

# CITY OF CUPERTINO



## AGENDA

**Amended Televised Regular Meeting (6:45)**

**Tuesday, October 1, 2024**

**6:45 PM**

**10350 Torre Avenue, Council Chamber and via Teleconference**

## **City Council**

*SHEILA MOHAN, MAYOR*

*J.R. FRUEN, VICE MAYOR*

*LIANG CHAO, COUNCILMEMBER*

*KITTY MOORE, COUNCILMEMBER*

*HUNG WEI, COUNCILMEMBER*

*IN PERSON AND TELECONFERENCE MEETING*

*For more information:*

*(408) 777-3200 | [www.cupertino.gov](http://www.cupertino.gov)*

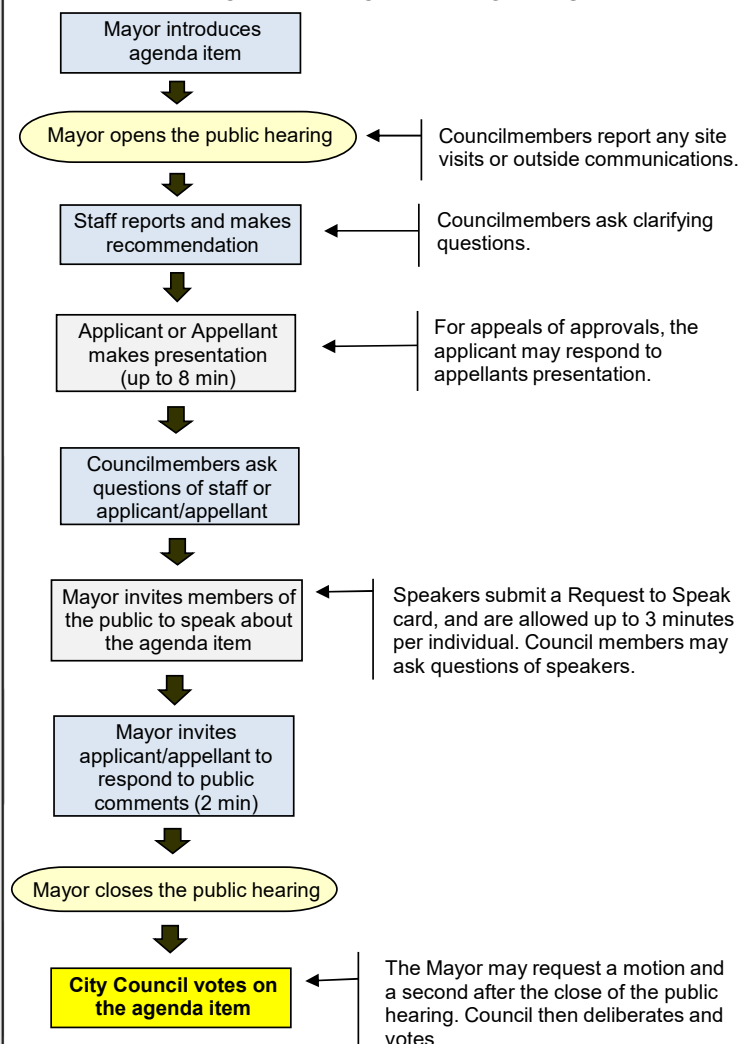
## CONDUCT OF BUSINESS

The Mayor is the presiding officer of the City Council. Any member of the public may speak on any item on the agenda for up to three minutes. All statements and questions must be addressed to the Mayor.

City Council hearings serve as a venue for the discussion of sometimes divergent points of view. Please respect the opinions of others and refrain from cheering or clapping. That may delay the meeting or intimidate other persons wishing to express alternate views. Actions that disrupt the meeting will result in a warning, followed by removal if disruption continues.

Oral public comments will be accepted during the meeting. Comments may be made during "oral communications" for matters not on the agenda, and during the public comment period for each agenda item. Identifying yourself is voluntary and not required to attend the meeting or provide comments.

### FLOWCHART FOR HEARING ITEMS:



## PUBLIC HEARINGS

The City Council is required by law to hold public hearings on certain matters prior to making its decision. Notice to interested parties is given by legal advertisement in the local newspaper of general circulation at least 10 calendar days preceding the hearing date. Applications requiring public hearings include change of zoning, variances, use permits, and tentative maps.

## COUNCIL MEETINGS

The City Council regularly meets the first and third Tuesdays of each month. These meetings are held at 6:45 p.m. Closed sessions, when needed, are normally held at 6:00 p.m. Closed sessions cover items such as personnel, litigation, or the sale, purchase, or lease of property. The law requires certain actions taken in closed session to be reported in open session.

Urgent business, holidays, or election days may trigger special or adjourned meetings. These meetings will be noticed beforehand.

## AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

Agendas, minutes, and packets for current and prior City Council and Planning Commission meetings are available at [www.cupertino.org](http://www.cupertino.org), or you can purchase the items on CD.

## CITY COUNCIL DECISION IS FINAL

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

Agenda amended on September 26, 2024 at 2:05 p.m. to update the Subject, Recommended Action and Staff Report for Agenda Item No. 12.

#### **IN-PERSON AND TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION**

Members of the public wishing to observe the meeting may do so in one of the following ways:

- 1) Attend in person at Cupertino Community Hall, 10350 Torre Avenue.
- 2) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.
- 3) The meeting will also be streamed live on and online at [www.Cupertino.org/youtube](http://www.Cupertino.org/youtube) and [www.Cupertino.org/webcast](http://www.Cupertino.org/webcast)

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

- 1) Appear in person at Cupertino Community Hall
- 2) E-mail comments by 4:00 p.m. on Tuesday, October 1 to the Council at [citycouncil@cupertino.org](mailto:citycouncil@cupertino.org). These e-mail comments will also be forwarded to Councilmembers by the City Clerk's office before the meeting and posted to the City's website after the meeting. Members of the public that wish to share a document must email [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org) prior to the meeting.

Emailed comments that are related to an agenda item and received following the agenda publication, prior to or during the meeting, will be posted to the City's website.

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

Oral public comments will be accepted during the meeting. Comments may be made during "oral communications" for matters not on the agenda, and during the public comment period for each agenda item.

Oral public comments may be made during the public comment period for each agenda item.

Members of the audience who address the City Council must come to the lectern/microphone, and are requested to complete a Speaker Card and identify themselves. Completion of Speaker Cards and identifying yourself is voluntary and not required to attend the meeting or provide comments.

#### **3) Teleconferencing Instructions**

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

**Online**

Register in advance for this webinar:

[https://cityofcupertino.zoom.us/webinar/register/WN\\_p6Z1SROIRjeWC4EjWVMqRg](https://cityofcupertino.zoom.us/webinar/register/WN_p6Z1SROIRjeWC4EjWVMqRg)

**Phone**

Dial: 669-900-6833 and enter Webinar ID: 994 7719 4989 (Type \*9 to raise hand to speak, \*6 to unmute yourself). Unregistered participants will be called on by the last four digits of their phone number.

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: 994 7719 4989

SIP: 99477194989@zoomcrc.com

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

Please read the following instructions carefully:

1. You can directly download the teleconference software or connect to the meeting in your internet browser. If you are using your browser, make sure you are using a current and up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers, including Internet Explorer.
2. You will be asked to enter an email address and a name, followed by an email with instructions on how to connect to the meeting. Your email address will not be disclosed to the public. If you wish to make an oral public comment but do not wish to provide your name, you may enter "Cupertino Resident" or similar designation.
3. When the Mayor calls for the item on which you wish to speak, click on "raise hand," or, if you are calling in, press \*9. Speakers will be notified shortly before they are called to speak.
4. When called, please limit your remarks to the time allotted and the specific agenda topic.

**5. Members of the public that wish to share a document must email [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org) prior to the meeting. These documents will be posted to the City's website after the meeting.**

## **CALL TO ORDER**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **CLOSED SESSION REPORT**

## **CEREMONIAL ITEMS**

1. Subject: Recognition of 2nd week of October as Code Enforcement Officer Appreciation Week  
Recommended Action: Recognize 2nd week of October as Code Enforcement Officer Appreciation Week

## **PRESENTATIONS**

2. Subject: Annual Report of the Parks and Recreation Commission  
Recommended Action: Receive report of annual activities of the Parks and Recreation Commission
3. Subject: Annual Report of the Teen Commission  
Recommended Action: Receive report of annual activities of the Teen Commission
4. Subject: Annual Report of the Public Safety Commission  
Recommended Action: Receive report of annual activities of the Public Safety Commission

## **POSTPONEMENTS AND ORDERS OF THE DAY**

## **ORAL COMMUNICATIONS**

*This portion of the meeting is reserved for persons wishing to address the Council on any matter within the jurisdiction of the Council and not on the agenda for discussion. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda. A councilmember may, however, briefly respond to statements made or questions posed by speakers. A councilmember may also ask a question for clarification, provide a reference for factual information, request staff to report back concerning a*

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matter, or request that an item be added to a future City Council agenda in response to public comment.

### CONSENT CALENDAR (Items 5-10)

*Items appearing on the Consent Calendar are considered routine City business and may be approved by one motion. Typical items may include meeting minutes, awards of contracts, the ratification of accounts payable, and second readings of ordinances. Any member of the Council may request to have an item removed from the Consent Calendar based on the rules set forth in the City Council Procedures Manual. Members of the public may provide input on one or more consent calendar items when the Mayor asks for public comments on the Consent Calendar.*

5. Subject: Second reading of Ordinance No. 24-2263 “An Ordinance of the City Council of the City of Cupertino amending Table 11.24.150 of the Cupertino Municipal Code Relating to Prohibition of Parking along certain streets,” prohibiting parking along the west side of Vista Drive between Forest Avenue and Merritt Drive. (Continued from September 17, 2024)

Recommended Action: Conduct the second reading and enact Ordinance 24-2263, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING TABLE 11.24.150 OF THE CUPERTINO MUNICIPAL CODE RELATING TO PROHIBITION OF PARKING ALONG CERTAIN STREETS.”

[Note: First Reading Agenda Item: Implementation of an on-street two-way Class IV bike lane on Vista Drive and Forest Avenue (Alternative 3) along the Lawson Middle School frontage and prohibition of parking along the west side of Vista Drive between Forest Avenue and Merritt Drive for the accommodation of Class IV bicycle lanes and adoption of an Ordinance Municipal Code Table 11.24.150, relating to prohibition of parking along certain streets.]

[Staff Report](#)

[A - Draft Ordinance](#)

[B - July 9, 2024 City Council Staff Report](#)

6. Subject: Approve the September 17, 2024 City Council minutes  
Recommended Action: Approve the September 17, 2024 City Council minutes  
[A - Draft Minutes](#)

7. Subject: Second reading of Ordinance No. 24-2264, designating a Residential Permit Parking (RPP) Zone on the north side of Laretta Drive between Ann Arbor Avenue to 200 feet east of Ann Arbor Avenue, the south side of Laretta Drive between Ann Arbor Avenue and a point 150 feet east of Ann Arbor Avenue, and on Ann Arbor Avenue between Laretta Drive and Hazelbrook Drive, daily between 7 a.m. and 10 p.m.

Recommended Action: Conduct the second reading and enact Ordinance No. 24-2264, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING CITY CODE SECTION 11.27.145, DESIGNATION OF PREFERENTIAL PARKING ZONES, TO ADD LAURETTA DRIVE BETWEEN ANN ARBOR AVENUE AND A POINT 200 FEET EAST OF ANN ARBOR AVENUE, (NORTH SIDE), LAURETTA AVENUE BETWEEN ANN ARBOR AVENUE AND A POINT 150 FEET EAST OF ANN ARBOR AVENUE (SOUTH SIDE) AND ANN ARBOR AVE BETWEEN LAURETTA DRIVE AND HAZELBROOK DRIVE (DAILY, 7:00 A.M. TO 10:00 P.M.)"

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Permit Parking Map](#)

[C - September 17, 2024 City Council Staff Report](#)

8. Subject: Adoption of local amendments to the California Energy Code and repeal of Municipal Code Chapter 16.32 (Local Sustainability Requirements for Newly Adopted Buildings)

Recommended Action: Conduct the second reading and enact Ordinance No. 24-2265, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO REPEALING MUNICIPAL CODE CHAPTER 16.32: LOCAL SUSTAINABILITY REQUIREMENTS FOR NEWLY CONSTRUCTED BUILDINGS, AND ADOPTING LOCAL AMENDMENTS TO CALIFORNIA ENERGY CODE"

[Staff Report](#)

[A - Draft Ordinance](#)

9. Subject: Approve a design-build project delivery method for the Photovoltaic Systems Design and Installation Capital Improvement Program Project.

Recommended Action: 1. Authorize the City Manager to undertake a design-build project delivery method for the Photovoltaic Systems Design and Installation Capital Improvement Program Project; and

2. Adopt Resolution No. 24-092 approving the procurement of a design-build contract for the Photovoltaic Systems Design and Installation Capital Improvement Program Project.

[Staff Report](#)

[A - Draft Resolution](#)

[B - Public Contract Code Extracts](#)

[C - FY 24-25 CIP Project Narratives Excerpt](#)

10. Subject: Adoption of the 2023 Santa Clara County Multijurisdictional Hazard Mitigation Plan Volume 1 Base Plan and Volume 2 City of Cupertino Annex

Recommended Action: Adopt Resolution No. 24-093 adopting the 2023 Santa Clara County Multijurisdictional Hazard Mitigation Plan Volume 1 Base Plan and Volume 2 City of Cupertino Annex

[Staff Report](#)[A - Draft Resolution](#)[B - Santa Clara County Multijurisdictional Hazard Mitigation Plan - Volume 1 Base Plan](#)[C - Draft Santa Clara County Multijurisdictional Hazard Mitigation Plan - Volume 2 City of Cupertino](#)[Annex](#)

## PUBLIC HEARINGS

*Effective January 1, 2023, Government Code Section 65103.5 (SB 1214) limits the distribution of copyrighted material associated with the review of development projects. Members of the public wishing to view plans that cannot otherwise be distributed under SB 1214 may make an appointment with the Planning Division to view them at City Hall by sending an email to [planning@cupertino.org](mailto:planning@cupertino.org). Plans will also be made available digitally during the hearing to consider the proposal.*

- 11.** Subject: Proposed amendments to Municipal Code Chapters 19.04 (General Provisions), 19.08 (Definitions), and 19.60 (General Commercial (CG) Zones) and Associated Environmental Review. (Application No. MCA-2024-002; Applicant: City of Cupertino; Location: City-wide)

**Recommended Action**

That the City Council conduct the public hearing and conduct the first reading of Ordinance No. 24-2266 (Attachments A &B) adopt an ordinance to:

1. Find that the proposed actions are exempt from the California Environmental Quality Act (CEQA) and CEQA Guidelines; and
2. Amend the following:
  - a. Chapter 19.04, General Provisions, and
  - b. Chapter 19.08, Definitions, and
  - c. Chapter 19.60, General Commercial (CG) Zones.

[Staff Report](#)[A - Draft Ordinance No. 24-2266 \(clean\)](#)[B - Draft Ordinance No. 24-2266 \(redline\)](#)[C - Planning Commission Resolution No. 2024-13](#)[D - Public Comment](#)

## ACTION CALENDAR

- 12.** Subject: City-Owned Automated License Plate Reader (ALPR) Program and award of a contract for the lease of ALPR cameras to Flock Safety for an amount not to exceed \$300,000



Recommended Action: 1. Adopt Resolution No. 24-094 establishing the City of Cupertino ALPR Policy

2. Authorize the City Manager to negotiate and execute a memorandum of understanding (MOU) between the County of Santa Clara and the City of Cupertino regarding the use of ALPRs,

3. Authorize the City Manager to negotiate and approve an agreement with Flock Safety to lease ALPR cameras not to exceed \$185,000 for three years, with the option for two additional years and a maximum total compensation of \$300,000 (approximately \$60,000 annually)

[Staff Report](#)

[A - Draft Resolution](#)

[B - Memorandum of Understanding on Use of ALPR System](#)

[C - Flock Safety Quote for Services](#)

[D - Proposed Camera Locations](#)

## ITEMS REMOVED FROM THE CONSENT CALENDAR

## CITY MANAGER REPORT

## ORAL COMMUNICATIONS - CONTINUED

## COUNCILMEMBER REPORTS

### 13. Subject: Councilmember Reports

[A - Councilmember Report, Chao](#)

[B - Councilmember Report, Fruen](#)

[C - Councilmember Report, Mohan](#)

[D - Councilmember Report, Moore](#)

## FUTURE AGENDA ITEMS

## ADJOURNMENT

*Lobbyist Registration and Reporting Requirements: Individuals who influence or attempt to influence legislative or administrative action may be required by the City of Cupertino's lobbying ordinance (Cupertino Municipal Code Chapter 2.100) to register and report lobbying activity. Persons whose communications regarding any legislative or administrative are solely limited to appearing at or submitting testimony for any public meeting held by the City are not required to register as lobbyists. For more information about the lobbying ordinance, please contact the City Clerk's Office at 10300 Torre Avenue, Cupertino, CA 95014; telephone (408) 777-3223; email [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org); and website: [www.cupertino.org/lobbyist](http://www.cupertino.org/lobbyist).*

*The City of Cupertino has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a final decision of the City Council must be brought within 90 days after a decision is announced unless a shorter time is required by State or Federal law.*

*Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to <http://www.cupertino.org/cityclerk> for a reconsideration petition form.*

*In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the meeting to arrange for assistance. In addition, upon request in advance by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.*

*Any writings or documents provided to a majority of the Cupertino City Council after publication of the packet will be made available for public inspection in the City Clerk's Office located at City Hall, 10300 Torre Avenue, Cupertino, California 95014, during normal business hours; and in Council packet archives linked from the agenda/minutes page on the City web site.*

*IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code section 2.08.100 written communications sent to the City Council, Commissioners or staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City website and kept in packet archives. Do not include any personal or private information in written communications to the City that you do not wish to make public, as written communications are considered public records and will be made publicly available on the City website.*

## **THE CITY COUNCIL AND STAFF**

### **CITY COUNCIL**

Cupertino is a General Law city organized under and subject to statutes of the State of California. It is governed by the five-member City Council with the Mayor as the presiding officer. City Council members are elected at-large to four-year, overlapping terms. Each November a mayor and a vice-mayor are selected by the City Council for a one-year term.

The City Council receives advice and assistance from eleven advisory bodies, which are appointed by the Council. These are the Audit Committee, Bicycle Pedestrian Commission, Fine Arts Commission, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Sustainability Commission, Teen Commission, and Technology, Information, and Communications Commission.

Council members also serve on a variety of regional bodies, including:

- Association of Bay Area Governments
- League of California Cities
- Santa Clara County (SCC) Cities Association
- SCC Emergency Preparedness Council
- SCC Library District
- SCC Emergency Preparedness Commission
- Santa Clara Valley Water Commission and Water District
- SCC Transportation Authority
- West Valley Mayors and Managers

### **STAFF**

The City Manager and the City Attorney are appointed by the Council. The City Manager is responsible for interpreting and carrying out Council policies and direction, and as the chief administrative officer, the City Manager coordinates the many activities of the city and appoints the professional and technical staff. The City Attorney is the advisor to the City Council as a whole.

## **TYPES OF COUNCIL ACTIONS**

### **ORDINANCES**

Ordinances are the means by which the City enacts its local laws. Unless an urgent situation exists, ordinances will first be presented at a Council meeting as a "first reading." At a subsequent Council meeting, there will be a "second reading and adoption." Ordinances go into effect after a waiting period of thirty days, in most cases, during which time the summary of the ordinance is published in a local newspaper approved for this purpose.

### **RESOLUTIONS**

Resolutions and minute orders are the means by which the City Council formally adopts policies or approves specific actions. These go into effect when adopted.

### **APPEALS**

Any interested person, including a Council member, may appeal a Planning Commission or Director of Community Development decision to the City Council. An appeal must be submitted in writing to the City Clerk within 14 calendar days of the mailing of the notice of the decision.

### **RECONSIDERATION**

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

## COMMUNICATING WITH COUNCIL

All Council members:	citycouncil@cupertino.gov	
Sheila Mohan	SMohan@cupertino.gov	(408) 777-1326
J.R. Fruen	JRFruen@cupertino.gov	(408) 777-1316
Liang Chao	LiangChao@cupertino.gov	(408) 777-3192
Kitty Moore	KittyMoore@cupertino.gov	(408) 777-1389
Hung Wei	HWei@cupertino.gov	(408) 777-1389
Executive Assistant	Debran@cupertino.gov	(408) 777-3139
City Hall	www.cupertino.gov	(408) 777-CITY

Please note: the City Council discourages submission of written materials on the day of the meeting as this does not provide enough time to give the materials fair evaluation. If you must provide written materials on the day of the meeting, as least one copy must be given to the City Clerk for the permanent record, and ten copies are preferred.

## NEWS AND NOTICES FROM CITY HALL

### EMAIL

Sign up for e-notification of agendas, elections, and other news on the city website at [www.cupertino.org/notify](http://www.cupertino.org/notify)

### TELEVISION

The City Channel broadcasts City Council and Planning Commission meetings, as well as agenda previews, public service announcements, and other programs of community interest, on Channel 26 in Cupertino. The meetings are shown at these times:

Tuesday (live)	6:45 p.m.	Friday (replay)	10:00 a.m.
Thursday (replay)	7:00 p.m.	Saturday (replay)	9:00 a.m.

### INTERNET

City Council and Planning Commission videos are available on demand at [www.cupertino.org](http://www.cupertino.org). Select "I Want To, View City Council meetings".

News and community information can also be found at:

<https://www.facebook.com/cityofcupertino/>

<https://twitter.com/CityofCupertino>

<https://www.instagram.com/cityofcupertino>

### AUDIO

Tune into Radio Cupertino, 1670 AM, for meeting announcements, public service messages, and emergency announcements.

## USEFUL TELEPHONE NUMBERS

City of Cupertino (City Hall)	General Information and Comments	(408) 777-CITY
Fire (Emergency)	Santa Clara County Fire Dept. dispatch	911
Fire (Non-Emergency)	Santa Clara County Fire Dept.	(408) 378-4010
Garbage	Recology South Bay	(408) 725-4020
Gas & Electricity	Pacific Gas & Electric (PG&E)	1-800-743-5000
Recreation & Community Services	Quinlan Community Center	(408) 777-3120
Police (Emergency)	Santa Clara County Sheriff dispatch	911
Police (Non-Emergency)	Santa Clara County Sheriff	(408) 868-6600
Public Health	Santa Clara County Public Health	(408) 732-3720
Sanitary Sewers	Cupertino Sanitary District	(408) 253-7071
Water	San Jose Water	(408) 279-7900
	California Water	(650) 917-0152