



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

For assistance in the following languages, you may call:

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3232

CITY OF MILPITAS - NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the Milpitas City Council will be held at 6:00 p.m. on Tuesday, February 26, 2019, in the City Council Chambers at City Hall, 455 E. Calaveras Blvd., Milpitas, California. The agenda for the meeting is as follows:

AGENDA

TUESDAY, FEBRUARY 26, 2019

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

6:00 PM

CALL TO ORDER / ROLL CALL / PLEDGE

APPROVAL OF AGENDA

PUBLIC FORUM

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk and limit spoken remarks to 3 minutes. As an item not listed on the agenda, no response is required from City staff nor Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

AGENDA ITEMS

1. Receive Report and Provide Direction on Residential Short-Term Rental Regulation Options (Staff Contact: Daniel Degu, 408-586-3054)

Recommendation: Discuss and provide direction regarding potential regulation for residential short-term rentals.

2. Consider Mayor's Recommendations for Appointments to City of Milpitas Planning Commission and Re-appoint Four Members of the Milpitas Veterans Commission (Contact: Mayor Tran, 408-586-3029)

Recommendation: Receive Mayor's recommendations, and consider confirming two appointments to the City of Milpitas Planning Commission, and re-appoint four members of the Milpitas Veterans Commission.

3. Consider Mayor's List of City Council Subcommittees and Appointments of City Councilmembers to those (Contact: Mayor Tran, 408-586-3029)

Recommendation: Consider Mayor Tran’s recommendation (see list) to have three City Council Subcommittees, to sunset all other subcommittees, and move to approve the Mayor’s recommendation for appointments of the Mayor and one Councilmember to those subcommittees.

4. Receive a Report on Updated Five-Year Projection and General Fund Reserves for Fiscal Year Ended June 30, 2019, Approve Phase II Mid-Year Budget Appropriations and Changes to the FY 2018-19 Budget; appropriate FY 2018-19 Midyear Phase II Budget adjustments; Adopt a Resolution Amending the City’s Classification Plan, Establishing New Classifications, Position Authorizations and Reclassifications for the Human Resources, Police, Fire and Recreation Departments (Staff Contact: Jane Corpus, 408-586-3125)

Recommendations:

- a) Receive a report on Updated Five-Year Projection and General Fund Reserves for Fiscal Year ended June 30, 2019.
- b) Approve budget changes to update FY 2018-19 Revenues and Expenditures as presented in this report; and appropriate FY 2018-19 Midyear Phase II Budget adjustments.
- c) Adopt a Resolution amending the City’s Classification Plan, establishing new classifications, position authorizations and reclassifications for the Human Resources, Police, Fire and Recreation Departments, as recommended by the Human Resources Director.
- d) Receive a report on the use of the contingency reserve.

5. Authorize the City Manager to Execute Agreement with Alta Planning and Design for a Trails Master Plan Update and Bikeway and Pedestrian Master Plan Update; and appropriate funds (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve a budget appropriation of \$110,000 from the FY 2018-19 estimated General Fund surplus to Trails and Bikeway Master Plan Update, Project No. 3448; and authorize the City Manager to execute a Consultant Services Agreement with Alta Planning and Design in the amount of \$193,183 for Professional Services for the Trails and Bikeway Master Plan Update, Project No. 3448.

ADJOURNMENT

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 agencies of the City exist to conduct the people’s business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people’s review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney’s office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

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

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

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk’s office at 408-586-3003 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 mvalle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|------------------------|--|
| Item Title: | Receive Report and Provide Direction on Residential Short-Term Rental Regulation Options |
| Category: | Community Development |
| Meeting Date: | 2/26/2019 |
| Staff Contact: | Daniel Degu, 408-586-3054 |
| Recommendation: | Discuss and provide direction regarding potential regulation for residential short-term rentals. |

BACKGROUND:

Short-term rentals (STRs) allow partial to entire-home rental to lodgers seeking short-term accommodations, often through online rental marketplaces, for a period of 30 or fewer days. Several online marketplaces like Airbnb (Air-bed and breakfast), HomeAway, and VRBO (Vacation Rentals by Owner), have enjoyed a rapid rise to relevancy as a global branded peer-to-peer home-sharing industry. STR use is growing, causing local municipalities to address transitory lodging in residential neighborhoods more than ever before. Many Bay Area local municipalities in Santa Clara County (as outlined below), have faced, and are beginning to address the regulation of short-term rentals.

STRs bring numerous benefits to those who operate them, and their guests. At the same time, the intensive use of STRs in residential zoning districts has the potential to change the character of a residential neighborhood if left unregulated. The Milpitas Municipal Code currently defines STRs as hotels generally and does not allow them in any residential zoning district.

ANALYSIS:

The City Council has the authority to regulate or prohibit STRs within City limits. STRs typically provide guests with social benefits and a local experience differing from a traditional hotel or motel. STRs can also provide ancillary income to residential property owners, help expand the City's tourism and transient occupancy opportunities during peak hotel or motel occupancy times, such as major sporting events, and help stimulate commercial activity throughout the city.

As highlighted in the Background section above, the City's municipal code currently defines STRs as hotels. Broadly defined in terms of individual sleeping or living units for paying temporary guests, this definition for hotels covers inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, dormitory, public or private club, and mobilehomes. Furthermore, STRs are currently prohibited from operating in all five of the City's residential zoning districts, but may operate, via conditional use or by-right, in all three mixed-use zoning districts, and are conditionally allowed in three out of the five commercial zoning districts and in all three industrial zoning districts.

The City's current code also requires STRs to obtain a business license and regulates STRs by requiring the operators to collect and remit transient occupancy tax (TOT). To proactively enforce the current code requirements for STRs or to move forward with a new regulatory program could require additional staff effort, primarily because STR services do not provide basic information like an operator's full name, exact address, or occupancy rates for their listings.

Regulations for STRs can be tailored to fit the unique needs of the community. Thus far, there is no standard practice amongst municipalities, although the variables are relatively consistent. Municipalities in Santa Clara County have followed suit by taking different stances on the regulation of STRs. The cities of Cupertino, Los Altos Hills, Los Gatos, Mountain View, San Jose, and Sunnyvale are either actively regulating STRs or considering the regulation of STRs, while the cities of Campbell, Gilroy, Monte Sereno, Morgan Hill, Palo Alto, Santa Clara, and Saratoga have no regulation in place for STRs or prohibit the use of STRs entirely. **Exhibit A** (attached) provides a comprehensive overview of how municipalities in Santa Clara County have responded to STRs. Staff has identified the following 8 regulations that have been consistently addressed by those local municipalities that regulate STRs.

These and others may be considered by the City Council for implementation:

1) Impose TOT registration and compliance on STRs.

Staff Comment: Already a code requirement, but not actively enforcing for STRs. The City could contract with a third-party vendor to monitor STR listings, operate a hotline for residential complaints, and provide initial compliance communications with STR operators.

2) Require an STR business license and annual license fee.

Staff Comment: Already a code requirement. Calculated to cover all the City's costs of administering an STR program.

3) Require an STR special-use permit.

Staff Comment: Would require a zoning amendment. Permit would provide the City with basic information like an operator's full name, exact address, or occupancy rates for their listings needed to identify and cite violators.

4) Require a local contact person.

Staff Comment: The local contact person shall be available during the term of any stay for the purpose of responding to complaints or emergencies.

5) Limit the number of days allowed per year.

Staff Comment: Municipalities in Santa Clara County have taken varied stances (e.g., unlimited, 60, 90, or 180 days per year). Un-hosted rental days per year are typically significantly less than the number allowed for hosted rentals.

6) Limit the number of guests at one time.

Staff Comment: The number of guests could be calculated based on two adults per room plus one additional person per STR unit.

7) Limit the number of STRs.

Staff Comment: Some cities only allow one unit per parcel to be used as an STR. For example, if a home has an accessory dwelling unit (ADU), only the primary dwelling or the ADU could be allowed for STR but not both.

8) Address on-site and off-site parking requirements.

Staff Comment: Some municipalities require that parking related to STR use be contained on-site or limit the number of vehicles.

STRs have grown over 800 percent since 2011, according to Host Compliance, and totaled an unprecedented eight million rental listings worldwide in 2017. According to Host Compliance, there were approximately 341 STRs available within our City limits as of November 2018. Of the 341 STRs available within Milpitas, roughly 235 STRs (69 percent) are single-family, 85 STRs (25 percent) are multi family, and 21 STRs (6 percent) are unknown property types. Furthermore, of the 341 STRs available about 197 STRs (58 percent) are considered a partial home rental while 126 STRs (37 percent) are listed as an entire home.

Moreover, of the 341 STRs available within Milpitas, roughly 220 STRs (64.5 percent) are listed with Airbnb as of July 2018, according to Airbnb officials. With the majority of STR operators in Milpitas utilizing Airbnb, City staff engaged Airbnb regarding entering into a voluntary tax collection agreement with the City that would result in Airbnb collecting TOT on behalf of its users and remitting the revenue directly to the City. Over 45 California municipalities have executed a tax collection agreement with Airbnb, including the cities of Cupertino, Morgan Hill, Palo Alto, San Jose, Santa Clara, and Sunnyvale.

With City Council direction, staff will begin exploring a voluntary tax collection agreement with Airbnb for the collection and remittance of the City's TOT. Staff estimates that the City could generate an additional \$237,000 in TOT revenue annually by executing a voluntary tax collection agreement with Airbnb. This estimate is based on activity from July 2018 showing 220 active rentals in Milpitas and annual host earnings totaling \$7,700. The funds from the tax would be deposited into the City's TOT account in the General Fund.

City staff has conducted community engagement through social media such as Nextdoor, Facebook, and the city website. Two community meetings on STRs, in conjunction with ADUs, were held on December 13, 2018 and January 17, 2019. Attendees received an oral presentation from Economic Development and Planning staff and answered questions. Community members at these meetings were in support of STRs with comments including that supplemental income from STRs are good for both the residential property owner and City, and questions were asked about business license requirements and safety requirements such as smoke detectors and fire extinguishers. A community survey on STRs was launched on December 28, 2018, and was disseminated through the City's website, social media, flyers and the City's local access government channel. **Exhibit B** (attached) provides a summary of the survey results.

The City Council may choose between one of several options.

1. The City may allow STRs, but limit their use. STRs are currently a prohibited use in every residential zone, but the City may amend the zoning code to make STRs an allowed or conditionally allowed use, in which case the City's current business-license and transient-occupancy tax regulations would continue to apply. Every STR operator would have to obtain a business license and collect and remit TOT unless the City were to amend its code to remove those requirements. Also, if the City were to make STRs an allowed use, it may choose to impose new transitory-lodging-specific licensing and permitting requirements, good-neighbor rules, and use restrictions and provide additional enforcement tools. Amending the zoning code requires recommendation by the Planning Commission and approval by the City Council. Staff anticipates that the Planning Commission will forward its recommendation to the City Council in April 2019 and the City Council will consider ordinance adoption in May 2019.
 - a. If City Council chooses option 1, consider directing the City Manager to explore a Voluntary Collection Agreement with Airbnb for collection of the City's transient-occupancy tax on behalf of Airbnb hosts who rent their residences to others using the Airbnb lodging platform.
2. Alternatively, the City may prohibit all transitory lodgings.
3. The last option is to exempt STRs from all local regulation except the City's existing business license and TOT requirements.

POLICY ALTERNATIVES:

This item is presented for City Council information, discussion, and direction to staff regarding potential regulation for short-term rentals. No policy action is recommended at this time.

FISCAL IMPACT:

No funding is requested at this time. City staff could propose additional allocation of resources based on City Council preference for a specific short-term rental regulatory program. To the extent that the City is successful in achieving a Voluntary Collection Agreement with Airbnb for the collection of the City's Transient Occupancy Tax on short-term rentals, subject to City Council approval, general fund revenues could increase by approximately \$237,000 per year.

California Environmental Quality Act:

The proposed action — to hold a study session and direct staff to recommend new STR regulations if desired — does not itself constitute a "project" under CEQA because it would not itself affect the environment in any way. Therefore CEQA does not apply. Even if the proposed project were a project under CEQA, the proposed action would be statutorily exempt under 14 Cal. Code Regs. §15262 (exempting feasibility and planning studies). Any amendments that staff might recommend as a result of a study would be subject to a separate CEQA analysis when the amendments go before the appropriate legislative bodies (Commission and Council).

Attachments:

1. Short-Term Rental Comparison Chart
2. Short-Term Rental Survey Results

COMPARISON CHART OF SHORT-TERM RENTAL REGULATIONS IN OTHER SANTA CLARA CITIES

| City | * -- Cupertino | Los Altos Hills | Mountain View | San Jose | Sunnyvale |
|---|---|---|---|---|---|
| Days/Year Permitted: A. Host Present B. Host Not Present | A. Unlimited B. 60 Days/Yr. | A. None Specified B. None Specified | A. Unlimited B. 60 Days/Yr. | A. Unlimited B. 180 Days/Yr. | A. Unlimited B. Prohibited |
| Host Registration Requirements: A. Application/Permit B. License | A. STR Permit B. Business License | A. Not Specified B. STR License | A. Annual Registration B. Business License | A. Not Specified B. Business License | A. STR Application B. Business License |
| Local Contact Person | Required | Not Specified | Required | Required | Not Required (Host Already On-site) |
| Airbnb Agreement | Yes, 2018 | No | No, Currently Exploring | Yes, 2015 | Yes, 2018 |
| Limit on STRs Per Property | One STR Rental Per Night | One STR Unit Per Property | Not Specified | Not Specified | Not Specified |
| Parking Requirements | On-site parking per zoning requirements. | On-site in approved parking areas with no overnight street parking. | Comply with residential parking standards and no designated parking required. | On-site parking per zoning requirements. | Not Specified |
| Maximum Occupancy Limits | 2 times the number of bedrooms in the structure plus 2. | Not Specified | Not Specified | A. Host Present 3/one-family dwelling or mobilehome; 2/two-family or multi family dwelling. B. Host Not Present 2/studio unit; 3/first bedroom; 2/subsequent room, not to exceed 10 total users. | 4 guests per night excluding children |

* Proposed Regulation.

Note: The cities of Cupertino, Los Altos Hills, Los Gatos, Mountain View, San Jose, and Sunnyvale are either actively regulating STRs or considering the regulation of STRs, while the cities of Campbell, Gilroy, Monte Sereno, Morgan Hill, Palo Alto, Santa Clara, and Saratoga have no regulation in place for STRs or prohibit the use of STRs entirely. The cities of Cupertino, Morgan Hill, Palo Alto, San Jose, Santa Clara, and Sunnyvale have already executed a voluntary tax collection agreement with Airbnb.

Short-term Rentals in Milpitas

Should the City of Milpitas have a short-term rental policy for the City? And if so, what should it look like?

Summary Of Responses

As of February 8, 2019, 4:28 PM, this forum had: **Topic Start**

| | | |
|--------------------------|-----|----------------------------|
| Attendees: | 139 | December 28, 2018, 2:18 PM |
| Responses: | 77 | |
| Hours of Public Comment: | 3.9 | |

QUESTION 1

1. Please select all of the following that apply to you?

| | | % | Count |
|--|---|-------|-------|
| Milpitas resident |  | 93.5% | 72 |
| Employee in Milpitas |  | 9.1% | 7 |
| Homeowner |  | 62.3% | 48 |
| Renter - single family home or multifamily/apartment |  | 11.7% | 9 |
| Business owner |  | 9.1% | 7 |
| Other |  | 1.3% | 1 |

QUESTION 2

2. Have you ever used a short-term rental service (i.e. Airbnb, VRBO, HomeAway, etc.)? (select all that apply)

| | | % | Count |
|--|---|-------|-------|
| Used it in my travels |  | 67.5% | 52 |
| Rented a room in my home for less than 30 days |  | 3.9% | 3 |
| Rented out my entire house for less than 30 days |  | 1.3% | 1 |

Short-term Rentals in Milpitas

Should the City of Milpitas have a short-term rental policy for the City? And if so, what should it look like?

| | | % | Count |
|-------------------|---|-------|-------|
| None of the above |  | 32.5% | 25 |

QUESTION 3

3. What values do you see in allowing short-term rental of residential property? (select all that apply)

| | | % | Count |
|---|--|-------|-------|
| Provides additional income |  | 73.3% | 55 |
| Gives alternatives to standard hotel and motels |  | 86.7% | 65 |
| Other |  | 18.7% | 14 |

QUESTION 4

4. If allowed, what do you see as potential issues? (select all that apply)

| | | % | Count |
|---------|---|-------|-------|
| Noise |  | 47.7% | 31 |
| Traffic |  | 26.2% | 17 |
| Safety |  | 49.2% | 32 |
| Parking |  | 61.5% | 40 |
| Other |  | 43.1% | 28 |

QUESTION 5

5. If you are NOT supportive of allowing short-term rentals in Milpitas, would you be more supportive if the owner/resident lived in the unit while it is being rented?

Short-term Rentals in Milpitas

Should the City of Milpitas have a short-term rental policy for the City? And if so, what should it look like?

| | | % | Count |
|---|---|-------|-------|
| Yes, I would be more supportive |  | 18.9% | 14 |
| No, I would still not support allowing short-term rentals |  | 16.2% | 12 |
| I am generally supportive of short-term rentals |  | 64.9% | 48 |

QUESTION 6

6. Short-term rental guests may require parking during their stays. Which of the following rules would you support to address short-term rental parking?

| | | % | Count |
|---|---|-------|-------|
| All short-term rental parking should be contained on-site (at the property) or off-site (street parking adjacent to the property) |  | 19.5% | 15 |
| All short-term rental parking should only be contained on-site (at the property) |  | 49.4% | 38 |
| All short-term rental property should only be contained off-site (street parking adjacent to the property) |  | 1.3% | 1 |
| I am not concerned about short-term rental parking |  | 29.9% | 23 |

QUESTION 7

7. Should a local contact person be designated by the property owner (Host)? A local contact person means a person designated by the Host who shall be available during the term of any stay for the purpose of responding to complaints or taking action to resolve such complaints.

| | | % | Count |
|---|--|-------|-------|
| Yes, a local contact person should be required for short-term rentals |  | 74.0% | 57 |
| No, a local contact person should not be required for short-term rentals. |  | 16.9% | 13 |
| Other |  | 9.1% | 7 |



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|------------------------|--|
| Item Title: | Consider Mayor’s Recommendations for Appointments to City of Milpitas Planning Commission and Re-appoint Four Members of the Milpitas Veterans Commission (Contact: Mayor Tran, 408-586-3029) |
| Category: | Reports of Mayor and Councilmembers |
| Meeting Date: | 2/26/2019 |
| Staff Contact: | Mayor Rich Tran, 408-586-3029 |
| Recommendation: | Receive Mayor’s recommendations, and consider confirming two appointments to the City of Milpitas Planning Commission, and re-appoint four members of the Milpitas Veterans Commission. |

Background:

Milpitas Municipal Code Title I Chapter 500 establishes the composition, qualifications, and organization of the Milpitas Planning Commission and provides regulations for appointments and terms of office. Any member of the City Council may recommend to the Mayor a candidate for appointment to the Planning Commission. The Mayor will consider all of the applications submitted and make recommendations for review and approval by the entire City Council. All appointees to the Planning Commission must be residents and registered voters in Milpitas and may not hold any other public office or employment in the government of the City of Milpitas.

The term of office for each member of the Milpitas Planning Commission is three years, commencing on the first day of January and concluding on the 31st day of December of the third year thereafter. The Planning Commission Bylaws allow current Planning Commissioners to remain in office until their successors are appointed. At present, two Commissioners are serving “extended” terms that expired on December 31, 2017, and three Commissioners are serving “extended” terms that expired on December 31, 2018. The other two seats will expire on December 31, 2019. New appointees will complete the unexpired portion of the normal term of their appointed seat.

In August 2018, the City Council adopted a new City Commissioners Handbook and established term limits for all city commissions. Members of the Milpitas Planning Commission may serve up to three consecutive three-year terms. Two current Planning Commissioners have already served three or more consecutive terms and are not eligible for reappointment. These commissioners may apply to serve on a different city commission if they wish to continue their service in the community. Each member of the Planning Commission received notification regarding the status of their current term on the Commission in November 2018.

Analysis:

Five seats on the City of Milpitas Planning Commission need new appointments or reappointments. As noted above, two current Planning Commissioners are serving “extended” terms after their regular terms expired at the end of December 2017, and three current Commissioners (including the alternate) are serving “extended” terms after their regular terms expired at the end of December 2018. The other two Commissioners, including the Chair, have terms that will expire at the end of December 2019. While allowing members of the Planning Commission to serve “extended” terms enables the Commission to conduct business without interruption, making new regular appointments will ensure transparency in the appointment process and give other interested residents an opportunity to serve.

Planning staff facilitates meetings of the Planning Commission and maintains voting and attendance records. The Planning Commission Bylaws require staff to inform the Council when a member has three or more absences in a calendar year. The following table shows the status of each Commissioner, including terms of service and attendance.

| Seat | Member in Seat | Term Expiration | Terms Served | Absences in 2017-18 | Status |
|------|--------------------|-----------------|--------------|---------------------|--------------|
| 1 | Sudhir Mandal | Dec. 2019 | 4 | 2 | Current |
| 2 | Demetress Morris | Dec. 2019 | 1 | 4 | Current |
| 3 | Zeya Mohsin | Dec. 2018 | 1 | 5 | Term Expired |
| 4 | Gurdev Sandhu | Dec. 2018 | 7 | 3 | Termed Out |
| 5 | Larry Ciardella | Dec. 2017 | 4 | 3 | Termed Out |
| 6 | Ray Maglalang | Dec. 2017 | 1 | 2 | Term Expired |
| 7 | Evelyn Chua (Alt.) | Dec. 2018 | 1 | 4 | Term Expired |

Application Process

Any resident interested in serving on the Planning Commission must submit an application to the City. The Clerk confirms the applicant’s voter registration with the Registrar of Voters and provides a list of qualified applicants to the Planning Director. The Planning Director reviews the list and makes recommendations to the Mayor. The Mayor may ask for input from the Council and/or invite additional members of the community to submit applications.

As part of the current appointment process, the City Clerk presently has 18 applications on file, and copies of all applications on file at the City Clerk’s office are included in the agenda packet (Attachment1). At this time, Mayor Tran recommends the appointment of residents Timothy Alcorn and Bill Chuan. Mayor Tran recommends that Mr. Chuan fill in the seat previously served by Ray Maglalang, and to thank Commissioner Maglalang for his service. Mayor Tran recommends Mr. Alcorn fill in a currently vacant seat on the Commission that will expire in December 2021.

Veterans Commission: Mayor Tran recommends the re-appointment of Ed Ackerman, William Devereux, Liliana Ramos, and Denny Weisgerber to the Milpitas Veterans Commission to 3-year terms that will expire in February of 2022. While term limits are incorporated in the new Commissioners Handbook with a three term maximum, the Council shall consider the limited pool of Milpitas veterans to serve on this specific Commission, and affirm the re-appointment of those who’ve served 3 terms.

Fiscal Impact: None. Appointment of Planning Commissioners will create no new fiscal impacts.

Recommendations:

- 1) Receive Mayor Tran’s recommendations, and move to appoint Mr. Alcorn into a term of service that will expire in December 2021 and appoint Mr. Chuan into a currently vacant term of service that will expire December of 2020, on the Milpitas Planning Commission.
- 2) Move to affirm Mayor Tran’s recommendation to re-appoint Commissioners Denny Weisgerber, Ed Ackerman, William Devereux and Liliana Ramos to the Milpitas Veterans Commission to new 3-year terms that will expire in February of 2022.

Attachment: all current Planning Commission applications

✓ registered voter

COMMISSION APPLYING FOR: Planning Commission

Title Mr.

Name Timothy Carlos Alcorn

Address Type Residence

Address 2383 Mattos dr

City Milpitas

Postal/Zip Code 95035

Mobile Number (408) 835-0735

E-Mail Address Timothy.alcorn5@gmail.com

City Clerk's Office
 JAN 29 2019
 RECEIVED

Present Employer Christ community church of Milpitas

Other Phone (408) 262-8000

City Milpitas

Postal / Zip code 95035

Occupation Maintenance technician

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

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

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

When I ran for city council, I met with traffic technicians and housing developers to discuss the pros and cons about every kind of housing structure. I have a good amount of knowledge with new housing structures and I believe that my fresh eyes could give a new perspective on the city layout. I have the energy and motivation to put 100% into this commission.

Date Jan 29, 2019

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



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

FEB 14 2019

RECEIVED

from Tim Alcorn

PLANNING COMMISSION
SUPPLEMENTAL QUESTIONNAIRE

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

Milpitas city development is very interesting to me. I think it would be amazing to give back to my city in a department that i know very well. I want to make a difference because i love my city. What better way to give back than to use my knowledge to benefit the city!

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and Planning procedures affect the development of the community.

These things are the development foundation. Milpitas has a plan of what we want the city to "Look" like over the next few years. We understand what the city needs and what the city wants. We are looking for development that will improve the city and improve the quality of life for our residents.

We zone out every area of milpitas to decide where things will go. If we have an area zoned for residential, its for a good reason. That affects development because if someone wants to build a business on residential zoning, than it would have to be rezoned, ONLY if the city thinks its a good idea. This all fits in to the planning procedure with the city. Choosing all of the rules and regulations of development. If a business wants to move into Milpitas, they have to go through the process and and work with us on where, when, and "how" it is built.

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

One of my first full time jobs was at an apartment complex owned by the Irvine company. When i was hired, we were just fining the first phase of the development. We had a lot more to build and alot more land to buy. It was a long process, but i learned a lot about expansion and city impact.

Later, i moved companies to a complex owned by Essex. We were in the process about buying another apartment complex company. I learned about what is like to take over another complex and do renovations and brings buildings up to code.

Currently, i work at a church doing building maintenance. In 2008, we built a new building on out campus. And although i was not on staff when they build this building, i did have to learned the Ins and Outs of going through the city and the planning commision, just incase we wanted to build another building in the future.

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should be best resolved?

I do not think that all of the new developments are contributing as much to the city as they could. I think they are causing a traffic issue, and some of them are eye sores. I think they could contribute more by adding more parking, giving funding to expand or improve or build schools, or giving more money to the city for infrastructure. I think we need to be more aggressive in our qualifications on new developments.

5. Do you have a long-term vision of how you think the City should develop?

Yes! We need to stop looking at residential, and look at new business that will attract more business to business sales.

I think that we are maxed out (for now) on residential development. We need to start looking at streams of sales tax revenue. The best way to get that in the current state of Milpitas, is attracting businesses that sell in bulk to other businesses. If we invest in this, it won't add to our traffic issue and it will bring in a good amount of sales tax.

I **also** think that we should look into new development of our older buildings. Old run-down buildings is not what we want people to picture when they think of milpitas.

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

I think that in the past two years, Milpitas has done a great job in addressing this issue. I want to support what the city has put into place.

We could look into increasing the amount of affordable housing that new complexes have to offer, and looking into attracting and developing more complexes that **ONLY** have affordable housing.

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

We all play a different role. Its great that the work load is spread, it helps cut down on corruption and it brings in different points of view.

City staff is the point of contact and the first line and the planners. The planning commission looks over all of the plans and see if it works for the city.. The City Council finalizes all plans. That is very summed up, but this is the way that i see a lot of this working.



CITY OF MILPITAS PLANNING COMMISSION APPLICATION

NOTE: Milpitas Municipal Code, Title I Chapter 500, requires "at all times during the term of office, a Planning Commissioner shall be a registered voter of the City of Milpitas and a resident of the City of Milpitas." Also, all applicants are required to complete a **SUPPLEMENTAL QUESTIONNAIRE** in addition to this application form.

PLEASE PROVIDE COMPLETE INFORMATION (in black ink)

Mr.

Are you a registered City of Milpitas voter? Yes

Mrs./Ms.

How long have you lived in Milpitas? Since 2008

| | | | |
|---|--------|-----------------------------|---------------------------|
| Bill | | Chuan | |
| Name: | First | Middle | Last |
| 2276 Edsel Drive, Milpitas, CA 95035 | | | |
| Address: | Number | Street (apt. # if needed) | Milpitas, CA 95035 |
| 408-209-6188 | | bill_chuan@yahoo.com | |
| Telephone Number(s) | | | e-mail address |
| Flex | | | 408-209-6188 |
| Present Employer | | | Business Telephone |
| 6201 America Center Drive, San Jose, CA 95002 | | Director, Sales Engineering | |
| Business Address | | | Occupation |

Education:

| College, Professional, Vocational, or other schools attended | Major Subject | Date | Degree |
|--|------------------------|------------|--------|
| Cal Poly, San Luis Obispo | Electrical Engineering | June, 1996 | BSEE |
| US Army | Armor Crewman | 1989 | OSUT |

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

| Date | Name of Organization | Officer / Member |
|--------------|-------------------------------------|-------------------------|
| 2011-Current | Spangler / Burnett PTA | Member/Past Coordinator |
| Current | Christ Community Church of Milpitas | Attendee |
| Current | Milpitas Historical Society | Member |

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

I have over 20+ years experience working in both start-up and large corporations and have a strong desire to use my corporate experience to help improve the overall Milpitas community. My engineering background / thought process and technical leadership skills are definitely transferable and would benefit the Planning Commission. I also have a Real Estate Salespersons license.

Below is a summary of some of my qualifications:

SUMMARY

- Proven leadership in resolving various technical and business issues at executive, engineering, and operations levels.
- Outstanding in cross-functional team leadership with various groups to drive and meet customer requirements and plans.
- Motivated and results-oriented with a strong technical background
- Proven business acumen ability to set strategic priorities to meet overall goals and future plans.
- Takes initiative, operates well under pressure during a crisis and critical situations, and versatile.
- Strong mentor and coach to other colleagues.

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

Bill Owen

2-4-19

Signature

Date

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

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

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

PLANNING COMMISSION SUPPLEMENTAL QUESTIONNAIRE



(Please type or print responses on a separate paper[s] to the following questions)

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

I want to serve on the Planning because as resident and as a caring and concerned parent of 3 small children in the Milpitas, I want to work closely with the city to ensure the city is planning and zoning the city of Milpitas in the best and optimal way for the present and future.

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and Planning procedures affect the development of the community.

In reviewing the links provided on the Milpitas city website, it is my understanding of City's General Plan, Zoning Ordinance, and Planning procedures affect the development of the community as such:

City's General Plan: Provides a response to the City's needs and state law, this Plan describes the City's ideas for its future and the ways in which it intends to transform these ideas into reality. It incorporates additional plans (the Midtown Specific Plan and Transit Area Plan that establish, in more specific terms, the nature, character and location of activities and development; guide the orderly growth of the Midtown area and southern area near transit; define the nature of development and the physical framework of those areas; and provide a basis for future implementing actions to improve and beautify the areas.

Zoning Ordinance: An ordinance establishing various districts within the City of Milpitas, and appropriate regulations for each district regarding building type, height and bulk, businesses, land uses, and required open spaces for each district.

Planning procedures: Provide the details for the planning and works together with City's general plan and zoning ordinance.

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

I have over 20+ years experience working in both start-up and large corporations and have a strong desire to use my experience to help improve the overall Milpitas community. My engineering background / thought process and technical leadership skills are definitely transferable and would benefit the Planning Commission. I also have a Real Estate Salespersons license and my knowledge and background in this area is an added benefit for the Planning Commission.

Below is a summary of some of my qualifications:

SUMMARY

-Proven leadership in various technical and business issues at executive, engineering, and operations levels.

- Outstanding in cross-functional team leadership with various groups to drive and meet customer requirements and plans.
- Motivated and results-oriented with a strong technical background
- Proven business acumen ability to set strategic priorities to meet overall goals and future plans.
- Takes initiative, operates well under pressure during a crisis and critical situations, and versatile.
- Strong mentor and coach to other colleagues.

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should be best resolved?

The most pressing planning problems is the rapid developmental growth of Milpitas and the city's ability to support through the infrastructure. Another key problem is affordable housing. With many new residents and businesses coming into Milpitas, having the infrastructure to support this is a tremendous challenge. The best way to resolve the expansion and the issues associated with it is to:

- 1-Review each development plan
- 2-Understand the benefits and issues around the plan
- 3- Understand if there are any legal implications for proceeding with the plan.
- 4-Have a discussion around what would be best for the present and future of the plan
 - a-If further study, is needed, implement a task for to future review the plan.
- 5-Review the plan further with the city and other key stakeholders.
- 6-Work with the city council, other planning commissioners, to decide on the plan.

5. Do you have a long-term vision of how you think the City should develop?

My long-term vision for Milpitas is to have a city that addresses key infrastructure issues (traffic, transportation, fire, police, school infrastructure, water, electricity, gas, etc.) to meet the growing residential and business developmental expansion of Milpitas and shortage of affordable housing.

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

To address a shortage of affordable housing, my thoughts are:

- 1-Review current plans with the city and planning departments that are in place and identify areas that need improvement. For those areas that need improvement, work with the city on optimizing and improving.
- 2-Understand from current residences in a public forum the current challenges they are facing in getting affordable housing and obtain ideas from them on where they see gaps and their thoughts on how the city can improve.
- 3-Work with the city council to have discussions with other cities that have addressed affordable housing issues and see where we can improve.
- 4-Understand county, state, and federal programs that are in place for affordable housing to see how Milpitas can benefit from them.

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

The different roles of the City staff are defined on the Milpitas websites and provide a good guidance of each of the roles.

The city staff role is various and generally implements and supports the policies and procedures of the city. As an example, the planning division "promotes and facilitates high quality of life through community partnerships, innovation, vision, and exemplary customer service to ensure a vibrant Milpitas."

The Planning Commission is general is serves as an advisory board to the City Council. According to the Milpitas Website (<http://www.ci.milpitas.ca.gov/our-government/commission/planning-commission/>): The Planning Commission shall have all powers and duties imposed upon a planning commission and zoning agency by the Planning and Zoning Law of the State, subject to the provisions of the City Municipal Code, and shall act as the

advisory agency pursuant to the Subdivision Map Act of the State. In addition, the Planning Commission shall consider the overall architectural development, including color and material of exteriors, of all commercial and industrial districts and all developments in residential districts for which a use permit or architectural review permit is required. The Commission also plays a role in the administration of the City Zoning Ordinance and Subdivision Ordinance.

The Commission Reviews and Acts Upon the Following:

1. General Plan and General Plan amendments;
2. Neighborhood and specific area plans;
3. Environmental impact reports and negative declarations;
4. Tentative subdivision maps;
5. Planned Development permit applications for developments;
6. Subdivision Ordinance exceptions;
7. Zoning and subdivision Ordinance amendments
8. Special studies and reports

As elected officials, the City Council represents the diverse community. They establish and review ordinances, provide policy guidelines to the administration, and interact with all residents to ensure community involvement.

✓ registered voter

CITY OF MILPITAS COMMISSION/COMMITTEE APPLICATION

~~Atty. Commission~~ PLANNING COMMISSION

PROVIDE COMPLETE INFORMATION (in black ink)

COMMISSION APPLYING FOR

Mr. Mrs. Miss

City Clerk's Office

JUN 15 2018

Ricardo Palmer Ablaza
Name: First Middle Last **RECEIVED**

603 Carlsbad Str Milpitas CA 95035
Address: Number Street (apt. # if needed) City & Zip Code

408-316-0793 rpablaza@comcast.net
Telephone Number(s) e-mail address

First Pacific Real Estate 408-316-0793
Present Employer Business Telephone

603 Carlsbad Street Milpitas CA 95035 Real Estate Broker
Business Address Occupation

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

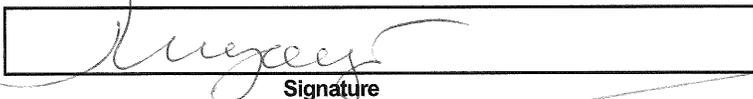
| College, Professional, Vocational, or other schools attended | Major Subject | Date | Degree |
|--|---------------|------|--------------|
| Ateneo de Manila University | Pre Med | | |
| University of the East | Economics | | AB Economics |

List community organizations to which you belong or have belonged (additional information may be attached). If application is for **Veterans Commission**, indicate branch and service in any U.S. military organization (retired or active duty).

| Date | Name of Organization or Branch of Military | Officer / Member |
|--------------|--|------------------|
| 2007-2011 | ResRac Commission | Commissioner |
| 2009-Present | Economic Development Commission | Commission |
| | | |

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

I AM AN EXPERIENCED REAL ESTATE BROKER. I AM ALSO AN REO AGENT FOR BANK OF AMERICA WHERE I NOT ONLY LIST THEIR FORECLOSED PROPERTIES BUT ALSO HANDLE PROPERTY VALUATION, ANALYSIS, PROPERTY PRESERVATION, REHAB & EVICTION. AS A CONSEQUENCE I USE MY LEARNED SKILL TO ASSIST MY INVESTOR CLIENTS IN FLIPPING & REHABBING HOMES & REAL ESTATE DEVELOPMENT. I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.


Signature

06/14/2018

Date

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

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

Mail, email or drop off your completed application to:

City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: mlavelle@ci.milpitas.ca.gov

I FEEL MY EXPERIENCE & EXPERTISE IN THIS FIELD MAKE ME A GOOD CANDIDATE FOR THE POSITION OF COMMISSIONER IN THE PLANNING COMMISSION.

JUN 27 2018

Ricardo P. Ablaza
603 Carlsbad Street
Milpitas, CA 95035

**CITY OF MILPITAS PLANNING
COMMISSION SUPPLEMENTAL QUESTIONNAIRE**

RECEIVED

Please type or print responses to the following questions. Additional sheets may be attached. Submit responses with Application form to: City Clerk, Milpitas City Hall, 455 E Calaveras Blvd., Milpitas CA 95035.

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

Please see my response in the following attached pages

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and planning procedures affecting the development of the community.

Please see my response in the following attached pages

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

Please see my response in the following attached pages

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should best be resolved?

Please see my response in the following attached pages

5. Do you have a long-term vision of how you think the City should develop?

Please see my response in the following attached pages

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

Please see my response in the following attached pages

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

Please see my response in the following attached pages

Response to Question #1:

I want to help the City (in an advisory capacity) in developing and maintaining a comprehensive, integrated land use plan, not only for the majority of our community, but for all demographics and stakeholders. Coming from the Economic Development Commission, I know the importance for the City to develop more income streams so it can provide the residents and all stakeholders with exceptional and cost effective services.

Response to Question #2:

The General Plan, Zoning Ordinance and planning procedure is the vision, goals and objectives of the City of Milpitas in planning and developing land use, housing, circulation, conservation, noise, safety, open space and the fair treatment and meaningful involvement of all residents and stakeholders, regardless of race, color, origin and income.

Response to Question #3:

I am an experienced real estate broker. I am also an REO agent for Bank of America and several other asset management companies where I not only list their foreclosed properties but also handle property valuation, analysis, property preservation, rehab and eviction. As a consequence, I use my learned skills to assist my homebuyers, homesellers and investors in buying, selling, flipping and rehabbing homes as well as real estate development. I feel my experience and expertise in this field make me a good candidate for the position of Commissioner with the Planning Commission.

Response to Question #4:

Too much of our commercial / industrial spaces have been converted to housing. We do not want the City to be a bedroom community. Vallejo is a classic example of a bedroom community gone bankrupt. We need to provide more mixed use development as was the original concept of the midtown specific plan and the transit plan. Retail and commercial operations bring income to the city. We need to know the type of retail / commercial mix and size which the City can absorb and still allow its operations to be profitable. We also need to develop areas for businesses which also contribute to the City's Income. To attract businesses to the City, we need to increase the Floor Area Ratio (FAR) to allow vertical development and maximum usage of the little land we have left. The City also needs to reduce traffic which is becoming a problem. Road bypasses need to be built so that the traffic coming to and fro areas outside the Bay Area to Silicon Valley can be diverted from entering the City proper. Also, the various retail / commercial centers need to be connected with point to point public transportation. This way residents will not have to bring their cars when commuting to these centers thereby alleviating traffic congestion.

Response to Question #5:

The City needs to develop bypass roadways to minimize traffic congestion. As our population grows we need to invest in more schools, specially a second High School. We need to start developing vertically to maximize the little land we have left. We also need to develop public transportation in and around the City. We need to strengthen and improve / update our infrastructure to accommodate all the development in the City.

Response to Question #6:

The average price of sold homes in Milpitas is \$1M. To purchase a \$1M home one will need a minimum 20% downpayment (\$200,000) which leaves a debt of \$800,000. To be approved for a loan, one would need a gross annual income of \$144,000 / annum. This leaves the question, what about the marginal and low income earners? How will they fulfill their American Dream of home ownership? How can the City of Milpitas provide housing to this segment of our residents and stakeholders – affordable housing. A low income earner who earns \$5000 / month, who has \$90000 for downpayment can purchase a home worth \$450K. Providing homes in this price range will house marginal and low income earners, assuming they have \$90K tucked away for downpayment. However, not all marginal and low income earners have this kind of money tucked away. The answer is socialized housing. Provide rental units whose rents are affordable to this demographic. This will allow this demographic housing while they grow their financial capacity. When they can afford moving up and purchasing a home, they move out of socialized housing allowing the next low income earner to move in. This will be the continuous cycle of the socialized housing units.

I am very passionate about providing affordable housing to the marginal and low income earner segment of our city. Then, of course, there is the homeless segment which needs to be addressed as well. There are cities in the USA that have successfully developed housing for the homeless. We need to research and study the success of these cities so we can adapt a winning strategy and implement the same in our City.

Response to Question #7:

City Council – legislates city ordinances, resolutions and regulations; and, is the policy making body for the City's direction, goals, projects and infrastructure development.

City Staff – implements the legal and policy decisions made by the City Council

Planning Commission – advisory body, promote economic development, assist in writing specific or community plans, holds public hearings on such plans.

✓ registered voter

COMMISSION APPLYING FOR: Planning Commission

Title Mr.

Name Manpreet S Badesha

Address Type Residence

Address 2378 Edsel Drive

City Milpitas

Postal/Zip Code 95035

Mobile Number (408) 205-1663

E-Mail Address badesha@me.com

City Clerk's Office
 NOV 27 2018
RECEIVED

Present Employer Omnciell

Other Phone (408) 205-1663

Occupation Management

Education: If Youth Advisory Commission applicant, indicate your grade/school: AA Degree

College, Professional, Vocational, or other schools attended AA Degree

Major Subject Math, Eng

Degree yes

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

Name of Organization Sikh Temple

Member Manager

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

Date Nov 27, 2018

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



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

**CITY OF MILPITAS
PLANNING COMMISSION APPLICATION**

City Clerk's Office

MAY 18 2018

RECEIVED



✓ registered voter

NOTE: Milpitas Municipal Code, Title I Chapter 500, requires "at all times during the term of office, a Planning Commissioner shall be a registered voter of the City of Milpitas and a resident of the City of Milpitas." Also, all applicants are required to complete a **SUPPLEMENTAL QUESTIONNAIRE** in addition to this application form.

PLEASE PROVIDE COMPLETE INFORMATION (in black ink)

Name: EVELYN First QUEDADO Middle CHUA Last

Address: 929 COVENTRY WAY Number MILPITAS, CA. 95035 Street Apt. #

408-728-2436 Telephone Number(s) CHUA4 EVELYN @GMAIL.COM e-mail address

Are you a registered voter in the City of Milpitas? YES How long have you lived in Milpitas? 29 YEARS

SELF-EMPLOYED Present Employer 408-728-2436 Business Telephone

SAME AS ABOVE Address HR CONSULTANT Occupation

Education:

| College, Professional, Vocational, or other schools attended | Major Subject | Date | Degree |
|--|---------------------------|------|--------|
| GOLDEN GATE UNIVERSITY | MASTER IN HUMAN RESOURCES | 2009 | MS HR |
| FERRIS UNIVERSITY | B.S. MED. TECHNOLOGY | 1973 | BS MT |

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

| Date | Name of Organization | Officer / Member |
|----------------|--------------------------|------------------|
| 2015 - PRESENT | LADIES GUILD - MILPITAS | MEMBER |
| 2016 - " | PEACEFUL POET - MILPITAS | MEMBER |
| | | |
| | | |

Briefly describe your personal qualifications that you believe would be an asset (additional information may be attached):

AS A CURRENT PLANNING COMMISSIONER - ALTERNATE AND PREVIOUSLY SERVED AS A REGULAR MEMBER OF THE COMMISSION, I HAVE THE KNOWLEDGE, SKILL, EXPERIENCE, AND PROVEN DEDICATION/COMMITMENT TO BE A PERMANENT/REGULAR MEMBER OF THE PLANNING COMMISSION.

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

[Signature] Signature 5-18-18 Date

Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD
Mail or drop off your completed application to the City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035



CITY OF MILPITAS

City Clerk's Office

Mailing Address: 455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov
Temporary Location: 1210 Great Mall Drive

MAY 18 2018

RECEIVED

PLANNING COMMISSION SUPPLEMENTAL QUESTIONNAIRE

Please type or print responses on separate paper(s) to the following questions:

1. Why are you interested in serving on the Planning Commission?
CURRENTLY, I'M A PLANNING COMMISSIONER-ALTERNATE. I WOULD LIKE TO BE A PERMANENT VOTING MEMBER OF THE COMMISSION.
2. Describe your understanding of how the City's general plan, zoning ordinance, and planning procedures affect the development of the community.
GENERAL PLAN IS THE MASTER GUIDELINE FOR DEVELOPMENT IN THE CITY. ZONING ORDINANCE IMPLEMENTS THE GENERAL PLAN WHILE PLANNING PROCEDURE IS THE STEP-BY-STEP METHODOLOGY THAT IS FOLLOWED.
3. In what way will your personal or work experience contribute to your role as Planning Commissioner? HAVING BEEN A PROJECT MANAGER, I HAVE ^{THE} SKILL, KNOWLEDGE, EXPERIENCE IN PLANNING, DEVELOPMENT, IMPLEMENTATION AND MONITORING OF PROJECTS. THESE SKILLS ARE ESSENTIAL AS A PLANNING COMMISSIONER.
4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should best be resolved? HOUSING, TRANSPORTATION, TRAFFIC, PARKING; INCREASE IN WATER & ELECTRIC FEES. (PLEASE REFER TO BACK PAGE.)
5. Do you have a long-term vision of how you think the City should develop?
THE CITY SHOULD BE DEVELOP WHERE THERE IS A BALANCE BETWEEN SUSTAINABLE GROWTH, CONTAINED TRAFFIC ISSUE, ADDRESSED PARKING CHALLENGE, SENIOR AND AFFORDABLE HOUSING FOCUSED.
6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts of how the City should address this issue.
YES, PLEASE REFER TO ITEM #4 ON THE BACK PAGE.
7. What do you see as the different roles of City staff, the Planning Commission, and the City Council? CITY STAFF REVIEWS ANY DEVELOPMENT REQUESTS TO ENSURE THAT THEY'RE COMPLIANT WITH THE GENERAL PLAN, ZONING ORDINANCE AND PERMIT RELATED REQUIREMENTS LIKE FIRE, SAFETY, BUILDING ARE COMPLIANT AS WELL. (PLEASE REFER TO BACK PAGE).
8. What do you believe should be the focus of the Milpitas Redevelopment Agency and program? IT SHOULD FOCUS ON HOUSING, IF THE FUNDS ARE AVAILABLE.

#4: a) HOUSING:

- AGGRESSIVE IMPLEMENTATION OF IN-LAWS QUARTERS
- PROVIDE INCENTIVE TO DEVELOPERS FOR MORE SMALLER UNIT OF HOUSING/STUDIOS
- EXPLORE THE FEASIBILITY OF TINY HOMES IN DESIGNATED AREAS IN MILPITAS

b) TRAFFIC

- PROVIDE IN THE GENERAL A "PHASE-IN" APPROACH OF DEVELOPMENT ^{PLAN}
- A STUDY TO PROVIDE BETWEEN A SUSTAINABLE/BALANCE GROWTH & TRANSPORTATION
- WORK WITH STATE ON HOW TO MANAGE STATE ROADS WITH MILPITAS NEEDS ON CITY STREETS

c) INCREASE IN WATER & ELECTRIC FEES

- CONTINUE TO EXPLORE WAYS TO ADDRESS THESE ISSUES IN ORDER TO FIND SOLUTIONS THAT ARE SUITABLE FOR CITY & CITIZENS NEEDS.

#8 PLANNING COMMISSION AFTER REVIEW OF THE REQUEST MAKES RECOMMENDATION TO THE CITY COUNCIL. CITY COUNCIL ~~MAKES~~ THE FINAL DECISION.

City Clerk's Office

✓
registered
voter

SEP 20 2018

RECEIVED

COMMISSION APPLYING FOR: Planning Commission
 Title Mr.
 Name spencer hsu
 Address Type Residence
 Address 59 meadowland drive
 City Milpitas
 Postal/Zip Code 95035
 Mobile Number (408) 223-5493
 E-Mail Address sphsu2016@gmail.com

Present Employer Optibus

Occupation Sales Manager

College, Professional, Vocational, or other schools attended Santa Clara University

Major Subject Marketing

Degree MBA

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

Name of Organization VNARP

Member Yes

Name of Organization AREAA

Member Yes

Name of Organization CoreNet

Member Technology SIG

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

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

I have been investing in real estate for over 2.5 years
 10+ years in technology business development
 Born and raised in San Jose and Milpitas
 Lived in Milpitas for over 23 years so I am very familiar with the changes and the businesses that came in and out.
 I'd like to help out with the community and be more involved in my city.

Date Sep 18, 2018

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

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOT reg. voter
1/30/19

COMMISSION APPLYING FOR: Planning Commission
Title Mr.
Name Nagaraj Koranthota
Address Type Residence
Address 755 East Capitol Avenue
City Milpitas
Postal/Zip Code 95035
Mobile Number (408) 598-7489
E-Mail Address Nagaraj.koranthota@gmail.com

Present Employer Cisco

City Clerk's Office
JAN 29 2019
RECEIVED

List community organizations to which you belong or have belonged (additional information may be attached).
If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).
Date Jan 29, 2019

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



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.
NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

✓ registered voter

City Clerk's Office
AUG 13 2018
RECEIVED

CITY OF MILPITAS COMMISSION/COMMITTEE APPLICATION

Arts Commission Planning
COMMISSION APPLYING FOR

PROVIDE COMPLETE INFORMATION (in black ink)

Mr. Mrs Miss

Name: Michael W Lee
First Middle Last

Address: 1613 Rocky Mountain Ave Milpitas 95035
Number Street (apt. # if needed) City & Zip Code

Telephone Number(s) 408-263-1577 e-mail address privacymike@gmail.com

Present Employer Intuith Inc. Business Telephone 650-944-6000

Business Address 2700 Marine Way Mountain View, CA 94043 Occupation Senior Privacy Manager

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

| College, Professional, Vocational, or other schools attended | Major Subject | Date | Degree |
|--|-------------------------|------------|--------|
| San Jose State University | Business Administration | 08/10/2018 | BS |
| | | | |

List community organizations to which you belong or have belonged (additional information may be attached). If application is for **Veterans Commission**, indicate branch and service in any U.S. military organization (retired or active duty).

| Date | Name of Organization or Branch of Military | Officer / Member |
|---------|--|------------------|
| Present | Milpitas Community Advisory Commission | Alternate |
| | | |
| | | |

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):
I have experience as an auditor at a big 4 accounting firm and have spent the last 15 years in the legal profession as a global privacy compliance subject matter expert.

My profession requires me to have a thorough understanding of laws and regulations and apply those to the business while taking into consideration risks and opportunities to both the business and its customers. I feel that this experience would apply directly to the Planning Commission.

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


Signature

8/10/18
Date

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

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

Mail, email or drop off your completed application to:
City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: mlavelle@ci.milpitas.ca.gov

Mary Lavelle

From: Michael Lee <privacymike@gmail.com>
Sent: Friday, August 10, 2018 4:03 PM
To: Rich Tran; Marsha Grilli; Bob Nuñez
Cc: Mary Lavelle
Subject: [BULK] Planning Commission Application
Attachments: 20180810155641.pdf

Importance: Low

Dear Mayor Tran, Vice Mayor Girilli, and Councilman Nunez,
(cc: Mary Lavelle)

Attached is my City of Milpitas Commission Application. I am submitting an application for the vacant seat on the Milpitas Planning commission. Tim Wong, Housing & Neighborhood Services Manager, suggested I apply for the appointment.

A lifelong bay area resident and a resident of Milpitas for the past 12 years, I have been a part of the tremendous growth and opportunities our area has been seen over the past few decades. I believe that that Planning Commission plays a critical role helping to ensure that the city of Milpitas continues to prosper while balancing the needs and desires of its residents. In while balancing business opportunities. In recent years I have been an alternate member of the Community Advisory Commission and am looking for an opportunity to further expand the scope of service I provide the community and to help improve the community as a whole. An appointment of to the Planning Commission I believe is a means to accomplish these goals.

By way of background, I have a degree in Accounting and Management Information Systems. I have experience as an auditor at a big 4 accounting firm and have spent the last 15 years in the legal profession as a global privacy compliance subject matter expert. My profession requires me to have a thorough understanding of laws and regulations and apply those to the business while taking into consideration risks and opportunities to both the business and its customers. I feel that this experience would apply directly to the Planning Commission.

Sincerely,
Michael Lee
privacymike@gmail.com

=====
This is an **EXTERNAL EMAIL**.
Please do not open unexpected attachments or those sent by unknown senders.
=====

from M. Lee

City Clerk's Office

SEP 13 2018

RECEIVED

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

I am interested in serving on the Planning Commission to help oversee and help ensure the appropriate growth of the city that I call home both now and for the foreseeable future. In today's environment there has been a significant increase in redevelopment and the replacement of commercial or industrial zoned areas for residential use. I want to help ensure that this trade off is well understood and that it does not undermine the future growth and opportunity for the city of Milpitas.

Furthermore, I believe I could be of service to the Planning Commission to help ensure that conversations and discussion are useful and beneficial to the City of Milpitas and reflects a professional demeanor. A case in point I raise is in a recent Planning Commission meeting, there was a lengthy conversation about including the name of Milpitas in a hotel name. I find this to be misdirected and unnecessary in a professional environment that wastes not only the time of the City as well as the public.

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and planning procedures affecting the development of the community.

A City's General Plan serves as the city's guideline for future development goals and provides broad directions on how to achieve them. The General Plan is composed of multiple elements encompassing a variety of topics that meet state law. The Milpitas General Plan is currently undergoing revision.

A zoning ordinance defines how property in a specific geographic location may be used. Zoning ordinances are a useful tool for urban planning, whereby it divides city land into residential, commercial and industrial areas.

City planning procedures, General Plan and Zoning Ordinances, work in concert to perform long term planning and decision making about various land use projects.

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

I believe my work as a Senior Privacy Manager and former career as an Auditor contribute greatly to the role as a Planning Commissioner. As a Sr. Privacy Manager, I am tasked with interpreting international laws and regulations to determine how these may impact my company. This involves understand risks both financial and legal, determining the appropriate path forward based on industry best practices and advising our Senior Leadership Team on the proposed path forward. In that regard, I see the role of a Planning Commissioner to understand the General Plan, Zoning Ordinances, and Public Opinion to help guide the decisions of the Planning Commission and City Council.

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should best be resolved?

I believe the most pressing planning issues with Milpitas is the need for low income housing, the loss of industrial and commercial business, and the lack of infrastructure for increased residential housing and the transit hub. While there are no easy solutions to these issues, a couple of thought I have would be to alter the ability for developers to pay into the city's affordable housing fund in-lieu of building affordable housing. I also believe that new high density housing projects should also be accompanied with commercial/retail space to ease the overcrowding of grocery stores and other fundamental services. This is not to be taken as a call for Trader Joe's to come to Milpitas. Rather, my intention is that by having commercial space available and the appropriate incentives, retailers should want to establish a presence in Milpitas.

5. Do you have a long-term vision of how you think the City should develop?

I believe the city needs to take a tempered approach to development. In the recent years it appears that the city is beginning to lose commercial and industrial businesses and replaced those with residential units. While increasing the city population at the cost of lost tax revenue we have seen a massive overpopulation of existing infrastructure. The City must take all these factors into account to ensure an appropriate balance of housing, commercial and infrastructure. This responsible approach should lead to an overall increase in all these factors. Increased housing provides a place to live for workers at new businesses. While new businesses and more residents drives the need for additional infrastructure. If we can achieve the right balance, it should be a win-win for all.

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

While there are no silver bullets for this issue, one possible solution is to look at the Facebook and Google models for residential development. Large companies have now taken up the fight for their own employees to help combat the ever growing issue. By drawing in large companies, this may be one solution. Another possibility is one address in question 4. Developers must incorporate affordable house into developments of a certain size.

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

The groups have different roles that are dependent upon one another. The Planning Commission serves in an advisory role to the City Council on land use, zoning and development issues within the city. The City Council takes into consideration the advice and recommendations presented by the Commission. City Staff is fundamental to both the City Council and Planning Commission by providing a needed resource and subject matter expertise in these matters.

✓ registered voter

COMMISSION APPLYING FOR: Planning Commission

Title Mr.

Name Ray Maglalang

Address Type Residence

Address 1346 Lassen Ave

City Milpitas

Postal/Zip Code 95035

Mobile Number (408) 506-8626

E-Mail Address RAYMAG72@YAHOO.COM

City Clerk's Office
 DEC 06 2018
RECEIVED

Present Employer IBIS UNIVERSAL CORPORATION

Other Phone (408) 262-8425

Business Address (Optional) 1535 LANDESS AVE STE 140

City Milpitas

Postal / Zip code 95035

Occupation REAL ESTATE BROKER ASSOCIATES

College, Professional, Vocational, or other schools attended FEATI University

Major Subject BSME

Degree Mechanical Engineering

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

Name of Organization Knights of Columbus

Name of Organization Milpitas Executive Lions Club

Member Past District Govenor

Name of Organization ST. Elizabeth Church

Member Lector

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

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

In My last 4 years experienced in the Planning Commission, I learned the planning process, as an Advisory Commission in all Planning and Development issues. We make sure that the General Plan, Specific plan, Zoning and land use are implemented by reviewing the development applications. I have attended a yearly training sponsored by the city at the League of the California city. I can also read blue prints, flow diagram and visit the site as necessary. All these are important as an advisory commission to the City council.

Date Dec 05, 2018

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

AUG 16 2018

RECEIVED

✓ registered voter

CITY OF MILPITAS COMMISSION/COMMITTEE APPLICATION

Veterans Commission
Youth Advisory Commission

COMMISSION APPLYING FOR

Planning or Parks, Recreation & Cultural

PROVIDE COMPLETE INFORMATION (In black ink)

Mr. Mrs. Miss

Ernesto Martinez
Name: First Middle Last

70 Michalakos Dr 202 Milpitas, CA 95035
Address: Number Street (apt. # if needed) City & Zip Code

408-661-5304 ernestomartinez38@gmail.com
Telephone Number(s) e-mail address

Century 21 Alliance
Present Employer Business Telephone
2090 Concourse Dr #98 San Jose, CA 95131 Realty
Business Address Occupation

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

| College, Professional, Vocational, or other schools attended | Major Subject | Date | Degree |
|--|----------------|--------|--------|
| SSSU | History | 8/1997 | B.A |
| SSSU | Ethnic Studies | 5/2002 | M.A |

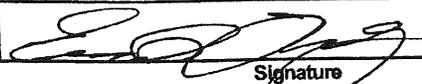
List community organizations to which you belong or have belonged (additional information may be attached). If application is for **Veterans Commission**, indicate branch and service in any U.S. military organization (retired or active duty).

| Date | Name of Organization or Branch of Military | Officer / Member |
|------|--|------------------|
| | N/A | |
| | | |
| | | |

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

I was a social worker & currently teach U.S History at Clare College. Also, work in Real Estate. I have a long history of working in non-profit & on board of school of art & culture in San Jose.

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


Signature

8/16/18
Date

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

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

Mail, email or drop off your completed application to:
City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: mlavelle@ci.milpitas.ca.gov

✓ registered voter

COMMISSION APPLYING FOR: Planning Commission
 Title Mr.
 Name Sean Pan
 Address Type Residence
 Address 261 n Abbott Ave
 City Milpitas
 Postal/Zip Code 95035
 Mobile Number (408) 393-8448
 E-Mail Address Seanjahaupan@gmail.com

City Clerk's Office
 JAN 29 2019
 RECEIVED

Present Employer Northrop Grumman
 Occupation System engineer
 College, Professional, Vocational, or other schools attended Ucla
 Major Subject Electrical engineering
 Degree Masters

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

Name of Organization Toastmasters international
 Member Area director

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

Date Jan 29, 2019

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



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

**CITY OF MILPITAS
PLANNING COMMISSION APPLICATION**

City Clerk's Office

DEC 04 2018

RECEIVED



✓ Registered voter

NOTE: Milpitas Municipal Code, Title I Chapter 500, requires "at all times during the term of office, a Planning Commissioner shall be a registered voter of the City of Milpitas and a resident of the City of Milpitas." Also, all applicants are required to complete a **SUPPLEMENTAL QUESTIONNAIRE** in addition to this application form.

PLEASE PROVIDE COMPLETE INFORMATION (in black ink)

Name: Andrew Steven Ridley
 First Middle Last
 Address: 2316 Mattos Dr Apt. #
 Number Street
 408-202-7838 Telephone Number(s) e-mail address
 RidleyAS@gmail.com

Are you a registered voter in the City of Milpitas? yes How long have you lived in Milpitas? 1 year
 ALTRANS Transportation Management Association, Inc. 408-258-7267
 Present Employer Business Telephone
 2055 Junction Ave Ste 208 San Jose CA 95131 Director, TDM
 Address Occupation

Education:

| College, Professional, Vocational, or other schools attended | Major Subject | Date | Degree |
|--|----------------|------------|----------------|
| San Jose State University | Social Science | Grad. 2011 | Global Studies |
| | | | |

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

| Date | Name of Organization | Officer / Member |
|------|----------------------|------------------|
| | | |
| | | |
| | | |

Briefly describe your personal qualifications that you believe would be an asset (additional information may be attached):

I have been working in the Transportation Demand Management field in the bay area for over seven years. This experience has provided opportunities to work extensively on the municipal level in Mountain View, Palo Alto and South SF on a wide variety of public facing transportation initiatives. A normal part of my work is engaging in the planning process on our clients' behalf, dealing with EIRs, condtions of approval, and entitlements, ensuring an equitable outcome. I hope to add to the Commission a perspective on the impacts of transportation as it regards planning.

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

[Signature]
 Signature

12-04-2018
 Date

Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD
 Mail or drop off your completed application to the City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035

PLANNING COMMISSION SUPPLEMENTAL QUESTIONNAIRE



(Please type or print responses on a separate paper[s] to the following questions)

1. Why are you interested in serving on the Planning Commission?
I believe it's important to participate in civic organizations, as we all share in the responsibility of guiding and shaping our communities. The Milpitas Planning Commission is a natural fit as I have been an active member of Milpitas life for 32 years, and now have the vocational experience to responsibly and effectively assist in its planning.
2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and Planning procedures affect the development of the community.
The documentation listed above are guides for how different elements of any city are to interact and relate with one another regarding their: location, grouping, volume/magnitude, environmental impacts, and many other implications involved in the development and planning process. Without these documents, provision for future needs of the community is left up to chance as development would be occurring ad hoc.
3. In what way will your personal or work experience contribute to your role as a Planning Commissioner?
As mentioned above, I have been working in the Transportation Demand Management field in the bay area for over seven years. This experience has provided opportunities to work extensively on the municipal level in Mountain View, Palo Alto and South SF on a wide variety of public facing transportation initiatives. A normal part of my work is engaging in the planning process on our clients' behalf, dealing with EIRs, conditions of approval, and entitlements, ensuring an equitable outcome. I hope to add to the Commission a perspective on the impacts of transportation as it regards planning.
4. What do you feel are the most pressing planning problems or issues in Milpitas?
How do you think they should best be resolved?
Housing development and its impact on transportation is the most salient. One step towards resolving housing's impact on transportation is the formation of transportation management associations (TMAs). These can be publicly or privately funded, and in either case consist of a grouping of similar entities with a shared transportation pattern or need. In Mountain View, the MVGo TMA is notable as a coalition of a dozen or so corporate participants who share a peak commute hour shuttle program. With their combined resources, they can achieve at scale what otherwise wouldn't be possible.
5. Do you have a long-term vision of how you think the City should develop?
Not at the moment. I am looking forward to being a student-Commissioner for now, learning about the past and present planning initiatives so I can, in time, and in collaboration, help craft that vision for the future.
6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?
I am looking forward to learning more about successful strategies other cities have adopted regarding affordable housing.
7. What do you see as the different roles of City staff, the Planning Commission, and the City Council?
Each role supports the other. The Planning Commission and the City Council both work on behalf of the residents of Milpitas, relying on City staff to provide input and support on the matters at hand. Staff then execute operationally based on the outcome of Commission and Council decisions.
8. What do you believe should be the focus of the Milpitas Redevelopment Agency and program?
I'm uncertain as to the purview of the MRA since its transition to the Successor Agency (City Manager's Office). After reading through the Oversight Board Rules And Regulations, I cannot prescribe a focus since I cannot ascertain if the Agency indeed has a focus beyond being a trustee for city real estate and property.

CITY OF MILPITAS PLANNING COMMISSION APPLICATION



NOTE: Milpitas Municipal Code, Title I Chapter 500, requires "at all times during the term of office, a Planning Commissioner shall be a registered voter of the City of Milpitas and a resident of the City of Milpitas. Also, all applicants are required to complete a SUPPLEMENTAL QUESTIONNAIRE in addition to this application form.

PLEASE PROVIDE COMPLETE INFORMATION (in black ink)

NOV 28 2018

✓ registered voter

Name: Manty Riker
First Middle Last

RECEIVED

Address: 2174 Lacey Dr.
Number Street Apt. #

408-387-2732 mantyriker@gmail.com
Telephone Number(s) e-mail address

Are you a registered voter in the City of Milpitas? yes How long have you lived in Milpitas? 21 yrs

Applied Materials 408-563-0770
Present Employer Business Telephone

974 E Argues Ave Sunnyvale CA 94085 Mechanical Engineer
Address Occupation

Education:

| College, Professional, Vocational, or other schools attended | Major Subject | Date | Degree |
|--|--------------------|---------|--------|
| Braham Young University | BS-Mechanical Eng. | 12/1995 | BSME |

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

| Date | Name of Organization | Officer / Member |
|----------|--|------------------|
| Lifetime | Church of Jesus Christ of Latterday Saints | Member |
| 20 yrs | Boy Scouts of America | Member |
| 2016 | No on E Campaign | Member |

Briefly describe your personal qualifications that you believe would be an asset (additional information may be attached):

As a Father of 5 and 21 year resident and home owner, I am interested in making Milpitas a better place for families and for all.

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

[Signature]
 Signature

11/27/2018
 Date

Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD
 Mail or drop off your completed application to the City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035

✓ registered voter

City Clerk's Office

NOV 28 2018

RECEIVED

COMMISSION APPLYING FOR: Planning Commission
Title Mr.
Name Marty Riker
Address Type Residence
Address 2174 Lacey Drive
City Milpitas
Postal/Zip Code 95035
Mobile Number (408) 387-2732
E-Mail Address martyriker@gmail.com

Present Employer Applied Materials (January 1996 to present)
Business Address (Optional) 974 East Arques Avenue
City Sunnyvale
Postal / Zip code 94085

Occupation Mechanical Engineer
Education: If Youth Advisory Commission applicant, indicate your grade/school: Penfield High School
College, Professional, Vocational, or other schools attended Brigham Young University
Major Subject Mechanical Engineering
Degree B.S.

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

Name of Organization Boy Scouts of America, Silicon Valley Monterey Bay Council
Member 20+ years
Name of Organization Church of Jesus Christ of Latter-day Saints
Member Lifetime
Name of Organization No on E Campaign
Member 2016

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

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

As a father of five children and a 21-year resident and homeowner, I am interested in making Milpitas a better place for families and for all. I previously served as a member of the City's Ad Hoc Campaign Finance Committee (Dec. 2014-Dec. 2015).

Date Nov 28, 2018

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD



Contact

www.linkedin.com/in/martyriker
(LinkedIn)

Top Skills

Semiconductor Manufacturing
Design Engineering
Assemblies

Languages

English (Native or Bilingual)
Spanish (Limited Working)

Marty Riker

Design Engineer at Applied Materials
San Francisco Bay Area

Summary

I manage a small team of Design Engineers to develop and commercialize high vacuum semiconductor processing equipment. I have experience in PVD, System Level engineering, Manufacturing and Final Test.

I 3D model with NX (Unigraphics), integrated with TeamCenter Engineering.

I enjoy participating as an individual contributor. I manage a small team of hardware engineers.

Personal Engineering motto: If it's not broken, take it apart and find out why.

Experience

Applied Materials

Design Engineer

January 1996 - Present

Mechanical Design, PVD, Mfg Engineering

Applied Materials

New Product Manufacturing Engineer

January 1998 - January 2004 (6 years 1 month)

Manufacturing Engineering support for new products. Documentation for Large Outsourced assemblies. Drafting and modeling for large machined parts. Electrical harnesses and piping systems. Product development and Bills of Materials.

Education

Brigham Young University

BS, Mechanical Engineering · (1989 - 1995)

Penfield High School



PLANNING COMMISSION
SUPPLEMENTAL QUESTIONNAIRE

(Please type or print responses on a separate paper[s] to the following questions)

- Why are you interested in serving on the Planning Commission?

I feel I have a civic duty to serve the citizens of Milpitas. I feel I can share my experience and understanding in a meaningful way to help others.

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and Planning procedures affect the development of the community.

A well-planned community allows for a wise growth and limits resource drains and issues in the future.

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

I am a Mechanical Engineer who thrives by understanding how things work. My attention to details and propensity to learn and question will help clear solutions move forward in the City.

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should be best resolved?

Here is a short list:

- Traffic
- Parking
- Homelessness
- School crowding
- Shortage of housing
- Loss of industrial space

Solutions: High-density housing w/more spaces, another high school, more protected bike paths.

5. Do you have a long-term vision of how you think the City should develop?

Not much, frankly. My outside opinions should help progress be clear and sensible.

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

- 1) Promotion of ADUs, with parking stipulations.
- 2) Explore how other cities are solving the problem.

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

PC reviews proposed projects, giving a citizen's perspective. City Staff compiles project details and presents them for review. City Council approves projects.

✓ registered voter

CITY OF MILPITAS PLANNING COMMISSION APPLICATION

City Clerk's Office

JAN 22 2019

RECEIVED

NOTE: Milpitas Municipal Code, Title I Chapter 500, requires "at all times during the term of office, a Planning Commissioner shall be a registered voter of the City of Milpitas and a resident of the City of Milpitas." Also, all applicants are required to complete a **SUPPLEMENTAL QUESTIONNAIRE** in addition to this application form.

PLEASE PROVIDE COMPLETE INFORMATION (in black ink)

Name: GURDEV First SINGH Middle SANDHU. Last

Address: 487 BAYVIEW PARK DR. MILPITAS CA 95035 Street Apt. #

Telephone Number(s) (408) 586-9556 e-mail address gs.sandhu@hotmail.com

Are you a registered voter in the City of Milpitas? YES How long have you lived in Milpitas? 33 YRS plus

Present Employer RETIRED FROM Rockwell Collins San Jose Business Telephone N/A

Address N/A Occupation N/A

Education:

| College, Professional, Vocational, or other schools attended | Major Subject | Date | Degree |
|--|-----------------|------|----------|
| LSV-NONPROFIT CENTER SAN JOSE | LEADERSHIP S.V. | 1996 | GRADUATE |
| SAN JOSE STATE UNIVERSITY, SAN JOSE | IND & SYS ENGR. | 1989 | MSIE |

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

| Date | Name of Organization | Officer / Member |
|-----------|--|------------------|
| 1993-2010 | SIKH FOUNDATION OF MILPITAS | PRESIDENT |
| 1996-1999 | PRACR COMMISSION MILPITAS | MEMBER |
| 2001-2003 | SANTA CLARA COUNTY PARKS & REC. COMMISSION | MEMBER |
| 1999-2004 | MILPITAS PLANNING COMMISSION | MEMBER |
| 2007-PRE. | MILPITAS PLANNING COMMISSION | MEMBER |

Briefly describe your personal qualifications that you believe would be an asset (additional information may be attached):

I have academic qualifications and diverse work experience and possesses excellent organizing and planning skills. I have handled projects from conception stage through completion and can make decisions based on sound judgement. I have courage and face challenges and abilities for conflict resolutions.

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

Gurdev Singh Sandhu
Signature

01/22/2019
Date

Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD
Mail or drop off your completed application to the City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035

PLANNING COMMISSION SUPPLEMENTAL QUESTIONNAIRE



(Please type or print responses on a separate paper[s] to the following questions)

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

SEE ATTACHED

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and Planning procedures affect the development of the community.

SEE ATTACHED

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

SEE ATTACHED

4. What do you feel are the most pressing planning problems or issues in Milpitas?
How do you think they should best be resolved?

SEE ATTACHED

5. Do you have a long-term vision of how you think the City should develop?

SEE ATTACHED

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

SEE ATTACHED

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

SEE ATTACHED

8. What do you believe should be the focus of the Milpitas Redevelopment Agency and program?

SEE ATTACHED

Milpitas Planning Commission Supplemental Questionnaire

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

I want to make a positive contribution to the progress and growth of Milpitas. I have a vision to see the city of Milpitas in Twenty First Century the No. 1 city of United States of America. The Planning Commission plays a major role in the development of the city and carrying out the City Council's policies and direction to meet the community needs.

2. Describe your understanding of how the city's general Plan, Zoning Ordinance, and Planning procedures affect the development of the community.

The General Plan is a living document which incorporates general policies, goals and objectives for Land use, Circulation Elements, Open Space, Park Elements, Safety and noise within the City Of Milpitas. This plan describes the city's ideas for its future needs and the ways in which it intends to transfer these ideas into reality.

Zoning Ordinances are local laws for land use development and are consistent with the general plan.

Planning Procedures describe the process to assure compliance with local, state and federal laws.

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

Professional Skills: I have strong organizational and project planning/management skills. I have spent twenty eight years in Quality Engineering Management and have handled projects from inception through completion stage. This background provides me an excellent understanding of planning and review process to complete projects on schedule and within cost constraints.

Community Involvement: Currently I am serving on the Milpitas Planning Commission since, January, 2007. Earlier, I have served on Milpitas Planning commission from January 1999 through December 2004 and also on Milpitas Parks and Recreation and Cultural Resources Commission. I have served on Santa Clara County 2010-2011 Civil Grand Jury. I am the Founder President of Sikh Foundation of Milpitas (Milpitas Gurdwara Sahib). Currently I serve on the Management Board of Gurdwara Singh Sabha Milpitas and also is the President of ASSM Foundation, a non-profit organization. These community activities have provided me an insight into our city's diverse culture, its problems and concerns.

Education: MSIE- San Jose State University

BSME- Punjab University Chandigarh, India

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should be resolved?

Problem/Issue: Balancing the city's Budget

Suggested Solutions:

- Create Budget Balance Task force and follow its recommendation
- Start negotiations with all City employee unions and get their help to lower the budget
- Consider outsourcing non safety departments to cut down cost

Problem/Issue: Traffic Congestion

- Bringing BART to Milpitas
- Encourage use of Light Rail, Public and Bicycle transportation
- Promoting use of car pool lanes
- Widening of High way and Express Way lanes

Problem/Issue: Drug Use and Crime Prevention

- Provide more recreation activities for teens
- Expand Watch Programs and include community leaders

Problem/Issue: Lack of Affordable Housing

Suggested Solutions:

- Develop more projects like terrace Gardens
- Allow Accessory dwelling Units (ADUs) in Milpitas
- Support Apartment Builders who offer more share for affordable apartment category.

5. Do you have a long term vision of how you think the City should develop?

The city's development must maintain a balance between residential Housing and Commercial/industrial establishments. The quality of life should have the highest priority with adequate educational and employment opportunities. Beautiful hillsides and parks must be preserved.

6. A major Planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

The pleasing features of the Bay Area and availability of high technology jobs of all wage levels attract many men and women from all over the United States to live here. The same reasons attract immigrants from all over the world to settle here. Thus a high demand for housing is created in the

Bay Area. The supply of housing relative to demand is not enough and scarcity of vacant land for new development, coupled with high development costs has created a housing shortage. The city, state and federal government need to work together to provide a solution for affordable housing shortage problem. The increase in the supply of housing may be achieved by:

- Developing High Density Housing and allowing Accessory Dwelling Units (ADUs) in Milpitas
- Encouraging Mixed Use Development

7. What do you see the different roles of City Staff, Planning Commission, and the City Council?

City Staff: The city staff works closely with Milpitas Community and follows Administrative procedures, review various types of applications in accordance with city policies, make necessary recommendations to the Planning Commissions and City Council and Make available background information an required by various commissions.

Planning Commission: Approve/Disapprove applications for conditional use permits, holds public hearings and recommends changes to the general plan.

City Council: The City Council balances the Budgets, provides leadership and direction for balancing the budgets, adopt general and land use policies. Approve/disapprove various commissions' decisions and hear appeals

8. What do you believe should be the focus of the Milpitas Redevelopment Agency and Program?

Not Applicable.

✓ registered voter

COMMISSION APPLYING FOR: Planning Commission
Title Mr.
Name Doug Sueoka
Address 501 Greathouse Drive
City Milpitas
Postal/Zip Code 95035
Mobile Number (408) 707-0808
E-Mail Address dougsueoka@comcast.net

City Clerk's Office
NOV 28 2018
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Present Employer Costco Wholesale
City San Jose
Postal / Zip code 95123

Occupation Auditor

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

Name of Organization Cub Scouts

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

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

I have been a resident of Milpitas since 2004, so I am familiar with the city, its layout and its surroundings. I also have 20 years of retail management with responsibilities that included annual fiscal budgeting, facilities management, hazardous waste management, compliance with HIPAA rules and regulations, among others. While it's not an exact comparison, there are some parallels between managing a business and a city. I feel my professional experience will enable me to be an active participant in this commission.

Date Nov 28, 2018

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



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

Mary Lavelle

From: no-reply@ci.milpitas.ca.gov on behalf of City of Milpitas City Clerk Office <no-reply@ci.milpitas.ca.gov>
Sent: Tuesday, February 19, 2019 9:37 AM
To: Mary Lavelle; Mike Luu
Subject: CITY OF MILPITAS COMMISSION APPLICATION [#58]
Attachments: CITY OF MILPITAS COMMISSION APPLICATION [#58].pdf

City Clerk's Office
FEB 19 2019
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COMMISSION APPLYING FOR: Planning Commission

Title Mr.

Name Steve C. Tao

Address Type Residence

Address 1065 Eagle Ridge Way

City Milpitas

Postal/Zip Code 95035

Mobile Number (510) 919-5034

E-Mail Address stao@bccre.com

Present Employer Bishop Clancy Commercial Real Estate

Business Address (Optional) 1777 Saratoga Ave, Ste 206

City San Jose

Postal / Zip code 95035

Occupation Commercial Real Estate

Education: If Youth Advisory Commission applicant, indicate your grade/school: Degree: B.A., Architecture

College, Professional, Vocational, or other schools attended University of California, Berkeley

Major Subject Architecture

Degree B.A.

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

Name of Organization Terrace Garden Senior Community

Member BoD member-former

Name of Organization Milpitas Planning Commission

Member Commissioner-former

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

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

I believe city planning is an intersection of place, time, people, perspectives, objectives, applicable codes, and opportunities to make a community and a city that better place for present and future. City Planning is guided by vision laid out in the General Planning and more specifically addressed in the zoning codes and specific plans.

I firmly believe I have the qualification and unique combination listed below to be a good, effective and contributing Planning Commissioner:

- 1. Education in architecture
- 2. Long working experiences in real estate development and general contracting/construction in semi-custom homes, single family tracts, common interest developments, office/R&D, place of worship, skilled nursing facility and hospital. Experiences from wood framed projects to Type I construction.
- 3. Successful small business owner/partner
- 4. Over 20 years of commercial real estate experience in development projects formation to fruition, asset acquisition/disposition and representing both landlords and tenants in leasing activities.
- 5. Former City of Milpitas Planning Commissioner

My perspective on City Planning is to make the community better via sensitive planning and application of the codes in place, understanding stakeholder interests and working with view points and economic requirements to accomplish best results for the community, understanding the direction of the market place of the future and accompany planning goals to meet future demands, and to listen and foster a better city. I want to emphasize as well, not every application is a viable project and fitting the community. As a Commissioner, I have the understanding and resolve to say "no" to a plan that may not fit the context of the City.

Date Feb 19, 2019

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



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

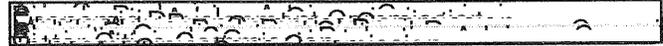
✓ registered voter

City Clerk's Office

JUN 01 2018

CITY OF MILPITAS COMMISSION/COMMITTEE APPLICATION

RECEIVED



PROVIDE COMPLETE INFORMATION (in black ink)

COMMISSION APPLYING FOR

PLANNING COMMISSION

Mr. Mrs Miss

| | | |
|---------------------|------------------|---------------------------|
| Name: | Michael | Tsai |
| | First | Last |
| Address: | 1630 | Starlite Dr |
| | Number | Street (apt. # if needed) |
| | | Milpitas, 95035 |
| | | City & Zip Code |
| Telephone Number(s) | (415)842-9666 | mrt.mike.rt@gmail.com |
| | | e-mail address |
| Present Employer | Self | (415) 842-9666 |
| | | Business Telephone |
| Business Address | 1630 Starlite Dr | Tutor |
| | | Occupation |

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

| College, Professional, Vocational, or other schools attended | Major Subject | Date | Degree |
|--|----------------------|---------|-------------|
| UC Berkeley | Environmental Econo | 2010 | BA |
| SJSU - Mineta Transportation Institute | Transportation Manag | ongoing | intended MS |

List community organizations to which you belong or have belonged (additional information may be attached). If application is for **Veterans Commission**, indicate branch and service in any U.S. military organization (retired or active duty).

| Date | Name of Organization or Branch of Military | Officer / Member |
|------|--|------------------|
| | | |
| | | |
| | | |

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

I have a strong educational background in policy on land use, economics, planning, and transportation.

I have also served on GPAC and have many years of experience running a grassroots organization that looks at local housing and transportation issues.

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

Signature

May 25, 2018

Date

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

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

Mail, email or drop off your completed application to:

City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: mfavelle@ci.milpitas.ca.gov

CITY OF MILPITAS
PLANNING COMMISSION
SUPPLEMENTAL QUESTIONNAIRE - MICHAEL TSAI

Please type or print responses to the following questions. Additional sheets may be attached. Submit responses with Application form to: City Clerk, Milpitas City Hall, 455 E Calaveras Blvd., Milpitas CA 95035.

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

My strong academic background on planning and transportation, combined with my experience and brand working on housing and transportation issues, would be a great asset for Milpitas as the city faces the challenges of being one of the fastest-growing cities in California. I see many opportunities for Milpitas to become a much better city than it currently is - some of which are being missed - and want to make the most of them.

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and planning procedures affecting the development of the Community.

The General Plan is a high-level view of the community's development intended to last for decades; I serve on the General Plan Advisory Committee. The Zoning Ordinance is a mid-level view underneath the GP that divides the city into districts with more specific visions for each. The planning procedures are the low-level procedures and details under the Zoning Ordinance that Planning Commissioners work with.

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

I have a very strong and relevant education background for Planning Commission, majoring in Environment Economics and Policy at UC Berkeley, conducting case studies on land development strategies and outcomes not in America, but around the world. Afterwards, I have taken graduate level coursework at the Mineta Transportation Institute at San Jose State University, which included case studies and papers on new ideas in American urban and transportation planning, such as Denver Union Station, Vision Zero, and self-driving cars.

in addition to my proven work in founding and growing a grassroots group for housing and transportation issues. (www.sjyimby.org)

I have studied and analyzed numerous real life development proposals in Bay Area cities and have a strong understanding of the issues on the table, and work with multiple stakeholders to improve these proposals. Most recently I have been an active promoter and participant in Affordable Housing Week, including serving as a panelist. These public activities can enhance the brand and visibility of Milpitas as an active regional leader on tackling housing issues.

In Milpitas, I have been serving on the General Plan Advisory Committee since its inception, and been a member of the Rotary Club and Sister Cities Commission, so I have connections with other community stakeholders and experience working with them.

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should best be resolved?

Milpitas currently faces a problem that I would describe as a two-headed monster. It consists of: 1) High housing costs, combined with 2) worsening traffic. To address problem 1, policymakers in the past have thought to build more housing units. However, without a strategic transit component, the new housing developments allow increased population, which results in increasing auto traffic, which residents are rightfully complaining about today.

To address these dual problems, I want to identify and make use of opportunities to develop housing near good transit options where we can, increase pedestrian-friendliness, and work with the VTA to develop more transportation options for residents. This way, housing units can come online without being as much of a negative impact on our traffic problems as they have been in the past.

I would also promote proactive communication, engagement, and education with Milpitas residents so we can develop a better understanding of our shared challenges, and come up with better solutions together. This is already the sort of work I have done through grassroots organizing since 2014.

5. Do you have a long-term vision of how you think the City should develop?

Yes. Milpitas has a once-in-a-lifetime opportunity to do transit-oriented development right, with the upcoming opening of the new BART station. By focusing housing development in the Transit Area Specific Plan, on average, the new residents in these units would use public transportation more, and use their cars less than other residents, reducing the overall traffic per resident. To further encourage this dynamic, we could work on transit passes and first-mile/last-mile transportation solutions, in partnership with the VTA. This is also an opportunity to provide more affordable housing and transportation for people who need it, especially our public-sector workers.

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

Yes. There are numerous tools that can be used to address this problem, ranging from inclusionary zoning, developer impact fees, and development of new affordable housing projects. I have seen situations where different parties were not able to come to an agreement

regarding the affordable housing issue, with the default outcome that no affordable housing gets built - and I would like to prevent such outcomes from occurring, through better mediation that i would provide.

I serve on the Sango Court Steering Committee and think projects like that one are a step forward to increase the supply of affordable housing, while minimizing the negative impacts associated with building more housing.

Secondly, I would like to prioritize affordable housing for public service workers, such as teachers, school employees, city staff, and public safety professionals. There are many benefits to Milpitas when public employees can live in the communities they serve.

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

I believe the City staff plays an important role in providing full-time technical and academic expertise to bear on our planning challenges. The City Council serves to translate input from the public into the language of policy, thereby expressing the democratic wishes of the people. But in between the elected officials and unelected officials (staff), it is helpful to have a layer of translation. To me, the ideal Planning Commissioner is someone like myself who has the hybrid skill of understanding both the language of the average resident, as well as the technical understanding of urban and transportation planning. Sometimes, elected officials may be coming from a professional background outside of urban planning, and it takes someone who understands both the planning side and the political side to work towards the best outcomes for everyone.

8. What do you believe should be the focus of the Milpitas Redevelopment Agency and program?

N/A, RDA has been ended.

COMMISSION APPLYING FOR: Planning Commission
Title Mr.
Name KEN WANG
Address 77 DUTTONWOOD LN
City MILPITAS
Postal/Zip Code 95035
Mobile Number (415) 516-8046
E-Mail Address ken_wang@yahoo.com

City Clerk's Office

FEB 04 2019

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Present Employer Thinfilm Electronic Inc
City San Jose
Postal / Zip code 95134

Occupation Principal Assembly Engineer
Education: If Youth Advisory Commission applicant, indicate your grade/school: Mechanical Engineering, BS
College, Professional, Vocational, or other schools attended San Francisco State University
Major Subject Mechanical Engineering
Degree BS

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

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

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

I have about 20 years of engineering back ground in micro electronic field in various roll.
I am multilingual, fluent in Cantonese and Mandarin, both in reading, and some non-technical writing.
I strongly believe in planning, planning, planning then executing.
Any action w/o a plan is a plan to failure.

I am open to planning commission and other technical related commission.
I am also current in the DELAC program for the school district representing Joseph Weller.

Please feel free to check my linkedin profile at:
<https://www.linkedin.com/in/kenjwang/>

Date Feb 01, 2019

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



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

FEB 04 2019

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**PLANNING COMMISSION
SUPPLEMENTAL QUESTIONNAIRE**

(Please type or print responses on a separate paper[s] to the following questions)

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

I lived in Milpitas for more than 15 years. It is a great city from every aspect. Great location, weather, and utmost, we have great leadership ever!!! I want to join the commission team to make our city even better. Hopefully the best in the bay area!

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and Planning procedures affect the development of the community.

My understanding is the planning commission based on current and future growth projection, to come up with visionary plan for the city. Planning on zoning, and developmental sites, which on the path of city growth. Plan which can maximize benefit based on tax dollar and enable city growth.

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

I am working in the technical field for more than 20 yrs. I heavily focus on planning and able to look at things in every angle. My track record is to bring project on time and taking high risk program back on track.

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should be best resolved?

With the new communities that are upcoming by the BART station. We need to consider parking spaces. It could be potential a big challenge that comes along with new homes and residents. One Consideration is creating parking structure underground. Or Stack-able parking structures.

5. Do you have a long-term vision of how you think the City should develop?

Yes, I can see Milpitas as one of the best cities in the bay area for all, same level as Cupertino, and more. We have all the ingredients to be the best!

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

Yes, I do. We need to figure out what is the root for the issue. What is the real issue attached to the problem? If the root is jobless ness, let's figure a way to get more job, provide more training etc.

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

Planning commission and city council should work together as a whole team. There should be seamless and transparent info flow between the group.



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|------------------------|--|
| Item Title: | Consider Mayor's List of City Council Subcommittees and Subcommittee Appointments of City Councilmembers |
| Category: | Reports of Mayor and Councilmembers |
| Meeting Date: | 2/26/2019 |
| Staff Contact: | Mayor Rich Tran, 408-586-3029 |
| Recommendation: | Consider Mayor Tran's list to have three (3) City Council Subcommittees, to sunset all other subcommittees, and move to approve the Mayor's recommendation for appointments of the Mayor and one Councilmember to those subcommittees. |

Background:

The Milpitas City Council has established City Council Subcommittees that review and make recommendations on important policy matters to the full City Council.

There have been eight established Milpitas City Council Subcommittees:

- Cannabis Subcommittee
- City/School Communication Subcommittee
- Commission Subcommittee
- Communications Subcommittee
- Facilities & Streets Naming Subcommittee
- Finance Subcommittee
- Land Use & Transportation
- Non-profits Subcommittee

Traditionally, after a local election, the Mayor will assign City Councilmembers to the City Council subcommittees. With recent City Council key decisions and project completions, a review of full City Council subcommittees' roster is timely.

Recommendation:

Consider Mayor Tran's list to have three (3) City Council Subcommittees, to sunset all other subcommittees, and move to approve the Mayor's recommendation for appointments of the Mayor and one Councilmember to those subcommittees.

Attachment: Mayor's list of City Council Subcommittee recommendations

City of Milpitas City Council Subcommittee Roster and Liaison Assignments

| SUBCOMMITTEE | PRIOR MEETING FREQUENCY | PRIOR COUNCIL LIAISONS | PROPOSED MEETING FREQUENCY | PROPOSED COUNCIL LIAISONS/ ACTION | LIAISON DEPARTMENT(S) | NOTES/ OTHER INFORMATION |
|--|--------------------------|------------------------|-------------------------------------|------------------------------------|--|--|
| Cannabis Subcommittee | As Needed | CM Nunez & Phan | NA | Sunset | CMO | |
| City/School Communication Subcommittee | Every other month | Mayor Tran & VM Grilli | 4th Wednesday of every Month at 4PM | Mayor Tran & CM Montano | CMO, Recreation and Community Services | New MUSD Board members assigned: Norwood and Lien; potential name change to "City School Collaborative Subcommittee" |
| Commission Subcommittee | As Needed | CM Phan & Nunez | NA | Sunset | Recreation and Community Services | |
| Communications Subcommittee | Inactive since 2016 | NONE | NA | Sunset | NONE | |
| Facilities & Streets Naming Subcommittee | As Needed/Project Driven | CM Barbadillo & Phan | NA | Sunset | Recreation and Community Services | Naming considerations forwarded to the appropriate Commission i.e.: Parks & Facilities - PRCRC Street Names - Planning Comm |
| Finance Subcommittee | Monthly | Mayor Tran & VM Grilli | 2nd Wednesday of every month at 4PM | Mayor Tran & CM Montano | Finance | |
| Transportation Subcommittee | Inactive since 2016 | NONE | TBD | Mayor Tran & CM Montano | TBD | Update to previous inactive "Land Use & Transportation Subcommittee" |
| Non-Profit Subcommittee | As Needed | CM Phan & Nunez | NA | Sunset | CMO, Recreation and Community Services | |



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|-------------------------|---|
| Item Title: | Receive a Report on Updated Five-Year Projection and General Fund Reserves for Fiscal Year Ended June 30, 2019, Approve Phase II Mid-Year Budget Appropriations and Changes to the FY 2018-19 Budget; appropriate FY 2018-19 Midyear Phase II Budget adjustments; Adopt a Resolution Amending the City's Classification Plan, Establishing New Classifications, Position Authorizations and Reclassifications for the Human Resources, Police, Fire and Recreation Departments |
| Category: | Leadership and Support Services |
| Meeting Date: | 2/26/2019 |
| Staff Contact: | Jane Corpus, Interim Finance Director, 408-586-3125 |
| Recommendations: | <ol style="list-style-type: none"> 1. Receive a report on Updated Five-Year Projection and General Fund Reserves for Fiscal Year ended June 30, 2019. 2. Approve budget changes to update FY 2018-19 Revenues and Expenditures as presented in this report; and appropriate FY 2018-19 Midyear Phase II Budget adjustments. 3. Adopt a Resolution amending the City's Classification Plan, establishing new classifications, position authorizations and reclassifications for the Human Resources, Police, Fire and Recreation Departments, as recommended by the Human Resources Director. 4. Receive a report on the use of the contingency reserve. |

Background:

Staff previously reported in December to Council on Phase I of a Midyear review of General Fund revenues, expenditures, and financial reserves. At that time, less than half a fiscal year had passed since the fiscal year began, and it is appropriate to report again at this time. While Sales Tax is reported by the State in arrears by over one quarter, we do have more data to report at this time. In addition, our Sales Tax consultant has recently provided us with their updated projection for the year. The Santa Clara County Assessor's Office has also provided an updated property tax projection. An updated five year projection is being provided, and will also be updated at the time of the budget study session in May. Note that the enclosed five year projection assumes no economic slowdown in the next five years. It has now been 10 years since the Great Recession ended; many economists believe a slowdown at some point in the relatively short/medium term (1-3 years) is inevitable, given the average cycle for economic downturns is every seven years. The budget study session will include staff's estimate of revenue and expenditure grown under current economic conditions as well as with the impacts of a mild downturn (not another Great Recession). This will present a better context for the City Council to consider both reserves funding targets and opportunities to pay down CalPERS and OPEB liabilities.

Analysis:

Fund Financial Status for the Six Months ended December 31, 2018

Revenues

As of December 31, 2018 with 50% and six months of the fiscal year completed, the General Fund received approximately \$56.4 million in total revenue. It should be noted this total also includes January 2019 amounts received for property and sales tax. This amount represents 56.5% of revenues of the FY 2018-19 Current Budget, which include adjustments from the Updated Five-Year Projection agenda report presented to Council on December 4, 2018. Below is a summary of significant revenues received through the first half of FY 2018-19 as compared to the FY 2018-19 Current Budget:

- Property Taxes and RPTTF: \$16.8 million, or 50.5% of the \$33.3 million current budget has been received. During the midyear budget report in December 2018, Property Taxes were estimated to be \$33.3 million, or \$1.9 million higher than the FY 2018-19 original projection of \$31.4 million based upon the November 2018 projection from the County of Santa Clara, which factored in the latest property tax roll corrections and activity through October 31, 2018. Main property tax payments are received in December and April. For each, the City receives four secured advances, and then a final true-up payment from Santa Clara County. Through January 23, 2019, the City has received the first four secured advances and final true-up payment. Staff has engaged the services of a property tax consultant; their preliminary projection of property tax is slightly higher than the midyear adjustment, and year end projections have been revised upward, as will be discussed in a subsequent section.
- Sales & Use Tax: \$11.2 million, or 37.2%, of the \$30.2 million current budget has been received. Sales taxes are remitted by the State Board of Equalization 2-3 months in arrears. FY 2018-19 adopted sales tax revenues of \$28.5 million was trued up to \$30.2 million during the midyear due to technical difficulties experienced at the CDTFA (California Department of Tax and Fee Administration) during the first 2 quarters of 2018 that would result in an additional \$1.2 million in payments for the current fiscal year. Due to the method these “missing” payments are disclosed by the state, it has not been possible to track the amount that the City has received. Staff will continue to monitor this in conjunction with our sales tax consultant. Due to recent trends in a few of the City’s top sales tax generators, the current fiscal year sales tax revenue estimate has also been revised downward, as will be discussed in a subsequent section.
- Franchise Fees: \$1.4 million, or 29.16% of the \$4.7 million budget has been received. The FY 2018-19 adopted franchise fee revenue was an 18.8% increase over FY 2017-18 budgeted revenues, primarily due to anticipated rate increases for garbage franchise fees. It should be noted that the Electric Franchise Fee has not been received as of 12/31/18. It is typically received in April and accounts for 30% of budgeted Franchise Fees.
- Hotel/Motel (TOT) Tax: \$5.1 million, or 40.2% of the \$12.7 million current budget has been received; not all hotels have remitted their monthly TOT as of December 31, 2018. However, looking at historical collections, TOT Revenue is anticipated to reach the adopted budget amount of \$12.7 million. Revenue from the increased TOT rate of 14% that was passed by voters in November 2018 has been incorporated into this update of the FY 2018-19 TOT revenue, as will be discussed in a subsequent section below.
- Licenses & Permits: \$8.9 million, or 81.7% of the \$10.9 million current budget has been received; a few large payments were received in December 2018 for Building Permits. The \$10.9 million current budget was increased by \$600,000 during the midyear budget adjustment to account for continued growth in residential developments and in the TASP (Transit Area Specific Plan). The FY 18-19 estimated year-end revenue has been adjusted upward, as will be discussed in a subsequent section below.
- Charges for Services: \$3.6 million, or 54.5%, of the \$6.7 million current budget has been received. The \$6.7 current budget was lowered by \$780,000 from the \$7.5 million in the 18-19 Adopted Budget during the midyear budget to reflect actual lower reimbursements over the last two years for overhead and labor associated with billable staff time.

Expenditures

As of December 31, 2018 with 50% and six months of the fiscal year completed, General Fund expenditures are trending slightly below the current budget at 48.8%. This is mostly due to position vacancies. Below is a summary to highlight departments that have significantly spent above or below their budget through the first six months of FY 2018-19, as compared to the FY 2018-19 Current Budget:

- City Attorney's Office: \$835,793, or 98.8%, of the budget has been spent through the first half of the fiscal year, mainly due to an encumbrance, that is a contract commitment for City Attorney services through June 30, 2019. Contract amendments and a new agreement has been approved, however, invoices are billed one month behind and through 12/31/18, only invoices through November have been billed. It is expected that expenditures in the City's Attorney's Office will reach their budgeted appropriations by the end of FY 2018-19.
- Planning Department: this department is slightly above budget at 53.3% due to housing staffing expenditures that need to be moved to the Building & Housing Department since the Housing division moved to the Building & Housing Department in the FY 18-19 Budget.
- City Clerk's Office: \$282,000, or 36.2% of the budget has been spent through the first half of the year, primarily due to the timing of election costs which make up 25% of their budget, which have not been paid as of December 31, 2018.
- Information Services: this department is at 45.8% of their budget primarily due to one vacancy and the underspending of their Communications and Utilities budget due to the change to VoIP services, resulting in additional budget related to phone services for one vendor.
- Recreation, Human Resources, and Economic Development: these departments are at 50.5%, 39.6%, and 35.4% of their budgets, respectively due to position vacancies and contractual services. While Recreation is on track at 50.5% of their budget, this includes encumbrances for contractual services, which is trending low due to delayed execution of the senior nutrition program and service delivery switching from contractual to internal staffing in the youth basketball Jr. Warrior program. Human Resources is trending low due to delayed timing of invoices for consultant services. Economic Development has experienced delayed execution of contractual services during the first half of the year with the absence of a director, who was recently hired in December 2018.
- The City Manager's Office, Building and Housing, Finance, Police, and Engineering: these departments are all tracking below their budget when excluding encumbrances, primarily due to position vacancies. Positions in Engineering were recently filled in December 2018. The Citywide vacancy rate at December 31, 2018 is approximately 10.5%.
- Public Works: Actual expenditures through December 31, 2018 appear high at 60.2% of budget due to encumbrances totaling \$1.6 million through December 31, 2018. However, Public Works is tracking low at 39.0% when excluding encumbrances due to the cyclical nature of their work that is anticipated to increase for the remaining half of FY 18-19.

Estimated 2018-19 Year-End Projection

After reviewing the financial status for the six months ended December 31, 2018, staff performed additional analysis to provide a year-end projection of the General Fund's revenues and expenditures in FY 2018-19. Major revenues, including property tax, TOT, sales tax, licenses and permits, and charges for services, were analyzed and updated using the most recent information available. This is shown in Exhibit 3 of this staff report, which only shows current service levels approved by the Council, before midyear recommended changes (Exhibit 1) are added.

- Property Taxes and RPTTF: This is currently estimated to be \$33.3 million, or approximately \$1.9 million higher than the FY 2018-19 original projection of \$31.4 million and approximately flat to the revised estimate during the midyear adjustment in December 2018. Property tax was updated based upon preliminary estimates from our recently contracted property tax consultant. The consultant's estimates were approximately the same as the County of Santa Clara's Assessor's Office preliminary February 2019 estimates which factors in the latest property tax roll corrections and activity through December 2018.
- Sales & Use Tax: As noted above, the FY 2018-19 adopted sales tax revenues of \$28.5 million was trued up to \$30.2 million during the midyear adjustment in December 2018. This was primarily due to the addition of \$1.2 million for CDTFA missing payments from FY 2017-18 that was anticipated to be received in FY 2018-19. Staff incorrectly added this amount to the FY 18-19 updated base projection from the City's sales tax consultant's estimate, which already included the adjustment, in effect double counting it. Additionally, in reviewing the most recent third quarter data with our sales tax consultant,

significant declines were seen from a few of the City's largest business to business sales tax generators in the last few quarters. As such, the FY 18-19 projection was trued down \$1.9 million from the revised December 2018 estimate of \$30.2 million to \$28.3 million for FY 18-19. Staff will continue to monitor the trends in conjunction with our sales tax consultant. Additionally, a relatively conservative estimate at approximately \$0.5 million per year for revenues related to the Quill/Wayfair Supreme Court decision regarding online sales has been incorporated into the projection starting in FY 2019-20.

- **Hotel/Motel Transient Occupancy Tax (TOT):** The new TOT rate increase from 10% to 14% was officially approved and effective January 3, 2019. \$2.9 million of expected revenues from this increase has been incorporated into this midyear update of FY 2018-19 budget. \$5.2 million is expected for a full year, and escalating through the five year projection as new hotels come on line.
- **Licenses & Permits:** These revenues were estimated to be \$10.4 million, or \$600,000 higher than the FY 2018-19 original projection of \$9.8 million during the midyear adjustment in December 2018. FY 18-19 year end estimates have been increased an additional \$2.1 million from the midyear estimate of \$10.4 million to \$12.5 million for the current fiscal year. This is due to changes in the accounting treatment of deferred revenue from licenses and permits, which will result in an estimated \$1.6 million one-time adjustment in FY 18-19. Additionally, approved Building and Fire Prevention staff from the Midyear Phase I requests are estimated to realize an additional \$488,000 in revenues from addressing the backlog of work.
- **Charges for Services:** These are estimated to stay flat to the midyear adjustment of \$6.7 million, or \$780,000 lower than the FY 2018-19 adopted revenue of \$7.5 million. As noted above, reimbursements for overhead and labor associated with billable staff time were adjusted downward to be closer to actual reimbursements in the last two years.

Overall, updated revenues in FY 2018-19 are expected to total \$110.4 million, or approximately \$8.4 million higher than the FY 2018-19 Adopted total revenue projection of \$102.0 million. It should be noted that the adjusted revenue projection of \$104.1 million has been increased \$2.1 million from the FY 18-19 adopted revenue of \$102 million due to an accounting change in the presentation of Transfers In and Transfers Out. In the FY 18-19 Adopted Budget, both Transfers In and Transfers Out were netted into one "Operating Transfers" section in revenues. In order to provide more transparency, the "Operating Transfers" revenue line has been separated to show Transfers In as revenues and Transfers Out as expenditures. Transfers In consist mainly of transfers from the utility funds for their share of charges of the City's administrative/indirect expenditures. Transfers Out consist mainly of General Fund Transfers to the Capital Improvement Projects (CIP) funds. (Adjusting for this accounting change for Transfers In and Out as separate lines in the Adopted budget would have shown Adopted Revenues of \$104 million, for an actual net increase of \$6.0 million to \$110.4 million). Expenditures were revised by adding a net \$1.4 million in costs. This increase factored in approved budget adjustments of \$6.1 million offset by \$4.7 million in adjustments, primarily due to personnel savings as a result of vacancies. The \$6.1 million in costs consist mainly of Phase I (FY 18-19) Requests that were approved during the Budget Midyear in December 2018. These expenditures include the following:

- \$4,324,245 – Capital Improvement Projects funding
- \$816,448 – One-Time assignments, including;
 - \$230,937 - in remaining IAFF MOU funding needs
 - \$280,130 – three (3) entry level firefighters ("over strengths") for 6 months
 - \$100,000 – consultant for citywide classification and compensation studies
 - \$205,381 - two (2) police officers for 3 months ("over strengths")

As noted above, General Fund expenditures are trending below the current budget at 48.8% through the first half (50%) of the year, mainly due to position vacancies.

When combined, updated revenue, expenditure projections net to an overall increase of \$4.9 million to the General Fund balance from the FY 2018-19 Adopted General Fund Operating Budget.

Midyear Phase II Budget Recommendations for One-Time Capital Improvement Needs

With a projected overall increase of \$4.9 million to the General Fund Balance from the FY 2018-19 Adopted General Fund Operating Budget, staff recommends the following high-priority capital projects that need additional funding in order to commence or be completed:

Table 2 – Recommend Phase II Capital Project Reserve Surplus Assignments:

| Capital Project | Requested Amount |
|--|-------------------------|
| Trail and Bikeway Pedestrian Master Plan (CIP 3448) ** | \$110,000 |
| Fire Station 2 Replacement (CIP 3447) | \$250,000 |
| Lower Berryessa Crk. Ped. Trail and Bridge (CIP 2010) | \$1,500,000 |
| Pines Pilot Parking Permit Program (CIP 3451) * | \$230,000 |
| Street Resurfacing Project (CIP 4291) | -\$1,600,000 |
| Midtown Specific Plan Update (CIP 3437) | 250,000 |
| Community Planning Fund offset/transfer in to Capital Projects (CIP) Fund: | -250,000 |
| Total Capital Projects: | \$490,000 |

*Additional costs for this project will be appropriated as part of a separate agenda item (Receive a Staff Presentation and Approve New FY2018-19 Capital Improvement Program Project No. 3451, The Pines Pilot Parking Permit Program) on February 19, 2019

** Additional costs for this project will be appropriated as part of a separate agenda item (Trails Master Plan Update and Bikeway and Pedestrian Master Plan Update) on February 19, 2019

Projects No. 3448, 2010, 3447, and 3437 meet the City Council established priorities of Transportation and Transit, Infrastructure and Community Facilities Maintenance, Public Safety, and Economic Development and Job Growth, respectively. Projects 3451 and 4291 meet the City Council established priority of Transportation and Transit.

- Additional funding of \$110,000 is being requested to complete two separate master plan updates, the Trail Master Plan and the Bikeway and Pedestrian Master Plan, which will address the requests expressed by some members of the Council during the January 29, 2019 Budget Study Session. Originally, the Trail and Bikeway Pedestrian Master Plan project (3448) was budgeted to be completed in a single combined plan update effort.
- \$250,000 is being requested for construction management services during the design phase for the Fire Station 2 Replacement project (3447) in FY 18-19.
- \$230,000 is being requested for the Pines Pilot Parking Permit Program project (3451) to fund addition staffing costs to monitor the pilot program, which is explained in further detail in a separate Council agenda item “Receive Staff Presentation and Approve New FY 2018-19 Capital Improvement Project, Project No. 3451, The Pines Pilot Parking Permit Program)” on February 19, 2019.
- \$250,000 is being request for the Midtown Specific Plan Update (CIP 3427) to fund the required CEQA analysis for the Midtown Specific Plan Update. In FY 18-19, staff launched the Midtown Specific Plan Update and is utilizing this project to fund the consultants working on the project. The budget for the Plan update was \$250,000, which is insufficient to fund both the update and the required CEQA analysis during FY 18-19; please note that this source of funding is non-General Fund and will come from the Community Planning Fund.
- Lastly, for the Street Resurfacing Project 2018-19, \$1.6 million will no longer be needed from the General Fund, as funding from Measure B is anticipated to cover this originally budget amount. As such, \$1.6 million originally budgeted as a transfer from General Fund to the Capital Improvement Projects (CIP) will no longer be needed.

Midyear Phase II Budget Recommendations for One-Time Personnel and Non-Personnel Needs

In light of the net estimated FY 2018-19 General Fund Balance addition in the amount of \$4.9 million, staff reviewed pressing needs for funding for personnel and non-personnel, in advance of the budget process for FY 2019-20. In addition to the capital improvement items discussed above, staff is also requesting funding for one-time personnel, consulting, and supplies costs to meet service needs to reflect Council requests made during and after the January 29, 2019 budget study session.

The following one-time operating budget requests in Table 3 are also recommended for funding in the FY 2018-19 budget.

Table 3 – Recommended Phase II One-Time Personnel and Non-Personnel Assignments:

| No. | Department | Request | Cost |
|------------------------------------|--------------|---|------------------|
| FN1 | Finance | Modernization of purchasing and contract support | \$150,000 |
| FD1 | Fire | Increase in Fire Overtime (new officer training backfill) | \$84,852 |
| FD2 | Fire | Personal Protective Equipment for New Hire Firefighters | \$43,000 |
| PW1 | Public Works | Increase Budget for Tree Maintenance by \$150,000 for priority tree removal | \$150,000 |
| PW2 | Public Works | Community Odor Monitoring Program | \$85,000 |
| Total One-Time Assignments: | | | \$512,852 |

Finance

The Purchasing Division within the Finance Department has seen a significant increase in activity the past year, with over 80 active projects (such as agreements, RFPs, IFBs, etc.) and this activity is not expected to decrease in the near future. This request is to provide funding for staff to continue temporary support in the Purchasing Division and to engage the services of a consultant to review the current Purchasing processes and make recommendations.

Fire

The Fire Department is requesting additional overtime funding to support participation in a joint fire academy that the Milpitas Fire Department is hosting with the Mountain View Fire Department. Milpitas Fire will have seven (7) entry level personnel attending and Mountain View Fire will have six (6) personnel attending. The academy will begin on January 20th, 2019. The academy will be scheduled to conclude on May 20th, 2019. This sixteen (16) week academy is accredited by State Fire Training and will meet the needs of firefighter one certification. This academy will require resources in overtime expenditures and additional equipment costs outside of the current budget. Additional overtime is requested to ensure that the organization has an academy coordinator assigned to the project to ensure successful academy completion. The Mountain View Fire Department will have an academy coordinator assigned to mirror our commitment.

The personal protective equipment budget requested during the budget planning process accounted for the hiring of 5 firefighter positions during the fiscal year. The cost to outfit one firefighter with PPE is approximately \$8,000. The Fire Department actually hired 9 firefighters and the additional cost associated with outfitting the 4 unanticipated new hires totals \$32,000. Additionally, a catastrophic wildland fire season led to numerous personnel deployed for extended periods of time throughout the fire season and the purchase of additional wildland gear resulting from damage and other factors are estimated at \$10,000.

Public Works

The Public Works Department recently completed an inventory and condition assessment of all City trees. The report provided recommendations for trees that should be removed as a priority due to their risk of failure. There are approximately 380 trees that need to be removed as a high priority and the City does not have a dedicated tree crew to address these tree maintenance in the City. These additional funds would be used to increase the contract services for West Coast Arborist to assist staff with the removal of these trees. This would also address requests expressed by some Council members during the January 29, 2019 Budget Study Session.

As part of the City’s ongoing efforts to address odor concerns, Public Works staff have been conducting research potential odor monitoring equipment and the possibility of developing a local, community odor monitoring program. This research included conversations with odor monitoring consultants, online research and review of odor monitoring equipment, and review of information provided by the California Air Resources

Board and Bay Area Air Quality Management District. Consistent with Council's concerns expressed during the January 29, 2019 Budget Study Session, this request is to fund a Community Odor Program. Funds will provide for purchase of equipment, including clarity sensors for odor and particulate matter, project management costs, and a community odor program.

FY 2018-19 Midyear Phase II Budget Ongoing Adjustments

Additionally, staff reviewed pressing ongoing needs for funding, in advance of the budget process for FY 2019-20 as outlined in Table 4 below:

Table 4 – FY 2018-19 Midyear Phase II Budget Ongoing Adjustments

| No. | Department | Request | 18-19 Fiscal Impact | Average On-Going Annual Impact |
|----------------------------|-----------------|--|---------------------|--------------------------------|
| HR1 | Human Resources | Add one (1) Assistant Human Resources Director | \$47,700 | \$331,000 |
| HR2 | Human Resources | Add one (1) Human Resources Technician | \$21,563 | \$150,000 |
| FD3 | Fire | (3) incident command vehicles | \$127,411 | \$62,000 |
| FD4 | Fire | Reclassify three (3) Firefighters to Fire Engineers (2 months) | \$6,904 | \$48,000 |
| PD1 | Police | Add two (2) Community Service Officers in Patrol Services to address increased public safety needs (1 month) | \$21,168 | \$294,000 |
| RC1 | Recreation | Reclassify Case Manager to Program Coordinator (2 months) | \$2,987 | \$21,000 |
| Total Ongoing Costs | | | \$227,733 | \$906,000 |

Support Services – Human Resources

In order to provide much needed support for front line departments to provide a high level of service to the community as well as general internal service to our City staff, additional resources are recommended to be added at this time in the Human Resources.

The request for an Assistant Human Resources Director and an additional Human Resources Technician in Human Resources for two months in FY 18-19 is to address the volume of work in Human Resources (HR) across the board. HR provides the following necessary services for all City departments:

1. **Recruitment, Testing and Selection:** HR recruits, screens applications, tests and interviews candidates before having a background check conducted and providing a final offer of employment. As of last month the City had 43.5 vacant positions which equates to an 11% vacancy rate, by adding HR positions we would like to establish a goal vacancy rate of 5% by the end of the fiscal year. Currently HR has one Analyst to oversee recruitments.
2. **Benefits:** HR has one Analyst to oversee Benefits Administration and one HR Technician to support this work.
3. **Employee Relations:** HR works with department Managers and Supervisors on performance appraisals, step or merit increases, and performance management and employee discipline issues. The HR Director is the main point of contact for Employee Relations although all HR staff support this area.

4. **Training:** HR coordinates mandated Federal and State trainings. In addition to mandated training, HR would also like to offer professional development training programs to staff, which was a practice before the Great Recession. Currently, the HR Director provides training or the HR team assists in outsourcing any mandated training.
5. **Labor Relations:** HR leads labor negotiations and is responsible for meeting and conferring on labor topics with the City's five (5) bargaining units. Negotiations typically require several months of work. Given the sensitivity and complexity of these negotiations, the HR Director has to lead this area of work.
6. **Classification and Compensation:** HR should routinely review job descriptions and salary ranges to ensure job duties and requirements are current as well as to maintain competitive salaries. Staff is recommending using a consultant for this work but will need at least one to two HR staff to participate in the process and manage the consultants workload.
7. **Workers Compensation:** HR ensures compliance with state and federal laws and is also required to maintain an Injury Illness Prevention Program. The same HR Analyst that supports Benefits also supports Workers Compensation.

In addition to these subject matter areas, HR needs to work on the procurement of an HR technology module, the City Personnel Rules and Regulations, which have not been updated since 1991, and several Standard Operating Procedures and Forms.

The HR Department's resources have not kept up with the growth of the other departments in the City, just in 2018/2019 alone we added twenty nine (29) positions. The ability for HR to provide the necessary level of services is not efficient and puts the City at unnecessary risk. Currently Human Resources is staffed with Five (5) Full Time Equivalent (FTE) positions. In a City with 399.5 benefited positions and 85 temporary positions serving a population of approximately 75,000 residents, HR should have at least Eight (8) FTE. This comparison is based on a preliminary survey of ten (10) of our neighboring jurisdictions. Additional detail will be provided as part of the citywide staffing analysis report which will be included in the FY 2019-2020 budget process. Staff believes it is important to add the two positions recommended below to deliver the critical services needed to support the organization. To date, in this fiscal year (2018/2019), HR has completed 28 recruitments, including 5 executive recruitments, filled 23 permanent and 50 part time vacancies, negotiated an agreement with IAFF, provided orientation and benefit services to 73 new hires, handled 10 new workers comp cases since July 1, 2018. However, this volume and pace of work is not sustainable on an ongoing basis, with the current resources in HR.

An Assistant HR Director will assist the HR Director with complex, sensitive matters including labor negotiations, implementing a new HR Information System, ensuring that the City is current with Federal and State mandates over employment and benefit laws, and updating policies and procedures. In addition having an Assistant HR Director provides for succession and leadership in HR, which is a highly depended upon function in the City.

Adding an additional HR Technician will provide support to Recruitment. The single HR Technician is mostly dedicated to Benefits and Payroll and when available assist with a recruitment or other special assignments. Having an additional HR Technician will not only assist with recruitments, but it will also allow cross training between the two HR Technicians to allow for continuity when one of the positions is absent or when there is a specific need for additional assistance with special assignments.

Fire
The Milpitas Fire Department is requesting the reclassification of three Firefighter positions to Fire Engineer. These reclassifications are essential for the deployment of the upcoming tiller truck apparatus. The level of complexity required for operating the tiller apparatus requires an enhanced skill set. This will ensure efficiency and safety in operations. This reclassification will support emergency response operations. In support of staffing levels anticipated in the Standards of Coverage assessment, the reclassification of three Fire Engineer positions will support enhanced deployment of firefighting resources.

The request for funding three Incident Command Vehicles (2020 Ford Interceptors is in response to the identified need to place additional command and control vehicles in service to support both on duty response

and after hours emergency call back. The base cost of the three vehicles is \$44,000 per unit. Up fitting with communications and mobile computers is \$10,000 per unit. Total project cost \$161,810. Current funding for an existing vehicle will offset the cost by \$34,399, making the net total cost \$127,411. These vehicles will be utilized by the Fire Department for command and control functions. The expected service life for these vehicles will be ten years. These units will support both emergency response in our community as well as regional support. It should be noted that our service model has changed in the past five years. The significant increase in wildfire activity in Milpitas and the region has created a paradigm shift that necessitates this request.

Police

The Milpitas Police Department is requesting to add two (2) Community Service Officers (CSO) in Field Services to meet the increasing demand on police services, expand crime prevention efforts in a cost-effective manner, and maintain rapid response times.

The Police Department workload is changing and increasing with the buildout of the Transit Area Specific Plan, Mid-Town Plan, and October 2019 Bay Area Rapid Transit (BART) station opening. In an effort to maintain responsive police services to our stakeholders, the Police Department is requesting the addition of (2) CSO positions. The CSOs will be responsible for non-hazardous calls for service, proactively enforce parking violations, contribute to community engagement, participate in crime prevention efforts, and other non-sworn tasks. Transferring these responsibilities from police officers to CSOs is far more cost effective as the cost of a CSO position is much less than a police officer. In addition, the movement of these tasks will allow police officers to maintain fast response times, remain focused on crime fighting efforts, and allow more time for working with the community on quality of life concerns. This item is being requested at a mid-year adjustment for one month of funding so the Police Department can immediately begin recruitment, hiring, and training. It is critical that the Police Department begin expanding its staff now so we can meet the demands of the BART station opening and increasing workload.

Recreation

The proposed reclassification of the current Case Manager position to Program Coordinator (Social Services) within the Recreation and Community Services Department is supported by the increased demand for social and behavioral health services benefiting Milpitas community members from youth to seniors. The current Case Manager position oversees social service information and services to our senior adult population based out of the Senior Center. These services include assisting Senior Center members with Medicare, Medi-Cal, Supplemental Security Income, Social Security, Immigration and Naturalization Services, food programs, In-Home Supportive Services, transportation needs, utility and bill assistance, and more. The proposed reclassification from Case Manager (Senior Center) to Program Coordinator (Social Services) would strengthen and expand the breadth of those services offered to the greater Milpitas community members through the Recreation and Community Services Department. The Program Coordinator (Social Services) would also lead policy priority programs such as the City's new Suicide Prevention Policy that endeavors to educate Milpitas community members on suicide symptoms, causes, and preventative measures, as well as providing critical counseling and mental health services to our at-risk, high school-age population through dedicated counseling services offered at the Teen Center. Additional community-serving programs such as the Friendly Visitors program which seeks to remedy social isolation by partnering trained volunteers with vulnerable and home-based seniors, as well as the Dignity on Wheels program that offers a mobile hygiene outreach service aiding the homeless population would be managed by the new Program Coordinator (Social Services).

Reserves

General Fund Reserve levels are reviewed and approved by the City Council as part of the budget process. The City Council re-sets the reserve amounts annually after the results of the prior fiscal year's Comprehensive Annual Financial Report (CAFR) are known, which, by Council practice, is when the year's General Fund capital improvement program is funded. As a result of the changes to the budget shown in the status quo budget shown in the Exhibit 3, General Fund reserves at year end would total the following, reflecting current

Council service levels already approved for a net increase of \$4.9 million compared to the adopted budget¹, and \$2.3 million compared to ending balances at June 30, 2018:

| Reserve | Balance at 6/30/18 | 18-19 Adopted Budget | Phase I Changes | FIN Changes | Phase II Changes | 18-19 Revised Budget | Recommended Long-Term Target | Variance from Long-Term Target |
|---|--------------------|----------------------|-----------------|--------------|------------------|----------------------|------------------------------|--------------------------------|
| <i>Contribution (draw) from reserves</i> | \$ - | \$ (2,650,000) | \$ (2,076,703) | \$ 7,040,181 | n/a | \$ 2,313,477 | | |
| #33 - Total Unassigned General Fund (16.67%) | \$ 36,495,942 | \$ (2,650,000) | \$ (3,826,703) | \$ 7,040,181 | n/a | \$ 37,059,419 | \$ 18,025,295 | \$ 19,034,125 * |
| #34 - Budget Stabilization | \$ 4,000,000 | \$ - | 1,000,000 | | n/a | 5,000,000 | \$ 8,300,000 | \$ (3,300,000) |
| #35 - PERS Stabilization | \$ 29,892,501 | \$ - | | | n/a | 29,892,501 | \$ 186,770,421 | \$ (156,877,920) ** |
| #43- Technology Replacement | \$ 1,000,000 | \$ - | | | n/a | 1,000,000 | \$ 5,000,000 | \$ (4,000,000) |
| #44 - Facilities Replacement | \$ 2,000,000 | \$ - | 500,000 | | n/a | 2,500,000 | \$ 10,000,000 | \$ (7,500,000) |
| #45 - Artificial Turf Replacement | \$ 750,000 | \$ - | \$ 250,000 | | n/a | \$ 1,000,000 | n/a | n/a |
| | \$ 74,138,443 | \$ (2,650,000) | \$ (2,076,703) | \$ 7,040,181 | \$ - | \$ 76,451,920 | \$ 228,095,716 | \$ (152,643,795) |

*16.67% of General Fund FY 18-19 projected operating expenditures (including Transfers Out) before Midyear Requests

**Net Pension Liability across both its safety and miscellaneous pension plans for the fiscal year ended June 30, 2018

With the recommended requests from the agenda report factored in, the Reserves would look like this, reflecting a net increase of \$3.7 million from the adopted budget:

| Reserve | Balance at 6/30/18 | 18-19 Adopted Budget | Phase I Changes | FIN Changes | Phase II Changes | 18-19 Projected Budget | Recommended Long-Term Target | Variance from Long-Term Target |
|---|--------------------|----------------------|-----------------|--------------|------------------|------------------------|------------------------------|--------------------------------|
| <i>Contribution (draw) from reserves</i> | \$ - | \$ (2,650,000) | \$ (2,076,703) | \$ 7,040,181 | \$ (1,230,585) | \$ 1,082,892 | | |
| #33 - Total Unassigned General Fund (16.67%) | \$ 36,495,942 | \$ (2,650,000) | \$ (3,826,703) | \$ 7,040,181 | | \$ 35,828,834 | \$ 18,230,433 | \$ 17,598,401 * |
| #34 - Budget Stabilization | \$ 4,000,000 | \$ - | 1,000,000 | | | 5,000,000 | \$ 8,300,000 | \$ (3,300,000) |
| #35 - PERS Stabilization | \$ 29,892,501 | \$ - | | | | 29,892,501 | \$ 186,770,421 | \$ (156,877,920) ** |
| #43- Technology Replacement | \$ 1,000,000 | \$ - | | | | 1,000,000 | \$ 5,000,000 | \$ (4,000,000) |
| #44 - Facilities Replacement | \$ 2,000,000 | \$ - | 500,000 | | | 2,500,000 | \$ 10,000,000 | \$ (7,500,000) |
| #45 - Artificial Turf Replacement | \$ 750,000 | \$ - | \$ 250,000 | | | \$ 1,000,000 | n/a | n/a |
| | \$ 74,138,443 | \$ - | \$ (2,076,703) | \$ 7,040,181 | \$ - | \$ 75,221,335 | \$ 228,300,854 | \$ (154,079,519) |

*16.67% of General Fund FY 18-19 projected operating expenditures (including Transfers Out) before Midyear Requests

**Net Pension Liability across both its safety and miscellaneous pension plans for the fiscal year ended June 30, 2018

With proposed requests totaling \$1.1 million, this results a net reduction of what the status quo budget showed as adding to Reserves of \$1.1 million, but still up a total of \$1.2 million from last fiscal year end.

Updated Five-Year Projection

As shown in Exhibit 3, the updated FY 2018-19 year end projections of revenues and expenditures were used as the new base to update the Five-Year General Fund Projection for FY 2019-20 through 2023-24 for a “status quo budget”, that is, with only currently approved Council services and assuming no downturn. This projection includes:

- the Quill/Wayfair addition described above (\$0.5 million annually);
- the estimated TOT increase due to the increase in the rate from 10% to 14%;
- An ongoing vacancy factor of 3% in future years, reflecting the likelihood that there will always be some vacancies throughout the organization;
- An ongoing annual \$1.1 million reduction to transfer from the General Fund to the Streets Rehabilitation CIP, reflecting the ongoing new County Measure B funds that will replace General Funds;
- Salaries and benefits will continue to be refined between now and the proposed budget process as departments update their proposed budget for 2019-20.

The five year estimated revenues and operating transfers in for the status quo budget are expected to total \$618 million, assuming continued economic health. The five year expenditures and operating transfers out are expected to total \$592.4 million, with another \$1.25 million committed over five years to fund the Artificial Turf Replacement Reserve (\$250,000 annually) per Council direction. That means that over the next five years,

¹ Adopted budget had a net draw from reserves (including prior years’ savings) of \$2.65 million. Changes added at the Phase I midyear review in December resulted in a net additional draw of \$2.1 million. Adjustments being brought to Council tonight for a “status quo”, that is, for services already approved, reflect a net of \$5.0 million. These numbers can be seen in the Reserves summary table above.

assuming no downturn and before funding the annual capital improvement program or any new priorities, the General Fund is expected to generate a net addition to Reserves of \$24.4 million, or an average of \$4.9 million per year. However, it is important to note that there are several priority areas that will need funding such as addressing our infrastructure needs, paying down CalPERS or OPEB liabilities, rebalancing reserves, and funding any new programs or services. Thus, with the exception of the high priority additions included in this report, staff recommends additional funding commitments to ongoing service level increases be made when a revised five year projection is brought to the Council as part of the budget process that will include a status quo budget (current commitments to services and programs) on an ongoing basis, as well as a second version that folds in the effects of a mild economic downturn.

When folding in staff's recommended requests to the status quo budget described in sections above (one time capital improvement adjustments of a net \$490,000, one-time operating budget augmentations of \$512,852, and ongoing service level increases totaling \$227,733 for the remainder of this fiscal year), the proposed budget changes leave a net operating surplus of \$1.1 million to be added to reserves by year end, compared to last fiscal year actual balances. Note that with the ongoing personnel and equipment recommendations folded in on an annualized basis (full year funding for recommended new hires), the ongoing costs increase by an additional \$678,267. These additions and ongoing funding reduce the five year estimate of net additions to Reserves from \$24.4 million in a status quo budget to additions that net \$20.0 million, with a decreased annual addition to the General Fund of \$3.9 million per year (from \$4.9 million per year).

Contingency Reserve

Per Budget Guidelines, the City Manager has discretion to appropriate funds in an aggregate amount not to exceed the equivalent of 1% of the General Fund budget. The City Council must be notified in writing of use of the contingency funds, giving the reason for the uses, the amounts of the revisions and the year-to-date total amount of revisions. Below is a summary of uses of this reserve in FY 2018-19. As noted in the table, the remaining balance after all commitments will be \$288,134.

Potential Agreements to Be Funded by CM Contingency

| <u>Vendor</u> | <u>Agreement Name</u> | <u>Dollar Amount</u> |
|--------------------------|---|----------------------|
| HVS | TOT Analysis | \$ 25,000 |
| TBD | Real Estate Services | \$ 75,000 |
| Lew Edwards Group | TOT Ballot Measure Messaging | \$ 20,000 |
| Shawn Spano | Coaching and Employee Engagement | \$ 75,000 |
| Matrix Consulting | Development Services Fee Study* | \$ 266,475 |
| Citygate Associates, LLC | Standards of Cover (Fire Department) | \$ 86,621 |
| HdL | HdL Property Tax Consulting (agreement preparation in progress) | \$ 16,325 |
| FM3 | FM3 Community Survey | \$ 50,600 |
| Management Partners | Management Partners Staffing Analysis | \$ 15,000 |
| | Financial Consulting | \$ 75,000 |
| | Cannabis Community Meetings | \$ 8,345 |
| | Council Retreat | \$ 8,500 |
| Articulate Solutions | Community Engagement and Economic Development Outreach | \$ 90,000 |

TOTAL COMMITTED **\$ 811,866**

**already approved by Council during the 10/2/19 meeting*

FY 2018-19 Contingency Account (100-910-4640) \$ 1,100,000

Remainder after Funding Current Commitments **\$ 288,134**

Policy Alternative:

Alternative 1: Do not adopt proposed changes as shown in Exhibit 1, Midyear Budget Phase II Requests
 Pros: Would result in consistent service levels with the adopted budget and would save money.

Cons: Does not address community and Council priorities related to additional capital improvements and/or programs and services, such as responding to crime prevention in a cost effective manner, increasing tree maintenance throughout the City, and addressing community odor concerns. Not approving proposed changes would also delay much needed support for front line departments to provide a high level of service to the community as well as critical support services such as purchasing and human resource services to City staff.

Reason not recommended: The City of Milpitas has adequate funds to add these Midyear requests. Approving these requests would enable staff to continue to provide a high level of service to the community and for critical internal service functions to support the delivery of these services.

Fiscal Impact:

Taking into account the latest revenue and expenditure information and trends discussed above, and if Council approves the recommended Midyear Phase II Adjustments totaling approximately \$1.2 million in net, will leave FY 2018-19 with an estimated net addition to Reserves of approximately \$1.1 million. The current Five-Year estimate shows an average net annual addition to Reserves of \$4.0 million (Exhibit 4).

However, it is important to note that this does not include the current Council policy of funding 50% of General Fund annual operating surpluses to the Public Employees Retirement (PERS) Reserve after all General Fund Contingency Reserve requirements have been met, per the City's reserve policy. Staff will address all General Fund Reserves as part of the upcoming proposed budget process, when five year projections are shown presenting a status quo service level budget and the impacts of a mild economic downturn.

A citywide staffing analysis was just completed, and more detailed staffing analysis studies for Fire, Police, and Development Services (Planning, Building, Fire, and Engineering) are underway. Any staffing recommendations that result from the detailed studies may also require additional support staff to be added. Based on the current growth in the City, the opening of the new BART station, and the anticipated population growth, staff is anticipating the need for Council consideration of additional staffing needs in the FY 2019-20 budget process.

For context, it is important to note that in FY 2008-09, there were 498 full time authorized positions to serve a population of 69,000. Current staffing levels are at 389 full time authorized positions to serve a population of over 78,000. Thus, at a time when development activity in the City has quadrupled and population has grown by approximately 13 percent, number of authorized FTEs are 109 or 22 percent less than a decade ago. The citywide staffing analysis also showed that to reach an average level of staffing as compared to peers, the City would need to add an additional 189 positions. Although this is not a realistic scenario, it is anticipated that the City would need to gradually add some additional staff over the next five years in order to continue to deliver a high level of service to the growing community.

Recommendations:

1. Receive a report on Updated Five-Year Projection and General Fund Reserves for Fiscal Year ended June 30, 2019, approve Phase II Mid-Year budget appropriations and changes to the FY 2018-19 Budget.
2. Approve a budget amendment to update FY 2018-19 Revenues and Expenditures to reflect changes shown in this report, and appropriate FY 2018-19 Midyear Phase II Budget adjustments.
3. Adopt a Resolution amending the City's Classification Plan, establishing new classifications, position authorizations and reclassifications for the Human Resources, Police, Fire and Recreation Departments, as recommended by the Human Resources Director.
4. Receive a report on use of the contingency reserve.

Attachments:

1. Midyear Budget Phase II Requests
2. Resolution amending the City's Classification Plan and Establish new Classifications
3. General Fund Updated 5 Year Projection for FY 19-20 through 23-24, status quo
4. General Fund Updated 5 Year Projection for FY 19-20 through 23-24, with proposed budget changes to the FY 2018-19 Budget.

| | A | B | C | D | I | J | K | L | M | N | O | P |
|-----|---|---|---|----------|---|------------------|------------------|----------|----------|----------|----------|----------|
| 494 | Expenditures Adjustments - Midyear Requests (Phase II) | | | | | | | | | | | |
| 495 | One-Time Requests | | | | | | | | | | | |
| 496 | | | | | | | | | | | | |
| 497 | Engineering Department | | | | | | | | | | | |
| 498 | EN1 | Trail and Bikeway Pedestrian Master Plan | | 0 | | 110,000 | 110,000 | 0 | 0 | 0 | 0 | 0 |
| 499 | EN2 | Fire Station 2 Replacement (CIP) | | 0 | | 250,000 | 250,000 | 0 | 0 | 0 | 0 | 0 |
| 500 | EN3 | Lower Berryessa Crk. Ped. Trail and Bridge (CIP) | | 0 | | 1,500,000 | 1,500,000 | 0 | 0 | 0 | 0 | 0 |
| 501 | EN4 | Pines Pilot Parking Permit Program | | 0 | | 230,000 | 230,000 | 0 | 0 | 0 | 0 | 0 |
| 502 | EN5 | Street Resurfacing Project (CIP) | | 0 | | (1,600,000) | (1,600,000) | 0 | | | | |
| 503 | | Total Engineering Requests | | 0 | | 490,000 | 490,000 | 0 | 0 | 0 | 0 | 0 |
| 504 | | | | | | | | | | | | |
| 505 | Finance Department | | | | | | | | | | | |
| 506 | FN1 | Modernization of purchasing and contract support | | 0 | | 150,000 | 150,000 | 0 | | 0 | 0 | 0 |
| 507 | | Total Finance Requests | | 0 | | 150,000 | 150,000 | 0 | 0 | 0 | 0 | 0 |
| 508 | | | | | | | | | | | | |
| 509 | Fire Department | | | | | | | | | | | |
| 510 | FD1 | Increase in Fire Overtime (new officer training backfill) | | 0 | | 84,852 | 84,852 | 0 | 0 | 0 | 0 | 0 |
| 511 | FD2 | Personal Protective Equipment for New Hire Firefighters | | 0 | | 43,000 | 43,000 | 0 | 0 | 0 | 0 | 0 |
| 512 | | Total Fire Requests | | 0 | | 127,852 | 127,852 | 0 | 0 | 0 | 0 | 0 |
| 513 | | | | | | | | | | | | |
| 514 | Planning Department | | | | | | | | | | | |
| 515 | PN1 | Add \$250,000 for CEQA Analysis for the Midtown Specific Plan Update (CIP 3427) | | 0 | | 250,000 | 250,000 | 0 | 0 | 0 | 0 | 0 |
| 516 | | Total Planning Requests | | 0 | | 250,000 | 250,000 | 0 | 0 | 0 | 0 | 0 |
| 517 | | Transfer to CIP Fund from Community Planning Fund | | | | (250,000) | (250,000) | 0 | | | | |
| 518 | | Net Planning Requests | | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 519 | | | | | | | | | | | | |
| 520 | Public Works Department | | | | | | | | | | | |
| 521 | PW1 | Increase Budget for Tree Maintenance by \$150,000 for priority tree removal | | 0 | | 150,000 | 150,000 | 0 | 0 | 0 | 0 | 0 |
| 522 | PW2 | Community Odor Monitoring Program | | 0 | | 85,000 | 85,000 | 0 | 0 | 0 | 0 | 0 |
| 523 | | Total Public Works Requests | | 0 | | 235,000 | 235,000 | 0 | 0 | 0 | 0 | 0 |
| 524 | | | | | | | | | | | | |
| 525 | | Total Phase II One-Time Requests | | 0 | | 1,002,852 | 1,002,852 | 0 | 0 | 0 | 0 | 0 |
| 526 | | | | | | | | | | | | |
| 527 | Expenditures Adjustments - Midyear Requests (Phase II) | | | | | | | | | | | |
| 528 | Ongoing Requests | | | | | | | | | | | |
| 529 | | | | | | | | | | | | |
| 530 | HR Department | | | | | | | | | | | |
| 531 | HR1 | Add one (1) Assistant HR Director (2 | | 0 | | 47,700 | 47,700 | 301,201 | 316,472 | 331,644 | 346,184 | 359,789 |
| 532 | HR2 | Add one (1) HR Technician | | 0 | | 21,563 | 21,563 | 136,157 | 143,061 | 149,919 | 156,492 | 162,642 |
| 533 | | Total HR Requests | | 0 | | 69,263 | 69,263 | 437,359 | 459,533 | 481,563 | 502,675 | 522,431 |
| 534 | | | | | | | | | | | | |
| 535 | Fire Department | | | | | | | | | | | |
| 536 | FD3 | (3) incident command vehicles | | 0 | | 127,411 | 127,411 | 55,793 | 59,000 | 62,000 | 65,000 | 68,000 |
| 537 | FD4 | Reclassify three (3) Firefighters to Fire Engineers (2 months) | | 0 | | 6,904 | 6,904 | 43,926 | 46,050 | 48,088 | 49,929 | 51,505 |
| 538 | | Total Fire Requests | | 0 | | 134,315 | 134,315 | 99,719 | 105,050 | 110,088 | 114,929 | 119,505 |
| 539 | | | | | | | | | | | | |

| | A | B | C | D | I | J | K | L | M | N | O | P |
|-----|--------------------------------|--|---|----------|----------|------------------|------------------|----------------|----------------|----------------|----------------|----------------|
| 540 | Police Department | | | | | | | | | | | |
| 541 | PD1 | Add two (2) Community Service Officers in Patrol Services to address increased public safety needs (1 month) | | 0 | | 21,168 | 21,168 | 267,326 | 280,880 | 294,345 | 307,250 | 319,325 |
| 542 | | Total PD Requests | | 0 | | 21,168 | 21,168 | 267,326 | 280,880 | 294,345 | 307,250 | 319,325 |
| 543 | | | | | | | | | | | | |
| 544 | Recreation Department | | | | | | | | | | | |
| 545 | RC1 | Reclassify Case Manager to Program Coordinator (2 months) | | 0 | | 2,987 | 2,987 | 18,860 | 19,816 | 20,766 | 21,677 | 22,529 |
| 546 | | Total PD Requests | | 0 | | 2,987 | 2,987 | 18,860 | 19,816 | 20,766 | 21,677 | 22,529 |
| 547 | | | | | | | | | | | | |
| 548 | | Total Phase II Ongoing Requests | | 0 | | 227,733 | 227,733 | 823,264 | 865,278 | 906,763 | 946,530 | 983,789 |
| 549 | | | | | | | | | | | | |
| 550 | Total Phase II Requests | | | 0 | 0 | 1,230,585 | 1,230,585 | 823,264 | 865,278 | 906,763 | 946,530 | 983,789 |
| 551 | | | | | | | | | | | | |

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING
RESOLUTION NO. 1626, THE CLASSIFICATION PLAN, TO ESTABLISH NEW
CLASSIFICATIONS, POSITION AUTHORIZATIONS AND RECLASSIFICATIONS IN THE
HUMAN RESOURCES, POLICE, FIRE, AND RECREATION DEPARTMENTS**

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; and

WHEREAS, the annual mid-year budget process necessitates new classifications and salary ranges, changes in position authorizations and reclassifications that will result in modifications 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 February 19, 2019, as follows:

**A. ESTABLISH NEW CLASSIFICATIONS WITH THE FOLLOWING TITLES
AND SALARY RANGES:**

| Title | Proposed Salary Range |
|---------------------------------------|------------------------------|
| i. Assistant Human Resources Director | \$129,716.86 - \$181,607.92 |
| ii. Community Service Officer | \$ 75,652.72 - \$ 91,956.80 |

B. AUTHORIZE THE FOLLOWING POSITIONS:

- i. Authorize one (1) Assistant Human Resources Director in the Human Resources Department
- ii. Authorize one (1) Human Resources Technician in the Human Resources Department
- iii. Authorize two (2) Community Service Officers in the Police Department

C. AUTHORIZE RECLASSIFYING THE FOLLOWING POSITION(S):

- i. Authorize the reclassification of three (3) Firefighter positions to three (3) Fire Engineer positions in the Fire Department
- ii. Authorize the reclassification of one (1) Case Manager to one (1) Program Coordinator in the Recreation and Community Services Department

3. The City Council directs the Human Resources Director to create job descriptions for the above new classifications to include in the Classification Plan and submit them to the City Manager for approval on or before the date of position activation.

PASSED AND ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

| | A | B | C | D | I | J | K | L | M | N |
|-----|--|---|--|-----------------------|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 4 | | | | Adopted Budget | Revised Budget | Projection | Projection | Projection | Projection | Projection |
| 5 | | | | FY18-19 | FY18-19 | FY19-20 | FY20-21 | FY21-22 | FY22-23 | FY23-24 |
| 6 | | | | | | | | | | |
| 7 | REVENUES | | | | | | | | | |
| 15 | | | Property Taxes | 24,774,000 | 27,075,136 | 27,874,000 | 28,711,000 | 29,573,000 | 30,224,000 | 30,893,000 |
| 17 | | | RPTTF Distributions (residual) | 6,631,000 | 6,206,000 | 6,268,000 | 6,456,000 | 6,650,000 | 6,717,000 | 6,784,000 |
| 23 | | | Sales & Use Tax | 28,520,056 | 28,305,900 | 27,601,642 | 28,342,577 | 29,292,921 | 30,245,063 | 31,201,804 |
| 27 | | | Other Taxes | 1,305,000 | 1,094,747 | 1,128,000 | 1,158,000 | 1,189,000 | 1,223,000 | 1,259,000 |
| 35 | | | Franchise Fees | 4,730,851 | 4,762,160 | 4,937,000 | 5,140,000 | 5,271,000 | 5,418,000 | 5,670,000 |
| 69 | | | Hotel/Motel Tax | 12,693,000 | 15,493,553 | 18,939,769 | 20,193,728 | 22,874,160 | 24,602,658 | 25,533,381 |
| 101 | | | License & Permits | 9,781,714 | 12,468,019 | 12,068,337 | 12,415,383 | 12,181,379 | 11,727,901 | 11,386,000 |
| 114 | | | Fine & Forfeitures | 471,500 | 429,000 | 473,000 | 477,000 | 481,000 | 485,000 | 489,000 |
| 123 | | | Interest Income | 756,000 | 756,000 | 778,590 | 793,682 | 809,795 | 830,215 | 854,962 |
| 156 | | | Intergovernmental | 555,500 | 778,136 | 1,148,428 | 889,048 | 585,834 | 447,000 | 452,000 |
| 214 | | | Charges for Services | 7,452,954 | 6,673,536 | 6,974,000 | 7,113,000 | 7,253,000 | 7,434,000 | 7,655,000 |
| 231 | | | Other Revenues | 41,000 | 46,000 | 41,000 | 41,000 | 41,000 | 41,000 | 41,000 |
| 268 | | | Operating Transfers In | 6,355,432 | 6,355,432 | 7,646,000 | 7,843,000 | 8,046,000 | 8,255,000 | 8,470,000 |
| 269 | | | | | | | | | | |
| 270 | | | Total Revenues and Op Transfers In | 104,068,007 | 110,443,619 | 115,877,766 | 119,573,417 | 124,248,090 | 127,649,837 | 130,689,147 |
| 276 | | | | | | | | | | |
| 277 | EXPENDITURES | | | | | | | | | |
| 295 | | | Salaries | 49,260,801 | 44,211,386 | 50,200,076 | 51,602,302 | 53,053,902 | 54,602,272 | 56,173,592 |
| 317 | | | Benefits | 33,350,240 | 33,697,457 | 37,415,719 | 39,891,260 | 42,203,260 | 42,809,260 | 44,202,260 |
| 403 | | | Services & Supplies | 19,236,620 | 19,421,182 | 19,756,863 | 20,434,314 | 20,712,246 | 21,510,664 | 21,996,583 |
| 427 | | | Capital Outlay | 186,968 | 186,968 | 192,000 | 10,000 | 10,000 | 10,000 | 10,000 |
| 449 | | | Operating Transfers Out | 4,683,378 | 10,613,149 | 2,648,844 | 2,792,459 | 3,014,376 | 3,344,901 | 3,827,079 |
| 450 | | | | | | | | | | |
| 451 | | | | | | | | | | |
| 452 | | | Total Expenditures and Op Transfers | 106,718,007 | 108,130,142 | 110,213,502 | 114,730,335 | 118,993,784 | 122,277,098 | 126,209,514 |
| 453 | | | | | | | | | | |
| 454 | | | Technology Replacement Reserve | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 455 | | | Artificial Turf Replacement | 0 | 0 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 |
| 456 | | | Net Funding of Reserves | 0 | 0 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 |
| 457 | | | | | | | | | | |
| 458 | | | | | | | | | | |
| 459 | Net Operating Results before Phase II Adjustments | | | (2,650,000) | 2,313,477 | 5,414,264 | 4,593,082 | 5,004,306 | 5,122,739 | 4,229,633 |

| | A | B | C | D | E | F | G | H | I | J | K | L |
|-----|---|---|--|-------------------|----------------------|----------------|--------------------|-----------------|----------------------|-------------------------|-------------------------|----|
| 461 | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| 463 | | | Reserve | Balance at | 18-19 Adopted | Phase I | | Phase II | 18-19 Revised | Recommended | Variance from | |
| 464 | | | <i>Contribution (draw) from reserves</i> | 6/30/18 | Budget | Changes | FIN Changes | Changes | Budget | Long-Term Target | Long-Term Target | |
| | | | | \$ - | \$ (2,650,000) | \$ (2,076,703) | \$ 7,040,181 | n/a | \$ 2,313,477 | | | |
| | | | #33 - Total Unassigned General Fund | | | | | | | | | |
| 467 | | | (16.67%) | \$ 36,495,942 | \$ (2,650,000) | (3,826,703) | \$ 7,040,181 | n/a | 37,059,419 | \$ 18,025,295 | \$ 19,034,125 | * |
| 468 | | | #34 - Budget Stabilization | \$ 4,000,000 | \$ - | 1,000,000 | | n/a | 5,000,000 | \$ 8,300,000 | \$ (3,300,000) | |
| 469 | | | #35 - PERS Stabilization | \$ 29,892,501 | \$ - | | | n/a | 29,892,501 | \$ 186,770,421 | \$ (156,877,920) | ** |
| 470 | | | #43- Technology Replacement | \$ 1,000,000 | \$ - | | | n/a | 1,000,000 | \$ 5,000,000 | \$ (4,000,000) | |
| 471 | | | #44 - Facilities Replacement | \$ 2,000,000 | \$ - | 500,000 | | n/a | 2,500,000 | \$ 10,000,000 | \$ (7,500,000) | |
| 472 | | | #45 - Artificial Turf Replacement | \$ 750,000 | \$ - | \$ 250,000 | | n/a | \$ 1,000,000 | n/a | n/a | |
| 473 | | | | \$ 74,138,443 | \$ (2,650,000) | \$ (2,076,703) | \$ 7,040,181 | \$ - | \$ 76,451,920 | \$ 228,095,716 | \$ (152,643,795) | |
| 475 | | | | | | | | | | | | |
| 476 | | | | | | | | | | | | |
| 477 | | | | | | | | | | | | |
| 478 | | | | | | | | | | | | |

*16.67% of General Fund FY 18-19 projected operating expenditures (including Transfers Out) before Midyear Requests

**Net Pension Liability across both its safety and miscellaneous pension plans for the fiscal year ended June 30, 2018

| | A | B | C | D | I | J | K | L | M | N | O | P |
|-----|---------------------|---|---|---------------------------|------------------------------|----------------------------------|---------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| | | | | Adopted Budget FY18-19 | Revised Budget FY18-19 | Proposed Requests FY 18-19 | Projected Budget FY 18-19 | Projection FY19-20 | Projection FY20-21 | Projection FY21-22 | Projection FY22-23 | Projection FY23-24 |
| 7 | REVENUES | | | | | | | | | | | |
| 15 | | | Property Taxes | 24,774,000 | 27,075,136 | 0 | 27,075,136 | 27,874,000 | 28,711,000 | 29,573,000 | 30,224,000 | 30,893,000 |
| 17 | | | RPTTF Distributions (residual) | 6,631,000 | 6,206,000 | 0 | 6,206,000 | 6,268,000 | 6,456,000 | 6,650,000 | 6,717,000 | 6,784,000 |
| 23 | | | Sales & Use Tax | 28,520,056 | 28,305,900 | 0 | 28,305,900 | 27,601,642 | 28,342,577 | 29,292,921 | 30,245,063 | 31,201,804 |
| 27 | | | Other Taxes | 1,305,000 | 1,094,747 | 0 | 1,094,747 | 1,128,000 | 1,158,000 | 1,189,000 | 1,223,000 | 1,259,000 |
| 35 | | | Franchise Fees | 4,730,851 | 4,762,160 | 0 | 4,762,160 | 4,937,000 | 5,140,000 | 5,271,000 | 5,418,000 | 5,670,000 |
| 69 | | | Hotel/Motel Tax | 12,693,000 | 15,493,553 | 0 | 15,493,553 | 18,939,769 | 20,193,728 | 22,874,160 | 24,602,658 | 25,533,381 |
| 101 | | | License & Permits | 9,781,714 | 12,468,019 | 0 | 12,468,019 | 12,068,337 | 12,415,383 | 12,181,379 | 11,727,901 | 11,386,000 |
| 114 | | | Fine & Forfeitures | 471,500 | 429,000 | 0 | 429,000 | 473,000 | 477,000 | 481,000 | 485,000 | 489,000 |
| 123 | | | Interest Income | 756,000 | 756,000 | 0 | 756,000 | 778,590 | 793,682 | 809,795 | 830,215 | 854,962 |
| 156 | | | Intergovernmental | 555,500 | 778,136 | 0 | 778,136 | 1,148,428 | 889,048 | 585,834 | 447,000 | 452,000 |
| 214 | | | Charges for Services | 7,452,954 | 6,673,536 | 0 | 6,673,536 | 6,974,000 | 7,113,000 | 7,253,000 | 7,434,000 | 7,655,000 |
| 231 | | | Other Revenues | 41,000 | 46,000 | 0 | 46,000 | 41,000 | 41,000 | 41,000 | 41,000 | 41,000 |
| 267 | | | Operating Transfers In | 6,355,432 | 6,355,432 | 0 | 6,355,432 | 7,646,000 | 7,843,000 | 8,046,000 | 8,255,000 | 8,470,000 |
| 268 | | | | | | | | | | | | |
| 269 | | | Total Revenues and Op Transfers In | 104,068,007 | 110,443,619 | 0 | 110,443,619 | 115,877,766 | 119,573,417 | 124,248,090 | 127,649,837 | 130,689,147 |
| 275 | | | | | | | | | | | | |
| 276 | EXPENDITURES | | | | | | | | | | | |
| 294 | | | Salaries | 49,260,801 | 44,211,386 | 312,585 | 44,523,971 | 51,000,882 | 52,443,987 | 53,935,945 | 55,523,007 | 57,130,584 |
| 316 | | | Benefits | 33,350,240 | 33,697,457 | 0 | 33,697,457 | 37,415,719 | 39,891,260 | 42,203,260 | 42,809,260 | 44,202,260 |
| 402 | | | Services & Supplies | 19,236,620 | 19,421,182 | 555,411 | 19,976,593 | 19,812,655 | 20,493,314 | 20,774,246 | 21,575,664 | 22,064,583 |
| 426 | | | Capital Outlay | 186,968 | 186,968 | 0 | 186,968 | 192,000 | 10,000 | 10,000 | 10,000 | 10,000 |
| 448 | | | Operating Transfers Out | 4,683,378 | 10,613,149 | 490,000 | 11,103,149 | 2,648,844 | 2,792,459 | 3,014,376 | 3,344,901 | 3,827,079 |
| 449 | | | | | | | | | | | | |
| 450 | | | | | | | | | | | | |
| 451 | | | Total Expenditures and Op Transfer | 106,718,007 | 108,130,142 | 1,357,996 | 109,488,138 | 111,070,100 | 115,631,020 | 119,937,826 | 123,262,832 | 127,234,506 |
| 452 | | | | | | | | | | | | |
| 453 | | | Technology Replacement Reserve | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 454 | | | Artificial Turf Replacement | 0 | 0 | 0 | 0 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 |
| 455 | | | Net Funding of Reserves | 0 | 0 | 0 | 0 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 |
| 456 | | | | | | | | | | | | |
| 457 | | | | | | | | | | | | |
| 458 | | | Net Operating Results | (2,650,000) | 2,313,477 | (1,357,996) | 955,481 | 4,557,665 | 3,692,398 | 4,060,263 | 4,137,005 | 3,204,641 |



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|------------------------|--|
| Item Title: | Authorize the City Manager to Execute Agreement with Alta Planning and Design for a Trails Master Plan Update and Bikeway and Pedestrian Master Plan Update; and appropriate funds |
| Category: | Consent Calendar-Community Development |
| Meeting Date: | 2/26/2019 |
| Staff Contact: | Steve Erickson, 408-586-3301 |
| Recommendation: | Approve a budget appropriation of \$110,000 from the FY 2018-19 estimated General Fund surplus to Trails and Bikeway Master Plan Update, Project No. 3448; and authorize the City Manager to execute a Consultant Services Agreement with Alta Planning and Design in the amount of \$193,183 for Professional Services for the Trails and Bikeway Master Plan Update, Project No. 3448. |

BACKGROUND:

The Trails and Bikeway Master Plan Update, Project No. 3448, is included in the FY 2018-2023 Capital Improvement Program. This project will provide an update to the City's Trails and Bikeway Master Plan.

The updated master plan will provide recommended improvements for connectivity to local destinations for all users. The plan will identify gaps in the City's regional trail system, develop trail design guidelines to suit ability for all trail users, support economic development, and enhance the quality of life for residents. The updated plan will consider bikeway & pedestrian uses, and would explore enhancement of existing networks and recommend opportunities for improvement and expansion. The update will incorporate the Complete Street Design Best Practices for installation of sidewalks; green bike lanes; buffered/separated bike lanes; bike and pedestrian trail connectivity and opportunities to address the needs for commuter and recreational pedestrians and bicyclists to access transit hubs; work; recreational; and retail destinations.

The plan update scopes of work will involve community outreach and coordination with neighboring jurisdictions such as Valley Transportation Authority (VTA), Santa Clara Valley Water District (SCVWD), City of Fremont, City of San Jose, and County of Santa Clara to provide seamless connection to trail, pedestrian, and bicycle networks within and beyond the city limit.

ANALYSIS:

Staff completed a scope of work for the project and commenced advertisement of a Request for Proposals (RFP) on December 18, 2018. Proposals were due January 7, 2019. Only one proposal was received from Alta Planning + Design on January 7. Staff reviewed the proposal and determined the consultant is well qualified and expressed an understanding of the project tasks. Staff negotiated a total fee of \$193,183 for the master plan update which is reasonable for the requested services.

Project 3448 Trails and Bikeway Master Plan Update is included in the current FY 2018-2023 Capital Improvement Program with \$100,000 in project funding. A budget appropriation is required to award the consultant services agreement for this project. Staff recommends the approval of a budget appropriation of \$110,000 from FY2018-19 Estimated General Fund Surplus into phase 1 of the Trails and Bikeway Master Plan Update, Project No. 3448, for a total project budget of \$210,000. It is also recommended City Manager is authorized to execute a consultant services agreement with Alta Planning + Design for the Trails and Bikeway Master Plan Update, Project No. 3448 in the amount of \$193,183.

POLICY ALTERNATIVE:

Alternative 1: Not approve the requested budget appropriation and not execute a contract with Alta Planning + Design for the completion of Project No. 3448, Trails and Bikeway Master Plan Update.

Pros: None

Cons: The project to update the Trails and Bikeway Master Plan would be delayed or not completed, which would not allow for improvement of pedestrian connectivity or bicycle safety improvements.

Reason for not recommending: It has been several years since the City had last updated its master plan. The completion of new residential and commercial development and the opening of the new BART station have created a need to revisit the master plan and to determine where connectivity and safety improvements for bicycles and pedestrians can be achieved.

FISCAL IMPACT:

This project has an approved budget of \$100,000 funded in FY 2018-19 through General Government CIP Funding. The approval of a budget appropriation of \$110,000 from the FY 2018-19 Estimated General Fund Surplus that will go to City Council as part of the Phase Mid-year budget adjustments on February 19, 2019. Project No. 3448 is required to execute the services agreement for this project. A summary of the fiscal impact below:

| Description | FY 18-19 CIP Budget | Requested Additional Funding | Total Budget |
|--------------------|----------------------------|-------------------------------------|---------------------|
| Design | \$90,000 | \$110,000 | \$200,000 |
| Administration | \$10,000 | | \$10,000 |
| Total | \$100,000 | | \$210,000 |

California Environmental Quality Act (CEQA): (if applicable)

Not Applicable

RECOMMENDATIONS:

1. Approve a budget appropriation of \$110,000 from the FY 2018-19 estimated General Fund surplus to Trails and Bikeway Master Plan Update, Project No. 3448; and
2. Authorize the City Manager to Execute a Consultant Services Agreement with Alta Planning + Design in the amount of \$193,183 for professional services for the Trails and Bikeway Master Plan Update, Project No. 3448.

Attachments:

- a) Professional Services Agreement with Alta Planning
- b) Budget Change Form

**CITY OF MILPITAS
PROFESSIONAL SERVICES AGREEMENT**

This Agreement is made and entered into as of February 20, 2019 (“Effective Date”) by and between the City of Milpitas, a municipal corporation organized and operating under the laws of the State of California with its principal place of business at 455 E. Calaveras Boulevard, Milpitas, California 95035 (“City”), and Alta Planning + Design Inc., a corporation with its principal place of business at 100 Webster Street, Suite 300, Oakland, CA 94607 (hereinafter referred to as “Consultant”). City and Consultant are sometimes individually referred to as “Party” and collectively as “Parties” in this Agreement.

RECITALS

A. City is a public agency of the State of California and is in need of professional services for the following project:

Trails and Bikeway Pedestrian Master Plan Update (hereinafter referred to as “the Project”).

B. Consultant is duly licensed and has the necessary qualifications to provide such services.

C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit “A.”

2. Compensation.

a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit “B.”

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of **\$193,183**. This amount is to cover all printing and related costs, and the City will not pay any additional fees for printing expenses. Periodic payments shall be made within 30 days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.

3. Additional Work.

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by both Parties before performance of such services, or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the contract period and for four (4) years from the date of final payment under the contract for inspection by City.

5. Term of Performance

The term of this Agreement shall be from **February 20, 2019 to June 30, 2020**, unless earlier terminated as provided herein. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Project. Consultant shall perform its services in a prompt and timely manner within the term of this Agreement and shall commence performance upon the commencement date of the term of this Agreement set forth above.

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Consultant

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

11. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under Exhibit "D" (Insurance Requirements), attached hereto and incorporated herein by this reference. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required therein.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

b. If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance of "design professional" services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are 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, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the 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. It shall be mandatory upon the Consultant and all subconsultants 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) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

b. If the services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code

Sections 1725.5 and 1771.1 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 1725.5 and 1771.1.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant's performance of services, including any delay, shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

16. Laws and Venue.

This Agreement 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 Agreement, the action shall be brought in a state or federal court situated in the County of Santa Clara, State of California.

17. Termination or Abandonment

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

18. Documents. Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

19. Organization

Consultant shall assign **Jeff Knowles** as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

20. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

21. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:

City of Milpitas

455 E. Calaveras Boulevard

Milpitas, California 95035

Attn: Fanny Yu

Engineering

CONSULTANT:

Alta Planning + Design, Inc.

100 Webster Street, Suite 300,

Oakland, CA 94067

Attn: Hugh Louch

and shall be effective upon receipt thereof.

22. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

23. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

24. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

25. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the provisions unenforceable, invalid or illegal.

26. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

27. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either party, unless such waiver is specifically specified in writing.

28. Time of Essence

Time is of the essence for each and every provision of this Agreement.

29. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

30. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

31. Wage Theft Prevention

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

b. BY SIGNING THIS AGREEMENT, CONSULTANT AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY, FINDING IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT THAT CONSULTANT OR ITS SUBCONSULTANTS HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONSULTANT FURTHER AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) HAS EITHER FULLY SATISFIED EACH JUDGMENT, DECISION OR ORDER, OR, IF ANY JUDGMENT, DECISION OR ORDER HAS NOT BEEN FULLY SATISFIED, CONSULTANT AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) IS CURRENTLY SATISFYING SAID JUDGMENT, DECISION OR ORDER THROUGH A PAYMENT OR ALTERNATIVE PLAN APPROVED BY THE APPLICABLE COURT/GOVERNMENT AGENCY AND THAT CONSULTANT OR ITS SUBCONSULTANT(S) ARE IN COMPLIANCE WITH SAID PLAN AS OF THE DATE OF EXECUTING THIS AGREEMENT.

c. If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that Consultant or a subconsultant it employs to perform work under this Agreement has violated any applicable wage and hour law, or Consultant learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Consultant 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. Consultant or its subconsultant(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 Consultant or its subconsultant is subject to a payment or other alternative plan, the Consultant or its subconsultant shall continue to submit documentary evidence every thirty (30) calendar days during the term of the Agreement demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied.

d. For purposes of this Section, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant investigatory government agencies include: the United States Department of Labor, the California Division of Labor Standards Enforcement, the City, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

e. Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

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

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MILPITAS
AND ALTA PLANNING + DESIGN, INC.**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF MILPITAS

Approved By:

Julie Edmonds-Mares
City Manager

Date

Approved As To Form:

Christopher J. Diaz
City Attorney

Approved As To Scope:

Will Fuentes
Director of Finance

Approved As To Content:

Steven P. Erickson
Engineering Director/City Engineer

ALTA PLANNING + DESIGN, INC.

Signature

Name

Title

Date

DIR Registration Number (If Applicable)

EXHIBIT A
Scope of Services

Execution Plan (Scope of Services/Work)

This project will update two plans for the City of Milpitas - a citywide Trail Plan and a Bicycle and Pedestrian Master Plan. These plans for the City of Milpitas that provides a vision and action plan for the City to improve safe and convenient travel by active transportation modes in Milpitas.

Task 1. Kick-Off and Administration

Task 1.1 Kick off and Administration

Alta will plan and facilitate a project kick-off meeting and stakeholder strategy session to clarify the project scope, background, and priorities. At the conclusion of this meeting, Alta will develop a final project management plan, including a data request memo and a proposed public engagement plan.

Throughout the project, there will be ongoing coordination between Alta's project manager and the City of Milpitas project manager - including email, phone and written communication to keep the City up-to-date on Plan development. Alta will conduct monthly project management meetings to review project status, schedule, and budget and provide meeting notes at the conclusion of each meeting.

The kick-off meeting will address:

- City's goals, visions, objectives, expectations
- Key issues, opportunities, and areas of concern
- Revisions (if needed) of project scope, deliverables, and budget
- Public outreach and agency coordination
- Data or information needed to be provided by the City
- Project Milestone and Deliverable Schedule

Task 1.2 Coordination with Neighboring Jurisdictions

During the course of the project, Alta will coordinate with the cities of Fremont and San Jose, and the Valley Transportation Authority (VTA) to ensure that the proposed improvements for Milpitas are well integrated into the regional bicycle and pedestrian networks. Alta will attend up to 6 meetings with these partners, either individually or in groups as appropriate.

Deliverables

- Final project management plan
- Monthly meeting notes
- Agenda and notes for coordination meetings with neighbors and partners

Task 2. Assess Existing Conditions & Research

TASK 2.1 EXISTING CONDITIONS

Alta will submit a data request memo to the City, ensuring we have all available relevant data, plans, policies, and regulations currently available. Alta will review Milpitas's existing bicycle and pedestrian facilities and supporting infrastructure using data provided by the City. This includes:

- Pedestrian, bikeway, and trail inventory, including sidewalks, crosswalks, and bikeways.
- Roadway characteristic data provided by the City, County, or Caltrans staff (including number of travel lanes, roadway/travel lane width, speed limits/speed survey data, and traffic volume data (as available)).
- Existing and proposed land use data available from the City.

Milpitas Trails Master Plan Update and Bikeway & Pedestrian Master Plan Update

- Demographic data (population, employment, and other information) from the Census, including from the American Community Survey.
- Points of interest and key destinations, including commercial areas, schools, parks, transit stations and stops, and others.

Selective fieldwork will be conducted to verify critical elements of the City's existing facilities in person, supported by a review of available aerial photography and/or Google StreetView.

Alta will develop a set of maps, tables, and narrative that describe the existing bicycle and pedestrian network and conditions.

TASK 2.2 DOCUMENT REVIEW

Alta will also review existing plans and studies from partners of neighboring jurisdictions, including bicycle, pedestrian, and trail plans from the cities of San Jose and Fremont, studies from VTA including the Tasman Complete Streets Plan, Countywide Bicycle and Pedestrian Plan, and transit access and planning studies. Information from the Caltrans District 4 Bike Plan developed by Alta will also be integrated into this process.

TASK 2.3 PROGRAMS REVIEW

Alta will facilitate a meeting with City Parks and Recreation, City Police and other City agencies and local partners that provide existing bicycle and pedestrian programs in the City. Alta will document existing programs including Safe Routes to Schools (SRTS) programs, recreational programs and events run by the City, and any other efforts to encourage or educate residents of Milpitas on biking and walking safely.

The existing conditions, document review and programs review will be integrated into existing conditions chapters for the two plans.

TASK 2.4 BICYCLE AND PEDESTRIAN COUNTS (OPTIONAL)

Alta will contract with a data collection vendor to collect bicycle and pedestrian counts at up to 10 locations. Counts will be collected during AM and PM peak periods on 3 weekdays at each location.

Deliverables

- Data request memo (provided at kick off meeting)
- Maps, data tables, and narrative summarizing the existing network and prior plans
- Bicycle and pedestrian counts (optional)

Task 3. Community Outreach

TASK 3.1 PUBLIC OUTREACH AND ENGAGEMENT STRATEGY

As the City of Milpitas considers modifications to its physical infrastructure, it is critical to involve citizens and stakeholders in the process. Early and sustained involvement helps make a successful project, but drawn out schedules can sap the interest of all but most the serious advocates.

Alta will develop a detailed Public Outreach and Engagement Strategy that describes proposed events and identifies the schedule and key considerations for each event. This document will describe (1) the goals of the engagement effort, (2) the key audiences to reach within the City, and (3) the strategies (meetings, advertising, and other efforts), to reach these audiences.

Alta will continue to update the engagement strategy as the planning process continues, updating lists of stakeholders and other participants and identifying additional activities as needed to support the plan.

TASK 3.2 COMMUNITY INPUT MAP

Alta will provide the City with an online interactive community input map that allows the public to identify priority destinations for walking and biking, routes they would like to see improved, and similar information.

Milpitas Trails Master Plan Update and Bikeway & Pedestrian Master Plan Update

The map allows users to comment on input from other users, allowing for a dialogue among residents. Alta has developed a technology to support online map input that works well on computers, tablets and phones. The map will be up through the completion of Task 4 and can be continued through the length of the project if desired by the City.

TASK 3.3 COMMUNITY MEETINGS

Alta will facilitate four community meetings during the course of the project to highlight the two plans, focused on providing the public with tangible products that require public engagement. We propose to organize the outreach events around the following phases:

- Needs Workshop. We propose to conduct a set of public workshops that presents the findings of the existing conditions (Task 2) and the needs assessment (Task 4). The workshop will present the existing network and programs, gather feedback on network gaps and areas of concern, and review data on safety concerns, connectivity, and other factors. These two workshops could focus on each plan individually or cover both plans and be held in different areas of the City.
- Recommendations/Draft Plan. We propose to conduct a second set of workshops that presents draft recommendations for projects and programs for both the Trails Master Plan and the Bicycle and Pedestrian Plan. This second set of workshops will be conducted when all of the materials for the draft plans are ready, but with enough time to make modifications to the identified project needs and the project prioritization process (Task 5). Again, workshops can be held to focus on a single plan or can cover both plans at meetings in two different locations.

All public meeting input will be captured in a working paper and summarized in a chapter of the Plan.

TASK 3.4 POP UP EVENTS (OPTIONAL TASK)

Given the challenges of drawing interest to public meetings, we recommend considering conducting additional public outreach events that meet the public where they are. This may include farmers markets, community festivals, or other community gathering spots. We have found this approach to be very successful for engaging a broader cross-section of the community, including those who may be interested in walking and bicycling but who are not interested in attending public meetings.

For this optional task, Alta would conduct up to four pop-up meetings, which may include:

- Booths at community events
- A bicycling and walking tour of existing trails or on-street infrastructure or proposed projects

Deliverables

- Final public engagement strategy describing goals of the outreach and proposed events
- Community input map
- Public meeting materials, including input boards, presentations, comment cards, and similar opportunities
- Working paper that describes the various input methods and all of the input received
- Optional pop up meeting plan, materials, and summaries

Task 4. Identify Gaps and Needs

Alta will conduct a detailed assessment of gaps and needs for trails, on-street bicycle facilities, and pedestrian facilities. This assessment will quantify factors that impact walking and bicycling activity, locate network gaps as potential projects, and identify key pedestrian and bicycling areas based on demand and supply variables.

Our approach to this analysis includes:

Milpitas Trails Master Plan Update and Bikeway & Pedestrian Master Plan Update

- **Safety Analysis.** Alta will use data from the Statewide Integrated Traffic Records System (SWITRS) or local police data to identify where there have been collisions, injuries, and fatalities involving people walking and biking in Milpitas.
- **Demand Analysis.** Alta will use data about existing and proposed land use, trips, and others to identify where there is high demand for biking and walking in Milpitas. This will consider access to transit, schools, work, commercial destinations, and others. It will also make use of data from the VTA travel demand model to identify existing trips patterns that may be able to be served by trails, bike, and pedestrian infrastructure
- **Connectivity Analysis.** Alta will use data about existing multimodal infrastructure to develop an understanding of how well destinations and areas of demand are connected for people who want to walk and bike for both transportation and recreation. This analysis will include rating existing bikeway facilities for level of traffic stress (LTS) and pedestrian facilities for pedestrian level of service (PLOS). It will also consider how Milpitas bicycle, pedestrian and trail networks connect to the City's neighbors.
- **Design Review.** Alta will use best practices in trail, bicycle and pedestrian facility design to inform the review of existing facilities and identification of needs. Alta has helped develop many of these guides, including the NACTO Urban Bikeway Design Guide and the FHWA Small Town and Rural Multimodal Networks guide. Alta will use these, along with the dozens of design guides we have produced for local agencies to help inform this review.

Alta will use these analyses to identify:

- New Trail opportunities along creeks, other infrastructure right-of-ways, or adjacent to public street right of ways
- Gaps in existing bicycle networks, such as disconnected bike networks, intersection crossing needs and other conflict points,
- Gaps in pedestrian networks, such as sidewalk gaps, crossing needs in areas of pedestrian activities or at crossings of streets and other public right-of-ways
- Potential enhancements to trails and bicycle and pedestrian facilities to meet design standards
- Needs for bicycle facilities, such as bicycle parking, repair stations and other
- Needs for pedestrian amenities, such as benches, shelters, plantings and others

Alta will produce a series of maps, tables, and narrative that describe gaps and needs, developing chapters for the two plans that synthesize this information into critical needs and gaps that can be addressed by the City. Information from the public outreach process will also be integrated into this process.

Deliverables

- Plan chapters summarizing needs, including maps, tables, and narrative

Task 5. Recommended Projects and Facility Improvements

TASK 5.1 PROJECT RECOMMENDATIONS

The core of the plan will identify recommended projects for future implementation. This task will provide Milpitas with a list of projects, a method to prioritize projects, and identification of funding sources to support future projects. Based on the needs analysis and public and stakeholder input, Alta will develop a recommended network that includes trails, bicycle and pedestrian facilities. These networks will be developed for each plan considering the unique elements appropriate to that plan.

Milpitas Trails Master Plan Update and Bikeway & Pedestrian Master Plan Update

The Trails Master Plan will focus on trail improvements and new trails that help produce a trail system for the City. This will address trail width, materials, accommodation of bicyclists and pedestrians, access to parks and other recreational destinations, and identify needed amenities to support the overall network. The plan will also address and identify potential improvements to trail crossings, including use of physical infrastructure, striping, and signal strategies to improve safety and comfort for trail users.

The Bicycle and Pedestrian Master Plan will provide a blueprint for implementing bicycle and pedestrian infrastructure. It will integrate many elements of the Trails Master Plan as trails are a critical element in an overall bicycle and pedestrian network. It will also identify needed on-street bicycle facilities and facility improvements and will identify pedestrian improvements, including potential crossing improvements that can help improve the safety of people walking in the City.

TASK 5.2 PROJECT PRIORITIZATION

Alta will prepare a robust framework for evaluating projects using a qualitative process that is organized around the Plan's goals and objectives. Typical project evaluation criteria include:

- **Public Support.** The project provides a significant improvement to a community identified challenge area.
- **Safety.** The project addresses safety concerns such as reported collisions or areas of high risk.
- **Connectivity.** The project improves overall network connectivity or provides access to key destinations.
- **Transit Support:** The project provides an improved connection to transit.
- **Quality.** The project type is appropriate for the context, providing low stress travel for people walking and biking.
- **Feasibility.** The extent of project constraints in terms of right-of-way acquisition, impacts on traffic operations, cost, and other factors.

Alta will work with the City to finalize the criteria and evaluation method and apply these to the projects and will present the proposed process to City residents in the second set of workshops. These will be applied to the proposed projects from each plan and used to help identify priorities.

Alta will also develop an implementation strategy that identifies potential funding opportunities - including local, regional, and statewide funding - and applies those to each project. This will help the City identify both priorities and appropriate methods for implementation, including relevant funding sources.

TASK 5.3 PROGRAMS RECOMMENDATIONS

The Alta team will develop specific program recommendations in coordination with implementing agencies. Alta is the only bicycle and pedestrian planning firm with a department dedicated to planning and implementing education and encouragement components of active transportation programs including workshops, contests, and other promotional activities. The Alta team will utilize our expertise in developing and leading Transportation Demand Management (TDM) and other active transportation programs to develop a customized and achievable set of recommendations. Enforcement and safety recommendations may also include ways to improve safety along bike/pedestrian trails using guidelines and policies for neighboring vacant land development that will provide 'eyes-on' the trail and other crime prevention techniques.

TASK 5.4. DRAFT AND FINAL PLAN DOCUMENTS

Alta will develop administrative draft plans for both the Trails Master Plan and the Bikeway and based on the work conducted in prior tasks. The objective of this task is to produce a simple but useful plan that captures existing conditions, a future vision for bicycle and pedestrian accommodation in Milpitas, and the implementation steps needed to get to that vision (including priority and timing).

Milpitas Trails Master Plan Update and Bikeway & Pedestrian Master Plan Update

Alta will revise the administrative draft plans into public draft plans based on a consolidated, consistent set of comments from the City. The public draft plans will be posted for review by the public and Alta will work with the City to provide opportunities to receive feedback on the draft.

Alta will compile the comments received from the public into a matrix with a proposed disposition for each comment. Similar comments will be grouped for easier review. Alta will meet with the City to review this matrix and revise the disposition matrix. After completing that review, Alta will develop a Final Draft Plan for the City to review and will make necessary updates to the Final Plan after review by the City.

Alta will present the final plans to the City Council or other appropriate bodies and make minor modifications as needed to achieve adoption of the plans.

TASK 5.5 PROJECT CUT SHEETS (OPTIONAL TASK)

For a up to 10 priority projects identified by the City, Alta will create project cut sheets that capture:

- Summary information about the project - location, improvement characteristics
- Existing and proposed cross section
- A rendering or photosimulation that provides an easy means to understand the future project
- Information on potential tradeoffs required to implement the project (e.g., impacts to parking, vehicle lanes, etc.)

These cut sheets are often useful to support grant applications and to provide decision makers and the public with clear information about proposed priority improvements.

TASK 5.6. DESIGN GUIDELINES (OPTIONAL TASK)

Alta will develop design guidelines to reflect changes in best practices and in coordination with the City's policies. Design guidelines will include the following:

- Bikeway, trail, and sidewalk recommended widths
- Bikeway and trail intersection guidance
- Bicycle detection recommendations
- Striping and signing recommendations
- Bicycle parking recommendations by land use type
- Pedestrian improvement standards, accessibility issues, and crosswalk Prioritization Policy
- Creek Trail standards

Alta will develop a set of design guidelines tailored to the unique context of the City of Milpitas, using images and information on local infrastructure that provides the City with a resource to implement ongoing bicycle and pedestrian design solutions as part of project opportunities that arise from other projects such as new development, the new BART station, or regular street resurfacing.

Deliverables

- Long term vision for bicycle and pedestrian networks in Milpitas, including maps, tables, and narratives that capture all proposed improvements.
- Prioritized project list, including maps and tables that capture the top feasible priorities for the City
- Administrative Draft, Public Draft and Final Trails Master Plan
- Administrative Draft, Public Draft and Final Bicycle and Pedestrian Master Plan
- Presentation to City Council or committee to support adoption of the plan
- Optional cut sheets (10) for priority projects
- Optional Trail, Bicycle, and Pedestrian Design Guidelines for the City

EXHIBIT B

Fee & Schedule of Charges/Payments

The Designer shall be paid on a time and materials basis for all Services rendered up to the not-to-exceed Total Compensation. Designer's compensation and reimbursable expenses shall be paid by City to Designer no more often than monthly. Such periodic payments shall be calculated on a time and materials basis and made based upon the percentage of task completed in accordance with the compensation rates indicated in Exhibit "B" attached hereto and incorporated herein by reference. In order to receive payment, Designer shall present to City an itemized statement which indicates Services performed, method for computing the amount payable, percentage of task completed, and the amount to be paid. The statement shall describe the amount of Services provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the statement, as well as those expenses for which reimbursement is requested for that statement period. The total amount paid to Designer shall never exceed the Total Compensation without the prior written approval of City.

Fee Schedule attached to this Exhibit B.

Project Budget

Milpitas Trails Master Plan Update and Bikeway & Pedestrian Master Plan Update

| TASK | Alta Planning + Design | | | | | | | Task Hours | Total Task Fee |
|---|---------------------------|-----------------|----------------|-----------|--------------------|-------------------|--------------|------------|----------------|
| | Principal-in-Charge | Project Manager | Senior Planner | Engineer | Designer/ Graphics | Planner/ Outreach | GIS | | |
| | Hugh Louch | Jeff Knowles | Beth Martin | Joe Paull | Ryan Booth | Ben Frazier | Lisa Schroer | | |
| | <i>2019 Hourly Rate**</i> | | | | | | | | |
| 1 Kick-Off and Administration | 4 | 28 | 35 | 0 | 0 | 0 | 0 | 67 | \$10,424 |
| 1.1 Kick-Off and Administration | 2 | 16 | 20 | | | | | 38 | \$5,878 |
| 1.2 Coordination with Neighboring Jurisdictions | 2 | 12 | 15 | | | | | 29 | \$4,546 |
| 2 Assess Existing Conditions & Research | 4 | 10 | 28 | 0 | 0 | 40 | 24 | 106 | \$12,822 |
| 2.1 Existing Conditions | 2 | 4 | 12 | | | 16 | 24 | 58 | \$6,826 |
| 2.2 Document Review | 1 | 2 | 8 | | | 12 | | 23 | \$2,805 |
| 2.3 Programs Review | 1 | 4 | 8 | | | 12 | | 25 | \$3,191 |
| 3 Community Outreach | 13 | 37 | 54 | 0 | 0 | 56 | 18 | 178 | \$24,460 |
| 3.1 Public Outreach and Engagement Strategy | 1 | 4 | 4 | | | 8 | | 17 | \$2,327 |
| 3.2 Community Input Map | | 1 | 2 | | | 8 | 2 | 13 | \$1,457 |
| 3.3 Community Workshops | 12 | 32 | 48 | | | 40 | 16 | 148 | \$20,676 |
| 4. Identify Gaps and Needs | 8 | 16 | 36 | 0 | 0 | 40 | 31 | 131 | \$16,704 |
| 4.1 Identify Gaps and Needs | 8 | 16 | 36 | | | 40 | 31 | 131 | \$16,704 |
| 5. Recommended Projects & Facility Improvements | 26 | 84 | 176 | 24 | 48 | 204 | 144 | 706 | \$87,186 |
| 5.1 Project Recommendations | 4 | 20 | 40 | 24 | | 64 | 80 | 232 | \$27,344 |
| 5.2 Project Prioritization | 4 | 16 | 40 | | | 40 | 24 | 124 | \$15,324 |
| 5.3 Programs Recommendations | 2 | 8 | 16 | | | 20 | | 46 | \$5,966 |
| 5.4 Draft and Final Plan Documents | 16 | 40 | 80 | | 48 | 80 | 40 | 304 | \$38,552 |
| Staff Hours | 55 | 175 | 329 | 24 | 48 | 340 | 217 | 1188 | \$151,596 |
| Web Input Map | | | | | | | | | \$2,000 |
| Reimbursable Expenses & Travel | | | | | | | | | \$950 |
| Project Total | \$15,125 | \$33,775 | \$36,848 | \$2,928 | \$4,992 | \$35,360 | \$22,568 | | \$154,546 |
| Additional Services as Needed (25%) | | | | | | | | | \$38,637 |
| Project Total + As-Needed Services | | | | | | | | | \$193,183 |

Potential Optional Tasks

| | | | | | | | | | |
|------------------------------------|---|---|----|----|----|----|----|--|----------|
| 2.2 Bicycle & Pedestrian Counts*** | 2 | 4 | | | | 8 | | | \$12,154 |
| 3.4 Pop Up Events (4) | | 8 | 16 | | | | 16 | | \$5,000 |
| 5.5 Project Cut Sheets | 4 | 8 | 20 | 16 | 40 | | | | \$10,996 |
| 5.6 Design Guidelines | 4 | 8 | 16 | | 32 | 32 | | | \$11,092 |

* Hours and staff assignments can be adjusted by the consultant as needed to implement the tasks described during the course of the project.

** Hourly rates are for calendar year 2019, and will be adjusted if work is continued into subsequent year(s).

*** Includes \$10,000 in direct costs for count collection

EXHIBIT C
Activity Schedule

Project Schedule

Milpitas Trails Master Plan Update and Bikeway & Pedestrian Master Plan Update

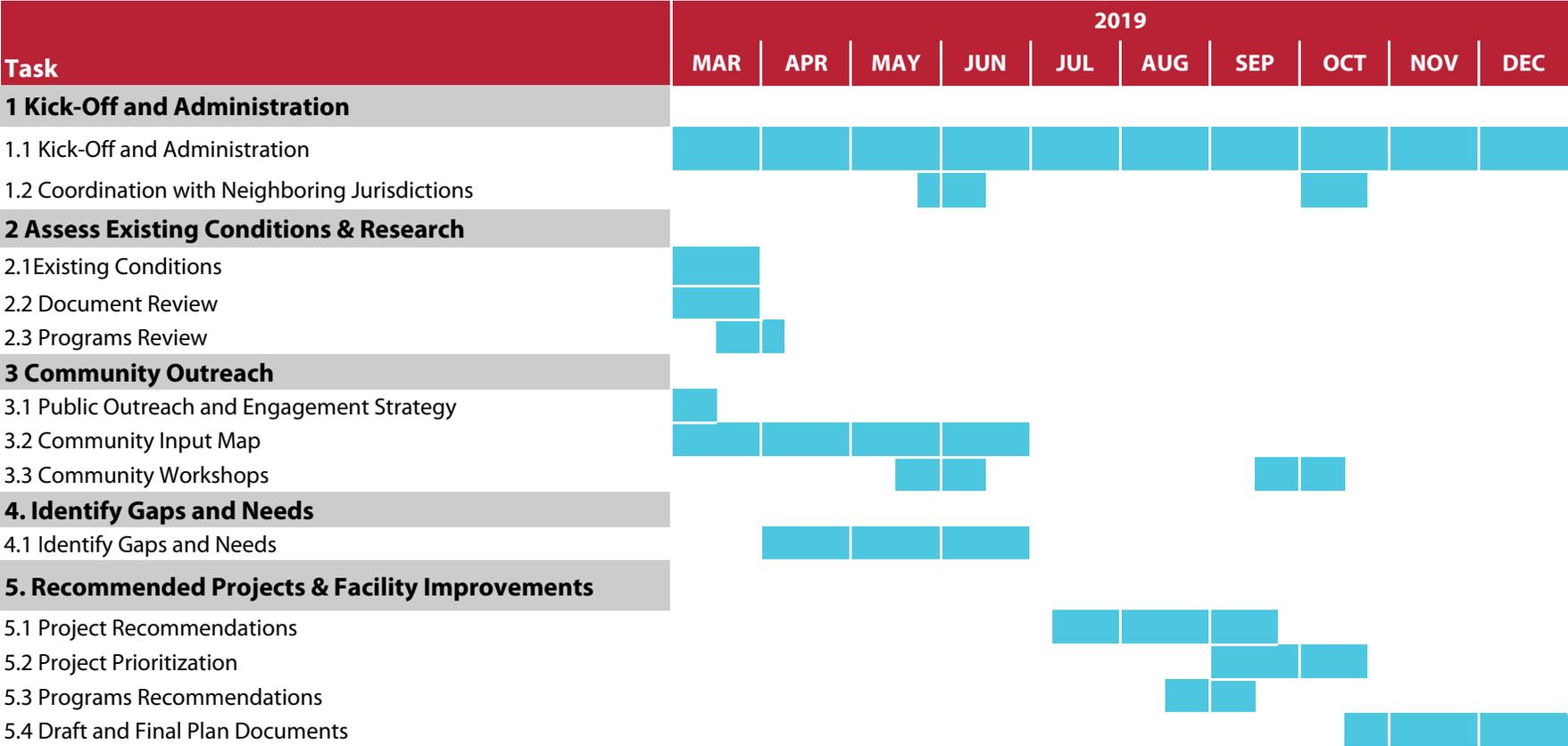


EXHIBIT D

Insurance Requirements

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

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

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

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

Commercial General Liability (CGL):

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

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

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

Automobile Liability:

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

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

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

Professional Liability (Errors and Omissions):

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

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

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

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

Workers' Compensation Insurance:

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

The Contractor or Consultant makes the following certification, required by section 1861 of the California Labor Code:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

Contractor/Consultant Signature

Builder's Risk (Course of Construction):

____ Insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.

Surety Bonds:

- ____ Contractor shall provide the following Surety Bonds:
1. Bid Bond
 2. Performance Bond
 3. Payment Bond

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

Contractor's or Consultant's Pollution Legal Liability:

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

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

Other Insurance Provisions:

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

Additional Insured Status:

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

The City, its elected and appointed officials, officers, attorneys, agents, and employees are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor or Consultant or any subcontractors including materials, parts, or equipment furnished in connection with such work or operations, including completed operations. General liability coverage can be provided in the form of an endorsement to the Contractor's or Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 if a later edition is used).

The Additional Insured coverage under the Contractor's policy shall be "primary and non-contributory" and will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as CG 20 01 04 13.

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

Primary Coverage:

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

For any claims related to this contract, the **Contractor's or Consultant's insurance coverage shall be primary insurance** as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees. Any insurance or self insurance maintained by the City, its elected and appointed officials, officers, attorneys, agents, and employees shall be in excess of the Contractor's or Consultant's insurance and shall not contribute with it.

Builder's Risk (Course of Construction Insurance) (applicable to Construction Contracts only)

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

If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Notice of Cancellation, Suspension or Otherwise Voiding Policies:

Each insurance policy required above shall contain, or be endorsed to contain **that coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except with thirty (30) days' prior written notice** by certified mail, return receipt requested to the City.

Waiver of Subrogation:

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

Deductibles and Self-Insured Retentions ("SIR"):

Any deductibles or self-insured retentions must be declared to and approved by City. The City may require the Contractor or Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees; or (2) the Contractor or Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

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

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

City reserves the right to obtain a full-certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Completed Operations

For Construction Agreements, Contractor shall maintain insurance as required by this Agreement to the fullest amount allowed by law and shall maintain insurance for a minimum of five (5) years following the

completion of this project. In the event Contractor fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Contractor.

Acceptability of Insurers:

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

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

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

Subcontractors:

Contractor or Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

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

Verification of Coverage:

Contractor or Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor or Consultant's obligation to

provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances

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

Failure to Comply:

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

Applicability of Coverage:

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

City of Milpitas, California

BUDGET CHANGE FORM

| Type of Change | From | | To | |
|--|----------------------|------------|---------------------|------------|
| | Account | Amount | Account | Amount |
| Check one: | 330-2940 | \$ 110,000 | 330-3999 | \$ 110,000 |
| <input checked="" type="checkbox"/> Budget Appropriation | 331-951-3448-15-3899 | \$110,000 | 331-951-3448-1-4800 | \$110,000 |
| <input type="checkbox"/> Budget Transfer | | | | |

Approve a Budget Appropriation of \$110,000 from the FY 18/19 Estimated General Fund Surplus to Trails and Bikeway Master Plan Update, Project No. 3448; and Authorize the City Manager to Execute a Consultant Services Agreement with Alta Planning + Design in the amount of \$193,183 for Professional Services for the Trails and Bikeway Master Plan Update, Project No. 3448 (Staff Contact: Steve Erickson (408)586-3301)

BACKGROUND:

The Trails and Bikeway Master Plan Update, Project No. 3448, is included in the FY 2018-2023 Capital Improvement Program. This project will provide an update to the City's Trails and Bikeway Master Plan.

The updated master plan will provide recommended improvements for connectivity to local destinations for all users. The plan will identify gaps in the City's regional trail system, develop trail design guidelines to suit ability for all trail users, support economic development, and enhance the quality of life for residents. The updated plan will consider bikeway & pedestrian uses, and would explore enhancement of existing networks and recommend opportunities for improvement and expansion. The update will incorporate the Complete Street Design Best Practices for installation of sidewalks; green bike lanes; buffered/separated bike lanes; bike and pedestrian trail connectivity and opportunities to address the needs for commuter and recreational pedestrians and bicyclists to access transit hubs; work; recreational; and retail destinations.

The plan update scopes of work will involve community outreach and coordination with neighboring jurisdictions such as Valley Transportation Authority (VTA), Santa Clara Valley Water District (SCVWD), City of Fremont, City of San Jose, and County of Santa Clara to provide seamless connection to trail, pedestrian, and bicycle networks within and beyond the city limit.

RECOMMENDATIONS:

1. Approve a Budget Appropriation of \$110,000 from the FY 18/19 Estimated General Fund Surplus to Trails and Bikeway Master Plan Update, Project No. 3448; and
2. Authorize the City Manager to Execute a Consultant Services Agreement with Alta Planning + Design in the amount of \$193,183 for Professional Services for the Trails and Bikeway Master Plan Update, Project No. 3448

Check if City Council Approval required.

Meeting Date: February 19, 2019

| | | |
|---|--|------------------|
| Requested by: | Steve Erickson, Engineering Director | Date: 02/19/2019 |
| Reviewed by: | Interim Finance Director: Jane Corpus  | Date: 02/19/2019 |
| Approved by: | City Manager: | Date: |
| Date approved by City Council, if required: | | Confirmed by: |

