



# AGENDA OF THE CUPERTINO CITY COUNCIL

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**Tuesday, June 16, 2020**

Televised 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](http://www.cupertino.org)

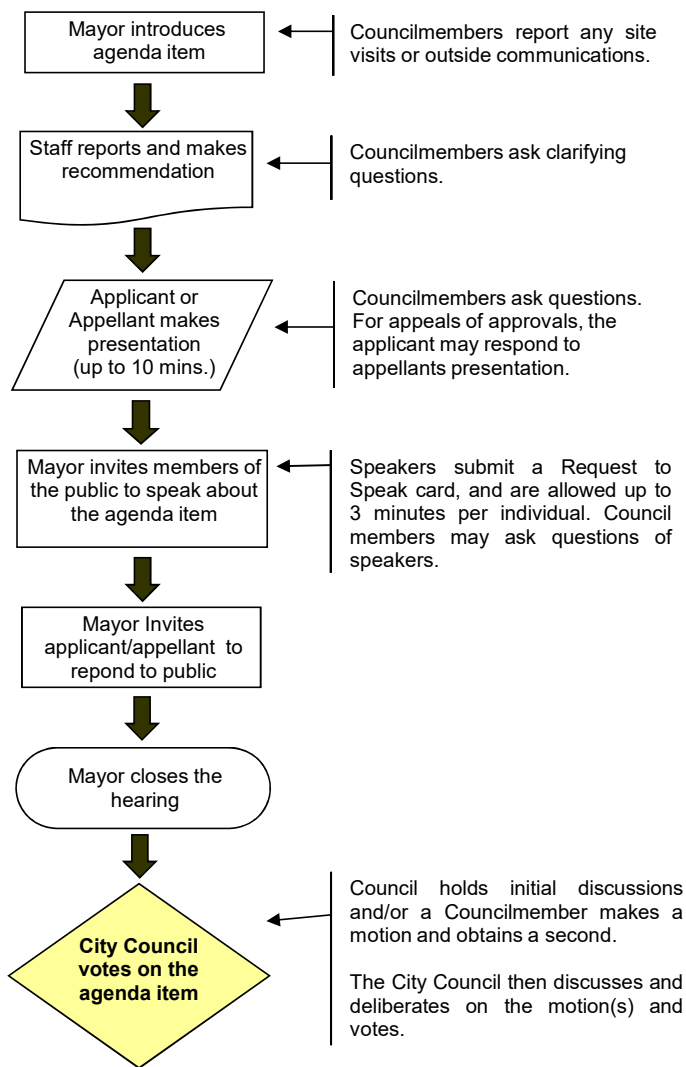
## CONDUCT OF BUSINESS

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](http://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 16, 2020**

**6:45 PM**

#### Teleconference Meeting

#### **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](http://www.Cupertino.org/youtube) and [www.Cupertino.org/webcast](http://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 16 to the Council at [citycouncil@cupertino.org](mailto: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](mailto: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](mailto: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\\_XUq\\_uC0-Q4qZmISbQfCYfg](https://cityofcupertino.zoom.us/webinar/register/WN_XUq_uC0-Q4qZmISbQfCYfg)

#### Phone

Dial: (888) 788 0099 and enter Webinar ID: 941 5872 9522 (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: 941 5872 9522

SIP: 94158729522@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.
  4. When called, please limit your remarks to the time allotted and the specific agenda topic.
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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.

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### CEREMONIAL MATTERS AND PRESENTATIONS

#### POSTPONEMENTS

#### 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)

1. Subject: City Manager update on COVID-19 response efforts  
Recommended Action: Receive City Manager update on COVID-19 response efforts
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 May 19 City Council minutes  
Recommended Action: Approve the May 19 City Council minutes  
[A - Draft Minutes](#)

4.     Subject: Approve the May 26 City Council minutes  
         Recommended Action: Approve the May 26 City Council minutes  
         [A - Draft Minutes](#)
  
5.     Subject: Approve the June 2 City Council minutes  
         Recommended Action: Approve the June 2 City Council minutes  
         [A - Draft Minutes](#)
  
6.     Subject: Resolution calling for a consolidated General Municipal Election on Nov. 3, 2020, to fill two City Council seats.  
         Recommended Action: Adopt Resolution No. 20-072 calling a General Municipal Election on Nov. 3, 2020, to fill two City Council seats.  
         [Staff Report](#)  
         [A - Draft Resolution](#)  
         [B – 2020 Election Calendar](#)
  
7.     Subject: Accept Accounts Payable for the period ending March 02, 2020  
         Recommended Action: Adopt Resolution No. 20-073 accepting Accounts Payable for the period ending March 02, 2020  
         [A - Draft Resolution](#)  
         [B - AP Report](#)
  
8.     Subject: Accept Accounts Payable for the period ending March 09, 2020  
         Recommended Action: Adopt Resolution No. 20-074 accepting Accounts Payable for the period ending March 09, 2020  
         [A - Draft Resolution](#)  
         [B - AP Report](#)
  
9.     Subject: Accept Accounts Payable for the period ending March 16, 2020  
         Recommended Action: Adopt Resolution No. 20-075 accepting Accounts Payable for the period ending March 16, 2020  
         [A - Draft Resolution](#)  
         [B - AP Report](#)
  
10.    Subject: Accept Accounts Payable for the period ending March 23, 2020  
         Recommended Action: Adopt Resolution No. 20-076 accepting Accounts Payable for the period ending March 23, 2020  
         [A - Draft Resolution](#)  
         [B - AP Report](#)
  
11.    Subject: Accept Accounts Payable for the period ending March 30, 2020  
         Recommended Action: Adopt Resolution No. 20-077 accepting Accounts Payable for the period ending March 30, 2020

[A - Draft Resolution](#)

[B - AP Report](#)

12. Subject: Accept Accounts Payable for the period ending April 06, 2020  
Recommended Action: Adopt Resolution No. 20-078 accepting Accounts Payable for the period ending April 06, 2020  
[A - Draft Resolution](#)  
[B - AP Report](#)
13. Subject: Accept Accounts Payable for the period ending April 13, 2020  
Recommended Action: Adopt Resolution No. 20-079 accepting Accounts Payable for the period ending April 13, 2020  
[A - Draft Resolution](#)  
[B - AP Report](#)
14. Subject: Accept Accounts Payable for the period ending April 20, 2020  
Recommended Action: Adopt Resolution No. 20-080 accepting Accounts Payable for the period ending April 20, 2020  
[A - Draft Resolution](#)  
[B - AP Report](#)
15. Subject: Accept Accounts Payable for the period ending April 27, 2020  
Recommended Action: Adopt Resolution No. 20-081 accepting Accounts Payable for the period ending April 27, 2020  
[A - Draft Resolution](#)  
[B - AP Report](#)
16. Subject: Amended Resolution 20-045 accepting Accounts Payable for the period ending November 04, 2019 and accepting date correction of November 4, 2019 for Accounts Payable ending date (previously adopted on May 19).  
Recommended Action: Adopt Amended Resolution 20-045 accepting Accounts Payable for the period ending November 04, 2019 and accepting date correction of November 4, 2019 for Accounts Payable ending date.  
[A - Draft Amended Resolution](#)  
[B - Draft Resolution Redline](#)  
[C - AP Report](#)  
[D - AP Report MISC](#)
17. Subject: Department of Housing and Community Development (HCD) Local Early Action Planning (LEAP) Grants Program Application  
Recommended Action: Adopt Resolution No. 20-082 authorizing application for, and receipt of, LEAP Grant Program Funds

[Staff Report](#)

[A - Draft Resolution](#)

[B - LEAP Planning Grants Program Application](#)

18. Subject: Authorization to extend the 2015 Contractual Crossing Guard Services Agreement, (Second Amendment) by one year due to the impacts of COVID-19  
Recommended Action: Approve the Second Amendment of the 2015 Contractual Crossing Guard Services Agreement, Project No. 2015-25 with All City Management Services, Inc. (ACMS), to extend the term of the agreement by one year due to the impacts of COVID-19  
[Staff Report](#)  
[A - Draft Second Amendment](#)  
[B - Letter Agreeing to 2020 Contract Extension Terms](#)

## SECOND READING OF ORDINANCES

19. Subject: 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: Conduct the second reading and enact 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."  
[A - Draft Ordinance](#)

## PUBLIC HEARINGS

20. Subject: Brush Abatement Program hearing to consider objections to proposed removal of brush and order abatement of the public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.320) regarding Defensible space (brush) and Resolution No. 20-044.  
Recommended Action: 1. Conduct Brush Abatement Program hearing to note objections of property owners having their name on the list of properties that have been non-compliant in removing brush; and  
2. Adopt Resolution No. 20-083 ordering abatement of public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.320) regarding Defensible space (brush) and Resolution No. 20-044.



[Staff Report](#)

[A - Draft Resolution](#)

[B – Brush Parcel Abatement List](#)

[C – WUI Letter Sent to All Property Owners](#)

[D – Brush Hearing Letter Sent to Non-Compliant Owners](#)

[E - Warning Notice Door Hanger](#)

[F – Enforced Safety Regulations for WUI Zones Brochure](#)

[G - Approved Resolution No. 20-044](#)

21. Subject: Public hearing to consider and approve the Capital Improvement Plan (CIP); and the Recommended Budget for Fiscal Year (FY) 2020-21; and the Adoption of the Recommended Budget; and Establishment of the Appropriation Limit, and related actions; or take other action to approve interim expenditures.
- Recommended Action: 1. Adopt Resolution No. 20-084 establishing an Operating Budget for FY 2020-21
- a. Approve Community Funding Requests of \$34,000 as included in Attachment E
  - b. Approve budget adjustments as presented in Attachment E
  - c. Approve conversion from limited-term to permanent for Senior Management Analyst in Administrative Services Department
2. Adopt Resolution No. 20-085 establishing a Capital Improvement Program budget of \$2,186,750 for FY 2020-21.
- a. Approve \$1,589,449 of transfers out from the Capital Reserve to fund the Capital Improvement Program budget in FY 2020-21 as noted below:
    - \$1,230,000 to Capital Improvement Projects Capital Projects Fund
    - \$50,000 to Blackberry Farm Golf Course Enterprise Fund
    - \$25,000 to Cupertino Sports Center Enterprise Fund
    - \$284,449 to Recreation Programs Enterprise Fund
  - b. Approve \$217,551 of transfers out of the General Fund to fund the Capital Improvement Program budget in FY 2020-21 as noted below:
    - \$217,551 of Public Safety Power Shutoff (PSPS) funds to Recreation Programs Enterprise Fund
3. Adopt Resolution No. 20-086 establishing an Appropriation Limit of \$109,062,934 for FY 2020-21

[Staff Report](#)[A - Draft Resolution - Operating Budget for Fiscal Year 2020-21](#)[B - Draft Resolution - Capital Budget for Fiscal Year 2020-21](#)[C - Draft Resolution - Appropriation Limit for Fiscal Year 2020-21](#)[D - CIP Project Narratives](#)[E - Budget Adjustments Detail and Summary – Revenues, Expenditures, Contingencies and Transfers](#)[F1 - Breathe CA](#)[F2 - WVCS](#)[F3 - Euphrat](#)[F4 - Elevate the Future](#)[F5 - Rotary](#)[F6 - Deer Hollow](#)**ORDINANCES AND ACTION ITEMS**

22. Subject: Cupertino Small Business Emergency Relief Grant Program.  
Recommended Action: Approve Cupertino's proposed Small Business Emergency Relief Grant Program and authorize the City Manager to negotiate and execute an agreement with a selected program administrator.  
[Staff Report](#)
23. Subject: Accept resignation of Bicycle Pedestrian Commission member Jennifer Shearin and direct staff to fill the unscheduled vacancy.  
Recommended Action: a) Accept resignation of Bicycle Pedestrian Commission member Jennifer Shearin; and choose one of the following options or provide direction to staff.  
b) Direct staff to fill the unscheduled vacancy in January 2021 concurrent with the annual recruitment for all commission and committee members' terms expiring in January, 2021; or  
c) Direct staff to initiate a special recruitment process and set the interview date for Tuesday, September 15th, 2020 beginning at 5:30pm; or  
d) Direct staff to initiate a special recruitment process and select a special meeting date to conduct the interviews.  
[Staff Report](#)  
[A - Letter of resignation](#)
24. Subject: Potential nomination of the Bubb Road Special Area as a new locally nominated Priority Development Area (PDA) to accommodate future residential growth in Plan Bay Area 2050  
Recommended Action: That the City Council determine whether or not to adopt Resolution No. 20-087 (Attachment A) to nominate the Bubb Road Special Area as a new locally nominated Priority Development Area (PDA) for inclusion in the Plan Bay Area 2050.

[Staff Report](#)[A - Draft Resolution](#)[B - LOI - Bubb PDA Nomination](#)**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 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 meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.*

*Any writings or documents provided to a majority of the Cupertino City Council after publication of the packet will be made available for public inspection in the City Clerk's Office located at City Hall, 10300 Torre Avenue, 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](http://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](http://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