

CC 03-19-2024

Study Session #1

CIP Fiscal Year (FY) 2024-  
2025 and Five-year Plan

Desk Item



## PUBLIC WORKS DEPARTMENT

CITY HALL  
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### CITY COUNCIL STAFF REPORT DESK ITEM

Meeting: March 19, 2024

#### Study Session Item #1

#### Subject

Capital Improvement Programs (CIP) Fiscal Year (FY) 2024/2025 and Five-year Plan.

#### Recommended Action

Receive presentation and provide input on the development of the proposed CIP FY 2024/2025 and five-year plan.

#### Background:

**Staff's responses to questions received from councilmember are shown in italics.**

Q1: From the Bollinger Corridor page at <https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bollinger-road-corridor-safety-study>, I found the feasibility study report, where two alternatives were proposed: Alternative A would reduce the two lanes each direction to one lane; Alternative B would retain the current configuration and focus improvements on intersections. But the web page did not mention when was the report put on the Council agenda and when did the Council give direction to pursue Alternative A? (From the staff report, it seems Alternative A is already chosen.) (**Chao**)

*Staff response: The Bollinger Road Corridor Safety Study has not yet been presented to City Council, as no recommendation has been provided for the Options. The City held a neighborhood meeting on May 19, 2021, and initiated two public outreach efforts, the first in February of 2021, and the second in May of 2021. The Bike Pedestrian Commission received the report on July 21, 2021. Due to the report being*

*prepared during the COVID shelter in place orders, a full-scale traffic analysis was postponed until traffic levels returned to normal. A traffic analysis is necessary to effectively evaluate whether Option A is viable, due to the reduction of traffic lanes from two to one. Therefore, no recommendation has yet been made regarding the two options studied in the feasibility report.*

Q2: Thank you for providing an update for existing projects, including how much funding is allocated and how much is remaining. For the 5-year CIP plan, there was a table showing funding per year, as many projects are multi-year projects. That was helpful too. I don't see such a table in this agenda packet. Would we get that table later? **(Chao)**

*Staff response: The Fiscal Year (FY) 24-25 Budget request will be fully allocated in FY24-25. Most CIP projects require efforts that extend longer than a single fiscal or calendar year, but all funds for these proposed projects are funded upfront.*

Q3: I could not find the Lawson Bikeway project in either the existing or the new project list. I did find a web page on that project (<https://www.cupertino.org/our-city/public-safety-programs/safe-routes-2-school/lawson-bikeway-feasibility-study>). (Thank you for great information provided on that page) I see that, from the web page, the next step is to present the Bike Ped Commission recommendation to the Council? **(Chao)**

*Staff response: The Lawson Bikeway project is currently scheduled to be presented to City Council on May 21. If City Council makes a recommendation to initiate improvements, the project would either be established as a Capital Improvement project, or (if the project scope is minor in nature) improvements may be made through other operational efforts with funding being provided through donated school walk audit funds. At this time, no formal project has been declared.*

Q4: This is more of a suggestion for future improvement.  
The funding for "Annual Playground Replacement" has the "Total Est. Budget" of \$1.2M and the FY24-25 funding at \$300k.  
A resident who talked to me about this item was confused since he did not understand that the \$1.2M is the funding over 5 years. Perhaps, this could be clarified with some footnote? **(Chao)**



Q7: Was the grant specifically for the Bollinger Road project or can the grant be used for other existing projects? Such as the De Anza bikeway or Stevens Creek Blvd bikeway? **(Chao)**

*Staff response: The grant application stated the funds are specifically for the Bollinger Road Project. The project budget is broken into the following four parts: 1) Traffic Modeling; 2) Community Outreach; 3) Engineering; and 4) Traffic Enforcement for a total cost of \$532,000 to be initiated in 2024.*

Q8: Please send me the grant application and the grant description for the \$425,600 grant? **(Chao)**

*Staff response: See Attachment E.*

Q9: Another resident pointed out that "Emergency vehicles would not be able to get down Bollinger with only two lanes." That would be a big concern if the reduction of lanes might result in delays for ambulance since it's a matter of life and death. Has this issue been evaluated? **(Chao)**

*Staff response: Evaluation of traffic, including emergency access, will be part of this analysis and design effort.*

Q10: For the Bollinger Road Corridor Design project that is proposed, there is mention of an Alternative A from 2020 Feasibility Study. Could we receive a report on this 2020 Feasibility Study to know that other Alternatives are listed on the Study? **(Wei)**

*Staff response: The project includes two options. Both focus on improvements to make Bollinger Road safer.*

- Option A is a would reduce the number of travel lanes to one in each direction. This option provides more safety improvements for pedestrians and bicyclists.*
- Option B maintains much of the existing street section but focuses improvements at intersections to make those more comfortable for bikes and peds. This option does not change the number of travel lanes.*

*It is important to note that the current project progress is conceptual in nature. There is much that needs to be done to identify potential improvements, conduct traffic analyses and engineering, and conduct public outreach. Ultimately the Council will approve the final design for this project.*

*There is great information on this project on the website:*

*<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bollinger-road-corridor-safety-study>*

**Attachments Provided with Original Staff Report:**

- A. FY 2024-25 CIP new Project Narratives**
- B. FY 2024-25 CIP 5-year Project Info**

C. *Master Plans Project Lists*

D. *Capital Reserve Info*

Attachments Provided with Desk Item:

E. *2023 Bollinger Road Corridor Grant documentation*

F. *2021 Bollinger Road Corridor Safety Study*

## Narrative

Bollinger Road is a 2-mile long east-west major collector street that connects Lawrence Expressway and De Anza Boulevard, two major north-south arterials. The road lies along the border of Cupertino and San Jose, with Cupertino to the north and San Jose to the south, and traverses through a residential neighborhood. The road is home to four nearby elementary schools, Hyde Middle School, and Cupertino High School. The project falls along census tract 6085508004 and is considered a disadvantaged community based on CalEnviroScreen's data.

The Bollinger Corridor Safety Project will accomplish community and regional goals identified in the City's Local Road Safety Plan to further safety analysis and modeling, engagement and collaboration, and a fair and equitable safety improvement process. The 2021 Bollinger Road Corridor Safety Study (BRCSS) recommendations, a high-level feasibility assessment of project needs, opportunities, and potential solutions report, serves as the foundation for the pursuit of actualizing the next phase of its design and analysis recommendations through the Safe Streets and Roads for All grant. The study identified improvements that would benefit pedestrian, bicycle, and auto safety along the Bollinger Road corridor. The study found a high level of community support for improvements that prioritized pedestrian and bicycle safety. Improvements that encouraged improved crossings and better access to schools were particularly well supported. Overall support for a road diet was strong among many community members, although not universal. The traffic analysis determines the potential for a road diet (BRCSS Alternative A) to increase congestion or divert traffic to residential streets, and any corresponding mitigation measures to limit that impact including topographic and utilities survey, preliminary engineering and final design, traffic analysis, pedestrian-scale lighting, and improvements to trail access. Community outreach efforts are imperative in future project phases to ensure community involvement and engagement with the project. Included in our package is an Action Plan to be developed and enhanced, along with a demonstration activity to further the action plan and align with the Department of Transportation's Safe System Approach.

The demonstration activity proposed is a Traffic Enforcement Initiative. This initiative is directly informed by the Department of Transportation's Safe System Approach, following the suggested programming for Safer People on the DOT's website. This approach encourages safe, responsible driving and behavior by people who use our roads. Using the data from the 2021 Bollinger Road Corridor Safety Study (BRCSS) (included in the action plan below) we have identified high risk areas for collisions and accidents along Bollinger Road. To encourage safe behavior amongst the public, we will partner with the County Sheriff Department (LOS included) to appoint two traffic enforcement agents to these specific areas throughout the grant period.

## **Budget Narrative**

The project budget is broken into the following four parts: 1) Traffic Modeling; 2) Community Outreach; 3) Engineering; 4) and Traffic Enforcement for a total cost of \$532,000 to be initiated in 2024. The City of Cupertino commits to a 20% local match for these funds (budget sheet included in attachments).

### **Traffic Modeling**

A consultant will produce microsimulation modeling for Alternatives identified in the 2021 Bollinger Road Corridor Safety Study (BRCSS). The scope of work includes a topographic and utilities survey of Bollinger Road, and traffic analysis. The traffic analysis should determine the potential for the road diet (BRCSS Alternative A) to increase congestion or divert traffic to residential streets, and any corresponding mitigation measures to limit that impact. Traffic data, including intersection turning movement counts at all major intersections as well as link volume counts, will be collected to inform the inputs for the model. Each scenario will be evaluated to determine levels of service and travel times along the corridor, to identify choke points and to help determine the likelihood of traffic shift resulting from a road diet roadway configuration.

### **Community Outreach**

Community outreach efforts will continue during the development of future project phases to ensure community awareness and support of the project. While the overall support for a road diet was strong among many community members, it was not universal. A consultant will be hired to provide sustained and ongoing community outreach over a three-year period. The focus of the community outreach efforts will result in a visually designed report by the end of the first phase containing synthesis of data from the following inputs: stakeholder interviews (interview 5 people minimum 1:1 from each group; pedestrian, bicycle, automobile, ADA, public transit), broad reaching survey design and distribution, one co-design workshop session that engages a group of these stakeholders to be initiated in Fall 2024. The community outreach report of the Bollinger Road Corridor Safety Study report will be visualized by the consultant in a variety of formats to communicate what was learned, valued, next steps, and will be presented in person and online. It will also be distributed as widely as the engagement process was conducted. The office of the City Manager and Transportation Manager will work with the consultant to manage the ongoing outreach and engagement throughout. Feedback from the community will also be solicited of their impression of the visualized report. The city will have a well-researched and prepared document that accurately addresses ongoing perspectives on the road diet scenario.

### **Engineering:**

The City will include the costs of all preliminary engineering and final design for the proposed action plan.

### **Traffic Enforcement Initiative**

The traffic enforcement initiative proposed as part of our action plan is informed by the Department of Transportation's Safe System Approach. Funds will go to appointing two traffic enforcement agents to these specific areas throughout the 1-year pilot period. The number included in the budget will cover salaries for two agents for a one-year period as the action plan is being developed. These salaries are based on the average for California traffic enforcement agents according to CA.gov.

June 1<sup>st</sup>, 2023

U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

RE: City of Cupertino Safe Streets for All Application for Bollinger Corridor Safety Project

Dear Grant Application Committee:

On behalf of the City of San Jose, we strongly encourage the U.S. Department of Transportation to award a Safe Streets for All program grant to the City of Cupertino for the Bollinger Corridor Safety Project.

The much-needed community engagement, traffic modeling, and safety improvements to the Bollinger Corridor meet the Safe Streets for All Action Plan program goals, including:

- Further safety analysis and modeling
- Engagement and collaboration
- Fair and Equitable Safety Improvement Process

This project connects with the City of San Jose, the tenth most populous city in the United States, and as part of the Bay Area, the fourth most populous transportation system in the United States. The City of Cupertino's work along the Bollinger Corridor will advance many of the safety, climate, and transportation goals in various San Jose City Council-adopted plans, including those found in *Vision Zero San Jose*, *Climate Smart San Jose*, and *Better Bike Plan 2025*.

Thank you for your consideration of the Bollinger Corridor Safety project application.

Sincerely,



Jessica Zenk  
Deputy Director of Transportation  
City of San Jose



## Cupertino Union School District

### Superintendent Board of Education

Stacy Yao  
Lorien Cunningham  
Sylvia Leong  
Jerry Liu  
Satheesh Madhathil  
Phyllis Vogel

Office Address: 1309 S. Mary Avenue, Sunnyvale, CA 94087-3050  
Mailing Address: 10301 Vista Drive, Cupertino, CA 95014-2040

• (408) 252-3000

• Fax (408) 343-2801

June 4th, 2023

U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

RE: City of Cupertino Safe Streets for All Application for Bollinger Corridor Safety Project

Dear Grant Application Committee:

On behalf of the Cupertino Union School District, we strongly encourage the U.S. Department of Transportation to award a Safe Streets for All program grant to the City of Cupertino for the Bollinger Corridor Safety Project. The much-needed community engagement, traffic modeling, and safety improvements to the Bollinger Corridor site meet the Safe Streets for All Action Plan program goals.

- Further safety analysis and modeling
- Engagement and collaboration
- Fair and Equitable Safety Improvement Process

In addition, the work done on the Bollinger Corridor site will accomplish community and regional goals addressed in the City of Cupertino's Local Road Safety Plan. This project connects with the City of San Jose, which is the 10<sup>th</sup> most populous city in the United States and, as part of the Bay Area, the 4<sup>th</sup> most populous transportation system in the United States.

For the Cupertino Union School District, we appreciate the safety benefits this will bring in an equitable manner.

Thank you for your consideration of the Bollinger Corridor Safety project application. I'm glad to share any additional support.

Sincerely,

Stacy Yao  
Superintendent



## CITY MANAGER'S OFFICE

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3212 • FAX: (408) 777-3366  
CUPERTINO.ORG

July 6, 2023

United States Department of Transportation  
12 New Jersey Avenue, SE  
Washington, DC 20590

Re: City of Cupertino Safe Streets for All Application for Bollinger Corridor Safety Project

Dear Grant Application Committee:

On behalf of the City of Cupertino, this letter serves as our commitment to the Bollinger Corridor Safety Project. We predict this project will drastically reduce roadway fatalities and serious injuries by at least 20% by July of 2027.

The much-needed community engagement, traffic modeling, and safety improvements to the Bollinger Corridor site meets the Safe Streets for All Action Plan program goals.

- Further safety analysis and modeling
- Engagement and collaboration
- Fair and Equitable Safety Improvement Process

In addition, the work done on the Bollinger Corridor site will accomplish community and regional goals addressed in the City's Local Road Safety Plan. This project connects with the City of San Jose, tenth most populous in the United States, and as part of the Bay Area, the fourth most populous transportation system in the United States.

The City of Cupertino recognizes the importance of this grant, and we appreciate the safety benefits this will bring in an equitable manner.

Thank you for your consideration of the Bollinger Corridor Safety project application. I'm glad to share any additional support.

Sincerely,

  
Pamela Wu  
City Manager

# County of Santa Clara

Office of the Sheriff  
55 West Younger Avenue  
San Jose, California 95110-1721  
(408) 808-4900



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Laurie Smith  
Sheriff

U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

June 2, 2023

RE: City of Cupertino Safe Streets for All Application for Bollinger Corridor Safety Project

Dear Grant Application Committee:

On behalf of the Santa Clara County Sheriff's Office, we strongly encourage the U.S. Department of Transportation to award a Safe Streets for All program grant to the City of Cupertino for the Bollinger Corridor Safety Project.

The much-needed community engagement, traffic modeling, and safety improvements to the Bollinger Corridor site meets the Safe Streets for All Action Plan program goals.

- Further safety analysis and modeling
- Engagement and collaboration
- Fair and Equitable Safety Improvement Process

In addition, the work done on the Bollinger Corridor site will accomplish community and regional goals addressed in the City's Local Road Safety Plan. This project connects with the City of San Jose, tenth most populous in the United States, and as part of the Bay Area, the fourth most populous transportation system in the United States.

The Santa Clara County Sheriff's Office recognizes the importance of this grant and we appreciate the safety benefits this will bring in an equitable manner.

Thank you for your consideration of the Bollinger Corridor Safety project application. I'm glad to share any additional support.

Sincerely yours,

*Captain Rich Urena #1815*

Captain Rich Urena  
Office of the Sheriff, Santa Clara County  
West Valley Patrol Division Commander  
Ricardo.urena@shf.sccgov.org

# Safe Streets and Roads for All

## Self-Certification Eligibility Worksheet

Applicants should follow the instructions in the NOFO to correctly apply for a grant. See the [SS4A website](#) for more information.

**Instructions:** The purpose of this worksheet is to determine whether an applicant's existing plan(s) is substantially similar to an Action Plan for purposes of applying for an Implementation Grant or to conduct Supplemental Planning/Demonstration Activities only. Use of this worksheet is required. Applicants should not adjust the formatting or headings of the worksheet.

For each question below, answer "yes" or "no." If "yes," cite the specific page in your existing Action Plan or other plan(s) that corroborate your response, or cite and provide other supporting documentation separately.

An applicant is eligible to apply for an Action Plan Grant that funds supplemental action plan activities, or an Implementation Grant, only if the following two conditions are met:

- Answer "yes" to Questions **3 7 9**
- Answer "yes" to at least four of the six remaining Questions **1 2 4 5 6 8**

If both conditions are *not met*, an applicant is still eligible to apply for an Action Plan Grant that funds creation of a new Action Plan.

Lead Applicant:

UEI:

### 1 Are both of the following true?

- Did a high-ranking official and/or governing body in the jurisdiction publicly commit to an eventual goal of zero roadway fatalities and serious injuries?
- Did the commitment include either setting a target date to reach zero, OR setting one or more targets to achieve significant declines in roadway fatalities and serious injuries by a specific date?

☐ YES

☐ NO

If yes, provide documentation:

### 2 To develop the Action Plan, was a committee, task force, implementation group, or similar body established and charged with the plan's development, implementation, and monitoring?

☐ YES

☐ NO

If yes, provide documentation:

### 3 Does the Action Plan include all of the following?

- Analysis of existing conditions and historical trends to baseline the level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region;
- Analysis of the location where there are crashes, the severity, as well as contributing factors and crash types;
- Analysis of systemic and specific safety needs is also performed, as needed (e.g., high risk road features, specific safety needs of relevant road users; and,
- A geospatial identification (geographic or locational data using maps) of higher risk locations.

☐ YES

☐ NO

If yes, provide documentation:



# Safe Streets and Roads for All

## Self-Certification Eligibility Worksheet

### 4 Did the Action Plan development include all of the following activities?

- Engagement with the public and relevant stakeholders, including the private sector and community groups;
- Incorporation of information received from the engagement and collaboration into the plan; and
- Coordination that included inter- and intra-governmental cooperation and collaboration, as appropriate.

☐ YES

☐ NO

If yes, provide documentation:

### 5 Did the Action Plan development include all of the following?

- Considerations of equity using inclusive and representative processes;
- The identification of underserved communities through data; and
- Equity analysis, in collaboration with appropriate partners, focused on initial equity impact assessments of the proposed projects and strategies, and population characteristics.

☐ YES

☐ NO

If yes, provide documentation:

### 6 Are both of the following true?

- The plan development included an assessment of current policies, plans, guidelines, and/or standards to identify opportunities to improve how processes prioritize safety; and
- The plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards.

☐ YES

☐ NO

If yes, provide documentation:

### 7 Does the plan identify a comprehensive set of projects and strategies to address the safety problems in the Action Plan, time ranges when projects and strategies will be deployed, and explain project prioritization criteria?

☐ YES

☐ NO

If yes, provide documentation:

### 8 Does the plan include all of the following?

- A description of how progress will be measured over time that includes, at a minimum, outcome data.
- The plan is posted publicly online.

☐ YES

☐ NO

If yes, provide documentation:

### 9 Was the plan finalized and/or last updated between 2018 and June 2023?

☐ YES

☐ NO

If yes, provide documentation:





CUPERTINO

# BOLLINGER ROAD

## Corridor Safety Study

July 2021



In Partnership with:



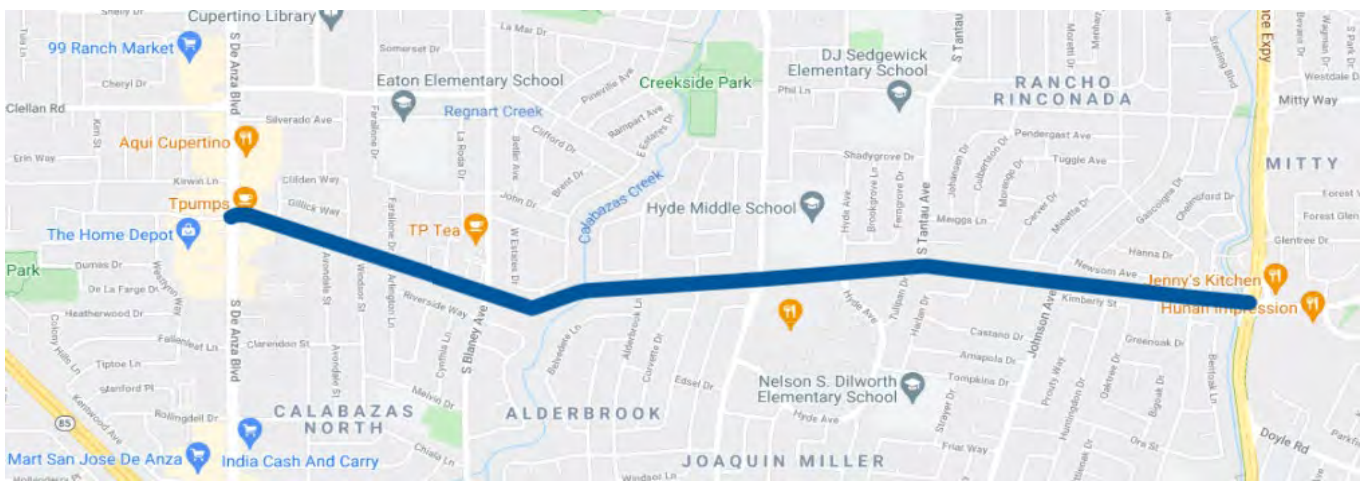
Prepared by:

**Kimley»Horn**

# 1. Study Introduction

Bollinger Road is a 2.0-mile long east-west major collector street that connects between Lawrence Expressway and De Anza Boulevard, two major north-south arterials. The road lies along the border of Cupertino and San José, with Cupertino to the north and San Jose to the south. The road traverses through a residential neighborhood, which is home to four nearby elementary schools, Hyde Middle School, and Cupertino High School.

The City of Cupertino has commissioned the Bollinger Road Corridor Safety Study (“Study”) to identify improvements to create a safer and more accessible corridor for pedestrians, bicyclists, transit riders, and motorists. The project team was composed of staff from the City of Cupertino, the City of San José, and the consultant team Kimley-Horn. The study area for this effort is Bollinger Road from De Anza Boulevard to Lawrence Expressway and can be seen in **Figure 1**.



*Figure 1. Study Area*

As part of the Study, an analysis of existing conditions and a summary of past collisions along the corridor was conducted. This was followed by an online public survey that gathered public input on location-specific improvement needs along the corridor. The feedback from the community was evaluated and used to create two conceptual corridor alternatives. These proposed alternatives were then presented to the community in a neighborhood meeting. Feedback was collected during the meeting as well as through a summarized online survey. The efforts performed for the study are summarized in this report.

## 2. Existing Conditions

Bollinger Road is a four-lane roadway with two lanes in both the eastbound and westbound directions. The corridor has Class II bike lanes that run parallel to the vehicle travel lanes in both directions. On-street parking is available along most of the corridor in both directions. The parking is not time-constrained nor has any permit requirements. A roadway re-surfacing and re-striping project was recently completed prior to the start of this project in some segments of the corridor. The re-striping project added buffers to the Class II bike lanes in limited sections and high visibility crosswalks for some crossings.

Public transit along the corridor is provided by Santa Clara Valley Transit Authority (VTA) which operates Route 25 with several stops along the corridor in both directions. Most stops lack amenities such as shelters, trash receptacles, real-time arrival information, and benches.

The corridor has complete sidewalk coverage on both sides of the street for the length of the corridor. It should be noted that parts of the corridor have overgrown shrubbery which reduces the effective sidewalk width. One of the observed conditions was the limited number of pedestrian crossings along Bollinger Road. There are crossings available at the six signalized intersections and one unsignalized crossing at Harlan Drive. The side-streets approaching Bollinger Road also have limited sidewalk striping. This makes it challenging, especially for transit riders and students, to access their destinations or stops.

## 2.1 Collision Analysis

A collision analysis was conducted for the study area. The data was collected from the Statewide Integrated Traffic Records System (SWITRS) for a five-year period from January 1, 2015 to December 31, 2019.

**Table 1** below shows the total collisions by mode, as well as how many incidents involved pedestrians, bicyclists, motorcyclists, and autos.

*Table 1. Collision Summary by Accident Types*

| Collision Types    | Number of Collisions by Type of Users<br>(2015-2019) |            |           |              | Injuries*<br>(Number of People) | Fatalities |
|--------------------|--|------------|-----------|--------------|---------------------------------|------------|
|                    | Auto   | Pedestrian | Bicyclist | Motorcyclist |                                 |            |
| Head-On            | 10   | -          | 7         | -            | 4                               | 0          |
| Sideswipe          | 13   | -          | 0         | -            | 3                               | 0          |
| Rear End           | 39   | -          | 1         | -            | 16                              | 0          |
| Broadside          | 37   | -          | 1         | 1            | 14                              | 0          |
| Hit Object         | 21   | -          | 3         | 1            | 9                               | 0          |
| Overtaken          | 4  | -          | 0         | -            | 1                               | 0          |
| Vehicle/Pedestrian | 1  | 2          | 0         | -            | 1                               | 2          |
| Other              | 6  | -          | 4         | -            | 4                               | 0          |
| <b>Grand Total</b> | <b>131</b>   | <b>2</b>   | <b>16</b> | <b>2</b>     | <b>52</b>                       | <b>2</b>   |

*Source: Statewide Integrated Traffic Records System (SWITRS), 2015-2019*

\* The total number of auto collisions captures all pedestrian, bicyclists, and motorcyclists accidents.

Two reported pedestrian collisions occurred in the area, both of which resulted in fatalities. These pedestrian collisions occurred at Miller Avenue and at Wunderlich Drive. 12% of collisions involved a bicyclist. To get a better understanding of the collisions that occurred, the location of each collision was also tabulated and can be found in **Table 2**.

Table 2. Collisions by Intersections

| Intersection                 | Head-On  | Sideswipe | Rear End  | Broadside | Hit Object | Overturned | Vehicle/Pedestrian | Other    | Not Stated | Vehicle/Bicyclist* | Total      |
|------------------------------|----------|-----------|-----------|-----------|------------|------------|--------------------|----------|------------|--------------------|------------|
| Bollinger Rd & Alderbrook Ln | 3        | 2         | 4         | 2         | -          | -          | -                  | -        | -          |                    | 11         |
| Bollinger Rd & Avondale St   | -        | 1         | 4         | -         | -          | -          | -                  | -        | -          |                    | 5          |
| Bollinger Rd & Blaney Ave    | -        | 1         | 1         | 2         | 1          | -          | -                  | 1        | -          | 1                  | 6          |
| Bollinger Rd & Clifden Way   | 1        | 1         | 1         | -         | 1          | 1          | -                  | -        | 1          |                    | 6          |
| Bollinger Rd & De Anza Blvd  | -        | 2         | 9         | 7         | -          | 1          | -                  | 1        | 2          | 1                  | 22         |
| Bollinger Rd & Estates Dr    | -        | -         | -         | 1         | 1          | -          | -                  | 1        | -          |                    | 3          |
| Bollinger Rd & Harlan Dr     | 1        | -         | 2         | -         | -          | -          | -                  | -        | -          |                    | 3          |
| Bollinger Rd & Hyde Ave      | -        | 2         | 5         | 2         | -          | -          | -                  | -        | -          | 1                  | 9          |
| Bollinger Rd & Johnson Ave   | -        | -         | 3         | -         | 1          | -          | -                  | -        | -          |                    | 4          |
| Bollinger Rd & Lancer Dr     | -        | 1         | 2         | 1         | -          | -          | -                  | -        | -          |                    | 4          |
| Bollinger Rd & Lawrence Exp  | 1        | 3         | 7         | 3         | -          | -          | -                  | -        | 1          |                    | 15         |
| Bollinger Rd & Miller Ave    | -        | 3         | 12        | 1         | -          | -          | 1                  | 2        | -          | 2                  | 19         |
| Bollinger Rd & Narcisco St   | -        | -         | 2         | -         | -          | -          | -                  | -        | -          |                    | 2          |
| Bollinger Rd & Tantau Ave    | -        | 2         | 1         | 3         | 4          | -          | -                  | -        | 1          |                    | 11         |
| Bollinger Rd & Whiteoak Dr   | -        | -         | -         | -         | 1          | -          | -                  | -        | -          |                    | 1          |
| Bollinger Rd & Windsor St    | -        | -         | -         | 1         | -          | -          | -                  | -        | -          |                    | 1          |
| Bollinger Rd & Wunderlich Dr | -        | 1         | -         | 6         | 1          | -          | 1                  | -        | 3          |                    | 12         |
| <b>Grand Total</b>           | <b>6</b> | <b>19</b> | <b>53</b> | <b>29</b> | <b>10</b>  | <b>2</b>   | <b>2</b>           | <b>5</b> | <b>8</b>   | <b>5</b>           | <b>134</b> |

Source: Statewide Integrated Traffic Records System (SWITRS), 2015-2019 \*Vehicle/Bicyclist collisions are accounted for under each violation type. Cells highlighted in red indicate fatalities.

40% of all the collisions reported in the study area were rear-end collisions. 15% of those rear-end collisions were attributed to unsafe speed. 16% of the collisions were broadside collisions due to improper turning, driver or bicyclist under the influence, misuse of traffic signals or signage, and right-of-way conflicts.

Collisions are typically correlated to volume of traffic; streets with more vehicles or activity will have more collisions. This is reflected in the data for the intersections at De Anza Boulevard, Miller Avenue, and Lawrence Expressway, ranking as the locations with the most collisions. It should be noted, however, that locations such as Wunderlich Drive and Clifden Way had a relatively large number of collisions as well despite being lower volume residential streets. Both streets are in proximity to the major De Anza Boulevard and Lawrence Expressway intersections.

### 3. Community Priorities for Improvement

The study utilized community input to better understand improvement needs and focus areas. The public engagement process was modified in response to the COVID-19 pandemic to be entirely virtual, consistent with state and county health guidelines at the time of collection. This virtual process still allowed for multiple engagement points with the community and resulted in a significant level of response from residents.

An interactive corridor map and survey were created on Social PinPoint. Social PinPoint is a customizable community engagement platform. Notifications regarding the study and the round of outreach were posted on the City of San José and City of Cupertino website and social media channels. Additionally, postcards were e-blasted to residents in the study area. These websites can be accessed through the following links:

<https://engagekh.com/bollingerroad>

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bollinger-road-corridor-safety-study>

During this initial public input round, members of the public could comment from February 5 until February 26, 2021.

The survey included five questions asking respondents general demographic information, their mode of travel and relation to Bollinger Road. There were 247 survey responses. The responses to the questions can be found below:

- What is your relationship to Bollinger Road? Please select all that apply. (**Figure 2**)
- How often do you travel on Bollinger Road? (**Figure 3**)
- How do you travel on Bollinger Road? Select all that apply. (**Figure 4**)
- What is your race or ethnicity? (**Figure 5**)
- What is your age? (**Figure 6**)

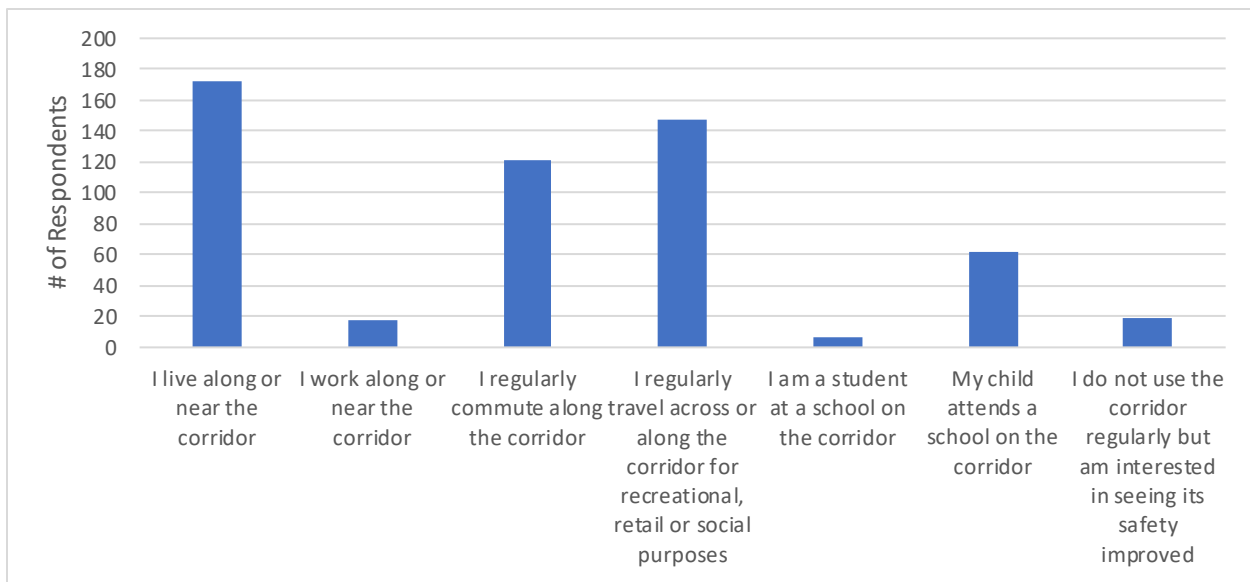


Figure 2. Survey Question – Relationship to Bollinger Road

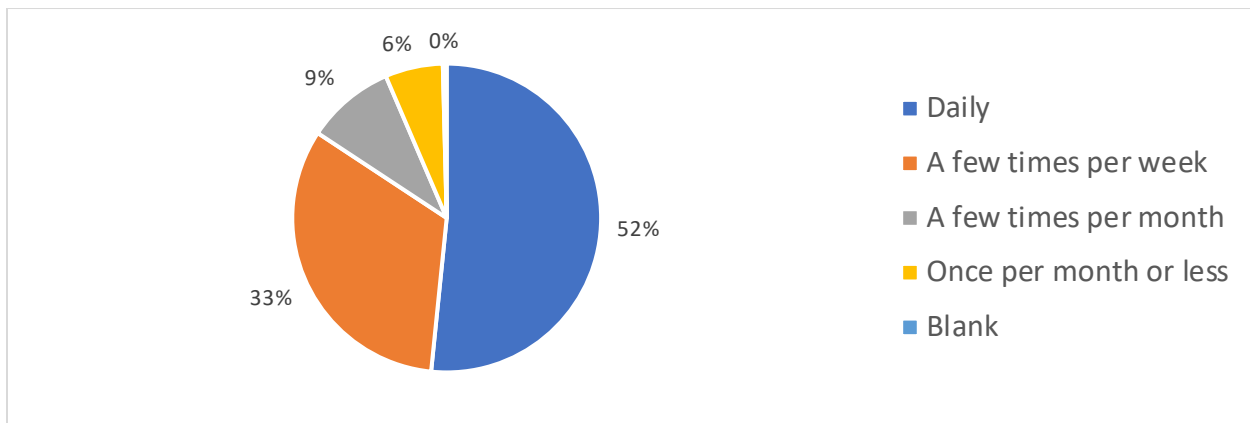


Figure 3. Survey Question – Regularity of Travel on Bollinger Road

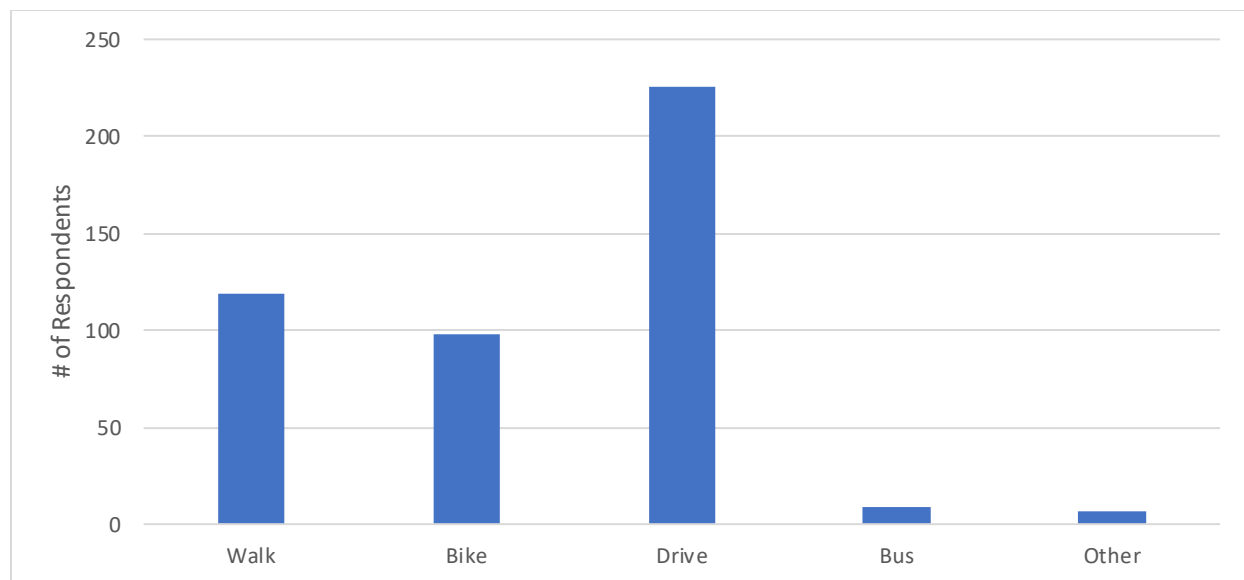


Figure 4. Survey Question – Mode of Travel on Bollinger Road

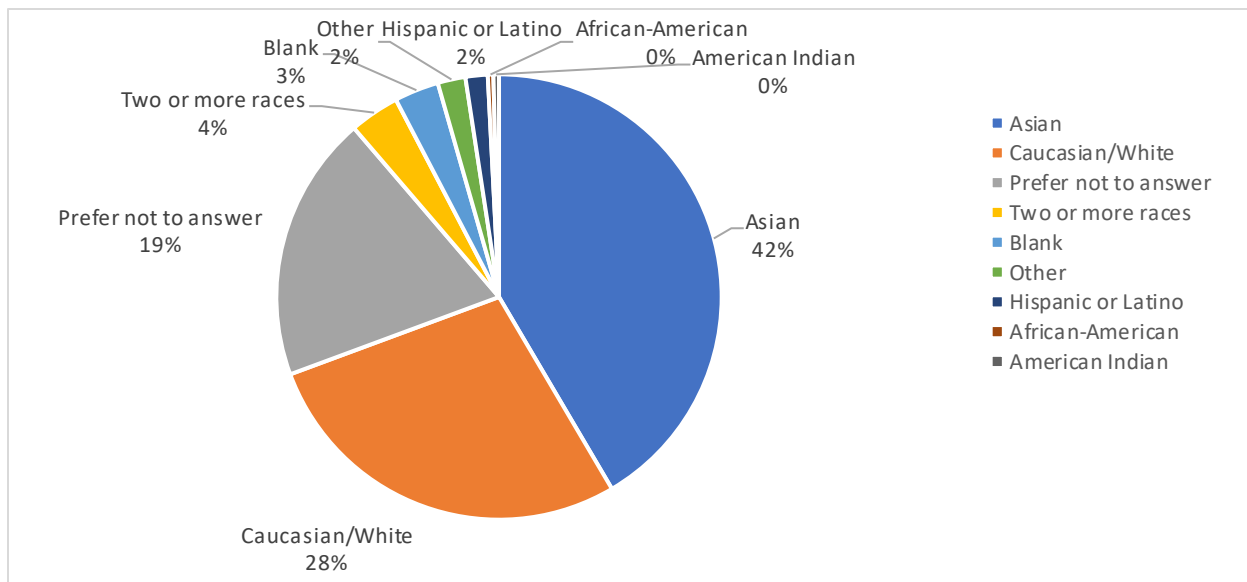


Figure 5. Survey Question – Race/Ethnicity of Respondents

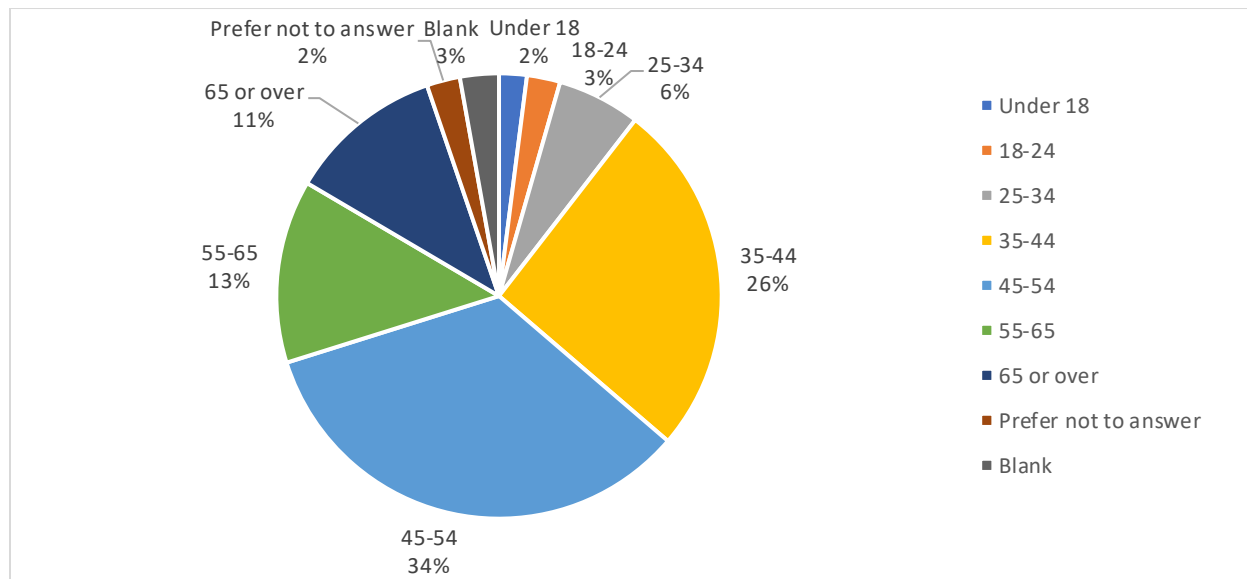


Figure 6. Survey Question – Age of Respondents

For the interactive corridor map, community members were asked to drag pins to provide ideas and suggestions, identify something they like, make a comment, or make a suggestion at specific locations within the project area. They were also able to review other individuals' comments and give each comment they supported a "thumbs-up" or "thumbs-down". There was no limit to how many comments each individual could post or the number of comments they could support or oppose. There were 147 interactive feedback map comments and 734 comment engagements (thumbs-up/thumbs-down). These pins from the community are shown in **Figure 7**.

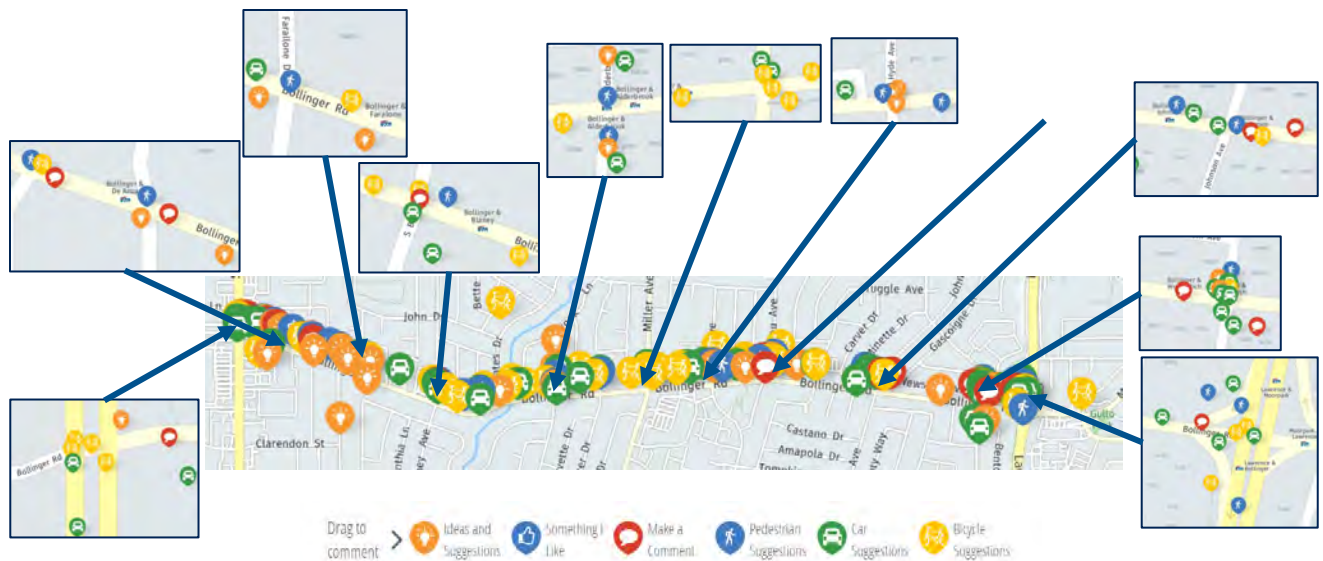


Figure 7. Interactive Map Feedback

These responses helped guide the project team on the areas of need and what the community deemed as priorities. These priorities are ranked in **Table 3** where the values closest to 5 indicate the highest priority and those closer to 1 being a lower community priority.

Table 3. Community Priorities

| Category   | Average Prioritization Rating |
|--|-------------------------------|
| New or safer crossings at intersections for pedestrians and bicyclists | 4.2                           |
| Safer or more comfortable bike lanes                                   | 3.8                           |
| Reduce vehicle speeds  | 3.7                           |
| Reduce vehicle congestion  | 3.7                           |
| Better lighting  | 3.6                           |
| Safer or more comfortable sidewalks                                    | 3.4                           |
| Improvements for people with disabilities                              | 3.3                           |
| Better landscaping   | 2.7                           |
| Better access and amenities at bus stops                               | 2.6                           |

The priorities identified by the community were similar to the challenges identified by the project team while studying the existing conditions on the project corridor. These priorities included the

desire for more and safer pedestrian and bicycle crossings, improved bicycle facilities, and slower vehicle speeds. The community-mapped locations for improvement were most concentrated at signalized intersections and some of the unsignalized side-street approaches. Feedback and comments were carefully reviewed to ensure that proposed improvements aligned with the community's identified needs.

The feedback collected during this round of outreach is sorted in categories and provided in **Appendix A**.

## 4. Concept Development and Improvements

The responses and suggestions provided in the first round of outreach were used to guide concept development. After determining the needs, the project team identified specific improvements that would address the challenges on the project corridor. Two alternatives were created to reflect different priorities and strategies for improving the corridor. Alternative A includes a road diet where the road would be reduced to one travel lane in each direction, including the provision of a center two-way left turn lane. Alternative B maintains the existing lane configuration while providing spot improvements, primarily at intersections.

### 4.1 Safety Improvements

Although there are differences in the two alternative concepts, there were safety improvements identified that are common to both concepts. This section aims to describe these common elements as well as those particular to one of the concepts and how they improve safety.

*The following safety improvement elements are provided in both concepts:*

- Class IV Cycle Track



Source: Kimley-Horn

Cycle tracks provide separated travel lanes for bicycles in the road right-of-way. Separation from vehicle traffic is achieved via raised protection, which may consist of bollards, concrete curbs or planters, parked cars, or a combination of these features.

- Speed Feedback Signage



Source: Carmanah Technologies

Speed feedback signage provide drivers in vehicles with visual feedback of their speed in relation to the posted speed limit. When complemented with police enforcement, speed feedback signage can be an effective tool for reducing speeds at a desired location.

- High-Visibility Pedestrian Crossings



Source: NACTO

High-Visibility Pedestrian Crossings help make crosswalks and pedestrians more visible to vehicles, increasing yielding behavior.

- Bike Boxes



Source: NACTO

Bike boxes are green-painted areas installed at an intersection between the auto stop bar and the pedestrian crosswalk, allowing bicyclists to move to the front of the auto queue, making them more visible as they enter the intersection first.

- Two-Stage Turn Queue Boxes



Source: NACTO

Two-stage turn queue boxes are green-painted rectangles installed at intersections. These two-stage boxes allow bicyclists a space to safely queue when attempting a left-turn onto another street as well as improving their ability to safely make their turning movement. This allows cyclists to remain on the right-side of the road instead of being required to merge across to access a left-turn lane.

- Curb Radii and Free-Right Turn Removals



Source: Kimley-Horn

Curb radius affects vehicle turning speeds and pedestrian crossing distances. Reducing the corner radius requires vehicles to slow down and thus be more likely to yield to pedestrians in a crosswalk. Free-right turns occur where slip lanes exist or at intersections with ‘pork-chop islands’ when vehicles do not need to stop at a signal light before making the turn. Since these are designed for unimpeded vehicle movement, they may be more hazardous for pedestrians and removing them can enhance pedestrian safety.

- Leading Pedestrian Intervals (LPI)



Source: City of Long Beach

Leading Pedestrian Intervals give pedestrians a head start before the corresponding signal movement also turns green. This head start time can vary but is typically at least 3 seconds. LPI allows pedestrians to enter the crosswalk before cars enter the intersection and makes them more visible to drivers that are making a turn.

*The following safety improvement elements are only provided in Alternative A:*

- Rectangular Rapid Flashing Beacon (RRFB)



Source: Pedestrian Safety Guide and Countermeasure Selection System

A RRFB is a warning device that is activated by a button at a crosswalk. When activated, the beacon flashes yellow for a period of time that would allow a pedestrian to traverse the crossing, reminding drivers of their legal duty to yield to pedestrians using a crosswalk. Studies have shown that RRFB use increases driver yielding to pedestrians.

*The following safety improvement elements are only provided in Alternative B:*

- Pedestrian Hybrid Beacon (PHB)



Source: FHWA

A Pedestrian Hybrid Beacon is a traffic control device that is activated by a pedestrian or bicycle user trying to cross a roadway. The PHB provides a solid red indicator requiring drivers to stop and allow pedestrians to cross. It then flashes yellow during the “flashing don’t walk” time to allow autos to proceed once the pedestrian has safely crossed.

- Transit Islands



Source: San Francisco Bicycle Coalition

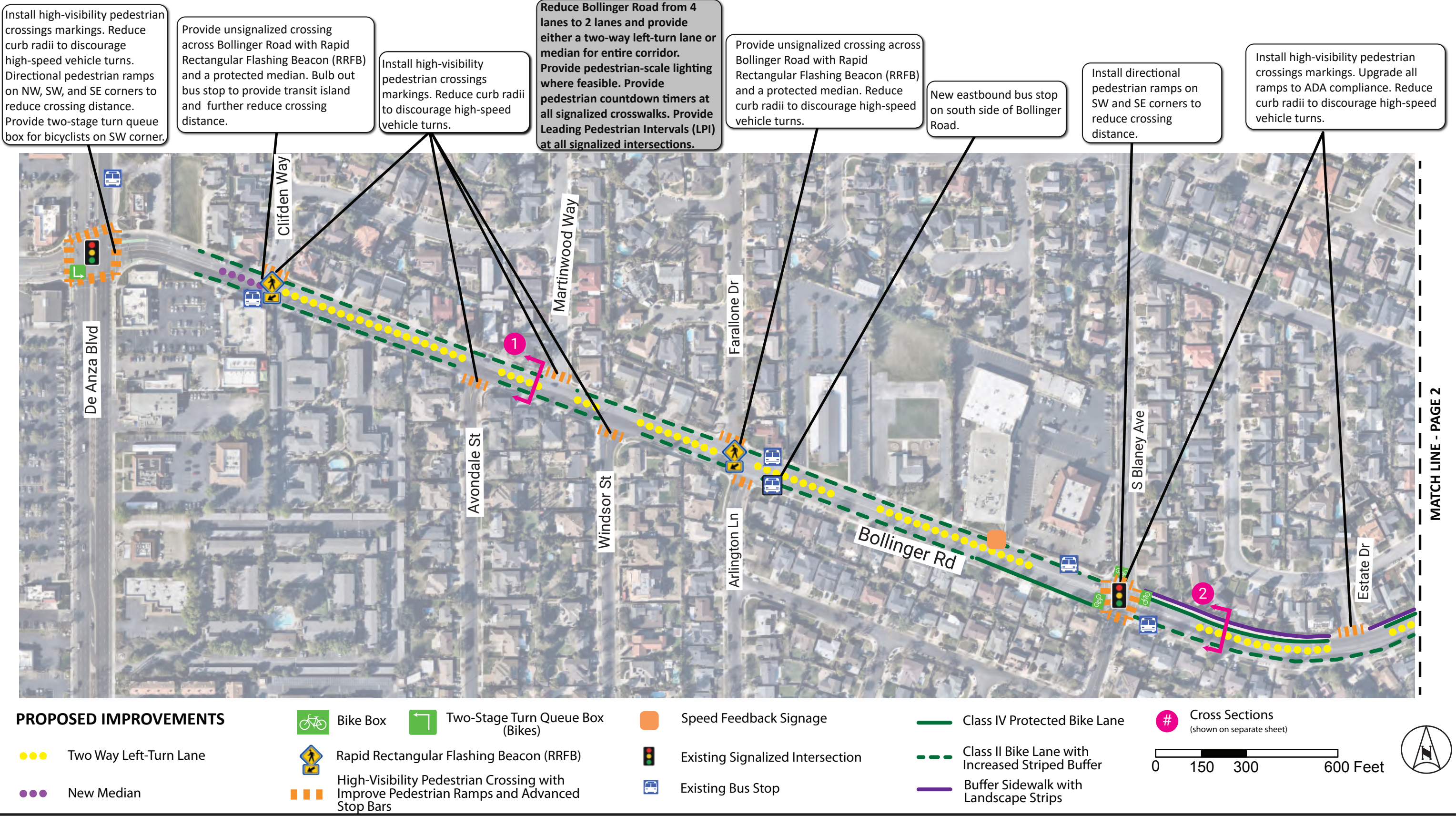
Transit islands are dedicated waiting and boarding areas for passengers that can help improve transit reliability and accessibility by allowing in-lane stops. Transit islands also eliminate bicycle-transit conflicts with the provision of a bicycle passageway behind the station.

#### 4.2 Alternative A

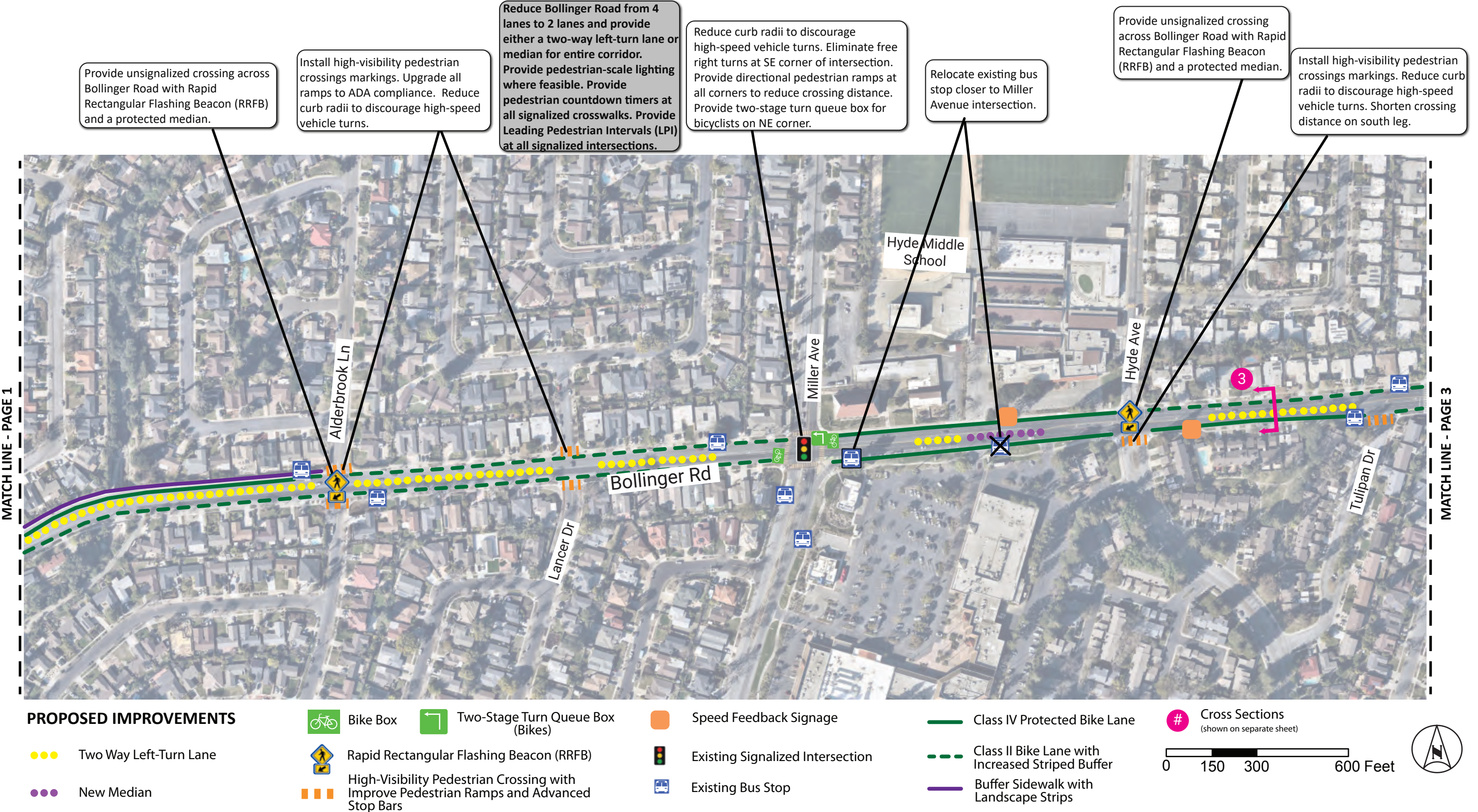
Alternative A includes a lane reduction on Bollinger Road, from two travel lanes in each direction to one travel lane in each direction and a two-way left-turn lane. Though there are similar elements between both alternatives, this concept provides more safety improvements for pedestrians and bicyclists. This includes longer stretches of protected Class IV bicycle facilities and more pedestrian crossings. This alternative includes some pedestrian crossings across Bollinger Road that are not shown in Alternative B because the reduced travel lanes allow for increased safety and comfort of pedestrian crossings. The safety elements included in this alternative are:

- Bike boxes
- Two-stage turn queue boxes
- RRFB
- Speed feedback signage
- Class IV protected bike lanes
- High-visibility pedestrian crossings

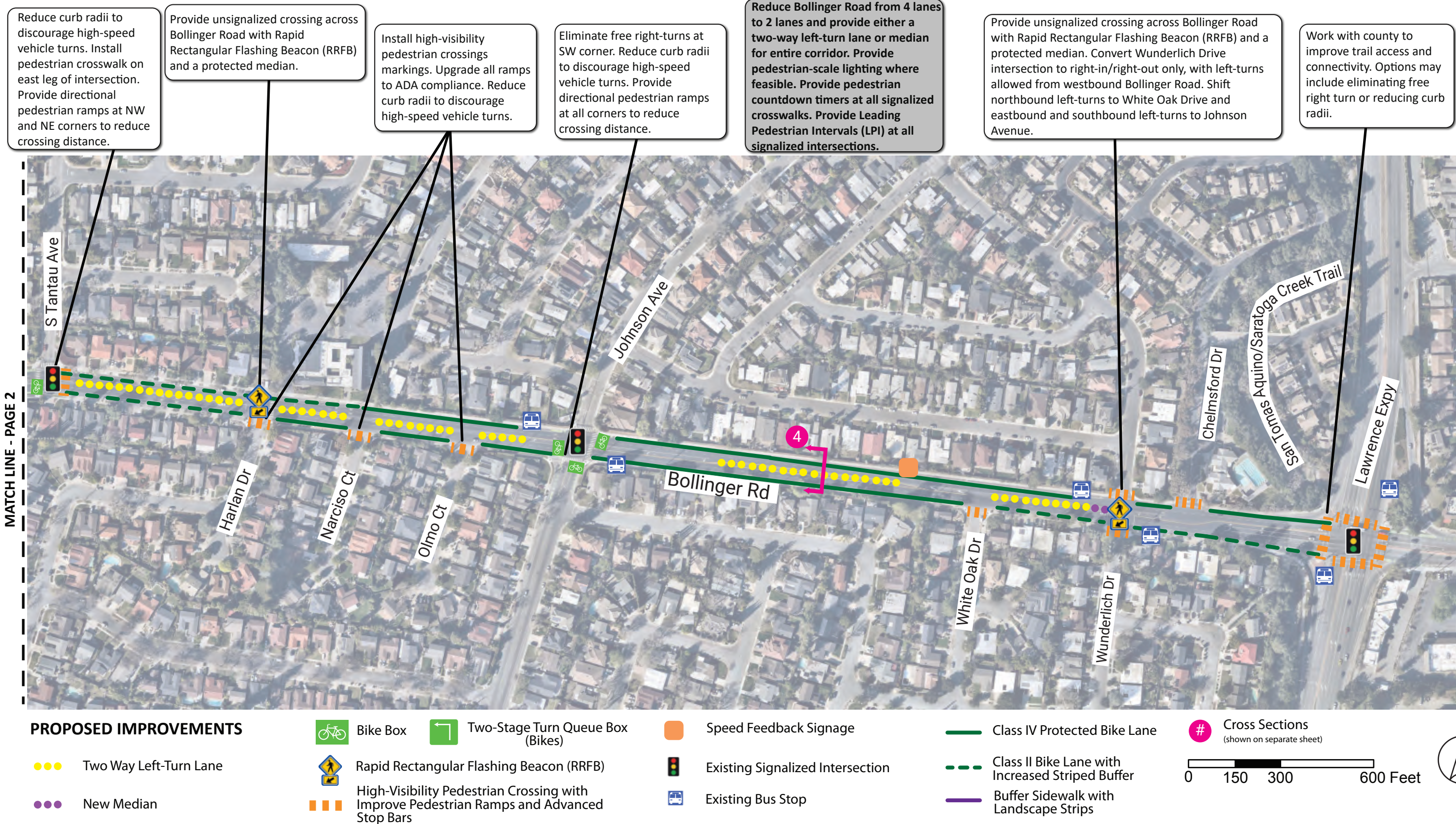
One potential drawback to this alternative is the possible increase in vehicle delays and congestion on the corridor. To better understand these impacts, a complete traffic analysis may need to be conducted. Parking protected bicycle lanes were considered as part of this alternative but were not ultimately included due to the number of residential driveway conflicts. The alternative is shown in **Figure 8**. The cost estimate for this concept is provided in **Appendix B**. The cross-section for the alternative is in **Appendix C**.



CONCEPTUAL - FOR DISCUSSION ONLY



CONCEPTUAL - FOR DISCUSSION ONLY



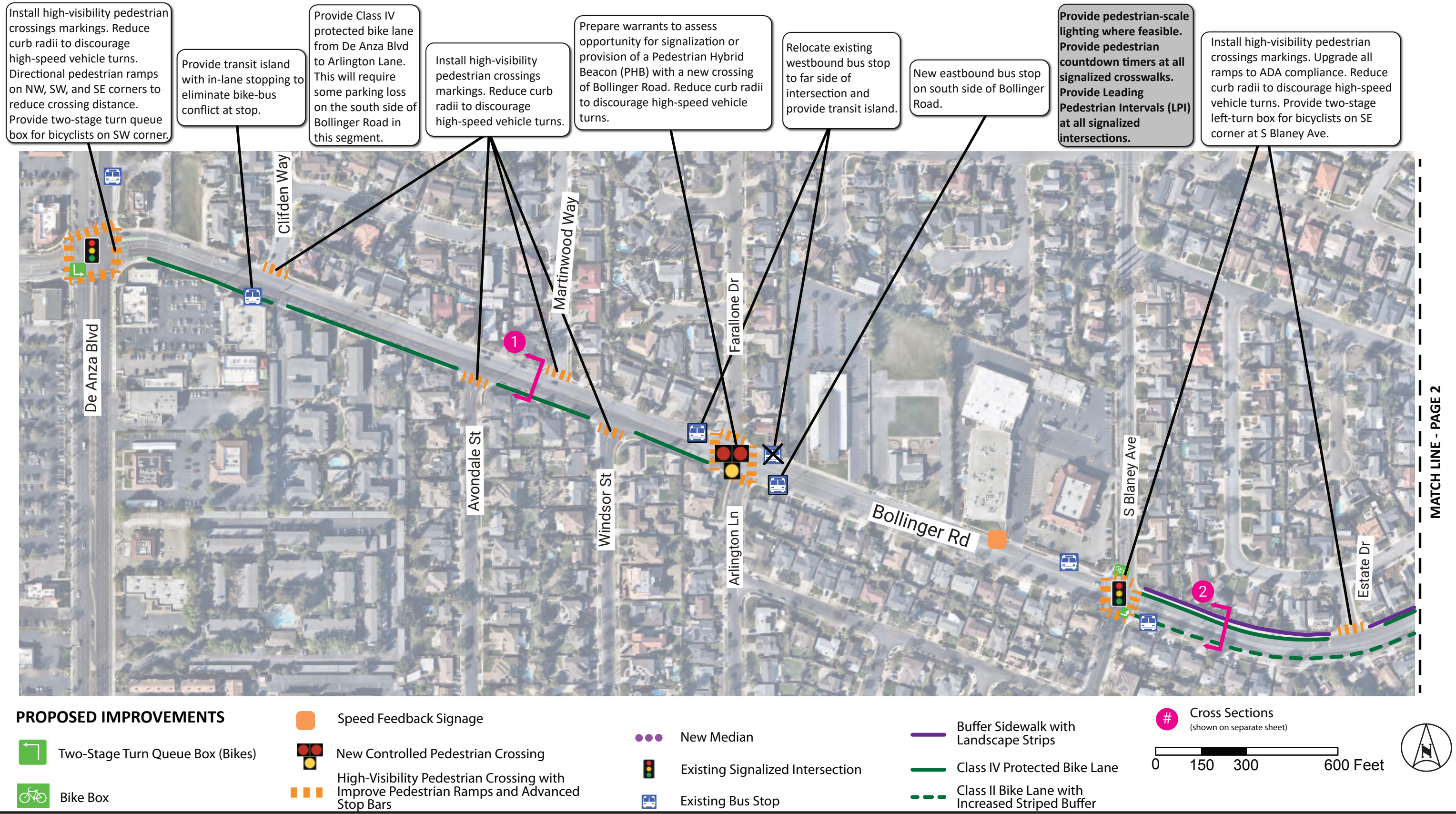
CONCEPTUAL - FOR DISCUSSION ONLY

### 4.3 Alternative B

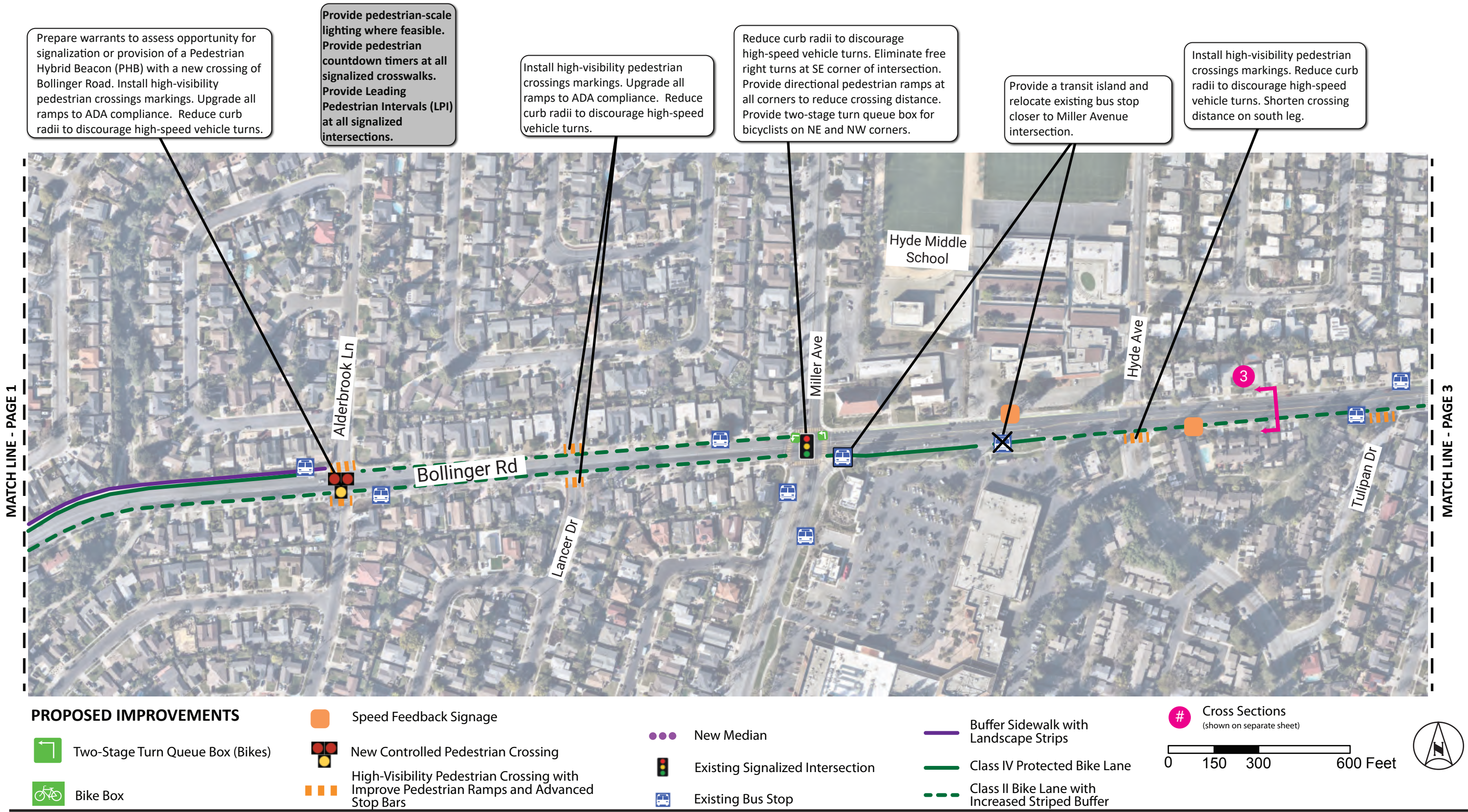
Alternative B maintains the existing lane configuration of two travel lanes in each direction. This concept is more limited in the safety improvements that can be recommended due to right-of-way constraints. There were still opportunities to provide protected Class IV facilities in limited segments while maintaining existing on-street parking. One of the main differences from Alternative A is the fewer number of pedestrian crossings. Maintaining four lanes of travel makes it undesirable to provide new uncontrolled pedestrian crossings due to safety concerns. Another difference from Alternative A is the inclusion of transit islands in limited locations. These in-lane bus stops would reduce transit delays and remove the bus-bike conflict at stops. These are not proposed in Alternative A as there is only one travel lane in each direction in that concept, which would prevent autos from bypassing a dwelling bus. The safety elements proposed in this alternative are:

- Bike boxes
- Two-stage turn queue boxes
- RRFB
- High-visibility pedestrian crossings
- Speed feedback signage
- Class IV protected bike lanes
- PHB

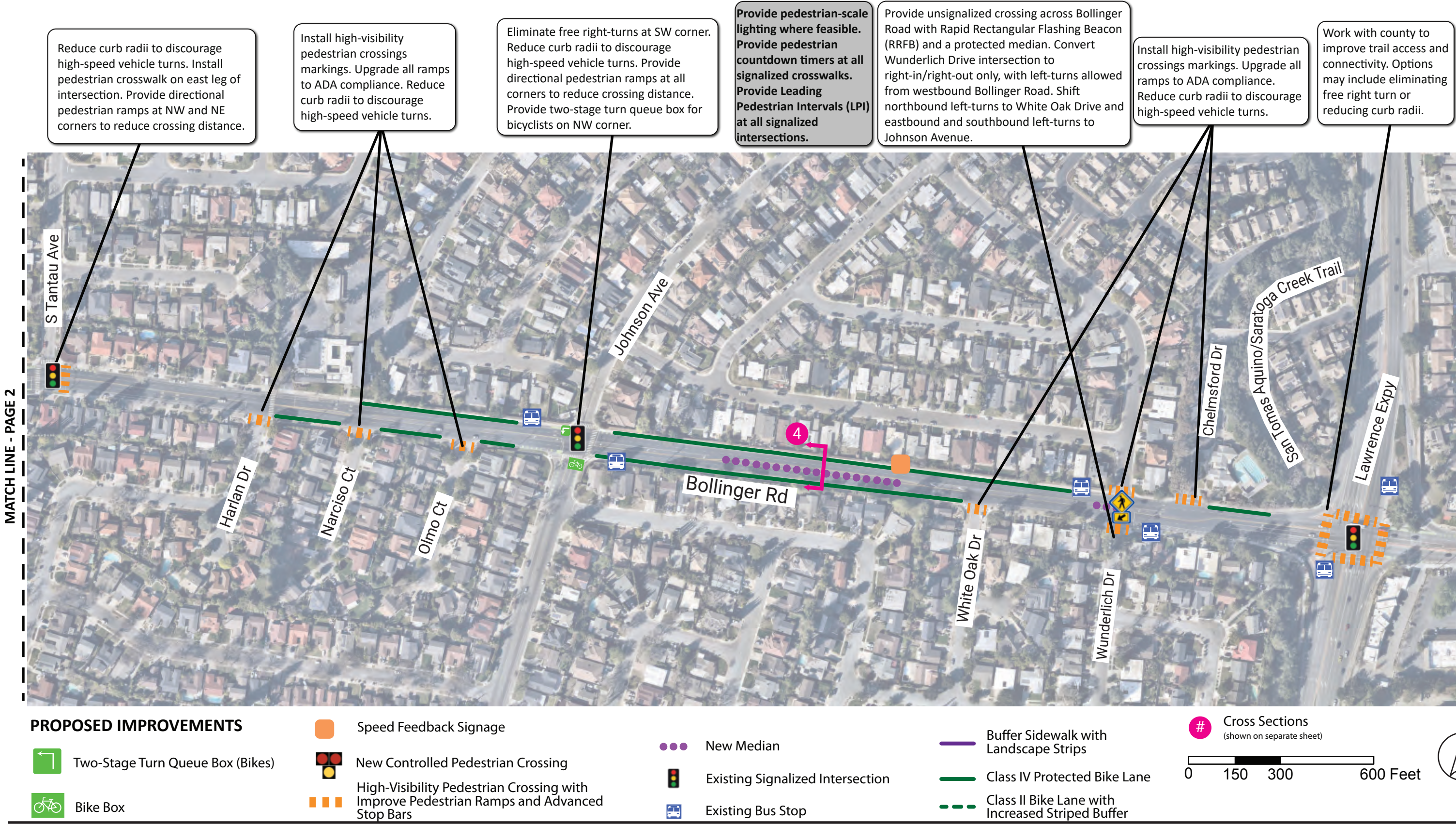
The alternative is shown in **Figure 9**. The cost estimate for this concept is provided in **Appendix B**. The cross-section for the alternative is in **Appendix C**.



CONCEPTUAL - FOR DISCUSSION ONLY



CONCEPTUAL - FOR DISCUSSION ONLY



CONCEPTUAL - FOR DISCUSSION ONLY

## 5. Community Input on Concepts

After the improvement concepts were developed, a virtual neighborhood meeting was held on May 19, 2021. Notifications were sent to residents and those who responded during the first round of outreach. These outreach for this event was similar to the first round of outreach. The meeting included a presentation introducing the study, explaining the existing conditions, summarizing the first round of outreach, and then explaining both proposed concepts along with their key attributes and differences. The meeting also included an interactive discussion session where attendees were able to provide written or verbal questions.

The feedback during this meeting was supportive and appreciative of the study efforts. There were some concerns regarding how improvements would impact traffic but most of the attendees had a positive view of Alternative A and liked many of the safety improvements proposed in the concept. All participants were informed that feedback on the alternatives is encouraged following the meeting, and information regarding the project website and how to provide suggestions and comments on the alternatives was provided.

The two improvement concepts were provided on the website and a survey was created to allow for feedback on the concepts. Similar to the interactive feedback map, respondents were able to drop pins at specific locations with “Something I Like”, “Ideas and Suggestions”, “Something I’d Like to Change”, and “Make a Comment”. The surveys were open for comments and feedback from May 12 until June 6, 2021.

The feedback for Alternative A is shown in **Figure 10** and the feedback received for Alternative B is shown in **Figure 11**.



Alternative A received 66 comments and had 139 unique users view the engagement map. As can be seen in **Table 4**, there were more positive, or supportive, rather than negative comments on Alternative A. However, there were also more thumbs down, representing people who disagreed with those positive sentiments, than there were those who agreed. Similarly, there were fewer negative comments but more support for those comments that critiqued the concept. There was a nearly even split between people commenting or suggesting they wanted to change something with the concept as those who liked something with the concept. Most of the negative comments were associated with traffic concerns. There was very limited, if any, disapproval of any of the specific recommendations that would benefit pedestrian or bicycle safety.

*Table 4. Alternative A Engagement Summary*

| <b>Type of Engagement</b>    | <b># of comments</b> | <b>Thumbs Up</b> | <b>Thumbs Down</b> |
|------------------------------|----------------------|------------------|--------------------|
| Positive Comments            | 24                   | 55               | 92                 |
| Negative Comments            | 4                    | 32               | 19                 |
| Spot Improvements            | 20                   |                  |                    |
| Something I Like             | 15                   |                  |                    |
| Something I'd Like to Change | 12                   |                  |                    |
| Unique Users                 | 139                  |                  |                    |

Alternative B received 25 comments with 81 unique users viewing the engagement map. The engagement types are summarized in **Table 5**. Alternative B had more negative comments and things they would like to see changed in the concept. Most of the negative comments were seeking elements that are shown in Alternative A but were not included in Alternative B due to right-of-way constraints and safety concerns associated with providing those improvements while maintaining existing lane configuration.

*Table 5. Alternative B Engagement Summary*

| <b>Type of Engagement</b>    | <b># of comments</b> | <b>Thumbs Up</b> | <b>Thumbs Down</b> |
|------------------------------|----------------------|------------------|--------------------|
| Positive Comments            | 3                    | 2                | 0                  |
| Negative Comments            | 7                    | 21               | 7                  |
| Spot Improvements            | 10                   |                  |                    |
| Something I Like             | 3                    |                  |                    |
| Something I'd Like to Change | 11                   |                  |                    |
| Unique Users                 | 81                   |                  |                    |

The complete list of comments received for both alternatives is provided in **Appendix D**.

## 6. Demonstration Activity: Traffic Enforcement Initiative

Data from Table 2 shows us that the intersections at De Anza Boulevard, Miller Avenue, and Lawrence Expressway, ranked as the locations with the most collisions in the study. For this reason, we plan to partner with the County Sheriff's Office to implement a Traffic Enforcement Initiative in these key areas. Two agents will be appointed to these high risk areas to encourage safe driving and conduct along these areas. This initiative promotes the DOT's Safe System Approach and is proposed to be piloted for a year to enhance the proposed action plan. The estimated start date will be July 2024 until July 2025. This partnership aims to achieve the following strategic goals of the Department:

- Promote safety to prevent death and serious injuries on public roadways;
- Employ low-cost, high-impact strategies that can improve safety over a wide geographic area;
- Ensure equitable investment in the safety needs of underserved communities,
- Incorporate evidence-based projects and strategies and adopt innovative technologies and strategies;
- Demonstrate engagement with a variety of public and private stakeholders

## 7. Conclusions and Next Steps

The Bollinger Road Corridor Safety Study was a high-level feasibility assessment of project needs, opportunities, and potential solutions for further consideration. The Study identified a range of improvements that would benefit pedestrian, bicycle, and auto safety along the Bollinger Road corridor. Based on this Study, funding for future project phases and project implementation can be pursued.

The Study found a high level of community support for improvements that prioritized pedestrian and bicycle safety on the Bollinger corridor. In particular, improvements that encouraged improved crossings on Bollinger Road and better access to schools were particularly well supported. Overall support for a road diet was strong among many community members, although not universal.

Once funding is identified further design and analysis work will be required. This includes a topographic and utilities survey of Bollinger Road, preliminary engineering and final design, and traffic analysis. The traffic analysis should determine the potential for the road diet (Alternative A) to increase congestion or divert traffic onto residential streets, and any corresponding mitigation measures to limit that impact. Community outreach efforts should continue in future project phases to ensure community awareness and support of the project.

The improvements proposed in this study are not expected to be constructed or implemented as one comprehensive project. There are likely to be opportunities for grant funding to implement portions of the project, consistent with grant funding availability or specific grant purposes. Potential funding sources include the 2016 Measure B sales tax, the statewide Active Transportation Program (ATP), and the statewide Highway Safety Improvement Program (HSIP). Additional elements for further study include the implementation of pedestrian-scale lighting along the corridor and improvements to trail access.

## 7. Appendix

## **Appendix A. Community-Identified Needs from Survey #1 (March 2021)**

| Type   | Threads                | Comment  | Up Votes  | Down Votes |
|--|------------------------|--|-----------|------------|
| <b>Protected Bike Lanes</b>                        |                        |  | <b>78</b> |            |
| Bicycle Suggestions                                | Bicycle Suggestions-06 | Cars drive way too fast on Bollinger which makes it very unsafe for cyclists. We need protected bike lanes in both direc   | 19        | 5          |
| Bicycle Suggestions                                | Bicycle Suggestions-01 | The whole road needs a physically seperated bike lane from traffic. Please put this lane in between the sidewalk and the   | 19        | 8          |
| Bicycle Suggestions                                | Bicycle Suggestions-11 | Bike lanes should be protected along the length of Bollinger. If only painted (buffered), then at least near the curve east  | 18        | 2          |
| Bicycle Suggestions                                | Bicycle Suggestions-08 | Buffered bike lanes are required on this stretch of road for the entire length.  | 14        | 2          |
| Bicycle Suggestions                                | Bicycle Suggestions-25 | I have two middle school boys and they will be biking to their high school everyday. I would like to see Bollinger add a w   | 1         | 0          |
|  |                        | Please add a separated bike lane for our kids to bike to school.   |           |            |
|  |                        | The cars speed very fast and it is dangerous to bike on this street.   |           |            |
| Bicycle Suggestions                                | Bicycle Suggestions-35 | I also bike to work using this street.   | 0         | 0          |
| Bicycle Suggestions                                | Bicycle Suggestions-38 | Protected bike lanes are required along stretch of Bollinger due to the high speeds on Bollinger. If we are to retain stree  | 0         | 0          |
| <b>Bollinger/Wunderlich</b>                        |                        |  | <b>75</b> |            |
|  |                        | Intersection with Wunderlich Dr is unsafe, and many accidents have happened here. This intersection is very busy, but gives insufficient visibility for drivers making left turns to and from Wunderlich.  |           |            |
| Car Suggestions                                    | Car Suggestions-05     | Adding a traffic light would make the intersection much safer.   | 16        | 3          |
| Car Suggestions                                    | Car Suggestions-07     | Adding a smart traffic light at this intersection with protected left turns would benefit traffic during school start and fini   | 16        | 1          |
| Car Suggestions                                    | Car Suggestions-16     | A safer option to turn left on to Wunderlich that leads to Murdock Portal Elementary School.   | 8         | 0          |
| Make a Comment                                     | Make a Comment-03      | Adding a smart traffic light at this intersection with protected left turns would benefit traffic during school start and fini   | 7         | 1          |
| Ideas and Suggestions                              | Ideas and Suggestions  | Would be better if left turn is allowed here   | 3         | 9          |
| Car Suggestions                                    | Car Suggestions-19     | crossing the road from wunderlich dr (sj side) to wunderlich dr (cupertino side) is very hard. There should be some light  | 2         | 0          |
| Car Suggestions                                    | Car Suggestions-20     | The intersection is very close to Bollinger & Lawrence which makes it hard to add another traffic light here. Should   | 2         | 0          |
| Pedestrian Suggestions                             | Pedestrian Suggestion  | It's difficult for drivers to see the pedestrian crossing from Bollinger onto Wunderlich. Drivers are still driving fast after   | 2         | 0          |
| Ideas and Suggestions                              | Ideas and Suggestions  | On Bollinger between Lawrence and Johnson, there is no way for pedestrians to cross. There should be pedestrian cross  | 1         | 0          |
| Ideas and Suggestions                              | Ideas and Suggestions  | There should be a bumper or speed light control just before Wunderlich. Cars coming on the direction from Johnson to   | 1         | 0          |
| Car Suggestions                                    | Car Suggestions-32     | Making a left turn from the Cupertino side of Wunderlich onto Bollinger is stressful and dangerous. People from Lawrer   | 1         | 0          |
| Car Suggestions                                    | Car Suggestions-33     | Add a concrete median on Wunderlich Drive's Cupertino side to prevent left hand turns onto Bollinger. It will reduce ac  | 1         | 0          |
| Car Suggestions                                    | Car Suggestions-31     | The dedicated left hand turn lane from Bollinger onto Wunderlich was eliminated when the streets were last repainted.  | 0         | 0          |
|  |                        | Several pedestrians have been killed here jay-walking across Bollinger at night. I believe they are getting off at the bus stop and don't want to walk down to Lawrence for the light. They are practically invisible at night.                      |           |            |
|  |                        | Better lighting?   |           |            |
| Pedestrian Suggestions                             | Pedestrian Suggestion  | Move the bus stop?   | 0         | 0          |
|  |                        | There is a need for a traffic light at Bollinger and Wunderlich. I know it is too close to the light at Lawrence and Bollinger but the new light can be coordinated with the light at Lawrence so there is less disruption to the Bollinger traffic. |           |            |
|  |                        | This new light will make Wunderlich more useable for cars that now have to make U-turns or take a longer route just to avoid this intersection.  |           |            |
| Ideas and Suggestions                              | Ideas and Suggestions  |  | 0         | 2          |
| <b>Bike/Ped Improvements at Bollinger/Lawrence</b> |                        |  | <b>75</b> |            |
| Pedestrian Suggestions                             | Pedestrian Suggestion  | Potential for vehicle/pedestrian collision for vehicles turn right from Lawrence Expressway onto Bollinger when runners  | 19        | 0          |
| Car Suggestions                                    | Car Suggestions-04     | Reduce vehicle speeds, it's dangerous for pedestrians and cyclists along the street  | 11        | 3          |
| Pedestrian Suggestions                             | Pedestrian Suggestion  | There is a pedestrian crossing here, but no light for traffic to stop. Perhaps a pedestrian operated light will help.  | 7         | 0          |
| Bicycle Suggestions                                | Bicycle Suggestions-16 | there is no bike path at the intersection, need to create a space for cyclists to wait for the light to change   | 6         | 1          |
| Pedestrian Suggestions                             | Pedestrian Suggestion  | Cars traveling southbound on Lawrence turning to go west on Bollinger drive very fast here, often turn without looking   | 6         | 0          |
| Car Suggestions                                    | Car Suggestions-24     | Change right turn from Lawrence onto Bollinger from a yield to a firm stop. Cars travel 50 mph, continue into high speed   | 5         | 0          |
| Bicycle Suggestions                                | Bicycle Suggestions-18 | Agree with others' comments on need for protected bike lane along the length of Bollinger from Lawrence to De Anza.  | 5         | 1          |
|  |                        | During high-traffic hours, bicyclists traveling down Bollinger to cross Lawrence and proceed onto Moorpark have a lot of difficulty dodging right-turning automobiles from Bollinger onto Lawrence. I speak from pre-COVID-19 experience.            |           |            |
| Bicycle Suggestions                                | Bicycle Suggestions-22 | Perhaps clear pavement markings starting at least 50 yards back from the intersection could help.  | 4         | 0          |
| Bicycle Suggestions                                | Bicycle Suggestions-31 | It is not obvious to automobiles crossing and turning at the intersection of bollinger and lawrence that bikes also may n  | 2         | 0          |
| Pedestrian Suggestions                             | Pedestrian Suggestion  | Agreed. This is a high-conflict intersection with vehicles at speed, cyclists and pedestrians. Redesign is required to slow  | 0         | 0          |
| <b>Trader Joe's Access</b>                         |                        |  | <b>64</b> |            |
| Car Suggestions                                    | Car Suggestions-02     | This intersection should be reconfigured or widened to make be a dedicated turn lane exclusively for turn right into Tra   | 16        | 4          |
| Ideas and Suggestions                              | Ideas and Suggestions  | When exiting Trader Joe's onto Bollinger, one must turn right. Many people, however, are lazy or impatient and make a  | 15        | 0          |
| Make a Comment                                     | Make a Comment-02      | People make dangerous left turn from Bollinger Rd across double yellow lines into Trader Joe parking lot   | 12        | 0          |
| Make a Comment                                     | Make a Comment-04      | Install more barricades to stop the illegal and dangerous U-Turns form Trader Joe's. Why a TJ's was allowed to open in s   | 6         | 0          |
| Pedestrian Suggestions                             | Pedestrian Suggestion  | The entire section between DeAnza and past Trader Joe's is impassable as a pedestrian. Tpumps is a fav of our family, b  | 4         | 0          |
| Car Suggestions                                    | Car Suggestions-25     | The right turn from Bollinger into the Trader Joe's parking lot causes dangerous backups (and fender bender accidents)   | 2         | 0          |
| Car Suggestions                                    | Car Suggestions-11     | Add a curb in place of the plastic dividers to prevent illegal uturns when exiting trader joes onto bollinger  | 1         | 0          |
| Bicycle Suggestions                                | Bicycle Suggestions-36 | We need to accomodate bicycles turning left into Trader Joes's here. I understand that maybe we cannot accomodate c  | 0         | 0          |
| <b>Bollinger/Hyde</b>                              |                        |  | <b>62</b> |            |
| Ideas and Suggestions                              | Ideas and Suggestions  | A traffic light here would be very helpful   | 13        | 2          |
| Pedestrian Suggestions                             | Pedestrian Suggestion  | Crosswalk, please. I walk to Safeway and cross at Hyde.  | 13        | 0          |
| Car Suggestions                                    | Car Suggestions-13     | Cars cueing for entry into the hyde lot tend to use the bike lane, perhaps the hyde parking lot can be reconfigured to en  | 9         | 1          |
| Pedestrian Suggestions                             | Pedestrian Suggestion  | Crosswalk with the larger stoplights that activate when there is a pedestrian crossing (similarly found on ECR in SV and !   | 7         | 0          |
| Bicycle Suggestions                                | Bicycle Suggestions-14 | Make it friendlier for students to bike  | 5         | 0          |
| Car Suggestions                                    | Car Suggestions-23     | Add manhy more pylons to this area as it is always stopped up when parents leave Hyde and cross two lanes of traffic t   | 5         | 0          |
| Car Suggestions                                    | Car Suggestions-30     | Many illegal u-turns here in the middle of the block when school is in session despite the traffic barrier.  | 2         | 0          |
| Pedestrian Suggestions                             | Pedestrian Suggestion  | Marked cross walks, preferably signaled ones, are needed across Bollinger at Hyde Ave, on both sides of Hyde.  | 0         | 0          |

| General Comments                     |  | 48 |   |
|--------------------------------------|--|----|---|
| Ideas and Suggestions                | Ideas and Suggestions- Bollinger Rd. is a very wide, flat road which encourages speeding and makes it seem unfriendly to anything but cars. A  | 13 | 3 |
| Ideas and Suggestions                | Ideas and Suggestions- Bus stop islands should be present along the entirety of the road. This would make buses not need to wait long periods  | 9  | 2 |
| Ideas and Suggestions                | Ideas and Suggestions- I've been bike commuting through this zone for over 20 years. Overall speed/width way too dangerous for cyclists. Need  | 6  | 1 |
| Car Suggestions                      | Car Suggestions-12 suggest the speed limit be reduced to 30 mph on bollinger between de anza / moorpark and williams   | 5  | 2 |
| Bicycle Suggestions                  | Bicycle Suggestions-23 There is no space curbside here for both trash pick up and bike lane. So residents put their trash can and yard waste in  | 3  | 0 |
| Ideas and Suggestions                | Ideas and Suggestions- The speeds between Blaney/De Anza are dangerous. Here is another place that needs a stoplight/speedbump to facilita   | 1  | 0 |
| Ideas and Suggestions                | Ideas and Suggestions- This road has low visible marking. At night, it's especially hard to see the marking. Can we get fresh paint and illuminato   | 0  | 0 |
| Pedestrian Suggestions               | Pedestrian Suggestion- Please add cross walks at various intervals between north and south side of road  | 0  | 0 |
| Car Suggestions                      | Car Suggestions-29 Install radar speed signs in both directions - at least one on each direction between the major intersections such as N Bl  | 0  | 0 |
| Bicycle Suggestions                  | Bicycle Suggestions-09 Left turn boxes for cyclists should be provided at major crossings, or repaint/redesign intersections to accommodate lef  | 0  | 1 |
| Bicycle Suggestions                  | Bicycle Suggestions-39 The home owners on the San Jose side along Bollinger leave their yard waste in the bike lanes. This is unsafe as it forces  | 0  | 0 |
| Bollinger/Johnson                    |  | 46 |   |
| Bicycle Suggestions                  | Bicycle Suggestions-02 Safer intersections/left turns for students commuting to school.  | 16 | 1 |
|                                      | Both side of Johnson/Bollinger intersections needs pedxing crossing. There is only one pedxing available for crossing Bollinger right now. My kids and many other kids bike or walk to Dilworth, Miller and Lynbrook. They have to cross Johnson Ave more then once at the intersection to reach the right side of their destination. This improvement can greatly decrease the congestion and possibility of accidents at this intersection during school hours. It should be on the first priority list. |    |   |
| Pedestrian Suggestions               | Pedestrian Suggestion- Thanks  | 11 | 0 |
| Car Suggestions                      | Car Suggestions-14 the bike path ends at the intersection, need a place for bikes to stop when waiting for the light   | 6  | 0 |
| Car Suggestions                      | Car Suggestions-27 EB the intersection at Johnson is often backed up in the afternoon commute, and slow to flow (compared to the rest of   | 3  | 0 |
| Make a Comment                       | Make a Comment-06 Another poorly timed left turn signal. Needs to be adjusted for cars to get through it so the straight lanes are not blocke  | 1  | 0 |
| Make a Comment                       | Make a Comment-11 Need to create space for vehicles to turn right without having to wait for bicyclists that are waiting to travel through the   | 1  | 0 |
| Pedestrian Suggestions               | Pedestrian Suggestion- This VTA bus stop needs shade and a trash pickup service.   | 0  | 0 |
| Car Suggestions                      | Car Suggestions-37 The middle lane of east bound near the junction of Johnson Ave is too narrow. It cause potential car scratch or crash d   | 0  | 0 |
| Bollinger/Alderbrook                 |  | 42 |   |
| Car Suggestions                      | Car Suggestions-03 Major accidents happened at the intersection of Bollinger and Alderbrook. I personally witnessed one. Please make it sa   | 16 | 0 |
| Car Suggestions                      | Car Suggestions-17 The alderbrook/Bollinger merge is very dangerous. Lots of cars are parked along Bollinger and turning left from Alderbru  | 7  | 0 |
| Pedestrian Suggestions               | Pedestrian Suggestion- Pedestrian crossing: we badly need some kind of protected pedestrian crossing. There are often elderly people crossing  | 7  | 0 |
| Ideas and Suggestions                | Ideas and Suggestions- Please add a signal here. Very dangerous to take a left or right turn. This is because there are lots of cars parked on Bolli   | 4  | 0 |
| Pedestrian Suggestions               | Pedestrian Suggestion- Marked cross walks, preferably signaled ones, are needed on both sides of Alderbrook Ln across Bollinger.   | 1  | 0 |
| Ideas and Suggestions                | Ideas and Suggestions- There needs to be a stoplight at Alderbrook and Bollinger. I have lived here since the 60's and there is NO SAFE WAY for  | 1  | 0 |
| Bike/Ped Issues at Bollinger/De Anza |  | 39 |   |
| Bicycle Suggestions                  | Bicycle Suggestions-07 This is a high-conflict area with cyclists, pedestrians and vehicles. The interchange needs to be redesigned to slow down   | 17 | 1 |
| Bicycle Suggestions                  | Bicycle Suggestions-12 A short red-to-green light phase makes crossing De Anza straight on Bollinger extremely dangerous. A bicycle starting at  | 7  | 1 |
| Ideas and Suggestions                | Ideas and Suggestions- Perilous crossing for pedestrians to and from northeast (Taco Bell) corner of De Anza at Bollinger. Cars turning right fro  | 5  | 0 |
|                                      | Many vehicles proceed into the pedestrian walkway before stopping / rolling into a turn on to a right on red (North on DeAnza turning right onto Bollinger). In addition they often cut off pedestrians trying to use the walkway, or cyclists crossing near it. In addition they have a tendency to pinch cyclists in the bike lane.  |    |   |
| Car Suggestions                      | Car Suggestions-10 2 Suggestions: 1) Prohibit right on red, 2) Prohibit use of the bike lane for right turns with a curb/ protection   | 4  | 0 |
| Bicycle Suggestions                  | Bicycle Suggestions-34 Allow bicycles to use the crosswalk (the wrong way) to avoid requiring cyclists to cross three lanes of traffic to cross de   | 0  | 0 |
| Bicycle Suggestions                  | Bicycle Suggestions-20 I frequently ride my bike with traffic turning left from southbound de Anza onto Bollinger. In this maneuver, I am highl  | 0  | 0 |
| Bollinger/Tantau/Tulipan             |  | 34 |   |
| Bicycle Suggestions                  | Bicycle Suggestions-05 Make it safer for bikes to turn left onto Lantau  | 14 | 1 |
| Bicycle Suggestions                  | Bicycle Suggestions-13 Make it easier for cyclists to turn left from Tantau (southbound) onto Bollinger (eastbound). Currently the sensor will n   | 7  | 0 |
| Bicycle Suggestions                  | Bicycle Suggestions-24 It would be nice for a "bike left turn" sensor (or button) to turn left from eastbound Bollinger to northbound Tantau. Ri   | 2  | 0 |
| Ideas and Suggestions                | Ideas and Suggestions- eset the timing on this and all lights. Many times this light turns left for no cars. This light will allow ONE car to turn and   | 1  | 0 |
| Make a Comment                       | Make a Comment-08 The left turn from Bollinger into Tulipan must be prevented. It's too abrupt with no left turn lane so just asking for rear  | 1  | 1 |
| Car Suggestions                      | Car Suggestions-38 I have lived on Bollinger Rd. for 37 years. Due to the 12 degree kink in Bollinger road at Tantau, we have a major autom  | 0  | 0 |
| Pedestrian Suggestions               | Pedestrian Suggestion- The Tulipan Bollinger bus stop needs shade and a bench. The elderly need a bench to wait for the bus.   | 0  | 0 |
| Something I Like                     | Something I Like-1 As a bike commuter who uses Tantau to turn left onto Bollinger, as of mid-February 2021, I really appreciate the traffic l  | 0  | 0 |
| Make a Comment                       | Make a Comment-12 The road itself curves right at the intersection. I've often seen cars getting their lane mixed up as they cross the intersec  | 0  | 0 |
| Improvements at Bollinger/Miller     |  | 32 |   |
| Bicycle Suggestions                  | Bicycle Suggestions-04 Protected intersection, especially for students at hyde.  | 23 | 1 |
| Bicycle Suggestions                  | Bicycle Suggestions-15 it is scary to cross the right turn lane when cycling east on bollinger just past miller at a minimum better bike path paint  | 4  | 0 |
|                                      | Miller southbound left turn lanes. There needs to be a dotted, reflective line separating the two left turn lanes in the intersection. Drivers often forget there are two left turn lanes here and cut into the outer lane when turning.   |    |   |
| Car Suggestions                      | Car Suggestions-39 Yes, there is already a sign on the traffic post, but sometimes it is hard to see at night.   | 0  | 0 |
| Bicycle Suggestions                  | Bicycle Suggestions-29 It is not obvious to automobiles crossing and turning at the intersection of bollinger and miller that bikes also may need  | 0  | 0 |
| Car Suggestions                      | Car Suggestions-35 Combined right turn/bike lane on Bollinger (West) onto Miller (North) is too narrow. It is unusable and causes back up i  | 0  | 0 |
| Curve/Visibility East of Blaney      |  | 26 |   |
| Bicycle Suggestions                  | Bicycle Suggestions-10 This curve is particularly scary for cyclists. Vehicles are traveling at a high rate of speed--usually faster than the posted li  | 16 | 0 |
| Car Suggestions                      | Car Suggestions-28 Between Miller and Blaney (and again between Blaney/De Anza) is often a speedway due to limited lights/stops and ro   | 3  | 0 |
| Pedestrian Suggestions               | Pedestrian Suggestion- I think the area here could do with some street lights. It's a leg of my night walk journey where I end up having to turn c   | 1  | 0 |

East bound bike lane needs to have some protective pylons. This downhill dip and S-curve in the road causes many cars to cut into the bike lane and results in very close shaves.

This section is a bridge crossing Calabasas Creek. No residences or driveways will be blocked if a car/bicycle barrier

|                     |  |   |   |
|---------------------|--|---|---|
| Bicycle Suggestions | Bicycle Suggestions-40 were to be installed  | 0 | 0 |
| Make a Comment      | Make a Comment-05 Narrow sidewalks and not easily used to stand away from traffic.   | 0 | 0 |
| Bicycle Suggestions | Bicycle Suggestions-26 Somewhere along here eastbound bike lane meets parked cars past end of allowed parking, encroaching into bike lane. | 0 | 0 |

### Crossing at Bollinger/Cliffden 26

|                        |   |    |   |
|------------------------|---|----|---|
| Ideas and Suggestions  | Ideas and Suggestions- Need another safe crossing here for pedestrians and cyclists. This is a common crossing for people coming to or leaving  | 15 | 0 |
| Ideas and Suggestions  | Ideas and Suggestions- Clifden and Gillick serve as employee and overflow parking for Trader Joe's. Popular VTA Route 25 stops at south side (S | 4  | 0 |
| Make a Comment         | Make a Comment-10 Could we add some sort of pedestrian bridge here so we could safely cross the street either on foot or bicycle? I like to     | 2  | 0 |
| Pedestrian Suggestions | Pedestrian Suggestion Cross walks, preferable signaled, are needed at this intersection, at *both* sides of Clifden Way.                        | 1  | 0 |

### Improvements at Arlington/Farallone and Bollinger 24

|                        |   |    |   |
|------------------------|---|----|---|
| Ideas and Suggestions  | Ideas and Suggestions- Need a safe crossing here for pedestrians and bicyclists. This is a commonly used crossing connecting the two neighbor   | 20 | 0 |
| Ideas and Suggestions  | Ideas and Suggestions- The angle and slope of the street make it difficult to see oncoming cars when exiting south from Farallone. Perhaps a "s | 1  | 1 |
| Pedestrian Suggestions | Pedestrian Suggestion Cross walks are needed across Bollinger at both sides of Farallone Drive and Arlinbgton Lane, preferably signalled ones.  | 0  | 0 |

### Auto Improvements at Bollinger/Lawrence 27

|                 |   |    |   |
|-----------------|---|----|---|
| Car Suggestions | Car Suggestions-01 Left turn lanes onto Lawrence Expressway is too short. It causes daily backup in the morning until about 10am. The traf  | 17 | 1 |
| Car Suggestions | Car Suggestions-22 Eastbound Bollinger left turn onto Lawrence Expwy backs up during morning commute. Is there a way to lengthen the l      | 3  | 0 |
| Make a Comment  | Make a Comment-07 Cars exiting Lawrence sure seem to beleive they have the ROW over cars with green lights. Add some type of raioad mar     | 2  | 0 |
| Make a Comment  | Make a Comment-09 People exiting Wunderlich Dr, and White Oak Dr, squeeze into the left turn lanes that are crowded in the morning. Unsa    | 0  | 0 |
| Car Suggestions | Car Suggestions-34 During school days, after dropping off the student, Portal parents want to turn right from Wunderlich to Bollinger and t | 0  | 0 |

### Bollinger/Blaney 25

|                        |  |   |   |
|------------------------|--|---|---|
| Car Suggestions        | Car Suggestions-15 Blaney &amp; Bollinger- Needs to have a light to go straight and a separate light for turning left.                           | 9 | 0 |
| Pedestrian Suggestions | Pedestrian Suggestion We need a bigger side walk to cross. There is not even enough space to stand for the light to change. And there is not a   | 7 | 0 |
| Car Suggestions        | Car Suggestions-08 Need left turn signals on Blakey.   | 5 | 0 |
| Bicycle Suggestions    | Bicycle Suggestions-28 It is not obvious to automobiles crossing and turning at the intersection of bollinger and Blaney that bikes also may nee | 0 | 0 |

### Bollinger/Avondale 23

|                        |  |   |   |
|------------------------|--|---|---|
| Ideas and Suggestions  | Ideas and Suggestions- We need a crosswalk, traffic light or center turn lane here. I've seen countless, serious car accidents happen here over t  | 8 | 0 |
| Make a Comment         | Make a Comment-01 We have lived on Avondale for 13 years, &amp; seen numerous accidents on this corner. We have written to the city in             | 7 | 0 |
| Ideas and Suggestions  | Ideas and Suggestions- Need a traffic light here or maybe a center turn lane. Car is trying to make a left here and there are pedestrian j walking | 4 | 1 |
| Pedestrian Suggestions | Pedestrian Suggestion Cross walks are needed here, preferrably signalled ones, on both sides of Avondale Street.                                   | 0 | 0 |

### Auto Issues at Bollinger/De Anza 13

|                 |  |    |   |
|-----------------|--|----|---|
| Car Suggestions | Car Suggestions-06 Southbound De Anza's two left turn lanes onto Bollinger are tight and shifting, resulting in cars drifting wide into the ne | 12 | 1 |
|-----------------|--|----|---|

### Bollinger/Windsor 10

|                        |  |   |   |
|------------------------|--|---|---|
| Ideas and Suggestions  | Ideas and Suggestions- It would be safer to have a left turn lane on Bollinger Rd for cars to turn left onto Windsor St. Now there is no left turn | 5 | 0 |
| Ideas and Suggestions  | Ideas and Suggestions- Please do not put a signal light at Bollinger and Windsor Street. Years ago a light was added at Clarendon and De Anza ;    | 2 | 0 |
| Pedestrian Suggestions | Pedestrian Suggestion Cross walks are needed at Winsor Street, preferably signaled ones.   | 0 | 0 |

### Off-Corridor 8

|                       |   |   |   |
|-----------------------|---|---|---|
| Bicycle Suggestions   | Bicycle Suggestions-03 Safer intersections. This area is also very dangerous for kids at hyde middle.   | 1 | 0 |
| Ideas and Suggestions | Ideas and Suggestions- There are no street lights here. It's pitch dark at night.   | 1 | 0 |
| Ideas and Suggestions | Ideas and Suggestions- We need a speed bump here to slow down traffic cutting through on Windsor and Clarendon. Drivers do this to avoid t        | 1 | 0 |
| Bicycle Suggestions   | Bicycle Suggestions-32 A bicyclist needs to cross traffic to continue going straight on moorpard, suggest that the bike lane be marked going acc  | 0 | 0 |
| Ideas and Suggestions | Ideas and Suggestions- There is a concrete curbed island on the left side turn lane for northbound Miller traffic before you get to Stevens Creek | 0 | 0 |

### Bollinger/Lancer 7

|                        |   |   |   |
|------------------------|---|---|---|
| Car Suggestions        | Car Suggestions-09 Please make few feet on the road side as no parking. This will help drivers joining from lancer to clearly see the oncomir | 5 | 0 |
| Pedestrian Suggestions | Pedestrian Suggestion Marked cross walks are needed at both sides of Lance Dr across Bollinger, preferably signaled ones.                     | 0 | 0 |

### Bollinger/Estates 6

|                        |  |   |   |
|------------------------|--|---|---|
| Car Suggestions        | Car Suggestions-18 2 problems with cars on bollinger going into Estates dr. Due to the curving road, eastbound cars which are stopped to r     | 2 | 0 |
| Car Suggestions        | Car Suggestions-26 Make the Estates intersection a stricter right turn entrance/exit only. Drivers wanting to enter/exit other direction (fron | 1 | 0 |
| Pedestrian Suggestions | Pedestrian Suggestion Marked cross walks are needed at Estates Dr across Bollinger, preferably signaled ones.                                  | 0 | 0 |

### Bike Lane Between Hyde/Tantau 4

|                     |   |   |   |
|---------------------|---|---|---|
| Bicycle Suggestions | Bicycle Suggestions-21 West bound bike path narrows significantly here. Combine that with the (often) parked cars make the interaction betw | 2 | 0 |
| Bicycle Suggestions | Bicycle Suggestions-41 Eastbound bike lane gets very narrow in here between Hyde and Tantau. Cyclists usually dodge trash carts here once a | 0 | 0 |

### Pavement Issues 3

|                       |   |   |   |
|-----------------------|---|---|---|
| Ideas and Suggestions | Ideas and Suggestions- Pavement from Miller almost to Lawrence is uneven and sometimes has potholes because of previous work. Resurface | 2 | 0 |
|-----------------------|---|---|---|

### Road Diet 2

|                 |   |   |   |
|-----------------|---|---|---|
| Car Suggestions | Car Suggestions-36 Bollinger is for the most a moderate to light trafficed road. We should be able to reduce it to one lane in each direction | 1 | 0 |
|-----------------|---|---|---|

### Orchard Farms Shopping Center Access 3

|                     |  |   |   |
|---------------------|--|---|---|
| Bicycle Suggestions | Bicycle Suggestions-33 Cars turning into the safeway complex need to cross the bike lane, suggest that the bike lane be marked whenever it ne    | 0 | 0 |
| Bicycle Suggestions | Bicycle Suggestions-19 This spot requires great care from both drivers and cyclists, since cars often make a sudden right turn into the shopping | 0 | 1 |
| Bicycle Suggestions | Bicycle Suggestions-37 Provisions needs to be made for a bike crossing here from needed protected bicycle lanes on the other side of the road    | 0 | 0 |

| <b>Bollinger/Harlan</b>     |                        |   | <b>3</b> |   |
|-----------------------------|------------------------|---|----------|---|
|                             |                        | In the 4-7pm timeframe most evenings, this coming left out of Harlan onto Bollinger or left from Bollinger onto Harlan becomes really hard. (Ironically, even right from Harlan onto Bollinger is hard.) Cars line up all across the intersection and there is basically nothing to stop them coming. |          |   |
|                             |                        | I don't know what the right solution here is: the traffic to/from Harlan is generally very light. Smart "on demand"   |          |   |
| Car Suggestions             | Car Suggestions-21     | lights? Other solutions?  | 1        | 0 |
| Bicycle Suggestions         | Bicycle Suggestions-42 | Eastbound bike lane shifts to the right at the Harlan intersection due to the widening of the car lanes + no street parkin  | 0        | 0 |
| <b>Bollinger/Martinwood</b> |                        |   | <b>1</b> |   |
| Pedestrian Suggestions      | Pedestrian Suggestion  | Cross walks are needed here, preferably signaled ones.  | 0        | 0 |



# HELP US IMPROVE BOLLINGER ROAD!

Visit the Corridor Safety Study webpage  
to share your feedback and priorities.

<https://engagekh.com/bollingerroad>

*Remember to comment by*  
**2/26/2021**



## Appendix B. Estimate of Conceptual Project Costs

## Estimate of Conceptual Project Costs

### Alternative A (Road Diet)

*From DeAnza Blvd to Lawrence Expy*



|                       |                      |
|-----------------------|----------------------|
| <b>Date Prepared:</b> | <b>June 30, 2021</b> |
|-----------------------|----------------------|

| Item  |   |  | Unit                                    | Quantity | Unit Cost    | Extended Cost | Notes   |
|---|---|--|---|----------|--------------|---------------|---|
| 1   | Curb Ramps/Reconstruct and Reduce Curb Radius |  | EA                                      | 61       | \$27,000.00  | \$1,647,000   | Includes demolition of existing sidewalk/curb return and installation of new curb return radius, sidewalk, and ramp. Assumes 2" sawcut from new curb return.          |
| 2   | Concrete Sidewalk                             |  | SF                                      | 9,000    | \$30.00      | \$270,000     | Includes sidewalk cost, demolition/modification to existing - along corridor only. Assume sidewalk reconstruction feasible along full length of identified locations. |
| 3   | Raised Concrete Median                        |  | LF                                      | 500      | \$300.00     | \$150,000     | Includes 2" sawcut/demo either side, new curb either side of median, and 12" HMA section.   |
| 4   | Median Hardscape                              |  | SF                                      | 1,600    | \$20.00      | \$32,000      | Includes hardscape within median, does not include curb for raised median. Assumed only 50% of median hardscape, other 50% landscape.                                 |
| 5   | Raised Concrete Buffer                        |  | LF                                      | 8,200    | \$225.00     | \$1,845,000   | Includes 2" sawcut/demo and new curb on both sides of buffer, and 12" HMA section. Curb cuts spaced accordingly to maintain existing drainage pattern.                |
| 6   | Relocate/Install New Bus Stop                 |  | EA                                      | 2        | \$35,000.00  | \$70,000      | Assumes new bus pad needed at relocated stop, demolition/repairing of existing bus pad, and amenities. Assume 60' x 10' pad.  |
| 7   | Transit Island                                |  | EA                                      | 1        | \$40,000.00  | \$40,000      | Assumes 10' Transit Island, bus pad, amenities, and curb reconstruction. Assume 60' Length  |
| 8   | Signing & Striping                            |  | LS                                      | 1        | \$600,000.00 | \$600,000     | Assumes striping, markings, signs and removal of existing striping.   |
| 9   | RRFB (Rectangular Rapid Flashing Beacon)      |  | EA                                      | 6        | \$50,000.00  | \$300,000     | Each RRFB includes assembly and equipment for both crossing directions at each intersection   |
| 10  | Speed Feedback Sign System                    |  | EA                                      | 4        | \$5,000.00   | \$20,000      |   |
| 11  | Intersection Signal Improvements              |  | EA                                      | 6        | \$30,000.00  | \$180,000     | Includes minor signal work at signalized int for biked/ped accessibility, such as pedestrian countdown timers and leading pedestrian intervals (LPIs).                |
|   |   |  |   |          |              |               |   |
| SUB-TOTAL MAJOR CONSTRUCTION ITEMS                          |   |  |   |          |              | \$5,154,000   | Notes   |
|   |   |  |   |          |              |               |   |
| Utility Coordination & Minor Modifications                  |   |  | % of sub-total major construction items |          | 1.0%         | \$51,600      | Minor utility adjustments at new sidewalk, new median areas, and curb return reconstructions  |
| Landscaping   |   |  | % of sub-total major construction items |          | 8.0%         | \$412,400     | Planter areas in raised concrete buffer for cycle track, landscape in median, and adjacent to new sidewalk along corridor.  |
| Erosion Control   |   |  | % of sub-total major construction items |          | 2.0%         | \$103,100     | Standard BMP & drainage inlet protection  |
| Drainage  |   |  | % of sub-total major construction items |          | 1.0%         | \$51,600      | Minor adjustments, relocations, and potential new infrastructure at reconstructed curb returns  |
| Traffic Control / Detour                                    |   |  | % of sub-total major construction items |          | 8.0%         | \$412,400     | Standard traffic control %  |
| Mobilization  |   |  | % of sub-total major construction items |          | 5.0%         | \$257,700     | Standard mobilization %   |
| Minor Contract Revisions                                    |   |  | % of sub-total major construction items |          | 10.0%        | \$515,400     | Standard contract revisions %   |
|   |   |  |   |          |              |               |   |
| SUB-TOTAL CONSTRUCTION COSTS                                |   |  |   |          |              | \$6,958,200   | Notes   |
|   |   |  |   |          |              |               |   |
| Engineering, Environmental, Permitting, & City Oversight    |   |  | % of sub-total construction costs       |          | 17.0%        | \$1,182,894   | 2% is assumed for City Oversight  |
| Construction Management/Materials Testing, & City Oversight |   |  | % of sub-total construction costs       |          | 12.0%        | \$834,984     | 2% is assumed for City Oversight  |
|   |   |  |   |          |              |               |   |
| SUB-TOTAL DESIGN AND PROJECT ADMIN                          |   |  |   |          |              | \$2,017,878   |   |
|   |   |  |   |          |              |               |   |
| SUB-TOTAL   |   |  |   |          |              | \$8,976,078   | Notes   |
| Contingency (30%)   |   |  | % of sub-total                          |          | 30.0%        | \$2,692,900   |   |
|   |   |  |   |          |              |               |   |
| Total Project Cost Estimate                                 |   |  |   |          |              |               | \$11,669,000  |

### Opinion of Probable Construction Costs

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

### Estimate of Conceptual Project Costs

#### Alternative B (No Road Diet)

*From DeAnza Blvd to Lawrence Expy*



|                       |                      |
|-----------------------|----------------------|
| <b>Date Prepared:</b> | <b>June 30, 2021</b> |
|-----------------------|----------------------|

|    | Item  | Unit | Quantity | Unit Cost    | Extended Cost | Notes   |
|----|---|------|----------|--------------|---------------|---|
| 1  | Curb Ramps/Reconstruct and Reduce Curb Radius | EA   | 61       | \$27,000.00  | \$1,647,000   | Includes demolition of existing sidewalk/curb return and installation of new curb return radius, sidewalk, and ramp. Assumes 2' sawcut from new curb return.            |
| 2  | Concrete Sidewalk                             | SF   | 9,000    | \$30.00      | \$270,000     | Includes sidewalk cost, demolition/modification to existing - along corridor only. Assume sidewalk reconstruction feasible along full length of identified locations.   |
| 3  | Raised Concrete Median                        | LF   | 500      | \$300.00     | \$150,000     | Includes 2' sawcut/demo either side, new curb either side of median, and 12" HMA section.   |
| 4  | Median Hardscape                              | SF   | 2,900    | \$20.00      | \$58,000      | Includes hardscape within median, does not include curb for raised median. Assumed only 50% of median hardscape, other 50% landscape.                                   |
| 5  | Raised Concrete Buffer                        | LF   | 7,200    | \$225.00     | \$1,620,000   | Includes 2' sawcut/demo and new curb on both sides of buffer, and 12" HMA section. Curb curb spaced accordingly to maintain existing drainage pattern.                  |
| 6  | Relocate/Install New Bus Stop                 | EA   | 2        | \$35,000.00  | \$70,000      | Assumes new bus pad needed at relocated stop, demolition/repairing of existing bus pad, and amenities. Assume 60' x 10' pad.  |
| 7  | Transit Island                                | EA   | 2        | \$40,000.00  | \$80,000      | Assumes 10' Transit Island, bus pad, amenities, and curb reconstruction. Assume 60' Length  |
| 8  | Signing & Striping                            | LS   | 1        | \$500,000.00 | \$500,000     | Assumes striping, markings, signs and removal of existing striping.   |
| 9  | RRFB (Rectangular Rapid Flashing Beacon)      | EA   | 1        | \$50,000.00  | \$50,000      | Each RRFB includes assembly and equipment for both crossing directions at each intersection. Locations that are noted to be determined from a warrant are not included. |
| 10 | Speed Feedback Sign System                    | EA   | 4        | \$5,000.00   | \$20,000      |   |
| 11 | Intersection Signal Improvements              | EA   | 6        | \$30,000.00  | \$180,000     | Includes minor signal work at signalized lot for bike/ped accessibility, such as pedestrian countdown timers and leading pedestrian intervals (LPI).                    |

|                                    |             |       |
|------------------------------------|-------------|-------|
| SUB-TOTAL MAJOR CONSTRUCTION ITEMS | \$4,645,000 | Notes |
|------------------------------------|-------------|-------|

|  |   |       |           |   |
|--|---|-------|-----------|---|
| Utility Coordination & Minor Modifications | % of sub-total major construction items | 1.0%  | \$46,500  | Minor utility adjustments at new sidewalk, new median areas, and curb return reconstructions                              |
| Landscaping                                | % of sub-total major construction items | 8.0%  | \$371,600 | Planter areas in raised concrete buffer for cycle track, landscape in median, and adjacent to new sidewalk along corridor |
| Erosion Control                            | % of sub-total major construction items | 2.0%  | \$92,900  | Standard BMP & drainage inlet protection  |
| Drainage                                   | % of sub-total major construction items | 1.0%  | \$46,500  | Minor adjustments, relocations, and potential new infrastructure at reconstructed curb returns                            |
| Traffic Control / Detour                   | % of sub-total major construction items | 8.0%  | \$371,600 | Standard traffic control %  |
| Mobilization                               | % of sub-total major construction items | 5.0%  | \$232,300 | Standard mobilization %   |
| Minor Contract Revisions                   | % of sub-total major construction items | 10.0% | \$464,500 | Standard contract revisions %   |

|                              |             |       |
|------------------------------|-------------|-------|
| SUB-TOTAL CONSTRUCTION COSTS | \$6,270,900 | Notes |
|------------------------------|-------------|-------|

|   |                                   |       |             |                                  |
|---|-----------------------------------|-------|-------------|----------------------------------|
| Engineering, Environmental, Permitting, & City Oversight    | % of sub-total construction costs | 17.0% | \$1,066,053 | 2% is assumed for City Oversight |
| Construction Management/Materials Testing, & City Oversight | % of sub-total construction costs | 12.0% | \$752,508   | 2% is assumed for City Oversight |

|                                    |  |             |  |
|------------------------------------|--|-------------|--|
| SUB-TOTAL DESIGN AND PROJECT ADMIN |  | \$1,818,561 |  |
|------------------------------------|--|-------------|--|

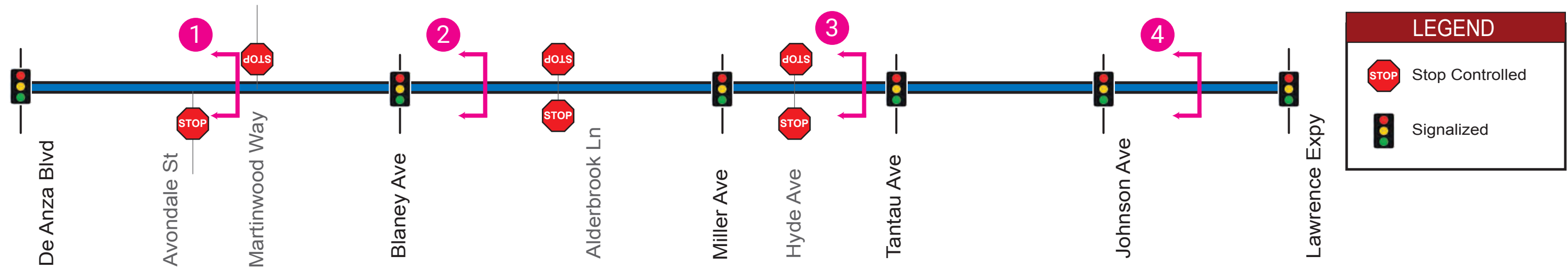
|                   |                |       |             |       |
|-------------------|----------------|-------|-------------|-------|
| SUB-TOTAL         |                |       | \$8,089,461 | Notes |
| Contingency (30%) | % of sub-total | 30.0% | \$2,426,900 |       |

|                             |              |
|-----------------------------|--------------|
| Total Project Cost Estimate | \$10,516,400 |
|-----------------------------|--------------|

### Opinion of Probable Construction Costs

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

## Appendix C. Cross Sections



Existing Cross Section

1 De Anza Blvd to Blaney Ave



Alt A Lane Conversion

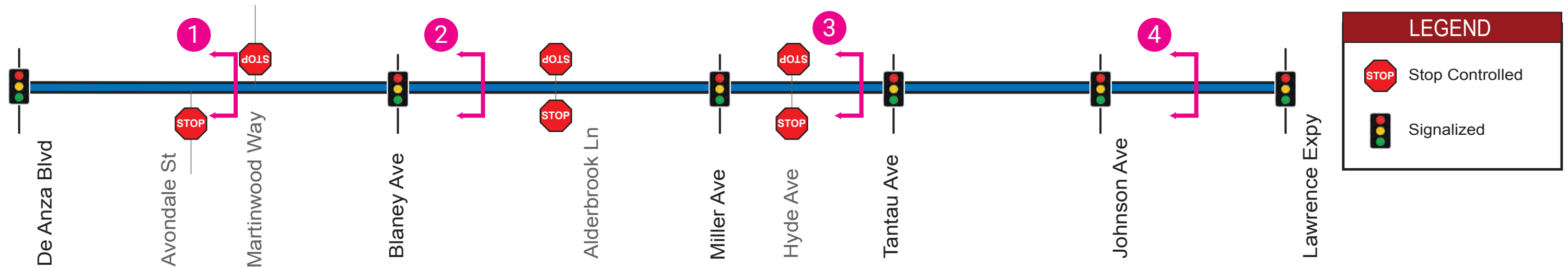


Alt B Maintain Existing Lanes



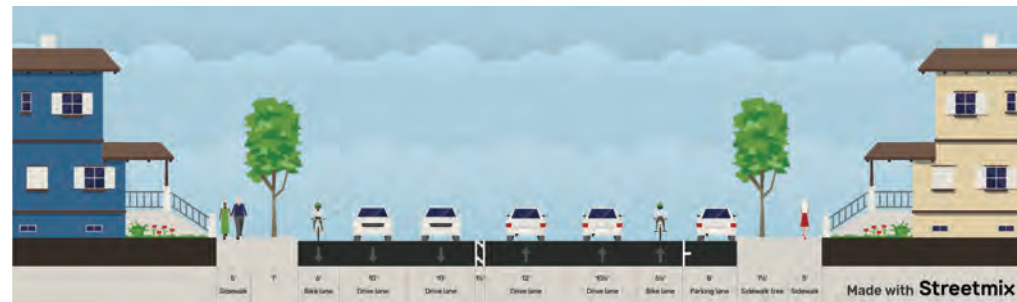
2 Blaney Ave to Miller Ave



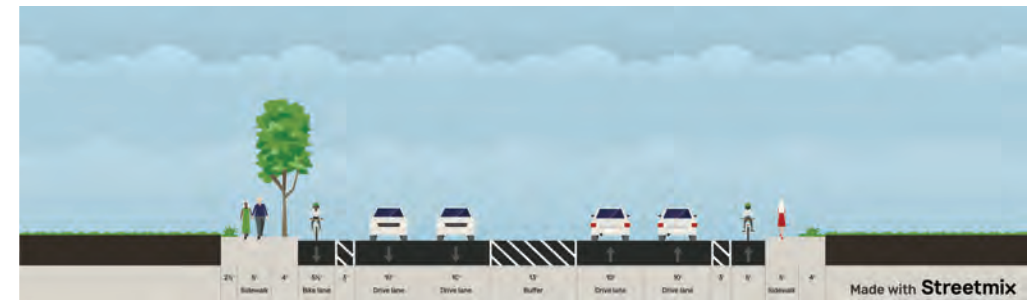


#### 4 Tantau Ave to Lawrence Expy

## Alt A Lane Conversion



## Alt B Maintain Existing Lanes



## **Appendix D. Community Comments on Conceptual Designs from Survey #2 (May 2021)**

| Positive Comments  | Thumbs Up | Thumbs Down |
|--|-----------|-------------|
| All bike lanes should have solid barriers to prevent drivers from parking/driving in the bike lanes  | 10        | 14          |
| Bike lanes should be fully protected, otherwise their safety is minimal  | 6         | 11          |
| Consider bus boarding islands to speed buses and reduce bus/bike conflicts   | 5         | 11          |
| love the markings, pedestrian ramps and radii reductions!  | 1         | 0           |
| love the RRFB!   | 4         | 0           |
| love alternative A!  | 4         | 9           |
| Drivers constantly turn right out of Hyde Middle School and merge into the median lane to make an illegal U-Turn.  | 0         | 1           |
| These changes will make this intersection safer for everyone.  | 2         | 0           |
| Having a crossing over Bollinger at Hyde Ave intersection has been on our wish list all these 16 years we've lived in Fairgrove neighborhood. We've crossed the road here often over the years, but that is only possible during lower traffic hours. Lack of crossing has encouraged many Fairgrove residents to go to Safeway and other mall services by car, a distance of only few hundred walkable yards. Crossing also increases the safety of Hyde students going for their after school bobas. | 1         | 0           |
| Providing two-way left turning center lane is very helpful for all the residents who have a driveway facing Bollinger: easier access in and out of driveway during high traffic hours, and left turns onto properties will not slow the whole traffic.   | 4         | 10          |
| The RRFB and dedicated center turn lane will make this area so much safer for cars, bikes, and pedestrians. Perhaps each RRFB crossing can be slightly raised to further slow down traffic.  | 5         | 2           |
| Thank You for the RRFB and pavement marked crosswalk at Clifden Way! Please consider adding multi-sensory alerts (sounds and visible signals) for pedestrians who have activated the flashing beacon but may not be aware that it is flashing because of visual impairment or because they cannot see lights flashing on the pavement from their position on the sidewalk.   | 1         | 0           |
| I like the 2-lane plan. Between the curves, elevation changes, narrowing at creek over crossings, and heavy cross-traffic use, Bollinger Rd has challenges that are underappreciated by many travelers. The 2-lane option offers the best overall safety improvements.   | 1         | 6           |
| This is a key crossing for those going to Cupertino Library but right now it has no crosswalk.   | 1         | 0           |
| LOVE the protected bike lanes. Consider bus boarding islands to reduce conflict between cars, buses, and bikes.  | 1         | 6           |
| It's common to see people driving 50 mph on this curve.  | 0         | 0           |
| Going to two lanes with a center turn lane is great for reducing speeding and ensuring regular traffic flow. There are so many driveways along Bollinger. It makes sense to have a separate turn lane instead of making people start their turn from inside a traffic lane. This configuration has been successful in many other roads in the South Bay.   | 2         | 6           |
| Bike lanes need hard barriers. Also consider parking protected bike lanes, like on Stelling.   | 1         | 4           |
| I like the crosswalk at Lancer. I work at Hyde, and feel this in a dangerous spot and there is no way to get across without going all the way to Miller.   | 2         | 0           |
| like the bike lane   | 1         | 0           |
| Having a protected bike lane along all of Bollinger is critical. There are no parallel neighborhood streets. Students at Hyde and Lynbrook need safe bike travel, not to mention anyone else accessing businesses on Bollinger. Cycling is a practical form of transportation, not a niche hobby.  | 2         | 6           |
| Having a protected bike lane along all of Bollinger is critical. There are no parallel neighborhood streets. Students at Hyde and Lynbrook need safe bike travel, not to mention anyone else accessing businesses on Bollinger. Cycling is a practical form of transportation, not a niche hobby.  | 1         | 6           |

|   |                  |                    |
|---|------------------|--------------------|
| I really applaud having a pedestrian crossing here. It's critical for bus users to be able to cross at this location, and I understand that there have been serious accidents in the past. Given the width of the road, there should definitely be high-intensity flashing beacons available for crossing.  | 0                | 0                  |
| introduce traffic calming measures (speed bumps, signage, whatever works) to reduce speed as drivers enter the neighborhood. Compress or otherwise mitigate the sweeping curves of Rancho to slow down drivers and protect cyclists and pedestrians.  | 0                | 0                  |
| My child takes this route when biking to school and friends. Eliminating the free right turns on Bollinger will give me peace of mind. Bollinger Road is part of my neighborhood, not a race track. It must serve cyclists and pedestrians as much as it serves motorists.  |                  |                    |
| <b>SUM</b>  | <b>55</b>        | <b>92</b>          |
| <b>Negative Comments</b>  | <b>Thumbs Up</b> | <b>Thumbs Down</b> |
| Do not reduce Bollinger from 4 lanes (2 each way) by introducing a dedicated left turn lane etc. All 4 lanes are required to handle the traffic. In the past, when Bollinger got backed up, people would cut through the adjacent neighborhoods at high speed, making the situation even more dangerous. Leave Bollinger for the through traffic and preserve the neighborhoods for biking, walking, etc.   | 14               | 5                  |
| slowing traffic may make sense, but reducing lanes from four to two is a recipe for disaster.   | 11               | 7                  |
| if you reduce to two lanes, the traffic lanes will be solid with cars and a left turn center lane will be of no use at all. Keep all four lanes.  | 1                | 5                  |
| I have concerns that reducing each side to one lane, with a designated middle turn lane, will back traffic up during heavy traffic. I also worry about the center lanes being abused by individuals trying to weave in and out of traffic in this scenario. I would like to see traffic slow down to the speed limit (it would allow for safer slowdowns when cars signal to turn, and opportunities to merge to the other lane), but I do not think reducing the number of lanes is the best way to go about it. | 6                | 2                  |
| <b>SUM</b>  | <b>32</b>        | <b>19</b>          |
| <b>Spot Improvements</b>  | <b>Thumbs Up</b> | <b>Thumbs Down</b> |
| provide 2 stage queue turn box on all 4 corners at deanza and bollinger   | 3                | 0                  |
| prohibit right on red at this intersection  | 3                | 11                 |
| provide 2 stage bike queue turn box at all 4 corners  | 4                | 0                  |
| Provide an entrance to the hyde parking lot to avoid automobile queueing the bike lane on bollinger   | 3                | 1                  |
| Make this median longer to keep people from making left turns (u-turns) out of the Hyde parking lot. Shopping customers can go out of the parking lot onto Miller instead of turning left onto Bollinger.   | 1                | 1                  |
| Create a cement barrier to prevent drivers from making an illegal U-turn coming out of HMS.   | 3                | 4                  |
| What really is needed at this intersection is enforcement of the traffic light by the Sheriff Dept. People on Bollinger run the traffic light to make a left turn onto DeAnza long after the light has turned red. This results in people leaving Home Depot, etc. then either having a very short light or also running the yellow light to go straight on Bollinger past DeAnza. I have never seen the Sheriff or Highway Patrol doing enforcement at this intersection.  | 3                | 0                  |
| Modify entry into Hyde to eliminate queuing for entry to Hyde. If you narrow the road to 1 lane each way and allow the current situation you will effectively close Bollinger Ave during kid pick up time. Close the entrance from Bollinger to Hyde and only allow entry from Hyde street (with a divider preventing left turn into the lot for people turning off Bollinger to Hyde ). Force the queue to be on Hyde street, not Bollinger.   | 1                | 14                 |
| Please introduce traffic controls to slow down cars coming off of Lawrence.   | 6                | 0                  |

|   |   |   |
|---|---|---|
| I think that the bus stop at Bollinger and Miller should be put midway between the intersection and the first driveway out of the shopping center. The bus could block people turning right from miller onto Bollinger is it is too close to the intersection and it will be too close to the driveway out of the shopping center. You have to be able to see around the bus. | 1 | 0 |
| All of Bollinger Road seems to have been created for cars to go faster than is safe, but this stretch of road, between Blaney and Alderbrook, is curved in a way that particularly invites speeding. Please consider options to further slow down traffic here.   | 7 | 0 |
| Factor in that many people come out of Chelmsford Dr. and make a U-turn at Wunderlich Dr. to go east.   | 1 | 0 |
| If cut-through traffic can be anticipated under the 2-lane plan, maybe some neighborhood streets can be closed to through traffic.  | 0 | 6 |
| Fatal collisions have occurred here. The turn radius is far too wide and is designed to encourage speeding. Create a protected intersection for bicycles.   | 2 | 0 |
| Add transit signal priority to allow buses to pass through intersections faster and avoid red lights. VTA route 25 is a major bus route and lots of people rely on it. Cupertino and San Jose should work with VTA's Fast Transit Program. They can do a lot to make the bus faster and easier to ride.   | 3 | 3 |
| This bus stop has no shelter or bench.  | 0 | 0 |
| New stop needs to have a shelter and bench like the old one.  | 0 | 0 |
| Can you put in a crosswalk here across Bollinger? There is no place to cross except at Miller, so kids run across the street  | 5 | 0 |
| Add transit signal priority so that buses can avoid long waits at major intersections.  | 0 | 6 |
| Crosswalk is needed here to complete the pedestrian network.  | 1 | 0 |

| Positive Comments  | Thumbs Up | Thumbs Down |
|--|-----------|-------------|
| Transit island with shelter will greatly enhance the bus experience and reduce traffic conflict.   | 1         | 0           |
| Like   | 0         | 0           |
| Agree to this. Even better to add road flashers that lines this pedestrian crosswalk   | 1         | 0           |
| SUM  | 2         | 0           |
| Negative Comments  | Thumbs Up | Thumbs Down |
| Bike lanes do not follow the whole length of the road and almost all of them lack meaningful protection  | 7         | 0           |
| Bike lane configuration on the north side of bollinger seems to be missing   | 3         | 0           |
| need more pedestrian uncontrolled high visibility Rapid Flashing Light crossings in option B!  | 3         | 0           |
| Do not reduce the curb turn radius. People need to be able to turn onto Chelmsford drive without getting rear ended by traffic behind them on Bollinger.   | 2         | 3           |
| Speeds get way too high here, especially with two lanes in each direction and very wide travel lanes. Feels like I'm on Central Expressway.  | 3         | 2           |
| Bike lane must be consistently protected across the whole length of the road. Consider: Would you let your child ride to school here?  | 2         | 2           |
| Extend bike lane to allow for further motor visibility.  | 1         | 0           |
| SUM  | 21        | 7           |
| Spot Improvements  | Thumbs Up | Thumbs Down |
| provide bike 2 stage turn queue boxes at all 4 corners   | 3         | 0           |
| provide bike 2 stage turn queue boxes at all 4 corners   | 3         | 0           |
| provide bike 2 stage turn queue boxes at all 4 corners   | 2         | 0           |
| prohibit right on red at this intersection   | 1         | 6           |
| Add a light for the right turn from Lawrence to Bollinger that can be activated by a pedestrian walk button. People ignore pedestrians currently. Also activate the stop light when people are making a left from Lawrence onto Bollinger (heading toward Tantau). People make the right turn when they do not have the right of way, making it dangerous. | 1         | 0           |
| Add Traffic cameras with automatic ticket issuance for people who run the red light. This is a constant problem, especially for people turning left from Bollinger onto DeAnza. I have never seen the Sheriff's dept do enforcement at this intersection.  | 1         | 0           |
| Extend the left only lane for turning from Bollinger onto Johnson to eliminate people cutting into the oncoming traffic lane to avoid the backup of people ahead of them waiting for the light to change.  | 0         | 0           |
| Add transit signal priority to speed up buses and prevent delays at intersections. Work with VTA's Fast Transit program. Many people, especially elders and young students rely on the bus. They need transit that is fast, safe and reliable. In the future, consider turning the parking lane or one of the travel lanes into a bus only lane.           | 1         | 0           |
| Need pedestrian crosswalk here to complete connected Pedestrian network.   | 0         | 0           |
| Add pedestrian crosswalk to Complete the pedestrian crosswalk network.   | 0         | 0           |

CC 03-19-2024

#3

March 5, 2024, Minutes

Desk Item



## **CITY MANAGER'S OFFICE**

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

## **CITY COUNCIL STAFF REPORT DESK ITEM**

Meeting: March 19, 2024

### Agenda Item #3

#### Subject

Approve the March 5, 2024 City Council minutes

#### Recommended Action

Approve the March 5, 2024 City Council minutes

#### Background:

A correction was made to page 1 Study Session item. See redline Attachment.

#### Attachments Provided with Original Staff Report:

- A. Draft Minutes

#### Additional Attachments Provided with Desk Item:

- A. Amended Draft Minutes (redline)



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, March 5, 2024

**SPECIAL MEETING**

At 5:00 p.m., Mayor Sheila Mohan called the Special City Council Meeting to order in in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

**ROLL CALL**

Present: Mayor Sheila Mohan, Vice Mayor J.R. Fruen, and Councilmembers Liang Chao (5:03 p.m.), Kitty Moore, and Hung Wei. Absent: none.

**STUDY SESSION**

1. Subject: Revisions to Cupertino City Council Procedures Manual (tabled from September 6, 2023)  
Recommended Action: Provide input regarding revisions to Cupertino City Council Procedures Manual  
Presenter: Christopher Jensen, City Attorney

Written communications for this item included a staff presentation and emails to Council.

City Attorney Chris Jensen gave a presentation.

Councilmembers asked questions and made comments.

Mayor Mohan opened the public comment period and the following people spoke.

Jennifer Griffin

Peggy Griffin

Jean Bedord

Parks and Recreation Commissioner Jennifer Shearin (representing self)

Parks and Recreation Commissioner Carol Stanek (representing self)

CC 03-19-2024

#4

# Council Procedures Manual

Desk Item



## CITY MANAGER'S OFFICE

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

### CITY COUNCIL STAFF REPORT DESK ITEM

Meeting: March 19, 2024

#### Agenda Item #4

#### Subject

Revisions to Cupertino City Council Procedures Manual

#### Recommended Action

Adopt Resolution No. 24-024 amending the Cupertino City Council Procedures Manual

#### Background:

A revised resolution (Attachment C) addresses direction received from the City Council on March 5, 2024 regarding Councilmember reports. Refer to the highlighted text in Attachment C (Section 8.3) and the draft March 5, 2024 minutes (Item #3).

**Staff's responses to questions received from councilmember are shown in italics.**

Q1: I'd like to know how would the Council be able to discuss whether to pull an item without having a substantive discussion in public on why an item should be pulled or not? (Chao)

*Staff response: Under the proposed amendments to the Council Procedures Manual, items would need to be pulled from the consent calendar no later than 12:00 p.m. on the day of the City Council meeting. A quorum of the Council would not be able to discuss the decision to pull an agenda item from consent.*

Q2: How and when would any member of the public be able to comment on why an item should be pulled? (Chao)

*Staff response: Members of the public can comment on any consent agenda item following the publication of the agenda six days before the City Council meeting.*

Q3: The time it takes to deliberate on whether an item should be pulled might be longer than the time it takes on the item itself. Most of the time the time it takes to discuss a

pulled item does not take long, except in one or two unusual cases. In such rare case, the pulling of the item is probably necessary anyway. I would like to know whether there are any statistics on the length of time taken for pulled agenda items. (Chao)

*Staff response: Staff does not have statistics on the length of time taken for pulled consent agenda items.*

Q4: The proposed Council Procedures manual states "but may reserve any portion of their time for further questions or deliberations, as applicable, by advising the Mayor before yielding the floor." So far, we have assumed that the remaining time is automatically reserved after each Councilmember speaks or asks questions. With this additional rule, in case anyone forgets to say "I reserve the remaining time" at the end, they would be forbidden to speak again? In practice, how would that be implemented? (Chao)

*Staff response: The proposed amendments to the Procedures Manual would require Councilmembers to reserve their remaining time if they use less than five minutes of time during Councilmember questions or deliberations. The time would be forfeited if a Councilmember does not reserve their time. As with other procedural rules, the Mayor would be primarily responsible for keeping order.*

Attachments Provided with Original Staff Report:

- A. Draft Resolution No. 24-024 (Amendments to Cupertino City Council Procedures Manual)
- B. Proposed Amendments to Cupertino City Council Procedures Manual (redline)

Attachment Provided with Desk Item:

- C. Revised Resolution No. 24-024 (Amendments to Cupertino City Council Procedures Manual)

## RESOLUTION NO. 24-024

### A RESOLUTION OF THE CUPERTINO CITY COUNCIL ADOPTING CUPERTINO CITY COUNCIL PROCEDURES MANUAL

WHEREAS, on February 7, 2023, the Cupertino City Council adopted Resolution No. 23-021, adopting the Cupertino City Council Procedures Manual; and

WHEREAS, on March 5, 2024, the City Council considered revisions to the City Council Procedures Manual, and directed the City Attorney to prepare amendments to the Procedures Manual for Council consideration, said amendments which were presented to the City Council on March 19, 2024.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council hereby adopts the Cupertino City Council Procedures Manual, as amended, attached hereto as Exhibit A.
2. Resolution No. 23-021 and any other procedures, policies, or rules that are inconsistent with the Council Procedures adopted herein are hereby repealed and rescinded.
3. This Resolution shall take effect on March 20, 2024.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 19<sup>th</sup> day of March, 2024, by the following vote:

#### Members of the City Council


AYES:

NOES:

ABSENT:

ABSTAIN:

|  |                          |
|--|--------------------------|
| <p>SIGNED:</p> <p>_____</p> <p>Shelia Mohan, Mayor<br/>City of Cupertino</p> | <p>_____</p> <p>Date</p> |
| <p>ATTEST:</p> <p>_____</p> <p>Kirsten Squarcia, City Clerk</p>              | <p>_____</p> <p>Date</p> |

|  |   |  |
|--|---|--|
| exhib<br><br> | <b>City of Cupertino<br/>City Council Procedures<br/>Manual</b> | <b>Attachments:</b><br>Ex. A – Ceremonial Correspondence Policy<br>Ex. B – Elected Officials' Compensation Program<br>Ex. C – Resolution No. 07-103<br>Ex. D – Municipal Code Chapter 2.17 |
| <b>Effective Date:</b><br>March 20, 2024   |   | <b>Responsible Departments:</b><br>City Manager's Office   |
| <b>Related Policies &amp; Notes:</b><br>See Exhibits A–D.                                      |   |  |

## 1. Introduction

- 1.1 Purpose.** The purpose of this Manual is to promote communication, understanding, fairness, and trust among the members of the City Council, City staff, and members of the public concerning their roles, responsibilities, and expectations for management of the business of the City of Cupertino.
- 1.2 Values.** Courtesy and respect for individual points of view should be practiced at all times. All Councilmembers shall respect each other's right to disagree. All Councilmembers shall act with decorum and courtesy.
- 1.3 Brown Act.** All actions of the City Council and City commissions, committees, and subcommittees shall comply with the Ralph M. Brown Act.

## 2. Selection of the Mayor and Vice Mayor

- 2.1 Selection of Mayor and Vice Mayor.** The Mayor and Vice Mayor shall be selected annually at a special meeting on the second Thursday of December. The Mayor and Vice Mayor shall not serve consecutive terms; provided, however, this provision shall not prevent the Vice Mayor from succeeding to the office of Mayor.
- 2.2 Removal of Mayor and Vice Mayor.** The Mayor or Vice Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. Removal for cause shall mean removal of a Councilmember because of such member's (a) willful and continued failure

substantially to perform their duties, (b) conviction for, or guilty plea to, a felony, or a crime involving moral turpitude, (c) abuse of illegal drugs or other controlled substances or habitual intoxication, or (d) other illegal activities. The removal should proceed with a formal warning, which states with proven evidence of the member's failure to perform their duties and proposed corrective measures. The Mayor or Vice Mayor must be advised of the proposed cause for removal at least 72 hours before any action is taken. If the Mayor is removed from office, the Vice Mayor shall become Mayor. If either officer is removed from office, the Vice Mayor

### **3. Councilmember Committees and Subcommittees**

**3.1 Appointment.** The Mayor shall appoint Councilmembers to standing and ad hoc committees and subcommittees established by the City Council, subject to ratification by the Council at its next regular meeting. It will be the responsibility of the committees and subcommittees to inform and submit recommendations to the Council.

**3.2 Instructions and Expectations.** The Council shall make certain that all Council committees and subcommittees are properly instructed in their assigned scope of work and responsibilities. The committee's or subcommittee's jurisdiction shall be defined in writing and approved by a majority of the City Council. All Council committees and subcommittees having a continuing or indefinite jurisdiction shall be subject to the Brown Act.

**3.3 Reporting.** Council committee and subcommittee members are to keep the Council informed of the work and progress of their committee or subcommittee. These reports or minutes shall be made in writing whenever a recommendation is made to the Council.

### **4 Other City Commissions and Committees**

**4.1 Responsibility.** The Council will make appointments to City's commissions and committees. Qualifications to serve on commissions and committees shall be set forth in the Municipal Code or by a resolution or motion of the Council that is not inconsistent with the Municipal Code. Appointment of Councilmembers to City committees shall be governed by the procedures in Section 3.

**4.2 Attendance at Council Meetings.** The Chair or another commission

member appointed by the Chair shall attend City Council meetings whenever the commission makes a recommendation to Council regarding an item of business on the Council agenda. The commission liaison shall promptly notify the Chair after an item requiring a commissioner's appearance is placed on a future City Council agenda.

- 4.3 Performance Expectations.** The Council shall make certain that all commissions and committees are properly instructed on their responsibilities and performance expectations. This will include the issuance of a Council- approved Commission and Committee Handbook and a mandatory annual training session for all Commission and Committee members.
- 4.4 Appointment.** Commission and Committee applicants will be interviewed by the Council before being voted on by the Council in a noticed public meeting. Applicants are considered by motion and appointed by a majority vote of Council. Two members of an immediate family or persons residing in the same household shall not be allowed to serve simultaneously on the same commission or committee. Immediate family members residing in the same household as a Councilmember are not eligible for appointment to any commission or committee. Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council.
- 4.5 Removal.** The City Clerk shall remove commission members for failure to comply with attendance policies adopted in the Commissioner's Handbook. Council retains full discretion to review commission and committee member performance and may take disciplinary action as needed, including removal from the commission or committee.
- 4.6 Undue Influence on Commissioners.** Councilmembers should not attempt to influence or publicly criticize commission recommendations or to influence or lobby individual commission members on any item under their consideration. It is important for commissions to be able to make objective recommendations to the City Council on items before them. Councilmembers that attempt to influence commission positions on an item may prejudice or hinder their role in reviewing the commission's recommendation as a member of the City Council. Individual Councilmembers shall have the right to attend meetings of Cupertino commissions and other Cupertino governmental bodies but

shall refrain from speaking or becoming involved in deliberations.

## **5. Administrative Matters**

- 5.1 Attendance.** City Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings. Council members shall notify the Mayor or the City Clerk if they will be absent from a meeting.

Council attendance will be noted in the agenda of the next regular meeting and thereafter for that calendar year, if five or more regular meetings are missed.

- 5.2 Correspondence.** Proposed correspondence from the Mayor or other Councilmembers on City stationery should generally be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. If the Mayor and the City Manager agree that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council approval. City letterhead will be made available for routine correspondence (*e.g.*, thank you notes). Official correspondence (including email) from Councilmembers should be respectful and professional.

- 5.3 Regional Bodies.** The Mayor shall appoint Councilmembers to represent the City of Cupertino on regional bodies subject to ratification by the Council at its next regular meeting. The Mayor should endeavor to provide all Councilmembers a fair opportunity to represent the City. The positions taken by the appointed representatives should be in alignment with the positions that Council has taken on issues that directly impact the City of Cupertino. If an issue arises that is specific to Cupertino and Council has not taken a position, the issue should be discussed by Council prior to taking a formal position at a regional board meeting to assure that it is in alignment with Council's position. Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council. Councilmembers shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. Attendance should not be less than 75% of all scheduled meetings. If a Councilmember is unable to attend, they should notify their alternate as far in advance of the meeting as possible.

so as to allow the alternate to attend.

- 5.4 Responses to Public.** It will be the responsibility of the City Manager to ensure a response is provided to public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services as appropriate, and the City Manager shall keep Council informed of the City response.
- 5.5 Reimbursement.** City Councilmembers may be reimbursed for expenses for travel to and lodging at conferences or meetings related to their role as a Councilmember as stated in the Elected Officials' Compensation Program, as may be amended from time to time (Exhibit A). Any additional expenses that fall outside the scope of this policy may be reimbursed only if approved by the City Council, at a public meeting before the expenses are incurred. Any request for reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act. Councilmembers shall be eligible to receive City-issued hardware and software for the conduct of official business pursuant to the Council Technology Policy (Exhibit B).
- 5.6 Council Training.** Any member of the City Council and City commissions or advisory committees formed by the City Council shall receive ethics and anti-harassment training required by state law. New members must receive the training within their first year of service and shall comply with ongoing training requirements imposed by state law. Members shall attend training sessions that are offered locally in the immediate vicinity of Santa Clara County, by completing online a state-approved public service ethics education program, or through a state-approved training which may be provided at a conference attended by the member. The City Clerk shall keep ethics training records for five years.
- 5.7 Mayor's Initiative Budget.** The Mayor may use the Mayor's initiative budget established as part of the City Manager's discretionary fund for projects that the Mayor deems appropriate during the Mayor's term of office, subject to the requirements of Resolution No. 07-103 (Exhibit C). The amount of the Mayor's initiative budget is determined by the City Council.

## 6. Relationship with City Staff

- 6.1 Incorporation of Municipal Code by Reference.** Cupertino Municipal Code Chapter 2.17 (Exhibit D) governs the City Council's relationship with the City Manager and their staff under the Council-Manager form of government. To the extent that the provisions of Chapter 2.17 are not set below, they are incorporated by reference into this Manual.
- 6.2 Council/Manager Form of Government.** Under the Council/Manager form of government, the City Council sets policy direction as the direct representatives of the community with the City Manager providing the professional expertise to manage the organization and carry out the Council's direction. The City Manager is responsible for carrying out the Council's policy direction through the day-to-day management of City functions, including the oversight of City operating departments. Neither individual Councilmembers nor the Council as a whole shall interfere with the City Manager's performance of the administrative duties conferred upon them in Cupertino Municipal Code section 2.28.040.
- 6.3 Council-Manager Relations.** The City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any Councilmember shall give orders to any subordinates of the City Manager. The City Manager shall take instructions from the City Council only when given at a duly held meeting of the City Council, and no individual Councilmember shall give any instructions to the City Manager.
- 6.4 Individual Councilmember Influence on Staff Decisions Prohibited.** Individual Councilmembers shall not attempt to influence staff decisions, recommendations, workloads, and schedules, and department priorities without prior knowledge and approval of the City Council. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedules and priorities of staff, that member must prevail upon the City Council to do so as a matter of Council policy.
- 6.5 Decorum.** All Councilmembers and City staff shall treat each other with dignity, courtesy, and respect. In exercising the City Council's policymaking authority, Councilmembers must often critique, modify, or reject a staff recommendation. While thorough vetting and criticism

of staff policy recommendations or decisions is a necessary component of Council's policymaking role, criticism should focus on the policy recommendations and decisions and should avoid personal attacks. Councilmembers shall refrain from publicly criticizing the general abilities, character, or motivations of any staff member and should share any such concerns privately with the City Manager or City Attorney.

**6.6 Councilmember Access to Information.** City Councilmembers have free access to the flow of any information related to the operation of the City. The City Manager shall ensure that such information is communicated by staff in full and with candor to the Council. City staff will make every effort to respond **in** a timely and professional manner to all requests made by individual council members for information or assistance, provided that, in the judgment of the City Manager, the request is not of a magnitude either in terms of workload or policy, which would require that it more appropriately be assigned to staff through the collective direction of the City Council, based on the guidelines set forth in Cupertino Municipal Code section 2.17.043. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed. No Councilmember shall circumvent the City Manager's direction regarding a request for information by seeking information through a Public Records Act request.

**6.7 Authority of City Council.** Nothing in this Manual shall limit the City Council's power to accept, reject, amend, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, department priorities, and the conduct of city business through the office of the City Manager. This power cannot be delegated to individual Councilmembers, nor to committees composed of Councilmembers consisting of less than a quorum of the City Council.

## **7. Agendas and Staff Reports**

**7.1 Future Agenda Items.** The City Manager, the City Attorney, the Mayor, or any two Councilmembers may request that an item be added to a future agenda for Council action. The City Manager shall provide a quarterly report to Council regarding the status of future agenda items, which may include a request to remove items from the list of future agenda items. Any item may be removed for the future agenda items

list by a majority vote of the City Council.

**7.2 Preparation of Agenda.** The City Clerk shall prepare the agenda in consultation with the City Manager, the Mayor, and the City Attorney. Absent exigent circumstances, an item will be scheduled for Council action no sooner than 14 days after receipt of a request to add the item to the future agenda items list. Any item requiring preparation of a staff report requires City Manager approval or, in case of a report prepared by City Attorney's Office staff, City Attorney approval, before being added to an agenda. The Mayor, in consultation with the City Manager and the City Clerk, shall determine the order of items on the agenda.

**7.3 Agenda Item Descriptions.** Each agenda item shall include a brief general description of the matter to be discussed (approximately 20 words in length), including any action that may be taken under the California Environmental Quality Act, and should generally include the recommendation of the City Manager.

**7.4 Staff Reports.** Staff reports should **include** the following sections:

1. Subject
2. Recommended Action
2. Reasons for Recommendation
3. Sustainability Impact
4. Fiscal Impact
5. California Environmental Quality Act

**7.5 Agenda Publication.** Agenda packets for a regular meeting should be published and delivered to Councilmembers no later than the Wednesday prior to a Tuesday Council meeting. Councilmembers are encouraged to contact staff in advance for answers to questions regarding an agenda packet. Written communications addressed to Council shall be forwarded to Council and made available to members of the public, consistent with the requirements of the Brown Act.

**7.6 Supplemental Materials.** Supplemental reports and materials received by the City Clerk after the agenda is published but before 12:00 p.m. on the Monday prior to the City Council meeting shall be published and delivered to Councilmembers at 5:00 p.m. on Monday. Supplemental reports and materials received by the City Clerk after 12:00 p.m. on Monday but before 4:00 p.m. on the day of the meeting shall be published and delivered to Councilmembers prior to the Council

meeting. Council questions and staff-prepared responses will be included in supplemental materials provided to Council and the public.

## **8. Meeting Procedures**

**8.1 Meeting Schedule.** The City Council conducts its regular meetings on the first and third Tuesdays of the month, except when Council is in recess. At the second regular meeting in January, the City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to the Brown Act.

**8.2 Rules of Order.** City Council meetings shall be governed by Rosenberg's Rules of Order except as otherwise provided by this Manual. Unless otherwise required by state law or City ordinance, decisions of the Council shall be made by a majority of members present and voting. The Mayor may impose additional reasonable procedural rules not inconsistent with Rosenberg's Rules of Order and the provisions of this Manual, unless objected to by a majority of Councilmembers present.

**8.3 Order of Business.** The order of agenda items for regular Council meetings is as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Closed Session Report
5. Ceremonial Items
6. Postponements and Orders of the Day
7. Oral Communications (public comment on non-agenda matters)
8. Consent Calendar
9. Public Hearings
10. Action Calendar
11. Items Removed from the Consent Calendar
12. City Manager Report
13. Oral Communications (continued)
14. Informational Items
15. Councilmember Reports
16. Future Agenda Items

## 17. Adjournment

Oral communications shall be limited to 30 minutes. Additional speakers wishing to comment on non-agenda items may be given time to speak at the end of the agenda, after the City Manager's report. Councilmember Reports should focus on Council committee assignments and ceremonial appearances. In the absence of an objection made by a majority of Councilmembers present and voting, the Mayor may modify the order of business to facilitate the fair and efficient conduct of Council meetings.

### 8.4 Consent Calendar.

**8.4.1 Adding Item to Consent Calendar.** The Mayor, the City Manager, the City Attorney, or the City Clerk may recommend that items appearing on the agenda be placed on the consent calendar for action by the City Council. All items placed on the consent calendar shall appear together on the agenda with the recommendation as to the action to be taken by the City Council with respect to such item. Upon the motion of any member of the City Council, all items placed upon the consent calendar may be acted upon together, and each shall be deemed to have received the action recommended.

**8.4.2 Removing Item from Consent Calendar.** Items may be removed from the consent calendar only by a member of the City Council. Any member of the City Council who would like to remove any item from the consent calendar shall notify the City Manager and the City Clerk no later than 12:00 p.m. on the day of the City Council meeting. A request to remove a consent calendar item shall be made in writing and shall state the reason for removing the item from the consent calendar. Items may be removed from the consent calendar after 12:00 p.m. on the day of the City Council meeting only by a majority vote of the Council. Items removed from the consent calendar shall be placed on the agenda for consideration after the action calendar.

**8.5 Public Comment.** An opportunity for public comment shall be provided for the consent calendar, each other agenda item under consideration, and, during regular meetings, on any matter that is within the subject matter jurisdiction of the City Council. The Mayor may consolidate public comment for related agenda items, subject to overruling by a

majority vote of the Council. Non-agenda matters (including Council and staff reports and informational items) may be addressed by the public during oral communications. Members of the public wishing to speak regarding an item shall submit a request to comment to the Clerk ("blue card") or, where applicable, raise their hand in Zoom within nine minutes of the time the Mayor opens public comment or prior to the close of public comment on the item, whichever is earlier. Each individual speaker will ordinarily have up to three minutes to address the Council. If a speaker representing five or more members of the public in attendance and wishing to comment on the item but electing not to speak, the speaker may have up to 10 minutes to address the Council. Consolidation of time among speakers is not otherwise allowed. If a large number of speakers wish to address Council on an item, the Mayor may reduce the time allotted to each speaker consistent with the Brown Act. Twice the speaking time will be provided to any member of the public who uses a translator.

- 8.6 Communications with Members of the Public.** The City Council may ask questions of speakers providing public comment but should avoid an extended discussion with members of the public during meetings. Additionally, when a member of the public provides comments regarding a matter that is not on the agenda, Councilmembers may (1) refer the speaker to staff; (2) refer the speaker to appropriate reference material; (3) request that staff report back at a future meeting; or (4) request that staff place the item on a future agenda.

Councilmembers should not otherwise respond to or comment on an item of business that is not on the agenda. City staff should generally avoid responding to comments or questions from members of the public during Council meetings, although the City Manager or City Attorney may offer to arrange a time to discuss the subject matter of public comments with members of the public subsequent to the Council meeting.

## **8.7 Conduct of Meetings**

- 8.7.1 Councilmembers.** Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord courtesy to each other, to City employees, and to members of the public appearing before the City Council.

**8.7.2 City Employees.** City staff shall observe the same rules of decorum applicable to the City Council. City staff shall act at all times in a businesslike and professional manner towards Councilmembers and members of the public.

**8.7.3 Members of the Public.** Members of the public attending City Council meetings are encouraged to treat Councilmembers, City staff, and other members of the public with the same courtesy that Councilmembers and City staff must accord to them. Any members of the public who engages in conduct that disrupts a City Council meeting shall be removed from the meeting. Nothing in this Manual or any rules of conduct that may be adopted by the City Council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council, City advisory bodies, or City staff.

## **8.8 Discussion and Deliberation**

**8.8.1 Ex Parte Contacts.** Councilmembers shall disclose any ex parte communications prior to deliberation on a quasi-judicial matter. A quasi-judicial matter is typically a hearing in which the City Council hears evidence and makes findings of fact to reach a conclusion based on the applicable law. An ex parte communication occurs when a Councilmember hearing a quasi-judicial matter communicates directly or indirectly with any person or party in connection with a matter before the Council, without notice and the opportunity for all parties to participate.

**8.8.2 Relevance.** All discussion must be relevant to the issue before the City Council. A Councilmember is given the floor only for the purpose of discussing the pending matter; discussion which departs from the item agendized for discussion is out of order. Councilmembers should avoid repetition and shall not discuss matters that are not on the agenda. Arguments for or against a measure should be stated as concisely as possible.

**8.8.3 Council Questions and Deliberations.** Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item, Councilmembers shall each be given five minutes to ask questions of any presenter. The Mayor may allow additional

time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes, but may reserve any portion of their time for further questions or deliberations, as applicable, by advising the Mayor before yielding the floor. The Mayor may allow additional time for deliberations where appropriate. This rule shall displace any conflicting rule in the City's adopted rules of procedure.

**8.8.4 Opportunity for Equal Participation.** It is the policy of the Council to encourage the full, fair participation of all members of the Council in discussions and deliberations. The Mayor may impose reasonable limits on the time any Councilmember is permitted to speak to advance this policy. In addition, all Councilmembers wishing to be recognized should be given an opportunity to speak before any member is allowed to speak a second time.

**8.8.5 Civility.** While it is appropriate to vigorously debate a motion, its nature, or its consequences, Councilmembers shall avoid attacks on the motives, character, or personality of other Councilmembers, City staff, and members of the public. The Mayor shall rule out of order any Councilmember who engages in such attacks.

**8.8.6 Role of the Mayor.** The Mayor has the responsibility for controlling and expediting the discussion of an agenda item. It is the duty of the Mayor to keep the subject clearly before the Councilmembers, to rule out irrelevant discussion, and to ensure civil discussion among Councilmembers.

**8.9 Meeting Length.** Meetings of the City Council shall adjourn by 11:00 p.m. unless the time of adjournment is extended by a vote of a majority of the City Council. Discussion of an agenda item shall not begin after 10:30 p.m. Any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be discussed or approved and shall specify the order these items shall be considered. If a meeting continues past 11:00 p.m., it shall end at 11:30 p.m. All meetings shall be adjourned at 11:30 p.m. unless by a vote of a majority of the City Council suspends this rule and Council votes affirmatively to extend

the meeting past 11:30 p.m. Following the adjournment of the meeting, any remaining items on the agenda shall be continued to the next regular meeting of the City Council.

**8.10 Public Hearing Procedures.** The order of proceeding where there is a public hearing item (non-appeal items) before the City Council shall be as follows:

1. Open Public Hearing
2. Staff Report (preferably 10 minutes)
3. Applicant's presentation (where applicable) (preferably: 8 minutes)
4. Questions from the Council
5. Public comment
6. Applicant's response to public comment (where applicable) (preferably 2 minutes)
7. Close Public Hearing
8. City Council discussion and vote

Where the public hearing involves an appeal of a decision to the City Council, the order of proceeding shall be as follows:

1. Open Public Hearing
2. Staff Report (preferably 10 minutes)
3. Appellant's statement (preferably 8 minutes)
4. Applicant's statement (where applicable) (preferably 8 minutes)
5. Questions from the Council
6. Public comment
7. Applicant's response to public comment (where applicable) (preferably 2 minutes)
8. Appellant's response to public comment (preferably 2 minutes)
9. Close Public Hearing
10. City Council discussion and vote

**8.11 City Council Recess Period.** The City Council recess period shall begin the first Tuesday in August at 12:00 a.m. and end the Tuesday following Labor Day at 12:00 a.m. During any recess period, the City Manager is authorized to take such ministerial actions for matters of operational urgency, including such emergency actions as are necessary for the immediate preservation of the

public peace, health, or safety, as would normally be taken by the City Council during the period of recess, except for those duties specifically

reserved to the Council by law. This authority extends throughout the period of recess established by the City Council and includes the authority to execute agreements and make expenditures necessary for the exigent operational matters. The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required to ratify the actions of the City Manager. Nothing in this Section prevents the City Council from calling a special meeting during the recess period.

## **9. Closed Sessions**

A closed session may be held at any regular or special meeting for any purpose authorized by the Brown Act. The City Attorney will schedule closed session meetings in consultation with the Mayor and the City Manager. Public comment shall be received in open session prior to a closed session. To ensure strict compliance with the Brown Act, the City Attorney or the City Attorney's designee shall report out in public session any reportable action taken during closed session and any other information from closed session authorized to be disclosed based on a majority vote of the City Council.

## **10. Enforcement of Rules; Suspension of Rules**

The City Council may enforce repeated or serious violations of the rules set forth in this Manual through a censure action placed on a Council agenda. Nothing in this Manual shall be cited to invalidate a properly noticed and acted upon action of the City Council. Any rule set forth in this Manual may be suspended by a three votes of the Council.

## **EXHIBIT A**

## EXHIBIT A

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 1

### PROGRAM PURPOSE AND DEFINITIONS FOR ELIGIBILITY

It is City of Cupertino policy that those certain persons holding positions hereinafter defined and designated as elected official positions shall be eligible for participation under the Elected Officials Compensation Program as hereby adopted by action of the City Council and as same may be amended or as otherwise modified from time to time.

Eligibility for inclusion with this Compensation program is limited to persons holding positions as elected officials. These are designated by the voters and may be modified as circumstances warrant.

The position in the following classification has been designated as elected official.

### ELECTED OFFICIAL CLASSIFICATIONS:

Classification Title City  
Council Member

Adopted by Action of the City Council,  
July 2013

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 2

SALARY SCHEDULE

As rates of pay are set forth under the Cupertino Municipal Code 2.16.020, and hereby adopted by action of the City Council, so are those rates of pay included herein as a part of this Compensation program. The inclusion herein of said rates and schedules does not affect any effective dates or otherwise reflect on the approval processes required but is shown as an integral part of this Program for completeness of record.

Adopted by Action of the City Council  
July, 2013, October 2016

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 3

TRAINING AND CONFERENCES

I. POLICY

It is City of Cupertino policy that members of the City Council and the Council's commissions and committees, shall be reimbursed or receive a direct advance according to the schedules, terms and conditions as set forth herein for the expenses authorized below. This policy is established in accordance with California Government Code Sections 53232.2 and 53232.3.

III. AUTHORIZED EXPENSES

The City Council and their commission and committee members can receive reimbursements or advances toward actual and necessary expenses incurred by participating in the following activities or events:

1. Communicating with representatives of regional, state and national government on City adopted policy positions;
  2. Attending seminars, conferences, and training to improve skill and information levels;
  3. Participating in regional, state and national organizations whose activities affect the City's interests (such as the League of California Cities);
  4. Attending International Conferences, budget limited to \$2,500 per fiscal year, provided there is a benefit to the City;
  5. Attending City events;
- 
1. Attending functions of other local civic or community organizations where there is a clear nexus between the event and the member's attendance as an official representative of the City. Purely social events, service club dues and meals, and political or charitable contributions or events would be excluded. For purposes of this section, reimbursable fundraisers and events include, but are not limited to, Cupertino Union School District, Fremont Union High School District, Foothill-De Anza Community College District, Silicon Valley Leadership Group, Cupertino American Cancer Society (ACS) Relay for Life and Cupertino Chamber of Commerce activities.

The City will not reimburse or advance payment toward expenses including, but not limited to:

1. The personal portion of any trip;
2. Family expenses, including those of a partner when accompanying Council or commission member on City related business, as well as child or pet related expenses.
3. Entertainment expenses, including theatre, shows, movies, sporting events, golf, spa treatments, etc.
4. Meals and entertainment paid on behalf of third parties outside of the City;
5. Gifts of any kind for any purpose;
6. Alcoholic beverages;
7. Non-mileage personal automobile expenses including repairs, insurance, gasoline, traffic citations; and
8. Personal losses incurred while on City business.

#### IV. BUDGETARY LIMITATIONS

Reimbursement or advancement of expenses shall not exceed budgetary limitations. Changes in appropriations will be done through the budget process.

#### V. REIMBURSEMENT AND ADVANCE SCHEDULE

##### A. Intent

This schedule is written with the intent that the City Councilmember, commissioner, or committee member will make every effort to find the lowest possible cost to the City for traveling on City business. For example, if paying for parking at the airport is less expensive than paying for a taxi or airport shuttle, then officials should drive their car and park at the airport; or if renting a car is lower than taking taxis at the out-of-town location, then a car should be rented. Air reservations should be booked in advance to obtain discounted fares. The following procedures apply whether the expense is being paid through a reimbursement or a direct advance.

## B. Local Area

The local area is defined to be within Santa Clara and San Mateo Counties and within a 40 mile distance from Cupertino when traveling to Alameda County.

## C. Registration

The City will pay the registration fee for authorized attendance at a convention, conference, seminar or meeting.

## D. Transportation

The City will pay transportation costs on the basis of the lowest cost intent stated in paragraph A. Eligible transportation costs include airfare (with coach fare being the maximum), van or taxi service to and from the attendee's home and airport, destination or airport parking charges, taxi and shuttle services at the out-of-town location, trains, tolls, or rental cars. Use of a personal automobile for City business shall be reimbursed or advanced at the rate per mile in effect for such use, except in no case shall it exceed air coach fare if the vehicle is being used for getting to the destination. Government or group rates offered by a provider of transportation must be used when available.

## E. Lodging

Hotel or lodging expenses of the City official resulting from the authorized event or activity defined in this policy will be reimbursed or advanced if the lodging and event occur outside the local area. Not covered will be lodging expenses related to person(s) who are accompanying the City member, but who themselves are not on City business. In this instance, for example, the difference between single and multiple occupancy rates for a room will not be reimbursed.

Where the lodging is in connection with a conference or other organized educational activity, City-paid lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, providing that lodging at the group rate is available at the time of booking. If the group rate at the conference hotel is not available, then the non-conference lodging policy described in the next paragraph should be followed to find another comparable hotel.

Where lodging is necessary for an activity that is not related to a conference or other organized educational activity, reimbursement or advances shall be limited to the actual cost of the room at a group or government rate. In the event that a group or government

rate is not available, lodging rates that do not exceed the median price for lodging for that area and time period listed on travel websites like [www.hotels.com](http://www.hotels.com), [www.expedia.com](http://www.expedia.com) or an equivalent service shall be eligible for reimbursement or advancement.

#### F. Meals

##### 1. No Conference

The actual cost of a meal can be claimed, within a standard of reasonableness, but receipts must be kept and submitted for the expense incurred.

##### 2. As Part of a Conference

When City officials are attending a conference or other organized educational activity, they shall be reimbursed or advanced for meals not provided by the activity, on an actual cost basis. The actual cost rate shall follow the rules described in the meals with no conference paragraph.

#### G. Other Expenses

Payments toward or reimbursement of other expenses related to authorized activities or events shall be limited to the actual costs consistent with the application of reasonable standards. Receipts must be kept and submitted for all expenses.

### VI. DIRECT CASH ADVANCE POLICY

From time to time, it may be necessary for a City official to request a direct cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Manager or Department Head no less than seven days prior to the need for the advance with the following information: 1) Purpose of the expenditure; 2) The anticipated amount of the expenditure (for example, hotel rates, meal costs, and transportation expenses); and 3) The dates of the expenditure. An accounting of expenses and return of any unused advance must be reported to the City within 30 calendar days of the official's return on the expense report described in Section VII.

## VII. EXPENSE REPORT REQUIREMENTS

All expense reimbursement requests or final accounting of advances received must be approved by the City Manager or Department Head, on forms determined by the Finance Department, within 30 calendar days of an expense incurred, accompanied by a business purpose for all expenditures and a receipt for each item other than mileage. The report will be a public record subject to disclosure under the Public Records Act.

## VIII. REPORTS TO CITY COUNCIL OR COMMISSIONS

At the next regular City Council or commission meeting, each councilmember or commissioner shall briefly report on publicly noticed meetings attended at City expense. If multiple members attended the meeting, a joint report may be made.

## IX. POLICY VIOLATIONS

Violations of this policy including falsifying expense reports may result in any or all of the following: (1) loss of reimbursement privileges, (2) demand for restitution to the City, (3) civil penalties of up to \$1,000 per day and three times the value of the resources used, and 4) prosecution for misuse of public resources.

Revised 7/83, 7/85, 7/87, 7/88, 7/91, 7/92, 12/07, 7/10

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 4

MILEAGE REIMBURSEMENTS

It is City of Cupertino policy that eligible persons under this Compensation Program shall be compensated fairly for the use of personal automotive vehicles on City business. Those persons who occasionally are required to use their personal automobiles for City business shall be reimbursed for such use at the established IRS rates. Submission of reimbursement requests must be approved by the City Manager.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 5

ASSOCIATION MEMBERSHIPS AND  
PROFESSIONAL PUBLICATIONS

It is City of Cupertino policy that eligible persons under this Compensation Program shall be entitled to City sponsored association memberships as well as receiving subscriptions to professional and technical publications. Such sponsorship, however, shall be conditioned upon the several factors as set forth below.

Each association for which membership is claimed must be directly related to the field of endeavor of the person to be benefited. Each claim for City sponsored membership shall be submitted with their concurrence to the City Manager for approval.

Subscriptions to or purchase of professional and technical publications may be provided at City expense when such have been authorized by the City Manager providing the subject matter and material generally contained therein are related to municipal governmental operations.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION  
PROGRAM  
Policy No. 7

HEALTH BENEFITS PLAN - CITY

CONTRIBUTION

It is the policy of the City of Cupertino to provide group hospital and medical insurance under which the elected official positions and their dependents may be covered. The purpose of this program is to promote and preserve the health of employees and their families through comprehensive health plans available only through employer sponsorship.

Although the premium cost for the insurance provided remains the ultimate responsibility of the employee in these positions, the City shall contribute the amounts listed below towards the premium or pay the full cost of the premium if less than the stated amounts. If the premium amounts for any employee covered by this policy are less than the amounts listed below per month, the difference between the premium amount and the stated amounts will be retained by the City.

| Effective<br>January 1, 2020 | City Max Health<br>Contribution | City Max *Dental<br>Contribution | City Total Max<br>Contribution |
|------------------------------|---------------------------------|----------------------------------|--------------------------------|
| Employee                     | 848.87                          | 126.78                           | 975.65                         |
| Employee +1                  | 1,443.09                        | 126.78                           | 1,569.87                       |
| Employee +2                  | 1,876.01                        | 126.78                           | 2,002.79                       |

| January 1, 2021 | City Max Health<br>Contribution | City Max *Dental<br>Contribution | City Total Max<br>Contribution |
|-----------------|---------------------------------|----------------------------------|--------------------------------|
| Employee        | 891.32                          | 126.78                           | 1,018.10                       |
| Employee +1     | 1,515.24                        | 126.78                           | 1,642.02                       |
| Employee +2     | 1,969.81                        | 126.78                           | 2,096.59                       |

| January 1, 2022 | City Max Health<br>Contribution | City Max *Dental<br>Contribution | City Total Max<br>Contribution |
|-----------------|---------------------------------|----------------------------------|--------------------------------|
| Employee        | 935.88                          | 126.78                           | 1,062.66                       |
| Employee +1     | 1,591.01                        | 126.78                           | 1,717.79                       |
| Employee +2     | 2,068.31                        | 126.78                           | 2,195.09                       |

\*Dental Coverage: Effective the first month after Council adoption of MOU, dental coverage is capped at \$2,500.00 per dependent per annual plan year for the term of this contract.

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Adopted by Action of the City Council  
July, 2013, October 2016, July 2019,  
December 2019, January, 2023

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 9

LIFE INSURANCE

It is the policy of the City of Cupertino to provide life insurance benefits to the elected officials to a maximum of \$16,000.

The elected officials may enroll in the life insurance program offered if eligible under the contract provisions of the policy and the personnel rules of the City. The full cost of premiums for these programs shall be paid by the City for such individuals.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 10

DEFERRED COMPENSATION

It is the policy of the City of Cupertino to provide equitable current compensation and reasonable retirement security for the elected officials for services performed for the City. The City participates in the California Public Employees' Retirement System (PERS) and deferred compensation plans have been established. Both the elected official and City may make contributions from current earnings to these plans. The purpose of this policy is to promote means by which compensation may be provided in such manner and form to best meet the requirements of the City and the needs of the elected officials. .

The City shall maintain and administer means by which the elected officials in these positions may defer portions of their current earnings for future utilization. Usage of such plans shall be subject to such agreements, rules and procedures as are necessary to properly administer each plan. Individual contributions to such plans may be made in such amounts as felt proper and necessary to the elected official. The City contributions shall be as determined by the City Council.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 11

PUBLIC EMPLOYEES' RETIREMENT SYSTEM CONTRIBUTION

A. Council Members occupying office on or before December 29, 2012 Only:

For Council Members occupying office on or before December 29, 2012, the City has contracted with CalPERS for a 2.7% @55 retirement formula.

Effective in the first full pay period in July 2017, each employee shall pay the full 8.0% of applicable salary of the employee's contribution towards CalPERS.

B. Council Members occupying office on December 30, 2012 or December 31, 2012 or a current CalPERS employee who qualifies as a classic member under CalPERS Regulations Only.

For Council Members hired on December 30, 2012 or December 31, 2012 or a current CalPERS employee who qualifies as a classic member under CalPERS Regulations only the City has contracted with CalPERS for a 2.0% @ 60 retirement formula, three year average compensation

Effective January 1, 2017, the City shall not pay the employee's contribution rate to the California Public Employees Retirement System (CalPERS) and each employee shall pay the full 7% of applicable salary of the employee's contribution towards CalPERS.

C. For Council members occupying office on or after January 1, 2013, or former CalPERS employees that do not qualify as Classic employees hired by the City of Cupertino on or after January 1, 2013

For Council Members occupying office on or after January 1, 2013 CalPERS has by statute implemented a 2% @ 62 formula, three year average and employees in this category shall pay 50% of the normal cost rate as determined by CalPERS.

Adopted by Action of the City Council  
July, 2013, October 2016, July 2019

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 12

DENTAL INSURANCE - CITY CONTRIBUTION

It is the policy of the City of Cupertino to provide dental insurance under which the elected official positions and their dependents may be covered.

The premium cost for the insurance provided by the City shall not exceed \$126.78\* per month per individual. Enrollment in the plan or plans made available pursuant to this policy shall be in accordance with Personnel Rules of the City and the provisions of the contract for such insurance between the City and carrier or carriers.

\*Dental Coverage: Effective the first month after Council adoption of agreement, dental coverage is capped at \$2,500.00 per dependent per annual plan year for the term of this contract.

Adopted by Action of City Council  
July, 2013, October 2016, July 2019

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 14

EMPLOYEE ASSISTANCE PROGRAM

It is the policy of the City of Cupertino to provide an Employee Assistance Program for the benefit of the elected officials and their eligible dependents. The purpose of this program is to provide professional assistance and counseling concerning financial, legal, pre-retirement, and other matters of a personal nature.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 17

VISION INSURANCE – CITY CONTRIBUTION

It is the policy of the City of Cupertino to provide vision insurance under which employees and their dependents may be covered.

The premium cost for the insurance provided by the City shall not exceed \$14.94 per month per employee. Enrollment in the plan or plans made available pursuant to this policy shall be in accordance with the provisions of the contract between the City and carrier or carriers providing vision insurance coverage,

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 18

## TECHNOLOGY POLICY

### **Purpose**

This policy establishes guidelines and standards regarding the provision of technology hardware and software for Councilmembers.

### **Scope and Applicability**

This policy applies to all City Councilmembers for the provision and maintenance of City issued technology hardware and software. This technology is in addition to City technology equipment and software residing within the Mayor's and Council's office at City Hall.

### **Technology Provision**

To facilitate communications with citizens, staff and other Councilmembers, each Councilmember may elect to be issued the following technology hardware at the beginning of each term.

- 1 Laptop
- 1 Docking Station
- 1 Monitor
- 1 Webcam
- 1 Keyboard & Mouse
- 1 Phone with Voice/Data Plan

Each Councilmember's issued laptop will have the following additional software applications:

- Office productivity platform, e.g., Microsoft O365
- Cybersecurity Tools, e.g., end point protection and multifactor authentication
- Video Conferencing, e.g., Zoom

Each Councilmember's issued phone will have the following additional software applications

- Office productivity platform
- Cybersecurity Tools
- Video Conferencing

Issued technology hardware and software will meet current City hardware and software standards to ensure proper security, maintenance, and support.

Councilmembers who wish to not use City issued equipment must provide written acknowledgement that the technology they will use has current antivirus software and all software applications are up to date from a cyber security standpoint.

Councilmembers use the issued equipment for the performance of official City business. Data contained within the equipment is public property and considered a public record, therefore subject to all Public Records Act and Brown Act policies.

Councilmembers, upon completion of their term, will return all issued equipment to the Innovation & Technology Department. City equipment and/or software is not available for purchase.

### **City Support**

Innovation & Technology staff are solely responsible to provide technical support and maintenance for issued equipment and may be reached at [helpdesk@cupertino.org](mailto:helpdesk@cupertino.org) or (408) 777-3381. If required, Councilmembers shall bring their equipment to City Hall for repair and/or service.

Adopted by Action of the City Council  
July, 2019, January, 2023

**City of Cupertino**

City Council

and

Planning Commission

Compensation

Effective January 1, 2017

CITY OF CUPERTINO CITY COUNCIL  
AND PLANNING COMMISSION  
EFFECTIVE January 1, 2017


The salaries, wages or rates of pay for members of the City Council and Planning Commission are set forth below. Only the City Council can modify these rates.

|                                     |   |
|-------------------------------------|---|
| Members of the City Council         | \$737.54/month                          |
| Members of the Planning Commission* | \$50.00/meeting (maximum \$200 monthly) |

Effective first full pay period in July 2017

|                                     |   |
|-------------------------------------|---|
| Members of the City Council         | \$743.07/month                          |
| Members of the Planning Commission* | \$50.00/meeting (maximum \$200 monthly) |

\*Benefits as set forth in this document do not apply to members of the Planning Commission.

|   |   |
|---|---|
|  <b>Council<br/>Technology<br/>Policy</b>        | <b>Citywide Policy Manual<br/>Policy #</b>                    |
|   | <b>Attachments:</b><br><br>N/A                                |
| <b>Effective Date:</b><br><br>December 12, 2022   | <b>Responsible Department:</b><br><br>Innovation & Technology |
| <b>Related Policies &amp; Notes:</b><br><br>This policy supersedes previous Council Technology Policies from 2005, 2012, and 2018 |   |

### Purpose

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### Scope and Applicability

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|  |                                |
|--|--------------------------------|
| <b>Submitted By:</b>                   | <b>Approved By:</b>            |
| <b>Printed Name:</b> Bill Mitchell     | <b>Printed Name:</b> Pamela Wu |
| <b>Title:</b> CTO                      | <b>Title:</b> City Manager     |
| <b>Signature:</b> <i>Bill Mitchell</i> | <b>Signature:</b>              |
| <b>Date:</b> December 11, 2022         | <b>Date:</b>                   |

**RESOLUTION NO. 07-103**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO  
PROVIDING FOR A DISCRETIONARY FUND TO BE ADMINISTERED BY  
THE CITY MANAGER TO PROVIDE A FUNDING SOURCE FOR PROJECTS  
THAT THE MAYOR MAY WISH TO PROPOSE FROM TIME TO TIME  
DURING THE MAYOR'S TERM OF OFFICE**

WHEREAS, The City Council wishes to provide a small source of funds for projects that may be proposed at the discretion of the Mayor during the Mayor's term of office; and,

WHEREAS, The City Council wishes to establish a Mayor's initiative budget that will be included as part of the City Manager's Office budget in the City Manager's discretionary account; and,

WHEREAS, The City Council wishes to determine, as part of the budget process, the amount of funding for the duration of the Mayoral term;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cupertino that Mayor's initiative budget is established in an amount to be determined by the City Council as part of the City Manager's discretionary fund to be used for projects that the Mayor deems appropriate during the Mayor's term of office; and,

BE IT FURTHER RESOLVED that the decision to spend money on a Mayor's project will be jointly determined by the Mayor and the City Manager, except that the City Manager may, at his or her sole discretion escalate the spending decision to the City Council if he or she determines that to be necessary or appropriate; and,

BE IT FURTHER RESOLVED that the City Council will be advised by an item on the Council Agenda prior to the date of the Mayor's State of the City Address, of any new project or initiative that the Mayor may wish to propose during the State of the City Address.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 5<sup>th</sup> day of June 2007, by the following vote:

|             |  |
|-------------|--|
| <u>Vote</u> | <u>Members of the City Council</u>       |
| AYES:       | Wang, Kwok, Lowenthal, Mahoney, Sandoval |
| NOES:       | None                                     |
| ABSENT:     | None                                     |
| ABSTAIN:    | None                                     |

ATTEST:  
/s/Kimberly Smith

APPROVED:  
/s/Kris Wang

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor, City of Cupertino

**CHAPTER 2.17: CITY COUNCIL/CITY STAFF RELATIONSHIPS**

## Section

- 2.17.010 Preamble.
- 2.17.020 Intent and purpose.
- 2.17.030 Council and Council members.
- 2.17.031 Council power.
- 2.17.032 Individual Council members.
- 2.17.033 Council Policy.
- 2.17.034 Information.
- 2.17.040 Staff.
- 2.17.041 Execution of Council direction.
- 2.17.042 Undue influence.
- 2.17.043 Timely response.

**2.17.010 Preamble.**

After the City of Cupertino's incorporation, the City Council enacted Ordinance No. 106 creating and establishing the Council/City Manager form of government whereby the City Council controls the administrative services of the City only through the City Manager. The Council/Manager form of government is intended to provide the best of unencumbered professional/technical staff input balanced with the collective oversight of elected officials. Under the Council/Manager form of government neither the City Council, nor individual Council members, can give orders to any subordinates of the City Manager. The City Manager takes his or her orders and instructions from the City Council only when given at a duly held meeting of the City Council. No individual council member can give any orders or instructions to the City Manager. Although this provision has worked well over the years, a number of specific issues and questions have arisen from time to time regarding the respective roles of the City Council and City Manager due, in part, to the City's expanding involvement into a variety of new areas of society. It therefore has become necessary and convenient for the City Council to delineate with more specificity the respective roles of City Manager, the City Council and individual Council members.

(Ord. 2009, 2007)

**2.17.020 Intent and Purpose.**

The intent of this chapter is to address and clarify the relationship between the City Council, individual Council members, and city staff by:

- A. Maintaining control and direction of the City by the City Council as a whole;
- B. Insuring that City Council members have free access to the flow of any information relative to the operation of the City and insuring that such information is communicated by staff in full and with candor to the Council;
- C. Ensuring that the Council decision making process benefits from the unencumbered input and advice from the professional staff free from undue influence in staff decision making, formation of staff recommendations, scheduling of work, and executing department priorities without intervention by individual Council members;
- D. Allowing city staff to execute priorities given by management and the City Council and protecting city staff from undue influence from individual Council members.

(Ord. 2009, 2007)

**2.17.030 Council and Council members.****2.17.031 Council Power.**

The City Council retains the full power to accept, reject, amend, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, department priorities, and the conduct of city business through the office of the City Manager. This power cannot be delegated to individual Council members, nor to committees composed of council members consisting of less than a quorum of the City Council.

(Ord. 2009, 2007)

**2.17.032 Individual Council members.**

Individual Council members shall not attempt to influence staff decisions, recommendations, workloads, and schedules, and department priorities without prior knowledge and approval of the City Council.

(Ord. 2009, 2007)

**2.17.033 Council Policy.**

If a Council member wishes to influence the actions, decisions, recommendations, workloads, work schedules and priorities of staff, that member must prevail upon the City Council to do so as a matter of council policy.

(Ord. 2009, 2007)

#### **2.17.034 Information.**

Individual Council members as well as the City Council as a whole, have complete freedom of access to any information requested of staff (except information which is otherwise protected by law from disclosure) and will receive the full cooperation and candor of City staff in being provided with any requested information. Information sought by an individual council member may, at the discretion of the City Manager, be automatically provided to the City Council as a whole. In exercising this discretion, the City Manager will consider whether the information is significant or new or otherwise not available to the Council or is of interest to the Council.

(Ord. 2009, 2007)

#### **2.17.040 Staff.**

##### **2.17.041 Execution of Council Direction.**

The primary functions of City staff is the execution of Council policy and actions taken by the Council as well as keeping the Council informed regarding the general operations of the city.

(Ord. 2009, 2007)

##### **2.17.042 Undue Influence.**

City staff may take guidance and direction only from management or the City Council as a whole. Staff is prohibited from accepting direction or being unduly influenced by individual Council members to pressure staff members into making, changing or otherwise suppressing staff decisions or recommendations, or changing departmental work schedules and priorities. Staff members will report such attempts to influence them in confidence to the City Manager, who may inform the City Council as a whole of such attempts. Any staff member who violates this prohibition may be subject to disciplinary action at the discretion of the City Manager.

(Ord. 2009, 2007)

##### **2.17.043 Timely Response.**

City staff will make every effort to respond in a timely and professional manner to all requests made by individual council members for information or assistance, provided that, in the judgment of the City Manager, the request is not of a magnitude either in terms of work load or policy, which would require that it more appropriately be assigned to staff through the collective direction of the City Council. In terms of making this judgment, the following guidelines should be considered:

- A. Is the request specific and limited in scope so that staff can respond without altering other priorities and with only minimal delay to other assignments?
- B. Is the request a "one time" work requirement, as opposed to an on-going work requirement?
- C. Does the response to a request require a significant allocation of staff resources (generally defined as consisting of more than one staff person, or a single staff person working on the request in excess of two hours)?

(Ord. 2009, 2007)

CC 3-19-2024

#5

Ordinance No. 22-2256  
Commission and  
Committee Terms

Supplemental Report



## CITY MANAGER'S OFFICE

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

### CITY COUNCIL STAFF REPORT SUPPLEMENTAL 1

Meeting: March 19, 2024

#### Agenda Item #5

#### Subject

Adoption of Ordinance No. 24-2256, to regularize commissioner appointments and revise commissioner qualifications

#### Recommended Action

Conduct the second reading of and adopt Ordinance No. 24-2256, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO REGULARIZE CITY COMMISSION AND COMMITTEE TERMS AND REVISE COMMISSIONER QUALIFICATIONS"

#### Background:

**Staff's responses to questions received from councilmember are shown in italics.**

Q1: After the adoption of this ordinance, each commission will have two openings and three openings every two years respectively, similar to the City Council, right? I can kind of infer from Section I, but it was not clear. (**Councilmember Chao**)

*Staff response: Yes, that is correct.*

Q2: After the adoption of this ordinance, which commission will have two openings in 2025 and every 4 years afterwards and three openings in 2027 and every 4 years afterwards? I can kind of determine the list from the individual items under Section 1. But a summary table would be great. It would be great if the clarification of the general rule could be added to the ordinance. (**Councilmember Chao**)

*Staff response: Once the ordinance is adopted and takes effect, the terms will be as follows:*

#### *Parks and Recreation Commission*

- 3 openings in 2027
- 2 openings in 2025

#### *Public Safety Commission*

- 3 openings in 2027
- 2 openings in 2025

*Technology, Information, and Communications Commission*

- 3 openings in 2027
- 2 openings in 2029

*Arts and Culture Commission*

- 3 openings in 2027
- 2 openings in 2025

*Housing Commission*

- 3 openings in 2027
- 2 openings in 2025

*Audit Committee*

- 2 openings in 2027
- 1 opening in 2025

*Sustainability Commission*

- 3 openings in 2027
- 2 openings in 2025

*Planning, Library, and Bike Ped Commission terms remain unchanged, as their terms already align with the two-year schedule. Teen Commission's annual recruitment will continue as normal.*

Q3: Would the Muni Code section for each commission be amended to include the provision from Section I, for example, that there will be two openings and three openings every two years respectively? Is the same rule for the City Council election specified in the Muni Code? Just curious. **(Councilmember Chao)**

*Staff response: The Municipal Code specifies commissioners serve for four-year terms. No Municipal Code amendment will be necessary after terms are regularized based on the uncodified ordinance introduced at the March 5 City Council meeting because the two or three appointments will continue to occur biannually.*

Attachments Provided with Original Staff Report:

- A. Draft Ordinance No. 24-2256 to Regularize Commission and Committee Terms and Revise Commissioner Qualifications

CC 3-19-2024

#8

City Owned Properties

Supplemental Report



## CITY MANAGER'S OFFICE

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

### CITY COUNCIL STAFF REPORT SUPPLEMENTAL 1

Meeting: March 19, 2024

#### Agenda Item 8

#### Subject

Review city-owned properties

#### Recommended Action

Review city-owned properties and provide direction to proceed with exploring rehabilitation and future use of the Stocklmeir site

#### Background:

**Staff's responses to questions received from Councilmember Moore are shown in italics.**

Q1: Would someone please provide the Stocklmeir purchase agreement along with how much is cost and what fund paid for it? **(Moore)**

*Staff response: The Stocklmeir property was purchased in 1999 for \$6,000,000. The purchase was made through the General Fund. Attachment A provides the deed and additional details of the purchase.*

---

Prepared by: Matt Morley, Assistant City Manager  
Approved for Submission by: Pamela Wu, City Manager

Attachments Provided with Original Staff Report:

A. *City Owned Property List*

Attachments Provided with Supplemental 1:

B. *Grant Deed*

## RECORDING REQUESTED BY:

Fidelity National Title Company - Cupertino  
Escrow No. 311100-DP  
Title Order No. 00311100 *203K*

When Recorded Mail Document  
and Tax Statement To:

CITY OF CUPERTINO- PUBLIC WORKS  
DIRECTOR  
10300 TORRE AVE  
CUPERTINO, CA 95014

DOCUMENT: 14879616



\*0014879616\*

Titles: 1 / Pages: 6

Fees... \* No Fees

Taxes...

Copies...

AMT PAID

BRENDA DAVIS  
SANTA CLARA COUNTY RECORDER  
Recorded at the request of  
Fidelity National Title Ins.

RDE # 004  
7/01/1999  
3:08 PM

APN: 357-09-053 &amp; 326-17-004

## GRANT DEED

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## The undersigned grantor(s) declare(s)

## Documentary transfer tax is

- ☒ [ X ] computed on full value of property conveyed, or  
☐ [ ] computed on full value less value of liens or encumbrances remaining at time of sale,  
☐ [ ] Unincorporated Area City of Cupertino

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Alan L. Stocklmeir and JANET STOCKLMEIR TRANKLE, and PAMELA T. STOCKLMEIR, and KURT M. STOCKLMEIR, and ALAN L. STOCKLMEIR, TRUSTEE OF THE ALAN STOCKLMEIR REVOCABLE TRUST, DATED FEBRUARY 25, 1998.

hereby GRANT(S) to CITY OF CUPERTINO, a California Municipal Corporation

the following described real property in the City of Cupertino

County of Santa Clara, State of California:

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

DATED: June 29, 1999

STATE OF CALIFORNIA

COUNTY OF Santa Clara

ON 6/29/99 before me,  
D. PATRICK personally appeared

ALAN L. STOCKLMEIR  
JANET STOCKLMEIR TRANKLE

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

Witness my hand and official seal.

Signature D. Patrick

Alan L. Stocklmeir  
 Alan L. Stocklmeir

Janet Stocklmeir Trankle  
 JANET STOCKLMEIR TRANKLE

Pamela T. Stocklmeir by her attorney  
in fact Alan L. Stocklmeir

PAMELA T. STOCKLMEIR

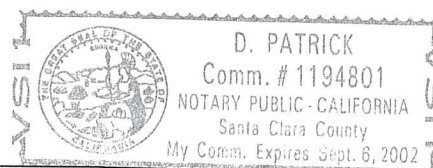
Kurt M. Stocklmeir by his attorney  
in fact Alan L. Stocklmeir

KURT M. STOCKLMEIR

ALAN L. STOCKLMEIR, TRUSTEE OF THE ALAN STOCKLMEIR REVOCABLE TRUST, DATED FEBRUARY 25, 1998.

By: Alan L. Stocklmeir  
 ALAN L. STOCKLMEIR, Trustee

MAIL TAX STATEMENTS AS DIRECTED ABOVE



326-17-004/357-09-024

## EXHIBIT ONE

### PARCEL ONE:

Beginning at the point of intersection of the Southerly line of the Stevens Creek Road, as it formerly existed 40 feet wide, with the center line of Stevens Creek; thence in a general Southerly direction along the center line of Stevens Creek the following courses and distances: South  $48^{\circ} 30'$  East 110.55 feet; South  $59^{\circ} 45'$  East 132.00 feet; South  $45^{\circ}$  East 162.03 feet; South  $^{\circ} 37'$  East 122.10 feet; South  $4^{\circ} 8'$  West 231.66 feet; South  $24^{\circ}$  West 80.26 feet; South  $36J^{\circ}$  West 199.32 feet; South  $25^{\circ}$  West 54.12 feet; and South  $36^{\circ} 30'$  West 107.38 feet to a station designated D.S.5 from which a sycamore 14 inches in diameter marked B.T.D.S.5 bears South  $36^{\circ} 45'$  East 17.82 feet; thence leaving the center line of Stevens Creek and running along the Easterly line of Monta Vista Park, the Map of which is of record in Book "P" of Maps, page 19, Santa Clara County Records, and along the Easterly line of Inspiration Point, Monta Vista, the Map of which is of record in Book "P" of Maps, page 18, Santa Clara County Records, the following courses and distances: North  $4^{\circ} 41'$  West 339.24 feet to a station designated D.S.r; North  $4^{\circ} 11'$  West 191.40 feet to a pipe; and North  $12^{\circ} 1'$  West 448.00 feet to a pipe at the Northeasterly corner of said Inspiration Point, Monta Vista; thence North  $37^{\circ} 42'$  West 13.00 feet to a pipe on said Southerly line of Stevens Creek Road; thence along said Southerly line of Stevens Creek Road, North  $89^{\circ}$  East 84.48 feet to the point of beginning, being a portion of the San Antonio Rancho, and being shown upon that certain Map entitled "Map of a Survey made for Adelheid M. Stocklmeir in the San Antonio Rancho", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on December 29, 1915, in Book "O" of Maps, page 88.

Excepting therefrom all that certain land conveyed to The City of Cupertino, a Municipal Corporation recorded September 29, 1986 as Instrument No. 8962038 in Book J861, Official Records, page 2072, more particularly described as follows:

Being a portion of the San Antonio Rancho being more particularly described as follows:

Beginning at a point in the Easterly boundary of "Tract No. 5915" recorded in Book 384 of Maps at pages 18 and 19, Santa Clara County Records, said point being the Northeasterly boundary corner of "Lot 30" as shown upon said Map;

Thence from said point of beginning, along said Easterly boundary line of "Tract No. 5915", North  $11^{\circ} 58' 43"$  West 42.00 feet to the Northeasterly boundary corner of the "Map of Inspiration Point, Monta Vista", as recorded in Book "P" of Maps at page 18, Santa Clara County Records, said point also being the "Tract No. 5915" and designated as "Stevens Creek Blvd.";

Thence leaving said Easterly boundary line of "Tract No. 5915", North  $37^{\circ} 55' 03"$  West 5.80 feet to the intersection thereof with a non-tangent curve having a radius of 988.01 feet, the radius point of which bears South  $13^{\circ} 18' 30"$  East, said point being the True Point of Beginning of this description;

Thence from said True Point of beginning, Easterly on the arc of said curve, through a central angle of  $0^{\circ} 12' 43"$ , for an arc length of 3.66 feet to a point of compound curvature;

Thence continuing Easterly on the arc of a curve having a radius of 35.00 feet; through a central angle of  $27^{\circ} 21' 15"$ , for an arc length of 16.71 feet to a point of reverse curvature;

Thence continuing Easterly on the arc of a curve having a radius of 20.00 feet; through a central angle of  $25^{\circ} 19' 20"$ , for an arc length of 8.84 feet, a radial at said point bears South  $11^{\circ} 03' 52"$  East;

Thence North  $78^{\circ} 56' 08"$  East 6.62 feet;

Thence North  $82^{\circ} 57' 52"$  East, 42.66 feet to a point in the centerline of Stevens Creek, said point being in the Southerly right of way line of Stevens Creek Boulevard (40.00 feet wide as it formerly existed);

Thence along said Southerly right of way line of Stevens Creek Boulevard, South  $88^{\circ} 46' 38"$  West 81.76 feet;

Thence leaving said Southerly right of way line of Stevens Creek Boulevard, South  $37^{\circ} 55' 03"$  East 6.57 feet to the True Point of Beginning.

PARCEL TWO:

All of Lots 30 and 31, shown on the Map entitled, "Tract No. 5915 The Meadows of Cupertino", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, state of California on November 30, 1976, in Book 384 of Maps at pages 18 and 19.

PARCEL THREE:

The exclusive right to travel over the hereinafter described parcels of land for agricultural purposes as are interpreted and provided for under "A (Agricultural) Zone" use including use for habitational accommodations now a part of or to be provided for under "A (Agricultural) Zone" activities to and from the lands of the Grantee herein to Scenic Boulevard:

All that portion of lot 29, shown on the Map entitled, "Tract No. 5915 The Meadows of Cupertino", which said Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California on November 30, 1976 in Book 384 of Maps, at pages 18 and 19, described as follows:

Parcel 1:

Beginning at a point on the Westerly line of that certain 4.851 Acre Parcel as said Parcel is shown upon the Map of a Survey made for Adelheid M. Stocklmeir in the San Antonio Rancho, a Map of which is filed for record in Book "O" of Maps, page 88, Santa Clara County Records, distant thereon along said Westerly line North 2° 15' 00" West, 339.24 feet and North 7° 15' 00" West, 87.54 feet from the most Southerly corner of said 4.851 acre parcel marked on said Map as DS5, thence leaving said Westerly line of 4.851 acre parcel, South 82° 45' 00" West, 26.53 feet to the intersection thereof with a curve whose radial bears South 73° 40' 19" East, from the center of the curve through the said point of intersection; thence on a curve to the right having a radius of 25 feet, through a central angle of 112° 39' 51", for an arc length of 49.16 feet; thence North 53° 00' 28" West, 55.00 feet to beginning of a tangent curve; thence on a curve to the left having a radius of 204.00 feet, through a central angle of 23° 00' 00", for an arc length of 81.89 feet; thence North 74° 00' 28" West, 63.75 feet to the beginning of a tangent curve; thence on a curve to the left having a radius of 104.00 feet, through a central angle of 8° 14' 13", for an arc length of 14.95 feet to a point of compound curve; thence on a compound curve to the left, leaving a radius of 20.00 feet, through a central angle of 40° 59' 26", for an arc length of 14.31 feet to the intersection of the Easterly line of Scenic Boulevard; thence along said Easterly line, North 0° 08' 54" East, 38.94 feet to the intersection thereof with a curve whose radial bears South 33° 30' 56" West from the center of a curve through the said point of intersection; thence on a curve to the left having a radius of 20.00 feet, through a central angle of 29° 16' 47", for an arc length of 10.22 feet to a point of reverse curve; thence on reverse curve to the right, having a radius of 136 feet, through central angle of 11° 45' 23", for an arc length of 27.91 feet; thence South 74° 00' 08" East, 63.75 feet to the beginning of tangent curve; thence on a curve to the right having a radius of 236.00 feet, through a central angle of 23° 00' 00", for an arc length of 94.74 feet; thence South 51° 00' 20" East, 20.69 feet to the beginning of a tangent curve; thence on a curve to the left, having a radius of 20.00 feet, through a central angle of 48° 15' 05", for an arc length of 16.88 feet to a point of reverse curve; thence on a reverse curve to the right, having a radius of 25.00 feet, through a central angle of 73° 25' 51" for an arc length of 32.04 feet; thence North 82° 45' 00" East, 26.53 feet to the intersection thereof with said Westerly line of said 4.851 acre parcel; thence along said Westerly line, South 7° 15' 00" East, 20.00 feet to the point of beginning, and being all that portion of said Lot 29 lying within Stocklmeir Court, as said Court is shown on said recorded Map and that portion of said Lot 29 lying between the line of said Lot 29 as contained within the above described property.

Parcel 2:

Beginning at a point on the Westerly line of that certain 4.851 acre parcel as said parcel is shown upon the Map of a Survey made for Adelheid M. Stocklmeir in the San Antonio Rancho, a Map of which if filed for record in Book "O" of Maps, page 88, Santa Clara County Records, distant thereon along said Westerly line North 2° 15' 00" West, 205.67 feet from the most Southerly corner of said 4.51 acre parcel marked on said Map by DS5; thence leaving said Westerly line of 4.851 acre parcel South 87° 59' 32" West, 6.45 feet to the intersection with a curve whose radial bears South 68° 25' 46" East, from the center of the curve through the said point of intersection; thence on a curve to the right having a radius of 25 feet, through a central angle of 99° 42' 06", for an arc length of 43.50 feet to a point of reverse curve, thence on a reverse curve to the left, having a radius of 20.00 feet, through a central angle

of  $40^{\circ} 47' 14''$ , for an arc length of 14.24 feet to a point of compound curve; thence on compound curve to the left, having a radius of 209.00 feet through a central angle of  $7^{\circ} 29' 34''$  for an arc length of 27.33 feet; thence South  $72^{\circ} 59' 32''$  West, 106.00 feet to beginning of a tangent curve; thence on a curve to the right having a radius of 103.00 feet, through a central angle of  $48^{\circ} 30' 00''$ , for an arc length of 87.19 feet; thence North  $58^{\circ} 30' 28''$  West, 106.00 feet to beginning of a tangent curve, thence on a curve to the right having a radius of 103.00 feet, through a central angle of  $48^{\circ} 30' 00''$ , for an arc length of 87.19 feet, thence North  $58^{\circ} 30' 28''$  West, 19.62 feet to the beginning of a tangent curve; thence on a curve to the left, having a radius of 2000 feet through a central angle of  $37^{\circ} 54' 44''$ , for an arc length of 13.23 feet to the intersection thereof with a curve of the Easterly line of Scenic Boulevard bears South  $77^{\circ} 13' 15''$  east, from the center of the curve through the point of intersection; thence along the said curve of the Easterly line of Scenic Boulevard on a curve to the left having a radius of 415.00 feet, through a central angle of  $8^{\circ} 06' 18''$ , for an arc length of 39.14 feet to the intersection thereof with a curve whose radial bears South  $82^{\circ} 37' 27''$  East, from the center of curve through the point of intersection, thence on a curve to the left, having a radius of 20.00 feet, through a central angle of  $8^{\circ} 06' 18''$ , for an arc length of 2083 feet; thence South  $58^{\circ} 30' 28''$  East, 43.37 feet to the beginning of a tangent curve; thence on a curve to the left, having a radius of 71.00 feet; through a central angle of  $48^{\circ} 30' 00''$ , for an arc length of 61.10 feet; thence North  $72^{\circ} 59' 32''$  East, 106.00 feet to the beginning of a tangent curve; thence on a curve to the right, having a radius of 241 feet, through a central angle of  $8^{\circ} 36' 47''$  for an arc length of 36.23 feet to a point of reverse curve; thence on a reverse curve to the left, having a radius of 20.00 feet, through a central angle of  $33^{\circ} 47' 42''$ , for an arc length of 11.80 feet to a point of reverse curve; thence on a reverse curve to the right, having a radius of 25.00 feet, through a central angle of  $106^{\circ} 36' 14''$ , for an arc length of 46.51 feet; thence North  $87^{\circ} 59' 32''$  East, 6.37 feet to the intersection thereof with the said Westerly line of that 4.851 acre parcel; thence along said Westerly line, South  $2^{\circ} 15' 11''$  East, 20.00 feet to the point of beginning, and being all that portion of said Lot 29 lying within Dean Court as said Court is shown on said recorded Map and those portions of Lots 29 and 31 lying between the line establishing the Easterly terminus of said Court and the Easterly line of Lot 31 as contained within the above described property.

PARCEL 4:

Lot "B" as laid down, designated and delineated upon that certain Map entitled "Map of Russell Hurst, Monte Vista", which Map was recorded in the Office of the County Recorder of the County of Santa Clara, State of California on April 11, 1917 in Book "P" of Maps at Page 22.

APN#357-09-053 & 326-17-004



City Hall  
10300 Torre Avenue  
Cupertino, CA 95014-3255  
Telephone: (408) 777-3354  
FAX: (408) 777-3333

DEPARTMENT OF PUBLIC WORKS

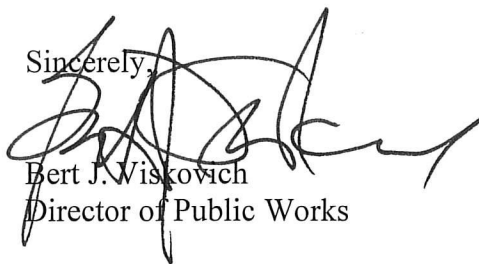
July 1, 1999

To Whom It May Concern:

The City Council of the City of Cupertino, by Resolution No. 99-187, approved the purchase of parcels APN 357-09-053 and 326-17-004, otherwise known as the Stocklmeir property.

In accordance with the agreement, the City hereby accepts the grant deed.

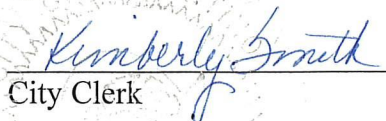
Sincerely,



Bert J. Wiskovich  
Director of Public Works

BJV/cs

ATTEST:

  
City Clerk

## RESOLUTION NO. 99-187

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO  
AUTHORIZING EXECUTION OF AGREEMENT FOR PURCHASE OF  
PROPERTY LOCATED AT 22120 STEVENS CREEK BOULEVARD,  
APNs 357-09-053, 326-17-004

WHEREAS, an agreement between the City of Cupertino and between between Alan L. Stocklmeir, Janet Stocklmeir Trankle, Pamela T. Stocklmeir, and Kurt M. Stocklmeir, as tenants in common, and Alan L. Stocklmeir, Trustee of the Alan Stocklmeir Revocable Trust, Dated February 25, 1998, owners of 22120 Stevens Creek Boulevard, APN 357-09-053, 326-17-004, outlining the terms and conditions for purchase of 22120 Stevens Creek Boulevard, has been presented to the City Council; and said agreement having been approved by the Director of Public Works and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and the City Clerk are hereby authorized to execute the agreement herein referred to on behalf of the City of Cupertino.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 5th day of April, 1999, by the following vote:

| <u>Vote</u> | <u>Members of the City Council</u> |
|-------------|------------------------------------|
|-------------|------------------------------------|

|          |                             |
|----------|-----------------------------|
| AYES:    | Burnett, Chang, James, Dean |
| NOES:    | None                        |
| ABSENT:  | None                        |
| ABSTAIN: | Statton                     |

ATTEST:

/s/ Kimberly Smith  
City Clerk

APPROVED:

/s/ Wally Dean  
Mayor, City of Cupertino



# Fidelity National Title Company

PUBLIC WORKS

1111 09 1999

**CHECK  
ENCLOSED**

CITY OF CUPERTINO-PUBLIC WORKS DIRECTOR  
10300 TORRE AVE.  
CUPERTINO, CA 95014

DATE: July 8, 1999  
ESCROW NO: 311100-DP  
PROPERTY ADDRESS:  
22120 Steven Creek Boulevard and non-situs  
Orchard St., Cupertino, CA 95014

The above referenced escrow has closed as of this date. The following item(s) are enclosed for your records:

- Check 63065 in the amount of \$890.00
- Check 63198 in the amount of \$6,600.00(refund of Transfer Tax)
- Certified Copy of Closing/RESPA Settlement Statement

PROPERTY TAXES ARE YOUR RESPONSIBILITY. The law does not require that Property tax statements or notices be mailed, but it places the responsibility for payment entirely upon the owner after the close of escrow. First installment is due and payable November 1 and delinquent December 10; second installment is due and payable February 1 and delinquent April 10. If you do not receive a property tax bill one month prior to delinquency, a written request, including the assessors parcel number and legal description, must be made to the County Tax Collector. However, if yours is an impounded loan, property taxes will be paid by the Lender when due.

Recorded documents to which you are entitled will be mailed to you by the County Recorder. We trust that this transaction has been handled to your satisfaction and look forward to the opportunity of seeing you again in the near future.

Sincerely,

Diane Patrick  
Escrow Manager  
(408) 996-7177

DS

enclosure(s)

|  |  |  |  |
|--|--|--|--|
| <div>A. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT<br/>SETTLEMENT STATEMENT</div> <div>Fidelity National Title Company -<br/>Cupertino</div>   |  | B. TYPE OF LOAN  |  |
|  |  | 1. <input type="checkbox"/> FHA      2. <input type="checkbox"/> FmHA      3. <input type="checkbox"/> Conv. Unins |  |
|  |  | 4. <input type="checkbox"/> VA      5. <input type="checkbox"/> Conv. Ins  |  |
|  |  | 6. ESCROW NUMBER:<br>311100-DP      7. LOAN NUMBER:  |  |
|  |  | 8. MORTGAGE INSURANCE NUMBER:  |  |
| NOTE: THIS FORM IS FURNISHED TO GIVE YOU A STATEMENT OF THE ACTUAL SETTLEMENT COSTS. AMOUNTS PAID TO AND BY THE SETTLEMENT AGENT ARE SHOWN. ITEMS MARKED "(P.O.C.)" WERE PAID OUTSIDE OF THE CLOSING: THEY ARE SHOWN HERE FOR INFORMATIONAL PURPOSES AND ARE NOT INCLUDED IN THE TOTALS. |  |  |  |
| D. NAME OF BORROWER:<br>THE CITY OF CUPERTINO  |  | E. NAME OF SELLER:<br>Alan L. Stocklmeir<br>10240 STONYDALE DRIVE<br>CUPERTINO, CA 95014                           |  |
|  |  | F. NAME OF LENDER:   |  |
| G. PROPERTY LOCATION:<br>22120 Steven Creek Boulevard and non-situs<br>Orchard St.<br>Cupertino, CA 95014  |  | H. SETTLEMENT AGENT:<br>Fidelity National Title Company - Cupertino  |  |
|  |  | I. SETTLEMENT DATE:<br>07/01/1999  |  |
| PLACE OF SETTLEMENT:<br>10300 South De Anza Blvd. Suite A<br>Cupertino, CA 95014   |  |  |  |
| J. SUMMARY OF BORROWER'S TRANSACTIONS  |  |  |  |
| 100. GROSS AMOUNT DUE FROM BORROWER  |  | K. SUMMARY OF SELLER'S TRANSACTIONS  |  |
| 101. Total Consideration      6,000,000.00   |  | 400. GROSS AMOUNT DUE TO SELLER  |  |
| 102. Personal Property   |  | 401. Contract Sales Price  |  |
| 103. Settlement charges to borrower (line 1400)      11,512.00   |  | 402. Personal Property   |  |
| 104.   |  | 403.   |  |
| 105.   |  | 404.   |  |
| Adjustments: Items Paid by Seller in Advance   |  | 405.   |  |
| 106. City/Town Taxes   |  | Adjustments: Items Paid by Seller in Advance   |  |
| 107. PPD County Taxes fr 06/30/99 to 07/01/99      4.69  |  | 406. City/Town Taxes   |  |
| 108. Assessments   |  | 407. County Taxes  |  |
| 109.   |  | 408. Assessments   |  |
| 110.   |  | 409.   |  |
| 111.   |  | 410.   |  |
| 112.   |  | 411.   |  |
| 113.   |  | 412.   |  |
| 114.   |  | 413.   |  |
| 115.   |  | 414.   |  |
| 116.   |  | 415.   |  |
| 117.   |  | 416.   |  |
| 118.   |  | 417.   |  |
| 120. GROSS AMOUNT DUE FROM BORROWER      6,011,516.69  |  | 418.   |  |
| 200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER  |  | 420. GROSS AMOUNT DUE TO SELLER  |  |
| 201. Deposit or earnest money      6,018,116.69  |  | 500. REDUCTIONS IN AMOUNT DUE TO SELLER  |  |
| 202. Principal amount of new loan(s)   |  | 501. Excess deposit (see inst.)  |  |
| 203. Existing loan(s) taken subject to   |  | 502. Settlement charges to seller (line 1400)  |  |
| 204. SECURITY DEPOSIT      500.00  |  | 503. Existing loan(s) taken subject to   |  |
| 205.   |  | 504.   |  |
| 206.   |  | 505.   |  |
| 207.   |  | 506.   |  |
| 208.   |  | 507.   |  |
| 209.   |  | 508.   |  |
|  |  | 509.   |  |
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| Adjustments: Items Unpaid by Seller  |  | Adjustments: Items Unpaid by Seller  |  |
| 210. City/Town taxes   |  | 510. City/Town Taxes   |  |
| 211. County Taxes  |  | 511. County Taxes  |  |
| 212. Rent fr 07/01/99 to 07/19/99      390.00  |  | 512. Assessments   |  |
| 213.   |  | 513.   |  |
| 214.   |  | 514.   |  |
| 215.   |  | 515.   |  |
| 216. <div>FIDELITY NATIONAL TITLE<br/>hereby certifies that this is a true copy<br/>of the original</div>  |  | 516.   |  |
| 217.   |  | 517.   |  |
| 218.   |  | 518.   |  |
| 219.   |  | 519.   |  |
| 220. TOTAL PAID BY/FOR BORROWER      6,019,006.69  |  | 520. TOTAL REDUCTIONS IN AMOUNT DUE SELLER   |  |
| 300. CASH AT SETTLEMENT FROM/TO BORROWER   |  | 600. CASH AT SETTLEMENT FROM/TO SELLER   |  |
| 301. Gross amount due from borrower (line 120)      6,011,516.69   |  | 601. Gross amount due to seller (line 420)   |  |
| 302. Less amounts paid by/for borrower (line 220)      6,019,006.69  |  | 602. Less reduction in amount due seller (ln 520)  |  |
| 303. CASH ( FROM) (XX TO) BORROWER      7,490.00   |  | 603. CASH ( FROM) ( TO) SELLER   |  |

|   |  |   |   |
|---|--|---|---|
| L. SETTLEMENT STATEMENT   |  | Escrow: 311100-DP                                 |   |
| 700. TOTAL SALES/BROKER'S COMMISSION based on price \$6,000,000.00 @ 0.00% = \$0.00 |  | PAID FROM<br>BORROWER'S<br>FUNDS AT<br>SETTLEMENT | PAID FROM<br>SELLER'S<br>FUNDS AT<br>SETTLEMENT |
| Division of Commission (line 700) as follows:                                       |  |   |   |
| 701.  |  |   |   |
| 702.  |  |   |   |
| 703.  |  |   |   |
| 704.  |  |   |   |
| 800. ITEMS PAYABLE IN CONNECTION WITH LOAN  |  |   |   |
| 801. Loan origination fee   |  |   |   |
| 802. Loan Discount  |  |   |   |
| 803. Appraisal fee  |  |   |   |
| 804. Credit report  |  |   |   |
| 805. Lender's inspection fee  |  |   |   |
| 806. Mortgage Insurance Application Fee   |  |   |   |
| 807.  |  |   |   |
| 808.  |  |   |   |
| 809.  |  |   |   |
| 810.  |  |   |   |
| 811.  |  |   |   |
| 812.  |  |   |   |
| 813.  |  |   |   |
| 814.  |  |   |   |
| 900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE                                 |  |   |   |
| 901. Int @ Day from to  |  |   |   |
| 902. Mortgage Insurance Premium   |  |   |   |
| 903.  |  |   |   |
| 904.  |  |   |   |
| 905.  |  |   |   |
| 1000. RESERVES DEPOSITED WITH LENDER  |  |   |   |
| 1001. Hazard Insurance months @ \$ per month  |  |   |   |
| 1002. Mortgage Insurance months @ \$ per month                                      |  |   |   |
| 1003. City property taxes months @ \$ per month                                     |  |   |   |
| 1004. County property taxes months @ \$ per month                                   |  |   |   |
| 1005. Annual assessments months @ \$ per month                                      |  |   |   |
| 1006.   |  |   |   |
| 1007.   |  |   |   |
| 1008.   |  |   |   |
| 1100. ESCROW AND TITLE CHARGES  |  |   |   |
| 1101. Settlement or closing fee to Fidelity National Title Company - Cupertino      |  | 1,500.00  |   |
| 1102. Abstract or Title Search  |  |   |   |
| 1103. Title Examination   |  |   |   |
| 1104. Title Insurance Binder  |  |   |   |
| 1105. Doc Prep Fees   |  | 300.00  |   |
| 1106. Notary Fees   |  | 20.00   |   |
| 1107. Courier Fees  |  | 35.00   |   |
| 1108. Title Insurance Fidelity National Title Company - Cupertino                   |  | 9,625.00  |   |
|   |  |   |   |
| 1109. Lender's coverage - \$ 0.00   |  |   |   |
| 1110. Owner's coverage CLTA Standard Policy - 1990 Form \$6,000,000.00              |  |   |   |
| 1111. Wire Fee  |  | 20.00   |   |
| 1112.   |  |   |   |
| 1113.   |  |   |   |
| 1114.   |  |   |   |
| 1115.   |  |   |   |
| 1116.   |  |   |   |
| 1200. GOVERNMENT RECORDING AND TRANSFER CHARGES                                     |  |   |   |
| 1201. Recording Fees: Deed \$ 12.00 Mortgage \$0.00 Releases \$0.00                 |  | 12.00   |   |
| 1202. City/County tax/stamps 0.00 Mortgage \$                                       |  |   |   |
| 1203. State Tax/stamps: Deed \$ 0.00 Mortgage \$                                    |  |   |   |
| 1204.   |  |   |   |
| 1205.   |  |   |   |
| 1300. ADDITIONAL SETTLEMENT CHARGES   |  |   |   |
| 1301. Survey  |  |   |   |
| 1302. Pest Inspection to  |  |   |   |
| 1303.   |  |   |   |
| 1304.   |  |   |   |
| 1305.   |  |   |   |
| 1306.   |  |   |   |
| 1307.   |  |   |   |
| 1308.   |  |   |   |
| 1309.   |  |   |   |
| 1310.   |  |   |   |
| 1311.   |  |   |   |
| 1400. TOTAL SETTLEMENT CHARGES (enter on lines 103, Section J and 502, Section K)   |  | 11,512.00   |   |

Thursday, July 8, 1999, 14:35

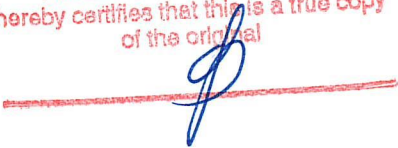
Escrow: 311100-DP

ATTACHMENT TO RESPA

|  | <u>BUYER</u> | <u>SELLER</u> |
|--|--------------|---------------|
| <b>SELLERS:</b> JANET STOCKLMEIR TRANKLE   |              |               |
| CA   |              |               |
| and PAMELA T. STOCKLMEIR   |              |               |
| CA   |              |               |
| and KURT M. STOCKLMEIR   |              |               |
| CA   |              |               |
| and ALAN L. STOCKLMEIR, TRUSTEE OF THE ALAN STOCKLMEIR REVOCABLE TRUST, DATED FEBRUARY 25, 1998. |              |               |
| 10240 STONYDALE DRIVE  |              |               |
| CUPERTINO, CA 95014  |              |               |

|                           |              |
|---------------------------|--------------|
| <b>DEPOSITS TO ESCROW</b> |              |
| THE CITY OF CUPERTINO     | 6,018,116.69 |

FIDELITY NATIONAL TITLE  
hereby certifies that this is a true copy  
of the original





# Fidelity National Title Company

10300 South De Anza Blvd. Suite A • Cupertino, CA 95014  
(408) 996-7177 • FAX (408) 252-8029

**DATE:** July 8, 1999  
**ESCROW NO:** 311100-DP  
**ESCROW OFFICER:** Diane Patrick

**TIME:** 14:36:08

**CLOSING DATE:** July 1, 1999

## BUYER FINAL CLOSING STATEMENT

**SELLER(S):** Alan L. Stocklmeir and JANET STOCKLMEIR TRANKLE and PAMELA T. STOCKLMEIR and KURT M. STOCKLMEIR and ALAN L. STOCKLMEIR, TRUSTEE OF THE ALAN STOCKLMEIR REVOCABLE TRUST, DATED FEBRUARY 25, 1998.

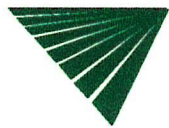
**BUYER(S):** THE CITY OF CUPERTINO

**PROPERTY:** 22120 Steven Creek Boulevard and non-situs Orchard St., Cupertino, CA 95014

|  | \$ DEBITS       | \$ CREDITS      |
|--|-----------------|-----------------|
| <b>FINANCIAL:</b>  |                 |                 |
| Total Consideration  | 6,000,000.00    |                 |
| Deposit - THE CITY OF CUPERTINO  |                 | 6,018,116.69    |
| <b>PRORATIONS/ADJUSTMENTS:</b>   |                 |                 |
| Prepaid County Taxes at \$844.37 Semi-Annual from 06/30/99 to 07/01/99 | 4.69            |                 |
| Rent at \$650.00 Month from 07/01/99 to 07/19/99                       |                 | 390.00          |
| SECURITY DEPOSIT   |                 | 500.00          |
| <b>TITLE CHARGES:</b>  |                 |                 |
| CLTA Standard Policy - 1990 Form for 6,000,000.00                      | 9,625.00        |                 |
| Recording Deed   | 12.00           |                 |
| <b>ESCROW CHARGES</b>  |                 |                 |
| Escrow Fee   | 1,500.00        |                 |
| Doc Prep Fees  | 300.00          |                 |
| Courier Fees   | 35.00           |                 |
| Notary Fees  | 20.00           |                 |
| Wire Fee   | 20.00           |                 |
| <hr/>  |                 |                 |
| BUYERS REFUND  | \$ 7,490.00     |                 |
| TOTALS   | \$ 6,019,006.69 | \$ 6,019,006.69 |

SAVE THIS STATEMENT FOR INCOME TAX PURPOSES

FIDELITY NATIONAL TITLE  
hereby certifies that this is a true copy  
of the original



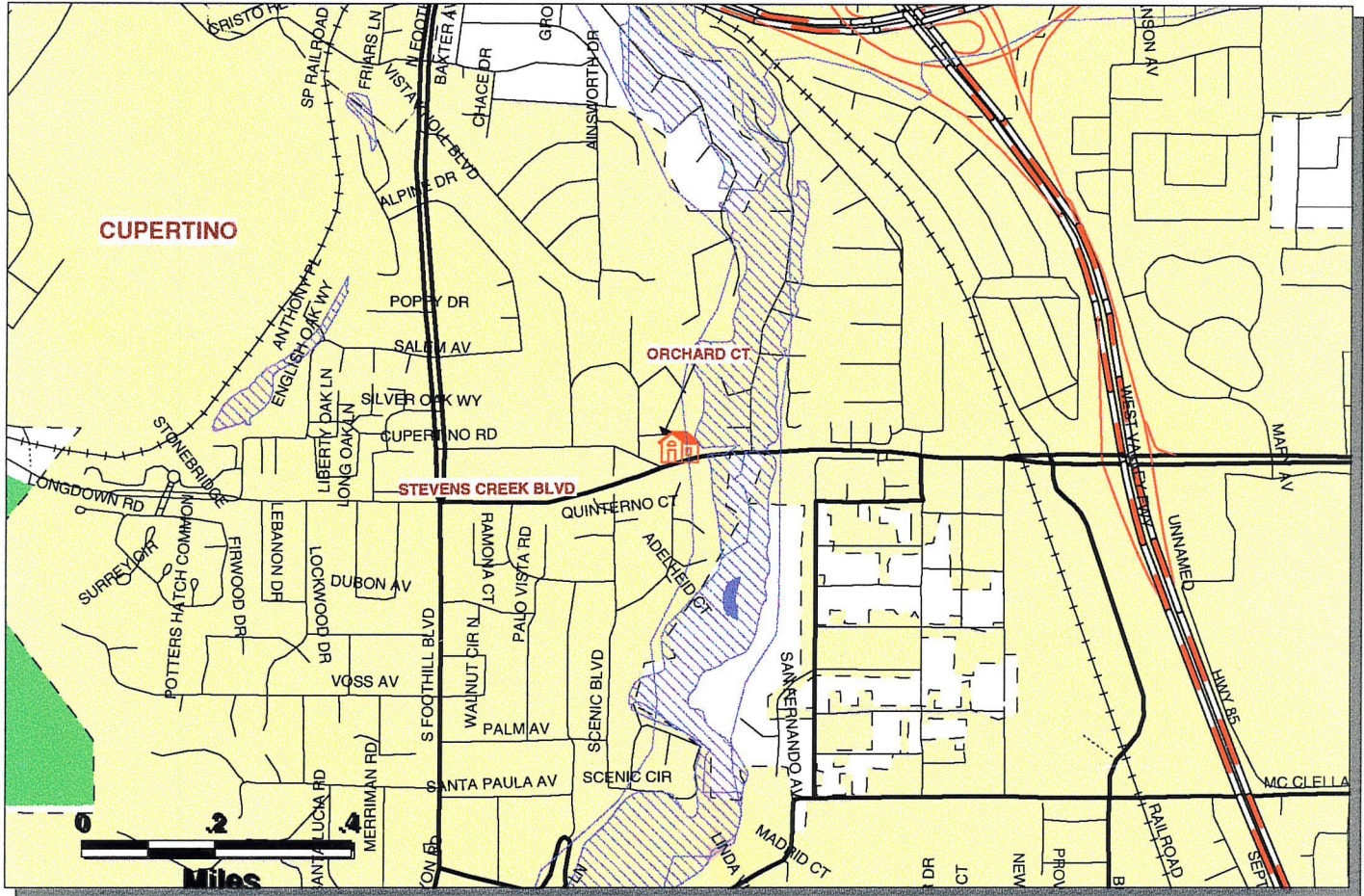
# VISTA

## PROPERTY DISCLOSURE

"Your #1 Source for Real Property Disclosure Reports"

### Mandatory Disclosure Map

22120 Stevens Creek Bl & Orchard Ct  
Cupertino, CA 95014



#### 22120 Stevens Creek Bl & Orchard Ct Cupertino, CA 95014

- IS ☐ IS NOT ☒ located in a Wildland Fire Area.
- IS ☐ IS NOT ☒ located in an Alquist-Priolo Earthquake Fault Zone.
- ◆ IS ☒ IS NOT ☐ located in a FEMA Special Flood Hazard Zone.
- IS ☐ IS NOT ☒ located in a Seismic Hazard Area.
- IS ☐ IS NOT ☒ located in a Bates High Fire Hazard Area.
- ★ IS ☒ IS NOT ☐ located in a Dam Inundation Area.
- ◆ Please see the FEMA Flood Certificate for detailed information
- ★ Please refer to Schedule "A" for further information

#### Map Legend

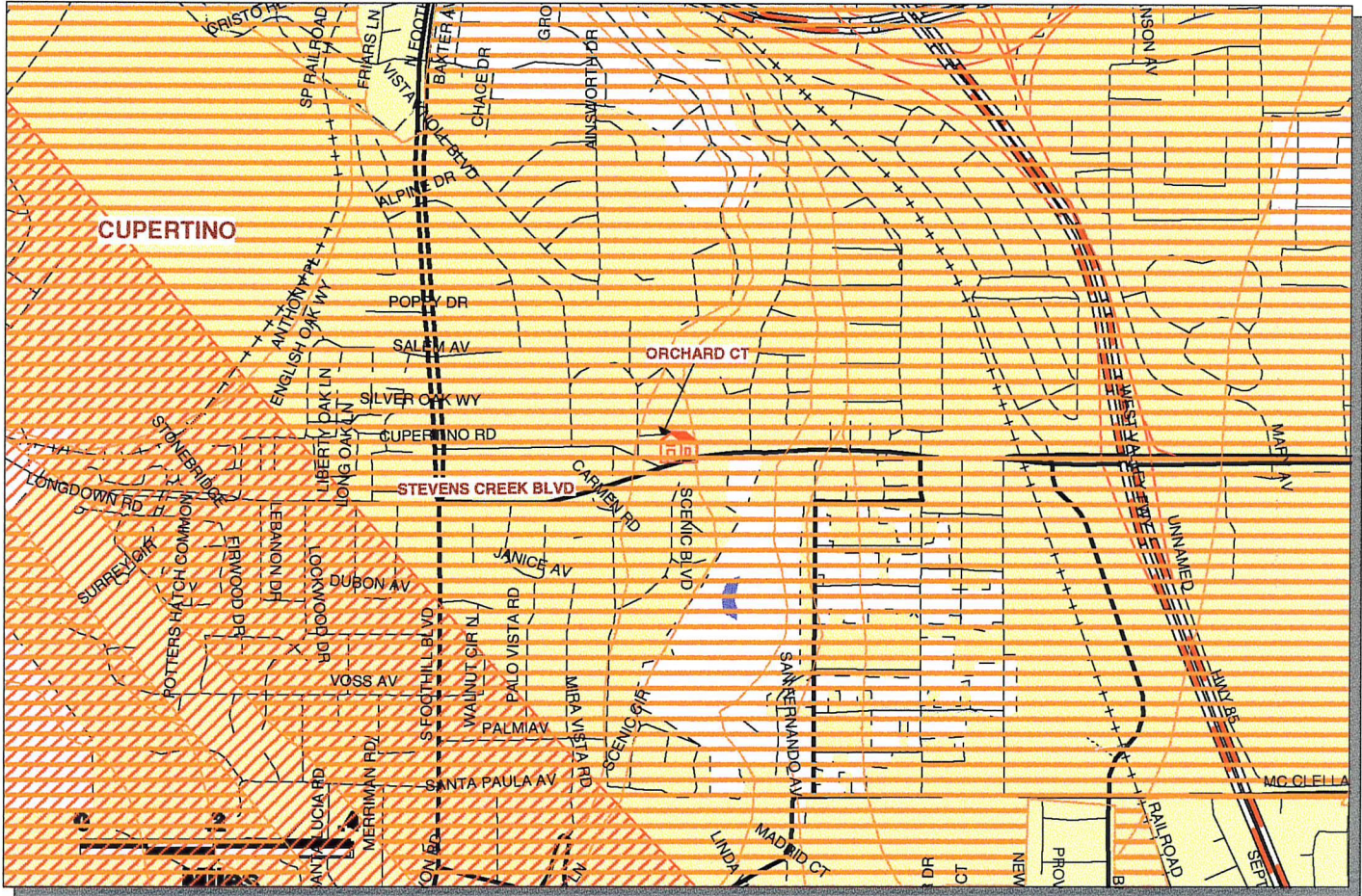
- Wildland Fire Area
- AP Fault Zones
- FEMA Flood Zones
- Seismic Hazard Areas
- Bates Fire Hazard Area
- Dam Inundation Hazard Zones
- Bodies of Water and Rivers
- City Regions

23-Jun-99

APN: Multiple parcels

ERN: 061799-204

**Expanded Disclosure Map**  
**22120 Stevens Creek Bl & Orchard Ct**  
**Cupertino, CA 95014**



**22120 Stevens Creek Bl & Orchard Ct Cupertino, CA 95014**

IS ☐ IS NOT ☒ in an Expanded Fault Special Studies Zone.

IS ☐ IS NOT ☒ located in a City/County Flood Hazard Area.

★ IS ☒ IS NOT ☐ in an Expanded Seismic/Geologic Hazard Area.

IS ☐ IS NOT ☒ in a City/County High Fire Hazard Zone.

**Map Legend**

- Fault Zones
- Flood Hazard Zones
- Seismic Hazard Areas
- High Fire Hazard Area
- Bodies of Water and Rivers
- City Regions

23-Jun-99

APN: Multiple parcels

ERN: 061799-204

★ Please refer to Schedule "A"  
for further information

This map shows natural hazards obtained from maps which are either: 1) in official use by a local government or, 2) "readily available" at a local government agency. They are not mandated disclosures according to AB 1195 because they are not extrapolated from "officially-adopted" State of California maps. The fact that they do exist and are often in use by local government planning and building departments, implies a significant civil liability if not disclosed.

## **Much of what you need to know today regarding natural hazards, if you are a buyer or seller of real property in California is contained in this VISTA Property Disclosure Report**

*This VISTA PROPERTY DISCLOSURE Report includes information required to be disclosed to any buyer of real property in California. This disclosure is intended to assist the buyer in ascertaining whether or not the Property is located within certain zones (or areas) that could have adverse impacts (perceived or otherwise) on the Property. An explanation of these zones is as follows*

### **State Mandated Natural Hazards Disclosure Statement**

The completed NHDS form is included at the end of this report. This is the new hazard disclosure form required by the State of California to accompany Real Property sales transactions. All you will need to do is sign the form, and present it to the buyer. VISTA Property Disclosure has researched governments for the availability of the official maps pertaining to the required hazard disclosures. Where no official maps were found, or are not available for the area, VISTA Property Disclosure has checked the disclosure item as "NO". Where official maps are available, and the Property is determined to be within the hazard zone, VISTA Property Disclosure has checked the item "YES". Where official maps have not been acquired; by law, VISTA Property Disclosure has checked the item "YES". The "NOT AVAILABLE" box will be checked for Dam Inundation disclosures unless official map determinations have been made. Occasionally, VISTA Property Disclosure will indicate that the property is "near" a zone boundary, and recommend that the Map Authority (such as the government who has adopted the map) make the final determination. In some cases, it might be necessary to change the status box on the NHDS form to reflect the final determination made by the Map Authority.

### **State Fire Responsibility Area**

A State Responsibility Area (SRA) is a zone where the state (as opposed to city or county fire departments) has the responsibility for wildland fire suppression. Property owners in SRA areas are responsible for organizing structural fire protection services. If no such fire service exists, there may be significantly added risks associated with fires. Additionally, governmental institutions may force new or additional constraints in an SRA. The source of this data is the official "State Responsibility for Fire Protection Maps" that the State of California publishes.

### **High or Very High Fire Hazard Area**

These are zones where the physical conditions of the area, including such factors as fuel, slope, and weather could cause fires that are more severe, more difficult to put out, and, as a result, could cause more damage. In most cases, if the property is in one of these areas, a Class "A" roof will be necessary for new construction or roof replacement. Other fire defense improvements including minimum clearances around structures may be required to be maintained. Sources of this data are the Bates fire zone maps, and government agencies or their appointed research contractors.

### **Alquist-Priolo or Other Designated Earthquake Fault Zones**

Alquist-Priolo Earthquake Fault Zones (AP) are areas designated by the State of California where earthquake fault zones have been mapped, and are referred to as the Alquist-Priolo Special Studies Zones. These zones can be as narrow as 600 feet, or as wide as about 1500 feet, extending to either side of a known or suspected fault. In these areas, the ground may be more likely to fracture during an earthquake along the particular fault for which the zone is designated. Some cities and/or counties have created their own fault zone maps that add to or change boundaries of fault zones when compared to the Alquist-Priolo zones. Where reasonably available, in addition to the AP maps, VISTA Property Disclosure uses local city or county agency maps. If a property is located within a designated geologic fault zone, a geologic study may be required prior to any new or additional construction, and construction requirements may be more expensive. In addition, the availability of insurance and its relative costs could be impacted. This zoning information is derived from the official "Earthquake Fault Zone Maps" as maintained and published by the California Division of Mines and Geology, and from available City and/or County maps.

### **Geologic and Seismic Hazard Zones**

The Department of Mines and Geology (DMG) is in the process of performing a study to identify areas of California that are more susceptible to landslides, liquefaction, and ground failure. These maps will be released over approximately a 10-year period beginning in 1996. Upon their release, Cities and Counties affected by the maps must require that sellers of properties located within the various zones must disclose this hazard to any buyer of the property. Some counties and cities have published their own maps of areas that have been designated as zones of geologic or seismic hazards. These zones, as with the DMG maps, are areas susceptible to landslides, liquefaction, and/or areas of potentially heavy shaking or ground failure during an earthquake, possibly resulting in structural damage. Where data is reasonably available, the VISTA Property Disclosure report will identify these geologic hazard zones. If the property is within one of these zones, a geologic study may be required prior to any new or additional construction. There may be special permitting requirements or restrictions, and construction requirements may be more expensive. This zoning information is obtained from reasonably available official and unofficial maps published by applicable City, County or Regional governments.

### **Mello-Roos Community Facilities Districts:**

Mello-Roos Community Facilities Districts are special taxation districts, legislated by local governments, and formed in order to finance certain public services. School district expansions, police and fire services, parks, emergency services,

libraries, etc. are examples of public services funded through Mello-Roos Districts. Areas effected by Mello-Roos are taxed in the form of continuing liens against property owners within the service areas. taxes on properties in these areas may be greater than what normally be the case.

### **Special Flood Hazard Areas**

These zones include "Special Flood Hazard Areas" where, in any given year, there is a 1% chance that a portion or all of the property is likely to be inundated floods, as determined by the Federal Emergency Management Agency Federal Insurance Administration (FEMA). Some Cities and/or Counties publish their own maps which designate local flood hazards that might vary from the FEMA maps. If the property is partially or wholly located within a "Special Flood Hazard Area", the lending institution will likely require flood insurance. The cost of such insurance will be much greater than what would normally be the case. Additionally, governmental restrictions may impact new or additional construction in such a zone. The source of the FEMA data is the "Q3 Flood Data Maps" as produced by FEMA.

### **Dam Inundation Areas**

These zones are areas where, in the event one or more nearby dam(s) or dike(s) fail or overflow, the property could be subject to flooding and/or damages associated with flash flooding caused by the dam or dike failure(s). There are more than 1400 dams in California - about 75% of which are earthen or rock constructed. Dam failures can be caused by severe earthquakes, or by heavy rainfall resulting in flooding, and overflowing of the reservoir. Some Cities and/or Counties publish their own maps which designate local flood hazards and dam inundation areas that might vary from the FEMA maps. Where reasonably available, these maps are also used in the VISTA Property Disclosure Reports. If the property is located within a Dam Inundation Area, there is currently no requirement for the lending institution to demand flood insurance (as would be the case if the Property were within a FEMA Special Flood Hazard Area). As such, insurance rates will not likely be effected. The map sources include reasonably available official and unofficial maps published by applicable City, County or Regional governments, and the Office of Emergency Services (OES) Dam Inundation Maps.

*If the Property is located close to, or within a designated zone, a Schedule "A" is attached to this report. Schedule "A" contains explanations of identified potential impacts.*

*Whenever possible, VISTA Property Disclosure attempts to utilize the most recent maps indicating geologic conditions which are officially used by governmental entities in determination of the various zones which are disclosed. All legally required disclosure maps for the particular zones in question are always represented. If a City has adopted a set of their own seismic hazard maps, for each reported seismic hazard zone, VISTA Property Disclosure will base the disclosures on the available City maps. If not, we defer to the next highest authority (county), and if the county has no adopted maps, we defer to the State or federal government agencies. For example, VISTA Property Disclosure will not report the county seismic hazard maps IF the city has adopted maps FOR THE PARTICULAR HAZARD ZONES IN QUESTION. If the city has no maps for a particular hazard (example; landslides), but the county does, VISTA Property Disclosure will use the county maps for that particular hazard disclosure. State and federal agency maps (unless they are part of a mandated disclosure,) are used as a last resort. There are occasions when hazard maps are not available to the public, are not officially adopted for use by the applicable governmental entity. In such cases, these maps have not been utilized in preparation of this limited VISTA Property Disclosure report, because they were not "reasonably available". VISTA Property Disclosure uses a more sophisticated map reconnaissance technique than that of most of our competitors. As a result, VISTA Property Disclosure may disclose hazard zone data that cannot be interpreted by competitors, and therefore is not disclosed in competitor's reports. VISTA Property Disclosure Reports, therefore, often contain information that appears to contradict that of competitor's reports. This only demonstrates the superior nature of VISTA Property Disclosure's reporting capabilities.*

*This VISTA Property Disclosure Report has been issued, and the Recipient of this Report agrees to read, utilize and act upon the information contained in this Report subject to the Terms, Conditions and Limitations of this VISTA Property Disclosure Report as specified in Schedule "B"*

## **Schedule "A"**

### ***Explanation of Identified Potential Impacts***

***If the Subject Property has been mapped within or near a designated hazard "zone", The following is an explanation of the potential impacts. If additional information or explanation is needed, please feel free to call the E/Risk toll-free 'Hot-Line' at (888) 261-6450.***

### **Descriptions for Mandatory Disclosure:**

#### **In an Office of Emergency Services (OES) Designated Flood Inundation Area from a Dam Failure**

The Property at 22120 Stevens Creek Bl & Orchard Ct Cupertino, CA 95014 is located in an area of potential flooding that could be caused as a result of an instantaneous dam failure, as identified by the Office of Emergency Services (OES). These zones are areas where the Property could be subject to flooding and/or damages associated with flash-flooding caused by instantaneous failure of a local area dam. Although VISTA Property Disclosure does disclose these State Mandated Hazard zones, they are not part of the "official" flood hazard zones as designated by the Federal Emergency Management Agency (FEMA). As such, it is unlikely that insurance rates would be affected, or that there would be any significant consequences with respect to permitting and building requirements. If further clarification is desired, VISTA Property Disclosure suggests that the buyer contact his/her insurance company, and the local building and planning departments, and inquire about the significance (if any) of being in this zone. If known, the following are the dams potentially impacting this site: (Dami1:Dami-OES)

#### **Site is located within a Special Flood Hazard Area**

The Property at 22120 Stevens Creek Bl & Orchard Ct Cupertino, CA 95014 is positioned on the map within a "Special Flood Hazard Area" as determined by the Federal Emergency Management Agency Federal Insurance Administration (FEMA). These are areas where a portion or all of the property has a 1% chance each year of being inundated by flood waters. If the property is partially or wholly located within a "Special Flood Hazard Area", the lending institution may require flood insurance. The cost of such insurance may be much greater than the norm. The source of this data is the "Q3 Flood Data Maps" as produced by FEMA. PLEASE NOTE THAT IN SOME CASES, CITIES OR COUNTIES MAY HAVE TAKEN CORRECTIVE ACTION SINCE THE PUBLICATION OF THE CURRENTLY-USED FEMA MAPS. In these cases, the Property may NOT be located in the FEMA designated zone.

VISTA Property Disclosure recommends that the buyer; 1) contact the city and/or county planning and building departments to ascertain if, in fact, the Property is still considered in a "100 year" flood zone; 2) contact his lending institution to ascertain the requirements for flood insurance, and; 3) contact his insurance company to ascertain the availability and cost of flood insurance.

### **Descriptions for Expanded Disclosure:**

#### **In a City of Cupertino Geologic hazard zone**

The Property at 22120 Stevens Creek Bl & Orchard Ct Cupertino, CA 95014 is located in a Ground Shaking, Ground Failure, and/or Ground Rupture hazard zone as designated by the City of Cupertino. These areas are described as having a potential for moderate to severe ground shaking during an earthquake, moderate to high landslide potential and moderate-high potential lateral spreading in certain areas of Stevens Creek canyon walls, with liquefaction potential low-moderate in certain areas. This zone includes areas with significant landslide potential. This zone also includes areas with moderate to high potential for ground rupture. The City usually requires special geologic studies for permitting construction or renovation in these designated zone. Some types of construction may be restricted. For clarification, VISTA Property Disclosure recommends that the buyer contact the local city building and planning departments to verify what impact being in this designated zone may have on future construction permitting. (Cup7:Cup-Land2)

**Near a City of Cupertino Ground Shaking and Liquefaction hazard zone**

The Property at 22120 Stevens Creek Bl & Orchard Ct Cupertino, CA 95014 is positioned on the map within 500 feet of a Ground Shaking and Liquefaction hazard zone as designated by the City of Cupertino. These areas are described as having a potential for moderate to severe ground shaking during an earthquake, and perhaps subject to liquefaction in some locations. While the Property is NOT actually positioned on the map within the designated area, because of the inherent possibility of error between maps, and interpretation(s) of those maps, VISTA Property Disclosure recommends that the buyer contact the City planning and building departments with the address of the Property to verify that the Property is not considered to be within the designated zone. If the Property IS considered by the City to be with the designated zone, additional requirements for permitting construction or renovation should be evaluated by the buyer. (CUP2:Cup-Liq1)

## Schedule "B"

### *Terms, Conditions, and Limitations*

This report is issued to the Recipient as of the date specified on the map herein, subject to the provisions of this Schedule "B". VISTA Property Disclosure Division of VISTA Information Solutions, Inc. (hereinafter referred to as VISTA) has no obligation to advise any persons, including the Recipient, of any changes in relevant facts, conditions, or circumstances that occur after the date of the report. VISTA has no accountability, obligation, or liability to any third party.

The VISTA Report (hereinafter referred to as "Report") is not a substitute for a physical inspection of the subject Property, examination of its physical conditions, and/or its surroundings by the Recipient and its consultants. This Report has been issued, and the Recipient of this Report agrees to read, utilize and act upon the information contained in the Report subject to the Terms, Conditions and Limitations of this Report as specified in this Schedule "B".

VISTA has not made any physical inspections of the Property. VISTA relies on publicly available information and maps provided by private and public Government sources ("Records"), and assumes their accuracy, without any independent investigation. Conditions do change, however, and recent changes may not be reflected on the "official" maps, Government databases, or the Records. VISTA makes no representations or claims as to the accuracy of the Records. Some of the sources from which the records were created have made their data available in electronic format. In cases where the data is not available in electronic format, VISTA has performed the processes necessary to transpose the data. Copying maps, however, by using copy machines, blueprinting, or electronic transposition is potentially imperfect, whether performed by Government, or by VISTA. In addition, the pencil or pen lines on a particular map could range in width up to more than 250 feet. As such, the exact boundaries of the hazard zones are undeterminable without consulting the map authority. In some cases, therefore, VISTA will report that the property appears to be in "close proximity" to a designated zone, and in these cases, recommends that the interested party perform further research to confirm the actual disposition. VISTA is not responsible for errors or omissions in the official Records, files, maps or databases, and no warranty or guarantee is expressed or implied thereon.

No opinion is given, no responsibility assumed, and no representation is made concerning the condition of the Property, whether structural, mechanical, or architectural. VISTA makes no claim concerning, and has no responsibility for: soil conditions, potential for flooding, drainage, settlement, subsidence, fire, compliance with applicable laws and zoning regulations, or any other occurrences that might be associated with zones, areas, or occurrences discussed in the Report. The Report does not represent or guarantee the condition of the Property. VISTA shall not be responsible for conditions or consequences arising from facts and information that were withheld or concealed, or not fully disclosed at the time this evaluation was performed. Recommendations made in the Report for this Property are based upon the data obtained and made available to VISTA. This report is not intended to be the only analysis of the Property by the Recipient and its consultants. The report was prepared to assist in decisions regarding this Property and its possible relation to the respective zones.

No responsibility is assumed for the accuracy of the address or APN provided to VISTA by the ordering party of this report.

Whether or not to purchase, and/or to insure the Property and its improvements is a personal decision by the owner for which VISTA assumes no responsibility for any costs or consequences arising from the purchase or non-purchase, and the necessity, lack of necessity, or desirability for any such insurance, including earthquake, flood, casualty, and/or liability insurance. The decision to insure or not should be made in consultation with the Recipient's insurance advisor, real estate broker/agent, and, if appropriate, an agent for the Federal Flood Insurance Program.

As a result of having issued this Report, VISTA will provide reasonable consultation to the Recipient concerning the report and its contents. VISTA, however, will not be obligated to: (i) provide testimony or evidence of any nature in any contested proceeding; or (ii) involve itself in any consultation with Recipient, its attorneys, or any other third parties except under a separate contractual arrangement in its sole and absolute discretion.

This Report is intended only to include information pertaining to various zones affirmatively discussed herein, and it does not in any manner whatsoever provide any other information concerning the Property not affirmatively discussed, including without limitation: a) state of title of the Property, including without limitation any exceptions to title, liens, encroachments, or other adverse matters which would be revealed by a real estate title examination and survey of the Property; b) status of the Property in relation to any California laws, including but not limited to the California Subdivision Map Acts; c) impact upon the Property of any federal, state, local laws, ordinances and regulations; d) conformance of the Property and any improvements with any applicable health, zoning and building codes; e) the physical condition of the Property and any improvements located thereon; f) property taxes, assessments of any nature including without limitation Mello-Roos District assessments; g) tax liens or forfeitures, legal proceedings, exceptions to title, easements, encumbrances, adverse claims of any nature, covenants, conditions or restrictions; h) regulations affecting the Property by any special state, local or federal political agency, including but not limited to flood control districts, California Coastal Commission, any joint powers district, water district or agency, or school district, and; i) any permits or any nature which may be required for the current or anticipated use of the Property by the Recipient.

This Report shall be governed by and construed in accordance with the laws of the State of California.

ACCEPTANCE OF THIS REPORT BY THE RECIPIENT, OR BY ANY THIRD PARTY CONSTITUTES ACCEPTANCE OF THE ABOVE TERMS, CONDITIONS, AND LIMITATIONS. LIABILITY BY THE COMPANY EXTENDS ONLY TO THE ORIGINAL INTENDED RECIPIENT, AND ALL PERSONS ASSOCIATED WITH THE TRANSFER OF THE PROPERTY, INCLUDING, BUT NOT LIMITED TO REAL ESTATE PROFESSIONALS.

(Last modified on 2/27/99)

# NATURAL HAZARD DISCLOSURE STATEMENT

This statement applies to the following property: 22120 Stevens Creek Blvd and Orchard Ct, Cupertino, CA 95014. APN: 357-09-053

The seller and his or her agent(s) disclose the following information with the knowledge that even though this is not a warranty, prospective buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this action to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

The following are representations made by the seller and his or her agent(s) based on their knowledge and maps drawn by the state. This information is a disclosure and is not intended to be part of any contract between the buyer and seller.

THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA(S): A SPECIAL FLOOD HAZARD AREA (Any type Zone "A" or "V") designated by the Federal Emergency Management Agency.

Yes ☒ No ☐ Do not know and information not available from local jurisdiction ☐

AN AREA OF POTENTIAL FLOODING shown on a dam failure inundation map pursuant to Section 8589.5 of the Government Code.

Yes ☒ No ☐ Do not know and information not available from local jurisdiction ☐

A VERY HIGH FIRE HAZARD SEVERITY ZONE pursuant to Section 51178 or 51179 of the Government Code. The owner of this property is subject to the maintenance requirements of Section 51182 of the Government Code.

Yes ☐ No ☒

A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS AND HAZARDS pursuant to Section 4125 of the Public Resources Code. The owner of this property is subject to the maintenance requirements of Section 4291 of the Public Resources Code. Additionally, it is not the state's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code.

Yes ☐ No ☒

AN EARTHQUAKE FAULT ZONE pursuant to Section 2622 of the Public Resources Code.

Yes ☐ No ☒

A SEISMIC HAZARD ZONE pursuant to Section 2696 of the Public Resources Code.

Yes (Landslide Zone) ☐ Yes (Liquefaction Zone) ☐ No ☐ Map not yet released by state ☒

THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER.

THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

[NHDS Supplement: The representations made in this NHDS form and report are based upon information provided by an independent third party as a substitute disclosure pursuant to California Civil Code 1102.4. Neither the seller nor seller's agent; 1) has independently verified the information contained herein; or 2) is personally aware of any errors or inaccuracies in the information contained on the form.]

Seller represents that the information herein is true and correct to the best of the seller's knowledge as of the date signed by the seller.

Signature of Seller Alan L. Stockman Date 6/28/99

Agent represents that the information herein is true and correct to the best of the agent's knowledge as of the date signed by the agent.

Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_

Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_

Buyer represents that he or she has read and understands this document.

Signature of Buyer [Signature] Date 6/28/99



Professionally Certified

# NATURAL HAZARD DISCLOSURE STATEMENT

This statement applies to the following property: 22120 Stevens Creek Blvd and Orchard Ct, Cupertino, CA 95014. APN: 326-17-004

The seller and his or her agent(s) disclose the following information with the knowledge that even though this is not a warranty, prospective buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this action to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

The following are representations made by the seller and his or her agent(s) based on their knowledge and maps drawn by the state. This information is a disclosure and is not intended to be part of any contract between the buyer and seller.

THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA(S): A SPECIAL FLOOD HAZARD AREA (Any type Zone "A" or "V") designated by the Federal Emergency Management Agency.

Yes \_\_\_\_\_ No \_\_\_\_\_ Do not know and information not available from local jurisdiction X

AN AREA OF POTENTIAL FLOODING shown on a dam failure inundation map pursuant to Section 8589.5 of the Government Code.

Yes X No \_\_\_\_\_ Do not know and information not available from local jurisdiction \_\_\_\_\_

A VERY HIGH FIRE HAZARD SEVERITY ZONE pursuant to Section 51178 or 51179 of the Government Code. The owner of this property is subject to the maintenance requirements of Section 51182 of the Government Code.

Yes \_\_\_\_\_ No X

A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS AND HAZARDS pursuant to Section 4125 of the Public Resources Code. The owner of this property is subject to the maintenance requirements of Section 4291 of the Public Resources Code. Additionally, it is not the state's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code.

Yes \_\_\_\_\_ No X

AN EARTHQUAKE FAULT ZONE pursuant to Section 2622 of the Public Resources Code.

Yes \_\_\_\_\_ No X

A SEISMIC HAZARD ZONE pursuant to Section 2696 of the Public Resources Code.

Yes (Landslide Zone) \_\_\_\_\_ Yes (Liquefaction Zone) \_\_\_\_\_ No \_\_\_\_\_ Map not yet released by state X

THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER.

THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

[NHDS Supplement: The representations made in this NHDS form and report are based upon information provided by an independent third party as a substitute disclosure pursuant to California Civil Code 1102.4. Neither the seller nor seller's agent; 1) has independently verified the information contained herein; or 2) is personally aware of any errors or inaccuracies in the information contained on the form.]

Seller represents that the information herein is true and correct to the best of the seller's knowledge as of the date signed by the seller.

Signature of Seller Alan L. Stachler Date 6/28/99

Agent represents that the information herein is true and correct to the best of the agent's knowledge as of the date signed by the agent.

Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_

Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_

Buyer represents that he or she has read and understands this document.

Signature of Buyer [Signature] Date 6/28/99



Professionally Certified

**FEDERAL EMERGENCY MANAGEMENT AGENCY  
STANDARD FLOOD HAZARD DETERMINATION**

*See the Attached  
Instructions*

O.M.B No. 3067-0264  
Expires April 30, 1998

**SECTION I - LOAN INFORMATION**

|   |                                  |   |  |
|---|----------------------------------|---|--|
| 1. LENDER NAME AND ADDRESS<br><br>VISTA Property Disclosure Division<br>VISTA Information Solutions, Inc.<br>100 N Winchester Blvd Suite 240<br>Santa Clara, CA 95050 |                                  | 2. COLLATERAL (Building/Mobile Home/Personal Property) PROPERTY ADDRESS<br>(Legal Description may be attached)<br><br>Submitted:<br>22120 Stevens Creek Bl & Orchard Ct<br>Cupertino, CA 95014<br><br>APN: Multiple parcels |  |
| 3. LENDER ID. NO.   | 4. LOAN IDENTIFIER<br>061799-204 | 5. AMOUNT OF FLOOD INSURANCE REQUIRED   |  |

**SECTION II**

|   |   |                                       |                                 |                |
|---|---|---------------------------------------|---------------------------------|----------------|
| <b>A. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) COMMUNITY JURISDICTION</b>                              |   |                                       |                                 |                |
| NFIP Community Name<br>Cupertino  | County(ies)<br>SANTA CLARA                          | State<br>CA                           | NFIP Community Number<br>060339 |                |
| <b>B. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DATA AFFECTING BUILDING/MOBILE HOME</b>                 |   |                                       |                                 |                |
| NFIP Map Number or Community-Panel Number<br>(Community name, if not the same as "A")<br>060339-0003C | NFIP Map Panel Effective/<br>Revised Date<br>5/1/80 | LOMA/LOMR<br><input type="checkbox"/> | Flood<br>Zone/Elevation<br>A13/ | No NFIP<br>Map |

|   |  |  |  |  |
|---|--|--|--|--|
| <b>C. FEDERAL FLOOD INSURANCE AVAILABILITY (Check all that apply)</b>   |  |  |  |  |
| <input checked="" type="checkbox"/> Federal Flood Insurance is available (community participates in NFIP). <input type="checkbox"/> Regular Program <input checked="" type="checkbox"/> Emergency Program of NFIP |  |  |  |  |
| <input type="checkbox"/> Federal Flood Insurance is not available because community does not participate in the NFIP.   |  |  |  |  |
| <input type="checkbox"/> Building/Mobile Home is in a Coastal Barrier Resources Area (CBRA), Federal Flood Insurance may not be available.<br>CBRA designation date: _____  |  |  |  |  |

|   |   |
|---|---|
| <b>D. DETERMINATION</b>   |   |
| <b>IS BUILDING/MOBILE HOME IN A SPECIAL FLOOD HAZARD AREA<br/>(ZONES BEGINNING WITH LETTERS "A" OR "V")?</b><br>If yes, flood insurance is required by the Flood Disaster Protection Act of 1973.<br>If no, flood insurance is not required by the Flood Disaster Protection Act of 1973. | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |

|                                |   |
|--------------------------------|---|
| <b>E. COMMENTS (Optional):</b> |   |
| A                              | an area inundated by 100-year<br>flooding where flood elevations and<br>flood hazard factors have been<br>determined. |

\*\*\*\*\*  
 \*\*\*\*\* **This is a Standard Certificate** \*\*\*\*\*  
 This certificate represents a one-time determination of flood hazard. Life-of-Loan tracking service is not in force.  
 \*\*\*\*\*

This determination is based on examining the NFIP map, any Federal Emergency Management Agency revisions to it, and any other information needed to locate the building/mobile home on the NFIP map.

|  |  |                              |
|--|--|------------------------------|
| <b>F. PREPARER'S INFORMATION</b>   |  | <b>DATE OF DETERMINATION</b> |
| NAME, ADDRESS, TELEPHONE NUMBER (If other than Lender)                   |  |                              |
| Fidelity National Flood Inc.<br>P.O. Box 162094<br>Austin, TX 78716-2094 | Phone: (800) 756-5043<br>Fax: (800) 756-5053 | 6/18/99                      |
|  |  | ID#: 99-1281688              |



# Fidelity National Title Company

10300 South De Anza Blvd. Suite A • Cupertino, CA 95014  
(408) 996-7177 • FAX (408) 252-8029

99 058

DATE: June 28, 1999  
ESCROW NO: 311100-DP

## CERTIFICATION OF TRUST PURSUANT TO CALIFORNIA PROBATE CODE SECTION 18100.5

I (We), ALAN L. STOCKLMEIR, trustee(s) of the ALAN STOCKLMEIR REVOCABLE confirm the following facts:

1. The Alan Stocklmeir Revocable Trust  
(Name of Trust)  
is currently in existence and was created on Feb 25th, 1998  
(Date of Trust)
2. The settlor(s) of the trust are as follows:  
Alan L. Stocklmeir
3. The currently acting trustee(s) of the trust is (are):  
Alan L. Stocklmeir
4. The power of the trustee(s) includes:  
(a) The powers to sell, convey and exchange ☒ Yes ☐ No (check one)  
(b) The power to borrow money and encumber the trust property with a deed of trust or mortgage ☒ Yes ☐ No (check one)
5. The trust is ☒ revocable; ☐ irrevocable (check one) and the following party(ies) if any, is (are) identified as having the power of to revoke the trust:
6. The trust ☐ does; ☒ does not have multiple trustees (check one). If the trust has multiple trustees, the signatures of all the trustees or of any \_\_\_\_\_ of the trustees is required to exercise the powers of the trust.

FIDELITY NATIONAL TITLE  
hereby certifies that this is a true copy  
of the original

7. The trust identification number is as follows:

564-64-5761  
(Social Security number/Employee Identification number)

8. Title to trust assets shall be taken in the following fashion: \_\_\_\_\_

Alan Stocklmeir Revocable Trust

The undersigned trustee(s) hereby declare(s) that the trust has not been revoked, modified, or amended in any manner which would cause the representations contained herein to be incorrect. This certification is being signed by all of the currently acting trustees and is being executed in conformity with the provisions of California Probate Code Section 18100.5, Chapter 530, Statutes of 1993.

Dated: 6/28/99

Alan L. Stocklmeir  
TRUSTEE

\_\_\_\_\_  
TRUSTEE

\_\_\_\_\_  
TRUSTEE

\_\_\_\_\_  
TRUSTEE

STATE OF CALIFORNIA  
COUNTY OF

Santa Clara  
ON 6/28/99 before me,  
D. PATRICK personally appeared

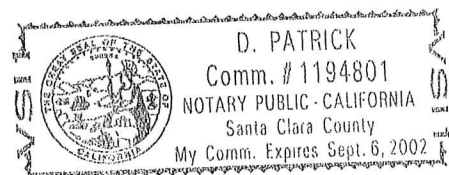
ALAN L. STOCKLMEIR

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

Witness my hand and official seal.

Signature

D. Patrick



RECORDING REQUESTED BY:  
Fidelity National Title Company - Cupertino  
Escrow No. 311100-DP  
Title Order No. 00311100

When Recorded Mail Document To:  
MR. KURT M. STOCKLMEIR

FIDELITY NATIONAL TITLE  
hereby certifies that this is a true copy  
of the original.

APN: 357-09-053

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## POWER OF ATTORNEY - SPECIAL

KNOW ALL MEN BY THESE PRESENTS

that **KURT M. STOCKLMEIR** has (have) made, constituted and appointed, and by these presents does(do) hereby make, constitute and appoint **ALAN L. STOCKLMEIR**, my(our) true and lawful Attorney(ies) for me(us) and in my(our) name, place and stead to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities, and demands whatsoever as are now or shall hereafter become due, owing, payable, or belonging to the undersigned; and have, use, and take all lawful ways and means in the name of the undersigned, or otherwise, for the recovery thereof, by legal process, and to compromise and agree for the same, and grant acquittance or other sufficient discharges for the same, for the undersigned, and in the name of the undersigned to make, seal, and deliver the same; to compromise any and all debts owing by the undersigned, and to convey, transfer, and/or assign any property of any kind or character belonging to the undersigned in satisfaction of any debt owing by us or either of us; to bargain, contract, agree for, purchase, receive, and take lands, tenements, hereditaments, and accept the seisin and possession of all lands, and all deeds, and other assurances in the law therefor; and to lease, let, demise, bargain, sell, remise, release, convey, mortgage, convey in trust, and hypothecate lands, tenements, and hereditaments, upon such terms and conditions, and under such covenants as said attorney shall think fit; to exchange real or personal property for other real or personal property, and to execute and deliver the necessary instruments of transfer or conveyance to consummate such exchange; to execute and deliver subordination agreements subordinating any lien, encumbrance or other right in real or personal property to any other lien, encumbrance, or other right therein; also to bargain and agree for, buy, sell, mortgage, hypothecate, convey in trust or otherwise, and in any and every way and manner deal in and with goods, wares and merchandise, choses in action, and other property in possession or in action, including authority to utilize my eligibility for V A Guaranty; also to transfer, assign, and deliver stock and the certificate or certificates evidencing the ownership of the same; and to make, do, and transact all and every kind of business of what nature and kind soever; and, also, for the undersigned and in the name(s) and as the act and deed of the undersigned, to sign, seal, execute, deliver, and acknowledge such deeds, covenants, leases, indentures, agreements, mortgages, deeds of trust, hypothecations, assignments, bottomries, charter parties, bills of lading, bills, bonds, notes, receipts, evidences of debts, releases, and satisfactions of mortgage, judgement and other debts, and such other instruments in writing, of whatever kind of nature, as may be reasonable, advisable, necessary or proper in the premises. Each and all of the powers herein granted shall be exercised by said Attorney as to the following described property only: (Commonly known as **22120 Steven Creek Boulevard** and non-situs **Orchard St., Cupertino, CA 95014**)

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

GIVING AND GRANTING unto said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as the undersigned might or could do if personally present, the undersigned hereby expressly ratifying and confirming all that said Attorney shall lawfully do or cause to be done by virtue of these presents.

Dated: June 9, 1999

Kurt M. Stockmeir  
KURT M. STOCKLMEIR

STATE OF ~~CALIFORNIA~~ VIRGINIA  
COUNTY OF HAMPTON  
CITY

ON 6-14-99 before me, KURT M STOCKMEIR personally appeared

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

WITNESS my hand and official seal.

Signature 

My Commission Expires March 31 2001



# Fidelity National Title Company

10300 South De Anza Blvd. Suite A • Cupertino, CA 95014  
(408) 996-7177 • FAX (408) 252-8029

DATE: June 9, 1999  
ESCROW NO: 311100-DP  
PROPERTY ADDRESS:  
22120 Steven Creek Boulevard and non-situs  
Orchard St., Cupertino, CA 95014

## POWER OF ATTORNEY INSTRUCTIONS

The undersigned hand you herewith a SPECIAL Power of Attorney, executed by the undersigned and naming ALAN L. STOCKLMEIR Attorney in Fact. You are hereby authorized and instructed to accept the instructions of said Attorney in Fact in this escrow and to act upon same as though given by me personally.

You are further instructed to accept his/her signature on my behalf as approval of all documents and instructions in this escrow, with my full approval and acceptance of same.

You are instructed to record the original Power of Attorney at the close of escrow and all charges for this procedure are to be charged to my account and paid in this escrow.

The undersigned fully understands the ramifications of this document and acknowledges that Fidelity National Title Company - Cupertino has advised that the undersigned should seek the advise of counsel prior to the execution of this document.

Mail the recorded document to: \_\_\_\_\_

\_\_\_\_\_

Alan L. Stocklmeir \_\_\_\_\_

\_\_\_\_\_

Sworn to and subscribed before me, in my presence  
this 14<sup>th</sup> day of JUNE, 1999. A Virginia  
Notary Public. In and for HAMPDEN County/City  
[Signature] Notary Public.

My Commission Expires March 31, 2001

**RECORDING REQUESTED BY:**

Fidelity National Title Company - Cupertino

Escrow No. 311100-DP

Title Order No. 00311100

**When Recorded Mail Document To:**

PAMELA T. STOCKLMEIR

FIDELITY NATIONAL TITLE  
hereby certifies that this is a true copy  
of the original.

APN: 357-09-053

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**POWER OF ATTORNEY - SPECIAL**

## KNOW ALL MEN BY THESE PRESENTS

that **PAMELA T. STOCKLMEIR** has (have) made, constituted and appointed, and by these presents does(do) hereby make, constitute and appoint **ALAN L. STOCKLMEIR**, my(our) true and lawful Attorney(ies) for me(us) and in my(our) name, place and stead to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities, and demands whatsoever as are now or shall hereafter become due, owing, payable, or belonging to the undersigned; and have, use, and take all lawful ways and means in the name of the undersigned, or otherwise, for the recovery thereof, by legal process, and to compromise and agree for the same, and grant acquittance or other sufficient discharges for the same, for the undersigned, and in the name of the undersigned to make, seal, and deliver the same; to compromise any and all debts owing by the undersigned, and to convey, transfer, and/or assign any property of any kind or character belonging to the undersigned in satisfaction of any debt owing by us or either of us; to bargain, contract, agree for, purchase, receive, and take lands, tenements, hereditaments, and accept the seisin and possession of all lands, and all deeds, and other assurances in the law therefor; and to lease, let, demise, bargain, sell, remise, release, convey, mortgage, convey in trust, and hypothecate lands, tenements, and hereditaments, upon such terms and conditions, and under such covenants as said attorney shall think fit; to exchange real or personal property for other real or personal property, and to execute and deliver the necessary instruments of transfer or conveyance to consummate such exchange; to execute and deliver subordination agreements subordinating any lien, encumbrance or other right in real or personal property to any other lien, encumbrance, or other right therein; also to bargain and agree for, buy, sell, mortgage, hypothecate, convey in trust or otherwise, and in any and every way and manner deal in and with goods, wares and merchandise, choses in action, and other property in possession or in action, including authority to utilize my eligibility for V A Guaranty; also to transfer, assign, and deliver stock and the certificate or certificates evidencing the ownership of the same; and to make, do, and transact all and every kind of business of what nature and kind soever; and, also, for the undersigned and in the name(s) and as the act and deed of the undersigned, to sign, seal, execute, deliver, and acknowledge such deeds, covenants, leases, indentures, agreements, mortgages, deeds of trust, hypothecations, assignments, bottomries, charter parties, bills of lading, bills, bonds, notes, receipts, evidences of debts, releases, and satisfactions of mortgage, judgement and other debts, and such other instruments in writing, of whatever kind of nature, as may be reasonable, advisable, necessary or proper in the premises. Each and all of the powers herein granted shall be exercised by said Attorney as to the following described property only: (Commonly known as **22120 Steven Creek Boulevard and non-situs Orchard St., Cupertino, CA 95014**)

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

P.S.

GIVING AND GRANTING unto said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as the undersigned might or could do if personally present, the undersigned hereby expressly ratifying and confirming all that said Attorney shall lawfully do or cause to be done by virtue of these presents.

Dated: June 9, 1999



PAMELA T. STOCKLMEIR

OREGON

STATE OF ~~CALIFORNIA~~

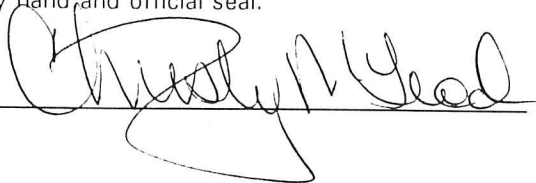
COUNTY OF Clackamas

ON June 11<sup>th</sup>, 1999 before me, Christina McLeod personally appeared  
Pamela T. Stocklmeir

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

WITNESS my hand and official seal.

Signature





## EXHIBIT ONE

### PARCEL ONE:

Beginning at the point of intersection of the Southerly line of the Stevens Creek Road, as it formerly existed 40 feet wide, with the center line of Stevens Creek; thence in a general Southerly direction along the center line of Stevens Creek the following courses and distances: South  $48^{\circ} 30'$  East 110.55 feet; South  $59^{\circ} 45'$  East 132.00 feet; South  $45^{\circ}$  East 162.03 feet; South  $^{\circ} 37'$  East 122.10 feet; South  $4^{\circ} 8'$  West 231.66 feet; South  $24^{\circ}$  West 80.26 feet; South  $36J^{\circ}$  West 199.32 feet; South  $25^{\circ}$  West 54.12 feet; and South  $36^{\circ} 30'$  West 107.38 feet to a station designated D.S.5 from which a sycamore 14 inches in diameter marked B.T.D.S.5 bears South  $36^{\circ} 45'$  East 17.82 feet; thence leaving the center line of Stevens Creek and running along the Easterly line of Monta Vista Park, the Map of which is of record in Book "P" of Maps, page 19, Santa Clara County Records, and along the Easterly line of Inspiration Point, Monta Vista, the Map of which is of record in Book "P" of Maps, page 18, Santa Clara County Records, the following courses and distances: North  $4^{\circ} 41'$  West 339.24 feet to a station designated D.S.r; North  $4^{\circ} 11'$  West 191.40 feet to a pipe; and North  $12^{\circ} 1'$  West 448.00 feet to a pipe at the Northeasterly corner of said Inspiration Point, Monta Vista; thence North  $37^{\circ} 42'$  West 13.00 feet to a pipe on said Southerly line of Stevens Creek Road; thence along said Southerly line of Stevens Creek Road, North  $89^{\circ}$  East 84.48 feet to the point of beginning, being a portion of the San Antonio Rancho, and being shown upon that certain Map entitled "Map of a Survey made for Adelheid M. Stocklmeir in the San Antonio Rancho", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on December 29, 1915, in Book "O" of Maps, page 88.

Excepting therefrom all that certain land conveyed to The City of Cupertino, a Municipal Corporation recorded September 29, 1986 as Instrument No. 8962038 in Book J861, Official Records, page 2072, more particularly described as follows:

Being a portion of the San Antonio Rancho being more particularly described as follows:

Beginning at a point in the Easterly boundary of "Tract No. 5915" recorded in Book 384 of Maps at pages 18 and 19, Santa Clara County Records, said point being the Northeasterly boundary corner of "Lot 30" as shown upon said Map;

Thence from said point of beginning, along said Easterly boundary line of "Tract No. 5915", North  $11^{\circ} 58' 43"$  West 42.00 feet to the Northeasterly boundary corner of the "Map of Inspiration Point, Monta Vista", as recorded in Book "P" of Maps at page 18, Santa Clara County Records, said point also being the "Tract No. 5915" and designated as "Stevens Creek Blvd.";

Thence leaving said Easterly boundary line of "Tract No. 5915", North  $37^{\circ} 55' 03"$  West 5.80 feet to the intersection thereof with a non-tangent curve having a radius of 988.01 feet, the radius point of which bears South  $13^{\circ} 18' 30"$  East, said point being the True Point of Beginning of this description;

Thence from said True Point of beginning, Easterly on the arc of said curve, through a central angle of  $0^{\circ} 12' 43"$ , for an arc length of 3.66 feet to a point of compound curvature;

Thence continuing Easterly on the arc of a curve having a radius of 35.00 feet; through a central angle of  $27^{\circ} 21' 15"$ , for an arc length of 16.71 feet to a point of reverse curvature;

Thence continuing Easterly on the arc of a curve having a radius of 20.00 feet; through a central angle of  $25^{\circ} 19' 20"$ , for an arc length of 8.84 feet, a radial at said point bears South  $11^{\circ} 03' 52"$  East;

Thence North  $78^{\circ} 56' 08"$  East 6.62 feet;

Thence North  $82^{\circ} 57' 52"$  East, 42.66 feet to a point in the centerline of Stevens Creek, said point being in the Southerly right of way line of Stevens Creek Boulevard (40.00 feet wide as it formerly existed);

Thence along said Southerly right of way line of Stevens Creek Boulevard, South  $88^{\circ} 46' 38"$  West 81.76 feet;

Thence leaving said Southerly right of way line of Stevens Creek Boulevard, South  $37^{\circ} 55' 03"$  East 6.57 feet to the True Point of Beginning.

## PARCEL TWO:

All of Lots 30 and 31, shown on the Map entitled, "Tract No. 5915 The Meadows of Cupertino", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, state of California on November 30, 1976, in Book 384 of Maps at pages 18 and 19.

## PARCEL THREE:

The exclusive right to travel over the hereinafter described parcels of land for agricultural purposes as are interpreted and provided for under "A (Agricultural) Zone" use including use for habitational accommodations now a part of or to be provided for under "A (Agricultural) Zone" activities to and from the lands of the Grantee herein to Scenic Boulevard:

All that portion of lot 20, shown on the Map entitled, "Tract No. 5915 The Meadows of Cupertino", which said Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California on November 30, 1976 in Book 384 of Maps, at pages 18 and 19, described as follows:

### Parcel 1:

Beginning at a point on the Westerly line of that certain 4.851 Acre Parcel as said Parcel is shown upon the Map of a Survey made for Adelheid M. Stocklmeir in the San Antonio Rancho, a Map of which is filed for record in Book "O" of Maps, page 88, Santa Clara County Records, distant thereon along said Westerly line North 2° 15' 00" West, 339.24 feet and North 7° 15' 00" West, 87.54 feet from the most Southerly corner of said 4.851 acre parcel marked on said Map as DS5, thence leaving said Westerly line of 4.851 acre parcel, South 82° 45' 00" West, 26.53 feet to the intersection thereof with a curve whose radial bears South 73° 40' 19" East, from the center of the curve through the said point of intersection; thence on a curve to the right having a radius of 25 feet, through a central angle of 112° 39' 51", for an arc length of 49.16 feet; thence North 53° 00' 28" West, 55.00 feet to beginning of a tangent curve; thence on a curve to the left having a radius of 204.00 feet, through a central angle of 23° 00' 00", for an arc length of 81.89 feet; thence North 74° 00' 28" West, 63.75 feet to the beginning of a tangent curve; thence on a curve to the left having a radius of 104.00 feet, through a central angle of 8° 14' 13", for an arc length of 14.95 feet to a point of compound curve; thence on a compound curve to the left, leaving a radius of 20.00 feet, through a central angle of 40° 59' 26", for an arc length of 14.31 feet to the intersection of the Easterly line of Scenic Boulevard; thence along said Easterly line, North 0° 08' 54" East, 38.94 feet to the intersection thereof with a curve whose radial bears South 33° 30' 56" West from the center of a curve through the said point of intersection; thence on a curve to the left having a radius of 20.00 feet, through a central angle of 29° 16' 47", for an arc length of 10.22 feet to a point of reverse curve; thence on reverse curve to the right, having a radius of 136 feet, through central angle of 11° 45' 23", for an arc length of 27.91 feet; thence South 74° 00' 08" East, 63.75 feet to the beginning of tangent curve; thence on a curve to the right having a radius of 236.00 feet, through a central angle of 23° 00' 00", for an arc length of 94.74 feet; thence South 51° 00' 20" East, 20.69 feet to the beginning of a tangent curve; thence on a curve to the left, having a radius of 20.00 feet, through a central angle of 48° 15' 05", for an arc length of 16.88 feet to a point of reverse curve; thence on a reverse curve to the right, having a radius of 25.00 feet, through a central angle of 73° 25' 51" for an arc length of 32.04 feet; thence North 82° 45' 00" East, 26.53 feet to the intersection thereof with said Westerly line of said 4.851 acre parcel; thence along said Westerly line, South 7° 15' 00" East, 20.00 feet to the point of beginning, and being all that portion of said Lot 29 lying within Stocklmeir Court, as said Court is shown on said recorded Map and that portion of said Lot 29 lying between the line of said Lot 29 as contained within the above described property.

### Parcel 2:

Beginning at a point on the Westerly line of that certain 4.851 acre parcel as said parcel is shown upon the Map of a Survey made for Adelheid M. Stocklmeir in the San Antonio Rancho, a Map of which if filed for record in Book "O" of Maps, page 88, Santa Clara County Records, distant thereon along said Westerly line North 2° 15' 00" WEst, 205.67 feet from the most Southerly corner of said 4.51 acre parcel marked on said Map by DS5; thence leaving said Westerly line of 4.851 acre parcel South 87° 59' 32" West, 6.45 feet to the intersection with a curve whose radial bears South 68° 25' 46" East, from the center of the curve through the said point of intersection ; thence on a curve to the right having a radius of 25 feet, through a central angle of 99° 42' 06", for an arc length of 43.50 feet to a point of reverse curve, thence on a reverse curve to the left, having a radius of 20.0-0 feet, through a central angle of 40° 47' 14", for an arc length of 14.24 feet to a point of compound curve; thence on compound curve to the left,

having a radius of 209.00 feet through a central angle of  $7^{\circ} 29' 34''$  for an arc length of 27.33 feet; thence South  $72^{\circ} 59' 32''$  West, 106.00 feet to beginning of a tangent curve; thence on a curve to the right having a radius of 103.00 feet, through a central angle of  $48^{\circ} 30' 00''$ , for an arc length of 87.19 feet; thence North  $58^{\circ} 30' 28''$  West, 106.00 feet to beginning of a tangent curve, thence on a curve to the right having a radius of 103.00 feet, through a central angle of  $48^{\circ} 30' 00''$ , for an arc length of 87.19 feet, thence North  $58^{\circ} 30' 28''$  West, 19.62 feet to the beginning of a tangent curve; thence on a curve to the left, having a radius of 2000 feet through a central angle of  $37^{\circ} 54' 44''$ , for an arc length of 13.23 feet to the intersection thereof with a curve of the Easterly line of Scenic Boulevard bears South  $77^{\circ} 13' 15''$  east, from the center of the curve through the point of intersection; thence along the said curve of the Easterly line of Scenic Boulevard on a curve to the left having a radius of 415.00 feet, through a central angle of  $8^{\circ} 06' 18''$ , for an arc length of 39.14 feet to the intersection thereof with a curve whose radial bears South  $82^{\circ} 37' 27''$  East, from the center of curve through the point of intersection, thence on a curve to the left, having a radius of 20.00 feet, through a central angle of  $8^{\circ} 06' 18''$ , for an arc length of 2083 feet; thence South  $58^{\circ} 30' 28''$  East, 43.37 feet to the beginning of a tangent curve; thence on a curve to the left, having a radius of 71.00 feet; through a central angle of  $48^{\circ} 30' 00''$ , for an arc length of 61.10 feet; thence North  $72^{\circ} 59' 32''$  East, 106.00 feet to the beginning of a tangent curve; thence on a curve to the right, having a radius of 241 feet, through a central angle of  $8^{\circ} 36' 47''$  for an arc length of 36.23 feet to a point of reverse curve; thence on a reverse curve to the left, having a radius of 20.00 feet, through a central angle of  $33^{\circ} 47' 42''$ , for an arc length of 11.80 feet to a point of reverse curve; thence on a reverse curve to the right, having a radius of 25.00 feet, through a central angle of  $106^{\circ} 36' 14''$ , for an arc length of 46.51 feet; thence North  $87^{\circ} 59' 32''$  East, 6.37 feet to the intersection thereof with the said Westerly line of that 4.851 acre parcel; thence along said Westerly line, South  $2^{\circ} 15' 11''$  East, 20.00 feet to the point of beginning, and being all that portion of said Lot 29 lying within Dean Court as said Court is shown on said recorded Map and those portions of Lots 29 and 31 lying between the line establishing the Easterly terminus of said Court and the Easterly line of Lot 31 as contained within the above described property.

PARCEL 4:

Lot "B" as laid down, designated and delineated upon that certain Map entitled "Map of Russell Hurst, Monte Vista", which Map was recorded in the Office of the County Recorder of the County of Santa Clara, State of California on April 11, 1917 in Book "P" of Maps at Page 22.



# Fidelity National Title Company

10300 South De Anza Blvd. Suite A • Cupertino, CA 95014  
(408) 996-7177 • FAX (408) 252-8029

DATE: June 9, 1999  
ESCROW NO: 311100-DP  
PROPERTY ADDRESS:  
22120 Steven Creek Boulevard and non-situs  
Orchard St., Cupertino, CA 95014

## POWER OF ATTORNEY INSTRUCTIONS

The undersigned hand you herewith a SPECIAL Power of Attorney, executed by the undersigned and naming ALAN L. STOCKLMEIR Attorney in Fact. You are hereby authorized and instructed to accept the instructions of said Attorney in Fact in this escrow and to act upon same as though given by me personally.

You are further instructed to accept his/her signature on my behalf as approval of all documents and instructions in this escrow, with my full approval and acceptance of same.

You are instructed to record the original Power of Attorney at the close of escrow and all charges for this procedure are to be charged to my account and paid in this escrow.

The undersigned fully understands the ramifications of this document and acknowledges that Fidelity National Title Company - Cupertino has advised that the undersigned should seek the advise of counsel prior to the execution of this document.

Mail the recorded document to: \_\_\_\_\_

\_\_\_\_\_  
  
\_\_\_\_\_

CC 03-19-2024

#9

Council Reports, Moore

Desk Item



## CITY COUNCIL ACTIVITY REPORT

Meeting: March 19, 2024

Reporting Councilmember: Councilmember Kitty Moore

Report Activity Dates: 2/23/24 to 3/19/24

Event Date, Title, and Description:

**February 23, 2024.** First time attendee at the Cupertino Chamber of Commerce Lunar New Year Celebration. Met many our business community leaders including a water retailer where I learned about PFAS being measured in ppt (not ppm, or ppb)

**January 8, 2024-present.** Begin Winter quarter Environmental Studies courses: Environmental Management Tools: Environmental Management Systems & Environmental Performance Reporting and Environmental Resource Mgmt & Pollution Prevention: Air, Water & Land. Self-funded. I have been studying the quality management-related ISO 14001 sustainability planning standards, air pollution controls, and water law and clean-up standards post Cuyahoga River fire and Clean Water Act of 1972. This is the start of my third year in Environmental Studies. Have reviewed the Cupertino GP, Sustainability elements, local Superfund sites, and been researching local PFAS. De Anza is recognized for their excellent Environmental Studies Program.

**March 5, 2024 City Council Meeting**

**March 11, 2024. 2:1 Meeting** with City Manager and City Attorney.

**March 11, 2024.** Wrote city RE PFAS: PFOA and PFOS and online research results <https://ca.water.usgs.gov/projects/gama/water-quality-results/>

**March 10, 2024.** Attended League of Women Voters – Cupertino - Sunnyvale “Meet Electeds Mixer” with area electeds in a less formal setting to have a chance to chat.

**March 12, 2024.** Attended the First Amendment Coalition FOIA training webinar to learn about Federal and State public records law regarding our rights to public records and how to improve public records requests.

**March 13, 2024.** Attended San Francisco Baykeeper 2024 “State of the Bay” webinar. SF Baykeeper has been around 35 years. The Clean Water Act of 1972 helped the Bay but Nitrogen, Selenium, microplastics continue to harm the Bay. The Bay has a mix of fresh and salt water. SB Baykeeper is a watchdog. 5 oil refineries and 2 coal export hubs impact the Bay. Baykeeper opposes the Delta Tunnel water diversion proposal and dam proposals and holds polluters accountable. 1 foot of sea level rise is expected within the next ten years, and this may leach out toxins into the Bay and inland.

**March 14, 2024.** Attended the Special Board Meeting of Santa Clara Valley Water, Censure hearing of one of their board members. It was interesting to watch the proceedings, meeting management, policy and procedure adherence, and outcome.

**March 14, 2024.** Attended the Cities Association Legislation Action Committee as a visitor to hear about legislation from Assemblymember Low and Assemblymember Berman. Stayed for part of the Cities Association Board meeting to hear Tax Assessor Larry Stone and his staff speak about possessory interest which is impacting parklets and closed streets for private commercial use.

**March 15, 2024.** Attended city CIP prep. Session.

**March 16, 2024.** Attended Congressman Ro Khanna’s Town Hall event to hear community concerns.

**March 16, 2024.** Attended APALI Celebration event.

**March 18, 2024.** Attended City Manager 1:1 event with two guest students from Lynbrook High School who were learning about city government.