

CC 07-16-19 SS#2

Commissions & Committees

Written Communications



CITY COUNCIL SUBCOMMITTEE

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AMENDED CITY COUNCIL SUBCOMMITTEE REPORT

Meeting: July 16, 2019

Subject

Study session regarding improving communications with and effectiveness of advisory commissions and committees.

Recommended Action

Conduct study session regarding improving communications with and effectiveness of advisory commissions and committees, receive public input on subcommittee recommendations, and provide direction to staff.

Public Engagement: Improving Council Communications with Advisory Commissions and Committees

City Council requested this item in an effort to improve communications with its advisory commissions and committees.

Prior Efforts

In the summer of 2018, a request from a prior Councilmember to consider eliminating multiple City commissions was met with support by two other Councilmembers. This led to a subsequent meeting where, following public input, this request was voted down. As an alternative, Council asked staff to bring forth a future agenda item seeking input from its advisory commissions and committees with regard to how to improve communications. Input was verbally sought by staff; no written feedback was sought or obtained from the advisory commissions and committees. Accordingly, the current City Council decided to re-visit the process in an effort to provide recommendations reflective of the purpose of the request.

Timeline

- July 2018: Council decided to not merge the Library and Public Safety Commission into the Parks and Recreation Commission. Instead, Council directed staff to look at how to improve communication with commissions.

- November 2018: On an agenda item to improve communication with commissions, the Council approved the Code of Ethics and gave direction that commissions should only work on items in the Council's Work Program. Not all commissioners were contacted or had the opportunity to provide written input for any proposed document on that council agenda item.
- December 2018: Council formed a subcommittee to improve communications with commissioners.
- January 2019: The new Council rescinded the Code of Ethics.
- February 2019: The subcommittee created a survey for advisory commissions and committees to ask questions on various aspects of commission functions, in addition to communication with the Council.
- July 2019: The subcommittee creates a report and recommendations for further Council discussion.

Current Process

With the direct support and work of then Interim City Manager Timm Borden, the subcommittee was able to obtain direct written feedback from members of its advisory commissions and committees (Attachment A). The subcommittee evaluated this feedback and makes its recommendations to Council accordingly. The scope of these recommendations includes aspects of meetings and procedures which affect the qualitative nature of communications between Council and its advisory commissions and committees, and the recommendations, as such, in their totality, have been contemplated and designed to improve the overall process of our communications and engagement with the public from a structural and functional perspective.

Recommendations

- Public input. Obtain public input in the present study session for all items recommended by the subcommittee as part of the effort to improve communications between City Council and its advisory commissions.
- General Engagement with the Community, Councilmembers and Advisory Commissioners and Committee Members. The subcommittee recommends that:
 - Councilmembers make best efforts to attend at least one meeting per year of each of Council's advisory commissions and committees;
 - The City provide notice to advisory commissions and committees of various community events both directly related and unrelated to the scope of the respective commission. Council and advisory commissions and committees should be included in the list of formal outreach channels from the City for any event;

- Each commissioner or committee member strive to attend at least two community meetings between regularly-scheduled meetings of the respective advisory commission or committee and report such activity, recorded by the staff liaison in the meeting minutes, during regularly-scheduled meetings;
 - For the monthly meeting with the Mayor, each representative of an advisory commission or committee provide a written summary of the commission's or committee's activities since the prior monthly meeting with the Mayor. Alternatively, staff can provide summary minutes for the Mayor's meetings. These written summaries should be circulated to Council and advisory commissions and committees in an effort to provide updated information on activities;
 - The City provide information to each advisory commission and committee with respect to the mechanisms of outreach from the City and how to access these mechanisms. For example, advisory commissions and committees should be able to add items to the calendar that the City places online to notify the public of future events; and
 - In addition, the subcommittee suggests that the web page of each advisory commission and committee include a section with a brief description of the top three items the group is currently working on in order to provide the public with a reference as to the advisory commission's or committee's current activities.
- Scope and Frequency of Commission Meetings. Public oversight of City business is the governing mechanism and overarching principle for commission meetings. As a general matter, for example, advisory commission and committee meetings should not be cancelled without the written approval of the commission or committee Chair. The past practice among certain of Council's advisory commissions and committees of staff cancelling meetings without consulting with the commission or committee Chair is one that needs to be discontinued. Staff should consult with and obtain the consent of the chair of the Council's advisory commissions and committees prior to cancelling meetings. Some commissions appear to meet more frequently than the original direction by the Council. For example, the Sustainability Commission has been meeting every month, instead of every 3 months. The subcommittee recommends that Council review the frequency and the scope of commission meetings once a year. This way the Council could provide further direction in the event some commissions cancel many regular meetings due to lack of business. With regard to the scope of work of an advisory commission or committee, guidance should be sought from the

- Cupertino Municipal Code to the extent that the scope is described there. Should an advisory commission or committee seek to expand or revise the scope of its responsibility beyond the Municipal Code or the approved City Work Program, it should submit the request prior to Council's annual review of the work of its advisory commissions and committees. *Commissioner Handbook*, p. 23. The subcommittee recommends that each advisory commission or committee provide an annual review of all of the topics the advisory commission or committee has worked on in the prior calendar year by January 15. The subcommittee further recommends that each advisory commission or committee be encouraged to provide feedback to the City Council with regard to areas of recommended changes or improvements to their respective public-meeting process, including with respect to interactions with and efficacy of the staff liaison.
- Communications with the Staff Liaison. The fundamental roles of advisory commissions and committees are to receive public feedback and advise the City Council. As such, staff should seek the input and feedback of commissions and committees on items rather than only providing information. The subcommittee recommends Council support for a policy-based statement that the staff liaison for an advisory commission or committee supports the commission or committee in its fulfillment of the scope of its responsibilities, including advising Council, as those responsibilities have been directed by the City Council. The staff liaison should on a regular basis provide topical updates and activity reports to the advisory commission or committee, for example, with respect to grant-funding opportunities, outreach meetings, and construction updates relevant to the scope of the advisory commission or committee's work. The subcommittee recommends that the staff liaison makes it clear to the members of the advisory commission or committee that meetings between the staff liaison and individual members of the advisory commission or committee are available. Subject to adherence to requirements related to communications, the staff liaison should assist with the distribution of relevant and useful information between Council, commissioners, and committee members.
 - Agenda-Setting Process. The subcommittee recommends that prior to each scheduled meeting of an advisory commission or committee, the Chair and the staff liaison should meet to set the agenda, in person, by phone, or by email. The other commissioners or committee members should be informed of the date of the agenda setting meeting in case a member of the advisory commission or committee would like to propose an agenda item to the staff liaison. With regard to other logistics related to the setting of agendas, the subcommittee makes the

following recommendations for the purpose of ensuring openness and clarity in our process:

- The last item of each meeting should be “Staff and Commission Activities: Reports and Future Agenda Setting” with a draft of future agenda items, ordered by tentative meeting dates.
- If any single commissioner proposes an agenda item, either before the meeting to the staff liaison or at the meeting, the commission shall discuss whether to schedule the item during the Future Agenda Setting item.
- The Chair of an advisory commission or committee is able to add an agenda item to the meeting agenda.
- Any two commissioners can add an agenda item for the future agenda item list. The Chair or staff liaison should respond by the following regularly-scheduled meeting with a schedule for adding the item to the future agenda item list. This recommendation would ensure an avenue for non-Chair members to add an item to a future agenda. Currently, any commissioner may request that the Chair place an item on a future agenda, but this does not necessarily obligate the Chair to do so. *Commissioner Handbook*. p. 13.
- The staff liaison can add an agenda item only with the written consent of the Chair to add the item. Required permit processing hearings may be added by the staff liaison, in consultation with the Chair.
- Once an item is added or scheduled to the future agenda item list, the item cannot be removed until it is discussed for removal at a regularly-scheduled meeting during the item for “Staff and Commission Activities: Reports and Future Agenda Setting”. Any rescheduling of future agenda items shall be discussed and approved during the item for “Staff and Commission Activities: Reports and Future Agenda Setting” unless events prior to the next meeting require postponement of an item, in which case such a postponement may be made by the staff liaison, in consultation with the Chair.
- Training and Development for Civic Duties. The subcommittee recommends that all advisory commissioners and committee members receive an orientation which includes the governmental structure of Cupertino in an organizational chart, a description of the scope of work for the advisory commission or committee, a detailed description of the work flow over the course of a year, background regarding the Brown Act, and background regarding conflicts of interest and ethics under AB 1234 and FPPC requirements. For any advisory committee or commission such as the Planning Commission with decisional authority, its

members should receive an orientation on requirements governing quasi-judicial approval processes, defined as proceedings, applications or other particular matters involving a specific party or parties. These situations occur when, for example, a commission is deciding whether to grant or revoke a use permit or otherwise affect an individual's right or entitlement, and is contrasted with the commission acting in a legislative capacity where it is deciding whether to enact or advise on an ordinance or regulation with broad applicability. For quasi-judicial decisions, members should disclose to their advisory commission or committee the content of any meetings with residents, resident groups, developers or prospective contractors or any persons outside of the public meeting process concerning issues before the commission. As provided in the Commissioner Handbook, page 19, members are encouraged to disclose the content of meetings outside of the public meeting on legislative items as well. *Commissioner Handbook*, p. 19. Staff liaisons should inform their respective advisory commission or committee of relevant workshops and meetings, with this information being available as well to members of the other advisory commissions or committees, in the event that any of their members would like to broaden their knowledge base with respect to the meetings and educational opportunities of other advisory commissions and committees.

- Statement of Ethical Obligations and Recommended Conduct. With regard to the prior Code of Ethics brought forth by staff without consultation to the public or Council, this subcommittee believes that adherence to legal requirements and ethical conduct is paramount in service to the public. From the feedback from our advisory commissions and committees, the prevailing sentiment is that there are no aversions to a statement reflecting our already significant ethical obligations as reflected under laws such as the Brown Act, and also reflecting the belief that as public servants, we should lead by example with regard to how we conduct our interactions with others. *Commissioner Handbook*, pp. 18, 26-28. As such, the subcommittee recommends that a succinct Statement of Ethical Obligations and Recommended Conduct be provided to the public through the City website, and in hard copy on an annual basis to the Council, to our advisory commissions and committees, and to City staff to indicate our common understanding that we work together in service to the City with democratic representation and public oversight, under principles of integrity, and with standards of basic courtesy meant to foster healthy discussion. It is the recommendation of the subcommittee that, based upon the foregoing input from our advisory commissions and committees, and following this study session and input from the public and City Council, that the City Manager's office working in concert with the City Attorney's

- office draft this Statement, and that the City Council review the Statement at a future Council meeting.
- Meeting Protocols and Meeting Minutes. The subcommittee makes the following recommendations for Council to set policies with regard to the logistics and record-keeping of minutes in an effort to improve communications:
 - The Chair of the advisory commission or committee runs the meeting and decides the policies and procedures for interaction with the public observing principles of equal treatment and availability of opportunity to speak. For agenda items, at the Chair's discretion, the public can interact with the members of the advisory commission or committee beyond the public-comment time limit in order to facilitate better communication of the topic at hand. With respect to the qualitative nature of such interactions, the purpose is to understand the various public perspectives. *Commissioner Handbook*, pp. 16, 18, 19.
 - Agenda packets should be comprehensive and include as much supporting materials as available for transparency, including staff presentation materials as part of the materials published together with the notice of the meeting agenda. All meeting materials should be paginated in sequential order from the beginning of the agenda to the end of the agenda. This is integral to the basic function of communication within the context of any given meeting and in any reference to such materials. The subcommittee recommends that the paginated area include, in addition to the overall page number: 1) an identification of the meeting; and 2) the date of the meeting. This will help members of the public, the Council, and advisory commissions and committees communicate better with each other and the public with regard to background materials provided through the mechanism of public notice as pertain to agenda items. In the rare instances where supplemental documents are provided after the agenda has been posted, staff will ensure the documents are clearly labeled with headers indicating the meeting and item number.
 - Any presentation and other materials not posted in the agenda packet should be posted online after the meeting. These materials should also be paginated with a clear indication that they were not included in the materials released as part of the publicly-noticed agenda.
 - Discussion items and action items should be clearly and distinctly identified as such.
 - Advisory commissions and committees should strive to keep summary minutes as opposed to action minutes. Currently, minutes are required of

all commissions, but the type of minutes is not specified. *Commissioner Handbook*. p. 13. Most advisory commission and committee business comprises discussions that is advisory in nature. Summary minutes should include summaries of each comment from a member of the public. An increasingly feasible alternative or tool in this effort with the current state of improving technology is the use of automatic transcription. If automatic transcription is made available to supplement official minutes, action minutes may be sufficient.

- If transcriptions of the meetings are not available, meetings of the advisory commissions and committees should be video recorded. Where higher-quality video-recording is not available, simpler video recording is preferable to audio recording.
- When providing recommendations to the Council, in addition to the specific vote, staff should provide summaries of the positions of an advisory commission or committee in both the majority views and minority views. The Council requires the scope of the diversity of viewpoints represented.
- Draft Minutes should be posted online as soon as they are available, within one month of a meeting in order to ensure the timely availability of a description of the scope of meetings. Certain advisory commissions and committees that meet on a quarterly basis, for example, will not be available to meet to approve the minutes until three months following their prior meeting.
- Currently, commissions may adopt their own parliamentary procedure with Council approval. In the absence of any parliamentary procedure, Robert's may be followed. No commissions have formally adopted their own parliamentary procedure. For Council meetings, according to Ordinance No. 006 (Attachment C), Council may also adopt specific rules and procedures, but in the absence of any such procedures, the Council is governed by "Robert's Rules of Order—Revised" 75th Anniversary Edition as published in 1951. This ordinance went into effect in 1955. At the November 20, 2018 Council meeting, Council voted to adopt Rosenberg's Rules of Order for commissions, committees, and Council, however, the implementation of this was placed on hold to allow for additional feedback and a report by the subcommittee. In summary, Rosenberg's Rules of Order is a simplified version of Robert's Rules of Order. It takes a subset of the most commonly used rules of procedure to help people to better understand how meetings are run in the smaller

government bodies. A table comparing Rosenberg’s Rules of Order, Robert’s Rules of Order, and current practices for City Council meetings can be found in Attachment B.

- Regular updates. Advisory commissions and committees should provide periodic written updates to Council regarding the status of their activities. The subcommittee recommends that the frequency of these updates be determined by the respective advisory commissions and committees but be no less frequent than every three months. Similarly, the subcommittee recommends that the length of these updates be determined by each advisory commission and committee with an encouragement to strive to be both comprehensive and succinct.
- Agendas and Work Programs. Generally, work programs should govern agendas. This applies both to Council agendas and the agendas of its advisory commissions and committees. However, past experience has indicated the obvious need for flexibility with regard to adding items to agendas. The subcommittee recommends that two members of an advisory commission or committee be required to add an item to agendas, with the understanding that for the purpose of effective planning, our advisory commissions and committees should strive as a general matter to work together on annual work programs and aim over the course of the year to address those items. The timing of when agenda items added by commission members are considered should be determined by the Chair of the advisory commission or committee with the designated staff liaison providing assistance as needed or advice as requested. *Commissioner Handbook*, p. 13. The subcommittee also recommends that Council, for its part, consider how its annual work program items can be improved by interacting with its advisory commissions and committees, perhaps with an extra column on the draft and final work program spreadsheets entitled “Advisory Commission(s)/Committee(s)” which could then identify the possible synergies. Furthermore, the subcommittee recommends that Council reach out to its advisory commissions and committees prior to the first draft of the Council work program, to ask for recommendations of items to add. Since a commission could then look to the Council work program to see which of its recommended items were included, this process may further support the end goal of having work programs reflect the goals and policies of the City Council. *Commissioner Handbook*, p. 13. If, for instance, the first draft of the Council work program is presented in February as it was this year, then advisory commissions and committees should be asked by no later than January to provide recommendations as to what items they would like to see Council consider adding to its work program for the upcoming fiscal year. The subcommittee also recommends that the current-year and prior-year work programs of Council and

its advisory commissions and committees be posted on the City's website. For active current-year work programs, the subcommittee recommends that staff provide quarterly updates as to the status of each item and addend the work programs accordingly. The subcommittee further recommends that advisory commissions and committees have the discretion to add items requiring minimal amounts of budgetary and staffing-based resources. For additional items beyond those identified in an annual work program that would require significant amounts of budgetary and staffing-based resources, such items should be considered for inclusion in the subsequent year's work plan, but if such an item requires earlier consideration, the subcommittee recommends that Council approval be required.

Attachments:

- A – Advisory Commission and Committee Feedback Summary
- B – Robert's and Rosenberg's Rules of Order Comparison Table
- C – Ordinance No. 006 on Council Procedural Rules
- D – 2019 Commissioner Handbook

CC 07-16-19 #2

Small Cell

Written Communications



PUBLIC WORKS DEPARTMENT
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AMENDED CITY COUNCIL STAFF REPORT

Meeting: July 16, 2019

Subject

Study Session on Small Cell Facilities within the Public Right of Way.

Recommended Action

For the City Council to conduct a study session on legal requirements related to installation of small cellular facilities on City street light poles in the public right of way, and related City of Cupertino guidelines and procedures, and provide any input.

Background

Various wireless providers have approached the City of Cupertino regarding installation of small cellular equipment on City-owned street light poles. Small cellular equipment includes antennae and associated cellular facilities that help enhance the coverage and capacity of cellular networks. Such small cell facilities will help to make implementation of the fifth generation of cellular services, or "5G", more effective.

Relative to macrocell towers, small cell antennae are characterized by their smaller size, lower power output, smaller coverage area, and potentially higher signal frequency and faster transmission speeds with the implementation of 5G technology. For example, a typical macrocell tower has a power output between 20-40 watts, whereas a small cell antenna has a considerably lower power output that ranges between 1-5 watts. The higher frequency signals do not travel as far and have a harder time penetrating materials, including vegetation and structures.

The available spectrum licensed for cellular use is extremely scarce and expensive, and given that cellular usage by the public has increased exponentially in the last 20 years, wireless providers have needed to find ways to overcome this limitation in available frequency. Small cell facilities achieve this by repeating and reusing the same frequencies at different locations in a geographic area, and therefore have been recognized by industry leaders as an important method of increasing a wireless provider's cellular network capacity, quality and coverage, as each small cell acts as an individual node for the carrier's licensed spectrum.

The City of Cupertino has established agreements with five companies for installation of small cell facilities on City-owned street light poles in the City's right of way. The five companies include Verizon, AT&T, Extenet, Crown Castle, and Mobilitie.

Of these five companies, Verizon and AT&T are actively seeking permits for small cell installations in the right of way throughout the City, both in commercial areas and within residential zones, in order to improve the data capacity and coverage of their networks. Verizon has installed approximately twelve of these facilities in commercial zones such as along De Anza Boulevard and Stevens Creek Boulevard, and is seeking permits for additional locations.

Federal Requirements on Placement of Small Cell Facilities

Federal law places certain limits on a local jurisdiction's ability to regulate wireless facilities generally and on September 27, 2018 Federal Communications Commission (FCC) order placed additional limits on local jurisdictions' regulation of small cell facilities installed in the public right of way. Key limits on local regulation are summarized below:

- Denying Wireless Applications Based on Health Concerns

Under federal law, the City may not base its regulation of wireless facilities, including a decision to deny a wireless project, on radio frequency (RF) emissions from a facility, as long as those emissions meet FCC emission standards. Concerns over the effects of RF emissions from cellular equipment, including small cell facilities, include concerns regarding the health effects of these emissions. This means that the City may not deny a permit application for a cellular facility based on concerns over the health effects of the equipment.

- Regulation with the Effect of Prohibiting Wireless Service

Federal law also prevents a local government from regulating wireless service in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services. Thus, local jurisdictions cannot establish rules or regulations that would ban wireless facilities outright, or that would effectively prohibit installation of wireless facilities. The FCC's September 2018 order specified further that denying applications for facilities that are intended to improve a carrier's existing service would amount to effective prohibition on wireless services. This means that a jurisdiction cannot deny a service provider's wireless facility application on the basis that the jurisdiction finds the provider's existing coverage adequate. The FCC's order also prohibits the City from enforcing a blanket prohibition on installation of small cell facilities in a particular area or neighborhood. However, the City could have grounds to deny a specific placement if there is a reasonable alternative available.

- "Shot Clocks" for Review of Small Cell Facility Applications

Federal law also requires local governments to act on applications for new wireless facilities within "a reasonable period of time." The FCC's September 2018 order sets new time limits, or "shot clocks," defining presumptively reasonable periods of time for review of small cell

facility applications. Under the FCC's order, a jurisdiction has 60 days to review an application for placement of a small cell facility on a preexisting structure—such as an existing streetlight, utility pole, or traffic signal—and 90 days for review of an application for attachment of small cell facility to a new or replacement structure. The shot clocks begin to run the day after an application is submitted. Once submitted, the City has 10 days to review the application for completeness. If the City notifies the applicant that its application is incomplete, the shot clock is paused while the applicant gathers the information needed to complete the application. Overall, the City is required to review and make a determination on small cell applications in a relatively short amount of time, placing additional pressure on the application process.

The City's current process for accepting and reviewing applications for small cell facilities in the public right of way involves the following steps:

1. Identifying Placement of Facilities – An applicant reaches out to the City and proposes a location and a design, and City staff reviews the location to ensure the facility will not cause a public safety issue, such as obstructing vehicular and pedestrian sight lines, or result in a barrier to ADA access. City staff also works with the applicant to ensure that each proposed location is the least intrusive location in the surrounding vicinity.
2. Initial Submittal - Conceptual drawings are provided to City staff for review and comment. This package includes a vicinity map, a photo of the pole, and a photo simulation showing the layout and location of proposed equipment. The City reviews the Initial Submittal for compliance with the City's guidelines, for location concerns, and for aesthetic qualities and features of the equipment.
3. Notification - After the Initial Submittal has been reviewed and approved, the applicant is required to mail courtesy letters to all residents within 300' of the facility. Cupertino's notification process is comparable to the processes of other jurisdictions, which have notification radii ranging from 250' up to 600'. Property owners notified of a small cell installation have 14 days to respond to the notification. Each applicant provides a representative to act as a point of contact for notified property owners. The representative retains a report of all inquiries received and the disposition of each. These inquiries are then provided to City staff for review. While the City cannot deny a permit application based on concerns regarding the health effects of RF emissions or other environmental concerns, as noted above, all concerns are reviewed and any concerns that the City has the ability to act on are considered and incorporated where possible.
4. Final Submittal – The applicant submits a complete construction application package to the Public Works Department that addresses the City Engineer's comments and concerns. Once all requirements have been addressed, the Public Works Department will issue the necessary permits to the applicant.

Using the above process, the City has been able to review and approve applications within the shot clock timeframe. City staff has found that working collaboratively with service providers and establishing a clear and predictable timeline has facilitated the application process.

Discussion

Federal requirements have left cities limited room to regulate the placement of small cell facilities. City staff has worked proactively to establish reasonable guidelines to ensure both that these facilities do not interfere with or visually detract from the City's right of way, and that the City remains compliant with legal requirements. City staff held numerous meetings with AT&T, Verizon, Crown Castle, Mobilitie, and PG&E on design and aesthetic standards for new small cell facilities in Cupertino. From these meetings, a common design and dimension standard was established that accommodates each service provider's equipment (and PG&E), and that integrates well with the appearance of the existing infrastructure. The standard design effectively shrouds the facilities and ensures a consistent look among the carriers. This design standard was presented to the City Council on May 16, 2017, and the Council accepted the standard with the approval of the license agreements with the wireless service providers.

An additional issue, not directly related to legal requirements or aesthetics, is whether small cell facilities may negatively affect property values. On this point, City staff reviewed a 2012 report, *Wireless Facilities Impact on Property Values*, prepared by Joint Venture Silicon Valley in conjunction with the Silicon Valley Association of Realtors and the Santa Clara Realtors Association. The report states that the distance from a wireless facility to a home had no apparent impact on the value or sale price of homes in the Silicon Valley area. (See Attachment A and the link below). Staff is unaware of any other studies that have evaluated the correlation of property values and proximity to cellular facilities.

(<https://jointventure.org/images/stories/pdf/WirelessFacilitiesImpactOnPropertyValues.pdf>)

Sustainability Impact

No sustainability impact for hearing this report.

Fiscal Impact

No fiscal impact for hearing this report.

Prepared by: Chad Mosley, City Engineer

Reviewed by: Roger Lee, Director of Public Works

Approved for Submission by: Deborah Feng, City Manager

Attachments:

A - Small Cell Design Standards

B - *Wireless Facilities Impact on Property Values*, November 2012 – Joint Venture Silicon Valley Network

C - *Guidelines for Small Cells on City Owned Poles*, 2019-04-09



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PUBLIC WORKS DEPARTMENT

April 9, 2019

**GUIDELINES FOR ENCROACHMENT PERMIT SUBMITTALS FOR
WIRELESS COMMUNICATIONS FACILITIES ON CITY OWNED POLES**

The City of Cupertino seeks to permit wireless carriers to install small wireless communications facilities, within the public right-of-way, in order to provide robust cellular coverage and capacity throughout the City; while ensuring facilities are well-maintained and do not significantly detract from City streetscapes.

The City does not regulate the technologies wireless carriers use, but it does have certain powers to regulate the time, place, manner and aesthetics of wireless communications facilities. These guidelines are intended only to convey design preferences that may not necessarily apply to every facility.

These guidelines also do not address pole selection. However, the City recommends that wireless carriers avoid pole locations where equipment would be in front of architecturally significant features, or in locations where they would have visual impacts of significance.

Wireless providers should be made aware of the City's preference for installation of small cell facilities on City owned street lights, due to the improved aesthetic qualities of these facilities. Wireless providers should work with the City to establish an agreement for the use of City owned street lights.

Below are requirements and guidelines to aid wireless providers in planning facility locations and compiling the necessary information to obtain encroachment permits for wireless facilities on City owned poles. Wireless communications providers are also directed to review and comply with the City's "Wireless Facilities Master Plan" that can be found on the City's website.

Recommended Design Elements

Preferred Equipment Configurations:

- 1) To the maximum extent practical, equipment shall be placed in below grade vaults.**

- 2) **Where equipment cannot be placed in below grade vaults, the wireless facility designer shall to maximum extent possible, conceal equipment within the antenna shroud, and behind street signs located on the pole.**

- 3) **Where facilities cannot adequately be hidden within the shroud and behind street signs on the pole, the wireless facility designer shall utilize a pole design with an integrated base enclosure to conceal equipment.**
 - **When utilizing the base enclosure design, the wireless facility designer shall choose poles that are located outside of driveway and intersection sight lines, as established by City standard details (7-2, 7-4 & 7-6).**

Initial Submittal Requirements:

All encroachment permit applications for small cell facilities within the public right of way shall be submitted to the Public Works Department for review. The submittal shall show the proposed location and the facilities planned for construction, with a photo-simulation depicting the existing and proposed conditions. The submittal shall also provide information on the anticipated power consumption (total wattage) of the facility, and whether or not fans are being proposed. New facilities located in residential areas shall be of a type that does not emit noise. The submittal for any location where a fan is proposed shall include information on the anticipated DBA levels, and shall show compliance with the City of Cupertino's noise ordinance.

Public Works will review the proposed location and facilities for general compliance with build-outs that minimize visual impacts. Features that help to minimize visual impacts include:

- Proposed equipment that is located in underground vaults, to maximum extent possible.
- Concealing equipment in the antenna shroud and behind street signs.
- Concealing equipment within a base enclosure integrated into the pole.
- Concealing wires from view;
- Locating new facility installations near property corners or side property lines, and not directly in front of residences and businesses;

- Minimizing views from habitable living areas (such as bedrooms or living rooms) of residential units which directly face the antenna within 100 feet horizontal distance;
- Ensuring there are no flashing lights or large repetitive warning stickers that are unnecessary, distracting, poorly placed, or non-essential. Warning stickers shall be placed where appropriate, and not at pedestrian eye level, unless directed to do so by the FCC or other regulatory agencies;
- Ensuring that pole height increases are not excessive and/or unnecessary;
- Minimizing equipment offsets from poles;

The initial review process may result in the Public Works Department having comments or concerns regarding the proposed design and location. The Public Works Department may request that facilities be relocated and/or the design be modified to better fit the existing features.

The applicant shall ensure that the operation of new facilities will not cause interference with existing facilities, such that an existing facility would be required to increase its power source or install other equipment to continue proper service. These potential impacts should be considered, measured and mitigated prior to approval of a new facility.

After the Public Works Department deems the initial submittal acceptable, the applicant will be required to notify the surrounding property owners.

Notification Process:

After the City has vetted and provided preliminary approval of a site and the proposed design, the applicant is required to notify all property owners and residents within 300-feet of the proposed installation. Notification material to residents will include a description of the project and the purpose of the proposed facility. The Applicant will provide to the City a mailing list for both owners and tenants (occupant designation for tenants is acceptable) to be notified of the proposed facility installation.

Direct Mailers/Courtesy Letter

Those property owners whose properties are nearest to the proposed facilities shall be notified by registered mail via the U.S. Postal Service. Property owners will be given 14 calendar days to contact the applicant with any questions or concerns.

The letter will provide a description of the purpose of the proposed facility and a map identifying the proposed location of the cabinet. In addition, photo simulations of the proposed equipment and site are to be included. The notification shall also include a telephone number or email address for the Applicant's Community Liaison, with whom property owners can contact with questions or concerns regarding the facility. The Applicant's Community Liaison shall reply to all inquirers within 48 hours of contact. Additionally, the notification shall include a contact number for the Public Works Department— (408) 777-3354 - so that property owners can contact the City directly, if they so prefer. The applicant shall log all contact with property owners, which shall include the date, owner/resident's name, address and the specific questions or concerns the owner/resident has regarding the facility. The applicant shall inform the Public Works Department of all inquiries received during the notification period, so that the Public Works Department may assess the comments and concerns regarding the application, and work with the applicant to address these concerns to the maximum extent practicable.

Final Submittal Requirements:

After the notification period is concluded, and the applicant and the City have worked to address the comments and concerns received through the notification process, the applicant will submit to the Public Works Department the final Encroachment Permit Application which will include:

- Completed Encroachment Permit Application
- Final Improvement Plans (including photo simulations)
- Traffic Control Plans
- Contractor's Insurance Certificate (with the City of Cupertino named as additionally insured)
- List of properties to receive construction notification Door Hangers

(See Attachment A for Cupertino Design Preferences Checklist)

Door Hanger Notice

After the Public Works Department approves and encroachment permit, and at least 1 week before commencement of construction activities, the applicant shall place a "Door Hanger" Notice at all properties that will be affected by construction of the facilities. This notice will inform the property owners of the upcoming construction

and will offer a contact number for the applicant so that property owners can call in construction related inquiries and concerns.

Post-Construction Requirements:

After the facility has been constructed, the Applicant will be required to cover all reasonable costs associated with the measuring, recording, reporting and monitoring of emissions, including EMR/RF and noise associated with the wireless communications facility. Such information shall be provided, within 30 days of activation of the equipment, in an Activation Report which shall be made available to any interested party through the City of Cupertino's Public Works Department.

The Activation Report shall be prepared by a certified professional engineer, or other technical expert approved by the City of Cupertino, and shall provide information that demonstrates the facility will not cause any potential exposure to RF emissions that exceed adopted FCC standards for human exposure. Testing shall be conducted in compliance with FCC regulations governing the measurement of RF emissions and shall be conducted during normal business hours on a non-holiday week day with the subject equipment measured while operating at maximum power. For all measurements made, evidence must be submitted showing that the testing instrument(s) used were calibrated within their manufacturer's suggested periodic calibration interval, and that the calibration is by methods traceable to the National Bureau of Standards. At the sole option of the City Engineer, an agent of the City may monitor the performance of testing required for preparation of the Activation Report.

Notification prior to Activation Report

The Applicant shall undertake to inform and perform appropriate tests for residents of dwelling units located within 100 feet of the transmitting antennae at the time of testing for the Activation Report.

- At least 14 calendar days prior to conducting the testing required for preparation of the Activation Report, the Applicant shall notify the Department of Public Works, and shall send a letter, via registered mail through the U.S. Postal Service, to the resident of any dwelling unit within 100 feet of a transmitting antenna, notifying them of the date on which testing will be conducted.

- Residents notified of the testing may request, in advance of the test, that the Applicant conduct testing of total power density of RF emissions within their residence on the date on which the testing is conducted for the Activation Report.
- Within 30 days of the installation and operation of the facilities, the Applicant shall confirm in writing to the Public Works Department, through an Activation Report, that the facilities are being maintained and operated in compliance with applicable Building, Electrical and other Code requirements, as well as applicable FCC emissions standards.

(See Attachment B for *Wireless Communications Facility Project Completion Checklist*)

Key Milestones

1. Identify placement of facilities - Applicant will develop a deployment plan and schedule, and will share this information with the Public Works Department. Applicant shall work with the City of Cupertino regarding the planned build out of wireless communications facilities, and shall supply a map of proposed siting locations as plans and information become available.
2. Complete field verification – Applicant shall have an engineer visit each individual location/area to identify living units, building addresses, existing facilities, distance measurements, Public Right of Way and private property lines. The Engineer shall also identify other potential sites for Small Cell Facilities in the event that the Applicant's first choice is not realized. Applicant will consider public safety, aesthetics, the overall network design, and will be consistent with all siting criteria agreed to with the City of Cupertino.
3. Initial Submittal – Applicant shall submit an initial location package to the City of Cupertino for review and comment. The package shall include a vicinity map, a photo of the pole, and a simple photo sim showing the layout and location of proposed equipment. The City will review the Initial Submittal for compliance with these guidelines, location concerns and for aesthetic qualities and features of the equipment. The City may request, at this time, that alternative locations or design features be utilized or considered. Applicant shall work with the City to address initial comments and concerns prior to the notification process.
4. Notification - After the Public Works Department reviews and supports the wireless communications facility placement location and layout, Applicant will mail courtesy letters to all residents within 300' of the facility.

5. Response to Inquiries - Applicant will provide a Community Liaison to act as a point of contact for notified property owners. The Community Liaison will retain an inquiry report of all inquiries received and the disposition of each. Applicant will respond to all customer inquiries within 48 hours. Customer concerns will be identified and reviewed by Applicants Construction & Engineering staff.
6. Inquiry Report - Applicant will provide a report to the City detailing all customer inquiries. The information will include customer name, date of receipt, date of response, contact information and resolution. Public Works will review inquiries from residents and will provide recommended actions for the Applicant to follow. These actions may consist of revising the proposed wireless communications facility location or scope, re-notifying affected residents of modifications to facilities and/or requesting installation of additional screening for facilities.
7. Final Submittal – When the notification process and subsequent rectification has been completed to the satisfaction of the City Engineer, the Applicant will submit a complete application package to the Public Works Department that addresses the City Engineer’s comments and concerns. Once all requirements have been addressed, the Public Works Department will issue the necessary permits to the applicant.
8. Construction Notices – The Applicant will have a door hanger delivered to residents affected by construction of the facilities after the necessary permits have been issued, and at least 1 week prior to commencement of construction.
9. Post-Construction Activation – After the wireless communications facility has been constructed, and within 30 days of activation, the Applicant will be required to measure, record and report on the emissions from the facility. The Activation Report shall verify whether or not the equipment is complying within the acceptable emission limits as established by FCC standards and/or other relevant government agencies.

Policies and Requirements:

These guidelines are meant to provide a general overview of the procedures and requirements for installation of wireless telecommunications facilities on City owned poles located within the public right of way. Additional conditions, information and/or procedures may be necessary based on the circumstances, project scope and the location being proposed by the Applicant, or as deemed necessary by the City Engineer.

The Applicant or its successors shall comply fully with all conditions specified in these guidelines, or as modified by the City Engineer. Failure to comply with any

condition shall constitute grounds for revocation. In the event that the Activation Report includes a finding that RF emissions for the site exceed FCC Standards, the Applicant will be required to immediately cease and desist operation of the facility until such time that the violation is corrected to the satisfaction of the City Engineer.

Any carrier/provider authorized by the City Engineer to operate a specific wireless communications facility installation may assign the operation of the facility to another carrier licensed by the CPUC and FCC for that radio frequency provided that such transfer is made known to the City Engineer in advance of such operation, and all conditions of approval for the subject installation are carried out by the new carrier/provider.

Please contact the Public Works Department at (408) 777-3354, or by email at engineering@cupertino.org, with any questions or concerns regarding these guidelines.

ATTACHMENT A

Information to be shown on Plans and Simulations to ensure clarity

		YES	NO
1	Cover Sheet Show the correct project site location on cover sheet (with a vicinity map). Indicate the street address(s) for the nearest building(s).		
2	Cover Sheet Provide a clear project description describing types and numbers of equipment. Also indicate if pole will be replaced (with existing and proposed heights) or if any existing road signage is proposed to be relocated or removed.		
3	Cover Sheet Provide information in a checklist format to ensure conformance by installers.		
4	Site Plan Show location of the proposed pole with relation to the existing travelled way, property lines, sidewalks, structures within 20' of the pole, and other surface equipment/facilities.		
5	Site Plan Show location of any new vaults proposed.		
6	Elevation Sheet Show location of any warning stickers. RF warning sticker shall be facing out to street and near antenna, or away from street and near antenna if no window within 50 feet.		
7	Elevation Sheet Indicate height to top of pole, antenna, top and bottom of equipment enclosures.		
8	Elevation Sheet Show any street signage that will be placed on the pole, and that is used to screen small cell equipment. Ensure signage and equipment are shown to scale. Relocated signage shall be placed at an elevation that is consistent with the original height of the signs.		
9	Elevation Sheet Show equipment stacked together as close as possible while complying with airflow requirements.		
10	Elevation Sheet Ensure other elements (e.g. NEMA, PBX or J boxes), ground bus bars, and base plate mounts are shown, if utilized.		
11	Elevation Sheet Clearly show offset (distance) of equipment cabinets from pole, including the maximum offset from the pole to the outermost edge of facilities.		
12	Photo Simulations Show equipment sizes, enclosures, signs and offsets correctly.		
13	Photo Simulations Show RF warning stickers, if visible from given perspectives.		
14	Photo Simulations Use perspectives that provide a true sense of distance to nearest residential windows or primary facades of buildings, as well as scale of the facilities.		

ATTACHMENT B

Site Completion Checklist

		YES	NO
1	Spacing of Support Elements: Support equipment (e.g. Disconnect Switch and Mrrus) to be clustered (vertically) as close as technically feasible on pole.		
2	Logo Removal: All equipment logos, other than those required by regulation (e.g. node identification of shutdown signage) shall be painted over or removed. Raised/Depressed logos/text on equipment enclosures (e.g. RRUs), if present to be sanded off, or covered with a sticker, and then painted.		
3	Signage: FCC mandated RF warning signage shall face out to street when wireless facility is located in front of, or near a window. Signage shall face toward building if there are no windows present.		
4	Notification: 14 days prior to performing emissions testing, applicant shall inform residents of dwelling units within 100 feet, and offer to perform a test in their dwelling.		
5	Testing: Measure and record emissions, including EMR/RF and noise.		
6	Report: Within 30 days of activation, applicant will submit an activation report to the Public Works Department.		

CC 07-16-19 #14

UnrepresentedMOU

Written Communications

City of Cupertino
UNREPRESENTED EMPLOYEES' 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 either as management or confidential positions shall be eligible for participation under the Unrepresented Employees 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.

It is the stated purpose of this Compensation Program to give recognition to and to differentiate those eligible employees from represented employees who achieve economic gain and other conditions of employment through negotiation. It is the intent that through this policy and those which are adopted or as may be modified or rescinded from time to time such recognition may be given.

Eligibility for inclusion with this Compensation program is limited to persons holding positions as management or confidential employees as defined under section 2.52.290 of the Cupertino Municipal Code. These are as designated by the Appointing Authority and may be modified as circumstances warrant.

Although subject to change in accordance with provision of the Personnel Code, the positions in the following classifications have been designated as unrepresented.

MANAGEMENT AND CONFIDENTIAL CLASSIFICATIONS:

Classification Title

Accountant I

Accountant II

Accounting Technician

Administrative Assistant

Assistant City Attorney

Assistant City Manager

Assistant Director of Community Development/Building Official

Assistant Director of Public Works/~~City Engineer~~

Assistant Director of Recreation and Community Services

Assistant to the City Manager

~~Building Official~~

Business Systems Analyst/Program Manager

Capital Improvement Program Manager

Chief Technology Officer/Director of Information Services (Department Head)

City Architect

City Clerk

City Engineer

City of Cupertino
UNREPRESENTED EMPLOYEES' COMPENSATION PROGRAM
Policy No. 7

HEALTH BENEFITS PLAN - EMPLOYER CONTRIBUTION

It is the policy of the City of Cupertino to provide group hospital and medical insurance under which employees in Management and Confidential 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 included in the employee's gross pay.

<u>Effective January 1, 2020</u>	<u>City Max Health Contribution</u>	<u>City Max *Dental Contribution</u>	<u>City Total Max Contribution</u>
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

<u>January 1, 2021</u>	<u>City Max Health Contribution</u>	<u>City Max *Dental Contribution</u>	<u>City Total Max Contribution</u>
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

<u>January 1, 2022</u>	<u>City Max Health Contribution</u>	<u>City Max *Dental Contribution</u>	<u>City Total Max Contribution</u>
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

Health In Lieu Payments

The City shall provide a payment of \$375 per month in lieu of health care premiums, for ~~Appointed~~ Unrepresented employees who provide proof of alternate coverage. This payment shall be in the form of a contribution to the employee's deferred compensation plan.

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ATTACHMENT A
SALARY SCHEDULE

Salary Effective First Full Pay Period after Council Adoption

<u>Classification</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
<u>ACCOUNTANT I</u>	\$ <u>40.23</u>	\$ <u>42.24</u>	\$ <u>44.35</u>	\$ <u>46.57</u>	\$ <u>48.89</u>
<u>ACCOUNTANT II</u>	\$ <u>44.34</u>	\$ <u>46.56</u>	\$ <u>48.89</u>	\$ <u>51.34</u>	\$ <u>53.90</u>
<u>ACCOUNTING TECHNICIAN</u>	\$ <u>39.90</u>	\$ <u>41.89</u>	\$ <u>43.99</u>	\$ <u>46.19</u>	\$ <u>48.50</u>
<u>ADMINISTRATIVE ASSISTANT</u>	\$ <u>35.09</u>	\$ <u>36.84</u>	\$ <u>38.69</u>	\$ <u>40.62</u>	\$ <u>42.65</u>
<u>ASSISTANT CITY ATTORNEY</u>	\$ <u>80.13</u>	\$ <u>84.14</u>	\$ <u>88.34</u>	\$ <u>92.76</u>	\$ <u>97.40</u>
<u>ASSISTANT CITY MGR</u>	\$ <u>106.67</u>	\$ <u>112.01</u>	\$ <u>117.61</u>	\$ <u>123.49</u>	\$ <u>129.66</u>
<u>ASSISTANT TO THE CITY MANAGER</u>	\$ <u>61.24</u>	\$ <u>64.30</u>	\$ <u>67.51</u>	\$ <u>70.89</u>	\$ <u>74.43</u>
<u>ASST DIR COMM DEV/BUILDING OFFICIAL</u>	\$ <u>76.32</u>	\$ <u>80.13</u>	\$ <u>84.14</u>	\$ <u>88.35</u>	\$ <u>92.76</u>
<u>ASST DIR PARKS AND RECREATION</u>	\$ <u>76.32</u>	\$ <u>80.13</u>	\$ <u>84.14</u>	\$ <u>88.35</u>	\$ <u>92.76</u>
<u>ASST DIR PUBLIC WORKS/CITY ENGINEER</u>	\$ <u>79.40</u>	\$ <u>83.36</u>	\$ <u>87.53</u>	\$ <u>91.91</u>	\$ <u>96.51</u>
<u>BUSINESS SYSTEMS ANALYST</u>	\$ <u>52.03</u>	\$ <u>54.63</u>	\$ <u>57.36</u>	\$ <u>60.23</u>	\$ <u>63.24</u>
<u>CAPITAL IMPV PROGRAM MGR</u>	\$ <u>66.16</u>	\$ <u>69.46</u>	\$ <u>72.94</u>	\$ <u>76.58</u>	\$ <u>80.41</u>
<u>CHIEF TECHNOLOGY OFFICER</u>	\$ <u>94.22</u>	\$ <u>98.93</u>	\$ <u>103.88</u>	\$ <u>109.08</u>	\$ <u>114.52</u>
<u>CITY CLERK</u>	\$ <u>61.94</u>	\$ <u>65.04</u>	\$ <u>68.29</u>	\$ <u>71.71</u>	\$ <u>75.29</u>
<u>CITY ENGINEER</u>	\$ <u>79.40</u>	\$ <u>83.36</u>	\$ <u>87.53</u>	\$ <u>91.91</u>	\$ <u>96.51</u>
<u>COMMUNITY RELATIONS COORDINATOR</u>	\$ <u>40.45</u>	\$ <u>42.47</u>	\$ <u>44.60</u>	\$ <u>46.83</u>	\$ <u>49.17</u>
<u>DEPARTMENT HEAD</u>	\$ <u>94.22</u>	\$ <u>98.93</u>	\$ <u>103.88</u>	\$ <u>109.08</u>	\$ <u>114.52</u>
<u>DEPUTY BUILDING OFFICIAL</u>	\$ <u>61.99</u>	\$ <u>65.08</u>	\$ <u>68.34</u>	\$ <u>71.76</u>	\$ <u>75.34</u>
<u>DEPUTY CITY ATTORNEY</u>	\$ <u>57.66</u>	\$ <u>60.54</u>	\$ <u>63.57</u>	\$ <u>66.74</u>	\$ <u>70.08</u>
<u>DEPUTY CITY CLERK</u>	\$ <u>44.20</u>	\$ <u>46.41</u>	\$ <u>48.73</u>	\$ <u>51.17</u>	\$ <u>53.73</u>
<u>DEPUTY CITY MANAGER</u>	\$ <u>72.60</u>	\$ <u>76.24</u>	\$ <u>80.05</u>	\$ <u>84.05</u>	\$ <u>88.25</u>

DIRECTOR OF ADMIN SERVICES	\$ 94.22	\$ 98.93	\$ 103.88	\$ 109.08	\$ 114.52
DIRECTOR OF COMM DEVELOPMENT	\$ 94.22	\$ 98.93	\$ 103.88	\$ 109.08	\$ 114.52
DIRECTOR OF PARKS AND RECREATION	\$ 94.22	\$ 98.93	\$ 103.88	\$ 109.08	\$ 114.52
DIRECTOR OF PUBLIC WORKS	\$ 96.98	\$ 101.82	\$ 106.92	\$ 112.26	\$ 117.88
ECONOMIC DEVELOPMENT MANAGER	\$ 68.18	\$ 71.59	\$ 75.17	\$ 78.93	\$ 82.87
EMERGENCY SERVICES COORDINATOR	\$ 40.45	\$ 42.47	\$ 44.60	\$ 46.83	\$ 49.17
ENVIRONMENTAL PROGRAMS MANAGER	\$ 61.64	\$ 64.72	\$ 67.96	\$ 71.36	\$ 74.92
EXEC ASST TO CITY MANAGER	\$ 41.23	\$ 43.29	\$ 45.46	\$ 47.73	\$ 50.12
EXEC ASST TO THE CITY ATTN	\$ 40.22	\$ 42.23	\$ 44.35	\$ 46.56	\$ 48.89
FINANCE MANAGER	\$ 70.54	\$ 74.06	\$ 77.77	\$ 81.65	\$ 85.74
GIS PROGRAM MANAGER	\$ 68.64	\$ 72.07	\$ 75.67	\$ 79.46	\$ 83.43
HUMAN RESOURCE ANALYST I	\$ 48.15	\$ 50.55	\$ 53.08	\$ 55.74	\$ 58.52
HUMAN RESOURCES ANALYST II	\$ 53.08	\$ 55.74	\$ 58.52	\$ 61.45	\$ 64.52
HUMAN RESOURCES ASSISTANT	\$ 29.14	\$ 30.60	\$ 32.13	\$ 33.73	\$ 35.42
HUMAN RESOURCES MANAGER	\$ 70.54	\$ 74.06	\$ 77.77	\$ 81.65	\$ 85.74
HUMAN RESOURCES TECHNICIAN	\$ 39.90	\$ 41.89	\$ 43.99	\$ 46.19	\$ 48.50
I.T. ASSISTANT	\$ 39.24	\$ 41.20	\$ 43.26	\$ 45.42	\$ 47.69
INNOVATION AND TECH MGR - APPLICATIONS	\$ 68.64	\$ 72.07	\$ 75.67	\$ 79.46	\$ 83.43
INNOVATION AND TECH MGR - INFRASTRUCTURE	\$ 68.64	\$ 72.07	\$ 75.67	\$ 79.46	\$ 83.43
LEGAL SERVICES MANAGER	\$ 41.54	\$ 43.61	\$ 45.80	\$ 48.08	\$ 50.49
MANAGEMENT ANALYST	\$ 48.56	\$ 50.99	\$ 53.54	\$ 56.21	\$ 59.03
NETWORK SPECIALIST	\$ 50.20	\$ 52.71	\$ 55.34	\$ 58.11	\$ 61.02
PARK RESTORATION IMPV MGR	\$ 66.16	\$ 69.46	\$ 72.94	\$ 76.58	\$ 80.41
PERMIT CENTER MANAGER	\$ 61.99	\$ 65.08	\$ 68.34	\$ 71.76	\$ 75.34

<u>PLANNING MANAGER</u>	\$ <u>68.91</u>	\$ <u>72.36</u>	\$ <u>75.97</u>	\$ <u>79.77</u>	\$ <u>83.76</u>
<u>PUBLIC AFFAIRS MANAGER</u>	\$ <u>60.30</u>	\$ <u>63.32</u>	\$ <u>66.48</u>	\$ <u>69.81</u>	\$ <u>73.30</u>
<u>PUBLIC INFORMATION OFFICER</u>	\$ <u>61.24</u>	\$ <u>64.30</u>	\$ <u>67.51</u>	\$ <u>70.89</u>	\$ <u>74.43</u>
<u>PUBLIC WORKS PROJECT MANAGER</u>	\$ <u>58.15</u>	\$ <u>61.06</u>	\$ <u>64.11</u>	\$ <u>67.32</u>	\$ <u>70.68</u>
<u>PUBLIC WORKS SUPERVISOR</u>	\$ <u>50.48</u>	\$ <u>53.00</u>	\$ <u>55.65</u>	\$ <u>58.44</u>	\$ <u>61.36</u>
<u>RECREATION MANAGER</u>	\$ <u>51.80</u>	\$ <u>54.38</u>	\$ <u>57.10</u>	\$ <u>59.96</u>	\$ <u>62.96</u>
<u>RECREATION SUPERVISOR</u>	\$ <u>46.98</u>	\$ <u>49.33</u>	\$ <u>51.80</u>	\$ <u>54.38</u>	\$ <u>57.10</u>
<u>SENIOR ACCOUNTANT</u>	\$ <u>51.34</u>	\$ <u>53.91</u>	\$ <u>56.60</u>	\$ <u>59.43</u>	\$ <u>62.40</u>
<u>SENIOR ASSISTANT CITY ATTORNEY</u>	\$ <u>88.15</u>	\$ <u>92.56</u>	\$ <u>97.19</u>	\$ <u>102.05</u>	\$ <u>107.15</u>
<u>SENIOR CIVIL ENGINEER</u>	\$ <u>68.76</u>	\$ <u>72.20</u>	\$ <u>75.81</u>	\$ <u>79.60</u>	\$ <u>83.58</u>
<u>SENIOR MANAGEMENT ANALYST</u>	\$ <u>53.08</u>	\$ <u>55.74</u>	\$ <u>58.52</u>	\$ <u>61.45</u>	\$ <u>64.52</u>
<u>SERVICE CENTER SUPERINTENDENT</u>	\$ <u>64.10</u>	\$ <u>67.30</u>	\$ <u>70.67</u>	\$ <u>74.20</u>	\$ <u>77.91</u>
<u>SUSTAINABILITY MANAGER</u>	\$ <u>61.64</u>	\$ <u>64.72</u>	\$ <u>67.96</u>	\$ <u>71.36</u>	\$ <u>74.92</u>
<u>TRANSPORTATION MANAGER</u>	\$ 73.21 \$ <u>70.39</u>	\$ 76.87 \$ <u>73.91</u>	\$ 80.71 \$ <u>77.61</u>	\$ 84.75 \$ <u>81.49</u>	\$ 88.98 \$ <u>85.56</u>
<u>WEB SPECIALIST</u>	\$ <u>44.38</u>	\$ <u>46.60</u>	\$ <u>48.93</u>	\$ <u>51.38</u>	\$ <u>53.95</u>

Salary Effective First Full Pay Period in July 2020

<u>Classification</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
<u>ACCOUNTANT I</u>	\$ <u>41.63</u>	\$ <u>43.71</u>	\$ <u>45.90</u>	\$ <u>48.20</u>	\$ <u>50.61</u>
<u>ACCOUNTANT II</u>	\$ <u>45.90</u>	\$ <u>48.19</u>	\$ <u>50.60</u>	\$ <u>53.13</u>	\$ <u>55.79</u>
<u>ACCOUNTING TECHNICIAN</u>	\$ <u>41.30</u>	\$ <u>43.36</u>	\$ <u>45.53</u>	\$ <u>47.81</u>	\$ <u>50.19</u>
<u>ADMINISTRATIVE ASSISTANT</u>	\$ <u>36.32</u>	\$ <u>38.13</u>	\$ <u>40.04</u>	\$ <u>42.04</u>	\$ <u>44.14</u>
<u>ASSISTANT CITY ATTORNEY</u>	\$ <u>82.94</u>	\$ <u>87.08</u>	\$ <u>91.44</u>	\$ <u>96.01</u>	\$ <u>100.81</u>
<u>ASSISTANT CITY MGR</u>	\$ <u>113.39</u>	\$ <u>119.06</u>	\$ <u>125.01</u>	\$ <u>131.26</u>	\$ <u>137.82</u>

<u>ASSISTANT TO THE CITY MANAGER</u>	<u>\$ 65.09</u>	<u>\$ 68.34</u>	<u>\$ 71.76</u>	<u>\$ 75.35</u>	<u>\$ 79.12</u>
<u>ASST DIR COMM DEV/BUILDING OFFICIAL</u>	<u>\$ 81.12</u>	<u>\$ 85.18</u>	<u>\$ 89.44</u>	<u>\$ 93.91</u>	<u>\$ 98.60</u>
<u>ASST DIR PUBLIC WORKS/CITY ENGINEER</u>	<u>\$ 84.39</u>	<u>\$ 88.61</u>	<u>\$ 93.04</u>	<u>\$ 97.70</u>	<u>\$ 102.58</u>
<u>ASST DIR PARKS AND RECREATION</u>	<u>\$ 81.12</u>	<u>\$ 85.18</u>	<u>\$ 89.44</u>	<u>\$ 93.91</u>	<u>\$ 98.60</u>
<u>BUSINESS SYSTEMS ANALYST</u>	<u>\$ 56.55</u>	<u>\$ 59.37</u>	<u>\$ 62.34</u>	<u>\$ 65.46</u>	<u>\$ 68.73</u>
<u>CAPITAL IMPV PROGRAM MGR</u>	<u>\$ 70.87</u>	<u>\$ 74.41</u>	<u>\$ 78.13</u>	<u>\$ 82.04</u>	<u>\$ 86.14</u>
<u>CHIEF TECHNOLOGY OFFICER</u>	<u>\$ 100.15</u>	<u>\$ 105.16</u>	<u>\$ 110.42</u>	<u>\$ 115.94</u>	<u>\$ 121.73</u>
<u>CITY CLERK</u>	<u>\$ 67.32</u>	<u>\$ 70.68</u>	<u>\$ 74.22</u>	<u>\$ 77.93</u>	<u>\$ 81.82</u>
<u>CITY ENGINEER</u>	<u>\$ 84.39</u>	<u>\$ 88.61</u>	<u>\$ 93.04</u>	<u>\$ 97.70</u>	<u>\$ 102.58</u>
<u>COMMUNITY RELATIONS COORDINATOR</u>	<u>\$ 41.87</u>	<u>\$ 43.96</u>	<u>\$ 46.16</u>	<u>\$ 48.47</u>	<u>\$ 50.89</u>
<u>DEPARTMENT HEAD</u>	<u>\$ 100.15</u>	<u>\$ 105.16</u>	<u>\$ 110.42</u>	<u>\$ 115.94</u>	<u>\$ 121.73</u>
<u>DEPUTY BUILDING OFFICIAL</u>	<u>\$ 65.95</u>	<u>\$ 69.25</u>	<u>\$ 72.71</u>	<u>\$ 76.35</u>	<u>\$ 80.16</u>
<u>DEPUTY CITY ATTORNEY</u>	<u>\$ 59.67</u>	<u>\$ 62.66</u>	<u>\$ 65.79</u>	<u>\$ 69.08</u>	<u>\$ 72.54</u>
<u>DEPUTY CITY CLERK</u>	<u>\$ 48.03</u>	<u>\$ 50.44</u>	<u>\$ 52.96</u>	<u>\$ 55.61</u>	<u>\$ 58.39</u>
<u>DEPUTY CITY MANAGER</u>	<u>\$ 77.18</u>	<u>\$ 81.03</u>	<u>\$ 85.09</u>	<u>\$ 89.34</u>	<u>\$ 93.81</u>
<u>DIRECTOR OF ADMIN SERVICES</u>	<u>\$ 100.15</u>	<u>\$ 105.16</u>	<u>\$ 110.42</u>	<u>\$ 115.94</u>	<u>\$ 121.73</u>
<u>DIRECTOR OF COMM DEVELOPMENT</u>	<u>\$ 100.15</u>	<u>\$ 105.16</u>	<u>\$ 110.42</u>	<u>\$ 115.94</u>	<u>\$ 121.73</u>
<u>DIRECTOR OF PARKS AND RECREATION</u>	<u>\$ 100.15</u>	<u>\$ 105.16</u>	<u>\$ 110.42</u>	<u>\$ 115.94</u>	<u>\$ 121.73</u>
<u>DIRECTOR OF PUBLIC WORKS</u>	<u>\$ 103.08</u>	<u>\$ 108.23</u>	<u>\$ 113.65</u>	<u>\$ 119.33</u>	<u>\$ 125.29</u>
<u>ECONOMIC DEVELOPMENT MANAGER</u>	<u>\$ 72.82</u>	<u>\$ 76.47</u>	<u>\$ 80.29</u>	<u>\$ 84.30</u>	<u>\$ 88.52</u>
<u>EMERGENCY SERVICES COORDINATOR</u>	<u>\$ 41.87</u>	<u>\$ 43.96</u>	<u>\$ 46.16</u>	<u>\$ 48.47</u>	<u>\$ 50.89</u>
<u>ENVIRONMENTAL PROGRAMS MANAGER</u>	<u>\$ 66.99</u>	<u>\$ 70.34</u>	<u>\$ 73.85</u>	<u>\$ 77.55</u>	<u>\$ 81.42</u>
<u>EXEC ASST TO CITY MANAGER</u>	<u>\$ 42.67</u>	<u>\$ 44.81</u>	<u>\$ 47.05</u>	<u>\$ 49.40</u>	<u>\$ 51.87</u>
<u>EXEC ASST TO THE CITY ATTN</u>	<u>\$ 41.62</u>	<u>\$ 43.71</u>	<u>\$ 45.90</u>	<u>\$ 48.19</u>	<u>\$ 50.60</u>

<u>FINANCE MANAGER</u>	<u>\$ 75.85</u>	<u>\$ 79.65</u>	<u>\$ 83.63</u>	<u>\$ 87.81</u>	<u>\$ 92.20</u>
<u>GIS PROGRAM MANAGER</u>	<u>\$ 74.59</u>	<u>\$ 78.32</u>	<u>\$ 82.24</u>	<u>\$ 86.35</u>	<u>\$ 90.67</u>
<u>HUMAN RESOURCE ANALYST I</u>	<u>\$ 50.08</u>	<u>\$ 52.59</u>	<u>\$ 55.21</u>	<u>\$ 57.98</u>	<u>\$ 60.87</u>
<u>HUMAN RESOURCES ANALYST II</u>	<u>\$ 55.22</u>	<u>\$ 57.98</u>	<u>\$ 60.87</u>	<u>\$ 63.92</u>	<u>\$ 67.11</u>
<u>HUMAN RESOURCES ASSISTANT</u>	<u>\$ 30.16</u>	<u>\$ 31.67</u>	<u>\$ 33.25</u>	<u>\$ 34.91</u>	<u>\$ 36.66</u>
<u>HUMAN RESOURCES MANAGER</u>	<u>\$ 75.85</u>	<u>\$ 79.65</u>	<u>\$ 83.63</u>	<u>\$ 87.81</u>	<u>\$ 92.20</u>
<u>HUMAN RESOURCES TECHNICIAN</u>	<u>\$ 41.30</u>	<u>\$ 43.36</u>	<u>\$ 45.53</u>	<u>\$ 47.81</u>	<u>\$ 50.19</u>
<u>I.T. ASSISTANT</u>	<u>\$ 40.61</u>	<u>\$ 42.64</u>	<u>\$ 44.77</u>	<u>\$ 47.01</u>	<u>\$ 49.36</u>
<u>INNOVATION AND TECH MGR - INFRASTRUCTURE</u>	<u>\$ 74.59</u>	<u>\$ 78.32</u>	<u>\$ 82.24</u>	<u>\$ 86.35</u>	<u>\$ 90.67</u>
<u>INNOVATION AND TECH MGR - APPLICATIONS</u>	<u>\$ 74.59</u>	<u>\$ 78.32</u>	<u>\$ 82.24</u>	<u>\$ 86.35</u>	<u>\$ 90.67</u>
<u>LEGAL SERVICES MANAGER</u>	<u>\$ 42.99</u>	<u>\$ 45.14</u>	<u>\$ 47.40</u>	<u>\$ 49.77</u>	<u>\$ 52.26</u>
<u>MANAGEMENT ANALYST</u>	<u>\$ 50.51</u>	<u>\$ 53.04</u>	<u>\$ 55.69</u>	<u>\$ 58.47</u>	<u>\$ 61.40</u>
<u>NETWORK SPECIALIST</u>	<u>\$ 51.95</u>	<u>\$ 54.55</u>	<u>\$ 57.28</u>	<u>\$ 60.14</u>	<u>\$ 63.15</u>
<u>PARK RESTORATION IMPV MGR</u>	<u>\$ 70.87</u>	<u>\$ 74.41</u>	<u>\$ 78.13</u>	<u>\$ 82.04</u>	<u>\$ 86.14</u>
<u>PERMIT CENTER MANAGER</u>	<u>\$ 65.95</u>	<u>\$ 69.25</u>	<u>\$ 72.71</u>	<u>\$ 76.35</u>	<u>\$ 80.16</u>
<u>PLANNING MANAGER</u>	<u>\$ 74.89</u>	<u>\$ 78.63</u>	<u>\$ 82.56</u>	<u>\$ 86.69</u>	<u>\$ 91.03</u>
<u>PUBLIC AFFAIRS MANAGER</u>	<u>\$ 65.16</u>	<u>\$ 68.42</u>	<u>\$ 71.84</u>	<u>\$ 75.43</u>	<u>\$ 79.20</u>
<u>PUBLIC INFORMATION OFFICER</u>	<u>\$ 65.09</u>	<u>\$ 68.34</u>	<u>\$ 71.76</u>	<u>\$ 75.35</u>	<u>\$ 79.12</u>
<u>PUBLIC WORKS PROJECT MANAGER</u>	<u>\$ 62.29</u>	<u>\$ 65.41</u>	<u>\$ 68.68</u>	<u>\$ 72.11</u>	<u>\$ 75.72</u>
<u>PUBLIC WORKS SUPERVISOR</u>	<u>\$ 52.51</u>	<u>\$ 55.13</u>	<u>\$ 57.89</u>	<u>\$ 60.79</u>	<u>\$ 63.82</u>
<u>RECREATION SUPERVISOR</u>	<u>\$ 48.62</u>	<u>\$ 51.06</u>	<u>\$ 53.61</u>	<u>\$ 56.29</u>	<u>\$ 59.10</u>
<u>SENIOR ACCOUNTANT</u>	<u>\$ 53.14</u>	<u>\$ 55.79</u>	<u>\$ 58.58</u>	<u>\$ 61.51</u>	<u>\$ 64.59</u>
<u>SENIOR ASSISTANT CITY ATTORNEY</u>	<u>\$ 91.24</u>	<u>\$ 95.80</u>	<u>\$ 100.59</u>	<u>\$ 105.62</u>	<u>\$ 110.90</u>
<u>SENIOR CIVIL ENGINEER</u>	<u>\$ 71.17</u>	<u>\$ 74.72</u>	<u>\$ 78.46</u>	<u>\$ 82.38</u>	<u>\$ 86.50</u>

SENIOR MANAGEMENT ANALYST	\$ <u>55.22</u>	\$ <u>57.98</u>	\$ <u>60.88</u>	\$ <u>63.92</u>	\$ <u>67.11</u>
SERVICE CENTER SUPERINTENDENT	\$ <u>67.14</u>	\$ <u>70.50</u>	\$ <u>74.02</u>	\$ <u>77.72</u>	\$ <u>81.61</u>
RECREATION MANAGER	\$ <u>53.61</u>	\$ <u>56.29</u>	\$ <u>59.10</u>	\$ <u>62.06</u>	\$ <u>65.16</u>
SUSTAINABILITY MANAGER	\$ <u>66.99</u>	\$ <u>70.34</u>	\$ <u>73.85</u>	\$ <u>77.55</u>	\$ <u>81.42</u>
TRANSPORTATION MANAGER	\$<u>75.77</u> <u>72.85</u>	\$<u>79.56</u> <u>76.50</u>	\$<u>83.54</u> <u>80.32</u>	\$<u>87.71</u> <u>84.34</u>	\$<u>92.10</u> <u>88.56</u>
WEB SPECIALIST	\$ <u>45.94</u>	\$ <u>48.23</u>	\$ <u>50.65</u>	\$ <u>53.18</u>	\$ <u>55.84</u>

Salary Effective First Full Pay Period in July 2021

Classification	Step 1	Step 2	Step 3	Step 4	Step 5
ACCOUNTANT I	\$ <u>42.88</u>	\$ <u>45.03</u>	\$ <u>47.28</u>	\$ <u>49.64</u>	\$ <u>52.12</u>
ACCOUNTANT II	\$ <u>47.27</u>	\$ <u>49.64</u>	\$ <u>52.12</u>	\$ <u>54.73</u>	\$ <u>57.46</u>
ACCOUNTING TECHNICIAN	\$ <u>42.53</u>	\$ <u>44.66</u>	\$ <u>46.89</u>	\$ <u>49.24</u>	\$ <u>51.70</u>
ADMINISTRATIVE ASSISTANT	\$ <u>37.41</u>	\$ <u>39.28</u>	\$ <u>41.24</u>	\$ <u>43.30</u>	\$ <u>45.47</u>
ASSISTANT CITY ATTORNEY	\$ <u>85.42</u>	\$ <u>89.70</u>	\$ <u>94.18</u>	\$ <u>98.89</u>	\$ <u>103.83</u>
ASSISTANT CITY MGR	\$ <u>116.79</u>	\$ <u>122.63</u>	\$ <u>128.76</u>	\$ <u>135.20</u>	\$ <u>141.96</u>
ASSISTANT TO THE CITY MANAGER	\$<u>68.72</u> <u>67.04</u>	\$<u>72.15</u> <u>70.39</u>	\$<u>75.76</u> <u>73.91</u>	\$<u>79.55</u> <u>77.61</u>	\$<u>83.53</u> <u>81.49</u>
ASST DIR COMM DEV/BUILDING OFFICIAL	\$ <u>83.55</u>	\$ <u>87.73</u>	\$ <u>92.12</u>	\$ <u>96.72</u>	\$ <u>101.56</u>
ASST DIR PUBLIC WORKS/CITY ENGINEER	\$ <u>86.92</u>	\$ <u>91.27</u>	\$ <u>95.83</u>	\$ <u>100.63</u>	\$ <u>105.66</u>
ASST DIR PARKS AND RECREATION	\$ <u>83.55</u>	\$ <u>87.73</u>	\$ <u>92.12</u>	\$ <u>96.72</u>	\$ <u>101.56</u>
BUSINESS SYSTEMS ANALYST	\$ <u>60.63</u>	\$ <u>63.66</u>	\$ <u>66.84</u>	\$ <u>70.19</u>	\$ <u>73.70</u>
CAPITAL IMPV PROGRAM MGR	\$ <u>72.99</u>	\$ <u>76.64</u>	\$ <u>80.48</u>	\$ <u>84.50</u>	\$ <u>88.72</u>
CHIEF TECHNOLOGY OFFICER	\$ <u>103.15</u>	\$ <u>108.31</u>	\$ <u>113.73</u>	\$ <u>119.42</u>	\$ <u>125.38</u>
CITY ENGINEER	\$ <u>86.92</u>	\$ <u>91.27</u>	\$ <u>95.83</u>	\$ <u>100.63</u>	\$ <u>105.66</u>

CITY CLERK	\$ 69.68	\$ 73.17	\$ 76.82	\$ 80.67	\$ 84.70
COMMUNITY RELATIONS COORDINATOR	\$ 43.12	\$ 45.28	\$ 47.54	\$ 49.92	\$ 52.42
DEPARTMENT HEAD	\$ 103.15	\$ 108.31	\$ 113.73	\$ 119.42	\$ 125.38
DEPUTY BUILDING OFFICIAL	\$ 67.93	\$ 71.33	\$ 74.89	\$ 78.64	\$ 82.57
DEPUTY CITY ATTORNEY	\$ 61.47	\$ 64.54	\$ 67.77	\$ 71.15	\$ 74.71
DEPUTY CITY CLERK	\$ 49.72	\$ 52.21	\$ 54.82	\$ 57.56	\$ 60.44
DEPUTY CITY MANAGER	\$ 79.49	\$ 83.46	\$ 87.64	\$ 92.02	\$ 96.62
DIRECTOR OF ADMIN SERVICES	\$ 103.15	\$ 108.31	\$ 113.73	\$ 119.42	\$ 125.38
DIRECTOR OF COMM DEVELOPMENT	\$ 103.15	\$ 108.31	\$ 113.73	\$ 119.42	\$ 125.38
DIRECTOR OF PARKS AND RECREATION	\$ 103.15	\$ 108.31	\$ 113.73	\$ 119.42	\$ 125.38
DIRECTOR OF PUBLIC WORKS	\$ 106.17	\$ 111.48	\$ 117.06	\$ 122.91	\$ 129.05
ECONOMIC DEVELOPMENT MANAGER	\$ 75.01	\$ 78.76	\$ 82.70	\$ 86.83	\$ 91.17
EMERGENCY SERVICES COORDINATOR	\$ 43.12	\$ 45.28	\$ 47.54	\$ 49.92	\$ 52.42
ENVIRONMENTAL PROGRAMS MANAGER	\$ 72.45	\$ 76.07	\$ 79.87	\$ 83.87	\$ 88.06
EXEC ASST TO CITY MANAGER	\$ 43.95	\$ 46.15	\$ 48.46	\$ 50.88	\$ 53.43
EXEC ASST TO THE CITY ATTN	\$ 42.87	\$ 45.02	\$ 47.28	\$ 49.63	\$ 52.12
FINANCE MANAGER	\$ 78.13	\$ 82.03	\$ 86.14	\$ 90.44	\$ 94.97
GIS PROGRAM MANAGER	\$ 77.22	\$ 81.08	\$ 85.13	\$ 89.39	\$ 93.86
HUMAN RESOURCE ANALYST I	\$ 51.58	\$ 54.16	\$ 56.87	\$ 59.71	\$ 62.70
HUMAN RESOURCES ANALYST II	\$ 56.87	\$ 59.72	\$ 62.70	\$ 65.84	\$ 69.13
HUMAN RESOURCES ASSISTANT	\$ 31.06	\$ 32.62	\$ 34.25	\$ 35.96	\$ 37.76
HUMAN RESOURCES MANAGER	\$ 78.13	\$ 82.03	\$ 86.14	\$ 90.44	\$ 94.97
HUMAN RESOURCES TECHNICIAN	\$ 42.53	\$ 44.66	\$ 46.89	\$ 49.24	\$ 51.70
I.T. ASSISTANT	\$ 41.83	\$ 43.92	\$ 46.12	\$ 48.42	\$ 50.84

INNOVATION AND TECH MGR - INFRASTRUCTURE	\$ 77.22	\$ 81.08	\$ 85.13	\$ 89.39	\$ 93.86
INNOVATION AND TECH MGR - APPLICATIONS	\$ 77.22	\$ 81.08	\$ 85.13	\$ 89.39	\$ 93.86
LEGAL SERVICES MANAGER	\$ 44.28	\$ 46.50	\$ 48.82	\$ 51.26	\$ 53.82
MANAGEMENT ANALYST	\$ 52.03	\$ 54.63	\$ 57.36	\$ 60.23	\$ 63.24
NETWORK SPECIALIST	\$ 53.51	\$ 56.19	\$ 59.00	\$ 61.95	\$ 65.05
PARK RESTORATION IMPV MGR	\$ 72.99	\$ 76.64	\$ 80.48	\$ 84.50	\$ 88.72
PERMIT CENTER MANAGER	\$ 67.93	\$ 71.33	\$ 74.89	\$ 78.64	\$ 82.57
PLANNING MANAGER	\$ 78.52	\$ 82.45	\$ 86.57	\$ 90.90	\$ 95.45
PUBLIC AFFAIRS MANAGER	\$ 67.12	\$ 70.47	\$ 73.99	\$ 77.69	\$ 81.58
PUBLIC INFORMATION OFFICER	\$ 67.04	\$ 70.39	\$ 73.91	\$ 77.61	\$ 81.49
PUBLIC WORKS PROJECT MANAGER	\$ 64.16	\$ 67.37	\$ 70.74	\$ 74.28	\$ 77.99
PUBLIC WORKS SUPERVISOR	\$ 54.08	\$ 56.79	\$ 59.63	\$ 62.61	\$ 65.74
RECREATION SUPERVISOR	\$ 50.08	\$ 52.59	\$ 55.22	\$ 57.98	\$ 60.88
SENIOR ACCOUNTANT	\$ 54.73	\$ 57.47	\$ 60.34	\$ 63.36	\$ 66.52
SENIOR ASSISTANT CITY ATTORNEY	\$ 93.98	\$ 98.68	\$ 103.61	\$ 108.79	\$ 114.23
SENIOR CIVIL ENGINEER	\$ 73.30	\$ 76.97	\$ 80.81	\$ 84.85	\$ 89.10
SENIOR MANAGEMENT ANALYST	\$ 56.87	\$ 59.72	\$ 62.70	\$ 65.84	\$ 69.13
SERVICE CENTER SUPERINTENDENT	\$ 69.15	\$ 72.61	\$ 76.24	\$ 80.05	\$ 84.06
RECREATION MANAGER	\$ 55.22	\$ 57.98	\$ 60.88	\$ 63.92	\$ 67.12
SUSTAINABILITY MANAGER	\$ 72.45	\$ 76.07	\$ 79.87	\$ 83.87	\$ 88.06
TRANSPORTATION MANAGER	\$ 78.04 75.04	\$ 81.94 78.79	\$ 86.04 82.73	\$ 90.34 86.87	\$ 94.86 91.21
WEB SPECIALIST	\$ 47.32	\$ 49.68	\$ 52.17	\$ 54.77	\$ 57.51

Innovation and Technology Manager - Infrastructure	5.00%	5.00%	0.50%
Legal Services Manager	1.80%	0.00%	0.00%
Management Analyst	5.00%	0.50%	0.00%
Network Specialist	1.30%	0.00%	0.00%
Park Restoration & Improvement Manager	5.00%	3.50%	0.00%
Permit Center Manager	5.00%	2.80%	0.00%
Planning Manager	5.00%	5.00%	1.80%
Public Affairs Manager	5.00%	4.40%	0.00%
Public Information Officer	2.70%	2.70%	0.00%
Public Works Project Manager	5.00%	3.50%	0.00%
Public Works Supervisor	5.00%	0.50%	0.00%
Recreation Manager	0.00%	0.00%	0.00%
Recreation Supervisor	0.00%	0.00%	0.00%
Senior Accountant	3.20%	0.00%	0.00%
Senior Civil Engineer	4.00%	0.00%	0.00%
Senior Management Analyst	5.00%	0.50%	0.00%
Service Center Superintendent	5.00%	1.20%	0.00%
Sustainability Manager	5.00%	5.00%	5.00%
Transportation Manager	40.00%	0.00%	0.00%
Web Specialist	1.30%	0.00%	0.00%

City of Cupertino
UNREPRESENTED EMPLOYEES' 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 either as management or confidential positions shall be eligible for participation under the Unrepresented Employees 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.

It is the stated purpose of this Compensation Program to give recognition to and to differentiate those eligible employees from represented employees who achieve economic gain and other conditions of employment through negotiation. It is the intent that through this policy and those which are adopted or as may be modified or rescinded from time to time such recognition may be given.

Eligibility for inclusion with this Compensation program is limited to persons holding positions as management or confidential employees as defined under section 2.52.290 of the Cupertino Municipal Code. These are as designated by the Appointing Authority and may be modified as circumstances warrant.

Although subject to change in accordance with provision of the Personnel Code, the positions in the following classifications have been designated as unrepresented.

MANAGEMENT AND CONFIDENTIAL CLASSIFICATIONS:

Classification Title

Accountant I
Accountant II
Accounting Technician
Administrative Assistant
Assistant City Attorney
Assistant City Manager
Assistant Director of Community Development/Building Official
Assistant Director of Public Works
Assistant Director of Recreation and Community Services
Assistant to the City Manager
Business Systems Analyst/Program Manager
Capital Improvement Program Manager
Chief Technology Officer/Director of Information Services (Department Head)
City Architect
City Clerk
City Engineer
Community Relations Coordinator

City of Cupertino
UNREPRESENTED EMPLOYEES' COMPENSATION PROGRAM
Policy No. 7

HEALTH BENEFITS PLAN - EMPLOYER CONTRIBUTION

It is the policy of the City of Cupertino to provide group hospital and medical insurance under which employees in Management and Confidential 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 included in the employee's gross pay.

Effective January 1, 2020	City Max Health Contribution	City Max *Dental Contribution	City Total Max 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 Contribution	City Max *Dental Contribution	City Total Max 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 Contribution	City Max *Dental Contribution	City Total Max 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

Health In Lieu Payments

The City shall provide a payment of \$375 per month in lieu of health care premiums, for Unrepresented employees who provide proof of alternate coverage. This payment shall be in the form of a contribution to the employee's deferred compensation plan.

*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.

Adopted by Action of the City Council
September 16, 1974

Revised

7/75, 7/76, 7/77, 8/78, 7/79, 6/80, 6/81, 7/81, 6/82, 7/83, 7/84, 7/88, 7/89, 7/90, 7/91, 7/92, 6/95, 7/97,
7/99, 6/00, 6/02, 7/04, 6/05, 4/07, 12/12, 7/13, 10/16, 7/19

ATTACHMENT A
SALARY SCHEDULE

Salary Effective First Full Pay Period after Council Adoption

Classification	Step 1	Step 2	Step 3	Step 4	Step 5
ACCOUNTANT I	\$ 40.23	\$ 42.24	\$ 44.35	\$ 46.57	\$ 48.89
ACCOUNTANT II	\$ 44.34	\$ 46.56	\$ 48.89	\$ 51.34	\$ 53.90
ACCOUNTING TECHNICIAN	\$ 39.90	\$ 41.89	\$ 43.99	\$ 46.19	\$ 48.50
ADMINISTRATIVE ASSISTANT	\$ 35.09	\$ 36.84	\$ 38.69	\$ 40.62	\$ 42.65
ASSISTANT CITY ATTORNEY	\$ 80.13	\$ 84.14	\$ 88.34	\$ 92.76	\$ 97.40
ASSISTANT CITY MGR	\$ 106.67	\$ 112.01	\$ 117.61	\$ 123.49	\$ 129.66
ASSISTANT TO THE CITY MANAGER	\$ 61.24	\$ 64.30	\$ 67.51	\$ 70.89	\$ 74.43
ASST DIR COMM DEV/BUILDING OFFICIAL	\$ 76.32	\$ 80.13	\$ 84.14	\$ 88.35	\$ 92.76
ASST DIR PARKS AND RECREATION	\$ 76.32	\$ 80.13	\$ 84.14	\$ 88.35	\$ 92.76
ASST DIR PUBLIC WORKS/CITY ENGINEER	\$ 79.40	\$ 83.36	\$ 87.53	\$ 91.91	\$ 96.51
BUSINESS SYSTEMS ANALYST	\$ 52.03	\$ 54.63	\$ 57.36	\$ 60.23	\$ 63.24
CAPITAL IMPV PROGRAM MGR	\$ 66.16	\$ 69.46	\$ 72.94	\$ 76.58	\$ 80.41
CHIEF TECHNOLOGY OFFICER	\$ 94.22	\$ 98.93	\$ 103.88	\$ 109.08	\$ 114.52
CITY CLERK	\$ 61.94	\$ 65.04	\$ 68.29	\$ 71.71	\$ 75.29
CITY ENGINEER	\$ 79.40	\$ 83.36	\$ 87.53	\$ 91.91	\$ 96.51
COMMUNITY RELATIONS COORDINATOR	\$ 40.45	\$ 42.47	\$ 44.60	\$ 46.83	\$ 49.17
DEPARTMENT HEAD	\$ 94.22	\$ 98.93	\$ 103.88	\$ 109.08	\$ 114.52
DEPUTY BUILDING OFFICIAL	\$ 61.99	\$ 65.08	\$ 68.34	\$ 71.76	\$ 75.34
DEPUTY CITY ATTORNEY	\$ 57.66	\$ 60.54	\$ 63.57	\$ 66.74	\$ 70.08
DEPUTY CITY CLERK	\$ 44.20	\$ 46.41	\$ 48.73	\$ 51.17	\$ 53.73
DEPUTY CITY MANAGER	\$ 72.60	\$ 76.24	\$ 80.05	\$ 84.05	\$ 88.25

DIRECTOR OF ADMIN SERVICES	\$ 94.22	\$ 98.93	\$ 103.88	\$ 109.08	\$ 114.52
DIRECTOR OF COMM DEVELOPMENT	\$ 94.22	\$ 98.93	\$ 103.88	\$ 109.08	\$ 114.52
DIRECTOR OF PARKS AND RECREATION	\$ 94.22	\$ 98.93	\$ 103.88	\$ 109.08	\$ 114.52
DIRECTOR OF PUBLIC WORKS	\$ 96.98	\$ 101.82	\$ 106.92	\$ 112.26	\$ 117.88
ECONOMIC DEVELOPMENT MANAGER	\$ 68.18	\$ 71.59	\$ 75.17	\$ 78.93	\$ 82.87
EMERGENCY SERVICES COORDINATOR	\$ 40.45	\$ 42.47	\$ 44.60	\$ 46.83	\$ 49.17
ENVIRONMENTAL PROGRAMS MANAGER	\$ 61.64	\$ 64.72	\$ 67.96	\$ 71.36	\$ 74.92
EXEC ASST TO CITY MANAGER	\$ 41.23	\$ 43.29	\$ 45.46	\$ 47.73	\$ 50.12
EXEC ASST TO THE CITY ATTN	\$ 40.22	\$ 42.23	\$ 44.35	\$ 46.56	\$ 48.89
FINANCE MANAGER	\$ 70.54	\$ 74.06	\$ 77.77	\$ 81.65	\$ 85.74
GIS PROGRAM MANAGER	\$ 68.64	\$ 72.07	\$ 75.67	\$ 79.46	\$ 83.43
HUMAN RESOURCE ANALYST I	\$ 48.15	\$ 50.55	\$ 53.08	\$ 55.74	\$ 58.52
HUMAN RESOURCES ANALYST II	\$ 53.08	\$ 55.74	\$ 58.52	\$ 61.45	\$ 64.52
HUMAN RESOURCES ASSISTANT	\$ 29.14	\$ 30.60	\$ 32.13	\$ 33.73	\$ 35.42
HUMAN RESOURCES MANAGER	\$ 70.54	\$ 74.06	\$ 77.77	\$ 81.65	\$ 85.74
HUMAN RESOURCES TECHNICIAN	\$ 39.90	\$ 41.89	\$ 43.99	\$ 46.19	\$ 48.50
I.T. ASSISTANT	\$ 39.24	\$ 41.20	\$ 43.26	\$ 45.42	\$ 47.69
INNOVATION AND TECH MGR - APPLICATIONS	\$ 68.64	\$ 72.07	\$ 75.67	\$ 79.46	\$ 83.43
INNOVATION AND TECH MGR - INFRASTRUCTURE	\$ 68.64	\$ 72.07	\$ 75.67	\$ 79.46	\$ 83.43
LEGAL SERVICES MANAGER	\$ 41.54	\$ 43.61	\$ 45.80	\$ 48.08	\$ 50.49
MANAGEMENT ANALYST	\$ 48.56	\$ 50.99	\$ 53.54	\$ 56.21	\$ 59.03
NETWORK SPECIALIST	\$ 50.20	\$ 52.71	\$ 55.34	\$ 58.11	\$ 61.02
PARK RESTORATION IMPV MGR	\$ 66.16	\$ 69.46	\$ 72.94	\$ 76.58	\$ 80.41
PERMIT CENTER MANAGER	\$ 61.99	\$ 65.08	\$ 68.34	\$ 71.76	\$ 75.34

PLANNING MANAGER	\$ 68.91	\$ 72.36	\$ 75.97	\$ 79.77	\$ 83.76
PUBLIC AFFAIRS MANAGER	\$ 60.30	\$ 63.32	\$ 66.48	\$ 69.81	\$ 73.30
PUBLIC INFORMATION OFFICER	\$ 61.24	\$ 64.30	\$ 67.51	\$ 70.89	\$ 74.43
PUBLIC WORKS PROJECT MANAGER	\$ 58.15	\$ 61.06	\$ 64.11	\$ 67.32	\$ 70.68
PUBLIC WORKS SUPERVISOR	\$ 50.48	\$ 53.00	\$ 55.65	\$ 58.44	\$ 61.36
RECREATION MANAGER	\$ 51.80	\$ 54.38	\$ 57.10	\$ 59.96	\$ 62.96
RECREATION SUPERVISOR	\$ 46.98	\$ 49.33	\$ 51.80	\$ 54.38	\$ 57.10
SENIOR ACCOUNTANT	\$ 51.34	\$ 53.91	\$ 56.60	\$ 59.43	\$ 62.40
SENIOR ASSISTANT CITY ATTORNEY	\$ 88.15	\$ 92.56	\$ 97.19	\$ 102.05	\$ 107.15
SENIOR CIVIL ENGINEER	\$ 68.76	\$ 72.20	\$ 75.81	\$ 79.60	\$ 83.58
SENIOR MANAGEMENT ANALYST	\$ 53.08	\$ 55.74	\$ 58.52	\$ 61.45	\$ 64.52
SERVICE CENTER SUPERINTENDENT	\$ 64.10	\$ 67.30	\$ 70.67	\$ 74.20	\$ 77.91
SUSTAINABILITY MANAGER	\$ 61.64	\$ 64.72	\$ 67.96	\$ 71.36	\$ 74.92
TRANSPORTATION MANAGER	\$ 73.21	\$ 76.87	\$ 80.71	\$ 84.75	\$ 88.98
WEB SPECIALIST	\$ 44.38	\$ 46.60	\$ 48.93	\$ 51.38	\$ 53.95

Salary Effective First Full Pay Period in July 2020

Classification	Step 1	Step 2	Step 3	Step 4	Step 5
ACCOUNTANT I	\$ 41.63	\$ 43.71	\$ 45.90	\$ 48.20	\$ 50.61
ACCOUNTANT II	\$ 45.90	\$ 48.19	\$ 50.60	\$ 53.13	\$ 55.79
ACCOUNTING TECHNICIAN	\$ 41.30	\$ 43.36	\$ 45.53	\$ 47.81	\$ 50.19
ADMINISTRATIVE ASSISTANT	\$ 36.32	\$ 38.13	\$ 40.04	\$ 42.04	\$ 44.14
ASSISTANT CITY ATTORNEY	\$ 82.94	\$ 87.08	\$ 91.44	\$ 96.01	\$ 100.81
ASSISTANT CITY MGR	\$ 113.39	\$ 119.06	\$ 125.01	\$ 131.26	\$ 137.82
ASSISTANT TO THE CITY MANAGER	\$ 65.09	\$ 68.34	\$ 71.76	\$ 75.35	\$ 79.12

ASST DIR COMM DEV/BUILDING OFFICIAL	\$ 81.12	\$ 85.18	\$ 89.44	\$ 93.91	\$ 98.60
ASST DIR PUBLIC WORKS/CITY ENGINEER	\$ 84.39	\$ 88.61	\$ 93.04	\$ 97.70	\$ 102.58
ASST DIR PARKS AND RECREATION	\$ 81.12	\$ 85.18	\$ 89.44	\$ 93.91	\$ 98.60
BUSINESS SYSTEMS ANALYST	\$ 56.55	\$ 59.37	\$ 62.34	\$ 65.46	\$ 68.73
CAPITAL IMPV PROGRAM MGR	\$ 70.87	\$ 74.41	\$ 78.13	\$ 82.04	\$ 86.14
CHIEF TECHNOLOGY OFFICER	\$ 100.15	\$ 105.16	\$ 110.42	\$ 115.94	\$ 121.73
CITY CLERK	\$ 67.32	\$ 70.68	\$ 74.22	\$ 77.93	\$ 81.82
CITY ENGINEER	\$ 84.39	\$ 88.61	\$ 93.04	\$ 97.70	\$ 102.58
COMMUNITY RELATIONS COORDINATOR	\$ 41.87	\$ 43.96	\$ 46.16	\$ 48.47	\$ 50.89
DEPARTMENT HEAD	\$ 100.15	\$ 105.16	\$ 110.42	\$ 115.94	\$ 121.73
DEPUTY BUILDING OFFICIAL	\$ 65.95	\$ 69.25	\$ 72.71	\$ 76.35	\$ 80.16
DEPUTY CITY ATTORNEY	\$ 59.67	\$ 62.66	\$ 65.79	\$ 69.08	\$ 72.54
DEPUTY CITY CLERK	\$ 48.03	\$ 50.44	\$ 52.96	\$ 55.61	\$ 58.39
DEPUTY CITY MANAGER	\$ 77.18	\$ 81.03	\$ 85.09	\$ 89.34	\$ 93.81
DIRECTOR OF ADMIN SERVICES	\$ 100.15	\$ 105.16	\$ 110.42	\$ 115.94	\$ 121.73
DIRECTOR OF COMM DEVELOPMENT	\$ 100.15	\$ 105.16	\$ 110.42	\$ 115.94	\$ 121.73
DIRECTOR OF PARKS AND RECREATION	\$ 100.15	\$ 105.16	\$ 110.42	\$ 115.94	\$ 121.73
DIRECTOR OF PUBLIC WORKS	\$ 103.08	\$ 108.23	\$ 113.65	\$ 119.33	\$ 125.29
ECONOMIC DEVELOPMENT MANAGER	\$ 72.82	\$ 76.47	\$ 80.29	\$ 84.30	\$ 88.52
EMERGENCY SERVICES COORDINATOR	\$ 41.87	\$ 43.96	\$ 46.16	\$ 48.47	\$ 50.89
ENVIRONMENTAL PROGRAMS MANAGER	\$ 66.99	\$ 70.34	\$ 73.85	\$ 77.55	\$ 81.42
EXEC ASST TO CITY MANAGER	\$ 42.67	\$ 44.81	\$ 47.05	\$ 49.40	\$ 51.87
EXEC ASST TO THE CITY ATTN	\$ 41.62	\$ 43.71	\$ 45.90	\$ 48.19	\$ 50.60
FINANCE MANAGER	\$ 75.85	\$ 79.65	\$ 83.63	\$ 87.81	\$ 92.20

GIS PROGRAM MANAGER	\$ 74.59	\$ 78.32	\$ 82.24	\$ 86.35	\$ 90.67
HUMAN RESOURCE ANALYST I	\$ 50.08	\$ 52.59	\$ 55.21	\$ 57.98	\$ 60.87
HUMAN RESOURCES ANALYST II	\$ 55.22	\$ 57.98	\$ 60.87	\$ 63.92	\$ 67.11
HUMAN RESOURCES ASSISTANT	\$ 30.16	\$ 31.67	\$ 33.25	\$ 34.91	\$ 36.66
HUMAN RESOURCES MANAGER	\$ 75.85	\$ 79.65	\$ 83.63	\$ 87.81	\$ 92.20
HUMAN RESOURCES TECHNICIAN	\$ 41.30	\$ 43.36	\$ 45.53	\$ 47.81	\$ 50.19
I.T. ASSISTANT	\$ 40.61	\$ 42.64	\$ 44.77	\$ 47.01	\$ 49.36
INNOVATION AND TECH MGR - INFRASTRUCTURE	\$ 74.59	\$ 78.32	\$ 82.24	\$ 86.35	\$ 90.67
INNOVATION AND TECH MGR - APPLICATIONS	\$ 74.59	\$ 78.32	\$ 82.24	\$ 86.35	\$ 90.67
LEGAL SERVICES MANAGER	\$ 42.99	\$ 45.14	\$ 47.40	\$ 49.77	\$ 52.26
MANAGEMENT ANALYST	\$ 50.51	\$ 53.04	\$ 55.69	\$ 58.47	\$ 61.40
NETWORK SPECIALIST	\$ 51.95	\$ 54.55	\$ 57.28	\$ 60.14	\$ 63.15
PARK RESTORATION IMPV MGR	\$ 70.87	\$ 74.41	\$ 78.13	\$ 82.04	\$ 86.14
PERMIT CENTER MANAGER	\$ 65.95	\$ 69.25	\$ 72.71	\$ 76.35	\$ 80.16
PLANNING MANAGER	\$ 74.89	\$ 78.63	\$ 82.56	\$ 86.69	\$ 91.03
PUBLIC AFFAIRS MANAGER	\$ 65.16	\$ 68.42	\$ 71.84	\$ 75.43	\$ 79.20
PUBLIC INFORMATION OFFICER	\$ 65.09	\$ 68.34	\$ 71.76	\$ 75.35	\$ 79.12
PUBLIC WORKS PROJECT MANAGER	\$ 62.29	\$ 65.41	\$ 68.68	\$ 72.11	\$ 75.72
PUBLIC WORKS SUPERVISOR	\$ 52.51	\$ 55.13	\$ 57.89	\$ 60.79	\$ 63.82
RECREATION SUPERVISOR	\$ 48.62	\$ 51.06	\$ 53.61	\$ 56.29	\$ 59.10
SENIOR ACCOUNTANT	\$ 53.14	\$ 55.79	\$ 58.58	\$ 61.51	\$ 64.59
SENIOR ASSISTANT CITY ATTORNEY	\$ 91.24	\$ 95.80	\$ 100.59	\$ 105.62	\$ 110.90
SENIOR CIVIL ENGINEER	\$ 71.17	\$ 74.72	\$ 78.46	\$ 82.38	\$ 86.50
SENIOR MANAGEMENT ANALYST	\$ 55.22	\$ 57.98	\$ 60.88	\$ 63.92	\$ 67.11

SERVICE CENTER SUPERINTENDENT	\$ 67.14	\$ 70.50	\$ 74.02	\$ 77.72	\$ 81.61
RECREATION MANAGER	\$ 53.61	\$ 56.29	\$ 59.10	\$ 62.06	\$ 65.16
SUSTAINABILITY MANAGER	\$ 66.99	\$ 70.34	\$ 73.85	\$ 77.55	\$ 81.42
TRANSPORTATION MANAGER	\$ 75.77	\$ 79.56	\$ 83.54	\$ 87.71	\$ 92.10
WEB SPECIALIST	\$ 45.94	\$ 48.23	\$ 50.65	\$ 53.18	\$ 55.84

Salary Effective First Full Pay Period in July 2021

Classification	Step 1	Step 2	Step 3	Step 4	Step 5
ACCOUNTANT I	\$ 42.88	\$ 45.03	\$ 47.28	\$ 49.64	\$ 52.12
ACCOUNTANT II	\$ 47.27	\$ 49.64	\$ 52.12	\$ 54.73	\$ 57.46
ACCOUNTING TECHNICIAN	\$ 42.53	\$ 44.66	\$ 46.89	\$ 49.24	\$ 51.70
ADMINISTRATIVE ASSISTANT	\$ 37.41	\$ 39.28	\$ 41.24	\$ 43.30	\$ 45.47
ASSISTANT CITY ATTORNEY	\$ 85.42	\$ 89.70	\$ 94.18	\$ 98.89	\$ 103.83
ASSISTANT CITY MGR	\$ 116.79	\$ 122.63	\$ 128.76	\$ 135.20	\$ 141.96
ASSISTANT TO THE CITY MANAGER	\$ 67.04	\$ 70.39	\$ 73.91	\$ 77.61	\$ 81.49
ASST DIR COMM DEV/BUILDING OFFICIAL	\$ 83.55	\$ 87.73	\$ 92.12	\$ 96.72	\$ 101.56
ASST DIR PUBLIC WORKS/CITY ENGINEER	\$ 86.92	\$ 91.27	\$ 95.83	\$ 100.63	\$ 105.66
ASST DIR PARKS AND RECREATION	\$ 83.55	\$ 87.73	\$ 92.12	\$ 96.72	\$ 101.56
BUSINESS SYSTEMS ANALYST	\$ 60.63	\$ 63.66	\$ 66.84	\$ 70.19	\$ 73.70
CAPITAL IMPV PROGRAM MGR	\$ 72.99	\$ 76.64	\$ 80.48	\$ 84.50	\$ 88.72
CHIEF TECHNOLOGY OFFICER	\$ 103.15	\$ 108.31	\$ 113.73	\$ 119.42	\$ 125.38
CITY ENGINEER	\$ 86.92	\$ 91.27	\$ 95.83	\$ 100.63	\$ 105.66
CITY CLERK	\$ 69.68	\$ 73.17	\$ 76.82	\$ 80.67	\$ 84.70
COMMUNITY RELATIONS COORDINATOR	\$ 43.12	\$ 45.28	\$ 47.54	\$ 49.92	\$ 52.42
DEPARTMENT HEAD	\$ 103.15	\$ 108.31	\$ 113.73	\$ 119.42	\$ 125.38

DEPUTY BUILDING OFFICIAL	\$ 67.93	\$ 71.33	\$ 74.89	\$ 78.64	\$ 82.57
DEPUTY CITY ATTORNEY	\$ 61.47	\$ 64.54	\$ 67.77	\$ 71.15	\$ 74.71
DEPUTY CITY CLERK	\$ 49.72	\$ 52.21	\$ 54.82	\$ 57.56	\$ 60.44
DEPUTY CITY MANAGER	\$ 79.49	\$ 83.46	\$ 87.64	\$ 92.02	\$ 96.62
DIRECTOR OF ADMIN SERVICES	\$ 103.15	\$ 108.31	\$ 113.73	\$ 119.42	\$ 125.38
DIRECTOR OF COMM DEVELOPMENT	\$ 103.15	\$ 108.31	\$ 113.73	\$ 119.42	\$ 125.38
DIRECTOR OF PARKS AND RECREATION	\$ 103.15	\$ 108.31	\$ 113.73	\$ 119.42	\$ 125.38
DIRECTOR OF PUBLIC WORKS	\$ 106.17	\$ 111.48	\$ 117.06	\$ 122.91	\$ 129.05
ECONOMIC DEVELOPMENT MANAGER	\$ 75.01	\$ 78.76	\$ 82.70	\$ 86.83	\$ 91.17
EMERGENCY SERVICES COORDINATOR	\$ 43.12	\$ 45.28	\$ 47.54	\$ 49.92	\$ 52.42
ENVIRONMENTAL PROGRAMS MANAGER	\$ 72.45	\$ 76.07	\$ 79.87	\$ 83.87	\$ 88.06
EXEC ASST TO CITY MANAGER	\$ 43.95	\$ 46.15	\$ 48.46	\$ 50.88	\$ 53.43
EXEC ASST TO THE CITY ATTN	\$ 42.87	\$ 45.02	\$ 47.28	\$ 49.63	\$ 52.12
FINANCE MANAGER	\$ 78.13	\$ 82.03	\$ 86.14	\$ 90.44	\$ 94.97
GIS PROGRAM MANAGER	\$ 77.22	\$ 81.08	\$ 85.13	\$ 89.39	\$ 93.86
HUMAN RESOURCE ANALYST I	\$ 51.58	\$ 54.16	\$ 56.87	\$ 59.71	\$ 62.70
HUMAN RESOURCES ANALYST II	\$ 56.87	\$ 59.72	\$ 62.70	\$ 65.84	\$ 69.13
HUMAN RESOURCES ASSISTANT	\$ 31.06	\$ 32.62	\$ 34.25	\$ 35.96	\$ 37.76
HUMAN RESOURCES MANAGER	\$ 78.13	\$ 82.03	\$ 86.14	\$ 90.44	\$ 94.97
HUMAN RESOURCES TECHNICIAN	\$ 42.53	\$ 44.66	\$ 46.89	\$ 49.24	\$ 51.70
I.T. ASSISTANT	\$ 41.83	\$ 43.92	\$ 46.12	\$ 48.42	\$ 50.84
INNOVATION AND TECH MGR - INFRASTRUCTURE	\$ 77.22	\$ 81.08	\$ 85.13	\$ 89.39	\$ 93.86
INNOVATION AND TECH MGR - APPLICATIONS	\$ 77.22	\$ 81.08	\$ 85.13	\$ 89.39	\$ 93.86
LEGAL SERVICES MANAGER	\$ 44.28	\$ 46.50	\$ 48.82	\$ 51.26	\$ 53.82

MANAGEMENT ANALYST	\$ 52.03	\$ 54.63	\$ 57.36	\$ 60.23	\$ 63.24
NETWORK SPECIALIST	\$ 53.51	\$ 56.19	\$ 59.00	\$ 61.95	\$ 65.05
PARK RESTORATION IMPV MGR	\$ 72.99	\$ 76.64	\$ 80.48	\$ 84.50	\$ 88.72
PERMIT CENTER MANAGER	\$ 67.93	\$ 71.33	\$ 74.89	\$ 78.64	\$ 82.57
PLANNING MANAGER	\$ 78.52	\$ 82.45	\$ 86.57	\$ 90.90	\$ 95.45
PUBLIC AFFAIRS MANAGER	\$ 67.12	\$ 70.47	\$ 73.99	\$ 77.69	\$ 81.58
PUBLIC INFORMATION OFFICER	\$ 67.04	\$ 70.39	\$ 73.91	\$ 77.61	\$ 81.49
PUBLIC WORKS PROJECT MANAGER	\$ 64.16	\$ 67.37	\$ 70.74	\$ 74.28	\$ 77.99
PUBLIC WORKS SUPERVISOR	\$ 54.08	\$ 56.79	\$ 59.63	\$ 62.61	\$ 65.74
RECREATION SUPERVISOR	\$ 50.08	\$ 52.59	\$ 55.22	\$ 57.98	\$ 60.88
SENIOR ACCOUNTANT	\$ 54.73	\$ 57.47	\$ 60.34	\$ 63.36	\$ 66.52
SENIOR ASSISTANT CITY ATTORNEY	\$ 93.98	\$ 98.68	\$ 103.61	\$ 108.79	\$ 114.23
SENIOR CIVIL ENGINEER	\$ 73.30	\$ 76.97	\$ 80.81	\$ 84.85	\$ 89.10
SENIOR MANAGEMENT ANALYST	\$ 56.87	\$ 59.72	\$ 62.70	\$ 65.84	\$ 69.13
SERVICE CENTER SUPERINTENDENT	\$ 69.15	\$ 72.61	\$ 76.24	\$ 80.05	\$ 84.06
RECREATION MANAGER	\$ 55.22	\$ 57.98	\$ 60.88	\$ 63.92	\$ 67.12
SUSTAINABILITY MANAGER	\$ 72.45	\$ 76.07	\$ 79.87	\$ 83.87	\$ 88.06
TRANSPORTATION MANAGER	\$ 78.04	\$ 81.94	\$ 86.04	\$ 90.34	\$ 94.86
WEB SPECIALIST	\$ 47.32	\$ 49.68	\$ 52.17	\$ 54.77	\$ 57.51

ATTACHMENT B

EQUITY ADJUSTMENTS

Classification	July 2019	July 2020	July 2021
Accountant I	3.20%	0.00%	0.00%
Accountant II	3.20%	0.00%	0.00%
Accounting Technician	0.00%	0.00%	0.00%
Administrative Assistant	0.00%	0.00%	0.00%
Assistant Director Of Public Works Engineer	2.70%	2.70%	0.00%
Assistant to the City Manager	2.70%	2.70%	0.00%
Assistant City Manager	2.70%	2.70%	0.00%
Assistant Director Of Community Dev/Building Official	2.70%	2.70%	0.00%
Assistant Director of Recreation and Community Services	2.70%	2.70%	0.00%
Business Systems Analyst	5.00%	5.00%	4.10%
Capital Improvement Program Manager	5.00%	3.50%	0.00%
Chief Technology Officer	2.70%	2.70%	0.00%
City Clerk	5.00%	5.00%	0.50%
Community Relations Coordinator	0.00%	0.00%	0.00%
Deputy Building Official	5.00%	2.80%	0.00%
Deputy City Clerk	5.00%	5.00%	0.50%
Deputy City Manager	2.70%	2.70%	0.00%
Director Of Administrative Services	2.70%	2.70%	0.00%
Director of Community Development	2.70%	2.70%	0.00%
Director Of Public Works	2.70%	2.70%	0.00%
Director Of Recreation & Community Services	2.70%	2.70%	0.00%
Economic Development Manager	5.00%	3.20%	0.00%
Emergency Services Coordinator	0.00%	0.00%	0.00%
Environmental Programs Manager	5.00%	5.00%	5.00%
Executive Assistant to the City Attorney	1.80%	0.00%	0.00%
Executive Assistant To The City Manager	1.80%	0.00%	0.00%
Finance Manager	5.00%	3.90%	0.00%
GIS Program Manager	5.00%	5.00%	0.50%
Human Resources Analyst I	5.00%	0.50%	0.00%
Human Resources Assistant	0.00%	0.00%	0.00%
Human Resources Analyst II	5.00%	0.50%	0.00%
Human Resources Manager	5.00%	3.90%	0.00%
Human Resources Technician	0.00%	0.00%	0.00%
Information Technology Assistant	4.40%	0.00%	0.00%
Innovation and Technology Manager – Applications	5.00%	5.00%	0.50%

Innovation and Technology Manager - Infrastructure	5.00%	5.00%	0.50%
Legal Services Manager	1.80%	0.00%	0.00%
Management Analyst	5.00%	0.50%	0.00%
Network Specialist	1.30%	0.00%	0.00%
Park Restoration & Improvement Manager	5.00%	3.50%	0.00%
Permit Center Manager	5.00%	2.80%	0.00%
Planning Manager	5.00%	5.00%	1.80%
Public Affairs Manager	5.00%	4.40%	0.00%
Public Information Officer	2.70%	2.70%	0.00%
Public Works Project Manager	5.00%	3.50%	0.00%
Public Works Supervisor	5.00%	0.50%	0.00%
Recreation Manager	0.00%	0.00%	0.00%
Recreation Supervisor	0.00%	0.00%	0.00%
Senior Accountant	3.20%	0.00%	0.00%
Senior Civil Engineer	4.00%	0.00%	0.00%
Senior Management Analyst	5.00%	0.50%	0.00%
Service Center Superintendent	5.00%	1.20%	0.00%
Sustainability Manager	5.00%	5.00%	5.00%
Transportation Manager	4.00%	0.00%	0.00%
Web Specialist	1.30%	0.00%	0.00%

CC 07-16-19 #19

BMR Contract

Written Communications

**BELOW MARKET RATE (BMR) AFFORDABLE HOUSING FUND (AHF)
CITY/NON-PROFIT CONTRACT
(Services Only)**

This Below Market Rate (BMR) Affordable Housing Fund (AHF) City/Non-Profit Contract (the "Contract") is entered into between the **CITY OF CUPERTINO**, a municipal corporation (hereinafter "CITY"), and **HELLO HOUSING**, a California nonprofit public benefit corporation (hereinafter "CORPORATION"). The grant funds provided pursuant to this Contract are to be utilized for specific services provided to the CITY by CORPORATION. CITY approved the allocation and disbursement of Below Market Rate ("BMR") Affordable Housing Funds ("AHF") funds to CORPORATION on July 1, 2019.

WITNESSETH

WHEREAS, BMR AHF funds are to be used to increase and preserve the supply of housing affordable to households of extremely low, very low, low, median, and moderate incomes; and

WHEREAS, CITY has reserved a portion of its BMR AHF funds for necessary administrative costs associated with providing affordable housing; and,

WHEREAS, CORPORATION has agreed to provide the Program (as described below) to monitor and administer the CITY's BMR ownership and rental housing program, which benefits low, very low, median, and moderate-income households.

NOW, THEREFORE, the parties agree as follows:

I. PROGRAM

CITY agrees to allocate a portion of its current BMR AHF funds to CORPORATION, in the sum of up to **Two Hundred Thirty-Five Thousand Dollars and No Cents (\$235,000.00)** for fiscal year 2019-2020, and increasing by seven percent (7%) each fiscal year through the end of the Term, as it may be amended, for the purpose of implementing the CORPORATION'S program, as more particularly described in Exhibits A-E to the Contract (the "Program"), and said Exhibits set forth below, as they may be amended or modified, are attached to this Contract and incorporated herein by reference.

Exhibit A: Program Description

Exhibit B: Program Work Plan

Exhibit C: Proposed Implementation Timeline Schedule

Exhibit D: Program Budget

Exhibit E: Basic Insurance and Bond Requirements For Non-Profit Contracts

II. TERM

The term of this Contract (the "Term") will begin on **July 1, 2019** and will end on **June 30, 2022**, unless otherwise amended or terminated earlier pursuant to Section VII or Section VIII below or extended pursuant to Section III below.

III. RENEWAL OPTIONS

The Term of this Contract may be extended by mutual agreement of the parties through a written amendment to the Contract authorized by the City Council for the fiscal year(s) following the Term, if all of the following conditions precedent are satisfied:

- A. Authorization by CITY to expend additional funds for the purposes of this Contract;
- B. CITY'S appropriation of BMR AHF funds for this Program;
- C. CORPORATION'S satisfactory performance, as determined by the CITY in its sole discretion, of all of its obligations as stated in this Contract;
- D. Submission to CITY of current proof of insurance satisfying the requirements set forth in Exhibit E.

IV. OBLIGATIONS OF CORPORATION

- A. Organization of CORPORATION. CORPORATION shall:
 - 1. Provide CITY with copies of the following documents, evidencing filing with the appropriate governmental agency:
 - a) Its Articles of Incorporation under the laws of the State of California;
 - b) A copy of the current Bylaws of CORPORATION;
 - c) Documentation of its Internal Revenue Service non-profit status;
 - d) Names and addresses of the current Board of Directors of CORPORATION; and
 - e) An adopted copy of CORPORATION'S personnel policies and procedures.
 - 2. During the Contract Term, immediately report any changes, subsequent to the date of this Contract, in CORPORATION'S Articles of Incorporation, Bylaws, Board of Directors, personnel policies and procedures, or tax exempt status to CITY.

3. Maintain no member of its Board of Directors as a paid employee, agent, independent contractor, or subcontractor under this Contract.

4. Open to the public, meetings of its Board of Directors, if required by California's open meeting laws, except meetings, or portions thereof, dealing with personnel or litigation matters or as otherwise provided by law.

5. Keep minutes of all its regular and special meetings.

6. Comply with all provisions of California and federal non-profit corporation laws.

7. Provide to the CITY a copy of a resolution authorizing the CORPORATION's execution of this Contract. The CORPORATION hereby warrants to the CITY that this Contract is a legal, valid, and binding obligation of the CORPORATION enforceable in accordance with its terms, and that the execution and delivery of this Contract and the performance of the CORPORATION's obligations have been duly authorized by the CORPORATION.

B. Program Performance by CORPORATION. CORPORATION shall:

1. Conduct the Program within the City of Cupertino as described in Exhibits A through D.

2. File quarterly reports on the type and number of services rendered through the operation of the Program and a description of the beneficiaries of these services, which reports will evaluate the manner in which the Program is achieving its objectives and goals according to the standards established by CITY. The progress reports will be due ten (10) days after the close of each quarter and must cover the three (3) months immediately preceding the date on which the report is filed.

3. Coordinate its services with other existing organizations providing similar services in order to foster community cooperation and to avoid unnecessary duplication of services.

4. Include an acknowledgement of CITY funding and support on all appropriate Program-related publicity and publications as mutually agreed by the parties.

C. Fiscal Responsibilities of CORPORATION. CORPORATION shall:

1. Appoint and submit the name of a fiscal agent who will be responsible for the financial and accounting activities of CORPORATION, including the receipt and disbursement of CORPORATION funds. The CITY must immediately be notified in writing of the appointment of any new fiscal agent and that agent's name.

2. If the Term of this Contract is extended by an amendment for an additional fiscal year, submit a satisfactory audit within one hundred fifty (150) days of the end of the last fiscal year covered by this Contract.

3. Document all Program costs by maintaining records in accordance with Section IV, Paragraph D below.

4. Submit to the CITY on a monthly basis a request for payment for services actually performed, together with all supporting documentation. Invoices requesting disbursements submitted after the expiration of the Contract will be honored only for eligible charges incurred during the Contract Term. All invoices must be submitted within forty-five (45) days of the expiration of the Contract Term. Funds not disbursed will be returned to the City for future reallocation.

5. Certify current and continuous insurance coverage, subject to CITY approval and in accordance with requirements as outlined in Exhibit E, and provide a current insurance certificate evidencing such coverage.

6. Deliver to the CITY a copy of the resolution authorizing CORPORATION's execution of this Contract.

7. Items 4 through 6 above are express conditions precedent to disbursement of any CITY funding and failure to comply with these conditions will, at discretion of CITY, result in suspension of funding or termination of this Contract.

8. If CORPORATION does not use the Grant funds in accordance with the requirements of this Contract, CORPORATION is liable for repayment of all disallowed costs. Disallowed costs may be identified through audits, monitoring or other sources. CORPORATION is required to respond to any adverse findings, which may lead to disallowed costs subject to provisions of OMB Circular A-122, "Cost Principles for Non-Profit Organizations."

D. Establishment and Maintenance of Records. CORPORATION shall:

1. Maintain complete and accurate records of all its transactions including, but not limited to, contracts, invoices, time cards, cash receipts, vouchers, canceled checks, bank statements, client statistical records, personnel, property and all other pertinent records sufficient to reflect properly (a) all direct and indirect costs of whatever nature claimed to have been incurred or anticipated to be incurred to perform this Contract or to operate the Program, and (b) all other matters covered by this Contract.

2. Maintain client data demonstrating client eligibility for services provided in connection with the Program. Such data will include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of service provided. Such information will be made available to CITY monitors for review upon request.

E. Preservation of Records. CORPORATION will preserve and make available its records:

1. Until five (5) years following date of final payment under this Contract, as it may be amended, or
2. For such longer period, if any, as is required by applicable law; or
3. If this Contract is completely or partially terminated, the records relating to the work terminated will be preserved and made available for a period of five (5) years from the date of termination.

F. Examination of Records and Facilities. At any time during normal business hours, and as often as may be deemed necessary, CORPORATION agrees that the CITY, and/or any duly authorized representatives may until expiration of the later of: (1) five (5) years after final payment under this Contract, (2) five (5) years from the date of termination of this Contract, or (3) such longer period as may be described by applicable law, have access to and the right to examine its plants, offices and facilities used in the performance of this Contract or the operation of the Program, and all its records with respect to the Program and all matters covered by this Contract. CORPORATION also agrees that CITY or any duly authorized representatives will have the right to audit, examine, and make excerpts or transactions of and from, such records and to make audits of all contracts and subcontracts, invoices, payrolls, records of personnel, conditions of employment, materials and all other data relating to the Program and matters covered by this Contract. CORPORATION will be notified in advance that an audit will be conducted. CORPORATION will be required to respond to any audit findings, and have the responses included in the final audit report. The cost of any such audit will be borne by CITY.

G. Compliance with Law. CORPORATION will become familiar and comply with and cause all its subcontractors, independent contractors, and employees, if any, to become familiar and comply with all applicable federal, state and local laws, ordinances, codes, regulations and decrees.

H. Suspension and Termination. If CORPORATION materially fails to comply with any term of this Contract, CITY may suspend or terminate the Contract in whole or in part. In no event shall any payment by CITY hereunder constitute a waiver by CITY of any breach of this Contract or any default, which may then exist on the part of CORPORATION, nor shall such payment impair or prejudice any remedy available to CITY with respect to the breach or default. CITY expressly reserves the right to demand of CORPORATION the repayment to the CITY of any funds disbursed to CORPORATION under this Contract, which were not expended in accordance with the terms of this Contract, and CORPORATION agrees to promptly refund any such funds upon demand.

Notwithstanding the above, CORPORATION shall not be relieved of liability to CITY for damages sustained by CITY or others by virtue of any breach of the Contract by CORPORATION, and CITY may withhold any payments to the CORPORATION for the purpose of set off until such time as the exact amount of damages due CITY from

CORPORATION is determined.

I. Reversion of Assets. Upon expiration or termination of this Contract, the CORPORATION will transfer to the CITY any Grant funds on hand at the time of expiration and any accounts receivable attributable to the use of such funds.

J. Conflict of Interest.

1. General Provision. In accordance with Government Code Section 1090 and the Political Reform Act, Government Code Section 87100 et seq., except for approved eligible administrative or personnel costs, no person who is an employee, agent, consultant, officer, or any immediate family member of such person, or any elected or appointed official of the CITY who exercises or has exercised any functions or responsibilities with respect to the activities funded by this Contract or who is in a position to participate in a decision-making process may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, during, or at any time after, such person's tenure. CORPORATION shall exercise due diligence to ensure that the prohibition in this Section is followed.

Further, no person who is a director, officer, partner, trustee or employee or consultant of CORPORATION, or immediate family member of any of the preceding, shall make or participate in a decision, made by the CITY or a CITY board, commission or committee, if it is reasonably foreseeable that the decision will have a material effect on any source of income, investment or interest in real property of that person or CORPORATION.

Interpretation of this section shall be governed by the definitions and provisions used in the Political Reform Act, Government Code Section 87100 et seq., its implementing regulations manual and codes, and Government Code Section 1090.

2. Provisions Specifically Applicable to BMR Units. In addition to subparagraph (1) above, the following individuals are ineligible to purchase or rent a BMR unit:

a. CITY employees and officials (and their immediate family members and dependents) who have policy-making authority or influence regarding CITY housing programs, or who participate in making decisions regarding CITY housing programs, administer CITY housing programs, or whose salary is paid in any part from a CITY housing program;

b. Any consultant to the CITY and employees of the consultant (and their immediate family members and dependents) who have policy-making authority or influence regarding CITY housing programs, or who participate in making decisions regarding CITY housing programs, administer CITY housing programs, or whose salary is paid in any part from the Grant or any other CITY housing program. These provisions regarding consultants apply to the CORPORATION and its employees, their immediate family members, and dependents;

c. An applicant for or developer of the project containing the BMR units and its officers and employees (and their immediate family members and dependents), and

CORPORATION: Hello Housing
Attn: Executive Director
1242 Market Street, 3rd Floor
San Francisco, CA 94102

All notices will either be hand delivered or sent by United States mail, registered or certified, postage prepaid. Notices given in such a manner will be deemed received when hand delivered or seventy-two (72) hours after deposit in the United States mail. Any party may change his or her address for the purpose of this section by giving five days written notice of such change to the other party in the manner provided in this section.

VII. CONTRACT COMPLIANCE

A. Monitoring and Evaluation of Services. Evaluation and monitoring of the Program performance is the mutual responsibility of both CITY and CORPORATION. CORPORATION must furnish all data, statements, records, information, and reports necessary for CITY to monitor, review, and evaluate the performance of the Program and its components. CITY will have the right to request the services of an outside agent to assist in any such evaluation. Services of any outside agent shall be paid for by CITY.

B. Contract Noncompliance. If CORPORATION fails to comply with any provision of this Contract, CITY will have the right to require corrective action to enforce compliance with such provision as well as the right to suspend or terminate this Contract. Examples of noncompliance include, but are not limited to:

1. If CORPORATION (with or without knowledge) has made any material misrepresentation of any nature with respect to any information or data furnished to CITY in connection with the Program.

2. If there is pending litigation with respect to the performance by CORPORATION regarding any of its duties or obligations under this Contract, which may materially jeopardize or adversely affect the undertaking of or the carrying out of the Program.

3. If CORPORATION has taken any action pertaining to the Program, which action required CITY approval, and such approval was not obtained.

4. If CORPORATION has not duly performed, complied with, or observed any provision of this Contract.

5. If CORPORATION makes illegal use of CITY funds.

6. If CORPORATION submits to CITY any report which is incorrect or incomplete in any material respect.

7. If CORPORATION fails to meet the stated objectives in the Program Work Plan attached as Exhibit B.

C. Corrective Action Procedure. CITY, in its absolute discretion and in lieu of immediately terminating this Contract upon occurrence or discovery of noncompliance by CORPORATION pursuant to this Contract, will have the right to give CORPORATION notice of CITY'S intention to consider corrective action to enforce compliance. Such notice must indicate the nature of the non-compliance and the procedure whereby CORPORATION will have the opportunity to participate in formulating any corrective action recommendation. CITY will have the right to require the presence of CORPORATION'S officer(s) and Executive Director at any hearing or meeting called for the purpose of considering corrective action.

In the event that CORPORATION does not implement the corrective action recommendations in accordance with the corrective action timetable, CITY may suspend payments to CORPORATION as described in Section V above or terminate this Contract as set forth in Section VIII below.

VIII. TERMINATION

A. Termination for Cause. CITY may terminate this Contract by providing written notice to CORPORATION, for any of the following reasons: uncorrected Contract non-compliance, as defined in Section VII, Paragraph B; CORPORATION is in bankruptcy or receivership; a member of the CORPORATION'S Board of Directors or the Executive Director is found to have committed fraud or; there is reliable evidence that CORPORATION is unable to complete the Program as described in the attached Exhibits. The date of termination will be as specified in the notice.

B. Termination for Convenience. In addition to the CITY'S right to terminate for cause set forth in Section VII, either CITY or CORPORATION may suspend or terminate this Contract for any reason by giving thirty (30) days prior written notice to the other party. Upon receipt of such notice, performance of the services hereunder will be immediately discontinued.

C. In the event that this Contract is terminated, CORPORATON may be required to return funds to the CITY.

D. Upon termination of this Contract, CORPORATION must immediately provide CITY access to all documents, records, payroll, minutes of meetings, correspondence and all other data pertaining to Grant made to CORPORATION pursuant to this Contract.

IX. PROGRAM INCOME

If CORPORATION receives additional funds to implement the Program, CORPORATION shall report such income to the CITY when submitting monthly invoices. CORPORATION may use such income during the Contract Term for activities permitted under this Contract and shall reduce requests for Grant funds by the amount of any such income received to implement the Program.

X. INDEPENDENT CONTRACTOR

This is a Contract by and between independent contractors and is not intended and will not be construed to create the relationship of agent, servant, employee, partnership, joint venture or association between CORPORATION and CITY. CORPORATION, including its officers, employees, agents or independent contractors or subcontractors, shall not have any claim under this Contract or otherwise against CITY for any social security, worker's compensation, or employee benefits extended to employees of CITY.

XI. ASSIGNABILITY

CITY is entering into this Contract based on the experience, skill, and ability to perform of the CORPORATION. The CORPORATION recognizes that its qualifications and identify are of particular concern to the CITY in view of the CITY's interest in providing services to lower and moderate income persons and the CITY's reliance on the unique qualifications of the CORPORATION. Consequently, this Contract may not be assigned to another corporation, person, partnership or any other entity without the prior written approval of CITY. None of the work or services to be performed hereunder may be assigned, delegated or subcontracted to third parties without the prior written approval of CITY, which the CITY may withhold in its sole discretion. Copies of all third party contracts shall be submitted to CITY at least ten (10) days prior to the proposed effective date. In the event CITY approves of any such assignment, delegation or subcontract, CORPORATION shall remain fully liable for all obligations and requirements under this Contract, including the performance and any liabilities attaching to the assignees' actions or omissions.

XII. DISCLOSURE OF CONFIDENTIAL CLIENT INFORMATION

CITY and CORPORATION agree to maintain the confidentiality of any information regarding applicants for services offered by the Program pursuant to this Contract or their immediate families which may be obtained through application forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the written permission of the applicant, such information will be divulged only as necessary for purposes related to the performance or evaluation of the services and work to be provided pursuant to this Contract, and then only to persons having responsibilities under this Contract, including those furnishing services under the Program through approved subcontracts. CORPORATION agrees to maintain client records consistent with applicable laws regarding personal privacy and obligations of confidentiality.

XIII. HOLD HARMLESS

In addition to the indemnity obligations set forth in Exhibit E, "Basic Insurance and Bond Requirements for Non-Profit Contracts", CORPORATION will indemnify and hold harmless the CITY, its employees, agents, and officials, members of boards and commissions, from any and all claims, actions, suits, charges and judgments whatsoever, with respect to any damages, including attorney's fees and court costs, arising out of the failure of the CORPORATION's Program to comply with applicable laws, ordinances, codes, regulations and decrees.

XIV. WAIVER OF RIGHTS AND REMEDIES

In no event will any payment by CITY constitute or be construed to be a waiver by CITY of any breach of the covenants or conditions of this Contract or any default which may then exist on the part of CORPORATION, and the making of any such payment while any such breach or default will in no way impair or prejudice any right or remedy available to CITY with respect to such breach or default. In no event will payment to CORPORATION by CITY in any way constitute a waiver by CITY of its rights to recover from CORPORATION the amount of money paid to CORPORATION on any item which is not eligible for payment under the Program or this Contract.

XV. NON-DISCRIMINATION

CORPORATION will comply with all applicable federal, state, and local laws and regulations including the CITY'S policies concerning nondiscrimination and equal opportunity in contracting. Such laws include but are not limited to the following: Title VII of the Civil Rights Act of 1964 as amended; Americans with Disabilities Act of 1990; The Rehabilitation Act of 1973 (Sections 503 and 504); California Fair Employment and Housing Act (Government Code sections 12900 et seq.); and California Labor Code sections 1101 and 1102. CORPORATION will not discriminate against any subcontractor, employee, or applicant for employment because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status in the recruitment, selection for training including apprenticeship, hiring, employment, utilization, promotion, layoff, rates of pay or other forms of compensation. Nor shall CORPORATION discriminate in provision of services provided in this Contract because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status.

This non-discrimination provision must be included in CORPORATION's contracts with subcontractors and vendors when utilizing the Grant funds disbursed for this program.

XVI. AMENDMENTS

Amendments to the terms or conditions of this Contract must be requested in writing by a duly authorized representative of the party desiring such amendments, and any such amendment shall be effective only upon the mutual agreement in writing of the parties hereto. Amendments will

not invalidate this Contract, nor relieve or release the CITY or the CORPORATION from its obligations under this Contract.

XVII. INTEGRATED DOCUMENT

This Contract contains the entire agreement between CITY and CORPORATION with respect to the subject matter hereof. No written or oral agreements with any officer, agent or employee of CITY prior to execution of this Contract shall affect or modify any of the terms of obligations contained in any documents comprising this Contract.

XVIII. MISCELLANEOUS

A. Headings. The captions and section headings used in this Contract are for convenience of reference only, and the words contained herein will, in no way, be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Contract.

B. Discretion Retained By CITY. CITY's execution of this Contract in no way limits the discretion of the CITY in the permit and approval process in connection with the Program.

C. Exhibits. All Exhibits attached hereto and referred to in this Contract are incorporated herein by this reference as if set forth fully herein. Exhibits are as follows: Exhibit A (Program Description), Exhibit B (Program Work Plan), Exhibit C (Proposed Implementation Time Schedule), Exhibit D (Program Budget), Exhibit E (Basic Insurance and Bond Requirements for Non-Profit Contracts).

D. Interpretation. Each party to this Contract has had an opportunity to review the Contract, confer with legal counsel regarding the meaning of the Contract, and negotiate revisions to the Contract. This Contract shall not be construed as if it had been prepared by one of the parties, but rather as if both parties had prepared it. The parties have read and reviewed this Contract and agree that any rule of construction to the effect that ambiguities are to be resolved against the drafting party (including but not limited to Civil Code Section 1654 as may be amended from time to time, or any other state law, or common law principle) shall not apply to the interpretation of this Contract.

E. Third-Party Beneficiary. There shall be no third party beneficiaries to this Contract.

F. Choice of Law and Venue. This Contract shall be governed by and construed in accordance with California law. Venue shall be Santa Clara County.

G. Parties Bound. Except as otherwise limited herein, the provisions of this Contract shall be binding upon and inure to the benefit of the parties and their heirs, executors, administrators, legal representatives, successors, and assigns.

H. Attorneys' Fees. If any lawsuit is commenced to enforce any of the terms of this Contract, the prevailing party will have the right to recover its reasonable attorneys' fees and costs of suit from the other party.

I. Severability. If any term of this Contract is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall continue in full force and effect unless the rights and obligations of the parties have been materially altered or abridged by such invalidation, voiding or unenforceability.

J. Authorization. The persons signing below are duly authorized to execute this Contract.

K. Multiple Originals; Counterpart. This Agreement may be executed in multiple originals, each of which is deemed to be an original, and may be signed in counterparts.

[Signatures on following page.]

IN WITNESS WHEREOF, the parties have executed this Contract the day and year above written.

CORPORATION:

HELLO HOUSING, a California nonprofit public benefit corporation

By: _____
Mardie Oakes
Executive Director

CITY:

CITY OF CUPERTINO, a municipal corporation

By: _____
Deborah Feng
City Manager

APPROVED AS TO FORM:

By: _____
Heather Minner
City Attorney

Date

ATTEST:

By: _____
Grace Schmidt
City Clerk

Date

EXPENDITURE DISTRIBUTION

ACCOUNT NUMBER	AMOUNT
Original Contract (1 st Yr.):	\$235,000.00
Original Contract (2 nd Yr.):	\$251,450.00
Original Contract (3 rd Yr.):	\$269,051.50
Total:	\$755,501.50

**EXHIBIT A
PROGRAM DESCRIPTION
FY 2019 - 2022**

Agency Name: Hello Housing			
Executive Director: Mardie Oakes		Program Manager: Matt Warner	
Street Address: 1242 Market Street, 3 rd Floor		State: CA	Zip Code: 94102
Telephone number: (415) 863-3036		Fax Number: (415) 813-6113	Program Manager Email Address: matt@hellohousing.org

Name of Project/Program: BMR Program Administration
Project/Program Location: City-wide

Program Description:

<p>Administration Services</p> <ul style="list-style-type: none"> • Consultant will be the primary contact for the BMR Program and will handle all inquiries and correspondence from applicants, current BMR homeowners and renters, and property managers in buildings with units restricted under the BMR Program. • Consultant will advertise the BMR Program, as needed, to solicit buyers and renters for available units and to establish a waiting list. • Consultant will maintain a waiting list of qualified buyers and renters in accordance with the BMR Program guidelines. Maintenance of the waiting list includes reviewing required annual applications to remain on the waiting list, conducting an annual lottery for new applicants, and sorting all applicants into the appropriate priority point level within the waiting list. • Consultant will utilize the City's procedures, ordinance(s), resolution(s), and guidelines in the implementation of the BMR Program. • Consultant will develop a report form in conjunction with the City representative and submit quarterly activity reports. • Consultant will provide suggestions to the City for potential modifications to the City's application process, procedures, and/or guidelines to ensure effective operation of the BMR Program. • Consultant will maintain marketing content for the BMR Program, including flyers, website, and other material as needed. • When requested by the City, Consultant will advise and assist City staff on matters related to the BMR Program. • As necessary, Consultant will provide access to translation in other languages. <p>BMR Purchase Program Services</p> <ul style="list-style-type: none"> • Consultant will manage the entire sale process from advertising of available units to completing the closing on the BMR unit. • Consultant will prepare the sales schedule for City approval. Consultant will then send notice of unit availability, sales price, location, and unit size to applicants at the top of the appropriate section of the waiting list with a deadline for submittal of their applications. • Upon receipt of one or more applications for the purchase of a unit, Consultant will ensure that each application is complete, verify eligibility, and confirm priority points. Consultant will rank the applications according to criteria in the City's written guidelines and coordinate approval with the City. • Consultant will be available to answer any questions regarding the BMR Program and will help facilitate escrow closing. Consultant will also facilitate recordation of the resale restrictions, requests for notice
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of default, subordination agreements, and any other applicable documents with the title company prior to close of escrow.

- Consultant will maintain a list of local lenders interested in providing loans to qualified BMR Program applicants.
- Consultant will inspect prospective sales units, hold at least one "open house" for prospective buyers, assist buyers with locating financing, coordinate appraisal, property and termite inspections, prepare disclosure statements, open and close escrows all in accordance with accepted real estate practices, and coordinate close of escrow to meet program deadlines (90 days in most cases).
- Consultant will provide or arrange Home Buyer education consistent with U.S. Department of Housing and Urban Development (HUD) standards.
- Consultant will monitor BMR units annually to confirm program compliance and investigate and manage potential defaults.
- Consultant will review and process requests for refinancing of BMR homes and junior loans in accordance with BMR Program guidelines.

BMR Rental Program Services

- Consultant will manage entire rental process including advertising of available units.
- Consultant will provide the property owner / manager of projects containing City BMR units with the most current income and rent guidelines upon issuance by HCD each year.
- Consultant will monitor BMR unit rents annually to ensure compliance with the required affordable rent levels under the BMR Program.
- Consultant will advise the property owner / manager regarding their compliance with the BMR Program.
- Consultant will verify the eligibility of prospective tenants qualified by the property manager.
- Consultant will manage the entire recertification process annually to ensure renters maintain BMR Program eligibility. In the event that a renter no longer qualifies for the City's BMR Program, consultant will work with the property manager to terminate the tenant's BMR Program participation after the applicable appeal period has lapsed and to qualify a new applicant for that BMR unit.

The attached Implementation Plan is incorporated by reference.

EXHIBIT B
PROGRAM WORK PLAN
FY 2019 - 2022

AGENCY NAME: Hello Housing
PROGRAM NAME: BMR Program Administration

Objectives	Benchmarks for Each Quarter				
	1st	2nd	3rd	4th	TOTAL
Fill BMR rental vacancies	3	3	3	3	12
Manage BMR Resale & Refinance process	1	1	1	1	4
Maintain BMR waiting list	100	100	100	100	400
BMR ownership monitoring	0	0	121	0	121
BMR rental monitoring	35	36	36	35	142
Provide BMR program information and resources	25	25	25	25	100

EXHIBIT C
PROPOSED IMPLEMENTATION TIMELINE SCHEDULE
FY 2019 - 2022

AGENCY NAME: Hello Housing
PROGRAM NAME: BMR Program Administration

Activity Number & Description:

1. Fill BMR rental vacancies
2. Manage BMR Resale & Refinance process
3. Maintain BMR waiting list
4. BMR ownership monitoring
5. BMR rental monitoring
6. Provide BMR program information and resources

Exhibit D Program Budget FY 2019-22

Proposed Pricing for the City of Cupertino

Administration of Cupertino's BMR Program

8-Jul-19

Ownership - Key Assumptions		2019-2020	2020 - 2021	2021-2022
BMR Ownership Homes in Portfolio		120	120	120
Estimated Number of Resales		2	2	2
BMR Homes Subject to Annual Monitoring		120	120	120
Estimated Number of Refinances		3	3	3
Estimated Number of Ownership Waitlist Members		278	298	318
Estimated Net New Waitlist Members		20	20	20
Workshops (Waitlist Orientation)		0.5	0.5	0.5
Annual Escalator	(a)		7%	7%

Ownership Activities	Notes	2017-2019 Rates	2019-2022 Rates	Year 1	Year 2	Year 3
ANNUAL FIXED FEES						
Field calls from City and public, maintain website, staff, reporting	(b)	\$500 per month	\$650 per month	\$ 7,800	\$ 8,346	\$ 8,892
BMR Ownership Annual Compliance Monitoring		\$125 per household	\$165 per household	\$ 19,800	\$ 21,186	\$ 22,572
Waitlist Update - Ownership		\$50 per applicant	\$65 per applicant	\$ 18,070	\$ 20,726	\$ 23,564
		<i>Annual Fixed Cost Subtotal</i>	<i>Annual Fixed Cost Subtotal</i>	\$ 45,670	\$ 50,258	\$ 55,028

ANNUAL VARIABLE FEES (VOLUME DEPENDENT)						
Workshops (Waitlist Orientation)		\$750 per workshop	\$1,000 per workshop	\$ 500	\$ 535	\$ 570
Management of Resales		\$4,000 per home	\$6,000 per home	\$ 12,000	\$ 12,840	\$ 13,680
Management of Refinances		\$650 per transaction	\$850 per transaction	\$ 2,550	\$ 2,729	\$ 2,907
Demographics Summary Report for Existing Homeowners		n/a	\$15 per household	\$ 1,800		
Demographics Survey of Ownership Waitlist and Summary Report		n/a	\$15 per household	\$ 4,470		
Recordation of Requests for Notices of Default (75 homes outstanding)	(c)	\$40 per home	\$45 per home	\$ 3,375		
Allowance for Hourly (assumes Program Manager rates for pricing)		\$90 per hour	\$110 per hour	\$ 1,100	\$ 1,177	\$ 1,254
			<i>Variable Cost Subtotal</i>	\$ 25,795	\$ 17,281	\$ 18,411

OWNERSHIP						
Annual Fixed Costs				\$ 45,670	\$ 50,258	\$ 55,028
Projected Transactional Costs				\$ 25,795	\$ 17,281	\$ 18,411
				\$ 71,465	\$ 67,538	\$ 73,439

Rental - Key Assumptions		2019-2020	2020 - 2021	2021-2022
BMR Rental Homes in Portfolio		142	142	142
Estimated Number of BMR Rental Unit Turnover		12	12	12
Estimated Number of Eligibility Reviews to Fill a Vacant Unit		2	2	2
Estimated Number of Rental Waitlist Members		506	536	566
Estimated Net New Rental Waitlist Members		30	30	30
Workshops (Waitlist Orientation)		0.5	0.5	0.5
Annual Escalator			7%	7%

Rental Activities	Notes	2017-2019 Rates	2019-2022 Rates	Year 1	Year 2	Year 3
ANNUAL FIXED FEES						
Field calls from City and public, maintain website, staff, reporting	(b)	\$500 per month	\$650 per month	\$ 7,800	\$ 8,346	\$ 8,892
BMR Rental Compliance Monitoring		\$275 per unit	\$600 per unit	\$ 85,200	\$ 91,164	\$ 97,128
Waitlist Update - Rental		\$50 per applicant	\$65 per applicant	\$ 32,890	\$ 37,279	\$ 41,941
			<i>Annual Fixed Cost Subtotal</i>	\$ 125,890	\$ 136,789	\$ 147,961

ANNUAL VARIABLE FEES (VOLUME DEPENDENT)						
BMR Orientation Meeting/Workshops		\$750 per workshop	\$1000 per workshop	\$ 500	\$ 535	\$ 570
BMR Rental Eligibility Verification Upon Vacancy		\$275 per applicant	\$600 per applicant	\$ 14,400	\$ 15,408	\$ 16,416
Demographics Survey of Existing Tenants		n/a	\$15 per household	\$ 2,130		
Demographics Survey of Rental Waitlist		n/a	\$15 per household	\$ 8,040		
Allowance for Hourly (assumes Program Manager rates for pricing)		\$90 per hour	\$110 per hour	\$ 1,100	\$ 1,177	\$ 1,254
			<i>Annual Variable Cost Subtotal</i>	\$ 26,170	\$ 17,120	\$ 18,240

RENTAL						
Annual Fixed Costs				\$ 125,890	\$ 136,789	\$ 147,961
Projected Transactional Costs				\$ 26,170	\$ 17,120	\$ 18,240
				\$ 152,060	\$ 153,909	\$ 166,201

TOTAL OWNERSHIP & RENTAL						
Annual Fixed Costs				\$ 171,560	\$ 187,047	\$ 202,988
Projected Transactional Costs				\$ 51,965	\$ 34,401	\$ 36,651
				\$ 223,525	\$ 221,447	\$ 239,639
				5% contingency \$ 11,176	\$ 11,072.36	\$ 11,981.97
				Contract Maximum \$ 234,701	\$ 232,520	\$ 251,621

Additional Services Available Upon Request	Rates
BMR Homeowner Custom Annual Newsletter	\$4000 per issue

Hourly Consulting Fees (for services outside base scope)		
President	\$ 150	\$ 225
Vice President	-	\$ 170
Program Director	\$ 110	\$ 135
Program Manager	\$ 90	\$ 110
Program Associate	\$ 55	\$ 70

Notes

- (a) For multi-year contracts, Hello Housing needs to build in an annual escalator of 7%.
- (b) The fee covers staff time fielding questions from applicants, program participants, and the City, submitting reports, regularly updating website and marketing materials and cross-training of multiple
- (c) Based on an audit of ownership files, there are approximately 75 homes which do not have a Request for Notice of Default recorded which puts those units at far greater risk of loss.

EXHIBIT E

BASIC INSURANCE AND BOND REQUIREMENTS FOR NON-PROFIT CONTRACTS

Definition of Contractor: The "**Contractor**" as the word is used in this Exhibit E is the party contracting with the City of Cupertino for the direct distribution of BMR AHF funds.

Indemnity

The Contractor shall indemnify, defend, and hold harmless the City of Cupertino (hereinafter "City"), its officers, agents and employees from any loss, liability, claim, injury or damage arising out of, or in connection with performance of this Contract by Contractor and/or its agents, employees or subcontractors, excepting only loss, injury or damage caused solely by the acts or omissions of personnel employed by the City. It is the intent of the parties to this Contract to provide the broadest possible coverage for the City. The Contractor shall reimburse the City for all costs, attorneys' fees, expenses and liabilities incurred with respect to any litigation in which the Contractor is obligated to indemnify, defend and hold harmless the City under this Contract.

Insurance

Without limiting the Contractor's indemnification of the City, the Contractor shall provide and maintain at its own expense, during the term of this Contract, or as may be further required herein, the following insurance coverages and provisions:

A. Evidence of Coverage

Prior to commencement of this Contract, the Contractor shall provide on the City's own form or a form approved by the City's Insurance Manager an original plus one copy of a Certificate of Insurance certifying that coverage as required herein has been obtained and remains in force for the period required by this Contract. **The contract number and project name must be stated on the Certificate of Insurance.** The City's Special Endorsement form shall accompany the certificate. Individual endorsements executed by the insurance carrier may be substituted for the City's Special Endorsement form if they provide the coverage as required. In addition, a certified copy of the policy or policies shall be provided by the Contractor upon request.

This verification of coverage shall be sent to the address as shown on the City's Certificate of Insurance form and to the Community Development Department at the address set forth in this Contract at Section VI. PROGRAM COORDINATION, Paragraph C., NOTICES. The Contractor shall not issue a Notice to Proceed with the work under this Contract until it has obtained all insurance required and such insurance has been approved by the City. This approval of insurance shall neither relieve nor decrease the liability of the Contractor.

B. Notice of Cancellation or Reduction of Coverage

All policies shall contain a special provision for thirty (30) days prior written notice of any cancellation or reduction in coverage to be sent to the Community Development Department, 10300 Torre Avenue, Cupertino, CA 95014.

C. Qualifying Insurers

All policies shall be issued by companies which hold a current policy holder's alphabetic and financial size category rating of not less than A VIII, according to the current Best's Key Rating Guide, unless otherwise approved by the City's Insurance Manager.

D. Insurance Required

1. Comprehensive General Liability Insurance - for bodily injury (including death) and property damage which provides limits of not less than one million dollars (\$1,000,000) combined single limit (CSL) per occurrence.

OR

2. Commercial General Liability Insurance - for bodily injury (including death) and property damage which provides limits as follows:
 - a. General limit per occurrence - \$1,000,000
 - b. General limit aggregate - \$2,000,000
 - c. Products/Completed Operations- \$1,000,000 aggregate
 - d. Personal Injury limit - \$1,000,000

If coverage is provided under a Commercial General Liability Insurance form, the carrier shall provide the City Insurance Manager with a quarterly report of the amount of aggregate limits expended to that date. If over 50% of the aggregate limits have been paid or reserved, the City may require additional coverage to be purchased by the Contractor to restore the required limits.

3. For either type of insurance, coverage shall include:
 - a. Premises and Operations
 - b. Products/Completed Operations with limits of one million dollars (\$1,000,000) per occurrence/ aggregate to be maintained for two (2) years following acceptance of the work by the City.
 - c. Contractual Liability expressly including liability assumed under this Contract.
 - d. Personal Injury liability.
 - e. Independent Contractors' (Protective) liability.
 - f. Severability of Interest clause providing that the coverage applies separately to each insured except with respect to the limits of liability.

4. For either type of insurance, coverage shall include the following endorsements, copies of which shall be provided to the City:
 - a. Additional Insured Endorsement:

Such insurance as is afforded by this policy shall also apply to the City of Cupertino, and members of the City Council, and the officers, agents and employees of the City of Cupertino, individually and collectively, as additional insureds.
 - b. Primary Insurance Endorsement:

Such insurance as is afforded by the additional insured endorsement shall apply as primary insurance, and other insurance maintained by the City of Cupertino, its officers, agents, and employees shall be excess only and not contributing with insurance provided under this policy.
 - c. Notice of Cancellation or Change of Coverage Endorsement:

This policy may not be cancelled nor the coverage reduced by the Company without 30 days prior written notice of such cancellation or reduction in coverage to the City of Cupertino at the address shown on the Certificate of Insurance.
 - d. Contractual Liability Endorsement:

This policy shall apply to liability assumed by the insured under written contract with the City of Cupertino.
 - e. Personal Injury Endorsement:

The provisions of this policy shall provide Personal Injury coverage.
 - f. Severability of Interest Endorsement:

The insurance afforded by this policy shall apply separately to each insured that is seeking coverage or against whom a claim is made or a suit is brought, except with respect to the Company's limit of liability.
5. Comprehensive Automobile Liability Insurance for bodily injury (including death) and property damage which provides total limits of not less than one million dollars (\$1,000,000) combined single limit per occurrence applicable to all owned, non-owned and hired vehicles.
6. Worker's Compensation and Employer's Liability Insurance for:
 - a. Statutory California Workers' Compensation coverage including a broad form all-states endorsement.

- b. Employer's Liability coverage for not less than one million dollars (\$1,000,000) per occurrence for all employees engaged in services or operations under this Contract.
- c. Inclusion of the City and its governing board(s), officers, representatives, agents, and employees as additional insureds, or a waiver of subrogation.

7. Professional Errors and Omissions Liability Insurance

This type of insurance should be provided by persons/entities you contract with to provide you with professional services.

- a. Limits of not less than one million dollars (\$1,000,000).
- b. If this policy contains a self retention limit, it shall not be greater than ten thousand dollars (\$10,000) per occurrence/event.
- c. This coverage shall be maintained for a minimum of two (2) years following termination of this Contract.

The City must first approve any exceptions to the above requirements.

8. Bond Requirements

Fidelity Bond - Before receiving compensation under this Contract, Contractor will furnish City with evidence that all officials, employees, and agents handling or having access to funds received or disbursed under this Contract, or authorized to sign or countersign checks, are covered by a BLANKET FIDELITY BOND in an amount of AT LEAST fifteen percent (15%) of the maximum financial obligation of the City cited herein. If such bond is cancelled or reduced, Contractor will notify City immediately, and City may withhold further payment to Contractor until proper coverage has been obtained. Failure to give such notice may be cause for termination of this Contract, at the option of the City.

9. Special Provisions

The following provisions shall apply to this Contract:

- a. The foregoing requirements as to the types and limits of insurance coverage to be maintained by the Contractor and any approval of said insurance by the City or its insurance consultant(s) are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Contractor pursuant to this Contract, including but not limited to the provisions concerning indemnification.
- b. The City acknowledges that some insurance requirements contained in this Contract may be fulfilled by self-insurance on the part of the Contractor.

However, this shall not in any way limit liabilities assumed by the Contractor under this Contract. The City shall approve any self-insurance in writing.

- c. The City reserves the right to withhold payments to the Contractor in the event of material noncompliance with the insurance requirements outlined above.
- d. If the Contractor fails to maintain such insurance as is called for herein, the City must order the Contractor to immediately suspend work at Contractor's expense until a new policy of insurance is in effect.

CC 07-16-19 #22

Cupertino Village Hotel

Written Communications



20455 Silverado Avenue
Cupertino, CA 95014
Tel (408) 252-7054
www.cupertino-chamber.org

Anjali Kausar
Chief Executive Officer

2019 BOARD OF DIRECTORS

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Enzo's Italian Restaurant

July 10, 2019

Mayor Steven Scharf
Cupertino City Council
10300 Torre Avenue
Cupertino, CA 95014



RE: SUPPORT - Cupertino Village Hotel

Dear Mayor Scharf and Councilmembers,

The Board of the Cupertino Chamber of Commerce wishes to encourage the members of the Cupertino City Council to support the Cupertino Village Hotel Project.

In support of the recommendation by the Cupertino Planning Commission, the Cupertino Chamber of Commerce also endorses the application by Kimco Realty to build a boutique hotel at Cupertino Village. With a development agreement approved by the Council, the hotel will provide an airport shuttle for guests and conference rooms for nonprofit and city use and offer internships to local students.

More importantly, the proposed hotel meets or exceeds the design standards of our community and is consistent with the general plan and zoned use of the property.

The location of the hotel in such close proximity to the largest employer in Cupertino is consistent with land-use best practices as the best possible location to avoid trip generation.

The fact that Kimco has negotiated for a new location for the iconic Duke of Edinburgh pub, may seem a small gesture but we believe is an indication of the thoughtfulness and care with which the hotel has been designed.

The Cupertino Village Hotel Project preserves the best characteristics of our community, maintains the integrity of our neighborhoods and supports local business and municipal financial health.

Thank you for your most serious consideration of this project.

Sincerely

Anjali Kausar
Chief Executive Officer

RESOLUTION NO. _____

A RESOLUTION OF THE CUPERTINO CITY COUNCIL
APPROVING A DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF A
NEW 5-STORY, 185 ROOM HOTEL ON A 1.72-ACRE SITE IN THE CUPERTINO
VILLAGE SHOPPING CENTER LOCATED AT 10801 AND 10805 NORTH WOLFE
ROAD (APN: 316-45-017 AND 316-05-56)

SECTION I: PROJECT DESCRIPTION

Application No.: DP-2018-04
Applicant: Kimco Realty (Michael Strahs)
Property Owner: Cupertino Village, LP
Location: 10801 and 10805 North Wolfe Road (APN: 316-45-017 and 316-05-56)

SECTION II: FINDINGS FOR DEVELOPMENT PERMIT:

WHEREAS, the City of Cupertino received an application for a Development Permit as described in Section I. of this resolution; and

WHEREAS, the necessary public notices have been given as required by the Procedural Ordinance of the City of Cupertino, and the City Council has held at least one public hearing in regard to the application; and

WHEREAS, the City of Cupertino's Environmental Review Committee at its December 13, 2018 meeting reviewed the Draft Mitigated Negative Declaration, received public comments, and recommended adoption of a Mitigated Negative Declaration on a 5-0 vote with minor modifications, and provided measures that ensure the least impactful development of the proposed hotel; and

WHEREAS, on June 11, 2019, the Planning Commission, after considering the administrative record and the public hearing, exercised its independent judgment and recommended adoption of the Final Draft IS/MND (EA-2017-06) for the Project on a 4-0-1 vote, which incorporated all the identified mitigation measures as conditions of approval for the Project prior to taking final action on the Project; and

WHEREAS, on June 11, 2019 the Planning Commission recommended on a 4-0-1 vote that the City Council approve the General Plan Amendment (GPA-2017-05), in substantially similar form to the Resolution presented (Resolution no. 6876), approve the Development Permit (DP-2018-04) in substantially similar form to the Resolution presented (Resolution No. 6877), approve the Architectural and Site Approval Permit (ASA-2017-09) in substantially similar form to the Resolution presented (Resolution No. 6879), approve a

Use Permit (U-2018-03) in substantially similar form to the Resolution presented (Resolution No. 6881), approve the Tree Removal Permit (TR-2017-46) in substantially similar form to the Resolution presented (Resolution no. 6880) and approve a Development Agreement (DA-2017-01) in substantially similar form to the Ordinance presented (Resolution No. 6878); and

WHEREAS, the City Council of the City of Cupertino is the decision-making body for this Resolution;

WHEREAS, on July 16, 2019, upon due notice, the City Council held a public hearing to consider the Development Permit; and

WHEREAS, after consideration of evidence contained in the entire administrative record, at the public hearing on July 16, 2019, the City Council adopted Resolution No. [####] adopting the Final IS/MND and Resolution No. [####] adopting the General Plan Amendment; and

WHEREAS, the applicant has met the burden of proof required to support said application; and

WHEREAS, the City Council finds as follows with regard to this application:

1. The proposed development, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;

The project is consistent with the General Plan as amended by General Plan Amendment GPA-2017-05 and Zoning Ordinance and has been designed to be compatible with and respectful of adjoining land uses. Additionally, the relevant mitigation measures will be incorporated as part of the CEQA review process to mitigate potential impacts to a less than significant level. Therefore, the project will not be detrimental or injurious to properties or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.

2. The proposed development will be located and conducted in a manner in accord with the Cupertino Comprehensive General Plan and the purpose of the City's zoning ordinances.

The General Plan land use designation for the property is Commercial/Residential. The proposed use is consistent with the General Plan as amended by General Plan Amendment GPA-2017-05. The subject property is zoned as Planned Development Zoning District with General Commercial and Residential intent. As a hotel use in the general commercial zoning district, the project is required to obtain a Conditional Use Permit (CUP), which the project is seeking and subject to approval, see Condition of Approval (COA) #3 in Section III. The

proposed development has met the applicable development standards of the general plan and zoning district such as height, setbacks, and parking regulations. Therefore, the proposed development is consistent with the purpose of the City's zoning ordinance

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of maps, facts, exhibits, testimony and other evidence submitted in this matter and the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project (EA-2017-01), subject to the conditions which are enumerated in this Resolution beginning on PAGE 3 thereof, and those contained in all other Resolutions approved for this Project,

The application for a Development Permit, Application No. DP-2018-04, is hereby approved, and that the subconclusions upon which the findings and conditions specified in this Resolution are based are contained in the Public Hearing record concerning Application no. DP-2018-04 as set forth in the Minutes of the City Council Meeting of July 16, 2019 Meeting, and are incorporated by reference as though fully set forth herein.

[This Resolution shall not take effect unless and until the General Plan Amendment for the Project \(GPA-2017-05\) becomes effective.](#)

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPARTMENT.

1. APPROVED EXHIBITS

Approval is based on the plan set received November 8, 2018 consisting of 48 sheets labeled as Planning Submittal, Table of Contents, 3-43, C1.1, C2.1, C2.2, C3.1, and C.24 drawn by Hornberger + Worstell and Keir & Wright Civil Engineers & Surveyors, Inc, except as may be amended by conditions in this resolution.

2. ACCURACY OF PROJECT PLANS

The applicant/property owner is responsible to verify all pertinent property data including but not limited to property boundary locations, building setbacks, property size, building square footage, any relevant easements and/or construction records. Any misrepresentation of any property data may invalidate this approval and may require additional review.

3. CONCURRENT APPROVAL CONDITIONS

The conditions of approval contained in file nos. GPA-2017-05, DA-2017-01, ASA-2017-09, TR-2017-46, U-2018-03 and EA-2017-06 shall applicable to this approval.

4. **ANNOTATION OF THE CONDITIONS OF APPROVAL**

The conditions of approval set forth shall be incorporated into and annotated on the first page of the building plans.

5. **CONSULTATION WITH OTHER DEPARTMENTS**

The applicant is responsible to consult with other departments and/or agencies with regard to the proposed project for additional conditions and requirements. Any misrepresentation of any submitted data may invalidate an approval by the Community Development Department.

6. **HOUSING MITIGATION FEES**

The applicant shall participate in the City's Below Market Rate (BMR) Housing Program by paying the applicable housing mitigation fees prior to issuance of building permits per the Housing Mitigation Manual.

7. **PUBLIC ART REQUIREMENT**

Public art shall be provided for the project in accordance with General Plan Policy 2-66 and the City's Public Art Ordinance (Chapter 19.148 of the Cupertino Municipal Code). The minimum expenditure for the artwork, including, but not limited to design, fabrication, and installation is one (1) percent of the construction valuation for the first \$100 million on construction valuation, or 0.9% of construction valuation for valuation in excess of \$100 million. The project pro forma shall be provided to the City to confirm the project budget. The public art plans (including location and design) shall be reviewed by the Fine Arts Commission during the building permit stage, in advance of final occupancy. Once approved by the Fine Arts Commission, the public artwork shall be installed to the satisfaction of the City prior to final occupancy. In the event the developer or property owner determines that the placement of artwork on a particular property may not be feasible, the developer or property may apply to the Fine Arts Commission for an in-lieu payment alternative as indicated in Chapter 19.148 of the Cupertino Municipal Code. The in lieu payment shall be 1.25% of the construction valuation.

8. **DEMOLITION REQUIREMENTS**

All demolished building and site materials shall be recycled to the maximum extent feasible subject to the Building Official. The applicant shall provide evidence that materials were recycled prior to occupancy.

9. **PRE-CONSTRUCTION MEETING AND CONSTRUCTION MANAGEMENT PLAN**

A demolition and construction management plan shall be submitted and reviewed prior to building permit issuance. Prior to commencement of construction activities, the applicant shall arrange for a pre-construction meeting with the pertinent departments (Building, Planning, and Public Works) to review the prepared construction management plan, to ensure that construction complies with the conditions of approval, staging of construction equipment is appropriate, tree protection measures are in place, public access routes are identified, and noise and dust control measures are established. The plan shall include but not be limited to the following:

- a. Compliance with CEQA Mitigation Measures
- b. Appropriate construction staging area
- c. Hours of construction
- d. Compliance with the City noise ordinance
- e. Best management practices
- f. Any other measures as determined to be appropriate by the Director of Community Development

10. **GRADING AND CONSTRUCTION HOURS AND NOISE LIMITS**

The applicant shall indicate compliance with the following grading and construction hours and noise limit requirements on all demolition, construction and grading permits, and in the construction management plan(s), unless otherwise indicated.

- a. All grading activities shall be limited to the dry season (April 15 to October 1), unless permitted otherwise by the Director of Public works.
- b. Construction hours and noise limits shall be compliant with all requirements of Chapter 10.48 of the Cupertino Municipal Code.
- c. Grading, street construction, underground utility and demolition hours for work done more than 750 feet away from residential areas shall be limited to Monday through Friday, 7 a.m. to 8 p.m. and Saturday and Sunday, 9 a.m. to 6 p.m. Grading, street construction, demolition or underground utility work within 750 feet of residential areas shall not occur on Saturdays, Sundays, holidays, and during nighttime period as defined in Section 10.48.053(b) of the Municipal Code.
- d. Construction activities shall be limited to Monday through Friday, 7 a.m. to 8 p.m. and Saturday and Sunday, 9 a.m. to 6 p.m. Construction activities are not allowed on holidays as defined in Chapter 10.48 of the Municipal Code.

Nighttime construction is allowed if compliant with nighttime standards of Section 10.48 of the Cupertino Municipal Code.

- e. Rules and regulations pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of an applicant appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
- f. The applicant shall be responsible for educating all contractors and subcontractors of said construction restrictions.

11. **HUMAN REMAINS**

Applicant shall indicate compliance with requirements related to human remains on all demolition, construction and grading permits and construction management plan(s) as follows:

- a. If human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken.
- b. The Santa Clara County Coroner shall be notified immediately.
- c. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the California Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendent (MLD) of any human remains.
- d. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery.
- e. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

12. **GREEN BUILDING**

The project shall be constructed in accordance with the City's Green Building Ordinance (Chapter 16.58 of the Cupertino Municipal Code). The applicant shall obtain LEED Silver certification or an alternative reference standard in accordance with the ordinance since the building size is over 50,000 square feet. Third party LEED certification or alternative reference standard is required per the ordinance criteria.

13. EXTERIOR BUILDING MATERIALS/TREATMENTS

The final building exterior plan shall closely resemble the details shown on the original approved plans. Final building exterior treatment plan (including but not limited to details on exterior color, materials, architectural treatments, doors, windows, lighting fixtures, and/or embellishments) shall be reviewed and approved by the Director of Community Development prior to issuance of building permits to ensure quality and consistency. Any exterior changes determined to be substantial by the Director of Community Development shall either require a modification to this permit or a new permit based on the extent of the change.

14. SITE LIGHTING

All new lighting must conform to the standards in the Parking Regulations Ordinance, and the final lighting plan (including a detailed photometric plan) shall be reviewed and approved by the Director of Community Development prior to building permit issuance. A report from a licensed lighting engineer may be required to confirm all exterior lighting throughout the site complies with the City's Ordinance.

15. ROOFTOP EQUIPMENT SCREENING

All mechanical and other equipment on the building or on the site shall be screened so they are not visible from public street areas or adjoining developments. The height of the screening shall be taller than the height of the mechanical equipment that it is designed to screen. A line of sight plan may be required to demonstrate that the equipment will not be visible from any public right-of-way. The location of the equipment and necessary screening shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.

16. SITE IMPROVEMENTS

All proposed site improvements shall be completed prior to final occupancy of any structures approved in conjunction with the project.

17. LANDSCAPE INSTALLATION REPORT

The project is subject to all provisions delineated in the Landscape Ordinance (CMC, Chapter 14.15). A landscape installation audit shall be conducted by a certified landscape professional after the landscaping and irrigation system have been installed. The findings of the assessment shall be consolidated into a landscape installation report. The landscape installation report shall include, but is not limited to: inspection to confirm that the landscaping and irrigation system are installed as specified in the landscape and irrigation design plan, system tune-

up, system test with distribution uniformity, reporting overspray or run-off that causes overland flow, and preparation of an irrigation schedule. The landscape installation report shall include the following statement: "The landscape and irrigation system have been installed as specified in the landscape and irrigation design plan and complies with the criteria of the ordinance and the permit."

18. LANDSCAPE INSTALLATION/REHABILITATION SUBMITTAL

Prior to issuance of building permits, the applicant shall submit a Prescriptive Compliance Application per sections 14.15.040 A, B, and C of the Landscape Ordinance. The Water-Efficient Design Checklist (Appendix A of Chapter 14.15), landscape design plans, and irrigation plans shall be reviewed and approved to the satisfaction of the Director of Community Development prior to issuance of building permits. A full Landscape Documentation Package submittal will be required.

19. NOISE LEVELS AND ABATEMENT

Project use shall comply with the City's Community Noise Control Ordinance at all times. Should the project exceed any of the stipulated maximum noise levels outlined in the City's Community Noise Control Ordinance, an acoustical engineer may be required to submit noise attenuation measures to the satisfaction of the Director of Community Development at the applicant's expense.

20. ONGOING OBLIGATIONS

The applicant shall be responsible to implement the ongoing obligation as described in the Initial Study/Mitigated Negative Declaration and section 5.1.2 through 5.1.7 of the Development Agreement (DA-2017-01) adopted on _____ date, which includes the following:

- Transportation Demand Management Program
- Preferential Hiring
- Shuttle Service
- Meeting Rooms
- Reduced Rates
- Internships

21. INDEMNIFICATION

Except as otherwise prohibited by law, the applicant shall indemnify and hold harmless the City, its City Council, and its officers, employees and agents (collectively, the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against one or more of the indemnified

parties or one or more of the indemnified parties and the applicant to attack, set aside, or void this Resolution or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys' fees and costs incurred in defense of the litigation. The applicant shall pay such attorneys' fees and costs within 30 days following receipt of invoices from City. Such attorneys' fees and costs shall include amounts paid to counsel not otherwise employed as City staff and shall include City Attorney time and overhead costs and other City staff overhead costs and any costs directly related to the litigation reasonably incurred by City.

22. NOTICE OF FEES, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS

The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

SECTION IV: CONDITIONS ADMINISTERED BY THE PUBLIC WORKS DEPARTMENT

1. TRAFFIC IMPACT FEES

Prior to building permit issuance, the Project is subject to the payment of Traffic Impact Fees under the City's Transportation Impact Fee Program (Chapter 14.02 of Cupertino Municipal Code).

2. STREET IMPROVEMENTS & DEDICATION

Provide a dedication in fee title and improvements of the public streets along the project frontage to the satisfaction of the Director of Public Works.

Street improvements may include, but not be limited to the following: a) reconstruct curb ramp that crosses Wolfe Rd near the northerly driveway to ensure debris does not collect in the curb ramp area, or provide other options for the City to consider that will stop debris from collecting; b) install new sidewalk on Wolfe Rd. & Pruneridge Ave.; c) install ADA ramp(s).

3. PEDESTRIAN AND BICYCLE IMPROVEMENTS

Developer shall provide pedestrian and bicycle related improvements (e.g. walkways, bicycle racks, etc.) consistent with the 2016 Cupertino Bicycle Transportation Plan and the 2018 Cupertino Pedestrian Transportation Plan, and as approved by the Director of Public Works. All improvements must be completed and accepted by the City prior to Building Final Occupancy. All improvements must be completed and accepted by the City prior to Building Final Occupancy.

4. RECLAIMED WATER

The developer will be required, at the discretion of the Director of Public Works, to install or contribute a fair share for a reclaimed water main along Wolfe Road from the intersection at Homestead Rd to Pruneridge Ave.

5. STREET LIGHTING INSTALLATION

Street lighting shall be installed and shall be as approved by the Director of Public Works. Lighting fixtures shall be positioned to preclude glare and other forms of visual interference to adjoining properties, and shall be no higher than the maximum height permitted by the zone in which the site is located.

6. GRADING

Prior to building permit issuance, grading shall be as approved and required by the Director of Public Works in accordance with Chapter 16.08 of the Cupertino Municipal Code. 401 Certifications and 404 permits may be required. Please contact Army Corp of Engineers and/or Regional Water Quality Control Board as appropriate.

7. DRAINAGE

Prior to building permit issuance, drainage shall be provided to the satisfaction of the Director of Public Works. Hydrology and pre- and post-development hydraulic calculations must be provided to indicate whether additional storm water control measures are to be constructed or renovated. The storm drain system may include, but is not limited to, subsurface storage of peak stormwater flows (as needed), bioretention basins, vegetated swales, and hydrodynamic separators to reduce the amount of runoff from the site and improve water quality. The storm drain system shall be designed to detain water on-site (e.g., via buried pipes, retention systems or other approved systems and improvements) as necessary to avoid an increase of the ten percent flood water surface elevation to the satisfaction of the Director of Public Works. Any storm water overflows or surface sheeting should be directed away from neighboring private properties and to the public right of way as much as reasonably possible.

All storm drain inlets shall be clearly marked with the words “No Dumping – Flows to Creek” using permanently affixed metal medallions or equivalent, as approved by the Environmental Programs Division.

Approved trash capture devices will be required onsite to detain trash from flowing to the public storm drain system. Trash capture devices shall meet the Municipal Regional Permit requirements.

8. C.3 REQUIREMENTS

C.3 regulated improvements are required for all projects creating and/or replacing 10,000 S.F. or more of impervious surface (collectively over the entire project site). The developer shall reserve a minimum of 4% of developable surface area for the placement of low impact development measures, for storm water treatment, unless an alternative storm water treatment plan, that satisfies C.3 requirements, is approved by the Director of Public Works.

The developer must include the use and maintenance of site design, source control and storm water treatment Best Management Practices (BMPs), which must be designed per approved numeric sizing criteria. A Storm Water Management Plan, Storm Water Facilities Easement Agreement, Storm Water Facilities Operation and Maintenance Agreement, and certification of ongoing operation and maintenance of treatment BMPs are each required.

All storm water management plans are required to obtain certification from a City approved third party reviewer.

9. IMPROVEMENT AGREEMENT

The project developer shall enter into a development agreement with the City of Cupertino providing for payment of fees, including but not limited to checking and inspection fees, storm drain fees, park dedication fees and fees for under grounding of utilities. Said agreement shall be executed prior to issuance of construction permits

Fees:

- a. Checking & Inspection Fees: Per current fee schedule (\$7,105.00 or 6% of improvement costs)
- b. Grading Permit: Per current fee schedule (\$2,941.00 or 6% of improvement costs)
- c. Storm Drainage Fee: Per current fee schedule (\$9,471 per AC)
- d. Power Cost: **
- e. Storm Management Plan Fee: Per current fee schedule (\$1,382)
- f. Traffic Impact Fee +/- \$470,659 Per current fee schedule (\$3,387 per room – credit for restaurant)

g. Street Tree

By Developer

** Based on the latest effective PG&E rate schedule approved by the PUC

Bonds:

Faithful Performance Bond: 100% of Off-site and On-site Improvements

Labor & Material Bond: 100% of Off-site and On-site Improvement

On-site Grading Bond: 100% of site improvements.

The fees described above are imposed based upon the current fee schedule adopted by the City Council. However, the fees imposed herein may be modified at the time of recordation of a final map or issuance of a building permit in the event of said change or changes, the fees changed at that time will reflect the then current fee schedule.

10. **TRASH, RECYCLING AND COMPOST ENCLOSURES**

Trash enclosure plans must be designed in accordance with the City's Public Works Guidelines posted at www.cupertino.org/nowaste, and to the satisfaction of the Environmental Programs Manager. Clearance by the Public Works Department is required prior to obtaining a building permit. (Sections 9.18.210 H & K of Cupertino Municipal Code)

11. **OPERATIONS & MAINTENANCE AGREEMENT**

Developer shall enter into an Operations & Maintenance Agreement with the City prior to final occupancy. The Agreement shall include the operation and maintenance for non-standard appurtenances in the public road right-of-way that may include, but is not limited to, landscaping, pavers, and streetlights.

Developer shall provide reciprocal easements for ingress, egress, landscaping, and utilities between the project and adjacent parcel.

12. **UNDERGROUND UTILITIES**

Developer shall comply with the requirements of the Underground Utilities Ordinance No. 331 and other related Ordinances and regulations of the City of Cupertino, and shall coordinate with affected utility providers for installation of underground utility devices. Developer shall submit detailed plans showing utility underground provisions. Said plans shall be subject to prior approval of the affected Utility provider and the Director of Public Works.

13. **TRANSFORMERS**

Electrical transformers, telephone cabinets and similar equipment shall be placed in underground vaults. The developer must receive written approval from both

the Public Works Department and the Community Development Department prior to installation of any above ground equipment. Should above ground equipment be permitted by the City, equipment and enclosures shall be screened with fencing and landscaping such that said equipment is not visible from public street areas, as determined by the Community Development Department. Transformers shall not be located in the front or side building setback area.

14. **WATER BACKFLOW PREVENTERS**

Domestic and Fire Water Backflow preventers and similar above ground equipment shall be placed away from the public right of way and site driveways to a location approved by the Cupertino Planning Department, Santa Clara County Fire Department and the water company.

15. **BEST MANAGEMENT PRACTICES**

Utilize Best Management Practices (BMPs), as required by the State Water Resources Control Board, for construction activity, which disturbs soil. BMP plans shall be included in grading and street improvement plans.

16. **NPDES CONSTRUCTION GENERAL PERMIT**

When and where it is required by the State Water Resources Control Board (SWRCB), the developer must obtain a Notice of Intent (NOI) from the SWRCB, which encompasses preparation of a Storm Water Pollution Prevention Plan (SWPPP), use of construction Best Management Practices (BMPs) to control storm water runoff quality, and BMP inspection and maintenance.

17. **EROSION CONTROL PLAN**

Developer must provide an approved erosion control plan by a Registered Civil Engineer. This plan should include all erosion control measures used to retain materials on site. Erosion control notes shall be stated on the plans.

18. **WORK SCHEDULE**

Every 6 months, the developer shall submit a work schedule to the City to show the timetable for all grading/erosion control work in conjunction with this project.

19. **TRAFFIC CONTROL PLAN**

The developer must submit a traffic control plan by a Registered Traffic Engineer to be approved by the City. The plan shall include a temporary traffic control plan for work in the right of way as well as a routing plan for all vehicles used during construction. All traffic control signs must be reviewed and approved by the City prior to commencement of work. The City has adopted Manual on Uniform

Traffic Control Devices (MUTCD) standards for all signage and striping work throughout the City.

20. **STREET TREES**

Street trees shall be planted within the Public Right of Way to the satisfaction of the Director of Public Works and shall be of a type approved by the City in accordance with Ordinance No. 125.

21. **FIRE PROTECTION**

Fire sprinklers shall be installed in any new construction to the approval of the City.

22. **SANTA CLARA COUNTY FIRE DEPARTMENT**

A letter of clearance for the project shall be obtained from the Santa Clara County Fire Department prior to issuance of building permits. Clearance should include written approval of the location of any proposed Fire Backflow Preventers, Fire Department Connections and Fire Hydrants (typically, Backflow Preventers should be located on private property adjacent to the public right of way, and fire department connections must be located within 100' of a Fire Hydrant).

23. **FIRE HYDRANT**

Fire hydrants shall be located as required by the City and Santa Clara County Fire Department as needed.

24. **CALIFORNIA WATER SERVICE COMPANY CLEARANCE**

Provide California Water Service Company approval for water connection, service capability and location and layout of water lines and backflow preventers before issuance of a building permit approval.

25. **SANITARY DISTRICT**

A letter of clearance for the project shall be obtained from the Cupertino Sanitary District prior to issuance of building permits.

SECTION V: CONDITIONS ADMINISTERED BY THE SANTA CLARA COUNTY FIRE DEPARTMENT

1. **FIRE SPRINKLERS REQUIRED:**

Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive. For the purposes of this section, firewalls used to separate building areas shall be constructed in accordance with the

California Building Code and shall be without openings or penetrations. NOTE: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CFC Sec. 903.2 as adopted and amended by CMC.

2. **STANDPIPES REQUIRED**

Standpipe systems shall be provided in new buildings and structures in accordance with this section. Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. Standpipes shall be manual wet type. In buildings used for high-piled combustible storage, fire hose protection shall be in accordance with Chapter 32. Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14 as amended in Chapter 47. CFC Sec. 905

3. **WATER SUPPLY REQUIREMENTS**

Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2016 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

4. **PUBLIC FIRE HYDRANT(S) REQUIRED**

Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 500 GPM at 20 psi, residual. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets. CFC Sec. 507, and Appendix B and associated Tables, and Appendix C. Identify the location of all existing and new fire hydrants to comply with above

mentioned code section. All new hydrants to comply with hydrant spacing requirements.

5. **TIMING OF INSTALLATION**

When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2 CFC Sec. 501.4

6. **REQUIRED FIRE DEPT. ACCESS**

Commercial and Industrial Developments

- a. Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have a least two means of fire apparatus access for each structure.
- b. Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 mm) shall be provided with two separate and approved fire apparatus access roads.
- c. Exception: Projects having a gross building area of up to 124,000 square feet (11520 mm) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems. CFC Sec.903 as adopted and amended by CMC.

7. **REQUIRED AERIAL ACCESS**

- a. Where required: Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- b. Width: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.
- c. Proximity to building: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building, as approved by the fire code official. Aerial access as shown for the Office Building is not adequate. Also, an aerial access roadway must be provided between building A and B and building D. CFC Chp. 5 SCCFD SD&S A-1.

8. **FIRE APPARATUS (ENGINE) ACCESS ROADS REQUIRED:**

Provide access roadways with a paved all weather surface, a minimum width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet and 23 feet inside, and a maximum slope of 15%. For installation guidelines refer to Fire Department Standard Details and Specification sheet A-1. CFC Sec. 503. Include all above required dimensions on the plans.

9. **FIRE DEPARTMENT (ENGINE) ROADWAY TURNAROUND**

Provide an approved fire department engine roadway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Installation shall conform to Fire Department Standard Details and Specification sheet A-1. Cul-de-sac. CFC Sec. 503 as adopted and amended by CUPMC.

10. **GROUND LADDER ACCESS**

Ground-ladder access rescuer from second and third floor rooms shall be made possible for fire department operations. With the climbing angle of seventy-five degrees maintained, an approximate walkway width along either side of the building shall be no less than seven feet clear. Landscaping shall not be allowed to interfere with the required access. CFC Sec. 503 and 1029 NFPA 1932 Sec. 5.1.8 through 5.1.9.2.

11. **TWO-WAY COMMUNICATION SYSTEM**

Two-way communication systems shall be designed and installed in accordance with NFPA 72 (2016 edition), the California Electrical Code (2013 edition), the California Fire Code (2016 edition), the California Building Code (2016 edition), and the city ordinances where two-way system is being installed, policies, and standards. Other standards also contain design/installation criteria for specific life safety related equipment. These other standards are referred to in NFPA 72.

12. **FIRE ALARM REQUIREMENTS**

Refer to CFC Sec. 907 and the currently adopted edition of NFPA 72.

13. **EMERGENCY RADIO RESPONDER COVERAGE:**

Emergency responder radio coverage in new buildings. All new buildings shall have Approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. Refer to CFC Sec. 510 for further requirements. Emergency Radio Responder Coverage requirements applies to both buildings.

14. CONSTRUCTION SITE FIRE SAFETY

All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.

15. ADDRESS IDENTIFICATION

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

SECTION VI: CONDITIONS ADMINISTERED BY THE CUPERTINO SANITARY DISTRICT

1. IMPROVEMENT PLANS

Improvement plans shall be submitted to the District for review and comments.

2. FEES AND PERMITS

Cupertino Sanitary District fees and permits will be required.

3. LATERALS

The new hotel must utilize all three laterals that serve the parcel. Plans will be reviewed during building phase.

4. RESTAURANT AND KITCHEN

Restaurant and Kitchen area must connect to adequately sized grease control device. Grease control device must be sized by Cupertino Sanitary District.

PASSED AND ADOPTED this 16th day of July 2019, at a Regular Meeting of the City Council of the City of Cupertino, State of California, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST: _____ Grace Schmidt, City Clerk	_____ Date

RESOLUTION NO. ____

A RESOLUTION OF THE CUPERTINO CITY COUNCIL
 APPROVING AN ARCHITECTURAL AND SITE APPROVAL PERMIT TO ALLOW
 THE CONSTRUCTION OF A NEW 5-STORY, 185 ROOM HOTEL WITH ASSOCIATED
 SITE AND LANDSCAPING IMPROVEMENTS LOCATED AT 10801 AND 10805
 NORTH WOLFE ROAD (APN: 316-45-017 AND 316-05-56)

SECTION I: PROJECT DESCRIPTION

Application No.: ASA-2017-09
 Applicant: Kimco Realty (Michael Strahs)
 Property Owner: Cupertino Village, LP
 Location: 10801 and 10805 North Wolfe Road (APN: 316-45-017 and 316-05-56)

SECTION II: FINDINGS FOR ARCHITECTURAL AND SITE APPROVAL:

WHEREAS, the Planning Commission of the City of Cupertino received an application for an Architectural and Site Approval as described in Section I. of this resolution; and

WHEREAS, the necessary notices were given and the comment period for the application was provided as required by the Procedural Ordinance, Chapter 19.12 of the City of Cupertino's Municipal Code, and the Planning Commission has held at least one public hearing in regard to this application; and

WHEREAS, the City of Cupertino's Environmental Review Committee at its December 13, 2018 meeting reviewed the Draft Mitigated Negative Declaration ("Draft IS/MND"), received public comments, and recommended adoption of a Mitigated Negative Declaration on a 5-0 vote with minor modifications, and provided measures that ensure the least impactful development of the proposed hotel; and

WHEREAS, on June 11, 2019, the Planning Commission, after considering the administrative record and the public hearing, exercised its independent judgment and recommended adoption of the Final Draft IS/MND (EA-2017-06) for the Project on a 4-0-1 vote, which incorporated all the identified mitigation measures as conditions of approval for the Project prior to taking final action on the Project; and

WHEREAS, on June 11, 2019 the Planning Commission recommended on a 4-0-1 vote that the City Council approve the General Plan Amendment (GPA-2017-05), in substantially similar form to the Resolution presented (Resolution no. 6876), approve the Development Permit (DP-2018-04) in substantially similar form to the Resolution presented (Resolution No. 6877), approve the Architectural and Site Approval Permit (ASA-2017-09) in

substantially similar form to the Resolution presented (Resolution No. 6879), approve a Use Permit (U-2018-03) in substantially similar form to the Resolution presented (Resolution No. 6881), approve the Tree Removal Permit (TR-2017-46) in substantially similar form to the Resolution presented (Resolution no. 6880) and approve a Development Agreement (DA-2017-01) in substantially similar form to the Ordinance presented (Resolution No. 6878); and

WHEREAS, the City Council of the City of Cupertino is the decision-making body for this Resolution; and

WHEREAS, on July 16, 2019, upon due notice, the City Council held a public hearing to consider the Architectural and Site Approval; and

WHEREAS, after consideration of evidence contained in the entire administrative record, at the public hearing on July 16, 2019, the City Council exercised its independent judgment and adopted Resolution No. [####] adopting the Final IS/MND, Resolution No. [####] adopting the General Plan Amendment, Resolution No. [####] approving a Development Permit, Resolution No. [####] approving a Use Permit, and Resolution No. [####] approving a Tree Removal Permit; and

WHEREAS, the applicant has met the burden of proof required to support said application; and

WHEREAS, the City Council finds as follows with regard to this application:

1. The proposal, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;

Given that the project is consistent with the General Plan as amended by General Plan Amendment GPA-2017-05 and Zoning Ordinance; has been designed to be compatible with and respectful of adjoining land uses; and that relevant mitigation measures will be incorporated as part of the CEQA review process to mitigate potential impacts to a less than significant level, the project will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.

2. The proposal is consistent with the purposes of Chapter 19.168, the General Plan, any specific plan, zoning ordinances, applicable planned development permit, conditional use permits, variances, subdivision maps or other entitlements to use which regulate the subject property including, but not limited to, adherence to the following specific criteria:
 - a) Abrupt changes in building scale should be avoided. A gradual transition related to height and bulk should be achieved between new and existing buildings.

The proposed project is a redevelopment of a commercial site with a new five (5)-story building. The project will provide for a new building design that incorporates new building requirements, provide high quality architecture, and updated frontage improvements (furniture and landscaping) aimed at increasing pedestrian friendliness. The project avoids abrupt changes and provides transition by observing height and setback requirements detailed in the General Plan, including a 1:1: slope line from North Wolfe Road and a building height less than 60'.

- b) In order to preserve design harmony between new and existing building and in order to preserve and enhance property values, the materials, textures and colors of new building should harmonize with adjacent development by being consistent or compatible with design and color schemes with the future character of the neighborhoods and purposes of the zone in which they are situated. The location, height and materials of walls, fencing, hedges and screen planting should harmonize with adjacent development. Unsightly storage areas, utility installations and unsightly elements of parking lots should be concealed. The planting of ground cover or various types of pavements should be used to prevent dust and erosion, and the unnecessary destruction of existing healthy trees should be avoided. Lighting for development should be adequate to meet safety requirements as specified by the engineering and building departments, and provide shielding to prevent spill-over light to adjoining property owners.

The design and proposed improvements have been designed to harmonize with adjacent development by providing update increased setbacks from the adjacent residential use, updated landscaping throughout the project site, and active uses (restaurant, meeting rooms, and rooftop lounge) away from the residential areas. Unsightly uses such as loading and trash pickup have been placed within the building away from view of neighboring uses. Utility installation have been designed to be screened by landscaping and or incorporated into the building design. Additionally, a preliminary photometric plan (lighting) has been provided on the site, and the final lighting for the development will be reviewed with construction documents to meet safety requirements while preserving spill-over light to adjacent properties.

- c) The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures shall minimize traffic hazards and shall positively affect the general appearance of the neighborhood and harmonize with adjacent development; and

Signage approval is not included in this application.

- d) With respect to new projects within existing residential neighborhoods, new development should be designed to protect residents from noise, traffic, light and

visually intrusive effects by use of buffering, setbacks, landscaping, walls and other appropriate design measures.

The project has increased setbacks from the existing residential development. The project has been designed to maintain trees along the western property line and keep the active hotel use more than 90 feet from neighboring residential area.

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of maps, facts, exhibits, testimony and other evidence submitted in this matter and the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project (EA-2017-01), subject to the conditions which are enumerated in this Resolution beginning on PAGE 3 thereof, and those contained in all other Resolutions approved for this Project,

The application for an Architectural and Site Approval, Application No. ASA-2017-04, is hereby approved, and that the subconclusions upon which the findings and conditions specified in this Resolution are based are contained in the Public Hearing record concerning Application no. ASA-2017-09 as set forth in the Minutes of the City Council Meeting of July 16, 2019 Meeting, and are incorporated by reference as though fully set forth herein.

[This Resolution shall not take effect unless and until the General Plan Amendment for the Project \(GPA-2017-05\) becomes effective.](#)

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.

1. APPROVED EXHIBITS

Approval is based on the plan set received November 8, 2018 consisting of 48 sheets labeled as Planning Submittal, Table of Contents, 3-43, C1.1, C2.1, C2.2, C3.1, and C.24 drawn by Hornberger + Worstell and Keir & Wright Civil Engineers & Surveyors, Inc, except as may be amended by conditions in this resolution.

2. ACCURACY OF PROJECT PLANS

The applicant/property owner is responsible to verify all pertinent property data including but not limited to property boundary locations, building setbacks, property size, building square footage, any relevant easements and/or construction records. Any misrepresentation of any property data may invalidate this approval and may require additional review.

3. CONCURRENT APPROVAL CONDITIONS

The conditions of approval contained in file nos. GPA-2017-05, DP-2018-04, DA-2017-01, U-2018-03, TR-2017-46, and EA-2017-06 shall be applicable to this approval.

4. ANNOTATION OF THE CONDITIONS OF APPROVAL

The conditions of approval set forth shall be incorporated into and annotated on the first page of the building plans.

5. FINAL ARCHITECTURAL DETAILS AND EXTERIOR BUILDING MATERIALS

The final building exterior plan shall closely resemble the details shown on the original approved plans. The final building design and exterior treatment plans (including but not limited to details on exterior color, materials, architectural treatments, doors, windows, lighting fixtures, and/or embellishments) shall be reviewed and approved by the Director of Community Development prior to issuance of building permits and through an in-field mock-up of colors prior to application to ensure quality and consistency. Any exterior changes determined to be substantial by the Director of Community Development shall either require a modification to this permit or a new permit based on the extent of the change.

6. CONSULTATION WITH OTHER DEPARTMENTS

The applicant is responsible to consult with other departments and/or agencies with regard to the proposed project for additional conditions and requirements. Any misrepresentation of any submitted data may invalidate an approval by the Community Development Department.

7. INDEMNIFICATION

Except as otherwise prohibited by law, the applicant shall indemnify and hold harmless the City, its City Council, and its officers, employees and agents (collectively, the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against one or more of the indemnified parties or one or more of the indemnified parties and the applicant to attack, set aside, or void this Resolution or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys' fees and costs incurred in defense of the litigation. The applicant shall pay such attorneys' fees and costs within 30 days following receipt of invoices from City. Such attorneys' fees and costs shall include amounts paid to counsel not otherwise employed as City staff and shall include City Attorney time and overhead costs and other City staff overhead costs and any costs directly related to the litigation reasonably incurred by City.

8. NOTICE OF FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS

The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to

Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

PASSED AND ADOPTED this 16th day of July 2019, at a Regular Meeting of the City Council of the City of Cupertino, State of California, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Steven Scharf, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Grace Schmidt, City Clerk</p>	<p>_____</p> <p>Date</p>

RESOLUTION NO. _____

A RESOLUTION OF THE CUPERTINO CITY COUNCIL
APPROVING A USE PERMIT TO ALLOW A 24-HOUR HOTEL, INCLUDING A
RESTAURANT WITH A SEPARATE BAR AND A ROOFTOP LOUNGE WITH A
SEPARATE BAR LOCATED AT 10801 AND 10805 NORTH WOLFE ROAD
(APN: 316-45-017 AND 316-05-56)

SECTION I: PROJECT DESCRIPTION

Application No.: U-2018-03
Applicant: Kimco Realty (Michael Strahs)
Property Owner: Cupertino Village, LP
Location: 10801 and 10805 North Wolfe Road (APN: 316-45-017 and 316-05-56)

SECTION II: FINDINGS FOR A USE PERMIT:

WHEREAS, the City of Cupertino received an application for a Use Permit as described in Section I. of this resolution; and

WHEREAS, the necessary public notices have been given as required by the Procedural Ordinance of the City of Cupertino, and the Planning Commission has held at least one public hearing in regard to the application; and

WHEREAS, the City of Cupertino's Environmental Review Committee at its December 13, 2018 meeting reviewed the Draft Mitigated Negative Declaration, received public comments, and recommended adoption of a Mitigated Negative Declaration on a 5-0 vote with minor modifications, and provided measures that ensure the least impactful development of the proposed hotel; and

WHEREAS, on June 11, 2019, the Planning Commission, after considering the administrative record and the public hearing, exercised its independent judgment and recommended adoption of the Final Draft IS/MND (EA-2017-06) for the Project on a 4-0-1 vote, which incorporated all the identified mitigation measures as conditions of approval for the Project prior to taking final action on the Project; and

WHEREAS, on June 11, 2019 the Planning Commission recommended on a 4-0-1 vote that the City Council approve the General Plan Amendment (GPA-2017-05), in substantially similar form to the Resolution presented (Resolution no. 6876), approve the Development Permit (DP-2018-04) in substantially similar form to the Resolution presented (Resolution No. 6877), approve the Architectural and Site Approval Permit (ASA-2017-09) in

substantially similar form to the Resolution presented (Resolution No. 6879), approve a Use Permit (U-2018-03) in substantially similar form to the Resolution presented (Resolution No. 6881), approve the Tree Removal Permit (TR-2017-46) in substantially similar form to the Resolution presented (Resolution no. 6880) and approve a Development Agreement (DA-2017-01) in substantially similar form to the Ordinance presented (Resolution No. 6878); and

WHEREAS, the City Council of the City of Cupertino is the decision-making body for this Resolution;

WHEREAS, on July 16, 2019, upon due notice, the City Council held a public hearing to consider the Development Permit; and

WHEREAS, after consideration of evidence contained in the entire administrative record, at the public hearing on July 16, 2019, the City Council adopted Resolution No. [####] adopting the Final IS/MND, Resolution No. [####] adopting the General Plan Amendment, Resolution No. [####] approving the Development Permit and Resolution no. [####] approving the Architectural and Site Approval; and

WHEREAS, the applicant has met the burden of proof required to support said application; and

WHEREAS, the City Council~~Planning Commission~~ finds as follows with regard to this application:

- a) The proposed development, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;

Given that the project is consistent with the General Plan as amended by General Plan Amendment GPA-2017-05 and Zoning Ordinance, the project will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.

- b) The proposed development will be located and conducted in a manner in accord with the Cupertino General Plan and the purpose of the City's zoning ordinances.

The proposed development is in conformance with the Cupertino General Plan as amended by General Plan Amendment GPA-2017-05 and Municipal Code Requirements since the Project is consistent with the existing land use designations (Commercial, Office, Residential), Municipal Code requirements, including but not limited to, parking regulations and hours of operations. A condition has been added that requires the separate bar to operate within 7:00am to 11:00pm and consistent with the City regulations.

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of maps, facts, exhibits, testimony and other evidence submitted in this matter and the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project (EA-2017-01), subject to the conditions which are enumerated in this Resolution beginning on PAGE 2 thereof, and those contained in all other Resolutions approved for this Project,

The application for a Use Permit, Application No. U-2018-03, is hereby approved, and that the subconclusions upon which the findings and conditions specified in this Resolution are based are contained in the Public Hearing record concerning Application no. U-2018-03 as set forth in the Minutes of the City Council Meeting of July 16, 2019 Meeting, and are incorporated by reference as though fully set forth herein.

This Resolution shall not take effect unless and until the General Plan Amendment for the Project (GPA-2017-05) becomes effective.

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.

1. APPROVED EXHIBITS

Approval is based on the plan set received November 8, 2018 consisting of 48 sheets labeled as Planning Submittal, Table of Contents, 3-43, C1.1, C2.1, C2.2, C3.1, and C.24 drawn by Hornberger + Worstell and Keir & Wright Civil Engineers & Surveyors, Inc, except as may be amended by conditions in this resolution.

2. ACCURACY OF PROJECT PLANS

The applicant/property owner is responsible to verify all pertinent property data including but not limited to property boundary locations, building setbacks, property size, building square footage, any relevant easements and/or construction records. Any misrepresentation of any property data may invalidate this approval and may require additional review.

3. CONCURRENT APPROVAL CONDITIONS

The conditions of approval contained in file nos. GPA-2017-05, DP-2018-04, DA-2017-01, ASA-2017-09, TR-2017-46, and EA-2017-06 shall applicable to this approval.

4. ANNOTATION OF THE CONDITIONS OF APPROVAL

The conditions of approval set forth shall be incorporated into and annotated on the first page of the building plans.

5. USE APPROVAL AND PROJECT AMENDMENTS

Approval is hereby granted to allow a 24-hour hotel operation including a restaurant with separate bar and a rooftop lounge with separate bar. The Planning Commission shall review amendments to the project considered major by the Director of Community Development.

6. HOURS OF OPERATION FOR SEPARATE BAR

The separate bar shall operate within the hours of 7:00am and 11:00pm. In the event the Applicants seeks to have the separate bar operate in late evening activities, activities from the period of 11:00pm to 7:00am, then the Applicant shall be required to obtain permits consistent with the Cupertino Municipal Code.

7. MAXIMUM LENGTH OF HOTEL STAYS

Hotel stays shall be limited to a maximum of 29 days per reservation.

8. SECURITY PLAN

The applicant shall develop a comprehensive security plan for the entire hotel development, and the plan shall be reviewed and approved by the City and the County Sheriff's Office prior to final occupancy.

9. LAW ENFORCEMENT SUPPORT

The property owner shall pay for any additional sheriff enforcement time resulting from documented incidents resulting at the project site at the City's contracted hourly rate with the Sheriff Department at the time of the incident.

10. USE PERMIT REVIEW/ADDITIONAL RESTRICTIONS

If complaints have been received related to the tenant(s) under this use permit, and the complaints were not addressed immediately by the property management to the satisfaction of the City, then the Planning Commission shall conduct a public hearing on the use permit at which time, the use permit approval may be modified or revoked. The City reserves the right to require additional security patrols and/or parking restrictions as prescribed by the Sheriff's Office.

11. CONSULTATION WITH OTHER DEPARTMENTS

The applicant is responsible to consult with other departments and/or agencies with regard to the proposed project for additional conditions and requirements. Any misrepresentation of any submitted data may invalidate an approval by the Community Development Department.

12. INDEMNIFICATION

To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties")

from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void this ordinance or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

13. NOTICE OF FEES, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS

The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

PASSED AND ADOPTED this 16th day of July 2019, at the Regular Meeting of the City Council of the City of Cupertino, State of California, by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Steven Scharf, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Grace Schmidt, City Clerk</p>	<p>_____</p> <p>Date</p>

1140061.1

RESOLUTION NO. _____

A RESOLUTION OF THE CUPERTINO CITY COUNCIL
APPROVING A TREE REMOVAL PERMIT TO ALLOW THE REMOVAL AND
REPLACEMENT OF 41 TREES TO ALLOW THE CONSTRUCTION OF A NEW 5-
STORY, 185 ROOM HOTEL WITH ASSOCIATED SITE AND LANDSCAPING
IMPROVEMENTS LOCATED AT 10801 AND 10805 NORTH WOLFE ROAD
(APN: 316-45-017 AND 316-05-56)

SECTION I: PROJECT DESCRIPTION

Application No.: TR-2017-46
Applicant: Kimco Realty (Michael Strahs)
Property Owner: Cupertino Village, LP
Location: 10801 and 10805 North Wolfe Road (APN: 316-45-017 and 316-05-56)

SECTION II: FINDINGS FOR TREE REMOVAL PERMIT:

WHEREAS, the City of Cupertino received an application for a Tree Removal Permit as described in Section I. of this resolution; and

WHEREAS, the necessary public notices have been given as required by the Procedural Ordinance of the City of Cupertino, and the Planning Commission has held at least one public hearing in regard to the application; and

WHEREAS, the City of Cupertino's Environmental Review Committee at its December 13, 2018 meeting reviewed the Draft Mitigated Negative Declaration, received public comments, and recommended adoption of a Mitigated Negative Declaration on a 5-0 vote with minor modifications, and provided measures that ensure the least impactful development of the proposed hotel; and

WHEREAS, on June 11, 2019, the Planning Commission, after considering the administrative record and the public hearing, exercised its independent judgment and recommended adoption of the Final Draft IS/MND (EA-2017-06) for the Project on a 4-0-1 vote, which incorporated all the identified mitigation measures as conditions of approval for the Project prior to taking final action on the Project; and

WHEREAS, on June 11, 2019 the Planning Commission recommended on a 4-0-1 vote that the City Council approve the General Plan Amendment (GPA-2017-05), in substantially similar form to the Resolution presented (Resolution no. 6876), approve the Development Permit (DP-2018-04) in substantially similar form to the Resolution presented (Resolution No. 6877), approve the Architectural and Site Approval Permit (ASA-2017-09) in

substantially similar form to the Resolution presented (Resolution No. 6879), approve a Use Permit (U-2018-03) in substantially similar form to the Resolution presented (Resolution No. 6881), approve the Tree Removal Permit (TR-2017-46) in substantially similar form to the Resolution presented (Resolution no. 6880) and approve a Development Agreement (DA-2017-01) in substantially similar form to the Ordinance presented (Resolution No. 6878); and

WHEREAS, the City Council of the City of Cupertino is the decision-making body for this Resolution;

WHEREAS, on July 16, 2019, upon due notice, the City Council held a public hearing to consider the Development Permit; and

WHEREAS, after consideration of evidence contained in the entire administrative record, at the public hearing on July 16, 2019, the City Council exercised its independent judgment and adopted Resolution No. [####] adopting the Draft IS/MND, Resolution No. [####] adopting the General Plan Amendment, Resolution No. [####] approving a Development Permit, Resolution No. [####] approving a Use Permit, and Resolution No. [####] approving an Architectural and Site Approval; and

WHEREAS, the applicant has met the burden of proof required to support said application; and

WHEREAS, the City Council finds as follows with regard to this application:

- a) That the location of the trees restricts the economic enjoyment of the property by severely limiting the use of property in a manner typically not experienced by owners of similarly zoned and situated property, and the applicant has demonstrated to the satisfaction of the approval authority that there are no reasonable alternatives to preserve the tree(s).

The proposed trees are in conflict with the proposed new building and site improvements. The demolition of the existing structures and new construction would result in the removal of all 41 trees on site. The majority of the trees to be removed are Evergreen Ash. While the trees are not identified as a protected species as defined by Cupertino Municipal Code Chapter 14.18, these trees are protected under the category of "approved development tree," because they were planted as part of the originally approved development. Therefore, replacement plantings are required for the proposed removal. The project will meet the required replacements of 41 36" box-size trees and consist of trees that are suitable to the area climate (i.e., Valley Oak, Blue Oak, Deodar Cedar, etc.) Additionally, the project applicant has worked with the City's Arborist, and is committed to preserve 27 trees on site.

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of maps, facts, exhibits, testimony and other evidence submitted in this matter and the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project (EA-2017-01), subject to the conditions which are enumerated in this Resolution beginning on PAGE 2 thereof, and those contained in all other Resolutions approved for this Project,

The application for a Tree Removal Permit, Application No. TR-2017-46, is hereby approved, and that the subconclusions upon which the findings and conditions specified in this Resolution are based are contained in the Public Hearing record concerning Application no. TR-2017-46 as set forth in the Minutes of the City Council Meeting of July 16, 2019 Meeting, and are incorporated by reference as though fully set forth herein.

This Resolution shall not take effect unless and until the General Plan Amendment for the Project (GPA-2017-05) becomes effective.

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.

1. APPROVED EXHIBITS

Approval is based on the plan set received November 8, 2018 consisting of 48 sheets labeled as Planning Submittal, Table of Contents, 3-43, C1.1, C2.1, C2.2, C3.1, and C.24 drawn by Hornberger + Worstell and Keir & Wright Civil Engineers & Surveyors, Inc, except as may be amended by conditions in this resolution.

2. CONCURRENT APPROVAL CONDITIONS

The conditions of approval contained in file nos. GPA-2017-05, DP-2018-04, DA-2017-01, ASA-2017-09, U-2018-03, and EA-2017-06 shall be applicable to this approval.

3. TREE REPLACEMENTS AND FINAL PLANTING PLAN

The applicant shall plant adequate replacement trees for the trees proposed to be removed in accordance with the replacements requirements of Chapter 14.18 of the Cupertino Municipal Code. The trees shall be planted prior to final occupancy.

The number, location and type of trees shall be incorporated into the detailed landscape plan to be reviewed and approved by the Director of Community Development in consultation with the City's consulting arborist prior to issuance of building permits. The Director of Community Development shall have the discretion to require additional tree replacements if deemed necessary. The City's consulting arborist shall confirm that the replacement trees were planted properly and according to plan prior to final occupancy.

5. TREE PROTECTION

In accordance with the project arborist recommendations, prior to building permit issuance the Applicant shall complete the following:

- a. Tree Protection During Construction: Tree Protection Zone (TPZ) fencing, either chain link and other root protection shall be installed around trees or groups of trees such that it maintains a distance of 1.5 times the diameter of the drip line.
- b. Work Activities Occurring within the Designated TPZ during construction:
 - i. Arborist Supervision – all activities occurring inside of the designated TPC must be approved and an ISA certified arborist must be present to supervise tree protection and root pruning activities.
 - ii. Root Protection – as long as the sidewalk pavement remains in place no additional protections are required. If sidewalk pavement is removed, exposed soil and roots must be covered with burlap and plywood or trenching plates.
 - iii. Required Method of Excavation within Critical Root Zone – any excavation within a distance from the tree three (3) times the diameter of the trunk (measured at 4.5' high) must be hand, air spade or ditch witch. An ISA certified arborist is to supervise any such activity.
- c. Post Construction Mitigation:
 - i. Monitoring Tree Health – An ISA certified arborist shall conduct regular visual inspection of trees to assess where further mitigation is required. Tree decline should be recorded and referenced against pre-construction health assessment. Leaf and stem insects and fungal pathogens are a sign of poor tree health (low energy reserves).
 - ii. Mitigation of Soil Compaction – the level and depth of soil compaction must be assessed and mitigated as necessary. Mitigation of soil compaction in areas where roots are present must minimize root loss. Tools most suitable to mitigate soil compaction are the water jet or air spade.
 - iii. Pest Management Program – Pest problems must be analyzed and treated.

In addition to the above, the applicant shall:

- a. No parking or vehicle traffic shall be allowed under root zones, unless using buffers approved by the Project Arborist.
- b. Notwithstanding section (b) (iii) above, if trenching is needed in the Tree Protection Zone, the City's consulting arborist shall be consulted before any trenching or root cutting beneath the dripline of the tree.
- c. Wood chip mulch shall be evenly spread inside the tree projection fence to a four-inch depth.
- d. Tree protection conditions shall be posted on the tree protection barriers.
- e. Retained trees shall be watered to maintain them in good health.

- f. A covenant on the property shall be recorded that identifies all the protected trees, prior to final occupancy.

Any willful action by the applicant, contractor and/or subcontractors that causes damage to the retained trees, without proper review by the City to allow additional tree removals, shall cause the applicant to be non-compliant with the City's Municipal Code and could require payment of the Retroactive Tree Removal penalties and fees pursuant to the most recently adopted fee schedule.

The tree protection measures shall be inspected and approved by the City's consulting arborist prior to issuance of building permits. The City's consulting arborist shall inspect the trees to be retained and shall provide reviews prior to issuance of demolition, grading or building permits. A report ascertaining the good health of the trees mentioned above shall be provided prior to issuance of final occupancy.

4. TREE REPLACEMENT BOND

The applicant shall provide a tree replacement bond in an amount determined by the City's consulting arborist prior to removals and issuance of demolition and grading permits. The bond shall be returned after construction is complete and the health of the retained trees and newly planted trees is verified by the City's consulting arborist.

5. CONSULTATION WITH OTHER DEPARTMENTS

The applicant is responsible to consult with other departments and/or agencies with regard to the proposed project for additional conditions and requirements. Any misrepresentation of any submitted data may invalidate an approval by the Community Development Department.

6. INDEMNIFICATION

To the extent permitted by law, the applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void this Resolution or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys' fees and costs incurred in defense of the litigation. The applicant and City shall use best efforts to select mutually agreeable legal counsel to defend such action, and the applicant shall pay all compensation for such legal counsel, following the applicant's receipt of invoices from City, together with reasonable supporting documentation. Such compensation shall include reasonable compensation paid to counsel not otherwise employed as City staff and shall include City Attorney time and overhead costs and other City staff overhead costs and any costs directly related to the litigation reasonably incurred by City. If the applicant and the City cannot in good faith agree on joint counsel, the City

shall have the right to retain counsel of its own choosing, separate from the applicant's litigation counsel.

7. NOTICE OF FEES, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS

The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

PASSED AND ADOPTED this 16th day of July 2019, at the Regular Meeting of the City Council of the City of Cupertino, State of California, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	 _____ Date
ATTEST: _____ Grace Schmidt, City Clerk	 _____ Date

CC 07-16-19 #23

Storm Protection

Written Communications

RESOLUTION NO. _____

A RESOLUTION OF THE CUPERTINO CITY COUNCIL

ACCEPTING THE TABULATION RESULTS FOR THE CITY'S 2019 CLEAN WATER AND STORM PROTECTION FEE, A PROPERTY-RELATED FEE CONFORMING TO ARTICLE XIII D, SECTION 6 OF THE CALIFORNIA CONSTITUTION, ADOPTING THE ORDINANCE ADDING CHAPTER 3.38 OF THE MUNICIPAL CODE TO ESTABLISH THE CLEAN WATER AND STORM ~~PROTECTION~~ FEE, AND ORDERING THE LEVY OF THE ~~FEE~~ FOR FISCAL YEAR 2019-20

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WHEREAS, on March 5, 2019, the City Council of the City of Cupertino adopted Resolution 19-022 initiating proceedings to obtain approval of the proposed new 2019 Clean Water and Storm Protection Fee ("fee"), which is a property-related fee conforming to Article XIII D, Section 6 of the California Constitution; approving the Fee Report for the 2019 Clean Water and Storm Protection Fee ("Fee Report," dated February 2019); and setting a public hearing before the City Council on May 7, 2019 in the City Council Chambers at 10350 Torre Avenue, Cupertino, CA 95014 at 6:45 pm to consider all property owner protests to the proposed fee; and

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WHEREAS, on March 5, 2019, the City Council of the City of Cupertino adopted Resolution 19-023 adopting ballot procedures applicable to the proposed fee pursuant to Article XIID, Section 6(c) of the California Constitution; and

WHEREAS, pursuant to the provisions of Article XIII D of the California Constitution, the City provided 45-day written mailed notice to each record owner of parcels of real property subject to the 2019 Clean Water and Storm Protection Fee of a public hearing, which was held at a regular meeting of the City Council on May 7, 2019 at 6:30 pm in the City Council Chambers on the issue of whether the proposed property-related fee should be levied and collected as proposed in the Fee Report for Fiscal Year 2019-20; and

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WHEREAS, on May 7, 2019 the City Council adopted Resolution 19-041 finding that a majority protest did not exist and directing a property owner ballot proceeding for the 2019 Clean Water and Storm Protection Fee; and

WHEREAS, on May 20, 2019 a ballot and information guide were mailed to every owner of property that would be subject to the proposed 2019 Clean Water and Storm Protection Fee; and

WHEREAS, the balloting period for the proposed 2019 Clean Water and Storm Protection Fee closed on July 5 at 5:00 p.m.; and

WHEREAS, the tabulation of the ballots is complete;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cupertino as follows:

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SECTION 1. **Tabulation of the Ballots.** For each valid ballot, each property subject to the proposed fee counted as one vote. Property owners with more than one property could have up to 14 properties listed on a ballot, with each property counting as one vote, resulting in more than one vote for that ballot. Therefore, since some ballots contained more than one vote, the total number of valid votes (5,038) is larger than the total number of valid ballots (4,714). The canvass of the fee ballots submitted by property owners, has been computer-tabulated as shown in the attached Results Summary Report, is complete, and certified by the City Clerk, and the votes cast are as follows:

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Total Number of Valid Ballots Processed:	<u>4,714</u>
<u>Total Number of Valid Votes:</u>	<u>5,038</u>
<u>Total Number of Valid "Yes" Ballots Processed:</u>	<u>2,430</u>
Total Number of "Yes" Votes Processed:	<u>2,577</u>
Total Percentage of "Yes" Votes Processed:	<u>51.15%</u>
<u>Total Number of Valid "No" Ballots Processed:</u>	<u>2,284</u>
Total Number of "No" Votes Processed:	<u>2,461</u>
Total Percentage of "No" Votes Processed:	<u>48.85%</u>
Total Number of "Invalid" Ballots Processed:	<u>34</u>
<u>Total Number of "Invalid" Votes Processed:</u>	<u>37</u>

SECTION 2. **Invalid Ballots.** 4,748 fee ballots were returned and received prior to the close of the balloting period on July 5, 2019. This represents a 30.76% ballot return rate on the 15,435 ballots mailed. Of the fee ballots returned, 34 ballots

were declared invalid, in that they were either not marked with a “Yes” or “No”, were marked with both a “Yes” and a “No,” were not signed, or the property ownership and barcode information was illegible.

SECTION ~~3~~ **Ballots Results.** As determined by ballots cast, 51.15% of the votes cast by property owners were in support of the measure. Since a majority protest, as defined by Article XIII D of the California Constitution, did not exist, this Council thereby acquired jurisdiction to order the levy of the 2019 Clean Water and Storm Protection Fee, and the Ordinance adding Chapter 3.38 of the Municipal Code to establish the Clean Water and Storm Protection Fee is hereby adopted.

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SECTION ~~4~~ **Findings.** The City Council finds that the 2019 Clean Water and Storm Protection Fee is being implemented in compliance with the requirements of Proposition 218, as codified in Article XIII D of the California Constitution. Based on the oral and documentary evidence, including the 2019 Clean Water and Storm Protection Fee Report, received by the Council, the Council expressly finds and determines that it is in the best interest of the City and the public to order the fee to be levied.

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SECTION ~~5~~ **Ordering of the Levies.** The Council hereby orders the fees for fiscal year 2019-20 shall be levied at the rates specified in the 2019 Clean Water and Storm Protection Fee Report.

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SECTION ~~6~~ **CPI.** The authorized maximum fee amount to be levied in future fiscal years shall be increased annually based on the San Francisco-Oakland-Hayward Consumer Price Index for All Urban Consumers (CPI), not to exceed 3% per year. The fee amount charged in any year cannot exceed the cost to provide the clean water and storm protection services and improvements.

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SECTION ~~7~~ **Filing this Resolution.** Shortly after the adoption of this Resolution, but in no event later than August 10 following such adoption, the City Clerk shall file a certified copy of this Resolution and a fee levy roll with the Auditor of Santa Clara County (“County Auditor”). Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of fee thereupon as shown in the levy roll. The fees shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the fees. After collection by the County, the net amount of the fees,

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Resolution No. _____

Page 2

after deduction of any compensation due the County for collection, shall be paid to the City of Cupertino.

SECTION 8. **Corrections.** The 2019 Clean Water and Storm Protection Fee, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the City Council or its designee, by a determination from the City Council or its designee that the fee for that parcel should be revised to be consistent with the fee method established in the Fee Report. Any such corrections, cancellations or refunds shall be limited to the current fiscal year in which the correction, cancellation or refund was requested.

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BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Resolution is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the action approved may have a significant effect on the environment. CEQA applies only to projects which have the potential for resulting in a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, levying the Clean Water and Storm Protection Fee would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 16th day of July, 2019, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. _____

Page 2

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST: _____ Grace Schmidt, City Clerk	_____ Date

RESOLUTION NO. _____

A RESOLUTION OF THE CUPERTINO CITY COUNCIL

ACCEPTING THE TABULATION RESULTS FOR THE CITY'S 2019 CLEAN WATER AND STORM PROTECTION FEE, A PROPERTY-RELATED FEE CONFORMING TO ARTICLE XIII D, SECTION 6 OF THE CALIFORNIA CONSTITUTION, ADOPTING THE ORDINANCE ADDING CHAPTER 3.38 OF THE MUNICIPAL CODE TO ESTABLISH THE CLEAN WATER AND STORM PROTECTION FEE, AND ORDERING THE LEVY OF THE FEE FOR FISCAL YEAR 2019-20

WHEREAS, on March 5, 2019, the City Council of the City of Cupertino adopted Resolution 19-022 initiating proceedings to obtain approval of the proposed new 2019 Clean Water and Storm Protection Fee ("fee"), which is a property-related fee conforming to Article XIII D, Section 6 of the California Constitution; approving the Fee Report for the 2019 Clean Water and Storm Protection Fee ("Fee Report," dated February 2019); and setting a public hearing before the City Council on May 7, 2019 in the City Council Chambers at 10350 Torre Avenue, Cupertino, CA 95014 at 6:45 pm to consider all property owner protests to the proposed fee; and

WHEREAS, on March 5, 2019, the City Council of the City of Cupertino adopted Resolution 19-023 adopting ballot procedures applicable to the proposed fee pursuant to Article XIII D, Section 6(c) of the California Constitution; and

WHEREAS, pursuant to the provisions of Article XIII D of the California Constitution, the City provided 45-day written mailed notice to each record owner of parcels of real property subject to the 2019 Clean Water and Storm Protection Fee of a public hearing, which was held at a regular meeting of the City Council on May 7, 2019 at 6:30 pm in the City Council Chambers on the issue of whether the proposed property-related fee should be levied and collected as proposed in the Fee Report for Fiscal Year 2019-20; and

WHEREAS, on May 7, 2019 the City Council adopted Resolution 19-041 finding that a majority protest did not exist and directing a property owner ballot proceeding for the 2019 Clean Water and Storm Protection Fee; and

WHEREAS, on May 20, 2019 a ballot and information guide were mailed to every owner of property that would be subject to the proposed 2019 Clean Water and Storm Protection Fee; and

WHEREAS, the balloting period for the proposed 2019 Clean Water and Storm Protection Fee closed on July 5 at 5:00 p.m.; and

WHEREAS, the tabulation of the ballots is complete;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cupertino as follows:

SECTION 1. Tabulation of the Ballots. For each valid ballot, each property subject to the proposed fee counted as one vote. Property owners with more than one property could have up to 14 properties listed on a ballot, with each property counting as one vote, resulting in more than one vote for that ballot. Therefore, since some ballots contained more than one vote, the total number of valid votes (5,038) is larger than the total number of valid ballots (4,714). The canvass of the fee ballots submitted by property owners, has been computer-tabulated as shown in the attached Results Summary Report, is complete, and certified by the City Clerk, and the votes cast are as follows:

Total Number of Valid Ballots Processed:	<u>4,714</u>
Total Number of Valid <u>Votes</u> :	<u>5,038</u>
Total Number of Valid "Yes" Ballots Processed:	<u>2,430</u>
Total Number of "Yes" <u>Votes</u> Processed:	<u>2,577</u>
Total Percentage of "Yes" <u>Votes</u> Processed:	<u>51.15%</u>
Total Number of Valid "No" Ballots Processed:	<u>2,284</u>
Total Number of "No" <u>Votes</u> Processed:	<u>2,461</u>
Total Percentage of "No" <u>Votes</u> Processed:	<u>48.85%</u>
Total Number of "Invalid" Ballots Processed:	<u>34</u>
Total Number of "Invalid" <u>Votes</u> Processed:	<u>37</u>

SECTION 2. Invalid Ballots. 4,748 fee ballots were returned and received prior to the close of the balloting period on July 5, 2019. This represents a 30.76% ballot return rate on the 15,435 ballots mailed. Of the fee ballots returned, 34 ballots

were declared invalid, in that they were either not marked with a “Yes” or “No”, were marked with both a “Yes” and a “No,” were not signed, or the property ownership and barcode information was illegible.

SECTION 3. Ballots Results. As determined by ballots cast, 51.15% of the votes cast by property owners were in support of the measure. Since a majority protest, as defined by Article XIII D of the California Constitution, did not exist, this Council thereby acquired jurisdiction to order the levy of the 2019 Clean Water and Storm Protection Fee, and the Ordinance adding Chapter 3.38 of the Municipal Code to establish the Clean Water and Storm Protection Fee is hereby adopted.

SECTION 4. Findings. The City Council finds that the 2019 Clean Water and Storm Protection Fee is being implemented in compliance with the requirements of Proposition 218, as codified in Article XIII D of the California Constitution. Based on the oral and documentary evidence, including the 2019 Clean Water and Storm Protection Fee Report, received by the Council, the Council expressly finds and determines that it is in the best interest of the City and the public to order the fee to be levied.

SECTION 5. Ordering of the Levies. The Council hereby orders the fees for fiscal year 2019-20 shall be levied at the rates specified in the 2019 Clean Water and Storm Protection Fee Report.

SECTION 6. CPI. The authorized maximum fee amount to be levied in future fiscal years shall be increased annually based on the San Francisco-Oakland-Hayward Consumer Price Index for All Urban Consumers (CPI), not to exceed 3% per year. The fee amount charged in any year cannot exceed the cost to provide the clean water and storm protection services and improvements.

SECTION 7. Filing this Resolution. Shortly after the adoption of this Resolution, but in no event later than August 10 following such adoption, the City Clerk shall file a certified copy of this Resolution and a fee levy roll with the Auditor of Santa Clara County (“County Auditor”). Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of fee thereupon as shown in the levy roll. The fees shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the fees. After collection by the County, the net amount of the fees,

after deduction of any compensation due the County for collection, shall be paid to the City of Cupertino.

SECTION 8. Corrections. The 2019 Clean Water and Storm Protection Fee, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the City Council or its designee, by a determination from the City Council or its designee that the fee for that parcel should be revised to be consistent with the fee method established in the Fee Report. Any such corrections, cancellations or refunds shall be limited to the current fiscal year in which the correction, cancellation or refund was requested.

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Resolution is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the action approved may have a significant effect on the environment. CEQA applies only to projects which have the potential for resulting in a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, levying the Clean Water and Storm Protection Fee would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 16th day of July, 2019, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST: _____ Grace Schmidt, City Clerk	_____ Date

CC 07-16-19 #26

Bike Ped CIP

Written Communications

Project Name	Project Narrative	Cross Reference		Priority Assigned in:		Status of Project				Original Estimate at Concept		Current Estimated Cost				Budget		Sources of Funding			Public Hearing	
		Bike Plan	Ped Plan	Bike Plan	Ped Plan	Feasibility Study	Design	Construction	Changes in Scope	Bike Plan	Ped Plan	Feasibility/ Concept Study	Design	Construction	Comments	Prior Years	Funding Proposed FY19/20	Grants	Donations	Bicycle Pedestrian Commission	City Council	
Class IV Separated Bike Lanes - SCB Phase 1: Wolfe to Tantau Phase 2: Wolfe to Hwy 85 Phase 3: Hwy 85 to Foothill	Construction of Class IV bike lanes along Stevens Creek Blvd between Foothill Blvd and Tantau Avenue. Includes traffic signal modifications throughout	1	N/A	Tier 1 (Score 91) Project Title: Class IV Separated Bikeway	N/A	Conceptual design completed	65% Complete			\$4,120,000	N/A	\$171,555	\$1,628,445	Phase 1	\$1,800,000	\$0		\$1.8M from Apple	10/18	6/20/2017		
		15		Tier 1 (Score 55) Project Title: Configure Intersection - Wolfe Rd/Stevens Creek Blvd	N/A									Phase 2: \$1,900,000 Phase 3: \$2,000,000	Program Level estimate only		\$0					
Class IV Separated Bike Lanes - McClellan Phase 1A - Stelling to Imperial; Phase 1B - Intersection Imps Bubb & Stelling; Phase 2 - Stelling to Torre Phase 3 - De Anza/Pacifica Intersection; Phase 4 - Byrne to Imperial	Construction of Class IV bike lanes along McClellan Rd between Byrne Ave and Torre Ave. Includes traffic signal modifications at Bubb Rd, Stelling Rd and De Anza Blvd	2	2	Tier 1 (Score 80) Project Title: Class IV Separated Bikeway	Tier 2 (Score 75) Project Title: Sidewalk - McClellan Road, north side, Hwy 85 to Rose Blossom	Conceptual design completed	Complete between Imperial and Stelling.	In progress between Imperial and Stelling		\$286,000	\$158,000	\$426,182.00	2,122,574	Phase 1A - Stelling to Imperial;	\$430,000	\$2,402,941	\$52,537 regional TFCA	\$2,000,000 from Apple	\$1M VERBS, \$55K local TFCA, \$85,822 regional TFCA, \$157,237 DIL for De Anza/Pacifica Intersection	7/17, 8/17, 10/17, 11/17, 1/18, 10/18	6/20/2017	
		5	N/A	Tier 1 (Score 70) Project Title: Configure Intersection - McClellan Rd/Stelling Rd	N/A	Complete	Construction Starts 6/17/19		\$550,000	N/A	\$0	\$1,581,920	Phase 1B - Intersection Imps Bubb & Stelling; Design Costs included in Phase 1A									
		8	N/A	Tier 1 (Score 68) Project Title: Configure Intersection - McClellan Rd/Westacres/Kim St	N/A	Complete	In-Progress	Project Limits and scope under review	\$200,000	N/A	\$148,000	\$1,475,000	Phase 2 - Stelling to Torre									
		14	8	Tier 2 (Score 56) Project Title: Configure Intersection - De Anza Blvd/McClellan Rd	Tier 2 (Score 60) Project Title: Reconfigure intersection - De Anza Blvd at McClellan Rd	Complete	Not Started	Project Limits and scope under review	\$200,000	\$9,707,000	\$247,000	\$1,814,100	Phase 3 - De Anza/Pacifica Intersection;									
		21	N/A	Tier 3 (Score 33) Project Title: Class II Bike Lane - Pacifica Dr, De Anza Blvd to Torre Ave	N/A	Complete	Not Started	Design depends on ROW Acquisition	\$11,000	N/A	\$130,000	\$888,000	Phase 4 - Byrne to Imperial									
Bike Boulevards (General - see detail below)	Neighborhoods #1 through #7		N/A		N/A	Conceptual design completed					N/A						\$52,537 regional TFCA		6/17	Project update on 2/6/2018		
Bike Boulevards - Phase 1	Neighborhoods #1 and #5	6	N/A	Tier 1 (Score 70) Project Title: Class III Bike Blvd - Portal Ave Bike Blvd (#5)	N/A	Conceptual design completed	100% Complete; bids rejected.	Bulb-outs to be completed with pop-ups until project rebid	\$35,000	N/A	N/A	\$34,000.00	\$2,113,000.00	Total Design Costs = \$170,000	\$1,417,000	\$0				3/18, 1/19, 2/19, 3/19	Bids rejected on 5/7/19	
		12	11	Tier 2 (Score 60) Project Title: Class III Bike Blvd - Mary Ave to Portal Ave Bike Blvd (#4)	Tier 3 (Score 45) Project Title: Construct curb extensions - Bandlely Dr at Mariani Ave				\$75,000	\$217,000		\$68,000.00										
		17	N/A	Tier 2 (Score 52) Project Title: Reconfigure Wall/Fence - Greenleaf Dr/Mariani Ave	N/A				\$25,000	N/A		\$34,000.00										
		21	9	Tier 3 (Score 28) Project Title: Class III Bike Route - Civic Center to Creekside Park Bike Route (#2)	Tier 2 (Score 60) Project Title: Reconfigure intersection - Torre Ave at Town Center Lane				\$3,000	\$271,000		\$5,500.00										\$68,365.00
Bike Boulevards - Phase 1A	Spot Improvements within Neighborhoods #3 and #7	12	N/A	Tier 2 (Score 60) Project Title: Class III Bike Blvd - Mary Ave to Portal Ave Bike Blvd (#4)	N/A	Conceptual design completed	100% Complete		\$75,000	N/A	N/A	\$68,000.00	\$565,565.00		\$0					3/18, 1/19, 2/19, 3/19		
		18		Tier 2 (Score 52) Project Title: Class III Bike Blvd - Civic Center to Jollyman Park Bike Blvd (#1)	N/A				\$43,000	\$5,500.00												
Bike Boulevards - Phase 2	Neighborhood #2	10	N/A	Tier 2 (Score 52) Project Title: Class III Bike Blvd - Civic Center to Sterling Barnhart Park Bike Blvd (#2)	N/A	Conceptual design completed		Design to be revisited with input from neighborhood	\$70,000	N/A	N/A	\$5,500.00	\$68,365.00		\$0	TDA Article 3 = \$166,259						
Bike Boulevards - Phase 3	Neighborhood #6	3	N/A	Tier 1 (Score 75) Project Title: Class III Bike Blvd - Tri School East/West Bike Blvd (#7)	N/A	Conceptual design completed		Design to be revisited with input from neighborhood	\$33,000	N/A	N/A	\$23,575.00	\$293,037.25		\$0							
		7		Tier 1 (Score 69) Project Title: Class III Bike Blvd - West Cupertino North/South Bike Blvd (#9)					\$32,000			\$24,400.00	\$303,292.00									
		13		Tier 2 (Score 59) Project Title: Class III Bike Blvd - Tri-School North/South Bike Blvd (#8)					\$38,000			\$4,400.00	\$54,692.00									
Bicycle Wayfinding Program		N/A	N/A	N/A	N/A	N/A	Complete		N/A	N/A	N/A	\$60,000	\$65k proposed	Design complete	\$60,000	\$65,000				8/17, 9/17		
Carmen Road Pedestrian/Bicycle Bridge	Constructino of a bicycle/pedestrian bridge across Stevens Creek Blvd at Carmen Rd	11	5	Tier 2 (Score 62) Project Title: Grade Separated Crossing Study	Tier 1 (Score 70) Project Title: Grade Separated Crossing	In Progress		Yes	\$300,000 (Study only)	\$10,000,000 (through construction)	\$100,000.00	\$469,000.00	\$1,876,000.00	\$100,000 added at mid-year FY 2018/19 Cost estimate based on May 29, 2019 consultant estimate + 10% construction contingency, \$100,000 in utility relocation and \$100,000 in "other improvements"	\$100,000	\$0			None to-date	3/6/2018		

Project Name	Project Narrative	Cross Reference		Priority Assigned in:		Status of Project				Original Estimate at Concept		Current Estimated Cost				Budget		Sources of Funding		Public Hearing	
		Bike Plan	Ped Plan	Bike Plan	Ped Plan	Feasibility Study	Design	Construction	Changes in Scope	Bike Plan	Ped Plan	Feasibility/ Concept Study	Design	Construction	Comments	Prior Years	Funding Proposed FY19/20	Grants	Donations	Bicycle Pedestrian Commission	City Council
Junipero Serra Trail	Construction of a bicycle-pedestrian shared-use path along the Junipero Serra Channel between the Don Burnett Bicycle Pedestrian Footbridge and Calabazas Creek, and along Calabazas Creek between the Junipero Serra Channel and Valco Parkway	9	6	Tier 1 (Score 67) Project Title: Class I Path - I-280 Channel Bike Path	Tier 1 (Score 70) Project Title: Shared-use path - Junipero Serra Trail	Complete			No	\$2,293,000	\$2,293,000	\$250,000.00				\$250,000	\$1,800,000	DIL Funding : Apple Campus 2 = \$250,000, Hyatt House = \$66,000, Interest = \$3,650, TOTAL = \$319,650	\$250,000 for feasibility study and \$1,800,000 for design from Apple	Project Updates on 3/21/18 and 10/17/18. Recommendation for approval on 12/19/18.	Feasibility Study approved on 2/5/19 and corrected on 5/21/19
Regnart Creek Trail	Construction of a bicycle-pedestrian shared-use path along Regnart Creek between Pacifica Dr and E. Estates Dr	20	7	Tier 2 (Score 48) Project Title: Class I Path - Regnart Creek Path	Tier 1 (Score 70) Project Title: Shared-use path - Regnart Creek Trail	Complete	65% Design Plans		No	\$664,000	\$2,000,000	\$158,000.00	\$380,000 design and environmental clearance	\$2,100,000.00		\$158,000	\$0			3/18, 4/19	Feasibility Study approved on 8/21/2018
Historic De Anza Trail Study	Construction of a bicycle-pedestrian shared-use path along the UPRR right-of-way within Cupertino city limits	4	10	Tier 1 (Score 71) Project Title: Class I Path - Union Pacific Trail	Tier 2 (Score 60) Project Title: Shared-use path - UPRR trail					\$1,678,000	\$1,678,000	\$250,000				\$259,889	\$0				Feasibility Study approved on 2/20/18

Mary Avenue Buffered Bike Lane		16	N/A	Tier 2 (Score 55) Project Title: Class II Buffered Bike Lane - Mary Ave	N/A					\$100,000	N/A	\$6,837	\$68,365			\$0	\$165,000		\$165,000 from Apple		
Homestead Road @ Homestead High School Pedestrian and Bicycle Improvement Project	Roadway and traffic signal improvements along the Homestead Road frontage of Homestead High School. Project is being completed through a VERBS grant administered by the City of Sunnyvale with cooperation from the City of Cupertino	19	N/A	Tier 2 (Score 49) Project Title: Trail Crossing - Homestead Rd/Mary Ave	N/A					\$10,000	N/A				Project is being funded through a VERBS grant administered by the City of Sunnyvale. Cupertino to contribute \$126,500 from Walk Audit CIP	\$0	\$0	\$1,000,000 VERBS grant and \$126,500 from Sunnyvale			
McClellan Road Sidewalk Installation Phase 2		N/A	1	N/A	Tier 1 (Score 80) Project Title: Sidewalk - McClellan Rd, San Leandro to Orange	Complete	Complete	Substantial Completion		N/A	\$2,040,000		\$343,000	891,710	Several properties opted out	\$2,035,000	\$2,465,000		\$2,465,000 from Apple		
Orange Ave and Byrne Ave Sidewalk Installation	Construction of sidewalks along Orange Avenue between Granada and Alcazar	N/A	3	N/A	Tier 1 (Score 75) Project Title: Sidewalk - Orange Ave, Granada to Alcazar	Complete	65% Design Complete, awaiting ROW Acquisition	Scheduled Start Fall, 2020	Design changes based on ROW Acquisition	N/A	\$2,000,000	\$57,062	255,234	2,350,000	Construction estimate based on Byrne estimate + escalation Design costs were shared with Orange Save through 65% includes \$85,000 for each street ROW svcs	\$3,888,000	\$1,275,438				
Orange Ave and Byrne Ave Sidewalk Installation	Construction of sidewalks along Byrne Ave between McClellan and Granada	N/A	4	N/A	Tier 1 (Score 70) Project Title: Sidewalk - Byrne Ave, McClellan to Granada	Complete	95% Design Complete	Scheduled Start Fall, 2019	Design changes based on ROW Acquisition	N/A	\$2,000,000	\$57,062	244,080	2,200,000	Construction estimate based on HMH estimate dated 5/19/19 + 10% for CM Services Design costs were shared with Orange Save through 65% includes \$85,000 for each street ROW svcs						
School Walk Audit Implementation		N/A	N/A	N/A	N/A					N/A	N/A	\$1,767,094				\$250,000	\$1,221,863		\$1,221,863 from Apple	8/17	
Bubb Road Improvements		N/A	N/A	N/A	N/A					N/A	N/A					\$0	\$1,980,555		\$1,980,555 from Apple		
Linda Vista Trail		N/A	N/A	N/A	N/A					N/A	N/A		595,500			\$0	\$595,500			8/17	

CC 07-16-19 SS#2

Commissions & Committees

Late Written Communications



CITY COUNCIL SUBCOMMITTEE

CITY HALL
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AMENDED CITY COUNCIL SUBCOMMITTEE REPORT

Meeting: July 16, 2019

Subject

Study session regarding improving communications with and effectiveness of advisory commissions and committees.

Recommended Action

Conduct study session regarding improving communications with and effectiveness of advisory commissions and committees, receive public input on subcommittee recommendations, and provide direction to staff.

Public Engagement: Improving Council Communications with Advisory Commissions and Committees

City Council requested this item in an effort to improve communications with its advisory commissions and committees.

Prior Efforts

In the summer of 2018, a request from a prior Councilmember to consider eliminating multiple City commissions was met with support by two other Councilmembers. This led to a subsequent meeting where, following public input, this request was voted down. As an alternative, Council asked staff to bring forth a future agenda item seeking input from its advisory commissions and committees with regard to how to improve communications. Input was verbally sought by staff; no written feedback was sought or obtained from the advisory commissions and committees. Accordingly, the current City Council decided to re-visit the process in an effort to provide recommendations reflective of the purpose of the request.

Timeline

- **July 2018: Council decided to not merge the Library and Public Safety Commission into the Parks and Recreation Commission. Instead, Council directed staff to look at how to improve communication with commissions.**

- November 2018: On an agenda item to improve communication with commissions, the Council approved the Code of Ethics and gave direction that commissions should only work on items in the Council's Work Program. Not all commissioners were contacted or had the opportunity to provide written input for any proposed document on that council agenda item.
- December 2018: Council formed a subcommittee to improve communications with commissioners.
- January 2019: The new Council rescinded the Code of Ethics.
- February 2019: The subcommittee created a survey for advisory commissions and committees to ask questions on various aspects of commission functions, in addition to communication with the Council.
- July 2019: The subcommittee creates a report and recommendations for further Council discussion.

Current Process

With the direct support and work of then Interim City Manager Timm Borden, the subcommittee was able to obtain direct written feedback from members of its advisory commissions and committees (Attachment A). The subcommittee evaluated this feedback and makes its recommendations to Council accordingly. The scope of these recommendations includes aspects of meetings and procedures which affect the qualitative nature of communications between Council and its advisory commissions and committees, and the recommendations, as such, in their totality, have been contemplated and designed to improve the overall process of our communications and engagement with the public from a structural and functional perspective.

Recommendations

- Public input. Obtain public input in the present study session for all items recommended by the subcommittee as part of the effort to improve communications between City Council and its advisory commissions.
- General Engagement with the Community, Councilmembers and Advisory Commissioners and Committee Members. The subcommittee recommends that:
 - Councilmembers make best efforts to attend at least one meeting per year of each of Council's advisory commissions and committees;
 - The City provide notice to advisory commissions and committees of various community events both directly related and unrelated to the scope of the respective commission. Council and advisory commissions and committees should be included in the list of formal outreach channels from the City for any event;

- Each commissioner or committee member strive to attend at least two community meetings between regularly-scheduled meetings of the respective advisory commission or committee and report such activity, recorded by the staff liaison in the meeting minutes, during regularly-scheduled meetings;
 - For the monthly meeting with the Mayor, each representative of an advisory commission or committee provide a written summary of the commission's or committee's activities since the prior monthly meeting with the Mayor. Alternatively, staff can provide summary minutes for the Mayor's meetings. These written summaries should be circulated to Council and advisory commissions and committees in an effort to provide updated information on activities;
 - The City provide information to each advisory commission and committee with respect to the mechanisms of outreach from the City and how to access these mechanisms. For example, advisory commissions and committees should be able to add items to the calendar that the City places online to notify the public of future events; and
 - In addition, the subcommittee suggests that the web page of each advisory commission and committee include a section with a brief description of the top three items the group is currently working on in order to provide the public with a reference as to the advisory commission's or committee's current activities.
- Scope and Frequency of Commission Meetings. Public oversight of City business is the governing mechanism and overarching principle for commission meetings. As a general matter, for example, advisory commission and committee meetings should not be cancelled without the written approval of the commission or committee Chair. The past practice among certain of Council's advisory commissions and committees of staff cancelling meetings without consulting with the commission or committee Chair is one that needs to be discontinued. Staff should consult with and obtain the consent of the chair of the Council's advisory commissions and committees prior to cancelling meetings. Some commissions appear to meet more frequently than the original direction by the Council. For example, the Sustainability Commission has been meeting every month, instead of every 3 months. The subcommittee recommends that Council review the frequency and the scope of commission meetings once a year. This way the Council could provide further direction in the event some commissions cancel many regular meetings due to lack of business. With regard to the scope of work of an advisory commission or committee, guidance should be sought from the

- Cupertino Municipal Code to the extent that the scope is described there. Should an advisory commission or committee seek to expand or revise the scope of its responsibility beyond the Municipal Code or the approved City Work Program, it should submit the request prior to Council's annual review of the work of its advisory commissions and committees. *Commissioner Handbook*, p. 23. The subcommittee recommends that each advisory commission or committee provide an annual review of all of the topics the advisory commission or committee has worked on in the prior calendar year by January 15. The subcommittee further recommends that each advisory commission or committee be encouraged to provide feedback to the City Council with regard to areas of recommended changes or improvements to their respective public-meeting process, including with respect to interactions with and efficacy of the staff liaison.
- Communications with the Staff Liaison. The fundamental roles of advisory commissions and committees are to receive public feedback and advise the City Council. As such, staff should seek the input and feedback of commissions and committees on items rather than only providing information. The subcommittee recommends Council support for a policy-based statement that the staff liaison for an advisory commission or committee supports the commission or committee in its fulfillment of the scope of its responsibilities, including advising Council, as those responsibilities have been directed by the City Council. The staff liaison should on a regular basis provide topical updates and activity reports to the advisory commission or committee, for example, with respect to grant-funding opportunities, outreach meetings, and construction updates relevant to the scope of the advisory commission or committee's work. The subcommittee recommends that the staff liaison makes it clear to the members of the advisory commission or committee that meetings between the staff liaison and individual members of the advisory commission or committee are available. Subject to adherence to requirements related to communications, the staff liaison should assist with the distribution of relevant and useful information between Council, commissioners, and committee members.
 - Agenda-Setting Process. The subcommittee recommends that prior to each scheduled meeting of an advisory commission or committee, the Chair and the staff liaison should meet to set the agenda, in person, by phone, or by email. The other commissioners or committee members should be informed of the date of the agenda setting meeting in case a member of the advisory commission or committee would like to propose an agenda item to the staff liaison. With regard to other logistics related to the setting of agendas, the subcommittee makes the

following recommendations for the purpose of ensuring openness and clarity in our process:

- The last item of each meeting should be “Staff and Commission Activities: Reports and Future Agenda Setting” with a draft of future agenda items, ordered by tentative meeting dates.
- If any single commissioner proposes an agenda item, either before the meeting to the staff liaison or at the meeting, the commission shall discuss whether to schedule the item during the Future Agenda Setting item.
- The Chair of an advisory commission or committee is able to add an agenda item to the meeting agenda.
- Any two commissioners can add an agenda item for the future agenda item list. The Chair or staff liaison should respond by the following regularly-scheduled meeting with a schedule for adding the item to the future agenda item list. This recommendation would ensure an avenue for non-Chair members to add an item to a future agenda. Currently, any commissioner may request that the Chair place an item on a future agenda, but this does not necessarily obligate the Chair to do so. *Commissioner Handbook*. p. 13.
- The staff liaison can add an agenda item only with the written consent of the Chair to add the item. Required permit processing hearings may be added by the staff liaison, in consultation with the Chair.
- Once an item is added or scheduled to the future agenda item list, the item cannot be removed until it is discussed for removal at a regularly-scheduled meeting during the item for “Staff and Commission Activities: Reports and Future Agenda Setting”. Any rescheduling of future agenda items shall be discussed and approved during the item for “Staff and Commission Activities: Reports and Future Agenda Setting” unless events prior to the next meeting require postponement of an item, in which case such a postponement may be made by the staff liaison, in consultation with the Chair.
- Training and Development for Civic Duties. The subcommittee recommends that all advisory commissioners and committee members receive an orientation which includes the governmental structure of Cupertino in an organizational chart, a description of the scope of work for the advisory commission or committee, a detailed description of the work flow over the course of a year, background regarding the Brown Act, and background regarding conflicts of interest and ethics under AB 1234 and FPPC requirements. For any advisory committee or commission such as the Planning Commission with decisional authority, its

- members should receive an orientation on requirements governing quasi-judicial approval processes, defined as proceedings, applications or other particular matters involving a specific party or parties. These situations occur when, for example, a commission is deciding whether to grant or revoke a use permit or otherwise affect an individual's right or entitlement, and is contrasted with the commission acting in a legislative capacity where it is deciding whether to enact or advise on an ordinance or regulation with broad applicability. For quasi-judicial decisions, members should disclose to their advisory commission or committee the content of any meetings with residents, resident groups, developers or prospective contractors or any persons outside of the public meeting process concerning issues before the commission. As provided in the Commissioner Handbook, page 19, members are encouraged to disclose the content of meetings outside of the public meeting on legislative items as well. *Commissioner Handbook*, p. 19. Staff liaisons should inform their respective advisory commission or committee of relevant workshops and meetings, with this information being available as well to members of the other advisory commissions or committees, in the event that any of their members would like to broaden their knowledge base with respect to the meetings and educational opportunities of other advisory commissions and committees.
- Statement of Ethical Obligations and Recommended Conduct. With regard to the prior Code of Ethics brought forth by staff without consultation to the public or Council, this subcommittee believes that adherence to legal requirements and ethical conduct is paramount in service to the public. From the feedback from our advisory commissions and committees, the prevailing sentiment is that there are no aversions to a statement reflecting our already significant ethical obligations as reflected under laws such as the Brown Act, and also reflecting the belief that as public servants, we should lead by example with regard to how we conduct our interactions with others. *Commissioner Handbook*, pp. 18, 26-28. As such, the subcommittee recommends that a succinct Statement of Ethical Obligations and Recommended Conduct be provided to the public through the City website, and in hard copy on an annual basis to the Council, to our advisory commissions and committees, and to City staff to indicate our common understanding that we work together in service to the City with democratic representation and public oversight, under principles of integrity, and with standards of basic courtesy meant to foster healthy discussion. It is the recommendation of the subcommittee that, based upon the foregoing input from our advisory commissions and committees, and following this study session and input from the public and City Council, that the City Manager's office working in concert with the City Attorney's

- office draft this Statement, and that the City Council review the Statement at a future Council meeting.
- Meeting Protocols and Meeting Minutes. The subcommittee makes the following recommendations for Council to set policies with regard to the logistics and record-keeping of minutes in an effort to improve communications:
 - The Chair of the advisory commission or committee runs the meeting and decides the policies and procedures for interaction with the public observing principles of equal treatment and availability of opportunity to speak. For agenda items, at the Chair's discretion, the public can interact with the members of the advisory commission or committee beyond the public-comment time limit in order to facilitate better communication of the topic at hand. With respect to the qualitative nature of such interactions, the purpose is to understand the various public perspectives. *Commissioner Handbook*, pp. 16, 18, 19.
 - Agenda packets should be comprehensive and include as much supporting materials as available for transparency, including staff presentation materials as part of the materials published together with the notice of the meeting agenda. All meeting materials should be paginated in sequential order from the beginning of the agenda to the end of the agenda. This is integral to the basic function of communication within the context of any given meeting and in any reference to such materials. The subcommittee recommends that the paginated area include, in addition to the overall page number: 1) an identification of the meeting; and 2) the date of the meeting. This will help members of the public, the Council, and advisory commissions and committees communicate better with each other and the public with regard to background materials provided through the mechanism of public notice as pertain to agenda items. In the rare instances where supplemental documents are provided after the agenda has been posted, staff will ensure the documents are clearly labeled with headers indicating the meeting and item number.
 - Any presentation and other materials not posted in the agenda packet should be posted online after the meeting. These materials should also be paginated with a clear indication that they were not included in the materials released as part of the publicly-noticed agenda.
 - Discussion items and action items should be clearly and distinctly identified as such.
 - Advisory commissions and committees should strive to keep summary minutes as opposed to action minutes. Currently, minutes are required of

all commissions, but the type of minutes is not specified. *Commissioner Handbook*. p. 13. Most advisory commission and committee business comprises discussions that is advisory in nature. Summary minutes should include summaries of each comment from a member of the public. An increasingly feasible alternative or tool in this effort with the current state of improving technology is the use of automatic transcription. If automatic transcription is made available to supplement official minutes, action minutes may be sufficient.

- If transcriptions of the meetings are not available, meetings of the advisory commissions and committees should be video recorded. Where higher-quality video-recording is not available, simpler video recording is preferable to audio recording.
- When providing recommendations to the Council, in addition to the specific vote, staff should provide summaries of the positions of an advisory commission or committee in both the majority views and minority views. The Council requires the scope of the diversity of viewpoints represented.
- Draft Minutes should be posted online as soon as they are available, within one month of a meeting in order to ensure the timely availability of a description of the scope of meetings. Certain advisory commissions and committees that meet on a quarterly basis, for example, will not be available to meet to approve the minutes until three months following their prior meeting.
- Currently, commissions may adopt their own parliamentary procedure with Council approval. In the absence of any parliamentary procedure, Robert's may be followed. No commissions have formally adopted their own parliamentary procedure. For Council meetings, according to Ordinance No. 006 (Attachment C), Council may also adopt specific rules and procedures, but in the absence of any such procedures, the Council is governed by "Robert's Rules of Order—Revised" 75th Anniversary Edition as published in 1951. This ordinance went into effect in 1955. At the November 20, 2018 Council meeting, Council voted to adopt Rosenberg's Rules of Order for commissions, committees, and Council, however, the implementation of this was placed on hold to allow for additional feedback and a report by the subcommittee. In summary, Rosenberg's Rules of Order is a simplified version of Robert's Rules of Order. It takes a subset of the most commonly used rules of procedure to help people to better understand how meetings are run in the smaller

government bodies. A table comparing Rosenberg's Rules of Order, Robert's Rules of Order, and current practices for City Council meetings can be found in Attachment B.

- Regular updates. Advisory commissions and committees should provide periodic written updates to Council regarding the status of their activities. The subcommittee recommends that the frequency of these updates be determined by the respective advisory commissions and committees but be no less frequent than every three months. Similarly, the subcommittee recommends that the length of these updates be determined by each advisory commission and committee with an encouragement to strive to be both comprehensive and succinct.
- Agendas and Work Programs. Generally, work programs should govern agendas. This applies both to Council agendas and the agendas of its advisory commissions and committees. However, past experience has indicated the obvious need for flexibility with regard to adding items to agendas. The subcommittee recommends that two members of an advisory commission or committee be required to add an item to agendas, with the understanding that for the purpose of effective planning, our advisory commissions and committees should strive as a general matter to work together on annual work programs and aim over the course of the year to address those items. The timing of when agenda items added by commission members are considered should be determined by the Chair of the advisory commission or committee with the designated staff liaison providing assistance as needed or advice as requested. *Commissioner Handbook*, p. 13. The subcommittee also recommends that Council, for its part, consider how its annual work program items can be improved by interacting with its advisory commissions and committees, perhaps with an extra column on the draft and final work program spreadsheets entitled "Advisory Commission(s)/Committee(s)" which could then identify the possible synergies. Furthermore, the subcommittee recommends that Council reach out to its advisory commissions and committees prior to the first draft of the Council work program, to ask for recommendations of items to add. Since a commission could then look to the Council work program to see which of its recommended items were included, this process may further support the end goal of having work programs reflect the goals and policies of the City Council. *Commissioner Handbook*, p. 13. If, for instance, the first draft of the Council work program is presented in February as it was this year, then advisory commissions and committees should be asked by no later than January to provide recommendations as to what items they would like to see Council consider adding to its work program for the upcoming fiscal year. The subcommittee also recommends that the current-year and prior-year work programs of Council and

its advisory commissions and committees be posted on the City's website. For active current-year work programs, the subcommittee recommends that staff provide quarterly updates as to the status of each item and addend the work programs accordingly. The subcommittee further recommends that advisory commissions and committees have the discretion to add items requiring minimal amounts of budgetary and staffing-based resources. For additional items beyond those identified in an annual work program that would require significant amounts of budgetary and staffing-based resources, such items should be considered for inclusion in the subsequent year's work plan, but if such an item requires earlier consideration, the subcommittee recommends that Council approval be required.

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Attachments:

- A – Advisory Commission and Committee Feedback Summary
- B – Robert's and Rosenberg's Rules of Order Comparison Table
- C – Ordinance No. 006 on Council Procedural Rules
- D – 2019 Commissioner Handbook

Advisory Commission and Committee Feedback

- 1) **How do you have the public interact with your Commission? For example, is it formal and the public is limited to a certain amount of time, or is it more informal and conversational with leave of the chair? Would you like to change your current format? If so, in what manner?**

Audit Committee

- Each meeting allots time for public comment at the beginning of the Committee's agenda. Since this opportunity by the public to comment has not typically taken a lot of time (I recall one public member attending and commenting in the past five years), the segment is informal and more conversational with leave of the chair. I see no need to change at this time.

Bike Ped Commission

- Historically the meetings of the Bicycle Pedestrian Commission have been more informal in nature, with very open participation from all attendees including residents. There is currently no structured community input process or time limits. This often leads to good dialog about critical topics, but also had sometimes shown challenges, when contentious topics were on the agenda, and this is an area of potential improvement to provide a more structured community input process
- The public has generally been allowed to give their input pretty liberally at the commission meetings. Also, it is not uncommon that the commissioners attend the community meetings organized by city staff in conjunction to various projects. In this case the commissioners may get some more informal information/feedback, as well as of course be present to hear the discussions and input given at the community meeting in general. At occasions the commission has fielded questionnaires.
- The public currently interacts with our commission in an informal and conversational way during each agenda item, with everyone participating in the discussion. This has been effective during the 2+ years which I have been on the commission, with non-commissioners enhancing our work. However, in the past few months, our commission has seen some issues with one particular resident attending the meetings but not participating in these conversational discussions in a productive manner. He has interrupted speakers, attempted to change the discussion away from the agenda item, insulted City Staff, made implications that BPC commissioners have been unethical and attempted to stop discussion by disparaging each agenda item or its particulars during the discussion. When I was the chair, I requested each time that he refrain from doing these things, but it chills the discussion when the chair has to interject to stop a speaker. During our last meeting on February 20, 2019, discussion on one particular item was stopped because the interruptions because too numerous to continue our work. Due to these issues, I would recommend going forward

that we increase the formalization of our public interaction to enhance the productivity of our meetings.

Disaster Council

- **Commission Liaison**

This is not a public forum but those that have an emergency response role. Participants are invited to participate for example participants would be Fire, Sheriff, Water District, San Jose Water, Citizen Corps, Public Works, Businesses, Schools, Faith Based Organization

Fine Arts Commission

- Public speakers get set time to speak and with leave of the chair time of the public speaker is increased if needed. I would like to keep the current format.
- On agenda, oral communications.

Housing Commission

- We usually only have a few members of the public attend, if any. The interactions with the public are restricted to public comment, where the members get 3 minutes to speak. The commission is not supposed to ask follow-up questions or engage in a continued dialogue. I believe in some cases it would be appropriate to relax this format and have a format similar to a workshop, if the commission and staff think that continued discussion with the public would be productive. I do not think the public comment format should be abandoned altogether. Without having this structure, meetings may drag on or go off-topic quite easily.
- Public interaction with Housing Commission: it follows a similar procedure as City Council. I think that limiting residents to 3 minutes (or some limit) encourages people to be succinct in their statements. Brief statements are easier to understand for all people in the room.
 1. The Chair can allow more discussion, as necessary.
 2. Consider Work item for Housing Commission: Write an outreach plan, so that residents are aware of our General Plan's affordable housing goals, the City Council's support of those goals, and how the City plans to meet goals. If there are current successes, we need to state them, then discuss plans how to move forward. Since affordable housing is not viewed the same by all residents, it would be good to include an educational effort showing how housing for all incomes and abilities is good for everyone in the City. The wording in the General Plan Housing Element is strong underpinning for such outreach.
- **Commission Liaison**

Housing Commission follows a formal agenda. Member of the public are able to speak during Oral Communications or during the public portion of any agenda item. Speakers fill out a speaker card and are limited to three minutes. The Chair manages the meeting and this process works well.

Library Commission

- I'm new to the position, yet have enough experience to comments on this item.
- In my two terms on the Library Commission, we have done both. Most recently, based on strong suggestion from our City Liaison, the interactions have been extremely formal and time limited. In previous years we have been much more informal. Which, by the way, I prefer – unless there are so many attendees wishing to speak that time limitation and a schedule of speakers is necessary for equity.
- The Library Commission encourages community engagement during its meetings. One time last year, one commissioner was en route to the meeting but was delayed. The meeting proceeded as a community meeting until the commissioner arrived, which worked really well because everyone who was present was permitted to ask questions following a staff presentation. We all learned from the questions from the community. In situations where the commission receives new information and is not deliberating, I would like to see more “community meeting” sessions within Library Commission meetings.
- The formal part of the interaction with the public is usually during the three- minute Oral Communication in every Commission meeting. We constantly have people who express their opinions and raise their concerns during this time period. Informally, there are consistent communications among the public and the Commission members. We met people when we participated in activities, ceremonies, or even council meetings. I think the current format is good, both formally and informally. I don't think we need to change what we do now, but I do think we can improve the communications by even adding something new. For example, in our last Commission meeting, we think it might be a great idea for us Commissioners to put up some tables and take turns during the upcoming Library Survey period in May/June to give out flyers, brochures and some gifts to survey participates. This way, we can not only incentivize more people to participate in the survey but also let the public know us more.
- At this point, public can interact with our commission by submit emails, attend to our meetings and for some Chinese speaking people, they can reach commissioner via wechat.

Parks & Recreation Commission

- Formal. Limited time to speak.
- I am not familiar with current format yet. Overall I prefer to be more flexible and more accommodating. Any format that not violating rules should be welcome.
- It is more formal. I'm not sure we would be able to make it more conversational or informal due to the nature of where we meet and the fact that the meetings are televised. I especially think that if we have an item with a lot of interest or even something that might be controversial, that it is best to have some kind of procedure and formalized control of the meetings. I am happy with the current way we conduct our meetings. We have come to that

understanding over the past couple years about procedure and it works well. Commissioners ask staff clarifying questions, we then take comments from the public, we then follow-up with any comments we might have about the agenda item. Our chair follows-up and will pose questions that the public might have asked during Oral Comments. We also interact with the community at the many Parks & Recreation events we try to attend.

- Current model is formal meetings with public allowed throughout. It works fine and I like to continue this format. Only change I would love to see is to have the oral communication points are captured into minutes as those are critical feedback which we want to refer to.
- **Commission Liaison**
Very similar to how City Council interacts. Oral Communication and accepting presentations when requested. The same 3 minute time limit is enforced. The Commission does not discuss presentation items, only asking clarifying questions. I think the format works well.
Rosenberg's rules will be easier to manage and much less structured but will require training.

Planning Commission

- The planning commission runs the public meeting in the same format as the City Council. No, I would not change. It is important that public communications be well formatted and structured.
- We may choose to meet with the public at their request. I have been emailed to meet in an informal setting.
- Formal communication is always going to be needed to move issues along according to prescribed procedures. I would not change this format - except to rigidly enforce rules about clapping, booing, banners, and other activities that can intimidate nervous or outnumbered members of the public. In addition to the formal meetings on the dais, informal workshops or drop-in sessions have been used by all my commissions' staff as a way to gather input without procedural or time constraints. I also make it a practice to have many coffees or site visits with applicants or concerned citizens. One time, two neighbors couldn't agree on a proposed balcony, and it was the only item on the Planning Commission's agenda for that evening. I stopped by their homes that afternoon and, after meeting with both of them, got them to agree on a compromise. We were then able to cancel the meeting and save the City some time and money.
- Our interaction is FORMAL, per Robert's Rules of Order. I think this is necessary to maintain fairness and equity around public input.

Public Safety Commission

- I would like public to be able to interact more without the time constraints. Sometimes the person is not able to finish what he wants to say. Time limit for public to speak should be raised to 5 minutes per person. I would also like to incorporate more informal ways of interactions.
- Formal with a time limit, I'd like to keep the time limit to retain structure.
- Currently it is formal and happens during oral communication. An informal conversation and more time would be useful. Maybe a special day where all PSC is only available for public discussions.
- Currently if we have members of the public wishing to give oral communications they are given 3 minutes to speak though sometimes they might be given 15-20 seconds over the 3 minute mark to finish up their communications. Afterwards the chair will ask if any of the commissioners have clarification questions to ask the person. I personally think imposing a 3 minute limit is a bit harsh since most people feel rushed and might get flustered or lost in the original intent of the communications. I also feel that a more informal setting would seem friendlier and less rushed to hurry and get their thoughts out before they are stopped at the 3 minute mark.
- Formal at meeting, 3 min/person, same as city council meeting. Informal when being approached at various city locations/events/functions, and usually ends with resident coming to make their requests formally at PSC meeting

Sustainability Commission

- As a commissioner, I am prepared to interact with public at any time and place. I usually introduce myself in public gatherings and encourage attendees to discuss with me of any questions they may have.
- Our meetings are very informal. We follow the standard procedures of allowing time for public comment on an issue, but the discussion afterward is informal with most of the citizens participating where they could offer specific information. Also, I get suggestions from neighbors and friends that I bring to the commission.
- The public interacts with the Sustainability Commission informally and in conversation. They are allowed to speak throughout the meeting, either providing their expertise or their opinion on the agenda item. On occasion they even start a new topic of discussion. There is no time limit to their interaction with the commission. I would prefer that it not be so informal and that their interaction be more controlled and not in conversation. I prefer that they speak after the commission has discussed the topic. If what they would like to say is not an agenda item, then they should speak and share about that during Oral Communications.

- The public sometimes attend our meetings to understand what the commission does. During the time of public comment they may chime in. They are member of the public who have a business related to sustainability. We have been approached by a few different types of consultants who would like some involvement with the city. Ranging from Water to Air tight Homes. What we have done is one member will vet these companies before they come to the meetings. They still can attend publicly but not in a formal capacity.

Teen Commission

- The public is always welcome to come and sit in on meetings to observe and if they wish to voice their opinion, they can fill out a card to do so. However at all of our public events, people can always come up and have informal conversations with us. Currently our format seems to work pretty well for us, as all that wish to communicate with us get the chance to. Furthermore since we are the teen commission, fellow teens seem to feel more comfortable communicating with us informally.
- The public interaction are more informal and conversational. I would not want to change the current format.
- Public interaction is more informal with our commission. Members of the public do have to fill out a blue card in order to speak, but other than that, there isn't much formality to it. It is a very conversational format whenever members of the public come to our meetings. I'm fine with our current format, and I don't see any reason to change it.
- Currently, the commission has both an oral communications and some room for public comment after each item. During these times, we usually do not cut off the public unless they are talking for unreasonable length of time. The public comment is less structured than oral communications, and usually does not necessitate a time limit.
- I believe that the interaction between the public and my Commission is semi-formal. The public can come in anytime they want to without telling us and can really be informed about how our commission runs and what we do in the commission. Of course, all of our public guests have been very polite and formal during our meetings as well. I think our current format is great because it is a comfortable and informal learning environment for the public and suits the Teen Commission well too.
- We normally have people who want to see our meeting come to it, and we're usually not too formal with time-limits, as we prefer things to be conversational. I think that this should stay the same, because it helps the us stay connected and seem approachable to the public. I think that making it more formal and restrictive would stifle communication and make citizens feel that we don't care/don't listen to their ideas.
- We have openings in our meetings and our website is pretty accessible. I would say the

interactions during the meetings are formal as they have to fill out forms/contact the commission earlier. I would like to make it more open to discussions by having teen Commission info booths in Cupertino events.

Technology Information & Communications Commission

- As new commission member, I haven't had regular interaction with public on the TICC subject matters so far. However, I do have the ideas for making it working well – one, by adopting the model of block leaders. Essentially rotate the meetings throughout the city on regular basis with small and localized group each time that gives focused attention to issues and connecting with individuals.

As for the commissions interacting with public during official meetings, it is preferable to have a formal process with limited time per individual and a priority for city residents. I liked the recent goal setting meeting where residents are asked to share their comments on the items that are not in the agenda first and then bucket the public comments close to the pertaining agenda item. It will sure lengthen the time if one were to come early to cover multiple items but at the same time, gives residents to come only during the agenda item.

- It is a blend, we try to follow a formal procedure but will deviate if needed.
- Currently public can come in and interact at the beginning of the commission meeting. While it is ok, I think there must be at least one other time during the meeting when the commission can open up a Q&A or comments time slot to give public another chance to interact with the commission. The Chair should reserve right to decide when to stop the slot with a reasonable resolution/adjournment to any open issue being brought up during the public interaction and continue with the commission's regular agenda.

Any boundless informal any-time interaction format might reduce the efficiency of the commission. Again, this may not be true to other commissions.

2) Do you use rules of order to conduct your meetings? If so, which rules? If not, would rules of order be useful from your perspective?

Audit Committee

- Yes, Roberts Rules of Order

Bike Ped Commission

- The flow of the meetings is structured in nature based on the agenda, but the Commission allows all attendees to provide input and feedback/discussion on each agenda topic. The BPC has primarily advisory function, and in few cases votes are required. When votes are required, they follow a structure according to Robert's rules of order.
- For the most the process at the bicycle-pedestrian commission has been fairly informal. Lately we have started asking for the public to fill out speaker's card. Even so, the members of the public has been allowed to speak and comment on agenda items during the meeting in a more or less informal fashion.
- We don't currently use a specific Rules of Order, but we do stick to the agenda and the rules regarding discussion and voting. In general I would prefer to use a Rules of Order like Rosenberg's, and not Robert's.

Disaster Council

- **Commission Liaison**
Yes, Robert's rules might be something that works

Fine Arts Commission

- We do follow code of conduct for the meeting. And it is certainly a useful way to conduct the meetings as meetings stay organized and orderly.
- We use rules of order recommended by City.

Housing Commission

- By default, we use Roberts' Rules of Order. Having the rules is useful to allow our meetings to run effectively.
- The Rules of Order appear to be similar to the City Council rules, in which the Chair runs the meeting and maintains focus on the agenda topic, closing discussion, calling for a vote, etc. This seems appropriate given the many issues that could come up during any discussion of Housing strategies.
- **Commission Liaison**
We use Robert's Rules of Order. The Commissioner's would benefit from an annual update or handout on the rules of order.

Library Commission

- I'm new to the position, yet have enough experience to comments on this item.
- Again, our format changed to a more formal one recently. A couple of years ago, with a change of City Liaison, we were encouraged to adopt greater parliamentary formality, which we did but without consistency or agreement on which rules we were following. Very recently we evaluated a range of parliamentary procedures currently in use by other Commissions and/or at nearby cities and voted to adopt one. Unless an issue is particularly contentious, I don't feel this is necessary. Adherence to the agenda is important so the public notices can enable informed and appropriate public participation. However, constant strict adherence to procedure typically makes the meetings awkward as we struggle to accomplish the interactions we want while constantly referring to 'rules' with which we are unfamiliar and the implementation of which don't result in the outcomes desired. I feel a competent Chair can identify when an issue or discussion reaches a point at which it is necessary to invoke the use of parliamentary procedure, and meetings could then more flexibly proceed most of the time without it.
- The Library Commission has followed Robert's Rules of Order to receive input, deliberate, and make and vote on motions. However, we have also decided to pause Robert's Rules at various times when the Commissioners agreed that we could get better input with community members and commissioners exchanging information conversationally. I understand that in 2019 commissions will be expected to transition to Rosenberg's Rules of Order. I hope that we will have the same latitude to suspend Rosenberg's Rules when doing so would facilitate community engagement or offer opportunities to clarify concerns from those present.
- Yes we do use rules of order to conduct our meetings. As the Chair of the Library Commission, I tried to follow the Robert's Rule of Order, at least at the high level. Details include but are not limited to: business that will be discussed is listed in the Agenda under new business/old business, quorum to vote, nomination and election for officers such as the new chair, decision making process such as motion, second, voting etc. Of course, there are various topics on this which I can't exhaust, and I do think rules of order are useful, in that they provide Commissioners and the public with predictability, structure, rules to follow, and hence more efficiency and effectiveness.
- Yes, I think we use Robert's rule of order. It works for us.

Parks & Recreation Commission

- Roberts Rules.
- Certain rules should be respected.
- Yes, we do. We (think) we use Rosenberg's. My understanding is that this was approved by

council to standardize for all commissions/council.

- We use the rules of order proposed by the city and not sure what rules is it... I find it useful with what we have now.
- **Commission Liaison**
Robert's, converting to Rosenberg's once training is available and complete.

Planning Commission

- Yes, Roberts Rules of order
- We seem to use Robert's Rules. I would personally prefer PC learns and uses Robert's Rules exclusively.
- We always use Robert's rules of order, according to City Clerk policy.
- Yes, this is necessary for the meeting to work fairly and effectively.
I would prefer *Robert's Rules of Order* as it encompasses a broader set of procedures and situations. This assures that we have a full palette to make legally sound policy decisions, and gives the Planning Commission solid common ground with applicants and others we interact with.
This level of formality is not necessary for the purely advisory commissions, but I think it's better to have uniformity of rules across the entire organization. The Council packet for the proposed Ethics Code included a abbreviated list of Robert's Rules for simple meetings, which would probably be a good standard.

Public Safety Commission

- We follow the principles of rules of order.
- Robert's Rules, good as is.
- Yes. We have a order and guideline /format to follow in every meeting
- I believe currently we use the Roberts Rule of Order format but after being asked to review the different formats of holding a meeting I personally think the Rosenberg's Rule of Order is a much more user friendly format and would welcome a change to it.
- We follow the Brown Act as well as the Council meeting rules, and its useful.

Sustainability Commission

- The Rules of order is important in getting business done. We follow general guidelines set by the City. It is similar to the order of meetings used in other public meetings.

- Yes, but not very strickly
- No, we do not use rules of order to conduct our meetings. For our commission, I do not think rules of order would be useful at this time.
- Yes we do. It is important for the chair to maintain order and schedule. We will get off track without them.

Teen Commission

- We do use rules of order during our meetings like Robert's Rules.
- Yes, we use Robert's Rules of Conduct in our meetings.
- No, we don't use any specific rules of order to conduct our meetings. I don't think rules of order would be useful specifically for the Teen Commission as they would create a more detached, overly formal environment that simply doesn't suit the commission. I do think more of a focus could be made on staying on topic without diving into unrelated tangents, but I don't think that requires a whole new rules of order system.
- We do not use a specific names rule system, but we most closely align with Rosenberg's rules of order, or a somewhat simplified Robert's rules of order. No additional rules of order strike me a specifically necessary to help us function better as a commission.
- Yes, the Teen Commission follows Robert's Rules of Order to conduct our meetings. We always consider the rights of the majority, the minority, individuals, and absentees. Our decisions are made based on the majority and we take into account of absent people. The Teen Commission also follows the Brown Act; we conduct business and make decisions only in public meetings, publish and follow meeting agendas, and provide an opportunity for public participation before making decisions. I think using rules of order is useful because it promotes fairness and efficiency and ensures majority rules.
- We don't use a specific set of rules to conduct meetings. I think that it should be this way, because it is the most effective way to get idea and free conversation flowing. We're still able to stay orderly and respectful, and we don't talk over each other, so I think we work best without a strict set of rules that have to be followed.
- We use Roberts Rules of order to conduct our meetings.

Technology Information & Communications Commission

- I believe rules of order is always useful in public arena where every individual is entitled to equal right and equal opportunity and at the same time the scope can find noboundaries.
- We try to approximate Robert's Rules of Order
- Roberts rule of order sounds fine to me.

3) Do you feel your Commissioners communicate with the Councilmembers sufficiently to advise the Council? Do you feel that Commissioners' communications with staff could be improved, and if so, how?

Audit Committee

- Yes since in fact two of the five Audit Committee members are Council members (this year Mayor Scharf and Council Member Paul) I feel that there is a formal and institutionalized communication between the Committee and Council. In prior years, for example it has not been unusual for various Council members to take action based on particular circumstances and needs of the Committee. The Committee has excellent communication to and from staff. Zach Korach, Kristina Alfaro and typically the City Manager (now of course Acting City Manager Timm Borden) attend Committee meetings along with specific staff who may make special presentations as needed. This kind of staff involvement with the Committee has enabled multiple communication points over the years for example in prior years special staff and Committee member communication occurred on the urgent reconciliation of the cash accounts on a special project basis and the more recent uncovering of alleged embezzlement by a senior accountant. Of course all such communication outside of a Committee meeting must be handled in accordance with Brown Act provisions.

Bike Ped Commission

- The primary council-commission communication is via the monthly major meeting, which serves well as an update to the major, but there is very limited communication to other council members about topics related to the Commission. Many of the Council members are participating also in the various community outreach meetings, which allow additional informal communication to other city council members. If possible, it may be advisable to extend the monthly major meeting to include the full council. The BPC has elected to rotate the monthly major representative, and use the prior month's meeting minutes as well as the agreed workplan as the primary input mechanism into the major meeting.
- I think it could good with more direct communication between the council members and the commissions. The communication with the city staff is very good though.
- I personally feel that we do not advise the Councilmembers enough on biking and walking issues. Generally, the Council only solicits our feedback during a very brief 10 minute update during the Mayor's meeting once per month. We speak during Oral Communications and during any biking/walking project agenda items during City Council meetings, but this is not requested by the Council. There have been several projects voted on in the last year which I would have thought should have prompted more questions to the Commission from the Council but did not. (Only recently have I received questions about a project from one newly elected City Councilmember). In general, it is difficult to tell whether the opinions from commissioners—who have thoroughly studied the details and impacts of a particular project for all of Cupertino—carry any more weight than individual

homeowners who are representing only themselves. Regarding Staff communication, as a commission we could use more information on progress and more input into decisions made by staff. This would enhance our work, especially as advocates for Bicycle and Pedestrian projects.

Information on the progress of projects is improving. Recently, I requested an ongoing monthly update using a spreadsheet on all the Bike/Ped projects currently in progress, which is now reviewed at each BPC meeting. This has improved communication, but it is still sometimes necessary to ask direct questions to Staff to get an update on certain projects (“When is design expected to be completed for that Bike Boulevard?”) before an update is given. The City Staff have also implemented email updates on progress on the Regnart Creek Trail and the Junipero Serra Trail. These not only help the residents but also help our commission visualize the progress on the many projects. Unfortunately, much of the other work by Staff is done without any input from the Commission, including new forecasted dates on construction, upcoming dates for requests for funding, newly scheduled public meetings (and locations/dates for those meetings), and other items that would be useful for us to know or advise on in our advocacy efforts. Oftentimes, we find out about these things through secondhand conversation, when an update is posted to the website, or when it is mentioned in a commission meeting only a few days before the event. One other note: our Staff Liaison does not regularly meet with the Chair of our commission, but the Chair has to request/schedule a meeting. It would be helpful if this happened at least monthly, to set the agenda and for the Chair to be fully informed about all current decisions and progress on Bike/Ped issues by the City Staff.

Disaster Council

- **Commission Liaison**

We currently don’t or have we had a communication path to the City Council. Cupertino’s emergency organization should have a reporting mechanism updating the issues, work plan updates etc.

Fine Arts Commission

- I certainly feel communication between commissioners and council members should be improved via formal and informal meetings.
- Nothing to add at this time.

Housing Commission

- I do not feel like the Housing Commission advises City Council sufficiently. Aside from the recommendations we make in meeting, there is little direct communication with Councilmembers. We have the monthly Mayor’s meeting, but only the Chair has attended these meetings. Kerri Heusler, our commission’s staff, has been easy to reach and

communicate with.

- Communicate sufficiently with Council? I understand that the Housing Commission Chair has a meeting with the Mayor once a month. I understand that it is a group meeting with the other 9 Commission Chairs. Does it include the six committees? If this is a one-hour or ninety minute meeting to let the Commissioners/Committees update the group on key issues that is likely enough time to allow information to flow properly. The Mayor can request a follow-on meeting of the group, if necessary. Chairs could be given time limits to help stay on point and on time.
 1. I am assuming the Chair can ask for additional time for a one-on-one meeting, if necessary, to provide extra information.
 2. I understand the Housing Commission contacts the staff via its own staff Advisor. It seems that would be fine. The Advisor could set up direct lines of communication with other staff members for special projects. Also, we are not authorized to direct the staff. Can go through the City Manager, if budget is needed.
- **Commission Liaison**

The Chair attends the Mayor’s monthly meeting to provide an update on Housing Commission activities. The Chair reports back to the Housing Commission during the Commission Reports agenda item at each meeting. If the Chair is unavailable, they will make arrangement with another Commissioner to attend on their behalf. Attendance at the monthly meeting provides an open line of communication between the Commission and City Council. Staff is available to assist Commissioners regularly with any items.

Library Commission

- I’m new to the position, yet have enough experience to comments on this item.
- Those are two different questions.
 - 3a) No—but the primary reason for this lack of communication is that the City Council routinely fails to consult with the Library Commissions to request and acquire advice. In recent years the Council often has not acknowledged communications from the Commission, or some individual members have responded by not as an official communication of the Council. It has been my impression that the many proactive and regular communications from the Library Commission to the City Council—reports of Work Plan, in person reporting at City Council Meetings, the distribution of awards, and reports of Work Plan accomplishments—have been viewed as ceremonial. In contrast, contentious issues of great community interest and impact have not been referred to the Library Commission. It has been my impression that city staff have independently managed those issues and have excluded and minimized the ability of the Library Commission to be informed and to participate.
 - 3b) Yes—I’d suggest starting with a simple customer satisfaction metric, similar to the automated questions used by many companies with extensive customer service staff: Did we meet your needs? Was our representative knowledgeable, professional, helpful, and

courteous? Are we keeping our commitments? Assuming the city staff are expected to provide a service to the Commission, routinely asking if the Commission is satisfied with the service being provided would generate direct measurements instantaneously and also gradually build a picture of such interactions over time.

- In my experience, commissioners are comfortable sharing ideas related to process and work product with staff and Council Members.
- I don't think the current level of communication with Council is sufficient. The most regular time for communication with the Mayor happens once every month and each commissioner can only speak for a few minutes since there are 10+ commissions. Further, in Mayor Meetings, it is only the Mayor who is present, so we can't really talk to the other council members on a regular basis. I don't know if we can set up regular times with Councils because they are already busy. But I do think it will be great if we know they will be available for us when something happens and when we need them. So it can either be a regular quarterly meeting, or each Council member might be able to come to our Commission meeting once every year, something like that.
- Commissioners takes turn to attend Mayor's meeting and if necessary, we can make appointment to meet with councilmembers. Staff attends all commission meetings. The communication channel is open.

Parks & Recreation Commission

- Communications could be improved. A monthly report could be prepared. But given meetings are only monthly, not sure how this would be any different than if Council read the minutes of the meetings.
- Still learning. No comments
- I do feel that the only time we interact with council is when we attend the Mayor's Meetings or attend a council meeting when one of Parks & Rec's items are on the agenda. I feel like we can sufficiently advise council because staff is very thorough and many of on commission have many years of experience in the community with various issues. If we don't think that we have enough information we will request more and/or postpone advising until we feel we can make an informed decision. I feel we have very good interaction and communication with staff. Many of us see staff on a daily basis in our regular interactions in the community. We also attend many of Parks & Recreation events which also enable us to interact with staff. I personally feel we have a very good working relationship with Parks & Recstaff.
- Not really. The communication from commissioners is only through very few standard process
– Mayor's meeting and yearly work plan update which is not sufficient at all – this is based

on my experience through Library commission. More frequent (Quarterly) update to the City council (standard template for all the commissions highlighting accomplishment, challenges and asks) is necessary. Commissioner's communications with city staff could also very well improved as the current communication is mostly administrative. While this helps, it is not clear on who makes the call on some of the budget asks and decisions etc. within the city. Just to get plugged into those process to understand the actions would certainly help the commissioners to be much more effective... for example, no idea how the budget allocation for the commission is happening and how the spent is tracked on a monthly basis etc.

- **Commission Liaison**

For items that are more important, I think the Commission could benefit by providing more written advice.

Planning Commission

- Many of the matters that come before the PC go to the Council. Communication with Council is limited and I feel that that is generally fine given the desire for an unbiased view of any specific element being reviewed by the PC. The PC communicates well with staff through multiple means.
- It is really unclear what we can ask staff to do. I need particular, reasonable data to make decisions and want to ask for it at will.

- With Councilmembers: Yes, there is enough communication.

- Proactive Councilmembers sometimes sit in on commission meetings just to listen, and this helps.

- Sometimes Councilmembers will call me for clarification, and this also helps.

- Councilmembers have sometimes called smaller meetings (through the City Manager) to discuss an issue informally and in more detail.

- I have sometimes asked a councilmember to meet over coffee to discuss an issue one on one.

- I also make it a point to attend public events, where there are often opportunities to chat one-on-one with Councilmembers in an informal setting.

(I also make it a point to frequently attend meetings, drop-in sessions, or have one-on-one coffees with County supervisors, and State legislators, and/or members of congress.)

Therefore, I don't think we need to change any procedures - it's up to individual Councilmembers and Commissioners to avail themselves of the communication opportunities that already exist (always, of course, complying with the Brown Act).

With Staff:

Staff have worked on communication by holding informal workshops events, or field trips - sometimes open to the public, sometimes not. A good staff person will do this often.

I have worked on communication by calling staff members, and sometimes they invite me stopping by for a one-on-one or small group meeting.

As with Councilmembers, both staff and appointees on a commission have to work on

communication - but again, I don't think there is a need for any change in procedures. Good staff and good commissioners do this anyway.

- This is two different questions. Communications with Council has traditionally been through the staff liaison and department structure. This has worked fine for me in Planning and Parks & Rec. I think these more formal commissions have better communication than the others, due to the meeting content. I have heard from some of those serving on other commissions that they don't feel there is a clear connection to the Council, and I've similarly heard Councilmembers say they have little visibility into the commissions. Commissioner communications with staff have been exemplary. I think the staff liaisons have done a great job across the board being available and supportive. The only issue is that different liaisons see the role of work plan development differently, where some are clearly transmitting Commission ideas up the decision chain, while others may block further consideration.

Public Safety Commission

- I feel Commissioners should be able to communicate and discuss with the council members more frequently.
- Commissioners do not advise Councilmembers as designed. There is a large gap in communication. We need to find out what will make the Council value commissions more and set up a more direct official communication channel for us to know what are areas that we could provide insight on.
- I think there is a protocol to communicate with the council members. Well more time would always be useful given the agenda items. I think it will be useful to get email communications on the result of the meeting with council members and what agenda items are being followed. Sometimes some items fall through and we lose track of it unless it is brought up over and again
- Currently the only way of communications to the council is through our city staff liaison and they will bring questions and feedback to the city manager in the weekly staff meetings. Other than that is the monthly mayor's meeting that originally was an informal meeting with representatives from all commissions to give a brief report on current work items and thoughts or ask questions. The general idea of a mayor being briefed is great but in reality the time is at one of the most inconvenient hours due to daily life and personal schedules and the lack of parking at the library since we do not have city parking lot passes. I do like the suggested written brief as an alternative.
- We communicate with staff who advise the city manager, whom then advice the Council; very lengthy process and key points may be lost with a 3 party communications. Ideally, we

should have Council instead of city staff attending our meeting, but that place lots of burden on the Council. We had Council / Mayor attended our meetings in the past, and communication is significantly improved as its direct and clear.

Sustainability Commission

- Our Councilmembers and staff are very approachable, responsive, and supportive of commissioners and general public. I strong feel the current communication process, including emails, phone calls, is sufficient.
- I do feel disconnected from the council deliberations. On many topics, such as the essay contest, we operated independently.
- I do not feel that commissioners communicate with councilmembers sufficiently to advise them. I think that commissioners' communications with staff is sufficient.
- Yes, but we meet infrequently compared to council. The progress on our topics is not as fast paced. For this reason they may not always be a need to communicate with council on a monthly basis. We as a commission need to do more.

Teen Commission

- Currently I feel that more contact with Councilmembers is needed as both parties are only vaguely aware of the other's plans and goals. I feel it could be improved, through either written summaries of things the Council would like us to know or having meetings where a Councilmember attends.
- I feel the commissioner can communicate more with the Councilmembers to sufficiently advise the Council. I think communications with staff can be improved by having staff at some meetings to help staff understand what we as a Commission are trying to accomplish with this event.
- Yes, I feel that Teen Commissioners communicate with the Councilmembers sufficiently to advise them whenever we feel that we have an insight to provide that would serve the Council well in their decision making process. I don't know of anything specific that could be done to improve communication with staff - our current communication with our staff liaison is adequate for our needs.
- I feel that the commission communicates sufficiently with the Council. I feel that our communications with staff could be improved by talking more with staff that are not specifically oriented towards youth programs. For example, we could communicate more often with other commissions' staff liaisons.
- No, I don't think that we communicate with the Councilmembers sufficiently to advise the council. While the president of the Teen Commission does go to the mayor meetings each month, I do not think this is sufficient enough for our ideas to be reached out properly to the

council. I think that the Commissioners' communications with staff could be improved by having each commission fill out a form after each meeting with requests or updates for the council or have more commissioners participate in the mayor meetings.

- I think that we do effectively communicate with council. But, I still think that the update reports that was asked about in question 12 is a good idea and would improve communication even further.
- I think the commission communicates fairly with mayors meetings and do not see need for improvement at the moment.

Technology Information & Communications Commission

- As the new member, I have not had experience interacting with council members yet. I would like to see staff and commissioners keep the regular and frequent communication established and practiced. With public policies derived from public requests, comments and opinions, not all ideas can materialize in a timely fashion also equitably. Given TICC's core function is technology, TICC should lead by example of conducting public business more efficiently and really shed the public perception that governments are slow.
- No, the commissioners' communication w/ council is not sufficient. We have had a great relationship with staff.
- Currently there is not direct interaction with the Council. However, there are monthly Mayor update meetings where commissions update the Mayor. This meeting is usually a quick update format with each commission having approximately 5 to 10 minutes to update. It will be a good idea if individual commissions are able to meet with the Mayor and the Council on a periodic basis. On the other hand, TICC has good communication with the city staff through our Liaison and is very efficient. We are thankful to Bill for the Liaison.

- 4) This year, per decision of the prior Council, all Commissions will submit ideas regarding their annual work program to their respective City departments. The City departments will then develop their proposed work program, including Commission items, for Council consideration. Once Council adopts the final work program, the items pertaining to each Commission will serve as priority elements of their respective work programs. What do you think of this new process of approving work programs by City Council? Anything to improve?

Audit Committee

- On a high level of setting priorities, this approach makes perfect sense to me. On the other hand, the Audit Committee is a hybrid type of Commission in a number of ways including for example
 - 1) having two Council members on the five member Committee; 2) Both municipal code and prior City Council resolutions and actions have assigned operational approvals of various city staff reports to the Committee; and 3) As part of the municipal code prescription that the Committee review the audited financial statements and independent CPA audit reports often it is expected that the Committee have a wide range of discretion in completing its operational functions. Accordingly as to the Audit Committee I would suggest including a footnote clarification that it is expected and in fact part of its mission that the Audit Committee would explore any and all avenues of relevant inquiry and activity, regardless of beginning of year approvals, in order to accomplish its assigned operational responsibilities.

Bike Ped Commission

- I think this is a good process improvement, and will work well for the Bicycle Pedestrian Commission, as we are working primarily on longer term projects. These improvements will provide clarity and focus throughout the year. For Commissions with more shorter term time horizons, there needs to be a way to include new items during the course of the year.
- It seems still a little unclear how this process will work. I imagine we will learn more as this progresses. To have a general agreement on the work plan for a commission does not seem unreasonable. I would think, however, that one would want to give the commissions some independence to advise the city council and city staff outside this work plan. Seems right that the commissions should be able to give unsolicited advice the city council and city staff.
- Our current work program is very high-level and only pertains to the goals of the commission itself, not the work done by the City Transportation Staff. Using the new process would allow Staff and Commissioners to partner together and use our limited resources more wisely to effect the most useful changes. As an additional benefit, it would improve communication with the City Council regarding our Bike/Ped projects. It would definitely require us to change our mindset on how we formulate our workplan, but I would welcome this change.

Disaster Council

- **Commission Liaison**

Yes it would be great to have some input on the Councils work plan for our department...where did COOP come with?

Fine Arts Commission

- I certainly feel communication between commissioners and council members should be improved via formal and informal meetings.
- Nothing to add at this time.

Housing Commission

- This new process is a good idea. I would also add that, if possible, members of the public should be encouraged to contact Commissioners if they have any ideas for the work plan. Any ideas that the Commissioners would like to work on can be passed on.
- All Commissions will submit ideas regarding the annual work program to the City Departments? Yes , this sounds good. Does this change the current annual submission in some way? Is Commission input now provided directly to Councilmembers? I attended the priorities setting meeting on Feb 2 as a private resident , but I do not recall that the ideas on the "Work Plan List" were identified as coming from Commissions or City Departments. Residents provided ideas at the meeting.
 1. If there is no method now for submission of work ideas from the Commissions this is one good way. It will give Staff time to estimate the time required of Staff to complete the work item. It appears this may streamline the process, if currently the ideas go through the Council and then to the City Staff.
- **Commission Liaison**
Annual Housing Commission items:
Housing and Human Services Grant Funding Allocations (BMR Affordable Housing Fund, CDBG, General Fund Human Services Grant)
CDBG Action Plan
CDBG CAPER

Library Commission

- Personally I think this is very in-efficient way of conduct business for the city. Any good ideas that missed the initial deadline have to wait until next year to be implemented. Commissioner should have certain flexibility to do their work.
- I'm agnostic. Recently the Library Commission reviewed and revised its Work Plan to be in line with the City Council's top level Plan and stated priority objectives. I found many of the top level objectives so broad; transparency, effective use of resources, public outreach; it was easy to align broad objectives of the Commission with them. I have yet to see a specific

direction on a specific project from the Council to the Library Commission, so have no basis to judge how this will work. It **may** improve engagement—as the Commission feels they have been empowered and consulted, and the establishment of specific objectives and reporting procedures improves communication.

- I do not understand the process as it is described in question 4. I would expect Council to set its work plan during its priority setting workshop in January/February. Then, commissions set their work plans based on the priorities set by Council and from input gathered from the community and shared by staff. Finally, commissions present their work plans to Council and get to work to complete the work plan items. While it is important to have a thoughtful, integrated process for developing work plans, it is also important not to spend so much time on the planning that there's too little time left to complete the work objectives.
- I agree with this plan but have a few things to clarify. First, it seems that there is only a small window (something like between December and January) when Commissions can submit ideas for consideration. Therefore, for new ideas which are brought during the year will have to wait for next year for adoption. This may hinder some great ideas to be implemented in time. However, what I don't understand is what constitutes new ideas. For example, assume the Library Survey will happen in June, and we only come to the idea in April that we should let more people know about the survey, and incentivize more participants to join the survey. So the new idea is to put down let's say \$300 dollars as incentives and marketing budget, but this is not part of our original work program. So does it mean we have to wait until maybe another two to three years to implement this? (since the survey only happens once every two or three years) Second, I wanted to understand more about how long the process will be. If I'm given a guideline as to how long each step will take, I will feel much more comfortable knowing that the Council will approve, or give revisions in the next two weeks, instead of two months.
- I would like to see more flexibility in allowing Commissions to make adjustments or prioritize certain tasks that come up and demand an urgent response. Having to wait until the following year would not be optimal in certain instances.
- In the past, each commission has quite a bit freedom to develop unique work program and carry them out. While commission does need supervise from the council, it would waste councilmembers' time if micro management is involved.

Parks & Recreation Commission

- Commissions have historically given an annual work plan presentation to Council. Council was free to ask questions, provide guidance, and redirect effort. The timing and formality of this new process seems very cumbersome and exceedingly lengthy. It seems that it will take at least 1 – 2 years for a new area of interest to be proposed by a resident or Commission, incorporated into the following year's Council work plan, then agendized into the Commission work plan, before it can then come back to Council for feedback and Council approval. By the time this all happens, commissioners and Council members may not even

be on the Commission or Council to see the item through to implementation. Any new process needs to allow items to be agendaized for Commission meetings for public input and review of options without having to have a full Council review a year ahead of time.

- Hope the process can be more flexible and more efficient
- I actually like this improvement. We have often not understood why we created our workplan in August and synching up with council and the other commissions makes sense.
- As mentioned in the commission meeting, from the high level this process seems to be a top-down approach of city council setting the specific work plan items and expect the commissions to just execute. If this is the case, this simply nullifies the freedom the commission has today and imposes lots of constraints. I would like to see that City enforces that every work plan item to be connected or correlated to the city's vision/mission goals and provide a boundary to operate. Commissions should operate within those boundaries but have the freedom to connect with the community members to serve for their best interest but align it to one of those city goals (ex. Operational efficiency, community outreach etc.) Approval of every work plan items for every commission is not what I want our city council to do. Rather trust the commissioners who joined the commissions with an intent to use their skills and experience for the benefit of our community... let' not curtail them.
- **Commission Liaison**
A great improvement to get everyone on the same timeline and schedule, coordinated with budget.

Planning Commission

- No. (nothing to improve)
- We were not told to prioritize and now I'm hearing we cant prioritize on March 12's meeting. Seems our chair can agendaize it? Why not?
- I think this is a bad idea. Staff and commissions should do develop commission work programs together during a public meeting. My concern with the procedure described above is that if the final version of the work plan is left up to the staff, council members who do not understand the limits of own roles may look over the staff's shoulders and essentially bypass the commissions.
- This isn't a change for Planning or Parks & Rec but may be somewhat different for some of the other commissions. The past and proposed models both limit the scope of what the Commissions may pursue, which can be an issue. But the Commission's interests need to be

reconciled with the staff bandwidth (particularly a problem for Planning), and using the proposed model is probably the best resolution.

Public Safety Commission

- That is a great idea. It will help improve the process and we will be able to focus on important prioritized tasks.
- Set and communicate dates on when the proposed program is being evaluated, will be finalized by, and give direct feedback from Council (with names of which councilmember made which suggestion) to city liaison to us and vice versa from commission to Council, to eliminate vagueness.
- It is a great way of structuring Commission's work to prioritize, strategize and deliver on the goals. It would also be good to keep items of lower priority that are not considered for this year's work so that if something on the main list has to be abandoned/aborted for some unpredictable reason, the back burner list comes into play
- First off the idea sounds great but I think having to wait for an approval by council will limit what our commission (PSC) can accomplish throughout the year. We currently focus on education and outreach and have presented 2 large forums per year for the last 7 yrs. which have historically ranged in 40 -150 people attending and understand that these need some kind of approval due to budget allocations and spending as well as reservation of room and planning if it will be catered or not and lining up presenters and topics. What would be the limiting factor is that we hear from people throughout the year in regards to concerns that span a wide range of topics and we currently try to address these as quickly and thorough as possible but these are dynamic situations and spontaneous and my concern is if they are not included in the presented work plan we might not have an approval in time to develop a plan. Perhaps in such a spontaneous event the city manager can review the proposal and expedite an approval. I do feel that the council should be fully aware of our work plan no matter what.
- Good intention but time consuming. 6 months may be lapsed when it is done

Sustainability Commission

- I think the formalized process can help to structure the commissions' work progress (and meetings) and measure the work outcome of the various commissions. I suggest that Staff set up the basic work plan with essential businesses of each commission included, then allow commissioners to provide additional items for commissioners (of their respective commission) to discuss and vote on.
- In general I think it is a good idea, but often issues come up do to unanticipated events. We will have to see how this works out.

- Excellent idea!
- I think it is good. Also I know that if there are additional items that need to go into the work plan. Then we can go through city staff and council to get those additions.

Teen Commission

- Overall this new process of approving work programs seems to infringe on each commission's autonomy as this process requires a middle man to communicate each commission's goals which could lead to the watering down or misinterpretation of their ideas.
- I think this process is not beneficial to the Teen Commission because our terms are different than the other Commissions' terms. The process does not allow us to put input in the Council's work plan, until more than halfway through our term.
- I think the new process is fine in order to tie goals together among multiple different commissions, but it feels a little too restrictive with the compartmentalization of goals into separate categories. I don't think that's too big of a deal as most of our goals do happen to fall into those categories even if it's a vague attachment.
- I think the new process of approving work items will create a somewhat more coherent plan for the city as a whole, but I fear that some items will be lost in translation, and misinterpreted, or discarded without public or commission input. I also worry that, by virtue of approving or vetoing large blocks of items as a whole, there is not enough room for nuance. Allowing commissions a review period of their specific larger work plan would perhaps mitigate these impacts.
- I think that this new process of approving work programs is very good because it would allow the commissions to share the same goal and be able to support the City Council better. However, regardless of the new goals of the City Council, each individual commission should be able to approve their work plans themselves. I do not think it is necessary for the Council to approve them; each commission should know best about the items that would help the community and make decisions accordingly.
- I think that although this may help keep the commissions in sync with the goals of the council, it may inhibit important changes that the individual commissions may want to make just because the City Council doesn't want those changes to occur. I feel that this might give the council too much power over the goals and actions of individual commissions.
- I think this is a fair method to develop work programs. I think work plans should have a hard due date to quicken the process.

Technology Information & Communications Commission

- It's certainly a good idea to gather inputs from commissions and bubble them up to Council for consideration. One thing that is required is transparency of progress and publishing how things affect fiscally to city and residents. Commissions' and council's decisions should be backed up by the reasoning.
- It's an improvement. Some direction from council might be helpful.
- This only makes sense and I am glad the Council will play more active role in setting and approving the work item priorities. I believe this will help final outcomes of the commissions' efforts reflect the city's future direction more accurately.

- 5) **What do you think of the current process, if any, of setting your regular meeting agendas? Does any member of your Commission meet with a staff member to set meeting agendas? How do you wish to improve the current process of determining how items are placed on your agenda? For instance, would you prefer a system where items that require minimal city staff resources but are not on your annual work plan can be included on a regular meeting agenda?**

Audit Committee

- Committee typically will build on a schedule of activities driven by operational necessity depending on the time of the year. For example, the Committee typically will review the audited financial statements of the City's previous fiscal year in meetings during the first six months of the following fiscal year. Similarly each quarterly meeting will involve the review and approval of the quarterly Treasurer's reports prior to the Treasurer releasing the reports to City Council all on a regulatory prescribed schedule. Typically the chair of the Audit Committee will meet (in- person or by phone) with Zach Korach in advance of each meeting to confirm agenda items. Often the Audit Committee will have outside professional consultants, experts or contractors invited to a particular meeting so the timing and items to be covered also often are on a tightly timed schedule. Current process includes opportunity for Committee members to send suggestions to the Chair or staff liaison (Zach Korach) who in joint collaboration will set the agenda for a particular meeting. This process has been working well since the Committee has a number of operational actions that need to be accomplished. To be honest, I am not sure I understand this question? The Audit Committee typically has had to call a number of special meetings in a given year because of the operational demands mentioned above (municipal code and City Council Resolutions assigning specific tasks to the Committee) in order to meet the major operational tasks assigned to the Committee. Typically each of those items require more than minimal city staff involvement, for example preparation of the Treasurer's reports, review of the CAFR and management letter, implementation of the various investment policy statements over OPEB and Pension and city cash inflows and outflows. Adding additional agenda items, I would suggest need to go through careful advance consideration to ensure 1) Audit Committee has sufficient time to complete the operational tasks already assigned to it; and 2) proper authority has been evaluated as to why and who adds items to the Audit Committee for its consideration since typically that will involve more than minimal staff time investigating the various answers to the questions raised from Committee members. On the other hand, as I had mentioned in an answer to above previous question, it is very important that the Audit Committee be given wide latitude in exploring avenues of questioning in order for the Committee to complete its various operational responsibilities. Some of those questions could involve minimal staff resources in the beginning but could turn into more substantial projects as the answers unfold.

Bike Ped Commission

- The interaction with our staff Liaison has been very open, and has always been open for our input on agenda items. No concerns here.

- I believe the current process is that the chair and the city staff representative are setting the agenda, though many items originate from the city staff so in this process the city staff person may be more active. I am hoping the chair is solidly involved in this process though, if not the chair should be. That said, there needs to be a path to get an item on the agenda that is not checked by the chair and/or the city staff person. For this purpose we should really have a standing item on each commission's agenda where the commission decides on items to be put on next meeting's agenda, outside the exclusive control of chair and/or the city staff person. Would be good to add such a standing item to the commissions' agendas.
- Our current process is functional, but it's not really optimized. I would prefer that we can add items to our agenda at the prior meeting, and have "Future Agenda Items" and/or "Mayor's Meeting Report" on the agenda as a standing items (I was told we could not have these currently because they are not a 'standard' agenda item). It would also be helpful for the Staff Liaison to meet with the Chair on a regular monthly basis to set the agenda, which is not currently happening. Having the flexibility to have unique standing agenda items, seems like it would be helpful for other commissions, too. I have not had issues scheduling anything on our agenda.

Disaster Council

- **Commission Liaison**

Agendas and development of the agenda works well. Council is comprised by staff members. Agenda development works well.

Fine Arts Commission

- I think current process of setting agenda is working out well. I don't think any changes are required for Fine Arts Committee.
- **Generally, Chair and Staff work together to build meeting agendas. Some agenda items arise during regular meetings and are noted for next regular meeting.** For instance, would you prefer a system where items that require minimal city staff resources but are not on your annual work plan can be included on a regular meeting agenda? **No opinion.**

Housing Commission

- The current process is not very transparent on our end. To my knowledge, staff does not meet with any Commissioners to set meeting agendas. Given that a significant number of Housing Commission meetings are cancelled each year due to lack of agenda items, I would recommend that staff identify meetings that lack agenda items or have space for additional agenda items. For these meetings, the Commissioners should be able to propose agenda items as long as they do not require significant staff resources.
- Setting monthly agendas: I understand that our work program comes from the Council through the City Departments to our Commission. Our Feb 14, 2019 agenda format did not include a topic for discussing other possible work items, although I was advised that we

will be discussing work items at a future meeting. I would like to add a regular agenda item for discussing possibilities. These ideas would not necessarily be agreed upon, but would provide opportunity to discuss. Yes, I like the survey idea of a “system where items that require minimal city staff resources but are not on our annual work plan can be included on a regular meeting agenda.”

- **Commission Liaison**

Currently, staff sets the agenda for Housing Commission. In addition to our annual items, staff regularly schedules presentations on current public hearing items such as ADU Ordinance Updates, RHNA Subregion, and the BMR Manual Update.

Library Commission

- Since I’m a new commissioner, I yet have experience regarding how to set up meeting agendas. But on the other hand, I do think we should have a system that we can add meeting agenda to discuss items that not on annual work plan to improve efficiency. We should define what is “minimal city staff resources “means.
- Many included questions. Generally, I was happy with the setting of agendas in the past, as we planned the outlines of the next meeting at the conclusion of each meeting. Subsequently, this could be marginally modified at need by the Chair with the support of the City Liaison. Recently the agenda has, instead, been developed by the Chair in consultation with the City Liaison and I have felt my requests and suggestions as a Commissioner—to the Chair and to the City Liaison— have been routinely overlooked. Also, items the Commission discussed and earmarked for future meetings have, instead, been forgotten. Overall I feel the good will and sincere public spirit of the volunteer Commissioners is best served by flexibility in the setting of agendas and not a rigid adherence to any particular procedure. If the Chair solicits and is receptive of input and the agenda is established in good time, that’s enough.
- In the past, the Chair has worked with staff to prioritize agenda items and remove proposed agenda items, if needed. As of January 2019 the Library Commission has two new staff members who support it, and I am not sure how much input the Chair has been able to offer regarding agenda items (which ones and in what sequence). My preference is for a productive partnership between the Chair and staff to set agendas with items that are closely integrated with the commission’s work plan/scope.
- So what happened in 2018 when I was the Chair was that I did meet with the city staff a couple of times to set up the meeting agenda. But in reality, most of the times, it was communication over the phone, which I think worked out perfectly. What I think was not clear at the beginning was that we didn’t really give the other Commissioners chances to add more agenda items. Then after I told them they can add agenda items, they started sending me emails before I spoke with the city staff every month. In general, I do think whatever procedure it is, we should collect ideas from all parties before we finalize the

agenda. For the last question, I wouldn't mind it become a regular meeting agenda.

- It is very efficient to set our regular meeting agendas right now. Chair exchange the emails with staff to set meeting agendas. Current, it takes less than 2 months to get a new item on the agenda (if the public raise a concern the day after we have the current month meeting, the item will be added on next month meeting, which is less than two month) . Urgent issue currently can be address using the public oral communication, though it limited to 3 minutes. Yes, we would welcome to have freedom adding new items to regular meeting agenda if taking staff minimum resource and only when it is important.

Parks & Recreation Commission

- When I was Chair of the P&R Commission, I regularly met with the Director of P&R to finalize the monthly agenda. The work plan was reviewed at every meeting to ensure the Commissioners were aware of upcoming agenda items. Absolutely need flexibility in the Commission agendas to review items not on the formal work plan! Given the proposed plan, how will 'minimal city staff resources' be determined?
- Yes. I support to have more options. Current process looks ok. But I am not sure what will happen if there're some controversial issues.
- Current process works OK. We set our work plan but also understand this is fluid depending on status of items, etc. Chair usually meets with director to look over agenda before the meetings. Yes to the last question.
- Typically Chair works with the city staff to set the agenda. City staff asks the commissioners to send possibly agenda items to him/her which typically gets discussed with the Chair to finalize. Given that we run over those 2 hours most of the time, any agenda item which gets included by the city staff even though the resources requirement might be minimal, will extend the meeting times... I like to understand what those items require minimal city staff resources?
- **Commission Liaison**
The past few Chairs have met with me prior to setting the agenda. The current Chair travels extensively and we don't generally meet prior. However, we communicate electronically and the Chair approves the final agenda. We would all benefit from a process to determine how items get on agendas. It's not very clear. The work plan is more or less a list of agenda items to work on. This works very well for this commission. However, as things come up, the remaining work plan items are malleable. Additional items are often added that are not on the work plan as requested by staff, community or commissioners.

Planning Commission

- For the PC, the agenda is driven by the need to review elements as defined by the City Ordinance as well as projects where there is probable contention and thus the need for a

public meeting is needed. Does any member of your Commission meet with a staff member to set meeting agendas? Not to my knowledge.

- There is no definition of use of staff resources being “minimal.” How do we know what our fellow commissioners have tasked staff?!
- The agenda is staff's role. If individual commissioners meet with individual staff members to place items on the agenda, the result would be chaos at worst, or long meetings at best. Agenda items are best placed on the agenda through the annual work program process, regularly scheduled annual events/reports, or project-related issues encountered by staff. A commissioner must learn to be patient. Commissioners who want to place an item on the agenda and missed the annual work program process can use the time until the next work program cycle to do more research and conduct individual meetings to build support (all within the Brown Act, of course).
- This was the responsibility of the chair when I was in Parks & Rec and this worked effectively. The staff liaison was always responsive to requests from the Chair (and other commissioners) about considering agenda items, with the proviso being that there was sufficient time for the staff to prepare an agenda item before the agenda was published. Given the more restrictive approval method being proposed, I find this question odd since the commissioners are not well situated to be able to tell what the staff demands are of any particular topic.

Public Safety Commission

- In my opinion, the current process is fine.
- Current process is okay; maybe add a section for city liaison to share council communication items to be more intentional.
- Are you implying a planning tool and a tracking tool? I don't quite understand this.
- Currently if an item is approved through a discussion to be added to the agenda we request staff to present to city manager for final decision if we can proceed or not. I think the current method of a discussion of any proposal is working fine and allows us to ask questions and take a vote if the proposed item should be added to agenda as a new item. Working with our liaisons has been a painless experience and if we were able to go through them to ask for an approval of a spontaneous work item and I would like to see this continue in the future since it gives us the ability to address and react quickly as needed.
- Our practice is one Commissioner can recommend a new item, and it can be added if we have a second from another Commissioner; but Chair / City staff can veto the new item. Sometimes, city staff introduce new items without following this general guideline, which added unforeseen effects on the meeting. I prefer to continue our current practice, provided

the city staff should also follow the same practice.

Sustainability Commission

- Our staff has been very supportive of each commissioner's desire to report/discuss/support sustainability related activities and actions. To ensure compliance with brown act requirements, I usually communicate my item with staff only; staffs will propose actions/process to address the item. It worked great for our commission.
- I think the development of the agenda is fine. How off-agenda items work out is somewhat capricious.
- Our staff liaison primarily sets the agenda, especially the new business items. I am fine with this as she is the most familiar with items of interest to the commission and of happenings locally and regionally. I believe any commissioner, with consultation of the staff liaison, can also place items on the agenda as desired. Also, our staff liaison is very mindful of including items for subsequent meetings during the current meeting at the request of a commissioner. Yes, I would like items to be included on our agenda that require minimal staff resources and are not on our annual work plan either.
- I would like to not give more to city staff. I think our agenda should highlight what the city staff is having to do, and updates from city staff. It should be driven by the workplan and staff.

Teen Commission

- Our system serves us quite well as we often already have items that need to be continued at the end of each meeting. Whenever we want items to be on the agenda we email our liaison who contacts our chair and vice chair for approval of the new item.
- I would prefer a system where items that require minimal staff resources but are not on your annual work plan can be included on a regular meeting agenda because sometimes we come up with ideas in the middle of the year that require minimal staff that we would like to pursue.
- I think our current process of setting regular meeting agendas works well for us. We can email our staff liaison if we have something that we would like to add to a certain meeting's agenda, and the agenda is emailed out to us as a PDF a few days before the meeting for prior review. I would prefer a system where items that require minimal city staff resources but are not on our annual work plan can be included on a regular meeting agenda, as that would allow more freedom.
- I think our current process of setting meeting agendas sets a good balance between informing the public and including particular items that the public or commission want. Currently, any member of the commission or public an email our liaison with an agenda item for the soonest meeting, provide it is not within three days. I would prefer that this

system, including items that are not on our official work plan, remains in place.

- I think the current process of setting our regular meeting agendas works very well. Our staff liaison looks at the action items from last meeting and creates the new agenda accordingly. He also takes time to provide the agenda as early as possible for the commissioners and asks us if there is anything we would like to add on the agenda. This allows the teen commissioners to be prepared for each meeting and come up with new ideas for our items.
- I think the way we set meeting agendas is good right now.
- To create schedules, a member must contact our staff liaison, Daniel Mestizo. I think we have a good system of including parts of our work plan and small quick fix to do list items onto our agendas.

Technology Information & Communications Commission

- I would like to have this communication model established to deliberate on the agenda, change course as needed for improved delivery of service to public. In this regard, continuous communication with staff is imperative while maintaining the rules of order. While monthly meetings are good to take up bigger agenda items, smaller ones may not require as much locked time. Of course that depends on the item itself and staff and commissions can collectively decide or if required, make a blind vote to determine that.
- Staff helps with the agenda. We've had great staff support.
- Items to be discussed and/or placed on the agenda are brought up during the Oral Communications phase of the meeting at designated time currently. Also, during the proceedings of the agenda if any open issue surfaces that is determined by the commission to require separate consideration, those are placed in the action items and, if qualifying enough, in the future agenda. Since the TICC has the city Liaison attending the meetings we could directly interact and determine any future agenda items. I believe this is already ideal at least for the TICC.

- 6) With regard to the quality of your discussions, would you say that your conclusions are arrived at through a collaborative and input-based process or something more pre-determined? If the latter, what suggestions do you have for improving the qualitative nature of the process? Please be considerate but candid.

Audit Committee

- I would say the discussions are based on a collaborative and input-based process. For example, city staff is asked to post one week in advance of a Committee meeting, the document package to Legistar. Committee members then are expected to read and prepare based on the available documents for the discussion to be held at the meeting. During the meeting, time is allotted for city staff presentations, outside consultant and contractor reporting, Q&A by Committee members and then a consideration of a resolution. During the deliberation on the resolutions, further discussion is explored and then a vote is held on the resolution. Of course if city staff is unable to post the documents sufficiently in advance of the meeting or members of the Committee come ill-prepared to a particular meeting then the process can break down.

Bike Ped Commission

- The discussions at BPC meetings are definitely more collaborative input and discussion based, allowing a voice for all attendees including residents. This largely works well, but due to the open nature of the discussion, it is sometimes challenging to drive to a timely conclusion. This may be an opportunity for making the dialog with residents a bit more structured, still allowing all residents to provide input, but possibly only one defined slot per resident per agenda item.
- Collaborative and input-based.
- Of course our commissioners each have their unique viewpoint; in fact, I personally consider this a positive aspect of our commission. This means that each member contributes their insight to different facets of the discussion. I would say that on almost all agenda items the commissioners do not have a predetermined conclusion. We use our time to evaluate and listen to each other to see what we can do to bring everyone's ideas to a satisfying conclusion or agreement for all. This isn't always possible, but in general it is. I would say that we have a respectful and collaborative process. For example, I shared some of my answers to these questions at the February 2019 commission meeting, and the other commissioners gave me helpful feedback which changed some of my answers.

Disaster Council

- **Commission Liaison**
Collaborative

Fine Arts Commission

- All the decisions that are made is with collaboration and always input based and which is really effective for a committee to work efficiently.

- FAC only meets 6 times a year. Working in sub-groups to do preliminary work around research or drafting proposals helps move ideas and projects along during regular meetings.

Housing Commission

- For agenda items regarding the annual disbursement of Community Development Block Grant funds, Below Market Rate Affordable Housing Fund, and other funds, the funding allocations recommended by staff are usually pre-determined, though there has always been room for discussion. Most other discussions are open-ended and collaborative, though I observe that the amount of speaking time across different commissioners is often unbalanced. For more productive conversations, I would encourage the Chair to facilitate the discussions in a manner that does not allow a few members to dominate the conversation.
- No input on this one.
- **Commission Liaison**
Yes, the Chair runs the meeting and manages the discussion with Commissioners, members of the public, and staff.

Library Commission

- Although I only attended one meeting so far, my conclusion was based on an input-based process.
- The conclusions of the Library Commission, over my experience of about 8 years, have always been open, collaborative, input-based, and often the result of spirited discussions with occasional disagreement but always with courtesy and respect. Those conclusions have not routinely been communicated in a timely or effective manner to City Council, and have not always been followed up as requested by city staff.
- I have tremendous respect for my fellow library commissioners and for the staff members who work with us. I feel our discussions related to agenda items are open, thoughtful, and collegial.
- I would say that almost at all times in our Library Commission decision-making process, it is based upon true collaboration and an input-based process. I couldn't even think of any decisions that were pre-determined. And there were times when we got three yeses and two nos, and vice versa. That being said, I should say that at least 50% of the times, we did draw the same conclusion, mainly because all of us do have similar views on certain topics.
- Conclusions are arrived through a collaborative and input-based process most of the time. We don't always have all votes approval. Sometimes, we reserve the right to disagree but the motion passed via majority votes.

Parks & Recreation Commission

- Collaborative
- I think research work before the meeting is more important. Discussions during the meeting may have 30-40% chance to swing my vote.
- I believe it is a combination of both.
- Yes it is. We indeed have healthy arguments and debates but that's exactly needed so that we can bring the best solution for the community. I can certainly help in any areas where my team is in need of it
- **Commission Liaison**
The Commissioners are mature and well informed. They make good, fact based decisions after robust discussions.

Planning Commission

- With regard to the quality of your discussions, would you say that your conclusions are arrived at through a collaborative and input-based process or something more pre-determined? Up to this point, collaborative discussion. However, for the PC, it is now obvious that there has been pre-discussion and decision making prior to the meeting. There was a clear violation of the Brown Act with three members having decided in advance who should be the Chair of the PC. The fact that there was a nomination of the current chair (Wang) without any discussion and even an expressed interest by Commissioner Wang that this was a predetermined decision. Politics have come to play in a strong way on the PC with the current Commission. If the latter, what suggestions do you have for improving the qualitative nature of the process? Again, Planning Commissioners should not be discussing agenda items prior to the meetings. I cannot stress enough how poorly this reflects on the public meeting process and will erode the trust of the public. The three new Planning Commissioners should be educated and made clear to them that this behavior is not acceptable. Please be considerate but candid.
- We had a commissioner suggest a park within 400' of his home suggest it become a more naturalistic area which would prohibit soccer...
- The Planning Commissioners I worked with during the last two years were the best I've ever worked with - they were prepared, civil, intelligent, and thorough in their discussions. We even enjoyed each other. Watch the tapes.
Regarding pre-determined conclusions, I think I may have seen an egregious pre-determination during the 2/12/19 Planning Commission meeting. This, I suspect, also violated the Brown Act. Here's why: it is customary for the chair position to rotate. This is especially important for those who are new to commissions, so they can watch and learn

how to efficiently run a meeting. On 2/12/19, the annual nomination to rotate the chair died for lack of a second. Both another commissioner and I strongly suspect that this idea of a lack of a second was discussed between all three new commissioners beforehand. This is VERY serious - not just because meetings will be poorly run, but because three new appointees to an important commission began their appointments with a cavalier attitude toward the Brown Act - the violation of which is a violation of the law. I think the three new commissioners should, individually and privately, be deposed under oath regarding this.

- My experiences have been collaborative, open-minded and effective. This always is variable depending on the commissioners, which is to be expected.

Public Safety Commission

- The quality of discussions is quite rich and we arrive at conclusions in a collaborative manner.
- Yes, I believe everyone on the public safety commission is thorough to ensure everyone's input is considered and respected.
- I feel it is important to keep everyone's views in mind when making decisions. There hasn't been anything that I know of that there was a pre-determined conclusion, however when a idea/initiative is floated or discussed, it is also important to take note of it, some research done and in the following month's meeting, decision taken. While most initiatives follow this process, there have been instances when some ideas are immediately disposed off.
- I think we all have a mutual respect for one another and if differences in opinions occur during a discussion we ultimately look at the larger picture as to who benefits from one of our decisions made.
- To me it is about the greatest good for the greatest amount of people.
- Usually collaborative unless city staff came with pre-determined guidance. We also experienced issue with new Commissioners who would like to bring up ideas that were discussed/decided in the past, and we end up spending time revisiting old issues.

Sustainability Commission

- My experience has been the conclusions of items of our commission were always collaborative. All commissioners had opportunities and fair and reasonable amount of time (we respect each other's time too) to provide input, all input was justified by the proposer and discussed by the full commission. In my opinion, the current process is working well for our commission.
- I think our discussions are very well done. There is a lot of collaboration amongst ourselves.
- I feel that our commission has discussions where every commissioner is allowed the

opportunity to speak and to be heard in a respectful manner, but our conclusions are pre-determined and typically unanimous.

- We have a lot of collaboration. We only have something pre-determined when it some something very niche. Even then it is vetted and critically analyzed by the team.

Teen Commission

- With regards to our discussions, I would say that the conclusions were arrive at are almost always through collaborative discussion as all of us bring and share different perspectives. Our commission has created an environment where no one feels like they cannot voice their opinion.
- I think are conclusions are collaborative and is adjusted with everybody's input.
- I would say that our conclusions as commissioners are mostly pre-determined, but they are discussed among the group and we come to a conclusion as a group through a collaborative process. Although this mostly comes to a majority vote, I think the majority of us agree on major issues and can work through lesser issues as a group through an input-based process.
- I believe that the Teen Commission does an excellent job of balancing opposing viewpoints. Our genuine discussions rarely result in a "canned", pre-fab answer, and the compromises and/or discussions almost always result in the best decision.
- I would say that our conclusions are arrived at through a collaborative and input-based process. This is because everyone in the teen commission is not afraid to give their opinions about the topic. I think everyone in the teen commission is really determined to give it their all for each decision that we need to make. Everyone really takes time to view others' ideas and work together to truly build and prepare the best events that we can for our community.
- I think we get to decisions collaboratively. We do disagree with each other a lot, and we arrive at decisions only after we discuss our disagreements. We arrive at a conclusion that everyone agrees is the best course of action.
- I believe our discussions are fair concluded and completely collaborative. I do not feel as if we need improvement for our discussions.

Technology Information & Communications Commission

- Public policy and service are best done with collaboration. While some individuals may present superior ideas and solutions, their implications and best adoption is only possible thru input-based collaborative process. However, for doing it efficiently requires continuous adoption of better tools and techniques, which are also trustworthy.

- It's frustrating in these modern times we are unable to conduct business asynchronously. I think it would be possible to conduct discussion and business using modern technology and still remain compliant with the Brown act.
- While discussions happen on the agenda items, I wish meetings could go deeper into technological advances that are needed for the city. However, I am glad sub-committees could be formed to break out and do deeper due diligence. For example, last year a subcommittee gave its report identifying the community's internet needs in order to be business friendly and ready for smart city evolution. The sub-committee could meet much more often than the commission regular meeting for several hours per week and had great outcome. Such strategies should be adopted more often by the commissions (at least TICC given its broader scope of impact) to drive a qualitative outcome. This strategy is effective since the main commission's broader activity can continue at regular pace while individual objectives can be pursued in breakouts and brought back to the forum with much richer content for the commission's perusal.

7) Do you feel your Commissioners are representative of the residents? Why or why not?

Audit Committee

- Since two of the five Committee members are elected City Council members I would say that certainly at least 40% of the Committee is representative of the residents. As to the other 60% at large members of the Committee, I think it is appropriate to include members who have financial backgrounds and are able to address complex and detailed financial issues. For example an understanding of the implications of how actuaries typically arrive at a discount rate on the calculation of the City's unfunded OPEB or pension liabilities can lead (one can argue) to a more productive review of the actual calculation than if no prior background is available on which to draw. Having this kind of financial experience within the 60% at large Committee members may not be representative of the residents of the City.

Bike Ped Commission

- The BPC commission feels a good representation of all residents representing the diverse background and interests of Cupertino. No concerns here.
- It is probably the case that often the commissions have people on them that have particular experience expertise in the area the commission deals with. As such they are likely a, for the subject matter, somewhat selected set of people. That said, within that group of people it appears that the members come from many different walks of life and as such don't represent a single opinion but quite the contrary usually have different takes on how to address the issues.
- I would say that we are very representative of the residents. Our commissioners range in age, location of residence (east or west side of Cupertino), having children or not, and include both heavy recreational/commuter cyclists and those that rarely get on a bike. Though there are small groups of very vocal residents that are against bike and ped projects that are adjacent to their particular property, overall, Cupertino residents are very in favor of walking and biking trails (80% of residents in the Parks & Recreation Survey of last year favor adding trails and pathways), and also in favor of improved safety infrastructure for walking and biking, especially for our schoolchildren. Knowing that residents of Cupertino are so positive about improving their community in this way is a primary driver of the Bicycle Pedestrian Commission. As commissioners, we are pleased to represent ALL of our residents, and listen to their ideas and their concerns.

Disaster Council

- **Commission Liaison**
The attendees to the Disaster Council are people, businesses, contractors that have an emergency response role and the Disaster Council helps facilitate a format to meet, review, work on specific projects where their input is required for "Whole Community" participation is needed. Examples would be emergency plan annexes, exercise

development, expectation setting etc.

Fine Arts Commission

- Yes definitely. Each commissioner plays an important role of spreading awareness in the community about the committee and the work committee does for the community so I think it is an important role each commissioner plays.
- Not sure

Housing Commission

- No. The Housing Commission is comprised of one business representative, one financial representative, and three residents. To my knowledge, all three of the residents are homeowners. Cupertino's population is 38% renter. Given that homeowners and renters often hold different perspectives and experiences regarding housing policy, I believe there should be some representation of tenants/renters on the Housing Commission. Perhaps, similar to the business and financial representative, there can be one seat that can only be filled by somebody who is a renter.
- Is the Housing Commission representative of the community? Since Commissioners are volunteers, it is probable that not all segments of the population are represented. However, since all people may not be directly involved in the Commission, it is our duty to ensure outreach to the community for new or changed policies. One of our specific goals as a Commission is to recommend policies for implementation and monitoring for affordable housing. For any new affordable housing, outreach to our community to advise them of the advantages of affordable housing is critical.
- **Commission Liaison**
Yes, we have a balanced and engaged Commission.

Library Commission

- Yes! It's my goal to bring the voice of residents to the city council and library staff.
- Yes, broadly speaking I think they are.
- I believe the Library Commission represents the community it serves by geography (east/west, north/south, and West San Jose neighborhoods), ethnicity, and age. After attending the SCCLD Library Forum on 2/2/2019, I learned of so many new SCCLD offerings—such as expanded Freegal services for online music download and streaming, Creativbug (online database of 1,000+ crafting videos), and Tech Kits (materials to promote STEAM learning for all ages)—that are likely of prime interest to teens and young adults. As a result, I think a Teen Library Commission would be a wonderful addition to the City and great way to help young people learn about library resources that are likely of high interest for them.

- This is a hard question, since we only know the people around us and what they think, but whoever we know, they only represent a very small percentage of the residents. Based upon such a small sample, I don't know if we are representative of the residents as a whole, to be honest. That's why the Survey is so important, because this is a solid and helpful way for us to get to know what residents are thinking about the library, and the sample size is big enough. That being said, the five commissioners do have different voices and usually discuss things from different perspectives. Therefore, I would say, based upon the various opinions we hear from commissioners, I would assume they represent different voices from the public.
- Yes, we have a very diversified commission.

Parks & Recreation Commission

- Seems like these days whenever a decision is made that some resident or group of residents do not like, then those residents accuse the decision makers of not representing the 'residents'. Residents have a wide range of opinions, some are informed of the issues and some are not. Criteria for appointments to Commissions seem extremely vague.
- Yes, Commissioners should be representative of residents. Though everyone may have different views on one issue, the whole commission should be balanced by selecting commissioners from different groups and with different backgrounds.
- Yes. We have a good mix culturally and also age wise, long term community members and more recent arrivals. Those that are involved in many other aspects of the community.
- Absolutely. Commissioners are the voice of the community but the outreach in explaining this is not yet done effectively. Since City Council can't be there everywhere every day, it is important that we become a conduit to connect the community with the City Council.
- **Commission Liaison**
Demographically, we could be a little closer with a second individual of Chinese background. They are all leaders in their community, involved in school board, Rotary, etc.

Planning Commission

- Not sure
- There has been a shift for the PC commission, hopefully this commission is more representative now, but absolutely not before.

- They are not representative - nor should they be. Timm, perhaps you really meant to ask about commissioner's representing the views of the public. Commissioners themselves should be representative of the small segment of the population that has experience and expertise in the area that the commission addresses. Commissioners should, of course, consider the interests of the residents - but not necessarily be guided by them. Commissioners should be guided by State laws and local ordinances, such as the zoning in the General Plan. Often residents do not like what is allowed by law, and that's where commissioners should diplomatically remind them that commissioners are bound by the ordinances passed by the Council. I once asked several angry residents who were opposing a two-story house on their street to raise their hands if they did not know before the meeting that *every* house on their street was allowed to have two stories. About five or six hands went up. If we on the Planning Commission had listened to these hand-raisers and denied the second story, we would have deprived the homeowner of the value he or she counted on when buying the property. Based on the City of Palo Alto vs. Arastra Corp, this is inverse condemnation and is illegal.
- How can they not be? If the question is about the composition of the commissions, then I think that they have reflected the interests of the community well. If this question is whether the commissioners take their role to be representing some constituency of residents, this is highly variable with the commissioner. In selecting Commissioners, the goal is to find a team that can collectively represent the questions and interests of the community, and to find the people who have the best background to understand the issues and ability to collaborate to get to solutions. If you do that, the Commissions – which are advisory rather than policy-making – will do fine. Commission appointments have always had a political undertone that detracts from their doing the best job. This problem continues and should be more effectively addressed in the future. Since only the Planning Commission has policy-making power delegated from the elected Council, all the other commission work is only advisory in nature. I would go even farther to say in my 8 years of commission experience, the greatest frustration of many commissioners is that the Council will often unilaterally bypass the recommendations of the Commissions and staff as well. This is, of course, their prerogative.

Public Safety Commission

- Yes, I feel Commissioners are representatives of the residents.
- Yes – Ethnicity, industries, age, and concerns reflects the best wisdom of the community in my opinion.
- Yes, they are. We have had many instances where we have reviewed many of the

residents' emails and have discussed and prepared corresponding answers and/or have taken it to next level of discussion.

- Although our main purpose is to act as an advisory body to the council I think our main objective is to represent the members of our community. I have been a commissioner for almost 8 years now and have never felt that we were an advisory body to the council except one or two occasions when we were asked to get more information or look into public safety related issues and have always focused on being a representative of the residents. I feel our record of work items and operations can show that. I actually look forward to hearing from residents at our meetings and in everyday general interactions within our community I strongly encourage people to bring their concerns to the PSC and be heard. I have held many jobs in life and this one that has zero financial gains for me has been the most rewarding.
- PSC is more in tune with the residents as we attend most of the citywide public events with our own table. Residents come to us for safety issues, but many times we have to refer them to Planning / BikePed Commission due to Commission boundary.

Sustainability Commission

- While each commissioner may have different focused area (such as riding green, building green, school education, etc.), they each brought her/his passion and expertise to the commission. Each agenda item, scheduled or added, was carefully considered, discussed and implemented (or delayed) with good reasons that ALL commissioners understood and agreed on. My feeling is all commissioners of our commission represent the entire Cupertino very well and always made decisions with all residents' benefits in mind.
- I think so. We are pretty diverse in terms of age and varied professions.
- No. Current commissioners all have experience and/or expertise in sustainability. Not all residents have our experience/expertise so it can be challenging for us to represent them. We don't have many opportunities to interact with the residents other than when they attend our meetings. It's hard to be the pulse of the community on the topic/issue of sustainability when there are not many opportunities for interaction between the two groups.
- Yes we are. We are a wide variety of folks who represent many different interests.

Teen Commission

- I feel that I along with my fellow teen commissioners are representatives of the residents here in Cupertino because we are able to be the voice for a very important part of our community which is the youth. Furthermore the events we create and the issues we work on directly affect us and our peers. By being so connected to the group we represent we are truly able to understand their needs and wants out of the city because we are apart of that group and others in it will often voice their opinions to us more

freely than they would to adults.

- Yes, because we are a diverse group of people who have different opinions on everything.
- Yes, I think our Commissioners are representative of the Cupertino residents that we represent, as we are teens that go to Cupertino schools, with the same needs, wants, goals, and problems that Cupertino.
- I feel our Commission is representative of the residents we are supposed to represent: teenagers and youth. We have a mix of ethnicities and ages, including both seniors and middle-schoolers. Currently, the commission is predominantly female, but I would not say this affects our decisions.
- Yes, I do think that our commissioners are representative of the young residents. Since we are the teen commission, our goal is to mainly target the teens in the community. Since everyone on the teen commission is a teen, everyone is able to relate and understand some of the problems and needs that our teens have in today's society. This is a great thing because it helps us plan events that will entice Cupertino teens and hopefully impact them positively as well. For example, Bobatino was a massive success because we were able to get teens to come to and relieve stress at the event.
- I think we are representative of the citizens. We come from a lot of different schools in Cupertino, and we leave many meetings with assignments to ask our peers for their opinions about certain issues and topics that pertain to them that we want to focus on, and we make sure to take these into accounts.
- Completely, since the commission tries to include students from all around Cupertino with different interests. For example, I am very interested in Computer Science while another commissioner is interested in debate.

Technology Information & Communications Commission

- I will defend this question both ways: I feel the current members come with technology background and community is heavily technology aware, so that is a good thing. They are certainly competent on advising the best possible solutions to social issues. What I didn't notice or missed so far is anyone having working experience with seniors and special needs residents.
- It's a self-selected subset further filtered by council, it is highly unlikely that is representative of the residents.
- I strongly believe so since the commissioners are also residents from different parts of the city. I as a TICC commissioner, Disaster Service Worker (as part of city's Amateur Radio Emergency Services) and resident keep an extra eye on sensing the city's needs as I

interact with lots of friends and several general community members on a casual and usual basis. Great ideas emerge when interacting with the diverse community as a general public. This in conjunction with the commission's interaction with the Liaison to get city insights definitely gives TICC the necessary content representative of our residents. However, I also believe the commissions should arrange for direct community engagement at least twice a year to give community an opportunity to provide their input into city's future in reference to a particular commission's objectives. For example, TICC should arrange city hall style high interactive public meetings to solicit community's own pulse on the city's drive towards smart, safe and efficient city. Participating public should be encouraged to give their insights, feedback and new ideas from their perspective. This, I believe, will be effective to all other commissions too given the rich diversity in our communities in terms of culture, profession, skills and experience.

- 8) It has been suggested that a code of ethics is needed in order to maintain ethical standards and behavior. What are your thoughts on this proposition? If you support having a code of ethics, what would you like to see included in it?

Audit Committee

- I think it is a best practice for any organization to promulgate, and ask its employees and volunteers to acknowledge and document agreement with, a code of ethics. I like the example of a code of ethics as published by the City of Santa Clara particularly since it was developed in collaboration with the Markkula Center for Applied Ethics of Santa Clara University: <http://santaclaraca.gov/government/ethics-values/code-of-ethics-values> Please see the full text included at the end of my answers and designated as Appendix A (attached as a separate attachment)

Bike Ped Commission

- I do not mind a light weight of standards and regulations, but would avoid a too heavy approach. Commissioners are committed volunteers, and are already bound by rules and regulations including FPPC, as well as the Brown Act.
- That may not be a bad idea. Do we currently have a formal code of ethics that cover the commission's work? Maybe that could be a good starting point. Are there other already developed codes of ethics for similar bodies that one can look at?
- A code of ethics is a fine idea, but it would need to be specific and be careful to regulate behavior and not thought. It should not be so broad/nebulous that an argument could be made that no one is meeting it, or that violations of it could be used as an excuse for disappointing a commissioner that a Councilmember disagrees with. I think that many things are already codified, such as all the provisions of the Brown Act, which already prevent a lot of unethical behavior. Here is what should be included (of course not limited to these items):
 1. A gift policy for Commissioners and Councilmembers—not just reporting, but a limit.
 2. Require City Commissioners to not work actively against projects endorsed or created by other City Commissions. For example, a commissioner on the Planning Commission should not form a group to oppose an Arts initiative by the Fine Arts Commission.
 3. City Commissioners should consider themselves as a representative of our City, and as such, be held to a higher standard than before their term. They should hold to the standards of other commission meetings when attending them, even if they personally, as a resident, wish to violate them. They should treat our City Staff and other Commissioners with the respect that the institution requires, regardless of personal feelings.
 4. Require appointee commission candidates to disclose at the time of their application any advocacy work they have made either for or against any City projects, plans, etc. within the last 2 years, highlighting especially those related to the commission for which they are applying.
 5. Specify ethical requirements on how the City Council appoints commissioners.

Appointments should be based on criteria such as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. It should not be a political or personal reward. Any parties to litigation with the City of Cupertino or any of its officers (councilmembers, commissioners, staff, etc.) in the last two years should not be appointed to a commission to avoid the appearance of conflicts of interest (even if materially there are none).

Disaster Council

- **Commission Liaison**

Our Citizen Corps has developed a code of conduct and a copy is attached.

Fine Arts Commission

- I agree. The current code of ethics is sufficient.
- What is the problem you are trying to solve? Beyond the Brown Act rules do we currently have stated rules about, for example, self-dealing? If yes, we should make them more visible; publish and promote them regularly. Are we concerned about commission members and others being civil during meetings and other interactions? In this regard, I would hope the City Council would set the tone and be an example for all City activities including closed meetings. The tone of any organization is set from the top. Example rather than rules.

Housing Commission

- It is important to have a code of ethics. If we have a code that is established, it will ensure that public servants and representatives are held accountable for their actions. I would like the code to prohibit representatives from discriminating, whether through words or action, by race, ethnicity, color, religion, sex, gender identity, sexual orientation, national origin, age, ability, or unmentioned protected classes.
- Yes, a code of ethics is very important! Each Commission is considering the use of public funds for the benefit of the community. Political relationships are complicated. Having guidelines is, therefore, useful. Many people who are new to public service may not be aware of the special requirements of public service. The avoidance of the appearance of conflict of interest is not obvious to everyone, therefore, it must be stated in the code of ethics. It is stated in the draft that is being proposed for the City of Cupertino. I read the Draft City of Cupertino Code of Ethics and Conduct for Elected and Appointed Officials. It is very good. Perhaps add: to Conduct Guidelines, Paragraph 2(f) (Avoid personal comments) the first two sentences found under Conduct with the media, 6(b). (Be especially cautious about humor). I found the discussions about Conduct among Councilmembers and Commissioners to be very helpful in my new role. We serve the Community, not individual Councilmembers. The draft guide discusses ethics training which would be very useful.
- **Commission Liaison**
It is necessary to have some document that outlines expectations and conduct during a

meeting for both the Commissioners and the public.

Library Commission

- No. Since it's very hard to define "Code of Ethics" in a very objective way, its better not have it. City council and commissioner run the city without it for so many years, no reason we need to add it right now.
- I do support ethical behavior, and it is always a good idea to reiterate and maintain consensus on what the standards are, as well as welcome open discussions of how to achieve and maintain those standards as the opportunity arises during Commission discussions. I'm sure there are a few existing examples of such 'codes' to choose from. I don't think we need to reinvent that wheel.
- I feel the "code of ethics" project serves the interests of a few who seek to control the words and behavior of others whom they disagree with politically. In my opinion, a "code of ethics" is both a distraction and a power grab. I appreciate the efforts of Council to focus on the important work that must be done to serve the City and its residents and to not get sidetracked by non-issues, such as the adoption of an unnecessary "code of ethics".
- I'm actually surprised that we still didn't have a code of ethics in place until now. I do think it is necessary and critical. When I was working with HP a few years back, we had a Code of Ethics that the whole company would savor as the Bible for employee behaviors and ethical standards. Same principle works here. We need it. The most I wanted to see included in it is the requirements on our fundamental mindset and way of thinking. We have to put the interest of the city in front of any individual, and do not let our personal emotions or personal interest be in the way of our judgment. It is easier said than done but we need to be reminded constantly to adopt this rule.
- We need rules regarding decorum and civility. The personal attacks during the Planning Commissioner meeting were disappointing to see. As much community engagement as possible must be taken regarding this matter.
- We are all volunteers with professional backgrounds. We had code of ethics training in the corporate environment before. So I think we can easily adopt any form of code of ethics. The only thing I would like to add to code of ethics is to require councilmember and commissioner to list all the public events they attend on behave of the city in city website.

Parks & Recreation Commission

- The Brown Act itself already provides a barrier to any collusion on the part of individual commissioners. Most of the commissions (away from Planning) do not have any policy making authority, only advisory. I view their role to be collection of public input on various topics, representing that public input as well as providing any personal expertise in the area being considered for recommendation to Council. Staff should provide oversight to ensure that Commissions do not act outside of their advisory role. While commissioners should be

allowed to advocate as individuals for policies, they should always be clear that in those situations they are speaking as an individual resident and not on behalf of their commission.

- Hope to know the details first.
- Support having a code of ethics. Important to have mutual respect between elected/appointed officials and staff.
- The propose code of ethics is not the one I would recommend given that we had so many questions on it – which yet to be answered. Basic code of ethics enforcing the type of behavior each one to resonate and respond is what we need it.
- **Commission Liaison**
A code of ethics would be effective to remind all about the need to maintain civility and given the recent and ongoing concerns around conflicts of interest, a code could be very clarifying.

Planning Commission

- It has been suggested that a code of ethics is needed in order to maintain ethical standards and behavior. What are your thoughts on this proposition? I agree with this. While people think they will always act ethically, there are too many conflicts of interest possible. In today's political climate, it is imperative that we all act ethically in performing our duties. Almost all good corporations have a code of conduct to stress the criticality of ethical behavior. If you support having a code of ethics, what would you like to see included in it? Need more time as well as draft of what was previously proposed.
- I have sent Manhattan Beach's meeting decorum information to the city along with something from Palo Alto. What happened my first day on PC...
- An ethics policy is only needed when there is unethical behavior.
So yes, I think it's needed. As to what should be in it, I've attached, as Attachment A, an annotated text of the rescinded draft Ethics Policy as a starting point.
As described above, I have seen what I think is a violation of the Brown Act.
Also, a recently appointed Planning Commissioner is (or was until very recently) a plaintiff in a lawsuit against the City on a planning matter. The role of a Planning Commissioner is to use his or her role as a commissioner to shape Cupertino's growth - but that role does not involve suing the City over a planning matter.
A citizen is free to sue, of course, but to do so and at the same time (or shortly thereafter) serve as a Planning Commissioner is, I think, an unethical conflict of roles. It was unethical for this person to pursue the role of a commissioner, and is was unethical for the council to make the appointment.

- The actions of the Council and Commissions are highly regulated to reach legal and appropriate outcomes. I don't think that there are many examples of egregious behavior in the scope of the commissions that immediately warrant more formality. The biggest issue is if a commission acts outside of their advisory charter, which should be corrected by the staff liaison. The actions of the Library Commission in 2018 with regard to advocating for placement of a voting drop-off box are a recent example – the Library Commission is not empowered to make a policy decision, only to make a recommendation to the Council. The Council did not appear to be aware of the advocacy actions that the Library Commission was taking both internally and publicly that were outside of their charter in the municipal code. This should have been resolved before it grew out of control. The Council over the past few years has had more examples than the Commission of actions that could be considered on the ethical boundaries. This is up to the Council to decide how to address. I don't have any opposition to developing a written code of ethics, behavior and expectations, but would hope that the content tracks closely with the many legal requirements imposed on the city government rather than creating a lot of new rules.

Public Safety Commission

- I support the notion of having code of ethics. I would like it to specify moral and ethical obligations in delivery of our services.
- Code of ethics is never a bad idea, however, our commission from my experience has demonstrated high ethical standards and behaviors, so I don't think this step is necessary at this time.
- I think mostly all commissioners are ethical and follow the code. Having a code of ethics may help bring a little more guidance. However I think mostly it feels things are in place.
- When I first was appointed as a commissioner I was reminded that I now was a representative of the city regardless of the fact I am a volunteer and no matter what if I was to be asked a question while in public by anyone to remember that what I say can easily be turned around into "Commissioner McCoy said this" shortly after being told this I experienced it firsthand and something I said in a personal opinion was used against me. I have always kept this in mind and have strived to practice strong ethics regardless of the setting. I think all elected and appointed officials should practice this as well. A code of ethics should reinforce the idea that you now are representative of the city regardless the setting or situation whether it be social media, meeting, and public.
- We already follow a code of ethics like the Brown Act, I am not sure why additional code of ethics is necessary.

Sustainability Commission

- I think a code of ethics is very important and should be adopted and maintained on regular basis. The code of ethics is a summary and reminder of laws and policies required of elected

and appointed officials, and it's a good common standard and best practice for all of us public official of Cupertino to follow. When we choose to serve the public, we are committed to comply with the laws and policies that are in place; it is nice and easy for us to have all regulations and practices in one place to refer to. The laws and policies were adopted by the public in the past; the code of ethics is a good reminder not only for the officials but also for the public. There should be trainings of the code of ethics required of public officials and offered to public on regular basis.

- I don't see a need for a code of ethics for our commission. Our activities do not result in significant decisions on expenditures or major decisions such as the planning commission's activities.
- A code of ethics is an excellent idea. It would set clear expectations on standards and behavior.
- Ethics is always important. I do not have an opinion on what should go into the code.

Teen Commission

- Establishing a code of ethics would be a good way to outline the city's expectations and norms for those that represent its inhabitants. However, on the other hand creating one will not create change, for people must be compelled to do so. One important thing that should be included is that regardless of age or gender, all should be treated with the same respect. To be more specific when attending other commission meetings, it sometimes feels as if the youth opinion is treated differently simply because of a matter of age.
- I have no position on this proposition because I think that the code of ethics depends on each Commission and what is their standard.
- I don't think a code of ethics is necessary for the Teen Commission specifically, as we're not engaging in any unethical, questionable, or risky behavior. I can't speak on the behalf of other commissions, however.
- I believe that a code of ethics, although a nice gesture, would not have a concrete impact on the ethics of a commission. In addition, I fear it would allow members of the public with grudges, whether reasonable or not, an effective way to stop a commission entirely on murky grounds. In addition, state law already mandates a certain level of ethics. Overall, although certainly an interesting proposition, the potential for a code of ethics to be either impossible to enforce or enforced to the point of impossibility forces me to no support its creation.
- I think a code of ethics would be very informational and helpful in order to maintain ethical standards and behavior. I think that a code of ethics can set forth ethical principles and standards that would help our commissioners boost their personal commitment to engage in ethical practice.

- I don't support a code of ethics, because I don't feel like it would help us increase order in any way, and we already have enough order within our commission in the first place.
- I do not, for our commission, believe it is very necessary. I feel we represent Cupertino in the best light.

Technology Information & Communications Commission

- Code of ethics is absolutely required where public money is involved and decisions affect not only current work but also future of city fiscal health and residents living satisfaction.
- I'm not sure what problem this is trying to solve. I already assumed that we were supposed behave ethically.
- Code of Ethics is a must have for any entity associated to the city pursuing city's objectives and future. It is my belief that the commission's members should hold their position to the highest standards of professionalism and candor. The commission members should hold the objective of the commission to help the city their highest priority and interact with the each other within the commission only with that goal in mind and without any self-promotion in mind. That said, I am proud to have been chosen to the TICC commission in 2017 purely through the Council's interview process and without any prior acquaintance or affinity to any Council member or city staff. At the same time, I also request the Council to continue promoting such independent and neutral selection process to get good mix of willing citizens to serve in the commissions. In addition, if it is a reasonable ask, I request the Council members not to seek out, even implicitly, for their own endorsements from the commission members during election cycles and publicizing in campaign material such as campaign websites during election seasons. This has high potential of yielding an inaccurate impression of a commissioner as a supporter of one candidate over the other during Council elections while one may in reality be neutral. I believe the commission positions are not political. There should be some form of inclusion of such concept in the code of ethics and conduct in order to ensure the commissions are constituted of the service loving independent citizens. This is also important for instilling confidence in the commissions serving the Council and the community.

- 9) From the perspective of higher-quality interaction between Council and Commissions, we would like to consider any suggestions you have with regard to events, procedures, and formats. Outside of formal updates at Council meetings and our annual appreciation dinner (and please feel free to comment on those as well), are there any other types of interactions you would like to see considered and delivered in order to improve our channels of communication?

Audit Committee

- None come to mind.

Bike Ped Commission

- As suggested earlier, the monthly major meeting is a good way of communication with the major, but also with the other commissions. I would see value of extending this meeting to the full council (if possible).
- It would be good to strengthen the channels via which the city council and the commissions communicate. Maybe it would make sense to have a channel for more formal direct advice from the commissions to the city council, maybe in form of periodic written reports.
- We do not do formal updates at Council meetings. Our liaison will give staff reports, but we are not given time to give an update or a statement on the commission's viewpoint. The appreciation dinner is very nice (the food is good), but not substantive—there does not appear to be an expectation that the Council will be better informed about the particulars of projects after that event. It would be helpful for the Council to solicit feedback directly from the Commissioners prior to a vote on a particular proposal at City Council. As mentioned above in question #3, only once in the past year have I personally been contacted by a Councilmember to learn more about a specific project. Currently, feedback is either the Staff Liaison delivering a brief synopsis of the views of the BPC, or one of us speaking for 3 minutes during public comment. A second item that would be helpful is to allow at least one member of the Commission to attend special meetings when they are held with Staff to discuss upcoming projects on the Council's agenda. This is particularly relevant to our work, as Staff will meet with Councilmembers at a particular location to discuss a bike or pedestrian project proposal. Commissioners are not invited, though some residents—often those most against the project—will be allowed to join. Lastly, having a Councilmember occasionally attend our commission meetings would be useful. It would allow Councilmembers to better understand what is done at our commission, foster closer relations with the Council, and allow for more in-depth discussion on specific topics. Only twice in the last two years has this occurred.

Disaster Council

- **Commission Liaison**

Good idea to have a formal reporting process as well as something that would allow for a more informal opportunity to have a discussion or relationship development. Since relationships need to be established before an emergency.

Fine Arts Commission

- I definitely would like to see more events and formal as well as informal meetings where commissioners could communicate with city council members and increase communication and collaborations. Events where two or more commissions are assigned to work together towards increasing interest and awareness in the community. Set goals given or set assignments will also help to collaborate commissions.
- See comments for item 8 above

Housing Commission

- Periodic written updates for both the council and the commissions would help improve communication. It would be great to have a way to share outside events or meetings that either Commissioners or Councilmembers are attending, such as a shared calendar. There are a lot of relevant events happening in our region, too many for one to keep track of by them self.
- For higher quality interaction between Council and Commissions, consider: 1. Procedure: Allowing a 1-2 page written dissenting opinion to understand the 'nay' votes on an issue from a Commission.
- **Commission Liaison**
The Chair attends the Mayor's monthly meeting to provide an update on Housing Commission activities. The Chair reports back to the Housing Commission during the Commission Reports agenda item at each meeting. This process works well for the Housing Commission.

Library Commission

- I would love to see city council member attend the commission meetings from time to time.
– I'm very appreciated that Liang attended first library commission meeting in February.
- See above, the suggestion for Customer Satisfaction inquiries with respect to city staff/ Commission interactions. I am open minded about the new process for Work Plan development. I'd like to understand what the process will be for reporting back into the City Council on the Commission's progress and accomplishments towards the established Work Plan goals. I think that will define where high-quality interactions can occur.
- It was deeply unfortunate that the City decided to run the invitations and date for the commissioner appreciation dinner concurrent with the effort to "disappear" the Library and Public Safety Commissions (July/August 2018). Not feeling especially "appreciated," it is not

a surprise that Library Commissioners did not attend the appreciation dinner in 2018.

- I do think if Council members can attend our Commission meeting once in a while, it will be very helpful for them to know more about us. But I also realize there are only five Council members and there are more than ten Commissions. I also think that emails and texts are always options but if we can be assured that we will get responses in the next 48-72 hours or even a week that would be super.
- Hiking, picnic and other events should be organized to let commissioners and councilmembers know each other better.

Parks & Recreation Commission

- The Mayor's monthly meeting with representatives from each Commission is an underutilized forum for the mayor to come up to speed on Commission activities and for commissions to learn about activities in other Commissions. The freeform format of these meetings often leads to wasted time and an unclear agenda. Each mayor conducts these meetings differently, some more efficiently than others. Council often undercuts the effectiveness of the Commissions by ignoring the recommendations of the Commissions or giving greater weight to resident input at Council meetings than was provided to the Commission. Council should give greater weight to public comment given to Commissions so residents see the value of participating at Commission meetings rather than feeling everything has to be presented to Council.
- Coffee hour, small meetings, and email
- Can't think of anything specific at the moment but I think that by virtue of serving on commissions, commissioners are engaged in the issues, the community, and take extra effort to follow council meetings, other commissions, and events.
- Two council members (not violating the brown act) attending the commission meetings on a round-robin would certainly help. Review meetings to go through the SMART goals set initially
 - this could be a review with the Mayor and Vice Mayor.
- **Commission Liaison**

The Parks & Recreation Commission is different from other commissions in that Commissioners play an active role in Community Events. These same events provide opportunities for City Council to make personal appearances and I would like to see more of our events with both Council members and Commissioners present for short periods. These are simply "opportunities" and not requirements for appearances.

Planning Commission

- From the perspective of higher-quality interaction between Council and Commissions, we

would like to consider any suggestions you have with regard to events, procedures, and formats. Outside of formal updates at Council meetings and our annual appreciation dinner (and please feel free to comment on those as well), are there any other types of interactions you would like to see considered and delivered in order to improve our channels of communication? The mayors meeting tends to be a good venue for communication of activities of all the commissions to the Mayor and other commissions.

- The reports section of the agenda has become a competition for who went to more events, is that a good thing? Does the City Council have regular office hours? When can commissioners speak informally to city council members? If the city council is spread thin, how can commissioner requests be met? We have commissions which are not in synch with the CMC, how will that be resolved?
- The interaction and communication opportunities I described in my answer to #3 above are, I think enough to ensure adequate communication - if both councilmembers and commissioners work at availing themselves of these opportunities. Councilmembers are busy people, and commissioners are, too - not to mention staff. To add additional formal or administrated communication activities would, I think, result in overload. What is really important is that elected and appointed officials understand their roles. A Cupertino department head whom I greatly respect once told me, "The best thing a city council can do is to hire really great people and then stay out their way." I've thought a lot about this and, as a commissioner, I've been careful to not interfere with staff's work. I may send them tidbits of information I've gleaned from a conference or a publication, and I may ask for clarification - but I won't tell them what to do. It's appropriate, however, to disagree with staff from the dais on an agendized item. There have been times when the Planning Commission voted unanimously to disagree with a staff recommendation - but this was done publically, according to set procedures, and after a thorough and civil discussion.
- No comments.

Public Safety Commission

- Communication with council should be effective so that needs and concerns are heard and given attention. Email or personal meetings should help to communicate.
- Not at the moment. May be more challenging to organize outside of formal settings due to the Brown Act pertaining to quorums.
- It might be a good idea to have commissioners have a 1x1 with a council member of their choice twice an year. It helps bring a bit more connectivity
- I can only speak for myself but the commissioner's dinner is something that I look forward to and you see the other commissioner's smile and laugh and hold their heads high. I think it's very easy to forget we are volunteers and sometimes our commitments have a cost

to our families and friends but none the less we keep them. I think a little appreciation goes a long ways.

- It would be great to have Council attend our meeting, such as last year with Former and Current Mayor. Both the residents and Commissioners can benefit from Council attending our regular meetings

Sustainability Commission

- As stated earlier, all council members and commissioners are very accessible to each other, I don't feel the need to alter or add more formal communication processes. If Council feels the need to discuss issues with me, I can be reached on my cell phone anytime. The commissioners' dinner, including spouses, is very nice. If council would like a time to meet with just commissioners, a code of ethics training/retreat would be appropriate. Public officials are required to be trained on ethics and provide proof of training completion regularly; I think City can prepare us by giving an annual training. The code of ethics is a good common subject to bring us together.
- I would like to know what the council feels are the top issues that the city faces. If one or more of those issues are compatible with the commission's charter, it would be helpful to know that.
- I think having a councilmember who is the liaison between our commission and Council would help our commission be better connected to Council and for our work to be of benefit to Council.
- It is hard for us as commissioners to put a lot of time into this. We will do more. There needs to be more communication from our end. The council can and should be more involved by giving our team items to focus on. What we have now is a good system.

Teen Commission

- One method that can be employed for better communication is having Council create short summaries of items they're working on and goals they have that pertain to commissions. These can be sent out to commissions on a monthly or bi-monthly basis, so that we are always aware of what's happening. Like I've mentioned earlier, having Council members sit in on meetings would also offer both parties great insight to how the other operates.
- I think when regarding improving the channels of communications, Council and Commissions' communications have been very high quality with only a few bumps in the road that is usually straightened out by more communication.
- I think a Council member could come to one of our meetings once a month just to check in with us on what they're doing as a Council and how that might connect with our goals. Other than that, I don't think any other specific forms of communications are necessary, as the Commission updates to Council as well as a follow-up by the Council should be fine, as

our current forms of communication work well whenever something big needs to be said that would impact Council.

- I would appreciate minutes for the Mayor's meeting, if possible, so I could be better informed about what the council and other commissions are doing, rather than relying on secondary- hand reports, which although helpful and informative, are, by the nature of memory, somewhat imprecise.
- I think that each council member can take turns coming to each commissions' meetings. It would help the council understand some of the items that our commissions are tackling and enable better communication and collaboration between the council and the commissions
- I think that it might be helpful to have some less formal events as well for all the commissions to participate in, as I think that would foster closer connections between the commissions.
- I feel that the mayor's meeting is very communicative with our commission. To improve our interactions further, possibly consider a council member attending a meeting every couple months.

Technology Information & Communications Commission

- We live in Silicon Valley with it as the bedrock of technology and innovation. People, businesses and even governments do adopt tools for doing things better and faster. However we have gaps where we can do still a lot better. Remote conferencing is one for individual commissions and cross-bridged with council, staff or residents. City should certainly own the tools and put them to use.
- Minimally a meeting/discussion with some council member. There seems to be a presumption that commissioners are political animals and have met and interact with council members.
- I appreciate the annual dinner. Thank you. I would definitely love if every Council member as well as the Mayor at some point in a year stop by at the commission meeting at least once for, say, 30 minutes to give their thoughts, vision and insights into the goals of the commissions. If required, special meeting session in addition to the regular meeting can be arranged to accommodate the Council member's and Mayor's availability during the year. I know there are several commissions in the city and the Council members' and Mayor's time could be limited. Yet, I am confident it will be valuable for the commission members to get to know the Council members and their views one on one.

10) Outreach to the community is critical to our efforts; what mechanisms of outreach to the community would you suggest that we adopt or improve upon?

Audit Committee

- I am not familiar with all of the mechanisms currently under serious consideration or already being implemented. I do think that outreach to the community can include “educational training” that might help set the foundation for why some decisions are taken or not taken. For example, offering community educational workshops explaining the purposes of the various commissions or various city government departments can help to explain why these organizations interact in the way that they do or why certain actions are explored first in the Planning Commission and then reach City Council.

Bike Ped Commission

- BPC commissioners are actively involved and are participating with the various outreach efforts from the city related to individual projects during the course of the year. BPC Commissioners are also participating with other community events during the course of the year including the Earth Day Bike Rides, Fall Bike Festival, Bike to Work booth. BPC Commissioners are also volunteering with other organizations in the city, allowing community and resident outreach.
- For all the bicycle and pedestrian infrastructure projects the city staff generally hold multiple community meetings, often also attended by a subset of the commissioners. It seems to me there is plenty of opportunity for community input in that process. In addition, all the commission meetings, as well as the city council meetings, are open for the public to attend to and speak at. Again, seem there is a lot of opportunity for community input here
- This is an important aspect of every commission’s work. I would recommend (1) encouraging staff to institute regular updates (weekly/biweekly) on projects as they are in progress, whether via the City website or email, depending on public interest, (2) having public outreach meetings at various times and at other locations, such as at schools—to allow for residents with children to attend more easily, and (3) having staff clearly explain during these meetings that though input is taken, recorded and carefully listened to, it doesn’t mean that it necessarily can be implemented. Residents can complain they weren’t “listened to” when what they ask for is unfeasible and so doesn’t happen. They may not be getting the understanding from the Staff on how the process works for public input. We have also talked some at our meetings about using social media more effectively and more often; many residents have stated that they do not know about upcoming events, project status, or how the process works. Increasing our “push” system for information would be one improvement.

Disaster Council

• Commission Liaison

I agree that getting the right people to participate is very important. All of our partners that

have an emergency response role is a very large group and a multiple pronged approach is needed. Personal contact and relationship maintenance is very time consuming so having all of our contracts include an emergency role component would be very helpful to announce the Disaster Council and define the expectations and response roles.

Fine Arts Commission

- Community events and seminars or workshops is the direct way to increase communication with the community in my view.
- FAC has regular marketing activities around promoting our 3 art contests – Emerging, Distinguished and Young Artist. We also seek publicity in local media for contest announcements and winners as well as having winning art displayed on the Library art wall for 6 months/yr. We also seek opportunities to work with other commissions, City-sponsored programs (ie, utility box painting program, provide input for proposed performing arts center) and the public in general. We look for opportunities to be visible at City events, the Senior Center, and at our schools and art schools. Our newest work-in-progress programs include “Art in Unexpected Places,” and we are also working on identifying interior spaces, beyond the Library, where art can be displayed for public viewing. Looking for outreach opportunities is a regular part of our activities.

Housing Commission

- I strongly believe that our outreach should include languages aside from English. Our community is diverse with many people whose first languages are not English. We can always improve our accessibility for English language learners. This applies not just to outreach; we should try our best to provide language interpretation at meetings if we have the resources available. Our outreach should also be on various social media platforms. Many of our subcommunities often use different platforms, such as WeChat, WhatsApp, LINE, KakaoTalk, etc. We can explore the possibility of having community liaisons for different platforms and languages.
- Outreach to the Community: Diverse populations require diverse methods. Consider:
 1. Add meetings held in the neighborhoods affected by a big policy. This has been done with the Bike/Ped Commission. Meetings are hard to attend. The closer they are to the person’s home, the more likely they can go. Plus, they will feel more listened to by the City.
 2. Paper news
 1. Keep the Scene magazine. Some residents are not in the electronic world at all. If they do not do so already, ensure that all Commissions include an item in the Scene that helps residents get to know the Commissioners, or understand their role. Several City Departments already do this.
 2. Post cards and letters are good because everyone has a postal address.
 3. Door hangers. That requires volunteers or paid labor to distribute but can more easily aim at a specific local area.
 4. Posting in the usual public places, including the Cupertino Courier. Improve

by adding public posting places in more areas, esp. those far from Quinlan Center, City Hall, or the Library. Ex: I saw the Parks Master Plan request for comments in my nearby park, as well as Nextdoor.

3. Neighborhood Park events were a great idea implemented last summer.

4. Fourth of July celebrations are very important. The music in the afternoon was a very nice added feature last year. The traditional ones, like patriotic music and fireworks, should remain.

5. Electronic means:

1. NextDoor has been very useful to me. I have heard complaints about it, though. Any replacement needs to be available to most residents. Perhaps a better vetting of comments on Nextdoor would 'save' it. This isn't a problem on Nextdoor that is unique to Cupertino. Or unique to Nextdoor. People do not always take care about their comments on social media the way they would in a conversation.

2. Email works and most people have it.

3. Text? Many people text and do not email. I much prefer email because the emails are easier to keep track of.

4. I have heard different apps recommended, but the City needs to be careful that we do not use electronic apps that are "walled gardens". For example, I have email, text, and Nextdoor, but do not have Facebook or Twitter or any other social media app. The more different kinds the City uses, the harder it will be for staff to remember to put the messages on all of them.

6. Telephones. Most people have them.

7. Word of mouth is good, though hard to quantify. Continue to encourage block parties, emergency groups, festivals, etc. where people meet.

- **Commission Liaison**

Continue to implement current outreach efforts.

Library Commission

- n/a
- My experience and expertise is with the Library Commission. I suggest you recognize the centrality of the Cupertino Library to the life of the community and utilize your partnership with the SCCLD to combine City Council outreach with opportunities for public education and non-partisan issues-focused presentations with library resources. The Cupertino Library is a respected agent of unbiased information on a wide range of issues—there is, indeed, no issue on which a public library **could** be a prejudiced or one-sided deliverer of information. Partner with them—have issues forums, and engage with the library to highlight relevant writings, articles, films, etc in advance or, subsequently, in support.
- I hope the City can decide on an open online communication forum that does not have profit or the financial interests of its investors as the barometer for determining which comments from residents will be shared and which ones will be removed. Please select an

online communication forum that lets subscribers see all posts shared in the City. Under the current online communication forum, the hosting company isolates residents by neighborhood, by subject matter, and by content of posts, which inhibits open communication among residents.

- We did discuss this in the past few meetings, and based upon feedback from the other commissions, we have exactly the same feeling – our marketing is not powerful enough. Therefore, we should definitely spend more time and efforts on outreach to the community, and simply let more people know about us. I do think social media is very powerful, but we didn't leverage the use of it too well. Also, I think for Indian community, we should use What's App to get into some Groups, and for Chinese community, use Wechat Groups etc. These are things we can do easily. Further, we should allocate resources dedicated to marketing, set up a marketing department, set up a marketing sub-committee, people monitoring marketing strategies and implementation on a regular basis, etc.
- The budget for Facebook ads should be increased and more physical signs and banners placed in key locations throughout the parks as well as the library. Finding a way to target those that are busy throughout the day but residents of the city is important.
- Need to publicize workshops, commission meetings and city council meeting more.

Parks & Recreation Commission

- N/A
- N/A
- I actually think the city does a pretty good job of outreach despite folks thinking otherwise. Of course, there is always room for improvement. Maybe quarterly townhall meetings?
- Form a sub-committee or advisory-committee with industry or domain experts and attach them with the commission. This is a volunteer-based committee not under city / government governance but acts as a sounding board for providing more community insights to the commissioners.
- **Commission Liaison**
We need to focus on social media and opportunities to reach Chinese and Indian community members.

Planning Commission

- Outreach to the community is critical to our efforts; what mechanisms of outreach to the community would you suggest that we adopt or improve upon? Communications is always challenging, and one method does not work for all. Age, connectivity are all different for our citizens. I strongly recommend using all methods to maximize outreach.

- Nextdoor and the Mercury News are not helpful in bringing the community together. Cupertino Scene could be more useful. Aren't there ideas?
- I once suggested, only half seriously, that if we wanted to really get the public's attention, we should hire a fleet of old WWII bombers to fly over the city at treetop level dropping leaflets. Getting the public's attention in Cupertino is difficult because we have no effective local press, and many people are very busy with school and work. That being said, an informal precinct analysis of the 2018 anti-Vallco Specific Plan candidates indicated that these candidates received the most votes around the Vallco area. What this says to me is that although the City held many public workshops at City Hall, we should have held meetings and workshops in the neighborhoods near Vallco. Such meetings are not easy for staff - ask David Stillman about the responses he got during meetings held in parks for public works projects. But that's okay - even if staff is confronted by angry neighbors, the neighbors will come away from the meeting feeling that they have been listened to. Signs at the site of a proposed project also help, as do mailers. Also, I think the City could do better with email notifications. Although I've signed up for email notifications for numerous issues, it seems that I have not always received complete and timely follow-up emails or notifications from the City. And we should not neglect knocking on doors by staff and commissioners. Although most doors won't be answered, those who do answer will likely talk with their friends and neighbors about the conversation. Residents are often impressed that someone took the trouble to come to their door. If the City (and, frankly, the commissioners) had done a lot of door knocking for Vallco, we could possibly have saved a lot of money.
- The only thing needed is to make the role and responsibilities of being a commissioner more visible to the public. I worked at the Volunteer Festival last year for the Planning Commission and I don't think the public has much of an idea about what Commissions do. This question may be more about interacting with the public more. The Brown Act imposes some limits on commissioner participation that need to be honored. I think it's very important that Commissioners understand the relationship between the commission's consensus/group decision vs. their personal opinions when representing their commission, and would encourage you to be mindful of not creating social situations that blur the responsibilities of the Commissioners.

Public Safety Commission

- We could use social media such FB, Twitter or nextdoor to post about activities by the Commission and receive feedback of people. We should give attention to public health aspect as well in the City of Cupertino. There should be an Outpatient clinic set up for Mental health, Food and Nutrition, Oral Health, public health education. May be we could have public health editorial section in Cupertino scene where professionals could posts articles relating to food and health to bring more awareness.
- Have the city actively help us advertise our upcoming workshops / events with digital and

physical flyers.

- I think there is a lot of knowledge gap among residents about how rich of resources are available with the city. Many people are not even aware of many programs that the city has. May because of the churn rate in Cupertino. It will be better to host neighborhood specific events so there is more outreach and take help from block leaders to organize and host these events.
- I would like to see our commission have a more modern webpage where more information can be shown perhaps highlighting a topic of the month introduce the first responders that serve our community.
- Townhall meetings are better than formal city council meetings for outreach.

Sustainability Commission

- On specific subject, the City website serves the outreach function really well. Our official email addresses should be available and easy to find on City's website; we should make sure that we all reply to public requests promptly. This should be a "code of ethics" item. The City's support of community based events, such as Mayor's State of the City, Earth Day, Fall Festival, Community Volunteer Fair, Cherry Blossom, Mother's Day, Diwali, are excellent and fun ways to connect with the community and introduce general subject to Cupertino residents.
- "Office hours" where the public can come to a specific location at a specific time and speak to commissioners. All commissions would send a representative to attend. This would be an informal event and would be held monthly. It would be an opportunity for the commissions to interact and hear from the public.

Teen Commission

- Creating city accounts on platforms that citizens use a lot now such as Wechat or WhatsApp would be a great way to further city outreach as those are apps that lots of locals use very frequently.
- I think more events for the community to gather at would be ideal for outreach to the community.
- I think a monthly email blast to Cupertino residents summarizing the work of the Council that month could be implemented, with email collections coming at fairs and other city events.
- I would suggest that more outreach via NextDoor and email occur. In addition, I would recommend varying the times at which outreach meetings occur: some people are not available in the evening, and having morning or afternoon meetings at a variety of venues

would mean reaching a larger set of residents.

- I think that the city could get more public engagement and community involvement by promoting their events better. Even though the city does plan out a lot of events, the promoting part of the process is not very efficient. The city could promote their social media accounts more, as most of their promotional events are on their social media pages.
- I think that a lot of the community doesn't really know that many of the commissions actually exist, so interacting directly with the public instead of just having them come to meetings most of the time would improve outreach.
- I strongly believe the social media aspect should be strengthened by becoming more active on Instagram/Facebook and target younger audiences as well.

Technology Information & Communications Commission

- Having remote conferencing will liberate everyone a lot. Expecting a physical presence is probably single biggest hurdle for participation. While nobody wants to restrict freedom of speech, involving non-residents can lead to ineffective results for residents and city. While non-residents can input their comments, residents should be given priority during prime time of the group meetings. TICC and staff MUST continue to explore on a priority basis to get better tools to improve outreach with trusted tools. Perhaps this collective group should plan special sessions on finding those tools outside the regular planned meetings.
- Given the predominant Mobile culture, an active Mobile (iOS/Android) application specific to the City of Cupertino could be valuable to be in touch with the community. Such application should be engaging and informing people of local news, developing news/emergencies such as missing person, accidents, etc.), safety tips, recycle days reminders, even citywide Easter egg hunt games or similar, movie night reminders, even air quality index during fire seasons, etc. to name a few. This will also be a critical component of our drive towards Smart City. Additionally, any analytics inferred from such application can give the pulse of what is important to the community as we embark on actually prioritizing Smart City goals (e.g. Public Safety, Traffic efficiency, shopping/dining experiences, parking, etc.) Commissions should meet with the Public at least twice a year in city- hall format to understand the city's pulse and inputs in respective commission objectives. Encourage city's children, teens and even adults to participate in TV grade content productions in the form of competition or casual contributions. The content can be about solving specific city problem or pure creative arts, documentaries, etc. This not only excites creative thinkers in the highly skilled Cupertino community but also engages the community and drives them to watch the city channel more enthusiastically. This time can be used to also inform the public about important policy changes, laws, reminders, etc. For example, there was a Social Host Responsibility Ordinance 10.05 passed in 2018 but not many were aware of such. Over all the city channel content idea is something for us to consider. I also see a possible synergy of this community-sourced-content concept with the city's Performing Arts related agenda. There may be a win-win all around for the city.

11) Does your Commission prefer action minutes or summary minutes and why? How do you feel about having action minutes accompanied by audio recordings?

Audit Committee

- I think a combination of action and summary minutes are important for the Audit Committee. I interpret “action minutes” to mean a list of the action items that various Committee or City staff members have committed to take as a result of the Committee’s meetings. That is a convenient list of who needs to do what. On the other hand, often the Audit Committee should show for the public record that its deliberations were reached in a fashion allowing for multiple inputs and considered various possibilities while ultimately deciding on a particular action. I think in many cases that record of why a decision was taken can be as important as what decision was taken and I interpret that to be “summary minutes.” I personally do not want audio recordings to be a permanent part of the Committee’s deliberations.

Bike Ped Commission

- I would characterize BPC meeting more as summary minutes. They provide a good comprehensive view of what has been discussed, but also include actions or votes taken. The meeting minutes are useful as they are, and do not see a need for change.
- I feel the minutes should be as detailed as possible. Audio recordings would be OK also. Might actually be a good idea to also have a phone bridge into the meetings that the public as well as commissioners that happen to be traveling can call into to participate in the meetings.
- As our commission does not have very many voting action items, we really need summary minutes. I have looked back through previous minutes to see how the discussion went on a particular topic, or what “direction” we gave staff. As there was no vote, this would not have been recorded, and I can’t imagine trying to find and listen to over two hours of meeting recording to find it, assuming I knew during which meeting this particular fine point was discussed. Action-only minutes would not be useful for our commission. I have no problem with additional audio recordings, though I’m not sure to what purpose they would be as our summary minutes cover everything and are much more easily searched. With our meetings being run in an informal and conversational way, it could also be very difficult to tell who is speaking or even to hear them in the room.

Disaster Council

• Commission Liaison

I believe we currently use summary minutes. This seems to be adequate for one purpose but a more detailed reporting method is needed to get the status of work programs to City Council to promote action.

Fine Arts Commission

- Summary minutes works well as we could review it whenever needed.
- Personally, I like paper. I like action minutes to identify who is responsible and when something is due, especially since we only meet every other month. Memory fades quickly. Failure to meet a responsibility or deadline delays progress. Audio recording of meetings are hard to use. Who is speaking? Topics can jump around. When 2 or more are speaking at the same time it is hard to understand what is being said. Other organizations I am involved with have tried this. I gave up using the recordings.

Housing Commission

- I prefer having summary minutes since it summarizes the essence of the discussion and makes the information more accessible to the public. I do not support having action minutes accompanied by audio recordings. The City Council and Planning Commission already have video recordings, and I would be open to having recordings published as a supplement to the meeting minutes.
- Action minutes or summary minutes? I like summary minutes. You can refer back to them, if necessary. Action minutes accompanied by audio recordings would be good. Would, also, be good if they were made available on the Commission electronic agenda page. Would be available to more residents.
- **Commission Liaison**
The Housing Commission uses action minutes.

Library Commission

- n/a
- Not sure what each represents.
- My preference is to have commission meetings reported using action minutes accompanied by audio recordings.
- I believe the current we have is both action minutes and summary minutes. This is a tradition until now and we think it is good. But even for summary minutes, we still missed many things, especially detailed discussions and thoughts exchange among members etc. Therefore, I do like the idea of action minutes accompanied by audio recordings. The fundamental reason for this is the audio recording is one of the best ways to save ALL the information in its original format, in case disputes arise and people need to go back to dig deeper. The comprehensiveness of the audio recording may not seem so useful most of times but will be critical to clarify issues when there are disputes.
- Either one would be fine as long as it doesn't waste staff's time and provide public a full picture of meeting discussion and results.

Parks & Recreation Commission

- Audio recordings should be available from all commission meetings. More detailed minutes would be an improvements.
- N/A
- Prefer action minutes but either is fine. Fine with them being accompanied by audio recordings. Doesn't apply so much to our commission since the meetings are televised.
- It is very important to have a clearly spelled out action times for the commissioners to follow and respond. So, action items with deadlines (ETA) is a must. Having audio recordings and minutes is useful for the public to review and understand things happened in those meetings.
- **Commission Liaison**
Summary minutes are also more effective for this commission. Almost all P&R Commission meetings are televised. Televised Commission meetings would be better served if we could determine how many people are actually watching the live feed.

Planning Commission

- Action minutes are fine.
- We are recorded and on line.
- Action minutes, with video or audio back-up. Do we have to capability to post and keep audio recordings of all commission meetings? That would be helpful.
- Because I've served on the Parks & Rec and Planning Commissions that have full video records, I think action minutes are sufficient. Summary minutes have value, but are a heavy load on all parties because it can be very hard to summarize complex discussions in a neutral way that we can vote to approve.

Public Safety Commission

- Our Commission would prefer action minutes by audio recording as it allows everyone to know what happened in the meeting.
- Action minutes accompanied by audio recordings – concise and to the point. People can speak more freely.
- Great ides – Action + Audio
- Captain Urena currently records our meeting both audibly and in a written form and his assistant then transcribes the meeting for public record and I think it is a great idea and should be continued. I personally was surprised when I attended other commission

meetings for business matters the somewhat unprofessional method of keeping records of meetings.

- Our meeting minutes are very comprehensive, including both the discussion as well as final action, so I do not think any changes are required. Since I cannot find meeting minutes before 2013 on Cupertino website, I do not think adding audio is a benefit other than creating more work for the staff.

Sustainability Commission

- I am not sure about the definition of action minutes, the summary minutes; and the difference between the two. The minutes we currently have are very good, easy to read and find the information I need. The way the minutes are taken should be kept going forward. In our case, I don't think recording the meeting is necessary and effective as many of our meetings had presenters and slides, these will not be recorded well on a tape.
- I personally would prefer minutes that both provide a summary and also contain action items so that it documents what was discussed and provides a starting point for the following meeting. It also provides accountability and responsibility. I could do without the audio recordings but if required/mandated, I'd understand and will be fine with it.

Teen Commission

- Our commission prefers summary minutes because it keeps the focus on the discussions being had and not on making sure everything is being recorded properly. Personally, I'm against having action minutes that are accompanied by audio recordings because there are a lot of unanswered questions that surround that such who would access to these recordings and would they be a good use of resources.
- Our commission prefers action minutes because it is easier to keep track of who made what happen. I feel against having action minutes accompanied by audio recordings because I personally feel it is extraneous.
- I can't speak on behalf of the rest of the Commission, but I prefer action minutes. I don't think audio recordings are necessary for action minutes.
- Our commission strongly prefers summary minutes; often we do not take any actions on an item besides discussions and plans, and we strongly feel that the public would not be adequately informed by action minutes. Action minutes accompanied by audio recordings, although arguably the most informative, have a large set of problems: in the event of equipment failure, the meeting would be entirely unrecorded. In addition, our meetings often last three hours. It is far less helpful to the public to listen to three hours of raw audio to find one item than it is to read an accurate summary of the discussions and action that took place.
- I prefer action minutes because it allows both us and the public to have a clear record of the

decisions made during each meeting. I do not think there is a need for audio recordings; action minutes should be sufficient enough in informing what happens during each meeting.

- We usually have one designated member of the commission take meeting minutes. I feel uncomfortable with the idea of recording our meetings, because being recorded and having other people be able to hear that recording whenever means that I would feel a little hesitant to speak openly. This isn't because we say things that we shouldn't-rather, because having every word we say recorded is a little off-putting.
- Our commission believes summary minutes are more valuable as the audience we are targeting to read these notes are more likely to understand a summary rather than action minutes. I do not endorse action minutes with audio recordings because I feel as though recording the meetings will limit ideas from being conveyed because of the fact of being recorded.

Technology Information & Communications Commission

- I don't see people going back to recordings and listening or watching all of them in full. Action AND summary minutes should be published and we should use tools that can help speed up gathering them. For example using speech to text conversion tools to achieve that is quite possible. Recordings can be retained and linked if further validation of the thought processor dispute resolution is required. Recordings can also have shorter shelf life due to their cost to infrastructure.
- Reflecting back for a while now, I started thinking the summary minutes might be beneficial as it can capture several nuanced points that the commission members bring out. This will be a great reference for the commission's future proceedings. Especially for a commission such as TICC the topics can quickly get intensely complex given its nature and scope. The summary points can literally provide the dots that can be tied together to obtain a comprehensive outcome. For example, a prior suggestion by me to tap* the local talents from our high performing High Schools instead of only De Anza college to work at city's various positions (e.g. IT, Planning, etc.) as volunteers/interns could not be captured anywhere in our current format. On the other front, I am fine with the audio recordings. But if not archived there is no real use to the recording except for immediate reference by the city for jotting down the meeting action points. But I agree archiving so much recording is expensive to the city. I do not have specific opinion about the recording itself. [* Amount and quality of mobile/cloud software applications, marketing and advertising skills, statistics/analytics skills that I see from our very Cupertino high school students, I believe, are valuable resource for us to tap while at the same time engaging with the community's important segment some of whom may want to continue a career with the city. I hear about students who went to great undergrad schools and/or worked in large prestigious corporations such as Google and returned back to the city, they love, to work.]

12) Starting this year, Commissions will be submitting a 200-300 word update of their current work to Council every other month. Do you have thoughts on this process?

Audit Committee

- Since the Audit Committee addresses certain ongoing operational items, which often are handled by City staff on a daily basis, I suggest that City staff be closely involved in the creation of these periodic submissions of the Audit Committee's updates.

Bike Ped Commission

- I would hope we can align these updates with the meeting minutes (i.e. adjust the format/structure) of the meeting minutes to the needs of the council. I do not recommend creating yet another monthly document, which is largely overlapping but different from the meeting minutes.
- Sounds like a good idea. See my answer to 9) above.
- I think it would be a useful, as long as the Councilmembers read these updates and consider them in their deliberations. I can imagine it will take a while to read the updates from all the commissions, and the Councilmembers will need to agree to make time to do this. I can also see that it would be helpful for a particular commission to see what other commissions are doing. For our commission, knowing especially what the Planning, Parks and Recreation and Public Safety Commission have in progress would be very helpful (without having to attend all their meetings). Thank you again for taking the time to answer the above questions. If you have any additional thoughts or comments that you would like to share, please feel free. Thank you for soliciting our input. I hope it is helpful, and that we all can work together more effectively based on the results of this survey.

Disaster Council

• Commission Liaison

Is this limited to the work plan item from Council? Maybe some clarification as to the objective of such updates would be used.

Fine Arts Commission

- This will definitely make the committee work towards their assigned goals and meet the targets. I think it is effective.
- Think this is a good process. Questions: Who will read Commission bi-monthly reports? Who will provide feedback to Commissions? We need to know this.

Housing Commission

- I support this idea. I would like to clarify whether the Commissioners or city staff will be writing the updates. If this has not been decided, I believe the Commissioners should write them with the assistance of city staff, and for each update to be approved by a vote, like we do with the meeting minutes.

- 200-300 word update? Every other month. Yes. Although I recommend that it be in addition to the monthly Mayor's meeting. Face to face meetings are important.
1. Update would keep focus on key actions, especially, Commissions that do not meet frequently.
 2. Help the Council stay aware of each Commissions's annual goals.
 3. Council is considering merging some Commissions, also, adding a separate Commission for Traffic. Updates could help identify key overlaps, or highlight why you need to keep both sets of input.
 4. Consider whether to have enough copies for all attendees, to keep all in the loop.
13. Other Comments
1. A Traffic Commission is vitally Important. Right now Cupertino has a joint public/private partnership with Apple Inc. to work on traffic issues. It was put in place on July 31, 2018, as an alternative to changing the tax structure and increasing taxes on some businesses. However, in the press of land-use decisions, the fact that Cupertino residents rank traffic the highest issue outside of housing makes it extremely important that there are people committed to that issue. If progress is not made, then the Council would have the proper notice to decide how best to proceed with obtaining more funds.
 2. If Commissions are merged, the name of the newly formed Commission needs to identify where the public can find the information normally worked by the former Commission(s). Perhaps the former Commission (s) could be renamed as Committee(s) that report to the newly formed Commission. Perhaps one former Commissioner from each new Committee would become a Commissioner on the newly formed Commission.

- **Commission Liaison**

Consider posting the Commission work program on each Commission website.

Library Commission

- n/a
- Depends entirely on what happens to these updates after submission, and what feedback is provided. It's only a productive 'communication' if it's two-way. Seemingly useless 'reports' will rapidly become content-free.
- Maybe offer a template for presenting the update and share deadline dates for the whole year to help commissioners (or the Chair) structure their data and submit responses on time. How will the updates be used? Will the City publish them somewhere? **Comment:** I hope that changes to commission-Council-City communication permit commission chairs or 3 of 5 commissioners to refuse to add agenda items offered by staff if the chair or the commission members can make the case that the agenda item is outside the scope of the commission's work. Commissions have very little time to work together. It is both counterproductive and demoralizing to commissioners to dedicate meeting time to agenda items that fall outside the purview.

- This is the first time I heard of this but do think it is a good plan. My question is after hearing the current work, will Council provide feedback or it will just be a one-way submission? I think feedback from Council will be very helpful from our perspectives and will create a positive bilateral communication flow.
- Most of the time, our commission is already provide summary report in bullets to update our current work. So we welcome the change. However, 200-300 word limit perhaps isn't necessary. It should basic on quality of the content, not the word count.

Parks & Recreation Commission

- Again, wouldn't a review of more detailed minutes suffice?
- N/A
- I feel that the commissioners are already spending a lot of time studying up on the agenda items. This may add another layer that might not be welcomed. This could become a tedious request. We all have busy lives. And who should do it? The chair? The chair and co-chair? Add anyone else and you may run into Brown Act issues.
- I prefer to provide city council a measurable outcome table for the work plan items (SMART Goal Progress report) City need to build a dashboard system where every commission should fill in their work plan and update the progress which should be pulled out during City council meeting to track. Public will also look into that progress – today every commission provides completely differently and have no way to correlate the overall progress for the city.
- **Commission Liaison**
This sounds like a good idea.

Planning Commission

- No.
- That's two tweets from the Planning Commission, if that's all we have to share, we aren't being properly tasked at all.....
- Is this really necessary? The Mayor's monthly commissioners meetings provide a good opportunity for the Mayor to have a face-to-face discussion about the work of commissions, and commissioners then have an opportunity to convey this information to their commission colleagues at their respective meetings. Also, Council members can read summary minutes and watch commission videos, as many of them do. They can even visit commission meetings, or drop in on events put on by a commission. I'm afraid that council members who are not experienced with the many opportunities available for interacting

with commissioners are perhaps trying to micromanage commissions. Councilmembers get adequate information when staff make their reports when a commission's action is placed on the Council agenda. What is the purpose of these reports? If Councilmembers will be using them to somehow inject their opinions into a commission's work before an issue comes before the council, this would undermine the normal procedures for commission/council interactions.

- I think this is very impractical! A commission should have a chance to meet and approve the content of this update, like any other consensus document we generate. It's almost impossible for this to happen on a bi-monthly schedule for commissions that meet once per month or less. The alternative for the Council is to look at the minutes (again, better if they are approved if you're going to make a decision on them). This seems like a bad idea.

Public Safety Commission

- I would prefer it to be quarterly as Council should give enough time for the Commissions to take some concrete action and observe the impact of the activities in the quarter and submit the report.
- It would be helpful to have a two-way communication, so it'd be nice to have Council submit a response to our update each time (doesn't have to be long).
- I think it is a good idea. However, because some of the work plan is still under review to be finalized, it might have a late start.
- A written brief is great but it might just be a copy and paste if nothing has changed. I think if there is a substantial change to the agenda or work plan then a brief should be made.
- I think that is a duplicate of meeting minutes, so I am afraid it is just additional work with minimum benefit. By reading meeting minutes across all the Commissions, it is apparent that there are big differences in how each of the Commissions are operated and documented. Perhaps the first order of business is for the Council to establish a policy to unify the operating procedure for all of the Commissions, e.g. all must follow the same procedure as City Council meeting, as well as clarify the boundary between the Commissions, e.g. when residents wish to complaint about numerous biker traffic violations, do they go to Bike/Ped or PSC ?

Sustainability Commission

- Is the monthly mayor/commission meeting still in place? If so, the commissions' updates are provided during the meeting. Our chair used to bring updates of other commissions to our meeting which was good to have. We only have four official meetings each year, what should be included in the bimonthly updates? Is bi-monthly report a staff report? It may be helpful if Council can provide a standard format for this report.
- I agree that Council should be aware of what the commissions are working on. I think an

update every other month is too frequent. I would prefer to provide quarterly or biannual updates. This is based on how active our commission is. I prefer providing a written update versus attending a Council meeting to provide the update.

Teen Commission

- I think that this is a good step to take in better communication, but like I've stated the above, I believe the Council should be held to the same standard and do the same so all parties can be well informed.
- I think this would be a little extraneous because we have Mayor Meetings every month.
- No, I think it's fair.
- I believe that it will help the commission to review their work; however, as the Teen Commission tends to focus its effort on a few large events, aiming for a large impact, updates every two to three months may give an unclear picture of the impacts the teen commission is actually having.
- I like this process a lot. I think it is good to have the Council being informed about what each commission is doing each month. It would also allow the Council to overlook each commission's progress and be able to see what kind of events each commission is targeting.
- I think that this is a good idea because it would help the council see what each commission is working on, as well as help each individual commission see their own progress as well. As long as the council doesn't act negatively to this (which I don't believe they would do that), I think that this is a positive idea.
- I believe this is a good idea as it will allow the commissions to reflect on the use of their time in meetings and allow the council to stay updated in a more comfortable way.

Technology Information & Communications Commission

- I fully support this. I would like to not stop it there but keep an eye on improving it. Making the common methods and procedures across all commissions will help even further.
- Not a bad idea. Such update can also help the commissions to reflect upon the extract of the commission efforts each month and help set a high standard for productive meetings while allowing constant sync with the Council and its expectations.

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: Written Communication regarding 7/16 Study session (Improving Commission/Committee Communication & Effectiveness)

From: Jennifer Shearin
Sent: Monday, July 15, 2019 5:34 PM
To: Kirsten Squarcia <KirstenS@Cupertino.org>; City Council <CityCouncil@cupertino.org>
Cc: Katy Nomura <katyn@cupertino.org>
Subject: Written Communication regarding 7/16 Study session (Improving Commission/Committee Communication & Effectiveness)

Dear Mayor Scharf and Councilmembers,

I am writing in reference to the Study session regarding improving communications with and effectiveness of advisory commissions and committees to be held on July 16, 2019.

It is appreciated that there was significant outreach to the community and commissions to compile a succinct yet thorough plan. It is quite obvious, when comparing the feedback document (item A) and the Subcommittee Report, that this input was taken seriously and was incorporated into the recommendations.

I have four items for which I would appreciate further clarification or suggest a modest change:

1. On page 2 of 9, it states under General Engagement, “*Each commissioner or committee member strive to attend at least two community meetings between regularly-scheduled meetings of the respective advisory commission or committee and report such activity, recorded by the staff liaison in the meeting minutes, during regularly-scheduled meetings*”.

It is unclear whether this means that commissioners should attend two meetings between each regularly scheduled meeting (for most commissioners, this would mean two per month)? What type of community meetings—specific to the commission meetings, attending other commissions’ meetings, Council meetings, Meet & Greets, etc.?

2. On page 3 of 9, under Scope and Frequency of Commission meetings, it states, “*Staff should consult with and obtain the consent of the chair of the Council’s advisory commissions and committees prior to cancelling meetings.*”

Though I absolutely agree that Staff should not cancel meetings without the approval of the commission, it would be helpful if the meetings could also be cancelled on the same basis as adding agenda items, i.e. with the consent of two commissioners (not only by consent of the Chair of the commission) or perhaps a quorum of commissioners.

3. On page 5 of 9, under Training and Development for Civic Duties, it states, “*For any advisory committee or commission such as the Planning Commission with decisional authority...*”

It is unclear in general which commissions have decisional authority, and which are advisory only. It may be stated elsewhere, such as on the City website, that a particular commission is advisory, however our City Attorney has said commissions can be considered decisional in spite of this. It would be very helpful to state this designation unequivocally for each commission.

4. On page 8 of 9, under Regular updates, “*Advisory commissions and committees should provide periodic written updates to Council regarding the status of their activities.*”

It is unclear who on a particular commission is responsible for providing these updates. A recommendation is to specify the Chair, as he/she sets the agenda and is presumably the most informed about all the work of the commission. If a Chair prefers not to do this task, he/she may ask, but not require, another commissioner to complete this task.

Thank you again for all the hard work in preparing this thorough report to make our city commissions and government work more effectively. I also appreciate your consideration of my feedback during this study session.

Best Wishes,

Jennifer Shearin

From: Kirsten Squarcia
Sent: Thursday, July 11, 2019 12:23 PM
Cc: Katy Nomura
Subject: 7/16 Study session regarding improving communications with and effectiveness of advisory commissions and committees

Dear Commission and Committee members,

I wanted to make you aware of an upcoming City Council study session regarding your recommendations for commissions and committees. The study session is being held at 5:30 pm on Tuesday, July 16 and before the regular City Council meeting. The Council Subcommittee recommendations can be found on the attached agenda (Study Session Item #2) or [HERE](#). If you would like to deliver additional input, you are welcome to provide public comment either in-person at the meeting or via email (written communications) to Council within 72-hours of the meeting.

Regards, Kirsten



Kirsten Squarcia
Deputy City Clerk
City Manager's Office/City Clerk's Office
KirstenS@Cupertino.org
(408) 777-3225



Kirsten Squarcia

From: Joseph Fruen <jrfruen@gmail.com>
Sent: Tuesday, July 16, 2019 5:27 PM
To: Cupertino City Manager's Office; Deborah L. Feng; City Attorney's Office; Steven Scharf; Rod Sinks; City Council; Darcy Paul; Jon Robert Willey; Liang Chao; City Clerk; Grace Schmidt, MMC
Subject: For public comment: 7/16/19 Council meeting, Item 2: Study session regarding improving communications with and effectiveness of advisory commissions and committees

Dear Council and Staff:

In reviewing the subcommittee report for Item 2 in tonight's study session, please consider the following concerns.

1. Lack of transparency

The subcommittee report is unsigned and fails to identify who helped construct it, when and where meetings were held to draft it, and whether anyone from the public or staff contributed to its contents or offered comments while it was in process. One would have to have examined several months' worth of council meeting minutes or have actively attended, watched, or listened to, specific prior council sessions to discover that this subcommittee was comprised of Vice-Mayor Chao and Councilmember Paul. Given the importance of the document, it defies understanding as to why the document would go without clear attribution.

The report goes on to criticize the Code of Ethics passed in November 2018, saying that it had been "brought forth by staff without consultation to the public or Council." Yet with this document, there is no apparent prior consultation with the public. Even the extent and character of the consultation that occurred with commission members remains unclear--the supporting documents summarize commissioner input in the aggregate and quote commentary anonymously.

For a document of this relief and given the concern raised about the prior Code of Ethics having been crafted in a non-transparent fashion, it is surprising that the subcommittee has failed to provide a clear accounting for how its report came to be. Prior to any action based on this report, council should, in the interest of transparency and basic good governance disclose the meeting schedule that resulted in this report, the public comments taken thereon, and the original commissioner responses to the subcommittee's surveys.

2. Accidental creation of decisionmaking bodies

Numerous of the recommendations made carry the potential of transforming purely advisory bodies into decisionmaking ones within the meaning of 2 CCR section 18700 by imbuing these bodies with the ability to control their own agendas and creating a de facto veto over what staff may set on their agendas.

While the city, by resolution, can and may require all its advisory commission members to file Form 700 financial conflict of interest disclosures, the inquiry into whether such commissions actually have decisionmaking authority is a fact-intensive determination for the FPPC or a court. Lending greater weight to the factors for finding that such bodies contain decisionmaking members within the meaning of 2 CCR section 18700 invites litigation over the potential need for recusal or disqualification. That result would readily frustrate

the work of these bodies and deter would-be commission members from applying for commission posts and actual commission members from participating in commission discussion and activities.

I urge you to fully examine the ramifications that giving too much authority to advisory commissions may have and to accordingly rethink the recommendations provided.

3. Clarify process for agendizing required permits

At present, the fifth bulleted recommendation under "Agenda-Setting Process" is worded in part as follows: "Required permit processing hearings may be added by the staff liaison, in consultation with the Chair." The language here should be clarified to ensure that hearings which are legally required are timely agendized to avoid a due process violation that would invite litigation.

4. An actual Code of Ethics

The subcommittee report is far from a Code of Ethics as previously adopted and now rescinded. Council should look no further than recent press covering the behavior and comments of Planning Commission Chair R "Ray" Wang to see the pressing need for clear guidelines spelling out expectations and consequences for the violation of those expectations. Council misses a real opportunity to demonstrate its commitment to the foundational principles of American liberal democracy by failing to address the R Wang matter through this study session.

Many thanks

J.R. Fruen
Cupertino resident

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City Council Subcommittee Report

Comments from Planning Commissioner Kitty Moore, representing self

Meeting: July 16, 2019

1. Great to see City Council actively engaging in process improvement
2. Have an annual review
3. Please number recommendations to aid in commenting
4. Need a list of various outside meetings CCC attends, not just community events. There may be volunteers who would like to attend VTA meetings for example, especially in light of their performance.
5. What is the incentive to attend outside meetings? Will there be some kind of simple recognition?
6. Definitely appreciate the cancellation requirement, however, it is clear that the Chair can have the authority to not cancel a meeting, but it is unclear how the rest of a commission would either be notified that their meeting was in process of cancellation, or how many commission members it would take to halt the cancellation.
7. The ERC is looking to alter its scope of work and is not waiting for the annual review (see p³4/10)
8. Communications with the Staff Liaison (p³4/10) paragraph needs some clarification as to what the problems these suggestions are trying to solve
 - a. What would the policy-based statement that the staff liaison supports the commission or committee look like which would be different from current policy? Is there a current policy?
 - b. If the staff liaison should provide topical updates on a regular basis, would that be an ongoing agenda item? "Staff Liaison Activity Report" Is this any different than the Reports agenda item? Is this the same as "Staff and Commission Activities: Reports and Future Agenda Setting"?
 - c. We need to be reminded that it not just the chair who can communicate to the staff liaison.
9. (p⁴5/10) If a single commissioner proposes an agenda item during a meeting, does that require a motion, second, and vote? If not, why not?
10. If two commissioners add an agenda item outside of a public meeting, that item will show up unannounced on the agenda. Will the chair be made aware prior to the publishing of the agenda?
11. Where in the agenda would "Staff and Commission Activities: Reports and Future Agenda Setting" fall?
12. Recommend against posting Draft Minutes and require a special meeting be scheduled to get minutes approved and posted and adjourn.
13. Add the Agenda Item Number to the top of each page in the Agenda Packet in large font to make it easier to tell where you are in the agenda. (See Palo Alto)
14. Recommend Planning Commission follow Robert's Rules

CC 07-16-19 #2

Small Cell

Late Written Communications

QUESTIONS FOR THE CITY COUNCIL-

1. What is the FCC's RF radiation safely limit for constant 24-hour a day exposure?
2. Has the City Council asked Verizon to consider an alternate location for the cell site?
3. Does Verizon need a NEW permit to upgrade from 4G to 5G?
4. Will Verizon notify residents before they upgrade to 5G?
5. Is the Jollyman cell site one of the first RESIDENTIAL facilities to come into Cupertino?

CC 07-16-19

Oral Communications

Late Written Communications

CC 07-16-19 #22

Cupertino Village Hotel

Late Written Communications

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: Letter to the city council Item # 22
Attachments: ATT00001.htm; Kimco Hotel.docx; primadona1.vcf

From: primadona1@comcast.net [mailto:primadona1@comcast.net]
Sent: Sunday, July 14, 2019 10:29 PM
To: Grace Schmidt, MMC <graces@cupertino.org>; Kirsten Squarcia <KirstenS@cupertino.org>
Subject: Letter to the city council Item # 22

Dear City Clerks,

Can you please give this letter in support of Item 22 in support of the Kimco hotel, to each of the city council member before the city council meeting on Tuesday, July16, 2019?

Thank you so much. Attached is the letter to the city council.

Donna Austin

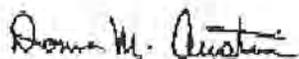
To: Mayor Scharf, Vice Mayor Liang Chao and City Council

Re: Item 22 Kimco Realty proposed hotel

From: Donna Austin, Resident of Cupertino for 43 years

I support the Kimco Realty's proposed 185 room hotel at Cupertino Village. This project would be a benefit to the community as a great gathering place with a restaurant and rooftop lounge, and event meeting spaces. It is across from Apple and would provide much needed rooms for visitors they do business with. The hotel Tot tax is a win/win for all of us and would be a benefit to the city financially. There will be little or no impact to schools and or traffic. Underground parking and a well thought out landscape plan will create another beautiful place for our city to enjoy. I highly recommend that the city council adopt the Kimco Hotel project.

Donna Austin



22283 N. De Anza Circle
Cupertino, CA 95014
Primadona1@comcast.net

Cyrah Caburian

From: Rhoda Fry <fryhouse@earthlink.net>
Sent: Tuesday, July 16, 2019 11:21 AM
To: City Council; City Clerk
Cc: City of Cupertino Planning Dept.
Subject: Request for Friendly Amendment on #22 Hotel

Hi City Council,

Request for Friendly Amendments on #22 Hotel, I'll flesh out these thoughts later today (so don't be surprised if you get another email).

Defer community benefit payment of \$1.85M by 3 years following occupancy so that developer can invest in building the hotel to zero net energy (ZNE) and LEED Platinum standards. Defer community benefit payment to 4 years if the PassiveHaus Building Standard (either American or European Standard) is also met. The hotel shall be in compliance with the City of Cupertino building codes in force at the time that the building permit is issued.

--

And wouldn't net carbon zero be neat too (let's get rid of natural gas).

Remove trees outside of bird-nesting season.

Make hotel glass safer for birds.

Require covered trucks during construction (tarpred trucks are way better than untarpred trucks).

I would have liked to see views of the hotel in the context of the neighboring apartment building.

Thanks,

Rhoda (representing self only)

408-529-3560



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CC 7-16-19 #22

Request for Friendly Amendments on #22 Hotel

Defer community benefit payment of \$1.85M by 3 years following occupancy so that developer can invest in building the hotel to zero net energy (ZNE) and LEED Platinum standards. Defer community benefit payment to 4 years if the PassiveHaus Building Standard (either American or European Standard) is also met. The hotel shall be in compliance with the City of Cupertino building codes in force at the time that the building permit is issued.

--

And wouldn't net carbon zero be neat too (let's get rid of natural gas).

Remove trees outside of bird-nesting season.

Make hotel glass safer for birds.

Require covered trucks during construction
(tarped trucks are way better than untarped trucks).

I would have liked to see views of the hotel in the context of the neighboring apartment building.

OR 2 out of 3

OR

3 out of 3

CC 07-16-19 #26

Bike Ped CIP

Late Written Communications



PUBLIC WORKS DEPARTMENT

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

TELEPHONE: (408) 777-3354 www.cupertino.org

CITY COUNCIL STAFF REPORT

Meeting: July 16, 2019

Subject

Presentation of FY 2019/20 Bicycle and Pedestrian Capital Improvement Program Projects (not including Regnart Creek Trail) and amendment of FY 2019/20 Capital Improvement Program budget.

Recommended Actions

- 1) Receive presentation and update on prioritized project lists of the adopted 2016 Bicycle Transportation Plan and adopted 2018 Pedestrian Transportation Plans; and
- 2) Adopt Resolution 19-XXX amending the FY 2019/20 Capital Improvement Program budget to include additional funding for bicycle and pedestrian projects as follows:
 - a. Approve an additional \$1,275,438 for the Orange & Byrne Ave Sidewalk project;
 - b. Approve an additional \$242,941 for the McClellan Road Bike Corridor: Byrne to Torre;
 - c. Approve an additional \$65,000 for the Bicycle Wayfinding Project;
 - d. Approve a new amount of \$595,500 for the Linda Vista Trail project

Background

The Cupertino Bicycle Transportation Plan (Bike Plan) was adopted by City Council in 2016, and is a long-range planning document designed to encourage bicycling as a safe, practical and healthy alternative to the motor vehicle. Similarly, the Cupertino Pedestrian Transportation Plan (Ped Plan) was adopted by City Council in 2018 and provides the blueprint for Cupertino to achieve its vision of an inviting, safe and connected pedestrian network that enhances the quality of life for all community members and visitors.

Within these Plans, a list of respective infrastructure improvements is provided, which have been evaluated with respect to numerous criteria and prioritized. The purpose of prioritizing projects is to provide guidance to decision makers and staff on implementation strategies for the improvements. This guidance is intended to be flexible and change over time. As stated in the 2016 Bicycle Transportation Plan, and applicable to both Plans, *"The project list and individual projects to be included in this Plan are flexible concepts that serve as a guideline. The high-priority project list, and perhaps the overall project list, may change over time as a result of*

changing walking and bicycling patterns, land use patterns, implementation constraints and opportunities, and the development of other transportation improvements."

Additionally, Bicycle Plans and Pedestrians Plans are generally updated every five years, in order to stay current and to maintain eligibility for certain grant funding opportunities. As a result, staff anticipates beginning the process of moving forward on the next update to the 2016 Bicycle Transportation Plan in 2020. As the Bicycle Plan and the Pedestrian plan are overlapping and complimentary, it is possible that the two plans will merge when updated in 2021.

2016 Bicycle Transportation Plan Project Evaluation Criteria

Each project within the 2016 Bicycle Transportation Plan was evaluated and assigned up to 100 points with respect to seven criteria:

- Safety (20 points max): Address a location with a history of bicycle collisions
- Stress Test Analysis (5 points max): Projects identified along a high or medium-high stress route
- Travel Routes to/near Schools (20 points max): Connects to a school
- Network Connectivity (15 points max): Projects that close gaps in the bikeway network
- Low-Stress Network Improvements (20 points max): Projects that add or upgrade an existing bikeway facility to a low-stress facility
- Trip Generators and Attractors (10 points max): Connects to employment centers, retail/business centers, transit, community services, parks and recreation facilities and/or City facilities
- Feasibility/Ease of Implementation (10 points max): The ease of implementing the project within a five-year timeframe, taking into consideration outside agency approval

The scores were developed as a cooperative effort between City staff, the City retained consultant (Alta Planning+Design), and the Cupertino Bicycle Pedestrian Commission (BPC). The 2016 Bicycle Transportation Plan was approved by the BPC on April 21, 2016 and adopted by Council on June 21, 2016.

2018 Pedestrian Transportation Plan Project Evaluation Criteria

Each project within the 2018 Pedestrian Transportation Plan was evaluated and assigned up to 100 points with respect to four criteria:

- Schools (40 points max): Within close proximity or connects to a school
- Safety (20 points max): Projects identified along a high or medium-high stress route
- Destinations (25 points max): Within close proximity to a park, transit stop, or retail/business/employment center
- Connectivity (15 points max): Adds a new network connection

The scores were developed as a cooperative effort between City staff, the City retained consultant (Toole Design Group), and the BPC. The 2018 Pedestrian Transportation Plan was approved by the BPC on November 15, 2017 and adopted by Council on February 20, 2018.

Discussion

Progress on implementation of projects within the 2016 Bicycle and 2018 Pedestrian Transportation Plans have generally occurred in order of their priority listing within the respective plans. Where lower priority projects have been moved up, this has occurred due to one or more of the following reasons:

- *City Council direction.* The Carmen Road Bridge Feasibility Study was reprioritized by Council after the adoption of the 2016 Bike Plan. This occurred on March 6, 2018 when Council appropriated \$100,000 for this project as part of a 2017-18 mid-year budget adjustment.
- *Proximity of a project to an adjacent higher priority project.* Several high and lower priority projects were combined due to the following:
 - Close proximity to other higher priority projects.
 - Ease and efficiency of implementation or to complete a connection.
 - To form a more complete and geographically equitable network.

Projects combined included:

- Stevens Creek Blvd/Wolfe Road interchange reconfiguration.
- Greenleaf/Mariani wall reconfiguration
- Pacifica Drive Class II bike lanes
- Bandley/Mariani curb extensions
- Bike boulevards locations were combined into phases. Locations #4 and #8 were combined with bike boulevards #2, #5, #7 and #9. An informational presentation was provided to City Council on February 6, 2018, describing the active list of bike boulevard projects.
- *Outside funding availability.* Apple has donated funding for several higher-priority projects. These projects include:
 - McClellan Road Separated Bikeway Project (\$2,000,000)
 - De Anza/McClellan Signal Modification (\$160,000)
 - McClellan Road Sidewalk Improvement Project (\$2,465,000)
 - Junipero Serra Trail Design (\$1,800,000)

Apple has donated funding for two lower-priority projects:

- Mary Ave Class II bike lane (\$165,000)
- Bubb Road Class II bike lane (\$1,980,555)

Other external funding is occurring as follows:

- Homestead Road/Mary Ave intersection (funded by VERBS grant in partnership with the City of Sunnyvale; \$1,000,000 funded through grant, \$126,500 funded by City of Sunnyvale).

- McClellan Separated Bikeway Project (\$1,000,000 funded by VERBS grant, \$85,822 funded by Regional TFCA grant, \$55,000 by local TFCA grant, and \$157,237 development-in-lieu from De Anza Blvd/McClellan Road intersection)
- Bike Boulevard Project (\$52,537 funded by Regional TFCA grant, \$166,259 funded by TDA Article 3)
- Linda Vista Trail (land for trail proposed to be donated to City)

New Project Proposed for FY19-20

A new project proposed for FY19-20 is the Linda Vista Trail. The trail alignment consists of an old access parcel which runs between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course. The parcel was recently acquired by a Cupertino resident who is willing to donate the property to the City for public trail purposes. The resident has requested, in return for the donation, that the City design, fund and approve the construction of a trail project by December 31, 2019. The proposed budget amount of \$595,500 will provide for grading and fencing to accommodate adjacent property owners' privacy concerns, fencing along the downhill slope, minor clean-up of the property and minor signage and safety enhancements where the trail intersects City property. These improvements will provide a footpath only with unpaved widths as narrow as eight feet, and does not include widened shoulders, retaining wall improvements, crossing improvements at McClellan Road or accessibility/bicycle enhancements.

Improving the parcel to create a foot trail does complete some of the work necessary to construct a multi-use trail (minimum 8' paved width, shoulders and the necessary retaining walls), and thus would result in reduce costs to any future trail enhancements. If it is desired to improve the parcel to a multi-use trail at this time, the estimated cost is \$2.2M.

Proposed Change to Bicycle Boulevard Project Phase 1, 2 & 3 Project

The Bicycle Boulevard Project Phase 1, 2 & 3 project was originally funded at \$1,417,000. This project includes the construction of a variety of bicycle and pedestrian enhancements (raised curb bulb outs including any needed changes for drainage, speed tables, pavement markings, signage, etc.) at the following locations:

- Phase 1
 - North Portal Avenue from Stevens Creek Boulevard to Merritt Drive
 - Merritt Drive from Portal Avenue to western end
 - Greenleaf Drive from eastern end to Castine Avenue
 - Beardon Drive from Greenleaf Drive to Greenleaf Drive
 - Meteor Drive between Mary Ave and Castine Ave
 - Bandle Drive at Mariani Avenue
 - Torre Avenue at Town Center Lane
- Phase 2
 - Calle de Barcelona, between Miller Ave and Finch Ave
 - Finch Ave, between Calle de Barcelona and Tilson Ave

- Tilson Ave, between Finch Ave and Wunderlich Dr
- Wunderlich Dr, between Tilson Ave and Barnhart Ave
- Barnhart Ave, between Wunderlich Dr and Sterling Blvd
- Intersection of Kim St. and Kirwin Ln
- Intersection of Meteor Dr. and Mary Ave.
- Phase 3
 - Linda Vista Drive between McClellan Road and Hyannisport Dr.
 - Hyannisport Dr between Linda Vista Dr and Bubb Rd
 - Fort Baker Dr between Presidio Dr and Hyannisport Dr
 - Santa Teresa Dr between Hyannisport Dr and Terrace Dr
 - Terrace Dr between Santa Teresa Dr and Bubb Rd

The first phase of this project was designed and advertised for construction. Two bids were received and the low bid was in the amount of \$1.69M. This amount was in excess of 13% above the engineers estimate. Consequently, on May 7, 2019, staff recommended and Council authorized rejecting all bids. As an interim measure, staff proposed constructing the Phase 1 project without raised curbs, making only minimal changes to drainage and instead placing temporary bollards. Staff is currently soliciting bids for a reduced scope of work that includes asphalt speed tables with City staff installing the temporary bollards. The total estimated cost for this work is \$300,000.

The second phase of this project is proposed to be constructed similar to the first phase (utilizing temporary bollards). The total estimated cost for the work is \$75,000.

The third phase of this project requires further public outreach in order to determine the scope of improvements which will both achieve the goals of the bike boulevard network and satisfy the concerns of local residents. Consequently, the scope of work for this phase has not been fully defined and no budget has been established.

The advantage of constructing this project utilizing a reduced scope (temporary bollards/minimal drainage improvements) is as follows:

- Not permanent – easily allows for changes if residents or others express a need for a change
- Evaluation – allows staff to evaluate effectiveness of devices and if more permanent improvements are warranted in the future
- Protection – provides designated area for cyclist and pedestrians
- Time – improvements can be completed this calendar year

Upon completing the Phase 1 & 2 and potentially Phase 3 improvements utilizing the reduced scope of work, it is anticipated that up to \$1M of remaining budget will be available in the future for permanent improvements. As costs of permanent improvements have increased, additional dollars will be needed to augment the remaining budget if this permanent work is recommended and authorized by the City Council to complete in the future.

Updated Existing Project Costs

The below table includes bicycle and pedestrian Capital Improvement Program Projects that require additional funding / budget adjustment in FY19-20 for completion.

Project	Original Budget	Estimated New Budget	Increase/ <Decrease>	Outside Funding	Additional Required
Orange & Byrne Ave Sidewalk project	\$3,888,000	\$5,163,438	\$1,275,438	0	\$1,275,438
Linda Vista Trail	0	\$595,000	\$595,000	0	\$595,000
McClellan Road Bike Corridor: Byrne to Torre	\$5,289,000	\$8,830,000	\$3,541,000	\$3,298,059	\$242,941
Bicycle Wayfinding Project	\$50,000	\$115,000	\$65,000	0	\$65,000
				TOTAL	\$2,178,379

Orange & Byrne Ave Sidewalk Project

This project constructs City standard curb, gutter and sidewalk where there are currently gaps along Orange Avenue and Byrne Avenue between McClellan Road and Granada Avenue. As these improvements are proximate to the tri-school area, they rank 5th and 10th, both high priority Tier 1 projects, in the 2018 Pedestrian Plan. Each of these streets are about ½ mile long.

To have improvements consistent with the City's General Plan, right of way acquisition is necessary (requires appraisals, title work, working with individual lenders, and recordation of grant deeds). The donations of property are voluntary and the City offers a waiver of future reimbursement of the cost of improvements if the property is donated. For Byrne Avenue, preliminary design indicates ten right of way requests for donations. Additional design brought this number down to six. Of this six, one donated, four declined and one was non-responsive. For Orange Avenue, preliminary design indicates the need for fifteen property donations. To date, these property owners have not yet been approached.

This work was estimated to cost \$3,888,000 approximately five years ago. The project was subsequently split into two construction contracts and Byrne Avenue is currently being advertised. The engineer's estimate for this project is \$2.3M. Bids open on July 23, 2019.

Due primarily to cost escalation and an initial estimate that did not include adequate soft costs (design, project management), the anticipated total cost of constructing the improvements on both Byrne and Orange is expected to increase by \$1,275,438 for a total estimated cost of \$5,163,438.

As the improvements for this project are predominantly City standard sidewalk and curb/gutter improvements, there are no opportunities to reduce the cost of this project and still maintain effective drainage and accessibility requirements.

McClellan Road Bike Corridor: Byrne to Torre

This project constructs separated (Class IV) bike lanes along McClellan Road between Byrne Ave and De Anza Blvd, and along Pacifica Drive between De Anza Blvd and Torre Ave. The work also includes traffic signal modifications at the intersections of McClellan Road with Stelling Road, Bubb Road, and De Anza Blvd. As this is a primary east-west corridor and a critical route to several schools, the McClellan Road Class IV bikeway ranks as the #2 priority project in the 2016 Bike Plan. Bike Plan projects that have been included as part of the McClellan Road Bike Corridor project because of their location along the corridor include the reconfiguration of the McClellan Road/Stelling Road intersection, reconfiguration of the McClellan Road/Westacres Dr/Kim Street intersection, reconfiguration of the McClellan Road/De Anza Blvd intersection, and Class II bike lanes along Pacifica Drive. These projects ranked 5th, 8th, 14th, and 21st within the 2016 Bike Plan, respectively.

Right of way acquisition is necessary (similar to the Orange & Bryne Ave. Sidewalk Project) for several parcels within the Byrne-to-Imperial segment and the Stelling-to-De Anza segment. Right-of-way is also needed at the northwest corner of the De Anza Blvd intersection. Removal of on-street parking will be required between Stelling Road and De Anza Blvd, and likely between De Anza Blvd and Torre Ave.

This work was estimated to cost \$5,289,000 approximately four years ago. The project was subsequently split into five phases. Phases 1A & 1B are currently under construction.

Due primarily to cost escalation, an initial estimate that did not include adequate soft costs (design, project management) and estimated unit prices that varied greatly in the initial feasibility study, the anticipated total cost of constructing the improvements have increased by \$3,541,000 for a total estimated cost of \$8,830,000 (*Known costs for Phase 1A & 1B provided valuable information into calculating the new estimate*). Outside funding, including the \$2.16M donation from Apple, has significantly helped to offset the additional estimated dollars needed to complete this project.

The new estimated cost to complete this project inclusive of soft costs and reasonable escalation are as follows:

Project Location	Phase #	Design Cost	Construction Cost	Total Project Cost
Imperial to Stelling	1A	\$310,800	\$2,127,500	\$2,438,300
McClellan-Bubb McClellan-Stelling	1B		\$1,486,500	\$1,486,500
Stelling to Torre (W/O signal@ De Anza)	2	\$148,000	\$1,525,200	\$1,673,200
McClellan-De Anza Traffic Signal	3	\$247,000	\$1,914,000	\$2,161,000
Byrne to Imperial	4	\$130,000	\$941,000	\$1,071,000
TOTALS		\$835,800	\$7,994,200	\$8,830,000

As the improvements for this project predominantly include the relocation of curbs, gutter and sidewalk, the installation of physical concrete barriers to separate bicyclists from vehicles, and the modification of traffic signals, there are no opportunities to reduce cost while providing the desired level of safety and encouragement for bicyclists.

Bicycle Wayfinding Project

This project erects approximately 300 signs throughout the City to create a quality environment for cyclist and others to navigate. Bicycle wayfinding assists residents, tourists and visitors in finding key community destinations by bicycle. Signs will include "distance to" information, which displays mileage to community destinations. The implementation of a bicycle wayfinding program was a key recommendation within the 2016 Bike Plan as a way to support and promote bicycling in Cupertino.

The initial cost of \$50,000 was to hire a consultant, Alta Planning+Design, to complete a survey of the proposed bike routes, design a wayfinding brand, and prepare an inventory of signs and construction drawings for the installation of the signs throughout the City. The \$65,000 increase will allow staff to hire a sign fabricator and contractor to install the wayfinding signs citywide per the drawings.

Attachments

- Attachment A - contains a list of all projects within the 2016 Bicycle Transportation Plan in priority order, along with comments noting whether the particular project has been initiated and reason for initiation if not a Tier 1 project.

- Attachment B - contains a list of all projects within the 2018 Pedestrian Transportation Plan in priority order, along with comments noting whether the particular project has been initiated and reason for initiation if not a Tier 1 project.
- Attachment C - contains a list of all currently active bicycle and pedestrian projects, and the status and expected schedule for each project phase.
- Attachment D - contains a list of all projects that have been initiated, but includes a more detailed accounting of the following:
 - Current status and description of the project
 - Project cross-reference to projects as listed in Attachments A and B
 - Original estimated cost, amount currently budgeted, amount budgeted in previous years and funding proposed for FY 19/20
 - Current estimated project costs by phase
 - Sources of funding and funding status
 - Description of public outreach and public hearing events
- Attachment E - Resolution No. 19-XXX Amendment of the FY19-20 CIP Budget

Sustainability Impact

Bicycle and pedestrian improvement projects reduce single occupant vehicle miles traveled in Cupertino. As a result, there would be a reduction in greenhouse gases and a positive sustainability impact. Specific impacts to sustainability will vary depending on the specific project funded.

Fiscal Impact

From capital reserves, add:

- \$1,275,438 to account 270-90-958 for the Orange & Byrne Ave Sidewalk project
- \$242,941 to account 420-99-036 for the McClellan Road Bike Corridor: Byrne to Torre:: Phase 1 & 2 Permanent Improvements
- \$65,000 to account 420-99-036 for the Bicycle Wayfinding Project
- \$595,500 to the Linda Vista Trail Project (account number to be determined).

The balance in the capital reserve account, if each of these projects are funded, will be \$10,997,900.

Prepared by: David Stillman, Transportation Manager

Reviewed by: Roger Lee, Director of Public Works

Approved for Submission by: Deborah Feng, City Manager

Attachments:

- A – Bicycle Transportation Plan Projects by Tier
- B – Pedestrian Transportation Plan Projects by Tier
- C – Bicycle and Pedestrian Transportation Plan Project Schedule
- D – Budget & Other Detail
- E – Resolution No. 19-XXX Amendment of the FY19-20 CIP Budget

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: Written comments for agenda item 26, FY2019-20 Bike and Ped CIP projects

From: Ilango [mailto:ilangog@yahoo.com]
Sent: Tuesday, July 16, 2019 12:30 AM
To: City Council <CityCouncil@cupertino.org>
Subject: Written comments for agenda item 26, FY2019-20 Bike and Ped CIP projects

Dear Mayor and City Council Members,

I am Ilango Ganga, Cupertino Resident speaking for myself. I have the following comments regarding agenda item #26 FY 2019/20 Bike and Ped CIP projects.

Based on Council discussions during the CIP study session, I was under the impression that the City will bring forward an agenda item in July to review the priorities of 2016 Bike transportation plan and 2018 Pedestrian transportation plan projects. However, I see that the City has decided to not to review the priorities and instead just asking for approval of funding for some existing and one new project for the FY 2019-20.

My request for the Council is to discuss high priority projects like Stevens Creek Blvd protected bikeway project, which is ranked #1 with a score 91, is not being prioritized for funding in FY 2019-20. The phase 1 Wolfe to Tantau (\$1.8M) is funded by Apple, whereas the phase 2 (current estimate \$1.9M) Wolfe to Hwy 85 could further be split into sections between Wolfe to De Anza and De Anza to Stelling and the work could be started for these sections as early as this financial year. The phase 3 (Hwy 85 to Foothill, current estimate at \$2.0M) could be done in subsequent years.

Also the existing Bike Boulevard projects (funding already approved) should be completed on schedule (supposed to be completed in summer 2019 but currently running behind schedule) that have higher return on investment. Bike Blvd 1 connects Portal to Lawson, Bike Blvd 2 connects Barnhart to CHS, Bike Blvd 3 connects to Cupertino High from Torre Ave through Creekside park, and so on.

Any project at a lower priority which comes to the Council for new funding should be compared against existing unfinished high priority projects before considering approvals. Public would like to know why the tax payer dollars are not being allocated for most high impact projects as opposed to nice to have ones.

Another important point to note is the significant escalation of construction costs compared to the initial estimates (as noted in attachment D, modified budget). The project costs have gone up even from the recent project list presented to the Council on Jun 18th (for example McClellan Rd Project was noted as \$5.2M on Jun 18, 2019 whereas this has been revised to \$8.83M in Jul'19 for the next Council meeting). While there could be valid reasons for these escalations, the City should have better process of estimating the costs, otherwise the City is losing trust/credibility with the public and the Council. Public might even think if it is a bait and switch, a tactic to low ball the numbers to get the projects approved.

The city needs to manage the project costs wisely by either use value engineering and/or use AASHTO guidelines for path selection, so we don't over engineer paths and use appropriate bikeway types for appropriate streets/traffic levels/speed/usage.

Thanks for your consideration.

Regards,
Ilango Ganga
Cupertino Resident

Cyrah Caburian

From: Larry Dean <ldean95014@comcast.net>
Sent: Tuesday, July 16, 2019 7:33 AM
To: Steven Scharf; Rod Sinks; Darcy Paul; Jon Robert Willey; Liang Chao
Cc: Cupertino City Manager's Office
Subject: Support for the Linda Vista Trail

Dear Mayor Steven Scharf and Council,

We are 25-year residents of Rae Lane and our property is 50 yards the proposed Linda Vista trail. I am very familiar with the trail and neighborhood, having walked it many times over the years. We wholly support the development of this potentially great asset to our immediate community, as it will encourage a healthy lifestyle, get people out of their cars and make our neighborhood even safer. The city staff's recommendation to open it up as a path is a spot on approach. It is cost efficient and will allow the residents and the city to see how its use evolves over time in a cost effective manner.

This trail removes an impediment to walk or bike from point to point in an expedient path – as opposed to having to take circuitous and lengthy routes designed for cars. For example, my front door is about 50 yards (as the crow flies) to the entry of McClellan Ranch, but it's a ½ mile walk on city streets to get to the same point!

We trust that the implementation process will keep us up to date and include us in the feedback process to accommodate any safety and property concerns that we might have.

Thank you for having the vision and foresight to invest in our community and neighborhoods. We strongly support the Linda Vista Trail.

Sincerely,

Larry and Laurie Dean

22159 Rae Lane

Cupertino, CA 95014

Total Control Panel

To: liangchao@cupertino.org
From: ldean95014@comcast.net

Message Score: 1
My Spam Blocking Level: Custom

[Block this sender](#)
[Block comcast.net](#)

High (60): Pass
Medium (75): Pass
Low (90): Pass
Custom (55): Pass

[Login](#)

This message was delivered because the content filter score did not exceed your filter level.

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: Linda Vista Trail Project
Attachments: Support Letter to council rev 07 15 19 (1).docx

From: Edwin Ramage [mailto:eramage@sbcglobal.net]

Sent: Tuesday, July 16, 2019 8:55 AM

To: Steven Scharf <SScharf@cupertino.org>; Liang Chao <LiangChao@cupertino.org>; Rod Sinks <RSinks@cupertino.org>; Darcy Paul <DPaul@cupertino.org>; Jon Robert Willey <JWilley@Cupertino.org>

Cc: Cupertino City Manager's Office <Manager@cupertino.org>

Subject: Linda Vista Trail Project

Mayor Scharf and City Council,

Please find our attached letter of support for the Linda Vista Trail Project. Please feel free to contact Joanie or myself with any questions you may have regarding our information.

Thank you,

Ed Ramage CLS

Total Control Panel

[Login](#)

To: liangchao@cupertino.org
From: eramage@sbcglobal.net

Message Score: 10
My Spam Blocking Level: Custom

High (60): Pass
Medium (75): Pass
Low (90): Pass
Custom (55): Pass

[Block](#) this sender
[Block](#) sbcglobal.net

This message was delivered because the content filter score did not exceed your filter level.

July 15, 2019

Dear Mayor Steven Scharf and Council,

We are 60 year residents of 10711 Rae Lane and our property abuts the proposed Linda Vista trail. In general, we wholly support the development of this potentially great asset to our immediate community, as it will encourage a healthy lifestyle, get people out of their cars and make our neighborhood even safer.

Our concern is primarily about maintaining our privacy and personal security and trust that design and implementation will maintain or improve those issues with the new trail. We trust that the implementation process will keep us up to date and include us in the feedback process to accommodate any safety and property concerns that we have.

Thank you for having the vision and foresight to invest in our community and neighborhoods.

Sincerely,

Ed and Joan Ramage

Xxxx Rae Lane

Cupertino, CA 95014

- **Cupertino City Council:**
- Mayor: Steven Scharf , sscharf@cupertino.org
- Vice Mayor: Liang Chao, liangchao@cupertino.org
- Council member: Rod Sinks , rsinks@cupertino.org
- Council member: Darcy Paul , dpaul@cupertino.org
- Council member: Jon Willey, jwilley@cupertino.org
- **Cupertino City Department Contact: Deb Feng**
- City Manager: manager@cupertino.org

CC 7-16-19
#26

July 15, 2019

Dear Mayor Steven Scharf and Council,

We are 60 year residents of 10711 Rae Lane and our property abuts the proposed Linda Vista trail. In general, we wholly support the development of this potentially great asset to our immediate community, as it will encourage a healthy lifestyle, get people out of their cars and make our neighborhood even safer.

Our concern is primarily about maintaining our privacy and personal security and trust that design and implementation will maintain or improve those issues with the new trail. We trust that the implementation process will keep us up to date and include us in the feedback process to accommodate any safety and property concerns that we have.

Thank you for having the vision and foresight to invest in our community and neighborhoods.

Sincerely,

Ed and Joan Ramage

10711 Rae Lane

Cupertino, CA 95014

• **Cupertino City Council:**

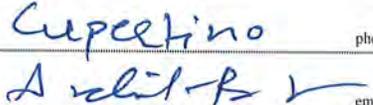
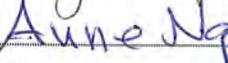
- Mayor: Steven Scharf , sscharf@cupertino.org
- Vice Mayor: Liang Chao, liangchao@cupertino.org
- Council member: Rod Sinks , rsinks@cupertino.org
- Council member: Darcy Paul , dpaul@cupertino.org

- Council member: Jon Willey, jwilley@cupertino.org
- **Cupertino City Department Contact: Deb Feng**
- City Manager: manager@cupertino.org

Petition for Blackberry Farm-McClellan Ranch to Linda Vista Park Trail

This petition is in support of connecting Blackberry Farm-McClellan Ranch to Linda Vista Park which was removed from the city's priority list for capital improvements. At the June 18, 2019 city council meeting, supporters urged the council to reconsider their decision on this project. One of the arguments presented in the meeting is that it is a cost-effective project since owner of the road connecting these two community assets is willing to donate the property to the city. The city council will consider funding priorities at its July 16 meeting and we are gathering signatures to make sure that this trail is put back in their priority list.

We the undersigned urge the Cupertino City Council to open the trail from Blackberry Farm-McClellan Ranch to Linda Vista Park in a cost-effective manner and to prioritize funding in the 2019-20 capital improvements budget for this purpose. Please PRINT legibly.

	Print Name	Signature	Phone
	Address	City, zip	email
1	Rayma Williams 21793 Olive Ave	 Cupertino 95014	
2	PETER BROWN 10386 Alpine Dr. #2	 Cupertino	
3	MISUMI H. BROWN 10386 Alpine Dr.	 Cupertino	
4	10794 Deep Cliffe ARCHIT BAN SAL	 Cupertino	
5	Daniel Castellano 22034 Cedarwood Ct	 Cupertino	
6	Jayne Ham 11713 Dorothy Anne Way	 Cupertino	
7	Anne Ng 6031 Bolinger Rd	 Cupertino 95014	
8	Mark Durus 21912 Almaden Ave	 Cupertino, CA 95014	
9	Pengfei Wang 10362 Scenic Circle	 Cupertino CA 95014	
10	Momoko Karube 10190 Pasadena Ave.	 Cupertino	

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	Print Name	Signature	Phone
	Address	City, zip	email
1	Lily Lim		
	12378 Vash Knoll Blvd.	95014	
2	Chandra Sakthivel		
	10095, Orange Ave	95014	
3	Kumudini Irkar		
	10015 Orange Ave	95014	
4	H. J. Yuan		
	21821 San Fernando Ave	95014	
5	X Liu		
	10079 Oakleaf Pl	Cupertino 95014	
6	Subodh Gupta		
	10467 Merriam Rd	Cupertino, 95014	
7	Smriti Gupta		
	10467 Merriam Rd	Cupertino 95014	
8	Jan Douglas		
	22395 St. Andrews Ave	Cupertino	
9	Lorika Arceneaux		
	22067 Clearcreek Court	Cupertino	
10	Robert Green		
	10120 Penngula Ave.	Cupertino 95014	

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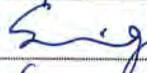
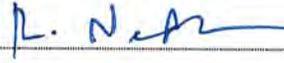
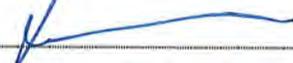
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	Print Name	Signature	Phone
	Address	City, zip	email
1	YEN, PAU-LING	<i>Pau Ling S. Yen</i>	
		Cupertino 95014	
2	Tim Mascyn	<i>Tim Mascyn</i>	
		Cupertino 95014	
3	Elizabeth wang	<i>Elizabeth Wang</i>	
	10362 Scenic circle	Cupertino, CA	
4	Gary Linscott	<i>Gary Linscott</i>	
	21751 Olive Ave	Cupertino, CA	
5	Liza Cahn	<i>Liza Cahn</i>	
	21751 Olive Ave	Cupertino CA	
6	Jeanne Payor	<i>Jeanne Payor</i>	
	10464 Demoster		
7	BRIAN BANDERA	<i>Brian Bandera</i>	
	21900 SAN FERNANDO AVE	CUPERTINO CA 95014	
8	James Zeng	<i>James Zeng</i>	
	21920 EATON place	Cupertino CA 95014	
9	Hina M. Sparoshian	<i>Hina M. Sparoshian</i>	
	21612 Columbus Ave.	Cupertino, CA.	
10	Cheng Zhang	<i>Cheng Zhang</i>	
	21327 Glen Place Apt 4	Cupertino 95014	

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	Print Name	Signature	Phone
	Address	City, zip	email
1	print ARUN KUMAR	sign 	phone
	Address 10100 Torrey Ave, 146,	city, zip Cupertino, CA 95014	email
2	print Snow Dong	sign 	phone
	Address 10100 Torrey Ave 146	city, zip Cupertino, CA 95014	email
3	print PADMA PURUSHOTHAMAN	sign 	phone
	Address 21684 OLIVE AVE	city, zip Cupertino, CA 95014	email
4	print " " "	sign 	phone
	Address	city, zip	email
5	print Lili Niu	sign 	phone
	Address 22550 Kinst Ct	city, zip Cupertino	email
6	print Gang Wang	sign 	phone
	Address 22550 Kinst Ct	city, zip Cupertino	email
7	print Ali Khuram	sign 	phone
	Address 1010 SEP DEV	city, zip CUPERTINO	email
8	print TIM KURRECK	sign 	phone
	Address 10165 ORANGE	city, zip CUPERTINO 95014	email
9	print DENISE KURRECK	sign 	phone
	Address 10165 ORANGE	city, zip CUPERTINO 95014	email
10	print JINESH SHAH	sign 	phone
	Address 7924 MCCLELLAN	city, zip CUPERTINO 95014	email

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	Print Name	Signature	Phone
	Address	City, zip	email
1	10387 Mira Vista Rd. Cupertino, CA 95014	[Signature]	
2	Steve Swan 10387 Mira Vista Rd. Cupertino, CA 95014	[Signature]	
3	Harsh Bhatt 10115 Scenic Blvd. Cupertino CA 95014	[Signature]	40
4	Sam Monga 10115 Scenic Blvd Cupertino CA 95014	[Signature]	
5	Kalyani Khodke Cupertino CA 95014	[Signature]	
6	SAGAR BEHERE 22620 SANTA PAULA AVE CUPERTINO CA 95014	[Signature]	
7	MANDJ DAS 21858 Almaden Ave Cupertino	[Signature]	
8	SWARAM SOMA 22437 Walnut Cir N Cupertino	[Signature]	
9	SOUJANYA SWAMY 22437 Walnut Cir N Cupertino,	[Signature]	
10	Justin Krull 21793 Olive Ave Cupertino	[Signature]	

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	Print Name	Signature	Phone
	Address	City, zip	email
1	Robert Seero	Robert Seero	
	10466 BYRNE AVE	CUPERTINO CA	
2	Christina Armstrong	Christina Armstrong	
	10311 Palo Vista Road	Cupertino Ca	
3	DRAVIN GUPTA	Dravin Gupta	
	2166 oakleaf ct	Cupertino	
4	Pei-Shan Chiang	Pei-Shan Chiang	
	1122 Clarkston Ave	Cupertino	
5	Neng-Tze Wong	Neng-Tze Wong	
	1122 Clarkston Ave	Cupertino	
6	SONJA SEBERG	Sonja Seberg	
	20153 Somerset Dr.	Cupertino	
7	Erik Olson	Erik Olson	
	20153 Somerset Dr	Cupertino 95014	
8	S. SHROTRI	S. Shrotri	
	20179 NORTHWEST SQ	CUPERTINO	
9	M. SHROTRI	M. Shrotri	
	20179 NORTHWEST SQ	CUPERTINO	
10	KAI-NIEN TU	Kai-Nien Tu	
	21869 MONTE COURT	CUPERTINO	

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	Print Name	Signature	Phone
	Address	City, zip	email
1	Tracy Han 10367 Byrne Ave	 Cupertino	
2	Joe Lu 10764 Stevens Canyon	 95014	
3	Chadive Han 10367 Byrne Ave	 Cupertino	
4	Jukti Singh 10067 Byrne Ave	 Cupertino	
5	Indrajest Singh 10067 Byrne	 Cupertino	
6	Clinton Uyehara 10111 Scenic Blvd	 Cupertino	
7	Rosa Li 22413 Ramona Ct.	 Cupertino	
8	Gordon Li 22413 Ramona Ct.	 Cup.	
9	Katherine Kwan 10392 Scenic Cir	 Cupertino	
10	Soyce Cheng 10392 Scenic Cir	 Cupertino	

**Petition for
Blackberry Farm-McClellan Ranch to Linda Vista Park Trail**

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	Print Name	Signature	Phone
	Address	City, zip	email
1	Dee Buhler 10372 Scenic Cr.	<i>[Signature]</i> Cupertino 95014	
2	LUIS BOHLER 10372 SCENIC CR.	<i>[Signature]</i> CUPERTINO, CA	
3	10440 SCENIC BLVD SAILA KOGANTI	Cupertino, CA K SAILA RANI?	
4	Elena Marlieu 10288 E Estefes Dr	<i>[Signature]</i> Cupertino CA	
5	Yuki Doshiro 22438 Walnut Cir	<i>[Signature]</i> Cupertino, CA	
6	Yasuo Doshiro 22438 Walnut Cir S	<i>[Signature]</i> Cupertino CA	
7	Raphael Kochuvaried 22447 Santa Paula Ave	<i>[Signature]</i> CUPERTINO, CA	
8	Rob Fisher 22208 Quintermoct	<i>[Signature]</i> Cupertino, CA 95014	
9	JAYSHREE NARASIMH 10431 CRESTONDA	<i>[Signature]</i> LOS ALTOS, CA	
10	Shreyas Bharadwaj 10431 Creston Dr.	<i>[Signature]</i> Los Altos CA 94024	

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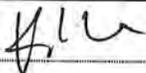
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	Print Name	Signature	Phone
	Address	City, zip	email
1	print Bell De Vincentis Address 10444 Lockwood Dr	sign city, zip 95014	phone email
2	print Jan L. Feldman Address 21911 Hermosa Ave	sign Jan L. Feldman city, zip Cupertino CA 95014	phone email
3	print Ruth Seyer Address 10271 Scenic Blvd	sign city, zip 95014 Cupertino	phone email
4	print Aravind Meyyappan Address 10057 Scenic Blvd	sign city, zip 95014	phone email
5	print Joanna Rafalska Address 1014 Aron dale St	sign city, zip SAN JOSE	phone email
6	print Vasunathan Address CUPERTINO	sign city, zip 95014	phone email
7	print RESIT RODA Address 226103 San Juan Rd	sign city, zip 95014 Cupertino	phone email
8	print Rishikesh Kulkarni Address 10730 Maxine AVE	sign city, zip CUPERTINO 95014	phone email
9	print Vrushali Deo Address 10730 Maxine Ave	sign city, zip Cupertino 95014	phone email
10	print Kent Morris Address 10514 MADRONA Ct	sign city, zip 95014	phone email

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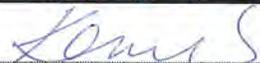
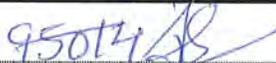
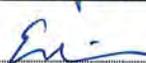
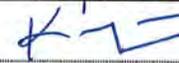
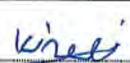
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	Print Name	Signature	Phone
	Address	City, zip	email
1	print Hidetaka Karube	sign 	phone
	Address Cupertino	city, zip	email
2	print Oren Yagobi	sign 	phone
	Address 825 Hollenbeck	city, zip Sunnyvale	email
3	print Diego Cruz Castillo	sign 	phone
	Address 10870 N Stelling Road	city, zip Cupertino, 95014	email
4	print Ellen Chumbe Fernandez	sign 	phone
	Address 10870 N Stelling Rd	city, zip Cupertino, 95014	email
5	print Sebastian Zhang	sign 	phone
	Address 21837 Monte Ct	city, zip Cupertino, 95014	email
6	print Carlos Hernandez	sign	phone
	Address N Stelling Rd.	city, zip Cupertino 95014	email
7	print Bill Fry	sign 	phone
	Address San Fernando	city, zip Cupertino	email
8	print Michelle Streed	sign 	phone
	Address 22347 McClellan Rd	city, zip Cupertino 95014	email
9	print Kuoching Li	sign 	phone
	Address 22419 Janice Ave	city, zip Cupertino 95014	email
10	print Mohandas Rao	sign 	phone
	Address 10089, OAKLEAF	city, zip - CUPERTINO	email

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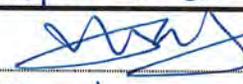
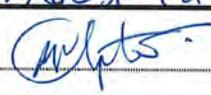
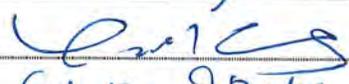
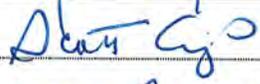
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	Print Name	Signature	Phone
	Address	City, zip	email
1	print Hungsin Kuo	sign 	phone
	Address San Jose	city, zip 95129	email
2	print 	sign 	phone
	Address San Ramon	city, zip 94582	email
3	print Anu Sami	sign 	phone
	Address 10037 scenic Blvd Cupertino	city, zip 95014	email
4	print BOB COWE	sign 	phone
	Address 10279 PALO VISTA	city, zip CUPERTINO	email
5	print MANJULA NAVARATHAN	sign 	phone
	Address 21853 OAKVIEW LANE	city, zip 95014 CUPERTINO	email
6	print Markus Weber	sign 	phone
	Address 22065 McClellan Rd	city, zip Cupertino	email
7	print Eiko Weber	sign 	phone
	Address 22065 McClellan Rd	city, zip Cupertino	email
8	print Kavya Shah	sign 	phone
	Address	city, zip Cupertino	email
9	print Raghav Devarakonda	sign 	phone
	Address	city, zip	email
10	print Kirruti Devarakonda	sign 	phone
	Address	city, zip	email

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	Print Name	Signature	Phone
	Address	City, zip	email
1	print Helen Morris	sign 	phone
	Address 10514 Madrona Ct	city, zip Cupertino CA 95014	email
2	print Vincent Wong	sign 	phone
	Address 12231 Via Ronoke	city, zip Saratoga	email
3	print D. Gerner	sign 	phone
	Address 10326 Tonita way	city, zip Cupt	email
4	print KARL GERNER	sign 	phone
	Address 10326 TONITA WAY	city, zip CUPERT.	email
5	print Cardlyn Apte	sign 	phone
	Address 4976 Harmony Way	city, zip San Jose Ca 95130	email
6	print PUSANKAR Apte	sign 	phone
	Address	city, zip	email
7	print WALTER DONC BECK	sign 	phone
	Address 1148 DERBYSHIRE DR	city, zip CUPERTINO, 95014	email
8	print Yuheng Kuang	sign 	phone
	Address 10022 Soinic Blvd	city, zip Cupertino, 95014.	email
9	print Scott Camp	sign 	phone
	Address .10223 Paulo Vista Ave	city, zip Cupertino	email
10	print CATHERINE WONG	sign 	phone
	Address 22350 AINSWORTH	city, zip Los Altos, CA 94024	email

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	Print Name	Signature	Phone
	Address	City, zip	email
1	print Kayla Leung	sign Kayla	phone
	Address 22350 Ainsworth	city, zip Los Altos, CA	email
2	print Suya Gednek.	sign Sg	phone
	Address 10490 S. Foothill	city, zip Cupertino, CA	email
3	print Geogin George	sign Gg	phone
	Address 10490 S. Foothill	city, zip Cupertino, CA	email
4	print Mena Gupta	sign Mehagupta	phone
	Address 21966 oakleaf ct	city, zip CUPERTINO, CA	email
5	print sruthi Mikkilineni	sign sruthi	phone
	Address 7577 ERIN way	city, zip 95014, Cupertino CA	email
6	print D NITTA	sign	phone
	Address 11414 S. WILSON	city, zip cup	email
7	print K. NITTA	sign	phone
	Address 10412 Scenic Cir	city, zip CUPT	email
8	print Edmundo de la Puente	sign Ed de la Puente	phone
	Address 21815 Eaton Pl	city, zip Cupertino, CA	email
9	print Juanita de la Puente	sign Juanita de la Puente	phone
	Address 21815 Eaton Pl	city, zip Cupertino, CA 95014	email
10	print Angel Rey	sign AR	phone
	Address 10161 Santa Clara Ave	city, zip Cupertino 95014	email

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	Print Name	Signature	Phone
	Address	City, zip	email
1	John Seyer 10271 Iconic Blvd	 Cupertino, CA 95014	
2	Guo-Tai Lee 21857 Almaden Ave	 Cupertino, CA 95014	
3	Shreya Viswaha Address	 Cupertino	
4	Amit K. Behara 22810B San Juan Rd	 Cupertino	
5	KARTHIK ANANTHARAMAN 21989 McClellan ROAD	 Cupertino, 95014	
6	Anjana chandhury 7475 Rainbow Drive	 Cupertino, 95014	
7	Bhaskar Gopal 22540 KINGS CT.	 CUPERTINO	
8	Janya Bhaskar 22540 King Ct.	Janya Bhaskar Cupertino, 95014	
9			
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	Address	City, zip	email
1	print Ahmet Gokcek	sign <i>A G M</i>	phone
	Address 22299 Janice Ave	city, zip Cupertino CA	email
2	print Birsen Gokcek	sign <i>Birsen</i>	phone
	Address 22299 Janice Ave	city, zip 94306	email
3	print Kiran Palla	sign	phone
	Address 10316 Tonita way	city, zip	email
4	print Mallika Mitra	sign	phone
	Address 7968 McClellan Rd	city, zip	email
5	print Pruthi Kaur	sign <i>Pruthi</i>	phone
	Address 21500 Kinet Ct	city, zip 95014	email
6	print	sign	phone
	Address	city, zip	email
7	print	sign	phone
	Address	city, zip	email
8	print	sign	phone
	Address	city, zip	email
9	print	sign	phone
	Address	city, zip	email
10	print	sign	phone
	Address	city, zip	email

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	Print Name	Signature	Phone
	Address	City, zip	email
1	Joanne Tanabe	Joanne Tanabe	
	1300 Dicksonburg Dr	Cupertino 95014	
2	Nancy Burnett	Nancy Burnett	
	719 Steadfast Lane	95014 Cupertino	
3	Anne Ng	Anne Ng	
	6031 Bollinger Rd	Cupertino 95014	
4	SAMUEL NG	Samuel Ng	
	6031 Bollinger Rd.	Cupertino	
5			
6			
7			
8			
9			
10			

CC 07-16-19 #28

Agenda Posting Timeline

Late Written Communications

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: Written Communication to Agenda Item #28 - Timeline for posting council agenda packet

From: Ilango [mailto:ilangog@yahoo.com]
Sent: Monday, July 15, 2019 7:07 PM
To: City Council <CityCouncil@cupertino.org>
Subject: Written Communication to Agenda Item #28 - Timeline for posting council agenda packet

Dear Mayor and Council Members,

I am a Cupertino Resident speaking for myself. I strongly support posting the agenda packet and materials earlier than 6 days prior of the Council meeting. I have been a regular attendee for most of the Council meetings for almost 2 years. Here are my reasons.

1. As a resident, I need more time to review the agenda materials , do research and provide informed feedback to the Council. This requires more than 6 days. Most residents have full time jobs and do not have time to review during one weekend.
2. In addition, when the residents submit written communications, the Council members need few days to review the public comments before coming to the meeting. I have at times sent written communications up until the last moment due to lack of time and the volume of material that has to be reviewed. So,posting the materials early would enable residents to provide meaningful feedback ahead of the meeting.
3. I would like my Council members to have more time to review the agenda materials before making their decisions. Since most of the Council members hold full time jobs, they might need more than 6 days to review the material, especially these days there are more than 20+ items in the agenda.

For example, I have attended Valley Water meetings during the past year. They post the agenda packet including staff presentation materials (slides)10 days before the meeting (Please check with Valley Water for accuracy). This has been very helpful to review the topics and provide feedback. In the City of Cupertino, the presentation slides get posted up until the day of the meeting practically providing no time to review before the meeting.

I believe if the City starts following the process of posting reports early, then it it becomes a habit where the Staff would prepare in advance before bringing it to the agenda. I would support posting the agenda packet including materials at least 11 days before the meeting similar to City of Palo Alto.

Thanks,
Ilango Ganga