



## SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

### AGENDA

TUESDAY, AUGUST 8, 2023

CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA  
5:30 PM

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.

***Councilmember Garry Barbadillo will participate remotely from:***

5329 Thunder Ridge Circle  
Rocklin, CA 95765

Pursuant to California Government Code Section 54953

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>

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### **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\\_Ja9zYRu6SZaqvmSp8FQCPA](https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_Ja9zYRu6SZaqvmSp8FQCPA)

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](mailto:CityClerk@milpitas.gov) by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

### **MILPITAS CITY COUNCIL CODE OF CONDUCT**

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

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

### **ADJOURN TO CLOSED SESSION**

**(a) CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency designated representative: Nick Raisch, Human Resources Director

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

**(b) CONFERENCE WITH LEGAL COUNSEL--Existing Litigation:**

Pursuant to Government Code Section 54956.9(d)(1)

*County Sanitation District 2-3, et al. v. City of San Jose, et al.*, Santa Clara Superior Court Case number 18CV325480, City as a Plaintiff.

**(c) CONFERENCE WITH LEGAL COUNSEL—Existing Litigation**

Pursuant to Government Code section 54956.9(d)(1)

*Alok Jain, et al. v. City of Milpitas, et al.*, Santa Clara Superior Court case number 18CV325365  
City as Defendant

### **CLOSED SESSION ANNOUNCEMENT:**

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

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION** (Councilmember Lien)

### **PRESENTATIONS**

- American Muslim Appreciation Month (Proclamation)
- Certificates of Recognition for Students Assisting with Graffiti Abatement

### **PUBLIC FORUM** (6:45 PM)

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

### **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

### **READING OF THE CITY COUNCIL CODE OF CONDUCT**

## **APPROVAL OF AGENDA**

### **CONSENT CALENDAR** (6:50 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.

- 1.** **Receive City Council Calendar of Meetings for August 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

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

- 2.** **Approve City Council City Council Meeting Minutes of June 20, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Approve City Council Special Meeting minutes of June 20, 2023.

- 3.** **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.

- 4.** **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.

- 5.** **Accept Commissioner Resignations (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Recommendation: Accept the resignations of Rachel Plummer and Natalie Chen from the Youth Advisory Commission, Jose Rosario and Mike Bilbao from the Community Advisory Commission, and Paul Medawar from the Economic Development and Trade Commission; and direct the City Clerk to post the notice of unscheduled vacancies.

- 6.** **American Rescue Plan Act (ARPA) Workforce Development Program Funding (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Margaret Tamisiea, Senior Special Projects Associate, 408-586-3047)**

Recommendation: Approve an American Rescue Plan Act (ARPA) Workforce Development grant in the amount of \$44,720.00 for SEMI Foundation to support hands-on learning using Science, Technology, Engineering, and Mathematics (STEM) Kits benefitting local youth in workforce development and education services.

- 7.** **Approve and Execute Amendments to the Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) and Subscription and Services Agreement with RideCo for Milpitas SMART (Staff Contact: Jay Lee, Interim Planning Director, 408-586-3077)**

Recommendation: (1) Approve amendments to the funding agreement with the Santa Clara Valley Transportation Authority (VTA) and subscription and services agreement with RideCo for Milpitas SMART related to changing the program from a hub-and-spoke to a point-to-point service model; and (2) Authorize the City Manager to execute the amended agreements.

## **PUBLIC HEARINGS** (7:00 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.

### **8.** 2023 Weed Abatement Assessments Public Hearing and Adopt a Resolution to Confirm the Assessment Report (Staff Contact: Arthur Belton, Deputy Fire Chief / Fire Marshal, 408-586-3384)

Recommendation: Conduct a public hearing and adopt a Resolution confirming the 2023 Weed Abatement Assessment Report and the assessment list to be entered into the tax assessment rolls.

## **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS** (7:30 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** (7:35 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](mailto: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](http://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](http://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](http://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](mailto:CityClerk@milpitas.gov) prior to the meeting. You may request a larger font agenda.*

| July 2023 |    |    |    |    |    |    |
|-----------|----|----|----|----|----|----|
| S         | M  | T  | W  | T  | F  | S  |
| 2         | 3  | 4  | 5  | 6  | 7  | 8  |
| 9         | 10 | 11 | 12 | 13 | 14 | 15 |
| 16        | 17 | 18 | 19 | 20 | 21 | 22 |
| 23        | 24 | 25 | 26 | 27 | 28 | 29 |
| 30        | 31 |    |    |    |    |    |

# Milpitas City Council Calendar

## August 2023

| September 2023 |    |    |    |    |    |    | Item # 1. |   |
|----------------|----|----|----|----|----|----|-----------|---|
| S              | M  | T  | W  | T  | F  | S  | 1         | 2 |
| 3              | 4  | 5  | 6  | 7  |    |    | 8         | 9 |
| 10             | 11 | 12 | 13 | 14 | 15 | 16 |           |   |
| 17             | 18 | 19 | 20 | 21 | 22 | 23 |           |   |
| 24             | 25 | 26 | 27 | 28 | 29 | 30 |           |   |

| Sunday    | Monday                                                                      | Tuesday                                                                                                                    | Wednesday                                                                                                                                                                                                                                         | Thursday                                                                                                                                                                                                                                                              | Friday    | Saturday  |
|-----------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
|           |                                                                             | <b>1</b><br><b>6:00 PM</b> -National Night Out Citywide Neighborhoods Events                                               | <b>2</b><br><b>1:00 PM</b> -Santa Clara VTA Monthly Briefing - Northeast Group (CM) (Santa Clara)<br><b>5:30 PM</b> -Veterans Commission (CM)<br><b>7:00 PM</b> -Community Advisory Commission (EC)                                               | <b>3</b><br><b>5:30 PM</b> -Milpitas Chamber of Commerce Board (GB)<br><b>5:30 PM</b> -Santa Clara VTA Board of Directors (CM)<br><b>6:00 PM</b> - Pulte Homes EIR/Community Meeting                                                                                  | <b>4</b>  | <b>5</b>  |
| <b>6</b>  | <b>7</b>                                                                    | <b>8</b><br><b>5:30 PM</b> -Special Council Meeting                                                                        | <b>9</b><br><b>7:00 PM</b> -Silicon Valley Clean Energy Board of Directors (EC) (Cupertino)                                                                                                                                                       | <b>10</b><br><b>4:00 PM</b> -Santa Clara VTA Policy Advisory Committee (EC)<br><b>6:00 PM</b> -Youth Advisory Commission (HL)<br><b>5:30 PM</b> -Cities Assoc of SCC Legislative Action Committee (CM)<br><b>7:00 PM</b> -Cities Assoc of SCC Board of Directors (CM) | <b>11</b> | <b>12</b> |
| <b>13</b> | <b>14</b><br><b>4:30 PM</b> -Economic Development and Trade Commission (CM) | <b>15</b><br><b>6:00 PM</b> -Closed Session<br><b>7:00 PM</b> -City Council                                                | <b>16</b><br><b>4:00 PM</b> -City Council Housing Subcommittee (CM/EC)<br><b>6:00 PM</b> -Energy and Environmental Sustainability Commission (EC)<br><b>6:30 PM</b> -Flag Raising Event: Indian Independence Day Celebration (Cesar Chavez Plaza) | <b>17</b><br><b>4:00 PM</b> -VTA Safety, Security, and Transit Planning & Operations Committee (CM) [San Jose]                                                                                                                                                        | <b>18</b> | <b>19</b> |
| <b>20</b> | <b>21</b>                                                                   | <b>22</b><br><b>1:30 PM</b> -Senior Advisory Commission (CM)<br><b>6:00PM</b> - Zoning Update Community Workshop (Virtual) | <b>23</b><br><b>4:30 PM</b> -City Council Transportation Subcommittee (CM/EC)<br><b>7:00 PM</b> -Planning Commission                                                                                                                              | <b>24</b><br><b>11:00 AM</b> -City Council Finance Subcommittee (CM/EC)<br><b>1:30 PM</b> -Emergency Operational Area Council Meeting (CM) [San Jose]<br><b>6:00 PM</b> - Zoning Advisory Group                                                                       | <b>25</b> | <b>26</b> |
| <b>27</b> | <b>28</b>                                                                   | <b>29</b><br><b>Tent: 5:30 PM</b> -Special City Council Meeting – Council Handbook (location TBD)                          | <b>30</b><br><b>6:00 PM</b> - Planning Commission Special Meeting                                                                                                                                                                                 | <b>31</b>                                                                                                                                                                                                                                                             |           |           |



# JOINT MEETING OF THE MILPITAS CITY COUNCIL AND HOUSING AUTHORITY

**MINUTES**  
**TUESDAY, JUNE 20, 2023**

The City Council of the City of Milpitas convened in a Joint Meeting of the Milpitas City Council and the Housing Authority on June 20, 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 6:02 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien, and Phan (6:06 PM).  
ABSENT: None.

City Attorney Mutalipassi announced the closed session items.

The City Council adjourned to Closed Session at 6:04 PM.

## **ADJOURN TO CLOSED SESSION**

### **(a) PUBLIC EMPLOYEE APPOINTMENT**

Pursuant to Government Code Section 54957  
Employee Position: Acting City Manager

### **(b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: 1432-1446 S. Main Street  
Agency negotiator: Alex Andrade, Economic Development Director  
Under negotiation: Both price and terms

The City Council reconvened in open session at 7:45 PM.

## **CLOSED SESSION ANNOUNCEMENT:**

City Attorney Mutalipassi announced that action was taken on Item (a) that will be reported out with Item No. 18 on the agenda, and that there was nothing to report out on Item (b).

## **PLEDGE OF ALLEGIANCE**

Mayor Montano led the Pledge of Allegiance.

## **INVOCATION**

Vice Mayor Chua presented the invocation.

## **PUBLIC FORUM**

There were the following public speakers:

1. Voltaire Montemayor

## **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

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

## **READING OF THE CITY COUNCIL CODE OF CONDUCT**

Mayor Montano read the Code of Conduct.

## **APPROVAL OF AGENDA**

Motion: to approve the June 20, 2023 Regular Meeting Agenda.

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

## **CONSENT CALENDAR**

Motion: to approve the Consent Calendar

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

There were no public speakers.

### **C1. Receive City Council Calendar of Meetings for June, July, and August 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received City Council Calendar of Meetings for June, July, and August 2023.

### **C2. Approve City Council City Council Meeting Minutes of June 6, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Special Meeting minutes of June 6, 2023.

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

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

### **C4. Approve the Proposed Edits to the Commissioner Handbook, and Revisions to the Bylaws Addendum for the Science, Technology and Innovation Commission (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved the proposed edits to the Commissioner Handbook, and the revisions to the Bylaws Addendum for the Science, Technology and Innovation Commission to change meeting frequency, as recommended by the Commission.

- C5. Approve Delegation of Authority to the Acting City Manager or Designee to Approve and Execute Project Related Documents and Urgent Administrative Items During the City Council Summer Recess, from the Last City Council Meeting Held in June through August 8, 2023 (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053)**

Approved delegation of authority to the Acting City Manager, or their designee, to approve and execute project related documents, including contract documents, and urgent administrative items during the City Council summer recess from the last City Council meeting held in June through August 8, 2023.

- C6. Approve Changes to the City Council Procedures and Protocols Handbook to allow the use of Electronic Voting (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053; Michael Mutalipassi, City Attorney, 408-586-3041)**

Approved changes to the City Council Procedures and Protocols Handbook to allow the use of electronic voting, as part of the implementation of a new Agenda Management system.

- C7. Receive the January – March 2023 Report for Unhoused Services (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046)**

Received the January – March 2023 report for unhoused services.

- C8. Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the Stratford School Addition and Remodel Commercial Project and Grant Authorization to the City Engineer to Release the Performance Bond after the One-Year Warranty Period;(Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Adopted **Resolution No. 9260** granting acceptance of the completed public improvements for the Stratford School Addition and Remodel Commercial Project as shown on Public Improvement Plans No. 2-1357; and approved a reduction in the faithful performance bond to \$28,600.00, which is 25% of the security's original value which shall be in effect for the duration of the warranty period; and granted authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided that all required warranty work is completed to the satisfaction of the City Engineer.

- C9. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Parktown Plaza Pak LLC for the Park Town Plaza Modification Project at 1400 S. Park Victoria Dr. (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Parktown Plaza Pak LLC for the Park Town Plaza Modification Project at 1400 S. Park Victoria Dr.

- C10. Authorize the Acting City Manager to Execute the Fee Reimbursement Agreement for Transit Area Specific Public Facilities and Public Improvements at the 355 Sango Court Project by Sango Court L.P. and Approve Budget Change Form for Fiscal Year 2023-24 (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Authorized the Acting City Manager to execute the Fee Reimbursement Agreement for Transit Area Specific Public Facilities and Public Improvements at the 355 Sango Court Project by Sango Court L.P.

- C11. Approve Accounts Receivable Write-offs for the Fiscal Year Ending June 30, 2023 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Approved the Accounts Receivable write-offs for the Fiscal Year ending June 30, 2023.

- C12. Adopt a Resolution to Approve Compensation Changes Related to Annual Performance Evaluation of the City Attorney as Directed by the City Council (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)**

Adopted **Resolution No. 9261** to approve compensation changes related to Annual Performance Evaluation of the City Attorney as directed by the City Council.

- C13. Adopt a Resolution Approving the Sole Source Procurement of Crossing Guard Services; and Approve and Authorize the City Manager to Enter into a 1-Year Agreement with All City Management Services, Inc. for Crossing Guard Services in a Total Amount Not-to-Exceed \$781,858.00 for Fiscal Year 2023-24 (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

Adopted **Resolution No. 9262** approving the sole source procurement of Crossing Guard Services; and approved and authorized the City Manager to enter into a 1-year agreement with All City Management Services, Inc. for Crossing Guard Services in a total amount not-to-exceed \$781,858.00 for Fiscal Year 2023-24.

- C14. Waive the Second Reading and Adopt Ordinance No. 38.853 Amending the Zoning Map of the City of Milpitas in Accordance with the Provisions of Section 3.03 of Chapter 10 of Title XI of the Milpitas Municipal Code to Change the Zoning Classification of Two Parcels (APNs: 083-40-044 and 083-40-045) Located on the Southwest Corner of South Main Street and Montague Expressway for Consistency with New, Approved General Plan Land Use Designations. (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Holly Pearson, Senior Special Projects Associate, 408-609-0072)**

(1) Determined that potential environmental impacts associated with the proposed Zoning Map changes have been previously analyzed under the Environmental Impact Report (EIR) for the Milpitas 2040 General Plan certified on March 9, 2021 (per Resolution 9047) and find that since the proposed Zoning Map changes are consistent with the General Plan, no further environmental analysis is required; and (2) Waived the second reading and adopted **Ordinance No. 38.853** amending the Zoning Map of the City of Milpitas in accordance with the provisions of Section 3.03 of Chapter 10 of Title XI of the Milpitas Municipal Code to change the zoning classification of two parcels (APNs: 083-40-044 and 083-40-045) located on the southwest corner of South Main Street and Montague Expressway for consistency with new, approved General Plan land use designations.

- C15. Receive an Update on the Emergency Repairs to the HVAC System and Equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

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

## **PUBLIC HEARINGS**

- 16. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2023-24 (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Acting City Manager Kantak introduced the item. Principal Civil Engineer Alonzo presented the report.

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. 9263** confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2023-24.

Motion/Second: Councilmember Lien / Councilmember Phan

Motion carried by the following:

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

NOES: None

**17. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2023-24 (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Acting City Manager Kantak introduced the item. Principal Civil Engineer Alonzo presented the report.

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. 9264** confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2023-24.

Motion/Second: Councilmember Lien / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

## **LEADERSHIP AND SUPPORT SERVICES**

**18. Adopt a Resolution to Appoint an Acting City Manager and Consider Acting Pay Effective Upon Adoption and Continuing Until Council Takes Further Action (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)**

Acting City Manager Kantak introduced the item.

Mayor Montano recognized the commitment of current Acting City Manager Kantak and reported that, in Closed Session, the City Council voted to appoint a new Interim City Manager.

There were the following public speakers:

1. Voltaire Montemayor

City Attorney Mutalipassi reported out that the City Council voted in Closed Session to appoint Ned Thomas as Acting City Manager and clarified that the action that needed to be taken should include any incentive pay.

Councilmember Barbadillo made a motion to appoint Ned Thomas as Acting City Manager. Vice Mayor Chua seconded the motion including a friendly amendment to include 10% incentive above base salary during the term of the appointment. Councilmember Barbadillo accepted the amendment.

City Attorney Mutalipassi restated the motion with the friendly amendment to adopt a resolution to appoint Ned Thomas as Acting City Manager with 10% incentive pay above his current base salary.

Motion/Second: Councilmember Barbadillo / Vice Mayor Chua

Motion carried by the following:

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

NOES: None

ABSTAIN: Councilmember Lien

**19. Receive a Report on the Homekey Project at 1000 Hillview Court, Direct Staff to Establish a Stakeholder Group and Appoint a Council Liaison (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053; and Matt Cano, Deputy City Manager, 408-586-3012)**

Acting City Manager Kantak introduced the item. Deputy City Manager Cano presented the report, joined by Jamboree Chief Impact Officer George Searcy, Abode Services Vice President of Programs Katie Fantin, Police Captain Miller, Fire Chief Schoonover, and Director of the Office of Supportive Housing Consuelo Hernandez joined by residents from 1000 Hillview Court.

Mayor Montano thanked the 1000 Hillview Court tenants and noted the City Council wanted to form a stakeholder group to better understand the underlying issues and to make Homekey a model for the County. She questioned if a manager lives onsite 24/7 and asked for an update on the timeline to install fencing. Jamboree Chief Impact Officer Searcy responded there was a 24/7 onsite manager and deferred response to the county as driving the process to secure funding. He estimated closing financing in the next month and coming to the City for permits, with work beginning in September.

Councilmember Phan asked for more information on the current manager or managers. Jamboree Chief Impact Officer Searcy stated that there were two 24 hour onsite managers including a residence manager and maintenance manager. Tenants from 1000 Hillview clarified that there is not a 24 Hour onsite maintenance person and noted that if there is a live-in manager, it only occurred in the last week. Jamboree Chief Impact Officer Searcy responded that there has been turnover of the property management company, but that there are plans for a permanent resident manager and maintenance manager. Councilmember Phan asked for Domus, the property management company, to be available at the next meeting scheduled to hear this report. He asked for information on evictions and what that entails. Jamboree Senior Manager of Asset Management Gene Hua responded, citing the process for eviction. Councilmember Phan asked for interaction between public safety and any new partners in the project.

Councilmember Barbadillo emphasized the importance of taking action and questioned what the County can do to implement improvements. He cited ongoing promises but no report of action to improve conditions. Director of the County Office of Supportive Housing Hernandez responded that it typically takes a property three years to stabilize.

Mayor Montano stressed that the County needs to take responsibility in providing these services.

Vice Mayor Chua addressed the 1000 Hillview tenants, stressing the importance of their safety. She voiced frustration on the lack of response from the County and asked City Attorney Mutalipassi about options for litigation. City Attorney Mutalipassi responded that his office is looking into options including litigation and enforcement. He stated that it would have to be considered by Council before moving forward. Vice Mayor Chua asked the City Attorney to provide an information memorandum on how the City can proceed.

Councilmember Lien asked Jamboree which organization keeps any income or if it can be used to bring programs to Homekey. Jamboree Chief Impact Officer Searcy responded that the amount listed in the presentation was the budget. Director of the County Office of Supportive Housing Hernandez noted that any leftover money returning to the County would be prioritized to finish Phase III construction work at the site. Councilmember Lien questioned how Abode Services provided services to struggling residents. Abode Services Vice President of Programs Fantin responded and that the company is working hard to supplement mental healthcare services.

Mayor Montano noted that this is a complicated issue and stressed the importance of safety and quality of life for residents. She stated that establishing a stakeholder group is a start for addressing ongoing issues.

There were the following public speakers:

1. Loreto Quevedo Dimaandal
2. Voltaire Montemayor

Vice Mayor Chua suggested Mayor Montano as representative to the Stakeholder Group, and made a motion: approve the Stakeholder Group membership as recommended by staff and make Mayor Montano the Council liaison. There was consensus with the appointment recommendation.

Motion/Second: Vice Mayor Chua / Councilmember Montano

Motion carried by the following:

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

NOES: None

**20. 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 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Matt Cano, Deputy City Manager, 408-586-3012)**

Deputy City Manager Cano introduced the item and responded to questions from City Council.

There were the following public speakers:

1. Voltaire Montemayor
2. Loreto Quevedo Dimaandal

Staff responded to questions from City Council.

City Clerk Guzzetta read the results with the following items from Group 1 receiving the majority of votes to advance:

- CC02 – Citywide Senior Discount
- CC05 – Satellite Consulate Office

Vice Mayor Chua asked to explore both options presented regarding the Citywide Senior Discount and Councilmember Barbadillo suggested a compromise option to explore other methods to implementing

the program such as a senior benefit based on the California Constitution. If not, he recommended option no. 2 to create a senior discount subsidy program for Milpitas residents and businesses.

Mayor Montano suggested the low-cost option no. 2 for Satellite Consulate Office room rentals/partnerships and asked to include Mexico on the list of consulates contacted for the program.

Mayor Montano recommended removing the Delivery Cap item from prioritization.

### **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS**

Mayor Montano made the following requests:

- Consider a Safe Parking Program to find businesses and churches that would allow the unhoused to sleep in their cars and vans.
- At the next Council meeting, to bring back the ARPA Workforce Development Program funded STEM kits for consideration.

Councilmember Lien asked to review the claim submitted by Steve McHarris in Closed Session at the first meeting after the legislative recess in July. Upon a survey of the City Council, there was no consensus.

### **ADJOURNMENT**

Mayor Montano adjourned the meeting at 10:48 PM

*Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta*

## TENTATIVE CITY COUNCIL AGENDA ITEM LIST

Item # 3.

as of 8/3/2023

**August 15, 2023** – Regular Meeting

### **CLOSED SESSION**

- Public Employee Appointment – City Manager Recruitment Update
- Conference with Legal Counsel

### **INVOCATION** (Councilmember Lien)

### **PRESENTATION**

- Women's Equality Day (Proclamation)

### **CONSENT CALENDAR**

1. Receive City Council calendar for August and September 2023 (City Clerk)
2. Approve City Council Meeting minutes of August 6, 2023 (City Clerk)
3. Preview list of items for September 5, 2023 (City Clerk)
4. Councilmember Request List (City Clerk)
5. Commission Appointments (City Clerk)
6. Report on Actions Taken During the Legislative Break (City Manager)
7. Cal Cities Conference voting delegate appointment and travel (City Manager)
8. Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Alps Lodging 2, Inc. for the Springhill Suites Hotel Project (Engineering)
9. Amendment to Agreement with Valley Water District for Flood Protection Improvements, authorize reimbursement, and approve budget appropriation (Engineering)
10. Fee Reimbursement Agreement for Transit Area Specific Public Facilities and Public Improvements at the 308 Sango Court (Engineering)
11. Sole Source Contracts Report (Finance)
12. Resolution to Approve Investment Policy (Finance)
13. City of Fremont Mutual Aid Agreement (Fire)
14. Report on Emergency HVAC Repairs (Public Works)
15. Youth Advisory Commission Scholarship Awards (Recreation)

### **COMMUNITY DEVELOPMENT**

16. Main Street Parcels 1, 2, 3 (City Manager)

### **LEADERSHIP**

17. CEDAW Recommendations (Recreation)

### **REPORTS**

**MILPITAS CITY COUNCIL  
AGENDA ITEM REQUESTS**

Item # 4.

**OPEN ITEMS**

| Request No. | Topic                                                                                                                         | Submitted by: | Date Requested | STATUS and/or DATE scheduled on City Council meeting agenda:            |
|-------------|-------------------------------------------------------------------------------------------------------------------------------|---------------|----------------|-------------------------------------------------------------------------|
| 1           | At the next Council meeting, to bring back the ARPA Workforce Development Program funded STEM kits for consideration.         | Montano       | 6/20/2023      | To be considered at the August 8, 2023 City Council meeting.            |
| 2           | Consider a Safe Parking Program to find businesses and churches that would allow the unhoused to sleep in their cars and vans | Montano       | 6/20/2023      | This item will be discussed at the next Council prioritization meeting. |

**ACTIVE ITEMS**

| Request No. | Topic                                                                                                                                                    | Submitted by: | Date Requested | STATUS and/or DATE scheduled on City Council meeting agenda:                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3           | Human Resources Director to conduct a job fair specific to the job openings at City Hall                                                                 | Chua          | 5/2/2023       | June 2023 update: Staff is evaluating synergies with existing Economic Development activities and endeavors to which recruiting efforts can be incorporated and creates space for multiple events throughout the year increasing overall exposure to local talent                                                                                                                                                                                                                                |
| 4           | Satellite Consulate Office                                                                                                                               | Montano       | 2/28/2023      | Approved to move forward at the June 2023 Quarterly City Council Workplan Items Prioritization Session on 6/20/23.                                                                                                                                                                                                                                                                                                                                                                               |
| 5           | Have the City look into the possibility of a Citywide Senior Discount                                                                                    | Barbadillo    | 2/7/2023       | Approved to move forward at the June 2023 Quarterly City Council Workplan Items Prioritization Session on 6/20/23.                                                                                                                                                                                                                                                                                                                                                                               |
| 6           | 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      | June 2023 update: A Teen Center Survey has been released and is currently gathering responses. It is anticipated that data on the use of the center and/or its programs relative to it's proximity to home and/or school, and the type of programming desired will provide the input needed for the resolution to this request. Discussed at February 2023 Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Prioritization Discussion on 2/7/23. |
| 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. At the February 28, 2023 CIP Study Session, Council asked staff to ask the nearby community for their input on other uses they would want for the property. Survey is underway.                                                                                           |

**MILPITAS CITY COUNCIL  
AGENDA ITEM REQUESTS**

Item # 4.

| <b>ACTIVE ITEMS</b> |                                                                                                                          |                      |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Request No.</b>  | <b>Topic</b>                                                                                                             | <b>Submitted by:</b> | <b>Date Requested</b> | <b>STATUS and/or DATE scheduled on City Council meeting agenda:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 8                   | City Manager look into implementing a workshop for small businesses on the bidding process for projects in the city      | Chua                 | 8/9/2022              | June 2023 update: Staff was scheduled to provide a report to the Economic Development and Trade Commission on June 12, 2023 however that meeting with postponed due to lack of quorum. Staff will present to the Commission at the next available date. Further analysis on options and alternatives to connect more local and local small City of Milpitas businesses to our procurement processes will continue through 2023. Discussed at February 2023 Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Prioritization Discussion on 2/7/23                                 |
| 9                   | Quarterly or Monthly crime statistics on Homekey Project                                                                 | Chua                 | 6/7/2022              | Quarterly reports to City Council are ongoing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 10                  | 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. A SPAR fund is part of the Proposed Fiscal Year 2023-2024 Operating Budget. |
| 11                  | Memorial Plaque in honor of youth skateboarder that passed away                                                          | Montano              | 6/7/2022              | At the January 31 2023 City Council budget hearing, City Council voted to consider this item in the FY 2023-24 budget development.; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022                                                                                                                                                                                                                                                                                    |
| 12                  | Funding to hire a consultant for the Sunnyhills Historical Designation on a state level                                  | Tran                 | 6/7/2022              | Based on staff research, the best way to try for a Historical District Designation is at the National Level. This can be wrapped into the approved CIP for the Historical Resources Plan update or through grant consultant California Consulting. Request will be included with the Historic Resources Master Plan project approved as part of the 2023-2027 Capital Improvement Program.                                                                                                                                                                                                                                      |

**MILPITAS CITY COUNCIL  
AGENDA ITEM REQUESTS**

Item # 4.

| <b>ACTIVE ITEMS</b> |                                                                                                              |                      |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------|--------------------------------------------------------------------------------------------------------------|----------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Request No.</b>  | <b>Topic</b>                                                                                                 | <b>Submitted by:</b> | <b>Date Requested</b> | <b>STATUS and/or DATE scheduled on City Council meeting agenda:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>13</b>           | 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 |
| <b>14</b>           | Explore an ordinance or policy to reduce thefts and increase security in the commercial retail parking areas | Chua                 | 4/5/2022              | CAO conducting legal review of policies requiring businesses to hire security/install cameras; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>15</b>           | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>16</b>           | Create a plan for future solar paneling at City facilities                                                   | Montano              | 3/1/2022              | As discussed with the City Council at the 1/31/2023 Budget Study Session, staff will continue to explore grant opportunities to install additional solar panels on City facilities. However, staff will only proceed with further development if this grant funding is identified so work (other than reviewing grant opportunities) is on hold at this time. Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward at the 5/03/2022 meeting; Discussed at the May 10 budget meeting and approved funding of \$25,000 in the 2022-23 budget                                                                                                                                                                                                                                                                                                    |

NOTE: Deferred and Completed Items are not listed

**MILPITAS CITY COUNCIL  
AGENDA ITEM REQUESTS**

Item # 4.

| <b>ACTIVE ITEMS</b> |                                                                                                                                               |                      |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Request No.</b>  | <b>Topic</b>                                                                                                                                  | <b>Submitted by:</b> | <b>Date Requested</b> | <b>STATUS and/or DATE scheduled on City Council meeting agenda:</b>                                                                                                                                                                                                                                                                                                                                                                       |
| 17                  | 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.                                                                                                                                                                                                                              |
| 18                  | 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.                                                                                                                                                                                                                                                    |
| 19                  | Staff to look into mural Art on Great Mall Parkway on the VTA owned Light rail pillars                                                        | Montano              | 11/16/2021            | 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                                                                                                                                                                          |
| 20                  | Request for the City to make the temporary third-party food deliver fee caps permanent and add additional provisions for enforcement          | Phan                 | 11/16/2021            | Requires legal analysis of 1:21-cv-07695-AT-SLC DoorDash, Inc. v. city of New York and 3:21-cv-05502-EMC Doordash, Inc. et al v. City and County of San Francisco. Doordash v. NYC remains pending and may settle the law on the matter. CAO will prepare confidential memorandum for the Council. Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward at the 5/03/2022 meeting |
| 21                  | 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.                                                                                                                                                                                                                         |
| 22                  | 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.                                                                                                                                                                                                     |
| 23                  | 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.                                                                                                                                                            |
| 24                  | 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                                                                                                                                                                                                                                                                      |
| 25                  | food delivery vendor services to prohibit regulatory response fees                                                                            | Phan                 | 2/16/2021             | to make the temporary third-party food deliver fee caps permanent and add additional                                                                                                                                                                                                                                                                                                                                                      |
| 26                  | Ordinance to ban vaping in the City                                                                                                           | Montano              | 12/15/2020            | areas adopted by Council on 6/15/2021. Council received a follow-up presentation                                                                                                                                                                                                                                                                                                                                                          |
| 27                  | 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.                                                                                                                                                                                                                                                                                                                                                    |

NOTE: Deferred and Completed Items are not listed



## CITY OF MILPITAS AGENDA REPORT (AR)

|                      |                                                                                                                                                                                                                                                                                                                                        |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>   | <b>Accept Commissioner Resignations (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)</b>                                                                                                                                                                                                                                    |
| <b>Category:</b>     | Consent Calendar-Leadership and Support Services                                                                                                                                                                                                                                                                                       |
| <b>Meeting Date:</b> | 8/8/2023                                                                                                                                                                                                                                                                                                                               |
|                      | <u>Recommendation:</u> Accept the resignations of Rachel Plummer and Natalie Chen from the Youth Advisory Commission, Jose Rosario and Mike Bilbao from the Community Advisory Commission, and Paul Medawar from the Economic Development and Trade Commission; and direct the City Clerk to post the notice of unscheduled vacancies. |

### **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. Rachel Plummer and Natalie Chen from the Youth Advisory Commission, Jose Rosario from the Community Advisory Commission, and Paul Medawar from the Economic Development and Trade Commission submitted notices of resignation.

### **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 notices of unscheduled vacancies for the Youth Advisory Commission, Community Advisory Commission, and Economic Development and Trade Commission will be posted Wednesday, August 9, 2023.

### **FISCAL IMPACT:**

There is no fiscal impact associated with this item.

### **RECOMMENDATION:**

Accept the resignations of Rachel Plummer and Natalie Chen from the Youth Advisory Commission, Jose Rosario and Mike Bilbao from the Community Advisory Commission, and Paul Medawar from the Economic Development and Trade Commission; and direct the City Clerk to post the notice of unscheduled vacancies.

### **Attachments:**

1. Email from Youth Advisory Commissioner Rachel Plummer
2. Email from Youth Advisory Commissioner Natalie Chen
3. Email from Community Advisory Commissioner Jose Rosario
4. Email from Community Advisory Commissioner Mike Bilbao
5. Email from Economic Development and Trade Commissioner Paul Medawar

**From:** [Rachel Plummer](#)  
**To:** [Suzanne Guzzetta](#)  
**Cc:** [Vince Collantes](#)  
**Subject:** Resignation - Rachel Plummer, YAC Chair  
**Date:** Wednesday, July 26, 2023 12:25:44 PM

---

**CAUTION: EXTERNAL SENDER**

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

Hello,

I am stepping down from my position as Chair and as a commissioner of the Youth Advisory Commission.

I am pursuing employment and my current position is a conflict of interest. I wish the commission all the best going forward.

Sincerely,  
Rachel Plummer

**Suzanne Guzzetta**

---

**From:** sguzzetta@milpitas.gov  
**To:** Vince Collantes  
**Subject:** RE: Resignation from the Youth Advisory Commission

---

**From:** Natalie Chen [REDACTED]  
**Sent:** Thursday, August 3, 2023 12:14 PM  
**To:** Vince Collantes <[vcollantes@milpitas.gov](mailto:vcollantes@milpitas.gov)>  
**Subject:** Resignation from the Youth Advisory Commission

**CAUTION: EXTERNAL SENDER**

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Hello Vince,

Please accept this letter as my formal resignation from my role in the Youth Advisory Commission. I graduated from high school in June and will be moving away for college. It's been a pleasure serving in the YAC!

Best,  
Natalie Chen

**From:** [Jose Rosario](#)  
**To:** [Carmen Montano](#); [Suzanne Guzzetta](#); [Robert Musallam](#)  
**Subject:** CAC Commissioner Resignation  
**Date:** Tuesday, August 1, 2023 6:46:33 PM

---

CAUTION: EXTERNAL SENDER

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Dear Mayor Carmen Montano and City Staff Officers,

I regret to inform you that I am resigning due to personal reasons and my urgent return to the Philippines for an indefinite period of stay. Thank you for having the privilege of serving as Commissioner of the City of Milpitas, CA.

Very truly your,  
Jose P. Rosario

Sent from my iPhone

**From:** [REDACTED]  
**To:** [Carmen Montano](#)  
**Cc:** [Suzanne Guzzetta](#); [musallam@milpitas.gov](mailto:musallam@milpitas.gov)  
**Subject:** resignation  
**Date:** Thursday, August 3, 2023 3:43:34 PM

**CAUTION: EXTERNAL SENDER**

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Mayor Carmen Montano

This is to inform you of my resignation as a member of the CAC. Although I enjoy and would prefer to stay, I have no alternative.

Due to personal reasons I had to move my residence to Pleasanton, Ca.

I lived in Milpitas for 32 years and still be working in Milpitas as i have had my office here since then.. I hope someday things change and allow office tenure specially this long. I love the city and still interested to serve. If you need to call me my Cell is [REDACTED] or [REDACTED].

Hopefully our paths cross again someday.

Respectfully Yours

**Mike A. Bilbao, Broker, Lic:00985723**

[REDACTED] E [REDACTED]  
[REDACTED]

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**From:** [Medawar, Paul](#)  
**To:** [cmontano@milpitas.gov](mailto:cmontano@milpitas.gov)  
**Cc:** [Alex Andrade](#); [City Clerk](#)  
**Subject:** Resignation of EDTC Seat  
**Date:** Tuesday, July 25, 2023 10:55:38 AM

**CAUTION: EXTERNAL SENDER**

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Good Morning Mayor Montano,

It is with great regret to that I must inform you of my resignation of my seat on the Economic Development and Trade Commission effective immediately.

My family and I are relocating back to Southern California. I have been truly honored to have been on the commission, even for the short time. It has been my pleasure serve and only wish it could have been longer.

Thank you once again and I only wish you continues success in all the future roads ahead.

Thank you.



**PAUL MEDAWAR, CHA**  
**DUAL GENERAL MANAGER**

**SONESTA SILICON VALLEY**  
 1820 Barber Lane | Milpitas | California | 95035

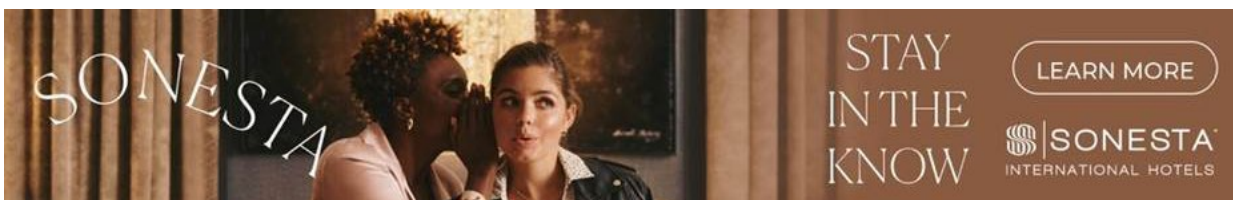
**SONESTA SAN JOSE**  
 777 Bellew Drive | Milpitas | California | 95035

M : [REDACTED] | [sonesta.com](https://sonesta.com)



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## CITY OF MILPITAS AGENDA REPORT (AR)

|                      |                                                                                                                                                                                                                                                                                                                          |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>   | <b>American Rescue Plan Act (ARPA) Workforce Development Program Funding (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Margaret Tamisiea, Senior Special Projects Associate, 408-586-3047)</b>                                                                                          |
| <b>Category:</b>     | Consent Calendar-Community Development                                                                                                                                                                                                                                                                                   |
| <b>Meeting Date:</b> | 8/8/2023                                                                                                                                                                                                                                                                                                                 |
|                      | <u>Recommendation:</u> Approve an American Rescue Plan Act (ARPA) Workforce Development grant in the amount of \$44,720.00 for SEMI Foundation to support hands-on learning using Science, Technology, Engineering, and Mathematics (STEM) Kits benefitting local youth in workforce development and education services. |

### **BACKGROUND:**

The COVID-19 pandemic dramatically reshaped Milpitas' economy and workforce. Business closures and associated layoffs caused by the COVID-19 pandemic have forced the City of Milpitas to take a more proactive role to rebuild and develop a vibrant local economy.

The City Council expressed a desire to assist the Milpitas community with a workforce development initiative to be funded through the American Rescue Plan Act (ARPA), as part of the Economic Vitality Investment Framework with the goals of rebuilding the local economy, helping residents return to the workforce, and improving skillsets to move into career ladder employment opportunities. In addition, the City Council agreed to explore funding to support viable career pathways. The City Council approved the ARPA Economic Vitality Investment Framework with \$300,000 directed toward workforce development. Through this action the City Council directed staff to disburse funding for workforce development initiatives and programs over two years, and in two tranches of \$150,000 each. The first tranche of funding included:

- \$40,000 for Milpitas Youth Force, a community service program for low-income youth which consisted of salaries and wrap-around services.
- \$50,000 for Evergreen Valley College to implement the Cloud Practitioner Program for cloud computing initiatives.
- \$40,000 for First 5 Santa Clara County to support an early education teacher apprenticeship program.
- \$20,000 divided between Rising Sun Center for Opportunity and Build It Green, both community-based organizations to implement a green building certification training program and climate careers externships.

The Evergreen Valley College Cloud Practitioner Program did not proceed due to key college staff changes, and thus only \$100,000 was utilized from the initial funding tranche. On February 21, 2023, the City Council approved \$70,000 for Milpitas Youth Force's summer 2023 program based on the success of the summer 2022 program. On June 6, 2023, the City Council approved a \$30,000 grant for Milpitas Unified School District's (MUSD) Adult School Career Training Center to support workforce development programming and education services.

### **ANALYSIS:**

Based on City Council direction, staff has identified suitable programs to achieve the City Council's objectives to facilitate workforce development recovery through ARPA grants to beneficiaries that are working to address the negative economic impacts from COVID-19. Staff has identified another ARPA beneficiary that is providing workforce programs and career pathways, which will assist Milpitas youth through deployment of Science, Technology, Engineering, and Mathematics (STEM) Kits.

## SEMI Foundation

The SEMI Foundation, headquartered in Milpitas, is a nonprofit that supports workforce development and diversity, equity, and inclusion in the semiconductor and electronics industries. SEMI Foundation is working to address significant workforce deficits by expanding and diversifying the talent pool. SEMI Foundation has created pathways for students and historically excluded people, including, people of color, veterans, and women

One of the key programs of the SEMI Foundation is to partner with K-12 school districts and afterschool programs. The goal of the partnership is to create an earlier start with students to help them build STEM skills and bring awareness of career paths in the semiconductor and electronics industries. SEMI Foundation has developed a scalable program to engage hands-on learning experiences through STEM kits that will benefit Milpitas youth. The STEM kits can be used in K-12 grade levels and are cost-effective and reusable. In addition to the materials in the kits, SEMI Foundation provides online resources and curriculum for teachers.

There are two types of STEM kits:

- Micro:bit kits feature a pocket-sized computer that includes an LED array, buttons, and sensors. The kit introduces students to coding and demonstrates the relationship between software and hardware. Students code their Micro:bit in a beginner-friendly environment, allowing them to creatively explore uses for sensors and hardware.
- CircuitScribe kits will give each student a conductive pen, an inventor's workbook, and various modules that allow students to create hand-drawn circuits. This kit helps students learn the basics of circuits and allows for innovative projects, such as devising their own uses for flashing lights.

The cost of the STEM kits ranges from \$22.53 to \$38.66 each. Staff recommends investing \$44,720 of ARPA Workforce Development funds to purchase the STEM kits (Attachment A). The STEM kits will be used by the Milpitas Unified School District to benefit Milpitas youth in partnership with the City of Milpitas and the SEMI Foundation. In addition, the Recreation and Community Services Department's youth and teen programs will also receive approximately 100 kits. The STEM kits will be used in the Leading Youth Futures Everyday (LYFE) afterschool program at Rancho and Russell Middle Schools for 7<sup>th</sup> and 8<sup>th</sup> graders, and at the Milpitas Teen Center for 9<sup>th</sup> – 12<sup>th</sup> graders. Through this program, motivated Recreation Leaders will be trained to engage approximately 100 Milpitas youth in STEM kit activities designed to promote scientific curiosity and inquisitiveness. Learning opportunities will be through both structured afterschool activities, and drop-in programs.

Staff shared this potential grant opportunity at the City/School Collaborative meeting on May 25, 2023. The City/School Collaborative was supportive of using ARPA funds to purchase STEM kits benefitting Milpitas youth and to develop a new partnership with the SEMI Foundation.

This ARPA Workforce Development program complements the Office of Economic Development's Workforce Development and Education Strategy under the May 5, 2020, adopted Economic Development Strategy, which outlines broader trends, opportunities, and concerns around the future of the local workforce, with an emphasis on building skills and opportunities for Milpitas residents. Staff also received feedback at the City/School Collaborative to explore programs related to early childcare education. Staff will research programs and bring back a recommendation for City Council consideration in the fall.

## **FISCAL IMPACT:**

The ARPA Workforce Development programs are fully funded under the City Council's ARPA Economic Vitality Investment Framework. The City Council approved the ARPA Economic Vitality Investment Framework and allocated a total of \$300,000 for workforce development initiatives. The first tranche of funding has been dispersed at an amount of \$100,000. The remaining funds are being dispersed through the 2023 Milpitas Youth Force Program in the amount of \$70,000, and MUSD's Adult Education Career Training Center Program in the amount of \$30,000. The staff recommendation for this Agenda Report is to grant a total of \$44,720 to the

SEMI Foundation for STEM kits as summarized above. If the City Council approves the staff recommendation, there will be approximately \$55,280 remaining to disburse in the ARPA Workforce Development Program.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

The action being considered has no potential for causing a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

**RECOMMENDATION:**

Approve American Rescue Plan Act (ARPA) Workforce Development grant in the amount of \$44,720 for SEMI Foundation to support hands-on learning using Science, Technology, Engineering, and Mathematics (STEM) Kits benefitting local youth in workforce development and education services.

**Attachment:**

1. SEMI Foundation – Proposed STEM Kits Budget

## Attachment A

SEMI Foundation – Budget

High Tech U with the City of Milpitas

**Organization:** SEMI Foundation

**Program Name:** SEMI High Tech U in the Classroom

**Area of Support:** STEM Education

**Geographical Area:** City of Milpitas

**Budget:**

|                                                                                                                                           | Per unit cost<br>(shipping included) | Estimated units<br>purchased | Cost               |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------|--------------------|
| Micro:bit kit                                                                                                                             | \$22.53                              | 550                          | \$12,391.50        |
| CircuitScribe kit                                                                                                                         | \$38.66                              | 550                          | \$21,263.00        |
| Program Coordination (coordination of kits and materials, instructor training events, modifying content as needed, follow-up evaluations) |                                      |                              | \$7,000.00         |
| General and administrative expenses (10%)                                                                                                 |                                      |                              | \$4,065.45         |
| <b>Total</b>                                                                                                                              |                                      |                              | <b>\$44,719.95</b> |



## CITY OF MILPITAS AGENDA REPORT (AR)

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>   | <b>Approve and Execute Amendments to the Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) and Subscription and Services Agreement with RideCo for Milpitas SMART (Staff Contact: Jay Lee, Interim Planning Director, 408-586-3077)</b>                                                                                                                                                                 |
| <b>Category:</b>     | Community Development                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Meeting Date:</b> | 8/8/2023                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                      | <u><b>Recommendation:</b></u> <ol style="list-style-type: none"> <li>1. Approve amendments to the funding agreement with the Santa Clara Valley Transportation Authority (VTA) and subscription and services agreement with RideCo for Milpitas SMART related to changing the program from a hub-and-spoke to a point-to-point service model.</li> <li>2. Authorize the City Manager to execute the amended agreements.</li> </ol> |

### **Background:**

In November 2016, Santa Clara County voters approved the 2016 Measure B ballot measure, a 30-year half-cent countywide sales tax to enhance transit, highways, expressways and active transportation programs for bicycles and pedestrians.

The Santa Clara Valley Transportation Authority (VTA) established the 2016 Measure B Program and adopted Program category guidelines. The Innovative Transit Service Models Program provides approximately \$6 million in funding to eligible cities through a competitive grant application process. The goal of the Innovative Transit Service Models Program is to support affordable new innovative transit service models to address first/last-mile connections to transit, serving the vulnerable, underserved and transit-dependent population.

City staff in partnership with RideCo, a transportation consulting firm that provides on-demand transit solutions, submitted a grant application for funding through the Innovative Transit Service Models Program to develop and implement Milpitas SMART, a 12-month pilot program to provide a flexible, convenient first/last-mile transit solution with convenient connections to VTA light rail and the Milpitas Transit Center. On March 4<sup>th</sup>, the VTA Board of Directors approved the recommended projects, including Milpitas SMART, and authorized the General Manager to execute the necessary agreements. The City of Milpitas was awarded the full amount of the grant request in the amount of \$1,084,732.

On April 5, 2022, the City Council authorized the City Manager to execute a funding agreement with VTA to receive this funding and a subscription and services agreement with RideCo in a not-to-exceed amount of \$1,355,916 for consultant services to operate Milpitas SMART. Similar to other cities in Santa Clara County that received grant funding, City staff selected RideCo's proprietary service model to meet the grant program's requirement for an "innovative service model".

### **Analysis:**

#### **Service Model Change**

Milpitas SMART launched on September 12, 2022 with the goal of supporting affordable new innovative transit service models to serve the vulnerable, underserved, and transit-dependent population. To support this goal, the service initially provided first/last-mile connections to or from four key hubs in the City of Milpitas: (1)

Milpitas City Hall, (2) Milpitas Transit Center, (3) Great Mall, and (4) VTA Alder Station. Riders could book trips from any one of nearly a hundred virtual stops across the City to any of these four hubs and vice versa.

However, riders were required to either start or end each trip at one of these hubs and could not book a trip from one virtual stop to another. Despite the City's extensive marketing and outreach efforts, due to this inconvenience along with the lagging recovery of transit ridership in the San Francisco Bay Area, ridership for the service remained low through February at approximately 5 passengers weekday, which is significantly lower than the key performance indicators (KPI) goal of 200+ passengers per weekday. Furthermore, during in-person outreach conducted at the four hubs and through phone and email correspondence, staff received feedback from various residents requesting direct access to key destinations outside the hubs including the Milpitas Library and Milpitas High School. Additionally, in the first four months of operation, 35 percent of users experienced blocked searches because the search did not meet the service model criteria, indicating significant demand for direct access to destinations outside the hubs.

To meet this demand and increase ridership, City staff requested and received VTA approval to transition Milpitas SMART from a hub-and-spoke to a point-to-point service model. In February 2023, the City implemented this service change. These proposed amendments are necessary to reflect this change, which has already been implemented, and continue offering point-to-point service to better serve the Milpitas community.

### **Program Update & Next Steps**

Since transitioning to a point-to-point service model in February 2023, ridership has increased dramatically each month. Under the hub-and-spoke model, Milpitas SMART averaged approximately 82 passengers per month. In June 2023 alone, Milpitas SMART serviced 1,393 passengers, which is nearly 16 times higher than the average monthly ridership before the service change.

City staff is currently working with RideCo to carry out a summer marketing campaign and is coordinating with the Milpitas Unified School District (MUSD) to market the service to students as they return to school. The City is also considering expanding the services hours into the early mornings, late evenings, and weekends to capture demand for new types of trips including early morning commutes, evening dining, and recreational activities.

Furthermore, due to the cost savings from the low ridership in the early months, the City will be able to operate Milpitas SMART for an additional 4 to 5 months beyond the original program term of 12 months funded by VTA's 2016 Measure B Program. The City will also receive \$1.6 million in funding from the State through the Budget Act of 2023 (AB 102) to operate Milpitas SMART for another year once VTA grant funds are expended and the initial pilot program ends. City staff will return to the City Council in September to discuss the potential service hours expansion and program extension.

With the success of the point-to-point service model, continued marketing efforts, potential expansion of the service hours, and upcoming extension of the program, the ridership is expected to continue to increase and reach our initial goal of 120 riders per day and beyond.

### **Policy Alternatives:**

**Alternative 1: Do not approve amendment to the subscription and services agreement with RideCo and do not authorize the City Manager to execute the amended agreement with RideCo.**

Pros: None.

Cons: In failing to amend the subscription and services agreement with RideCo, the City would have to coordinate with RideCo to change Milpitas SMART back to a hub-and-spoke service model, which would likely result in a significant decrease in ridership and fare revenue. Furthermore, current users who rely on the service to commute to work, visit key destinations, and complete daily trips would have to turn to other more expensive and less convenient transportation options.

**Reason not recommended:** In light of the strong demand for direct trips from homes to key destinations outside the 4 hubs originally established in the previous service model, the proposed amendment is needed to continue the point-to-point service model, which has been successful and well-received by the Milpitas community. Reverting back to a hub-and-spoke service model would make it more challenging to maintain and increase ridership and secure future funding to continue providing a valuable and much-needed service to Milpitas' residents, employees, and visitors.

**Fiscal Impact:**

The proposed amendment to the subscription and services agreement with RideCo would not change the project budget.

**California Environmental Quality Act:**

Not applicable. The selection and contractual arrangement of planning services do not constitute a project, in accordance with Section 15378 of the CEQA Guidelines.

**Recommendation:**

1. Approve amendments to the funding agreement with the Santa Clara Valley Transportation Authority (VTA) and subscription and services agreement with RideCo for Milpitas SMART related to changing the program from a hub-and-spoke to a point-to-point service model.
2. Authorize the City Manager to execute the amended agreements.

**Attachment:**

1. Amended Funding Agreement with VTA
2. Amended Subscription and Services Agreement with RideCo
3. Monthly KPI Summaries Report

**FIRST AMENDMENT TO THE FUNDING AGREEMENT  
BETWEEN  
CITY OF MILPITAS  
AND  
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY  
FOR  
MILPITAS ONDEMAND**

THIS FIRST AMENDMENT to the AGREEMENT ("FIRST AMENDMENT") is between the CITY OF MILPITAS, referred to herein as "CITY", and the SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, referred to herein as "VTA" as of the last date set forth in the signature block. Hereinafter, CITY and VTA may be individually referred to as "PARTY" or collectively referred to as "PARTIES".

**I. RECITALS**

1. WHEREAS, on May 27, 2022, the CITY and VTA entered into an agreement titled "FUNDING AGREEMENT BETWEEN CITY OF MILPITAS AND SANTA CLARA VALLEY TRANSPORTATION AUTHORITY FOR MILPITAS ONDEMAND" ("AGREEMENT"); and
2. WHEREAS, on August 4, 2022, VTA Board of Directors approved the updated program category guidelines for the nine 2016 Measure B Program Categories, including the TRANSIT OPS CATEGORY; and
3. WHEREAS, on January 13, 2023, the CITY requested to change the existing on-demand service from a hub-and-spoke service to a stop-to-stop service model; and
4. WHEREAS, on February 7, 2023, VTA 2016 Measure B program office reviewed the CITY's supporting documentation and approved the CITY's proposed service model change, effective February 1, 2023; and
5. WHEREAS, the PARTIES desire to amend the AGREEMENT to reflect the change in the PROJECT.

NOW, THEREFORE, the PARTIES agree to amend the AGREEMENT as follows:

**II. AGREEMENT**

1. ATTACHMENT A is amended, effective February 1, 2023, and restated in its entirety as set forth in the attached ATTACHMENT A-1.
2. ATTACHMENT D is amended and restated in its entirety as set forth in the attached ATTACHMENT D-1.

3. Unless specifically defined herein, the capitalized terms used in this FIRST AMENDMENT have the meanings as defined in the AGREEMENT.
4. Except as herein modified, all provisions of the AGREEMENT, including any exhibits and subsequent amendments thereto, remain in full force and effect. All references to the AGREEMENT in this FIRST AMENDMENT refer to the AGREEMENT as amended unless otherwise specifically set forth or otherwise indicated by context.
5. In the event of any conflict between the provisions of this FIRST AMENDMENT and the provisions of the AGREEMENT, the provisions of this FIRST AMENDMENT will prevail. Whether or not specifically amended by this FIRST AMENDMENT, all of the terms and provisions of the AGREEMENT are amended to the extent necessary to give effect to the purpose and intent of this FIRST AMENDMENT.
6. If any provision of the AGREEMENT, as amended by this FIRST AMENDMENT, is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will continue in full force without being impaired or invalidated in any way.

***Signatures of PARTIES on following page.***

IN WITNESS WHEREOF, the PARTIES have executed this FIRST AMENDMENT as of the last date set forth below.

***Santa Clara Valley  
Transportation Authority***

***City of Milpitas***

---

Carolyn M. Gonot  
General Manager/CEO

---

Ned Thomas  
Acting City Manager

---

Date

---

Date

Approved as to Form:

Approved as to Form:

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Shannon Smyth-Mendoza  
Deputy General Counsel

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Michael Mutalipassi  
City Attorney

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Date

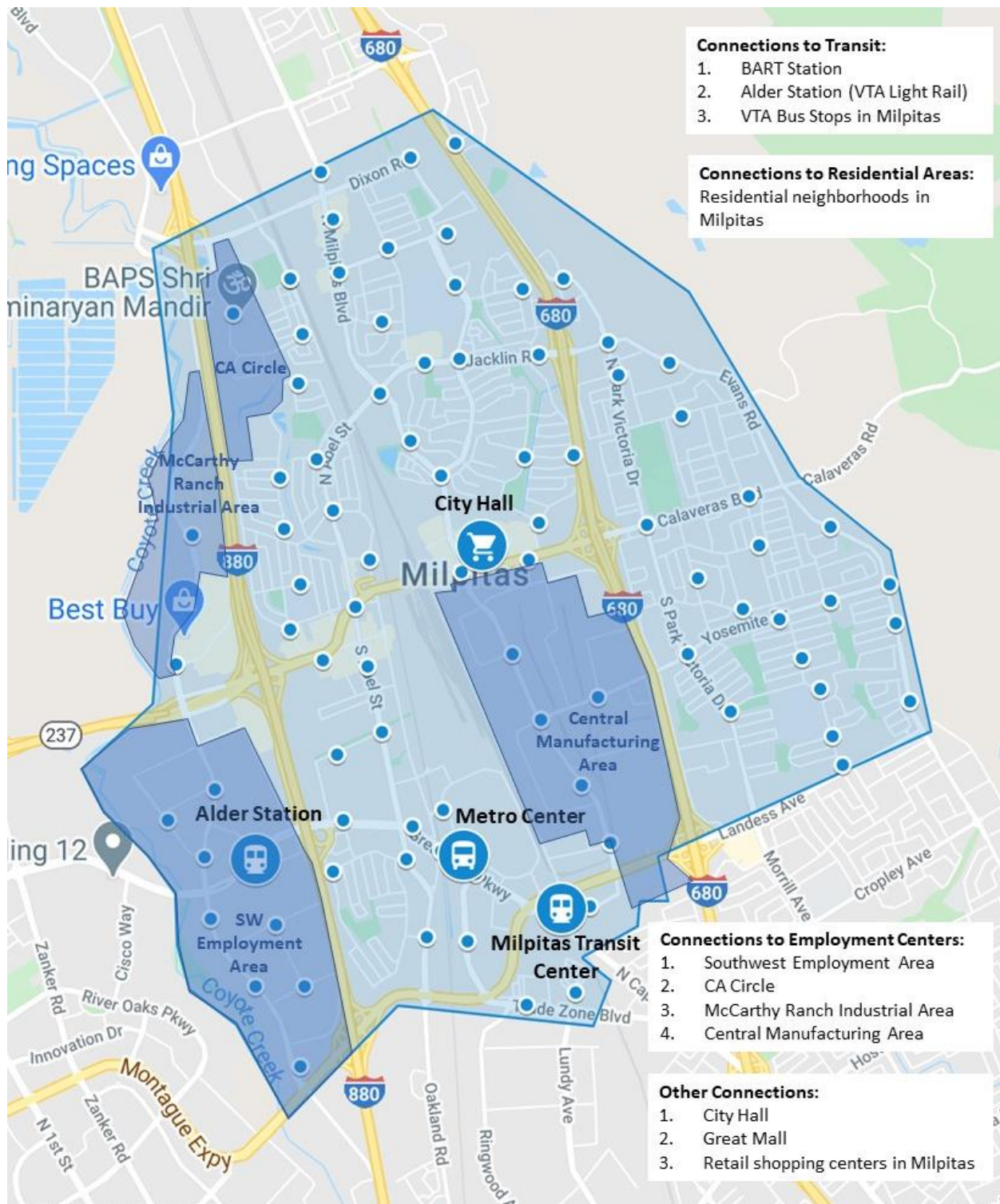
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Date

**ATTACHMENT A-1**  
**Service Parameters**  
**(Effective February 1, 2023)**

1. Service Span: Service runs Monday through Friday. Service hours match current VTA fixed bus routes in Milpitas and will change accordingly if VTA service hours in Milpitas change at any point in the future.
2. Service Coverage: City limit of Milpitas, as shown in Figure 1.
3. Routes: Service is on-demand point-to-point micro-transit service that has many virtual stops across the city limit of Milpitas. Vehicles may pick up passengers from anywhere within the service coverage area and may take the shortest route to the next stop on the ever-updating vehicle itinerary.
4. Infrastructure: Service operates with seven minivans, three of which will be fully ADA accessible. Service vehicle accommodates bicycles on board.
5. Fares: \$2.5 regular fares and \$1 for disabled, low-income, or youth population.
6. Online App: Passengers can book trips through mobile and web applications. All service data is available through a real-time dashboard. The software allows riders to pay in a variety of ways including cash and credit/debit cards. The online app offers seat selection options for mobility-limited riders/wheelchair users as well as standard seat types for ambulatory passengers.

Figure 1: Service Coverage Map



## ATTACHMENT D-1

**2016 Measure B Transit Operations Program Guidelines**

[Revised and approved by VTA Board of Directors: August 4, 2022]

*The revenue from this program category will provide additional funds specifically for bus operations to serve vulnerable, underserved, and transit dependent populations throughout the county. The goals of the program category are to increase ridership, improve efficiency, enhance mobility services for seniors and disabled, and improve affordability for the underserved and vulnerable constituencies in the county. As VTA considers modifications to bus operations and routes to improve ridership and efficiencies, these funds may also be utilized to maintain and expand service to the most underserved and vulnerable populations. The funds may be used to increase core bus route service frequencies, extending hours of operations to early morning, evenings and weekends to improve mobility, safe access and affordability to residents that rely on bus service for critical transportation mobility needs. Attachment D describes the list of Candidate Projects and Programs.*

**Total Funding**

7.94% of Program Tax Revenues

**Program Type**

Formula-based program

**Distribution of Funds**

- Funds will be allocated on a two-year cycle, in conjunction with the VTA Biennial Budget process.
- Funds are allocated on an annual basis, based on the application of the ballot-established ratio to the estimated Program Tax Revenue. The allocations are calculated in two steps:
  - Multiplying the ballot-established ratio by the projected Program Tax Revenues for that fiscal year.
  - Reconciling prior allocations, which were based on estimated Program Tax Revenues, with actual Program Tax Revenues (referred to as a “true-up process”). This true-up process will occur in the first fiscal year of each biennial budget cycle.
- The Transit Operations Program Category funding will be allocated for the following four sub-categories identified in 2016 Measure B Attachment D:
  - **Enhance Frequent Core Bus Network** by increasing core bus route service frequencies, and expanding or adding additional evening, late night and weekend service.
  - **Expand mobility services and affordable fare programs** for seniors, disabled, students and low-income riders.
  - Support **new/innovative transit service models** to address first/last mile connections and transit services for the transit dependent, vulnerable

- populations and paratransit users that is safe and accountable.
- **Improve amenities at bus stops** to increase safety, security and access with lighting and access improvements.

The allocations for the four sub-categories are as follows:

| 2016 Measure B Transit Operations Program |                    |
|-------------------------------------------|--------------------|
| Sub-category                              | Funding Allocation |
| Frequent Core Bus Network                 | 73%                |
| Innovative Transit Service Models         | 8%                 |
| Affordable Fare Programs                  | 15%                |
| Bus Stop Amenities                        | 4%                 |

### **Implementation**

- Only projects and programs currently listed on 2016 Measure B Attachment D are eligible.
- **Enhanced Frequent Core Bus Network** will directly fund VTA's core bus network of services, maintain or increasing core bus route service frequencies, and expanding or adding evening, late night and weekend service.
- **Fare Programs** will directly fund VTA's Transit Assistance Program (TAP) and reduced fares for youth.
- **Innovative Transit Service Models** (Competitive Grant) will support goals to address first/last mile connections.
  - Only a public agency can serve as a project sponsor. Other entities must partner with a public agency to apply for a grant.
  - The minimum grant award is \$250,000.
  - The maximum grant award per sponsoring agency can be no more than 50% of the total available funds per call for projects per cycle, unless the cycle is undersubscribed.
  - The 2016 Measure B Program Office developed project criteria in conjunction with the VTA Technical Advisory Committee Capital Improvement Program Working Group and incorporated input from VTA committees.
- **Bus Stop Amenities** will directly fund improvements at VTA's bus stops. The bus stop improvements will be prioritized based on VTA's Transit Passenger Environment Plan or subsequent plans and ongoing maintenance needs.

### **Requirements**

- Innovative Transit Service Models Competitive Grant Program
  - Reporting requirements will be detailed in agreements executed with VTA for project funding.
  - Funds will be distributed on a reimbursement basis.
- All capital projects must comply with VTA Complete Streets reporting requirements.
- All projects must comply with 2016 Measure B program oversight requirements.

- All collateral material must comply with 2016 Measure B branding requirements.



**AMENDMENT NO. 1 TO  
SUBSCRIPTION AND SERVICES AGREEMENT  
WITH  
RIDECO US INC.  
FOR  
RIDECO'S DYNAMIC TRANSIT SYSTEM**

This Amendment No. 1 is entered into as of \_\_\_\_\_, (the "Effective Date") by and between the City of Milpitas, a municipal corporation of the State of California (hereinafter referred to as "City") and **RideCo US Inc**, a stock corporation (hereinafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Amendment No. 1.

**RECITALS:**

**WHEREAS**, on May 26, 2022, the Parties entered into a Subscription and Services Agreement (the "Agreement") for Rideco's Dynamic Transit System for the not-to-exceed compensation amount of One Million Three Hundred Fifty-Five Thousand Nine Hundred Sixteen Dollars and Zero Cents (\$1,355,916.00), and with an initial term period from September 12, 2022 through September 12, 2023 (the Agreement); and

**WHEREAS**, the Parties now wish to amend the Agreement to replace Schedule A, Project Terms and Scope of Work.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions herein contained, the Parties agree to amend the Agreement as follows:

1. Schedule A, Project Terms and Scope of Work, is hereby deleted in its entirety and replaced with Schedule A-1, Project Terms and Scope of Work (Revised August 2023) attached hereto and incorporated herein by this reference.
2. All other provisions of the Agreement not amended by this Amendment No. 1 shall remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE TO AMENDMENT NO. 1  
TO THE SUBSCRIPTION AND SERVICES AGREEMENT  
WITH RIDE CO US INC  
FOR RIDE CO'S DYNAMIC TRANSIT SYSTEM**

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 as of the date first written above.

**CITY OF MILPITAS**

**RIDE CO US INC**

*Approved By:*

\_\_\_\_\_  
Ned Thomas, Acting City Manager

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

*Approved As To Form:*

\_\_\_\_\_  
Michael Mutalipassi, City Attorney

\_\_\_\_\_  
Title

*Approved:*

\_\_\_\_\_  
Date

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

*Approved As to Content:*

\_\_\_\_\_  
Jay Lee, Interim Planning Director

**SCHEDULE A-1**  
**PROJECT TERMS AND SCOPE OF WORK**  
**(Revised August 2023)**

**Project Term:** 12-months starting on the launch date to the passengers, extendable for an additional 36 months, in 12 month increments at City's option, subject to agreement of applicable terms including the appropriate Subscription and Services Fee. After the initial 12-month term, the City will have a one-time option to extend the contract for less than a 12-month increment. The duration will be determined by mutual agreement by both parties. Further extensions will require an increment of 12-months.

**Zone:** Milpitas, CA

**Service model:** on-demand Point-to-Point Microtransit using virtual stops, within the Zone

**Vehicles:** Approximately four (4) 6-seat Dodge Caravan (or equivalent) minivans and three (3) ADA-accessible 4-seat Dodge Caravan (or equivalent) minivans. The actual number of vehicles scheduled to be in revenue operation will vary subject to day of week, time of day and passenger demand.

**Service Hours:** 7am-7pm Monday to Friday

**Vehicle Revenue Hours:** Approximately 21,840 vehicle revenue hours based on 7 vehicles with a minimum of 18,720 vehicle revenue hours with 6 vehicles for the initial Project Term;

**Subscription and Services Fee:** \$58.65 per vehicle revenue hour

Purchase of bike racks and installation are not included in the pricing. Price estimates to be provided by Transit Operations Provider prior to purchase and installation of bike racks. Should services and/or insurance requirements change, RideCo reserves the right to adjust the service fees for any changes.

**Marketing Budget:** approximately \$75,000 **including vehicle wraps and installation**

**Budget for the initial Project Term not to exceed: \$1,355,916**

**Float:** \$25,000

City and RideCo may, if mutually agreed upon, add additional hours of service, service area, target rider market, or vehicles in accordance with the terms of the Agreement.

**Scope of Work:**

Project Management, Training, Software Requirements, and Data Reporting:

1. Project management will be a continuous function and a key responsibility of RideCo. RideCo will develop and maintain an overall project schedule to ensure milestones are met in an efficient manner
2. RideCo shall coordinate with City to refine and approve the service model, including specific stops, schedules, service coverage areas, and cost structure (including potential subsidization).
3. RideCo shall ensure the adequate and complete training of initial operators, dispatchers, operations manager(s), and City staff that are involved in the operation or monitoring of the service. Additional training sessions may be requested under Professional Services fee of \$120 per hour.

4. RideCo will ensure that the functions listed in Schedule “D” Software Functional Requirements are met.
5. RideCo and City will agree upon data reporting expectations and shall include daily ridership information, virtual stop locations, use of referral or promotional codes, qualitative data collected from riders to capture travel preferences, and other data as mutually agreed.
6. RideCo will work with City to coordinate a test run of both the software application and service prior to commencement of public revenue service operations.
7. RideCo will provide a standard daily KPI report, including data mutually agreed upon by the City and RideCo. Custom reporting is out of scope but may be requested under Professional Services fee of \$120 per hour.
8. RideCo will review data dashboard with the City and transportation partners on weekly basis during the first month of revenue service operations and a monthly basis thereafter, during the Project Term.
9. RideCo will periodically provide City with any recommendations for changes in virtual stops, service hours, or promotions to ensure meeting project goals.
10. RideCo will provide city with a final report summarizing their market, operational findings, viability of long-term service, and recommendations. A presentation on the final report will be provided to city staff.

#### Branding and Marketing:

1. RideCo will brand the rider mobile application uniquely to the service. City will provide necessary graphics and content for RideCo to brand the application.
2. RideCo will advise the city in the marketing of the service to passengers, including providing examples of successful marketing materials from other client efforts.
3. RideCo will configure and manage referral and promotional codes throughout the duration of the Project.
4. RideCo, through its marketing subcontractor, will design graphics to be placed on the vehicles in accordance with specifications provided by the Transportation Operations Provider. Transportation Operations Provider will be responsible for having the graphics placed on the vehicles prior to commencement of vehicle revenue operations.

#### Vehicles and Drivers:

1. For the initial project term, the minimum number of vehicles in service is 6 vehicles.
2. Driver shift minimum is four (4) hours.
3. RideCo, through its subcontractor Transportation Operations Provider, will be responsible for the acquisition, storage, fueling, and maintenance of the appropriate vehicles. Vehicles used in the performance of this contract shall be no more than five (5) years old and/or have no more than 300,000 miles during any time during the initial Project Term or subsequent renewals of this contract. Vehicle registration and vehicle identification numbers will serve as proof of age. Vehicles must meet all EPA standards. All wheelchair-accessible vehicles must meet ADA (49 CFR Parts 37 and

38) standards.

4. RideCo, through its Transportation Operations Provider, will provide current California licensed drivers that meet the following criteria:
  - a. No more than two moving violations in the past three (3) years
  - b. No at fault accidents or major violations (Driving Under the Influence or Driving While Intoxicated) in the past seven (7) years
  - c. Speak, write, and read English fluently
  - d. Successfully pass background checks annually which include social security number verification, no sex offender, no government restricted lists, no county, state and federal court records, no criminal misdemeanor convictions within the past three (3) years related to the possession, sale or use of illegal drugs, and verification of past living history or other available public records.
5. RideCo, through its Transportation Operations Provider, will regularly screen drivers for legal and illegal substances via an independent medical agency in accordance with the U.S. Department of Transportation regulations.
6. RideCo, through its Transportation Operations Provider, will train drivers focused on customer service including the ability to:
  - a. Handle inquiries and/or complaints
  - b. Develop rapport and the ability to respond to an individual's needs
  - c. How to handle doubt, misunderstandings and objections
7. RideCo, through its Transportation Operations Provider, will provide road driver training to include:
  - a. Vehicle Familiarization Training
  - b. Tech Applications
  - c. Vehicle Inspection Training
  - d. Onsite Local Knowledge and Culture Training
  - e. On Demand Route Training
  - f. Maintenance Protocol
  - g. Parking and Storage Locations
  - h. Lost & Found Protocol

#### Customer Service:

1. RideCo, through its subcontractor Transportation Operations Provider, will maintain customer service access through an operations center, during hours of revenue service operations. For those who are not able to access the service via the software application, customers shall be able to call, during hours of revenue service operations, and book rides over the telephone and receive customer support including information about lost items.

## Monthly KPI Metric Summaries Report

## Milpitas SMART

| Month   | # Riders | # New Riders | # Repeat Riders | Avg. Rides Per Rider | # Passengers Completed | # Rides Completed | Shared Rides (%) | Avg. Shared Fare Occupancy | Avg. Daily User Conversion Rate (%) | Avg. Ride Rating | % Rides With 1-2 Star Ratings and Comments | # Abandoned Rides | Pickup Violations (%) | Dropoff Violations (%) | # Unique Users That Experienced Failed Search | Passengers Per Vehicle Hour (PVH) |
|---------|----------|--------------|-----------------|----------------------|------------------------|-------------------|------------------|----------------------------|-------------------------------------|------------------|--------------------------------------------|-------------------|-----------------------|------------------------|-----------------------------------------------|-----------------------------------|
| 2023-06 | 228      | 129          | 99              | 5.2                  | 1393                   | 1185              | 24%              | 2.1                        | 65%                                 | 4.897            | 0%                                         | 0                 | 2%                    | 1%                     | 13                                            | 1.1                               |
| 2023-05 | 179      | 111          | 68              | 5.8                  | 1155                   | 1036              | 26%              | 2.1                        | 62%                                 | 4.887            | 1%                                         | 0                 | 2%                    | 2%                     | 9                                             | 0.9                               |
| 2023-04 | 107      | 75           | 32              | 6.6                  | 830                    | 701               | 21%              | 2.1                        | 65%                                 | 4.911            | 0%                                         | 1                 | 5%                    | 2%                     | 4                                             | 0.7                               |
| 2023-03 | 44       | 25           | 19              | 5.3                  | 242                    | 232               | 15%              | 2.1                        | 71%                                 | 4.890            | 0%                                         | 0                 | 3%                    | 2%                     | 6                                             | 0.2                               |
| 2023-02 | 19       | 6            | 13              | 4.2                  | 83                     | 80                | 5%               | 2.0                        | 50%                                 | 4.873            | 1%                                         | 0                 | 4%                    | 5%                     | 0                                             | 0.1                               |
| 2023-01 | 14       | 5            | 9               | 4.2                  | 64                     | 59                | 7%               | 2.0                        | 59%                                 | 4.820            | 2%                                         | 1                 | 0%                    | 0%                     | 0                                             | 0.0                               |
| 2022-12 | 13       | 7            | 6               | 4.3                  | 56                     | 56                | 0%               | 0.0                        | 58%                                 | 4.947            | 0%                                         | 0                 | 0%                    | 0%                     | 1                                             | 0.0                               |
| 2022-11 | 15       | 10           | 5               | 5.4                  | 85                     | 81                | 2%               | 2.0                        | 55%                                 | 4.841            | 1%                                         | 0                 | 0%                    | 2%                     | 5                                             | 0.1                               |
| 2022-10 | 10       | 4            | 6               | 5.2                  | 53                     | 52                | 0%               | 0.0                        | 37%                                 | 4.977            | 0%                                         | 0                 | 4%                    | 2%                     | 0                                             | 0.1                               |
| 2022-09 | 23       | 23           | 0               | 4.0                  | 150                    | 93                | 26%              | 2.0                        | 37%                                 | 4.854            | 0%                                         | 0                 | 4%                    | 6%                     | 2                                             | 0.2                               |



## CITY OF MILPITAS AGENDA REPORT (AR)

|                      |                                                                                                                                                                                                  |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>   | <b>2023 Weed Abatement Assessments Public Hearing and Adopt a Resolution to Confirm the Assessment Report (Staff Contact: Arthur Belton, Deputy Fire Chief / Fire Marshal, 408-586-3384)</b>     |
| <b>Category:</b>     | Public Hearings-Public Safety                                                                                                                                                                    |
| <b>Meeting Date:</b> | 8/8/2023                                                                                                                                                                                         |
|                      | <u>Recommendation:</u> Conduct a public hearing and adopt a Resolution confirming the 2023 Weed Abatement Assessment Report and the assessment list to be entered into the tax assessment rolls. |

### **BACKGROUND:**

On February 2, 1976, an Agreement was established and approved to abate weeds by the County of Santa Clara for the City of Milpitas. The purpose of the Agreement is to promote the efficiency and economy of operations in the abatement of weeds by the City and the County.

The major procedural functions to be performed by the County and / or City shall include but not be limited to:

1. The County shall prepare the list of parcels requiring abatement of weeds in the City and transmit the said list to the City for review and approval for processing.
2. The County shall prepare the notice of weed abatement and cause such notice to be mailed to the owners of the parcels requiring weed abatement.
3. The City Council shall conduct public hearings on the proposed removal of weeds pursuant to the provisions of the City Ordinance when the City Fire Marshal presents such appropriate resolutions for adoption. The City Council may, by adoption of a resolution, declare the weeds on the respective parcels of the land as a public nuisance, and make the determination to proceed with the abatement of weeds, and authorize the performance of the service to remove the weeds in accordance with the aforementioned Agreement.
4. Upon proper authorization by the City, the County shall remove the weeds on the designated properties.
5. The County shall render to the City an itemized assessment report for the cost of the weed abatement services performed per the respective parcels.
6. Pursuant to California Health and Safety Code 14915, a copy of the report, as confirmed, shall be turned over to the auditor of the county, on or before the tenth day of August following such confirmation, and the auditor shall enter the amounts of the assessments against the respective parcels of land as they appear on the current assessment roll, (Amended by Stats. 1939, Ch. 354).
7. The City Council, after a public hearing, shall require the County Assessor's Office to include the costs of the weed abatement services performed for the City for the current year, as a special assessment on bills for taxes levied against the affected parcels. Such special assessments shall be liens on the respective properties.

**ANALYSIS:**

On March 7, 2023, the City Council adopted Resolution No. 9226 declaring noxious or dangerous weeds growing upon certain described property to be a public nuisance that must be abated by the removal of the weeds. If the public nuisance was not removed from the properties by the owner, the City contracted with the County of Santa Clara Consumer and Environmental Protection Agency- Weed Abatement Program (County) to remove the weeds and abate the nuisance. In accordance with Title V, Chapter 202 of the Milpitas Municipal Code, the County filed with the City Clerk a report and assessment list on weeds abated within the City as nuisances. A notice for the public hearing was sent by the City Clerk's Office to the local newspaper for publication, posted in the Council designated locations, and mailed to the affected property owners by the Fire Marshal's Office pursuant to Milpitas Municipal Code Section V-202-9.00.

On June 21, 2022, the City Council approved and authorized the City Manager to execute and sign the Amended and Restated Weed Abatement Agreement Between City of Milpitas and the County of Santa Clara Consumer and Environmental Protection Agency – Weed Abatement Program. The intent of this updated agreement was to provide consistency with current County standards. The County typically adjusts fees annually to ensure costs of the program are fully recovered from property owners within the program. Language in the agreement included a provision for a true-up, where the City will be responsible for any potential shortfall if the amounts collected from property owners are inadequate to reimburse the County for services provided.

The City's Municipal Code requires that the City Council hear the report together with any objections of the property owners liable to be assessed and make such modifications on the proposed assessment as it deems necessary.

Following adoption by the City Council, the resolution will be recorded and charges thereon become a lien on the land involved to be collected in the same manner as property taxes. A copy of the assessment list and the proposed resolution confirming the weed abatement report are included in the Council's agenda packet.

**POLICY ALTERNATIVE(S):**

There are no policy alternatives other than what is outlined under the Recommendations section. Pursuant to the February 2, 1976 Agreement, the County under the provisions of the Health and Safety Code of the State of California and its ordinance has the authority to enforce the abatement of weeds. Likewise, the City under the California Fire Code and Milpitas Municipal Code, Title V, Chapter 202 has the authority to enforce the abatement of weeds.

**FISCAL IMPACT:**

At the first City Council meeting in August of each year during a public hearing, the City's municipal code provides that the City Council hear the assessment report for the list of weeds abated within the City, together with any objections of the property owners liable to be assessed, and to make such modifications on the proposed assessment as it deems necessary. Following adoption by the City Council, the resolution will be recorded and charges thereon become a lien on the land involved to be collected in the same manner as property taxes.

If the County's costs to administer the program are not fully recovered through fees from the property owners, Section 7C of the agreement may be applied. If this true-up were to occur, it would impact on the General Fund via the Unanticipated Expenditure Reserve.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

The action being considered has no potential for causing a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061 (b)(3).

**RECOMMENDATION:**

1. Open the Public Hearing for public comment and close the Public Hearing.
2. Adopt a Resolution Confirming the 2023 Weed Abatement Assessment Report and the Assessment List to be entered into the Tax Assessment Rolls.

**ATTACHMENT(S):**

1. Resolution
2. Exhibit A - 2023 Weed Abatement Assessment Report for the City of Milpitas

When Recorded Mail to:

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

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

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CONFIRMING A  
WEED ABATEMENT ASSESSMENT REPORT AND ASSESSMENT LIST TO BE ENTERED  
ON TAX ASSESSMENT ROLLS**

**WHEREAS**, on March 7, 2023, the City Council of the City of Milpitas adopted Resolution No. 9226 declaring noxious or dangerous weeds growing upon and/or the accumulation of rubbish, refuse or dirt upon certain described property to be a public nuisance that must be abated by removal; and

**WHEREAS**, if the public nuisance was not removed from the properties by the owner, the City contracted with the Office of Santa Clara County Agricultural and Environmental Management to remove the weeds, rubbish, refuse and/or dirt and abate the nuisance; and

**WHEREAS**, the Office of Santa Clara County Agricultural and Environmental Management filed a report and abatement assessment list with the City Clerk in conformance with Title V, Chapter 202 of the Milpitas Municipal Code; and

**WHEREAS**, notice of the report and abatement assessment list was posted in accordance with Milpitas Municipal Code, Section V-202-9.00; and

**WHEREAS**, on August 8, 2023 a public hearing was held on said report and assessment list, a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, the City Council heard and overruled any objections of the property owners liable to be assessed for the abatement.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby confirms the 2023 Weed Abatement Assessment Report and Abatement List by the County of Santa Clara for the City of Milpitas, filed by the Office of Santa Clara County Agricultural and Environmental Management, without modification.
3. The City Council orders that the cost of abating such public nuisance upon the various properties respectively referred to in the 2023 Weed Abatement Assessment Report and Assessment List shall constitute special assessments against such respective parcels of land and shall constitute a lien against such parcels for the amount of such assessments.

4. The City Manager shall cause a certified copy of this Resolution confirming the 2023 Weed Abatement Assessment Report and Assessment List to be recorded in the Office of the Santa Clara County Recorder and to be filed with the County Tax Assessor and Collector's office and the County Auditor's office in order for said assessments to be entered on the tax rolls as provided by Title V, Chapter 202 of the Milpitas Municipal Code.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Carmen Montano, Mayor

ATTEST:

\_\_\_\_\_  
Suzanne Guzzetta, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael Mutalipassi, City Attorney

2023 WEED ABATEMENT PROGRAM  
ASSESSMENT REPORT  
CITY OF MILPITAS

EXHIBIT "A"

| SITUS  |                 | APN        | TAXROLL AMT |
|--------|-----------------|------------|-------------|
| 634    | ABEL            | 022-06-010 | \$611.00    |
| 7280   | MARYLINN        | 022-07-007 | \$2,254.40  |
| 549    | ABEL            | 022-09-028 | \$92.00     |
| 99     | MAIN            | 022-24-017 | \$611.00    |
| 111    | MAIN            | 022-24-040 | \$611.00    |
| 1735   | CALIFORNIA      | 022-37-002 | \$2,175.20  |
| 1301   | CALIFORNIA      | 022-38-002 | \$1,116.00  |
| 81     | DIXON           | 026-05-021 | \$2,199.95  |
|        | DIXON           | 026-05-023 | \$2,924.30  |
| 1878 A | MILPITAS        | 026-05-024 | \$92.00     |
| 51     | DIXON           | 026-05-053 | \$92.00     |
| 0      | (PARKING LOT)   | 026-06-012 | \$611.00    |
| 1720   | ARIZONA         | 026-07-016 | \$611.00    |
| 1840   | ARIZONA         | 026-07-051 | \$611.00    |
| 0      | BOTHELO         | 028-23-017 | \$611.00    |
| 0      |                 | 028-24-006 | \$2,056.40  |
| 1301   | CALLE ORIENTE   | 029-05-012 | \$92.00     |
| 880    | EVANS           | 029-06-003 | \$611.00    |
| 666    | EVANS           | 029-06-008 | \$1,024.00  |
| 860    | EVANS           | 029-06-016 | \$92.00     |
| 826    | CALAVERAS RIDGE | 029-06-031 | \$92.00     |
| 898    | CALAVERAS RIDGE | 029-06-038 | \$611.00    |
| 322    | PARK VICTORIA   | 029-16-006 | \$92.00     |
| 1220   | COUNTRY CLUB    | 029-52-014 | \$611.00    |
| 1039   | CAMARILLO       | 029-52-015 | \$611.00    |
| 673    | QUINCE          | 029-59-014 | \$92.00     |
| 517    | VISTA RIDGE     | 042-30-009 | \$92.00     |
| 519    | VISTA RIDGE     | 042-30-010 | \$92.00     |
| 529    | VISTA RIDGE     | 042-30-015 | \$92.00     |
| 410    | VISTA RIDGE     | 042-30-024 | \$1,865.00  |
| 350    | VISTA RIDGE     | 042-30-025 | \$92.00     |
| 531    | VISTA RIDGE     | 042-30-029 | \$92.00     |
|        | MAIN            | 083-07-015 | \$611.00    |
| 540    | ABEL            | 083-13-013 | \$92.00     |
| 91     | MONTAGUE        | 083-42-002 | \$611.00    |
| 0      |                 | 086-25-018 | \$611.00    |
|        | MAIN            | 086-25-028 | \$611.00    |
|        | NO SITUS        | 086-25-030 | \$611.00    |
| 808    | MAIN            | 086-25-051 | \$92.00     |
|        | NO SITUS        | 086-26-039 | \$611.00    |
|        | NO SITUS        | 086-26-040 | \$92.00     |
|        | NO SITUS        | 086-26-042 | \$611.00    |
| 0      | MILPITAS        | 086-28-006 | \$92.00     |

|      |               |            |             |
|------|---------------|------------|-------------|
| 0    | VISTA         | 086-29-005 | \$611.00    |
|      | WRIGLEY       | 086-29-036 | \$611.00    |
|      | YOSEMITE      | 086-29-047 | \$2,039.00  |
| 876  | YOSEMITE      | 086-30-047 | \$92.00     |
|      | YOSEMITE      | 086-30-048 | \$92.00     |
|      | AMES          | 086-30-060 | \$611.00    |
| 0    |               | 086-31-003 | \$611.00    |
| 0    |               | 086-32-084 | \$611.00    |
| 1646 | CENTRE POINTE | 086-33-110 | \$611.00    |
| 0    |               | 086-41-014 | \$611.00    |
| 375  | DEMPSEY       | 088-01-002 | \$611.00    |
| 0    | DEMPSEY       | 088-04-060 | \$92.00     |
|      | PARK VICTORIA | 088-04-062 | \$597.00    |
| 0    | DEMPSEY       | 088-04-076 | \$92.00     |
| 534  | PARK VICTORIA | 088-06-039 | \$92.00     |
| 2013 | YOSEMITE      | 088-20-023 | \$92.00     |
| 575  | CARLSBAD      | 088-20-102 | \$92.00     |
| 632  | CARLSBAD      | 088-20-125 | \$92.00     |
| 1966 | YOSEMITE      | 088-26-149 | \$611.00    |
| 0    | OLD PIEDMONT  | 092-34-008 | \$611.00    |
| 1250 | PIEDMONT      | 092-34-014 | \$611.00    |
| 2235 | URIDIAS RANCH | 092-37-050 | \$92.00     |
|      |               |            | \$38,362.25 |