



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Tuesday, March 31, 2020

5:30 PM

Amended Special Meeting Non-Televised Closed Session (5:30) and Televised Open Session (6:45)

Amended at 2:25 p.m. on 3/30/20 to update the Teleconference / Public Participation Information to observe the meeting, to comment on an item, and to add 3. Teleconferencing Instructions; and to add revised Agenda Item No. 5 Attachment A – Draft Minutes

CITY OF CUPERTINO, CITY COUNCIL MEETING

MARCH 31, 2020

TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION TO HELP STOP THE SPREAD OF COVID-19

In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location to help stop the spread of COVID-19.

Members of the public wishing to observe the meeting may do so in one of the following ways:

- 1) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.**
- 2) The meeting will also be streamed live on and online at www.Cupertino.org/youtube and www.Cupertino.org/webcast**

Members of the public wishing comment on an item on the agenda may do so in the following ways:

- 1) E-mail comments for the closed session or open session by 5:00 p.m. on Tuesday, March 31 to the Council at citycouncil@cupertino.org. These e-mail comments will also be forwarded to Councilmembers by the City Clerk's office before the meeting and posted to the City's website after the meeting.**
- 2) E-mail comments for the closed session or open session during the times for public comment during the meeting to the City Clerk at cityclerk@cupertino.org. The City Clerk will read the emails into the record, and display any attachments on the screen, for up to 3 minutes (subject to the Mayor's discretion to shorten time for public comments).**

3) Teleconferencing Instructions

Members of the public may provide oral public comments during the open session teleconference meeting as follows:

Oral public comments will be accepted during the open session teleconference meeting. Comments may be made during “oral communications” for matters not on the agenda, and during the public comment period for each agenda item. A system for oral public comments is not available during the closed session teleconference meeting.

To address the City Council, click on the link below to access the meeting.

Phone

Dial: (888) 788 0099 and enter Webinar ID: 635 108 459 (Type *9 to raise hand to speak)

Online

Visit: <https://cityofcupertino.zoom.us/j/635108459> and enter Webinar ID: 635 108 459

Please read the following instructions carefully:

1. You can directly download the teleconference software or connect to the meeting in your internet browser. If you are using your browser, make sure you are using a current and up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers, including Internet Explorer.
2. You will be asked to enter an email address and a name, followed by an email with instructions on how to connect to the meeting. Your email address will not be disclosed to the public. If you wish to make an oral public comment but do not wish to provide your name, you may enter “Cupertino Resident” or similar designation.
3. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
4. When called, please limit your remarks to the time allotted and the specific agenda topic.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this teleconference City Council meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 6 hours in advance of the Council meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Tuesday, March 31, 2020, commencing at 5:30 p.m. for a Closed Session and an Open Session at 6:45 p.m. In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

SPECIAL MEETING

CLOSED SESSION - 5:30 PM

1. Subject: Conference with Legal Counsel - Anticipated Litigation; (Government Code Section 54956.9(d)): Possible Initiation of Litigation (Government Code Section 54956.9(d)(4)) (1 matter).
2. Subject: Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to paragraph (3) of subdivision (d) of Section 54956.9: (1 Claim) (Clean Cut Landscape Incorporated (CCLI)).
[A - Clean Cut Landscape Inc. Claim No. 1](#)

RECESS

OPEN SESSION - 6:45 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

3. Subject: Staff Presentation on Rosenberg's Rules of Order
Recommended Action: Receive Staff Presentation on Rosenberg's Rules of Order
[A - Rosenberg's Rules of Order](#)

POSTPONEMENTS

ORAL COMMUNICATIONS

This portion of the meeting is reserved for persons wishing to address the Council on any matter within the jurisdiction of the Council and not on the agenda. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter

not listed on the agenda.

REPORTS BY COUNCIL AND STAFF (10 minutes)

4. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments

CONSENT CALENDAR

Unless there are separate discussions and/or actions requested by council, staff or a member of the public, it is requested that items under the Consent Calendar be acted on simultaneously.

5. Subject: Approve the February 24 City Council Minutes
Recommended Action: Approve the February 24 City Council Minutes
[A - Draft Minutes](#)
6. Subject: Approve the March 3 City Council minutes
Recommended Action: Approve the March 3 City Council minutes
[A - Draft Minutes](#)
7. Subject: Set application deadline and interview dates for three terms expiring on the Teen Commission.
Recommended Action: Set application deadline and interview dates for three terms expiring on the Teen Commission and approve:
1.) Applications due in the City Clerk's office by 4:30 p.m. on Friday, May 8; and
2.) Interviews held beginning at 5:30 p.m. on Tuesday, May 26 and Wednesday, May 27 (as needed)
[Staff Report](#)
[A - Adopted Resolution Governing Teen Commission Recruitment](#)
8. Subject: Application for Alcohol Beverage License for P&S Cupertino, Inc (dba Vons Chicken Cupertino), 10520 S. De Anza Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for P&S Cupertino, Inc (dba Vons Chicken Cupertino), 10520 S. De Anza Boulevard
[Staff Report](#)
[A - Application](#)
9. Subject: Increase the authorized construction contingency for the 2019 Pavement Maintenance Phase 1 Project, Project No. 2019-103 by \$150,000. No additional budget allocation is requested.

Recommended Action: Increase the authorized construction contingency for the 2019 Pavement Maintenance Phase 1 Project by one hundred fifty thousand dollars (\$150,000) for a revised contract amount to G. Bortolotto & Co. not to exceed \$2,992,568.

[Staff Report](#)

[A - Bortolotto Quote dated February 27 2000](#)

[B - Contract Unit Cost Comparison](#)

10. Subject: Resolution of support for McClellan Rd Separated Bikeway project for Vehicle Emissions Reductions Based at Schools (VERBS) grant application.

Recommended Action: Adopt Resolution No. 20-027 approving a request for support to complete VERBS grant application commitments consistent with the requirements of the application.

[Staff Report](#)

[A - Draft Resolution](#)

11. Subject: Resolution Designating Agents to Apply for Federal and State Disaster Financial Assistance

Recommended Action: Adopt Resolution No. 20-031 Designating Agents to Apply for Federal and State Disaster Financial Assistance

[Staff Report](#)

[A - Designation of Applicant's Agent Resolution for Non-State Agencies](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

ORDINANCES AND ACTION ITEMS

12. Subject: Consider participation in and funding for the Santa Clara/Santa Cruz Counties Airport/Community Roundtable on Aircraft Noise in the South Bay.

Recommended Action: Provide direction to staff to:

1. Continue participation in the Santa Clara/Santa Cruz Counties Airport/Community Roundtable on aircraft noise in the South Bay; confirm or change existing Council representatives; or
2. Adopt Resolution No. 20-029 rescinding Resolution No. 18-083 and withdrawing from the Santa Clara/Santa Cruz Counties Airport/Community Roundtable.

[Staff Report](#)

[A - Draft Resolution](#)

[B – Resolution No. 18-083](#)

[C - Staff Report August 2018](#)

[D - Staff Report January 2019](#)

[E - Roundtable Staff Report February 2020](#)

[F – Funding Allocation Draft](#)

13. Subject: FY 2020-21 City Work Program
Recommended Action: Adopt FY 2020-21 City Work Program
Staff Report
A - Proposed FY 2020-21 City Work Program
B - Proposed FY 2020-21 City Work Program - Outlining Changes from 2.24.20

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

ADJOURNMENT

The City of Cupertino has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a final decision of the City Council must be brought within 90 days after a decision is announced unless a shorter time is required by State or Federal law.

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to <http://www.cupertino.org/cityclerk> for a reconsideration petition form.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this teleconference City Council meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 6 hours in advance of the Council meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

Any writings or documents provided to a majority of the Cupertino City Council after publication of the packet will be made available for public inspection in the City Clerk's Office located at City Hall, 10300 Torre Avenue, during normal business hours and in Council packet archives linked from the agenda/minutes page on the Cupertino web site.

IMPORTANT NOTICE: *Please be advised that pursuant to Cupertino Municipal Code 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.*



CITY OF CUPERTINO

Legislation Text

File #: 20-7281, **Version:** 1

Subject: Conference with Legal Counsel - Anticipated Litigation; (Government Code Section 54956.9(d)): Possible Initiation of Litigation (Government Code Section 54956.9(d)(4)) (1 matter).



CITY OF CUPERTINO

Legislation Text

File #: 20-7007, **Version:** 1

Subject: Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to paragraph (3) of subdivision (d) of Section 54956.9: (1 Claim) (Clean Cut Landscape Incorporated (CCLI)).



April 24, 2019

John Raaymakers, PE
Public Works Project Manager
Public Works
Re: South De Anza Boulevard Medians-Phase 1 – Claim No. 1

Mr. Raaymakers

This letter is in response to the City of Cupertino's letter dated March 28th, 2019. Clean Cut Landscape Incorporated (CCLI) does not agree with the statements made and/or the attachments to the City of Cupertino's letter. CCLI is submitting Claim No 1 as attached to this letter.

CCLI has completed a Time Impact Analysis (TIA) using the acceptable P6 Primavera Software. The Contract ran for two hundred and seven (207) calendar days, of which seventy three (73) calendar days are original contract construction days. The amount of, one hundred and thirty four (134) calendar days are the days the contract was extended. Of the one hundred and thirty four (134) calendar days, thirty five (35) calendar days are non-compensable and are days that extra work was performed, holidays and weather days. Nineteen (19) calendar days are non-excusable and subject to liquidated damages. Eighty (80) calendar days are compensable days and subject to extended costs. A total of one hundred and sixteen (116) calendar days are excusable delay time extension. (See attachments)

CCLI encountered several City cause delays and disruptions including but not limited to; late and/or non-responsive change order requests, delays to material approvals, excessive extra work, unforeseen work, etc. these delays and disruptions were not caused by CCLI, but were caused by the actions and/or inactions of the City of Cupertino.

In regards to the Arbor Precast Concrete Columns specifically, CCLI is not in agreement with the City of Cupertino's deduction of 10% (\$3,873.60). John Cahalan (JCLA Architect) was informed by Dura Art specifically that the design is untenable prior to fabrication. By adding sharp 45 angles on all corners a condition was created in which the installation and functionality of the razor thin edges was untenable and impossible. Standard 90 degree corners are both the standard and recommended. The repairs are due to this specific design flaw as well as the obvious ongoing arbor modulation as evidenced in the recorded videos. Simply, the razor thin cementitious product is too thin to function. These repairs were completed by CCLI Employees with material approved



and supplied by the same fabricator, Dura Art. Dura Art shipped the same material as a Patch kit that was used in the initial fabrication of the Column Wraps. The City of Cupertino has not expressed to CCLI in any correspondence that the repairs made were unacceptable and/or given any reason that the repairs were unacceptable. Therefore the City of Cupertino's position to deduct 10% (\$3,873.60) has no merit.

In regards to the City of Cupertino's Eight (8) unilateral change orders, CCLI is not in agreement with all Eight (8) unilateral change orders. In all Eight (8) unilateral change orders the City of Cupertino has not included any days for the work stated on the unilateral change orders. Nor has the City of Cupertino calculated said unilateral change orders correctly. In the attached claim you will find CCLI's breakdown of each individual Request for Price Quotation, Extra Work Bill at Force Account and Increase/Decrease in Items per Contract Documents.

Upon reviewing the Time Impact Analysis as well as correction of the numerous flaws in the City of Cupertino's accounting of the issues at hand, CCLI will accept 19 days of liquidated damages at contract rate of \$1,500.00 per day *and no more*. The Contract Documents do not agree with the City of Cupertino's Change Order No. 8 "accounting of liquidated and actual damages". Per Contract Documents No. 6. *"Liquidated Damages, If Contractor fails to complete the Work within the Contract Time, City will assess liquidated damages in the amount of \$1,500.00 per day for each day of unexcused delay in completion, and such liquidated damages may be deducted from City's payments due or to become due to Contractor under this Contract."* And Section 5.4 General Conditions *"Liquidated Damages. It is expressly understood that if Final Completion is not achieved within the Contract Time, City will suffer damages from the delay that are difficult to determine and accurately specify. Pursuant to Public Contract Code section 7203, if Contractor fails to achieve Final Completion within the Contract Time, City will charge Contractor the amount specified in the Contract for each day that Final Completion is delayed beyond the Contract Time, as liquidated damages and not as a penalty."* Based on these two (2) sections in the Contract Documents, the City of Cupertino is **not** entitled to additional "Actual Damages" above the stated Liquidated Damages in the Contract Documents of Fifteen Hundred Dollars per Day (\$1,500.00).

Furthermore, in attached Claim No. 1 you will find CCLI's breakdown for each of the individual costs for non-excusable days and compensable days per Contract Documents. Again, CCLI will take responsibility for Nineteen (19) Calendar Days of non-excusable days (Liquidated Damages) and no other erroneous and excessive fees the City of Cupertino is so ridiculously attempting to add to the Contract Documents.



Finally, you will see in the attached Claim No. 1 document "Summary Table" that the City of Cupertino owes Clean Cut Landscape Incorporated Six Hundred Forty Seven Thousand Seven Hundred Ninety One Dollars and Forty Three Cents (\$647,791.43). CCLI will be available to meet and discuss the information provided prior to taking legal actions against the City of Cupertino. There are a few options available however, if the City and its counsel is immovable and resolute, we can begin the legal process immediately for the sake of all involved. A simple immediate response to that effect will begin the process. If not, you now have 45 days to respond.

Sincerely,

A handwritten signature in blue ink, appearing to read "Saul Rodriguez", is written over the word "Sincerely,".

Saul Rodriguez
Project Manager

Cc: Karry Wendel, President

Attachments:

- Part 1 of 14. City of Cupertino's Letter Dated March 28, 2019
- Part 2 of 14. Claim No. 1 Cover Page
- Part 3 of 14. Summary Table
- Part 4 of 14. Contract Documents
- Part 5 of 14. Project Manual & Addendum
- Part 6 of 14. Extended Field Overhead & Home Office Overhead
- Part 7 of 14. Change Orders & Extra Work
- Part 8 of 14. Notice of Delays (NOD)
- Part 9 of 14. Delay Narratives
- Part 10 of 14. Emails
- Part 11 of 14. Timesheets & Daily Reports
- Part 12 of 14. Schedules & Delay Matrix
- Part 13 of 14. Receipts
- Part 14 of 14. Certified Payroll Records



CITY OF CUPERTINO

Legislation Text

File #: 20-7208, **Version:** 1

Subject: Staff Presentation on Rosenberg's Rules of Order

Receive Staff Presentation on Rosenberg's Rules of Order



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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CITY OF CUPERTINO

Legislation Text

File #: 19-6407, **Version:** 1

Subject: Report on Committee assignments

Report on Committee assignments



CITY OF CUPERTINO

Legislation Text

File #: 20-7023, **Version:** 1

Subject: Approve the February 24 City Council Minutes

Approve the February 24 City Council Minutes



CITY OF CUPERTINO

Legislation Text

File #: 19-6431, **Version:** 1

Subject: Approve the March 3 City Council minutes

Approve the March 3 City Council minutes



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, March 3, 2020**

SPECIAL CITY COUNCIL MEETING

At 5:30 p.m. Mayor Steven Scharf called the Special City Council meeting to order in the Cupertino City Hall Conference Room A, 10300 Torre Avenue.

ROLL CALL

Present: Mayor Steven Scharf, Vice Mayor Darcy Paul, and Councilmembers Liang Chao, Rod Sinks, and Jon Robert Willey. Absent: None

CLOSED SESSION

1. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957). Title: City Attorney.

In open session, Mayor Scharf announced that Council met in closed session and conducted the annual evaluation of the City Attorney. No reportable action was taken.

2. Subject: Conference with Labor Negotiators (Gov't Code section 54957.6). Agency designated representatives: Mayor Steven Scharf and Vice Mayor Darcy Paul. Unrepresented employee: City Attorney.

In open session, Mayor Scharf announced that Council met in closed session and gave direction to the labor negotiators regarding compensation for the City Attorney. No reportable action was taken.

ADJOURNMENT

REGULAR CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

At 6:45 p.m. Mayor Steven Scharf called the Regular City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Steven Scharf, Vice Mayor Darcy Paul, and Councilmembers Liang Chao, Rod Sinks, and Jon Robert Willey. Absent: None

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Recognition of Fine Arts Commission Young Artists Award winners._
Recommended Action: Present awards to Fine Arts Commission Young Artist Award winners.

Fine Arts Commission Chair Rajeswari Mahalingam and Vice Chair Sudha Kasamsetty introduced the item.

Mayor Scharf presented the awards to the Fine Arts Commission Young Artist Award winners.

2. Subject: Proclamation to Santa Clara County Librarian Nancy Howe upon her retirement and recognizing her dedicated service to the community.
Recommended Action: Present proclamation to Santa Clara County Librarian Nancy Howe upon her retirement and recognizing her dedicated service to the community.

Deputy County Librarian Jennifer Weeks and Community Librarian Clare Varesio accepted the proclamation on behalf of Nancy Howe.

Mayor Scharf presented the proclamation honoring Santa Clara County Librarian Nancy Howe upon her retirement and recognizing her dedicated service to the community.

3. Subject: Proclamation recognizing March as "Red Cross Month."
Recommended Action: Present proclamation recognizing March as "Red Cross Month."

Stuart Chessen and Judy Halchin accepted the proclamation on behalf of the Red Cross.

Mayor Scharf presented the proclamation recognizing March as "Red Cross Month."

4. Subject: Proclamation to Carl Valdez for being awarded Superintendent of the Year by the Maintenance Superintendents Association (MSA) of the San Francisco Bay Area. Recommended Action: Present proclamation to Carl Valdez for being awarded Superintendent of the Year by the Maintenance Superintendents Association (MSA) of the San Francisco Bay Area.

Director of Public Works Roger Lee introduced the item.

Mayor Scharf presented the proclamation to Carl Valdez for being awarded Superintendent of the Year by the Maintenance Superintendents Association (MSA) of the San Francisco Bay Area.

POSTPONEMENTS – None

ORAL COMMUNICATIONS

Larry Dean, on behalf of Walk-Bike Cupertino, talked about Byrne Avenue and McClellan Road infrastructure improvements, and auto/pedestrian/bicycle crash data.

Jennifer Griffin talked about her voting choices based on recent housing bills, democracy in California, Oregon, and Washington, and local control.

Connie Cunningham (Cupertino resident, representing self), talked about the Regional Housing Needs Assessment (RHNA)/Housing Element progress report, no new homes or permits, multifamily housing needs, and friendly rules.

Yuwen Su (Cupertino resident), talked about negotiations with Sandhill, working with residents for a new Vallco plan, and an outreach process designed for community concerns.

Minna (Cupertino resident, representing self), talked about a new plan for Vallco, flaws in prior survey and outreach, a new community outreach plan, and listening to residents.

Charlene Lee (Cupertino resident), talked about the police report for her arrest at Monta Vista High School and requested an independent police report audit.

Qin Pan (Cupertino resident, representing self), talked about Corona virus preventatives, a Vallco outreach program, and surveying residents on options for development.

City Manager Deborah Feng gave an update on the outreach plan for a Vallco Specific Plan or an alternate plan which would occur within the next couple of months and which would come back to Council for direction before going to the public.

Rhoda Fry (Cupertino resident), talked about Lehigh Quarry's expansion plan and application for a rock plant, traffic concerns, and a land swap with Mid-Pen Regional Open Space. (She provided written comments).

REPORTS BY COUNCIL AND STAFF (10 minutes)

5. Subject: Report on Committee assignments_
Recommended Action: Report on Committee assignments
Councilmembers highlighted the activities of their various committees.

CONSENT CALENDAR

Paul moved and Scharf seconded to approve items on the Consent Calendar as presented.
Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

6. Subject: Approve the February 10 City Council minutes_
Recommended Action: Approve the February 10 City Council minutes
7. Subject: Approve the February 18 City Council minutes_
Recommended Action: Approve the February 18 City Council minutes

Written communications for this item included amended minutes pages 6 – 7.

8. Subject: Treasurer's Investment Report for period ending December 31, 2019
Recommended Action: Accept staff report and provide recommendations.
9. Subject: Application for Alcohol Beverage License for Pizza My Heart, Inc (dba Pizza My Heart), 19409 Stevens Creek Boulevard, Suite 140
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Pizza My Heart, Inc (dba Pizza My Heart), 19409 Stevens Creek Boulevard, Suite 140

SECOND READING OF ORDINANCES

10. Subject: Second reading for Municipal Code Amendments to Chapter 19.112 - Accessory Dwelling Units; Chapter 19.20 - Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones; and Chapter 19.08 - Definitions; for Clarifications, and Consistency with recently adopted State Bills (Application No.

MCA-2018-04; Applicant: City of Cupertino; Location: City-wide).

Recommended Action: Conduct the second reading and enact Ordinance No. 20-2199: "An Ordinance of the City Council of the City of Cupertino amending Chapter 19.112, Accessory Dwelling Units; Chapter 19.20 - Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones; and Chapter 19.08 Definitions."

Written communications for this item included emails to Council.

Mayor Scharf opened public comment and the following people spoke.

Jennifer Griffin spoke about housing bills, Accessory Dwelling Units (ADU), 4-foot setbacks, challenging local authority, property taxes on ADUs, school impact fees.

Mayor Scharf closed public comment.

Council made comments and asked questions.

City Clerk Kirsten Squarcia read the title of Ordinance No. 20-2199: "An Ordinance of the City Council of the City of Cupertino amending Chapter 19.112, Accessory Dwelling Units; Chapter 19.20 - Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones; and Chapter 19.08 Definitions."

Sinks moved and Willey seconded to read Ordinance No. 20-2199 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None. Recuse: None.

Sinks moved and Willey seconded to enact Ordinance No. 20-2199 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None. Recuse: None.

PUBLIC HEARINGS

11. Subject: Consider approving a new 155-room seven-story hotel (24-hour operations) with underground parking, event meeting rooms, a ground floor restaurant with separate bar, and a rooftop lounge with separate bar by demolishing a commercial building with an area of 8,323 sq. ft. City Actions would include General Plan Amendments to consider amending Table LU-1 by increasing the development allocation of hotel rooms to 155 hotel rooms in the Homestead Special Area and Figure LU-2 and Policy LU-23.2 adding Figure LU-5 to allow increased heights and reduced building plane within the North De Anza Gateway specific to this development. City permits would include: Development, Architectural and Site Approval, and Use Permits. A Development Agreement is also proposed; (Application No(s): GPA-2018-01, DP-2018-01, ASA-2018-02, DA-2018-01, U-2018-02, EA-2018-03; Applicant(s): Sherly Kwok (De Anza Properties); Location: 10931 N De Anza Blvd.; APN #326-10-061 (Continued from January 21, 2020)

Recommended Action: Conduct the public hearing and find:

That the City Council conduct a public hearing, consider the Planning Commission's recommendation, and:

1. Adopt Resolution No. 20-005 adopting a Mitigated Negative Declaration, mitigation measures, and a Mitigation Monitoring and Reporting Program (Attachment A).
2. Adopt Resolution No. 20-006 approving a General Plan Amendment (Attachment B).
3. Adopt Resolution No. 20-007 approving a Development Permit (Attachment C).
4. Adopt Resolution No. 20-008 approving an Architectural and Site Approval Permit (Attachment D).
5. Adopt Resolution No. 20-009 approving a Use Permit (Attachment E).

Introduce and waive the first reading of Ordinance No. 20-2195: "An Ordinance of the City Council of the City of Cupertino Approving a Development Agreement for the Development of a New 7-Story, 155 Room Hotel With Associated Site and Landscaping Improvements Located at 10931 N. De Anza Blvd. (APN #326-10-061)" (Attachment F).

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

Director of Community Development Ben Fu introduced the item and Senior Planner Gian Martire gave a presentation.

Mayor Scharf opened the public hearing and the following people spoke.

Paige Fennie, on behalf of Laborers' International Union of North America, Local Union 270, said the mitigated negative declaration is inadequate and requires an environmental impact report. (She submitted written comments).

Lisa Warren said there are community survey concerns which included increased height, reduced the building plane, proximity to street and no trees, respecting bird safety, and community benefit inequities.

Jennifer Griffin said the project needs street trees are needed along North/South De Anza Blvd., and a 35-foot setback on Stevens Creek Blvd. is needed, and heights should be kept down.

Council asked questions and made comments.

Project applicant John Vidovich answered questions and architect Bill Winkleman gave a presentation.

Paul moved and Sinks seconded to:

1. Adopt Resolution No. 20-005 adopting a Mitigated Negative Declaration, mitigation measures, and a Mitigation Monitoring and Reporting Program.
2. Adopt Resolution No. 20-006 approving a General Plan Amendment.
3. Adopt Resolution No. 20-007 approving a Development Permit.
4. Adopt Resolution No. 20-008 approving an Architectural and Site Approval Permit.
5. Adopt Resolution No. 20-009 approving a Use Permit.

Sinks made a friendly amendment to the Development Permit to add conditions of approval for dark sky and bird safe design guidelines, and the resins used for interior finish systems are no-added formaldehyde (NAF) or ultra-low-emitting formaldehyde (ULEF) and meet California Air Resource Board's (CARB) Regulation 11 Rule 18 standards (Paul accepted the friendly amendment).

Chao made a friendly amendment to the General Plan Amendment to specify in each location where the General Plan amendments are made that the City will reconsider hotel allocation, height limit, or slope/building plane if building permits are not pulled by March 3, 2025 (Paul accepted the friendly amendment).

Chao made a second friendly amendment to the Development Agreement to request the \$10,000 per room but \$1 million for the project benefits (Paul did not accept the friendly amendment).

The motion carried as amended with Willey voting no.

City Clerk Kirsten Squarcia read the title of Ordinance No. 20-2195: "An Ordinance of the City Council of the City of Cupertino Approving a Development Agreement for the Development of a New 7-Story, 155 Room Hotel with Associated Site and Landscaping Improvements Located at 10931 N. De Anza Blvd. (APN #326-10-061)"

Paul moved and Scharf seconded to read Ordinance No. 20-2195 by title only and that the City Clerk's reading would constitute the first reading thereof with the change to the community users of the shuttle system as discussed, with the clarification that he did not accept Chao's request for \$1 million dollars for the payment.

No vote was taken.

Council recessed from 9:46 p.m. to 9:52 p.m.

Sinks moved and Chao seconded a substitute motion to direct the Community Development Director to renegotiate the development agreement for the amount of money offered to the City's community benefits to \$1 million, and clarification that the shuttle transportation price for residents will be at 50% of the cost for guests. The motion carried with Scharf and Paul voting no.

Council did not conduct the first reading of Ordinance No. 20-2195.

The City Attorney said the item will come back to Council to determine whether to approve the development agreement as proposed.

ORDINANCES AND ACTION ITEMS

12. Subject: Approve the Mid-Year Financial Report and budget adjustments for Fiscal Year 2019-20.

Recommended Action: 1. Accept the City Manager's Mid-Year Financial Report for FY 2019-20.

2. Approve Budget Modification 1920-076 for Mid-Year adjustments as described in the Mid-Year Financial Report.

3. Adopt Resolution No. 20-026 approving Mid-Year budget adjustments.

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

Director of Administrative Services Kristina Alfaro and Finance Manager Zach Korach gave a presentation.

Council asked questions and made comments.

Mayor Scharf opened public comment and the following people spoke.

Jennifer Griffin spoke about the current transit occupancy tax (TOT) percentage as an additional source of revenue.

Mayor Scharf closed public comment.

Paul moved and Chao seconded to:

1. Accept the City Manager's Mid-Year Financial Report for FY 2019-20 except for the \$1.4 million allocated for the Sports Center.
2. Approve Budget Modification 1920-076 for Mid-Year adjustments as described in the Mid-Year Financial Report.
3. Adopt Resolution No. 20-026 approving Mid-Year budget adjustments except for the \$1.4 million allocated for the Sports Center.

The motion carried with Sinks voting no.

13. Subject: General Plan Annual Report, and suggestions to further clarify General Plan Policies and Strategies

Recommended Action: That the City Council:

1. Receive the General Plan Annual Review Report (Attachment A).
2. Authorize the City Manager to incorporate the list of General Plan amendment suggestions made by individual Planning Commissioners (Attachment B) into the previous list of suggested General Plan amendments with the General Plan and Objective Standards 2019/2020 Work Program Item.

Written communications for this item included a presentation.

Community Development Director Ben Fu introduced the item and Planning Manager Piu Ghosh gave a presentation.

Mayor Scharf opened public comment and the following individuals spoke.

Jennifer Griffin asked Council to protect Heart of the City, keep current zoning, preserve local control and look at funding to protect the City.

Mayor Scharf closed public comment.

Sinks moved and Scharf seconded to:

1. Receive the General Plan Annual Review Report.
2. Authorize the City Manager to incorporate the list of General Plan amendment suggestions made by individual Planning Commissioners into the previous list of suggested General Plan amendments with the General Plan and Objective Standards 2019/2020 Work Program Item, with the stipulation that the City Manager incorporates the list of suggestions into the Objective Standards Work Program process.

Sinks moved and Scharf seconded to call the question. The motion to call the question failed for lack of a two-thirds majority.

Councilmember Sinks left the meeting at 11:31 p.m.

The motion to receive the General Plan Annual Review Report and authorize the City Manager to incorporate the list as stipulated carried with Sinks absent.

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Mayor Scharf added the following future agenda items:

- Proposed De Anza Hotel development agreement
- Transient occupancy tax (TOT) increase
- Amend municipal code regarding City Attorney time and controlling costs

ADJOURNMENT

At 11:44 p.m., Mayor Scharf adjourned the meeting.

Kirsten Squarcia, City Clerk



CITY OF CUPERTINO

Legislation Text

File #: 20-7221, **Version:** 1

Subject: Set application deadline and interview dates for three terms expiring on the Teen Commission.

Set application deadline and interview dates for three terms expiring on the Teen Commission and approve:

- 1.) Applications due in the City Clerk's office by 4:30 p.m. on Friday, May 8; and
- 2.) Interviews held beginning at 5:30 p.m. on Tuesday, May 26 and Wednesday, May 27 (as needed)



OFFICE OF THE CITY CLERK

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

CITY COUNCIL STAFF REPORT

Meeting: March 31, 2020

Subject

Set application deadline and interview dates for three terms expiring on the Teen Commission.

Recommended Action

Set application deadline and interview dates for three terms expiring on the Teen Commission and approve:

- 1.) Applications due in the City Clerk's office by 4:30 p.m. on Friday, May 8; and
- 2.) Interviews held beginning at 5:30 p.m. on Tuesday, May 26 and Wednesday, May 27 (as needed)

Discussion

The Teen Commission is comprised of nine members and has three vacancies this year.

The Recreation and Community Services Department will print and distribute flyers, as well as include the information in the summer Recreation Schedule and the Cupertino Scene. The City Clerk's Office will advertise the vacancies in the Courier and the World Journal. Interviews should be scheduled in May in order to interview applicants before they leave the area for summer activities.

Sustainability Impact

None

Fiscal Impact

None

Prepared by: Kirsten Squarcia, City Clerk

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A - Adopted Resolution Governing Teen Commission Recruitment

RESOLUTION NO. 18-019

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO UPDATING THE CUPERTINO TEEN COMMISSION, ESTABLISHING MEMBERSHIP FOR STUDENTS FROM 8TH THROUGH 11TH GRADE, AND RESCINDING ANY AND ALL EARLIER RESOLUTIONS

WHEREAS, the Teen Commission was established by City Council pursuant to Resolution 02-065, as amended through various other resolutions, including resolutions nos. 02-167, 04-405, 05-095, 09-078, 09-115 and 16-138;

WHEREAS, pursuant to Resolution No. 17-033 adopted by Council on April 4, 2017, students enrolled in 8th through 12th grade may apply for membership to the Commission;

WHEREAS, the City Council desires that membership be limited to students who are enrolled in 8th through 11th grade at time of appointment for the purpose of establishing greater effectiveness of the Teen Commission.

NOW, THEREFORE, BE IT RESOLVED that membership in the Teen Commission shall be limited to students enrolled in 8th through 11th grade at time of appointment. Any and all previous resolutions, including those listed above, to the extent they are still in effect, are hereby revoked and superseded by this Resolution. Accordingly, the updated Teen Commission Resolution shall read as follows:

CUPERTINO TEEN COMMISSION

- The Cupertino Teen Commission will be comprised of nine members, at least one person from each public middle school and public high school in Cupertino, if possible. Membership on the Commission will be limited to Cupertino residents. Members may attend schools outside of the city limits, or be schooled at home. Commissioners must be in the **8th through 11th grade at time of appointment**.
- The members of the Teen Commission shall be appointed pursuant to the current commission recruitment process adopted by City Council, with the following exceptions: Applicants under the age of 18 must have written permission of a parent or guardian to participate on the Teen Commission. The Recreation and Community Services Department will work with the City Clerk to notice vacancies so that outreach to schools and youth organizations is accomplished. A letter of recommendation shall be submitted as part of the application process. The Council

shall appoint new commissioners in May, to be seated in September, except in the case of reappointment of vacant seats.

- A) For all applicants, the City Clerk will summarize the applications on a chart that indicates applicants' name, school, and grade level in order to assist the Council decision process. The summary chart will be distributed to the Council members before interviewing begins.
 - B) Each applicant in the interview pool will then be interviewed by Council. The applicant will start with a one-minute speech explaining why the applicant wishes to serve and why they feel qualified to serve.
 - C) Each Council member will then have the opportunity to ask at least one question of the applicant.
 - D) When the entire pool has been interviewed, Council will discuss the applicants. After the discussion, ballot voting will take place to determine the appointments.
 - E) If no applicant is appointed from one of the five public schools in Cupertino, Council may choose to re-advertise for a subsequent appointment process, fill the vacancy with any other applicant or leave the seat vacant.
 - F) Council may appoint alternates to serve on the commission in the event of a vacancy. Such alternates may attend meetings but shall not participate in meetings until such time as a vacancy has occurred and the alternate has filled the vacancy. If Council appoints more than one alternate, Council shall designate the alternates as first alternate, second alternate and so on such that immediately upon a vacancy occurring, the first alternate shall fill such vacancy without the need for further City Council action.
- Commissioners should reflect the broadest possible representation of Cupertino youth.
 - A total of nine Teen Commissioners will be appointed to two-year terms. Five (5) appointments will be made in odd-numbered years and four (4) appointments in

even-numbered years. Vacant seats will be filled with applicants willing to finish the term. The terms will begin on September 1st and end on August 31st of each year.

- Commissioners shall not serve consecutive terms unless there is a vacancy for which there is no eligible applicant, at which time the City Council may waive this restriction.
- None of the Teen Commissioners shall be otherwise officials or employees of the City of Cupertino nor be related by blood or marriage to any official or employee of the city.
- The Commission shall elect a chair and vice-chair at the beginning of each year.
- The annual meeting schedule will coincide with the commission term (i.e., September – August). Meeting times and location will be decided by the commission at the first meeting of the term, and will be adopted as the annual meeting schedule pursuant to the Brown Act.
- Actions taken by the Commission will be by majority vote.
- The Recreation and Community Services Department will provide staff support to the Teen Commission and will post meeting agendas.
- The powers and function of the Teen Commission will be to advise the City Council and staff on issues and projects important to youth.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 6th day of March, 2018 by the following vote:

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

AYES:	Paul, Sinks, Chang, Scharf, Vaidhyanathan
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:	APPROVED:
---------	-----------

/s/Grace Schmidt

/s/Darcy Paul

Grace Schmidt, City Clerk

Darcy Paul, Mayor,
City of Cupertino



CITY OF CUPERTINO

Legislation Text

File #: 20-7204, **Version:** 1

Subject: Application for Alcohol Beverage License for P&S Cupertino, Inc (dba Vons Chicken Cupertino), 10520 S. De Anza Boulevard

Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for P&S Cupertino, Inc (dba Vons Chicken Cupertino), 10520 S. De Anza Boulevard



COMMUNITY DEVELOPMENT DEPARTMENT
CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3308 www.cupertino.org

CITY COUNCIL STAFF REPORT
Meeting: March 31, 2020

Subject

Application for Alcoholic Beverage License for P&S Cupertino, Inc. (dba Vons Chicken Cupertino), 10520 South De Anza Boulevard.

Recommended Action

Recommend approval to the California Department of Alcoholic Beverage Control of the Application for Alcoholic Beverage License for P&S Cupertino, Inc. (dba Vons Chicken Cupertino), 10520 S. De Anza Boulevard.

Description

Name of Business:	Vons Chicken Cupertino, Inc.
Location:	10520 S. De Anza Blvd.
Type of Business:	Restaurant
Type of License:	41 – On-Sale Beer & Wine – Eating Place (Restaurant)
Reason for Application:	Original Fees, Annual Fee

Discussion

There are no other zoning or use permit restrictions which would prohibit the sale of alcohol as proposed. Therefore, staff has no objection to the issuance of this license. License Type 41 authorizes the sale of beer and wine for consumption on or off the premises where sold. This business is located in Main Street Cupertino.

Sustainability Impact

None

Fiscal Impact

None

Prepared by: Lauren Ninkovich, Assistant Planner
Reviewed by: Benjamin Fu, Director of Community Development
Approved for Submission by: Deborah Feng, City Manager

Attachment: A - Application

Department of Alcoholic Beverage Control

State of California

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
100 PASEO DE SAN ANTONIO
ROOM 119
SAN JOSE, CA 95113
(408) 277-1200

File Number: **612711**
Receipt Number: **2611700**
Geographical Code: **4303**
Copies Mailed Date: **November 12, 2019**
Issued Date:

DISTRICT SERVING LOCATION: **SAN JOSE**

First Owner: **P&S CUPERTINO INC**
Name of Business: **VONS CHICKEN CUPERTINO**
Location of Business: **10520 S DE ANZA BLVD**
CUPERTINO, CA 95014-3035

County: **SANTA CLARA**Is Premises inside city limits? **Yes**Census Tract: **3080-01**

Mailing Address:(If different
from
premises address)

Type of license(s): **41**Dropping Partner: Yes ☐ No ☒

Transferor's license/name:

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
41 - On-Sale Beer And Wine - Eating P ORI		Y			
<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	ADD PRIMARY LICENSE TYPE	NA	0	11/12/19	\$905.00
41 - On-Sale Beer And Wine - Eat	ANNUAL FEE	NA	0	11/12/19	\$455.00
Total					\$1,360.00

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the
Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of SANTA CLARA

Date: November 12, 2019

Applicant Name(s)

P&S CUPERTINO INC

(ATTACHED ABC-211 SIG)

APPLICATION SIGNATURE SHEET ("SIGN ON")

- **Read instructions on reverse before completing.**
- **All signatures must be witnessed by an ABC employee or notarized in accordance with laws of the State where signed.**

2. FILE NUMBER (If any)		3. LICENSE TYPE 41	1. OWNERSHIP TYPE (Check one) <input type="checkbox"/> Sole Owner <input type="checkbox"/> Partnership <input type="checkbox"/> Married Couple <input type="checkbox"/> Domestic Partner <input type="checkbox"/> Partnership-Ltd <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Other
5. APPLICANT(S) NAME (Last, first, middle) P&S Cupertino, Inc.		4. TRANSACTION TYPE <input checked="" type="checkbox"/> Original <input type="checkbox"/> Exchange <input type="checkbox"/> Person to Person Transfer <input type="checkbox"/> Premise to Premise Transfer <input type="checkbox"/> Other	
6. APPLICANT'S MAILING ADDRESS (Street address/P.O. box, city, state, zip code) 10520 S. De Anza Blvd., Cupertino, CA 95014			
7. PREMISES ADDRESS (Street address, city, state, zip code) 10520 S. De Anza Blvd., Cupertino, CA 95014			

APPLICANT'S CERTIFICATION

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He/She is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he/she has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed

transfer is not made to (a) satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department, (b) to gain or establish a preference to or for any creditor or transferor, or (c) to defraud or injure any creditor or transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

I understand that if I fail to qualify for the license or withdraw this application, the application fee shall be non-refundable as specified in Section 23320 B&P.



SOLE OWNER

8. PRINTED NAME (Last, first, middle)	SIGNATURE X	DATE SIGNED
---------------------------------------	----------------	-------------

PARTNERSHIP/LIMITED PARTNERSHIP (Signatures of general partners only)

9. PARTNER'S PRINTED NAME (Last, first, middle)	SIGNATURE X	DATE SIGNED
PARTNER'S PRINTED NAME (Last, first, middle)	SIGNATURE X	DATE SIGNED
PARTNER'S PRINTED NAME (Last, first, middle)	SIGNATURE X	DATE SIGNED

CORPORATION

10. PRINTED NAME (Last, first, middle) Na, Kyung Gyun	SIGNATURE X 	DATE SIGNED 11/07/2019
TITLE <input checked="" type="checkbox"/> President <input type="checkbox"/> Vice President <input type="checkbox"/> Chairman of the Board		
PRINTED NAME (Last, first, middle) Na, Kyung Gyun	SIGNATURE X 	DATE SIGNED 11/07/2019
TITLE <input checked="" type="checkbox"/> Secretary <input type="checkbox"/> Asst. Secretary <input type="checkbox"/> Chief Financial Officer <input type="checkbox"/> Asst. Treasurer		

LIMITED LIABILITY COMPANY

11. The limited liability company is member-run <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, complete Item #12 below)		
12. NAME OF DESIGNATED MANAGER, MANAGING MEMBER OR DESIGNATED OFFICER (Last, first, middle)		
13. MEMBER'S PRINTED NAME (Last, first, middle)	SIGNATURE X	DATE SIGNED
MEMBER'S PRINTED NAME (Last, first, middle)	SIGNATURE X	DATE SIGNED

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

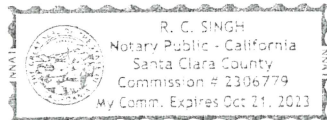
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Santa Clara

On 11/07/2019 before me, R.C. Singh, Notary Public,
Date Name and Title of Officer


personally appeared KYUNG GYUN NA



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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal


Signature of Notary Public

My Commission Expires: Oct 21, 2023

OPTIONAL INFORMATION

Title or Type of Document: _____
Document Date: _____
Number of Pages: _____
Capacity of Signer: _____



CITY OF CUPERTINO

Legislation Text

File #: 20-7210, **Version:** 1

Subject: Increase the authorized construction contingency for the 2019 Pavement Maintenance Phase 1 Project, Project No. 2019-103 by \$150,000. No additional budget allocation is requested.

Increase the authorized construction contingency for the 2019 Pavement Maintenance Phase 1 Project by one hundred fifty thousand dollars (\$150,000) for a revised contract amount to G. Bortolotto & Co. not to exceed \$2,992,568.



PUBLIC WORKS DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: March 31, 2020

Subject

Increase the authorized construction contingency for the 2019 Pavement Maintenance Phase 1 Project, Project No. 2019-103 by \$150,000. No additional budget allocation is requested.

Recommended Action

Increase the authorized construction contingency for the 2019 Pavement Maintenance Phase 1 Project by one hundred fifty thousand dollars (\$150,000) for a revised contract amount to G. Bortolotto & Co. not to exceed \$2,992,568.

Discussion

On February 19, 2019 Council authorized the award of the 2019 Pavement Maintenance Phase 1 Project (Project) contract to G. Bortolotto & Co. (Contractor) in the amount of \$2,584,568 and also approved a construction contingency of \$258,000 for a total of \$2,842,568. With the approval of this project, 38 streets throughout the City were scheduled for various pavement maintenance treatments.

Included in the Project were bid items to repair 5,000 SF of asphalt on the southern portion of Stevens Canyon Blvd. Last month the dig out repairs were field quantified and approximately 24,000 SF of repairs were found to be needed. The cause of the increased repair area is likely the result of frequent heavy truck traffic to and from Stevens Creek Quarry.

As the road conditions are expected to get worse, the contractor was asked to provide a cost to complete all dig out repairs under the current contract. These costs were received (Attachment A) and are slightly higher than the original contract cost. A small increase was anticipated as the work is required to be performed on weekends with traffic control.

Sustainability Impact

Maintaining and preserving the local street and road system in good condition will reduce drive times and traffic congestion, improve bicycle safety, and make the pedestrian experience safer and more appealing. This leads to reduced vehicle emissions which helps the City achieve its air quality and greenhouse gas emissions reductions goals.

Fiscal Impact

The current authorized contract amount for this Project is not to exceed \$2,842,568. Increasing the construction contingency to complete needed work on Stevens Canyon Blvd will increase the authorized contract amount by \$150,000 to a total not exceed amount \$2,992,568. Sufficient funds are available in account #270-85-821-900-921 (Pavement Maintenance). No additional budget allocation is requested.

Prepared by: Jo Anne Johnson, Public Works Project Manager

Reviewed by: Roger Lee, Director of Public Works

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – Bortolotto Quote dated February 27, 2020

B – Bid Schedule showing original unit costs

G. Bortolotto & Company, Inc.



QUOTATION

Attachment A
CC 03-31-20
587 Bragato Road
50 of 115
San Carlos, CA 94070
P: 650.595.2591 F: 650.595.0718
DIR No. 1000002795 Exp. 6-30-20
License No. 397341A Exp. 1-31-21

February 27, 2020

City of Cupertino
Attn: Jo Anne Johnson
(408) 777-3245

RE: 2019 Pavement Maintenance Phase I – Extra Work on Stevens Canyon Road

G. Bortolotto & Company proposes to perform all of the work and provide materials for the completion of the work described below for the process indicated:

Scope of Work: On Stevens Canyon Road from McClellan to City Limit, remove approximately 19,000SF of failed roadway at a depth of 9-inches and replace with 6-inches of $\frac{3}{4}$ " asphalt concrete and 3-inches of $\frac{1}{2}$ " AC in 3 lifts. All work to be performed on 3 consecutive Saturdays.

Price Calculation: 19,000SF @ \$10.90/SF = \$207,100

Inclusions: Equipment, Trucking, Labor, Materials, Mobilization, Advance Posting of No Parking Signs, and Traffic Control.

Exclusions: Weekend or Night Work, AC Testing, Permits, Bonds, Fees, TCP, CMS Boards.

Notation: Billing will be based on unit cost per field measurement.

TERM AND CONDITIONS

The foregoing proposal made by G. Bortolotto & Company, hereinafter referred to as the contractor, will expire (at the option of the contractor) within 15 days from the date hereof, unless accepted within said time. The customer agrees to pay the charges for the above described work, plus any charge for extras, in full at the office of the contractor upon completion. (Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate.) Progress payments for work in progress shall be made on the 10th day of the month following the date of billing. No adjustments or allowance will be made unless a claim in writing is filed with the contractor at his office within ten (10) days from the completion of work. No credit or adjustment will be allowed by the contractor unless made in writing by an authorized agent of the contractor. The customer shall not be allowed any offset or credit for personal injuries sustained or for property damage claimed against the contractor since the contractor maintains public liability insurance. In the event payment is not made in accordance with the term and conditions set forth herein, the unpaid balance shall bear a delinquency charge of 1 1/2 % per month and in the event an action be commenced for the collection of the unpaid balance, the customer agrees to pay a reasonable attorney's fee. It is understood that the contractor will not be responsible for any damage caused to any underground services in connection with the above-mentioned construction. Said damage will be the sole responsibility of the customer.

ACCEPTANCE: We hereby accept the foregoing proposal and do hereby authorize you to proceed with the work.
NOTE: Please complete Signature, Company Name and Date in Blue Ink and return.
NO work will commence until signed acceptance is received.

Signature: _____ Company Name: _____ Date: _____

Under the MECHANIC'S LIEN LAW (California Civil Code, Section 3109 etseq.), any contractor, subcontractor, laborer, supplier or other person who helps to improve your property but is not paid for his work or supplies has a right to enforce a claim against your property. This means that, after a court hearing, your property could be sold by a court officer and proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your own contractor in full, if the subcontractor, laborer or supplier remains unpaid.

G. Bortolotto & Company

By: 

Contract Unit Cost Comparison

CC 03-31-20
Attachment B

Quantities required to complete 19,000 SF of 9" dig out repairs

Item No.	Bid Item	Unit	QTY	Contract Unit Cost	Total Cost
1	Traffic Control*	LS	1	\$9,773.00	\$9,773.00
3	HMA 1/2" Type A	TN	356	\$107.07	\$38,116.92
3	HMA 3/4" Type A	TN	713	\$120.00	\$85,560.00
10	Dig Out 9" AC	SY	2111	\$34.00	\$71,774.00
					\$205,223.92

*Traffic control costs are estimated at 5% of construction cost, consistent with contractors original bid

Cost per SF \$10.80



CITY OF CUPERTINO

Legislation Text

File #: 20-7209, **Version:** 1

Subject: Resolution of support for McClellan Rd Separated Bikeway project for Vehicle Emissions Reductions Based at Schools (VERBS) grant application.

Adopt Resolution No. 20-027 approving a request for support to complete VERBS grant application commitments consistent with the requirements of the application.



PUBLIC WORKS DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: March 31, 2020

Subject

Resolution of support for McClellan Rd Separated Bikeway project for Vehicle Emissions Reductions Based at Schools (VERBS) grant application.

Recommended Action

Approve Resolution No. _____, a request for support to complete VERBS grant application commitments consistent with the requirements of the application.

Discussion

On July 20, 2018, Cupertino Public Works Transportation Division staff submitted a VERBS grant application in the amount of \$1M to fund a portion of the Council approved McClellan Rd Separated Bikeway project. The application was accepted and the project was selected for funding for the full \$1M request. To receive these funds and complete the application process, a Council-approved resolution of local support is required by the Metropolitan Transportation Commission (Grant Administrator). The McClellan Rd Separated Bikeway Project was included in the 2016 Bicycle Transportation Plan which was approved by Council in June, 2016. The project was found to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section number 15301, Existing Facilities, as bicycle lanes previously existed within the same right-of-way of the project. A Notice of Exemption was filed with the County of Santa Clara on March 14, 2018. The McClellan Rd Separated Bikeway Project is currently under construction. The grant funding will be applied to future phases of the project.

Sustainability Impact

No sustainability impact.

Fiscal Impact

The approval of Resolution No. _____ will satisfy a grant requirement that will result in a \$1M allocation of grant funds to the McClellan Road Separated Bikeway project.

Prepared by: Chris Corrao, Senior Transit & Transportation Planner

Reviewed by: David Stillman, Transportation Manager

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – Draft Resolution No. _____

1219369.1

RESOLUTION NO. _____

A RESOLUTION OF THE CUPERTINO CITY COUNCIL
RESOLUTION OF LOCAL SUPPORT

**Authorizing the filing of an application for funding assigned to MTC and
committing any necessary matching funds and stating assurance to complete
the project**

WHEREAS, CITY OF CUPERTINO (herein referred to as APPLICANT) on June 20, 2018 submitted an application to the Metropolitan Transportation Commission (MTC) for \$ 1,000,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the McClellan Road Separated Bike Lane Project (herein referred to as PROJECT) for the Vehicle Emissions Reductions Based At Schools (VERBS) Grant (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an

Resolution No. _____

Page 2

application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery

Resolution No. _____

Page 2

process for all FHWA- and CTC-funded transportation and transit projects implemented by the City of Cupertino; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, City Manager or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and be it further

RESOLVED that APPLICANT will provide any required matching funds; and be it further

RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and be it further

RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and

Resolution No. _____

Page 2

APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it further

RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it further

RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and be it further

RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and be it further

RESOLVED that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it further

RESOLVED that, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it further

RESOLVED that, in the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it further

RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

Resolution No. _____

Page 2

RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its Executive Director, General Manager, City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 31st day of March, 2020, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Resolution No. _____

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<div data-bbox="253 260 636 268"></div> <div data-bbox="243 310 652 361">Kirsten Squarcia, City Clerk</div>	<div data-bbox="824 260 1208 268"></div> <div data-bbox="818 270 901 310">Date</div>
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CITY OF CUPERTINO

Legislation Text

File #: 20-7266, **Version:** 1

Subject: Resolution Designating Agents to Apply for Federal and State Disaster Financial Assistance

Adopt Resolution No. 20-031 Designating Agents to Apply for Federal and State Disaster Financial Assistance



CITY MANAGER'S OFFICE

CITY HALL
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CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: March 31, 2020

Subject

Resolution Designating Agents to Apply for Federal and State Disaster Financial Assistance

Recommended Action

Adopt Resolution No. 20-___ Designating Agents to Apply for Federal and State Disaster Financial Assistance

Discussion

The Governor's Office of Emergency Services (CalOES) has started the process by which cities can apply for reimbursement for expenses incurred to respond to the Coronavirus Pandemic (COVID-19). In order to apply for state or federal funding for disaster assistance, CalOES requires that each agency pass and adopt a resolution (Attachment A) designating agents to act on the agency's behalf to secure such funding. In the proposed resolution, the City Manager, Assistant City Manager, and Director of Administrative Services are listed as agents for the City of Cupertino. Once adopted, the resolution will remain effective for up to 3 years and can be used for future disasters.

Sustainability Impact

None anticipated.

Fiscal Impact

Once adopted, the resolution will allow either the City Manager, Assistant City Manager, or Director of Administrative Services to pursue disaster funding and reimbursement.

Prepared by: Katy Nomura, Assistant to the City Manager

Approved by: Dianne Thompson, Assistant City Manager

Attachments:

A – Designation of Applicant's Agent Resolution for Non-State Agencies

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE _____ OF THE _____
(Governing Body) (Name of Applicant)

THAT _____, OR
(Title of Authorized Agent)

_____, OR
(Title of Authorized Agent)

(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the _____, a public entity
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the _____, a public entity established under the laws of the State of California,
(Name of Applicant)

hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

☐ This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

☐ This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this _____ day of _____, 20____

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and _____ of
(Name) (Title)

_____, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the _____ of the _____
(Governing Body) (Name of Applicant)

on the _____ day of _____, 2020.

(Signature)

(Title)

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF EMERGENCY SERVICES
Cal OES 130 - Instructions

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification."



CITY OF CUPERTINO

Legislation Text

File #: 20-7222, **Version:** 1

Subject: Consider participation in and funding for the Santa Clara/Santa Cruz Counties Airport/Community Roundtable on Aircraft Noise in the South Bay.

Provide direction to staff to:

1. Continue participation in the Santa Clara/Santa Cruz Counties Airport/Community Roundtable on aircraft noise in the South Bay; confirm or change existing Council representatives; or
2. Adopt Resolution No. 20-029 rescinding Resolution No. 18-083 and withdrawing from the Santa Clara/Santa Cruz Counties Airport/Community Roundtable.



OFFICE OF THE CITY CLERK

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CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: March 31, 2020

Subject

Consider participation in and funding for the Santa Clara/Santa Cruz Counties Airport/Community Roundtable on Aircraft Noise in the South Bay.

Recommended Action

Provide direction to staff to:

1. Continue participation in the Santa Clara/Santa Cruz Counties Airport/Community Roundtable on aircraft noise in the South Bay; confirm or change existing Council representatives; or
2. Adopt Resolution No. 20-___ rescinding Resolution No. 18-083 and withdrawing from the Santa Clara/Santa Cruz Counties Airport/Community Roundtable.

Background

In 2016, United States House of Representatives Eshoo, Speier, and former Congressman Farr formed the Select Committee on South Bay Arrivals (Select Committee) to develop regional consensus on recommendations to reduce aircraft noise. The Select Committee was intended to be temporary and included 12 local elected officials from the following agencies: Santa Clara County, Portola Valley, Saratoga, Los Altos Hills, Santa Cruz County, Santa Cruz, Capitola, San Mateo County, South San Francisco, Foster City, and East Palo Alto.

The Select Committee released a report in November 2016 summarizing their recommendations, which included the need to establish a permanent venue to address aircraft noise mitigation regionally. The Federal Aviation Authority (FAA) has expressed that they will not move forward with proposed recommendations until issues of congestion, noise shifting, and flying distance have been addressed with airline stakeholders and the affected communities, which include cities that were not part of the Select Committee such as Cupertino and Sunnyvale. The FAA also preferred to work with a regional group, similar to

the San Francisco International Airport (SFO) Airport/Community Roundtable, rather than individual jurisdictions.

In June 2017, Representatives Eshoo, Khanna, and Panetta requested that the Cities Association of Santa Clara County (Cities Association) assist with the establishment of a long-term forum for aircraft noise concerns in the South Bay. As a result, the Cities Association proposed a Santa Clara/Santa Cruz County Community Roundtable (Roundtable) on aircraft noise requested participation from each of the 21 jurisdictions in Santa Clara and Santa Cruz Counties. On August 21, 2018, Council adopted Resolution No. 18-083 to join the Santa Clara/Santa Cruz Airport/Community Roundtable (Roundtable) to facilitate regional collaboration regarding aircraft noise (Attachment B). The final membership for the Roundtable includes the following 13 jurisdictions:

City of Capitola	City of Mountain View	City of Sunnyvale
City of Cupertino	City of Palo Alto	County of Santa Clara
City of Los Altos	City of Santa Clara	County of Santa Cruz
Town of Los Altos Hills	City of Santa Cruz	
City of Monte Sereno	City of Saratoga	

For more information see the previous staff reports on this topic in Attachments C and D.

Discussion

The Roundtable will consider their budget for approval at the April 2020 meeting (Attachment E), so a response from the City is desired as soon as possible.

Participation in the Roundtable ensures that the Cupertino community is considered in any Roundtable recommendations to the FAA regarding aircraft noise in the region. The success, impact, and cost-effectiveness of the Roundtable is dependent on how many agencies participate.

The Roundtable is funded from annual fees charged to cities. Ideally, the Norman Y. Minéta San José International (SJC) and San Francisco International (SFO) airports would participate and provide funding. However, SFO is the only airport to participate and does not provide funding.

Currently, the City of Cupertino is represented by Councilmember Liang Chao (primary representative) and Councilmember Willey (alternate). Meetings occur on the 2nd Wednesday of the month.

The annual cost to the City is \$17,926 (Attachment F). If Council chooses to continue to participate in the Roundtable, no additional action needs to be taken as the budget appropriation will be included in the regular budget process. If Council chooses to leave the Roundtable, the draft resolution rescinding Resolution No. 18-083 and withdrawing from the Roundtable would need to be adopted.

Sustainability Impact

None

Fiscal Impact

Leaving the Roundtable would result in a savings to the City of approximately \$18,000 annually. Continued participation in the Roundtable will result in an ongoing cost of approximately \$18,000.

Prepared by: Kirsten Squarcia, City Clerk

Reviewed by: Katy Nomura, Assistant to the City Manager

Approved for Submission by: Dianne Thompson, City Manager

Attachments:

A – Draft Resolution

B – Resolution No. 18-083

C – Staff Report August 2018

D – Staff Report January 2019

E – Roundtable Staff Report February 2020

F – Funding Allocation Draft

RESOLUTION NO. 20-__

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL RESCINDING
RESOLUTION NO. 18-083 AND WITHDRAWING FROM THE SANTA
CLARA/SANTA CRUZ COUNTIES AIRPORT/COMMUNITY
ROUNDTABLE**

WHEREAS, in 2016, United States House of Representatives Eshoo, Speier, and former Congressman Farr formed the Select Committee on South Bay Arrivals (Select Committee) to develop regional consensus on recommendations to reduce aircraft noise; and

WHEREAS, the Select Committee released a report in November 2016 summarizing their recommendations, which included the need to establish a permanent venue to address aircraft noise mitigation regionally; and

WHEREAS, in June 2017, Representatives Eshoo, Khanna, and Panetta requested that the Cities Association of Santa Clara County (Cities Association) assist with the establishment of a long-term forum for aircraft noise concerns in the South Bay; and

WHEREAS, On August 21, 2018, Council adopted Resolution No. 18-083 to join the Santa Clara/Santa Cruz Airport/Community Roundtable, a permanent aircraft noise mitigation entity, to facilitate regional collaboration regarding aircraft noise; and

WHEREAS, the City of Cupertino wishes to withdraw from participation in the Roundtable; and

WHEREAS, Article III of the Memorandum of Understanding Providing for the Continuing Operation of the Santa Clara/Santa Cruz Counties Airport/Community Roundtable provides that “[a]ny voting member may withdraw from the Roundtable by filing a written Notice of Intent to Withdraw from the Roundtable, with the Roundtable Chairperson, at least thirty (30) days in advance of the effective date of the withdrawal.”

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby rescind Resolution No. 18-083, and authorizes the City Manager to file with the Roundtable Chairperson a written Notice of Intent to Withdraw from the

Resolution No. 20-____

Page 2

Roundtable. The City's withdrawal shall be effective 30 days from the date of the Notice.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 31st day of March, 2020, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<div>SIGNED:</div> <div><div></div></div> <div>Steven Scharf, Mayor City of Cupertino</div>	<div><div></div></div> <div>Date</div>
<div>ATTEST:</div> <div><div></div></div> <div>Kirsten Squarcia, City Clerk</div>	<div><div></div></div> <div>Date</div>

RESOLUTION NO. 18-083

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
TO JOIN THE SANTA CLARA/SANTA CRUZ COMMUNITY ROUNDTABLE**

WHEREAS, a critical need exists in Santa Clara and Santa Cruz Counties for a permanent venue to address aircraft noise concerns and it is essential to include all unrepresented cities in these counties; and

WHEREAS, In July 2017, the Cities Association of Santa Clara County received a Congressional request by Representatives Eshoo, Khanna, Panetta to take a leadership role in developing an intergovernmental partnership between the cities and counties of Santa Clara and Santa Cruz Counties, Norman Y. Minéta San Jose International Airport (SJC), and San Francisco International Airport (SFO) that will serve as a permanent aircraft noise mitigation entity representing all affected communities in the South Bay and Santa Cruz County; and

WHEREAS, between May and November 2016, the Select Committee on South Bay Arrivals, a temporary committee of 12 local elected officials (Select Committee) appointed by Congresswoman Anna G. Eshoo, Congressman Sam Farr, and Congresswoman Jackie Speier, convened meetings to receive public input and develop regional consensus on recommendations to reduce aircraft noise caused by SFO flights and airspace, and procedural changes related to the Federal Aviation Administration's Next Generation Air Transportation System; and

WHEREAS, among the many recommendations that received unanimous approval by the Select Committee was the need for a permanent venue to represent currently disenfranchised communities in addressing aircraft noise concerns including, but not limited to SFO. This recommendation stems from the fact that our mutual constituents in Santa Clara and Santa Cruz Counties, do not currently belong to a permanent aircraft noise mitigation entity such as the SFO Airport/Community Roundtable; and

WHEREAS, on October 3, 2017, the San José City Council authorized the Ad Hoc Advisory Committee on South Flow Arrivals to explore possible solutions to address the noise impacts on residents when weather conditions over the airfield require the Airport to operate in a "south flow" configuration (when aircraft land from the north of the Airport instead of the usual landing from the south); and

WHEREAS, since both the Select Committee and the South Flow Ad Hoc Roundtable have disbanded, the Santa Clara/Santa Cruz Roundtable envisioned by the Cities Association would likely be viewed as an appropriate surrogate for this function in partnership with the SFO Roundtable, SFO and San Jose Minéta Airports; and

WHEREAS, there is significant demand for an aircraft noise mitigation entity to represent constituents in the South Bay, making it imperative that any potential body not be confined to SJC or SFO related issues and also include representation of all affected and currently unrepresented communities in Santa Clara and Santa Cruz Counties; and

WHEREAS, while participation by elected officials in each affected city is essential, it is critical that the establishment of such a body should not be unilaterally implemented by one city, but instead be led collectively by the entire affected region; and

WHEREAS, in the [FAA's November 2017 Phase Two Report](#) , the FAA reiterates it will not support solutions that result in shifting the problem of noise from one community to another. It also repeatedly identifies increased flying distance as an unacceptable outcome of many community-proposed solutions that conflict with the economic, environmental, and operational efficiency benefits gained from shorter flying distances; and

WHEREAS, the FAA repeatedly points to the anticipated inevitability of increases in congestion as airports increase their number of flight operations. The report explicitly states it will not move forward on certain feasible recommendations "until issues of congestion, noise shifting and flying distance have been addressed with the airline stakeholders and the affected communities by the Select Committee and/or SFO Roundtable"; and

WHEREAS, each jurisdiction is just one of over 100 municipalities in the Bay Area. The ability of any single community, whether 30,000 or 60,000, to influence the complex operations of a federal agency serving a region of 8 million people is limited; and

WHEREAS, the impacts of airplane noise must be considered amid the competing interests of the flying public, airline industry priorities, airport operational requirements, broader economic and environmental impacts and, above all else, safety. The successful navigation of these public interest challenges requires effective collaboration; and

WHEREAS, to ensure equitable regional representation, each city and county should have the opportunity to appoint one Member and one Alternate who are local elected officials to serve on the body, elect their own leadership, and participate in helping to fund the effort just as the SFO Airport/Community Roundtable does. Once it is conceived, the newly formed South Bay Airport Roundtable could also work with the SFO Airport/Community Roundtable to establish a joint subcommittee to address complex overlapping issues related to the Midpeninsula; and

WHEREAS, the Cities Association of Santa Clara County is seeking each jurisdiction of Santa Clara County and Santa Cruz County to collaborate with neighboring jurisdictions through the formation of a community roundtables to most effectively address the community impacts of aircraft operations and work with the Federal Aviation Association (FAA).


NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Cupertino does hereby support formation of an intergovernmental partnership between the cities and counties of Santa Clara and Santa Cruz Counties, Norman Y. Minéta San Jose International Airport (SJC), San Francisco International Airport (SFO), and the FAA, that will serve as a permanent aircraft noise mitigation entity representing all affected communities in the Santa Clara and Santa Cruz Counties; and directs the City Manager to enter into a Memorandum of Understanding on behalf of the City of Cupertino.


PASSES AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21st day of August, 2018, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
AYES:	Paul, Sirks, Chang, Scharf, Vaidhyanathan
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:

APPROVED:


Grace Schmidt, City Clerk


Darcy Paul, Mayor,
City of Cupertino



OFFICE OF THE CITY MANAGER

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

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CITY COUNCIL STAFF REPORT

Meeting: August 21, 2018

Subject

Formation of the Santa Clara/Santa Cruz Airport/Community Roundtable on aircraft noise in the South Bay

Recommended Action

- A. Adopt Resolution No. 18-_____ to join the Santa Clara/Santa Cruz Airport/Community Roundtable
- B. Authorize the City Manager to execute the Santa Clara/Santa Cruz Airport/Community Roundtable memorandum of understanding (MOU)
- C. Approve the Santa Clara/Santa Cruz Airport/Community Roundtable Bylaws

Background

In 2016, United States House of Representatives Eshoo, Speier, and former Congressman Farr formed the Select Committee on South Bay Arrivals (Select Committee) to develop regional consensus on recommendations to reduce aircraft noise. The Select Committee was intended to be temporary and included 12 local elected officials from the following agencies: Santa Clara County, Portola Valley, Saratoga, Los Altos Hills, Santa Cruz County, Santa Cruz, Capitola, San Mateo County, South San Francisco, Foster City, and East Palo Alto.

The Select Committee released a report in November 2016 summarizing their recommendations, which included the need to establish a permanent venue to address aircraft noise mitigation regionally. The FAA has expressed that they will not move forward with proposed recommendations until issues of congestion, noise shifting, and flying distance have been addressed with airline stakeholders and the affected communities, which include cities that were not part of the Select Committee such as Cupertino and Sunnyvale. The FAA would also prefer to work with a regional group, similar to the San Francisco International Airport (SFO) Airport/Community Roundtable, rather than individual jurisdictions.

In June 2017, Representatives Eshoo, Khanna, and Panetta requested that the Cities Association of Santa Clara County (Cities Association) assist with the establishment of a

long-term forum for aircraft noise concerns in the South Bay. The CASC formed an Ad Hoc Committee to create the framework for establishing a South Bay aircraft noise roundtable in which Councilmember Savita Vaidhyanathan is the primary representative for Cupertino.

Discussion

In order to move forward with the Congressional request, the Cities Association has formally requested that the City of Cupertino join the effort to create the Santa Clara/Santa Cruz Airport/Community Roundtable (Roundtable) to serve as a venue that will facilitate regional collaboration regarding aircraft noise. The Roundtable, conceived to include the 21 local jurisdictions of Santa Clara and Santa Cruz Counties, will work together with SFO, Minéta San José Airport, and the FAA to address the growing concern of aircraft noise in the region.

The proposed Roundtable is subject to the Brown Act and is modeled after the SFO Roundtable. The Los Altos Hills City Council unanimously approved the resolution to join the Roundtable with the conditions that the majority of jurisdictions participate and that the cost not exceed \$10,000. The Santa Clara City Council also unanimously approved the resolution and an appropriation of funds in an amount up to \$62,000. Most other agencies have placed the resolution on upcoming agendas, however, Santa Clara County and the agencies from Santa Cruz County have yet to do so.

Joining the Roundtable would ensure that the Cupertino community is considered in any Roundtable recommendations to the FAA, SFO, or SJC regarding aircraft noise in the region. However, the success, impact, and cost-effectiveness of the Roundtable will be dependent on how many agencies participate. Based on the estimates from the Cities Association, the cost to the City would be \$11,000 if all agencies participate and \$30,000 if the agencies are charged strictly on a per capita basis. Funding will be used for staff support, technical consulting contracts, general office supplies, and communications-related expenses like mailing and photocopying. Staff recommends that Cupertino join the roundtable with the conditions that the majority of the agencies participate and that the cost to the City does not exceed \$30,000 annually.

Fiscal Impact

Using the SFO Roundtable as an example, the funding target for the Santa Clara/Santa Cruz Roundtable is \$250,000 annually (see Attachment H). With this target, Cupertino's contribution is estimated to be around \$11,000 if all agencies participate as shown in Attachment G. Since the final funding requirements will be dependent on how many agencies join the Roundtable, no allocation is required at this time. The allocation request will come before Council once the amounts are finalized.

Prepared by: Katy Nomura, Senior Management Analyst

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved for Submission by: Amy Chan, Interim City Manager

Attachments:

A – Draft Resolution

B – Roundtable MOU

C – Roundtable Bylaws

D – Cities Association of Santa Clara County Letter

E – Congressional Request

F – Roundtable FAQ

G – Funding Allocation Draft

H – SFO Roundtable Budget Sample



CITY MANAGER'S OFFICE

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CITY COUNCIL STAFF REPORT

Meeting: January 15, 2019

Subject

Approve Budget Modification No. 1819-035 resulting in an increased budget appropriation of \$17,927 to fund Cupertino's contribution to the Santa Clara/Santa Cruz Community Roundtable on aircraft noise

Recommended Action

Approve Budget Modification No. 1819-035 resulting in an increased budget appropriation of \$17,927 to fund Cupertino's contribution to the Santa Clara/Santa Cruz Community Roundtable on aircraft noise

Background

In 2016, United States House of Representatives Eshoo, Speier, and former Congressman Farr formed the Select Committee on South Bay Arrivals (Select Committee) to develop regional consensus on recommendations to reduce aircraft noise. The Select Committee was intended to be temporary and included 12 local elected officials from the following agencies: Santa Clara County, Portola Valley, Saratoga, Los Altos Hills, Santa Cruz County, Santa Cruz, Capitola, San Mateo County, South San Francisco, Foster City, and East Palo Alto.

The Select Committee released a report in November 2016 summarizing their recommendations, which included the need to establish a permanent venue to address aircraft noise mitigation regionally. The Federal Aviation Authority (FAA) has expressed that they will not move forward with proposed recommendations until issues of congestion, noise shifting, and flying distance have been addressed with airline stakeholders and the affected communities, which include cities that were not part of the Select Committee such as Cupertino and Sunnyvale. The FAA also preferred to work with a regional group, similar to the San Francisco International Airport (SFO) Airport/Community Roundtable, rather than individual jurisdictions.

In June 2017, Representatives Eshoo, Khanna, and Panetta requested that the Cities Association of Santa Clara County (Cities Association) assist with the establishment of a long-term forum for aircraft noise concerns in the South Bay. The Cities Association formed an Ad Hoc Committee to create the framework for establishing a South Bay

aircraft noise roundtable in which former Councilmember Savita Vaidhyanathan was the primary representative for Cupertino. The Ad Hoc Committee proposed a Santa Clara/Santa Cruz County Community Roundtable (Roundtable) on aircraft noise and the Cities Association requested participation from each of the 21 jurisdictions in Santa Clara and Santa Cruz Counties last year.

At the Cupertino City Council meeting on August 21, 2018, Council adopted Resolution No. 18-083 to join the Roundtable. At that time, jurisdictions were still considering participation and the final funding amount for Cupertino was unknown since it would depend on how many jurisdictions participated. Due to this, the budget appropriation was deferred until the funding amount could be finalized.

The final membership for the Roundtable included the following 13 jurisdictions:

City of Capitola	City of Mountain View	City of Sunnyvale
City of Cupertino	City of Palo Alto	County of Santa Clara
City of Los Altos	City of Santa Clara	County of Santa Cruz
Town of Los Altos Hills	City of Santa Cruz	
City of Monte Sereno	City of Saratoga	

The remaining jurisdictions would be able to join at any time.

Discussion

Using the SFO Roundtable's budget as an example, the funding target for the Santa Clara/Santa Cruz Roundtable (Roundtable) was set at \$250,000 annually. To reach this target, the costs would be distributed between the participating jurisdictions on a per capita basis. Since each cities' contribution would be dependent on the number of participating jurisdictions, Cupertino's contribution was unknown when the City joined the Roundtable but was estimated to be between \$11,000 and \$30,000 annually.

With the 13 participating jurisdictions finalized, Cupertino's contribution to the Roundtable will be \$17,927 for the 2019 calendar year. Funding will be used for staff support, technical consulting contracts, general office supplies, and communications-related expenses like mailing and photocopying. Staff recommends approving a Budget Appropriation of \$17,927 to fund Cupertino's contribution to the Santa Clara/Santa Cruz Community Roundtable on aircraft noise. The Roundtable is expected to begin meeting in early 2019.

Sustainability Impact

None anticipated.

Fiscal Impact

If approved, Budget Modification No. 1819-035 will result in an increased appropriation of \$17,927 to fund Cupertino's contribution to the Roundtable. The appropriation will be

funded by the general fund. The Roundtable budget will be established each year and the City's contribution will be calculated accordingly on a per capita basis.

Prepared by: Katy Nomura, Senior Management Analyst

Reviewed by: Aarti Shrivastava, Assistant City Manager

Approved for Submission by: Timm Borden, Interim City Manager

Attachments:

A – Final Roundtable Funding Calculations



Agenda Item No: _____

Meeting Date: February 26, 2020

SCSC ROUNDTABLE AGENDA REPORT

Department: Cities Association of Santa Clara County

Prepared by: Andi Jordan
Executive Director

TOPIC: 2021 FY Budget

SUBJECT: RECEIVE 2021 FY BUDGET PROPOSAL

EXECUTIVE SUMMARY:

Per the bylaws, the SCSC Roundtable must approve an annual fiscal year budget for the FY 2021 (July 1, 2020-June 20, 2021). Members receive the proposed budget 60 days prior to budget adoption to allow ample notification to each jurisdiction and the public.

RECOMMENDATION:

Receive budget recommendation of FY 2021 budget based on current SCSC Roundtable funding. At the April 2020 SCSC Roundtable Meeting, adopt the FY 2021 Budget Proposal.

BACKGROUND:

The initial SCSC Roundtable budget was based on the approximate San Francisco Airport Roundtable's (SFO RT) budget. Initial budget funding from member jurisdiction dues on a per capita basis totaled \$250,000. Contract for the Facilitator/Consultant was awarded for the 2019 calendar year at \$236,986.70. This initial budget was approved by the Cities Association of Santa Clara County. Each member jurisdiction voted to join based on the Bylaws and MOU. In August 2019, SCSC Roundtable members approved a budget amendment of 6 months, with member dues totaling \$125,000. Currently the Cities Association of Santa Clara county (CASC) is not charging the SCSC Roundtable for being the fiscal agent.

The Scope of work for the Facilitator/Consultant services include:

- Task 1: Facilitate Regular Roundtable Meetings*
- Task 2: Assist CASC in improving Roundtable Participation (meeting format and composition)*
- Task 3: Provide Support for Work Not Currently Before the Roundtable*
- Task 4: Follow up with FAA and SFO on the Select Committee Recommendations*
- Task 5: Follow up with the FAA and SJC on the South Flow Recommendations*
- Task 6: Develop an FAA Advocacy Plan*
- Task 7: Prepare and Maintain the SCSC Roundtable Public Website*

Environmental Science Associates is currently under contract through June 30, 2020 with an option to extend up to an additional two and a half years (or 30 months).

SCSC ROUNDTABLE AGENDA REPORT / Page: 2

FIRST YEAR (CALENDAR YEAR 2019) EXPENDITURE REVIEW:

- ESA was \$14,521 under budget for the year (Note: only 11 months under last year's authorization. So, close to target.)
- SCSC Roundtable moved to every other month schedule starting in late summer, which helped reduce the costs related to the monthly meetings.
- Budget included 17 meetings, ESA supported 9.
- ESA budgeted about \$6,958 per meeting and spent about \$21,408 per meeting.
 - This is a brand new Roundtable and it takes time for it to get up to speed. For example, weekly check-in meetings were held initially.
 - Part of the high per meeting cost is attributable to the fact that the community now has a platform to voice their concerns and the volume of email and, as a result, the monthly agenda packets are quite large.
 - It is important to note that we have not had any subcommittee meetings yet, which must be noticed under the Brown Act, which will add to future meeting costs.
 - CASC, ESA and other city staff are discussing options to reduce the per meeting expense such as providing less technical staff and more administrative staff.

BYLAWS and BUDGET ADOPTION:

The approved SCSC Bylaws outline the member dues funding formula at .50 per capita (all jurisdictions except very large cities such as San José). If San José elected to join, its maximum is established at .10 per capita.

Article VIII. Funding/Budget (Bylaws approved March 27, page 7)

1. The Roundtable shall be funded by its voting member agencies. Attached to the bylaws is the initial Funding allocation for each City and County. The Cities Association of Santa Clara County shall establish a Roundtable Fund that contains the funds from the member agencies and shall be the keeper of the Roundtable Fund. All Roundtable expenses shall be paid from the Roundtable Fund.

2. The amount of the annual funding for each member shall be based on the approved per capita formula and may be increased or decreased on a percentage basis at a Regular or Special Meeting by a majority vote of those members present at that meeting.

3. The Roundtable fiscal year shall be from July 1st to June 30th.

4. Roundtable Staff, in consultation with the Roundtable Chairperson, will recommend an annual funding amount for the Roundtable at least 60 days prior to the anticipated date of adoption of the annual Roundtable Budget and inform each member of their anticipated increase or decrease in funding amount.

5. The Roundtable shall adopt an annual budget at a Regular Meeting or at a Special Meeting to be held between February - April of each calendar year. The budget must be approved by a majority of the Representatives/Alternates who are present at that meeting.

6. The adopted Roundtable Budget may be amended at any time during the fiscal year, as needed. Such action shall occur at a Regular Roundtable Meeting and be approved by a majority of the Roundtable Representatives present at that meeting.

SCSC ROUNDTABLE AGENDA REPORT / Page: 3

7. If a member withdraws from the Roundtable, per the provisions of Article III. Section 9, the remainder of that member's annual Roundtable funding contribution shall be forfeited, since the annual Roundtable Budget and Work Program are based on revenue provided by all Roundtable members.

The Memorandum of Understanding also discusses the budget:

Memorandum of Understanding (MOU, Article II, page 4)

The Roundtable shall establish a budget for each fiscal year. Each Roundtable voting member jurisdiction shall contribute to the budget based on a per capita formula: the population of each jurisdiction (most recent available census numbers) times the following per capita fee structure. This formula is the maximum contribution a jurisdiction will make:

Per Capita Fee Structure

Large City \$ 0.50

Small City \$ 0.50

Medium City \$ 0.50

XL City \$ 0.10

County \$ 0.50

INCOME:

For Calendar Year 2019 through June 30, 2020, all expected funding was received from all jurisdictions. CASC Staff recommends that the current budget be continued for FY 2021.

	SCSC Roundtable Budget Amendment Income Options	
2019 - approved	Jan – June 2020 - approved	FY 2021 - proposed
\$250,000	\$125,000	\$250,000

PROPOSED ALLOCATIONS AND EXPENDITURES:

Staff and consultant Services

	2019 Calendar Budget	6 month Budget extension (through June 30, 2020)	FY 2021 (July 1, 2020 - June 30, 2021)
Facilitation and Consultant Services	\$220,825.00	\$110,412.50	\$220,825.00
Revised Consultants reimbursable costs – shall not exceed	\$16,161.70	\$8,080.85	\$16,161.70
Contingency	\$13,013.30	\$6,506.65	\$13,013.30
Total:	\$250,000.00	\$125,000.00	\$250,000.00

OPTIONS:

SCSC ROUNDTABLE AGENDA REPORT / Page: 4

SCSC Roundtable has the following options to consider on this matter:

1. Receive CASC Staff's recommended action and agendaize and adopt at the April 2020 SCSC Roundtable Meeting.
2. Provide specific direction to staff regarding changes to the budget.
3. Take no action.

RECOMMENDED ACTION:

Place on agenda for April 22, 2020 for adoption of the SCSC Roundtable FY 2021 Budget.

ATTACHMENTS:

- Calculations for the SCSC Roundtable
- SCSC Roundtable Agenda Review Calendar Year 2019

Santa Clara/Santa Cruz Community Roundtable Final Funding Formula					
City Name	2010 Census Population	.5/.1	2019 Final Budget	2020 6-month budget amendment	Proposed FY 2021 Budget
San Jose		\$ -	\$ -	-	\$ -
Campbell		\$ -	\$ -	-	\$ -
Cupertino	58,302	\$ 29,151.00	\$ 17,926.99	8,963	\$ 17,926.99
Gilroy		\$ -	\$ -	-	\$ -
Milpitas		\$ -	\$ -	-	\$ -
Morgan Hill		\$ -	\$ -	-	\$ -
Mountain View	74,066	\$ 37,033.00	\$ 22,774.18	11,387	\$ 22,774.18
Palo Alto	64,403	\$ 32,201.50	\$ 19,802.95	9,901	\$ 19,802.95
Santa Clara	116,468	\$ 58,234.00	\$ 35,812.15	17,906	\$ 35,812.15
Saratoga	29,926	\$ 14,963.00	\$ 9,201.79	4,601	\$ 9,201.79
Sunnyvale	140,081	\$ 70,040.50	\$ 43,072.80	21,536	\$ 43,072.80
Unincorporated Santa Clara county	89,960	\$ 44,980.00	\$ 27,661.34	13,831	\$ 27,661.34
Santa Cruz	59,946	\$ 29,973.00	\$ 18,432.49	9,216	\$ 18,432.49
Watsonville		\$ -	\$ -	-	\$ -
Los Altos	28,976	\$ 14,488.00	\$ 8,909.68	4,455	\$ 8,909.68
Los Gatos		\$ -	\$ -	-	\$ -
Unincorporated Santa Cruz County	129,739	\$ 64,869.50	\$ 39,892.79	19,946	\$ 39,892.79
Los Altos Hills	7,922	\$ 3,961.00	\$ 2,435.90	1,218	\$ 2,435.90
Monte Sereno	3,341	\$ 1,670.50	\$ 1,027.31	514	\$ 1,027.31
Capitola	9,918	\$ 4,959.00	\$ 3,049.64	1,525	\$ 3,049.64
Scotts Valley		\$ -	\$ -	-	\$ -
		\$ 406,524.00	\$ 250,000.00	125,000	\$ 250,000.00
	per capita fee structure				
	Large City	\$ 0.50			
	Medium City	\$ 0.50			
	Small City	\$ 0.50			
	XL City	\$ 0.10			
	County	\$ 0.50			

City Name	2010 Census Population	.5/.1	2019 Final Budget	2020 month budget amendment	6- Proposed FY 2021 Budget
San Jose		\$ -	\$ -	-	\$ -
Campbell		\$ -	\$ -	-	\$ -
Cupertino	58,302	\$ 29,151.00	\$ 17,926.99	8,963	\$ 17,926.99
Gilroy		\$ -	\$ -	-	\$ -
Milpitas		\$ -	\$ -	-	\$ -
Morgan Hill		\$ -	\$ -	-	\$ -
Mountain View	74,066	\$ 37,033.00	\$ 22,774.18	11,387	\$ 22,774.18
Palo Alto	64,403	\$ 32,201.50	\$ 19,802.95	9,901	\$ 19,802.95
Santa Clara	116,468	\$ 58,234.00	\$ 35,812.15	17,906	\$ 35,812.15
Saratoga	29,926	\$ 14,963.00	\$ 9,201.79	4,601	\$ 9,201.79
Sunnyvale	140,081	\$ 70,040.50	\$ 43,072.80	21,536	\$ 43,072.80
Unincorporated Santa Clara county	89,960	\$ 44,980.00	\$ 27,661.34	13,831	\$ 27,661.34
Santa Cruz	59,946	\$ 29,973.00	\$ 18,432.49	9,216	\$ 18,432.49
Watsonville		\$ -	\$ -	-	\$ -
Los Altos	28,976	\$ 14,488.00	\$ 8,909.68	4,455	\$ 8,909.68
Los Gatos		\$ -	\$ -	-	\$ -
Unincorporated Santa Cruz County	129,739	\$ 64,869.50	\$ 39,892.79	19,946	\$ 39,892.79
Los Altos Hills	7,922	\$ 3,961.00	\$ 2,435.90	1,218	\$ 2,435.90
Monte Sereno	3,341	\$ 1,670.50	\$ 1,027.31	514	\$ 1,027.31
Capitola	9,918	\$ 4,959.00	\$ 3,049.64	1,525	\$ 3,049.64
Scotts Valley		\$ -	\$ -	-	\$ -
		\$ 406,524.00	\$ 250,000.00	125,000	\$ 250,000.00

Santa Clara/Santa Cruz Community

City Name	2010 Census Population	.5/.1
San Jose		\$ -
Campbell		\$ -
Cupertino		\$ -
Gilroy		\$ -
Milpitas		\$ -
Morgan Hill		\$ -
Mountain View	74,066	\$ 37,033.00
Palo Alto	64,403	\$ 32,201.50
Santa Clara	116,468	\$ 58,234.00
Saratoga	29,926	\$ 14,963.00
Sunnyvale	140,081	\$ 70,040.50
Unincorporated Santa Clara county	89,960	\$ 44,980.00
Santa Cruz	59,946	\$ 29,973.00
Watsonville		\$ -
Los Altos	28,976	\$ 14,488.00
Los Gatos		\$ -
Unincorporated Santa Cruz County	129,739	\$ 64,869.50
Los Altos Hills	7,922	\$ 3,961.00
Monte Sereno	3,341	\$ 1,670.50
Capitola	9,918	\$ 4,959.00
Scotts Valley		\$ -
		\$ 377,373.00

per capita fee structure	
Large City	\$ 0.50
Medium City	\$ 0.50
Small City	\$ 0.50
XL City	\$ 0.10
County	\$ 0.50

NOTE: To change calculations, remove or add population to C

Roundtable Final Funding Formula

2019 Final Budget	cost with full participation	2010 Census Population	2020 6-month budget amendment	Proposed FY 2021 Budget
\$ -	\$ 37,504.95	945,942	-	\$ -
\$ -	\$ 7,682.20	39,349	-	\$ -
\$ -	\$ 10,719.29	58,302	-	\$ -
\$ -	\$ 9,890.02	48,821	-	\$ -
\$ -	\$ 13,911.64	66,790	-	\$ -
\$ -	\$ 7,824.00	37,882	-	\$ -
\$ 24,533.42	\$ 13,969.18	74,066	12,267	\$ 24,533.42
\$ 21,332.67	\$ 11,998.53	64,403	10,666	\$ 21,332.67
\$ 38,578.54	\$ 22,225.74	116,468	19,289	\$ 38,578.54
\$ 9,912.61	\$ 5,521.16	29,926	4,956	\$ 9,912.61
\$ 46,400.05	\$ 26,859.37	140,081	23,200	\$ 46,400.05
\$ 29,798.10	\$ 18,284.96	89,960	14,899	\$ 29,798.10
\$ 19,856.35	\$ 11,556.28	59,946	9,928	\$ 19,856.35
\$ -	\$ 9,643.71	7,922	-	\$ -
\$ 9,597.93	\$ 5,629.26	28,976	4,799	\$ 9,597.93
\$ -	\$ 5,468.46	29,413	-	\$ -
\$ 42,974.39	\$ 25,097.02	129,739	21,487	\$ 42,974.39
\$ 2,624.06	\$ 1,552.07	7,922	1,312	\$ 2,624.06
\$ 1,106.66	\$ 699.13	3,341	553	\$ 1,106.66
\$ 3,285.21	\$ 1,824.91	9,918	1,643	\$ 3,285.21
\$ -	\$ 2,138.27	11,580	-	\$ -
\$ 250,000.00	\$ 250,000.15		125,000	\$ 250,000.00

COLUMN B



CITY OF CUPERTINO

Legislation Text

File #: 20-7107, **Version:** 1

Subject: FY 2020-21 City Work Program

Adopt FY 2020-21 City Work Program



CITY MANAGER'S OFFICE

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
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CITY COUNCIL STAFF REPORT

Meeting: March 31, 2020

Subject

FY 2020-21 City Work Program.

Recommended Action

Adopt FY 2020-21 City Work Program.

Discussion

The City recently launched a Strategic Planning process, beginning with the establishment of City Council Goals and leading to the development of a Proposed FY 2020-21 City Work Program. Council discussed potential FY 2020-21 City Council goals at the first Strategic Planning Session conducted on February 10, 2020. The goals were then adopted at the February 18 Council meeting and used as a framework for the FY 2020-21 City Work Program. The proposed FY 2020-21 City Work Program was discussed at the second Strategic Planning Session on February 24. Council provided feedback and direction which is incorporated in the proposed City Work Program.

Due to some of the additions directed by Council, staff has recommended deletion of specific items as outlined below to accommodate the additional workload. This list describes additions and deletions by Department:

- **City Manager's Office**
 - Items Added (by goal)
 - Public Engagement and Transparency
 - Two-Way Online Communication (Small)
 - Quality of Life (Access to Goods and Services)
 - Study Session on Regulating Diversified Retail Use (Small)
 - Items Removed to Accommodate Additions (by Goal)
 - Public Engagement and Transparency
 - New Sister City Relationship (Small)
 - Removed Visitor's Center from Small Business Development Center (SBDC) item (Small)
- **Community Development**
 - Items Added (by goal)
 - Housing
 - Establish Pre-approved ADU Plans (Small)

- Quality of Life
 - Development Accountability (Small)
 - Heart of the City Plan (Large)
 - Review and Update General Plan (GP) and Municipal Code (Large)
 - Vallco Specific Plan (Medium)
 - General Plan Authorization Process (Small)
 - Items Removed to Accommodate Additions (by goal)
 - Quality of Life
 - Evaluate Conditional Uses (Medium)
 - Evaluate the R1 Ordinance (Medium)
 - Items Moved to Parks and Recreation from Community Development
 - Quality of Life
 - Art Festival (Small)
 - Art Talks (Small)
 - Art in Unexpected Places (Small)
- **Public Works**
 - Items Added (by goal)
 - Transportation
 - Traffic Congestion Map and Identify Solutions (Large)
 - No items are recommended for removal.

It is recommended that Council adopt the proposed FY 2020-21 City Work Program. The adopted City Work Program will become the basis for the City's budget.

It should be noted that since Council discussed this City Work Program, a Local Emergency proclamation has been issued (along with State and Federal emergency proclamations) related to the current outbreak of COVID-19. There are many unknowns at this time related to the virus, including impacts on staff, consultant, contract, material and financial resources, as well as limitations imposed on the City by other agencies. Taking these unknowns into consideration, it is likely that the City Work Program as presented will change. Some projects may take longer than expected, and others may not be feasible. However, the staff recommendation is that Council approve the Work Program as presented with the understanding that it is likely to change as our circumstances change. Council will be kept apprised of changes as they occur.

Sustainability Impact

Items included on the Work Program regarding sustainability will further the City's progress toward our climate and sustainability goals. In particular, the update to the Climate Action and Adaptation Plan will set the stage for sustainability initiatives in the future.

Fiscal Impact

The fiscal impacts of the adopted FY 2020-21 City Work Program will be reflected in the upcoming FY2020-21 Budget Process.

Attachments:

A – Proposed FY 2020-21 City Work Program

B – Proposed FY 2020-21 City Work Program – Outlining Changes from 2.24.20



Proposed FY 2020-21 City Work Program

Public Engagement and Transparency

Creating and maintaining key conversations and interactions with the Cupertino Community.

#	Project Title	Project Objective	Progress to Date	Next Steps	Timeline	Current Status	Performance Goal	Completion Date	Est. Total Budget (not including staff time)	Actual Expense to Date	Size	Staff Lead	Department	Commission(s)/ Committees
1	New City Seal/Logo	Identify, create, and rollout a new City seal/logo for Cupertino, which would replace the marion.	Proposed Work Program Item	1) Initiate 2) Plan 3) Execute	Fiscal Year 2021	Proposed	Successful rollout of new City seal/logo	Spring 2021	\$150,000	N/A	Medium	Brian Babcock	City Manager's Office	N/A
2	Commissioner Handbook Update	Revise and update the Commissioner Handbook to include provisions adopted by Council on January 21, 2020 and to make the document more user-friendly.	Proposed Work Program Item	1) Review current Commissioner Handbook and identify areas for improvement. 2) Revise Handbook for Council approval.	1) Fall 2020 2) Winter 2020	Proposed	Revised Commissioner Handbook.	Winter 2020	N/A	N/A	Medium	Kirsten Squarcia Katy Nomura	City Clerk's Office City Manager's Office	N/A
3	Two-Way Online Communication	Reach out to other cities to discuss their experiences with an online two-way communication service beyond traditional social media platforms, review ability to properly moderate, and then report back findings to Council.	Preliminary discussions with OpenGov regarding capacity of the Open City Hall platform.	1) Reach out to cities 2) Complete report 3) Send report to Council	Spring 2020	Proposed	Gather input from other cities and report findings to Council.	Spring 2020	N/A	N/A	Small	Bill Mitchell Brian Babcock	Innovation Technology City Manager's Office	N/A
4	Pilot Online Store for City-Branded Items	Explore the viability of establishing and maintaining an online store to sell City-branded merchandise.	Proposed Work Program Item	Research online sales platforms, start-up costs, ongoing costs, and staffing	Fall 2020	Proposed	Launch online merchandise store promote City-branded items.	Winter 2020	\$5,000 for start-up costs	N/A	Small	Angela Tsui Brian Babcock	City Manager's Office	N/A
5	Roadmap Project	To improve public engagement, communicate how external processes work for the public by publishing process flow charts.	Preliminary scope of work defined. Mockup of flow chart developed.	1) Inventory external processes 2) Prioritize 3) Build/Publish Process Flow Charts	1) Summer 2020 2) Summer 2020 3) Summer 2021	Proposed	Publish flow charts for public facing processes on City website.	Winter 2021	N/A	N/A	Medium	Bill Mitchell Dianne Thompson	Innovation Technology City Manager's Office	N/A
6	Small Business Development Center (SBDC) Counseling Hours	Explore the viability of establishing on-site regular office hours for an SBDC counselor.	This is an action item in the Economic Development Strategic Plan as a resource to retain and grow small and midsize businesses.	Identify City Hall conference rooms that have re-occurring availability, possibly Fridays. Confirm SBDC counselor availability during those times.	Fall 2020	In Progress	Find meeting space for SBDC counselors to hold on-site appointments with prospective business clients.	Fall 2020	\$5,000 for anticipated office equipment and marketing efforts to promote the new on-site counseling program	N/A	Small	Angela Tsui	City Manager's Office	N/A
7	Policies on Nonprofit Support	Review and implement policies on funding and support for nonprofit organizations, including meeting room space and office space.	-June 2019 Updated Community Funding brought to Council for approval but was deferred -January 2020 Updated Community Funding Policy approved by Council.	1) Review all policies regarding funding and support of nonprofits. 2) Research best practices in other cities. 3) Conduct a Study Session for Council regarding options and recommendations. 4) Draft, revise, and implement policies per Council direction. 5) Bring policies to Council.	1) Fall 2019 2) Spring 2020 3) Spring 2020 4) Summer 2020 5) Fall 2020	In Progress	A standardized process for nonprofits to receive funding and support from the City.	Fall 2020	\$15,000	N/A	Medium	Kristina Alfaro Parks & Recreation Director	Administrative Services Parks & Recreation	N/A
8	Leadership Program	To provide education to the public about City government.	Proposed Work Program Item	Research best practices in other cities and develop program.	Spring 2021	Proposed	To provide education to the public about City government.	Spring 2021	N/A	N/A	Medium	Dianne Thompson Brian Babcock	City Manager's Office	N/A

Note: The numbers in the # column are just for reference to make it easier to navigate the document and are not an indication of priority



Proposed FY 2020-21 City Work Program

Transportation

Providing access to an efficient, safe multi-modal transportation system for our community, and advocating for effective, equitable mass transit in the greater region.

#	Project Title	Project Objective	Progress to Date	Next Steps	Timeline	Current Status	Performance Goal	Completion Date	Est. Total Budget (not including staff time)	Actual Expense to Date	Size	Staff Lead	Department	Commission(s)/ Committee(s)
1	Shuttle Bus Pilot Program Implementation	Community shuttle bus 18-month pilot program to increase connectivity throughout the City, nearby medical locations, and Caltrain in Sunnyvale. Explore complimentary opportunities to expand into other cities.	Pilot program implemented, over 7,000 trips in the first 3 months.	Continue to survey the community to ensure quality service and community expectations are attained. Expand shuttle fleet and look for opportunity to enhance service. Investigate/implement program elements to improve parking issues at the Civic Center.	18-month pilot program will finish in April 2021.	In Progress	Reduce traffic congestion by providing a community ride-share shuttle.	April 2021	\$1.75M - \$0.423M AQMD grant funds (still pending)	\$266,445	Large	Chris Corrao	Public Works	N/A
2	Regional Transformative Transit Project Initiatives	Work to advance the following projects as submitted to the Metropolitan Transportation Commission (MTC) as Transformative Transportation Projects: 1. Stevens Creek Corridor High Capacity Transit 2. Automated Fixed Guideway to Mountain View 3. Cupertino Station at I-280/Wolfe Road 4. Highway 85 Transit Guideway 5. Silicon Valley High Capacity Transit Loop 6. Transit Update & Funding Strategies	MTC has identified the top 100 submittals and three Cupertino options are included for further study. In mid-2018, staff began meeting with Apple to discuss potential projects. An update of these meetings was provided to Council on April 2, 2019. - Staff is participating with the VTA Policy Advisory Board group to advocate for a physically separated high occupancy lane on Highway 85. - On July 2019, Council adopted a resolution to support transit on Stevens Creek Boulevard/Highway 280 Corridor.	-Continue to pursue local transportation funding opportunities with Apple, Inc., Measure B funds, and other funding sources to advance local projects identified in the 2016 Bicycle Transportation Plan and 2018 Pedestrian Plan. -Work with neighboring cities, agencies, and organizations in the region to advance regional transit projects that connect Cupertino to the growing regional transportation network. -Study a Stevens Creek Corridor High Capacity Transit project, an automated fixed-guideway to Mountain View, an SR85 Corridor Project and Silicon Valley High Capacity Transit Loop among other ideas to address regional mobility and congestion management.	Long-term projects that will be considered for inclusion in 2050 Bay Area plan, led by MTC.	In Progress	To include projects serving Cupertino in 2050 Bay Area plan.	TBD	TBD	N/A	Extra Large	Roger Lee Chris Corrao	Public Works	N/A
Improving Traffic Flow and Alleviating Congestion														
3	Bollinger Road Safety Study	Conduct a safety and operational study of the Bollinger Road corridor. Look at ways to improve vehicle, bicycle, and pedestrian safety.	Proposed Work Program Item	Develop scope of study. Enter into agreement with consultant to lead study.	Summer 2020	Proposed	Reduce accidents along Bollinger Road.	Summer 2021	\$100,000	N/A	Medium	David Stillman	Public Works	Bicycle Pedestrian Commission
4	Pilot - Adaptive Traffic Signaling	Utilize the City's Traffic Management System to test impact of enhanced adaptive traffic signaling. This will be done through software modifications and/or the addition of IOT devices such as intelligent cameras and sensors.	Research, rough scope of work and timeline developed.	1. Refine scope of work and timeline 2. Vendor selection & contract negotiation 3. Execute contract - achieve deliverables 4. Analyze Impact	1. Summer 2020 2. Summer/Fall 2020 3. Fall/Winter 2020 4. Spring 2021	Proposed	Determine impact of using adaptive traffic signaling to improve traffic flow in heavy and moderate traffic locations at different times of day.	Spring 2021	\$75,000 for equipment, software and consulting services	N/A	Medium	Bill Mitchell David Stillman	Innovation Technology Public Works	TICC
5	Pilot - Multimodal Traffic Count	Utilize the City's Traffic Management System and/or IOT equipment to provide the number of vehicles, pedestrians and bike traffic that moved through a given area, e.g., intersection, roadway or trail.	Research, rough scope of work, and timeline developed.	1. Refine scope of work and timeline 2. Vendor selection & contract negotiation 3. Execute contract - achieve deliverables 4. Analyze Impact	1. Summer 2020 2. Summer/Fall 2020 3. Fall/Winter 2020 4. Spring 2021	Proposed	Produce verifiable results for the use of the existing traffic management system and IOT sensors to count multi modal traffic.	Spring 2021	\$45,000 for equipment, software and consulting services	N/A	Medium	Bill Mitchell David Stillman	Innovation Technology Public Works	TICC

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Proposed FY 2020-21 City Work Program

Transportation

Providing access to an efficient, safe multi-modal transportation system for our community, and advocating for effective, equitable mass transit in the greater region.

#	Project Title	Project Objective	Progress to Date	Next Steps	Timeline	Current Status	Performance Goal	Completion Date	Est. Total Budget (not including staff time)	Actual Expense to Date	Size	Staff Lead	Department	Commission(s)/ Committee(s)
6	Traffic Congestion Map and Identify Solutions	Identify traffic congestion areas in a heat map. Identify, implement and measure effectiveness of data driven solutions to improve traffic flow in most congested areas.	Approximately half of the City's traffic signal controllers have been updated with new switches for ethernet connectivity. Central traffic management system has been upgraded. Ongoing function of traffic operations.	Create heat map, prioritize improvements, continue upgrade of controllers / ethernet connectivity in most congested intersections .	Heat map and prioritization of improvements - Sept. 2020; completion of controller upgrades and connectivity - June 2022	In Progress	Improved flow of traffic along corridors that experience the greatest amount of congestion.	Summer 2022	\$685,000.00	\$365,000	Large	David Stillman	Public Works	N/A

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Proposed FY 2020-21 City Work Program

Housing

Contributing meaningfully and in a balanced manner to the housing inventory in support of our community needs, including affordable housing (from extremely low-income to moderate-income level housing) and addressing homelessness.

#	Project Title	Project Objective	Progress to Date	Next Steps	Timeline	Current Status	Performance Goal	Completion Date	Est. Total Budget (not including staff time)	Actual Expense to Date	Size	Staff Lead	Department	Commission(s)/Committee(s)
1	Study session for the impact and requirement for the next RHNA cycle	Review preliminary RHNA numbers. Look at strategies for RHNA compliance including evaluating sites for potential upzoning, and jobs-housing ratio and statistics.	Planning Commission proposed Work program item	1) Council incorporation in WP 2) Review preliminary RHNA when available 3) Review strategies to consider 4) Present to Planning Commission	Winter 2020-2021	Proposed	Initial Report and complete study session	Spring 2021	\$5,000	N/A	Small	Ben Fu	Community Development	Planning Commission
2	Housing Strategies	Explore the development of strategies that provides a variety of products across the affordability levels including housing for the developmentally disabled, as well as those with moderate, low, very low, and extremely low income. *Continued from FY 19-20 work program	-Priority system implemented in BMR program for school district employee housing. -Staff conducted a City Council Study Session on BMR Housing on May 1, 2018. -BMR Linkage Fee Study (see Financial Sustainability) is underway as part of FY 2018-19 Work Program. - BMR Linkage Fee Study is in progress. Item proposed to continue in FY 2020-2021 Work Program.	(1) Housing Commission Study Session (2) Planning Commission Study Session (3) Bring item to City Council	Fall 2020	In Progress	Adopt effective strategies and tools for the development of affordable housing across all income levels and abilities.	Spring 2021	\$50,000	\$10,000	Medium	Kerri Heusler	Community Development	Housing Commission
3	Engage with Philanthropic Organizations to find a way to build moderate-income and ELI housing units for Developmentally Disabled and Engage with Habitat for Humanity (or other nonprofit) to build ownership housing	1) Identify ways to build ELI housing units for developmentally disabled. 2) Look at possibility of building 6-8 affordable ownership townhomes. *Continued from FY 19-20 work program	-BMR Linkage Fee Study (See Financial Sustainability) is underway as part of FY 2018-19 Work Program. -Staff has met with both Housing Choices and Bay Area Housing Corporation to discuss potential projects. -Acquired property and have begun conceptual study to determine access needs into BBF. Staff led a tour of the Byrne Avenue house with Bay Area Housing Corporation and Housing Choices in Fall 2019. Public Works feasibility study underway, presenting to City Council in Spring 2020. Item proposed to continue in FY 2020-2021 Work Program.	1. Provide technical assistance to developer/nonprofit, assist with NOFA/RFP application. 2. Study feasibility of access into Blackberry Farm and dedicate necessary land for access. 3. Study feasibility of development on property. 4. Negotiate with Habitat for Humanity, provide technical assistance with the NOFA/RFP application process. Review Public Works feasibility study to determine property line / acreage in order to determine residential uses.	Fall 2019/Spring 2020	In Progress	1. Assist developer/nonprofit with the creation of a housing project for ELI developmentally disabled, evaluate NOFA/RFP application for potential award of City CDBG and/or BMR Affordable Housing Funds to assist project. 2. Determine if project is feasible. Assist Habitat for Humanity with the creation of a project, evaluate NOFA/RFP application for potential award of City CDBG and/or BMR Affordable Housing Funds to assist project.	Summer 2021	\$150,000 plus additional development costs to be determined after feasibility study.	\$2,450,000 for acquisition of property (for reference, not necessarily part of the budget for this specific item)	Medium	Kerri Heusler Gian Martire Chad Mosley	Community Development	Housing Commission
4	Establish Preapproved ADU Plans	Establish procedures and policies on streamlining the ADU review process.	Proposed Work Program item by City Council.	Evaluate industry standard and regional streamlining methods.	Summer 2020	Proposed	An established procedure and process.	Winter 2020-2021	\$10,000	N/A	Small	Gian Martire	Community Development	Planning Commission
Homelessness														
5	Review the City's Housing and Human Services Grant (HSG) Funds.	1. Review existing grant funds to determine allowable uses for emergency financial assistance programs. 2. Consider increasing BMR AHF public service and HSG funding allocations.	Proposed Work Program item by Housing Commission, January 21, 2020. City Council Study Session directive.	Review FY 2020-21 City Housing and Human Services Grant funding allocations. Award funds and determine shortfall, if any.	Summer 2020	Proposed	Provide Council with funding and shortfall (if any) information as part of FY 2020-21 Housing and Human Service Grant funding allocations.	Winter 2020-2021	\$500,000	N/A	Small	Kerri Heusler	Community Development	Housing Commission

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Proposed FY 2020-21 City Work Program

Housing

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6	Housing Program for De Anza College Students	Explore solutions for homeless and housing insecure students. Assist in the development of a housing program for homeless students. Investigate partnership with De Anza on student housing and transportation solutions.	Proposed Housing Commission, January 21, 2020. City Council Study Session directive.	Explore Home Match Program model. Collaborate with De Anza College, non-profits/social service providers, and the City Senior Center.	Summer 2020	Proposed	Prepare a report for City Council on status of program.	Summer 2021	\$50,000 (seed money to launch program)	N/A	Small	Kerri Heusler	Community Development	Housing Commission
7	Homeless Services and Facilities.	Partner with non-profits/social service providers to bring mobile hygiene services to Cupertino and to accommodate the needs of homeless residents by evaluating the potential of adding amenities to future City buildings.	Proposed Work Program item.	1) Collaborate with Project We Hope (Dignity on Wheels), West Valley Community Services, and non-profits/social service providers. 2) Provide technical assistance on the City's Housing and Human Services Grant Funds. 3) Work with Planning and Environmental Services to create a list of locations. 4) Collaborate with developer community to determine estimates of amenities.	Fall 2020	Proposed	Prepare a report for City Council on status of program. Provide funding to non-profits/social service providers through the City's Housing and Human Services Grants.	Summer 2021	\$100,000 (seed money to launch program, Housing & Human Services Grant Funds)	N/A	Small	Kerri Heusler	Community Development	Housing Commission
8	Research Governor's \$1.4 billion pledge towards homelessness, work with local agencies and service providers to connect with local funding.	Advocate for funding dedicated to Cupertino projects and programs.	January 21, 2020 City Council Study Session directive	Collaborate with Destination: HOME, Santa Clara County Office of Supportive Housing, Housing Trust Silicon Valley, and other recipients of funds serving Santa Clara County. Contact funders (Apple, Kaiser, etc.) to learn more about funding opportunities in Santa Clara County.	Summer 2020	Proposed	Prepare a report for City Council on status of funding.	Spring 2021	No funds are needed. Staff Time Only.	N/A	Small	Kerri Heusler	Community Development	Housing Commission
9	Transportation to/from Service Providers	1. Research existing bus routes. 2. Provide funding to non-profits/social service providers for bus passes.	Proposed Work Program item by Housing Commission, January 21, 2020. City Council Study Session directive.	Provide technical assistance to West Valley Community Services and non-profits/social service providers on the City's Housing and Human Services Grant Funds	Summer 2020	Proposed	Provide funding to non-profits/social service providers through the City's Housing and Human Services Grants.	Fall 2020	\$25,000 (Housing & Human Services Grant Funds)	N/A	Small	Kerri Heusler	Community Development	Housing Commission

Proposed FY 2020-21 City Work Program

Sustainability and Fiscal Strategy

Continuing Cupertino's commitment to building a sustainable and resilient community for future generations.

#	Project Title	Project Objective	Progress to Date	Next Steps	Timeline	Current Status	Performance Goal	Completion Date	Est. Total Budget (not including staff time)	Actual Expense to Date	Size	Staff Lead	Department	Commission(s)/ Committee(s)
Sustainability														
1	Single-Use Plastics Ordinance	Take part in the County model ordinance development process for addressing non-reusable food service ware items . Develop stakeholder engagement, public outreach, code development, and CEQA analysis for adopting a non-reusable food service ware items ordinance in Cupertino.	Staff is participating in County model ordinance development and regional Bay Area discussions about systemically enabling reusables.	Review draft model ordinance and determine proposed reach, phases, and timeline for Cupertino Begin stakeholder engagement - disabled community, food service establishments, and the general public.	Summer 2020 - Spring 2021	Proposed	New ordinance and municipal code update to regulate non-reusable food service ware items in Cupertino.	Earth Day 2021	\$40,000 for consultant services and outreach	N/A	Medium	Ursula Syrova Andre Duurvoort	Public Works City Manager's Office	Sustainability Commission
2	Climate Action & Adaptation Plan Updates	Engage a consultant and commit staff time to developing CAP 2.0. California State law requires addressing climate adaptation, resiliency, transportation greenhouse gasses, and environmental justice in the next climate action plan. One major objective is to identify the economic and community opportunities for Cupertino as California policy points towards neutral emissions in 2045, and net negative emissions in subsequent years.	Policy research started.	Scope of work is to perform public outreach and engagement, conduct Council study session, review related regulations, coordinate with Community Development Department (for any general plan updates), perform technical analysis, set new GHG targets, create an action plan for each City department, and provide CEQA analysis.	Summer 2020 - Winter 2021	Proposed	Complete technical analysis and public review draft of Climate Action & Adaptation and Zero Waste Plan with consultant in FY21. For Council review / adoption process in FY22.	Winter 2021	\$250,000	N/A	Large	Andre Duurvoort Ursula Syrova	City Manager's Office Public Works Community Development	Sustainability Commission
3	Pilot - Trash Collection Based on Volume (on City-owned properties only)	Utilize IOT sensors to measure volume of trash in a given container on city-owned property. Users would be notified when container is empty and ready to be emptied, reducing any unnecessary visits/checks by staff.	Research, rough scope of work and timeline developed.	1. Refine scope of work and timeline 2. Vendor selection & contract negotiation 3. Execute contract - achieve deliverables 4. Analyze Impact	1. Summer 2020 2. Summer/Fall 2020 3. Fall/Winter 2020 4. Spring 2021	Proposed	Determine benefits of earlier removal of obstructions in areas traveled by pedestrians/cyclists, customer service, money, staff time.	Spring 2021	\$30,000 for equipment, software and consulting services	N/A	Medium	Bill Mitchell Ursula Syrova	Innovation Technology Public Works	TICC
4	Pilot - Water Scheduling Based on Moisture Content	Utilize IOT sensor to measure ground moisture content. Use this information to better manage water irrigation within medians. Additionally, these IOT sensors may better pinpoint water leaks.	Research, rough scope of work and timeline developed.	1. Refine scope of work and timeline 2. Vendor selection & contract negotiation 3. Execute contract - achieve deliverables 4. Analyze Impact	1. Summer 2020 2. Summer/Fall 2020 3. Fall/Winter 2020 4. Spring 2021	Proposed	Determine benefits (less water consumption, money saved, leak detection) of integrating ground moisture sensors with the City's watering system.	Spring 2021	\$10,000 for equipment, software and consulting services	N/A	Small	Bill Mitchell Chad Mosely	Innovation Technology Public Works	TICC
Fiscal														
5	Review Property Tax Share	Study and evaluate ways to increase the City's Property Tax share	Proposed Work Program Item	1) Research 2) Evaluate Options 3) Implement Option	1) Fall 2020 2) Winter 2020 3)Spring 2021	Proposed	Increase City's share of property tax revenue	Summer 2021	\$50,000	N/A	Medium	Kristina Alfaro Toni Oasay-Anderson	Administrative Services	N/A
6	Investigate Alternatives to City Hall	Look for alternatives to constructing a new City Hall at 10300 Torre Ave	None	Consider various options and provide City Council with list of options and financial impacts.	Summer 2021	Proposed	Establish valid alternative options	Summer 2021	\$25,000	N/A	Large	Deb Feng Roger Lee Chad Mosley	City Manager's Office Public Works	N/A

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Proposed FY 2020-21 City Work Program

Sustainability and Fiscal Strategy

Continuing Cupertino's commitment to building a sustainable and resilient community for future generations.

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7	Municipal Water System	To analyze and recommend options for the continued operation of the system currently and at the end of lease with San Jose Water Company in November 2022.	None	Analyze advantages and disadvantages to the options of continued lease, sale or City operation of the system.	January 2021	In Progress	Provide options and recommendation in advance of lease expiring so that adequate time is available to implement effective strategy.	January 2021	\$50,000	N/A	Medium	Roger Lee JoAnne Johnson	Public Works	N/A
8	Public Infrastructure Financing Strategy	Present a study of financing alternatives for several different categories of upcoming large expenses, such as New City Hall Tenant Improvements, other public building improvements and modifications, multi-modal transportation improvements, Tenant Improvements, etc.	-Infrastructure Needs list was developed identifying upcoming large expenses. -Council study session was held on 4/2/19 and several potential tax, bond and other options were presented that had the potential to increase revenues to the City." -April, 2, 2019 (1-3) Presented to City Council built out long term financial forecast and evaluated strategies including local revenue measures. Included 3 funding options for identified projects. -June 18, 2019 City received \$9.7M in grant funding for transportation funding; grant provided termination option to grantor if the City adopted new fees or taxes that applied at different rates and/or amounts depending on the revenue or employee count of the business or property owner or that would have a disproportionate effect on Grantor."	-A follow up Council study session is scheduled for April 13, 2020.	April 2020 Identify Strategy December 2020 Implementation Plan	In Progress	Build-out long-term financial forecast and financial position analysis. Evaluate fiscal sustainability strategies. Develop capital financial options, structures, and estimates for identified projects.	December 2020	\$50,000	\$32,500.00	Medium	Kristina Alfaro Roger Lee	Administrative Services Public Works	Fiscal Strategic
9	Modernize Business Tax and Analyze Potential Revenue Measures	Explore modernizing Business Tax and analyze potential revenue measures, such as Sales Tax, Transient Occupancy Tax, to address issues such as traffic congestion and long term fiscal sustainability.	-June 5, 2018 Study Session in which Council directed staff to develop several models for restructuring the business tax and conducting business outreach. -June 18, 2018 Business outreach, including forum. -June 19, 2018 Study Session in which Council directed staff to prepare sample resolution and ordinance for November 2019. -July 3, 2018 Study Session in which Council directed staff to prepare draft resolution and ordinance for November 2018 election and conduct additional outreach. -July 31, 2018 Action to approve submission to the voters of a measure to amend the City's business license tax was not adopted. -June 18, 2019 City received \$9.7M in grant funding for transportation funding; grant provided termination option to grantor if the City adopted new fees or taxes that applied at different rates and/or amounts depending on the revenue or employee count of the business or property owner or that would have a disproportionate effect on Grantor."	-A follow up Council study session is scheduled for April 13, 2020.	November 2020 for general election	In Progress	-Prepare a detailed analysis of the City's options for business tax as well as alternative revenue measure available to the City such as Sales and Property Tax.	June 2020	\$40,000	\$15,000	Medium	Kristina Alfaro Zach Korach	Administrative Services	Fiscal Strategic

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Proposed FY 2020-21 City Work Program

Quality of Life

Furthering the health and well-being of all Cupertino community members.

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Air Quality and Noise														
1	Reducing Secondhand Smoke Exposure	Revise and develop policies to reduce exposure to secondhand smoke. Potential options include smoke-free multi-unit housing, smoke-free service areas, and smoke-free public events.	In January 2020, applied for County grant to support the development of policies to reduce secondhand smoke.	1) Determine results of grant process 2) Research and develop policy options (Timeline may change with any negotiated changes during the grant process)	1) Spring 2020 2) Summer/Fall 2020	Proposed	Policies to reduce exposure to secondhand smoke brought for Council's consideration.	Summer 2021	\$30,000 (Grant funding has been applied for to supplement)	N/A	Medium	Katy Nomura	City Manager's Office	N/A
2	Pilot - Noise Measurement	Utilize inexpensive IOT sensors to measure/categorize noise	Research, rough scope of work and timeline developed.	1. Refine scope of work and timeline 2. Vendor selection & contract negotiation 3. Execute contract - achieve deliverables 4. Analyze Impact	1. Summer 2020 2. Summer/Fall 2020 3. Fall/Winter 2020 4. Spring 2021	Proposed	Determine effectiveness of measuring noise utilizing IOT sensors	Spring 2021	\$35,000 for equipment, software and consulting services	N/A	Small	Bill Mitchell Chad Mosley Dianne Thompson	Innovation Technology Public Works City Manager's Office	TICC
3	Study session on potential ordinance updates/clean up on banning gas powered leaf blowers	Provide information and materials to consider an ordinance to ban gas powered leaf blowers	New Proposed Work Program Item per City Council directive	1) Research on local and regional practices and gather examples of ordinances 2) Prepare report 3) Conduct study session	Summer 2020	Proposed	Present report and receive City Council directive	Fall 2020	\$10,000 for potential noticing and outreach.	N/A	Small	Ben Fu	Community Development	N/A
4	Pilot - Pollution Monitoring	Utilize IOT sensors to measure particulate and pollution levels	Research, rough scope of work and timeline developed.	1. Refine scope of work and timeline 2. Vendor selection & contract negotiation 3. Execute contract - achieve deliverables 4. Analyze Impact	1. Summer 2020 2. Summer/Fall 2020 3. Fall/Winter 2020 4. Spring 2021	Proposed	Determine effectiveness of measuring particulate and pollution levels	Spring 2021	\$35,000 for equipment, software and consulting services	N/A	Small	Bill Mitchell Chad Mosley Dianne Thompson	Innovation Technology Public Works City Manager's Office	TICC
Public Safety														
5	Emergency Services Continuity of Operations Plan (COOP)	Complete plan to resume operations of the City after a major emergency.	-Emergency Operations Plan (EOP) is a precursor to the COOP. As first step the EOP is in the process of being updated. -Quotes have been received for potential COOP contract services costs. -Consultant selected and contract process begun. There were some extensions to the timeline as the schedule from the consultant was longer than anticipated. In addition, consultant selection was delayed due to the departure of the Emergency Services Coordinator.	1) Complete EOP 2) Review constraints that annexes may have on COOP 3) Decide in-house versus contracting COOP development 4) Begin the process 5) Completion of COOP 6) Staff COOP Training	1) June 2019 2) Fall 2019 3) Fall 2019 4) Winter 2019 5) Winter 2020 6) Spring 2021	In Progress	1) Having a completed COOP. 2) Appropriate staff trained on COOP.	Spring 2021	\$75,000	N/A	Medium	Emergency Services Coordinator	City Manager's Office	Disaster Council Public Safety Commission
Recreation														
6	Blackberry Farm Golf Course	Determine short-term and long-term improvements to the golf course and amenities	A preliminary study of the golf course was performed as part of the Stevens Creek Corridor Master Plan. City Council received information and weighed in on this item in 2019.	After course design and level of improvements to practice facilities and restaurant/banquet areas are finalized, cost estimates and potential funding source(s) need to be identified.	Winter 2020-21	Proposed	Establish a plan to improve and fund the Blackberry Farm golf course and amenities. The plan would include options for both short-term and long-term improvements.	Spring 2021	\$10,000 for consultant services	Funds were used for the Stevens Creek Corridor Master Plan. A portion of those were directed towards for the Golf Course.	Medium	Parks & Recreation Director	Parks & Recreation	Parks & Recreation

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7	Dogs Off Leash Areas (DOLA)	Identify additional areas suitable for permitting dogs to be off leash and establish one such area, if the current trial period is successful.	Jollyman Park is being used as a test site until July 2020, with no issues to date.	Commissioners to evaluate Jollyman Park's DOLA after July, before considering additional sites in the community.	Fall 2020	Proposed	Assuming no significant issues at Jollyman Park's DOLA, identify additional sites for appropriateness and establish at least one more DOLA.	Spring 2021	No funds are needed to identify potential locations. If another DOLA is established, less than \$500 would be required for signage and public noticing.	N/A	Small	Parks & Recreation Director	Parks & Recreation	Parks & Recreation
8	Rancho Rinconada (RR)	Begin operation of aquatic programs and facility rentals, if RR is absorbed by City	LAFCO report will be presented to the City Council on February 18, 2020.	Review by Parks & Recreation Commission; approval by City Council, LAFCO and registered voters of the District.	Winter 2020-2021	In Progress	If RR is absorbed by the City, the Department will need to provide the same or better level of service as currently exists. Services include year-round private and group aquatic classes and facility rentals.	Spring 2021	No funds will be needed to absorb RR. Financial information (including property tax to the City, program revenues, and expenses will be defined as the process continues.	N/A	Medium	Parks & Recreation Director and Roger Lee	Parks & Recreation Public Works	Parks & Recreation
9	Parks & Recreation Dept. Strategic Plan	Complete a strategic plan that addresses the immediate and short-term opportunities identified in the Master Plan.	The Master Plan is schedule to be on the February 18, 2020 agenda for approval by the City Council.	Staff from the Parks & Recreation and Public Works Departments, along with a Parks & Recreation Commissioner will meet and identify potential projects for the immediate future (1-2 years) and short term (3-7 years).	Spring-Summer 2020	In Progress	Identify projects for inclusion in the City's capital improvement budget.	Summer 2020	No budget is required to developed for the plan, but each project will have its own budget.	Aside from funds spent on the Master Plan, no expenses will be needed for the Specific Plan.	Small	Roger Lee Parks & Recreation Directors	Parks & Recreation and Public Works	Parks & Recreation
Access to Goods and Services														
10	Targeted Marketing Programs to Assist Small Businesses	Develop and launch programs to assist marketing local small businesses	New Proposed Work Program Item	1) Reassess existing programs and focus on providing marketing resources 2) Outreach to businesses to discuss needs	Fall 2020	Proposed	Develop and launch programs	Winter 2020	\$30,000 for outreach and start-up costs for programs	N/A	Small	Angela Tsui	City Manager's Office	N/A
11	Consider Policies and Related Code Amendments to Regulate Mobile Services Vendors	Develop and adopt policies to regulate mobile services vendors to include a variety of use types, as well as incorporating SB 946.	City staff has been working with consultant on researching policies in other cities, drafting new language, and cross referencing the City's existing municipal code. The scope of work has been expanded to include a variety of mobile services use types.	1) Continue research on use types and incorporate language into policy draft 2) Propose amendments City's existing municipal code related to Solicitors and Peddlers	Fall 2020	In Progress	Adopt ordinances to regulate mobile services vendors, and implement an application process.	Winter 2020	\$47,000 for consulting services and outreach meetings	N/A	Medium	Angela Tsui	City Manager's Office Community Development	Planning Commission
12	Study Session on Regulating Diversified Retail Use	Identify ways to encourage retail diversity and vital services. Find creative solutions to re-tenant vacant spaces and attract independent operators. Evaluate pros and cons of Retail Formula Ordinances in other cities.	Proposed Work Program item. February 24, 2020 City Council Study Session directive.	Initiate research and data collection.	Fall 2020	Proposed	Initial Report and complete study session.	Spring 2021	\$25,000 for consulting services	N/A	Small	Angela Tsui	City Manager's Office	Planning Commission
Other														
13	Development Accountability	Analyze methods to limit the implementation timeline for entitled/future projects and encourage development. Monitor implementation of development agreements and conditions of approval.	Proposed Work Program item. Initiated research and data collection. Item proposed to continue in FY 2020-2021 Work Program.	Conduct analysis and develop procedures.	Summer 2020	Proposed	An established procedure and conditions of approval for developmental accountability.	Spring 2021	N/A	N/A	Small	Ben Fu	Community Development	Planning Commission

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14	Heart of the City Plan	Amend the Heart of the City Specific Plan: 1) For clarifications to the minimum street side setback requirements. 2) To review street tree requirements to allow larger trees, increase diversity of tree type and encourage drought-tolerant and native tree types. 3) Update sections such as transit corridors in the City. 4) Maintain existing setbacks and consider minimum retail percentage to maintain a commercial strip. 5) Minimum retail space.	Proposed Work Program item.	1) Initiate RFQ process for design consultant, outreach, and environmental review; 2) Identify CEQA requirements; 3) Research and collection of list of areas needing updates; 4) Identify possible phasing of project 5) Public Outreach; 6) Prepare draft specific plan; 7) Public Hearings.	Fall 2020	Proposed	An amended Heart of the City Specific Plan	Fall 2021	Up to \$1,000,000 pending scope	N/A	Large	Ben Fu	Community Development	Planning Commission
15	Review and Update General Plan (GP) and Municipal Code	Evaluate the General Plan and Municipal Code per industry standards for areas where objective standards and zoning/design guidelines can be provided and/or revised. Amend General Plan and Municipal Code and zoning code to provide objective standards.	City Attorney's Office has identified priority areas to address. Objective standards reviewed by Planning Commission and City Council. Objective standards for Vallco site, P Zones, and parkland adopted.	Phase I: Evaluate existing General Plan and Municipal Code and recommend areas to provide standards. Identify priority amendments to happen first. Phase II: General Plan and Municipal Code public outreach and update for priority amendments. Planning Commission identifying other potential updates during general plan annual review. City Manager identifying Phase II updates to implement.	Phase I: Summer 2019 Phase II: Spring 2020	In Progress	Amend General Plan and Municipal Code to have better defined objective standards.	Phase I: Completed Phase II: Fall 2020	\$1,000,000 based on limited scope of reviewing objective standards and minimal GP and zoning code clean-ups.	N/A	Large	Piu Ghosh	Community Development	Planning Commission
16	Vallco Specific Plan	Create a community-based vision and objective standards for development at Vallco	Engaged consultants in Winter 2019-2020 to initiate project planning and process.	Finalize contract agreements and kick off project with public engagement and outreach.	Spring 2020	In Progress	A new specific plan for the Vallco development area.	Winter 2020-2021	\$650,000 (consultants for outreach, CEQA, and design)	N/A	Medium	Ben Fu	Community Development	Planning Commission
17	General Plan Authorization Process	Evaluate the existing City Council authorization process for General Plan Amendment projects	Proposed Work Program item. Prepare City Council study session in Spring.	City Council study session;	Spring 2020	In Progress	Present report on current process and depending on City Council feedback, potentially a modified new process.	Fall 2020	\$10,000 for outreach and citywide noticing	N/A	Small	Ben Fu	Community Development	Planning Commission
18	Sign Ordinance Update	Update existing provisions, particularly in the temporary sign regulations.	New Proposed Work Program Item	Identify areas that would benefit from updates and/or modifications.	Summer 2020	Proposed	Revised ordinance and Municipal Code update	Summer 2020	\$25,000 for noticing and outreach	N/A	Small	Ben Fu	Community Development	Planning Commission
19	Review Environmental Review Committee (ERC)	Review the scope of the ERC.	New Proposed Work Program Item	1) Research best practices in other cities. 2) Develop options and recommendation.	1) Fall 2020 2) Spring 2021	Proposed	Review ERC scope and provide recommendation.	Spring 2021	N/A	N/A	Small	Katy Nomura Dianne Thompson	City Manager's Office	Environmental Review Committee
20	Residential and Mixed-Use Residential Design Standards	Create objective design standards for residential and mixed-use residential projects, including ensuring adequate buffers from neighboring low-density residential development.	New Proposed Work Program Item	1) Council incorporation in WP 2) Initiate contracts and project. 3) Public engagement 4) Environmental review 5) Adopt new design standards	Summer 2021	Proposed	Adoption of design standards	Winter 2021	\$200,000 for consultant, environmental review, and outreach	N/A	Medium	Ben Fu	Community Development	Planning Commission

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Proposed FY 2020-21 City Work Program - Outlining Changes from 2.24.20

Public Engagement and Transparency

Creating and maintaining key conversations and interactions with the Cupertino Community.

#	Project Title	Project Objective	Progress to Date	Next Steps	Timeline	Current Status	Performance Goal	Completion Date	Est. Total Budget (not including staff time)	Actual Expense to Date	Size	Staff Lead	Department	Commission(s)/ Committees
1	New City Seal/Logo	Identify, create, and rollout a new City seal/logo for Cupertino, which would replace the morion.	Proposed Work Program Item	1) Initiate 2) Plan 3) Execute	Fiscal Year 2021	Proposed	Successful rollout of new City seal/logo	Spring 2021	\$150,000	N/A	Medium	Brian Babcock	City Manager's Office	N/A
2	Commissioner Handbook Update	Revise and update the Commissioner Handbook to include provisions adopted by Council on January 21, 2020 and to make the document more user-friendly.	Proposed Work Program Item	1) Review current Commissioner Handbook and identify areas for improvement. 2) Revise Handbook for Council approval.	1) Fall 2020 2) Winter 2020	Proposed	Revised Commissioner Handbook.	Winter 2020	N/A	N/A	Medium	Kirsten Squarcia Katy Nomura	City Clerk's Office City Manager's Office	N/A
3	ADDED per 2.24.20 meeting. Two-Way Online Communication	Reach out to other cities to discuss their experiences with an online two-way communication service beyond traditional social media platforms, review ability to properly moderate, and then report back findings to Council.	Preliminary discussions with OpenGov regarding capacity of the Open City Hall platform.	1) Reach out to cities 2) Complete report 3) Send report to Council	Spring 2020	Proposed	Gather input from other cities and report findings to Council.	Spring 2020	N/A	N/A	Small	Bill Mitchell Brian Babcock	Innovation Technology City Manager's Office	N/A
	REMOVED per 2.24.20 meeting. Accommodates CMO added item. New Sister City Relationship	Commence Sister City Relationship with Tongxiang, China	Proposed Work Program Item	1) Planning 2) Research 3) Communication 4) Correspondence 5) Agreement 6) Ceremony 7) Implementation *Steps defined as best practice by Sister Cities International	Begin - Summer 2020 Complete - Fall 2020	Proposed	Implementation of the City's fifth Sister City relationship.	Fall 2020	\$2,500 for possible gifts, postage of mailings, ceremonial event costs, and incidentals	N/A	Small	Brian Babcock	City Manager's Office	N/A
4	Pilot Online Store for City-Branded Items	Explore the viability of establishing and maintaining an online store to sell City-branded merchandise.	Proposed Work Program Item	Research online sales platforms, start-up costs, ongoing costs, and staffing	Fall 2020	Proposed	Launch online merchandise store promote City-branded items.	Winter 2020	\$5,000 for start-up costs	N/A	Small	Angela Tsui Brian Babcock	City Manager's Office	N/A
5	Roadmap Project	To improve public engagement, communicate how external processes work for the public by publishing process flow charts.	Preliminary scope of work defined. Mockup of flow chart developed.	1) Inventory external processes 2) Prioritize 3) Build/Publish Process Flow Charts	1) Summer 2020 2) Summer 2020 3) Summer 2021	Proposed	Publish flow charts for public facing processes on City website.	Winter 2021	N/A	N/A	Medium	Bill Mitchell Dianne Thompson	Innovation Technology City Manager's Office	N/A
6	Small Business Development Center (SBDC) Counseling Hours and Cupertino Visitor's Center	Explore the viability of establishing on-site regular office hours for an SBDC counselor, a small business development center and Cupertino Visitor's Center. The Visitor's Center should have a retail component to sell City-branded merchandise.	This is an action item in the Economic Development Strategic Plan as a resource to retain and grow small and midsize businesses. The addition of a Cupertino Visitor's Center was initiated by City Council during its Work Program Study Session on March 19th, 2019.	Identify City Hall conference rooms that have re-occurring availability, possibly Fridays. Confirm SBDC counselor availability during those times. Identify a list of possible office and retail space centrally located within the City.	Fall 2020 Continue until adequate space is found	In Progress	Find permanent office and retail meeting space for SBDC counselors to hold on-site appointments with prospective business clients, as well as house a City Visitor's Center with a retail component to sell City-branded merchandise.	Fall 2020	\$5,000 for anticipated office equipment and marketing efforts to promote the new on-site counseling program	N/A	Small	Angela Tsui	City Manager's Office	N/A
7	Policies on Nonprofit Support	Review and implement policies on funding and support for nonprofit organizations, including meeting room space and office space.	-June 2019 Updated Community Funding brought to Council for approval but was deferred -January 2020 Updated Community Funding Policy approved by Council.	1) Review all policies regarding funding and support of nonprofits. 2) Research best practices in other cities. 3) Conduct a Study Session for Council regarding options and recommendations. 4) Draft, revise, and implement policies per Council direction. 5) Bring policies to Council.	1) Fall 2019 2) Spring 2020 3) Spring 2020 4) Summer 2020 5) Fall 2020	In Progress	A standardized process for nonprofits to receive funding and support from the City.	Fall 2020	\$15,000	N/A	Medium	Kristina Alfaro Parks & Recreation Director	Administrative Services Parks & Recreation	N/A

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Public Engagement and Transparency

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8	Leadership Program	To provide education to the public about City government.	Proposed Work Program Item	Research best practices in other cities and develop program.	Spring 2021	Proposed	To provide education to the public about City government.	Spring 2021	N/A	N/A	Medium	Dianne Thompson Brian Babcock	City Manager's Office	N/A



Proposed FY 2020-21 City Work Program - Outlining Changes from 2.24.20

Transportation

Providing access to an efficient, safe multi-modal transportation system for our community, and advocating for effective, equitable mass transit in the greater region.

#	Project Title	Project Objective	Progress to Date	Next Steps	Timeline	Current Status	Performance Goal	Completion Date	Est. Total Budget (not including staff time)	Actual Expense to Date	Size	Staff Lead	Department	Commission(s)/ Committee(s)
1	Shuttle Bus Pilot Program Implementation	Community shuttle bus 18-month pilot program to increase connectivity throughout the City, nearby medical locations, and Caltrain in Sunnyvale. Explore complimentary opportunities to expand into other cities.	Pilot program implemented, over 7,000 trips in the first 3 months.	Continue to survey the community to ensure quality service and community expectations are attained. Expand shuttle fleet and look for opportunity to enhance service. Investigate/implement program elements to improve parking issues at the Civic Center.	18-month pilot program will finish in April 2021.	In Progress	Reduce traffic congestion by providing a community ride-share shuttle.	April 2021	\$1.75M - \$0.423M AQMD grant funds (still pending)	\$266,445	Large	Chris Corrao	Public Works	N/A
2	Regional Transformative Transit Project Initiatives	Work to advance the following projects as submitted to the Metropolitan Transportation Commission (MTC) as Transformative Transportation Projects: 1. Stevens Creek Corridor High Capacity Transit 2. Automated Fixed Guideway to Mountain View 3. Cupertino Station at I-280/Wolfe Road 4. Highway 85 Transit Guideway 5. Silicon Valley High Capacity Transit Loop 6. Transit Update & Funding Strategies	MTC has identified the top 100 submittals and three Cupertino options are included for further study. In mid-2018, staff began meeting with Apple to discuss potential projects. An update of these meetings was provided to Council on April 2, 2019. - Staff is participating with the VTA Policy Advisory Board group to advocate for a physically separated high occupancy lane on Highway 85. - On July 2019, Council adopted a resolution to support transit on Stevens Creek Boulevard/Highway 280 Corridor.	-Continue to pursue local transportation funding opportunities with Apple, Inc., Measure B funds, and other funding sources to advance local projects identified in the 2016 Bicycle Transportation Plan and 2018 Pedestrian Plan. -Work with neighboring cities, agencies, and organizations in the region to advance regional transit projects that connect Cupertino to the growing regional transportation network. -Study a Stevens Creek Corridor High Capacity Transit project, an automated fixed-guideway to Mountain View, an SR85 Corridor Project and Silicon Valley High Capacity Transit Loop among other ideas to address regional mobility and congestion management.	Long-term projects that will be considered for inclusion in 2050 Bay Area plan, led by MTC.	In Progress	To include projects serving Cupertino in 2050 Bay Area plan.	TBD	TBD	N/A	Extra Large	Roger Lee Chris Corrao	Public Works	N/A
Improving Traffic Flow and Alleviating Congestion														
3	Bollinger Road Safety Study *Proposed by Bicycle Pedestrian Commission	Conduct a safety and operational study of the Bollinger Road corridor. Look at ways to improve vehicle, bicycle, and pedestrian safety.	Proposed Work Program Item	Develop scope of study. Enter into agreement with consultant to lead study.	Summer 2020	Proposed	Reduce accidents along Bollinger Road.	Summer 2021	\$100,000	N/A	Medium	David Stillman	Public Works	Bicycle Pedestrian Commission
4	Pilot - Adaptive Traffic Signaling *Proposed by TICC	Utilize the City's Traffic Management System to test impact of enhanced adaptive traffic signaling. This will be done through software modifications and/or the addition of IOT devices such as intelligent cameras and sensors.	Research, rough scope of work and timeline developed.	1. Refine scope of work and timeline 2. Vendor selection & contract negotiation 3. Execute contract - achieve deliverables 4. Analyze Impact	1. Summer 2020 2. Summer/Fall 2020 3. Fall/Winter 2020 4. Spring 2021	Proposed	Determine impact of using adaptive traffic signaling to improve traffic flow in heavy and moderate traffic locations at different times of day.	Spring 2021	\$75,000 for equipment, software and consulting services	N/A	Medium	Bill Mitchell David Stillman	Innovation Technology Public Works	TICC
5	Pilot - Multimodal Traffic Count *Proposed by TICC	Utilize the City's Traffic Management System and/or IOT equipment to provide the number of vehicles, pedestrians and bike traffic that moved through a given area, e.g., intersection, roadway or trail	Research, rough scope of work, and timeline developed.	1. Refine scope of work and timeline 2. Vendor selection & contract negotiation 3. Execute contract - achieve deliverables 4. Analyze Impact	1. Summer 2020 2. Summer/Fall 2020 3. Fall/Winter 2020 4. Spring 2021	Proposed	Produce verifiable results for the use of the existing traffic management system and IOT sensors to count multi modal traffic	Spring 2021	\$45,000 for equipment, software and consulting services	N/A	Medium	Bill Mitchell David Stillman	Innovation Technology Public Works	TICC

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6	ADDED per 2.24.20 meeting. Traffic Congestion Map and Identify Solutions	Identify traffic congestion areas in a heat map. Identify, implement and measure effectiveness of data driven solutions to improve traffic flow in most congested areas.	Approximately half of the City's traffic signal controllers have been updated with new switches for ethernet connectivity. Central traffic management system has been upgraded. Ongoing function of traffic operations.	Create heat map, prioritize improvements, continue upgrade of controllers / ethernet connectivity in most congested intersections .	Heat map and prioritization of improvements - Sept. 2020; completion of controller upgrades and connectivity - June 2022	In Progress	Improved flow of traffic along corridors that experience the greatest amount of congestion.	Summer 2022	\$685,000.00	\$365,000	Large	David Stillman	Public Works	N/A

Proposed FY 2020-21 City Work Program - Outlining Changes from 2.24.20

Housing

Contributing meaningfully and in a balanced manner to the housing inventory in support of our community needs, including affordable housing (from extremely low-income to moderate-income level housing) and addressing homelessness.

#	Project Title	Project Objective	Progress to Date	Next Steps	Timeline	Current Status	Performance Goal	Completion Date	Est. Total Budget (not including staff time)	Actual Expense to Date	Size	Staff Lead	Department	Commission(s)/ Committee(s)
1	Study session for the impact and requirement for the next RHNA cycle <i>*Proposed by Planning Commission</i>	Review preliminary RHNA numbers. Look at strategies for RHNA compliance including evaluating sites for potential upzoning, and jobs-housing ratio and statistics.	Planning Commission proposed Work program item	1) Council incorporation in WP 2) Review preliminary RHNA when available 3) Review strategies to consider 4) Present to Planning Commission	Winter 2020-2021	Proposed	Initial Report and complete study session	Spring 2021	\$5,000	N/A	Small	Ben Fu	Community Development	Planning Commission
2	Housing Strategies <i>*Proposed by Housing Commission</i>	Explore the development of strategies that provides a variety of products across the affordability levels including housing for the developmentally disabled, as well as those with moderate, low, very low, and extremely low income. *Continued from FY 19-20 work program	-Priority system implemented in BMR program for school district employee housing. -Staff conducted a City Council Study Session on BMR Housing on May 1, 2018. -BMR Linkage Fee Study (see Financial Sustainability) is underway as part of FY 2018-19 Work Program. - BMR Linkage Fee Study is in progress. Item proposed to continue in FY 2020-2021 Work Program.	(1) Housing Commission Study Session (2) Planning Commission Study Session (3) Bring item to City Council	Fall 2020	In Progress	Adopt effective strategies and tools for the development of affordable housing across all income levels and abilities.	Spring 2021	\$50,000	\$10,000	Medium	Kerri Heusler	Community Development	Housing Commission
3	Engage with Philanthropic Organizations to find a way to build moderate-income and ELI housing units for Developmentally Disabled and Engage with Habitat for Humanity (or other nonprofit) to build ownership housing at 10301 Byrne Avenue <i>*Proposed by Housing Commission</i>	1) Identify ways to build ELI housing units for developmentally disabled. 2) Look at possibility of building 6-8 affordable ownership townhomes. *Continued from FY 19-20 work program	-BMR Linkage Fee Study (See Financial Sustainability) is underway as part of FY 2018-19 Work Program. -Staff has met with both Housing Choices and Bay Area Housing Corporation to discuss potential projects. -Acquired property and have begun conceptual study to determine access needs into BBF. Staff led a tour of the Byrne Avenue house with Bay Area Housing Corporation and Housing Choices in Fall 2019. Public Works feasibility study underway, presenting to City Council in Spring 2020. Item proposed to continue in FY 2020-2021 Work Program.	1. Provide technical assistance to developer/nonprofit, assist with NOFA/RFP application. 2. Study feasibility of access into Blackberry Farm and dedicate necessary land for access. 3. Study feasibility of development on property. 4. Negotiate with Habitat for Humanity, provide technical assistance with the NOFA/RFP application process. Review Public Works feasibility study to determine property line / acreage in order to determine residential uses.	Fall 2019/Spring 2020	In Progress	1. Assist developer/nonprofit with the creation of a housing project for ELI developmentally disabled, evaluate NOFA/RFP application for potential award of City CDBG and/or BMR Affordable Housing Funds to assist project. 2. Determine if project is feasible. Assist Habitat for Humanity with the creation of a project, evaluate NOFA/RFP application for potential award of City CDBG and/or BMR Affordable Housing Funds to assist project.	Summer 2021	\$150,000 plus additional development costs to be determined after feasibility study.	\$2,450,000 for acquisition of property (for reference, not necessarily part of the budget for this specific item)	Medium	Kerri Heusler Gian Martire Chad Mosley	Community Development	Housing Commission
4	ADDED per 2.24.20 meeting. Establish Preapproved ADU Plans	Establish procedures and policies on streamlining the ADU review process.	Proposed Work Program item by City Council.	Evaluate industry standard and regional streamlining methods.	Summer 2020	Proposed	An established procedure and process.	Winter 2020-2021	\$10,000	N/A	Small	Gian Martire	Community Development	Planning Commission
Homelessness														
5	Review the City's Housing and Human Services Grant (HSG) Funds. <i>*Proposed by Housing Commission and City Council</i>	1. Review existing grant funds to determine allowable uses for emergency financial assistance programs. 2. Consider increasing BMR AHF public service and HSG funding allocations.	Proposed Work Program item by Housing Commission, January 21, 2020. City Council Study Session directive.	Review FY 2020-21 City Housing and Human Services Grant funding allocations. Award funds and determine shortfall, if any.	Summer 2020	Proposed	Provide Council with funding and shortfall (if any) information as part of FY 2020-21 Housing and Human Service Grant funding allocations.	Winter 2020-2021	\$500,000	N/A	Small	Kerri Heusler	Community Development	Housing Commission

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Housing

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6	Housing Program for De Anza College Students <i>*Proposed by Housing Commission and City Council</i>	Explore solutions for homeless and housing insecure students. Assist in the development of a housing program for homeless students. Investigate partnership with De Anza on student housing and transportation solutions.	Proposed Housing Commission, January 21, 2020. City Council Study Session directive.	Explore Home Match Program model. Collaborate with De Anza College, non-profits/social service providers, and the City Senior Center.	Summer 2020	Proposed	Prepare a report for City Council on status of program.	Summer 2021	\$50,000 (seed money to launch program)	N/A	Small	Kerri Heusler	Community Development	Housing Commission
7	COMBINED the two items below (per 2.24.20 meeting). Homeless Services and Facilities. <i>*Proposed by Housing Commission and City Council</i>	Partner with non-profits/social service providers to bring mobile hygiene services to Cupertino and to accommodate the needs of homeless residents by evaluating the potential of adding amenities to future City buildings.	Proposed Work Program item.	1) Collaborate with Project We Hope (Dignity on Wheels), West Valley Community Services, and non-profits/social service providers. 2) Provide technical assistance on the City's Housing and Human Services Grant Funds. 3) Work with Planning and Environmental Services to create a list of locations. 4) Collaborate with developer community to determine estimates of amenities.	Fall 2020	Proposed	Prepare a report for City Council on status of program. Provide funding to non-profits/social service providers through the City's Housing and Human Services Grants.	Summer 2021	\$100,000 (seed money to launch program, Housing & Human Services Grant Funds)	N/A	Small	Kerri Heusler	Community Development	Housing Commission
	COMBINED in #7. Lack of Hygiene Services <i>*Proposed by Housing Commission and City Council</i>	Partner with non-profits/social service providers to bring mobile hygiene services to Cupertino	Proposed Work Program item by Housing Commission, January 21, 2020. City Council Study Session directive.	Collaborate with Project We Hope (Dignity on Wheels), West Valley Community Services, and non-profits/social service providers. Provide technical assistance on the City's Housing and Human Services Grant Funds. Work with Planning and Environmental Services to create a list of locations.	Fall 2020	Proposed	Prepare a report for City Council on status of program. Provide funding to non-profits/social service providers through the City's Housing and Human Services Grants.	Spring 2021	\$100,000 (seed money to launch program, Housing & Human Services Grant Funds)	N/A	Small	Kerri Heusler	Community Development	Housing Commission
	COMBINED in #7. Plan out capital costs for future buildings to incorporate amenities for homeless individuals. <i>*Proposed by City Council</i>	Accommodate the needs of homeless residents by adding amenities to future City buildings.	January 21, 2020 City Council Study Session directive	Collaborate with developer community to determine estimates of amenities.	Winter 2020-2021	Proposed	Determine cost of amenities.	Summer 2021	No funds are needed. Staff Time Only.	N/A	Small	Kerri Heusler	Community Development	Housing Commission
8	Research Governor's \$1.4 billion pledge towards homelessness, work with local agencies and service providers to connect with local funding. <i>*Proposed by City Council</i>	Advocate for funding dedicated to Cupertino projects and programs.	January 21, 2020 City Council Study Session directive	Collaborate with Destination: HOME, Santa Clara County Office of Supportive Housing, Housing Trust Silicon Valley, and other recipients of funds serving Santa Clara County. Contact funders (Apple, Kaiser, etc.) to learn more about funding opportunities in Santa Clara County.	Summer 2020	Proposed	Prepare a report for City Council on status of funding.	Spring 2021	No funds are needed. Staff Time Only.	N/A	Small	Kerri Heusler	Community Development	Housing Commission
9	Transportation to/from Service Providers <i>*Proposed by Housing Commission and City Council</i>	1. Research existing bus routes. 2. Provide funding to non-profits/social service providers for bus passes.	Proposed Work Program item by Housing Commission, January 21, 2020. City Council Study Session directive.	Provide technical assistance to West Valley Community Services and non-profits/social service providers on the City's Housing and Human Services Grant Funds	Summer 2020	Proposed	Provide funding to non-profits/social service providers through the City's Housing and Human Services Grants.	Fall 2020	\$25,000 (Housing & Human Services Grant Funds)	N/A	Small	Kerri Heusler	Community Development	Housing Commission

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Proposed FY 2020-21 City Work Program - Outlining Changes from 2.24.20

Sustainability and Fiscal Strategy

Continuing Cupertino's commitment to building a sustainable and resilient community for future generations.

#	Project Title	Project Objective	Progress to Date	Next Steps	Timeline	Current Status	Performance Goal	Completion Date	Est. Total Budget (not including staff time)	Actual Expense to Date	Size	Staff Lead	Department	Commission(s)/ Committee(s)
Sustainability														
1	Single-Use Plastics Ordinance <i>*Proposed by Sustainability Commission</i>	Take part in the County model ordinance development process for addressing non-reusable food service ware items . Develop stakeholder engagement, public outreach, code development, and CEQA analysis for adopting a non-reusable food service ware items ordinance in Cupertino.	Staff is participating in County model ordinance development and regional Bay Area discussions about systemically enabling reusables.	Review draft model ordinance and determine proposed reach, phases, and timeline for Cupertino Begin stakeholder engagement - disabled community, food service establishments, and the general public.	Summer 2020 - Spring 2021	Proposed	New ordinance and municipal code update to regulate non-reusable food service ware items in Cupertino.	Earth Day 2021	\$40,000 for consultant services and outreach	N/A	Medium	Ursula Syrova Andre Duurvoort	Public Works City Manager's Office	Sustainability Commission
2	Climate Action & Adaptation Plan Updates <i>*Supports item proposed by Sustainability Commission</i>	Engage a consultant and commit staff time to developing CAP 2.0. California State law requires addressing climate adaptation, resiliency, transportation greenhouse gasses, and environmental justice in the next climate action plan. One major objective is to identify the economic and community opportunities for Cupertino as California policy points towards neutral emissions in 2045, and net negative emissions in subsequent years.	Policy research started.	Scope of work is to perform public outreach and engagement, conduct Council study session, review related regulations, coordinate with Community Development Department (for any general plan updates), perform technical analysis, set new GHG targets, create an action plan for each City department, and provide CEQA analysis.	Summer 2020 - Winter 2021	Proposed	Complete technical analysis and public review draft of Climate Action & Adaptation and Zero Waste Plan with consultant in FY21. For Council review / adoption process in FY22.	Winter 2021	\$250,000	N/A	Large	Andre Duurvoort Ursula Syrova	City Manager's Office Public Works Community Development	Sustainability Commission
	MOVED per 2.24.20 meeting to operations. Create sustainable procurement program and associated policies	Sustainable procurement is an important activity local governments can undertake to demonstrate that they are leading by example and also to align spending with community and climate outcomes. The City has an Environmentally Preferable Purchasing Policy (EPPP) that was created and adopted for city operations in 2007. The policy is no longer aligned with current best practice and is not followed programmatically. A program and associated policies will be created to bring City practices into a leadership position.	Review of existing EPPP and initial conversations with other jurisdictions, including the State of California Department of General Services and Urban Sustainability Directors Network, which has a guidebook for local governments to create their own EPPP.	1) Identify a team of the largest purchasing decision makers and form a task force 2) Set priorities for sustainable procurement that provide the best value to the City 3) Review some existing contracts to find upcoming sustainable procurement opportunities 4) Develop a multi-year sustainable procurement action plan for product categories that are high spend, aligned with sustainability goals, high impact, innovative, and likely to yield financial and other benefits.	1) August 2020 2) Fall 2020 3) Winter 2020/2021 4) Spring 2021	Proposed	Form the task force and implement at least (1) high-impact procurement policy for a product category, e.g. fleet vehicles or janitorial supplies. Fold the sustainable procurement action plan into normal City operations with an assigned lead and ongoing performance measures.	Spring 2021	\$2,000 for staff to attend a sustainable purchasing conference or to obtain technical support.	N/A	Medium	Andre Duurvoort	City Manager's Office Administrative Services	N/A
3	Pilot - Trash Collection Based on Volume (on City-owned properties only)	Utilize IOT sensors to measure volume of trash in a given container on city-owned property. Users would be notified when container is empty and ready to be emptied, reducing any unnecessary visits/checks by staff. removed off of street.	Research, rough scope of work and timeline developed.	1. Refine scope of work and timeline 2. Vendor selection & contract negotiation 3. Execute contract - achieve deliverables 4. Analyze Impact	1. Summer 2020 2. Summer/Fall 2020 3. Fall/Winter 2020 4. Spring 2021	Proposed	Determine benefits of earlier removal of obstructions in areas traveled by pedestrians/cyclists, customer service, money, staff time.	Spring 2021	\$30,000 for equipment, software and consulting services	N/A	Medium	Bill Mitchell Ursula Syrova	Innovation Technology Public Works	TICC

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4	Pilot - Water Scheduling Based on Moisture Content *Proposed by TICC	Utilize IOT sensor to measure ground moisture content. Use this information to better manage water irrigation within medians. Additionally, these IOT sensors may better pinpoint water leaks.	Research, rough scope of work and timeline developed.	1. Refine scope of work and timeline 2. Vendor selection & contract negotiation 3. Execute contract - achieve deliverables 4. Analyze Impact	1. Summer 2020 2. Summer/Fall 2020 3. Fall/Winter 2020 4. Spring 2021	Proposed	Determine benefits (less water consumption, money saved, leak detection) of integrating ground moisture sensors with the City's watering system.	Spring 2021	\$10,000 for equipment, software and consulting services	N/A	Small	Bill Mitchell Chad Mosely	Innovation Technology Public Works	TICC
Fiscal														
5	Review Property Tax Share	Study and evaluate ways to increase the City's Property Tax share	Proposed Work Program Item	1) Research 2) Evaluate Options 3) Implement Option	1) Fall 2020 2) Winter 2020 3)Spring 2021	Proposed	Increase City's share of property tax revenue	Summer 2021	\$50,000	N/A	Medium	Kristina Alfaro Toni Oasay-Anderson	Administrative Services	N/A
6	Investigate Alternatives to City Hall	Look for alternatives to constructing a new City Hall at 10300 Torre Ave	None	Consider various options and provide City Council with list of options and financial impacts	Summer 2021	Proposed	Establish valid alternative options	Summer 2021	\$25,000	N/A	Large	Deb Feng Roger Lee Chad Mosley	City Manager's Office Public Works	N/A
7	Municipal Water System	To analyze and recommend options for the continued operation of the system currently and at the end of lease with San Jose Water Company in November 2022.	None	Analyze advantages and disadvantages to the options of continued lease, sale or City operation of the system.	January 2021	In Progress	Provide options and recommendation in advance of lease expiring so that adequate time is available to implement effective strategy.	44197	\$50,000	N/A	Medium	Roger Lee JoAnne Johnson	Public Works	N/A
8	SPLIT OUT from below item per 2.24.20 meeting. Public Infrastructure Financing Strategy	Present a study of financing alternatives for several different categories of upcoming large expenses, such as New City Hall Tenant Improvements, other public building improvements and modifications, multi-modal transportation improvements, Tenant Improvements, etc.	-Infrastructure Needs list was developed identifying upcoming large expenses. -Council study session was held on 4/2/19 and several potential tax, bond and other options were presented that had the potential to increase revenues to the City." -April, 2, 2019 (1-3) Presented to City Council built out long term financial forecast and evaluated strategies including local revenue measures. Included 3 funding options for identified projects. -June 18, 2019 City received \$9.7M in grant funding for transportation funding; grant provided termination option to grantor if the City adopted new fees or taxes that applied at different rates and/or amounts depending on the revenue or employee count of the business or property owner or that would have a disproportionate effect on Grantor."	-A follow up Council study session is scheduled for April 13, 2020.	April 2020 Identify Strategy December 2020 Implementation Plan	In Progress	Build-out long-term financial forecast and financial position analysis. Evaluate fiscal sustainability strategies. Develop capital financial options, structures, and estimates for identified projects.	December 2020	\$50,000	\$32,500	Medium	Kristina Alfaro Roger Lee	Administrative Services Public Works	Fiscal Strategic

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Sustainability and Fiscal Strategy

Continuing Cupertino's commitment to building a sustainable and resilient community for future generations.

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9	SPLIT OUT from above item per 2.24.20 meeting. Modernize Business Tax and Analyze Potential Revenue Measures	Explore modernizing Business Tax and analyze potential revenue measures, such as Sales Tax, Transient Occupancy Tax, to address issues such as traffic congestion and long term fiscal sustainability.	-June 5, 2018 Study Session in which Council directed staff to develop several models for restructuring the business tax and conducting business outreach. -June 18, 2018 Business outreach, including forum. -June 19, 2018 Study Session in which Council directed staff to prepare sample resolution and ordinance for November 2019. -July 3, 2018 Study Session in which Council directed staff to prepare draft resolution and ordinance for November 2018 election and conduct additional outreach. -July 31, 2018 Action to approve submission to the voters of a measure to amend the City's business license tax was not adopted. -June 18, 2019 City received \$9.7M in grant funding for transportation funding; grant provided termination option to grantor if the City adopted new fees or taxes that applied at different rates and/or amounts depending on the revenue or employee count of the business or property owner or that would have a disproportionate effect on Grantor."	-A follow up Council study session is scheduled for April 13, 2020.	November 2020 for general election	In Progress	-Prepare a detailed analysis of the City's options for business tax as well as alternative revenue measure available to the City such as Sales and Property Tax.	June 2020	\$40,000	\$15,000.00	Medium	Kristina Alfaro Zach Korach	Administrative Services	Fiscal Strategic

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Quality of Life

Furthering the health and well-being of all Cupertino community members.

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Air Quality and Noise														
1	Reducing Secondhand Smoke Exposure	Revise and develop policies to reduce exposure to secondhand smoke. Potential options include smoke-free multi-unit housing, smoke-free service areas, and smoke-free public events.	In January 2020, applied for County grant to support the development of policies to reduce secondhand smoke.	1) Determine results of grant process 2) Research and develop policy options (Timeline may change with any negotiated changes during the grant process)	1) Spring 2020 2) Summer/Fall 2020	Proposed	Policies to reduce exposure to secondhand smoke brought for Council's consideration.	Summer 2021	\$30,000 (Grant funding has been applied for to supplement)	N/A	Medium	Katy Nomura	City Manager's Office	N/A
2	Pilot - Noise Measurement	Utilize inexpensive IOT sensors to measure/categorize noise	Research, rough scope of work and timeline developed.	1. Refine scope of work and timeline 2. Vendor selection & contract negotiation 3. Execute contract - achieve deliverables 4. Analyze Impact	1. Summer 2020 2. Summer/Fall 2020 3. Fall/Winter 2020 4. Spring 2021	Proposed	Determine effectiveness of measuring noise utilizing IOT sensors	Spring 2021	\$35,000 for equipment, software and consulting services	N/A	Small	Bill Mitchell Chad Mosley Dianne Thompson	Innovation Technology Public Works City Manager's Office	TICC
3	Study session on potential ordinance updates/clean up on banning gas powered leaf blowers	Provide information and materials to consider an ordinance to ban gas powered leaf blowers	New Proposed Work Program Item per City Council directive	1) Research on local and regional practices and gather examples of ordinances 2) Prepare report 3) Conduct study session	Summer 2020	Proposed	Present report and receive City Council directive	Fall 2020	\$10,000 for potential noticing and outreach.	N/A	Small	Ben Fu	Community Development	N/A
4	Pilot - Pollution Monitoring <i>*Proposed by TICC</i>	Utilize IOT sensors to measure particulate and pollution levels	Research, rough scope of work and timeline developed.	1. Refine scope of work and timeline 2. Vendor selection & contract negotiation 3. Execute contract - achieve deliverables 4. Analyze Impact	1. Summer 2020 2. Summer/Fall 2020 3. Fall/Winter 2020 4. Spring 2021	Proposed	Determine effectiveness of measuring particulate and pollution levels	Spring 2021	\$35,000 for equipment, software and consulting services	N/A	Small	Bill Mitchell Chad Mosley Dianne Thompson	Innovation Technology Public Works City Manager's Office	TICC
Public Safety														
5	Emergency Services Continuity of Operations Plan (COOP)	Complete plan to resume operations of the City after a major emergency.	-Emergency Operations Plan (EOP) is a precursor to the COOP. As first step the EOP is in the process of being updated. -Quotes have been received for potential COOP contract services costs. -Consultant selected and contract process begun. There were some extensions to the timeline as the schedule from the consultant was longer than anticipated. In addition, consultant selection was delayed due to the departure of the Emergency Services Coordinator.	1) Complete EOP 2) Review constraints that annexes may have on COOP 3) Decide in-house versus contracting COOP development 4) Begin the process 5) Completion of COOP 6) Staff COOP Training	1) June 2019 2) Fall 2019 3) Fall 2019 4) Winter 2019 5) Winter 2020 6) Spring 2021	In Progress	1) Having a completed COOP. 2) Appropriate staff trained on COOP.	Spring 2021	\$75,000	N/A	Medium	Emergency Services Coordinator	City Manager's Office	Disaster Council Public Safety Commission
Recreation														
6	Blackberry Farm Golf Course <i>*Proposed by Council and Parks and Recreation Commission</i>	Determine short-term and long-term improvements to the golf course and amenities	A preliminary study of the golf course was performed as part of the Stevens Creek Corridor Master Plan. City Council received information and weighed in on this item in 2019.	After course design and level of improvements to practice facilities and restaurant/banquet areas are finalized, cost estimates and potential funding source(s) need to be identified.	Winter 2020-21	Proposed	Establish a plan to improve and fund the Blackberry Farm golf course and amenities. The plan would include options for both short-term and long-term improvements.	Spring 2021	\$10,000 for consultant services	Funds were used for the Stevens Creek Corridor Master Plan. A portion of those were directed towards for the Golf Course.	Medium	Parks & Recreation Director	Parks & Recreation	Parks & Recreation

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7	Dogs Off Leash Areas (DOLA) <i>*Proposed by Parks and Recreation Commission</i>	Identify additional areas suitable for permitting dogs to be off leash and establish one such area, if the current trial period is successful.	Jollyman Park is being used as a test site until July 2020, with no issues to date.	Commissioners to evaluate Jollyman Park's DOLA after July, before considering additional sites in the community.	Fall 2020	Proposed	Assuming no significant issues at Jollyman Park's DOLA, identify additional sites for appropriateness and establish at least one more DOLA.	Spring 2021	No funds are needed to identify potential locations. If another DOLA is established, less than \$500 would be required for signage and public noticing.	N/A	Small	Parks & Recreation Director	Parks & Recreation	Parks & Recreation
	MOVED per 2.24.20 meeting to operations. Teen-Center Advocacy and Awareness <i>*Proposed by Teen-Commission</i>	Create a marketing plan, programs, and spread awareness to bring more visitors to the Cupertino Teen Center.	New Proposed Work Program Item	Draft a marketing plan for review by the Teen Commission.	Winter 2020	Proposed	Bring more visitors to the Cupertino Teen Center.	Spring 2024	\$600-	N/A	Medium	Danny Mestizo	Parks and Recreation	Teen Commission
	MOVED per 2.24.20 meeting to operations. Teen Workshops <i>*Proposed by Teen-Commission</i>	Create a program of workshops for teens. Workshops will be held at the Cupertino Teen Center and other available City facilities.	New Proposed Work Program Item	Solicit program ideas for local teens.	Winter 2020	Proposed	Provide support to teens who want to volunteer to lead workshops and share their knowledge and/or skills with other teens.	Spring 2024	\$600-	N/A	Small	Danny Mestizo	Parks and Recreation	Teen Commission
	MOVED per 2.24.20 meeting to operations. Host Library Commission Coffee Talk Meetings to Discuss Tri Annual Library Patron Survey <i>*Proposed by Library-Commission</i>	Host Library Commission Coffee Talk meetings with patrons to discuss results of Tri annual Patron Survey and gather input regarding facility and services concerns. Support data collection, analysis of results, and policy recommendations associated with the Survey.	Survey was completed in 2019.	Create a schedule of dates and locations.	Winter 2020	Proposed	Hold Coffee Talk meetings.	Spring 2024	\$500-	N/A	Small	Christine Hanel	Parks and Recreation	Library Commission
8	Rancho Rinconada (RR) <i>*Proposed by Council and Parks and Recreation Commission</i>	Begin operation of aquatics programs and facility rentals, if RR is absorbed by City	LAFCO report will be presented to the City Council on February 18, 2020.	Review by Parks & Recreation Commission; approval by City Council, LAFCO and registered voters of the District.	Winter 2020-2021	In Progress	If RR is absorbed by the City, the Department will need to provide the same or better level of service as currently exists. Services include year-round private and group aquatics classes and facility rentals.	Spring 2021	No funds will be needed to absorb RR. Financial information (including property tax to the City, program revenues, and expenses will be defined as the process continues.	N/A	Medium	Parks & Recreation Director and Roger Lee	Parks & Recreation Public Works	Parks & Recreation
9	Parks & Recreation Dept. Strategic Plan <i>*Proposed by Council and Parks and Recreation Commission</i>	Complete a strategic plan that addresses the immediate and short-term opportunities identified in the Master Plan.	The Master Plan is schedule to be on the February 18, 2020 agenda for approval by the City Council.	Staff from the Parks & Recreation and Public Works Departments, along with a Parks & Recreation Commissioner will meet and identify potential projects for the immediate future (1-2 years) and short term (3-7 years).	Spring-Summer 2020	In Progress	Identify projects for inclusion in the City's capital improvement budget.	Summer 2020	No budget is required to developed for the plan, but each project will have its own budget.	Aside from funds spent on the Master Plan, no expenses will be needed for the Specific Plan.	Small	Roger Lee Parks & Recreation Directors	Parks & Recreation and Public Works	Parks & Recreation
Access to Goods and Services														
10	Targeted Marketing Programs to Assist Small Businesses	Develop and launch programs to assist marketing local small businesses	New Proposed Work Program Item	1) Reassess existing programs and focus on providing marketing resources 2) Outreach to businesses to discuss needs	Fall 2020	Proposed	Develop and launch programs	Winter 2020	\$30,000 for outreach and start-up costs for programs	N/A	Small	Angela Tsui	City Manager's Office	N/A

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11	Consider Policies and Related Code Amendments to Regulate Mobile Services Vendors	Develop and adopt policies to regulate mobile services vendors to include a variety of use types, as well as incorporating SB 946.	City staff has been working with consultant on researching policies in other cities, drafting new language, and cross referencing the City's existing municipal code. The scope of work has been expanded to include a variety of mobile services use types.	1) Continue research on use types and incorporate language into policy draft 2) Propose amendments City's existing municipal code related to Solicitors and Peddlers	Fall 2020	In Progress	Adopt ordinances to regulate mobile services vendors, and implement an application process.	Winter 2020	\$47,000 for consulting services and outreach meetings	N/A	Medium	Angela Tsui	City Manager's Office Community Development	Planning Commission
12	ADDED per 2.24.20 meeting. Accommodated with contract costs. Study Session on Regulating Diversified Retail Use	Identify ways to encourage retail diversity and vital services. Find creative solutions to re-tenant vacant spaces and attract independent operators. Evaluate pros and cons of Retail Formula Ordinances in other cities.	Proposed Work Program item. February 24, 2020 City Council Study Session directive.	Initiate research and data collection.	Fall 2020	Proposed	Initial Report and complete study session.	Spring 2021	\$25,000 for consulting services	N/A	Small	Angela Tsui	City Manager's Office	Planning Commission
Other														
13	ADDED per 2.24.20 meeting. Carryover from FY 2019/20. Development Accountability	Analyze methods to limit the implementation timeline for entitled/future projects and encourage development. Monitor implementation of development agreements and conditions of approval.	Proposed Work Program item. Initiated research and data collection. Item proposed to continue in FY 2020-2021 Work Program.	Conduct analysis and develop procedures.	Summer 2020	Proposed	An established procedure and conditions of approval for developmental accountability.	Spring 2021	N/A	N/A	Small	Ben Fu	Community Development	Planning Commission
14	ADDED per 2.24.20 meeting. Carryover from FY 2019/20. Heart of the City Plan	Amend the Heart of the City Specific Plan: 1) For clarifications to the minimum street side setback requirements. 2) To review street tree requirements to allow larger trees, increase diversity of tree type and encourage drought-tolerant and native tree types. 3) Update sections such as transit corridors in the City. 4) Maintain existing setbacks and consider minimum retail percentage to maintain a commercial strip. 5) Minimum retail space.	Proposed Work Program item.	1) Initiate RFQ process for design consultant, outreach, and environmental review; 2) Identify CEQA requirements; 3) Research and collection of list of areas needing updates; 4) Identify possible phasing of project 5) Public Outreach; 6) Prepare draft specific plan; 7) Public Hearings.	Fall 2020	Proposed	An amended Heart of the City Specific Plan	Fall 2021	Up to \$1,000,000 pending scope	N/A	Large	Ben Fu	Community Development	Planning Commission
15	ADDED per 2.24.20 meeting. Carryover from FY 2019/20. Review and Update General Plan (GP) and Municipal Code	Evaluate the General Plan and Municipal Code per industry standards for areas where objective standards and zoning/design guidelines can be provided and/or revised. Amend General Plan and Municipal Code and zoning code to provide objective standards.	City Attorney's Office has identified priority areas to address. Objective standards reviewed by Planning Commission and City Council. Objective standards for Vallco site, P Zones, and parkland adopted.	Phase I: Evaluate existing General Plan and Municipal Code and recommend areas to provide standards. Identify priority amendments to happen first. Phase II: General Plan and Municipal Code public outreach and update for priority amendments. Planning Commission identifying other potential updates during general plan annual review. City Manager identifying Phase II updates to implement.	Phase I: Summer 2019 Phase II: Spring 2020	In Progress	Amend General Plan and Municipal Code to have better defined objective standards.	Phase I: Completed Phase II: Fall 2020	\$1,000,000 based on limited scope of reviewing objective standards and minimal GP and zoning code clean-ups.	N/A	Large	Piu Ghosh	Community Development	Planning Commission
16	ADDED per 2.24.20 Meeting. Vallco Specific Plan	Create a community-based vision and objective standards for development at Vallco	Engaged consultants in Winter 2019-2020 to initiate project planning and process.	Finalize contract agreements and kick off project with public engagement and outreach.	Spring 2020	In Progress	A new specific plan for the Vallco development area.	Winter 2020-2021	\$650,000 (consultants for outreach, CEQA, and design)	N/A	Medium	Ben Fu	Community Development	Planning Commission

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17	ADDED per 2.24.20 Meeting. General Plan Authorization Process	Evaluate the existing City Council authorization process for General Plan Amendment projects	Proposed Work Program item. Prepare City Council study session in Spring.	City Council study session;	Spring 2020	In Progress	Present report on current process and depending on City Council feedback, potentially a modified new process.	Fall 2020	\$10,000 for outreach and citywide noticing	N/A	Small	Ben Fu	Community Development	Planning Commission
	REMOVED to accommodate added CDD items. Evaluate Conditional Uses <i>*Proposed by Planning Commission</i>	Add objective standards to allow some currently "conditional" uses to be "permitted" by right or approved as "conditional" uses at a lower approval body. E.g. outdoor seating for restaurants, late night hours, proximity to residential, etc. Review current best practices	New Planning Commission Proposed Work Program Item	1) Council incorporation in WP 2) Initiate contracts and project 3) Evaluate best practices 4) Public engagement 5) Environmental review 6) Adopt Municipal code amendments	Winter 2020-2021	Proposed	Adoption of Municipal Code Amendments	Summer 2021	\$150,000 for consultant, environmental review, and outreach	N/A	Medium	Ben Fu	Community Development	Planning Commission
	REMOVED to accommodate added CDD items. Evaluate the R1 Ordinance <i>*Proposed by Planning Commission</i>	Review permits required in R1 zoning districts. Consider (1) streamlined review and permitting processes for first-floor additions and (2) consider including 2nd story balconies and decks as FAR for 2nd story additions.	New Proposed Work Program Item and Planning Commission proposed Work program item	1) Council incorporation in WP 2) Initiate public outreach 3) Environmental review 4) Prepare and adopt Municipal Code Amendments	Winter 2020-2021	Proposed	To gather community process to streamline the process to add 2nd floor and make it less contentious. Find a balance between property rights and privacy. Adoption of Municipal Code Amendments	Summer 2021	\$150,000 for environmental review, and outreach	N/A	Medium	Ben Fu	Community Development	Planning Commission
18	Sign Ordinance Update	Update existing provisions, particularly in the temporary sign regulations.	New Proposed Work Program Item	Identify areas that would benefit from updates and/or modifications.	Summer 2020	Proposed	Revised ordinance and Municipal Code update	Summer 2020	\$25,000 for noticing and outreach	N/A	Small	Ben Fu	Community Development	Planning Commission
19	Review Environmental Review Committee (ERC)	Review the scope of the ERC.	New Proposed Work Program Item	1) Research best practices in other cities. 2) Develop options and recommendation.	1) Fall 2020 2) Spring 2021	Proposed	Review ERC scope and provide recommendation.	Spring 2021	N/A	N/A	Small	Katy Nomura Dianne Thompson	City Manager's Office	Environmental Review Committee
20	Residential and Mixed-Use Residential Design Standards	Create objective design standards for residential and mixed-use residential projects, including ensuring adequate buffers from neighboring low-density residential development.	New Proposed Work Program Item	1) Council incorporation in WP 2) Initiate contracts and project. 3) Public engagement 4) Environmental review 5) Adopt new design standards	Summer 2021	Proposed	Adoption of design standards	Winter 2021	\$200,000 for consultant, environmental review, and outreach	N/A	Medium	Ben Fu	Community Development	Planning Commission
	MOVED per 2.24.20 meeting to Parks & Rec from CDD. Art Festival- <i>*Proposed by Fine Arts Commission</i>	Creating awareness for art and a platform for artist in Cupertino at the De Anza Visual Art Performance Center (VPAC). Two-day festival	New Proposed Work Program Item	1) Secure festival location (VPAC) 2) Select festival date 3) Outreach 4) Held festival	Summer 2021	Proposed	Hold festival	Summer 2021	\$10,000-00	N/A	Small	Erick Serrano	Community Development	Fine Arts
	MOVED per 2.24.20 meeting to Parks & Rec from CDD. Art Talks- <i>*Proposed by Fine Arts Commission</i>	Art talks and workshops that include topics such as visual and performing arts	New Proposed Work Program Item	1) Select art talk speakers/subjects 2) Host art talks	Summer 2021	Proposed	Five art talks	Summer 2021	\$3,000-00	N/A	Small	Erick Serrano	Community Development	Fine Arts

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	MOVED per 2.24.20 meeting to Parks & Rec from CDD. Art in Unexpected Places <i>*Proposed by Fine Arts Commission</i>	To beautify public and/or private/donated spaces, surprise and delight passers by, and encourage the community to reflect on themes and imagery that represent the heritage, natural beauty, diversity, and creativity of the City.	Ongoing work program item	1) Determine mural locations 2) Mural contest	Summer 2021	In Progress	Completed murals	Summer 2021	\$10,000.00	N/A	Small	Erick Serrano	Community Development	Fine Arts