



# JOINT MEETING OF THE MILPITAS CITY COUNCIL, HOUSING AUTHORITY, AND PUBLIC FINANCING AUTHORITY

## AGENDA

TUESDAY, JUNE 6, 2023

CITY COUNCIL CHAMBERS, 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

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>

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## PUBLIC COMMENT INSTRUCTIONS

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

[https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN\\_0P4sbYV5QVmYZzkMbBGUjQ](https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_0P4sbYV5QVmYZzkMbBGUjQ)

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

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

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

### MILPITAS CITY COUNCIL CODE OF CONDUCT

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

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

**ADJOURN TO CLOSED SESSION**

(a) **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency designated representative: Nick Raisch, Human Resources Director

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

**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** (Vice Mayor Chua)

**PRESENTATIONS** (7:05 PM)

- Parks and Recreation Month (Proclamation)
- Telugu Pride Day (Proclamation)

**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 June 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

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

**C2.** Approve City Council City Council Meeting Minutes of May 9, 16, and 23, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Special Meeting minutes of May 9 and 23, 2023 and Regular Meeting minutes of May 16, 2023.

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

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

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

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

**C5. Accept the Report for Key 2022 Approved State Laws Impacting Municipal Operations and an Update on 2023 State and Federal Earmark Requests (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)**

Recommendation: Accept the report for Key 2022 Approved State Laws impacting municipal operations and the 2023 State and Federal Legislative Earmark requests.

**C6. American Rescue Plan Act (ARPA) Workforce Development Program Funding (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Margaret Tamisiea, Senior Special Projects Associate, 408-586-3047)**

Recommendation: Approve American Rescue Plan Act (ARPA) Workforce Development grant for Milpitas Unified School District's Adult Education Career Training Center to support workforce development programming and education services in the amount of \$30,000.00.

**C7. Adopt a Resolution Granting Acceptance of Delano Manongs Park Sports Field (Formerly known as McCandless Park Sports Field), Project No. 5102, Authorizing the City Engineer to File a Notice of Completion, and Authorize the City to Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Michael Silveira, Capital Improvement Program Manager, 408-586-3303)**

Recommendation: Adopt a resolution granting acceptance of Delano Manongs Park Sports Field (formerly known as McCandless Park Sports Field), Project No. 5102, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance after the one-year warranty.

**C8. Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to Joseph J Albanese, Inc for Street Resurfacing 2023 Project No. 4283, 4303, 4304; and Approve Budget Change Form (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)**

Recommendation: Adopt a resolution to approve project plans & specifications; award the construction contract to the lowest responsible, and responsive bidder, Joseph J. Albanese Inc, in the amount of \$2,899,299.75 for the Street Resurfacing Project No. 4283, 4303, 4304; Authorize the City Manager to execute the construction contract with Joseph J. Albanese Inc; Authorize the Engineering Director/City Engineer to negotiate and execute Contract Change Order(s) in an aggregate amount not to exceed \$434,894.96 for the project; and Approve the Budget Change Form to appropriate funding for CP 4303 and CP 4304.

**C9. Adopt Resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board Authorizing Investment of Monies in the Local Agency Investment Fund and Updating Officers' Information (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

**C10. Approve and Authorize the City Manager to Execute the Purchase Order with Code 3 Technology for Police Mobile Computer Replacement (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)**

Recommendation: Approve and authorize the City Manager to execute the purchase order with Code 3 Technology for 32 Getac ruggedized laptop computers for a total amount not-to-exceed \$199,991.45.

**C11. Receive an Update on the Emergency Repairs to the HVAC System and Equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

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

**C12. Approve Parks and Recreation and Community Services Programs Donation for a Memorial Bench in Honor of Mikhaila Saso (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Approve the Parks and Recreation Donation for a Memorial Bench for Mikhaila Saso.

**C13. Consider Two Fee Waiver Requests from the Samuel Ayer High School Alumni Association and the Filipino Chamber of Commerce (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Approve a Fee Waiver of \$1,500.00 for the Samuel Ayer High School Annual Reunion at Murphy Park on September 16, 2023; and (2) Approve a Fee Waiver of \$1,485.00 for the Filipino Chamber of Commerce Business Seminar at the Milpitas Community Center on June 24, 2023.

**C14. Adopt a Resolution Approving the Application for \$301,516.00 Land and Water Conservation Fund Grant from the State Department of Parks and Recreation and Designating the Acting City Manager or Designee as the Authorized Agent on the Grant Agreement with the State of California (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Adopt a resolution approving the submittal of an application for Land and Water Conservation Grant Funds from the State Department of Parks and Recreation and designating the Acting City Manager or Designee as the Authorized Agent on the Grant Agreement with the State of California.

**PUBLIC HEARINGS (7:30 PM)**

Members of the public may be allotted up to three (3) minutes or less at the Mayor's discretion, to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of ten (10) minutes for opening statements and up to a total of five (5) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

**15. Open the Public Hearing and Adopt Resolutions to Approve the Fiscal Year 2023-24 Operating Budget for the City of Milpitas and the Milpitas Housing Authority, Approve the Fiscal Year 2023-24 Gann Appropriations Limit, Authorize Various Financial Actions, Fiscal Policies and Budget Guidelines, Amend the Classification Plan for Alignment with the FY 2023-24 Budget, the Minimum Wage Increase, and Salary Schedules Consistent with Previous Council Action (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012; and Lauren Lai, Finance Director, 408-586-3111)**



Recommendation: (1) Open the public hearing and move to close the hearing following any speakers; and (2) Adopt the following resolutions: (a) Joint Resolution of the City Council and Milpitas Housing Authority to approve the Fiscal Year 2023-24 Operating Budget the City of Milpitas and the Milpitas Housing Authority, approve the Appropriations Limit, Fiscal Policies and Budget Guidelines and authorizing various financial actions by the City Manager, including Approving and Authorizing the Execution of Various Contracts and Payments over \$100,000; (b) Amending Resolution No. 1626, the Classification Plan, to authorize additional positions and amend budgeted allocated positions; (c) Amending Resolution No. 1626, the Classification Plan, to adjust the hourly rate ranges for classifications due to a minimum wage increase pursuant to Ordinance No. 292; (d) Amending Resolution No. 1626, the Classification Plan of Unrepresented Management Employees and Authorizing Fringe Benefit; (e) Amending Resolution No. 1626, the Classification Plan, to adjust the Salary Schedules for various classifications to align with the current memorandums of understandings (MOUs); and (f) Amending Resolution No. 1626, the Classification Plan, to authorize additional positions and amend budgeted allocated positions for Human Resources Manager.

**16. Conduct a Public Hearing and Adopt a Resolution Approving a General Plan Amendment (GP23-0002) to Change the Land Use Designations for 168 Parcels on South Main Street, Generally Located South of Great Mall Parkway and North of Montague Expressway, for Consistency with the Boundaries of the Metro Specific Plan and the Proposed Boundaries of the Draft Gateway-Main Street Specific Plan; and Introduce an Ordinance Amending the Milpitas Zoning Map (ZA23-0001) in Accordance with the Provisions of Section 3.03 of Chapter 10 of Title XI (Zoning) of the Milpitas Municipal Code to Change the Zoning Classification of Certain Parcels (APNs: 083-40-044 and 083-40-045) for Consistency with the New General Plan Land Use Designations (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Holly Pearson, Senior Special Projects Associate, 408-609-0072)**

Recommendation: (1) Conduct a public hearing and receive public comments; (2) Determine that potential environmental impacts associated with the proposed General Plan Map and Zoning Map changes have been previously analyzed under the Environmental Impact Report (EIR) for the Milpitas 2040 General Plan certified on March 9, 2021 (per Resolution 9047) and the Subsequent EIR for the Milpitas Metro Specific Plan certified on February 7, 2023 (per Resolution 9217), and find that since the proposed General Plan Map and Zoning Map changes are consistent with the General Plan and Metro Specific Plan, no further environmental analysis is required; (3) Determine that these actions are exempt from environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15183 (Projects Consistent with a General Plan, Community Plan, or Zoning); (4) Adopt a resolution approving General Plan Amendment GP23-0002; (5) City Attorney shall read aloud title of the Ordinance; and (6) Move to waive the first reading beyond the title and introduce an Ordinance amending the Zoning Map of the City of Milpitas in accordance with the provisions of Section 3.03 of Chapter 10 of Title XI (Zoning Ordinance) of the Milpitas Municipal Code to change the zoning classification of two parcels (APNs: 083-40-044 and 083-40-045) for consistency with the new General Plan land use designations.

**LEADERSHIP AND SUPPORT SERVICES (9:30 PM)**

**17. Adopt a Resolution to Appoint Ashwini Kantak as Acting City Manager Effective Upon Adoption and Continuing Until a Permanent Appointment is Made (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)**

Recommendation: Adopt a resolution to appoint Ashwini Kantak as Acting City Manager effective upon adoption and continuing until a permanent appointment is made and approve acting pay (10%) commensurate with established practices.

**ANNOUNCEMENTS AND FUTURE AGENDA ITEMS** (9:40 PM)

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

**ADJOURNMENT** (9:45 PM)

**KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

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

*The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City’s website [www.milpitas.gov](http://www.milpitas.gov) by selecting the Milpitas Municipal Code link.*

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

**APPLY TO SERVE ON A CITY COMMISSION**

Commission application forms are available online at [www.milpitas.gov](http://www.milpitas.gov) or at Milpitas City Hall. Contact the City Clerk’s Office at 408-586-3001 for more information.

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

May 2023						
S	M	T	W	T	F	S
	1	2	3	4	5	6
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21	22	23	24	25	26	27
28	29	30	31			

# Milpitas City Council Calendar

## June 2023

July 2023						
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
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30	31					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				<b>1</b>	<b>2</b>	<b>3</b>
				United States Conference of Mayors, Columbus OH (CM)		
				<b>5:30 PM</b> -Milpitas Chamber of Commerce Board (GB) <b>5:30 PM</b> -Santa Clara VTA Board of Directors (CM)		<b>12:00 PM</b> - Pride Flag Raising Ceremony, Cesar Chavez Plaza
<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
United States Conference of Mayors, Columbus OH (CM)		<b>6:00 PM</b> -Closed Session <b>7:00 PM</b> -City Council	<b>5:30 PM</b> -Veterans Commission (CM) <b>7:00 PM</b> -Community Advisory Commission (EC)	<b>5:30 PM</b> -Cities Assoc of SCC Legislative Action Committee (CM) <b>6:00 PM</b> -Youth Advisory Commission (HL) <b>7:00 PM</b> -Cities Assoc of SCC (CM)		
	<b>7:00 PM</b> -Parks, Recreation & Cultural Resources Commission (HL)					
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>
	<b>4:30 PM</b> -Economic Development and Trade Commission (CM)	<b>4:00 PM</b> - Milpitas HOPE	<b>4:00 PM</b> -City Council Transportation Subcommittee (CM/EC) <b>7:00 PM</b> -Silicon Valley Clean Energy Board of Directors (EC) (Cupertino) <b>7:00 PM</b> -Planning Commission	<b>3:00 PM</b> -VTA Safety, Security, and Transit Planning and Operations Committee (CM) (San Jose) <b>5:30 PM</b> -Measure F Oversight Committee		<b>11:00 AM-3:00 PM</b> -Milpitas Cultural Arts Grant Juneteenth, Sunnyhills Albert Augustine
<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
	<b>7:00 PM</b> -Science, Technology, and Innovation Commission (GB)	<b>6:00 PM</b> -Closed Session <b>7:00 PM</b> -City Council	<b>4:00 PM</b> -City Council Finance Subcommittee (CM/EC) <b>6:00 PM</b> -Energy and Environmental Sustainability Commission (EC)	<b>5:30 PM</b> -State of the City Address (CM) Milpitas Council Chamber		
<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	
		<b>1:30 PM</b> -Senior Advisory Commission (CM)	<b>5:30 PM</b> -Cities Assoc. of SCC - Recycling and Waste Reduction Commission (CM) <b>7:00 PM</b> -Planning Commission			



# SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

**MINUTES**  
**TUESDAY, MAY 9, 2023**

The City Council of the City of Milpitas convened in a Special Meeting of the Milpitas City Council on May 9, 2023, in the Barbara Lee Senior Center, 40 N. Milpitas Blvd, Room 140/141, Milpitas, CA, and via teleconference/ Zoom webinar.

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

Mayor Montano called the meeting to order at 5:35 pm. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien and Phan.

ABSENT: None.

Councilmember Garry Barbadillo participated remotely from 24326 35th Pl S, Kent, WA 98032 pursuant to California Government Code Section 54953.

## **PLEDGE OF ALLEGIANCE**

Mayor Montano led the pledge of allegiance.

## **PUBLIC FORUM**

There were the following public speakers:

1. Rosamira Placencia

## **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.

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

Mayor Montano read the City Council Code of Conduct.

## **APPROVAL OF AGENDA**

Motion: to approve the May 9, 2023 Special Meeting Agenda.

Motion/Second: Councilmember Lien / Vice Mayor Chua

Motion carried by the following:

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

NOES: None.

## **AGENDA ITEMS**

**Receive Presentation on the FY 2023-24 Proposed City of Milpitas Operating Budget and Provide Feedback (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Acting City Manager Kantak provided opening remarks. Finance Director Lai presented the report.

Mayor Montano paused to take public forum.

Acting City Manager Kantak continued presenting the report.

Planning Director Thomas presented on the proposed consolidation of Planning, Building Safety, and Code Enforcement into a Community Development Department and, joined by Building Official Bill Tott, responded to questions from City Council. Vice Mayor Chua noted she did not want to defund the Building Inspector position and suggested that the position could be used to improve the quality of service. Upon inquiry by Mayor Montano, Acting City Manager Kantak responded that the position was vacant, and that, based on existing workload standards, the position was recommended to be defunded.

Economic Development Andrade presented on the proposed consolidation of Economic Development and Housing and responded to questions from City Council. Mayor Montano remarked that Economic Development should be a stand-alone department. Councilmember Phan voiced support for the consolidation. Vice Mayor Chua stressed the importance of Economic Development and Housing being two distinct departments. Councilmember Lien supported the consolidation and remarked that the consolidation can be revisited if the Council finds it ineffective. Councilmember Barbadillo stated he hadn't decided on a position for this consolidation. He asked for a presentation on the feasibilities of all the departments being proposed as justification.

Public Works Director Di Renzo presented on the Proposed Consolidation of Public Works and Engineering. Vice Mayor Chua proposed creating additional Maintenance Worker positions to provide a path for advancement and to reduce issues. Mayor Montano suggested adding an Administrative Analyst in the Streets, Parks, Landscapes, and Trees division to support administrative functions. Public Works Director Di Renzo noted that he was reviewing administrative support for the department.

Finance Director Lai continued the presentation. Staff responded to questions from the City Council.

#### Community Services and Sustainable CSA

There were no questions.

#### Public Safety CSA

Police Chief Hernandez, Fire Chief Schoonover, and Acting City Manager Kantak responded to questions from the City Council. Councilmember Barbadillo asked for a breakdown of positions by similar jurisdiction. Vice Mayor Chua asked for either monthly or quarterly performance measurements to be transmitted to the City Council.

#### Community Development CSA

Planning Director Thomas responded to questions from the City Council. Mayor Montano voiced support for the Community Development consolidation to go forward. Vice Mayor Chua asked for what deliverables are expected to be delivered by adding an Administrative Analyst as the permit navigator. Councilmember Phan also supported the Community Development consolidation.

#### Leadership CSA

Acting City Manager Kantak, Information Technology Director Nam, and Finance Director Lai responded to questions from the City Council. Vice Mayor Chua voiced a need for City Council support in the City Manager's Office. Assistant City Manager Kantak responded that the recommended Office Specialist position would be available to provide support. Vice Mayor Chua suggested defunding two IT Analysts to use towards other items



the Council had brought up that evening to ensure the funds don't go unused. Finance Director Lai responded that unused funds from unfilled positions are handled in accordance with Council Policy for surplus funds. Human Resources Director Raisch also detailed how funds are being used to conduct IT Analyst staff recruitments. Councilmember Phan asked if this is something that can be accomplished by being contracted out.

Deputy City Manager Cano presented on current and upcoming priority setting projects.

Assistant City Manager Kantak provided closing comments and asked for feedback from the City Council.

Mayor Montano asked to increase the City Council travel allowance from \$5,000.00 to \$10,000.00 per Councilmember and asked to see a Social Services position in the Recreation and Community Services Department.

Councilmember Phan questioned the City Attorney request for a summer law clerk and noted the City needs to work towards cost savings.

Vice Mayor Chua suggested moving the social services function under the Recreation Supervisor (Senior Center) and reclassifying the position to be a manager. Acting City Manager Kantak responded that social services are proposed to be moved under the Senior Center Supervisor, but without reclassifying the position. Recreation and Community Services Director Lorentzen noted that the majority of the social services work completed is administrative, and the area is restructuring to build in better efficiencies and address capacity. Vice Mayor Chua expressed appreciation for ensuring that vision is aligned with the City Council.

Councilmember Lien asked to add three different events for the Chinese and the Vietnamese community – Lunar New Year, Black April, and Autumn Festival celebrations. Acting City Manager Kantak confirmed that the City hosts existing Lunar New Year and Autumn Festival celebrations, so this request was adding the Black April celebration.

Vice Mayor Chua questioned the reclassification of the Employee Relations Officer to Human Resources Manager. Human Resources Director Raisch responded that this was only a title change to incorporate a greater range of responsibilities assigned to the position.

Councilmember Phan asked if Planning needs additional staffing and suggested an assistant planning position might be able to address long-term and shifted duties and continuing the conversation towards re-funding the previously de-funded positions.

Mayor Montano suggested bringing back the discussion for the City Attorney office remodel.

Acting City Manager Kantak provided final comments, noted that staff would return with notes and feedback on allocations and that there may be a need to conduct an additional meeting prior to the June 6, 2023 public hearing.

## **PUBLIC FORUM**

There were the following public speakers:

1. Voltaire Montemayor

## **ANNOUNCEMENTS**

There were no announcements.

**ADJOURNMENT**

Mayor Montano adjourned the meeting at 9:42 PM.

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



## REGULAR MEETING OF THE MILPITAS CITY COUNCIL

**MINUTES**  
**TUESDAY, MAY 16, 2023**

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on May 16, 2023, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/ Zoom webinar.

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

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

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo (6:01p), Lien and Phan (6:06p).  
ABSENT: None.

City Attorney Mutalipassi announced the closed session items.

The City Council adjourned to Closed Session at 6:02 PM.

### **ADJOURN TO CLOSED SESSION**

(a) **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency designated representative: Nick Raisch, Human Resources Director

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

(b) **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

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

City as Defendant

*Hanhong Chen, et al. v. City of Milpitas, et al.*, Santa Clara Superior Court case number 22CV393670

(c) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to California Government Code Section 54957

Position: City Attorney

The City Council reconvened in open session at 7:32 PM

### **CLOSED SESSION ANNOUNCEMENT:**

City Attorney Mutalipassi announced there was nothing to report out for Items (a) and (b), and that Item (c) would be heard at the conclusion of the meeting.

### **PLEDGE OF ALLEGIANCE**

Mayor Montano led the Pledge of Allegiance.

**PRESENTATIONS**

Mayor Montano presented proclamations in recognition of Asian American and Pacific Islander Heritage Month and Public Works Week. She then presented certificates commending Earth Day and Library and Education Advisory Commission Essay Winners and Milpitas High School students, Sydney Moon and Sukhad Mutakar.

**INVOCATION**

Mayor Montano presented the invocation.

**PUBLIC FORUM**

There were the following public speakers:

1. Voltaire Montemayor
2. Carl Guardino
3. Gabriel Moran

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

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

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

Mayor Montano read the Code of Conduct.

**APPROVAL OF AGENDA**

Motion: to approve the May 16, 2023 Regular Meeting Agenda.

Motion/Second: Vice Mayor Chua / Councilmember Lien

Motion carried by the following:

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

NOES: None

**CONSENT CALENDAR**

Motion: to approve the Consent Calendar

Motion/Second: Chua / Barbadillo

Motion carried by the following:

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

NOES: None

There were no public speakers.

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

Received City Council Calendar of Meetings for May and June 2023.

**C2. Approve City Council City Council Meeting Minutes of April 25 and May 2, 2023 (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approve City Council Special Meeting minutes of April 25, 2023 and Regular Meeting minutes of May 2, 2023.

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

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

**C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (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.

**C5. Consider the Recommendation from Mayor Montano for Appointments to City Commissions and Declare an Unscheduled Vacancy (Contact: Mayor Montano, 408-586-3024)**

(1) Received the recommendation from Mayor Montano and approved appointments to City Commissions; and (2) Declared an unscheduled vacancy on the Senior Advisory Commission and directed the City Clerk to post the notice of unscheduled vacancy.

**C6. Authorize and Approve Out-of-State Travel to Columbus, OH, for Mayor Carmen Montano to Attend the United States Conference of Mayors to be Held on June 2 – 5, 2023, for a Combined Total Estimated Amount of \$3,500.00 (Staff Contact: Ashwini Kantak, Acting City Manager, 408-586-3053)**

Authorized and approved out-of-state travel to Columbus, OH, for Mayor Carmen Montano to attend the United States Conference of Mayors to be held on June 2 – 5, 2023, for a combined total estimated amount of \$3,500.00.

**C7. Adopt a Resolution Granting Acceptance of Fire Station No. 2 Replacement, Project No. 3447, Authorizing the City Engineer to file a Notice of Completion, and Authorizing the City to Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Michael Silveira, Capital Improvement Program Manager, 408-586-3303)**

Adopted **Resolution No. 9238** granting acceptance of Fire Station No. 2 Replacement, Project No. 3447, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance after the one-year warranty.

**C8. Adopt a Resolution Designating Project No. 4305 Street Resurfacing 2023-2024 to be Funded by SB-1 The Road Repair and Accountability Act of 2017 (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)**

Adopted **Resolution No. 9239** designating Project No. 4305 Street Resurfacing 2023-2024 to be funded by SB-1 the Road Repair and Accountability Act of 2017.

**C9. Adopt a Resolution Approving the Annual Engineer's Report, Adopt a Resolution Declaring the City Council's Intention to Levy and Collect Assessments, and Provide Notice of Public Hearing to be held on June 20, 2023 for Landscaping and Lighting Maintenance Assessment District No. 95-1 (LLMD 95-1 McCarthy Ranch) (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**



Adopted **Resolution No. 9240** approving the Annual Engineer's Report, Adopted **Resolution No. 9241** declaring the City Council's intention to levy and collect assessments, and provided notice of public hearing to be held on June 20, 2023, for LLMD 95-1 McCarthy Ranch.

- C10. Adopt a Resolution Approving the Annual Engineer's Report, Adopt a Resolution Declaring the City Council's Intention to Levy and Collect Assessments, and Provide Notice of the Public Hearing to be held on June 20, 2023, for Landscaping and Lighting Maintenance Assessment District No. 98-1 (LLMD 98-1 Sinclair Horizon) (Staff Contact: Roberto Alonzo, Principal Civil Engineer, 408-586-3316)**

Adopted **Resolution No. 9242** approving the Annual Engineer's Report, Adopted **Resolution No. 9243** declaring the City Council's intention to levy and collect assessments, and provided notice of the Public Hearing to be held on June 20, 2023, for LLMD 98-1 Sinclair Horizon.

- C11. Adopt a Resolution Granting Acceptance of Delano Manongs Park (Formerly Known as McCandless Park), Project No. 2005, 5102, 7076, Authorizing the City Engineer to File a Notice of Completion, and Authorizing the City to Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Michael Silveira, Capital Improvement Program Manager, 408-586-3303)**

Adopted **Resolution No. 9244** granting acceptance of Delano Manongs Park (formerly known as McCandless Park), Project No. 2005, 5102, 7076, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance after the one-year warranty.

- C12. FY 2022-23 3rd Quarter Financial Status Report for the Quarter Ended March 31, 2023 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Reviewed the FY 2022-23 Quarterly Financial Status Report for the quarter ended March 31, 2023.

- C13. Adopt a Resolution Approving a Site Development Permit and Amending the Previously Approved Design Standards of an Existing Planned Unit Development (PUD No. 68, Countryside Estates) to Allow Development of a New One-Story Single-Family Residence on a Vacant 1.653-Acre Lot Located in the R1-H Single-Family Residential Zoning District and Hillside Combining District at 1311 Countryside Court (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Considered the exemption in accordance with CEQA and Adopted **Resolution No. 9245** approving Site Development Permit No. SD21-0010 and PUD Amendment Permit No. PA21-0003, subject to the attached Conditions of Approval.

- C14. Adopt a Resolution to Terminate the Water Shortage Level 2 Drought Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Elaine Marshall, Deputy Public Works Director, 408-586-2603)**

Adopted **Resolution No. 9246** terminating the City's Level 2 Water Shortage Emergency.

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

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

- C16. Approve Parks and Recreation and Community Services Programs Donation for a Memorial Bench in Honor of Dale Flunoy (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Approved the Parks and Recreation Donation for a Memorial Bench for Dale Flunoy.

- C17. Approve Amendment No.1 to the Memorandum of Understanding with the MUSD for Expansion of After the Bell for the Extended Learning Opportunities Program (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Authorized the Acting City Manager to approve Amendment No.1 to the Memorandum of Understanding with the MUSD for expansion of After the Bell for the Extended Learning Opportunities Program.

- C18. Consider One Fee Waiver Request and One Donation Request from Show Up and Love and Contemporary Asian Theatre Scene (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

(1) Approved a Fee Waiver of \$700.00 for the Show Up & Love 1st Annual Fundraiser Cook off for Love at the Barbara Lee Senior Center Community Room on Sunday, July 16, 2023; and (2) Approved a donation of \$500.00 to the Contemporary Asian Theatre Scene to help pay for the cost of renting one theatre from Century Theatres on Tuesday, May 30, 2023.

- C19. Adopt a Resolution to Supersede Resolution 9145 to update City Event Celebration Flags and/or other Commemorative Flags at Cesar Chavez Plaza (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)**

Adopted **Resolution No. 9247** to supersede Resolution No. 9145 updating City Event Celebration Flags and/or other Commemorative Flags at Cesar Chavez Plaza.

## **PUBLIC HEARINGS**

- 20. Hear Administrative Appeal of Hearing Officer's Decision Upholding the Police Chief's Denial of a Massage Establishment Permit (Staff Contact: Michael Mutalipassi, City Attorney, 408-586-3041, Christopher Creech, Assistant City Attorney, 408-586-3049)**

City Attorney Mutalipassi introduced the item and described the hearing procedure.

Mayor Montano opened the administrative hearing

There were the following speakers from the public.

1. Voltaire Montemayor

Attorney Johnny Nguyen for the Appellant and Assistant City Attorney Creech presented evidence to the City Council. With their reserved time of five minutes and fifty-seven seconds, Attorney Johnny Nguyen for the Appellant questioned staff and witnesses.

The attorneys for both sides provided closing remarks.

Council discussion ensued and attorneys for both the Appellant and City responded to questions from the City Council.

Councilmember Lien suggested imposing new conditions to the permit as a probation period that if the business owners violate the terms at any time in that one year period, the permit would be revoked.

Councilmember Phan advocated for the City to change the administrative appeal process, voicing discomfort with the City Council acting as court. He spoke in support of adding additional conditions to the permit that would require approval of the police department.

Councilmembers Barbadillo and Vice Mayor Chua questioned both the City and Appellant representatives.

Mayor Montano voiced support for upholding the previous decision.

Vice Mayor Chua noted that the one-year period to reapply provides a second chance and supported upholding the previous decision.

After discussion, motion: to uphold the previous decision. Mayor Montano seconded the motion.

Motion/Second: Vice Mayor Chua / Mayor Montano

Motion carried by the following:

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

NOES: Councilmembers Lien and Phan.

The City Council based upon the documentary and testimonial evidence presented, and the weight and credibility assigned thereto, by a vote of three to two voted to uphold the decision of the hearing officer affirming the decision of the Chief of Police to deny and revoke the massage establishment permit pursuant to Title III, Chapter 6 of the Milpitas Municipal Code.

## **COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE**

### **21. Receive Presentation from Staff on Exploratory Storm Drain System Funding Options (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Public Works Director Di Renzo introduced the item. SEI Consulting Group Consultants Edric Kwan and Jerry Bradshaw presented the report and responded to questions from the City Council.

There were the following public speakers:

1. Voltaire Montemayor

PW Director Di Renzo responded to questions from the City Council.

There was no action taken.

## **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS**

Vice Mayor Chua reported on and presented pictures of the Milpitas High School Crochet Club event on May 12, 2023 visiting the Barbara Lee Senior Center.

Mayor Montano reported that the Friends of the Library had a celebration for volunteers.

## **ADJOURN TO CLOSED SESSION**

The City Council adjourned to closed session at 10:19 PM and reconvened in open session at 11:18 PM.

Mayor Montano stated there was nothing to report.

**ADJOURNMENT**

Mayor Montano adjourned the meeting at 11:18 PM

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



# SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

**MINUTES**  
**TUESDAY, MAY 23, 2023**

The City Council of the City of Milpitas convened in a Special Meeting of the Milpitas City Council on May 23, 2023, in the City Hall Council Chamber, 455 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 meeting to order at 5:35 p.m. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Chua, Councilmembers Barbadillo, Lien and Phan.

ABSENT: None.

## **PLEDGE OF ALLEGIANCE**

Vice Mayor Chua led the pledge of allegiance.

## **PUBLIC FORUM**

There were the following public speakers:

1. Voltaire Montemayor

## **ANNOUNCEMENT OF CONFLICT OF INTEREST**

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

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

Mayor Montano read the City Council Code of Conduct.

## **APPROVAL OF AGENDA**

Motion: to approve the May 23, 2023 Special Meeting Agenda.

Motion/Second: Vice Mayor Chua / Councilmember Barbadillo

Motion carried by the following:

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

NOES: None.

## **AGENDA ITEMS**

**Receive Supplemental Presentation on the FY 2023-24 Proposed City of Milpitas Operating Budget and Provide Feedback (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012; Lauren Lai, Finance Director, 408-586-3111)**

Acting City Manager Kantak provided opening remarks. Deputy City Manager Cano and Finance Director Lai presented the report.



Staff responded to questions from the City Council.

After asking questions of staff, Mayor Montano emphasized the importance of funding additional Public Works staff and suggested not moving forward with the Management Analyst position in the City Manager's Office. Acting City Manager Kantak noted that the position would not be funded by the General Fund.

Vice Mayor Chua voiced concerns about not funding the Building Inspector position and reclassifying a Customer Service position to Finance Manager.

Councilmember Barbadillo emphasized the importance of the budget being sustainable.

Councilmember Phan questioned the proposal to move Housing under the auspices of the Deputy City Manager and suggested that Housing would be better served moved under the Planning Department. He proposed reviewing City executive positions.

Vice Mayor Chua noted that City Management would soon change and recommended maintaining the current organizational structure. Acting City Manager Kantak responded that maintaining the current organizational structure would leave two director positions vacant and lose the savings from consolidations. She noted that if the City moves forward with a status quo budget, the current proposals will need to be taken into consideration and emphasized the need to have an adopted budget by the end of the fiscal year.

Councilmember Phan voiced support for the consolidation of Housing and Economic Development. He re-emphasized that now would be a good opportunity to reorganize the executive levels.

Mayor Montano thanked staff and reiterated her opposition to the consolidation of Housing and Economic Development. She voiced support for holding off on making organizational changes until there is a new City Manager.

Councilmember Lien noted that staff worked hard to propose a budget with savings, and supported moving forward with the budget as proposed including the consolidation of Housing and Economic Development.

Vice Mayor Chua enumerated the positions to include in a status quo budget including two Maintenance Worker IIs, upgrading a Maintenance Worker from II to III, adding one Fleet Maintenance Worker, Instrument Control Technician, Environmental Inspector, a Public Works Inspector, a Cross Connection Specialist, and one Parks and Recreation Supervisor. She suggested no changes to Information Technology but asked for a quarterly status report, agreed with the Human Resources proposal, recommended status quo for Planning and Building Safety, continue with the current status of Housing and Economic Development, in the City Manager's office and not including the Management Analyst position.

Councilmember Phan suggested that the City Attorney's Office remodel is a CIP discussion.

Acting City Manager Kantak asked for consensus from the City Council on the status quo recommendation.

Vice Mayor Chua and Mayor Montano both voiced support for the status quo recommendation.

Finance Director Lai reported on the numbers related to maintaining the status quo and funding additional positions.

Councilmember Phan suggested additional areas to not fund in the executive budget including the office space renovation for the City Attorney's Office.

Councilmember Barbadillo suggested reaching a compromise and searching for additional sources to fund the proposed positions. He noted that without an alternative proposal, he would agree with the Mayor and Vice Mayor's proposal for a status quo budget.

Mayor Montano stressed the importance of increasing revenues and creating revenue generators for the City.

Finance Director Lai summarized the direction from City Council:

- Maintain a status quo budget with no department consolidation.
- Add three Maintenance Worker positions.
- Keep the vacant Building Inspector position.
- Direction to staff to come back with a budget to be adopted with various ways of balancing the recommended service level including cutting costs or looking at revenue opportunities.
- Support to de-fund the two vacant director positions.

Councilmember Phan noted that he did not hear support for not funding the City Attorney office renovation. Vice Mayor Chua suggested there may be alternative renovation plans for the City Attorney's office.

Councilmember Barbadillo recommended looking at the organizational structure of the City Manager's office.

Acting City Manager Kantak provided closing comments.

### **ANNOUNCEMENTS**

Vice Mayor Chua asked Acting City Manager Kantak to draft a letter to County Supervisor Otto Lee to request assistance in addressing the challenges at 1000 Hillview Drive. There was consensus to move the item forward.

### **ADJOURN TO CLOSED SESSION**

City Attorney Mutalipassi announced the closed session item.

There were the following public speakers:

1. Voltaire Montemayor

The City Council adjourned to Closed Session at 8:29 PM.

- (a) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to California Government Code Section 54957  
Position: City Attorney

The City Council reconvened in open session at 9:02 PM

### **CLOSED SESSION ANNOUNCEMENT:**

Mayor Montano reported on the City Attorney's performance evaluation and stated that it was determined that overall his performance meets expectations.

**ADJOURNMENT**

Mayor Montano adjourned the meeting at 9:02 pm.

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

## TENTATIVE CITY COUNCIL AGENDA ITEM LIST

Item # C3.

as of 6/2/2023

**June 20, 2023** – Regular Meeting

### **CLOSED SESSION**

- Labor Relations

**INVOCATION** (Vice Mayor Chua)

### **PRESENTATION**

#### **CONSENT CALENDAR**

1. Receive City Council calendar for June, July and August 2023 (City Clerk)
2. Approve City Council Meeting minutes of June 6, 2023 (City Clerk)
3. Preview list of items for August 8, 2023 (City Clerk)
4. Code Enforcement Special Assessment (City Attorney)
5. Commission Handbook and Bylaws (City Clerk / Recreation)
6. Adopt a Resolution Granting Acceptance of Public Improvements and Approve a Reduction of the Faithful Performance Bond for the Stratford School Addition and Remodel Commercial Project and Grant Authorization to the City Engineer to Release the Performance Bond after the One-year warranty period; (Engineering)
7. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement between the City of Milpitas and Parktown Plaza Pak LLC for the Park Town Plaza Modification Project at 1400 S. Park Victoria Dr. (Engineering)
8. Authorize the City Manager to Execute the Fee Reimbursement Agreement for Transit Area Specific Public Facilities and Public Improvements at the 355 Sango Court Project by Sango Court L.P. (Engineering)
9. Approve Accounts Receivable Write-offs for the Fiscal Year Ending June 30, 2023 (Finance)
10. Sole Source Procurement of Crossing Guard Services (Police)
11. Report on Emergency HVAC Repairs (Public Works)

### **PUBLIC HEARING**

12. Levy Assessment for LLMD 95-1 (Engineering)
13. Levy Assessment for LLMD 98-1 (Engineering)

### **LEADERSHIP**

14. City Council Handbook Discussion
15. Council Agenda Item Request Prioritization Process (City Manager)
16. 1000 Hillview Court Report

### **REPORTS**

**MILPITAS CITY COUNCIL  
AGENDA ITEM REQUESTS**

Item # C4.

<b>OPEN ITEMS</b>				
<b>Request No.</b>	<b>Topic</b>	<b>Submitted by:</b>	<b>Date Requested</b>	<b>STATUS and/or DATE scheduled on City Council meeting agenda:</b>
1	Draft a letter to County Supervisor Otto Lee to request assistance in addressing the challenges at 1000 Hillview Drive	Chua	5/23/2023	Completed: Letter sent on 5/26/2023
2	Human Resources Director to conduct a job fair specific to the job openings at City Hall	Chua	5/2/2023	This item will be discussed at the next quarterly prioritization in June 2023
3	Have City-owned parcels 2 and 3 on Main Street appraised	Montano	4/18/2023	This item will be discussed at the next quarterly prioritization in June 2023
4	Have the City look into the possibility of a Citywide Senior Discount	Barbadillo	2/7/2023	This item will be discussed at the next quarterly prioritization in June 2023
5	See if City Manager and staff could assist in finding a month and day to celebrate an International Cultural Festival on Main Street	Lien	2/7/2023	This item will be discussed at the next quarterly prioritization in June 2023
6	Look into purchasing a larger electronic billboard for Library	Montano	2/7/2023	At the February 28, 2023 CIP Study Session, the Council opted to discuss at the next prioritization session in June 2023

<b>ACTIVE ITEMS</b>				
<b>Request No.</b>	<b>Topic</b>	<b>Submitted by:</b>	<b>Date Requested</b>	<b>STATUS and/or DATE scheduled on City Council meeting agenda:</b>
7	City Manager to look into defining either a standalone teen center or updating information to indicate the Senior Center also functions as a Teen Center	Chua	9/20/2022	Discussed at February 2023 Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Prioritization Discussion on 2/7/23.
8	Discuss converting vacant lot that was a basketball court into a community garden at Vasona and Adobe	Montano	8/16/2022	Item brought forward as part of the City Council additional workplan items prioritization in February 2023. Mayor Montano asked it come back after a survey of residents was completed to determine community support. At the February 28, 2023 CIP Study Session, Council asked staff to ask the nearby community for their input on other uses they would want for the property. Survey is underway.
9	City Manager look into implementing a workshop for small businesses on the bidding process for projects in the city	Chua	8/9/2022	Discussed at February 2023 Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Prioritization Discussion on 2/7/23
10	Quarterly or Monthly crime statistics on Homekey Project	Chua	6/7/2022	Quarterly reports to City Council are ongoing.



**MILPITAS CITY COUNCIL  
AGENDA ITEM REQUESTS**

Item # C4.

11	Establish a SPAR fund modelled after the City of Mountain View - sets asides moneys for opportunities to buy real estate	Montano	6/7/2022	At the January 31, 2023 City Council budget hearing, staff was directed to update the City's Fiscal Policies to provide an option for a portion of future surplus funding to be reserved for real estate acquisition. Staff will include this edit to the Fiscal Policies as part of the Proposed Fiscal Year 2023-2024 Operating Budget; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022. A SPAR fund is part of the Proposed Fiscal Year 2023-2024 Operating Budget.
12	Memorial Plaque in honor of youth skateboarder that passed away	Montano	6/7/2022	At the January 31 2023 City Council budget hearing, City Council voted to consider this item in the FY 2023-24 budget development.; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
13	Funding to hire a consultant for the Sunnyhills Historical Designation on a state level	Tran	6/7/2022	Based on staff research, the best way to try for a Historical District Designation is at the National Level. This can be wrapped into the approved CIP for the Historical Resources Plan update or through grant consultant California Consulting. Request will be included with the Historic Resources Master Plan project approved as part of the 2023-2027 Capital Improvement Program.
14	Explore the policy for locking mechanisms on shopping carts for large commercial businesses	Tran	4/19/2022	MMC V-13-140 Mandatory Plan to Prevent Cart Removal includes requirement for physical measures to prevent cart removal however V-13-120 provides an exemption for cart owner that agrees to enter into a contract with a City-designated retrieval service. Staff suggestion to Council is to review this exemption and repeal it which would require all cart owners to have physical measures to prevent cart removal. Business outreach was conducted to grocery store operators in Q2 of 2022 to inquire about shopping cart removal and theft. Grocery stores contacted were Ocean Supermarket, Seafood City Supermarket, Chung Chou City, Milpitas Grocery Outlet, and 99 Ranch Market. Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022

**MILPITAS CITY COUNCIL  
AGENDA ITEM REQUESTS**

Item # C4.

<b>15</b>	Explore an ordinance or policy to reduce thefts and increase security in the commercial retail parking areas	Chua	4/5/2022	CAO conducting legal review of policies requiring businesses to hire security/install cameras; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward during Summer Quarterly City Council Workplan Items Prioritization Discussion on 9/06/2022
<b>16</b>	Request for Crossing Guards at McCandless and Montague Expressway and review wages for Crossing Guards	Montano	4/5/2022	Info Memos were sent to the City Council on 6/13/2022 and 1/27/2023. At the January 31st budget study session, Council voted to move to a contract model; Staff is in the middle of a citywide traffic study, which includes school aged pedestrian counts around schools in the City including the McCandless and Montague Expressway intersection.
<b>17</b>	Create a plan for future solar paneling at City facilities	Montano	3/1/2022	As discussed with the City Council at the 1/31 /2023 Budget Study Sessio, staff will continue to explore grant opportunities to install additional solar panels on City facilities. However, staff will only proceed with further development if this grant funding is identified so work (other than reviewing grant opportunities) is on hold at this time. Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward at the 5/03/2022 meeting; Discussed at the May 10 budget meeting and approved funding of \$25,000 in the 2022-23 budget
<b>18</b>	Evaluate reopening the childcare center with a non-profit organization running the center	Montano	2/1/2022	No additional funds required to complete the internal review. Internal review can be done by late 2023. Approved during Spring Quarterly City Council Workplan Items Prioritization Discussion on 5/03/2022.
<b>19</b>	Requested an appropriation in an amount not to exceed \$250,000 to procure a contract to address the streetlights that are pending fieldwork.	Tran	2/1/2022	At this time, staff has sufficient Council approved resources to address the remaining streetlight outages; however, will bring relevant actions for Council consideration, if needed.
<b>20</b>	Staff to look into mural Art on Great Mall Parkway on the VTA owned Light rail pillars	Montano	11/16/2021	VTA is not responsive to requests from the City to meet on this project. A discussion on other locations or projects with Council may be needed; Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved at the 5/03/2022 meeting; discussed funding at the 5/10/2022 budget meeting and approved \$100,000 of funding for one site

**MILPITAS CITY COUNCIL  
AGENDA ITEM REQUESTS**

Item # C4.

<b>21</b>	Request for the City to make the temporary third-party food deliver fee caps permanent and add additional provisions for enforcement	Phan	11/16/2021	Requires legal analysis of 1:21-cv-07695-AT-SLC DoorDash, Inc. v. city of New York and 3:21-cv-05502-EMC Doordash, Inc. et al v. City and County of San Francisco. Doordash v. NYC remains pending and may settle the law on the matter. CAO will prepare confidential memorandum for the Council. Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward at the 5/03/2022 meeting
<b>22</b>	Have a picture of Albert Vogel Sr. put up in the Senior Center	Montano	10/19/2021	No additional funding needed. Need final names from City Council. Approved to move forward at the 1/11/2022 Council meeting; Staff engaged the artist of the existing mural regarding this Council approved item.
<b>23</b>	Include a bust of Maria Lemire on the Mural in front of the Senior Center	Montano	8/17/2021	Maria Lemery is to be included on the Senior Center Mural. It's not an actual "bust." Approved to move forward at the 1/11/2022 Council meeting; Staff engaged the artist of the existing mural regarding this Council approved item.
<b>24</b>	Staff to create a plan on how to increase the number of local businesses doing business with the City	Chua	4/6/2021	Staff is tracking this local business participation item as part of Council Priority Item 3 in Group 1 on this list; At 8/9/2021 Council meeting, Council voted that this item may have to come back for additional discussion because there may be some legal considerations.
<b>25</b>	Staff to provide information on a landmark policy for the City of Milpitas	Tran	3/16/2021	This is part of the CIP for updating the Historic and Cultural Resources Plan; 8/09/2021 Council voted 5-0 to move this item forward; this item will be included for funding consideration in the development of the FY 2023-27 CIP for assessment of historical and cultural resources and development of landmark policy; The funding for the assessment of historical and cultural resources and development of a landmark policy will be included in the 2023-2027 Capital Improvement Program scheduled for adoption on May 3, 2022. This project will be scheduled to begin in FY 2022-23.
<b>26</b>	Amendment to the existing ordinance for third-party food delivery vendor services to prohibit regulatory response fees	Phan	2/16/2021	See update to item titled "Request for the City to make the temporary third-party food deliver fee caps permanent and add additional provisions for enforcement." Agendized for discussion on 3/16/2021, deferred to 4/06/2021; CC direction for City Attorney to prepare a report; At the 11/12/2021 Transportation Subcommittee, the Subcommittee directed to bring back this request to Council as part of the FY 2022-23 budget process.

**MILPITAS CITY COUNCIL  
AGENDA ITEM REQUESTS**

Item # C4.

				<p>Ordinance regarding a ban on use in certain areas adopted by Council on 6/15/2021. Council received a follow-up presentation from staff on 6/21/22 and provided direction on establishing a local tobacco retail permitting program and regulating tobacco retail locations and the sale of flavored tobacco and electronic cigarette products in Milpitas. Staff is now coordinating with the Santa Clara County Department of Environmental Health (DEH) to set up the program, and those arrangement will be brought back to the Council in early 2023.</p>
27	Ordinance to ban vaping in the City	Montano	12/15/2020	
28	Consider Community Museum and Park on Main St.	Phan	8/20/2019	to Rules Subcommittee 8/23/2019. Moved to Specific Plan Community Conversation events.



# CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Accept the Report for Key 2022 Approved State Laws Impacting Municipal Operations and an Update on 2023 State and Federal Earmark Requests (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012)</b>
<b>Category:</b>	Consent Calendar-Leadership and Support Services
<b>Meeting Date:</b>	6/6/2023
	<u>Recommendation:</u> Accept the report for Key 2022 Approved State Laws impacting municipal operations and the 2023 State and Federal Legislative Earmark requests.

### **BACKGROUND:**

On May 18, 2021, the City Council approved the [Legislative Advocacy Policy Guiding Principles](#). The Policy establishes clear guidelines for advancing City goals and positions through legislative review and advocacy at the regional, state, and federal levels of government and provides guidance for City officials who serve on regional, state, and national boards, committees, and commissions when they are asked to review public policy matters and issues.

On September 6, 2022, the Mayor and City Council directed staff to issue a request for proposals for Federal and State legislative advocacy services. In January 2023, the City contracted with Kiley & Associates for these services, the primary areas of focus for this contract include:

- Tracking pending legislation and issues that could be impactful or important to the City;
- Advocating or opposing legislation that significantly impacts the City; and
- Engaging with State and Federal agencies to expedite reimbursement for expenditures, clarify administrative rulings, advocate for funding requests, etc..

Kiley & Associates specializes in advocacy at the Federal level, and they have partnered with the firm of Gonsalves & Sons to provide the City with specific advocacy and expertise at the State level.

During calendar year 2022, the City took formal positions on eighteen bills that were heard at the State level. The status of each of these bills along with the potential impact is included in the analysis section of this agenda report.

On April 10, 2023 (Attachment 1), an informational memorandum was published that summarized the status of one time funding or “earmark” requests that the City has made to State and Federal representatives in calendar year 2023. An update on the status of these requests is included in the analysis section of this agenda report.

### **ANALYSIS:**

Legislation and issues of interest are brought to the City’s attention through several means: League of California Cities, National League of Cities, Cities Association of Santa Clara County, Councilmembers, legislators, City staff, community members, the City’s legislative advocacy consultant, and professional or governmental organizations. Per the Council Policy, all legislation or issues of interest are referred to the City Manager’s Office.

According to the 2022 League of California Cities Legislative Report, lawmakers introduced over 2,100 bills, and Cal Cities tracked and engaged on 1,430 bills representing about two-thirds (61%) of all bills introduced. Of the 2,145 bills introduced, both chambers of the legislature approved 1,148 bills and the Governor signed 997 bills, or 86%, into law. However, only a fraction of these new laws directly affect municipal operations.

**2022 Legislative Advocacy Summary:**

Consistent with the [Legislative Advocacy Policy Guiding Principles](#), the City submitted 18 legislative advocacy letters supporting or opposing legislation. A summary of the outcomes of these bills is provided in the below table. Of the 10 bills that the City supported, 7 were chaptered and 3 were either “dead or vetoed”. Of the 8 bills that the City opposed, 6 were chaptered and 2 are “dead or vetoed”. Ultimately 9 of the 18 bills were consistent with the preferred direction of the City.

Position	Chaptered	Dead or Vetoed	Total
Support	7	3	10
Opposed	6	2	8
Total	13	5	18

Attachment 2 highlights key legislation grouped by City Service Areas (CSA), for bills upon which the City took official positions in 2022, or were referred to the City as impactful bills through our legislative consultants or other methods. Potential impacts to City operations and any courses of action that have been, or will need to be, taken is also summarized in the attachment.

**State and Federal Earmark Funding requests**

As indicated in the April 10, 2023 informational memorandum (Attachment 1), the City received \$5.5 million in earmark funding in 2022 as follows:

1. Carbon Neutral Homes Incentive Program (\$3 million from Representative Ro Khanna’s office);
2. Homelessness Prevention and Unhoused Services (\$1.5 million from Assemblymember Alex Lee’s office);
3. Bike Lanes Facility Enhancement Project (\$1 million from Assemblymember Alex Lee’s office)

Staff submitted additional funding requests in 2023 for various projects. The table below provides a description of each project or program along with a current status of the funding requests. Staff expected to hear on the final status of these funding requests by Fall 2023.

Project or Program	Description	Status
Main Street Lighting project	A key shovel ready priority project in this area for the City to continue spurring economic development is the Main Street lighting project. This project consists of design and construction of street lights and signal improvements along Main Street from Carlo to Great Mall Parkway and is estimated at \$7.8 million. The project will be built in three phases. Design is completed for the first phase (Carlo to Corning) and the construction is estimated at \$2.4 million. The City requested support for the construction funding (\$2.4 million) for this first phase of the project.	Representative Ro Khanna has submitted a request for Federal funding for this project and Assemblymember Alex Lee has submitted a State request for funding for this project.
Milpitas SMART	In alignment with the City of Milpitas’s adopted Climate Action Plan ( <a href="#">Milpitas-CAP-Final-Addm.pdf</a> ), this program is an app-based local transit service that provides convenient, affordable and on-demand connection for residents, visitors and businesses in Milpitas. Further information can be found here: <a href="https://www.milpitas.gov/smart">https://www.milpitas.gov/smart</a> .	No funding requests were submitted by State or Federal representatives for this project
Milpitas Urban Search and Rescue	In 2000, the Milpitas Fire Department acquired a heavy rescue apparatus (USAR-86). The primary mission of a heavy rescue apparatus is to provide the Fire Department with a multifunction apparatus that has the ability to carry and rapidly deploy, the thousands of pounds of heavy rescue equipment required to manage the myriad of Special Operations and Technical Rescue Incidents that an urban “all hazards” fire department can be expected to respond to. The current equipment is at the end of its useful life. The City has allocated nearly \$400,000 for this equipment. The City requested support for all or a portion of the remaining funding (\$1.2 million) necessary to purchase the new equipment.	Senator Alex Padilla has submitted a Federal funding request for this project
Milpitas Public	In alignment with the City of Milpitas’ adopted Climate Action Plan, the Public Safety Microgrid Project installs a combined solar-microgrid-battery system at the facility that houses the City’s Police Station, 911 Call Center,	Both Senators Dianne Feinstein and Alex Padilla has submitted a

Safety Microgrid	Public Works and Information Technology Departments. This will ensure that these facilities can function during power shutdowns/outages and reduce Green House Gas emissions on a daily basis. The City requested support for all or a portion of the \$3.1 million necessary for implementation of this project.	Federal funding request for this project
Cardoza Park Softball Fields	The Milpitas North Valley Police Athletic League Softball League, formerly known as Milpitas North Valley Bobby Sox, has offered inclusive softball activities for 400 Milpitas youth annually for 24 years focusing on giving young girls in our community the confidence and leadership skills to succeed in life, while also being active and healthy using the fundamentals of athletics. For most of the program's life, it was held at the Russell Middle School Bobby Sox fields, owned by the Milpitas Unified School District (MUSD). In 2021, MUSD started to renovate the Russell Middle School fields for multi-use play with a track, soccer field, and small softball field. To support the continuation of softball league activities, the City temporarily transitioned the PAL Softball Program to Dixon Landing Park Sports fields. Aside from the youth players and their families, thousands of interleague players and spectators stretching from San Lorenzo to the Central Valley, visit Milpitas for team play, scrimmages, and tournaments.	No funding requests were submitted by State or Federal representatives for this project

**FISCAL IMPACT:**

Any fiscal impact will be identified when the implementation of a particular legislation requires Council approval or funding.

**California Environmental Quality Act (CEQA):**

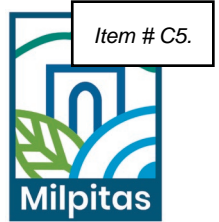
By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA.

**RECOMMENDATION:**

Accept the Report for Key 2021 Approved State Laws Impacting Municipal Operations

**Attachment(s):**

- Attachment 1 – April 10, 2023 Info Memo
- Attachment 2 – 2022 Legislative Bill Summary



# MEMORANDUM

Office of the City Manager

**DATE:** April 10, 2023  
**TO:** Mayor and Council  
**THROUGH:** Ashwini Kantak, Acting City Manager *Ashwini Kantak*  
**FROM:** Matt Cano, Deputy City Manager  
**SUBJECT:** 2023 Federal and State Funding Requests

This Information Memorandum provides the Mayor and City Council with a summary of requests that staff has made to the City of Milpitas' Federal and State elected representatives for one-time project funding as part of the current Federal and State budget process.

## Background

As part of the Federal and State Government's annual budget processes, the City of Milpitas' elected Federal and State representatives often initiate a request for "Community Projects." This process allows cities such as Milpitas to request one-time funding for projects and/or programs outside of the normal grant-seeking process. Last year, the City of Milpitas received funding through this process for the following projects and programs:

- Carbon Neutral Homes Incentive Program (\$3 million from Representative Ro Khanna's Office)
- Homelessness Prevention and Unhoused Services (\$1.5M from Assemblymember Alex Lee)
- Bike Lanes Facility Enhancement Project (\$1 million from Assemblymember Alex Lee)

In February and March 2023, Senator Alex Padilla, Senator Dianne Feinstein, and Representative Ro Khanna issued a request for projects. Each of the federally elected officials provided the City of Milpitas with a different due date for submittals, ranging from March 3<sup>rd</sup> (Padilla) to March 17<sup>th</sup> (Khanna). At the State level, it is still unclear as to whether there will be a "call for projects" this year given the State budget deficit. However, as described further below, staff and our consultants have provided a project priority list to Senator Aisha Wahab and Assemblymember Alex Lee's offices in case State funding does become available.

## Analysis

Staff was provided with a very tight turnaround time to submit requests. Given this tight timeline, staff reviewed and consulted the following resources in order to determine the projects that could have the best opportunity to receive funding:

- Review of the City Council Adopted 2023-2027 Capital Improvement program to identify City Council approved projects with insufficient funding, with a focus on construction projects that are "shovel ready;"
- Review of prior City Council priority workplan items and direction;
- Review of underfunded projects or programs which the City has invested in that are in need of additional funding;
- Consultation with the City of Milpitas' Federal and State legislative advocacy consultants;



- Phone calls with staff members of elected officials;
- Review of the guidelines sent by the elected officials regarding projects eligible to receive funding.

After a careful review of the potential projects and programs combined with feedback from the staff members of elected officials and the City's legislative advocacy consultants, staff has submitted the following projects to our elected officials for consideration.

1. **Main Street Lighting Project:** The Milpitas Gateway-Main Street Specific Plan will shape the continued transformation of an auto-oriented area to a vibrant, mixed-use, and more pedestrian-oriented community that includes housing, retail, entertainment, commercial and park spaces, and a safe and attractive pedestrian and bicycle network. Further planning information can be found here: <https://www.milpitasmainstreet.org>. A key shovel ready priority project in this area for the City to continue spurring economic development is the Main Street lighting project. This project consists of design and construction of streetlights and signal improvements along Main Street from Carlo to Great Mall Parkway and is estimated at \$7.8 million. The project will be built in three phases. Design is completed for the first phase (Carlo to Corning) and the construction is estimated at \$2.4 million. The City requested support for the construction funding (\$2.4 million) for this first phase of the project.
2. **Milpitas SMART:** In alignment with the City of Milpitas's adopted Climate Action Plan ([Milpitas-CAP-Final-Addm.pdf](#)), this program is an app-based local transit service that provides convenient, affordable and on-demand connections to the Great Mall, City Hall, Milpitas Transit Center and VTA light rail stops. Further information can be found here: <https://www.milpitas.gov/smart>. Current funding allows operations through calendar year 2023. Additional funding of up to \$1.6 million would enable an extension of this program and allow time to develop a sustainable funding model for this ongoing program.
3. **Milpitas Urban Search & Rescue:** In 2000, the Milpitas Fire Department acquired a heavy rescue apparatus (USAR-86). The primary mission of a heavy rescue apparatus is to provide the Fire Department with a multifunction apparatus that has the ability to carry and rapidly deploy, the thousands of pounds of heavy rescue equipment required to manage the myriad of Special Operations and Technical Rescue Incidents that an urban "all hazards" fire department can be expected to respond to. The current equipment is at the end of its useful life. The City has allocated nearly \$400,000 for this equipment. The City requested support for all or a portion of the remaining funding (\$1.2 million) necessary to purchase the new equipment.
4. **Milpitas Public Safety Microgrid:** In alignment with the City of Milpitas' adopted Climate Action Plan, the Public Safety Microgrid Project installs a combined solar-microgrid-battery system at the facility that houses the City's Police Station, 911 Call Center, Public Works, and Information Technology Departments. This will ensure that these facilities can function during power shutdowns/outages and reduce Green House Gas emissions on a daily basis. The City requested support for all or a portion of the \$3.1 million necessary for implementation of this project.
5. **Cardoza Park Softball Fields:** The Milpitas North Valley Police Athletic League Softball League, formerly known as Milpitas North Valley Bobby Sox, has offered inclusive softball activities for 400 Milpitas youth annually for 24 years focusing on giving young girls in our community the confidence and leadership skills to succeed in life, while also being active and healthy using the fundamentals of athletics. For most of the program's life, it was held at the Russell Middle School Bobby Sox fields, owned by the Milpitas Unified School District (MUSD). In 2021, MUSD started to renovate the Russell Middle School fields for multi-use play with a track, soccer field, and small

softball field. To support the continuation of softball league activities, the City temporarily transitioned the PAL Softball Program to Dixon Landing Park Sports fields. Aside from the youth players and their families, thousands of interleague players and spectators stretching from San Lorenzo to the Central Valley, visit Milpitas for team play, scrimmages, and tournaments.

In December 2021, the City Council approved the City’s Parks Master Plan, which provides for four softball fields to ensure a permanent home for Milpitas softball activities. As part of the FY 2023-2027 Capital Improvement Program, the City Council has allocated \$800,000 towards project design. Remaining costs are estimated at \$7 million. The City requested support for all or a portion of the estimated remaining cost.

Based upon consultation with the staff members of some of the elected officials as well as the City of Milpitas’ Federal and State advocacy consultants, not all projects were submitted to every elected official. The below table provides a summary of which projects or programs were submitted to each elected official for consideration of funding:

Project or Program	United States Senator Dianne Feinstein	United States Senator Alex Padilla	United States Representative Ro Khanna	State Senator Aisha Wahab and State Assemblymember Alex Lee
Main Street Lighting project			X	X
Milpitas SMART			X	X
Milpitas Urban Search and Rescue	X	X	X	X
Milpitas Public Safety Microgrid	X	X	X	X
Cardoza Park Softball Fields				X

**Next Steps**

The timeline for decisions on these funding allocations is unknown at this time. Staff will keep the Mayor and City Council informed of any significant progress.

**Attachment 2  
2022 Legislation Summary**

Item # C5.

Number	Title	Description	City 2022 Position	Bill Status	City Policy Area	City Direct Services Impact and Action Plan
<b>Leadership and Strategic Support</b>						
1	SB 1127 (Atkins): Workers' Compensation: Liability Presumptions.	Would fundamentally alter longstanding rules and timeframes for determining eligibility for workers' compensation claims and would increase systemic friction and litigation. This measure would also impose massive new penalties on employers.	Oppose	Chaptered	5. Protect and Increase Local Funding, No Unfunded Mandates	The largest direct impact to the City is the increase in compensated wage replacement for cancer related workers compensation claims from 104 weeks to 240 weeks. This increase is for Fire and Police personnel only. The City contracts with a third party administrator (TPA) for processing and analysis of workers compensation claims. The City's TPA tracked, monitored, and has implemented this new guidance in their administration of the City's Worker's Compensation Plan.
2	AB 2449: Open meetings: local agencies: teleconferences	Current law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.	none	Chaptered	Not relevant as no position was taken	The City has already implemented plans to comply with the requirements of AB 2449. The City Clerk tracks Councilmember requests to participate pursuant to these provisions, and, with the City Attorney, reports results to the City Council.
3	SB 1100: Open meetings: orderly conduct.	Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This bill would authorize the presiding member of the legislative body conducting a meeting or their designee to remove, or cause the removal of, an individual for disrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning to the individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to cease their behavior may result in their removal. The bill would authorize the presiding member or their designee to then remove the individual if the individual does not promptly cease their disruptive behavior. The bill would define "disrupting" for this purpose.	none	Chaptered	Not relevant as no position was taken	Language should be incorporated into the agenda template, and the Council Handbook if needed, providing notice that disruptive attendees may be removed from the meeting. The presiding officer should be familiar with provisions of this chapter or they may designate someone to act on their behalf. The act is silent on who may be designated leaving it open for the presiding officer to designate existing staff that may already be in attendance at the meeting.

**Attachment 2  
2022 Legislation Summary**

Item # C5.

Number	Title	Description	City 2022 Position	Bill Status	City Policy Area	City Direct Services Impact and Action Plan
4	AB 2181: Santa Clara Valley Transportation Authority	Would, on or after July 1, 2023, revise the membership of the board of directors to instead consist of two representatives of the county who are community members and appointed by the president of the board of supervisors with board of supervisors approval, five representatives of the other cities in the county, including at least two community members and two council members or mayors of those cities, elected through a ranked choice voting process by the city council of those cities, as specified	Oppose	Dead	1. Protect Local Control	Not applicable as bill was not approved
5	Campaign contributions: agency officers.	The Political Reform Act of 1974 prohibits an officer of an agency from accepting, soliciting, or directing a contribution of more than \$250 from any party, participant, or a party or participant's agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for 3 months following the date a final decision is rendered in the proceeding, if the officer knows or has reasons to know that the participant has financial interest, as defined. The act also prohibits a party, participant, or participant's agent from making a contribution of more than \$250 to an officer of the agency during the proceeding and 3 months following the date a final decision is rendered. The act defines "agency" for these purposes to mean any state or local government agency, except certain entities, including local government agencies whose members are directly elected by the voters. This bill would remove the exception for local government agencies, thereby subjecting them to the prohibition described above. The bill would extend the prohibition on contributions from 3 to 12 months following the date a final decision is rendered in the proceeding. The bill would permit an officer who does not willfully and knowingly accept, solicit, or direct a prohibited contribution to cure the violation by returning it. The bill would require the party to a proceeding to disclose whether the party or the party's agent has made a contribution of more than \$250 in the 12 months before the proceeding.	none	Chaptered	Not relevant as no position was taken	There is existing procedure to enforce SB 1439 in City Council meetings requiring the Mayor and Councilmembers to self report any contributions that would subject them to the provisions of this act in open session.
<b>Community Services and Sustainable Infrastructure</b>						
6	AB 1985: Organic Waste: Recovered Organic Waste Product Procurement Targets: List of Available Products.	Would assist local governments implementing the state's organic waste diversion targets by: 1) phasing in over two years the SB 1383 procurement requirements, 2) adding clarity to what projects and products count towards the procurement requirements, and 3) allow local jurisdictions to use organic waste processed out of state for the purposes of meeting procurement targets.	Support	Chaptered	8. Promote Livability and Environmental Stewardship	Funding has been allocated into the Proposed Fiscal Year 2023-2024 Budget to provide technical consulting support for procurement strategy development
7	AB 2440: Responsible Battery Recycling Act of 2022.	Would require producers of batteries and battery-embedded products to establish a stewardship program for the collection, transportation, recycling, and the safe and proper management of batteries or battery-embedded products in California.	Support	Chaptered	8. Promote Livability and Environmental Stewardship	Staff will monitor the development of the stewardship program and, when available, will include information on collection locations on City website.
8	AB 2208: Fluorescent Lamps: Sale and Distribution: Prohibition.	Would prohibit, on or after January 1, 2024, a screw or bayonet base type compact fluorescent lamp, as defined, and, on and after January 1, 2025, a pin-base type compact fluorescent lamp or a linear fluorescent lamp, as defined, from being offered for final sale, sold at final sale, or distributed in this state as a new manufactured product with certain medically necessary lamps exempted.	Support	Chaptered	8. Promote Livability and Environmental Stewardship	No impact on City. All City Facility lighting has been converted to LED.

**Attachment 2  
2022 Legislation Summary**

Item # C5.

Number	Title	Description	City 2022 Position	Bill Status	City Policy Area	City Direct Services Impact and Action Plan
9	SB 1046: Solid Waste: Pre-Checkout Bags.	Would prohibit, on or after January 1, 2025, a store, as defined, by providing a precheckout bag to a customer if the bag is not either a compostable bag or a recycled paper bag.	Support	Chaptered	8. Promote Livability and Environmental Stewardship	Staff will coordinate with countywide messaging and education as these new requirements take effect Jan 1, 2025.
10	SB 1215: Electronic Waste Recycling Act of 2003: Covered Battery-Embedded Products.	(1) Would expand the definition of "covered electronic device" to include a "covered battery-embedded product," as defined, thereby expanding the scope of the act to include all covered battery-embedded products, as provided. (2) Would require a consumer, on or after January 1, 2026, to pay a covered battery-embedded waste recycling fee.	Support	Chaptered	8. Promote Livability and Environmental Stewardship	No impact on City. Will be implemented on a statewide level by CalRecycle and Department of Toxic Substances Control.
11	SB 54: Solid waste: reporting, packaging, and plastic food service ware	The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. The act requires disposal facility operators to submit information to the department on the disposal tonnages that are disposed of at the disposal facility, and requires solid waste handlers and transfer station operators to provide information to disposal facility operators for purposes of that requirement. The act requires recycling and composting operations and facilities to submit periodic information to the department on the types and quantities of materials that are disposed of, sold, or transferred to other recycling or composting facilities or specified entities. This bill would provide that these reporting requirements do not apply to materials that are used by facilities defined as end users pursuant to the regulations adopted by the department or that are otherwise exempt pursuant to those regulations.	none	Chaptered	Not relevant as no position was taken	No impact on City. Will be implemented on a statewide level by CalRecycle.
12	SB 619: Organic waste: reduction regulations: local jurisdiction compliance	Current law requires the State Air Resources Board to complete, approve, and implement a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state to achieve, among other things, a reduction in the statewide emissions of methane by 40%. Current law requires the methane emissions reduction goals to include specified targets to reduce the landfill disposal of organics. Current law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations to achieve those targets for reducing organic waste in landfills, and authorizes those regulations to require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction, to authorize local jurisdictions to impose penalties on generators for noncompliance, and to include penalties to be imposed by the department for noncompliance. This bill would authorize a local jurisdiction facing continuing violations that commence during the 2022 calendar year of those regulations to submit to the department no later than March 1, 2022, a notification of intent to comply, as prescribed.	none	Chaptered	Not relevant as no position was taken	The City did not submit a Notice of Intent to Comply [with SB 1383] to CalRecycle per the March 1, 2022 deadline. The City is complying with almost all SB 1383 requirements and making good faith efforts on the procurement requirements. There was no benefit to submitting the Notice of Intent to Comply.

**Attachment 2  
2022 Legislation Summary**

Item # C5.

Number	Title	Description	City 2022 Position	Bill Status	City Policy Area	City Direct Services Impact and Action Plan
13	AB 2784: Solid Waste: Thermoform Plastic Containers: Postconsumer Thermoform Recycled Plastic.	(1) Would require, effective January 1, 2025, that the total thermoform plastic containers sold or imported by a producer on average, contain specified amounts of postconsumer thermoform recycled plastic per year and no less than 20% to 30% postconsumer recycled plastic per year on and after July 1, 2030, based on certain conditions. (2) Would also exempt from these requirements, as specified, thermoform plastic containers used to package dairy products under certain conditions.	Support	Vetoed	8. Promote Livability and Environmental Stewardship	Not applicable as bill was not approved
14	SB 1256: Waste Management: Disposable Propane Cylinders.	Would, on or after January 1, 2028, prohibit the sale or offer of disposable propane cylinders.	Support	Vetoed	8. Promote Livability and Environmental Stewardship	Not applicable as bill was not approved
<b>Public Safety</b>						
15	SB 1087: Vehicles: Catalytic Converters.	Would limit who can legally sell and purchase a detached catalytic converter and would make a violation of this law an infraction punishable with a fine between \$1,000 to \$5,000.	Support	Chaptered	2. Support Efforts to Keep Milpitas Safe	Impact to staff is unclear. Who will be responsible for enforcement is unclear. Theoretically the law will reduce catalytic converter thefts by requiring more accountability for auto shops
16	AB 1740: Catalytic Converters	Would require a core recycler to include additional information in the written record, including the year, make, and model of the vehicle from which the catalytic converter was removed and a copy of the title of the vehicle from which the catalytic converter was removed.	Support	Chaptered	2. Support Efforts to Keep Milpitas Safe	Impact to staff is unclear. Who will be responsible for enforcement is unclear. Theoretically the law will reduce catalytic converter thefts by requiring more accountability.
17	AB 1613: Theft: jurisdiction.	Would establish the jurisdiction of a criminal action brought by the Attorney General for theft, organized retail theft, or receipt of stolen property as including the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense. The bill would also, if multiple offenses of theft or other specified crimes all involving the same defendant or defendants and the same merchandise, or the same defendant or defendants and the same scheme or substantially similar activity, occur in multiple jurisdictions, establish that any of those jurisdictions is a proper jurisdiction for all of the offenses. The bill would extend jurisdiction to all associated offenses connected together in their commission to the underlying theft offenses.	none	Chaptered	Not relevant as no position was taken	No significant impact to City services. Allows for more criminal culpability and accountability related to ORT
18	SB 100: Law Enforcement Agencies: Radio Communications.	Would require law enforcement agencies to, by no later than January 1, 2024, ensure public access to the radio communications of that agency.	Oppose	Dead	2. Support Efforts to Keep Milpitas Safe	Not applicable as bill was not approved
19	AB 2407: Vehicle Tampering: Theft of Catalytic Converters	(1) Would require a core recycler to report the information collected to the chief of police or the sheriff, as prescribed, and to request to receive theft alert notifications regarding the theft of catalytic converters from a specified theft alert system. (2) Would require a core recycler to obtain the thumbprint of a seller of a catalytic converter and to preserve the thumbprint for a period of two years, except as specified.	Support	Dead	2. Support Efforts to Keep Milpitas Safe	Not applicable as bill was not approved
<b>Community Development</b>						

**Attachment 2  
2022 Legislation Summary**

Item # C5.

Number	Title	Description	City 2022 Position	Bill Status	City Policy Area	City Direct Services Impact and Action Plan
20	AB 916: Accessory Dwelling Units.	(1) Would require cities to increase the height maximum of ADUs from 16 to 18 feet on all parcels and to 25 feet for multifamily or single-family parcel located within a half mile of transit. (2) Would add a provision which sets a minimum height requirement of 25 feet for ADUs that are attached to a primary single-family residence.	Oppose	Chaptered	1. Protect Local Control	The City Council adopted an Urgency Ordinance on December 6, 2022, to ensure consistency between the City's ADU regulations and State ADU law.
21	AB 2011: Affordable Housing and High Road Jobs Act of 2022.	Would require nearly all cities to ministerially approve, without condition or discretion, certain affordable and mixed-use housing developments in areas of a city where office, retail, or parking are principally allowed regardless of any inconsistency with a local government's general plan, specific plan, zoning ordinance, or regulation.	Oppose	Chaptered	1. Protect Local Control	The City has not received any applications for new development under AB2011. A comprehensive Zoning Ordinance update is currently underway and will address requirements of new legislation.
22	AB 2097: Residential and Commercial Development: Parking Requirements.	Would prohibit a local government from imposing or enforcing a minimum automobile parking requirement on specified residential, commercial, or other developments, if the development is located on a parcel within one-half mile of public transit.	Oppose	Chaptered	1. Protect Local Control	The City has not received any applications for new development under AB2097. A comprehensive Zoning Update is currently underway and will address requirements of new legislation.
23	SB 6: Local Planning: Housing Commercial Zones.	Would create a new process allowing residential development on certain commercial and industrial sites, including allowing qualifying projects to use the streamlined application procedures of Senate Bill 35 (Wiener, 2017).	Oppose	Chaptered	1. Protect Local Control	The City has not received any applications for new development under SB6. The City would use the same process used for SB35 projects.
24	SB 897: Accessory Dwelling Units.	Would require cities to allow ADUs to be constructed with a height of up to 25 feet, within one half mile of a major transit stop or high-quality bus corridor and permit constructed ADUs that are in violation of state building standards and in violation of local zoning requirements.	Oppose	Chaptered	1. Protect Local Control	The City Council adopted an Urgency Ordinance on December 6, 2022, to ensure consistency between the City's ADU regulations and State ADU law.
25	AB 2221: Accessory dwelling units.	Current law requires a local ordinance to require an accessory dwelling unit to be either attached to, or located within, the proposed or existing primary dwelling, as specified, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. This bill would specify that an accessory dwelling unit that is detached from the proposed or existing primary dwelling may include a detached garage.	none	Chaptered	Not relevant as no position was taken	The City Council adopted an Urgency Ordinance on December 6, 2022, to ensure consistency between the City's ADU regulations and State ADU law.
26	SB 1186: Medicinal Cannabis Patients' Right of Access Act	Would enact the Medicinal Cannabis Patients' Right of Access Act, which, on and after January 1, 2024, would prohibit a local jurisdiction from adopting or enforcing any regulation that prohibits the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by medicinal cannabis businesses, as defined, or that has the effect of prohibiting the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers in a timely and readily accessible manner and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction, as specified. The bill, on and after January 1, 2024, would provide that the act may be enforced by an action for writ of mandate brought by a medicinal cannabis patient or their primary caregiver, a medicinal cannabis business, the Attorney General, or any other party otherwise authorized by law.	none	Chaptered	Not relevant as no position was taken	Ord. 298 (adopted by Council on 1/5/2019) states that to the fullest extent allowed by State law, the ban on commercial cannabis uses also prohibits the operation of a cannabis delivery service to customers in the City of Milpitas, including those deliveries originating from a physical location outside of the City. AB 1186 will likely force the City to allow for cannabis delivery companies outside the City limits to delivery to Milpitas customers. Staff will review the municipal code and return to the City Council at a later date with any potential changes to the Municipal Code resulting from AB 1186.

**Attachment 2  
2022 Legislation Summary**

Item # C5.

Number	Title	Description	City 2022 Position	Bill Status	City Policy Area	City Direct Services Impact and Action Plan
27	SB 1338: Community Assistance, Recovery, and Empowerment (CARE) Court Program	Would, contingent upon the State Department of Health Care Services developing an allocation to provide financial assistance to counties, enact the Community Assistance, Recovery, and Empowerment (CARE) Act, which would authorize specified adult persons to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan and implement services, to be provided by county behavioral health agencies, to provide behavioral health care, including stabilization medication, housing, and other enumerated services to adults who are currently experiencing a severe mental illness and have a diagnosis identified in the disorder class schizophrenia and other psychotic disorders, and who meet other specified criteria. The bill would require the Counties of Glenn, Orange, Riverside, San Diego, Stanislaus, and Tuolumne and the City and County of San Francisco to implement the program commencing October 1, 2023, and the remaining counties to commence no later than December 1, 2024. The bill would require the Judicial Council to develop a mandatory form for use in filing a CARE process petition and would specify the process by which the petition is filed and reviewed, including requiring the petition to be signed under penalty of perjury, and to contain specified information, including the facts that support the petitioner’s assertion that the respondent meets the CARE criteria.	none	Chaptered	Not relevant as no position was taken	While this has no direct service level impact on the City, it could be helpful in managing the City's unhoused population by providing another tool to assist residents in need of care.





# CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>American Rescue Plan Act (ARPA) Workforce Development Program Funding (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046; and Margaret Tamisiea, Senior Special Projects Associate, 408-586-3047)</b>
<b>Category:</b>	Consent Calendar-Community Development
<b>Meeting Date:</b>	6/6/2022
	<u>Recommendation:</u> Approve American Rescue Plan Act (ARPA) Workforce Development grant for Milpitas Unified School District’s Adult Education Career Training Center to support workforce development programming and education services in the amount of \$30,000.00.

### **BACKGROUND:**

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

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

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

The Evergreen Valley College Cloud Practitioner Program did not proceed due to key college staff changes, and thus only \$100,000 was utilized from the initial funding tranche. On February 21, 2023, the City Council approved \$70,000 for Milpitas Youth Force for summer 2023 based on the success of the summer 2022 program. Of the remaining \$130,000 for workforce development programs, staff recommends granting \$30,000 to the Milpitas Unified School District (MUSD) Adult School for their Career Training Center.

### **ANALYSIS:**

Based on City Council direction, staff has identified suitable programs to achieve the City Council’s objectives to facilitate workforce development recovery through ARPA grants to beneficiaries that are working to address the negative economic impacts from COVID-19. Staff has identified a beneficiary that is providing workforce programs and career pathways to assist Milpitas residents that have been negatively impacted by COVID-1.

## **Milpitas Unified School District Adult Education**

Milpitas Adult Education has been serving the community since 1954 as a public school for adults. Currently, Milpitas Adult Education is the only adult school serving the Milpitas community. The school's curriculum is aligned with state-mandated standards for adult schools.

The Adult Education School provides instructional programs and services at the Career Training Center for those reentering the workforce. The center serves as a pathway to provide ongoing learning opportunities for adults and focuses on educational courses that will lead to sustainable future employment. The Career Training Center is expected to be a part of MUSD's Innovation Campus and programming will commence in August 2023.

The Career Training Center will offer 4-week workshops, training sessions, and open labs that include:

1. Resume Writing
2. Financial Literacy
3. Open Computer Lab (typing lab/typing test/Servsafe testing)
4. Microsoft Word and Google Documents Training
5. Business Fundamentals Workshop
6. Career Focused Workshops
7. Transition Specialist Services (30 min appointment slots)

The program focuses on:

1. Connecting students and community members with resource access to receive job placement assistance and job development workshops.
2. Providing links to adult education teachers to deliver upskilling, retooling, and career and job search.
3. Placement services and resources to enable students (who are Milpitas residents) to reach their individual potential and employment goals.

Milpitas Adult Education's Career Training Center has aligned its curriculum with current occupations and job skills identified in the NOVAWorks presentation to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Advisory Committee on Employment by Occupation, which took place on February 27, 2023. The following are occupations identified and addressed at the Career Training Center:

1. Computer Occupations
2. Retail Sales Workers
3. Food and Beverages Serving Workers
4. Information and Record Clerks
5. Secretaries and Administrative Assistants
6. Preschool, Elementary, Middle, Secondary and Special Education Paraprofessionals
7. Other Office and Administrative Support Workers
8. Cooks and other food preparation and serving related workers

The approximate number of people receiving services is projected at 180 people per 4-week session. This translates to a total of 720 people for a 16-week period (not considering duplicate enrollment and assuming that all services are attended at full capacity and attendance).

These ARPA workforce development programs complement the Office of Economic Development's Workforce Development and Education Strategy under the May 5, 2020, adopted Economic Development Strategy, which outlines broader trends, opportunities, and concerns around the future of the local workforce, with an emphasis on building skills and opportunities for Milpitas residents.

Staff recommends investing \$30,000 of the ARPA funds to support the Career Training Center. The center's programs will serve underrepresented Milpitas residents. For additional information, see Attachment A.

Staff will return to the City Council over the next few months with recommendations for allocating the remaining \$100,000 of the ARPA Workforce Development funding.

**FISCAL IMPACT:**

The ARPA Workforce Development programs are fully funded under the City Council's ARPA Economic Vitality Investment Framework. The City Council approved the ARPA Economic Vitality Investment Framework and allocated a total of \$300,000 for workforce development programs. The first tranche of funding has been dispersed. The second tranche will be dispersed in 2023. The staff recommendation for this Agenda Report is to grant a total of \$30,000 to the Milpitas Unified School District (MUSD) Adult School for their Career Training Center.

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

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

**RECOMMENDATION:**

Approve American Rescue Plan Act (ARPA) Workforce Development grant for Milpitas Unified School District's Adult Education Career Training Center to support workforce development programming and education services in the amount of \$30,000.

**Attachment:**

A. Milpitas Unified School District's Adult Education Career Training Center Proposal



## Attachment A

# MILPITAS UNIFIED SCHOOL DISTRICT

### Adult Education Programs

## I Introduction

Milpitas Adult Education has been serving the community since it was established in 1954 as a public school for adults. Currently, Milpitas Adult Education is the only adult school serving the city of Milpitas as part of the city's unified school district. As such, our curriculum is aligned to state-mandated standards for adult schools. We are also proud to be a Western Association of Schools and Colleges accredited school.

The COVID-19 health crisis has impacted our community with uncertainty and unemployment. Since 1982, with the closure of the Ford Motor Company plant, Milpitas Adult Education has responded to the needs of displaced workers by providing upskilling services.

We propose to continue expanding these services through a permanent Career Training Center which will reside and operate on the premises of Milpitas Adult Education. We are currently offering many of these services in a shared space. We are excited to bring this to the Milpitas Innovation Campus in August of 2023.

**The City of Milpitas ARPA funds directed** to authorize five Investment Areas including diverse programs to directly help the residents and businesses. The Office of Economic Development and Workforce Development is focused on various programming categories that include at-risk youth, youth and adult, green/sustainable jobs, childcare workforce and to partner with the unhoused population on community beautification.

## II The Proposal

### Career Training Center

This center is designed to deliver instructional and resource services as an equitable and flexible response for those reentering the workforce. Milpitas Adult Education views this extraordinary opportunity as a pathway to endless learning opportunities and a priority on connecting education to sustainable future employment.

The program will provide instructional services and resources, including

1. 4-week sessions will have a variety of workshops/training sessions or open labs:
  - a. Resume Writing
  - b. Financial Literacy
  - c. Open computer lab (typing lab/typing test/Servsafe testing)
  - d. Microsoft Word/Google Docs Training
  - e. Business Fundamentals Workshop
  - f. Career Focused Workshops
  - g. Transition Specialist services (30 min appointment slots)

Assuming full capacity, the total approximate number of people receiving services is projected at 180 people per 4-week session. This translates to a total of 720 people per 16-week period (not taking into account duplicate enrollment and assuming that all services are attended at full capacity and attendance).

2. Connect students and community members with resource access to receive job placement assistance and job development workshops; and
3. Provide links to adult education teachers to deliver upskilling, retooling and career and job search
4. Placement services and ensure that City of Milpitas resources enable students to reach their individual potential and employment goals.

The program will be an outreach linkage to the community of underserved and underrepresented Milpitas residents, including the immigrant population, attending schools in our region.

**Milpitas Adult Education's proposed Career Training Center** will serve the above stated target population and has aligned its curriculum with current occupations and job skills identified in the NOVAWorks presentation to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Advisory Committee on Employment by Occupation. The following are occupations identified and addressed in our proposed Career Training Center:

1. Computer Occupations
2. Retail Sales Workers
3. Food and Beverages Serving Workers
4. Information and Record Clerks
5. Secretaries and Administrative Assistants
6. Preschool, Elementary, Middle, Secondary and Special Education Paraprofessionals
7. Other Office and Administrative Support Workers
8. Cooks and other food preparation and serving related workers

The Career Training Center will provide Job-ready skills

- a. Computer skills (keyboarding, basic desktop navigation)
- b. Preparation for typing certification for employment
- c. Microsoft tools and Google tools for the workplace
- d. Communication skills (email and verbal)
- e. Resume-writing and cover letter preparation workshops; resume review, interview preparation
- f. Job search skills; career interest planning
- g. Business Fundamentals including workplace math, reading, and writing skills
- h. Financial literacy
- i. Parenting
- j. Bi-annual workshops in Small Business skills
- k. Bi-annual workshops in Personal Management and life skills for success.

See the Career Training Center offering [here](#).

### **About the Services**

These services will be provided at a dedicated center on MAE premises, equipped with state-of-the-art instructional technology.

A sample schedule can be viewed here: [MAE Career Training Center Sample Calendar 2023](#)

### **Measurable Project Outcomes**

The measurable outcome goals for each learner will be determined by their own skills and personalized plan. The monthly IPL (individual personalized plan) can be assessed in any of the following multiple measures:

- 1) Individual academic and career goal setting
- 2) Retention and persistence rate/students
- 3) Telling the story and displaying selected work recognizing student achievement/goals
- 4) Presentations for outside sources like cc., apprenticeships, guest speakers, motivational speakers.
- 5) Participation in Reentry job training
- 6) Students transitioning to dually enrolled programs in community colleges
- 7) Number of students obtaining job interviews
- 8) Job placements.
- 9) **Job Fair in October of 2023**

MAE's history of successful [Job Fair September 2021 and October 2022.](#)

### **Marketing the Career Training Center**

MAE has an active presence in the Milpitas community. Our marketing program includes social media via Facebook, Milpitas Chat, Instagram, the SBCAE (South Bay Consortium for Adult Education) as well as leaning on community CBOs to share information.

The measurable outcome goals for each learner will be determined by their own skills and personalized plan. The monthly IPL (individual personalized plan) can be assessed in any of the following multiple measures:

- 10) Individual academic and career goal setting
- 11) Retention and persistence rate/students
- 12) Telling the story and displaying selected work recognizing student achievement/goals
- 13) Presentations for outside sources like cc., apprenticeships, guest speakers, motivational speakers.
- 14) Participation in Reentry job training
- 15) Students transitioning to dually enrolled programs in community colleges
- 16) Number of students obtaining job interviews
- 17) Job placements.

### **Looking ahead and plans for future services:**

In the future, MAE envisions the Career Training Center as the single location that encompasses education,

hands on computer lab experiences and a childcare center facility. Milpitas residents have identified childcare as one of their major barriers. Having a childcare center on site will allow job seekers to have the peace of mind that their children are in a safe location while they learn.

**Budget Proposal for 1 school year (10 months)**

Career Center Facilitator	\$11,000.00
Clerical Support Staff	\$ 5,000.00
Desktop Computers plus hardware for installation; loaded With MSOffice Software (5 units) Typing software such as Mavis Beacon, Typesy	\$ 5,900.00
Career Training Center – supplies including certification paper, resume paper, copy paper, printer/copy machine, toner cartridges, pens/pencils, file folders, labels, headphones, dry erase markers	\$ 5,000.00
Workshop training materials	\$ 3,000.00
<b>TOTAL</b>	<b>\$30,000.00</b>

**Milpitas Adult Education’s in-kind contributions for the Career Training Center**

- Include: Volunteers from our Adult Ed classes
- Volunteers for onboarding applicants
- Adult Ed volunteers to translate in other languages
- Adult Ed facility use
- Custodial support covered from Adult Ed budget
- One-time \$25.00 application program participation (waived)
- CalWORKs funds for eligible students



# CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Adopt a Resolution Granting Acceptance of Delano Manongs Park Sports Field (Formerly known as McCandless Park Sports Field), Project No. 5102, Authorizing the City Engineer to File a Notice of Completion, and Authorize the City to Issue a Notice of Final Acceptance after the One-Year Warranty (Staff Contact: Michael Silveira, Capital Improvement Program Manager, 408-586-3303)</b>
<b>Category:</b>	Consent Calendar-Community Development
<b>Meeting Date:</b>	6/6/2023
	<u>Recommendation:</u> Adopt a resolution granting acceptance of Delano Manongs Park Sports Field (formerly known as McCandless Park Sports Field), Project No. 5102 authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance after the one-year warranty.

**Background:**

On June 7, 2022, the City Council awarded a construction contract to Marina Landscape Inc. for the Delano Manongs Park Sports Field (formerly known as McCandless Park Sports Field), Project No. 5102 (“Project”) in the amount of \$594,000.00. The Project is part of the new 4-acre City park on McCandless Drive adjacent to the Mabel Mattos Elementary School. It provides for the construction of a sports field jointly used by the City and Milpitas Unified School District. On April 18, 2023, the City Council approved the name of “Delano Manongs” for the park as recommended by the Ad Hoc City Council Naming Subcommittee.

The Park is planned to be constructed in three phases where, on May 16, 2023, City Council accepted the improvements of the first phase including play areas, community garden, butterfly garden, picnic areas, small dog play area, pathways, restrooms and maintenance facilities, irrigation and landscaping, and potable water well and park utility infrastructure. The second phase is the construction of joint use sports field including the installation of natural grass, sports field lightings, chain link fences, storm drain improvements, and landscaping and irrigation which is now complete. Phase 3 will construct the large dog play area after installation of the potable water well above ground facilities. The anticipated start date for construction of phase 3 2024.

**Analysis:**

The Project, Phase 2 of the Park, was completed within budget, however experienced several schedule delays primarily as a result of COVID-19 and construction supply chain impacts. Phase 1 of the park opened in May 2023 and Phase 2 of the park is scheduled to open in early June 2023. Staff recommends that City Council adopt a Resolution (**Attachment 1**) granting acceptance of the Project and authorizing the City Engineer to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code. Staff also recommends the City Council authorize the City Engineer to issue a notice of final acceptance after the one-year warranty period without further City Council action, provided that all warranty work is completed to the satisfaction of the City Engineer.

**Policy Alternative:**

Alternative: Do not adopt Resolution and deny Project acceptance, deny filling a notice of completion and not begin the one-year warranty.

Pros: None



**Cons:** A denial would result in the City being unable to commence the one-year warranty, release the retention to the Contractor and release any funds remaining back into the Project budget.

**Reason not Recommended:** Denial would result in the City being unable to close out the Project and release any funds remaining back into the Project budget.

**Fiscal Impact:**

No additional funding is requested for Phase 2 of the park as the project is now complete. Public Works Department budget for maintenance and operations of this project will be considered during the annual budget development.

**California Environmental Quality Act:**

In accordance with California Environmental Quality Act Guidelines Section 15164, an Addendum to the June 3, 2008 Transit Area Specific Plan Environmental Impact Report to address minor changes and additions was created and adopted by the City Council on February 4, 2020.

**Recommendations:**

Adopt a resolution granting acceptance of Delano Manongs Park Sports Field (formerly known as McCandless Park Sports Field), Project No. 5102 authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance after the one-year warranty.

**Attachments:**

Attachment 1: Resolution

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS GRANTING ACCEPTANCE OF DELANO MANONGS PARK SPORTS FIELD (FORMERLY KNOWN AS MCCANDLESS PARK SPORTS FIELD), PROJECT NO. 5102**

**WHEREAS**, the City of Milpitas has heretofore entered into a contract with Marina Landscape Inc, for Delano Manongs Park Sports Field (formerly known as McCandless Park Sports Field), Project No. 5102, in the amount of \$594,000.00 (“Project”), and the City Engineer of the City of Milpitas has recommended acceptance of said improvement as completed in accordance with plans, specifications and approved change orders and correction lists, and in accordance with the final inspection of said City Engineer.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas does hereby accept said improvement as completed on this 6<sup>th</sup> day of June, 2023, and does hereby authorize and direct the City Engineer of the City of Milpitas to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code of the State of California, and does hereby authorize and direct the City Engineer to file a Certificate of Completion in accordance with the provisions of Section 4005 of the Government Code of the State of California, if said work was by day’s labor or force account.
3. The City Council authorizes the City Engineer to issue the Notice of Final Acceptance after the one-year warranty period without further City Council action, provided all required warranty repairs are completed to the satisfaction of the City Engineer; and nothing herein contained shall in any way be deemed to be a waiver, release or relinquishment by City of any obligations imposed upon the contractor or its surety, or sureties, by law or by the above-referenced improvement contract, save and except those obligations specifically mentioned herein.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED:

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

Recording Requested by and  
When Recorded Mail to:

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

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

CITY OF MILPITAS  
NOTICE OF COMPLETION  
(Civil Code Section 9204)

NOTICE IS HEREBY GIVEN:

1. On or about June 7, 2022, the City Council of the City of Milpitas, a municipal corporation of the State of California, whose address is City Hall, 455 East Calaveras Boulevard, Milpitas, California, 95035 (as owner) entered into a contract for work of: **Delano Manongs Park Sports Field (formerly known as McCandless Park Sports Field), Project No. 5102.**
2. A description of the site of which the City is co-owner for said work of improvement is: **1650 McCandless Drive** in the City of Milpitas, Santa Clara County, California, more particularly described on the plans.
3. The name and address of the direct contractor is: **Marina Landscape Inc, 3707 W. Garden Grove Blvd, Orange, CA 92868.**
4. A general statement of the kind of work done or materials furnished to the City is as follows: **The Project provides for installation of natural grass, sports field lightings, chain link fences, storm drain improvements, and landscaping and irrigation.**
5. Said work of improvement was accepted by the Milpitas City Council as complete on \_\_\_\_\_, 2023.

\*\*\*\*\*

I, the undersigned, declare that I am the **City Engineer** of the City of Milpitas and am authorized to execute the foregoing Notice of Completion and this Verification thereof. I have read the foregoing Notice of Completion. I declare under penalty of perjury that the foregoing Notice of Completion is true and correct. Executed on \_\_\_\_\_, 2023 at Milpitas, California.

\_\_\_\_\_  
Matt Cano, Deputy City Manager/Interim City  
Engineer, City of Milpitas

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



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to Joseph J Albanese, Inc for Street Resurfacing 2023 Project No. 4283, 4303, 4304; and Approve Budget Change Form (Staff Contact: Matt Cano, Deputy City Manager 408-586-3012)</b>
<b>Category:</b>	Consent Calendar-Community Services and Sustainable Infrastructure
<b>Meeting Date:</b>	6/6/2023
	<u>Recommendation:</u> Adopt a resolution to approve project plans & specifications; award the construction contract to the lowest responsible, and responsive bidder, Joseph J. Albanese Inc, in the amount of \$2,899,299.75 for the Street Resurfacing Project No. 4283, 4303, 4304; Authorize the City Manager to execute the construction contract with Joseph J. Albanese Inc; Authorize the Engineering Director/City Engineer to negotiate and execute Contract Change Order(s) in an aggregate amount not to exceed \$434,894.96 for the project; and Approve the Budget Change Form to appropriate funding for CP 4303 and CP 4304.

**BACKGROUND:**

Project No. 4283, 4303, 4304, Street Resurfacing Project 2023 is in the City Council approved 2023-2027 Capital Improvement Program. The Project provides for the design and construction of localized repair of asphalt concrete pavement, resurface asphalt concrete pavement, install Americans with Disabilities Act (ADA) compliant curb ramps, repair damaged concrete sidewalk, driveways, or curb & gutter, install class II bike lanes, and reinstall pavement delineation.

Project No’s. 4283, 4303, 4304 provided funding for the design of the 2024 Street Resurfacing Project, and the Plans and Specifications for construction are complete and now ready for City Council approval. The following streets are included in the Street Resurfacing 2023 Project and will receive pavement and concrete repairs during the Spring/Summer 2023 construction season:

- N Park Victoria Drive from Bolton Drive to Jacklin Road,
- Kennedy Drive from N. Park Victoria Drive to Fanyon Street,
- Mt Shasta Avenue from Dempsey Road to S Park Victoria Drive
- the entire lengths of:
  - Bolton Drive, Churchill Drive, Wellington Drive, Stratford Drive, Devon Place, Sussex Place, Kirkwall Place, Stirling Drive, London Drive, Hastings Drive, Inverness Drive, Berkshire Place, Baron Place, Wessex Place, Canterbury Place, Cardiff Place, Ann Place, Princess Place, Hampton Court, Carson Way, El Camion Higuera, Zamora Court, Nicklaus Avenue, Berg Court, Ranklin Drive, Creed Street, Selwyn Drive, Shirley Drive, and Edsel Drive

The Engineer’s Construction Estimate for the project was approximately \$3,138,226.88, and the Project Plan title sheet (**Attachment 1**) is included in the Council’s agenda packet. The complete full-size set of plans and specifications are available for review in the office of the City Engineer.

**ANALYSIS:**

The City has a Pavement Condition Index (PCI) rating of 70, “Good Condition”. The project streets are selected based on the recommendations from the Metropolitan Transportation Commission (MTC) Pavement Management Program to maintain and improve the overall city pavement condition. The project was advertised on May 5, 2023 and May 12, 2023 in the Milpitas Post and on digital construction trade publications. Bid opening was on May 23, 2023 and 5 sealed bid proposals were received. The basis for awarding contract is the Total Base Bid.

The lowest responsible and responsive bidder based on Total Base Bid is Joseph J. Albanese, Inc, in the amount of \$2,899,299.75.

No bid protests were filed with the City in regard to this project.

The City Engineer’s Estimate for the Project was approximately \$3,138,226.88 and the following is a tabulation of bidders and bids received. The bid result tabulation is included as (Attachment 3).

Bidder	Base Bid
Joseph J. Albanese, Inc	\$2,899,299.75
DeSilva Gates Construction	\$2,966,966.00
Radius Earthwork Inc	\$3,187,700.00
Roadway Construction	\$3,287,287.00
O’Grady Paving Inc	\$3,667,847.00

Total Bid pricing received varies between 7% under and 17% over the Engineer’s Estimate. The range of variation in bid pricing from the Engineer’s Estimate is likely due to the current construction market where contractors are hungry for work due to recovery from the pandemic.

The Contractor, Joseph J. Albanese, Inc, is deemed the lowest responsible and responsive bidder. Staff recommends City Council adopt a Resolution (Attachment 2) to award a construction contract for a total contract amount of \$2,899,299.75.

Staff recommends a construction contingency amount of \$434,894.96 (15%) of the awarded contract amount. The construction contingency will allow for a timely completion of the Project, while addressing the need to respond swiftly to construction conditions and approve necessary change orders in order to limit potential claims or risks to the City. Staff also recommends authorizing the Engineering Director/City Engineer to negotiate and execute any contract change orders in an aggregate amount not to exceed \$434,894.96. The change order authority will not exceed this amount, and the Project would not require additional appropriation.

Budget Change

**California State Bill 1 Road Maintenance and Rehabilitation Account (SB1 RMRA) Funding**

SB1 RMRA was signed into law in April 2017 to address statewide transportation infrastructure maintenance funding shortfalls. The distribution of SB1 RMRA funds to local jurisdictions for road maintenance is based on a population formula. The City received an increase in the allocated amount for California State Bill 1 Road Maintenance and Rehabilitation Account (SB1 RMRA) funds, and staff requests budget appropriation of these funds for projects.

The currently adopted fiscal year 2021-2022 SB1 funding for CP4303 is \$1,567,170. The actual SB1 funding received for fiscal year 2021-2022 was \$1,557,259.63 with interest accrued of \$17,634.53. There was also interest accrued in fiscal year 2019-2020 in the amount of \$29,551.96 that was not appropriated but could be used for projects. Staff is requesting a budget appropriation of \$37,276.12 in SB1 funding of CP4303 to account for the (\$9,910.37) difference in projected allocation compared to the actual allocation received, and the \$47,186.49 interest accrued to CP 4303 to capture all available funding for project expenditures. The current SB1 funding estimate for fiscal year 2022-2023 is \$1,778,739 while the adopted budget is \$1,444,414. Staff is requesting a budget appropriation of \$334,325 to CP4304 to capture all eligible expenditures that may be used towards these funds.

The approval of a Budget Change (Attachment 4) amending the budgets for Project No.’s 4303 and 4304 to match the SB1 allocations received is recommended. The alignment of Project budgets showing the actual grant funding received is required for use of the funding and in order to qualify all Project expenditures for reimbursement.

The following is a summary of the requested Budget Appropriations for the Project:

Project No. 4303	Current Adopted Budget	Proposed Budget Increase/(Decrease)	Proposed Budget Total
SB1 RMRA	\$1,567,170	\$37,276.12	\$1,604,446.12
Measure B	\$1,877,344	-	\$1,877,344
Vehicle Registration Fee	\$764,432	-	\$764,432
Gas Tax	\$91,054	-	\$91,054
<b>Total</b>	<b>\$4,300,000</b>	<b>\$37,276.12</b>	<b>\$4,337,276.12</b>

Project No. 4304	Current Adopted Budget	Proposed Budget Increase/(Decrease)	Proposed Budget Total
SB1 RMRA	\$1,444,414	\$334,325	\$1,778,739
Measure B	\$1,677,560	-	\$1,677,560
Vehicle Registration Fee	\$500,000	-	\$500,000
Gas Tax	\$378,026	-	\$378,026
<b>Total</b>	<b>\$4,000,000</b>	<b>\$334,325</b>	<b>\$4,334,325</b>

**POLICY ALTERNATIVE(S):**

**Alternative 1:**

Deny approval of project plans and specifications, award of the construction contract, of the requested budget change

Pros: None.

Cons: A denial would cause delay in awarding this Project and in completing the needed annual repairs and rehabilitation of the City’s roadways.

Reason for Not Recommending: A delay in the award this construction contract will delay project completion, prolong construction activities into rainy season and may potentially results in higher total construction cost, and loss of grant funding.

**FISCAL IMPACT:**

Adequate funds are available in the budgets for Project No.’s 4283, 4303, and 4304 to construct this project, and no additional funding is required. The approval of a Budget Change (**Attachment 4**) amending the budgets for Project No.’s 4303 and 4304 to match the SB1 allocations received is recommended. The alignment of Project budgets showing the actual grant funding received is required for use of the funding and in order to qualify all Project expenditures for reimbursement.

Available funding for the Project upon approval of attached budget change and resolution:

Project No. 4283	\$236,724
Project No. 4303	\$1,478,051.88
Project No. 4304	\$ 3,919,325.00
<b>Total Balance Available</b>	<b>\$5,634,100.88</b>

Summary of Estimated Construction Cost:

Joseph J. Albanese, Inc	\$2,899,299.75
20% Contingency	\$434,894.96
<b>Total</b>	<b>\$3,334,194.71</b>

**California Environmental Quality Act (CEQA):**

The project is exempt under Section 15301 (Existing Facilities) of the CEQA guidelines. A Notice of Exemption (NOE) was filed with the County of Santa Clara on January 31,2023.

**RECOMMENDATION:**

Adopt a resolution to:

1. Approve Project Plans and Specifications;
2. Award the Construction Contract to the Lowest Responsible, and Responsive Bidder, Joseph J. Albanese Inc, in the amount of \$2,899,299.75 for the Street Resurfacing 2023 Project, Project No. 4283, 4303, and 4304
3. Authorize the City Manager to Execute the Construction Contract with Joseph J. Albanese Inc.
4. Authorize the Engineering Director/City Engineer to Negotiate and Execute Contract Change Order(s) in an Aggregate Amount Not to Exceed \$434,894.96 for the project.
5. Approve the Budget Change Form to Appropriate Funding for CP 4303 and 4304.

**Attachment(s):**

- Attachment 1 – Project Plan Title Sheet
- Attachment 2 – Resolution
- Attachment 3 – Bid Tabulation
- Attachment 4 – Budget Change Form
- Attachment 5 – Construction Change Order Policy



FUNDED IN PART BY:

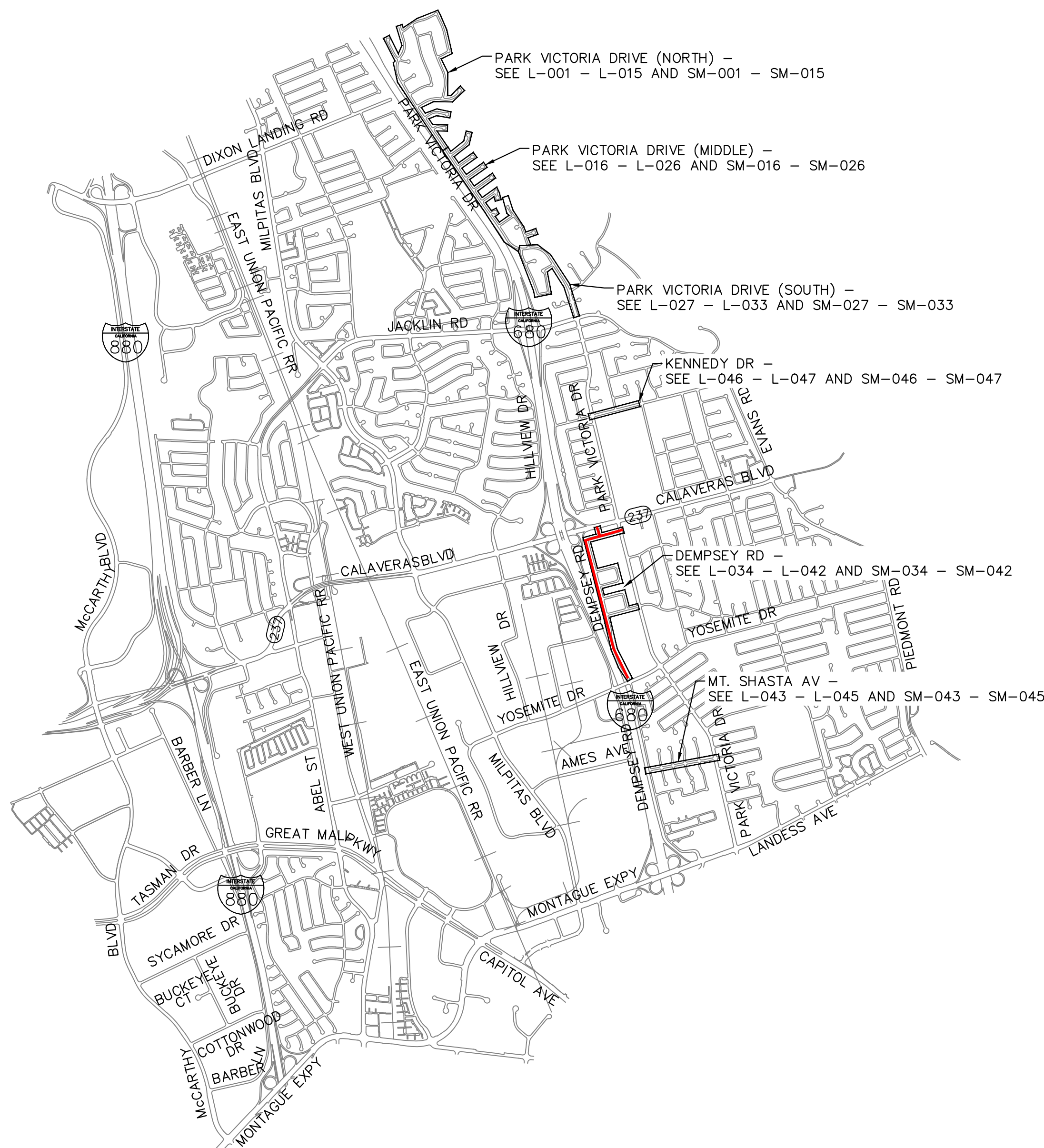


ABBREVIATIONS:

Table of abbreviations including AB (Aggregate Base), AC (Asphalt Concrete), ADJ (Adjust), AP (Angle Point), ARV (Air Release Valve), ASB (Aggregate Subbase), Beg (Begin), BFP (Backflow Preventer), BO (Blow Off), BW (Back of Walk), CB (Catch Basin), CL (Center Line), CL (Class), C&G (Curb & Gutter), CONC (Concrete), COM (City of Milpitas), CY (Cubic Yards), DI (Drainage Inlet), DIP (Ductile Iron Pipe), DWG (Drawing), Dwy (Driveway), EC (End Curve), EL (Elevation), Elect (Electrical), EP (Edge of Pavement), ETW (Edge of Traveled Way), Exist, (E) (Existing), FC (Face of Curb), FDC (Fire Department Connection), FG (Finish Ground), FH (Fire Hydrant), FO (Fiber Optic), FC, FOC (Face of Curb), FS (Finished Surface), FT (Feet), Gas (Gas Line), GB (Grade Break), GV (Gate Valve), HDPE (High Density Polyethylene), HMA (Hot Mix Asphalt), IN (Inches), INV (Invert), JT (Joint Trench), LG (Lip of Gutter), MH (Manhole), MOD (Modified), NB (North Bound), NTS (Not to Scale), SB (South Bound), SC (Sawcut), SD (Storm Drain), SDDI (Storm Drain Drainage Inlet), SDMH (Storm Drain Manhole), SF (Square Feet), SHLD (Shoulder), SS (Sanitary Sewer), SSMH (Sanitary Sewer Manhole), STA (Station), STD (Standard), SW (Sidewalk), TC (Top of Curb), Tele (Telephone), TG (Top of Grate), Typ, TYP (Typical), Var, VAR (Varies), VCP (Vitrified Clay Pipe), WM (Water Meter), WS (Welded Steel Pipe), O.C. (On Center), OG (Original Ground), OH (Overhead), (P) (Proposed), PCC (Portland Cement Concrete), POC (Point of Curve), POT (Point of Tangency), PL (Property Line/Plastic), PPB (Pedestrian Push Button), PRC (Point of Reverse Curve), PRF (Pavement Reinforcing Fabric), RAC (Rubberized Asphalt Concrete), RCP (Reinforced Concrete Pipe), RET (Retaining), RP (Reduced Pressure Backflow Device), R/W (Right of Way).

CITY OF MILPITAS STREET RESURFACING 2023 CITY PROJECT No. 4283, 4303, 4304

1 .WORK ON DEMPSEY WAY AND DEMPSEY ROAD IS NOT PART OF THE PROJECT



DRAWING INDEX table with columns: SHEET #, SHEET TITLE, DESCRIPTION. Lists sheets 1 through 110 with their respective titles and descriptions, including Title Sheet, General Notes, Key Map, Cross Sections, Layout Plans, and Construction Details.

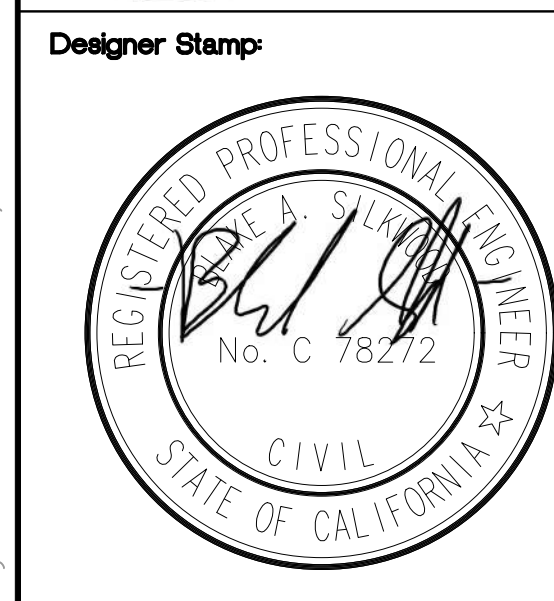
\*DENOTES MODIFICATION ON PLANSHEET

PROJECT DESCRIPTION:

THE STREET RESURFACING 2023 PROJECT CONSISTS OF REHABILITATING VARIOUS STREETS THROUGHOUT THE CITY WITHIN THE LIMITS AS SHOWN ON THESE PLANS. STREET RESURFACING SHALL INCLUDE AC DIGOUT/REPAIR, AND MICROSURFACING OR GRIND/OVERLAY WHERE REQUIRED. IN ADDITION, MINOR CONCRETE WORK: UPGRADING EXISTING CURB RAMPS TO COMPLY WITH CURRENT ADA REQUIREMENTS; CURB AND GUTTER REPAIR; STRIPING; AND ADJUSTING UTILITY COVERS TO FINISHED GRADE SHALL BE COMPLETED ACCORDING TO THESE PLANS AND ALL ASSOCIATED CONTRACT DOCUMENTS.

NOTE: CONTRACTOR'S LICENSE A PRIME CONTRACTOR BIDDING ON THIS PROJECT SHALL POSSESS A CLASS A OR C12 LICENSE FROM THE CONTRACTOR'S STATE LICENSE BOARD.

Taylor.Brown Jan 10, 2023 6:53pm K:\SJC\_TRANS\097384008 - Milpitas PR 2023\Design\Sheets\G-001.dwg



Record Drawings section with fields for Designer, Public Works Inspector, Utility/Facility Dept. Head, Project Engineer, Public Improvements Initially Accepted by, and the City Council.

Revisions table with columns: Num., Description, Engr. Aprv., Date. Includes one revision entry.

City of Milpitas Engineering Division logo and title block. Includes project name 'STREET RESURFACING 2023', project numbers '4283, 4303, 4304', title 'TITLE SHEET', and signatures of Steve M. Chan and Steven P. Erickson with dates.



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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE PROJECT PLANS AND SPECIFICATIONS, AWARDING THE CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, JOSEPH J. ALBANESE, INC, IN THE AMOUNT OF \$2,899,299.75 FOR THE STREET RESURFACING PROJECT 2023, CITY PROJECT NO. 4283, 4303 & 4304; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT WITH JOSEPH J. ALBANESE, INC; AUTHORIZING THE ENGINEERING DIRECTOR/CITY ENGINEER TO NEGOTIATE AND EXECUTE CONTRACT CHANGE ORDER(S) IN AN AGGREGATE AMOUNT NOT TO EXCEED \$434,894.96 FOR THE PROJECT; AND APPROVE THE BUDGET CHANGE FORM TO APPROPRIATE FUNDING FOR CP 4303 AND 4304**

**WHEREAS**, Street Resurfacing Project 2023, City Project No. 4283, 4303, 4304 (collectively referred to herein as the “Project”), which will include localized repair of asphalt concrete pavement, resurface asphalt concrete pavement, install ADA compliant curb ramps, repair damaged concrete sidewalk, repair curb & gutter, install new class II bike lanes, and reinstall pavement delineation,:

- N Park Victoria Drive from Bolton Drive to Jacklin Road,
- Kennedy Drive from N. Park Victoria Drive to Fanyon Street,
- and Mt Shasta Avenue from Dempsey Road to S Park Victoria Drive
- the entirety of: Bolton Drive, Churchill Drive, Wellington Drive, Stratford Drive, Devon Place, Sussex Place, Kirkwall Place, Stirling Drive, London Drive, Hastings Drive, Inverness Drive, Berkshire Place, Baron Place, Wessex Place, Canterbury Place, Cardiff Place, Ann Place, Princess Place, Hampton Court, Carson Way, El Camion Higuera, Zamora Court, Nicklaus Avenue, Berg Court, Ranklin Drive, Creed Street, Selwyn Drive, Shirley Drive, and Edsel Drive

**WHEREAS**, the Engineer’s Estimate for the base bid Project work is \$3,138,226.88; and

**WHEREAS**, on May 23, 2023, 5 sealed bid proposals were received. The bid pricing ranged from \$2,899,299.75 to \$3,667,847.00. The lowest responsible bidder submitting a responsive bid is Joseph J. Albanese, Inc, in the amount of \$2,899,299.75; and

**WHEREAS**, no bid protest was filed with the City within five (5) days of the bid opening as set forth in the Project specifications; and

**WHEREAS**, sufficient funds to award the Project are available in the Project budget; and

**WHEREAS**, staff recommends the City Council approve the project plans and specifications; and

**WHEREAS**, staff recommends the City Council award a construction contract to Joseph J. Albanese, Inc, the lowest responsible and responsive bidder for the Project, and authorize the City Manager to execute a contract in the amount of \$2,899,299.75 for the Street Resurfacing Project 2023, Project No. 4283, 4303 & 4304; and

**WHEREAS**, staff recommends the City Council authorize the Director of Engineering/City Engineer to negotiate and execute change order(s) in an amount not to exceed \$434,894.96, fifteen percent (15%) of the total contract value, due to the Project’s tight completion schedule and staff’s capability to respond swiftly to unanticipated construction conditions to limit potential claims or risk to the City; and

**WHEREAS**, staff recommends the City Council approve the budget change form to appropriate funding for CP 4303 and 4304.

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

- 1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
- 2. The City Council hereby approves the projects plans and specifications.
- 3. The City Council hereby awards the construction contract to and authorizes the City Manager to execute the contract and related documents with the lowest responsible and responsive bidder, Joseph J. Albanese, Inc, in the amount of 2,899,299.75 for the Street Resurfacing Project 2023, City Project No. 4283, 4303 & 4304.
- 4. The City Manager is hereby authorized to execute the construction contract with Joseph J. Albanese, Inc for the Project.
- 5. The Director of Engineering/City Engineer is hereby authorized to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$434,894.96 for the Project.
- 6. The City Council hereby approves the budget change form to appropriate funding for CP 4303 & 4304.

PASSED AND ADOPTED this \_\_\_\_ day of June, 2023 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 STREET RESURFACING 2023**  
**CITY PROJECT NO. 4283 & 4303 & 4304**  
**Bid Results from 05/23/2023 Bid Opening @ 2:00pm**

Lowest Apparent

BID ITEMS			TOTALS	Joseph J Albanese		DeSilva Gates Construction		Radius Earthwork		Roadway Construction		O'Grady Paving Inc	
ITEM NO	ITEM DESCRIPTION	UNIT	TOTAL QUANTITY	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization (10% Maximum)	LS	1	\$ 235,000.00	\$ 235,000.00	\$ 290,000.00	\$ 290,000.00	\$ 177,716.64	\$ 177,716.64	\$ 328,000.00	\$ 328,000.00	\$ 250,000.00	\$ 250,000.00
2	Neighborhood Notification	LS	1	\$ 25,000.00	\$ 25,000.00	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
3	Traffic Control	LS	1	\$ 275,000.00	\$ 275,000.00	\$ 330,365.00	\$ 330,365.00	\$ 135,000.00	\$ 135,000.00	\$ 256,905.00	\$ 256,905.00	\$ 350,000.00	\$ 350,000.00
4	Monument Referencing (incl. Pre-Construction and Post Construction)	LS	1	\$ 105,000.00	\$ 105,000.00	\$ 80,000.00	\$ 80,000.00	\$ 105,000.00	\$ 105,000.00	\$ 15,000.00	\$ 15,000.00	\$ 30,000.00	\$ 30,000.00
5	Water Pollution Control Program (WPCP)	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 20,000.00	\$ 20,000.00	\$ 12,000.00	\$ 12,000.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00
6	Hot Mix Asphalt	TON	2,145	\$ 131.00	\$ 280,995.00	\$ 180.00	\$ 386,100.00	\$ 159.00	\$ 341,055.00	\$ 170.00	\$ 364,650.00	\$ 350.00	\$ 750,750.00
7	Hot Mix Asphalt (Speed Hump)	SF	804	\$ 11.00	\$ 8,844.00	\$ 10.00	\$ 8,040.00	\$ 22.89	\$ 18,403.56	\$ 20.00	\$ 16,080.00	\$ 20.00	\$ 16,080.00
8	Microsurfacing	SY	98,300	\$ 3.75	\$ 368,625.00	\$ 3.60	\$ 353,880.00	\$ 4.00	\$ 393,200.00	\$ 4.00	\$ 393,200.00	\$ 4.60	\$ 452,180.00
9	Base Repair (3" Thick) (Includes 10% Contingency)	SF	47,796	\$ 4.50	\$ 215,082.00	\$ 4.50	\$ 215,082.00	\$ 7.20	\$ 344,131.20	\$ 8.00	\$ 382,368.00	\$ 7.00	\$ 334,572.00
10	Recompact Aggregate Base	SF	93,600	\$ 0.25	\$ 23,400.00	\$ 0.20	\$ 18,720.00	\$ 0.40	\$ 37,440.00	\$ 0.30	\$ 28,080.00	\$ 0.25	\$ 23,400.00
11	Asphalt Concrete Grinding (2")	SY	3,500	\$ 5.55	\$ 19,425.00	\$ 7.00	\$ 24,500.00	\$ 7.30	\$ 25,550.00	\$ 11.00	\$ 38,500.00	\$ 10.00	\$ 35,000.00
12	Asphalt Concrete Grinding (2.5")	SY	5,800	\$ 7.00	\$ 40,600.00	\$ 8.00	\$ 46,400.00	\$ 8.50	\$ 49,300.00	\$ 13.00	\$ 75,400.00	\$ 12.00	\$ 69,600.00
13	Asphalt Concrete Grinding (3")	SY	4,600	\$ 8.00	\$ 36,800.00	\$ 9.00	\$ 41,400.00	\$ 9.95	\$ 45,770.00	\$ 15.00	\$ 69,000.00	\$ 15.00	\$ 69,000.00
14	Install Curb Ramp (Case A, C, CH, and Custom)	EA	83	\$ 7,600.00	\$ 630,800.00	\$ 6,500.00	\$ 539,500.00	\$ 7,418.00	\$ 615,694.00	\$ 8,000.00	\$ 664,000.00	\$ 7,500.00	\$ 622,500.00
15	Curb & Gutter Removal and Replacement (Beyond Ramp Limits)	LF	304	\$ 105.00	\$ 31,920.00	\$ 95.00	\$ 28,880.00	\$ 109.25	\$ 33,212.00	\$ 120.00	\$ 36,480.00	\$ 100.00	\$ 30,400.00
16	Sidewalk Removal and Replacement	SF	1,367	\$ 24.00	\$ 32,808.00	\$ 22.00	\$ 30,074.00	\$ 29.00	\$ 39,643.00	\$ 25.00	\$ 34,175.00	\$ 25.00	\$ 34,175.00
17	Driveway Removal and Replacement	SF	1,399	\$ 33.00	\$ 46,167.00	\$ 30.00	\$ 41,970.00	\$ 39.00	\$ 54,561.00	\$ 33.00	\$ 46,167.00	\$ 35.00	\$ 48,965.00
18	Park Strip Removal and Replacement	SF	2,487	\$ 24.00	\$ 59,688.00	\$ 22.00	\$ 54,714.00	\$ 26.50	\$ 65,905.50	\$ 25.00	\$ 62,175.00	\$ 25.00	\$ 62,175.00
19	Adjust Valve Cover to Grade	EA	53	\$ 1,000.00	\$ 53,000.00	\$ 1,200.00	\$ 63,600.00	\$ 800.00	\$ 42,400.00	\$ 1,000.00	\$ 53,000.00	\$ 1,000.00	\$ 53,000.00
20	Adjust Manhole to Grade	EA	30	\$ 1,450.00	\$ 43,500.00	\$ 1,500.00	\$ 45,000.00	\$ 1,350.00	\$ 40,500.00	\$ 1,200.00	\$ 36,000.00	\$ 1,200.00	\$ 36,000.00
21	Utility Cover Replacement	EA	14	\$ 325.00	\$ 4,550.00	\$ 300.00	\$ 4,200.00	\$ 350.00	\$ 4,900.00	\$ 1,000.00	\$ 14,000.00	\$ 1,000.00	\$ 14,000.00
22	Manhole Pavement Repair	EA	8	\$ 1,450.00	\$ 11,600.00	\$ 1,800.00	\$ 14,400.00	\$ 650.00	\$ 5,200.00	\$ 1,500.00	\$ 12,000.00	\$ 1,500.00	\$ 12,000.00
23	Traffic Line (Detail 1)	LF	1,322	\$ 2.50	\$ 3,305.00	\$ 2.00	\$ 2,644.00	\$ 4.40	\$ 5,816.80	\$ 3.00	\$ 3,966.00	\$ 3.00	\$ 3,966.00
24	Traffic Line (Detail 8)	LF	302	\$ 2.50	\$ 755.00	\$ 2.00	\$ 604.00	\$ 4.40	\$ 1,328.80	\$ 3.00	\$ 906.00	\$ 3.00	\$ 906.00
25	Traffic Line (Detail 21)	LF	7,453	\$ 4.50	\$ 33,538.50	\$ 4.00	\$ 29,812.00	\$ 7.70	\$ 57,388.10	\$ 5.00	\$ 37,265.00	\$ 5.00	\$ 37,265.00
26	Not Used	LF	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27	Traffic Line (Detail 38A)	LF	405	\$ 4.00	\$ 1,620.00	\$ 3.00	\$ 1,215.00	\$ 4.40	\$ 1,782.00	\$ 3.00	\$ 1,215.00	\$ 4.00	\$ 1,620.00
28	Traffic Line (Detail 39)	LF	14,766	\$ 2.75	\$ 40,606.50	\$ 3.00	\$ 44,298.00	\$ 4.40	\$ 64,970.40	\$ 3.00	\$ 44,298.00	\$ 3.00	\$ 44,298.00
29	Traffic Line (Detail 39A)	LF	3,323	\$ 2.75	\$ 9,138.25	\$ 3.00	\$ 9,969.00	\$ 4.40	\$ 14,621.20	\$ 3.00	\$ 9,969.00	\$ 3.00	\$ 9,969.00
30	Pavement Marking (White)	SF	7,892	\$ 11.00	\$ 86,812.00	\$ 10.00	\$ 78,920.00	\$ 18.70	\$ 147,580.40	\$ 11.00	\$ 86,812.00	\$ 11.00	\$ 86,812.00
31	Pavement Marking (Yellow)	SF	1,527	\$ 11.00	\$ 16,797.00	\$ 10.00	\$ 15,270.00	\$ 18.70	\$ 28,554.90	\$ 11.00	\$ 16,797.00	\$ 11.00	\$ 16,797.00
32	Pavement Marking (Green)	SF	6,788	\$ 15.00	\$ 101,820.00	\$ 14.00	\$ 95,032.00	\$ 29.70	\$ 201,603.60	\$ 15.00	\$ 101,820.00	\$ 16.00	\$ 108,608.00
33	Paint Curb	LF	1,597	\$ 6.50	\$ 10,380.50	\$ 6.00	\$ 9,582.00	\$ 7.70	\$ 12,296.90	\$ 7.00	\$ 11,179.00	\$ 7.00	\$ 11,179.00
34	Blue Reflective Raised Pavement Marker	EA	57	\$ 39.00	\$ 2,223.00	\$ 35.00	\$ 1,995.00	\$ 50.00	\$ 2,850.00	\$ 40.00	\$ 2,280.00	\$ 40.00	\$ 2,280.00
35	Roadside Sign and Post	EA	26	\$ 575.00	\$ 14,950.00	\$ 550.00	\$ 14,300.00	\$ 1,200.00	\$ 31,200.00	\$ 600.00	\$ 15,600.00	\$ 600.00	\$ 15,600.00
36	Roadside Sign	EA	5	\$ 330.00	\$ 1,650.00	\$ 300.00	\$ 1,500.00	\$ 825.00	\$ 4,125.00	\$ 400.00	\$ 2,000.00	\$ 350.00	\$ 1,750.00
37	Portable Changeable Message Signs	EA	6	\$ 2,150.00	\$ 12,900.00	\$ 2,500.00	\$ 15,000.00	\$ 2,500.00	\$ 15,000.00	\$ 3,000.00	\$ 18,000.00	\$ 3,000.00	\$ 18,000.00
<b>Total Base Bid</b>				<b>\$ 2,899,299.75</b>	<b>\$ 2,899,299.75</b>	<b>\$ 2,966,966.00</b>	<b>\$ 2,966,966.00</b>	<b>\$ 3,187,700.00</b>	<b>\$ 3,187,700.00</b>	<b>\$ 3,287,287.00</b>	<b>\$ 3,287,287.00</b>	<b>\$ 3,667,847.00</b>	<b>\$ 3,667,847.00</b>
<b>Subcontractors</b>	Roadside Sign					Chrisp							
	Microsurfacing					Pavement Coatings Co	Bond Blacktop	Northwest Paving		Graham Contractors		Graham	
	Minor Concrete					Rosas	Spencon Construction	Jalos Construction		Precision Eng		Rosas	
	Striping					Chrisp	Chrisp	Sierra Traffic Marking		Chrisp		Chrisp	
	Milling/Grinding							ABSL Construction					
	Crack Seal					Pavement Coatings Co		Graham Contractors				Graham	
	Compaction Testing							Pavement Engineering					
	Traffic Control									Total Traffic Control			
	Surveying							Cunha Survey					

City of Milpitas, California

**BUDGET CHANGE FORM**

Type of Change	From (Credit)		To (Debit)	
	Account	Amount	Account	Amount
<b>Check one:</b>  <input checked="" type="checkbox"/> <b>Budget Appropriation</b>  <input type="checkbox"/> <b>Budget Transfer</b>	<b>225-2909</b> <b>311-951-4303-15-3849</b>	<b>\$37,276</b> <b>\$37,276</b>	<b>225-3939</b> <b>311-951-4303-1-4800</b>	<b>\$37,276</b> <b>\$37,276</b>
	<b>225-2909</b> <b>311-951-4304-15-3849</b>	<b>\$334,325</b> <b>\$334,325</b>	<b>225-3939</b> <b>311-951-4304-1-4800</b>	<b>\$334,325</b> <b>\$334,325</b>

Recommendation: Adopt a Resolution to Approve Project Plans & Specifications; Award the Construction Contract to the Lowest Responsible, and Responsive Bidder, Joseph J. Albanese Inc, in the amount of \$2,899,299.75 for the Street Resurfacing Project No. 4283, 4303, 4304; Authorize the City Manager to Execute the Construction Contract with Joseph J. Albanese Inc; Authorize the Engineering Director/City Engineer to Negotiate and Execute Contract Change Order(s) in an Aggregate Amount Not to Exceed \$434,894.96 for the Project; and Approve the Budget Change Form to Appropriate Funding for CP 4303 and CP 4304

**BACKGROUND:**

Project No. 4283, 4303, 4304, Street Resurfacing Project 2023 is in the City Council approved 2023-2027 Capital Improvement Program. The Project provides for the design and construction of localized repair of asphalt concrete pavement, resurface asphalt concrete pavement, install Americans with Disabilities Act (ADA) compliant curb ramps, repair damaged concrete sidewalk, driveways, or curb & gutter, install class II bike lanes, and reinstall pavement delineation.

Project No's. 4283, 4303, 4304 provided funding for the design of the 2024 Street Resurfacing Project, and the Plans and Specifications for construction are complete and now ready for City Council approval. The following streets are included in the Street Resurfacing 2023 Project and will receive pavement and concrete repairs during the Spring/Summer 2023 construction season:

- N Park Victoria Drive from Bolton Drive to Jacklin Road,
- Kennedy Drive from N. Park Victoria Drive to Fanyon Street,
- Mt Shasta Avenue from Dempsey Road to S Park Victoria Drive
- the entire lengths of:
  - Bolton Drive, Churchill Drive, Wellington Drive, Stratford Drive, Devon Place, Sussex Place, Kirkwall Place, Stirling Drive, London Drive, Hastings Drive, Inverness Drive, Berkshire Place, Baron Place, Wessex Place, Canterbury Place, Cardiff Place, Ann Place, Princess Place, Hampton Court, Carson Way, El Camion Higuera, Zamora Court, Nicklaus Avenue, Berg Court, Ranklin Drive, Creed Street, Selwyn Drive, Shirley Drive, and Edsel Drive

The Engineer's Construction Estimate for the project was approximately \$3,138,226.88, and the Project Plan title sheet (**Attachment 1**) is included in the Council's agenda packet. The complete full-size set of plans and specifications are available for review in the office of the City Engineer.

**ANALYSIS:**

The City has a Pavement Condition Index (PCI) rating of 70, "Good Condition". The project streets are selected based on the recommendations from the Metropolitan Transportation Commission (MTC) Pavement Management Program to maintain and improve the overall city pavement condition. The project was advertised on May 5, 2023 and May 12, 2023 in the Milpitas Post and on digital construction trade publications. Bid opening was on May 23, 2023 and 5 sealed bid proposals were received. The basis for awarding contract is on the Total Base Bid.

The lowest responsible and responsive bidder based on Total Base Bid is Joseph J. Albanese, Inc, in the amount of \$2,899,299.75.

No bid protests were filed with the City in regard to this project.

The City Engineer’s Estimate for the Project was approximately \$3,138,226.88 and the following is a tabulation of bidders and bids received. The bid result tabulation is included as (**Attachment 3**).

Bidder	Base Bid
Joseph J. Albanese, Inc	\$2,899,299.75
DeSilva Gates Construction	\$2,966,966.00
Radius Earthwork Inc	\$3,187,700.00
Roadway Construction	\$3,287,287.00
O’Grady Paving Inc	\$3,667,847.00

Total Bid pricing received varies between 7% under and 17% over the Engineer’s Estimate. The range of variation in bid pricing from the Engineer’s Estimate is likely due to the current construction market where contractors are hungry for work due to recovery from the pandemic.

The Contractor, Joseph J. Albanese, Inc, is deemed the lowest responsible and responsive bidder. Staff recommends City Council adopt a Resolution (**Attachment 2**) to award a construction contract for a total contract amount of \$2,899,299.75.

Staff recommends a construction contingency amount of \$434,894.96 (15%) of the awarded contract amount. The construction contingency will allow for a timely completion of the Project, while addressing the need to respond swiftly to construction conditions and approve necessary change orders in order to limit potential claims or risks to the City. Staff also recommends authorizing the Engineering Director/City Engineer to negotiate and execute any contract change orders in an aggregate amount not to exceed \$434,894.96. The change order authority will not exceed this amount, and the Project would not require additional appropriation.

Budget Change

**California State Bill 1 Road Maintenance and Rehabilitation Account (SB1 RMRA) Funding**

SB1 RMRA was signed into law in April 2017 to address statewide transportation infrastructure maintenance funding shortfalls. The distribution of SB1 RMRA funds to local jurisdictions for road maintenance is based on a population formula. The City received an increase in the allocated amount for California State Bill 1 Road Maintenance and Rehabilitation Account (SB1 RMRA) funds, and staff requests budget appropriation of these funds for projects.

The currently adopted fiscal year 2021-2022 SB1 funding for CP4303 is \$1,567,170. The actual SB1 funding received for fiscal year 2021-2022 was \$1,557,259.63 with interest accrued of \$17,634.53. There was also interest accrued in fiscal year 2019-2020 in the amount of \$29,551.96 that was not appropriated but could be used for projects. Staff is requesting a budget appropriation of \$37,276.12 in SB1 funding of CP4303 to account for the (\$9,910.37) difference in projected allocation compared to the actual allocation received, and the \$47,186.49 interest accrued to CP 4303 to capture all available funding for project expenditures. The current SB1 funding estimate for fiscal year 2022-2023 is \$1,778,739 while the adopted budget is \$1,444,414. Staff is requesting a budget appropriation of \$334,325 to CP4304 to capture all eligible expenditures that may be used towards these funds.

The approval of a Budget Change (**Attachment 4**) amending the budgets for Project No.’s 4303 and 4304 to match the SB1 allocations received is recommended. The alignment of Project budgets showing the actual grant funding received is required for use of the funding and in order to qualify all Project expenditures for reimbursement.

The following is a summary of the requested Budget Appropriations for the Project:

Project No. 4303	Current Adopted Budget	Proposed Budget Increase/(Decrease)	Proposed Budget Total
SB1 RMRA	\$1,567,170	\$37,276.12	\$1,604,446.12
Measure B	\$1,877,344	-	\$1,877,344
Vehicle Registration Fee	\$764,432	-	\$764,432
Gas Tax	\$91,054	-	\$91,054
<b>Total</b>	<b>\$4,300,000</b>	<b>\$37,276.12</b>	<b>\$4,337,276.12</b>

Project No. 4304	Current Adopted Budget	Proposed Budget Increase/(Decrease)	Proposed Budget Total
SB1 RMRA	\$1,444,414	\$334,325	\$1,778,739
Measure B	\$1,677,560	-	\$1,677,560
Vehicle Registration Fee	\$500,000	-	\$500,000
Gas Tax	\$378,026	-	\$378,026
<b>Total</b>	<b>\$4,000,000</b>	<b>\$334,325</b>	<b>\$4,334,325</b>

**POLICY ALTERNATIVE(S):**

**Alternative 1:**

Deny approval of project plans and specifications, award of the construction contract, of the requested budget change  
Pros: None.

Cons: A denial would cause delay in awarding this Project and in completing the needed annual repairs and rehabilitation of the City's roadways.

Reason for Not Recommending: A delay in the award this construction contract will delay project completion, prolong construction activities into rainy season and may potentially results in higher total construction cost, and loss of grant funding.

**FISCAL IMPACT:**

Adequate funds are available in the budgets for Project No.'s 4283, 4303, and 4304 to construct this project, and no additional funding is required. The approval of a Budget Change (**Attachment 4**) amending the budgets for Project No.'s 4303 and 4304 to match the SB1 allocations received is recommended. The alignment of Project budgets showing the actual grant funding received is required for use of the funding and in order to qualify all Project expenditures for reimbursement.

Available funding for the Project upon approval of attached budget change and resolution:

Project No. 4283	\$236,724
Project No. 4303	\$1,478,051.88
Project No. 4304	\$ 3,919,325.00
<b>Total Balance Available</b>	<b>\$5,634,100.88</b>

Summary of Estimated Construction Cost:

Joseph J. Albanese, Inc	\$2,899,299.75
20% Contingency	\$434,894.96
<b>Total</b>	<b>\$3,334,194.71</b>

**California Environmental Quality Act (CEQA):**

[The project is exempt under Section 15301 \(Existing Facilities\) of the CEQA guidelines. A Notice of Exemption \(NOE\) was filed with the County of Santa Clara on January 31,2023.](#)

**RECOMMENDATION:**

Adopt a resolution to:

1. Approve Project Plans and Specifications;
2. Award the Construction Contract to the Lowest Responsible, and Responsive Bidder, Joseph J. Albanese Inc, in the amount of \$2,899,299.75 for the Street Resurfacing 2023 Project, Project No.'s 4283, 4303, and 4304
3. Authorize the City Manager to Execute the Construction Contract with Joseph J. Albanese Inc.
4. Authorize the Engineering Director/City Engineer to Negotiate and Execute Contract Change Order(s) in an Aggregate Amount Not to Exceed \$434,894.96 for the project.
5. Approve the Budget Change Form to Appropriate Funding for CP 4303 and 4304.

**Attachment(s):**

- Attachment 1 – Project Plan Title Sheet
- Attachment 2 – Resolution
- Attachment 3 – Bid Tabulation
- Attachment 4 – Budget Change Form
- Attachment 5 – Construction Change Order Policy

Check if City Council Approval required.

**Meeting: June 6, 2023**

<b>Requested by:</b>	<b>Department Head:</b> Matt Cano	<b>Date:</b> June 6, 2023
<b>Reviewed by:</b>	<b>Finance Director:</b> Lauren Lai	<b>Date:</b> June 6, 2023
<b>Approved by:</b>	<b>Acting City Manager:</b> Ashwini Kantak	<b>Date:</b> June 6, 2023
<b>Date approved by City Council, if required:</b>		<b>Confirmed by:</b>



**Construction Change Order Policy for Street Resurfacing Project 2023, CP 4283, 4303, and 4304**

2007 City Council Approved Construction Change Order Policy

<b><u>Construction Award Award Amount</u></b>	<b><u>Individual Administrative Change Order Authority</u></b>	<b><u>Cumulative Change Order Authority</u></b>
Under \$50,000	\$5,000	\$7,500
Over \$50,000	10% of Award or \$25,000 whichever is smaller	15% of Award or \$100,000 whichever is smaller

**Street Resurfacing Project Street Resurfacing Project 2023, CP 4283, 4303, and 4304**

<b><u>Contract Award Amount</u></b>	<b><u>Individual Administrative Change Order Authority</u></b>	<b><u>Cumulative Change Order Authority</u></b>
\$2,899,299.75	N/A	\$434,894.96 (15%)



# CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Adopt Resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board Authorizing Investment of Monies in the Local Agency Investment Fund and Updating Officers' Information (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)</b>
<b>Category:</b>	Consent Calendar-Leadership and Support Services
<b>Meeting Date:</b>	6/6/2023
<b>Recommendation:</b>	Adopt two Resolutions of the Milpitas City Council and Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

### **Background:**

The City of Milpitas and the Milpitas Public Financing Authority (PFA) have been participating in the State's Local Agency Investment Fund (LAIF) since 1977. LAIF offers local agencies such as our City the opportunity to participate in a major portfolio administered by the State Treasurer's Office for short-term investments.

LAIF requires that the City Council adopt a resolution that authorizes City designated individuals to have access to the City's and PFA's LAIF accounts. On April 6, 2021, the signature authority resolution was last updated to include Steven G. McHarris, City Manager and Walter C. Rossmann, Deputy City Manager, and Lauren Lai, Director of Finance.

### **Analysis:**

Periodically it is necessary to update the signatories with LAIF. This occurs when there is either a change of staffing or a change of members of the Council. The Mayor and Vice Mayor were granted signature authority, which is used rarely and only if needed, on April 6, 2021 with Council adoption of City Resolution Number 9051 and PFA Resolution Number 27. Additionally, the City Manager/Authority Director, Assistant City Manager/Assistant Authority Director, Deputy City Manager/Deputy Authority Director, and Finance Director/Treasurer were granted signature authority per the same resolutions.

For the recommended resolutions, the Assistant City Manager and Finance Director's previous authorizations are included for re-authorization. The new authorization includes the change of Mayor/Chair, Vice Mayor/Vice Chair, City Manager/Authority Director (vacant) and Deputy City Manager/Assistant Authority Director, in accordance with LAIF instructions as well as signature authority.

By updating the resolutions and completing the LAIF authorization form all prior authorizations on file with LAIF for transfer of funds will be replaced and superseded.

### **Policy Alternative:**

**Alternative:** Do not adopt two resolutions updating the list of authorized individuals having access to the City and the Public Finance Authority's LAIF accounts.

Pros: None

Cons: The City will not be current with authorizations for appointed and elected officials.

Reasons not recommended: Not updating City and the Public Finance Authority's account authorizations will be inconsistent with LAIF requirements.

**Fiscal Impact:**

There is no fiscal impact to change authorized persons.

**Recommendation:**

Adopt the following two resolutions:

- Resolution of the City Council of the City of Milpitas Authorizing Investment of Monies in the Local Agency Investment Fund; and
- Resolution of the Board of Directors of the Milpitas Public Finance Authority Authorizing Investment of Monies in the Local Agency Investment Fund.

**Attachments:**

City Council Resolution

Public Financing Authority Resolution

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND**

**WHEREAS**, Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

**WHEREAS**, the City Council does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein is in the best interests of the City of Milpitas.

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

1. The City Council does hereby authorize the deposit and withdrawal of City of Milpitas monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code as stated herein, and verification by the State Treasurer’s Office of all banking information provided in that regard.
2. The following City of Milpitas officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

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

Evelyn Chua, Vice Mayor \_\_\_\_\_

City Manager \_\_\_\_\_

Ashwini Kantak, Assistant City Manager \_\_\_\_\_

Matt Cano, Deputy City Manager \_\_\_\_\_

Lauren Lai, Director of Finance \_\_\_\_\_

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023, 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

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MILPITAS PUBLIC FINANCING AUTHORITY AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND**

**WHEREAS**, Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

**WHEREAS**, the Board of Directors of the Milpitas Public Financing Authority (“Authority”) does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein is in the best interests of the Authority.

**NOW, THEREFORE**, the Board of Directors of the Milpitas Public Financing Authority hereby finds, determines, and resolves as follows:

1. The Board of Directors does hereby authorize the deposit and withdrawal of Authority monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code as stated herein, and verification by the State Treasurer’s Office of all banking information provided in that regard.
2. The following Authority officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Carmen Montano, Chair	_____
Evelyn Chua, Vice Chair	_____
Authority Director	_____
Ashwini Kantak, Assistant Authority Director	_____
Matt Cano, Deputy Authority Director	_____
Lauren Lai, Treasurer	_____

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Suzanne Guzzetta, Authority Secretary

\_\_\_\_\_  
Carmen Montano, Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael Mutalipassi, Authority Counsel



# CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Approve and Authorize the City Manager to Execute the Purchase Order with Code 3 Technology for Police Mobile Computer Replacement (Staff Contact: Daniel Nam, Information Technology Director, 408-586-2712)</b>
<b>Category:</b>	Consent Calendar-Public Safety
<b>Meeting Date:</b>	6/6/2023
	<u>Recommendation:</u> Approve and authorize the City Manager to execute the purchase order with Code 3 Technology for 32 Getac ruggedized laptop computers for a total amount not-to-exceed \$199,991.45.

### **BACKGROUND:**

The City’s police patrol vehicles are equipped with advanced technology systems that provide police officers essential functionalities including maintaining continuous communication with the 9-1-1 dispatch center and interacting with various law enforcement systems and databases. This capability is made possible with ruggedized computers and secure wireless connectivity. Select patrol vehicles are also equipped with specialized systems such as automated license plate readers (ALPR), Thermal Imaging Cameras, and Unmanned Aircraft System (UAS) which are also accessed via the same rugged computers.

The last upgrade project was completed in January 2017. The current mobile computers and accompanying wireless equipment have now reached the end of life and the degraded performance of the existing computers does not meet the increasing demand for additional digital services and systems. The deteriorating hardware is also contributing to reliability and performance issues which could hinder officer productivity, increase response times, and require significant IT resources to perform continuous repair and troubleshooting.

The manufacturer of the current equipment has been acquired by another company and the IT department staff have observed degrading quality of service and replacement parts are no longer available.

Upgrading the mobile computer system will ensure that police officers will be equipped with reliable and efficient tools to carry out their duties effectively and demonstrates the City’s commitment to their safety and efficiency.

### **ANALYSIS:**

IT Department and the Police Department have conducted extensive research and evaluations of rugged computers from industry-leading manufacturers against City’s key requirements.

- **Enhanced Functionality:** Provide enhanced mobility and versatility by replacing the current non-removable computers with removable laptop computers with a docking station.
- **Durability:** Specially designed computers that can withstand harsh environments, including extreme temperatures, humidity, vibrations, and continuous operation.
- **Performance:** Next generation computer processors that meet the demands of multitasking, offer faster processing speeds and greater storage capacity. Performant systems that offer higher compatibility and level of integration with a new generation of public safety products available in the market.
- **Next Generation Wireless:** Next generation wireless components that provide high-speed internet connectivity.

- **Data Security:** Computers capable of running advanced security tools that provide robust protection and secure connectivity for data-sharing.
- **Product Support:** Industry-leading manufacturer with a history of producing and delivering rugged and reliable products and robust support to other public safety clients.

Through a series of evaluations, staff have determined that K120 model tablet computer from manufacturer Getac would best accomplish the objectives of this project. K120 meets all requirements of the Police Department and the technical specifications and functionalities have been validated by the IT Department. The manufacturer Getac produces several rugged computer products used by various government entities across the country, including the US Air Force, police, and fire departments.

Per Milpitas Municipal Code Section I-2-3.05d (“Cooperative Procurement”), the Purchasing Agent may purchase supplies and services without complying with the quotation or bidding requirements of this Chapter, if such purchases are based on an agreement or entered into by any public agency or cooperative purchasing program utilizing public agency procurements as the basis for contracts offered, regardless of whether the City is a named party to the agreement or an actual participant in such a program, provided that:

- The underlying purchase was made using competitive negotiation or procurement procedures, and may include a nationally bid cooperative contract; and
- The public agency is a "public agency" as defined in Government Code section 6500.

On February 19, 2020, Region 4 Education Services Center (Region 4 ESC) partnered with OMNIA Partners issued on behalf of itself, other government agencies, non-profits, and all members of TCPN, Request for Proposal (RFP) #20-08 for Cyber Security Solutions and Associated Products & Services. As a result of that solicitation, Region 4 ESC awarded to Synnex Corporation contract No. R200803 entitled “Cyber Security Solutions and Associated Products & Services” which includes Getac Hardware. Region 4 Education Services Center (Region 4 ECS), a division of the Texas State Department of Education, meets the definition of a public agency as defined by Government Code section 6500. OMNIA has contract No. R200803 available through its cooperative purchasing organization to all of its public agency members.

Code 3 Technology is an authorized reseller of Synnex Corporation. Code 3 Technology issued a quote referencing Omnia Partners Purchasing Cooperative contract No. R200803 which included the MSRP, discount and net pricing. The total quote was \$199,991.45. Cooperative contracts that exceed \$100,000 require City Council approval. Thus, staff is recommending executing purchase order with Code 3 Technology through the Omnia Partners Purchasing Cooperative.

### **POLICY ALTERNATIVE(S):**

#### **Alternative 1: Do not approve the procurement of Getac Ruggedized Laptop Computers.**

Pros: City will not incur \$199,991.45 in costs.

Cons: IT department will not be able to modernize the Police patrol vehicles.

Reason for Not Recommending: City will not be able to equip police officers with a modern and reliable technology system that is critical for providing effective police service. Outdated technology in the police vehicle could result in slow processing speed, security vulnerabilities, incompatibility with other systems, increased maintenance cost and reduced efficiency due to equipment failures.

### **FISCAL IMPACT:**

The total purchase amount is \$199,991.45. The project will be funded by the Capital Improvement Program, CIP 3497 “Public Safety MDT” which has a balance of \$354,087 as of June 6, 2023. Funding for CIP 3497 comes from the General Government CIP Fund.

**California Environmental Quality Act (CEQA):**

By the definition provided in the CEQA Guidelines Section 15378, this action does not qualify as a “project” for the purpose of CEQA as this action has no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**RECOMMENDATION:**

Approve and authorize the City Manager to execute the purchase order with Code 3 Technology for 32 Getac Ruggedized Laptop Computers for a total not-to-exceed amount of \$199,991.45.

**Attachment(s):**

1. Sole Source - Omnia Partners Purchasing Cooperative
2. Code 3 Quote and PO with Terms & Conditions





# CITY OF MILPITAS

## PURCHASING DIVISION

455 East Calaveras Boulevard, Milpitas, California 95035-5411 [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov)

Date: 04/20/2023

From: Steve Pietrobono, Buyer

Project: Code 3 Technology- MDC- Getac K120

NOTE TO FILE: This is a cooperative purchase through the Omnia Partners Purchasing Cooperative.

The City of Milpitas Municipal Code Section I-2-3.08 (“Cooperative Procurement”) specifically authorizes the Purchasing Agent to make such purchases based on an agreement or cooperative purchasing program entered into by a public agency, as defined by Government Code Section 6500, regardless of whether the City is a named party to the agreement or an actual participant in such a program, provided that the underlying purchase was made using competitive negotiation or bidding procedures at least as restrictive as the City’s, and that the supplies or general services purchased must be the same and be offered at the same price as the supplies and general services subject to the agreement or program.

The Cooperative Purchasing Network (TCPN) was a cooperative purchasing organization. On July 28, 2015, TCPN was acquired by National Intergovernmental Purchasing Alliance (National IPA), another cooperative purchasing organization. On August 16, 2017 the founders of National IPA formed OMNIA Partners, a cooperative purchasing organization and supply chain optimization company dedicated to government as a parent company to National IPA. OMNIA acquired US Communities in 2018 and on January 1, 2019 National IPA and US Communities began operation under the OMNIA name. Each contract in the OMNIA Partners combined cooperative contract portfolio has been competitively solicited by a lead public agency. Neither OMNIA Partners nor any of the aforementioned cooperatives conduct solicitations; rather, they partner with various public agencies in soliciting cooperative contracts. All contracts previously solicited, issued and awarded by lead public agencies remain in full force and effect in accordance with their respective contract terms and conditions. The City of Milpitas is a member of OMNIA Partners cooperative purchasing organization by virtue of its membership with National IPA, effective September 26, 2012, and is assigned participation number 1036843.

On February 19, 2020, Region 4 Education Services Center (Region 4 ESC) partnered with OMNIA Partners issued on behalf of itself, other government agencies, non-profits, and all members of TCPN, Request for Proposal (RFP) #20-08 for Cyber Security Solutions and Associated Products & Services. As a result of that solicitation, Region 4 ESC awarded to Synnex Corporation contract No. R200803 entitled “Cyber Security Solutions and Associated Products & Services” which includes Getac Hardware. Region 4 Education Services Center (Region 4 ECS), a division of the Texas State Department of Education, meets the definition of a public agency as defined by Government Code section 6500. OMNIA has contract No. R200803 available through its cooperative purchasing organization to all of its public agency members.

Code 3 Technology is an authorized reseller of Synnex Corporation. Code 3 Technology issued a quote referencing contract No. R200803 which included the MSRP, discount and net pricing. The total quote was \$199,991.45.

Cooperative contracts up to \$100,000 fall within the authority of the City Manager and do not require City Council approval or resolution, per the City Attorney. Cooperative contracts that exceed \$100,000 require City Council approval.



Item # C10.

# PROPOSAL

Date: 5/16/2023  
 QUOTE: 22-357

Gabriel Garcia  
 Milpitas Police Department  
 1275 N. Milpitas Blvd  
 Milpitas, CA 95035  
 408-586-2712

Customer ID: MPDCA002

Salesperson	Project	Payment Terms	Contract#
Clay Jeppsen	MDCs – Getac K120s	Net 30	OMNIA Partners #R200803

Part#	Description	Qty	MSRP	OMNIA	Unit Price
<b>KP8774VAAQXX</b>	Getac K120G2-R, i7-1165G7, W/Win Hello Webcam, Win11 Pro x64,32GB RAM, 256GB PCIe SSD, Sunlight Readable, Full HD LCD Touchscreen, Hd Tip stylus, Rear Cam, Red Backlit KBD, Wifi+Bluetooth+5G Sub-6 (EM9190) w/ int GPS/Glonass+ Antenna Passthru, 3yr Bumper-2-Bumper Warranty	32	\$5355	\$5141	\$3869
<b>GE-SVTBNFX5Y</b>	Bumper-to-Bumper + Extended Warranty - Tablet (Year 4 & 5)	32	\$599	\$575	\$465
<b>OHG160108203</b>	Gamber-Johnson K120 Vehicle Dock w/ Triple pass-through w/ Screen Stiffener	32	\$1751	\$1681	\$789
<b>7160-0454</b>	Universal Wall Mount/Adapter	32	\$78	\$74	\$42
<b>GAD2X8</b>	Getac 120W 11-16V, 22-32V DC Vehicle adapter, 3yr war	32	\$110	\$105	\$99
<b>590GBL000196</b>	TG3 83 Key, Red Backlit, Touchpad, USB, Coiled Cord, 5yr war	32	\$268	\$257	\$234
<b>590GBL001019</b>	Panorama 3-in-1 5G Sharkfin for dock w/ 16' SMAx3 for all Getac Docks – Black	32	\$384	\$368	\$252

Subtotal	\$184,000.00
Sales Tax	\$15,863.45
Recycle	\$128.00
Shipping	\$0.00
<b>Total</b>	<b>\$199,991.45</b>



Thanks for your business!  
 Quote Expires **6/30/2023**

## PURCHASE ORDER TERMS AND CONDITIONS FOR EQUIPMENT AND MATERIALS

1. Acceptance. This purchase order for equipment and materials issued by the City of Milpitas ("CITY") to the Vendor designated in the purchase order must be promptly accepted and acceptance is expressly limited to the terms of this order. Any additions or different terms in the Vendor's forms are hereby deemed to be material alterations and notice of objection to them and rejection of them is hereby given. Vendor's shipment of goods in response to this order shall be considered acceptance by the Vendor.

2. Entire Agreement. Unless Vendor and CITY have entered into a separate written contract covering the purchase of the goods described herein, the entire contract between the parties consists of this order and the Vendor's acceptance as above stipulated, and said contract shall not be changed or added to except in writing signed by authorized representatives of each party.

3. Price. The price invoiced for the goods on this purchase order shall be no higher than the price stated on the front of this purchase order unless prior notification is received from Vendor prior to shipment and the change is accepted by CITY. If the Vendor's established price for any item upon the date of delivery shall be lower than the price shown on this purchase order, CITY shall have the benefit of such lower price. Vendor shall deliver to CITY all invoices within 30 days of shipping or service delivery.

4. Payment. Payments will be made net 30 days unless otherwise specified as per agreements regarding discount terms. The period of computation will commence on the date of receipt of a correctly completed invoice. Payment may be withheld, in whole or in part, due to deficiencies in Vendor's performance. Payment of an invoice by CITY shall be without prejudice to any and all claims CITY may have against Vendor in connection with such goods. Invoices are paid on a weekly basis and such practice may result in minor deviations from payment terms otherwise cited herein.

5. Time of the Essence. Time is of the essence on this order. If delivery is not made in the quantity or quantities and at the time or times specified, CITY shall have the right, at its option, to cancel the entire order or that part of same not so delivered. If CITY accepts delayed delivery the time of payment shall be extended accordingly.

6. Delivery and Acceptance. Vendor expressly warrants that any article, material or work is free and clear of all liens and encumbrances whatsoever, and that Vendor has good and marketable title to same. Unless otherwise specified, all goods are to be shipped prepaid, F.O.B. destination. No charge will be allowed for packing, crating, freight, express or other carrier's charges, or cartage, unless specifically agreed to by CITY. Title to equipment and materials purchased hereunder shall pass to Vendor at the designated F.O.B. point, subject to Vendor's right to inspect and reject or revoke acceptance.

7. Warranty. Vendor warrants for a period of 12 months following start of use or 18 months from receipt, whichever occurs first, that the goods described herein will be free of defects in workmanship, design, materials, and title, and notwithstanding anything herein to the contrary, will conform to all applicable proposals, specifications, instructions, drawings, data, descriptions, and samples, and will be of good and merchantable quality and fit and sufficient for the purpose intended. Vendor shall obtain and provide to CITY Material Safety Data Sheets (MSDS) for each product that contains hazardous substances as defined by CalOSHA. . .

8. Rejection of Goods. CITY shall have the right, at its option, to reject or revoke acceptance of any goods which do not conform to these warranties or to the specifications. In case of such rejection or revocation of acceptance, transportation of the rejected goods, both to and from CITY, shall be at the expense of Vendor, said rejected goods are not to be replaced except upon specific instruction from CITY, and CITY shall have the right at its option to cancel the remainder, if any, of the order, by notice to Vendor at the time notice is given of rejection or revocation of acceptance. Vendor shall be liable to CITY for all damages proximately caused by breach of any of the foregoing warranties, including incidental damages but excluding special or consequential damages.

9. Returns. CITY reserves the right to return for full credit any excess over quantity called for in any order or orders. Vendor to bear the cost of transportation both ways.

10. Force Majeure. Vendor shall not be held responsible for failure or delay in shipping nor CITY for failure or delay in accepting goods described herein if such failure or delay is due to act of God, war, federal or state legislation or any regulations or orders, fire, accident, or other causes, either similar or dissimilar to the foregoing, beyond their control. In the event of any such excused interference with shipments, CITY shall have the option either to reduce the quantity provided for in the order accordingly or to exercise its right of cancellation as set forth in these terms and conditions.

11. Additional Fees. Unless otherwise required by law or provided herein, Vendor assumes exclusive liability for, and shall pay before delinquency, all sales, use, excise and other taxes, charges or contributions of any kind now or hereafter imposed on or with respect to, or measured by the article sold or material or work furnished hereunder on the wages, salaries or other remunerations paid to persons employed in connection with performance of this order.

12. No Waiver. No exercise by CITY of its rights hereunder shall constitute a waiver of any rights it may have for breach of contract. CITY's waiver of or failure to enforce its rights on account of Vendor's failure or delay in performing any obligation of Vendor hereunder, or on account of Vendor's breach of contract in any respect, shall not constitute a waiver of any subsequent failure, delay or breach.

13. Compliance with Law. Vendor shall comply with all applicable laws and regulations of the federal, state and local government. CITY shall assist Vendor, as requested, in obtaining and maintaining all permits required of Vendor by Federal, State and local regulatory agencies. Vendor is responsible for all costs of clean up and/or removal of hazardous and toxic substances spilled as a result of his or her Work. Vendor is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq. ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. If the Work is being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Vendor agrees to fully comply with such Prevailing Wage Laws. Vendor shall defend, indemnify and hold CITY, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. Any stop orders issued by the Department of Industrial

Relations against Vendor or any subcontractor that affect Vendor's performance of services, including any delay, shall be Vendor's sole responsibility and Vendor shall indemnify CITY from liability arising out of the same. It shall be mandatory upon the Vendor and all subcontractors to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815), contractor registration (Labor Code Sections 1725.5 and 1771.1) and debarment of contractors and subcontractors (Labor Code Sections 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 and to be registered with the Department of Industrial Relations shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1771.4, 1725.5 and 1771.1.

14. Insurance. Vendor shall take out and maintain: A. Commercial General Liability Insurance, of at least \$1,000,000 per occurrence/ \$2,000,000 aggregate for bodily injury, personal injury and property damage, at least as broad as Insurance Services Office Commercial General Liability most recent Occurrence Form CG 00 01; B. Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, of at least \$1,000,000 per accident for bodily injury and property damage, at least as broad as most recent Insurance Services Office Form Number CA 00 01 covering automobile liability, Code 1 (any auto); C. Workers' Compensation in compliance with applicable statutory requirements and Employer's Liability Coverage of at least \$1,000,000 per occurrence; and D. Pollution Liability Insurance of at least \$1,000,000 per occurrence and \$2,000,000 aggregate shall be provided by those Vendors transporting hazardous materials. Insurance carriers shall be licensed to do business in California and maintain an agent for process within the state. Such insurance carrier shall have not less than an "A:VII" rating according to the latest Best Key Rating unless otherwise approved by CITY. VENDOR SHALL ENSURE THAT THIRD PARTY SHIPPERS CONTRACTED BY VENDOR HAVE ADEQUATE INSURANCE COVERAGE. If attached, Vendor shall refer to Exhibit "A" – Insurance Requirements, for further insurance requirements applicable to Vendor.

15. Indemnification. The Vendor shall indemnify and hold harmless CITY, its officials, officers, agents and employees from and against any and all claims, liabilities, expenses or damages, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, or patent infringement or fees for use of patented items, or any claim of the Vendor or sub-contractors for wages or benefits which arise in connection with the sale, delivery and/or installation of equipment or materials, except to the extent caused or resulting from the negligence or willful misconduct of CITY. The foregoing indemnity includes, but is not limited to, the cost of prosecuting or defending such action with legal counsel acceptable to CITY and CITY's attorneys' fees incurred in such an action.

16. Substitutions, Changes and Cancellation. No substitutions are acceptable unless expressly accepted in writing by CITY. CITY may make changes in the general scope of this order by giving written notice to Vendor. If any such change affects the cost of or time to deliver or perform under this order, an adjustment in price, delivery or both will be made as CITY determines to be equitable. Vendor may request changes; however, no such change shall be effective

unless accepted in writing by CITY. CITY may cancel this order in whole or in part at any time before acceptance of the equipment and materials due to Vendor's breach or for CITY's convenience.

17. Laws, Venue, and Attorneys' Fees. This purchase order shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this purchase order, the action shall be brought in a state or federal court situated in the County of Santa Clara, State of California. In the event of any such litigation between the parties, the prevailing party shall be entitled to recover all reasonable costs incurred, including reasonable attorney's fees, as determined by the court.

18. Contract Terms. Nothing herein shall be construed to give any rights or benefits to anyone other than CITY and the Vendor. The unenforceability, invalidity or illegality of any provision(s) of this purchase order shall not render the other provisions unenforceable, invalid or illegal. Notice may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to the parties to the addresses set forth in the purchase order. Vendor shall not assign, sublet, or transfer this purchase order, or any rights under or interest in this purchase order, without the written consent of CITY, which may be withheld for any reason. Vendor is retained as an independent contractor and is not an employee of CITY. No employee or agent of Vendor shall become an employee of CITY. This is an integrated agreement/purchase order representing the entire understanding of the parties as to those matters contained herein, and supersedes and cancels any prior oral or written understanding or representations with respect to matters covered hereunder. This Contract may not be modified or altered except in writing signed by both parties hereto.

19. Damage to City Facilities. Damage to CITY or public facilities or private property caused by the Vendor or by its subcontractors during delivery or installation shall be repaired and/or replaced in kind at no cost to the CITY.

20. Site Safety and Cleanup. The delivery and installation site shall be kept clean and free of hazards at all times during delivery and installation. After and installation is completed at the site, as applicable, Vendor shall clean the surrounding area to the condition prior to delivery and installation.

21. Installation. If the Vendor is responsible for providing installation services, finished installation work and/or equipment shall be subject to final inspection and acceptance or rejection by the CITY.

22. Wage Theft Prevention. Vendor, and any subcontractor it employs to complete work under this purchase order, 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. By entering into this purchase order, Vendor 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 the date of this purchase order that Vendor or its subcontractor(s) has violated any applicable wage and hour laws. Vendor 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, Vendor 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 Vendor or its subcontractor(s) are in compliance with

said plan as of the date of this purchase order. If at any time during the term of this purchase order, a court or investigatory government agency issues a final judgment, decision or order finding that Vendor or a subcontractor it employs to perform work under this purchase order has violated any applicable wage and hour law, or Vendor learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Vendor 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. Vendor 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 Vendor or its subcontractor is subject to a payment or other alternative plan, the Vendor or its subcontractor shall continue to submit documentary evidence every thirty (30) calendar days during the term of the purchase order demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied. For purposes of this provision, 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. Failure to comply with any part of this provision constitutes a material breach of this purchase order. Such breach may serve as a basis for immediate termination of this purchase order and/or any other remedies available under this purchase order and/or law. Notice provided to the CITY shall be addressed to: Attention: Finance Director, 455 E. Calaveras Blvd., Milpitas, CA 95035. The notice provisions of this paragraph are separate from any other notice provisions in this purchase order and, accordingly, only notice provided to the above address satisfies the notice requirements in this provision.

**\*OPTIONAL TERMS:** Check box if applicable

- Custom Design: If the goods are produced by Vendor in accordance with designs, drawings or blueprints provided by CITY, Vendor shall return same to CITY upon completion or cancellation of this order. Any materials, equipment, tools, artwork, designs or other property furnished by or specifically paid for by CITY shall be CITY's property.





## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Receive an Update on the Emergency Repairs to the HVAC System and Equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)</b>
<b>Category:</b>	Consent Calendar-Community Services and Sustainable Infrastructure
<b>Meeting Date:</b>	<a href="#">6/6/2023</a>
	<u>Recommendation:</u> (1) Receive an update on the emergency repairs to the HVAC system and equipment at City Hall and at the Public Works/Information Technology/Police Department Buildings; and (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 April 27, 2023, the Public Works Director declared an emergency and authorized the City to contract with its existing HVAC maintenance contractor, Environmental Systems Inc. (ESI), for the emergency repairs to the HVAC system at City Hall and the Public Works, Information Technology and Police Department buildings. The [Information Memorandum](#) issued on that date outlined the various equipment issues and provided a cost estimate of \$ 899,300.

### **Analysis:**

City Hall: Repairs to the HVAC system at City Hall have begun. The contractor is currently assessing the Variable Air Volume (VAV) boxes throughout the building to finalize a material order. Parts for the repairs to the air handlers, backflow and boiler pumps have been ordered and are expected to arrive in 4-6 weeks (~July). The new boiler has also been ordered with an expected delivery of 3-4 months (~September). The design of the replacement of air condition units #1 and #2 will begin in July 2023.

Public Works/Information Technology/Police Department Building: The contractor has also begun repairs on the HVAC system at this facility. The boiler, chiller pumps and backflows have been ordered with an expected delivery of 2-3 months (~August). VAV boxes are also being assessed for material needs and repair plans to minimize impact to building operations. Staff will continue to provide updates for future City Council meetings.

**Fiscal Impact:**

Funding for these repairs is available in the City's Capital Improvement Program (CIP) budget and has been fully encumbered CIP Project 3499 - HVAC Systems Repairs funded \$620,000 for the upgrades to the Building Management System (BMS) and Variable Air Flow (VAV) boxes at both buildings. The remaining repairs were funded by CIP Project 3406 – City Building Improvements in the amount of \$279,300.

**California Environmental Quality Act:**

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

**Recommendations:**

1. Receive an update on the emergency repairs to the HVAC system and equipment for City Hall and the Public Works, Information Technology and Police Department buildings.
2. Determine by a four-fifths vote that the condition continues to constitute an emergency.

**Attachment:**

None





# CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Approve Parks and Recreation and Community Services Programs Donation for a Memorial Bench in Honor of Mikhaila Saso (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)</b>
<b>Category:</b>	Consent Calendar-Community Services and Sustainable Infrastructure
<b>Meeting Date:</b>	6/6/2023
	<u>Recommendation:</u> Approve the Parks and Recreation Donation for a Memorial Bench for Mikhaila Saso.

**BACKGROUND:**

Milpitas City Council adopted revisions to the Donation for City Park and Recreation and Community Services Programs City Council Policy (Policy) on October 4, 2022. The policy establishes the guidelines, criteria, and processes for donations for City parks and Recreation and Community Services Department programs, including memorials to City-owned parks and recreation areas throughout the City of Milpitas. This Policy is consistent with the Council approved Budget Guidelines to provide process and procedure on the acceptance of financial donations.

On May 1, 2023, the Parks, Recreation and Cultural Resources Commission (PRCRC) voted to recommend City Council approval of the Parks and Recreation Donation Application submitted by Monica Scully and Donna Kato for the installation of a Memorial Bench at Cardoza Park for Mikhaila Saso, a Milpitas resident who passed away in 2015 at 20 years old.

**ANALYSIS:**

The Policy outlines ways for businesses, community groups, or individuals to donate through:

- 1) Monetary Donations
- 2) Memorial Donations
- 3) Anonymous Donations
- 4) Non-Financial Donations

Donations that require ongoing maintenance and/or future replacement costs are first reviewed by the PRCRC for review and recommendation to the Milpitas City Council for final consideration.

PRCRC reviewed the submitted donation application at their May 1, 2023 meeting. As described in the application, Mikhaila Saso was a Milpitas resident and passed away in 2015 at the age of 20 years old. She was a participant in the Milpitas Tidal Waves Swim Team program at the Milpitas Sports Center. She also tutored young students from the community in Math. Parents of those she tutored expressed appreciation to Ms. Saso’s parents as to the patience she had with their children.

As outlined in the Policy “Memorial Donations” sections 2.6.3.1 and 2.6.3.4 respectively:

- Memorial Donations allow for individuals to contribute funds “in memory of” a family member who has passed away or retired and moved out of the area.
- Donation in memory of an individual must be appropriate and relevant to the Milpitas community, (i.e., past resident, business-person or other person having contributed to the good of the Milpitas community).

The PRCRC voted in favor of recommending the City Council’s final approval of the memorial bench donation.

**POLICY ALTERNATIVE(S):****Alternative 1: Not approve the donation of a Memorial Bench in Honor of Mikhaila Saso**

Pros: City Staff will not have to work on the Memorial Bench Donation and will continue to work on currently assigned tasks.

Cons: The proposed memorial donation meets the Policy requirements.

Reason for Not Recommending: The proposed memorial donation meets the City Council Donation for City Parks and Recreation and Community Services Programs

**FISCAL IMPACT:**

Per the Donations to Parks and Recreation Programs Policy the Mikhaila Saso's family accepts all financial responsibility for the donation, which includes the bench and plaque procurement and installation. Ongoing maintenance costs and future replacement costs will be incorporated into a future Public Works operating budget.

**California Environmental Quality Act (CEQA):**

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:**

Approve the Parks and Recreation Donation Application for a Memorial Bench for Mikhaila Saso.

**Attachment(s):**

1. Donation for City Parks and Recreation and Community Services Programs Policy
2. Parks, Recreation and Cultural Resources Financial Donation Form – Mikhaila Saso
3. PRCRC Draft Minutes - May 1, 2023



Revision	Date
Original	03/19/2013
Revised	10/4/2022

**CITY COUNCIL POLICY**

<b>Policy No:</b> Click or tap here to enter text.	<b>DONATIONS FOR CITY PARKS AND RECREATION AND COMMUNITY SERVICES PROGRAMS</b>	<b>Effective Date:</b> 10/4/2022
<b>Revision No:</b> 1	<b>Policy Administrator:</b> Recreation and Community Services	<b>Next Review Due:</b> As needed
<b>Related Policies and Procedures:</b> Incorporates and replaces Original	<b>Approved by:</b> Click or tap here to enter text. Council meeting date, agenda item #, and vote	<b>Date Approved:</b> 10/4/2022

**1. PURPOSE**

- 1.1. This Policy establishes the guidelines, criteria, and processes for donations for City parks and Recreation and Community Services Department programs.
- 1.2. This Policy is consistent with the Council approved Budget Guidelines which state in part that the City Manager is authorized to accept grants or donations up to and including \$100,000, increase department revenues and appropriations accordingly, and execute related agreements as long as no matching funds are required, and departments do not require additional funding for ongoing maintenance costs or future replacement costs

**2. POLICY**

- 2.1. The City shall have the sole authority and the City Council shall have the final authority to approve donations except for monetary donations up to and including \$100,000 that do not require any matching funds, additional funding for ongoing maintenance costs or future replacement costs.
- 2.2. The City reserves the right to recognize donors, or, for memorial gifts, the named individual, in any other manner the City so chooses. No outside donor shall have the right to apply, control, or dictate the City’s manner of recognition.
- 2.3. In the event the City chooses to recognize a donor, or for memorial gifts, the named individual, the manner of recognition shall be construed as the City’s own speech under the government speech doctrine and no open forum shall be created by the City’s exercise of its sole decision to recognize a donor or named individual at a certain location or in a certain manner.
- 2.4. Final review and action to accept or decline a donation, and recognition of the donor for accepted donations on behalf of the City of Milpitas is determined by the Milpitas City Council except for monetary donations up to and including \$100,000 that do not require any matching funds, additional funding for ongoing maintenance costs or future replacement costs. For these monetary donations, the final review and action rests with the City Manager.
- 2.5. The Parks, Recreation and Cultural Resources Commission (PRCRC) shall evaluate appropriate donations to City Parks or Recreation and Community Services programs and shall make recommendations to the City Council.
- 2.6. Financial Donations
  - 2.6.1. Donors may earmark monies for the purchase of specific materials, supplies, equipment, furnishings, and other items to the extent practical.



Revision	Date
Original	03/19/2013

**DONATION FOR CITY PARKS AND RECREATION AND COMMUNITY SERVICES PROGRAMS/ POLICY #**

- 2.6.2. City staff will apply the funds as requested by the donor. Should additional or alternate uses for the funds be identified, staff will consult with the donor and receive written permission to apply funds differently.
- 2.6.3. Memorial Donations
  - 2.6.3.1 Memorial Donations allow for individuals to contribute funds “in memory of” a family member who has passed away or retired and moved out of the area.
  - 2.6.3.2 Memorial donations may not be contributed in memory of pets, or livestock.
  - 2.6.3.3 Individuals may name the City of Milpitas or Recreation and Community Services as a beneficiary in their wills, trusts, or other estate planning document. The will might stipulate that the funds (or interest from part of an estate) be used to purchase particular items or materials in certain service areas or support certain programs.
  - 2.6.3.4 Donation in memory of an individual must be appropriate and relevant to the Milpitas community, (i.e., past resident, business-person or other person having contributed to the good of the Milpitas community).
- 2.6.4. Anonymous Donations
  - 2.6.4.1 Donations with the request to remain anonymous will not be acknowledged in any donor listings.
- 2.6.5. Non-financial Donations
  - 2.6.5.1 In the event a donor desires to give materials, personal property, real property, fixtures and other things, non-monetary in nature, to the City, the proposed gift shall be presented to the Director of Recreation and Community Services in writing.
  - 2.6.5.2 All such non-monetary donations shall be subject to the City Manager or designee’s determination of probable value and viability for acceptance and placement.
  - 2.6.5.3 If determined by staff to be a viable donation, the Parks, Recreation and Cultural Resources Commission shall make a recommendation to the City Council for a final decision, except for monetary donations up to and including \$100,000, in which the final review and action rests with the City Manager.

**3. PROCEDURE**

- 3.1. Accepting Monetary Donation Requests
  - 3.1.1. All inquiries about monetary donations shall be directed to the Recreation and Community Services Director.
  - 3.1.2. If deemed a viable donation, potential donors shall be provided a copy of the Parks, Recreation and Cultural Resources Donation Form.
  - 3.1.3. Upon receipt of this completed form by the Director, the proposed donation shall be placed on the next appropriate PRCRC agenda.
  - 3.1.4. For monetary donations up to and including \$100,000 that do not require any matching funds, additional funding for ongoing maintenance costs or future replacement costs, staff will provide an informational item to the PRCRC for information purposes only. The donation will be accepted administratively. The



Revision	Date
Original	03/19/2013

**DONATION FOR CITY PARKS AND RECREATION AND COMMUNITY SERVICES PROGRAMS/ POLICY #**

Director of Finance will report quarterly the acceptance of any grants and donations as part of the quarterly financial status report.

3.1.5. For any monetary donation, that requires any matching funds, additional funding for ongoing maintenance costs, future replacement costs, or any monetary donation over \$100,000, the PRCRC shall review the proposed donations and provide a recommendation for either accepting or declining the donation to the Milpitas City Council.

3.2. **Accepting Non-financial Donation Requests**

3.2.1. All inquiries about non-financial donations shall be directed to the Recreation and Community Services Director.

3.2.2. Recreation and Community Services Director will coordinate the review of any non-financial donations with other City Departments affected by the donation, including but not limited to the Office of the City Attorney, Finance and Public Works.

3.2.3. If deemed a viable donation, potential donors shall be provided a copy of the Parks, Recreation and Cultural Resources Donation Form.

3.2.4. Upon receipt of this completed form by the Director, the proposed donation shall be accepted by the City Manager or their designee if there are no ongoing maintenance or future replacement costs. Otherwise, the donation shall come to the PRCRC for approval with an estimated value of up to and including \$25,000 and to the PRCRC for recommendation for City Council approval with an estimated value greater than \$25,000.

3.2.5. The PRCRC shall receive a quarterly report on received non-financial donations received for up to and including \$25,000 at a regularly scheduled meeting.

#1

<b>Donor Name</b>	Donna Kato
<b>Address</b>	[REDACTED] Milpitas, California 95035 United States
<b>Phone</b>	[REDACTED]
<b>Email</b>	[REDACTED]
<b>Type of Donation</b>	- Financial Donation
<b>Would you like your donation to remain anonymous?</b>	- No

**FINANCIAL DONATIONS**

<b>Donation Type (select one)</b>	Memorial Donation (funds in memory of a family members who passed away or retired and moved out of the area, i.e. memorial bench)
<b>Amount of Donation</b> (Please note that memorial benches require a \$5,000 donation. Should costs for bench & plaque purchase exceed that amount, donor is responsible for the difference.)	\$5000.00
<b>"Memorial Donations" (non-beneficiary)</b>	- Memorial Bench
<b>Name of "in Memory" Milpitas Resident</b>	Mikhailia Rose Saso
<b>How many years did the Resident live in Milpitas (indicate dates)</b>	20 years
<b>"In Memory" Resident has:</b>	- Passed Away - June 8, 2015

**Describe the Resident's relevant contributions to the good of the Milpitas community, justifying a bench in their memory.**  
Mikhailia was a math tutor for young eighth grade students who were struggling. Parents remarked how patient she was with the students. She also was active in the swimming program at the Milpitas Sports Center.

Request: that the bench is in Cardoza Park which is close to her family's home.

<b>Beneficiary Donation</b>	- One time Donation
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**NON-FINANCIAL DONATIONS**

I understand that final review and action to accept or decline a donation, and recognition of the donor for accepted donations on behalf of the City of Milpitas is determined by the Milpitas City Council except for monetary donations up to and including \$100,000 that do not require any matching funds, additional funding for ongoing maintenance costs or future replacement costs. For these monetary donations, the final review and action rests with the City Manager.

DONNA Kato

Non-monetary donations shall be subject to the City Manager or designee's determination of probable value and viability for acceptance and placement.



# CITY OF MILPITAS

## Parks, Recreation & Cultural Resources Commission

### MEETING MINUTES

7:02 PM

Monday, May 1, 2023

MILPITAS CITY HALL 455 E. CALAVERAS BLVD.  
COMMITTEE CONFERENCE ROOM  
MILPITAS, CA 95035

- CALL TO ORDER** Davis (Acting Chair) called the meeting to order at 7:02 PM.
- ROLL CALL**
  - PRESENT:** Commissioners Davis, Felix, Gomez, Montemayor, Nguyen, Thomas
  - ABSENT:** Commissioners Ehardt, Illescas, Jackson, Strauss
  - City Liaison:** Councilmember Lien
  - City Staff:** Joshua Clevenger - Recreation Supervisor  
Amanda Ingua - Public Services Assistant
- PLEDGE of ALLEGIANCE** Davis led the pledge of allegiance.
- ALTERNATE SEATING** None
- APPROVAL OF AGENDA** Motion/Second Thomas/Montemayor  
Motion carried by a vote of AYES: All NOES: 0
- APPROVAL OF MINUTES** Motion/Second Montemayor/Davis  
Motion carried by a vote of AYES: All NOES: 0
- PUBLIC FORUM** Monica was present on behalf of Donna Kato and the Mikhaila Rose Saso Memorial Bench Donation Request. Monica briefly talked about the background of Mikhaila’s history with the Milpitas Community and the importance of the bench being placed at Cardoza Park near Mikhaila’s childhood home.
- ANNOUNCEMENTS** None
- BUSINESS ITEMS**
  - a. Mikhaila Rose Saso Memorial Bench Donation Request – Recreation and Community Services Department Staff  
Commission discussed the memorial bench donation request and made recommendation for acceptance for City Council consideration.  
Motion/Second Davis/Montemayor  
Motion carried by a vote of AYES: All NOES: 0
  - b. Work Plan FY23-24 Review – Recreation and Community Services Department Staff

The Parks, Recreation and Cultural Resources discussed the Fiscal Year 2023-24 Work Plan identify goals, projects and ongoing tasks that the Commission plans to continue to work on and accomplish in the coming year.

Staff will return to the August meeting for final plan acceptance

**STAFF LIAISON REPORT** Staff provided updates on Recreation and Community Services programs, services and upcoming events.

**LIAISON REPORT** Councilmember Lien provided a brief update on the Budget 23-24 and the May 9, 2023 meeting of the adoption of the budget.

**FUTURE AGENDA ITEMS**

- Overview on Special Events
- Sister Cities Discussion
- FY2023-24 Work Plan Discussion

**ADJOURNMENT** Davis adjourned the meeting at 7:58 PM.





## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Consider Two Fee Waiver Requests from the Samuel Ayer High School Alumni Association and the Filipino Chamber of Commerce (Staff Contact: Renee Lorentzen, Director of Recreation and Community Services, 408-586-3409)</b>
<b>Category:</b>	Consent Calendar-Community Services and Sustainable Infrastructure
<b>Meeting Date:</b>	6/6/2023
	<u>Recommendation:</u> (1) Approve a Fee Waiver of \$1,500.00 for the Samuel Ayer High School Annual Reunion at Murphy Park on September 16, 2023; and (2) Approve a Fee Waiver of \$1,485.00 for the Filipino Chamber of Commerce Business Seminar at the Milpitas Community Center on June 24, 2023

### **BACKGROUND:**

On May 12, 2023, staff received a Donation and Fee Waiver/Reduction Policy request from the Samuel Ayer High School Alumni Association for their 23<sup>rd</sup> Annual All Class Reunion Picnic on Saturday, September 16, 2023, at Murphy Park. The request is for a \$1,500 fee waiver for the park Open Space fees.

On May 26, 2023, staff received a Donation and Fee Waiver/Reduction Policy request from the Filipino Chamber of Commerce (FCC) for their Business Seminar at the Milpitas Community Center Auditorium on June 24, 2023. The request is for \$1,485 fee waiver for the auditorium rental fees.

### **ANALYSIS:**

Two Donation and Fee Waiver/Reduction Policy request applications were received by the Recreation and Community Services Department. Applications included two (2) requests for fee waiver.

#### Fee Waiver Requests

Samuel Ayer High School Alumni Association submitted the required applications and documentation for the 23<sup>rd</sup> Annual All Class Reunion Picnic:

- Indoor Space Rental Application for Milpitas Community Center Auditorium
- City Council Donation and Fee Waiver/Reduction Policy request
- Non-profit status letter

Samuel Ayer High School Alumni Association is requesting that City Council waive eligible fees for the Open Space fee for Murphy Park in the amount of \$1,500. Fees ineligible for waiver include the rental application fee of \$30 and refundable security/damage deposit of \$1,000. Refundable security/damage deposits are refunded within 30 days of the rental.

The Filipino Chamber of Commerce submitted the required applications and documentation for a Business Seminar:

- Indoor Space Rental Application for Milpitas Community Center Auditorium
- City Council Donation and Fee Waiver/Reduction Policy request
- Non-profit status letter

The FCC is requesting that City Council waive eligible fees for the auditorium hourly rental fees in the amount of \$1,485. Fees ineligible for waiver include the rental application fee of \$30 and refundable security/damage deposit of \$500. Refundable security/damage deposits are refunded within 30 days of the rental.

Milpitas City Council adopted an updated “City Council Donation and Fee Waiver/Reduction Policy” on June 21, 2022. Per the policy, eligible organizations can request City fees to be waived up to \$1,500 or a donation amount up to \$500 to be granted upon request. Eligible organizations are defined as “a non-profit organization as described by the Internal Revenue Section such as 501(c)(3) or an intergovernmental agency; Non-discriminatory, and non-political in nature.” Fee Waiver or Donation requests for events must provide a community benefit within the City of Milpitas proper. Applying organizations must provide proof of non-profit status from the federal Internal Revenue Service or the state Franchise Tax Board.

As required, Samuel Ayer High School Alumni Association and the FCC have provided copies of their respective determination letters from the Internal Revenue Service stating they are tax-exempt organizations. All applicants meet the requirements as outlined in the Council adopted Donation and Fee Waiver/Reduction Policy.

**POLICY ALTERNATIVE(S):**

**Alternative:** Do not approve any one or combination of received fee waivers and donation applications as requested.

Pros: The City’s General Fund will not incur the costs of the fees waived.

Con: Denial of the request may not allow the non-profit organization to hold their events.

Reason not recommended: This request is consistent with the Council approved Policy.

**FISCAL IMPACT:**

\$25,000 was approved and included in the FY 2022-23 City budget for City Council’s Unallocated Community Promotions with a current balance of \$17,707. If these requests are approved by the City Council, The \$1,485 fee waiver request from Filipino Chamber of Commerce will be paid from FY 2022-23 Unallocated Community Promotion budget, \$16,222 would remain in that line item. The \$1,500 fee waiver request from Samuel Ayer High School will be paid from FY 2023-24 Community Promotion Budget, which is currently in the City Council approval process.

**RECOMMENDATION:**

1) Approve a Fee Waiver of \$1,500 for the Samuel Ayer High School Annual Reunion at Murphy Park on September 16, 2023

2) Approve a Fee Waiver of \$1,485 for the Filipino Chamber of Commerce Business Seminar at the Milpitas Community Center on June 24, 2023

**Attachment(s):**

1. Samuel Ayer High School Alumni Association Application
2. Samuel Ayer High School Internal Revenue Service (IRS) non-profit letter
3. Filipino Chamber of Commerce Application and
4. Filipino Chamber of Commerce Internal Revenue Service (IRS) non-profit letter
5. City Council Donation and Fee Waiver/Reduction Policy

## #10

<b>Name of Organization</b>	Samuel Ayer High School Alumni Association
<b>Is there a Milpitas Branch or Affiliation?</b>	- Yes
<b>Organization Address (as listed on your 501 (c) 3)</b>	[REDACTED] Milpitas, CA 95035 United States
<b>Organization Web Site</b>	<a href="https://www.facebook.com/groups/30435693907">https://www.facebook.com/groups/30435693907</a>
<b>Organization Contact Name</b>	Jacob Abeytia
<b>Organization Contact Phone</b>	[REDACTED]
<b>Organization Contact Email</b>	[REDACTED]
<b>Request Type</b>	- Fee Waiver (up to \$1,500)
<b>Requested Amount (request types cannot be combined or exceed maximum listed amounts)</b>	1500.00
<b>Description of Use of Funds/Fees to be Waived</b>	Offset expenses
<b>Event Name</b>	23rd Annual All Class Reunion Picnic
<b>Event Date(s)</b>	Sep 16, 2023
<b>Event Location (Facility Name and Address)</b>	Murphy Park, Yellowstone Ave, Milpitas
<b>Is your Event Open to the Public</b>	Yes
<b>What is the purpose of the Event?</b>	An annual event to reunite all classes from 1958- 1981.
<b>How will the Milpitas Community Benefit from this Event?</b>	The Alumni Association has developed a scholarship fund in the name of longtime Samuel Ayer Vice-Principal and Milpitas City Councilman and Mayor Joe House. The first scholarship will go to a Class of 2023 graduate and will be announced at the picnic.  Additionally, This event draws alumni from all over the country and world. The economic impact is great as many attendees use local hotels and eat at local restaurants throughout the weekend. We have other smaller events starting on the day prior and lasting through the weekend.
<b>What is you anticipated Event attendance?</b>	250+
<b>What percentage of your event fundraising proceeds will benefit the Milpitas Community?</b>	60% or more
<b>How will the City's contribution (if approved) be recognized in event media and publicity?</b>	Public Announcements, Association Newsletter, Social Media and press release
<b>Upload your Entity Status Letter (Entity Name listed on this application must match the Entity Status Letter Name)</b>	<a href="#">FinalLetter_92-2333602_SAMUELAYERHIGHSCHOOLALUMNIASSOCIATION_04112023_00.pdf</a>

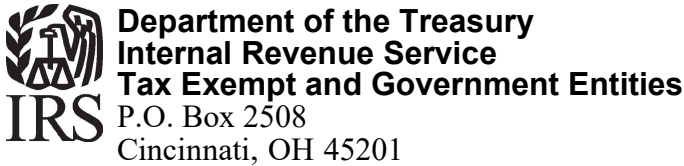
Within 60 days after completion of the event for which a donation was received or a fee waiver was granted by the City of Milpitas, your organization will provide a report to the Director of Recreation and Community Services to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

Failure to abide by the rules and procedures set forth in the City Council Donation/Fee Waiver

Policy will result in the organization being denied for funding and/or fee waiver in the future.  
Draw your signature into the box below.

Item # C13.

*Jacob P Abeytia*



SAMUEL AYER HIGH SCHOOL ALUMNI  
 ASSOCIATION  
 C/O JACOB P ABEYTIA  
 1975 OLD CALAVERAS RD  
 MILPITAS, CA 95035

**Date:**  
04/19/2023

**Employer ID number:**  
92-2333602

**Person to contact:**  
 Name: Customer Service  
 ID number: 31954  
 Telephone: 877-829-5500

**Accounting period ending:**  
December 31

**Public charity status:**  
509(a)(2)

**Form 990 / 990-EZ / 990-N required:**  
Yes

**Effective date of exemption:**  
December 9, 2022

**Contribution deductibility:**  
Yes

**Addendum applies:**  
No

**DLN:**  
26053503003983

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

Stephen A. Martin  
 Director, Exempt Organizations  
 Rulings and Agreements

#11

<b>Name of Organization</b>	Filipino American Chamber of Commerce of Silicon Valley, Inc.
<b>Is there a Milpitas Branch or Affiliation?</b>	- Yes
<b>Organization Address (as listed on your 501 (c) 3)</b>	[REDACTED] Santa Clara, California 95050 United States
<b>Organization Web Site</b>	<a href="http://filamchamber.org">http://filamchamber.org</a>
<b>Organization Contact Name</b>	Anna Liza Navarro
<b>Organization Contact Phone</b>	[REDACTED]
<b>Organization Contact Email</b>	[REDACTED]
<b>Request Type</b>	- Fee Waiver (up to \$1,500)
<b>Requested Amount (request types cannot be combined or exceed maximum listed amounts)</b>	1,500.00
<b>Description of Use of Funds/Fees to be Waived</b>	Facility Use Fee for Milpitas Community Center
<b>Event Name</b>	Philippine Independence Day Flag Raising and Business Workshop/Fair
<b>Event Date(s)</b>	Jun 24, 2023
<b>Event Location (Facility Name and Address)</b>	Milpitas Community Center
<b>Is your Event Open to the Public</b>	Yes
<b>What is the purpose of the Event?</b>	To Celebrate Philippine Independence Day and also provide a Business Workshop and Business Resource Fair for all attendees.
<b>How will the Milpitas Community Benefit from this Event?</b>	WE are targeting all businesses and local community to attend both the Cultural and Business aspects that are being presented for that day. WE are delivering additional information of how to move a business Idea to an operating business and provide resources that can assist the general population to become small business owners.
<b>What is you anticipated Event attendance?</b>	150-200
<b>What percentage of your event fundraising proceeds will benefit the Milpitas Community?</b>	Less than 60%
<b>How will the City's contribution (if approved) be recognized in event media and publicity?</b>	Media will be covering the event and will be published both on paper and online mentions.
<b>Upload your Entity Status Letter (Entity Name listed on this application must match the Entity Status Letter Name)</b>	

FILIPINO AMERICAN CHAMBER OF COMMERCE OF SILICON VALLEY (1502403)



Request Certificate

Initial Filing Date	04/28/1988
Status	Active
Standing - SOS	Good
Standing - FTB	Good
Standing - Agent	Good
Standing - VCFCF	Good
Formed In	CALIFORNIA
Entity Type	Nonprofit Corporation - CA - Mutual Benefit
Principal Address	2086 WALSH AVENUE, STE B1 SANTA CLARA, CA 95050
Mailing Address	2086 WALSH AVENUE, STE B1 SANTA CLARA, CA 95050
Statement of Info Due Date	04/30/2022

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Within 60 days after completion of the event for which a donation was received or a fee waiver was granted by the City of Milpitas, your organization will provide a report to the Director of Recreation and Community Services to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

Anna Liza Navarro

Failure to abide by the rules and procedures set forth in the City Council Donation/Fee Waiver Policy will result in the organization being denied for funding and/or fee waiver in the future. Draw your signature into the box below.



## Entity Status Letter

Date: 5/31/2023

ESL ID: 1919638483

### Why You Received This Letter

According to our records, the following entity information is true and accurate as of the date of this letter.

Entity ID: 1502403

Entity Name: FILIPINO AMERICAN CHAMBER OF COMMERCE OF SILICON VALLEY

- 1. The entity is in good standing with the Franchise Tax Board.
- 2. The entity is **not** in good standing with the Franchise Tax Board.
- 3. The entity is currently exempt from tax under Revenue and Taxation Code (R&TC) Section 23701 e.
- 4. We do not have current information about the entity.
- 5. The entity was administratively dissolved/cancelled on \_\_\_\_\_ through the Franchise Tax Board Administrative Dissolution process.

### Important Information

- This information does not necessarily reflect the entity's current legal or administrative status with any other agency of the state of California or other governmental agency or body.
- If the entity's powers, rights, and privileges were suspended or forfeited at any time in the past, or if the entity did business in California at a time when it was not qualified or not registered to do business in California, this information does not reflect the status or voidability of contracts made by the entity in California during the period the entity was suspended or forfeited (R&TC Sections 23304.1, 23304.5, 23305a, 23305.1).
- The entity certificate of revivor may have a time limitation or may limit the functions the revived entity can perform, or both (R&TC Section 23305b).

### Connect With Us

Web: [ftb.ca.gov](http://ftb.ca.gov)  
Phone: 800-852-5711 from 7 a.m. to 5 p.m. weekdays, except state holidays  
916-845-6500 from outside the United States

California  
Relay Service: 711 or 800-735-2929 (For persons with hearing or speech impairments)



**City Council Fee Waiver/Donations  
Fiscal Year 2022-23**

<u>Organization Name</u>	<u>Event Type</u>	<u>Fee Waiver/Donation</u>	<u>City Council Approval Date</u>	<u>Event Date</u>	<u>Amount Awarded</u>
Boy Scouts Troop 92	Eagle Scout Honor Ceremony	Fee Waiver	8/9/2022	8/13/2022	-\$546.00
Christian Worship Center	Easter Egg Hunt	Fee Waiver	4/4/2023	4/8/2023	-\$1,500.00
FAREPA	ADU Workshop	Fee Waiver	4/4/2023	5/13/2023	-\$830.00
Kiwanis	Crab Feed	Fee Waiver	1/17/2023	2/3/2023	-\$900.00
Korean Language and Culture Foundation	Korean Alphabet Celebration	Donation	9/20/2022	10/2/2022	-\$500.00
MUSD Aerotech Club	Rocketeering Event	Donation	4/4/2023	5/20/2023	-\$500.00
Sunnyhills Neighborhood Association	Halloween Event	Fee Waiver	9/20/2022	10/29/2022	-\$1,317.00
Show Up & Love	Annual Fundraiser	Fee Waiver	5/16/2023	7/16/2023	-\$700.00
Contemporary Asian Theatre Scene	Special Screening	Donation	5/16/2023	5/30/2023	-\$500.00
Samuel Ayer High School Alumni Association	Annual Reunion Picnic	Fee Waiver	6/6/2023	9/16/2023	-\$1,500.00
Filipino Chamber of Commerce	Business Seminar	Fee Waiver	6/6/2023	6/24/2023	<u>-\$1,485.00</u>
				Total Awarded:	-\$10,278.00
				Starting Balance	\$25,000.00
				<b>Remaining Balance</b>	<b>\$14,722.00</b>



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Adopt a Resolution Approving the Application for \$301,516.00 Land and Water Conservation Fund Grant from the State Department of Parks and Recreation and Designating the Acting City Manager or Designee as the Authorized Agent on the Grant Agreement with the State of California (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)</b>
<b>Category:</b>	Consent Calendar-Community Services and Sustainable Infrastructure
<b>Meeting Date:</b>	6/6/2023
	<u>Recommendation:</u> Adopt a resolution approving the submittal of an application for Land and Water Conservation Grant Funds from the State Department of Parks and Recreation and designating the Acting City Manager or Designee as the Authorized Agent on the Grant Agreement with the State of California.

### **BACKGROUND:**

The California Department of Parks and Recreation Office of Grants and Local Services (OGAL) strives to address California's diverse recreational, cultural and historical resource needs by developing grant programs, administering funds, offering technical assistance, building partnerships and providing leadership through quality customer service. The Land and Water Conservation Fund (LWCF) was established by Congress in 1964 to fulfill a bipartisan commitment to safeguard natural areas, water resources and cultural heritage, and to provide recreation opportunities to all Americans. The fund helps strengthen communities, preserve history and protect the national endowment of lands and waters. On August 4, 2020, the Great American Outdoors Act (GAOA) was signed into law, authorizing \$900 million annually in permanent funding for LWCF.

LWCF grants provide funding for the acquisition or development of land to create new outdoor recreation opportunities for the health and wellness of Californians.

### **ANALYSIS:**

Per the OGAL LWCF (Program), eligible projects must be direct project costs for recreational purposes, either park acquisition or development, and can only have one location. Grantees must use the grant funds for the development of outdoor recreation features, supplementing planned project expenditures. The Program has a match requirement of a minimum of 50% of the total project cost. Projects serving disadvantaged communities including persons with disabilities are weighted more favorably in the grant approval process.

Considering the Program project eligibility and matching requirement, staff the only project staff felt would be competitive in this program is the completion of Delano Manongs Park Dog Park. Staff submitted a grant application on May 31<sup>st</sup>, prior to the June 1<sup>st</sup> deadline. Completion of the Delano Manongs Park Dog Park, will allow for the completion of all recreation features at the park.

Per the OGAL LWCF Program process, a Resolution approving the filing of the application packet is required. The Resolution captures key points including but not limited to the approval of the application, certifies that the grantee has the funds to complete the applied for project, and identifies the staff designated as the authorized agent to execute grant agreements with the State of California Parks and Recreation Department.

### **POLICY ALTERNATIVE(S):**

**Alternative 1: Do not Adopt a Resolution Approving the Application for \$301,516 Land and Water Conservation Fund Grant from the State Department of Parks and Recreation and Designating the Deputy City Manager as the Authorized Agent on the Grant Agreement with the State of California**

Pros: Staff will be able to work on already identified projects and work responsibilities.

Cons: Potential grant monies that could offsets to general government CIP funds allocated to the Delano Manongs Park will be received, delaying other Milpitas parks from receiving needed improvements.

**Reason for Not Recommending:** Potential grant monies that could offsets to other CIP funds allocated to the Delano Manongs Park would be received, delaying other CIP projects from receiving needed improvements.

**FISCAL IMPACT:**

There is no fiscal impact with the adoption of the Resolution. Should the grant be awarded to the City, staff will bring back to the City council a report to request acceptance of the grant and the necessary budget appropriation. Sufficient funding for this project is included as part of Project 5102 in the Adopted Capital Improvement Program.

**California Environmental Quality Act (CEQA):**

The City Council's action in adopting this Resolution is exempt from environmental review pursuant to CEQA Guideline 15378(b)(4) as a governmental fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Instead, if funding is provided, staff will look at the financial allocation and return to the City Council with a specific project or projects along with any required CEQA analysis prior to any discretionary action being taken.

**RECOMMENDATION:**

Adopt a Resolution Approving the Submittal of an Application for Land and Water Conservation Grant Funds from the State Department of Parks and Recreation and Designating the Acting City Manager or Designee as the Authorized Agent on the Grant Agreement with the State of California

**Attachment(s):**

1. Resolution

**Resolution No. (XXXXX)**RESOLUTION OF THE MILPITAS CITY COUNCIL APPROVING THE APPLICATION FOR THE LAND AND WATER CONSERVATION FUND DELANO MANONGS DOG PARK PROJECT

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing applications by local agencies under the program; and

WHEREAS, the applicant certifies by resolution the approval of the application and the availability of eligible matching funds prior to submission of the application to the State; and

NOW, THEREFORE, BE IT RESOLVED that the Milpitas City Council hereby:

1. Approves the filing of an application for Land and Water Conservation Fund assistance for the proposed; Delano Manongs Dog Park
2. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
3. Agrees to abide by 54 U.S.C. §200305(f)(3) which requires, "No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use. The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with the then-existing comprehensive statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary to ensure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."
4. Certifies that said agency has matching funds from eligible source(s) and can finance 100 percent of the project, which up to half may be reimbursed; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.
6. Appoints the Acting City Manager or designee as agent of the applicant to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned project.

Approved and Adopted on the 6<sup>th</sup> day of June, 2023.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by \_\_\_\_\_ (Clerk) following a roll call vote:

(APPLICANT'S Governing Body)

Ayes \_\_\_\_\_

Noes \_\_\_\_\_

Absent \_\_\_\_\_

DRAFT



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Open the Public Hearing and Adopt Resolutions to Approve the Fiscal Year 2023-24 Operating Budget for the City of Milpitas and the Milpitas Housing Authority, Approve the Fiscal Year 2023-24 Gann Appropriations Limit, Authorize Various Financial Actions, Fiscal Policies and Budget Guidelines, Amend the Classification Plan for Alignment with the FY 2023-24 Budget, the Minimum Wage Increase, and Salary Schedules Consistent with Previous Council Action (Staff Contact: Matt Cano, Deputy City Manager, 408-586-3012; and Lauren Lai, Finance Director, 408-586-3111)</b>
<b>Category:</b>	Public Hearings-Leadership and Support Services
<b>Meeting Date:</b>	6/6/2023
	<p><u>Recommendation:</u></p> <p>(1) Open the public hearing and move to close the hearing following any speakers;</p> <p>(2) Adopt the following Resolutions:</p> <ul style="list-style-type: none"> <li>(a) Joint Resolution of the City Council and Milpitas Housing Authority to approve the Fiscal Year 2023-24 Operating Budget the City of Milpitas and the Milpitas Housing Authority, approve the Appropriations Limit, Fiscal Policies and Budget Guidelines and authorizing various financial actions by the City Manager, including Approving and Authorizing the Execution of Various Contracts and Payments over \$100,000;</li> <li>(b) Amending Resolution No. 1626, the Classification Plan, to authorize additional positions and amend budgeted allocated positions;</li> <li>(c) Amending Resolution No. 1626, the Classification Plan, to adjust the hourly rate ranges for classifications due to a minimum wage increase pursuant to Ordinance No. 292;</li> <li>(d) Amending Resolution No. 1626, the Classification Plan of Unrepresented Management Employees and Authorizing Fringe Benefit;</li> <li>(e) Amending Resolution No. 1626, the Classification Plan, to adjust the Salary Schedules for various classifications to align with the current memorandums of understandings (MOUs); and</li> <li>(f) Amending Resolution No. 1626, the Classification Plan, to authorize additional positions and amend budgeted allocated positions for Human Resources Manager.</li> </ul>

**Background:**

This agenda report is supplemental to the FY2023-24 Proposed Operating Budget ([Proposed Budget](#)) and City Manager transmittal letter. It also incorporates the City Council May 9 and May 23 budget study sessions ([May 9](#) and [May 23](#) Agenda Report) and [supplemental material](#), wherein staff presented the Proposed Budget and the General Fund 10-Year forecast, recommended changes to the fiscal policies and budget guidelines and received various Council feedback. A public hearing notice was published related to the adoption of the FY 2023-24 budget and the Gann Appropriations Limit. This proposed budget was developed with the leadership and engagement of the City Council, City management, staff and community.

**Analysis:**

This staff reports transmits the [FY 2023-24 Proposed Budget](#) documents, Council requested changes to the Proposed Budget from May 9 and 23<sup>rd</sup>, additional relevant information and modifications, and various resolutions related to budget adoption. This section will be summarized under four sections: (1) May 9 and 23<sup>rd</sup> Budget Study Session Direction and (2) Additional Changes Incorporated into Proposed Budget.

**May 9<sup>th</sup> and May 23<sup>rd</sup> Budget Study Sessions Direction Incorporated into the Proposed Budget:**

**Keep the organizational structure as-is and do not consolidate various departments in FY 2023-24:**

- Do not reclassify CIP Manager to Engineering Division Manager (\$17,000 General Fund)
- Do not reclassify Transportation & Traffic Manager to Engineering Division Manager (\$25,000 General Fund)
- Do not add City Engineer (\$322,317 General Fund)
- Fund Director of Engineering for 6 months (\$184,388 General Fund)
- Fund one (1) Fleet Maintenance Worker III (\$211,000 General Fund)
- Fund two (2) Maintenance Worker IIs (\$300,000 General Fund)
- Fund Building Safety & Housing Director for 6 months (\$181,409 General Fund)
- Do not defund vacant Building Inspector (\$194,705 General Fund)
- Do not reclassify Principal Planner to Planning Official (\$75,172: \$11,275 General Fund, \$63,897 Other Funds)
- Do not reclassify Economic Development Director to Economic Development & Housing Director (\$32,500 Other Funds)
- Do not reclassify Housing Authority Administrator to Housing Division Manager (\$37,524: \$3,566 General Fund, \$33,958 Other Funds)

**Other Council Direction:**

- Increase travel allowance for Mayor, Vice Mayor and Councilmembers (\$25,000 General Fund)
- Delete TASP Management Analyst (\$219,511 Other Funds)
- Fund City Black April Event (\$5,000 General Fund)
- Delete Library Contribution (\$100,000 General Fund)

**Additional Changes Incorporated into the Proposed Budget:**

- State Contribution (Assemblymember Lee) \$150,000 – intergovernmental revenues and program appropriation for unhoused mobile shower & laundry 3-year services
- Adopted CIP Budget - HRIS/ERP (reduce transfer \$50,000 from Water Fund and reduce project by \$50,000)
- Adopted CIP Budget - HRIS/ERP (reduce transfer \$50,000 from Sewer Fund and reduce project by \$50,000)
- Adopted CIP Budget - Pickleball Project \$100,000 appropriation
- ARPA Unallocated Funds of \$298,400 used to offset General Fund for additional Maintenance Workers and Fleet Maintenance Worker
- Transfer-In – General Government (partially use funds previously proposed for CIP CAO Office Renovation) \$323,944
- Reduce TASP Impact Fees \$11,723,824
- (Increase)/Decrease in CIP Reserves or Fund Balances of \$11,273,958 in Other Funds

## **FY 2023-24 Citywide Budget Summary (All Funds)**

Incorporating the above changes, the FY 2023-24 Proposed Budget across all funds is \$231.7 million and staffing of 452 funded permanent full-time equivalents (FTE).

**Table 1 – FY 2023-24 Citywide Budget Summary (All Funds)**

### **Citywide Revenues (including Other Financing Sources)**

<b>Funds</b>	<b>FY 2023-24 Proposed Budget</b>
General Fund	\$129.4
Other & CIP Funds	\$102.3
<b>Total (\$ million)</b>	<b>\$231.7</b>

### **Citywide Expenditures**

<b>Funds</b>	<b>FY 2023-24 Proposed Budget</b>
General Fund	\$129.4
Other & CIP Funds	\$102.3
<b>Total (\$ million)</b>	<b>\$231.7</b>

As shown in Table 2 below, the FY 2023-24 Budget proposes 452 FTEs.

**Table 2 – FY 2022-23 Funded Position Summary by Department**

<b>Departments</b>	<b>FY 2023-24 Adopted Budget</b>	<b>Proposed Changes</b>	<b>FY 2023-24 Proposed Budget</b>
City Council	5.0		5.0
City Attorney	3.0		3.0
City Clerk	2.5	0.5	3.0
City Manager	5.5	0.5	6.0
Office of Economic Development & Housing	3.0	1.0	4.0
Building Safety & Housing	31.0	(1.0)	30.0
Engineering	25.0	1.0	26.0
Finance	29.5	(0.5)	29.0
Fire	82.0		82.0
Human Resources	7.0		7.0
Information Technology	13.0	1.0	14.0
Planning	9.0		9.0
Police	127.0	1.0	128.0
Public Works	81.0	7.0	88.0
Recreation & Community Services	17.0	1.0	18.0
<b>Total</b>	<b>440.5</b>	<b>11.5</b>	<b>452.0</b>



### Table 3 – Revised Ten-Year General Fund Forecast

Based upon Council direction of May 9<sup>th</sup> and 23<sup>rd</sup> and the inclusion of the addendum above, the revised Ten-Year General Fund Forecast is presented in Table 3 below:

	FY22-23 Adopted Budget	FY23-24 Proposed Budget	FY24-25 Forecast	FY25-26 Forecast	FY26-27 Forecast	FY27-28 Forecast
<b>General Fund (\$ million)</b>						
Revenues and other Sources	\$ 117.6	\$ 129.4	\$ 132.6	\$ 138.9	\$ 143.4	\$ 148.1
Expenditures	(117.6)	(129.4)	(132.5)	(137.4)	(143.4)	149.3
<b>Annual Surplus / (Deficit)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.1</b>	<b>1.5</b>	<b>0.0</b>	<b>(1.2)</b>
	FY28-29 Forecast	FY29-30 Forecast	FY30-31 Forecast	FY31-32 Forecast	FY32-33 Forecast	
<b>General Fund (\$ million)</b>						
Revenues and other Sources	\$ 151.2	\$ 150.3	\$ 155.4	\$ 158.0	\$ 163.0	
Expenditures	(157.0)	(163.6)	(170.4)	176.4	184.0	
<b>Annual Surplus / (Deficit)</b>	<b>(5.9)</b>	<b>(13.3)</b>	<b>(15.0)</b>	<b>(18.3)</b>	<b>(21.0)</b>	

#### Citywide Organizational Charts

In accordance with May 23<sup>rd</sup> direction, the Citywide organizational charts are updated to continue the current organizational structure. Attachments to this agenda report includes all organizational charts including revised organizational charts for: citywide, city manager's office, building safety & housing, engineering, planning, and public works.

#### FY 2023-24 General Fund Budget – Use of One Time Resources

The Proposed Fiscal Year 2023-24 General Fund budget of \$129.4 million is balanced with the use of one-time resources including ARPA funding (\$298,400), General Government CIP (\$323,944 of proposed CIP CAO Renovations) and library contribution savings (\$100,000) and funding only 6 months of both the Engineering Director (\$184,388) and Building Safety & Housing Director positions (\$181,409).

#### Budget and Other Resolutions

The FY 2023-24 Budget and related recommendations are approved by various resolutions as discussed below.

#### Budget Adoption Joint Resolution

With the adoption of the attached Joint Resolution of the City Council and Milpitas Housing Authority, the City Council approves the FY 2023-24 Operating Budget for the City of Milpitas and the Milpitas Housing Authority as amended in this staff report per previous Council direction. Further, through the joint resolution, the Council also approves the Gann Appropriations Limit, fiscal policies and authorizes various financial actions, including the authority to award certain contracts with amounts above \$100,000, the City Manager may take during FY 2023-24. The staff report for the May 9, 2023 budget study session details the fiscal policy and budget guideline and City Manager authority recommendations.

An attachment to the joint budget resolution identifies a list of contracts with an estimated not-to-exceed amount above the City Manager's contract approval authority of \$100,000 as well as annual payments in excess of \$100,000 for insurance and utilities. Funding for these contracts has been incorporated into the proposed budget and/or the approved five year CIP. As part of the adoption of this budget, staff is seeking authority to award these contracts and make certain payments. The list includes annual routine contracts (e.g.: PLAN JPA insurance premiums), contracts with specific funding items related to this budget (e.g.: Valley Water wholesale water purchase), and contracts related to capital improvement projects.

**The Gann Appropriations Limit** – Article XIII B of the California State Constitution, more commonly referred to as the Gann Initiative or Gann Appropriations Limit, was approved by California voters in November 1979 and placed limits on the amount of proceeds of taxes that state and local governmental agencies can receive and spend each year. If an agency receives more revenue than the Appropriations Limit, the excess revenue must be returned to the taxpayers through a tax reduction or refund within the next two years. Alternatively, the agency can increase its Appropriations Limit through voters' approval.

Based on the attached analysis, using the population and per capita personal income change factors provided by the State of California, the City's Appropriations Limit for FY2023-24 has been computed to be \$135,124,537. Appropriations subject to the limitation in FY2023-24 budget total \$95,123,436 which is \$40,001,101 less than the computed limit. The City has not exceeded its annual Appropriations Limit in any single fiscal year since this requirement was approved by the voters in 1979.

#### Personnel Related Resolutions

Based on the FY 2023-24 Proposed Budget as amended in this agenda report based on Council direction, staff is bringing forward several personnel related resolutions to amend the classification plan for all employees as it relates to authorized positions, changes to hourly rate ranges for certain classifications due to an increase in the City's minimum wage, and salary schedule amendments based on previous Council direction consistent with MOUs for the various bargaining groups.

**Authorized positions** – This resolution aligns the number of positions on the Authorized Position List and amends specific budgeted positions consistent with the FY 2023-24 Proposed Budget by adding 11.5 net additional budgeted FTEs.

**Minimum Wage Adjustments** – This resolution adjusts the hourly rate ranges upwards for various classifications with the bottom of the hourly range set at the new minimum wage and compacted supervisory positions effective July 1, 2023. Consistent with the City Council approved ordinance, the minimum wage is scheduled to increase by \$0.80 from \$16.40 to \$17.20 by July 1, 2023 based on the February 2023 annual CPI increase for the San Francisco, Oakland, San Jose Metropolitan Statistical Area.

**Salary Schedules for Council Approved Wage Increases** – This resolution is required per the California Code of Regulations § 570.5. Per State law, the City is required to bring all pay schedules before the governing board for review and approval. The updated salary schedules reflect a contractual 2% wage increase effective July 2, 2023 for employees represented by the Mid-Management and Confidential Unit (MidCON) and Unrepresented Miscellaneous and Unrepresented Management employees and 2.5% for Milpitas Police Officers Association (MPOA) and Unrepresented Police employees. The International Association of Firefighters (IAFF) contractual 2% wage increase and related Unrepresented Fire employees will be updated effective at the beginning of January 2024.

#### Fiscal Impact:

The FY 2023-24 Budget for City of Milpitas and the Milpitas Housing Authority, upon adoption, for all funds including debt service, will be \$231.7 million.

#### Recommendations:

- 1) Open the public hearing and move to close the hearing following any speakers.
- 2) Adopt the following Resolutions:
  - a. Joint Resolution of the City Council and Milpitas Housing Authority to approve the Fiscal Year 2023-24 Operating Budget the City of Milpitas and the Milpitas Housing Authority, approve the Appropriations Limit, Fiscal Policies and Budget Guidelines and authorizing various financial actions by the City Manager, including Approving and Authorizing the Execution of Various Contracts and Payments over \$100,000.
  - b. Amending Resolution No. 1626, the Classification Plan, to authorize additional positions and amend budgeted allocated positions.
  - c. Amending Resolution No. 1626, the Classification Plan, to adjust the hourly rate ranges for classifications due to a minimum wage increase pursuant to Ordinance No. 292.

- d. Amending Resolution No. 1626, the Classification Plan of Unrepresented Management Employees and Authorizing Fringe Benefits
- e. Amending Resolution No. 1626, the Classification Plan, to adjust the Salary Schedules for various classifications to align with the current memorandums of understandings (MOUs).
- f. Amending Resolution No. 1626, the Classification Plan, to authorize additional positions and amend budgeted allocated positions for Human Resources Manager.

**Attachments:**

1. Addendum Summary
2. Revised Organizational Charts
3. Joint Resolution of the City Council and Milpitas Housing Authority to approve the Fiscal Year 2023-24 Operating Budget the City of Milpitas and the Milpitas Housing Authority, approve the Appropriations Limit, Fiscal Policies and Budget Guidelines and authorizing various financial actions by the City Manager, including Approving and Authorizing the Execution of Various Contracts and Payments over \$100,000.
4. Joint Resolution Exhibit 1 FY23-24 Gann Limit
5. Amending Resolution No. 1626, the Classification Plan, to authorize additional positions and amend budgeted allocated positions.
6. Amending Resolution No. 1626, the Classification Plan, to adjust the hourly rate ranges for classifications due to a minimum wage increase pursuant to Ordinance No. 292.
7. Amending Resolution No. 1626, the Classification Plan of Unrepresented Management Employees and Authorizing Fringe Benefits
8. Amending Resolution No. 1626, the Classification Plan, to adjust the Salary Schedules for various classifications to align with the current memorandums of understandings (MOUs).
9. Amending Resolution No. 1626, the Classification Plan, to authorize additional positions and amend budgeted allocated positions for Human Resources Manager.

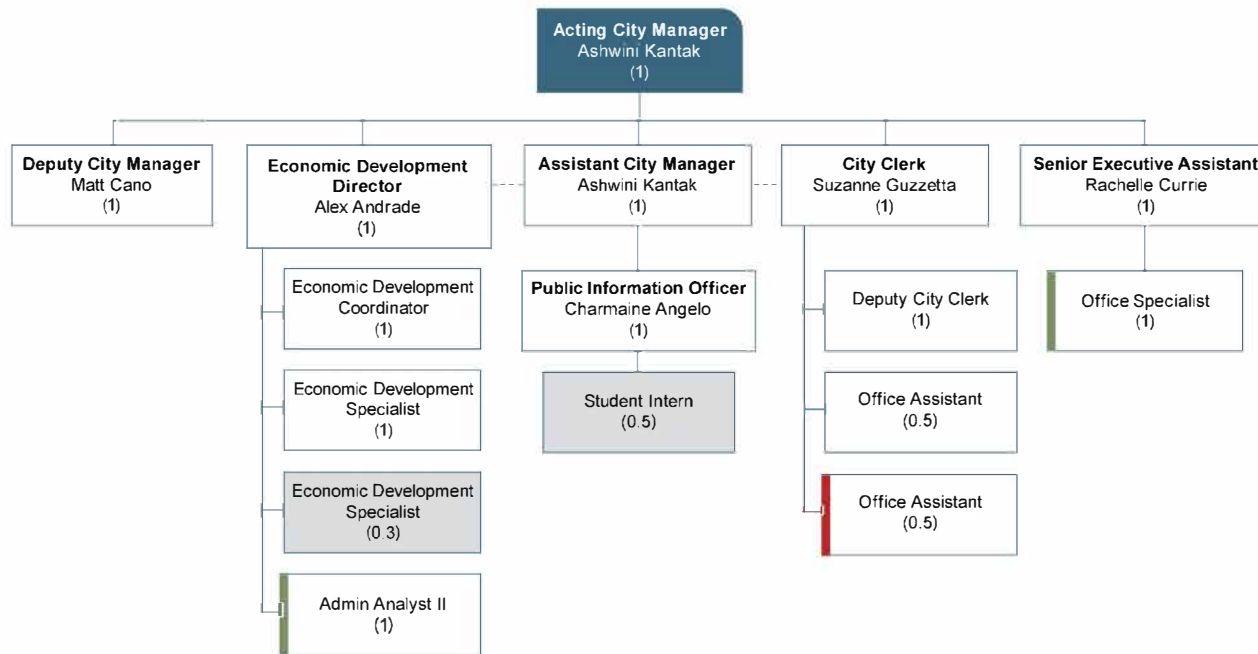
FY23-24 Proposed Budget Addendum

**ATTACHMENT 1**

No.	Appropriation Items	General Fund	Other Funds	Total	FTE Change
1	Do not re-classify CIP Manager to Engineering Division Manager	\$ (17,000)		\$ (17,000)	
2	Do not re-classify Transportation and Traffic Manager	\$ (25,000)		\$ (25,000)	
3	Do not add City Engineer	\$ (322,317)		\$ (322,317)	(1)
4	Fund Director of Engineering for 6 months	\$ 184,388		\$ 184,388	1
5	Fund (1) Fleet Maintenance Worker III	\$ 211,000		\$ 211,000	1
6	Fund (2) Maintenance Workers	\$ 300,000		\$ 300,000	2
7	Fund Building Safety and Housing Director for 6 months	\$ 181,409		\$ 181,409	1
8	Fund a Building Inspector	\$ 194,705		\$ 194,705	1
9	Do not re-classify Principal Planner to Planning Official	\$ (11,275)	\$ (63,897)	\$ (75,172)	
10	Do not reclassify Economic Development Director to Economic Development & Housing Director	\$ -	\$ (32,500)	\$ (32,500)	
11	Do not reclassify Housing Authority Administrator to Housing Division Manager	\$ (3,566)	\$ (33,958)	\$ (37,524)	
12	Increase travel allowance for each Council member by \$5,000	\$ 25,000		\$ 25,000	
13	Delete TASP Management Analyst		\$ (219,511)	\$ (219,511)	(1)
14	Fund Black April event	\$ 5,000		\$ 5,000	
15	Library Contribution Savings	\$ (100,000)		\$ (100,000)	
16	State Contribution (Assemblymember Lee) - General Government	\$ 150,000		\$ 150,000	
17a	Adopted CIP - HRIS/ERP (water funding ) reduce transfer		\$ (50,000)	\$ (50,000)	
17b	Adopted CIP - HRIS/ERP (water funding ) - reduce project		\$ (50,000)	\$ (50,000)	
18a	Adopted CIP - HRIS/ERP (sewer funding) reduce transfer		\$ (50,000)	\$ (50,000)	
18b	Adopted CIP - HRIS/ERP (sewer funding) reduce project		\$ (50,000)	\$ (50,000)	
19	Adopted CIP - Pickleball		\$ 100,000	\$ 100,000	
20	ARPA Unallocated Funds - offset Gen Fund for additional Maintenance Workers and Fleet Maintenance Worker	\$ (298,400)		\$ (298,400)	
	<b>Total Addendum</b>	\$ 473,944	\$ (449,866)	\$ 24,078	4
	<b>Proposed Budget FY23-24</b>	\$ 128,932,671	\$ 102,786,531	\$ 231,719,202	
	<b>Addendum Budget FY23-24</b>	\$ 129,406,615	\$ 102,336,665	\$ 231,743,280	

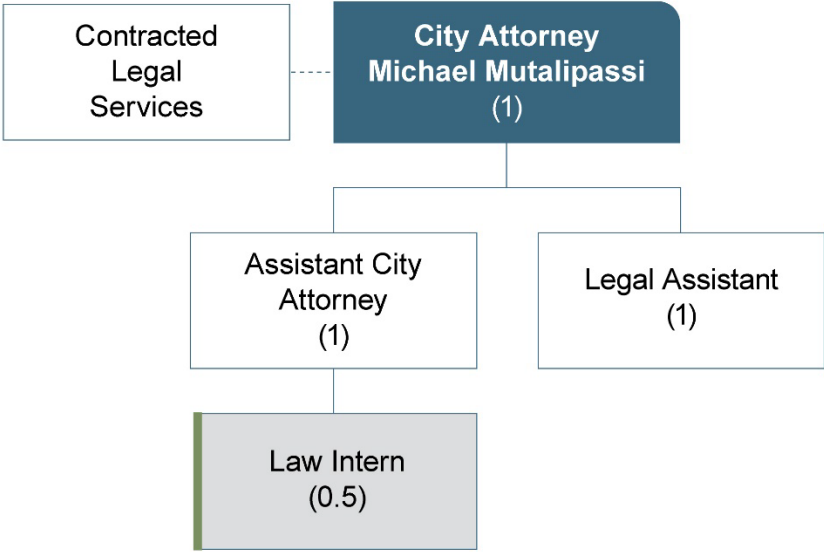
No.	Revenue Items	General Fund	Other Funds	Total	
1	Transfer - In General Government CIP (partially use funds previously proposed for CIP - CAO Office Renovation)	\$ 323,944		\$ 323,944	
2	TASP Impact Fees		\$ (11,723,824)	\$ (11,723,824)	
3	State Funded Intergovernmental Revenues (Assemblymember Lee) - unhouses services (mobile laundry & shower, 3-year contract)	\$ 150,000		\$ 150,000	
4	(Increase)/Decrease in CIP Reserves or Fund Balance		\$ 11,273,958	\$ 11,273,958	
				\$ -	
	<b>Total Addendum</b>	\$ 473,944	\$ (449,866)	\$ 24,078	
	<b>Proposed Budget FY23-24</b>	\$ 128,932,671	\$ 102,786,531	\$ 231,719,202	
	<b>Addendum Budget FY23-24</b>	\$ 129,406,615	\$ 102,336,665	\$ 231,743,280	

Change in Full-Time Equivalent (FTE)	#
Proposed net added FTE	7.5
Addendum net add	4
<b>Addendum Proposed, net added FTE</b>	<b>11.5</b>
Proposed FTE FUNDED	448
Addendum FUNDED	4
<b>Addendum Proposed, FTE FUNDED</b>	<b>452</b>
Proposed FTE ALL PERMANENT	454.75
Addendum ALL PERMANENT	4
<b>Addendum Proposed, FTE PERMANENT</b>	<b>459</b>



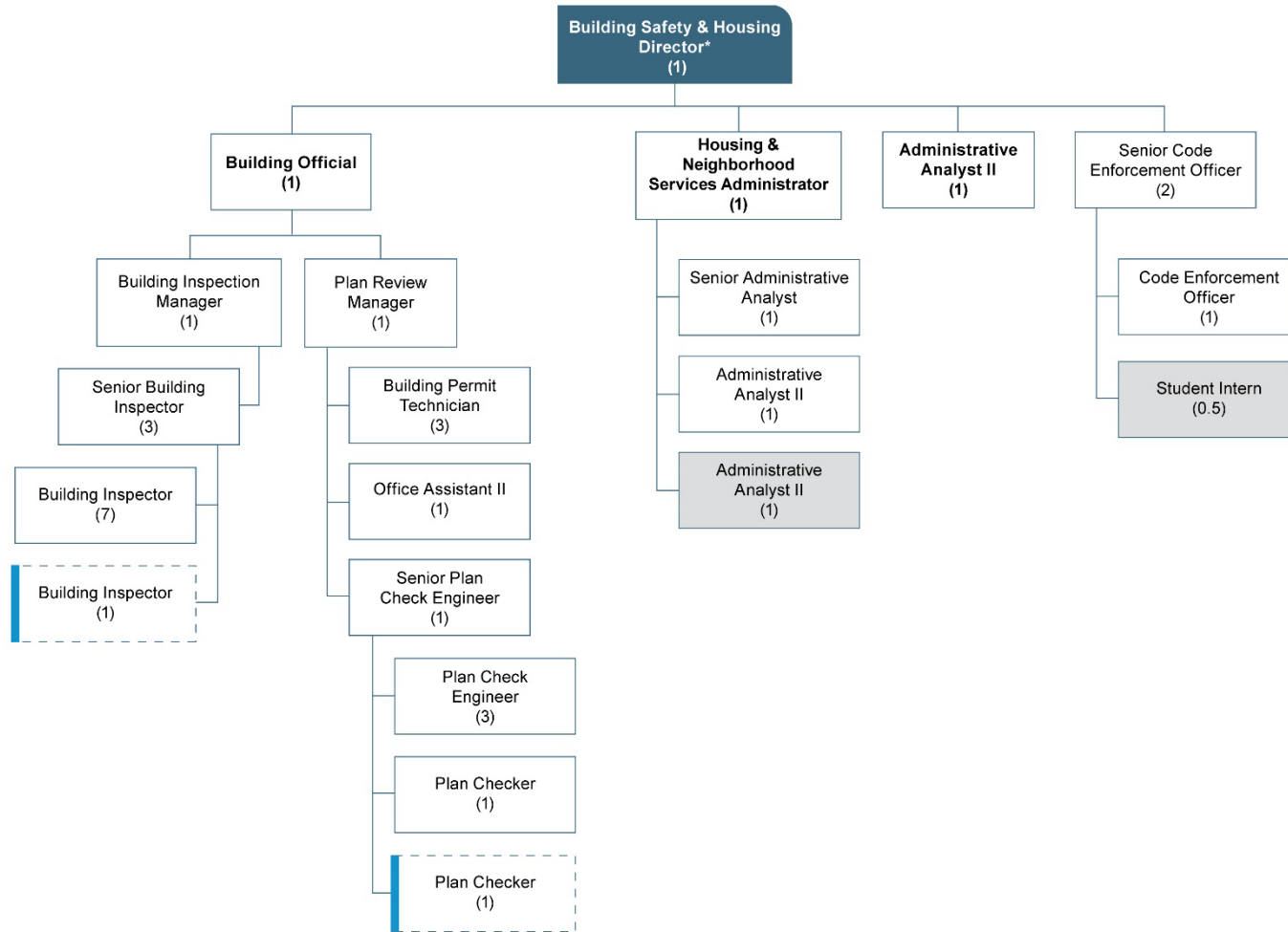
New FY 23-24
Move
Reclass
Defunded FY 23-24
Defunded FY 21-22
Temp

Permanent FTE (13)
Temporary FTE (0.8)



New FY 23-24
Move
Reclass
Defunded FY 23-24
Defunded FY 21-22
Temp

Permanent FTE (3)
Temporary FTE (0.5)

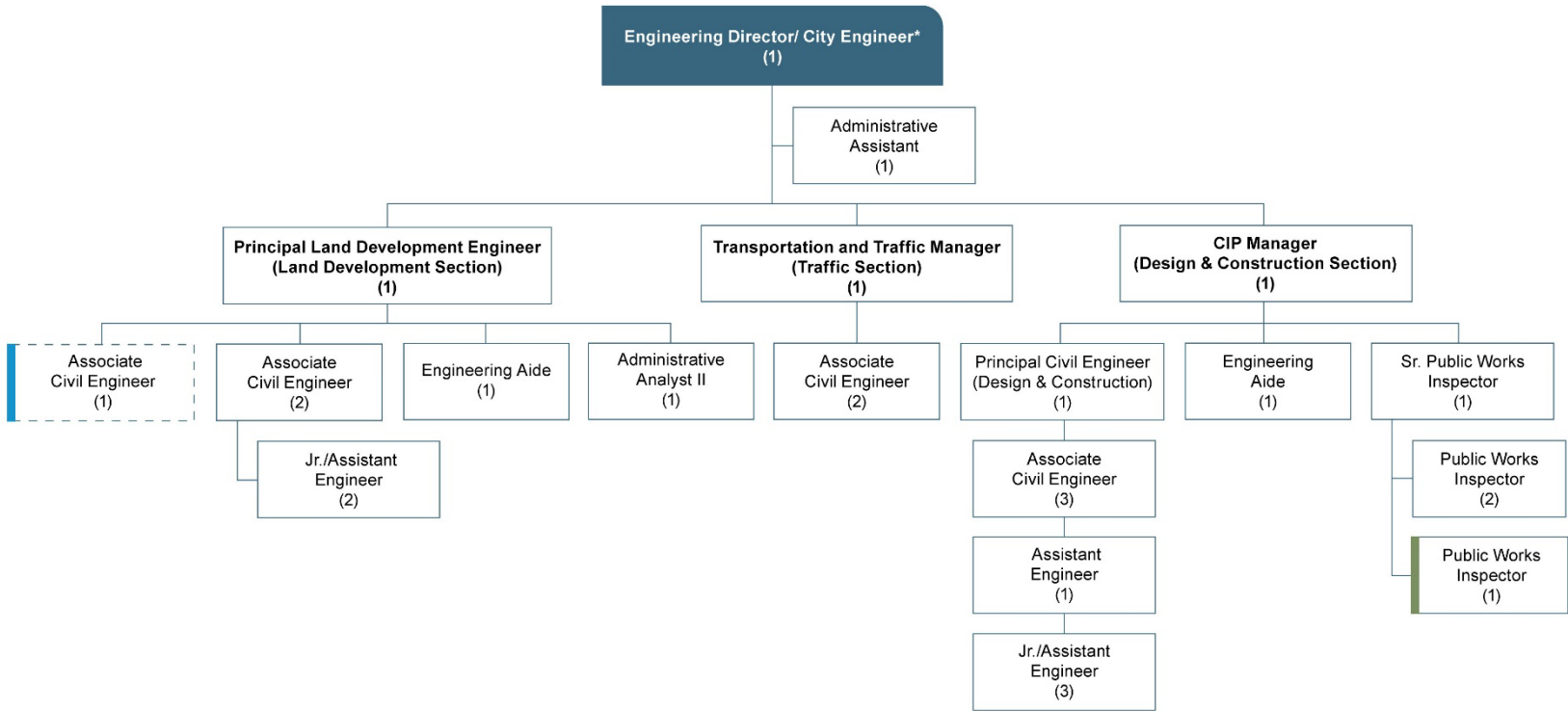


New FY 23-24
Move
Reclass
Defunded FY 23-24
Defunded FY 21-22
Temp

\*Partially funded for 6 months

\*\*Senior Administrative Analyst was moved to Information Technology Department

Permanent FTE (30)
Temporary FTE (1.5)

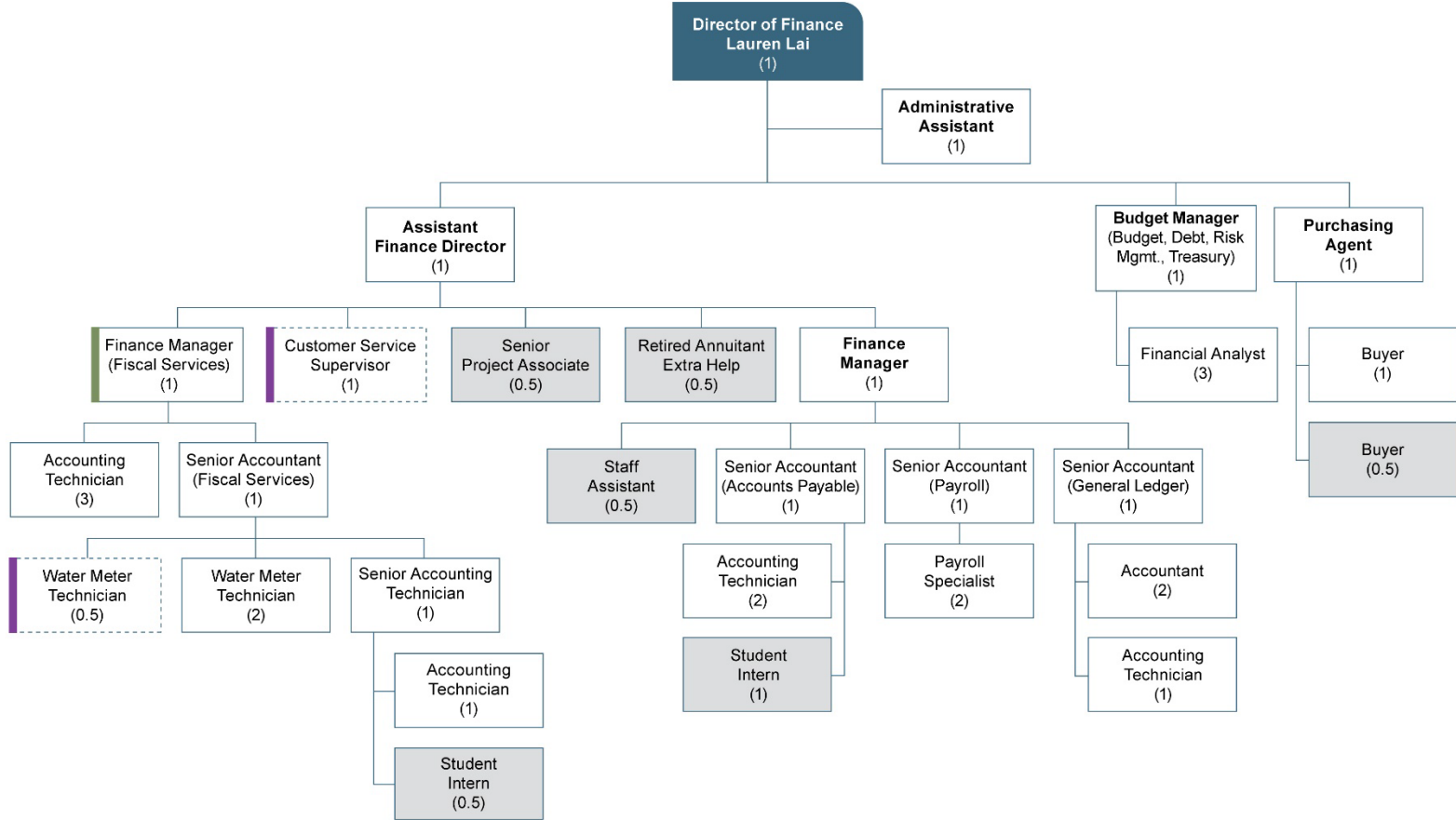


New FY 23-24
Move
Reclass
Defunded FY 23-24
Defunded FY 21-22
Temp

\*Partially funded for 6 months

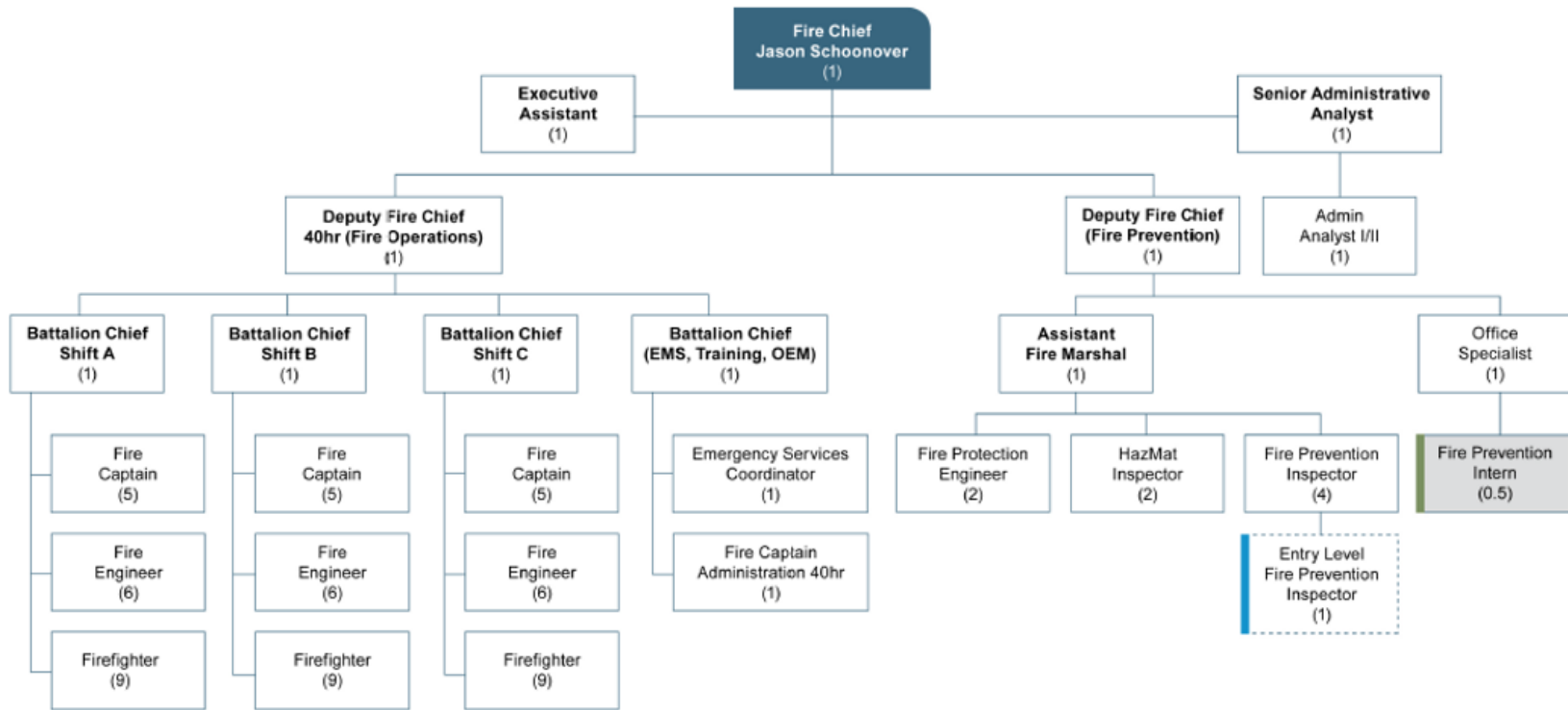
Permanent FTE (26)
Temporary FTE (0)





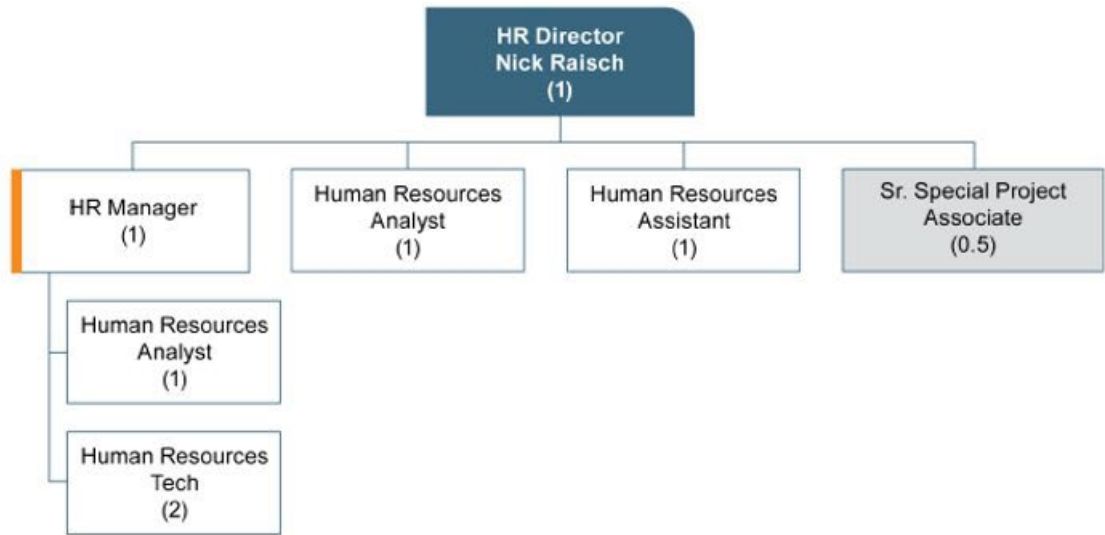
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Move
Reclass
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Defunded FY 21-22
Temp

Permanent FTE (29)
Temporary FTE (3.5)



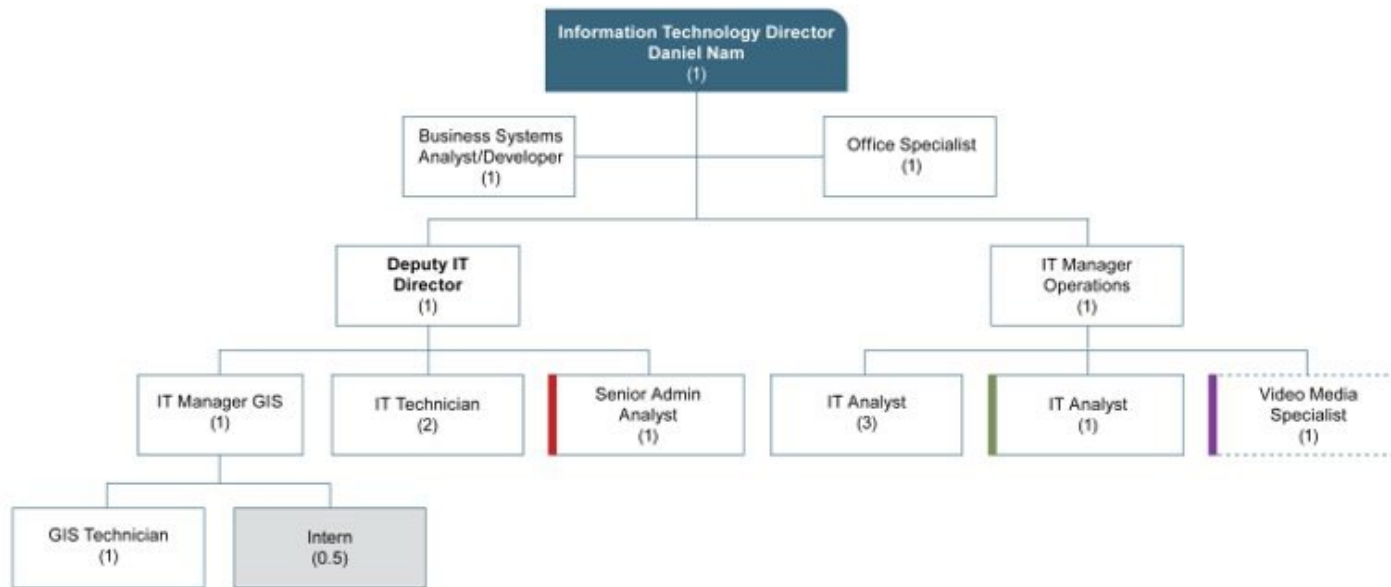
New FY 23-24
Move
Reclass
Defunded FY 23-24
Defunded FY 21-22
Temp

Permanent FTE (82)
Temporary FTE (0.5)



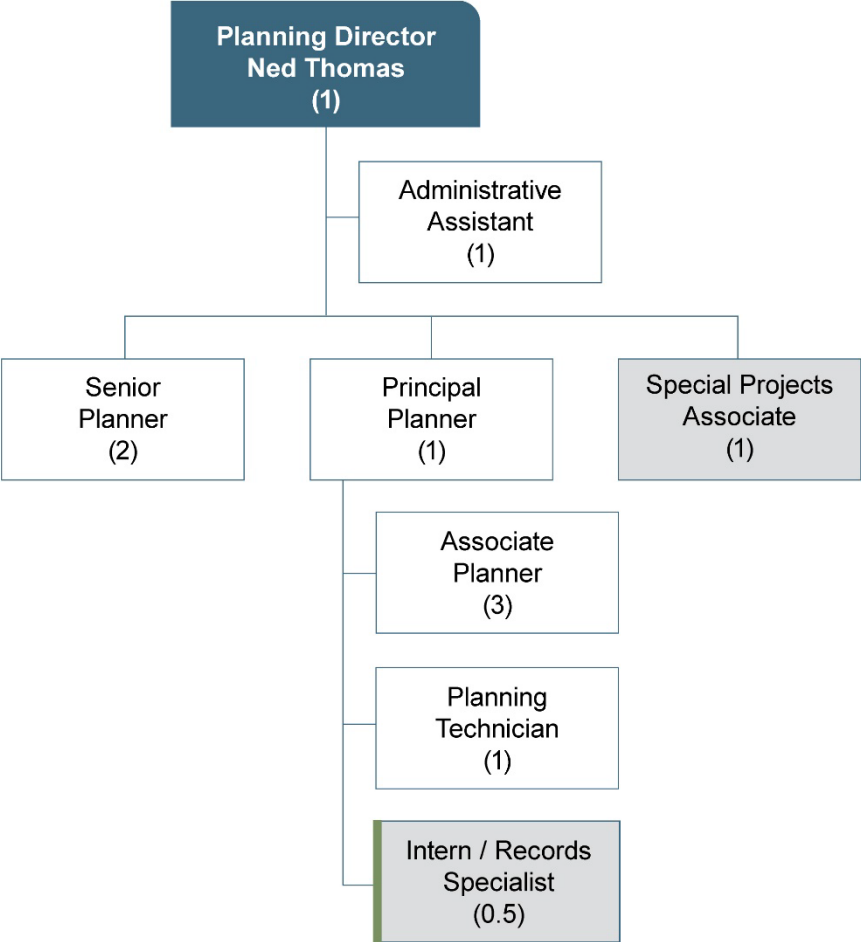
New FY 23-24
Move
Reclass
Defunded FY 23-24
Defunded FY 21-22
Temp

Permanent FTE (7)
Temporary FTE (0.5)



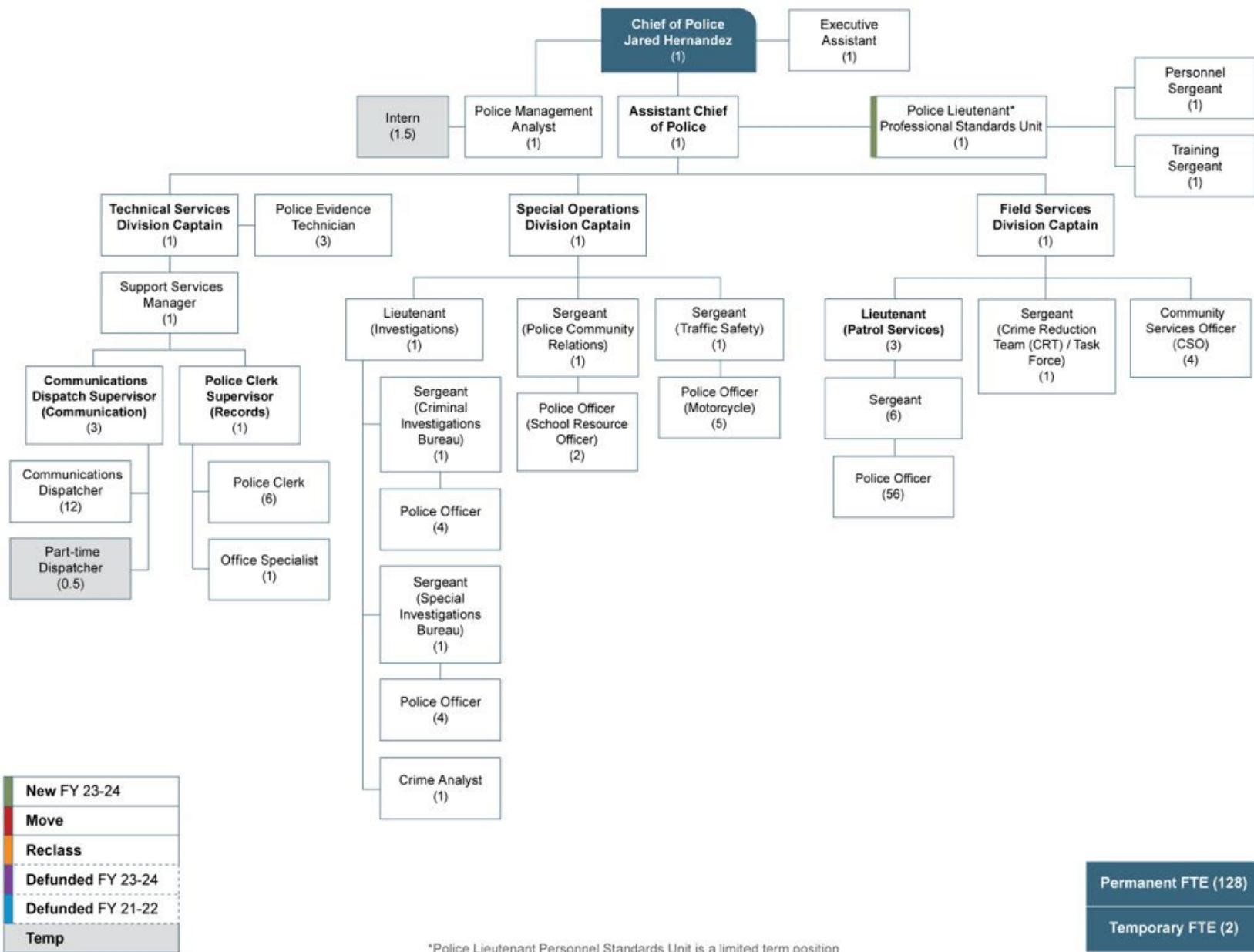
New FY 23-24
Move
Reclass
Defunded FY 23-24
Defunded FY 21-22
Temp

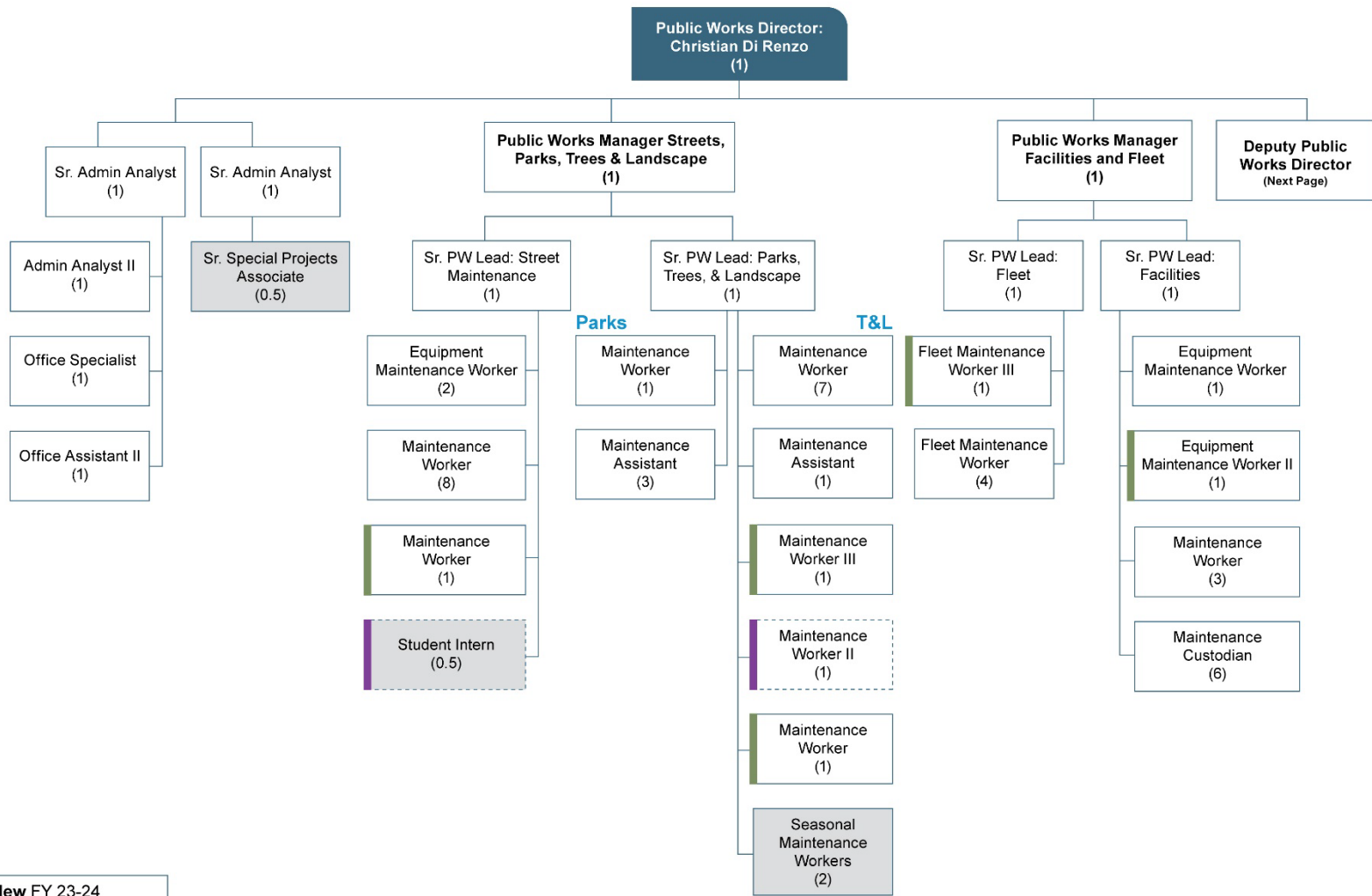
Permanent FTE (14)
Temporary FTE (0.5)



New FY 23-24
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Reclass
Defunded FY 23-24
Defunded FY 21-22
Temp

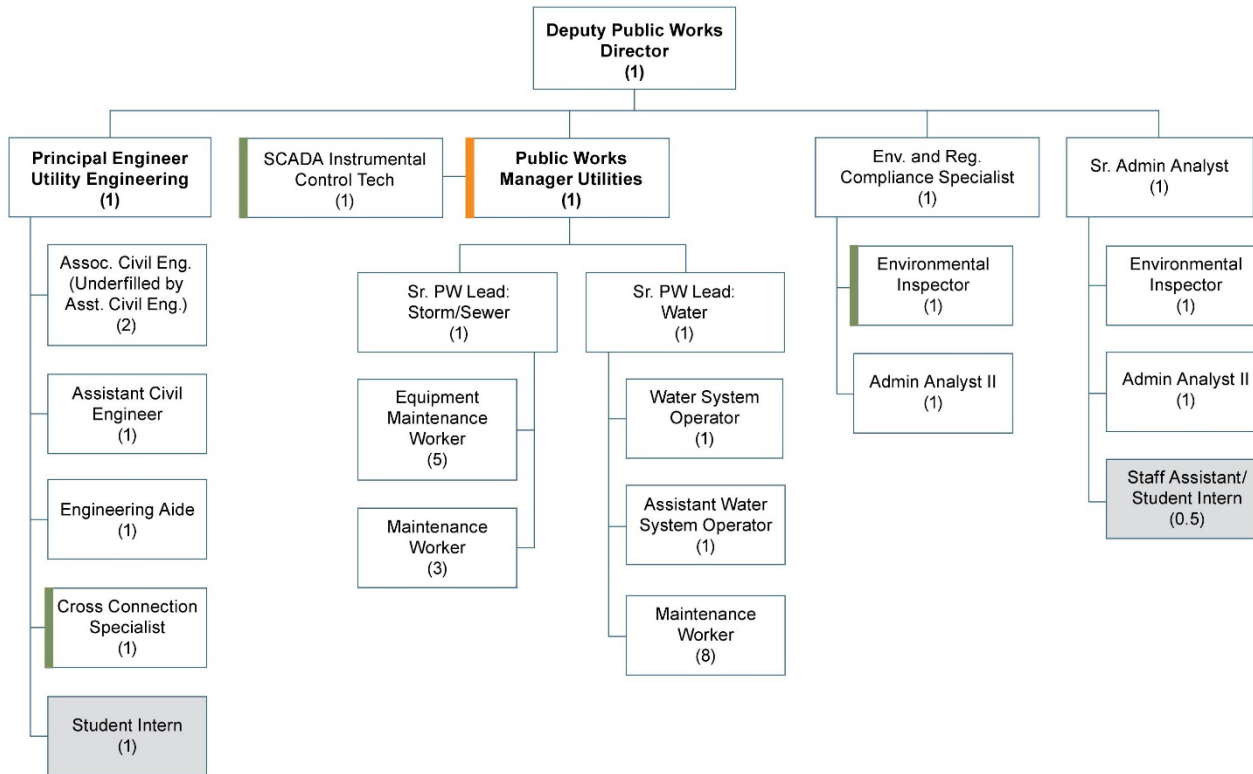
Permanent FTE (9)
Temporary FTE (1.5)





New FY 23-24
Move
Reclass
Defunded FY 23-24
Defunded FY 21-22
Temp

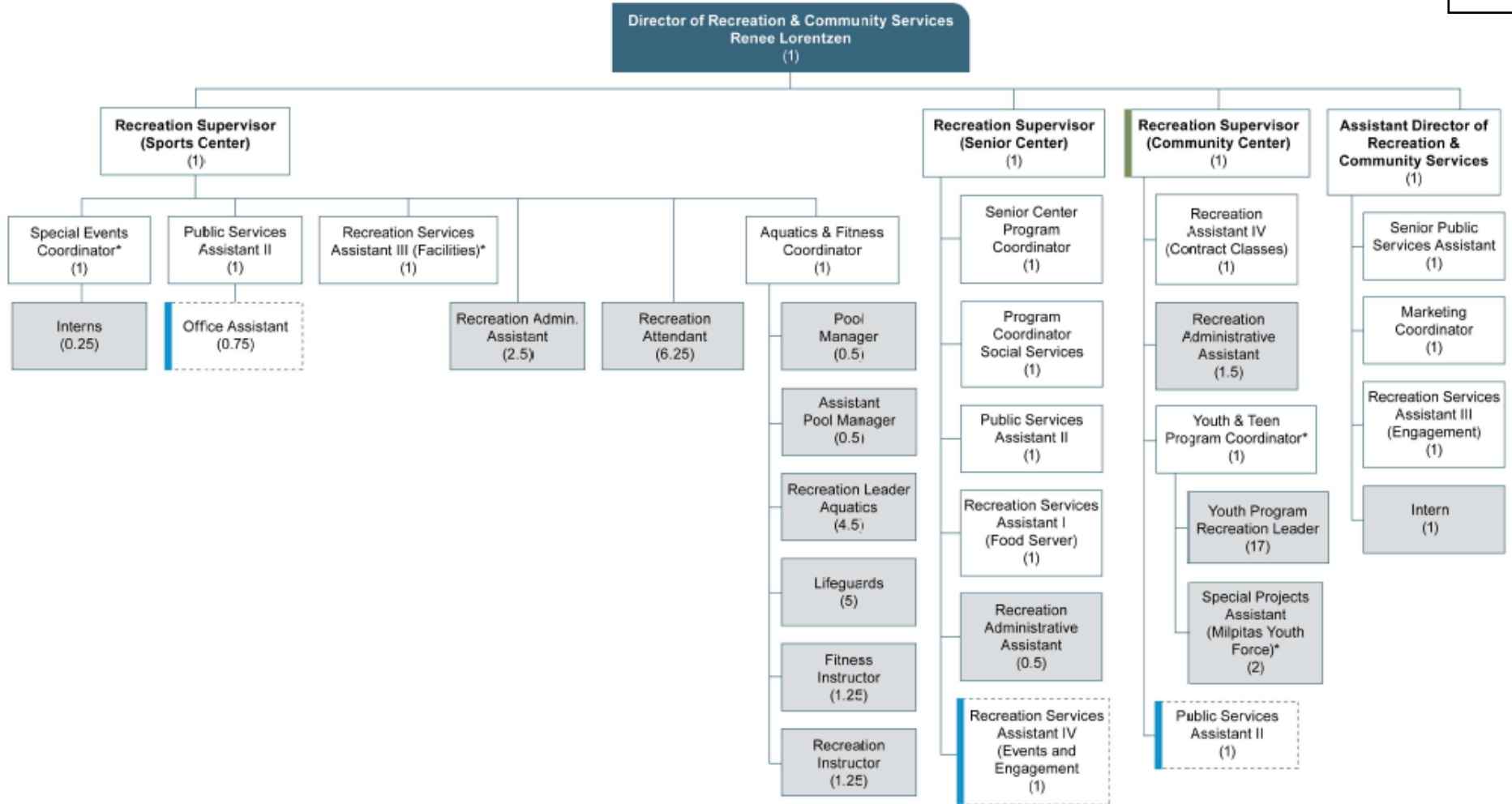
Permanent FTE (88)
Temporary FTE (4)



New FY 23-24
Move
Reclass
Defunded FY 23-24
Defunded FY 21-22
Temp

Permanent FTE (88)
Temporary FTE (4)





New FY 23-24
Move
Reclass
Defunded FY 23-24
Defunded FY 21-22
Temp

Permanent FTE (18)  
\*Represents working title

\*Temporary FTE (44)  
\*Represents working title

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

**A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AND THE HOUSING AUTHORITY COMMISSION OF THE CITY OF MILPITAS APPROVING THE FY 2023-24 OPERATING BUDGET FOR THE CITY OF MILPITAS AND THE MILPITAS HOUSING AUTHORITY, THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2023-24, FISCAL POLICIES, AND BUDGET GUIDELINES, AND AUTHORIZING VARIOUS FINANCIAL ACTIONS BY THE CITY MANAGER, INCLUDING APPROVING AND AUTHORIZING THE EXECUTION OF VARIOUS CONTRACTS AND PAYMENTS OVER \$100,000**

**WHEREAS**, the City Manager has submitted a FY 2023-24 Proposed Budget and Financial Plan; and

**WHEREAS**, on June 6, 2023, a public hearing on the Proposed Budget and Financial Plan was opened where all interested persons were heard; and

**WHEREAS**, the City Council and Milpitas Housing Authority Commission (“Authority”) reviewed the City Manager’s FY 2023-24 Proposed Budget and Financial Plan; and

**WHEREAS**, the first year, or FY 2023-24, of the CIP is a part of the 2023-24 Proposed Budget and Financial Plan; and

**WHEREAS**, Article XIII B, Section 1, of the Constitution of the State of California requires that total annual appropriations subject to limitation of the City of Milpitas shall not exceed the appropriations limit of the City for the prior year adjusted for changes in the cost of living and population except as otherwise provided, also referred to as the Gann Appropriations Limit; and

**WHEREAS**, this Article became effective July 1, 1980, as amended, which requires the City to establish its appropriations limit by resolution each year at a regularly scheduled meeting or a noticed special meeting, commencing after the beginning of each fiscal year; and

**WHEREAS**, the appropriations base for 1978-79 had been determined and since adjusted by the changes in population, cost of living, and transfers of financial responsibility, establishing an appropriations limit for fiscal year 2023-24 of \$\$135,124,537; and

**WHEREAS**, the calculations for the appropriations limit are included as part of the budget document materials being considered and approved by the City Council as part of this Resolution; and

**WHEREAS**, documentation used in determining the appropriations limit has been made available to the public for a period of not less than fifteen (15) days prior to City Council consideration of this Resolution; and

**WHEREAS**, the budget document contains fiscal policies that the City Council has reviewed and approved and which are updated from time to time, as follows: General Financial Goals, Operating Budget Policies, Revenue and Expenditure Policies, Utility Rates and Fees, Capital Budget Policies, Debt Policies, Reserve Policies, Investment Policies, and Accounting/Auditing and Financial Reporting Policies; and

**WHEREAS**, the budget document contains budget guidelines that the City Council has reviewed and approved and which are updated from time to time, as follows: Basis of Budgeting; Budget Calendar requirements; form and content of the City Manager's Proposed Budget; adoption of the Budget by June 30th; the City Manager’s budget authority; requirement that budget amendments be approved by the City Council; budget transfers and modification procedures; automatic adjustments and re-appropriations; budget monitoring and reporting; and reserve requirements for all funds.

**NOW, THEREFORE**, the City Council of the City of Milpitas and the Milpitas Housing Authority Commission hereby find, determine, and resolve as follows:

1. The City Council and Authority have considered the full record before them, 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 them. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The annual Budget and Financial Plan, as attached in the City Council meeting packet, inclusive of capital improvement appropriations, for the City of Milpitas for fiscal year 2023-24 is hereby affirmed and adopted totaling \$231,743,280 for all appropriated funds.
3. The amounts shown as “Appropriations” and estimated fund balances are hereby approved for the various purposes designated in the 2023-2024 Adopted Budget.
4. The budgets for all departments for the period July 1, 2023 through June 30, 2024, inclusive, contained in this 2023-24 Adopted Budget, are approved as the operating budget for those departments for fiscal 2023-24.
5. The appropriations limit for fiscal year 2023-2024 shall be \$135,124,537 as shown in **Exhibit 1**.
6. Pursuant to Government Code Section 7910, no judicial action or proceeding to attack, review, set aside, void, or annul the action of the City Council in establishing the appropriations limit for fiscal year 2023-2024 shall be brought unless such action or proceeding shall have been commenced within forty-five (45) days of the date of adoption of this Resolution.
7. Any unused non-salary and benefits-related appropriations at the end of fiscal 2022-2023 may be re-appropriated for continued use in fiscal year 2023-24 subject to the approval of the City Manager. Furthermore, any outstanding contract and/or purchase order obligations (or encumbrances) remaining at the end of FY 2022-2023 are subject to carry-over into FY 2023-24.
8. Subject to any grant restrictions, unspent appropriations that are authorized and funded by grant revenues from prior fiscal year will automatically be carried over to current year’s budgets. Unspent City funded grant appropriations from prior fiscal year will automatically be carried over to the current year’s budgets.
9. As part of year-end closing of the budget, previously appropriated capital project funds will be automatically carried forward to the next fiscal year for the same capital project until the project is closed out.
10. No office, department, or agency shall expend any amount or incur any liability or enter into any contract, which by its terms involves expenditures of money for any purpose in excess of the amounts appropriated for the particular departments, and funds set forth herein.
11. The City Manager may authorize, when in his or her judgment such action is consistent with the purposes and intent of the 2023-2024 Adopted Budget as approved, budget revisions subject to the following conditions:

Prior Council Approval Not Required. Prior approval of the City Council is not required under the following circumstances:

- i. When revisions involve transfers from the Unanticipated Expenditure Reserve less than or equal to the aggregate amount adopted within the budget in any one fiscal year (\$1,260,000 in FY 2023-24), provided that the Council is notified in writing of the revision, giving the reason, the amount of the revision and the year-to-date total amount of revisions as part of the quarterly financial reports.

- ii. When revisions involve transfers from the appropriated leave cash-out account less than or equal to the aggregate amount adopted within the budget in any one fiscal year (\$650,000 in FY 2023-24) to the various departments for cash-outs when employees leave City service.
  - iii. When revisions involve transfers, or reallocations, within any one fund among the various departments or projects, provided that the amount of transfer in any single instance does not exceed \$100,000.
  - iv. When revisions involve reasonable deviation from the budgeted personnel allocation schedule, provided that at no time the number of permanent funded positions authorized by the City Council is exceeded.
  - v. When revisions involve hiring full-time employees in overstrength positions for no more than one year as long as appropriations are not exceeded to ensure adequate staffing levels for sworn positions, facilitate training of new employees by the outgoing incumbent or respond to urgent staffing needs.
  - vi. When revisions involve adding/deleting positions or moving positions between departments to respond to organizational needs, as long as the number of permanent funded positions and the approved personnel cost appropriations remain the same.
  - vii. When revisions involve allocating, redistributing and/or appropriating monies between department and non-department divisions so as to reflect budgetary savings in one or more departments.
  - viii. For Police goods and services to be purchased from Asset Seizure funds, the City Manager or his/her designee, has the authority to purchase such goods or services if the expenditures of such goods and services do not exceed the amount designated from Asset Seizure funds as approved by the City Council during the Budget hearing.
  - ix. To use judgment to modify citywide administrative financial policies and procedures from time to time that are consistent with municipal government best practices unless those policies would otherwise be in conflict with the budget provisions incorporated in this Resolution or the City's Municipal Code.
  - x. **Exhibit 2** lists contracts and payments that are specifically identified in the budget document and materials enclosed herein. None of these contracts require a formal, public bidding process. The list of contracts and payments is hereby approved and the City Manager is authorized to execute and enter into these contracts and make these payments during fiscal year 2023-24 up to the amounts listed by contract or payment in **Exhibit 2**.
12. Prior Council Approval Required. Prior approval of the City Council is required for revisions to the 2023-2024 Final Budget as adopted if any of the following are involved:
- i. An increase in overall appropriation level within any one Fund.
  - ii. The transfers or reallocation of appropriations greater than \$100,000 between different Funds, except not for reallocations between subfunds within one Fund.
  - iii. Changes providing for increases or decreases in funded permanent personnel counts in the adopted Budget.
  - iv. Contract change orders which would cause the aggregate contract amount to exceed \$100,000 and/or exceed prior approved appropriation levels for the subject contract.

- v. Transfers from Unanticipated Expenditure Reserve, which would cause the aggregate amount of \$1,270,000 during fiscal year 2023-24, to be exceeded.
- vi. Result in changes not consistent with the purpose and intent of the Budget as adopted.
- vii. Require an appropriation action from any unassigned fund balances or reserves.

13. Information establishing the current budget situation and steps to be taken to present balanced City Budgets have been presented during the public hearing on this meeting June6, 2023, and in prior budget presentations.

14. The approval of the 2023-24 Adopted Budget, including the authority to enter into any contract, make payments, or undertake other actions, does not commit the City to any action that may have significant effect on the environment. This is because the actions are financial or administrative and do not directly impact the environment or the environmental impacts of any action would be speculative to analyze at this time. As a result, there is no potential impact on the environment from this action per Section 15061(b) (3) of the California Environmental Quality Act (“CEQA”) Guidelines and this action does not constitute a project under CEQA per CEQA Guidelines Section 15378(b)(4). Although the budget does authorize certain types of contracts to be entered into, none are anticipated to have any environmental impact at the time of entering into the contract, and if ultimately leading to a project that could impact the environment, the impacts of that action will be analyzed once the project is designed and the analysis is no longer speculative.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023, 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

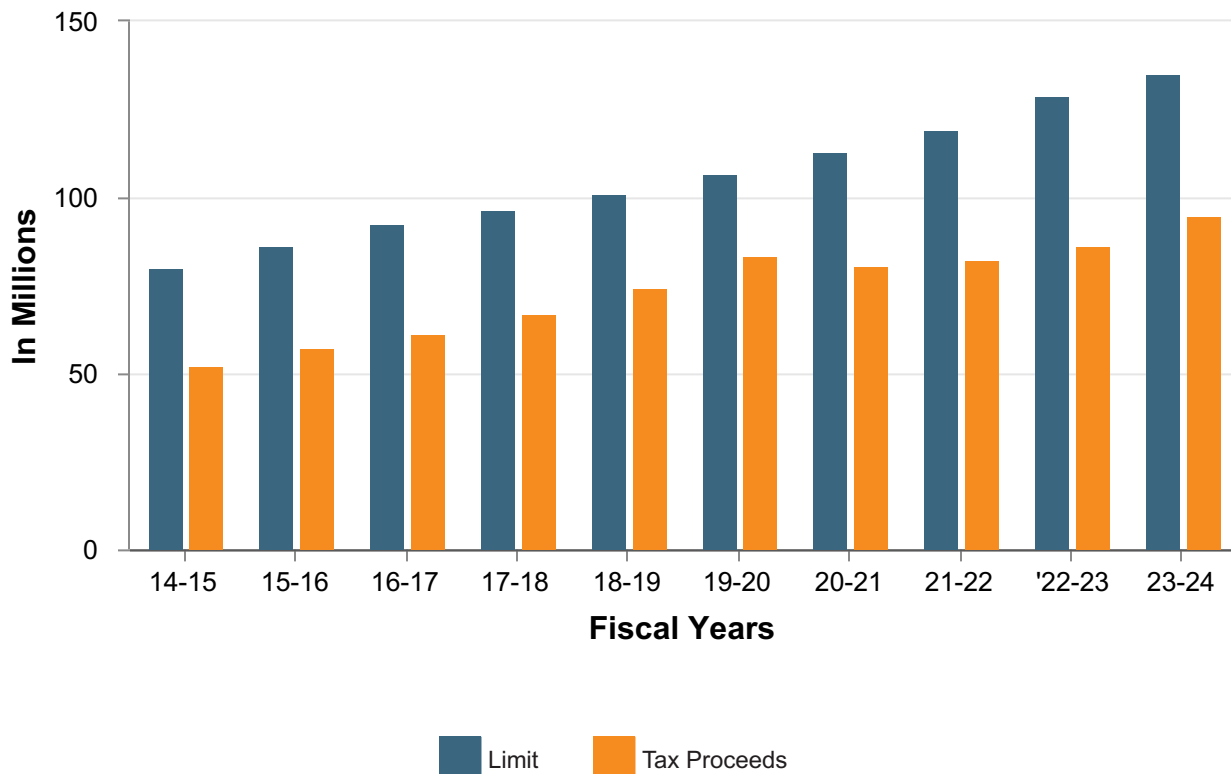
## Gann Appropriations Limit Analysis

Article XIII B of the California State Constitution, more commonly referred to as the Gann Initiative or Gann Appropriations Limit, was approved by California voters in November 1979 and placed limits on the amount of proceeds of taxes that state and local governmental agencies can receive and spend each year. If an agency receives more revenue than the Appropriations Limit, the excess revenue must be returned to the taxpayers through a tax reduction or refund within the next two years. Alternatively, the agency can increase its Appropriations Limit through voters' approval.

Each year's limit is based on the amount of tax proceeds that were authorized to be spent in Fiscal Year 1978-79 in each agency, modified for changes in inflation and population in each subsequent year. The City Council must adopt, by resolution, an Appropriations Limit for the following year. Using the population and per capita personal income change factors provided by the State of California, the City's Appropriations Limit for FY2023-24 has been computed to be \$135,124,537. Appropriations subject to the limitation in FY2023-24 budget total \$95,123,436 that is \$40,001,101 less than the computed limit.

The following chart shows the annual Appropriations Limit and the tax proceeds received since Fiscal Year 2014-15. The amounts for Tax Proceeds have been restated to exclude Franchise Fees, which were inadvertently included in the past, which is inconsistent with the law. The City has not exceeded its annual Appropriations Limit in any single fiscal year. The City has been under 80% of the limitation and should not be impacted by the Appropriations Limit.

**City of Milpitas Annual Appropriations Limit**



\*In prior years, Franchise Fees were inadvertently included in the calculation of the tax proceeds, which is inconsistent with the law. This chart has been corrected to show only tax proceeds subject to the limit.

## Approval of FY 2023-2024 Budget Contracts/Payments over \$100,000

### 1. FY 2023-24 Operating Budget

Department Name	Contractor Name (If known) or Type of Contract	Description of Contract/Payment	Estimated Amount	Funds
City Attorney	Meyers Nave, a Professional Corporation	Contracted outside Legal Services	\$150,000	General Fund
Building Safety & Housing Dept.	WeHOPE (Dignity on Wheels) - PSA	Mobile Shower & Laundry Services for Unhoused Individuals (3 years)	\$150,000	Assemblymember Alex Lee's State Funding
Finance	PLAN JPA	Liability/Cyber Insurance	\$2,859,393	General Fund Water Fund Sewer Fund Housing Authority Fund Equipment Fund
Finance	PLAN JPA	Attorney Fees for Claims/Lawsuits	\$391,500	General Fund Water Fund Sewer Fund
Finance	PG&E	Utility - Electric	\$2,415,702	General Fund Sewer Fund Water Fund
Finance	Chandler	Investment Portfolio Management	\$162,000	General Fund
Finance	Integrus	Utility - Gas	\$226,300	General Fund
Human Resource	Brown & Brown	Excess Insurance	\$388,136	General Fund
Human Resource	Sedgwick	Third Party Administrator for Worker's Compensation	\$142,044	General Fund
Information Technology (Finance)	Cayenta	Cayenta Software Maintenance	\$288,806	General Fund
Information Technology	CDW-G	Microsoft Office 365 Licensing	\$167,000	General Fund
Information Technology	Central Square	Tritech Police - VisiCAD / Software Maintenance	\$167,890	General Fund
Police	County of Santa Clara	Crime Lab Major Case Evidence Examination	\$172,117	General Fund
Police	Silicon Valley Regional Interoperability Authority	Silicon Valley Regional Communications Systems (SVRCS) - Annual Operations and Maintenance for digital radio system	\$129,715	General Fund
Police	County of Santa Clara	Cal-ID	\$141,676	General Fund
Police	Axon Enterprise, Inc.	Police Body Worn Cameras / Tasers / Cloud Storage	\$183,235	General Fund
Public Works	SFPUC	FY 2023-2024 Wholesale Water Purchase	\$15,246,004	Water Fund

Public Works	City of San Jose	FY 2023-2024 WPCP - O&M	\$7,568,416	Sewer Fund
Public Works	Valley Water	FY 2023-2024 Wholesale Water Purchase	\$6,081,965	Water Fund
Public Works	City of San Jose	FY 2023-2024 Recycled Water Purchase	\$2,267,974	Water Fund
Public Works	Brightview	Park maintenance services	\$1,325,827.13	General Fund / CFD
Public Works	Vehicle Purchases	Purchase of new and replacement equipment and vehicles for aging Public Works fleet.	\$836,956	General Fund Water Fund Sewer Fund Equipment Fund
Public Works	Merrimac Petroleum Inc.	FY 2023-2024 Diesel & Unleaded Fuel	\$575,620	Equipment Replacement Fund
Public Works	West Coast Arborist	Tree maintenance services	\$480,000	General Fund / CFD
Public Works	Nova	Janitorial services	\$388,133	General Fund
Public Works	Enterprise FM Trust	FY 2023-2024 Fleet Lease Agreement	\$168,000	General Fund
Public Works	City of Sunnyvale	Santa Clara Valley Urban Runoff Pollution Prevention Program	\$153,892	General Fund
Public Works	Brightview	Facilities landscape maintenance	\$116,260	General Fund
Public Works	BAWSCA	Bay Area Water Supply and Conservation Agency (BAWSCA) membership	\$168,714	Water Fund
Public Works	Our City Forest	Our City Forest Lawn Conversion Program	\$120,000	Water Capital Surcharge / CIP 7126 Water Conservation Program
Public Works	Tucker	Encampment Clean-Up	\$100,000	General Fund
Recreation	County of Santa Clara "SNP"	Senior Nutrition Program	\$103,066	GT1007-162-4226



## 2. FY 2023-24 Capital Improvement Program (CIP) Budget

Department Name	CIP Project No. & Name	Description of Contract	Estimated Amount	Funds
Community Improvements	CIP 3403 - Fire Station Improvements	Replacement of overhead door operators at the apparatus bays of Fire Stations 1, 3, and 4.	\$500,000	General Gov. CIP Fund
Community Improvements	CIP 3406 - City Building Improvements	Replacement of storefront door and installation of door badging system at the Community Center; and replacement of the automated gate operators, lockers and high security storage cabinets in the evidence room, and reconfiguration of the report writing room at the Police Department.	\$730,000	General Gov. CIP Fund
Community Improvements	CIP 3422 - Roof Repairs	Design of roof replacement at the Community Center building and the replacement of the metal roof at the City Library.	\$350,000	General Gov. CIP Fund
Community Improvements	CIP for Median Conversion Project	Construction services for first conversion phase for median conversion project.	\$300,000	General Gov. CIP Fund
Community Improvements	CIP 3438 - Annual Tree Replacement Program	Ongoing replacement of City-owned trees that have been removed since last major planting cycle.	\$100,000	General Gov. CIP Fund
Community Improvement	CIP 3506 - Watershed Analysis	New Design/Professional Services Agreement to obtain a consultant to furnish a watershed analysis based on FEMA CRS requirements. This would help maintain the City's Federal Emergency Management Agency (FEMA) Community Rating System (CRS) Class 7 Rating.	\$150,000	General Gov. CIP Fund
Community Improvement	CIP 3465 - Fire Station No. 1 Modular Building	New Design/Professional Services Agreement to obtain a consultant to provide design services for the replacement of modular building and improvements at Fire Station No.1.	\$250,000	General Gov. CIP Fund
Park Improvement	CIP 2005 Lower Penitencia Creek Pedestrian Bridge	New Design/Professional Services Agreement with Biggs Cardosa and Associates to provide design services for a new pedestrian bridge at Delano Manongs Park.	\$200,000	TASP Impact Fees Developer Fees
Park Improvement	CIP 3424 - Citywide Park Rehabilitation	Repairing various trails and asphalt pathways; replacing site furnishing at various parks, fence repairs at Sports Center Complex, Dixon Landing Park, and Peter Gill Memorial Park; and on-call service contract for playground repairs.	\$600,000	Park Fund

Park Improvement	CIP 3491 Cardoza Park Softball Fields Improvement	New Design/Professional Services Agreement to obtain a consultant to provide design services including community outreach and environmental review for new softball fields at Cardoza Park.	\$500,000	General Gov. CIP Fund, Park Improvement Fund
Park Improvement	CIP 3505 - Sports Center Football Bleacher Replacement	New Design/Professional Services Agreement to obtain a consultant to provide design services for the replacement of home field football bleachers including ADA path of travel improvements at the Sports Center Complex.	\$150,000	Park Fund
Park Improvement	CIP 5108 - Sports Fields Turf Rehabilitation Program	Rehabilitation of the infields and warming tracks at Dixon Landing and Peter Gill Memorial Parks and soccer fields at Murphy Park.	\$300,000	Park Fund
Park Improvement	CIP 5113 - Minor Sports Courts Rehabilitation Program	Resurfacing and restriping of tennis courts at Dixon Landing, Browne, and Pinewood Parks.	\$155,000	Park Fund
Sewer Improvement	CIP 6137 - Forca Main "A" Project Sanitary Sewer Cathodic Protection Improvements	Design/Professional Service Agreement to obtain a consultant to provide an assessment of the sewer force main "A" from Milpitas Main Sewer Lift Station to San Jose/Santa Clara Regional Waste Water Facility.	\$1,500,000	Sewer Infrastructure Fund, Sewer Fund
Street Improvement	CIP 2016 S. Milpitas Blvd. Vehicle Bridge at Penitencia	New Design/Professional Services Agreement with Cornerstone Structural Engineering group, Inc. to provide design services for a new vehicle bridge over Penitencia Creek including the roadway between Sango Ct. and Tarob Ct.	\$700,000	TASP Impact Fees
Street Improvement	CIP 2016 S. Milpitas Blvd. Vehicle Bridge at Penitencia	New Design/Professional Services Agreement with Artik to provide design services for artwork on the new vehicle bridge over Penitencia Creek.	\$400,000	TASP Impact Fees
Street Improvement	CIP 2016 S. Milpitas Blvd. Vehicle Bridge at Penitencia & CIP 2018 Montague Ped. Overcrossing at Penitencia	Amendment to the Professional Service Agreement between the City and David J. Powers & Associates for additional environmental review and permitting, and update the Initial Study and Mitigated Negative Declaration. The aggregate contract amount exceeds \$100,000.	\$150,000	TASP Impact Fees
Street Improvement	CIP 3426 - Annual Sidewalk, Curb, and Gutter Repair	Construction contracts for repair and replacement of sidewalk, curb, and gutters.	\$890,000	Gas Tax Fund

Street Improvement	CIP 3440 - Annual Street Light, Signal, and Signage	Ongoing replacement of street signs, streetlights, traffic signal cameras, cabinets, and battery backup system upgrades.	\$825,000	Gas Tax Fund
Street Improvement	CIP 3449 - Street Landscape Irrigation Repair	Repairs of irrigation controllers, pipelines, and valves.	\$320,000	General Gov. CIP Fund
Street Improvement	CIP 4267 - Soundwall and Barrier Repair and Renovation Program	Improvements to various Citywide soundwall and barriers per condition assessment of City-owned soundwalls and barriers.	\$210,000	Street Improvement Fund
Street Improvement	CIP 4295 - Street Pavement Restriping Program	Construction contract for repair and thermal striping in high traffic areas and button marker replacement.	\$200,000	Gas Tax Fund
Street Improvement	CIP 4299 Bicycle Improvement Project	New Design/Professional Services Agreement to obtain a consultant to provide design services for bike lane enhancements, such as green bike lane, enhanced bike signage, and/or separate bike facility.	\$200,000	Grant
Water Improvement	CIP 7076 - Well Upgrade Project	New Design/Professional Services Agreement with West Yost to provide design services for new potable water well facilities at Delano Manongs Park.	\$2,000,000	Water Capital Surcharge
Storm Drain & Water Improvement	CIP 7118 - Dempsey Water Line Project	New Design/Professional Services Agreement to obtain a consultant to provide design services for the replacement of the water main on Dempsey Road.	\$900,000	Water Capital Surcharge
Water Improvement	CIP 7133 Minor Water Projects	Installation of the suction piping for booster pump at Gibraltar Reservoir, replacement of check valves at Yosemite and Ames at S. Milpitas; construction of Sunnyhills Turnout Rehab project; design of California Circle and Fire Station 1 Pressure Reducing Station upgrades; security gate upgrades at Ayer Reservoir; pavement repairs and painting of the building at Tularcitos/Country Club Reservoir; and building and concrete improvements at Minnis Reservoir.	\$2,106,000	Water Capital Surcharge
Water Improvement	CIP 3709 - Dempsey Storm Drain Line Project	New Design/Professional Services Agreement to obtain a consultant to provide design services for storm drain improvements on Dempsey Road.	\$500,000	Storm Drain Fund

Sewer Improvement	CIP 6118 SJ - SC Regional Waste Water Facility	City of Milpitas cost share amount with City of San Jose for rehab improvements to RWF	\$9,770,000	Sewer Infrastructure Fund, Sewer Treatment Fund
Sewer Improvement	CIP 6124 - Sewer Pump Station Rehabilitation Program	Installation of the hold structure for the grinders and replacement of variable frequency drives at the Main Lift Station.	\$575,000	Sewer Infrastructure Fund
Storm Improvement	CIP 3714 - Flap Gate Replacement	Design and installation of flap gates at Hall Park Lagoon and Penitencia Creek and to retain construction management services to manage the installation.	\$400,000	Storm Drain Fund
Storm Improvement	CIP 3715- Storm Drain System Rehabilitation	Improvement of the wet well and installation of liner in the concrete ditch behind Friendly Village Mobile Home Park to prevent flooding and to hire a consultant to manage the permitting and construction of the project.	\$1,558,000	Storm Drain Fund General Fund
Public Safety	CIP 3459 - ALPRs and Security Cameras	ALPR cameras-Flock Safety	\$156,000	General Government CIP Fund, Grants/ Reimb./Developer Fees
Public Safety	CIP 3423 - Police Records Management System	Police Records Management System-Mark43	\$162,476	General Fund, General Government CIP Fund
Community Improvement	CIP 3503 - Landmark Policy - Historic Resource Master Plan Update and Marker Program	Consultant for Update to Historic & Cultural Resources Plan	\$150,000	General Government CIP Fund

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING RESOLUTION NO. 1626, THE CLASSIFICATION PLAN, TO AUTHORIZE ADDITIONAL POSITIONS, AND AMEND BUDGETED ALLOCATED POSITIONS**

**WHEREAS**, the City of Milpitas has a Classification Plan adopted as Resolution No. 1626 on December 17, 1968, which has been amended from time to time, and which is in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792 as amended); and

**WHEREAS**, amendments to the Classification Plan are necessary to account for changes within the organization, transfer of duties, new job responsibilities, and adjustments to salary ranges;

**WHEREAS**, pursuant to the Personnel Rules and Regulations Section 2.04, the City Manager/Personnel Officer has the authority to add, delete, or revise classifications approved by Council so long as these changes do not involve a change to the overall compensation range, and as such the City Manager authorized defunding one Digital Media Specialist and adding one Information Technology Analyst in FY 2022-23;

**WHEREAS**, the annual budget process necessitates changes in position authorizations that result from modifications made to the Classification Plan.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. Resolution No. 1626, as amended, is hereby further amended effective July 1, 2023 as set forth below. If any of the below-mentioned groups or classifications receive a cost-of-living adjustment separate from the adoption of the 2023-24 budget, that same percentage amount and effective date will be applied accordingly pursuant to the applicable bargaining unit agreement(s) for the below-listed classification salary ranges by further Resolution.

**A. AUTHORIZE THE FOLLOWING POSITIONS:**

- Add One (1) Office Specialist – City Manager’s Office
- Add One (1) Administrative Analyst I/II – Office of Economic Development
- Add One (1) FTE Police Lieutenant – Police Department (2-year limited term)
- Add One (1) FTE Cross Connection Specialist – Public Works Department
- Add One (1) FTE Environmental Inspector - Public Works Department
- Add One (1) FTE Public Works Inspector – Engineering Department
- Add One (1) FTE Equipment Maintenance Worker I/II – Public Works Department
- Add One (1) FTE Fleet Maintenance Worker III- Public Works Department
- Add One (1) FTE SCADA and Instrumentation Control Technician – Public Works Department
- Add One (1) FTE Recreation Services Supervisor - Recreation and Community Services Department
- Add Two (2) FTE Maintenance Workers I/II - Public Works Department
- Add One (1) FTE Maintenance Worker III – Public Works Department

**B. RECLASSIFY THE FOLLOWING BUDGETED ALLOCATED POSITIONS:**

- Reclassify One (1) FTE Customer Service Supervisor to Finance Manager – Finance Department
- Reclassify One (1) FTE Public Works Manager to Public Works Manager – Utilities – Public Works Department

**C. RETITLE THE FOLLOWING BUDGETED ALLOCATED POSITIONS:**

Retitle Community Services Engagement & Inclusion Administrator to Assistant Director Recreation and Community Services

**D. DELETE/DEFUND THE FOLLOWING BUDGETED ALLOCATION POSITIONS:**

Defund One (1) FTE Maintenance Worker I/II (add/delete - linked to Maintenance Worker III above)

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023, 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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING RESOLUTION NO. 1626, THE CLASSIFICATION PLAN, TO ADJUST HOURLY RATE RANGES FOR CLASSIFICATIONS DUE TO A MINIMUM WAGE INCREASE PURSUANT TO ORDINANCE NO. 292**

**WHEREAS**, the City of Milpitas has a Classification Plan adopted as Resolution No. 1626 on December 17, 1968, which has been amended from time to time, and which is in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792 as amended); and

**WHEREAS**, salary increases granted to temporary classifications pursuant to changes in Resolution No. 6598, the Resolution providing compensation for unrepresented part-time temporary employees, have been incorporated into Resolution No. 1626, the Classification Plan.

**WHEREAS**, amendments to the Classification Plan are necessary to account for changes within the organization, transfer of duties, new job responsibilities, and adjustments to salary ranges; and

**WHEREAS**, the City of Milpitas local minimum wage ordinance, Ordinance No. 292, established the minimum wage hourly rate effective July 1, 2022 as \$16.40 per hour; and

**WHEREAS**, the City of Milpitas updated its minimum wage ordinance effective July 1, 2022; and

**WHEREAS**, the City must update its hourly rate for certain classifications currently below the \$17.20 hourly rate in conformance with Ordinance No. 292.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The table below contains hourly wage adjustments for classifications that are currently below the minimum wage of \$17.20 per hour and all other hourly range classifications that required adjustments in order to address compaction.
3. Resolution No. 1626, as amended, is hereby further amended to adjust the hourly rate ranges for the below listed classifications effective July 1, 2023, as follows:

Title	From		To	
	Current Step A	Current Top Step	New Step A	New Top Step
Adult Crossing Guard	\$16.40	\$19.57	\$17.20	\$20.52
Adult Crossing Guard Supervisor	\$17.71	\$22.93	\$19.24	\$24.05
Assistant Pool Manager	\$17.45	\$24.44	\$22.16	\$27.70
Lifeguard	\$16.40	\$22.85	\$17.20	\$22.88
Pool Manager	\$18.74	\$26.23	\$23.22	\$28.15
Recreation Administrative Assistant	\$16.40	\$22.85	\$17.20	\$23.96
Recreation Attendant	\$16.40	\$22.85	\$17.20	\$23.96
Recreation Leader	\$16.40	\$22.85	\$17.20	\$23.96
Staff Assistant	\$16.40	\$25.38	\$17.20	\$26.62
Student Intern	\$16.40	\$25.38	\$17.20	\$26.62

4. These adjusted hourly rate ranges will be included in the All Job Classifications/Salary Table attached to the June 6, 2023 Resolution of the City Council of the City of Milpitas amending Resolution No. 1626, the Classification

Plan, to Adjust the Salary Schedules for all MidCon, MPOA, Miscellaneous Unrepresented, and Unrepresented Classifications.

Item # 15.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023, 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



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE CLASSIFICATION PLAN OF UNREPRESENTED MANGEMENT EMPLOYEES AND AUTHORIZING FRINGE BENEFITS**

**WHEREAS**, the City of Milpitas Unrepresented Management Employees are not organized or represented for the purposes of meeting and conferring with the City in the areas of salary, benefits, and working conditions; and

**WHEREAS**, on December 17, 1968, the City of Milpitas established a Classification Plan adopted as Resolution No. 1626, which has been amended from time to time and which is in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792, as amended); and

**WHEREAS**, amendments to the Classification Plan are necessary to account for changes within the organization, including transfer of duties, new job responsibilities, and adjustments to salary ranges; and

**WHEREAS**, on July 7, 1981, the City Council of the City of Milpitas adopted Resolution No. 3558 to authorize compensation and fringe benefits for all exempt employees and City Council; and

**WHEREAS**, on May 17, 2022, the City Council amended the fringe benefits for Unrepresented Management Employees; and

**WHEREAS**, from time to time, the City Council amends Unrepresented Management Employee titles, which are now reflected in the attached **Exhibit A**; and

**WHEREAS**, since City Council approved the 401a Plan, such information is administratively clarified in the attached **Exhibit A**.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council adjust the salary ranges for Unrepresented Management Employees, as set out in the All Job Classifications / Salary Table attached to the June 6, 2023 Resolution of the Milpitas City Council amending Resolution No. 1626, the Classification Plan, to Adjust the Salary Schedules for all MidCon, MPOA, Miscellaneous Unrepresented and Police Unrepresented Classifications.
3. The City Council hereby authorizes the revised fringe benefits listed in **Exhibit A**, attached hereto, for Unrepresented Management Employees.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Item # 15.

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

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

APPROVED AS TO FORM:

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

**EXHIBIT A  
UNREPRESENTED MANAGEMENT  
BENEFITS PACKAGE  
Effective July 1, 2023**

**MISCELLANEOUS EXEMPT CLASSIFICATIONS:**  
**UNREPRESENTED EXECUTIVE STAFF** - Assistant City Manager, Deputy City Manager, City Clerk, Building and Housing Director, Economic Development Director, Engineering Director “City Engineer”, Director of Finance, Human Resources Director, Information Technology Director, Planning Director, Public Works Director, and Recreation and Community Services Director  
**UNREPRESENTED MANAGEMENT STAFF** - Assistant City Attorney\*, Assistant City Engineer\*, Assistant Finance Director\*, Assistant Director Recreation and Community Services\*, Building Official\*, CIP Manager, Deputy City Attorney, Deputy Information Technology Director\*, Deputy Public Works Director\*, Human Resources Manager\*, Finance Manager, Housing Authority Administrator, Planning Manager\*, Plan Review Manager, Police Support Services Manager, Public Information Officer\*, Public Works Manager, Public Works Manager - Utilities, and Transportation and Traffic Manager  
**POLICE EXEMPT CLASSIFICATIONS:**  
**UNREPRESENTED EXECUTIVE STAFF** - Police Chief **UNREPRESENTED MANAGEMENT STAFF** - Assistant Police Chief\* and Police Captain  
**FIRE EXEMPT CLASSIFICATIONS:**  
**UNREPRESENTED EXECUTIVE STAFF** - Fire Chief **UNREPRESENTED MANAGEMENT STAFF** - Deputy Fire Chief\*, Chief Fire Enforcement Officer, and Assistant Fire Marshal  
*\*2nd in charge*

BENEFITS	DESCRIPTION	ELIGIBLE
MERIT INCREASES	Employees are eligible for merit-based salary increases annually, provided they are not at the maximum of their compensation range. The City manager will have the authority to recommend the amount of the merit increase.	All
HEALTH PLANS	The City provides CalPERS medical coverage. City paid premium is capped at the Kaiser rates for each level of coverage. Only active employees who have eligible dependents enrolled in the plan are eligible for City-paid premium above the single plan rate.	All
HEALTH PLAN WAIVER	Employees who are covered as an eligible dependent under another health insurance plan may waive health coverage and receive a total of \$250 per month in lieu of medical plan coverage with appropriate documentation. (no change since 1999)	All
LIFE INSURANCE	\$50,000 for full-time employees	All
SHORT TERM DISABILITY	City provides a plan similar to State Disability Insurance	Miscellaneous
	Police: Covered under the MPOA Trust Fund	Police Captains Only
	Fire: None (See Family Leave provision)	Fire
LONG TERM DISABILITY	After the first 60 days, coverage at 60% of base salary up to \$1,500 per month. Additional buy-up options are available.	Miscellaneous
	Coverage for Police is provided through California Law Enforcement Association (CLEA).	Police
	Coverage for Fire is provided through California Association of Professional Firefighters (CAPFF).	Fire
DENTAL--Misc and Fire	City provides a self-funded Delta Dental plan with graduated benefits based on years of service, including preventative, routine, major, and orthodontia.	Miscellaneous and Fire
DENTAL--Police	City provides Delta Dental coverage.	Police
VISION	City provides a vision plan for eye examination, lenses and frames.	All
TRUST FUND	\$50 per month contribution into the MPOA Trust Fund for spousal/dependent coverage and Short Term Disability coverage	Police Captains Only
DEFERRED COMPENSATION--SECTION 457 PLAN	City provides \$900 per year toward deferred compensation (no change since 1999), with contributions being pro-rated per pay period (approximately \$34.62 per pay period). Employees are eligible to voluntarily participate in the plan.	Unrepresented Management Staff
DEFERRED COMPENSATION--SECTION 457 PLAN	Employees are eligible to voluntarily participate in the plan.	Unrepresented Executive Staff
401a	The City provides a 401a plan with a 1% employee contribution upon initial enrollment, increasing by 0.25% each subsequent July 1, up to a maximum of 5% employee contribution. Enrolled participants shall have the value of vacation accruals over 260 hours put into their 401a effective the pay period including June 1 of each year. Upon separation enrolled participants shall have one-half of vacation pay put into the plan. City contributes \$900 per year into the 401a plan, with contributions being pro-rated per pay period (approximately \$34.62 per pay period).	Unrepresented Executive Staff
FLEXIBLE SPENDING PLAN	City offers employees who wish to participate a pre-tax deduction for an IRS Section 125 plan for medical expenses, premiums; child or elder care expenses; or traffic and vanpooling.	All

BENEFITS	DESCRIPTION	ELIGIBLE
EMPLOYEE ASSISTANCE PROGRAM (EAP)	City offered plan: 5 visits per incident per calendar year for Unrepresented Miscellaneous & Fire employees.	Miscellaneous & Fire
	City offered plan: 15 visits per calendar year for Unrepresented Police employees.	Police
VACATION LEAVE ACCRUALS	40 hour employees: <u>Years of Service</u> <u>Yearly Accruals</u>	All
	1-4                                      16 Days	
	5-9                                      21 Days	
	10-14                                   26 Days	
	15-19                                   31 Days	
20 +                                     36 Days		
VACATION CARRYOVER RATE	Maximum number of hours that can be carried over is 260 hours for 40 -hour employees. Accruals in excess of maximum will be cashed out at the end of the pay period including June 1.	Unrepresented Management & Fire
	Maximum number of hours that can be carried over is 260 hours. Accruals in excess of the maximum will be cashed out effective the end of the pay period including June 1. The value of accruals in excess of the maximum will be deposited into the 401a plan effective the end of the pay period including June 1.	Unrepresented Executive Staff
	336 hours for Police Management employees. Hours over maximum will be cashed out at the end of the pay period including June 1.	Police
	City Manager may authorize approval to carry over vacation hours in excess of the maximum.	Unrepresented Management
VACATION CASH-OUT PER IRS CONSTRUCTIVE RECEIPT	Unrepresented Employees may elect to cash out up to 80 hours of accrued vacation hours each calendar year.	Unrepresented Management & Fire
VACATION CASH-OUT PER IRS CONSTRUCTIVE RECEIPT	Unrepresented Executive Employees may elect to cash out any hours above 260 or up to 80 hours of accrued vacation hours each calendar year, whichever is greater.	Unrepresented Executive Staff
VACATION ACCRUAL	Accrual tier will be based on total years of public service.	All
VACATION USE	No minimum waiting period for use of accrued vacation.	All
MANAGEMENT INCENTIVE PAID (MIP) LEAVE	Eligible employees will accrue 5 hours of Management Incentive Paid Leave (MIP) for each full pay period worked. Maximum carryover is 260 hours. Hours cannot be cashed out during employment, or at separation.	Executive Staff & 2nd in charge
MANAGEMENT LEAVE	Eligible employees will receive 40 hours of Management Leave added to their Floating Holiday Bank on the pay period following December 31. Employees appointed mid-year will receive pro-rated amount based on date of hire/promotion. Hours can be taken in any increment. There is no annual carryover and hours cannot be cashed out during employment, or at separation. An additional 40 hours of Management Leave can be earned with Department Head recommendation and City Manager approval upon annual evaluation for past performance.	Unrepresented Staff Only (Staff that receive MIP are not eligible for Management Leave)
SICK LEAVE ACCRUALS	12 work days per year. 8 hours = 1 work day	All
SICK LEAVE PAY-OFF--Separating Employees (Not Retiring)	Employees hired prior to July 18, 1999, with 5 years of service, separating in "good standing" as determined by the City Manager may elect to cash in sick leave using this formula: 2.5% x Yrs. of Service x highest hourly rate x sick leave hours accrued.	Miscellaneous
	Employees hired after January 1, 1995, with 5 years of service, separating in "good standing" as determined by the City Manager may use this formula:	Fire
	After 4th year: .25%/year x hourly rate x accrued sick leave	
	After 9th year: .50%/year x hourly rate x accrued sick leave	
	After 14th year: .75%/year x hourly rate x accrued sick leave	
	After 19th year: 1.0%/year x hourly rate x accrued sick leave	Police
	Employees hired after July 18, 1999, with 5 years of service, separating in "good standing"	
	After 4th year: .25%/year x hourly rate x accrued sick leave	
After 9th year: .50%/year x hourly rate x accrued sick leave		
After 14th year: .75%/year x hourly rate x accrued sick leave		
After 19th year: 1.0%/year x hourly rate x accrued sick leave		

BENEFITS	DESCRIPTION	ELIGIBLE
SICK LEAVE CASH OUT PER IRS CONSTRUCTIVE RECEIPT	In January, an employee with 5 years of service may elect sick leave cash-out in accordance with the terms in Sick Leave Pay-Off above.	Fire
	For employees hired on or before 7/17/99, each November, an employee with 5 or more years of service may elect to cash out accrued sick leave. Payout shall be in accordance with appropriate pay out formulas. The maximum annual amount shall not exceed 50% of employees sick leave balance. Employees eligible for this benefit shall at all times maintain a sick leave balance of at least 240 hours .	Miscellaneous & Police
HOLIDAYS	The City observes 12 holidays: January 1 (New Years), Third Monday in January (Dr. Martin Luther King's Birthday), Third Monday in February (Washington's Birthday), March 31, Cesar Chavez Day, Last Monday in May (Memorial Day), July 4, First Monday in September (Labor Day), November 11 (Veterans Day), Thanksgiving Day, Day After Thanksgiving, Christmas Eve, Christmas Day.	All
FLOATING HOLIDAY	Each calendar year 8 hours of floating holiday to be used by December 31 of each year otherwise it will be lost.	All
FITNESS PROGRAM	Offers employees free access to City-sponsored sports and fitness programs.	All
TUITION & TRAINING	City provides reimbursement for education up to \$3,000 per year. Work related training costs including transportation and lodging expenses.	All
MILEAGE REIMBURSEMENT	Use of personal vehicle for City business will be reimbursed at the IRS established rate. Not eligible for Mileage Reimbursement if receiving a car allowance.	All
CAR ALLOWANCE	\$550 per month	Unrepresented Executive Staff
CALPERS RETIREMENT	2.7% at 55 Retirement Plan including the final year compensation amendment for those employed before 10/9/2011. (Employee pays 8% contribution rate).	Miscellaneous
	Tier 2 (Classic): 2% at 60 Retirement Plan including the final three-year compensation average for those Classic employees hired on or after 10/9/2011. (Employee pays 7% contribution rate).	Miscellaneous
	Tier 3 (PEPRA): 2% at 62 Retirement Plan including the final three-year average compensation for employees hired on or after 01/01/2013. (Employee contribution rate as stated in CalPERS actuarial report).	Miscellaneous
	3.0% at 50 Plan, The 1959 Survivors Benefit in full force and effect. (Fire pays 12%; Police pays 9%).	Police & Fire
	Tier 2 (Classic): 3.0% at 55 Plan, Effective 4/8/2012. Including three-year compensation average; The 1959 Survivors Benefit in full force and effect. (Police pays 9%; Fire pays 12%).	Police & Fire
	Tier 3 (PEPRA): 2.7% at 57 Plan, Effective 1/1/2013. Including three-year compensation average; The 1959 Survivors Benefit in full force and effect. (Employee contribution rate as stated in CalPERS actuarial report).	Police & Fire
PERS ENHANCEMENTS	Military Service Buy-back (GC 21024)	All
	PERS Credit for Unused Sick Leave (GC 20965)	All
	Death Benefit (GC 21620)	All
	Prior Service Credit (GC20055)	All
	1959 Survivor's Benefit (GC21573)	All
EYEGLASS REIMBURSEMENT	Reimbursement up to \$175 per fiscal year for eyeglasses and \$200 for bifocals when prescribed by a physician for use at a video display terminal provided the glasses are not covered by health or vision plan first.	All
SAFETY EQUIPMENT	The City shall furnish appropriate safety equipment, the employee shall maintain in good order, and is the City's property.	Fire
UNIFORM ALLOWANCE	\$1,000 per year for 40 hour employees plus one pair of safety shoes every 2 years.	Fire
	\$1,350 per year for 40 hour employees.	Police
FAMILY LEAVE	Up to 80 hours of sick leave to care for a family member including: mother, father, spouse, registered domestic partner, brother, sister, son/daughter, grandparents, or domestic partner, whether the immediate family member is of the employee's or spouse's family, including step or adopted relatives. It also includes concurrent use of sick leave accruals for self or other accruals for eligible family members under FMLA or CRFA.	All
	Fire personnel may use 14 days of accrued sick leave (without medical note) for birth or adoption of a child.	Fire

BENEFITS	DESCRIPTION	ELIGIBLE
<b>FAMILY LEAVE (continued)</b>	<p>Fire Unrep may use available sick leave for family medical purposes including same members as above. The use of family leave shall be limited to 80 hours per calendar year. Family medical purposes shall mean illness, accident, medical appointments or other related occurrences. Fire Unrep may take up to four months unpaid family or medical leave within a 24 month period, unless they qualify for FMLA/CFRA and this benefit is greater for the following:</p> <p>Birth, adoption, or serious illness of a child; self, parent, spouse, or registered domestic partner of an employee.</p> <p>City will provide benefit coverage for up to 4 months and employee may elect to continue benefits at his/her own expense for up to an additional 18 months.</p> <p>Available leave balances must be exhausted first prior to leave without pay.</p>	Fire
<b>COMPASSIONATE LEAVE</b>	City provides up to 40 hours of paid leave in the event of the death of an eligible family member (same family members as in Family Leave).	All
<b>MILITARY LEAVE</b>	Paid military leave is provided for active and temporary duty in accordance with City policy and provisions of the State and Federal Laws.	All
<b>JURY LEAVE</b>	City provides paid time upon jury summons if called to duty.	All
<b>LEAVE OF ABSENCE</b>	An unpaid personal leave of absence is available upon approval of the City Manager.	All
<b>FMLA/CFRA</b>	Employees may take up to 12 weeks paid/unpaid family or medical leave under Family Medical Leave Act (FMLA) or California Family Rights Act (CFRA) within a 12 month period for the following: birth or adoption; serious illness of a child, self, parent or spouse; or baby bonding. Employee must exhaust available leave balances to qualify for leave without pay. Benefits will be covered during FMLA/CFRA leave.	All
<b>WORKERS COMPENSATION</b>	<p>First 80 hours of lost work time is covered at 100% pay; next 240 hours at 80% pay.</p> <p>Sworn Police and Fire employees are eligible for up to one year paid workers' compensation leave per labor code 4850.</p>	All Sworn Police and Fire
<b>MEDICARE</b>	Both City and employee contribute, if hired after March 31, 1986.	All
<b>SEVERANCE PAY</b>	If employee is terminated for reasons other than "for cause" employee would be eligible for up to 16 weeks of salary plus benefits, depending on date of hire. For additional details, see Muni Code section VI-3-4.00 - Severance Payments for Specified At-Will Positions.	All
RETIREMENT BENEFITS		
<b>ELIGIBILITY CRITERIA</b>	Eligibility for retiree benefits is predicated upon retirement from CalPERS Retirement System.	All
<b>SICK LEAVE CASH-OUT</b>	Upon retirement, disability retirement, or death, for those employees who were hired on or before 7/17/99, and who had at least 5 years of service, the City shall pay retiree or estate for unused accrued sick leave using this formula: 2.5% x years of service x highest hourly rate x sick leave hours	Miscellaneous and Police
	Upon retirement, disability retirement, or death, for those employees who were hired on or before 1/1/95, and who had at least 5 years of service, the City shall pay retiree or estate for unused accrued sick leave using this formula: 2.5% x years of service x highest hourly rate x sick leave hours	Fire
	Employees hired after January 1, 1995, with 5 years of service, separating in "good standing" as determined by the City Manager may use this formula:	Fire
	After 4th year: .25%/year x hourly rate x accrued sick leave	
	After 9th year: .50%/year x hourly rate x accrued sick leave	
	After 14th year: .75%/year x hourly rate x accrued sick leave	
	Employees hired after July 18, 1999, with 5 years of service, separating in "good standing" as determined by the City Manager may use this formula:	Police
	After 4th year: .25%/year x hourly rate x accrued sick leave	
	After 9th year: .50%/year x hourly rate x accrued sick leave	
	After 14th year: .75%/year x hourly rate x accrued sick leave	
After 19th year: 1.0%/year x hourly rate x accrued sick leave		
<b>SICK LEAVE CREDIT</b>	Upon retiring with PERS, all employees shall be eligible for the PERS Credit for Unused Sick Leave provision (20965). Employees hired prior to July 17, 1999 may choose a cash out or Credit for Unused Sick Leave.	All
<b>RETIREMENT MEDICAL COVERAGE</b>	See Unrepresented Employee Benefit Handbook	All

BENEFITS	DESCRIPTION	ELIGIBLE
DISABILITY RETIREMENT	For Medical Coverage: employees on disability retirement who had at least 5 years of full-time or equivalent service with the City and retired after June 30, 2003, the City agrees to contribute up to "the retiree cap amount" or until the retiree is re-employed.	Police
RETIREE DENTAL	Benefits may be continued at the retiree's expense 50% of City's Premium.	Miscellaneous and Fire
	Benefits may be continued at the retiree's expense.	Police
RETIREE VISION	Benefits may be continued at the retiree's expense.	All
RETIREE SPOUSAL/ DEPENDENT MEDICAL PLAN	1% of payroll plus benefits contributed to a specific fund to assist in paying for spousal/dependent medical premiums for each of the following groups: Miscellaneous Unrep, Police Unrep and Fire Unrep. If fund is depleted, reimbursement will end for FY.	All
	See Dependent Benefits Grid	
SAFETY EQUIPMENT	Upon retirement, the city shall give a command officer his/her service weapon and holsters without charge if either (1) the Milpitas Police Chief endorses an identification certificate approving the officer carrying a concealed and loaded firearm or (2) a hearing board determines that, under Penal Code section 12027.1, at the time the officer retired from the Milpitas Police Department, the employee had a right to a certificate permitting the carrying of a concealed and loaded firearm.	Police

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE CLASSIFICATION PLAN TO ADJUST SALARY RANGES FOR SELECT CLASSIFICATIONS AND AMENDING THE SALARY SCHEDULES FOR VARIOUS CLASSIFICATIONS TO ALIGN WITH THE CURRENT MEMORANDUMS OF UNDERSTANDING (MOUs)**

**WHEREAS**, the City of Milpitas has a Classification Plan adopted as Resolution No. 1626 on December 17, 1968, which has been amended from time to time, and which is in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792 as amended); and

**WHEREAS**, amendments to the Classification Plan are necessary to account for changes within the organization, transfer of duties, new job responsibilities, and adjustments to salary ranges;

**WHEREAS**, the annual budget process necessitates changes in position authorizations that result from modifications made to the Classification Plan.

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

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

<b>Title</b>	<b>Annual Salary Range:</b>
Cross Connection Specialist	\$92,290.83 - \$113,308.92
Plan Review Manager	\$147,972.58 - \$192,452.19
Public Works Manager – Utilities	\$126,766.05 - \$177,472.24
SCADA and Instrumentation Control Technician	\$94,077.21 - \$115,502.14
Senior SCADA Technician	\$103,484.94 - \$127,052.35

3. Resolution No. 1626, as amended, is hereby further amended effective July 2, 2023, as follows:

The City Council hereby adopts the salary schedule attached hereto as **Exhibit A** (“All Job Classifications/Salary Table Effective July 2, 2023”), which includes updated salary ranges for the following classifications:

- a. New salary ranges for classifications summarized in the preceding section of this resolution.
- b. All classifications represented by Mid-Management and Confidential Unit (MidCon) and Milpitas Police Officers Association (MPOA) in accordance with the following Memorandums of Understanding (MOUs):
  - International Association of Firefighters MOU dated July 1, 2018– June 30, 2022, extended by side letter through June 30, 2024
  - Milpitas Police Officers Association dated January 1, 2017 – December 31, 2021, extended by side letter through December 31, 2023.
  - Mid-Management and Confidential Unit MOU dated July 1, 2019– June 30, 2023, extended by side letter through June 30, 2025
- c. All classifications included in the Unrepresented Miscellaneous group and the Unrepresented Police group, in accordance with the following:



- Unrepresented Miscellaneous Management Employees Salary increase of two percent align with Mid-Management and Confidential Unit (MidCon) per this Council resolution
- Unrepresented Police Employees Salary increase of two and half percent (2.5%) which is tied to MPOA per Council action on March 3, 2020.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023, 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 - HUMAN RESOURCES  
All Job Classifications/Salary Table Effective July 2, 2023

Item # 15.

Salary Schedule				Step A			Step B			Step C			Step D			Step E		
Classification	Union Code	Occ Code	Pay Grade	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual
Accountant	50	2101	500	47.90	3,831.91	99,629.66	50.29	4,023.48	104,610.48	52.80	4,223.84	109,819.84	55.45	4,436.02	115,336.52	58.21	4,657.02	121,082.52
Accounting Technician I	50	6104	513	31.19	2,495.54	64,884.04	32.75	2,620.34	68,128.84	34.39	2,751.36	71,535.36	36.11	2,888.92	75,111.92	37.92	3,033.37	78,867.62
Accounting Technician II	50	6105	514	34.31	2,745.08	71,372.08	36.03	2,882.37	74,941.62	37.83	3,026.49	78,688.74	39.72	3,177.85	82,624.10	41.71	3,336.66	86,753.16
Administrative Analyst I	80	2102	801	42.02	3,361.82	87,407.27	-	-	-	-	-	-	-	-	-	55.32	4,425.62	115,066.04
Administrative Analyst II	80	2103	802	46.41	3,712.73	96,530.94	-	-	-	-	-	-	-	-	-	61.09	4,886.81	127,057.05
Administrative Assistant	80	6111	828	40.09	3,207.26	83,388.69	42.10	3,367.62	87,558.17	44.20	3,536.02	91,936.62	46.41	3,712.80	96,532.80	48.73	3,898.43	101,359.17
Adult Crossing Guard	70	8401	725	17.20	1,376.00	35,776.00	-	-	-	-	-	-	-	-	-	20.52	1,641.60	42,681.60
Adult Crossing Guard Superviso	70	8402	720	19.24	1,539.20	40,019.20	-	-	-	-	-	-	-	-	-	24.05	1,924.00	50,024.00
Assistant Chief of Police	60	1405	649	104.45	8,356.04	217,256.93	-	-	-	-	-	-	-	-	-	146.23	11,698.45	304,159.65
Assistant City Attorney	60	1113	645	78.46	6,276.93	163,200.10	-	-	-	-	-	-	-	-	-	106.21	8,496.83	220,917.70
Assistant City Engineer	60	1205	639	73.90	5,912.36	153,721.32	-	-	-	-	-	-	-	-	-	103.47	8,277.30	215,209.80
Assistant City Manager	60	1104	666	98.45	7,876.34	204,784.79	-	-	-	-	-	-	-	-	-	137.84	11,026.88	286,698.97
Assistant Dir Recr & Community Svcs	60	1121	659	67.18	5,374.71	139,742.37	-	-	-	-	-	-	-	-	-	94.06	7,524.59	195,639.37
Assistant Engineer	50	2201	502	51.90	4,151.81	107,947.06	54.49	4,359.39	113,344.14	57.22	4,577.35	119,011.10	60.08	4,806.25	124,962.50	63.08	5,046.59	131,211.34
Assistant Finance Director	60	1109	669	70.85	5,668.21	147,373.50	-	-	-	-	-	-	-	-	-	99.20	7,935.69	206,327.99
Assistant Fire Marshal	60	2501	632	81.30	6,503.96	169,102.92	-	-	-	-	-	-	-	-	-	113.82	9,105.56	236,744.57
Assistant Planner	50	2801	503	49.76	3,981.04	103,507.04	52.25	4,180.19	108,684.94	54.86	4,388.45	114,099.70	57.60	4,607.82	119,803.32	60.48	4,838.31	125,796.06
Assistant Pool Manager	70	5609	709	22.16	1,772.80	46,092.80	-	-	-	-	-	-	-	-	-	27.70	2,216.00	57,616.00
Assistant Water Operator	20	7212	221	42.68	3,201.07	83,227.82	44.82	3,361.13	87,389.38	47.06	3,529.18	91,758.68	49.41	3,705.62	96,346.12	51.88	3,890.93	101,164.18
Assistant Water Operator - 40	20	8611	226	42.93	3,434.48	89,296.48	45.08	3,606.37	93,765.62	47.34	3,786.86	98,458.36	49.71	3,976.96	103,400.96	52.20	4,175.72	108,568.72
Associate Civil Engineer	50	2202	504	59.68	4,774.56	124,138.56	62.67	5,013.32	130,346.32	65.80	5,263.99	136,863.74	69.09	5,527.19	143,706.94	72.54	5,803.57	150,892.82
Associate Planner	50	2802	505	57.22	4,577.47	119,014.22	60.09	4,806.96	124,980.96	63.09	5,047.56	131,236.56	66.24	5,299.28	137,781.28	69.55	5,564.14	144,667.64
Budget Manager	80	1115	839	61.26	4,900.49	127,412.69	-	-	-	-	-	-	-	-	-	80.63	6,450.48	167,712.48
Building & Housing Director	60	1802	658	85.63	6,850.13	178,103.28	-	-	-	-	-	-	-	-	-	119.88	9,590.18	249,344.75
Building Inspection Manager	80	3809	848	63.81	5,105.17	132,734.46	-	-	-	-	-	-	-	-	-	77.57	6,205.41	161,340.78
Building Inspector Apprentice	70	8610	770	28.00	2,240.00	58,240.00	-	-	-	-	-	-	-	-	-	35.00	2,800.00	72,800.00
Building Official	60	1804	676	75.32	6,025.48	156,662.39	-	-	-	-	-	-	-	-	-	105.45	8,435.67	219,327.30
Building Permit Technician	50	5801	508	38.00	3,040.05	79,041.30	39.90	3,192.38	83,001.88	41.91	3,352.54	87,166.04	43.99	3,519.54	91,508.04	46.19	3,695.33	96,078.58
Building/NP Inspector	50	3801	507	50.37	4,029.41	104,764.66	52.89	4,230.92	110,003.92	55.53	4,442.42	115,502.92	58.31	4,664.57	121,278.82	61.22	4,897.77	127,342.02
Business Systems Analyst/Dev	80	2119	853	56.02	4,481.54	116,520.13	-	-	-	-	-	-	-	-	-	73.74	5,899.08	153,376.03
Buyer	80	2106	803	41.64	3,331.34	86,614.85	-	-	-	-	-	-	-	-	-	54.81	4,385.08	114,012.13
Case Manager	50	5612	544	34.05	2,723.90	70,821.40	-	-	-	-	-	-	-	-	-	42.49	3,399.37	88,383.62
Chief Fire Enforcement Officer	60	1505	656	68.25	5,459.80	141,954.80	-	-	-	-	-	-	-	-	-	95.55	7,643.72	198,736.72
Chief of Police	60	1402	650	109.67	8,773.58	228,113.07	-	-	-	-	-	-	-	-	-	153.54	12,283.04	319,358.94
CIP Manager	60	2211	642	65.06	5,205.17	135,334.48	-	-	-	-	-	-	-	-	-	91.10	7,287.82	189,483.28
City Attorney	60	1112	644	101.96	8,156.94	212,080.44	-	-	-	-	-	-	-	-	-	127.45	10,196.20	265,101.08
City Clerk	60	1101	605	65.11	5,208.61	135,423.85	-	-	-	-	-	-	-	-	-	91.16	7,292.88	189,614.82
City Manager	60	1102	697	163.97	13,117.49	341,054.63	-	-	-	-	-	-	-	-	-	163.97	13,117.49	341,054.63
Code Enforcement Officer	50	5804	515	44.04	3,523.20	91,603.20	46.24	3,699.41	96,184.66	48.56	3,885.17	101,014.42	50.99	4,079.42	106,064.92	53.54	4,283.25	111,364.50
Communications Dispatch Superv	40	6409	456	56.46	4,516.98	117,441.49	59.29	4,742.83	123,313.55	62.25	4,979.98	129,479.56	65.36	5,228.99	135,953.64	68.63	5,490.44	142,751.52
Communications Dispatcher	40	6408	455	48.89	3,910.97	101,685.21	51.33	4,106.50	106,768.96	53.90	4,311.81	112,106.96	56.59	4,527.36	117,711.45	59.42	4,753.75	123,597.37
Community Service Officer	50	5807	551	42.14	3,370.92	87,643.92	44.24	3,539.47	92,026.22	46.46	3,716.45	96,627.70	48.78	3,902.26	101,458.76	51.22	4,097.40	106,532.40
Councilmember	60	1107	699	21.29	425.75	11,069.45	-	-	-	-	-	-	-	-	-	21.29	425.75	11,069.45
Crime Analyst	80	2105	809	50.30	4,024.40	104,634.39	-	-	-	-	-	-	-	-	-	66.22	5,297.35	137,731.09
Cross Connection Specialist	20	8626	239	44.37	3,549.65	92,290.83	46.71	3,736.47	97,148.24	49.16	3,933.13	102,261.30	51.75	4,140.13	107,643.48	54.48	4,358.04	113,308.92
Customer Services Supervisor	80	2127	847	48.78	3,902.36	101,461.28	-	-	-	-	-	-	-	-	-	64.20	5,136.36	133,545.44
Deputy City Attorney	60	1114	646	61.30	4,903.84	127,499.94	-	-	-	-	-	-	-	-	-	84.97	6,797.43	176,733.26
Deputy City Clerk	80	6102	835	47.90	3,832.11	99,634.84	-	-	-	-	-	-	-	-	-	58.22	4,657.94	121,106.50
Deputy City Manager	60	1119	672	96.49	7,718.81	200,689.04	-	-	-	-	-	-	-	-	-	135.02	10,801.85	280,848.13
Deputy Director of IT	60	1123	679	77.97	6,237.69	162,179.88	-	-	-	-	-	-	-	-	-	99.85	7,988.17	207,692.44
Deputy Fire Chief	60	1504	633	100.44	8,034.88	208,906.88	-	-	-	-	-	-	-	-	-	140.61	11,248.83	292,469.58
Deputy Public Works Director	60	1207	654	75.95	6,076.04	157,976.99	-	-	-	-	-	-	-	-	-	106.33	8,506.46	221,168.05
Digital Media Specialist	80	2121	840	43.33	3,466.76	90,135.65	-	-	-	-	-	-	-	-	-	57.04	4,563.31	118,645.97
Dir of Recr & Community Svcs	60	1208	655	83.85	6,708.27	174,415.14	-	-	-	-	-	-	-	-	-	117.62	9,409.89	244,657.08
Economic Development Coord	80	8623	852	52.86	4,228.77	109,947.94	-	-	-	-	-	-	-	-	-	65.55	5,243.62	136,334.02
Economic Development Director	60	1206	653	78.76	6,301.09	163,828.36	-	-	-	-	-	-	-	-	-	110.27	8,821.50	229,359.02
Economic Development Spec	80	8606	850	50.34	4,027.05	104,703.35	-	-	-	-	-	-	-	-	-	60.76	4,861.05	126,387.42
Electrical/Building Inspector	50	3802	511	52.89	4,230.91	110,003.66	55.53	4,442.42	115,502.92	58.31	4,664.56	121,278.56	61.22	4,897.77	127,342.02	64.28	5,142.67	133,709.42
Emergency Services Coordinator	80	2502	836	55.62	4,449.24	115,680.24	-	-	-	-	-	-	-	-	-	73.20	5,855.80	152,250.79

CITY OF MILPITAS - HUMAN RESOURCES  
All Job Classifications/Salary Table Effective July 2, 2023

Item # 15.

Salary Schedule				Step A			Step B			Step C			Step D			Step E		
Classification	Union Code	Occ Code	Pay Grade	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual
Engineering Aide	50	3201	512	41.27	3,301.75	85,845.50	43.34	3,466.85	90,138.10	45.50	3,640.17	94,644.42	47.78	3,822.16	99,376.16	50.17	4,013.27	104,345.02
Engineering Director/City Eng	60	1201	606	85.63	6,850.13	178,103.28	-	-	-	-	-	-	-	-	-	119.88	9,590.18	249,344.75
Engineering Permit Technician	50	2210	540	37.15	2,972.15	77,275.90	39.01	3,120.77	81,140.02	40.96	3,276.79	85,196.54	43.01	3,440.59	89,455.34	45.16	3,612.64	93,928.64
Entry Firefighter/EMT - 40	10	4512	115	49.51	3,961.06	102,987.56	51.49	4,119.50	107,107.00	-	-	-	-	-	-	-	-	-
Entry Firefighter/EMT - 56	10	4510	112	35.37	3,961.06	102,987.56	36.78	4,119.50	107,107.00	-	-	-	-	-	-	-	-	-
Entry Firefighter/Paramedic-40	10	4513	116	55.45	4,436.38	115,345.88	57.67	4,613.86	119,960.36	-	-	-	-	-	-	-	-	-
Entry Firefighter/Paramedic-56	10	4511	113	39.61	4,436.38	115,345.88	41.20	4,613.86	119,960.36	-	-	-	-	-	-	-	-	-
Entry Level Fire Inspector	10	3508	114	43.17	3,453.45	89,789.70	45.33	3,626.13	94,279.38	47.59	3,807.45	98,993.70	49.97	3,997.82	103,943.32	51.99	4,159.51	108,147.26
Envir & Regulatory Comply Spec	80	8624	851	53.72	4,297.94	111,746.53	-	-	-	-	-	-	-	-	-	70.72	5,657.33	147,090.53
Environmental Inspector	50	2213	553	52.89	4,230.91	110,003.66	55.53	4,442.45	115,503.70	58.31	4,664.58	121,279.08	61.22	4,897.80	127,342.80	64.28	5,142.67	133,709.42
Equip Maint Worker I - 40	20	8612	227	39.04	3,123.39	81,208.14	40.97	3,277.99	85,227.74	43.03	3,442.18	89,496.68	45.19	3,614.99	93,989.74	47.44	3,795.50	98,683.00
Equip Maint Worker II - 40	20	8613	228	42.93	3,434.48	89,296.48	45.08	3,606.37	93,765.62	47.34	3,786.86	98,458.36	49.71	3,976.96	103,400.96	52.20	4,175.72	108,568.72
Equip Maint Worker III - 40	20	8614	229	48.37	3,869.43	100,605.18	50.79	4,063.38	105,647.88	53.34	4,266.95	110,940.70	56.00	4,480.11	116,482.86	58.81	4,704.78	122,324.28
Equipment Maint. Worker I	20	7202	200	38.80	2,910.05	75,661.30	40.74	3,055.56	79,444.56	42.78	3,208.37	83,417.62	44.92	3,368.78	87,588.28	47.16	3,537.21	91,967.46
Equipment Maint. Worker II	20	7203	201	42.68	3,201.07	83,227.82	44.82	3,361.13	87,389.38	47.06	3,529.18	91,758.68	49.41	3,705.62	96,346.12	51.88	3,890.93	101,164.18
Equipment Maint. Worker III	20	7204	202	48.09	3,606.74	93,775.24	50.49	3,787.01	98,462.26	53.02	3,976.39	103,386.14	55.67	4,175.21	108,555.46	58.45	4,383.99	113,983.74
Executive Assistant	80	6117	812	44.09	3,527.48	91,714.38	46.30	3,703.88	96,300.75	48.61	3,889.07	101,115.72	51.04	4,083.51	106,171.23	53.60	4,287.69	111,480.00
FF/Paramedic Trainee - 40	10	4504	107	53.32	4,265.75	110,909.50	53.32	4,265.75	110,909.50	53.32	4,265.75	110,909.50	53.32	4,265.75	110,909.50	53.32	4,265.75	110,909.50
FF/Paramedic Trainee - 56	10	4514	155	38.09	4,265.75	110,909.50	38.09	4,265.75	110,909.50	38.09	4,265.75	110,909.50	38.09	4,265.75	110,909.50	38.09	4,265.75	110,909.50
Finance Director	60	1103	627	86.00	6,879.87	178,876.60	-	-	-	-	-	-	-	-	-	120.39	9,631.05	250,407.41
Finance Manager	60	1116	647	60.69	4,855.51	126,243.16	-	-	-	-	-	-	-	-	-	84.97	6,797.75	176,741.48
Financial Analyst I	80	2125	844	39.24	3,139.00	81,613.97	-	-	-	-	-	-	-	-	-	51.65	4,131.85	107,428.01
Financial Analyst II	80	2126	845	43.33	3,466.76	90,135.65	-	-	-	-	-	-	-	-	-	57.04	4,563.31	118,645.97
Fire Battalion Chief	10	2508	153	53.49	5,991.05	155,767.30	-	-	-	-	-	-	-	-	-	74.89	8,387.47	218,074.22
Fire Battalion Chief - 40	10	2509	154	74.89	5,991.05	155,767.30	-	-	-	-	-	-	-	-	-	104.84	8,387.47	218,074.22
Fire Captain	10	2504	100	46.81	5,243.20	136,323.20	49.10	5,498.81	142,969.06	51.49	5,767.20	149,947.20	54.01	6,048.98	157,273.48	56.65	6,344.88	164,966.88
Fire Captain - 40	10	2507	108	65.54	5,243.20	136,323.20	68.74	5,498.81	142,969.06	72.09	5,767.20	149,947.20	75.61	6,048.98	157,273.48	79.31	6,344.88	164,966.88
Fire Chief	60	1502	630	110.73	8,858.55	230,322.30	-	-	-	-	-	-	-	-	-	155.03	12,402.00	322,452.00
Fire Engineer/EMT	10	4501	102	41.28	4,623.46	120,209.96	43.29	4,848.08	126,050.08	45.39	5,083.90	132,181.40	47.60	5,331.52	138,619.52	49.92	5,591.52	145,379.52
Fire Engineer/EMT - 40	10	4515	156	57.79	4,623.46	120,209.96	60.60	4,848.08	126,050.08	63.55	5,083.90	132,181.40	66.64	5,331.52	138,619.52	69.89	5,591.52	145,379.52
Fire Engineer/Paramedic	10	4505	151	46.23	5,178.28	134,635.15	48.48	5,429.85	141,176.09	50.84	5,693.97	148,043.17	53.32	5,971.30	155,253.86	55.92	6,262.50	162,825.06
Fire Prevention Inspector	10	3501	106	66.18	5,294.34	137,652.84	69.41	5,552.50	144,365.00	72.79	5,823.56	151,412.56	76.35	6,108.16	158,812.16	80.09	6,407.00	166,582.00
Fire Protection Engineer	10	3507	110	66.18	5,294.34	137,652.84	69.41	5,552.50	144,365.00	72.79	5,823.56	151,412.56	76.35	6,108.16	158,812.16	80.09	6,407.00	166,582.00
Firefighter/EMT	10	4502	103	38.58	4,321.12	112,349.12	40.45	4,530.54	117,794.04	42.42	4,750.51	123,513.26	44.48	4,981.49	129,518.74	46.64	5,223.91	135,821.66
Firefighter/EMT - 40	10	4516	157	54.01	4,321.12	112,349.12	56.63	4,530.54	117,794.04	59.38	4,750.51	123,513.26	62.27	4,981.49	129,518.74	65.30	5,223.91	135,821.66
Firefighter/EMT Trainee - 40	10	4509	109	47.61	3,808.72	99,026.72	47.61	3,808.72	99,026.72	47.61	3,808.72	99,026.72	47.61	3,808.72	99,026.72	47.61	3,808.72	99,026.72
Firefighter/Paramedic	10	4503	104	43.21	4,839.65	125,831.01	45.31	5,074.20	131,929.32	47.51	5,320.57	138,334.85	49.81	5,579.27	145,060.99	52.24	5,850.78	152,120.26
Fitness Instructor	70	5620	713	35.00	2,800.00	72,800.00	-	-	-	-	-	-	-	-	-	75.00	6,000.00	156,000.00
Fleet Maint Worker I -40	20	8615	230	37.27	2,981.63	77,522.38	39.14	3,131.07	81,407.82	41.09	3,287.37	85,471.62	43.14	3,451.54	89,740.04	45.31	3,624.57	94,238.82
Fleet Maint Worker II - 40	20	8616	231	40.99	3,279.51	85,267.26	43.05	3,443.67	89,535.42	45.20	3,615.70	94,008.20	47.46	3,796.60	98,711.60	49.83	3,986.34	103,644.84
Fleet Maint Worker III -40	20	8617	232	47.15	3,772.01	98,072.26	49.51	3,960.78	102,980.28	51.98	4,158.37	108,117.62	54.57	4,365.78	113,510.28	57.31	4,585.00	119,210.00
Fleet Maintenance Worker I	20	7207	213	37.27	2,795.30	72,677.80	39.13	2,935.03	76,310.78	41.09	3,081.81	80,127.06	43.14	3,235.84	84,131.84	45.30	3,397.65	88,338.90
Fleet Maintenance Worker II	20	7208	214	41.00	3,074.84	79,945.84	43.05	3,228.54	83,942.04	45.20	3,390.00	88,140.00	47.46	3,559.51	92,547.26	49.83	3,737.41	97,172.66
Fleet Maintenance Worker III	20	7209	215	47.15	3,536.02	91,936.52	49.50	3,712.81	96,533.06	51.98	3,898.42	101,358.92	54.58	4,093.33	106,426.58	57.31	4,298.07	111,749.82
GIS Technician	50	2212	552	51.90	4,151.81	107,947.06	54.49	4,359.39	113,344.14	57.22	4,577.38	119,011.88	60.08	4,806.23	124,961.98	63.08	5,046.61	131,211.86
Hazardous Materials Inspector	10	3502	105	66.18	5,294.34	137,652.84	69.41	5,552.50	144,365.00	72.79	5,823.56	151,412.56	76.35	6,108.16	158,812.16	80.09	6,407.00	166,582.00
Housing Authority Adminr	60	1120	673	63.36	5,068.84	131,789.81	-	-	-	-	-	-	-	-	-	88.70	7,096.33	184,504.68
Human Resources Analyst I	80	2124	843	42.02	3,361.82	87,407.27	-	-	-	-	-	-	-	-	-	55.32	4,425.62	115,066.04
Human Resources Analyst II	80	2123	842	46.41	3,712.73	96,530.94	-	-	-	-	-	-	-	-	-	61.09	4,886.81	127,057.05
Human Resources Assistant	80	2108	846	29.93	2,394.78	62,264.19	31.43	2,514.43	65,375.25	33.00	2,640.15	68,643.84	34.65	2,772.17	72,076.32	36.38	2,910.76	75,679.86
Human Resources Director	60	1105	613	85.51	6,841.16	177,870.17	-	-	-	-	-	-	-	-	-	119.72	9,577.66	249,019.09
Human Resources Manager	60	1209	677	65.26	5,220.90	135,743.42	-	-	-	-	-	-	-	-	-	91.37	7,309.25	190,040.46
Human Resources Technician	80	2107	816	36.31	2,904.56	75,518.62	38.13	3,050.42	79,310.98	40.03	3,202.26	83,258.74	42.04	3,363.00	87,438.03	44.13	3,530.71	91,798.45
I T Director	60	2113	624	84.39	6,751.17	175,530.31	-	-	-	-	-	-	-	-	-	118.15	9,451.62	245,742.01
I T Manager	80	2116	819	63.26	5,061.05	131,587.20	-	-	-	-	-	-	-	-	-	83.28	6,662.19	173,216.97
I T Technician	50	3101	542	41.29	3,303.34	85,886.84	43.36	3,468.49	90,180.74	45.52	3,641.87	94,688.62	47.80	3,823.97	99,423.22	50.19	4,015.19	104,394.94
Information Technology Analyst	80	2118	831	53.22	4,257.44	110,693.42	-	-	-	-	-	-	-	-	-	70.05	5,604.04	145,705.12
Junior Engineer	50	2203	519	47.18	3,774.35	98,133.10	49.54	3,963.08	103,040.08	52.02	4,161.23	108,191.98	54.62	4,369.29	113,601.54	57.35	4,587.76	119,281.76
Junior Planner	50	2804	520	42.72	3,417.27	88,849.02	44.85	3,588.15	93,291.90	47.09	3,767.54	97,956.04	49.45	3,955.97	102,855.22	51.92	4,153.72	107,996.72

CITY OF MILPITAS - HUMAN RESOURCES  
All Job Classifications/Salary Table Effective July 2, 2023

Item # 15.

Salary Schedule				Step A			Step B			Step C			Step D			Step E		
Classification	Union Code	Occ Code	Pay Grade	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual
Legal Assistant	60	1124	689	40.09	3,207.26	83,388.69	42.10	3,367.62	87,558.17	44.20	3,536.02	91,936.62	46.41	3,712.80	96,532.80	48.73	3,898.43	101,359.17
Lifeguard	70	5610	710	17.20	1,376.00	35,776.00	-	-	-	-	-	-	-	-	-	22.88	1,830.40	47,590.40
Maint Worker III - 40	20	8619	234	40.15	3,211.67	83,503.42	42.16	3,372.50	87,685.00	44.26	3,541.02	92,066.52	46.48	3,718.22	96,673.72	48.80	3,904.09	101,506.34
Maintenance Assistant	20	8625	238	24.48	1,958.40	50,918.40	25.64	2,051.20	53,331.20	26.84	2,147.20	55,827.20	28.11	2,248.80	58,468.80	29.43	2,354.40	61,214.40
Maintenance Custodian I	20	8101	203	28.60	2,144.74	55,763.24	30.03	2,251.98	58,551.48	31.53	2,364.60	61,479.60	33.10	2,482.83	64,553.58	34.76	2,606.97	67,781.22
Maintenance Custodian I - 40	20	8107	222	28.60	2,287.74	59,481.24	30.03	2,402.10	62,454.60	31.53	2,522.22	65,577.72	33.10	2,648.35	68,857.10	34.76	2,780.74	72,299.24
Maintenance Custodian II	20	8102	204	31.46	2,359.27	61,341.02	33.03	2,477.20	64,407.20	34.68	2,601.08	67,628.08	36.41	2,731.06	71,007.56	38.24	2,867.65	74,558.90
Maintenance Custodian II - 40	20	8108	223	31.46	2,516.55	65,430.30	33.03	2,642.32	68,700.32	34.68	2,774.47	72,136.22	36.41	2,913.14	75,741.64	38.24	3,058.86	79,530.36
Maintenance Custodian III	20	8103	205	36.17	2,713.10	70,540.60	37.98	2,848.74	74,067.24	39.88	2,991.18	77,770.68	41.88	3,140.75	81,659.50	43.97	3,297.83	85,743.58
Maintenance Custodian III - 40	20	8618	233	36.18	2,894.16	75,248.16	37.98	3,038.65	79,004.90	39.89	3,191.03	82,966.78	41.88	3,350.28	87,107.28	43.97	3,517.40	91,452.40
Maintenance Worker I	20	8202	206	31.46	2,359.27	61,341.02	33.03	2,477.20	64,407.20	34.68	2,601.08	67,628.08	36.41	2,731.12	71,009.12	38.24	2,867.65	74,558.90
Maintenance Worker I-40	20	8203	207	31.74	2,539.49	66,026.74	33.32	2,665.64	69,306.64	34.99	2,799.51	72,787.26	36.74	2,939.14	76,417.64	38.58	3,086.49	80,248.74
Maintenance Worker II	20	8204	208	34.60	2,595.16	67,474.16	36.33	2,724.90	70,847.40	38.15	2,861.12	74,389.12	40.06	3,004.20	78,109.20	42.06	3,154.42	82,014.92
Maintenance Worker II-40	20	8205	209	34.91	2,792.76	72,611.76	36.66	2,932.40	76,242.40	38.50	3,079.75	80,073.50	40.41	3,232.86	84,054.36	42.43	3,394.64	88,260.64
Maintenance Worker III	20	8206	210	39.79	2,984.39	77,594.14	41.78	3,133.62	81,474.12	43.87	3,290.31	85,548.06	46.06	3,454.83	89,825.58	48.37	3,627.59	94,317.34
Maintenance Worker/Seasonal	70	8207	760	19.88	1,590.40	41,350.40	-	-	-	-	-	-	-	-	-	24.85	1,988.00	51,688.00
Management Analyst	80	2128	854	55.71	4,457.07	115,883.91	-	-	-	-	-	-	-	-	-	78.02	6,241.27	162,272.96
Marketing Coordinator	50	5614	548	40.10	3,207.70	83,400.20	42.10	3,368.08	87,570.08	44.21	3,536.47	91,948.22	46.42	3,713.30	96,545.80	48.74	3,898.97	101,373.22
Mayor	60	1118	696	26.62	532.32	13,840.26	-	-	-	-	-	-	-	-	-	26.62	532.32	13,840.26
Office Assistant I	50	6108	516	27.13	2,170.11	56,422.86	28.48	2,278.60	59,243.60	29.91	2,392.55	62,206.30	31.40	2,512.13	65,315.38	32.97	2,637.75	68,581.50
Office Assistant II	50	6109	517	29.84	2,387.01	62,062.26	31.33	2,506.32	65,164.32	32.90	2,631.71	68,424.46	34.54	2,763.29	71,845.54	36.27	2,901.39	75,436.14
Office Specialist	50	6110	518	34.31	2,745.05	71,371.30	36.03	2,882.34	74,940.84	37.83	3,026.49	78,688.74	39.72	3,177.85	82,624.10	41.71	3,336.66	86,753.16
Patrol Officer	40	4401	404	52.27	4,181.49	108,718.68	54.88	4,390.56	114,154.48	57.63	4,610.06	119,861.57	60.51	4,840.57	125,854.89	63.53	5,082.57	132,146.69
Patrol Officer Trainee	40	4402	458	51.15	4,091.69	106,383.87	53.70	4,296.20	111,701.08	56.39	4,511.06	117,287.45	59.21	4,736.58	123,150.98	62.17	4,973.36	129,307.40
Payroll Specialist	50	5102	546	36.65	2,931.78	76,226.28	38.48	3,078.37	80,037.62	40.40	3,232.28	84,039.28	42.42	3,393.91	88,241.66	44.54	3,563.55	92,652.30
Plan Check Engineer	50	3807	521	61.08	4,886.04	127,037.04	64.12	5,129.83	133,375.58	67.33	5,386.67	140,053.42	70.69	5,655.57	147,044.82	74.28	5,942.06	154,493.56
Plan Checker	50	3803	522	52.08	4,166.40	108,326.40	54.68	4,374.67	113,741.42	57.42	4,593.78	119,438.28	60.28	4,822.79	125,392.54	63.31	5,064.61	131,679.86
Plan Review Manager	60	1210	678	71.14	5,691.25	147,972.58	-	-	-	-	-	-	-	-	-	92.53	7,402.01	192,452.19
Planning Commissioners	70	1108	698	1.00	20.00	520.00	-	-	-	-	-	-	-	-	-	1.00	20.00	520.00
Planning Director	60	1803	607	85.63	6,850.13	178,103.28	-	-	-	-	-	-	-	-	-	119.88	9,590.18	249,344.75
Planning Manager	60	2803	602	65.26	5,220.90	135,743.42	-	-	-	-	-	-	-	-	-	91.37	7,309.25	190,040.46
Planning Technician	50	2813	554	38.00	3,040.05	79,041.30	39.90	3,192.38	83,001.88	41.91	3,352.54	87,166.04	43.99	3,519.54	91,508.04	46.19	3,695.33	96,078.58
Police Assistant	40	6401	450	49.67	3,973.32	103,306.33	52.15	4,171.94	108,470.56	54.76	4,380.53	113,893.84	57.49	4,599.59	119,589.21	60.37	4,829.57	125,568.94
Police Captain	60	1401	651	99.47	7,957.84	206,903.94	-	-	-	-	-	-	-	-	-	139.26	11,140.93	289,664.18
Police Clerk I	40	6402	451	35.60	2,848.03	74,048.89	37.38	2,990.45	77,751.64	39.25	3,139.95	81,638.81	41.21	3,296.96	85,721.06	43.27	3,461.74	90,005.31
Police Clerk II	40	6403	452	39.16	3,132.77	81,451.99	41.12	3,289.49	85,526.78	43.17	3,453.95	89,802.77	45.33	3,626.68	94,293.56	47.60	3,807.93	99,006.08
Police Clerk Supervisor	40	6404	454	45.23	3,618.42	94,079.03	47.49	3,799.38	98,783.82	49.87	3,989.30	103,721.80	52.36	4,188.79	108,908.42	54.98	4,398.21	114,353.55
Police Evidence Technician	40	8607	459	41.53	3,322.38	86,381.98	43.61	3,488.47	90,700.34	45.79	3,662.92	95,235.91	48.08	3,846.09	99,998.26	50.48	4,038.38	104,997.80
Police Lieutenant	40	2402	400	80.17	6,413.79	166,758.64	84.18	6,734.49	175,096.63	88.39	7,071.24	183,852.22	92.81	7,424.82	193,045.40	97.45	7,796.04	202,696.97
Police Officer	40	4403	403	57.16	4,572.49	118,884.85	60.01	4,801.19	124,831.00	63.02	5,041.23	131,071.90	66.17	5,293.24	137,624.33	69.47	5,557.97	144,507.23
Police Officer Trainee	40	4404	457	55.93	4,474.29	116,331.51	58.73	4,698.06	122,149.48	61.66	4,933.00	128,257.92	64.75	5,179.61	134,669.91	67.98	5,438.59	141,403.30
Police Sergeant	40	4405	401	69.05	5,523.70	143,616.32	72.50	5,799.90	150,797.43	76.12	6,089.88	158,336.98	79.93	6,394.46	166,256.03	83.93	6,714.18	174,568.69
Police Support Services Mgr	60	1404	657	63.60	5,088.19	132,293.00	-	-	-	-	-	-	-	-	-	89.05	7,123.79	185,218.57
Pool Manager	70	5608	708	23.22	1,857.60	48,297.60	-	-	-	-	-	-	-	-	-	28.15	2,252.00	58,552.00
Principal Civil Engineer	80	2204	822	66.49	5,318.93	138,292.25	-	-	-	-	-	-	-	-	-	86.47	6,917.76	179,861.82
Principal Planner	80	2811	823	68.55	5,483.95	142,582.66	-	-	-	-	-	-	-	-	-	83.02	6,641.91	172,689.75
Program Coordinator	50	5606	523	37.39	2,991.45	77,777.70	-	-	-	-	-	-	-	-	-	49.22	3,937.64	102,378.64
Public Information Officer	60	1122	674	62.81	5,025.13	130,653.43	-	-	-	-	-	-	-	-	-	87.94	7,035.20	182,915.07
Public Services Assistant I	50	6601	524	31.19	2,495.54	64,884.04	32.75	2,620.34	68,128.84	34.39	2,751.38	71,535.88	36.11	2,888.94	75,112.44	37.92	3,033.37	78,867.62
Public Services Assistant II	50	6602	525	34.31	2,745.08	71,372.08	36.03	2,882.37	74,941.62	37.83	3,026.48	78,688.48	39.72	3,177.86	82,624.36	41.71	3,336.66	86,753.16
Public Works Director	60	1204	635	88.05	7,043.70	183,136.25	-	-	-	-	-	-	-	-	-	123.27	9,861.21	256,391.38
Public Works Inspector	50	3202	526	50.37	4,029.41	104,764.66	52.89	4,230.92	110,003.92	55.53	4,442.42	115,502.92	58.31	4,664.57	121,278.82	61.22	4,897.77	127,342.02
Public Works Manager	60	1117	648	58.60	4,688.09	121,890.43	-	-	-	-	-	-	-	-	-	82.04	6,563.32	170,646.39
Public Works Manager - Utilities	60	1128	693	60.95	4,875.62	126,766.05	-	-	-	-	-	-	-	-	-	85.32	6,825.86	177,472.24
Purchasing Agent	80	1106	693	54.89	4,391.06	114,167.54	-	-	-	-	-	-	-	-	-	70.79	5,663.24	147,244.34
Recreation Administrative Asst	70	5619	712	17.20	1,376.00	35,776.00	-	-	-	-	-	-	-	-	-	23.96	1,916.80	49,836.80
Recreation Attendant	70	5618	711	17.20	1,376.00	35,776.00	-	-	-	-	-	-	-	-	-	23.96	1,916.80	49,836.80
Recreation Instructors	70	5607	707	18.82	1,505.60	39,145.60	-	-	-	-	-	-	-	-	-	37.64	3,011.20	78,291.20
Recreation Leader	70	5617	706	17.20	1,376.00	35,776.00	-	-	-	-	-	-	-	-	-	23.96	1,916.80	49,836.80

CITY OF MILPITAS - HUMAN RESOURCES  
All Job Classifications/Salary Table Effective July 2, 2023

Item # 15.

Salary Schedule				Step A			Step B			Step C			Step D			Step E		
Classification	Union Code	Occ Code	Pay Grade	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual	Hourly	BiWeekly	Annual
Recreation Services Supervisor	80	2601	827	52.43	4,194.59	109,059.26	-	-	-	-	-	-	-	-	-	69.01	5,520.64	143,536.58
Recreation Svcs Assistant I	50	8601	527	17.63	1,410.59	36,675.34	18.51	1,481.10	38,508.60	19.44	1,555.20	40,435.20	20.41	1,632.92	42,455.92	21.43	1,714.61	44,579.86
Recreation Svcs Assistant II	50	8602	528	20.94	1,674.82	43,545.32	21.98	1,758.74	45,727.24	23.08	1,846.63	48,012.38	24.24	1,939.01	50,414.26	25.45	2,035.91	52,933.66
Recreation Svcs Assistant III	50	8603	529	24.06	1,925.17	50,054.42	25.27	2,021.38	52,555.88	26.53	2,122.46	55,183.96	27.86	2,228.57	57,942.82	29.25	2,340.04	60,841.04
Recreation Svcs Assistant IV	50	8604	530	28.23	2,258.74	58,727.24	29.65	2,371.66	61,663.16	31.13	2,490.24	64,746.24	32.68	2,614.77	67,984.02	34.32	2,745.49	71,382.74
Retired Annuitant - Extra Help	70	5107	747	50.00	4,000.00	104,000.00	-	-	-	-	-	-	-	-	-	125.00	10,000.00	260,000.00
Retired Annuitant - Interim	70	5108	748	50.00	4,000.00	104,000.00	-	-	-	-	-	-	-	-	-	125.00	10,000.00	260,000.00
Risk Analyst	80	2130	857	43.33	3,466.76	90,135.65	-	-	-	-	-	-	-	-	-	57.04	4,563.31	118,645.97
SCADA Technician	20	8627	240	45.23	3,618.35	94,077.21	47.61	3,808.79	99,028.65	50.12	4,009.26	104,240.68	52.75	4,220.27	109,727.03	55.53	4,442.39	115,502.14
Senior Accountant	80	2110	829	48.78	3,902.36	101,461.28	-	-	-	-	-	-	-	-	-	64.20	5,136.36	133,545.44
Senior Accounting Technician	50	6106	539	37.74	3,019.59	78,509.34	39.63	3,170.60	82,435.60	41.61	3,329.12	86,557.12	43.70	3,495.61	90,885.86	45.88	3,670.35	95,429.10
Senior Administrative Analyst	80	2112	834	53.88	4,310.29	112,067.42	-	-	-	-	-	-	-	-	-	70.92	5,673.86	147,520.42
Senior Building Inspector	50	3804	531	58.17	4,653.94	121,002.44	61.08	4,886.70	127,054.20	64.14	5,131.01	133,406.00	67.34	5,387.52	140,075.52	70.71	5,656.91	147,079.66
Senior Buyer	80	2129	856	51.78	4,142.10	107,694.54	-	-	-	-	-	-	-	-	-	63.04	5,042.86	131,114.35
Senior Executive Assistant	80	6123	855	46.41	3,712.73	96,530.94	-	-	-	-	-	-	-	-	-	61.09	4,886.81	127,057.05
Senior HR Analyst	80	2122	841	50.31	4,024.43	104,635.19	-	-	-	-	-	-	-	-	-	66.22	5,297.35	137,731.09
Senior Plan Check Engineer	50	3806	534	67.18	5,374.63	139,740.38	70.54	5,643.52	146,731.52	74.07	5,925.44	154,061.44	77.77	6,221.41	161,756.66	81.66	6,532.41	169,842.66
Senior Planner	80	2805	830	62.84	5,027.35	130,710.98	-	-	-	-	-	-	-	-	-	76.39	6,110.94	158,884.50
Senior Public Works Inspector	50	3203	535	58.17	4,653.97	121,003.22	61.08	4,886.70	127,054.20	64.14	5,131.01	133,406.26	67.34	5,387.52	140,075.52	70.71	5,656.91	147,079.66
Senior Public Works Lead	20	8609	225	53.22	4,257.61	110,697.86	55.88	4,470.49	116,232.74	58.68	4,694.02	122,044.52	61.61	4,928.70	128,146.20	64.69	5,175.28	134,557.28
Senior SCADA Technician	20	8628	241	49.75	3,980.19	103,484.94	52.37	4,189.67	108,931.51	55.13	4,410.18	114,664.75	58.03	4,642.30	120,699.74	61.08	4,886.63	127,052.35
Special Project Associate	70	5105	750	20.00	1,600.00	41,600.00	-	-	-	-	-	-	-	-	-	50.00	4,000.00	104,000.00
Special Project Associate	70	8605	750	20.00	1,600.00	41,600.00	-	-	-	-	-	-	-	-	-	50.00	4,000.00	104,000.00
Sr Code Enforcement Officer	50	5806	545	51.68	4,134.64	107,500.64	54.26	4,340.56	112,854.56	56.98	4,558.18	118,512.68	59.83	4,786.42	124,446.92	62.82	5,025.25	130,656.50
Sr. Public Services Assistant	50	5615	549	38.27	3,061.96	79,610.96	40.19	3,215.06	83,591.56	42.20	3,375.81	87,771.06	44.31	3,544.60	92,159.60	46.52	3,721.83	96,767.58
Sr. Special Projects Associate	70	5106	749	50.00	4,000.00	104,000.00	-	-	-	-	-	-	-	-	-	125.00	10,000.00	260,000.00
Staff Assistant	70	5104	745	17.20	1,376.00	35,776.00	-	-	-	-	-	-	-	-	-	26.62	2,129.60	55,369.60
Student Intern	70	5103	740	17.20	1,376.00	35,776.00	-	-	-	-	-	-	-	-	-	26.62	2,129.60	55,369.60
Transporation & Traffic Mgr	60	1202	675	62.81	5,025.13	130,653.43	-	-	-	-	-	-	-	-	-	87.94	7,035.20	182,915.07
Water Meter Technician I	20	8104	216	31.46	2,359.17	61,338.42	33.03	2,477.20	64,407.20	34.68	2,601.07	67,627.82	36.41	2,731.06	71,007.56	38.24	2,867.64	74,558.64
Water Meter Technician I -40	20	8620	235	31.46	2,516.64	65,432.64	33.03	2,642.48	68,704.48	34.68	2,774.21	72,129.46	36.41	2,912.82	75,733.32	38.24	3,059.31	79,542.06
Water Meter Technician II	20	8105	217	34.60	2,595.16	67,474.16	36.33	2,724.88	70,846.88	38.15	2,861.11	74,388.86	40.06	3,004.18	78,108.68	42.06	3,154.42	82,014.92
Water Meter Technician II -40	20	8621	236	34.60	2,768.30	71,975.80	36.34	2,906.93	75,580.18	38.14	3,051.44	79,337.44	40.06	3,204.80	83,324.80	42.06	3,365.04	87,491.04
Water Systems Operator	20	7211	219	48.09	3,606.73	93,774.98	50.49	3,786.68	98,453.68	53.02	3,976.38	103,385.88	55.67	4,175.21	108,555.46	58.45	4,383.99	113,983.74
Water Systems Operator - 40	20	8622	237	48.37	3,869.43	100,605.18	50.79	4,063.38	105,647.88	53.34	4,266.95	110,940.70	56.00	4,480.11	116,482.86	58.81	4,704.78	122,324.28

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING RESOLUTION NO. 1626, THE CLASSIFICATION PLAN, TO AUTHORIZE ADDITIONAL POSITIONS, AND AMEND BUDGETED ALLOCATED POSITIONS FOR HUMAN RESOURCES MANAGER**

**WHEREAS**, the City of Milpitas has a Classification Plan adopted as Resolution No. 1626 on December 17, 1968, which has been amended from time to time, and which is in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792 as amended); and

**WHEREAS**, amendments to the Classification Plan are necessary to account for changes within the organization, transfer of duties, new job responsibilities, and adjustments to salary ranges;

**WHEREAS**, pursuant to the Personnel Rules and Regulations Section 2.04, the City Manager/Personnel Officer has the authority to add, delete, or revise classifications approved by Council so long as these changes do not involve a change to the overall compensation range, and as such the City Manager authorized defunding one Digital Media Specialist and adding one Information Technology Analyst in FY 2022-23;

**WHEREAS**, the annual budget process necessitates changes in position authorizations that result from modifications made to the Classification Plan.

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

- 1. **RETITLE THE FOLLOWING BUDGETED ALLOCATED POSITIONS:**  
Retitle Employee Relations Officer to Human Resources Manager

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_

Suzanne Guzzetta, City Clerk

\_\_\_\_\_

Carmen Montano, Mayor

APPROVED AS TO FORM:

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Michael Mutalipassi, City Attorney



# CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Conduct a Public Hearing and Adopt a Resolution Approving a General Plan Amendment (GP23-0002) to Change the Land Use Designations for 168 Parcels on South Main Street, Generally Located South of Great Mall Parkway and North of Montague Expressway, for Consistency with the Boundaries of the Metro Specific Plan and the Proposed Boundaries of the Draft Gateway-Main Street Specific Plan; and Introduce an Ordinance Amending the Milpitas Zoning Map (ZA23-0001) in Accordance with the Provisions of Section 3.03 of Chapter 10 of Title XI (Zoning) of the Milpitas Municipal Code to Change the Zoning Classification of Certain Parcels (APNs: 083-40-044 and 083-40-045) for Consistency with the New General Plan Land Use Designations (Staff Contact: Ned Thomas, Planning Director, 408-586-3273; and Holly Pearson, Senior Special Projects Associate, 408-609-0072)</b>
<b>Category:</b>	Public Hearings-Community Development
<b>Meeting Date:</b>	6/6/2023
	<p><u>Recommendation:</u></p> <p>(1) Conduct a public hearing and receive public comments;</p> <p>(2) Determine that potential environmental impacts associated with the proposed General Plan Map and Zoning Map changes have been previously analyzed under the Environmental Impact Report (EIR) for the Milpitas 2040 General Plan certified on March 9, 2021 (per Resolution 9047) and the Subsequent EIR for the Milpitas Metro Specific Plan certified on February 7, 2023 (per Resolution 9217), and find that since the proposed General Plan Map and Zoning Map changes are consistent with the General Plan and Metro Specific Plan, no further environmental analysis is required;</p> <p>(3) Determine that these actions are exempt from environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15183 (Projects Consistent with a General Plan, Community Plan, or Zoning);</p> <p>(4) Adopt a resolution approving General Plan Amendment GP23-0002;</p> <p>(5) City Attorney shall read aloud title of the Ordinance; and</p> <p>(6) Move to waive the first reading beyond the title and introduce an Ordinance amending the Zoning Map of the City of Milpitas in accordance with the provisions of Section 3.03 of Chapter 10 of Title XI (Zoning Ordinance) of the Milpitas Municipal Code to change the zoning classification of two parcels (APNs: 083-40-044 and 083-40-045) for consistency with the new General Plan land use designations.</p>

**Background:**

The Milpitas Midtown Specific Plan (“Midtown Plan”) was adopted in 2002, updated in 2010, and work on updating the plan is currently underway. The updated plan will be called the Milpitas Gateway-Main Street Specific Plan (“Gateway Plan”), and the anticipated completion timeframe is early 2024. As part of the current update, the City will adjust the boundaries of the Midtown planning area to focus its efforts on the redevelopment and revitalization of Main Street and the Calaveras Boulevard corridor. This boundary adjustment will require amendments to the City’s General Plan Land Use Map and Zoning Map.

In addition, the City Council recently adopted an update to the 2008 Transit Area Specific Plan (TASP), and the updated plan is now known as the Milpitas Metro Specific Plan (“Metro Plan”). As adopted, the Metro Plan



expands the planning area to include several large parcels along the east side of South Main Street. The movement of these parcels from the Midtown planning area into the Metro planning area will also require amendments to the City’s General Plan Land Use Map and Zoning Map.

The proposed amendments to the City’s General Plan Land Use Map would remove a total of 168 parcels from the Midtown Plan area. As noted above, eight parcels along the east side of South Main Street would become part of the new Metro Plan area. The remaining 160 parcels would receive standard land use designations under the General Plan consistent with their current land use designations under the Midtown Plan. These changes effectively adjust the boundaries of the two specific plans and bring the land use designations of the subject parcels into consistency with the new boundaries.

In addition to the General Plan Land Use Map amendments described above, two parcels will require a Zoning Map amendment so that the zoning for these parcels is consistent with their new General Plan land use designations. These zone changes will not have any impact on existing land uses but will allow more flexibility for future development in the area consistent with the General Plan.

**Overview of General Plan Map and Zoning Map Amendments:**

The Milpitas Midtown Specific Plan, adopted in 2002, sought to accommodate changes related to the growing role of the Midtown area as a housing and employment center in Silicon Valley. The Midtown Plan area included approximately 1,000 acres of developable land located east of Interstate 880, west of the Union Pacific Railroad lines and Bay Area Rapid Transit (BART) tracks, south of Calaveras Boulevard, and north of Great Mall Parkway, with smaller portions of the planning area extending further to the north and south.

In 2008, the City of Milpitas adopted the Transit Area Specific Plan (TASP) to establish a vision and strategy for redevelopment of what was then a primarily low-density industrial district into new higher-density, mixed-use residential and commercial neighborhoods. Just prior to the opening of the Milpitas Transit Center in June 2020, the City launched an effort to update the TASP, expanding the scope and geographic extent of the specific plan for this area and incorporating a greater focus on the form and character of private development and public spaces. The updated plan, rebranded as the Milpitas Metro Specific Plan, was adopted by the Milpitas City Council on February 7, 2023.

Figure 1 on page 3 shows the locations and boundaries of the Midtown Plan and the adopted Metro Plan. Highlighted in yellow is the area to be removed from the draft Gateway-Main Street Plan area and highlighted in the green diagonal striped pattern is the area that is now part of the Metro Plan area.

In late 2021, the City initiated the Milpitas Gateway-Main Street Specific Plan (“Gateway Plan”) project as an update of the Midtown Specific Plan. The Gateway Plan will focus on the revitalization of historic Main Street and the Calaveras Boulevard corridor, reflecting the current market conditions and encompassing a new vision for this area consistent with the Milpitas General Plan. As shown in Figure 1, the Gateway Plan generally covers the same geographic areas as the Midtown Plan but does not include the portion of the Midtown planning area to the south of Great Mall Parkway, as this area is largely developed, and a portion is now included within the boundaries of the Milpitas Metro Plan.

***Site and Surroundings***

The project site encompasses 168 separate parcels, totaling approximately 41.6 acres, located south of Great Mall Parkway, along South Main Street (both the east and west sides), west of the Union Pacific railroad tracks, and north of Montague Expressway. The site contains a mix of commercial and residential uses, including several residential apartment buildings and townhomes, various auto-related uses (auto body shop, auto service shop, gas stations), a fast-food restaurant, a self-storage facility, a small commercial shopping center (Liberty Plaza) with various retail and service businesses and restaurants, and professional and medical offices (South Bay Tech Center).

The surrounding area is also diverse in terms of existing land uses and the type and character of development.

The Santa Clara Valley Transportation Authority (VTA) Great Mall light rail station is located immediately north, while the eastern portion of the project site is bounded by the UPRR railroad tracks and newer multifamily residential development (McCandless neighborhood). The areas immediately west of the project site are predominantly single-family dwellings (The Pines neighborhood). To the south of the site, on the southern side of Montague Expressway, is a truck rental facility located in the City of San Jose.

**Figure 1: Planning Area Boundaries of Milpitas Specific Plans**

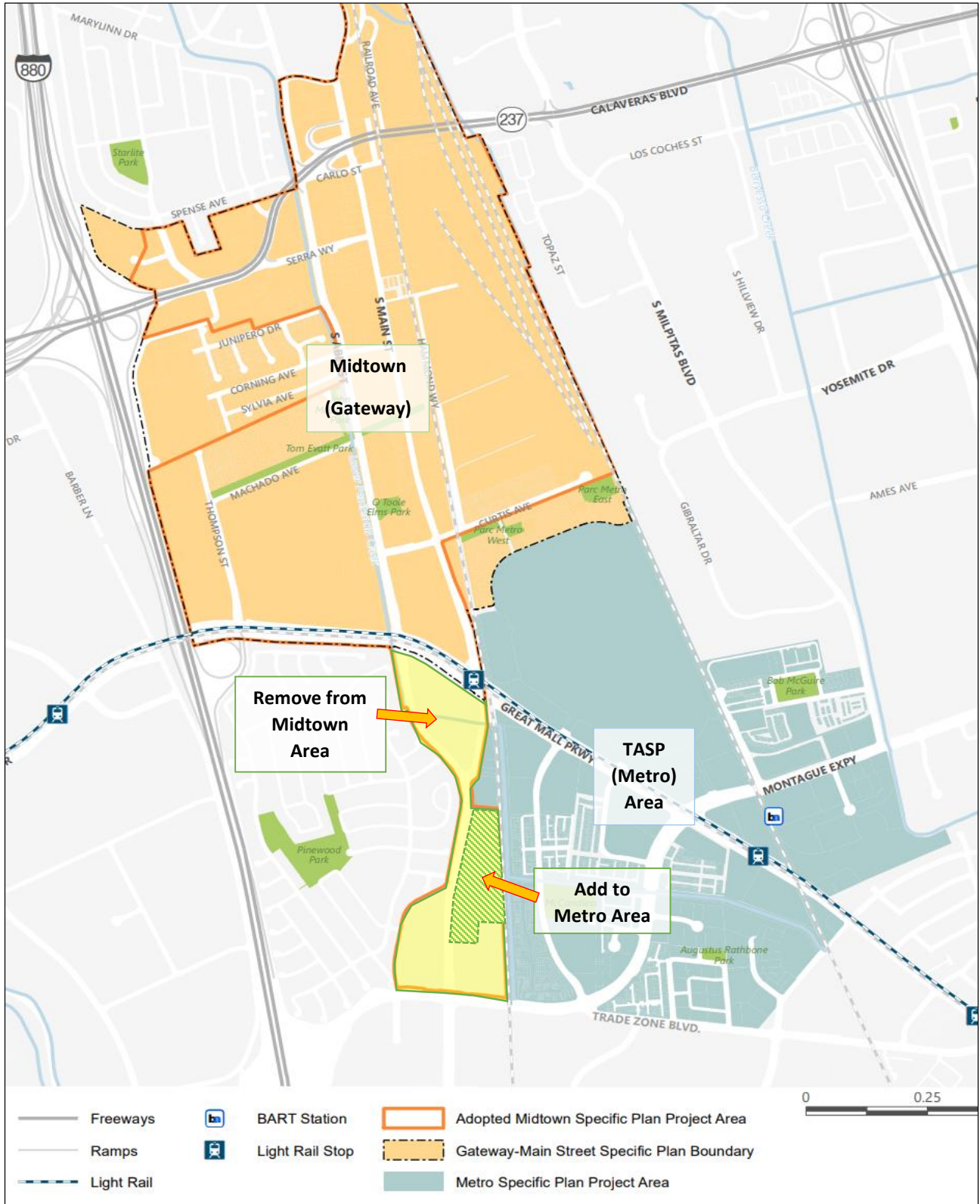


Table 1 below identifies the locations and existing uses of parcels that were previously part of the Midtown Plan area and are now included within the Metro Plan area.

**Table 1: Parcels Previously Under the Midtown Plan and Now Under the Metro Plan (Locations, Current Uses, and New GP Land Use Designations)**

APN	Address	Use/Business	New General Plan Land Use Designation
083-36-008	1416–1418 S. Main	Auto Body Shop	Milpitas Metro Plan
083-41-001*	1432–1446 S. Main	Abbott Auto Service Silicon Valley Lock Masters	Milpitas Metro Plan
083-41-002*	1452–1466 S. Main	Dominic’s Auto Service Jeff Auto Security Services	Milpitas Metro Plan
083-41-003*	1474–1488 S. Main	Auto Maintenance Uses	Milpitas Metro Plan
083-41-004, -013	1504 S. Main	Vacant (Westmont Phase 2)	Milpitas Metro Plan
083-41-014	1620 S. Main	Westmont Senior Housing	Milpitas Metro Plan
083-41-010	1624–1640 S. Main	Auto uses; Sun Bike Shop	Milpitas Metro Plan

\* denotes City-owned Parcels 1, 2, and 3

Table 2 on page 5 identifies the locations and existing uses of additional parcels that were previously part of the Midtown Plan area but will now be assigned standard General Plan land use designations, consistent with existing land uses on these parcels.

### **General Plan Map Changes**

Tables 1 and 2 identify a total of 168 separate parcels that currently have a General Plan land use designation of Milpitas Gateway Specific Plan (MGSP). Since none of these parcels are included in the planning area of the draft Gateway Specific Plan, staff recommends changing the General Plan land use designations as follows:

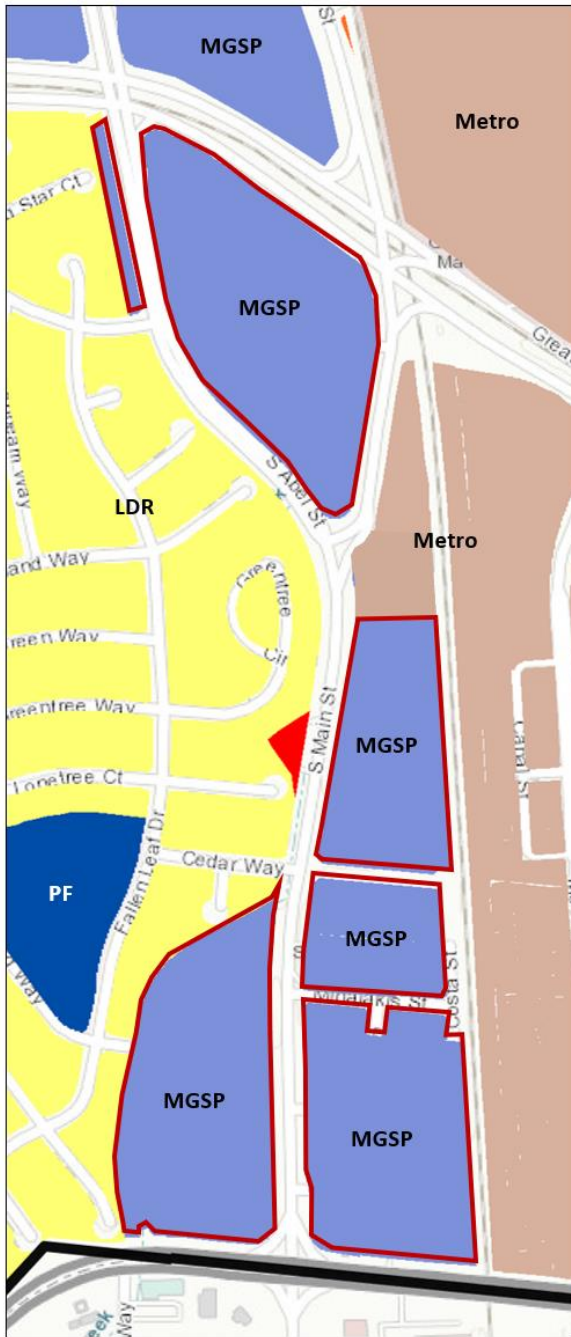
- Eight of the subject parcels are now located within the boundaries of the adopted Metro Plan. For consistency, the General Plan land use designations for these parcels should be changed to Milpitas Metro Specific Plan (MMSP). These parcels are generally located within the 1400, 1500, and 1600 blocks along the east side of South Main Street.
- The remaining 160 parcels (147 of which comprise the Paragon Townhomes development) are included within neither the boundaries of the draft Gateway Plan nor the boundaries of the adopted Metro Plan. Thus, the General Plan land use designations for each of these parcels should be changed to the standard General Plan land use designation that is most consistent with the current land use on that parcel.

Figure 2 on page 6 illustrates the proposed changes to the General Plan Land Use Map. These figures visually depict the information shown in Tables 1 and 2. Essentially, the land use designation for each parcel will change from Milpitas Gateway Specific Plan to a different designation provided in the Milpitas 2040 General Plan that is consistent with the current land uses.

**Table 2: Parcels Previously Under the Midtown Plan and Now Under General Plan  
(Locations, Current Uses, and New GP Land Use Designations)**

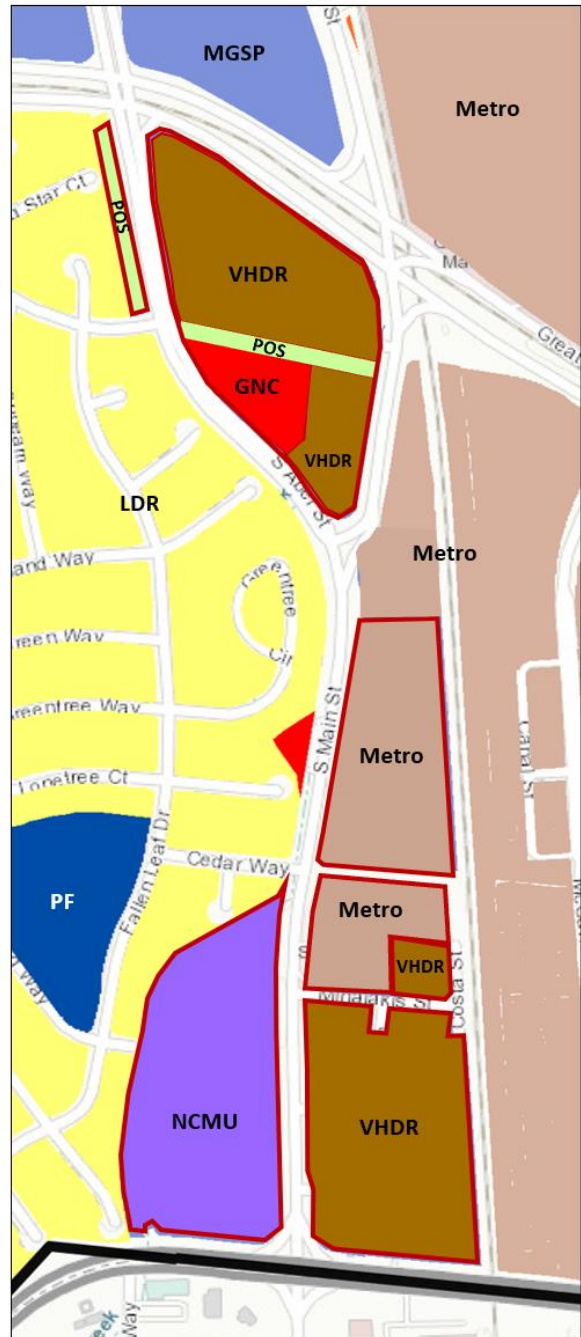
<b>APN</b>	<b>Address</b>	<b>Use/Business</b>	<b>New General Plan Land Use Designations</b>
083-41-009, -011, -012	60-81 Mihalakis Drive	Aspen Apartments	VHDR Very High Density Residential
083-40-044	1603-1765 S. Main St	South Bay Tech Center	NCMU Neighborhood Commercial Mixed Use
083-42-002	91 Montague Expressway	Vacant	VHDR Very High Density Residential
083-26-003	1102 S. Abel St	Apex Apartments	VHDR Very High Density Residential
086-12-016	1101 S. Main St	Centria Apartments	VHDR Very High Density Residential
083-34-001	1201 S. Main St	Ilara Apartments	VHDR Very High Density Residential
083-34-003	1200-1280 S. Abel St	Liberty Plaza	GNC General Commercial
083-42-006	1780 S. Main St	Shell Gas Station	GNC General Commercial
083-42-004	1740 S. Main St	Jack in the Box	VHDR Very High Density Residential
083-42-001	1680 S. Main St	Saf-Keep Storage	VHDR Very High Density Residential
083-43-001 to -147	27-139 Ede Lane 1706-1884 Snell Place 15-101 Bettencourt Way	Paragon Townhomes	VHDR Very High Density Residential
083-40-045	1787 S. Main St	Rotten Robbie	NCMU Neighborhood Commercial Mixed Use

**Figure 2: Proposed Changes to General Plan Land Use Designations  
(South Main St. South of Great Mall Parkway to Montague Expressway)**



Current General Plan Land Use Designations:

■ MGSP Milpitas Gateway Specific Plan



Proposed General Plan Land Use Designations:

■ VHDR Very High Density Residential

■ GNC General Commercial

■ NCMU Neighborhood Commercial Mixed Use

■ MMSP Milpitas Metro Specific Plan

■ POS Permanent Open Space

**Zoning Map Changes**

Pursuant to proposed changes in the General Plan land use designations outlined above, two parcels located on the west side of South Main Street, just north of Montague Expressway, will require zoning map amendments. The proposed zone changes are consistent with the type and character of existing or proposed development on the subject parcels, and the proposed changes will not create any legal non-conforming uses. Table 3 below identifies the locations and current and proposed zoning. Figure 3 on page 8 illustrates the proposed changes to the zoning map. None of the other parcels along South Main Street require zone changes for consistency with the proposed General Plan land use designations.

**Table 3: Locations of South Main Street Parcels Requiring Zone Changes  
(Existing and Proposed Zoning Designations)**

<b>APNs</b>	<b>Addresses</b>	<b>Existing Zoning Designation</b>	<b>Proposed Zoning Designation</b>	<b>Consistent with NCMU Land Use Designation</b>
083-40-044	1603-1765 S. Main	C2 General Commercial	MXD Mixed Use	Yes
083-40-046	1787 S. Main St	MP Industrial Park	MXD Mixed Use	Yes



Figure 3: Proposed Changes to Zoning Map  
(South Main Street South of Great Mall Parkway to Montague Expressway)



Current Zoning:

- C2 General Commercial
- MP Industrial Park
- R4 MF Very High Density Residential
- R5 Urban Residential
- POS Park Open Space
- R1 Single-Family Residential

Proposed Zoning:

- C2 General Commercial
- MXD Mixed Use
- R4 MF Very High Density Residential
- R5 Urban Residential
- POS Park Open Space
- R1 Single-Family Residential

**General Plan Conformance:**

The City’s General Plan is the primary long-range planning document that provides the vision for the future growth and development of Milpitas. The General Plan and zoning map amendments conform to the policies and standards in the City’s General Plan, as demonstrated in the following table.

**Table 4: General Plan Conformance**

<b>Policy</b>	<b>Consistency</b>
<p><b><i>Land Use Element Policy LU 1-2:</i></b> Assign the following range of land use designations throughout the city and the Planning Area, as shown on the Land Use Map (Figure LU-1) and regulate the levels of building intensity and density consistent with the designations established by the Land Use Map.</p>	<p>Policy LU 1-2 establishes the land use designations under the General Plan, grouped into categories (Residential, Mixed Use, Commercial, Industrial, Specific Plan, etc.), and assigns an appropriate designation to every parcel of land in the city, as shown in Figure LU-1, the General Plan Land Use Map. The Land Use Map, in combination with the Zoning Map, guides land use and development throughout the city. The Land Use Map must therefore be current and reflective of the planning and development policies that are in effect in Milpitas.</p> <p>The proposed General Plan map amendments are consistent with Policy LU1-2 because they apply appropriate land use designations from the Land Use Element, including Milpitas Metro Specific Plan (MMSP), Very High Density Residential (VHDR), Neighborhood Commercial Mixed Use (NCMU), and General Commercial (GNC), as applicable for each specific parcel.</p>
<p><b><i>Land Use Element Policy LU 1-7:</i></b> Recognize that the Land Use Map may be amended in accordance with State law to ensure that there is an adequate supply of commercial, business park, industrial, public facility, parks, residential, and other desired land uses to serve the City’s needs.</p>	<p>These proposed map amendments are consistent with the General Plan because they follow the guidance outlined within the General Plan itself for amending this policy document when local issues necessitate such changes. In this case, changes to the General Plan are required due to updates to the geographic areas covered by the City’s Specific Plans that are currently underway. The process for making the necessary changes to the General Plan follows the requirements of State law and City codes and policies; i.e., the proposed amendments have been presented to the Planning Commission at a public hearing for comment and a recommendation, and will subsequently be presented to the City Council at a public hearing for approval via adoption of an ordinance.</p>
<p><b><i>Land Use Element Action LU-1a</i></b> Update the City’s Zoning Map as appropriate to ensure consistency with the land use designations shown on Figure LU-1 (Land Use Map).</p>	<p>State law requires that a local jurisdiction’s zoning ordinance must be consistent with its general plan. The proposed zoning map amendments are consistent with Action LU-1a from the Land Use Element because the changes to the zoning map are required for the zoning of the two subject parcels to be consistent with the new proposed land use designations in the General Plan, as described above.</p>



### **Findings for Approval:**

A finding is a statement of fact relating to the information that the City Council has considered in making a decision. Findings identify the rationale behind the decision to take a certain action. The following are the required findings for approval of a zoning amendment:

#### **General Plan Amendment**

The Introduction section of the Milpitas 2040 General Plan (*page IN-8*) states the following four standard findings that must be made for a proposed General Plan amendment:

*1. The amendment is deemed to be in the public interest.*

The proposed amendments to the General Plan map are related to updates to the City's Gateway-Main Street Specific Plan and Metro Specific Plan that will change the boundaries of the areas covered by each plan. The specific plan updates and boundary changes are in the public interest because they are intended to refine the geographic areas that are subject to the policies and guidelines of those plans. By excluding certain areas on and around S. Main Street and S. Abel Street from the Gateway-Main Street Specific Plan area, and by reassigning other areas along S. Main Street from the Gateway-Main Street Specific Plan to the Milpitas Metro Specific Plan area, the amendments will better reflect the current physical and economic conditions of these properties in terms of existing land uses/businesses and future development potential. In other words, the General Plan amendments will help to ensure that the City's land use policies for the subject parcels are current and appropriate.

*2. The amendment is consistent and/or compatible with the rest of the General Plan.*

The proposed minor amendments are related to the General Plan Land Use map only and do not affect any other portion of the Land Use Element or any other element of the General Plan. The amendments are consistent with the General Plan as a whole and do not create any internal inconsistencies.

*3. The potential impacts of the amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

Because the proposed amendments involve only changes to the General Plan map and land use designations for a select number of parcels, the result of the amendments would be minor refinements to the land use policies (allowed land uses and permitted development densities) for those parcels. Furthermore, the changes would be limited to reassigning the land use designation from one specific plan to another or changing the land use designation from a specific plan to another existing designation (residential, mixed use, or commercial) that allows comparable or less intensive uses and densities. For these reasons, the amendments will not be detrimental to public health, safety, or welfare.

*4. The amendment has been processed in accordance with the applicable provisions of the California Government Code, the California Environmental Quality Act (CEQA), and the City's Municipal Code.*

California Government Code Section 65358 provides very general guidance for a local jurisdiction to follow in amending its general plan, stating that such an amendment "shall be initiated in the manner specified by the legislative body" (in this case, the Milpitas City Council). The City's procedure for amending the General Plan is outlined in Milpitas Municipal Code (MMC) Section XI-10-57.02. That procedure includes requirements for a General Plan amendment to be reviewed at a public hearing before the Planning Commission, which shall make a recommendation to the City Council; and then for the City Council to hold a public hearing and make a decision on the proposed amendment. These procedures are being followed for the General Plan map amendments in question.

The California Government Code also states that a municipality may amend a mandatory element of its general plan (including a land use element) no more than four times per year. This is the City's first proposed amendment to the Milpitas 2040 General Plan Land Use Element in 2023.

A finding pursuant to CEQA is presented in the “California Environmental Quality Act” section below.

Zoning Amendment (Milpitas Municipal Code Section XI-10-57.02(G)(3))

1. *The proposed amendment is consistent with the General Plan.*

The proposed zoning map amendments are consistent with the General Plan because their purpose is to maintain consistency between the General Plan Land Use Map and the City’s zoning ordinance in terms of the land use designations and regulations for the subject properties.

2. *The proposed amendment will not adversely affect the public health, safety and welfare.*

As described above under finding #3 in the General Plan Amendment section, the amendments to the zoning map will not adversely affect public health, safety, or welfare because they are limited to minor refinements to the applicable zoning districts for selected parcels, consistent with updates to the boundaries of the two specific plans.

**California Environmental Quality Act (CEQA):**

In accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the Milpitas 2040 General Plan. The Final EIR was adopted, along with the updated General Plan, by Resolution No. 9047 on March 9, 2021 (State Clearinghouse No. 2020070348). The proposed General Plan map and Zoning map amendments are consistent with the Milpitas 2040 General Plan and with the environmental analysis conducted for the plan update. These proposed changes to the land use and zoning designations would allow the same or less intensive land uses and development densities (or intensities) as those that were analyzed under the General Plan EIR.

In addition, a Subsequent EIR (SEIR) was prepared for the Metro Specific Plan. The final SEIR was adopted by Resolution No. 9217 on February 7, 2023 (State Clearinghouse No. 2006032091). Because the boundaries of the Metro Plan and the parcels included in the planning area were analyzed in the SEIR, and because the currently proposed General Plan and zoning map changes are consistent with the Metro Plan and corresponding environmental analysis, staff has determined that no additional environmental review is required.

As a separate and independent basis, the project is also exempt from further environmental review under CEQA Guidelines Section 15183 (Project Consistent with General Plan, Community Plan, or Zoning), which applies to projects which are consistent with the General Plan for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site.

**Planning Commission Recommendation:**

The Planning Commission considered the proposed General Plan Map and Zoning Map Amendments at its meeting on May 10, 2023. Following discussion and public comment, the Planning Commission voted unanimously (6-0, Galang absent) to recommend that the City Council adopt the resolution approving General Plan Map Amendment GP23-0002 and adopt the Ordinance approving Zoning Amendment ZA23-0001. The Commission’s resolution in favor of these actions is attached (Attachment C).

**Policy Alternative:**

**Alternative:** Do not adopt the resolution approving changes to the General Plan land use designations of the 168 subject parcels; and do not adopt the ordinance changing the zoning classification of two of the above parcels. The existing General Plan land use designations and existing zoning would remain in effect for the subject parcels.

**Pros:** None

**Cons:** Continuing the current General Plan Map designations for the 168 parcels would mean that the designations for these parcels would not be consistent with the boundaries of the adopted Metro Specific Plan or the boundaries of the draft Gateway-Main Street Specific Plan.

**Reason Not Recommended:** If the proposed General Plan Map and Zoning Map Amendments are not adopted, there would be a conflict between the General Plan and the adopted Metro Specific Plan. It would also preclude the 160 parcels that were previously part of the area covered by the Midtown Specific Plan from being removed from the proposed planning area for the Gateway-Main Street Specific Plan, which would conflict with the goals and objectives of the latter plan. The Gateway-Main Street Specific Plan is intended to focus on the revitalization of the historic section of Main Street (north of Great Mall Parkway) and does *not* recommend land use policy changes to the area of South Main Street (south of Great Mall Parkway), which is largely built out and is not expected to undergo significant redevelopment.

**Fiscal Impact:**

The proposed General Plan Map amendment will adjust the boundaries of the Milpitas Metro Specific Plan and the Milpitas Gateway-Main Street Specific Plan as they are depicted on the General Plan Land Use Map. The boundary adjustments will remove 168 parcels from the Midtown Plan area, including eight large parcels along the east side of South Main Street that are now included in the new Metro Plan area. This change will have a positive fiscal impact as new development on these parcels will be subject to Transit Area Development Impact fees. Specific new development projects are not currently proposed for these parcels at this time, so the amount of impact fees is unknown.

The remaining 160 parcels will receive standard land use designations under the General Plan consistent with their current land use designations under the Midtown Plan. These changes will have no fiscal impact as they simply remove the parcels from the Midtown Specific Plan planning area. The proposed General Plan land use designations will not result in any changes to existing land uses on the parcels.

The proposed Zoning Map amendment will ensure consistency between the zoning classifications for two parcels at the south end of South Main Street and their new General Plan land use designations. These zone changes will have no fiscal impact on existing land uses but will allow more flexibility for future development in the area consistent with the General Plan. Future redevelopment of the South Bay Tech Center site would have a positive fiscal impact from increased property values. Specific redevelopment plans for the site have not been proposed at this time, so any actual change in property values is unknown.

**Recommendations:**

- 1) Conduct a public hearing and move to close the hearing following comments.
- 2) Determine that potential environmental impacts associated with these General Plan Map and Zoning Map changes have been previously analyzed under the Environmental Impact Report (EIR) for the Milpitas 2040 General Plan certified on March 9, 2021 (per Resolution 9047) and the Subsequent EIR for the Milpitas Metro Specific Plan certified on February 7, 2023 (per Resolution 9217), and find that since the proposed General Plan Map and Zoning Map changes are consistent with the General Plan and Metro Specific Plan, no further environmental analysis is required.
- 3) Determine that these actions are exempt from environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15183 (Projects Consistent with a General Plan, Community Plan, or Zoning).
- 4) Adopt Resolution 23-00X approving General Plan Amendment GP23-0002.
- 5) City Attorney shall read aloud title of the Ordinance.
- 6) Move to waive the first reading beyond the title and introduce an Ordinance amending the Zoning Map of the City of Milpitas in accordance with the provisions of Section 3.03 of Chapter 10 of Title XI (Zoning Ordinance) of the Milpitas Municipal Code to change the zoning classification of two parcels (APNs: 083-40-044 and 083-40-045) for consistency with the new General Plan land use designations.

**Attachments:**

- 1) Draft Resolution
- 2) Draft Ordinance
- 3) Planning Commission Resolution No. 23-0006

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPTING GENERAL PLAN AMENDMENT NO. GP23-0002 TO AMEND THE GENERAL PLAN LAND USE MAP DESIGNATIONS OF 168 PARCELS FOR CONSISTENCY WITH THE NEW BOUNDARIES OF THE MILPITAS METRO SPECIFIC PLAN AND PROPOSED BOUNDARIES OF THE DRAFT MILPITAS GATEWAY-MAIN STREET SPECIFIC PLAN**

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

**WHEREAS**, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

**WHEREAS**, on March 19, 2002 the Milpitas City Council adopted the Midtown Specific Plan, which encompassed a planning area of approximately 1,000 acres of land in the Midtown district of Milpitas; and

**WHEREAS**, on June 3, 2008, the Milpitas City Council adopted the Transit Area Specific Plan, a specific plan developed in response to Policy 7.5 of the Midtown Specific Plan; and

**WHEREAS**, in early 2019 the City of Milpitas launched a process to update the Transit Area Specific Plan, expanding the plan’s scope and geographic extent, and this updated draft plan is known as the Milpitas Metro Specific Plan; and

**WHEREAS**, the Gateway-Main Street Specific Plan was initiated in late 2021 as an update and reframing of the Midtown Specific Plan; and

**WHEREAS**, on February 7, 2023 the Milpitas City Council adopted the Metro Specific Plan; and

**WHEREAS**, the planning area boundaries of the draft Gateway-Main Street Specific Plan differ from the boundaries of its predecessor, the Milpitas Midtown Specific Plan, and 168 parcels along South Main Street and South Abel Street, in the area generally located south of Great Mall Parkway and north of Montague Expressway, will not be part of the Gateway-Main Street Specific Plan area; and

**WHEREAS**, the planning area boundaries of the adopted Milpitas Metro Specific Plan include eight large parcels along the east side of South Main Street that were previously part of the Milpitas Midtown Specific Plan area; and

**WHEREAS**, the other 160 parcels that are not included in the planning area for the Gateway-Main Street Specific Plan shall be given standard General Plan land use designations and zoning classifications consistent with the existing land uses on those parcels; and

**WHEREAS**, the City has prepared a General Plan Map Amendment and Zoning Map Amendment (“Amendments”) to implement the changes to the land use designations for these parcels; and

**WHEREAS**, the Planning Commission made and accepted as its own the findings set forth in this resolution; and

**WHEREAS**, the Planning Commission is an advisory body to the City Council; and

**WHEREAS**, on March 9, 2021 an Environmental Impact Report (EIR) was certified for the Milpitas 2040 General Plan in accordance with the California Environmental Quality Act (CEQA), and whereas the proposed General Plan map and zoning map amendments are consistent with the updated General Plan and the environmental analysis conducted for the same; and

**WHEREAS**, on February 7, 2023 a Subsequent Environmental Impact Report (SEIR) was certified for the Milpitas Metro Specific Plan, and the proposed General Plan and zoning map amendments are consistent with the Metro Plan and the planning area boundaries defined therein, and consistent with the environmental analysis conducted for the same; and

**WHEREAS**, on May 10, 2023, the Planning Commission held a duly noticed public hearing on the subject application, considered evidence presented by City staff and other interested parties, and adopted Resolution 23-006 recommending that the City Council approve the General Plan Amendment GP23-0002; and

**WHEREAS**, on June 6, 2023, the City of Milpitas City Council held a duly noticed public hearing, including by teleconference, on the proposed General Plan Amendment, considered all written and oral reports of staff and public testimony on the matter, and such other matters as are reflected in the record of this matter.

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

**Section 1.** The recitals set forth above are found to be true and correct and are incorporated herein by reference.

**Section 2.** In accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the Milpitas 2040 General Plan. The Final EIR was adopted, along with the updated General Plan, by Resolution No. 9047 on March 9, 2021 (State Clearinghouse No. 2020070348). A Subsequent EIR (SEIR) was prepared for the Metro Specific Plan. The final SEIR was adopted by Resolution No. 9217 on February 7, 2023 (State Clearinghouse No. 2006032091). Because the proposed General Plan and zoning map changes are consistent with the General Plan and Metro Plan and corresponding environmental analyses, the City Council finds that no additional environmental review is required.

As a separate and independent basis, the City Council determines that the Project is also exempt from further environmental review pursuant to CEQA Guidelines 15183 (Projects Consistent with a General Plan, Community Plan, or Zoning).

**Section 3.** The proposed amendments are consistent with the City of Milpitas General Plan because they are minor refinements to the General Land Use Map only, involving a select number of parcels; do not affect any other portion of the Land Use Element or any other element of the General Plan; and are determined not to be detrimental to public health, safety or welfare because they do not substantially alter the allowable uses or development intensity of the subject parcels.

**Section 4.** The proposed amendments are consistent with the recently adopted Milpitas Metro Specific Plan and the draft Milpitas Gateway-Main Street Specific Plan that is currently underway to update the Midtown Specific Plan because the purpose of the proposed map changes is to update the General Plan Land Use Map to reflect the new boundaries of the City’s specific plans, and the effect of the amendments would be to assign new General Plan land use designations that align with the planning area boundaries for the Metro and Gateway-Main Street Specific Plans.

**Section 5.** The proposed amendments are consistent with the Zoning Ordinance because the new General Plan land use designations to be assigned to the subject parcels are in keeping with applicable zoning classifications and development standards of those parcels.

**BE IT FURTHER RESOLVED** that the City Council of the City of Milpitas hereby approves General Plan Amendment No. GP23-0002 subject to the above Findings and the amendments attached hereto as Exhibit 1.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023, 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

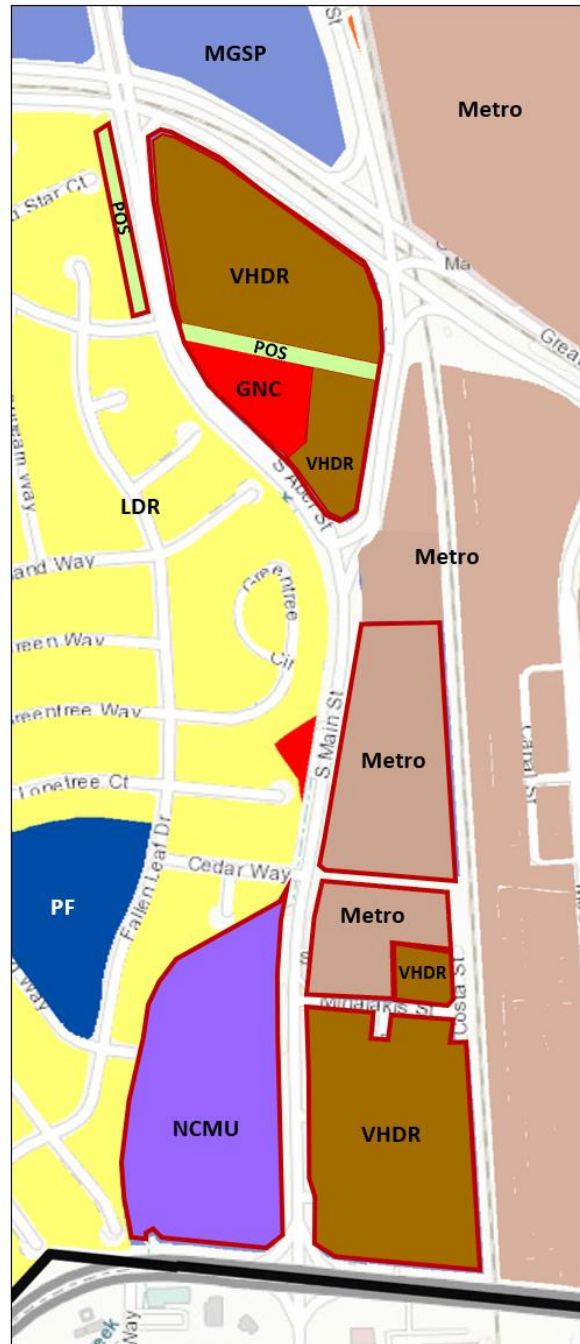
Attachments:  
Exhibit 1: General Plan Land Use Map Amendments

### Exhibit 1: General Plan Land Use Map Amendments



Current General Plan Land Use Designations:

**MGSP** Milpitas Gateway Specific Plan



Proposed General Plan Land Use Designations:

- VHDR** Very High Density Residential
- GNC** General Commercial
- NCMU** Neighborhood Commercial Mixed Use
- MMSP** Milpitas Metro Specific Plan
- POS** Permanent Open Space



**REGULAR**

**NUMBER: XX.XXX**

**TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE ZONING MAP OF THE CITY OF MILPITAS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 3.03 OF CHAPTER 10 OF TITLE XI (ZONING ORDINANCE) OF THE MILPITAS MUNICIPAL CODE TO CHANGE THE ZONING DESIGNATION OF TWO PARCELS ON SOUTH MAIN STREET BETWEEN GREAT MALL PARKWAY AND MONTAGUE EXPRESSWAY (APNs: 083-40-044, 083-40-045) FOR CONSISTENCY WITH THE NEW BOUNDARIES OF THE MILPITAS METRO SPECIFIC PLAN AND PROPOSED BOUNDARIES OF THE DRAFT GATEWAY-MAIN STREET SPECIFIC PLAN FOR CONSISTENCY WITH NEW GENERAL LAND USE DESIGNATIONS FOR THE SUBJECT PARCELS.**

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

**WHEREAS**, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

**WHEREAS**, Section 3.03 of Chapter 10 Zoning of Title XI of the Milpitas Municipal Code, divides the City into zoning districts; and

**WHEREAS**, the City Council is the final authority on General Plan, Specific Plan, and Zoning amendments, including amendments to the Zoning Map; and

**WHEREAS**, on March 19, 2002 the Milpitas City Council adopted the Midtown Specific Plan, which encompassed a planning area of approximately 1,000 acres of land in the Midtown district of Milpitas; and

**WHEREAS**, on June 3, 2008, the Milpitas City Council adopted the Transit Area Specific Plan, a specific plan developed in response to Policy 7.5 of the Midtown Specific Plan; and

**WHEREAS**, in early 2019 the City of Milpitas launched a process to update the Transit Area Specific Plan, expanding the plan’s scope and geographic extent, and this updated draft plan is known as the Milpitas Metro Specific Plan; and

**WHEREAS**, the Gateway-Main Street Specific Plan was initiated in late 2021 as an update and reframing of the Midtown Specific Plan; and

**WHEREAS**, on February 7, 2023 the Milpitas City Council adopted the Metro Specific Plan; and

**WHEREAS**, the planning area boundaries of the draft Gateway-Main Street Specific Plan differ from the boundaries of its predecessor, the Milpitas Midtown Specific Plan, and 168 parcels along South Main Street and South Abel Street, in the area generally located south of Great Mall Parkway and north of Montague Expressway, will no longer be part of the Gateway-Main Street Specific Plan area; and

**WHEREAS**, the planning area boundaries of the adopted Milpitas Metro Specific Plan include eight large parcels along the east side of South Main Street that were previously part of the Milpitas Midtown Specific Plan area; and

**WHEREAS**, the other 160 parcels that are not included in the planning area for the Gateway-Main Street Specific Plan shall be given standard General Plan land use designations and zoning classifications consistent with the existing land uses on those parcels; and

**WHEREAS**, the City has prepared a General Plan Map Amendment (GP23-0002) to implement the changes to the land use designations for these parcels; and

**WHEREAS**, a Zoning Map Amendment is necessary to change the zoning classification for the two subject parcels (APNs: 083-40-044, 083-40-045) to Mixed Use (MXD) Zoning District, such that the zoning for these parcels shall be consistent with the proposed new General Plan land use designations of Neighborhood Center Mixed Use; and

**WHEREAS**, per Milpitas Municipal Code §§ XI-10-57.02(G)(3), the City Council finds the Zoning Amendment set forth herein to be consistent with the General Plan, and specifically with Land Use Element

Action LU-1a (update the City’s Zoning Map as appropriate to ensure consistency with the land use design shown on Figure LU-1[Land Use Map]), because State law requires that a local jurisdiction’s zoning ordinance must be consistent with its general plan, and the proposed zoning map amendments are required in order for the zoning of the subject parcels to be consistent with the new proposed land use designations in the Milpitas 2040 General Plan; and

**WHEREAS**, per Milpitas Municipal Code § XI-10-57.02(G)(3), the City Council likewise finds that the Zoning Amendment set forth herein will not adversely affect the public health, safety and welfare, in that the proposed zoning map changes involve only changes the zoning designations for a small number of parcels, the result of which would be minor refinements to the allowable uses and development standards for those parcels, while maintaining comparable or less intensive development densities and intensities; and

**WHEREAS**, on March 9, 2021 an Environmental Impact Report (EIR) was certified for the Milpitas 2040 General Plan in accordance with the California Environmental Quality Act (CEQA), and whereas the proposed General Plan map and zoning map amendments are consistent with the updated General Plan and the environmental analysis conducted for the same; and

**WHEREAS**, on February 7, 2023 a Subsequent Environmental Impact Report (SEIR) was certified for the Milpitas Metro Specific Plan, and the proposed General Plan and zoning map amendments are consistent with the Metro Plan and the planning area boundaries defined therein, and consistent with the environmental analysis conducted for the same; and

**WHEREAS**, on May 10, 2023, the Planning Commission held a duly noticed public hearing on the subject application, considered evidence presented by City staff and other interested parties, and adopted Resolution 23-006 recommending that the City Council approve General Plan Amendment GP23-0002 and Zoning Amendment ZA23-0001; and

**WHEREAS**, on June 6, 2023, the City Council of the City of Milpitas adopted a Resolution approving General Plan Amendment GP23-0002 to change the General Plan land use designations for 168 parcels previously located in the Milpitas Midtown Specific Plan area, including the two parcels subject to this amendment to the City’s zoning map.

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

**SECTION 1. RECORD AND BASIS FOR ACTION**

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

**SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 3.03**

Title XI, Chapter 10, Section 3.03 (“Zoning Map”) is hereby amended, as attached hereto in **Exhibit 1.**

**SECTION 3. ZONING MAP AMENDMENT FINDINGS (XI-10-57.02)**

The City Council makes the following findings based on the evidence in the public record in support of Zoning Amendment No. ZA23-0001:

A. *The proposed amendment is consistent with the General Plan.*

The proposed zoning map amendments are consistent with the General Plan because their purpose is to maintain consistency between the General Plan Land Use Map and the City’s zoning ordinance, as required by the General Plan and by state law, in terms of the land use designations and regulations for the subject properties.

B. *The proposed amendment will not adversely affect the public health, safety and welfare.*

The proposed amendments to the zoning map will not adversely affect public health, safety, or welfare because they are limited to minor refinements to the applicable zoning districts for selected parcels, consistent with updates to the boundaries of the two specific plans. The zoning map amendments would result only in very minor changes to allowable development density or intensity, allowable land uses, or applicable development standards, and such changes would not have adverse impacts to the public.

#### **SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Based on its review of the entire record, including the staff report, public comments and testimony presented to the Planning Commission and City Council, and the facts outlined below, the City Council hereby finds and determines that the potential environmental effects of the proposed Ordinance have been adequately reviewed and analyzed under the Environmental Impact Report prepared for the Milpitas 2040 General Plan, adopted by Resolution No. 9047 on March 9, 2021 (State Clearinghouse No. 2020070348); and further under the Subsequent Environmental Impact Report prepared for the Milpitas Metro Specific Plan, adopted by Resolution No. 9217 on February 7, 2023 (State Clearinghouse No. 2006032091). The zoning map changes are consistent with the updated General Plan and the Metro Specific Plan, and the proposed new zoning designations would allow similar and comparable land uses and development densities (or intensities) as those that were analyzed under the General Plan EIR and Metro Specific Plan SEIR, and therefore no additional environmental review is required.

Moreover, the City Council hereby finds that the introduction and adoption of this Ordinance is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Section 15183 of the CEQA Guidelines provides that projects that are consistent with a Community Plan, General Plan or Zoning for which an EIR has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” These proposed zoning amendments are consistent with the Milpitas General Plan because their purpose is to maintain consistency between the General Plan Land Use Map and the City’s zoning ordinance in terms of the land use designations and regulations for the subject properties.

Therefore, the proposed Amendment is consistent with the General Plan and is exempt from CEQA pursuant to Section 15183 of the CEQA Guidelines.

#### **SECTION 5. SEVERABILITY**

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision, or part has no effect on the validity of the remainder.

#### **SECTION 6. EFFECTIVE DATE AND POSTING**

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The City Council hereby directs the City Clerk to cause this Ordinance or

a summary thereof to be published in accordance with Section 36933 of the Government Code of the California.

**Exhibit 1: Zoning Map Amendments**



Current Zoning:

- C2 General Commercial
- MP Industrial Park
- R4 MF Very High Density Residential
- R5 Urban Residential
- POS Park Open Space
- R1 Single-Family Residential



Proposed Zoning:

- C2 General Commercial
- MXD Mixed Use
- R4 MF Very High Density Residential
- R5 Urban Residential
- POS Park Open Space
- R1 Single-Family Residential

**RESOLUTION NO. 23-006**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT GP23-0002 TO CHANGE THE GENERAL PLAN LAND USE DESIGNATIONS OF 168 PARCELS LOCATED ALONG S. ABEL STREET, S. MAIN STREET, AND COSTA STREET, SOUTH OF GREAT MALL PARKWAY AND NORTH OF MONTAGUE EXPRESSWAY, FOR CONSISTENCY WITH THE NEW BOUNDARIES OF THE ADOPTED MILPITAS METRO SPECIFIC PLAN AND PROPOSED BOUNDARIES OF THE DRAFT MILPITAS GATEWAY-MAIN STREET SPECIFIC PLAN; AND ZONING MAP AMENDMENT ZA23-0001 TO CHANGE THE ZONING DESIGNATION OF TWO PARCELS FOR CONSISTENCY WITH THE NEW GENERAL PLAN DESIGNATIONS.**

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

**WHEREAS**, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

**WHEREAS**, on March 19, 2002 the Milpitas City Council adopted the Midtown Specific Plan, which encompassed a planning area of approximately 1,000 acres of land in the Midtown district of Milpitas; and

**WHEREAS**, on June 3, 2008, the Milpitas City Council adopted the Transit Area Specific Plan, a specific plan developed in response to Policy 7.5 of the Midtown Specific Plan; and

**WHEREAS**, in early 2019 the City of Milpitas launched a process to update the Transit Area Specific Plan, expanding the plan’s scope and geographic extent, and this updated draft plan is known as the Milpitas Metro Specific Plan; and

**WHEREAS**, the Gateway-Main Street Specific Plan was initiated in late 2021 as an update and reframing of the Midtown Specific Plan; and

**WHEREAS**, on February 7, 2023 the Milpitas City Council adopted the Metro Specific Plan; and

**WHEREAS**, the planning area boundaries of the draft Gateway-Main Street Specific Plan differ from the boundaries of its predecessor, the Milpitas Midtown Specific Plan, and 168 parcels along South Main Street and South Abel Street, in the area generally located south of Great Mall Parkway and north of Montague Expressway, will no longer be part of the Gateway-Main Street Specific Plan area; and

**WHEREAS**, the planning area boundaries of the adopted Milpitas Metro Specific Plan include eight large parcels along the east side of South Main Street that were previously part of the Milpitas Midtown Specific Plan area; and



**Resolution No. 23-006**

**WHEREAS**, the other 160 parcels that are not included in the planning area for the Gateway-Main Street Specific Plan shall be given standard General Plan land use designations and zoning classifications consistent with the existing land uses on those parcels; and

**WHEREAS**, the City has prepared a General Plan Map Amendment and Zoning Map Amendment (“Amendments”) to implement the changes to the land use designations for these parcels; and

**WHEREAS**, the Planning Commission makes and accepts as its own the findings set forth in this resolution; and

**WHEREAS**, the Planning Commission is an advisory body to the City Council; and

**WHEREAS**, on March 9, 2021 an Environmental Impact Report (EIR) was certified for the Milpitas 2040 General Plan in accordance with the California Environmental Quality Act (CEQA), and whereas the proposed General Plan map and zoning map amendments are consistent with the updated General Plan and the environmental analysis conducted for the same; and

**WHEREAS**, on February 7, 2023 a Subsequent Environmental Impact Report (SEIR) was certified for the Milpitas Metro Specific Plan, and the proposed General Plan and zoning map amendments are consistent with the Metro Plan and the planning area boundaries defined therein, and consistent with the environmental analysis conducted for the same, and therefore this project does not require additional environmental review; and

**WHEREAS**, as a separate and independent basis, the Planning Commission hereby finds and determines that the project is exempt from further CEQA review pursuant to CEQA Guidelines section 15183 (projects consistent with a General Plan, Community Plan, or Zoning); and

**WHEREAS**, on May 10, 2023, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the General Plan Map and Zoning Map Amendments; and

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

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

**SECTION 1. Recitals**

The Planning Commission has 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 Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**Resolution No. 23-006****SECTION 2. CEQA Finding**

In accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the Milpitas 2040 General Plan. The Final EIR was adopted, along with the updated General Plan, by Resolution No. 9047 on March 9, 2021 (State Clearinghouse No. 2020070348). A Subsequent EIR (SEIR) was prepared for the Metro Specific Plan. The final SEIR was adopted by Resolution No. 9217 on February 7, 2023 (State Clearinghouse No. 2006032091). Because the proposed General Plan and zoning map changes are consistent with the General Plan and Metro Plan and corresponding environmental analyses, the Planning Commission finds that no additional environmental review is required.

As a separate and independent basis, the Project is also exempt from further environmental review pursuant to CEQA Guidelines 15183 (Projects Consistent with a General Plan, Community Plan, or Zoning).

**SECTION 3. Findings for General Plan Amendment**

The Planning Commission makes the following findings based on the evidence in the public record in support of General Plan Map Amendment No. GP23-0002:

1. *The amendment is deemed to be in the public interest.*

The proposed amendments to the General Plan map are related to updates to the City's Gateway-Main Street Specific Plan and Metro Specific Plan that will change the boundaries of the areas covered by each plan. The specific plan updates and boundary changes are in the public interest because they are intended to refine the geographic areas that are subject to the policies and guidelines of those plans. By excluding certain areas on and around S. Main Street and S. Abel Street from the Gateway-Main Street Specific Plan area, and by reassigning other areas along S. Main Street from the Gateway-Main Street Specific Plan to the Milpitas Metro Specific Plan area, the amendments will better reflect the current physical and economic conditions of these properties in terms of existing land uses/businesses and future development potential. In other words, the General Plan amendments will help to ensure that the City's land use policies for the subject parcels are current and appropriate.

2. *The amendment is consistent and/or compatible with the rest of the General Plan.*

The proposed minor amendments are related to the General Plan Land Use map only and do not affect any other portion of the Land Use Element or any other element of the General Plan. The amendments are consistent with the General Plan as a whole and do not create any internal inconsistencies.

3. *The potential impacts of the amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

Because the proposed amendments involve only changes to the General Plan map and land use designations for a select number of parcels, the result of the amendments would be minor refinements to the land use policies (allowed land uses and permitted development densities) for those parcels. Furthermore, the changes would be limited to reassigning the land use designation from one specific plan to another or changing the land use designation from a specific plan to another existing designation (residential, mixed use, or commercial) that allows comparable or less intensive uses and densities. For these reasons, the amendments will not be detrimental to public health, safety, or welfare.



**Resolution No. 23-006**

4. *The amendment has been processed in accordance with the applicable provisions of the California Government Code, the California Environmental Quality Act (CEQA), and the City's Municipal Code.*

California Government Code Section 65358 provides guidance for a local jurisdiction to follow in amending its general plan, stating that such an amendment “shall be initiated in the manner specified by the legislative body” (in this case, the Milpitas City Council). The City’s procedure for amending the General Plan is outlined in Milpitas Municipal Code (MMC) Section XI-10-57.02. That procedure includes requirements for a General Plan amendment to be reviewed at a public hearing before the Planning Commission, which shall make a recommendation to the City Council; and then for the City Council to hold a public hearing and make a decision on the proposed amendment. These procedures are being followed for the General Plan map amendments in question.

The California Government Code also states that a municipality may amend a mandatory element of its general plan (including a land use element) no more than four times per year. This is the City’s first proposed amendment to the Milpitas 2040 General Plan Land Use Element in 2023.

The proposed General Plan and zoning map amendments are consistent with the General Plan, Metro Plan, and relevant environmental analyses; therefore no additional environmental review is required. The proposed amendments are being processed in accordance with CEQA.

**SECTION 4. Findings for Zoning Amendment (Milpitas Municipal Code, Subsection XI-10-57.02(G)(3))**

The Planning Commission makes the following findings based on the evidence in the public record in support of Zoning Map Amendment No. ZA23-0001:

1. *The proposed amendment is consistent with the General Plan.*

The proposed zoning map amendments are consistent with the General Plan because their purpose is to maintain consistency between the General Plan Land Use Map and the City’s zoning ordinance, as required by the General Plan and by state law, in terms of the land use designations and regulations for the subject properties.

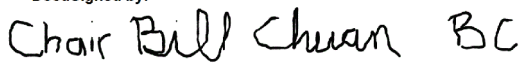
2. *The proposed amendment will not adversely affect the public health, safety and welfare.*

The proposed amendments to the zoning map will not adversely affect public health, safety, or welfare because they are limited to minor refinements to the applicable zoning districts for selected parcels, consistent with updates to the boundaries of the two specific plans. The zoning map amendments would result only in very minor changes to allowable development density or intensity, allowable land uses, or applicable development standards, and such changes would not have adverse impacts to the public.

**SECTION 5: Planning Commission Action**

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 23-006 recommending that the City Council approve General Plan Amendment No. GP23-0002 and Zoning Amendment No. ZA23-0001, to change the General Plan land use and/or zoning designations of 168 parcels shown in Exhibits 1 and 2 attached hereto, based on the above Findings.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on May 10, 2023.

DocuSigned by:  
 Chair **Bill Chuan** BC May-11-2023  
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 Bill Chuan, Chair

**TO WIT:**

**I HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on May 10, 2023, and carried by the following roll call vote:

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

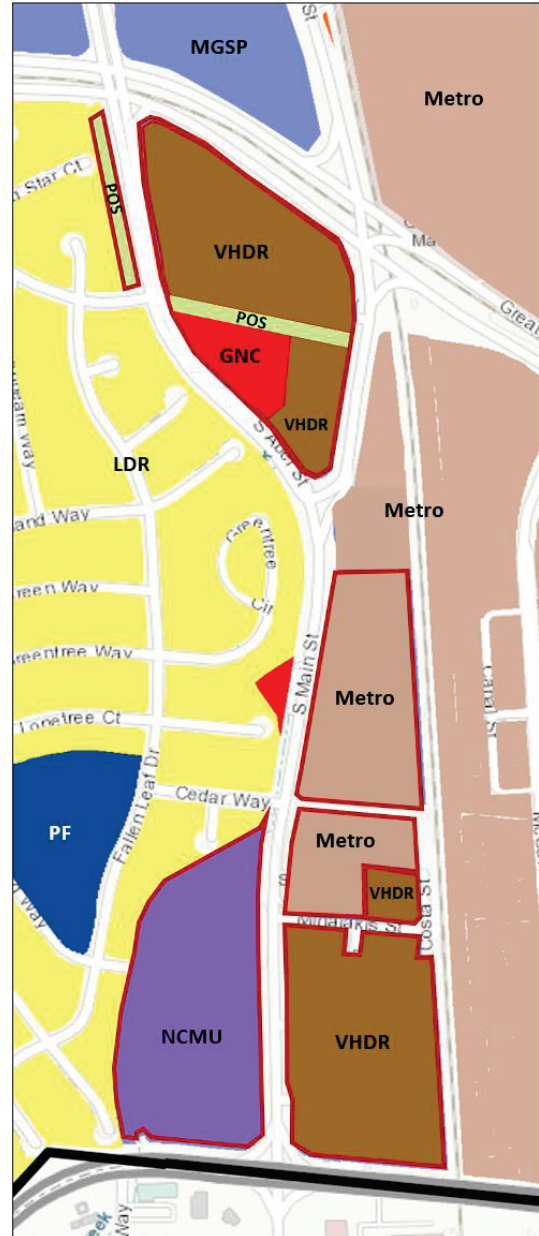
EXHIBIT 1

GENERAL PLAN MAP AMENDMENT  
GENERAL PLAN AMENDMENT NO. GP23-0002



Current General Plan Land Use Designations:

■ MGSP Milpitas Gateway Specific Plan



Proposed General Plan Land Use Designations:

- VHDR Very High Density Residential
- GNC General Commercial
- NCMU Neighborhood Commercial Mixed Use
- MMSP Milpitas Metro Specific Plan
- POS Permanent Open Space

EXHIBIT 2

ZONING MAP AMENDMENT  
ZONING AMENDMENT NO. ZA23-0001



Current Zoning:

- C2 General Commercial
- MP Industrial Park
- R4 MF Very High Density Residential
- R5 Urban Residential
- POS Park Open Space
- R1 Single-Family Residential

Proposed Zoning:

- C2 General Commercial
- MXD Mixed Use
- R4 MF Very High Density Residential
- R5 Urban Residential
- POS Park Open Space
- R1 Single-Family Residential





# CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Adopt a Resolution to Appoint Ashwini Katak as Acting City Manager Effective Upon Adoption and Continuing Until a Permanent Appointment is Made (Staff Contact: Nick Raisch, Human Resources Director, 408-586-3086)</b>
<b>Category:</b>	Leadership and Support Services
<b>Meeting Date:</b>	6/6/2023
	<u>Recommendation:</u> Adopt a resolution to appoint Ashwini Katak as Acting City Manager effective upon adoption and continuing until a permanent appointment is made and approve acting pay (10%) commensurate with established practices.

**BACKGROUND:**

The City Council has determined not to renew the City Manager’s employment agreement. The City Manager’s employment agreement was set to expire on June 3, 2023. The City of Milpitas is established as a Council-Manager form of government, which requires the City Council to appoint a City Manager or Chief Executive to handle the day-to-day operations and administration of the City. The City Manager’s Office is organized with three executive-level staff: 1) City Manager, 2) Assistant City Manager, and 3) Deputy City Manager.

**ANALYSIS:**

During the normal course of business, anytime the City Manager is on leave, the Assistant City Manager, by nature of their position, takes on the duties and responsibilities of the City Manager. Ashwini Katak has been with the City in her position as Assistant City Manager since June 2018. Throughout this time, she has performed the duties and responsibilities associated with the City Manager role whenever the City Manager was on leave.

Assistant City Manager Katak possesses over 20 years’ experience in the public sector and is an experienced executive leader. In addition to her Senior Executives in State and Local Governments certification from Harvard University, Katak possesses a Master’s Degree in Public Policy and Administration from Northwestern University, a Master’s Degree in Architecture from Iowa State University, and a Bachelor’s Degree in Architecture from the Academy of Architecture.

As the current City Manager’s employment agreement has expired and a new City Manager has not yet been selected, the City Council must take official action to appoint an Acting City Manager until a permanent appointment is made.

By adoption of this action, the City Council is approving Acting Pay (10%) for the duration of the assignment.

**POLICY ALTERNATIVE(S):**

**Alternative 1:** Do not appoint an Acting City Manager.

Pros: None

Cons: The City Council is obligated by the Municipal Code to appoint and/or authorize an officer of the City to perform the duties of the City Manager.

**FISCAL IMPACT:**

Funding will be available from staff vacancies within the FY2022-2023 and FY2023-24 operating budgets to accommodate this action.

**California Environmental Quality Act (CEQA):**

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

**RECOMMENDATION:**

Adopt a resolution to appoint Ashwini Kantak as Acting City Manager effective upon adoption and continuing until a permanent appointment is made and approve acting pay (10%) commensurate with established practices.

**Attachment(s):**

1. Resolution.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPOINTING AN ACTING CITY MANAGER**

**WHEREAS**, the City of Milpitas Unrepresented Management Employees are not organized or represented for the purposes of meeting and conferring with the City in the areas of salary, benefits, and working conditions; and

**WHEREAS**, on June 3, 2023, the City Manager’s Employment Agreement expired and the position became vacant; and

**WHEREAS**, Assistant City Manager Ashwini Kantak has been continually and successfully fulfilling the expectations and duties of the Assistant City Manager role, which includes acting as the City Manager in their absence; and

**WHEREAS**, Assistant City Manager Kantak possesses over 20 years’ experience in the public sector and is an experienced executive leader. In addition to her Senior Executives in State and Local Governments certification from Harvard University, Kantak possesses a Master’s Degree in Public Policy and Administration from Northwestern University, a Master’s Degree in Architecture from Iowa State University, and a Bachelor’s Degree in Architecture from the Academy of Architecture.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby authorizes the appointment of Ashwini Kantak as Acting City Manager effective the pay period including June 6, 2023.
3. The City Council hereby approves Acting Pay of 10% on top of her current annual base salary, which is \$281,077.42 for the duration of the assignment.
4. The City Council further approves that, if during the term of this acting assignment the unrepresented management group receive any cost-of-living increases then Acting Pay will be adjusted to incorporate this increase.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023, 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