



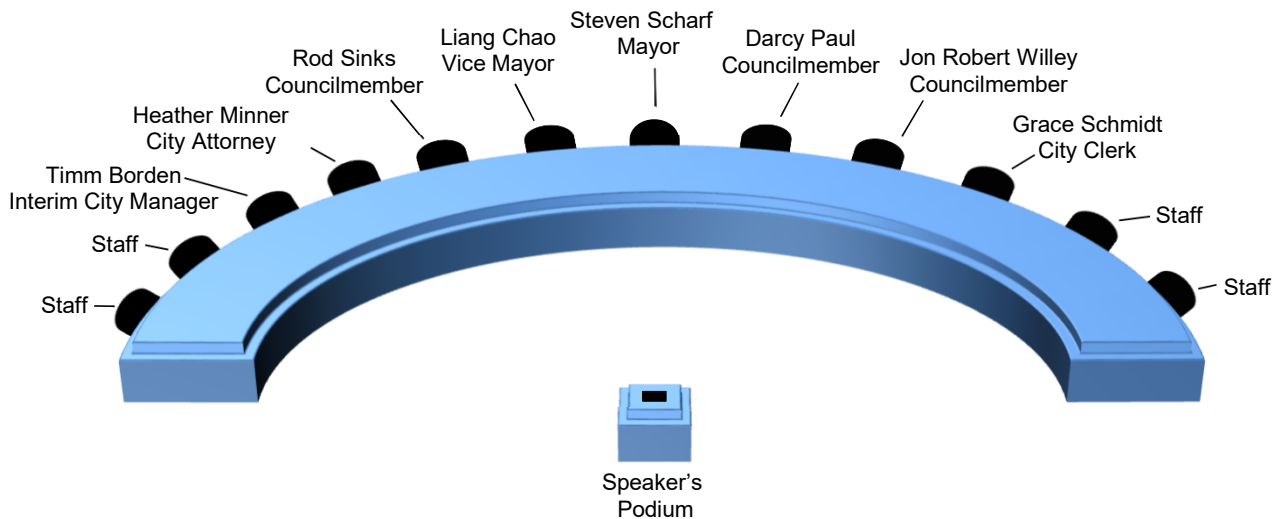
CUPERTINO

Amended

AGENDA OF THE CITY COUNCIL

Tuesday, April 2, 2019

**Televised Special Meeting Study Session (5:00)
and Regular Meeting (6:45)**



COMMUNITY HALL COUNCIL CHAMBER

10350 TORRE AVENUE • CUPERTINO, CA 95014
TELEPHONE: (408) 777-3220 (CITY HALL)
WEBSITE: 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 outward expressions of emotions such as cheering or clapping. Such behavior delays the meeting and may intimidate other persons wishing to express alternate views. Loud, unruly outbursts will result in removal from the meeting.

The proceedings of the meeting are recorded, therefore members of the audience who address the City Council must come to the lectern/microphone, and are requested to complete a Speaker Card and identify themselves.

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 in the Council Chamber of the Cupertino Community Hall, 10350 Torre Avenue, 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. Actions taken in closed sessions are not final until acted upon in public session.

Urgent business, holidays, or election days may trigger special or adjourned meetings. These meetings will be noticed beforehand.

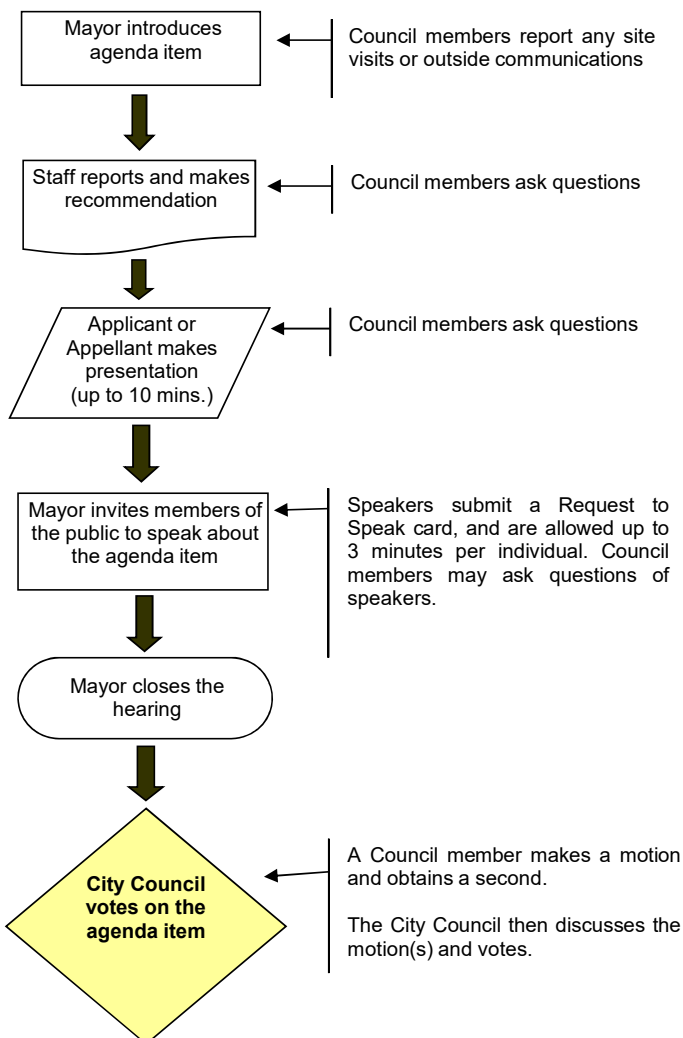
AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

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.

FLOWCHART FOR AGENDA ITEMS:





CUPERTINO

CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, April 2, 2019

5:00 PM

Amended Televised Special Meeting Study Session (5:00) and Regular Meeting (6:45)

Amended on 3/28/19 to add the Subject of Item #14 in the printed agenda packet

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, April 02, 2019, 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." The regular meeting items will be heard at 6:45 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California.

SPECIAL MEETING

ROLL CALL - 5:00 PM

STUDY SESSION

1. Subject: Study Session regarding short-term rental (e.g. Airbnb) regulations
Recommended Action: Provide direction on regulation and enforcement of short-term rentals in the City
[Staff Report](#)
[A - Comparison of Jurisdictions Short-Term Rental Regulations](#)
[B - PC Resolution No. 6866 Recommending Adoption of STR Regulation](#)
[C - Redlined changes to 19.08, 19.12, 19.20, and 19.120](#)
[D - Online Community Survey Summary](#)
[E - Public Outreach Meeting Summary](#)

ADJOURNMENT

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

1. Subject: Update regarding transportation project funding discussions with Apple, Inc.

Recommended Action: Receive update and provide comment.

[Staff Report](#)

[A - Apple letter dated July 30, 2018](#)

[B - Transportation Project List](#)

[C - Apple letter dated March 27, 2019](#)

POSTPONEMENTS**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.

2. Subject: Approve the March 19 City Council minutes
Recommended Action: Approve the March 19 City Council minutes
[A - Draft Minutes](#)
3. Subject: Accept Accounts Payable for the period ending December 07, 2018
Recommended Action: Adopt Resolution No. 19-025 accepting Accounts Payable for the period ending December 07, 2018
[A - Draft Resolution](#)
[B - AP Report](#)

4. Subject: Accept Accounts Payable for the period ending December 14, 2018
Recommended Action: Adopt Resolution No. 19-026 accepting Accounts Payable for the period ending December 14, 2018
[A - Draft Resolution](#)
[B - AP Report](#)
[C - AP Report MISC](#)
5. Subject: Accept Accounts Payable for the period ending December 21, 2018
Recommended Action: Adopt Resolution No. 19-027 accepting Accounts Payable for the period ending December 21, 2018
[A - Draft Resolution](#)
[B - AP Report](#)
6. Subject: Accept Accounts Payable for the period ending December 28, 2018
Recommended Action: Adopt Resolution No. 19-028 accepting Accounts Payable for the period ending December 28, 2018
[A - Draft Resolution](#)
[B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending January 04, 2019
Recommended Action: Adopt Resolution No. 19-029 accepting Accounts Payable for the period ending January 04, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending January 11, 2019
Recommended Action: Adopt Resolution No. 19-030 accepting Accounts Payable for the period ending January 11, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending January 18, 2019
Recommended Action: Adopt Resolution No. 19-031 accepting Accounts Payable for the period ending January 18, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
10. Subject: Accept Accounts Payable for the period ending January 25, 2019
Recommended Action: Adopt Resolution No. 19-032 accepting Accounts Payable for the period ending January 25, 2019
[A - Draft Resolution](#)
[B - AP Report](#)

11. Subject: Set application deadline and interview dates for six terms expiring on the Teen Commission
Recommended Action: Set application deadline and interview dates for six terms expiring on the Teen Commission and approve:
1.) Applications due in the City Clerk's office by 4:30 p.m. on Friday, May 10; and
2.) Interviews held beginning at 3:30 p.m. on Tuesday, May 28 and Wednesday, May 29 (as needed)
[Staff Report](#)
[A - Adopted Resolution Governing Teen Commission Recruitment](#)
12. Subject: Fiscal year 2019-20 projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by Senate Bill 1 (SB1).
Recommended Action: Adopt Resolution No. 19-033 to list all fiscal year 2019-20 projects proposed to receive RMRA funding, created by Senate Bill 1 (SB 1), and reaffirm commitment to fund previously adopted projects with RMRA funding.
[Staff Report](#)
[A - Draft Resolution](#)
13. Subject: Conduit Lease Agreement to permit Crown Castle NG West, LLC to utilize a section of conduit owned by the City of Cupertino and located along Stelling Road, for the purposes of expanding their fiber optic network in exchange for \$12,600 of new conduits being installed in the City.
Recommended Action: Staff recommends that Council adopt Resolution No. 19-034 to authorize the City Manager to execute a Conduit Lease Agreement, in substantial form as that attached, between the City of Cupertino and Crown Castle NG West, LLC.
[Staff Report](#)
[A - Draft Conduit Lease Agreement](#)
[B - Draft Resolution](#)
[C - Leased Conduit Exhibit](#)
[D - Equivalent New Conduit Exhibit](#)
14. Subject: Agreement between the City of Cupertino and Pavement Engineering, Inc. for consultant services on 2019 Pavement Maintenance Projects
Recommended Action: Approve an Agreement between the City of Cupertino and Pavement Engineering, Inc. (PEI) in the amount not to exceed \$315,105.00 from the date of execution through June 30, 2020, and authorize the Director of Public Works to execute service orders necessary to carry out all consultant services under the Agreement for the various street asphalt improvement projects
[Staff Report](#)
[A - Draft PEI Master Agreement](#)

15. Subject: First Amendment to the Verizon Wireless Ground Lease to facilitate improvements necessary to collocate AT&T facilities on the existing cell tower located on the Civic Center Property (10300 Torre Avenue), subject to the terms of any previously issued City planning permits.

Recommended Action: Staff recommends that Council adopt Resolution No. 19-035 to authorize the Interim City Manager to execute a First Amendment to the Antenna Ground Lease between the City of Cupertino and GTE Mobilnet of California Limited Partnership d/b/a Verizon Wireless

[Staff Report](#)

[A – First Amendment Draft Lease](#)

[B – Draft Resolution](#)

[C – Photo Simulations of Completed Tower](#)

[D – Original Lease](#)

[E - Resolutions and Staff Report for Original Tower Application](#)

STUDY SESSION

16. Subject: Presentation and study session on City's updated financial forecast and capital financing options.

Recommended Action: Receive presentation from UFI (Urban Futures, Inc.) and provide direction to staff.

[Staff Report](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

17. Subject: FY 2019-20 Community Development Block Grant (CDBG) Program, Below Market Rate (BMR) Affordable Housing Fund (AHF), and General Fund Human Service Grants (HSG) Program funding allocations
Recommended Action: 1. Adopt Resolution No. 19-036 approving the FY 2019-20 CDBG, BMR AHF, and HSG funding allocations.
2. Authorize the City Manager to negotiate and execute FY 2019-20 CDBG, BMR AHF, and HSG grant agreements
- [Staff Report](#)
[A - Draft Resolution](#)
[B - FY 2019-20 NOFA RFP](#)
[C - FY 2019-20 CDBG, BMR, and HSG Grant Application Descriptions](#)
[D - Housing Commission Resolution 19-01](#)
[E - Sample CDBG Capital Housing Project Grant Agreement](#)
[F - Sample CDBG Public Service Grant Agreement](#)
[G - Sample BMR AHF Public Services Grant Agreement](#)
[H - Sample HSG Grant Agreement](#)

ORDINANCES AND ACTION ITEMS

18. Subject: 2019 General Plan Annual Progress Report (Application No.(s): CP-2019-01; Applicant(s): City of Cupertino; Location: Citywide)
Recommended Action: That the City Council accept the General Plan Annual Progress Report.
- [Staff Report](#)
[A - 2019 Implementation Plan](#)
19. Subject: Approve the City Work Program for FY 2019-20
Recommended Action: Approve the City Work Program for FY 2019-20
- [Staff Report](#)
[A - Proposed FY 2019-20 City Work Program](#)
[B - FY 2018-2019 City Work Program items Completed or Cancelled](#)
[C - Community Engagement Work Program Memo](#)

20. Subject: Consideration of resolution to change the order of business for Regular City Council meetings to move "Reports by Council and Staff" ahead of "Oral Communications" (continued from March 19)

Recommended Action: Rescind Resolution No. 11-176 and adopt Resolution No. 19-024 changing the order of business for Regular City Council meetings to move "Reports by Council and Staff" ahead of "Oral Communications"

[Staff Report](#)

[A - Adopted Ordinance No. 11-2081](#)

[B - Adopted Resolution No. 11-176](#)

[C - Draft Resolution](#)

REPORTS BY COUNCIL AND STAFF

21. 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.

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
Liang Chao	LiangChao@cupertino.org	(408) 777-3192
Darcy Paul	DPaul@cupertino.org	(408) 777-3195
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