



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location
Tuesday, October 20, 2020
6:00 PM

Non-Televised Closed Session (6:00) and Televised 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 and www.Cupertino.org/webcast

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

- 1) E-mail comments for closed or open session by 5:00 p.m. on Tuesday, October 20 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 for closed or open session 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:

CLOSED SESSION

Members of the public may provide oral public comments in open session prior to the closed session teleconference meeting as follows:

To address the City Council, click on the link below to register in advance and access the meeting:

Online

Join Meeting: <https://cityofcupertino.zoom.us/j/99850764856>

Phone

Dial: (888) 788 0099 and enter Meeting ID: 998 5076 4856 (Type *9 to raise hand to speak).

OPEN SESSION

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

Oral public comments will be accepted during the open session 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_1ixfsVc5TSC0uVtP_V8lUQ

Phone

Dial: (888) 788 0099 and enter Webinar ID: 999 2358 9047 (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: 999 2358 9047

SIP: 99923589047@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.

ROLL CALL - 6:00 PM

CLOSED SESSION

1. Subject: Conference with Legal Counsel pursuant to Government Code section 54956.9(d)(1); Existing Litigation, Vallco Property Owner LLC v. City of Cupertino; Santa Clara County Superior Court, Case No. 19CV355457 (2019 Vallco General Plan and Zoning Amendments)

RECESS

PLEDGE OF ALLEGIANCE - 6:45 PM**ROLL CALL****CEREMONIAL MATTERS AND PRESENTATIONS**

2. Subject: Proclamation recognizing Anika Pallopothu for being a finalist in the nation's premier STEM competition for middle school students
Recommended Action: Present proclamation recognizing Anika Pallopothu for being a finalist in the nation's premier STEM competition for middle school students
[A - Proclamation](#)

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)

3. Subject: City Manager update on emergency response efforts
Recommended Action: Receive City Manager update on emergency response efforts
4. 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.

5. Subject: Approve the October 6 City Council minutes
Recommended Action: Approve the October 6 City Council minutes
[A - Draft Minutes](#)
6. Subject: Annual report of commission and committee members' terms expiring in January, 2021, and application submittal deadline and candidate interview dates in January, 2021.

Recommended Action: Receive report on commission and committee members' terms expiring January, 30, 2021, and set an application submittal deadline of Friday, January 8, 2021 and candidate interview dates of Monday and Tuesday, January 25 and 26, 2021.

[Staff Report](#)

[A – Local Appointments List and Notice of Vacancies](#)

[B – Resolution Governing Recruitment](#)

7. Subject: Cancel the January 5, 2021 Council meeting
Recommended Action: Cancel the January 5, 2021 Council meeting
[Staff Report](#)

8. Subject: Adopt a resolution increasing the employer's contribution for medical and hospitalization insurance consistent with the Meyers-Geddes State Employees Medical and Hospital Care Act for the Unrepresented (Management and Confidential), Cupertino Employees' Association (Employees Association), Operating Engineers, Local Union No. 3 (Operating Engineers), Appointed (City Attorney and City Manager), Elected Official groups and retired annuitants.
Recommended Action: Adopt Resolution No. 20-117 increasing the employer's contribution for medical and hospitalization insurance for employees under the Unrepresented, Cupertino Employees' Association, Operating Engineers, Local union No. 3, Appointed, Elected Officials, and retired annuitant groups.
[Staff Report](#)
[A - Draft Resolution](#)

9. Subject: FY 2020-21 Interim Budget and Key Projects Update
Recommended Action: Accept City Manager's Interim Budget and Key Projects Report
[Staff Report](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

10. Subject: Consider Municipal Code Amendments to CMC Chapter 10.48 Community Noise Control to regulate leaf blowers to implement the Fiscal Year 2020/21 City Council Work Program items related to ordinance updates on gas-powered leaf blowers. Application No(s): MCA-2020-002; Applicant(s): City of Cupertino; Location: Citywide.
Recommended Action: Conduct the Public Hearing and find:
 - 1) that the proposed action is exempt from CEQA; and
 - 2) Conduct the first reading of Ordinance No. 20-2213: "An Ordinance of the City Council of the City of Cupertino amending Chapter 10.48, Community Noise Control for Leaf Blower Regulations".

[Staff Report](#)

[A - Draft Ordinance](#)

[B - PC Resolution 6910](#)

[C - Neighboring Jurisdictions Survey.pdf](#)

[D - Redline Ordinance Amendments](#)

ORDINANCES AND ACTION ITEMS

11. **Subject:** Minor, cleanup amendments to the Cupertino Municipal Code
Recommended Action: Conduct the first reading of Ordinance No. 20-2214: "An Ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code Section 2.04.010 (concerning regular meetings of the City Council); Section 2.28.040 (concerning powers and duties of the City Manager); Section 8.01.090 (concerning animals in City buildings); Chapter 11.08 (concerning bicycle licensing and registration); and Section 13.04.190 (concerning activities prohibited in City parks)."
[Staff Report](#)
[A - Draft Ordinance](#)

12. **Subject:** Update Cupertino's annual minimum wage with an ordinance for a one-time adjustment to the City of Cupertino minimum wage to be consistent with the cities of Los Altos, Palo Alto, and Santa Clara such that the minimum wage will be consistent among those cities and the City of Cupertino in 2021 and in subsequent years to achieve a desired uniformity among the cities of Los Altos, Palo Alto, and Santa Clara
Recommended Action: Receive an update on regional minimum wage efforts and conduct the first reading of Ordinance No. 20-2215: "An Ordinance of the City of Cupertino to set the minimum wage for 2021 at \$15.65 per hour".
[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.

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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.