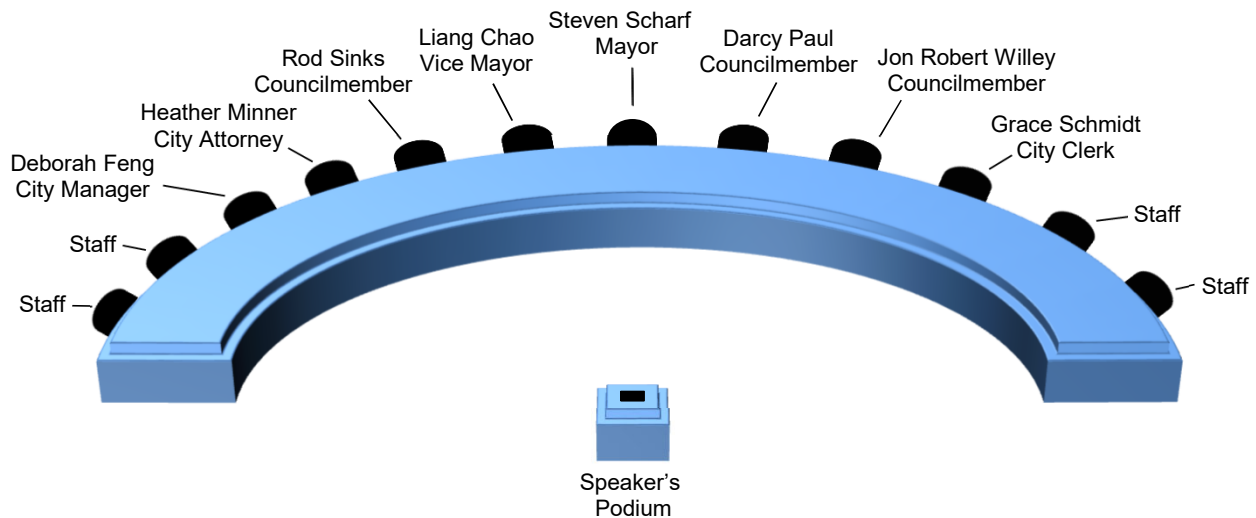




AGENDA OF THE CITY COUNCIL

Tuesday, November 5, 2019
Regular Meeting (6:45)



COMMUNITY HALL COUNCIL CHAMBER

10350 TORRE AVENUE • CUPERTINO, CA 95014
TELEPHONE: (408) 777-3220 (CITY HALL)
WEBSITE: www.cupertino.org

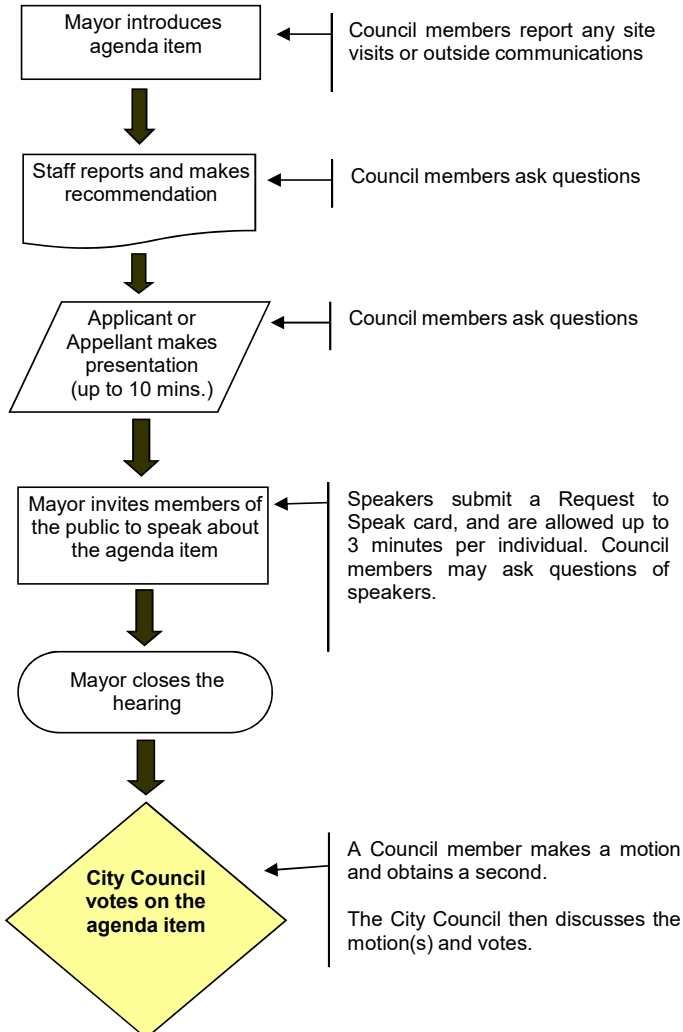
CONDUCT OF BUSINESS

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 outward expressions of emotions such as cheering or clapping. Such behavior delays the meeting and may intimidate other persons wishing to express alternate views. Loud, unruly outbursts will result in removal from the meeting.

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.

FLOWCHART FOR AGENDA 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. Actions taken in closed sessions are not final until acted upon in public 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

10350 Torre Avenue, Council Chamber

Tuesday, November 5, 2019

6:45 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentation from Toyokawa Sister City delegation regarding recent student exchange
Recommended Action: Receive presentation from Toyokawa Sister City delegation regarding recent student exchange
2. Subject: Fine Arts Commission presentation of the 2019 Distinguished and Emerging Artist Winners.
Recommended Action: Receive Fine Arts Commission presentation of the 2019 Distinguished and Emerging Artist Winners.
3. Subject: Presentation on pedestrian safety by Divergent Debuggers First Lego League robotics team.
Recommended Action: Receive presentation on pedestrian safety by Divergent Debuggers First Lego League robotics team.

POSTPONEMENTS

ORAL COMMUNICATIONS

This portion of the meeting is reserved for persons wishing to address the Council on any matter 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)

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 15 City Council minutes
Recommended Action: Approve the October 15 City Council minutes
[A - Draft Minutes](#)
6. Subject: Mitigation Fee Act - Annual & Five-Year Report - Fiscal Year 2018-2019
Recommended Action: 1) Accept the Annual & Five-Year Review of the City of Cupertino's Development Impact Fees (Government Code Section 55000 et seq.); and 2) Adopt Resolution No. 19-132 entitled "A Resolution of the Cupertino City Council Approving the Annual & Five-Year Development Impact Fee Report for FY Ending June 30, 2019 and Making Required Findings."
[Staff Report](#)
[A - Annual and Five-Year Report for the fiscal year ending June 30, 2019](#)
[B - Draft Resolution](#)
7. Subject: Adopt Resolution No. 19-133 to accept the September 30, 2019 Carmen Road Pedestrian/Bicycle Bridge Feasibility Study Report. No authorization for design, construction or budget action requested at this time.
Recommended Action: Adopt Resolution No. 19-133 to accept the September 30, 2019 Carmen Road Pedestrian/Bicycle Bridge Feasibility Study Report.
[Staff Report](#)
[A - Carmen Road Pedestrian Bicycle Bridge Final Feasibility Study Report 9-30-19](#)
[B - Draft Resolution](#)
[C - Pre-qualified List of Consultants](#)

SECOND READING OF ORDINANCES

8. Subject: An Ordinance amending Title 16, Buildings and Construction, of the Cupertino Municipal Code adopting the 2019 California Building Standards Code as mandated by the State of California with certain exceptions, deletions, modifications, additions, and amendments.

Recommended Action: Staff recommends that the City Council conduct the second reading to enact Ordinance No. 19-2189: “An Ordinance of the City Council of the City of Cupertino Amending City Code Chapters 16.02, 16.04, 16.06, 16.16, 16.20, 16.24, 16.40, 16.54, and 16.58 and Adding Chapters 16.62, 16.64, and 16.68 of Title 16 of the Cupertino Municipal Code adopting the 2019 California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Historical Building Code, Existing Building Code, Referenced Standards Code, and Green Building Standards Code with certain exceptions, deletions, modifications, additions and amendments,” (the “Ordinance”), attached as Attachment A.

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Redline Version Showing Corrections](#)

[C - Adopted Resolution for Findings](#)

[D - Public Handout of Code Updates](#)

PUBLIC HEARINGS

9. Subject: Consideration of Municipal Code Amendments to the Cupertino Municipal Code, Title 5, adopting new policies regulating the sale of tobacco, such as requiring a local permit to sell tobacco products, prohibiting the sale of flavored tobacco, prohibiting new businesses from selling tobacco near schools and reducing tobacco retailer density, prohibiting tobacco sales at pharmacies and in vending machines, and limiting storefront signage.

Recommended Action: 1. Conduct the first reading of Ordinance No. 19-2190: “An ordinance of the City Council of the City of Cupertino adding chapter 5.50 to title 5 (Business Licenses and Regulations) to regulate the sale of tobacco products and repealing chapter 10.27 of the Municipal Code (Cigarette and/or Tobacco Vending Machines)”;

2. Authorize the City Manager to negotiate and enter into a Memorandum of Understanding (MOU) with the County of Santa Clara to administer, implement, and enforce Cupertino’s ordinance; and

3. Find that the proposed actions are exempt from CEQA.

[Staff Report](#)

[A - Tobacco Free Communities Policies Santa Clara County](#)

[B - Healthy Cities Program 2018 Cupertino Dashboard](#)

[C - American Lung Association Report Card](#)

[D - Letter to Cupertino City Council from FUHSD](#)

[E - FUHSD Resolution 1819-21](#)

[F - Matrix of 35 Local Ordinances Restricting Flavored Tobacco](#)

[G - Healthy Stores for a Healthy Community 2016 Survey](#)

[I - Draft Ordinance to Regulate the Sale of Tobacco Products](#)

[H - Tough Questions on Flavored Tobacco Products](#)

[J - 8.6.19 Study Session Staff Report](#)

[K - Survey Responses](#)

ORDINANCES AND ACTION ITEMS

10. Subject: Consider whether to authorize the formal submission and processing of a General Plan Amendment application to allow 29 units where four (4) units are currently allowed on an 86-acre hillside property, on the west side of the City adjacent to Linda Vista Park, with an average slope of ~48% which would require General Plan Amendments to change the existing General Plan Land Use Designation. (Application No.(s): GPAAuth-2019-01; Applicant: Lixin Chen; Location: APN(s): 356-27-026, 356-05-007, 356-05-008.

Recommended Action: Determine if the proposed project described in General Plan Amendment Authorization application (GPAAuth-2019-01) is authorized to proceed to apply for the requested General Plan Amendments. If authorized, adopt Resolution No. 19-134 authorizing a perspective development proposal described in the Canyon View Project General Plan Amendment Authorization application, No: GPAAuth-2019-01, to proceed with a General Plan Amendment application.

[Staff Report](#)

[A - Draft Resolution](#)

[B - City Council Policy for General Plan Amendment Application Procedures](#)

[C - Project Plans](#)

[D - Project Description](#)

[E - Fiscal Analysis of the Canyon View GPA Application, prepared by EPS](#)

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/index.aspx?page=125> for a reconsideration petition form.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend the next 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, 48 hours in advance of the Council meeting to arrange for assistance. 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. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.

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.

Members of the public are entitled to address the City Council concerning any item that is described in the notice or agenda for this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in front of the Council, and deliver it to the Clerk prior to discussion of the item. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item not on the agenda, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

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	
Steven Scharf	SScharf@cupertino.org	(408) 777-3191
Liang Chao	LiangChao@cupertino.org	(408) 777-3192
Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Rod Sinks	RSinks@cupertino.org	(408) 777-3194
Jon Robert Willey	JWilley@cupertino.org	(408) 777-3193
Executive Assistant	LaurenS@cupertino.org	(408) 777-1312
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