



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.