach, install, operate, control, and maintain Small Cell Equipment (as defined below) on Licensor's Municipal Facilities.

D. Licensee will agree to comply with Licensor's requirements as provided herein.

E. Licensee is willing to compensate Licensor in exchange for a right to use and physically occupy portions of the Municipal Facilities as provided herein.

AGREEMENT

1. **Definitions and Exhibits.**

1.1. Definitions. For the purposes of this Agreement and all Exhibits attached hereto, the following terms, phrases, words and derivations shall have the meaning given herein.

(a) *Code* means Licensor's Municipal Code.

(b) *Hazardous Substance* means any substance, chemical or waste that is identified as hazardous or toxic in any applicable federal, state or local law or regulation, including but not limited to petroleum products and asbestos.

(c) *Infrastructure* means any and all forms of existing power supply, conduit, or other form of infrastructure fixtures or equipment for the delivery of power or communication

services to a Municipal Facility or otherwise located in the public right of way or other location controlled or owned by Licensor.

(d) *Interference* means physical interference and radio frequency interference.

(e) *Laws* means any and all applicable federal, state or local statutes, constitutions, ordinances, resolutions, regulations, judicial decisions, rules, permits, approvals or other applicable requirements of the Licensor or other governmental entity or agency (including the Federal Communications Commission ("FCC") or any successor agency) having joint or several jurisdiction over the parties to this Agreement as such laws may be amended from time to time.

(f) *Make-Ready Work* means the work required on or in a Municipal Facility to create space for the Small Cell Equipment, and/or replacing and/or reinforcing the existing Municipal Facility to accommodate Small Cell Equipment including, but not limited to, rearrangement or transfer of existing Small Cell Equipment and the facilities of other entities, and Municipal Facility relocation and replacement if applicable.

(g) *Municipal Facilities* means City-owned structures and Infrastructure located within the PROW and public utility easements that are designated or approved by Licensor as being suitable for placement of Small Cell Equipment including but not limited to those Licensor-owned streetlights defined in Section X-1-3.04 of the Code, traffic light poles, and other similar structures. The term includes Replacement Poles as defined in Section 6 below.

(h) *Permit* means a permit issued under the Code, which includes zoning and land use planning permits such as conditional use permits, and those permits that monitor and control improvement, construction or excavation activities, or other work or activity, occurring upon or otherwise affecting the City PROW or public utility easements.

(i) *Physical interference* means where equipment, vegetation or a structure causes reduced use of another's prior mounted equipment, or an obstruction in a necessary line-of-sign path.

(j) *PROW* (or public right-of-way) shall mean the right-of-way of any street, as defined in the California Vehicle Code used by the general public, owned and/or controlled by the City and part of the City system of streets located within the territorial limits of the City.

(k) *Radio frequency interference* means the radiation or conduction of radio frequency energy (or electronic noise) produced by electrical and electronic devices at levels that interfere with the operation of adjacent equipment.

(l) *Site Supplement* means each separate site license authorization granted by Licensor, pursuant to Section 2 below, and substantially in the form shown on Exhibit A, which shall be subject to the terms and conditions of this Agreement.

(m) *Small Cell Equipment* means compact communications antennas,

transmitters, wires, fiber optic cables and other wireless communications equipment (in addition to control boxes, cables and conduit power sources) utilizing small cell technology in compliance with applicable FCC requirements that is used to provide wireless communications, and is specifically identified and described in Exhibit 1 attached to each approved Site Supplement (as defined below).

(n) *Term* means the period that this Agreement is in effect as described in Section 3.1 of this Agreement.

1.2. Exhibits. The following numbered documents, which are occasionally referred to in this Agreement, are formally incorporated and made part of this Agreement by this reference:

(a) Exhibit A: Site Supplement.

(b) Exhibit B: Minimum Limits of Insurance.

In the event of any conflict or ambiguity between this Agreement together with the above-referenced exhibits, and any approved Site Supplement, the approved Site Supplement (but only with respect to the subject matter addressed therein) shall govern and prevail.

2. **License Grant and Terms.**

2.1. Scope. Licensor, acting as the owner of Municipal Facilities in the PROW and public utility easements, does hereby grant to Licensee a nonexclusive license to use the Municipal Facilities identified in Exhibit 1 to each approved Site Supplement to attach install, operate, maintain, remove, reattach, reinstall, and replace the Small Cell Equipment identified Exhibit 1 to each such Site Supplement. This grant is subject to the terms, conditions and other provisions set forth in this Agreement. Licensee may place its attachments on any parts of Licensor's Municipal Facilities consistent with the City's most recent version of the Small Cell design guidelines and the Engineering Department's Procedures and Guidelines.

2.2. Use of Licensor Municipal Facilities. An approved Site Supplement allows Licensee to access, occupy and use allocated available space on each of the identified Municipal Facilities in Exhibit 1 to the corresponding Site Supplement to attach, install, operate, maintain, upgrade, remove, reattach, reinstall, relocate and replace the Small Cell Equipment, as identified in such Exhibit 1. Licensee shall have access to the Municipal Facilities upon which Small Cell Equipment is installed 24 hours a day, 7 days a week, subject to the permit requirements as set forth in paragraph 5 of this agreement and the following sentence. In accordance with City's Municipal Code requirement, construction operations, including material deliveries are limited to the hours of 7 a.m. to 7 p.m. 7 days a week. Further, no construction operations are permitted on City Holidays including New Year's Day; Martin Luther King's Birthday; Cesar Chavez Day; Memorial Day; July 4th Independence Day; Labor Day; Veteran's Day; Thanksgiving including the day after; Christmas Eve, Christmas Day.

2.3 Limitations on Use. Except as otherwise expressly provided herein, the Site Supplement does not authorize Licensee to:

(a) Install, occupy or use any City-owned poles, improvements or structures of any

kind, whether within or without the PROW, other than the items identified as Municipal Facilities shown in Exhibit 1 attached to an approved Site Supplement;

(b) Enter upon the PROW or public utility easements and attach, install, operate, maintain, upgrade, remove, reattach, reinstall, relocate, and/or replace any item of Small Cell Equipment in or on new or existing poles or other structures located within the PROW or public utility easements and not owned by Licensor; and

(c) Install, operate and maintain ground based, pad mounted equipment cabinets and/or power pedestals needed for the operation of Small Cell Equipment attached to any of the Municipal Facilities, unless approved by Licensor because it would not be technically feasible for Licensee to omit ground based equipment or power pedestal.

2.4 Alterations/Unauthorized Equipment. Licensee represents that it will not install unauthorized equipment. If Licensee proposes to install equipment which is different in any material way from the then-existing and approved Small Cell Equipment, then Licensee shall first apply for and obtain permit approval for the use and installation of the unauthorized equipment from the Licensor (Engineering Director/City Engineer) via a new or amended Site Supplement. In addition to any other submittal requirements, and if requested by Licensor, Licensee shall provide "load" (structural) calculations for all Municipal Facilities upon which it intends to attach Small Cell Equipment or modify approved Small Cell Equipment in the PROW or public utility easements. Notwithstanding the foregoing, Licensee may modify its Small Cell Equipment with like-kind Small Cell Equipment without prior written approval of the Licensor including, without limitation, substitution of internal components that does not result in any change to the external appearance, dimensions, pole attachment type or mechanism, or weight of the attachment or that involves replacement with anattachment that is substantially the same, or smaller in weight and dimensions as the approved attachment. Licensee's failure to comply with these limitations will constitute a material breach ofthe applicable Site Supplement. For unauthorized equipment that Licensee cannot demonstrate, within 30 days after receiving notice, is authorized, Licensor may impose liquidated damages in an amount not to exceed $1,000, and in addition, Licensee shall from the date of such written notice be obligated to pay for such unauthorized equipment an amount which is three (3) times the applicable Per Pole Fee in Section 4 until the breach is cured by Licensee by removing the unauthorized equipment or applying for and obtaining a Site Supplement (or a modification to anexisting Site Supplement if applicable) for such unauthorized equipment.

3. **Term of Agreement; Cancellation; Termination; Removal or Abandonment at Expiration.**

3.1. Agreement Term. This Agreement shall be in effect for a period of ten (10) years commencing on the first day of the month following mutual execution of this Agreement ("Commencement Date"), and expiring on the day before the tenth (10th) anniversary of the Commencement Date unless sooner cancelled or terminated as provided herein (the "Initial Term"). Provided that Licensee is not in material breach of the Agreement or any Site Supplement beyond applicable notice and cure periods, the Initial Term will be extended for up to three (3), successive, five (5) year periods (each, a "Renewal Term") with the first five year extension commencing immediately upon the expiration of the Initial Term, and each additional five year extension commencing immediately upon the expiration of the preceding Renewal Term unless

written notice of non-extension is provided by either Party to the other Party at least ninety (90) days prior to the commencement of the succeeding Renewal Term, as applicable. The Initial Term and all Renewal Terms shall be collectively referred to herein as the "Term." All of the provisions of this Agreement shall be in effect during the Term and any extension of the Term. Any holding over after the expiration of the Term shall constitute a default by Licensee, notwithstanding that Licensor may elect to accept one or more payments of fees from Licensee.

3.2 Licensee Cancellation. Licensee may cancel any Site Supplement at any time by providing the Licensor with thirty (30) days written notice of cancellation. Any prepaid fees shall be retained by Licensor. This Agreement and all Site Supplements may only be cancelled or terminated as provided in this Agreement or any Site Supplement.

3.3. Abandonment. If Licensee abandons the use of any Municipal Facility location for a period of six (6) or more consecutive months after the initial installation of Licensee's Small Cell Equipment thereon, the Small Cell Equipment for such Municipal Facilities shall be removed by Licensee at the expense of Licensee within ninety (90) days of receipt of written notice from Licensor, unless during that ninety (90) day period Licensee demonstrates to the reasonable satisfaction of Licensor that the Small Cell Equipment has not been abandoned. In the event Licensee is unable or refuses to remove such Small Cell Equipment when requested by Licensor or demonstrate to Licensor's reasonable satisfaction that it has not been abandoned, Licensor may authorize removal and Licensee shall be responsible for payment of all actual costs incurred by Licensor for such removal within thirty (30) days of written demand.

3.4 Performance Bond. In order to secure the performance of its obligations under this Agreement, Licensee will provide the following security instrument to the Licensor:

(a) Prior to the commencement of any work under this Agreement or any applicableSite Supplement, Licensee must provide a performance bond running to the Licensor in the sum of $50,000 for the first twenty-five Site Supplements, and an additional $50,000 to cover up to an additional twenty-five Site Supplements, and so on. The maximum surety amount shall be capped at $500,000 regardless of the number of Site Supplements. The performance bond is conditioned upon the faithful performance by Licensee of all the terms and conditions ofthis Agreement and upon the further condition that, if Licensee fails to comply with any terms or conditions governing this Agreement beyond applicable notice and cure periods,there shall be recoverable jointly and severally from the principal and surety of the bond any damage or loss suffered by the Licensor as a result, including, without limitation, the full amount of any compensation, indemnification, or costs of removal or abandonment ofLicensee's property, plus costs and reasonable attorneys' fees up to the full amount of theperformance bond. Licensee shall keep the performance bond in place during the term ofthis Agreement and for twelve (12) months following termination or expiration of the Agreement. The bond forms shall be in a form approved by the City Attorney. Upon completion of Licensee's removal obligations hereunder, Licensee may terminate the performance bond and Licensor shall cooperate with Licensee in connection with such termination.

(b) Assessment of the Bond. The performance bond may be assessed by the Licensor for any failure by Licensee to pay Licensor an amount owed under this Agreementbeyond applicable notice and cure periods, including, but not limited to:

(i) Reimbursement of costs borne by the Licensor to correct violations of the Agreement not corrected by Licensee, after Licensor provides notice and a reasonable opportunity to cure such violations. This shall include, without limitation, removal of Equipment.

(ii) Providing monetary remedies or satisfying damages assessed against Licensee due to a material breach of this Agreement.

(c) Restoration of the Bond. Licensee must deposit a sum of money or a replacement instrument sufficient to restore the performance bond to its original amount within thirty (30) days after written notice from the Licensor that any amount has been recovered from the performance bond and the reasons therefor. Failure to restore the bondto its full amount within thirty (30) days will constitute a material breach of this Agreement.Licensee will be relieved of the foregoing requirement to replenish the bond during the pendency of an appeal from the Licensor's decision to draw on the performance bond.

(d) Costs of Collection. If the performance bond is drawn upon, all of Licensor's reasonable costs of collection and enforcement of the provisions relating to the bond that are specified in this Section 3.4, including reasonable attorneys' fees and costs, will be paidby Licensee.

(e) Required Endorsement**.** The performance bond is subject to the approval of the Licensor and must contain the following endorsement:

> *"This bond may not be canceled until sixty (60) days after receipt by the City of Milpitas, by registered mail, return receipt requested, of a written notice of intent to cancel or not to renew."*

(f) Reservation of Licensor Rights. The rights reserved by Licensor with respect to the performance bond are in addition to all other rights and remedies Licensor may haveunder this Agreement or any other Law.

(g) Admitted Surety Insurer. The surety supplying the bond shall be an "admitted surety insurer", as defined in California Code of Civil Procedure Section 995.120 and authorized to do business in the State of California.

(h) Cash Deposit. In lieu of obtaining a performance bond, Licensee shall have theright to instead deposit a cash deposit with Licensor securing Licensee's obligations underthis Agreement.

4. **Fees and Charges.** Licensee shall be solely responsible for the payment of all costs, fees and charges in connection with Licensee's performance under this Agreement, including those set forth as follows:

4.1 License Fee. Licensee acknowledges that the FCC has adopted a Declaratory Ruling (FCC 18-133) that relates to the per pole fee and went into effect on January 14, 2019. Paragraphs 4.1, 4.2, 4.3, 4.4 and 4.5 govern the calculation of the per pole fee and how it may be impacted by the Declaratory Ruling.

4.2 During any period in which the FCC Declaratory Ruling (FCC 18-133) is in effect

and during any period in which the Alternate Per Pole Fee provisions in paragraph 4.3 are not applicable, the Licensee shall pay the Per Pole Fee as described in this paragraph. Licensee shall pay to the Licensor the base amount of two hundred seventy dollars ($270.00) per calendar year for each location covered by a Site Supplement. Any new Site Supplements entered into during agiven year shall commence at the per pole fee, as adjusted by Section 4.4 to reflect the then-currentrate (the "Per Pole Fee"). The Per Pole Fee for the first calendar year of a Site Supplement for each location shall be pro-rated based on the number of days covered from the Site Supplement Effective Date to December 31. There shall be no refunds of the Per Pole Fee paid due to the termination or expiration of the Agreement for any reason.

4.3 In the event the relevant provisions of the FCC Declaratory Ruling that hold that fair and reasonable compensation for use of local government-owned structures in the ROW mustbe cost-based cease to be effective, (for example, because they are stayed after having gone into effect, or they are vacated or invalidated and have not been replaced by the FCC with an alternative provision setting a specific amount as the Per Pole Fee), the Per Pole Fee will adjust to the rate of fifteen hundred dollars ($1,500.00) per calendar year for each location covered by a Site Supplement, as adjusted by Section 3.4 to reflect the then-current rate ("Alternate Per Pole Fee"). Additionally, Licensee shall automatically be required to pay the Alternate Per Pole Fee in full for the remainder of the Term. Any new Site Supplements entered into during a given year shall commence at the Alternate Per Pole Fee, as adjusted by Section 4.4 to reflect the then-current rate. Alternate Per Pole Fee for the first calendar year of a Site Supplement for each individual location shall be pro-rated based on the number of days covered from the Site Supplement Effective Date to December 31. There shall be no refunds of the Alternate Per Pole Fee paid due to termination of the Agreement for Licensee's default. The Licensor agrees that irrespective of whether the relevant provisions of the FCC Declaratory Ruling cease to be effective, no Alternate Per Pole Fee shall be due for any periods during which the FCC Declaratory Ruling's requirement that fair and reasonable compensation for use of local government-owned structures in the ROW must be cost-based is in effect.

4.4 Per Pole Fee and Alternate Per Pole Fee Escalator. Effective on January 1, and continuing annually thereafter during the Term, the Per Pole Fee or Alternate Per Pole Fee, as applicable, shall increase three percent (3%).

4.5 The amount to be paid with respect to each year of the Term ("Aggregate Annual License Fee") will be calculated based on an amount equal to the sum of the number of (a) Municipal Facilities upon which Small Cell Equipment was installed, and (b) Municipal Facilities which were not initially installed but contained Small Cell Equipment, during the preceding 12 months multiplied by the then-current Per Pole Fee or Alternate Per Pole Fee; provided, however, and notwithstanding the foregoing to the contrary, the Aggregate Annual License Fee shall be prorated with respect to each Municipal Facility for any months during which the applicable Site Supplement was not in force. The first Aggregate Annual License Fee after the Commencement Date is due and payable in arrears and not later than 45 days after receipt of an invoice from Licensor. Thereafter, the Aggregate Annual License Fee is due and payable each year in advance (based on the number of Municipal Facilities upon which Small Cell Equipment was installed at the end of the prior year) of January 1 of the following year. The first Aggregate Annual License Fee after the Commencement Date shall be prorated from the Commencement Date to December 31 of the same year. If Licensee discovers any error in the amount of compensation due, Licensee shall notify Licensor and the Parties shall work together in good faith to adjust the amount due. Licensee shall pay Licensor within 30 days after discovery of the error or undisputed determination

of the correct amount. If Licensee does not make such payment within 30 days, a ten percent (10%) latefee shall be added. Additionally, all unpaid fees shall accrue non-compounding interest on the amount due at the rate of ten percent (10%) per annum until paid in full. Upon agreement of the Parties, Licensee may pay the Aggregate Annual License Fee by electronic funds transfer and in such event, Licensor agrees to provide to Licensee bank routing information for such purpose upon request of Licensee. City shall provide Licensee a completed current Internal Revenue Service Form W-9 and state and local withholding forms if required.

4.6 One-Time Fees. The Licensor activities described in Section 4.6 are "One-Time Fees" that reimburses the Licensor for its costs associated with reviewing and approving applications to attach Small Cell Equipment on identified Municipal Facilities located in the PROW, this Agreement and Site Supplements to this Agreement for additional locations. The Licensor shall track its time spent reviewing the Licensee submittals for Licenses, Site Supplements and associated permit activities described below, and charge its hourly rate for any time spent against a City Private Jobs Account (PJ Account) opened by Licensee and funded at an initial deposit amount of $5,000_to cover the cost of City plan reviews and inspections. The fee amounts shall be assessed and administered consistent with standard Licensor practice and fee schedule(s) as currently adopted and subsequently amended or replaced, in a manner consistent with applicable law.

4.6.1 Permit Fees. Licensee shall be responsible for paying all actual and reasonable Permit Fees using the most current City fee schedule associated with City review, processing, and inspection as part of all permit applications filed for the installation, modification, maintenance, and removal of Small Cell Equipment on identified Municipal Facilities located in the right-of-way.

4.6.2 Agreement and Site Supplement Processing Fees. Within thirty (30) days of full execution of this Agreement, Licensee shall pay a one-time fee of $5,000 (five thousand dollars) in partial reimbursement of the costs associated with Licensor review and processing of this Agreement. Further, Licensee shall be responsible for paying all costs associated with Licensor review and processing of any Site Supplements thereto (or any amendment thereto) and/or the other administrative review related to the administration of the Agreement. These costs may be separately billed by Licensor or reimbursed from the Private Jobs Account opened by Licensee.

4.7 Taxes. Licensee shall pay all applicable city, county and state taxes levied, assessed, or imposed by reason of this Agreement or those related to any of Licensee's Small CellEquipment and/or provided services.

4.8 Electric meter. Except to the extent Licensor authorizes connection to its Infrastructure in accordance with the rules, regulations, and policies of PG&E, which authorization the Licensor shall not unreasonably withhold, Licensee shall be solely responsible for obtaining and maintaining the provision of electricity to Licensee's Small Cell Equipment, including, but not limited to, making payments to electric utilities and installation of separate electric meters, if necessary. Licensee shall comply with all Laws and rules and regulations of the electric utility relating to installation and connection of Licensee's Small Cell Equipment to electricity. Additionally, Licensee shall have the right, at Licensee's sole cost, to replace existing lighting on a Municipal Facility utilized by Licensee either with LED or other form of energy saving lighting design reasonably approved by Licensor, and Licensor will own, operate, maintain and repair the

replacement lighting. If granted a choice between a pole-mounted smart meter and a pedestal-mounted meter, Licensee must choose a pole-mounted smart meter. Pedestal-mounted meters will only be allowed if no alternative is available. The electricity purveyor in the City of Milpitas is PG&E.

4.9 Payments Made. All fees and/or additional payments shall be payable to Licensor at: City of Milpitas, Engineering Department, Attn.; Engineering Director/City Engineer, 455 East Calaveras Blvd., Milpitas, CA 95035; or to such other persons or at such other places as Licensor may designate in writing. All payments shall be in lawfulmoney of the United States of America.

5. **Additional Licenses and Permits Required by Code.** All of the Small Cell Equipment will be installed, operated and maintained by or on behalf of Licensee in accordance with applicable Laws. Licensee or its designee is required to apply for, pay required fees, and obtain all Permits required by the Code for installation of wireless communications facilities, related electrical work, and for work performed within the PROW and public utility easements, and the Small Cell Equipment must be installed and the PROW or public utility easement used according to the plans submitted by Licensee and approvedby the Licensor in issuing such Permits. Execution of this Agreement or any Site Supplement doesnot constitute the issuance of a Permit. Nothing in this Agreement shall limit in any way Licensee's obligation to obtain any required regulatory approvals from any Licensor department, board or commission or other governmental agency that has regulatory authority over the Licensee's proposedactivities involving use of the Municipal Facilities in the PROW and public utility easements andLicensee's obligation to obtain any required approvals or agreements to use Licensor property other than Municipal Facilities covered by this Agreement. All work performed pursuant to the rights granted by this Agreement is subject to the prior review and approval of the Licensor in accordance with its customary permitting procedures, including environmental clearance for each new installation in accordance with the California Environmental Quality Act (CEQA), if applicable.

6. **Basic Design and Installation Requirements for Using Municipal Facilities.** All of Licensee's construction and installation work for its Small Cell Equipment on the Municipal Facilities shall be performed at no cost and expense to Licensor and in a good and workmanlike manner and promptly completed. When Licensee and Licensor have agreed on an existing Municipal Facility location as a suitable site for Licensee's Small Cell Equipment, but the existing Municipal Facility needs to be replaced to accommodate the Small Cell Equipment, then the Site Supplement shall so specify and Licensee shall pay all costs related to replacing the Municipal Facility, including but not limited to installation of the replacement pole (the "Replacement Pole"), transfer of the streetlight fixtures, and/or other items attached to the existing Municipal Facility to the Replacement Pole, and removal and salvage of the existing Municipal Facility to the Licensor. Payment of the pole replacement costs does not provide Licensee with any ownership interest in the Replacement Pole. Licensor will be deemed to own the Replacement Pole in its "AS IS" condition without any representation or warranty of any kind, provided that the Replacement Pole is installed in accordance with a Site Supplement, City Standard Details and Specifications, and passes Licensor inspection. The installation or attachment of the Small Cell Equipment using the Replacement Pole shall be at no cost and expense to Licensor.

7. **Common Conditions or Requirements Applicable to Site Supplements Issued Under this Agreement.**

7.1. Small Cell Equipment Locations. For each installation, Licensee or its designee shall submit an application with plans and specifications which shall include the seal of a licensed professional engineer for Licensor review and approval which shall, at a minimum, identify the Municipal Facility Licensee proposes to use and the basic design and location of the Small Cell Equipment. If any ground-based equipment is proposed in connection with the operation of Small Cell Equipment on an individual Municipal Facility, the request must identify the ground based equipment and the plan must also depict such equipment. Upon Licensor approval, the approved plans are inserted in Exhibit 1 attached to a Site Supplement. Any approved Site Supplement shall also include a list of approved Small Cell Equipment in Exhibit 1 to each Site Supplement. If Licensee desires to change or add new locations, Licensee will submit a proposed Site Supplement application indicating the additional Municipal Facilities that it wishes to use. One Application is required per Municipal Facility. A total of 10 applications can be submitted at the same time if the projects use the same type of equipment and are being placed on the same type of structure.

7.2. Pole Reservation. Licensee shall submit an application no later than ninety (90) days after reserving a pole through the City's automated pole reservation system, or the reservation shall be cancelled without prejudice; provided, however, the City's Director of Engineering/City Engineer shall have discretion to extend the reservation upon written request by Licensee.

7.3. Damage to Licensor Property. If Licensee damages or disturbs the surface or subsurface of any PROW, public utility easement or adjoining property, Municipal Facility, pole, streetlight fixture, traffic signal, or other public improvement, in the exercise of the rights granted through this Agreement, Licensee will promptly, at its own expense, and in a manner reasonably acceptable to Licensor, repair the damage or disturbance.

7.4. Public Emergency. In the event of an emergency or to protect the public health or safety, prior to the Licensor accessing or performing any work on a Municipal Facility on which Licensee has installed Small Cell Equipment, Licensor may require Licensee to deactivate such Small Cell Equipment if any of Licensor's employees or agents must move closer to the Small Cell Equipment than the FCC recommended minimum distance. In such case, Licensor will attempt to contact Licensee at Licensee's Network Operations Center at 800-264-6620 to request immediate deactivation. Further, Licensee shall install a disconnect device at each Municipal Facility on which it installs Small Cell Equipment pursuant to a Site Supplement so that in case of emergency or to protect the public health or safety where Licensee is not able to immediately deactivate the Small Cell Equipment, Licensor may disconnect such Small Cell Equipment from its power source and safely shut it down. In the event of an unplanned power outage or other unplanned cut-off of power, or an emergency, the power-down will be with such advance notice as may be practicable. In all instances, once the work has been completed and the worker(s) have departed the exposure area, the party who accomplished the power-down shall restore power and inform Licensee as soon as possible at Licensee's Network Operations Center number provided above that power has been restored.

7.5. Make-Ready Work.

(a) Make-Ready Work and Costs. Licensee shall bear responsibility for all Make-Ready Work. If a Person other than Licensee or Licensor would have to rearrange or adjust any of its facilities in order to accommodate new Small Cell Equipment, Licensee shall be responsible, at no expense to Licensor, to coordinate such activity. Licensee shall be responsible

for directly paying such other Person for its charges for the same. If Licensee is requested by another Person,in comparable circumstances, to relocate or adjust any Small Cell Equipment to accommodate that Person's facilities, subject to Licensor's written approval of such relocation, Licensee shall reasonably cooperate with such request. Licensor shall endeavor to include the requirements of this subsection (a) or substantially equivalent language in Licensor's agreements with other licensees of a Municipal Facility.

(b) Construction, installation, and operation of the Small Cell Equipment shall be conditioned on the completion of all Make-Ready Work needed to establish full compliance withthe National Electrical Safety Code ("NESC"), and with Licensor's regulatory rules and engineering standards and requirements; provided, however, that Licensee shall not be responsible for any third-party or Licensor costs necessary to correct third party or Licensor attachments that are non-compliant.

(c) Notification of Completion of Installation. Within thirty (30) business days ofcompleting the installation of Small Cell Equipment on each Municipal Facility, Licensee shall notify Licensor of such completion.

7.6. Pole Replacement.

(a) Subject to Section 7.6(f), if a Municipal Facility needs replacement or repair due to a traffic accident or deterioration, Licensee shall have the right to immediately replace the same at Licensor's reasonable cost, not to exceed the charges the City would normally have incurred from its third-party vendor. In such event, Licensor shall reimburse Licensee within thirty (30) days of Licensee's receipt of an invoice. However, in the event Licensee elects in writing to have Licensor replace the Municipal Facility, Licensor shall perform such replacement within thirty (90) days or as soon as practicable as determined by Licensor thereafter, and Licensee shall cooperate with Licensor to temporarily relocate its Small Cell Equipment, if necessary. Upon completion of the replacement, Licensor shall notify Licensee in order for Licensee to install its Small Cell Equipment. Licensor shall retain ownershipof the Replacement Pole.

(b) At Licensee's option, Licensee may provide to Licensor, at no cost to Licensor,a spare pole sufficient to serve as a Replacement Pole, which will be stored at Licensor's Public Works Yard (the "Yard") at no cost to Licensee, and which will be available for use by Licensor and Licensee to replace the Municipal Facility as provided in this Section 7.6.

(c) In the event Licensee provides a spare pole, and elects in writing to have Licensor perform the replacement, Licensor will use the spare pole to replace the damaged existing pole within thirty (60) days of notice of the need for the replacement or as soon as practicable as determined by Licensor, and shall deliver the damaged pole and any damaged Small Cell Equipment to the Yard. In such an event, Licensor shall haveownership of the Replacement Pole.

(d) Licensor will contact Licensee to pick up the damaged Small Cell Equipment and Licensee can reinstall its Small Cell Equipment once the Replacement Pole is installed and functioning as a Municipal Facility.

(e) Licensee shall have the right to temporarily use a Municipal Facility for its

operation during the replacement period at a location reasonably acceptable to both Licensor and Licensee.

(f) In the event Licensor is responsible for replacing the Municipal Facility with a Replacement Pole, Licensor shall only be responsible for the cost of a standard pole, and Licensee shall be responsible for the cost of the Replacement Pole in excess of the cost of a standard pole.

7.7. Removal and Relocation.

(a) Licensee understands and acknowledges that Licensor may require Licensee to relocate one or more of its Small Cell Equipment installations as provided in this Section 7.7(a). Licensee shall at Licensor's direction and upon thirty days (30) prior written notice to Licensee, relocate such Small Cell Equipment at Licensee's sole cost and expense whenever Licensor reasonably determines that the relocation is needed for any of the following purposes: (i) if required for the construction, modification, completion, repair, relocation, or maintenance of a Licensor infrastructure or other public agency project; or (ii) Licensor is abandoning or removing the Municipal Facility. Licensor may also require Licensee to relocate one or more of its Small Cell Equipment installations where the Small Cell Equipment is interfering with or adversely affecting proper operation of Licensor-owned Poles, traffic signals, communications, or other Municipal Facilities. In the event of such interference, Licensee shall at Licensor's direction and upon thirty (30) days prior written notice to Licensee, relocate the interfering Small Cell Equipment at Licensee's sole cost and expense.

(b) In any such case, Licensor shall use reasonable efforts to afford Licensee a reasonably equivalent alternate location. Licensee acknowledges that if Licensor is permanently removing the Municipal Facility due to an undergrounding project, Licensee may be required to seek an appropriate alternate location within the PROW. Nothing in this Agreement gives the Licensee the authorization to install a new dedicated pole in the PROW or public utility easement as a result of any relocation requirement. If Licensee shall fail to relocate any Small Cell Equipment as requested by the Licensor in accordance with the foregoing provision, Licensor shall be entitled to remove or relocate the Small Cell Equipment at Licensee's sole cost and expense, without further notice to Licensee. Licensee shall pay to the Licensor actual costs and expenses incurred by the Licensor in performing any removal work and any storage of Licensee's property after removal within thirty (30) days of the date of a written demand for this payment from the Licensor accompanied by supporting documentation.

(c) In the event Licensee desires to relocate any Small Cell Equipment from one Municipal Facility to another, Licensee shall so advise Licensor. Licensor will use reasonable efforts to accommodate Licensee by making another reasonably equivalent Municipal Facility available for use in accordance with and subject to the terms and conditions of this Agreement.

(d) In lieu of the relocation of Licensee's Small Cell Equipment in the case of an abandonment of a Municipal Facility as provided in Section 7.7(a)(ii), unless the Municipal Facility is needed for a legitimate Licensor purpose, Licensor may, in its sole discretion, allow Licensee to purchase the Municipal Facility, and continue to use the same pursuant to the then existing Site Supplement, at a commercially reasonable price commensurate with its then existing value. Licensee and Licensor shall document any such transfer of ownership via a bill of sale. In the event that Licensee acquires a Municipal Facility pursuant to this Section 7.7(c), no Per Pole Fee shall be due or payable with respect to such acquired site and said fee shall be prorated in accordance with Section 3 above.

7.8. Non-exclusiveness. The rights and privileges granted to Licensee under this Agreement, and each Site Supplement described herein, are nonexclusive.

7.9. Non-interference. The following provisions shall apply to ensure and/or avoid interference (both physical interference and radio frequency interference) resulting from Licensee's installation, operation and/or maintenance of its Small Cell Equipment:

(a) RF Interference. Consistent with applicable Laws, Licensee shall ensure that the Small Cell Equipment will not cause radio frequency interference with wireless communication facilities or devices, cable television, broadcast radio or television systems, or satellite broadcast systems existing at the time of installation of the Small Cell Equipment. Further,Licensee shall ensure that the Small Cell Equipment will not cause any radio frequency interference with Licensor traffic signal equipment, public safety, or other communications equipment existing at the time of installation of the Small Cell Equipment.

(b) Primary and Existing Uses. Licensee acknowledges and agrees that the primary purpose of the Municipal Facilities is to serve the public. Licensor has the right, but not the obligation, to maintain and operate its Municipal Facilities in such reasonable manner as will best enable Licensor to fulfill its own primary service requirements or facilities. Licensor is willing to permit the installation of Licensee's Small Cell Equipment on Municipal Facilities only where such use will not interfere with the existing and future primary service requirements and facilities, or the existing uses (other than primary service requirements) of Licensor and existing uses of others authorized to use the Municipal Facility as of the date of the applicable Site Supplement. Licensee shall not materially interfere in any manner with the primary service requirements and existing uses of the Municipal Facilities or other Licensor property including PROW and public utility easements, and including sanitary sewers, water mains, storm drains, gas mains, poles, Fiber Optic cables, aerialand underground electric and telephone wires, streetlight fixtures, traffic signal and camera systems, cable television, and other telecommunications, utility, and municipal property without the written approval of the owner(s) of the affected property or properties. Notwithstanding the foregoing, Licensor will not grant after the date of this Agreement a right to use a Municipal Facility to any third party if, at the time such third party applies to use a Municipal Facility, Licensor knows that such third party's use may cause interference with the Licensee's existing Small Cell Equipment, Licensee's use of the Municipal Facility, or Licensee's ability to comply with the terms and conditions of this Agreement. Licensor shall endeavor to include the requirements of Sections 7.9(a) and (b) or substantially equivalent language in Licensor's agreements with other licensees of a Municipal Facility.

(c) Licensor Communications. Licensee shall not materially interfere in any manner with current or future Licensor public safety communication.

(d) Licensor Interference from New Non-Primary Uses. Licensor has the right, but not the obligation, to add new non-primary uses to its Municipal Facilities (that is, Licensor uses not covered by (a) through (c)). Notwithstanding theforegoing sentence, if Licensee reasonably determines that a new non-primary use of a Licensor Municipal Facility is causing interference with Licensee's existing Small Cell Equipment on the same Licensor Municipal Facility, then Licensor will confer with Licensee upon receipt of notice of interference from Licensee, and otherwise work in good faith with Licensee to determine the root cause of the interference, develop workable solutions to resolve the interference in a mutually acceptable manner, and determine which party will cover the costs of implementing the solution.

(e) Remedies. Without limiting any other rights or remedies, if interference caused by Licensee's Small Cell Equipment or by Licensor's new non-primary use occurs and continues for a period in excess of 24 hours following notice to the interfering party via telephone to Licensee's Network Operations Center at 800-264-6620 or to Licensor at (Office of the City of Milpitas Engineering Director/City Engineer) at 408-586-3301, the interfering party shall or shall require any other user to reduce power or cease operations of the interfering equipment until the interference is cured unless the Licensor determines the equipment causing interference is required to remain energized for legitimate public safety reasons. The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Section 6 and therefore the Parties shall have the right to equitable remedies such as, without limitation, injunctive relief and specific performance.

8. **Damage to Licensee's Small Cell Equipment.** In the event of any damage to Licensee's Small Cell Equipment, Licensor shall have no liability or responsibility to repair the same unless such damage arose from the negligence or willful misconduct of Licensor, its employees, agents, or contractors; provided however, in such case, Licensor's liability shall be limited to the cost to repair or replace the same.

9. **Title and Ownership.**

9.1 Title to the Small Cell Equipment. Title to the Small Cell Equipment, exclusive of the Municipal Facility (original or replacement) used for support, shall remain with Licensee or its Carriers (defined below) and shall constitute Licensee's personal property and equipment, and not fixtures or improvements attached to the land.

9.2 No Ownership in Licensor Property. Neither this Agreement, nor any license issued herein, nor any Permit separately issued for installation of any Small Cell Equipment, regardless of the payment of any fees and charges, shall create or vest in Licensee any ownership or property rights in any portion or elements of the Municipal Facilities, the underlying real property on which any Licensor-owned poles or any Small Cell Equipment is located, or any portion of the PROW or public utility easements. Additionally, except as otherwise expressly provided herein, Licensee acknowledges that this Agreement does not constitute or create a leasehold interest or right to the benefit of any Licensor property or portion thereof. Nothing contained in this Agreement shall be construed to compel Licensee to construct, retain, extend, place, or maintain any poles or other facilities

for the benefit of Licensor which are not needed for Licensee's own service requirements.

9.3 "As Is" Condition. Subject to Section 9, Licensee accepts the Municipal Facilities identified in any Site Supplement, or any Replacement Pole, in its "AS IS" condition, without representation or warranty of any kind by Licensor, or any Licensor officer, agent, or employee as to the present or future condition of or suitability of the Municipal Facilities for Licensee's intended use, and subject to all applicable laws, rules and ordinances governing the use of the Municipal Facilities for Licensee's intended purpose. Licensor disclaims any and all warranties express or implied with respect to the physical, structural, or environmental condition of the Municipal Facilities and the merchantability or fitness for a particular purpose. Licensee is solely responsible for investigation and determination of the condition and suitability of any Municipal Facility for Licensee's intended use.

10. **Maintenance and Repair.** Subject to Section 7.3, Licensor shall maintain and keep the Municipal Facility containing Small Cell Equipment in good condition and in accordance with Licensor's standard maintenance requirements and design standards, at its sole cost and expense. Licensee shall keep the Small Cell Equipment and other improvements by Licensee on the Municipal Facility, if any, in goodrepair.

11. **Hazardous Substances.** Licensee agrees that Licensee, its contractors, subcontractors and agents, will not use, generate, store, produce, transport or dispose any Hazardous Substance on, under, about or within the area of a Municipal Facility or the PROW or public utility easement in which it is located in violation of any applicable federal, state, county, or local law or regulation. Except to the extent of the negligence or intentional misconduct of Licensor, Licensee will pay, indemnify, defend and hold Licensor harmless against and to the extent of any loss or liability incurred by reason of any Hazardous Substance produced, disposed of, or used by Licensee pursuant to this Agreement. Licensee will ensure that any on-site or off-site storage, treatment, transportation, disposal or other handling of any Hazardous Substance will be performed by persons who are properly trained, authorized, licensed and otherwise permitted to perform those services. Notwithstanding the foregoing, Licensee shall not be liable for Hazardous Substances that existed within the area of a Municipal Facility or the PROW or public utility easement in which it is located before the execution of this Agreement, or that otherwise do not result from the activities of Licensee, its agents, contractors, subsidiaries, or entities otherwise associate with Licensee.

12. **Indemnity.** To the fullest extent permitted by law, Licensee shall indemnify, defend, and hold harmless Licensor, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, reasonable attorneys' fees, disbursements and court costs) of every kind and nature whatsoever (collectively, "Claims") which relate to (i) Licensor's approval of this Agreement and any Site Supplement(s), and (ii) Licensee's, and its employees', contractors', agents' or Carriers', construction, operation, use, or related activity taken pursuant to this Agreement; provided, however, the foregoing indemnity shall not apply to the extent such Claims are the result of the negligence or willful misconduct of Licensor. This indemnification shall include, but not be limited to, damages awarded against Licensor, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Licensee, Licensor, and/or the parties initiating or bringing such proceeding. Licensee shall indemnify Licensor for all of Licensor's costs, reasonable attorneys' fees, and damages which Licensor incurs in enforcing the indemnification provisions set forth in this condition. Licensee shall pay to Licensor within 30 days

after receipt of an invoice or, as applicable, to counsel of Licensor's choosing, any amount owed pursuant to the indemnification requirements prescribed herein. This shall not include any costs Licensor incurs for hiring their own counsel to participate in the defense in addition to the counsel retained provided by Licensee.

13. **Insurance Requirements.**

13.1. Licensee's Insurance. Licensee shall procure and maintain insurance in the amounts and form specified in attached Exhibit B.

13.2. Certificates. If a Certificate of Insurance or Self-Insurance is submitted as verification of coverage, Licensor will reasonably rely upon the Certificate as evidence of coverage but this acceptance and reliance will not waive or alter in any way the insurance requirements or obligations of this Agreement. If any of the required policies expire during the life of this Agreement, Licensee must forward renewal or replacement Certificates to Licensor within fifteen (15) business days after the renewal date containing all the necessary insurance provisions.

14. **Assignment/Subletting**.

14.1. Except as expressly provided herein, this Agreement and each site license granted pursuant to individual Site Supplements herein is personal to Licensee and for Licensee's use only. Licensee shall not lease, sublicense, share with, convey or resell to others any such space or rights granted hereunder; provided, however, the Parties agree and acknowledge that, notwithstanding anything in this Agreement to the contrary, certain Small Cell Equipment deployed by Licensee on any Municipal Facility or in any PROW or public utility easement pursuant to this Agreement may be owned and/or operated by Licensee's third-party wireless carrier customers ("Carriers") and installed and maintained by Licensee pursuant to license agreements between Licensee and such Carriers. Such Small Cell Equipment shall be treated as Licensee's Small Cell Equipment for all purposes under this Agreement provided that (i) Licensee remains responsible and liable for all performance obligations under the Agreement with respect to such Small Cell Equipment; (ii) Licensor's sole point of contact regarding such Small Cell Equipment shall be Licensee; and (iii) Licensee shall have the right to remove and relocate the Small Cell Equipment. This Agreement and the related rights, duties, and privileges may not be assigned or otherwise transferred in whole or in part without the prior written consent of Licensor; provided, however, Licensee shall have the right to assign this Agreement upon notice to Licensor but without Licensor's consent to any parent, subsidiary, affiliate, or any person, firm, or corporation that shall control, be under the control of, or be under common control with Licensee, or to any entity into which Licensee may be merged or consolidated or which purchases all or substantially all of the assets of Licensee that are subject to this Agreement. If the Agreement is assigned or otherwise transferred in accordance with this Section, this Agreement, including any amendments, shall be binding on the assignee to the full extent that it was binding upon Licensee.

14.2. Any non-permitted transfer or assignment of the right to attach Small Cell Equipment to a Municipal Facility shall be void and not merely voidable. Licensor may, in its sole discretion and in addition to all other lawful remedies available to Licensor under this Agreement, may collect any fees owed from Licensee all without prejudicing any other right or remedy of Licensor under this Agreement. No cure or grace periods shall apply to transfers or assignment prohibited by this Agreement or to the enforcement of any provisions of this Agreement against a transferee or assignee who did not receive Licensor's consent.

15. **Default.** It is a "Default" if (i) either Party fails to materially comply with this Agreement or any Site Supplement and does not remedy the failure within thirty (30) days after written notice by the other Party or, if the failure cannot reasonably be remedied in such time, if the failing Party does not commence a remedy within the allotted thirty (30) days and diligently pursue the cure to completion within ninety (90) days after the initial written notice, or (ii) Licensee fails to comply with this Agreement or any Site Supplement and the failure interferes with Licensor's use of its Municipal Facility in a manner not covered by Section 7.4, and Licensee does not remedy the failure within twenty (20) days after written notice from Licensor or, if the failure cannot reasonably be remedied in such time, if Licensee does not commence a remedy within the allotted twenty (20) days and diligently pursue the cure to completion within thirty (30) days after the initial written notice.

16. **Termination/Revocation.** In the event of a Default, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such Default, the non-defaulting Party may terminate this Agreement if the Default affects all Site Supplements and the Agreement as a whole, or any Site Supplement subject to the Default, and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the State of California.

17. **Surrender**. Within one hundred eighty (180) days of the expiration or earlier termination of this Agreement or upon ninety (90) days of the expiration or termination of an individual Site Supplement, Licensee shall remove the affected Small Cell Equipment, at no expense to Licensor, shall repair any damage to the Municipal Facilities or the PROW or public utility easement caused by such removal, and shall restore the Municipal Facilities to the condition in which they existed priorto the installation of the Small Cell Equipment, reasonable wear and tear and loss by casualty or other causes beyond Licensee's control excepted.

18. **Notices.** Any notice, request, demand, statement, or consent herein required or permitted to be given by either party to the other hereunder, shall be in writing signed by or on behalf of the party giving the notice and addressed to the other at the address as set forth below:

Licensee
Crown Castle Fiber LLC
2000 Corporate Drive
Canonsburg, PA 15317
Attn: Ken Simon, General Counsel

With a copy to:
Crown Castle Fiber LLC
2000 Corporate Drive
Canonsburg, PA 15317
Attn: SCN Contracts Management

24/7 emergency contact information:
Telephone: (888) 632-0931
E-Mail: SCN.NOC@crowncastle.com

Licensor
City of Milpitas
455 East Calaveras Blvd.
Milpitas, CA 95035
Attn: Steven G. McHarris, City Manager
Telephone: (408) 586-3059
E-Mail: smcharris@milpitas.gov

With a copy to:

City of Milpitas
455 East Calaveras Blvd.
Milpitas, CA 95035
Attn: Steve Chan, Interim City Engineer
Telephone: (408) 586-3324
E-Mail: schan@milpitas.gov

City of Milpitas
455 East Calaveras Blvd.
Milpitas, CA 95035
Attn: Michael Mutalipassi, City Attorney
Telephone: (408) 586-3041
E-Mail: mmutalipassi@milpitas.gov

Each Party may by notice in writing change its address for the purpose of this Agreement, which address shall thereafter be used in place of the former address. Each notice, demand, request, or communication which shall be mailed to any of the aforesaid shall be deemed sufficiently given, served, or sent for all purposes hereunder (i) five business days after it shall bemailed by United States registered or certified mail, postage prepaid and return receipt requested,in any post office or branch post office regularly maintained by the United States Postal Service, (ii) upon personal delivery, or (iii) one business day after deposit with any recognized commercialair courier or express service. Any communication made by e-mail or similar method shall not constitute notice pursuant to this Agreement.

19. **Miscellaneous.**

19.1. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the Parties as to the subject matter herein, and supersedes all negotiations, understandings or agreements as to the same. Any amendments to this Agreement must be in writing and executed by both Parties.

19.2. Severability. If any provision of this Agreement is invalid or unenforceable with respect to any Party, the remainder of this Agreement or the application of such provision to persons other than those as to whom it is held invalid or unenforceable, shall not be affected and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

19.3. Governing Law. This Agreement shall be governed by the laws of the State of California without regard to choice of law rules.

19.4. Exhibits. All Exhibits referred to and attached to this Agreement are incorporated herein by reference.

19.5. Authority to Execute. Any individual executing this Agreement on behalf of or as representative for a corporation or other person, partnership or entity, represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of such Party, and this Agreement is binding upon such Party in accordance with its terms. Licensor hereby designates, and authorizes, the Engineering Director/City Engineer to execute all Site Supplements with respect to placement of equipment within the PROW. The City Manager shall and have the responsibility for the execution of this Agreement and any amendments thereto entered into under this Agreement. This designation and authorization may be changed by Licensor upon written notice to Licensee. This Agreement may be executed in several counterparts, including by counterpart email or other electronic means, each of which shall be deemed an original, and all such counterparts together shall constitute one and the same agreement.

19.6 No Waiver. A Party shall not be excused from complying with any of the terms and conditions of this Agreement by any failure of a Party upon any one or more occasions to insist upon or to seek compliance with any such terms or condition

19.7 Force Majeure. With respect to any provisions of this Agreement, the violation or non-compliance of any term of this Agreement which could result in the imposition of a financial penalty, liquidated damages, forfeiture or other sanction upon a Party, such violation or non-compliance shall be excused where such violation or non-compliance is the result of acts of God, war, civil disturbance, strike or other labor unrest, or other events, the occurrence of which was not reasonably foreseeable by such Party and is beyond such Party's reasonable control.

19.8 Limitation of Liability. Neither Party shall be liable to the other, or any of their respective agents, representatives, employees for any lost revenue, lost profits, loss of technology, rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or

interruption or loss of use of service, even if advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise.

19.9 Time is of the Essence. Time is of the essence with regard to the performance of all of Licensee's obligations under this Agreement.

19.10 Dispute Resolution.

(a) Good Faith Participation. Prior to the initiation of any litigation, the Parties shall in good faith attempt to settle any dispute arising out of or relating to this Agreement through the upper management escalation and non-binding mediation processes set forth herein. Good faith participation in these processes shall be a condition precedent to any litigation. Allnegotiations pursuant to this Article shall be confidential and shall be treated as compromise and settlement negotiations for purposes of the Federal Rules of Evidence and any state's rules of evidence.

(b) Upper Management Escalation and Mediation. Either Party may give the other Party written notice of any dispute not resolved in the normal course of business. The dispute shall be escalated to upper management and, thereafter, representatives of both Parties with authority to settle the dispute shall meet at a mutually acceptable time and place within thirty (30) calendar days after receipt of such notice, and thereafter as often as reasonably deemed necessary, to exchange relevant information and attempt to resolve the dispute. If the matter has not been resolved within thirty (30) calendar days of receipt of the disputing Party's notice, which period may be extended upon mutual agreement of the Parties, or if the Parties fail to meet within thirty (30) calendar days, either Party may initiate mediation. Such mediation shall take place at a mutually agreeable location. In the event that such dispute is not resolved within ninety (90) calendar days following the first day of mediation, or mediation is not initiated, either Party may initiate litigation.

(c) Enforcement. The parties regard the aforesaid obligation to escalate to upper management and mediate as an essential and material provision of this Agreement and onethat is legally binding upon them. In case of a violation of such obligation by either Party, the other may seek specific enforcement of such obligation in the courts having jurisdiction hereunder.

19.11 Successors. This Agreement shall be binding upon and shall inure to the benefit of the Parties hereto and their respective successors.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of this_____day of _____, 2023 (the "Execution Date").

LICENSOR:

City of Milpitas, a California municipal corporation

CITY OF MILPITAS
Approved By:

_____
Steven G. McHarris, City Manager

Approved As To Form:

_____
Michael Mutalipassi, City Attorney

Approved:

_____
Lauren Lai, CPA, MPA
Finance Director/Risk manager

Approved As To Content:

_____
Steve Chan, PE
Interim City Engineer

LICENSEE:

Crown Castle Fiber LLC, a New York limited liability company

By:_____
Print Name:_____
Its:_____

EXHIBIT A

Form of Site Supplement

Supplement

1. Supplement. This is a Site Supplement as referenced in that certain NON-EXCLUSIVE LICENSE AGREEMENT FOR THE USE OF CITY-OWNED MUNICIPAL FACILITIES TO INSTALL SMALL CELL ANTENNAS AND ASSOCIATED EQUIPMENT, between Licensor and Licensee dated_____, 20___ ("Agreement"). This Site Supplement is approved byLicensor this_____day of_____, 20__(the date executed by all parties, referred hereinas "Site Supplement Effective Date"). Licensee has submitted an application for a Site Supplementpursuant to the Agreement, and Licensor has reviewed the application and grants approval subjectto the terms of this Site Supplement. All of the terms and conditions of the Agreement are incorporated hereby by reference and made a part hereof without the necessity of repeating or attaching the Agreement. In the event of a contradiction, modification or inconsistency between the terms of the Agreement and this Site Supplement, the terms of this Site Supplement shall govern (but only with respect to the subject matter addressed therein). Capitalized terms used in this Site Supplement shall have the same meaning described for them in the Agreement unless otherwise indicated herein. IF THE SITE SUPPLEMENT IS NOT COUNTER-SIGNED BY LICENSEE AND RETURNED TO LICENSOR WITHIN 30 DAYS AFTER LICENSOR HAS GRANTED APPROVAL, THE SITE SUPPLEMENT SHALL BE VOID AND OF NO LEGAL EFFECT. IF LICENSEE STILL WANTS TO USE THE MUNICIPAL FACILITY, LICENSEE WILL BE REQUIRED TO SUBMIT A NEW APPLICATION AND ASSOCIATED FEES.

2. Project Description and Locations. Licensee shall have the right to attach Small Cell Equipment to the designated space on the specific Municipal Facility as further described in Exhibit 1 attached hereto (the "Licensed Area").

3. Small Cell Equipment. The Small Cell Equipment to be installed at the Licensed Area is listed and depicted on plans included in Exhibit 1 attached hereto.

4. Term. The term of this Site Supplement shall be coterminous with the Agreement Term as set forth in Section 3.1 of the Agreement.

5. Fees. The initial annual Per Pole Fee or Alternate Per Pole Fee for the term of this Supplement shall be_____, as determined in accordance with the Agreement, and as adjusted by Section 4 of the Agreement.

6. Site Supplement Commencement Date. If Licensee does not commence installation of its Small Cell Equipment within one (1) year of the Site Supplement Effective Date, the Site Supplement shall be void unless Licensor, in its sole discretion, extends the time for commencing installation of Small Cell Equipment in writing.

7. Miscellaneous._____.

[Signature page follows]

APPROVED as of the date shown below.

LICENSOR:

City of Milpitas, a California municipal corporation

CITY OF MILPITAS
Approved By:

_____
Steve Chan, PE
Interim City Engineer

LICENSEE:

Crown Castle Fiber LLC, a New York limited liability company

By:_____
Print Name:_____
Its:_____

Exhibit 1

Licensed Area, Small Cell Equipment List and Plans

EXHIBIT B

Licensee's Minimum Insurance Requirements

1. General.

A. Prior to performing work under this Agreement, Licensee shall furnish Licensor a certificate of insurance on a standard insurance industry ACORD form. The insurance coverage required must be issued by an insurance Licensee licensed, authorized or permitted to transact business in the State of California, possessing a current A.M. Best, Inc. rating of A-VII or better, and coverage shall be reasonably satisfactory to Licensor.

B. The insurance requirements set forth in no way limit the indemnity covenants contained in this Agreement.

C. Licensor in no way warrants that the insurance limits contained in this Agreement are sufficient to protect Licensee from liabilities that might arise out of the performance of this Agreement by Licensee and its contractors, and Licensee is free to purchase any additional insurance as may be determined necessary.

D. Failure to demand evidence of full compliance with the insurance requirements in this Agreement or failure to identify any insurance deficiency will not relieve Licensee from, nor will it be considered a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

2. Scope and Limits of Insurance. Licensee shall provide coverage with limits of liability equal to those stated below.

A. Commercial General Liability-Occurrence Form. Licensee must maintain Commercial General Liability insurance with a limit of $1,000,000 per occurrence for bodily injury and property damage and $2,000,000 general aggregate including premises-operations, products and completed operations, independent contractor, contractual liability, personal injury and advertising injury.

B. Commercial Automobile Liability. Licensee must maintain Commercial Automobile Liability insurance in the amount of $1,000,000 combined single limit each accident for bodily injury and property damage covering all of Licensee owned, hired, and/or non-owned vehicles assigned to or used in the performance of Licensee's work or activities under this Agreement.

C. Workers Compensation and Employers Liability Insurance. Licensee must maintain Workers Compensation insurance in compliance with the statutory requirements of the state of operation and Employer's Liability with a limit of $1,000,000 for each accident; $1,000,000 disease for each employee; $1,000,000 disease-policy limit.

D. Contractors' Pollution Legal Liability. Licensee must maintain Contractors' Pollution Legal Liability insurance with limits of $1,000,000 per occurrence or claim, and $2,000,000 policy aggregate. If any coverage required is written on a claims-made coverage form:

(1) The retroactive date must be shown, and this date must be before the execution date of the contract or the beginning of contract work.

(2) Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of contract work.

(3) If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective, or start of work date, the Contractor must purchase extended reporting period coverage for a minimum of five (5) years after completion of contract work.

(4) A copy of the claims reporting requirements must be submitted to the Licensor for review.

3. Additional Policy Provisions Required.

A. Miscellaneous Provisions.

(1) Licensee's required insurance coverage must be primary insurance with respect to Licensor, its officers, officials, and employees. Any insurance or self-insurance maintained by Licensor, its officers, officials, and employees shall be in excess of the coverage provided by Licensee and must not contribute to it.

(2) Licensee's insurance must apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(3) Licensee hereby agrees to waive rights of subrogation which any insurer of Licensee may acquire from Licensee by virtue of the payment of any loss. Licensee agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the Licensor for all work performed by the Licensee and its employees. The policies must contain a severability of interest clause and waiver of subrogation against Licensor, its officers, officials, and employees, for losses arising from work performed by Licensee for Licensor.

(4) Licensee is required to maintain Commercial General Liability insurance as specified in this Agreement for the duration of this Agreement. Licensee must submit an annual Certificate of Insurance evidencing Commercial General Liability insurance during this period

evidencing the insurance requirement and, including the required Additional Insureds set forth herein.

(5) If a Certificate of Insurance is submitted as verification of coverage, Licensor will reasonably rely upon the Certificate of Insurance as evidence of coverage but this acceptance and reliance will not waive or alter in any way the insurance requirements orobligations of this Agreement.

(6) Upon receipt of notice from its insurer, Licensee shall use its best effort to provide the Licensor with thirty (30) days prior written notice of cancellation of any required coverage that is not replaced. Such notice shall be sent directly to Licensor at 455 East Calaveras Blvd, Milpitas, CA 95035, Attn: City Manager.

B. Licensor as Additional Insured. The above-referenced policies shall, excluding workers compensation and employer's liability include the Licensor, its officers, officials, and employees as an additional insured as their interest may appear under this Agreement with respect to liability arising out of activities performed by Licensee. Licensor's additional insured status shall (i) be limited to bodily injury, for ongoing operations using ISO form CG 20 10 and completed operations using ISO form CG 20 37 or its equivalent property damage or personal and advertising injury caused, inwhole or in part, by Licensee, its employees, agents or independent contractors; (ii) not extend toclaims for punitive or exemplary damages arising out of the acts or omissions of Licensor, its employees, agents or independent contractors or where such coverage is prohibited by law or to claims arising out of the negligence of Licensor, its employees, agents or independent contractors; and, (iii) not exceed Licensee's indemnification obligation under this Agreement, if any.

C. Self-Insurance. Notwithstanding the foregoing, Licensee shall have the right to self-insure the coverages required herein. In the event Licensee elects to self-insure its obligation to include Licensor as an additional insured, the following additional provisions shall apply:

(i) Licensor shall promptly and no later than thirty (30) days after notice thereof provide Licensee with written notice of any claim, demand, lawsuit, or the like for which it seeks coverage pursuant to this Section and provide Licensee with copies of any demands, notices, summonses, or legal papers received in connection with such claim, demand, lawsuit, or the like;

(ii) Licensor shall not settle any such claim, demand, lawsuit, or the like without the prior written consent of Licensee; and

(iii) Licensor shall fully cooperate with Licensee in the defense of the claim, demand, lawsuit, or the like.

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Adopt a Resolution Granting Acceptance of Alviso Adobe Renovation. (Phase V – Exhibits), Project No. 5055, Authorizing the City Engineer or other appropriate representative designated by the City Manager to File a Notice of Completion, and Authorize the City Engineer or other appropriate representative designated by the City Manager to Issue a Notice of Final Acceptance after the one-year warranty. (Staff Contact: Michael Silveira, Capital Improvement Program Manager, 408-586-3303)**
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	2/21/2023
	Recommendation: Adopt a Resolution granting acceptance of Alviso Adobe Renovation (Phase V – Exhibits), Project No. 5055; authorizing the City Engineer or other appropriate representative designated by the City Manager to file a Notice of Completion, and authorizing the City Engineer or other appropriate representative designated by the City Manager to issue a Notice of Final Acceptance after the one-year warranty.

BACKGROUND:
On April 20, 2021, the City Council awarded a construction contract to Gizmo Art Production, Inc. for the Alviso Adobe Renovation Phase V - Interior Exhibits, Project No. 5055 in the amount of $792,574 ("Project"). This final phase of the Project provides for installation of interior exhibits and visual media in the Adobe's first floor included fabrication and installation of period furnishings, exhibits, interpretive signage, and visual media to replicate the experiences of an original Spanish-Mexican Era Adobe home.

Analysis:
The Project was successfully completed on-time and within budget, and the Adobe opened to the public in October of 2022. Staff recommends the City Council adopt a Resolution (**Attachment 1**) granting acceptance of the Project and authorize the City Engineer or other appropriate representative designated by the City Manager to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code. Staff also recommends the Council authorize the City Engineer or other appropriate representative designated by the City Manager to issue a notice of final acceptance after the one-year warranty period without further City Council action, provided that all warranty work is completed to the satisfaction of the City Engineer or other appropriate representative designated by the City Manager.

Policy Alternative:
Alternative: Do not adopt Resolution and deny Project acceptance, deny filling a notice of completion and not begin the one-year warranty.

Pros: None

Cons: A denial would result in the City being unable to commence the one-year warranty, release the retention to the Contractor and release any funds remaining back into the Project budget.

Reason not Recommended: Denial would result in the City being unable to close out the Project and release any funds remaining back into the Project budget.

Fiscal Impact:
No additional funding is requested for installation of interior exhibits and visual media as the project is now complete. Information Technology, Public Works, and Recreation and Community departments have sufficient budget for maintenance and operations of the project during fiscal Year 2022-23, but they will bring forward

requests to adjust for the annual operations and maintenance of this project during the annual budget development.

California Environmental Quality Act:
The Project has an approved Mitigated Negative Declaration.

Recommendations:
Adopt a Resolution granting acceptance of Alviso Adobe Renovation (Phase V – Exhibits), Project No. 5055; authorizing the City Engineer or other appropriate representative designated by the City Manager to file a Notice of Completion, and authorizing the City Engineer or other appropriate representative designated by the City Manager to issue a Notice of Final Acceptance after the one-year warranty.

Attachment:
Attachment 1 Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS GRANTING ACCEPTANCE OF THE ALVISO ADOBE RENOVATION, (PHASE V- EXHIBITS), PROJECT NO. 5055

WHEREAS, the City of Milpitas has heretofore entered into a contract with Gizmo Art Production, Inc., for the Alviso Adobe Renovation, (Phase V – Exhibits), Project No. 5055, in the amount of $792,574 ("Project"), and the City Engineer or other appropriate representative designated by the City Manager 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 or other appropriate representative designated by the City Manager.

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 said improvement as completed on this 21st day of February, 2023, and does hereby authorize and direct the City Engineer or other appropriate representative designated by the City Manager 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 or other appropriate representative designated by the City Manager 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 or other appropriate representative designated by the City Manager to issue the Notice of Final Acceptance after the one-year warranty period without further City Council action, provided all required warranty repairs are completed to the satisfaction of the City Engineer or other appropriate representative designated by the City Manager; 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 _____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Suzanne Guzzetta, City Clerk

APPROVED:

Carmen Montano, Mayor

APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney

Recording Requested by and
When Recorded Mail to:

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

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

CITY OF MILPITAS
NOTICE OF COMPLETION
(Civil Code Section 9204)

NOTICE IS HEREBY GIVEN:

1. On or about April 20st, 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: **Alviso Adobe Renovation (Phase V – Exhibits), Project No. 5055**.

2. A description of the site of which the City is owner for said work of improvement is: **2087 Alviso Adobe Court** 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: **Gizmo Art Production, Inc., P.O. Box 411372, San Francisco, CA 94141.**

4. A general statement of the kind of work done or materials furnished to the City is as follows: **The improvements include fabrication and installation of period furnishings, exhibits, interpretive signage, and visual media.**

5. Said work of improvement was accepted by the Milpitas City Council as complete on February 21st, 2023.

****

I, the undersigned, declare that I am the **City Engineer** or other appropriate representative designated by the City Manager 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 February ____, 2023 at Milpitas, California.

_____
Insert name of the signatory here

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

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**FY 2022-23 2nd Quarter Financial Status Report for the Quarter Ended December 31, 2022 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	2/21/2023
	Recommendation: Review the FY 2022-23 Quarterly Financial Status Report for the quarter ended December 31, 2022

BACKGROUND:
On June 7, 2022, the City Council approved the Fiscal Year (FY) 2022-23 Adopted Operating Budget in the amount of $207.8 million and the General Fund Budget in the amount of $117.6 million. After adoption of the budget, staff monitors revenues and expenditures for all funds with an emphasis on the General Fund and Enterprise Funds.

ANALYSIS:
This staff report provides a quarterly update on budget versus actual revenues and expenditures of the General, Water and Sewer Funds, the City's major operating funds. The summary information below as well as the attachments comprise the FY 2022-23 Quarterly Financial Status Report for the quarter ended December 31, 2022. Major revenue sources and expenditures for these funds are discussed below. The attachments provide a more detailed summary of budget versus actual revenues and expenditures for the first quarter of FY 2022-23 as well as prior year actual for comparison purposes.

General Fund
On June 7, 2022, the City Council approved the Fiscal Year (FY) 2022-23 Adopted Operating General Fund Budget in the amount of $117.6 million. As of December 31, 2022, the City received $38.1 million in revenues, or 32.3% of the FY22-23 amended revenue budget and incurred $63.5 million in expenditures, or 53.1% of the FY22-23 amended operating budget. Revenues and expenditures are seasonal with cash flow fluctuations due to timing of revenue receipts and City services rendered. As such, actual percentage of revenues may not match the lapsed time period of the quarterly report (i.e. 32.3% of revenue versus 50% for 6-month time period).

Revenues
As mentioned above, the six months ending December 31, 2022, the General Fund has received $38.1 million, or 32.3% of the FY 2022-23 amended revenue budget of $117.9 million. Overall, General Fund revenues are 19.5% greater than last year at the same time, mainly due to property tax, sales tax, hotel/motel tax and charge for services. The FY2022-23 Adopted Budget did assume a higher, recovering revenue, which is discussed further below by major categories. Thus, although Q2 revenues may be higher than prior year Q2 revenues, these increased levels of revenue are already included in the FY2022-23 Adopted Budget and any amendments will be included in the FY2022-23 mid-year report.

General Fund Revenues by Categories	Amended Budget	Receipt 12/31/2022	Outstanding	% Receipt	FY21 Receipt 12/31/2021
Property Tax	$ 42,636,192	$ 7,685,502	$ 34,950,690	18.0%	$6,989,282
Sales and Use Tax	27,418,416	10,783,066	-16,635,350	39.3%	9,230,978
Sales and Use Tax - Measure F	6,409,019	2,386,108	-4,022,911	37.2%	2,004,837
Licenses, Permits & Fines	11,484,759	4,249,334	7,235,425	37.0%	4,241,015
Transient Occupancy Tax	8,329,238	5,210,693	3,118,545	62.6%	2,738,832
Operating Transfer In	7,168,627	2,144,793	5,023,834	29.9%	2,096,466
Charges for Services	5,969,453	2,654,828	3,314,625	44.5%	1,367,806
Franchise Fees	5,448,428	1,392,807	4,055,621	25.6%	1,830,627
Intergovernmental	1,335,963	567,038	768,924	42.4%	422,407
Other Taxes	1,067,452	467,785	599,668	43.8%	655,847
Other Revenues	349,657	365,788	-16,131	104.6%	121,726
Interest Income	264,000	188,971	-75,029	71.6%	169,461
Grand Total	$117,881,205	$ 38,096,713	$ 79,784,492	32.3%	$31,869,283

- Property Taxes and Redevelopment Property Tax Trust Fund: Most property tax revenue is received in December and April. The revenue forecast estimates $42.6 million in total property tax revenue for the City of Milpitas based on the County of Santa Clara (County) projections. Compared to the County's most recent update on February 10, 2023, the County's property tax projections are net $3.8 million higher than the amended budget of $42.6 million. However, such variance primarily relates to ERAF allocation that is involved in current litigation and accordingly, the County continues to advise 30% be excluded from the budget and appropriation. Any amendments will be included in the FY2022-23 mid-year report.
,
- Sales & Use Tax: Sales tax is usually collected one quarter in arrears. As of December 31, 2022, the City has received four months of sales tax receipts. Revenues are 16.8% higher than last year at the same time primarily due to higher consumption and inflation. As more data becomes available from the sales tax expert consultant, sales tax revenue may need to be adjusted at mid-year to align with current trend. Staff will continue to monitor the slight upward trend.

- Sales & Use Tax – Measure F: The district tax became operative April 1, 2021 and sunsets in eight years. As of December 31, 2022, the City has received four months of sales tax receipt for Measure F. Revenues are 19.0% higher than last year at the same time, which was the go-live quarter.

- Franchise Fees: Franchise fees are typically received a month in arrears. Sanitation franchise fees attributed to December has not yet been received. While revenue is trending 1.8% higher compared to last year, business operations are not yet at pre-pandemic level.

  Hotel/Motel (TOT) Tax: Revenues are 90.3% higher than last year at the same time primarily due to the end of COVID-19 restrictions and mask mandates, which brought an increase to travel. TOT taxes are typically received a month in arrears. While TOT revenues are improving, it may not recover to pre-pandemic revenue levels as personal and business travel and lodging may be altered. Staff will continue to monitor this revenue. Any amendments will be included in the FY2022-23 mid-year report.

- License and Permits: Revenues are 0.2% greater than last year at the same time. City projects' timelines vary on a case-by-case basis and seldom within City control.

- Charges for Services: Revenues are 45.0% higher than last year at the same time. COVID-19 restrictions have eased and there is no longer a mask mandate, allowing more Recreation programs, events, and classes to be held compared to prior year which suffered shelter-in-place restrictions.

- Use of Money and Property: Revenues are 11.5% higher than last year at the same time, as there was lower invested cash balance with the transfer of $33.9 million of General Fund CalPERS reserve to establish Section 115 Pension Trust.

Expenditures

For the six months ending December 31, 2022, the General Fund has utilized $63.5 million, or 53.1%, of the FY 22-23 amended operating budget of $119.6 million. The amended operating budget represents $117.6 million of the adopted appropriation and $1.9 million of carryover encumbrances. As of December 31, 2022, expenditures are trending 5.3% higher than last year. Higher expenditures are primarily due to filling vacant positions in various departments, especially Police. Staff will continue to monitor expenditures relative to Council authorized appropriations.

Staff would like to highlight the following items that are anomalies and/or current trends.

- City Clerk - Two staff vacancies that contributed to personnel savings.
- City Council - There are significant savings from temp support, memberships and dues, and conferences that are yet to be encumbered.
- Economic Development - There were lower expenditures in advertising and contractual services.
- Engineering Department - There were lower contractual service expenditures.
- Building Safety & Housing - There are higher than usual expenditure in first quarter was primarily due to timing of various contractual services.
- Information Technology - Approximately half of the savings comes from vacancy savings and half from repair and maintenance.
- Non-Departmental - The higher expenditures are due primarily to full fiscal year expenditures paid for pension UAL invoices and liability insurance premiums.
- Public Works - Higher expenditures are due primarily to higher benefit costs.
- “Transfers Out” represents budgeted transfers to the Information Technology Equipment Fund Lightning and Maintenance District Fund.

Departments	Amended Budget	Total YTD Expenditure Including Encumbrance	% of Amended Budget	FY22 YTD Expenditure Including Encumbrance
Building Safety & Housing	$ 6,262,263	$ 3,309,235	52.8%	$ 2,853,963
City Attorney	1,231,924	620,965	50.4%	998,216
City Clerk	567,660	243,282	42.9%	266,958
City Council	608,662	200,225	32.9%	195,474
City Manager	2,299,197	1,224,520	53.3%	951,568
Economic Development	966,597	391,289	40.5%	441,095
Engineering	4,014,287	1,709,741	42.6%	1,728,944
Finance	4,456,189	2,356,265	52.9%	2,483,603
Fire	28,352,938	14,635,489	51.6%	14,906,100
Human Resources	1,999,281	1,057,513	52.9%	1,240,794
Information Technology	4,099,775	1,580,747	38.6%	1,869,706
Non-Departmental	7,956,407	6,632,555	83.4%	5,357,275
Planning	2,232,826	1,204,322	53.9%	1,217,029
Police	38,061,308	18,638,477	49.0%	16,778,362
Public Works	10,083,887	6,150,498	61.0%	6,012,433
Recreation & Community Services	6,017,007	3,205,267	53.3%	2,639,946
Transfers Out	341,866	341,866	100.0%	340,590
Grand Total	$ 119,552,072	$ 63,502,255	53.1%	$ 60,282,055

Grants and Donations

In accordance with City Council approved Budget Guidelines, the City Manager has the authority to accept grants and donations up to $100,000. Staff is reporting on acceptance of these grants and donations for this quarter.

1. Department of Alcoholic Beverage Control's ABC-OTS Grant - $28,700
2. Office of Traffic Safety Grant - $75,000
3. 2022 Bullet Proof Vest Partnership Grant - $11,078
4. CalRecycle Grant FY21-22 - $18,998

Unanticipated Expenditure Reserve

In accordance with the City Council approved Budget Guidelines, as part of the quarterly financial status reports, Staff is reporting on the expenditures from the Unanticipated Expenditure Reserve for this quarter.

Unanticipated Expenditure Reserve Uses

Description	Amount
RJA Management Services	$2,451
Rod Gould - **City strategic planning services**	1,800
AG Witt, LLC – COVID 19 advisory services	11,250
Executive Recruitments	10,685
TOTAL for the Quarter Ending December 31, 2022	**$ 26,186**

Water Maintenance & Operation (M&O) Fund Financial Status

Revenues: For the six months ended December 31, 2022, $16.8 million of charges for services, or 50.7%, of the $33.1 million amended budget has been received. Total revenue received amounts to $16.9 million, or 50.4%, of the $33.5 million amended budget.

Expenditures: For the six months ended December 31, 2022, $26.9 million, or 84.7%, of the $31.8 million amended budget has been spent and/or encumbered. The Santa Clara Valley Water District and San Francisco Water Department wholesale water purchase contract encumbrance was posted for the full year in Q1 of FY23.

Sewer Maintenance & Operation (M&O) Fund Financial Status

Revenues: For the six months ended December 31, 2022, $12.9 million of charges for services, or 52.2%, of the $24.7 million amended budget has been received. Total revenue received amounts to $12.9 million, or 52.2%, of the $24.7 million amended budget.

Expenditures: For the six months ended December 31, 2022, $12.6 million, or 75.4%, of the $16.7 million amended budget has been spent and/or encumbered. The City of San Jose wastewater treatment contract encumbrance was posted for the full year in Q1 of FY23.

POLICY ALTERNATIVE(S):

Not Applicable

FISCAL IMPACT:

This is an informational report intended to provide a financial update of the City's General, Water and Sewer funds for the quarter ended December 31, 2022. No budget amendment is recommended.

California Environmental Quality Act (CEQA):

This item is not a Project under CEQA 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.

RECOMMENDATION:

1. Review the FY 2022-23 Quarterly Financial Status Report for the Quarter Ended December 31, 2022

Attachment(s):

1. FY 2022-23 Revenue Report for Fiscal Year-To-Date December 31, 2022
2. FY 2022-23 General Fund Expenditures by Department December 31, 2022
3. FY 2022-23 Water and Sewer Funds Financial Status for Fiscal Year-To-Date December 31, 2022

CITY OF MILPITAS

General Fund Revenues
For Fiscal Year-To-Date December 31, 2022

General Fund Revenues	FY23 Adopted Budget	FY23 Budget Amendments	FY23 Grant Carryover	FY23 Amended Budget as of	FY23 Revenue As of 12/31/22	FY23 Revenue Outstanding Favorable/ (Unfavorable)	FY23 Percentage of Amended Budget	FY22 Revenue as of 12/31/21	Percentage Increase (Decrease) FY23 / FY22
Property Tax	$ 42,636,192			$ 42,636,192	$ 7,685,502	$ (34,950,690)	18.0%	$ 6,989,282	10.0%
Sales and Use Tax	27,418,416			27,418,416	10,783,066	$ (16,635,350)	39.3%	9,230,978	16.8%
Sales and Use Tax - Measure F	6,409,019			6,409,019	2,386,108	$ (4,022,911)	37.2%	2,004,837	19.0%
Licenses, Permits & Fines	11,484,759			11,484,759	4,249,334	$ (7,235,425)	37.0%	4,241,015	0.2%
Hotel/Motel Tax	8,329,238			8,329,238	5,210,693	$ (3,118,545)	62.6%	2,738,832	90.3%
Operating Transfer In	7,168,627			7,168,627	2,144,793	$ (5,023,834)	29.9%	2,096,466	2.3%
Charges for Services	5,969,453			5,969,453	2,654,828	$ (3,314,625)	44.5%	1,830,627	45.0%
Franchise Fees	5,448,428			5,448,428	1,392,807	$ (4,055,621)	25.6%	1,367,806	1.8%
Intergovernmental	1,081,728		254,235	1,335,963	567,038	$ (768,924)	42.4%	422,407	34.2%
Other Taxes	1,067,452			1,067,452	467,785	$ (599,668)	43.8%	655,847	-28.7%
Other Revenues	349,657			349,657	365,788	$ 16,131	104.6%	121,726	200.5%
Interest Income	264,000			264,000	188,971	$ (75,029)	71.6%	169,461	11.5%
Total General Fund Revenue	**$ 117,626,970**	**$ -**	**$ 254,235**	**$ 117,881,205**	**$ 38,096,713**	**$ (79,784,492)**	**32.3%**	**$ 31,869,283**	**19.5%**

City of Milpitas

General Fund Expenditure By Department Financial Status

For Fiscal Year-To-Date December 31, 2022

Departments	Adopted Budget	Amendments	Grants C/O	Encumb. C/O	Amended Budget	Expenditure	Encumbrance	Total YTD Exp.	% of Amended Budget	FY22 Expenditure Including Encumbrance	% of Amended FY22 Budget
Building Safety & Housing	6,175,459	0	0	86,804	6,262,263	2,803,004	506,231	3,309,235	52.8%	2,853,963	41.3%
City Attorney	1,198,946	0	0	32,978	1,231,924	267,757	353,208	620,965	50.4%	998,216	40.3%
City Clerk	567,660	0	0	0	567,660	194,390	48,892	243,282	42.9%	266,958	48.0%
City Council	557,729	0	0	50,933	608,662	150,175	50,050	200,225	32.9%	195,474	38.9%
City Manager	2,149,366	0	0	149,830	2,299,197	1,044,214	180,305	1,224,520	53.3%	951,568	41.1%
Economic Development	965,847	0	0	750	966,597	390,539	750	391,289	40.5%	441,095	43.0%
Engineering	3,971,355	0	0	42,932	4,014,287	1,636,013	73,728	1,709,741	42.6%	1,728,944	44.5%
Finance	4,384,364	0	0	71,825	4,456,189	1,928,670	427,595	2,356,265	52.9%	2,483,603	51.3%
Fire	28,188,870	0	0	164,068	28,352,938	14,127,726	507,763	14,635,489	51.6%	14,906,100	52.5%
Human Resources	1,937,584	0	0	61,696	1,999,281	911,622	145,891	1,057,513	52.9%	1,240,794	51.6%
Information Technology	4,091,945	0	0	7,830	4,099,775	1,315,450	265,298	1,580,747	38.6%	1,869,706	54.4%
Non-Departmental	7,570,821	0	0	385,586	7,956,407	5,754,551	878,004	6,632,555	83.4%	5,357,275	80.8%
Planning	1,927,812	0	0	305,014	2,232,826	957,129	247,193	1,204,322	53.9%	1,217,029	47.4%
Police	37,935,204	0	17,819	108,284	38,061,308	18,185,083	453,394	18,638,477	49.0%	16,778,362	45.9%
Public Works	9,692,160	0	0	391,727	10,083,887	4,594,828	1,555,669	6,150,498	61.0%	6,012,433	65.1%
Recreation & Community Services	5,969,980	0	0	47,027	6,017,007	2,859,647	345,620	3,205,267	53.3%	2,639,946	27.7%
Transfers Out	341,866	0	0	0	341,866	341,866	0	341,866	100.0%	340,590	100.0%
Grand Total	**117,626,969**	**0**	**17,819**	**1,907,284**	**119,552,072**	**57,462,664**	**6,039,591**	**63,502,255**	**53.1%**	**60,282,055**	**50.1%**

City of Milpitas

Water and Sewer Financial Status

For Fiscal Year-To-Date December 31, 2022 (unaudited)

Water Fund

Revenue Categories	Adopted Budget	Amendments	Grants C/O	Amended Budget	Receipt	Outstanding	% Receipt	Receipt 12/31/2021	% Receipt 12/31/2021
Charges for Services	33,144,215	0	0	33,144,215	16,808,622	16,335,593	50.7%	16,340,511	52.5%
Intergovernmental	0	0	0	0	0	0	0.0%	588	
Licenses, Permits & Fines	0	0	0	0	(74,324)	74,324	0.0%	(78,725)	
Other Revenues	0	0	0	0	16,523	(16,523)	0.0%	0	0.0%
Use of Money and Property	369,729	0	0	369,729	139,265	230,464	37.7%	124,532	33.5%
Grand Total	**33,513,944**	**0**	**0**	**33,513,944**	**16,890,085**	**16,623,859**	**50.4%**	**16,386,906**	**52.0%**

Expenditures by Department	Adopted Budget	Amendments	Grants C/O	Encumb. C/O	Amended Budget	Expenditure	Encumbrance	Total YTD Exp.	% of Amended Budget	Total YTD Exp. 12/31/2021	% of Amended Budget 12/31/2021
City Attorney	9,000	0	0	0	9,000	0	9,000	9,000	100.0%	12,456	176.2%
Engineering	0	0	0	0	0	0	0	0	0.0%	29,500	100.0%
Finance	1,111,223	0	0	18,537	1,129,760	475,585	86,236	561,821	49.7%	475,058	45.7%
Non-Departmental	23,073,631	0	0	408,556	23,482,187	8,450,981	14,238,248	22,689,229	96.6%	20,045,270	97.2%
Public Works	4,372,217	0	0	84,419	4,456,636	2,156,736	140,852	2,297,588	51.6%	2,225,830	51.8%
Transfers In/Out/Revenue	2,687,393	0	0	0	2,687,393	1,343,697	0	1,343,697	50.0%	1,285,704	50.0%
Grand Total	**31,253,464**	**0**	**0**	**511,513**	**31,764,976**	**12,426,999**	**14,474,335**	**26,901,334**	**84.7%**	**24,073,818**	**84.3%**

Sewer Fund

Revenue Categories	Adopted Budget	Amendments	Grants C/O	Amended Budget	Receipt	Outstanding	% Receipt	Receipt 12/31/2021	% Receipt 12/31/2021
Charges for Services	24,482,217	0	0	24,482,217	12,825,508	11,656,709	52.4%	10,673,052	51.7%
Intergovernmental	0	0	0	0	0	0	0.0%	588	
Licenses, Permits & Fines	0	0	0	0	(42,050)	42,050	0.0%	(54,075)	
Operating Transfer In	39,282	0	0	39,282	39,282	0	100.0%	11	100.0%
Use of Money and Property	205,863	0	0	205,863	79,529	126,335	38.6%	55,597	22.2%
Grand Total	**24,727,362**	**0**	**0**	**24,727,362**	**12,902,269**	**11,825,093**	**52.2%**	**10,675,173**	**51.1%**

Expenditures by Department	Adopted Budget	Amendments	Grants C/O	Encumb. C/O	Amended Budget	Expenditure	Encumbrance	Total YTD Exp.	% of Amended Budget	Total YTD Exp. 12/31/2021	% of Amended Budget 12/31/2021
City Manager	0	0	0	0	0	0	0	0	0.0%	0	
Engineering	0	0	0	0	0	0	0	0	0.0%	25,500	100.0%
Finance	711,305	0	0	18,537	729,842	324,640	86,236	410,876	56.3%	332,449	54.4%
Non-Departmental	10,437,767	0	0	27,145	10,464,912	5,967,830	3,460,584	9,428,414	90.1%	11,000,607	88.6%
Public Works	3,881,262	0	0	145,571	4,026,833	1,783,209	228,105	2,011,314	49.9%	1,401,485	47.8%
Transfers In/Out/Revenue	1,444,196	0	0	0	1,444,196	722,098	0	722,098	50.0%	741,483	50.0%
Grand Total	**16,474,530**	**0**	**0**	**191,254**	**16,665,784**	**8,797,777**	**3,774,924**	**12,572,702**	**75.4%**	**13,501,524**	**77.3%**

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Review Fiscal Year 2022-23 Mid-Year Report, Approve FY2022-23 Mid-year Budget Amendments, Adopt a Resolution Amending Resolution No. 1626, the Classification Plan, to Reclassify Positions, Approve and Adopt the Pay Schedule titled "New Job Classifications/Salary Table (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**
Category:	Leadership and Support Services
Meeting Date:	2/21/2023
	Recommendation: 1. Review the FY 2022-23 Mid-Year Report 2. Approve FY 2022-23 Mid-Year Budget Amendments 3. Adopt a Resolution Amending Resolution No. 1626, the Classification Plan, to Reclassify Positions, Approve and Adopt the Pay Schedule titled "New Job Classifications/Salary Table", and Amend Budgeted Allocated Positions

Background:
On June 7, 2022, the City Council approved the Fiscal Year (FY) 2022-23 Adopted Operating Budget in the amount of $207.8 million and the General Fund Budget in the amount of $117.6 million. After adoption of the budget, staff monitors revenues and expenditures for all funds with an emphasis on the General Fund and Enterprise Funds.

Per the California Code of Regulations § 570.5, any CalPERS agency such as the City is required to bring all pay schedules for its CalPERS benefited employees before the governing board for review and approval.

Analysis:
This staff report provides FY2022-23 mid-year budget adjustments and position change recommendations for Council consideration. The final section of this report discusses the recommendation to adopt salary tables for various employee classifications.

General Fund
On June 1, 2022, the City Council approved the Fiscal Year (FY) 2022-23 Adopted Operating General Fund Budget in the amount of $117.6 million. As of December 31, 2022, the City received $38.1 million in revenues and incurred $63.5 million in expenditures. Revenues and expenditures are seasonal with cash flow fluctuations due to timing of revenue receipts and City services rendered. As such, actual percentage of revenues may not match the lapsed time period.

Revenues
For the six months ended December 31, 2022, the General Fund has received $38.1 million. The proposed FY22-23 mid-year adjustments total $7.2 million, resulting in $125.09 million FY22-23 amended revenue budget.

	Adopted Budget	BCF Through 1/20/23	Amended Budget (1/20/23)	Proposed Mid-Year	Amended Budget Mid-Yr
	FY 22-23	FY 22-23 Amend	FY22-23	Amendments	FY 22-23
Revenues					
Property Taxes	$ 42,636,192	$ -	$ 42,636,192	$ 1,404,852	$ 44,041,044
Sales & Use Tax	$ 27,418,416	$ -	$ 27,418,416	$ 1,845,030	$ 29,263,446
Sales Tax - Measure F	$ 6,409,019	$ -	$ 6,409,019	$ 545,981	$ 6,955,000
Transient Occupancy Tax	$ 8,329,238	$ -	$ 8,329,238	$ 2,146,384	$ 10,475,622
Licenses, Permits & Fines	$ 11,484,759	$ -	$ 11,484,759	$ (1,500,000)	$ 9,984,759
Charges for Services	$ 5,899,452	$ -	$ 5,899,452	$ 704,571	$ 6,604,023
Franchise Fees	$ 5,448,428	$ -	$ 5,448,428	$ 90,237	$ 5,538,665
Use of Money and Property	$ 414,000	$ -	$ 414,000	$ -	$ 414,000
Other Taxes	$ 1,067,453	$ -	$ 1,067,453	$ -	$ 1,067,453
Intergovernmental	$ 1,001,728	$ 254,235	$ 1,255,963	$ 1,972,232	$ 3,228,195
Other Revenues	$ 349,657	$ -	$ 349,657	$ -	$ 349,657
Operating Transfers In	$ 7,168,628	$ -	$ 7,168,628	$ -	$ 7,168,628
Use of Reserves	$ -	$ -	$ -	$ -	$ -
Total Sources	**$ 117,626,970**	**$ 254,235**	**$ 117,881,205**	**$ 7,209,287**	**$ 125,090,493**

- Property Taxes (Increase $1,404,852): Most property tax revenue is received in December and April. The adopted budget estimate of $42.6 million in total property tax revenue was based upon the County of Santa Clara (County) projections in spring 2022. Compared to the County's most recent update on February 10, 2023, the County's property tax projections are net $3.8 million higher than the adopted budget. However, such variance primarily relates to Education Revenue Augmentation Fund ("ERAF") allocation that is involved in current litigation and accordingly, the County continues to advise excluding a significant portion of that amount from the budget and appropriation. Accordingly, this FY2022-23 mid-year report includes a conservative amendment to increase property taxes by $1.4 million.

- Sales & Use Tax (Increase $1,845,030): Personal and business sales transactions increased in 2022 and several significant payments were delayed from FY21-22 into FY22-23 resulting in a higher-than usual FY22-23 revenue. HdL provides sales tax audit and reporting to the City. For FY2022-23, HdL estimates City Sales & Use tax revenue at $29.2 million or approximately $1.8 million higher than the adopted budget.

- Transient Occupancy Tax (TOT) (Increase $2,146,384): Revenues are 90.3% higher than last year at the same time primarily due to easing of COVID-19 restrictions and two new hotel operators. While TOT revenues are improving, it may not recover to pre-pandemic revenue levels of $14.9 million in FY2018-19, as travel and lodging may be altered.

- Licenses, Permits and Fees (Decrease $1,500,000): For FY2022-23, the proposed amendment decreases revenue by $1.5 million, resulting in estimated License, Permits & Fees of $9.9 million. The proposed amendments align with current trends for Building Permit and Plan Check, which are experiencing reduced projects for plan check and building permits in comparison to prior years.

- Charges for Services (Increase $704,571): For FY2022-23, the proposed amendment increases revenue by $0.7 million, resulting in estimated Charges for Services of $6.6 million. The proposed amendments align with current trends for Recreation and Cultural Services, as follows:
    - Recreation Fees – The proposed increase is $337,104 and FY2022-23 revenue estimate is $1.8 million. Both recreation programs and service demands are increasing.
    - After the Bell (ATB) program – The proposed increase is $0.3 million and FY2022-23 revenue estimate is $0.7 million.
    - Special Event Fees- The proposed increase is $329,258 and FY2022-23 revenue estimate is $0.3 million.

- Franchise Fees (Increase $90,237): Gas and television franchises are both trending slightly higher than the adopted budget. For FY2022-23, the proposed amendment increases the revenue by $90,237, resulting in estimated City franchise revenue of $5.5 million.

- Intergovernmental (Increase $1,972,232): For FY2022-23, the proposed amendment increases intergovernmental revenue by $1.9 million, resulting in estimate intergovernmental revenue of $3.2 million. It includes $721,000 for the State Contribution- Recreation (Expanded Learning Opportunities Program "ELOP") reimbursement, $176,232 for Federal – Safer Grant #2 and $1,075,000 for the State contributions – Planning (Priority Development Area "PDA"/Gateway, Local Early Action Planning "LEAP"/HOZ GT-1128) $1.07M. There are correlating offsets in the proposed expenditure increases below.

Expenditures

For the six months ended December 31, 2022, the General Fund incurred $63.5 million of expenditures and encumbrances. The proposed FY22-23 mid-year adjustments total $5.2 million, resulting in $124.7 million FY22-23 amended expenditure budget.

	Adopted Budget	BCF Through 1/20/23	Amended Budget (1/20/23)	Proposed Mid-Year	Amended Budget Mid-Yr
	FY 22-23	FY 22-23 Amend	FY22-23	Amendments	FY 22-23
EXPENDITURES					
Salaries	$ 57,780,916	$ -	$ 57,780,916	$ 756,238	$ 58,537,154
Benefits	$ 35,756,153	$ -	$ 35,756,153	$ 270,000	$ 36,026,153
Services & Supplies	$ 22,179,917	$ 1,874,950	$ 24,054,867	$ 2,233,785	$ 26,288,652
Debt Services	$ 1,196,800	$ -	$ 1,196,800	$ -	$ 1,196,800
Capital Outlay	$ 371,318	$ 50,153	$ 421,471	$ -	$ 421,471
Operating Transfers Out	$ 341,866	$ -	$ 341,866	$ 1,900,000	$ 2,241,866
Total Uses	**$ 117,626,970**	**$ 1,925,103**	**$ 119,552,073**	**$ 5,160,023**	**$ 124,712,096**
Annual Surplus/(Deficit)	**$ (0)**	**$ (1,670,868)**	**($1,670,868)**	**$2,049,264**	**$378,396**

- Salaries (Increase $756,238): For FY2022-23, the proposed amendments increase salaries by $0.7 million due to the following:
  - Temporary salaries increase of $159,779 for Recreation & Cultural services programs, which are supported by revenues.
  - Fire Overtime increase of $0.5 million of which $438,536 is non-reimbursable and $157,923 is reimbursable Strike team.
  - Dept. of Public Works overtime increase of $0.1 million.
  - Staffing cost of $100,000 for information technology will be swapped with ARPA $100,000 financial operations assessment project for procurement expediency. Net impact is $0.
  - Vacancy savings is estimated at $2.3 million (or 2.4% of staffing costs) in the adopted budget. This proposed amendment allocates the savings amongst the departments accordingly.

- Benefits (Increase $270,000): For FY2022-23, the proposed amendment increases OPEB (Other Post Employment Benefit) contribution by $0.03 million. This relates to the reduced discount rate on the California Employers' Retiree Benefit Trust (CERBT).

- Services & Supplies (Increase $2,233,785): For FY2022-23, the proposed amendment increases services & supplies by $2.1 million due to the following:

  - Contractual services amendment of $1,519,035 increase primarily relates to programs with revenue offsets: Local Early Action Planning "LEAP"/HOZ GT-1128 Grant appropriation amendment ($1,075,000), recreation programs Expanded Learning Opportunities Program "ELOP" amendment ($104,238) and recreation transaction fees amendment ($249,707).

- Contract Services for Plante Moran (previously ARPA funded) is now General Fund resourced for procurement expediency.

- Claim settlement amendment relates to a settlement for $250,000.

- General liability insurance premium amendment is $69,000.

- Operating Transfer Out (Increase $1,900,000): For FY2022-23, the proposed amendment increases operating transfer out by $1.9 million to General Government CIP fund. This provides reserves for future City capital projects. $0.2 million is for CP 3495 Safe Facility Improvement costs primarily incurred for COVID mitigation and $1.7 million for General Government CIP reserve.

Other Funds

- CDBG Fund Expenditure- This proposed amendment recognizes costs of about $15,000 for accountant directly supporting CDBG transactions.

- Enterprise funds (Funds 400, 450, 295 and 500) - The proposed amendment is to increase appropriation $31,000 for General Liability insurance premium, net amongst these funds.

- Affordable Housing Unrestricted Fund 217 – The proposed amendment is to increase appropriation $118,139 to repay disallowed CDBG expenditure that exceed the public service cap during FY 21-22.

- Other Post Employment Benefit (OPEB) contribution- The proposed amendment recognizes increased funding by $30,000 due to valuation changes related to reduced investment returns.

- Common Interest Group Legal Services - The proposed amendment is to increase appropriation for an additional $1,000,000 fees associated with common interest group legal services in Sewer Maintenance & Operations Fund #450.

- CFD 2008 Utilities (Fund 238) – The proposed amendment is to increase CFD 2008 utilities appropriation for $50,000 to align with the current utilities expenditure trend.

- Capital Improvement Program (CIP) amendments are as follow:

    - CP 3465 - Fire Station I Modular Building-This action increases appropriation for CP 3465 in amount of $250,000 ARPA fund. Originally the ARPA funding was earmarked for HVAC contract services but due to procurement regulations, swapping the projects is proposed.
    - CP 3464 - Mobile Emergency Operations Center-This action defunds CP3464 in amount of $60,000 and returns funding to Federal Asset Seizure Fund 263.
    - CP 3495 - Safe Facilities Improvement-This action increases transfer-in resources into CP 3495 in amount of $200,000 from General Fund to rebalance the fund balance.
    - CP 3423 - Replacement FSAS-This action defunds CP 3423 and returns $48,000 to General Government CIP Fund.
    - CP 3421 – Police Department Records Management System-This action defunds CP 3421 and returns $500,000 to General Government CIP Fund.
    - CP 3437 - Milpitas Gateway Main Specific Plan-This action defunds CP 3437 and returns $360,000 to General Government CIP Fund.
    - CP 3447- Fire Station No. 2 Replacement-This action defunds CP 3447 and returns $1,500,000 to General Government CIP Fund.
    - CP 5102 - McCandless Park-This action defunds CP 5102 and returns $402,665 to General Government CIP Fund.
    - CP 3462 - On Call Facility Maintenance-This action increases appropriation for CP 3462 in amount of $250,000 to align with current needs. Funding source will be General Government CIP Fund.

- CP 3411 - Sinclair LLMD Improvements 98-1- This action modifies CP 3411 budget by $41,125.
- CP 3469 - Metro Impact Fee Study- The proposed amendment creates CP 3469 with $150,000 appropriation from TASP Fund #350.

Also for Council consideration is the adoption of resolution amending Resolution No. 1626, the Classification Plan, to Reclassify Positions, Approve and Adopt the Pay Schedule titled "New Job Classifications/Salary Table", and Amend Budgeted Allocated Positions. The resolution entitles range adjustments, salary table approval and classification title change, as summarized below.

Range Adjustment
At the March 1,2022 Closed Session, City Council approved a Side Letter between the City of Milpitas and United Public Employees of California (Local 792) - Milpitas Employees Association (MEA) to align the Water Systems Operator-40 hour classification rate of pay to the Equipment Maintenance Worker III-40 hour classification rate of pay and the Assistant Water Systems Operator-40 hour classification rate of pay to the Equipment Maintenance Worker II– 40 hour classification rate of pay.

The request was made and approved in closed session to establish internal equity between these classifications. The increase to align the Water Systems Operator-40 hour classification rate of pay to the Equipment Maintenance Worker III– 40 hour classification rate of pay was $0.27 per hour at Step A up to $0.35 per hour more to Step E (increased annual cost of $8,098 for the year). The increase to align the Assistant Water Systems Operator-40 hour classification rate of pay to the Equipment Maintenance Worker II– 40 hour classification rate of pay was approximately $0.25 per hour at Step A up to $0.31 per hour more to Step E (increase annual cost of $636 for the year)

This hourly pay alignment was intended to be placed in the 2022-2023 Annual Budget but was inadvertently left off and as such being recommended to the Mid-Year Budget Amendment effective May 17, 2022.

Since the City Council approved this alignment, MEA has had one a Cost of Living Adjustment in of 3% in July 3, 2022 which is reflected in the salary table being brought forward this evening.

Salary Table Approval
As required by State law, staff prepared a resolution which includes the most current Salary for your review and approval. The salary table is consistent with Council approved Memoranda of Understandings and salary ranges granted for the International Association of Firefighters Local 1699 employees and is effective January 1, 2023.

Classification Title Change

June 8, 2022 the City finalized discussions with United Public Employees of California (UPES Local 792, AFL-CIO) Mid Management and Confidential Unit to amend the title of Video Media Specialist to Digital Media Specialist. This title change was requested to be more reflective of modern technology moving away from cable to digital media. Both the City and the Mid Management and Confidential Unit were in agreement.

Policy Alternative:

Alternative 1: Do not approve FY 2022-23 Mid-Year Budget Amendment Recommendations

Pros: Not approving certain budget amendment recommendations will result in not aligning the budget with actual trends and make it more difficult to manage the budget and address urgent service demands.

Cons: The recommended budget amendment recommendations include urgent funding recommendations and adjustments to revenue estimates, positions and pay schedules.

Reason not recommended: Not approving the FY 2022-23 Mid-Year budget amendment recommendations

result in not funding certain programs, adjust revenue estimates to year-to-date revenue proceeds received, and adjust positions and/or pay schedules.

Fiscal Impact:
In summary, if Council approves the recommendations, the General Fund revenues will increase by $7.2 million and appropriations by $5.2 million, net encumbrances carryforward of $1.7 million and estimated net surplus is $0.4 million. General Fund reserves and fund balances would be administered in accordance with City policies.

California Environmental Quality Act:
The action being considered is exempt from environmental review pursuant to CEQA Guideline 15378(b)(4) as a governmental fiscal activity without a commitment to any project that would result in a potentially significant impact on the environment. Further, it is also exempt pursuant to CEQA Guideline 15378(b)(2) as a continuing administrative activity including the purchases of supplies and personnel-related actions, etc.

Recommendation:
1. Review the FY 2022-23 Mid-Year Report
2. Approve FY 2022-23 Mid-Year Budget Amendments
3. Adopt a Resolution Amending Resolution No. 1626, the Classification Plan, to Reclassify Positions, Approve and Adopt the Pay Schedule titled “New Job Classifications/Salary Table”, and Amend Budgeted Allocated Positions

Attachment(s):
1. FY 2022-23 Mid-Year Budget Adjustment Recommendations
2. Exhibit A – New Job Classifications/Salary Table
3. Resolution

CITY OF MILPITAS
FY 2022-23 Mid-Year Budget Funding Requests
Operating Budget

Item #	Department		Title	Description	Expenditure General Fund	Expenditure Other Funds	Revenue General Fund	Revenue Other Funds
1	Building	License and Permits	Building Permit Revenue	This action recognizes decreases in building permit revenue due to lower development activities.			(1,500,000)	
2	Fire	Personnel	Fire Non-Reimbursable Overtime	This action recognizes expenditure for non-reimbursable overtime to align with current trend.	438,536			
3	Fire	Intergovernment Revenue & Salaries and Personnel	Fire Reimbursements Fire Season Mutual Aid	This action recognizes revenue for reimbursable overtime and medicare costs related to fire mutual aid provided in response to the wildfire season, net estimated revenue and expenditure $0.2 million.	157,923		157,923	
4	Fire	Intergovernment Revenue & Equipment	Fire Reimbursements Fire Season Mutual Aid	This action recognizes revenue for reimbursable engine costs and support vehicle costs related to fire mutual aid provided in response to the wildfire season.				25,170
5	Fire	Intergovernment Revenue & Salaries and Personnel	Fire Reimbursements Fire Season Mutual Aid	This action recognizes revenue for reimbursable administrative costs related to fire mutual aid provided in response to the wildfire season.			18,309	
6	Finance	Personnel	CDBG Accountant Expenditure	This action recognizes personnel expenditure for Accountant who worked on CDBG project and increases appropriation in CDBG for this purpose.		15,000		
7	Finance	Supplies and Services	Plante Moran Assessment and IT Personnel ARPA Swap	This action decreases expenditure in Finance for $100k related to Finance ERP assessment, shifts the expenditure to IT Department and shifts IT personnel cost to ARPA fund for $100k.	-			
8	Finance	Supplies and Services	PLAN JPA	This action increases appropriation for PLAN JPA premium because invoices were higher than original budget.	69,000	31,000		
9	Finance	Supplies and Services	Plante Moran Phase 3-5 Cost	Plante Moran - contract amendment and budget appropriation	90,000			
10	Housing	Supplies and Services	CDBG Expenditure Realignment	This action increases appropriation for Affordable Housing Fund (Fund 217 unrestricted) to repay disallowed CDBG expenditure that exceed the public service cap during FY 21-22.		118,139		
11	Non-Departmental	Operating Transfers Out	Operating Transfer to CP3495 Safe Facilities Improvement	This action recognizes measures implemented for COVID and related to HVAC and other measures that increased expenditures by $200,000. Transfers to CIP 3495	200,000			
12	Non-Departmental	Operating Transfers Out	Operating Transfer to CIP Projects -Gen Gov CIP	This action recognizes operating transfer out to General	1,700,000			
13	Non-Departmental	Personnel	OPEB (other post employment benefit) Contribution	This action recognizes increased funding by $300,000 due to valuation changes related to reduced investment returns.	270,000	30,000		
14	Non-Departmental	Supplies and Services	Legal Settlement	This action recognizes expenditure related to settlement with former city employee for $250,000	250,000			
15	Non-Departmental	Property Tax	Increase Property Tax	This action increases Property Tax revenue to align with County projection based on current trend, net estimated FY23 revenue $1.4 million. This will increase General Fund fund balance by $1.4 million.			1,404,852	
16	Non-Departmental	Sales & Use Tax	Increase Sales Tax	This action increases Sales Tax revenue to align with HDL projection based on current trend, net estimated FY23 revenue $29.3 million.			1,845,030	
17	Non-Departmental	Sales & Use Tax	Increase Sales Tax - Measure F	This action increases Sales Tax revenue to align with HDL projection based on current trend, net estimated FY22 revenue $7.0 million.			545,981	
18	Non-Departmental	Franchise Tax	Increase Franchise Tax	This action increases Franchise Tax revenue to align with HDL projection based on current trend, net estimated FY22 revenue $5.5 million.			90,237	
19	Non-Departmental	Transient Occupancy Tax	Transient Occupancy Tax Increase	This action recognizes increased Transient Occupancy Tax revenue to align with current 23% growth trend, net estimated FY23 revenue $10.4 million.			2,146,385	
20	Non-Departmental	Personnel	Vacancy Savings Adjustment - Departments	This action allocates vacancy savings to the appropriate departments: Building, Safety and Housing - $112,019 City Attorney Office - $247,999 City Clerk -$90,044 City Council -$68,065 Engineering -$293,485 Finance -$50,000 Information Technology -$415,238 Planning -$51,132 Police -$986,425 Recreation and Community Services -$70,799	2,385,205			
21	Non-Departmental	rpa	Vacancy Savings Adjustment	This action allocates vacancy savings to the appropriate departments.	(2,385,205)			
22	Planning	Supplies and Services	LEEP/HOZ GT-1128 Grant	This action recognizes appropriation and revenues to account for LEEP/HOZ GT-1128 grant.	1,075,000		1,075,000	
24	Public Works	Personnel		Overtime	100,000			
23	Public Works	Supplies and Services	Common Interest Group Legal Services	This action increases appropriation to account for fees associated with common interest group legal services.		1,000,000		
24	Public Works	Supplies and Services	Increase CFD 2008 Utilities	This action increases CFD 2008 utilities appropriation to align with current utilities expenditure trend.		50,000		
25	Recreation	Supplies and Services, Personnel and ELOP Revenue	Increase ELOP revenue and associated expenditure	This action increases ELOP revenue to align with State ELOP program funds and related program expenditure.	559,857		721,000	
27	Recreation	Charges for Services	Increase after the bell revenue	This action increases after the bell revenue due to higher participation.			329,258	
28	Recreation	Charges for Services	Recreation Transaction Fee	This action increases recreation transaction fees due to increase in program offers and enrollment.	249,707		337,104	
29	Recreation	Charges for Services	Special Events Fee	This action increases recreation transaction fees			38,209	
30	Finance	Grant interest appropriation	Increase grant revenue and expenditure budget (DOC Recycling grant GT-1085)	This action is to increase approriation of the grant revenue and expenditure.		214		214
31	Finance	Grant interest appropriation	Increase grant revenue and expenditure budget (COPS grant 2021 GT-1138)	This action is to increase approriation of the grant revenue and expenditure.		2,109		2,109
32	Finance	Grant interest appropriation	Increase grant revenue and expenditure budget (COPS grant 2022 GT-1140)	This action is to increase approriation of the grant revenue and expenditure.		515		515
33	Finance	Grant interest appropriation	Increase grant revenue and expenditure budget (Board of State and Community Corrections (BSCC) City of Law Enforcement grant BSCC GT-1107)	This action is to increase approriation of the grant revenue and expenditure.		7,919		7,919
34	Finance	Grant interest appropriation	Increase grant revenue and expenditure budget (Board of State and Community Corrections (BSCC) Break-In grant GT-1124)	This action is to increase approriation of the grant revenue and expenditure.		24,250		24,250
				Total	**5,160,023**	**1,279,146**	**7,209,288**	**60,177**
				General Fund Reserve			2,049,265	

CITY OF MILPITAS
FY 2022-23 Mid-Year Budget Funding Requests
Operating Budget

Item #	Department		Title	Description	Expenditure General Fund	Expenditure Other Funds	Revenue General Fund	Revenue Other Funds
	Capital Budget Adjustments							
Item #	**Department**		**Title**	**Description**	**Expenditure General Fund**	**Expenditure Other Funds**	**Revenue General Fund**	**Revenue Other Funds**
C1	Capital Improvement Budget Adjustment		CP 3465 - Fire Station I Modular Building	This action increases appropriation for CP 3465 in amount of $250k from ARPA fund. Originally the ARPA funding was earmarked for HVAC contract services but due to procurement regulations, Council approved the funding swap with CP 3465.		250,000		
C2	Capital Improvement Budget Adjustment		CP 3464 - Mobile Emergency Operations Center	This action defunds CP3464 in amount of $60k and returns funding to Fund 263.		(60,000)		
C3	Capital Improvement Budget Adjustment		CP 3495 - Safe Facilities Improvement	This action increases transfer-in resources for CP 3495 in amount of $200k from General Fund to rebalance the fund balance.				200,000
C4	Capital Improvement Budget Adjustment		CP 3423 - Replacement FSAS	This action defunds CP 3423 and return funds to General Government CIP Fund.		(48,000)		
C5	Capital Improvement Budget Adjustment		CP 3421 - PD Records Management System			(500,000)		
C6	Capital Improvement Budget Adjustment		CP 3437 - Milpitas Gateway Main Specific Plan	This action defunds CP 3437 and return funds to General Government CIP Fund.		(360,000)		
C7	Capital Improvement Budget Adjustment		CP 3447 Fire Station No. 2 Replacement	This action defunds CP 3447 and return funds to General Government CIP Fund.		(1,500,000)		
C8	Capital Improvement Budget Adjustment		CP 5102 McCandless Park	This action defunds CP 5102 and return funds to General Government CIP Fund.		(402,665)		-
C9	Capital Improvement Budget Adjustment		CP 3462 - On Call Facility Maintenance	This action increases appropriation for CP 3462 in amount of 250k to align with current needs. Funding source will be General Government		250,000		
C10	Capital Improvement Budget Adjustment		CP 3411 - Sinclair LLMD Improvements 98-1	This action corrects CP 3411 budget. $41,125 was recorded twice in the FY21 budget.		(41,500)		(41,500)
C11	Capital Improvement Budget Adjustment		CP 3469 - Metro Impact Fee Study	This action creates CP 3469. Funding source will be TASP fund.		150,000		150,000

ARPA - Financial system $ swap
ARPA - safe facility $ swap

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 01/01/2023

				Step A			Step B			Step C			Step D			Step E		
Classification	Union Code	Occ Code	Pay Grade	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual
Accountant	50	2101	500	47.90	3,831.91	99,629.66	50.29	4,023.48	104,610.48	52.80	4,223.84	109,819.84	55.45	4,436.02	115,336.52	58.21	4,657.02	121,082.52
Accounting Technician I	50	6104	513	31.19	2,495.54	64,884.04	32.75	2,620.34	68,128.84	34.39	2,751.36	71,535.36	36.11	2,888.92	75,111.92	37.92	3,033.37	78,867.62
Accounting Technician II	50	6105	514	34.31	2,745.08	71,372.08	36.03	2,882.37	74,941.62	37.83	3,026.49	78,688.74	39.72	3,177.85	82,624.10	41.71	3,336.66	86,753.16
Administrative Analyst I	80	2102	801	41.20	3,295.90	85,693.40	-	-	-	-	-	-	-	-	-	54.24	4,338.84	112,809.84
Administrative Analyst II	80	2103	802	45.50	3,639.93	94,638.18	-	-	-	-	-	-	-	-	-	59.89	4,790.99	124,565.74
Administrative Assistant	80	6111	828	39.30	3,144.37	81,753.62	41.27	3,301.59	85,841.34	43.33	3,466.69	90,133.94	45.50	3,640.00	94,640.00	47.77	3,821.99	99,371.74
Adult Crossing Guard	70	8401	725	16.40	1,312.00	34,112.00	-	-	-	-	-	-	-	-	-	18.46	1,476.80	38,396.80
Adult Crossing Guard Superviso	70	8402	720	17.71	1,416.80	36,836.80	-	-	-	-	-	-	-	-	-	21.21	1,696.80	44,116.80
Assistant Chief of Police	60	1405	649	101.90	8,152.23	211,957.98	-	-	-	-	-	-	-	-	-	142.66	11,413.12	296,741.12
Assistant City Attorney	60	1113	645	76.92	6,153.85	160,000.10	-	-	-	-	-	-	-	-	-	104.13	8,330.23	216,585.98
Assistant City Engineer	60	1205	639	72.46	5,796.43	150,707.18	-	-	-	-	-	-	-	-	-	101.44	8,115.00	210,990.00
Assistant City Manager	60	1104	666	96.52	7,721.90	200,769.40	-	-	-	-	-	-	-	-	-	135.13	10,810.67	281,077.42
Assistant Engineer	50	2201	502	51.90	4,151.81	107,947.06	54.49	4,359.39	113,344.14	57.22	4,577.35	119,011.10	60.08	4,806.25	124,962.50	63.08	5,046.59	131,211.34
Assistant Finance Director	60	1109	669	69.46	5,557.07	144,483.82	-	-	-	-	-	-	-	-	-	97.25	7,780.09	202,282.34
Assistant Fire Marshal	60	2501	632	79.71	6,376.43	165,787.18	-	-	-	-	-	-	-	-	-	111.59	8,927.02	232,102.52
Assistant Planner	50	2801	503	49.76	3,981.04	103,507.04	52.25	4,180.19	108,684.94	54.86	4,388.45	114,099.70	57.60	4,607.82	119,803.32	60.48	4,838.31	125,796.06
Assistant Pool Manager	70	5609	709	17.45	1,396.00	36,296.00	-	-	-	-	-	-	-	-	-	24.44	1,955.20	50,835.20
Assistant Water Operator	20	7212	221	42.68	3,201.07	83,227.82	44.82	3,361.13	87,389.38	47.06	3,529.18	91,758.68	49.41	3,705.62	96,346.12	51.88	3,890.93	101,164.18
Assistant Water Operator - 40	20	8611	226	42.93	3,434.48	89,296.57	45.08	3,606.37	93,765.62	47.34	3,786.86	98,458.28	49.71	3,976.96	103,401.06	52.20	4,175.72	108,568.80
Associate Civil Engineer	50	2202	504	59.68	4,774.56	124,138.56	62.67	5,013.32	130,346.32	65.80	5,263.99	136,863.74	69.09	5,527.19	143,706.94	72.54	5,803.57	150,892.82
Associate Planner	50	2802	505	57.22	4,577.47	119,014.22	60.09	4,806.96	124,980.96	63.09	5,047.56	131,236.56	66.24	5,299.28	137,781.28	69.55	5,564.14	144,667.64
Budget Manager	80	1115	839	60.06	4,804.40	124,914.40	-	-	-	-	-	-	-	-	-	79.05	6,324.00	164,424.00
Building & Housing Director	60	1802	658	83.95	6,715.81	174,611.06	-	-	-	-	-	-	-	-	-	117.53	9,402.14	244,455.64
Building Inspection Manager	80	3809	848	62.56	5,005.07	130,131.82	-	-	-	-	-	-	-	-	-	76.05	6,083.74	158,177.24
Building Inspector Apprentice	70	8610	770	28.00	2,240.00	58,240.00	-	-	-	-	-	-	-	-	-	35.00	2,800.00	72,800.00
Building Official	60	1804	676	73.84	5,907.33	153,590.58	-	-	-	-	-	-	-	-	-	103.38	8,270.26	215,026.76
Building Permit Technician	50	5801	508	38.00	3,040.05	79,041.30	39.90	3,192.38	83,001.88	41.91	3,352.54	87,166.04	43.99	3,519.54	91,508.04	46.19	3,695.33	96,078.58
Building/NP Inspector	50	3801	507	50.37	4,029.41	104,764.66	52.89	4,230.92	110,003.92	55.53	4,442.42	115,502.92	58.31	4,664.57	121,278.82	61.22	4,897.77	127,342.02
Business Systems Analyst/Dev	80	2119	853	54.92	4,393.67	114,235.42	-	-	-	-	-	-	-	-	-	72.29	5,783.41	150,368.66
Buyer	80	2106	803	40.83	3,266.02	84,916.52	-	-	-	-	-	-	-	-	-	53.74	4,299.10	111,776.60
CIP Manager	60	2211	642	63.79	5,103.11	132,680.86	-	-	-	-	-	-	-	-	-	89.31	7,144.92	185,767.92
Case Manager	50	5612	544	34.05	2,723.90	70,821.40	-	-	-	-	-	-	-	-	-	42.49	3,399.37	88,383.62
Chief Fire Enforcement Officer	60	1505	656	68.25	5,459.80	141,954.80	-	-	-	-	-	-	-	-	-	95.55	7,643.72	198,736.72
Chief of Police	60	1402	650	106.99	8,559.59	222,549.34	-	-	-	-	-	-	-	-	-	149.79	11,983.45	311,569.70
City Attorney	60	1112	644	99.96	7,997.00	207,922.00	-	-	-	-	-	-	-	-	-	124.95	9,996.27	259,903.02
City Clerk	60	1101	605	63.83	5,106.48	132,768.48	-	-	-	-	-	-	-	-	-	89.37	7,149.88	185,896.88
City Manager	60	1102	697	160.75	12,860.28	334,367.28	-	-	-	-	-	-	-	-	-	160.75	12,860.28	334,367.28
Code Enforcement Officer	50	5804	515	44.04	3,523.20	91,603.20	46.24	3,699.41	96,184.66	48.56	3,885.17	101,014.42	50.99	4,079.42	106,064.92	53.54	4,283.25	111,364.50
Comm Svc Engmt & Incl Admin	60	1121	659	65.87	5,269.32	137,002.32	-	-	-	-	-	-	-	-	-	92.21	7,377.05	191,803.30
Communications Dispatch Superv	40	6409	456	55.09	4,406.81	114,577.06	57.84	4,627.15	120,305.90	60.73	4,858.52	126,321.52	63.77	5,101.45	132,637.70	66.96	5,356.53	139,269.78
Communications Dispatcher	40	6408	455	47.69	3,815.58	99,205.08	50.08	4,006.34	104,164.84	52.58	4,206.64	109,372.64	55.21	4,416.94	114,840.44	57.97	4,637.80	120,582.80
Community Service Officer	50	5807	551	42.14	3,370.92	87,643.92	44.24	3,539.47	92,026.22	46.46	3,716.45	96,627.70	48.78	3,902.26	101,458.76	51.22	4,097.40	106,532.40
Councilmember	60	1107	699	20.87	417.40	10,852.40	-	-	-	-	-	-	-	-	-	20.87	417.40	10,852.40
Crime Analyst	80	2105	809	49.32	3,945.49	102,582.74	-	-	-	-	-	-	-	-	-	64.92	5,193.48	135,030.48
Customer Services Supervisor	80	2127	847	47.82	3,825.84	99,471.84	-	-	-	-	-	-	-	-	-	62.95	5,035.65	130,926.90
Deputy City Attorney	60	1114	646	60.10	4,807.69	124,999.94	-	-	-	-	-	-	-	-	-	83.30	6,664.15	173,267.90
Deputy City Clerk	80	6102	835	46.96	3,756.97	97,681.22	-	-	-	-	-	-	-	-	-	57.08	4,566.61	118,731.86
Deputy City Manager	60	1119	672	94.59	7,567.46	196,753.96	-	-	-	-	-	-	-	-	-	132.38	10,590.05	275,341.30
Deputy Director of IT	60	1123	679	76.44	6,115.38	158,999.88	-	-	-	-	-	-	-	-	-	97.89	7,831.54	203,620.04
Deputy Fire Chief	60	1504	633	100.44	8,034.88	208,906.88	-	-	-	-	-	-	-	-	-	140.61	11,248.83	292,469.58
Deputy Public Works Director	60	1207	654	74.46	5,956.90	154,879.40	-	-	-	-	-	-	-	-	-	104.25	8,339.67	216,831.42
Digital Media Specialist	80	2121	840	42.48	3,398.78	88,368.28	-	-	-	-	-	-	-	-	-	55.92	4,473.83	116,319.58
Dir of Recr & Community Svcs	60	1208	655	82.21	6,576.74	170,995.24	-	-	-	-	-	-	-	-	-	115.32	9,225.38	239,859.88
Economic Development Coord	80	8623	852	51.82	4,145.85	107,792.10	-	-	-	-	-	-	-	-	-	64.26	5,140.80	133,660.80
Economic Development Director	60	1206	653	77.22	6,177.54	160,616.04	-	-	-	-	-	-	-	-	-	108.11	8,648.53	224,861.78
Economic Development Spec	80	8606	850	49.35	3,948.09	102,650.34	-	-	-	-	-	-	-	-	-	59.57	4,765.74	123,909.24
Electrical/Building Inspector	50	3802	511	52.89	4,230.91	110,003.66	55.53	4,442.42	115,502.92	58.31	4,664.56	121,278.56	61.22	4,897.77	127,342.02	64.28	5,142.67	133,709.42
Emergency Services Coordinator	80	2502	836	54.53	4,362.00	113,412.00	-	-	-	-	-	-	-	-	-	71.76	5,740.98	149,265.48
Employee Relations Officer	60	1209	677	63.98	5,118.53	133,081.78	-	-	-	-	-	-	-	-	-	89.57	7,165.93	186,314.18

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 01/01/2023

				Step A			Step B			Step C			Step D			Step E		
Classification	Union Code	Occ Code	Pay Grade	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual
Engineering Aide	50	3201	512	41.27	3,301.75	85,845.50	43.34	3,466.85	90,138.10	45.50	3,640.17	94,644.42	47.78	3,822.16	99,376.16	50.17	4,013.27	104,345.02
Engineering Director/City Eng	60	1201	606	83.95	6,715.81	174,611.06	-	-	-	-	-	-	-	-	-	117.53	9,402.14	244,455.64
Engineering Permit Technician	50	2210	540	37.15	2,972.15	77,275.90	39.01	3,120.77	81,140.02	40.96	3,276.79	85,196.54	43.01	3,440.59	89,455.34	45.16	3,612.64	93,928.64
Entry Firefighter/EMT - 40	10	4512	115	49.51	3,961.06	102,987.56	51.49	4,119.50	107,107.00	-	-	-	-	-	-	-	-	-
Entry Firefighter/EMT - 56	10	4510	112	35.37	3,961.06	102,987.56	36.78	4,119.50	107,107.00	-	-	-	-	-	-	-	-	-
Entry Firefighter/Paramedic-40	10	4513	116	55.45	4,436.38	115,345.88	57.67	4,613.86	119,960.36	-	-	-	-	-	-	-	-	-
Entry Firefighter/Paramedic-56	10	4511	113	39.61	4,436.38	115,345.88	41.20	4,613.86	119,960.36	-	-	-	-	-	-	-	-	-
Entry Level Fire Inspector	10	3508	114	43.17	3,453.45	89,789.70	45.33	3,626.13	94,279.38	47.59	3,807.45	98,993.70	49.97	3,997.82	103,943.32	51.99	4,159.51	108,147.26
Envir & Regulatory Comply Spec	80	8624	851	52.67	4,213.67	109,555.42	-	-	-	-	-	-	-	-	-	69.33	5,546.40	144,206.40
Environmental Inspector	50	2213	553	52.89	4,230.91	110,003.66	55.53	4,442.45	115,503.70	58.31	4,664.58	121,279.08	61.22	4,897.80	127,342.80	64.28	5,142.67	133,709.42
Equip Maint Worker I - 40	20	8612	227	39.04	3,123.39	81,208.14	40.97	3,277.99	85,227.74	43.03	3,442.18	89,496.68	45.19	3,614.99	93,989.74	47.44	3,795.50	98,683.00
Equip Maint Worker II - 40	20	8613	228	42.93	3,434.48	89,296.48	45.08	3,606.37	93,765.62	47.34	3,786.86	98,458.36	49.71	3,976.96	103,400.96	52.20	4,175.72	108,568.72
Equip Maint Worker III - 40	20	8614	229	48.37	3,869.43	100,605.18	50.79	4,063.38	105,647.88	53.34	4,266.95	110,940.70	56.00	4,480.11	116,482.86	58.81	4,704.78	122,324.28
Equipment Maint. Worker I	20	7202	200	38.80	2,910.05	75,661.30	40.74	3,055.56	79,444.56	42.78	3,208.37	83,417.62	44.92	3,368.78	87,588.28	47.16	3,537.21	91,967.46
Equipment Maint. Worker II	20	7203	201	42.68	3,201.07	83,227.82	44.82	3,361.13	87,389.38	47.06	3,529.18	91,758.68	49.41	3,705.62	96,346.12	51.88	3,890.93	101,164.18
Equipment Maint. Worker III	20	7204	202	48.09	3,606.74	93,775.24	50.49	3,787.01	98,462.26	53.02	3,976.39	103,386.14	55.67	4,175.21	108,555.46	58.45	4,383.99	113,983.74
Executive Assistant	80	6117	812	43.23	3,458.31	89,916.06	45.39	3,631.25	94,412.50	47.66	3,812.81	99,133.06	50.04	4,003.44	104,089.44	52.55	4,203.62	109,294.12
FF/Paramedic Trainee - 40	10	4504	107	53.32	4,265.75	110,909.50	53.32	4,265.75	110,909.50	53.32	4,265.75	110,909.50	53.32	4,265.75	110,909.50	53.32	4,265.75	110,909.50
FF/Paramedic Trainee - 56	10	4514	155	38.09	4,265.75	110,909.50	38.09	4,265.75	110,909.50	38.09	4,265.75	110,909.50	38.09	4,265.75	110,909.50	38.09	4,265.75	110,909.50
Finance Director	60	1103	627	84.31	6,744.97	175,369.22	-	-	-	-	-	-	-	-	-	118.03	9,442.21	245,497.46
Finance Manager	60	1116	647	59.50	4,760.30	123,767.80	-	-	-	-	-	-	-	-	-	83.31	6,664.46	173,275.96
Financial Analyst I	80	2125	844	38.47	3,077.45	80,013.70	-	-	-	-	-	-	-	-	-	50.64	4,050.83	105,321.58
Financial Analyst II	80	2126	845	42.48	3,398.78	88,368.28	-	-	-	-	-	-	-	-	-	55.92	4,473.83	116,319.58
Fire Battalion Chief	10	2508	153	53.49	5,991.05	155,767.30	-	-	-	-	-	-	-	-	-	74.89	8,387.47	218,074.22
Fire Battalion Chief - 40	10	2509	154	74.89	5,991.05	155,767.30	-	-	-	-	-	-	-	-	-	104.84	8,387.47	218,074.22
Fire Captain	10	2504	100	46.81	5,243.20	136,323.20	49.10	5,498.81	142,969.06	51.49	5,767.20	149,947.20	54.01	6,048.98	157,273.48	56.65	6,344.88	164,966.88
Fire Captain - 40	10	2507	108	65.54	5,243.20	136,323.20	68.74	5,498.81	142,969.06	72.09	5,767.20	149,947.20	75.61	6,048.98	157,273.48	79.31	6,344.88	164,966.88
Fire Chief	60	1502	630	110.73	8,858.55	230,322.30	-	-	-	-	-	-	-	-	-	155.03	12,402.00	322,452.00
Fire Engineer/EMT	10	4501	102	41.28	4,623.46	120,209.96	43.29	4,848.08	126,050.08	45.39	5,083.90	132,181.40	47.60	5,331.52	138,619.52	49.92	5,591.52	145,379.52
Fire Engineer/EMT - 40	10	4515	156	57.79	4,623.46	120,209.96	60.60	4,848.08	126,050.08	63.55	5,083.90	132,181.40	66.64	5,331.52	138,619.52	69.89	5,591.52	145,379.52
Fire Engineer/Paramedic	10	4505	151	46.09	5,162.47	134,224.22	48.34	5,414.08	140,766.08	50.70	5,678.20	147,633.20	53.17	5,955.49	154,842.74	55.77	6,246.71	162,414.46
Fire Prevention Inspector	10	3501	106	66.18	5,294.34	137,652.84	69.41	5,552.50	144,365.00	72.79	5,823.56	151,412.56	76.35	6,108.16	158,812.16	80.09	6,407.00	166,582.00
Fire Protection Engineer	10	3507	110	66.18	5,294.34	137,652.84	69.41	5,552.50	144,365.00	72.79	5,823.56	151,412.56	76.35	6,108.16	158,812.16	80.09	6,407.00	166,582.00
Firefighter/EMT	10	4502	103	38.58	4,321.12	112,349.12	40.45	4,530.54	117,794.04	42.42	4,750.51	123,513.26	44.48	4,981.49	129,518.74	46.64	5,223.91	135,821.66
Firefighter/EMT Trainee - 40	10	4509	109	47.61	3,808.72	99,026.72	47.61	3,808.72	99,026.72	47.61	3,808.72	99,026.72	47.61	3,808.72	99,026.72	47.61	3,808.72	99,026.72
Firefighter/Paramedic	10	4503	104	43.07	4,823.87	125,420.62	45.16	5,058.38	131,517.88	47.36	5,304.77	137,924.02	49.67	5,563.39	144,648.14	52.10	5,835.01	151,710.26
Fitness Instructor	70	5620	713	35.00	2,800.00	72,800.00	-	-	-	-	-	-	-	-	-	75.00	6,000.00	156,000.00
Fleet Maint Worker I -40	20	8615	230	37.27	2,981.63	77,522.38	39.14	3,131.07	81,407.82	41.09	3,287.37	85,471.62	43.14	3,451.54	89,740.04	45.31	3,624.57	94,238.82
Fleet Maint Worker II - 40	20	8616	231	40.99	3,279.51	85,267.26	43.05	3,443.67	89,535.42	45.20	3,615.70	94,008.20	47.46	3,796.60	98,711.60	49.83	3,986.34	103,644.84
Fleet Maint Worker III -40	20	8617	232	47.15	3,772.01	98,072.26	49.51	3,960.78	102,980.28	51.98	4,158.37	108,117.62	54.57	4,365.78	113,510.28	57.31	4,585.00	119,210.00
Fleet Maintenance Worker I	20	7207	213	37.27	2,795.30	72,677.80	39.13	2,935.03	76,310.78	41.09	3,081.81	80,127.06	43.14	3,235.84	84,131.84	45.30	3,397.65	88,338.90
Fleet Maintenance Worker II	20	7208	214	41.00	3,074.84	79,945.84	43.05	3,228.54	83,942.04	45.20	3,390.00	88,140.00	47.46	3,559.51	92,547.26	49.83	3,737.41	97,172.66
Fleet Maintenance Worker III	20	7209	215	47.15	3,536.02	91,936.52	49.50	3,712.81	96,533.06	51.98	3,898.42	101,358.92	54.58	4,093.33	106,426.58	57.31	4,298.07	111,749.82
GIS Technician	50	2212	552	51.90	4,151.81	107,947.06	54.49	4,359.39	113,344.14	57.22	4,577.38	119,011.88	60.08	4,806.23	124,961.98	63.08	5,046.61	131,211.86
Hazardous Materials Inspector	10	3502	105	66.18	5,294.34	137,652.84	69.41	5,552.50	144,365.00	72.79	5,823.56	151,412.56	76.35	6,108.16	158,812.16	80.09	6,407.00	166,582.00
Housing Authority Adminr	60	1120	673	62.12	4,969.45	129,205.70	-	-	-	-	-	-	-	-	-	86.96	6,957.19	180,886.94
Human Resources Analyst I	80	2124	843	41.20	3,295.90	85,693.40	-	-	-	-	-	-	-	-	-	54.24	4,338.84	112,809.84
Human Resources Analyst II	80	2123	842	45.50	3,639.93	94,638.18	-	-	-	-	-	-	-	-	-	59.89	4,790.99	124,565.74
Human Resources Assistant	80	2108	846	29.35	2,347.82	61,043.32	30.81	2,465.13	64,093.38	32.35	2,588.38	67,297.88	33.97	2,717.81	70,663.06	35.67	2,853.69	74,195.94
Human Resources Director	60	1105	613	83.84	6,707.02	174,382.52	-	-	-	-	-	-	-	-	-	117.37	9,389.86	244,136.36
Human Resources Technician	80	2107	816	35.60	2,847.61	74,037.86	37.38	2,990.61	77,755.86	39.24	3,139.47	81,626.22	41.21	3,297.06	85,723.56	43.27	3,461.48	89,998.48
I T Director	60	2113	624	82.73	6,618.79	172,088.54	-	-	-	-	-	-	-	-	-	115.83	9,266.29	240,923.54
I T Manager	80	2116	819	62.02	4,961.81	129,007.06	-	-	-	-	-	-	-	-	-	81.64	6,531.56	169,820.56
I T Technician	50	3101	542	41.29	3,303.34	85,886.84	43.36	3,468.49	90,180.74	45.52	3,641.87	94,688.62	47.80	3,823.97	99,423.22	50.19	4,015.19	104,394.94
Information Services Analyst	80	2118	831	52.17	4,173.96	108,522.96	-	-	-	-	-	-	-	-	-	68.68	5,494.16	142,848.16
Junior Engineer	50	2203	519	47.18	3,774.35	98,133.10	49.54	3,963.08	103,040.08	52.02	4,161.23	108,191.98	54.62	4,369.29	113,601.54	57.35	4,587.76	119,281.76
Junior Planner	50	2804	520	42.72	3,417.27	88,849.02	44.85	3,588.15	93,291.90	47.09	3,767.54	97,956.04	49.45	3,955.97	102,855.22	51.92	4,153.72	107,996.72
Legal Assistant	60	1124	689	39.30	3,144.37	81,753.62	41.27	3,301.59	85,841.34	43.33	3,466.69	90,133.94	45.50	3,640.00	94,640.00	47.77	3,821.99	99,371.74
Lifeguard	70	5610	710	16.40	1,312.00	34,112.00	-	-	-	-	-	-	-	-	-	21.56	1,724.80	44,844.80

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 01/01/2023

				Step A			Step B			Step C			Step D			Step E		
Classification	Union Code	Occ Code	Pay Grade	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual
Maint Worker III - 40	20	8619	234	40.15	3,211.67	83,503.42	42.16	3,372.50	87,685.00	44.26	3,541.02	92,066.52	46.48	3,718.22	96,673.72	48.80	3,904.09	101,506.34
Maintenance Assistant	20	8625	238	24.48	1,958.40	50,918.40	25.64	2,051.20	53,331.20	26.84	2,147.20	55,827.20	28.11	2,248.80	58,468.80	29.43	2,354.40	61,214.40
Maintenance Custodian I	20	8101	203	28.60	2,144.74	55,763.24	30.03	2,251.98	58,551.48	31.53	2,364.60	61,479.60	33.10	2,482.83	64,553.58	34.76	2,606.97	67,781.22
Maintenance Custodian I - 40	20	8107	222	28.60	2,287.74	59,481.24	30.03	2,402.10	62,454.60	31.53	2,522.22	65,577.72	33.10	2,648.35	68,857.10	34.76	2,780.74	72,299.24
Maintenance Custodian II	20	8102	204	31.46	2,359.27	61,341.02	33.03	2,477.20	64,407.20	34.68	2,601.08	67,628.08	36.41	2,731.06	71,007.56	38.24	2,867.65	74,558.90
Maintenance Custodian II - 40	20	8108	223	31.46	2,516.55	65,430.30	33.03	2,642.32	68,700.32	34.68	2,774.47	72,136.22	36.41	2,913.14	75,741.64	38.24	3,058.86	79,530.36
Maintenance Custodian III	20	8103	205	36.17	2,713.10	70,540.60	37.98	2,848.74	74,067.24	39.88	2,991.18	77,770.68	41.88	3,140.75	81,659.50	43.97	3,297.83	85,743.58
Maintenance Custodian III - 40	20	8618	233	36.18	2,894.16	75,248.16	37.98	3,038.65	79,004.90	39.89	3,191.03	82,966.78	41.88	3,350.28	87,107.28	43.97	3,517.40	91,452.40
Maintenance Worker I	20	8202	206	31.46	2,359.27	61,341.02	33.03	2,477.20	64,407.20	34.68	2,601.08	67,628.08	36.41	2,731.12	71,009.12	38.24	2,867.65	74,558.90
Maintenance Worker I-40	20	8203	207	31.74	2,539.49	66,026.74	33.32	2,665.64	69,306.64	34.99	2,799.51	72,787.26	36.74	2,939.14	76,417.64	38.58	3,086.49	80,248.74
Maintenance Worker II	20	8204	208	34.60	2,595.16	67,474.16	36.33	2,724.90	70,847.40	38.15	2,861.12	74,389.12	40.06	3,004.20	78,109.20	42.06	3,154.42	82,014.92
Maintenance Worker II-40	20	8205	209	34.91	2,792.76	72,611.76	36.66	2,932.40	76,242.40	38.50	3,079.75	80,073.50	40.41	3,232.86	84,054.36	42.43	3,394.64	88,260.64
Maintenance Worker III	20	8206	210	39.79	2,984.39	77,594.14	41.78	3,133.62	81,474.12	43.87	3,290.31	85,548.06	46.06	3,454.83	89,825.58	48.37	3,627.59	94,317.34
Maintenance Worker/Seasonal	70	8207	760	19.88	1,590.40	41,350.40	-	-	-	-	-	-	-	-	-	24.85	1,988.00	51,688.00
Management Analyst	80	2128	854	54.62	4,369.68	113,611.68	-	-	-	-	-	-	-	-	-	76.49	6,118.89	159,091.14
Marketing Coordinator	50	5614	548	40.10	3,207.70	83,400.20	42.10	3,368.08	87,570.08	44.21	3,536.47	91,948.22	46.42	3,713.30	96,545.80	48.74	3,898.97	101,373.22
Mayor	60	1118	696	26.09	521.88	13,568.88	-	-	-	-	-	-	-	-	-	26.09	521.88	13,568.88
Office Assistant I	50	6108	516	27.13	2,170.11	56,422.86	28.48	2,278.60	59,243.60	29.91	2,392.55	62,206.30	31.40	2,512.13	65,315.38	32.97	2,637.75	68,581.50
Office Assistant II	50	6109	517	29.84	2,387.01	62,062.26	31.33	2,506.32	65,164.32	32.90	2,631.71	68,424.46	34.54	2,763.29	71,845.54	36.27	2,901.39	75,436.14
Office Specialist	50	6110	518	34.31	2,745.05	71,371.30	36.03	2,882.34	74,940.84	37.83	3,026.49	78,688.74	39.72	3,177.85	82,624.10	41.71	3,336.66	86,753.16
Patrol Officer	40	4401	404	50.99	4,079.50	106,067.00	53.54	4,283.47	111,370.22	56.22	4,497.62	116,938.12	59.03	4,722.51	122,785.26	61.98	4,958.60	128,923.60
Patrol Officer Trainee	40	4402	458	49.90	3,991.89	103,789.14	52.39	4,191.41	108,976.66	55.01	4,401.03	114,426.78	57.76	4,621.05	120,147.30	60.65	4,852.06	126,153.56
Payroll Specialist	50	5102	546	36.65	2,931.78	76,226.28	38.48	3,078.37	80,037.62	40.40	3,232.28	84,039.28	42.42	3,393.91	88,241.66	44.54	3,563.55	92,652.30
Plan Check Engineer	50	3807	521	61.08	4,886.04	127,037.04	64.12	5,129.83	133,375.58	67.33	5,386.67	140,053.42	70.69	5,655.57	147,044.82	74.28	5,942.06	154,493.56
Plan Checker	50	3803	522	52.08	4,166.40	108,326.40	54.68	4,374.67	113,741.42	57.42	4,593.78	119,438.28	60.28	4,822.79	125,392.54	63.31	5,064.61	131,679.86
Plan Review Manager	60	1210	678	65.18	5,214.64	135,580.64	-	-	-	-	-	-	-	-	-	84.78	6,782.12	176,335.12
Planning Commissioners	70	1108	698	1.00	20.00	520.00	-	-	-	-	-	-	-	-	-	1.00	20.00	520.00
Planning Director	60	1803	607	83.95	6,715.81	174,611.06	-	-	-	-	-	-	-	-	-	117.53	9,402.14	244,455.64
Planning Manager	60	2803	602	63.98	5,118.53	133,081.78	-	-	-	-	-	-	-	-	-	89.57	7,165.93	186,314.18
Planning Technician	50	2813	554	38.00	3,040.05	79,041.30	39.90	3,192.38	83,001.88	41.91	3,352.54	87,166.04	43.99	3,519.54	91,508.04	46.19	3,695.33	96,078.58
Police Assistant	40	6401	450	48.46	3,876.41	100,786.66	50.88	4,070.19	105,824.94	53.42	4,273.69	111,115.94	56.09	4,487.40	116,672.40	58.90	4,711.78	122,506.28
Police Captain	60	1401	651	97.05	7,763.75	201,857.50	-	-	-	-	-	-	-	-	-	135.87	10,869.20	282,599.20
Police Clerk I	40	6402	451	34.73	2,778.57	72,242.82	36.47	2,917.51	75,855.26	38.29	3,063.37	79,647.62	40.21	3,216.55	83,630.30	42.22	3,377.31	87,810.06
Police Clerk II	40	6403	452	38.20	3,056.36	79,465.36	40.12	3,209.26	83,440.76	42.12	3,369.71	87,612.46	44.23	3,538.22	91,993.72	46.44	3,715.05	96,591.30
Police Clerk Supervisor	40	6404	454	44.13	3,530.17	91,784.42	46.33	3,706.71	96,374.46	48.65	3,892.00	101,192.00	51.08	4,086.62	106,252.12	53.64	4,290.94	111,564.44
Police Evidence Technician	40	8607	459	40.52	3,241.35	84,275.10	42.54	3,403.39	88,488.14	44.67	3,573.58	92,913.08	46.90	3,752.28	97,559.28	49.25	3,939.88	102,436.88
Police Lieutenant	40	2402	400	78.22	6,257.36	162,691.36	82.13	6,570.23	170,825.98	86.23	6,898.77	179,368.02	90.55	7,243.73	188,336.98	95.07	7,605.89	197,753.14
Police Officer	40	4403	403	55.76	4,460.97	115,985.22	58.55	4,684.09	121,786.34	61.48	4,918.27	127,875.02	64.55	5,164.14	134,267.64	67.78	5,422.41	140,982.66
Police Officer Trainee	40	4404	457	54.56	4,365.16	113,494.16	57.29	4,583.47	119,170.22	60.16	4,812.68	125,129.68	63.17	5,053.28	131,385.28	66.32	5,305.94	137,954.44
Police Sergeant	40	4405	401	67.36	5,388.98	140,113.48	70.73	5,658.44	147,119.44	74.27	5,941.35	154,475.10	77.98	6,238.50	162,201.00	81.88	6,550.42	170,310.92
Police Support Services Mgr	60	1404	657	62.05	4,964.09	129,066.34	-	-	-	-	-	-	-	-	-	86.88	6,950.04	180,701.04
Pool Manager	70	5608	708	18.74	1,499.20	38,979.20	-	-	-	-	-	-	-	-	-	26.23	2,098.40	54,558.40
Principal Civil Engineer	80	2204	822	65.18	5,214.64	135,580.64	-	-	-	-	-	-	-	-	-	84.78	6,782.12	176,335.12
Principal Planner	80	2811	823	67.21	5,376.42	139,786.92	-	-	-	-	-	-	-	-	-	81.40	6,511.68	169,303.68
Program Coordinator	50	5606	523	37.39	2,991.45	77,777.70	-	-	-	-	-	-	-	-	-	49.22	3,937.64	102,378.64
Public Information Officer	60	1122	674	61.58	4,926.60	128,091.60	-	-	-	-	-	-	-	-	-	86.22	6,897.25	179,328.50
Public Services Assistant I	50	6601	524	31.19	2,495.54	64,884.04	32.75	2,620.34	68,128.84	34.39	2,751.38	71,535.88	36.11	2,888.94	75,112.44	37.92	3,033.37	78,867.62
Public Services Assistant II	50	6602	525	34.31	2,745.08	71,372.08	36.03	2,882.37	74,941.62	37.83	3,026.48	78,688.48	39.72	3,177.86	82,624.36	41.71	3,336.66	86,753.16
Public Works Director	60	1204	635	86.32	6,905.59	179,545.34	-	-	-	-	-	-	-	-	-	120.85	9,667.85	251,364.10
Public Works Inspector	50	3202	526	50.37	4,029.41	104,764.66	52.89	4,230.92	110,003.92	55.53	4,442.42	115,502.92	58.31	4,664.57	121,278.82	61.22	4,897.77	127,342.02
Public Works Manager	60	1117	648	57.45	4,596.17	119,500.42	-	-	-	-	-	-	-	-	-	80.43	6,434.63	167,300.38
Purchasing Agent	80	1106	826	53.81	4,304.96	111,928.96	-	-	-	-	-	-	-	-	-	69.40	5,552.20	144,357.20
Recreation Administrative Asst	70	5619	712	16.40	1,312.00	34,112.00	-	-	-	-	-	-	-	-	-	21.56	1,724.80	44,844.80
Recreation Attendant	70	5618	711	16.40	1,312.00	34,112.00	-	-	-	-	-	-	-	-	-	21.56	1,724.80	44,844.80
Recreation Instructors	70	5607	707	18.82	1,505.60	39,145.60	-	-	-	-	-	-	-	-	-	37.64	3,011.20	78,291.20
Recreation Leader	70	5617	706	16.40	1,312.00	34,112.00	-	-	-	-	-	-	-	-	-	21.56	1,724.80	44,844.80
Recreation Services Supervisor	80	2601	827	51.40	4,112.34	106,920.84	-	-	-	-	-	-	-	-	-	67.65	5,412.39	140,722.14
Recreation Svcs Assistant I	50	8601	527	17.63	1,410.59	36,675.34	18.51	1,481.10	38,508.60	19.44	1,555.20	40,435.20	20.41	1,632.92	42,455.92	21.43	1,714.61	44,579.86
Recreation Svcs Assistant II	50	8602	528	20.94	1,674.82	43,545.32	21.98	1,758.74	45,727.24	23.08	1,846.63	48,012.38	24.24	1,939.01	50,414.26	25.45	2,035.91	52,933.66

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 01/01/2023

				Step A			Step B			Step C			Step D			Step E		
Classification	Union Code	Occ Code	Pay Grade	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual
Recreation Svcs Assistant III	50	8603	529	24.06	1,925.17	50,054.42	25.27	2,021.38	52,555.88	26.53	2,122.46	55,183.96	27.86	2,228.57	57,942.82	29.25	2,340.04	60,841.04
Recreation Svcs Assistant IV	50	8604	530	28.23	2,258.74	58,727.24	29.65	2,371.66	61,663.16	31.13	2,490.24	64,746.24	32.68	2,614.77	67,984.02	34.32	2,745.49	71,382.74
Retired Annuitant - Extra Help	70	5107	747	50.00	4,000.00	104,000.00	-	-	-	-	-	-	-	-	-	125.00	10,000.00	260,000.00
Retired Annuitant - Interim	70	5108	748	50.00	4,000.00	104,000.00	-	-	-	-	-	-	-	-	-	125.00	10,000.00	260,000.00
Risk Analyst	80	2130	857	42.48	3,398.78	88,368.28	-	-	-	-	-	-	-	-	-	55.92	4,473.83	116,319.58
Senior Accountant	80	2110	829	47.82	3,825.84	99,471.84	-	-	-	-	-	-	-	-	-	62.95	5,035.65	130,926.90
Senior Accounting Technician	50	6106	539	37.74	3,019.59	78,509.34	39.63	3,170.60	82,435.60	41.61	3,329.12	86,557.12	43.70	3,495.61	90,885.86	45.88	3,670.35	95,429.10
Senior Administrative Analyst	80	2112	834	52.82	4,225.77	109,870.02	-	-	-	-	-	-	-	-	-	69.53	5,562.61	144,627.86
Senior Building Inspector	50	3804	531	58.17	4,653.94	121,002.44	61.08	4,886.70	127,054.20	64.14	5,131.00	133,406.00	67.34	5,387.52	140,075.52	70.71	5,656.91	147,079.66
Senior Buyer	80	2129	856	50.76	4,060.88	105,582.88	-	-	-	-	-	-	-	-	-	61.80	4,943.98	128,543.48
Senior Executive Assistant	80	6123	855	45.50	3,639.93	94,638.18	-	-	-	-	-	-	-	-	-	59.89	4,790.99	124,565.74
Senior HR Analyst	80	2122	841	49.32	3,945.52	102,583.52	-	-	-	-	-	-	-	-	-	64.92	5,193.48	135,030.48
Senior Plan Check Engineer	50	3806	534	67.18	5,374.63	139,740.38	70.54	5,643.52	146,731.52	74.07	5,925.44	154,061.44	77.77	6,221.41	161,756.66	81.66	6,532.41	169,842.66
Senior Planner	80	2805	830	61.61	4,928.77	128,148.02	-	-	-	-	-	-	-	-	-	74.89	5,991.12	155,769.12
Senior Public Works Inspector	50	3203	535	58.17	4,653.97	121,003.22	61.08	4,886.70	127,054.20	64.14	5,131.01	133,406.26	67.34	5,387.52	140,075.52	70.71	5,656.91	147,079.66
Senior Public Works Lead	20	8609	225	53.22	4,257.61	110,697.86	55.88	4,470.49	116,232.74	58.68	4,694.02	122,044.52	61.61	4,928.70	128,146.20	64.69	5,175.28	134,557.28
Special Project Associate	70	8605	750	20.00	1,600.00	41,600.00	-	-	-	-	-	-	-	-	-	50.00	4,000.00	104,000.00
Sr Code Enforcement Officer	50	5806	545	51.68	4,134.64	107,500.64	54.26	4,340.56	112,854.56	56.98	4,558.18	118,512.68	59.83	4,786.42	124,446.92	62.82	5,025.25	130,656.50
Sr. Public Services Assistant	50	5615	549	38.27	3,061.96	79,610.96	40.19	3,215.06	83,591.56	42.20	3,375.81	87,771.06	44.31	3,544.60	92,159.60	46.52	3,721.83	96,767.58
Sr. Special Projects Associate	70	5106	749	50.00	4,000.00	104,000.00	-	-	-	-	-	-	-	-	-	125.00	10,000.00	260,000.00
Staff Assistant	70	5104	745	16.40	1,312.00	34,112.00	-	-	-	-	-	-	-	-	-	24.64	1,971.20	51,251.20
Student Intern	70	5103	740	16.40	1,312.00	34,112.00	-	-	-	-	-	-	-	-	-	24.64	1,971.20	51,251.20
Transporation & Traffic Mgr	60	1202	675	61.58	4,926.60	128,091.60	-	-	-	-	-	-	-	-	-	86.22	6,897.25	179,328.50
Water Meter Technician I	20	8104	216	31.46	2,359.17	61,338.42	33.03	2,477.20	64,407.20	34.68	2,601.07	67,627.82	36.41	2,731.06	71,007.56	38.24	2,867.64	74,558.64
Water Meter Technician I -40	20	8620	235	31.46	2,516.64	65,432.64	33.03	2,642.48	68,704.48	34.68	2,774.21	72,129.46	36.41	2,912.82	75,733.32	38.24	3,059.31	79,542.06
Water Meter Technician II	20	8105	217	34.60	2,595.16	67,474.16	36.33	2,724.88	70,846.88	38.15	2,861.11	74,388.86	40.06	3,004.18	78,108.68	42.06	3,154.42	82,014.92
Water Meter Technician II -40	20	8621	236	34.60	2,768.30	71,975.80	36.34	2,906.93	75,580.18	38.14	3,051.44	79,337.44	40.06	3,204.80	83,324.80	42.06	3,365.04	87,491.04
Water Systems Operator	20	7211	219	48.09	3,606.73	93,774.98	50.49	3,786.68	98,453.68	53.02	3,976.38	103,385.88	55.67	4,175.21	108,555.46	58.45	4,383.99	113,983.74
Water Systems Operator - 40	20	8622	237	48.37	3,869.43	100,605.23	50.79	4,063.38	105,647.90	53.33	4,266.95	110,940.70	56.00	4,480.11	116,482.82	58.81	4,704.78	122,324.35

Union Code	Union Description
10	IAFF - International Association of Firefighters
20	MEA - Milpitas Employee Association
40	MPOA - Milpitas Police Officers Association
50	Pro-Tech - Milpitas Professional and Technical Group
60	Unrep - Unrepresented
70	Temps - Temporary
80	Mid-Con - UPEC Mid-Mgmt-Confidential Unit

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING RESOLUTION NO. 1626, THE CLASSIFICATION PLAN, TO ADJUST SALARY RANGES AND APPROVE AND ADOPT THE PAY SCHEDULE TITLED "ALL JOB CLASSIFICATIONS/SALARY TABLE," AND APPROVE THE RETITLE OF ONE CLASSIFICATION

WHEREAS, the City of Milpitas has a Classification Plan adopted as Resolution No. 1626 on December 17, 1968, which has been amended from time to time, and which is in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792 as amended); and

WHEREAS, amendments to the Classification Plan are necessary to account for changes within the organization, transfer of duties, new job responsibilities, and adjustments to salary ranges;

WHEREAS, the annual mid-year budget process necessitates changes in position authorizations that result from modifications made to the Classification Plan.
and

WHEREAS, the City is required to publish publicly available approved and adopted pay schedule(s) for all positions within the Classification Plan pursuant to the California Code of Regulations, 2 CCR §570.5.

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. Resolution No. 1626, as amended, is hereby further amended as set forth below.

A. ADJUST THE SALARY RANGES FOR THE FOLLOWING CLASSIFICATIONS EFFECTIVE May 22, 2022:

Title	Existing Hourly Range	Proposed Hourly Range
Assistant Water Operator -40	$41.43 - $50.37	$41.68 - $50.68
Water Systems Operator - 40	$46.69 - $56.75	$46.96 – $57.10

B. ADJUST THE SALARY RANGES FOR THE FOLLOWING CLASSIFICATIONS EFFECTIVE July 3, 2022:

Title	Existing Hourly Range	Proposed Hourly Range
Assistant Water Operator -40	$41.68 - $50.68	$42.93 - $52.20
Water Systems Operator - 40	$46.96 – $57.10	$48.37 - $58.81

C. APPROVE AND ADOPT THE PAY SCHEDULE "ALL JOB CLASSIFICATIONS/SALARY TABLE EFFECTIVE January 1, 2023":

A pay schedule, that includes but is not limited to Classification (Position), Title, Payrate; Hourly, Bi-Weekly, Monthly and Annual Wage, is attached hereto as **Exhibit A** ("The City of Milpitas All Job Classifications/Salary Table effective 01-01-2023").

D. **ESTABLISH THE FOLLOWING CLASSIFICATION TITLE CHANGES:**

Retitle Video Media Specialist to Digital Media Specialist

3. The City Council directs the Human Resources Director to amend the job description titles for the above classifications to include in the Classification Plan and Classification and Salary table and submit them to the City Manager for approval on or before the date of position activation.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Suzanne Guzzetta, City Clerk

APPROVED:

_____
Carmen Montano, Mayor

APPROVED AS TO FORM:

_____
Michael Mutalipassi, City Attorney

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Receive Report on the American Rescue Plan Act (ARPA) Investment Plan and Provide Direction on Changes, if Any (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Lauren Lai, Director of Finance, 408-586-3111)**
Category:	Leadership and Support Services
Meeting Date:	2/21/2023
	Recommendation: Receive Report on the American Rescue Plan Act (ARPA) Investment Plan and Provide Direction on Changes, if Any

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, which was received in June 2021 and 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.

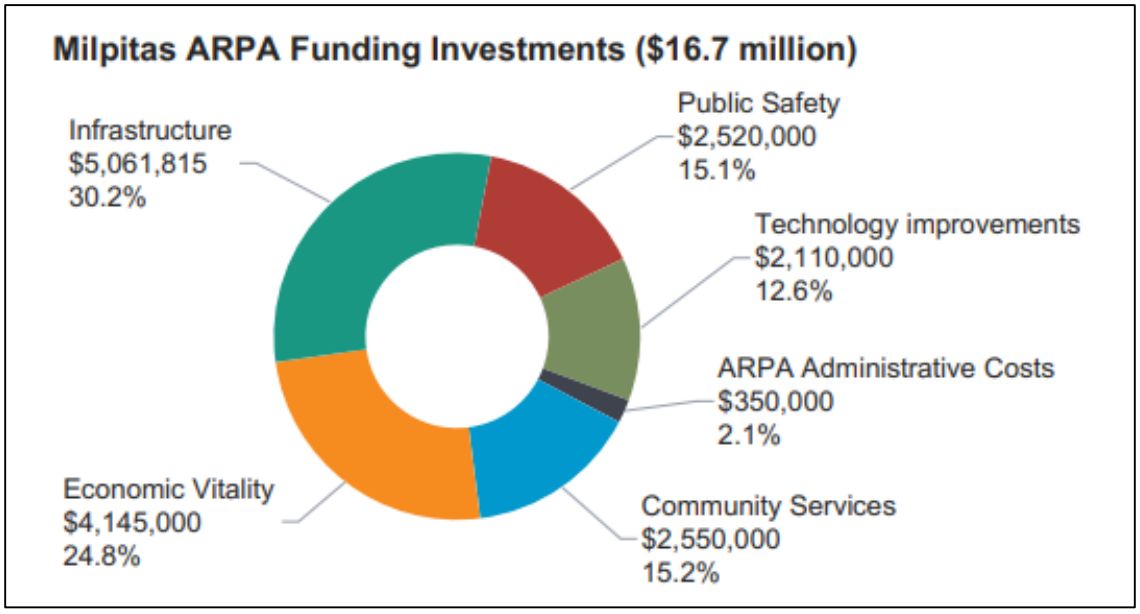
On June 21 (link to the agenda report), Council approved the ARPA Investment Framework including the Fiscal Guidelines and Five Investment Areas. Fiscal Guidelines include the following:

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 would allow the funding to go to residents and businesses significantly impacted by the pandemic, in an efficient and expeditious manner. Moreover, Council allocated funding into Five Investment areas of **Community Services, Economic Vitality, Infrastructure, Public Safety,** and **Technology.**

On January 11, 2022 (link to the agenda report), Council approved program funding re-allocations to enhance service delivery and/or streamline implementation, especially procurement.

On March 15, 2022 (link to the agenda report), Council provided feedback and direction as a part of the Fiscal Year 2022-23 budget development, and also established the ARPA funding process to align with the annual budget development, which maximizes efficacy of budget management and service delivery. Current funding authorized by Council are allocated into five Investment areas of **Community Services, Economic Vitality, Infrastructure, Public Safety,** and **Technology** as shown below.



Analysis:

In accordance with the March 2022 Council approved process for ARPA updates and any allocation changes, staff is bringing forward an update on the ARPA Investment Plan. This is also an opportunity for Council to provide direction on desired changes, if any, based on Council priorities and funding needs.

As part of the budget development process, Staff strategically evaluates priorities and funding options. In this process, Staff is exploring the option of ARPA funding for various City services that may align with the Council's Five ARPA Investment Areas. Council may want to consider these priority items for ARPA funding and provide direction to staff on modifications, if any, to the ARPA Investment Plan. Since there may not be sufficient funding to re-allocate from other ARPA programs, staff is also seeking Council input on whether other funding sources should be evaluated for funding the items discussed below so as to inform the Fiscal Year 2023-2024 budget development.

Total ARPA funding of $16.7 million was distributed to the City of which $5 million has been expended on various Council authorized programs as summarized below and in Attachment #1.

No.	Program	Approved Appropriation	Year to Date Expenditure	Balance
1	Rent and Mortgage Relief	$1,100,000	$652,949	$447,051
2	Social Services	$500,000	$178,126	$321,874
3	Financial Assistance to Low and Moderate Income Residents for Utility Payments and Childcare Costs	$575,000	$75,854	$499,146
4a	Beautify Milpitas Program	$100,000	$18,433	$81,567
4b	Weed Abatement	$90,000	$70,739	$19,261
5	Pilot Curbside Trash Pickup Program	$85,000	0	$85,000
6	Homeless Outreach and Assessment	$100,000	0	$100,000
	Community Services Subtotal	**$2,550,000**	**$996,102**	**$1,553,898**
7	Small Business Assistance Grant Program	$1,570,000	$1,565,100	$4,900
8	Hotel Assistance Grant Program	$130,000	$130,000	$0
9	Accessory Dwelling Unit Program	$990,000	$292,293	$697,707
10	Storefront Improvement Grant Program	$365,000	0	$365,000
11	Community Events	$125,000	$104,747	$20,253
12	Financial Assistance to the Chamber of Commerce	$200,000	0	$200,000
13	Workforce Development Program	$300,000	$75,312	$224,688
15	Limited Term Economic Development Specialist Position	$330,000	$182,653	$147,347
16	Business Improvement District	$75,000	0	$75,000
17	Sustainable Neighborhood Program	$60,000	0	$60,000
	Economic Vitality Subtotal	**$4,145,000**	**$2,350,106**	**$1,794,894**
18	Park Rehabilitation	$4,386,815	$5,090	$4,381,725
19	Public Safety Facilities' Rehabilitation	$250,000	$0	$250,000
20	Mobile Emergency Operations Center (MEOC)	$425,000	0	$425,000
	Infrastructure Subtotal	**$5,061,815**	**$5,090**	**$5,056,725**
21	Public Safety Staffing	$1,200,000	$722,521	$477,479
22	Fire Pumper Truck	$920,000	$455,580	$464,420
23	Emergency Management Program Assessment Study	$200,000	$39,400	$160,600
24	Catalytic Converter Public Safety Initiative	$200,000	$31,162	$168,838
	Public Safety Subtotal	**$2,520,000**	**$1,248,664**	**$1,271,336**
25	Human Resources Information System	$1,100,000	**0**	$1,100,000
26	Financial Management System	$100,000	**0**	$100,000
27	Cybersecurity Programs and Training	$300,000	$6,428	$293,572
28	Technology Infrastructure	$610,000	$277,563	$332,437
	Technology Subtotal	**$2,110,000**	**$283,991**	**$1,826,009**
29	ARPA Funds Administration	$350,000	$82,876	$267,124
	Administration Subtotal	**$350,000**	**$82,876**	**$267,124**
	Grand Total	**$16,736,815**	**$4,966,828**	**$11,769,987**

Potential Funding Changes to Existing ARPA Programs

Community Services

Social Services
ARPA funding of $500,000 was appropriated to provide a variety of social services such as mental health services and services to the LGBTQIA+ plus community and at-risk youth as well as victims of domestic violence and abuse. The City partners with non-profits that are already serving in these areas. There is a $30,000 balance of the $90,000 in ARPA-funded Nonprofit Grant monies earmarked for the LGBTQIA+ community, yet to be awarded.

Recommendation for Council consideration: Utilize the unawarded $30,000 from the program to fund general mental health programs for family-friendly mental health programs, that would offer people of all ages and identities creative ways to process their post-pandemic anxiety and depression.

Parks
On December 6, 2022, the Mayor and City Council approved the award of an $872,059 construction contract to G&G Builders for renovations to up to 11 parks, along with authority to negotiate and execute change orders not to exceed $468,514, utilizing ARPA funding. The seven parks included in the base scope of work are Sunnyhills Augustine Memorial, Cerano, John McDermott, O'Toole Elms, Pinewood, Selwyn and Tom Evatt. Parks included as add-alternates were Parc Metro Central, Parc Metro East, Parc Metro West and Sinnott.

After finalizing discussions with the contractor, staff has determined that there is approximately $244,000 available to work on projects in addition to the base bid. Staff is recommending that this $244,000 be used to fully fund the improvements at two of the four add-alternate parks - Parc Metro Central and Parc Metro East. Quotes for these two sites total $146,963: $94,386 for Parc Metro Central and $52,577 for Parc Metro East. The full improvements at the other two add-alternate parks – Parc Metro West and Sinnott – are not achievable within the available budget. However, after funding Parc Metro Central and Parc Metro East, there is still approximately $97,000 remaining in the budget.

Recommendation for Council consideration: Use $97,000 from within the Parks program to fund additional short term repairs and upgrades at Selwyn Park, as listed in the Council approved Parks and Recreation Master Plan. Additionally, staff is recommending that Council consider allocating additional funding to park improvements in case it decides to re-allocate funding from the existing ARPA programs noted later in this report.

Economic Vitality

Economic Development Workforce Development
ARPA funding of $300,000 was appropriated to provide Workforce Development Programs including funding for Milpitas Youth Force ($40,000) to support low income youth and develop a local workforce pipeline, Evergreen Valley College for an Amazon Web Services Cloud Practitioner Program ($50,000), First 5 Santa Clara County for a Pilot Early Childhood Education Teacher Apprenticeship program ($40,000), Rising Sun Center for Opportunity Climate Careers to develop a program addressing climate change by employing local youth to provide energy efficiency services ($10,000), and Build It Green to implement a Certified Green Building Professional Training program ($10,000).

The Milpitas Youth Force Program, Rising Sun for Opportunity Careers program, and Build It Green's Certification for the Green Building Professional Training program are complete. First 5 Santa Clara County's Pilot for Early Childhood Education Teacher Apprenticeship program is ongoing until 2024. Due to key personnel departing from Evergreen Valley College, the Amazon Web Services Cloud Practitioner Program will

not proceed as planned. Of the initial $150,000 tranche, only $100,000 was utilized for the workforce development programs mentioned above.

The Office of Economic Development staff is currently evaluating workforce development programs for the second tranche of funding for Milpitas Unified School District Adult Education, NOVAworks, and the City's Milpitas Youth Force Program. Of the workforce development programs being analyzed for funding, the Milpitas Youth Force Program is ready to commence in summer 2023. Based on the success of the 2022 Milpitas Youth Force Program, staff recommends a second funding round and an increase from $40,000 (2022) to $70,000 (2023) so that more local youth may participate in the program. Staff will return with workforce development program funding recommendations for the remaining $130,000 in the second Quarter of 2023.

Recommendation for Council consideration: Utilize $70,000 of the remaining $200,000 for the second Milpitas Youth Force Program to commence in summer 2023, which was successful with the initial $40,000 that employed 19 youths in part-time jobs with the City and the small business community.

Business Improvement District

ARPA funding of $75,000 was appropriated to be used for the Business Improvement District (BID) feasibility analysis and technical support for property owners and business owners on Main Street to assist with the formation of a BID and an engineer's report. The BID is in alignment with Strategy 31 of the Economic Development Strategy (EDS) to position Main Street (Midtown) as a community destination for local, independent retail and restaurants. Specifically, the BID is aligned with EDS Implementation Action 31.3: Provide technical support for property/business owners on Main Street to explore forming a BID and funding services for BID formation consultant.

The formation of a BID is also aligned with Council Priority Area Economic Development and Job Growth (as listed in FY22 Adopted Budget and Financial Plan); and at the October 5, 2021, City Council meeting, Council recommended that the BID topic be sent to the Economic Development and Trade Commission (EDTC). On February 14, 2022, the Economic Development and Trade Commission discussed establishing a BID. The responsewas favorable as it would complement Main Street Revitalization efforts through branding, the Specific Plan, provide security, infrastructure improvements, and spur economic vitality by assisting the small business community. The EDTC supports the use of ARPA funding for a BID feasibility analysis consultant. In late 2022, a Request for Proposals (RFP) process resulted in Civitas Advisors and Community Strong Strategies being selected as consultant and subconsultant, respectively. Staff conducted due diligence with various organizations in 2021 such as the San Jose Downtown Association and comparable sized cities to obtain potential costs associated with a BID feasibility study, and it was determined that although somewhat low, $75,000 would cover the feasibility study. The RFP response from the team of Civitas Advisors and Community Strong Strategies includes a proposal for a two-phased approach including Phase I: BID Feasibility Assessment and Phase II: Management Plan and Petition Process Implementation. The total contract cost is $126,500. Since the City Council has already approved $75,000 of ARPA funding for this vital Main Street Revitalization effort, an additional $51,500 is needed to cover the remaining balance.

Recommendation for Council consideration: Redirect an additional $51,500 to the City Council approved $75,000 of ARPA funding for a total contract amount of $126,500 with Civitas Advisors and Community Strong Strategies for the BID's Phase I: BID Feasibility Assessment and Phase II: Management Plan and Petition Process Implementation, in case Council considers re-allocation of funding from existing ARPA programs, as noted below.

Potential Re-allocation of Funding from Existing ARPA Programs

Since the City received its first tranche of ARPA funding in June 2021, more information, challenges, opportunities, and priorities present themselves. Accordingly, Council may want to consider re-allocation from and/or within some programs. The listing below is based upon program activities and expenditures as of January 31, 2023, funding re-allocation may be considered for the pilot curbside trash pickup program

($85,000), residual of small business assistant grant program ($4,900), financial assistance to the Chamber ($200,000), and sustainable neighborhood program ($60,0000).

Curbside Trash Pick-up Pilot Program ($85,000)
This service was negotiated as an enhanced service to be provided by Milpitas Sanitation Inc at no additional costs as part of the City Council's approval to assign the Franchise Agreement to Waste Connections Inc. The enhanced Bulky Items Program now allows residents to schedule curbside pick of up to three (3) large items, two 1.5 cubic yard white bags or up to 14 32-gal trash bags for loose items. Residents are able to schedule four of these curbside pick-ups a year. This funding is no longer needed and is available for reallocation to other programs and/or priorities.

Small Business Assistance Grant Program ($4,900)
$1.57M was disbursed to over 340 small businesses in two tranches and the remaining balance of $4,900 may be re-allocated to other programs and/or priorities.

Sustainable Neighbor Program ($60,000)

ARPA funding of $60,000 was appropriate to support Milpitas in achieving its CAP (Climate Action Plan) goals by demonstrating how the community can utilize the many city-promoted and city-supported sustainability and resiliency programs to reduce GHG emissions; developing and instilling long term skills and behaviors that can be shared with neighbors, family, friends and future generations to continue a low environmental impact community; promoting "how-to" steps that work; and proving Milpitas' resilience to global trends, like climate change and pandemics. This program will be superseded by the Federal Community Project Funding Request for the Carbon Neutral Homes Incentives Program which was recently approved as part of the federal budget in the amount of $3 million. This funding is no longer needed and is available for reallocation to other programs and/or priorities.

Chamber of Commerce ($200,000)

In March 2022, the City Council approved ARPA funding in the amount of $200,000, to be disbursed in two tranches of $100,000 each, with flexibility for staffing and program delivery, to assist the Milpitas Chamber of Commerce (Chamber). The first tranche (Year 1) was to be disbursed upon execution of a grant agreement by and between the City and the Chamber. The second tranche (Year 2) will be contingent upon a successful first year of ARPA funding to the Chamber. Since the grant award will exceed $50,000, the Chamber is required to provide information regarding proposed objectives, outcomes, number of people served, etc. which will be outlined in the grant agreement.

On August 9th, 2022, Council directed staff to pause the grant award process until the following deliverables are accomplished: 1) Financial reports for a 12-month period, 2) Work Plan for the Spring 2023 Art & Wine Festival, and 3) an explanation of how ARPA funds will be used overall to ensure the funds are utilized responsibly. Staff and the Chamber have been engaged in reviewing application supporting documents and staff is awaiting additional event and program details. The Chamber has submitted multiple, incomplete ARPA grant applications and staff is requesting additional details on key performance metrics and deliverables.

Since the amount of ARPA funding is over the $50,000 threshold and requires additional reporting and monitoring of the use of the funds by the United States Treasury department, staff recommends Council consider waiting until the Chamber is able to demonstrate sound fiscal health and provide detailed workplans and resource plans to demonstrate that the Chamber is able to deliver on outcomes that support the Council's priority area of Economic Vitality for ARPA funding. For more detail, please refer to the Attachment #2 "Informational Memo dated October 19, 2022."

At the February 7, 2023 meeting, the City Council directed staff to meet with Chamber of Commerce representatives to reengage in the process. On February 16, 2023, staff met with Chamber Board members and discussed the October 19, 2022, Council Informational Memorandum, Chamber's current fiscal health, planned expenditure reductions, organizational changes, and future programming.

Fiscal Impact:
The ARPA allocation to the City is in the amount of $16,736,815 which Council appropriated into investment areas and specific programs. Based on Council direction, funds may be re-allocated within and between existing programs.

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:
Receive Report on the American Rescue Plan Act (ARPA) Investment Plan and Provide Direction on Changes, if Any**.**

Attachments
1. ARPA status update – All Projects
2. Info Memo Chamber ARPA October 19, 2022

City of Milpitas
ARPA Project Appropriation and Expenditures through Jan 31, 2023

No.	Program	Approved Appropriation	Year to Date Expenditure	Balance	Current Status
1	Rent and Mortgage Relief	$1,100,000	$652,949	$447,051	Staff and FORWARD (consultant) launched the Rent Relief Program in December 2022. The Mortgage Relief Program will be launched in March 2023. Staff and FORWARD continue to meet weekly.
2	Social Services	$500,000	$178,126	$321,874	Non-profit grants & Team Programs: Grants awarded and programming has begun, serving Milpitas residents. Upcoming payout of $135k in June '23. Teen programs continue weekly.
3	Financial Assistance to Low and Moderate Income Residents for Utility Payments and Childcare Costs	$575,000	$75,854	$499,146	Dispersing childcare subsidies and utility assistance monthly. Continuing to enroll participants and work directly with childcare providers. Additional marketing on available subsidies starting in February 2023.
4a	Beautify Milpitas Program	$100,000	$18,433	$81,567	Beautification Events are scheduled monthly and kits are ordered, assembled and distributed as needed.
4b	Weed Abatement	$90,000	$70,739	$19,261	Remaining funds are anticipated to be exhausted by the end of the fiscal year.
5	Pilot Curbside Trash Pickup Program	$85,000	0	$85,000	The City's waste hauler (MSI) agreed to provide the service at no additional cost to City. Expanded service will start Jan 2, 2023 and will be provided on a quarterly basis. Funds can be reappropriated.
6	Homeless Outreach and Assessment	$100,000	0	$100,000	HEAT services agreement with Santa Clara County was executed.
	Community Services Subtotal	**$2,550,000**	**$996,102**	**$1,553,898**	
7	Small Business Assistance Grant Program	$1,570,000	$1,565,100	$4,900	Grants have been disbursed and program is complete. 343 businesses received grants.
8	Hotel Assistance Grant Program	$130,000	$130,000	$0	Grants have been disbursed and program is complete. 13 hotels received grants.
9	Accessory Dwelling Unit Program	$990,000	$292,293	$697,707	92 ADU/JADU grants; 5 Permits Finaled, 23 Issued, 8 Approved, 56 in Plan Check
10	Storefront Improvement Grant Program	$365,000	0	$365,000	City staff, property owner, architect and ModStreet met in January 2023 to proceed with the outdoor dining project benefitting The Best Sandwiches and Red Chilies. Staff is marketing the program to Main Street businesses. Aetypic has been selected as the design consultant for the program and a kickoff meeting will soon be scheduled.
11	Community Events	$125,000	$104,747	$20,253	Program Coordinator Hired. Events Completed: Earth Day, Family Campout, Lantern Festival. ArtWalk, Dia de Los Muertos. Holi Festival schedule March 4.
12	Financial Assistance to the Chamber of Commerce	$200,000	0	$200,000	Per City Council recommendation on Feb. 7, 2023, staff met with Chamber of Commerce representatives to discuss required financial and event planning documents. Reference Informational Memo October 19, 2022
13	Workforce Development Program	$300,000	$75,312	$224,688	Staff has met with prospective workforce non-profit partners and are awaiting proposals/funding recommendations from MUSD Adult Education, NOVAworks, and more for the second tranche of grant funding. On February 21, 2023, staff will present to the City Council with a funding recommendation for Milpitas Youth Force.
15	Limited Term Economic Development Specialist Position	$330,000	$182,653	$147,347	Position currently vacant with recruitment of part-time position underway.
16	Business Improvement District	$75,000	0	$75,000	Civitas Advisors has been selected as the consultant for BID/PBID feasibility analysis and implementation. Community Strong Strategies will be the subcontractor that focuses on community outreach. Staff had a kickoff meeting, in January 2023, with consultants and are now preparing the community outreach plan. Staff is requesting additional ARPA appropriation on Feb. 21, 2023 for Phase 2 of the BID project.
17	Sustainable Neighborhood Program	$60,000	0	$60,000	The City's Carbon Neutral Home Incentive Program will be receiving $3 million via a federal earmark. Funds can be reappropriated.
	Economic Vitality Subtotal	**$4,145,000**	**$2,350,106**	**$1,794,894**	
18	Park Rehabilitation	$4,386,815	$5,090	$4,381,725	Engineering's Project No. 3051: RFP process for ARPA Park Repair design services was completed and a design services agreement will be forwarded for signatures early December. The Design phase will start January 2023 and be completed within 12 months. Construction phase is anticipated to start in 2024. Public Works PH3 park improvement project (7 base bid sites and 4 add alternate sites) was awarded at the 12/06/22 City Council meeting to G&G Builders in the amount of $872,029 leaving a small balance for the inclusion of two add alternate sites: Parc Metro Central and Parc Metro East. PW has just received proposals for these two add alternates in the amount of $146,963 for a cumulative contract total of $1,019,022. There is an available balance of $96,978.
19	Public Safety Facilities' Rehabilitation	$250,000	$0	$250,000	Funds will be allocated to CIP project within the FY 2022-23 Mid-year budget adjustments.
20	Mobile Emergency Operations Center (MEOC)	$425,000	0	$425,000	Vehicle build is in process. Delivery expected in Winter 2023
	Infrastructure Subtotal	**$5,061,815**	**$5,090**	**$5,056,725**	
21	Public Safety Staffing	$1,200,000	$722,521	$477,479	Four(4) firefighters currently funded. Two(2) police officer recruitments have been competed with start dates in February.
22	Fire Pumper Truck	$920,000	$455,580	$464,420	Manufacture purchase in progress. Awaiting build date. Manufacturer is awaiting on a chasis.
23	Emergency Management Program Assessment Study	$200,000	$39,400	$160,600	12 annexes completed at this time. 8 remaining.
24	Catalytic Converter Public Safety Initiative	$200,000	$31,162	$168,838	7 businesses are participating and 79 residents have received service. Staff is in the process of ensuring that each business has an active registrant list to fill the unused service appointments and implement the new app tracking system. To-date, there is approximately 94 residents on the waitlist.
	Public Safety Subtotal	**$2,520,000**	**$1,248,664**	**$1,271,336**	
25	Human Resources Information System	$1,100,000	**0**	$1,100,000	Request for Information (RFI) completed and 3 vendor demonstrations held. 5 Key HR process is being mapped.
26	Financial Management System	$100,000	**0**	$100,000	15 financial key processes are being mapped. Propose swap of funding with General Fund at FY23 mid-year
27	Cybersecurity Programs and Training	$300,000	$6,428	$293,572	User training service contract completed. Staff is exploring additional systems and services.
28	Technology Infrastructure	$610,000	$277,563	$332,437	Initial end-user equipment purchase completed. Year 2 batch purchase in progress.
	Technology Subtotal	**$2,110,000**	**$283,991**	**$1,826,009**	
29	ARPA Funds Administration	$350,000	$82,876	$267,124	Procurement administration in progress.
	Administration Subtotal	**$350,000**	**$82,876**	**$267,124**	
	Grand Total	**$16,736,815**	**$4,966,828**	**$11,769,987**	

MEMORANDUM

Office of the City Manager

DATE: October 19, 2022

TO: Mayor and Council

THROUGH: Steve McHarris, City Manager

FROM: Ashwini Kantak, Assistant City Manager

SUBJECT: **American Rescue Plan Act Funding - Milpitas Chamber of Commerce**

This Information Memorandum provides information about the application for American Rescue Plan Act funding by the Milpitas Chamber of Commerce (Chamber).

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 received an ARPA allocation of $16,736,815 which had to be either expended or encumbered by December 31, 2024, with all funds to be expended by December 31, 2026. On August 9 (link to the agenda report), Council approved funding for 25 programs in five Investment areas of **Community Services, Economic Vitality, Infrastructure, Public Safety,** and **Technology.**

In August 2021, the City Council initially approved $200,000 in ARPA funding for the Chamber, under the Investment Area of Economic Vitality. This funding was intended to assist the Chamber in developing and implementing programs and events such as a Crab Feed, an Art and Wine Festival, Job Fairs, and Business Workshops, that would help small businesses and enable economic recovery in Milpitas. As staff continued to work with the Chamber, it became clear that additional resources were required to implement these programs and events. Thus, in March 2022, the City Council provided direction allowing funding to be used for staffing and program delivery and for the disbursement to be initiated in two tranches of $100,000 each. The first tranche (Year 1) was to be disbursed upon execution of a grant agreement by and between the City and the Chamber. The second tranche (Year 2) was to be contingent upon a successful first year of ARPA funding to the Chamber. Since the grant award will exceed $50,000, the Chamber is required to provide information regarding proposed objectives, outcomes, number of people served, etc. which will be outlined in the grant agreement.

On August 9, 2022, Council directed staff to pause the grant award process until the following deliverables are accomplished: 1) Financial reports for a 12-month period, 2) Work Plan for the Spring 2023 Art & Wine Festival, and 3) an explanation of how ARPA funds will be used overall to ensure the funds are utilized responsibly.

Status Update

Since late summer 2021, staff from Economic Development, Finance, and the City Manager's Office have been in communication with the Chamber and reviewed application supporting documents provided to date. The Chamber has submitted multiple, incomplete ARPA grant applications and staff

has had to follow up to request additional details on financial position, key performance metrics and deliverables, some of which are still pending.

On September 15, the Chamber provided information including a balance sheet for fiscal year 2021-2022, Profit and Loss statements for fiscal year 21-22 and July-August 2022, and bank statements for June-August 2022. The information provided showed a net loss of 28% in fiscal year 21-22 and did not demonstrate sound fiscal health in the current fiscal year. In response to follow up questions from staff the Chamber sent additional information on September 19. The email stated that the Chamber had experienced hardship collecting dues due to COVID and that the loss in fiscal year 21-22 spent 36% of fund reserves. For the current fiscal year, the Chamber noted that they had reduced overhead by maintaining only one staff person and that they were working towards increasing membership, in order to increase revenue. Additionally, in order to further reduce overhead and increase revenues, they have automated renewals and signup payments for events.

On October 3, the Chamber provided information through an email about upcoming Chamber programs and events, including the Spring 2023 Art and Wine Festival, as noted below:

1. *Business Engagement Events:* The email from the Chamber discussed having held successful events in the past and acknowledged the critical need for these events. However, the information did not include a specific workplan, timeline, or funding plan for the events, it simply noted that "mixers and business meetings are booked well into 2023 and that they would be well positioned to raise funds for these activities."
2. *Art and Wine Festival:* The email noted the positive benefits of an Art and Wine festival and stated that a website has been designed and rules for vendors, businesses and performers have been developed. Costs for the event, which is planned for second quarter of 2023 on Main Street, are estimated to be between $65,000-$100,000. Although the email noted the next steps, which included permits, insurance, volunteer recruitment, procuring performers, and soliciting sponsorships, it did not provide specific information such as a detailed workplan, timeline and funding plan. A Special Events Permit has also not been submitted to the City.
3. *Job Fair:* The email noted that a Job Fair was held in April 2022. About 20 businesses participated and 143 job seekers attended the event. However, subsequent reports indicate that there was a significantly lower job seeker attendance. The Chamber noted that the next job fair would be held in February or March 2023 and that ARPA funding would help improve the Job Fair.
4. *Business Workshops:* The email provided information about the benefits of Business Workshops and noted that they plan to hold three workshops, at an estimated cost of about $24,000. A plan for resources and funding was not provided.
5. *Other Events:* The email also provided information about other events such as the Crab Feed, Awards Banquet, Yelp Workshop and Monthly Mixers.

Conclusion

The financial documents provided by the Chamber do not demonstrate sound fiscal health. The documents related to programs and events articulate the benefits of the programs and events and provide some information about them. However, specific workplans and timelines, resources, and funding plans for key events have not been provided. Furthermore, although it is helpful to understand the plan for the Chamber to increase revenues and reduce expenditures, there is not enough information provided that indicates sound fiscal health. It is also unclear how reducing staffing will allow the Chamber to accomplish the planned programs and events to help local businesses and foster economic vitality.

For example, an Art and Wine festival typically requires a significant amount of advance planning and dedicated resources. As stated above, documents such as a detailed workplan with key milestones, a staffing plan with resources that have expertise in event planning, and marketing and funding plans, to clearly articulate how this Spring 2023 event will be implemented, have not been submitted.

Since the amount of ARPA funding is over the $50,000 threshold and requires additional reporting and monitoring of the use of the funds by the United States Treasury department, staff recommends Council consider waiting until the Chamber is able to demonstrate sound fiscal health and provide detailed workplans and resource plans to demonstrate that the Chamber is able to deliver on outcomes that support the Council's priority area of Economic Vitality for ARPA funding.

Staff will bring this item back for Council consideration during the next quarterly ARPA update in December; however, this will likely not allow the Chamber adequate time to plan for the Spring Art and Wine Festival. If Council wishes to discuss this item earlier than December, direction may be provided by the full Council at a future City Council meeting.