



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Tuesday, March 2, 2021

5:30 PM

Televised Special Meeting Study Session (5:30) and Regular City Council Meeting (6:45)

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 by 4:30 p.m. on Tuesday, March 2 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 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). Members of the public that wish to share a document must email cityclerk@cupertino.org prior to speaking.**

3) Teleconferencing Instructions

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

Oral public comments will be accepted during the 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.

To address the City Council, click on the link below to register in advance and access the meeting:

Online

Register in advance for this webinar:

https://cityofcupertino.zoom.us/webinar/register/WN_UwtS_AmmQXu16FJzlbzGnw

Phone

Dial: 669-900-6833 and enter Webinar ID: 922 7519 9123 (Type *9 to raise hand to speak). Unregistered participants will be called on by the last four digits of their phone number.

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

Meeting ID: 922 7519 9123

SIP: 92275199123@zoomcrc.com

After registering, you will receive a confirmation email containing information about joining the webinar.

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 48 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 AND CALL FOR A SPECIAL MEETING OF THE CUPERTINO CITY COUNCIL

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Tuesday, March 02, 2021, commencing at 5:30 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

ROLL CALL

STUDY SESSION

- Subject: Rancho Rinconada Recreation and Park District City Work Program Item Update and Next Steps.

Recommended Action: Receive an update on the Rancho Rinconada Recreation and Park District City Work Program item and provide guidance for next steps.

[Staff Report](#)

[A - October 1, 2020 Parks and Recreation Commission Regular Meeting Minutes](#)

[B - LAFCO Special Study](#)

[C - Rancho Rinconada Resident Survey Results](#)

[D - RRRPD User Data](#)

[E - Rancho Rinconada Timeline and Overview](#)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

- Subject: Proclamation proclaiming March as American Red Cross Month and presentation from the American Red Cross regarding local activities

Recommended Action: Present proclamation proclaiming March as American Red Cross Month and receive presentation from the American Red Cross regarding local activities

[A - Proclamation](#)

2. Subject: Presentation by American Lung Cancer Screening Initiative (ALCSI) on lung cancer awareness

Recommended Action: Receive presentation by American Lung Cancer Screening Initiative (ALCSI) on lung cancer awareness

3. Subject: Proclamation declaring March as Youth Arts Month on behalf of those who advocate for art education to all elementary, middle and secondary students.

Recommended Action: Present proclamation declaring March as Youth Arts Month on behalf of those who advocate for art education to all elementary, middle and secondary students.

[A - Proclamation](#)

POSTPONEMENTS

4. Subject: Approving City of Cupertino 2020 Transportation Impact Fee Nexus Study Update, increasing the Transportation Impact Fees, and amending Schedule B of the 2020-21 Fee Schedule to incorporate the increased fees. This item was previously continued from January 19 and has been continued to a date uncertain.

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)

5. Subject: City Manager update on emergency response efforts
Recommended Action: Receive City Manager update on emergency response efforts
6. 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.

7. Subject: Approve the February 6 City Council minutes
Recommended Action: Approve the February 6 City Council minutes
[A - Draft Minutes \(and Exhibit A\)](#)
[B - Exhibit A](#)
8. Subject: Approve the February 16 City Council minutes
Recommended Action: Approve the February 16 City Council minutes
[A - Draft Minutes](#)

STUDY SESSION

9. Subject: Review Council goals, City Work Program updates, and proposed draft FY 2021-2022 City Work Program.
Recommended Action: Review Council goals, City Work Program updates, and proposed draft FY 2021-2022 City Work Program and provide any input.
[Staff Report](#)
[A – FY 2020-2021 City Work Program Dashboard Q2 Updates](#)
[B – FY 2019-2020 City Work Program Items Delayed Due to COVID-19 Updates](#)
[C – Commission and Audit Committee Proposals for FY 2021-2022 City Work Program](#)
[D – Proposed FY 2021-2022 City Work Program](#)

SECOND READING OF ORDINANCES

10. Subject: Consider and act on Ordinance No. 21-2223: "An Ordinance of the City Council of the City of Cupertino Adding Title 17 and Chapter 17.08 to the Cupertino Municipal Code, Replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) For Use in Transportation Analysis Pursuant to the California Environmental Quality Act (CEQA)" "Transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) for determination of transportation impacts under the California Environmental Quality Act (CEQA), as required by Senate Bill (SB) 743," which includes a finding that adoption of the ordinance is exempt from the California Environmental Quality Act

Recommended Action: Conduct the second reading and enact Ordinance No. 21-2223 "An Ordinance of the City Council of the City of Cupertino Adding Title 17 and Chapter 17.08 to the Cupertino Municipal Code, Replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) For Use in Transportation Analysis Pursuant to the California Environmental Quality Act (CEQA)" "Transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) for determination of transportation impacts under the California Environmental Quality Act (CEQA), as required by Senate Bill (SB) 743," which includes a finding that adoption of the ordinance is exempt from the California Environmental Quality Act

[A - Draft Ordinance](#)

PUBLIC HEARINGS

ORDINANCES AND ACTION ITEMS

11. Subject: Accept the Mid-Year Financial Report for Fiscal Year 2020-21; consider approving a Budget Modification increasing appropriations by \$32,626,692 and revenues by \$34,509,156.

Recommended Action: 1. Accept the City Manager's Mid-Year Financial Report for FY 2020-21.

2. Adopt Resolution No. 21-017 approving Budget Modification #2021-122 increasing appropriations by \$32,626,692 and revenues by \$34,509,156.

[Staff Report](#)

[A - Draft Resolution](#)

[B - Mid-Year Financial Report Fiscal Year 2020-21](#)

[C - Mid-Year Performance Measures](#)

[D - Mid-Year Budget Adjustment Journal](#)

12. Subject: Consideration of Municipal Code Amendments to the Cupertino Municipal Code, Chapter 10.90, expanding existing policies to reduce exposure to secondhand smoke, including in multi-unit housing, entryways, public events, service areas, and outdoor worksites.

Recommended Action: Conduct the first reading of Ordinance No. 21-2224: "An Ordinance of the City Council of the City of Cupertino amending City Code Chapter 10.90 of Title 10 (Public Peace, Safety, and Morals) to prohibit smoking in multi-unit housing and certain outdoor areas," which includes a finding that adoption of the ordinance is exempt from the California Environmental Quality Act.

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Tobacco Free Communities Policies in Santa Clara County](#)

[C - Community Feedback](#)

[D - 9-15-20 Study Session Staff Report](#)

[E - American Lung Association Report Card](#)

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.

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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

Agenda Item

21-8810

Agenda Date: 3/2/2021
Agenda #: 1.

Subject: Rancho Rinconada Recreation and Park District City Work Program Item Update and Next Steps.

Receive an update on the Rancho Rinconada Recreation and Park District City Work Program item and provide guidance for next steps.



PARKS AND RECREATION DEPARTMENT

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CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: March 2, 2021

Subject

Rancho Rinconada Recreation and Park District City Work Program Item Update and Next Steps.

Recommended Action

Receive an update on the Rancho Rinconada Recreation and Park District City Work Program item and provide guidance for next steps.

Background

On February 18, 2020 City Council received the Public Review Draft Report of LAFCO's Special Study regarding the Rancho Rinconada Recreation and Park District (RRRPD). This Report was initiated by LAFCO due to governance issues with the RRRPD. Council unanimously carried the motion to accept LAFCO's recommendations for Options 1 and 2 (Option 1 would maintain RRRPD's current governance structure as an independent special district and Option 2 would initiate an acquisition, referred in the LAFCO special study as "merger", of RRRPD with the City of Cupertino). Additionally, Council directed staff to survey the 1,400 Special District households, to engage the community in a discussion of the two options, and to forward the item to the Parks and Recreation Commission for their review and recommendation. Furthermore, Council added the RRRPD Evaluation to the City's FY 2019-2020 Work Program.

Following Council direction, staff provided a survey to RRRPD residents, available between March 7 and March 23, and received a 3.9% response rate (50 households). Of this group, 65% preferred Option 2. In addition, staff collected data from RRRPD's General Manager, which was presented at the October 1, 2020 Parks and Recreation Commission meeting. The Commission unanimously carried the motion to recommend Option 2 to City Council (Attachment A). The recommendation was based on data collected from the LAFCO Special Study (Attachment B), Rancho Rinconada resident survey results (Attachment C), and user data provided by RRRPD management (Attachment D).

City staff gathered additional information from LAFCO Executive Director Neelima Palacherla on October 27, 2020 regarding next steps on potential acquisition of

RRRPD by the City. LAFCO provided application requirements, including a plan for services, resolution and proposed terms, protest thresholds that could trigger a special election, and LAFCO fee schedule. Parks and Recreation staff have maintained a Rancho Rinconada Timeline and Overview (Attachment E) which includes a timeline of actions related to the item, an overview of the LAFCO reorganization process, estimated expenses associated with acquisition, and infrastructure considerations.

It is important to note that the Parks and Recreation System Master Plan included community input expressing a desire for a year-round facility designed for recreational and instructional swimming, aquatic exercise, lap swimming, and pool events; and that it would ideally be located in central or east Cupertino. Through the implementation of the Master Plan, staff will be considering potential site locations for an aquatic facility as outlined in the Master Plan. Council may want to keep this broad future context in mind when evaluating the feasibility of acquisition of RRRPD or other facilities.

RRRPD Board

The LAFCO Special Study Report noted that the RRRPD Board was experiencing lack of quorum and resultant board disfunction. As of December 2020, RRRPD has a fully seated board with four new members. In September 2020 the RRRPD Board selected a consultant and executed a contract with an estimated cost of \$24,000 to complete a strategic visioning process for the District. The estimated six-month process includes extensive community outreach and will address the two LAFCO options. The outgoing RRRPD Board discussed the City's Parks and Recreation Commission's recommendation to initiate an acquisition of RRRPD by the City and directed RRRPD staff to draft a letter to the City in opposition. However, the newly seated Board met on February 11 and approved the use of \$27,000 for an outreach action plan to help educate the special district residents on the potential acquisition by the City. Their outreach strategy is composed of three phases and will begin the first week of March. The three phases include building awareness with a neutral message, consideration and engagement, and a call to action if necessary. The Board plans to take a formal position on the acquisition at an upcoming Board meeting.

Discussion

Primary factors which Council may wish to take into consideration include limitations of the RRRPD facility, acquisition costs, comparison of RRRPD with other aquatic facility opportunities, and potential support of the RRRPD Board, as described in more detail below.

RRRPD Facility Status

Following a preliminary assessment of the RRRPD facility, it was determined that RRRPD's small size, inefficient and restricted layout, and limited parking capacity could potentially limit program offerings, participation numbers, and profitability. Significant infrastructure improvements would be required to address ADA accessibility requirements, code deficiencies and other issues. RRRPD's facilities

are currently available to all Cupertino residents, and transitioning operation of the facility to the City would not translate to additional aquatics opportunities for residents.

Costs

Costs for a potential acquisition are significant. If required, a special election could cost up to \$100,000 to \$200,000. If there is adequate opposition to LAFCO's approval of the acquisition, it could trigger that a special election be required and would not guarantee a successful transfer of the facility. Other expenses include: \$12,000 application fee to LAFCO, \$3,500 professional aquatic facility assessment, subsequent facility/infrastructure improvements estimated to be a minimum of \$350,000 and City staff time.

Access to Aquatic Facilities

If a successful acquisition of RRRPD were to be achieved, it would not result in additional aquatic facility access for Cupertino residents since RRRPD is already available to all Cupertino residents. Consistent with the desire of Cupertino residents for an additional aquatic facility, it might be advisable for Council to allow staff time to engage in the long-term planning for aquatics facilities in the City. This information could be used to evaluate the potential benefits of acquiring RRRPD in comparison with other opportunities.

Potential RRRPD Support

Council may wish to consider delaying a decision on acquisition until the new RRRPD Board concludes their Strategic Visioning Process and can re-evaluate their recommendation related to potential City acquisition of the District. Ideally, if the City decides to proceed with acquisition it would be best to do so with the support of the RRRPD Board.

Options for Council Consideration

1. Proceed with the acquisition process
2. Decide not to proceed with the acquisition process
3. Delay consideration of the acquisition
 - a. Allow for engagement in long-term planning for aquatics facilities in the City
 - b. Until RRRPD completes their strategic visioning and outreach and makes a recommendation

It is recommended that Council select Option 2 since the acquisition process is a lengthy, costly process with an uncertain outcome.

Sustainability Impact

No sustainability impact.

Fiscal Impact

A decision to pursue acquisition of RRRPD would include various costs including: \$12,000 LAFCO application fee, \$3,500 professional facility assessment, a special election could cost up to \$100,000 to \$200,000, estimated minimum of \$350,000 for facility upgrades to address ADA and code compliance, locker room upgrades, safety and security systems, and upgrades to the community room . Cost for staff time has not been estimated.

Prepared by: Molly James, Recreation Coordinator

Reviewed by: Joanne Magrini, Director, Parks and Recreation

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – October 1, 2020 Parks and Recreation Commission Regular Meeting Minutes

B – LAFCO Special Study

C – Rancho Rinconada Resident Survey Results

D – RRRPD User Data

E – Rancho Rinconada Timeline and Overview



**CITY OF CUPERTINO
PARKS AND RECREATION COMMISSION
Teleconference Meeting
Thursday, October 1, 2020
7:00 PM
MINUTES**

CALL TO ORDER

Chair Kumarappan called the meeting to order at 7:00p.m. via remote teleconference.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners present: Gopal Kumarappan, Carol Stanek, Neesha Tambe,
Xiangchen Xu, Sashikala Begur
Commissioners absent: None
Staff present: Joanne Magrini, Whitney Zeller, Daniel Mestizo,
Molly James
Guest speakers: Kevin Davis, Rancho Rinconada Recreation and Park District
General Manager

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Teen Programming.
Recommended Action: Receive a presentation on teen programming.
Recreation Coordinator, Daniel Mestizo, provided a presentation on teen Programming.

Community Member Jennifer Griffin commented on the item and was happy to see the offerings available to Cupertino teens.

Commissioner Tambe suggested offering resources to register to vote at the Pizza and Politics event.

Commissioner Tambe and Chair Kumarappan congratulated Daniel on his efforts in continuing to innovate and create new programs for teens.

APPROVAL OF MINUTES

2. Subject: Meeting of September 3, 2020.
Recommended Action: Review and approve the minutes for the September 3, 2020 Parks and Recreation Commission meeting.

Commissioner Begur motioned to approve the minutes for the September 3, 2020 Parks and Recreation Commission meeting. Commissioner Xu seconded the motion. Motion passed unanimously with five votes yes.

ORAL COMMUNICATIONS

None

WRITTEN COMMUNICATIONS

Written communications were received for item 3 on the agenda, including emails to the Commission.

POSTPONEMENTS

None

OLD BUSINESS

3. Subject: Rancho Rinconada Recreation and Park District Update.

Recommended Action: Receive an update on the Rancho Rinconada Recreation and Park District and discuss next steps.

Recreation Coordinator, Molly James, provided an update on the Rancho Rinconada Recreation and Park District (RRRPD) outlined in the staff report. Rancho Rinconada Recreation and Park District General Manager, Kevin Davis, was available to answer questions.

Community member Jennifer Griffin spoke on the item, approved of the current operations of the Rancho Rinconada Recreation and Park District and shared that assets held by the special district need to be retained on site or given back to the special district residents if the special district is absorbed by the City.

Commissioner Xu shared information on a public pathway connecting the neighborhood and RRRPD that has been fenced in.

Commissioner Begur commented that access to the pathway is important in the evaluation process as well as its impacts to parking and access to the special district.

Commissioner Tambe expressed apprehension around postponing a recommendation to Council with the understanding that only ten percent of special district residents who pay towards it actually utilize it.

Vice Chair Stanek noted that LAFCO established that RRRPD has “zero sphere of influence”, indicating that the district should eventually not exist as an independent special district. Vice Chair Stanek commented that the survey completed by the Parks

and Recreation Department may have actually captured an accurate sample and that it will be a struggle to get a broader response since the majority of RRRPD users are not Cupertino residents. She added that the public pathway should be handled by the City and that the Commission should move forward and let the Council know what data has been collected regarding usage by residents, and base a decision on the information currently available.

Commissioner Begur expressed concern that the survey results are inconsistent with the data provided by RRRPD regarding usage.

Commissioner Xu commented that the public pathway is connected to the Commission's decision because residents in the survey had misinformation about the pool being public and not privately operated.

Commissioner Tambe noted that statistically, RRRPD does not serve a purpose for its residents and would be served better under the City's operation. Commissioner Tambe expressed that waiting for the visioning process would not change the status of what the Commission needs to do.

Chair Kumarappan agreed that the Commission should consider the data provided as well as discussions around the topic and provide a recommendation to the Council.

Commissioner Xu recommended receiving more information on the cost to improve the facility and potential revenue before providing a recommendation.

Commissioner Tambe motioned to recommend to the City Council Option 2: Merger of RRRPD with the City of Cupertino, as listed in the LAFCO report *Special Study: RRRPD Governance Options*.

Option 2: Merger of RRRPD with the City of Cupertino:
RRRPD would be dissolved and its functions, services, assets, and liabilities transferred to the City of Cupertino. The City would integrate RRRPD programs and facilities into current City operations and recreation planning. This option assumes that RRRPD's current property tax allocation would be entirely transferred to the City, and that all RRRPD services would be maintained at current levels (or better).

Vice Chair Stanek seconded the motion.

Commissioners discussed the motion

Chair Kumarappan proposed a friendly amendment to add a statement that the recommendation is based on data collected, which will be attached, including the LAFCO report, survey data and usage information.

Commissioner Tambe accepted the friendly amendment.

The amended motion passed unanimously with five votes yes.

Chair Kumarappan added that the recommendation would not go to the Council immediately and the commission would like to review the final package which would include additional data from the city staff before presenting it to the Council.

4. Subject: Commissioner Park Amenity Evaluations and Next Steps.
Recommended Action: Conduct a first review of the Commissioner's evaluations for park amenity improvements and discuss a timeline for next steps.

Administrative Assistant, Whitney Zeller, reviewed the evaluations submitted by the commissioners and provided recommended next steps.

Community member Jennifer Griffin commented on the item and expressed that the City needs to acquire additional parkland.

Vice Chair Stanek shared that her understanding was not to provide an average for the evaluations, but to have a discussion and come to a group decision before having the Commission's recommendations be considered by staff.

The commissioners clarified that in cases where multiple numbers are provided for a section, an average of the numbers is acceptable to use.

Chair Kumarappan agreed with Vice Chair Stanek's comment that the data should not be averaged and considered but should be discussed and agreed on before being considered by staff.

Vice Chair Stanek commented that information from all commissioners should be allowed for consideration.

Commissioner Tambe noted that she would like to include data from all commissioners and that a special meeting should be held to discuss the evaluations. She added that her evaluations took into consideration long term needs.

Chair Kumarappan reviewed the items for discussion including to clarify data points, submissions received after the deadline, and the timeline and process for providing combined data to the Commission.

Commissioner Begur commented against allowing information from the commissioners that missed the deadline, noting that an extended deadline was not approved at the last commission meeting.

Vice Chair Stanek shared that the Commission would be discussing and modifying the data and that it would not hurt the Commission and would improve the product by including the additional data.

Chair Kumarappan commented that whether or not the late submittals are included, the commissioners will have the opportunity to participate in the discussion regarding prioritization.

Commissioner Tambe noted that she had completed the work by the initial deadline and had believed that her evaluation information had been attached when she sent her email.

Chair Kumarappan asked for clarification on when the two late submissions were received.

Vice Chair Stanek motioned to accept all five commissioners' input on the issue to be included in the consolidation of the review for the priorities for the strategic planning.

Commissioner Tambe seconded the motion

Chair Kumarappan abstained from the vote, Vice Chair Stanek and Commissioner Tambe voted yes, Commissioners Xu and Begur voted no. Chair Kumarappan broke the tie, voting no. The motion did not carry.

Commissioner Tambe motioned that at a subsequent meeting, both Commissioner Xu and Commissioner Tambe's data be added to the discussion section.

Vice Chair Stanek seconded the motion.

Chair Kumarappan clarified that at a future meeting where the data is discussed and prioritized, there will be two separate points of data provided in the agenda packet. One including the combined data of the three evaluations submitted by the deadline,

and one including staff's data with an attachment including Commissioner Xu and Commissioner Tambe's data as a reference.

Commissioner Tambe confirmed that the motion is intended to include the additional data as an addendum.

The motion passed unanimously with five votes yes.

Commissioner Tambe summarized next steps stating that the Commission will have a special meeting dedicated to reviewing the evaluation data and will determine an accumulative Commission score. From there, utilizing what the staff has analyzed, the Commission will cross check their prioritizations with staff's prioritizations and will produce a list of the top items to address with the \$200,000 for park amenity improvements.

Director Joanne Magrini clarified staff's recommendation to have staff consolidate data from Parks and Recreation staff, Public Works staff and the commission and allow staff to provide a prioritization for the Commission to consider in their discussion to provide their recommendation.

Chair Kumarappan confirmed that staff's evaluations and prioritizations will be one data point and the commissioner's evaluations will be a separate data point, all to be discussed and considered at a special meeting where the Commission will determine their recommendation for prioritization.

NEW BUSINESS

5. Subject: Project Evaluation Criteria and Process

Recommended Action: Discuss and establish a process and criteria for project evaluations.

Chair Kumarappan motioned to postpone the item to the next Parks and Recreation Commission meeting. Commissioner Begur seconded the motion. Motion passed with four votes yes and one vote no from Commissioner Tambe.

STAFF AND COMMISSION REPORTS

6. Subject: Monthly Update Reports

Recommended Action: Receive monthly update reports from the Director of Parks and Recreation and commissioners.

Director Joanne Magrini provided a presentation and updated the Commission on department projects, COVID impacts to parks and recreation, and upcoming events.

Vice Chair Stanek attended the September Mayor's meeting and provided updates from the other commissions.

Commissioner Tambe recommended a status update on department projects to be able to respond to public inquiries.

Commissioner Begur agreed with Commissioner Tambe's request and added that an update should be provided at least on work program items with the current status of project budgets.

Chair Kumarappan participated in the virtual Hack Cupertino event as a judge.

COMMISSIONER ATTENDANCE AT UPCOMING MEETINGS AND EVENTS

The City Council has a special meeting scheduled the same day and time as the December 3rd Parks and Recreation Commission regular meeting. The Commissioners agreed to review scheduling options via email and post a cancellation notice once a new date is selected.

Commissioners discussed the attendance for the Mayor's meeting as follows:

October – Chair Kumarappan

November – Commissioner Tambe

December – Commissioner Begur

ADJOURNMENT – Chair Kumarappan adjourned the meeting at 11:09 p.m. to the November 5, 2020 meeting at 7 p.m.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Whitney Zeller". The signature is fluid and cursive, with the first name "Whitney" written in a larger, more prominent script than the last name "Zeller".

Whitney Zeller, Administrative Assistant
Parks & Recreation Department

Minutes approved at the November 5, 2020 regular meeting



PUBLIC REVIEW DRAFT REPORT

SPECIAL STUDY: GOVERNANCE OPTIONS

RANCHO RINCONADA RECREATION AND PARK DISTRICT



Prepared for LAFCO of Santa Clara County

Berkson Associates

In association with Policy Consulting Associates, LLC

January 29, 2020

richard@berksonassociates.com | 510.612.6906 | www.berksonassociates.com



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- Appendix A – Detailed Budget Estimates
- Appendix B – RRRPD Programs and Pricing
- Appendix C – RRRPD Staff Information

1. OVERVIEW

The Local Agency Formation Commission of Santa Clara County (LAFCO) prepared a Service Review of the Rancho Rinconada Recreation and Park District (RRRPD) in 2013 which recommended further analysis of governance changes for the District.¹

RRRPD has had a zero sphere of influence since 1982 indicating that the RRRPD should eventually not exist as an independent special district. LAFCO reaffirmed the District's zero sphere of influence in its 2013 Service Review for the District.² The 2013 RRRPD Service Review found that a significant service overlap contributes to "the duplication in services delivered within the boundaries of Cupertino [which] creates inherent inefficiencies and fragmented service delivery and impedes long-term planning for the delivery of recreation services to the residents of Cupertino."³

In recent years there have been disputes and allegations of mismanagement among the Board leading to the resignation of two board members and a lack of a quorum to conduct RRRPD business. As noted in LAFCO's Request for Proposals (RFP) for this special study, LAFCO has received complex questions and complaints from residents concerning the RRRPD. At the February and April 2019 LAFCO meetings, community members informed LAFCO of their concerns about RRRPD's inefficient pool operation, lack of public outreach and public awareness of the District, and requested that LAFCO address these concerns, resulting in the current special study. Comments regarding allegations of mismanagement, and responses by the District to the complaints, were submitted at LAFCO's meeting in June, 2019.⁴

In 2019, following board member resignations, RRRPD was left with two filled seats; the County Board of Supervisors appointed a temporary third RRRPD board member for the purpose of adopting the FY20 budget. Currently the District has three filled seats sufficient to function with a quorum, and the two remaining vacant seats could be filled at the 2020 general election.

¹ Special Districts Service Review: Phase 1, Prepared for LAFCO of Santa Clara County by PCA, LLC, Adopted June 5, 2013.

² LAFCO Staff Report, April 3, 2019, Item 7.

³ *ibid*, 2013 RRRPD MSR, pg. 27.

⁴ See correspondence received by LAFCO at its 6/5/19 meeting from Sophia Badillo and from Sandra Yeaton, and letter from Kevin Davis, RRRPD General Manager to LAFCO, June 14, 2019.

The 2013 RRRPD MSR considered several governance options which are addressed in more detail in this special study:

- **Option 1: Maintain RRRPD's Current Governance (Status Quo)** – RRRPD remains intact as an independent recreation and park district, and continues to operate and improve its programs, facilities and planning.
- **Option 2: Merger of RRRPD with the City of Cupertino** – RRRPD would be dissolved and its functions, services, assets, and liabilities transferred to the City of Cupertino. The City would integrate RRRPD programs and facilities into current City operations and recreation planning. This option assumes that RRRPD's current property tax allocation would be entirely transferred to the City, and that all RRRPD services would be maintained at current levels (or better).
- **Option 3: Reorganize RRRPD as a Subsidiary District to the City of Cupertino** – RRRPD would remain a special district, but the Cupertino City Council would function as its board. As required by law, "...The district shall continue in existence with all of the powers, rights, duties, obligations, and functions provided for by the principal act, except for any provisions relating to the selection or removal of the members of the board of directors of the district."⁵

All subsidiary district accounts would be held and reported separately from City funds. Legal and financial responsibility would be limited to the subsidiary district. The subsidiary district would continue to receive its current share of property tax to be used for district purposes.

This Special Study further investigates the financial feasibility and the process required to implement the governance options described above.

⁵ Gov. Code Sec. 57534.

2. RANCHO RINCONADA RECREATION & PARK DISTRICT (RRRPD)

RRRPD was formed in 1955 as an independent special district with its own elected board of trustees. A five-member Board of Directors governs the District; members are elected to four-year terms. As described in the 2013 RRRPD Service Review board members as of 2013 all ran unopposed, eliminating election costs, but also indicating a lack of resident involvement. The Service Review stated that the lack of elections and opposing candidates “reflects a lack of candidate and resident interest in the District’s activities and governance”, however, all seats were filled at that time and in prior years. In 2018 an election occurred with multiple candidates.

As noted in the Overview, in recent years there have been disputes and allegations of mismanagement⁶ among the Board leading to the resignation of two board members and a lack of a quorum to conduct RRRPD business. Currently the District has three filled seats and functions with a quorum, and the two vacant seats could be filled at the 2020 general election.

DISTRICT BOUNDARIES AND SERVICE AREA

As shown in **FIGURE 1**, the boundaries of the District are entirely within the City of Cupertino with the exception of two parcels owned by the County of Santa Clara; those parcels are to the east along Lawrence Expressway and include portions of the Saratoga Creek Trail and riparian area.

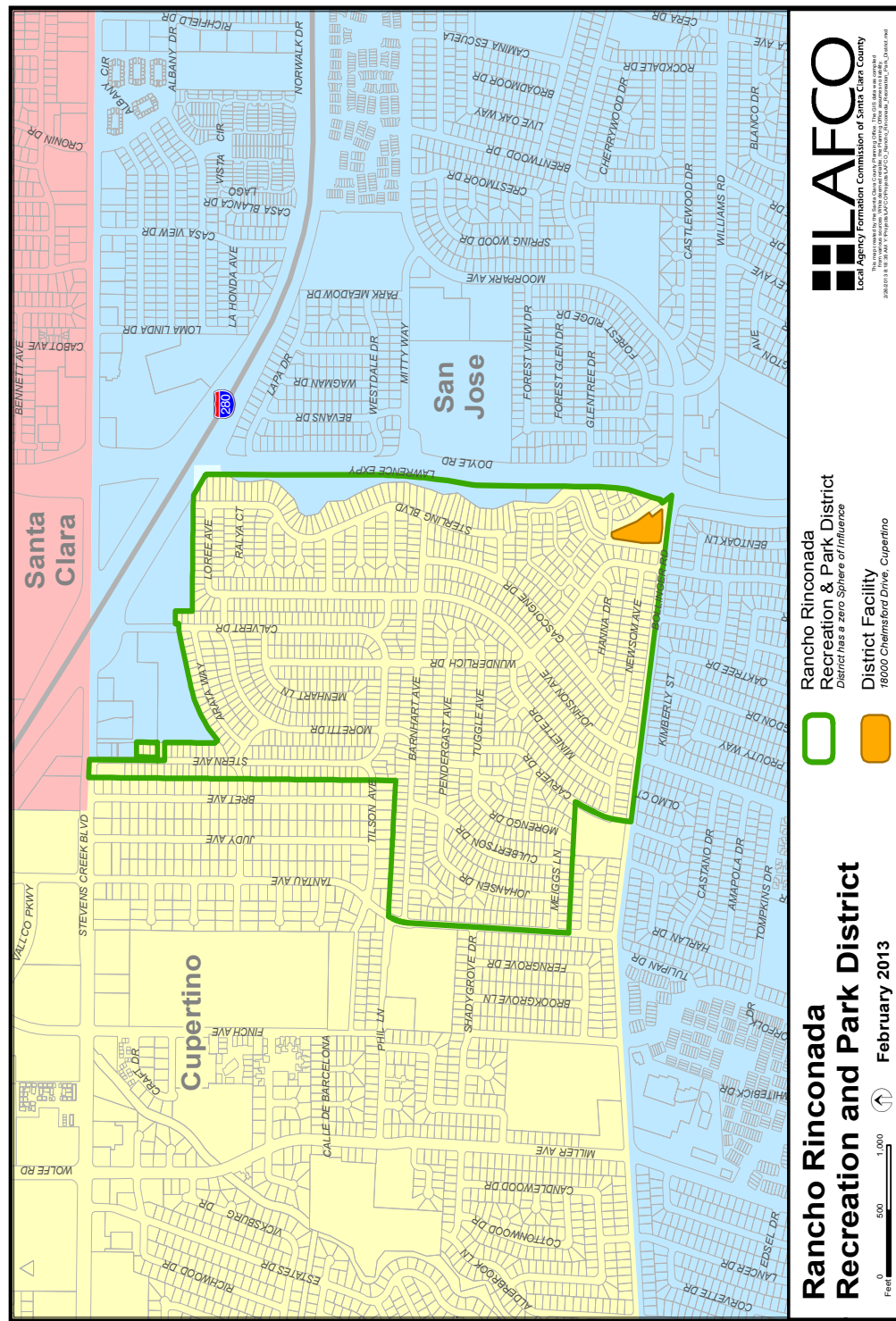
The City of Cupertino is negotiating with the County of Santa Clara for the acquisition of the two County-owned parcels within the District but located in the City of San Jose adjacent to the City’s boundaries; the parcels could then be detached from the City of San Jose and annexed to the City of Cupertino. If that process is completed, the District will be contained entirely within the City’s boundaries. Alternatively, the parcels may be detached from RRRPD so that all RRRPD territory is contained within the City of Cupertino.⁷

District revenue data, which charges higher non-resident rates, indicate that District residents account for about 20 percent, on average, of program participation. Resident participation reaches 50 percent for public swim family passes and 15 percent for private swim lessons.

⁶ See correspondence received by LAFCO at its 6/5/19 meeting from Sophia Badillo and from Sandra Yeaton, and letter from Kevin Davis, RRRPD General Manager to LAFCO, June 14, 2019.

⁷ Boundary changes would be processed through LAFCO as part of a potential reorganization of RRRPD.

4



ASSESSED VALUE, POPULATION AND VOTERS

TABLE 1 describes key characteristics of the District. Reorganization of RRRPD could alter the manner of voter representation in District affairs which currently is determined by voters within the District. The current number of RRRPD registered voters represents approximately 6.8 percent of the City of Cupertino's 30,630 total registered voters.

Depending on the manner of reorganization, and LAFCO terms and conditions, the current allocation of property tax could 1) shift to the City's General Fund; 2) remain allocated to a newly-formed subsidiary district to the City.

TABLE 1 SUMMARY OF ASSESSED VALUE, POPULATION & VOTERS

Item	Amount
Land Area (1)	0.4 sq. miles
Residential Parcels (2)	1,266
Population (3)	3,983
Registered RRRPD Voters (4)	2,086
Total City Voters	30,630
RRRPD Voters as % of City	6.8%
Assessed Value (5)	\$1,200,662,755
Tax Increment Factors FY19-20 (6)	
Rancho Rinconada RPD	4.61%
City of Cupertino	6.17%

(1) Special Districts Service Review: Phase 1, Prepared for LAFCO of Santa Clara County by PCA, Adopted June 5, 2013.

(2) Residential parcels based on review of assessor parcel maps. The District is built out according to the 2013 MSR.

(3) *ibid*, 2013 MSR.

(4) As of 9/13/2019 in the following precincts: 3645, 3652, 3654, 3659, per Registrar of Voters.

(5) County of Santa Clara Compilation of Tax Rates & Information Fiscal Year 2019-2020.

(6) Share of annual change in 1% property tax from RRRPD TRAs, net of Educational Revenue Augmentation Fund (ERAF).

TRA 013-266; <https://payments.sccgov.org/propertytax/>

RRRPD is largely built-out and no significant population increase is likely, other than minor changes due to growth in housing unit occupancy rates and household size. The City of Cupertino's household population is estimated to increase from 64,335 in 2020 to 65,275 in 2030, an average annual compound growth rate 0.3 percent.⁸

RRRPD GOALS, POLICIES AND PLANS

The District's Bylaws, last revised in 1992, govern District procedures. The Bylaws state that the purpose of the District is to

"...provide a well-rounded, wholesome program of leisure time activities for the people residing within the boundaries of the District and others not residing within the boundaries of the District who desire to participate. This shall be accomplished by the development of supervised programs, construction and maintenance of recreation facilities and park facilities, while cooperating with other agencies in an area which provide like services or can assist in providing said services."

RRRPD does not have a strategic plan or a facilities master plan; those documents have been a major District goal which, according to District staff, "has been delayed due to the recent governance issues."⁹

The District produces a budget annually; no long-term budget forecasts are included. The District's financials are audited annually.

RRRPD PROGRAMS, STAFF AND FACILITIES

RRRPD PROGRAMS

Following is a summary of programs provided at the RRRPD facility. Additional detail and pricing can be found in APPENDIX B.

- **Swim Lessons** - the most popular program at RRRPD is private swim instruction. There are roughly 8,450 lessons delivered annually with the majority clustered in the summer months.

⁸ Projections 2040, ABAG/MTC, downloaded 1/23/2020 from <http://projections.planbayarea.org/>

⁹ RRRPD response to 2019-07-25 Data Request.

- **Precompetitive Swim Training** – Provides endurance training and teaches advanced racing techniques and terminology.
- **Youth Swim Team** – Hour-long training provided by swim coaches for the Rancho Swim Team that participates in nationally-organized competitions including the Junior Olympics and the Western Championships.
- **Public Swim** – Second to swim lessons in popularity and open to the public.
- **BBQ Pool Party Rental** – Offered hours concurrent with public swim, the privately-gated area provides a canopy, BBQ grill, and picnic tables for parties between 15 and 40 people.
- **Swim Camp** – The swim camp started in 2018 and in its second year operated at full capacity with further expansion planned.
- **Pool and Hall Rentals** – The pool and the hall are available for private events. The hall provides approximately 100 chairs, tables, and a full kitchen.
- **Other Recreation Partners** – RRRPD charges fees to various recreation partners that provide programs available to the public, for example, scuba classes and a separate swim school. The hall is rented for yoga classes, after-school care, cultural gatherings and music events.

RRRPD STAFF

An employment contract with the General Manager was approved by RRRPD at its board meeting in October 2018 and expires October 11, 2020. This is the District's only employment contract.

In addition to the full-time General Manager, RRRPD employs a full-time Accounting and Records Manager and a full-time Program Manager. These positions' benefits include a "defined contribution" retirement plan;¹⁰ therefore there are no unfunded pension liabilities.

RRRPD hires part-time staff, including "graduates" of its swim programs; in 2018 there were 14,759 part-time hours worked. Additional detail about part-time staff positions and other personnel-related costs can be found in APPENDIX C.

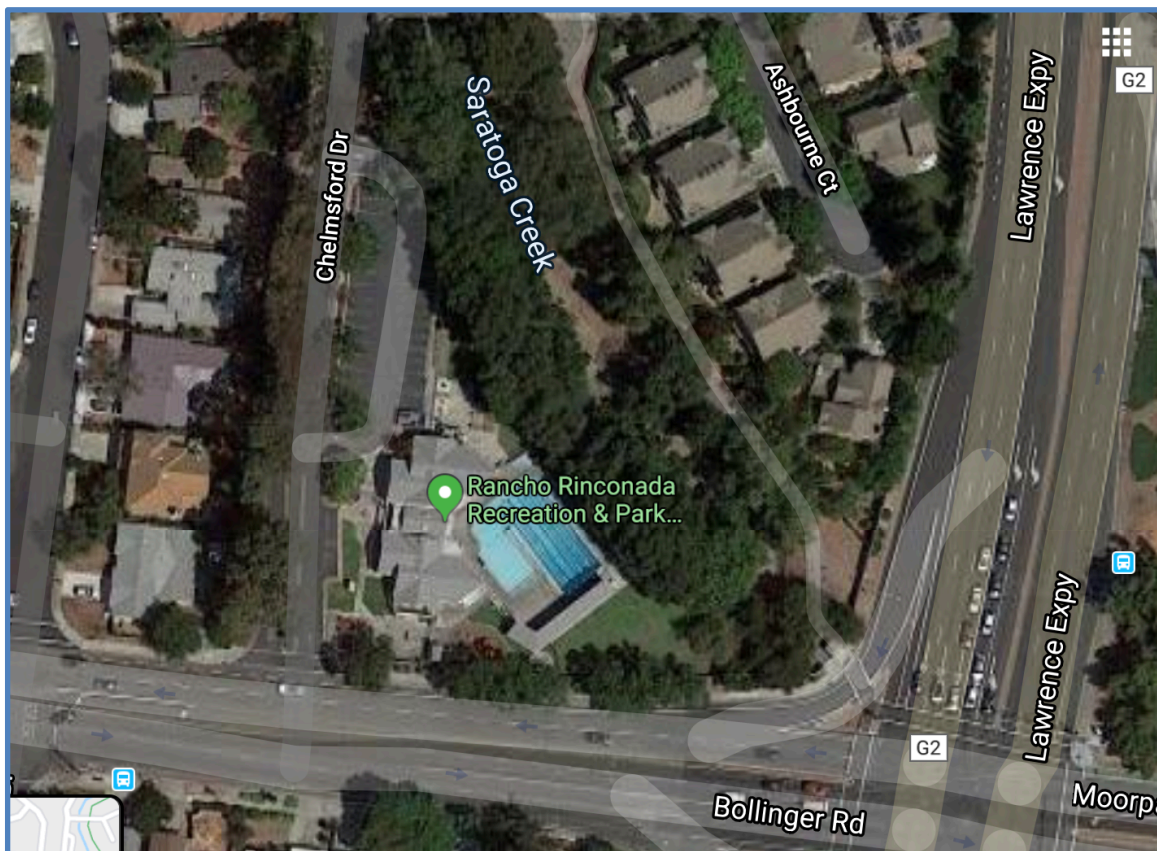
¹⁰ Internal Revenue Code Sec. 457.

RRRPD FACILITIES

The District owns the building and property located at 18000 Chelmsford Drive shown in **FIGURE 2**. The property (assessor parcel number 375-22-104) is near the corner of Bollinger and Lawrence Expressway in Cupertino as shown in **FIGURE 3**. RRRPD also identified a nearby walkway which they believe is RRRPD property, and which is highlighted on the parcel map and recently has been blocked by private fencing. However, the walkway is designated as a public right-of-way and currently believed to be owned by the City of Cupertino.¹¹

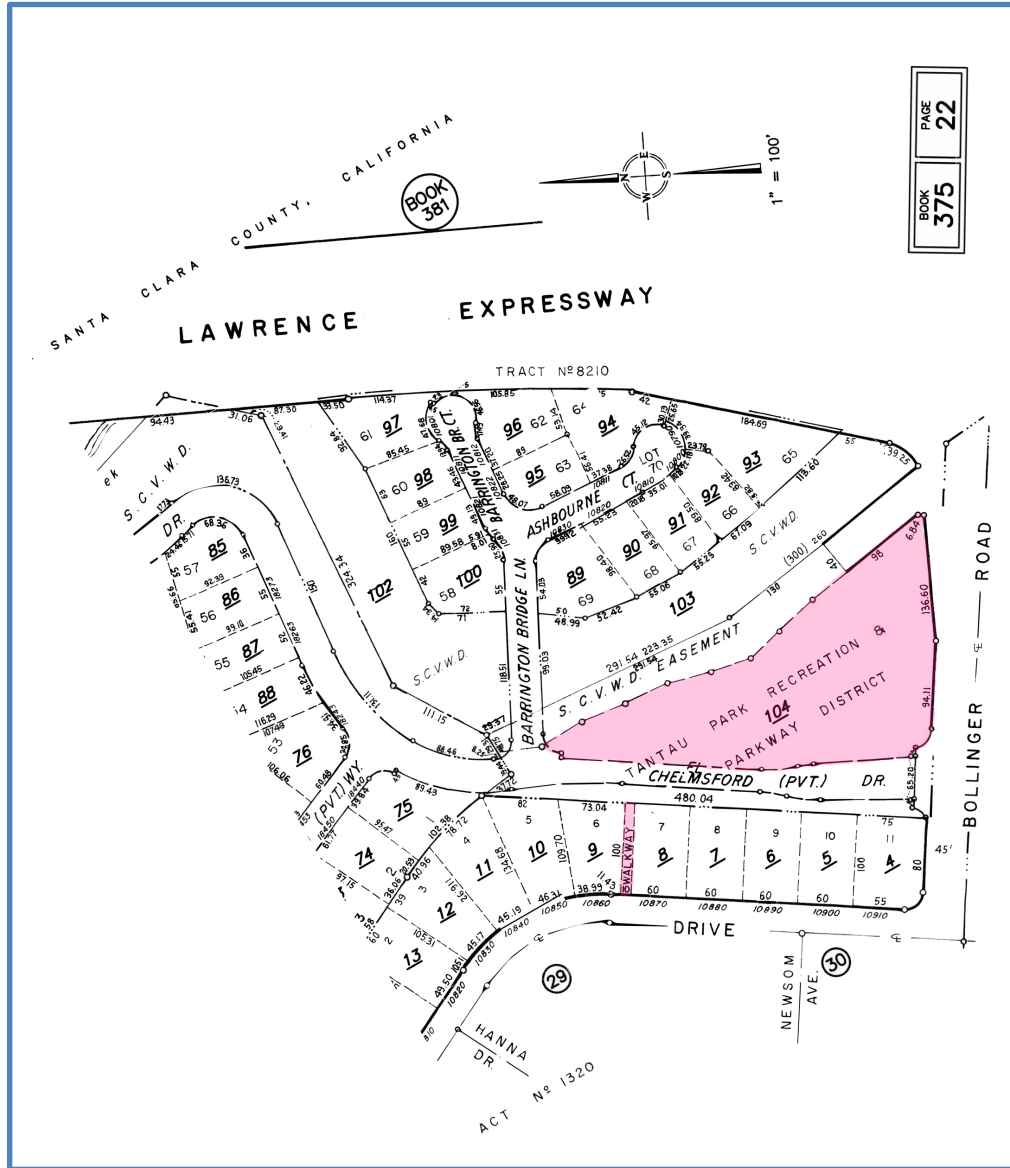
Facilities include a 25-yard pool, playground, barbecue area, and indoor hall. The barbecue and hall are available for rent for special events.

FIGURE 2 AERIAL VIEW OF RRRPD FACILITIES



¹¹ Correspondence from C. Mosley, City of Cupertino, 1/22/2020 per communication with Santa Clara County Assessor's Office staff.

FIGURE 3 COUNTY ASSESSOR PARCEL MAP – RRRPD PROPERTY



Facility Improvements Required

The District has identified a number of improvements required by its facilities:¹²

- Re-painting of the pool fence and interior of the shower room is needed in the near-term. The total cost is expected to not exceed \$10,000.
- The degrading pool deck requires re-surfacing; prior estimates ranged from \$30,000 to \$50,000 depending on materials.
- A new pump and heater will be required within the next five years at a combined cost of approximately \$15,000.
- The bathrooms are roughly 30 years old and need an overhaul in the next five years; no cost estimates are currently available.
- In addition, major upgrades are needed for ADA requirements, family/gender-neutral bathrooms, and user flow improvements; no cost estimates are currently available.

The District anticipates that detailed cost estimates would be prepared, along with a phasing and funding plan, as part of a more detailed Master Plan (and/or Strategic Plan). RRRPD designates reserves for capital improvements, and current unrestricted net position of more than \$1 million appears sufficient to fund currently identified improvements. It is unknown, lacking a plan by the District at this point whether the \$1 million will be sufficient and fully available for capital replacement over the long-term; the District sets aside funds annually toward fully funding replacement of all facilities over their lifespan -- its reserve goal is \$1.4 million.¹³

The City of Cupertino recently inspected the facilities and identified related and additional improvements. A rough estimate of these improvements totaled \$350,000:¹⁴

- Exterior ADA Upgrades (parking spaces and ramp landings) (\$100,000)
- Locker Room Upgrades including ADA Compliance (\$175,000)
- Kitchenette Upgrades - desired (\$40,000)
- Life Safety and Security Systems Compliance (\$35,000)

¹² RRRPD response to 2019-07-25 Data Request.

¹³ Reserve policy adopted Dec., 2016; present reserve goal of \$1.4 million per correspondence with RRRPD, 2019-08-14

¹⁴ City of Cupertino response to 2019-09-06 Data Request.

More detailed cost estimates and timing of improvements would be prepared as part of a Plan for Services if the City seeks to take over RRRPD programs and facilities. It is expected that the District will face these City-identified improvements as well as those that the District has identified; the lists of improvements prepared by the City and RRRPD are overlapping and address similar needs and concerns.

Facility improvements may be needed to accommodate increased community use of the facilities (nature and extent of increased use and corresponding improvements are to be determined by the City in the case of Option 2 and Option 3). This issue would also apply to any expansion of current RRRPD activities.

RRRPD REVENUES AND EXPENDITURES

As shown in **TABLE 2**, RRRPD's FY20 budget (as adjusted for purposes of this report) projects an ending annual net balance of about \$51,000 including depreciation. Eliminating special election costs originally included in the budget produces this annual surplus. Excluding depreciation, a non-cash accounting expense, the net annual balance is \$124,000. This balance would add to reserves for contingencies, planning and capital improvements.

TABLE 2 RRRPD REVENUES AND EXPENDITURES

Item	STATUS QUO RRRPD
REVENUES	
Program Revenues (1)	\$438,500
Property Tax (2)	<u>530,000</u>
Total Revenues	\$968,500
EXPENDITURES	
Administration and Office Expenses (3)	\$77,957
Facilities (4)	
Building/Yard, Pool, Utilities	113,000
Facility Depreciation (5)	<u>73,000</u>
Subtotal, Facilities	186,000
Program Expenses (exc. staff) (6)	26,200
Personnel (7)	626,982
Total Expenditures	\$917,139
ANNUAL SURPLUS OR (SHORTFALL)	\$51,361
Surplus or (shortfall) excluding depreciation	\$124,361

(1) Includes aquatics, rentals, and activities (snack bar, swim camp).

(2) Property tax is the District's share of the basic 1%.

(3) RRRPD "Administration" includes Board & office expenses, insurance and professional services.

Status Quo adds \$20,000 for general election costs instead of RRRPD budget for special election.
RRRPD legal costs reduced vs. FY20 to represent a more typical year.

(4) Facilities include building & yard, pool, and utilities.

(5) Depreciation is a non-cash accounting expense.

(6) Program expenses include advertising, program supplies, & snack bar.

(7) Personnel costs include payroll, taxes & benefits, and related expenses. 1/29/20

REVENUES

Service charges paid by program participants funded approximately 50 percent of FY20 total expenditures. Property tax funds most of the remaining expenditures, supplemented by interest earnings and miscellaneous revenues.

Within the RRRPD area, RRRPD receives 4.61 percent of the increase in Prop. 13 property taxes, which are one percent of assessed value; the City receives 6.17 percent. City allocations outside of RRRPD vary due to differences among taxing entities throughout the City, but typically the City's share is about 6.5 percent and other taxing entities' rates are slightly higher than within RRRPD.

Currently RRRPD charges a non-resident fee for program participants from outside the District, residents account for about 50 percent (or less) of program participation, and average about 20 percent overall. Rates are further detailed in APPENDIX B and on the RRRPD website.

EXPENDITURES

TABLE 2 summarizes District expenditures which are further detailed in **APPENDIX A**. Revenues exceed expenditures, producing a surplus.

Depreciation is a non-cash accounting expense often not shown in a budget. Excluding depreciation from the budget shows a larger cash surplus. However, this increased surplus should be set-aside for capital replacement to effectively offset the effects of depreciating assets. The District's FY20 budget has been adjusted slightly to reflect a typical year, for example, special election costs of \$150,000 were replaced by general election costs of \$20,000.

RRRPD ASSETS, LIABILITIES AND FINANCIAL NET POSITION

RRRPD's financial condition indicates reserves exceeding 100 percent of annual expenditures. A typical minimum standard for operating reserves is about 15-20 percent of expenditures; the balance provides reserves that can fund capital improvements.

ASSETS

Capital assets include land, building and improvements, the pool, furniture and equipment. The historical acquisition value totals \$1.8 million, and its current depreciated value is approximately \$1 million after deducting accumulated depreciation.¹⁵

¹⁵ *ibid*, RRRPD Financial Statements FY18, Note D – Capital Assets.

LIABILITIES

The District has no long-term debt (due beyond one year) or other long-term financial obligations. Current liabilities, due within one year, totaled \$190,000 at the end of FY18.¹⁶ Approximately 75 percent of the current liabilities represent deferred revenue (generally swim lessons/camp reserved in one fiscal year but delivered in the next). These relatively high current liabilities result from a fiscal year cut-off midway into the District's peak season.

FINANCIAL NET POSITION

RRRPD's Net Position is a key indicator of fiscal health. The District's FY18 financial statements show a net position of \$2.0 million including the net value of capital assets; approximately \$1 million of the net position is unrestricted and comprised of cash and current investments.¹⁷

The \$1 million unrestricted net position totaling more than 100 percent of annual operating expenditures, provides for operating and capital reserves. The amount exceeds currently identified capital improvement needs although it has not been entirely designated for that purpose. The unrestricted net position is less than the District's capital reserve goals of \$1.4 million needed to provide for long-term repair and replacement of all capital assets based on estimated life span.¹⁸

A financial statement is typically prepared for RRRPD in the December following the end of the reported fiscal year. As shown in **TABLE 2** above, the District projects a surplus in FY19-20, after eliminating special elections costs from the budget, and unrestricted net position of cash and investments should increase to about \$1.3 million.

¹⁶ *ibid*, RRRPD Financial Statements FY18, Statement of Net Position, pg. 9.

¹⁷ RRRPD Financial Statements and Independent Auditor's Report for the Year Ended June 30, 2018, Statement of Net Position, pg. 9, Fechter & Company CPAs, Dec. 15, 2018.

¹⁸ District Reserve Allocation.

3. GOVERNANCE OPTIONS

This report evaluates governance options for RRRPD. Each option presents a different set of legal and policy choices with implications for finances, management, governance and services.

TABLE 3 summarizes and compares key features of governance options:

- **Option 1: Maintain RRRPD's Current Governance (Status Quo)** – RRRPD remains intact as an independent recreation and park district, and continues to operate and improve its programs, facilities and planning.
- **Option 2: Merger of RRRPD with the City of Cupertino** – RRRPD would be dissolved and its functions, services, assets, and liabilities transferred to the City of Cupertino. The City would integrate RRRPD programs and facility into current City operations and recreation planning. This option assumes that RRRPD's current property tax allocation would be entirely transferred to the City, and that all RRRPD services would be maintained by the City at current levels (or better). To meet the requirement for a merger all RRRPD territory¹⁹ must be contained within the City of Cupertino. The two RRRPD parcels outside the City would need to be detached from RRRPD. Alternatively, the two parcels would need to be detached from San Jose and annexed to the City of Cupertino.
- **Option 3: Reorganize RRRPD as a Subsidiary District to the City of Cupertino** – RRRPD would remain a special district, but the Cupertino City Council would function as its board. All subsidiary district accounts would be held and reported separately from City funds. Legal and financial responsibility would be limited to the subsidiary district. The subsidiary district would continue to receive its current share of property tax and the tax would be restricted to subsidiary district purposes. To meet the requirement²⁰ for reorganizing as a subsidiary district, at least 70% of the RRRPD territory must be located within the City of Cupertino or 70% of the RRRPD registered voters must be within the City of Cupertino.

The LAFCO processes for Options 2 and 3 could be initiated by voter petition, RRRPD (or City) resolution, or by LAFCO. The process is described in **CHAPTER 4** and summarized on **TABLE 5**.

¹⁹ Gov. Code Sec. 57104

²⁰ Gov. Code Sec. 57105

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TABLE 3 COMPARISON OF GOVERNANCE OPTIONS

Item	Governance Option		
	OPTION 1 Governance Status Quo (RRRPD)	OPTION 2 RRRPD Merger with City of Cupertino	OPTION 3 RRRPD becomes a Subsidiary District to Cupertino
Reorganization	No reorganization.	RRRPD is dissolved and merged with the City of Cupertino, which assumes responsibility for functions, services, assets, liabilities. RRRPD property tax is included in City General Fund.	RRRPD is reorganized as a subsidiary district of Cupertino. RRRPD property tax is allocated to the subsidiary district. All assets & liabilities remain with subsidiary district, accounted separately from City.
Governance & Representation	No change. RRRPD remains an independent district governed by a 5-member elected/appointed Board of Directors comprised of District residents.	Cupertino City Council responsible for facilities & programs of former RRRPD, in addition to all other City recreation services. The Council is elected by all City voters.	Cupertino City Council serves as board of subsidiary district & is responsible for facilities and programs. The Council is elected by all City voters.
Management & Operation	No change to management of programs and facilities by RRRPD staff.	City staff manage and operate former RRRPD programs & facilities at similar (or improved) levels.	Same as Option 2.
Recreation Programs, Facilities and Plans	No changes currently planned to programs. District management plans to prepare a Strategic/Master Plan to guide facilities upgrades.	No changes currently planned to programs. Facility and programs integrated into City operations, budget, Recreation Master Plan, & CIP.	No changes currently planned to programs. Planning changes same as Option 2.
Costs and Revenues	District's typical budget shows a surplus of \$124,000/yr (before depreciation & election costs). Fund balances total \$1 mill.	City-run programs project a \$131,000/yr surplus from higher participation offset by staff costs. Fund balances of \$1 mill. transfer from RRRPD.	Likely to be similar to Option 2. Subsidiary district accounting, reporting, etc. may add minimal admin. costs. Fund balance remains w/subsidiary dist.
Rates and Charges	No changes currently planned to rate schedules.	No changes currently planned to rate schedules; uniform rate for all City residents.	Rates and charges same as Option 1 unless otherwise changed.
Capital Costs	District policy budgets depreciation (\$73,000/yr) and builds capital reserves for capital repair, replacement & upgrades. Capital priorities, costs & timing not determined, pending Plan.	Preliminary City budget for Rancho Rinconada includes depreciation. City has identified capital requirements and expects to budget annually towards capital needs.	Capital costs same as Option 2.

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OPTION 1: ADVANTAGES AND DISADVANTAGES OF STATUS QUO

Option 1 maintains RRRPD's current governance (Status Quo). RRRPD remains an independent recreation and park district with an elected / appointed Board of Directors, and continues to operate its programs and facility.

Advantages

- Property taxes collected within the District continue to be spent for recreation services and facilities of the District.
- RRRPD continues to be governed by board of locally-elected and/or appointed District residents.

Disadvantages

- The District could potentially revert to contentious and inefficient board practices.
- Potential future, ongoing election costs, and/or difficulty filling board vacancies.
- Property tax revenues levied within the District continue to be allocated to two recreation service providers within City boundaries (RRRPD and the City) and perpetuates the duplication and inefficiencies of aquatic recreation services and related administration within the Rancho Rinconada area of the City of Cupertino.

This option requires no further action by LAFCO, the City or RRRPD.

OPTION 2: ADVANTAGES AND DISADVANTAGES OF MERGER OF RRRPD WITH THE CITY OF CUPERTINO

Option 2 involves the dissolution of RRRPD and merger with the City of Cupertino. RRRPD would be dissolved and its functions, services, assets, liabilities and property tax transferred to the City of Cupertino. This option assumes that RRRPD's current property tax allocation would be entirely transferred to the City, and that all RRRPD services would be maintained at current levels (or better) by the City. The City would integrate RRRPD programs and facilities into current City operations and recreation planning. The City does not anticipate significant

transition costs;²¹ hiring of current RRRPD staff, which has not yet been decided by the City, could assist with a smooth transition.

Cupertino's FY19 General Fund budget allocates about \$8.6 million to Park and Recreation, or about 11 percent of the total General Fund budget; this is about \$136 per City resident, and funds a broad range of parks and recreation programs. By comparison, RRRPD provides aquatic programs and facility and the total budget for its aquatics program and facility is approximately \$243 per RRRPD resident; as part of the City, the RRRPD budget would add about \$15 per City resident, an increase of about eleven percent per City resident for parks and recreation.

The City of Cupertino's aquatics program currently operates at Black Berry Farm but is restricted to operating 100 days each year. Use of the RRRPD would allow for year-round programming. The swim lesson programs at RRRPD are very similar to the current City programs, although RRRPD focuses more on individual rather than group lessons. The City charges fees similar to RRRPD.²²

Capital improvements to the facilities will be required for all options, utilizing current RRRPD reserves and future additional reserves. It is unknown whether and to what extent the City would contribute additional City funds.

Programming, staff needs, capital planning, and other issues influencing City operations of RRRPD programs and facilities would be delineated as part of a Plan for Services that would be required by LAFCO as part of a City application for RRRPD merger.

Advantages

- Eliminates the duplication of aquatic recreation services and administration by two separate agencies within the Rancho Rinconada area of the City boundaries. This would dissolve one layer of government and reduce public confusion about governance responsibility for aquatic recreation services.
- No board member election costs (other than current and ongoing City council election costs) or potential difficulty filling board positions.

²¹ City of Cupertino response to 2019-09-06 Data Request.

²² City of Cupertino response to 2019-09-06 Data Request.

- Reduces the possibility of the current District reverting to contentious and inefficient board practices.
- Programs and facilities of the former RRRPD would be publicized and available to all residents citywide at the same cost.
- The higher rates currently paid by non-residents of RRRPD would be revised and replaced by a uniform rate structure for all City residents (higher non-City resident rates may still apply).
- One entity, the City, would be responsible for planning, financing, and providing park and recreation services within the City of Cupertino.
- The City could expand its current seasonal swim program to a year-round program.
- Long-term planning for programs and facilities, including the former RRRPD facility, would be coordinated and integrated into current ongoing Citywide budget, CIP and recreation master planning.
- The management of recreation service delivery to the residents of the District would benefit from the more extensive management and supervisory structure of the City's Council, Parks and Recreation Department and other City departments (e.g., finance, public works).

Disadvantages

- Governance by the City Council would reduce representation of RRRPD voters regarding current RRRPD recreation affairs proportionate to all current City governance, facilities and services provided to RRRPD residents.
- Property tax revenue the City receives as a result of the dissolution and merger with the City would go into the City's general fund and could possibly divert current funding from programs and facilities of the former RRRPD.
- City operation currently is estimated to result in positive surpluses similar to a typical RRRPD budget, as shown in **TABLE 4**. The difference is not deemed to be significant in the context of the budget forecasts and future policy and operational decisions that will be made by the City and RRRPD.

This option could be initiated by petition, resolution by an affected agency, or resolution by LAFCO. The process is further described in **CHAPTER 4** and summarized on **TABLE 5**.

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TABLE 4 RRRPD BUDGET VS. CITY OPTIONS 2 AND 3

Item	STATUS QUO RRRPD	OPTIONS 2 & 3 City
REVENUES		
Program Revenues (1)	\$438,500	\$460,400
Property Tax (2)	<u>530,000</u>	<u>530,000</u>
Total Revenues	\$968,500	\$990,400
EXPENDITURES		
Administration and Office Expenses (3)	\$77,957	\$31,957
Facilities (4)		
Building/Yard, Pool, Utilities	113,000	99,000
Facility Depreciation (5)	<u>73,000</u>	<u>73,000</u>
Subtotal, Facilities	186,000	172,000
Program Expenses (exc. staff) (6)	26,200	26,200
Personnel (7)	626,982	702,657
Total Expenditures	\$917,139	\$932,814
ANNUAL SURPLUS OR (SHORTFALL)	\$51,361	\$57,586
Surplus or (shortfall) excluding depreciation	\$124,361	\$130,586

(1) Includes aquatics, rentals, and activities (snack bar, swim camp).

City estimates a 5% potential program revenue increase due to increased publicity Citywide.

(2) Property tax is the District's share of the basic 1%.

Options 2 and 3 assume the same amount is transferred to City (or subsidiary dist.)

(3) RRRPD "Administration" includes Board & office expenses, insurance and professional services.

Status Quo adds \$20,000 for general election costs instead of RRRPD budget for special election.

RRRPD legal costs reduced vs. FY20 to represent a more typical year.

City admin. costs exclude board expense, and accounting/legal (handled by existing City staff).

(4) Facilities include building & yard, pool, and utilities.

RRRPD "Outside Services" assumed handled by additional City cost equal to 50% of RRRPD cost.

(5) Depreciation is a non-cash accounting expense.

(6) Program expenses include advertising, program supplies, & snack bar.

(7) Personnel costs include payroll, taxes & benefits, and related expenses.

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OPTION 3: ADVANTAGES AND DISADVANTAGES OF A SUBSIDIARY DISTRICT

Option 3 would reorganize RRRPD as a subsidiary district to the City of Cupertino. RRRPD would become a City-dependent subsidiary district, and the City Council would serve as its board. As required by law, "...The district shall continue in existence with all of the powers, rights, duties, obligations, and functions provided for by the principal act, except for any provisions relating to the selection or removal of the members of the board of directors of the district."²³

All subsidiary district accounts would be held and reported separately from City funds. Legal and financial responsibility would be limited to the subsidiary district. The subsidiary district would continue to receive its current share of property tax to be used for district purposes.

Programming, staff needs, capital planning, and other issues influencing City operations of RRRPD programs and facilities would be delineated as part of a Plan for Services that would be required by LAFCO as part of a City application for reorganization of RRRPD as a subsidiary district to the City.

Advantages

- RRRPD's current property tax revenue would continue to be allocated to the subsidiary district for programs and facilities of the former RRRPD, unlike the potential for a reduction or City re-allocation that could occur with Option 2. The City could contribute additional funding if desired.
- Eliminates the duplication of aquatic recreation services and administration by two separate agencies within the Rancho Rinconada area of the City boundaries. This would eliminate one elected board and reduce public confusion about governance responsibility for aquatic recreation services.
- No board member election costs (other than current and ongoing City council election costs) or potential difficulty filling board positions.
- Reduces the possibility of the current District reverting to contentious and inefficient board practices.
- Programs and facilities of the former RRRPD would be publicized and available to all residents citywide; it is assumed that the current RRRPD rate structure would continue

²³ Gov. Code Sec. 57534.

to apply higher rates for non-RRRPD residents, however, the schedule could be changed by the subsidiary district.

- One entity, the City, would be responsible for planning for, financing, and providing park and recreation services within the City of Cupertino.
- The City could expand its current seasonal swim program to a year-round program.
- Long-term planning for programs and facilities, including the former RRRPD facility, would be coordinated and integrated into current ongoing Citywide budget, CIP and recreation master planning.
- The management of recreation service delivery to the residents of the District would benefit from the more extensive management and supervisory structure of the City's Council, Parks and Recreation Department and other City departments (e.g., finance, public works).

Disadvantages

- Restricting RRRPD's property tax revenue to the subsidiary district could reduce the City's flexibility in managing and funding its programs for all City residents.
- Governance by the City Council would reduce representation of RRRPD voters regarding current RRRPD recreation affairs proportionate to all current City governance, facilities and services provided to RRRPD residents.
- City operation currently is estimated to result in positive surpluses similar to a typical RRRPD budget, as shown in **TABLE 4**. The difference is not deemed to be significant in the context of the budget forecasts and future policy and operational decisions that will be made by the City and RRRPD.

This option could be initiated by petition, resolution by an affected agency, or resolution by LAFCO. The process is further described in **CHAPTER 4** and summarized on **TABLE 5**.

4. LAFCO PROCESS

Option 1, the Status Quo, requires no further action by LAFCO, the City or RRRPD.

The LAFCO processes for Options 2 and 3 are similar and could be initiated by voter petition, RRRPD (or City) resolution, or by LAFCO. **TABLE 5** summarizes the process for the two reorganization options. In the event of a City resolution, LAFCO will require preparation of a Plan for Services that will describe in detail the City's proposed plans, programs, capital improvements, staffing, costs and revenues for management of RRRPD programs and facilities.

FINDINGS REQUIRED FOR LAFCO-INITIATED REORGANIZATION

Following are determinations required if LAFCO is to initiate a reorganization.²⁴

(1) Public service costs of the proposal are likely to be less than or substantially similar to the costs of alternative means of providing the service.

The surplus estimated for Option 2 and Option 3 is substantially similar to the Status Quo surplus, and the difference is less than one percent of total revenues. The minimal difference is not significant due to policy and program differences and future uncertainty in the context of budget forecasts. Therefore LAFCO could meet this determination in order to initiate a reorganization.

(2) The proposal promotes public access and accountability for community services needs and financial resources.

RRRPD holds regular, noticed meetings and periodic open houses and provides a website with comprehensive information about the District, its financial documents, and other public information; however, RRRPD has faced criticism for a lack of public outreach and public awareness of the District, board dysfunction, and lack of a quorum during a portion of 2019. Currently the District has adequate liquidity and fund balances; however, as noted above, the District lacks a facilities master plan/strategic plan to guide future capital improvements.

²⁴ Gov. Code Sec. 56375(a)(2)(C/D) and 56881(b)

Option 2 and Option 3 would increase public access by expanding oversight, management, publicity and program coordination Citywide; plans and programs would be integrated into Citywide planning.

A change in oversight from RRRPD to the City council would reduce current RRRPD representation from the point of view of RRRPD residents to the level of all other City services, and would increase representation of all City residents. Currently about 20 percent of RRRPD use is attributable to RRRPD residents, although this overall average varies by program and reaches 50 percent or more for certain programs.

A reorganization would reduce the possibility of future RRRPD board conflict similar to what the District experienced in recent years.

LAFCO TERMS AND CONDITIONS

Any reorganization may be made subject to one or more terms and conditions in LAFCO's resolution of approval.²⁵ Potential terms may include one or more of the following; the terms are likely to evolve as reorganization proposals are better defined and reviewed by LAFCO.

- **Property** – This study assumes that all property owned by RRRPD would be transferred to the City in the case of an RRRPD dissolution/merger with City, or retained by the subsidiary district in Option 3. Further review is required to clarify rights and obligations of RRRPD with respect to use of private streets fronting the RRRPD facility, and an access easement for a walkway across from the RRRPD facility (access is currently blocked by a property owner).
- **Funds** – Option 2 includes the transfer of all RRRPD liabilities and assets, including fund balances and cash assets to the City following dissolution of RRRPD. The government code indicates that "...So far as may be practicable, as determined by the city council, any of these funds, money, or property shall be used for the benefit of the lands, inhabitants, and taxpayers within the territory of the merged district."²⁶

In the case of Option 3, all assets and liabilities would remain with the subsidiary district, pursuant to State law, which states "...The district shall continue in existence with all of the powers, rights, duties, obligations, and functions provided for by the principal act,

²⁵ Gov. Code Sec. 56886.

²⁶ Gov. Code Sec. 57533.

except for any provisions relating to the selection or removal of the members of the board of directors of the district.”²⁷

- **Employee benefits and rights** – A reorganization proposal will need to recognize and address any RRRPD employee contracts, civil service rights, seniority rights, retirement rights, and other employee benefits and rights; for example, accrued but unpaid vacation and holiday time would need to be paid to terminated employees. Current full-time employees benefit from a defined Sec. 457 contribution plan; employees do not belong to a defined benefit retirement system managed by CalPERS (or other entity) and therefore RRRPD has no unfunded pension liabilities.
- **Effective date** – LAFCO will need to specify an “effective date” at which time any and all changes will be effective.
- **Service continuation** – LAFCO may require, in the event of a reorganization, that the City must continue to provide programs and facilities substantially comparable to current RRRPD programs.

The City may choose to employ former RRRPD staff, which would also facilitate transition from the District to the City and continue programs without interruption.

- **RRRPD parcels outside City boundary** -- Currently two parcels that are within RRRPD are outside the City’s boundary; the City is negotiating with the County to purchase the parcels and then could detach from San Jose and annex them to the City, or the parcels must be detached from RRRPD for Option 2 since all merged RRRPD territory must be within City boundaries. Creation of a subsidiary district per Option 3 allows a portion of the subsidiary district to exist outside City boundaries.²⁸

²⁷ Gov. Code Sec. 57534.

²⁸ Gov. Code Sec. 57105.

TABLE 5 SUMMARY OF LAFCO PROCEEDINGS FOR REORGANIZATION PROCESS

Item	Governance Options	
	OPTION 2 RRRPD Merger with City of Cupertino	OPTION 3 RRRPD becomes a Subsidiary District to Cupertino
1. Initiation of Proposal	Proposal shall contain a description of changes, proposed terms and conditions, boundaries and map of affected territory, and other items (Sec. 56700).	Same as Option 2.
Petition	Signed by 5% of registered voters of RRRPD OR 5% of City voters outside the district (GC §56866).	Same as Option 2.
Resolution by Affected Agency Sec. 56654	RRRPD or the City may adopt a resolution to initiate the proposal, and provide notice to LAFCO and each interested and subject agency 21 days before adoption. Must contain a plan for services per §56653.	Same as Option 2.
Resolution by LAFCO Sec. 56375(a)(2) & §56881	LAFCO may initiate only if consistent with a LAFCO study / service review / sphere of influence review and LAFCO finds: 1) Costs are substantially similar or less than alternatives; 2) The change promotes public access and accountability for services and financial resources.	Same as Option 2.
2. Processing of the Application (non-LAFCO initiated)	Upon receipt of application, LAFCO provides mailed notice to each affected agency, and within 30 days determines if application is complete (Sec. 56658).	Within 10 days of proposal receipt, LAFCO notifies affected district. Within 35 days of receiving notice district may adopt and file with LAFCO 1) resolution consenting; OR 2) resolution of intent to file an alternative proposal (Sec. 56861).
Property Tax Transfer	City Council and BoS adopt resolutions of property tax transfer per Rev. & Tax Code Sec. §99(b).	N/A
Certificate of Filing Sec. 56658	A certificate of filing is issued when application is deemed complete, and no sooner than 20 days after mailing notice.	If district files intention to adopt an alternative proposal, LAFCO takes no action for 70 days to allow district to submit a complete alternative proposal (Sec. 56862).
Hearing & Notification Sec. 56658 and 56660 and 56665	LAFCO sets hearing within 90 days after Certificate issued, or application accepted. Notice posted at least 21 days prior, and report distributed 5 days prior to hearing.	Same as Option 2. LAFCO analyzes and reports on original proposal and alternative at the same hearing.

TABLE 5 SUMMARY OF LAFCO PROCEEDINGS FOR REORGANIZATION PROCESS (cont'd)

Item	Governance Options	
	OPTION 2 RRRPD Merger with City of Cupertino	OPTION 3 RRRPD becomes a Subsidiary District to Cupertino
Adoption of Resolution Sec. 56880 et seq.	No later than 35 days after hearing, LAFCO adopts resolution to approve/disapprove, including any terms and conditions (Sec. 56886) or alternatives. Note: LAFCO may not order a merger without City consent (Sec. 57107c).	No later than 35 days after hearing, LAFCO adopts resolution denying both proposals, or approving one (Sec. 56863). Note: LAFCO may not order establishment of subsidiary district without City consent (Sec. 57107c).
Protest Hearing Sec. 57002	Within 35 days of resolution, LAFCO sets date and provides notice for protest hearing that must be held between 21 and 60 days after notice is given.	Upon request of district, the protest hearing shall be at least 90 days but no more than 135 days from date notice is given
Protest Thresholds	LAFCO approves reorganization subject to confirmation of voters in an election (§57107) if proposal was initiated by petition or resolution and (1) RRRPD has not objected to proposal by resolution and at least 25% of # of landowners within affected territory who own at least 25% of assessed value of land within the territory OR at least 25% of voters within the affected territory submit written protest or (2) RRRPD has objected to proposal by resolution and at least 25% of # of landowners within any subject agency within the affected territory who own at least 25% of the assessed value of land within the territory OR at least 25% of voters within any subject agency within the affected territory submit written protest. If proposal was initiated by LAFCO, order a merger or establishment of subsidiary district subject to confirmation of voters in an election if written protest is submitted by at least 10% of # of landowners within the affected territory who own 10% assessed value of land within the territory OR at least 10% of the voters within the territory. Otherwise no election is required.	Same as Option 2.
Election	Prior to conclusion of protest hearing, a petition to request election signed by at least 10% of registered voters in RRRPD may be filed with LAFCO (§57108). LAFCO will review for sufficiency and forward to City and City must call, hold and conduct election on question of a merger or establishment of subsidiary district only within RRRPD.	Same as Option 2.
Certificate of Completion Sec. 57001 & 57200 et seq.	LAFCO files Certificate of Completion within one year after resolution. of approval (or within 90 days after election if required as a result of Protest Hearing).	Same as Option 2.
Note: this table summarizes key provisions to provide general overview only; the reader should consult codes for specific language and requirements which may not be detailed in this table. Code Sections refer to the Government Code unless otherwise indicated.		
		January 29, 2020

APPENDIX A

DETAILED BUDGET ESTIMATES

Table A-1
RRRPD Budget vs. City Option - Detail with Comments

Item	RRRPD Estimated	City Options FY19-20	Comments
REVENUES			
<u>Aquatics</u>			
Public Swim			
Pool Passes	7,000		
Punch Passes	6,000		
Day Passes	<u>26,000</u>		
Subtotal, Public Swim Revenues	39,000		
Swim Lessons	222,000		
Swim Team	<u>71,000</u>		
Subtotal, Other Aquatics Revenues	293,000		
Subtotal, Aquatics Revenues	332,000		
<u>Rentals</u>			
Pool Rental	27,500		
BBQ Rental	3,000		
Hall Rental	<u>33,000</u>		
Subtotal, Rentals Revenues	63,500		
<u>Activities</u>			
Snack Bar	3,000		
Swim Camp	<u>40,000</u>		
Subtotal, Activities Revenues	43,000		
Subtotal, Operating Revenues	438,500	460,400	City estimates 5% revenue increase from Citywide publicity.
<u>Property Taxes</u>			
Subtotal, Property Taxes	530,000	530,000	
TOTAL REVENUES	968,500	990,400	

Table A-1
RRRPD Budget vs. City Option - Detail with Comments

Item	RRRPD Estimated	City Options FY19-20	Comments
EXPENDITURES			
<u>Administration</u>			
<u>Board Expense</u>			
Stipends	6,000		
Other Board Expenses	1,500		
Elections	<u>20,000</u>	<u>0</u>	RRRPD adopted budget included \$150,000 but there will be no special election; est'd
Subtotal, Board Expense	27,500	0	City option assumes no Board expenses (BA est.)
<u>Office Expense</u>			
Liability Insurance	15,000	15,000	
Directors & Officers Insurance	inc. above	0	City may be able to obtain lower cost by including in current policies.
Bank Service Charges	375	375	
Computer Expenses	3,500	3,500	
Dues, Fees and Subscriptions	7,000	0	City already subscribes (or not req'd).
Postage and Delivery	250	250	
Security System	132	132	
Supplies	1,000	1,000	
Telephone/Internet	<u>1,700</u>	<u>1,700</u>	
Subtotal, Office Expense	28,957	21,957	
<u>Professional Fees</u>			
County Administrative Fees	5,000	5,000	City will still pay County for tax collection charges (BA est.)
Audit	10,000	5,000	City will integrate accounting into existing CAFR (50% savings, BA est.)
Accounting	3,500	0	City will use existing City accounting (after setup & transition) (BA est.)
Legal Fees (BA adjusted for typical yr)	3,000	0	City will use current City attorney (City est.)
Consulting/Outside Services	<u>0</u>	<u>0</u>	
Subtotal, Professional Fees	21,500	10,000	
Subtotal, Administration	77,957	31,957	

Table A-1
RRRPD Budget vs. City Option - Detail with Comments

Item	RRRPD Estimated	City Options FY19-20	Comments
Facility			
<u>Building and Yard</u>			Capital costs separate; City estimates \$50,000/yr.
Maintenance & Repair	2,500	2,500	See "Personnel" for building and grounds maintenance staff costs.
Supplies	2,500	2,500	
Outside Services	<u>28,000</u>	<u>14,000</u>	Includes parts. City staff provides portion of this item? (see "personnel-maintenance").
Subtotal, Building and Yard	33,000	19,000	
<u>Pool</u>			City "Pool" costs assumed comparable to RRRPD costs.
Pool Chlorine & CO2	12,000	12,000	
Pool Maintenance & Supplies	<u>15,000</u>	<u>15,000</u>	
Subtotal, Pool	27,000	27,000	
<u>Utilities</u>			City "Utility" costs assumed comparable to RRRPD costs.
Gas and Electric	36,500	36,500	
Water	13,500	13,500	
Garbage	<u>3,000</u>	<u>3,000</u>	
Subtotal, Utilities	53,000	53,000	
Depreciation			"Depreciation" is a non-cash accounting expense.
Subtotal, Depreciation	73,000	73,000	
Subtotal, Facility	186,000	172,000	
Subtotal, Facility (net of depreciation)	113,000	99,000	
Programs			
Advertising	10,000	10,000	Correspondence with City 1/9/20.
Program Supplies & Related	14,500	14,500	
Snack Bar Expenses	<u>1,700</u>	<u>1,700</u>	
Subtotal, Programs	26,200	26,200	Correspondence with City 1/9/20.

Table A-1
RRRPD Budget vs. City Option - Detail with Comments

Item	RRRPD Estimated	City Options FY19-20	Comments
Personnel			
<u>Full-time Personnel</u>			
General Manager	104,700	172,362	City Costs include full-time General Manager (no program manager).
Accounting & Records Manager	66,200		City's costs included in payroll services below. Not a separate full time position.
Program Manager	57,800		City Costs include full-time General Manager (no program manager).
Building Maintenance		117,109	City Costs include - Full-time building maintenance position with benefits.
			Includes health benefits, retirement cost, FICA, and Workers Comp), assumed similar ratio for RRRPD (from RRRPD response) and City. City benefits and costs may be
Full-time, Taxes and Benefits	<u>37,800</u>	<u>0</u>	16.5% greater than RRRPD. City Positions costs include benefits.
Subtotal, Full-Time	266,500	289,471	
<u>Part-time Personnel</u>			
<u>Maintenance</u>			
Building Maintenance	26,000		RRRPD cost estimate assumes 1/2 time, \$25/hour; City cost included under "Full-time Personnel"
Grounds Maintenance		23,422	RRRPD Grounds Maint. cost in "Outside Services" (\$30,000); City Cost includes part-time grounds maintenance with benefits
			RRRPD estimates assumes 22.4% taxes and benefits (approximate ratio shown in response to data request). City benefits and costs may be greater than RRRPD. City positions costs include benefits.
Maintenance Staff, Taxes and Benefits	<u>5,824</u>		
Subtotal, Maint. (inc. taxes/benefits)	31,824	23,422	

Table A-1
RRRPD Budget vs. City Option - Detail with Comments

Item	RRRPD Estimated	City Options FY19-20	Comments
<u>Program Staff</u>			
Program Staff Pay	257,400	340,453	RRRPD Regular pay (RRRPD response to data request); City cost Includes salary only. Benefits included below.
Program Staff, Taxes and Benefits	<u>57,658</u>	<u>20,711</u>	Includes OT, health benefits, FICA, and Workers Comp), assumed similar ratio for 22.4% RRRPD and City. No retirement benefits are included in total.
Subtotal, Program Staff	315,058	361,164	
<u>Other Personnel Costs</u>			
Payroll Tax Expense	see above	see above	see staff categories above for est'd allocations of taxes & benefits.
Health Benefits	see above	see above	
Retirement Benefits	see above	see above	
Insurance - Worker's Comp	see above	see above	
Mileage Reimbursement	600	600	
Staff Development	5,000	5,000	
Education and Seminars	3,000	3,000	
Payroll Service	<u>5,000</u>	<u>20,000</u>	City's Accounting and Records management is part of the City's Cost Allocation Plan. This is not a separate full-time City position.
Subtotal, Other Personnel Costs	13,600	28,600	
Subtotal, Personnel	626,982	702,657	
TOTAL EXPENDITURES (before CIP or res)	917,139	932,814	
(less) Depreciation (non-cash expense)	(73,000)	(73,000)	
TOTAL EXPENDITURES (net of deprecia	844,139	859,814	
ANNUAL SURPLUS	51,361	57,586	
Annual Surplus (excluding depreciation)	124,361	130,586	

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APPENDIX B

RRRPD PROGRAMS AND PRICING

Initial Data Request 2019-07-25

Rancho Rinconada Recreation and Park District

6) Programs Description, participants, hours, etc.

Swim Lessons

Program Summary

The most popular program at Rancho Rinconada is private swim lessons. The 1:1 instructor to student ratio is an effective teaching method which allows for the best progress for a wide variety of students. The downside is that private lessons are both labor and administratively intensive when compared to group lessons.

Each lesson is 25 minutes long and consists of a brief warm-up, lesson time, brief play time (where appropriate), and a check-in with parents after the lesson ends. In some cases, advanced students take back to back lessons effectively creating a 50-minute lesson. The lessons come in two-week blocks called sessions.

The number of lessons per session varies between two to eight depending on the season. During the summer, the weekday sessions have eight lessons while the weekend sessions have four lessons. The off-season lessons are more flexible with as little as two lessons per session. Typically, the off-season patrons opt for one, two, or three lessons per week (2, 4, or 6 lessons per session respectively).

There are roughly 8,450 lessons delivered annually with the majority clustered in the summer months. The typical age for students is between 3 and 13 years old, however, adults and students with special needs are not uncommon.

Program Details

The swim lesson program has three distinct seasons (spring, summer, and fall) and one sub-program (precomp). Spring and fall are functionally identical but with lower demand in the spring. The pricing per lesson is identical but the hours, lesson time, participant demographics, and number of lessons are different.

Season	Lesson format	Lessons per week	Total Lessons (#)	Lesson Time (minutes)	Price per lesson (\$)	Session Price (\$)
Off-season	once per week	1	2	25	30/25	60/50
Off-season	twice per week	2	4	25	30/25	120/100
Off-season	three per week	3	6	25	30/25	180/150
Summer	Weekday	4	8	25	30/25	240/200
Summer	Weekend	2	4	25	30/25	120/100
Summer	Precomp	4	8	50	30/25	240/200

*Pricing is shown as non-resident/resident

The availability of lessons is based almost exclusively on the number of instructor with available hours. Demand is nearly limitless with the exception of early spring, late fall, and summer morning hours.

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Rancho Rinconada Recreation and Park District

Off-season Swim Lessons

Spring - Mid-March through early June

Fall - Mid to late August through October

3:30 pm to 7:00 pm on weekdays

10:00 am to 12:00 pm on weekends

In the off-season, swimmers can select the day, instructor, and time of their choice. In addition, the minimum number of lessons per session is reduced to two (one lesson per week). This allows for flexibility for busy schedules. Typically, swimmers will select between one to three days per week. The minimum age is 5 years old and there is no maximum.

There are between 0 and 11 instructors available at any one time and lessons begin every half hour. A deck supervisor will generally be assigned when there are more than 5 instructors in the water. In 2018, 1174 spring lessons and 1366 fall lessons were delivered.

Summer hours

Early June through mid-August

9:00 am to 12:00 pm Monday through Thursday

3:00 pm to 8:00 pm Monday through Thursday

9:00 am to 12:00 pm Saturday & Sunday (most but not all weekends)

In the summer, swimmers do not directly select their instructors as it would be administratively burdensome to do so. Instead, the scheduler matches students and instructors based on their profiles and requests. The minimum age is 3 years old and there is no maximum.

There are typically between 9 to 12 instructors on weekends, 10 to 12 on weekday evenings, and roughly 4 to 9 on weekday mornings. As a result, a deck supervisor is always assigned. In 2018, there were 5918 summer lessons delivered.

Precompetitive Swim Training

Aligned with summer weekday sessions and created on an as-needed basis in the off-season

7 to 8 pm Monday through Thursday

Precompetitive Swim Training (precomp) bridges the gap between a 25-minute private lesson and the endurance heavy 1-hour competitive swim team practices. Precomp is 50 minutes long and uses a small group format with a ratio of between 2 and 4 students per instructor.

Roughly half the time is used for advanced racing techniques and terminology that is unnecessary for recreational swimmers (pulldowns, backstroke flip turns, finger drags, racing dives, IM order, introduction to swim sets, etc.). The other half of the time is used for endurance training that will be essential for competitive swim practice.

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Rancho Rinconada Recreation and Park District

Youth Swim Team

Program Summary

The Rancho Youth Swim Team provides a competitive outlet for swim lesson students looking to go to the next level. Training is 1 hour long and is run by two swim team coaches. Certain swimmers push their limits and swim for 2 hours. The participants are grouped into lanes with similar swim ability.

The minimum requirements to join the youth swim team are as follows: swim 50 yards of freestyle, backstroke, breaststroke, butterfly, a dive, a flip turn, and be under 18. Completing at least one session of precomp is recommended. Due to the high requirements, the swimmers are mostly between 8 to 14 years of age. The Swim Team serves as an important source of new qualified employees for the District.

More recently, the Rancho Swim Team has begun to move beyond the cabana club leagues to participate in the national organization USA Swimming. Within the last year, several members of the swim team have qualified for, and competed in, the Junior Olympics and the more prestigious Far Western Championships.

Program Details

As with many of the programs at Rancho, the Swim Team is year-round. The program swells in the summer and fall before dropping to an all-time low in the spring.

Pricing

\$100 per month, \$90 for the second sibling, \$80 for the third sibling

\$75 annual registration fee

Off-season Hours

4 pm to 7 pm Monday through Friday

Summer Hours

9 am to 11 am Monday through Thursday

4 pm to 8 pm Monday through Friday

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Rancho Rinconada Recreation and Park District

Public Swim

Program Summary

Public Swim is the second most popular program at Rancho Rinconada. This program is notable as most pools require a membership for entry. In Cupertino, BlackBerry Farm is the only one available and it is only open for 100 days per year.

There are at least 8,781 public swim entries annually and could be significantly higher. An exact count is made difficult by the prepaid passes and folks who swim twice per day in the summer. The public swim program is remarkably popular but is also very heavily subsidized by other programs.

Program Details

Public Swim

May through mid-June, mid-August through September

Saturday & Sunday 12 to 3 pm

Mid-June through Mid-August

Weekdays 12 to 3 pm

Weekends 12 to 6 pm

Type of Entry	Non-Resident	Special
Day pass (4+ years old)	6	4
10 passes	54	36
Family pass (up to 4)	250	200
Add 1 to family pass	25	25
Group rate (10+)	4	4

The main public swim program has single lap lane open for exercise swimming, a 9.5 ft deep end for diving, and a shallow end appropriate for weak or non-swimmers. The visitor demographics is families with young children and children attending with summer camps.

The program is split between recreational swim where all swimmers are welcome and adult swim where only adults and adults with infants are allowed. The recreational swimming portion is the first 45 minutes of every hour while adult swim is the last 15 minutes of every hour.

The ratio of swimmers to lifeguards is as follows:

On-Duty Lifeguards	Total Lifeguards	Maximum Swimmers
1	2	20
2	3	50
3	4	75
4	5	100

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Rancho Rinconada Recreation and Park District

One lifeguard is always kept on reserve in order to treat any injuries (usually bee stings, nose bleeds, or a minor scrape), answer questions, or to assist on-duty lifeguards (typically to bring water if needed).

The main program is supplemented by two dependent programs (snack bar and BBQ rentals) and a separate sub-program (lap swim). These will be discussed in more detail in the following section.

BBQ pool party rental

The hours are concurrent to public swim

\$75 for 3-hour rental

\$120 for 6-hour rental

\$4 per swimmer up to 25 swimmers

The BBQ rental is a space adjacent to the pool. It has its own private gate to both the parking lot and to the pool. It is suitable for parties between 15 and 40 people. The rental is allowed to have as many as 25 swimmers. It comes with a canopy, a BBQ grill, and three picnic tables.

Snack Bar

Open during adult swim (excludes first and last hour)

\$1 per item

During adult swim, typically only one lifeguard is needed. This frees up the other lifeguards to operate the snack bar. The snack bar is meant to be a convenience hence all snacks are priced at \$1. The food is prepackaged which eliminates handling and preparation. This is one of the amenities that is mentioned often by patrons.

Adult Lap Swim

Weekdays 7:00 am to 9:00 am year-round

Type of Entry	Non-Resident	Special
Day pass (4+ years old)	6	4
10 passes	54	36
3 month pass	125	100

Lap swim is a year-round program dedicated to exercise swimming for individuals 15 and up. This program is particularly important for adults with health issues that prevent non-aquatic exercise (arthritis, back issues, etc.).

Lap swimmers tend to skew older than the public swimmers. These swimmers tend to be working professionals between the late 30s to early seventies.

Initial Data Request 2019-07-25

Rancho Rinconada Recreation and Park District

Swim Camp

Program Summary

The swim camp is the newest program at Rancho Rinconada. The idea was first presented to the Board of Directors in late 2017 and was rolled out in 2018. As with many new programs, the camp struggled to break even in its first year. At the end of the season, the Board of Directors approved a host of recommended program improvements. The camp, now in its second year, is operating at full capacity with a wait list and has a positive net revenue. In terms of search results, the swim camp is the third most popular program at Rancho Rinconada.

The swim camp is a full day program with extended care option. Parents can register children from kindergarten through 5th grade on a weekly basis. The swim camp focuses much more on recreation, cooperation, swimming, and fun!

As the name suggests, swimming is a big part of the camp. Each week of camp includes four group swim lessons (maximum of 1:3 instructor to student ratio) and supervised recreational swim times every day. When the campers aren't swimming, there is a variety of daily activities. For example, art projects, making slime, or balloon racing. There is also a field trip to Sterling-Barnhart Park on Fridays.

Program Details

Pricing

\$300 camp fee

\$100 deposit (refundable)

\$12 shirt fee

\$50 optional extended care

Hours

8:30 am to 4:30 pm Monday through Friday

4:30 pm to 6:00 pm extended care

Initial Data Request 2019-07-25

Rancho Rinconada Recreation and Park District

Rentals

Pool Rental

Summary

The pool can be rented for private events but is not a particularly popular. The pool is too large and the cost is too high for most parties. In addition, the best pool times are already reserved for public swim or other programs. The BBQ rental seems to fit the cost, time, and party size requirements instead.

The hourly cost is divided into the rental cost and lifeguard cost. There is also a refundable \$500 security deposit.

Maximum Swimmers	Hourly Rental Fee(\$)	Lifeguard Fee (\$)	Total Hourly Cost (\$)
40	100/80	60	160/140
75	100/80	90	190/170
100	100/80	120	220/200

Recreation Partners

Recreation partners offer services to the community that the District does not have the ability or desire to. Currently, this is limited to two different scuba outfits and a separate swim school. In the past, several other swim teams rented the pool. The pricing is \$18 per lane and insurance is required.

Hall rental

The recreation hall can be rented for private events. This is a fairly popular option for residents as the recreation hall is very affordable and is close to home. It is ideal for entertaining a large gathering when the home is not quite big enough. There are roughly 100 chairs, ten 2.5 x 6 tables, ten round 4-foot tables, and a full kitchen.

The pricing is divided between peak and off-peak times. Peak hours are Friday evenings and Saturday & Sunday afternoons. Off-peak is everything else. The hall is rarely if ever rented out during weekday days. There is a refundable \$500 security deposit.

Rental Time	Rental Fee (\$/hr)
Peak	80/60
Off-Peak	60/40

Recreation Partners

Recreation partners offer services to the community that the District does not or cannot. This can include yoga classes, after school care, religious and/or cultural gatherings, or music events. The recreation partners pay the special fee and generally rent on a regular basis.

APPENDIX C

RRRPD STAFF INFORMATION

Initial Data Request 2019-07-25

Rancho Rinconada Recreation and Park District

1) Salaried Staff (GM, PM, A&R)

1a. Written job descriptions (other than the 2019 Salary Review descriptions) if available

The Board has not approved of any job descriptions for any of the salaried employees. This issue will be addressed once a 3rd Board Member is seated.

1b. Contracts and/or other agreements

Please see the attached General Manager Employment Contract (item 1b) approved at the Regular October 2018 Board Meeting. The contract expires in 2020 and is the first and only employment contract.

1c. Current salary

See table in section 1e.

1d. Summary of benefits

50% ER contribution towards the following health benefits:

- Kaiser Silver 70 HDHP HMO 2000/20% health insurance plan (see attached 1d 1)
- Delta Dental Premiere 1500 Plan (See attached 1d 2)
- MES Vision (see attached 1d 3)

4% employer match to defined contribution 401a/457b plan

Worker's Compensation

Unemployment

120 hours PTO

1e. Tax and benefit costs per position

Position	Annual Salary	Health Cost	Retirement Cost	Tax costs (FICA)	Estimated Worker's Compensation* (3.11%)	Unemployment	Total Cost
General Manager	104,737	2,181	4,036	8,291	3,257	pay per claim	122,503
Accounting & Records Manager	66,150	533	2,646	5,021	2,057	pay per claim	76,408
Program Manager	57,750	1,670	2,310	4,049	1,796	pay per claim	67,575

Initial Data Request 2019-07-25

Rancho Rinconada Recreation and Park District

2) Part-time/seasonal positions

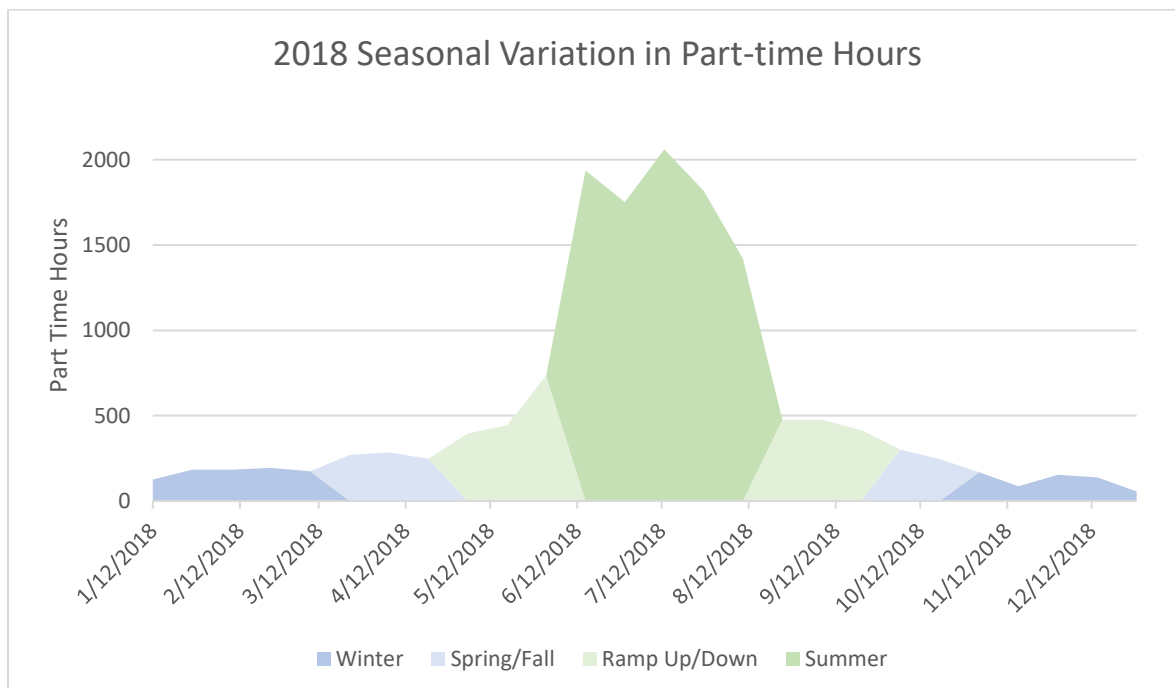
2a. Written job descriptions

The job descriptions exist as part of the staff policy and training manuals.

1. General Policy (item 2a 1)
2. Accounting Policies (item 2a 2)
3. Lesson Manager (item 2a 3)
4. Deck Supervisor (item 2a 4)
5. Instructor (item 2a 5)
6. Pre-comp (item 2a 6)
7. Swim Team Manager (item 2a 7)
8. Swim Team Coach (item 2a 8)
9. Lifeguard Manager (item 2a 9)
10. Senior Lifeguard (item 2a 10)
11. Lifeguard (item 2a 11)
12. Camp Manager *New Position 2018* (item 2a 12)
13. Camp Staff *New Position 2018* (item 2a 13)
14. Office Manager Draft *New Position 2019* (item 2a 14)
15. Events & Marketing Draft *New Position 2018* (item 2a 15)
16. Scheduler (item 2a 16)
17. Office staff (item 2a 17)
18. Maintenance & Janitorial – No job description or training manual

2b. Number of staff by position, hours/week and annual

There were 14,759 part-time hours worked in 2018. The hours are skewed heavily towards the summer months as shown in the following graph.



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Rancho Rinconada Recreation and Park District

There are distinct seasons which are outlined in the graph: winter, transition, ramp up/down, and summer. The type of part-time work available in each season is very different.

The table below shows the number of scheduled weekly part-time hours by position. It does not include setup and cleanup which can add between 4 to 50% to the shift length. In addition, a single staff member may be counted in multiple positions due to extensive cross-training.

Irregular or unscheduled work hours were either combined/averaged with other similar positions when possible or excluded. These types of shifts include occasional off-season swim meets, program planning, special projects (scanning, painting, shredding, etc.), rental supervision, or tabling.

Department	Position	Winter	Spring/Fall	Ramp	Summer	# of staff
Public Swim	Lifeguard Manager	20	20	3	20	2
Public Swim	Senior Guard			6	27	10
Public Swim	Lap Swim Guard			20	20	7
Public Swim	Lifeguard			18	108	35
Swim Team	Swim Team Manager	30	30	3	20	1
Swim Team	Coach			30	81	9
Lessons	Lesson Manager		4	4	21	2
Lessons	Deck Supervisor			4	38	7
Lessons	Instructor			94	346	62
Lessons	Precomp Instructor				8	2
Swim Camp	Camp Manager	3		4	50	1
Swim Camp	Camp Staff				127.5	8
Office	Office Manager	8	12	20	6	1
Office	Events & Marketing				6	1
Office	Scheduler				20	1
Office	Office Staff				82	17
Maintenance	janitorial	10.5	10.5	10.5	10.5	1
Maintenance	Maintenance	8	8	8	8	1
Totals		79.5	157	230.5	999	

2c. Hourly rate by position and/or staff person

Maintenance \$25

Managers \$20

Training & Lifeguarding \$15-16

All else \$17-18

2d. Other taxes and benefits by position and/or total part-time

	Regular Pay	OT excess	Other Pay	Tax Costs FICA	Benefits Sick Pay	Estimated Worker's Compensation* (3.11%, 12.38%)	Unemployment	Total Cost
Part-time staff	257,413	3,762	11,534	20,886	167	21,217	pay per claim	314,979

*Not including surcharges or year-end refund

\$314,979/\$257,413=122.4%

Survey Questions: Rancho Rinconada Recreation and Park District

Call to Action: Let us know what you want for the future of Rancho Rinconada Recreation and Park District

Survey Introduction: Last year, the Santa Clara County Local Agency Formation Commission (LAFCO) commissioned a report—at the request of a few Rancho Rinconada Recreation and Park District (District) residents—to consider the District being dissolved and absorbed by the City of Cupertino (City). If the City were to absorb the District, this action would not impact property taxes on Cupertino homes within the District. More information can be found at cupertino.org/ranchorinconada.

1. Name (First and Last)
Information Redacted – 79 Respondents
2. Address (Example: 10300 Torre Ave)
Information Redacted
3. Is your household located within the Rancho Rinconada Recreation and Park District (District) limits?
 - Yes – 65 / 82%
 - No – 10 / 13%
 - Not Sure – 4 / 5%
4. Where you aware of the Rancho Rinconada District's existence as a Special District within Santa Clara County?
 - Yes – 52 / 66%
 - No – 26 / 33%
 - NA – 1 / 1%
5. Do you currently use the Rancho Rinconada Recreation and Park District facilities and services?
 - Yes – 38 / 48%
 - No – 39 / 49%
 - NA – 2 / 3%
6. If you use the Rancho Rinconada Recreation and Park District, when do you typically use it? (select all that apply)
 - Year-Round – 24 / 30%
 - Winter - 0
 - Spring - 0
 - Summer – 22 / 28%
 - Fall - 0

7. How often did you use District's facilities within the past year?
- Regularly – 22 / 28%
 - Occasionally – 11 / 14%
 - Rarely – 15 / 19%
 - Never – 27 / 34%
 - NA – 4 / 5%
8. If you use the Rancho Rinconada Recreation and Park District, what types of activities do you participate in? (select all that apply)
- Swim Lessons – 19 / 24%
 - Pre-competitive Swim Training - 3 / 4%
 - Youth Swim Team – 8 / 10%
 - Public Swim – 33 / 42%
 - Summer Camps – 7 / 9%
 - Facility Rentals – 19 / 24%
 - Other:
 - Barrington Bridge Community Board Meetings
 - Morning Lap Swim - 2
 - Meetings and social
 - Voting Location - 3
 - Basketball Court
 - Aqua Exercise (discontinued)
 - Yoga Class
9. If do not use the Rancho Rinconada Recreation and Park District, what types of activities would you be interested in participating in? (select all that apply)
- Swim Lessons – 15 / 19%
 - Pre-competitive Swim Training – 9 / 11%
 - Youth Swim Team – 6 / 8%
 - Public Swim – 32 / 41%
 - Summer Camps – 10 / 13%
 - Event Rentals – 26 / 33%
 - Other:
 - Senior Programs - 3
 - Community Meeting Place
 - Classes - 2
 - Community Events
 - Teen Programs

The Cupertino City Council is asking the Parks & Recreation Commission to consider the two options below as described in the special study.

10. **Option 1: Maintain RRRPD's Current Governance (Status Quo)** – RRRPD remains intact as an independent recreation and park district, and continues to be governed by an independent Board of Directors.

- Do you have any concerns about Option 1?
 - Conflict of interest, lack of transparency and accountability
 - No concerns. I think the district is fine as it is.
 - Having a separate RRRPD board is a waste of resources and funds; maintenance of the property seems to have fallen off
 - No, we like this idea
 - Yes, Next Door had a lot of info about misappropriated funds...
 - Having reliable board members, non-biased and actually spend time getting to know the facility.
 - My concern is that the size of the special district, in terms of personnel needed to operate and govern and use of funds, is inefficient versus the benefits of merging into the bigger Cupertino organization.
 - Yes - the employees (lifeguards) said they were not being paid regularly. We wanted to rent the facility space for a birthday last year and were unable to due to poor management.
 - No. I prefer this option.
 - I see no reason why this special district exists and why it should not be absorbed. It is open to people outside our district; it also is not terribly economical; its finances do not have great transparency and seem too expensive; the board members aren't especially great governors; management of the pool is not very experienced; the swim lessons program contract seems to be run by friends or family members, increasing issues regarding transparency. I feel it belongs to the Cupertino or Santa Clara community and can benefit from the city or county's legal, compliance, financial, and pool management standards.
 - Maintenance and development of facilities and programs lacking due to ineffective leadership
 - No oversight with this option. Corruption among those in charge has run unabated over the last 20 years.
 - I worry about safety. People use the pool when it's closed and without a lifeguard. the pool right now isn't serving the community with programs the community asked for. Also, the administrative costs are rising.
 - does not function for community's benefit
 - Yes, it looks to me like the facility is currently use, for the most part, as the private play ground of those that run it.
 - YES
 - Bad option
 - Concerned about long term viability of district independence due to small size.

- Yes. I am not happy about the way the funds are managed and the programs offered.
- No, I like how things are managed now.
- Poor governance; lack of transparency
- Corruption, poor management, misuse of staff and facilities, used for personal use of few, cliques within management with preferred treatment to a selected few, hidden shady practices, meetings are corrupt, one sided, overall pulling wool over public and govt eyes
- No- This option strongly preferred
- No oversight by a specific agency of the Board/Management
- I do not support option 1. (I am very concerned with the current Governance.)
- Yes, too much effort and board does not really have time to do a good job.
- Who overseas the budget aside from the BOD?
- i like this idea

11. **Option 2: Merger of RRRPD with the City of Cupertino** – RRRPD would be dissolved and its functions, services, assets, and liabilities transferred to the City of Cupertino. The City would integrate RRRPD programs and facilities into current City operations and recreation planning. This option assumes that RRRPD's current property tax allocation would be transferred to the City, and that all RRRPD services would be maintained at current levels (or better).

- Do you have any concerns about Option 2?
 - Seems MUCH better than what we have now
 - Yes, several. Currently a part of our property tax is used exclusively for RRRPD and receive discount at Rancho for it. We would not be willing to continue paying the tax if district merges with city as we will not be sure that our funds are used for RR district. Also, we live in the private community where RR facility is located. This will create a major safety and security issue, with city driving more people to this tiny facility. It will also create extra traffic, parking issues and nuisance to this private community. If city ends up taking over this facility, city would have to approve of this community becoming a gated community and be prepared of entry and exit only being from Bollinger Rd. Also, RR district has an agreement with the Barrington Bridge community since it was built regarding several factors including free facility usage for board meetings and neighborhood events. City would have to honor this agreement. I see no benefits at all in city taking over this district.
 - This would be acceptable over the current management
 - Yes
 - We dont like city take over, it always end ugly
 - Much better idea given the sketchy history
 - Cupertino
 - I believe the city would not have the pool be open year-round, which would effect summer staffing as year round employees would be less inclined to stay. Rancho's swim team quality of swimmers and training would also be neglected.
 - No, I support Option 2 to be implemented as soon as possible.

- Yes the facility is already crowded with just special district members.
- Cupertino
- Yes. I do not want Cupertino to take the Special District as an asset. I do not want the one million dollars in assets transferred to the city or General Fund. If the city does this, I want the Special District to become a park site. That means that the buildings are taken down and the pool filled in and the land becomes a city park for Rancho Rinconada and the East side of Cupertino.
- Yes, this would be a huge risk to the safety of our kids who play on the streets, due to increased traffic. As it is we have enough non-residents who use our streets as short-cuts and speed through them. If it is decided to transfer over to the city, then we should make our community a gated one to keep it separate from the center.
- I think the existing structure works well.
- No. this seems to be the best plan.
- Cupertino
- Cupertino
- Yes. I don't know how the traffic would impact the Richonada community. Especially the security and the usage of the private roads.
- Cupertino
- Milpitas
- Yes
- We live in the community adjacent to the community center (Barrington Bridge). We are concerned about increased traffic and folks illegally parking in our community. We would like to know what the city plans to do to address this issue. We have a lot people parking in our community and there is no enforcement from the city.
- Yes , I have concerns for the kids safety, increase in traffic as we use to lane across frequently.
- Yes
- Yes
- This appears to be a scam aimed at putting property taxes paid by Ranch Riconada residents into the Cupertino general fund.
- I assume this can be done with out my taxes going up.
- I think the tax allocation should be reallocated not just to the city but could be use for other things like library, school, etc. Make the total tax amount that goes to the city comparable to other residents in Cupertino. Or if the residents pay more than they should get a substantial discount on the services at the pool.
- Cupertino
- we do NOT want RRRPD being dissolved and absorbed by the city of Cupertino. We would like to keep RRRPD as an independent recreation and park district since we want to keep the current service
- No. I think this is the best move.
- Yes, too much uncertainty with change since I like how things are managed now.

- Currently, RRRPD residents are assessed a tax that other Cupertino residents are not, and are rewarded with reduced fees when using the facilities. If all Cupertino residents pay the same fees for usage, then all Cupertino residents should be assessed the same property tax. That's fair.
- Best option
- Yes. I do have concerns about Option 2.
- Yes- strongly oppose option 2. Concerned with additional traffic and security issues. City needs to make Barrington bridge community gated if city takes over RR. Kids play in the streets- high risk with significantly increased traffic if it becomes city run. Major nuisance to residents. RR was private- that's why we decided to move to Barrington bridge. Cannot change terms of RR now. Residents will have to review legal options if this changes.
- Employee salaries and benefits
- I would like the swimming pool and other facilities to be kept open without interruption.
- I support option 2.
- No, but would like RRRPD to be upgraded and maintained well.
- Always thought it was run by the City, so was surprised to see that it wasn't
- How will it be assured that the tax allocation would only go to this property?
- Yes

12. Based upon your knowledge of District and the governance options presented in the special study, would you prefer to see Option 1 or Option 2?

- Option 1 – 27 / 34%
- Option 2 – 51 / 65%
- NA – 1 / 1%

13. Please share any additional comments, your feedback is important to us.

- Having read about the dissatisfaction of the board's actions on next-door.com, I hope that you adopt option 2 and bring back some sanity.
- For years, we have not been told how our tax money was spent on that tiny facility. It is time to get it under the sun.
- I strongly feel that this district is good the way it is. It does not need to be taken over by the city.
- I believe the city could take better advantage of this recreation site.
- We like Rancho independent
- The place is chaotic. We visit other neighbor pools and avoid Rancho specifically. It would be nice to improve it.
- Integrating the special district, which primarily is located within and serves Cupertino citizens and residents, into the city of Cupertino makes perfect sense. The district is a legacy of the previous Rancho Rinconado separate status within the county prior to the City of Cupertino annexing the area. It's time to merge this special district as well into the city.
- Option one- keep things the same as they are now is the best course of action.

- Combining it with city will add complexity in the management and may lost the dedicated focus and attention as of today
- I'm very disappointed in the board members currently serving, the fallout and angry attacks they placed on outgoing board members who resigned for health & personal reasons - with that kind of behavior I see only burdensome overhead and inexperience in running this entity. I don't even think it's worth the expense to run an election for the board members. This entity should be run by the city.
- I think RRRPD should be dissolved and its functions and services transferred to the City
- Barrington Bridge community had a discounted access to the facility. I am concerned we will loose that and in addition. New traffic will go through the community and will adversely impact the security on the neighborhood. Will city take over the maintenance of the road/landscaping?
- We live in the community adjacent to the community center (Barrington Bridge). We are concerned about increased traffic and folks illegally parking in our community. We would like to know what the city plans to do to address this issue. We have a lot people parking in our community and there is no enforcement from the city.
- Leave our park alone
- Do not change if you are 100 percent sure that you can do it better. Show proof that you can do it better. If option 2 is selected. Please make sure that you need to have proof showing that option 2 will serve local residents better than it's now.
- Having City of Cupertino in charge will ensure efficiencies of scale are employed and proper oversight is exercised. We also will be much more aware of the facility unlike its almost invisible presence up until now.
- more investigation needs to be done about the financials not matching up. Lafco studies said for years that there is overlap with the Cupertino Parks and Recs and the Rancho Special District. Let's consolidate and make this pool serve the community its been paying millions to for years.
- would like more programs for senior activities senior swim water aerobics and more community activities for east side.
- we are happy and satisfied with all the service that our current swim team support to us. Keep RRRPD independently is beneficial for all our residence
- I think the city could run the facility in a fashion that will be of much greater benefit to the community.
- having the RRRPD aborpsed by the city will just take away the RRRPD facilities which is only paid for by the RRRRPD households. Shame on the city trying to strong arm their way into this facility.
- Rancho is a wonderful family swim center which serves the needs of the neighborhood well. Please keep it from changing!
- Bring back the aqua excercise classes!
- I enjoy the pool and would like to learn swimming there. It is a community asset.
- It doesn't seem like a proper audit was done. Audit firm used was located in Sacramento, it wasn't even local.
- a) The illegally run after school program and its subsequent closure, b) corruption allegations about the use of swimming pool - all points to one thing. The current management must go.
- Important to improve pool facility as that is the main draw. Also, incorporate schedules into Recreation System for easier awareness building.

- As a long time resident of Rancho, we love the idea of the RRRPD. Have not used it much since our kids have grown up, but feel it adds a lot to creating a community within our neighborhood.
- we love this place!!!

14. Please provide your email if you would like to receive eNotification updates regarding this issue.
Information Redacted

RANCHO RINCONADA PROGRAM REVENUE AND PARTICIPATION DATA

FY 2019 Program Revenue

Program	Revenue (\$)	Revenue (%)
Swim Lessons	\$235,068	52.9%
Swim Team	\$65,355	14.7%
Public Swim	\$46,441	10.4%
Hall Rentals	\$34,610	7.8%
Swim Camp	\$32,097	7.2%
Pool Rentals	\$30,953	7.0%

FY 2019 Overall Facility Usage

Resident Status	Number	Percentage
Rancho Rinconada Residents	53	10.0%
Cupertino Residents (not including Rancho residents)	128	24.1%
Non-Residents	350	65.9%
Total	531	100.0%

FY 2018 Individual Program Usage*

Programs	Rancho Rinconada Residents	Non-Residents (including non-Rancho Cupertino Residents)
Private Swim Lessons	15%	85%
Public Swim Day Pass	20%	80%
Public Swim Punch Pass	28%	72%
Public Swim Family Pass	50%	50%
Public Swim Lap Swim Day Pass**	55%	45%
Public Swim 3-Month Pass**	58%	42%
Hall Rentals**	56%	44%
Pool Rentals	6%	94%

*Data for 2019 is unavailable although numbers are comparable to 2018.

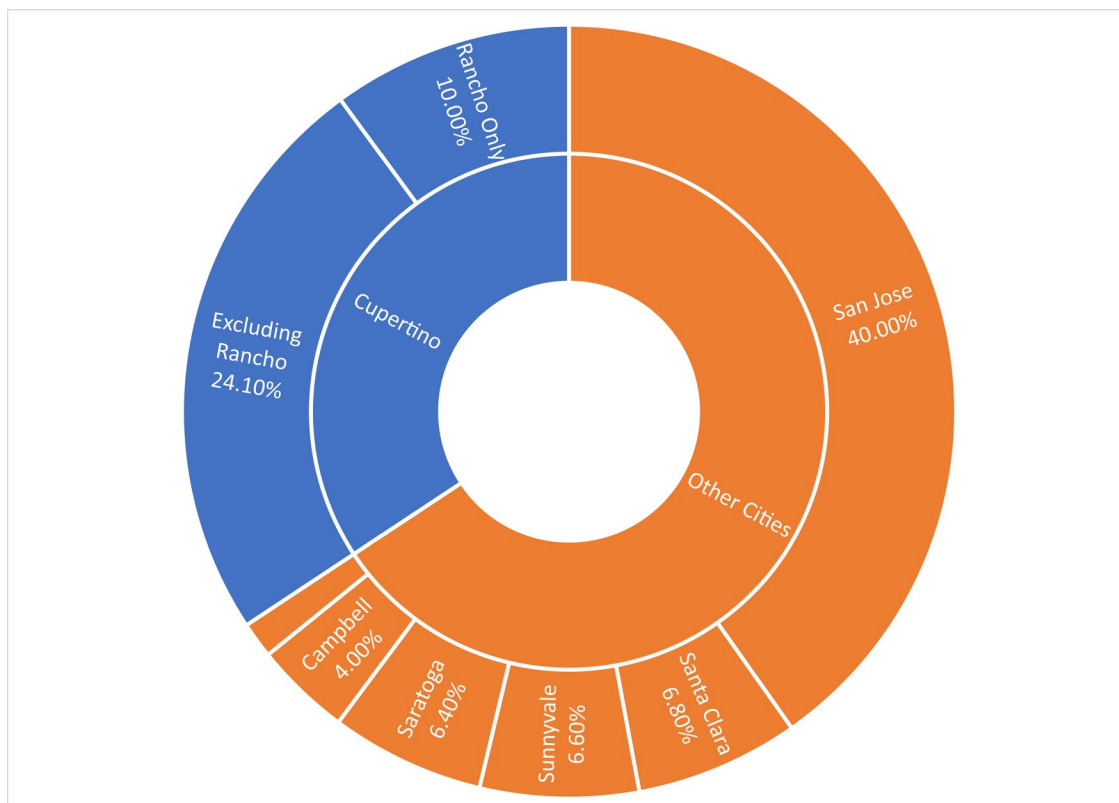
**This data may not be accurate as it reflects all sales from the “special” discount which includes Rancho Rinconada residents, seniors, veterans, and persons with disabilities.

RESIDENCY OF RANCHO RINCONADA PARTICIPANTS

Residency of Rancho Rinconada Participants Based on 2019 Data

City of Residency	Number	Percentage
San Jose	216	40.7%
Cupertino	181	34.1%
Santa Clara	36	6.8%
Sunnyvale	35	6.6%
Saratoga	34	6.4%
Campbell	21	4.0%
Los Altos	2	0.4%
Los Gatos	2	0.4%
Mountain View	2	0.4%
Los Altos Hills	1	0.2%
Palo Alto	1	0.2%
Total	531	100

RANCHO RINCONADA RESIDENCY PERCENTAGES



AQUATICS

The Special Rate is a discount for Rancho Rinconada residents, seniors, and people with physical disabilities.

Public Swim	Regular Rate	Special Rate
Single Entry: 4yrs+	\$6.00	\$5.00
10 Punch Pass	\$54.00	\$45.00
3 Month Pass	\$125.00	\$100.00
Summer Family Pass	\$250.00	\$200.00
Add 1 to Family Pass	\$25.00	\$25.00
Group of 10 or More	\$5.00 per/person	\$5.00

Private Swim Lessons	Regular Rate	Special Rate
8 Lesson Session	\$260.00	\$220.00
4 Lesson Session	\$130.00	\$110.00
Lesson Change Fee	\$10.00	\$10.00

Swim Team Fees	1 st Child	2 nd Child	3 rd Child
Swim Team per Month	\$100.00	\$90.00	\$80.00
Annual Registration	\$75.00	\$75.00	\$75.00

Swim Camp	Regular Rate	Special Rate*
1 Week of Camp	\$325.00	\$300.00
Camp T-Shirt	\$12.00	\$12.00
Refundable Deposit	\$100.00	\$100.00

*Special Rate includes early bird registrations, Rancho Rinconada residents, and siblings.

RENTALS

Hall Rental	Regular Rate	Special Rate
Peak Hours	\$80.00/Hour	\$60.00/Hour
Off-Peak Hours	\$60.00/Hour	\$40.00/Hour
Refundable Deposit	\$500.00	\$500.00

BBQ Rental	Regular
3 Hour Rental	\$75.00
6 Hour Rental	\$120.00
Use of Refrigerator	\$10.00
Use of Additional Table and 6 Chairs	\$20.00
Refundable Deposit	\$200.00

Pool Rental	Regular Rate	Special Rate
Use of Pool	\$160.00/Hour	\$140.00/Hour
Additional Lifeguard	\$30.00/Hour	\$25.00/Hour
Refundable Deposit	\$200.00	\$200.00



RANCHO RINCONADA RECREATION AND PARK DISTRICT (RRRPD) TIMELINE AND OVERVIEW

RANCHO RINCONADA | CUPERTINO PARKS AND RECREATION DEPARTMENT

TIMELINE

January 29, 2020

LAFCO Published the results of the Special Study.

February 18, 2020

Council received the Public Review Draft Report from LAFCO

Council unanimously carried the motion to accept the recommendations for Options 1 and 2, survey the 1,400 homeowners, and discuss with the community by forwarding it to the Parks and Recreation Commission for their review and recommendation; and added the Rancho Rinconada Recreation and Park District Evaluation to the FY 2019-20 City Work Program.

Option 1: Maintain RRRPD's Current Governance (Status Quo)

RRRPD remains intact as an independent recreation and park district, and continues to operate and improve its programs, facilities and planning.

Option 2: Merger of RRRPD with the City of Cupertino

RRRPD would be dissolved and its functions, services, assets, and liabilities transferred to the City of Cupertino. The City would integrate RRRPD programs and facilities into current City operations and recreation planning. This option assumes that RRRPD's current property tax allocation would be entirely transferred to the City, and that all RRRPD services would be maintained at current levels (or better).

March 5, 2020

Parks and Recreation Commission Meeting

Commission provided feedback on RRRPD resident survey questions

March 7 to March 23, 2020

Survey was published and available online via opentownhall.com

Survey was advertised on the City's RRRPD project page

March 16, 2020

COVID SIP Order began (impacts to community outreach)



RANCHO RINCONADA RECREATION AND PARK DISTRICT (RRRPD) TIMELINE AND OVERVIEW

RANCHO RINCONADA | CUPERTINO PARKS AND RECREATION DEPARTMENT

August 6, 2020

Parks and Recreation Commission Meeting

Commission reviewed survey results

- Response rate of 3.9% of RRRPD households (50 households)
- 65% of respondents indicated they preferred Option 2: Merger of RRRPD with the City
- Several responses indicated a lack of knowledge of the special district amongst its residents

August 14, 2020

RRRPD call for strategic plan due date

September 10, 2020

RRRPD Board selected Rauch Communication, Inc. as the vendor to execute strategic visioning process

- Estimated 6-month timeline to address a three-year strategic plan, background research and benchmarking, and community outreach

October 1, 2020

Parks and Recreation Commission Meeting

Commission received additional RRRPD usage data provided by the RRRPD General Manager

- 10% of RRRPD users are RRRPD residents (53 households)
- 34% of RRRPD users are Cupertino residents, including RRRPD residents (178 households)
- 66% of RRRPD are non-Cupertino residents (350 households)

Commission unanimously voted to recommend to the City Council Option 2: Merger of RRRPD with the City of Cupertino, as listed in the LAFCO report *Special Study: RRRPD Governance Options* based on the data received, including the LAFCO report, survey data, and usage information



RANCHO RINCONADA RECREATION AND PARK DISTRICT (RRRPD) TIMELINE AND OVERVIEW

RANCHO RINCONADA | CUPERTINO PARKS AND RECREATION DEPARTMENT

October 27, 2020

The Assistant City Manager, Parks and Recreation Director, and Public Works Assistant Director met with Neelima Palacherla of LAFCO, who provided next steps if the City were to move forward with a merger of RRRPD.

LAFCO provided the application requirements including the plan for services, the resolution and proposed terms, and the LAFCO fee schedule which notes the \$12,122 cost for the application. Other potential costs associated include a call for an election once LAFCO completes the approval process, which is estimated between \$100,000 and \$200,000.

October 29, 2020

A memo was sent to the City Council, providing them an update on the work program item.

December 2, 2020

LAFCO held a meeting on this date and provided the following update to their Board:

UPDATE ON RANCHO RINCONADA RECREATION AND PARK DISTRICT SPECIAL STUDY The City of Cupertino's Parks and Recreation Commission has considered the Rancho Rinconada Recreation and Park District Special Study and has recommended that the City move forward with the potential merger of the District with the City of Cupertino. EO Palacherla met with City staff on October 27, 2020 to answer their questions on process and next steps. As requested by City staff, EO Palacherla then provided them with LAFCO's prior service reviews/ sphere of influence updates of the District and information on the application requirements and applicable fees, and election requirements.

December 10, 2020

New RRRPD Board was seated



RANCHO RINCONADA RECREATION AND PARK DISTRICT (RRRPD) TIMELINE AND OVERVIEW

CUPERTINO

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PROCESS OVERVIEW AND SUPPORTING DOCUMENTS

Process Overview

TABLE 5 SUMMARY OF LAFCO PROCEEDINGS FOR REORGANIZATION PROCESS

Item	Governance Options	
	OPTION 2 RRRPD Merger with City of Cupertino	OPTION 3 RRRPD becomes a Subsidiary District to Cupertino
1. Initiation of Proposal	Proposal shall contain a description of changes, proposed terms and conditions, boundaries and map of affected territory, and other items (Sec. 56700).	Same as Option 2.
Petition	Signed by 5% of registered voters of RRRPD OR 5% of City voters outside the district (GC §56866).	Same as Option 2.
Resolution by Affected Agency Sec. 56654	RRRPD or the City may adopt a resolution to initiate the proposal, and provide notice to LAFCO and each interested and subject agency 21 days before adoption. Must contain a plan for services per §56653.	Same as Option 2.
Resolution by LAFCO Sec. 56375(a)(2) & §56881	LAFCO may initiate only if consistent with a LAFCO study / service review / sphere of influence review and LAFCO finds: 1) Costs are substantially similar or less than alternatives; 2) The change promotes public access and accountability for services and financial resources.	Same as Option 2.
2. Processing of the Application (non-LAFCO initiated)	Upon receipt of application, LAFCO provides mailed notice to each affected agency, and within 30 days determines if application is complete (Sec. 56658).	Within 10 days of proposal receipt, LAFCO notifies affected district. Within 35 days of receiving notice district may adopt and file with LAFCO 1) resolution consenting; OR 2) resolution of intent to file an alternative proposal (Sec. 56861).
Property Tax Transfer	City Council and BoS adopt resolutions of property tax transfer per Rev. & Tax Code Sec. §99(b).	N/A
Certificate of Filing Sec. 56658	A certificate of filing is issued when application is deemed complete, and no sooner than 20 days after mailing notice.	If district files intention to adopt an alternative proposal, LAFCO takes no action for 70 days to allow district to submit a complete alternative proposal (Sec. 56862).
Hearing & Notification Sec. 56658 and 56660 and 56665	LAFCO sets hearing within 90 days after Certificate issued, or application accepted. Notice posted at least 21 days prior, and report distributed 5 days prior to hearing.	Same as Option 2. LAFCO analyzes and reports on original proposal and alternative at the same hearing.
Adoption of Resolution Sec. 56880 et seq.	No later than 35 days after hearing, LAFCO adopts resolution to approve/disapprove, including any terms and conditions (Sec. 56886) or alternatives. Note: LAFCO may not order a merger without City consent (Sec. 57107c).	No later than 35 days after hearing, LAFCO adopts resolution denying both proposals, or approving one (Sec. 56863). Note: LAFCO may not order establishment of subsidiary district without City consent (Sec. 57107c).
Protest Hearing Sec. 57002	Within 35 days of resolution, LAFCO sets date and provides notice for protest hearing that must be held between 21 and 60 days after notice is given.	Upon request of district, the protest hearing shall be at least 90 days but no more than 135 days from date notice is given
Protest Thresholds	LAFCO approves reorganization subject to confirmation of voters in an election (§57107) if proposal was initiated by petition or resolution and (1) RRRPD has not objected to proposal by resolution and at least 25% of # of landowners within affected territory who own at least 25% of assessed value of land within the territory OR at least 25% of voters within the affected territory submit written protest or (2) RRRPD has objected to proposal by resolution and at least 25% of # of landowners within any subject agency within the affected territory who own at least 25% of the assessed value of land within the territory OR at least 25% of voters within any subject agency within the affected territory submit written protest. If proposal was initiated by LAFCO, order a merger or establishment of subsidiary district subject to confirmation of voters in an election if written protest is submitted by at least 10% of # of landowners within the affected territory who own 10% assessed value of land within the territory OR at least 10% of the voters within the territory. Otherwise no election is required.	Same as Option 2.
Election	Prior to conclusion of protest hearing, a petition to request election signed by at least 10% of registered voters in RRRPD may be filed with LAFCO (§57108). LAFCO will review for sufficiency and forward to City and City must call, hold and conduct election on question of a merger or establishment of subsidiary district only within RRRPD.	Same as Option 2.
Certificate of Completion Sec. 57001 & 57200 et seq.	LAFCO files Certificate of Completion within one year after resolution, of approval (or within 90 days after election if required as a result of Protest Hearing).	Same as Option 2.
Note: this table summarizes key provisions to provide general overview only; the reader should consult codes for specific language and requirements which may not be detailed in this table. Code Sections refer to the Government Code unless otherwise indicated.		
		January 29, 2020



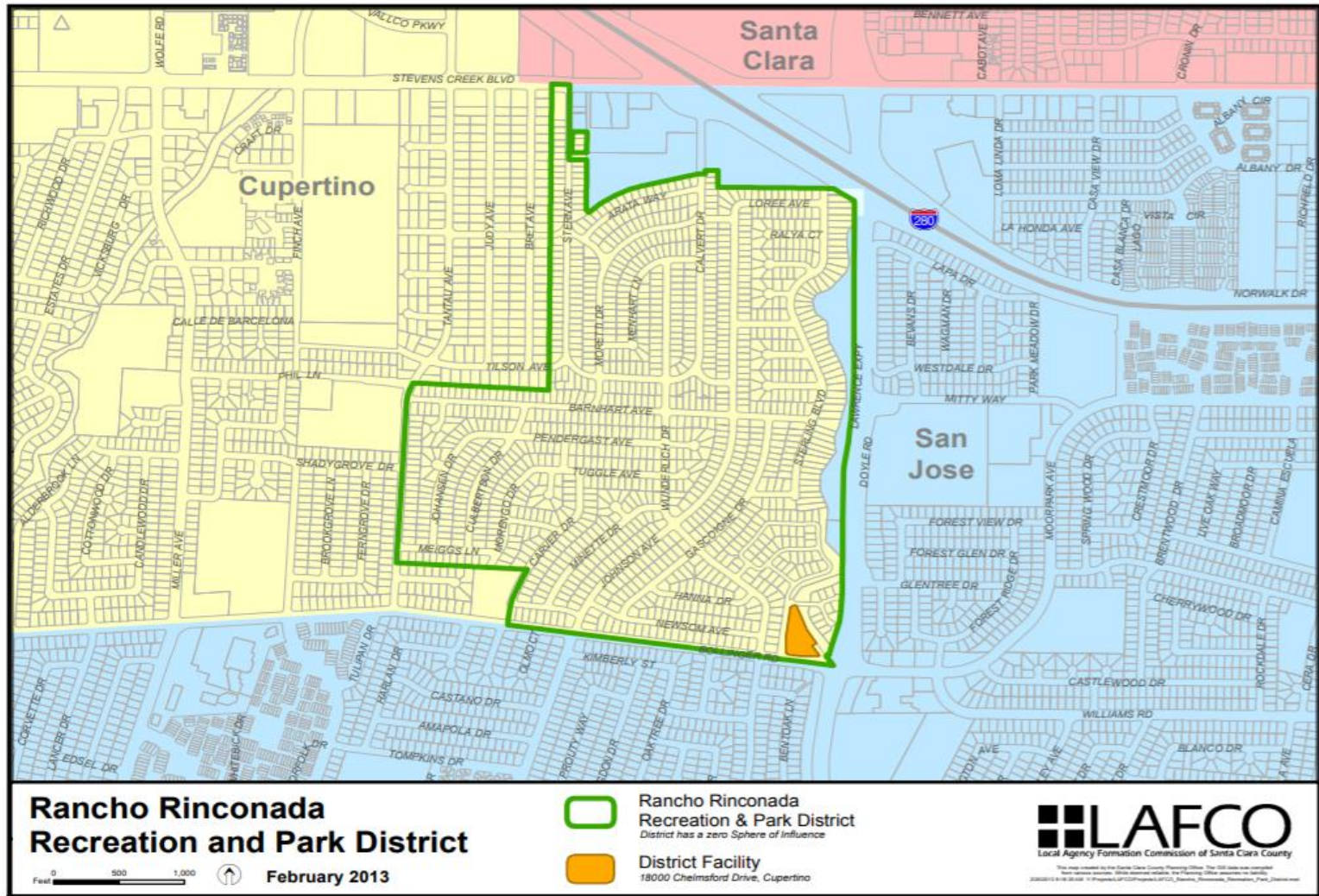
RANCHO RINCONADA RECREATION AND PARK DISTRICT (RRRPD) TIMELINE AND OVERVIEW

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Document 1

FIGURE 1 RRRPD BOUNDARIES





RANCHO RINCONADA RECREATION AND PARK DISTRICT (RRRPD) TIMELINE AND OVERVIEW

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Document 2 – Estimated Expenses

Item	Description	Amount
LAFCO Application	Application to merge Rancho Rinconada Recreation and Park District with the City of Cupertino.	\$12,122
Community Outreach and Election Fees	If an election is required, outreach would be conducted to inform the community. Prior to conclusion of protest hearing, a petition to request election signed by at least 10% of registered voters in RRRPD may be filed with LAFCO. In such case, the City must call, hold and conduct election on question of a merger or establishment of subsidiary district only within RRRPD.	Could cost up to \$100,000 to \$200,000
Facility Assessment	Pool audit conducted by Jim Wheeler of Total Aquatic Management (TAM). Audit Includes: perimeter fencing, pool decks, pool surface, permanent equipment (ladders, guard chairs, diving blocks), pool building (entry, office, locker rooms, floors and walls, lights), storage areas, mechanical room (pumps, filters, heaters, electrical panels, chemical feeders), chemical storage, signs, and security.	Not to exceed \$3,500
Facility Upgrades	Financial impact is dependent on the outcome of the facility assessment and further examination of the facility by Public Works and IT.	\$350,000 plus



RANCHO RINCONADA RECREATION AND PARK DISTRICT (RRRPD) TIMELINE AND OVERVIEW

RANCHO RINCONADA | CUPERTINO PARKS AND RECREATION DEPARTMENT

Document 3 - Considerations

CONSIDERATIONS

1. Parking – Rancho Rinconada Recreation and Park District (RRRPD) has a total of 27 parking spots. The facility is located within a private housing community and the surrounding roads are also private, creating another parking challenge since staff and participants are unable to park along private roads. Currently, participants and staff are directed to park on Wunderlich Drive, one block away, if overflow parking is needed. Adequate parking is fundamental to the success of the facility. There is no room to expand the parking lot without significant alterations to the property and the only alternative greatly impacts the neighborhood. The number of available parking spaces will drastically impact the types of programs offered, the number of participants allowed, and as a result, total revenue. With a minimum of seven staff working each hour, current configurations would result in 20 parking spots being available for participant use.
2. Pool Size and Facility Layout– The pool at Rancho Rinconada is relatively small and oddly shaped. With only 5 lap lanes programming and participation numbers would be impacted by the size and layout of the pool. A maximum of five swim lessons could be offered at one time. In comparison to the pools at Blackberry Farm where a maximum of 12 lessons can be offered at one time.
3. Facility infrastructure – Rancho Rinconada is an older facility that needs considerable upgrades. The City Facilities Division assessed the pools and buildings and based on a visual inspection determined that, although dated, the facility is in “serviceable condition”. Initial capital improvements, according to Public Works, would be exterior ADA upgrades, locker room upgrades, life safety and security systems compliance and the upgrades to the kitchen area in the community room for an estimated cost of \$350,000. Staff recommends a complete facility audit by Total Aquatic Management to assess perimeter fencing, pool deck, pool surface, permanent equipment (ladders, guard chairs, diving blocks), pool building (entry, offices, locker rooms, floors/walls, lights), storage area, mechanical room (pumps, filters, heaters, electrical panels, chemical feeders), chemical storage, signs, and security.
4. RRRPD will also need significant IT infrastructure updates – hardware, software, access to the network, high speed internet, and a phone switch.



CITY OF CUPERTINO

Agenda Item

21-8666

Agenda Date: 3/2/2021
Agenda #: 1.

Subject: Proclamation proclaiming March as American Red Cross Month and presentation from the American Red Cross regarding local activities

Present proclamation proclaiming March as American Red Cross Month and receive presentation from the American Red Cross regarding local activities



Proclamation

WHEREAS, In the City of Cupertino, the American Red Cross has a long history of helping our neighbors in need as the organization’s dedication has touched millions of lives each year;

WHEREAS, March is American Red Cross Month, a special time to honor the kindness of Red Cross volunteers and donors who give their time and resources to help families and members of the community;

WHEREAS, During the trying times of the past year, including the wildfire season and ongoing COVID-19 pandemic, more people have stepped up to help those in need, as families across Cupertino and the United States have relied on volunteers for blood donations, food, lodging, and more;

WHEREAS, We applaud our heroes here in the City of Cupertino who aid the American Red Cross as they shelter, feed, and provide emotional support to victims of disasters; supply about 40 percent of the nation’s blood; teach skills that save lives; provide international humanitarian aid; and support military members and their families;

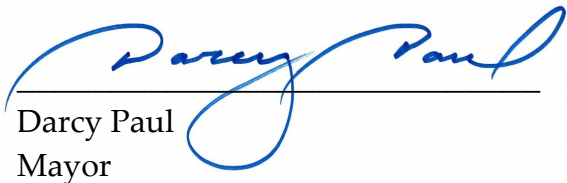
WHEREAS, The City Council dedicates the month of March to all those who give to and support the American Red Cross in its mission to care for people in need, especially during this challenging time.

THEREFORE, I, Mayor Darcy Paul, and the Cupertino City Council do hereby proclaim March 2021 as

American Red Cross Month

and encourage citizens of the City of Cupertino and all Americans to support this organization and its noble humanitarian mission.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the City of Cupertino to be affixed this Tuesday, March Second, Two Thousand and Twenty One.


Darcy Paul
Mayor



CITY OF CUPERTINO

Agenda Item

21-8801

Agenda Date: 3/2/2021
Agenda #: 2.

Subject: Presentation by American Lung Cancer Screening Initiative (ALCSI) on lung cancer awareness

Receive presentation by American Lung Cancer Screening Initiative (ALCSI) on lung cancer awareness



CITY OF CUPERTINO

Agenda Item

21-8811

Agenda Date: 3/2/2021
Agenda #: 3.

Subject: Proclamation declaring March as *Youth Arts Month* on behalf of those who advocate for art education to all elementary, middle and secondary students.

Present proclamation declaring March as *Youth Arts Month* on behalf of those who advocate for art education to all elementary, middle and secondary students.



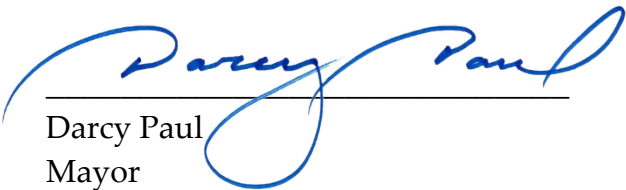
Proclamation

- WHEREAS,** The City of Cupertino is committed to supporting the arts to inspire and prepare students for success in the 21st century and allowing youth to develop as productive, contributing members of a strong community;
- WHEREAS,** Along with the Santa Clara County Office of Education, we share the vision of ensuring that students have access to a high-quality arts education that is culturally relevant and inclusive in all forms as part of a comprehensive education that sparks curiosity, imagination, creativity, and joy;
- WHEREAS,** The month of March is recognized as Youth Art Month in the State of California, and is an annual celebration to emphasize the value of art education for all children while encouraging support for art programs in schools;
- WHEREAS,** Arts-learning strategies and arts integration help teachers to recognize and build upon critical thinking skills, curiosity, flexibility, communication, innovation, and collaboration and are traits required for post-secondary and workplace success;
- WHEREAS,** Each March, art education is celebrated in local schools, school districts, community arts organizations, and larger communities to grow support, understanding, and interest in art education.
- THEREFORE,** I, Mayor Darcy Paul, and the Cupertino City Council do hereby proclaim and recognize the month of March as

Youth Arts Month

to support, encourage, and advocate for art education in our local classrooms and celebrate students’ creativity, inspiration, and joy through artistic expression.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the City of Cupertino to be affixed this Tuesday, March Second, Two Thousand and Twenty One.


Darcy Paul
Mayor



CITY OF CUPERTINO

Agenda Item

21-8815

Agenda Date: 3/2/2021
Agenda #: 4.

Subject: Approving City of Cupertino 2020 Transportation Impact Fee Nexus Study Update, increasing the Transportation Impact Fees, and amending Schedule B of the 2020-21 Fee Schedule to incorporate the increased fees. This item was previously continued from January 19 and has been continued to a date uncertain.



CITY OF CUPERTINO

Agenda Item

20-8558

Agenda Date: 3/2/2021
Agenda #: 5.

Subject: City Manager update on emergency response efforts

Receive City Manager update on emergency response efforts



CITY OF CUPERTINO

Agenda Item

20-8562

Agenda Date: 3/2/2021
Agenda #: 6.

Subject: Report on Committee assignments

Report on Committee assignments



CITY OF CUPERTINO

Agenda Item

21-8800

Agenda Date: 3/2/2021
Agenda #: 7.

Subject: Approve the February 6 City Council minutes

Approve the February 6 City Council minutes



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Saturday, February 6, 2021**

SPECIAL MEETING

At 10:00 a.m. Mayor Darcy Paul called the Special City Council meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Absent: None. All Councilmembers teleconferenced for the meeting.

ORAL COMMUNICATIONS - None

CITY COUNCIL TRAINING WORKSHOP

City Manager Deborah Feng introduced the session.

Consultants Senior Partner Rod Gould and Senior Manager Christine Butterfield with Management Partners facilitated the workshop.

The Council discussed best practices of governance and clarifying roles.

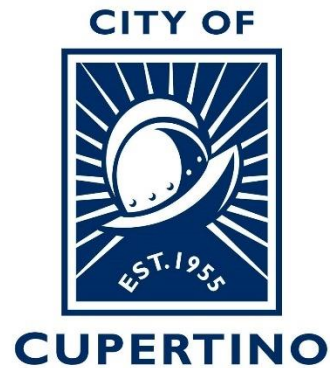
The consultants created a workshop report containing a summary of the discussions which is available in Exhibit A (attached).

ADJOURNMENT

At 1:52 p.m., Mayor Paul adjourned the meeting.

Kirsten Squarcia, City Clerk

Exhibit A



**City of Cupertino
City Council Workshop
Held February 6, 2021**

February 2021

**Management
Partners**



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Workshop Report

The City of Cupertino held a City Council workshop on Saturday, February 6, 2021 from 9:00 a.m. to 2:00 p.m. via Zoom. The workshop provided an opportunity for Council members and the City Manager to review governance structures and roles, discuss high performance governance and Council norms, strengthen Council-staff teamwork, and create a consensus about the City's work plan modifications for the coming two years. This report contains a summary of the results of the retreat.

Rod Gould, Senior Partner, and Christine Butterfield, Senior Manager with Management Partners facilitated the workshop.



Workshop Overview

Objectives

- Strengthen trust and effectiveness of the City Council.
- Develop a Council agreement on norms for working together, with staff and the community.
- Clarify roles of the City of Cupertino governance structure.
- Update and agree upon the phasing of the City's work program due to the COVID-19 pandemic crisis.

Agenda

- Welcome and call to order by the Mayor.
- Public comments
- Comments from the City Manager

- Agenda review
- Ice breaker exercise
- Discuss Cupertino governance structure and roles
- Discuss high performance governance and Council norms
- Refine phasing of City work plan
- Review hanging issues and commitments
- Wrap up and next steps

Participants

City Council

**Mayor
Darcy Paul**



**Vice Mayor
Liang Chao**



**Councilmember
Kitty Moore**



**Councilmember
Hung Wei**



**Councilmember
Jon Willey**



Executive Management Staff

- City Manager Deb Feng

Workshop Preparation

In preparation for the workshop, the facilitators met with the Assistant City Manager and City Manager to discuss the workshop objectives, facilitator's agenda and PowerPoint presentation.

Welcome and Opening Comments

Mayor Paul called the meeting to order at 10:00 a.m. and welcomed Councilmembers, the City Manager, and the public to the meeting. The Mayor invited public comments before opening the workshop. City Manager Deb Feng then offered some opening comments about the importance of the day's discussions.

Following the City Manager's comments, Rod Gould provided an overview of the day to help develop a shared understanding of the purpose and objectives of the workshop. He reviewed the ground rules, agenda, and the "bike rack." The bike rack would be used to record items raised during the workshop that would be addressed at another time.

Rod suggested several ground rules to help the group have a successful workshop.



- Keep video on
- Mute yourself when you are not speaking
- Assume good intent
- Be curious
- Seek consensus
- Stay focused (set aside electronic devices)

Ice Breaker Exercise

The facilitators led an ice breaker exercise to provide an opportunity for the Councilmembers and City Manager to learn more about each other. Each participant shared the following two things about themselves; a summary of what was shared is provided in Table 1 below.

1. Communication style
2. Decision making process

Table 1. Communication and Decision-Making Styles

Councilmember	Summary
Mayor Paul	<ul style="list-style-type: none"> • Listens to understand • Clarifies rationale and priorities • Open to all parties' interests
Vice Mayor	<ul style="list-style-type: none"> • Direct communicator and likes to delve into details • Analyzes information • Focus on what is best for residents
Councilmember Willey	<ul style="list-style-type: none"> • Listens more • Careful to send the right message • Not quick to jump into the dialogue • Represents the views of the community balance
Councilmember Wei	<ul style="list-style-type: none"> • Favorite way to communicate is face to face • Applies the law, a rational approach and compassion • Stand by Council decisions (not just personal positions)
Councilmember Moore	<ul style="list-style-type: none"> • Straight forward • Defensible arguments • She will bring up raise tough issues – “the elephant in the room”



Governance Roles and Responsibilities

To better understand the roles of the key players in local government, the group spent some time reviewing the roles and responsibilities of the Council, Mayor, city manager, commissions/committees, city attorney, and staff. The facilitators noted the importance of respecting others' roles, in order to be the most effective and productive City Council possible.



Rod explained the partnership between Council and staff; policy versus administrative domains; the role of commissions and committees, and the relationships between all major players within City government. The Councilmembers reviewed best practices for good and effective governance, and discussed civility, tone, and examined the distinction between policy versus administrative roles using the example for public expenditures and government contracting.

Rod asked the City Manager what she needs from Council, in order to be successful. Ms. Feng shared that in terms of communications, she needs the following:

- To *hear* more about:
 - Emerging issues, and
 - Gather the questions and comments that Councilmembers collect from the community.
- *Since November 2019* when the last Council workshop was held, the City Manager has observed improvements in the relationships across the City's governance roles.
- *Changes triggered by the pandemic include:*
 - Decrease in interpersonal interfaces with the public and Council,

- Relationship building is more difficult, and
- Increased focus on operations by the Council, with too much focus on administration which is the responsibility of the City Manager.

Rod then asked Council about what their reactions to the City Manager's comments. Council offered the following feedback:

- Things are going well, and it is much better than under the previous City Manager. More work is needed to ensure that staff understands they are here to serve the residents and "we need to be sure decisions are made in collaboration with residents."
- Treat the City Manager as a mentor.
- Happy with Deb's candor.
- Continue to develop trust between Council and staff and explore how we build communication and bridge relations with staff.
- Would like to receive updates about what is not working well.
- Communicate more information to Council.
- Council communication must go through the City Manager and interested in the view of Council from staff's perspective.
- City Council/staff partnership missing.
- Deb inherited an organization characterized as a "train wreck."
- Ramifications of lawsuit persist. Previous City Manager left the state, two assistant city managers departed and planning, and parks and recreation staff also left. Staff was abused by a project manager and developer. There are still lingering trust issues.
- Deb is doing beautifully.
- Interested in heightening efficiency.
- It's not about efficiency; it's really about serving people well; it's a push-pull between those two principles.
- Interested in greater accountability.
- City staff need to understand basic legal regulations in the City.
- Ensure that when new codes are considered by Council that the versions and changes are well documented through various readings.

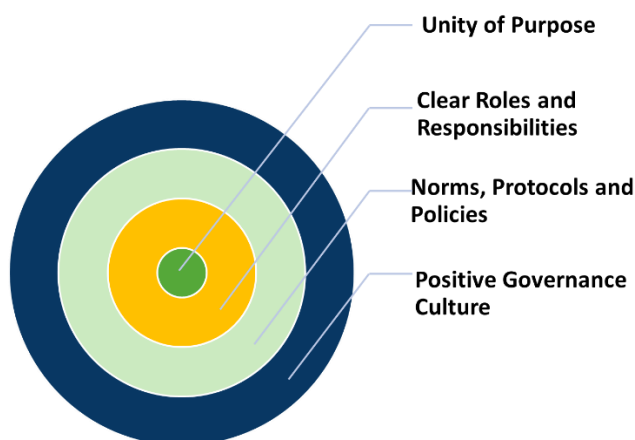
At the close of the conversation, Deb reminded the Council that staff has developed a work plan dashboard to improve project status information.

High Performance Governance and Council Norms

Rod led the group in developing a shared understanding of high-performance governance and Council norms. The Council and City Manager reviewed two articles from the *Institute for Local Government* (ILG) and discussed examples of Council norms and another regarding Council goal setting authored by Rod Gould.

Rod explained that how the Council works together as a body and plays a critical role in the effectiveness of the City's strategic direction, staff performance and motivation, and regional influence. In addition, the group reviewed the four essential elements for effective Councils, as shown in Figure 1 below.



Figure 1. Elements of Effective Councils



After reviewing communication tips, ways to disagree with a colleague, and how best to build professional relationships, Council reviewed the self-assessment survey results. A summary of the survey is presented on the slide below.

Council Self-Assessment Summary

- **We do our best work as a Council when we...**
 - Are provided background information and given time to ask questions
 - Have simple tasks
 - Listen to different perspectives with an open mind
 - Have a clear goal
 - Stand by collective decisions made by the Council
- **We could improve as a Council in the following area...**
 - Building consensus
 - Running effective and efficient meetings
 - Presuming good intentions
 - Building relationships with staff to enhance trust
 - If the City Manager placed more importance on the requests of the members of the Council


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Rod posed the following three questions to the group.

- What was surprising?
- What do we do well?
- What do we need to work on?

A summary of the discussion among Councilmembers is provided below.

Councilmembers offered that the Mayor runs a great meeting and that the results of the assessment appear consistent with their experience so far. In addition, the group discussed the idea of building flexibility into the meeting agendas including conducting meetings in neighborhoods and being thoughtful about the room layout when planning for meetings as well as creating opportunities for the Council to reflect on their performance following decisions.

Council Norms

Following the discussion about high-performance governance, the facilitators reviewed examples of typical Council norms. The group talked about which ones make sense for Cupertino, and how the norms should be operationalized. Rod explained that the next steps for the norms are to formally adopt them by resolution, then review and confirm or modify the norms on a regular basis.

Some of the Councilmembers like the flexibility of not having formally adopted norms and found the sample norms too restrictive. The Council decided to table the discussion and decision about Council norms for Cupertino for a future time.

City Work Plan

After a brief stretch break, the group reconvened to review and discuss the City's work plan.

Ms. Feng provided an overview of the work plan, discussed the COVID-19 crisis, and proposed to adjust the work plan time horizon from one year to two years to ensure the COVID-19 pandemic continues to receive the City's primary focus and attention.

The City Manager presented the FY 2019-20 projects that were delayed due to COVID-19. Following this presentation, she reviewed the FY 2020-21 work program and discussed which items were completed, and which were in-progress. These slides can be found in Attachment A.

The City Manager noted that the pandemic triggered unanticipated work and has impacted the City's work program. The Council discussed what must be done in the coming fiscal year, and what could be deferred to FY 2022-23 and/or FY 2023-24. The Council asked to review the work plan again at a future meeting to ensure that the public can participate and engage as the workshop agenda did not specifically list the work plan item.

Wrap Up and Next Steps

The City Manager committed to updating and distributing the City work program as well as follow up on the bike rack items identified by Council in the workshop to be addressed at another meeting. The topics are listed below.

Bike Rack

The following items were added to the bike rack.

1. How and when is the right time for Council to dive into details of a policy, issue, questions, and explore options? Consider holding more study sessions and ensure that staff outlines the policy development and decision-making process in more detail.
2. Discuss changing staff reports to include an array of options for Council to consider as well as staff providing a specific recommendation.
3. How do other cities conduct Council policy analysis/review?
4. Cupertino should "raise the bar" by involving the community more in the review of policy issues.

To conclude the workshop, each Councilmember and the City Manager offered a closing comment or key takeaway from the day's discussions.

Rod indicated that Management Partners would prepare and submit this report. A summary of the closing comments that were offered is below.

- Need for involving more volunteers and connecting them to opportunities
- Council is aligned and so are staff
- Glad the prioritization process worked out
- Lots of listening
- Another half day workshop would be helpful

Attachment A: City Work Program

Review and Refine the City's Work Program

FY 2020-21 City Work Program

- **Completed**
 - Commissioner Handbook Update
 - Policies on Nonprofit Support
 - Public Infrastructure Financing Strategy
 - Review the City's Housing and Human Services Grant Funds
 - Study session on...ordinance...on banning gas-powered leaf blowers
 - Transportation to-from Service Providers
- **In Progress**
 - Affordable Housing Strategies
 - Blackberry Farm Golf Course Needs Assessment
 - Bollinger Road Safety Study
 - Climate Action Plan
 - Policies...to Regulate Mobile Service Vendors
 - Development Accountability
 - Dogs Off Leash Area (DOLA)
 - Emergency Services Continuity of Operations Plan
 - Engage Philanthropic Organizations...to build moderate-income and ELI housing units for Developmentally Disabled...



Review and Refine the City's Work Program

FY 2020-21 City Work Program

- **In Progress (Continued)**
 - Established Preapproved ADU Plans
 - General Plan Authorization Process
 - Homeless Services and Facilities
 - Housing Program for De Anza College Students
 - Housing Survey
 - Investigate Alternatives to City Hall
 - Leadership Program
 - Municipal Water System
 - Parks & Recreation Strategic Plan
 - Pilot – Adaptive Traffic Signaling
 - Pilot – Multimodal Traffic Count
 - Pilot – Noise Measurement
 - Pilot – Online Store for City-Branded Items
 - Pilot – Pollution Monitoring
 - Pilot – Water Scheduling Based Moisture Content
 - Rancho Rinconada
 - Reducing Secondhand Smoke Exposure
 - Regional Transformative Transit Projects Initiative
 - Research Governor's pledge towards homelessness...
 - Residential and Mixed-Use Residential Design Standards
 - Review and Update General Plan

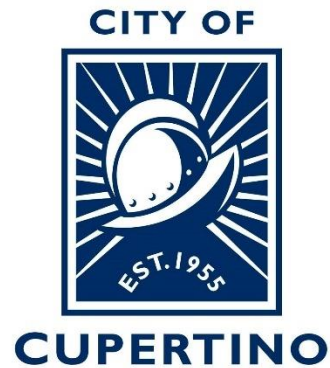


Review and Refine the City's Work Program

FY 2020-21 City Work Program

- **In Progress (Continued)**
 - Review Environmental Review Committee
 - Review Property Tax Share
 - Roadmap Project
 - Shuttle Bus Pilot Program Implementation
 - Sign Ordinance Update
 - Single-Use Plastics Ordinance
 - Small Business Development Center
 - Study Session for...RHNA
 - Study Session on Regulating Diversified Retail Use
 - Targeted Marketing Programs to Assist Small Businesses
 - Traffic Congestion Map and Identify Solutions
 - Two-Way Communication

Exhibit A



**City of Cupertino
City Council Workshop
Held February 6, 2021**

February 2021

**Management
Partners**



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Workshop Report

The City of Cupertino held a City Council workshop on Saturday, February 6, 2021 from 9:00 a.m. to 2:00 p.m. via Zoom. The workshop provided an opportunity for Council members and the City Manager to review governance structures and roles, discuss high performance governance and Council norms, strengthen Council-staff teamwork, and create a consensus about the City's work plan modifications for the coming two years. This report contains a summary of the results of the retreat.

Rod Gould, Senior Partner, and Christine Butterfield, Senior Manager with Management Partners facilitated the workshop.



Workshop Overview

Objectives

- Strengthen trust and effectiveness of the City Council.
- Develop a Council agreement on norms for working together, with staff and the community.
- Clarify roles of the City of Cupertino governance structure.
- Update and agree upon the phasing of the City's work program due to the COVID-19 pandemic crisis.

Agenda

- Welcome and call to order by the Mayor.
- Public comments
- Comments from the City Manager

- Agenda review
- Ice breaker exercise
- Discuss Cupertino governance structure and roles
- Discuss high performance governance and Council norms
- Refine phasing of City work plan
- Review hanging issues and commitments
- Wrap up and next steps

Participants

City Council

**Mayor
Darcy Paul**



**Vice Mayor
Liang Chao**



**Councilmember
Kitty Moore**



**Councilmember
Hung Wei**



**Councilmember
Jon Willey**



Executive Management Staff

- City Manager Deb Feng

Workshop Preparation

In preparation for the workshop, the facilitators met with the Assistant City Manager and City Manager to discuss the workshop objectives, facilitator's agenda and PowerPoint presentation.

Welcome and Opening Comments

Mayor Paul called the meeting to order at 10:00 a.m. and welcomed Councilmembers, the City Manager, and the public to the meeting. The Mayor invited public comments before opening the workshop. City Manager Deb Feng then offered some opening comments about the importance of the day's discussions.

Following the City Manager's comments, Rod Gould provided an overview of the day to help develop a shared understanding of the purpose and objectives of the workshop. He reviewed the ground rules, agenda, and the "bike rack." The bike rack would be used to record items raised during the workshop that would be addressed at another time.

Rod suggested several ground rules to help the group have a successful workshop.



- Keep video on
- Mute yourself when you are not speaking
- Assume good intent
- Be curious
- Seek consensus
- Stay focused (set aside electronic devices)

Ice Breaker Exercise

The facilitators led an ice breaker exercise to provide an opportunity for the Councilmembers and City Manager to learn more about each other. Each participant shared the following two things about themselves; a summary of what was shared is provided in Table 1 below.

1. Communication style
2. Decision making process

Table 1. *Communication and Decision-Making Styles*

Councilmember	Summary
Mayor Paul	<ul style="list-style-type: none"> • Listens to understand • Clarifies rationale and priorities • Open to all parties' interests
Vice Mayor	<ul style="list-style-type: none"> • Direct communicator and likes to delve into details • Analyzes information • Focus on what is best for residents
Councilmember Willey	<ul style="list-style-type: none"> • Listens more • Careful to send the right message • Not quick to jump into the dialogue • Represents the views of the community balance
Councilmember Wei	<ul style="list-style-type: none"> • Favorite way to communicate is face to face • Applies the law, a rational approach and compassion • Stand by Council decisions (not just personal positions)
Councilmember Moore	<ul style="list-style-type: none"> • Straight forward • Defensible arguments • She will bring up raise tough issues – “the elephant in the room”



Governance Roles and Responsibilities

To better understand the roles of the key players in local government, the group spent some time reviewing the roles and responsibilities of the Council, Mayor, city manager, commissions/committees, city attorney, and staff. The facilitators noted the importance of respecting others' roles, in order to be the most effective and productive City Council possible.



Rod explained the partnership between Council and staff; policy versus administrative domains; the role of commissions and committees, and the relationships between all major players within City government. The Councilmembers reviewed best practices for good and effective governance, and discussed civility, tone, and examined the distinction between policy versus administrative roles using the example for public expenditures and government contracting.

Rod asked the City Manager what she needs from Council, in order to be successful. Ms. Feng shared that in terms of communications, she needs the following:

- To *hear* more about:
 - Emerging issues, and
 - Gather the questions and comments that Councilmembers collect from the community.
- *Since November 2019* when the last Council workshop was held, the City Manager has observed improvements in the relationships across the City's governance roles.
- *Changes triggered by the pandemic include:*
 - Decrease in interpersonal interfaces with the public and Council,

- Relationship building is more difficult, and
- Increased focus on operations by the Council, with too much focus on administration which is the responsibility of the City Manager.

Rod then asked Council about what their reactions to the City Manager's comments. Council offered the following feedback:

- Things are going well, and it is much better than under the previous City Manager. More work is needed to ensure that staff understands they are here to serve the residents and "we need to be sure decisions are made in collaboration with residents."
- Treat the City Manager as a mentor.
- Happy with Deb's candor.
- Continue to develop trust between Council and staff and explore how we build communication and bridge relations with staff.
- Would like to receive updates about what is not working well.
- Communicate more information to Council.
- Council communication must go through the City Manager and interested in the view of Council from staff's perspective.
- City Council/staff partnership missing.
- Deb inherited an organization characterized as a "train wreck."
- Ramifications of lawsuit persist. Previous City Manager left the state, two assistant city managers departed and planning, and parks and recreation staff also left. Staff was abused by a project manager and developer. There are still lingering trust issues.
- Deb is doing beautifully.
- Interested in heightening efficiency.
- It's not about efficiency; it's really about serving people well; it's a push-pull between those two principles.
- Interested in greater accountability.
- City staff need to understand basic legal regulations in the City.
- Ensure that when new codes are considered by Council that the versions and changes are well documented through various readings.

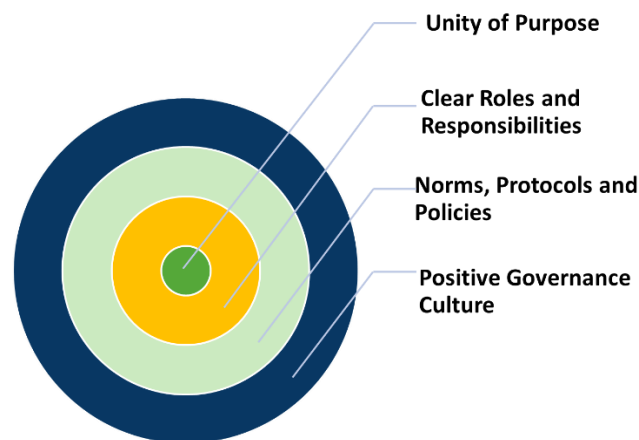
At the close of the conversation, Deb reminded the Council that staff has developed a work plan dashboard to improve project status information.

High Performance Governance and Council Norms

Rod led the group in developing a shared understanding of high-performance governance and Council norms. The Council and City Manager reviewed two articles from the *Institute for Local Government* (ILG) and discussed examples of Council norms and another regarding Council goal setting authored by Rod Gould.

Rod explained that how the Council works together as a body and plays a critical role in the effectiveness of the City's strategic direction, staff performance and motivation, and regional influence. In addition, the group reviewed the four essential elements for effective Councils, as shown in Figure 1 below.



Figure 1. Elements of Effective Councils



After reviewing communication tips, ways to disagree with a colleague, and how best to build professional relationships, Council reviewed the self-assessment survey results. A summary of the survey is presented on the slide below.

Council Self-Assessment Summary

- **We do our best work as a Council when we...**
 - Are provided background information and given time to ask questions
 - Have simple tasks
 - Listen to different perspectives with an open mind
 - Have a clear goal
 - Stand by collective decisions made by the Council
- **We could improve as a Council in the following area...**
 - Building consensus
 - Running effective and efficient meetings
 - Presuming good intentions
 - Building relationships with staff to enhance trust
 - If the City Manager placed more importance on the requests of the members of the Council


43


Rod posed the following three questions to the group.

- What was surprising?
- What do we do well?
- What do we need to work on?

A summary of the discussion among Councilmembers is provided below.

Councilmembers offered that the Mayor runs a great meeting and that the results of the assessment appear consistent with their experience so far. In addition, the group discussed the idea of building flexibility into the meeting agendas including conducting meetings in neighborhoods and being thoughtful about the room layout when planning for meetings as well as creating opportunities for the Council to reflect on their performance following decisions.

Council Norms

Following the discussion about high-performance governance, the facilitators reviewed examples of typical Council norms. The group talked about which ones make sense for Cupertino, and how the norms should be operationalized. Rod explained that the next steps for the norms are to formally adopt them by resolution, then review and confirm or modify the norms on a regular basis.

Some of the Councilmembers like the flexibility of not having formally adopted norms and found the sample norms too restrictive. The Council decided to table the discussion and decision about Council norms for Cupertino for a future time.

City Work Plan

After a brief stretch break, the group reconvened to review and discuss the City's work plan.

Ms. Feng provided an overview of the work plan, discussed the COVID-19 crisis, and proposed to adjust the work plan time horizon from one year to two years to ensure the COVID-19 pandemic continues to receive the City's primary focus and attention.

The City Manager presented the FY 2019-20 projects that were delayed due to COVID-19. Following this presentation, she reviewed the FY 2020-21 work program and discussed which items were completed, and which were in-progress. These slides can be found in Attachment A.

The City Manager noted that the pandemic triggered unanticipated work and has impacted the City's work program. The Council discussed what must be done in the coming fiscal year, and what could be deferred to FY 2022-23 and/or FY 2023-24. The Council asked to review the work plan again at a future meeting to ensure that the public can participate and engage as the workshop agenda did not specifically list the work plan item.

Wrap Up and Next Steps

The City Manager committed to updating and distributing the City work program as well as follow up on the bike rack items identified by Council in the workshop to be addressed at another meeting. The topics are listed below.

Bike Rack

The following items were added to the bike rack.

1. How and when is the right time for Council to dive into details of a policy, issue, questions, and explore options? Consider holding more study sessions and ensure that staff outlines the policy development and decision-making process in more detail.
2. Discuss changing staff reports to include an array of options for Council to consider as well as staff providing a specific recommendation.
3. How do other cities conduct Council policy analysis/review?
4. Cupertino should "raise the bar" by involving the community more in the review of policy issues.

To conclude the workshop, each Councilmember and the City Manager offered a closing comment or key takeaway from the day's discussions.

Rod indicated that Management Partners would prepare and submit this report. A summary of the closing comments that were offered is below.

- Need for involving more volunteers and connecting them to opportunities
- Council is aligned and so are staff
- Glad the prioritization process worked out
- Lots of listening
- Another half day workshop would be helpful

Attachment A: City Work Program

Review and Refine the City's Work Program

FY 2020-21 City Work Program

- **Completed**
 - Commissioner Handbook Update
 - Policies on Nonprofit Support
 - Public Infrastructure Financing Strategy
 - Review the City's Housing and Human Services Grant Funds
 - Study session on...ordinance...on banning gas-powered leaf blowers
 - Transportation to-from Service Providers
- **In Progress**
 - Affordable Housing Strategies
 - Blackberry Farm Golf Course Needs Assessment
 - Bollinger Road Safety Study
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 - Engage Philanthropic Organizations...to build moderate-income and ELI housing units for Developmentally Disabled...



Review and Refine the City's Work Program

FY 2020-21 City Work Program

- **In Progress (Continued)**
 - Established Preapproved ADU Plans
 - General Plan Authorization Process
 - Homeless Services and Facilities
 - Housing Program for De Anza College Students
 - Housing Survey
 - Investigate Alternatives to City Hall
 - Leadership Program
 - Municipal Water System
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 - Pilot – Multimodal Traffic Count
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 - Pilot – Online Store for City-Branded Items
 - Pilot – Pollution Monitoring
 - Pilot – Water Scheduling Based Moisture Content
 - Rancho Rinconada
 - Reducing Secondhand Smoke Exposure
 - Regional Transformative Transit Projects Initiative
 - Research Governor's pledge towards homelessness...
 - Residential and Mixed-Use Residential Design Standards
 - Review and Update General Plan



Review and Refine the City's Work Program

FY 2020-21 City Work Program

- **In Progress (Continued)**
 - Review Environmental Review Committee
 - Review Property Tax Share
 - Roadmap Project
 - Shuttle Bus Pilot Program Implementation
 - Sign Ordinance Update
 - Single-Use Plastics Ordinance
 - Small Business Development Center
 - Study Session for...RHNA
 - Study Session on Regulating Diversified Retail Use
 - Targeted Marketing Programs to Assist Small Businesses
 - Traffic Congestion Map and Identify Solutions
 - Two-Way Communication



CITY OF CUPERTINO

Agenda Item

20-8548

Agenda Date: 3/2/2021
Agenda #: 8.

Subject: Approve the February 16 City Council minutes

Approve the February 16 City Council minutes



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, February 16, 2021

SPECIAL MEETING

At 5:30 p.m. Mayor Darcy Paul called the Special City Council meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Absent: None. All Councilmembers teleconferenced for the meeting.

STUDY SESSION

1. Subject: Study Session to compare standards for mixed-use developments and high density residential guidelines with other cities.

Recommended Action: Receive presentation and provide any input to Staff

Written communications for this item included a staff presentation.

Associate Planner Jeff Tsumura gave a presentation.

Councilmembers asked questions and made comments.

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

Jennifer Griffin supported the discussion and looking at the differences between cities and was concerned about the Steven's Creek Urban Village plan.

Peggy Griffin supported studying what mixed-use designs work and specifying a minimum and maximum floor area ratio (FAR). (Submitted written comments).

Lisa Warren supported being different from San Jose, studying required density, and was concerned about the Steven's Creek Urban Village plan.

Mayor Paul closed the public comment period.

Council received the presentation and provided the following comments.

- Need community outreach and resident engagement
- Encourage developments to be all-inclusive projects with units for all income and age levels
- Make sure future standards are within the confines of law and address the uniqueness of our city
- Need setback standards for streets and slope standards and shadow study for all developments next to residential development
- Other cities have minimum average unit size, need standards for leasable commercial units of certain size that meet needs of Cupertino (e.g. grocery stores, pharmacies etc.)
- Look at each development separately to see where housing is needed and best fits, what kind of store goes with which development
- There is a need for infrastructure such as sewer capacity and water
- Need for infrastructure to support good quality transit, walkability and bikeability
- Need a low carbon footprint and look at how can we travel efficiently and cover a larger distance than the last mile, within a reasonable amount of time

ADJOURNMENT

REGULAR MEETING

At 6:45 p.m. Mayor Darcy Paul called the Regular City Council meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Absent: None. All Councilmembers teleconferenced for the meeting.

In open session, Mayor Paul reported out from the Special Closed Session Meeting held on February 9, 2021:

Written Communications for this item included a Statement Regarding In-House City Attorney Search.

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

Council evaluated the structure and economic efficiency of current contract City Attorney services.

Mayor Paul read a statement regarding the City's search for an in-house City Attorney.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Certificates of Appreciation to the Cupertino Citizen Corps for their response and support of the COVID-19 Test Sites
Recommended Action: Present Certificates of Appreciation to the Cupertino Citizen Corps for their response and support of the COVID-19 Test Sites

Leigh Stevens accepted the Certificates of Appreciation on behalf of the Cupertino Citizen Corps.

Mayor Paul presented the Certificates of Appreciation to the Cupertino Citizen Corps for their response and support of the COVID-19 Test Sites.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

John Ennals supported a City Council endorsement regarding how the nation can address the climate change emergency. (Submitted written comments).

Dan Marshall supported the City Council endorsing a national climate policy with a carbon free and dividend solution. (Submitted written comments).

Jennifer Griffin was concerned about retaining local control and high-density housing bills being introduced in Sacramento, Washington, and Oregon.

Anjali Kausar, on behalf of the Cupertino Chamber of Commerce, discussed the upcoming Lunar New Year Luncheon including recognition of the Bridge Award winners.

Caller 0432 was concerned about a proposed Verizon 5G small cell site in proximity to her home and any mental health risks.

Peggy Griffin supported advertising future small cell site locations, increased setbacks and distances between sites, and provisional permits. (Submitted written comments).

William W. was concerned about a proposed Verizon small cell site location in proximity to his home including health concerns and regulation.

Housing Commissioner Connie Cunningham (representing self) discussed bird migration through Cupertino and supported Dark Sky regulations. (Submitted written comments).

James Lin was concerned about a proposed Verizon small cell site in the Three Oaks Park area.

Shani Kleinhaus, on behalf of the Santa Clara Valley Audubon Society opposed harmful lights impacting bird migration. (Submitted written comments).

Lisa Warren discussed a book written by Patrick Condon "Slick City" and said she would provide a copy to be used at City Hall.

Karis Lee was concerned about a proposed Verizon 5G small cell site and follow-up from the City to address this concern.

Victor Nee was concerned about a proposed Verizon 5G small cell site in proximity to his home including the effects on health and home values.

Jerry Lu was concerned about a proposed Verizon 5G small cell site in the Three Oaks Park area including the health effects for children.

REPORTS BY COUNCIL AND STAFF (10 minutes)

2. Subject: City Manager update on emergency response efforts
Recommended Action: Receive City Manager update on emergency response efforts

City Manager Deborah Feng reported on COVID-19 vaccine information, testing opportunities, and County and Cupertino case counts; and homeless encampments.

Council received the City Manager update on emergency response efforts.

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

Councilmembers highlighted the activities of their various committees.

4. Subject: Cupertino Union School District (CUSD) collaboration discussion update
Recommended Action: Receive Cupertino Union School District (CUSD) collaboration discussion update

City Manager Deborah Feng gave a Cupertino Union School District (CUSD) collaboration discussion update.

5. Subject: FY 2020-21 Interim Budget and Key Projects Update
Recommended Action: Accept City Manager's Interim Budget and Key Projects Report

Written communications for this item included a staff presentation.

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

Council accepted the City Manager's Interim Budget and Key Projects Report.

CONSENT CALENDAR

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

6. Subject: Approve the January 25 City Council minutes
Recommended Action: Approve the January 25 City Council minutes

7. Subject: Approve the January 26 City Council minutes
Recommended Action: Approve the January 26 City Council minutes

8. Subject: Approve the February 2 City Council minutes
Recommended Action: Approve the February 2 City Council minutes

9. Subject: Accept Accounts Payable for the period ending December 07, 2020
Recommended Action: Adopt Resolution No. 21-012 accepting Accounts Payable for the period ending December 07, 2020

10. Subject: Accept Accounts Payable for the period ending December 14, 2020
Recommended Action: Adopt Resolution No. 21-013 accepting Accounts Payable for the period ending December 14, 2020
11. Subject: Accept Accounts Payable for the period ending December 23, 2020
Recommended Action: Adopt Resolution No. 21-014 accepting Accounts Payable for the period ending December 23, 2020
12. Subject: Treasurer's Investment Report for period ending December 31, 2020
Recommended Action: Accept staff report and provide recommendations.
13. Subject: Planning Commission's recommendation to select R 'Ray' Wang as the Environmental Review Committee representative
Recommended Action: Accept the Planning Commission's recommendation to the Environmental Review Committee

SECOND READING OF ORDINANCES

14. Subject: Consider and act on Ordinance No. 21-2220 adopting Municipal Code Amendments to update existing Mobile Vending regulations, including conforming edits to Titles 5 and 13 in the Municipal Code, for new regulations of Sidewalk Vending in compliance with SB 946. Application No(s): MCA-2020-004; Applicant(s): City of Cupertino; Location: citywide.
Recommended Action: Conduct the second reading and enact Ordinance No. 21-2220: "An Ordinance of the City Council of the City of Cupertino amending Chapter 5.04, Business Licenses Generally, Chapter 5.20, Solicitors, Chapter 5.48, Mobile Vendors, and Chapter 13.04, Parks" to:
 - A. Find that the proposed actions are exempt from CEQA;
 - B. Adopt regulations to allow sidewalk vending in compliance with SB 946; and
 - C. Find that the restrictions and requirements contained in the regulations are directly related to objective health, safety, and/or public welfare concerns

Mayor Paul opened the public comment period and, seeing no speakers, closed the public comment period.

City Clerk Kirsten Squarcia read the title of Ordinance No. 21-2220: "An Ordinance of the City Council of the City of Cupertino amending Chapter 5.04, Business Licenses Generally, Chapter 5.20, Solicitors, Chapter 5.48, Mobile Vendors, and Chapter 13.04, Parks"

Chao moved and Willey seconded to conduct the second reading of Ordinance No. 21-2220 by title only and that the City Clerk's reading would constitute the second reading thereof; and to enact Ordinance No. 20-2220. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

15. Subject: Consider and act on Ordinance No. 21-2222: "An Ordinance of the City Council of the City of Cupertino Adding Chapter 2.100 ("Regulation of Lobbying Activities") to Title 2 ("Administration and Personnel") of the Cupertino Municipal Code"

Recommended Action: Conduct the second reading and enact Ordinance No. 21-2222: "An Ordinance of the City Council of the City of Cupertino Adding Chapter 2.100 ("Regulation of Lobbying Activities") to Title 2 ("Administration and Personnel") of the Cupertino Municipal Code," which includes a finding that adoption of the ordinance is exempt from the California Environmental Quality Act.

Mayor Paul opened the public comment period and, seeing no speakers, closed the public comment period.

City Clerk Kirsten Squarcia read the title of Ordinance No. 21-2222: "An Ordinance of the City Council of the City of Cupertino Adding Chapter 2.100 ("Regulation of Lobbying Activities") to Title 2 ("Administration and Personnel") of the Cupertino Municipal Code."

Wei moved and Willey seconded to conduct the second reading of Ordinance No. 21-2222 by title only and that the City Clerk's reading would constitute the second reading thereof; and to enact Ordinance No. 20-2222. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS

16. Subject: Consider and act on the proposed modification to an existing Use Permit (U-2004-01) to amend the conditions of approval to allow 100% non-retail commercial uses where only 50% are allowed. Application No(s): M-2020-02; Applicant(s): Catherine Chen; Location: 20130 Stevens Creek Blvd. APN#: 369-56-001

Recommended Action: That, consistent with the Planning Commission recommendation, the City Council adopt Resolution No. 21-015 approving a Use Permit Modification to an existing Use Permit (project M-2020-002)

Written communications for this item included a staff presentation.

Senior Planner Gian Martire gave a presentation.

Councilmembers asked questions and made comments.

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

Peggy Griffin opposed the retail limitation of the initial conditional use permit and supported a minimum number of parking spaces.

Mayor Paul closed the public hearing.

Chao moved and Willey seconded to adopt Resolution No. 21-015 approving a Use Permit Modification to an existing Use Permit (project M-2020-002). The motion carried unanimously.

Council recessed from 8:54 p.m. to 9:00 p.m.

17. Subject: Consideration of a Municipal Code Amendment as part of the transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT), for a determining transportation impacts under the California Environmental Quality Act (CEQA) as required by Senate Bill (SB) 743.

Recommended Action: That the City Council conduct the first reading of Ordinance No. 21-2223 "An Ordinance of the City Council of the City of Cupertino Adding Title 17 and Chapter 17.08 to the Cupertino Municipal Code, Replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) For Use in Transportation Analysis Pursuant to the California Environmental Quality Act (CEQA)" (Attachment A), as recommended by the Planning Commission on January 26, 2021 to:

1. Find the proposed actions exempt from CEQA;
2. Add to the Cupertino Municipal Code Title 17 (Environmental Regulations) and Chapter 17.08 (Vehicle Miles Traveled Standards), which establishes screening criteria, a 14.4% VMT reduction threshold, and screening criteria for local-serving retail, 100% affordable housing projects, and projects located within one-quarter mile of a High-Quality Transit Corridor, for purposes of CEQA analysis.

Written communications for this item included a staff presentation.

Senior Transportation Planner Chris Corrao gave a presentation.

Councilmembers asked questions and made comments.

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

Jennifer Griffin opposed eliminating Level of Service (LOS) as a tool to determine the impact of projects on intersections.

Peggy Griffin supported incorporating the language for LOS into the Cupertino Municipal Code to make it enforceable.

Mayor Paul closed the public hearing.

City Clerk Kirsten Squarcia read the title of Ordinance No. 21-2223 “An Ordinance of the City Council of the City of Cupertino Adding Title 17 and Chapter 17.08 to the Cupertino Municipal Code, Replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) For Use in Transportation Analysis Pursuant to the California Environmental Quality Act (CEQA)”

Wei moved and Chao seconded to conduct the first reading of Ordinance No. 21-2223 by title only and that the City Clerk’s reading would constitute the first reading thereof. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

18. Subject: Consider Resolution No. 21-016 approving correction to Building Fee Schedule D - Standard Commercial Foundation with Podium
Recommended Action: Adopt Resolution No. 21-016 approving correction to Building Fee Schedule D - Standard Commercial Foundation with Podium

Written communications for this item included a staff presentation.

Finance Manager Zach Korach gave a presentation.

Councilmembers asked questions and made comments.

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

Jennifer Griffin asked whether the correct Standard Commercial Foundation with Podium fees were applied to the Rose Bowl project.

Mayor Paul closed the public hearing.

Willey moved and Paul seconded to adopt Resolution No. 21-016 approving correction to Building Fee Schedule D - Standard Commercial Foundation with Podium. The motion carried unanimously.

ORDINANCES AND ACTION ITEMS – None

ORAL COMMUNICATIONS - CONTINUED (As necessary) – None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Councilmembers added the following future agenda items.

- Review the Vallco process for the tentative map and findings, polychlorinated biphenyl (PCB) investigation report, and status of the final map for Council approval (Moore/Willey)
- Review of the citywide Vehicle Miles Traveled (VMT) per capita value used in the General Plan environmental analysis, compared with the most recent citywide VMT estimate used for SB743 compliance. (Moore/Willey).
- Include a review of the City Manager's comprehensive list of proposed 5G small cell sites with the small cell study session scheduled for April 20 (Willey/Chao)
- Request that Verizon and other carriers make communications regarding cell sites available for public records requests (Chao/Willey)

ADJOURNMENT

At 10:17 p.m., Mayor Paul adjourned the meeting.

Kirsten Squarcia, City Clerk



CITY OF CUPERTINO

Agenda Item

21-8814

Agenda Date: 3/2/2021
Agenda #: 9.

Subject: Review Council goals, City Work Program updates, and proposed draft FY 2021-2022 City Work Program.

Review Council goals, City Work Program updates, and proposed draft FY 2021-2022 City Work Program and provide any input.



CITY MANAGER'S OFFICE

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CITY COUNCIL STAFF REPORT

Meeting: March 2, 2021

Subject

Review Council goals, City Work Program updates, and proposed draft Fiscal Year 2021-2022 City Work Program.

Recommended Action

Review Council goals, City Work Program Updates, and proposed draft FY 2021-2022 City Work Program and provide input.

Discussion

Council Goals

On February 18, 2020 City Council adopted the following goals to provide a framework for the City's priorities and City Work Program:

- **Public Engagement and Transparency**
 - Creating and maintaining key conversations and interactions with the Cupertino Community.
- **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.
 - Improving Traffic Flow and Alleviating Congestion
- **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.
- **Sustainability & Fiscal Strategy**
 - Continuing Cupertino's commitment to building a sustainable and resilient community for future generations.
- **Quality of Life**
 - Furthering the health and well-being of all Cupertino community members.
 - Air Quality and Noise
 - Public Safety
 - Recreation
 - Access to Goods and Services

While these are intended as multi-year goals, they are reviewed annually by the City Council.

Updates on City Work Program Items

As requested by Council, the City has been providing updates on the Fiscal Year 2020-2021 City Work Program on a quarterly basis through the City Work Program dashboard at cupertino.org/cityworkprogram. The first update was published during the launch of the dashboard and a printout was provided at the November 17, 2020 City Council meeting. The second update is currently reflected in the City Work Program dashboard. A printout of these updates can be found in Attachment A for review.

In addition, Attachment B includes updates on items from the FY 19-20 City Work Program that were delayed due to the COVID-19 pandemic.

Proposed FY 21-22 City Work Program

To help in developing the proposed FY 21-22 City Work Program, each commission and the Audit Committee had an opportunity to recommend items to include in the proposed City Work Program. All of these recommendations can be found in Attachment C. While not all of these recommendations are included in the proposed FY 21-22 City Work Program (Attachment D), many were included, and others will be incorporated in operations. Attachment C outlines the recommended items which were included in the Work Program and which will be included in operations. Items not currently in the proposed FY 21-22 City Work Program could be included at the direction of Council.

The unprecedented COVID-19 pandemic resulted in significant staff time being spent on unanticipated work. Unanticipated activities ranged from emergency response, safety protocols, virtual public meeting processes, community assistance and relief programs, and additional budget forecasting and planning. From March 2020 to December 2020, it is estimated that over 32,000 staff hours were spent on unexpected work due to COVID-19. This additional workload and the Shelter-in-Place environment caused significant delays in accomplishing the FY 20-21 City Work Program. Due to this, many of the FY 20-21 City Work Program items are proposed to be carried over into the FY 21-22 City Work Program. These carried-over items can be identified as items labeled "Fiscal Year: FY21/FY22" in the proposed FY 21-22 City Work Program (Attachment D). The remaining items for the FY 20-21 City Work Program are on track for completion this fiscal year or will continue to be worked on as part of operations. The two operational items are the Parks & Recreation Strategic Plan and the item to engage philanthropic organizations to build moderate-income and extremely-low-income housing units.

The following new items are included in the proposed FY 21-22 City Work Program:

- **City Light Transition Assessment**
- **Fine Arts Commission Name Change** (recommended by Fine Arts Commission)
- **Personal Preparedness Campaign** (recommended by Public Safety Commission)
- **Traffic Garden** (recommended by Bicycle Pedestrian Commission)
- **Vision Zero** (recommended by Bicycle Pedestrian Commission and Technology, Information, and Communication Commission)

- **New City Seal**

These items can be identified in Attachment D as items labeled “Fiscal Year: FY22.”

The proposed FY 21-22 City Work Program has been developed with careful consideration of current resources and continued impacts from the COVID-19 pandemic. Items can be added, removed, or adjusted at the direction of Council.

Sustainability Impact

Items included in the proposed FY 21-22 City Work Program regarding sustainability will further the City’s progress toward our climate and sustainability goals. In particular, the update to the Climate Action Plan will set the stage for sustainability initiatives in the future.

Fiscal Impact

The proposed FY 21-22 City Work Program includes \$3,762,500 of funding that has already been allocated and \$720,500 in additional funding that will be required. In total, the proposed FY 21-22 City Work Program is estimated to cost \$4,483,000 to complete.

Prepared by: Katy Nomura, Assistant to the City Manager

Approved by: Dianne Thompson, Assistant City Manager

Attachments:

A – FY 2020-2021 City Work Program Dashboard Q2 Updates

B – FY 2019-2020 City Work Program Items Delayed Due to COVID-19 Updates

C – Commission and Audit Committee Proposals for FY 2021-2022 City Work Program

D – Proposed FY 2021-2022 City Work Program

Affordable Housing Strategies

Objective	Category	Size	Budget	Budget Expended	Budget Remaining
▼ Explore the development of strategies that provides a variety of products across the affordability levels including updates to the City's density bonus ordinance, housing for the developmentally disabled, and moderate/low/very low/extremely low income.	Housing	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	✓ Complete	Conducted 2019 BMR Linkage Fee Study as part of the FY 19-20 work program. City Council adopted the 2019 BMR Linkage Fee study on 5/19/20, which included an increase to 20% inclusionary requirement for ownership units.	7/1/2019	6/30/2020	100	2/24/2021
1.3	Planning Phase	● In Progress	Reviewed 2019 BMR Linkage Fee Update and ELI Memo, draft Density Bonus Ordinance, and begin Housing Element update process.	7/1/2020	6/30/2021	20	2/24/2021
1.4	Procurement	● In Progress	Draft and release RFP, select consultant for Housing Element update.	10/1/2020	1/30/2021	75	2/24/2021

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

Objective	Category	Size	Budget	Budget Expended	Budget Remaining
▼ 1) Identify ways to build ELI housing units for developmentally disabled. 2) Look at possibility of building 6-8 affordable ownership townhomes.	Housing	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	✓ Complete	Research need for ELI developmentally disabled housing and moderate income housing and determine possible City locations.	7/1/2019	10/30/2019	100	2/24/2021
1.3	Planning Phase	● In Progress	Released FY 21-21 City and CDBG capital housing funds, scope affordable housing project with Habitat for Humanity, and work with Public Works to determine feasibility of project on City site.	7/1/2019	10/30/2021	85	2/24/2021

Establish Preapproved ADU Plans

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
Establish procedures and policies on streamlining the ADU review process.				Housing	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	Complete	Review City resources and information from other jurisdictions.	3/2/2020	9/1/2020	100	2/24/2021
1.4	Closing Processes	In Progress	Finalize comments with Building and Planning. Update webpage accordingly.	12/1/2020	4/1/2021	25	2/24/2021

Homeless Services and Facilities

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
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.				Housing	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	Complete	Researched existing City/County programs to determine needs for homeless residents.	7/1/2019	6/30/2020	100	2/24/2021
1.3	Planning Phase	In Progress	Worked with the County and Destination:HOME on the Community Plan to End Homelessness. Determined need for creation of City Plan to End Homelessness.	7/1/2019	12/31/2021	89	2/24/2021
1.4	Procurement	Future	Work with consultant to draft the City Plan to End Homelessness. Provided sanitary stations to homeless encampment. Provided emergency assistance funds to Abode Services to administer program for encampment.	7/1/2021	1/22/2022	54	2/24/2021
1.5	Execution Phase	Future		1/15/2022	6/30/2022	0	2/24/2021
1.6	Closing Processes	Future		6/1/2022	6/30/2022	0	2/24/2021

Housing Program for De Anza College Students

Objective	Category	Size	Budget	Budget Expended	Budget Remaining
▼ Explore solutions for homeless and housing insecure students. Assist as appropriate in the long-term development of De-Anza student housing. Investigate partnership with De Anza on student housing and transportation solutions.	Housing	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	✓ Complete	Worked with De Anza College to determine needs for student housing programs.	7/1/2019	10/16/2020	100	2/24/2021
1.3	Planning Phase	✓ Complete	Worked with De Anza College to develop and review program guidelines for the Housing Assistance and House Sharing Program.	9/16/2020	10/30/2020	100	2/24/2021
1.4	Procurement	✓ Complete	Executed contract for De Anza College housing program and wired funds to West Valley Community Services to implement program.	10/1/2020	10/30/2020	100	2/24/2021
1.5	Execution Phase	● In Progress	De Anza College launched Housing Assistance and House Sharing Program.	11/1/2020	6/30/2021	25	2/24/2021
1.6	Closing Processes	Future		6/1/2021	6/30/2021	0	2/24/2021

Housing Survey

Objective	Category	Size	Budget	Budget Expended	Budget Remaining
▲ To improve public engagement, conduct a citywide housing survey ahead of the 2023-2030 Housing Element update.	Housing	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	✓ Complete	Reviewed Spring 2020 City Housing Survey and prepared for future survey.	7/1/2019	10/30/2019	100	2/24/2021
1.3	Procurement Phase	✓ Complete	Selected consultant and executed contract.	1/1/2020	2/28/2020	100	2/24/2021
1.4	Planning Phase	● In Progress	Worked with Subcommittee and consultant to develop Housing Survey.	7/1/2020	3/1/2021	80	2/24/2021
1.5	Outreach	Future	Notify community of Housing Survey project.	3/1/2021	5/3/2021	0	2/24/2021
1.6	Execution Phase	Future	Educate community on Housing Survey. Collect data upon survey completion.	5/3/2021	6/3/2021	0	2/24/2021
1.7	Closing Processes	Future		6/3/2021	6/30/2021	0	2/24/2021

Research Governor's pledge towards homelessness, work with local agencies and service providers to connect with local funding

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
Advocate for funding dedicated to Cupertino projects and programs.				Housing	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	 In Progress	Research needs of homeless residents and eligible funding opportunities.	7/1/2020	12/31/2020	99	2/24/2021
1.3	Execution Phase	 In Progress	Participate in Santa Clara County efforts to address homelessness and identify services and resources needed.	7/1/2020	6/30/2021	25	2/24/2021
1.4	Outreach	 In Progress	Track and apply for eligible funding sources, if any.	1/3/2020	6/30/2021	25	2/24/2021
1.5	Closing Processes	Future		6/1/2021	6/30/2021	0	2/24/2021

Review the City's Housing and Human Services Grant (HSG) Funds

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
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.				Housing	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	 Complete	Researched existing City funded programs and determined need for additional General Fund HSG funds for homeless transportation services. Identified allowable uses for emergency financial assistance programs.	7/1/2020	10/30/2020	100	2/24/2021
1.3	Outreach	 Complete	Marketed FY 20-21 City HSG (public services) funds.	7/1/2020	7/1/2020	100	2/24/2021
1.4	Planning Phase	 Complete	Evaluated FY 20-21 City Housing and Human Services Grant (public services) applications. Created, drafted, and launched the City's Emergency Assistance Funds program for Cupertino tenants impacted by COVID-19	10/1/2019	7/1/2020	100	2/24/2021
1.5	Procurement	 Complete	Drafted and executed contracts for the City's Emergency Assistance Funds program and the City's HSG funds.	7/1/2020	12/9/2020	100	2/24/2021
1.6	Execution Phase	 Complete	Launched the City's Emergency Assistance Funds program and the City's Housing and Human Services Grant programs.	6/1/2020	10/1/2020	100	2/24/2021
1.7	Closing Processes	 Complete	Monitored the City's Emergency Assistance Funds program and the City's Housing and Human Services Grant programs.	10/1/2020	10/30/2020	100	2/24/2021

Study Session for the Impact and Requirement for next RHNA Cycle

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
Review preliminary RHNA numbers. Look at strategies for RHNA compliance including evaluating sites for potential upzoning, and jobs-housing ratio and statistics.				Housing	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Execution Phase	 In Progress	Following regional meetings and announcements from ABAG/MTC. Schedule hearings and study sessions with Planning Commission and/or City Council as needed. Currently five meetings have already been conducted. Housing element update anticipated by 9/30/23.	5/19/2020	9/30/2023	80	2/24/2021
1.3	Closing Processes	Future		10/1/2023	12/30/2023	0	2/24/2021

Transportation to-from Service Providers

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
1. Research existing bus routes, 2. Provide funding to non-profits/social service providers for bus passes.				Housing	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	 Complete	Researched transportation services and worked with WVCS to determine need.	2/28/2020	6/30/2020	100	2/24/2021
1.3	Planning Phase	 Complete	Released City's Housing and Human Services Grant (HSG) funds and worked with WVCS to apply for funds.	11/11/2019	2/6/2020	100	2/24/2021
1.4	Procurement	 Complete	City Council increased General Fund HSG allocation to \$125,000 and WVCS was awarded General Fund HSG for transportation services.	2/7/2020	6/30/2020	100	2/24/2021
1.5	Outreach	 Complete	Promoted City Housing and Human Service Grant funds to community.	10/1/2019	11/15/2019	100	2/24/2021
1.6	Execution Phase	 Complete	WVCS providing transportation services to eligible community members.	7/1/2020	7/1/2020	100	2/24/2021
1.7	Closing Processes	 Complete	Conducted Q1 monitoring and compliance.	7/1/2020	10/15/2020	100	2/24/2021

Commissioner Handbook Update

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
Revise and update the Commissioner Handbook to include provisions adopted by Council on January 21, 2020 and to make the document more user-friendly.				Public Engagement	Medium	\$2,212,908	\$2,100,184	\$2,212,908


#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	✓ Complete	Researched handbooks in other cities.	10/22/2020	11/6/2020	100	2/24/2021
1.3	Outreach	✓ Complete	Held joint commission meeting and included feedback in staff report.	10/22/2020	12/7/2020	100	2/24/2021
1.4	Planning Phase	✓ Complete	Drafted revised handbook with feedback incorporated.	11/4/2020	11/15/2020	100	2/24/2021
1.5	Execution Phase	✓ Complete	Approved by Council on 1/19/21. Commissioners will be trained on the updated handbook.	12/7/2020	1/31/2021	100	2/24/2021

Leadership Program





Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
To provide education to the public about City government.				Public Engagement & Transparency	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	● In Progress	Project put on hold due to COVID-19. Unable to move forward with program as stay at home orders don't allow people to meet and representatives from other programs are not hosting virtual leadership programs.	11/9/2020	12/18/2020	33	2/24/2021
1.3	Planning Phase	Future		3/4/2021	7/7/2021	0	2/24/2021
1.4	Outreach	Future		5/10/2021	7/30/2021	0	2/24/2021
1.5	Execution Phase	Future		8/1/2021	11/30/2021	0	2/24/2021
1.6	Closing Processes	Future		11/30/2021	11/30/2021	0	2/24/2021

Pilot - Online Store for City-Branded Items




Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼				Public Engagement	Small	\$2,212,908	\$2,100,184	\$2,212,908
Explore the viability of establishing and maintaining an online store to sell City-branded merchandise.								
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	 In Progress	Will look into quotes from vendors to identify start-up and ongoing costs. Fine Arts Commission has researched possible merchandise, and will recommend possibly items at a future meeting.	11/2/2020	3/15/2021	18	2/24/2021	
1.3	Planning Phase	Future		3/15/2021	3/26/2021	0	2/24/2021	
1.4	Design Phase	Future		3/26/2021	5/6/2021	0	2/24/2021	
1.5	Execution Phase	Future		5/6/2021	6/16/2021	0	2/24/2021	
1.6	Closing Processes	Future		6/16/2021	6/25/2021	0	2/24/2021	

Policies on Nonprofit Support

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼				Public Engagement	Medium	\$2,212,908	\$2,100,184	\$2,212,908
Review and implement policies on funding and support for nonprofit organizations, including meeting room space and office space.								
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	 Complete	Review the Community Funding process to highlight any concerns or possible areas for improvement.	10/19/2020	10/23/2020	100	2/24/2021	
1.3	Planning Phase	 Complete	Review and draft edits to the current Community Funding Policy.	10/19/2020	10/27/2020	100	2/24/2021	
1.4	Design Phase	 Complete	Review with Administrative Services staff on the suggested edits to the Community Funding Policy. Presented edits to Parks and Recreation Commission for review and feedback at the November 16, 2020 special meeting.	10/28/2020	11/20/2020	100	2/24/2021	
1.5	Closing Processes	 Complete	City Council reviewed and approved the proposed edits on December 1, 2020. The revised Community Funding policy and applications were posted online and the non-profit support website was established on the City's website on January 1, 2021.	12/1/2020	1/29/2021	100	2/24/2021	




Roadmap Project

Objective		Category	Size	Budget	Budget Expended	Budget Remaining
▼						
Publish Process Flow Chart for Public Facing Online Applications		Public Engagement & Transparency	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Planning Phase	 In Progress	In Process - Identify online service and prioritize list. Graphics Tool (Visio) selected	7/1/2020	10/1/2021	73	2/24/2021
1.3	Design Phase	 Complete	Design Complete - PRA Application	9/1/2020	10/30/2020	100	2/24/2021
1.4	Execution Phase	 In Progress	Development Process flow in progress and Recreation Process flow under final review	1/11/2021	12/3/2021	30	2/24/2021
1.5	Closing Processes	Future		12/6/2021	12/22/2021	0	2/24/2021

Small Business Development Center (SBDC) Counseling Hours

Objective		Category	Size	Budget	Budget Expended	Budget Remaining
▼						
Explore the viability of establishing on-site regular office hours for an SBDC counselor		Public Engagement	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	 In Progress	City facilities and use of Library's ThinkTank room are possible future options when public buildings are reopened per updated health orders.	7/1/2020	6/1/2021	91	2/24/2021
1.3	Outreach	 In Progress	On hold per health order guidelines	7/1/2020	6/30/2021	73	2/24/2021
1.4	Planning Phase	 In Progress	On hold per health order guidelines	7/1/2020	6/30/2021	73	2/24/2021
1.5	Execution Phase	Future		3/1/2021	6/30/2021	0	2/24/2021
1.6	Closing Processes	Future		3/1/2021	6/30/2021	0	2/24/2021


Two Way Communication

Objective	Category	Size	Budget	Budget Expended	Budget Remaining
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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.

Public
Engagement

Small \$2,212,908 \$2,100,184 \$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	 In Progress	Received feedback from multiple jurisdictions regarding social media platforms and use. Will now discuss any legal issues with City Attorney and review findings with the City Manager.	10/19/2020	4/2/2021	42	2/24/2021
1.3	Design Phase	Future		3/1/2021	3/26/2021	0	2/24/2021
1.4	Execution Phase	Future		3/26/2021	3/26/2021	0	2/24/2021
1.5	Closing Processes	Future		3/26/2021	3/29/2021	0	2/24/2021

Blackberry Farm Golf Course Needs Assessment


Objective				Category	Size	Budget	Budget Expended	Budget Remaining
Determine short-term and long-term improvements to the golf course and amenities.				Quality of Life	Medium	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Planning Phase	✔ Complete	Engaged previous consultant to perform a revised needs assessment of the golf course.	8/31/2020	9/4/2020	100	2/24/2021	
1.3	Research	● In Progress	Research performed on local, similarly sized municipal golf courses. Currently updating scope of work to provide to the consultant.	9/9/2020	1/29/2021	88	2/24/2021	
1.4	Procurement	● In Progress	Will execute a contract with the consultant for the golf course feasibility study to include an updated scope of work.	2/1/2021	3/11/2021	0	2/24/2021	
1.5	Execution Phase	Future	Consultant will assess different options and financial impacts for golf course and present the draft study to the City for review and feedback.	3/12/2021	7/27/2021	0	2/24/2021	
1.6	Outreach	Future	Will facilitate outreach to key stakeholders about discussing future options of the golf course. Present draft study to Parks and Recreation Commission and City Council for feedback.	7/5/2021	9/21/2021	0	2/24/2021	
1.7	Closing Processes	Future	After receiving feedback and input from City Council on the draft study, resubmit for final approval and adoption. Expected completion by October of 2021.	9/22/2021	10/19/2021	0	2/24/2021	

Consider Policies and Related Code Amendments to Regulate Mobile Services Vendors

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
Develop and adopt policies to regulate mobile vendors to include a variety of use types, as well as incorporate SB 946.				Quality of Life	Medium	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	✔ Complete	Research completed and ordinance drafted.	7/1/2020	10/30/2020	100	2/24/2021	
1.3	Outreach	✔ Complete	Engaged residents and businesses to solicit feedback regarding proposed policies.	7/1/2020	10/26/2020	100	2/24/2021	
1.4	Planning Phase	✔ Complete	Draft ordinance, findings, and guidelines for complying with SB 946 and implementing Mobile Vendors policies.	7/1/2020	12/15/2020	100	2/24/2021	
1.5	Execution Phase	✔ Complete	Present PC recommendations to City Council.	10/27/2020	1/19/2021	100	2/24/2021	
1.6	Closing Processes	● In Progress	Implement permit application process and schedule City Council study session on motorized vendors	2/8/2021	6/30/2021	0	2/24/2021	


Development Accountability

Objective		Category	Size	Budget	Budget Expended	Budget Remaining
▼						
Analyze methods to limit the implementation timeline for entitled/future projects and encourage development. Monitor implementation of development agreements and conditions of approval. Review and establish accountability in the project approval process.		Quality of Life	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	 In Progress	Currently conducting research for the City and surrounding jurisdictions.	3/1/2020	3/1/2021	6	2/24/2021
1.3	Planning Phase	Future	Planning phase pending research.	3/1/2021	4/1/2021	0	2/24/2021
1.4	Design Phase	Future		4/1/2021	6/1/2021	0	2/24/2021
1.5	Execution Phase	Future		6/1/2021	6/15/2021	0	2/24/2021
1.6	Closing Processes	Future		6/15/2021	6/30/2021	0	2/24/2021

Dogs Off Leash Area (DOLA)

Objective		Category	Size	Budget	Budget Expended	Budget Remaining
▼						
Identify additional areas suitable for permitting dogs to be off leash and establish one such area, if the current trial period is successful.		Quality of Life	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	 Complete	Initial comparative analysis of neighboring cities with existing DOLAs completed.	7/1/2019	8/2/2019	100	2/24/2021
1.3	Outreach	 Complete	Survey was administered to neighboring residents (within .25 miles) of Jollyman Park. 618 responses with 78% in support of the trial. Parks and Recreation Commission approved initial trial.	7/1/2019	9/5/2019	100	2/24/2021
1.4	Execution Phase	 In Progress	Initial trial performed and extended until June 30, 2021 or until sufficient data is collected for the co-existence of youth sports groups and the DOLA. Research is complete on other potential locations for DOLAs.	9/6/2019	6/30/2021	82	2/24/2021
1.5	Outreach	 In Progress	Present survey results and request feedback on additional DOLA site location from the Parks and Recreation Commission.	2/4/2021	3/4/2021	0	2/24/2021
1.6	Closing Processes	Future	Present trial results and recommend additional site to Parks and Recreation Commission then City Council. Determine if trial is successful, request approval and implement DOLAs.	7/1/2021	10/1/2021	0	2/24/2021

Emergency Services Continuity of Operations Plan

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
Complete plan to resume operations of the City after a major emergency.				Quality of Life	Medium	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	✔ Complete	Determination of need and research completed.	12/1/2019	1/14/2020	100	2/24/2021	
1.3	Planning Phase	✔ Complete	COOP planning in progress. Departmental meeting and draft plan in progress. Minor delays due to COVID-19 response.	6/1/2020	5/28/2021	100	2/24/2021	
1.4	Procurement	✔ Complete	Qualified vendor identified and selected.	2/4/2020	7/14/2020	100	2/24/2021	
1.5	Outreach	● In Progress	Outreach and engagement with the public will be conducted primarily through the Public Safety Commission and the Disaster Council during plan development and as the draft is finalized.	12/10/2020	7/1/2021	0	2/24/2021	
1.6	Execution Phase	● In Progress	The kick-off meeting was held with the consultant and launched the planning process with all departments. Planning partners reviewing draft document.	1/1/2021	6/30/2021	13	2/24/2021	
1.7	Closing Processes	Future		5/3/2021	6/30/2021	0	2/24/2021	


General Plan Authorization Process

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
Evaluate the existing City Council authorization process for General Plan Amendment projects.				Quality of Life	Small	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	✔ Complete	Research existing documentation and processes of other jurisdictions.	7/7/2020	12/15/2020	100	2/24/2021	
1.3	Outreach	✔ Complete	Council Study Session on 7/7/2020	7/7/2020	11/5/2020	100	2/24/2021	
1.4	Execution Phase	✔ Complete	Prepared materials for hearings	10/1/2020	12/12/2020	100	2/24/2021	
1.5	Closing Processes	● In Progress	PC hearing on 1/12/21 with recommendation presented to Council on 2/2/21	12/8/2020	4/1/2021	13	2/24/2021	


Parks & Recreation Dept Strategic Plan

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
Complete a strategic plan that addresses the immediate and short-term opportunities identified in the Master Plan.				Quality of Life	Small	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Execution Phase	 In Progress	Continue to engage with Public Works to identify ongoing routine park improvements that contribute to the strategic plan goals.	7/1/2020	6/30/2021	60	2/24/2021	
1.3	Research	 Complete	Research performed on 18 sites and amenities for potential improvements. Reviewed the tot playground equipment at Creekside and Varian for possible equipment replacement, focusing on themed equipment.	7/1/2020	11/20/2020	100	2/24/2021	
1.4	Outreach	 Complete	Utilizing results from the Parks and Recreation System Master Plan to guide prioritization of amenity improvements. Gather feedback from staff and stakeholders on playground replacement options.	11/2/2020	12/4/2020	100	2/24/2021	
1.5	Planning Phase	 In Progress	The Parks and Recreation Commission reviewed playground replacement themes. Playground designs will be presented at a future meeting. The Commission will review amenity improvements at 3 to 4 meetings from January to March 2021 for prioritization.	11/23/2020	5/26/2021	13	2/24/2021	
1.6	Closing Processes	Future	Finalize prioritization plans for park amenity improvements and playground replacement projects. Submit to the City's CIP program and Public Works Grounds Division for implementation. Include prioritization for future projects in upcoming fiscal years.	5/27/2021	6/9/2021	0	2/24/2021	




Pilot - Noise Measurement

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
Determine effectiveness of measuring noise utilizing IOT sensors.				Quality of Life	Small	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	 In Progress	In Process - RFI Responses being Evaluated	9/7/2020	3/5/2021	86	2/24/2021	
1.3	Planning Phase	Future		3/8/2021	3/17/2021	0	2/24/2021	
1.4	Procurement	Future		3/17/2021	3/31/2021	0	2/24/2021	
1.5	Execution Phase	Future		4/1/2021	6/23/2021	0	2/24/2021	
1.6	Closing Processes	Future		6/24/2021	8/5/2021	0	2/24/2021	

Pilot - Pollution Monitoring

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
Utilize IOT sensors to measure particulate and/or pollution levels.				Quality of Life	Small	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	 In Progress	In Process - RFI Responses being Evaluated	9/7/2020	3/5/2021	86	2/24/2021	
1.3	Planning Phase	Future		3/8/2021	3/17/2021	0	2/24/2021	
1.4	Procurement	Future		3/17/2021	3/31/2021	0	2/24/2021	
1.5	Execution Phase	Future		4/1/2021	6/23/2021	0	2/24/2021	
1.6	Closing Processes	Future		6/24/2021	8/5/2021	0	2/24/2021	

Rancho Rinconada (RR)

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
Begin operations of aquatics programs and facility rentals, if RR is absorbed by City.				Quality of Life	Medium	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	 Complete	The Local Agency Formation Commission of Santa Clara County (LAFCO) completed a study of three future options for Rancho Rinconada (RR). Report was provided to staff for review.	1/29/2020	2/17/2020	100	2/24/2021	
1.3	Outreach	 Complete	City Council reviewed LAFCO report, recommended options 1 and 2. The City surveyed RR residents. 50 households responded, with 65% in support of the merger. Parks and Recreation Commission recommended merger option. Staff will perform additional outreach.	2/18/2020	10/1/2020	100	2/24/2021	
1.4	Planning Phase	 In Progress	Prepare application to LAFCO on the merger, including detailed plan for services to ensure status quo or improved level of service.	10/27/2020	10/29/2021	6	2/24/2021	
1.5	Procurement	Future	Merger application will be submitted to LAFCO for the board to review.	11/1/2021	1/3/2022	0	2/24/2021	
1.6	Execution Phase	Future	Pending approval of application from LAFCO, work on the annexation of RR into the City will begin.	1/4/2022	4/29/2022	0	2/24/2021	
1.7	Closing Processes	Future	City takes ownership of RR and finalizes operations of the site.	5/2/2022	6/30/2022	0	2/24/2021	

Reducing Secondhand Smoke Exposure

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
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.				Quality of Life	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	✓ Complete	Research of policy options in other cities completed.	7/1/2020	8/17/2020	100	2/24/2021
1.3	Outreach	✓ Complete	Outreach consisted of a survey, 2 virtual community meetings, postcard mailings, social media posts, enotifications, as well as direct contact with event facilitators, property managers, the Chamber LAC, and business owners	9/22/2020	1/4/2021	100	2/24/2021
1.4	Planning Phase	✓ Complete	Council study session held on 9/15/20	8/1/2020	1/31/2021	100	2/24/2021
1.5	Execution Phase	● In Progress	Drafting ordinance and staff report in preparation for 1st ordinance reading on 3/2/21	1/1/2021	3/16/2021	12	2/24/2021
1.6	Closing Processes	Future		3/16/2021	4/16/2021	0	2/24/2021

Residential and Mixed Use Residential Design Standards

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
Create objective design standards for residential and mixed-use residential projects, including ensuring adequate buffers from neighboring low-density residential development.				Quality of Life	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Procurement	● In Progress	RFP sent out in Oct 2020. Proposals being evaluated. Contracts and budget amendments expected in Jan 2021.	10/9/2020	2/16/2021	28	2/24/2021
1.3	Execution Phase	Future		3/1/2021	9/1/2021	0	2/24/2021
1.4	Closing Processes	Future		8/1/2022	9/1/2022	0	2/24/2021

Review and Update General Plan and Municipal Code

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
Evaluate the GP & MC per industry standards for areas where objective standards & zoning/design guidelines can be provided and/or revised. Amend GP & MC & zoning code to provide objective standards. Re-evaluate the Heart of the City Specific Plan for sect				Quality of Life	Large	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	✓ Complete	Reviewed existing documentation and objective standards.	6/3/2019	10/2/2019	100	2/24/2021	
1.3	Outreach	✓ Complete	Seven meetings held with Planning Commission and two meetings held with City Council in 2019 to collect comments from public, commissioners and councilmembers. City Council delegated prioritization to City Manager.	6/3/2019	6/3/2019	100	2/24/2021	
1.4	Planning Phase	✓ Complete	Met approximately 15 times between Oct 2019 and Sept 2020 to prioritize and discuss each suggestion made and determine next steps.	6/3/2019	6/5/2019	100	2/24/2021	
1.5	Procurement	● In Progress	Council adopted general plan and zoning code objective standards for Vallco in August and September 2019. Council adopted zoning code objective standards for P zoning and parkland dedications in December 2019. Third Round of amendments by Spring 2021.	9/1/2020	2/1/2021	20	2/24/2021	
1.6	Execution Phase	Future	Anticipated to present third round of amendments in Spring 2021	3/23/2021	3/23/2021	99	2/24/2021	
1.7	Closing Processes	Future		3/17/2021	4/1/2021	0	2/24/2021	

Review Environmental Review Committee (ERC)

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
Review the scope of the ERC.				Quality of Life	Small	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	✓ Complete	Research of current scope and scope in other cities complete.	9/1/2020	11/19/2020	100	2/24/2021	
1.3	Outreach	● In Progress	Preparing to present research results to Environmental Review Committee (ERC).	11/19/2020	4/30/2021	14	2/24/2021	
1.4	Planning Phase	Future		4/19/2021	5/21/2021	0	2/24/2021	
1.5	Execution Phase	Future		5/21/2021	6/14/2021	0	2/24/2021	
1.6	Closing Processes	Future		6/15/2021	7/16/2021	0	2/24/2021	

Sign Ordinance Update

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
Update existing provisions, particularly in the temporary sign regulations.				Quality of Life	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	In Progress	Conducting research on surrounding jurisdictions, researching illumination standards	5/13/2020	9/11/2020	60	2/24/2021
1.3	Planning Phase	In Progress	Finalizing language to amend ordinance	12/1/2020	3/1/2021	34	2/24/2021
1.4	Design Phase	In Progress	Preparing materials for PC and CC hearing	2/1/2021	5/4/2021	0	2/24/2021
1.5	Execution Phase	Future		3/9/2021	4/20/2021	0	2/24/2021
1.6	Closing Processes	Future		4/21/2021	5/7/2021	0	2/24/2021

Study session on potential ordinance updates and clean up on banning gas-powered leaf blowers

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
Provide information and materials to consider an ordinance to ban gas powered leaf blowers.				Quality of Life	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	Complete	Memo of existing regulations and surrounding jurisdictions to City Manager, conducted research on surrounding jurisdictions.	7/22/2019	9/7/2020	100	2/24/2021
1.3	Planning Phase	Complete	Developed matrix based on findings from research.	7/1/2020	9/7/2020	100	2/24/2021
1.4	Design Phase	Complete	All hearing materials prepared and finalized for meetings with Council and Planning Commission.	9/7/2020	10/29/2020	100	2/24/2021
1.5	Execution Phase	Complete	PC voted against recommending approval, CC motioned to approve ordinance with removal of language for gas-blower ban and to regulate noise only.	9/22/2020	11/2/2020	100	2/24/2021
1.6	Closing Processes	Complete	City Council adopted ordinance on 11/2/20.	11/2/2020	11/2/2020	100	2/24/2021

Study Session on Regulating Diversified Retail Use

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
Identify ways to encourage retail diversity and vital services, find creative solutions to retenant vacant spaces and to attract independent operators. Evaluate pros and cons of Retail Formula Ordinances in other cities.				Quality of Life	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	Future	Continue research to include affects of pandemic. This item must be undertaken in conjunction with review of General Plan and Heart of the City plans.	7/1/2021	5/31/2022	50	2/24/2021
1.3	Outreach	Future		7/1/2021	9/27/2021	39	2/24/2021
1.4	Planning Phase	Future		1/3/2022	2/2/2022	0	2/24/2021
1.5	Execution Phase	Future		4/29/2022	6/29/2022	0	2/24/2021
1.6	Closing Processes	Future		6/30/2022	6/30/2022	0	2/24/2021

Targeted Marketing Programs to Assist Small Businesses

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
Develop and launch programs to assist marketing small businesses.				Quality of Life	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	✓ Complete	Researched various programs to assist small businesses	7/1/2020	11/2/2021	100	2/24/2021
1.3	Outreach	✓ Complete	Met with local businesses to gather input and ideas of what type of marketing assistance would be helpful. Used virtual meeting/phone call opportunities, email, and Business Buzz newsletter.	7/1/2020	11/3/2021	100	2/24/2021
1.4	Planning Phase	✓ Complete	Worked with Chamber to develop the "I Love Cupertino Community e-Gift Card" program	11/6/2020	12/21/2020	100	2/24/2021
1.6	Closing Processes	✓ Complete	I Love Cupertino e-Gift Card program is live	2/1/2021	2/1/2021	100	2/24/2021

Climate Action Plan


Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
Engage a consultant and commit staff time to developing CAP 2.0. Addressing climate adaptation, resiliency, transportation greenhouse gasses, and environmental justice in the next climate action plan.				Sustainability & Fiscal Strategy	Large	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	✔ Complete	Benchmark with other cities, conducted policy research	7/1/2020	10/1/2020	100	2/24/2021	
1.4	Outreach	● In Progress	Prepared a request for proposals for outreach consultants	10/15/2020	9/3/2021	15	2/24/2021	
1.5	Planning Phase	● In Progress	Formed the planning subcommittee with two members from the Sustainability Commission	8/1/2020	3/12/2021	71	2/24/2021	
1.6	Execution Phase	● In Progress	Data collection phase for updating greenhouse gas emissions forecast (2018-2050)	10/1/2020	11/15/2021	11	2/24/2021	
1.7	Closing Processes	Future		8/15/2021	12/17/2021	0	2/24/2021	

Investigate Alternatives to City Hall

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
Look for alternatives to constructing a new City Hall at 10300 Torre Ave.				Sustainability & Fiscal Strategy	Large	\$2,212,908	\$2,100,184	\$2,212,908
# ▲	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	<div><div></div></div> In Progress	Researched cost to re-build / remodel City Hall. Researching alternative locations for City Hall.	5/1/2020	8/13/2021	25	2/24/2021	
1.3	Outreach	Future		8/2/2021	8/31/2021	0	2/24/2021	
1.4	Closing Processes	Future		8/24/2021	9/9/2021	0	2/24/2021	


Municipal Water System

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▼								
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.				Sustainability & Fiscal Strategy	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	 In Progress	Researching Legal and other requirements if system is leased or sold in the future.	11/2/2020	5/3/2021	25	2/24/2021
1.3	Planning Phase	Future		5/3/2021	9/3/2021	0	2/24/2021
1.4	Procurement	Future		7/26/2021	12/3/2021	0	2/24/2021
1.5	Execution Phase	Future		11/2/2021	9/12/2022	0	2/24/2021
1.6	Closing Processes	Future		9/12/2022	10/1/2022	0	2/24/2021

Pilot - Water Scheduling Based on Moisture Content

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
▲								
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.				Sustainability & Fiscal Strategy	Small	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	 In Progress	In Process - RFI Responses being Evaluated	9/7/2020	3/5/2021	86	2/24/2021
1.3	Planning Phase	Future		3/8/2021	3/17/2021	0	2/24/2021
1.4	Procurement	Future		3/17/2021	3/31/2021	0	2/24/2021
1.5	Execution Phase	Future		4/1/2021	6/23/2021	0	2/24/2021
1.6	Closing Processes	Future		6/24/2021	8/5/2021	0	2/24/2021

Public Infrastructure Financing Strategy

Objective		Category	Size	Budget	Budget Expended	Budget Remaining
▼						
Present a study of financing alternative 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, etc.		Sustainability	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.4	Closing Processes	✓ Complete	City Council elected not to move forward with the strategies presented. Public Infrastructure Financing Strategy remained as is.	6/16/2020	6/16/2020	100	2/24/2021
1.2	Research	✓ Complete	Engage financial advisor, collaborate and analyze City's budget, financial data, and future needs. Develop various financing strategies.	1/1/2019	2/11/2019	100	2/24/2021
1.3	Execution Phase	✓ Complete	Presented to City Council on April 2, 2019 and June 2, 2020.	4/2/2019	6/2/2020	100	2/24/2021

Review Property Tax Share

Objective		Category	Size	Budget	Budget Expended	Budget Remaining
▼						
Study and evaluate ways to increase the City's Property Tax share		Sustainability	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	✓ Complete	Collaborating with neighboring jurisdictions and analyzing agreements in place. Researched options the City has to amend the City's agreement with County Fire.	7/1/2020	12/15/2020	100	2/24/2021
1.3	Execution Phase	✓ Complete	Changing property tax allocation would require legislative action and a reduction to other agency allocations. No feasible future options resulted from the research and collaboration efforts.	1/1/2021	1/29/2021	100	2/24/2021
1.4	Closing Processes	✓ Complete	Research and collaboration efforts have been noted, but with no feasible options to increase the City's allocation, this project is complete.	1/1/2021	1/29/2021	100	2/24/2021

Single-Use Plastics Ordinance

Objective	Category	Size	Budget	Budget Expended	Budget Remaining
▼ Adopt an ordinance to address single-use food service ware items. Engage stakeholders, conduct public outreach, determine CEQA requirements, work with Sustainability Commission.	Sustainability & Fiscal Strategy	Medium	\$2,212,908	\$2,100,184	\$2,212,908

# ▲	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	 In Progress	Participating in regional policy meetings, discussing CEQA.	10/20/2020	4/15/2021	47	2/24/2021
1.3	Planning	 In Progress	Developing stakeholder engagement and ordinance process plan.	11/10/2020	10/19/2021	0	2/24/2021
1.4	Procurement	 In Progress	Determine need for outside help.	1/11/2021	10/19/2021	0	2/24/2021
1.5	Outreach	 In Progress	Identifying critical stakeholders, including food service, food safety, disabled, Chamber, youth.	2/11/2021	1/1/2022	0	2/24/2021
1.6	Design Phase	 In Progress	Customizing a model framework to fit Cupertino	1/28/2021	9/28/2021	0	2/24/2021
1.7	Execution Phase	Future		7/15/2021	12/21/2021	0	2/24/2021
1.8	Closing Processes	Future		12/7/2021	12/16/2021	0	2/24/2021

Bollinger Road Safety Study

Objective		Category	Size	Budget	Budget Expended	Budget Remaining
▼						
Conduct a safety and operational study of the Bollinger Road corridor. Look at ways to improve vehicle, bicycle, and pedestrian safety.		Transportation	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Procurement	✓ Complete	Final scope and fee negotiations with consultant in process	10/27/2020	11/27/2020	100	2/24/2021
1.3	Execution Phase	● In Progress	Data collection underway. Website for public participation being developed, will be published soon.	11/16/2020	5/28/2021	13	2/24/2021
1.4	Closing Processes	Future		6/16/2021	6/30/2021	0	2/24/2021


Pilot - Adaptive Traffic Signaling

Objective		Category	Size	Budget	Budget Expended	Budget Remaining
▼						
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.		Transportation	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Research	● In Progress	In Process - RFI Responses being Evaluated	9/7/2020	3/5/2021	86	2/24/2021
1.3	Planning Phase	Future		3/8/2021	3/17/2021	0	2/24/2021
1.4	Procurement	Future		3/17/2021	3/31/2021	0	2/24/2021
1.5	Execution Phase	Future		4/1/2021	6/23/2021	0	2/24/2021
1.6	Closing Processes	Future		6/24/2021	8/5/2021	0	2/24/2021



Pilot - Multimodal Traffic Count

Objective			Category	Size	Budget	Budget Expended	Budget Remaining
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.			Transportation	Medium	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.3	Planning Phase	Future		3/8/2021	3/17/2021	0	2/24/2021
1.4	Procurement	Future		3/17/2021	3/31/2021	0	2/24/2021
1.5	Execution Phase	Future		4/1/2021	6/23/2021	0	2/24/2021
1.6	Closing Processes	Future		6/24/2021	8/5/2021	0	2/24/2021
1.2	Research	 In Progress	In Process - RFI Responses being Evaluated	9/7/2020	3/5/2021	86	2/24/2021

Regional Transformative Transit Projects Initiative

Objective			Category	Size	Budget	Budget Expended	Budget Remaining
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 Rd, 4. Highway 85 Transit Guideway, 5. Silicon Valley High Capacity Transit Loop, 6. Transit Update & Funding Strategies.			Transportation	Large	\$2,212,908	\$2,100,184	\$2,212,908

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated
1.2	Planning Phase	 Complete	Concepts were prepared by Cupertino and submitted to the MTC as part of Horizon initiative (ideas contest). Although two were selected as finalists, in the end they were deemed infeasible based on MTC scoring criteria.	4/12/2018	4/10/2021	100	2/24/2021
1.3	Execution Phase	 In Progress	Station under consideration now at SR 85 and Stevens Creek Blvd. VTA Board approved study on Highway 85 Transit Guideway and next steps awaiting prioritization among Measure B projects.	4/12/2018	4/10/2030	45	2/24/2021

Shuttle Bus Pilot Program Implementation

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
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.				Transportation	Large	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	✓ Complete	Compiled research on various shuttle options, conducted community surveys, spoke with West Sacramento staff and other Via jurisdictions, met with several transit vendors.	10/29/2019	11/20/2021	100	2/24/2021	
1.3	Outreach	✓ Complete	Conducted numerous pop-up events, including at Senior Center, library, and other locations citywide.	10/29/2019	11/30/2021	100	2/24/2021	
1.4	Planning Phase	✓ Complete	Continued outreach to likely riders and locations of interest, Caltrain, De Anza college, etc.	10/29/2019	11/30/2021	100	2/24/2021	
1.5	Procurement	✓ Complete	Met with various vendors including MV transportation, Altrans, chariot, etc.	10/29/2019	11/30/2021	100	2/24/2021	
1.6	Design Phase	✓ Complete	Pilot designed.	10/29/2019	11/20/2021	100	2/24/2021	
1.7	Execution Phase	● In Progress	Pilot launched 10/31, ridership grew steadily and service is currently paused due to COVID-19.	10/29/2019	11/20/2021	63	2/24/2021	
1.8	Closing Processes	Future		11/20/2021	11/20/2021	0	2/24/2021	

Traffic Congestion Map and Identify Solutions

Objective				Category	Size	Budget	Budget Expended	Budget Remaining
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.				Transportation	Large	\$2,212,908	\$2,100,184	\$2,212,908
#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete	Last Updated	
1.2	Research	● In Progress	Project requires measuring traffic congestion. On hold due to COVID-19	7/1/2020	6/30/2021	0	2/24/2021	
1.3	Design Phase	● In Progress	On hold due to COVID-19	7/1/2020	6/30/2021	0	2/24/2021	
1.4	Execution Phase	● In Progress	All hardware is on order and will be installed when it arrives. Solution implementation to wait until traffic increases allow solutions to be developed.	8/1/2020	6/30/2021	23	2/24/2021	
1.5	Closing Processes	Future		6/30/2021	6/30/2021	0	2/24/2021	

Smart City

FY 2019-20 City Work Program Delays Due to COVID-19

CITY OF CUPERTINO

Update on COVID Impacts (is there still a delay due to COVID or has it been resolved, please explain)	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	Est. Total Staff Hours	Staff Lead	Department
Project completed	Public Safety Surveillance Support	Recommend best practices for residential and business use of surveillance cameras for safety and anti-crime practices. Review City's surveillance cameras.	- Captain Urena partnered with the City on this project. -Budgetary quote for Phase I cameras. -Residential and business surveillance best practices have been posted on the City website. - Capt. Urena presented best practices at Public Safety Forum and other public events. - Cameras installed over cashier stations and safes. - CCTV cameras continually integrated into new system	Project Completed	Project Complete	Complete	1) Resources for surveillance and anti-crime best practices developed for the public. 2) Engagement with resources available to the general public as well as specific outreach through Neighborhood Watch groups and Public Safety Commission. 3) Evaluation and recommendation regarding City's surveillance camera system. 4) Equipment ordered/received - waiting for SIP constraints to be lifted.	Summer 2020	\$50,000	N/A	300	Katy Nomura Bill Mitchell	City Manager's Office/Innovation & Technology

Operational Efficiency

FY 2019-20 City Work Program Delays Due to COVID-19

CITY OF CUPERTINO

Update on COVID Impacts (is there still a delay due to COVID or has it been resolved, please explain)	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	Est. Total Staff Hours	Staff Lead	Department
A delay due to the Department's focus on COVID-19 response. Expected to be completed in FY 2021-22	Workforce Planning	Use data in the City's ERP system and several City documents such as the budget, Capital Improvement Program, and City Work Program to identify key positions needed and how to attract, retain or train to ensure the availability of those positions when needed.	-Attract - Negotiate new labor contracts to stay competitive, successfully recruit, and retain talent in the current job market. -Retain - In the beginning stages a Succession Planning Program in collaboration with Leadership Academy Program consultant for a target date 2019. -Employee training and development - Kicking off the Citywide BEST (Building Employee Skills through Training) Program effective April 2020.	Begin identifying key positions. Formulate training/ recruitment/ retention strategy for those positions. 1) Identify Key Positions 2) Training Strategy 3) Recruitment Strategy 4) Retention Strategy	1) July 2021 2) December 2021 3) May 2022 4) June 2022	In Progress	# of Trainings Retention Rate	June 2022	\$5,000	N/A	500	Kristina Alfaro	Administrative Services

Public and Private Partnerships

FY 2019-20 City Work Program Delays Due to COVID-19

CITY OF CUPERTINO

Update on COVID Impacts (is there still a delay due to COVID or has it been resolved, please explain)	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	Est. Total Staff Hours	Staff Lead	Department
Artist meetings, acquiring insurance, contract finalization, wall prep, and mural painting are all effected due to these steps requiring more time to implement during COVID.	Art in Unexpected Places	To beautify City 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.	Fine Arts Commission has selected an artist to complete a mural near the pool and café at Blackberry Farm. The Fine Arts Commission and Parks and Recreation Commission are collaborating on the art installation.	1) Initiate Contract with Artist 2) Work with Public Works to prep mural wall 3) Work with artist to schedule painting of the mural"	Summer 2020 to Spring 2021	In Progress	Complete mural	Spring 2021	\$10,000	N/A	100	Kelsey Christian	Parks and Recreation

Community Livability

FY 2019-20 City Work Program Delays Due to COVID-19



Update on COVID Impacts (is there still a delay due to COVID or has it been resolved, please explain)	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	Est. Total Staff Hours	Staff Lead	Department
Program was re-evaluated and re-launched with a lower budget. Project is underway now and has a full pipeline of Cupertino participants.	Lawn Buster Drought Tolerant Planting Pilot	Develop a program that allows residents to easily elect water-wise turf conversion, including pre-set landscape plans, pre-approved contractors, and fixed prices.	-Research has begun to evaluate best options for a Citywide pilot. -Data collected, researched similar programs. -Meetings with Santa Clara Valley Water District and City of San Jose Staff who have run similar programs. Staff turnover has delayed progress. New Manager has had conversations with two interested program administrators and Valley Water. Adjusting performance goals for rest of year. Program scoped and budgeted when COVID-19 became an issue. Program partner engaged and project is underway as of Sep 2020. 31 site assessments are scheduled through January 2021. Three project agreements signed with customers.	1) RFQ written. Release to potential partners for program admin. 2) Determine if program is feasible and impactful 3) Contracting for pilot program 4) Start pilot 5) Reach target number of completed landscape conversion projects	1) Winter 2019 2) Winter 2019 3) July - October 2020 4) July - October 2020 5) October 2020-May 2021	In Progress	Receive 2-3 responses for program administrators, launch pilot Spring 2020. Achieve 2-3 interested customers by June 2020. Achieved with 57 interested customers signed up.	May 2021	\$100,000.00	\$12,000	120	Andre Duurvoort	City Manager's Office
This project is now complete. Ordinance is being implemented at this time.	Short-Term Rentals (STRs)	Develop a regulatory program to regulate and collect Transient Occupancy Tax (TOT) from STRs.	-Council study session on Feb. 6, 2018. -June 19, 2018 Council approved Voluntary Collection Agreement with Airbnb. -July 24, 2018 Planning Commission Study Session. -August 2018 Online community survey. -September 26, 2019 Housing Commission presentation. -October 4, 2018 Community workshop on STRs. -November 27, 2018 Draft regulations presented to Planning Commission. -April 2, 2019 Council Study Session: Staff was directed to include provisions to regulate the platforms. -January 14, 2019 Draft regulations presented to Planning Commission. -September 15, ordinance adopted by Council	This project is now complete. Ordinance is being implemented at this time.	Project Complete	Complete	1) Regulations for Short-Term Rentals. 2) Increased TOT collection.	September 15, 2020	\$17,000 for ordinance outreach and up to \$376,000 for enforcement depending on enforcement level.	16539	500	Katy Nomura Ben Fu Piu Ghosh Erick Serrano	City Manager's Office/Community Development
Project completed	Lawrence Mitty	Acquire a parcel at Lawrence Expressway and Mitty Ave for trail expansion and park development.	City has successfully purchased the Lawrence Mitty property.	Project completed	Project completed	Complete	Acquire a parcel for park purposes in Rancho Rinconada neighborhood.	September 2020	\$8,270,994 available in Developer In-Lieu Fees	Approximately \$2,800,000 to purchase the property.	300	Chad Mosley Joanne Magrini	Public Works/Parks and Rec
Staff has met with commissioners and the project is moving forward. Expected to be completed in Summer 2021.	Use of Athletic Fields in Parks	Assess current Athletic Field Use policy, scheduling process, and fee schedule. Review field use policy, including Sunday reservation feasibility, scheduling, and program cost recovery. Review use of fields for use as dog off leash areas.	Revised policy has been drafted and is ready for approval. Feedback was collected from youth sports organizations regarding Sunday field use. Feedback was provided to the Parks and Recreation Commission The revised policy is in progress, pending analysis of youth sports organization feedback and community outreach.	1) Community outreach to be completed early to mid-March. 2) Revised policy to be presented to Parks and Recreation Commission by May. 3) Revised policy to go to City Council between June and August.	Summer 2021	In Progress	Update current policy to address use of fields (Sunday use, permitting process and off leash dog compatibility), fees and scheduling process.	Summer 2021	\$3,000 for postcard mailers during outreach phase.	None	150	Jenny Koverman Karen Levy	Parks & Recreation

Community Livability

FY 2019-20 City Work Program Delays Due to COVID-19



Update on COVID Impacts (is there still a delay due to COVID or has it been resolved, please explain)	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	Est. Total Staff Hours	Staff Lead	Department
There was a delay due to cities in the region not being able to operate on full capacity due to COVID-19. Therefore, coordination with other cities has been delayed. The project is moving forward and is expected to be completed in Spring 2021.	Comparative studies that compares standards for mixed use developments and high density residential guidelines with other cities. Specifically, on parkland, green space, and parking space requirements.	Evaluate existing Cupertino standards for consistency with industry standards and best practices.	This item went to Planning Commission on 1/26.	Scheduled for the 2/16 City Council meeting.	Spring 2021	In Progress	Production of matrix and description of research results.	Spring 2021	N/A	N/A	100	Ben Fu Jeff Tsumura	Community Development
This project is expected to be completed by early March 2021.	Dark Sky/Lights Out Policy and Bird Safe Design Guidelines	Create dark sky policy and bird safe design guidelines for the protection of public health and wellbeing and the facilitation of habitat friendly developments. Reevaluate street lighting and other lighting that can benefit residential areas.	The proposed regulations were agendized for the January 19th Council meeting, and was rescheduled to March 16th.	Completed research and evaluation of industry standards and conducted public outreach meetings. Synthesize public comments and draft materials.	Spring 2021	In Progress	Adoption of appropriate policies and guidelines.	Spring 2021	\$10,000 for outreach efforts and materials.	N/A	200	Erick Serrano Piu Ghosh	Community Development

Commission and Audit Committee Proposals for FY 2021-2022 City Work Program

Housing Commission Proposals for FY 2021-2022 City Work Program

Project/Task	Project Objective
Subcommittee to identify land for affordable housing	Identify and advise City for acquisition and purchase of location for affordable housing.
* 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. *Continued from FY 20-21 work program
** 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 20-21 work program
* Affordable Housing Strategies	Explore the development of strategies that provides a variety of products across the affordability levels including updates to the City's density bonus ordinance, housing for the developmentally disabled, as well as those with moderate, low, very low, and extremely low income. *Continued from FY 20-21 work program

* Item is included or supported by items in Proposed FY 2021-22 City Work Program

** Will be incorporated as part of operations

Bicycle Pedestrian Commission

Proposals for FY 2021-2022 City Work Program

	Project/Task	Project Objective
* (part of vision zero)	Develop Vision Zero Program	Develop a Vision Zero policy and action plan, to serve as the foundation for future programs and projects.
	Traffic Safety Around Schools	Study and propose policies to improve traffic safety around schools. This program would compliment the existing School Walk Audit project, which focuses on infrastructure improvements.
	Building code assessment for facilities that encourage bicycle commuting	Review existing City building and planning codes related to the provision of bicycle and other on-site facilities intended to encourage and facilitate bicycling. Revise and supplement existing codes as necessary to achieve goals of encouraging bicycle commuting.
	Carmen Road Bridge	Encourage staff to fund, and proceed with design and construction of the Carmen Road Bridge
** (part of CIP)	Stevens Creek Blvd Class IV Bike Lanes	Encourage staff to fund, and proceed with design and construction of the Stevens Creek Class IV Bike Lane project from Wolfe Road to Foothill.

* Item is included or supported by items in Proposed FY 2021-22 City Work Program

** Will be incorporated as part of operations

Planning Commission

Proposals for FY 2021-2022 City Work Program

Project/Task	Project Objective
Study session for the impact and requirement for the next RHNA cycle; RHNA related General Plan updates and rezoning *	Review preliminary RHNA numbers. Look at strategies for RHNA compliance including evaluating sites for potential upzoning, and jobs-housing ratio and statistics. Identify Priority Housing sites, update Housing Element and complete rezoning by September 2023.
Development Accountability *	1. Analyze methods to limit the implementation timeline for entitled/future projects and encourage development. 2. Monitor implementation of development agreements and conditions of approval. 3. Review and establish accountability in the project approval process.
Sign Ordinance Update *	Update existing provisions, particularly in the temporary sign regulations and gas station signage regulations.
Review and Update General Plan (GP) and Municipal Code *	1. Amend General Plan and Municipal Code and zoning code to provide objective standards as identified in 2019/2020 evaluation. 2. Re-evaluate the Heart of the City Specific Plan for sections of the plan that could be clarified and updated easily with objective standards.
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, in compliance with state law.

* Item is included or supported by items in Proposed FY 2021-22 City Work Program

** Will be incorporated as part of operations

Technology, Information, and Communication Commission Proposals for FY 2021-2022 City Work Program

Project/Task	Project Objective
Revisit 5G	Council review existing 5G policy and make alterations as they deem fit. Suggested areas to explore: 1) Spacing between small cell sites and 2) study the City's ability to mandate multi-tenant small cells
Enhance public safety situational awareness	Utilize IoT applications to bring greater situational awareness to public safety. Areas to explore include 1) license plate recognition cameras within targeted neighborhoods, and 2) Noise detection devices that can alert on breaking glass
* Utilize technology to support Vision Zero policy recommended by Bike/Ped Commission (if technology is incorporated into Vision Zero, TICC will be brought in at that point)	1) Map historical data on bike and pedestrian accidents. 2) Expand adaptive traffic signaling to support Vision Zero, and 3) Implement "near miss" technology
Install touchless crosswalk signaling	Enhance personal safety by installing touchless crosswalk signaling

* Item is included or supported by items in Proposed FY 2021-22 City Work Program

** Will be incorporated as part of operations

Public Safety Commission

Proposals for FY 2021-2022 City Work Program

Project/Task	Project Objective
* Emergency Awareness/ Preparedness	<ul style="list-style-type: none"> • Develop a personal preparedness campaign including providing personal preparedness kits for those most in need (4) <u>Budget and Project Size</u> • Medium 101-600 hours • Estimated budget – 200 units at \$50 per unit = \$10,000
** Emergency Awareness/ Preparedness	Review alert, warning, and communications plan for preparedness and emergency notification (1)
Wildfire Awareness	Install signage for wildlife awareness in high incident areas (5)
Catalytic Converter/ General Theft/ Vehicular Burglaries	<ul style="list-style-type: none"> • Convene business owners through a forum to collect feedback, provide best practices, and gain collective buy-in (2) • Conduct a pilot project with Smart Cities regarding residential crime (theft) (3)

* Item is included or supported by items in Proposed FY 2021-22 City Work Program

** Will be incorporated as part of operations

Sustainability Commission

Proposals for FY 2021-2022 City Work Program

Project/Task	Project Objective
* 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.
* Single-Use Plastics Ordinance	Take part in the County model ordinance development process for addressing nonreusable food service ware items . Develop stakeholder engagement, public outreach, code development, and determine need for CEQA analysis for adopting a nonreusable food service ware items ordinance in Cupertino.

* Item is included or supported by items in Proposed FY 2021-22 City Work Program

** Will be incorporated as part of operations

Parks and Recreation Commission

Proposals for FY 2021-2022 City Work Program

Project/Task	Project Objective
Cupertino Union School District Collaboration for Field and Playground Space **	Work with CUSD as they discuss the potential for school closures and assess any opportunities to incorporate their fields and playgrounds into the City.
Senior Strategy	Address the needs of seniors in collaboration with the City Council and Commissions. Needs to address include technology resources, housing, food supply, transportation, and mental and physical health and wellbeing.
Jollyman All Inclusive Playground (part of CIP) **	Execution of the funded all-inclusive playground Capital Improvement Project at Jollyman Park.
Parks and Recreation Strategic Plan Long Term Implementation **	Complete a strategic plan that addresses the long-term opportunities identified in the Parks and Recreation System Master Plan.
Neighborhood Events **	Complete a comprehensive neighborhood events program adapted for COVID to include focused programming from 2021 into 2022.

* Item is included or supported by items in Proposed FY 2021-22 City Work Program

** Will be incorporated as part of operations

Fine Arts Commission

Proposals for FY 2021-2022 City Work Program

Project/Task	Project Objective
Commission Name Change *	Change the name of the Fine Arts Commission to broaden the reach of potential interest and align with commission goals.
Visual and Performing Arts Event	Organize and complete a community event focused on the visual and performing arts.

* Item is included or supported by items in Proposed FY 2021-22 City Work Program

** Will be incorporated as part of operations

Teen Commission

Proposals for FY 2021-2022 City Work Program

Project/Task	Project Objective
Fiber Internet Implementation	Work with Internet Service Providers (ISP) to bring fiber internet connections to Cupertino residents.

* Item is included or supported by items in Proposed FY 2021-22 City Work Program

** Will be incorporated as part of operations

Library Commission

Proposals for FY 2021-2022 City Work Program

Project/Task	Project Objective
No Proposals	No Proposals

* Item is included or supported by items in Proposed FY 2021-22 City Work Program

** Will be incorporated as part of operations

Audit Committee

Proposals for FY 2021-2022 City Work Program

Project/Task	Project Objective
No Proposals	No Proposals

* Item is included or supported by items in Proposed FY 2021-22 City Work Program

** Will be incorporated as part of operations

Affordable Housing Strategies

Explore the development of strategies that provides a variety of products across the affordability levels including updates to the City's density bonus ordinance, housing for the developmentally disabled, and moderate/low/very low/extremely low income.

Allocated Budget: \$50.00K **Budget Remaining:** \$50.00K **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$300.00K **Size:** Large

Commission / Committee: Housing Commission **Category:** Housing

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	✓ Complete	Conducted 2019 BMR Linkage Fee Study as part of the FY 19-20 work program. City Council adopted the 2019 BMR Linkage Fee study on 5/19/20, which included an increase to 20% inclusionary requirement for ownership units.	7/1/2019	6/30/2020	100
1.3	Planning Phase	● In Progress	Reviewed 2019 BMR Linkage Fee Update and ELI Memo, draft Density Bonus Ordinance, and begin Housing Element update process.	7/1/2020	6/30/2021	20
1.4	Procurement	● In Progress	Draft and release RFP, select consultant for Housing Element update.	10/1/2020	1/30/2021	75

Last Updated: 2/10/2021

City Plan to End Homelessness (same as FY 20-21 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.

Allocated Budget: \$92.50K **Budget Remaining:** \$92.50K **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$300.00K **Size:** Large

Commission / Committee: Housing Commission **Category:** Housing

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	Complete	Researched existing City/County programs to determine needs for homeless residents.	7/1/2019	6/30/2020	100
1.3	Planning Phase	In Progress	Worked with the County and Destination: HOME on the Community Plan to End Homelessness. Determined need for creation of City Plan to End Homelessness.	7/1/2019	12/31/2021	89
1.4	Procurement	Future	Work with consultant to draft the City Plan to End Homelessness. Provided sanitary stations to homeless encampment. Provided emergency assistance funds to Abode Services to administer program for encampment.	7/1/2021	1/22/2022	45
1.5	Execution Phase	Future		1/15/2022	6/30/2022	0
1.6	Closing Processes	Future		6/1/2022	6/30/2022	0

Last Updated: 2/24/2021

Study Session for the Impact and Requirement for next RHNA Cycle RHNA and related General Plan updates and rezoning

Review preliminary RHNA numbers. Look at strategies for RHNA compliance including evaluating sites for potential upzoning, and jobs-housing ratio and statistics. Identify Priority Housing sites, update Housing Element and complete rezoning by Sept. 2023.

Allocated Budget: \$5.00K **Budget Remaining:** \$5.00K **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$300.00K **Size:** Large

Commission / Committee: Planning Commission **Category:** Housing

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Execution Phase	 In Progress	Following regional meetings and announcements from ABAG/MTC. Schedule hearings and study sessions with Planning Commission and/or City Council as needed. Currently five meetings have already been conducted. Housing element update anticipated by 9/30/23.	5/19/2020	9/30/2023	80
1.3	Closing Processes	Future		10/1/2023	12/30/2023	0

Last Updated: 2/24/2021

Fine Arts Commission Name Change

Change the name of the Fine Arts Commission to broaden the reach of potential interest and align with commission goals.

Allocated Budget:	\$0.00	Budget Remaining:	\$0.00	Fiscal Year:	FY22
Budget Expended:	\$0.00	Estimated Budget:	\$0.00	Size:	Small
Commission / Committee:	Fine Arts Commission		Category:	Public Engagement & Transparency	

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Outreach	Future	Review the municipal code to brainstorm various names for the Commission. Present and discuss options with the Commission. Finalize and vote on the name change to present to City Council.	7/1/2021	7/26/2021	0
1.3	Planning Phase	Future	Redline the municipal code in relevant locations with the name change and draft an ordinance to present to City Council.	7/27/2021	8/31/2021	0
1.4	Execution Phase	Future	Present the ordinance to City Council for a first reading.	9/7/2021	9/7/2021	0
1.5	Closing Processes	Future	Present the ordinance to City Council for a second reading and if approved, enact the ordinance. Update the municipal code, City website, and all other necessary locations with the name change.	9/21/2021	9/24/2021	0

Last Updated: 2/18/2021

New City Seal

To create a new City seal that better reflects the Cupertino community. The first phase of the "New City Seal" Work Program item will include outreach to the community, research of future costs related to seal replacement, and development of the new seal.

Allocated Budget: \$0.00 **Budget Remaining:** \$0.00 **Fiscal Year:** FY22

Budget Expended: \$0.00 **Estimated Budget:** \$75.00K **Size:** Medium

Commission / Committee: N/A **Category:** Public Engagement & Transparency

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	Future	Research best practices, identify places of replacement, and likely future costs.	7/5/2021	8/1/2021	0
1.3	Procurement	Future	Hire consultant to aide in project.	8/2/2021	10/3/2021	0
1.4	Outreach	Future	Develop and deliver outreach campaign to ensure public participation.	10/4/2021	2/28/2022	0
1.5	Design Phase	Future	Design multiple options for new seal.	3/1/2022	6/26/2022	0
1.6	Closing Processes	Future	Receive feedback from community and City Council on new seal.	6/27/2022	6/30/2022	0

Last Updated: 2/22/2021

Personal Preparedness Campaign

Develop a personal preparedness campaign including providing personal preparedness kits to the community.

Allocated Budget: \$0.00 **Budget Remaining:** \$0.00 **Fiscal Year:** FY22

Budget Expended: \$0.00 **Estimated Budget:** \$10.00K **Size:** Medium

Commission / Committee: Public Safety Commission **Category:** Public Engagement & Transparency


#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	Future	Refine and confirm community preparedness materials, Finalize contents of preparedness kits	7/1/2021	7/16/2021	0
1.3	Outreach	Future	Ensure public notification of schedule for personal preparedness training sessions	7/8/2021	8/27/2021	0
1.4	Planning Phase	Future	Finalize content and instructor roles / sections	7/8/2021	8/27/2021	0
1.5	Procurement	Future	Procure supplies and materials to create personal preparedness kits	8/5/2021	9/1/2021	0
1.6	Execution Phase	Future	Deliver training sessions on schedule with personal preparedness kits as incentive for attendance and participation, Evaluate trainings and feedback from participants	9/1/2021	5/31/2022	0
1.7	Closing Processes	Future	Evaluate success of overall program and feedback from participants, implement lessons learned for future programming	6/1/2022	6/30/2022	0

Last Updated: 2/18/2021

Leadership Program

To provide education to the public about City government.

Allocated Budget: \$0.00 **Budget Remaining:** \$0.00 **Fiscal Year:** FY21/FY22
Budget Expended: \$0.00 **Estimated Budget:** \$0.00 **Size:** Medium
Commission / Committee: N/A **Category:** Public Engagement & Transparency

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	 In Progress	Project put on hold due to COVID-19. Unable to move forward with program as stay at home orders don't allow people to meet and representatives from other programs are not hosting virtual leadership programs.	11/9/2020	12/18/2020	33
1.3	Planning Phase	Future		3/4/2021	7/7/2021	0
1.4	Outreach	Future		5/10/2021	7/30/2021	0
1.5	Execution Phase	Future		8/1/2021	11/30/2021	0
1.6	Closing Processes	Future		11/30/2021	11/30/2021	0

Last Updated: 2/18/2021




Roadmap Project

Publish Process Flow Chart for Public Facing Online Applications

Allocated Budget: \$0.00 **Budget Remaining:** \$0.00 **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$0.00 **Size:** Medium

Commission / Committee: N/A **Category:** Public Engagement & Transparency

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Planning Phase	 In Progress	In Process - Identify online service and prioritize list. Graphics Tool (Visio) selected	7/1/2020	10/1/2021	73
1.3	Design Phase	 Complete	Design Complete - PRA Application	9/1/2020	10/30/2020	100
1.4	Execution Phase	 In Progress	Development Process flow in progress and Recreation Process flow under final review	1/11/2021	12/3/2021	30
1.5	Closing Processes	Future		12/6/2021	12/22/2021	0

Last Updated: 2/24/2021

Blackberry Farm Golf Course Needs Assessment

Determine short-term and long-term improvements to the golf course and amenities.

Allocated Budget: \$50.00K **Budget Remaining:** \$49.87K **Fiscal Year:** FY21/FY22

Budget Expended: \$125.19 **Estimated Budget:** \$50.00K **Size:** Medium

Commission / Committee: Parks & Recreation Commission **Category:** Quality of Life

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Planning Phase	✓ Complete	Engaged previous consultant to perform a revised needs assessment of the golf course.	8/31/2020	9/4/2020	100
1.3	Research	● In Progress	Research performed on local, similarly sized municipal golf courses. Currently updating scope of work to provide to the consultant.	9/9/2020	1/29/2021	88
1.4	Procurement	● In Progress	Will execute a contract with the consultant for the golf course feasibility study to include an updated scope of work.	2/1/2021	3/11/2021	0
1.5	Execution Phase	Future	Consultant will assess different options and financial impacts for golf course and present the draft study to the City for review and feedback.	3/12/2021	7/27/2021	0
1.6	Outreach	Future	Will facilitate outreach to key stakeholders about discussing future options of the golf course. Present draft study to Parks and Recreation Commission and City Council for feedback.	7/5/2021	9/21/2021	0
1.7	Closing Processes	Future	After receiving feedback and input from City Council on the draft study, resubmit for final approval and adoption. Expected completion by October of 2021.	9/22/2021	10/19/2021	0

Last Updated: 2/10/2021


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. Review and establish accountability in the project approval process.

Allocated Budget: \$0.00 **Budget Remaining:** \$0.00 **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$10.00K **Size:** Medium

Commission / Committee: Planning Commission **Category:** Quality of Life

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	 In Progress	Currently conducting research for the City and surrounding jurisdictions.	3/1/2020	3/1/2021	6
1.3	Planning Phase	Future	Planning phase pending research.	3/1/2021	4/1/2021	0
1.4	Design Phase	Future		4/1/2021	6/1/2021	0
1.5	Execution Phase	Future		6/1/2021	6/15/2021	0
1.6	Closing Processes	Future		6/15/2021	6/30/2021	0

Last Updated: 2/19/2021

Dogs Off Leash Area (DOLA)

Identify additional areas suitable for permitting dogs to be off leash and establish one such area, if the current trial period is successful.

Allocated Budget: \$0.00 **Budget Remaining:** \$0.00 **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$0.00 **Size:** Small

Commission / Committee: Parks and Recreation Commission **Category:** Quality of Life

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	✓ Complete	Initial comparative analysis of neighboring cities with existing DOLAs completed.	7/1/2019	8/2/2019	100
1.3	Outreach	✓ Complete	Survey was administered to neighboring residents (within .25 miles) of Jollyman Park. 618 responses with 78% in support of the trial. Parks and Recreation Commission approved initial trial.	7/1/2019	9/5/2019	100
1.4	Execution Phase	● In Progress	Initial trial performed and extended until June 30, 2021 or until sufficient data is collected for the co-existence of youth sports groups and the DOLA. Research is complete on other potential locations for DOLAs.	9/6/2019	6/30/2021	82
1.5	Outreach	● In Progress	Present survey results and request feedback on additional DOLA site location from the Parks and Recreation Commission.	2/4/2021	3/4/2021	0
1.6	Closing Processes	Future	Present trial results and recommend additional site to Parks and Recreation Commission then City Council. Determine if trial is successful, request approval and implement DOLAs.	7/1/2021	10/1/2021	0

Last Updated: 2/10/2021


Pilot - Noise Measurement

Determine effectiveness of measuring noise utilizing IOT sensors.

Allocated Budget: \$35.00K **Budget Remaining:** \$35.00K **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$35.00K **Size:** Small

Commission / Committee: TICC **Category:** Quality of Life

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	 In Progress	In Process - RFI Responses being Evaluated	9/7/2020	3/5/2021	86
1.3	Planning Phase	Future		3/8/2021	3/17/2021	0
1.4	Procurement	Future		3/17/2021	3/31/2021	0
1.5	Execution Phase	Future		4/1/2021	6/23/2021	0
1.6	Closing Processes	Future		6/24/2021	8/5/2021	0

Last Updated: 2/22/2021


Pilot - Pollution Monitoring

Utilize IOT sensors to measure particulate and/or pollution levels.

Allocated Budget: \$35.00K **Budget Remaining:** \$35.00K **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$35.00K **Size:** Small

Commission / Committee: TICC **Category:** Quality of Life

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	 In Progress	In Process - RFI Responses being Evaluated	9/7/2020	3/5/2021	86
1.3	Planning Phase	Future		3/8/2021	3/17/2021	0
1.4	Procurement	Future		3/17/2021	3/31/2021	0
1.5	Execution Phase	Future		4/1/2021	6/23/2021	0
1.6	Closing Processes	Future		6/24/2021	8/5/2021	0

Last Updated: 2/22/2021

Rancho Rinconada (RR)

Begin operations of aquatics programs and facility rentals, if RR is absorbed by City.

Allocated Budget: \$0.00 **Budget Remaining:** \$0.00 **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$0.00 **Size:** Medium

Commission / Committee: Parks and Recreation Commission **Category:** Quality of Life


#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	✓ Complete	The Local Agency Formation Commission of Santa Clara County (LAFCO) completed a study of three future options for Rancho Rinconada (RR). Report was provided to staff for review.	1/29/2020	2/17/2020	100
1.3	Outreach	✓ Complete	City Council reviewed LAFCO report, recommended options 1 and 2. The City surveyed RR residents. 50 households responded, with 65% in support of the merger. Parks and Recreation Commission recommended merger option. Staff will perform additional outreach.	2/18/2020	10/1/2020	100
1.4	Planning Phase	● In Progress	Prepare application to LAFCO on the merger, including detailed plan for services to ensure status quo or improved level of service.	10/27/2020	10/29/2021	6
1.5	Procurement	Future	Merger application will be submitted to LAFCO for the board to review.	11/1/2021	1/3/2022	0
1.6	Execution Phase	Future	Pending approval of application from LAFCO, work on the annexation of RR into the City will begin.	1/4/2022	4/29/2022	0
1.7	Closing Processes	Future	City takes ownership of RR and finalizes operations of the site.	5/2/2022	6/30/2022	0

Last Updated: 2/23/2021

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.

Allocated Budget: \$200.00K **Budget Remaining:** \$200.00K **Fiscal Year:** FY21/FY22
Budget Expended: \$0.00 **Estimated Budget:** \$240.00K **Size:** Medium
Commission / Committee: Planning Commission **Category:** Quality of Life

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Procurement	 In Progress	RFP sent out in Oct 2020. Proposals being evaluated. Contracts and budget amendments expected in Jan 2021.	10/9/2020	2/16/2021	28
1.3	Execution Phase	Future		3/1/2021	9/1/2021	0
1.4	Closing Processes	Future		8/1/2022	9/1/2022	0

Last Updated: 2/10/2021

Review and Update General Plan (GP) and Municipal Code

1. Amend GP & MC & zoning code to provide objective standards as identified in 2019/2020 evaluation. 2.Re-evaluate the Heart of the City Specific Plan for sections of the plan that could be clarified and updated easily with objective standards.

Allocated Budget: \$1.00M **Budget Remaining:** \$775.80K **Fiscal Year:** FY21/FY22

Budget Expended: \$224.20K **Estimated Budget:** \$500.00K **Size:** Large

Commission / Committee: Planning Commission **Category:** Quality of Life

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	✓ Complete	Reviewed existing documentation and objective standards.	6/3/2019	10/2/2019	100
1.3	Outreach	✓ Complete	Seven meetings held with Planning Commission and two meetings held with City Council in 2019 to collect comments from public, commissioners and councilmembers. City Council delegated prioritization to City Manager.	6/3/2019	6/3/2019	100
1.4	Planning Phase	✓ Complete	Met approximately 15 times between Oct 2019 and Sept 2020 to prioritize and discuss each suggestion made and determine next steps.	6/3/2019	6/5/2019	100
1.5	Procurement	● In Progress	Council adopted general plan and zoning code objective standards for Vallco in August and September 2019. Council adopted zoning code objective standards for P zoning and parkland dedications in December 2019. Third Round of amendments by Spring 2021.	9/1/2020	3/23/2021	20
1.6	Execution Phase	Future	Anticipated to present third round of amendments in Spring 2021	3/23/2021	3/23/2021	99
1.7	Closing Processes	Future		3/17/2021	4/1/2021	0

Last Updated: 2/24/2021




Sign Ordinance Update

Update existing provisions, particularly in the temporary sign regulations.

Allocated Budget: \$0.00 **Budget Remaining:** \$0.00 **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$25.00K **Size:** Small

Commission / Committee: Planning Commission **Category:** Quality of Life

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	 In Progress	Conducting research on surrounding jurisdictions, researching illumination standards	5/13/2020	9/11/2020	60
1.3	Planning Phase	 In Progress	Finalizing language to amend ordinance	12/1/2020	3/1/2021	34
1.4	Design Phase	 In Progress	Preparing materials for PC and CC hearing	2/1/2021	5/4/2021	0
1.5	Execution Phase	Future		3/9/2021	4/20/2021	0
1.6	Closing Processes	Future		4/21/2021	5/7/2021	0

Last Updated: 2/20/2021

Study Session on Regulating Diversified Retail Use

Identify ways to encourage retail diversity and vital services, find creative solutions to retenant vacant spaces and to attract independent operators. Evaluate pros and cons of Retail Formula Ordinances in other cities.

Allocated Budget: \$45.00K **Budget Remaining:** \$45.00K **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$50.00K **Size:** Medium

Commission / Committee: City of Cupertino **Category:** Quality of Life

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	Future	Continue research to include affects of pandemic. This item must be undertaken in conjunction with review of General Plan and Heart of the City plans.	7/1/2021	5/31/2022	50
1.3	Outreach	Future		7/1/2021	9/27/2021	39
1.4	Planning Phase	Future		1/3/2022	2/2/2022	0
1.5	Execution Phase	Future		4/29/2022	6/29/2022	0
1.6	Closing Processes	Future		6/30/2022	6/30/2022	0

Last Updated: 2/18/2021

City Light Transition Assessment

Assess the costs, benefits, and opportunities of transitioning the City's streetlight infrastructure, and other City operated lights, from induction to LED fixtures.

Allocated Budget: \$0.00 **Budget Remaining:** \$0.00 **Fiscal Year:** FY22

Budget Expended: \$0.00 **Estimated Budget:** \$50.00K **Size:** Small

Commission / Committee: N/A **Category:** Sustainability & Fiscal Strategy

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	Future	Establish the scope and desired result of the report	7/1/2021	8/25/2021	0
1.3	Procurement	Future	Select consultant and execute agreement	8/26/2021	11/9/2021	0
1.4	Design Phase	Future	Prepare, review and finalize the assessment report	11/10/2021	4/5/2022	0
1.5	Closing Processes	Future	Accept the report and close out the contract	4/6/2022	5/2/2022	0

Last Updated: 2/24/2021

Climate Action Plan

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.

Allocated Budget: \$100.00K **Budget Remaining:** \$100.00K **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$178.00K **Size:** Large

Commission / Committee: Sustainability Commission **Category:** Sustainability & Fiscal Strategy

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	✓ Complete	Benchmark with other cities, conducted policy research	7/1/2020	10/1/2020	100
1.4	Outreach	● In Progress	Prepared a request for proposals for outreach consultants	10/15/2020	9/3/2021	15
1.5	Planning Phase	● In Progress	Formed the planning subcommittee with two members from the Sustainability Commission	8/1/2020	3/12/2021	71
1.6	Execution Phase	● In Progress	Data collection phase for updating greenhouse gas emissions forecast (2018-2050)	10/1/2020	11/15/2021	11
1.7	Closing Processes	Future		8/15/2021	12/17/2021	0

Last Updated: 2/19/2021


Investigate Alternatives to City Hall

Look for alternatives to constructing a new City Hall at 10300 Torre Ave.

Allocated Budget: \$25.00K **Budget Remaining:** \$25.00K **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$25.00K **Size:** Large

Commission / Committee: N/A **Category:** Sustainability & Fiscal Strategy


#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	 In Progress	Researched cost to re-build / remodel City Hall. Researching alternative locations for City Hall.	5/1/2020	8/13/2021	25
1.3	Outreach	Future		8/2/2021	8/31/2021	0
1.4	Closing Processes	Future		8/24/2021	9/9/2021	0

Last Updated: 2/18/2021

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.

Allocated Budget:	\$50.00K	Budget Remaining:	\$38.04K	Fiscal Year:	FY21/FY22
Budget Expended:	\$11.96K	Estimated Budget:	\$150.00K	Size:	Medium
Commission / Committee:	N/A	Category:	Sustainability & Fiscal Strategy		


#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	 In Progress	Researching Legal and other requirements if system is leased or sold in the future.	11/2/2020	5/3/2021	25
1.3	Planning Phase	Future		5/3/2021	9/3/2021	0
1.4	Procurement	Future		7/26/2021	12/3/2021	0
1.5	Execution Phase	Future		11/2/2021	9/12/2022	0
1.6	Closing Processes	Future		9/12/2022	10/1/2022	0

Last Updated: 2/22/2021

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.

Allocated Budget:	\$10.00K	Budget Remaining:	\$10.00K	Fiscal Year:	FY21/FY22
Budget Expended:	\$0.00	Estimated Budget:	\$10.00K	Size:	Small
Commission / Committee:	TICC	Category:	Sustainability & Fiscal Strategy		






#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	 In Progress	In Process - RFI Responses being Evaluated	9/7/2020	3/5/2021	86
1.3	Planning Phase	Future		3/8/2021	3/17/2021	0
1.4	Procurement	Future		3/17/2021	3/31/2021	0
1.5	Execution Phase	Future		4/1/2021	6/23/2021	0
1.6	Closing Processes	Future		6/24/2021	8/5/2021	0

Last Updated: 2/22/2021

Single-Use Plastics Ordinance

Adopt an ordinance to address single-use food service ware items. Engage stakeholders, conduct public outreach, determine CEQA requirements, work with Sustainability Commission.

Allocated Budget:	\$30.00K	Budget Remaining:	\$30.00K	Fiscal Year:	FY21/FY22
Budget Expended:	\$0.00	Estimated Budget:	\$30.00K	Size:	Medium
Commission / Committee:	Sustainability Commission		Category:	Sustainability & Fiscal Strategy	

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	 In Progress	Participating in regional policy meetings, discussing CEQA.	10/20/2020	4/15/2021	47
1.3	Planning	 In Progress	Developing stakeholder engagement and ordinance process plan.	11/10/2020	10/19/2021	0
1.4	Procurement	 In Progress	Determine need for outside help.	1/11/2021	10/19/2021	0
1.5	Outreach	 In Progress	Identifying critical stakeholders, including food service, food safety, disabled, Chamber, youth.	2/11/2021	1/1/2022	0
1.6	Design Phase	 In Progress	Customizing a model framework to fit Cupertino	1/28/2021	9/28/2021	0
1.7	Execution Phase	Future		7/15/2021	12/21/2021	0
1.8	Closing Processes	Future		12/7/2021	12/16/2021	0

Last Updated: 2/24/2021

Traffic Garden

Initiate and complete a feasibility study for the construction of a Traffic Garden (child-scale traffic towns that provide a safe space for children to improve their bicycling skills and learn how to safely share road space with other users).

Allocated Budget: \$0.00 **Budget Remaining:** \$0.00 **Fiscal Year:** FY22

Budget Expended: \$0.00 **Estimated Budget:** \$75.00K **Size:** Medium

Commission / Committee: Bicycle Pedestrian Commission **Category:** Transportation

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	Future	Develop and advertise RFP to select a consultant to prepare feasibility study.	7/1/2021	8/27/2021	0
1.3	Execution Phase	Future	Manage and work with consultant work to develop feasibility study. This will involve researching state of the practice, costs, liability issues, and conduct public engagement including a meeting with the BPC.	9/1/2021	5/31/2022	0
1.4	Closing Processes	Future	Take draft final study to BPC and to City Council. Complete study.	5/18/2022	6/30/2022	0

Last Updated: 2/24/2021

Vision Zero

Develop a Vision Zero Policy and Action Plan. The Plan will guide policies and programs with the goal of eliminating fatalities on Cupertino roadways. Special emphasis will be placed on routes to, and streets surrounding, Cupertino schools.

Allocated Budget: \$0.00 **Budget Remaining:** \$0.00 **Fiscal Year:** FY22

Budget Expended: \$0.00 **Estimated Budget:** \$0.00 **Size:** Medium

Commission / Committee: Bicycle Pedestrian Commission **Category:** Transportation

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	Future	Research typical components of Vision Zero plans and how other cities have developed their programs.	7/1/2021	7/30/2021	0
1.3	Outreach	Future	Engage BPC for direction, guidance and feedback on development of Vision Zero plan	7/21/2021	9/15/2021	0
1.4	Execution Phase	Future	Drawing upon information gained from previous tasks, design Vision Zero plan to meet Cupertino's needs.	7/26/2021	11/17/2021	0
1.5	Closing Processes	Future	Take final Vision Plan to BPC for approval, then to City Council for adoption.	11/17/2021	11/30/2021	0

Last Updated: 2/24/2021


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.

Allocated Budget: \$245.00K **Budget Remaining:** \$245.00K **Fiscal Year:** FY21/FY22

Budget Expended: \$0.00 **Estimated Budget:** \$245.00K **Size:** Medium

Commission / Committee: TICC **Category:** Transportation


#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	 In Progress	In Process - RFI Responses being Evaluated	9/7/2020	3/5/2021	86
1.3	Planning Phase	Future		3/8/2021	3/17/2021	0
1.4	Procurement	Future		3/17/2021	3/31/2021	0
1.5	Execution Phase	Future		4/1/2021	6/23/2021	0
1.6	Closing Processes	Future		6/24/2021	8/5/2021	0

Last Updated: 2/22/2021

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.

Allocated Budget: \$40.00K **Budget Remaining:** \$40.00K **Fiscal Year:** FY21/FY22
Budget Expended: \$0.00 **Estimated Budget:** \$40.00K **Size:** Medium
Commission / Committee: TICC **Category:** Transportation



#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	 In Progress	In Process - RFI Responses being Evaluated	9/7/2020	3/5/2021	86
1.3	Planning Phase	Future		3/8/2021	3/17/2021	0
1.4	Procurement	Future		3/17/2021	3/31/2021	0
1.5	Execution Phase	Future		4/1/2021	6/23/2021	0
1.6	Closing Processes	Future		6/24/2021	8/5/2021	0

Last Updated: 2/22/2021

Regional Transformative Transit Projects Initiative

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

Allocated Budget: \$0.00 **Budget Remaining:** \$0.00 **Fiscal Year:** FY21/FY22
Budget Expended: \$0.00 **Estimated Budget:** \$0.00 **Size:** Large
Commission / Committee: N/A **Category:** Transportation

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Planning Phase	 Complete	Concepts were prepared by Cupertino and submitted to the MTC as part of Horizon initiative (ideas contest). Although two were selected as finalists, in the end they were deemed infeasible based on MTC scoring criteria.	4/12/2018	4/10/2021	100
1.3	Execution Phase	 In Progress	Station under consideration now at SR 85 and Stevens Creek Blvd. VTA Board approved study on Highway 85 Transit Guideway and next steps awaiting prioritization among Measure B projects.	4/12/2018	4/10/2030	45

Last Updated: 2/20/2021

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.

Allocated Budget:	\$1.75M	Budget Remaining:	\$0.26	Fiscal Year:	FY21/FY22
Budget Expended:	\$1.75M	Estimated Budget:	\$1.75M	Size:	Large
Commission / Committee:	N/A	Category:	Transportation		

#	Task	Status	Milestone Update	Task Start	Task Finish	% Complete
1.2	Research	✓ Complete	Compiled research on various shuttle options, conducted community surveys, spoke with West Sacramento staff and other Via jurisdictions, met with several transit vendors.	10/29/2019	11/20/2021	100
1.3	Outreach	✓ Complete	Conducted numerous pop-up events, including at Senior Center, library, and other locations citywide.	10/29/2019	11/30/2021	100
1.4	Planning Phase	✓ Complete	Continued outreach to likely riders and locations of interest, Caltrain, De Anza college, etc.	10/29/2019	11/30/2021	100
1.5	Procurement	✓ Complete	Met with various vendors including MV transportation, Altrans, chariot, etc.	10/29/2019	11/30/2021	100
1.6	Design Phase	✓ Complete	Pilot designed.	10/29/2019	11/20/2021	100
1.7	Execution Phase	● In Progress	Pilot launched 10/31, ridership grew steadily and service is currently paused due to COVID-19.	10/29/2019	11/20/2021	63
1.8	Closing Processes	Future		11/20/2021	11/20/2021	0

Last Updated: 2/20/2021



CITY OF CUPERTINO

Agenda Item

21-8723

Agenda Date: 3/2/2021
Agenda #: 10.

Subject: Consider and act on Ordinance No. 21-2223: "An Ordinance of the City Council of the City of Cupertino Adding Title 17 and Chapter 17.08 to the Cupertino Municipal Code, Replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) For Use in Transportation Analysis Pursuant to the California Environmental Quality Act (CEQA)" "Transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) for determination of transportation impacts under the California Environmental Quality Act (CEQA), as required by Senate Bill (SB) 743," which includes a finding that adoption of the ordinance is exempt from the California Environmental Quality Act

Conduct the second reading and enact Ordinance No. 21-2223 "An Ordinance of the City Council of the City of Cupertino Adding Title 17 and Chapter 17.08 to the Cupertino Municipal Code, Replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) For Use in Transportation Analysis Pursuant to the California Environmental Quality Act (CEQA)" "Transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) for determination of transportation impacts under the California Environmental Quality Act (CEQA), as required by Senate Bill (SB) 743," which includes a finding that adoption of the ordinance is exempt from the California Environmental Quality Act

ORDINANCE NO. 21-2223

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
ADDING TITLE 17 AND CHAPTER 17.08 TO THE CUPERTINO MUNICIPAL
CODE, REPLACING LEVEL OF SERVICE (LOS) WITH VEHICLE MILES
TRAVELED (VMT) FOR USE IN TRANSPORTATION ANALYSIS PURSUANT
TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

The City Council of the City of Cupertino finds that:

WHEREAS, Senate Bill (SB) 743, enacted in 2013 and codified in Public Resources Code section 21099, requires changes to the California Environmental Quality Act (CEQA) Guidelines regarding the criteria for determining the significance of transportation impacts of projects; and

WHEREAS, section 15064.7(b) of the State Guidelines implementing CEQA, Title 14, Section 15000 et seq. (CEQA Guidelines) encourage public agencies to develop and publish generally applicable “thresholds of significance” to be used in determining the significance of a project’s environmental effects; and

WHEREAS, in 2018, the Governor’s Office of Planning and Research (OPR) proposed, and the California Natural Resources Agency certified and adopted, new CEQA Guideline section 15064.3 that identifies Vehicle Miles Traveled (VMT) – meaning the amount and distance of automobile travel attributable to a project – as the most appropriate metric to evaluate a project’s transportation impacts; and

WHEREAS, CEQA Guidelines section 15064.7(a) defines a threshold of significance as “an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant”; and

WHEREAS, CEQA Guidelines section 15064.7(b) requires that thresholds of significance must be adopted by ordinance, resolution, rule, or regulations, developed through a public review process, and be supported by substantial evidence; and

WHEREAS, pursuant to CEQA Guidelines section 15064.7(c), when adopting thresholds of significance, a public agency may consider thresholds of significance adopted or recommended by other public agencies provided that the decision of the agency is supported by substantial evidence; and

WHEREAS, as a result, automobile delay, as measured by “level of service” and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA, and

WHEREAS, the City Council of the City of Cupertino held a duly noticed public hearing on February 16, 2021, and after considering all testimony and written materials provided in connection with that hearing, introduced this ordinance and waived the reading thereof.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES ORDAIN AS FOLLOWS:

SECTION 1. Adoption.

The City of Cupertino hereby adopts a VMT threshold of significance of 14.4% percent below the citywide baseline VMT rate and amends the Cupertino Municipal Code as set forth in Attachment A.

SECTION 2: Severability and Continuity

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

SECTION 3: California Environmental Quality Act.

Finds that this Ordinance is not a project under the requirements of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et. seq. and the State CEQA Guidelines (collectively, “CEQA”) because the adoption of a new transportation threshold of significance under the CEQA in accordance with CEQA

Guidelines Section 15064.7 does not require environmental review and is not a “project” pursuant to State CEQA Guidelines Sections 15060(c)(3) and 15378 because it does not involve commitment to any particular project. The use of VMT in CEQA review is required under SB 743 and Section 15064.3 of the CEQA Guidelines. The foregoing determination is made by the City Council in its independent judgment.

SECTION 4: Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 5: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the City Council of the City of Cupertino the 16th day of February 2021 and **ENACTED** at a regular meeting of the City Council of the City of Cupertino the 3rd day of March 2020 by the following vote:

Members of the City Council

AYES:

NOES:

ABSTAIN:

ABSENT:

<p>SIGNED:</p> <p>_____</p> <p>Darcy Paul, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p>	<p>_____</p>

Kirsten Squarcia, City Clerk	Date
APPROVED AS TO FORM:	
_____	_____
Heather Minner, City Attorney	Date

Attachment A – Adding Title 17 (Environmental Regulations)

The section of the Cupertino Municipal Code set forth below is adopted as follows:

CHAPTER 17.08: Evaluation of Transportation Impacts Under the California Environmental Quality Act

Section

- 17.08.010 Definitions.
- 17.08.020 Purpose.
- 17.08.030 Applicability of regulations.
- 17.08.040 Vehicle Miles Traveled (VMT) Standards.

17.08.010 Definitions. The following words and phrases when used in this chapter shall have the meanings set forth in this section:

A. As used in this Chapter, “CEQA” means the California Environmental Quality Act, Public Resources Code section 21000 et seq., and the State CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et seq.

B. Vehicle Miles Travelled or “VMT” refers to the distance a vehicle travels regardless of the number of occupants of the vehicle. Vehicle miles traveled is the daily VMT of all vehicle trips, vehicle types, and trip purposes for all project land uses. An adjustment to the VMT should be made to include the full length of trips that leave the travel forecasting model area to fully capture interregional travel.

C. Total Boundary VMT refers to VMT that occurs within a selected geographic boundary (e.g., city, county or region) by any type of vehicle. Total Boundary VMT

captures all on-road travel occurring on a roadway network for any purpose and includes local trips as well as trips that pass through the area without stopping.

D. Service Population refers to population plus employment and may include students or visitors. Service population is intended to include all independent variables used in estimating trips.

E. High Quality Transit Corridor means an area within $\frac{1}{4}$ mile walking distance from fixed-route transit service with service intervals no longer than 15 minutes during peak commute hours.

17.08.020 Purpose.

As a result of California Senate Bill (SB) 743 (2013), the City of Cupertino has implemented the use of Vehicle Miles Traveled (VMT) in environmental review of new land-use development projects, transportation projects, and other projects pursuant to the California Environmental Quality Act and the State CEQA Guidelines (together, CEQA). This section contains standards relating to the use of VMT in Cupertino for evaluating transportation impacts.

17.08.030 Applicability of Regulations.

A. This chapter applies to all land-use development projects, transportation projects, and other projects subject to review by the California Environmental Quality Act (CEQA).

B. Some projects may be screened out from more detailed VMT analysis based on a project's location, characteristics, or a combination of both. A project relying on the following screening must be consistent with applicable General Plan policies and supported by substantial evidence demonstrating cumulative VMT is declining. Project screening may be used for projects that meet one or more of the following criteria:

1. A project located within one-quarter mile of a High-Quality Transit Corridor or transit stop as defined by CEQA;
2. Local-serving retail of 50,000 square feet or less;
3. Land-use projects consisting of 100% affordable housing.

17.08.040 Vehicle Miles Traveled (VMT) Standards.

A. The VMT significance thresholds for land use projects and plans compared to baseline conditions are:

1. **Project Impact:** A significant impact would occur if the total project generated VMT per service population for the project would exceed a level of 14.4% below the citywide baseline VMT rate.
2. **Project Effect:** A significant impact would occur if the project increases total (boundary) countywide VMT compared to baseline conditions.

B. The VMT significance thresholds for land use and transportation projects and plans under cumulative conditions are:

1. **Project Effect:** A significant impact would occur if the project increases total (boundary) countywide VMT compared to cumulative no project conditions.
2. **All land use and transportation projects:** A significant impact would occur if the project is inconsistent with the Regional Transportation Plan/Sustainable Community Strategy Plan (Plan Bay Area).

C. The VMT significance thresholds for transportation projects are:

1. **Baseline Transportation Thresholds:** A significant impact would occur if a project causes a net increase in total (boundary) citywide VMT compared to baseline conditions or opening year no project conditions.
2. **Cumulative Transportation Thresholds:** A significant impact would occur if a project causes a net increase in total (boundary) citywide VMT compared to cumulative no project conditions.

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CITY OF CUPERTINO

Agenda Item

21-8799

Agenda Date: 3/2/2021
Agenda #: 11.

Subject: Accept the Mid-Year Financial Report for Fiscal Year 2020-21; consider approving a Budget Modification increasing appropriations by \$32,626,692 and revenues by \$34,509,156.

1. Accept the City Manager's Mid-Year Financial Report for FY 2020-21.
2. Adopt Resolution No. 21-017 approving Budget Modification #2021-122 increasing appropriations by \$32,626,692 and revenues by \$34,509,156.



ADMINISTRATIVE SERVICES DEPARTMENT

CITY HALL
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CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: March 2, 2021

Subject

Accept the Mid-Year Financial Report for Fiscal Year 2020-21; consider approving a Budget Modification increasing appropriations by \$32,626,692 and revenues by \$34,509,156.

Recommended Action

1. Accept the City Manager's Mid-Year Financial Report for FY 2020-21.
2. Adopt a draft resolution 21-XXX approving Budget Modification #2021-122 increasing appropriations by \$32,626,692 and revenues by \$34,509,156.

Background

On June 16, 2020, the City Council adopted the Fiscal Year (FY) 2020-21 Budget, a \$110,591,225 spending plan for the City of Cupertino. On November 17, 2020 Council received an update on the City's spending plan as part of the City Manager's First Quarter Financial Report, which revised the budget to account for encumbrances of \$5,775,664 and carryover appropriations of \$83,404,472 from FY 2019-20. These carryover appropriations included \$35 million in capital projects, \$20 million for Vallco Town Center, and \$8 million for Lawrence Mitty Park. Encumbrances represent funds for obligations related to unfilled purchase orders or unfilled contracts that are rolled over from one year to the next until those obligations are fulfilled or terminated. Carryover appropriations are unencumbered funds for unfinished projects that are carried over for use in the following fiscal year in order to complete those projects.

In the first two quarters of FY 2020-21, Council approved \$3,990,830 in additional appropriations mostly related to First Quarter Adjustments (\$1 million for McClellan Road Bikeway Improvement Phase 3, \$213,300 for Homestead/De Anza Signal Upgrade, \$175,000 for plan-check engineer back-fill, \$175,000 for Westport legal services) as well as \$250,000 for short-term rental enforcement, \$735,259 for additional COVID-19-related projects, \$200,000 for the Wolfe Road homeless encampment, and \$286,000 for the Recology franchise agreement.

This resulted in an amended budget of \$203,762,191. These FY 2020-21 budget adjustments are summarized in the following table:

Mid-Year Financial Report Summary of Budget Adjustments by Fund

Fund	FY 20-21 Adopted	Carryovers	Encumbrances	Adjustments Approved in 1st-2nd Quarter	FY 20-21 Amended Budget as of December 31, 2020
General	\$ 80,528,492	\$ 26,980,460	\$ 3,176,881	\$ 1,544,777	\$ 112,230,610
Special Revenue	7,778,561	19,458,782	555,369	1,047,239	28,839,951
Debt Service	3,169,138	-	-	-	3,169,138
Capital Projects	3,762,723	35,073,216	1,732,364	1,000,000	41,568,303
Enterprise	7,679,246	1,713,928	120,218	398,814	9,912,206
Internal Service	7,673,065	178,086	190,832	-	8,041,983
Total All Funds	\$ 110,591,225	\$ 83,404,472	\$ 5,775,664	\$ 3,990,830	\$ 203,762,191

Discussion

The Mid-Year Financial Report focuses on the status of the City's budget as of December 31, 2020 and recommends adjustments to ensure the budget reflects the City's current revenue outlook and is responsive to changing spending priorities. As shown in the chart below, \$32,626,692 in budget adjustments are being requested. Included in the requested budget adjustments is a \$5,000,000 transfer of excess fund balance to the Capital Reserve in accordance with the City's Reserve and One Time Use Policy. The majority of these budget adjustment requests pertain to the City's recent refinancing of its Certificates of Participation on September 29, 2020 which resulted in approximately \$494,000 in annual General Fund savings or almost \$5 million over the next 10 years. Additionally a \$2 million contribution to the Section 115 Pension Trust is recommended. If approved, the City's new spending plan would total \$236,388,883 across all funds.

Mid-Year Financial Report Summary by Fund

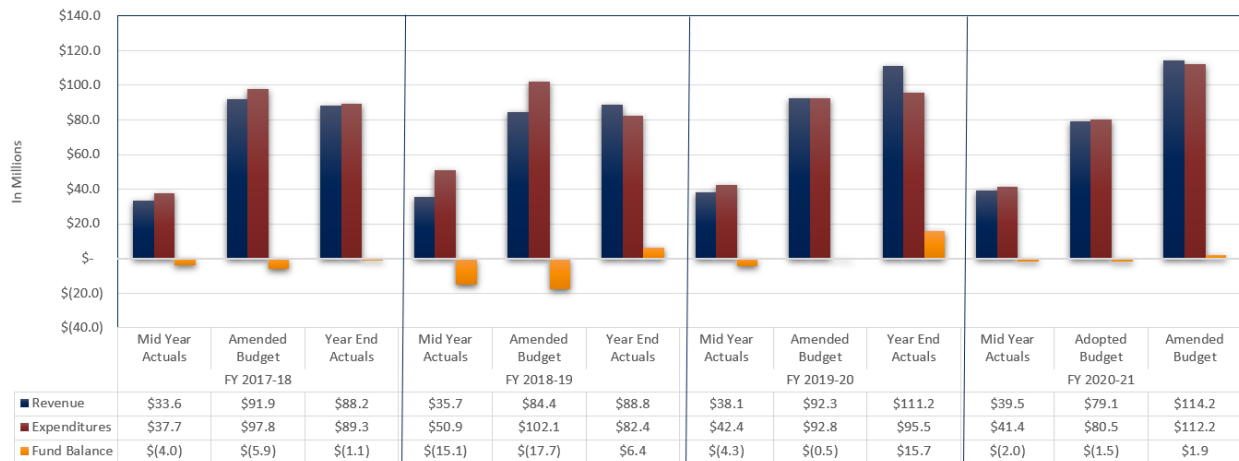
Fund	Amended Budget as of December 31, 2020	Requested Mid-Year Adjustments	Year-End Projections
General	\$ 112,230,610	\$ 5,076,800	\$ 117,307,410
Special Revenue	28,839,951	-	28,839,951
Debt Service	3,169,138	27,549,892	30,719,030
Capital Projects	41,568,303	-	41,568,303
Enterprise	9,912,206	-	9,912,206
Internal Service	8,041,983	-	8,041,983
Total All Funds	\$ 203,762,191	\$ 32,626,692	\$ 236,388,883

A projected increase to unassigned fund balance in the amount of \$1,882,464 across all funds would occur as summarized in the table below.

Fund	Department	Expense	Revenue	Fund Balance	Proposal
GENERAL FUND					
100 General Fund	Community Development	\$ 50,000	\$ -	\$ (50,000)	Density Bonus Update
100 General Fund	Community Development	\$ 25,000	\$ -	\$ (25,000)	Code Enforcement
100 General Fund	Innovation & Technology	\$ 1,800	\$ -	\$ (1,800)	Scavenger Hunt App for Safe Routes to Schools
100 General Fund	Non-Departmental	\$ 5,000,000	\$ -	\$ (5,000,000)	Transfer out to Capital Reserve
100 General Fund	Non-Departmental	\$ -	\$ 492,832	\$ 492,832	Transfer in from Debt Service Fund (Refinancing)
100 General Fund	Non-Departmental	\$ -	\$ 8,597,620	\$ 8,597,620	Sales tax estimate increase
100 General Fund	Non-Departmental	\$ -	\$ (5,500,000)	\$ (5,500,000)	Transient occupancy tax estimate decrease
TOTAL GENERAL FUND		\$ 5,076,800	\$ 3,590,452	\$ (1,486,348)	
DEBT SERVICE FUND					
365 Public Facilities Corporation	Non-Departmental	\$27,279,118	\$ -	\$ (27,279,118)	Other Financing Use - Escrow Principal Payment
365 Public Facilities Corporation	Non-Departmental	\$ 270,774	\$ -	\$ (270,774)	Bond Issuance Cost
365 Public Facilities Corporation	Non-Departmental	\$ -	\$22,040,000	\$ 22,040,000	Other Financing Source - Principal Issuance
365 Public Facilities Corporation	Non-Departmental	\$ -	\$ 3,878,704	\$ 3,878,704	Other Financing Source - Outstanding Premium
365 Public Facilities Corporation	Non-Departmental	\$ (215,000)	\$ -	\$ 215,000	Reduction in Principal (Due to Refinancing)
365 Public Facilities Corporation	Non-Departmental	\$ (277,832)	\$ -	\$ 277,832	Reduction in Interest (Due to Refinancing)
365 Public Facilities Corporation	Non-Departmental	\$ 492,832	\$ -	\$ (492,832)	Transfer Savings to General Fund
TOTAL DEBT SERVICE FUND		\$27,549,892	\$25,918,704	\$ (1,631,188)	
CAPITAL PROJECTS FUNDS					
429 Capital Reserve	Non-Departmental	\$ -	\$ 5,000,000	\$ 5,000,000	Transfer in from the General Fund
TOTAL CAPITAL PROJECTS FUNDS		\$ -	\$ 5,000,000	\$ 5,000,000	
TOTAL ALL FUNDS		\$32,626,692	\$34,509,156	\$ 1,882,464	

General Fund Update

4-Year Comparison of Revenues, Expenditures and Changes to Fund Balance



The City's General Fund historical revenue, expenditures and fund balance demonstrates the City has historically budgeted the use of fund balance. This means the General Fund's amended budget estimated appropriations to exceed revenues. This use was not due to a structural deficit but due to the transfer out of excess fund balance from the General Fund to the Capital Reserve in accordance with the City's One-time use policy. Due to the City's encumbrance and budget carryover process, excess fund balance resulted as part of the year end actuals.

Revenue

As of mid-year, General Fund revenue is tracking at \$39.5 million or 3% higher than the same time last year due to changes in the City's in various revenue sources as shown in the following table.

Comparison of FY 2019-20 and FY 2020-21 General Fund Mid-Year Revenues

Revenue Category	Mid-Year 2020	Mid-Year 2021	Variance	% Change
05 - Sales tax	\$ 12,082,134	\$ 16,772,159	\$ 4,690,025	39%
10 - Property tax	7,430,263	7,887,124	456,862	6%
15 - Transient occupancy	4,248,918	879,019	(3,369,899)	-79%
20 - Utility tax	1,332,066	1,291,056	(41,010)	-3%
25 - Franchise fees	694,529	627,465	(67,064)	-10%
30 - Other taxes	669,321	1,704,385	1,035,064	155%
35 - Licenses and permits	3,301,123	1,951,667	(1,349,457)	-41%
40 - Use of money and property	1,092,095	891,724	(200,371)	-18%
45 - Intergovernmental revenue	167,979	1,022,927	854,948	509%
50 - Charges for services	5,800,799	5,250,331	(550,469)	-9%
55 - Fines and forfeitures	145,735	53,744	(91,990)	-63%
60 - Miscellaneous	1,006,780	1,048,256	41,476	4%
65 - Transfers in	12,000	15,000	3,000	25%
70 - Other financing sources	\$ 164,663	\$ 87,567	\$ (77,096)	-47%
Grand Total	\$ 38,148,406	\$ 39,482,423	\$ 1,334,017	3%

Sales Tax received as of mid-year was \$4.7 million (or 39%) more than last year due to increases in the City's business-to-business industry group and its County Pool allocation share. This is directly related to COVID-19 and State-wide efforts to convert to a remote work environment. Additionally, with Shelter-in-Place orders in effect, there was a reduction in brick and mortar retail sales which resulted in an increase in on-line sales that also increased the City's tax base. HdL, the City's sales tax consultant, recently provided a report on sales tax performance during the period July-September 2020. Restaurants and Hotels, General Consumer Goods, Fuel and Service Stations, Building and Construction, and Autos and Transportation were down 46.9%, 18.4%, 54.3%, 48.8%, and 25.5%, respectively. This poor performance was vastly overshadowed by strong performance in the business to business and pool allocations. While similar trends are continuing in the fourth quarter (September-December 2020), this performance is considered to be a one-time experience. While the State continues to roll out the vaccine and the economy recovers, we can anticipate the City's major industry groups balance the scale back to normalcy. As of December 31, 2020, the City's sales tax is approximately 80% of the annual budget.

Effective October 1, 2019, companies such as Amazon, eBay and Google who provide sales tax related services to other retailers are required to assume the obligation for collecting and remitting their client's Sales and Use tax. The Marketplace provision was part of AB 147 which was adopted to implement California's approach to the U.S. Supreme Court decision in *South Dakota v. Wayfair Inc.* AB 147 requires out-of-state retailers with annual combined sales of \$500,000 or more to collect and remit their

state's sales and use tax from its customers. Applying the \$500,000 threshold to the total of all the third-party transactions that facilitators process for their clients, it is hoped to produce moderate gains in previously uncollected revenues for the state, cities, counties, and local transaction tax districts. Facilitator tax remittances from merchandise inventoried in California will be allocated to specific jurisdictions while receipts from deliveries outside of the State will be distributed via the pools based on respective share of the pool. As of the last reporting quarter Cupertino's share of the County pool was 10.3%.

The City's audited financial statements for FY 19-20 included a change in the estimate for its sales tax accrual. This resulted in a two month shift in timing for when monthly sales tax receipts were recorded. This change in estimate moved \$9 million of sales tax receipts from FY 20-21 to FY 19-20. We will see this change in estimate and reclassification have a direct and positive impact to the General Fund's fund balance. Even with the change in estimate, FY 20-21 sales tax performance is far exceeding budgetary estimations. Staff are recommending an increase to the estimated sales tax from \$20,910,889 to \$29,508,509, an increase of \$8,597,620 or 41%. This revised estimate is aligned with HdL's (sales tax consultant) projection for FY 20-21.

Property Tax revenue has come in higher than the same time last year by \$457,000 (or 6%). Residential use values increased \$801.5 million (or 5%) and represented 44% of all growth experienced in the City. Commercial properties posted an increase of \$169 million or a year-over-year increase of 2.3%. Unsecured assets in Cupertino increased \$782 million (or 47.6%) and were primarily attributable to assets owned by Apple Inc. Overall, the FY 20-21 property tax revenues are anticipated to increase by 6.95% over the previous fiscal year. The County Assessor's Office has informed the City that a 1.036% inflator will be applied to the 2021-22 roll. This is the first time in recent history that an inflator below the maximum 2% consumer price index (CPI) will be used. There is still uncertainty around post-pandemic impacts to property values, such as expanded and/or permanent telecommuting. Despite the uncertainty, the City's property tax base remains strong and HdL is currently projecting property taxes over the next five years as presented below:

FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
\$27,839,030	\$28,745,930	\$29,848,859	\$31,013,953	\$32,238,690

Transient Occupancy Tax continued to be impacted by COVID-19 and the shelter-in-place orders. As of December 31, 2020, the City recognized \$879,000 in transient occupancy tax, which represents 12% of the total amount budgeted in FY 20-21. It also represents a decrease of 79% over the Mid-Year point of FY 2019-20. While the City anticipates

moderate recovery on a monthly basis as the vaccine continues to roll out, much of the transient occupancy tax's recovery will be driven on shelter-in-place orders and business' short and long-term decisions to bring their employees back to the work place. Staff are currently estimating a 3-4 year period before full recovery is achieved. Staff are also recommending a decrease to the annual amount of transient occupancy tax expected for FY 20-21 from \$7,500,000 to \$2,000,000, a decrease of \$5,500,000 or 73%.

Utility Tax is down approximately \$41,000 (or 3%) mainly due to decreases in utility revenue coming from Silicon Valley Clean Energy Authority over the previous fiscal year.

Other Taxes have increased by approximately \$1 million (or 155%) primarily due to a construction tax received from PSI Inc. for a public storage facility.

Franchise Fees have decreased by \$67,100 (or 10%) primarily due to a decrease in Recology franchise fees collected.

Licenses and Permits decreased by \$1.3 million (or 41%) due to a one-time \$1.4 million permit fee for Vallco Town Center received in FY 19-20.

Use of Money and Property decreased by \$200,000 (or 18%) due to decreased interest earnings from the City's investment portfolio.

Intergovernmental Revenue has increased by \$855,000 (or 509%) due to CARES Act funding received in the amount of \$735,259.

Charges for Services have decreased by \$550,000 (or 9%) driven mainly by decreases in cost allocation charges. Additionally, charges for services experienced decreases in Parks & Recreation service fees that were offset by increases in Planning fees.

Fines and Forfeitures have decreased \$92,000 (or 63%) primarily due to fewer citations administered in the current year due to COVID-19 and shelter-in-place orders.

Miscellaneous revenue has increased by \$41,000 (or 4%) due primarily to an increase to an ongoing donation from Apple Inc. to fund additional law enforcement services.

Transfers In have increased by \$3,000 (or 25%) due to a transfer in from the Tree Fund.

Other Financing Sources is down \$77,000 (or 47%) due to a reduction in refundable deposit administrative fees collected over the previous fiscal year.

Expenditures

As of mid-year, overall expenditures in the General Fund are down by \$1 million (or 2%) when compared to the same time last year due to budget reduction strategies that were implemented as part of the FY 20-21 Adopted Budget. The following table shows the differences between General Fund expenditures as of the mid-year in the current fiscal year and the prior fiscal year:

Comparison of FY 2019-20 and FY 2020-21 General Fund Mid-Year Expenditures

Expenditure Category	Mid-Year 2020	Mid-Year 2021	Variance	% Change
05 - Employee compensation	\$ 8,767,818	\$ 8,829,205	\$ 61,387	1%
10 - Employee benefits	3,770,254	4,218,645	\$ 448,391	12%
15 - Materials	2,621,548	1,921,595	\$ (699,953)	-27%
20 - Contract services	10,888,901	10,293,908	\$ (594,993)	-5%
25 - Cost allocation	4,893,239	5,236,770	\$ 343,532	7%
30 - Capital outlays	-	23,470	\$ 23,470	N/A
31 - Special projects	852,748	658,758	\$ (193,990)	-23%
45 - Transfer out	10,539,557	10,148,689	\$ (390,868)	-4%
50 - Other financing uses	95,957	101,433	\$ 5,476	6%
Grand Total	\$ 42,430,022	\$ 41,432,474	\$ (997,549)	-2%

Salary and Benefits increases are approximately \$510,000 (or 4%). Compensation increases are due primarily to labor negotiations approved by Council on July 16, 2019. Increases in salary, driven by cost of living adjustments and equity adjustments, can be anticipated for the span of the negotiation term ending June 30, 2022. These increases were offset by increases due to vacancy savings and savings through attrition. Benefit increases were primarily due to retirement, health, and workers' compensation costs. As part of the budget reduction strategies in FY 20-21, savings through attrition in the amount of \$800,000 are anticipated and current year-end projections are aligned.

Materials costs are down approximately \$700,000 (or 27%) due primarily to the budget reduction strategies put in place in FY 20-21. The strategy called for approximately \$670,000 in total materials savings and current year-end projections are aligned.

Contract Services have decreased approximately \$595,000 (or 5%) due primarily to the budget reduction strategies put in place in FY 20-21. The strategy called for approximately \$1 million in total contract services savings and current year-end projections are aligned.

Cost Allocation increases are approximately \$344,000 (or 7%) due primarily to increases in I&T and Human Resources charges.

Capital Outlay costs are up approximately \$23,000, due to capitalizable facilities costs that were not incurred in the previous fiscal year.

Special Projects decreases are approximately \$194,000 (or 23%) due to fluctuations in one-time expenditures. Additionally, as part of the budget reduction strategy implementation, savings of \$500,000 was anticipated and current year-end projections are aligned.

Transfers Out decreases are approximately \$391,000 (or 4%) and are due to fluctuations in operating subsidies received from the General Fund as part of the annual budget process.

Other Financing Uses have increased slightly due to refundable deposit on-call contracts for Community Development Department.

All Other Funds Update and Year End Projections

Revenue

As of mid-year, revenue in all other funds is tracking at \$21.1 million (or 44%) lower than the same time last year due primarily to an overall reduction in transfers from the General Fund to the Capital Improvement Program as a result of a decrease in Capital Projects in FY 20-21 compares to FY 19-20.

Revenue Category	Mid-Year 2020	Mid-Year 2021	Variance	% Change
30 - Other taxes	\$ 271,501	\$ 263,532	\$ (7,969)	-3%
40 - Use of money and property	787,109	544,912	(242,197)	-31%
45 - Intergovernmental revenue	1,644,959	1,706,607	61,648	4%
50 - Charges for services	5,221,710	4,227,676	(994,034)	-19%
55 - Fines and forfeitures	7,243	3,923	(3,320)	-46%
60 - Miscellaneous	3,518,419	2,042,549	(1,475,869)	-42%
65 - Transfers in	26,244,557	12,138,138	(14,106,419)	-54%
70 - Other financing sources	192,360	156,140	(36,220)	-19%
Grand Total	\$ 37,887,859	\$ 21,083,478	\$ (16,804,381)	-44%

Other Taxes decreased approximately \$8,000 (or 3%) remaining relatively consistent over the previous fiscal year.

Use of Money and Property decreased by approximately \$242,000 (or 31%) due to decreased interest earnings from the City's investment portfolio compared to the previous fiscal year.

Intergovernmental Revenue increased by approximately \$62,000 (or 4%) due primarily to an increase in our Transportation Fund collections of Vehicle Registration Fees, Gas Tax, and SB1 Road Maintenance and Rehabilitation funding.

Charges for services decreased approximately \$994,000 (or 19%) primarily due to a reduction in Youth, Teen, and Recreation and Sports Center compared to the previous fiscal year.

Fines and forfeitures decreased approximately \$3,000 (or 46%) due to a decreased volume in citations administered over the prior year.

Miscellaneous revenue decreased approximately \$1.5 million (or 42%) due primarily to an Apple Grant received to fund various CIP projects for bikeways, trails, and sidewalks in FY 19-20.

Transfers In decreased approximately \$14.1 million (or 54%) due to a reduction in new Capital Improvement Program projects in FY 20-21 that would ordinarily require a transfer out of the Capital Reserve.

Other financing sources decreased approximately \$36,000 (or 19%) due to a reduction in proceeds received from the sale of vehicles and equipment that had reached their useful lives.

Expenditures

As of mid-year, overall expenditures are tracking at \$19.9 million (or 39%) lower than the same time last year due primarily to decreases in transfers out and contract services.

Expenditure Category	Mid-Year 2020	Mid-Year 2021	Variance	% Change
05 - Employee compensation	\$ 2,284,933	\$ 2,187,881	\$ (97,053)	-4%
10 - Employee benefits	1,457,873	1,592,793	134,920	9%
15 - Materials	769,283	890,282	120,998	16%
20 - Contract services	3,228,861	1,435,189	(1,793,672)	-56%
25 - Cost allocation	1,492,657	1,095,270	(397,387)	-27%
30 - Capital outlays	4,536,976	6,286,263	1,749,287	39%
31 - Special projects	2,931,208	2,348,076	(583,131)	-20%
40 - Debt services	-	1,726,694	1,726,694	N/A
45 - Transfer out	15,717,000	2,004,449	(13,712,551)	-87%
Grand Total	\$ 32,418,791	\$ 19,856,853	\$ (12,561,938)	-39%

Salary and Benefits increases are approximately \$38,000 (or 1%). Compensation decreases are due primarily to a reduction in part-time compensation due to COVID-19 and vacancy savings through attrition. Benefit increases were primarily due to retirement, health, and workers' compensation costs. As part of the budget reduction strategies in FY 20-21, savings through attrition in the amount of \$800,000 are anticipated and current year-end projections are aligned.

Materials have increased approximately \$121,000 (or 16%) and is due to COVID-19 grant expenditures in the City's Community Development Block Grant Special Revenue Fund.

Contract Services have decreased approximately \$1.8 million (or 56%) due, but not limited to, decreases in the Recology franchise agreement and decreased services provided at the Sports Center throughout construction and COVID-19.

Cost Allocation decreased approximately \$397,000 (or 27%) due primarily to increases in Innovation & Technology, Human Resources, and Finance charges.

Capital Outlays increased approximately \$1.7 million (or 39%) due to a number of projects progressing including, but not limited to, the Library Expansion and the acquisition of Lawrence Mitty Park.

Special Projects decreased approximately \$583,000 (or 20%) due to decreases in annual asphalt project spending.

Debt Service increased approximately \$1.7 million due to the refinancing of the City's Certificates of Participation.

Transfers Out decreased \$13.7 million (or 87%) due to a reduction in new Capital Improvement Program projects in FY 20-21 that would ordinarily require a transfer out of the Capital Reserve.

Budget Adjustment Requests

As of the mid-year a few departments are requesting budget adjustments to ensure they end the year within budget appropriations. The recommended adjustments are summarized in the table below:

Fund	Department	Expense	Revenue	Fund Balance	Proposal
GENERAL FUND					
100 General Fund	Community Development	\$ 50,000	\$ -	\$ (50,000)	Density Bonus Update
100 General Fund	Community Development	\$ 25,000	\$ -	\$ (25,000)	Code Enforcement
100 General Fund	Innovation & Technology	\$ 1,800	\$ -	\$ (1,800)	Scavenger Hunt App for Safe Routes to Schools
100 General Fund	Non-Departmental	\$ 5,000,000	\$ -	\$ (5,000,000)	Transfer out to Capital Reserve
100 General Fund	Non-Departmental	\$ -	\$ 492,832	\$ 492,832	Transfer in from Debt Service Fund (Refinancing)
100 General Fund	Non-Departmental	\$ -	\$ 8,597,620	\$ 8,597,620	Sales tax estimate increase
100 General Fund	Non-Departmental	\$ -	\$ (5,500,000)	\$ (5,500,000)	Transient occupancy tax estimate decrease
TOTAL GENERAL FUND		\$ 5,076,800	\$ 3,590,452	\$ (1,486,348)	
DEBT SERVICE FUND					
365 Public Facilities Corporation	Non-Departmental	\$27,279,118	\$ -	\$ (27,279,118)	Other Financing Use - Escrow Principal Payment
365 Public Facilities Corporation	Non-Departmental	\$ 270,774	\$ -	\$ (270,774)	Bond Issuance Cost
365 Public Facilities Corporation	Non-Departmental	\$ -	\$22,040,000	\$ 22,040,000	Other Financing Source - Principal Issuance
365 Public Facilities Corporation	Non-Departmental	\$ -	\$ 3,878,704	\$ 3,878,704	Other Financing Source - Outstanding Premium
365 Public Facilities Corporation	Non-Departmental	\$ (215,000)	\$ -	\$ 215,000	Reduction in Principal (Due to Refinancing)
365 Public Facilities Corporation	Non-Departmental	\$ (277,832)	\$ -	\$ 277,832	Reduction in Interest (Due to Refinancing)
365 Public Facilities Corporation	Non-Departmental	\$ 492,832	\$ -	\$ (492,832)	Transfer Savings to General Fund
TOTAL DEBT SERVICE FUND		\$27,549,892	\$25,918,704	\$ (1,631,188)	
CAPITAL PROJECTS FUNDS					
429 Capital Reserve	Non-Departmental	\$ -	\$ 5,000,000	\$ 5,000,000	Transfer in from the General Fund
TOTAL CAPITAL PROJECTS FUNDS		\$ -	\$ 5,000,000	\$ 5,000,000	
TOTAL ALL FUNDS		\$32,626,692	\$34,509,156	\$ 1,882,464	

Community Development - Code Enforcement – The majority of code enforcement cases are usually resolved by the responsible property owner after an administration citation or a threat of a citation is given. \$25,000 is needed to abate code enforcement cases that cannot be mitigated through the normal enforcement process.

Community Development - Density Bonus – Density Bonus is a State law to allow additional market rate units certain incentives, concessions, and waivers for residential projects with 5 or more units that provide affordable units. The City has a conforming Density Bonus ordinance that implements this State law. The requested \$50,000 in contract services will assist in updating this ordinance in accordance with the City Work Program's affordable housing strategies item.

Innovation & Technology – Scavenger Hunt App for Safe Routes to School – With Cupertino students likely not returning to school campuses until the 2021-22 school year, Cupertino Safe Routes to School is trying to identify creative ways to encourage physical activity while students continue to study virtually. The mission is to create a safer environment for Cupertino students and families to actively travel to and from school. This project aligns because it will encourage physical activity and teach students important cyclist and pedestrian safety skills. This application (app) will include 250 player credits to use in a three-month period. The project cost is \$1,800 and will be considered an annual on-going project cost.

Non-Departmental Certificates of Participation Refinancing – On September 29, 2020, the City's 2020A Certificates of Participation (2020 COPs) were successfully sold in order to refund the City's 2012 Certificates of Participation for debt service savings. The refunding generated net present value savings of approximately \$3.14 million, 11.61% of refunded par and a True Interest Cost of 0.72%. Savings to the City's General Fund amounts to approximately \$494,000 per year for the next 10 years, or almost \$5 million in total savings. This budget request will account for the sources and uses of funds that were used to facilitate this transaction. The sources and uses listed below are extracted from the Official Statement and correspond with the budget request.

ESTIMATED SOURCES AND USES OF FUNDS

The following table summarizes the estimated sources and uses of Certificate proceeds:

<i>Sources of Funds</i>	
Principal Amount of Certificates	\$ 22,040,000.00
Original Issue Premium	3,878,703.75
2012 Certificates Reserve Fund	1,631,187.40
Total Sources	<u>\$ 27,549,891.15</u>
<i>Uses of Funds</i>	
Escrow Fund	\$ 27,279,117.67
Costs of Issuance ⁽¹⁾	270,773.48
Total Uses	<u>\$ 27,549,891.15</u>

Transfer to Capital Reserve – Staff are recommending a \$5,000,000 transfer of excess General Fund fund balance to the Capital Reserve for purpose of funding current and future capital projects.

Section 115 Trust (PRSP) – Staff are recommending an additional contribution of \$2,000,000 to the City's Section 115 Trust (Pension Rate Stabilization Program). The City established this trust with PARS in 2018 for purposes of 1) maintaining local

control over assets, 2) mitigating impact of large pension cost fluctuations, 3) potential for higher investment returns than General Fund, and 4) asset diversification. The trust's assets are required to be used to pay CalPERS for related retirement costs; however, at this time, staff do not anticipate drawing down from this trust in the near future. In 2018, the City made an additional contribution of \$8,000,000 and had recommended funding \$2 million annually for five (5) years. With this strategy, the trust would accumulate sufficient funds to pay the difference between a 7% and 6.25% discount rate, or approximately \$42 million. With a total principal contribution amount of \$12 million to date, approving this \$2 million additional contribution will allow the City to be on schedule to address this funding gap by 2037.

Staffing

The Amended Budget as of December 31, 2020 has a total of 197.75 FTEs (202.75 including City Council). There are no proposed changes to staffing as part of the Mid-Year Report.

Fund Balance

The City's General Fund ended FY 2019-20 with \$74.5 million in total fund balance. As part of the FY 2020-21 Adopted Budget, the City projected ending the fiscal year with \$52 million in total fund balance. As of the First Quarter Report, the City updated its year-end projections for FY 2020-21 to \$70.5 million in total fund balance, an increase of \$18.5 million due to increases in revenues received and lower expenditures in FY 2019-20. Projected year-end fund balance as of mid-year FY 2020-21 is estimated to be \$78.1 million. This represents an increase of \$7.6 million from the first quarter projections due primarily to further increases in sales tax in the second quarter. The \$78.1 million projection includes a one-time transfer out of \$5 million to the Capital Improvement Program Reserve Fund as well as a \$2 million contribution to the Section 115 Pension Trust.

General Fund Classification of Fund Balance

CLASSIFICATION	Actuals 2018-19	Year End Projection 2019-20	Adopted Budget 2020-21	1st Quarter Year End Projection 2020-21	Mid-Year End Projection 2020-21
Non Spendable	0.45	3.45	0.45	0.44	3.44
Restricted	9.47	14.32	13.36	18.32	18.56
Committed	19.12	19.13	19.12	19.13	19.13
Assigned	1.98	3.18	3.00	3.00	3.00
Unassigned	27.90	34.43	16.04	29.56	33.99
TOTAL FUND BALANCE	58.92	74.51	51.96	70.46	78.12

To date, the City's external auditors have not completed their review of the City's financials. Revenue, expenditure, and fund balance totals listed in this report are preliminary and subject to change after a full review by the City's auditors. City Staff does not anticipate many, if any, changes to these figures.

Per the City's one Fund Balance Policy, unassigned fund balance over \$500,000 are to be used in the following order to replenish committed fund balances with any remaining balances to be placed in the Capital Reserve:

1. Economic Uncertainty
2. PERS
3. Sustainability Reserve
4. Unassigned

Cash & Investments

The City's cash and investment balance as of December 31, 2020 was \$161.8 million. This comprised 12% cash, 13% LAIF, 7% Asset-backed Securities, 32% Agency Notes, 1% Municipal Bonds, 2% Negotiable CDs, 1% Supranational, 18% Corporate Notes, and 15% US Treasuries. In accordance with California Government Code section 53646(3) the City maintains the ability to meet its expenditure requirements for the next six (6) months. As a result, a certain degree of liquidity is necessary within an agency's portfolio.

Performance Measures

Updated performance measures that align with government and private industry best practices have been included in the Mid-Year Financial Report. Staff will continue to provide updates to Council on the performance measures as part of the Mid-Year Budget Report, including prior year totals and current year results through December. Attachment C represents the status of the performance measures as of Mid-Year.

Conclusion

The Mid-Year Financial Report shows the City is well-positioned to move forward. City staff recommend adjustments of \$32,626,692 in new appropriations funded by \$34,509,156 in revenues. If approved, the City's fund balance will increase by \$1,882,464.

Prepared by: Zach Korach, Finance Manager

Reviewed by: Kristina Alfaro, Director of Administrative Services

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – Draft Resolution

B – Mid-Year Financial Report for Fiscal Year 2020-21

C – Mid-Year Performance Measures

D – Mid-Year Budget Adjustment Journal

Attachment A

RESOLUTION NO. 21-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2020-21 BY
APPROPRIATING, TRANSFERRING, AND UNAPPROPRIATING MONIES
FOR SPECIFIED FUNDS**

WHEREAS, the orderly administration of municipal government depends on a sound fiscal policy of maintaining a proper ratio of expenditures within anticipated revenues and available monies; and

WHEREAS, accomplishing City Council directives, projects and programs, and performing staff duties and responsibilities likewise depends on the monies available for that purpose; and

WHEREAS, the City Manager has determined that the balances from the funds specified in this resolution are adequate to cover the proposed amended appropriations, and therefore recommends the fund reallocations described herein.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the recommended fund reallocations and ratifies the attached amended appropriations.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 2nd day of March 2021, by the following vote:

Vote

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Darcy Paul, Mayor City of Cupertino	_____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	_____ Date

Attachment A

Appropriation Amendment by Fund	Appropriation Amendment	Revenue Amendment	Fund Balance (Use of)
General Fund	\$43,758,334	\$32,048,517	(\$11,709,817)
Capital Projects Funds	\$1,058,157	\$20,705,438	\$19,647,281
Total Appropriation Amendment All Funds	\$44,816,491	\$52,753,955	\$7,937,464

CITY OF CUPERTINO

FY 2020-21 Mid-Year Report

The following is the Mid-Year Financial Report, submitted by the Administrative Services Department for the period of July 1, 2020 to December 31, 2020 for the 2020-2021 Fiscal Year. It has been prepared to inform the City Council, City leadership and the public of the City's fiscal status.

This Financial Report is interactive. Click on a chart to learn more.

For a comprehensive discussion of Mid-Year, view the Staff Report.

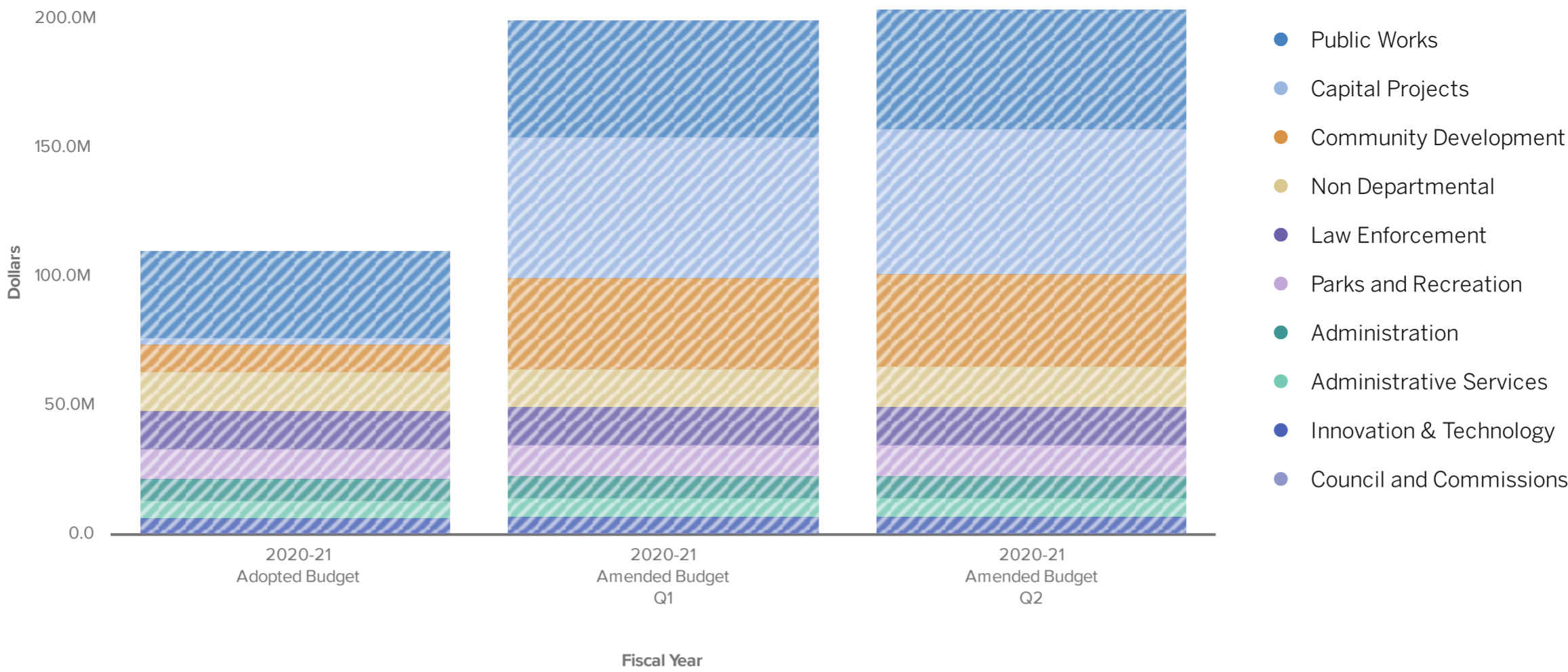
Background

On June 16, 2020, the City Council adopted the Fiscal Year (FY) 2020-21 Budget, a \$110,591,225 spending plan for the City of Cupertino. On November 17, 2020 Council received an update on the City's spending plan as part of the City Manager's First Quarter Financial Report, which revised the budget to account for encumbrances of \$5,775,664 and carryover appropriations of \$83,404,472 from FY 2019-20. These carryover appropriations included \$35 million in capital projects, \$20 million for Vallco Town Center, and \$8 million for Lawrence Mitty Park. Encumbrances represent funds for obligations related to unfilled purchase orders or unfilled contracts that are rolled over from one year to the next until those obligations are fulfilled or terminated. Carryover appropriations are unencumbered funds for unfinished projects that are carried over for use in the following fiscal year in order to complete those projects.

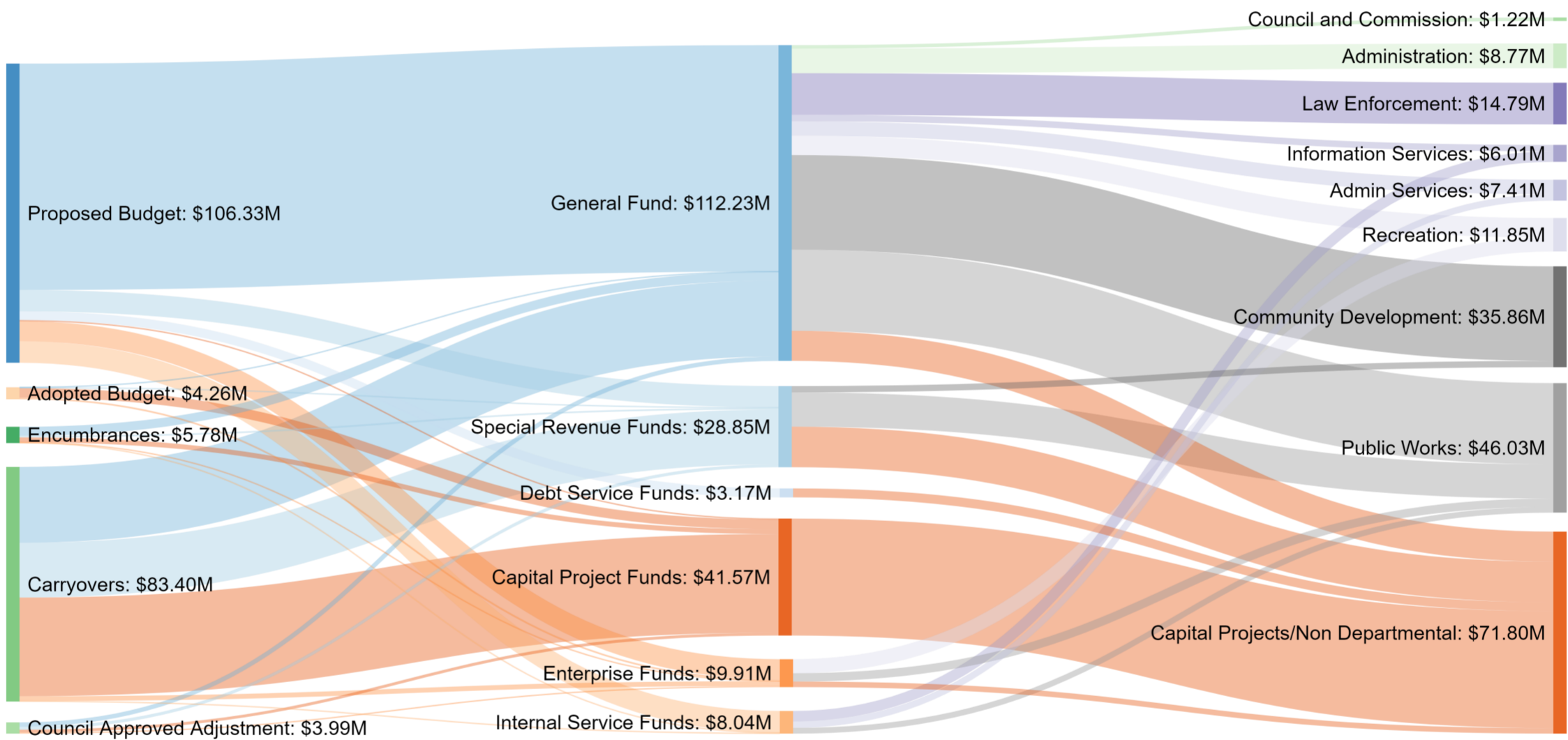
In the first two quarters of FY 2020-21, Council approved \$3,990,830 in additional appropriations mostly related to First Quarter Adjustments (\$1 million for McClellan Road Bikeway Improvement Phase 3, \$213,300 for Homestead/De Anza Signal Upgrade, \$175,000 for plan-check engineer back fil, \$175,000 for Westport legal services) as well as \$250,000 for short term rental enforcement, \$735,259 for additional COVID-19 related projects, \$200,000 for Wolfe Road homeless encampment, and \$286,000 for Recology franchise agreement.

This resulted in an amended budget of \$203,762,191.

Amended Budget

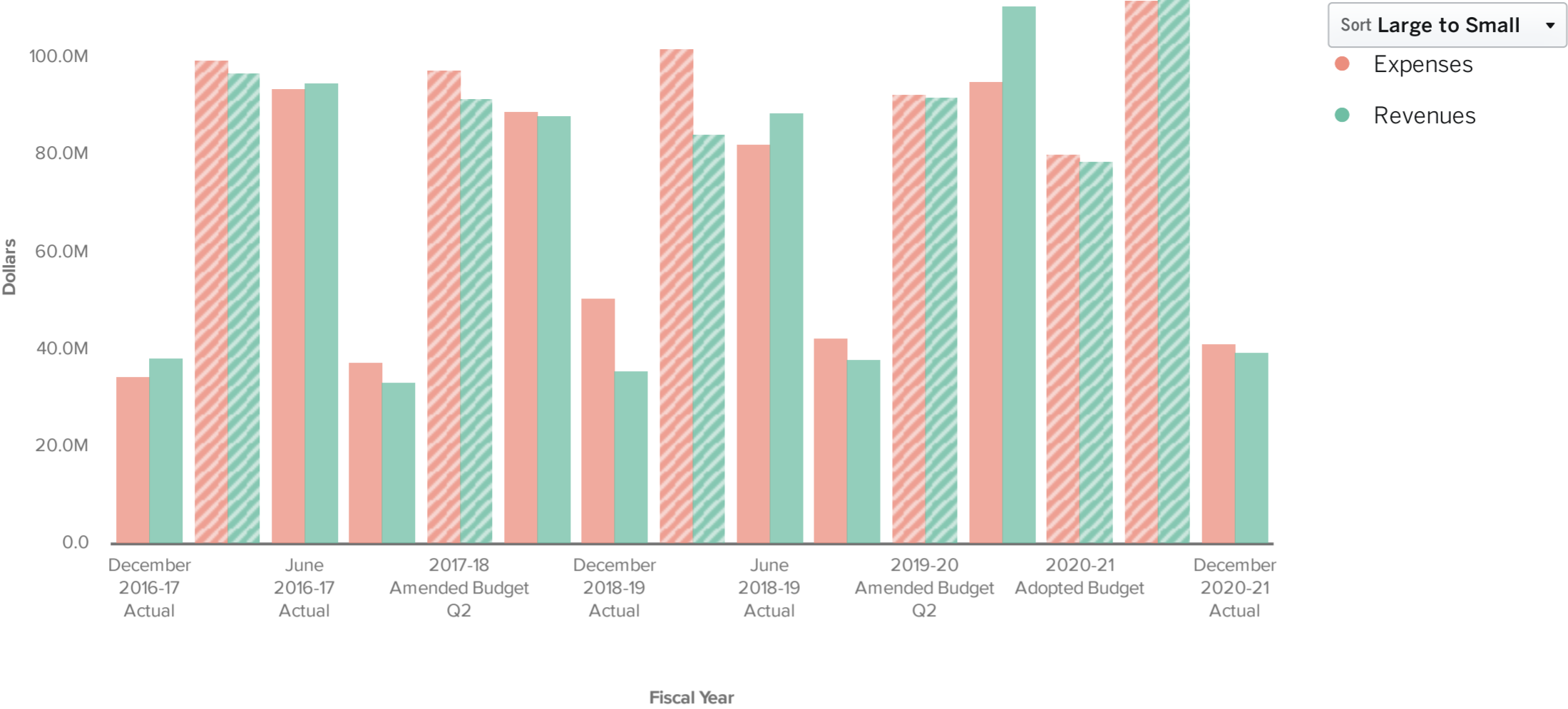


Flow of Funds Chart (in Millions)

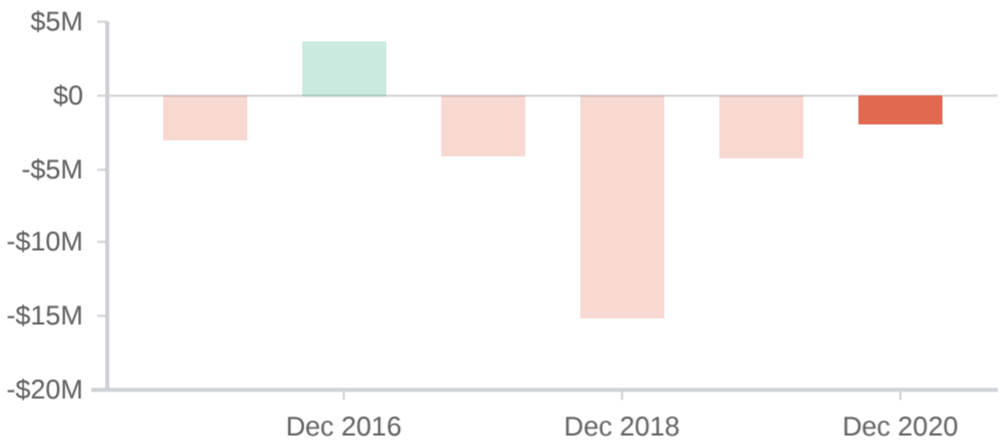


General Fund Revenues, Expenditures, and Fund Balance

To date the City's financial statement audit has yet to be issued and revenue, expenditure, and fund balance totals listed in this report are preliminary and subject to change after a full review by the City's auditors. City staff does not anticipate many if any changes from the auditors.



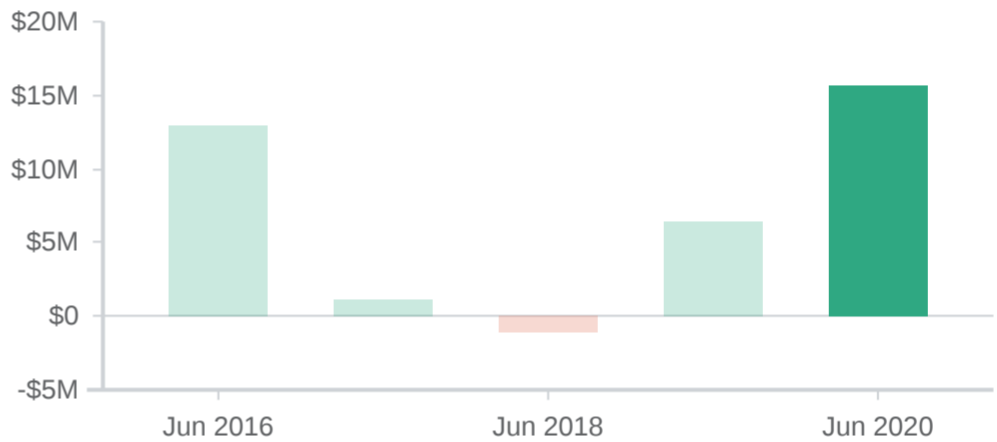
General Fund Revenues Less Expenses at Mid-Year



-\$1,949,386.94

Revenues Less Expenses in Dec 2020

General Fund Revenues Less Expenses at Year End



\$15,697,621.68

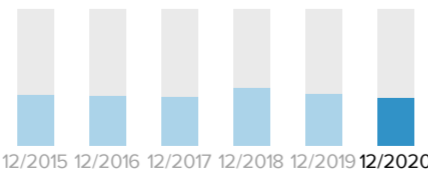
Revenues Less Expenses in Jun 2020

General Fund Revenue and Expenditure Trends

As of December 31, 2020, General Fund expenditures are \$41.4 million; this represents 40% of budgeted appropriations. Expenditures at the mid-year point of the prior three years were between 34% and 55% of year-end expenditures placing this year within range. General Fund revenues are at \$39.5 million; this represents 38% of budgeted revenue. Revenues at the mid-year point of the prior three years were between 35% and 42% of year-end revenues, placing this year within the range. Staff will continue to monitor its leading revenue sources as the year progresses.

General Fund Revenues - Mid-Year vs Budget

Data Updated today

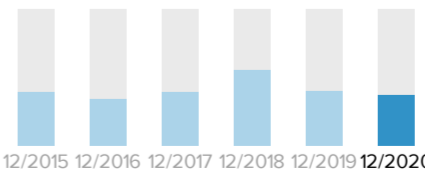


34.59%

In Revenues of \$114,156,390.00 Budgeted through Dec 2020

General Fund Expenses - Mid-Year vs Budget

Data Updated today



36.92%

In Expenses of \$112,230,610.00 Budgeted through Dec 2020

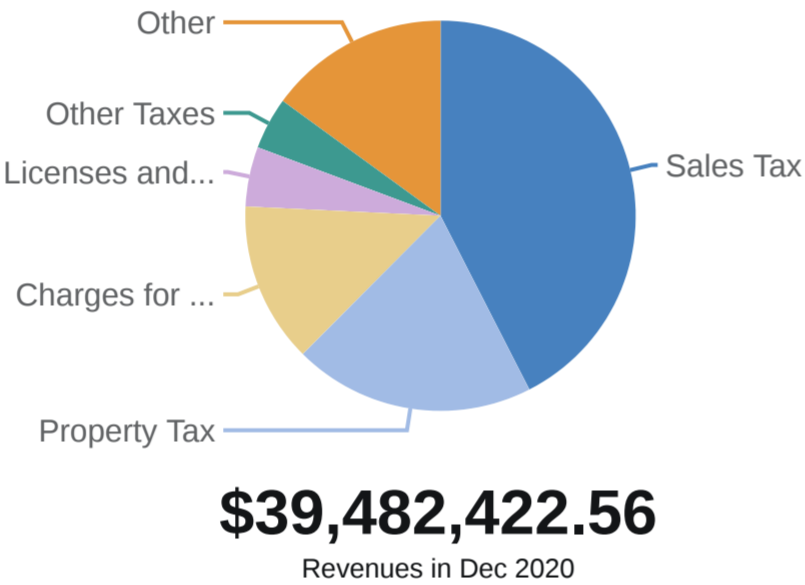
General Fund Revenues - Mid-Year vs Year End



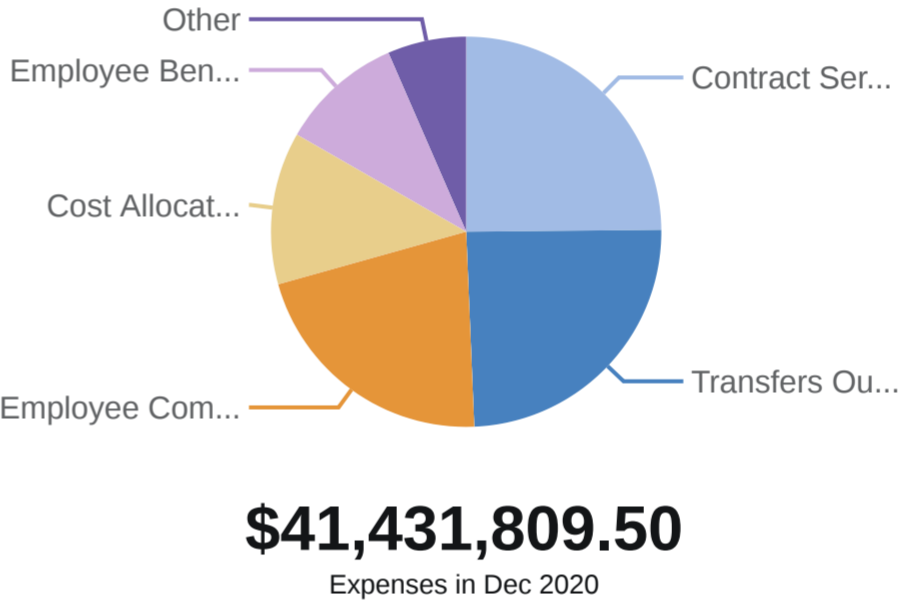
General Fund Expenses - Mid-Year vs Year End



General Fund Revenues by Type



General Fund Expenses by Type



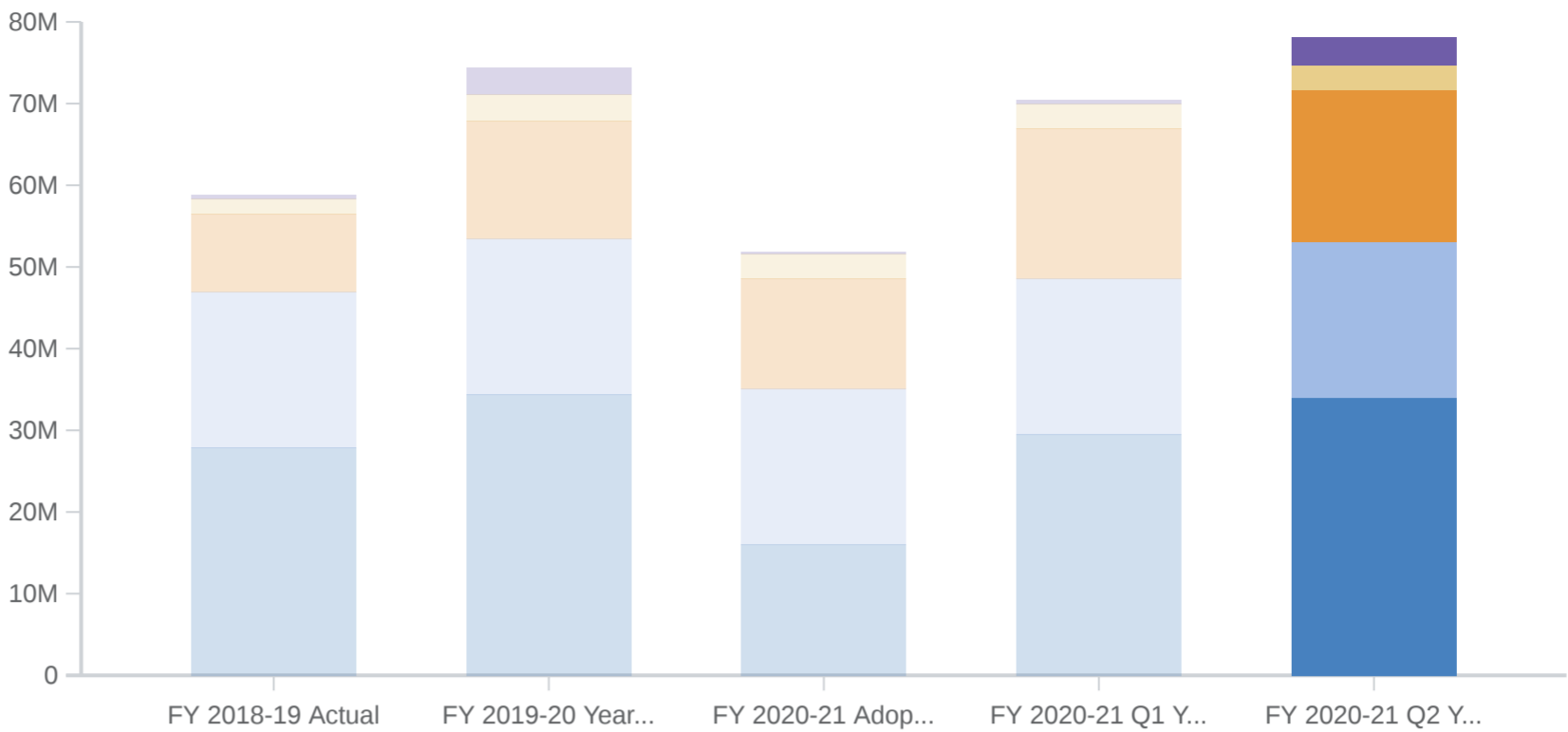
General Fund Classification of Fund Balance

The City's General Fund ended FY 2019-20 with \$74.5 million in total fund balance. As part of the FY 2020-21 Adopted Budget, the City projected ending the fiscal year with \$52 million in total fund balance. As of the First Quarter Report, the City updated its year-end projections for FY 2020-21 to \$70.5 million in total fund balance, an increase of \$18.5 million due to increases in revenues received and lower expenditures in FY 2019-20. Projected year-end fund balance as of mid-year FY 2020-21 estimated to be \$78.1 million an increase of \$7.6 million from the first quarter projections due primarily to further increases in sales tax in the second quarter. The \$78.1 million projection includes a one-time transfer out of \$5 million to the Capital Improvement Program Reserve Fund as well as a \$2 million contribution to the Section 115 Pension Trust.

To date, the City's external auditors have not completed their review of the City's financials. Revenue, expenditure, and fund balance totals listed in this report are preliminary and subject to change after a full review by the City's auditors. City Staff does not anticipate many, if any, changes to these figures.

General Fund
Classification of Fund
Balance

Data Updated yesterday



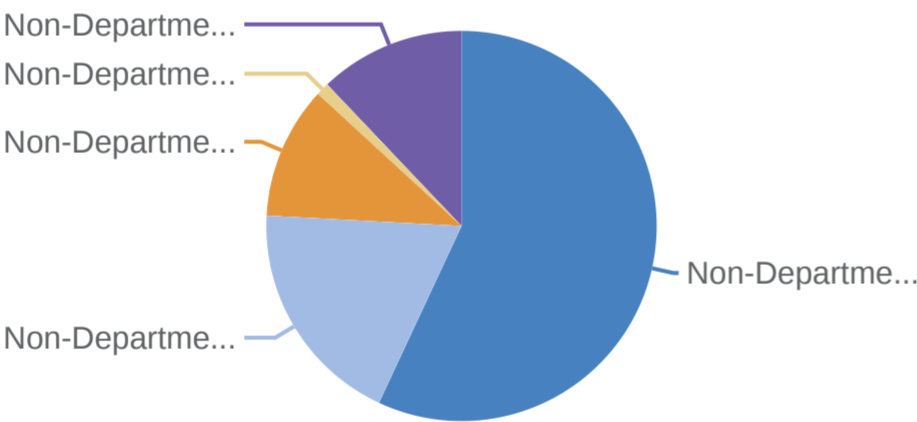
78,122,127

Classification in FY 2020-21 Q2 Y...

Recommended Adjustments

As of the mid-year, a few departments are requesting budget adjustments to ensure they end the year within budget appropriations. The recommended adjustments are summarized below.

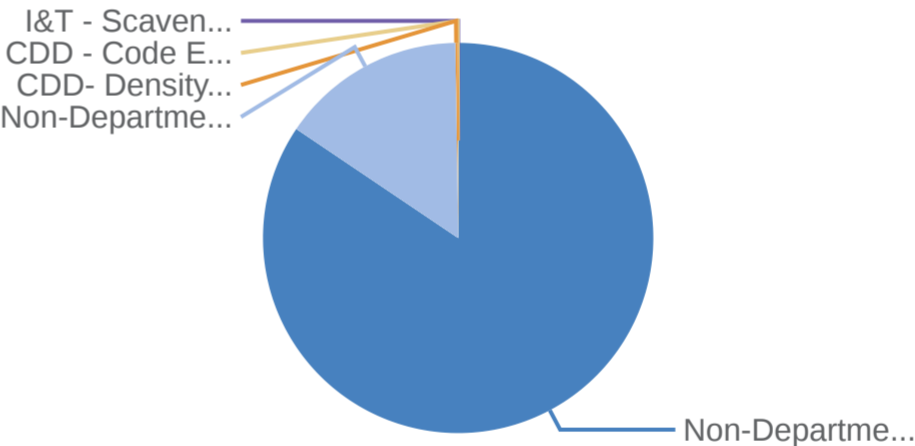
Revenue Adjustments by Proposal



\$34,509,155.08

Proposal Name in 2021

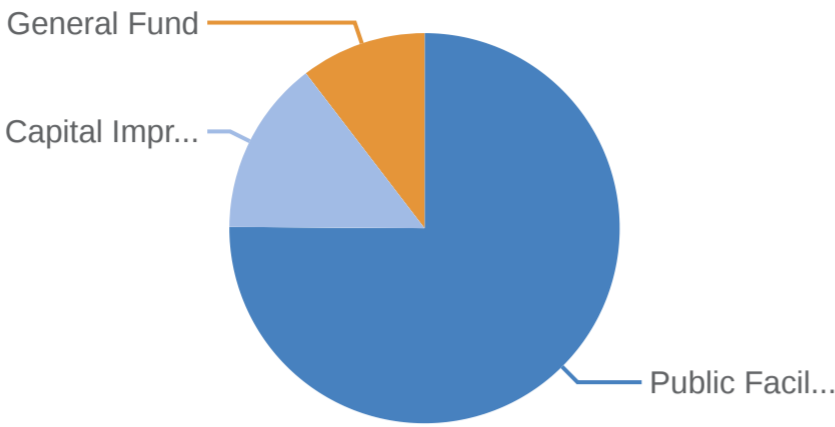
Expense Adjustments by Proposal



\$32,626,691.15

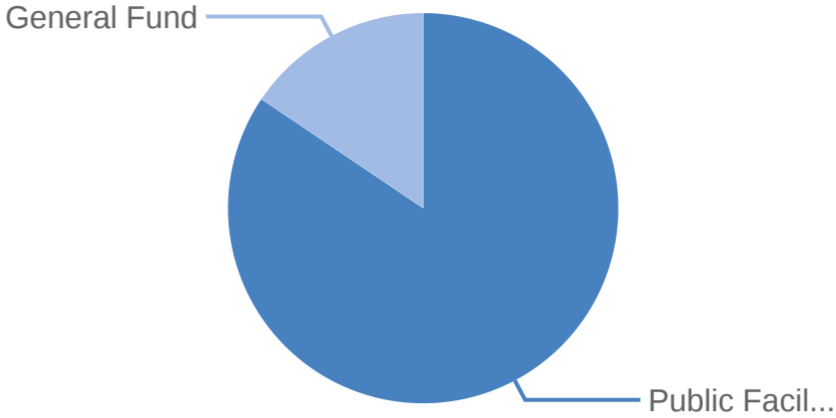
Proposal Name in 2021

Revenue Adjustments by Fund



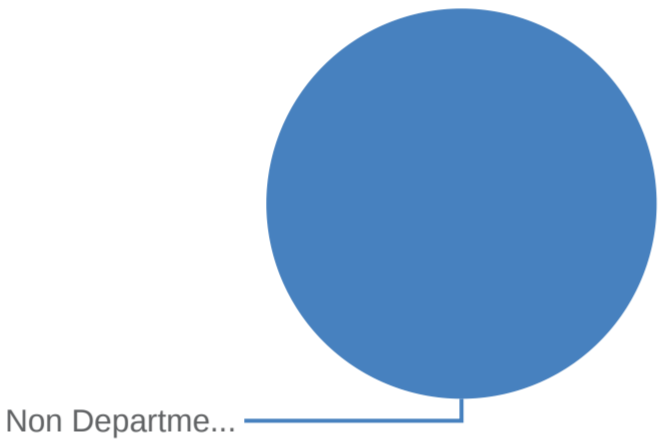
\$34,509,155.08
Funds in 2021

Expense Adjustments by Fund



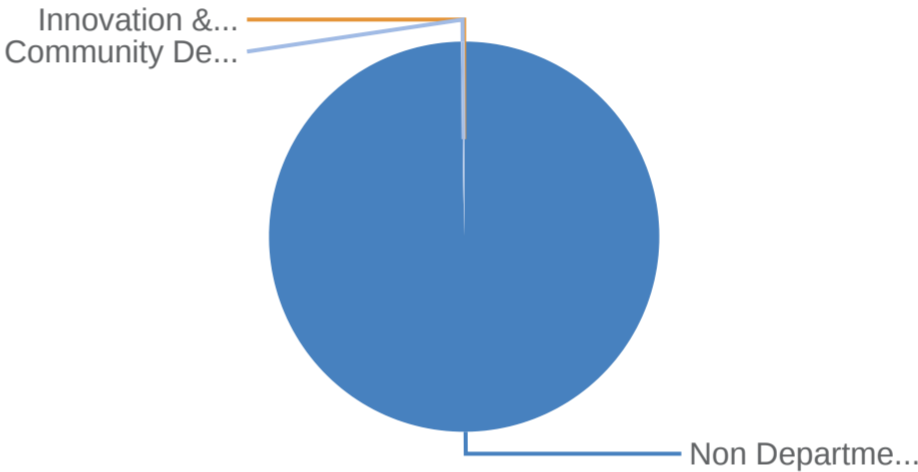
\$32,626,691.15
Funds in 2021

Revenue Adjustments by Department



\$34,509,155.08
Departments in 2021

Expense Adjustments by Department



\$32,626,691.15
Departments in 2021

Summary

The Mid-Year Financial Report shows the City is well-positioned to move forward. City staff recommends adjustments of \$32,626,692 in new appropriations funded by \$34,509,156 in revenues. If approved, the City’s fund balance will increase by \$1,882,464.

City of Cupertino, California

Cupertino City Hall
10300 Torre Avenue
Cupertino, CA 95014-3202

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[View the City's Budgets](#)

[View the City's Financial Transparency Portal](#)

City of Cupertino
FY 20-21 Budget Performance Measures
Department: City Manager's Office, City Clerk Division

GOAL: Streamline information processing for Council, staff and community members for compliance with State requirements and facilitate independent and transparent access to public information.

Enabled by...

Online information and updated records that can be easily accessed in a timely manner.



Enabled by...

Response to records requests to comply with State law of 10 days.



Measure	FY19 Jul-Jun	FY20 Jul-Jun	FY21 Jul-Dec	Ongoing Target
City Council minutes for regular meetings presented for Council approval by the following regular meeting	94%	100%	100%	100%
Adopted City Council resolutions and ordinances processed and scanned to Laserfiche within a week of Clerk's office receipt of final, signed document	99%	60%	67%	100%
Public Record Act requests responded to by the Statutory deadline date	100%	100%	100%	100%

So that...

All can fully participate in local government to achieve the community & organizational goals.

City of Cupertino
FY 20-21 Budget Performance Measures
Department: Administration, City Manager's Office, Sustainability Division

GOAL: Implement Cupertino's Climate Action Plan and General Plan Sustainability
Element to achieve quantifiable emissions reductions, conserve finite resources, and achieve utility cost avoidance and savings across municipal operations and community partners.

Enabled by...

An agency implementing Council and community sustainability goals to effectively safeguard shared resources.



Enabled by...

Engaged community partners and volunteers supporting CAP implementation.



Measure	FY19 Jul-Jun	FY20 Jul-Jun	FY21 Jul-Dec	Ongoing Target
% community-wide emissions reduced from baseline of 307,288 MT CO ₂ e/yr ¹	2018 inventory: 24% decrease in emissions from baseline (258,659 MT CO ₂ e/yr)			15% reduction by 2020 (261,195 MT CO ₂ e/yr)
Initiate and implement all Climate Action Plan near-term measures	100%	100%	100%	100%
% initiated	45%	79%	79%	100%
% complete or ongoing				
% municipal operations emissions reduced from baseline of 1,865 MT CO ₂ e/yr	2018 inventory: 66% reduction in emissions from baseline: 642 MT CO ₂ e			15% reduction by 2020

¹ Cupertino's GHG inventories are conducted roughly every 3-5 years.

So that...

Cupertino is a thriving City to live, work, learn and play.

City of Cupertino
FY 20-21 Budget Performance Measures
Department: Administration, City Manager's Office, Office of Communications Division

GOAL: Promote and increase interest and participation in City services, programs, initiatives, and projects while building community pride and positive identification with the City among its residents.

Enabled by...

Leveraging the communication skills, knowledge, and experience of employees while also utilizing existing and emerging technologies to enhance, improve, and streamline the communication process.



Measure	FY19 Jul- Jun	FY20 Jul-Jun	FY21 Jul- Dec	Ongoing Target
Social media engagement: total number of followers including City Hall Nextdoor, Facebook, Twitter, and Instagram accounts	27,074	31,906	32,987	10% annual increase
Social media engagement: average number of engagements (reactions, comments, shares, and clicks) per post on City Hall Facebook account	67.2	72.3	44.7	10% annual increase
Cupertino 311: Average response time to customers organization-wide (in days):	Average Close Time 3.1 Days	2.8 Days	2.65 Days	Average Close Time 5 Days

So that...

Residents have access to timely, engaging, and important information

Clicks have now been added to the engagement metric, which will bump up the average number.

The performance measure for "Access Cupertino: Average response time to customers organization-wide" was revised as Access Cupertino was replaced by Cupertino 311 in September 2017. The target has been revised to "Average Close Time," which reflects how many days it took to handle a request.

The Cupertino 311 Application is administered through the IT Department, but each individual department is responsible for responding to its own requests. Response times are organized by request category.

City of Cupertino
FY 20-21 Budget Performance Measures
Department: Administration, City Manager's Office, Video Division

GOAL: Implement Cupertino's Climate Action Plan and General Plan Sustainability
Element to achieve quantifiable emissions reductions, conserve finite resources, and

Enabled by...

24/7 government access channel, radio station, digital signage network, City website, and numerous online video platforms.

Measure	FY19 Jul-Jun	FY20 Jun	Jul- FY21 Jul-Dec	Ongoing Target
Video: Percentage of total video productions performed vs scheduled productions (city meetings excluded)	176% 60/34	145% 32/22	900%* 18/2	100%
Video: Percentage of total engineering projects vs scheduled projects	112% 9/8	233% 7/3	260% 13/5	100%
Video: Total video views on Youtube and Granicus platforms combined	135,716	215,607	156,677	5% annual increase

* Percentage skewed due to pandemic

So that...

Public awareness, interest, understanding, and participation in the issues, programs, and services presented by the City of Cupertino can be enhanced.

City of Cupertino
FY 20-21 Budget Performance Measures
Department: City Manager's Office, Economic Development Division

GOAL: "To actively pursue opportunities in the areas of business attraction, retention, and expansion as a means of promoting economic vitality, and strengthening the City's sales tax base to support Cupertino's excellent quality of life for its residents, businesses, and daytime population."

Enabled by...

Effective partnerships and proactive Economic Development programs to support local businesses.



Measure	FY19 Jul- Jun	FY20 Jul- Jun	FY21 Jul-Dec	Ongoing Target
Economic Development Business Buzz Subscribers	1,442	2,000	2,500	2,800
Economic Development Business Workshops & Events	16	11	3	12 per year

So that...

Cupertino's economy and sales tax revenue base are diversified to further enhance the City's financial stability and its ability to provide quality amenities to the community.

City of Cupertino
FY 20-21 Budget Performance Measures
Department: Law Enforcement

Law Enforcement

Goal: Maintain a safe environment to live, work, learn and play.

So that...

All members of the community are safe, informed, empowered and supported.



Measure		FY19 Jul-Jun	FY20 Jul-Jun	FY21 Jul-Dec	Ongoing Target
Response time for emergency calls	Priority 1	4.39	3.51	3.1	5 minutes
	Priority 2	6.23	6.37	5.96	9 minutes
	Priority 3	12.11	11.96	12.05	20 minutes
% programs maintaining minimum attendance	Teen Academy	72%	83%	0%	80%
	Citizen Academy	92%	65%	0%	80%

City of Cupertino
FY 20-21 Budget Performance Measures
Department: Innovation & Technology

Innovation & Technology

Goal: Provide superior delivery of information and technology services to city employees and constituents while continually enhancing levels of engagement.

Enabled by...

Tools and services leverage existing, emerging and innovative technologies to enhance, improve, and streamline business and communications processes.

Integrated information services enable customers' access to the tools and information they need, when and where they need it.








Measure	FY19 Jul-Jun	FY20 Jul-Jun	FY21 Jul-Dec	Ongoing Target
GIS: Increase Open Data site visits per month	210	1504	895	300
GIS: % of time spent Developing Applications/% of time Maintaining applications	Not Tracked	10%/90%	11%/89%	35%/65%
GIS: Met Requests within SLA (map, data, Web maps, Cityworks, schema, other) completed	Not Tracked	287	130	300
GIS: Increase Property Information (Internal/External) site visits per month	420/383	665/2671	369/1588	610/440
GIS: Cityworks utilization - # of assets Cupertino maintains vs # of assets maintained in Cityworks. Also the % increase of work units completed (WOs, INSP,SRs)	40/27 3%	40/31 70%	40/31 20%	40/40 20%
Infrastructure: Percentage based upon number of scheduled projects/Number of projects completed on time	*	80% 4/5	100% 3/3	100%
Infrastructure: Percentage based upon number of HelpDesk tickets/SLA measurements	*	93%	92%	90%
Infrastructure: % Customer satisfaction based upon Satisfaction Rate from helpdesk tickets	*	99.1% 110/111	100% 50/50	85%
Infrastructure: % of network uptime (not including planned maintenance)	*	99.9%	100.0%	99%
Applications: % of citywide-enterprise application project management performed on time and on budget	95%	96%	95%	95%
Applications: Number of website site visits/Number of site hits	1,615,799	1,624,377	800,164	5% annual increase
Applications: Number of support request for the applications support per month	*	45	65	20

* Not tracked

City of Cupertino
FY 20-21 Budget Performance Measures
Department: Administrative Services

Finance

Goal: Financial Stability - Provide a sustainable level of core services that are funded from ongoing and stable revenue sources.

So that...		Measure	FY19 Jul-Jun	FY20 Jul-Jun	FY21 Jul-Dec	Ongoing Target
The City is financially responsible.		General Fund fund balance as a % of budgeted appropriations	70%	69%	67%	35%
		Credit Rating	AA+	AA+	AA+	AA+
So that...						
The City can invest in Community priorities.		Funding allocated to high priority services (Public Works, Community Development, Law Enforcement)	48%	43%	24%	63%
		Actual revenue vs. budget (% below budget)	-7%	-7%	20%	10%
		Actual expenditures (% below budget)	10%	17%	8%	5%











So that...

Citizens can enjoy high quality services that meet community priorities.

Human Resources

To create a thriving organization with meaningful careers in public service.

So that...

So that...		Measure	FY19 Jul-Jun	FY20 Jul-Jun	FY21 Jul- Dec	Ongoing Target
The City can ensure a safe working environment for all employees		# of Worker's Compensation Cases	12%	15	2	0
		Total recordable Injury Rate YTD	4.6	5.70%	0.80%	0%
		% absenteeism (% of total annual work hours)	2%	3%	2%	2%
		% turnover rate	7%	3%	1%	1%
So that...						
The City attracts and retains a talented workforce		% Employee satisfaction	N/A			100%
		% Employee participation in wellness activities	63%	47%	26%	75%
		Average # of applications received per recruitment	37	41	88	50
		Recruitment timeline - # days from hiring request to offer letter	68	85	74	60
So that...						
The agency builds a flexible and productive work arrangement.		# of employees using the Telework program	16	N/A	N/A	17
		% Utilization of full-service employee portal	100%	100%	100%	100%





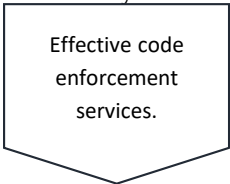









So that...

Citizens can enjoy high quality services that meet community priorities.

City of Cupertino
FY 20-21 Budget Performance Measures
Department: Community Development Department

Community Development

Goal: Review and guide development activity to ensure compliance with relevant codes and policies, and alignment with community values to promote and enhance Cupertino's community-wide quality of life.

Enabled by...		Measure	FY19 Jul-Jun	FY20 Jul-Jun	FY21 Jul- Dec	Ongoing Target
 Efficient planning and building services and enhanced customer service.		Building permit applications shall be plan reviewed within 15 business days.	N/A	92%	94%	80%
		Customer/Applicants visting the Building Permit Counter shall be assisted within 15 minutes	N/A	93%	**0%	80%
		Applicants visiting the Planning Counter shall be assisted within 15 minutes	N/A	91%	**0%	50%
 Effective code enforcement services.		Building permit applications reviewed/issued over-the-counter (OTC)	68%	63%	**0%	75%
		Average number of days to initiate investigation of code complaints	1.35	0.21	0.05	< 7
		Code enforcement cases resolved without issuance of citations	88.63%	85%	98%	80%
 Affordable and Below Market Rate Housing programs and public service grants.		Landlord-tenant counseling and dispute resolution cases provided	55	29	21	100 per year
		Below market rate rental and purchase vacancies filled	11	12	6	15 per year
		Housing resources and referrals provided	1040	600	300	400 per year
		Complimentary/courtesy prelim app reviews completed within 3 4 weeks	N/A	83%	72%	80%
		Public Outreach Events	N/A	4	2	12 per year

*Data provided from July 2019 - February 2020 due to shelter-in-place mandate.

** No data due to closure of city hall.

So that...

Cupertino is a thriving City to live, work, learn and play.

City of Cupertino
FY 20-21 Budget Performance Measures
Department: Parks and Recreation

Parks & Recreations

**Goal: Create a positive, healthy and connected community.
ongoing and stable revenue sources.**

Enabled by...

City investment in
quality recreation and
community programs

Enabled by...

Improved business
processes to improve
customer experience



Measure	FY19 Jul- Jun	FY20 Jul- Jun	FY21 Jul- Dec	Ongoing Target
% of Parks and Recreation Department customers surveyed who rate services as good or excellent	98%	98%	95%	85%
% of programs maintaining minimum registration	70%	62%	32%	80%
% Department's total cost recovery for all (direct and indirect) costs	44%	37%	35%	40%
# of new programs or events offered	105	89	24	50
% change in participants ¹	-7%	-16%	-62%	+1%

¹ Decrease due to building closures and reduced programs offered due to COVID.

So that...

Cupertino has an exceptional system of parks and services that align with community values.

City of Cupertino
FY 20-21 Budget Performance Measures
Department: Public Works

Capital Project Delivery

Goal: Deliver capital projects on time and within budget:

So that...

City funds capital improvement projects.



Measure	FY19 Jul-Jun	FY20 Jul-Jun	FY21 Jul-Dec	Ongoing Target
Percentage of Projects completed on budget	(7/10) 70%			80%
Percentage of Construction Projects completed on time	(8/13) 62%			90%

So that...

Projects are utilized by the community.



So that...

Residents and businesses are assured their community is being improved by efficient use of taxes and fees.

Development Services

Goal: Provide timely review and permitting of privately completed improvements within the public right of way.

So that...

Public Works Department reviews improvements within the public right of way.



Measure	FY19 Jul-Jun	FY20 Jul-Jun	FY21 Jul-Dec	Ongoing Target
Respond to complete plan submittals or applications within two (2) weeks	(IT)	95%	98%	90%
Respond to complete encroachment permit applications within two (2) weeks	93%	93%	94%	90%
Respond to public inquiries at the Public Works counter in City Hall within 15 minutes	N/A	95%	N/A	95%



So that...

Projects are utilized by the community.

So that...

Customers expect quality reviews and permitting on a defined schedule.

Dependable Infrastructure

Goal: Timely maintain levels of service to meet community and environment requirements at optimal life cycle costs.

So that...

Measure	FY19	FY20	FY21	Ongoing
	Jul-Jun	Jul-Jun	Jul-Dec	Target
i Pavement condition index (PCI) > or equal to 82	85	85	84	90
i Storm drain system: Total number of storm drain inlets inspected/cleaned in FY	925	2076	168	100%
Roadway regulatory & street name signs: Repair/Replace within three to four (3-4) business days	100%	86%	0.3%	95%
Sidewalk and pathway: Investigate/Mitigate trip falls within 48 hours	100%	100%	95%	100%
Respond to reported issues within one (1) business day: Playground equipment	100%	100%	100%	100%
Respond to reported issues within three (3) business days:				
i Streetlight outages caused by mechanical failures (Investigated/Resolved)	100%	95%	95%	95%
i Annual mileage increase of separated bicycle and pedestrian paths.	N/A	0.64	1.09	1 mile

So that...

Infrastructure indicates good condition; safety programs are effective.

So that...

Cupertino has well maintained infrastructure and programs that meets the needs of the community.

Environment

Goal: Protect our natural environment for current and future generations.

So that...

City is responsible for a comprehensive storm water pollution prevention program.



So that...

Potential pollutants are stopped before entering the storm drain system.



So that...

City implements solid waste collection services that encourage diversion of waste from landfills.



Measure	FY19 Jul-Jun	FY20 Jul- Jun	FY21 Jul-Dec	Ongoing Target
Respond to reports of actual or potential discharge the same business day	90%	89%	99%	80%
Percent of businesses in compliance during annual proactive inspections	93%	96%	n/a*	75%
Diversion Rates rate	CY2018	CY 2019	n/a*	
By employment:	80%	79.01%	n/a*	75%
By population:	64%	59.30%	55%	75%
Commercial only:	57% (FY)	56% (FY)	Jul-Nov	60%
Number of all businesses and multifamily accounts separating organics	CY2018 266/475 56%	CY 2019 298/463 64%	Jan-Nov 306/459 67%	50%
Square feet of median landscape renovated	35,875	52,917	47,319	12,000
% of street trees maintained within annual maintenance zones	54%	38%	42%	100%
Number of trees planted compared to number of trees removed	-155 +192 =1.24%	-82 +95 =1.16%	-91 +69 =0.76%	110%
All new vehicle purchases are to be hybrid and/or electric only models when hybrid and/or electric models are available	100%	100%	100%	100%

*Inspections begin 1

*Rates by employm are not available for from CalRecycle

So that...

Diversion of solid waste from landfill is maximized, compost is produced for community use, recyclable material is sold to help offset collection costs and methane gas emissions at landfills are reduced.

So that...

Vehicles purchased have the least environmental impact possible.

City is responsible for the maintenance and enhancement of the urban forest.

Cupertino's urban forest is resilient, healthy and safe.

Current and future residents enjoy a healthy, sustainable environment.

Fund	GL Account	Expense	Revenue	Fund Balance	Proposal
GENERAL FUND					
100 General Fund	100-71-702-700-702	\$ 50,000	\$ -	\$ (50,000)	Density Bonus Update
100 General Fund	100-74-702-700-702	\$ 25,000	\$ -	\$ (25,000)	Code Enforcement
100 General Fund	100-32-308-600-606	\$ 1,800	\$ -	\$ (1,800)	Scavenger Hunt App for Safe Routes to School
100 General Fund	100-90-001-800-802	\$ 5,000,000	\$ -	\$ (5,000,000)	Transfer out to Capital Improvement Program
100 General Fund	100-90-001-421-401	\$ -	\$ 492,832	\$ 492,832	Transfer in from Debt Service Fund (Refinancing)
100 General Fund	100-90-001-401-401	\$ -	\$ 8,597,620	\$ 8,597,620	Sales tax estimate increase
100 General Fund	100-90-001-403-401	\$ -	\$ (5,500,000)	\$ (5,500,000)	Transient occupancy tax estimate decrease
TOTAL GENERAL FUNDS		\$ 5,076,800	\$ 3,590,452	\$ (1,486,348)	
DEBT SERVICE FUND					
365 Public Facilities Corporation	365-90-001-800-901	\$ 27,279,118	\$ -	\$ (27,279,118)	Other Financing Use - Escrow Principal Payment
365 Public Facilities Corporation	365-90-500-800-901	\$ 270,774	\$ -	\$ (270,774)	Bond Issuance Cost
365 Public Facilities Corporation	365-90-001-490-402	\$ -	\$ 22,040,000	\$ 22,040,000	Other Financing Source - Principal Issuance
365 Public Facilities Corporation	365-90-001-490-403	\$ -	\$ 3,878,704	\$ 3,878,704	Other Financing Source - Outstanding Premium
365 Public Facilities Corporation	365-90-500-800-901	\$ (215,000)	\$ -	\$ 215,000	Reduction in Principal (Due to Refinancing)
365 Public Facilities Corporation	365-90-500-800-906	\$ (277,832)	\$ -	\$ 277,832	Reduction in Interest (Due to Refinancing)
365 Public Facilities Corporation	365-90-500-800-902	\$ 492,832	\$ -	\$ (492,832)	Transfer Savings to General Fund
TOTAL DEBT SERVICE FUND		\$ 27,549,892	\$ 25,918,704	\$ (1,631,188)	
CAPITAL PROJECT FUNDS					
429 Capital Reserve	429-90-001-420-421	\$ -	\$ 5,000,000	\$ 5,000,000	Transfer in from General Fund
TOTAL CAPITAL PROJECT FUNDS		\$ -	\$ 5,000,000	\$ 5,000,000	
TOTAL ALL FUNDS		\$ 32,626,692	\$ 34,509,156	\$ 1,882,464	



CITY OF CUPERTINO

Agenda Item

21-8784

Agenda Date: 3/2/2021
Agenda #: 12.

Subject: Consideration of Municipal Code Amendments to the Cupertino Municipal Code, Chapter 10.90, expanding existing policies to reduce exposure to secondhand smoke, including in multi-unit housing, entryways, public events, service areas, and outdoor worksites.

Conduct the first reading of Ordinance No. 21-2224: "An Ordinance of the City Council of the City of Cupertino amending City Code Chapter 10.90 of Title 10 (Public Peace, Safety, and Morals) to prohibit smoking in multi-unit housing and certain outdoor areas," which includes a finding that adoption of the ordinance is exempt from the California Environmental Quality Act.



CITY MANAGER'S OFFICE

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CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: March 2, 2021

Subject

Consideration of Municipal Code Amendments to the Cupertino Municipal Code, Chapter 10.90, expanding existing policies to reduce exposure to secondhand smoke, including in multi-unit housing, entryways, public events, service areas, and outdoor worksites.

Recommended Action

Conduct the first reading of Ordinance No. ____: "An ordinance of the City Council of the City of Cupertino amending City Code Chapter 10.90 of Title 10 (Public Peace, Safety, and Morals) to prohibit smoking in multi-unit housing and certain outdoor areas," which includes a finding that adoption of the ordinance is exempt from the California Environmental Quality Act.

Background

The health risks of tobacco use and exposure to secondhand smoke are well documented. More than 40,000 Californians die each year from smoking-related disease, making tobacco use the number one cause of preventable death. In Santa Clara County, one in eight deaths annually is attributed to smoking-related illness or diseases, such as cancer, heart disease, and respiratory diseases. The COVID-19 pandemic has highlighted the risks of smoking. Smoking doubles the risk of developing respiratory infections and doubles the risk of getting sicker from COVID-19. In addition, COVID-19 is causing more individuals to stay at home and to wait in lines for longer periods of time, making secondhand smoke policies more important.

The U.S. Surgeon General has concluded that there is no safe level of exposure to secondhand smoke and the California Air Resources Board has classified secondhand smoke as a toxic air contaminant. Secondhand smoke is responsible for more than 4,000 heart disease-related and lung cancer deaths each year in California. According to the Centers for Disease Control, the only way to fully protect nonsmokers is to eliminate smoking in homes, worksites, and public places. Not only does prohibiting smoking in such locations decrease exposure to harmful secondhand smoke, it also decreases fire risk and reduces the amount of cigarette butt litter.

The Santa Clara County's Healthy Cities Program seeks to address tobacco-related health concerns by promoting policies and practices to provide tobacco-free and smoke-free

communities. As part of this funding, the City of Cupertino received a \$54,979 grant from Santa Clara County's Public Health Department (PHD) to implement tobacco prevention policies that have been shown to reduce exposure to secondhand smoke. Exploring these policies is also part of the current City Work Program.

On September 15, 2020, the City Council held a study session to consider policy options to reduce exposure to secondhand smoke. Councilmembers expressed general support for the proposed policy options and directed staff to conduct outreach on these policy options to residents and local businesses. Over the past few months, staff has conducted extensive outreach and additional research on the policy options. Results of the outreach, which includes a community survey, show that a large majority of the public supports these proposals.

Discussion

After accounting for research on best practices to reduce exposure to secondhand smoke and public input, the draft ordinance (Attachment A) amends the Cupertino Municipal Code to include the following components for Council's consideration:

1. **Require smoke-free multi-unit housing** (defined as two or more attached residences that share a wall or floor/ceiling, which could include apartments, condominiums, townhomes, attached single-family homes, duplexes, triplexes, etc.), including:
 - a. Outdoor common areas
 - b. A 30-foot buffer zone around doors and windows of multi-unit housing
 - c. Inside units in multi-unit housing and
 - d. Exempts designated smoking areas (must be 30 feet away)A map of the approximately 9,297 multi-unit housing addresses in Cupertino, about 39%, can be found at cupertino.org/smoking.
2. **Require smoke-free entryways** around the entrances of all locations where smoking is prohibited, including businesses, offices, grocery stores, restaurants, bars, places of worship, etc.
3. **Require public events** to be smoke-free, such as farmer's markets and street fairs
4. **Require service areas** to be smoke-free, such as ATMs, ticket lines, bus stops or shelters
5. **Require outdoor worksites** to be smoke-free, such as construction sites

These measures are likely to have the greatest impact on reducing exposure to secondhand smoke and were the focus of the City's outreach. For a detailed analysis of these major policy components, see the staff report from the September 15, 2020 study session in Attachment D. Other jurisdictions in Santa Clara County have adopted similar provisions and a comparison table can be found in Attachment B.

For the purposes of the draft ordinance, “smoking” includes the use of cigarettes, cigars, cigarillos, hookah, pipes, electronic smoking devices, and marijuana. The ordinance defines multi-unit housing as two or more attached residences that share a wall or floor/ceiling, which could include apartments, condominiums, townhomes, attached single-family homes, duplexes, triplexes, etc. The ordinance would not prohibit smoking in single-family homes that are freestanding at this time. At the September 15, 2020 study session, Council expressed interest in possibly revisiting this topic at a future date.

Buffer Zone

The City of Cupertino currently prohibits smoking within 25 feet of entrances and exits of restaurants. The proposed ordinance increases this distance to 30 feet due to over 55% of the community survey respondents indicating that 25 feet was inadequate. This 30-foot buffer zone, also known as reasonable distance, is used throughout the ordinance to indicate the area in which smoking is prohibited when adjacent to a nonsmoking area, such as entrances to retail, offices, and multi-unit housing. Other jurisdictions such as Los Gatos, Santa Clara, and Santa Clara County also use 30 feet as their buffer zone. Los Altos, Morgan Hill, Mountain View, Palo Alto, and Sunnyvale use 25 feet as their buffer zone, while only Campbell and Saratoga use 20 feet.

Option to Include Attached ADUs

The proposed ordinance exempts Accessory Dwelling Units (ADUs). All other jurisdictions in Santa Clara County exempt ADUs in their smoke-free multi-unit housing ordinances, likely due to increased enforcement challenges. There was some interest from residents at a community meeting to include ADUs in this ordinance (see Outreach section). At the direction of Council, the ordinance could be updated to include attached ADUs. If ADUs are included, it is recommended that detached ADUs continue to be exempt under the definition of multi-unit housing because they do not have a shared wall. Currently, San Bruno, San Mateo, and South San Francisco include attached ADUs but exempt detached ADUs in their ordinance. Albany and Pasadena are examples of cities that include all ADUs in their smoke-free multi-unit ordinances.

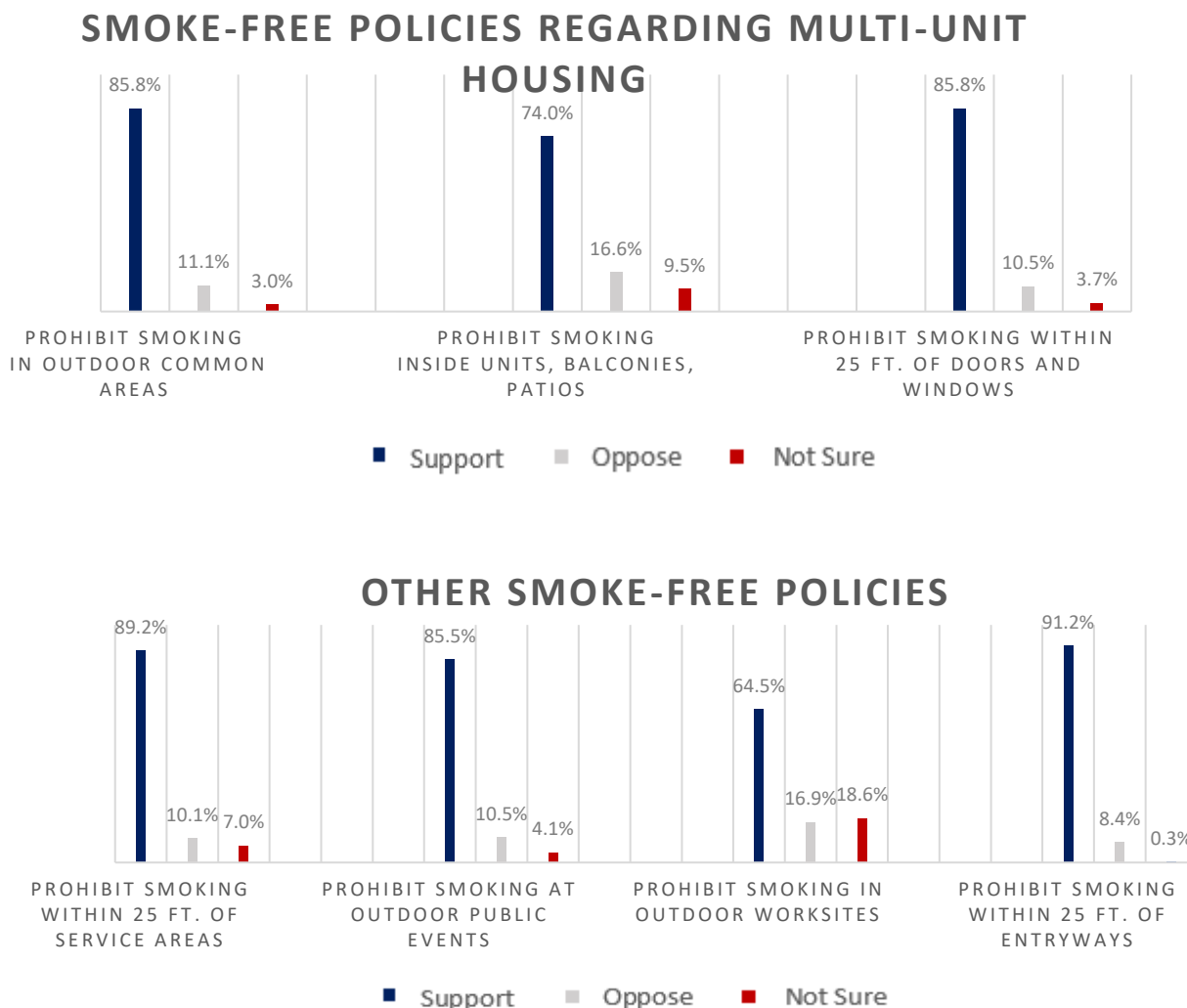
Outreach

From October 2020 through February 2021, the City conducted outreach to solicit input from residents, businesses, and property owners/managers on the proposed policy options to reduce exposure to secondhand smoke. Though COVID-19 restrictions presented some challenges, the outreach effort was diverse and involved an online survey, two online community meetings, an article in the Scene, social media postings, a City webpage, a citywide mailer, a presentation to the Chamber of Commerce, and other outreach to the business community.

1. Online Community Survey

An online community survey was open from October 2 - November 16, 2020 in order to gather feedback from the community about the proposed policies. The survey was advertised through the City website, social media, the community meetings, and a City

mailer. The survey received 296 responses, with 289 respondents indicating that they live in Cupertino. There were 79 respondents who indicated that they live in multi-unit housing in Cupertino. For a full summary of responses please see Attachment C. Below are the responses to questions related to the proposed policies:



As seen in the charts above, the large majority of respondents were in favor of the proposed policies. The number of respondents who opposed or who were unsure about the policies was minor, with more uncertainty surrounding the smoke-free outdoor worksites among the various policy options. Survey results of the respondents who live in Cupertino and live in multi-unit housing are almost identical to the outcomes above.

The survey allowed respondents to provide additional comments. The majority of those comments were in support of the proposed policies. Most respondents shared that they were glad that the City is helping to reduce secondhand smoke in Cupertino. Some comments indicated that they wanted to see these regulations also imposed on single-family homes, parking lots, and all sidewalks. Many respondents indicated that they would prefer if the entire City was smoke-free. Other respondents specified that they would like stronger

finest and penalties for those violating the smoking regulations. There were only a handful of comments in opposition to the proposed policies. Of the comments in opposition, some felt that there is no need for additional City regulations if the current laws are properly enforced. One respondent was concerned about enforcement, specifically on balconies. Another respondent said the landlords should be able to enforce their own rules.

In addition to the comments received in the survey, there were three residents who provided comments via email and phone. One resident believes the proposed policies are too restrictive and another believes smoking is not an issue. Another respondent supports the policies but is concerned about cigarette littering. The proposed ordinance references Cupertino's existing code that requires property owners or occupants to keep the property, including the perimeter, free of litter. These responses can be found in Attachment C.

2. Online Community Meetings

The City hosted two online community meetings to inform and gather feedback from the public on October 29 and November 10, 2020. A total of seven community members attended, and all who participated in public comment were supportive of the proposed secondhand smoke policies. A couple residents commented that they would like to see these policies include detached single-family homes and ADUs. Another resident wanted to applaud the City for implementing these policies and regulating secondhand smoke and wanted to highlight the dangers of smoking around children inside single-family homes. Another resident wanted to recommend creating a buffer zone around schools and college campuses.

3. Business outreach

The City presented the proposed policies to the Cupertino Chamber of Commerce's Legislative Action Committee (LAC) meeting on November 6, 2020. The LAC was generally in support of these policies.

Individual phone calls and emails were provided to 51 property owners, managers, and Home Owner Associations (HOA) in Cupertino. Of the four that provided feedback, they indicated that their units are already smoke-free and that they do not have many issues or complaints. One HOA community manager commented that he wished this had come up sooner as they had recently made significant financial investment to hire a lawyer to create their own smoking regulations. He added that they have not received any negative comments in opposition from their community and that it would be beneficial to have their regulations backed by the City through the proposed ordinance.

Staff also spoke with Cupertino's Farmer's Market representative who posted flyers of the proposed policies and feedback opportunities at the Farmer's Market's operated by the Pacific Coast Farmer's Market Association. Information on the proposed policies and input opportunities were also published in the Business Buzz Newsletter and the Cupertino

Scene. The Scene was mailed to all residential and business addresses in the City, which includes individual units in multi-unit housing.

In addition to the outreach highlighted above, if the ordinance is adopted, the City will send a mailer to provide information about the new requirements.

Implementation and Enforcement

To aid in implementation of smoke-free multi-unit housing requirements, the following elements are incorporated into the draft ordinance:

1. **A phase-in period** – the smoke-free housing requirements would become operative approximately six months after ordinance adoption to allow time to notify residents and property owners/managers of the new requirements.
2. **Lease requirements** - the ordinance requires landlords to incorporate the smoke-free requirements into a tenant's lease. This means that a violation involving a person smoking inside their unit could be enforced by the landlord as a lease violation and/or by the City. New tenants who move in after the ordinance's effective date would sign the updated lease agreement including the smoking restrictions. Existing tenants would have their leases updated on a rolling basis as the leases are renewed. Condominium complexes could enforce the smoking restrictions as a violation of their restrictions.
3. **Signage** – The ordinance requires "No Smoking" signs to be posted where smoking is prohibited. Santa Clara County will provide "No Smoking" signs to multi-unit housing properties and to local businesses, which will aid in implementation of the ordinance.

Following the education period about the new ordinance, enforcement will be complaint-driven. In general, communities that have adopted smoke-free multi-family housing laws have not been overwhelmed by complaints and most have found education and warnings about the new law to be sufficient. As a last resort, the City can cite an individual for smoking in violation of the law. The ordinance also provides for private rights of enforcement by civil action. However, as a practice, education will be the first step to encourage compliance.

Conclusion and Next Steps

With the adoption of additional smoke-free policies, the City has the opportunity to further protect residents, employees, and visitors from exposure to secondhand smoke in public places and where people live. These policies would demonstrate the City's commitment to protecting the health of its residents and would improve the City's performance on the County's Healthy Cities Initiative. Additionally, adopting these smoke-free policies would likely raise the City's "grade" on the American Lung Association's State of Tobacco Control report from a "C" to an "A" (Attachment E).

Sustainability Impact

Cigarettes are the most littered item and pose a significant stormwater pollution problem. Reducing smoking in outdoor public spaces will help to reduce the resulting litter from cigarette butts. In addition, these policies will improve air quality for those who may otherwise be exposed to secondhand smoke.

Fiscal Impact

The City has been awarded \$54,979 to cover the costs of developing the proposed regulations and conducting the associated outreach. No additional funding is requested at this time.

Prepared by: Leslie Zellers, JD, Consultant, Santa Clara County Department of Public Health
Astrid Robles, Management Analyst

Reviewed by: Katy Nomura, Assistant to the City Manager

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – Draft Ordinance to Regulate Smoking

B – Tobacco Free Communities Policies in Santa Clara County

C – Community Feedback

D – 9-15-20 Study Session Staff Report

E – American Lung Association Report Card

1340043.1

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING CITY CODE CHAPTER 10.90 OF TITLE 10 (PUBLIC PEACE, SAFETY,
AND MORALS) TO PROHIBIT SMOKING IN MULTI-UNIT HOUSING AND
CERTAIN OUTDOOR AREAS**

The City Council of the City of Cupertino finds that:

1. The purpose of this Chapter is to: (a) To protect public health, safety, and general welfare by prohibiting smoking in multi-unit housing, public places, recreational areas, service areas, outdoor dining and various other locations set forth in this chapter; (b) To reduce litter, waste and pollution; and (c) To reduce exposure to secondhand smoke, which has been shown to cause negative health effects.
2. The U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke and the California Air Resources Board identified secondhand smoke as a toxic air contaminant for which there is no safe level of exposure.
3. Secondhand smoke is responsible for an estimated 34,000 heart disease-related and 7,300 lung cancer-related deaths among adult nonsmokers each year.
4. In children, secondhand smoke causes ear infections, more frequent and severe asthma attacks, respiratory infections, and increases the risk of Sudden Infant Death Syndrome (SIDS).
5. Exposure to electronic smoking device aerosol has immediate impacts on the human respiratory and cardiovascular system and poses a risk to human health.
6. Secondhand cannabis smoke has been identified as a health hazard; the California Environmental Protection Agency includes cannabis smoking on the Proposition 65 list of chemicals known to the state to cause cancer.
7. Studies have shown that exposure to secondhand smoke outdoors can reach levels attained indoors depending on the amount of wind and number and proximity of smokers.

8. Research demonstrates that secondhand smoke in multi-unit housing can and does transfer between units, creeping under doorways and through wall cracks.
9. According to the County, close to one-third (29%) of adults who live in multi-unit housing in the County reported smelling tobacco smoke drifting into their home in the previous week. The rate of secondhand smoke exposure was higher among those with less than a high school diploma (38%) and adults with household incomes less than \$15,000 (36%).
10. Harmful residues from tobacco smoke can be absorbed by and cling to virtually all indoor surfaces long after smoking has stopped and then be emitted back into the air, making this “thirdhand smoke” a potential health hazard.
11. California cities and counties have the legal authority to adopt local laws that prohibit all tobacco use indoors and outdoors in areas not already covered by state law.
12. State law allows local governments to adopt ordinances that permit residential rental agreements to prohibit smoking tobacco products within rental units.
13. State law prohibits smoking within 25 feet of playgrounds as well as within 20 feet of government buildings and expressly authorizes local communities to enact additional restrictions.
14. Cupertino prohibits smoking in recreational areas owned or operated by the City; outdoor dining areas; at entrances and exits of places where food and drink is served; and within 25 feet of these areas.
15. The City Council of the City of Cupertino held a duly noticed public meeting on March 2, 2021, and after considering all testimony and written materials provided in connection with that meeting introduced this ordinance and waived the reading thereof.

**NOW, THEREFORE, THE CITY COUNCIL OF THE OF CITY OF CUPERTINO
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Adoption.

Ordinance No. _____

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The Cupertino Municipal Code is hereby amended as set forth in Attachment A.

SECTION 2: Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

SECTION 3: California Environmental Quality Act.

This Ordinance is not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the amendments to the City Code would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment.

SECTION 4: Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937. However, the Ordinance's requirements shall not become operative until October 1, 2021, which means that the City, or its designee, will not begin to enforce the provisions and penalties under the Ordinance until October 1, 2021.

Ordinance No. _____

Page 4

SECTION 5: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on March 2nd, 2021 and **ENACTED** at a regular meeting of the Cupertino City Council on March 16th, 2021 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Darcy Paul, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Kirsten Squarcia, City Clerk</p>	<p>_____</p> <p>Date</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p> <p>Heather Minner, City Attorney</p>	<p>_____</p> <p>Date</p>

Attachment A – An ordinance to prohibit smoking in multi-unit housing and certain outdoor areas

The sections of the Cupertino Municipal Code set forth below are amended or adopted as follows:

*Text added to existing provisions is shown in bold double-underlined text (**example**) and text to be deleted is shown in strikethrough (~~example~~). Text in existing provisions is not amended or readopted by this Ordinance. Text in italics is explanatory and is not an amendment to the Code.*

Where the explanatory text indicates that a new section is being added to the City Code, the new section is shown in plain text.

1. Amendments to Article 10.90 concerning Regulation of Smoking

10.90.010 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this chapter unless the context clearly requires otherwise:

~~A. “Outdoor Dining Area” means any privately owned or publicly owned area, street, or sidewalk, which is available or customarily used by the general public and which is designed, established, or regularly used for consuming food or drink.~~

A. “Business” means any sole proprietorship, partnership, joint venture, corporation, association, landlord, or other entity formed for profit-making purposes. A Business also includes owner-operated entities with no Employees in which the owner is the only worker.

B. “Common Area” means every area of a Multi-unit Residence that residents of more than one unit are entitled to enter or use, including, but not limited to, halls, pathways, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, grassy or landscaped areas, restrooms, laundry rooms, cooking areas, and eating areas.

C. “Dining Area” means any privately owned or publicly owned area, street, or sidewalk, which is available or customarily used by the general public or an employee and which is designed, established, or regularly used for consuming food or drink.

D. “Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

- E. "Employee" means any Person who is employed or retained as an independent contractor by any Employer in consideration for direct or indirect monetary wages or profit, or any Person who volunteers his or her services for an Employer.
- F. "Employer" means any Business or Nonprofit Entity that retains the service of one or more Employees.
- G. "Enclosed area" means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.
- H. "Landlord" means any person or agent of a person who owns, manages, or is otherwise legally responsible for a unit in a Multi-unit Residence that is leased to a residential tenant. For purposes of this ordinance, a tenant who sublets their unit (e.g., a sublessor) is not a landlord.
- I. "Multi-unit Residence" means property containing two or more attached units, including, but not limited to, apartment buildings, condominiums, duplexes and triplexes, senior and assisted living facilities, and long-term health care facilities. Multi-unit Residences do not include the following:
1. a hotel or motel that meets the requirements of California Civil Code section 1940(b)(2);
 2. a mobile home park;
 3. a campground;
 4. a marina or port;
 5. a detached single-family home, except if used as a health care facility subject to licensing requirements; and
 6. a detached single-family home with an attached or detached accessory dwelling unit or second unit.
- J. "Nonprofit Entity" means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association, or other entity created for charitable, religious, philanthropic, educational, political, social, or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A government agency is not a Nonprofit Entity within the meaning of this chapter.
- K. "Nonsmoking Area" means any area in which smoking is prohibited by
1. this chapter or other law;
 2. binding agreement relating to the ownership, occupancy, or use of real property; or

3. a person with legal control over the area.

L. "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity, including government agencies.

M. "Place of Employment" means any area under the legal or de facto control of an Employer that an Employee or the general public may have cause to enter in the normal course of the operations, regardless of the hours of operation.

N. "Public Place" means any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.

O. ~~B.~~ "Reasonable distance" means a distance of ~~25~~30 feet in any direction from an area in which smoking is prohibited.

P. ~~C.~~ "Recreational Area" means any outdoor area, including streets and sidewalks adjacent to Recreational ~~a~~Areas, owned or operated by the City of Cupertino and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "Recreational Area" includes, but is not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, horseback riding trails, swimming pools, roller-skating rinks, and skateboard parks, and parking lot or other area designated or primarily used for parking vehicles of persons accessing a Recreational Area.

Q. "Service Area" means any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more Persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. The term "Service Area" includes, but is not limited to, areas including or adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines, or cab stands.

R. ~~D.~~ "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "Smoke" includes, but is not limited to, tobacco smoke, vapors from an electronic smoking device, and marijuana smoke.

S. ~~E.~~ "Smoking" means: ~~engaging in an act that generates Smoke, such as for example: possessing a lighted pipe, lighted hookah pipe, a lighted cigar, or a lighted cigarette of any kind; or, or lighting or igniting of a pipe, cigar, hookah pipe, or cigarette of any kind.~~

1. inhaling, exhaling, or burning, any tobacco, nicotine, cannabis, or plant product, whether natural or synthetic;
2. carrying any lighted, heated, or activated tobacco, nicotine, marijuana, or plant product, whether natural or synthetic, intended for inhalation; or
3. using an "electronic smoking device."

T. "Unenclosed Area" means any area that is not an enclosed area.

U. "Unit" means a personal dwelling space, even one lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use area, such as a private balcony, porch, deck, or patio. "Unit" includes, without limitation, an apartment; a condominium; a townhouse; a room in a senior facility; a room in a long-term health care facility, assisted living facility, community care facility, or hospital; a room in a hotel or motel; a dormitory room; a room in a single-room occupancy facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a single-family home; and an accessory dwelling unit or second unit.

10.90.20 Smoking Prohibited.

A. Smoking is prohibited in the following Enclosed Areas:

1. In Recreational Areas-Places of Employment; and
2. In Outdoor Dining Areas-Public Places; and
3. At entrances, exits, operable windows, or air intake openings of any building area which is available or customarily used by the general public and which is designed, established, or regularly used for selling or consuming food or drink.

B. Smoking is prohibited by this chapter in all Enclosed Areas exempted by the California workplace law (Labor Code section 6404.5(d), as that section may be amended from time to time) except as provided below.

1. Smoking at theatrical production sites is not prohibited by this subsection if the theater general manager certifies that smoking is an essential part of the story and the use of a fake, prop, or special effect cannot reasonably convey the idea of smoking in an effective way to a reasonable member of the anticipated audience. This exception will not apply if minors are performers within the production;
2. Smoking is not restricted by this subsection in up to twenty percent (20%) of guest room accommodations in a hotel, motel, or similar transient lodging establishment.

C. Smoking is prohibited in the following Unenclosed Areas:

1. Places of Employment;

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2. ~~In~~ Recreational Areas;
3. ~~In Outdoor~~ Dining Areas;
4. Service Areas; and
5. Public Places when being used for a public event, including a farmer's market, parade, craft fair, or any event which may be open to or attended by the general public, provided that Smoking is permitted on streets and sidewalks being used in a traditional capacity as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this chapter or other law.

D. ~~B.~~ Reasonable Smoking Distance Required.

1. Smoking in all Unenclosed Areas shall be prohibited within a Reasonable Distance in any direction from any operable doorway, window, opening, crack, or vent into an Enclosed Area in which smoking is prohibited under Section 10.90.020A, except while actively passing on the way to another destination and provided Smoke does not enter any area in which Smoking is prohibited.
2. ~~1.~~ Smoking in all ~~u~~Unenclosed aAreas is prohibited within a ~~r~~Reasonable Distance from any ~~u~~Unenclosed aAreas in which ~~s~~Smoking is prohibited under Section 10.90.020A, except while actively passing on the way to another destination and provided Smoke does not enter any area in which ~~s~~Smoking is prohibited.
3. ~~2.~~ The ~~s~~Smoking prohibitions in Section 10.90.020B.1 shall not apply to ~~u~~Unenclosed aAreas of private residential properties that are not Multi-unit Residences.

E. ~~C.~~ Nothing in this chapter shall be construed to prohibit Smoking in any area in which such Smoking is already prohibited by state or federal law unless the applicable state or federal law does not preempt additional local regulation.

F. ~~D.~~ No Person shall dispose of used Smoking waste within the boundaries of an area in which Smoking is prohibited by this chapter.

G. ~~E.~~ Each instance of Smoking in violation of this chapter shall constitute a separate violation. For violations other than Smoking, each day of a continuing violation of this chapter shall constitute a separate violation.

(Ord. 14-2121, § 3, 2014; Ord. 11-2077 (part), 2011)

10.90.30 ~~Other Requirements and Prohibitions~~ Multi-unit Housing

- A. Beginning October 1, 2021, smoking is prohibited and no person shall smoke inside any new or existing unit of a Multi-unit Residence, in any enclosed or

unenclosed Common Area of a Multi-unit Residence, or within a Reasonable Distance of any operable doorway, window, opening, or vent of a Multi-unit Residence.

- B. Smoking is prohibited in Multi-unit Residences as provided in subsection (A) of this section, except that a person with legal control over a Common Area, or authorized representative, may designate a portion of the common area as a designated smoking area; provided, that at all times the designated smoking area complies with subsection (C) of this section.
- C. Designated Smoking Areas in Multi-unit Residences. A designated smoking area shall:
1. Be an Unenclosed Area;
 2. Be a Reasonable Distance from Unenclosed Areas primarily used by children and unenclosed areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, swimming pools, and school campuses;
 3. Be a Reasonable Distance in any direction from any operable doorway, window, opening or other vent into an enclosed area that is located at the Multi-unit Residence and is a Nonsmoking Area;
 4. Have a clearly marked perimeter;
 5. Have a receptacle for cigarette butts that is emptied and maintained;
and
 6. Be identified by conspicuous signs.
- D. Smoking and the use of Electronic Smoking Devices is prohibited in adjacent unenclosed property within a Reasonable Distance in any direction of any doorway, window, opening, or other vent into an enclosed area of a Multi-unit Residence.
- E. Common Areas Free from Smoking Waste. Persons with legal control over common areas in Multi-unit Residences, and their authorized representatives, shall ensure that all Common Areas except those meeting the requirements of subsection (C) of this section remain free of Smoking and tobacco waste, and ash trays, ash cans, or other receptacles designed for or primarily used for disposal of smoking and tobacco waste.
- F. Signage. "No smoking" signs shall be posted as required by Section 10.90.050 of this chapter, but are not required inside any unit of a Multi-unit Residence. Signs shall be maintained by the person or persons with legal control over the common areas or the authorized representative of such person.

G. Lease Terms. Every lease or other rental agreement for the occupancy of a new or existing unit in a Multi-unit Residence entered into, renewed, or continued month-to-month after October 1, 2021 shall include the following:

- 1. A clause providing that it is a material breach of the agreement to Smoke or allow Smoking:**
 - a. in the Unit, including exclusive-use areas such as balconies, porches, or patios; and**
 - b. in any Common Area of the Multi-unit Residence other than a designated Smoking area.**
- 2. A description of and/or image depicting the location(s) of any designated Smoking area(s) on the property, if any.**
- 3. A clause expressly conveying third-party beneficiary status to all occupants of the Multi-unit Residence as to the Smoking provisions of the lease or other rental agreement. Such a clause shall provide that any tenant of the Multi-unit Residence may sue another tenant/owner to enforce the Smoking provisions of the agreement but that no tenant shall have the right to evict another tenant for a breach of the Smoking provisions of the agreement.**

H. Whether or not a landlord complies with subsection (G) of this section, the clauses required by that subsection shall be implied and incorporated by law into every agreement to which subsection (G) of this section applies and shall become effective as of the earliest possible date on which the landlord could have made the insertions pursuant to subsection (G) of this section.

10.90.040 Posting of Signs Other Requirements and Prohibitions.

A. No ash can, ashtray, or other Smoking waste receptacle shall be placed in any area in which Smoking is prohibited by this chapter.

B. No Person shall dispose of used Smoking waste within the boundaries of an area in which Smoking is prohibited by this chapter.

C. Persons owning or occupying property are responsible for maintaining the premises, including the perimeter and the sidewalk in front of their premises, free of loose litter, in accordance with Section 9.18.215.

CD. The presence of Smoking waste receptacles in violation of subsection A. above or the absence of signs shall not be a defense to a violation of any provision of this chapter.

DE. Each instance of Smoking in violation of this chapter shall constitute a separate violation. For violations other than Smoking, each day of a continuing violation of this chapter shall constitute a separate violation. (Ord. 11-2077 (part), 2011)

10.90.050 Posting of Signs.

Where ~~s~~Smoking is prohibited by this chapter, a clear conspicuous sign shall be posted at a conspicuous point within the area. The sign shall have letters of no less than one inch in height and shall include, either the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) or “No Smoking” in words. **Signs are not required inside any unit of a Multi-unit Residence.** Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of ~~s~~Smoking in violation of any other provision of this chapter.

(Ord. 14-2121, § 4, 2014)

10.90.060 Violation - Penalty.

A. The remedies provided by this article are cumulative and in addition to any other remedies available at law or in equity. Except as otherwise provided, enforcement of this chapter is at the sole discretion of the City of Cupertino. Nothing in this chapter shall create a right of action in any person against the City of Cupertino or its agents to compel public enforcement of this article against any party.

B. Any person who violates any of the provisions of this chapter shall be guilty of an infraction and upon conviction thereof shall be punished as provided in Chapter 1.12 or, in the alternative, subject to enforcement action pursuant to Chapter 1.10: Administrative Citations, Fines, and Penalties.

C. Any violation of this chapter is hereby declared to be a public nuisance.

D. In addition to other remedies provided by this chapter or otherwise available at law or in equity, any violation of this chapter may be remedied by a civil action brought by the city attorney, including, without limitation, administrative or judicial nuisance abatement proceedings, civil code enforcement proceedings, and suits for injunctive relief.

E. Any person may bring a civil action to enforce this chapter to prevent future violations and may sue to recover actual or statutory damages, including court costs, and attorney fees.

F. Owners, operators, property managers, and officers of homeowners’ associations for residential properties, whether rental or owner-occupied, are required to post signs in accordance with Section 10.90.050 and provide notice to residents or tenants of the requirements of this Chapter. Owners, operators, and property managers of rental property must include the requirements of Section 10.90.030(G) in the lease or other rental agreement. If the owners, operators, property managers, and officers of rental property and homeowners’ associations for residential properties have

Ordinance No. _____

Page 9

satisfied these requirements, they shall not be responsible for violations of the requirements of this chapter by tenants or residents, or guests of tenants or residents.

G. An owner, operator, or manager ("owner") of a commercial establishment shall not be responsible for violations of this chapter within an area under owner's control, by a patron or other member of the public ("patron"); provided, that the owner:

1. Has posted signs in accordance with this chapter; and

2. Has verbally asked the patron not to Smoke.

This limitation shall not limit the liability of an employer for the actions of employees in places of employment, or any other violation of this chapter by the employer.

10.90.070 Nonretaliation

No Person or Employer shall discharge, refuse to hire on, or in any manner retaliate against any Employee or applicant for employment because such Employee or applicant makes a complaint regarding violation of this chapter or exercises any rights granted to him or her under this chapter. No Person or landlord shall terminate a tenancy, or modify the terms of a tenancy, or in any manner retaliate against any tenant because such tenant makes a complaint regarding violation of this chapter or exercises any rights granted to him or her under this chapter.

1340813.1

Tobacco-Free Communities - Policies Across Santa Clara County Jurisdictions														
Jurisdiction	Reducing Exposure to Secondhand Smoke								Reducing Youth Access & Exposure to Tobacco Products					
	Parks & Trails	Outdoor Dining Areas	Entryways	Service Areas	Public Events	Multi-Unit Housing	Common Areas of Multi- Unit Housing	Outdoor Worksites	Tobacco Retail Permit	Reduce Density of Tobacco Outlets	Limit Sales Near Schools	Flavored Tobacco Restrictions	No Tobacco Sales in Pharmacies	Restricts Sale of all Tobacco (T) and/or Vaping (V) Products
% of County population covered by policy	92.6%	97.2%	39.3%	85.9%	31.6%	24.3%	79.9%	7.4%	77.4%	14.7%	17.5%	18.5%	14.7%	13.30%
County of Santa Clara	2010	2010	2010	2010		2010 (Exempts ADU's)	2010		2010	2010	2010	2010	2010	2019 (V)
Campbell	2011	2011	2011	2011	2011				2012					
Cupertino	2011	2014	2014						2019	2019	2019	2019	2019	2020 (V)
Gilroy									2014		2014			
Los Altos	2011	2018	2018	2018	2018				2020			2020		2020 (V)
Los Altos Hills		n/a*		n/a*	n/a*	n/a*	n/a*		n/a*	n/a*	n/a*	n/a*	n/a*	n/a*
Los Gatos	2013	pre-2010	2016	2016	2016	2016 (Exempts ADU's)	2016	pre-2010	2017	2017	2017	2017	2017	2019 (V)
Milpitas	2012	2017												
Monte Sereno	n/a*	n/a*	n/a*	n/a*	n/a*	2020 (Exempts ADU's)	2020		n/a*	n/a*	n/a*	n/a*	n/a*	n/a*
Morgan Hill	2012	2012	2012	2012	2012				2014			2019***		2019 (V)
Mountain View		2012	2012		2012									
Palo Alto	2013	2014	2014	2014	2014	2016 (Exempts ADU's)	2016	pre-2010	2017	2017	2017	2017	2017	2020 (V)
San Jose	pre-2010	2012		2012			2012		2011					
Santa Clara	2019	2019	2019	2019	2019	2019 (Exempts ADU's)	2019							
Saratoga	pre-2010	2016	2016	2016	2016		2016	2016	2015	2016	2016	2018**	2018	2020 (V)
Sunnyvale	2012	2016	2016	2016	2016	2016 (Exempts ADU's)	2016							

* Not included in denominator of % of county population covered by policy because don't have the specific venues/areas covered by policy (Ex. Monte Sereno & Los Altos Hills do not have any businesses, including tobacco retailers)

** Includes an exemption for menthol-cigarettes

***Includes exemption for loose-leaf tobacco products

Jurisdictions where work is expected in 2021

Smokefree Areas

November 16, 2020, 11:29 AM

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Smokefree Areas







Provide your input on the possibility of expanding the City of Cupertino's smoking ordinance.

Summary Of Responses

As of November 16, 2020, 11:29 AM, this forum had:		Topic Start	Topic End
Attendees:	377	October 2, 2020, 1:59 PM	November 16, 2020, 11:29 AM
Responses:	296		
Hours of Public Comment:	14.8		

QUESTION 1

Tell us about yourself. (Check all that apply)

		%	Count
I live in Cupertino		97.6%	289
I work in Cupertino		17.2%	51
I own or operate a business in Cupertino		5.1%	15
I attend school in Cupertino or have a student attending school in Cupertino		14.5%	43
I own or manage a building with two or more residential units in Cupertino		2.0%	6
None of the above		0.7%	2

QUESTION 2

Do you live in multi-unit housing? For the purposes of this survey, multi-unit housing is defined as housing with two or more attached residences and includes apartments, duplexes, condominiums, townhouses, and attached single-family homes.

		%	Count
Yes		28.0%	83
No		72.0%	213

Smokefree Areas

Provide your input on the possibility of expanding the City of Cupertino's smoking ordinance.

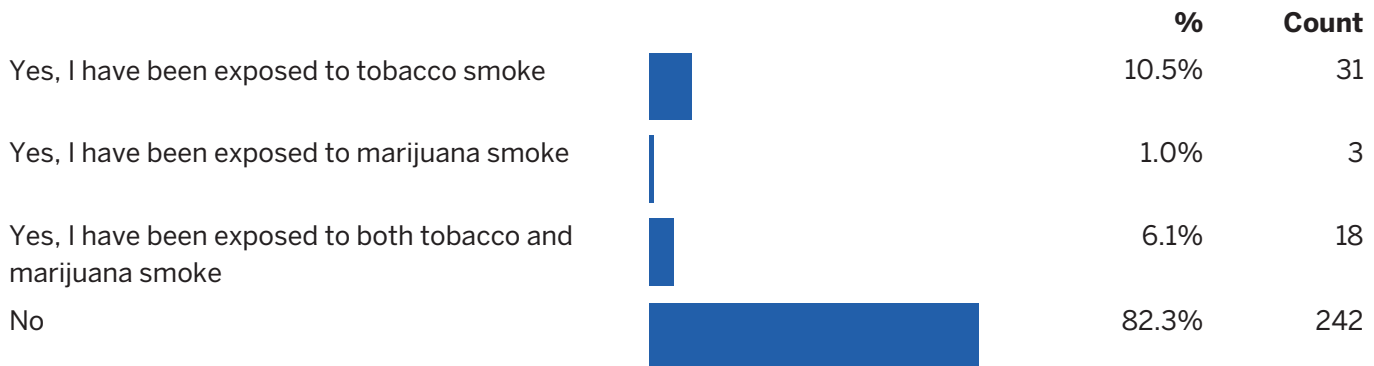
QUESTION 3

Does your housing complex have a policy to prohibit smoking *inside* your unit, apartment, condominium, or townhouse?



QUESTION 4

In the past 30 days, have you been exposed to secondhand smoke inside your home? (Secondhand smoke is smoke that comes from someone else using a tobacco or marijuana product.)



QUESTION 5

In the past 30 days, how often have you noticed secondhand smoke (either tobacco or marijuana smoke) drifting into your home?



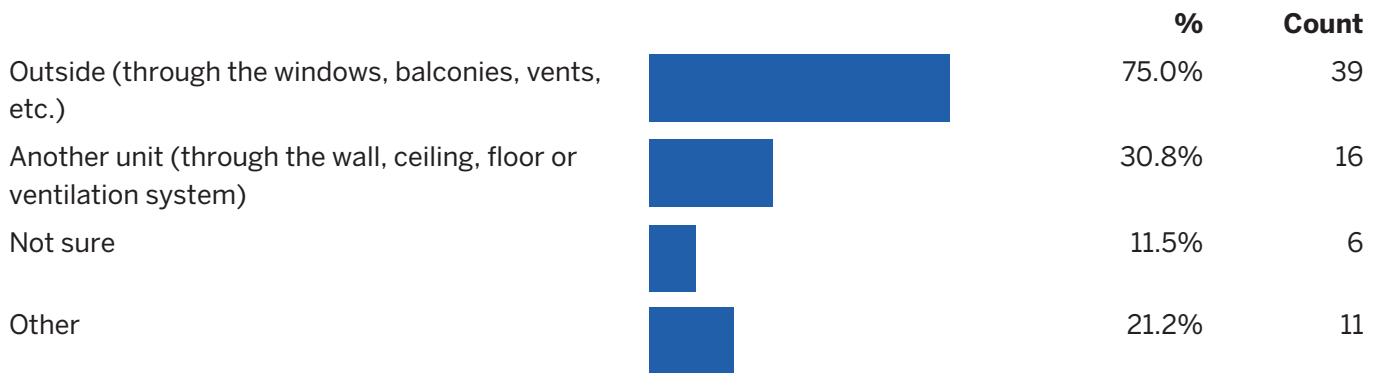
Smokefree Areas

Provide your input on the possibility of expanding the City of Cupertino's smoking ordinance.



QUESTION 6

Where do you think that secondhand smoke drifted into your home from? (Mark all that apply)



QUESTION 7

Do you think smoking should be prohibited in the following locations?

Within 25 feet of entrances, exits, and windows to buildings where smoking is prohibited indoors? This would apply to businesses, offices, grocery stores, restaurants, bars, places of worship, etc.



Within 25 feet of "service areas", such as lines outside of stores, transit stops, or ATMs?

Smokefree Areas

Provide your input on the possibility of expanding the City of Cupertino's smoking ordinance.



Within 25 feet from doors and windows of multi-unit housing?



QUESTION 8

Do you think prohibiting smoking within 25 feet of the above locations is adequate?



QUESTION 9

Do you think smoking should be prohibited in the following:

At outdoor public events like farmers' markets and concerts?

Smokefree Areas

Provide your input on the possibility of expanding the City of Cupertino's smoking ordinance.



In outdoor common areas of multi-unit housing, such as walkways, courtyards, pool areas, etc.?



Inside all units within multi-unit housing, including private balconies and patios?



In outdoor worksites such as construction sites?



QUESTION 10

In addition to the measures suggested above, Cupertino already prohibits smoking in recreational areas (parks,

Smokefree Areas

Provide your input on the possibility of expanding the City of Cupertino's smoking ordinance.

trails, sports facilities, etc.), outdoor dining areas, and within 25 feet of restaurants. Are there any other areas in the City where you think smoking should be prohibited?



QUESTION 11

Where else in Cupertino should smoking be prohibited?

Answered	113
Skipped	183

QUESTION 12

Do you smoke tobacco or cannabis products?



QUESTION 13

What is your age?



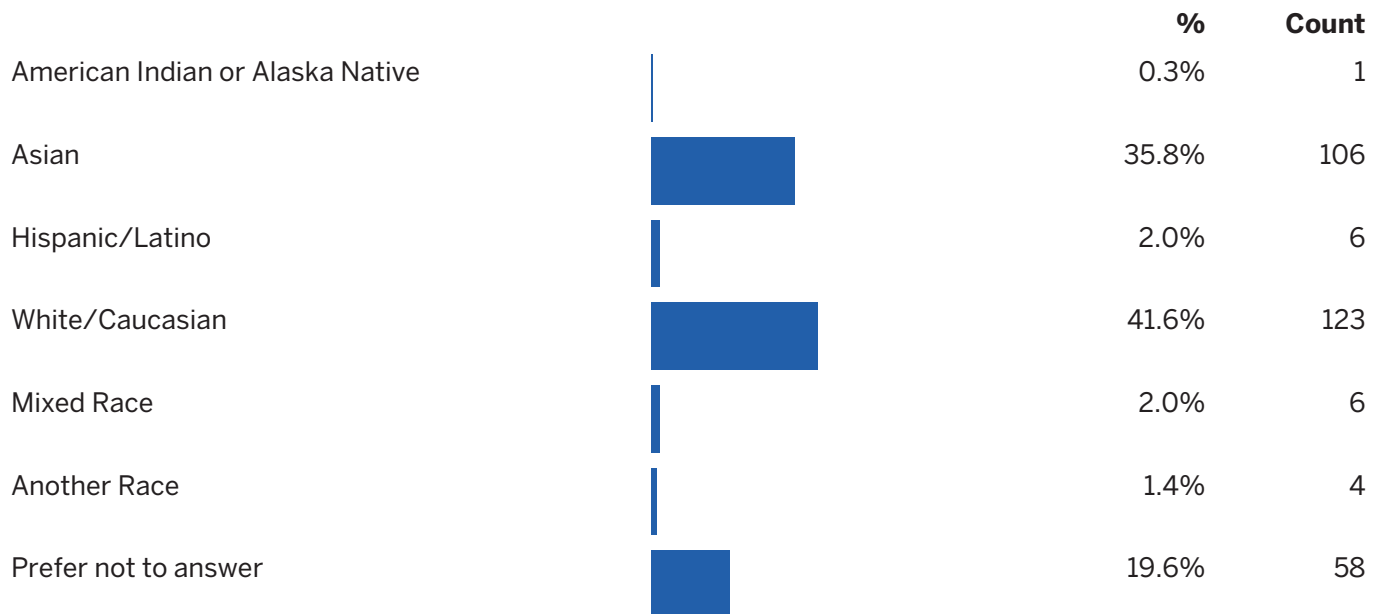
Smokefree Areas

Provide your input on the possibility of expanding the City of Cupertino's smoking ordinance.



QUESTION 14

What category best describes your race/ethnicity? (Check all that apply)



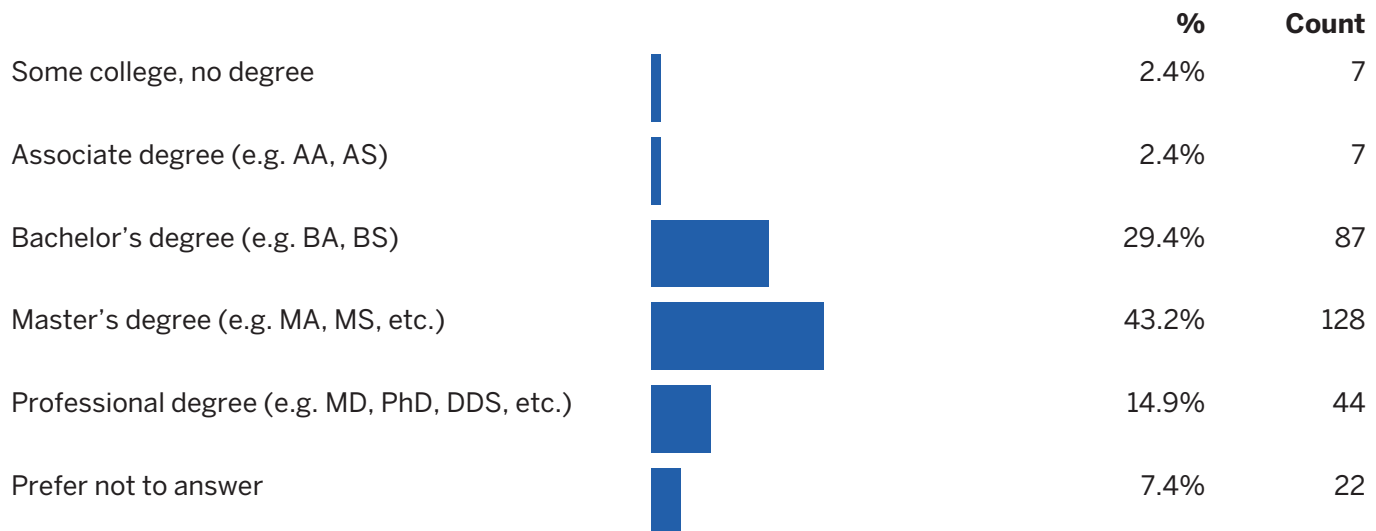
QUESTION 15

What is the highest level of education you have completed? (Your answer will not be shown publicly)



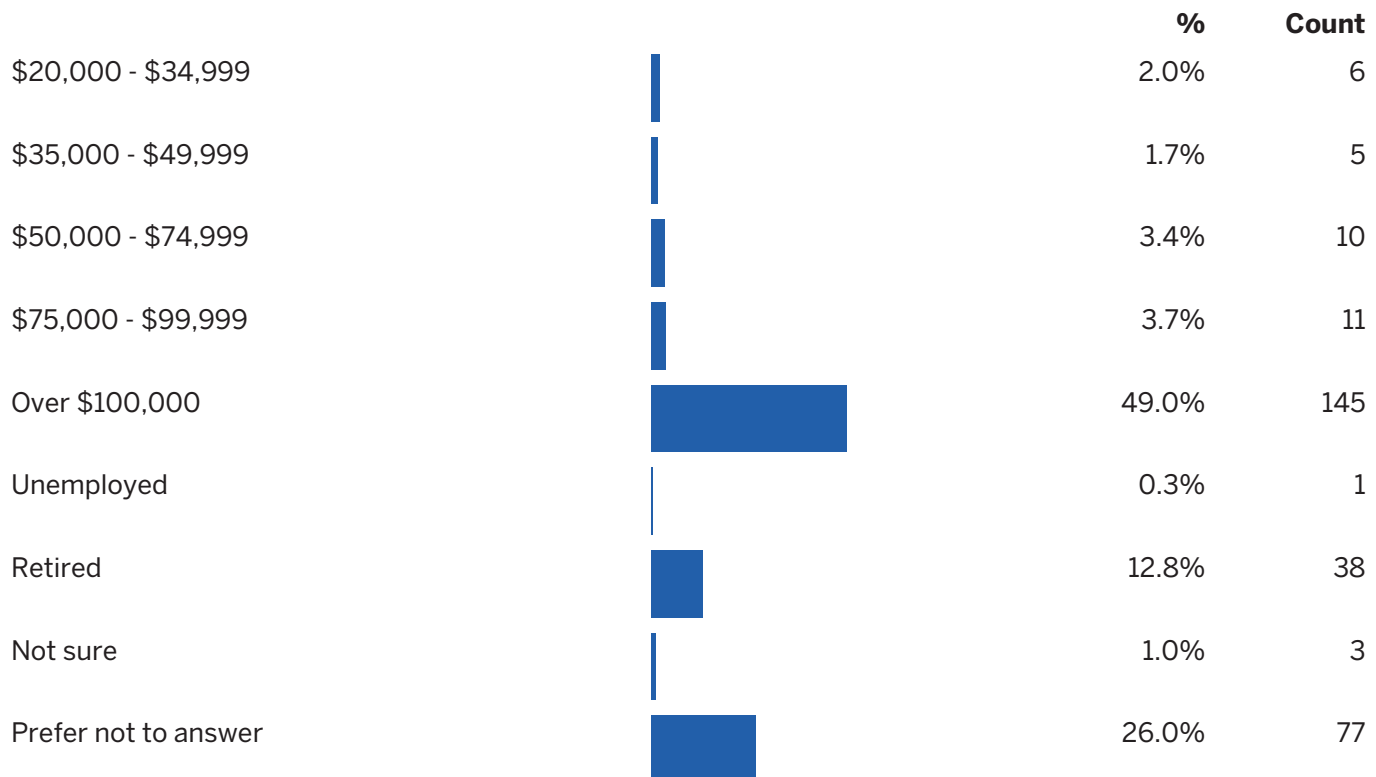
Smokefree Areas

Provide your input on the possibility of expanding the City of Cupertino's smoking ordinance.



QUESTION 16

What is your approximate yearly household income? (Your answer will not be shown publicly)



Smokefree Areas

Provide your input on the possibility of expanding the City of Cupertino's smoking ordinance.

QUESTION 17

Please provide additional comments if you have any:

Answered	76
Skipped	220

Smokefree Areas

Provide your input on the possibility of expanding the City of Cupertino's smoking ordinance.

Survey Questions

QUESTION 1

Tell us about yourself. (Check all that apply)

- I live in Cupertino
- I work in Cupertino
- I own or operate a business in Cupertino
- I attend school in Cupertino or have a student attending school in Cupertino
- I own or manage a building with two or more residential units in Cupertino
- None of the above

QUESTION 2

Do you live in multi-unit housing? For the purposes of this survey, multi-unit housing is defined as housing with two or more attached residences and includes apartments, duplexes, condominiums, townhouses, and attached single-family homes.

- Yes
- No

QUESTION 3

Does your housing complex have a policy to prohibit smoking *inside* your unit, apartment, condominium, or townhouse?

- Yes, tobacco and marijuana smoking are prohibited
- Yes, only tobacco smoking is prohibited
- No
- Not sure
- Prefer not to answer

QUESTION 4

In the past 30 days, have you been exposed to secondhand smoke inside your home? (Secondhand smoke is smoke that comes from someone else using a tobacco or marijuana product.)

- Yes, I have been exposed to tobacco smoke
- Yes, I have been exposed to marijuana smoke
- Yes, I have been exposed to both tobacco and marijuana smoke
- No

QUESTION 5

In the past 30 days, how often have you noticed secondhand smoke (either tobacco or marijuana smoke) drifting into your home?

- Never
- Sometimes
- Often
- Almost Always

QUESTION 6

Where do you think that secondhand smoke drifted into your home from? (Mark all that apply)

- Outside (through the windows, balconies, vents, etc.)
- Another unit (through the wall, ceiling, floor or ventilation system)
- Not sure
- Other

QUESTION 7

Do you think smoking should be prohibited in the following locations?

Row choices

- Within 25 feet of entrances, exits, and windows to buildings where smoking is prohibited indoors? This would apply to businesses, offices, grocery stores, restaurants, bars, places of worship, etc.
- Within 25 feet of "service areas", such as lines outside of stores, transit stops, or ATMs?
- Within 25 feet from doors and windows of multi-unit housing?

Column choices

- Yes
- No
- Not sure

QUESTION 8

Do you think prohibiting smoking within 25 feet of the above locations is adequate?

- Yes, 25 feet is adequate
- No, should be 20 feet
- No, should be 30 feet or more
- No, prohibiting smoking within any distance is not necessary
- Not sure

Smokefree Areas

Provide your input on the possibility of expanding the City of Cupertino's smoking ordinance.

QUESTION 9

Do you think smoking should be prohibited in the following:

Row choices

- At outdoor public events like farmers' markets and concerts?
- In outdoor common areas of multi-unit housing, such as walkways, courtyards, pool areas, etc.?
- Inside all units within multi-unit housing, including private balconies and patios?
- In outdoor worksites such as construction sites?

Column choices

- Yes
- No
- Not sure

- 45 to 64
- 65+
- Prefer not to answer

QUESTION 14

What category best describes your race/ethnicity? (Check all that apply)

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic/Latino
- White/Caucasian
- Mixed Race
- Another Race
- Prefer not to answer

QUESTION 10

In addition to the measures suggested above, Cupertino already prohibits smoking in recreational areas (parks, trails, sports facilities, etc.), outdoor dining areas, and within 25 feet of restaurants. Are there any other areas in the City where you think smoking should be prohibited?

- Yes
- No
- Not sure

QUESTION 11

Where else in Cupertino should smoking be prohibited?

QUESTION 15

What is the highest level of education you have completed? (Your answer will not be shown publicly)

- Less than a high school diploma
- High school degree or equivalent (e.g. GED)
- Some college, no degree
- Associate degree (e.g. AA, AS)
- Bachelor's degree (e.g. BA, BS)
- Master's degree (e.g. MA, MS, etc.)
- Professional degree (e.g. MD, PhD, DDS, etc.)
- Prefer not to answer

QUESTION 12

Do you smoke tobacco or cannabis products?

- Yes
- No
- Prefer not to answer

QUESTION 16

What is your approximate yearly household income? (Your answer will not be shown publicly)

- Less than \$20,000
- \$20,000 - \$34,999
- \$35,000 - \$49,999
- \$50,000 - \$74,999
- \$75,000 - \$99,999
- Over \$100,000
- Unemployed
- Retired
- Not sure
- Prefer not to answer

QUESTION 13

What is your age?

- 17 or younger
- 18 to 24
- 25 to 34
- 35 to 44

Smokefree Areas

Provide your input on the possibility of expanding the City of Cupertino's smoking ordinance.

QUESTION 17

Please provide additional comments if you have any:

17. Please provide additional comments if you have any:

Second hand smoke has caused serious health issues for me personally. (Especially Asthma) So I think this is a serious issue and would love to see Cupertino make the laws much stricter, especially as far as attached homes and common areas go.

Hope Cupertino will be a leader in this area. Thank you for looking into this

1. Ban the sale or use of cannabis in any 711 or other store in Cupertino. 2. Conduct surprise checks on 711 and other gas station stores to keep cannabis out. 3 Suspend any school kids found using cannabis.

More education on tobacco health risk in schools. Higher taxes on tobacco sales. Enforcement of present rules.

My parents smoked, & it probably contributed to my COPD. I understand the frustration of living with 2nd-hand smoke, but worry about totally infringing on the rights of those who choose to smoke. If we say, "this multi-unit dwelling is no-smoking", where do smokers live? There's a danger of creating a separate class of smokers, who would have their basic rights severely limited.

We should support vaping as a replacement for cigarettes anywhere possible.

smoking has been proven to be very dangerous. I am amazed so many people still smoke. its a dirty and unsafe habit. other people should not be subjected to it.

Appreciate this effort!

Discouraging smoking in a reasonable fashion is appropriate and makes more sense than an outright ban in all cases.

SMOKING IN PARKING LOTS, OUTSIDE STORES, OR ANY PUBLIC PLACE SHOULD HAVE DISTANCE GUIDELINES. SMOKE TRAVELS AND IT SMELL AWFUL

I wish to see Cupertino as smoke free city with no cigarettes or weed selling in the city.

It is Unclear if this applies only to smoking or not. I think it should apply to all tobacco products such as hooka and vape.

Hazardous air comes from more then smoking. Please immediately ban: gas leaf blowers (Saratoga does), and other gas operated garden tools while you are at it. Please enforce SMOG rules. Many arrogant owners bribe corrupt STAR SMOG inspectors to bypass the rules. thx

I am an environmental scientist & government administrative regulator. Please be aware that personal (traditional tobacco) smoking does not present as great an

exposure in our suburban multi-dwelling setting as does wood burning (fireplaces), and briquet-wood-lighter-fluid ~Bar-B-Que's !! It is important to look at ~smoke exposure" comprehensively ... not just to target tobacco-smokers. I have never been a smoker, and I do not find occasional cigarette smokers to be a risk (professional opinion) or a hazard. However, I am regularly affected by extensive lighter-fluid charcoal fires for bar-b-ques and by ~fireplace-smoke" in our Cupertino community. Finally, each new ~regulatory mandate" brings with it a VERY EXPENSIVE COST to ENFORCE the new requirements. Cupertino and California (and the Country as well) are UNDERWATER financially. We cannot continually expand mandated enforcement services, and with it the financial burden (NEW TAXES & FEES) to support ever expanding government oversight, services and enforcement programs. Please DO NOT ADD NEW ENFORCEMENT REQUIREMENTS use creative education (school programs against smoking, etc.) to provide a TRUE community service. This approach could be comprehensive, educating the community on irritations from fireplaces, bar-b-ques, personal-smoking, vaping, etc. This will accomplish FAR MORE in time than new enforcement regulations/codes targeting individual sources and is ACTUALLY DO-ABLE !

Good initiative by the City. Thanks.

Add all tobacco products to your list - chewing, vaping.

Individual landlords can decide for themselves regarding smoking policies in their private properties. Individual tenants can also decide for themselves if they are happy with the landlords policy. Do we really need Cupertino butting in? Personally, I dont like smoking but dont care if someone wants to enjoy a cigarette on a park bench as long as he doesnt drop his butt on the ground (littering). We have bigger problems to deal with than worrying about an adult enjoying a smoke, especially outdoors.

Answered the first question with yes, but bar should be excluded. Bar should have smoking area. Multi unit policy should be the same, owner should seperate smoking area non smoking area, shouldn't just regulate it.

I appreciate the chance to give feedback. In my opinion smoking is a real pandemic. There is absolutely no benefit to smoking and it should be banned. How? I will let authorities decide on the how. We needed bicycle lanes and the city made it happen. We need smoking banned, I am sure by raising awareness this can happen as well.

Thank you for sharing this survey link on Twitter, I really appreciate the City's attempts to reach its residents. Much obliged!

Apartment mangers should be penalized when they are negligent on the complaints the tenants file against smoking neighbors being very inconsiderate.

The most common time I am exposed to second hand smoke is when someone walks around smoking, like on a sidewalk. I can't avoid it if I don't see it coming. I find both tobacco and marijuana smoke really unpleasant, but in my experience marijuana smokers are more likely to ignore smoking laws. I don't want smokers to be treated as lepers, but I don't want to inhale their second-hand smoke.

Thank you for revisiting and expanding these protections!

"Smoking not only does harm people for second hand smoke but harms our community for cigarette carelessly disposed in public area can catch fires. Also the cigarette butt disposed can drain nicotine from them, eventually the toxin does down to the drain and flow to rivers and bay and damage to our environment. Given so many cigarette butts are disposed and it is practically impossible to clean them up, we need a policy that smoking is not permitted the places without ashtrays. Moreover, smoking is risky behavior leading to vaping. With COVID-19 pandemic and any other airborne pandemic danger, we had to help smokers to quit the habit for public health stand point."

Thanks for this initiative!

It is not enough to prohibit smoking, the fine or penalty should be strictly enforced. People already have problems with avoiding COVID-19 or suffering from the virus's damage so don't make it worse by allowing second hand smoke or any smoke to cause additional harm to people. Please help everyone stay healthy by banning smoking wherever possible.

Thanks for checking in with your citizens. Thanks for all your work. Stay safe, healthy, and sane.

Even when it says "No Smoking" people don't follow the guidelines. Because I have asthma, I find this frustrating.

Prohibit vaping in addition to smoking.

Outdoor areas: Any type of smoking should be allowed in any designated smoking area (such as on worksites or social gatherings). Pipe smoking should be allowed with 10 feet separation between smoker and non-smoker anywhere. Cigar smoking should be allowed only in smoking designated area.

I have lived in the city over 30 years. It has really changed, much of for the worse. Will soon be leaving the city and the state. Liberal policies have destroyed the place.

Smoke carries farther than 25 ft - I prefer to ban smoking near all public places

Second hand tobacco / marijuana smoke is the least of my worries give that the whole state is on fire. Lets worry about that and let people smoke in peace.

I think that the current no smoking laws are sufficient. any further restrictions is an overstep of authority. People dont like being overgoverned. This is America!

I would like to see both tobacco and marijuana smoking/vaping restricted further. I am allergic to both substances. Please no marijuana smoking in cars with the windows rolled down in stores' and public parking lots.

The existing rules are not enforced now. It is common to be exposed to smoke passing lines for restaurants and other establishments. Santa Clara County Sheriff deputies regularly tell residents they only want to deal with criminal activity. They won't deal with what they consider to be civil matters. Rules don't work if they are not enforced properly.

Thank you for taking the initiative to evaluate stronger smoking restrictions!

I think the government should focus less on restricting our freedoms as Americans. We are not a Socialist Country.....yet.

Make Cupertino smoke free.

I understand Cupertino has a high license fee if a retailer resells smoking products. Unfortunately, Sunnyvale does not. This makes customers simply shop in nearby cities. My specific example relates to gas station convenience stores. If Cupertino insists on this license fee, they must make sure all Bay Area cities have the same fee.

This survey is not going to make any changes. Why are you all pretending?

Everything possible should be done to stop people from smoking for their own good and for others safety and comfort.

We should prohibit smoking outdoor as well, in the neighborhood including the porch of your house in the residential area. Because Cupertino is a densely populated community, the houses are next o each other. I wish I can move somewhere else or this smoking neighbor could move. Unfortunately none of that will happen in the near future. My kids can not play outside, I can not open windows. Have to hold breath every morning and night leaving the house or coming home. It's terrible. And the smoke travels a long way, my neighbors who are one and two houses farther from that house complained to me multiple times. We are the closest to that family. I don't care whether they smoke or not, but they are affecting our lives. They can smoke at home with their windows closed honestly I could care less. But their behavior is harming me and my family as well as other neighbors. It's really bad because everyday this guy smokes a lot outside at the porch, which is close to my front door and my house unfortunately.

"I support that smokers have their rights of enjoying themselves, no argument about that. But they should do so without disturbing any shared space that other people have right to enter and enjoy. It's only fair that everybody's right is equally respected and protected, otherwise it is unfair and unjust."

At the smell of tobacco smoke my heart rate jumps and I try not to breathe or take very shallow breaths.

Thank you for the opportunity to share my feedback.

I have never been a smoker but I was raised by two heavy-smoker parents. I wish that these second-hand smoke rules had been around when I was a child. While I survived that experience (so far!) I don't think that it is a good thing for a child to be locked up in a small enclosure (such as the family car) for hours at a time (while driving to the next state to visit said child's grandparents) with multiple heavy smokers. However, I don't fully respect these absolutely "no safe level" statements by health professionals or scientists. To believe this, you have to say that one femtogram or attogram of tobacco smoke is not safe. But there is probably no place in the city that has less than an attogram of smoke in it. That 25-foot rule won't prevent an attogram of smoke from finding its way into a child's lungs. I think that rules addressing second-hand smoke in enclosed areas are more reasonable.

Please consider banning smoking in all public places in Cupertino, regardless of distance from buildings.

Thank you for reaching out for citizens comments ... always a good idea and good politics too.

I believe smoking should be prohibited in a more strict way now that it is proven that COVID-19 travels through droplets. It should be prohibited in all common areas in Cupertino and follow the example of being a true clean city!

NO SMOKING means NO SMOKING

This is such an important issue to protect citizens of Cupertino and light the way for other communities. Our lives have been made miserable due to our neighbors who smoke--since our children were little we were not able to spend much time outside, and our house is often filled with their smoke even when we stay inside. We are being poisoned in and around our homes, and it is important to have laws to help protect us from secondhand smoke. Thank you very much!

You should publicise this survey more broadly. Many people don't know about it.

I think enforcing this will be difficult. For what it is worth, though, I find smoke bothersome anytime.

Thank you for looking into second hand smoke. I appreciate it.

Since tobacco will cause harmful to human's health, prohibit smoking should be enforced in any area inside /outside of any building

Smoking rules should be stricter than vaping rules. And ESPECIALLY stricter than low-powered, low-cloud vaping. Smoke kills, ask a firefighter. Adulterated street THC vapes have killed, e-cigarettes and legal cannabis vaping do not kill and never have.

In addition to policies that reduce areas where people may smoke, Iâ€™d like to see smokers offered help in quitting (if a city program like this already exists please excuse my ignorance).

Please ban tobacco smoke in all indoor/outdoor public areas in the city.

"I think smoking should be prohibited in Cupertino with the following exceptions: 1. Smoking allowed within a person's private property. 2. Smoking allowed in designated outdoor smoking area, such as a smoking-allowed park, to be determined. Thank you."

We also need to make places where people can smoke conveniently. I understand my neighbor wants to smoke marijuana. I asked him not to do it in the yard so I can use my yard. His only alternative is to use the garage which unfortunately seeps into my garage. I hope you come up with a solution that allows him somewhere convenient he can get his needs met and a way I can also be healthy. Thank you.

The question is how the city will reinforce it. I know for the fact De Anza College was not able to reinforce students to smoke in the smoking areas.

Thank you for considering the expansion of smoke free areas. My husband passed away from cancer. Every time I had to take him to the ER, they always asked him if he smoked. He never smoked. Any smoke that effected him being diagnosed with cancer would have been second hand smoke.

Smokers ignore the current signs at the parks. In fact, when I've pointed out the "Smoke free" signs at parks, they laugh and say it means that they can smoke freely and as much as they want. Please be more like Saratoga and explicitly put signs up that say "No smoking". Smokers don't care about other people, and even at Main Street (and other businesses) are regularly smoking in non-smoking areas.

Even if we currently have the 25 ft restriction, we should advertise that more as some people are smoking outside restaurants etc within 25ft of the entrance.

(this is pre-tax household income)

City and county public health need to provide educational information and supportive resources to help people understand the facts and consequences of smoking and how to get help with quitting. My son told me that Red Ribbon Week at school is really helping.

Second hand smoking most damages the health of babies and children and they can't raise their voice. We adults should be strict about second hand smoking more than we think it should be to us.

I'm glad to learn smoking is prohibited on public trails. A couple of months ago a guy was smoking as we both were walking on the Saratoga Creek trail, and he left a long smelly trail of smoke. Now I know it's OK to ask him not to smoke on the trail.

"Thank you for addressing this issue. I am concerned about enforcement as some sidewalks may be within 25 feet."

I would like to see Cupertino ban the sale of vaping and smoking products entirely in the city. We should not be supporting companies like Juul and Big Tobacco, that have done so much harm to so many people of all ages. The vaping epidemic in teens today is appalling. It would not have happened with strict laws against smoking any drugs. Smoking is an unnecessary form of air pollution as well.

It's not just the smoking, it's also the cigarette butts that are left behind. It is littering, a fire hazard, and inconsiderate.

Thank you for this survey. I agree there is no safe exposure level to second hand smoke. I have been frequently in and out of urgent care for breathing problems related to second hand smoke exposure and air contaminants, both in the US as well as in other countries. There needs to be greater awareness of the long term health effects of second hand smoke and air contaminants, better ways to curb exposure to such pollutants in our every day life, and a means for people who do smoke to have a safe environment to smoke and adequately ventilate so residents and workers are not exposed to the smoke.

You have banned smoking in parks but do not enforce the ban. I am inundated with smoke (both marijuana and tobacco) at Linda Vista park especially on the weekends. Tobacco smoking is common at Memorial Park also. What is the plan to enforce the ban on smoking in public areas? The small signs posted fairly high at the parks do not seem to be working.

It's not only secondhand smoke to worry about, but thirdhand smoke as well, which has been shown to cause DNA damage that is passed down to further generations.

Smoking and second-hand smoke are clearly dangerous to our health. Smoking can only be safe for others when someone is smoking downwind or totally away from others. So, wind makes 25 feet not far enough away when it blows toward others.

Email Feedback from Community

From: [REDACTED]
Sent: Friday, October 23, 2020 3:13 PM
To: City Council <CityCouncil@cupertino.org>; Jennifer Chu, P.E. <JenniferC@cupertino.org>
Subject: secondhand smoke policies

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Had difficulties in getting the survey for the above matter. ***I AM NOT REGISTERING FOR THE ONLINE MEETINGS.***

I would just like to say what right do you have to take away, reduce the places, areas where those who get pleasure out of smoking?

When one goes to enjoy an event, game, outdoor show, they are already encountering places where they can't smoke for enjoyment.

Why would you even think of doing such a restriction. People who work in outdoor jobs, construction, clean-up areas, like a smoke when having a lunch and you want this taken from them.

You mentioned multi-unit housing, will the people who will be paying the rent be told before they rent as to the rules?

Sad how rules, regulations must appear when signing up for an outdoor concert, any and all events, how do you expect the person/ people who are part of the entertainment world to get fans to attend.

Smoking, eating, going to events is part of life and so is drinking in moderation. Will you be stopping the smoking when a crowd of people is watching a ballgame on the lot next to the library?

If I have overstepped in writing what I just did, it needed to be said. Once again, I am not interested in being part of the registration for online meetings. The less I have to do with a computer is great.

A REMINDER, YOUR WORKERS SMOKE WHEN ON AN OUTSIDE JOB JUST AS THE MAILMAN DOES.

A RESIDENT OF CUPERTINO FOR 57 YEARS. [REDACTED]e-mail address Cupertino.org/smoking is incorrect so the computer response said, that is why I added two more e-mail addresses so my e-mail would be passed on to the right committee. Thanking you in advance in doing this for me.

From: [REDACTED]
Sent: Monday, October 26, 2020 1:23 PM
To: Astrid Robles <AstridR@cupertino.org>
Subject: Re: Secondhand smoke policy feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The survey is not worth my time in answering. I don't detect smoke coming into my home thru the windows, doors, etc as mentioned. One cannot continue on with survey unless all questions answered. Does the word " never" not answer a question?

Refusal to continue with survey is my answer. Protecting from smoke (all kinds) will never be. Lawmakers are not GOD. We can try to protect ourselves from harm as best we can. But, protecting ourselves from harm doesn't mean staying away from what we enjoy doing.. We all know right from wrong and don't need to be told. Most learn the hard way. Evidently, Mr. Robles, if viewed by you, the homeless in our area you would see first hand that they smoke, high school students walking with a cigarette, not an easy task to undertake.

We have enough rules in the state of California. Do we really need more?

Respectfully, [REDACTED]and yes, I see medical workers on their work break smoking. Life is what we each would like it to be for ourselves. I have never had the desire to smoke anything, but, I lived with a dad, uncles, husband, who all smoked in their homes and outside. And yes, restaurants as well.

From: Mitel Voice Mail <noreply-voicemail@cupertino.org>
Sent: Wednesday, October 7, 2020 10:17 AM
To: Katy Nomura <KatyN@cupertino.org>
Subject: Mitel voice message from [REDACTED]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

You have received a voice mail message from [REDACTED]
Message length is 00:00:23. Message size is 184 KB.

Caller Feedback: Just seems like a waste of time when hardly anybody smokes, we have the worst air right now from the fires, it is a minimal problem why are we working on this, the air is really bad as it is, worried about the environment. This initiative is a waste of time and money.

From: [REDACTED]
Sent: Wednesday, November 25, 2020 5:38 PM
To: City Council <CityCouncil@cupertino.org>; City of Cupertino Planning Commission <PlanningCommission@cupertino.org>; Deborah L. Feng <DebF@cupertino.org>
Cc: City Clerk <CityClerk@cupertino.org>
Subject: Secondhand Smoke policies

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council, Planning Commissioners and City Manager,

I realize this is late for providing input related to secondhand smoke. The postcard I received had no deadline but I just tried to take the survey and it's closed.

One issue I hope city policies address is the secondhand smoke exposure and cigarette butt trash that appears on our public sidewalks when an apartment complex suddenly goes "smoke free".

An example is "The Veranda's at Cupertino Apartments" located on Lucille Avenue. They became smoke-free so all of a sudden the heavy smokers moved to the public sidewalks along Lucille. They stand at the driveway or at the corner and smoke, leaving their cigarette butts all over the sidewalk and into the gutter. To avoid their smoke, people are forced to go into the street. I've spoken with the apartment management regarding the butts on the ground and in the gutter but the nothing has been done.

I notice that along De Anza Blvd on the east side of the road, near the intersection of Marriani (in front of the older Apple building), they specify a smoking area and they provide a container for smokers to put their cigarette butts in which eliminates the trash.

REQUEST: As part of a city policy, can you require that if an apartment building goes "smoke-free" that they provide a place for smokers or for their cigarette butts or require them to be held accountable for the trash.

When these cigarette butts end up in our gutters they flow to the bay causing environmental issues.

Thank you,

[REDACTED]

**CITY MANAGER'S OFFICE**

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

CITY COUNCIL STAFF REPORT

Meeting: September 15, 2020

Subject

Study session regarding policy options to reduce secondhand smoke exposure in Cupertino

Recommended Action

Provide direction on policy options to reduce exposure to secondhand smoke, including in multi-unit housing

Background

The Santa Clara County Public Health Department (PHD) has provided funding to cities to support tobacco prevention strategies known to have the highest impact on reducing tobacco-related disparities and inequities. As part of this funding, the City of Cupertino received a \$54,979 grant from the PHD to implement tobacco prevention policies that have been shown to reduce exposure to secondhand smoke. Exploring these policies is also part of the current City Work Program.

In November 2019, the City Council approved and enacted Ordinance No. 19-2190 that prohibits the sale of flavored tobacco products and requires that retailers in the City obtain a local tobacco retailer permit. In February 2020, the City Council approved and enacted Ordinance No. 20-2197 to prohibit the sale of electronic cigarette/vaping products and make additional conforming amendments consistent with Santa Clara County's tobacco control ordinance.

Discussion

The dangers of tobacco use and exposure to secondhand smoke are well documented. More than 40,000 Californians die each year from smoking-related disease, making tobacco use the number one cause of preventable death. In Santa Clara County, one in eight deaths annually is attributed to smoking-related illness or diseases, such as cancer, heart disease, and respiratory diseases. The COVID-19 pandemic has highlighted the risks of smoking. Smoking doubles the risk of developing respiratory infections and doubles the risk of getting sicker from COVID-19. Research shows that smokers with COVID-19 are twice as likely to be admitted to the intensive care unit, need medical ventilation, or die. In addition, COVID-19 is causing more individuals

to stay at home and to wait in lines for longer periods of time, making secondhand smoke policies more important to protect these individuals.

The U.S. Surgeon General has concluded that there is no safe level of exposure to secondhand smoke and the California Air Resources Board has classified secondhand smoke as a toxic air contaminant. Secondhand smoke is responsible for more than 4,000 heart disease-related and lung cancer deaths each year in California. According to the Centers for Disease Control, the only way to fully protect nonsmokers is to eliminate smoking in all homes, worksites, and public places. Studies have shown that exposure to secondhand smoke outdoors can reach levels attained indoors depending on the amount of wind and number and proximity of smokers. Additionally, residents of multi-unit housing can be exposed to neighbors' secondhand smoke, which seeps under doorways, through wall cracks, and vents.

State law prohibits smoking in most public indoor areas, as well as within 20 feet of entrances and exits to government buildings. The City of Cupertino has expanded these protections by prohibiting smoking in recreation areas and outdoor dining areas (Cupertino Municipal Code Chapter 10.90 "Regulation of Smoking"). The Santa Clara County Public Health Department is receiving an increasing number of complaints from residents about exposure to secondhand smoke in outdoor areas and where they live. Not only does prohibiting smoking in such locations decrease exposure to harmful secondhand smoke, it also decreases fire risk and reduces the amount of cigarette butt litter. The following best practices can reduce exposure to secondhand smoke:

1. **Require smoke-free multi-unit housing** (defined as two or more attached residences that share a wall or floor/ceiling, which could include apartments, condominiums, townhomes, duplexes, triplexes, fourplexes, etc.), including:
 - a. Outdoor common areas
 - b. A buffer zone around doors and windows of multi-unit housing and
 - c. Inside units in multi-unit housing
2. **Require smoke-free entryways** around the entrances of all locations where smoking is prohibited, including businesses, offices, grocery stores, restaurants, bars, places of worship, etc.
3. **Require public events** to be smoke-free, such as farmers' markets and street fairs
4. **Require service areas** to be smoke-free, such as ATMs, ticket lines, bus stops or shelters
5. **Require outdoor worksites** to be smoke-free, such as construction sites

These options are discussed in more detail below. "Smoking" includes the use of cigarettes, cigars, cigarillos, hookah, pipes, electronic smoking devices, and marijuana.

1. Smoke-free multi-unit housing

In order to protect residents of multi-unit housing from the negative effects of drifting secondhand smoke, the City Council could consider prohibiting smoking (a) in multi-unit common areas, such as walkways, courtyards, and pool areas; (b) in outdoor areas within 25 feet from the doors and windows of multi-unit housing units; and (c) in individual units, including patios and balconies, of multi-unit housing.

For purposes of this report and policy, multi-unit housing is defined as housing that includes two or more attached residences (i.e., a shared wall or ceiling/floor), including apartments, condominiums, townhomes, duplexes, triplexes, and fourplexes.

Based on data from the Santa Clara County Public Health Department (PHD), 33% of Santa Clara County households live in multi-unit housing. In Cupertino, it is estimated that 43% of addresses are for multi-unit housing. According to a DPH fact sheet on Smoke-free Multi-unit Housing (Attachment B), close to one-third (29%) of adults who live in multi-unit housing in Santa Clara County reported smelling tobacco smoke drifting into their home in the previous week. The rate of secondhand smoke exposure was even higher among those with less than a high school diploma (38%) and adults with household incomes less than \$15,000 (36%). Several studies on drifting secondhand smoke in multi-unit housing have confirmed that secondhand smoke can and does transfer between units, creeping under doorways and through wall cracks. Because people spend a considerable amount of time at home, smoke-free policies in residential settings can significantly protect residents from second-hand smoke.

Multiple surveys show an increased demand for smoke-free housing. According to Santa Clara County, 96% of Santa Clara County apartment residents believe that smokers should not be allowed to smoke wherever they want; and 84% of Santa Clara County apartment residents surveyed said that they would support a no-smoking policy at their multi-unit housing complex (Attachment B). According to a poll conducted by the American Lung Association, nearly half of California apartment owners and managers have had tenants complain about secondhand smoke drifting into their apartments.

Increasingly, landlords are choosing to adopt smoking restrictions in properties they own or manage for a number of reasons, including: (1) to reduce cleaning costs from a unit with a smoker; (2) to lower the fire risk and related insurance costs; and (3) in response to tenant demand. The California Apartment Association's sample lease form contains a provision indicating that smoking is prohibited everywhere on the property, unless the owner has adopted a different policy.

a. Smoke-free Common Areas

Under California law, indoor common areas of multi-family housing are required to be smoke-free if any employees enter the premises. However, there is no law prohibiting smoking in outdoor common areas in Cupertino, such as walkways, courtyards, playgrounds, and pool areas. In Santa Clara County, seven communities have adopted laws to require smoke-free outdoor common areas in multi-family housing: Los Gatos, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale, and Santa Clara County (Attachment A.)

b. Smoke-free Buffer Zones

As with commercial buildings, many people are exposed to secondhand smoke from neighbors who smoke outside their unit near the doorway or on a patio or balcony. This policy option would prohibit smoking in outdoor areas within 25 feet from any area of multi-family housing that is required to be smoke-free. If desired, the ordinance can offer an option for landlords to create a designated outdoor smoking area so long as it meets certain requirements.

c. Smoke-free Individual Units

As described above, secondhand smoke can seep between units. A policy prohibiting smoking inside individual units, including private balconies and common areas, is the only way to fully protect residents. In Santa Clara County, four cities and Santa Clara County have adopted laws requiring multi-unit housing to be 100% smoke-free: Los Gatos, Palo Alto, Santa Clara, Sunnyvale, and Santa Clara County (Attachment A).

2. Smoke-free Entryways

California law prohibits smoking within 20 feet of entrances, exits, or operable windows of government buildings. Many communities have adopted local laws creating smoke-free buffer zones around non-government buildings, such as offices, restaurants, retail shops, places of worship, supermarkets, etc. These laws are designed to protect business operators from smoke drifting into their businesses, as well as members of the public who are entering or exiting buildings or passing by on the sidewalk.

Cupertino currently prohibits smoking within 25 feet of entrances and exits of restaurants but does not include all businesses open to the public. Cupertino Municipal Code sections 10.90.020(A)(3), 10.90.020(B)(1), 10.90.010(B). In Santa Clara County, 9 cities and Santa Clara County have adopted laws prohibiting smoking within a radius of all buildings in which smoking is prohibited indoors: Campbell (20 feet), Los Altos (25 feet), Los Gatos (30 feet), Morgan Hill (25 feet), Mountain View (25 feet), Palo Alto (25 feet), Saratoga (20 feet), the

City of Santa Clara (30 feet), Santa Clara County (30 feet), and Sunnyvale (25 feet) (Attachment A).

3. **Smoke-free Public Events**

Many local governments in California have taken steps to protect their residents from secondhand smoke in outdoor areas where people congregate, such as events open to the public. Currently, smoking is not prohibited at outdoor public events in Cupertino, such as farmer's markets, parades, or music events. In Santa Clara County, nine communities have restrictions on smoking at public events: Campbell, Los Altos, Los Gatos, Morgan Hill, Mountain View, Palo Alto, Santa Clara, Saratoga, and Sunnyvale (Attachment A).

4. **Smoke-free Service Areas**

A restriction on smoking in service areas seeks to protect individuals from the dangers of secondhand smoke in areas where people wait to receive a service or make a transaction, such as ATMs, information kiosks, public transit stops, mobile vendor lines, cab lines, entrance lines, and ticket lines. In Santa Clara County, five communities currently prohibit smoking in service areas: Campbell, Morgan Hill, Palo Alto, San Jose, and Santa Clara County (Attachment A).

5. **Smoke-free Outdoor Worksites**

California law prohibits smoking in all enclosed workplaces in order to protect employees and patrons. State law does not prohibit smoking in outdoor worksites, such as construction sites. In Santa Clara County, three communities currently prohibit smoking in outdoor worksites: Los Gatos, Palo Alto, and Saratoga.

In addition to the best practices noted above, and in response to complaints from residents, Council has asked staff to explore the feasibility and legality of a prohibition on smoking in backyards of single-family homes.

Cupertino would be the first jurisdiction in California to adopt a restriction on smoking in outdoor areas of single-family homes that are not attached. From the research, there are not any definitive legal barriers to such restrictions, but notes that they remain untested. The primary challenges are with enforcement and the potential for unintended public health consequences. Enforcement would be challenging or impossible given that backyards are often fenced/private and it would be difficult to cite individuals for violating any backyard smoking ban. One other community considered banning smoking in backyards (City of Rocklin) but according to news coverage quoting Rocklin's City Manager, the backyard proposal was not enacted due to logistical concerns with both regulation and enforcement. There is also a public health concern that this prohibition could push smokers indoors or onto streets and sidewalks, possibly putting

them into closer contact with children and other vulnerable populations. For these reasons, staff does not recommend moving forward with backyard regulations at this time.

Implementation and Enforcement

As smoke-free outdoor area laws have become more prevalent, communities generally have experienced high rates of compliance with such laws. These measures are largely self-enforcing once stakeholders—such as restaurant owners and businesses—are notified about the law and provided with educational materials. The presence of no-smoking signs is critical both in educating the public about prohibited behavior and in providing support to members of the public who wish to notify or remind people who are smoking about the law.

Enforcement of laws prohibiting smoking in outdoor common areas and within a certain distance from multi-family housing units are analogous to other smoke-free area laws. The violations are publicly visible, residents will be notified of the new laws, and no-smoking signs can be posted. As a last resort, the City can cite an individual for smoking in violation of the law; however staff will first conduct education to encourage compliance or will issue warnings. The following elements aid in implementation of such laws:

1. **A phase-in period** – the smoke-free housing requirements would become effective at a later date to allow time to notify residents and residents and property owners/managers of the new requirements. During this period the City can conduct additional outreach through mailings and online meetings. The City also can provide information about cessation services to residents who wish to quit smoking.
2. **Lease requirements** - the ordinance should require landlords to incorporate the smoke-free requirements into a tenant’s lease. This means that a violation involving a person smoking inside their unit could be enforced by the landlord as a lease violation and/or by the City. New tenants who move in after the ordinance’s effective date would sign the updated lease agreement including the smoking restrictions. Existing tenants would have their leases updated on a rolling basis as the leases are renewed. Condominium complexes could enforce the smoking restrictions as a violation of their restrictions. These requirements would address many of the situations since the ordinance would apply only to multi-unit housing properties with two or more units that share a wall or ceiling/floor.
3. **Signage** – Santa Clara County will provide “no smoking” signs to multi-unit housing properties and to local businesses, which will aid in implementation of the ordinance.

Following the education period about the new ordinance, enforcement is complaint-driven. In general, communities that have adopted smoke-free multi-family housing laws have not been overwhelmed by complaints and most have found education and warnings about the new law to be sufficient.

Proposed Outreach

The City will solicit input from residents, businesses, and property owners/managers on the proposed policy options to reduce exposure to secondhand smoke. All of the outreach will be funded by the grant from the PHD. The following methods of outreach are recommended to inform the public and to solicit feedback on the proposed policy options:

1. Online Survey

- a. A survey about potential policy options will be created and posted using Open City Hall. The survey will ask about support for the proposed secondhand smoke control policy options as well as whether tenants have been exposed to secondhand smoke in their home.
- b. The survey will be open for 30-60 days.
- c. The survey will be advertised through the City's website, Next Door, the City's social media accounts, and a mailer to all City residents and businesses, including property owners and managers.

2. Community Forums

- a. Two or more online community forums will be held to solicit input from residents, visitors, employees, business owners, including property owners and managers, on the proposed tobacco policy options.

3. Mailers

- a. The City will send two City-wide mailers to all residents and businesses:
 - i. The first mailer will notify residents and businesses of the potential policies under consideration and will provide information on the online survey, the dates of the community outreach meetings (as available), and information on how to sign up to receive updates on the topic.
 - ii. If the Council adopts new tobacco control policies, a second mailer will be sent informing residents and businesses of the new law.

Conclusion and Next Steps

With the adoption of additional second-hand smoke policies, the City has the opportunity to help further protect residents, employees, and visitors from exposure to secondhand smoke in public places and where people live. These policies would demonstrate the City's commitment to protecting the health of its residents and would improve the City's performance on the County's Healthy Cities Initiative. Additionally, adopting these smoke-free policies would raise the City's "grade" on the American Lung Association's State of Tobacco Control report from a "C" to an "A".

Sustainability Impact

Cigarettes are the most littered item and pose a significant stormwater pollution problem. Reducing smoking in outdoor public spaces will help to reduce the resulting litter from

cigarette butts. In addition, these policies will improve air quality for those who may otherwise be exposed to secondhand smoke.

Fiscal Impact

The City has been awarded \$54,979 to cover the costs of developing the proposed regulations and conducting the associated outreach. This grant will also fund the costs of outreach and education of the policy options chosen by Council. No additional funding is requested at this time.

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Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – Tobacco Free Communities Policies in Santa Clara County

B – Smoke-free Multi-Unit Housing, Santa Clara County Public Health Department

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Santa Clara County

	Campbell	Cupertino	Gilroy	Los Altos	Los Altos Hills	Los Gatos	Milpitas	Monte Sereno	Morgan Hill	Mountain View	Palo Alto	San Jose	Santa Clara	Saratoga	Sunnyvale	Santa Clara County Unincorporated
Overall Tobacco Control Grade	B	C	C	B	F	A	D	D	B	D	A	B	B	A	B	A
TOTAL POINTS	8	7	5	9	0	12	2	4	8	2	13	8	8	11	8	13
Smokefree Outdoor Air	A	C	D	A	F	A	C	F	B	C	A	B	A	A	A	A
Dining	4	4	2	4	0	4	4	0	2	4	4	4	4	4	4	4
Entryways	4	4	0	2	0	4	0	0	4	4	4	2	4	4	4	4
Public Events	4	0	0	4	0	4	0	0	3	2	4	2	4	2	4	2
Recreation Areas	4	4	2	4	0	4	4	0	3	2	4	4	4	4	4	4
Service Areas	4	0	0	4	0	4	0	0	4	0	4	4	4	4	4	4
Sidewalks	0	0	0	1	0	1	0	0	0	0	1	0	0	0	1	0
Worksites	0	0	0	0	0	1	0	0	0	0	1	0	0	1	0	1
TOTAL POINTS	20	12	4	19	0	22	8	0	16	12	22	16	20	19	21	19
Smokefree Housing	F	F	F	F	F	B	F	A	F	F	A	C	A	C	A	A
Nonsmoking Apartments	0	0	0	0	0	4	0	4	0	0	4	0	4	1	4	4
Nonsmoking Condominiums	0	0	0	0	0	0	0	4	0	0	4	0	4	0	4	4
Nonsmoking Common Areas	0	0	0	0	0	4	0	2	0	0	4	4	4	4	4	4
TOTAL POINTS	0	0	0	0	0	8	0	10	0	0	12	4	12	5	12	12
Reducing Sales of Tobacco Products	A	A	A	A	n/a	A	F	F	A	F	A	B	F	A	F	A
Tobacco Retailer Licensing	4	4	4	4		4	0	0	4	0	4	3	0	4	0	4
TOTAL POINTS	4	4	4	4		4	0	0	4	0	4	3	0	4	0	4
Emerging Issues Bonus Points																
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	0	1	0	1	1	1	1	1	1	0	1	1	1	1
Emerging Products Definition - <i>Licensing</i>	1	1	1	1	0	1	0	0	1	0	1	0	0	1	0	1
Retailer Location Restrictions	0	1	1	1	0	1	0	0	0	1	1	0	0	1	0	1
Sale of Tobacco Products in Pharmacies	0	1	0	1	0	1	0	0	0	0	1	0	0	1	0	1
Flavored Tobacco Products	0	1	0	1	0	1	0	0	1	0	1	0	0	1	1	1
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	2	5	2	5	0	5	1	1	3	2	5	0	1	5	2	5

