



# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

**This will be a teleconference meeting without a physical location.**

**Tuesday, May 5, 2020**

**5:30 PM**

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

### **TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION TO HELP STOP THE SPREAD OF COVID-19**

**In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location to help stop the spread of COVID-19.**

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

- 1) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.**
- 2) 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 comment on an item on the agenda may do so in the following ways:**

- 1) E-mail comments by 5:00 p.m. on Tuesday, May 5 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.**
- 2) E-mail comments during the times for public comment during the meeting to the City Clerk at [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org). The City Clerk will read the emails into the record, and display any attachments on the screen, for up to 3 minutes (subject to the Mayor's discretion to shorten time for public comments). Members of the public that wish to share a document must email [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org) prior to speaking.**

### **3) Teleconferencing Instructions**

**Members of the public may provide oral public comments during the teleconference meeting as follows:**

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

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\\_Wo1XloAVT7O7iuYP8F9xNA](https://cityofcupertino.zoom.us/webinar/register/WN_Wo1XloAVT7O7iuYP8F9xNA)

#### Phone

Dial: (888) 788 0099 and enter Webinar ID: 985 4255 9262 (Type \*9 to raise hand to speak).

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: 985 4255 9262

SIP: 98542559262@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.” 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.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this teleconference 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, at least 48 hours in advance of the Council meeting to arrange for assistance. In addition, 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.

## 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, May 05, 2020, commencing at 5:30 p.m. In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location. 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 - 5:30 PM

#### STUDY SESSION

1. Subject: Study Session on Small Cell Facilities within the Public Right of Way  
Recommended Action: Conduct a study session on small cellular facilities in the public right of way, with a focus on City of Cupertino regulation of small cellular facilities and regulation of small cellular facilities by other cities in the region; provide any input.  
Staff Report  
[A - Cupertino - Guidelines for Wireless Communications Facilities on City Owned Poles](#)  
[B - Campbell - Small Cell Permitting Guidelines](#)  
[C - Los Gatos - Small Cell Development and Design Guidelines](#)  
[D - Mountain View - Application Process for Small Cell Facilities](#)  
[E - San Jose - Small Cell Permit and Design Guidelines](#)  
[F - Saratoga - Ordinance 365 - Wireless Facilities](#)  
[G - Sunnyvale - Telecommunications Submittal Requirements for Right of Way](#)  
[H - Los Altos - Wireless Facility Submittal Requirements](#)  
[I - Palo Alto - Wireless Standards and Ordinance](#)

#### ADJOURNMENT

### REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

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 within the jurisdiction of the Council and 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: City Manager update on COVID-19 response efforts  
Recommended Action: Receive City Manager update on COVID-19 response efforts
2. 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.*

3. Subject: Approve the April 22 City Council minutes  
Recommended Action: Approve the April 22 City Council minutes  
[A - Draft Minutes](#)
4. Subject: Public Works Week Proclamation  
Recommended Action: Approve Public Works Week Proclamation
5. Subject: Set a voluntary limit at \$30,000 for campaign expenditures for the November 3, 2020 City Council election.  
Recommended Action: Adopt the Resolution No. 20-041 setting a voluntary campaign expenditure limit of \$30,000 for the November 3, 2020 City Council election.  
[Staff Report](#)  
[A - Draft Resolution](#)
6. Subject: Authorization of a Second Amendment to the 2015 Contractual Janitorial Service Agreement to extend agreement up to six months due to the impacts of COVID-19

Recommended Action: Approve the Second Amendment of the 2015 Contractual Janitorial Service Agreement, Project No. 2015-23 with IMPEC Group, Inc., to extend the term of the agreement up to six months due to the impacts of COVID-19

[Staff Report](#)

[A - Second Amendment - IMPEC Group - 2015 Janitorial Services Agreement](#)

[B - IMPEC Change Order 4-16-20](#)

7. Subject: Reject all bids received for the 2019 Fog Seal Project, (Project No. 2019-104)

Recommended Action: 1. Receive report on bids for the 2019 Fog Seal Project; and

2. Authorize the Director of Public Works to reject all bids for the 2019 Fog Seal Project

[Staff Report](#)

8. Subject: Accept offer of dedication and waiver of future reimbursement at 20860 McClellan Road related to the McClellan Road Separated Bikeways-Phase 2 Project

Recommended Action: Adopt Resolution No. 20-042 (Attachment A) accepting the Offer of Dedication and Waiver of Future Reimbursement from the property owner at 20860 McClellan Road for the construction of the McClellan Road Separated Bikeways-Phase 2 Project

[Staff Report](#)

[A - Draft Resolution](#)

[B - Signed Waiver](#)

## SECOND READING OF ORDINANCES

## PUBLIC HEARINGS

9. Subject: Municipal Code Amendments to Title 1, including but not limited to, Chapter 1.04 (General Provisions), Chapter 1.08 (Right of Entry for Inspection), Chapter 1.09 (Nuisance Abatement), 1.10 (Administrative Citations, Fines, and Penalties), and Chapter 1.12 (General Penalty), for language clarifications, process efficiency, compliance with State Law, and internal consistency pursuant to the FY 2019-2020 Work Program project item titled "Penalties for Violations of Conditions of Approval and Code Enforcement Best Practices." (Application No. MCA-2020-001; 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. 20-2203: "An Ordinance of the City Council of the City of Cupertino amending Chapter 1.04 (Chapter 1.08 (Right of Entry for Inspection), Chapter 1.09 (Nuisance Abatement), 1.10 (Administrative Citations, Fines, and Penalties), and Chapter 1.12 (General Penalty) to improve process efficiency by adopting Best Practices, readability and internal consistency." (Attachment A)

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Title 1 Redlines](#)

10. Subject: Fiscal Year (FY) 2020-21 Community Development Block Grant (CDBG) Program, Below Market Rate (BMR), Affordable Housing Fund (AHF), and General Fund Human Service Grants (HSG) Program funding allocations

Recommended Action: Conduct the public hearing; and

1. Adopt Resolution No. 20-043 recommending the FY 2020-21, 2021-22, and 2022-23 CDBG, BMR AHF, and HSG funding allocations
2. Approve implementation of three-year funding cycle for CDBG public service, BMR AHF public service, and HSG grants commencing in FY 2020-21.
3. Increase the General Fund allocation towards the HSG fund from \$100,000 to an annual amount of \$125,000 starting in FY 2020-21.
4. Authorize the City Manager to negotiate and execute FY 2020-21, 2021-22, and 2022-23 CDBG, BMR AHF, and HSG grant agreements.

[Staff Report](#)

[A - Draft Resolution](#)

[B - FY 2020-21 NOFA RFP](#)

[C - FY 2020-21 CDBG, BMR, and HSG Grant Application Descriptions](#)

[D - Housing Commission Resolution No. 20-01](#)

## ORDINANCES AND ACTION ITEMS

11. Subject: Ordinance extending the validity of Planning entitlements and permits issued by the Community Development Department; extending the time for City review and action on development applications in the event state law deadlines are extended; and temporarily suspending certain CEQA requirements as provided by Executive Order N-54-20.

Recommended Action: That the City Council:

- 1) Find the proposed action is exempt from CEQA; and
- 2) Conduct the only reading and enact Urgency Ordinance No. 20-2204: "An Urgency Ordinance of the City Council of the City of Cupertino Extending the Validity of Planning Entitlements and Permits Issued by the Community Development Department; Extending the Time for City Review and Action on Development Applications in the Event State Law Deadlines are Extended; and Temporarily Suspending Certain CEQA Requirements as Provided by Executive Order N-54-20"

[Staff Report](#)

[A - Draft Urgency Ordinance](#)

## 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.*

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*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.*