



## REGULAR MEETING OF THE MILPITAS CITY COUNCIL

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3232

### AGENDA

**TUESDAY, JANUARY 7, 2020**  
**CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA**  
**6:00 PM (CLOSED SESSION)**  
**7:00 PM (PUBLIC BUSINESS)**

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

#### ADJOURN TO CLOSED SESSION

##### **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

City Negotiator: Human Resources Director Liz Brown

Employee Groups: Milpitas Employees Association, Milpitas Police Officers Association, and International Association of Fire Fighters

Under Negotiation: Wages, Hours, Benefits and Working Conditions

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

#### PLEDGE OF ALLEGIANCE

#### INVOCATION

#### PRESENTATION

- Proclaim Santa Clara County National Day of Racial Healing

#### 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's record, and limit spoken remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

#### ANNOUNCEMENTS

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

### **APPROVAL OF AGENDA**

#### **CONSENT CALENDAR**

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

**C1.** Receive City Council Calendar of Meetings for January 2020 (Staff Contact: Mary Lavelle 408-586-3001)

**C2.** Approve City Council meeting minutes for the December 17, 2019 Regular City Council meeting (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: to approve draft December 17, 2019 City Council meeting minutes.

**C3.** Adopt a Resolution Approving the Prequalification Procedures and Authorize the Advertisement of the Prequalification Package, and Approve Project Plans and Specifications for the Fire Station No. 2 Replacement, Project No. 3447 (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a Resolution approving the prequalification procedures, authorize advertisement of the prequalification package and approve project Plans and Specifications for the Fire Station No. 2 Replacement Project No. 3447.

### **COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE**

**4.** Approve the Milpitas Energy and Environmental Sustainability Commission 2020 Work Plan (Staff Contact: Elaine Marshall, 408-586-2603)

Recommendation: Approve the Energy and Environmental Sustainability Commission 2020 Work Plan.

### **LEADERSHIP AND SUPPORT SERVICES**

**5.** Receive and Consider an interim Update from Staff on Polling and Research related to Mayor and Vice Mayor roles; provide direction, if any, or take action (Staff Contacts: Steven McHarris, 408-586-3059 and Chris Diaz, 408-586-3040)

Recommendation: Receive and consider an interim update from staff on polling and research related to Mayor and Vice Mayor roles; and provide any new or alternative direction to staff, or the Council may choose to take action.

### **REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies**

**6.** Receive Request from Mayor Tran for Study on Potential Performing Arts Center in Milpitas (Contact: Mayor Rich Tran, 408-586-3029)

Recommendation: Per Mayor's request, consider approving staff time to conduct a study on a potential performing arts center in Milpitas and report back to City Council with possibility of adding a project to the Capital Improvement Program.

### **NEXT AGENDA PREVIEW**

**7. Receive Preview List of Agenda Items for the next City Council Meeting on January 21, 2020  
(Staff Contact: Mary Lavelle, 408-586-3001)**

**ADJOURNMENT**

**MILPITAS CITY COUNCIL CODE OF CONDUCT**

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

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

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035  
e-mail: [cdiaz@ci.milpitas.ca.gov](mailto: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](http://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 City website. City Council agendas and related materials can be viewed online: [www.ci.milpitas.ca.gov/government/council/agenda\\_minutes.asp](http://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](http://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 [mlavelle@ci.milpitas.ca.gov](mailto:mlavelle@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.*

December 2019						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2020						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

# Milpitas City Council Calendar

## January 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			<b>1</b> CITY HALL CLOSED NEW YEAR'S DAY 	<b>2</b>	<b>3</b>	<b>4</b>
<b>5</b>	<b>6</b> <b>7:00 PM</b> -Parks, Recreation & Cultural Resources Commission (AP)	<b>7</b> <b>6:00 PM</b> -Closed Session <b>7:00 PM</b> -City Council	<b>8</b> <b>1:00 PM</b> -VTA North East County Group Board Briefing (RT) <b>7:00 PM</b> -Community Advisory Commission (BN) <b>7:00 PM</b> -Planning Commission <b>7:00 PM</b> -Silicon Valley Clean Energy Board of Directors (CM) (Cupertino)	<b>9</b> <b>5:30 PM</b> -Santa Clara VTA Board of Directors (RT) <b>5:30 PM</b> -Milpitas Chamber of Commerce Board (CM) <b>6:00 PM</b> -Legislative Action Comm of Cities Assoc of SCC (CM) (Sunnyvale) <b>6:40 PM</b> -Cities Selection Com of Cities Assoc of SCC (RT) (Sunnyvale) <b>7:00 PM</b> -Cities Assoc of SCC (CM) <b>7:00 PM</b> -Youth Advisory Commission (AP)	<b>10</b> <b>*2:00 PM</b> -City Council Finance Subcommittee (RT/CM)	<b>11</b>
<b>12</b>	<b>13</b> <b>9:30 AM</b> -I-680 Sunol Express Lane JPA (RT) (Oakland) <b>4:30 PM</b> -Economic Development and Trade Commission (KD) <b>7:00 PM</b> -Library and Education Commission @Library (CM)	<b>14</b> <b>3:00 PM</b> City Council Housing Subcommittee (BN/CM)	<b>15</b> <b>6:00 PM</b> -Energy and Environmental Sustainability Commission (BN) <b>7:00 PM</b> -Planning Commission	<b>16</b> <b>11:30 AM</b> -South Bay Odor Stakeholders Group <b>4:00 PM</b> -Santa Clara VTA Policy Advisory Committee (KD) <b>4:00 PM</b> -City/School Collaborative Subcom (RT/CM) (School Board) <b>6:30 PM</b> -Bay Area Water Supply & Conserv Agency (San Mateo) (CM) <b>7:00 PM</b> -Public Safety & Emergency Preparedness Commission (KD)	<b>17</b>	<b>18</b>  <b>6:00 PM</b> Lunar New Year Celebration-Community Center
<b>19</b>	<b>20</b> <b>MARTIN LUTHER KING JR. BIRTHDAY</b>  <b>CITY HALL CLOSED</b>	<b>21</b> <b>?:00 PM</b> -Closed Session <b>7:00 PM</b> -City Council	<b>22</b>	<b>23</b> <b>12:00 PM</b> -Santa Clara County Library Joint Powers Authority (CM)	<b>24</b> <b>9:00 AM</b> -VTA Board of Directors Workshop (RT)	<b>25</b>
			<b>LEAGUE OF CA CITIES CONFERENCE – Sacramento (City Manager/BN/CM)</b>			
<b>26</b>	<b>27</b> <b>7:00 PM</b> -Arts Commission (CM) <b>7:00 PM</b> -Science, Technology & Innovation Commission (BN)	<b>28</b> <b>5:30 PM</b> -City Council Budget Study Session	<b>29</b> <b>7:00 PM</b> -Planning Commission <b>7:00 PM</b> -Project Sentinel Informational Workshop	<b>30</b>	<b>31</b>	

\*Finance Subcommittee will meet only as needed

*Revised Draft* **MEETING MINUTES**  
**CITY OF MILPITAS**

**Minutes of:** **Regular Meeting of the Milpitas City Council**  
**Date:** **Tuesday, December 17, 2019**  
**Time:** **6:00 PM Closed Session**  
**7:00 PM Open Session**  
**Location:** **Council Chambers, Milpitas City Hall,**  
**455 East Calaveras Blvd., Milpitas**

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**CALL TO ORDER** Mayor Tran called the meeting to order at 6:06 PM. City Clerk Mary Lavelle called the roll.

**PRESENT:** Mayor Tran, Vice Mayor Dominguez, Councilmembers Nuñez and Phan

**ABSENT:** Councilmembers Montano was absent at roll call. She arrived at approximately 8:02 PM.

**CLOSED SESSION** City Council convened in Closed Session to discuss three matters listed on the agenda, and then came out to the dais at 7:31 PM.

**ANNOUNCEMENT** No reportable action out of Closed Session.

**PLEDGE** Resident Voltaire Montemayor led the pledge of allegiance.

**INVOCATION** Veterans Commission Vice Chair Ed Ackerman read a prayer and honored the memory of Mr. Denny Weisgerber, honorable veteran of the US Marines, resident and former Mayor and Commissioner.

**PRESENTATIONS** Commendations were presented to 14 Santa Clara Valley Science and Engineering Fair Association (SCVSEFA) Milpitas student STEM winners.

**PUBLIC FORUM**

Rob Means, resident, discussed funding for personal rapid transit.

Guy Haas, resident of The Pines neighborhood, complained of speeding in his neighborhood.

Jim Arthur, resident and veteran, complimented Center Stage Performing Arts performers for their at the veterans lunch performance on November 16.

Voltaire Montemayor, resident, was impressed with the students.

**ANNOUNCEMENTS**

City Manager Steve McHarris announced that City Council meeting minutes would be prepared as “action minutes” by the City Clerk starting in January. Most City Hall offices would be closed December 24, 2019 through January 1, 2020.

City Engineer Steve Erickson updated the Council on Bay Area Air Quality Management District efforts on the planned odor study.

Mayor Tran requested an agenda item for the next Council meeting: to request a study on a proposal for a City performing arts center, and to potentially be included as a project in the Capital Improvement Program (CIP). Councilmembers supported the Mayor’s request.

Mayor Tran congratulated Milpitas High School varsity football team upon winning its second statewide championship.

Councilmember Nuñez inquired about the Silicon Valley Clean Energy Board meeting on January 8 and the status of cities signing on to a proposal by San Jose's Mayor regarding regionalization of utility service. He asked if the item would be on the agenda on January 7. Public Works Director Tony Ndah responded that staff was planning to have the CEO of SVCE present to Council on this topic in February. If staff had time sensitive information, it would bring that back to Council earlier.

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

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, none were reported.

Mayor Tran would abstain from voting on agenda item no. C3 (resolutions on Planning Areas), out of an abundance of caution due to the location of his residence.

**APPROVAL OF AGENDA**

Motion: to approve the City Council agenda, as submitted

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSENT: 1 (Montano)

**CONSENT CALENDAR**

Motion: to approve the consent calendar including agenda items no. 1, 2, 7, 8, 9, 13, 16 and 20

Councilmember Phan requested to add items no. 16 and no. 17 onto consent.

Mayor Tran asked to add no. 20 onto consent and to remove no. C6 from consent.

Councilmember Nuñez asked to hear item no. 17 and requested to remove agenda items no. 3, 4, 5, 10, 11, and 12 from consent.

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSENT: 1 (Montano)

C1. Council Calendar

Received City Council calendar for December 2019 and January 2020.

C2. Meeting Minutes

Approved City Council meeting minutes of December 3, 2019.

3. Two Resolutions

Assistant Planner Avery Stark addressed the Council regarding Preferred Development Areas (PDAs) and Preferred Priority Areas (PPAs) for planning, in order to be consistent with current Planning efforts and qualify for grant funding from regional organizations. Councilmember asked a variety of questions to clarify this subject, and Mr. Stark responded.

(1) Motion: to adopt Resolution No. 8931 to nominate one new Priority Development Area (PDA) and to amend the boundaries of an existing PDA

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSTAIN: 1 (Tran)

(2) Motion: to adopt Resolution No. 8932 nominating three new Priority Production Areas (PPAs) for consideration by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) for inclusion in Plan Bay Area 2050

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

4. Resolution

While this item was removed from consent, no discussion was held.

Motion: to adopt Resolution No. 8933 amending the City of Milpitas Classification Plan and to adjust the salary schedule for all represented classifications in Milpitas Police Officers Association by 4.5% effective January 5, 2020

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

5. Amendment No. 3

Police Chief Armando Corpuz responded to questions from Councilmember Nuñez.

Motion: to authorize the City Manager to execute Amendment No. 3 to the Retired Annuitant Employment Agreement between the City of Milpitas and Joseph Minton for one additional year annually not to exceed \$63,484.80 and a total not to exceed \$204,580.80

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

6. Final Map and SIA for The District 4

While this item was removed from consent, no discussion was held.

Motion: to approve Final Tract Map No. 10476, accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and to approve and authorize the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Milpitas – District 4 Owner, LLC, subject to minor legal changes deemed necessary by the City Attorney

Motion/Second: Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of: AYES: 3  
NOES: 1 (Dominguez)  
ABSTAIN: 1 (Tran)

C7. Agreement with MUSD for McCandless

Approved and authorized the Interim City Manager to execute an Agreement with Milpitas Unified School District for construction of the Phase 2 Mabel Mattos Elementary School Project and completion of McCandless Drive Street Widening Improvements.

C8. Policy for Unmanned Aircraft System

Received the Milpitas Police Department and Unmanned Aircraft System (UAS) Policy.

C9. Contract for Repaving 2 Parking Lots

Received a report on bids and award of construction contract to American Asphalt Repair and Resurfacing Company, Inc. in the amount of \$123,930 for Repaving of the Public Works and Police Departments' Parking Lots Project. Authorized Public Works Director to negotiate and execute contract change orders in an aggregate amount not to exceed \$10,000 for this project.

10. MOU with SCC Library District

Recreation and Community Services Director Renee Lorentzen responded to a question from Councilmember Nuñez.

Motion: to approve a Memorandum of Understanding Agreement between the City of Milpitas and Santa Clara County Library District, regarding financial support for additional service hours

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

11. PRCRC Work Plan Councilmember Nuñez requested to move this item to January 2020, due to adding the Sister Cities cultural topic to the Parks, Recreation and Cultural Resources Commission.

12. Veterans Commission Work Plan Director Lorentzen responded to a question from Councilmember Nuñez.

Motion: (1) to approve the Milpitas Veterans Commission Fiscal Year 2019-20 Work Plan; and, (2) to approve the amended Veterans Commission Bylaws removing any term limits for Veterans Commissioners only

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

C13. Youth Advisory Commission Work Plan Approved the Milpitas Youth Advisory Commission Fiscal Year 2019-20 Work Plan.

**PUBLIC HEARING**

14. Resolution re: condo development 91 Montague Senior Planner Michael Fossati described the project and request for adjustments, for a residential development project with condominiums at 91 Montague in the MidTown planning area. He identified amounts of Park In Lieu fees and Public Art fees to be paid.

Mayor Tran opened the public hearing.

Voltaire Montemayor, resident, had a concern for traffic.

Motion: to close the public hearing, following one speaker

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 5  
NOES: 0

Councilmembers asked staff for details of the project, and Mr. Fossati replied to questions.

Motion: to adopt Resolution No. 8934 approving Conditional Use Permit Amendment (UA19-0018) and Major Tentative Map (MT19-0001) to allow the subdivision of a previously approved residential complex located at 91 Montague Expressway into 72 residential condominiums

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSTAIN: 1 (Tran)

**COMMUNITY DEVELOPMENT**

15. Update on BART Mr. Dennis Ratcliffe, Director of Bay Area Rapid Transit (BART) Programs for Santa Clara Valley Transportation Authority (VTA), provided an update on the BART extension project. The Milpitas Transit Center was scheduled to open on December 28 for bus service (information about opening date for BART trains was not available).

Vice Mayor Dominguez asked the City Manager to post information when the topic of the contract for police services at the Milpitas BART station next came to the VTA Board.

No vote was taken upon receipt of the oral report.

## **LEADERSHIP**

\*16. Adopt Ordinance No. 120.49 This item was added to consent calendar. City Council waived the second reading and adopted Ordinance No. 120.49 amending Title VIII, Chapter 1 of the Milpitas Municipal Code relating to discontinuance and restoration of water service.

Consent calendar vote was four in favor with one member absent (Montano).

17. Comp. Annual Financial Report FY 2018-19 Finance Director Walter Rossmann reported on the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2018-19, including financial highlights. He introduced Amy Meyers from Maze & Associates, the city's audit consultant.

Motion: to accept the CAFR and other related annual audited reports for FY 2018-19

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

18. Resolution – Community Services Specialist Employee Relations Officer Francine Hunt and Kari Mercer, consultant from Koff & Associates presented on the position of Community Services Specialist including classification description, study conducted and rationale for salary recommendation were given.

City Councilmembers provided feedback to staff, including the need to fill this position expeditiously.

No vote was taken. Councilmembers asked the consultant to seek input on this position from individual Councilmembers and from the Council Housing Subcommittee and directed staff to return to City Council as soon as possible.

## **REPORTS**

19. Sister Cities program Economic Development Director Alex Andrade provided background information about the Sister Cities program in Milpitas, which started in May of 1996.

The Mayor and Councilmembers commented on Sister City relationships in The Philippines, China and Japan, and gave staff feedback on ideas from other cities, including working the program through service clubs and non-profit organizations.

Motion: (1) to approve the renewed Memorandum of Understanding with the City of Dagupan, Philippines continuing the Sister City relationship (as presented in the agenda packet); (2) to direct staff to return to City Council by the end of February on the topic of incorporating trade component of a Sister Cities program into the Economic Development and Trade Commission; and, (3) directed the cultural components of the Sister Cities program be added to the workplan of the Parks, Recreation and Cultural Resources Commission and have a report back on January 21, 2020

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by vote of: AYES: 5  
NOES: 0

\*20. Commission appointments This item was added to consent calendar. City Council approved all appointments and re-appointments to ten City Commissions, as recommended by Mayor Tran.

#### Arts Commission

1. Newly appointed Joyita Ghose as Commissioner to a term to expire in October 2022.
2. Newly appointed Sandeep Umarani as Commissioner to a term to expire in October 2022.
3. Newly appointed Jennifer Torai as Commissioner to a term to expire in October 2020.

#### Community Advisory Commission

1. Re-appointed Van Lan Truong to a term to expire in January 2023.
2. Re-appointed Thelma Batilo to a term to expire in January 2023.
3. Re-appointed Ashish Kathapurkar to a term to expire in January 2022.
4. Re-appointed Jose Rosario to a term to expire in January 2022.
5. Re-appointed Oscar Leon to a term to expire in January 2022.
6. Moved George Chen into Commissioner seat in a term to expire in January 2021.
7. Moved Vishal Gandhi into Commissioner seat in a term to expire in January 2023.
8. Newly appointed Gilroy Casanova III as Alternate No. 1 to a term to expire January 2021.
9. Newly appointed Kavita Sreedhar as Alternate No. 2 to a term to expire January 2023.

#### Energy and Environmental Sustainability Commission

1. Re-appointed Marta Martinez to a term to expire in October 2022.
2. Re-appointed Manpreet Badesha to a term to expire in October 2022.
3. Re-appointed Brian Shreve to a term to expire in October 2021.
4. Moved Yue George Liu as Commissioner in a term to expire in October 2022.
5. Newly appointed Charles Lingle as Alternate No. 1 in a term to expire in October 2022.

#### Library and Education Advisory Commission

1. Re-appointed Nonie McDonald to a term to expire in June 2022.
2. Moved Dana Arbaugh into Commissioner seat to a term to expire in June 2020.
3. Moved Therese Hoang into Commissioner seat to a term to expire in June 2021.
4. Newly appointed Susan Loh as Alternate No. 1 seat to a term to expire in June 2022.

#### Parks, Recreation and Cultural Resources Commission

1. Moved Ricky Davis into Commissioner seat in a term to expire in June 2021.
2. Moved Molly Current into Commissioner seat in a term to expire in June 2022.
3. Newly appointed Becky Strauss as Alternate No. 1 to a term to expire in June 2020.
4. Newly appointed Aaron Aquino as Alternate No. 2 to a term to expire in June 2022.
5. Re-appointed Aakar Shah as Commissioner to a term to expire in June 2022.

#### Public Safety & Emergency Preparedness Commission

1. Re-appointed Jonathan Nakapalau to a term to expire in June 2022.
2. Re-appointed Don Clendenin to a term to expire in June 2022.
3. Moved Aleck Bittencurt into Commissioner seat in a term to expire in June 2022.
4. Newly appointed Joe Nichols as Alternate No. 1 in a term to expire in June 2022.

#### Senior Advisory Commission

1. Re-appointed Patrick Yung to a term to expire in December 2022.
2. Re-appointed Jenny Berryhill to a term to expire in December 2022.
3. Re-appointed Alternate No. 1 Willy Wong to a term to expire in December 2020.
4. Re-appointed Alternate No. 2 Nona Tolentino to a term to expire in December 2021.

#### Science, Technology & Innovation Commission

1. Newly appointed Nasir Lalani as Commissioner to a term to expire in January 2021.
2. Newly appointed Urvishkumar Mehta as Commissioner to a term to expire in Jan. 2021.
3. Newly appointed Binh Nguyen as Commissioner to a term to expire in January 2022.
4. Re-appointed Ernesto Bautista to a term to expire in January 2022.
5. Re-appointed Anh Bao to a term to expire in January 2022.
6. Moved Ratan Choudhury to Commissioner seat to a term to expire in January 2022.
7. Moved Guy Haas to Alternate No. 1 in a term to expire in January 2021.

#### Veterans Commission

1. Moved Bruce Choy into Commissioner to a term to expire in February 2022.
2. Newly appointed Darl Travis as Commissioner to a term to expire in February 2022.

### **NEXT AGENDA**

#### **21. Preview next agenda**

Noted receipt of the list of agenda items for the January 7, 2020 City Council meeting.

Councilmember Nuñez thanked Public Information Officer Jennifer Yamaguma for her dedicated work for the City, as she prepared to depart for a new job.

He asked for a report back on the community polling survey related to the Mayor and Vice Mayor roles at the next Council meeting.

### **ADJOURNMENT**

Mayor Tran adjourned the meeting at 12:14 AM on Wednesday, December 18, 2019 in memory of Denny Weisgerber.

*Meeting minutes respectfully drafted and submitted by  
Mary Lavelle, City Clerk*



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Adopt a Resolution Approving the Prequalification Procedures and Authorize the Advertisement of the Prequalification Package, and Approve Project Plans and Specifications for the Fire Station No. 2 Replacement, Project No. 3447</b>
<b>Category:</b>	Consent Calendar-Community Services and Sustainable Infrastructure
<b>Meeting Date:</b>	1/7/2020
<b>Staff Contact:</b>	Steve Erickson, City Engineer, 408-586-3301
<b>Recommendation:</b>	Adopt a Resolution approving the prequalification procedures, authorize advertisement of the prequalification package and approve project Plans and Specifications for the Fire Station No. 2 Replacement Project No. 3447.

### **Background:**

The 2019-2024 Capital Improvement Program includes Project No. 3447 for the replacement of Fire Station No. 2 located at 1263 Yosemite Drive (Project). The original Station No. 2 was constructed in 1968 and the building has reached the end of its service life. The new Station 2 building will be located on the same site and will provide room for additional staffing, fire apparatus, and equipment. The new station is an "essential facility" and will be designed and constructed to a higher standard to better withstand natural disasters.

### **Analysis:**

The Project design is nearing completion and the Project plans and specifications are now ready for approval by the City Council (**Attachment 3**). Staff also recommends the Council authorize the prequalification of potential bidders for this Project because the station is an essential facility, and it is important to hire an experienced and qualified contractor to construct this new station. The project scope includes construction of a new single story, wood frame building, with site improvements and furniture, fixtures and equipment. The new fire station will consist of three apparatus bays, dorm rooms, office, day room, kitchen and a community meeting room that will be available for public use

The California Public Contract Code establishes procedures for local agencies wishing to prequalify bidders on public work projects. The process allows interested bidders to submit their qualification materials to the City for review and approval. Only contractors that can prove recent relevant experience with the successful completion of public buildings, fire and police stations, or other essential facilities would be deemed qualified to submit a bid proposal for this project. The bidder prequalification process has been successfully used on other recent City projects including the Barbara Lee Senior Center, Milpitas Public Library, and the Sports Center Sports Synthetic Turf Fields completed in 2015.

Staff has worked with the City Attorney's office to develop the bidder prequalification package (**Attachment 2-Exhibit A to Resolution**) which includes the procedures and criteria for the review and scoring of prequal packages submitted by perspective bidders. Staff recommends the City Council adopt the Resolution (**Attachment 1**) to approve the prequalification procedures and provide authorization for the advertisement of the prequalification package for the Fire Station No. 2 Replacement, Project No. 3447.

### **Policy Alternatives:**

**Alternative 1:** Not adopt a resolution to approve the bidder prequalification procedure and package and not authorize the advertisement of the Prequalification Package

Pros: Decreased staff time and the potential for a larger pool of bidders.

Cons: Not approving the prequalification procedures and package would result in not prequalifying potential bidders on the project. The City risks awarding a contract to a low bidder that may not have the experience and expertise in the construction of an essential facility such as Station No. 2.

Reason not Recommended: Fire Station No. 2 Replacement is designed as an essential facility and having a qualified and experienced contractor on this project is required to ensure the project is completed on time, budget, and with the specified quality.

**Alternative 2:** Not approve the project Plans and Specifications of Fire Station No. 2 Project.

Pros: None

Cons: Not approving the project Plans and Specifications will prevent moving forward with the construction of the Fire Station No. 2 and delay completion of the Project.

Reason not recommended: This project was identified as a City Council high priority as part of the 2018-2023 CIP document. Not moving forward with construction in a timely fashion will likely result in construction cost escalation.

**Fiscal Impact:** The Project budget has sufficient funds at this time to advertise the bidder prequalification package.

**California Environmental Quality Act:** The proposed Project qualifies for categorical exemption under Class 2 "Replacement or Reconstruction" as defined in CEQA Guidelines Section 15302.

**Recommendations:**

- 1) Adopt a Resolution approving the prequalification procedures and authorize the advertisement of the prequalification package.
- 2) Approve project Plans and Specifications for the Fire Station No. 2 Replacement, Project No. 3447.

**Attachments:**

- 1: Resolution
- 2: Exhibit A to Resolution-Prequalification Package and Procedures
- 3: Conceptual Project Plans

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING  
PREQUALIFICATION OF BIDDERS FOR PUBLIC WORKS CONTRACTS**

**WHEREAS**, Section 20101 of the California Public Contract Code establishes procedures for certain local agencies wishing to prequalify bidders on public works projects; and

**WHEREAS**, the Department of Industrial Relations (“DIR”) has developed standardized questionnaires and model guidelines for rating bidders pursuant to Public Contract Code Section 20101 (hereafter “Model Guidelines”); and

**WHEREAS**, under Section 20101, in order to prequalify bidders, the City Council must “adopt and apply a uniform system of rating bidders, based on objective criteria that set forth the minimum requirements permitted for qualification” and establish a process by which bidders who do not qualify may appeal; and

**WHEREAS**, the City has determined that adopting bidder prequalification procedures in accordance with Public Contract Code section 20101, and modeled after the Model Guidelines, will benefit the City by providing an opportunity for the City to review prospective bidders’ track record in detail and to create a more competitive pool of bidders; and

**WHEREAS**, the City Council has determined that adopting bidder prequalification procedures and establishing an appeal committee will streamline the formal bidding process and further the City Council’s goals to operate efficiently and in a businesslike manner.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby adopts the uniform system of rating bidders and process for appeals in the form set forth in the “Request for Prequalification of Bidders” for the City attached hereto as **Exhibit “A”** and incorporated herein by reference (“Prequalification Package”). The City Manager, or his or her designee, is hereby authorized to prequalify bidders on all types and sizes of public works contracts on behalf of the City, either on an annual basis or on a project specific basis, pursuant to the attached Prequalification Package. The City Manager may use the scoring system provided in the attached Prequalification Package or may designate one or more alternative scoring systems for annual prequalifications, project specific prequalifications or both consistent with the requirements of the Public Contract Code.
3. For purposes of the attached Prequalification Package, the City Council hereby establishes the Bidder Prequalification Appeals Panel (“Appeals Panel”) consisting of three department heads, or their designee(s), to be appointed by City Manager. Whenever a project is to be administered by the department of one of the foregoing, the City Manager is hereby authorized to appoint to the Appeals Panel an alternate department head from another department. The sole issue before the Appeals Panel shall be the scoring of a

prospective bidder. The decision of the Appeals Panel shall be the City's final administrative decision and any judicial review thereof shall be instituted no later than the time period referred to in section 1094.6 of the Code of Civil Procedure.

4. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, 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

**EXHIBIT "A"**

**REQUEST FOR PREQUALIFICATION OF BIDDERS**

**[ATTACHED BEHIND THIS PAGE]**

CITY OF MILPITAS  
**Request for Prequalification for**  
**FIRE STATION NO. 2 REPLACEMENT**  
**PROJECT NO. 3447**

**Prequalification Packages Due**  
**January 28, 2020 at 2:00 PM**  
at the 455 E. CALAVERAS BLVD,  
MILPITAS, CA 95035



**For information, contact:**

CITY OF MILPITAS  
ENGINEERING DEPARTMENT  
LYHAK EAM, P.E.  
(408)-586-3349  
LEAM@CI.MILPITAS.CA.GOV

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**NOTICE REQUESTING PREQUALIFICATION PACKAGES FOR FIRE STATION NO.2 REPLACEMENT  
PROJECT AND PROCEDURES FOR PREQUALIFICATION**

Notice is hereby given that the City of Milpitas (“City”) has determined that all contractors bidding on its FIRE STATION NO.2 REPLACEMENT PROJECT (“Project”) must be prequalified prior to submitting a bid for the Project.

**PROJECT DESCRIPTION**

The City is seeking a general contractor (“Contractor”) experienced in public building construction services to build a new Fire Station No.2 located at 1263 Yosemite Drive, Milpitas, CA 95035. The Project consists of construction of a new, single-story, 10,300 SF, wood framed fire station facility on approximately 1-acre site. The work includes, but not limited to, site improvement, building structure, interior partitions, casework and finishes, mechanical, electrical, plumbing and fire protection system.

The cost of the Project is estimated between **\$ 11,000,000 and \$ 13,000,000.**

The anticipated prequalification and bid schedule is summarized as follows

<b>Date</b>	<b>Milestone</b>
01/08/2020	Request for Bidders Prequalification issued.
01/21/2020	Deadline for Request for Clarifications.
01/28/2020	Prequalification Package Due Date from Contractors.
01/31/2020	Notice of Prequalified bidder list.
02/06/2020	Last day to appeal City’s decision and deliver notice of appeal to City
02/13/2020	Last day for appeals to be heard by City.
03/17/2020	City adopts approved bidders list.
April/May 2020	Bid advertisement
May/June 2020	Bid Opening
June/August 2020	Contract Award

**PREQUALIFICATION PROCEDURES**

It is mandatory that all Contractors who intend to submit bids for the Project fully complete a prequalification package (“Prequalification Package”), including but not limited to the prequalification questionnaire, provide all materials requested herein and be approved by the City to be on the final bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities submit a bid on the Project as a joint venture, each entity within the joint venture must be separately qualified to bid.

The completed Prequalification Package must be delivered to and received by City no later than

**January 28, 2020 at 2:00 P.M.** Prequalification Packages must include three (3) hard copies and one (1) electronic copy on a disk or USB drive, and be submitted under seal and marked **“CONFIDENTIAL: FIRE STATION NO.2 REPLACEMENT PROJECT – Contractor Prequalification Package”** to the City of Milpitas City Hall, 455 E. Calavera Boulevard, Milpitas, CA 95035 to the attention of **Lyhak Eam, P.E.**, Engineering Department by the date and time specified above. City will notify all respondents of the result of the prequalification process in writing.

**Answers to questions contained in the attached questionnaire, information about current bonding capacity on an aggregate and per project limit, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required.** The City will use these documents in order to rate Contractors with respect to their qualifications to bid on the Project. City reserves the right to check any other sources available to verify Contractor’s statements, prior performance and veracity. City’s decision will be based on objective evaluation criteria identified herein.

While it is the intent of the Prequalification Package and documents required therewith to assist the City in determining bidder responsibility prior to bid and aid City in selecting the lowest responsible bidder for construction of the Project, neither the fact of prequalification, nor any prequalification rating, will preclude City from a post-bid consideration and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness.

The Prequalification Packages submitted by Contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law; however, the contents may be disclosed to third parties for the purpose of verification, investigation of allegations that may impact Contractor’s prequalification status, and in the process of an appeal hearing. State law provides that the names of contractors applying for prequalification status are public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. The Contractor shall provide only complete and accurate information. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify the City and provide updated accurate information in writing and under penalty of perjury. The City may verify any or all information provided in completed Prequalification Packages, consider information provided by sources other than the prospective bidder, and conduct such investigations as the City deems appropriate to assist in the evaluation of Contractor’s responsibility, qualifications and financial capacity.

The City will evaluate all completed Prequalification Packages on a Pass/Fail basis as well as a points-based rating system. In order to prequalify for this Project, Contractor must obtain a “Pass” rating on all of the criteria set forth in Part 2 and meet the minimum rating requirements of the City in Part 3 and 4. Those Contractors who do not obtain a “Pass” rating for all of the criteria in Part 2 will not be prequalified to participate in bidding for the contract to perform the Project regardless of the scores

obtained in Part 3 and 4. A score sheet for Part 3 and 4 is included as Attachment B in the Prequalification Package.

The City reserves the right to reject any or all Prequalification Packages and to waive any irregularities in any Prequalification Package submittal. The City reserves the right to determine that any Contractor is not qualified at any time before or after the Prequalification Packages are received and evaluated if it finds that information provided therein is inaccurate, misleading or false, or upon evidence of collusion or other illegal practices on the part of a Contractor. The City, in its sole discretion, expressly reserves the right to cancel the prequalification process at any time, including but not limited to, after the deadline for the receipt of Prequalification Packages, reject any Prequalification Package received by the City and competitively bid the Project without first prequalifying bidders. The City reserves the right to adjust, increase, limit, suspend or rescind the prequalification rating based on subsequently learned information. Contractors whose rating changes sufficient to disqualify them will be notified, and given an opportunity for a hearing consistent with the hearing procedures described below for appealing a prequalification rating. The City may conduct a final review of the information submitted by the Contractor just prior to the award of the bid to confirm that the information submitted has not changed.

A Contractor who has submitted a completed Prequalification Package, and who receives a rating of “not qualified” from the City may appeal that determination. There is no appeal from a finding that a Contractor is not prequalified because of a failure to submit required information. A Contractor may appeal the City’s decision with respect to its request for prequalification, and request a hearing, by giving written notice of appeal and submitting a deposit of \$1,000 to the City no later than Five (5) working days after City’s issuance of the written notice of the Contractor’s qualification status. Unless City receives the written notice of appeal and deposit within the time specified above, the Contractor waives any and all rights to challenge the qualification decision of the City, whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than ten (10) working days after the City’s receipt of the Contractor’s Notice of Appeal and the \$1,000 filing deposit. The hearing so provided shall be an informal process conducted by a panel to whom the City has delegated responsibility to hear such appeals (the “Appeals Panel”). At or prior to the hearing, the Contractor will be advised of the basis for the City’s prequalification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the prequalification determination. At the conclusion of the hearing or no later than two (2) working days after completion of the hearing, the Appeals Panel will render its decision, which will be final and binding. It is the intention of the City that the date for submission and opening of bids for the Project will not be delayed or postponed to allow for completion of an appeal process. If the Contractor’s appeal is rejected by the Appeals Panel, the Contractor’s \$1,000 filing deposit shall be forfeited to the City. Otherwise the deposit will be returned to the Contractor following issuance of the Appeals Panel’s decision.

The Prequalification Package, its completion and submission by the Contractor, and its use by the City, shall not give rise to any liability on the part of the City to the Contractor or any third party or person.

This is not a solicitation for bid. The Contractor accepts all risk and cost associated with the FIRE STATION NO.2 REPLACEMENT PROJECT

completion of the Prequalification Package without financial guarantee.

A Contractor may be found not prequalified for either omission of requested information or falsification of information.

**CITY OF MILPITAS**  
**STATEMENT OF QUALIFICATIONS**  
**PREQUALIFICATION QUESTIONNAIRE FOR**  
**FIRE STATION NO.2 REPLACEMENT PROJECT**

**PART I. CONTACT INFORMATION**

Full Name of Contractor (as it appears on license):		
Type of Organization (Corporation, Partnership, Sole Proprietor, etc.):		
Corporate Tax ID No.:		
Is the corporation currently registered and in good standing with the State of California Secretary of State?		
Street Address of Contractor:		
City:	State:	Zip:
Contractor's Contact Person:		
Phone:	Cell Phone:	Fax:
Email Address:		
Contractor's License Number(s):		
If firm is a sole proprietor or partnership: Owner(s) of Company:		

**PART II. ESSENTIAL REQUIREMENTS FOR QUALIFICATION**

Contractor will be immediately disqualified if the answer to any of questions 1 through 5 is “yes.”<sup>1</sup> An answer “no” to any of questions 6 through 9 will be rated “Fail” and the Contractor will be immediately disqualified.

**1. Has your California contractor’s license been revoked at any time in the last five years?**

Yes  No

**2. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?**

Yes  No

**3. At the time of submitting this prequalification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?**

Yes  No

If the answer is “Yes,” state the beginning and ending dates of the period of debarment:

\_\_\_\_\_

**4. At any time during the last five years, has your firm or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?**

Yes  No

**5. Is your current company Experience Modification Rate (EMR) greater than 1.25?**

Yes  No

*Note: Documentation is required. If it is not attached, this question will be scored as if a “Yes” answer was given.*

**6. Contractor possesses a valid and current California Contractor’s license for Class B?**

Yes  No

**7. Contractor shall comply with and provide all insurance as defined in Attachment A, Insurance Requirements.**

Yes  No

**8. Have you attached your latest copy of a reviewed unaudited or audited financial statement with accompanying notes and supplemental information?**

Yes  No

<sup>1</sup> A contractor disqualified solely because of a “Yes” answer given to question 1, 2, or 3 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

9. Has your firm completed at least three (3) Essential Services Buildings as defined in the California Health and Safety Code section and the California Administration Code, Chapter 4, Article 1 Essential Services Buildings projects of at least \$10 million total combined completed volume within the last 60 months (at least 3 references):

Yes     No

If the answer is Yes, Please list the projects below.

<p>The below information shall be used by the City to contact the Owners, or its representative, as applicable, on each of the below-listed projects to confirm that the above requirements have been met and to ask the authorized representative of the Owner, as applicable, who has personal knowledge of Contractor's performance and is able to provide an informed response to the following question: "Would you recommend the Contractor for employment on another project? Please respond 'yes' or 'no.'" As set forth above, an answer of "no or no comment" will be rated a "Fail" and the Contractor will be deemed not prequalified.</p>			
<b>Project No. 1</b>			
<b>Project Name:</b>			
<b>Owner:</b>			
<b>Describe Type of Construction:</b>			
<b>Total Contract Amount: \$</b>			
<b>Construction Time (in calendar days):</b>			
<b>Owner's Representative:</b>			
<b>Owner's Representative Telephone No.:</b>			
<b>Owner's Representative Email:</b>			
<b>Construction Manager (if applicable):</b>			
<b>Construction Manager Telephone No.</b>			
<b>Construction Manager Email:</b>			
<b>Date of Notice to Proceed:</b>			
<b>Date of Completion (NOC or other formal written acceptance by the awarding body):</b>			
<b>Additional Notes from Contractor:</b>			
<p>To be completed by City: Recommend Contractor?</p>		<input type="checkbox"/> Yes	<input type="checkbox"/> No

<b>Project No. 2</b>
<b>Project Name:</b>
<b>Owner:</b>
<b>Describe Type of Construction:</b>
<b>Total Contract Amount: \$</b>
<b>Construction Time (in calendar days):</b>
<b>Owner's Representative:</b>
<b>Owner's Representative Telephone No.:</b>
<b>Owner's Representative Email:</b>
<b>Construction Manager (if applicable):</b>
<b>Construction Manager Telephone No.</b>
<b>Construction Manager Email</b>
<b>Date of Notice to Proceed:</b>
<b>Date of Completion (NOC or other formal written acceptance by the awarding body):</b>
<b>Additional Notes from Contractor:</b>
<b>To be completed by City: Recommend Contractor?</b>
<input type="checkbox"/> Yes
<input type="checkbox"/> No
<b>Project No. 3</b>
<b>Project Name:</b>
<b>Owner:</b>
<b>Describe Type of Construction:</b>
<b>Total Contract Amount: \$</b>
<b>Construction Time (in calendar days):</b>
<b>Owner's Representative:</b>
<b>Owner's Representative Telephone No.:</b>
<b>Owner's Representative Email:</b>
<b>Construction Manager (if applicable):</b>
<b>Construction Manager Telephone No.</b>
<b>Construction Manager Email:</b>
<b>Date of Notice to Proceed:</b>

<b>Date of Completion (NOC or other formal written acceptance by the awarding body):</b>		
<i>Additional Notes from Contractor:</i>		
<i>To be completed by City: Recommend Contractor?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>To be completed by City: Other Sources not provided by contractor-Recommend Contractor?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**PART III. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS**

HISTORY AND ORGANIZATION PERFORMANCE

**1. Has there been any change in ownership of the firm at any time during the last three years:**

Yes     No

*If "yes" explain on a separate signed page.*

**2. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?**

Yes     No

*If "yes" explain on a separate signed page.*

**3. Are any corporate officers, partners or owners connected to any other construction firms currently or in the last five years?**

Yes     No

*If "yes" explain on a separate signed page.*

**4. State your firm's gross revenues for each of the last three years (Not Scored):**

Year 20\_\_\_\_, Gross Revenue\_\_\_\_\_

Year 20\_\_\_\_, Gross Revenue\_\_\_\_\_

Year 20\_\_\_\_, Gross Revenue\_\_\_\_\_

Three year average gross revenue: \_\_\_\_\_

**5. How many years has your organization been in business in California as a contractor under your present business name and license number? (5 points possible)**

\_\_\_\_\_Years

**6. Is your firm currently the debtor in a bankruptcy case? (6 points possible)**

Yes     No

*If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.*

**7. Was your firm in bankruptcy at any time during the last five years? (3 points possible)**  
(This question refers only to a bankruptcy action that was not described in answer to question 6, above)

Yes     No

*If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.*

LICENSES

**8. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm (Not Scored):**

Contractor must possess a valid Class A contractor's license to be considered.

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**9. Has your firm changed names or license number in the past five years? (6 points possible)**

Yes     No

*If "yes," explain on a separate signed page, including the reason for the change.*

**10. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years? (3 points possible)**

Yes     No

*If "yes," explain on a separate signed page, including the reason for the change.*

DISPUTES

**11. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner (5 points possible)?**

Yes     No

*If "Yes", how many projects with liquidated damages of \$5,000 or more: \_\_\_\_\_ projects*

*If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and*

*all other information necessary to fully explain the assessment of liquidated damages.*

- 12. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason (5 points possible)?**

**NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position.**

Yes     No

*If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for prequalification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.*

- 13. In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder (5 points possible)?**

Yes     No

**NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$10,000.**

- 14. In the past five years has any claim against your firm concerning your firm's work on a construction project been filed in court or arbitration (5 points possible)?**

Yes     No

If "Yes", number of claims: \_\_\_\_\_ claims

*If "yes," on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).*

- 15. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private (5 points possible)?**

Yes     No

*If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by*

which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

**16. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm (5 points possible)?**

Yes     No

*If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.*

**CRIMINAL MATTERS AND RELATED CIVIL SUITS**

**17. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity (5 points possible)?**

Yes     No

*If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.*

**18. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction (5 points possible)?**

Yes     No

*If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.*

**19. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty (5 points possible)?**

Yes     No

*If "yes," identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.*

**BONDING**

**20. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required (5 points possible)?**

Yes     No

*If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies that denied coverage; and the period during which you had no surety bond in place.*

COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH LAWS AND WITH OTHER LABOR LEGISLATION SAFETY

**21. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years (5 points possible)?**

*NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.*

Yes     No

“Yes”, number of times penalized: \_\_\_\_\_

*If “yes,” attach a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.*

**22. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years (5 points possible)?**

*NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.*

Yes     No

If “Yes”, number of times penalized: \_\_\_\_\_times penalized

*If “yes,” attach a separate signed page describing the citations.*

**23. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years (5 points possible)?**

*NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.*

Yes     No

If “Yes”, number of times penalized: \_\_\_times penalized

*If “yes,” attach a separate signed page describing the citations.*

**24. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project (3 points possible for answer of Daily or Weekly)?**

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**25. Within the last five years (or as long as your firm has been in business if it has been in business for less than five years) has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance (5 points possible)?**

Yes     No

*If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)*

**PREVAILING WAGE AND APPRENTICESHIP COMPLIANCE RECORD**

**26. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws (5 points possible)?**

**NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.**

Yes     No

If "Yes", number of times required to pay back wages or penalties: \_\_\_\_\_ times penalized

*If "yes," attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.*

**27. During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements (5 points possible)?**

Yes     No

If "Yes", number of times required to pay back wages or penalties: \_\_\_\_\_ times penalized

*If "yes," attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.*

**28. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works (5 points possible)?**

Yes     No

If "Yes", number of violations: \_\_\_\_\_violations

**NOTE: You may omit reference to any incident that occurred prior to January 1, 2007, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.**

*If "yes," provide the date(s) of such findings, and attach copies of the Department's final decision(s).*

PART IV. PROJECT EXPERIENCE

A. Current Status of Open Construction Projects

Complete the following form (make copies as required) for all open contracts valued at \$ 3 M or more. **Please indicate which projects involve Essential services Buildings as defined in the California Health and Safety Code Section and the California Administrative Code, Chapter 4, Article 1 Essential Services Buildings in the “Project Name & Type of Work” column.**

Project Name & Type of Work	Owner Name	Owner Representative		Original Contract Value	Estimated Contract Completion Value (incl. change orders to date)	Percent Currently Complete	Original Completion Date	Estimated Completion Date
		Name	Phone No.					

FIRE STATION NO.2 REPLACEMENT PROJECT

Prequalification Questionnaire  
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### C. Project Experience – Interview Questions

The following questions will be used to interview randomly selected contacts from at least two (2) completed projects. The Contractor shall provide additional references upon request of City. City will conduct the interviews. No action on the Contractor's part is necessary. These questions are included in the package to the Contractor for information only.

The highest possible score is 130 points per project. An average score of 95 or higher for two (2) projects is required for prequalification. An average score of less than 80 points on the projects will automatically disqualify a Contractor. If the average score is between 80 to 94, City will conduct two (2) additional interviews of other references to obtain two (2) additional scores. If the average score of the two (2) additional interviews is less than 95, the Contractor will be automatically disqualified.

First, please give a brief description of the project.

1. Are there any outstanding stop notices, liens, or claims by the Contractor that are currently unresolved on contracts for which notices of completion have been recorded? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points).
2. On a scale of 1-10, with 10 being the best, did the Contractor provide adequate personnel? (Max. 10 points)
3. On a scale of 1-10, with 10 being the best, did the Contractor provide adequate supervision? (Max. 10 points)
4. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)
5. On a scale of 1-10, with 10 being the best, was the Contractor timely in providing reports and other paperwork, including certified payroll, submittals and schedule updates? (Max. 10 points)
6. On a scale of 1-10, with 10 being the best, did the Contractor adhere to the project schedule that your agency approved? (Max. 10 points)
7. Was the project completed on time? (10 points if the answer is "yes")  
  
Or, if the answer is "no", on a scale of 1-10, with 10 being the best, to what extent was the Contractor responsible for the delay in completion? (For example: 1 if the Contractor was completely responsible or 10 if the Contractor was not responsible at all)?
8. On a scale of 1-10, with 10 being the best, rate the Contractor on the Contractor's proactivity in identifying change order work and the Contractor's timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)

9. On a scale of 1-10, with 10 being the best, rate the Contractor on how well the Contractor performed the work after a change order was issued and how well the Contractor integrated the change order work into existing work. (Max. 10 points)
10. On a scale of 1-10, with 10 being the best, rate how the Contractor performed in turning in Operations & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points)
11. On a scale of 1-10, with 10 being the best, rate the Contractor on whether there were an unusually high number of claims or disputes (with your agency or subcontractors or vendors), given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)
12. On a scale of 1-10, with 10 being the best, rate the Contractor with respect to timely payments by the Contractor to subcontractors and suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be 10.)
13. On a scale of 1-10, with 10 being the best, rate the Contractor with respect to safety. Was shoring provided properly, were lock / out tag out procedures followed, did the Contractor provide routine safety training? (Max. 10 points)
14. On a scale of 1-10, with 10 being the best, how would you rate the overall quality of the Contractor's work and the contractor's ability to work cooperatively? (Max. 10 points)

\* \* \* \* **AFFIDAVIT** \* \* \* \*

We, the undersigned, \_\_\_\_\_ (name) as the authorized representatives for \_\_\_\_\_ (company) an interested Contractor for the City of Milpitas's prequalification process for the FIRE STATION NO. 2 REPLACEMENT, PROJECTNO. 3447, do hereby attest that all statements and representations made herein are true and correct to the best of our knowledge. These statements are made openly and freely without intent to influence or embellish actual conditions or circumstances that occurred. I declare under penalty of perjury under the laws of the State of California that the foregoing is correct. We understand that the City will investigate any and all statements and representations made by us and our firm in this prequalification questionnaire and we freely give our permission for them to do so. Should releases be required by any of our professional, financial, or bonding institutions to release verification of the enclosed data, we have provided them. We agree to waive any claims against the City and/or any third party designated by the City for the release of the information necessary to evaluate this Statement of Qualifications.

We further understand that any false statement or representations made in this application will result in disqualification of our firm as a prequalified contractor. If it is determined that these false statements or representations were purposefully made to change, hide, or obscure negative information from the City in an attempt to qualify under these false pretenses, the action will result in loss of eligibility for our firm to qualify for any City of Milpitas contracts for a minimum period of one (1) year and a maximum period of five (5) years from the date of discovery.

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Attested: Corporate Seal

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Date:

**END OF QUESTIONNAIRE**

## ATTACHMENT A – 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 G. 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 \$2,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

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

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

### **Automobile Liability:**

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

Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto),

FIRE STATION NO.2 REPLACEMENT PROJECT

Prequalification Attachments A & B

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with limits no less than \$5,000,000.00 combined single limit for bodily injury and property damage.

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

**Professional Liability (Errors and Omissions):**

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

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

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

**Workers' Compensation Insurance:**

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

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

**Builder's Risk (Course of Construction):**

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

**Contractor's or Consultant's Pollution Legal Liability:**

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

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

**Cyber Liability Insurance**

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

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

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

**Surety Bonds:**

Contractor shall provide the following Surety Bonds:

- Bid Bond
- Performance Bond
- Payment Bond

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

**Other Insurance Provisions:**

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

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

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

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

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

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

**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.

**X   Waiver of Subrogation:**

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

**X   Completed Operations**

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

**THE FOLLOWING PROVISIONS APPLY TO ALL AGREEMENTS**

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

Any 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.

**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.

**ATTACHMENT B**

**LIST OF SCORABLE QUESTIONS AND SCORING INSTRUCTIONS**

<b>Part II - History and Organizational Performance</b>				
5	How many years has your organization been in business in California as a contractor under your present business name and license number? <b>3 years or less = 2 points</b> <b>4 years = 3 points</b> <b>5 years = 4 points</b> <b>6 or more years = 5 points</b>	___ years		___ Points
6.	Is your firm currently the debtor in a bankruptcy case? If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed. <b>2 or more cases = 0 points</b> <b>1 case = 3 points</b> <b>0 cases = 6 points</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
7.	Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 6, above) If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued. <b>"No" = 3 points</b> <b>"Yes" = 0 points</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
9.	Has your firm changed names or license number in the past five years? (6 points possible) <b>2 or more changes = 0 points</b> <b>1 change = 3 points</b> <b>0 change = 6 points</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
<b>Licenses</b>				
10.	Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years? If "yes," explain on a separate signed page, including the reason for the change. <b>"No" = 3 points</b> <b>"Yes" = 0 points</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points

11.	<p>At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?</p> <p>If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.</p> <p><b>No projects with liquidated damages of more than \$5,000, or one project with liquidated damages = 5 points</b></p> <p><b>Two projects with liquidated damages of more than \$10,000 = 3 points</b></p> <p><b>Any other answer = 0 points</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
12.	<p>In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?</p> <p><b>NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.</b></p> <p>If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for prequalification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.</p> <p><b>"No" = 5 points</b></p> <p><b>"Yes" = 0 points</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
13.	<p>In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?</p> <p>If "yes," explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.</p> <p><b>"No" = 5 points</b></p> <p><b>"Yes" = 0 points</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
<p>* * * * *</p> <p><b>NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a subcontractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$10,000.</b></p>				

14.	<p>In the past five years has any claim against your firm concerning your firm’s work on a construction project been filed in court or arbitration? If “yes,” on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).</p> <p><b>If the firm’s average gross revenue for the last three years was less than \$15 Million, scoring is as follows:</b>  <b>5 points for either “No” or “Yes” indicating 1 such instance.</b>  <b>3 points for “Yes” indicating 2 such instances.</b>  <b>0 points for “Yes” if more than 2 such instances.</b></p> <p><b>If your firm’s average gross revenue for the last three years was more than \$15 Million, scoring is as follows:</b>  <b>5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.</b>  <b>3 points for “Yes” indicating either 4 or 5 such instances.</b>  <b>0 points for “Yes” if more than 5 such instances.</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
15.	<p>At any time during the past five years, has any surety company made any payments on your firm’s behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm’s behalf, in connection with a construction project, either public or private?</p> <p>If “yes,” explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.</p> <p><b>5 points for either “No” or “Yes” indicating 1 such claim.</b>  <b>3 points for “Yes” indicating no more than 2 such claims</b>  <b>Subtract five points for “Yes” if more than 2 such claims</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
16.	<p>In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm? If “yes,” explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.</p> <p><b>5 points for either “No” or “Yes” indicating 1 such instance.</b>  <b>3 points for “Yes” indicating 2 such instances.</b>  <b>0 points for “Yes” or if more than 2 such instances.</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
<b>Criminal Matters and Related Civil Suits</b>				
17.	<p>Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?</p> <p>If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.</p> <p><b>“No” = 5 points</b>  <b>“Yes” = <u>subtract 5 points</u></b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

18.	<p>Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction? If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.</p> <p><b>“No” = 5 points</b> <b>“Yes” = <u>subtract 5 points</u></b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
19.	<p>Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty? If “yes,” identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.</p> <p><b>“No” = 5 points</b> <b>“Yes” = <u>subtract 5 points</u></b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
20.	<p>During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required? If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies that denied coverage; and the period during which you had no surety bond in place.</p> <p><b>“No” = 5 points</b> <b>“Yes” = 0 points</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
21.	<p>Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years? <b>NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.</b> If “yes,” attached a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision. <b>If the firm’s average gross revenues for the last three years was less than \$15 Million, scoring is as follows:</b> <b>5 points for either “No” or “Yes” indicating 1 such instance.</b> <b>3 points for “Yes” indicating 2 such instances.</b> <b>0 points for “Yes” if more than 2 such instances.</b> <b>If the firm’s average gross revenues for the last three years was more than \$15 Million, scoring is as follows:</b> <b>5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.</b> <b>3 points for “Yes” indicating either 4 or 5 such instances.</b> <b>0 points for “Yes” if more than 5 such instances.</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points

22.	<p>Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?</p> <p><b>NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.</b></p> <p>If “yes,” attach a separate signed page describing each citation.</p> <p><b>If the firm’s average gross revenues for the last three years was less than \$15 Million, scoring is as follows:</b></p> <p><b>5 points for either “No” or “Yes” indicating 1 such instance.</b></p> <p><b>3 points for “Yes” indicating 2 such instances.</b></p> <p><b>0 points for “Yes” or if more than 2 such instances.</b></p> <p><b>If the firm’s average gross revenues for the last three years was more than \$15 Million, scoring is as follows:</b></p> <p><b>5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.</b></p> <p><b>3 points for “Yes” indicating either 4 or 5 such instances.</b></p> <p><b>0 points for “Yes” if more than 5 such instances.</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
23.	<p>Has the EPA or any Air Quality Management City or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?</p> <p><b>NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.</b></p> <p>If “yes,” attach a separate signed page describing each citation.</p> <p><b>If the firm’s average gross revenues for the last three years was less than \$15 Million, scoring is as follows:</b></p> <p><b>5 points for either “No” or “Yes” indicating 1 such instance.</b></p> <p><b>3 points for “Yes” indicating 2 such instances.</b></p> <p><b>0 points for “Yes” or if more than 2 such instances.</b></p> <p><b>If the firm’s average gross revenues for the last three years was more than \$15 Million, scoring is as follows:</b></p> <p><b>5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.</b></p> <p><b>3 points for “Yes” indicating either 4 or 5 such instances.</b></p> <p><b>0 points for “Yes” if more than 5 such instances.</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
24.	<p>How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?</p> <p><b>3 points for an answer of once each week or more often.</b></p> <p><b>0 points for any other answer</b></p>	_____		____ Points

25.	<p>Within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?</p> <p>If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)</p> <p><b>5 points for either "No" or "Yes" indicating 1 such instance. 0 points for any other answer.</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
26.	<p>Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the <b>state's</b> prevailing wage laws?</p> <p><b>NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.</b></p> <p>If "yes," attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.</p> <p><b>If your firm's average gross revenues for the last three years was less than \$15 Million, scoring is as follows:</b></p> <p><b>5 points for either "No," or "Yes" indicating either 1 or 2 such instance.</b></p> <p><b>3 points for "Yes" indicating 3 such instances. "</b></p> <p><b>0 points for "Yes" and more than 3 such instances.</b></p> <p><b>If your firm's average gross revenues for the last three years was more than \$15 Million, scoring is as follows:</b></p> <p><b>5 points for either "No" or "Yes" indicating no more than 4 such instances.</b></p> <p><b>3 points for "Yes" indicating either 5 or 6 such instances.</b></p> <p><b>0 points for "Yes" and more than 6 such instances.</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

27.	<p>During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements?</p> <p>If “yes,” attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.</p> <p><b><i>If your firm’s average gross revenues for the last three years was less than \$15 Million, scoring is as follows:</i></b>  <b><i>5 points for either “No,” or “Yes” indicating either 1 or 2 such instance.</i></b>  <b><i>3 points for “Yes” indicating 3 such instances. “</i></b>  <b><i>0 points for “Yes” and more than 3 such instances.</i></b>  <b><i>If your firm’s average gross revenues for the last three years was more than \$15 Million, scoring is as follows:</i></b>  <b><i>5 points for either “No” or “Yes” indicating no more than 4 such instances.</i></b>  <b><i>3 points for “Yes” indicating either 5 or 6 such instances.</i></b>  <b><i>0 points for “Yes” and more than 6 such instances.</i></b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
28.	<p>At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?</p> <p><b><i>NOTE: You may omit reference to any incident that occurred prior to January 1, 2007, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor’s violation at the time they occurred.</i></b></p> <p>If “yes,” provide the date(s) of such findings, and attach copies of the Department’s final decision(s).</p> <p><b><i>If your firm’s average gross revenues for the last three years was less than \$15 Million, scoring is as follows:</i></b>  <b><i>5 points for either “No,” or “Yes” indicating either 1 or 2 such instance.</i></b>  <b><i>3 points for “Yes” indicating 3 such instances. “</i></b>  <b><i>0 points for “Yes” and more than 3 such instances.</i></b>  <b><i>If your firm’s average gross revenues for the last three years was more than \$15 Million, scoring is as follows:</i></b>  <b><i>5 points for either “No” or “Yes” indicating no more than 4 such instances.</i></b>  <b><i>3 points for “Yes” indicating either 5 or 6 such instances.</i></b>  <b><i>0 points for “Yes” and more than 6 such instances.</i></b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

**CITY OF MILPITAS FIRE STATION NO.2 REPLACEMENT PROJECT  
PREQUALIFICATION EVALUATION**

**Contractor Name:** \_\_\_\_\_

	<b>Evaluation Criteria</b>	<b>Required Rating</b>	<b>Actual Rating</b>
<b>Part II:</b>	Essential Requirements	Pass	
<b>Part III:</b>	1 –20 History of Business and Organizational Performance 73 points possible	62 points	
	21 – 28 Safety, Prevailing Wage and Apprenticeship 38 points possible	27 points	
<b>Part IV</b>	130 points (per project)	95 points (average of two projects)	

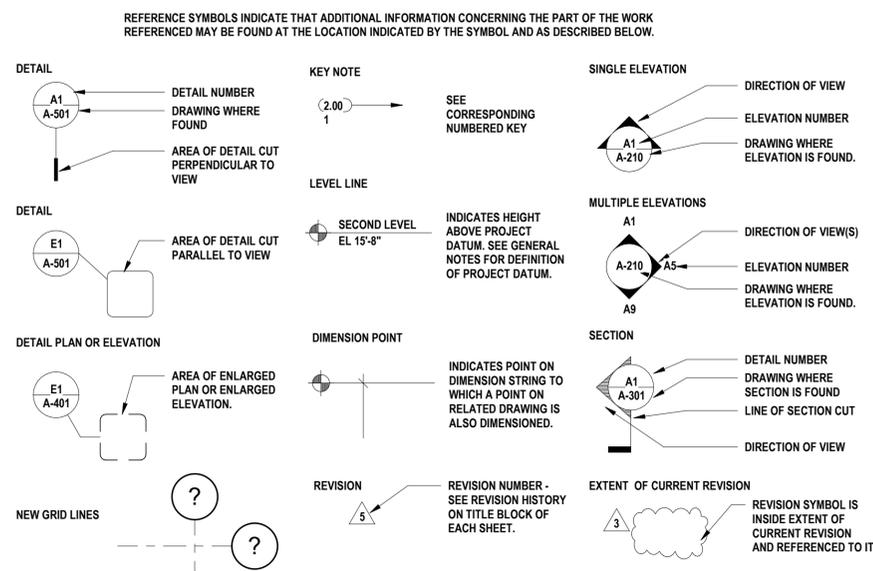
# CITY OF MILPITAS

## FIRE STATION 2 REPLACEMENT

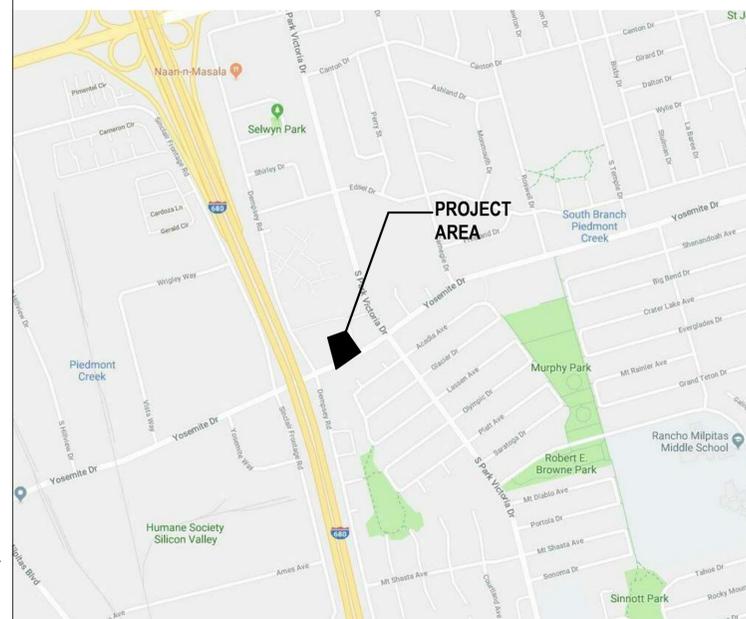
### 1263 YOSEMITE DR. MILPITAS, CA 95035



#### SYMBOLS



#### PROJECT AREA



#### SHEET INDEX

Sheet Number	Sheet Name

#### ARCHITECTURAL

A-000	COVER SHEET
A-002	ABBREVIATIONS & CODE SUMMARY
A-003	CODE DIAGRAM / MEANS OF EGRESS
A-004	SIGHTLINE AND BUILDING SECTIONS DIAGRAMS
A-101	SITE PLAN VICINITY PLAN
A-102	TEMPORARY RELOCATION PLAN DIAGRAM
A-120	FLOOR PLAN
A-121	ROOF PLAN
A-201	EXTERIOR ELEVATIONS
A-301	BUILDING SECTIONS
A-401	RENDERED PRESPECTIVES

NOTE: If this drawing is not 34"x22" it has been revised from its original size and the scales noted on drawing/details are no longer applicable.

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NO.	DATE	ISSUE DESCRIPTION
	04/08/2019	SCHEMATIC DESIGN

#### CITY OF MILPITAS FIRE STATION NO. 2 REPLACEMENT

1263 YOSEMITE DR. MILPITAS, CA 95035

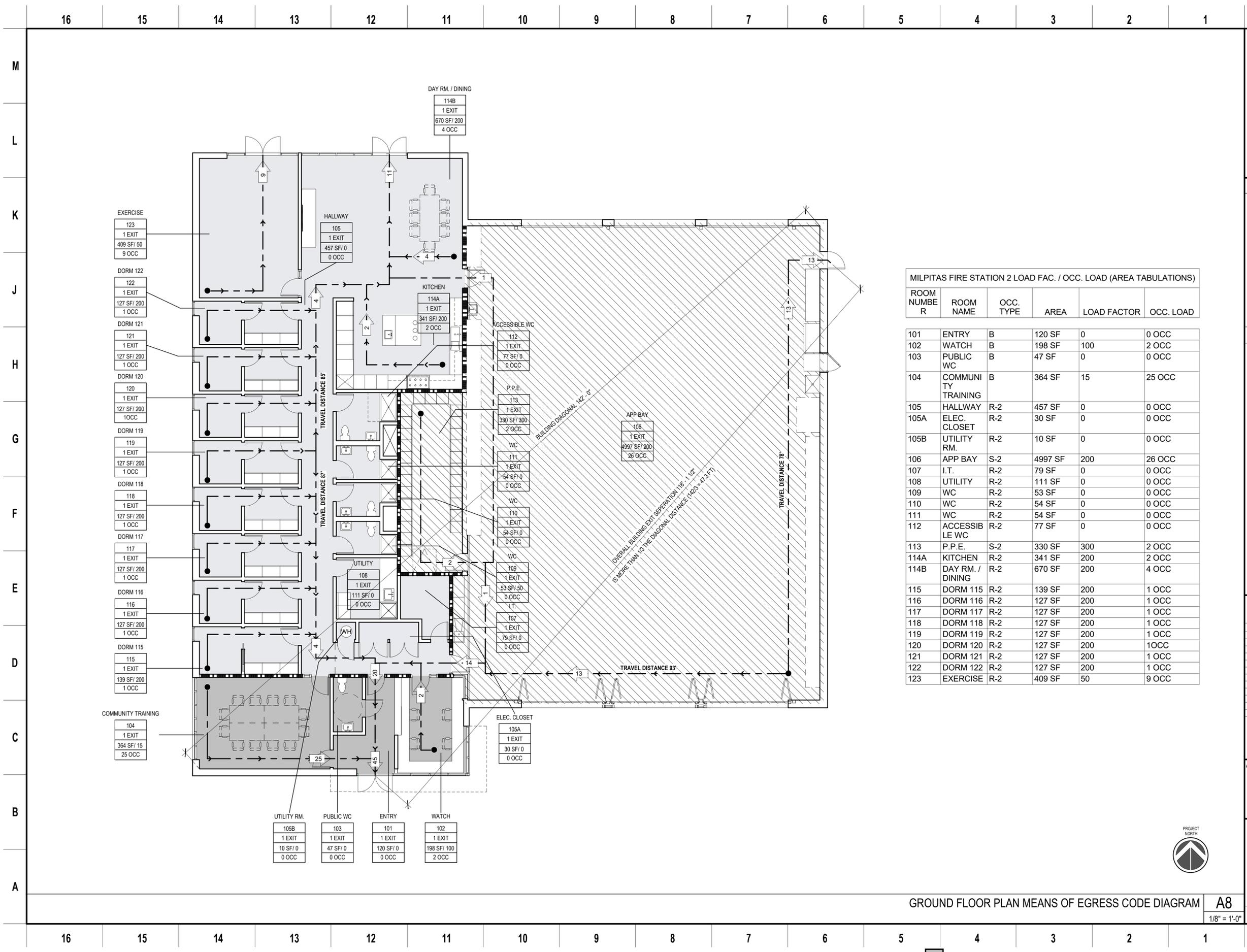
Architect of Record <b>SHAH KAWASAKI ARCHITECTS</b> 570 18th Street, Suite 201 Oakland, CA 94607	Consultant
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Drawing Title <b>COVER SHEET</b>
Drawing No. <b>A-000</b>

SKA Project Number: 18725.00

NOT FOR CONSTRUCTION

	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1																																																																																								
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LOAD (CUMULATIVE)</th> </tr> </thead> <tbody> <tr> <td>BUSINESS AREA</td> <td>877 SF</td> <td>100</td> <td>2 OCC.</td> </tr> <tr> <td>GARAGE (APPARATUS BAY)</td> <td>5007</td> <td>200</td> <td>26 OCC.</td> </tr> <tr> <td>RESTROOMS</td> <td>234</td> <td>0</td> <td>0 OCC.</td> </tr> <tr> <td>STORAGE</td> <td>169</td> <td>300</td> <td>2 OCC.</td> </tr> <tr> <td>CIRCULATION</td> <td>457</td> <td>0</td> <td>0 OCC.</td> </tr> <tr> <td>ASSEMBLY (UNCONCENTRATED)</td> <td>364</td> <td>15</td> <td>25 OCC.</td> </tr> <tr> <td>EXERCISE ROOM</td> <td>409</td> <td>50</td> <td>9 OCC.</td> </tr> <tr> <td>RESIDENTIAL</td> <td>1531</td> <td>200</td> <td>14 OCC.</td> </tr> <tr> <td colspan="3"></td> <td>TOTAL: 78</td> </tr> </tbody> </table> TWO EXITS ARE REQUIRED WHERE OCCUPANT LOAD OR COMMON PATH OF TRAVEL EXCEEDS TABLE 1006.2.1: <table border="1"> <thead> <tr> <th>OCC TYPE</th> <th>MAX. OCC. LOAD</th> <th>MAX. DISTANCE</th> <th>EXITS REQ.</th> <th>EXITS PROVIDED</th> </tr> </thead> <tbody> <tr> <td>B</td> <td>49</td> <td>100</td> <td>1</td> <td>2</td> </tr> <tr> <td>R-2</td> <td>10</td> <td>125</td> <td>2</td> <td>2</td> </tr> <tr> <td>S-2</td> <td>29</td> <td>100</td> <td>2</td> <td>2</td> </tr> </tbody> </table> CBC 1007.1.1 TWO EXITS OR EXIT ACCESS DOORWAYS EXCEPTION 2. WHERE A BUILDING IS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 903.3.1.1 OR 903.3.1.2, THE SEPARATION DISTANCE OF THE EXIT DOORS OR EXIT ACCESS DOORWAYS SHALL NOT BE LESS THAN ONE-THIRD OF THE LENGTH OF THE MAXIMUM OVERALL DIAGONAL DIMENSION OF THE AREA SERVED.  EXIT DOORWAY SEPERATION DISTANCE PER CBC 1007.1.1 EXCEPTION 2: <table border="1"> <thead> <tr> <th>REQ. MINIMUM</th> <th>PROVIDED</th> </tr> </thead> <tbody> <tr> <td>1/3 OF OVERALL BUILDING DIAGONAL (142' / 3 - 48 FT)</td> <td>118' - 1 1/2"</td> </tr> </tbody> </table> CBC TABLE 1017.2 EXIT ACCESS TRAVEL DISTANCE PER CBC TABLE 1017.2: <table border="1"> <thead> <tr> <th>OCCUPANCY TYPE</th> <th>DISTANCE</th> </tr> </thead> <tbody> <tr> <td>RESIDENTIAL R-2</td> <td>250 FT</td> </tr> <tr> <td>BUSINESS B</td> <td>300 FT</td> </tr> <tr> <td>STORAGE S-2</td> <td>400 FT</td> </tr> </tbody> </table> CORRIDOR FIRE RESISTANCE RATING PER CBC TABLE 1020.1 <table border="1"> <thead> <tr> <th>OCCUPANCY TYPE</th> <th>OCCUPANT LOAD</th> <th>REQ. RATING</th> <th>PROVIDED</th> </tr> </thead> <tbody> <tr> <td>B</td> <td>&gt;30</td> <td>0</td> <td>0</td> </tr> <tr> <td>R-2</td> <td>&gt;10</td> <td>0 PER CBC 1020.1 EXCEPTION 2</td> <td>0</td> </tr> <tr> <td>S</td> <td>&gt;30</td> <td>0</td> <td>0</td> </tr> </tbody> </table> PER CBC 1020.1 EXCEPTION 2 A FIRE-RESISTANCE RATING IS NOT REQUIRED FOR CORRIDORS CONTAINED WITHIN A DWELLING UNIT OR SLEEPING UNIT IN AN OCCUPANCY IN GROUP R.  MAXIMUM DEAD END CORRIDOR LENGTH PER CBC 1020.4 EXCEPTION 2: 50 FT  CBC 1030 EMERGENCY ESCAPE AND RESCUE OPENING 1030.2 MINIMUM SIZE. EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5.7 SQUARE FEET. 1030.2.1 MINIMUM DIMENSIONS. THE MINIMUM NET CLEAR OPENING HEIGHT DIMENSION SHALL BE 24 INCHES. THE MINIMUM NET CLEAR OPENING WIDTH DIMENSION SHALL BE 20 INCHES. THE NET CLEAR OPENING DIMENSIONS SHALL BE THE RESULT OF NORMAL OPERATION OF THE OPENING. 1030.3 MAXIMUM HEIGHT FROM FLOOR. EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL HAVE THE BOTTOM OF THE CLEAR OPENING NOT GREATER THAN 44 INCHES MEASURED FROM THE FLOOR.  CHAPTER 11A HOUSING ACCESSIBILITY RESIDENTIAL PORTIONS OF THE BUILDING WILL COMPLY WITH THIS CHAPTER, INCLUDING THE RESIDENTIAL DORMS, RESIDENTIAL RESTROOMS, DAY ROOM, DINING ROOM AND KITCHEN.  CHAPTER 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING PUBLIC PORTIONS OF THE BUILDING WILL COMPLY WITH THIS CHAPTER, INCLUDING SITE AMENITIES, WATCHROOM, PUBLIC RESTROOM, COMMUNITY / TRAINING ROOM.									FUNCTION OF SPACE	TOTAL AREA	LOAD FACTOR	MAX OCC. LOAD (CUMULATIVE)	BUSINESS AREA	877 SF	100	2 OCC.	GARAGE (APPARATUS BAY)	5007	200	26 OCC.	RESTROOMS	234	0	0 OCC.	STORAGE	169	300	2 OCC.	CIRCULATION	457	0	0 OCC.	ASSEMBLY (UNCONCENTRATED)	364	15	25 OCC.	EXERCISE ROOM	409	50	9 OCC.	RESIDENTIAL	1531	200	14 OCC.				TOTAL: 78	OCC TYPE	MAX. OCC. LOAD	MAX. DISTANCE	EXITS REQ.	EXITS PROVIDED	B	49	100	1	2	R-2	10	125	2	2	S-2	29	100	2	2	REQ. MINIMUM	PROVIDED	1/3 OF OVERALL BUILDING DIAGONAL (142' / 3 - 48 FT)	118' - 1 1/2"	OCCUPANCY TYPE	DISTANCE	RESIDENTIAL R-2	250 FT	BUSINESS B	300 FT	STORAGE S-2	400 FT	OCCUPANCY TYPE	OCCUPANT LOAD	REQ. RATING	PROVIDED	B	>30	0	0	R-2	>10	0 PER CBC 1020.1 EXCEPTION 2	0	S	>30	0	0
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MILPITAS FIRE STATION 2 LOAD FAC. / OCC. LOAD (AREA TABULATIONS)

ROOM NUMBER	ROOM NAME	OCC. TYPE	AREA	LOAD FACTOR	OCC. LOAD
101	ENTRY	B	120 SF	0	0 OCC
102	WATCH	B	198 SF	100	2 OCC
103	PUBLIC WC	B	47 SF	0	0 OCC
104	COMMUNITY TRAINING	B	364 SF	15	25 OCC
105	HALLWAY	R-2	457 SF	0	0 OCC
105A	ELEC. CLOSET	R-2	30 SF	0	0 OCC
105B	UTILITY RM.	R-2	10 SF	0	0 OCC
106	APP BAY	S-2	4997 SF	200	26 OCC
107	I.T.	R-2	79 SF	0	0 OCC
108	UTILITY	R-2	111 SF	0	0 OCC
109	WC	R-2	53 SF	0	0 OCC
110	WC	R-2	54 SF	0	0 OCC
111	WC	R-2	54 SF	0	0 OCC
112	ACCESSIBLE WC	R-2	77 SF	0	0 OCC
113	P.P.E.	S-2	330 SF	300	2 OCC
114A	KITCHEN	R-2	341 SF	200	2 OCC
114B	DAY RM. / DINING	R-2	670 SF	200	4 OCC
115	DORM 115	R-2	139 SF	200	1 OCC
116	DORM 116	R-2	127 SF	200	1 OCC
117	DORM 117	R-2	127 SF	200	1 OCC
118	DORM 118	R-2	127 SF	200	1 OCC
119	DORM 119	R-2	127 SF	200	1 OCC
120	DORM 120	R-2	127 SF	200	1 OCC
121	DORM 121	R-2	127 SF	200	1 OCC
122	DORM 122	R-2	127 SF	200	1 OCC
123	EXERCISE	R-2	409 SF	50	9 OCC



SHEET NOTES

KEY LEGEND

- ROOM NUMBER
- MIN. NUMBER OF REQ EXITS
- AREA DIVIDED BY LOAD FACTOR
- MAX. OCCUPANT LOAD
- OCCUPANT EXIT LOAD
- 1-HR FIRE BARRIER
- PATH OF EGRESS
- S-2 OCCUPANCY: 5,336 SF
- R-2 OCCUPANCY: 3,370 SF
- B OCCUPANCY: 729 SF

NOTE: If this drawing is not 34"x22" it has been revised from its original size and the scales noted on drawing/details are no longer applicable.  
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NO.	DATE	ISSUE DESCRIPTION
04/08/2019		SCHEMATIC DESIGN

CITY OF MILPITAS FIRE STATION NO. 2 REPLACEMENT  
1263 YOSEMITE DR. MILPITAS, CA 95035

Architect of Record  
**SHAH KAWASAKI ARCHITECTS**  
570 18th Street, Suite 201  
Oakland, CA 94607

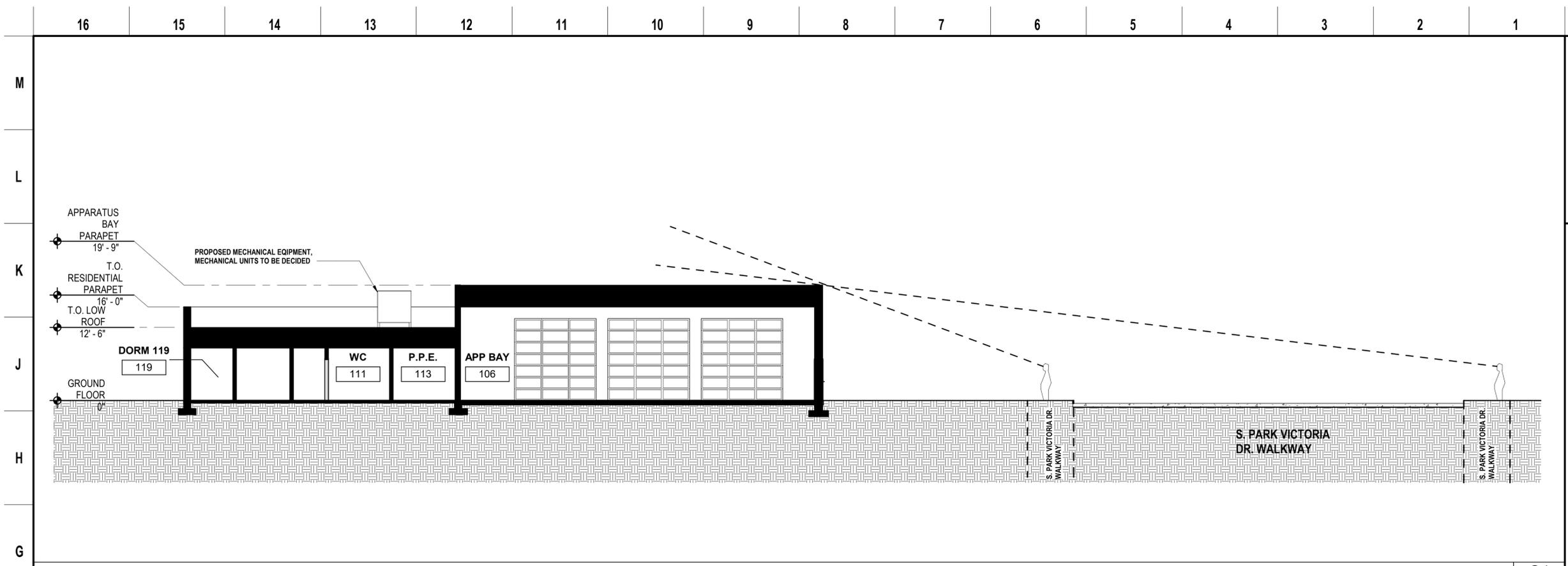
Consultant  
Drawing Title  
**CODE DIAGRAM / MEANS OF EGRESS**  
Drawing No.

**A-003**

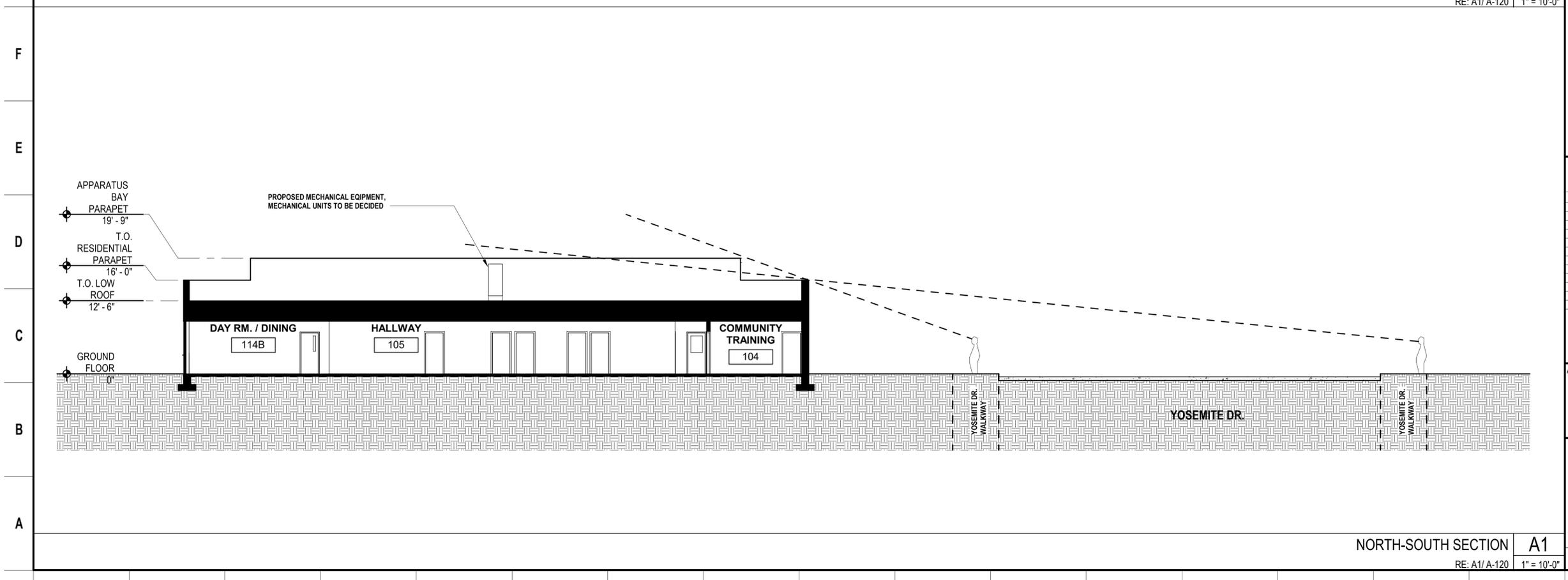
GROUND FLOOR PLAN MEANS OF EGRESS CODE DIAGRAM A8  
1/8" = 1'-0"

SKA Project Number: 18725 00

NOT FOR CONSTRUCTION



EAST-WEST SECTION **G1**  
 RE: A1/A-120 1" = 10'-0"



NORTH-SOUTH SECTION **A1**  
 RE: A1/A-120 1" = 10'-0"



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**CITY OF MILPITAS FIRE STATION NO. 2 REPLACEMENT**  
 1263 YOSEMITE DR. MILPITAS, CA 95035

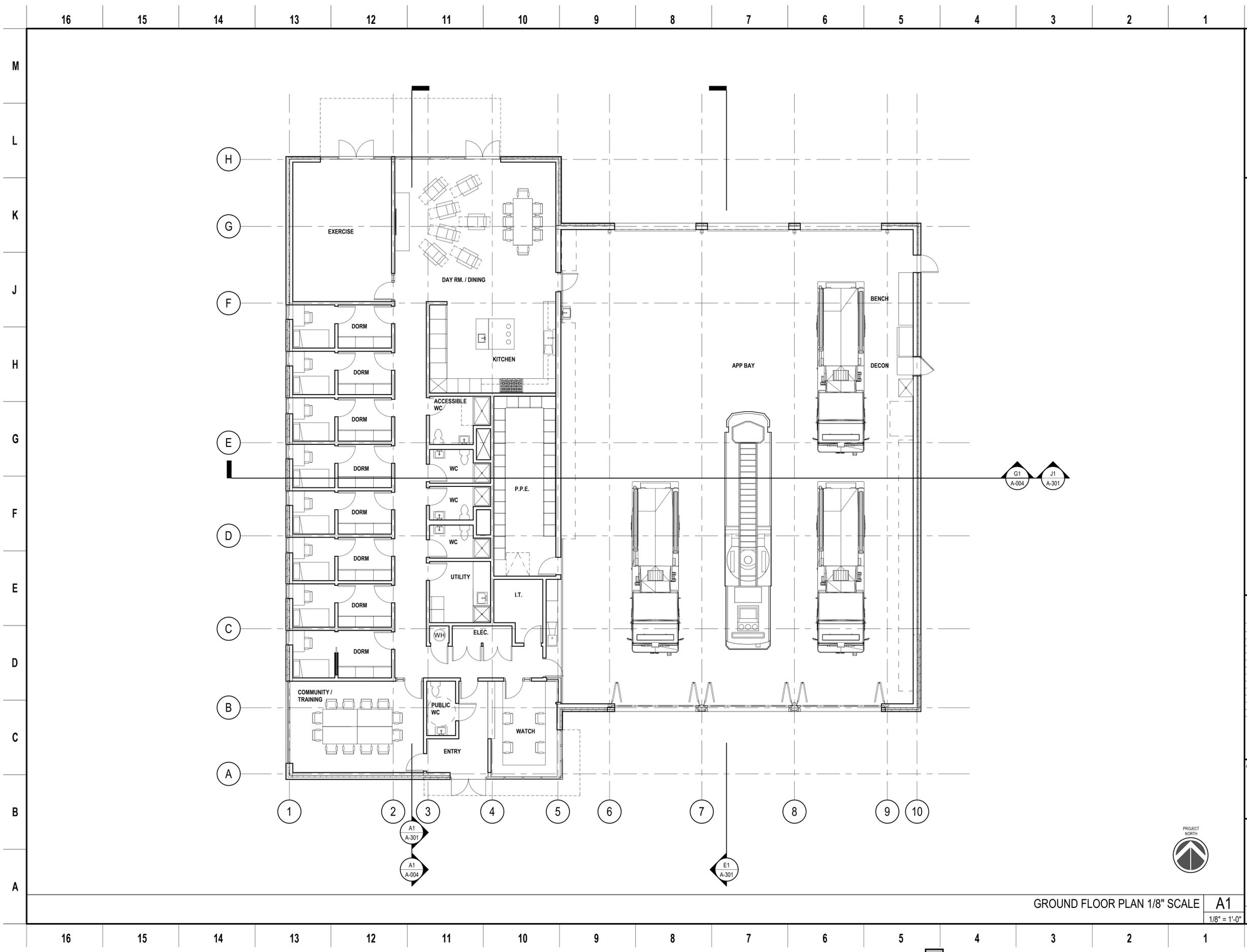
Architect of Record  
**SHAH KAWASAKI ARCHITECTS**  
 570 18th Street, Suite 201  
 Oakland, CA 94607

Consultant  
 Drawing Title  
**SIGHTLINE AND BUILDING SECTIONS DIAGRAMS**

Drawing No.  
**A-004**  
 SKA Project Number: 18725 00

NOT FOR CONSTRUCTION





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NO.	DATE	ISSUE DESCRIPTION
	04/08/2019	SCHEMATIC DESIGN

**CITY OF MILPITAS FIRE STATION NO. 2 REPLACEMENT**  
1263 YOSEMITE DR. MILPITAS, CA 95035

Architect of Record  
**SHAH KAWASAKI ARCHITECTS**  
570 18th Street, Suite 201  
Oakland, CA 94607

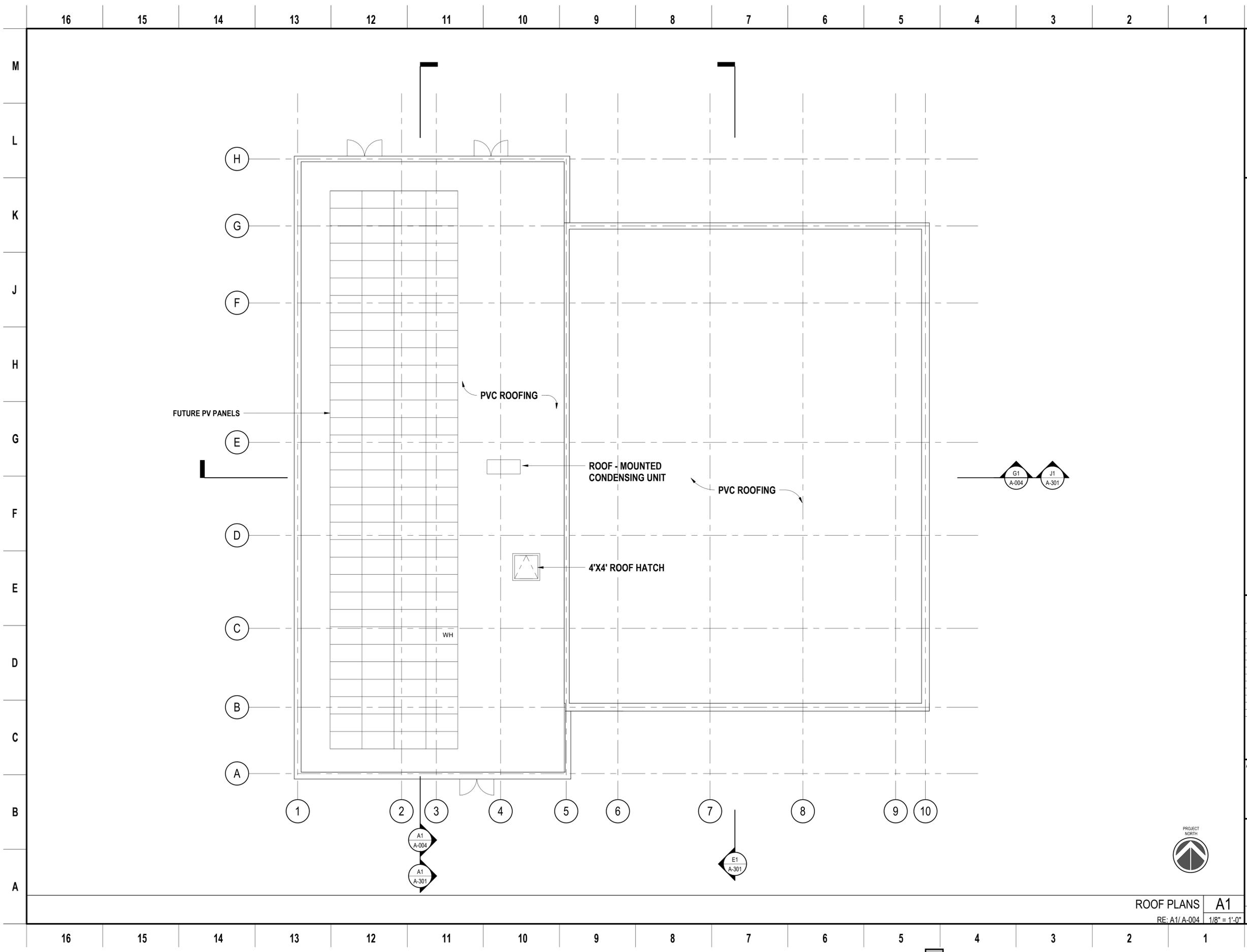
Consultant  
Drawing Title  
**FLOOR PLAN**

Drawing No.  
**A-120**

GROUND FLOOR PLAN 1/8" SCALE  
A1  
1/8" = 1'-0"

SKA Project Number: 18725 00

**NOT FOR CONSTRUCTION**



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NO.	DATE	ISSUE DESCRIPTION
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 1263 YOSEMITE DR. MILPITAS, CA 95035

Architect of Record  
**SHAH KAWASAKI ARCHITECTS**  
 570 18th Street, Suite 201  
 Oakland, CA 94607

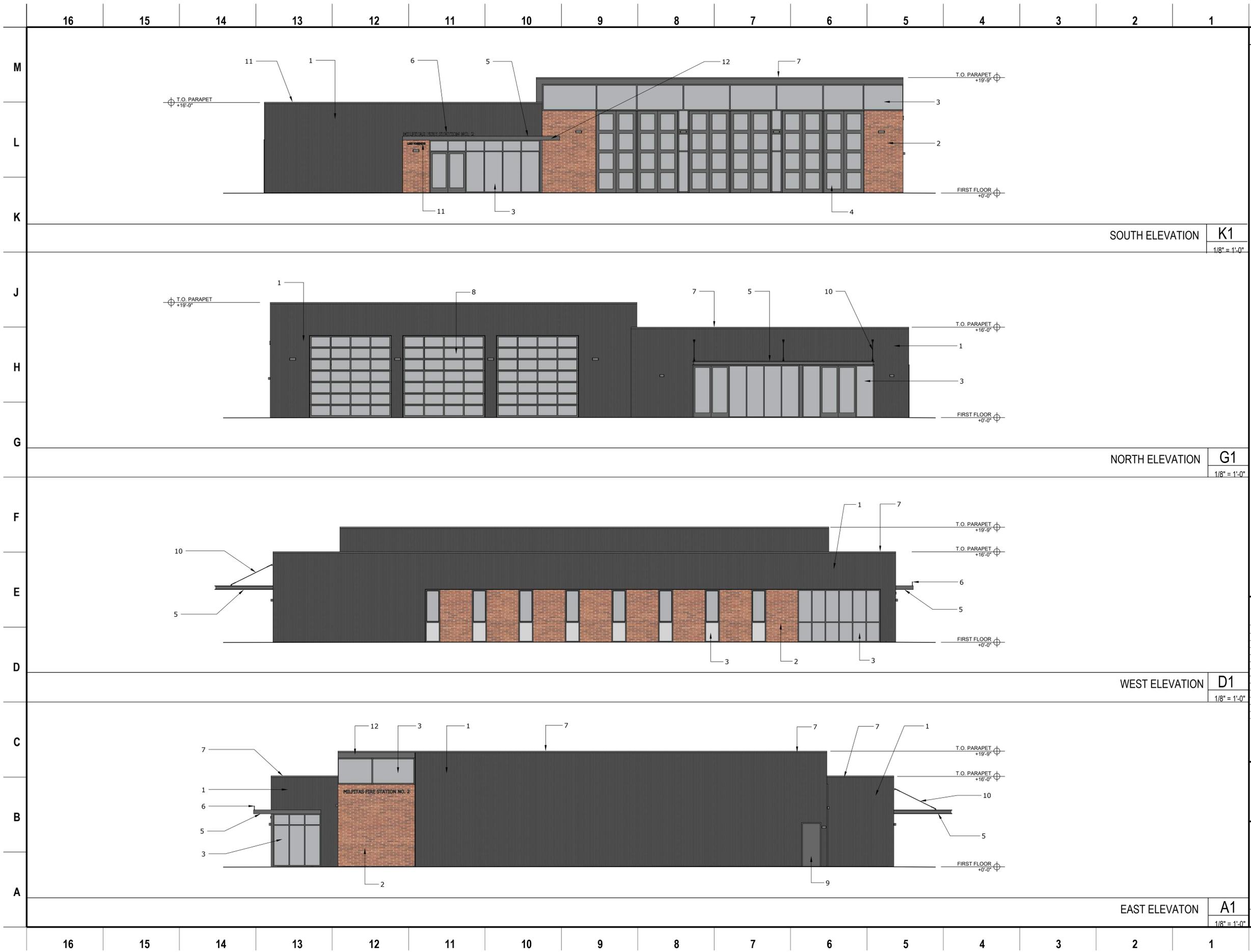
Consultant  
 Drawing Title  
**ROOF PLAN**

Drawing No.  
**A-121**

ROOF PLANS  
 RE: A1/A-004  
 1/8" = 1'-0"

SKA Project Number: 18725 00

**NOT FOR CONSTRUCTION**



**SHEET NOTES**

- 1 VERTICAL CORRUGATED METAL PANEL
- 2 BRICK
- 3 ALUMINUM STOREFRONT SYSTEM
- 4 4-FOLD STEEL AND GLAZED DOOR
- 5 STEEL CANOPY
- 6 STAINLESS STEEL BUILDING SIGN
- 7 PAINTED METAL COPING
- 8 ALUMINUM ROLL-UP SECTIONAL DOOR
- 9 PAINTED HOLLOW METAL DOOR
- 10 STAINLESS STEEL ROD
- 11 STAINLESS STEEL ADDRESS SIGN
- 12 PAINTED METAL FASCIA

SOUTH ELEVATION **K1**  
1/8" = 1'-0"

NORTH ELEVATION **G1**  
1/8" = 1'-0"

WEST ELEVATION **D1**  
1/8" = 1'-0"

EAST ELEVATION **A1**  
1/8" = 1'-0"

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04/08/2019	SCHEMATIC DESIGN	

**CITY OF MILPITAS FIRE STATION 2**  
1263 YOSEMITE DR. MILPITAS, CA 95035

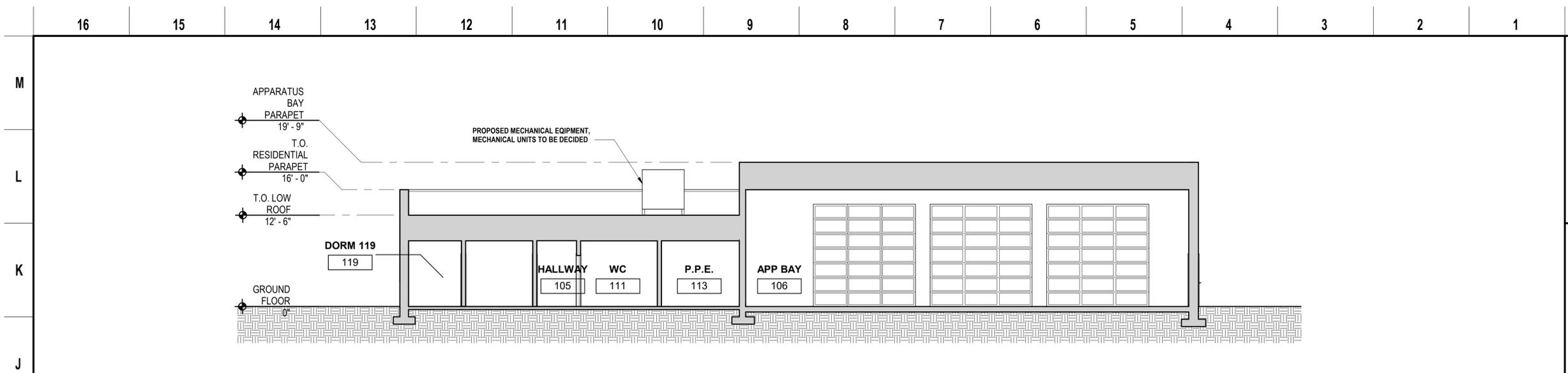
Architect of Record  
**SHAH KAWASAKI ARCHITECTS**  
570 10th Street, Suite 201  
Oakland, CA 94607

Drawing Title  
**Exterior Elevations**

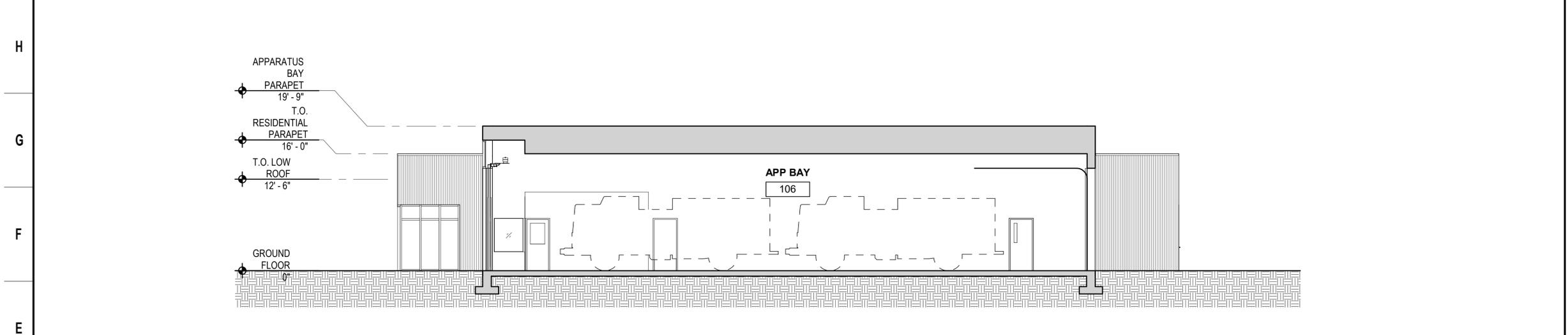
Drawing No.  
**A-201**

SKA Project Number: 18725.00

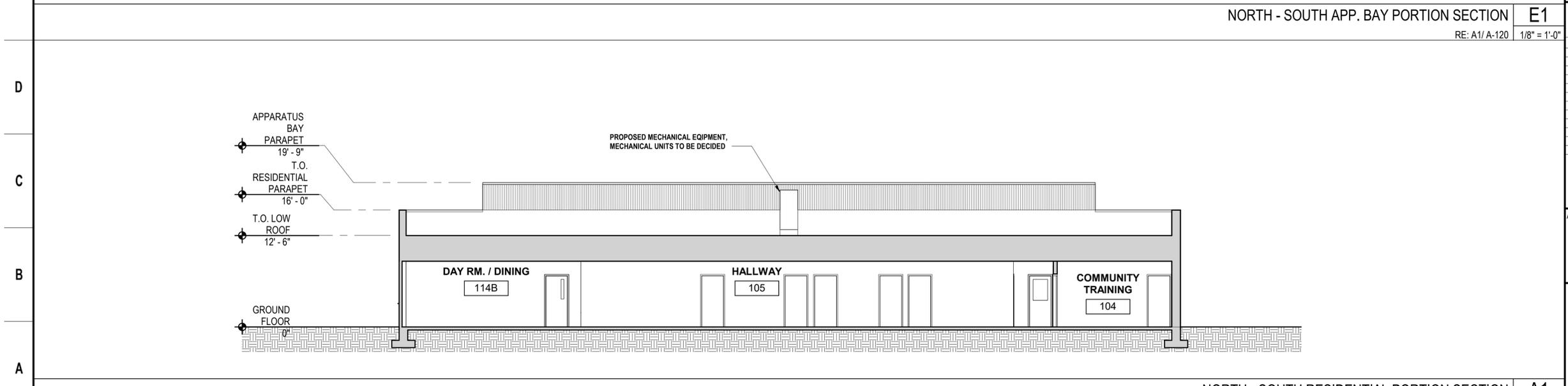
NOT FOR CONSTRUCTION



EAST - WEST SECTION **J1**  
RE: A1/ A-120 1/8" = 1'-0"



NORTH - SOUTH APP. BAY PORTION SECTION **E1**  
RE: A1/ A-120 1/8" = 1'-0"



NORTH - SOUTH RESIDENTIAL PORTION SECTION **A1**  
RE: A1/ A-120 1/8" = 1'-0"



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NO.	DATE	ISSUE DESCRIPTION
04/08/2019		SCHEMATIC DESIGN

**CITY OF MILPITAS FIRE STATION NO. 2 REPLACEMENT**  
1263 YOSEMITE DR. MILPITAS, CA 95035

Architect of Record  
**SHAH KAWASAKI ARCHITECTS**  
570 18th Street, Suite 201  
Oakland, CA 94607

Consultant  
**BUILDING SECTIONS**

Drawing No.  
**A-301**

SKA Project Number: 18725 00

NOT FOR CONSTRUCTION

16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

M  
L  
K  
J  
H  
G  
F  
E  
D  
C  
B  
A



SOUTH-WEST CORNER RENDER



SOUTH-EAST CORNER RENDER



NORTH-WEST CORNER RENDER



NORTH-EAST CORNER RENDER



M  
L  
K  
J  
H  
G  
F  
E  
D  
C  
B  
A

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NO.	DATE	ISSUE DESCRIPTION
04/08/2019		SCHEMATIC DESIGN

**CITY OF MILPITAS FIRE STATION NO. 2 REPLACEMENT**  
1263 YOSEMITE DR. MILPITAS, CA 95035

Architect of Record  
**SHAH KAWASAKI ARCHITECTS**  
570 18th Street, Suite 201  
Oakland, CA 94607

Consultant

Drawing Title  
**RENDERED PERSPECTIVES**

Drawing No.  
**A-401**

SKA Project Number: 18725 00

16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

NOT FOR CONSTRUCTION



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Approve the Milpitas Energy and Environmental Sustainability Commission 2020 Work Plan</b>
<b>Category:</b>	Community Services and Sustainable Infrastructure
<b>Meeting Date:</b>	1/7/2020
<b>Staff Contact:</b>	<b>Elaine Marshall, Deputy Director of Public Works, 408-586-2603</b>
<b>Recommendation:</b>	Approve the proposed Energy and Environmental Sustainability Commission 2020 Work Plan

**Background:**

This Energy and Environmental Sustainability Commission was established by the Milpitas City Council on October 8, 1991, originally as the Recycling and Source Reduction Advisory Commission (RSRAC). In 2018, the RSRAC was modernized and its scope expanded to form the Energy and Environmental Sustainability Commission (EESC). The purpose of the EESC is to serve as an advisory body to the City Council on matters concerning energy, environmental sustainability, and climate action, as well as source reduction, recycling and household hazardous waste management. The EESC will advise the City Council on updates to the Climate Action Plan and receive periodic progress reports from staff on meeting climate action goals. The EESC will also assist with public education, outreach, and promotion of activities in order to stimulate the greatest possible participation in sustainability efforts.

At the December 18, 2019 Commission meeting, Commissioners discussed and voted to forward their 2020 Work Plan to City Council for final approval.

**Analysis:**

The Energy and Environmental Sustainability Commission advisory area and Work Plan topics are in support and alignment with City Council Priority Area “Environment” and “Community Wellness and Open Space.”

Key proposed tasks are:

**Education and outreach to the community on sustainability issues and practices:**

- Planning for 2020 Earth Day Resource Fair
- Promoting Sustainability Events
- Planning for Energy Efficiency Outreach Campaign

**Review and feedback on City plans and services:**

- Guaranteed Energy and Water Savings Program for City Facilities including resiliency
- Bicycle, Trail, and Pedestrian Master Plan
- Recycling and Solid Waste Services

**Advise and recommendations to City staff and Council on the following issues:**

- Community Odor Monitoring Pilot Project and odor issues
- Recycling and solid waste services
- Silicon Valley Clean Energy and energy related issues

In addition to the tasks above, the Commission will also be involved in the upcoming update of the City's Climate Action Plan. Once a technical consultant is selected and approved by the City Council, the staff will work with the consultant to engage the Commission as part of the Climate Action Plan update effort including providing input on long-term goals, strategies selection, and community engagement.

**Fiscal Impact:**

There is no additional fiscal impact to the Fiscal Year 2019-20 budget associated with any of the items on the Work Plan.

**Recommendation:**

Approve the Energy and Environmental Sustainability Commission 2020 Work Plan.

**Attachment:**

Draft Energy and Environmental Sustainability Commission Work Plan

**Attachment 1**

---

*City of Milpitas  
Energy and Environmental Sustainability Commission  
Work Plan 2020*

---

The Energy and Environmental Sustainability Commission advises the City Council on matters pertaining to sustainability, climate action, recycling, and waste diversion.

Month	Issue/Agenda Topic
January	<ul style="list-style-type: none"><li>• Planning for 2020 Earth Day Event</li><li>• Odor Monitoring Study – review initial data and discuss potential dashboard</li></ul>
February	<ul style="list-style-type: none"><li>• Guaranteed Energy and Water Savings Facility Resilience Project Update</li><li>• Review Calendar of Sustainability Events</li></ul>
March	<ul style="list-style-type: none"><li>• Trail, Bikeway, and Pedestrian Master Plan</li><li>• Brainstorm and Planning a Potential Citywide Garage Sale</li></ul>
April	<ul style="list-style-type: none"><li>• Climate Action Plan Update*</li><li>• Odor Monitoring Study</li></ul>
May	<ul style="list-style-type: none"><li>• Single Use Disposable Food Ware Model Ordinance (staff update on efforts from Countywide Technical Advisory Committee)</li><li>• Recycling and Garbage Services</li></ul>
June	<ul style="list-style-type: none"><li>• Silicon Valley Clean Energy Update</li></ul>
July	NO MEETING
August	<ul style="list-style-type: none"><li>• Planning for Energy Efficiency Outreach Campaign in October 2020</li><li>• Climate Action Plan Update</li></ul>
September	<ul style="list-style-type: none"><li>• Odor Monitoring Study Update</li></ul>
October	<ul style="list-style-type: none"><li>• Water and Sewer Master Plan</li><li>• Recycling and Garbage Services</li><li>• 2021 Work Plan</li></ul>
November	<ul style="list-style-type: none"><li>• 2021 Work Plan Approval</li></ul>
December	<ul style="list-style-type: none"><li>• Odor Monitoring Study Update</li></ul>

*\*Climate Action Plan Update schedule may shift once consultant is onboard*



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Receive and Consider an interim update from staff on polling and research related to Mayor and Vice Mayor roles; provide direction, if any, or take action</b>
<b>Category:</b>	Leadership and Support Services
<b>Meeting Date:</b>	1/7/2020
<b>Staff Contact:</b>	Steven McHarris, Interim City Manager, 408-586-3059 Chris Diaz, City Attorney, 408-586-3040
<b>Recommendations:</b>	<ol style="list-style-type: none"> <li>1. Receive and consider an interim update from staff on polling and research related to Mayor and Vice Mayor roles; and</li> <li>2. Provide any new or alternative direction to staff, or the Council may choose to take action.</li> </ol>

### **Background:**

On November 19, 2019, per the Mayor’s request, the City Council agreed to place an item related to the consideration of an election of a new Vice Mayor on the December 3, 2019 Council agenda. If desired, the City Council could have voted to elect a new Vice Mayor to serve for the year 2020.

After receiving public testimony and discussing the item, Council directed staff to return on January 21, 2020 with an actionable report including the following information:

1. Historical information and legal analysis about the Vice Mayor and Mayor roles in the City of Milpitas, including the possibility of having an appointed rotating Mayor
2. Research about other cities’ definitions of the Mayor and Vice Mayor roles
3. Community poll about Mayor and Vice Mayor terms

The Vice Mayor also requested research on whether there could be a primary election for the office of Mayor and if so, a question about this was to be included in the poll. Subsequent to this discussion, the City Attorney confirmed that as a general law city, a primary election for the Mayor was not possible and thus, this question was not included in the poll.

### **Analysis:**

On December 17, 2019, staff sent draft polling questions to the City Council. The link to the survey was made available only on the City’s NextDoor account, in an attempt to solely reach Milpitas residents; however, since not all residents are registered, the link could be shared outside of the platform.

Based on Council input, four questions were posted through NextDoor on December 19, 2019. The questions and their responses as of January 3, 2020, are described below; to date 112 people have viewed the survey and 84 people have provided responses.

1. **Are you a Milpitas resident?**  
91.7% are residents; 1.2% do not live in Milpitas; 7.1% responded under “Other” category.
2. **Should the City change from a directly elected Mayor to a Mayor appointed by the City Council?**  
7.1 percent said Mayor should be appointed by City Council; 92.9% were in favor of a directly elected Mayor
3. **Should the Vice Mayor be appointed annually or every two years (pick one)**

25% supported a 1-year Vice Mayor appointment; 67.9% supported a 2-year Vice Mayor appointment;  
7.1% responded under “Other” category

**4. Is there any other feedback that you like to provide the City Council?**

Detailed responses included in Attachment

The legal analysis document related to the establishment and powers of an elective Mayor is also included in the agenda packet.

Based on prior Council direction from December 3, staff is currently working on additional information related to the Mayor and Vice Mayor roles and will bring back a full report to Council on January 21, 2020.

The reason for this update is to provide the Council with an opportunity to review the legal analysis and interim polling results so the Council can provide staff with any additional direction if desired.

**Fiscal Impact:**

Not applicable

**California Environmental Quality Act:**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**Recommendations:**

1. Receive and consider an interim update from staff on polling and research related to Mayor and Vice Mayor roles; and
2. Provide any new or alternative direction to staff, or the Council may choose to take action.

**Attachments:**

Summary of polling responses – January 3, 2020

Legal analysis on establishment and powers of an elective Mayor



# Community Input regarding Positions of Mayor and Vice Mayor

January 3, 2020, 12:51 PM

## Contents

i.	Summary of responses	2
ii.	Survey questions	4
iii.	Individual responses	5

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

### Summary Of Responses

<b>As of January 3, 2020, 12:51 PM, this forum had:</b>	<b>Topic Start</b>
Attendees: 112	December 17, 2019, 5:15 PM
Responses: 84	
Hours of Public Comment: 4.2	

#### QUESTION 1

**Are you a Milpitas resident (pick one)?**

		<b>%</b>	<b>Count</b>
Yes, I live in Milpitas		91.7%	77
No, I do not live in Milpitas		1.2%	1
Other		7.1%	6

#### QUESTION 2

**Should the City change from a directly elected Mayor to a Mayor appointed by the City Council (pick one)?**

		<b>%</b>	<b>Count</b>
Yes, the Mayor should be appointed by the City Council		7.1%	6
No, the Mayor should be elected by the voters of Milpitas		92.9%	78

#### QUESTION 3

**Should the Vice Mayor be appointed annually or every two years (pick one)?**

		<b>%</b>	<b>Count</b>
1 year - the City Council should appoint the Vice Mayor annually		25.0%	21

**Community Input regarding Positions of Mayor and Vice Mayor**

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

		<b>%</b>	<b>Count</b>
2 years - the City Council should appoint the Vice Mayor every two years		67.9%	57
Other		7.1%	6

QUESTION 4

**Is there any other feedback that you would like to provide the City Council?**

Answered	26
Skipped	58

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

# Survey Questions

### QUESTION 1

**Are you a Milpitas resident (pick one)?**

- Yes, I live in Milpitas
- No, I do not live in Milpitas
- Other

### QUESTION 2

**Should the City change from a directly elected Mayor to a Mayor appointed by the City Council (pick one)?**

- Yes, the Mayor should be appointed by the City Council
- No, the Mayor should be elected by the voters of Milpitas
- Other

### QUESTION 3

**Should the Vice Mayor be appointed annually or every two years (pick one)?**

- 1 year - the City Council should appoint the Vice Mayor annually
- 2 years - the City Council should appoint the Vice Mayor every two years
- Other

### QUESTION 4

**Is there any other feedback that you would like to provide the City Council?**

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

### Individual Responses

---

#### Name not available

December 23, 2019, 11:40 AM

##### Question 1

- Yes, I live in Milpitas

##### Question 2

- No, the Mayor should be elected by the voters of Milpitas

##### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

##### Question 4

No response

---

#### Name not available

December 23, 2019, 11:53 AM

##### Question 1

- Other - Work in milpitas

##### Question 2

- No, the Mayor should be elected by the voters of Milpitas

##### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

##### Question 4

No response

---

#### Name not shown

December 23, 2019, 12:19 PM

##### Question 1

- Yes, I live in Milpitas

##### Question 2

- No, the Mayor should be elected by the voters of Milpitas

##### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

##### Question 4

No response

---

#### Name not available

December 23, 2019, 12:37 PM

##### Question 1

- Yes, I live in Milpitas

##### Question 2

- No, the Mayor should be elected by the voters of Milpitas

##### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

##### Question 4

No response

---

#### Name not available

December 23, 2019, 12:54 PM

##### Question 1

- Yes, I live in Milpitas

##### Question 2

- No, the Mayor should be elected by the voters of Milpitas

##### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

### Question 4

Please let the voters decide on these very important decisions.

---

### Kathy Littleton

December 23, 2019, 12:58 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

#### Question 4

I feel that the 2 year term for Mayor is too short. It should be 4 years, with a 2 consecutive elected terms. Just when a new mayor is getting things going, they have to start preparing for re-election, for the next 2 years if they are eligible.

---

### Name not available

December 23, 2019, 1:27 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

#### Question 4

No response

---

### Name not shown

December 23, 2019, 1:59 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not shown

December 23, 2019, 2:38 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

#### Question 4

The mayor should be elected by the citizens!

---

### Name not available

December 23, 2019, 3:30 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not available

December 23, 2019, 3:31 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not available

December 23, 2019, 3:32 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- Yes, the Mayor should be appointed by the City Council

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not available

December 23, 2019, 3:32 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not available

December 23, 2019, 3:35 PM

### Question 1

- No, I do not live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not available

December 23, 2019, 3:43 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not available

December 23, 2019, 3:46 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

I think a 2 year term for vice Mayor is in line with the 2 year Mayor term and will allow our council to direct its energy towards other needs of the city than worrying about a yearly politically charged debate.

---

### Name not available

December 23, 2019, 3:49 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

### Name not shown

December 23, 2019, 3:52 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

### Question 4

Put a moratorium on growth until citizens can fully see what's in the works, updated evacuation plans, infrastructure plans. Also, recommend planning commission be elected so they have accountability to citizens of Milpitas

---

### Name not available

December 23, 2019, 3:54 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

### Question 4

No response

---

### Name not available

December 23, 2019, 4:10 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

- Yes, the Mayor should be appointed by the City Council

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not available

December 23, 2019, 4:28 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not shown

December 23, 2019, 4:34 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

### Name not available

December 23, 2019, 4:43 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

you cannot change a vice mayor role in the middle of a term. that is unethical. that would be casting doubt to the milpitas voters. unless the vice mayor did something terribly wrong, you should never cut their term short.

that being said, i think the mayor term should be 4 year full time. the vice mayor should also be elected with a term of 4 years and also full time.

---

### Name not shown

December 23, 2019, 4:43 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not shown

December 23, 2019, 5:04 PM

### Question 1

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

Your second question isn't clear. Would city council appoint one of their own as mayor, or a citizen not already elected to any office?

---

### Name not available

December 23, 2019, 5:10 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not available

December 23, 2019, 5:15 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- Other - Annually if Mayor's term is 2 years. Every 2 years if Mayor's term is changed to 4 years in the future.

### Question 4

The Mayor should be elected by the Milpitas voters (not appointed). The Mayor's term should be 2 years for up to 3 consecutive terms (total of 6 years) or 4 years up to two consecutive term (total of 8 years).

---

### Name not available

December 23, 2019, 5:16 PM

### Question 1

- Other - I volunteer in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 23, 2019, 5:25 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

Vice mayor Karina Dominguez has done some amazing things in Milpitas.

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

### Name not available

December 23, 2019, 5:26 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

#### Question 4

Vice mayor Karina Dominguez has done some amazing things in Milpitas.

### Name not available

December 23, 2019, 5:35 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

#### Question 4

There should be term limits for City Council who do not make Milpitas better. Those that serve should have a track record of making Milpitas better and can run each year. If they don't make Milpitas better, they should be limited to serve in the future. Thanks

### Name not available

December 23, 2019, 6:13 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

#### Question 4

One year is too short for a vice mayor term. It should be at least two

### Name not available

December 23, 2019, 6:14 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

#### Question 4

No

### Name not available

December 23, 2019, 6:18 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

#### Question 4

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

No response

---

### Name not shown

December 23, 2019, 6:45 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

#### Question 4

No response

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### Name not available

December 23, 2019, 7:00 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

#### Question 4

Full time Council is not a bad idea

---

### Name not available

December 23, 2019, 7:04 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- Other - Don't know

#### Question 4

No response

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### Name not shown

December 23, 2019, 8:15 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

#### Question 4

I feel it is wrong making these decisions based on a survey posted to a social media group that does not guarantee all citizens are informed. This does not look like clean politics to the other member of the community that I have shared this with that were not aware of this.

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### Name not available

December 23, 2019, 8:26 PM

#### Question 1

- Other - Work

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

#### Question 4

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

No response

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### Name not available

December 23, 2019, 10:19 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

#### Question 4

It is my hope is the new year that the council works harder to be more civil with one another and to not let pettiness distract from what's important.

---

### Name not available

December 23, 2019, 10:20 PM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

#### Question 4

No response

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### Name not available

December 23, 2019, 11:41 PM

#### Question 1

- Other - I work in Milpitas (MUSD) and spend most of my "awake" hours in Milpitas.

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

#### Question 4

Since the mayor term is short (2 years), I believe the appointed vice mayor term should be shorter (1 year in this case) to allow council members to experience the position. From where I live, the mayor has a 4 year term, and the appointed vice mayor is 1 year on rotation. Seems to work fine!

---

### Name not available

December 24, 2019, 5:33 AM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- Yes, the Mayor should be appointed by the City Council

#### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

#### Question 4

No response

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### Name not available

December 24, 2019, 6:29 AM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

### Question 4

No response

### Name not available

December 24, 2019, 6:45 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

Residents of Milpitas should be able to vote their Mayor in. The Mayor should act as a representative for the residents and develop the City sensibly. Not allowing cheap businesses from entering the city and making sure that all rules laid down are followed and if amended, they have the consent of the residents.

### Name not available

December 24, 2019, 6:54 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

### Name not available

December 24, 2019, 7:21 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- Other - Have an election for vice mayor every two years.

### Question 4

The citizens of Milpitas need all the accountability they can get for the city government. Currently a non-conforming development project is being proposed for the corner of Jacklin and Hillview which none of the neighbors want, but is being forced upon us for mysterious reasons. We want to maximize our capacity to express to the city government our collective wishes.

### Name not available

December 24, 2019, 7:24 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

There needs to be structure and consistency for leadership of our city. The learning curve for the responsibilities of this position should be taken into consideration.

Every so often I attend a meeting and when change is being recommended by council, the reason that is always brought to the table is in San Jose they do ... We are Milpitas we don't have to follow suit to what

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

San Jose does! We are a much smaller community with different needs. Sometimes it's ok not to be a follower of Big City growth and change. We, The Milpitas Family should hold true to Our Traditions before we lose Our Identity.

Our Growth has been occurring at such a fast rate Our city facilities can not even accommodate our Traditional Community events and activities for example Tree Lighting this year. Councilmembers must Focus their energies on important solutions to REAL Issues that effect Our Milpitas Family.

Why are we wasting staff time, city monies on having a survey about this issue, when there are more pressing issues. Like the La Quinta project that will effect the Energy of Our Milpitas Family?

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### Name not available

December 24, 2019, 8:21 AM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

#### Question 4

No response

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### Name not available

December 24, 2019, 8:53 AM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

#### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

#### Question 4

Milpitas is facing a devastating impact where a property owner is seeking zoning variances to allow a 5 story hotel in the middle of our quiet scenic neighborhood of 1 and 2 story homes. Only homes within 1000 ft were notified where homes within 5000 ft would be impacted an others who use hetch hetchy trail scenic vista impacted. Residents would suffer millions of dollars of property value are fighting back.

Zoning regulations like FAR must be honored. All Milpitas residents impacted notified. An invalid EIR must be reworked where it rates impact to Ed Levin not to Hillview neighborhood in seeking zoning variances.

The owner has the right to use his property for a reasonable profit where zoning would support a 1 or 2 story motel, not have the right to a windfall profit of a 5 story hotel towering over Milpitas best neighborhood and devastating the neighborhood.

The owner even admits that all trucks and cars with trailers must overflow to the neighborhood. And a faulty traffic study compares traffic impact to years ago not to today's rush hour traffic that backs up for several blocks at Jacklin and Hillview intersection and adding 40 or 50 cars during rush hour would be devastating.

Over 400 residents have signed a petition to stop this and hundreds of others will join the fight who have invested in View homes next to a View trail.

These are the same residents who voted for decades to preserve the Hills.

If these zoning variances are simply allowed and hundreds of Milpitas homeowners impacted without a vote on the matter or even notification, there will be significant anger that's likely to cause active neighborhood revolts to follow.

This is an opportunity for the City Council and Mayor to step up and represent Milpitas finest neighborhood of professionals and Opinion leaders and avoid a revolt unheard of in our city and change our city forever.

---

### Name not available

December 24, 2019, 8:57 AM

#### Question 1

- Yes, I live in Milpitas

#### Question 2

- No, the Mayor should be elected by the voters of Milpitas

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 24, 2019, 9:15 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 24, 2019, 11:46 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

### Name not available

December 24, 2019, 3:20 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- Other - Vice Mayor should be appointed by Mayor.

### Question 4

No response

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### Name not available

December 24, 2019, 3:43 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Steve Bunnell

December 24, 2019, 7:58 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

Leave things alone. Everything is working fine like it is.

---

### Name not available

December 25, 2019, 1:51 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 25, 2019, 10:21 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

### Question 4

No response

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### Name not available

December 26, 2019, 3:48 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 27, 2019, 7:26 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- Yes, the Mayor should be appointed by the City Council

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 27, 2019, 10:37 AM

### Question 1

- Other - work for Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Yolie Garcia

December 27, 2019, 12:52 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

Thank you for the opportunity to give feedback to these important issues. (1) Once the Mayor is elected, that person is the 'MAYOR' for the term. I don't think the Mayor position should be 'shared' during the term. The Councilmembers should be listening, learning and on Community projects so IF they want to run for the Mayor position, this gives them a chance to get first-hand experience and knowledge of what is required for that position. If they believe they can manage the position, they can RUN for the Mayor position. (2) The Vice-Mayor position should stay at 2-years. One year is just not sufficient to really make a difference and/or get anything done. It takes time (even months) for a new Vice-Mayor to ramp up to the task and processes. (3) When Community members 'run' for a particular seat - be it Mayor or Councilmember, they should expect to BE in THAT position if voted in...and not expect to get 'on the job' training to be Vice-Mayor or Mayor. Honestly, who does that? In any industry, if you are 'hired' for a certain position, you are expected to work at that position...no one is expected to be Manager For A Day and shift to another position!! If a Councilmember wants to be Vice-Mayor and/or Mayor, they should be the best at their position, make it known what their goal is and if need be, run again for Mayor and/or make it clear if elected, they'd like to be appointed Vice-Mayor.

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### Name not available

December 27, 2019, 7:57 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 28, 2019, 12:44 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

The Vice Mayor role should be given to the council member with the highest number of votes.

---

### Name not available

December 28, 2019, 12:51 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 28, 2019, 6:25 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 28, 2019, 6:37 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

### Question 4

No response

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### Name not available

December 28, 2019, 6:45 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- Other - V mayor should appointed by mayor discretion just like vice president

### Question 4

No response

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### Name not available

December 28, 2019, 7:08 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- Yes, the Mayor should be appointed by the City Council

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not available

December 28, 2019, 7:25 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- Yes, the Mayor should be appointed by the City Council

### Question 3

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

- 1 year - the City Council should appoint the Vice Mayor annually

### Question 4

No response

---

### Name not available

December 28, 2019, 7:31 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

### Question 4

No response

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### Name not available

December 28, 2019, 7:45 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

The Mayor should be voted by the constituents not selected by the council members to avoid favoritism and internal dealings.

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### Name not available

December 28, 2019, 7:52 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 28, 2019, 8:43 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

### Question 4

No response

---

### Name not available

December 28, 2019, 8:46 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 28, 2019, 10:18 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 1 year - the City Council should appoint the Vice Mayor annually

### Question 4

No response

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### Name not available

December 28, 2019, 10:24 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

---

### Name not available

December 28, 2019, 10:37 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 28, 2019, 11:22 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 28, 2019, 8:22 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

## Community Input regarding Positions of Mayor and Vice Mayor

Should the City have an elected or appointed Mayor and should the Vice Mayor term be 1 or 2 years?

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 28, 2019, 11:22 PM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- Other - Vice Mayor should be elected by voters, for a term of 2 years

### Question 4

No response

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### Name not available

December 29, 2019, 8:11 AM

### Question 1

- Other - I own property in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 30, 2019, 11:22 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

No response

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### Name not available

December 31, 2019, 11:51 AM

### Question 1

- Yes, I live in Milpitas

### Question 2

- No, the Mayor should be elected by the voters of Milpitas

### Question 3

- 2 years - the City Council should appoint the Vice Mayor every two years

### Question 4

IMO, a rotating mayor or vice mayor may create confusion among the citizens.



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

**Memorandum**

**To:** Mayor Tran and Honorable City Council **File No.:** 38077.00100  
**From:** City Attorney's Office  
**Meeting Date:** January 7, 2020  
**Re:** Establishment and Powers of an Elective Mayor

**I. Introduction**

The purpose of this memorandum is to detail, for a general law city, the establishment, term, powers and other aspects of a directly elected mayor relative to that of a non-directly elected mayor as set out in State law.

This memo further details the minimal guidance in state law with regard to the Vice-Mayor role.

**II. Issues**

1. With regard to a directly elected Mayor in a general law city:
  - How is the office of an elective mayor established?
  - What is the term of office of an elective mayor?
  - What are the powers of an elective mayor?
  - How is an elective mayor compensated?
  
2. What is the role of the Vice-Mayor under state law?

**III. Discussion**

**1. *Mayoral Provisions***

**A. Establishment**

The office of an elective mayor is established by a majority vote of the electorate. (Gov. Code, §§ 34900; 34902(a).) The government of a general law city is vested in a city council of at least five members. (Gov. Code, § 36501(a).) In a city with a non-directly elected mayor, following a city council election, the members of the city council vote to designate one of its members as the mayor and one of its members as the vice-mayor. (Gov. Code, § 36801.) To establish the mayor as an elective office, the city council must submit the question to voters at a general or special election. (Gov. Code, § 34900.) The voters then decide whether the mayor should be directly elected and whether the mayor should serve a two-year or four-year term. (Gov. Code, § 34901.)



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

The voters of the City of Milpitas established an elective mayor at the ballot box on November 2, 1976. To change back to a non-directly elected mayor, the voters would need to vote to change direction. Either the City Council or the residents can propose a ballot measure.

**B. Term**

As stated above, the term of an elective mayor is either two years or four years, as determined by a majority of the voters when voting on the question of whether to create a directly elected mayor. (Gov. Code, § 34901.)

On November 2, 1976, the term of a directly elected mayor in Milpitas was set at 2 years.

**C. Powers**

For a general law city, the mayor has both legislative and executive powers. An elective mayor and non-elective mayor have the same legislative and executive powers, except that an elective mayor also has the executive power to appoint members to boards, commissions, and committees.

**1. Legislative Powers**

An elective mayor retains all the legislative powers and responsibilities as a non-elective mayor. The mayor is a member of the city council, with all powers of a city council member. (Gov. Code, § 34903.) The mayor presides over all meetings of the city council. (Gov. Code, § 36802.) If the city clerk and the deputy city clerk are absent, then the mayor appoints a member of the city council clerk pro tempore. (Gov. Code, § 36804.)

**2. Executive Powers**

Like a non-elective mayor, an elective mayor has powers which concern execution of certain agreements and transactions. Unless the city council provides otherwise by ordinance or council direction, the mayor signs all warrants drawn by the city treasurer, all contracts and conveyances made and entered into by the city, and all instruments requiring a city seal. (Gov. Code, § 40602.) The mayor may also administer oaths. (Gov. Code, § 40603.)

Unlike an non-elective mayor, an elective mayor makes all appointments to city boards, commissions, and committees, subject to the approval of the city council. (Gov. Code, § 40605.)

**D. Compensation**

Unlike a non-elective mayor, an elective mayor may receive additional compensation beyond the compensation he or she receives as a member of the city council. (Gov. Code, § 36516.1; 89 Ops.Cal.Atty.Gen. 159, \*4 (2006).)



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

**2. Vice-Mayoral Provisions**

When the mayor is absent, the mayor pro tempore exercises the powers of the mayor. The mayor pro tempore is selected by the city council. (Gov. Code, §§34905, 36801; see also, (“mayor pro tem of general law city chosen pursuant to this section has no fixed term but serves at the pleasure of the city council which selects them”); (67 Ops.Cal.Atty.Gen. 405, 9-13-84). In the absence of the mayor, the mayor pro tempore must exercise certain powers granted to the mayor as noted under Section “C” above. (Gov. Code, §40601). Absence under state law is limited to the actual physical absence of the mayor, not refusal to act. *Torres v City of Montebello* (2015) 234 Cal.App.4th 382, 397.

**IV. Conclusion**

For a general law city, the voters approve the establishment of the office of the elective mayor and set the office’s term at either two or four years. An elective mayor has the same legislative and executive powers as a non-elective mayor, except that an elective mayor appoints members to boards, commissions, and committees and may receive additional compensation as compared to other city council members. Finally, when the mayor is absent, the mayor pro tempore or Vice-Mayor exercises the powers of the mayor.



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Receive Request from Mayor Tran for Study on Potential Performing Arts Center in Milpitas (Contact: Mayor Rich Tran, 408-586-3029)</b>
<b>Category:</b>	Reports of Mayor and Councilmembers
<b>Meeting Date:</b>	1/7/2020
<b>Staff Contact:</b>	<b>Mayor Tran, 408-586-3029</b>
<b>Recommendation:</b>	Per Mayor’s request, consider approving staff time to conduct a study on a potential performing arts center in Milpitas and report back to City Council with possibility of adding a project to the Capital Improvement Program.

**Receive Request from Mayor Tran for Study on Potential Performing Arts Center in Milpitas (Contact: Mayor Rich Tran, 408-586-3029)**

**Background:**

On December 17, 2019, Mayor Tran requested, and the Council agreed, to place an item related to a potential performing arts center on the January 7, 2020 City Council agenda. The item will be brought forward for City Council to consider approving staff time to conduct a study on a potential performing arts center in Milpitas and to report back to City Council with the possibility of adding a project to the Capital Improvement Program.

Earlier in 2019, Councilmembers Nuñez and Phan had also submitted an “Agenda Item Request Form” regarding a “Community Theatre” study. The topic was listed on the October 1, 2019 Council meeting agenda alongside other requests, however no action was taken on that request. This item has been attached for reference and discussion, in conjunction with the Mayor’s request.

**Recommendation:**

Per Mayor’s request, consider approving staff time to conduct a study on a potential performing arts center in Milpitas and report back to City Council with possibility of adding a project to the Capital Improvement Program.

**Attachment:**

Agenda Request Form submitted by Councilmembers Nuñez and Phan



Revised

# AGENDA ITEM REQUEST FORM

Please complete and submit this form to the City Manager.

08/26/2019

Councilmember Nuñez



Councilmember Phan



**Request Date**

**City Council Members Submitting Request**

**Urgent Item**

*Reason for Urgency*

insert text here

**Time frame for the item to be heard**

*(e.g., within 60 days or within 2 Council meetings)*

**Alignment with Council Priority Area(s):**

Public Safety

Economic Development and Job Growth

Environment

Neighborhoods and Housing

Transportation and Transit

Community Wellness and Open Space

Governance and Administration

**Name of Item:**

Feasibility Study of Community Theatre

*Enter item description and why the item is being requested for Council consideration. To ensure compliance with the Brown Act, no position on the item should be included in the item description.*

Request a study of building of a Community Theatre in the Civic Center Facility or a partnership with the Milpitas Unified School District on one of their properties. This would be included in the CIP.

Submit Electronically

# MILPITAS CITY COUNCIL MEETING

## PREVIEW OF AGENDA ITEMS

JANUARY 21, 2020

### CONSENT CALENDAR

- 1) Receive City Council calendar for February 2020 (Mary Lavelle)
- 2) Approve Action Minutes of the City Council meeting of January 7, 2020 (Mary Lavelle)
- 3) Adopt a Resolution Certifying Election Results & Adding Tract to Community Facilities District No. 2008-1 (Annexation No. 18); Approve Final Tract Map No. 10522; Approve and Authorize City Manager to Execute Subdivision Improvement Agreement for 1316 So. Main Street (Kan Xu)
- 4) Adopt a Resolution to Receive Annual AB 1600 Report of Development Fees (Walter Rossmann)
- 5) Adopt a Resolution Calling for Annual Weed Abatement Program and Set Date for the Public Hearing (Albert Zamora)
- 6) Adopt a Resolution Approving Agreement for Sole Source Purchase Expenditure over \$100,000 for Upgrade with Central Square Software for Permitting System Upgrade (Mike Luu, Chris Schroeder)
- 7) Approve Amendment No. 1 to Agreement with Michael Baker International, Inc. for TASP Project Manager/Principal Planner services (Ned Thomas)
- 8) Authorize Interim City Manager to Execute Stormwater Management Facilities Operation and Maintenance Agreement for Sprig Center project at 1585 N McCarthy Blvd (Steve Erickson)
- 9) Approve Amendment No. 4 to Contract with JP Graphics Extending the Term by Six Months and Increasing Compensation by \$77,500 (Chris Schroeder)
- 10) Authorize Issuance of 2 Blanket Purchase Orders to Summit Uniforms and LC Action Policy Supply for Police and Fire Departments' Uniforms and Equipment, per response to RFP (Chris Schroeder)
- 11) Approve Travel for Councilmembers Nuñez and Montano, and City Manager to go to Sacramento Jan. 22-24, 2020 for League of CA Cities function (Steve McHarris)

### PUBLIC HEARING

- 12) Approve revised Residential Development Project by Robson Homes at 1005 N. Park Victoria Drive (Ned Thomas)

### COMMUNITY SERVICES

- 13) Approve Parks, Recreation and Cultural Resources Commission Work Plan including cultural part of Sister Cities program (Renee Lorentzen)
- 14) Introduce Ordinance No. 304 for Skate Park Regulations (Tegan McLane)

### LEADERSHIP

- 15) Presentation of Pension Actuarial Analysis and Options (Walter Rossmann)
- 16) Award Contract to Chandler Asset Management for Investment Management Services, following result of Request for Proposal (Walter Rossmann)
- 17) From 12/17: Resolution amending Classification Plan for new position (Liz Brown & consultant)
- 18) Approve Science, Technology and Innovation Commission Work Plan (Mike Luu)
- 19) Report back on Definition of Mayor and Vice Mayor roles and community polling (Steve McHarris)
- 20) Resolution supporting CEDAW – Convention on the Elimination on all forms of Discrimination Against Women (Chris Diaz/Steve McHarris)

### PREVIEW NEXT AGENDA

- 21) Preview list of items for February 4, 2020 (Mary Lavelle)