

CITY OF CUPERTINO



AGENDA

**Televised Special Meeting (5:00) and Regular City Council Meeting
(6:45)**

**Tuesday, July 16, 2024
5:00 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***

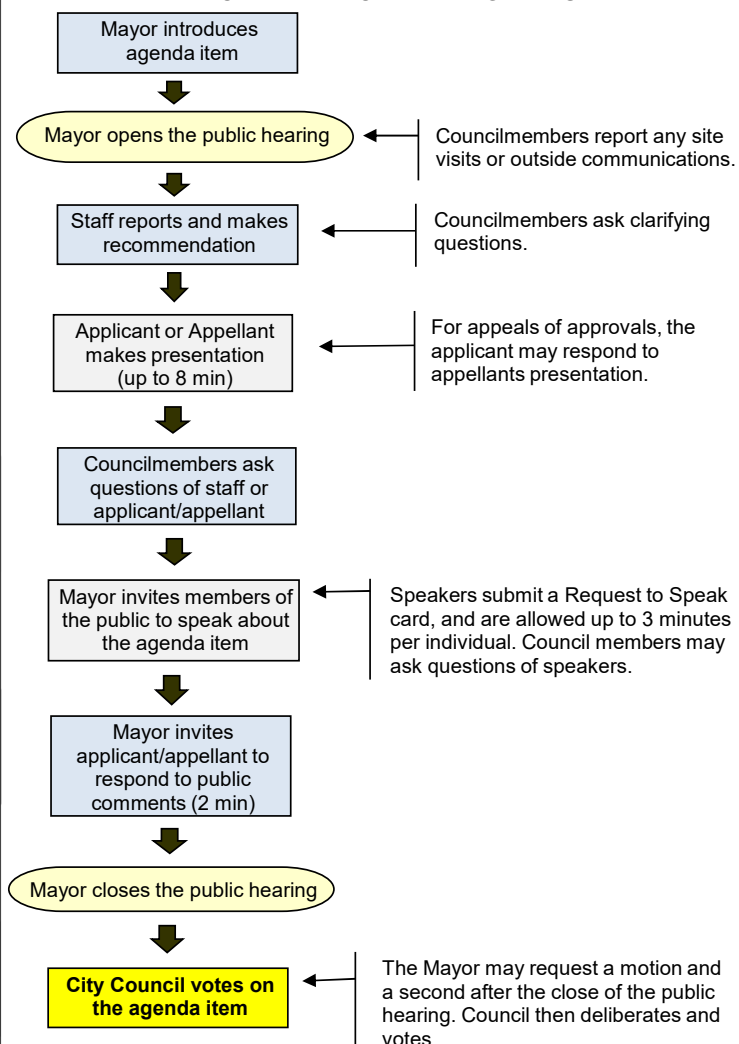
CONDUCT OF BUSINESS

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, 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.cupertino.org/index.aspx?page=125 for a reconsideration petition form.

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 and 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, July 16 to the Council at 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 prior to the meeting.

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_ADW2zHIIQneWLnKn_xot_Q

Phone

Dial: 669-900-6833 and enter Webinar ID: 960 7537 0091 (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: 960 7537 0091

SIP: 96075370091@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 prior to the meeting. These documents will be posted to the City's website after the meeting.**

NOTICE AND CALL FOR A SPECIAL MEETING OF THE CUPERTINO CITY COUNCIL

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Tuesday, July 16, 2024, commencing at 5:00 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California 95014 and via teleconference. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

SPECIAL MEETING**ROLL CALL - 5:00 PM****PUBLIC HEARINGS**

1. Subject: Lease agreement with San Jose Water Company for the operation of the Cupertino Municipal Water System
Recommended Action: Adopt Resolution No. 24-071 authorizing the City Manager to execute a lease agreement with San Jose Water Company for the operation of the Cupertino Municipal Water System
Presenter: Jimmy Tan, Assistant Director of Public Works
[Staff Report](#)
[A - Draft Resolution](#)
[B - Water Service Area](#)
[C - Draft Lease Agreement](#)

ADJOURNMENT**REGULAR MEETING****CALL TO ORDER - 6:45 PM****PLEDGE OF ALLEGIANCE****ROLL CALL****CLOSED SESSION REPORT****CEREMONIAL ITEMS****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 matter, or request that an item be added to a future City Council agenda in response to public comment.

CONSENT CALENDAR (Items 1-9)

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.

1. Subject: Receive the FY 2022-23 Annual Comprehensive Financial Report (ACFR)
(Continued from July 9, 2024)
Recommended Action: Receive the FY 2022-23 Annual Comprehensive Financial Report (ACFR)
[Staff Report](#)
[A – FY 2022-23 ACFR](#)
2. Subject: Approve the Amended June 19, 2024 City Council minutes
Recommended Action: Approve the Amended June 19, 2024 City Council minutes
[Staff Report](#)
[A - Amended Minutes \(redline\)](#)
3. Subject: Approve the June 26, 2024 City Council minutes
Recommended Action: Approve the June 26, 2024 City Council minutes
[A - Draft Minutes](#)
4. Subject: Approve the June 27, 2024 City Council minutes
Recommended Action: Approve the June 27, 2024 City Council minutes
[A - Draft Minutes](#)
5. Subject: Approve the July 2, 2024 City Council minutes
Recommended Action: Approve the July 2, 2024 City Council minutes
[A - Draft Minutes](#)
6. Subject: Ratifying Accounts Payable for the periods ending June 7, 2024; June 14, 2024; June 21, 2024; and June 28, 2024

Recommended Action: A. Adopt Resolution No. 24-072 ratifying Accounts Payable for the period ending June 7, 2024;
B. Adopt Resolution No. 24-073 ratifying Accounts Payable for the period ending June 14, 2024;
C. Adopt Resolution No. 24-074 ratifying Accounts Payable for the period ending June 21, 2024; and
D. Adopt Resolution No. 24-075 ratifying Accounts Payable for the period ending June 28, 2024

Staff report

[A – Draft Resolution 6.7.24](#)

[B – Weekly AP Payment Register for the Period Ending 6.7.24](#)

[C – Draft Resolution 6.14.24](#)

[D – Weekly AP Payment Register for the Period Ending 6.14.24](#)

[E – Draft Resolution 6.21.24](#)

[F – Weekly AP Payment Register for the Period Ending 6.21.24](#)

[G – Draft Resolution 6.28.24](#)

[H – Weekly AP Payment Register for the Period Ending 6.28.24](#)

7. Subject: Second reading of Municipal Code Amendments and Zoning Map Amendments to ensure conformance with the Housing Element and related CEQA exemption. (Application No.: MCA-2023-001, Z-2024-001; Applicant: City of Cupertino; Location: Citywide)

Recommended Action: 1. Conduct the second reading and enact Ordinance No. 24-2261 “An Ordinance of the City Council of the City of Cupertino Amending Various Chapters in Title 14, Title 17 And Title 19, Including But Not limited to the Addition of Three New Chapters in Title 19, to Implement Policies in the General Plan and for Clarity” (Attachment A); and

2. Conduct the second reading and enact Ordinance No. 24-2262 “An Ordinance of the City Council of the City of Cupertino Rezoning Certain Sites in the City for Conformance with General Plan and Housing Element” (Attachment B) to reflect changes to Priority Housing Sites and other minor changes for internal consistency.

Staff Report

[A - Draft Ordinance No. 24-2261](#)

[B - Draft Ordinance No. 24-2262](#)

8. Subject: Approve a Third Amendment with M-Group for planning services for an additional \$22,000 for a total not-to-exceed amount of \$221,200

Recommended Action: Authorize the City Manager to execute a Third Amendment with M-Group for \$22,000 in additional planning services delivered through June 30, 2024, for a total compensation amount of \$221,200

[Staff Report](#)

[A – Draft Third Amendment](#)

[B – Original Agreement 2023-015](#)

[C – First Amendment](#)

[D – Second Amendment](#)

9. Subject: Annual Evaluation Report on the Federal Emergency Management Agency (FEMA) Community Rating System's (CRS) Program for Public Information

Recommended Action: Adopt Resolution No. 24-076 accepting the Annual Evaluation Report for Fiscal Year 2024 (Year 3) of the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information

[Staff Report](#)

[A - Draft Resolution](#)

[B - Annual Evaluation Report for FY 24](#)

PUBLIC HEARINGS - None

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. Plans will also be made available digitally during the hearing to consider the proposal.

ACTION CALENDAR

10. Subject: Waiver of Below Market Rate Housing Mitigation Fees (“BMR Fees”) and Zoning/Planning Municipal Code Fees (“Planning Fees”) imposed on Vallco/Rise SB 35 project (10101-10330 North Wolfe Road)

Recommended Action: Adopt Resolution No. 24-077 waiving BMR and Planning Fees imposed of the Vallco/Rise SB 35 project

Presenter: Christopher Jensen, City Attorney

[Staff Report](#)

[A – February 2024 Modified Project Approval](#)

[B – Settlement Agreement and Release](#)

[C – Draft Resolution](#)

ITEMS REMOVED FROM THE CONSENT CALENDAR

CITY MANAGER REPORT

ORAL COMMUNICATIONS - CONTINUED

COUNCILMEMBER REPORTS

11. Subject: Councilmember Reports

[A - Councilmember Report, Fruen](#)

[B - Councilmember Report, Mohan](#)

[C - Councilmember Report, Wei](#)

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; and website: 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 Cupertino web site.

IMPORTANT NOTICE: *Please be advised that pursuant to Cupertino Municipal Code section 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City 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's 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

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. 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