



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Tuesday, May 19, 2020

5:30 PM

Televised Special Meeting Study Session (5:30) and Regular City Council 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 and 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 19 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.**
- 2) E-mail comments during the times for public comment during the meeting to the City Clerk at 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 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_0LtDNp89SNS9Sr4cHAc-gw

Phone

Dial: (888) 788 0099 and enter Webinar ID: 969 7498 4220 (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: 969 7498 4220

SIP: 96974984220@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 19, 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 regarding the Proposed Fiscal Year 2010 - 2021 Budget
Recommended Action: Conduct the Study Session regarding the Proposed Fiscal Year 2010 - 2021 Budget
[A - Organizational Chart](#)
[B - Directory of City Officials](#)
[C - Commissions and Committees](#)
[D - GFOA Award](#)
[E - CSMFO Award](#)
[F - Budget Message](#)
[G - Budget Guide](#)
[H - Community Profile](#)
[I - Financial Policies and Schedules](#)
[J - Council and Commissions](#)
[K - Administration](#)
[L - Law Enforcement](#)
[M - Innovation and Technology](#)
[N - Administrative Services](#)
[O - Parks and Recreation](#)
[P - Planning and Community Development](#)
[Q - Public Works](#)
[R - Non Departmental](#)
[S - Personnel Summary](#)

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: Annual Pavement Report with COVID-19 Economic Impacts
Recommended Action: Receive the Annual Pavement Report with COVID-19 Economic Impacts
[Staff Report](#)
[A - Pavement condition range categories](#)
[B - FY19 20 Street List](#)
3. 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.

4. Subject: Approve the April 21 City Council minutes
Recommended Action: Approve the April 21 City Council minutes
[A - Draft Minutes](#)
5. Subject: Approve the April 28 City Council minutes

Recommended Action: Approve the April 28 City Council minutes

[A - Draft Minutes](#)

6. Subject: Approve the May 5 City Council minutes

Recommended Action: Approve the May 5 City Council minutes

[A - Draft Minutes](#)

7. Subject: Set a hearing date of June 16, 2020 to declare a public nuisance and for objections to proposed removal for the Cupertino Brush Abatement Program (Wildland-Urban Interface Fire Area); and adopt a resolution declaring properties as having potential fire hazards from brush.

Recommended Action: Adopt the Resolution No. 20-044 declaring properties as having potential fire hazards from brush; and set a hearing date on June 16, 2020 to declare a public nuisance and to hear objections to proposed removal.

[Staff Report](#)

[A - Draft Resolution](#)

8. Subject: Late submittal of five Teen Commission application letters of recommendation.

Recommended Action: Waive late submittal of five Teen Commission application letters of recommendation and direct staff to accept the applications.

[Staff Report](#)

[A - Adopted Resolution No. 18-019](#)

[B - Teen Commission application form](#)

9. Subject: Approval of a contract amendment for the Agreement with Shute, Mihaly & Weinberger for City Attorney services.

Recommended Action: Approve the contract amendment for the Agreement with Shute, Mihaly & Weinberger for City Attorney services.

[Staff Report](#)

[A – Amended Contract dated 4-27-20 red-line version](#)

[B - Amended Contract dated 4-27-20 clean version](#)

10. Subject: Issue a letter to Secretary of the Treasury Honorable Mr. Steven Mnuchin and Small Business Administration Administrator Ms. Jovita Carranza urging them to expand access for underserved and small independently-owned businesses, as well as to award the full amount of the \$10,000 SBA Emergency EIDL Grants as intended under the CARES Act.

Recommended Action: Authorize the Mayor to sign the draft letter.

[Staff Report](#)

[A – Draft Letter](#)

11. Subject: Accept Accounts Payable for the period ending November 04, 2019
Recommended Action: Adopt Resolution No. 20-045 accepting Accounts Payable for the period ending November 04, 2019
[A - Draft Resolution](#)
[B - AP Report MISC](#)
[B1- AP Report](#)
12. Subject: Accept Accounts Payable for the period ending November 12, 2019
Recommended Action: Adopt Resolution No. 20-046 accepting Accounts Payable for the period ending November 12, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
13. Subject: Accept Accounts Payable for the period ending November 18, 2019
Recommended Action: Adopt Resolution No. 20-047 accepting Accounts Payable for the period ending November 18, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
14. Subject: Accept Accounts Payable for the period ending November 25, 2019
Recommended Action: Adopt Resolution No. 20-048 accepting Accounts Payable for the period ending November 25, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
15. Subject: Accept Accounts Payable for the period ending December 02, 2019
Recommended Action: Adopt Resolution No. 20-049 accepting Accounts Payable for the period ending December 02, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
16. Subject: Accept Accounts Payable for the period ending December 09, 2019
Recommended Action: Adopt Resolution No. 20-050 accepting Accounts Payable for the period ending December 09, 2019
[A - Draft Resolution](#)
[B - AP Report - MISC](#)
[B1 - AP Report](#)
17. Subject: Accept Accounts Payable for the period ending December 16, 2019
Recommended Action: Adopt Resolution No. 20-051 accepting Accounts Payable for the period ending December 16, 2019
[A - Draft Resolution](#)
[B - AP Report](#)

18. Subject: Accept Accounts Payable for the period ending December 23, 2019
Recommended Action: Adopt Resolution No. 20-052 accepting Accounts Payable for the period ending December 23, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
19. Subject: Approve the Third Quarter Financial Report and recommended budget adjustments for Fiscal Year 2019-20
Recommended Action: 1. Accept the City Manager's Third Quarter Financial Report for FY 2019-20
2. Approve Budget Modification 1920-081 for Third Quarter adjustments as described in the Third Quarter Financial Report
3. Adopt a Resolution No. 20-053 approving Third Quarter budget adjustments
[Staff Report](#)
[A - Draft Resolution](#)
[B - Third Quarter Financial Report for Fiscal Year 2019-20](#)
[C - Third Quarter Budget Adjustment Journal](#)
20. Subject: Annual adoption of City Investment Policy
Recommended Action: Adopt Resolution No. 20-054 accepting the City Investment Policy
[Staff Report](#)
[A - Draft Resolution](#)
[B - City Investment Policy \(Clean\)](#)
[C - City Investment Policy \(Redline\)](#)
21. Subject: Treasurer's Investment Report for period ending March 31, 2020
Recommended Action: Accept staff report and provide recommendations.
[Staff Report](#)
[A - Treasurer's Investment Report](#)
[B - WF Operating Account](#)
[C - LAIF Statement](#)
[D - WF Custodial Statement](#)

STUDY SESSION

22. Subject: Study Session regarding Plan Bay Area 2050 and Regional Housing Needs Allocations (RHNA) (including impact of Jobs-Housing Balance and Jobs-Housing Fit to RHNA)
Recommended Action: That the City Council receive the report and provide input to staff.
[Staff Report](#)
[A - Plan Bay Area 2050 Memo](#)
[B - Regional Housing Needs Allocation Memo](#)

SECOND READING OF ORDINANCES

23. Subject: Second reading of Ordinance No. 20-2203 adopting Municipal Code Amendments to Title 1: General Provisions, to improve process efficiency by adopting Best Practices, readability and internal consistency. (Application No. MCA-2020-001; Applicant: City of Cupertino; Location: City-wide)
Recommended Action: Conduct the second reading and enact Ordinance No. 20-2203 (MCA-2020-001: "An ordinance of the City Council of the City of Cupertino amending Chapter 1.04, General Provisions; Chapter 1.08, Right of Entry for Inspection; Chapter 1.09, Nuisance Abatement; Chapter 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.")
[Staff Report](#)
[A - Draft Ordinance No. 20-2203](#)

PUBLIC HEARINGS

24. Subject: Cupertino BMR Housing Program Update: Below Market Rate (BMR) Residential Housing and Commercial Linkage Fees Update and Recommendations; Discussion of Related Housing Solutions, Including Opportunities to Increase Housing Supply for Extremely Low-Income Households and Approaches to Encourage BMR Housing Production by Non-Residential Land Uses
Application No(s): CP-2019-01; Applicant(s): City of Cupertino; Location: Citywide
Recommended Action: Conduct the public hearing and:
1) Adopt Resolution No. 20-055 attached as Attachment A, amending the Below Market Rate (BMR) Housing Mitigation Program Procedural Manual (Housing Mitigation Manual) to increase the affordable housing (BMR) requirement for ownership projects from 15% to 20%, and to make other conforming changes consistent with State law;
2) Adopt Resolution No. 20-056 attached as Attachment B, amending the Housing Mitigation In-Lieu Fees to increase the fees for offices, research and development, and industrial space to \$30 per square foot and the fees for hotels to \$15 per square foot;
3) Receive the report on Housing Solutions, Including Opportunities to Increase Housing Supply for Extremely Low-Income Households and Approaches to Encourage BMR Housing Production by Non-Residential Land Uses and provide further direction to Staff

Staff ReportA – Draft Resolution Amending BMR Housing Mitigation Procedures ManualB - Draft Resolution Amending Housing Mitigation In-Lieu FeesC - July 2019 Economic Feasibility Analysis prepared by Strategic EconomicsD – July 2019 Response to LeSar Development Consultants Peer ReviewE – February 2020 Keyser Marston Peer ReviewF – December 2019 Supplemental Memorandum from Strategic EconomicsG – November 2019 Memorandum on Options to Increase the Supply of ELI Housing from Goldfarb & LipmanH - Below Market Rate Housing Mitigation Procedures Manual redlined

25. **Subject:** Adoption of a Mitigated Negative Declaration, mitigation measures, and a mitigation monitoring or reporting program for Regnart Creek Trail, and authorization to execute an associated Joint Use Agreement and a land exchange with Santa Clara Valley Water District

Recommended Action: For the Regnart Creek Trail project:

1. Consider the recommendation of the Environmental Review Committee, and adopt Resolution No. 20-057 adopting a Mitigated Negative Declaration for the Regnart Creek Trail project, adopting the mitigation measures, and adopting the Mitigation Monitoring or Reporting Program; and
2. Authorize the City Manager to execute a Joint Use Agreement with Santa Clara Valley Water District, including a proposed minor land exchange at Wilson Park; and
3. Conduct a public hearing, determine that the proposed land exchange is in the public interest, and adopt Resolution No. 20-058 authorizing execution of a land exchange with Santa Clara Valley Water District

Staff ReportA - Initial Study Mitigated Negative DeclarationB - Initial Study Mitigated Negative Declaration Appendices A-CC - Mitigation Monitoring or Reporting ProgramD - Final Mitigated Negative DeclarationE - Responses to Comments, April 2020F - Supplemental Responses to Comments, May 2020G - Draft Resolution No. 20- Adoption of MND, mitigation measures, and MMRPH - Joint Use Agmt, City-SCVWD, Regnart Creek TrailI - Wilson Park Land Swap Area, Existing ConditionsJ - Wilson Park Land Swap Area, Proposed Swap & FeaturesK - Draft Resolution No. 20- Authorizing a Land Exchange at Wilson Park

ORDINANCES AND ACTION ITEMS

26. **Subject:** Allocation of \$229,017 of Cupertino's future Community Development Block Grant (CDBG) funds made available through the Federal stimulus Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Recommended Action: Consideration of allocation of \$229,017 of Cupertino's future CDBG funds made available through the Federal stimulus Coronavirus Aid, Relief, and Economic Security (CARES) Act towards the creation of a Cupertino small business relief grant program.

[Staff Report](#)

[Quick-Guide-CDBG-Infectious-Disease-Response_04-06-20](#)

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.*

