



# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

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

**Tuesday, June 16, 2020**

**6:45 PM**

**Teleconference Meeting**

#### **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, June 16 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\\_XUq\\_uC0-Q4qZmISbQfCYfg](https://cityofcupertino.zoom.us/webinar/register/WN_XUq_uC0-Q4qZmISbQfCYfg)

#### Phone

Dial: (888) 788 0099 and enter Webinar ID: 941 5872 9522 (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: 941 5872 9522

SIP: 94158729522@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.**

## **PLEDGE OF ALLEGIANCE**

## **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 May 19 City Council minutes  
Recommended Action: Approve the May 19 City Council minutes  
[A - Draft Minutes](#)

4. Subject: Approve the May 26 City Council minutes  
Recommended Action: Approve the May 26 City Council minutes  
[A - Draft Minutes](#)
  
  5. Subject: Approve the June 2 City Council minutes  
Recommended Action: Approve the June 2 City Council minutes  
[A - Draft Minutes](#)
  
  6. Subject: Resolution calling for a consolidated General Municipal Election on Nov. 3, 2020, to fill two City Council seats.  
Recommended Action: Adopt Resolution No. 20-072 calling a General Municipal Election on Nov. 3, 2020, to fill two City Council seats.  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - 2020 Election Calendar](#)
  
  7. Subject: Accept Accounts Payable for the period ending March 02, 2020  
Recommended Action: Adopt Resolution No. 20-073 accepting Accounts Payable for the period ending March 02, 2020  
[A - Draft Resolution](#)  
[B - AP Report](#)
  
  8. Subject: Accept Accounts Payable for the period ending March 09, 2020  
Recommended Action: Adopt Resolution No. 20-074 accepting Accounts Payable for the period ending March 09, 2020  
[A - Draft Resolution](#)  
[B - AP Report](#)
  
  9. Subject: Accept Accounts Payable for the period ending March 16, 2020  
Recommended Action: Adopt Resolution No. 20-075 accepting Accounts Payable for the period ending March 16, 2020  
[A - Draft Resolution](#)  
[B - AP Report](#)
  
  10. Subject: Accept Accounts Payable for the period ending March 23, 2020  
Recommended Action: Adopt Resolution No. 20-076 accepting Accounts Payable for the period ending March 23, 2020  
[A - Draft Resolution](#)  
[B - AP Report](#)
  
  11. Subject: Accept Accounts Payable for the period ending March 30, 2020  
Recommended Action: Adopt Resolution No. 20-077 accepting Accounts Payable for the period ending March 30, 2020
-

[A - Draft Resolution](#)

[B - AP Report](#)

12. Subject: Accept Accounts Payable for the period ending April 06, 2020  
Recommended Action: Adopt Resolution No. 20-078 accepting Accounts Payable for the period ending April 06, 2020  
[A - Draft Resolution](#)  
[B - AP Report](#)
13. Subject: Accept Accounts Payable for the period ending April 13, 2020  
Recommended Action: Adopt Resolution No. 20-079 accepting Accounts Payable for the period ending April 13, 2020  
[A - Draft Resolution](#)  
[B - AP Report](#)
14. Subject: Accept Accounts Payable for the period ending April 20, 2020  
Recommended Action: Adopt Resolution No. 20-080 accepting Accounts Payable for the period ending April 20, 2020  
[A - Draft Resolution](#)  
[B - AP Report](#)
15. Subject: Accept Accounts Payable for the period ending April 27, 2020  
Recommended Action: Adopt Resolution No. 20-081 accepting Accounts Payable for the period ending April 27, 2020  
[A - Draft Resolution](#)  
[B - AP Report](#)
16. Subject: Amended Resolution 20-045 accepting Accounts Payable for the period ending November 04, 2019 and accepting date correction of November 4, 2019 for Accounts Payable ending date (previously adopted on May 19).  
Recommended Action: Adopt Amended Resolution 20-045 accepting Accounts Payable for the period ending November 04, 2019 and accepting date correction of November 4, 2019 for Accounts Payable ending date.  
[A - Draft Amended Resolution](#)  
[B - Draft Resolution Redline](#)  
[C - AP Report](#)  
[D - AP Report MISC](#)
17. Subject: Department of Housing and Community Development (HCD) Local Early Action Planning (LEAP) Grants Program Application  
Recommended Action: Adopt Resolution No. 20-082 authorizing application for, and receipt of, LEAP Grant Program Funds

[Staff Report](#)

[A - Draft Resolution](#)

[B - LEAP Planning Grants Program Application](#)

18. Subject: Authorization to extend the 2015 Contractual Crossing Guard Services Agreement, (Second Amendment) by one year due to the impacts of COVID-19  
Recommended Action: Approve the Second Amendment of the 2015 Contractual Crossing Guard Services Agreement, Project No. 2015-25 with All City Management Services, Inc. (ACMS), to extend the term of the agreement by one year due to the impacts of COVID-19  
[Staff Report](#)  
[A - Draft Second Amendment](#)  
[B - Letter Agreeing to 2020 Contract Extension Terms](#)

## SECOND READING OF ORDINANCES

19. Subject: Municipal Code Amendment to Cupertino Municipal Code Section 2.20.010 (Recordkeeping Duties-Closed Sessions) of Chapter 2.20 (City Clerk) To Title 2 (Administration and Personnel) to clarify limited access to closed session minutes.  
Recommended Action: Conduct the second reading and enact Ordinance No. 20-2205: "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 Clarify Limited Access to Closed Session Minutes."  
[A - Draft Ordinance](#)

## PUBLIC HEARINGS

20. Subject: Brush Abatement Program hearing to consider objections to proposed removal of brush and order abatement of the public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.320) regarding Defensible space (brush) and Resolution No. 20-044.  
Recommended Action: 1. Conduct Brush Abatement Program hearing to note objections of property owners having their name on the list of properties that have been non-compliant in removing brush; and  
2. Adopt Resolution No. 20-083 ordering abatement of public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.320) regarding Defensible space (brush) and Resolution No. 20-044.

[Staff Report](#)

[A - Draft Resolution](#)

[B – Brush Parcel Abatement List](#)

[C – WUI Letter Sent to All Property Owners](#)

[D – Brush Hearing Letter Sent to Non-Compliant Owners](#)

[E - Warning Notice Door Hanger](#)

[F – Enforced Safety Regulations for WUI Zones Brochure](#)

[G - Approved Resolution No. 20-044](#)

21. Subject: Public hearing to consider and approve the Capital Improvement Plan (CIP); and the Recommended Budget for Fiscal Year (FY) 2020-21; and the Adoption of the Recommended Budget; and Establishment of the Appropriation Limit, and related actions; or take other action to approve interim expenditures.
- Recommended Action: 1. Adopt Resolution No. 20-084 establishing an Operating Budget for FY 2020-21
- a. Approve Community Funding Requests of \$34,000 as included in Attachment E
  - b. Approve budget adjustments as presented in Attachment E
  - c. Approve conversion from limited-term to permanent for Senior Management Analyst in Administrative Services Department
2. Adopt Resolution No. 20-085 establishing a Capital Improvement Program budget of \$2,186,750 for FY 2020-21.
- a. Approve \$1,589,449 of transfers out from the Capital Reserve to fund the Capital Improvement Program budget in FY 2020-21 as noted below:
    - \$1,230,000 to Capital Improvement Projects Capital Projects Fund
    - \$50,000 to Blackberry Farm Golf Course Enterprise Fund
    - \$25,000 to Cupertino Sports Center Enterprise Fund
    - \$284,449 to Recreation Programs Enterprise Fund
  - b. Approve \$217,551 of transfers out of the General Fund to fund the Capital Improvement Program budget in FY 2020-21 as noted below:
    - \$217,551 of Public Safety Power Shutoff (PSPS) funds to Recreation Programs Enterprise Fund
3. Adopt Resolution No. 20-086 establishing an Appropriation Limit of \$109,062,934 for FY 2020-21

[Staff Report](#)[A - Draft Resolution - Operating Budget for Fiscal Year 2020-21](#)[B - Draft Resolution - Capital Budget for Fiscal Year 2020-21](#)[C - Draft Resolution - Appropriation Limit for Fiscal Year 2020-21](#)[D - CIP Project Narratives](#)[E - Budget Adjustments Detail and Summary – Revenues, Expenditures, Contingencies and Transfers](#)[F1 - Breathe CA](#)[F2 - WVCS](#)[F3 - Euphrat](#)[F4 - Elevate the Future](#)[F5 - Rotary](#)[F6 - Deer Hollow](#)**ORDINANCES AND ACTION ITEMS**

22. Subject: Cupertino Small Business Emergency Relief Grant Program.  
Recommended Action: Approve Cupertino's proposed Small Business Emergency Relief Grant Program and authorize the City Manager to negotiate and execute an agreement with a selected program administrator.  
[Staff Report](#)
23. Subject: Accept resignation of Bicycle Pedestrian Commission member Jennifer Shearin and direct staff to fill the unscheduled vacancy.  
Recommended Action: a) Accept resignation of Bicycle Pedestrian Commission member Jennifer Shearin; and choose one of the following options or provide direction to staff.  
b) Direct staff to fill the unscheduled vacancy in January 2021 concurrent with the annual recruitment for all commission and committee members' terms expiring in January, 2021; or  
c) Direct staff to initiate a special recruitment process and set the interview date for Tuesday, September 15th, 2020 beginning at 5:30pm; or  
d) Direct staff to initiate a special recruitment process and select a special meeting date to conduct the interviews.  
[Staff Report](#)  
[A - Letter of resignation](#)
24. Subject: Potential nomination of the Bubb Road Special Area as a new locally nominated Priority Development Area (PDA) to accommodate future residential growth in Plan Bay Area 2050  
Recommended Action: That the City Council determine whether or not to adopt Resolution No. 20-087 (Attachment A) to nominate the Bubb Road Special Area as a new locally nominated Priority Development Area (PDA) for inclusion in the Plan Bay Area 2050.



[Staff Report](#)

[A - Draft Resolution](#)

[B - LOI - Bubb PDA Nomination](#)

## 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 this teleconference 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 meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.*

*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.*