



CUPERTINO

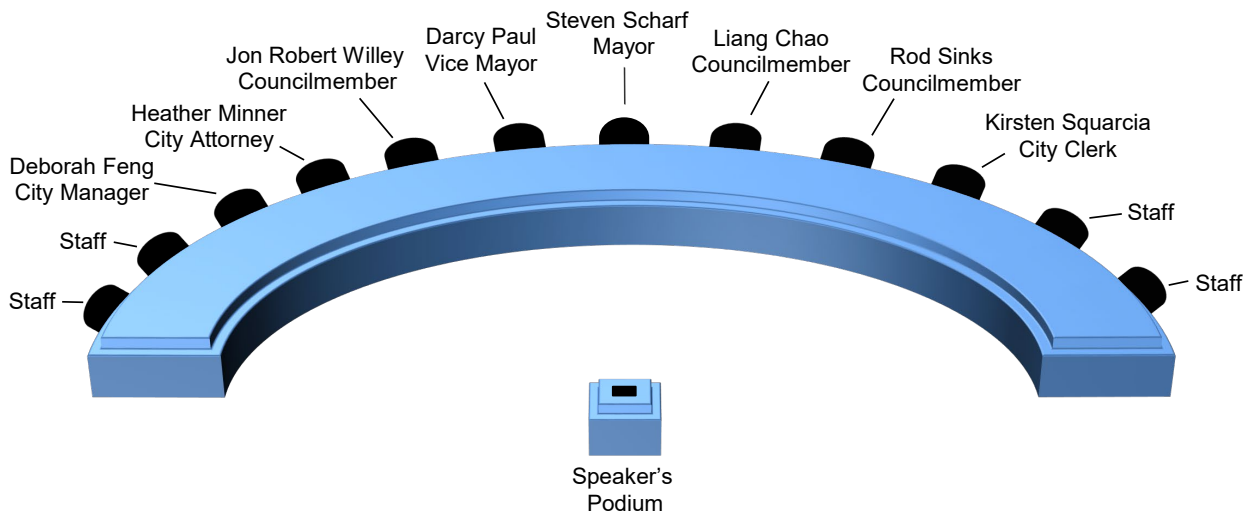
AMENDED

AGENDA OF THE CITY COUNCIL

Tuesday, February 18, 2020

Special Meeting Non-Televised Closed Session (5:30)

and Televised 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 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.

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. Completion of Speaker Cards and identifying yourself is voluntary and not required to attend the meeting or

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. 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.

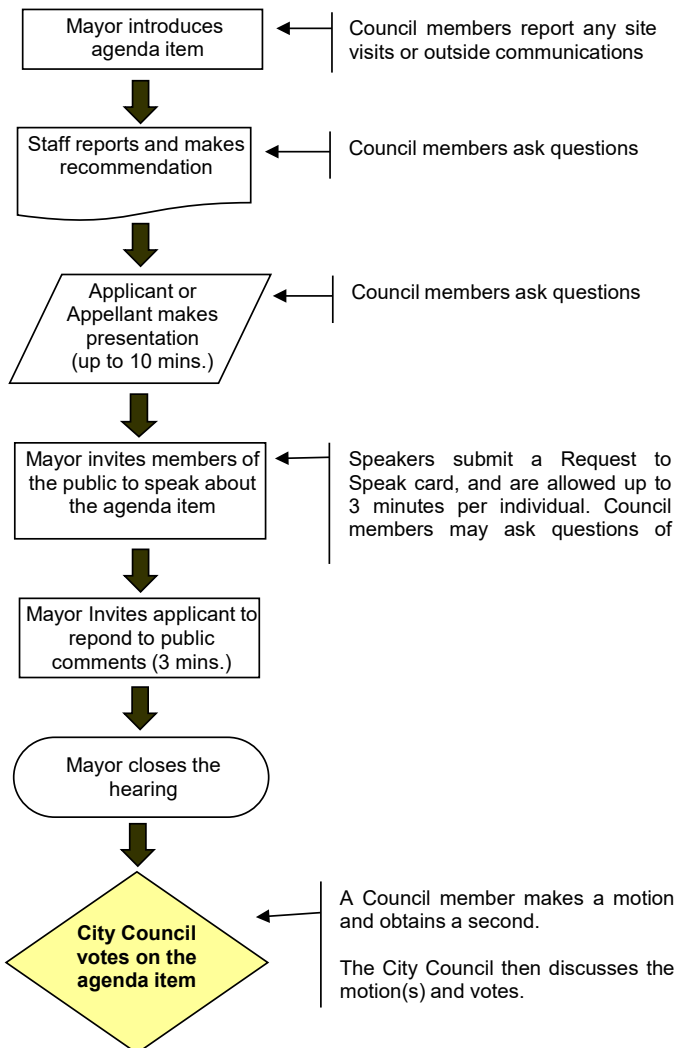
AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

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

FLOWCHART FOR HEARING ITEMS:





CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue
Tuesday, February 18, 2020
5:30 PM

Amended Special Meeting Non-Televised Closed Session (5:30) and Televised Regular Meeting (6:45)

Amended on 2/13/20 to add Item #4 Attachment A – Draft Minutes and to add Item #14 Staff Report and Attachments: A - Staff Report dated February 4, 2020, B - Services Agreement - CSG Consultants, Inc, C - Services Agreement - Independent Code Consultants. Inc., and D - Services Agreement - 4LEAF, Inc

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, February 18, 2020, commencing at 5:30 p.m. in City Hall Conference Room A, 10300 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

10300 Torre Avenue, City Hall Conference Room A

CLOSED SESSION

1. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957). Title: City Attorney

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

10350 Torre Avenue, Community Hall Council Chamber

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

POSTPONEMENTS**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)

1. 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.

2. Subject: Approve the January 27 City Council minutes
Recommended Action: Approve the January 27 City Council minutes
[A - Draft Minutes](#)
 3. Subject: Approve the January 28 City Council minutes
Recommended Action: Approve the January 28 City Council minutes
[A - Draft Minutes](#)
 4. Subject: Approve the February 4 City Council minutes
Recommended Action: Approve the February 4 City Council minutes
[A - Draft Minutes](#)
 5. Subject: Accept Accounts Payable for the period ending September 09, 2019
Recommended Action: Adopt Resolution No. 20-015 accepting Accounts Payable for the period ending September 09, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
 6. Subject: Accept Accounts Payable for the period ending September 16, 2019
Recommended Action: Adopt Resolution No. 20-016 accepting Accounts Payable for the period ending September 16, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
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7. Subject: Accept Accounts Payable for the period ending September 23, 2019
Recommended Action: Adopt Resolution No. 20-017 accepting Accounts Payable for the period ending September 23, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending September 30, 2019
Recommended Action: Adopt Resolution No. 20-018 accepting Accounts Payable for the period ending September 30, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending October 07, 2019
Recommended Action: Adopt Resolution No. 20-019 accepting Accounts Payable for the period ending October 07, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
10. Subject: Accept Accounts Payable for the period ending October 14, 2019
Recommended Action: Adopt Resolution No. 20-020 accepting Accounts Payable for the period ending October 14, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
11. Subject: Accept Accounts Payable for the period ending October 21, 2019
Recommended Action: Adopt Resolution No. 20-021 accepting Accounts Payable for the period ending October 21, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
12. Subject: Accept Accounts Payable for the period ending October 28, 2019
Recommended Action: Adopt Resolution No. 20-022 accepting Accounts Payable for the period ending October 28, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
13. Subject: Approval of the Library Commission's Recommendation of Jing Jing Yang for the appointment of the new Cupertino Poet Laureate.
Recommended Action: Adopt Resolution No. 20-023 approving the Library Commission recommendation and appoint the new Cupertino Poet Laureate.
[Staff Report](#)
[A - Draft Resolution](#)

14. Subject: Award of Construction Inspection Services, Plan Review Services, and Public Works Inspection Services contracts for the Vallco SB35 project. Continued from the February 4, 2020 meeting.
- Recommended Action: 1. Authorize the City Manager to award a 3-year contract to 4LEAF, Inc. (4LEAF) to provide Construction Inspection Services and Public Works Inspection Services for a not to exceed contract price of \$7,407,710 for the Vallco SB35 project.
2. Authorize the City Manager to award a 3-year contract to CSG Consultants, Inc. (CSG), for a not to exceed contract price of \$1,149,983 for plan review services for the Vallco SB35 project.
3. Authorize the City Manager to award a 3-year contract to Independent Code Consulting, Inc. (ICCI) for a not to exceed contract price of \$13,500,000 for plan review services for the Vallco SB35 project.
- Staff Report
[A - Staff Report dated February 4, 2020](#)
[B - Services Agreement - CSG Consultants, Inc](#)
[C - Services Agreement - Independent Code Consultants, Inc.](#)
[D - Services Agreement - 4LEAF, Inc](#)

SECOND READING OF ORDINANCES

15. Subject: Second reading of Municipal Code Amendments to the Cupertino Municipal Code, Repealing and replacing Cupertino Municipal Code Chapter 5.50 of Title 5 (Business Licenses and Regulations), adopting new policies to regulate the sale of tobacco, such as prohibiting the sale or distribution of electronic cigarette products, extending the look back period for permit suspensions from 24 months to 60 months, requiring a minimum age for individuals selling tobacco products, and amending the administrative appeal process for permit violations.
- Recommended Action: Conduct the second reading and enact Ordinance No. 20-2197: "An Ordinance of the City Council of the City of Cupertino repealing and replacing Chapter 5.50 of Title 5 (Business Licenses and Regulations) to regulate the sale of tobacco products."
- [A - Draft Ordinance to Regulate the Sale of Tobacco Products](#)
16. Subject: Second reading of Municipal Code Amendment to Cupertino Municipal Code Section 2.20.010 to remove the City Clerk's duty to attend each closed session of the City Council and keep closed session minutes.
- Recommended Action: Conduct the second reading and enact Ordinance No. 20-2198: "An Ordinance of the City Council of the City of Cupertino amending City Code Section 2.20.010 (Recordkeeping Duties-Closed Sessions) of Chapter 2.20 (City Clerk) to Title 2 (Administration and Personnel) to remove the City Clerk's duty to attend City Council closed sessions and keep minutes."

[A - Draft Ordinance](#)

PUBLIC HEARINGS

17. Subject: Municipal Code Amendments to Chapter 19.112 - Accessory Dwelling Units; Chapter 19.20 - Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones; and Chapter 19.08 - Definitions; for Clarifications, and Consistency with recently adopted State Bills (Application No. MCA-2018-04; Applicant: City of Cupertino; Location: City-wide)

Recommended Action: That the City Council:

1. Find that the proposed actions are exempt from CEQA; and
2. Conduct the first reading of Ordinance No. 20-2199: "An Ordinance of the City Council of the City of Cupertino amending Chapter 19.112, Accessory Dwelling Units; Chapter 19.20 - Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones; and Chapter 19.08 Definitions."

[Staff Report](#)

[A - Draft Ordinance](#)

[B - CA Govt. Code Sections 65852.2 and 65852](#)

[C - Redline document indicating changes in Chapters 19.112, 19.20, and 19.08](#)

[D - Planning Commission Resolution No. 6889](#)

[E - Public Comment](#)

18. Subject: Adoption of a Mitigated Negative Declaration, mitigation measures, a mitigation monitoring and reporting program and adoption of the Cupertino Parks and Recreation System Master Plan.

Recommended Action: Conduct a public hearing, consider the recommendations of the Parks and Recreation Commission and the Environmental Review Committee, and

1. Adopt Resolution No. 20-024 adopting a Mitigated Negative Declaration for the Cupertino Parks and Recreation System Master Plan; and
2. Adopt Resolution No. 20-025 adopting the Cupertino Parks and Recreation System Master Plan.

Staff ReportA - Draft Parks & Recreation System Master Plan, October 2019B - Draft Parks & Recreation System Master Plan Appendices, October 2019C - Initial Study/Mitigated Negative Declaration, October 2019D - Initial Study/Mitigated Negative Declaration Appendices, October 2019E - Mitigation Monitoring and Reporting Program, Parks & Recreation System Master Plan, February 2020F - Public Input on Oct. 2019 Draft Master Plan, Oct. 23-Nov. 22, 2019G - Text Revisions to Initial Study/Mitigated Negative Declaration, Parks & Recreation System Master Plan, February 2020H - Meeting minutes, Planning Commission, Dec. 5, 2019I - Meeting minutes, Parks and Recreation Commission, Dec. 5, 2019J - Draft Resolution No. 20-_____ A Resolution of the Cupertino City Council Adopting a Mitigated Negative Declaration for the Cupertino Parks and Recreation System Master PlanK - Draft Resolution No. 20-_____ A Resolution of the Cupertino City Council Adopting the Cupertino Parks and Recreation System Master Plan**ORDINANCES AND ACTION ITEMS**

19. **Subject:** Receipt of the January 28, 2020 Public Review Draft Report from the Local Agency Formation Commission of Santa Clara County (LAFCO), entitled "Special Study: Governance Options, Rancho Rinconada Recreation and Park District," and provide direction to staff.

Recommended Action: Receive the report and forward it to the Parks and Recreation Commission for their review and recommendation. Add the Rancho Rinconada Recreation and Park District Evaluation to the FY 2019-20 City Work Program and to the Parks and Recreation Commission Work Program.

Staff ReportA - Public Review Draft Report, Special Study: Governance Options, Rancho Rinconada Recreation and Park District, January 28, 2020B - Rancho Rinconada Recreation and Park District Board of Directors Letter to Cupertino City Council, February 7, 2020C - Rancho Rinconada Work Program Line Item for City Work Program and Parks and Recreation Commission Work Program

20. **Subject:** Project update, report on bids, and contract award for the McClellan Ranch Preserve Community Garden Improvement Project (Project No. 2017-15)

- Recommended Action: 1. Receive project update and report of bids; and
2. Authorize the Director of Public Works to award a construction contract to GradeTech, Inc., the apparent low bidder, for the base bid and additive alternates 1 - 3 in the total amount of Six Hundred Forty-Nine Thousand Three Hundred Dollars (\$649,300); and
3. Authorize a 10% construction contingency budget of Sixty-Four Thousand Nine Hundred Thirty Dollars (\$64,930) to address unforeseen conditions during construction; and
4. Authorize up to Ten Thousand (\$10,000) for the purchase of one 16 cubic yard enclosed rolloff container for green waste and manure disposal.

[Staff Report](#)

[A - Proposed Site Plan](#)

[B - 2017-15 Contract](#)

21. Subject: Adopt of FY 2020-21 Council Goals

Recommended Action: Adopt FY 2020-21 Council Goals

[Staff Report](#)

22. Subject: Amendment to Council Committee assignments to appoint one primary member and one alternate member to the County of Santa Clara Housing and Community Development Advisory Committee.

Recommended Action: Approve amendment to Council Committee assignments to appoint Mayor Steven Scharf as primary member and Vice Mayor Darcy Paul as alternate member to the County of Santa Clara Housing and Community Development Advisory Committee.

[Staff Report](#)

[A - Amended 2020 Committee Assignments Assignments](#)

[B - Bylaws Housing and Community Development Advisory Committee](#)

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/cityclerk> 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.

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

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
Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Liang Chao	LiangChao@cupertino.org	(408) 777-3192
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