



AGENDA OF THE CUPERTINO CITY COUNCIL

Tuesday, October 6, 2020

Non-Televised Special Meeting Closed Session (5:00),
Televised Special Meeting Study Session (5:30) and Regular
Meeting (6:45); Special Public Facilities Corporation Meeting
(Immediately Following Regular Meeting)

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

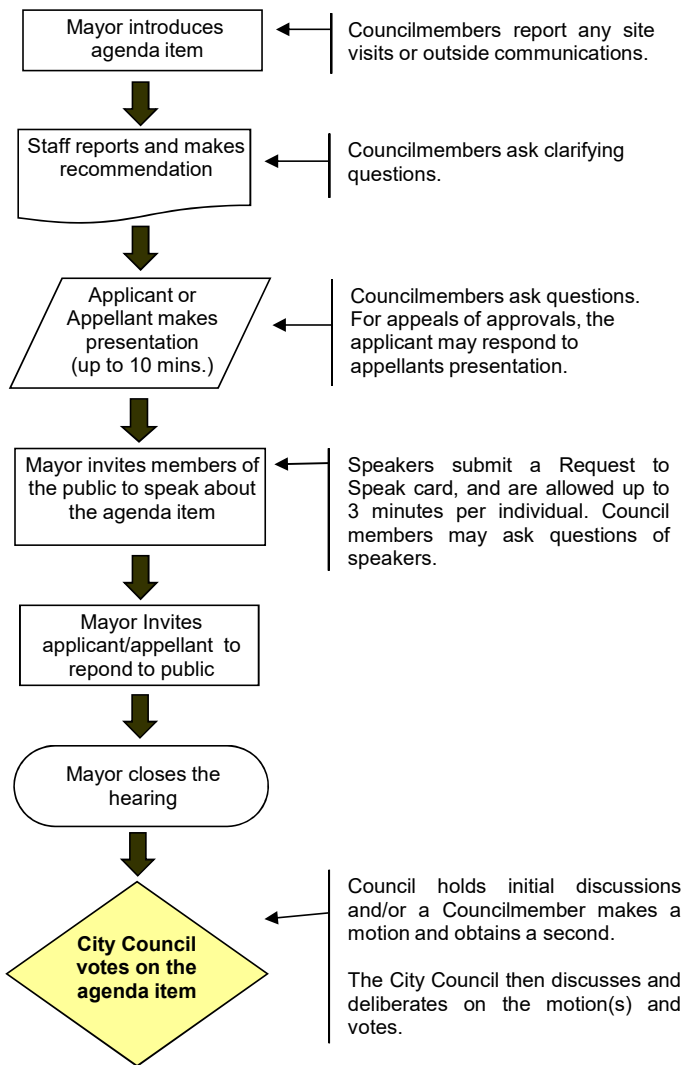
CONDUCT OF BUSINESS

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, October 6, 2020

5:00 PM

Non-Televised Special Meeting Closed Session (5:00), Televised Special Meeting Study Session (5:30) and Regular Meeting (6:45); Special Public Facilities Corporation Meeting (Immediately Following Regular 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 open session 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 for closed or open session by 4:30 p.m. on Tuesday, October 6 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 for closed or open session 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 links below to access the closed and open session meetings:

CLOSED SESSION

Members of the public may provide oral public comments in open session prior to the closed session teleconference meeting as follows:

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

Online

Join Meeting: <https://cityofcupertino.zoom.us/j/93653237642>

Phone

Dial: (888) 788 0099 and enter Meeting ID: 936 5323 7642 (Type *9 to raise hand to speak).

OPEN SESSION

Members of the public may provide oral public comments during the open session teleconference meeting as follows:

Oral public comments will be accepted during the open session 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_tIPy4AQdSK-m9d1jwLvJQQ

Phone

Dial: (888) 788 0099 and enter Webinar ID: 965 4930 2496 (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)

Meeting ID: 965 4930 2496

SIP: 96549302496@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.

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 (CLOSED SESSION AND STUDY SESSION) AND REGULAR MEETING OF THE CUPERTINO CITY COUNCIL, AND SPECIAL MEETING OF THE CUPERTINO PUBLIC FACILITIES CORPORATION

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Tuesday, October 06, 2020, for a closed session commencing at 5:00 p.m and a study session 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." The regular meeting items will be heard at 6:45 p.m. In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location. The special meeting of the Cupertino Public Facilities Corporation will immediately follow the regular meeting. 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 - 5:00 PM

CLOSED SESSION

1. Subject: Conference with Legal Counsel - Anticipated Litigation. Initiation of litigation pursuant to Government Code Section 54956.9(d)(4) (one potential case)

ADJOURNMENT

RECESS

OPEN SESSION

ROLL CALL - 5:30 PM

STUDY SESSION

2. Subject: Study session to receive input on services to be provided in a new 10-year franchise agreement
Recommended Action: Receive and provide input on services to be provided in a new 10-year franchise agreement
[Staff Report](#)
[A - Residential survey in English and Chinese](#)
[B - Commercial survey in English and Chinese](#)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation declaring October 4th to 10th as Mental Illness Awareness Week

Recommended Action: Present proclamation declaring October 4th to 10th as Mental Illness Awareness Week

[A - Proclamation](#)

2. Subject: Proclamation declaring the 2nd week in October as Code Enforcement Officer Appreciation Week

Recommended Action: Present proclamation declaring the 2nd week in October as Code Enforcement Officer Appreciation Week

[A - Proclamation](#)

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)

3. Subject: City Manager update on emergency response efforts
Recommended Action: Receive City Manager update on emergency response efforts
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 September 15 City Council minutes
Recommended Action: Approve the September 15 City Council minutes
[A - Draft Minutes](#)
6. Subject: Authorize the City Manager to execute an agreement with OpenGov, Inc. to renew a contract for budgeting, performance, communications, and reporting software for a total amount of \$318,520 over five years.

Recommended Action: Authorize the City Manager to execute an agreement with OpenGov, Inc. to renew a contract for budgeting, performance, communications, and reporting software for a total amount of \$318,520 over five years.

[Staff Report](#)

[A – Renewal Agreement with OpenGov, Inc.](#)

7. Subject: Award and authorize the City Manager to execute a construction contract with Spencon Construction, Inc, for the 2020 Reconstruction of Curbs, Gutters and Sidewalks, Project No. 2021-102

Recommended Action: Award a construction contract for the 2020 Reconstruction of Curbs, Gutters and Sidewalks project; and authorize the City Manager to execute a construction contract with Spencon Construction, Inc., in the amount of \$843,713.75 and further authorize the Director of Public Works to execute any necessary change orders up to a 10% construction contingency of \$84,371.00 for a total of \$928,084.75

[Staff Report](#)

[A - Draft Contract](#)

[B - Bid Summary](#)

8. Subject: Approval of a Master Agreement between the City of Cupertino and 4Leaf, Inc. and a separate Master Agreement between the City of Cupertino and CSG Consultants, Inc., to provide construction management services on various Capital Improvement Program (CIP) projects

Recommended Action: 1) Authorize the City Manager to execute a Master Agreement between the City of Cupertino and 4Leaf, Inc. in the amount not to exceed \$500,000 for a term of approximately two years; and

2) Authorize the City Manager to execute a Master Agreement between the City of Cupertino and CSG Consultants, Inc. in the amount not to exceed \$500,000 for a term of approximately two years

[Staff Report](#)

[A - Draft Contract 4 Leaf](#)

[B - Draft Agreement CSG, Inc](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

ORDINANCES AND ACTION ITEMS

9. Subject: Discussion to adopt a position on Proposition 16, Proposition 19, Proposition 21, Measure RR, and Measure S that are on the November 2020 General Election Ballot
- Recommended Action: Discuss and determine whether the City will adopt a position on Proposition 16, Proposition 19, Proposition 21, Measure RR, and Measure S that are on the November 2020 General Election Ballot

[Staff Report](#)

[A - Townsend Report on Proposition 16, 19, and 21 and Measure RR and S](#)

10. Subject: City Council to consider modification of Cupertino Municipal Code Section 2.18.030 to limit the use of City Attorney time by individual City Councilmembers.
Recommended Action: City Council to consider modification of Cupertino Municipal Code Section 2.18.030 to limit the use of City Attorney time by individual City Councilmembers; and if Council decides to proceed, conduct the first reading of Ordinance No. 20-2212: An Ordinance of the City Council of the City of Cupertino Amending City Code Section 2.18.030 (Council-Attorney Relations) of Chapter 2.18 (City Attorney) to Title 2 (Administration and Personnel) to Limit use of City Attorney Time by Individual City Councilmembers.

[Staff Report](#)

[A - Draft Ordinance](#)

11. Subject: COVID-19 Response: Coronavirus Aid, Relief and Economic Security (CARES) Act Framework and Funding Priorities
Recommended Action: 1. Review, discuss, and approve CARES Act Grant Funding and Funding Priorities.
2. Adopt Resolution No. 20-116 amending the budget and authorizing the City Manager to accept \$735,259 Coronavirus Relief Fund (CRF) from the US Treasury (pass-through via the State of California) and \$553,939 in CARES-CV from US Department of Housing and Urban Development (HUD).

[Staff Report](#)

[A – Draft Resolution](#)

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

ADJOURNMENT

NOTICE AND CALL FOR A SPECIAL MEETING OF THE CUPERTINO PUBLIC FACILITIES CORPORATION

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino Public Facilities Corporation is hereby called for Tuesday, October 6, 2020, commencing immediately following the Cupertino City Council Regular meeting (which starts at 6:45 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 OF THE CUPERTINO PUBIC FACILITIES CORPORATION**ROLL CALL - Immediately following Regular meeting****CONSENT CALENDAR**

1. Subject: Approve the September 15, 2020 Public Facilities Corporation minutes
Recommended Action: Approve the September 15, 2020 Public Facilities Corporation minutes
[A - Draft Minutes](#)

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 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.*

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