



# 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*

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*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 agenda 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.*