



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Tuesday, December 1, 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 4:30 p.m. on Tuesday, December 1 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_MQuUIYgLT5CeDWy59HsXGA

Phone

Dial: (888) 788 0099 and enter Webinar ID: 944 3810 2594 (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)

213.19.144.110 (Amsterdam Netherlands)

213.244.140.110 (Germany)

103.122.166.55 (Australia)

69.174.57.160 (Canada)

Meeting ID: 944 3810 2594

SIP: 94438102594@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, December 01, 2020, commencing at 5:30 p.m. for a study session. 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.

SPECIAL MEETING

ROLL CALL - 5:30 PM

STUDY SESSION

1. Subject: Study Session on Climate Action Plan 2.0 initial draft goals and vision statement
Recommended Action: Provide input and direction on the Climate Action Plan 2.0 initial draft goals and vision statement
[Staff Report](#)
[A - Carbon Neutrality, Interim Target, and Zero Waste Goals from Comparison Cities](#)

ADJOURNMENT

PLEDGE OF ALLEGIANCE - 6:45 PM

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

POSTPONEMENTS

1. Subject: Municipal Code Amendments to update existing Mobile Vending regulations, including but not limited to regulations in Chapter 5.48, and potential conforming edits to other chapters in the Municipal Code, including in Titles 5, 11, 13 and 19. Application No(s): MCA-2020-004; Applicant(s): City of Cupertino; Location: citywide. This item has been continued to December 15.
2. Subject: Approving City of Cupertino 2020 Transportation Impact Fee Nexus Study Update, increasing the Transportation Impact Fees, and amending Schedule B of the 2020-21 Fee Schedule to incorporate the increased fees. This has been continued to December 15.

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 November 17 City Council minutes
Recommended Action: Approve the November 17 City Council minutes
[A - Draft Minutes](#)
6. Subject: Approve the November 19 City Council minutes
Recommended Action: Approve the November 19 City Council minutes
[A - Draft Minutes](#)

7. Subject: Set hearing date on January 19, 2021 to declare a public nuisance (from weeds) and to consider objections for proposed removal; declare properties as having potential fire hazards from weeds or other potential nuisances for the Cupertino Weed Abatement Program.
Recommended Action: Adopt Resolution No. 20-136 declaring properties as having potential fire hazards from weeds or other potential nuisances; and set hearing on January 19, 2021 to declare a public nuisance and to consider objections for proposed removal.
[Staff Report](#)
[A - Draft Resolution](#)
[B – 2021 Cupertino Commencement Report](#)
8. Subject: Mitigation Fee Act - Annual & Five-Year Report - Fiscal Year 2019-2020
Recommended Action: 1. Accept the Annual & Five-Year Review of the City of Cupertino's Development Impact Fees (Government Code Section 66000 et seq.); and 2. Adopt Resolution No 20-137 entitled "A Resolution of the Cupertino City Council Approving the Annual & Five-Year Development Impact Fee Report for FY Ending June 30, 2020 and Making Required Findings."
[Staff Report](#)
[A - 2020 Developer In-Lieu Fee Report - Annual and Five-Year](#)
[B - Draft Resolution](#)
9. Subject: Consider changes to the part-time salary schedules for classifications and job series impacted by minimum wage adjustments.
Recommended Action: Adopt Resolution No. 20-138 establishing changes to part-time salary schedules for classifications impacted by minimum wage adjustments and realign wage increases with position advancement.
[Staff Report](#)
[A - Draft Resolution](#)
[B - Part-Time Salary Survey](#)
[C - Proposed Adjustments to 2021 Part-Time Salary Schedule \(Redline\)](#)
[D - 2021 Part-Time Salary Schedule \(Clean\)](#)

SECOND READING OF ORDINANCES

10. Subject: Second reading of Ordinance No. 20-2216 to amend Cupertino Municipal Code Chapter 2.40 (concerning the Disaster Council and the emergency management program).
Recommended Action: Conduct the second reading and enact Ordinance No. 20-2216: "An ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code Chapter 2.40 (concerning the Disaster Council and the Emergency Management Program)."
[A - Draft Ordinance](#)

PUBLIC HEARINGS

11. Subject: Municipal Code Amendments to adopt glazing and lighting regulations to implement the Fiscal Year 2019/20 City Council Work Program items related to Dark Sky and Bird-Safe Design. (Application No. MCA-2019-003 and MCA-2019-004; Applicant: City of Cupertino; Location: City-wide)
Recommended Action: That the City Council:
1. Find the proposed actions are exempt from CEQA; and,
 2. Conduct the first reading of Ordinance No. 20-2217 "An Ordinance of the City Council of the City of Cupertino Amending City Code to Add Chapter 19.102: Glass and Lighting Standards and to Amend Chapter 19.08 Definitions, Chapter 19.40 Residential Hillside (RHS) Zones, Chapter 19.60 General Commercial (GC) Zones, Chapter 19.72 Light Industrial (ML) and Industrial Park (MP) Zones, and Chapter 19.124 Parking Regulations to Implement Bird-Safe and Dark Sky Policies." (Attachment A)
- [Staff Report](#)
[A - Draft Ordinance for MCA-2019-03 and MCA-2019-004](#)
[B - Comparison of Bird-Safe Regulations](#)
[C - Comparison of Lighting and Dark Sky Regulations](#)
[D - Public Comments](#)
[E - Planning Commission Resolution No. 6914](#)
[F - Redline Document for Proposed Modifications to Title 19](#)
[G - Draft String Lighting Regulations](#)

ORDINANCES AND ACTION ITEMS

12. Subject: Updated Administrative Procedures Within the Community Funding Grant Policy.
Recommended Action: Review and adopt updated administrative procedures within the Community Funding Grant Policy, including an earlier submission date for applications, program funding range, and affirmation that all qualified applicant materials will be brought to City Council.
- [Staff Report](#)
[A - Current Community Funding Policy](#)
[B - Updated Community Funding Policy \(Redline Version\)](#)
[C - Updated Community Funding Policy \(Clean Version\)](#)

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.