



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Tuesday, December 15, 2020

5:30 PM

Televised Special Meeting (5:30) and 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 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, December 15 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_TFeYYTh1Qpi7KVt3dnYp5g

Phone

Dial: (888) 788 0099 and enter Webinar ID: 949 5234 8104 (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: 949 5234 8104

SIP: 94952348104@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, December 15, 2020, commencing at 5:30 p.m. In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting." The regular meeting items will be heard at 6:45 p.m.

SPECIAL MEETING

ROLL CALL - 5:30 PM

ORDINANCES AND ACTION ITEMS

1. Subject: Santa Clara County Community Plan to End Homelessness 2020-25
Recommended Action: Adopt Resolution No. 20-140 endorsing the Santa Clara County Community Plan to End Homelessness 2020-25.
[Staff Report](#)
[A - Draft Resolution and Santa Clara County Community Plan to End Homelessness 2020-25 \(Exhibit A\)](#)
[B - Exhibit A](#)
[C - Housing Commission Resolution 20-04](#)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

POSTPONEMENTS

1. Subject: Consider continuing Item No. 11 Municipal Code Amendments to adopt glazing and lighting regulations to implement the Fiscal Year 2019/20 City Council Work Program items related to Dark Sky and Bird-Safe Design to January 19.

Recommended Action: Consider a motion to continue Item No. 11 Municipal Code Amendments to adopt glazing and lighting regulations to implement the Fiscal Year 2019/20 City Council Work Program items related to Dark Sky and Bird-Safe Design to January 19.

2. Subject: Amending the Fiscal Year 2020-21 Fee Schedule to establish updated fees for the Community Gardens. This item has been continued to January 19.
3. Subject: 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 January 19.
4. Subject: Municipal Code Amendments to update existing Mobile Vending regulations, including but not limited to regulations in Chapter 5.48, and potential conforming edits to other chapters in the Municipal Code, including in Titles 5, 11, 13 and 19. Application No(s): MCA-2020-004; Applicant(s): City of Cupertino; Location: citywide. This item has been continued to January 19.

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)

5. Subject: City Manager update on emergency response efforts
Recommended Action: Receive City Manager update on emergency response efforts
6. 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.

7. Subject: Approve the December 1 City Council minutes

Recommended Action: Approve the December 1 City Council minutes

[A - Draft Minutes](#)

8. Subject: Approve the December 3 City Council minutes

Recommended Action: Approve the December 3 City Council minutes

[A - Draft Minutes](#)

9. Subject: Appointment of Council Committee assignments

Recommended Action: Approve Council Committee assignments

[A - 2021 Committee Assignments](#)

10. Subject: Authorize negotiation and execution of a Measure B funding agreement for design of Junipero Serra Trail, Central segment.

Recommended Action: Authorize the City Manager to negotiate and execute a grant funding agreement with Valley Transportation Authority, accepting \$460,000 in Measure B funds for the design of the Junipero Serra Trail, Central segment, and increase the project budget by \$460,000.

[Staff Report](#)

[A - VTA Board Memo, Item 6.13, June 4, 2020](#)

[B - Draft Funding Agreement, VTA-City](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

11. Subject: Municipal Code Amendments to adopt glazing and lighting regulations to implement the Fiscal Year 2019/20 City Council Work Program items related to Dark Sky and Bird-Safe Design. (Application No. MCA-2019-003 and MCA-2019-004; Applicant: City of Cupertino; Location: City-wide)

Recommended Action: That the City Council:

1. Find the proposed actions are exempt from CEQA; and,

2. Conduct the first reading of Ordinance No. 20-2217 "An Ordinance of the City Council of the City of Cupertino Amending City Code to Add Chapter 19.102: Glass and Lighting Standards and to Amend Chapter 19.08 Definitions, 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 Bird-Safe and Dark Sky Policies." (Attachment A)

[Staff Report](#)[A - Draft Ordinance for MCA-2019-003 and MCA-2019-004](#)[B - Redline to Ordinance since December 1, 2020 City Council Meeting](#)[C - SVCAS SCLP letter dated 11.29.2020](#)[D - Alternative Draft Bird-Safe Only Ordinance](#)[E - Email from Santa Clara Valley Audubon Society dated December 6, 2020](#)

12. **Subject:** Adoption of a housing program to incentivize development of affordable housing by allowing for density bonuses up to 40 percent and initiating a zoning code amendment to include the program in the City's density bonus ordinance. (Application No. CP-2020-004; Applicant: City of Cupertino; Location: Citywide)
- Recommended Action:** Adopt Resolution No. 20-141 (Attachment A) adopting a housing program to incentivize development of affordable housing by allowing for density bonuses up to 40 percent and initiating a zoning code amendment to include the program in the City's density bonus ordinance.
- [Staff Report](#)
- [A - Draft Resolution](#)
- [B - Turner Center Analysis of AB 2345](#)
- [C - AB 2345](#)

ORDINANCES AND ACTION ITEMS

13. **Subject:** Approval of a new 10-year franchise agreement with Recology Cupertino (Recology) related to recycling, organics, and solid waste collection, processing, and disposal effective February 1, 2021; adopt a maximum rate schedule for Rate Year 1 and percentage increases for Rate Years 2 and 3; authorize the use of Enterprise Funds to smooth and mitigate rates, approve an associated budget modification, and establish a minimum fund reserve; and amend Chapter 6.24 of the Cupertino Municipal Code to update provisions related to solid waste, recycling, and organics collection and disposal.

Recommended Action: 1. Adopt Resolution No. 20-142 , (Attachment A) to:

a. Authorize the Mayor to execute a new 10-year franchise agreement with Recology for recycling, organics, and solid waste collection, recycling and organics processing services and transport for disposal (Attachment B);

b. Adopt a maximum rate schedule for Rate Year 1 and percentage increases for Rate Years 2 and 3, describing the maximum amounts Recology may charge customers for providing services pursuant to the franchise agreement (Attachment B, Exhibit G3);

c. Authorize establishment of a minimum reserve for the Resource Recovery Enterprise Fund 520-330 of \$500,000;

d. Authorize use of the Resource Recovery Enterprise Fund 520-330 to smooth and mitigate rate increases for the first three years of the agreement; and

e. Approve Budget Modification No. 2021-109 increasing appropriations in the Resource Recovery Enterprise Fund 520-330 in the amount of \$285,864.

2. Conduct the first 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)” (Attachment C).

[Staff Report](#)

[A - Draft Resolution](#)

[B - Franchise Agreement between Cupertino and Recology](#)

[C-1 - Draft Ordinance\(Clean Version\)](#)

[C-2 - Redline of Draft Ordinance](#)

[D - Flow of Materials](#)

[E - Diversion Metric Detail](#)

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 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.