



REGULAR MEETING OF THE MILPITAS CITY COUNCIL



AGENDA

TUESDAY, SEPTEMBER 3, 2024

CITY COUNCIL CHAMBER, 455 E. CALAVERAS BLVD, MILPITAS, CA

6:00 PM (CLOSED SESSION)

7:00 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-2400

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3072

** To access written translation during the meeting, scan the QR Code.*

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

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

Meeting shall be livestreamed - Go to:

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

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

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

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may only be provided live during the City Council meeting in person, unless the City Council approves remote public comment. 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. Members of the public may submit written comments by email to CityClerk@milpitas.gov

The meeting will be streamed via Zoom for viewing purposes only unless the City Council approves remote public comment. To watch via Zoom, please register at:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_mAohrZEwScq1RWukW7qn8Q

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

MILPITAS CITY COUNCIL CODE OF CONDUCT

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

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk (6:00 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Existing Litigation Pursuant to Government Code § 54956.9(d)(2)

In the Matter of *City of Milpitas vs Toll Bros., Inc.*, Superior Court of California, County of Santa Clara, Case No.22CV406447

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 Phan)

PRESENTATIONS (7:05 PM)

- National Suicide Prevention Week (Proclamation)
- National Preparedness Month (Proclamation)
- American Muslim Appreciation & Awareness Month (Proclamation)
- National IT Professional Day (Proclamation) and Certificates of Recognition

PUBLIC FORUM (7:15 PM)

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

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (7:20 PM)

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

C1. Receive City Council Calendar of Meetings for September 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendar of Meetings for September 2024.

C2. Approve City Council Meeting Minutes of August 13 and 20, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Meeting minutes of August 13 and 20, 2024.

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

Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

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

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

C5. Consider Recommendations from Mayor Montano for Removal from and Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)

Recommendation: Receive Mayor Montano's recommendations, approve removal from the Public Safety and Emergency Preparedness Commission, and approve and confirm recommendations for appointments to City Commissions.

C6. Approve Amendments to the Subscription and Services Agreement with RideCo for Milpitas SMART (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: (1) Approve amendments to the subscription and services agreement with RideCo for Milpitas SMART, with a subscription and services fee increase per vehicle revenue hour but no change to the not-to-exceed contract amount of \$2,955,916; and (2) Authorize the City Manager to execute the amended agreements.

C7. Approve Personnel Realignment to Support Department Operations (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: Approve the deletion of a vacant Fleet Maintenance Worker III and a vacant Maintenance Assistant position and the addition of two Maintenance Worker I/II positions in the Department of Public Works.

C8. Authorize the City Manager to Execute a Memorandum of Understanding between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, to Install Telecommunication Equipment within the City Right-of-Way (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

Recommendation: Authorize the City Manager to execute a Memorandum of Understanding between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, to conduct a pilot project using the Rapid Connect proprietary method to install telecommunication equipment within the City Right-of-Way.

C9. Receive an Update on the Security Improvements at the McCarthy Ranch Sewer Lift Station(Main Lift) and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: (1) Receive an update on the security improvements at the McCarthy Ranch Sewer Lift Station; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

C10. Approve the Addition of Jose Esteves to the Milpitas Historical Names Naming List and Adopt a Resolution to Rename the Milpitas Library (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: (1) Approve adding Jose Esteves to the Milpitas Historical Names Naming List; and
(2) Adopt a resolution to rename the Milpitas Library to “Milpitas Jose Esteves Library”

LEADERSHIP AND SUPPORT SERVICES (7:30 PM)

11. **Provide Feedback on and Potentially Introduce Ordinance 302, Adding Chapter 15 (“Residential Trespass, Canvassing and Solicitation”) to Title V (“Public Health, Safety and Welfare”) of the Milpitas Municipal Code Relating to Solicitation on Residential Property (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)**

Recommendation: (1) Provide feedback on the proposed ordinance concerning solicitation on residential property; (2) If desired, following the City Attorney reading aloud the title, move to waive the reading beyond the title and introduce Ordinance 302, which would add Chapter 15 to Title V of the Milpitas Municipal Code to prohibit the trespass of canvassers, solicitors and others on residential property; and (3) Make findings of exemption from environmental review pursuant to CEQA Guidelines Sections 15061(b)(3), 15183, 15305, and 15378.

PUBLIC SAFETY (8:00 PM)

12. **Adopt a Resolution Adopting all of Volume 1 and the City of Milpitas Portion of Volume 2, of the Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811; and Toni Charlop, Emergency Management Coordinator 408-586-2801)**

Recommendation: Adopt a resolution adopting all of Volume 1 and the City of Milpitas Portion of Volume 2, of the Santa Clara County Operational Area Hazard Mitigation Plan.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (8:30 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 (8:35 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 / Phone: 408-586-3040

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

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

APPLY TO SERVE ON A CITY COMMISSION

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

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

August 2024						
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	31

MILPITAS CITY COUNCIL CALENDAR

September 2024

October 2024						
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	31		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 CITY HOLIDAY City Hall Closed 	3 6:00 PM -Closed Session 7:00 PM -City Council	4 1:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (CM)	5 5:00 PM -Milpitas Chamber of Commerce Board (GB) 5:30 PM -Santa Clara VTA Board of Directors (CM)	6	7
8	9 4:30 PM -Economic Development and Trade Commission (CM) 7:00 PM -Parks, Recreation and Cultural Resources Commission (HL)	10 4:00 PM - Milpitas HOPE	11 7:00 PM -Silicon Valley Clean Energy Board of Directors (EC) (Cupertino)	12 4:00 PM -Silicon Valley Regional Interoperability Authority Board of Directors (GB) (Santa Clara) 4:00 PM -Santa Clara VTA Policy Advisory Committee (EC) 4:00 PM -Treatment Plant Advisory Committee (CM) (San Jose) 5:30 PM -CASCC Legislative Action Committee (CM) (Los Altos) 6:00 PM -Youth Advisory Commission (HL) 7:00 PM -CASCC Board of Directors (CM) (Los Altos)	13	14
15	16 7:00 PM -Science, Technology, and Innovation Commission (GB) 7:00 PM -Library and Education Commission (EC) (Milpitas Public Library)	17 6:00 PM -Closed Session 7:00 PM -City Council	18 6:00 PM -Energy and Environmental Sustainability Commission (EC)	19 10:00 AM -VTA Congestion Management Program & Planning Committee (CM) (San Jose) 5:30 PM -Measure F Oversight Committee 6:30 PM -Bay Area Water Supply Conserv Agency (CM) (Sequoia Room – Burlingame Community Center) 7:00 PM -Public Safety and Emergency Preparedness Commission (HL)	20 9:00 AM -Santa Clara VTA Board of Directors Workshop (CM) 6:00 PM -Lantern Festival (Civic Center Plaza)	21
22	23 7:00 PM -Arts Commission (EC)	24 5:30 PM -Special Council Meeting Place Holder	25 5:00 PM -City/School Collaborative Subcommittee (CM/EC) 7:00 PM -Planning Commission	26 4:00 PM -Silicon Valley Regional Interoperability Authority Board of Directors (GB) 6:00 PM -Zoning Advisory Group	27	28
29	30					



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, AUGUST 13, 2024

The City Council of the City of Milpitas convened on the regular City Council meeting day of August 13, 2024, in the Milpitas Community Center Auditorium 457 E. Calaveras Blvd, Milpitas, CA, and via teleconference/ Zoom webinar.

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

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

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo, Councilmember Lien,
Councilmember Phan

ABSENT: None.

City Attorney Mutalipassi briefed the City Council on matters to be considered at Closed Session. The City Council recessed to Closed Session at 5:43 PM.

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Rick Bolanos, LCW
Bargaining unit: LIUNA, UPEC (Pro-Tech, MEA, MidCon), IAFF, MPOA

(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957
Position: City Attorney

(c) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957
Position: City Manager

The City Council reconvened at 6:51 PM

CLOSED SESSION ANNOUNCEMENT:

City Attorney Mutalipassi announced there was nothing to report for Item (a), and Human Resources Director Parmley noted there was nothing to report on items (b) and (c).

PLEDGE OF ALLEGIANCE

Mayor Montano led the pledge of allegiance.

INVOCATION

Councilmember Barbadillo led the invocation.

PRESENTATIONS

Mayor Montano, joined by the City Council, presented commendations recognizing National Night Out participants and American Muslim Awareness and Appreciation Month.

PUBLIC FORUM

There were the following public speakers:

1. Rob Means
2. Yolie Garcia
3. 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

Vice Mayor Chua read the City Council Code of Conduct.

APPROVAL OF AGENDA

After discussion, motion: to approve the agenda.

Motion/Second: Vice Mayor Chua/Councilmember Lien

Motion carried by the following:

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

NOES: None

CONSENT CALENDAR

Councilmember asked to pull Item C7 for discussion.

There were the following public speakers:

1. Voltaire Montemayor
2. Jinky Peralta

After discussion, motion: to pull Item C7 and approve the Consent Calendar.

Motion/Second: Vice Mayor Chua/Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

1. **Receive City Council Calendar of Meetings for August 2024 (Staff Contact: Suzanne Guzzetta,**

City Clerk, 408-586-3001)

Received City Council Calendar of Meetings for August 2024.

2. Approve City Council Meeting Minutes of June 18, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Meeting minutes of June 18, 2024.

3. 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.

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

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

5. Approve Report of Actions Taken by the City Manager During the City Council Summer Recess from June 18 through August 13, 2024 (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Approved report of actions taken by the City Manager during the City Council Summer Recess from June 18 through August 13, 2024.

6. Consider the Recommendation from Mayor Montano for Appointments to City Commissions and to the Santa Clara Valley Transportation Authority Bicycle and Pedestrian Advisory Committee (Contact: Mayor Montano, 408-586-3024)

Appointed Milpitas Resident Ricky Davis as the Milpitas Representative to the Santa Clara Valley Transportation Authority's Bicycle and Pedestrian Advisory Committee (BPAC) for a two-year term.

8. Approve Additions to the City Naming Lists for New Streets (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Approved the addition of Passage, Escapade, and Voyage to the City's Naming List for Streets.

9. Approve Updates to the Community Advisory Commission Bylaws, and Approve Changing the Commission Name (Staff Contact: Robert Musallam, Housing Official, 408-586-3275; and Sarah Balcha, Senior Administrative Analyst 408-586-3268)

(1) Approved updates to the Community Advisory Commission Bylaws; and (2) approved Commission name change to the Community Housing Commission.

10. Receive Report on Rent Relief Program, Approve an Agreement with FORWARD to Administer the Program, and Approve Programmatic Updates (Staff Contact: Robert Musallam, Housing Official, 408-586-3275)

(1) Received report on Rent Relief Program, (2) Approved transfer of \$763,000 from the State Budget for Homelessness Prevention and Unhoused Services to the Rent Relief Program; (3) Authorized the City Manager to execute a Professional Services Agreement, approved by the City Attorney, with FORWARD to administer the Rent Relief Program in an amount not-to-exceed \$763,000, and (4) Approved Rent Relief Programmatic updates.

11. Approve an Agreement with Peninsula Pump & Equipment Inc. for Wet Well Cleaning Services (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Approved and authorized the City Manager to execute an agreement with Peninsula Pump & Equipment Inc. for a five-year term in an amount not-to-exceed \$324,060 to provide wet well cleaning services, subject to the annual appropriation of funds.

12. Adopt a Resolution to Accept the Grant Award from the Metropolitan Transportation Commission and Approve an Agreement with O'Dell Engineering, Inc. for Consultant Services Related to the Innovation District Parks and Trails Master Plan (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Adopted **Resolution No. 9348** to accept a grant award of \$200,000 from the Metropolitan Transportation Commission, award RFP No. 24-126, and authorized the City Manager to execute a Professional Services Agreement with O'Dell Engineering, Inc. for consultant services related to the Innovation District Parks and Trails Master Plan in the amount of \$198,178.

13. Approve the Final Map and Authorize the City Manager to Execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast, LLC for a Residential Project at 1951 Tarob Court and 675 Trade Zone Boulevard (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; Michael Silveira, City Engineer, 408-586-3303)

(1) Approved Final Map, Tract No. 10614, including all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and (2) Approved and authorized the City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast, LLC, for a Residential Project at 1951 Tarob Court and 675 Trade Zone Boulevard.

14. Consider Fee Waiver Requests from the Filipino American Real Estate Professional Association and Saint Elizabeth Church (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

(1) Approved a Fee Waiver of \$1,500 for the Filipino American Real Estate Professional Association Crossroads of Culture Dinner and Fundraiser at the Community Center Auditorium on August 22, 2024; and (2) Approved a Fee Waiver of \$1045.27 for the St. Elizabeth Church Family Festival at the St. Elizabeth Church Parking Lot on September 22, 2024.

15. Approve 2024 Youth Advisory Commission Scholarship Awards (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Approved three Youth Advisory Commission Community Service Scholarships of \$750 each and authorized a budget appropriation of \$2,250 from the Youth Holding Account to the Recreation and Community Services Department operating budget.

16. Approve a Milpitas StoryWalk Initiative Installation at Murphy Park and Authorize the City Manager to Execute a Memorandum of Understanding with Santa Clara County Library District for the Initiative Partnership (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Approved a Milpitas StoryWalk Initiative Installation at Murphy Park at no cost to the City and authorized the City Manager to Execute a Memorandum of Understanding, approved as to form by the City Attorney, with Santa Clara County Library District for the Initiative Partnership.

PUBLIC HEARINGS

17. Conduct a Public Hearing, Adopt Resolutions Approving a Site Development Permit, Conditional Use Permit, and Environmental Assessment, and Introduce an Ordinance Establishing a Development Agreement to Allow the Development of a New Private Middle/High School at 1323 Great Mall Drive (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

City Manager Thomas introduced the item. Senior Planner Phung presented the report.

Mayor Montano opened the public hearing.

There were the following speakers:

1. Bernadette Gomez
2. Rob Means
3. Voltaire Montemayor

Mayor Montano closed the public hearing.

Applicant Kelly Woods, Executive Vice President of Strategy from the Stratford School offered additional comments on the proposal.

Councilmember Lien disclosed a prior meeting with Sean Morley regarding outreach to the school district and confirmed communication with Superintendent Jordan, expressing support for the project.

Councilmember Phan voiced support for the project, emphasizing the importance of providing educational choices amid insufficient public school funding and acknowledging the project's community engagement and thorough due diligence.

Vice Mayor Chua disclosed meeting with the Stratford team, praising the project's design and all-electric features, and highlighted the developer's unique agreement and financial contributions to the city.

Councilmember Barbadillo inquired about project specifics, particularly zoning and deviations from existing standards. He questioned staff about the development agreement and its implications for city planning and zoning ordinances. Staff explained the adaptive reuse of an existing office building and the development agreement's role in addressing zoning deviations.

Further discussion ensued regarding the impact of the project on local school enrollment and community reception. The applicant clarified minimal impact on the local school district and emphasized continued partnership and transparency with the district.

Vice Mayor Chua made a motion: Consider Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15064 and Public Resources Code Sections 21080(d) and 21082.2(d); to waive the first reading beyond the title and introduce **Ordinance 38.856** approving a Development Agreement between the City of Milpitas and Store Master Funding IV, LLC; to adopt **Resolution No. 9349** to approve Conditional Use Permit No. UP23-0008, including Exhibit 1 to the resolution: Conditions of Approval; and to adopt **Resolution No. 9350** to approve Site Development Permit No. SD23-0012, including Exhibit 1 to the resolution: Conditions of Approval and Environmental Assessment No. EA24-0001, to approve an Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15064 and Public Resources Code Sections 21080(d) and 21082.2(d), including Exhibit 2 to the resolution: Mitigation Monitoring and Reporting Program (MMRP). Councilmember Lien seconded the motion.

City Attorney Mutalipassi read aloud the title of the ordinance.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

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

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

7. Authorize the City Attorney and City Manager to Execute a Contract with Meyers Nave for Contracted Outside Litigation Services (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)

There were the following public speakers:

1. Rob Means
2. Karina Dominguez
3. Voltaire Montemayor

Councilmember Phan inquired about the costs and scope of a proposed contract, questioning whether the services differed from previous agreements with the firm. City Attorney Mutalipassi clarified that the new contract is specifically for legal services related to a specific litigation matter, unlike previous contracts, which were for general legal services.

Councilmember Phan requested a breakdown of past spending on this matter versus other services under the previous contract. The City Attorney explained that the prior contract covered multiple legal services, including overflow and conflict work, and was structured as an evergreen contract. He noted that he had changed the policy to require annual Council approval for general services contracts.

Councilmember Phan expressed concerns about transparency and financial oversight, questioning why the contract was not split into more specific agreements and why it did not follow a competitive bidding process. He requested an audit of financial controls and spoke against the contract.

Councilmember Barbadillo spoke in favor of the contract, emphasizing the need for Council oversight and the ability to terminate the contract if necessary. He highlighted the importance of defending the city against litigation efficiently and requested a review of the censure policy and the central ordinance to ensure proper handling of sensitive information and to protect the city.

After discussion, motion: to Authorize the City Attorney and City Manager to execute a contract with Meyers Nave for contracted outside litigation services. .

Motion/Second: Councilmember Barbadillo / Mayor Montano

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo

NOES: Councilmember Lien, Councilmember Phan

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager Thomas announced the upcoming flag raising event for Indian Independence Day and the Great Mall's 50th anniversary open house event in September.

Vice Mayor Chua made the following request:

- (1) Have the City Manager look into adopting an ordinance similar to San Jose allowing ADUs (Accessory Dwelling Units) to have a separate title and be sold separately. There was unanimous consensus to add the item to the prioritization list.

Mayor Montano made the following requests:

- (1) The City Council send a letter to Supervisory Otto Lee regarding the weeds on Montague Expressway. There was unanimous consensus.
- (2) Look into a property for sale on Main Street to investigate the cost and feasibility of creating a museum for downtown or Old Town Main Street as part of the revitalization efforts. There was unanimous consensus to add the item to the prioritization list.

ADJOURNMENT

Mayor Montano adjourned the meeting at 9:06 PM.

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

TUESDAY, AUGUST 20, 2024

The City Council of the City of Milpitas convened on the regular City Council meeting day in a Regular Meeting of the Milpitas City Council on August 20, 2024, in the Milpitas Community Center Auditorium 457 E. Calaveras Blvd, Milpitas, CA, and via teleconference/Zoom webinar.

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

Mayor Montano called the Regular City Council meeting to order at 6:04 PM. Roll Call was taken City Attorney Mutalipassi.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmember Barbadillo (6:07 PM), Councilmember Lien, Councilmember Phan

ABSENT: None

City Attorney Mutalipassi briefed the City Council on the items to be discussed in Closed Session. The City Council adjourned to closed session at 6:07 PM.

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Existing Litigation Pursuant to Government Code § 54956.9(d)(2)
In the Matter of *McHarris vs. City of Milpitas*, Superior Court of California, County of Santa Clara, Case No. 23CV427505
City as Defendant

(b) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Existing Litigation Pursuant to Government Code § 54956.9(d)(2):
Arash Motedaeiny v. City of Milpitas, WCAB case number ADJ16578112.

(c) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Existing Litigation Pursuant to Government Code § 54956.9(d)(2):
Arash Motedaeiny v. City of Milpitas, WCAB case number ADJ16578113.

(d) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

Existing Litigation Pursuant to Government Code § 54956.9(d)(2):
Joseph Perez v. City of Milpitas, WCAB case number ADJ15568618.

CLOSED SESSION ANNOUNCEMENT:

The City Council reconvened at 7:48 PM.

City Attorney Mutalipassi noted there was nothing to report out.

PLEDGE OF ALLEGIANCE

Mayor Montano led the pledge of allegiance.

INVOCATION

Councilmember Phan presented the invocation.

PRESENTATIONS

Mayor Montano presented a proclamation in recognition of Women's Equality Day.

PUBLIC FORUM

There were the following public speakers:

1. Charles Wright
2. Sofia Wright
3. Amy Chen
4. 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

After discussion, motion: to approve the agenda.

Motion/Second: Vice Mayor Chua/Councilmember Lien

Motion carried by the following:

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

NOES: None

CONSENT CALENDAR

After discussion, motion: to approve the consent calendar.

Motion/Second: Councilmember Lien/Councilmember Barbadillo

Motion carried by the following:

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

NOES: None

1. **Receive City Council Calendar of Meetings for August and September 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received City Council Calendar of Meetings for August and September 2024.

2. **Approve City Council City Council Meeting Minutes of August 5, 2024 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Meeting minutes of August 5, 2024.

3. **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.

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

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

5. **Adopt a Resolution Supporting the Build the Future (Childcare) Santa Clara County Campaign (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

Adopted **Resolution No. 9351** supporting the Build the Future Santa Clara County Campaign.

6. **Waive the Second Reading and Adopt Ordinance No. 38.856 Approving a Development Agreement between the City of Milpitas and Stratford Schools, Inc., Store Master Funding IV, LLC (Staff Contact: Jay Lee, Planning Director, 408-586-3077 and Kristina Phung, Senior Planner, 408-586-3278)**

Waived the second reading and adopted **Ordinance No. 38.856** approving a Development Agreement between the City of Milpitas and Store Master Funding IV, LLC to provide certainty to the applicable development standards for a new private middle and high school at 1323 Great Mall Drive (APN 086-024-046).

7. **Approve an Agreement with McCampbell Analytical, Inc. for Analytical Laboratory Services and Bacteriological and General Physical (Water Quality) Laboratory Analysis Services (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Approved and authorized the City Manager to execute the Professional Service Agreement with McCampbell Analytical, Inc. for Analytical Laboratory Services and Bacteriological and General Physical (Water Quality) Laboratory Analysis Services for a five-year term in an amount not-to-exceed \$556,790, subject to the availability of funds.

8. **Receive an Update on the Security Improvements at the McCarthy Ranch Sewer Lift Station (Main Lift) and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Received an update on the security improvements at the McCarthy Ranch Sewer Lift Station; and determined by a four-fifths vote that the condition continues to constitute an emergency.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

9. **Potential Naming of the Milpitas Library (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

City Manager Thomas introduced the item. Recreation and Community Services Director Lorentzen presented the report.

There were the following public speakers:

1. Voltaire Montemayor

Recreation and Community Services Director Lorentzen reported that former Mayor Jose Esteves was open and honored to have his name associated with the Milpitas Library, following a recent council discussion about potentially naming a city building after him.

Councilmember Phan proposed a motion: to temporarily suspend the council's naming policy to rename the Milpitas Library as the "Jose Esteves Library." City Attorney Mutalipassi clarified that the council has the authority to suspend its policies, but such actions should still consider associated costs and follow proper protocols. The motion was seconded by Councilmember Barbadillo but failed in a roll call vote.

Motion/Second: Councilmember Phan / Councilmember Barbadillo

Failed by the following:

AYES: Councilmember Barbadillo, Councilmember Phan

NOES: Mayor Montano, Vice Mayor Chua, Councilmember Lien

Following the failure of the initial motion, Councilmember Barbadillo proposed an alternate motion: to directly rename the library as the "Jose Esteves Library." However, the City Attorney noted that this alternate motion also required the suspension of the naming policy, which had already been voted down. Councilmember Barbadillo argued for the distinction between the motions, but it was clarified that without a motion to reconsider, the council could not take action on the alternate motion.

Vice Mayor Chua then made a motion: to refer the proposed name "Milpitas Jose Estevez Library" to the next City Council Naming Ad Hoc Subcommittee tentatively scheduled for Wednesday August 21, 2024; and referred the proposed name "Jose Estevez Auditorium" within the Milpitas Library to the City Council Naming Ad Hoc Subcommittee tentatively scheduled for Wednesday, August 21, 2024. The motion was seconded by Councilmember Lien.

Upon a call for the question, the motion passed.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Passed by the following:

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

NOES: None

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager Thomas announced the next meeting of the City Council Ad Hoc Naming Subcommittee.

Councilmember Barbadillo made the following request:

1. Bring back the Solicitation Ordinance as previously presented to City Council with Council comments from when it was last considered. There was unanimous consensus to bring the item forward.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:47 PM.

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta

TENTATIVE CITY COUNCIL AGENDA ITEM LIST

as of 8/30/2024

September 17, 2024 – Regular Meeting

CLOSED SESSION

INVOCATION (Councilmember Phan)

PRESENTATION

CONSENT CALENDAR

1. Receive City Council calendar for September and October 2024 (City Clerk)
2. Approve City Council meeting minutes of September 3, 2024 (City Clerk)
3. Preview list of items for October 1, 2024 (City Clerk)
4. Councilmember Request List (City Clerk)
5. Bi-Annual Conflict of Interest Code Update (City Clerk)
6. League of California Cities Annual Conference and General Assembly Voting Delegates and Alternates (City Manager)
7. Emergency Declaration Update - Main Sewer Lift Station Security Measures (Public Works)
8. Citywide Tree Maintenance Multi-Year Contract Award (Public Works)
9. Acceptance of Alviso Adobe House HVAC System and Notice of Completion (Public Works / Engineering)

PUBLIC HEARINGS

10. Draft FY 2023-2024 Community Development Block Grant Consolidated Annual Performance and Evaluation Report (Housing)

LEADERSHIP AND SUPPORT SERVICES

11. Quarterly Council Prioritization (City Manager)
12. Investment Policy (Finance)

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

OPEN ITEMS				
Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
1	Bring back the Solicitation Ordinance as previously presented to City Council with Council comments from when it was last considered.	Barbadillo	8/20/2024	This item appears on the 9/3 City Council agenda
2	Look into a property for sale on Main Street to investigate the cost and feasibility of creating a museum for downtown or Old Town Main Street as part of the revitalization efforts.	Montano	8/13/2024	No status update at this time.
3	Send a letter to Supervisory Otto Lee regarding the weeds on Montague Expressway	Montano	8/13/2024	No status update at this time.
4	Look into adopting an ordinance similar to San Jose allowing ADUs (Accessory Dwelling Units) to have a separate title and be sold separately.	Chua	8/13/2024	No status update at this time.
5	Bring back information on the process and steps required for renaming the Milpitas library after former Mayor Jose S. Esteves, including consultation with the library JPA and the naming subcommittee, for discussion at the August 20th council meeting.	Barbadillo	8/5/2024	This item appears on the 9/3 City Council agenda
6	Prepare commendations or keys to the city for local Olympians representing Milpitas at the Olympics, to be presented after the conclusion of the Olympic games.	Montano	8/5/2024	No status update at this time.
7	Return with a ceremonial resolution on childcare	Phan	8/5/2024	This item was approved at the 8/20/2024 city council meeting.
8	Send a letter signed by the Mayor and City Council to the County Administrator and Supervisor Lee, asking the county to investigate the treatment of horses by Chaparral Corporation at Ed Levine Park and the adjacent Chaparral Ranch	Chua	5/21/2024	This letter was sent to the County on June 7, 2024.

ACTIVE ITEMS				
Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
9	Conduct a traffic study on Escuela Parkway to address circulation concerns	Montano	5/7/2024	Approved for prioritization at 6/11/24 meeting
10	Explore the possibility of augmenting the Planning Commission stipend	Barbadillo	4/16/2024	Approved for prioritization at 6/11/24 meeting
11	Explore changing or enhancing the focus of the community advisory commission to add housing	Chua	4/2/2024	This was completed at the 8/13/2024 City Council meeting.
12	Request that the Arts Commission explore alternatives for future of statue in front of City Hall	Phan	1/30/2024	An update was included in the 6/11/24 prioritization report.
13	Update the Commissioner Handbook to include an option for outgoing commissioners to make presentations to other commissions	Chua	1/23/2024	An update was included in the 6/11/24 prioritization report.
14	Workshop for retailers focusing on best practices and safety with plans for quarterly sessions	Chua	1/23/2024	An update was included in the 6/11/24 prioritization report.
15	Explore possibility of naming the County library on Main Street	Phan	1/23/2024	An update was included in the 6/11/24 prioritization report.
16	Consideration of the 20% Low Income Below Market Rate Housing	Montano	12/5/2023	An update was included in the 6/11/24 prioritization report.

NOTE: Deferred and Completed Items are not listed

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

ACTIVE ITEMS				
Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
17	Bring back Bingo and the Tour at the Senior Center	Chua	11/7/2023	An update was included in the 6/11/24 prioritization report.
18	Referral for utility infrastructure cost on Main Street from Carlo to Coming Streets	Montano	10/17/2023	An update was included in the 6/11/24 prioritization report.
19	Consider a possible ordinance or policy regarding solicitations at home	Barbadillo	10/3/2023	An update was included in the 6/11/24 prioritization report.
20	Main Street International Festival	Lien	10/3/2023	An update was included in the 6/11/24 prioritization report.
21	Have the Police Chief direct staff to complete an analysis in partnership with the County to determine if it would be beneficial to have a location where residents can pickup Narcan	Chua	9/5/2023	An update was included in the 6/11/24 prioritization report.
22	Explore taking steps towards becoming a Charter City	Phan	9/5/2023	An update was included in the 6/11/24 prioritization report.
23	Human Resources Director to conduct a job fair specific to the job openings at City Hall	Chua	5/2/2023	An update was included in the 6/11/24 prioritization report.
24	Pickleball Pilot Project	Chua	2/28/2023	An update was included in the 6/11/24 prioritization report.
25	Main Street Infrastructure Projects	Montano	2/28/2023	An update was included in the 6/11/24 prioritization report.
26	Main Street Flooding at Library	Chua	2/28/2023	An update was included in the 6/11/24 prioritization report.
27	Satellite Consulate Office	Montano	2/28/2023	An update was included in the 6/11/24 prioritization report.
28	Have the City look into the possibility of a Citywide Senior Discount	Barbadillo	2/7/2023	An update was included in the 6/11/24 prioritization report.
29	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	An update was included in the 6/11/24 prioritization report.
30	Discuss converting vacant lot that was a basketball court into a community garden at Vasona and Adobe	Montano	8/16/2022	An update was included in the 6/11/24 prioritization report.
31	City Manager look into implementing a workshop for small businesses on the bidding process for projects in the city	Chua	8/9/2022	An update was included in the 6/11/24 prioritization report.
32	Quarterly or Monthly crime statistics on Homekey Project	Chua	6/7/2022	An update was included in the 6/11/24 prioritization report.
33	Memorial Plaque in honor of youth skateboarder that passed away	Montano	6/7/2022	An update was included in the 6/11/24 prioritization report.
34	Evaluate reopening the childcare center with a non-profit organization running the center	Montano	2/1/2022	An update was included in the 6/11/24 prioritization report.
35	Staff to look into mural Art on Great Mall Parkway on the VTA owned Light rail pillars	Montano	11/16/2021	An update was included in the 6/11/24 prioritization report.
36	Have a picture of Albert Vogel Sr. put up in the Senior Center	Montano	10/19/2021	An update was included in the 6/11/24 prioritization report.
37	Include a bust of Maria Lemire on the Mural in front of the Senior Center	Montano	8/17/2021	An update was included in the 6/11/24 prioritization report.
38	Consider Community Museum and Park on Main St.	Phan	8/20/2019	Discussions with the property owner of this site are ongoing.

NOTE: Deferred and Completed Items are not listed



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Recommendations from Mayor Montano for Removal from and Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	9/3/2024
Recommendation:	Receive Mayor Montano's recommendations, approve removal from the Public Safety and Emergency Preparedness Commission, and approve and confirm recommendations for appointments to City Commissions.

Background:

The City of Milpitas has 13 Commissions, including the Measure F Oversight Committee (Commissions), with members appointed by the Mayor and confirmed by the City Council. The Commissions advise the Milpitas elected officials on a variety of community interest and policy areas. Commissioner appointments and removals are governed by various sections of the California Government Code, Milpitas Municipal Code, and the adopted Milpitas Commissioner Handbook and By-Laws.

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

The Milpitas Commissioner Handbook states that all Commissioners are expected to attend all regular meetings. Commissioners absent from three or more meetings in a year may be subject to removal from the Commission.

Analysis:

Appointments and removals are as follows:

Economic Development and Trade Commission:

1. Reappoint Lynne Rice to a full-term ending April 2027
2. Reappoint Parkash Daryani to a full-term ending April 2027
3. Reappoint Vasista Ramachandruni as a non-voting student member with a full-term ending April 2027
4. Reappoint Conrad Schapira as Alternate No. 1 with a full-term ending April 2027

Library and Education Advisory Commission:

1. Reappoint Yu-Lan Chou to a full-term ending June 2027
2. Reappoint Rekha Pardeshi to a full-term ending June 2027

Parks, Recreation and Cultural Resources Commission:

1. Reappoint Ricky Davis to a full-term ending June 2027
2. Reappoint Joseph Ehardt to a full-term ending June 2027
3. Reappoint Allen Thomas to a full-term ending June 2027
4. Appoint Catalina Silva to a full-term ending June 2027

Public Safety and Emergency Preparedness Commission:

1. Remove Joe Nichols from a full voting seat with an unexpired term ending June 2026
2. Reappoint Evan Gan to a full-term ending June 2027
3. Appoint Norma Morales to a full-term ending June 2027
4. Appoint Diyan Shah as a non-voting student member with an unexpired term ending June 2026

Youth Advisory Commission:

1. Appoint Samyukta Rangarajan to an unexpired term ending September 2025

Measure F Oversight Committee:

2. Reappoint Joyita Ghose to a full-term ending March 2027
3. Reappoint Conrad Schapira to a full-term ending March 2027
4. Reappoint Madan Menon to a full-term ending March 2027
5. Appoint Anas Rehman to a full-term ending March 2027

Joe Nichols was appointed as a full voting commissioner on the Public Safety and Emergency Preparedness Commission on June 21, 2021, reappointed on December 5, 2023, and prior to that served as an alternate commissioner. During this calendar year, Commissioner Nichols has missed all scheduled meetings.

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

By state law, a Notice of an Unscheduled Vacancy must be posted by the City Clerk to advertise the vacant Commission seats. Final appointment to the board, commission, or committee for the Unscheduled Vacancy shall not be made by the legislative body for at least ten working days after the posting of the notice in the Clerk's office. The notice of the unscheduled vacancy for the Public Safety and Emergency Preparedness Commission will be posted Wednesday, September 4, 2024.

Fiscal Impact:

There is no fiscal impact associated with this item.

California Environmental Quality Act (CEQA):

The action is continuing administrative or maintenance activity and is not a project pursuant to Cal. Code Regs., tit. 14, § 15378.

Recommendation:

Receive Mayor Montano's recommendations, approve removal from the Public Safety and Emergency Preparedness Commission, and approve and confirm recommendations for appointments to City Commissions.

Attachments:

- (a) Commission Reappointment Requests and Applications

Suzanne Guzzetta

Subject: FW: [EXT] EDTC Agenda Packet - November 13, 2023

From: Lynne Rice [REDACTED]
Sent: Thursday, January 4, 2024 5:08 PM
To: City Clerk <cityclerk@milpitas.gov>
Cc: Michael Thomas <mthomas@milpitas.gov>; Alex Andrade <aandrade@milpitas.gov>
Subject: FW: [EXT] EDTC Agenda Packet - November 13, 2023

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](#).

To whom it may concern:

I am reaching out to formally put forth my name for re-appointment on the Economic Development and Trade Commission.

Please let me know what the next steps would be in the process?

Lynne Rice
Director of Marketing and Business Development
Simon Property Group – Great Mall
[REDACTED]

Suzanne Guzzetta

From: sguzzetta@milpitas.gov
Subject: FW: EDTC Commissioner Term expiring

From: Parkash Daryani [REDACTED]
Sent: Monday, April 29, 2024 12:08 PM
To: Suzanne Guzzetta <sguzzetta@milpitas.gov>
Subject: Re: EDTC Commissioner Term expiring

Suzanne,

Thank you for the email reminder. I believe I have already informed Alex Andrade and Michael Thomas in March 2024 that I would like to continue serving the EDTC for another term. Please let me know if I need to complete any application for reappointment.

Regards,
Parkash Daryani

From: [REDACTED]
To: [City Clerk](#)
Cc: [Michael Thomas](#); [Alex Andrade](#)
Subject: Reappointment Request
Date: Friday, January 19, 2024 10:26:27 PM

CAUTION: EXTERNAL SENDER

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Hello,

This is Vasista Ramachandrani, student commissioner of the Economic Development and Trade Commission. I would like to formally convey my wish to be reappointed as the student commissioner for the EDTC in April of this year.

Regards,
Vasista Ramachandrani

From: [MachForm](#)
To: [City Clerk](#)
Subject: CITY OF MILPITAS COMMISSION/COMMITTEE APPLICATION [#370]
Date: Friday, January 26, 2024 11:17:58 AM
Attachments: [CITY OF MILPITAS COMMISSIONCOMMITTEE APPLICATION \[#370\].pdf](#)

COMMISSION/COMMITTEE APPLYING FOR:	Economic Development and Trade Commission
Name	Conrad Schapira
Address Type	Residence
Address	
City	Milpitas
Postal/Zip Code	95035
Mobile Number	
E-Mail Address	
Present Employer	Rasilient Systems, Inc.
Other Phone	
Business Address (Optional)	
City	Santa Clara
Postal / Zip code	95051
Occupation	Vice President, Operations
Major Subject	Business Administration
Degree	BA
List community organizations to which you belong or have belonged (additional information may be attached).	
Name of Organization	City of Milpitas
Member	EDT Alternate Commissioner
Name of Organization	City of Milpitas
Member	Measure F Committee
If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).	
Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):	
My 40+ years of business ownership, leadership, management and mentorship have proven to be a valuable asset to the organization that I have owned, worked, consulted and voluntarily assisted during their start up, sudden growth and COVID stages.	
My current status as an alternate commissioner on the EDTC and my 100% attendance to the EDTC meetings since my appointment to the commission reflects my interest and willingness to support the City of Milpitas's EDT team and their work.	
Date	Jan 26, 2024
I have sufficient time to devote to this responsibility and will attend the required meetings if I am	

From: [REDACTED]
To: [Christine Pham](#)
Subject: Re: Library and Education Advisory Commission
Date: Friday, May 24, 2024 12:15:52 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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Dear Christine,

Thank you for your message. Yes, I would like to continue to serve on the Library and Education Advisory Commission. Kindly please let me know if you have any additional questions.

Have a wonderful Memorial Day holiday weekend!

Regards,
Yu-Lan Chou
[REDACTED]

[Sent from Yahoo Mail for iPhone](#)

On Friday, May 24, 2024, 11:46 AM, Christine Pham <cpham@milpitas.gov> wrote:

Dear Yu-Lan Chou,

Thank you so much for your dedicated service on the Library and Education Advisory Commission. Your current term is set to expire at the end of June 2024. If you are interested in being considered for reappointment, please let us know by responding to this email.

Please note that reappointment is not automatic; it requires a recommendation from the Mayor and confirmation by the City Council. If you have any questions, feel free to reach out to City Clerk Suzanne Guzzetta at sguzzetta@milpitas.gov or 408-586-3001.

Thank you again for your valuable contributions.

Christine Pham
Office Assistant II – City Clerk's Office
Phone (408) 586-3004
Email cpham@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
www.milpitas.gov

From: [REDACTED]
To: [Christine Pham](#)
Subject: Re: Library and Education Advisory Commission
Date: Friday, May 24, 2024 12:40:29 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image002.png](#)

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Thank you for the email to remind me. I am honored to serve another term as a commissioner. Please consider this as a confirmation.

Thank you very much.

Regards,
Rekha Pardeshi

On Fri, May 24, 2024, 11:49 AM Christine Pham <cpham@milpitas.gov> wrote:

Dear Rekha Pardeshi,

Thank you so much for your dedicated service on the Library and Education Advisory Commission. Your current term is set to expire at the end of June 2024. If you are interested in being considered for reappointment, please let us know by responding to this email.

Please note that reappointment is not automatic; it requires a recommendation from the Mayor and confirmation by the City Council. If you have any questions, feel free to reach out to City Clerk Suzanne Guzzetta at sguzzetta@milpitas.gov or 408-586-3001.

Thank you again for your valuable contributions.

Christine Pham

Office Assistant II – City Clerk’s Office

Phone (408) 586-3004

Email cpham@milpitas.gov

455 E. Calaveras Blvd., Milpitas CA 95035

From: [REDACTED]
To: [Christine Pham](#)
Subject: Re: PRCRC
Date: Friday, May 24, 2024 9:08:35 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image002.png](#)

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Yes, I would like to.

On Fri, May 24, 2024, 12:01 PM Christine Pham <cpham@milpitas.gov> wrote:

Dear Ricky Davis,

Thank you so much for your dedicated service on the Parks, Recreation and Cultural Resources Commission. Your current term is set to expire at the end of June 2024. If you are interested in being considered for reappointment, please let us know by responding to this email.

Please note that reappointment is not automatic; it requires a recommendation from the Mayor and confirmation by the City Council. If you have any questions, feel free to reach out to City Clerk Suzanne Guzzetta at sguzzetta@milpitas.gov or 408-586-3001.

Thank you again for your valuable contributions.



Christine Pham

Office Assistant II – City Clerk’s Office

Phone (408) 586-3004

Email cpham@milpitas.gov

455 E. Calaveras Blvd., Milpitas CA 95035

www.milpitas.gov



From: [REDACTED]
To: [Christine Pham](#)
Subject: Re: PRCRC
Date: Wednesday, June 5, 2024 1:24:35 PM

CAUTION: EXTERNAL SENDER

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6 JUNE 1944

Dear Mayor Carmen Montano,

I am requesting re-appointment as Commissioner to the Parks, Recreation, and Cultural Resources Commission where I have been serving for three years and last year as its Vice Chair. The PRCRC is engaged in various projects at this time, including the new Parks Markers Project in collaboration with the Arts Commission, so it is exciting for me to be making a direct contribution to this historical work.

Also, since the opening of the José Maria de Jesus Alviso Adobe Museum about 17 months ago, Bill Hare and I have been the docents for over 100 tours involving our mainstay second-Saturday-of-the-month public tours, many scheduled private group tours (mostly from all over Santa Clara County but some from neighboring Alameda County), and especially an ever growing number of classes from our Milpitas Elementary Schools (usually third and fourth grade, and occasionally fifth and sixth grade).

Hopefully my request meets with your approval.

Respectfully.
Signed, *Joseph Ehardt*
Milpitas Historical Society
Commissioner, PRCRC

On May 24, 2024, at 12:03 PM, Christine Pham <cpham@milpitas.gov> wrote:

Dear Joseph Ehardt,

Thank you so much for your dedicated service on the Parks, Recreation and Cultural Resources Commission. Your current term is set to expire at the end of June 2024. If you are interested in being considered for reappointment, please let us know by responding to this email.

Please note that reappointment is not automatic; it requires a recommendation from the Mayor and confirmation by the City Council. If you have any questions, feel free to reach out to City Clerk Suzanne Guzzetta at sguzzetta@milpitas.gov or 408-586-3001.

Thank you again for your valuable contributions.

From: [REDACTED]
To: [Christine Pham](#)
Cc: [REDACTED]
Subject: Re: PRCRC
Date: Tuesday, May 28, 2024 2:44:40 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

CAUTION: EXTERNAL SENDER

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Hi Christine

I would like to continue to serve on the PRCRC commission.

Allen Thomas
408-263-2244

On 05/24/2024 12:05 PM PDT Christine Pham <cpham@milpitas.gov> wrote:

Dear Allan Thomas,

Thank you so much for your dedicated service on the Parks, Recreation and Cultural Resources Commission. Your current term is set to expire at the end of June 2024. If you are interested in being considered for reappointment, please let us know by responding to this email.

Please note that reappointment is not automatic; it requires a recommendation from the Mayor and confirmation by the City Council. If you have any questions, feel free to reach out to City Clerk Suzanne Guzzetta at sguzzetta@milpitas.gov or 408-586-3001.

Thank you again for your valuable contributions.

Christine Pham
Office Assistant II – City Clerk’s Office
Phone (408) 586-3004

From: noreply@civicplus.com
To: [City Clerk](#)
Subject: Online Form Submittal: Commission Applications
Date: Friday, June 21, 2024 7:59:25 AM

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Commission Applications

Commission / Committee Applying for: Parks, Recreation and Cultural Resources Commission

First Name Catalina

Last Name Silva

Address Type Residence

Address

City Milpitas

State CA

Zip Code 95035

Phone Number

Email Address

Present Employer TTI

Other Phone

Business Address (Optional) *Field not completed.*

City *Field not completed.*

State *Field not completed.*

Zip Code *Field not completed.*

Occupation Customer Service Representative

Education: If Youth *Field not completed.*

Advisory Commission
applicant, indicate your
grade / school:

College, Professional, Vocational, or other schools attended	San Diego Job Corps - AA Child Development. Center of Employment Training - Certification in Medical Administrative Assistant
--	---

Major Subject	<i>Field not completed.</i>
---------------	-----------------------------

Degree	<i>Field not completed.</i>
--------	-----------------------------

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

Name of Organization	<i>Field not completed.</i>
----------------------	-----------------------------

Member	<i>Field not completed.</i>
--------	-----------------------------

Name of Organization	<i>Field not completed.</i>
----------------------	-----------------------------

Member	<i>Field not completed.</i>
--------	-----------------------------

Name of Organization	TTi, Inc.
----------------------	-----------

Member	<i>Field not completed.</i>
--------	-----------------------------

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

Branch of Military	<i>Field not completed.</i>
--------------------	-----------------------------

Officer	<i>Field not completed.</i>
---------	-----------------------------

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):	The professional qualifications that I possess that will be an asset is that I can bring to a team is my hard skills and my soft skills. My hard skills that I can possess are my strong computers skills, customer service skills and that I am bilingual in Spanish speaking. My soft skills that I can list that I have are great leadership, interpersonal, dependability, communication, sincerity, empathetic, and professionalism.
--	---

Upload a File	<i>Field not completed.</i>
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Date	6/21/2024
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By submitting this form, I confirm I have sufficient time to devote to this
responsibility and will attend the required meetings if I am appointed to fill a future
vacancy. I hereby certify that all statements contained in this application are true.

Name

Catalina Silva

Email not displaying correctly? [View it in your browser.](#)

From: [REDACTED]
To: [Christine Pham](#)
Subject: Re: PRCRC
Date: Friday, May 24, 2024 7:39:22 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

CAUTION: EXTERNAL SENDER

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Hi Christine,

I'm in the Safety commission and interested being considered for reappointment

Thank you

Evan

On Fri, May 24, 2024 at 12:10 PM Christine Pham <cpham@milpitas.gov> wrote:

Dear Evan Gan,

Thank you so much for your dedicated service on the Parks, Recreation and Cultural Resources Commission. Your current term is set to expire at the end of June 2024. If you are interested in being considered for reappointment, please let us know by responding to this email.

Please note that reappointment is not automatic; it requires a recommendation from the Mayor and confirmation by the City Council. If you have any questions, feel free to reach out to City Clerk Suzanne Guzzetta at sguzzetta@milpitas.gov or 408-586-3001.

Thank you again for your valuable contributions.

Christine Pham
Office Assistant II – City Clerk’s Office
Phone (408) 586-3004

From: noreply@civicplus.com
To: [City Clerk](#)
Subject: Online Form Submittal: Commission Applications
Date: Wednesday, July 31, 2024 7:57:24 PM

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Commission Applications

Commission / Committee Applying for: Public Safety and Emergency Preparedness Commission

First Name	Norma
Last Name	Morales
Address Type	Business
Address	
City	Milpitas
State	California
Zip Code	95035
Phone Number	
Email Address	
Present Employer	MUSD
Other Phone	Field not completed.
Business Address (Optional)	Field not completed.
City	Field not completed.
State	Field not completed.
Zip Code	Field not completed.
Occupation	SLS Supervisor of Wellbieng of Immigrant and Refugee Support
Education: If Youth	BS International Business

Advisory Commission
applicant, indicate your
grade / school:

College, Professional, Vocational, or other schools attended	Mission College, TEC de Monterrey
--	-----------------------------------

Major Subject	Business
---------------	----------

Degree	International Business
--------	------------------------

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

Name of Organization	Milpitas Kiwanis
----------------------	------------------

Member	Current member
--------	----------------

Name of Organization	Milpitas Chamber of Commerce
----------------------	------------------------------

Member	Board Member/incoming President current
--------	---

Name of Organization	Milpitas Rotary
----------------------	-----------------

Member	Current member
--------	----------------

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

Branch of Military	n/a
--------------------	-----

Officer	n/a
---------	-----

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):	I believe I would be a great asset to the Safety commission due to the work that I have done within my job and public works. My connection of working with families and connecting them with different resources throughout the city makes me a great element to continue building a safer community. I had also worked with the MFD and MPD creating workshops and hosted a resource fair for our MUSD community as well as other events. I am a great liaison by connecting at risk, low-income, and non english speakers families to continue providing safety resources to our community. I had worked along MPD and MFD, supporting families with trainings in readiness for disaster together with our Public safety and emergency planning commission. I had also gone through training and completed twice the MPD Citizens Academy as well as MFD community outreach and training. I've also participated in a few National Night outs. I believe that my knowledge and connections with the District of Milpitas, Milpitas families from different backgrounds will make me a great asset to
--	--

the safety commission.

Upload a File

Field not completed.

Date

7/31/2024

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

Name

Norma Morales

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [City Clerk](#)
Subject: Online Form Submittal: Commission Applications
Date: Friday, June 7, 2024 11:49:58 PM

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Commission Applications

Commission / Committee Applying for: Public Safety and Emergency Preparedness Commission

First Name Diyan

Last Name Shah

Address Type Residence

Address

City Milpitas

State California

Zip Code 95035

Phone Number

Email Address

Present Employer N/A

Other Phone N/A

Business Address (Optional) N/A

City N/A

State N/A

Zip Code N/A

Occupation Student at Milpitas High School

Education: If Youth Milpitas High School

Advisory Commission applicant, indicate your grade / school:

Note: Applying as a Student Commissioner for the Public Safety & Emergency Preparedness Commission.

College, Professional, Vocational, or other schools attended

Mission College, San Jose Evergreen Community College, SJECCD Milpitas Extension

Major Subject

N/A

Degree

N/A

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

Name of Organization

India Community Center

Member

Table Tennis Player/Coach

Name of Organization

Mission College Math Department

Member

Student Lead of Math Tutoring Workshop

Name of Organization

Milpitas High School Hackathon Club

Member

Sponsors and Fundraising

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

Branch of Military

N/A

Officer

N/A

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

I am an excellent multitasker, as I am able to balance heavy academic workloads, sport training and competitions, and other extracurricular activities where I possess leadership and management positions. For instance, in addition to the community organizations listed above, I am the team leader for the Aerotech club at Milpitas High School, where I organize weekly workshops for rocket builds and schedule team bonding activities.

I am verbally adept, as this is a skill that I have built over time over the course of my career. Maintaining lead roles in clubs, managing hundreds of people in hackathons, and creating my own academic organizations has given me experience in not only leadership but in handling dilemmas verbally, professionally, and efficiently.

Finally, I am very flexible in terms of managing my time and creating space for new and upcoming activities/events. I will be able to adjust to any work I am given as well as attend all

meetings for which I am required. I aim to make a positive impact during my time as a student member for this commission and create a stronger, more protected community in the process.

Upload a File

Field not completed.

Date

6/7/2024

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

Name

Diyan Shah

Email not displaying correctly? [View it in your browser.](#)

CITY OF MILPITAS

YOUTH COMMISSION APPLICATION

PROVIDE COMPLETE INFORMATION (in black ink)

COMMISSION APPLYING FOR ↑

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

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

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

Name: First (middle) Last

Address: Number Street (apt. # if needed) City & Zip Code

Telephone Number(s)

Education: Please indicate your grade & school: _____

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

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

Signature

Date

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

PLEASE BE AWARE THAT ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

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

City Clerk, Milpitas City Hall 3rd floor, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: cityclerk@ci.milpitas.ca.gov

CITY OF MILPITAS – LIST OF COMMISSIONS

ARTS COMMISSION: Founded July 6, 2000. Meetings are held at 7:00 PM on fourth Mondays in alternate months in the City Hall Committee Room. The Arts Commission serves as an advisory body to the City Council on matters pertaining to supporting and promoting the arts in the City, including placement of public art. Seven members and two alternates are appointed to 3-year terms.

COMMUNITY ADVISORY COMMISSION: Founded July 20, 1954. Meetings are held at 7:00 PM on the first Wednesday each month in the City Hall Committee Room. CAC is as an advisory body on matters affecting Milpitas citizens, especially community improvement. CAC evaluates and makes recommendations to the City Council on issues including Citywide beautification, community and neighborhood clean-up and abatement issues. The Commission advises the Council on recommended Community Development Block Grant funds. CAC has 7 members and 2 alternates appointed to 3-year terms.

ECONOMIC DEVELOPMENT & TRADE COMMISSION: Founded February 18, 2003. Meetings are held at 4:30 PM on the second Monday every month at the City Hall Committee Room. EDC was established to advise the Council on business issues and to make recommendations on the design, development, and implementation of a comprehensive economic development program for the City of Milpitas. The Commission consists of 7 members appointed to 3-year terms and 2 alternates appointed to 3-year terms. Members represent specific industries and business community segments in Milpitas.

ENERGY & ENVIRONMENTAL SUSTAINABILITY COMMISSION: Founded February 5, 1991. Meetings are held at 6:00 PM on third Wednesdays monthly (except July) in the City Hall Committee Room. Formerly, Recycling and Source Reduction Advisory Commission (RSRAC). Advises Council on recycling and solid waste management issues. Seven members recommend programs designed to reduce solid waste, and monitor the City's achievement of diversion goals mandated by the state, along with other environmental issues. 7 Members and 2 alternates are appointed to serve in 3-year terms.

LIBRARY & EDUCATION COMMISSION: Founded January 17, 1961. Meetings are held at 7:00 PM on the second Monday of January, and third Monday of March, May, September, and November at the Milpitas Library. Advises the Santa Clara County Library which operates the Milpitas Library under the jurisdiction of a Joint Powers Authority, informs the City Council and County Librarian of community needs, and helps to determine library activities and levels of service. The Commission consists of 7 members and 2 alternates are appointed to 3-year terms.

PARKS, RECREATION & CULTURAL RESOURCES COMMISSION: Founded July 1, 1992. Meetings are held monthly at 7:00 PM on the first Monday at City Hall. PRCRC was formed when the Council combined functions of Parks & Recreation Commission and Cultural Resources Preservation Board into one body. Advises Council on operation of recreation services and historic preservation activities, and advises in the acquisition, planning, and development of new and existing parks and facilities. PRCRC assists activities related to City's cultural heritage. Commission consists of 7 members and 2 alternates appointed to 3-year terms.

PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMISSION: Founded April 23, 1988. Meetings are held at 7:00 PM on the third Thursday in January, March, May, July, September, and November at Fire Station #1 Training Room. The Commission advises the City Council regarding emergency preparedness and disaster planning. PS&EPC consists of 7 Commissioners plus 2 alternate members in 3-year terms.

SCIENCE, TECHNOLOGY & INNOVATION COMMISSION: Founded September 6, 1994. Meetings are held at 7:00 PM on 3rd Mondays each month at City Hall Committee Room. Information technology, communications and information services offer challenges to Milpitas, so Commissioners advise on matters of technology policy, legislation and implementation at the local, state, and federal levels. 7 Members and 2 alternates are appointed to 3-year terms.

SENIOR ADVISORY COMMISSION: Founded April 20, 1993. Meetings are held at 1:30 PM on 4th Tuesdays of February, April, June, August, October, and December at the Barabara Lee Senior Center. Originally founded as the Senior Advisory Committee on December 14, 1978, it served in an advisory capacity to the Parks, Recreation, & Cultural Resources Commission. SAC advises the Council on matters pertaining to recreation and services for senior citizens in Milpitas. 7 Members and 2 alternates serve 3-year terms.

VETERANS COMMISSION: Founded December 1, 2009. Meetings are held on first Wednesdays at 5:30 PM at City Hall in February, April, June, August, October and December. 7 members and 2 alternates with 3-year terms are appointed by the City Council to advise the Council on matters pertaining to veterans in Milpitas. All Commissioners are current or retired U.S. military service members.

YOUTH ADVISORY COMMISSION: Founded May 21, 1996. Meetings are held at 7:00 PM on the second Thursday of each month excluding June at City Hall Committee Room. Commissioners must be ages 13 to 19 years, in grades 7 through 12, and live in Milpitas. YAC advises the City Council on issues involving youth and teens in Milpitas. 7 Members and 2 alternates are appointed to 3-year terms.

CITY OF MILPITAS COMMISSIONS, ALONG WITH CITY COUNCIL, DO NOT MEET IN THE MONTH OF JULY.

From: [Suzanne Guzzetta](#)
To: [Christine Pham](#)
Subject: FW: Measure F Oversight Committee Terms
Date: Monday, July 1, 2024 2:17:12 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

To commission application file.

Suzanne Guzzetta, CMC

City Clerk

Phone (408) 586-3001

Email sguzzetta@milpitas.gov

455 E. Calaveras Blvd., Milpitas CA 95035

www.milpitas.gov



From: Conrad Schapira [REDACTED]
Sent: Wednesday, June 26, 2024 7:02 PM
To: Suzanne Guzzetta <sguzzetta@milpitas.gov>
Subject: Re: Measure F Oversight Committee Terms

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Suzanne,

I am interested in still being on the Measure F Oversight Committee.

--

Conrad Schapira
[REDACTED]
[REDACTED]

Privileged And Confidential Communication.

This electronic transmission, and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC §§ 2510-2521), (b) may contain confidential and/or legally privileged information, and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of the information received in error is strictly prohibited.

From: noreply@civicplus.com
To: [City Clerk](#)
Subject: Online Form Submittal: Commission Applications
Date: Saturday, June 22, 2024 3:45:38 AM

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Commission Applications

Commission /
Committee Applying
for: Measure F Oversight Committee

First Name	Anas
Last Name	Rehman
Address Type	Residence
Address	[REDACTED]
City	Milpitas
State	CA
Zip Code	95035
Phone Number	[REDACTED]
Email Address	[REDACTED]
Present Employer	None
Other Phone	Field not completed.
Business Address (Optional)	Field not completed.
City	Field not completed.
State	Field not completed.
Zip Code	Field not completed.
Occupation	None
Education: If Youth	Field not completed.

Advisory Commission
applicant, indicate your
grade / school:

College, Professional, Vocational, or other schools attended	De Anza College, San Jose State University
--	--

Major Subject	Mechanical Engineering, BA
---------------	----------------------------

Degree	Liberal Arts with a Science, Math and Engineering Emphasis, AA
--------	--

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

Name of Organization	<i>Field not completed.</i>
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Member	<i>Field not completed.</i>
--------	-----------------------------

Name of Organization	<i>Field not completed.</i>
----------------------	-----------------------------

Member	<i>Field not completed.</i>
--------	-----------------------------

Name of Organization	<i>Field not completed.</i>
----------------------	-----------------------------

Member	<i>Field not completed.</i>
--------	-----------------------------

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

Branch of Military	<i>Field not completed.</i>
--------------------	-----------------------------

Officer	<i>Field not completed.</i>
---------	-----------------------------

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):	I have an Associates in Liberal Arts with a Science, Math and Engineering Emphasis. My math skills, which I finished up to Differential Equations, would aid in the finance, budgeting, taxation, and accounting side of Measure F.
--	---

Upload a File	<i>Field not completed.</i>
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Date	6/22/2024
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By submitting this form, I confirm I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Anas Rehman

Name

Email not displaying correctly? [View it in your browser.](#)



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve Amendments to the Subscription and Services Agreement with RideCo for Milpitas SMART (Staff Contact: Jay Lee, Planning Director, 408-586-3077)
Category:	Consent Calendar-Community Development
Meeting Date:	9/5/2023
Recommendation:	(1) Approve amendments to the subscription and services agreement with RideCo for Milpitas SMART, with a subscription and services fee increase per vehicle revenue hour but no change to the not-to-exceed contract amount of \$2,955,916; and (2) Authorize the City Manager to execute the amended agreements.

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 Innovative Transit Service Models Program to provide approximately \$6 million in funding to eligible cities through a competitive grant application process.

City staff in partnership with RideCo, a transportation consulting firm that provides on-demand transit solutions, submitted a grant application for funding through the Measure B 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, 2021, the VTA Board of Directors approved the recommended projects, including Milpitas SMART which received the full amount of the grant request in the amount of \$1,084,732, and authorized the VTA General Manager to execute the necessary agreements. 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.

Milpitas SMART launched on September 12, 2022 and 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. Despite the City's extensive marketing and outreach efforts, ridership for the service remained low through February 2023 at approximately 5 passengers per weekday. Furthermore, staff received significant community feedback requesting direct access to key destinations outside the hubs including the Milpitas Library and Milpitas High School.

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. On August 8, 2023, the City Council approved amendments to the funding agreement with VTA and subscription and services agreement with RideCo and authorized the City Manager to execute the amended agreements to reflect this service change. On September 5, 2023, the City Council accepted an allocation of \$1,600,000 in State funding for the SMART Program, approved a budget appropriation of the same amount into Capital Improvement Program (CIP) Project No. 3493 (Milpitas SMART), and provided direction to City staff on proposed program modifications, including expanded service hours, fleet conversion, and fare promotions.

On June 11, 2024, the City amended the subscription and services agreement with RideCo to update the not-to-exceed amount to reflect the \$1.6 million in State funding.

Analysis:

Service Provider Update

Since the launch of Milpitas SMART in September 2022, CLS Global Transportation Inc. has been providing drivers and operating the vehicles as a subcontractor to RideCo. Due to a variety of factors, RideCo has decided to transition to a new service provider, SilverRide, to maintain operational efficiency and customer service levels. SilverRide, which launched in 2007 in San Francisco, is a fully-licensed transportation network company (TNC) operator that facilitates assisted ride services to a broad range of individuals and organization. SilverRide currently operates in Dallas, Los Angeles, Phoenix, Las Vegas, Seattle, and other major cities throughout the nation. The following amendments are needed to implement this transition to a new service provider.

Proposed Amendments

Subscription and Services Fee

The subscription and services fee will be increased from \$58.65 to \$71.00 per vehicle revenue hour to reflect current market costs and conditions. The previous fee was established in 2020 and has not been updated since despite increasing labor and material costs. As such, with or without a new vehicle operator, the fee was contemplated to increase. The amended agreement also proposes an annual increase of three (3) percent or the percentage increase of the Consumer Price Index, whichever is greater, to allow annual adjustments without a formal contract amendment.

Vehicles

An amendment to the agreement is needed to reflect the current vehicle fleet, which consists of five (5) standard minivans and two (2) American with Disabilities Act (ADA) accessible minivans rather than four (4) standard minivans and three (3) ADA accessible minivans. Although the number of ADA accessible minivans was reduced, the total capacity is unchanged since each new ADA accessible minivan can accommodate six (6) passengers rather than four (4). VTA has approved this change to the vehicle fleet.

Driver Requirements

An amendment to the agreement is also needed to modify the driver requirements from “No at fault accidents” to “No major at fault accidents”. “Major at fault accident” is defined as “any 2-point violation on driving record not including driving with a suspended license, any accident where injuries were incurred that resulted in extensive medical treatment, hospitalization, or a permanent disability, or vehicle damage resulting in a total loss or significant repairs greater than \$10,000.” This amendment would provide much needed flexibility in recruiting drivers in a challenging market, while ensuring that all SMART drivers are qualified and skilled to operate the vehicles safely and professionally.

Next Steps

City staff will continue to collaborate with RideCo on exploring external funding sources to operate Milpitas SMART beyond the anticipated funding duration.

Policy Alternatives:

Alternative 1: Do not approve amendments 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 be unable to continue operating Milpitas SMART and would have to search for an alternative provider, which would lead to an interruption in service and require additional staff time and resources to procure a new provider.

Reason not recommended: The amendment to the agreement would allow the City to continue operating Milpitas SMART, which provides a valuable and much-needed service to Milpitas' residents, employees, and visitors. Furthermore, the General Plan includes several policies to promote alternative modes of transportation, first/last-mile solutions, and public transit improvements to support the City's circulation goals. The continuation of Milpitas SMART supports these General Plan policies and goals.

Fiscal Impact:

Although the subscription and services fee will increase, the proposed amendment to the subscription and services agreement with RideCo would not change the project budget (i.e., not-to-exceed amount). The Milpitas SMART program realized cost savings from reduced service during vehicle maintenance periods. As such, City staff still anticipates funding to last until Summer 2025, which was the estimated funding duration presented to Council at its meeting on September 5, 2023.

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 subscription and services agreement with RideCo for Milpitas SMART, with a subscription and services fee increase per vehicle revenue hour but no change to the not-to-exceed contract amount of \$2,955,916; and
2. Authorize the City Manager to execute the amended agreements.

Attachment:

Draft RideCo Subscription and Services Agreement Amendment No. 5



**AMENDMENT NO. 5 TO
SUBSCRIPTION AND SERVICES AGREEMENT
WITH
RIDECO US INC.
FOR
RIDECO'S DYNAMIC TRANSIT SYSTEM**

This Amendment No. 5 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. 5.

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 "launch date" through twelve (12) months (the Agreement); and

WHEREAS, on August 10, 2023 the Parties entered into Amendment No. 1 to replace Schedule A, Project Terms and Scope of Work; and

WHEREAS, on September 11, 2023 the Parties entered into Amendment No. 2 to replace Schedule A-1 Project Terms and Scope of Work (Revised August 2023); and

WHEREAS, on April 24, 2024 the Parties entered into Amendment No. 3 to replace Schedule A-2, Project Terms and Scope of Work (Revised September 2023) and increase compensation by \$20,000.00 to \$1,375,916.00; and

WHEREAS, on June 11, 2024 the Parties entered into Amendment No. 4 to replace Schedule A-3, Project Terms and Scope of Work (Revised April 2024) to update the hours of operation, extend the agreement by twelve (12) months to September 11, 2025, and to include a One Million Five Hundred Eighty Thousand Dollars and Zero Cents (\$1,580,000.00) increase for a new not to exceed of **Two Million Nine Hundred Fifty-Five Thousand Nine Hundred Sixteen Dollars and Zero Cents (\$2,955,916.00)**.

WHEREAS, the Parties now wish to amend the Agreement to update the Subscription and Service Fees, and Vehicles. .

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 (Revised April 2024) Subscription and Service Fee is hereby amended to read as follows:

Subscription and Services Fee: \$71.00 per vehicle revenue hour

Annual Adjustment: Service Fee is subject to an annual increase of 3% or the percentage increase of the Consumer Price Index, whichever is greater.

Vehicles:

Approximately five (5) 6-seat minivans (or equivalent) and two (2) ADA accessible minivans (or equivalent).

Driver Requirements:

Change driver requirements from “No at fault accidents” to “No major at fault accidents (any 2 point violation on driving record not including driving with a suspended license, any accident where injuries were incurred that resulted in extensive medical treatment, hospitalization, or a permanent disability, or vehicle damage resulting in a total loss or significant repairs greater than \$10,000)”

2. All other provisions of the Agreement not amended by this Amendment No. 5 shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 5 as of the date first written above.

CITY OF MILPITAS

RIDECO US INC

Approved By:

Ned Thomas, City Manager

Signature

Date

Name

Approved As To Form:

Michael Mutalipassi, City Attorney

Title

Approved:

Date

Luz Cofresí-Howe
Finance Director/Risk Manager

Approved As to Content:

Jay Lee, Planning Director



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Personnel Realignment to Support Department Operations (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	9/3/2024
Recommendation:	Approve the deletion of a vacant Fleet Maintenance Worker III and a vacant Maintenance Assistant position and the addition of two Maintenance Worker I/II positions in the Department of Public Works.

BACKGROUND

City park amenities and open space opportunities are a priority for the City and an essential asset for our community. Maintaining these facilities in good repair poses an increasing challenge for our Department of Public Works to meet service level demands. The Public Works Department received City Council funding in FY 2022-23 for a 1.0 Full Time Equivalent (FTE) Fleet Maintenance Worker III position; the position is presently vacant. Existing staff can meet current service demands and expects to continue meeting those demands for the near future. This presents an opportunity, with budgetary savings and a net zero FTE impact, to reallocate resources to parks maintenance staffing operations to better meet service level demands and community needs related to park maintenance.

ANALYSIS

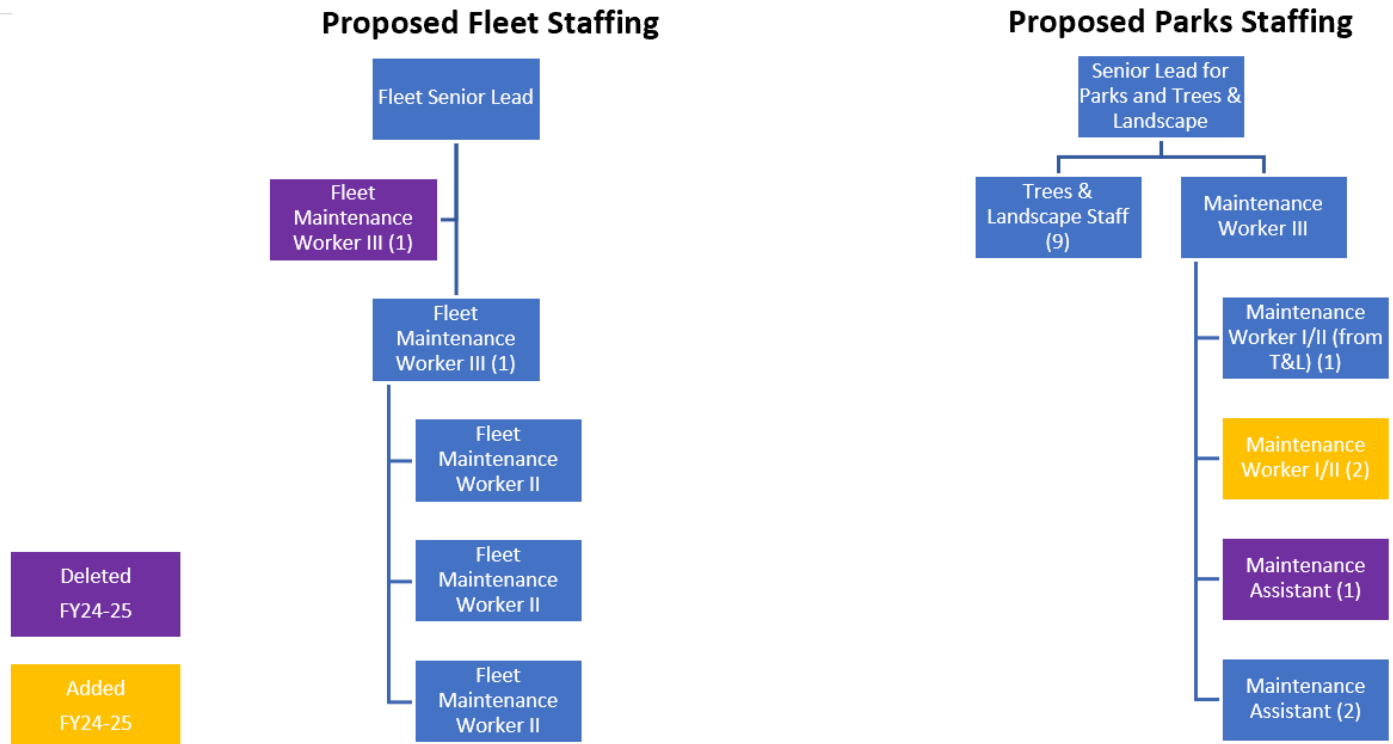
The City park inventory consists of 38 parks and 198 acres of open space. Twelve (12) parks are maintained by City staff, and the remaining 26 parks are maintained by Brightview, an outside service provider. The Parks Maintenance function is staffed by a team of six (6) staff to accomplish a basic level of maintenance at City parks. Each month, staff estimates they spend approximately four (4) hours at each of the City-maintained parks, performing work such as mowing grass, trimming trees, and repairing broken infrastructure.

The Parks Maintenance Division has faced substantial staff turnover, losing six (6) Maintenance Assistants in the last two years, and experiencing challenges in successful recruitment, which is not uncommon for Bay Area agencies. Despite the staffing turnover in the Parks Maintenance function, maintenance obligations need to be met, and include park restrooms, picnic sites, sport courts, playgrounds and fields needing frequent service, and addressing increasing vandalism. The recommended additional staffing at the Maintenance Worker I/II level to support Parks Maintenance would result in a 50% increase in maintenance hours for City-maintained parks. The additional work would allow staff to supplement basic maintenance activities and perform beautification tasks such as turf renovation, planting, and fertilizing.

The Maintenance Assistant position is a relatively new classification, approved in FY 2022-23. This position was intended to provide general labor support to the more skilled Maintenance Worker positions. However, there is a need for more staff to operate heavy machinery such as woodchippers and tractors, and/or perform technical work involving irrigation, plumbing, and electrical work, tasks not otherwise within the scope of a Maintenance Assistant. As a result, the recommendation is to delete one vacant Maintenance Assistant position.

The Fleet Maintenance Division is currently staffed by a team of five (5) staff, consisting of a Senior Public Works Lead, a Fleet Maintenance Worker III, and three (3) Fleet Maintenance Worker II positions. This staffing structure is lean but has been efficient and capable of meeting service demands. Given the Fleet Maintenance Worker III position has been vacant for a year, with minimal to no impact on service, the Department sees an opportunity to realign its staffing resources to support Park Maintenance functions.

The Department recommends deleting the vacant Fleet Maintenance Worker III and a vacant Maintenance Assistant position and add two (2) Maintenance Worker I/II positions to Parks Maintenance. This realignment would result in the following staffing structure in each of the affected functions:



POLICY ALTERNATIVE(S):

Pros: None.

Reason for Not Recommending: If the conversion of the vacant Fleet Maintenance Worker III and Maintenance Assistant positions into two (2) Maintenance Worker I/II positions in the Park Maintenance Division is not approved, the Public Works Department will be unable to expand the scope of work assignments in order to create operational efficiencies. Additionally, the Parks Division will continue to rely on the Maintenance Worker III to bring out larger equipment to work sites for the team.

The fiscal impact from this recommendation is \$29,853 in net savings as follows:

Add

Position Cost	Fully Loaded Cost
Fleet Maintenance Worker III	(\$234,735)
Maintenance Assistant	(114,872)
Budget Impact (savings)	(\$349,607)

Position Cost	Fully Loaded Cost
Maintenance Worker I/II	\$159,877
Maintenance Worker I/II	\$159,877
Additional Funds Needed	\$319,754

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This action is exempt pursuant to CEQA Guideline 15378(b)(4) as a governmental fiscal activity which does not involve any commitment to any specific project.

RECOMMENDATION:

Approve the deletion of a vacant Fleet Maintenance Worker III and a vacant Maintenance Assistant position and the addition of two Maintenance Worker I/II positions in the Department of Public Works.

ATTACHMENT(S):

1. Resolution

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS TO AMEND
BUDGETED ALLOCATED POSITIONS IN THE PUBLIC WORKS DEPARTMENT**

WHEREAS, the adopted the Fiscal Year 2022-23 operating budget included funding for 3.0 Maintenance Assistants in the Park Maintenance function in-lieu of contracting out park maintenance at 10 City Parks; and

WHEREAS, the Maintenance Assistant positions have high turnover and are limited in their ability to provide technical labor or operate heavy machinery; and

WHEREAS, the adopted the Fiscal Year 2023-24 operating budget included funding for a new Fleet Maintenance Worker III position which has remained vacant since its approval; and

WHEREAS, the City's robust park amenities and open space opportunities are an asset to our community but require significant resources to maintain.

NOW THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves to amend the budgeted allocated positions in the Public Works Department by:

1. Delete a Fleet Maintenance III position; and
2. Reallocate funding from the deleted Fleet Maintenance III position to creating a Maintenance Worker I/II assigned to the Park Maintenance function; and
3. Convert a vacant Maintenance Assistant position in the Park Maintenance function and upgrade to a Maintenance Worker I/II.

PASSED AND ADOPTED this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize the City Manager to Execute a Memorandum of Understanding between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, to Install Telecommunication Equipment within the City Right-of-Way (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)
Category:	Consent Calendar-Community Development
Meeting Date:	9/3/2024
Recommendation:	Authorize the City Manager to execute a Memorandum of Understanding between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, to conduct a pilot project using the Rapid Connect proprietary method to install telecommunication equipment within the City Right-of-Way.

BACKGROUND:

On March 7, 2023, the City Council approved a Non-Exclusive License Agreement between the City of Milpitas and Crown Castle Fiber, LLC (Crown Castle) for the installation of approximately 237 small cell wireless communication 5G antennas on city-owned infrastructure such as streetlights. The technology transmits and receives wireless data in a capacity of 20 gigabits per second with nearly zero delay in sending and receiving information between devices. The term of the agreement is for ten years, with up to three successive five-year renewals, and establishes an annual rental payment for use of City property of \$270 per facility per calendar year which escalates 3% annually.

As part of the small cell installations, Crown Castle will need to install a network of fiber optic cables connecting various equipment to corresponding internet hubs. Crown Castle has developed a trenching method called Rapid Connect that allows the construction to be faster with minimal impact to City right-of-way. The work involves cutting a micro-trench in the existing pavement to an approximate depth of up to 1.5 inches, and placing the fiber optic cable(s) in the trench which is then sealed with a gasket. Typically, the City prefers the installation of the underground conduits in the rights-of-way to be either by open trench or directional boring. Due to its uncertainty and unfamiliarity with the Rapid Connect method, staff is requiring Crown Castle to conduct a pilot project to evaluate the efficiency, long-term durability, and public safety of this technology.

ANALYSIS:

The Memorandum of Understanding (MOU) between the City and Crown Castle Fiber, LLC will allow Crown Castle to complete a pilot project demonstrating the Rapid Connect method to install their equipment in specified locations within the City right-of-way (Attachment No. 1). The pilot project will provide staff the opportunity to observe, evaluate, and inform on whether to allow the Rapid Connect method to be used in the future on a larger City-wide scale. The pilot project area will be a one-block run of approximately 1,500 linear feet along Big Bend Drive between the intersection with Shenandoah Avenue and South on Sequoia Drive towards Crater Lake Avenue (Attachment No. 2). The micro-trenches will be 1.30 inches deep and 0.40 inches wide and will accommodate 1 to 2 telecommunication cables. These fiber optic cables will connect to vaults and handhole boxes located in existing landscaped areas. City staff and the City Attorney's Office have reviewed the MOU and recommends the City Council to authorize the City Manager to execute the MOU.

POLICY ALTERNATIVE(S):

Alternative 1: Deny Approval of the MOU for the Pilot Project with Crown Castle Fiber, LLC.

Pros: None.

Cons: The City will be unable to conduct a thorough evaluation of the Rapid Connect method without the ability to compare it to traditional methods such as open trenching or directional boring. As a result, the City

will be unable to fully assess the method's advantages, disadvantages, or overall effectiveness, which may impede its decision-making regarding the use of this method for future large-scale projects.

Reason for Not Recommending: Staff does not recommend this alternative, as it could limit the City's ability to explore and evaluate the Rapid Connect method for underground fiber optic installation. Choosing not to pursue this option may result in a missed opportunity to gain important insights and could hinder the City's capacity to fully assess the method.

FISCAL IMPACT:

Crown Castle will pay all installation costs, including City costs for plan review, permitting, and construction inspection associated with the Pilot Project and bonded for the work by Performance and Payment Bond.

California Environmental Quality Act (CEQA):

The project is categorically exempt in accordance with Section 15303 (New Construction or Conversion of Small Structures) Class 3 - Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed project would not have a significant impact on the environment.

RECOMMENDATION:

Authorize the City Manager to execute s Memorandum of Understanding between the City of Milpitas and Crown Castle Fiber LLC, a New York Limited Liability Company, to conduct a pilot project using the Rapid Connect proprietary method to install telecommunication equipment within the City Right-of-Way.

Attachment(s):

1. Memorandum of Understanding
2. Encroachment Permit Plan

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) made this _____ day of _____, 2024 by and between **Crown Castle Fiber LLC**, a New York limited liability company (“Crown Castle”) and the **City of Milpitas**, a municipality under the laws of the State of California (“City”), (each a “Party” and together, the “Parties”).

WHEREAS, Crown Castle owns, manages, operates, and markets certain communications networks (collectively, “Networks”) as a telecommunications provider certified by, and subject to the jurisdiction of the California Public Utilities Commission; and

WHEREAS, in conjunction with the construction and operation of its Networks, Crown Castle wishes to access the City right-of-way (“ROW”) for the placement of telecommunications equipment including but not limited to cables, primer, sealant, and equipment for the operation of its Networks (“Equipment”); and

WHEREAS, Crown Castle intends to complete a demonstration project using the Rapid Connect method to install equipment in specified locations within the ROW; and

WHEREAS, Crown Castle and the City now desire to define the rights, duties, and obligations between the Parties related to Crown Castle’s installation of Equipment via Rapid Connect methods for the demonstration project within portions of the ROW for Crown Castle’s Rapid Connect program for and the City’s authorization of such installation;

NOW THEREFORE, in consideration of the mutual covenants contained herein and intending to be legally bound, the parties agree as follows:

1. Access.

Crown Castle must submit plans and Equipment specifications and apply for a City encroachment permit to access the ROW for the installation of its Equipment in accordance with the City of Milpitas Municipal Code (“MMC”). Prior to accessing any portion of the ROW, Crown Castle shall comply with all terms of this MOU and the City shall, in due course, issue any necessary encroachment permits provided the proposed improvements conform to the methods and specifications detailed in Exhibit “A”, the MMC, and all applicable City Standard Construction Drawings and Specifications (“City Standards”).

2. Project Area.

The project area shall be a one-block run of approximately 1,500 feet on Big Bend Drive between its intersection with Shenandoah Avenue and South on Sequoia Drive towards Crater Lake Avenue.

3. Authorized Use.

The Parties acknowledge that the purposes of this MOU are to:

- a. Authorize Crown Castle to utilize Rapid Connect construction methods to install Equipment within the demonstration project area ROW. Crown Castle’s maintenance and operation of its Equipment and Networks installed through Rapid Connect shall be subject to the terms of any applicable permits, laws, and City Standards.

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- b. Pursuant to 2(a) Crown Castle will reserve four (4) fiber optic strands for any use necessary by the City if needed and requested in writing by the City.

4. Rapid Connect Specifications.

Crown Castle shall install its Equipment in the ROW in accordance with the methods and specifications detailed in Exhibit “A”, City Standards, and as directed by the Public Works Director.

5. Vaults.

Vaults to be used as termination or access points for the micro ducts as detailed in Exhibit “A” should be installed outside of the ROW and within the adjacent Public Service Utility Easement (PSUE) or landscape strip. In the event that Crown Castle must place a vault in the ROW or within the PSUE, Crown Castle will engage with City to discuss vault placement and design.

6. Restoration.

In connection with its use of Rapid Connect methods to install Equipment and Networks in the ROW, Crown Castle shall restore the ROW on roads and any other City property on which it has installed Equipment immediately following installation in accordance with the specifications set forth in Exhibit “A”, City Standards, and as directed by the Public Works Director. Crown Castle shall complete the construction and restoration of a particular permitted Rapid Connect segment within 90 days from the pre-construction meeting.

7. Costs.

Crown Castle shall be responsible for all costs related to the installation of its Equipment under this MOU. The City shall have no obligation to perform or pay for any work required for the installation, maintenance, or operation of Crown Castle’s Equipment or Networks at any location in the ROW.

8. Crown Castle Contractors.

Crown Castle shall only use licensed, qualified, and trained persons for any and all work performed pursuant to this MOU. Crown Castle and its contractors shall obtain all necessary licenses and follow any procedures the Parties have mutually agreed upon prior to performing work. Crown Castle must cause or begin to cause the release of any mechanics lien or stop notice by any Crown Castle contractor or supplier purporting to attach a lien to the property installed under this MOU within 30 days of notice or discovery of the lien. Upon failure to do so, the City will have the right, but not the obligation, to cause the lien to be released by any means it deems proper, including payment of the claim giving rise to the lien, for which Crown Castle shall reimburse the City within 30 days following receipt of the City’s demand. In addition to, and notwithstanding the foregoing, Crown Castle shall also reimburse the City for all reasonable, actual, and documented expenses incurred in connection with any such lien (including reasonable attorneys’ fees) within 30 days following receipt of the City’s demand.

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9. Insurance.

Crown Castle shall not commence Work under this Contract until it has provided evidence satisfactory to the City that it has secured all insurance required under Exhibit “C” (Insurance Requirements), attached hereto and incorporated herein by this reference. In addition, Crown Castle shall not allow any subcontractor to commence work on any subcontract until it has provided evidence satisfactory to the City that the subcontractor has secured all insurance required therein. Failure to provide and maintain all required insurance shall be grounds for the City to terminate this Contract for cause.

10. Bonds.

a. Performance Bond.

Prior to execution of this Agreement taking effect, Crown Castle shall provide City with surety bonds in the amounts and under the terms set forth below (“Security”). The amount of the Security shall be based on the City Engineer’s approximation of the actual cost to construct the Public Improvements, (“Estimated Costs”). If City determines, in its sole and absolute discretion, that the Estimated Costs have changed, Crown Castle shall adjust the Security in the amount requested by City. Crown Castle’s compliance with this provision (Section 10.0 et seq.) shall in no way limit or modify Crown Castle’s indemnification obligation provided in Section 11.0 of this Agreement.

b. Bond Provisions.

Should, in City’s sole opinion, any bond become insufficient or any surety be found to be unsatisfactory, Crown Castle shall renew or replace the affected bond within (ten) 10 days of receiving notice from City. In the event the surety or Contractor intends to reduce or cancel any required bond, at least thirty (30) days prior written notice shall be given to the City, and Contractor shall post acceptable replacement bonds at least ten (10) days prior to expiration of the original bonds. No further payments shall be deemed due or will be made under this Contract until any replacement bonds required by this Section are accepted by the City. To the extent, if any, that the Total Contract Price is increased in accordance with the Contract, Contractor shall, upon request of the City, cause the amount of the bond to be increased accordingly and shall promptly deliver satisfactory evidence of such increase to the City. If Contractor fails to furnish any required bond, the City may terminate the Contract for cause.

c. Surety Qualifications.

Only bonds executed by an admitted surety insurer, as defined in California Code of Civil Procedure Section 995.120, shall be accepted. If a California-admitted surety insurer issuing bonds does not meet these requirements, the insurer will be considered qualified if it is in conformance with Section 995.660 of the California Code of Civil Procedure, and proof of such is provided to the City.

11. Indemnification.

a. Scope of Indemnity.

To the fullest extent permitted by law, Crown Castle shall defend, indemnify and hold the City, its officials, employees, agents and authorized volunteers free and harmless from any and all claims, demands, causes of action, suits, actions, proceedings, costs, expenses, liability, judgments, awards, decrees, settlements, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, (collectively, "Claims") in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions, or willful misconduct of Crown Castle, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Crown Castle's services, the Project or this Agreement, including without limitation the payment of all consequential damages, expert witness fees and attorneys' fees and other related costs and expenses. Such indemnification obligations shall extend to all claims relating to Crown Castle's infrastructure, including, but not limited to trenches and vaults for the duration of the existence of said infrastructure in the ROW. Notwithstanding the foregoing, to the extent required by Civil Code section 2782, Crown Castle's indemnity obligation shall not apply to liability for damages for death or bodily injury to persons, injury to property, or any other loss, damage or expense arising from the sole or active negligence or willful misconduct of the City or the City's agents, servants, or independent contractors who are directly responsible to the City, or for defects in design furnished by those persons.

b. Additional Indemnity Obligations.

Crown Castle shall defend, with counsel of City's choosing and at Crown Castle's own cost, expense and risk, any and all Claims covered by this section that may be brought or instituted against City or its officials, employees, agents and authorized volunteers. In addition, Crown Castle shall pay and satisfy any judgment, award or decree that may be rendered against City or its officials, employees, agents and authorized volunteers as part of any such claim, suit, action or other proceeding. Crown Castle shall also reimburse City for the cost of any settlement paid by City or its officials, employees, agents and authorized volunteers as part of any such claim, suit, action or other proceeding. Such reimbursement shall include payment for City's attorney's fees and costs, including expert witness fees. Contractor shall reimburse City and its officials, employees, agents and authorized volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Crown Castle's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the City, its officials, employees, agents and authorized volunteers.

12. Compliance.

Crown Castle shall comply with all laws, statutes, ordinances, rules, and regulations, which are applicable to its work in the ROW and the installation, maintenance, and

operation of its Equipment. Crown Castle specifically recognizes that further permissions and permitting from the City may be required for any excavation in the ROW for the installation of the Equipment. City shall comply with all laws, statutes, ordinances, rules, and regulations, which are applicable to this MOU.

13. Relocation.

a. Public Projects.

At no cost to the City, Crown Castle shall relocate or adjust its Equipment as required in connection with any future improvements constructed by or on behalf of the City in the ROW ("Public Project") which materially conflict with the Equipment, as requested in writing by the City within a reasonable time under the circumstances, but no longer than 30 days. Crown Castle shall meet with the City's street resurfacing contractor prior to the start of any resurfacing work that may impact Crown Castle's Equipment.

b. Material Disruption of Public Services.

If Crown Castle's authorized installation of Equipment via Rapid Connect methods results in the material disruption of public services provided by the City at a specific location/along a specific route within the ROW, and such disruption is evidenced by one or more notification provided to Crown Castle pursuant to applicable permits, laws and City Standards, then at no cost to the City, Crown Castle shall relocate or adjust its Equipment at that specific location/along that specific route. In conjunction with any such relocation or adjustment, Crown Castle shall make all necessary repairs to the pavement to restore it to the original condition. Any plan for relocation or adjustment of Crown Castle's equipment due to material disruption of the provision of public services shall be negotiated by the Parties in good faith and shall be mutually agreed upon by the Parties prior to Crown Castle undertaking such activity.

c. Relocation Assistance.

Should Crown Castle seek to relocate the Equipment, the City will use reasonable effort to accommodate Crown Castle's request for relocation at Crown Castle's sole expense. Nothing in this MOU creates any right to relocation assistance under the California Relocation Assistance Law (Cal. Gov. Code §§ 7260 et seq.), the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. §§ 4601 et seq.) or similar law. To the extent that any relocation law may apply, Crown Castle waives, releases, and relinquishes forever any and all claims that it may have against the City for any compensation from the City.

d. Periodic Inspection.

City shall have the right, though not the obligation, to inspect the project area six months after installation and yearly thereafter, or at other such intervals as the City in its sole discretion deems appropriate. Such inspection shall be to

determine that the structural integrity of the road remains intact. City may, after consultation with Crown Castle, and, in its sole discretion require removal of infrastructure that causes problems, defects, or otherwise impairs the condition of the road. Crown Castle shall be solely responsible for removal of infrastructure and repair of roadway to its initial pre-installation condition.

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e. Street Resurfacing.

Crown Castle must meet the City's facilities contractor's schedule with regard to any street resurfacing project in the project area. Crown Castle's infrastructure must be in place and complete at the sole cost to Crown Castle prior to final lift.

14. Term.

This MOU shall remain effective unless either Party notifies the other Party of its intent to terminate the MOU by providing 30 days' prior written notice of termination. Notwithstanding the foregoing, in the event of such termination of this MOU, any projects to install Equipment for which Crown Castle has applied for permits or authorizations shall be duly considered by City and may be allowed to continue, at City's sole discretion, to full completion using traditional construction methods other than Rapid Connect.

15. Assignment.

Crown Castle shall not, either voluntarily or by action of law, assign or transfer this MOU or any obligation, right, title or interest assumed by Contractor herein without the prior written consent of City. If Crown Castle attempts an assignment or transfer of this MOU or any obligation, right, title or interest herein, City may, at its option, terminate and revoke the MOU and shall thereupon be relieved from any and all obligations to Crown Castle or its assignee or transferee.

16. Notice.

All written notices, demands, or other correspondence required to be given to the City or Crown Castle must be written and delivered through: (a) an established national courier service that maintains delivery records and confirmations; (b) hand delivery; or (c) certified or registered U.S. Mail with prepaid postage and return receipt requested to the addresses below. All written notices under this MOU will be deemed to have been delivered when properly sent: (i) five days after deposit if delivered by first class mail; (ii) two days after deposit if delivered by certified mail; (iii) the date delivery is made by personal delivery or overnight delivery; or (iv) the date an attempt to make delivery fails because a party has failed to provide notice of a change of address or refuses to accept delivery. Telephone, facsimile and email information are provided for convenience and for couriers who may require such information, and any written notice given solely through electronic means will not be deemed to be effective notice. Any copies required to be given constitute an administrative step and not actual notice. The parties may

change the notice addresses and other contact information above from time-to- time through written notice to the addresses above or the then-current notice address.

17. Amendments.

No part of this MOU may be changed, waived, discharged, or terminated orally, nor may any breach thereof be waived, altered, or modified, except by prior written MOU.

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18. Counterparts.

This MOU may be executed in two or more counterparts, each of which shall be deemed an original, but all of which collectively will constitute one and the same instrument. Delivery of an executed counterpart signature page by electronic transmission shall be effective.

19. Survival and Severability.

Any provision contained within the MOU which by its very nature is intended to survive termination of the MOU shall survive such termination. If any provision of this MOU is held to be invalid, illegal or unenforceable in any jurisdiction, for any reason, then, to the fullest extent permitted by law, all other provisions hereof will remain in full force and effect in such jurisdiction and will be liberally construed in order to carry out the intent of the parties hereto as nearly as may be possible, and such invalidity, illegality or unenforceability will not affect the validity, legality or enforceability of any other provision hereof. Any court or arbitrator having jurisdiction over this MOU shall have the power to reform such provision to the extent necessary for such provision to be enforceable under applicable law.

20. Applicable Law.

This MOU shall be governed by the laws of the State of California and applicable federal law. Any action concerning this MOU must be brought and heard in Superior Court for the County of Santa Clara or in the United States District Court for the Northern District of California.

21. Contract Interpretation.

Should any question arise regarding the meaning or import of any of the provisions of this MOU or written or oral instructions from City, the matter shall be referred to City's Representative, whose decision shall be binding upon Crown Castle.

22. Wage Theft Prevention.

- a. Crown Castle, and any subcontractor it employs to complete work under this MOU, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code and the Milpitas Minimum Wage Ordinance.

- b. BY SIGNING THIS MOU, CROWN CASTLE AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY, FINDING IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS MOU THAT CROWN CASTLE OR ITS SUBCONTRACTORS HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CROWN CASTLE FURTHER AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) HAS EITHER FULLY SATISFIED EACH JUDGMENT, DECISION OR ORDER, OR, IF ANY JUDGMENT, DECISION OR ORDER HAS NOT BEEN FULLY SATISFIED, CROWN CASTLE AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) IS CURRENTLY SATISFYING SAID JUDGMENT, DECISION OR ORDER THROUGH A PAYMENT OR ALTERNATIVE PLAN APPROVED BY THE APPLICABLE COURT/GOVERNMENT AGENCY AND THAT CONTRACTOR OR ITS SUBCONTRACTOR(S) ARE IN COMPLIANCE WITH SAID PLAN AS OF THE DATE OF EXECUTING THIS MOU.
- c. If at any time during the term of this MOU, a court or investigatory government agency issues a final judgment, decision or order finding that Crown Castle or a subcontractor it employs to perform work under this MOU has violated any applicable wage and hour law, or Crown Castle learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Crown Castle shall inform the City no more than fifteen (15) calendar days after the judgment, decision or order becomes final or from the date of learning of the final judgment, decision or order. Crown Castle or its subcontractor(s) shall, within thirty (30) calendar days after notifying the City, either (i) fully satisfy any such judgment, decision, or order and provide the City with documentary evidence of satisfying said judgment, decision or order; or (ii) provide the City documentary evidence of a payment or other alternative plan approved by the court/government agency to satisfy the judgment, decision or order. If the Crown Castle or its subcontractor is subject to a payment or other alternative plan, the Contractor or its subcontractor shall continue to submit documentary evidence every thirty (30) calendar days during the term of the Contract demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied.
- d. For purposes of this Section, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant investigatory government agencies include: the United States Department of Labor, the California Division of Labor Standards Enforcement, the City, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.
- e. Failure to comply with any part of this Section constitutes a material breach of this MOU. Such breach may serve as a basis for immediate termination of this MOU and/or any other remedies available under this MOU and/or law.

- f. Notice provided to the City shall be addressed to: Attention: Finance Director, City of Milpitas, 455 E. Calaveras Blvd. Milpitas, CA 95035. The Notice provisions of this Section are separate from any other notice provisions in this Contract and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

23. Entire MOU.

This MOU constitutes the entire MOU between the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous oral or written communications, understandings, or MOUs between the Parties with respect to such subject matter. In no event shall preprinted terms or conditions found on any purchase order, work order, online terms, or similar document issued by City or Crown Castle be considered part of, or an amendment or modification to, this MOU.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date first above written, intending to be legally bound hereby.

**CITY OF MILPITAS, A California
Municipal Corporation**

**CROWN CASTLE FIBER LLC, A New
York Limited Liability Company**

Approved By:

By: _____

Name: Ned Thomas

Name: Douglas Patterson

Title: City Manager

Title: Region Vice President

Approved As To Form:

By: _____

Name: Michael Mutalipassi

Title: City Attorney

Approved:

By: _____

Name: Luz Cofresi-Howe

Title: Director of Finance

Approved As To Content:

By: _____

Name: Christian Di Renzo

Title: Public Works Director

Notice Address:

City of Milpitas
Attn: Director of Public Works
455 E. Calaveras Blvd.
Milpitas, CA 95035

Notice Address:

Crown Castle Fiber LLC
2000 Corporate Drive
Canonsburg, PA 15317
Attn: Legal Infrastructure

EXHIBIT “A”

**METHODS AND SPECIFICATIONS
(SEE APPROVED PLANS)**

EXHIBIT “B”

PAYMENT AND PERFORMANCE BONDS

PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS:

THAT WHEREAS, the City of Milpitas (hereinafter referred to as "City") has awarded to **Crown Castle Fiber LLC** (hereinafter referred to as the "Contractor") _____ an agreement for _____ (hereinafter referred to as the "Project").

WHEREAS, the work to be performed by the Contractor is more particularly set forth in the Contract Documents for the Project dated _____, (hereinafter referred to as "Contract Documents"), the terms and conditions of which are expressly incorporated herein by reference; and

WHEREAS, the Contractor is required by said Contract Documents to perform the terms thereof and to furnish a bond for the faithful performance of said Contract Documents.

NOW, THEREFORE, we, _____, the undersigned Contractor and _____ as Surety, a corporation organized and duly authorized to transact business under the laws of the State of California, are held and firmly bound unto the City in the sum of _____ DOLLARS, (\$_____), said sum being not less than one hundred percent (100%) of the total amount of the Contract, for which amount well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that, if the Contractor, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and agreements in the Contract Documents and any alteration thereof made as therein provided, on its part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their intent and meaning; and shall faithfully fulfill all obligations including the one-year guarantee of all materials and workmanship; and shall indemnify and save harmless the City, its officers and agents, as stipulated in said Contract Documents, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a condition precedent to the satisfactory completion of the Contract Documents, unless otherwise provided for in the Contract Documents, the above obligation shall hold good for a period of one (1) year after the acceptance of the work by City, during which time if Contractor shall fail to make full, complete, and satisfactory repair and replacements and totally protect the City from loss or damage resulting from or caused by defective materials or faulty workmanship, Surety shall undertake and faithfully fulfill all such obligations. The obligations of Surety hereunder shall continue so long as any obligation of Contractor remains. Nothing herein shall limit the City's rights or the Contractor or Surety's obligations under the Contract, law or equity, including, but not limited to, California Code of Civil Procedure section 337.15.

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Whenever Contractor shall be, and is declared by the City to be, in default under the Contract Documents, the Surety shall remedy the default pursuant to the Contract Documents, or shall promptly, at the City's option:

- (1) Take over and complete the Project in accordance with all terms and conditions in the Contract Documents; or
- (2) Obtain a bid or bids for completing the Project in accordance with all terms and conditions in the Contract Documents and upon determination by Surety of the lowest responsive and responsible bidder, arrange for a Contract between such bidder, the Surety and the City, and make available as work progresses sufficient funds to pay the cost of completion of the Project, less the balance of the contract price, including other costs and damages for which Surety may be liable. The term "balance of the contract price" as used in this paragraph shall mean the total amount payable to Contractor by the City under the Contract and any modification thereto, less any amount previously paid by the City to the Contractor and any other set offs pursuant to the Contract Documents.
- (3) Permit the City to complete the Project in any manner consistent with local, California and federal law and make available as work progresses sufficient funds to pay the cost of completion of the Project, less the balance of the contract price, including other costs and damages for which Surety may be liable. The term "balance of the contract price" as used in this paragraph shall mean the total amount payable to Contractor by the City under the Contract and any modification thereto, less any amount previously paid by the City to the Contractor and any other set offs pursuant to the Contract Documents.

Surety expressly agrees that the City may reject any contractor or subcontractor which may be proposed by Surety in fulfillment of its obligations in the event of default by the Contractor.

Surety shall not utilize Contractor in completing the Project nor shall Surety accept a bid from Contractor for completion of the Project if the City, when declaring the Contractor in default, notifies Surety of the City's objection to Contractor's further participation in the completion of the Project.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract Documents or to the Project to be performed thereunder shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract Documents or to the Project, including but not limited to the provisions of sections 2819 and 2845 of the California Civil Code.

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IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 20__).

(Corporate Seal)

Contractor/ Principal

By _____

Title _____

(Corporate Seal)

Surety

By _____
Attorney-in-Fact

Signatures of those signing for the Contractor and Surety must be notarized and evidence of corporate authority attached.

(Attach Attorney-in-Fact Certificate)

Title _____

The rate of premium on this bond is _____ per thousand. The total amount of premium charges, \$ _____.

(The above must be filled in by corporate attorney.)

THIS IS A REQUIRED FORM

Any claims under this bond may be addressed to:

(Name and Address of Surety)

(Name and Address of Agent or
Representative for service of process in
California, if different from above)

(Telephone number of Surety and Agent or Representative for service of process in California)

NOTE: A copy of the Power-of-Attorney authorizing the person signing on behalf of the Surety to do so must be attached hereto.

Notary Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____, 20____, before me, _____, Notary Public, personally

appeared _____, who proved to me on the basis of satisfactory

evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

EXHIBIT "C"

INSURANCE REQUIREMENTS

Please refer to the insurance requirements listed below. **Those that have an "X" indicated in the space before the requirement apply to Contractor's or Consultant's Agreement.**

Contractor or Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor or Consultant, its agents, representatives, employees or subcontractors.

Contractor or Consultant shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements.

Contractor or Consultant shall furnish City with copies of original endorsements affecting coverage required by this Exhibit C. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements and certificates are to be received and approved by City before work commences. City has the right to review Contractor's or Consultant's complete copies of all required insurance policies, including endorsements affecting the coverage required by these specifications upon request at a mutually agreeable location.

Commercial General Liability (CGL):

☐ Coverage at least as broad as Insurance Services Office ("ISO") Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$2,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

☒ Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$1,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

☐ Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$5,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability:

☒ Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), of if Contractor or Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than \$1,000,000.00 combined single limit for bodily injury and property damage.

___ Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limits no less than \$5,000,000.00 combined single limit for bodily injury and property damage.

___ Garage keepers' extra liability endorsement to extend coverage to all vehicles in the care, custody and control of the Contractor or Consultant, regardless of where the vehicles are kept or driven.

Professional Liability (Errors and Omissions):

X Insurance appropriate to the Contractor or Consultant's profession, with limit no less than \$1,000,000.00 per occurrence or claim, \$2,000,000.00 aggregate.

___ (If Design/Build), with limits no less than \$1,000,000.00 per occurrence or claim, and \$2,000,000.00 policy aggregate.

___ Insurance appropriate to the Contractor or Consultant's profession, with limit no less than _____ per occurrence or claim, _____ aggregate

Workers' Compensation Insurance:

X Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000.00 per accident for bodily injury or disease. *(Not required if Contractor or Consultant provides written verification it has no employees)*

The Employer's Liability policy shall be endorsed to waive any right of subrogation as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Builder's Risk (Course of Construction):

X Insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions. If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Contractor's or Consultant's Pollution Legal Liability:

___ Contractor's or Consultant's pollution legal liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000.00 per occurrence or claim and \$2,000,000.00 policy aggregate.

If the Contractor or Consultant maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Contractor or Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

Cyber Liability Insurance

____ Cyber Liability Insurance with limits not less than \$1,000,000 per claim.

Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Contractor or Consultant in this Agreement and shall include, but not be limited to, claims involving infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion, and network security.

The policy shall provide coverage for breach response costs as well as regulatory fines and penalties, and credit monitoring expenses with limits sufficient to respond to these obligations.

Surety Bonds:

Contractor shall provide the following Surety Bonds:

____ Bid Bond

X Performance Bond

____ Payment Bond

The Payment Bond and Performance Bond shall be in a sum equal to the contract price. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Other Insurance Provisions:

The insurance policies are to contain, or be endorsed to contain the following provisions:

X Additional Insured Status and Primary/Non-Contributory Language:

Contractor's general liability and automobile liability policies shall be primary and shall not seek contribution from the City's coverage and be endorsed to add the City and its elected and appointed officials, officers, attorneys, agents employees and volunteers as additional insureds under such policies using Insurance Services Office form CG 20 10 (or equivalent) on the general liability policy. For construction projects, an endorsement providing completed operations coverage for the additional insured on the general liability policy, ISO form CG 20 37 (or equivalent), is also required.

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

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___ Loss Payee Status – Builder’s Risk/Course of Construction Insurance (applicable to Construction Contracts only)

Contractor or Consultant may submit evidence of Builder’s Risk insurance in the form of Course of Construction coverage. Such coverage shall name the City as a loss payee as their interest may appear.

X Notice of Cancellation, Suspension or Otherwise Voiding Policies:

Each insurance policy required above shall contain or be endorsed to contain that coverage shall provide thirty (30) days’ prior written notice of cancellation for any reason other than non-payment of premium in which a ten day notice shall apply by mail to the City.

X Waiver of Subrogation:

Contractor or Consultant hereby grants to City a waiver of any right to subrogation which any insurer of said Contractor or Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Contractor or Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer. The Workers’ Compensation Policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by Contractor or Consultant, its employees, agents and subcontractors.

X Completed Operations

For Construction Agreements, Contractor shall maintain insurance as required by this Agreement to the fullest amount allowed by law and shall maintain insurance for a minimum of five (5) years following the completion of this project. In the event Contractor fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Contractor.

THE FOLLOWING PROVISIONS APPLY TO ALL AGREEMENTS

Deductibles and Self-Insured Retentions (“SIR”):

Any self-insured retentions must be declared to and approved by City. The City may require the Contractor or Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

All SIRs must be disclosed to Risk Management for approval and shall not reduce the limits of liability.

Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.

Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A-:VII, unless otherwise acceptable to City.

Claims Made Policies: (note - should be applicable only to professional liability, see below)

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor or Consultant must purchase “extended reporting” coverage for a minimum of five (5) years after completion of work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractor’s Pollution Liability Policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability Policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Subcontractors:

Contractor or Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein.

Subcontractor agrees to be bound to Contractor and City in the same manner and to the same extent as Contractor is bound to City under this Agreement and any other contract documents. Subcontractor further agrees to include indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor’s work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

Verification of Coverage:

Contractor or Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor or Consultant’s obligation to provide them. The City reserves the right to review complete copies of all required insurance policies, including endorsements required by these specifications, at any time at a mutually agreeable location.

Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

Failure to Comply:

Each insurance policy required above shall contain or be endorsed to contain that any failure of the Contractor or Consultant to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Applicability of Coverage:

Each insurance policy required above shall contain or be endorsed to contain that the Contractor's or Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

JURISDICTION(S):

CITY OF MILPITAS

BUILD FOOTAGE

RAPID CONNECT = 1,467'±

OPEN TRENCH = 8'±

2'x3' VAULTS = 1

11"x17" VAULTS= 2

14" ROUND VAULTS= 2

TOTAL BUILD = 1,475'±



PROPOSED RAPID CONNECT PATHWAY &
FIBER OPTIC NETWORK INSTALLATION
O207671-CLV-003-MIL-RC

SMALL CELL NODE:

CA_SJ_MILPITAS_177M1 ALT 1

CA_SJ_MILPITAS_187

SEQUOIA DR & BIG BEND DR
CITY OF MILPITAS, CA 95035

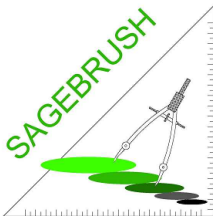
SITE INFORMATION / CONTACTS	
CROWN CASTLE:	BRANDON WHITING 279-239-8934 BRANDON.WHITING@CROWNCastle.COM
IF FIBER IS DAMAGED OR NEEDS TO BE RELOCATED CONTACT:	Fiber Network Operations Center 1-855-93-FIBER FiberSupport@crowncastle.com



CROWN CASTLE
O207671-CLV-003-MIL-RC
SEQUOIA DR &
BIG BEND DR

CITY OF MILPITAS, CA

PRELIM STATUS	DATE
PRELIM STATUS	4/3/2024



Cable Engineering Inc.

1416 ROSEMEAD CT
MODESTO, CA 95350
209-365-3598

BOBDURFLINGER@SAGEBRUSHCABLE.COM

TITLE:
FIBER OPTIC CABLE ROUTE
OUTSIDE PLANT CONSTRUCTION

DATE: 4/3/2024

ENGINEER: UCI

DRAWN BY: TS

REVISIONS

DATE	DESCRIPTION	INITIAL
4/3/2024	ISSUED FOR REVIEW	TS
5/22/2024	ISSUED FOR REVIEW	SBE
8/1/2024	ADD DETAIL	SBE



08/02/2024

EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT,
THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE
PROPERTY OF UCI COMMUNICATIONS, INC., BOTH BEING
ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE
REPRODUCED, COPIED, OR USED FOR ANY PURPOSE
WITHOUT SPECIFIC WRITTEN PERMISSION.

SCALE

HORIZONTAL:	N/A
VERTICAL:	N/A
MP N/A TO MP N/A	
SHEET: T-1	
SHEET# 1 OF 38	

TABLE OF CONTENTS:		
NUMBER	SHEET	TITLE
1	T-1	TITLE SHEET
2 & 3	G-1 & G-2	GENERAL NOTES
4	M-1	PROJECT MATERIAL LIST
5 - 7	C-1 THRU C-3	CONSTRUCTION DRAWINGS
8	CD-1	CONSTRUCTION DETAILS
9 - 24	D-1 THRU D-16	RAPID-CONNECT DETAILS
25	BMP-1	BMP - STORM WATER PROTECTION
26 - 38	TC-1 THRU TC-13	TRAFFIC CONTROL



PROJECT LOCATION
CITY OF MILPITAS, CA.



Know what's below.
Call before you dig.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive an Update on the Security Improvements at the McCarthy Ranch Sewer Lift Station (Main Lift) and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	9/3/2024
Recommendation:	(1) Receive an update on the security improvements at the McCarthy Ranch Sewer Lift Station; and (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

BACKGROUND:

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

Consistent with applicable State law and Council Resolution, on July 30, 2024, the Public Works Director declared an emergency and authorized the City to contract with Trofholz Technologies and Diamond Fencing to implement various security and access control improvements to the McCarthy Ranch Sewer Lift Station (Main Lift). Further, within the required timeframe the Public Works Director informed the City Council via [Information Memorandum](#) on July 31, 2024, regarding the emergency authorization, the reasons for the authorization, and the cost for repair in a not to exceed amount of \$700,000.

PROJECT/STATUS UPDATE:

The Finance-Purchasing Division and Public Works Department continues to work through the procurement process with the identified contractors to provide security and access control improvement services to the Main Lift Station. Once the agreements are finalized, a project timeline can be developed.

A contract with Trofholz Technologies, Inc. will include a new scope of work for the installation of security cameras, card readers, and motion sensors at the Main Lift facility. The use of Trofholz Technologies, Inc. as the sole source provider is justified due to the advantages of integrating this equipment with the City’s existing security system, which ensures interoperability and results in cost savings by avoiding the need for a separate security system.

The City will also contract with Diamond Fence Co., Inc. to demolish and properly dispose of the existing fence, and install approximately 1,760 linear feet of new, code-compliant fencing using ClearVU reinforced panels topped with ribbon wire, integrated into the current gate structure. This type of security fencing is an anti-climb and anti-cut fence suited for high security facilities.

FISCAL IMPACT:

Funding for these repairs is available in the City's Capital Improvement Program (CIP) budget. CIP Project 6124 – Sewer Pump Station Rehabilitation Project will fund the installation of security cameras, card readers, and motion sensors. The funding source of this CIP project is Sewer Infrastructure Fund. The available balance as of 8/26/2024 is \$709,541. CIP 6130 – Main Lift Odor Emission Control Project will fund the removal and replacement of the perimeter fencing. The funding source of this CIP Project are Sewer Infrastructure Fund, and Sewer Treatment Fund. The available balance as of 8/26/2024 is \$596,812.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

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

RECOMMENDATION:

- (1) Receive an update on the security improvements at the McCarthy Ranch Sewer Lift Station; and
- (2) Determine by a four-fifths vote that the condition continues to constitute an emergency.

ATTACHMENT(S):

None.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve the Addition of Jose Esteves to the Milpitas Historical Names Naming List and Adopt a Resolution to Re-Name the Milpitas Library (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	9/3/2024
Recommendation:	(1) Approve adding Jose Esteves to the Milpitas Historical Names Naming List; and (2) Adopt a resolution to re-name the Milpitas Library to “Milpitas Jose Esteves Library”

BACKGROUND

The Milpitas Library facilities and garage are the property of the City of Milpitas. The Milpitas Library lease agreement between the City and the Santa Clara County Library Joint Powers Authority, effective starting October 21, 2008, has a term of 30 years with the option of two additional periods of 10 years for a total of 50 years. The Milpitas Library is operated by the Santa Clara County Library District. The Santa Clara County Library District (SCCLD) serves nine cities in Santa Clara County, California, as well as the unincorporated area: Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Milpitas, Monte Sereno, Morgan Hill, and Saratoga. All operations including the programming, staffing, marketing, and outreach are the responsibility of the SCCLD.

On April 21, 2006, the City Council adopted Standard Operating Procedures (SOP) for naming City streets, parks and facilities through Council Subcommittee recommendation and Council action. After naming several streets and facilities, the Council at that time discontinued the subcommittee. On January 7, 2016, the City Council established a Streets, Parks and Facilities Naming Subcommittee that made recommendations to the existing Naming Policy, the Naming Lists, and naming several City streets, parks and facilities. On February 26, 2019, City Council sunset the Streets, Parks and Facilities Naming Subcommittee and directed staff to assign naming recommendations for streets to the Planning Commission and for parks and facilities to the Parks, Recreation and Cultural Resources Commission. In 2022, at City Council direction, staff updated the policy for naming streets, parks and facilities in the new City Council Policy format. On June 21, 2022, City Council approved the updated City Council Policy for Naming Streets, Parks and Facilities which placed the approvals for all facility naming back with the City Council Naming Subcommittee.

During the City Council meeting on January 23, 2024, Councilmember Anthony Phan requested staff research the process for naming the Milpitas Library. This request received City Council consensus and since the initial work effort was less than four hours of staff time staff proceeding with the outreach. Staff provided a status update in the June 2024 City Council prioritization process project update tracker that staff had reached out to the County of Santa Clara and would prepare an informational report for the City Council on the process. During the City Council meeting on August 5, 2024, Councilmember Barbadillo requested that staff return to City Council timely to provide options to name the Milpitas Library after former Milpitas Mayor Jose Esteves.

On August 20, 2024, the City Council referred a proposed re-naming of the Milpitas Library and the Milpitas Library Historic Auditorium to the City Council Naming Ad Hoc Subcommittee, to make recommendations for final City Council approval.

ANALYSIS

Naming List

On August 21, 2024, the Subcommittee recommended adding “Jose Esteves” to the Milpitas Historical Names Naming List. Per the City Streets, Parks and Facilities Naming Policy, the name qualifies under Policy sections:

2.7.3. Historical or cultural significance: the name of a historical figure can be considered, if the figure had a significant and extraordinary historical influence on the area, state, national, or international level;

2.7.4 The name of any person or family that has made a significant impact in the community and/or in development of the street, park, or facility;

2.7.7. A name should represent community values and consider future generations and ethnic diversity;

Former Mayor Jose Esteves served the City of Milpitas as a City commissioner for several years before being elected to the Milpitas City Council in 1998. He was elected as mayor in 2002, serving three consecutive terms. After taking a two-year hiatus, he was elected as mayor of Milpitas 2010 and served three consecutive terms. In 2000, he was a major proponent of Measures H & I, which were important funding sources for the new Milpitas Library project and served on the Library Project Subcommittee through 2008 until the new facility opened in 2009.

Facility Re-Naming

On August 21, 2024, the Subcommittee recommended the Milpitas Library to be re-named "Milpitas Jose Esteves Library." Per the City Streets, Parks and Facilities Naming Policy section:

2.7.8 If the name of an individual or family is to be considered, the use of such name shall have the approval of the individual (or his/her surviving family) or family when reasonably possible;

2.9 All naming and/or renaming of a park or facility will be set forth by a Council Resolution.

City staff contacted Jose Esteves on Monday, August 20 and received approval for his name to be added to the Milpitas Historical Names Naming List and re-naming of the Milpitas Library.

POLICY ALTERNATIVE(S)

Alternative 1: Not Approve the addition of Jose Esteves to the Milpitas Historical Names Naming List

Pros: None

Cons: The proposed name of Jose Esteves qualifies under the Policy and represents Milpitas residents of Filipino heritage.

Reason for Not Recommending: The proposed name of Jose Esteves qualifies under the Policy and represents Milpitas residents of Filipino heritage.

Alternative 2: Not Approve the renaming of the Milpitas Library as Milpitas Jose Esteves Library

Pros: By not approving the Naming Subcommittee recommendation, another qualifying name on the City's Historical Names Naming Lists could be recommended for the Milpitas Library re-naming.

Cons: Names on the Milpitas Historical Names Naming List are eligible for Street, Park and Facility Naming. Jose Esteves qualifies under the Policy to be on the Milpitas Historical Names Naming List and represents Milpitas residents of Filipino heritage.

Reason for Not Recommending: Names on the Milpitas Historical Names Naming List are eligible for Street, Park and Facility Naming. Jose Esteves qualifies under the Policy to be on the Milpitas Historical Names Naming List and represents Milpitas residents of Filipino heritage.

FISCAL IMPACT

Re-naming the Milpitas Library will result in the procurement and installation of new facility exterior signage and public dedication ceremony. Staff anticipates a one-time cost of between \$25,000 to \$40,000 to change the sign on the exterior of the building and one-time ceremony costs between \$2,000 and \$4,000. Should the City Council approve the re-naming of the Milpitas Library, the name on the exterior of the building will not be changed until funding is identified. City staff will return to the City Council at a future meeting with new facility sign design concepts and costs, dedication ceremony costs, and any associated budget appropriation request(s).

CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

RECOMMENDATION

- (1) Approve adding Jose Esteves to the Milpitas Historical Names Naming List
- (2) Adopt a Resolution to re-name the Milpitas Library to “Milpitas Jose Esteves Library”

Attachment(s)

- (a) City Streets, Parks, and Facilities Naming Policy
- (b) Milpitas Historical Names Naming List
- (c) Resolution



CITY OF MILPITAS

Revision	Date
Original	04/21/2006
	6/21/2022

CITY COUNCIL POLICY

Policy No: Click or tap here to enter text.	CITY STREETS, PARKS AND FACILITIES NAMING POLICY	Effective Date: 6/21/2022
Revision No: 1	Policy Administrator: Recreation and Community Services	Next Review Due: As needed
Related Policies and Procedures: Incorporates and replaces SOP 1.3	Approved by: Click or tap here to enter text. Council meeting date, agenda item #, and vote	Date Approved: 6/21/2022

1. PURPOSE

- 1.1. This Policy establishes the guidelines, criteria, and processes for naming City streets, parks, and other facilities.
- 1.2. This Policy is consistent with Milpitas [Municipal Code, Title XI-1000](#) and [Government Code Section 34093](#).

2. POLICY

- 2.1. The City shall have the sole authority and the City Council shall have the final authority to approve names of City Streets, Parks, and other Facilities.
- 2.2. The City Council Ad Hoc Naming Subcommittee shall evaluate names of City streets, parks and facilities, and shall make recommendations to the City Council.
- 2.3. Although the City will have full control and final decision-making authority on any names selected, public input will be received, and other names may be raised and requested to be considered by the City Council.
- 2.4. From time to time, the City Council shall approve names to be added to a list(s) of names suitable for streets, parks, and facilities.
- 2.5. No duplication of names within an asset type (i.e., park, facility, plaza) will be approved.
- 2.6. A deliberative process by City staff will be conducted to ensure that renaming of a street, park, and facility will not diminish the original justification for the name of the prior contributors. Parks and facilities named after individuals shall not be changed unless it is found that because of the individual's character the continued use of their name would not be in the best interest of the community. Parks that have been named by deed restriction shall not be considered for renaming.
- 2.7. The following criteria and factors shall be considered with naming or renaming a street, park, or facility:
 - 2.7.1. Neighborhood or geographical identification, such as street, school, or other descriptive names;
 - 2.7.2. Natural or geological features of the area;
 - 2.7.3. Historical or cultural significance: the name of a historical figure can be considered, if the figure had a significant and extraordinary historical influence on the area, state, national, or international level;



CITY OF MILPITAS

Revision	Date
Original	04/21/2006

CITY STREETS, PARKS, AND FACILITIES NAMING POLICY / POLICY

- 2.7.4. The name of any person or family that has made a significant impact in the community and/or in development of the street, park, or facility;
- 2.7.5. An individual or organization that contributed significantly to the acquisition or development of the park or facility to be named. This can include either a deed or substantial monetary contribution, or contribution toward the acquisition, and/or development of the park of facility. (Naming rights are not guaranteed if the donation is a dedication as required by the subdivision.)
- 2.7.6. The articulated preference of residents of the neighborhood surrounding the street, park, facility;
- 2.7.7. A name should represent community values and consider future generations and ethnic diversity;
- 2.7.8. If the name of an individual or family is to be considered, the use of such name shall have the approval of the individual (or his/her surviving family) or family when reasonably possible;
- 2.7.9. No seated elected official shall have their name added to a naming list or have a street, park or facility named after them while serving on the City Council.
- 2.7.10. Avoid confusing or similar sounding names (Public Safety Dispatch test);
- 2.7.11. Avoid changing street names along any continuous alignment (Continuity test).
- 2.8. Naming of parks and facilities near schools shall be coordinated with the Milpitas Unified School District as much as possible.
- 2.9. All naming and/or renaming of a park or facility will be set forth by a Council Resolution.
- 2.10. Should policy conflict with any City Ordinance, Code or other laws and regulations, the respective City Ordinance, Code or other laws and regulations shall prevail.

3. PROCEDURE

- 3.1. Maintaining a List of Names for Naming Streets, Parks, and Facilities.
 - 3.1.1. The Recreation and Community Services Department shall maintain a List of Names for Naming Streets, Parks, and Facilities.
 - 3.1.2. As needed, the Director of Recreation and Community Services shall bring additions to the List of Names for Naming Streets, Parks, and Facilities to Council for approval at any regular or special meeting.
- 3.2. Naming of Streets, Parks, and Facilities
 - 3.2.1. City street, park and facilities naming recommendations shall be brought to the City Council Ad Hoc Naming Subcommittee for recommendation to the City Council and may be considered at any regular or special City Council meeting.”.
 - 3.2.2. Naming recommendations shall be from the City Council approved List of Names available from the Director of Recreation and Community Services.
- 3.3. Proposed names for new City streets, parks, and facilities should be considered during the entitlement process prior to the final map approval.
- 3.4. Names being considered for streets shall be reviewed by the City and County emergency services dispatch and Post Office to discourage names that are too similar or confusing that may hinder emergency response; or are otherwise inappropriate for public safety purposes.



CITY OF MILPITAS

Revision	Date
Original	04/21/2006

CITY STREETS, PARKS, AND FACILITIES NAMING POLICY / POLICY

- 3.5. The following City Departments will contribute to the establishment and maintenance of databases for named streets, parks, and facilities:
 - 3.5.1. Information and Technology Department – Maintain database of all City assets (streets, parks, and facilities)
 - 3.5.2. Recreation and Community Services Department – Maintain Naming Lists, information about historical references, person's full names, ancestry, dates of birth and death, and other information of interest about the person or group, and the significance of their name to Milpitas' history and/or to that particular named asset.
 - 3.5.3. Planning Department – Coordinate Street Naming related to new development, prepare, and maintain GIS databases for mapping of new facilities.
- 3.6. Renaming of a street, park, or facility
 - 3.6.1. The renaming of a street, park, or facility may be initiated by City Council, City Commission, City staff, a group, or individuals.
 - 3.6.2. The initiation of renaming by non-City organizations or individuals shall be made by participating during Public Forum at the appropriate advisory City Commission or City Council meeting.
 - 3.6.3. The City Commission may place the request on the agenda for review of the proposed name(s), taking of public comment, and discussion of the renaming proposal consistent with this Policy.
 - 3.6.4. When a City Commission considers the renaming proposal of a street, park, or facility, staff shall notify the surrounding neighborhood in a ¼ mile radius.
 - 3.6.5. If the City Commission supports the renaming proposal, it will make a recommendation to the City Council for Council consideration.
- 3.7. The name of a park or facility that is sold, transferred to non-city ownership, or otherwise deemed to no longer be a City of Milpitas property, should be transferred to another location eligible for naming. Should there not be an appropriate location, the name shall be added to the appropriate Naming List for future use.



City of Milpitas
Facilities, Streets & Park Naming Subcommittee
Naming List – Milpitas Historical Names
Approved for: Streets, Parks, Facilities

NAME	SUGGESTED BY	DEDICATION LOCATION
<u>19th CENTURY</u>		
1. Charles Beverson Milpitas Cattle Rancher/Dairy Farmer	Commission: PRCRC	
2. Alfred Doten Milpitas literary figure/author	Commission: PRCRC	
3. Alfred French Ran first hotel that brought tourism to Milpitas	Commission: PRCRC	
4. JW Johnson First Town Constable	Commission: PRCRC	
5. Augustus Rathbone First Storekeeper	Commission: PRCRC	Augustus Rathbone Park
<u>20th CENTURY</u>		
6. Chew Family Part of Milpitas' early agricultural history, the Chew's had 15 acres where they ran their Flower Farm business	Naming Subcommittee	

7. Albert Currlin
One of the first Doctors in Milpitas

Commission: PRCRC

Dedication Plaque: Valley Health Center

NAME	SUGGESTED BY	DEDICATION LOCATION
8. Sal Cracolice Ran Milpitas' first Pharmacy, started first Youth Center	Naming Subcommittee	Sal Cracolice Building on Abel St. (1980's June 2016) Sal Cracolice Recreation Facility – (2016 to current)
9. Ernestina Garcia Civil Rights Activist	Commission: PRCRC	
10. Joe House Mayor (1974 – 1976)	Commission: PRCRC	
11. Bob McGuire First Parks and Recreation Director	Commission: PRCRC	Dedication Plaque: Comm. Center Amphitheater Bob McGuire Park
12. Ray Madruga Early Ironworker, invented "Milpitas Plow"	Commission: PRCRC	
13. Mabel Mattos Earliest and contributory members of the Milpitas Historical Society, farming family	Named prior to Policy	Street: Mattos Dr./Edsel; Bench/Farm Equipment: Alviso Adobe; Mattos Elementary
14. Ford Ford Plant, impetus for the Sunnyhills development	Naming Subcommittee	
15. Dick DeLong 2 nd City Manager	Commission: PRCRC	Street: DeLong Dr./Tradezone Blvd.
16. Joe Smith Past Fire Chief	Commission: PRCRC	Street: Smith Ln./Pimentel Cir.
17. Rodgers Family (Ben, Jim) Ben Rodgers, first Milpitas postmaster, Jim Rodgers former mayor and councilmember	Named prior to Policy	Ben Rodgers Park

18. Weller Family (Joseph, Abraham) Milpitas Pioneer settler family	Named prior to Policy	Street: Weller Ln./N. Main St.; Weller Elementary
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19. Denny Weisgerber Former mayor, councilmember, commissioner, Korean War Veteran, volunteer	Named prior to Policy	Denny Weisgerber Community Room: Senior
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21st CENTURY

20. Larry Voellger Started Milpitas' first Public art Program (Art in Your Park)/ Long Serving Arts Commissioner	Naming Subcommittee	Public Art Project Dedication: Higuera Adobe Park
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21. Jimmy Chamoures Instrumental in the rebuilding of the Milpitas Post Newspaper in the mid 90's/Started Milpitas Yellow Pages	Naming Subcommittee	
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22. <i>Jose Esteves</i> <i>Former mayor, councilmember, commissioner</i>	<i>Naming Subcommittee</i>	
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RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING THE RENAMING OF THE MILPITAS LIBRARY TO THE MILPITAS JOSE ESTEVES LIBRARY

WHEREAS, the Milpitas City Council adopted a City Streets, Parks and Facilities Naming Policy to establish the guidelines, criteria and process for naming City streets, parks and other facilities; and

WHEREAS, City Council Ad Hoc Naming Subcommittee is tasked with evaluating the names of City streets, parks, and facilities and making recommendations to the City Council; and

WHEREAS, the City Council considers requests to rename streets, parks and facilities from time to time; and

WHEREAS, On August 20, 2024, the Milpitas City Council met and referred the proposed renaming of the Milpitas Library to the "Milpitas Jose Esteves Library" to the City Council Naming Ad Hoc Subcommittee for consideration, and

WHEREAS, the City Council Naming Policy includes criteria and factors that should be considered when naming or renaming a street, park, or facility; and

WHEREAS, the City Council Naming Ad Hoc Subcommittee met on August 21, 2024, and recommended adding the name "Jose Esteves" to the Milpitas Historical Names Naming List, finding that the name qualifies under the City Streets, Parks, and Facilities Naming Policy due to its historical and cultural significance, the significant impact of Jose Esteves in the community, and its representation of community values, diversity, and inclusivity; and

WHEREAS, the Subcommittee also recommended the renaming of the Milpitas Library to "Milpitas Jose Esteves Library," based on the significant contributions of former Mayor Jose Esteves to the City of Milpitas, including his role in the development and funding of the new Milpitas Library project and his longstanding service as a City commissioner and mayor; and

WHEREAS, Jose Esteves had a significant and extraordinary historical influence on the area, state, national, or international level; and

WHEREAS, Jose Esteves made a significant impact in the community and/or in development of the street, park, or facility; and

WHEREAS, former Mayor Jose Esteves has provided his approval for the use of his name in renaming the Milpitas Library, fulfilling the requirement under Policy section 2.7.8 that any naming involving an individual must have the approval of the individual or their surviving family when reasonably possible; and

WHEREAS, the renaming of the Milpitas Library to "Milpitas Jose Esteves Library" aligns with the City's established policies and procedures, as outlined in the City Streets, Parks, and Facilities Naming Policy, and is formalized through this Council Resolution as required by Policy section 2.9; and

WHEREAS, if the name of an individual or family is to be considered, the use of such name shall have the approval of the individual (surviving family) of family when reasonably possible and Jose Esteves has given his approval; and

WHEREAS, all naming and/or renaming of a park or facility will be set forth by a Council Resolution.

THEREFORE BE IT RESOLVED, the City Council of the City of Milpitas hereby find, 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 library formerly known as the Milpitas Library shall heretofore be named as and known as the Milpitas Jose Esteves Library.

Passed and adopted this 3rd day of September, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Provide Feedback on and Potentially Introduce Ordinance 302, Adding Chapter 15 (“Residential Trespass, Canvassing and Solicitation”) to Title V (“Public Health, Safety and Welfare”) of the Milpitas Municipal Code Relating to Solicitation on Residential Property (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3040)
Category:	Leadership and Support Services
Meeting Date:	9/3/2024
Recommendation:	(1) Provide feedback on the proposed ordinance concerning solicitation on residential property; and (2) If desired, following the City Attorney reading aloud the title, move to waive the reading beyond the title and introduce Ordinance 302, which would add Chapter 15 to Title V of the Milpitas Municipal Code to prohibit the trespass of canvassers, solicitors and others on residential property; and (3) Make findings of exemption from environmental review pursuant to CEQA Guidelines Sections 15061(b)(3), 15183, 15305, and 15378.

BACKGROUND:

On October 3, 2023, Councilmember Barbadillo proposed the City explore an ordinance to address unwanted solicitations on residential property to promote community safety. Councilmember Barbadillo noted the legitimacy of some home solicitations but also recent, troubling reports from members of the community who feared for their safety or felt intimidated or trespassed upon after being accosted in their homes by uninvited strangers. The City Council voted unanimously to bring this item back for prioritization. On November 14, 2024, the City Council prioritized this ordinance as a Group 2 item requiring less than four hours of staff work and directed staff to review options and provide Councilmembers with briefings.

On February 20, 2024, the City Council accepted staff’s recommendation to prioritize this as a Group 2 item with the City Attorneys’ Office to bring forward an ordinance for the Council’s consideration in the spring.

On April 2, 2024, staff brought a proposed ordinance before the Council for consideration. A motion to introduce this ordinance at that time failed by a vote of two to two with one member absent.

On August 20, 2024, the City Council voted unanimously for staff to bring this ordinance back to Council for further consideration. The item was categorized as a Group 2 item requiring fewer than 4 hours of staff work.

Staff surveyed ordinances through the Bay Area and California to craft its recommendation. Courts have generally held that door-to-door solicitation and canvassing is protected speech or association under the First Amendment and have therefore struck down as unconstitutional many types of regulation in this area, especially regulations concerning solicitations on public property and certain types of private commercial property that constitutes a quasi-public forum. In doing so, courts, including the United States Supreme Court, have consistently held that ordinances may enforce a resident’s choice to refuse entry to door-to-door solicitors or canvassers.

ANALYSIS:

The proposed ordinance utilizes a sign-based approach that protects a resident’s right to choose by allowing them to post three different signs depending on who they want to allow onto their property:

- A “No Solicitors” sign would prohibit solicitors offering a good or service or seeking contributions
- A “No Canvassers” sign would prohibit canvassers distributing news, information, or views
- A “No Trespassing” sign would prohibit any uninvited stranger, including both solicitors and canvassers

Regardless of which sign is posted, residents may add exceptions or conditions to the sign to further specify exactly who they are willing to allow on their property. For instance, some residents may be willing to engage with candidates for public office going door-to-door while being unwilling to engage with salespersons. The proposed ordinance is therefore different from other jurisdictions that apply a one-size-fits-all approach where residents can prohibit all uninvited visitors or none. This ordinance is tailored to each resident’s choice.

Besides entering the property or knocking on a resident’s door, the ordinance also prohibits other acts in violation of a resident’s expressed wishes, such as hawking, depositing literature, or otherwise trespassing upon the property or causing or conveying an unwanted act of canvassing or solicitation.

The proposed ordinance clearly describes where signs should be posted, so canvassers or solicitors can look for them, and requires the signs to be conspicuous, visible, and unobstructed. If a sign is not visible from the sidewalk, then uninvited visitors are allowed to approach until the sign becomes visible, but then must leave.

Even if a resident does not post a sign, the proposed ordinance would allow a resident to order uninvited visitors to leave their property. Similarly, even if residents post a sign, they can always give permission for anyone to come on their property. Residents can also withdraw this consent to enter at any time.

The proposed ordinance does not change a resident’s property rights. Those with a beneficial right to residential property always have had the right to exclude unwanted visitors or solicitors from their property. The proposed ordinance merely empowers residents to exclude people by sign, and it empowers officers of the Police Department or Code Enforcement Division to enforce the decisions made by those persons with a beneficial interest in residential property.

To prevent unintended results, the proposed ordinance sets a series of exemptions, including for other residents, neighbors, mail and shipping services, and government entities. These exemptions also apply to anyone entering the property under legal right, such as for service of legal process or a court order, or as part of a dispute where the parties have effective civil remedies, such as landlord-tenant or contractor disputes.

The ordinance treats all solicitors, canvassers, or other trespassers equally and does not discriminate based upon the nature or content of any message an uninvited stranger may wish to deliver at the property. Rather it is the residents who gets to decide with whom they will engage.

The ordinance also encourages sponsoring persons or organizations to make those going door-to-door on their behalf aware of the proposed law and – unless they are wholly ignorant that the door-to-door activity is occurring – holds them accountable for any violation if they fail to provide this information.

The proposed ordinance is also limited to residential property, as defined. While courts have consistently held that residential properties may refuse uninvited visitors since a landmark 1980 decision involving the Pruneyard Shopping Center in San José, courts have frequently held that commercial properties cannot necessarily prohibit protected speech in the same way. The rationale is that unlike a home, a commercial property that is held open to the public and designed with features to facilitate congregation can be a quasi-public forum – the modern equivalent of a town square – where the public cannot be prohibited from coming to speak. This rule’s application depends heavily on the facts of a particular case, including how the property is designed and who is invited to do business on the commercial property. The proposed ordinance, therefore, limits itself to residential property where the City’s lawful interest in protecting its residents’ right to choose is clear.

Ultimately, the proposed ordinance leaves to each resident the right to decide who they will allow on their property. Besides City enforcement, residents can also sue violators who refuse to abide by their posted signs or other expressions of their choice.

POLICY ALTERNATIVE(S):

Alternative 1: Permit-Based Approach

Pros: More effective for combating fraudulent activity, violence, or other misconduct.

Cons: Legal risk, significant cost and investment of staff and program resources.

Reason for Not Recommending: So far, the City has not received the kinds of widespread and factually consistent misconduct reports that would justify the cost of implementing a permit-based system. Courts have also repeatedly struck down solicitation permits as unlawful prior restraints of free speech and free association.

Alternative 2: Standards-Based Approach

Pros: Can address specific collateral community impacts from canvassing or solicitation.

Cons: Legal risk, redundant with other laws.

Reason for Not Recommending: To the extent the City has received specific reports of misconduct by canvassers and solicitors, which solicitation conduct standards could address, the City already has in place laws that prohibit fraud, disturbing the peace, and other unlawful activity. It is therefore not necessary to adopt regulations limited just to individuals going door-to-door, and courts have repeatedly struck down laws that single out solicitors and canvassers for such treatment.

Alternative 3: Categorical Approach

Pros: Effective for addressing acute, documented issues limited to specific types of solicitors or canvassers.

Cons: Legal risk, not broadly applicable, can undermine resident's right to choose.

Reason for Not Recommending: Courts have repeatedly struck down categorical prohibitions because of the risk that these laws might be used to discriminate based on viewpoint. The better practice is to allow residents to choose who they will and will not allow onto their property.

FISCAL IMPACT:

There is no cost to adopt the proposed ordinance beyond incidental publication costs and staff time. There will, however, be minor costs associated with the enforcement of the proposed ordinance. That cost will be offset by the private right of enforcement, which will allow residents to control their property and vindicate their rights without the City having to unnecessarily expend limited enforcement resources.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This ordinance is not a project and is not subject to CEQA review because it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change, particularly in that it does not alter the use of land or at most does not do so inconsistently with uses already authorized, prohibited, or regulated by law. (Cal. Code Regs., tit. 14, § 15378.) This ordinance also is not a project because it amounts to general policy and procedure making that does not relate to the enactment or amendment of zoning ordinances or the other activities identified as potential "projects." (Cal. Code Regs., tit. 14, § 15378(b)(2).) Furthermore, even if considered a project, this amending ordinance is categorically exempt from CEQA review in that it comprises of non-land use regulations or at most minor alterations in land use limitations that do not result in any changes in land use or density (Cal. Code Regs., tit. 14, § 15305, 15378(a)(1)) and by common sense can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment particularly in consideration of the activities already permitted, prohibited, or regulated by law (Cal. Code Regs., tit. 14, § 15061(b)(3)). This amending ordinance is also exempt because it does not affect development density established by existing zoning and the City's

General Plan, for which an Environmental Impact Report was already certified, and does not have any project-specific significant environmental effects peculiar to the project or any site. (Cal. Code Regs., tit. 14, § 15183.)

RECOMMENDATION:

- (1) Provide feedback on the proposed ordinance concerning solicitation on residential property; and
- (2) If desired, following the City Attorney reading aloud the title, move to waive the reading beyond the title and introduce Ordinance 302, which would add Chapter 15 to Title V of the Milpitas Municipal Code to prohibit the trespass of canvassers, solicitors and others on residential property; and
- (3) Make findings of exemption from environmental review pursuant to CEQA Guidelines Sections 15061(b)(3), 15183, 15305, and 15378

ATTACHMENT(S):

- (a) [Proposed] Ordinance 302, an Ordinance of the City Council of the City of Milpitas Adding Chapter 15 ("Residential Trespass, Canvassing and Solicitation") to Title V ("Public Health, Safety and Welfare") of the Milpitas Municipal Code

REGULAR

NUMBER: 302

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADDING CHAPTER 15 (“RESIDENTIAL TRESPASS, CANVASSING AND SOLICITATION”) TO TITLE V (“PUBLIC HEALTH, SAFETY AND WELFARE”) OF THE MILPITAS MUNICIPAL CODE, RELATING TO THE TRESPASS OF CANVASERS, SOLICITORS, AND OTHERS ON RESIDENTIAL PROPERTY

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney

RECITALS AND FINDINGS:

WHEREAS, persons and entities have been visiting and continue to visit private residential properties for various uninvited purposes, including peddling goods, wares, merchandise, or services, canvassing for support, polls, volunteers, or other purposes, soliciting for orders, donations, or alms, or preaching, proselytizing, or otherwise discussing or distributing news, information, or views; and

WHEREAS, residents are concerned that some of these uninvited visitors are going door-to-door to gather information and scrutinize their homes for future burglaries or other crimes; and

WHEREAS, residents complain that they have been harassed, intimidated, threatened, or scared while in their own homes by some canvassers and/or solicitors going door-to-door; and

WHEREAS, uninvited door-to-door canvassing and solicitation of unwilling residents for any purpose jeopardizes the right of residents in the city to enjoy the privacy of their homes in tranquility and security; and

WHEREAS, property owners and occupants have the right to reasonably control and peacefully enjoy their residential property, including by preventing unlawful trespass upon that property; and

WHEREAS, the interests of residents in the privacy and the quiet enjoyment of residential premises are protected by reasonable regulation of unwanted and uninvited door-to-door visitors; and

WHEREAS, the City has the power and legitimate interest to secure to residents their ability to self-determine and control the ability of trespassers to intrude upon their residential property, including by prohibiting unwanted canvassers and solicitors; and

WHEREAS, the distribution of canvassing or solicitation materials upon residential property in the city creates a serious police problem and a threat to public safety and welfare including that residential property can become cluttered with an accumulation of such material or otherwise or in addition inadvertently advertise the absence of the owner or occupant and increase the likelihood of criminal activities on the property; and

WHEREAS, such practices, if not in compliance with the reasonable regulation thereof, are injurious and inimical to the public health, safety, and welfare of residents of the city, create a public nuisance, and should therefore be regulated by the city; and

WHEREAS, the City has limited resources and staff with which to remedy violations of this Chapter, and that the enforcement of this Chapter will be enhanced—and the public peace, health and safety will be protected—if the owner, occupant, or other person in charge of or lawfully in possession of the property is given a civil remedy against parties violating this Chapter.

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

SECTION 1. RECORD AND BASIS FOR ACTION

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

SECTION 2. ENACTMENT OF MILPITAS MUNICIPAL CODE TITLE V (“PUBLIC HEALTH, SAFETY AND WELFARE”), CHAPTER 15 (“RESIDENTIAL TRESPASS, CANVASSING AND SOLICITATION”)

Title V (“Public Health, Safety and Welfare”), Chapter 15 (“Residential Trespass, Canvassing and Solicitation”) of the Milpitas Municipal Code is hereby added to read as follows:

Chapter 15 – RESIDENTIAL TRESPASS, CANVASSING AND SOLICITATION

Section 1 – Legislative Findings and Declaration of Intent

V-15.1.01

The City finds and declares that persons and entities have been visiting and continue to visit private residential properties for various uninvited purposes, including peddling goods, wares, merchandise, or services, canvassing for support, polls, volunteers, or other purposes, soliciting for orders, donations, or alms, or preaching, proselytizing, or otherwise discussing or distributing news, information, or views. The City recognizes the traditional use of such door-to-door visitations for the purpose of communication and commercial pursuits, particularly among grassroot or community organizations and small or local businesses. The City also recognizes that property owners and occupants have the right to control and peacefully enjoy their residential property, and some residents find these activities to be intrusive upon their quiet and privacy. As such, the City enacts this Chapter for the purpose of securing to residents the power to self-determine and choose whether to allow such unsolicited visitors upon their property, including by posting appropriate signs. This Chapter is not intended to prevent or limit entry upon residential property for lawful and legitimate purposes as opposed to permissive entries that a resident may legally choose to limit or refuse.

Section 2 – Definitions

For the purpose of this Chapter only, and not for the purpose of construing any other part of this Code, the following words and phrases shall have the meaning respectively ascribed to them by this Section.

V-15-2.01 – Canvas, Canvasing, and Canvasser

“Canvas” or “Canvasing” shall mean the act of entering or otherwise intruding upon residential property in the city for the purpose of acquiring or disseminating news, information, writings, or views, whether for profit or not, including polling, surveying, preaching, proselytizing, or seeking support for or opposition to any person, cause, organization, philosophy, or venture. A “Canvasser” shall mean any person engaged in or attempting or assisting in canvasing.

V-15-2.02 – Resident

“Resident” shall mean the owner, occupant, or other person in lawful possession of a residential property, in whole or in part, jointly or severally. “Residents” include tenants, lessees, trustees, administrators, property managers, and any person lawfully residing at the property.

V-15-2.03 – Residential Property

“Residential Property” shall mean private property upon which a residential structure is located. “Residential Property” includes the entirety of the private property but does not include any public right of way or access easement over that property. For the purpose of multi-family properties with separately

habitable units, each unit shall be separately considered its own residential property and common areas shall not be considered residential property.

V-15-2.04 – Sign

“Sign” shall mean any form of signage otherwise meeting the requirements of Section V-15-3.05, including any placard, decal, sticker, banner, or graphic.

V-15-2.05 – Solicit, Solicitation, and Solicitor

“Solicit” or “Solicitation” shall mean the act entering or otherwise intruding upon residential property in the city for the purpose of offering or acquiring a good, service, investment, or venture, or seeking contributions, gifts, donations, or any other thing of value or compensation of any kind, for whatever purpose or cause whether for profit or not. A “Solicitor” shall mean any person engaged in or attempting or assisting in solicitation.

Section 3 – No Trespass Upon Residential Property

V-15-3.01 – Trespass on Residential Property Prohibited

Unless exempt pursuant to Section V-15-3.06, no person shall enter or remain upon any residential property after being notified by a resident to stay away or leave. No person shall enter or reenter residential property they have been so asked to stay away from or leave without receiving express permission to enter from a resident.

V-15-3.02 – Solicitation on Posted Residential Property Prohibited

No person shall solicit upon any residential property posted with a “No Soliciting” or other similar sign unless exempt pursuant to Section V-15-3.06.

V-15-3.03 – Canvassing on Posted Residential Property Prohibited

No person shall canvass upon any residential property posted with a “No Canvassing” or other similar sign unless exempt pursuant to Section V-15-3.06.

V-15-3.04 – Trespass on Posted Residential Property Prohibited

No person shall enter or remain upon any residential property posted with a “No Trespassing” or other similar sign, including for the purpose of soliciting or canvassing therein, unless exempt pursuant to Section V-15-3.06.

V-15-3.05 – Sign Placement and Standards

- a. For Sections V-15-3.02, V-15-3.03, or V-15-3.04 to apply, the residential property must be posted with at least one sign with letters at least two-inches in height stating “No Soliciting,” “No Canvassing,” “No Trespassing,” or other words to similar effect, as prescribed by the applicable section, conspicuously posted, visible, and unobstructed at one or more of the following locations:
 1. Upon or within five feet of any door or other entrance to any residential unit, structure, vestibule, or enclosed curtilage on the property;

2. At or within five feet of the beginning of the walk, driveway, or other path of travel into the property;
 3. If the property is enclosed by a fence, upon or within five feet of any gate or other opening in the fence through which people or vehicles could enter; or
 4. Upon the mailbox or mailbox post or holder for the property, if the mailbox is detached from the primary residence and located adjacent to the sidewalk.
- b. The sign may provide conditions to entry or exceptions to any prohibition against entry.
 - c. If at least one such sign is not visible from the sidewalk or other public way adjacent to the property, then without violating Sections V-15-3.02, V-15-3.03, or V-15-3.04, a person otherwise permitted upon the property may enter and directly follow the path of ordinary travel until such time as the sign would become visible and then immediately and without delay leave. In no event may a person so enter the property if he or she knows or reasonably should have known that the property is posted in substantial compliance with Sections V-15-3.02, V-15-3.03, or V-15-3.04.
 - d. A sign posted in substantial compliance with this Section shall be sufficient to sustain a violation. Where a sign does not strictly comply with this Section, however, there shall be no violation if a defendant can prove by a preponderance of the evidence they neither knew nor reasonable should have known that the property was posted in attempted compliance with Sections V-15-3.02, V-15-3.03, or V-15-3.04.

V-15-3.06 – Authorization of Police Department to Act

By posting a sign stating “No Soliciting,” “No Canvassing,” “No Trespassing,” or other words to similar effect, the residents of the property shall have authorized any law enforcement officer authorized to enforce a violation of this Chapter to act as their agent for the purpose of enforcement, including warning and forbidding persons from trespassing upon the residential property.

V-15-3.07 – Exception for Residents, Tenants, Occupants, Invitees, Licensees, and Others with Legal Right to Enter

The following persons or entities are exempt from violations of this Chapter:

- a. Any resident of the property.
- b. A neighbor who enters upon the residential property of another neighbor on an intermittent and infrequent basis for purposes common in the community.
- c. Persons delivering mail and shipments through a governmental, common, or private carrier.
- d. Any person who has express permission to enter or remain upon the property from any resident of the property. The resident who gave this permission may revoke this permission and tell the individual to leave in conformity with Section V-15-3.01 at any time. This exception includes:
 - i. Deliveries including newspaper deliveries a resident has requested.
 - ii. Good or service providers a resident has requested.
 - iii. Neighbors, relatives, and other persons who have been invited to the property, including on an open or standing basis.
- e. The City of Milpitas, or any other government entity, including any governmental employee, officer, official, agent, contractor, volunteer, or other person or entity acting on a government entity’s behalf.
- f. Any person who is upon another’s residential property under claim or color of legal right.

- g. Any person who is upon another's residential property pertaining to a dispute with a resident of the property where the participants have available to them practical and effective civil remedies, including the following situations:
- i. Marital and post-marital disputes;
 - ii. Child custody or visitation disputes;
 - iii. Disputes regarding title to or rights in real property;
 - iv. Landlord-tenant disputes;
 - v. Disputes between members of the same family or between persons residing upon the property concerned up until the time of the dispute;
 - vi. Employer-employee or contractor-contractee disputes;
 - vii. Business disputes, including between business partners;
 - viii. Debtor-creditor disputes;
 - ix. Service of legal process; and
 - x. Instances wherein the person has a bona fide claim of right to be present pursuant to an order, decree, or process of any court or any executive, administrative, judicial, or quasi-judicial official or body.

V-15-3.08 – Calling on to Property, Knocking, Disturbing Peace Also Trespass

Even if they do not physically enter upon the property, a person or entity shall have trespassed, canvassed, or solicited in violation of Sections V-15-3.01, V-15-3.02, V-15-3.03, and V-15-3.04 if they otherwise intrude upon the quiet enjoyment of the property in violation of the relevant notification or sign, including by hawking or otherwise making noise, depositing a writing, or otherwise trespassing upon the property or causing or conveying an unwanted act of canvassing or solicitation upon the property.

V-15-3.09 – Sponsoring Person or Entity Liable

In addition to the principal violator, a person or entity on whose behalf an act of trespass, canvassing, or solicitation in violation of this Chapter is done shall be jointly and severally liable for each such violation unless the person or entity can prove by clear and convincing evidence either:

- a. The person or entity had no actual or constructive knowledge that the principal violator would be going door-to-door on their behalf; or
- b. The person or entity provided the principal violator with a written advisement about the requirements of this Chapter, including a copy of this Chapter, which the principal violator signed acknowledging receipt prior to going door-to-door.

For the purpose of the affirmative defense in Section V-15-3.09(a), there shall be a rebuttable presumption that a person or entity has actual or constructive knowledge of all actions of their employees, agents, officials, contractors, and assigns. The affirmative defense in Section V-15-3.09(b) shall not be available if the person or entity cannot produce a genuine original or copy of the signed written advisement.

V-15-3.10 – Enforcement

- a. In addition to all other remedies and actions allowed by law, any violation of this Chapter may be enforced by administrative citation, pursuant to Title I, Chapter 21 of this Code, or criminal prosecution, pursuant to Section I-1-4.09 of this Code.
- b. At the City Attorney's discretion, violations of this Chapter may be charged as a misdemeanor, punished by a fine not to exceed the sum of five hundred dollars (\$500) or by imprisonment in the County Jail not to exceed six (6) months or by both such fine and imprisonment, or an infraction, punished by a fine not exceeding one hundred dollars (\$100) for a first violation, a fine not exceeding two hundred dollars (\$200) for a second violation within one year, or a fine not exceeding five hundred dollars (\$500) for each additional violation within one year.

V-15-3.11 – Private Right of Action Permitted

- a. In addition to all other remedies and actions allowed by law, any resident of a property upon which an act of trespass, solicitation, or canvassing has occurred in violation of this Chapter may bring a civil action against any person or entity that has violated Sections V-15-3.01, V-15-3.02, V-15-3.03, V-15-3.04, and/or V-15-3.09.
- b. If the resident prevails in that action, the Court shall award:
 - a. Injunctive relief sufficient to prevent the defendant(s) from violating this Chapter or engaging in acts that aid, abet, operate, conceal, or allow violations of this Chapter;
 - b. Disgorgement of profits or other monies or value unlawfully obtained in violation of this Chapter;
 - c. Compensatory damages;
 - d. A statutory penalty up to one thousand dollars (\$1,000.00) per violation;
 - e. Treble damages and/or treble penalties for a second or subsequent violation in any two-year period; and
 - f. Reasonable attorney's fees and costs of suit and investigation.
- c. No award of attorney's fees against the resident shall be allowed in that action unless the Court determines, upon a duly noticed motion, that the action was not brought in good faith and with reasonable cause.
- d. The remedies described in this Section are in addition to any other remedy available at law and do not limit, preclude, or restrict any other right, remedy, or action otherwise available.

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City Council finds and determines that the adoption of this ordinance is not a project and is not subject to CEQA review because it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change, particularly in that it does not alter the use of land or does a most does not do so inconsistently with uses already authorized, prohibited, or regulated by law. (Cal. Code Regs., tit. 14, § 15378.) This ordinance also is not a project because it amounts to general policy and procedure making that does not relate to the enactment or amendment of zoning ordinances or the other activities identified as potential "projects." (Cal. Code Regs., tit. 14, § 15378(b)(2).) Furthermore, even if considered a project, this amending ordinance is categorically exempt from CEQA review in that it comprises of non-land use regulations or at most minor alterations in land use limitations that do not result in any changes in land use or density (Cal. Code Regs., tit. 14, § 15305, 15378(a)(1)) and by common sense can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment particularly in consideration of the activities already permitted, prohibited, or regulated by law (Cal. Code Regs., tit. 14, § 15061(b)(3)). This amending ordinance is also exempt because it does not affect development density established by existing zoning and the City's General Plan, for which an Environmental Impact Report was already certified, and does not have any project-specific significant environmental effects peculiar to the project or any site. (Cal. Code Regs., tit. 14, § 15183.)

SECTION 4. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 5. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Adopting all of Volume 1, and the City of Milpitas Portion of Volume 2, of the Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811; and Toni Charlop, Emergency Management Coordinator 408-586-2801)
Category:	Public Safety
Meeting Date:	9/3/2024
Recommendation:	Adopt a resolution adopting all of Volume 1, and the City of Milpitas Portion of Volume 2, of the Santa Clara County Operational Area Hazard Mitigation Plan.

BACKGROUND:

The City of Milpitas Office of Emergency Management (OEM) has worked together with the Santa Clara County Office of Emergency Management and other jurisdictions to prepare for and mitigate the impacts of specified natural hazards. This collaborative effort has resulted in an update to the Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP).

In response to the federal Disaster Mitigation Act (DMA) of 2000, a multi-jurisdictional partnership was formed to pool resources and create a uniform hazard mitigation strategy to be consistently applied to the defined planning area, and ensure the eligibility for specified grant funding success. The result of this collaboration is a Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (CalOES) approved multi-jurisdictional, multi-hazard mitigation plan. The plan has been aligned with the goals, objectives, and priorities of the State's multi-hazard mitigation plan.

ANALYSIS:

The MJHMP is reviewed annually, and updates are provided. Every five years, the plan is revised to reflect changes in development, progress in local mitigation efforts, changes in priorities, and resubmitted for approval to FEMA and CalOES. The continued approval of this plan ensures Santa Clara County and all participating jurisdictions' continued eligibility for project grants under FEMA's Hazard Mitigation Assistance programs, including the Hazard Mitigation Grant Program, Build Resilient Infrastructure and Communities Program and Flood Mitigation Program.

POLICY ALTERNATIVE(S):

Alternative 1: Do not support this resolution.

Pros: Will result in the ability to qualify for federal grant funds for hazard mitigation assistance.

Cons: Will result in the inability to qualify for federal grant funds for hazard mitigation assistance.

FISCAL IMPACT:

None

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This item is not a project under the California Environmental Quality Act (CEQA) Guideline 15378(b).

RECOMMENDATION:

Adopt a Resolution Adopting all of Volume 1 and the City of Milpitas' Portion of Volume 2, of the Santa Clara County Operational Area Hazard Mitigation Plan

ATTACHMENT(S):

(a) Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING THE
2024 SANTA CLARA COUNTY MULTI-JURISDICTIONAL LOCAL HAZARD
MITIGATION PLAN**

WHEREAS, the preservation of life and property is an inherent responsibility of local, state, and federal government; and

WHEREAS, reasonable plans carried out by knowledge and well-trained personnel can and will mitigate hazards despite the fact that no plan can completely prevent death and destruction; and

WHEREAS, the City of Milpitas is subject to various earthquake-related hazards such as ground shaking, liquefaction, landslides and fault surface rupture; and

WHEREAS, the City of Milpitas is subject to various weather-related hazards including wildfires, flooding and landslides; and

WHEREAS, the City of Milpitas seeks to maintain and enhance a disaster-resilient City by reducing the potential loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters; and

WHEREAS, the City of Milpitas is committed to increasing the disaster resilience of the infrastructure, health, housing, economy, government services, education, environment, and land use systems in the City; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires all cities, counties and special districts to have adopted a Local Hazard Mitigation Plan to receive disaster mitigation funding from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the City of Milpitas, with cooperation of surrounding Santa Clara County jurisdictions and coordination by the Santa Clara County Office of Emergency Services, has prepared this multi-jurisdictional Local Hazard Mitigation Plan for the Santa Clara County Operational Area, in compliance with federal requirements and alignment with federal and State mitigation priorities; and

WHEREAS, Volume I of this plan must be reviewed and updated annually, with minor improvements and adjustments made as necessary and appropriate – by the Director, Santa Clara County Office of Emergency Services to satisfy changing conditions and needs – without impacting any County Board Policy; and

WHEREAS, the City of Milpitas Office of Emergency Services will review annually, and update as necessary with minor improvements and adjustments, Volume II, specifically section “8. City of Milpitas,” without impacting City Council Policy.

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

1. The City Council hereby adopts the 2024 Santa Clara County Multi-Jurisdictional Local Hazard Mitigation Plan, a copy of which is on file with the City Clerk.

2. The City Council designates the Office of Emergency Services to make minor improvements and adjustments to the Local Hazard Mitigation Plan as necessary and appropriate to satisfy changing conditions and needs, without impacting Council Policy.
3. Any and all Local Hazard Mitigation Plans previously adopted by the City Council are superseded by this Resolution.

PASSED AND ADOPTED this ____ day of _____, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney