



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Tuesday, April 7, 2020

5:30 PM

**Televised Special Meeting Joint Study Session with City Council and Planning Commission (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, April 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).**

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:

https://cityofcupertino.zoom.us/webinar/register/WN_FZcAtnz4TXSW5YAF0HTGug

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: 254 603 776

SIP: 254603776@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 JOINT MEETING OF THE CUPERTINO CITY COUNCIL AND CUPERTINO PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a special joint meeting of the Cupertino City Council and Cupertino Planning Commission is hereby called for Tuesday, April 07, 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." The City Council regular meeting items will be heard at 6:45 p.m.

SPECIAL MEETING

ROLL CALL - 5:30 PM

STUDY SESSION

1. Subject: Joint study session with the City Council and Planning Commission on state housing law: Housing Accountability Act, SB 330, and Density Bonus Law.
Recommended Action: Conduct the joint study session with the City Council and Planning Commission on state housing law: Housing Accountability Act, SB 330, and Density Bonus Law; provide any input to staff.
[A - Housing Laws Handout](#)

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: 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 March 17 City Council minutes
Recommended Action: Approve the March 17 City Council minutes
[A - Draft Minutes](#)
4. Subject: Approve the March 24 City Council minutes
Recommended Action: Approve the March 24 City Council minutes
[A - Draft Minutes](#)
5. Subject: Arbor Day Proclamation
Recommended Action: Authorize the Mayor to proclaim April 18, 2020 as Arbor Day for 2020
[Staff Report](#)
[A - Arbor Day Proclamation](#)
6. Subject: Approve the addendum to the Memorandum of Understanding between the City of Cupertino and the Cupertino Employees Association (CEA), for the period of July 16, 2019 to June 30, 2022.
Recommended Action: Adopt Resolution No. 20-032 to approve the addendum providing standby compensation for certain classifications in the CEA bargaining unit.
[Staff Report](#)
[A - Draft Resolution](#)
[B - Tentative Agreement: Standby Compensation](#)
[C - Public Works Department Standby Policy](#)
7. Subject: Fiscal year 2020-21 projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by Senate Bill 1(SB 1).
Recommended Action: Adopt Resolution No. 20-033 listing fiscal year 2020-21 projects proposed to receive RMRA funding, created by Senate Bill 1(SB 1), and reaffirm commitment to fund previously adopted projects with RMRA funding.

[Staff Report](#)

[A - Draft Resolution](#)

8. Subject: FY 2018-19 Comprehensive Annual Financial Report (CAFR) and related supplemental reports.

Recommended Action: Accept the FY 2018-19 Comprehensive Annual Financial Report (CAFR) and related supplemental reports.

[Staff Report](#)

[A - FY 2018-19 CAFR](#)

[B - FY 2018-19 GAGAS Report](#)

[C - FY 2018-19 Appropriation Limit AUP Report](#)

[D - FY 2018-19 TDA Report](#)

[E - FY 2018-19 Investment AUP Report](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

9. Subject: Item 9: De Anza Hotel project hearing items:

9A) Petition for Reconsideration regarding the City Council decision of March 3, 2020 to approve a new 155-room seven-story hotel (24-hour operations) with underground parking, event meeting rooms, a ground floor restaurant with separate bar, and a rooftop lounge with separate bar by demolishing a commercial building with an area of 8,323 sq. ft., General Plan Amendments to amend Table LU-1 by increasing the development allocation of hotel rooms to 155 hotel rooms in the Homestead Special Area and Figure LU-2 and Policy LU-23.2 adding Figure LU-5 to allow increased heights and reduced building plane within the North De Anza Gateway specific to this development, Development, Architectural and Site Approval, and Use Permits ("Project"); Application No(s): GPA-2018-01, DP-2018-01, ASA-2018-02, DA-2018-01, U-2018-02, EA-2018-03; Applicant(s): John Vidovich (De Anza Properties); Location: 10931 N De Anza Blvd.; APN #326-10-061.; and

9B) First reading of a Development Agreement for a new 155-room 7-story hotel (24-hour operations) with underground parking, event meeting rooms, a ground floor restaurant with separate bar and a rooftop lounge with separate bar by demolishing a commercial building with an area of 8,323 sq. ft. (Application No: DA-2018-01; Applicant(s): John Vidovich (De Anza Properties); Location: 10931 N De Anza Blvd.; APN #326-10-061

Recommended Action: That the City Council conduct a public hearing, and:

1. Adopt Resolution No. 20-034 (Attachment AA) denying the petition, which does not meet the requirements of Cupertino Municipal Code (CMC) Section 2.08.096.
2. Introduce and conduct the first reading of Ordinance No. 20-2195: "An Ordinance of the City Council of the City of Cupertino Approving a Development Agreement for the Development of a New 7-Story, 155 Room Hotel and Associated Site and Landscaping Improvements Located at 10931 N. De Anza Blvd. (APN #326-10-061)"

[Cover Staff Report](#)

[A. Staff Report and attachments for the Petition for Reconsideration of Councils 3320 approval of the De Anza Hotel.](#)

[AA – City Council Draft Resolution](#)

[AB - Resolution EA-2018-03 \(20-005\)– Mitigated Negative Declaration, mitigation measures, and a Mitigation Monitoring and Reporting Program](#)

[AC - Petition for Reconsideration filed by Michael Lozeau, Lozeau Drury, received March 13, 2020](#)

[AD - Initial Study and Mitigated Negative Declaration Response to Comments Memo for City Council dated March 24, 2020.](#)

[AE -Initial Study/Mitigated Negative Declaration, dated July 2, 2019](#)

[AF – Initial Study Mitigated Negative Declaration Responses to Comments Memo dated December 5, 2019](#)

[AG - Initial Study Mitigated Negative Declaration Responses to Comments Memo for City Council dated February 20 2020.](#)

[AH – Project Plans](#)

[B. Staff Report and attachments for the First reading of a Development Agreement for a new 155 room 7-story hotel \(24-hour operations\) with underground parking, event meeting rooms, a ground floor restaurant with sep](#)

[BA - Draft Ordinance DA-2018-01 – Development Agreement between the City and Northwest Properties LP](#)

ORDINANCES AND ACTION ITEMS

10. Subject: Emergency Assistance Funds for Tenants at Risk of Eviction due to Impacts of the Novel Coronavirus (COVID-19) continued

Recommended Action: 1. Adopt Resolution No. 20-035 contributing \$50,000 in emergency assistance funds [Below Market Rate (BMR) Affordable Housing Funds (AHF) or General Fund Human Services Grant (HSG) funds] to West Valley Community Services (WVCS) for tenants at risk of eviction due to impacts of COVID-19.

2. Authorize the City Manager to negotiate and execute a \$50,000 contribution to WVCS.

[Staff Report](#)

[A - Draft Resolution](#)

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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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.

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.*