

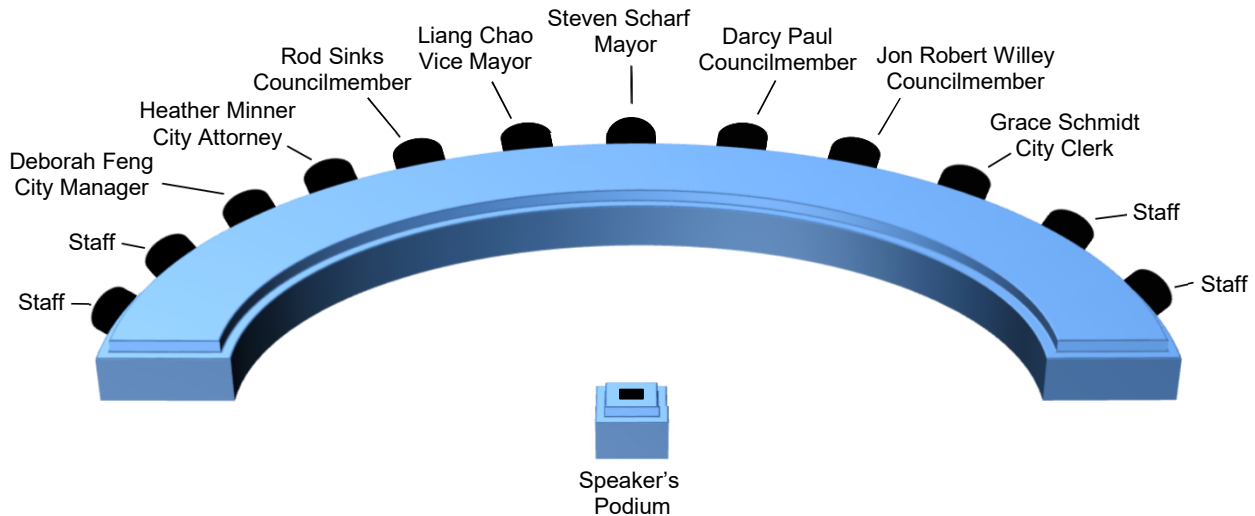


CUPERTINO

AGENDA OF THE CITY COUNCIL

Tuesday, November 19, 2019

**Televised Special Meeting Study Session (5:30)
and Regular Meeting (6:45)**



COMMUNITY HALL COUNCIL CHAMBER

10350 TORRE AVENUE • CUPERTINO, CA 95014

TELEPHONE: (408) 777-3220 (CITY HALL)

WEBSITE: www.cupertino.org

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 outward expressions of emotions such as cheering or clapping. Such behavior delays the meeting and may intimidate other persons wishing to express alternate views. Loud, unruly outbursts will result in removal from the meeting.

The proceedings of the meeting are recorded, therefore 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.

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 in the Council Chamber of the Cupertino Community Hall, 10350 Torre Avenue, 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. Actions taken in closed sessions are not final until acted upon in public session.

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

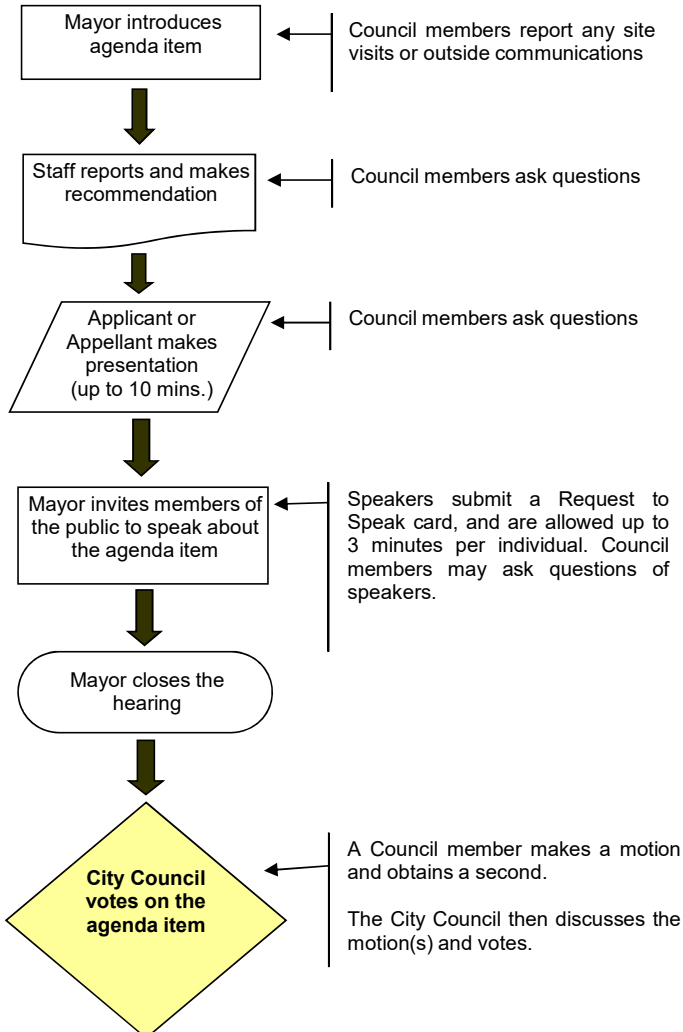
AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

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.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

FLOWCHART FOR AGENDA ITEMS:





CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber
Tuesday, November 19, 2019
5:30 PM

Televised Special Meeting Study Session (5:30) and Regular Meeting (6:45)

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, November 19, 2019, commencing at 5:30 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California 95014. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting." The regular meeting items will be heard at 6:45 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California.

SPECIAL MEETING

ROLL CALL - 5:30 PM

STUDY SESSION

1. Subject: Study session regarding policy options to reduce the use of natural gas and increase electrification of Cupertino's building stock via local amendments to the 2019 California Energy & Green Building Standards Codes (Reach Codes).
Recommended Action: Provide direction on policy options to reduce the use of natural gas and increase electrification of Cupertino's building stock via local amendments to the 2019 California Energy and Green Building Standards Codes.
[Staff Report](#)
[A - CC Resolution No. 18-094 Declaring a Climate Emergency](#)
[B - ReachCodesPresentation 10.16.19](#)
[C - ReachCodesWrittenCommunications CC SC](#)
[D - Signed Letter of intent](#)
[E - SustainabilityCommissionRecommendation 10.24.19](#)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

ROLL CALL**CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Certificates of Appreciation to the Cupertino Citizen Corps for their assistance with the recent Public Safety Power Shutdown (PSPS)
Recommended Action: Present Certificates of Appreciation to the Cupertino Citizen Corps for their assistance with the recent Public Safety Power Shutdown (PSPS)
2. Subject: Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS)
Recommended Action: Present Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS)
3. Subject: Proclamation for Lung Cancer Awareness Month
Recommended Action: Present proclamation for Lung Cancer Awareness Month
4. Subject: Presentation by Cupertino-Cupertino, Italy Sister City Committee adult delegation regarding recent trip
Recommended Action: Receive presentation by Cupertino-Cupertino, Italy Sister City Committee adult delegation regarding recent trip
5. Subject: Presentation by Judy Miner, Chancellor of Foothill-De Anza Community College on the planning process for the facility that will replace De Anza's Flint Center
Recommended Action: Receive Presentation by Judy Miner, Chancellor of Foothill-De Anza Community College on the planning process for the facility that will replace De Anza's Flint Center

POSTPONEMENTS

6. Subject: Continue Item No. 15 Adoption of the 2019 California Energy and Green Building Standards Codes with local amendments to a future meeting date and item will be renoticed. These topics will be discussed in the study session.
Recommended Action: Continue Item No. 15 Adoption of the 2019 California Energy and Green Building Standards Codes with local amendments to a future meeting date.

ORAL COMMUNICATIONS

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. 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.

REPORTS BY COUNCIL AND STAFF (10 minutes)

7. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments

CONSENT CALENDAR

Unless there are separate discussions and/or actions requested by council, staff or a member of the public, it is requested that items under the Consent Calendar be acted on simultaneously.

8. Subject: Annual adoption of Other Post-Employment Benefits (“OPEB”) Trust Investment Policy.
Recommended Action: Adopt Resolution No. 19-135 accepting the City Investment Policy for the OPEB Trust.
[Staff Report](#)
[A - Draft Resolution](#)
[B - OPEB Trust Policy](#)
9. Subject: Annual adoption of Pension Trust Investment Policy.
Recommended Action: Adopt Resolution No. 19-136 accepting the City Investment Policy for the Pension Trust.
[Staff Report](#)
[A - Draft Resolution](#)
[B - Pension Investment Policy](#)
10. Subject: Treasurer’s Investment Report for period ending September 30, 2019
Recommended Action: Accept staff report and provide recommendations.
[Staff Report](#)
[A - Chandler Investment Report 09.30.2019](#)
[B - Wells Fargo Mkt Cost Report](#)
[D - LAIF Statement](#)
11. Subject: Department of Housing and Community Development (HCD) Senate Bill (SB) 2 Planning Grants Program Application
Recommended Action: Adopt Resolution No. 19-137 authorizing application for, and receipt of, SB 2 Planning Grants Program Funds
[Staff Report](#)
[A - Draft Resolution](#)
[B - SB 2 Planning Grants Program Application Form](#)
12. Subject: Application for Alcoholic Beverage License for Welcome Market Inc (dba 99 Ranch Market), 10425 S. De Anza Boulevard

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the Application for Alcoholic Beverage License for Welcome Market Inc (dba 99 Ranch Market), 10425 S. De Anza Boulevard.

[Staff Report](#)

[A - Application](#)

13. Subject: Application for Alcoholic Beverage License for Welcome Market, Inc (dba 99 Ranch Market), 10983 N. Wolfe Rd.

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the Application for Alcoholic Beverage License for Welcome Market Inc (dba 99 Ranch Market), 10983 N. Wolfe Road.

[Staff Report](#)

[A - Application](#)

SECOND READING OF ORDINANCES

14. Subject: Second reading of Municipal Code Amendments to the Cupertino Municipal Code, Title 5, adopting new policies regulating the sale of tobacco, such as requiring a local permit to sell tobacco products, prohibiting the sale of flavored tobacco, prohibiting new businesses from selling tobacco near schools and reducing tobacco retailer density, prohibiting tobacco sales at pharmacies and in vending machines, and limiting storefront signage.

Recommended Action: Conduct second reading and enact Ordinance No. 19-2190; "An ordinance of the City Council of the City of Cupertino adding chapter 5.50 to title 5 (Business Licenses and Regulations) to regulate the sale of tobacco products and repealing chapter 10.27 of the Municipal Code (Cigarette and/or Tobacco Vending Machines)"

[Staff Report](#)

[A - Draft Ordinance to Regulate the Sale of Tobacco Products](#)

PUBLIC HEARINGS

15. Subject: Adoption of the 2019 California Energy and Green Building Standards Codes with local amendments has been continued to a future meeting date and item will be renoticed. These topics will be discussed in the study session.

Recommended Action: Adoption of the 2019 California Energy and Green Building Standards Codes with local amendments has been continued to a future meeting date.

ORDINANCES AND ACTION ITEMS

16. Subject: Update on Library Expansion Project, selection of Conceptual Design, approval of project delivery method, and direction on project funding.

Recommended Action: 1. Conceptual Design: Select either the One-Story or the Two-Story Conceptual Design. Additional actions listed below as determined by Conceptual Design selection.

2. One-Story Conceptual Design

- a. Approve use of a traditional Design-Bid-Build project delivery method.
- b. Authorize the City Manager or her designee to negotiate and enter into all agreements as necessary with a qualified architectural firm and construction/project management firm for an amount not-to-exceed \$808,200.

3. Two-Story Conceptual Design

- a. Authorize use of a Design-Build project delivery method, using best value selection, assuming Design-Build is determined to be feasible.
- b. Approve Resolution 19-138 executing a loan agreement of up to \$3,000,000 from the General Fund to Capital Fund for the Library Room Expansion.
- c. Approve Budget Amendment 1920-070 increasing appropriation by \$3,000,000 for the Library Expansion Project.
- d. Authorize the City Manager or her designee to negotiate and enter into all agreements as necessary with a qualified architectural firm and construction/project management firm for an amount not-to-exceed \$1,870,500.

4. Staffing: Authorize transfer of a 3-year Limited Term Project Manager in the Department of Public Works from the new City Hall project to the Library Expansion Project.

[Staff Report](#)

[A - Draft Resolution](#)

[B - Program List](#)

[C - One-Story Conceptual Design](#)

[D - Two-Story Conceptual Design](#)

[E - Preliminary Project Schedule](#)

17. Subject: Approve the First Quarter Financial Report for Fiscal Year 2019-20
Recommended Action: 1. Accept the City Manager's First Quarter Financial Report for Fiscal Year 2019-20

2. Adopt Resolution No. 19-139 approving First Quarter budget adjustments

3. Adopt Resolution No. 19-140 amending the Compensation Program for the Unrepresented (Management and Confidential) Employees

[Staff Report](#)

[A - Draft Resolution Approving Budget Adjustments](#)

[B - First Quarter Financial Report FY19-20](#)

[C - Detailed Description of Year End and Adjustments made through 9/30/19](#)

[D - First Quarter Budget Adjustments Journal](#)

[E - Draft Resolution Amending the Unrepresented Employees' Compensation](#)

[F - Unrepresented Comp - Clean](#)

[G - Unrepresented Comp - Redlined](#)

ORAL COMMUNICATIONS - CONTINUED (As necessary)**COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS****ADJOURNMENT**

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/index.aspx?page=125> for a reconsideration petition form.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend the next City Council 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, 48 hours in advance of the Council meeting to arrange for assistance. Upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.

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, 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 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 agendized item. These written communications are accessible to the public through the City's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.*

Members of the public are entitled to address the City Council concerning any item that is described in the notice or agenda for this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in front of the Council, and deliver it to the Clerk prior to discussion of the item. When you are called, proceed to

the podium and the Mayor will recognize you. If you wish to address the City Council on any other item not on the agenda, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

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.org	
Steven Scharf	SScharf@cupertino.org	(408) 777-3191
Liang Chao	LiangChao@cupertino.org	(408) 777-3192
Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Rod Sinks	RSinks@cupertino.org	(408) 777-3194
Jon Robert Willey	JWilley@cupertino.org	(408) 777-3193
Executive Assistant	LaurenS@cupertino.org	(408) 777-1312
City Hall	www.cupertino.org	(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