

**RESOLUTION NO. 20-135**

**A RESOLUTION OF THE CITY OF CUPERTINO APPROVING BUDGET  
MODIFICATION #2021-107 TRANSFERRING \$200,000 IN EXISTING  
APPROPRIATIONS FROM THE GENERAL FUND TO THE BELOW MARKET  
RATE (BMR) HOUSING SPECIAL REVENUE FUND AND  
APPROVING THE ALLOCATION OF \$200,000 IN BMR AFFORDABLE HOUSING  
FUNDS (AHF) FOR EMERGENCY ASSISTANCE  
TO ASSIST UNHOUSED MEMBERS OF THE WOLFE  
ROAD ENCAMPMENT AND AUTHORIZE THE CITY MANAGER TO  
NEGOTIATE AND EXECUTE ANY CONTRACTS NECESSARY TO FACILITATE  
THE EMERGENCY ASSISTANCE**

WHEREAS, on February 3, 2020 and pursuant to Section 101080 of the California Health and Safety Code, the Santa Clara County Health Officer (the "Health Officer") declared a local health emergency throughout Santa Clara County (the "County") related to the novel coronavirus; and

WHEREAS, on February 3, 2020, and pursuant to Section 8630 of the California Government Code, the Santa Clara County Director of Emergency Services proclaimed a local emergency throughout the County related to COVID-19; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 4, 2020, the County issued updated guidance for workplaces and businesses, stating that employers should take steps to make it more feasible for their employees to work in ways that minimize close contact with large numbers of people, including: 1) suspend nonessential employee travel; and 2) minimize the number of employees working within arm's length of one another, including minimizing or canceling large in-person meetings and conferences. The County also recommended that persons at higher risk of severe illness should stay home and away from crowded social gatherings of people as much as possible such as parades, conferences, sporting events, and concerts where large numbers of people are within arm's length of one another; and

WHEREAS, on March 11, 2020, the Director of Emergency Services of the City of Cupertino (City) proclaimed a local emergency throughout the City related to COVID-19; and

WHEREAS, on March 16, 2020 the County, along with five other Bay Area

counties, issued a sweeping Shelter in Place Order; and

WHEREAS, on March 17, 2020, the Council ratified and continued the proclamation of a local emergency; and

WHEREAS, on March 19, 2020, Governor Newsom ordered all individuals living in the State of California to stay home or at their place of residence, with limited exceptions, to stop the spread of COVID-19; and

WHEREAS, on March 31, 2020, the Health Officer issued a Public Health Order to continue sheltering in place and exempted individuals experiencing homelessness. The Health Order strongly urged individuals to obtain shelter and strongly urged governmental and other agencies to make shelter available. The City provided handwashing facilities, portable restrooms, and debris bins to facilitate safer conditions as recommended by the Health Order; and

WHEREAS, given the severe consequences to public health and safety throughout the City that would result from the displacement of homeless encampments during the City-wide local health emergency, the City finds and determines that Emergency Assistance Funds are necessary to assist unhoused residents of the Wolfe Road encampment to mitigate safety hazards including COVID-19; and

WHEREAS, in June 2020, the City formed a Homelessness Task Force to evaluate and formulate a response to the growing needs of the homeless residents in Cupertino; and

WHEREAS, the City's Task Force has identified the Wolfe Road encampment as a serious concern due to the COVID-19 pandemic, impending inclement weather, and proximity to high-speed traffic entering the freeway. Through a cooperative effort between the City, County of Santa Clara Office of Supportive Housing (OSH), and Abode Services, it has been determined that six months of temporary lodging, supportive services, and storage could provide a pathway to housing for the original fifteen encampment members.

WHEREAS, in cooperation with OSH and Abode Services, the City has coordinated six months of temporary lodging, supportive services, and storage administered by Abode Services at an estimated total cost of \$315,000. On October 6, 2020, City Council adopted Resolution No. 20-116 increasing General Fund appropriations by \$735,259 for COVID-19 related activities. Staff is recommending \$200,000 of the existing General Fund COVID-19 appropriations be transferred to the BMR Housing Special Revenue Fund to assist with the costs associated with six months of temporary lodging, supportive services, and storage for the fifteen encampment members. BMR AHF programs and projects are funded by housing mitigation fees collected from residential

and non-residential development projects. Funds targeting extremely-low income households and/or persons with special needs are a permitted use of the City's BMR AHF. The remaining \$115,000 will come from services and funding from the County of Santa Clara and Housing Trust Silicon Valley, as well as donations from public/private partnerships. Staff will continue to work closely with community partners, including potential funders, to explore additional efforts to support unhoused members of our community.

WHEREAS, Abode Services, is a Bay Area nonprofit dedicated to ending homelessness by assisting low-income, un-housed people, including those with special needs, to secure stable, supportive housing; and to be advocates for the removal of the causes of homelessness; and

NOW THEREFORE BE IT RESOLVED that the City Council finds that the adoption and implementation of this Resolution is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Resolution is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action to contribute emergency funding to assist unhoused individuals would have no or only a de minimis effect on the environment because it would improve environmental conditions at the current encampment. The foregoing determination is made by the City Council in its independent judgment.; and

BE IF FURTHER RESOLVED THAT the City Council of the City of Cupertino hereby approves Budget Modification #2021-107 transferring \$200,000 in existing appropriations from the General Fund to the Below Market Rate Housing Special Revenue Fund; and

BE IT FURTHER RESOLVED that the City Council of the City of Cupertino hereby recommends approval of the BMR AHF emergency assistance funds; and

BE IT FURTHER RESOLVED that the City Council of the City of Cupertino authorizes a \$200,000 contribution in BMR AHF emergency assistance funds to Abode Services to assist unhoused residents of the Wolfe Road encampment; and

BE IT FURTHER RESOLVED that the City Council of the City of Cupertino

authorizes the City Manager to negotiate and execute an agreement with Abode Services and any contracts necessary to facilitate the emergency assistance to individuals experiencing homelessness.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Cupertino this 19th day of November, 2020 by the following vote:

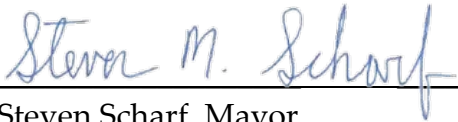

Vote                    Members of the City Council

AYES:                Scharf, Paul, Chao, Sinks, Willey

NOES:                None

ABSENT:            None

ABSTAIN:           None

<p>SIGNED:</p> <p> _____ Steven Scharf, Mayor City of Cupertino</p>	<p><u>11/24/2020</u> _____ Date</p>
<p>ATTEST:</p> <p> _____ Kirsten Squarcia, City Clerk</p>	<p><u>11/24/2020</u> _____ Date</p>