

CC 10/15/19 #10

Report on Commissions
Terms Expiring
in January 2020

Written Communications

Cyrah Caburian

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Monday, October 14, 2019 3:47 PM
To: City Council
Cc: City Clerk; Cupertino City Manager's Office
Subject: Broader Participation: Commission Terms Expiring; Consent Item #10; CC meeting Oct 15, 2019

Dear Mayor, Vice-Mayor, Councilmembers and City Manager:

Reference: Commission Terms Expiring; Consent Item #10; CC meeting Oct 15, 2019—Housing Commission Qualifications

Encourage Broader Participation in the Housing Commission

Since renters make up a significant percentage of our residential population, encourage renters to apply to the Housing Commission. Renters are impacted negatively by the increases in our housing prices that are forcing people to become housing insecure. Their input will add an important dimension to the Housing Commission's deliberations.

Encourage renters to apply by adding a sentence to Attachment A: Qualifications for the Local Appointments List and Notice of Vacancies, Housing Commission. After the wording that says, "The four remaining community members must be residents of Cupertino." Add the sentence, "**Renters and homeowners are encouraged to apply.**" Continue the wording as it is, thereafter.

Expand the distribution list to include De Anza College and community organizations focused on renter concerns. Many De Anza College students are Cupertino residents. Many are older than 18, the voting age.

Note: This would not change the wording of **Code 2.86.020**, which describes the selection for the Housing Commission. Excerpt below. That Chapter includes **renters as a group to which the Council may give priority under B.4.6.**

Sincerely,
Connie Cunningham (self-only)
Cupertino Resident, 32 years

Excerpt from Chapter 2.86: Housing Commission:

2.86.020 Members—Residency—Selection.

A. The Housing Commission member that is the representative of a business is not required to be a Cupertino resident, but the business represented must be located in Cupertino. The four community members must be residents of Cupertino.

B. In selection of community members, the City Council may give priority to:

1. Applicants who represent the Community Development Block Grant (CDBG) target areas as described in the city's Consolidated Plan.
2. Applicants who are familiar with the operation of affordable housing;

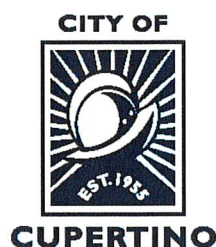
3. Applicants who represent non-profit community organizations; and
4. Applicants who are knowledgeable about the housing needs of groups targeted for affordable housing development which include, but are not limited to, the following:
 1. Seniors,
 2. Single parent families,
 3. Homeless persons,
 4. Families of low income,
 5. Disabled persons,
 6. Renters,
 7. First time homebuyers.

(Ord. 2185, (part), 2019; Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1722, (part), 1996; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

CC 10/15/19 #12

Linda Vista Trail Donation
Agreement

Written Communications



PUBLIC WORKS DEPARTMENT

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

CITY COUNCIL STAFF REPORT

Meeting: 10/15/2019

Subject

Linda Vista Trail Donation of Real Estate Agreement. No additional budget allocation needed.

Recommended Action

Authorize the City Manager to execute an Agreement for Donation of Real Estate with Richard Lowenthal and Ellen Lowenthal for the Linda Vista Trail property (APN 356-05-005) located between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course, and any subsequent documents necessary to acquire the property, consistent with the Agreement.

Discussion

The old haul road parcel that is situated between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course, was recently acquired by a Cupertino resident who is willing to dedicate the property to the City for trail purposes. In order to receive the dedication, the City must design, fund and approve construction of a trail project. The City Council approved funding of a trail project on ~~June 18~~ July 16, 2019 with the Amended Capital Improvement Budget, and staff has initiated contracts for design of the trail. Simultaneously, staff has been working with the property owner to establish terms, covenants and conditions for the donation of the property.

The agreement establishes certain rules and expectations regarding the dedication, including the property owners' willingness to dedicate the property in fee to the City upon the City's commitment to improve and maintain the property exclusively for public use for recreation, walking and cycling in perpetuity.

The trail property has been assessed by the Santa Clara County Assessor's Office with a land value of \$76,500. The property is approximately 1,750 L.F. and 40 feet wide, with a total area of approximately 1.56 Acres. The project design is anticipated to be complete in February, 2020, with construction completion estimated for October, 2020.

Sustainability Impact

The trail is consistent with *General Plan: Community Vision 2015-2040* Policy M-1.3: Regional Trail Development, Policy M-2.3: Connectivity, and Policy M-5.3: Connections to Trails.

The property transfer is categorically exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 15325(f)). The trail project is categorically exempt from CEQA (Public Resources Code Section 15301(c)).

Fiscal Impact

No fiscal impact for accepting the donation as a budget of ~~\$595,500~~615,500 to design and construct the project was approved with the FY19/20 Amended Capital Improvement budget. No additional budget allocation is needed to accept the donation.

Prepared by: Chad Mosley, Assistant Director of Public Works

Reviewed by: Roger Lee, Director of Public Works

Approved for Submission by: Deborah Feng, City Manager

Attachments:

A – Draft Agreement for Donation of Real Estate

Cyrah Caburian

From: Griffin <griffin@compuserve.com>
Sent: Monday, October 14, 2019 3:57 PM
To: City Council
Cc: City Clerk; Deborah L. Feng
Subject: Re: 2019-10-15 CC Agenda Item 12 - Land "donation"

P.S. The Staff Report should list the true cost of accepting this land donation.

It also should state that this donation has a requirement tied to it and exactly what is the requirement.

Thank you,

Peggy Griffin

On Oct 14, 2019, at 2:03 PM, Peggy Griffin <griffin@compuserve.com> wrote:

Dear Mayor Scharf and Council Members,

I will not be able to attend Tuesday's City Council meeting but wanted to let you know that I am very concerned about Agenda Item 12 because it reads like a "done deal".

- When were the pros/cons of this discussed PRIOR to allocating the funds?
- Why does the Staff Report say it's not costing the City money when in reality, it's costing the City over \$600,000?!?!?

Connecting Blackberry with Linda Vista Park would benefit many in that area but this is another case where someone else is deciding the City's priorities, timelines and how the City spends its money.

CONCERNS WITH AGENDA ITEM 12:

- a. Whenever there are land parcels being discussed, it should be MANDATORY to include a map of the general area and a map of the specific parcel(s) involved in the Staff Report. The City Staff did NOT do this! There was not even a mention of the maps (Exhibit B and C of Donation Agreement)! Every person trying to understand this agenda item had to go to the Santa Clara County's Assessor's website to find the parcel! Then, at the very end of pages and pages of legal jargon, in the Donation Agreement document, I found the maps! Unacceptable for transparency and for clarity!
- b. This "donation" will cost the City over \$600,000 yet the Staff Report says there's "No fiscal impact for accepting the donation" because it's ALREADY BEEN ALLOCATED! What about
 - a. Cost of the Title Policy?
 - b. Cost of the survey?

- c. Cost of inspecting the land before closing?
- d. Cost of this donation because the “donation” doesn’t happen unless the City selects and assigns a contractor to design and build the trail! So, this donation is costing the City! (REFER TO 6.2 and 7.2 of DONATION AGREEMENT)
- c. Did the City Council knowingly approve funds for this trail BEFORE approving the donation!?!?!? This seems like the cart before the horse.
 - a. Q: Shouldn’t the City Council decide to accept the “donation” BEFORE you allocate funds towards it!?!?!?
- d. Why must this \$600,000 plus trail have to be done now, when there are already millions being spent on the west side of town?

Sincerely,

Peggy Griffin

Cyrah Caburian

From: Peggy Griffin <griffin@compuserve.com>
Sent: Monday, October 14, 2019 6:46 PM
To: Deborah L. Feng
Cc: City Council; City Clerk
Subject: RE: 2019-10-15 CC Agenda Item 12 - Land "donation"

Hi Deb,

I have copied the City Council because I feel the Staff Report should be corrected to include the key points related to the agreement which it does not do.

Thank you for the information. I was actually at that CC meeting. I was appalled when I saw the agenda. It was way too jam packed with important items (small cell towers, Stevens Creek Corridor/VT, Cupertino Village Hotel GPA, ballot result on storm water fee, Sister Cities Policies/Guidelines, unofficial transcripts of meetings, etc.) which means many don't get reviewed adequately. The Bike Ped CIP was item 26, I left after Item 25 because it was way too late.

Regarding the Staff Report for tomorrow's CC agenda item #12:

- It's got the wrong budgeted amount. It has \$595,500 instead of the additional \$20k i.e. \$615,500.
- It is misleading. There are costs for surveying, Title Policy, trail design, etc. It should list the costs then state that the money has been budgeted. It's not clear to me that the budgeted amount includes the cost of the survey, Title Policy, etc. Someone reading this a year from now will think this was "free" donated land with no conditions when in reality it costs the City to accept this land and there's a deadline!
- The requirement to contract to build the trail by a certain date SHOULD be mentioned in this Staff Report. It's a KEY PART of the agreement and should have been mentioned because it was key to the budget allocation.
- Exhibits B and C should have been pulled out, labeled as maps and visible so people could follow it better.
- The SCC Assessor's map should be part of the agreement – it's the legal map.

As a procedural improvement, having that many items on the agenda should be avoided, especially when they are as important as they were that evening.

Thank you for the additional information and for your time.

Peggy Griffin

From: Deborah L. Feng <DebF@cupertino.org>
Sent: Monday, October 14, 2019 5:52 PM
To: Griffin <griffin@compuserve.com>
Subject: RE: 2019-10-15 CC Agenda Item 12 - Land "donation"

Hello Peggy,

Moving City Council to blind copy. Thank you for your email on the Linda Vista Trail. On July 16, 2019, the Bike and Ped CIP topic came to the City Council. The staff report including the Linda Vista Trail at the \$595K level. The City Council discussed some of the improvements on this trail, as captured in the minutes of that date and increased the budget by \$20K to the \$615.5K level. They also adopted these actions via resolution 19-098.

Item #12 on the October 15, 2019 Council agenda is for the donation agreement which does not require any additional funding beyond what was appropriated on July 16, 2019, which is why this item says, "No additional budget allocation is needed."

I have attached all related documents, which reside on our website, for your convenience.

Hope this helps.

Deb



Deborah L. Feng

City Manager
City Manager's Office
DebF@Cupertino.org
(408) 777-3250



From: Griffin <griffin@compuserve.com>
Sent: Monday, October 14, 2019 3:57 PM
To: City Council <CityCouncil@cupertino.org>
Cc: City Clerk <CityClerk@cupertino.org>; Deborah L. Feng <DebF@cupertino.org>
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From: Peggy Griffin <griffin@compuserve.com>
Sent: Monday, October 14, 2019 5:46 PM
To: City Council; City Attorney's Office
Cc: City Clerk
Subject: 2019-10-15 CC Agenda Item 12-Donation Agreement needs LEGAL MAP
Attachments: 2019-10-14 SCC Assessors Map for APN 356-05-005 highlighted.pdf

Dear Mayor Scharf, City Council and City Attorney,

Agenda Item 12-Exhibit A "Donation Agreement" should have the official Santa Clara County Recorder's (Assessor's) office map included.

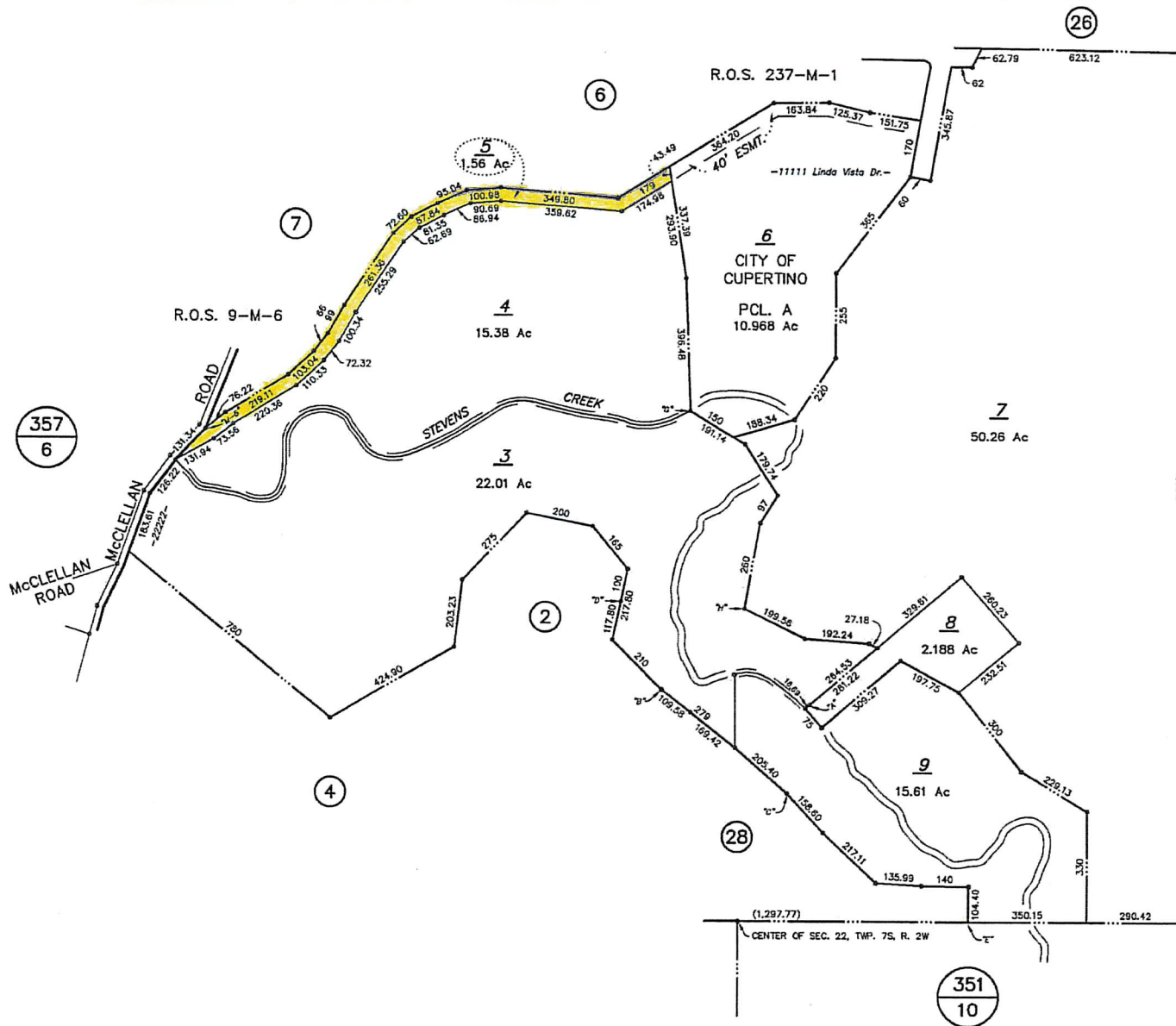
A legal agreement regarding land exchange should always have the legal official map that is recorded and available at the Santa Clara Count Assessor's office. Just drawing red boxes around screen shots does not ensure that you have the right area.

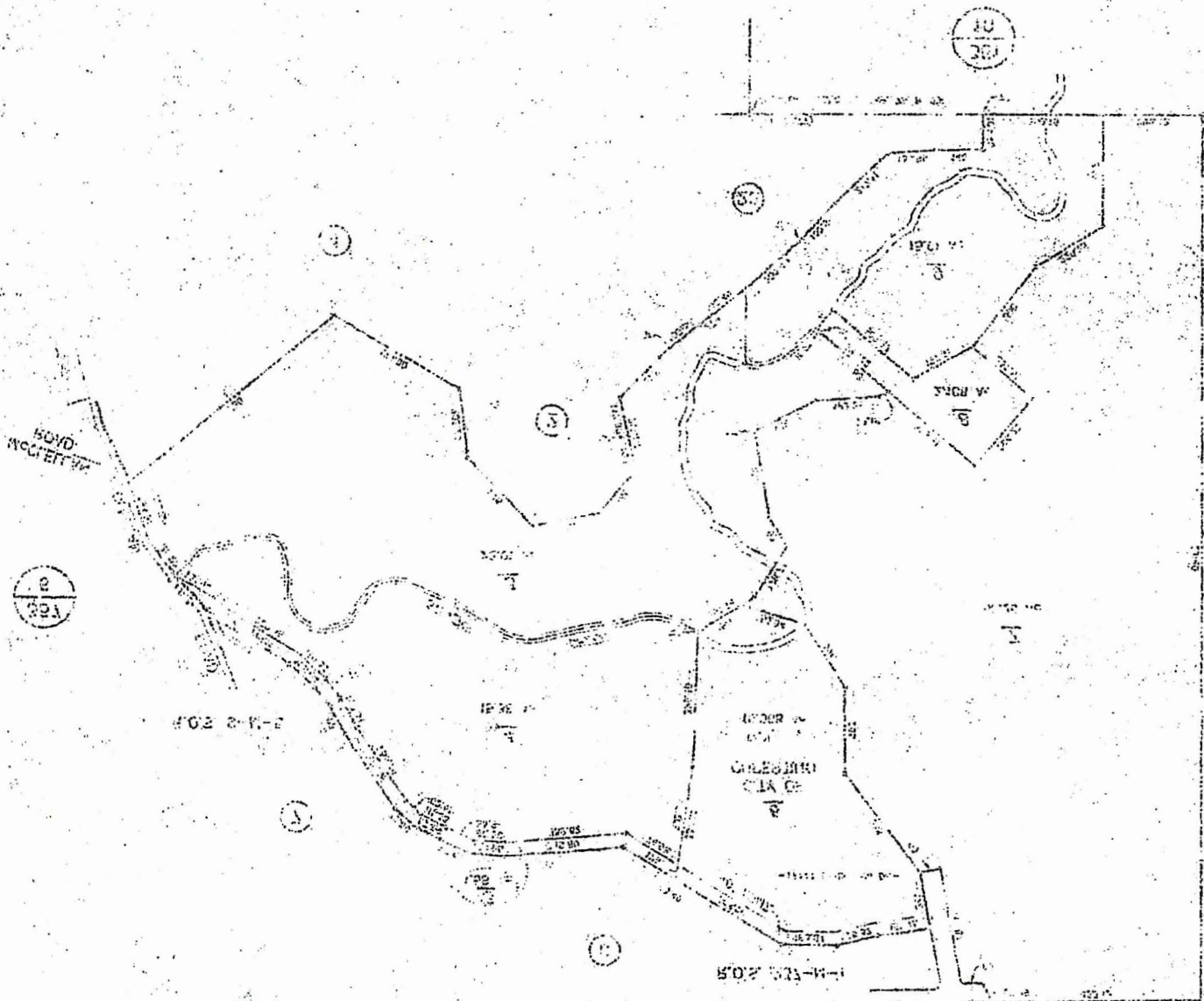
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OFFICE OF CONSTITUTIONAL AFFAIRS — CIVIL RIGHTS DIVISION

322 12
500K 12

CC 10/15/19 #15

McClellan Ranch Community
Garden Improvements

Written Communications

FISCAL (IR) RESPONSIBILITY

- Community Gardens: \$1.2M for 120 residents - \$10K per gardener
- \$300K + loss annually at Blackberry Farm Golf Course – Failure to engage consultant for corrective action
- \$1M + Legal fees in last year – NO BENEFITS for residents
- More legal expenses - NO BENEFITS for residents
 - Friends of Better Cupertino lawsuit
 - Vallco downsizing by city council – Lawsuit by property owner
- Upgrades to Emergency Response Center /City Hall – 60,000 residents - NOT funded
 - Power Shutoff - more coming
 - Earthquake – 4.5 Monday night

Residents WANT Fiscal Responsibility