



# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

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

**Tuesday, September 15, 2020**

**5:30 PM**

**Televised Special Meeting Study Session (5:30) and Regular Meeting (6:45); Special Public Facilities Corporation Meeting (Immediately Following Regular 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, September 15 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\\_SsNkBSINS36NcbKT\\_HIonA](https://cityofcupertino.zoom.us/webinar/register/WN_SsNkBSINS36NcbKT_HIonA)

#### Phone

Dial: (888) 788 0099 and enter Webinar ID: 946 7129 8480 (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)

Meeting ID: 946 7129 8480

SIP: 94671298480@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 (STUDY SESSION) AND REGULAR MEETING OF THE CUPERTINO CITY COUNCIL, AND SPECIAL MEETING OF THE CUPERTINO PUBLIC FACILITIES CORPORATION**

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Tuesday, September 15, 2020, for a study session 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." The regular meeting items will be heard at 6:45 p.m. In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location. The special meeting of the Cupertino Public Facilities Corporation will immediately follow the regular meeting. 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 Proposed Revisions to the Permitting Guidelines for Small Cell Facilities within the Public Right-of-Way  
Recommended Action: Conduct a study session on proposed revisions to the permitting guidelines for small cellular facilities in the public Right-of-Way and provide recommendations  
[Staff Report](#)  
[A - Guidelines for Small Cell Encroachment Permit Submittals Updated 8-27-20](#)  
[B - Redlines - Guidelines for Small Cell Encroachment Permit Submittals](#)

**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 emergency response efforts  
Recommended Action: Receive City Manager update on emergency 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 August 18 City Council minutes  
Recommended Action: Approve the August 18 City Council minutes  
[A - Draft Minutes](#)
4. Subject: Approve and authorize the City Manager to execute a Master Agreement between the City of Cupertino and Starbird Consulting, LLC to provide environmental consulting services on various Capital Improvement Program (CIP) projects  
Recommended Action: Approve a Master Agreement between the City of Cupertino and Starbird Consulting, LLC and authorize the City Manager to execute a Master Agreement in the amount not-to-exceed \$400,000 for a term of three years with an option to extend for an additional period of up to two years  
[Staff Report](#)  
[A - Draft Contract](#)

5. Subject: Temporary rent reductions for Coffee Society lease of library storefront space and for Blue Pheasant lease of restaurant space adjacent to the Blackberry Farm Golf Course to address hardships from COVID-19 impacts  
Recommended Action: Authorize the City Manager to execute all documentation necessary to temporarily reduce rental payments by 50-percent (50%) for the Coffee Society and Blue Pheasant lessees during State and County mandated Shelter-in-Place orders and restrictions on indoor dining  
[Staff Report](#)  
[A - Coffee Society Lease Agreement](#)  
[B - Blue Pheasant Lease Agreement](#)

## STUDY SESSION

6. Subject: Study session regarding policy options to reduce secondhand smoke exposure in Cupertino  
Recommended Action: Provide direction on policy options to reduce exposure to secondhand smoke, including in multi-unit housing  
[Staff Report](#)  
[A – Tobacco Free Communities Policies in Santa Clara County](#)  
[B – Smoke-free Multi-Unit Housing, Santa Clara County Public Health Department](#)

## SECOND READING OF ORDINANCES

7. Subject: Second reading of Ordinance No. 20-2200 Municipal Code Amendments to regulate Short-Term Rental activity in the City and other minor clarification edits in Title 19. (Application No(s): MCA-2018-02; Applicant (s): City of Cupertino; Location: Citywide)  
Recommended Action: Conduct the second reading and enact 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), and Chapter 19.120 (Home Occupations), to regulate Short-Term Rental uses in Residential Zoning Districts.”  
[Staff Report](#)  
[A – Draft Ordinance No. 20-2200](#)  
[B - Redline Document Indicating Changes to Title 3 5 and 19](#)  
[C - August 18, 2020 Staff Report](#)

## PUBLIC HEARINGS

8. Subject: Consider amending the Fiscal Year 2020-21 Fee Schedule to establish a new fee for Short-Term Rental Registration

Recommended Action: Adopt Resolution No. 20-113 (Attachment A) amending the Fiscal Year 2020-21 Fee Schedule to establish a new fee for Short-Term Rental Registration

[Staff Report](#)

[A – Draft Resolution Amending the Fee Schedule to Include a Short-Term Rental Registration Fee](#)

[B – Short-Term Rental Fees in Other Cities](#)

## ORDINANCES AND ACTION ITEMS

9. Subject: Consideration of installing a rainbow crosswalk or intersection on City streets and other alternatives  
Recommended Action: Receive report on the consideration of installing a rainbow crosswalk or intersection on City streets or alternative locations and provide input  
[Staff Report](#)  
[A - Examples of Rainbow-Colored Street Surface Installations and Other Alternates](#)  
[B - Aerial View of Torre Avenue at Town Center Lane](#)  
[C - Aerial View of Stevens Creek Blvd at Finch Avenue](#)
10. Subject: Authorizing the sale and delivery of 2020A Certificates of Participation (“Certificates”) to refinance outstanding Certificates of Participation (2012 Refinancing Project) (“2012 Certificates” or “Refunded Certificates”) for debt service savings and authorizing related documents and actions.  
Recommended Action: Adopt Resolution No. 20-114 of the City Council of the City of Cupertino authorizing the sale and delivery of 2020A Certificates of Participation in a principal amount not to exceed \$27 million, authorizing execution and delivery of certain documents relating thereto, and directing certain actions in connection therewith.  
[Staff Report](#)  
[A - Good Faith Estimates](#)  
[B - Draft Resolution](#)  
[C - Site Lease](#)  
[D - Lease Agreement](#)  
[E - Memorandum of Lease Agreement](#)  
[F - Assignment Agreement](#)  
[G - Trust Agreement](#)  
[H - Escrow Agreement](#)  
[I - Termination Agreement](#)  
[J - Certificate Purchase Agreement](#)  
[K - Preliminary Official Statement](#)  
[L - Amended Debt Management Policy](#)
11. Subject: Presentation on the 2020 Blackberry Farm Entrance Road (Entrance Road) Improvements Feasibility Study Report and request that the City Council endorse an alternative to improve pedestrian and bicycle access to Blackberry Farm for environmental review

Recommended Action: Endorse an alternative to improve pedestrian and bicycle visitor access improvements to the Blackberry Farm Entrance Road for review under the California Environmental Quality Act

[Staff Report](#)

[A - BBF Entrance Road Improvements Feasibility Study](#)

[B - Alternatives Comparison Table and Diagrams](#)

[C - Legal Description and Plat Map - 10301 Byrne](#)

[D - Meeting Notification Letter to Residents dated Sept 8 2020](#)

12. Subject: An Urgency Ordinance temporarily waiving permit fees for certain temporary commercial signs and banners.

Recommended Action: That the City Council:

1. Find that the proposed actions are exempt from CEQA; and,
2. Conduct the only reading and enact Urgency Ordinance No. 20-2211: "An Urgency Ordinance of the City Council of the City of Cupertino temporarily waiving permit fees for certain temporary commercial signs and banners."

[Staff Report](#)

[A - Draft Urgency Ordinance](#)

13. Subject: An Emergency Order authorizing the outdoor operations of qualifying establishments (retail uses, personal care services uses, and gym and fitness facilities) pursuant to a Special Temporary Outdoor Operations Permit.

Recommended Action: Ratify the Emergency Order authorizing the outdoor operations of qualifying establishments (retail uses, personal care services uses, and gym and fitness facilities) pursuant to a Special Temporary Outdoor Operations Permit.

[Staff Report](#)

[A - Emergency Order No. 20-02](#)

[B - California Blueprint Activity and Business Tiers](#)

[C - Mandatory-Directives-Personal-Care-Services](#)

[D - Mandatory-Directives-Gyms-Fitness-Facilities](#)

[E - Santa Clara County COVID-19 Requirements for All Businesses](#)

[F - CA Industry-Specific Guidelines](#)

14. Subject: Resolution amending the City of Cupertino Conflict of Interest Code for officials and designated employees and requiring electronic filing of all Statements of Economic Interest (Form 700s); 2020 Local Agency Biennial Notice

Recommended Action: a.) Adopt Resolution No. 20-115 rescinding Resolution No. 18-092 and amending the City of Cupertino Conflict of Interest Code for officials and designated employees and requiring electronic filing of all Statements of Economic Interest; and b.) Authorize the City Manager to sign the required 2020 Local Agency Biennial Notice

[Staff Report](#)

[A - Draft Resolution and Conflict of Interest Code \(redline\)](#)

[B - Draft Resolution and Conflict of Interest Code \(clean\)](#)

[C - Adopted Resolution No. 18-092](#)

[D - 2020 Local Agency Biennial Notice](#)

## ORAL COMMUNICATIONS - CONTINUED (As necessary)

## COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

## ADJOURNMENT

## NOTICE AND CALL FOR A SPECIAL MEETING OF THE CUPERTINO PUBLIC FACILITIES CORPORATION

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino Public Facilities Corporation is hereby called for Tuesday, September 15, 2020, commencing immediately following the Cupertino City Council Regular meeting (which starts at 6:45 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 OF THE CUPERTINO PUBLIC FACILITIES CORPORATION

## ROLL CALL - Immediately following Regular meeting

## CONSENT CALENDAR

- Subject: Approve the April 17, 2012 Public Facilities Corporation minutes  
Recommended Action: Approve the April 17, 2012 Public Facilities Corporation minutes  
[A - Draft Minutes](#)
- Subject: Approve the January 19, 2016 Public Facilities Corporation minutes  
Recommended Action: Approve the January 19, 2016 Public Facilities Corporation minutes  
[A - Draft Minutes](#)
- Subject: Approve the July 5, 2017 Public Facilities Corporation minutes  
Recommended Action: Approve the July 5, 2017 Public Facilities Corporation minutes  
[A - Draft Minutes](#)

## ORDINANCES AND ACTION ITEMS



4. Subject: Authorizing the execution and delivery of documents relating to the sale and delivery of the City of Cupertino's 2020A Certificates of Participation ("Certificates") to refinance the City's outstanding Certificates of Participation (2012 Refinancing Project) ("2012 Certificates" or "Refunded Certificates") for debt service savings and authorizing related actions.

Recommended Action: Adopt Resolution No. 20-01 of the Board of Directors of the Cupertino Public Facilities Corporation authorizing the execution and delivery of documents relating to the sale and delivery of 2020A Certificates of Participation in a principal amount not to exceed \$27 million and authorizing and directing certain actions in connection therewith.

[Staff Report](#)

[A - Good Faith Estimates](#)

[B - Draft Resolution](#)

*Note: The Corporation staff report and resolution refer to documents that are attached in the companion report on the City Council agenda as Item No 10.*

## 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.*