

AGENDA OF THE CUPERTINO CITY COUNCIL

Tuesday, January 19, 2021

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

CITY COUNCIL

DARCY PAUL, MAYOR
LIANG CHAO, VICE MAYOR
KITTY MOORE, COUNCILMEMBER
HUNG WEI, 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: Mayor introduces Councilmembers report any site agenda item visits or outside communications. Staff reports and makes Councilmembers ask clarifying recommendation Applicant or Councilmembers ask questions. Appellant makes For appeals of approvals, the presentation applicant may respond to (up to 10 mins.) appellants presentation. Speakers submit a Request to Mayor invites members of Speak card, and are allowed up to the public to speak about the agenda item 3 minutes per individual. Council members may ask questions of speakers. Mayor Invites applicant/appellant to repond to public Mayor closes the hearing Council holds initial discussions and/or a Councilmember makes a motion and obtains a second. City Council votes on the The City Council then discusses and agenda item deliberates on the motion(s) and votes.

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.as px?page=125 for a reconsideration petition form.



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Tuesday, January 19, 2021

5:30 PM

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

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 4:30 p.m. on Tuesday, January 19 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_yKTcygvgSLKPbttSGAve_A

Phone

Dial: 669-900-6833 and enter Webinar ID: 910 6192 3803 (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: 910 6192 3803

SIP: 91061923803@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 OF THE CUPERTINO CITY COUNCIL

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Tuesday, January 19, 2021, 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.

SPECIAL MEETING

ROLL CALL - 5:30 PM

STUDY SESSION

1. <u>Subject</u>: Study Session on Lehigh Southwest Cement Company/Permanente Quarry and Stevens Creek Quarry regarding Reclamation Plan Amendment and Use Permit Applications to County of Santa Clara.

Recommended Action: Receive the report and provide input to staff.

Staff Report

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. <u>Subject</u>: Certificates of Recognition for Cupertino Science Fair winners who participated in the 2020 Santa Clara County Synopsys Championship <u>Recommended Action</u>: Present Certificates of Recognition to Cupertino Science Fair winners who participated in the 2020 Santa Clara County Synopsys Championship <u>A - Certificates of Recognition</u>

- Subject: Proclamation to Stanford University in appreciation and acknowledgement of their donation of trees to the City of Cupertino Recommended Action: Present proclamation to Stanford University in appreciation and acknowledgement of their donation of trees to the City of Cupertino A - Proclamation
- 3. <u>Subject</u>: Proclamation to the Santa Clara County Library District for their excellent response during COVID-19, providing continuing and invaluable resources to our residents during this time, and for working to keep our community safe and mentally healthy

 <u>Recommended Action</u>: Present proclamation to the Santa Clara County Library District

for their excellent response during COVID-19, providing continuing and invaluable resources to our residents during this time, and for working to keep our community safe and mentally healthy

A - Proclamation

4. <u>Subject</u>: Proclamation to the Hindu Swayamsevak Sangh organization to support the national campaign, "Health for Humanity - Yogathon" also known as "Surya Namaskar Yajna" (Sun Salutation Yogathon) running from January 16th to January 31st, 2021

<u>Recommended Action</u>: Present proclamation to the Hindu Swayamsevak Sangh organization to support the national campaign, "Health for Humanity - Yogathon" also known as "Surya Namaskar Yajna" (Sun Salutation Yogathon) running from January 16th to January 31st, 2021

A - Proclamation

POSTPONEMENTS

- 5. <u>Subject</u>: Amending the Fiscal Year 2020-21 Fee Schedule to establish updated fees for the Community Gardens. This item has been continued to a date uncertain.
- 6. <u>Subject</u>: Approving City of Cupertino 2020 Transportation Impact Fee Nexus Study Update, increasing the Transportation Impact Fees, and amending Schedule B of the 2020-21 Fee Schedule to incorporate the increased fees. This item has been continued to March 2.

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)

- 7. <u>Subject</u>: City Manager update on emergency response efforts

 <u>Recommended Action</u>: Receive City Manager update on emergency response efforts
- 8. <u>Subject</u>: Report on Committee assignments <u>Recommended Action</u>: 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.

- 9. <u>Subject</u>: Approve the December 15 City Council minutes

 <u>Recommended Action</u>: Approve the December 15 City Council minutes

 <u>A Draft Minutes</u>
- 10. <u>Subject</u>: License agreements with Pacific Coast Farmers Market Association (PCFMA) to operate weekly Friday farmers market in the Creekside Park north parking lot and with West Coast Farmers Market Association (WCFMA) to temporarily operate weekly Sunday farmers market the Senior Center/Memorial Park parking lot.
 - <u>Recommended Action</u>: 1. Authorize the City Manager to negotiate and execute a license agreement with Pacific Coast Farmers Market Association (PCFMA) to use the Creekside Park north parking lot for a weekly Friday farmers market; and
 - 2. Authorize the City Manager to negotiate and execute a license agreement with West Coast Farmers Market Association (WCFMA) to temporarily use the Senior Center/Memorial Park parking lot for a weekly Sunday farmers market.

Staff Report

<u>A - Draft License Agreement with PCFMA</u> B - Draft License Agreemnt with WCFMA

11. <u>Subject</u>: Increase the construction contingency budget for the McClellan Ranch Preserve Community Garden Improvement Project (Project No. 2017-15) due to COVID-19.

<u>Recommended Action</u>: 1. Authorize an increase in the Construction Contingency Budget from \$64,930 to \$280,530 for the McClellan Ranch Preserve Community Garden Improvement Project; and

2. Adopt Resolution No. 21-001 (Attachment A) to approve Budget Modification No. 2021-113 increasing appropriations in the Capital Improvement Fund 420-99-004 in the amount of \$125,600 funded from Capital Project Fund.

Staff Report

A - Draft Resolution

B - Contractor Proposal

SECOND READING OF ORDINANCES

- 12. Subject: Second reading of Ordinance No. 20-2218: "An ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code Chapter 6.24 (Garbage, non-organic recycling and organic waste recycling collection and disposal)"
 Recommended Action: Conduct the second reading and enact Ordinance No. 20-2218: "An Ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code Chapter 6.24 (Garbage, non-organic recycling and organic waste recycling collection and disposal)"
 A Draft Ordinance
- 13. <u>Subject</u>: Second reading of Ordinance No. 20-2219 adopting Municipal Code Amendments to CMC to adopt bird safety development regulations to implement the Fiscal Year 2020/21 City Council Work Program items related to bird safety. (Application No. MCA-2019-004; Applicant: City of Cupertino; Location: Citywide) <u>Recommended Action</u>: Conduct the second Reading and enact Ordinance No. 20-2219 "An Ordinance of the City Council of the City of Cupertino amending city code to add Chapter 19.102: Bird Safe Development standards and to amend Chapter 19.08: Definitions to implement Bird Safe regulations".

Staff Report

A. Draft Ordinance No. 20-2219

B - Redlines to draft ordinance language

PUBLIC HEARINGS

14. <u>Subject</u>: Abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 20-136; hearing for impacted property owners to contest the matter of proposed abatement. <u>Recommended Action</u>: Adopt Resolution No. 21-002 ordering abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 20-136; 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 – County Letter to Property Owners to Abate Weeds

<u>D – County Hearing Notice to Destroy Weeds and Program Fees</u>

E – Minimum Fire Safety Standards Program Brochure

F - Return Reply Form (RRF) Sample

<u>G</u> – City Letter to Property Owners

H - Approved Resolution No. 20-136

15. <u>Subject</u>: Municipal Code Amendments to update existing Mobile Vending regulations, including conforming edits to Titles 5 and 13 in the Municipal Code, adopting new regulations for Sidewalk Vending in compliance with SB 946. Application No(s).: MCA-2020-004; Applicant(s): City of Cupertino; Location: citywide. (Continued from December 15).

Recommended Action: Conduct the public hearing and find:

- 1) Conduct the first reading of Ordinance No. 21-2220: "An Ordinance of the City Council of the City of Cupertino amending Chapter 5.04, Business Licenses Generally, Chapter 5.20, Solicitors, Chapter 5.48, Mobile Vendors, and Chapter 13.04, Parks" to:
- A. find that the proposed actions are exempt from CEQA;
- B. Adopt regulations to allow sidewalk vending in compliance with SB 946; and
- C. Find that the restrictions and requirements contained in the regulations are directly related to objective health, safety, and/or public welfare concerns; and
- 2) Provide direction to staff regarding whether to later present draft regulations to allow and/or restrict certain Motorized (Mobile) Vendors consistent with its FY 2020-2021 Work Program Item.

Staff Report

A - Draft Ordinance MCA-2020-04

B - SB 946

C - Planning Commission Resolution No. 6913

D - Planning Commission Meeting Minutes 10-27-20

16. <u>Subject</u>: Municipal Code Amendments to adopt lighting regulations to implement the Fiscal Year 2019/20 City Council Work Program items related to Dark Sky. (Application No. MCA-2019-003; Applicant: City of Cupertino; Location: City-wide) (Continued from December 15)

Recommended Action: That the City Council:

- 1) Find the proposed actions are exempt from CEQA; and
- 2) Conduct the first reading of Ordinance No. 21-2221 "An Ordinance of the City Council of the City of Cupertino Amending City Code to rename and amend Chapter 19.102: Bird Safe Development Standards to Chapter 19.102: Glass and Lighting Standards and to Amend Chapter 19.40 Residential Hillside (RHS) Zones, Chapter 19.60 General Commercial (GC) Zones, Chapter 19.72 Light Industrial (ML) and Industrial Park (MP) Zones, and Chapter 19.124 Parking Regulations to Implement Dark Sky Policies."

Staff Report

A - Draft Ordinance

B - Ordinance No. 20-2219 (Bird-Safe Ordinance)

C - Redline Ordinance

ORDINANCES AND ACTION ITEMS

17. <u>Subject</u>: Approve the updated Commissioner Handbook

<u>Recommended Action</u>: Approve the updated Commissioner Handbook and provide any input

Staff Report

A - Draft Commissioner Handbook

B - Commissioner Feedback

C - Subcommittee Recommendations

D - Redline Draft Commissioner Handbook

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 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 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

Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Liang Chao	LiangChao@cupertino.org	(408) 777-3192
Kitty Moore	Kmoore@cupertino.org	(408) 777-1398
Hung Wei	HWei@cupertino.org	(408) 777-3139
Jon Robert Willey	JWilley@cupertino.org	(408) 777-3193
Executive Assistant	AshleyS@cupertino.org	(408) 777-8204
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

FΜΔΙΙ

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.

(408) 777-CITY

General Information and Comments

USEFUL TELEPHONE NUMBERS

City of Cupertino (City Hall)

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	Quinlan Community Center	(408) 777-3120
Services		
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