



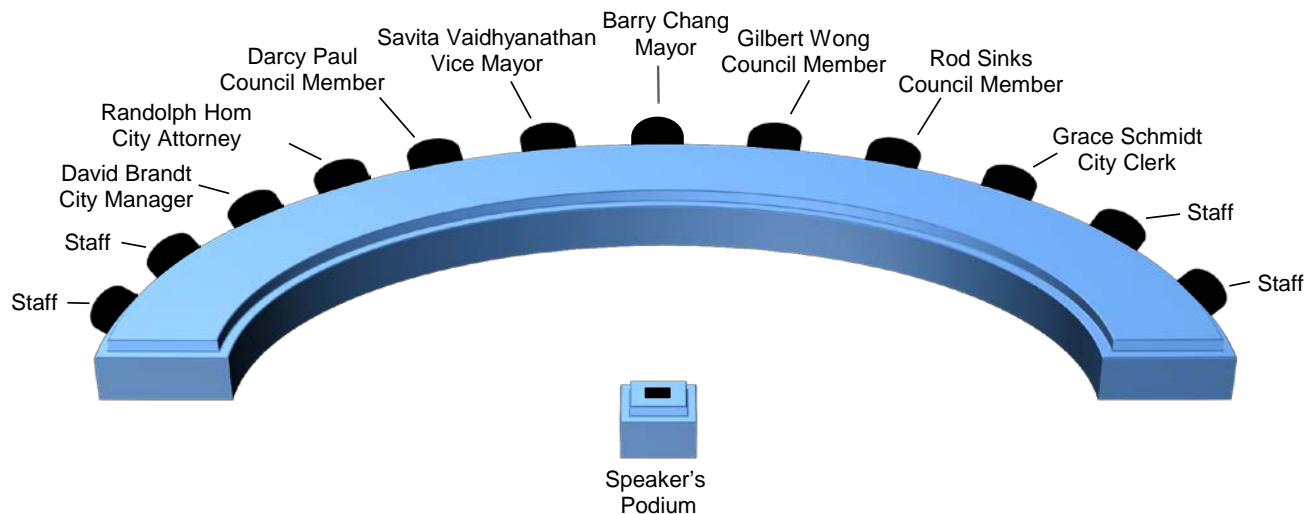
AGENDA OF THE CITY COUNCIL

Tuesday, December 6, 2016

Special Non-televised Closed Session (5:30)

Immediately Followed by a Televised Study Session (Approximately 6:00)

Televised Regular Meeting (6:45)



COMMUNITY HALL COUNCIL CHAMBER

10350 TORRE AVENUE • CUPERTINO, CA 95014

TELEPHONE: (408) 777-3220 (CITY HALL)

WEBSITE: www.cupertino.org

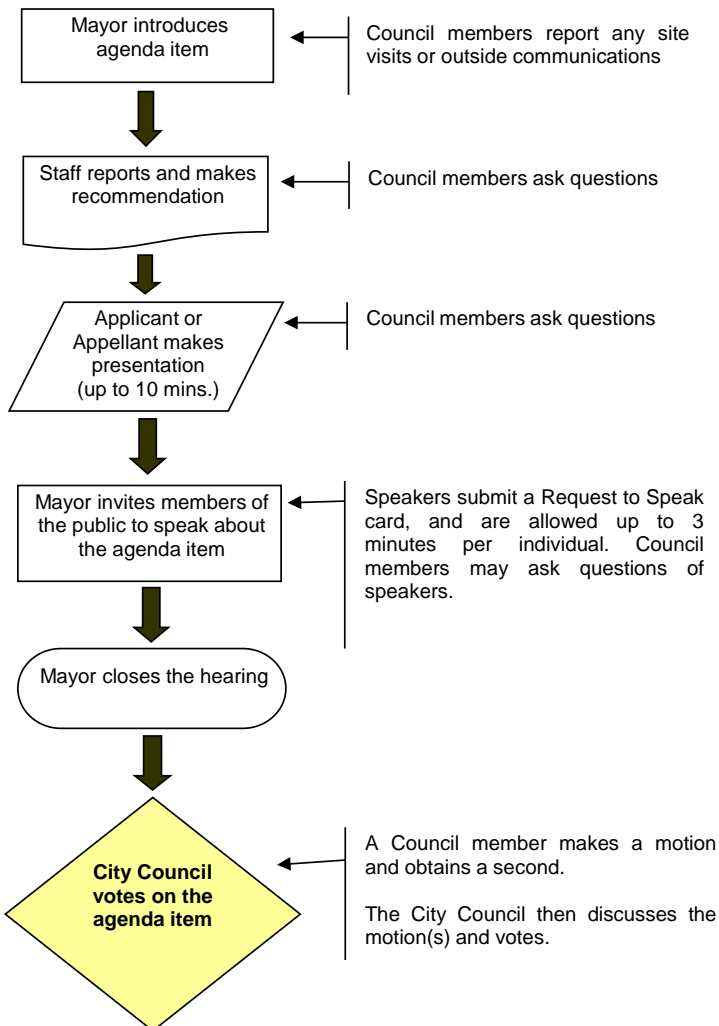
CONDUCT OF BUSINESS

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 on audiotape and videotape; 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.

FLOWCHART FOR AGENDA ITEMS:



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.cupertino.org/index.aspx?page=125 for a reconsideration petition form.



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, December 6, 2016

5:30 PM

Special Non-televised Closed Session (5:30) Immediately Followed by a Televised Study Session
(Approximately 6:00); Followed by Televised Regular Meeting (6:45)

NOTICE AND CALL FOR A SPECIAL MEETING (CLOSED SESSION AND STUDY SESSION) AND REGULAR 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 06, 2016, commencing at 5:30 p.m. for a closed session in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, California 95014 and immediately followed at approximately 6:00 p.m. by a study session in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, CA 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 - 5:30 PM

10300 Torre Avenue, City Hall Conference Room A

CLOSED SESSION

1. Subject: Conference with Legal Counsel-Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of case: City of Saratoga; City of Cupertino; Town of Los Gatos v. California Department of Transportation, et al.

STUDY SESSION - Immediately following Closed Session (Approx. 6:00 PM)

10350 Torre Avenue, Community Hall Council Chamber

2. Subject: Aircraft Noise Study Session
Recommended Action: Conduct study session and provide direction to staff

[Staff Report](#)

[A - November 2016 Select Committee Report](#)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

10350 Torre Avenue, Community Hall Council Chamber

ROLL CALL

STUDY SESSION

1. Subject: Study Session on Wireless Facilities within the Public Right of Way
Recommended Action: Recommend that the City Council conduct a study session and provide direction on the proposed use of public street light poles to mount small cellular facilities
[Staff Report](#)
[A - "Bridging the Gap – 21st Century Wireless Telecommunications Han](#)

CEREMONIAL MATTERS AND PRESENTATIONS

2. Subject: Presentation of Teen Commission FY 16-17 Work Plan
Recommended Action: Receive presentation of Teen Commission FY 16-17 Work Plan

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.

3. Subject: Approve the November 15 City Council minutes
Recommended Action: Approve the November 15 City Council minutes

[A - Draft Minutes](#)

4. Subject: Accept Accounts Payable for the period ending October 7, 2016
Recommended Action: Adopt Resolution No. 16-129 accepting Accounts Payable for the period ending October 7, 2016
[A - Draft Resolution](#)
[B - AP Report](#)
5. Subject: Accept Accounts Payable for the period ending October 14, 2016
Recommended Action: Adopt Resolution No. 16-130 accepting Accounts Payable for the period ending October 14, 2016
[A - Draft Resolution](#)
[B - AP Report](#)
6. Subject: Accept resignation of Teen Commissioner Rishit Gundu and direct staff to fill the unscheduled vacancy with the annual Teen Commission recruitment in May 2017
Recommended Action: Accept resignation of Teen Commissioner Rishit Gundu and direct staff to fill the unscheduled vacancy with the annual Teen Commission recruitment in May 2017
[Staff Report](#)
[A - Resignation letter](#)
7. Subject: Establishment of Friendship City Relationships
Recommended Action: Review and consider 11 applications establishing Friendship City relationships with Luoyang, People's Republic of China; Qingdao, People's Republic of China; Shanghai, People's Republic of China; Shenzhen, People's Republic of China; Suzhou, People's Republic of China; Wuhan, People's Republic of China; Yilan, Taiwan, Republic of China; and Zhaoqing, People's Republic of China; and Guro, Seoul, South Korea
[Staff Report](#)
[Attachment A-Jiangmen Friendship City Application](#)
[Attachment B-Luoyang Friendship City Application](#)
[Attachment C-Nanchang Friendship City Application](#)
[Attachment D-Qingdao Friendship City Application](#)
[Attachment E-Shanghai Friendship City Application](#)
[Attachment F-Shenzhen Friendship City Application](#)
[Attachment G-Suzhou Friendship City Application](#)
[Attachment H-Wuhan Friendship City Application](#)
[Attachment I-Yilan Friendship City Application](#)
[Attachment J-Zhaoqing Friendship City Application](#)
[Attachment K-Guro Friendship City Application](#)
8. Subject: Enter into a subordination agreement with River City Bank and Joint

Powers Authority members of the Silicon Valley Clean Energy Authority

Recommended Action: Authorize the City Manager to sign the subordination agreement with River City Bank and Joint Powers Authority members of the Silicon Valley Clean Energy Authority

[Staff Report](#)

[A - Subordination Agreement](#)

9. Subject: Budget adjustment regarding the Apple Campus 2 contracts

Recommended Action: Approve the budget allocations necessary to execute the approved contracts in order to complete work at Apple Campus 2 through the end of Fiscal Year 2017

[Staff Report](#)

[A - Budget Allocations](#)

10. Subject: Application for Alcohol Beverage License for Amami Shima Sushi Corp, 19068 Stevens Creek Boulevard

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Amami Shima Sushi Corp, 19068 Stevens Creek Boulevard

[Staff Report](#)

[A - Application](#)

SECOND READING OF ORDINANCES

11. Subject: Second reading of an ordinance amending Chapter 19.08, Definitions, of the Municipal Code to add definitions of “financial institutions” and “banks” that expressly exclude payday lending and check cashing businesses with the intent to disallow such uses from operating within the City of Cupertino. (Application No(s): MCA-2016-04; Applicant(s): City of Cupertino; Location: City-wide)

Recommended Action: Conduct the second reading and enact Ordinance No. 16-2157, “An Ordinance of the City Council of the City of Cupertino Amending the Cupertino Municipal Code, Title 19, Zoning, Section 19.08.030, entitled “Definitions” to add the definition of “financial institutions” and “banks” to expressly exclude payday lending and check cashing businesses with the intent to disallow such uses from operating within the City of Cupertino”

[Staff Report](#)

[A - Draft Ordinance No. 16-2157](#)

12. Subject: Second reading of an ordinance amending the Cupertino Municipal Code regarding the regulation, location, and the keeping of bees in the City and to make other conforming changes for clarification and internal consistency. Application No(s): MCA-2016-03; Applicant(s): City of Cupertino; Location: Citywide

Recommended Action: Conduct the second reading and enact Ordinance No. 16-2158: "An ordinance of the City Council of the City of Cupertino to amend Chapter 8.07, Beekeeping, and Table 19.20.020 of Chapter 19.20, Permitted, Conditional, and Excluded Uses in Agricultural and Residential Zones, regarding the regulation, location, and the keeping of bees in the City and to make other conforming changes to Table 19.20.020 for clarification and internal consistency"

[Staff Report](#)

[A - Draft Ordinance 16-2158](#)

13. Subject: Second Reading of an ordinance amending the Cupertino Municipal Code related to accessory dwelling units to conform with State Law and for internal consistency. (Application No. MCA-2016-05; Applicant: City of Cupertino; Location: City-wide)

Recommended Action: Conduct the second reading and enact Ordinance No. 16-2159 "An ordinance of the City Council of the City of Cupertino amending Title 19, Zoning, of the Cupertino Municipal Code including but not limited to Chapter 19.08 (Definitions), Chapter 19.20 (Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones), Chapter 19.24 (Agricultural (A) and Agricultural - Residential (A-1) Zones), Chapter 19.32 (Residential Duplex (R-2) Zones), Chapter 19.52 (Reasonable Accommodation), and Chapter 19.112 (Second Dwelling Units in R-1, RHS, A and A-1 Zones), in response to recently adopted State legislation regarding accessory dwelling units for compliance with State Law, and for internal consistency"

[Staff Report](#)

[A - Draft Ordinance 16-2159](#)

PUBLIC HEARINGS

14. Subject: Appeal of Kimberly Sandstrom Appeal Regarding Eligibility to Purchase Below Market Rate (BMR) Unit (Continued from November 1)

Recommended Action: Approve Resolution No. 16-101 regarding the appeal of Ms. Kimberly Sandstrom and affirming the recommendation of the Housing Commission regarding the eligibility of Ms. Sandstrom to purchase a BMR unit

[Staff Report](#)

[A- Summary of Conflict of Interest Investigation](#)

[B- Draft Resolution](#)

[C- Housing Commission Resolution 16-06](#)

[D- Excerpts from BMR Manual Regarding Income Calculation](#)

[E- Referenced Regulations \(24 CFR 5.609\(b\) and \(c\)\)](#)

[F- Technical Guide for Determining Income](#)

[G- Attachments and Other Documents Provided by Appellant](#)

[H - Sandstrom presentation](#)

15. Subject: Fiscal Year 2016-2017 Fee Schedule Amendment
Recommended Action: Adopt Resolution No. 16-131 approving an amended Fiscal Year 2016-2017 Fee Schedule, effective February 6, 2017
[Staff Report](#)
[A - Draft Resolution](#)
[B - Proposed Amendment to Schedule C – Planning Fees \(redlined\)](#)
[C – Proposed Schedule C – Planning Fees](#)
[D - Proposed Amendment to Schedule E – Recreation Fees \(redlined\)](#)
[E – Proposed Schedule E – Recreation Fees](#)

ORDINANCES AND ACTION ITEMS

16. Subject: Consider upgrading the City’s municipal electric accounts to 100% renewable and carbon free GreenPrime service with Silicon Valley Clean Energy upon service launch, which is scheduled to occur in April 2017
Recommended Action: Direct Silicon Valley Clean Energy (SVCE) to upgrade the City’s electricity accounts to GreenPrime service, upon service launch in April 2017
[Staff Report](#)
17. Subject: Request from the Taipei Friendship City Committee for City to Sponsor a Smart City Conference in May of 2017 (continued from October 18)
Recommended Action: Sponsor the proposed Smart City Conference
[Staff Report](#)

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.

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 nine commissions, which are appointed by the Council. These are the Bicycle Pedestrian Commission, Fine Arts Commission, Cupertino Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Teen Commission, and the 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	
Barry Chang	BChang@cupertino.org	(408) 777-3192
Savita Vaidhyanathan	SVaidhyanathan@cupertino.org	(408) 777-3193
Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Rod Sinks	RSinks@cupertino.org	(408) 777-3194
Gilbert Wong	GWong@cupertino.org	(408) 777-3191
Council administrator	ToniO@cupertino.org	(408) 777-3212
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-mailed agendas, minutes, elections, and other items on the city website at www.cupertino.org, or fill out a Speaker Card at the meeting and check your categories of interest.

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. Click "View meetings online."

You can also use iTunes to listen online or download podcasts of City Council meetings. iTunes is a free software program available for Mac and PC users. Occasionally, news and community information is also available at www.Twitter.com/CupertinoCom

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