



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Tuesday, July 7, 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, July 7 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_vdhvP-JZQ0GgAuGBmVxvOg

Phone

Dial: (888) 788 0099 and enter Webinar ID: 912 6270 6542 (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: 912 6270 6542

SIP: 91262706542@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, July 7, 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 General Plan Amendment Authorization Procedure adopted by the City Council in September 2015 by Resolution No. 15-078 (see Attachment A) ("GPA Authorization Procedure").

Recommended Action: That the City Council receive this report and provide direction on any next steps regarding the GPA Authorization Procedure.

Staff Report

[A - CC Resolution No. 15-078 Procedures Processing of General Plan Amendment \(GPA\) Applications](#)

[B - GPA Authorization Workflow](#)

[C - GPA Authorization Projects 2016-2019](#)

[D - List of Cities with GPA screening](#)

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: Presentation on Civic Center Parking Analysis and Recommendations
Recommended Action: Provide input on the recommended actions to reduce parking demand and to increase and manage parking supply at the Civic Center
[Staff Report](#)
[A - Cupertino Civic Center Parking Study](#)
[B - Existing Parking Map](#)
[C - Actions Not Recommended](#)
[D - Community and Employee Surveys](#)
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 June 5 City Council minutes
Recommended Action: Approve the June 5 City Council minutes
[A - Draft Minutes](#)
5. Subject: Approve the June 16 City Council minutes
Recommended Action: Approve the June 16 City Council minutes
[A - Draft Minutes](#)
6. Subject: Application for Alcohol Beverage License for Hans, Inc (dba Spice Klub), 10310 S. De Anza Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Hans, Inc (dba Spice Klub), 10310 S. De Anza Boulevard

[Staff Report](#)

[A - Application](#)

7. Subject: Accept Offer of Dedication and Waiver of Future Reimbursement from the property owner at 20820 McClellan Place related to the McClellan Road Separated Bikeways-Phase 2 Project

Recommended Action: Adopt Resolution No. 20-088 (Attachment A) accepting the Offer of Dedication and Waiver of Future Reimbursement from the property owner at 20820 McClellan Place for the construction of the McClellan Road Separated Bikeways-Phase 2 Project

[Staff Report](#)

[A - Draft Resolution](#)

[B - Waiver](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

8. Subject: Municipal Code Amendments to regulate Short-Term Rental activity in the City. A new Chapter 5.08 (Short Term Rental Activity) is proposed and amendments are proposed to Chapter 3.12 (Transient Occupancy Tax), Chapter 19.08 (Definitions), Chapter 19.12 (Administration), Chapter 19.20 (Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones) and Chapter 19.120 (Home Occupations), of the Cupertino Municipal Code. Application No(s): MCA-2018-02; Applicant(s): City of Cupertino; Location: Citywide

Recommended Action: That the City Council:

- a. Find the proposed actions exempt from CEQA; and,
- b. Conduct the first reading of Ordinance No. 20-2200: "An Ordinance of the City Council of the City of Cupertino amending Title 3, Revenue and Finance: Chapter 3.12 (Transient Occupancy Tax), Revenue and Finance, amending Title 5, Business License and Regulations: Chapter 5.08 (Short-Term Rental Activity), amending specified chapters of Title 19, Zoning, of the Cupertino Municipal Code Chapter 19.08 (Definitions), Chapter 19.12 (Administration), Chapter 19.20 (Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones) and Chapter 19.120 (Home Occupations), to regulate Short-Term Rental uses in residential zoning districts.

[Staff Report](#)

[A - Draft Ordinance - MCA-2018-02](#)

[B - Online Community Survey Summary](#)

[C - Comparison of Jurisdictions Short Term Rental Regulations](#)

[D - Redline Document Indicating Changes to Title 3 5 and 19](#)

[E - Comments from Expedia Group](#)

[F - Comments from Airbnb](#)

[G - Outreach Meeting Summary](#)

9. Subject: Approve renewal of the following fees:
1. Continue to charge existing (1992) Storm Drainage Service Charge, to be collected on the property tax bills for each parcel, at the following rates which include no increase in rates for FY 2020-2021: \$12/single family parcel, \$144/acre for commercial/apartments/industrial parcels, \$36/acre for unimproved parcels; and
 2. Continue to charge the 2019 Clean Water and Storm Protection Fee calculated for each parcel and collected on property tax bills or billed directly for any parcels that cannot be collected on County tax bills, for FY 2020-2021 at the rates shown in the table below with no increase in rates
- Recommended Action: 1. Adopt Resolution No. 20-089 (Attachment A) approving the renewal and collection of the 1992 storm drain fee with no increase in rates for fiscal year 2020-2021; and
2. Adopt Resolution No. 20-090 (Attachment B) approving the renewal and collection of the 2019 Clean Water and Storm Protection Fee with no increase in rates for fiscal year 2020-2021; and
3. Assign the Audit Committee the task of reviewing externally audited findings regarding the Nonpoint Source Program on an annual basis
- [Staff Report](#)
[A - Draft Resolution Storm Drain Renewal](#)
[B - Draft Resolution Clean Water Storm Protection Fee](#)
[C - Clean Water Fee Ordinance No 19-2183](#)

ORDINANCES AND ACTION ITEMS

10. Subject: Approving an Internal Audit Charter
- Recommended Action: 1. Adopt Resolution No. 20-091 establishing an Internal Audit Function.
2. Conduct the first reading of Ordinance No. 20-2208: "An Ordinance of the City Council of the City of Cupertino Amending City Code Chapter 2.88: Audit Committee §100 Duties-Powers-Responsibilities."
- [Staff Report](#)
[A - Draft Resolution](#)
[B - Draft Ordinance](#)
11. Subject: Adopt a resolution approving the purchase of the Lawrence-Mitty property, located along the westerly right-of-way of Lawrence Expressway between Calvert Drive and Bollinger Road (APNs 375-21-001 and 375-22-001), from the County of Santa Clara, in the amount of \$2,690,000, and authorizing the City Manager to execute all necessary documents and take all necessary steps to complete the acquisition of the property

Recommended Action: Adopt resolution No. 20-092, approving the purchase of the Lawrence-Mitty property, located along the westerly right-of-way of Lawrence Expressway between Calvert Drive and Bollinger Road (APNs 375-21-001 and 375-22-001), from the County of Santa Clara, in the amount of \$2,690,000, and authorizing the City Manager to execute all necessary documents and take all necessary steps to complete the acquisition of the property

[Staff Report](#)

[A - Draft Resolution](#)

[B - Vicinity Map of Lawrence-Mitty Property](#)

[C - Draft Purchase and Sale Agreement](#)

12. Subject: Ordinance adding Chapter 2.20.120 to the Cupertino Municipal Code requiring online or electronic filing of campaign statements; Update on City website tool for publishing campaign finance data.

Recommended Action: 1. Receive update on City website tool for publishing campaign finance expenditures and contributions; and

2. Conduct the first reading of Ordinance No. 20-2209: "An Ordinance of the City Council of the City of Cupertino adding City Code Section 2.20.120 (Electronic Filing) to Title 2 (Administration and Personnel)" relating to electronic filing of campaign statements.

[Staff Report](#)

[A - Draft 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.

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.