



AMENDED

AGENDA OF THE CUPERTINO CITY COUNCIL

Thursday, May 19, 2022

Televised Special Meeting - Continuation from
May 17, 2022

CITY COUNCIL

DARCY PAUL, MAYOR

LIANG CHAO, VICE MAYOR

KITTY MOORE, COUNCILMEMBER

HUNG WEI, COUNCILMEMBER

JON ROBERT WILLEY, COUNCILMEMBER

TELECONFERENCE MEETING WITHOUT A PHYSICAL LOCATION

For more information:

(408) 777-3200 | www.cupertino.org

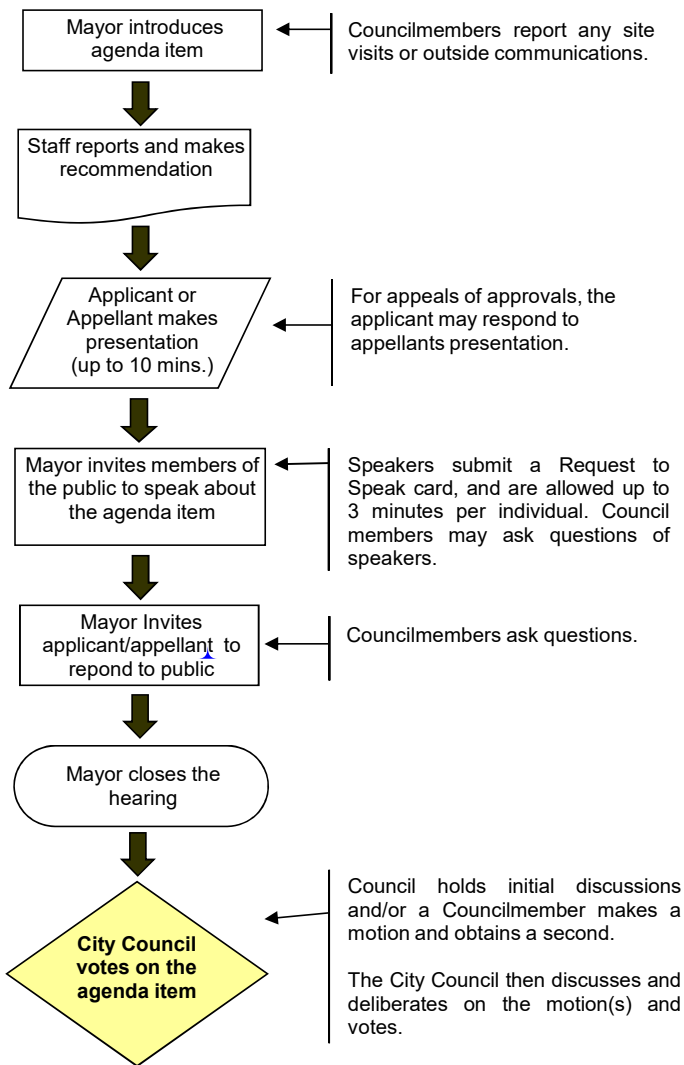
CONDUCT OF BUSINESS

The Mayor is the presiding officer of the City Council. Any member of the public may speak on any item on the agenda for up to three minutes. All statements and questions must be addressed to the Mayor.

City Council hearings serve as a venue for the discussion of sometimes divergent points of view. Please respect the opinions of others and refrain from cheering or clapping. That may delay the meeting or intimidate other persons wishing to express alternate views. Actions that disrupt the meeting will result in a warning, followed by removal if disruption continues.

The proceedings of the meeting are recorded, therefore members of the audience who address the City Council must come to the lectern/microphone, and are requested to complete a Speaker Card and identify themselves. Completion of Speaker Cards and identifying yourself is voluntary and not required to attend the meeting or provide comments.

FLOWCHART FOR HEARING ITEMS:



PUBLIC HEARINGS

The City Council is required by law to hold public hearings on certain matters prior to making its decision. Notice to interested parties is given by legal advertisement in the local newspaper of general circulation at least 10 calendar days preceding the hearing date. Applications requiring public hearings include change of zoning, variances, use permits, and tentative maps.

COUNCIL MEETINGS

The City Council regularly meets the first and third Tuesdays of each month. These meetings are held in the Council Chamber of the Cupertino Community Hall, 10350 Torre Avenue, at 6:45 p.m. Closed sessions, when needed, are normally held at 6:00 p.m. Closed sessions cover items such as personnel, litigation, or the sale, purchase, or lease of property. The law requires certain actions taken in closed session to be reported in open session.

Urgent business, holidays, or election days may trigger special or adjourned meetings. These meetings will be noticed beforehand.

AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

Agendas, minutes, and packets for current and prior City Council and Planning Commission meetings are available at www.cupertino.org, or you can purchase the items on CD.

CITY COUNCIL DECISION IS FINAL

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 [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Thursday, May 19, 2022

5:30 PM

Amended Televised Special Meeting - Continuation from May 17, 2022

Amended at 3:10 p.m. on May 18, 2022 to update the day of the week from Tuesday to Thursday on the agenda cover page and to add Postponements and Orders of the Day header.

TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION TO HELP STOP THE SPREAD OF COVID-19

In accordance with Government Code 54953(e), this will be a teleconference meeting without a physical location to help stop the spread of COVID-19.

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 Thursday, May 19, 2022 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 pertaining to the agenda during the teleconference meeting as follows:

Oral public comments will be accepted during the teleconference meeting. Comments may be made 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_GhAVJLMZS4GV8dSZZ77m5g

Phone

Dial: 669-900-6833 and enter Webinar ID: 986 3470 5326 (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)

Meeting ID: 986 3470 5326

SIP: 98634705326@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," or, if you are calling in, press *9. 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 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 Thursday, May 19, 2022, commencing at 5:30 p.m. In accordance with Government Code 54953(e), this will be a teleconference meeting without a physical location to help stop the spread of COVID-19. 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

POSTPONEMENTS AND ORDERS OF THE DAY

CONSENT CALENDAR (Items 1-14)

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.

1. Subject: Approve the April 26 City Council minutes (Continued from May 17, 2022)
Recommended Action: Approve the April 26 City Council minutes
[A - Draft Minutes](#)
2. Subject: Approve the April 28 City Council minutes (Continued from May 17, 2022)
Recommended Action: Approve the April 28 City Council minutes
[A - Draft Minutes](#)
3. Subject: Approve the May 2 City Council minutes (Continued from May 17, 2022)
Recommended Action: Approve the May 2 City Council minutes
[A - Draft Minutes](#)
4. Subject: Approve the May 3 City Council minutes (Continued from May 17, 2022)
Recommended Action: Approve the May 3 City Council minutes
[A - Draft Minutes](#)

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5. Subject: Consider setting a hearing date to declare brush with potential fire hazard a public nuisance and for objections to proposed removal through the Cupertino Brush Abatement Program WUI (Wildland-Urban Interface Fire Area); adopting a resolution declaring properties as having potential fire hazards from brush and authorizing removal (Continued from May 17, 2022)
Recommended Action: Adopt Resolution No. 22-055 declaring properties as having potential fire hazards from brush; and set a hearing date of June 21, 2022 to declare brush with potential fire hazard a public nuisance and to hear objections to proposed removal
[Staff Report](#)
[A - Draft Resolution](#)
6. Subject: Set a voluntary campaign expenditure limit of \$34,470 for the November 8, 2022 City Council election (Continued from May 17, 2022)
Recommended Action: Adopt the Resolution No. 22-056 setting a voluntary campaign expenditure limit of \$34,470 for the November 8, 2022 City Council election
[Staff Report](#)
[A - Draft Resolution](#)
7. Subject: Consider adopting a resolution authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period May 19, 2022 through June 18, 2022 pursuant to the Brown Act, as amended by AB 361 (Continued from May 17, 2022)
Recommended Action: Adopt Resolution No. 22-057 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period May 19, 2022 through June 18, 2022 pursuant to the Brown Act, as amended by AB 361
[Staff Report](#)
[A - Draft Resolution](#)
[B – Adopted Resolution No. 22-050](#)
[C – Health Officer Recommendation Regarding Public Governmental Meetings](#)
8. Subject: Consider the FY 2020-21 Annual Comprehensive Financial Report (ACFR) and related supplemental reports (Continued from May 17, 2022)
Recommended Action: Accept the FY 2020-21 Annual Comprehensive Financial Report (ACFR) and related supplemental reports
[Staff Report](#)
[A - FY 2020-21 ACFR](#)
[B - FY 2020-21 GAGAS Report](#)
[C - FY 2020-21 Appropriation Limit AUP Report](#)
[D - FY 2020-21 Storm Drain AUP Report](#)
[E - FY 2020-21 Investment AUP Report](#)
[F - Management Letter](#)
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9. Subject: Consider accepting the City Investment Policy (Continued from May 17, 2022)
Recommended Action: Adopt Resolution No. 22-058 accepting the City Investment Policy
[Staff Report](#)
[A - Draft Resolution](#)
[B - Investment Policy \(redline\)](#)
10. Subject: Consider accepting the Third Quarter Financial Report for Fiscal Year 2021-22; consider adopting Resolution 22-059 approving Budget Modification #2122-198 increasing appropriations by \$529,935 and revenues by \$9,448,487 (Continued from May 17, 2022)
Recommended Action: 1. Accept the City Manager's Third Quarter Financial Report for FY 2021-22.
2. Adopt Resolution 22-059 approving Budget Modification #2122-198 increasing appropriations by \$529,935 and revenues by \$9,448,487
[Staff Report](#)
[A - Draft Resolution](#)
[B - FY 2021-22 Third Quarter Financial Report](#)
[C - FY 2021-22 Third Quarter Budget Adjustment Journal](#)
[D - Amended Budget Detail as of March 31, 2022](#)
[E - Budget Transfers Detail as of March 31, 2022](#)
11. Subject: Consider the 2022 Annual Pavement Report (Continued from May 17, 2022)
Recommended Action: Receive the 2022 Annual Pavement Report
[Staff Report](#)
[A - Ranges of PCI Values and Street Conditions](#)
[B- 2022 Pavement Maintenance Project Location List](#)
12. Subject: Consider acceptance of Offers of Dedication and a Waiver of Future Reimbursement from the property owners at 10155, 10165, and 10420 Orange Avenue, related to the Orange Avenue Sidewalk Improvements Project (Continued from May 17, 2022)
Recommended Action: Adopt Resolution No. 22-060 (Attachment A) accepting the Offers of Dedication and Waiver of Future Reimbursement from the property owners at 10155, 10165, and 10420 Orange Avenue, related to the Orange Avenue Sidewalk Improvements Project
[Staff Report](#)
[A - Draft Resolution](#)
[B - Signed Agreement](#)
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13. Subject: Consider award of a construction contract for the Orange Avenue Sidewalk Improvements Project (Project 2016-10.1) for the construction of sidewalk, curb, gutter, storm drainage modifications, and associated improvements on Orange Avenue, between McClellan Road and Stevens Creek Boulevard (Continued from May 17, 2022)
Recommended Action: Award a construction contract for the Orange Avenue Sidewalk Improvements Project, authorize the City Manager to execute a contract in the amount of \$1,738,875.00 with Redgwick Construction Company and authorize the Director of Public Works to execute any necessary change orders, up to the construction contingency amount of \$173,888.00 (10% of contract amount,) for a total authorized contract amount of \$1,912,763.00
[Staff Report](#)
[A - Draft Contract](#)
14. Subject: Consider authorizing a Seventh Amendment of Agreement 15-206 between the City of Cupertino and Professional Turf Management extending the contract for six months and resulting in \$102,600 in maintenance related expenses for Fiscal Year 2022-2023 (Continued from May 17, 2022)
Recommended Action: Consider approving the Seventh Amendment of Agreement 15-206 between the City of Cupertino and Professional Turf Management, to extend the term of the agreement up to six months and resulting in \$102,600 in maintenance related expenses for Fiscal Year 2022-2023
[Staff Report](#)
[A - Seventh Amendment for Blackberry Farm Golf Course Maintenance](#)

STUDY SESSION

15. Subject: Initial Study Session on Fiscal Year (FY) 2022-23 Proposed Budget (Continued from May 17, 2022)
Recommended Action: Conduct Initial Study Session on Fiscal Year (FY) 2022-23 Proposed Budget and provide direction to staff
Presenter: Thomas Leung, Senior Management Analyst

[A - Table of Contents](#)
[B - Introduction](#)
[C - Budget Message](#)
[D - Budget Guide](#)
[E - Community Profile](#)
[F - Financial Policies](#)
[G - Financial Schedules](#)
[H - Council and Commissions](#)
[I - Administration](#)
[J - Law Enforcement](#)
[K - Innovation and Technology](#)
[L - Administrative Services](#)
[M - Parks and Recreation](#)
[N - Community Development](#)
[O - Public Works](#)
[P - Non-Departmental](#)
[Q - Appendix A](#)
[R - Appendix B](#)
[S - FY 22-23 Proposed Budget Questions and Responses](#)

16. **Subject:** Recommendation from the Parks and Recreation Commission to approve funds in the amount of \$96,460.46 for the Fiscal Year 2022-2023 Community Funding Grant Program and approval of final funding amounts for the Community Funding Program, to be included in the Recommended Budget for Fiscal Year 2022-2023 (Continued from May 17, 2022)

Recommended Action: Consider the recommendation from the Parks and Recreation Commission to approve funds in the amount of \$96,460.46 for the Fiscal Year 2022-2023 Community Funding Grant Program. Determine and approve final funding amounts for the Community Funding Program, to be included in the Recommended Budget for Fiscal Year 2022-2023; and provide direction to staff

Presenter: Rachelle Sander, Assistant Director of Parks and Recreation

[Staff Report](#)

[A - Community Funding Applications and Preliminary Eligibility Evaluations](#)

[B - Commissioner Community Funding Evaluation Form](#)

[C - Evaluation Totals and Parks and Recreation Commission Recommendation](#)

[D - Community Funding Grant Policy](#)

[E - Community Funding Historical Funding Information FY 2018-2022](#)

PUBLIC HEARINGS

17. **Subject:** Consider the Fiscal Year (FY) 2022-23 Fee Schedule Update (Continued from May 17, 2022)

Recommended Action: Adopt Resolution No. 22-049 approving FY 2022-23 Fee Schedules A, B, C, D and E effective July 18, 2022

Presenter: Thomas Leung, Senior Management Analyst

[Staff Report](#)[A - FY2022-23 Fee Schedule A - General Fees \(redline\)](#)[B - FY2022-23 Fee Schedule B - Engineering Fees \(redline\)](#)[C - FY2022-23 Fee Schedule C - Planning Fees \(redline\)](#)[D - FY2022-23 Fee Schedule D - Building Fees \(redline\)](#)[E - FY2022-23 Fee Schedule E - Recreation \(redline\)](#)[F - FY2022-23 Fee Schedule A - General Fees \(clean\)](#)[G - FY2022-23 Fee Schedule B - Engineering Fees \(clean\)](#)[H - FY2022-23 Fee Schedule C - Planning Fees \(clean\)](#)[I - FY2022-23 Fee Schedule D - Building Fees \(clean\)](#)[J - FY2022-23 Fee Schedule E - Recreation \(clean\)](#)[K - User Fee Study 2016](#)[L - Draft Resolution No. 22-049 approving FY 2022-23 Fee Schedule A, B, C, D, and E](#)

ORDINANCES AND ACTION ITEMS

18. **Subject:** Consideration of Municipal Code amendments to the Cupertino Municipal Code, Title 2 to add Chapter 2.96 and codify the Economic Development Committee (Continued from May 17, 2022)

Recommended Action: 1. Conduct the first reading of Ordinance No. 22-2240; "An Ordinance of the City Council of the City of Cupertino Adding Chapter 2.96 of Title 2 (Administration and Personnel) to Codify the Economic Development Committee"

2. Find that the proposed actions are exempt from CEQA

Presenter: Tina Kapoor, Economic Development Manager

[Staff Report](#)

[A - Draft Ordinance](#)

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 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 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, Cupertino, California 95014, 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 section 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. Do not include any personal or private information in written communications to the City that you do not wish to make public, as written communications are considered public records and will be made publicly available on the City website.

THE CITY COUNCIL AND STAFF

CITY COUNCIL

Cupertino is a General Law city organized under and subject to statutes of the State of California. It is governed by the five-member City Council with the Mayor as the presiding officer. City Council members are elected at-large to four-year, overlapping terms. Each November a mayor and a vice-mayor are selected by the City Council for a one-year term.

The City Council receives advice and assistance from eleven advisory bodies, which are appointed by the Council. These are the Audit Committee, Bicycle Pedestrian Commission, Fine Arts Commission, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Sustainability Commission, Teen Commission, and Technology, Information, and Communications Commission.

Council members also serve on a variety of regional bodies, including:

- Association of Bay Area Governments
- League of California Cities
- Santa Clara County (SCC) Cities Association
- SCC Emergency Preparedness Council
- SCC Library District
- SCC Emergency Preparedness Commission
- Santa Clara Valley Water Commission and Water District
- SCC Transportation Authority
- West Valley Mayors and Managers

STAFF

The City Manager and the City Attorney are appointed by the Council. The City Manager is responsible for interpreting and carrying out Council policies and direction, and as the chief administrative officer, the City Manager coordinates the many activities of the city and appoints the professional and technical staff. The City Attorney is the advisor to the City Council as a whole.

TYPES OF COUNCIL ACTIONS

ORDINANCES

Ordinances are the means by which the City enacts its local laws. Unless an urgent situation exists, ordinances will first be presented at a Council meeting as a "first reading." At a subsequent Council meeting, there will be a "second reading and adoption." Ordinances go into effect after a waiting period of thirty days, in most cases, during which time the summary of the ordinance is published in a local newspaper approved for this purpose.

RESOLUTIONS

Resolutions and minute orders are the means by which the City Council formally adopts policies or approves specific actions. These go into effect when adopted.

APPEALS

Any interested person, including a Council member, may appeal a Planning Commission or Director of Community Development decision to the City Council. An appeal must be submitted in writing to the City Clerk within 14 calendar days of the mailing of the notice of the decision.

RECONSIDERATION

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 [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

COMMUNICATING WITH COUNCIL

All Council members: citycouncil@cupertino.org

Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Liang Chao	LiangChao@cupertino.org	(408) 777-3192
Kitty Moore	Kmoore@cupertino.org	(408) 777-1398
Hung Wei	HWei@cupertino.org	(408) 777-3139
Jon Robert Willey	JWilley@cupertino.org	(408) 777-3193
Executive Assistant	Debran@cupertino.org	(408) 777-3212
City Hall	www.cupertino.org	(408) 777-CITY

Please note: the City Council discourages submission of written materials on the day of the meeting as this does not provide enough time to give the materials fair evaluation. If you must provide written materials on the day of the meeting, as least one copy must be given to the City Clerk for the permanent record, and ten copies are preferred.

NEWS AND NOTICES FROM CITY HALL

EMAIL

Sign up for e-notification of agendas, elections, and other news on the city website at www.cupertino.org/notify

TELEVISION

The City Channel broadcasts City Council and Planning Commission meetings, as well as agenda previews, public service announcements, and other programs of community interest, on Channel 26 in Cupertino. The meetings are shown at these times:

Tuesday (live)	6:45 p.m.	Friday (replay)	10:00 a.m.
Thursday (replay)	7:00 p.m.	Saturday (replay)	9:00 a.m.

INTERNET

City Council and Planning Commission videos are available on demand at www.cupertino.org. Select "I Want To, View City Council meetings".

News and community information can also be found at:

<https://www.facebook.com/cityofcupertino/>

<https://twitter.com/CityofCupertino>

<https://www.instagram.com/cityofcupertino>

AUDIO

Tune into Radio Cupertino, 1670 AM, for meeting announcements, public service messages, and emergency announcements.

USEFUL TELEPHONE NUMBERS

City of Cupertino (City Hall)	General Information and Comments	(408) 777-CITY
Fire (Emergency)	Santa Clara County Fire Dept. dispatch	911
Fire (Non-Emergency)	Santa Clara County Fire Dept.	(408) 378-4010
Garbage	Recology South Bay	(408) 725-4020
Gas & Electricity	Pacific Gas & Electric (PG&E)	1-800-743-5000
Recreation & Community Services	Quinlan Community Center	(408) 777-3120
Police (Emergency)	Santa Clara County Sheriff dispatch	911
Police (Non-Emergency)	Santa Clara County Sheriff	(408) 868-6600
Public Health	Santa Clara County Public Health	(408) 732-3720
Sanitary Sewers	Cupertino Sanitary District	(408) 253-7071
Water	San Jose Water	(408) 279-7900
	California Water	(650) 917-0152