



# 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.*