



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, July 16, 2019

5:30 PM

Televised Special Meeting Study Session (5:30) and Regular Meeting (6:45)

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, July 16, 2019, commencing at 5:30 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 - 5:30 PM

STUDY SESSION

- Subject: Study session and demonstration regarding options for unofficial transcription of City Council and commission/committee minutes

Recommended Action: Conduct study session and demonstration regarding options for unofficial transcription of City Council and commission/committee minutes and provide any direction to staff

[Staff Report](#)
- Subject: Study session regarding improving communications with and effectiveness of advisory commissions and committees

Recommended Action: Conduct study session regarding improving communications with and effectiveness of advisory commissions and committees, receive public input on subcommittee recommendations, and provide direction to staff

[Council Subcommittee Report](#)

[A- Advisory Commission and Committee Feedback Summary](#)

[B - Robert's and Rosenberg's Rules Comparison Table](#)

[C - Ordinance No. 006 on Council Procedural Rules](#)

[D - 2019 Commissioner Handbook](#)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentation on Green Stormwater Infrastructure (GSI) and the City's Municipal Regional Permit (MRP) requirement to consider future adoption of a long-term GSI Plan.

Recommended Action: Receive presentation and provide any input.

[Staff Report](#)

[A - GSI Work Plan - April 18, 2017](#)

[B - DRAFT Executive Summary from Draft GSI Plan](#)

[C - GSI Presentation](#)

2. Subject: Study Session on Small Cell Facilities within the Public Right of Way

Recommended Action: For the City Council to conduct a study session on legal requirements related to installation of small cellular facilities on City street light poles in the public right of way, and related City of Cupertino guidelines and procedures, and provide any input

[Staff Report](#)

[A - Small Cell Design Standards](#)

[B - Wireless Facilities Impact on Property Values](#)

POSTPONEMENTS

ORAL COMMUNICATIONS

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda.

REPORTS BY COUNCIL AND STAFF (10 minutes)

3. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments

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 June 18 City Council minutes
Recommended Action: Approve the June 18 City Council minutes
[A - Draft Minutes](#)
5. Subject: Accept Accounts Payable for the period ending March 15, 2019
Recommended Action: Adopt Resolution No. 19-077 accepting Accounts Payable for the period ending March 15, 2019
[A – Draft Resolution](#)
[B – AP Report](#)
6. Subject: Accept Accounts Payable for the period ending March 22, 2019
Recommended Action: Adopt Resolution No. 19-078 accepting Accounts Payable for the period ending March 22, 2019
[A – Draft Resolution](#)
[B – AP Report](#)
7. Subject: Accept Accounts Payable for the period ending March 29, 2019
Recommended Action: Adopt Resolution No. 19-079 accepting Accounts Payable for the period ending March 29, 2019
[A – Draft Resolution](#)
[B – AP Report](#)
8. Subject: Accept Accounts Payable for the period ending April 5, 2019

Recommended Action: Adopt Resolution No. 19-080 accepting Accounts Payable for the period ending April 5, 2019

[A – Draft Resolution](#)

[B – AP Report](#)

9. Subject: Accept Accounts Payable for the period ending April 12, 2019

Recommended Action: Adopt Resolution No. 19-081 accepting Accounts Payable for the period ending April 12, 2019

[A – Draft Resolution](#)

[B – AP Report](#)

10. Subject: Accept Accounts Payable for the period ending April 19, 2019

Recommended Action: Adopt Resolution No. 19-082 accepting Accounts Payable for the period ending April 19, 2019

[A – Draft Resolution](#)

[B – AP Report](#)

11. Subject: Accept Accounts Payable for the period ending April 26, 2019

Recommended Action: Adopt Resolution No. 19-083 accepting Accounts Payable for the period ending April 26, 2019

[A – Draft Resolution](#)

[B – AP Report](#)

[B – AP Report MISC](#)

12. Subject: Approve the July 1, 2019 through June 30, 2022 terms and conditions of employment for the Cupertino City Employees' Association (CEA)

Recommended Action: 1) Adopt Resolution No. 19-084 amending the Memorandum of Understanding (MOU) for the Cupertino City Employees' Association (CEA) based on the attached tentative agreements; and

2) Authorize staff to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs associated with the negotiated contract.

[Staff Report](#)

[A - Draft Resolution](#)

[B – Redlined 2016-2019 CEA MOU, illustrating all tentative agreements](#)

[C – Proposed CEA MOU for 2019-2022](#)

13. Subject: Approve the July 1, 2019 through June 30, 2022 terms and conditions of employment for the Operating Engineers Local Union No. 3, AFL-CIO (OE3).

Recommended Action: 1) Adopt Resolution No. 19-085 amending the Memorandum of Understanding for Operating Engineers Local Union No. 3, AFL-CIO (OE3) based on the attached tentative agreements; and

2) Authorize staff to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs associated with the negotiated contract.

[Staff Report](#)

[A - Draft Resolution](#)

[B – Redlined 2016-2019 OE3 MOU, illustrating all tentative agreements](#)

[C – Proposed OE3 MOU for 2019-2022](#)

14. Subject: Terms and conditions of employment for the Unrepresented (Management and Confidential) Employees, Appointed Employees, and Elected Officials.

Recommended Action: 1) Adopt Resolution No. 19-086 amending the Compensation Program for the Unrepresented (Management and Confidential) Employees; and

2) Adopt Resolution No. 19-087 amending the Compensation Program for the Appointed Employees; and

3) Adopt Resolution No. 19-088 amending the Compensation Program for the Elected Officials; and

4) Authorize staff to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs related to changes to the compensation programs.

[Staff Report](#)

[A - Proposed Salary and Benefit Changes](#)

[B - Koff and Associates Class and Compensation Study](#)

[C - Draft Resolution amending Unrepresented Employees' Compensation](#)

[D - Draft Redline Unrepresented Employees' Compensation Program](#)

[E – Clean Unrepresented Employees' Compensation Program](#)

[F - Draft Resolution amending Elected Officials Compensation](#)

[G - Draft Redline Elected Officials Compensation Program](#)

[H - Clean Elected Officials Compensation Program](#)

[I - Draft Resolution amending Appointed Employees' Compensation](#)

[J - Draft Redline Appointed Employees' Compensation Program](#)

[K - Clean Appointed Employees' Compensation Program](#)

15. Subject: Teen Commission Fiscal Year (FY) 2019-20 Work Program

Recommended Action: Approve the Teen Commission FY 2019-20 Work Program.

[Staff Report](#)

[A - Teen Commission FY 2019-20 Work Program](#)

16. Subject: Parks and Recreation Commission Fiscal Year (FY) 2019-20 Work

Program

Recommended Action: Approve the Parks and Recreation Commission FY 2019-20 Work Program

[Staff Report](#)

[A - Draft PRC FY 2019-20 Work Program](#)

17. Subject: Facility fee waiver request from the Cupertino Senior Coordinating Council

Recommended Action: Approve fee waiver request for approximately \$17,750 in facility use fees, for the use of the Senior Center Reception Hall on selected Fridays, for a period of five years, with a retroactive start date of July 5, 2019 and ending June 28, 2024 for Bingo.

[Staff Report](#)

[A - Muni Code 5.32](#)

[B - Facility Rental Permit](#)

[C - Bingo License 2019](#)

18. Subject: Execute a contract with Dan Gertmenian for the Math Olympiad education program for the period of August 1, 2019 - July 31, 2021.

Recommended Action: Authorize the City Manager to execute a contract with Dan Gertmenian for the Math Olympiad youth education program for the two-year period of August 1, 2019 - July 31, 2021.

[Staff Report](#)

[A - Draft Contract](#)

19. Subject: FY 2019-22 Below Market Rate Program Administration Contract

Recommended Action: 1. Authorize the City Manager to award a contract to Hello Housing, in the amount of \$235,000 for Below Market Rate Program Administration.

2. Approve the additional Housing Development Special Revenue Fund appropriations of \$60,000 in FY 2019-20.

[Staff Report](#)

[A – BMR Program Administration Contract with Hello Housing](#)

20. Subject: Support of the development of a complete streets and transit efficiency study for the Stevens Creek Boulevard corridor. Support of ongoing discussions regarding a high-capacity transit service in the Stevens Creek Boulevard/I-280 Corridor in collaboration with the Santa Clara Valley Transportation Authority (VTA) and the Cities of Santa Clara and San Jose

Recommended Action: Adopt Resolution No. 19-089 to:

- (1) Support the development of a complete streets and transit efficiency study for the Stevens Creek Boulevard corridor; and
- (2) Support ongoing discussions regarding a high-capacity transit service in the Stevens Creek Boulevard/I-280 Corridor in collaboration with the Santa Clara Valley Transportation Authority (VTA) and the Cities of Santa Clara and San Jose; and
- (3) Authorize the City Manager or designee to assess resources needed to develop these projects and report findings to the City Council

[Staff Report](#)

[A - Draft Resolution](#)

SECOND READING OF ORDINANCES

21. Subject: Second reading of Municipal Code Amendment to consider changing the composition of the Housing Commission to eliminate the requirement that one member be a representative from a Cupertino financial institution; (Application No.: MCA-2019-01; Applicant: City of Cupertino; Location: Citywide).

Recommended Action: Conduct the second reading and enactment of Ordinance 19-2185 “An Ordinance of the City Council of the City of Cupertino amending Title 2, Administration and Personnel, of the Cupertino Municipal Code Chapter 2.86 (Housing Commission), to eliminate the requirement that one member be a representative from a Cupertino financial institution.” Note: The first reading was conducted on June 18 and there were no changes to the ordinance.

[A - Draft Ordinance](#)

PUBLIC HEARINGS

22. Subject: Consider approving a new 185 room 5-story hotel (24-hour operations) with underground parking, event meeting rooms, a restaurant with a separate bar and rooftop lounge with a separate bar at the Cupertino Village Shopping Center by demolishing two commercial buildings with an area of 13,429 sq. ft. and the removal of 41 trees. City Actions would include a General Plan Amendment to consider increasing the development allocation of hotel rooms to 185 hotel rooms in the North Vallco Special Area; Other permits include: Development, Architectural and Site Approval, Tree Removal, and Use Permits. A Development Agreement is also proposed; (Application No(s): GPA-2017-05, DP-2018-04, ASA-2017-09, DA-2017-01, TR-2017-46, U-2018-03, EA-2017-06; Applicant(s): Kimco Realty (Michael Strahs); Location: 10801 and 10805 North Wolfe Road; APN #316-45-017, 316-05-056

Recommended Action: The Planning Commission recommends that the City Council conduct the Public Hearing, and;

- 1) Adopt Resolution No. 19-090 approving the Mitigated Negative Declaration; and
- 2) Adopt Resolution No. 19-091 approving the General Plan Amendment; and
- 3) Adopt Resolution No. 19-092 approving the Development Permit; and
- 4) Adopt Resolution No. 19-093 approving the Architectural and Site application; and
- 5) Adopt Resolution No. 19-094 approving the Tree Removal Permit; and
- 6) Adopt Resolution No. 19-095 approving the Use Permit; and
- 7) Conduct the first reading of Ordinance No.19-2186: "An Ordinance of the City Council of the City of Cupertino approving a Development Agreement for the development of a new 5-story, 185 room hotel with associated site and landscaping improvements located at 10801 and 10805 North Wolfe Road (APN: 316-45-017 and 316-05-56)

Staff Report

[A – Draft Resolution for EA-2017-06](#)

[B – Draft Resolution for GPA-2017-05](#)

[C – Draft Resolution for DP-2018-04](#)

[D – Draft Resolution for ASA-2017-09](#)

[E – Draft Resolution for U-2018-03](#)

[F – Draft Resolution for TR-2017-46](#)

[G – Draft Ordinance for DA-2017-01](#)

[H - Planning Commission Resolutions](#)

[I - Fiscal Analysis of Cupertino Village Boutique Hotel GPA Application](#)

[J - Initial Study - Mitigated Negative Declaration](#)

[K – Environmental Review Committee Recommendation](#)

[L – Response to Comments Memo for IS-MND](#)

[M - Project Plans](#)

ORDINANCES AND ACTION ITEMS

- 23.** Subject: Announce the results of the tabulation of ballots submitted for the proposed 2019 Clean Water and Storm Protection Fee; and:
- 1) Consider a resolution accepting the tabulation results for the proposed 2019 Clean Water and Storm Protection Fee, a property-related fee conforming to Article XIII D, Section 6 of the California Constitution, and ordering the levy of the fee for fiscal year 2019-20; and
 - 2) Conduct the second reading of Ordinance No. 19-2183 adding Chapter 3.38 of the Municipal Code to Establish the Clean Water and Storm Protection Fee and enact the Ordinance
 - 3) Consider a resolution amending the FY19-20 Annual Operating Budget to convert one part-time Maintenance Worker I level position to a full-time position

Recommended Action: 1) Receive the City Clerk's announcement of the tabulation results; and
2) Adopt Resolution No. 19-096 accepting the tabulation results for the proposed 2019 Clean Water and Storm Protection Fee, a property-related fee conforming to Article XIII D, Section 6 of the California Constitution and ordering the levy of the fee for fiscal year 2019-20; and
3) Conduct the second reading and enact Ordinance No. 19-2183: "An Ordinance of the City Council of the City of Cupertino Adding Chapter 3.38 of the Municipal Code to Establish the Clean Water and Storm Protection Fee"; and
4) Adopt Resolution No. 19-097 amending the FY 19-20 Annual Operating Budget to convert one part-time Maintenance Worker I level position at a current cost of \$29,830 per year to one full-time Maintenance Worker I level position at a starting cost of \$99,840 per year

[Staff Report](#)

[A - Draft Resolution Accepting Tabulation Results](#)

[B - Draft Ordinance](#)

[B1 - Exhibit A Fee Report](#)

[C - Draft Resolution Amending Budget and Converting Maint Worker](#)

24. Subject: Updates to the *Policies and Guidelines on Sister Cities, Friendship Cities, and International Delegations*.

Recommended Action: Approve updates to the City of Cupertino's Policies and Guidelines on Sister Cities, Friendship Cities, and International Delegations, which includes proposed changes to the Sister City travel expenses language and a cap on total Friendship City relationships.

[Staff Report](#)

[A - Travel Policy - City Official](#)

[B - Redline: Policies and Guidelines](#)

[C - Clean: Policies and Guidelines](#)

25. Subject: Renewal and Establishment of Friendship City Relationships

Recommended Action: Approve renewal of two Friendship City relationships, including Jilin, China, and Tongxiang, China; and establishment of a new relationship with Xianning, China.

[Staff Report](#)

[A – Policies and Guidelines](#)

[B – Cupertino Friendship Cities List](#)

[C – Cupertino-Jilin Friendship City Committee Activity Report](#)

[D – Cupertino-Tongxiang Friendship City Committee Activity Report](#)

[E – Cupertino-Xianning Friendship City Committee Application](#)

26. Subject: Presentation of FY 2019/20 Bicycle and Pedestrian Capital Improvement Program Projects (NOT INCLUDING REGNART CREEK TRAIL) and

amendment of FY 2019/20 Capital Improvement Program budget

Recommended Action: 1) Receive presentation and update on prioritized project lists of the adopted 2016 Bicycle Transportation Plan and adopted 2018 Pedestrian Transportation Plans; and

2) Adopt Resolution 19-098 amending the FY 2019/20 Capital Improvement Program budget to include additional funding for bicycle and pedestrian projects as follows:

a. Approve an additional \$1,275,438 for the Orange & Byrne Ave Sidewalk project;

b. Approve an additional \$242,941 for the McClellan Road Bike Corridor: Byrne to Torre;

c. Approve an additional \$65,000 for the Bicycle Wayfinding Project;

d. Approve a new amount of \$595,500 for the Linda Vista Trail project

[Staff Report](#)

[A - Bike Plan list](#)

[B - Ped Plan list](#)

[C - Bike and Ped Project Update](#)

[D - Budget Detail Modified](#)

[E - Draft Resolution](#)

27. Subject: Discuss options for unofficial transcription of City Council minutes

Recommended Action: Discuss options for unofficial transcription of City Council minutes and provide direction to staff to:

a. Provide an unofficial transcript of City Council minutes using the free YouTube Live auto-captioning feature; and

b. Continue the policy of providing action minutes as the official record of the legislative actions of the City Council along with the webcast video for City Council meetings

[Staff Report](#)

28. Subject: Discuss timeline for early posting of staff reports and/or background materials for certain City Council agenda items.

Recommended Action: Discuss current timeline for posting of staff reports and background materials for City Council agenda items and provide direction to staff to:

a. Post staff reports or materials of higher interest earlier than the current timeline; or

b. Keep status quo of posting City Council agenda packets 6 days before a regular meeting

[Staff Report](#)

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

ADJOURNMENT

- 29.** Subject: Adjourn in memory of former Cupertino City Manager Dave Knapp (years of service 2000-2012)
Recommended Action: Adjourn in memory of former Cupertino City Manager Dave Knapp

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 agendized 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.