



Amended

AGENDA OF THE CUPERTINO CITY COUNCIL

Tuesday, June 2, 2020

Televised Special Meeting Study Session (5:30)
and Regular Meeting (6:45)

CITY COUNCIL

STEVEN SCHARF, MAYOR

DARCY PAUL, VICE MAYOR

LIANG CHAO, COUNCILMEMBER

ROD SINKS, COUNCILMEMBER

JON ROBERT WILLEY, COUNCILMEMBER

TELECONFERENCE MEETING WITHOUT A PHYSICAL LOCATION

For more information:

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

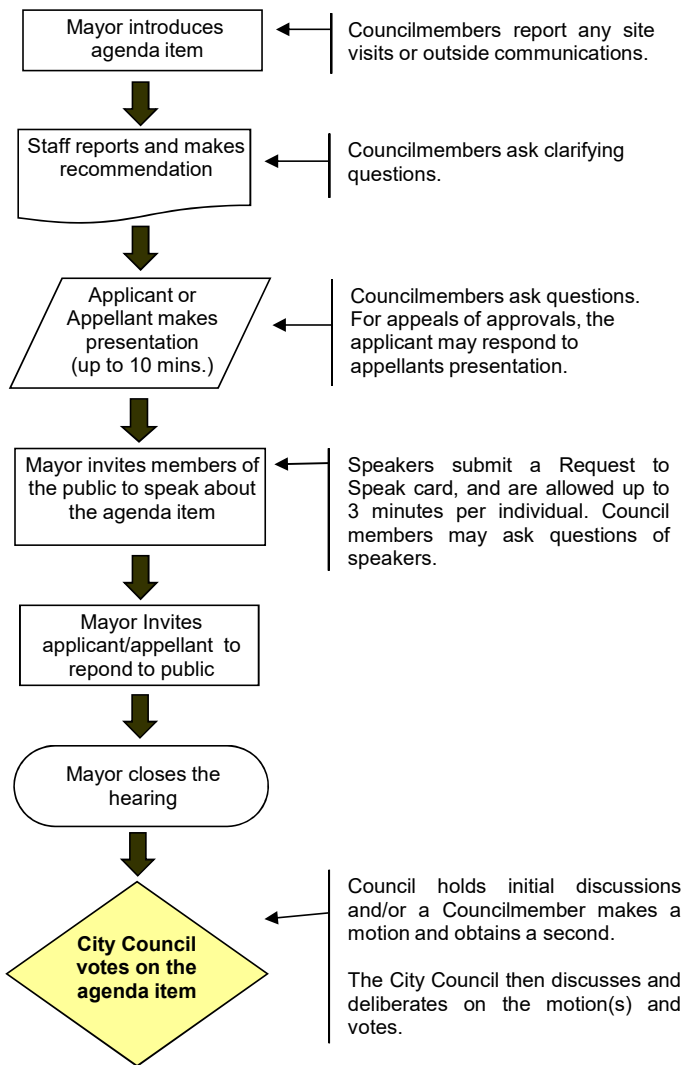
CONDUCT OF BUSINESS

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.

Oral public comments will be accepted during the teleconference meeting. Comments may be made during "oral communications" for matters not on the agenda, and during the public comment period for each agenda item. 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 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.

Tuesday, June 2, 2020

5:30 PM

Amended Televised Special Meeting Study Session (5:30) and Regular City Council Meeting (6:45)

Amended on 5/28/20 to reorder and renumber Item Nos. 17 – 21 to move “Update Fiscal Year 2020-21 City Work Program” first in the order and to update Attachment C - FY 2019-20 City Work Program Delays Due to COVID-19 – Redline.

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

In accordance with Governor Newsom’s Executive Order No-29-20, this will be a teleconference meeting without a physical location to help stop the spread of COVID-19.

Members of the public wishing to observe the meeting may do so in one of the following ways:

- 1) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.**
- 2) The meeting will also be streamed live on and online at www.Cupertino.org/youtube and www.Cupertino.org/webcast**

Members of the public wishing comment on an item on the agenda may do so in the following ways:

- 1) E-mail comments by 5:00 p.m. on Tuesday, June 2 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 during the teleconference meeting as follows:

Oral public comments will be accepted during the teleconference meeting. Comments may be made during “oral communications” for matters not on the agenda, and during the public comment period for each agenda item.

To address the City Council, click on the link below to register in advance and access the meeting:

Online

Register in advance for this webinar:

https://cityofcupertino.zoom.us/webinar/register/WN_MEpzcRfoTBKU9j0FF2lk2A

Phone

Dial: (888) 788 0099 and enter Webinar ID: 952 5928 2514 (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: 952 5928 2514

SIP: 95259282514@zoomcrc.com

After registering, you will receive a confirmation email containing information about joining the webinar.

Please read the following instructions carefully:

1. You can directly download the teleconference software or connect to the meeting in your internet browser. If you are using your browser, make sure you are using a current and up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers, including Internet Explorer.
 2. You will be asked to enter an email address and a name, followed by an email with instructions on how to connect to the meeting. Your email address will not be disclosed to the public. If you wish to make an oral public comment but do not wish to provide your name, you may enter “Cupertino Resident” or similar designation.
 3. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
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4. When called, please limit your remarks to the time allotted and the specific agenda topic.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this teleconference City Council meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the Council meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

NOTICE AND CALL FOR A SPECIAL MEETING OF THE CUPERTINO CITY COUNCIL

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Tuesday, June 2, 2020, commencing at 5:30 p.m. In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

SPECIAL MEETING

ROLL CALL - 5:30 PM

STUDY SESSION

1. Subject: Study Session on the Capital Improvement Program (CIP): Review of Funded FY19-20 Projects Recommended to Defer One-Year and Projects Proposed for FY20-21
Recommended Action: Receive the report on funded projects recommended to defer for one-year and projects proposed for FY20-21 and provide comments
[Staff Report](#)
[A - Projects Proposed for Deferral](#)
[B - Schedule of Construction for Currently Funded Projects](#)
[C - New Project Proposals](#)
[D - CIP Project Narratives 200526](#)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

POSTPONEMENTS

1. Subject: Development proposal to demolish a 71,250 square foot retail center (The Oaks), remove and replace 74 protected trees, and construct a mixed-used development consisting of 294 housing units (88 Rowhouse/Townhomes, 206 senior apartments, of which include 48 senior affordable apartments and 27 memory care units) and 20,000 square feet of commercial space. The applicant is requesting a Heart of the City Exception for retail frontage along Stevens Creek Boulevard. The applicant is also requesting a density bonus and density bonus waivers for height, building plane, and below market rate housing dispersion. An Environmental Impact Report is proposed. Application No(s): DP-2018-05, ASA-2018-05, TM-2018-03, TR-2018-22, U-2019-03, EXC-2019-03 (EA-2018-04); Applicant(s): Mark Tersini (KT Urban); Location: 21267 Stevens Creek Boulevard APN #326-27-042, -043. This item has been continued to a date uncertain and will be re-noticed.

ORAL COMMUNICATIONS

This portion of the meeting is reserved for persons wishing to address the Council on any matter within the jurisdiction of the Council and not on the agenda. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda.

REPORTS BY COUNCIL AND STAFF (10 minutes)

2. Subject: City Manager update on COVID-19 response efforts
Recommended Action: Receive City Manager update on COVID-19 response efforts
3. 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.

4. Subject: Accept Accounts Payable for the period ending January 06, 2020
Recommended Action: Adopt Resolution No. 20-059 accepting Accounts Payable for the period ending January 06, 2020
[A - Draft Resolution](#)
[B - AP Report A](#)
[C - AP Report B](#)

5. Subject: Accept Accounts Payable for the period ending January 13, 2020
 Recommended Action: Adopt Resolution No. 20-060 accepting Accounts Payable for the period ending January 13, 2020
 [A - Draft Resolution](#)
 [B - AP Report](#)
6. Subject: Accept Accounts Payable for the period ending January 21, 2020
 Recommended Action: Adopt Resolution No. 20-061 accepting Accounts Payable for the period ending January 21, 2020
 [A - Draft Resolution](#)
 [B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending January 27, 2020
 Recommended Action: Adopt Resolution No. 20-062 accepting Accounts Payable for the period ending January 27, 2020
 [A - Draft Resolution](#)
 [B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending February 03, 2020
 Recommended Action: Adopt Resolution No. 20-063 accepting Accounts Payable for the period ending February 03, 2020
 [A - Draft Resolution](#)
 [B - AP Report](#)
 [C - AP Report MISC](#)
9. Subject: Accept Accounts Payable for the period ending February 10, 2020
 Recommended Action: Adopt Resolution No. 20-064 accepting Accounts Payable for the period ending February 10, 2020
 [A - Draft Resolution](#)
 [B - AP Report](#)
 [C - AP Report MISC](#)
10. Subject: Accept Accounts Payable for the period ending February 18, 2020
 Recommended Action: Adopt Resolution No. 20-065 accepting Accounts Payable for the period ending February 18, 2020
 [A - Draft Resolution](#)
 [B - AP Report](#)
 [C - AP Report MISC](#)
11. Subject: Accept Accounts Payable for the period ending February 24, 2020
 Recommended Action: Adopt Resolution No. 20-066 accepting Accounts Payable for the period ending February 24, 2020

[A - Draft Resolution](#)

[B - AP Report](#)

12. Subject: Substantial Amendments to the FY 2019-20 Annual Action Plan, FY 2015-20 Consolidated Plan, and Citizen Participation Plan to provide funding for the COVID-19 Small Business Relief Grant Program, which is an eligible Department of Housing and Urban Development (HUD) activity in response to COVID-19
Recommended Action: Adopt Resolution No. 20-067 approving the Substantial Amendments to the FY 2019-20 Annual Action Plan, FY 2015-20 Consolidated Plan, and Citizen Participation Plan to provide funding for the COVID-19 Small Business Relief Grant Program, which is an eligible HUD activity in response to COVID-19
[Staff Report](#)
[A - Draft Resolution](#)
13. Subject: 2020-25 CDBG Consolidated Plan and the FY 2020-21 CDBG Annual Action Plan
Recommended Action: Conduct the public hearing; and
1) Adopt Resolution No. 20-068 approving the 2020-25 CDBG Consolidated Plan and the FY 2020-21 CDBG Annual Action Plan
[Staff Report](#)
[A - Draft Resolution](#)
14. Subject: Authorize the City Manager to negotiate and execute a lease agreement with the Santa Clara Valley Audubon Society for the property known as the McClellan Ranch House located at 22221 McClellan Road, Cupertino, CA 95014
Recommended Action: Authorize the City Manager to negotiate and execute a lease agreement with the Santa Clara Valley Audubon Society for the property known as the McClellan Ranch House for the period July 1, 2020 to June 30, 2025, with an option to renew for five additional one-year terms
[Staff Report](#)
[A - Draft Lease Agreement](#)
15. Subject: Authorize the City Manager to negotiate and execute a lease agreement with the Friends of Stevens Creek Trail for the property known as the McClellan Ranch House located at 22221 McClellan Road, Cupertino, CA 95014
Recommended Action: Authorize the City Manager to negotiate and execute a lease agreement with Friends of Stevens Creek Trail for the property known as the McClellan Ranch House for the period July 1, 2020 to June 30, 2025, with an option to renew for five additional one-year terms
[Staff Report](#)
[A - Draft Lease Agreement](#)

16. Subject: Adopt Resolution rescinding Resolution 20-033 and adopting an updated list of FY 2020-21 projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by Senate Bill 1 (SB 1)
Recommended Action: Adopt Resolution No. 20-069 rescinding Resolution 20-033 and adopting an updated list of projects to receive funding from the RMRA, created by SB 1
[Staff Report](#)
[A - Draft Resolution](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

ORDINANCES AND ACTION ITEMS

17. Subject: Update Fiscal Year 2020-21 City Work Program
Recommended Action: Review proposed amendments to the FY 2020-21 City Work Program, provide any input, and adopt updated FY 2020-21 City Work Program
[Staff Report](#)
[A - Proposed FY 2020-21 City Work Program Updates](#)
[B - Proposed FY 2020-21 City Work Program Updates - Redline](#)
[C - FY 2019-20 City Work Program Delays Due to COVID-19 - Redline](#)
18. Subject: Tax Measure Polling and Strategy for November 2020 ballot
Recommended Action: 1. Provide direction to move forward with a polling and strategy firm to explore transient occupancy tax (TOT) measure for the November 2020 ballot:
2. Approve a budget adjustment of \$55,000 to retain polling and strategy firm.
[Staff Report](#)
19. Subject: Resolution rescinding City Manager designation as City employee/official to attend closed sessions of the City Council and keep closed session minutes and reaffirming the City Clerk as the designated closed session minute keeper; Municipal Code Amendment to Cupertino Municipal Code Section 2.20.010 (Recordkeeping Duties-Closed Sessions) of Chapter 2.20 (City Clerk) To Title 2 (Administration and Personnel) to clarify limited access to closed session minutes.

Recommended Action: 1. Adopt Resolution No. 20-070 rescinding Resolution No. 20-014 thereby removing the designation of the City Manager as the City employee/officer to attend City Council closed sessions and keep minutes and confirming the City Clerk as the Designated employee/officer to attend city council closed sessions and keep minutes.

2. Conduct the first reading of Ordinance No. 20-2205: "An Ordinance of the City Council of the City of Cupertino Amending City Code Section 2.20.010 (Recordkeeping Duties-Closed Sessions) of Chapter 2.20 (City Clerk) To Title 2 (Administration and Personnel) to Clarify Limited Access to Closed Session Minutes."

[Staff Report](#)

[A - Draft Resolution](#)

[B - Draft Ordinance](#)

[C – February 4, 2020 Staff Report](#)

[D – Adopted Resolution No. 20-014](#)

20. Subject: Consideration of a City Council summer recess and cancellation of meeting(s).
Recommended Action: Consider a City Council summer recess and cancel meeting(s) or provide direction to staff.

[Staff Report](#)

[A – Council Upcoming Draft Agenda Items](#)

21. Subject: Establishment of the Complete Streets Commission
Recommended Action: Conduct the first reading of Ordinance No. 20-2206: "An Ordinance of the City Council of the City of Cupertino amending Chapter 2.92 of the Cupertino Municipal Code to establish the Complete Streets Commission."

[Staff Report](#)

[A - Ordinance 1895](#)

[B - Draft Ordinance \(redlined version\)](#)

[C - Draft Ordinance \(clean version\)](#)

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 this teleconference City Council meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the Council meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

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.

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