



# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, September 18, 2018

5:00 PM

Special Televised Meeting

## 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, September 18, 2018, commencing at 5:00 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California 95014. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

### SPECIAL MEETING

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### CEREMONIAL MATTERS AND PRESENTATIONS

- Subject: Proclamation recognizing Cupertino Library's extended hours of service, which will begin June 1.  
Recommended Action: Present Proclamation recognizing Cupertino Library's extended hours of service, which will begin June 1.
- Subject: Proclamation for "Energized by Art" utility box art contest winners  
Recommended Action: Present Proclamation for "Energized by Art" utility box art contest winners

#### POSTPONEMENTS

3. Subject: Continue Item Number 16, Second Reading of an Ordinance Designating Additional Preferential Parking Zones to October 2  
Recommended Action: Continue Item Number 16, Second Reading of an Ordinance Designating Additional Preferential Parking Zones to October 2

### ORAL COMMUNICATIONS

*This portion of the meeting is reserved for persons wishing to address the council on any matter not on the agenda. Speakers are limited to three (3) minutes. In most cases, State law will prohibit the council from making any decisions with respect to a matter not listed on the agenda.*

### 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: Approve the August 21 City Council minutes  
Recommended Action: Approve the August 21 City Council minutes  
[A - Draft Minutes](#)
5. Subject: Accept Accounts Payable for the period ending June 29, 2018  
Recommended Action: Adopt Resolution No. 18-087 accepting Accounts Payable for the period ending June 29, 2018  
[A - Draft Resolution](#)  
[B - AP Report](#)
6. Subject: Accept Accounts Payable for the period ending July 06, 2018  
Recommended Action: Adopt Resolution No. 18-088 accepting Accounts Payable for the period ending July 06, 2018  
[A - Draft Resolution](#)  
[B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending July 13, 2018  
Recommended Action: Adopt Resolution No. 18-089 accepting Accounts Payable for the period ending July 13, 2018  
[A - Draft Resolution](#)  
[B - AP Report](#)

8. Subject: Accept Accounts Payable for the period ending July 20, 2018  
Recommended Action: Adopt Resolution No. 18-090 accepting Accounts Payable for the period ending July 20, 2018  
[A - Draft Resolution](#)  
[B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending July 27, 2018  
Recommended Action: Adopt Resolution No. 18-091 accepting Accounts Payable for the period ending July 27, 2018  
[A - Draft Resolution](#)  
[B - AP Report](#)
10. Subject: Biennial Review of City of Cupertino Conflict of Interest Code for officials and designated employees (Form 700).  
Recommended Action: a.) Rescind Resolution No. 16-090 and adopt Resolution No. 18-092 amending the City of Cupertino Conflict of Interest Code for officials and designated employees and requiring electronic filing of all Statements of Economic Interest; and b.) Authorize the City Manager to sign the required 2018 Local Agency Biennial Notice.  
[Staff Report](#)  
[A - Draft Resolution and Conflict of Interest Code redline](#)  
[B - 2018 Local Agency Biennial Notice](#)
11. Subject: Fee waiver request from League of Women Voters of Cupertino-Sunnyvale for approximately \$300 in facility use fees for use of Community Hall on September 24, October 1, and October 8, 2018 for candidate forums  
Recommended Action: Approve fee waiver request for approximately \$300 in facility use fees for the use of Community Hall on September 24, October 1, and October 8, 2018 for candidate forums  
[Staff Report](#)  
[A - Letter From League of Women Voters of Cupertino-Sunnyvale](#)  
[B - Government Code 8314](#)  
[C - Resolution No. 18-039 Fee Schedule](#)

12. Subject: Equipment Sharing Agreement between the City of Cupertino, Town of Los Gatos and City of Campbell  
Recommended Action: Authorize the City Manager to execute the Equipment Sharing Agreement (ESA) between the City of Cupertino, Town of Los Gatos and City of Campbell on behalf of the City of Cupertino in substantially similar format to the attached draft agreement; and authorize the City Manager or designee to maintain an Equipment Catalog, establishing shared equipment and rates  
[Staff Report](#)  
[Draft Agreement](#)
13. Subject: Annexation of Creston Dr. 18-01 (10598 Creston Dr. - APN 326-12-089)  
Recommended Action: Adopt Resolution No. 18-093 initiating proceedings and setting October 2, 2018 for City Council consideration of reorganization of territory designated as “Creston Dr. 18-01”  
[Staff Report](#)  
[A - Location Map](#)  
[B - Draft Resolution](#)
14. Subject: Resolution declaring a climate emergency  
Recommended Action: Adopt Resolution No. 18-094 declaring a climate emergency  
[Staff Report](#)  
[A- Draft Resolution \(Climate Emergency Declaration\)](#)
15. Subject: Apple, Inc. donation to augment public safety service levels in the City of Cupertino  
Recommended Action: 1. Accept a donation from Apple, Inc. in the amount of \$558,979 for increased police services in Cupertino for FY 2018-19; and  
2. Approve an expenditure increase of \$558,979 in the Law Enforcement Division budget for 2,725 hours of additional police services from the Santa Clara County Sheriff’s Office for a total FY 2018-19 contract amount of \$12,175,154 to \$12,734,133.  
[Staff Report](#)  
[A - Donation Agreement](#)  
[B - Santa Clara County Law Enforcement Contact](#)  
[C - Amended FY19 Exhibit A Proposed Costs \(redlined\)](#)

## SECOND READING OF ORDINANCES

16. Subject: Second Reading of an Ordinance Designating Additional Preferential Parking Zones Ordinance on Noble Fir Court, Red Fir Court and White Fir Court  
Recommended Action: 1. Conduct the second reading of Ordinance No. 18-2176: "An Ordinance of the City Council of the City of Cupertino Amending Cupertino Municipal Code Section 11.27.145 Designating Additional Preferential Parking Zones to add Noble Fir Court, Red Fir Court and White Fir Court"; and 2. Enact the ordinance. Note: The first reading was conducted on August 21 and there were no changes to the ordinance. (This item will be continued to October 2)  
[B - Draft Ordinance](#)

## **PUBLIC HEARINGS**

17. Subject: Vallco Town Center Special Area: Specific Plan and associated amendments to the General Plan, Zoning Map, and Municipal Code, to establish and modify development standards, including heights, density, and residential, commercial, and office development allocations; CEQA environmental review of project impacts and mitigation; Development Agreement.

The Specific Plan provides for two Tiers of development that include the following development allocations: Tier 1 - up to 2,034 residential units, up to 750,000 sq.ft. of office development, and minimum of 600,000 sq.ft. of commercial development; and Tier 2 - with community benefits, up to 2,923 residential units, up to 1.5 million sq.ft. sq.ft. of office development (with an additional 250,000 sq.ft. of office amenity space) and a minimum of 485,000 sq.ft. of commercial development which includes civic spaces. The Development Agreement provides community benefits, including a new City Hall (warm shell), a Performing Arts Center (warm shell), affordable housing to moderate income households, and financial and in-kind contributions toward local transportation improvements and public schools. Planning Commission recommendations are included in the report, and include a middle tier, between Tier 1 and Tier 2 development, with 2,923 residential units, reduced office allocation and a commensurate reduction in community benefits. (Application Number(s): GPA-2018-02, Z-2018-01, SPA-2017-01, MCA-2018-01, DA-2015-02 (EA-2017-05); Applicant(s): City of Cupertino (Specific Plan, General Plan Amendments, Zoning, Municipal Code Amendments and Environmental Review) and Vallco Property Owner, LLC (Development Agreement); Location: 10101 to 10333 North Wolfe Road; APN: 316-20-080, 316-20-081, 316-20-103, 316-20-107, 316-20-101, 316-20-105, 316-20-106, 316-20-104, 316-20-088, 316-20-092, 316-20-094, 316-20-099, 316-20-100, 316-20-095)

Recommended Action: The Planning Commission recommends that the City Council conduct a hearing and

1. Adopt Draft Resolution No. 18-084, certifying the Final Environmental Impact Report (FEIR), adopt CEQA findings, a Statement of Overriding Considerations and adopting and incorporating the mitigation measures into the Project, and adopting a Mitigation Monitoring and Reporting Program.
2. Adopt Draft Resolution No. 18-085, approving General Plan amendments required to implement the Specific Plan.
3. Adopt Draft Resolution No. 18-086, approving the proposed Vallco Town Center Specific Plan, and associated clarifying/supplemental language.
4. Conduct the first reading of Ordinance No. 18-2177: “An Ordinance of the City Council of the City of Cupertino Amending the Municipal Code to Allow Adoption and Implementation of Vallco Town Center Specific Plan.”
5. Conduct the first reading of Ordinance No. 18-2178: “An Ordinance of the City Council of the City of Cupertino Rezoning the Parcels within the Vallco Special Area.”
6. Conduct the first reading of Ordinance No. 18-2179: “Ordinance of the City Council of the City of Cupertino Approving a Development Agreement by and Between the City of Cupertino and Vallco Property Owner LLC for the Development of Vallco Town Center.”

The Council may adjourn this meeting and continue this item to a date, time, and place specified in the order of adjournment. The continuance may include the public hearing or may occur after the close of the public hearing and include only Council deliberation. Staff recommends that if the meeting is adjourned and this item is continued, the adjourned meeting will take place on Wednesday, September 19 at 5:00 pm. in Cupertino Community Hall, 10350 Torre Avenue.

Staff Report[A - Draft CC Reso No. 18-084 re: EA-2017-05](#)[B - Draft CC Reso No. 18-085 re: GPA-2018-02](#)[C - Draft CC Reso No. 18-086 re: SPA-2017-01](#)[D - Draft CC Ord No. 18-2177 re: MCA-2018-01](#)[E - Draft CC Ord No. 18-2178 re: Z-2018-01](#)[F - Draft CC Ord No. 18-2179 re: DA-2018-02 DA](#)[G - Supplemental Reports](#)[H - ERC Recommendation](#)[I - Draft ERC minutes from its Aug 31 2018 meeting](#)[J - Summary Comments from ERC meeting](#)[K.1 - PC Reso 6860 re: EA-2017-05](#)[K.2 - PC Reso 6861 re: GPA-2018-02](#)[K.3 - PC Reso 6863 re: SPA-2017-01](#)[K.4 - PC Reso 6864 re: MCA-2018-01](#)[K.5 - PC Reso 6862 re: Z-2018-01](#)[K.6 - PC Reso 6865 re: DA-2015-02](#)[L - Draft Planning Commission Minutes](#)[M - Summary comments from Planning Commission meeting](#)[N - Financial Feasibility Report by EPS](#)[O - Vallco Specific Plan DEIR](#)[O.1 - DEIR - App. A - NOP and Responses](#)[O.2- DEIR - App. B - Air Quality and GHG Assessment](#)[O.3 - DEIR - App. C - Arborist Reports](#)[O.4 - DEIR - App. D - Geotechnical Feasibility Investigation](#)[O.5 - DEIR - App. E - Phase I Enviro Site Assessment](#)[O.6 - DEIR - App. F - Noise and Vibration Assessment](#)[O.7 - DEIR - App. G - School Impact Analysis](#)[O.8 - DEIR - App. H - Transportation Impact Analysis](#)[O.9- DEIR - App. I - Utility Studies, sanitary and water](#)[P - Vallco Specific Plan EIR Amendment - 7.2018](#)[P.1 - EIR Amendment - Appendix A - Supplemental AQ and GHG Asses](#)[P.2 - EIR Amendment - Appendix B - Supplemental Noise and Vibration](#)[P.3 - EIR Amendment - Appendix C - Supplemental TIA](#)[P.4 - EIR Amendment - Appendix D - Revised WSA](#)[Q - Vallco Specific Plan FEIR - 8.2018](#)[Q.1 - FEIR - Appendix A - Air Quality Modeling Memo](#)[Q.2 - FEIR - Appendix B - Revised Project Traffic Memo](#)[Q.3 - FEIR - Appendix C - Public Comments Section 5.2 and 5.3](#)[R - Supplemental Text Revisions Memo Aug 2018](#)[S - Supplemental Text Revisions - September 2018](#)[T - Responses to Late Comments memo dated 9.4.18](#)

[U - Responses to Late Comments memo dated 9.12.18](#)

[V - Summary of comments during public engagement](#)

[W - Public comments](#)

## **ORDINANCES AND ACTION ITEMS**

## **REPORTS BY COUNCIL AND STAFF**

18. Subject: Report on Committee assignments and general comments  
Recommended Action: Report on Committee assignments and general comments

## **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/index.aspx?page=125> for a reconsideration petition form.*

*In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend the next 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, 48 hours in advance of the Council meeting to arrange for assistance. 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. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.*

*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.*

*Members of the public are entitled to address the City Council concerning any item that is described in the notice or agenda for this meeting, before or during*

*consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in front of the Council, and deliver it to the Clerk prior to discussion of the item. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item not on the agenda, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.*