

CC 05-19-20

Oral
Communications

Written Comments

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: California Senate and SB 902

From: Kirsten Squarcia <KirstenS@cupertino.org>
Sent: Friday, May 8, 2020 4:23 PM
To: Jennifer Griffin <grenna5000@yahoo.com>
Cc: City Clerk <CityClerk@cupertino.org>
Subject: RE: California Senate and SB 902

Hello Jennifer,

I have moved Planning Commission email distribution to blind copy. The next City Council meeting is not until May 19 but we will include your written comments under Oral Communications for the public record.

Regards, Kirsten



Kirsten Squarcia

City Clerk
City Manager's Office/City Clerk's Office
KirstenS@Cupertino.org
(408) 777-3225



From: Jennifer Griffin <grenna5000@yahoo.com>
Sent: Wednesday, May 6, 2020 11:30 PM
To: City of Cupertino Planning Commission <PlanningCommission@cupertino.org>
Cc: City Clerk <CityClerk@cupertino.org>
Subject: Fw: California Senate and SB 902

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.

FYI. Dear City Clerk. Please include this in the public record. Thank you.

----- Forwarded Message -----

From: Jennifer Griffin <grenna5000@yahoo.com>
To: citycouncil@cupertino.org <citycouncil@cupertino.org>
Cc: grenna5000@yahoo.com <grenna5000@yahoo.com>
Sent: Tuesday, May 5, 2020, 01:15:13 AM PDT
Subject: California Senate and SB 902

Dear City Council:

The California Senate is going to start reappearing in Sacramento this week of May 4. The California Assembly does not seem to be coming back yet for various reasons to Sacramento.

It is very much hoped that Senator Wiener and Associates bill, SB 902, which is the replacement for SB 50 and SB 827 does not continue on any further. Now that there is common knowledge of how these bills are authored and funded, it is

all the more imperative to start questioning of whose "by right" these bills are being written for and who they are meant to actually empower.

Bills such as SB 902 do not take the public or local cities interests or concerns to heart. They are not designed to deal with the public or local cities. They are just huge machinery units that plow over existing infrastructure to build someone else's vision of what California should be. Their "by right" is not the public or the local cities "by right." The public and the local cities have no right in these bills' eyes to even exist.

SB 902 is an artificial construction that has no basis in reality or any relevance to the actual state of California. It is not even a panacea. It is hoped it does not continue down any further path to state law.

Sincerely,

Jennifer Griffin

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: SB 902 is a Rinse and Repeat

From: Kirsten Squarcia <KirstenS@cupertino.org>
Sent: Friday, May 8, 2020 4:32 PM
To: Jennifer Griffin <grenna5000@yahoo.com>; City Clerk <CityClerk@cupertino.org>
Subject: RE: SB 902 is a Rinse and Repeat

Hello Jennifer,
Your comments will be included with the May 19 City Council meeting, for Oral Communications.

Regards, Kirsten

From: Jennifer Griffin <grenna5000@yahoo.com>
Sent: Wednesday, May 6, 2020 10:56 PM
To: City Clerk <CityClerk@cupertino.org>
Subject: Fw: SB 902 is a Rinse and Repeat

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FYI. Please include in City Council record. Thank you.

----- Forwarded Message -----

From: Jennifer Griffin <grenna5000@yahoo.com>
To: CityCouncil@Cupertino.org <citycouncil@cupertino.org>
Sent: Wednesday, May 6, 2020, 10:13:21 PM PDT
Subject: SB 902 is a Rinse and Repeat

Dear City Council:

I do hope that the governor does not sign SB 902 into law. This bill is a copy of SB 50 which was defeated in January, 2020.

It will be interesting to see what sort of course this new bill SB 902 takes with this unusual congressional year the California Legislature is having.

You wonder if they will let the California public have any say in it or if this bill will be magically signed into law by the Powers That Be.

Never have I felt more that we do not live in an actual democracy in this state any more. Something happened to change this and it keeps happening over and over.

Even our cities are not sacred anymore. Will the Powers That Be take those away too?

Sincerely,

Jennifer Griffin

Cyrah Caburian

From: Munisekar <msekar@gmail.com>
Sent: Tuesday, May 19, 2020 12:48 AM
To: City Council; Cupertino City Manager's Office; City Clerk; Munisekaran Madhhipatla
Subject: 5/19/2020: Oral Communications.
Attachments: CityOrgChart.jpg

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Dear Mayor & Council,

My name is Muni Madhhipatla and I am a resident of Cupertino. I am here representing myself only.

With the recent decision by Judge Williams on Vallco SB35 lawsuit, I realized that city staff and city manager have discretion and authority to approve even non-compliant projects; it may sound ridiculous but that is the truth. Even if they don't approve the project, just mere lapse of time constitutes automatic approval. I can't imagine our elected officials in Sacramento passing such laws that you would only find in banana republics.

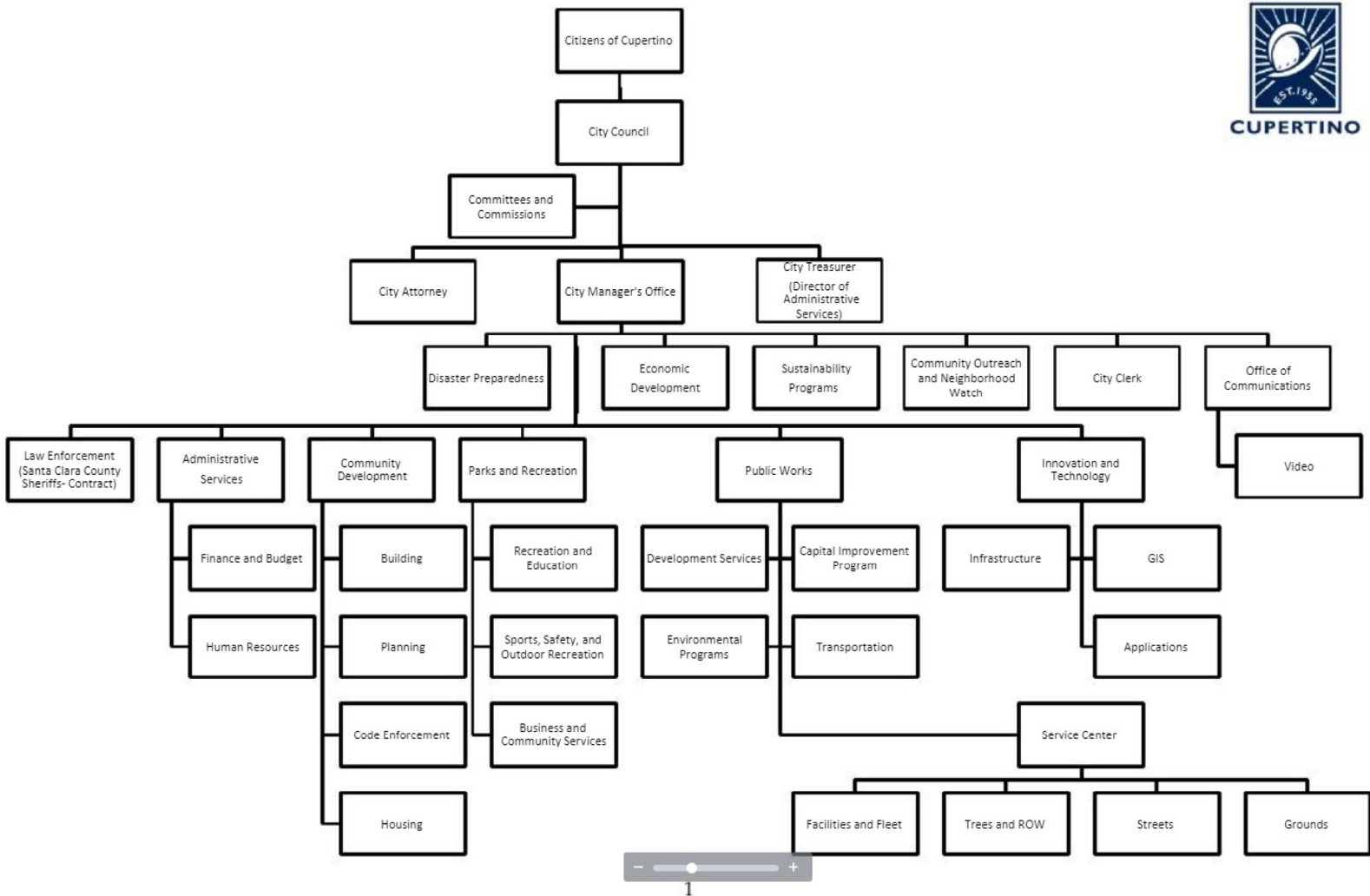
As per the ORG chart shown here (Please put the attached ORG chart on the display), the citizens of Cupertino are the ultimate boss for the city government. The entire city staff reports to city manager who reports to city council and who reports to us, the residents. The community did a very good job of electing resident focused council. With the banana republic laws like SB35, the authority is subverted from elected officials to bureaucrats. As elected council, What are doing to make sure every employee of the city puts residents interest above the lobbyists courting them? Did you have all hands type of meeting to drive this message across the board to all employees?

Thank you.

Muni Madhhipatla
Cupertino Resident.

PS: I plan to read this message in orals; if I don't join, I request city clerk to read it on my behalf.

City Organizational Chart



CC 05-19-20

Special Meeting

Study Session #1,

Proposed FY

2010-2021 Budget

Written Comments

Cyrah Caburian

From: Sashi Begur <sashibegur@gmail.com>
Sent: Sunday, May 17, 2020 11:09 PM
To: City Council
Cc: Cupertino City Manager's Office
Subject: Proposed Budget 20-21 - Budget Review Session

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 Council members,

I looked at the proposed budget the link to which is <https://www.cupertino.org/home/showdocument?id=27577>

(1) (i) There is only been 1 hour allocated for Budget Review Why is that? (ii) Can we schedule a few more hours of budget review?

(2.a) (i) Who generated this budget - was it city staff or was it another consultant? (ii) If it is the city staff I thank them for the work and I request that they re-do the details based upon the questions below 3-5

(2.b) If it is a consultant - (i) why do we need to use this consultant (ii) how much have we paid this consultant? (iii) Can we cancel the contract ASAP if not why not? (iv) if we have to use their services how much more will we owe them for the details required in questions 3-5

(3.a) Where are the details of the revenue specified in the proposed budget on Page 86

(3.b) The revenue breakdown seems very optimistic. Given the current financial state of the country and the world we can only assume that things will get worse before they get better. (i) Please re-do the revenues with the worst case scenario (ii) justification for why that case is the worst case needs to be provided as well

(4) (i) Where are the details of the expenditures specified in the proposed budget on page 86, why do we need \$8M of materials, who are we paying \$30M for contract services, what are the special projects and are they required under these circumstances, what contingencies are we planning for we already are in the bad situation! Each line item must have a link to the details of the numbers to which it rolls up. There must be numbers from previous years which I am assuming are being used. The employee compensation does it include contractors as well. (ii) Also are there any overlaps?

(5.a) (i) I would like to request a Budget task force be setup comprising of City council and residents so we can see what is being put forth before it comes to the council for review. Ideally we need a finance commission, so we don't have this issue the next time around (ii) the commissions that exist now, must also get a chance to review the budget, can it be sent to all the commissions, so we understand what projects we think can be cancelled or are required?

(5.b) speaking of commissions - can we also add the Public works commission?

Thank you for the work you do for our city and for patience with my questions.

regards
Sashi

Cyrah Caburian

From: Viji <viji55665@gmail.com>
Sent: Monday, May 18, 2020 10:10 PM
To: City Council; City Clerk
Subject: Written Communication Agenda Item #1 - May19th, 2020

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 Members,

Here are my comments/questions to Item #1 Study Session for proposed budget for 20-21.

Administration – The cost of City administration is approximately 10% of the budget. This has ballooned from \$4.09M actuals in FY 2018 to \$8.30M budgeted for FY 20-21. This is more than 100% increase in 4 years. The City should explain the need for this enormous amount to be allocated to the administration department and it is the Council's responsibility to trim this amount.

Contingency Funds: One of the budget balancing strategies for the City is reducing \$850,000 (Page 7 of Proposed Budget FY20-21) in contingency in General fund. The contingency amount allocated was 986K for 20-21 (this includes reduction). In FY 19-20 adopted budget (Page 9) the contingency amount allocated in GF was \$1.07M. How did it go down by 50%? This is not clear and some explanation is needed.

5 limited Term Positions. The City is converting 5 limited Term Positions into permanent positions. The budget document says, the staff will recommend adding positions if ongoing revenues could support the position long term. How important is that all 5 positions have to be made permanent. What would be the incremental cost in converting these positions to permanent positions? Does on going revenues support long term position especially with COVID-19 revenue decline.

Transient Occupancy Tax: TOT went down by 38% (9.7M pre COVID, Impact estimated \$3.7M) in FY19-20. TOT is projected to decrease 21.9% in FY 20-21 This decline represents an effective loss of one full quarter of TOT revenue for our City. The American Hotel & Lodging Association released new data showing that 70 percent of hotel employees have been laid off or furloughed as eight in 10 hotel rooms across the nation remain empty. As the COVID-19 crisis progresses, the impact to the travel industry is nine times worse than 9/11, with forecasted occupancy rates for 2020 hitting record lows worse than rates in 1933 during the Great Depression.

According to City's proposed Budget document, TOT revenues are highly correlated with B2B revenue, as TOT revenues in Cupertino are primarily driven by business travel. What are the assumptions here for just one quarter decline? International travel is not happening, majority of flights are grounded for a long time, many High-Tech companies in bay area have asked their employees to work from home until end of the year, so how does the City assume that Hotel occupancy will go back to normal from September. Did the Staff present you with the best- and worst-case scenario for TOT revenues? According to American Hotel and Lodging Association, individual hotels and major operators are projecting occupancies below 20%. At an occupancy rate of 35% or lower, hotels may simply close their doors. New hotel construction is not happening in Cupertino in FY20-21. I would also like to know if the Council Member Sinks' request to the staff to project monthly decline in TOT allocation be presented to the public as well.

Public Works Administration(PWA): The proposed budget for PWA is \$4M higher this year when compared to last year (\$37.5 in FY20-21 VS \$33.3 in FY19-20). Why did it go up more than 10% this year when we have significant decline in revenue due to COVID-19? This expenditure should be contained.

The library services budget of \$318,340 represents a decrease of \$479,700 (-60.1%) from the FY 2019-20 Adopted Budget and the decreased costs are due to a change in allocation methodology. I see this term, "change in allocation

methodology” very often in budget. Its very confusing for public to make the interpretation as to what has changed. A brief explanation as how the methodology has changed has to be part of the budget. Why is library services budget reduced for 20-21?

Attorney – The budgeted amount to attorney is \$2M in FY20-21. Is having an outside attorney cost efficient for the City?

The City’s \$19M **economic uncertainty** funds should not be touched unless there is a dire need for funds to pay City’s most important expenses. And this decision should be made by the Council and not to be at the discretion of the Manager.

I also notice that Budget Study session is less than 75 mins tomorrow. **I request the Mayor to let fellow council members ask all the relevant questions so the Council can recommend a fiscally conservative budget this year.** If you are unable to finish the deliberation in less than 75 mins, then this item should come back as a special agenda item next week.

I expect the elected council members to do due diligence to take a hard look to reduce the expenditure and not dip into rainy day funds.

Thank You,

Viji

Cyrah Caburian

From: Munisekar <msekar@gmail.com>
Sent: Monday, May 18, 2020 11:28 PM
To: City Council; Cupertino City Manager's Office; City Clerk
Cc: Munisekaran Madhhipatla
Subject: Closed Session: Agenda 1: Study Session regarding the Proposed Fiscal Year 2020 - 2021 Budget

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 Mayor & Council,

As an involved resident, I would like provide the following input with regard to 2020-2021 fiscal budget study session. I understand that our city is facing a budget shortfall like every other city, county and state due to economic distress caused by COVID19 Pandemic. We need to handle this carefully to preserve the fiscal strength of our city government.

1. Review every capital projects in the pipeline including the ones already approved in the context of current situation. Unless the project is essential, please halt it ASAP; even in the mid-stream; just because you approved it earlier, it doesn't mean that you need to spend the \$\$s. The conditions when you approved vs. current situation are dramatically different.
2. I would like to understand why the management office budget is growing dramatically. It appears it is doubling in 4 years. Please take a hard look at this.
3. Public works department expense seems to be the biggest spend item; please take a hard look at reducing spend in this area.
4. Please compare the outsourced legal expenses with previous 2 years and see if there is opportunity to improve.
5. Please DO NOT CUT the law enforcement budget as the crime rate is increasing in our city and residents are not feeling safe; we don't want to aggravate it further.
6. Please try to balance the budget without dipping into the reserves as we don't know how bad the situation is going to be next year and the following. The bad economic conditions may persist for a while and so preserving reserves is important.
7. Please use this opportunity to make surgical cuts where we have excess staff as it is time to operate lean and mean like a private enterprise.

These are difficult times and call for difficult decisions; this is not the time to get emotional or make popular decisions; rather time to make tough decisions.

I hope you do what is right for the city and the residents.

Please make this as part of my public comments on this topic.

Cheers
Muni Madhhipatla
Cupertino Resident

Cyrah Caburian

From: Govind Tatachari <gtc2k7@gmail.com>
Sent: Tuesday, May 19, 2020 4:00 PM
To: Steven Scharf; Darcy Paul; Liang Chao; Rod Sinks; Jon Robert Willey; Cupertino City Manager's Office; City Clerk; City Attorney's Office
Subject: Agenda item 20-7311- FY2020-21 Proposed Budget related

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.

I have gone through major points of the 516-page FY2020-21 proposed budget at the link (id=27577, name=FY202021ProposedBudgetwTOC.pdf) in the City council meeting notice.

Thank you City Manager for the cover letter which spells out the fiscal uncertainty due to current outbreak and your overview organized as Budget balancing strategies ($3.2 + .85 + .67 + 1.0 + 0.5 = 6.22$ Million), Long-Term financial planning, Virtual activities, meetings, and services, and Embracing change and innovation.

I wish to thank the City for virtual budget study session (agenda item 20-7311). Here are some questions and few suggestions to consider and help with discussions and deliberations, if any.

1) Uncertainty

Our understanding of gravity of outbreak and its potential multiyear occurrence, containment strategy requirements (including SIP) and extent of impact on different businesses and livelihood are quite unknown and evolving.

2) City council, residents and study session

Successive City council with inputs from residents and management have taken decisions to ensure the City continues to have a solid financial foundation. A one-hour study session seems insufficient to get inputs from residents and deliberate on such an important topic.

3) Overall observation

City budget influences City services provided to residents. To help with better understanding and useful discussion, the council and residents can benefit from a budget presentation that covers multiple scenarios: worst case, projected / actuals and best case. The rest of this email will assume it.

4) Revenue Management Challenges and Scenarios

W.r. to City's top three revenue sources have been property, sales, and transient occupancy taxes.

i) Sales tax related - need multiple scenarios

ii) Property tax related (pgs 97-99)

pg 97 pie-chart: While it is known that the % breakdown are decided based on certain statutory conditions, a comparative view of the % breakdown across different cities in Santa Clara county will be very helpful.

iii) Transient occupancy taxes (TOT) related - need multiple scenarios

iv) Encouraging Property improvement

To help stimulate local economy and also help with sustainability and housing goals, can we discuss how the city can incentivize and increase existing residential property improvements to move towards net-zero goals and make it more affordable to add ADUs.

4) Expense Management Challenges and Scenarios (next email)

5) Others (next email)

Thank you for your consideration,

Govind Tatachari
Cupertino Resident

Cyrah Caburian

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Tuesday, May 19, 2020 4:12 PM
To: City Council
Subject: Homeless Encampments--2020 May 19 City Council Study Session, Proposed FY2020-21 Budget
Attachments: F - Budget Message-3.pdf

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 Mayor, Vice-Mayor, Councilmembers and City Manager:

Tonight at 5:30 Cupertino City Council Meeting, there is a Study Session regarding the Proposed FY 2020-21 Budget

The City Manager has a Budget Message, Attachment F. On page 15, one of the New Initiatives includes the following:

Homeless Encampments

The Code Enforcement Office is currently working on creating a Standard Operating Procedure and contract to have public camping sites removed from the Public Right-of Way and public property. The City of Cupertino has seen a growth of illegal camping sites along Wolfe Road and 280. The goal of this project is the removal of unlawful encampments and the mitigation of health, safety and access issues while respecting the rights of the occupants and informing them of alternative resources within the community.

It does not include any mention about what an alternative resource might be. Has the City not discussed this with West Valley Community Services? WVCS is the non-profit agency to whom the City has provided grants to assist many categories of vulnerable citizens. These grants include funding for Rental Assistance due to COVID-19, as well as annual grants for operating various programs to help those who are vulnerable to loss of food, medicine or housing — living paycheck to paycheck. This includes helping people suffering from homelessness.

It is unimaginable to me that this sort of New Initiative is being considered at this time of severe need and the likelihood that there will be more people who lose their homes in the coming months. Governor Newsom has created a number of different initiatives and funding sources, from trailers to hotel rooms. He has, also, urged cities, counties and other legal districts to find buildings that can be used to house those suffering homelessness.

It is essential to the good financial running of the City as well as our good health, to ensure safety and health for everyone. That means EVERYONE!

Below find my email that I sent on April 21, 2020, when this action was first discussed.

Sincerely,

Connie

Reference: Report on Homeless, April 21, 2020, City Council Meeting
Whose cries are the loudest? Who do we hear?

Dear Mayor, Vice-Mayor and Councilmembers:
Dear Steve, Darcy, Liang, Jon and Rod:

This cannot be how you want Cupertino to be remembered in this hour of world-wide grief and fear.

This cannot be that you would act upon the report that was given to you on April 21, 2020 at your City Council Meeting.

Say “no” to the inhumanity of sweeping people from the streets of their hometown because we have not yet helped them find a safe, decent place to live. Say “no” to the inhumanity of sweeping people from their encampments the DAY AFTER the COVID-19 SHELTER-IN-PLACE ORDER IS LIFTED.

I was horrified by the words coming out of the young man’s mouth. I was horrified at the idea of removing all the homeless people from the encampments right after the COVID-19 order were to be lifted (really, at any time). It is simply NOT A PLAN to have the Sheriff’s Office, well-intentioned though they are, hand out pamphlets with information about how to get help, when WE KNOW THERE IS NOT ENOUGH HELP for all of them. Not enough help now, and certainly not enough help as the number continues to grow due to the devastating economic downturn we are experiencing.

The Sheriff reported last night that 22 complaints (about homeless) have come in since January 22, 2020. How many calls for help has West Valley Community Services received in that same time? Hundreds. Whose cries are the loudest? Who do we hear?

That report last night was so at odds with everything that was discussed in the January 21, 2020 Report on Homelessness . Remember-just three months ago? Kathryn Kaminski, County Office of Supportive Housing was there. Sujatha Venkatraman, West Valley Community Services was there. Rob Mieso, VP of Student Services, De Anza College was there. Genevieve Kolar, De Anza College Student Trustee, was there. Kerri Heusler, City Staff was there. I was there. You were there. Many residents were present. Before COVID-19. You seemed to give positive support to the City helping out on several ideas. I think now that the Council offering to give WVCS \$25,000 for bus coupons wasn’t exactly a roaring success. I had thought it was a start. Please tell me, tell us, the City residents, that it wasn’t a delay tactic.

You discussed trailers last night. That was good. Please keep talking about that idea, and keep asking City Staff to find other solutions. There are portable hand-washing stations. There are portable toilets. There are people working with the homeless every day. Work with those people. That is where the answer lies.

Please do not act upon the report as it is written. Please step back from this precipice.

Connie Cunningham
Horrorified Resident
Housing Commissioner, self only. But I think the other Commissioners would agree.



CITY MANAGER'S OFFICE

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

May 1, 2020

To the Residents of Cupertino, Honorable Mayor, and Members of the City Council:

As the City of Cupertino enters a time of economic uncertainty, I am pleased to present the City Council with a balanced budget for Fiscal Year 2020/2021. Forecasting anything, be it the economy or the weather, is not an exact science. There are many variables and a lot that we cannot see. But what we can do, and what we are doing, is preparing for the worst while taking steps to ensure the continual financial stability of our organization.

The COVID-19 pandemic, and the ensuing lockdowns, has negatively affected the economies of all countries and likely caused a worldwide recession. The City, for purposes of our budget forecast, is anticipating at least a two-year recession.

The Fiscal Year 2020/2021 Proposed Budget presents a General Fund with revenues of \$79.5 million and expenditures of \$82.3 million. The City's top three revenue sources have been property, sales, and transient occupancy taxes. While this will continue to be true, the City will not see the same level of revenue as in recent years. Sales tax is anticipated to experience an approximately 20% decline, while transient occupancy tax is expected to drop by 25%. The City also expects a decline in fee revenues, mostly attributed to Parks & Recreation Departments programs being ceased, but also due to economic strains on the local, state, and national levels.

With declining revenues for the next several years, difficult but necessary decisions must be made to bring expenditures into line. The City is implementing several budget balancing strategies to the General Fund forecast as noted below:

- Phasing in an increase of vacant staff positions from five (5) to twenty (20) within a three-year period, which will result in up to \$3.2 million in annual savings.
- Reducing contingencies by 50%, which is expected to save approximately \$850,000. This reduction has been implemented in the proposed budget and will remain as part of the final adopted budget.
- Reducing materials by 10%, which is expected to save approximately \$670,000 in Fiscal Year 2020/2021. This reduction will be implemented as part of the final adopted budget.
- Reducing contract services by \$1 million, which will be part of the final adopted budget.

- Reducing special projects by \$500,000, which will be part of the final adopted budget.

While we expect these actions to be enough in the short-term, staff will continue to monitor the situation and adjust when necessary. Staff fully intends on keeping the City Council and community informed with regular updates. Having the latest information and up-to-date data will allow for informed decision making.

It is said that even the darkest cloud has a silver lining. The COVID-19 pandemic has shone a bright light on quite a few positive things going on in Cupertino. I would like to highlight them for the City Council and community below:

Long-Term Financial Planning

The foresight of the City Council and staff in previous years to focus on ensuring healthy reserves is paying off in full. While we will focus on reducing expenditures to offset declining revenues, we do have healthy reserves that could be used to mitigate any unforeseen shortfalls.

The City's Economic Uncertainty Reserve remains intact, with \$19 million, and may be used to mitigate potential shortfalls in future fiscal years. The City's Section 115 Pension Trust (\$12 million) also could be used to mitigate potential increases to CalPERS' annual required contribution rate or further reductions in the discount rate as set by CalPERS. The City's unassigned fund balance remains healthy and will be able to assist in addressing funding gaps.

Virtual Activities, Meetings, and Services

The future is virtual. That we already knew. But the COVID-19 pandemic provided an impetus to move some of our most significant activities and services online—most likely permanently.

The City's Innovation Technology Department (IT) had the vision years ago to slowly migrate full-time employees to laptop computers. This allowed staff to be more mobile. Coupled with IT's decision to move to a VoIP phone system, which allows staff to answer their work lines from a computer, the transition from working in the office to working at home was practically seamless for many employees. With the addition of Zoom virtual conferencing and Microsoft Teams, an online collaboration tool, staff was able to keep internal meetings and communication moving forward. It also allowed the City to quickly offer its services and activities online once the first Shelter-in-Place Order was given in March 2020.

The City began utilizing standard video conferencing software to provide virtual inspections for essential activities. In addition, the Geographic Information System (GIS) Division and the Building Division worked to develop a longer-term solution that allows applicants to submit building inspection videos in lieu of a physical inspection.

Applicants upload their submission through an online form, the videos are stored into a queue, and inspectors review the video remotely. While the form was developed in response to the COVID-19 pandemic, the Building Division expects this new video inspection review process to remain a part of Cupertino's inspection process for limited scopes of work.

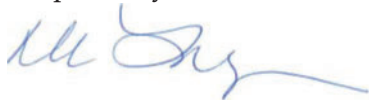
The Parks & Recreation Department also began utilizing teleconferencing software in April 2020 to offer residents free virtual fitness classes. These classes quickly gained in popularity, going from about 10 attendees in the first week about 100 after just a few class offerings. Residents have already requested that the City continue some form of virtual classes once the Shelter-in-Place Order is lifted and in-person classes begin.

Embracing Change and Innovation

Change is difficult for everyone. It can be uncomfortable and stressful. That is why I have been so impressed with City staff, which has quickly and eagerly embraced change and innovation. Along with the move to new equipment and software, the reason the City's was able to continue its services with little interruption was because of our employees. Work is being completed and internal virtual meetings have been utilized to a great extent. Our staff has been a critical link to our City's success. It gives me confidence that our employees will readily accept more changes and continue to improve our programs and services. The City Council and residents should be heartened to know that Cupertino is in good hands.

In conclusion, the City—along with every other municipalities—is heading into much uncertainty. While there is a lot we do not know, the picture will become clearer as we move forward and receive more information. Fortunately, the City stands on a solid financial foundation and decisions have already been made, and will continue to be made, to ensure that stays true into the foreseeable future.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Deborah L. Feng', with a stylized flourish at the end.

Deborah L. Feng
City Manager

Notable Accomplishments and New Initiatives

NOTABLE ACCOMPLISHMENTS IN FISCAL YEAR 2019-20

Reducing Youth Access to Tobacco

In February, the City approved a tobacco ordinance to reduce youth access to tobacco. Most notably the ordinance prohibits the sale of vaping products and flavored tobacco. This effort was funded through a \$48,608 grant the City was awarded from the Santa Clara County Public Health Department. Next year the City will pursue options to reduce exposure to secondhand smoke through another grant received from the County.

Reach Code: The City of Cupertino Acts on Fossil Fuels in New Buildings

Cupertino's Climate Action Plan outlines a path towards creating a healthy, livable, and vibrant place for its current and future residents to live, learn, work, and play. It was found that fossil fuels used in buildings and cars presents the biggest remaining challenge to meeting the 2030 greenhouse gas emissions targets. The City Council took steps to enhance the safety and cost savings of the City's buildings by adopting a local reach code that requires most new buildings to utilize clean electricity for uses like water heating and cooking. Eliminating the natural gas line for new developments is expected to save money for both consumers and contractors in most cases. With this step Cupertino joins the vanguard of 30 other California cities, and several across the nation, in starting a long-term reduction in fossil fuel use in the community. Outreach was conducted by City staff and regional partners Silicon Valley Clean Energy. Homeowners, students, contractors, real estate professionals, and business owners in Cupertino provided feedback on what an all-electric reach code would mean for them.

Greenhouse Gas Inventory Shows Cupertino Meeting 2020 Emissions Targets

The City of Cupertino Climate Action Plan goal is to reduce GHG emissions by 15% by 2020, compared to 2010 GHG levels. Since 2010, Cupertino has experienced an estimated 6% increase in population, 18% increase in jobs, and a 10% increase in service population. However, due to the City's climate actions, there is an overall 24% decrease in community GHG emissions during that period of economic growth. The path forward to the 2030 target remains ambitious, with transportation and natural gas used in buildings becoming the largest remaining categories of greenhouse gas emissions and air pollutants, and the State of California considering plans for zero emissions by 2045.

Employee Commute Program Helps Employees Get to Work and Reduce Climate Impacts

Staff created a pilot program to help City employees get to work using alternatives to driving alone. The pilot program resulted in 70 employees signing up to reduce their solo car trips. Over the course of the pilot program, which ran from August 2019 to March 2020, employees took 2,541 “alternative trips” to work which includes transit, carpooling, biking, or taking the VIA shuttle to work. This resulted in reduced parking impacts at City Hall, paycheck incentives paid directly to staff, and an estimated 12 million pounds of carbon emissions avoided. The program’s early success led to a successful grant award for the City to continue with a Phase II employee commute pilot, which is being designed and rolled out by staff.

Master Plan Adoption

This year, the Parks and Recreation System Master Plan was completed and adopted, following an extensive public input process. A final draft Master Plan as well as the associated environmental clearance documents were circulated for public review. The documents were presented to the Planning Commission, Parks and Recreation Commission, and Environmental Review Committee. On February 18, 2020, the City Council adopted the environmental clearance documents and adopted the Parks and Recreation System Master Plan.

Program Overview and Marketing Analysis Completed

The City contracted with the Learning Resource Network (LERN) to provide a two day program review that would analyze recreation program offerings in addition to: provide benchmark tracking to measure department performance, provide recommendations and key actions to implement to reduce costs and boost revenue and registration, and describe specific steps to improve marketing strategies and overall department operations. Recommendations on best practices and trends in the delivery of recreation services were presented to the Parks and Recreation Commission in March 2020.

Volunteers, Wellness, and Collaboration

The Senior Center strives to create a culture of collaboration and engages the community at all levels—this can be noted in the diverse program offerings at the facility. The Cupertino Senior Center celebrated the commitment of its 230 volunteers who have devoted 24,000 hours to serving the community through various volunteer opportunities at the Senior Center. *The 50+ Scene* newsletter underwent an expansive content and aesthetic overhaul in order to adhere to the Office of Communication’s branding guidelines, as well as ensure the publication is more readable and user-friendly. *The Smart Living and Wellness Health Fair* provided valuable information and services to the 50+ community on how best to maintain a healthy and independent lifestyle, coordinated by the City’s own Case Management team. The yearly Hidden Treasures event brought in the most sales ever at \$15,000, which helps support the case management program and the Stay Active Fund to keep Cupertino seniors stay active and

engaged. These innovative services for the 50+ population continue to respond to the City's changing community needs.

Appointment of Cupertino's Sixth Poet Laureate

On February 18, 2020 Cupertino's City Council approved the Library Commission's recommendation of Jing Jing Yang for the appointment of the new Cupertino Poet Laureate. A celebration event was held on February 27th at Quinlan Community Center with nearly 100 attendees to thank the outgoing Poet Laureate, Kaecey McCormick for her contributions to the Poet Laureate program and to welcome Jing Jing Yang as the new Poet Laureate. The event also featured the revealing of Kaecey's final project as Poet Laureate, "Celebrate Creativity: A Cupertino Community Anthology", with 350 pages featuring creative writing from over 80 contributors from the Cupertino community. A copy of the Anthology will be available at the Cupertino Library.

Summer Events

The Summer Events program ran from June 2019 to September 2019 and offered activities at 12 different sites. The program included themed activities, 11 Movies, 11 Concerts, 10 Free Fitness in the Park classes (Zumba and Yoga), 5 Art in the Park Parent/Child classes. It also included Shakespeare in the Park, Cupertino's first Night Market, Game Night, Astronomy Night, Hawaiian Luau, Chess, Bollywood Night and Cupertino Campout with 230 campers. Attendance was slightly under 12,000. Other offered events highlighted celebrity guests, non-profits, and local partnerships.

Teen Offerings

Teen programs were enhanced to address the teen stress levels in Cupertino through innovative, collaborative and educational approaches while addressing community livability amongst the teens. The Bobatino event had its second successful year with over 600 teens enjoying various activities while drinking free milk tea provided by the City. Techie Teens began in August of 2019. The primary goal of Cupertino's Techie Teens volunteer program at the Senior Center is to help teens give back to the community by engaging the 50+ community to assist in developing their technological skills. The volunteers can expect to gain the following experiences: leadership roles, public speaking opportunities, interpersonal communication, and much more. The Cupertino Café run by the Youth Activity Board started in May 2019 but expanded in winter 2020 with more dates and partnerships with the library.

Corridor Stroll

On Friday, August 2, the Parks & Recreation Department held the first annual Corridor Stroll on the Stevens Creek Corridor. Participants strolling between McClellan Ranch Preserve and Blackberry Farm enjoyed acoustic music, a magician, wine tasting, food trucks, crafts, ranger activities, reptile and insect presentations and blacksmith demonstrations.

Signing Santa

On February 27, the Parks and Recreation Department received a programming award from the California Parks and Recreation Society, for their innovative Signing Santa event. This event was the first of its kind in the Bay Area and provided an opportunity for deaf and hard of hearing children to talk to Santa and his elves using American Sign Language. More than 70 people attended the event that included crafts, cookies, hot cocoa, and quality time with Santa.

Blacksmith Shop at McClellan Ranch

In the Fall of 2019, the restored Baer Blacksmith Shop at McClellan Ranch Preserve became fully operational. Free drop-in hours are offered one Sunday a month, and volunteers are learning blacksmithing techniques. Demonstrations can also be scheduled for schools and groups. The blacksmith shop does not operate if Spare-the-Air or Red Flag warnings have been issued.

Golf Course Improvements

In the Spring of 2020, much needed improvements were made to the tee boxes on holes #1 and #9. Both tee boxes were leveled and had new turf installed. In addition to these tees, the green on hole #6 was made level and enlarged.

McClellan Ranch Preserve Meadow Habitat Restoration

The City's partnership with Grassroots Ecology continues to yield positive results for the restoration of the meadow at McClellan Ranch Preserve. In FY 19-20, over 350 volunteers planted over 300 native plants, removed invasive plants, and monitored the water quality in this open space.

Athletic Fields Use Study

In FY19-20, the Parks and Recreation Department began a field use study to update the current Field Use Policy. The study encompasses review of the user group categories, the fees and how the City charges users, times, days for use, and rest periods for the fields. The new policy is expected to be adopted by the Fall of 2020 and implemented in the Spring season of 2021.

Accessory Dwelling Unit Ordinance

The Accessory Dwelling Unit Ordinance (ADU) was adopted by City Council after the its second reading on March 3, 2020. This was in a response to the State adopting six (6) separate Assembly and Senate Bills that seek to streamline and encourage the development of ADUs in an effort to relieve the State's housing crisis. Such revisions allow a shorter, more affordable review process which will also further flexibility on certain development standards.

De Anza Hotel Project Approval

The De Anza Hotel Project was part of a General Plan Amendment proposal to develop a 155 room, seven story boutique hotel on the site currently occupied by Goodyear Tires at 10931 N De Anza Blvd. The developer, John Vidovich of De Anza Properties, has agreed to a Development Agreement that would contribute a one-time payment \$500,000 to the City to fund various projects, reduced price shuttle service for City residents to utilize for Airport transportation as well as connections to job centers, free use of hotel facilities for the City and local schools, and public access to a roof top bar & restaurant.

California Department of Housing and Community Development (HCD) SB 2 Planning Grants Program

The California Department of Housing and Community Development (HCD) announced that the City of Cupertino was awarded \$310,000 in grant funds under the HCD's SB 2 Planning Grants Program. The City will use the funds to improve the Permit Center to offer community access to government services utilizing advancing technologies. As part of the Permit Center improvements, staff is redesigning the customer experience through projects ranging from physical on-site enhancements, availability of online resources and services, permit software and programs, and updates to distributional handouts on development regulations. The SB2 Planning Grants funds will be used specifically to offset the digital program improvements and online access solutions.

Cupertino Village Hotel Project Approval

The Cupertino Village Hotel Project was part of a General Plan Amendment proposal to develop a 185 room, 5-story hotel with event meeting rooms, restaurant, and rooftop bar. The developer, Kimco Realty, agreed to a Developer Agreement that would contribute \$1.85 million (\$10,000 per room) towards Community Amenity Funding, participation in a Transportation Management Association, shuttle service access, meeting room availability for official City business, reduced rates for people visiting Cupertino for official City business, and internship opportunities. When constructed, the project is anticipated to have a net fiscal impact of \$1.78 million on the City's General Fund.

Homeless Encampments

The Code Enforcement Office is currently working on creating a Standard Operating Procedure and contract to have public camping sites removed from the Public Right-of Way and public property. The City of Cupertino has seen a growth of illegal camping sites along Wolfe Road and 280. The goal of this project is the removal of unlawful encampments and the mitigation of health, safety and access issues while respecting the rights of the occupants and informing them of alternative resources within the community.

Permit Tracking and Electronic Plan Review System

Cupertino's initiative to replace its obsolete permit tracking system was realized on July 22, 2019, with the implementation of Accela and the successful integration to the electronic plan review system, ProjectDox. Cupertino's new system gives staff better tracking and management of permitting processes with a centralized database and GIS centric controls which allows information to be shared across Departments for improved communication.

Plan Review, Permit and Inspection Services: Smooth transition after Shelter-In-Place order

The Development Review process which includes Building, Planning, Public Works, Fire, Sanitary District, and Code Enforcement to review plans, issue permits and provide observation inspections successfully transitioned crucial City Service functions as a telecommuting operation on day one of the Shelter-in-Place order due to COVID-19. All services are electronically processed remotely with technology that each Department worked tirelessly over the past four years to implement. While other jurisdictions had no choice but to shut down their Departments, Cupertino was able to seamlessly continue operations remotely with minimal impacts.

Reach Codes

In January 2020, the City Council considered and adopted a local addition to the building codes in Cupertino that will lower greenhouse gas impacts from newly constructed buildings, known as the all-electric building reach code. Staff is pleased to report that the Cupertino reach code has been heard at a public meeting of the California Energy Commission on April 8, 2020. CEC staff found that the Cupertino reach code met all requirements in order to be adopted. CEC staff issued a resolution stating that, "CEC applauds the City of Cupertino for seeking to achieve additional energy demand reductions, energy savings, and other benefits exceeding those of the 2019 Energy Code."

A copy of the CEC resolution can be viewed at (outside link):

https://ww2.energy.ca.gov/business_meetings/2020_packets/2020-04-08/Item_04f_CUPERTINO_ADA.pdf

Real Estate Sign Pickups

The Code Enforcement Office conducted the removal and storage of illegally placed real estate signs from the Public Right-of-Way. The project involved a code enforcement officer patrolling on the weekends for unlawfully placed real estate signs and promptly removing them for storage at the Cupertino Service Center. The investigating officer would notify the offending agent(s) and advise them of the number of sign(s) removed including instructions on how to retrieve the signs with a fee. No Administrative Citations were issued for this project.

Recruitments and Onboarding Software Implementation

Cupertino prides itself in the high level of services provided to the community, always striving to hire the best employees. Human Resources conducted 17 full-time recruitments resulting in 21 new hires or promotions. Additionally, phase two of NeoGov, an online system for onboarding, recruitment and applicant tracking, was implemented to streamline the new hire and onboarding process for all departments. Implementing the Onboarding module was comprised of staff training, converting all new hire payroll, policies, and benefit information into digital format, creating a Welcome Portal page, uploading content for new hires, and testing. The new onboarding module has been a great success with new hires. Human Resources has been able to complete new hire onboarding with telework in place.

COVID-19 Leaves Implementation

The Families First Coronavirus Response Act (FFCRA) is an emergency law passed by Congress and signed by the President on March 18, 2020, in response to the COVID-19 Pandemic. The law required the City of Cupertino to provide employees with Emergency Paid Sick Leave (EPSL), and/or Emergency Family and Medical Leave Expansion (EFMLEA), for reasons related to COVID-19. Human Resources quickly implemented these new paid leaves effective April 1, 2020. Staff outreach and training included webinars, development of webpage, infographics and individual meetings with all employees as needed.

Citywide Employee Training - BEST

“BEST” (Building Employee Skills through Training) program focused on professional development as part of Cupertino’s succession planning and employee retention initiatives. Human Resources offered 7-8 workshops each quarter on subjects such as Public Speaking and Time Management. Human Resources also launched popular quarterly Employee Orientations and Refreshers for the departments to share the latest Citywide policies and programs available to employees.

Employee Engagement Initiative

Human Resources implemented its first citywide Employee Engagement Initiative to support each other and work together towards the City's mission to provide exceptional service, encourage all members of the community to take responsibility for one another, and support the values of education, innovation, and collaboration. City employees were assigned to a Work Group, participated in a citywide Employee Engagement survey, and created Action Plan Teams to brainstorm solutions for any issues identified in the survey. Employee Engagement is a mutual commitment between the organization and the employee, and this initiative was a successful first step towards the goal of having engaged employees who feel valued, are listened to, and are enthused about their work.

Investment Management

Through a formal Request for Proposal (RFP) process, the Finance Division engaged Chandler Asset Management for investment management services in FY 2018-19. Managing the City's investment portfolio with three key principles in mind: safety to ensure the preservation of capital in the overall portfolio, provide sufficient liquidity for cash needs and a market rate of return consistent with the investment program. Since inception in January 2019, the City's portfolio has yielded a total rate of return of 4.96%, significantly higher than U.S. Treasury and Local Agency Investment Fund rates during that time period. As a result, the City's investment portfolio is well-positioned to move forward as the COVID-19 pandemic continues to evolve.

Internal Audit Function

Through a formal Request for Proposal (RFP) process, the Finance Division engaged Moss Adams LLP for internal audit services in FY 2019-20. This function will be assisting the City in accomplishing its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. While the timing of the onboarding and initial risk assessment have been delayed due to COVID-19, the City is eager to resume its internal audit function.

Innovation Technology Strategic Plan

The Innovation Technology Department concluded the final phase of a three-year strategic plan, published in October 2017. The plan revolved around the implementation/execution of 54 technical infrastructure or enterprise application projects. As of July 2020, all 54 projects are complete. Highlights of this year's efforts include:

Applications

- Going live with Accela Land Management System; a cloud-based application that includes urban planning, permitting and building inspections. Accela's web-based customer portal provides easy access and use to customers applying, reviewing status or paying for a permit.
- Implementation of the NeoGov Onboarding application; a cloud-based application utilized by Human Resources to onboard new staff
- Development of an Electronic Content Management three-year roadmap that guides the expansion and best practices for the City's record management system.
- Expansion of the City's cloud-based asset management system, Cityworks to include storeroom. Update asset inventory for street legends and striping as well as streetlight cabinets.
- Implementation of Chyron utilized by the Video Division for television graphics
- Upgraded BuildingEye to Civic Central. Integrated Civic Central with Accela Land Management
- Implemented NextRequest, cloud-based application that streamlines the public records act request process.
- Microsoft O365 and Exchange citywide implementation
- Implement Zoom as City's teleconferencing solution.
- Cobblestone, cloud-based contract management workflow application was implemented.

Technical Infrastructure

- Build/test of disaster recovery environment outside of California
- Updated Emergency Operations Center to include state-of-the-art AV and teleconferencing equipment
- Windows 10 and Server 2019 upgrades citywide.

Projects Completed outside of Strategic Plan

- Transitioned 10 conference rooms to "Zoom Rooms" providing the ability to teleconference.
- Installed 300 terabyte video storage system

- Developed Bid Management application for publishing City RFPs and providing capability of vendors to submit bids electronically.
- Upgraded the City's record retention schedule to align with best practices
- Upgraded Permit Parking application which allows residents to renew parking applications online.
- Upgraded Community Hall projector system
- Implemented a Queue Management system to provide a more streamlined and friendly experience for permit center customers.

Innovation Technology Data Visualization and Analytics

Data visualization is the presentation of data in a pictorial or graphical format providing tools to better understand the data and/or identify patterns. Cupertino prides itself on making transparent data-driven decisions – this is one more tool to assist in that process. The following dashboards and storymaps were added this year.

- Capital Improvement Plan Storymap. Define project, status and location of CIP projects.
- 311 Dashboard. Provides graphical representation of 311 (work request) tickets. How many, status, location and time to respond.
- Pavement Condition Index Storymap. Provides Citywide view of the PCI value for City streets.
- Bike/Ped Storymap – Define project, status and location of bike and pedestrian projects throughout the City.
- Civic Central – View permits geographically by street, neighborhood, or the entire City. Residents can be notified of new permits if desired.

Innovation Technology Response to COVID-19

Business Continuity (BC) is a major and necessary goal for all organizations. The ability to continue business operation during and after a natural or person-made disruption is a true test of an organization's BC. COVID-19 provided such a test – and IT's response was exemplary. Within a day of the Shelter-in-Place order, 95% of all computer-based staff were able to telework as if they were in the office. Staff had the equipment (laptop & softphone), applications, collaboration tools, and necessary cybersecurity measures to seamlessly & securely continue their daily work. Cupertino lead the way in providing a secure, yet easy to use teleconferencing solution for Council, Commission and Committee meetings. Additionally, IT provided a quick turnaround for COVID-19 related applications such as: COVID-19 update page, What Businesses are Open web page, HR Information Page, an electronic bid submission, and electronic signatures on citywide contracts to name a few.

VERBS Grant Award

The McClellan Road Separated Bikeway project was awarded the Vehicle Emissions Reductions Based at Schools (VERBS) Award for \$1M from the Metropolitan Transportation Commission.

McClellan Road Separated Bike Lane Phase 1

The Capital Improvement Program most notably completed the first phase of the McClellan Road Bike Corridor from Stelling Road to Imperial Avenue, which is part of the 2016 Bicycle Transportation Plan to enhance and promote safer bicycle transportation in the City.

Sidewalk Improvements – Byrne Avenue

The Capital Improvement Program also completed standard right-of-way improvements on Byrne Avenue from McClellan Road to Granada Avenue, including sidewalks, curb and gutter and relocated utility poles. Adding sidewalks will improve pedestrian safety in the Monta Vista Tri-school area.

McClellan Ranch West Parking Lot Improvement

This project formalized the existing use of the site located at 22241 McClellan Road. This new “green”, meadow-style parking lot has a permeable concrete paving and appropriate landscaping. The parking lot and landscaping has been designed to be compatible with and sensitive to the creek environment in order to have minimal impact to the site.

Senior Center ADA Sidewalk

The Capital Improvement Program also completed construction of an ADA compliant sidewalk adjacent to the Senior Center parking lot. The new sidewalk provides a safe pedestrian path of travel connecting the permit parking areas to the Senior Center complex.

Streetlight Installation – Randy Lane & Larry Way

The Capital Improvement Program completed the installation of LED streetlights on Randy Lane between Merritt Drive and Lucille Avenue & Larry Way between Merritt Drive and Lucille Avenue

Projects that have met significant progress milestones include

- McClellan Road Bikeway Phase 2 (Stelling Rd to Torre Ave)- design Complete;
- Regnart Creek Trail – Design and Environmental Clearance completed
- Blackberry Farm Entrance Road Feasibility Study - Study Complete
- Stevens Creek Blvd Cl IV Bikeway Phase 1 – Design Complete
- Civic Center Parking Analysis – Study Complete

Via Community Shuttle Launch

Public Works Transportation staff was integral in launching Via, an on-demand micro transit system to all of Cupertino and beyond, connecting the City to regional rail service for the first time ever. The program includes discounted fares for low-income riders, seniors, and De Anza College students.

Arbor Day Foundation Tree City USA designation and Growth Award

The Arbor Day Foundation named the City of Cupertino “Tree City USA” for the eighth consecutive year and was awarded the “Growth Award” for the sixth time. Tree City USA distinction activities include two public planting events, 188 new trees planted, 3387 trees pruned and community outreach efforts about the importance of a healthy Urban Forest. Growth Award activities include enhancing the asset management system with tree Inventory and ongoing efforts of public education / public relations.

Clean Water & Storm Protection Fee

Public Works Environmental Program staff conducted extensive community outreach, education, and public hearings resulting in successfully passing the ballot initiative to update Cupertino’s Clean Water and Storm Protection Fees for the first time since 1992. These fees will help protect stormwater infrastructure, local creeks, regional wetlands, the San Francisco Bay and ocean.

NEW INITIATIVES FOR FISCAL YEAR 2020-21

Blackberry Farm Golf Course

Determine short-term and long-term improvements to the golf course and amenities. To be completed by the Spring of 2021.

Dog Off Leash Areas

Identify additional areas suitable for permitting dogs to be off leash and establish one such area, if the current trial period is successful. The Parks and Recreation Commission will evaluate the DOLA at Jollyman Park after the trial period concludes in July 2020 before considering additional sites in the community. To be completed by Spring of 2021.

Pilot – Sensor Technology based on IOT (Internet of Things)

Seven projects fall under this classification: Adaptive traffic signaling, multi-modal traffic count, noise measurement, pollution monitoring, trash collection and water scheduling. All projects are part of the City Council Work Program. The goal is to extend the City's network and database structure to include IOT based sensors to determine the cost/benefit and practicality of utilizing this technology to provide enhanced service and data that will drive future business decisions.

ESRI IOT for Analytics is a cloud-based solution that will be implemented for the City to ingest, visualize, and analyze spatial big data real-time to gain insights that allow for analysis and data driven action. This application will allow the City to categorize and make sense of the data generated from the above mentioned IOT sensors.

ProjectDox Expansion and Upgrade

ProjectDox is an on-premise application that provides for electronic plan submission and review. ProjectDox is integrated with the City's land management system, Accela. These two applications have brought significant improvements (for both staff and customers) in the way permits are processed by the Building Division. The goal of this request is to extend these improvements to the Planning Division and Public Works Engineering. Additionally, ProjectDox will be migrated to a cloud-based application allowing for enhanced business continuity and disaster recovery.

AI Cybersecurity Tools

This past year has seen multiple municipalities fall victim to Ransomware attacks. The remediation of these attacks has cost millions of dollars on top of the extended down time for crucial City services. This project will add artificial intelligence (AI) to the City's cybersecurity defenses. While AI will not stop an attack – it can quickly isolate the impacted files and mitigate the spread of Ransomware. As hackers continue to improve their attack profile – so must Cupertino improve its defenses.

Review of City's Housing and Human services grant funds

Review existing grant funds to determine allowable uses for emergency financial assistance programs. Consider increasing Below Market Rate Affordable Housing Fund Public Service allocation.

Housing Strategies

Explore the development of strategies that provides a variety of products across the affordability levels including housing for the developmentally disabled, as well as those with moderate, low, very low, and extremely low income. *Continued from FY 19-20 work program.

Heart of the City

Amend the Heart of the City Specific Plan: 1) For clarifications to the minimum street side setback requirements. 2) To review street tree requirements to allow larger trees, increase diversity of tree type and encourage drought-tolerant and native tree types. 3) Update sections such as transit corridors in the City. 4) Maintain existing setbacks and consider minimum retail percentage to maintain a commercial strip. 5) Minimum retail space.

Vallco Specific Plan

Create a community-based vision and objective standards for development at Vallco.

Traffic Congestion Map and Identify Solutions

Identify traffic congestion areas in a heat map. Identify, implement and measure effectiveness of data driven solutions to improve traffic flow in most congested areas.

Single-Use Plastics Ordinance

Single-use plastics, especially those used as foodware (plastic utensils, food packaging, straws, coffee stirrers, lids for coffee cups, spill-prevention plugs to go into those lids, etc.) are not recyclable and create significant amounts of waste that end up in landfills and as littered items that reach and harm the marine environment. Jurisdictions in the Bay Area are beginning to consider and implement ordinances that aim to reduce single-use foodware where possible. This aligns with Cupertino's Zero Waste Policy (adopted in December 2017) which specifies a

goal to “Reduce the proliferation of unnecessary plastic reusable food service ware and packaging in daily commerce, to the extent practicable.” Environmental Programs staff participate on County and wider Bay Area work groups developing model ordinance language which includes enabling re-usable foodware business models that allow for use, sterilization, and re-use of to-go foodware.

Climate Action and Adaptation Plan updates

The Cupertino Climate Action Plan was created nearly ten years ago and has guided the City to a successful reduction of carbon emissions, even while the City has experienced stellar economic growth. Since adopting the CAP, the State of California has evolved the guidelines to address not only carbon emissions, but also adaptation to changing climate risks like wildfires and droughts. The Sustainability Commission and City Staff are planning an update of the CAP to align with new science-based targets for carbon emissions and resilient infrastructure. This budget includes funding to support this update to the Plan. An update to the CAP would include public outreach activities and technical analysis of the best options to support Cupertino’s resilient and climate-friendly growth. The Earth Day volunteer network and all interested residents are encouraged to begin conversations about what Cupertino’s sustainability strategy should be for the next 10 years.

Reduce Secondhand Smoke Exposure

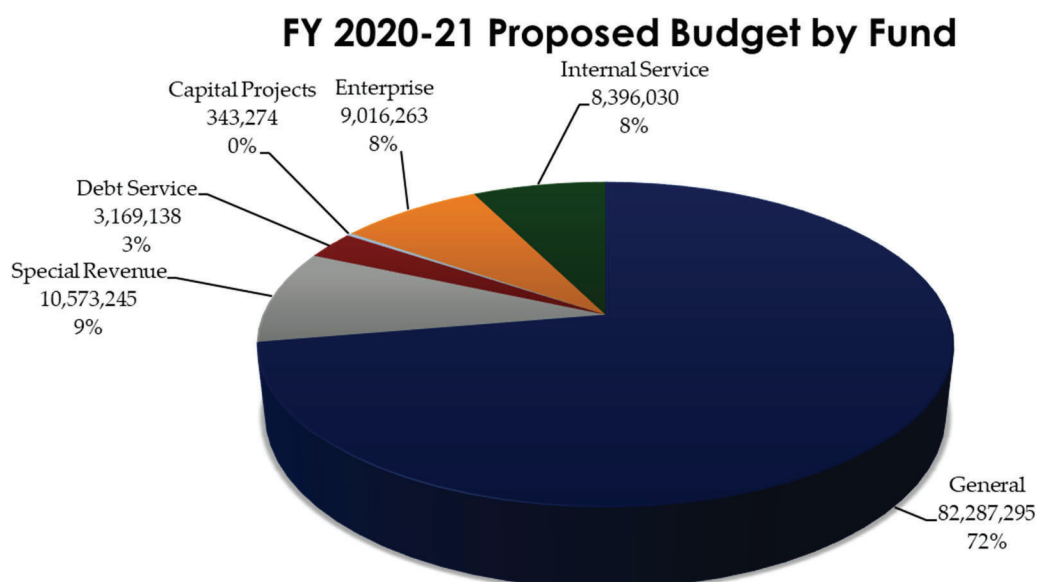
Revise and develop policies to reduce exposure to secondhand smoke. Potential options include smoke-free multi-unit housing, smoke-free service areas, and smoke-free public events.

Proposed Budget Overview

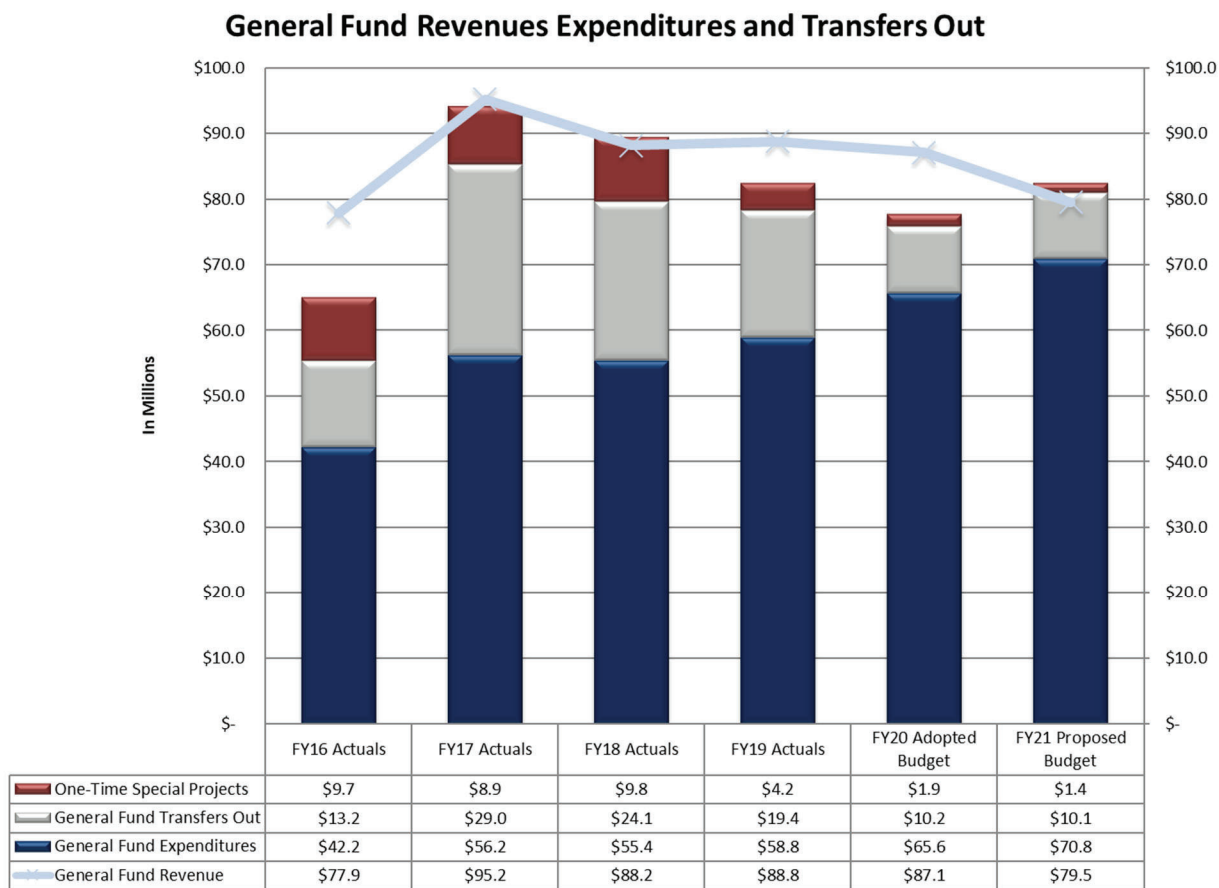
The Proposed Budget reflects a total City budget of \$113.8 million, a decrease of \$36.7 million or 24.4% when compared to the FY 2020 Adopted Budget. The City's General Fund is proposed at \$82.3 million, representing a \$2.2 million, or 2.7% increase over the FY 2020 Adopted Budget. The General Fund is funded through the use of General Fund revenue of \$79.5 million, \$2.8 million of unassigned fund balance, and is projected to end FY 2021 with approximately \$14.7 million in unassigned fund balance that may be transferred to the Capital Reserve per the Reserve and One Time Use Policy as part of the City's FY20-21 Mid-Year Financial Report. The transfer is not reflected in the Proposed Budget.

Fund Type	Total Proposed Expenditures		Total Proposed Revenue		Change in Fund Balance/Net Position
General	\$	82,287,295	\$	79,450,892	\$ (2,836,403)
Special Revenue	\$	10,573,245	\$	11,926,643	\$ 1,353,398
Debt Service	\$	3,169,138	\$	3,169,138	\$ -
Capital Projects	\$	343,274	\$	-	\$ (343,274)
Enterprise	\$	9,016,263	\$	8,631,042	\$ (385,221)
Internal Service	\$	8,396,030	\$	5,245,334	\$ (3,150,696)
Total	\$	113,785,245	\$	108,423,049	\$ (5,362,196)

As shown in the chart below, the Proposed Budget's largest fund is the General fund at 72%.



The graph below summarizes the changes in the City's General Fund for a five-year period:



A total of 202.75 positions are proposed in FY 2020-21. Prior to COVID-19, the City was anticipating bringing a number of new position requests to City Council over a three-year period; however, given the level of fiscal uncertainty surrounding COVID-19, the City has removed all position requests in FY 2020-21. As the COVID-19 situation evolves, City staff will bring forward requests for City Council approval as more information becomes available for purposes of making informed decisions.

FY 2019-20 Adopted Budget	202.75
Maintenance Worker I/II	1.00
FY 2020-21 Proposed Budget	
None	0.00
FY 2020-21 Benefitted Positions	203.75

In the past, staff recommended adding positions only on a limited term basis unless staff was confident that the needed level of service would be permanent, or ongoing revenues could support the position long term, or staff could not recruit and/or retain the staff resource on a

limited term basis. The City currently has five (5) limited-term positions are staff are requesting that they be converted to a permanent basis.

Limited-Term Conversions	
Department	Position
Administrative Services	Senior Management Analyst
Public Works	Senior Transportation Planner
Public Works	Assistant Civil Engineer
Public Works	Public Works Project Manager
Parks & Recreation	Recreation Coordinator

Changes to the Budget and Policies

City staff performed a zero-base budget for the FY 2020 budget document in which all expenses were justified and every function within the City was analyzed for its needs and costs. The City had planned to convert to a biennial budget process; however, given the timing and constraints of COVID-19, the City will be deferring the conversion until next fiscal year. Below are a few highlights from the budget and process:

Revised Fees and Cost Allocation Plan (CAP)

While the Cost Allocation Plan remained relatively consistent over the previous fiscal year, a change in methodology was implemented in the FY 2020-21 model. Costs attributable to grounds and facilities, specifically and only related to the City's Civic Center, are being charged out for more equitable and reasonable cost sharing among service providers in the City.

Additionally, City Council approved the fee schedules effective for FY 2020-21 on April 21, 2020. Due to impacts related to COVID-19, and the City's intent to provide financial relief during this time of great uncertainty, the increases to the City's fees were delayed and will not become effective until October 1, 2020. The increases to the various fee schedules are estimated to result in increased revenues of approximately \$900,000 over the previous fiscal year; however, the timing of services to be provided and revenues to be collected may be impacted by COVID-19 throughout fiscal year 2020-21.

Investment Policy

The City Council annually updates and adopts a City Investment Policy that is in compliance with State statutes on allowable investments. By policy, the Audit Committee reviews the policy and acts as an oversight committee on investments. The policy directs that an external auditor perform agreed-upon procedures to review City compliance with the policy. The full policy will be available on the City website as part of the May 19, 2020 City Council agenda packet.

GANN Appropriations Limit

For FY 2021, the City's estimated appropriations of proceeds from taxes, less statutory exclusions, are unchanged as of the Proposed Budget. Data needed to calculate the FY 2021

appropriations limit will not be available until mid-May. If a city exceeds the legal limit, excess tax revenue must be returned to the State or citizens through a process of refunds, rebates, or other means that may be determined at that time. The appropriations limit is not expected to present a constraint on current or future budget deliberations. This reflects the prior year limit and will not be updated until the Adopted Budget when the information required for this calculation is available.

Revised Community Funding Policy

The first Community Funding policy was adopted by City Council in FY 2012-13, and the most recent policy was adopted as part of the FY 2015-16 Adopted Budget. At the Budget Adoption hearing in June 2018, City Council requested that the Community Funding Program be updated in order to assure that all applications received due consideration and that City Council is provided with all information necessary to make final funding decisions. At that meeting, City Council requested that the Parks and Recreation Commission evaluate all grant applications, and provide funding recommendations to Council for consideration. An updated policy with minimal substantive changes was approved by City Council in 2020.

Budget by Fund

General Fund

The General Fund pays for core services such as public safety, recreation and community services, planning and community development, streets and trees, and a host of other vital services. The revenue used to pay for these services comes primarily from local taxes such as property tax and sales tax, transient occupancy tax, charges for service, and a variety of other discretionary sources.

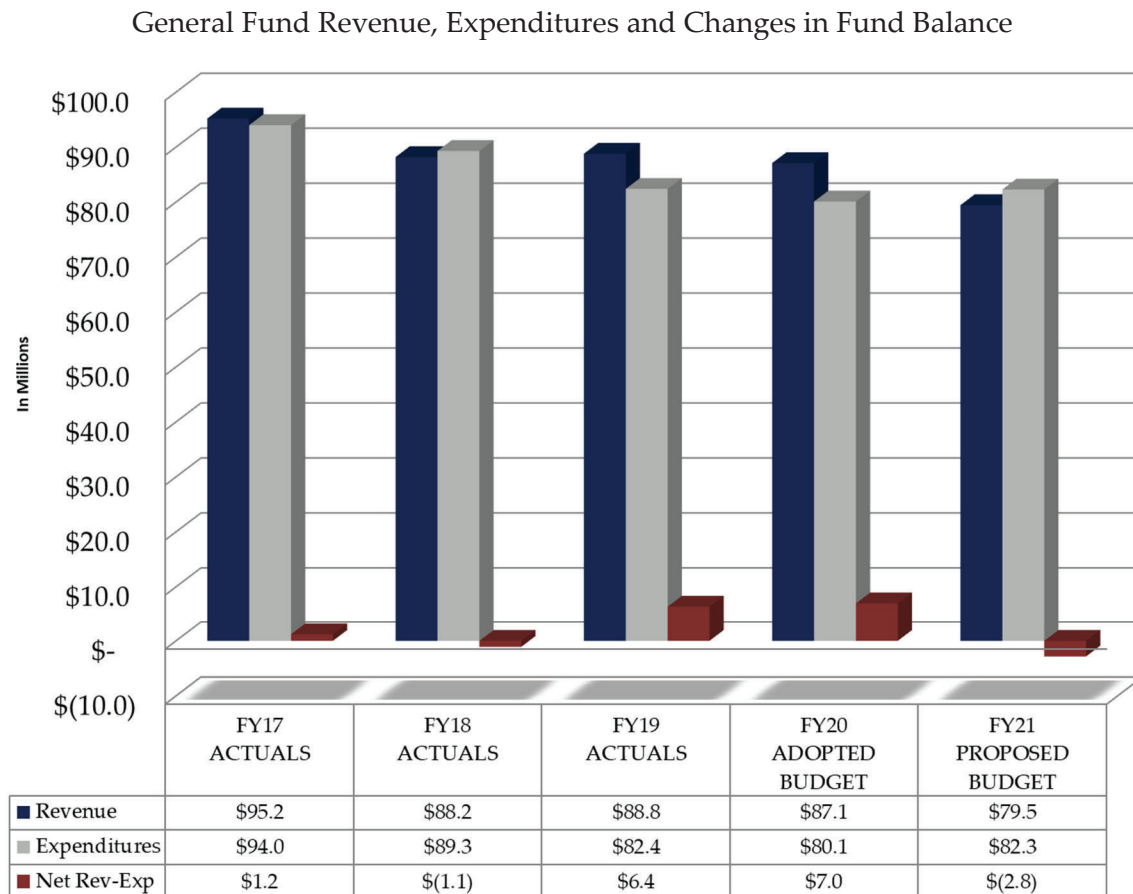
General Fund revenue is estimated at \$79.5 million in the FY 2021 Proposed Budget. This is an overall decrease of \$7.6 million (8.7%) when compared to the FY 2020 Adopted Budget. In recent years, the City has experienced local economic boom that had driven strong gains in sales tax, property tax, and transient occupancy tax revenues, which were partially offset by decreases in development-related fees. FY 2021 will experience significant General Fund declines in sales tax (\$4.7 million or 18%) and transient occupancy tax (\$2.1 million or 22%) due to COVID-19 impacts. Property tax is not anticipated to be affected by COVID-19 in FY 20-21 due to the timing of assessed market valuations; however, the City anticipates a flattening of the property tax revenues in FY 21-22.

In an effort to mitigate the impacts to COVID-19, the City is taking steps to reduce expenditures by increasing vacancy levels through attrition (up to \$3.2 million annually), reducing materials and contract services spending (\$650,000 and \$1 million, respectively), reducing contingency amounts by 50% or \$850,000), and reducing the amount of special project and capital outlay spending on an annual basis.

Although it is difficult to estimate the full-impacts of COVID-19 into the near and long-term, the City's fiscal foundation remains strong. With the General Fund's Economic Uncertainty Reserve

intact and a healthy unassigned fund balance, the City is poised to withstand the impacts of COVID-19 into the future.

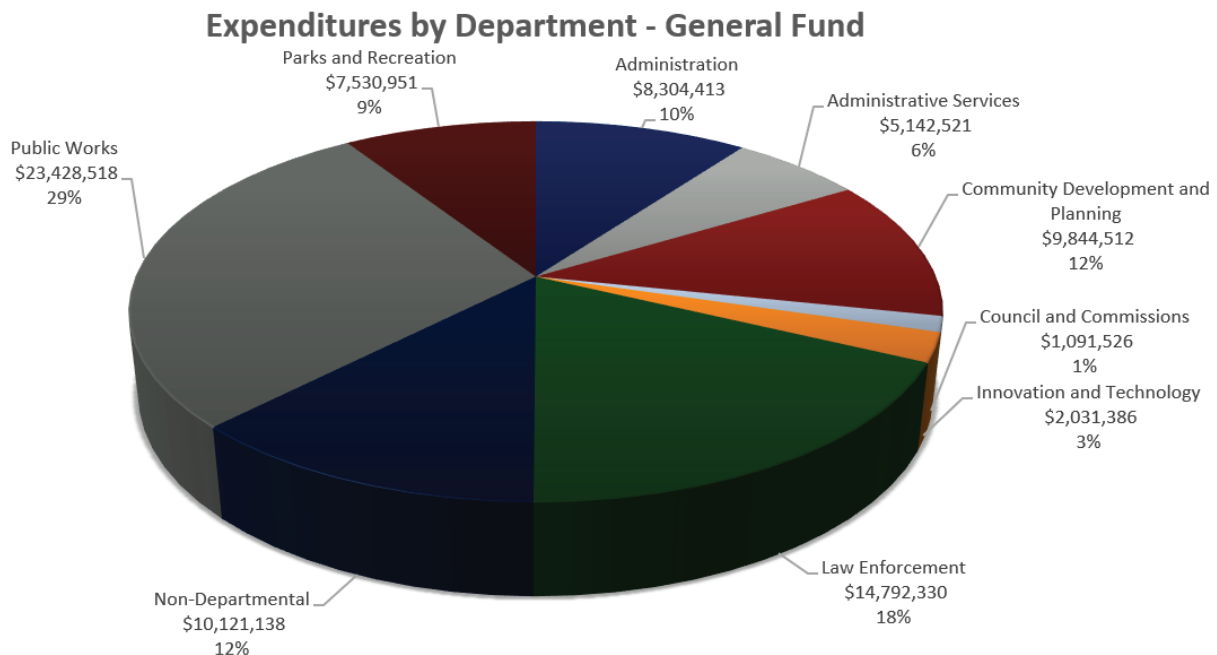
The following chart shows four years of total revenue, expenditures and changes to fund balance for the General Fund:



The General Fund unassigned fund balance is projected to decrease from the current year estimate of \$17.5 million to \$14.7 million in FY 2021. As shown in the chart below, the FY 2021 ending fund balance is estimated to be \$50.6 million, or 5.3% lower than the FY 2020 year-end estimate. This is primarily attributable to a notable decline in sales tax and transient occupancy tax revenues due to COVID-19.

GENERAL FUND FUND BALANCE					
	FY 17-18	FY 18-19	FY 19-20	FY 20-21	Percent
Classification	Actual	Actual	Estimated	Proposed	Change
Unassigned	\$ 21,704,922	\$ 27,896,128	\$ 17,500,000	\$ 14,672,597	-16%
All Other Classification	30,805,535	31,026,457	35,938,546	35,929,546	0%
Total Fund Balance	\$ 52,510,457	\$ 58,922,585	\$ 53,438,546	\$ 50,602,143	-5.3%

As shown in the graph below, the majority of General Fund resources are used to support Public Works (29%), Non-Departmental expenditures (12%), Law Enforcement (18%), Parks and Recreation (9%), Administration (10%), and Community Development and Planning (12%).



Special Revenue Funds

Special Revenue Funds are a fund type used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specific purposes. Special Revenue Funds account for 9% of the citywide expenditure budget. The largest Special Revenue Fund accounts for streets, roads, and transportation. Other funds account for storm drain management, affordable housing programs, and park development. The Proposed Budget for Special Revenue Funds for FY 2020 is \$10.6 million, which is an \$800,000, or 8%, increase from FY 2020 Adopted Budget primarily due to storm drain activities, previously budgeted in the General Fund, that were reallocated to the Environmental Management Special Revenue Fund.

Budgets within the Special Revenue Funds are funded by \$8.1 million in restricted department revenue, and \$3.8 million in transfers, bringing total funding sources for the fund to \$11.9 million. This will result in a projected increase to fund balance of \$1.4 million. The Special Revenue Funds are projected to end the year with fund balances of \$24.8 million.

Capital Projects Funds

The Capital Improvement Project Fund, Stevens Creek Corridor Park Fund, and Capital Reserve Fund are currently in the Capital Projects Fund type category. This fund type is typically used to account for financial resources that are used for the acquisition or construction of major

capital facilities or to provide facilities for City departments, and are identified in the five-year Capital Improvement Program (CIP).

The Proposed Budget for the Capital Projects Funds for FY 2021 is \$343,274. The FY 2021 budget is \$37.6 million lower than FY 2020 Adopted Budget appropriations until the Capital Improvement Program budget is incorporated in the Adopted Budget.

Enterprise Funds

Enterprise Funds are set up for specific services that are funded directly by fees charged for goods or services. Enterprise Funds consist of Resource Recovery for the solid waste collection franchise, Blackberry Farm for the City-owned golf course, the Cupertino Sports Center, and Recreation Programs for cultural, youth, teen, sports, and physical recreation programs.

The Proposed Budget for Enterprise Funds for FY 2021 is \$9.0 million, a decrease of \$2.5 million from the FY 2020 Adopted Budget. Budgets within the Enterprise Funds are funded by \$6.1 million in program revenue and \$2.5 million in transfers from the General Fund. The Enterprise Funds also rely on \$5.0 million of prior year fund balance, bringing total funding sources for the funds to \$13.6 million. The Enterprise Funds are projected to begin the fiscal year with \$5.0 million in retained earnings and are projected to end the year with retained earnings of \$4.6 million. Impacts to Enterprise Fund revenues as a result of COVID-19 are significant, particularly while shelter-in-place orders remain in effect. FY 2020 experienced sharp declines in the fourth quarter and as such, staff are conservatively budgeting for anticipated reductions in overall revenue and expenditures. While it is difficult to estimate the extent of shelter-in-place orders for FY 2020-21, staff will continue to monitor the activities and report to City Council on a regular basis.

Internal Service Funds

Internal Service Funds are used for areas where goods or services are provided to other City departments or governments on a cost-reimbursement basis. Internal Service Funds include funds and programs for information technology, workers' compensation, equipment, compensated absence, long-term disability, and retiree medical insurance.

The Proposed Budget for the Internal Service Funds is \$8.4 million, which is \$0.5 million higher than the FY 2020 Adopted Budget. Budgets within Internal Service Funds are funded by \$4.6 million in department revenue, \$0.7 million in transfers from the General Fund, and \$3.2 million from a combination of depreciation reserves and retained earnings. The Internal Service Funds are projected to begin the fiscal year with \$6.8 million in retained earnings and are projected to end the year with retained earnings of \$3.7 million.

Special Projects

The FY 2021 Proposed Budget includes funding for several one-time Special Projects. These projects are identified as part of the Special Project section within each program and are summarized in the table on the next page. This list excludes one-time capital outlays and ongoing pavement management costs.

FY 2020-21 Special Projects				
Program Budget	Project Name	Expenditure	Funding Source	Work Program
120 City Manager's Office	Reduce Second Hand Smoke Exposure	\$ 27,592	General Fund	Yes
122 Sustainability	Climate Action Plan	\$ 212,000	General Fund	Yes
300 I&T Administration	Pilot Adaptive Traffic Signaling	\$ 65,000	Internal Service Fund	Yes
300 I&T Administration	Pilot Multi-modal Traffic Count	\$ 40,000	Internal Service Fund	Yes
300 I&T Administration	Pilot Noise Measurement	\$ 35,000	Internal Service Fund	Yes
300 I&T Administration	Pilot Pollution Monitoring	\$ 35,000	Internal Service Fund	Yes
300 I&T Administration	Pilot Trash Collection	\$ 25,000	Internal Service Fund	Yes
800 PW Administration	Municipal Water System	\$ 50,000	General Fund	Yes
801 Resource Recovery	Single Use Plastics Ordinance	\$ 30,000	Enterprise	Yes
804 Plan Review	Alternatives to New City Hall	\$ 25,000	General Fund	Yes
845 Traffic Signal Maintenance	Adaptive Traffic Signaling and Battery Backup	\$ 180,000	General Fund	Yes
	TOTAL CITY COUNCIL WORK PROGRAM	\$ 724,592		
122 Sustainability	Sustainable Infrastructure Audit	\$ 10,000	General Fund	
300 I&T Administration	Pilot Waste Management	\$ 10,000	Internal Service Fund	
305 Video	Community Hall Podium Replacement	\$ 15,000	General Fund	
305 Video	Portable Signal Generator/Analyzer	\$ 9,000	General Fund	
305 Video	Wireless Video Transmission System	\$ 11,500	General Fund	
308 Applications	Vehicle Miles Traveled	\$ 25,000	General Fund	
310 Infrastructure	Artificial Intelligence Remediation	\$ 50,000	Internal Service Fund	
310 Infrastructure	Facility Battery	\$ 40,000	Internal Service Fund	
701 Current Planning	Marina Plaza	\$ 50,000	General Fund	
801 Resource Recovery	Trash Enclosure SWMP	\$ 2,500	Enterprise	
802 Non-Point Source	Trash Enclosure SWMP	\$ 2,500	Special Revenue	
807 Service Center Administration	Citywide Office Reconfiguration	\$ 95,000	General Fund	
812 School Site Maintenance	Irrigation Pump for Hyde Middle School	\$ 85,000	General Fund	
812 School Site Maintenance	Dedicated Water Service at Collins School	\$ 60,000	General Fund	
812 School Site Maintenance	Hyde Middle School Fence Repairs	\$ 6,600	General Fund	

813 Neighborhood Parks	Master Valve and Flow Sensor at Hoover Park	\$ 12,000	General Fund	
813 Neighborhood Parks	Tot Lot Rubber Resurfacing	\$ 80,000	General Fund	
813 Neighborhood Parks	Irrigation and Domestic Service	\$ 70,000	General Fund	
813 Neighborhood Parks	Environmental Consulting Services	\$ 14,000	General Fund	
820 Sidewalk Curb and Gutter	Annual Sidewalk Curb and Gutter	\$ 1,500,000	Transportation Fund	
820 Sidewalk Curb and Gutter	Concrete Maintenance Backlog	\$ 550,000	Transportation Fund	
820 Sidewalk Curb and Gutter	Annual Sidewalk Grinding Project	\$ 80,000	Transportation Fund	
821 Street Pavement Maintenance	Pavement Maintenance	\$ 2,000,000	Transportation Fund	
822 Street Sign Marking	Stanley Cutoff & Chain Saws	\$ 5,600	Transportation Fund	
825 Street Tree Maintenance	Trees and Badges	\$ 15,000	General Fund	
829 Service Center Maintenance	Storage Shed Replacement	\$ 7,000	General Fund	
829 Service Center Maintenance	Mechanic Shop Asbestos Removal	\$ 8,000	General Fund	
830 Quinlan Community Center Maintenance	Restroom Partition Replacement	\$ 10,000	General Fund	
830 Quinlan Community Center Maintenance	Security System Retrofit	\$ 25,000	General Fund	
831 Senior Center Maintenance	Drinking Fountain Replacement	\$ 6,000	General Fund	
833 Monta Vista Community Center Maintenance	Monta Vista Partition and Key Replacement	\$ 57,000	General Fund	
846 Safe Routes 2 School	Pedestrian Education	\$ 41,160	General Fund	
848 Street Lighting	Street Light Pole Replacement	\$ 161,000	General Fund	
848 Street Lighting	Don Burnett Bridge Pathway LED Light Upgrade	\$ 47,000	General Fund	
848 Street Lighting	Linda Vista Park LED Light Upgrade	\$ 6,000	General Fund	
849 Equipment Maintenance	Mechanic Shop Hose Reels	\$ 9,000	General Fund	
855 Storm Drain Maintenance	Service Center IND Inspection	\$ 5,000	General Fund	
985 Fixed Asset Acquisition	Vehicle Replacement	\$ 959,136	General Fund	
986 GIS	IoT for Analytics	\$ 15,000	Internal Service Fund	
	TOTAL NON-CITY COUNCIL WORK PROGRAM	\$ 6,154,996		
	TOTAL CITY SPECIAL PROJECTS	\$ 6,879,588		

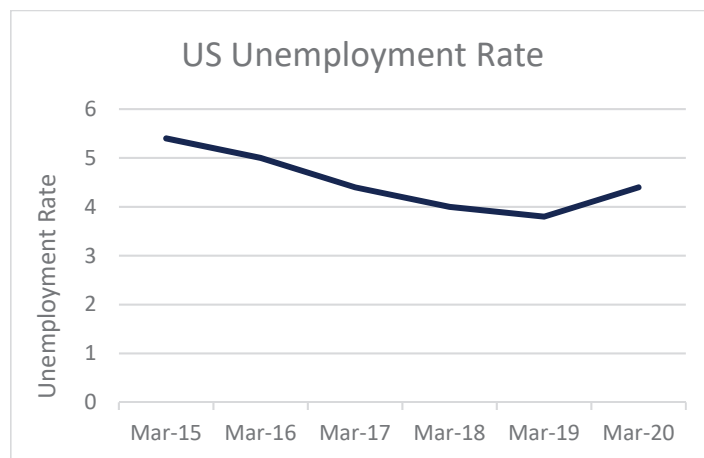
Current Economic Update

National and State Economic Conditions

Through the fourth quarter of 2019, the U.S. economy continued to show steady growth. U.S. Gross Domestic Product (GDP) increased by 2.1% in 2019 according to the Bureau of Economic Analysis, compared with an increase of 2.2% in 2018. The increase in real GDP in 2019 primarily reflected positive contributions from personal consumption, exports, residential fixed investment, federal government spending, and state and local government spending that were partly offset by negative contributions from private inventory investment and nonresidential fixed investment.

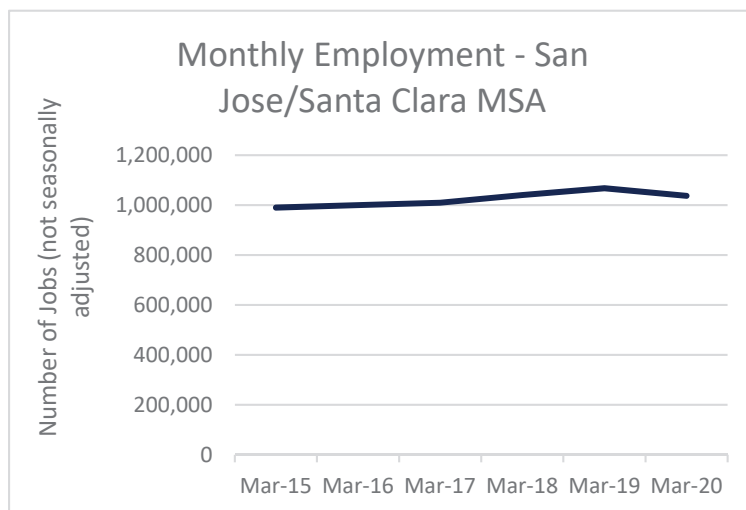
Through the first quarter of 2020, financial markets have experienced significant turbulence, driven by a high level of uncertainty about the impact of the COVID-19 pandemic on the global economy. US Treasury yields have declined, amid a global flight to quality. At the end of first quarter, the yield on 2-year Treasuries was down 132 basis points year-to-date, and the yield on 10-year Treasuries was down nearly 125 basis points. The S&P 500 index declined 20.0% in the first quarter as well. There are still many unknowns about the coronavirus including how widespread it will become, how long it will take to contain the virus, and the actual impact on economic activity. During this period of uncertainty, staff believe continued increases in unemployment and deep contractions in overall economic activity will be experienced. Financial markets will likely remain volatile over the near term, though large-scale global monetary and fiscal stimulus programs will assist in mitigating the longer-term impact of the pandemic. The Fed has taken a wide range of aggressive actions to help stabilize and provide liquidity to the financial markets including the lowering of the target rate to a range of 0.0%-0.25%. Fed Chair Powell has indicated that the Fed will continue to act “forcefully, proactively, and aggressively” until the economy is solidly on a road to recovery.

COVID-19 is having significant impacts on the nation’s unemployment. The U.S. unemployment rate stood at 4.4% in March 2020, up from 3.5% in the previous month. The participation rate decline to 62.7% from 63.4%. A broader measure of unemployment called the U-6, which includes those who are marginally attached to the labor force and employed part-time for economic reasons, increased to 8.7% from 7.0%. Although the



unemployment rate has improved significantly from a high of 9.6% in 2010, economists believe that if we are not currently in a recession, the chances of entering one this year are certain, thus marking the end to the nation’s longest-running expansionary period.

Consumer confidence, as reflected by the Conference Board Consumer Confidence Index, decreased over the previous year and stands at 120.0 as of March 2020, including a 12.6 point decrease over the previous month. The year-over-year decrease is the result of a deterioration in the short-term outlook. The Present Situation Index remained relatively strong, reflective of an economy that was on solid footing, and prior to the recent surge in unemployment claims. However, the intensification of COVID-19 and extreme volatility in the financial markets have increased uncertainty about the outlook for the economic and jobs. March's decline in confidence is more in line with a severe contraction – rather than a temporary shock – and further declines are sure to follow.



California's unemployment rate rose to 5.3% in March 2020, an improvement compared to last year's unemployment rate of 4.2%. Per capita personal income increased 4.5% in 2019 over 2018, mostly due to faster growth in wages; however, it is reasonable to anticipate declines in income in 2020 as a result of COVID-19. Growth in the housing market slowed over the prior year with the prices of single-

family homes up 8.3% and sales down 6.1% compared to March of last year according to the California Association of Realtors (CAR). Growth in Santa Clara County slowed over the prior year with the prices of single-family homes up 7.7% and sales down 19.0%. Recognizing that the State has a chronic housing shortage and understanding that inadequate housing has the potential to impede economic growth, state legislators have succeeded in passing a legislative housing package that has the potential to make a difference.

Cupertino Economic Conditions

Despite strong economic performance continuing in Silicon Valley and Cupertino pre-COVID, data from the State of California Employment Development Department indicates significant impacts as a result of the virus. Employment in the San José/Sunnyvale/Santa Clara Metropolitan Statistical Area (MSA) continues to increase. The preliminary estimate of the March 2020 employment level in the MSA was 1.03 million, representing an approximately 300,000 drop from the March 2019 level. The March 2020 preliminary unemployment rate of 3.4% has increased from the 2.8% rate experienced a year ago. Our local unemployment rate is lower than the national unemployment rate of 4.4%.

Housing prices remain strong compared to the same period in 2019. As of February 2020, single family homes sold for a median home price of \$2.08 million, a notable increase over the past year. The increase in the median home prices correlates with property tax revenue being expected to increase slightly compared to last year due to reassessments of development

projects, and additional TEA property tax share. Due to the timing of property appraisals entering the assessor's role, the City does not anticipate significant impacts to property tax revenues in FY 20-21. When property values are appraised again in January 2021 and are included in the FY 21-22 roll, only then will the City expect to see adverse impacts resulting from COVID-19. Construction activity, although strong in previous years, will continue to flatten out as development projects, particularly Apple Park, are completed. Given the level of volatility surrounding COVID-19 and the uncertainty of recovery time, it is difficult to estimate the timing of significant projects that could have a positive impact on the City's general revenue bases.

Key Budget Assumptions

Revenue Assumptions

Because of COVID-19, the FY 2021 Proposed Budget assumes significant declines in the sales tax and transient occupancy tax categories. Other categories consider assumptions ranging from no growth to conservative growth. As has been done in the past, revenue projections for each category were based upon a careful examination of the collection history and patterns as they relate to such factors as seasonality and performance in the economic environment that the City is most likely to encounter in the coming year. With that, potential COVID-19 impacts were also heavily weighed in determining the most reasonable estimated figures. Given the extreme volatility and high level of uncertainty, staff are prepared to bring forward information and budget adjustments to the City Council throughout the fiscal year and as the COVID-19 situation evolves. Revenue assumptions are discussed in detail in the Fund Summary section under Financial Policies and Schedules.

Personnel Assumptions

The City is entering the second year of its currently effective labor agreements which assume 3.5% cost of living adjustment increases. Equity adjustments, and increases for retirement and health were also included in the increase for compensation and benefits.

In addition, budgeted personnel expenditures factor in salary step increases for approximately 54% of employees who have yet to reach the top step in their classification's salary range. Typically, a step increase is equivalent to a five percent increase in salary with a range of five salary steps.

Non-Personnel Assumptions

Non-Personnel budgets were developed based on actual expenditures in prior years, and then adjusted for FY 2021 funding needs. In addition, one-time projects have been separated out in FY 2021 to ensure that expenditure trends reflect ongoing expenditure needs. Contingency budgets are assumed to be reduced by 50% over the prior year, representing an approximate \$850,000 in savings. Contingencies are calculated at 5% of the total General Fund budget for contractual services and supplies and materials for operating programs. Consistent with past budgets, an additional 5% is allocated to the City Manager's discretionary budget to cover unanticipated program expenses.

Ongoing Challenges

Retirement Benefits

Cupertino provides retirement benefits for its employees through the California Public Employee's Retirement System (CalPERS). Poor investment returns during the Great Recession and actuarial assumption changes have increased the gap between the pension system's assets and liabilities, resulting in the overall funded status of the system falling significantly. The funded status as of June 30, 2019 is estimated at 69%, down from 71% over the prior year due to lower than expected investment returns.

As a result, the CalPERS Board has adopted revised actuarial policies to improve the financial sustainability of the system. In February 2018, the CalPERS board voted to decrease the amortization period for new pension liabilities from 30 years to 20 years, effective July 1, 2019. In addition, in December 2016, the CalPERS Board voted to reduce the discount rate, also known as the assumed rate of return for investments, by 0.5 percentage points to 7.0%. The result of this change is significant and will result in considerable increases in retirement costs well above what the City had previously forecasted for retirement expenses as noted in the table below. As of March 2020, CalPERS year-to-date earnings on investments were at -4%. Assuming CalPERS ends the year in a similar position, or in a position below the 7% desired target, the City can expect to see continued spikes in annual required contributions. The impacts from CalPERS investment earnings would not be included in the City's actuarial reports until FY 22-23 and would be smoothed over a five-year period. As part of the FY 2019 Adopted Budget, City Council approved the creation of a Pension Rate Stabilization Program (PRSP), a Section 115 Trust that will act to stabilize pension rate volatility and minimize the impact on the General Fund's operating budget from year to year. During FY 2019, the City contributed an initial investment of \$8.0 million to the trust. The FY 2021 Proposed Budget includes this \$8.0 million as well as an additional \$4M contributed during FY 2020 as restricted fund balance to provide stabilization through the following ramp-up period as necessary:

Projected Employer Contributions						
	FY20-21	FY21-22	FY22-23	FY23-24	FY24-25	FY25-26
Projected Payroll	\$ 19,490,834	\$ 20,026,831	\$ 20,577,569	\$ 21,143,452	\$ 21,724,897	\$ 22,322,332
Normal Cost (%)	11.3%	11.3%	11.3%	11.3%	11.3%	11.3%
Normal Cost	\$ 2,203,634	\$ 2,264,234	\$ 2,326,500	\$ 2,390,479	\$ 2,456,217	\$ 2,523,763
UAL Payment	\$ 3,607,122	\$ 4,056,000	\$ 4,448,000	\$ 4,724,000	\$ 5,001,000	\$ 4,775,000
Total Contribution	\$ 5,810,756	\$ 6,320,234	\$ 6,774,500	\$ 7,114,479	\$ 7,457,217	\$ 7,298,763
Total Contribution (%)	29.8%	31.6%	32.9%	33.6%	34.3%	32.7%

Revenue Volatility

The City's revenue mix is heavily reliant on volatile business-to-business sales tax, which makes up a large portion of the City's annual General Fund revenues. Business-to-business sales taxes are very sensitive to economic fluctuations as evidenced by Cupertino's experience during the dotcom bust from 2000-2004. Our heavy reliance on the volatile high tech industry also makes us vulnerable. The loss of one of our top three sales tax producers in FY 2013-14 only made the City more reliant on a single tax producer, making us more vulnerable to its business volatility. COVID-19 is expected to significantly increase the volatility of the City's revenues in FY 2020-21; particularly its sales and transient occupancy taxes. While the overall reductions in these

two categories (\$6.9 million) is sure to have a profound impact, the General Fund is well-positioned to absorb the temporary decline and withstand the economic recovery period into the future.

Health Benefits

There is uncertainty around potential repeal and replacement of the Affordable Care Act (ACA) and how it would affect health care costs. Rate increases have stabilized with the implementation of the ACA.

CC 05-19-20

Study Session #22,
Plan Bay Area 2050,
RHNA

Written Comments

Cyrah Caburian

From: Jennifer Griffin <grenna5000@yahoo.com>
Sent: Monday, May 18, 2020 2:55 AM
To: City Council; City Clerk
Cc: grenna5000@yahoo.com
Subject: Relationship of ABAG and MTC

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:

In the City Council Study Session on Tuesday, May 19, can you all discuss the relationship of ABAG and the MTC? Who runs ABAG and who runs the MTC? What is their relationship to each other and how do they interact or overlap? Are they statewide or are they just for Northern California? What is their equivalent in Southern California and is there any overlap in their jurisdictions or areas of responsibility or coverage? Does MTC and ABAG speak for the whole state or just Northern California or just for the Bay Area?

Sincerely,

Jennifer Griffin

CC 05-19-20

Item #24

BMR Housing
Program Update

Written Comments

Cyrah Caburian

From: Myron Crawford <Mccrawford@bergvc.com>
Sent: Thursday, May 14, 2020 11:09 PM
To: Steven Scharf; Liang Chao; Rod Sinks; Darcy Paul; Jon Robert Willey; City Clerk
Cc: kevinm@leewardfinancial.com; Erick Serrano
Subject: Do Not Raise BMR % Requirements Nor In Lieu Fees
Attachments: CCUP Mayor 30 BMR% n Fees.pdf

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.

BERG & BERG ENTERPRISES, INC.

*10050 Bandle Drive
Cupertino, CA 95014-2188
Ph (408) 725-0700 Fax 408-703-2035
mccrawford@bergvc.com*

5/14/20

Mayor & Council Members

City of Cupertino

10300 Torre Avenue

Cupertino, CA 95014

Ph 408-777-3308 3251 Fax 408-777-3333

sscharf@cupertino.org;

liangchao@cupertino.org;rsinks@cupertino.org;dpaul@cupertino.org;

jwilley@cupertino.org;

cityclerk@cupertino.org

kevinm@leewardfinancial.com

Dear Council Members & Mayor,

Reference: Council Agenda 5/19/19

Item Item 24 – BMR Requirements and Fees

Subject: Do Not Raise BMR % Requirements Nor In Lieu Fees

- 1) This is not the time to be raising any fees!!! The financial impacts of the Covid 19 pandemic are not fully understood but it is known that the pandemic will increase costs and decrease revenue for governments and business alike, it is already happening:**
 - a. Governments are losing revenue and will seek to try to recapture that revenue from business with the result of increasing fees and driving up housing costs.**
 - b. Governments may be forced to reduce staff and services increasing development processing times thereby increasing the costs of housing acerbating the housing affordability problem.**

- 2) Inclusionary housing requirements raise the cost of new housing and all existing housing stock.
- a. Developers add the revenue loss between the Maximum sales price of a BMR unit and the market rate onto the market rate units.
 - b. When the newly built units go on the market those sales costs are immediately ceased upon by appraisers and appraisal services as “sales comps” and that has a ripple affect on all, all, all, all existing properties on the market and future listings thereby increasing housing costs.
 - c. You can’t make housing more affordable by making it more expensive and what you are proposing to do is to make housing more expensive with increased BMR requirements and in lieu fees!!
 - d. You are creating a “housing lottery” whereby the lucky housing lottery winner is allocated the opportunity to buy a \$1,500,000 windfall housing unit for \$500,000+-. So a very few benefit from the lottery, whereas that windfall could have been invested in providing subsidies for really basic living units for many other lower income individuals for a temporary solution to their housing issues. The governments should be helping by providing a “leg up” opportunity for many needy not a lifetime housing lottery win for just a few individuals.

Your consultants should be required to have a section in their report describing how all of these proposed fees impact the price of the existing housing stock and future housing cost.

Thank you for your consideration,

Myron Crawford

Cc:

CC 05-19-20

Item #25

MND Regnart Creek
Trail, Joint Use
Agreement SCVWD

Written Comments

Cyrah Caburian

From: M.S. Sathya <mssn@yahoo.com>
Sent: Saturday, May 16, 2020 5:56 PM
To: City Council
Cc: mssn@yahoo.com; mssathya@gmail.com
Subject: Regnart trail project.....

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 Respected council members,

Hope all is well with all your family amidst this calamity of corona virus situation.

This has changed every walks of life and we need to focus on positive steps ahead to make our lives better.

I am writing this email to express my concern regarding the Regnart trail project converting a peaceful neighborhood that was very quiet and reflected the beauty of the city of Cupertino = that is known for its safety and family friendly environment to a possible area with theft, robbery, vandalism, crime with opening this stretch of the trail as desired by a section of the community who are non-residents and putting pressure on the city to open this trail for their possible brief entertainment.

The concerns of the residents in the area has to be top priority as they have chosen this as their HOME for many years. I live adjacent to this trail for the last 25 years and brought up 2 kids going to the excellent school districts in the country and even today enjoy living in this prestigious neighborhood.

I would like to bring up the following points to reinforce my appeal not to proceed with the project.

1. This section of the trail has multiple turns on the way - this is susceptible for crime against kids who may be present on the trail on certain times of the day - there is not much visibility from the road side for any one to see the trail.
2. There are properties on the trail whose front doors are adjacent to the trail - makes it unsafe for residents and offers zero privacy.
3. There are some small wild life who live on certain sections of this creek - frogs, lizards, squirrels and birds. This used to be the nesting and breeding place for the ducks and they are long gone with all the noise and pollution. Please preserve this ecology and environment. There are few places in the valley with such areas.
4. It can not be used for school kids as it is unsafe.
5. Accidents are bound to happen as kids falling into the creek and injuring themselves as certain sections of the trail is very narrow and by nature kids will venture into getting down to the creek.
6. Vandalism is another thing the neighbors need to worry about and could become the camping ground for the homeless people. This is very unsafe to both the residents as well as the walkers by.
7. It will give room for theft and burglary as currently this is well fenced off by the water board and taking care of the maintenance very well.
8. THE WORLD HAS CHANGED in the last 2-3 months - having seen the deadliest virus and calamity of our lives people

are coping and surviving with job loses and loss of their nearest and dearest and this is the time THE HIGLY EDUCATED community elected folks need to look into what is the need of the hour and NOT WASTING ON A FANTASY PROJECT like this one which offers ZERO value to anyone! PLEASE DO NOT VENTURE INTO THIS and use MONEY WISE FOR THE BENEFIT of the residents who have worked hard and paid PREMIUM MONEY TO THE development and the growth of CITY OF CUPERTINO!!!

9. Please don't jump into the decision and freely discuss with the residents and well wishers of this beautiful city.

10. The utilization of the trail will be minimum by all those stake holders who are pushing on this and PLEASE HAVE CONCERN FOR THE LONG TIME RESIDENTS.

I summarize by saying that is a UNWORTHY project to put the residents and community at large into an undesirable risk.

Thanking you and hopefully you will make a decision not to pursue this project.

Best Regards,

Sathya

M.S. Sathyanarayana

(408) 887-0473

mssn@yahoo.com

Celebrating 25 years of residency in beautiful CUPERTINO!!!

Cyrah Caburian

From: Gloria Ezerski <gloryez@att.net>
Sent: Saturday, May 16, 2020 11:06 PM
To: City Council
Subject: creekside trail

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.

I do not understand as to why you, the city, is determined to open and have the public use the Creekside trail. It is unbelievable that you are asking for uninvited problems. We the public are told to wear mask, wash our hands many times because of the virus 19 and yet those who pitch a tent, live on our streets, sidewalks, don't wear masks nor do they have running water to wash their hands.

Please tell me, how can we, those of us who live by the rules, protect ourselves from a sickness, disease, that can and could be passed on to us from them living as they do? A clean environment such as the creek trail is, will it not be inviting to them? Wolfe road near a newly built hotel certainly was inviting for their living quarters.

The state, cities, all are having a homeless problem and yet you the city of Cupertino is inviting it. Money wasted for widening a path to cross the streets to enter the creek, it could have been better spent.

Trees on Farallone Drive need pruning, people have to duck when walking, and a few sidewalks have sunken in and one can easily trip on them. Now this is a project that needs attention.

Our city hall has a nice open space around the library, city hall, where people congregate to visit, a possible place for homeless to pitch their tents. You think not, but it is very possible. They will come when you least expect it.

CRIME, SMELL, DIRTYNESS, is what opening the creek to the public will bring. Tell me, will our homeowners insurance go up because of this ??? Will the children who walk, ride their bikes, unsupervised, be safe?

You have much on your plate to think about before you open the gates to the creek. Please think, think hard and long, for all the headaches you will encounter when the creek opens. When this comes about, you surely will hear YOU WERE WARNED OF PROBLEMS AND YET YOU IGNORED IT.

Thank you for allowing me to speak up. If our Governor can't control the tent city he has, nor will you be able to do so.

I am a concerned resident. Gloria Ezerski

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: Protecting the privacy and security of the residents impacted by the City project

From: benaifer dastoor <bddastoor@yahoo.com>
Sent: Sunday, May 17, 2020 10:56 PM
To: Deborah L. Feng <DebF@cupertino.org>; Roger Lee <RogerL@cupertino.org>
Cc: City Council <CityCouncil@cupertino.org>
Subject: Protecting the privacy and security of the residents impacted by the City project

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.

Hi Deb and Roger,

I hope things are well with you and your families.

I wanted to follow up on the privacy and security barrier and closure of gates sought by the residents abutting the creek. As you are well aware the path will be built within 1.5- 2 feet of our homes and we need a solid barrier protecting our homes especially with the epidemic of homeless encampments in bay area on trails and sidewalks, which has now reached our city too.

As mentioned earlier, substituting one wooden fence with another is not a solution to the privacy and security issues for the residents that will arise as result of the homes being within just 1.5-2 feet close proximity of the path.

Deb, a few of the residents met you and Darcy in early January 2020 and requested you all to look into the issue of providing a concrete solution to the residents' legitimate concerns.

To refresh you memory:

- Residents requested for gate closures at night. Both Darcy and you said that was a reasonable request and it would be seriously considered.
- Providing a 8 feet wall similar to the one that protects the residents on the creekside park portion of the trail. Darcy and you mentioned the concrete wall cost would be high and was not currently approved in the trail budget. There was some brainstorming on the alternatives to a concrete wall which would provide the same level of protection. You assured the residents you would direct the staff to look for alternatives which may not be as expensive as a concrete wall and still offer the same level of protection. You and Darcy also agreed that 8 feet tall could also be permitted for the residents.

I sent you two follow up emails after that meeting, one on Jan 15 and another on March 3. It's been five months since the meeting and the residents have waited patiently for the staff to come up with an alternative that will ensure their protection.

I also would like to mention here that city council's previous approval (\$2.2 M with 365,000 for residents) or budget crisis should not be an excuse to avoid giving protections to the residents whose safety and privacy are jeopardized by the city building the path. There are substantial unassigned funds under the Capital Improvements funds to take care of the legitimate needs of the residents. The options requested by the residents would cost a few more hundred thousands and not millions since the entire path (84 homes) are not going to require a wall. The general plan too has strong provisions requiring the city to ensure that residents' privacy and security are protected at all costs whenever a project is built by the city (sections quoted below).

If the \$2.2 million non-essential trail path can be built during the budget crisis *(the final cost though is going to be way beyond the amount approved by the city council for construction, since the ramp switching and building cost, un-appraised Wilson park land swap (prime 5000 sq feet of open land in the front of the park) were not included in the original cost estimate)*; **if the consultant** *(who after almost two years is still unable to come up with 100% design because of the inherent engineering challenges in this 0.8 miles path and the water district strictures)* **can be given a whopping \$813,000, compared to the \$365,000 cost for the protection of 84 homes**; the city has and can surely provide funding for the legitimate protection sought by the impacted residents. Providing a concrete barrier for the residents will also save the city in the long run from additional work, cost, liability arising out of complaints of vandalism, day time burglaries, & possible homeless encampments at nights on the path.

I am hoping that our tax payer funded City Manager, Public Work's Director and the city councilors will have the strength to follow their conscience and provide security and protection for the tax paying residents adversely impacted by the city's project.

Stay safe and healthy,

Warm regards,
Benaifer Dastoor

.....

POLICY HS-8.5: NEIGHBORHOODS

Review residents' needs for convenience and safety and prioritize them over the convenient movement of commute or through traffic where practical.

STRATEGY:
HS-8.6.1: Local Improvement.

Modify street design to minimize noise impact to neighbors.

LOOKING FORWARD

As Cupertino's resident and employee population grows, the City must identify ways to ensure public safety and support the community's high quality of life. Innovative site design and construction techniques are needed to reduce noise in developments near major corridors and where uses are mixed to ensure compatibility. Fire protection and public safety should be enhanced in a manner that provides a high quality of service while continuing to be scally responsible. The following are ways the City will address key challenges and opportunities facing Cupertino:

NOISE.

As State, regional and local policies encourage mixed-use development near corridors, the City should look to ways to reduce noise impacts on residences near and in such developments through site design, landscaping and construction techniques. Additionally, the City should review locations and site design for sensitive uses including schools, childcare facilities and hospitals to ensure that they are not negatively impacted by noise.

HS-8.2.3: Sound Wall Requirements.

Exercise discretion in requiring sound walls to be sure that all other measures of noise control have been explored and that the sound wall blends with the neighborhood. Sound walls should be designed and landscaped into the environment.

Cyrah Caburian

From: garywong@ix.netcom.com
Sent: Monday, May 18, 2020 11:50 AM
To: City Council; City Clerk
Subject: Comments for Cupertino City Council Meeting - Tuesday, May 19, 2020
Attachments: Public Comment Land Swap_MGWong 20_0518.pptx

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.

This matter pertains to Item 25, Regnart Creek Trail, Items I, J and K, the proposed land swap between Cupertino and Valley Water. Given the late order in the Agenda, if I am not available to make verbal remarks, I would like the City Clerk to read the attached powerpoint comments so that it can be a part of the record.

Approving the land swap is a serious matter and as stewards for the community, we should assure the residents that this transaction is fair, given the disproportionate square footage and locations to be exchanged.

Gary Wong
20 year Cupertino resident

Public Comment

Agenda Item 25 - Regnart Creek Trail Project
Land Swap – Wilson Park Land/Valley Water
City Council Meeting

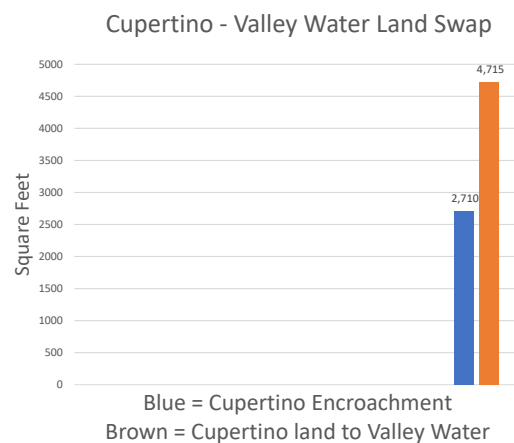
May 19, 2020

Submitted by Gary Wong, Cupertino Resident

1

Proposed Cupertino – Valley Water Land Swap

1. Why is Cupertino giving more land to Valley Water than it is encroaching? 1.74x more
2. Is park land less valuable than an access road?
3. Why is there no appraisal?
4. Why is there no consent or concurrence from Parks & Rec, Accounting Department?
5. Why is there no Fairness Opinion that the Swap is fair to the City of Cupertino?



2

Stewardship of Community Assets

1. City Council and staff have a fiduciary responsibility to care for the assets of the community.
2. What is the value of this land swap?
3. Though no cash is exchanged, any value differential should be included in the Regnart Creek capital budget.
4. How do maintenance and operating costs change with this land swap?
5. How does the City proceed without knowing the value of the land?
6. Why is this land swap “buried” in Item 25, Section K? Shouldn’t this be a separate item and not part of the environmental review?
7. City accounting and finance policy seems to be silent on procedures for such transactions and should be updated for due diligence, disclosure and approval.

3

Recommended Action

- City Council should not approve the land swap until an appraisal is completed
- Council should not approve the land swap until there is a satisfactory answer as to why the City is not swapping a like amount of square footage but offering 74% more land
- The City should not approve the land swap without the concurrence of Parks & Recreation Commission and an analysis by the accounting department

4

Cyrah Caburian

From: benaifer dastoor <bddastoor@yahoo.com>
Sent: Monday, May 18, 2020 7:31 PM
To: Steven Scharf; Liang Chao; Darcy Paul; Jon Robert Willey
Subject: City Council Meeting - Tuesday, May 19 - Wilson Park land swap and Protections for residents

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 Resident Friendly City Councilors,

I am addressing you to remind you of the platform you ran on. You led us to believe that you would truly represent the residents and not special interests or advocacy groups funded by money. I am not sure if we were mistaken and that 'resident friendly' referred solely to your position on the Vallco project.

Vallco is very important for our city, and any development that takes place there will directly impact many of us who live close to Vallco. However, it is not more important than maintaining good ethics, principles and facts on issues across the board for many of us.

You have a responsibility toward all residents, including those who may not belong to any powerful advocacy groups led by city commissioners, but still need to be heard since they are directly impacted by decisions taken by you. The trail decision was taken divorced from facts and under pressure from advocacy groups, backed by the Mayor who was personally vested in this project and encouraged vilifying his own neighbors.

I am not going to litigate the trail decision. That's done. However, even now, **it's not too late to do right by the city and the residents who will be severely impacted by your decision on the trail.** I encourage you to do your own research beyond what the staff says. **Here are some important points to ponder :**

1. The path is going to be constructed within 1.5 - 2 feet of the homes. There are no protections offered to the residents whose homes are going to be in such close proximity to the path. The only thing offered to the residents is a new wooden fence. How does swapping existing wooden fence for a new one protect the privacy and security of the residents? Privacy and security is a protected right for residents in the city's general plan and especially for the residents impacted by a project developed by the city.

2. The residents have approached the staff and you all multiple times requesting for :

- Gate closures at night
- Concrete wall or an alternative offering strong protection to the impacted homes in close proximity of the path, similar to the one offered to the homes on the path extension leading to creekside park. It could be offered as a choice to the residents who seek it along the path.
- These two protections are absolutely needed especially given the spate of home burglaries in the neighborhood where miscreants have scaled the wooden fences to escape and also the current homeless encampment situation that cities are powerless to take action against. Please do not turn a blind eye to the possibility of homeless encampments cropping up on the trail. We already have expanding encampments at 280 S ramp on Wolfe. This problem is not going away anytime soon in the bay area.

3. The consultant, who has yet to complete 100% design, has been allocated \$813,000 as compared to the meagre \$365,000 for the protection of 84 homes of tax paying residents.

4. Whenever we approach any of you or the staff to request that residents are afforded adequate protections, we are informed that the 'council' has made the decision of allocating \$2.2 million for the trail construction and no other money is available for the residents protection. However, you were well aware that the trail construction cost is going to go way beyond the approved \$2.2 m. Darcy, I assume that you read the staff report thoroughly before you made the motion to allocate money to the project (though the motion for budgetary allocation of money for the trail was not on the agenda that night - - possibly a Brown Act violation). The \$2.2 m budget reflected in the staff table of options did not include several key costs that would be needed to complete the project. These additional costs were in the footnotes of the staff report:

- Cost of moving existing ramp in the creek (*Staff presentation (Item #9 - slide 18) footnote*)
- If Council approves continuing with the design of any of the options for this project, \$1,600,000 to \$5,000,000 in additional dollars will be requested and required in the future to complete construction" - *Staff report (page 14)*
- No mention in the staff report of the swap of prime parkland being demanded by the water district

So to summarize my understanding of the situation – council members will approve all the additional/hidden costs (beyond the \$2.2 m already approved) to complete a wasteful, unpaved, non ADA compliant 0.8 miles of path but will not approve any additional amounts to protect the privacy and security of the residents directly impacted by this project. Is there a rationale for this ?

5. And that's not all - in the staff report for the upcoming meeting this Tuesday, **you have been asked to approve a Land swap in Wilson park - 4715 sq ft of prime parkland in the front of the park against 2715 sq feet of Valley Water owned land at the back of the baseball field in Wilson Park.** Was a land appraisal done? Besides doubling the square footage of land swap, what is the value of the land in the front of the park we are parting ownership of ? Was the public informed ? Was there a public hearing ? Has there been any oversight on the staff?

I want to ask: how much of the tax payer funds and property are you willing to squander away for a 0.8 miles of a non-contiguous, non essential, non ADA path (no longer a class one bike route) in one of the safest neighborhoods in Cupertino ? Especially at a time when people are hurting and the city is proposing cutting of vital services like library hours, recreational services, and community grants, while also increasing sales tax – all of these proposed actions impact the vulnerable in our city.

I request that you ensure the **taxpayer money is used wisely** and the **privacy and safety of the impacted residents should be prioritized** in the cost structure when you go ahead with the trail project.

Stay safe and healthy,

Thank you,
Benaifer

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: 05-19-2020 Council Meeting – Agenda Item 25, Regnart Creek Trail

From: Fari Aberg <abergfari@gmail.com>
Sent: Monday, May 18, 2020 8:55 PM
To: City Council <CityCouncil@cupertino.org>
Cc: Deborah L. Feng <DebF@cupertino.org>
Subject: 05-19-2020 Council Meeting – Agenda Item 25, Regnart Creek Trail

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.

Honorable Mayor Scharf, Honorable Vice Mayor Paul, and councilmembers,

I have spent hours going over the recent Regnart Creek Trail documentations, public comments, and response of the City Staff to public comments and still have not seen the residents' basic issues, such as fencing, safety, security, privacy, and noise, addressed in an acceptable manner.

At the top of my list is safety and security for which I would like you to entertain these options, please, for the proposed Regnart Creek Trail:

- 1) Gate Closure between dusk and dawn.

City Manager's Community Letter Regarding COVID-19 Fiscal Impacts dated May 6, 2020 partially reads:

"With declining revenues for the next several years, difficult but necessary decisions must be made to bring expenditures into line.

...

Such difficult but necessary actions may lead to:

...

Longer planning, code enforcement, and public safety response times"

The above is yet another reason to make sure our safety is intact by closing all the gates to the trail at night.

- 2) Installation of a concrete wall, similar to the existing wall between E. Estates Dr. and Creekside Park, in place of the wooden fence.

With all due respect, all of us already have a wooden fence, however, with the construction of the trail, we are in need of better fencing to provide each resident with additional security and reduction of noise due to trail traffic.

Thank you for your consideration.

Regards,

Fari Aberg

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: Land Swap in Wilson Park -Important

From: viji.ilango@yahoo.com <viji.ilango@yahoo.com>
Sent: Monday, May 18, 2020 9:41 PM
To: Roger Lee <RogerL@cupertino.org>
Cc: Gopal Kumarappan <gkumarappan@cupertino.org>; Sashi Begur <SBegur@cupertino.org>; Randy Schwartz <RandyS@cupertino.org>; Deborah L. Feng <DebF@cupertino.org>; City Council <CityCouncil@cupertino.org>; City Clerk <CityClerk@cupertino.org>
Subject: Fw: Land Swap in Wilson Park -Important

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Thank You for your reply Roger.

I am surprised that this is not important enough for the Park and Rec commissioners to be even made aware of this important land swap or weigh in on this issue before it comes to the council.

When the City sends notices even for temporary dog park, I am concerned that a land swap does not deserve the same notice.

I believe the parking will be affected by this land swap at the north west corner. Please let the council of the facts.

Thanks,
Viji

----- Forwarded Message -----

From: Roger Lee <rogerl@cupertino.org>
To: viji.ilango@yahoo.com <viji.ilango@yahoo.com>
Cc: Gopal Kumarappan <gkumarappan@cupertino.org>; Sashi Begur <sbegur@cupertino.org>; Randy Schwartz <randys@cupertino.org>; Deborah L. Feng <debf@cupertino.org>
Sent: Monday, May 18, 2020, 08:42:15 PM PDT
Subject: Land Swap in Wilson Park -Important

Viji,

Tomorrow evening the City Council will consider various actions relating to the implementation of Regnart Creek Trail. One action is a proposed land exchange between Valley Water and the City. Valley Water owns a long strip of land, roughly 15 feet wide, which borders the south edge of Wilson Park. The existing baseball fields at Wilson Park encroach onto Valley Water's ownership by a little over 2,700 square feet. The recent coordination with Valley Water to develop a Joint Use Agreement for the trail, offered a good opportunity to also rectify this encroachment.

Staff is recommending an exchange involving ~4,715 sq feet of land with Valley Water, which would result in the City's acquisition of the area of the baseball field encroachment plus the rest of the Valley

Water "strip" that extends eastward from the ball fields. This area of land already has a Valley Water easement within it with an effective area of about 2,000 square feet. This acquisition will allow the parts of Valley Water's current ownership that are in active use as park and recreation space, to become City-owned property. In exchange, Valley Water will acquire an equal size property (when adjusted for the existing effective easement area) at the southwest corner of the site that is not in active use, and that is not programmed for recreation activities. The exchange will facilitate Valley Water's maintenance and stewardship activities for Regnart Creek. The action is proposed as a mutually agreeable land exchange which is covered by code, as cited in the draft resolution provided. An appraisal is not required for this transaction.

The exchange involves a swap of less than 5,000 square feet, of adjacent and contiguous property and the City Council has the authority to consider and approve this exchange. The zoning and land use designations remain the same. The proposed action will ensure that Wilson Park's active use areas will be protected by City ownership, and can continue to offer their current recreational uses and community benefits. As there is no change to the existing area of the park that is programmed, there is no requirement that this item be first considered by the Parks & Recreation Commission.

The agenda posting is the only required notice, however an e-notification to everybody on the Regnart Creek trail notification list went out last week.



Roger Lee

Director of Public Works
Public Works

RogerL@cupertino.org

(408) 777-3354/3350



From: "viji.ilango@yahoo.com" <viji.ilango@yahoo.com>

Date: May 17, 2020 at 11:54:48 PM PDT

To: Sashi Begur <SBegur@cupertino.org>, Gopal Kumarappan <gkumarappan@cupertino.org>

Subject: Fw: Land Swap in Wilson Park -Important

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.

Re sending this email because Commissioner Begur's email ID is misspelled in City Website.

Thanks,

Viji

----- Forwarded Message -----

From: viji.ilango@yahoo.com <viji.ilango@yahoo.com>

To: gkumarappan@cupertino.org <gkumarappan@cupertino.org>; sbergur@cupertino.org <sbergur@cupertino.org>

Sent: Sunday, May 17, 2020, 11:50:22 PM PDT

Subject: Land Swap in Wilson Park -Important

Dear Parks and Rec Commission Chair Kumarappan and Commissioner Begur.

Land swap agreement between Valley Water and City of Cupertino along with IS/MND of Regnart Creek Trail is on the City Council agenda on Tuesday May 19th, 2020.

The City's Wilson Park baseball field is encroaching 2715 sqft of land that belongs to Valley Water(see Proposed resolution K). The City Staff is recommending to swap 4715 sqft of land with Valley Water that is adjacent to the baseball field to another plot of land in southwest corner which is adjacent to the parking lot (see attached supplement J)

I do not understand why the City has to swap 4715 sqft of prime land when we are just encroaching 2715 sqft for baseball field. Also there is no land appraisal of both plots. There must be a difference in value between the plots because one of the plot that the City is giving away is closer to the parking lot(some parking spots may be removed) and must have a higher land value than the strip of land that is closer to the creek. (see supplement j)

I also do not see a record of the land swap issue coming to the parks and rec commission for your input. It looks like the public works that is initiating the land swap did not bring this issue to the commission for your review.

The land swap should not be done without appraisal and proper oversight. This item should be reviewed by your commission before it goes to the council.

Thanks,

Viji

Agenda for City Council May19th below

<https://cupertino.legistar.com/View.ashx?M=A&ID=732520&GUID=B8BBF48D-6254-4F72-ACE2-ABA93F15FE00>

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: Why there is No Regnart Trail Design Update at the council meeting next Tuesday?

From: viji.ilango@yahoo.com <viji.ilango@yahoo.com>
Sent: Monday, May 18, 2020 9:51 PM
To: Deborah L. Feng <DebF@cupertino.org>
Cc: City Council <CityCouncil@cupertino.org>; City Clerk <CityClerk@cupertino.org>
Subject: Re: Why there is No Regnart Trail Design Update at the council meeting next Tuesday?

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.

Thanks for your reply Deb.

My request was to bring couple of slides as design update and show the plans as it stands today. This could have been an excellent opportunity for the staff to explain where they are in design process and how far along they are in mitigating important challenges in this design. The City keeps insisting that they have solved the problems and the residents feel otherwise.

I can see the staff does not want to be transparent to the council/public.

Thanks,
Viji

On Monday, May 18, 2020, 08:58:02 AM PDT, Deborah L. Feng <debf@cupertino.org> wrote:

Good Morning Viji,

Thank you for your email. I have blind copied the City Council. All of the items in front of the City Council below; the MND, the Joint Use Agreement, and the Land Swap Agreement are certainly related to the project, however, they don't really drive the design. The City Council will be considering the design of Regnart Creek Trail in the future, using information in these documents to inform the design is how it is done.

Deb



Deborah L. Feng

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



From: viji.ilango@yahoo.com <viji.ilango@yahoo.com>
Sent: Saturday, May 16, 2020 11:08 AM
To: Deborah L. Feng <DebF@cupertino.org>; City Council <CityCouncil@cupertino.org>
Subject: Why there is No Regnart Trail Design Update at the council meeting next Tuesday?

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 Deb and Council Members,

Regnart Trail IS/MND , Joint Use Agreement, Land Swap Agreement with Valley Water(VW) is an agenda item next Tuesday, May 19th.

Its been 8 months since the Council had approved an unpaved Non ADA complaint trail. The council approved a new unpaved path with one bridge and relocating the ramp. We have not heard anything about the status of the new design and how far the City is in mitigating residents concerns. Just a subjective statement from staff report is not good enough. Please give concrete data along with design plans. This council is approving to swap important City lands and entering into JUA with VW, but have not seen even a preliminary design of this new unpaved trail and the staff has no intention to even show it to the council and public. Let us know why the staff decided not to bring the design update along with all agreement approvals. It just a matter of adding few more slides and providing the current plans so public and the council knows what is going on with the design and mitigating solutions.

By not providing design update,it shows that the City is not being transparent and has no intention in solving residents problems.

Thanks,

Viji

Cyrah Caburian

From: Ilango <ilangog@yahoo.com>
Sent: Tuesday, May 19, 2020 12:50 AM
To: City Council
Cc: Cupertino City Manager's Office; City Clerk
Subject: Written Communication CC agenda item #25 - Regnart Creek Trail

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 Council members,

I would like to bring to your attention for the record that certain processes were circumvented or violated during the proposed Regnart Creek trail approval.

1. The City Council Agenda item #9 on Sep 17, 2019 was to consider various trail improvements options and alternative trail alignments and if the design continues to consider an increase to the design and environment budget from \$538K to \$813K. However, in addition the item on the agenda, the City Council decided to do a budget allocation of \$2.2M for construction of the trail which was not in the Council agenda.

As per the Brown Act, the public's business is conducted openly are the requirements that legislative bodies post agendas prior to their meetings (Sections 54954.2, 54955 and 54956) and **that no action or discussion may occur on items or subjects not listed on the posted agenda** (Section 54954.2(a)(2)).”

However, the Council did a budget allocation of \$2.2M for construction of the trail that was not part of the agenda item #9 (or the proposed resolution), a violation of Brown act. The Council brought this budget adjustment for discussion and allocated millions of dollars, after the public hearing was closed for this agenda item, and the members of the public (including me) were denied of their right to speak/comment on this item.

I was surprised that this happened under the watch of the new Council that was elected to ensure proper processes are followed in the City of Cupertino.

(BTW, this is not the first time, the previous Council allocated \$100K funds to initiate feasibility study of Regnart Creek trail that was not on the agenda in Jun 2017).

2. This project was not reviewed by the Planning Commission for consistency with General plan. Per the Municipal code (2.32.070) “Annually review the capital improvement program of the City and the local public works projects of other local agencies for their consistency with the General Plan (pursuant to Sections 65400 et seq. of the California Government Code);”

During a CC study session on Aug 20, 2019 to review the process on how the Bicycle and Ped plan projects, the Council (Current Vice Mayor and then Council member Darcy Paul) pointed to the Municipal code (2.32.070) and asked the Staff to place greater scrutiny on projects outside of CIP process, and to modify the flow chart to include Planning commission recommendation of conformance to General plan before it goes to the Council.

However, this process was not followed before allocating budget for the Regnart Creek trail. The same Council that insisted on following the process looked the other way when the budget was allocated for construction (even when the design was not ready).

I know the Council decided to look the other way and approved an unpaved pedestrian path that does not confirm to 2016 Bike plan that specifically calls for Class 1 facility because there was heavy lobbying from the special interest advocacy groups.

I have spoken many times at the Council meetings regarding the issues with the trail, presented facts that the standards/guidelines for proper shared use path are not being followed on this unpaved trail design, including the sight distance issues in S. Blaney that are yet to be addressed, Vice Mayor Darcy Paul raised this issue during September 2017 meeting and the City has still not performed this analysis and the analysis has not been included in the IS/MND.

I request the Council to take care of the affected residents first by ensuring proper mitigation measures for privacy, safety, security and noise are provided to the residents who live along the Creek.

Stay safe and healthy,

Thanks,
Ilango Ganga
Cupertino Resident
Representing myself.

References:

CC: Agenda item #9 Sep 17 2019, *“Subject: Receive information report and presentation on Regnart Creek Trail 65% design and revised estimated costs; consideration of various trail improvement options (some of which also include on-street bicycle improvements) and alternative trail alignments to the proposed trail (on-street Alternatives 4 and 5); and, if design of the proposed trail continues, consider an increase to the design and environmental budget.*

Recommended Action: Receive information report and presentation on Regnart Creek Trail 65% design and revised estimated costs; trail improvement options, and Alternatives 4 and 5 to the proposed trail; and if Council continues to move forward with design of the proposed trail:

- 1. Provide direction to staff regarding completion of design with a preferred trail improvement option A, B, C, D, E, or F; and*
- 2. Adopt draft Resolution 19-115 amending the FY 2019/20 Capital Improvement Program budget to increase the budget to perform design and environmental clearance services from \$538,000 to \$813,000.”*

Minutes of CC meeting Aug 20, 2019 SS item #1 *“Paul: Place greater scrutiny on projects outside annual CIP process; **modify flow chart to include Planning Commission recommendation of conformance to the General Plan before goes to Council**; Planning Commission agenda item# 4 from 5- 28- 19 meeting includes text of General Plan conformance and Cupertino Municipal Code (CMC) that governs review of CIP; our CMC requires only annual review but Government Code could possibly include additional review; maybe amend CMC to cover certain projects and have City Attorney's Office look into this. (Chao support last item).”*

Cyrah Caburian

From: Ilango <ilangog@yahoo.com>
Sent: Tuesday, May 19, 2020 8:15 AM
To: City Council
Cc: Cupertino City Manager's Office; City Clerk
Subject: Comments on IS/MND (Regnart Creek trail). CC agenda item #25, May 19, 2020

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 Council members,

I would like to summarize my comments submitted on IS/MND for the unpaved pedestrian path "Regnart Creek Trail" agenda item #25 CC meeting.

I specifically characterize this as an unpaved "pedestrian" path, because that is exactly what this is, as per the national, state or county guidelines this path cannot be designated as shared used path or bicycle facility (Class I, II, III or IV: Reference Caltrans High way design manual chapter 1000 Bicycle transportation design). Though the City may be allowing people to bike on the proposed unpaved path at their own risk.

1. The City has not done proper noise analysis considering the trail is running less than 2 ft from the residences. As I have raised in my comments (see below), the IS/MND does not include noise measurements closer to the residential property lines (fences) and did not consider traffic patterns on the trail. This issue was raised during the ERC committee discussion and the City did not provide sufficient justification as to why the analysis was not done at <2ft from residences. (Also refer to additional comments submitted by Council member Chao to ERC on this issue).

2. Safety issue not addressed on Blaney crossing: The new resident on S. Blaney Ave has raised a comment that the IS/MND has not addressed the safety issue nor included detailed analysis on the Blaney crossing (comment 1.1 below included for reference). This issue was also raised by Vice Mayor Darcy Paul during the Sep 2019 meeting and specifically directed the staff not to give subjective statement but to provide detailed analysis. Per IS/MND, the City has not performed the analysis on this safety issue. It is important that this issue should be analyzed in detail and documented in the IS/MND before Council approval.

3. The City has not yet addressed the solution for privacy and security issue for residents on Lozano lane. The Valley Water District is willing to work with the City to provide a solution (VW letter is referenced in ERC written communications). Per that communication, the City has not reached out to VW regarding this issue even though the Council directed the City Staff to work on finding a solution to the residents in Sep 2019. The solution should be fully addressed in coordination with VW and any visual impact (this is an environmental issue) due to the final solution should be analyzed and documented in the IS/MND before Council approval.

4. Many trees lined on the South side of the library field will be significantly impacted due the proposed construction of the trail connector between the trail head on Pacifica and Torre. There is no detailed plan and no Arborist report/analysis noted in the IS/MND. Detailed analysis with plans for this section with Arborist report should be included in the IS/MND document before Council approval.

5. I don't see a good reason for bringing the JUA (Joint use agreement with VW) and Land swap agreement along with IS/MND to the Council on May 19th. According to Valley Water, *"The JUA is a document that assigns operational, maintenance and liability responsibilities between the respective agencies and is Valley Water's approval for the use of its facilities for recreational purposes."*

This implies JUA is for operational purposes, which can be done after the design is complete. The City is still working on the designs to address the above issues among other design considerations. So it makes logical to bring the JUA and Land swap agreement after the design is fully complete when all the issues are addressed. (for e.g. refer to point 3 above that requires resolution with VW). I believe the Council should focus the May 19th discussion on Environmental review and table the JUA and Land Use agreement and ask the City to bring it back at a later date.

The Council approved to proceed with the design of an unpaved path along Regnart Creek last September, however, it is also the responsibility of the Council to ensure the safety of the users and to mitigate the issues for peaceful living of the residents adjacent to the trail. I believe some of the difficult issues as noted above are yet to be addressed.

The real value of an unpaved pedestrian path (without guard rails on about 50% of the creek) is dubious or questionable when there exists on-street paved pedestrian facilities on tree lined streets parallel to this proposed trail. It is not the best use of tax payer funds when the City is strapped for funding due to the unprecedented economic situation and financial impact due to Covid-19.

Additional comments attached below.

Stay safe and healthy.

Thanks,
Ilango Ganga
Cupertino Resident
Representing myself.

Comment 1.1 on IS/MND by a resident on S. Blaney: We recently purchased the property at 10301 S. Blaney Ave Cupertino. Our driveway is few feet from the Regnart creek/bridge. Given the location of the proposed crosswalk and barrier in the middle of the road any car or passenger van backing out of our driveway have to go over the pedestrian crossing. In the initial report section 4.17.2, "Impact TRN-3" states that, the geometric design has "less than significant impact". We have serious concern about the location of the crosswalk on the safety of pedestrians, especially children on bicycle. We are concerned about children crossing in bicycle and vehicles backing out of the cross walk at same time. Safety can be improved significantly by locating the proposed cross walk away from the driveway entrance. That give enough space between the

pedestrian crossing and vehicle backing out of the driveway. We are hoping our concern is addressed for the safety of all.

From: Ilango <ilangog@yahoo.com>

Sent: Thursday, April 16, 2020 10:00 AM

To: City of Cupertino Planning Dept. <planning@cupertino.org>

Cc: Liang Chao <LiangChao@cupertino.org>; Kitty Moore <Kmoore@cupertino.org>; Jon Robert Willey <JWilley@cupertino.org>

Subject: Oral comments ERC committee Agenda item 3 - Regnart Creek Trail - Apr 16, 2020

Dear Chair and Committee members,

I am making these oral comments on IS/MND for Regnart Creek Trail project as a Cupertino resident. I had earlier sent written comments with more details (see attached below), I request the ERC committee to consider my comments during the public hearing before making a determination.

Summary of my key points are:

1. The noise analysis made in the study is not adequate as documented in my comments to IS/MND. Among other points, the City has not performed operational Noise analysis with the projected traffic profile models specific to the Regnart Creek trail. The City has previously implied that many hundreds of users will be using this trail. The aggregate noise generated by these noise sources should be included in the study and mitigation measures provided to adjacent residential units before proceeding further on MND.

2. Aesthetic impact study not complete: The City is still working with adjacent residents and in the process of coming up with solutions for addressing security, safety, privacy, noise issues. The Valley Water has indicated recently that they are willing to work with the City in providing solutions to mitigate the adverse effects to residents. The City Council has given clear direction 6 months ago to work with the residents to find solutions and provide mitigation measures, however the City has failed to provide complete solution in designs at the time of posting the IS/MND for public review. The City needs to complete the designs with proper solutions working with VW and then analyze the environmental impact before bringing this forward to ERC.

3. Design plans not complete: The City still is working with VW on some of the issues such as drainage plans at the time of public review of IS/MND, so the designs were incomplete.

Hence I request ERC committee to postpone the determination of MND vs EIR and require the City to complete the designs in entirety including solutions to adjacent residents and other outstanding issues like drainage, bridge, maintenance ramp and study the environmental impact to the channel and adjacent residential properties based on the final plans and bring back the environmental impact and mitigation measures for public review and to ERC committee for further determination on MND vs EIR.

On a final note, I do not understand the urgency in bringing this non-emergency unpaved trail project for public hearing during the pandemic situation where the public is not able to broadly participate during the shelter in place order. Why can't the City wait to fully

complete the designs and bring it back when the shelter in place order is lifted in the next few weeks. Stay safe.

Thanks,
Ilango Ganga
Cupertino Resident

----- Forwarded Message -----

From: Ilango <ilangog@yahoo.com>

To: planning@cupertino.org <planning@cupertino.org>

Cc: Kitty Moore <kmoore@cupertino.org>; Liang Chao <liangchao@cupertino.org>; Jon Robert Willey <jwilley@cupertino.org>

Sent: Thursday, April 16, 2020, 01:30:30 AM PDT

Subject: Written comments ERC committee Agenda item 3 - Regnart Creek Trail

Dear Chair and Committee members,

I am submitting the following comments on IS/MND as a Cupertino Resident, for consideration by ERC committee.

1. Inadequacies in Noise analysis:

I have submitted comments on IS/MND that the City has not performed adequate noise analysis considering various operational noise profiles. The City in its response provides generic and subjective answers instead of addressing the specific conditions that were omitted in its noise analysis.

The operational noise analysis (IS/MND, Appendix C) did not include the expected traffic profile on the trail, this should be based on the projected number of trail users, number of pedestrians, joggers, bicyclists, bidirectional, peak and average numbers during the day, among other parameters. This should be specific to Regnart Creek trail path considering the path is less than 2 feet from the residential property lines on large sections of the trail, and in sections run in front of properties, side and behind the properties as well.

For example, N number of bicyclists talking and passing on an unpaved decomposed granite path is different than 1 cyclist; N number of kids shouting while walking is different than 1 kid shouting or N people talking. Noise profile for residences in front of the property is different than two feet next to property line and is different when the people are crossing the bridge.

The noise analysis should include projected models based on actual conditions this trail will be subjected to and proper mitigation measures should be provided for residents on various sections behind the trail and in front of the trail. How can the City (lead agency) say that there are no impact when the City is still working with residents on solutions to various sections of the trail even during and after the public review period.

The City should perform proper noise analysis after the design is completed and proper mitigations measures have to be provided before ERC committee can make a determination between MND vs EIR

2. Aesthetic Impact: The section 4.1 and 4.1.2 of IS/MND says there are no impacts to existing visual character, quality of public views of the site and surroundings etc., The city has not yet provided solution and/or is still working on a solution with residents on various sections of the trail. The Aesthetic impact to these solutions will not be known until the solution(s) is/are completed and incorporated in the plans. It is misleading for the MND document to say that there are no aesthetic impacts when the City has not completed the solutions to adjacent residents. Public (including me) was deprived of making comments on the Aesthetic impact as the public was not made aware that the solutions are not complete.

The city should complete the solutions and designs for the fencing, safety, security, privacy, noise issues, and then the City should analyze the environmental impact due to the final solution(s) and present the mitigation measures to the public for review and to the ERC committee before making a determination on MND vs EIR.

3. The City as late as Feb 24th was working on drainage issues and inability to drain away from the channel in all reaches. This means that the drainage plans were not complete and the City was still working with Valley Water on drainage plans during the IS/MND public review period. The impact of drainage on the creek channel and/or the adjacent properties and any mitigation measures cannot be understood until the plans are completed.

The City should complete the drainage plans and do the environmental impact study and present the mitigation measures to the public for review and to the ERC committee before making a determination on MND vs EIR.

As per the Cupertino City Municipal code (2.84.080) the Environmental Review committee makes a determination based on the initial study and environmental impact if the project should be recommend for Negative Declaration or shall require Environmental Impact Review.

Since the design plans are not fully complete (and as of public review period was not complete), I request the ERC committee to require the City (in this case the lead agency) to complete the design plans, complete the solutions to adjacent residents and then study the environmental impact based on the completed plans and provide the mitigation measures for public review and to ERC committee to make a determination on MND vs EIR. It is premature to approve the MND when the city is still working with the residents and Valley Water on designs/solutions.

Thanks,

Ilango Ganga
As Cupertino resident

----- Forwarded Message -----

From: Ilango <ilangog@yahoo.com>

To: David Stillman <davids@cupertino.org>

Sent: Monday, March 9, 2020, 11:52:06 PM PDT

Subject: Comments on IS/MND - Regnart creek trail

I am submitting the following comments on the IS/MND as a Cupertino resident.

1. Section: 4.13.1.3: Noise measurement locations and noise levels: Long term noise measurements were not performed on the sections of the path behind the Lamar Drive from Blaney to East Estates drive and behind De Palma Lane. Long term noise measurements should be performed and noise level trends to be plotted for this section of the trail as well.
2. Section 4.13.2.1 Operational noise: The analysis assumes nearest residential property line would be approximately 6 ft from the center of the trail. However, the trail is a bidirectional trail with people biking, walking, jogging on both direction that may be as close as or less than 2ft from the property line. The analysis should include noise sources 2ft or less from the property line and the noise source could be as tall as or taller than 5-6 ft that is the height of the fences.
3. The analysis shows the noise level of 50-55dBA at 20ft for noise sources (people talking, etc.,). The noise level at less than 20feet and as close as 2 ft to the residential properties should be shown as well.
4. At a distance of 6 ft from noise source talking and laughing would generate 61-66 dBA and shouting, etc., would generate up to 81dBA at the nearest property line. This analysis does not show the aggregate noise due to the number of people walking, jogging, biking along the trail and duration of the traffic and peak and average periods during the day. The analysis/model does not take into account the number of people that will be generating this noise and the time of the day. The city has projected hundreds of people walking/biking and using this trail. So the analysis/model should include the projected number of people using the trail and calculate the aggregate noise generated during various periods. It makes a subjective assessment that the activities would be "short" along the trail, however there will volumes of people moving along the trail, projection for current and future growth of traffic should be estimated and used for the analysis.
5. The analysis shows the wooden fencing would have 5dBA reduction however during to varying grade levels and the noise source being elevated 5-6 feet from the ground level would have line of sight or closer to the top fence line, hence the attenuation of 5dBA is not applicable for all properties along the trail. The analysis should be more specific to show and illustrate the noise sources, attenuation, distance from property lines and actual or projected noise level for different residential units along the trail path.
6. The noise analysis does not show the biological impact to habitat, species along the trail. The biological impact of operational noise and as well as impact due to construction should be analyzed and documented in the study.
7. The study shows that existing fences will provide 5dBA attenuation during construction, however this is not applicable to all the residential units. So barriers should be used to attenuate the noise to the residential units to adequate levels during construction.

Thanks,
Ilango Ganga
Cupertino Resident

Cyrah Caburian

From: Jeonghee Yi <jeonghee.yi@gmail.com>
Sent: Tuesday, May 19, 2020 11:26 AM
To: City Clerk; City Council
Cc: Jeonghee Yi
Subject: Comments for Cupertino City Council Meeting (Item 25) - Tuesday, May 19, 2020

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 Cupertino City Council:

I live on La Mar Dr abutting the Regnart Creek trail. Recently, I was surprised to see a few young strangers casually walking on the trail behind my backyard. What surprised me further was how much I could hear them from MY ROOM facing the trail with the window left open ! The noise was high enough to catch my attention while I was working and I was able to hear their conversations. This was a sober reminder that passerby's could hear us speaking even in our rooms, not to mention in our backyard.

The MND dismisses noise impact based on a flawed study that measured 6 feet from the property line that is farther from even the center of the 10-foot wide trail. Yet my real world experience confirms noise and the loss of privacy would be real and severe unless mitigated by a sound wall or better noise protection material than a wooden fence.

Homeless encampment and the consequences are of big concern, too. But the only response from a city official is that they would not come if people can see them. That argument has been proven to be wrong. They have settled down near the 280 entrance even with intense public sights and the city has kept on failing to relocate them away. The best strategy is always a prevention, and we need to close the gates every night and enforce everyone leave before the gates are closed.

The privacy and security concerns are not out of paranoia, but real.

Through many channels residents have requested for the mitigations, but we have't heard any progress on that yet. I understand the additional protection requires more budget. I urge the council to allocate additional budget and direct the city to provide the necessary mitigations. Protecting the citizens is the duty of the city and the council.

Lastly, the recent COVID-19 outbreak has brought great challenges to the city's budget and the city must focus on only essential projects. RCT is not essential. It should wait until the budget situation improves enough to be able to afford proper mitigations to the impacted residents, if budget is the limiting them doing so.

In summary, I urge the city council do not approve the flawed MND. Further, the city and council should consider postponing the RCT construction.

Sincerely,

Jeonghee Yi
Cupertino resident

Cyrah Caburian

From: Liana Crabtree <lianacrabtree@yahoo.com>
Sent: Tuesday, May 19, 2020 1:18 PM
To: Steven Scharf; Darcy Paul; Liang Chao; Rod Sinks; Jon Robert Willey; Cupertino City Manager's Office
Cc: City Clerk
Subject: written communication for Agenda Item 25, "Regnart Creek Trail" for the 5/19/2020 Council meeting

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.

Honorable Mayor Scharf, Vice Mayor Paul, Council Members Chao, Sinks, and Willey, and City Manager Feng:

Please include this letter as part of written communication for Agenda Item 25, "Regnart Creek Trail" for the 5/19/2020 Council meeting.

With respect, I request Council to consider the following actions:

(1) to suspend and to reconsider the Regnart Creek Trail project because the (a) project does not mitigate routes with histories of serious collisions, such as Bollinger Rd; (b) the project apparently grows and changes outside of the public's view; and (c) the project directs city funding to a controversial and divisive infrastructure change at a time of deep revenue losses and dim economic prospects for the near and intermediate terms. While the portion of the trail that runs adjacent to the eastern edge of Library Field and the Civic Center parking lot from Pacifica Dr to Rodrigues Ave offers enhanced pedestrian and cyclist access to Civic Center Plaza, the balance of the trail stirs discord among many community members over concerns of cost vs. benefit, safety, privacy, and security of homes along the proposed route.

(2) to remove the portion of the Regnart Creek Trail project that encroaches on the southern edge of Library Field. Established shade trees are planted within 7-8 feet of the existing sidewalk on Pacifica Dr at Library Field. The ground between the sidewalk's edge and the southern row of trees is elevated relative to the sidewalk's edge, and tree roots are visible more than 3 feet radiating from the tree trunks. Widening the path is unnecessary for anyone interested in accessing the trail, will stress trees, and will reduce the amount of available shade available to Library Field visitors.

(3) finally, as a future but prioritized action, to take steps to preserve Library Field as the valued park and play space that the community appreciates today. Please recognize Library Field as a 3.0 acre or larger park. As you are aware, access to parkland and shade improves the mental and physical health of neighborhood residents. Neighborhoods east of De Anza Blvd face both increased pressure to add residents while also already having more residents share less parkland than neighborhoods located west of De Anza Blvd.

Sincerely,

Liana Crabtree
Cupertino resident
representing myself only

News Items Relevant to Topics Referenced in this Letter

Bollinger Rd Collisions (Cupertino/San Jose)

"Pedestrian Dies After Being Hit by Car in West San Jose (Bollinger Rd at Wunderlich Dr)", Mercury News, 5/12/2019

"Child on Bike Hit at Corner of Bollinger Road and Wunderlich Dr", Patch, 2/28/2013

"Car Crashes into Cupertino Home, No One Hurt (Bollinger Rd, Rancho Rinconada neighborhood", KTVU, 11/10/2017

Economy

"In a joint appearance before the Senate Banking Committee on Tuesday (today, 5/19/2020), Treasury Secretary Steven Mnuchin and Fed Chair Jerome H Powell offered a stark assessment of the fragile state of the economy, warning of more severe job losses in the coming months." New York Times, online edition, news clipping, 5/19/2020

Parks, Shade, and Community Health

"Proximity to Urban Parks and Mental Health," US National Library of Medicine, National Institutes of Health, March 2014

"How Sacramento's Urban Forest Divides the City, in Health and in Wealth", Sacramento Bee, 10/10/2019

Cyrah Caburian

From: Karen Poon <karen.poon@yahoo.com>
Sent: Tuesday, May 19, 2020 2:58 PM
To: City Clerk
Subject: RCT comments

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 members,

I would like to bring up some concerns regarding the RCT project.

- 1) Nightly gate closures for increased security should be implemented. This will deter criminal activities and homeless tents along the trail.
- 2) Sound wall and/or better material and higher height of the fences to mitigate noise and privacy concerns
- 3) With the current Covid-19 pandemic crisis, the city is expecting substantial revenue loss due to COVID-19. As a result the city started implementing budget reduction measures, such as terminating/furloughing part-time and non-essential workers. The RCT is not a urgent or essential project. The money should be spent on more essential businesses.

Thanks,
Karen Poon
19675 La Mar Drive

Cyrah Caburian

From: York Poon <yphoon@yahoo.com>
Sent: Tuesday, May 19, 2020 3:09 PM
To: City Clerk
Cc: Karen Poon
Subject: Concern over RCT Project

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,

I am very concerned by the pending RCT project.

1) Nightly gate closures for increased security should be implemented. This will deter criminal activities and homeless tents along the trail. It is a very long trail with only 2 exits, one at each end. The risk associated with the design is very high.

2) Sound wall and/or better material and higher height of the fences to mitigate noise and privacy concerns.

3) With the current COVID-19 pandemic crisis, the city is expecting substantial revenue loss. As a result the city started implementing budget reduction measures, such as terminating/furloughing part-time and non-essential workers.

The RCT is not a urgent or essential project. The money should be spent on more essential businesses.

Thanks,
York Poon
19675 La Mar Drive

Cyrah Caburian

From: Suraj Dalvi <sun.dalvi@gmail.com>
Sent: Tuesday, May 19, 2020 4:14 PM
To: City Clerk; City Council
Subject: RCT comments - Agenda for 05/19/2020

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.

Respected City Council members and City Clerk,
Please do consider these comments during the city council meeting today:

1. City staff has still not worked with the residents on the security and noise issues (I have talked to them over email and it was pushed out twice). With the wooden fence, I am not sure how my 2 story house on La Mar will be protected against the security and noise issues. City was planning to propose a new type of wall for my situation - pushed out due to Covid rules.
2. Social distancing - How is social distancing planned to be maintained on these trails when they abut our property fence by 2 ft. Are we supposed to not be in our backyards during social distancing?
3. Is this such an essential project that it needs to continue during this time of economic strain for the city?

Thanks
Suraj Dalvi

Cyrah Caburian

From: City of Cupertino Written Correspondence
Subject: FW: RCT Concerns

From: Timothy Poon <timothy.poon520@gmail.com>
Sent: Tuesday, May 19, 2020 3:26 PM
To: City Clerk <CityClerk@cupertino.org>
Subject: RCT Concerns

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 members,

I would like to bring up some concerns regarding the RCT project.

- 1) Nightly gate closures for increased security should be implemented. This will deter criminal activity along the trail.
- 2) Noise and privacy concerns should be mitigated through better and higher fences.
- 3) With the current Covid-19 pandemic crisis, the city is expecting substantial revenue loss due to COVID-19. As a result the city started implementing budget reduction measures, such as terminating/furloughing part-time and non-essential workers. The RCT is not a urgent or essential project. The money should be spent on more essential businesses.

Thanks,
Timothy Poon
19675 La Mar Drive