



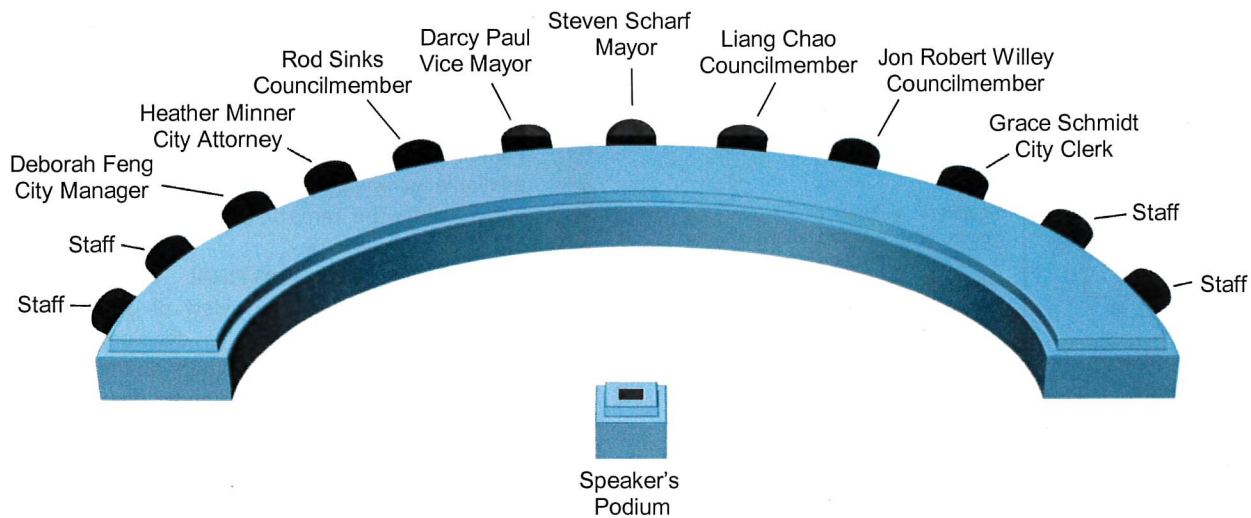
CUPERTINO

AGENDA OF THE CITY COUNCIL

Tuesday, December 17, 2019

Special Meeting Closed Session (5:00)

and Regular Meeting (6:45)



COMMUNITY HALL COUNCIL CHAMBER

10350 TORRE AVENUE • CUPERTINO, CA 95014

TELEPHONE: (408) 777-3220 (CITY HALL)

WEBSITE: www.cupertino.org

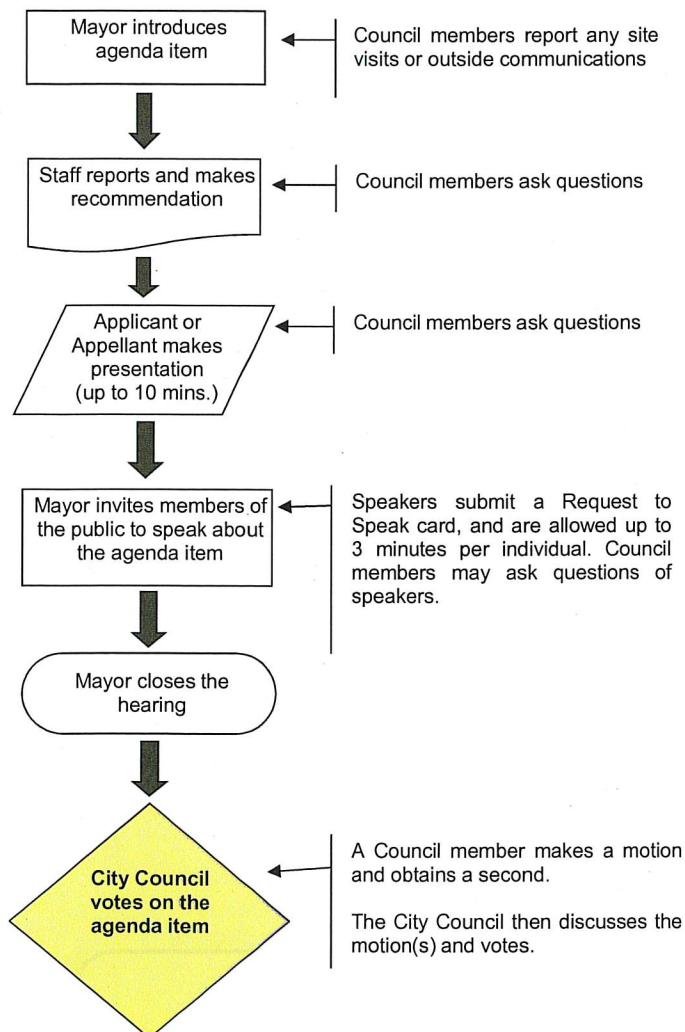
CONDUCT OF BUSINESS

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



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, December 17, 2019

5:00 PM

Non-Televised Special Meeting Closed Session (5:00) and Televised Regular Meeting (6:45)

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 17, 2019, commencing at 5:00 p.m. in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, California 95014. 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. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California.

SPECIAL MEETING

ROLL CALL - 5:00 PM

10300 Torre Avenue, City Hall Conference Room A

CLOSED SESSION

1. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957(b)). Title: City Manager
2. Subject: Conference with Labor Negotiators (Gov't Code section 54957.6). Agency designated representatives: To be announced in open session immediately before this closed session. Unrepresented employee: City Manager.

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

10350 Torre Avenue, Community Hall Council Chamber

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation to City Clerk Grace Schmidt upon her retirement and recognizing her dedicated service to the City of Cupertino.
Recommended Action: Present proclamation to City Clerk Grace Schmidt upon her retirement and recognizing her dedicated service to the City of Cupertino.

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)

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 November 8 City Council minutes
Recommended Action: Approve the November 8 City Council minutes
[A - Draft Minutes](#)
4. Subject: Approve the December 3 City Council minutes
Recommended Action: Approve the December 3 City Council minutes
[A - Draft Minutes](#)
5. Subject: Notice of Intent to Vacate Portions of a Public Utility Easement for Water Line Purposes and a Portion of an Emergency Access Easement Located at 23500 Cristo Rey Drive

Recommended Action: 1. Adopt Resolution No. 19-142 (Attachment A) declaring the City Council's intent to vacate portions of a public utility easement for water line purposes located on 23500 Cristo Rey Drive, setting a public hearing on January 21, 2020 at 6:45 p.m., and providing for public notice thereof; and 2. Adopt Resolution No. 19-143 (Attachment B) declaring the City Council's intent to vacate a portion of an emergency access easement located on 23500 Cristo Rey Drive, setting a public hearing on January 21, 2020 at 6:45 p.m., and providing for public notice thereof

[Staff Report](#)

[A - Draft Resolution - PUE](#)

[B - Draft Resolution - EAE](#)

[C - PUE Areas](#)

[D - SJWC Approval Letter](#)

[E - Recorded PUE Dedication](#)

[F - EAE Areas](#)

[G - Fire Dept Approval Letter](#)

[H - Draft EAE Dedication](#)

6. Subject: Amend the Health In-Lieu cash payment option for the Appointed, Cupertino Employees' Association (CEA), Unrepresented (Management and Confidential) employees, and Elected Officials.

Recommended Action: Adopt Resolution No. 19-144 amending the Health In-Lieu cash payment option for the Appointed, Cupertino Employees' Association (CEA), Unrepresented (Management and Confidential) employees, and Elected Officials.

[Staff Report](#)

[A - Draft Resolution](#)

[B - CEA MOU Side Letter](#)

[C - CEA MOU](#)

[D - Unrepresented Employees' Compensation Program Clean](#)

[E - Unrepresented Employees' Compensation Program Redlined](#)

[F - APPOINTED Employees's Compensation Program Clean](#)

[G - APPOINTED Employees' Compensation Program Redlined](#)

[H - ELECTED Officials's Compensation Program Clean](#)

[I - ELECTED Officials' Compensation Program Redlined](#)

SECOND READING OF ORDINANCES

7. Subject: Second reading of Municipal Code Amendments to Chapter 19.80 to clarify development standards in the Planned Development (P) Zoning Districts (Application No. MCA-2019-005; Applicant: City of Cupertino; Location: In P zoning districts located City-wide); Adoption of the Third Addendum to the 2014 General Plan Final EIR; and Finding the Actions Are Not a Project Under and Exempt from CEQA.

Recommended Action: That the City Council conduct the second reading and enact Ordinance No. 19-2191: "An Ordinance of the City Council of the City of Cupertino adopting the Third Addendum to the 2014 General Plan Final EIR and Amendments to Chapter 19.80 (Planned Development (P) Zones) of the Cupertino Municipal Code to Clarify Development Standards in P Zones."

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Redlines showing changes to draft ordinance](#)

8. Subject: Second Reading and enactment of Ordinance to amend the Municipal Code Chapter 13.08 (Park Land Dedication and Fee) and Chapter 18.24 (Dedications and Reservations) to Clarify Park Land Dedication and In Lieu Fee Requirements; Adoption of the Fourth Addendum to the 2014 General Plan Final EIR; and Finding the Actions Are Not a Project Under and Exempt From CEQA.

Recommended Action: Conduct the second reading and enact Ordinance No. 19-2192: "An Ordinance of the City Council of the City of Cupertino Adopting the Fourth Addendum to the 2014 General Plan Final EIR and Amendments to Chapter 13.08 and Chapter 18.24 of the Municipal Code to Clarify Standards for Park Land Dedications and Fees In lieu Thereof."

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Redline Municipal Code Amendments](#)

[C - 4th Addendum - Parkland Ordinance](#)

[D - 12-3-2019 Staff Report](#)

PUBLIC HEARINGS

9. Subject: Consideration of an amended and restated agreement for lease of the Cupertino Municipal Water System with San Jose Water Company (SJWC); finding that the action is not a project under and exempt from CEQA.

Recommended Action: 1. Conduct a Public Hearing to consider an amended and restated agreement for lease of the Cupertino Municipal Water System with San Jose Water Company; and

2. Adopt Resolution 19-145, approving an amended and restated agreement for lease of real property (water system) with San Jose Water Company.

[Staff Report](#)

[A - Water Service Map](#)

[B - Draft Resolution](#)

[C - Amended and Restated Agreement PDF Complete Version](#)

[D - Public Notification of Proposed Water Fee Increase and Comments](#)

[E - 1997 Lease Agreement with San Jose Water Company](#)

10. Subject: Adoption of Local Amendments to 2019 California Energy & Green Building Standards Codes (Reach Code); determination that adoption of the proposed Ordinance and Resolution is not a project subject to CEQA, or that if it is a project, it is exempt from CEQA.

Recommended Action: 1. Conduct the first reading of Ordinance No. 19-2193: "An Ordinance of the City Council of the City of Cupertino Amending City Code Chapters 16.54 and 16.58 Adopting the 2019 California Energy Code and Green Building Standards Code With Certain Exceptions, Deletions, Modifications, Additions and Amendments "; and 2. Adopt Resolution No. 19-146: "A Resolution making factual findings with respect to the local geological, topographical, and climatic conditions necessary to make local amendments to the California Building Standards Code".

Staff Report

A - Draft Ordinance

B - Draft Resolution Making Findings of Local Necessity

C - Cupertino Reach Code Council Staff Report - Study Session

D - Residential Cost Effectiveness Study

E - Non-Res Cost Effectiveness Study

F - Redline of Codes

ORDINANCES AND ACTION ITEMS

11. Subject: Consider Adoption of an Urgency Ordinance Under California Government Code section 36937 to Implement Tenant Eviction Protections and Limit Large Rental Rate Increases, Effective Immediately, to Avoid Circumvention of AB 1482 (the Tenant Protection Act of 2019); Find That Adoption of the Ordinance Is Not a Project Under and Exempt from CEQA.

Recommended Action: Adopt, by a vote of at least four City Councilmembers, Ordinance No. 19-2194: "An Urgency Ordinance of the City Council of the City of Cupertino Approving Just Cause Eviction Protections and Rental Rate Limits Effective Immediately"

Staff Report

A - Draft Urgency Ordinance

B - SJ Mercury News article 11-18-19

C - Bill Text - AB-1482 Tenant Protection Act of 2019 tenancy rent caps

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 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
Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Liang Chao	LiangChao@cupertino.org	(408) 777-3192
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