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CITY COUNCIL STAFF REPORT

Meeting: September 21, 2021

Subject

City Work Program Update

Recommended Action

Receive City Work Program update

Background

This City Work Program update focuses on the fourth quarter update of the FY 2020-2021 City Work Program. The City Council adopted the FY 20-21 City Work Program at the March 31, 2020, City Council meeting. It was later amended at the June 2 City Council meeting due to forecasted impacts of the COVID-19 pandemic. As requested by the City Council, the City has been providing updates on the FY 20-21 City Work Program on a quarterly basis through the City Work Program dashboard at cupertino.org/cityworkprogram and the budget updates. The fourth quarterly update is currently reflected in the FY 20-21 City Work Program dashboard. A printout of these updates can be found in Attachment A for review.

The FY 21-22 City Work Program (Attachment C) was adopted on May 26 and the first quarter update will be presented to the City Council by November.

Discussion

Of the 48 items from the FY 20-21 City Work Program, 22 items were continued in the FY 21-22 City Work Program during the City Council prioritization process. During this process, 18 projects were identified as almost complete and, as such, were not included for prioritization. Of these 18 projects, 15 were completed and three items are expected to be completed in the upcoming months. The eight remaining items from FY 20-21 were not continued due to workload constraints and low prioritization, but could be considered in future work programs. A summary of the status of each item from the FY 20-21 City Work Program can be found in Attachment B.

Highlights from Completed Items

The following are notable highlights from the completed items in the FY 20-21 City Work Program. For more details on all items, see the dashboard printout in Attachment A.

Policies on Nonprofit Support: This project included the revision and update of the Community Funding Policy, which was revised by staff, presented to the Parks and

Recreation Commission for review and feedback on November 16, 2020, and brought to the City Council for review and approval on December 1, 2020. Additionally, a [webpage¹](#) was created to highlight the various non-profit support opportunities from the City, which went live on January 1.

Parks and Recreation Strategic Plan: This item focused on the completion of a strategic plan that addressed the immediate and short-term opportunities identified in the Parks and Recreation System Master Plan. The Parks and Recreation Strategic Plan was completed in July and published on the [City's Master Plan webpage²](#) for members of the public to access. The Strategic Plan includes two formats that outline existing and planned progress towards the implementation of opportunities identified in the Master Plan. This document will be updated annually as new projects and programs are implemented.

Reducing Secondhand Smoke Exposure: On June 1, 2021, the City Council approved an ordinance to reduce secondhand smoke in Cupertino. The following areas are required to be smoke-free by October 1, 2021:

- Multi-unit housing (including outdoor common areas, inside units/balconies, within 30ft. of doors and windows),
- Entryways of businesses where smoking is already prohibited (churches, restaurants, offices, etc.),
- Public events (farmers markets, street fairs, etc.),
- Service areas (ATMs, store lines, bus stops, etc.), and
- Outdoor worksites.

These adopted policies are reflected in [Municipal Code Chapter 10.90³](#) and are an important and successful step towards reducing secondhand smoke in Cupertino.

Housing Program for De Anza College Students: Staff collaborated with De Anza College and West Valley Community Services to support the development of the Cupertino Housing Program for De Anza Students. The City allocated \$25,000 to De Anza College to fund two new programs for De Anza students in Fall 2020: (1) Housing Assistance Grants Program to provide eligible De Anza College students with monetary housing assistance for eviction prevention and direct assistance with move-in costs; and (2) Housing Sharing Program, which expands Catholic Charities' existing Home Share Program by recruiting Cupertino homeowners to match with eligible De Anza student renters. While the programs faced unique challenges due to the COVID-19 pandemic during FY 20-21, three eligible De Anza students were successfully granted housing assistance funds for eviction prevention/move-in costs. In consideration of the COVID-19 pandemic, De Anza College will continue both programs through FY 21-22.

Transportation To-From Service Providers: This project aimed to provide funding to non-profits/social service providers for bus passes to transport the homeless to and from

¹ <https://www.cupertino.org/our-city/departments/finance/community-funding-grant-program/non-profit-support-opportunities>

² <https://www.cupertino.org/our-city/departments/parks-recreation/who-we-are/master-plans>

³ https://codelibrary.amlegal.com/codes/cupertino/latest/cupertino_ca/0-0-0-86344

services in Cupertino. The City awarded \$7,500 in General Fund Human Service Grant funding to the West Valley Community Services Haven to Home program to expand supportive services for homeless individuals and families in Cupertino. Funding was used to provide 25 free bus passes to access Transportation to-from Service Providers in and around Cupertino.

Two-way Online Communication: This project was requested by the City Council in order to look into a new online communication portal that would allow for more two-way communication and input from the public. After contracting with Bang the Table, the City launched [EngageCupertino.org](https://engagecupertino.org) in June 2021. EngageCupertino.org allows project managers to host surveys, Q&As, and project details all in one place. This platform allows for two-way communication by providing residents with the opportunity to ask questions, make comments, and engage directly with the City. Now anyone who visits EngageCupertino.org to participate in one project will be exposed to numerous other City projects.

The following are highlights from items completed from the FY 19-20 City Work Program that were delayed due to COVID-19. All of the remaining FY 19-20 items that were delayed due to COVID-19 have been completed with the exception of Lawrence Mitty and Considering New Commissions and Committees, which have both been continued in the FY 21-22 City Work Program.

Lawn Buster Drought Program (FY 19-20 Item): This project, renamed as Climate Victory Gardens, is an innovative and unique pilot program that was initiated by the City Council to reduce barriers for residents to pursue water-wise turf conversions and access incentive funds. The initial phase of the pilot was launched in October 2020 and has 23 sites enrolled with 44 sites on a waiting list due to funding constraints. Once the enrolled sites are completed, the program will result in 33,295 square feet of converted landscape, three new laundry greywater systems, and an estimated 665,900 gallons saved annually. This initial phase of the pilot was estimated to cost \$100,000, approximately \$3/square foot served.

Dark Sky/Lights Out Policy and Bird Safe Design Guidelines (FY 19-20 Item): The Bird Safe/ Dark Sky Ordinance was adopted by the City Council on March 16, 2021 and enacted by the City Council on April 6, 2021. The ordinance is codified in [Municipal Code Chapter 19.102](#)⁴. Staff has implemented the ordinance, including a new layer on the [Property Information](#)⁵ website displaying bird sensitive areas.

Art in Unexpected Places (FY 19-20 Item): The Fine Arts Commission has completed the inaugural project of the Art in Unexpected Places program. This pilot program was created by the Commission to beautify public spaces, surprise and delight passers-by, and encourage the community to reflect on themes and imagery that represent the heritage, natural beauty, diversity, and creativity of our City. Artist Sarabjit Singh was chosen by the Fine Arts Commission and completed a mural at Blackberry Farm in early April.

⁴ https://codelibrary.amlegal.com/codes/cupertino/latest/cupertino_ca/0-0-0-96591

⁵ <https://gis.cupertino.org/propertyinfo/>

Use of Athletic Fields (FY 19-20 Item): This project focused on the revision and update of the Athletic Field Use Policy, which was originally approved in 2004. After researching neighboring city policies and conducting community outreach, an updated draft policy was taken to the Parks and Recreation Commission with changes including additional Sunday use and an hourly fee structure. With the Commission's recommendation, a final revised policy was presented and approved by the City Council on May 4, 2021. In this update, the City Council allowed each group to use fields for two additional Sunday per year from the hours of 10 a.m. to 4 p.m., this was in addition to the already allowed two Sunday tournaments per year. The City Council also approved an hourly fee structure at 50% of the proposed levels in order to ease in the change. Staff will provide an update to the City Council in one year as well as consider additional changes at the September 21 City Council meeting.

Items Expected to Be Completed in the Upcoming Months

The following three items were expected to be completed in FY 20-21 but are now expected to be completed in the upcoming months.

Establish Preapproved ADU Plans: This item was expected to be completed in FY 20-21 and has been extended in order to present the determined process and webpage to the Planning Commission and the City Council during study sessions. Staff has completed a review of the resources and information from other jurisdictions and has finalized a pre-approved plan process. This went to the Planning Commission on August 24, 2021 as a study session item to review the final process and webpage. A study session with the City Council is scheduled for September 21, 2021 with completion expected in October.

General Plan Authorization Process: This item was expected to be completed in FY 20-21 and has been extended in order to address comments from the City Council at the February 2, 2021 City Council meeting. A study session to discuss this project was held on July 7, 2020 and a Planning Commission hearing was held on January 12, 2021. The Planning Commission's recommendations were presented to the City Council on February 2, 2021 where the City Council provided additional direction to staff. The item was heard by the City Council on August 17, 2021 and staff was directed to look at voluntary community amenities. The project is expected to be completed in Fall 2021.

Housing Survey: This item was expected to be completed in FY 20-21 and has been extended in order to allow the subcommittee to consider and potentially create another survey focused on site selection. Staff finalized a consultant contract in 2020 and worked with the Housing Survey Subcommittee to develop the Housing Survey. The survey went live on June 1, 2021 and staff has collected the survey data for analysis. While the analysis of the first survey is expected to be completed in late August/September, the second potential survey does not yet have an estimated completion date. Staff is recommending that the second survey be incorporated into the Housing Element workplan to be discussed during the September 21, Study Session.

First Quarter Highlights on the “Top 10” Priorities in the FY 21-22 City Work Program

The following highlights are to provide a brief preview of what can be expected in the upcoming first quarter FY 21-22 City Work Program update in November. These items were the “Top 10” highest rated items in the FY 21-22 City Work Program.

1. Single-Use Plastics Ordinance and Mayor’s Cup Challenge Event: To determine concerns and impacts regarding the single-use plastics ordinance, significant outreach is being conducted, including surveys, stakeholder meetings, a dedicated [webpage](#)⁶, tabling events such as the Day N Night Fun Fest, and presentations to the Chamber of Commerce and Teen Commission. Two surveys have been launched, one to reach food businesses and the other to reach customers, and both surveys have received 100 responses each so far. Findings and ordinance element suggestions will be presented to the Sustainability Commission in October. In preparation for the Mayor’s Cup Challenge, several planning meetings have been conducted to establish an outline of the event.
2. Consider options to develop ELI and BMR housing units for Developmentally Disabled Individuals on City-owned property along Mary Avenue as well as the Outback Steakhouse location: The City is continuing the feasibility study of the Mary Avenue property. The next phase of the study includes the exploration of parceling out the excess City right of way along Mary Avenue for the developmentally disabled population. In addition, the County has initiated a purchase agreement with the owners of the Outback Steakhouse site for the potential development of affordable housing using Measure A funding. The City will be engaged in the development process once the agreement with the County has been finalized.
3. Revisit 5G, including, but not limited to, recording, responding to complaints, transparency on existing applications: The City continues to record all inquiries, including a street image of the location, and communicates the concerns to the cell providers. To date, the City has received 172 inquiries on small cells. Of those, 156 have opposed the installation, 10 had questions or requests, and 6 supported the installation. Nearby cities are being monitored for any updates on 5G cells in residential areas. Updates to small wireless facility guidelines and a new ordinance are expected to be completed by the end of the calendar year.
4. Senior Strategy: Available resources for seniors and City efforts in each of the defined focus areas (technology, housing, food supply, transportation, and physical and mental health, and well-being) have been researched. Based on this information, a survey has been created assessing resource awareness and need among seniors in each of these focus areas. Outreach has begun to the commissions to encourage participation in the survey, which is scheduled to launch mid-October.
5. Lehigh and Stevens Creek Quarry: The City Council received an update on August 4, 2021, regarding the activity at both quarries. The County of Santa Clara Planning Office issued several notices of violations to Stevens Creek Quarry on August 11. On August 26, the

⁶ <https://engagecupertino.org/single-use-plastics>

Santa Clara County Planning Commission unanimously voted on the Lehigh issue to, “deny the Zoning Interpretation application to allow importation and processing of unprocessed material from Lehigh Permanente Quarry to Stevens Creek Quarry as an allowed use.” This action positively aligns with a letter submitted by the City on December 30, 2020, to the County. City staff are also actively monitoring Stevens Creek Quarry’s application to the County Planning Department for a use permit and reclamation plan, which County Planning staff had determined to be incomplete. Correspondence to and from the County can be accessed at the Quarry Information webpage [here](#)⁷. The City is working on adding at least three stationary sensors for air quality and noise monitoring around the quarries and is receiving quotes from vendors.

6. Homeless Jobs Program: The City issued a Request for Proposals (RFP) and has selected West Valley Community Services to administer the Pilot Homeless Jobs Program. The pilot program will provide employment to two unhoused Cupertino residents with jobs located in Cupertino. The contract is underway now and the program will begin in October.
7. City Plan to End Homelessness: In partnership with the County and Destination: Home, the City has engaged with technical assistance from HomeBase to audit existing services offered to unhoused residents in Cupertino. The City will issue an RFP this October for a contractor to draft the City Plan to End Homelessness.
8. Memorial Park Improvements: This project is on schedule per the City Work Program Dashboard. The City has selected a design professional to prepare plans and specifications to go out for competitive bids to remove the existing ponds.
9. Consider new Commissions and Committees: This is one of the Interim City Manager’s priorities during his tenure and he plans to bring this item to the City Council for consideration in November.
10. Shuttlebus Pilot Program Implementation: A phased relaunch of Via-Cupertino Shuttle service is anticipated to resume in early October. A survey of previous riders generated 126 responses, and approximately 90% indicated they were ready to ride again. A survey of the general public more broadly generated 100 responses, with nearly 60% saying they would ride again. To communicate the relaunch there will be a story in the October issue of The Scene and robust outreach on social media. Future riders will be educated on COVID safety measures being put into place, such as plexiglass dividers, a requirement to wear masks, and a standard to drive with windows open when possible to create the safest environment possible. The [Via-Cupertino website](#)⁸ will be maintained to include all pertinent information.

In addition to the “Top 10” priorities, the following items are highlighted as they may be of particular interest to the City Council.

⁷ <https://www.cupertino.org/our-city/city-news/2018-2020-issues-between-lehigh-quarry-stevens-creek-quarry-county-city>

⁸ www.cupertino.org/shuttle

RHNA Related General Plan Updates and Rezoning (Housing Element): The City's RHNA numbers as of May 2021 call for 1,193 very low-income units, 687 low-income units, 755 moderate-income units, and 1,953 above moderate-income units, for a total of 4,588 units. Through a competitive RFP process, a consultant has been selected to assist the City with the Housing Element update. A presentation of the project contract, scope of work, and budget is being prepared for the City Council and is tentatively scheduled for the September 21 meeting. An update regarding the Housing Survey results and Housing Element efforts is scheduled for October.

Lawrence Mitty: The annexation process with the City of San Jose and LAFCO is ongoing with completion expected as early as February 2022. A Request for Qualifications for a design professional to complete the park specific plan is currently underway with responses due September 16, 2021. On September 9, 2021, investigative excavation work occurred on the existing earthen berms. The purpose of the work was to determine what amount of concrete and asphalt materials are buried within the berms. Having this information will allow staff to better competitively bid out the work to remove the berms. In addition, staff has been regularly monitoring unauthorized use of the property and improving site security, with further actions planned during the next few months.

Municipal Water System: On July 20, 2021, the City Council authorized staff to proceed with an RFP for a new long-term lease not to exceed 12 years in duration, to bring back key lease terms, and to analyze the option of the system being operated by City staff. A presentation of key terms and a proposed amendment of the existing lease agreement to increase RFP competitiveness is tentatively scheduled for the City Council's consideration in October. Responses to the RFP are expected in early 2022 with a recommendation for a future operation of the system, including an analysis of City staff operation, considered by Council in early 2022.

Conclusion

FY 20-21 updates highlighted in this report can be found on the FY 20-21 City Work Program dashboard webpage at cupertino.org/cityworkprogram.

The first quarterly update on the FY 21-22 City Work Program (Attachment C) will be available on the dashboard in October and will be presented at a City Council meeting by November.

Sustainability Impact

There are no sustainability impacts associated with this update.

Fiscal Impact

There are no fiscal impacts associated with this update.

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Approved by: Greg Larson, Interim City Manager

Attachments:

A – FY 20-21 City Work Program Q4 Dashboard Update

B – Summary Status of Each Item in FY 20-21 City Work Program

C – FY 21-22 City Work Program