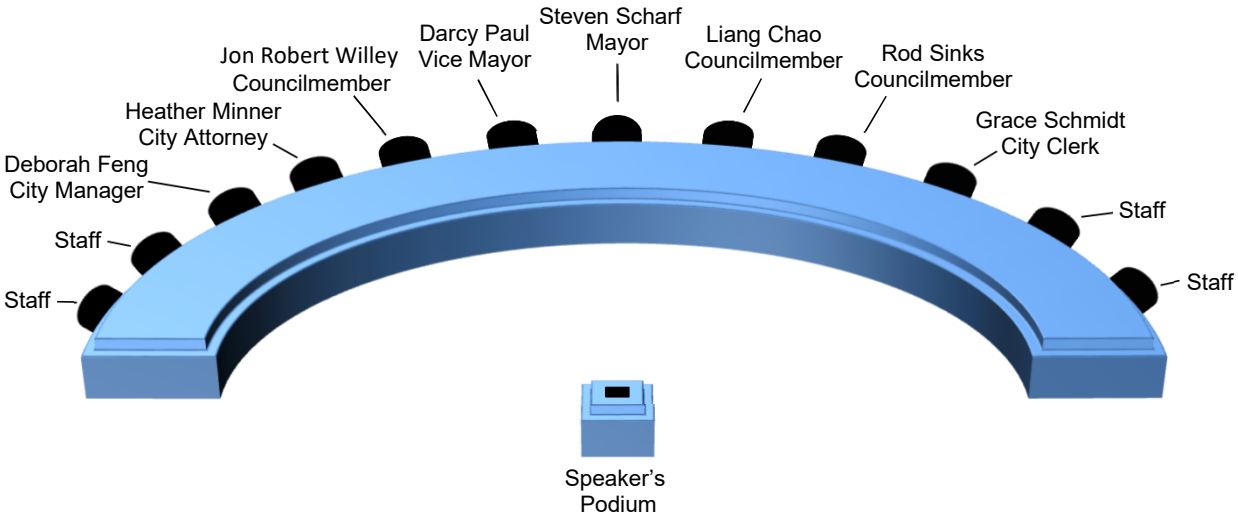
AGENDA OF THE CITY COUNCIL

Tuesday, January 21, 2020

Special Meeting Non-Televised Closed Session (5:00)

and Televised Study Session (5:30)

Televised Regular Meeting (6:45)



COMMUNITY HALL COUNCIL CHAMBER

10350 TORRE AVENUE • CUPERTINO, CA 95014

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

WEBSITE: www.cupertino.org

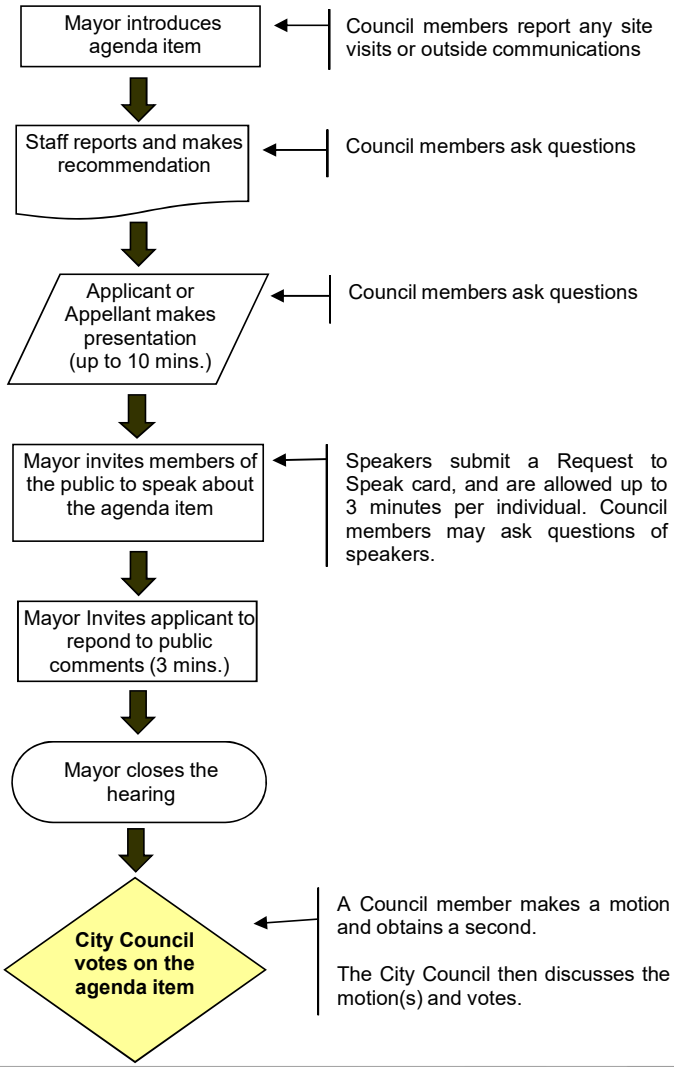
CONDUCT OF BUSINESS

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 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 for a reconsideration petition form.

CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue
Tuesday, January 21, 2020
5:00 PM

Special Meeting Non-Televised Closed Session (5:00) and Televised Study Session (5:30); 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, January 21, 2020, commencing at 5:00 p.m. for a Closed Session in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, California 95014 and a Study Session at 5:30 p.m. in Community Hall Council Chamber, 10350 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, Conference Room A

CLOSED SESSION

1. Subject: Workers' Compensation Claim (Gov't Code Section 54956.95). Claimant: Deborah Martinez. Agency Claimed Against: City of Cupertino.

STUDY SESSION - 5:30 PM
10350 Torre Avenue, Council Chamber

2. Subject: Report on Homelessness
Recommended Action: Receive report and provide input to staff

Staff Report
A - Audit of Services Available in Cupertino
B - FY 2020-21 Notice of Funding Availability and Request for Proposals
C - Santa Clara County Homeless Census and Comprehensive Report 2019
D - Berkeley Home Match Year 1 Report
E - Assembly Bill 302 Text

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM
10350 Torre Avenue, Council Chamber

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentation from Cupertino Elementary School ROBO Champs regarding their response to the Lego Robotics theme of "Identifying a problem in public space and proposing a solution."
Recommended Action: Receive presentation from Cupertino Elementary School ROBO Champs regarding their response to the Lego Robotics theme of "Identifying a problem in public space and proposing a solution."

2. Subject: Presentation from CalTutors on "Inspiring Young Students Through Free STEM Training"
Recommended Action: Receive presentation from CalTutors on "Inspiring Young Students Through Free STEM Training"

POSTPONEMENTS

3. Subject: Municipal Code Amendments to the Cupertino Municipal Code, Repealing and replacing Cupertino Municipal Code Chapter 5.50 of Title 5 (Business Licenses and Regulations), adopting new policies to regulate the sale of tobacco, such as prohibiting the sale or distribution of electronic cigarette products, extending the look back period for permit suspensions from 24 months to 60 months, and amending the administrative appeal process for permit violations has been continued to February 4.
Recommended Action: This item has been continued to February 4. No Council action is required.

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 December 17 City Council minutes
Recommended Action: Approve the December 17 City Council minutes
A - Draft Minutes

6. Subject: Resolutions declaring a Trusted System for the management and retention of records and updating the City's Records Retention Schedule to authorize the destruction of records without Council action.
Recommended Action: a. Adopt the Resolution No. 20-001 declaring a Trusted System for the management of records and the automation of retention requirements and adopting the Trusted Electronic System Policy instituting the city's standards for proper management of records. (Attachment A); and b. Adopt the Resolution No. 20-002 rescinding Resolution No. 17-088 and adopting an updated Records Retention Schedule for the City of Cupertino and authorizing the destruction of records. (Attachment B).
Staff Report
A - Draft Resolution declaring a Trusted System for the management of records
B - Draft Resolution amending the City's Records Retention Schedule
C – Draft Records Retention Schedule
D – City of Cupertino Laserfiche Strategic Roadmap Overview

7. Subject: Application for Alcohol Beverage License for Karao Tea Food, LLC (dba Crab Lover), 10275 S. De Anza Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Karao Tea Food, LLC (dba Crab Lover), 10275 S. De Anza Boulevard
Staff Report
A - Application

8. Subject: First Amendment to Agreement 2018-006, a Master Agreement between the City of Cupertino and CSG Consultants, Inc. for consultant construction management services on various capital improvement projects. No additional budget appropriations are needed.

Recommended Action: Approve and Authorize City Manager to execute the First Amendment to Agreement 2018-006, a Master Agreement between the City of Cupertino and CSG Consultants, Inc., extending the term for one year to June 30, 2021 and increasing the compensation by $300,000 for a total compensation of $800,000
Staff Report
A - CSG 1st Amendment
B - Master Agreement 2018-006 for Construction Management Services

9. Subject: Adopt 2020 Legislative Platform
Recommended Action: Adopt the City's proposed 2020 Legislative Platform.
Staff Report
A - Proposed 2020 Legislative Platform
B - Proposed 2020 Legislative Platform Redline

SECOND READING OF ORDINANCES

10. Subject: Adoption of Local Amendments to 2019 California Energy & Green Building Standards Codes (Reach Code); determination that adoption of the proposed Ordinance is not a project subject to CEQA, or that if it is a project, it is exempt from CEQA.
Recommended Action: Conduct the second reading and enact 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."
Staff Report
A - Draft Ordinance
B - Redline Ordinance
C - Dec 17, 2019 Staff Report
D - Residential Cost Effectiveness Study
E - Non-Res Cost Effectiveness Study

PUBLIC HEARINGS

11. Subject: 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: Conduct a public hearing, and;
1. Adopt Resolution No. 20-003 (Attachment A) to vacate portions of a public utility easement for water line purposes located on 23500 Cristo Rey Drive
2. Adopt Resolution No. 20-004 (Attachment B) to vacate a portion of an emergency access easement located on 23500 Cristo Rey Drive

Staff Report
A - Draft Resolution - PUE with Exhibits
B - Draft Resolution - EAE with Exhibits
C - PUE Areas
D - SJWC Approval Letter
E - Recorded PUE Dedication
F - EAE Areas
G - Fire Dept Approval Letter
H - Draft EAE Dedication

12. Subject: Consider approving 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. City Actions would include General Plan Amendments to consider amending Table LU-1 by increasing the development allocation of hotel rooms to 155 hotel rooms in the Homestead Special Area and Figure LU-1 to allow increased heights and reduced building plane within the North De Anza Gateway specific to this development. City permits would include: Development, Architectural and Site Approval, and Use Permits. A Development Agreement is also proposed; (Application No(s): GPA-2018-01, DP-2018-01, ASA-2018-02, DA-2018-01, U-2018-02, EA-2018-03; Applicant(s): Sherly Kwok (De Anza Properties); Location: 10931 N De Anza Blvd.; APN #326-10-061

Recommended Action: Conduct the public hearing and find:

That the City Council conduct a public hearing, consider the Planning Commission's recommendation, and:

1. Adopt Resolution No. 20-005 adopting a Mitigated Negative Declaration, mitigation measures, and a Mitigation Monitoring and Reporting Program (Attachment A).
2. Adopt Resolution No. 20-006 approving a General Plan Amendment (Attachment B).
3. Adopt Resolution No. 20-007 approving a Development Permit (Attachment C).
4. Adopt Resolution No. 20-008 approving an Architectural and Site Approval Permit (Attachment D).
5. Adopt Resolution No. 20-009 approving a Use Permit (Attachment E).

Introduce and waive 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 With Associated Site and Landscaping Improvements Located at 10931 N. De Anza Blvd. (APN #326-10-061)" (Attachment F).

Staff Report
A - Draft Resolution EA-2018-03 – Mitigated Negative Declaration, mitigation measures, and a Mitigation Monitoring and Reporting Program
B - Draft Resolution GPA-2018-01 – General Plan Amendment
C - Draft Resolution DP-2018-01 – Development Permit
D - Draft Resolution ASA-2018-02 - Architectural and Site approval
E - Draft Resolution U-2018-02 – Use Permit
F - Draft Ordinance DA-2018-01 - Development Agreement
G - Fiscal Analysis of the De Anza Hotel GPA Application
H – Parking Generation Analysis for the Proposed Hotel Located at 10931 N. De Anza Boulevard in Cupertino, CA, dated June 19, 2019
I - Initial Study/Mitigated Negative Declaration, ERC Recommendation dated August 1
J – Public Comments
K – Cupertino De Anza Hotel Project Initial Study and Mitigated Negative Declaration
L – Project Plans

ORDINANCES AND ACTION ITEMS

13. Subject: Abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 19-141; hearing for impacted property owners to contest the matter of proposed abatement.

Recommended Action: Adopt Resolution No. 20-010 ordering abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 19-141; and conduct hearing for impacted property owners to contest the matter of proposed abatement.

Staff Report
A - Draft Resolution and Exhibit A
B – Weed Abatement Program Commencement Report (Exhibit A)
C - Letter to Property Owners to Abate Weeds
D – Hearing Notice to Destroy Weeds and Program Fees
E - Minimum Fire Safety Standards Program Brochure
F - Return Reply Form (RRF) Sample
G - Approved Resolution No. 19-141
H - 10408 Menhart Lane 2018-19 photos

14. Subject: Adopt subcommittee recommendations to improve commission and committee engagement with Council, standardize protocol among commissions and committees, and adopt an ordinance repealing Ordinance No. 006 regarding adoption of Robert's Rules of Order and amending Chapter 2.08 of the Cupertino Municipal Code accordingly.

Recommended Action: 1. Adopt the subcommittee's recommendations (Attachment A)

2. Conduct first reading of Ordinance No. 20-2196: "An Ordinance of the City Council of the City of Cupertino Repealing Ordinance No. 006 Regarding Adoption of Robert's Rules of Order and Amending Chapter 2.08 of the Cupertino Municipal Code Accordingly"

Staff Report
A - Subcommittee Recommendations
B - Draft Ordinance Repealing Ord No. 006 Regarding Robert's Rules of Order and Amending Ch 2.08 of the Cupertino Municipal Code
C - Ordinance No. 006 on Council Procedural Rules
D - Robert's and Rosenberg's Rules Comparison Table

15. Subject: Adopt the City of Cupertino Ethics Policy
Recommended Action: 1. Review and discuss Attachments A, B, and C in order to select an Ethics Policy.
2. Adopt Resolution No. 20-011 adopting the selected Ethics Policy as the City of Cupertino Ethics Policy.
Staff Report
A - Ethics Policy (Based on Palo Alto)
B - Ethics Policy (Based on Morgan Hill)
C - Ethics Policy (Values Based)
D - Draft Resolution Adopting Ethics Policy
E - Feedback Summary

16. Subject: Adopt Updated Community Funding Policy and Approve Community Funding Grant Cap of $20,000 Per Applicant Per Year.
Recommended Action: Adopt Updated Community Funding Policy and Approve Community Funding Grant Cap of $20,000 Per Applicant Per Year
Staff Report
A - Current Community Funding Policy
B - Red-lined Updated Community Funding Policy
C - Clean Updated Community Funding Policy
D - Community Funding Grant Application

17. Subject: Approve the First Amendment to Employment Agreement for City Manager.
Recommended Action: Adopt Draft Resolution No. 20-012 approving the First Amendment to Employment Agreement for City Manager and authorizing the Mayor to execute the Amendment.
Staff Report
A - Draft Resolution
B - First Amendment to the Employment Agreement

18. Subject: Appointment of Council Committee assignments
Recommended Action: Approve Council Committee assignments
A - 2020 Committee Assignments

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 agendized 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 Authoritym
- 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 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