



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Tuesday, March 24, 2020

6:00 PM

Televised Special Meeting

CITY OF CUPERTINO, CITY COUNCIL MEETING

MARCH 24, 2020

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.com and www.Cupertino.org/webcast.com.**

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

- 1) E-mail comments by 6:00 p.m. on Tuesday, March 24 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 time 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).**

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 6 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, March 24, 2020, commencing at 6:00 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

ORDINANCES AND ACTION ITEMS

1. Subject: Urgency Ordinance Imposing a Moratorium on Evictions for Nonpayment of Rent by Tenants Impacted by the COVID-19 Pandemic

Recommended Action: 1. Conduct the only reading and adopt Ordinance No. 20-2201: "An Urgency Ordinance of the City Council of the City of Cupertino Enacting an Immediate Temporary Moratorium on Evictions Due to Nonpayment of Rent for Residential Tenants Where the Failure to Pay Results from Income Loss Resulting from the Novel Coronavirus (COVID-19), and Setting Forth the Facts Constituting Such Urgency."

Specifically, the ordinance would:

A. Invoke the urgency provisions in Government Code section 36937, as an urgency measure for immediate preservation of the public peace, health or safety, to temporarily prohibit the eviction of a tenant for nonpayment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19; and

B. Provide that the moratorium will be in effect as provided in the Council's adoption of a resolution declaring the commencement and making findings regarding COVID-19 and that such moratorium will expire in forty-five days unless extended.

2. Adopt Resolution No. 20-030, A Resolution of the Council of the City of Cupertino Declaring the Commencement of a Forty-Five Day Moratorium on Evictions Due to Nonpayment of Rent for Residential Tenants Where the Failure to Pay Rent Results from Income Loss Resulting from the Novel Coronavirus (COVID-19), and Setting Forth the Facts Constituting Such Urgency.

3. Conduct the first reading of Ordinance No. 20-2202: "An Ordinance of the City Council of the City of Cupertino Enacting a Temporary Moratorium on Evictions Due to Nonpayment of Rent for Residential Tenants Where the Failure to Pay Rent Results from Income Loss Resulting from the Novel Corona Virus (COVID-19)."

Specifically, the ordinance would:

A. Temporarily prohibit the eviction of a residential tenant for non-payment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19; and

B. Provide that the moratorium will be in effect as provided in the Council's adoption of a resolution declaring the commencement and making findings regarding COVID-19 and that such moratorium will expire in forty-five days unless extended.

[Staff Report](#)

[A - Draft Urgency Ordinance](#)

[B - Draft Resolution](#)

[C - Draft Ordinance](#)

2. **Subject:** Emergency Assistance Funds for Tenants at Risk of Eviction due to Impacts of by the Novel Coronavirus (“Emergency Assistance Funds”)
Recommended Action: Adopt Resolution No. 20-031 to:
1. Authorize \$350,000 in funds directed towards the Emergency Assistance Fund for tenants at risk of eviction due to impacts of the coronavirus disease (COVID-19)
 2. Authorize the City Manager to negotiate and execute an agreement with West Valley Community Services to implement the Emergency Assistance Funds program.
- [Staff Report](#)
[A - Draft Resolution](#)
3. **Subject:** Consideration of an Emergency Ordinance to provide tenant protection to commercial tenants.
Recommended Action: In consideration of the following policy considerations, it is staff’s recommendation that Council not impose a moratorium on commercial evictions at this time due to the unique nature of commercial leasing and the State and Federal resources currently available to business owners. Furthermore, the City does not currently have the staffing resources nor allocated budget to develop meaningful loan or grant programs for small businesses. It is recommended staff continue to facilitate business owners’ participation in Federal, State, and regional economic relief programs.
- [Staff Report](#)
[A - CA 16332 Amend-1-Fact Sheet \(COVID Gov Cert EIDL\)](#)
[B - SBA Disaster Loan Assistance](#)
[C - EDD Work Sharing](#)
[D - EDD Rapid Response](#)

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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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.