



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Tuesday, July 21, 2020

5:30 PM

Non-Televised Special Meeting Closed Session (5:30) and Televised Regular 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 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, July 21 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 (5:30)

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 access the meeting:

Online

Join Meeting: <https://cityofcupertino.zoom.us/j/96688493571>

Phone

Dial: (888) 788 0099 and enter Meeting ID: 966 8849 3571 (Type *9 to raise hand to speak).

OPEN SESSION - REGULAR MEETING (6:45)

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_uCcBdPYkQauVNrhcS5N5KjA

Phone

Dial: (888) 788 0099 and enter Webinar ID: 954 8674 1464 (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)
213.19.144.110 (EMEA)
Meeting ID: 954 8674 1464
SIP: 95486741464@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, July 21, 2020, commencing at 5:30 p.m. for a Closed Session. 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 in open session at 6:45 p.m.

SPECIAL MEETING**ROLL CALL - 5:30 PM****CLOSED SESSION**

1. **Subject:** Conference with Labor Negotiators (Gov't Code section 54957.6). Agency designated representatives: Mayor Steven Scharf and Councilmember Rod Sinks. Unrepresented employee: City Manager.

ADJOURNMENT**REGULAR MEETING****PLEDGE OF ALLEGIANCE - 6:45 PM****ROLL CALL****CEREMONIAL MATTERS AND PRESENTATIONS**

1. **Subject:** Presentation from the Cupertino Poet Laureate, Jing Jing Yang
Recommended Action: Receive presentation from the Cupertino Poet Laureate, Jing Jing Yang

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)

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 May 04, 2020
Recommended Action: Adopt Resolution No. 20-093 accepting Accounts Payable for the period ending May 04, 2020
[A - Draft Resolution](#)
[B - AP Report](#)
5. Subject: Accept Accounts Payable for the period ending May 18, 2020
Recommended Action: Adopt Resolution No. 20-094 accepting Accounts Payable for the period ending May 18, 2020
[A - Draft Resolution](#)
[B - AP Report](#)
6. Subject: Accept Accounts Payable for the period ending May 26, 2020
Recommended Action: Adopt Resolution No. 20-095 accepting Accounts Payable for the period ending May 26, 2020
[A - Draft Resolution](#)
[B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending June 01, 2020
Recommended Action: Adopt Resolution No. 20-096 accepting Accounts Payable for the period ending June 01, 2020
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending June 08, 2020
Recommended Action: Adopt Resolution No. 20-097 accepting Accounts Payable for the period ending June 08, 2020
[A - Draft Resolution](#)
[B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending June 15, 2020
Recommended Action: Adopt Resolution No. 20-098 accepting Accounts Payable for the period ending June 15, 2020
[A - Draft Resolution](#)
[B - AP Report](#)
10. Subject: Accept Accounts Payable for the period ending June 22, 2020
Recommended Action: Adopt Resolution No. 20-099 accepting Accounts Payable for the period ending June 22, 2020
[A - Draft Resolution](#)
[B - AP Report](#)

11. Subject: Accept Accounts Payable for the period ending June 29, 2020
Recommended Action: Adopt Resolution No. 20-100 accepting Accounts Payable for the period ending June 29, 2020
[A - Draft Resolution](#)
[B - AP Report](#)
12. Subject: Authorize execution of design services agreement for Junipero Serra Trail
Recommended Action: Authorize the City Manager to execute a Master Agreement between the City of Cupertino and BKF Engineers (BKF) to provide design and engineering services for the Junipero Serra Trail project, for an amount not to exceed \$895,000.
[Staff Report](#)
[A - Draft Master Agreement](#)
13. Subject: Award of construction contract for the McClellan Road Separated Bikeways-Phase 2 Project (Project No. 2017-01.07) for the construction of separated bike lanes on McClellan Road between South Stelling Road and De Anza Boulevard and on Pacifica Drive between De Anza Boulevard and Torre Avenue
Recommended Action: Award a construction contract for the McClellan Road Separated Bikeways-Phase 2 Project and authorize the City Manager to execute the contract in the amount of \$1,387,292.00 with Granite Construction Company; and further authorize the Director of Public Works to execute any necessary change orders up to a construction contingency amount of \$138,729.00, for a total authorized contract amount of \$1,526,021.00. The recommended award amount includes the base bid plus \$44,878.00 for Additive Alternative 1.
[Staff Report](#)
[A - Draft Contract](#)
14. Subject: Award construction contract for the 2020 Pavement Maintenance Phase 2, Project No. 2020-101 and authorize a cost-share agreement between the City of Cupertino and the City of San Jose for pavement restoration on Bollinger Road
Recommended Action: 1. Authorize the City Manager to award a contract to O'Grady Paving, Inc., in the amount of \$1,694,263.40 and approve construction contingency of \$169,000 for a total of \$1,863,263.40 and;
2. Authorize the City Manager to execute a cost-share agreement with the City of San Jose for pavement restoration on Bollinger Road between Miller Avenue and Lawrence Expressway, with the City of San Jose contributing up to \$706,461.00
[Staff Report](#)
[A - Draft Contract](#)
[B - Bid Results](#)
[C - Draft Cost Share Agreement](#)

15. Subject: Award of a construction contract for the Cupertino Sports Center Seismic Retrofit Project (No. 2020-05)
Recommended Action: Award a construction contract for the Sports Center Seismic Retrofit Project and authorize the City Manager to execute the contract in the amount of \$776,777 with Calstate Construction, Inc. (CCI); and authorize the Director of Public Works to execute any necessary change orders up to a 15% construction contingency amount of \$116,516, for a total authorized contract amount of \$893,293. The recommended award amount includes the base bid plus \$142,000 for Additive Alternates 1 through 3.
[Staff Report](#)
[A - Draft Contract](#)

SECOND READING OF ORDINANCES

16. Subject: Second Reading of the Municipal Code Amendments to regulate Short-Term Rental activity in the City. A new Chapter 5.08 (Short Term Rental Activity) is proposed and amendments are proposed to Chapter 3.12 (Transient Occupancy Tax), Chapter 19.08 (Definitions), Chapter 19.12 (Administration), Chapter 19.20 (Permitted, Conditional and Excluded Use in Agricultural and Residential Zones) and Chapter 19.120 (Home Occupations), of the Cupertino Municipal Code. Application No(s): MCA-2018-02; Applicant(s): City of Cupertino; Location: Citywide
Recommended Action: Conduct the second reading and enact Ordinance No. 20-2200: "An Ordinance of the City Council of the City of Cupertino amending Title 3, Revenue and Finance: Chapter 3.12 (Transient Occupancy Tax), Revenue and Finance, amending Title 5, Business License and Regulations: Chapter 5.08 (Short-Term Rental Activity), amending specified chapters of Title 19, Zoning, of the Cupertino Municipal Code Chapter 19.08 (Definitions), Chapter 19.12 (Administration), Chapter 19.20 (Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones) and Chapter 19.120 (Home Occupations), to regulate Short-Term Rental uses in residential zoning districts.
[Staff Report](#)
[A - Draft Ordinance No. 20-2200](#)
[B - Redline Document Indicating Changes to Title 3 5 and 19](#)
17. Subject: Second Reading of Municipal Code Amendment to Cupertino Municipal Code Chapter 2.88 Audit Committee §100 Duties-Powers-Responsibilities.
Recommended Action: Conduct the second reading and enact Ordinance No. 20-2208: "An Ordinance of the City Council of the City of Cupertino Amending City Code Chapter 2.88: Audit Committee §100 Duties-Powers-Responsibilities."
18. Subject: Second Reading of Ordinance adding Chapter 2.20.120 to the Cupertino Municipal Code requiring online or electronic filing of campaign statements.

Recommended Action: Conduct second reading and enact Ordinance No. 20-2209: “An Ordinance of the City Council of the of the City of Cupertino adding City Code Section 2.20.120 (Electronic Filing) to Title 2 (Administration and Personnel)” relating to electronic filing of campaign statements.

PUBLIC HEARINGS

19. Subject: Hearing to approve lien assessment and collection of fees on private parcels resulting from abatement of public nuisance (weeds and/or brush) for the annual Weed and Brush Abatement Programs.

Recommended Action: Conduct a hearing to consider objections from any property owners listed on the assessment report; and adopt Resolution No. 20-101 approving the lien assessment and collection of fees on private parcels for the annual Weed and Brush Abatement Programs to allow the County to recover the cost of abatement.

[Staff Report](#)

[A - Draft Resolution and Exhibit A1 \(Assessment Report\)](#)

[B - Assessment Report](#)

[C - Adopted Resolution Ordering Abatement](#)

[D - City Mailed Hearing Notice](#)

ORDINANCES AND ACTION ITEMS

20. Subject: Resolution supporting statewide measure Proposition 15, which increases funding for public schools, community colleges and local government services by changing tax assessment of commercial and industrial property through an initiative constitutional amendment on the November 3, 2020 ballot.

Recommended Action: Adopt the Resolution No. 20-102 supporting Proposition 15, which increases funding for public schools, community colleges and local government services by changing tax assessment of commercial and industrial property through an initiative constitutional amendment.

[Staff Report](#)

[A - Draft Resolution](#)

[B - Initiative: The California Schools and Local Communities Funding Act of 2020](#)

21. Subject: Authorization to Amend the Current Agreement with Lifetime Tennis Inc. DBA Lifetime Activities Inc. Due to the Impacts of COVID-19.

Recommended Action: Authorize the City Manager to amend the current agreement with Lifetime Tennis Inc., DBA Lifetime Activities Inc. to adjust the rent compensation accepted by the City of the period of 15 months (March 16, 2020 - June 30, 2021) due to the impacts of COVID-19.

[Staff Report](#)

[A - Draft Lifetime Activities 2nd Amendment](#)

[B - Professional Services Agreement, Lifetime Tennis, Inc](#)

22. Subject: FY 2020-21 City Work Program- Consider adding a Housing Survey item and removing the Housing Program for De Anza College Students item.
Recommended Action: 1. Consider adding the Housing Survey item to the FY 2020-21 City Work Program
2. Remove the Housing Program for De Anza College Students item from the FY 2020-21 City Work Program
3. Authorize expenditures not to exceed \$24,000 to fund the Housing Survey
Staff Report
[A - City Work Program FY 2020-21 Amended 6.2.20](#)
[B - FY 2020-21 City Work Program Amended- Housing Survey](#)
23. Subject: Municipal Code Amendment Related to Prohibition of parking along McClellan Road between Stelling Road and De Anza Boulevard, and along Pacifica Drive between De Anza Boulevard and Torre Avenue for accommodation of Class IV bicycle lanes.
Recommended Action: Conduct the first reading of Ordinance No. 20-2210: "An Ordinance of the City Council of the City of Cupertino Amending Table 11.24.150 of the Cupertino Municipal Code Relating to Prohibition of Parking Along Certain Streets."
Staff Report
[A - Draft Redlined Ordinance](#)
[B - McClellan Rd and Pacifica Dr Proposed On-Street Parking Prohibition](#)
[C - June 10 Letter to Property Owners](#)
[D - June 29 Letter to Property Owners](#)
24. Subject: Consider a draft letter requesting that the CA Department of Housing and Community Development (HCD) postpone the final Regional Housing Needs Determination (RHND) for the Bay Area; provide any input and/or authorize the letter to be sent on behalf of the City.
Recommended Action
That the City Council:
1. Review the letter drafted jointly by the Mayor and the Vice-Mayor requesting HCD to postpone determination of the final RHND (Attachment A) and provide input
2. Consider whether to authorize the Mayor to send the letter.
Staff Report
[A - Draft letter proposed by Mayor Scharf and Vice Mayor Paul](#)
[B - HCD ABAG region RHND letter](#)
[C - Letter to ABAG and HCD from three City of Palo Alto Councilmembers](#)

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.

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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.*