



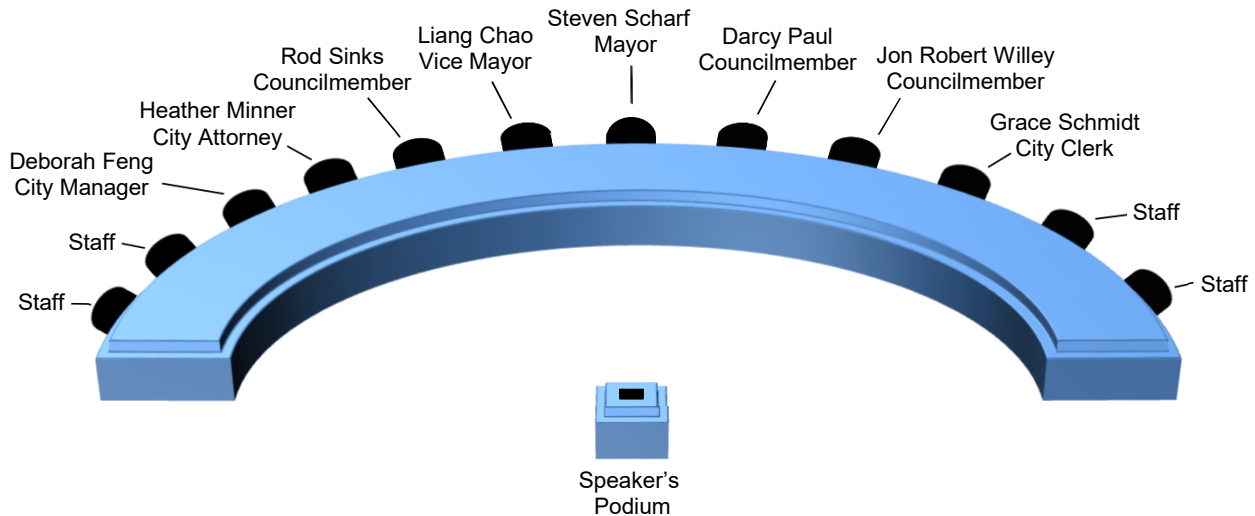
CUPERTINO

## AGENDA OF THE CITY COUNCIL

**Tuesday, August 20, 2019**

**Televised Special Meeting Study Session (5:30)**

**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](http://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.

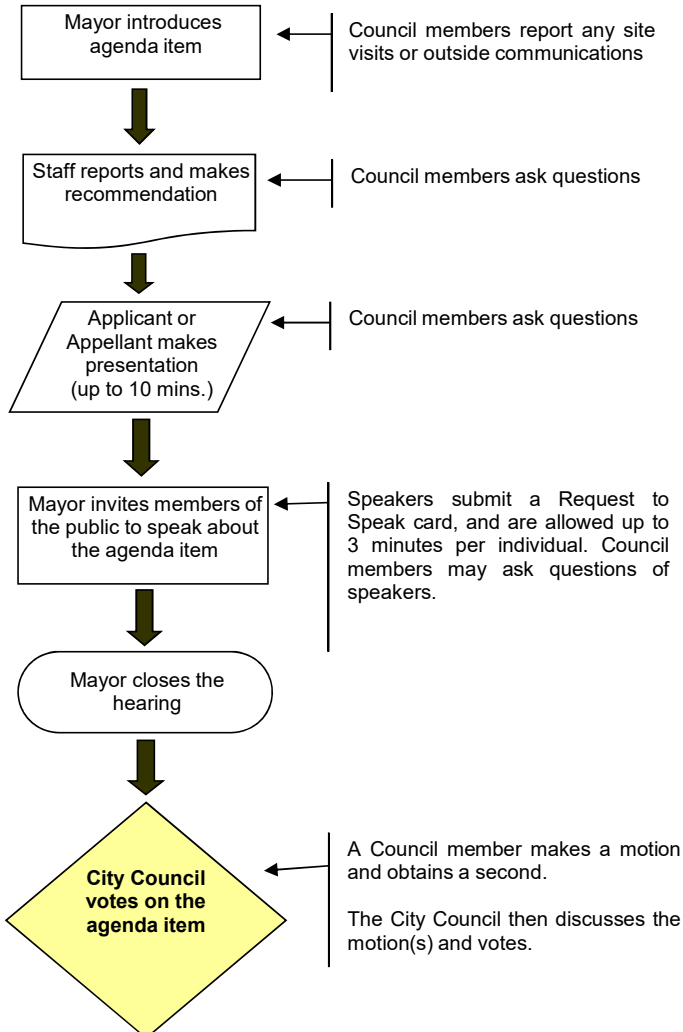
### AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

Agendas, minutes, and packets for current and prior City Council and Planning Commission meetings are available at [www.cupertino.org](http://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:





# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, August 20, 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, August 20, 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

1. Subject: Study session to discuss how the 2016 Bicycle Transportation Plan and 2018 Pedestrian Transportation Plan Projects have been brought to Council for consideration, how currently funded projects are being scheduled for completion, and recommendation of project information and impacts staff is to consider and describe for future funding requests

Recommended Action: Receive presentation and provide input

[Staff Report](#)

[A - Master Plan Process](#)

[B - Project Initiation Form](#)

[C - CIP Approval Process](#)

[D - Bike-Ped Project Schedules](#)

[E - Budget Detail Modified rev 1](#)

ADJOURNMENT

#### REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

**ROLL CALL****CEREMONIAL MATTERS AND PRESENTATIONS****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)**

1. 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.*

2. Subject: FY 2017-18 Comprehensive Annual Financial Report (CAFR) and related supplemental reports.  
Recommended Action: Approve the FY 2017-18 Comprehensive Annual Financial Report (CAFR) and related supplemental reports.  
[Staff Report](#)  
[A - FY 2017-18 CAFR](#)  
[B - FY 2017-18 GAGAS Report](#)  
[C - FY 2017-18 Appropriation Limit AUP Report](#)  
[D - FY 2017-18 Investment AUP Report](#)
3. Subject: Treasurer's Investment Report for period ending June 30, 2019  
Recommended Action: Approve the Treasurer's Investment Report for period ending June 30, 2019.  
[Staff Report](#)  
[A - Chandler Investment Report](#)  
[B - Wells Fargo Market Cost Report](#)

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4. Subject: Updated Joint Use Agreement between the City of Cupertino and Cupertino Union School District (CUSD) pertaining to maintenance and improvements of certain open space areas within specific school sites for reimbursement of authorized Clean Water and Storm Protection Fees  
Recommended Action: 1. Authorize the City Manager to execute an updated Joint Use Agreement between the City of Cupertino and CUSD; and  
2. Authorize expenditures in the amount of \$8,705.80 from the Non-Point Source Fund to reimburse CUSD for Clean Water and Storm Protection Fees associated with certain open space areas within specific school sites  
[Staff Report](#)  
[A - Red-lined version of the November 16, 2016 JUA](#)  
[B - Clean copy version of the proposed JUA](#)
5. Subject: Adopt the City of Cupertino Annex to the Santa Clara County Community Wildfire Protection Plan as the City of Cupertino Community Wildfire Protection Plan.  
Recommended Action: Adopt Resolution No. 19-107 which adopts the City of Cupertino Annex to the Santa Clara County Community Wildfire Protection Plan as the City of Cupertino's Community Wildfire Protection Plan.  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - City of Cupertino Community Wildfire Protection Plan - Annex 7](#)
6. Subject: Award Byrne Avenue Sidewalk Improvements, Project Number 2016-10  
Recommended Action: Authorize the City Manager to award a contract to Granite Construction Company in the amount of \$1,853,984 and approve a construction contingency of \$185,398, for a total of \$2,039,382 for the Byrne Avenue Sidewalk Improvements, Project Number 2016-10  
[Staff Report](#)  
[A - Draft Contract](#)
7. Subject: Authorize the City Manager to execute a lease agreement with the Regents of the University of California for the Rolling Hills 4H Club for facilities at the McClellan Ranch Preserve  
Recommended Action: Authorize the City Manager to execute a lease agreement with the Regents of the University of California for the Rolling Hills 4H Club for facilities at the McClellan Ranch Preserve for a period of five years, from September 1, 2019 through August 31, 2024  
[Staff Report](#)  
[A - Draft Rolling Hills 4-H Lease Agreement - 2019](#)  
[B - Existing Rolling Hills 4-H Lease Agreement - 2009](#)  
[C - Amendment 1 to Existing 4-H Agreement](#)  
[D - Amendment 2 to Existing 4-H Agreement](#)
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8. Subject: Agreement with Nomad Transit LLC (Via Transportation Inc.) for the 18-month On-Demand Community Shuttle Pilot Program  
Recommended Action: Authorize the City Manager to execute an agreement with Nomad Transit LLC (Via Transportation Inc.) for the 18-month On-Demand Community Shuttle Pilot Program with a not-to-exceed cost of \$1,750,000  
[Staff Report](#)  
[A - Draft Agreement](#)
9. Subject: Accept termination of Audit Committee member James (Jim) Luther and direct staff to fill the unscheduled vacancy in January 2020 concurrent with the annual recruitment for all commission and committee members' terms expiring in January, 2020.  
Recommended Action: Accept termination of Audit Committee member James (Jim) Luther and direct staff to fill the unscheduled vacancy in January 2020 concurrent with the annual recruitment for all commission and committee members' terms expiring in January, 2020.  
[Staff Report](#)  
[A - Termination Letter](#)  
[B – Adopted Resolution No. 16-137 Establishing Rules Governing Recruitment](#)

## SECOND READING OF ORDINANCES

10. Subject: Second reading of Ordinance No. 19-2186, approving a development agreement between the City of Cupertino and Cupertino Village LP for the Cupertino Village Hotel project located at 10801 and 10805 North Wolfe Road; APN #316-45-017, 316-05-056  
Recommended Action: Conduct the second 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 316-05-056."  
[Staff Report](#)  
[A - Ordinance No. 19-2186](#)  
[B - Development Agreement](#)  
[C - Redline Version of Development Agreement](#)

## PUBLIC HEARINGS

11. Subject: Vallco Shopping District Special Area General Plan Amendments and Associated Zoning Amendments; and Second Addendum to the Environmental Impact Report for the 2014 General Plan Amendment, Housing Element Update, and Associated Rezoning Project

Recommended Action: That the City Council:

1. Conduct the public hearing; and
2. Adopt:
  - a. Resolution No. 19-108, a resolution adopting a Second Addendum to the Environmental Impact Report for the 2014 General Plan Amendment, Housing Element Update, and Associated Rezoning Project (Attachment 1);
  - b. Resolution No. 19-109 (GPA-2019-01), a resolution amending the General Plan to remove Office as a permitted use from the Vallco Shopping District Special Area and remove associated office allocations (Attachment 2);
  - c. Resolution No. 19-110 (GPA-2019-02), a resolution amending the General Plan and General Plan Land Use Map to establish height limits and enact development standards for residential uses within the Vallco Shopping District Special Area and identifying a recommended location for future residential development on 13.1 acres of the Special Area (Attachment 3);
2. Introduce and conduct the first reading of:
  - a. Ordinance No. 19-2187 (MCA-2019-01), "An Ordinance of the City Council of the City of Cupertino eliminating references in the Municipal Code to the Vallco Town Center Specific Plan and adding language establishing development standards for a new Mixed Use Planned Development with Multifamily (R3) Residential and General Commercial zoning designation (P(R3,CG))" (Attachment 4); and
  - b. Ordinance No. 19-2188 (Z-2019-01), "An Ordinance of the City Council of the City of Cupertino amending the zoning map to rezone 13.1 acres within the Vallco Shopping District Special Area to Mixed Use Planned Development with Multifamily (R3) Residential zoning P(R3,CG) and General Commercial uses and the remainder of the Special Area to General Commercial (CG)" (Attachment 5).

Staff Report

[1 - Draft City Council Resolution Adopting Addendum](#)

[2 - Draft GPA-2019-01 City Council Resolution Approving Office GPA](#)

[3 - Draft GPA-2019-02 City Council Resolution Approving Residential GPA](#)

[4 - Draft MCA-2019-01 City Council Ordinance re Vallco Municipal Code Amends](#)

[5 - Draft Z-2019-01 City Council Ordinance re Vallco Zoning Amends](#)

[6 - August 2, 2019 Letter to City from HCD](#)

[7 - August 12, 2019 Response Letter to HCD from City](#)

[8 - Existing General Plan Vallco Shopping District Special Area policies](#)

[9 - Aerial of Vallco Shopping District Special Area and APN Map](#)

[10 - Alt Site Locations for Res Uses within Vallco Shopping District](#)

[11 - Planning Commission Resolution 6884](#)

[12 - August 14, 2019 Hausrath Economics Group Memo](#)

[13 - Second Addendum to GPA, HE, and Associated Rezoning Project EIR](#)

[14 - Responses to Comments on 2nd Addendum to 2014 Certified GPA, HE, and Associated Rezoning Draft EIR](#)

## ORDINANCES AND ACTION ITEMS

12. Subject: Establish a Residential Clean Water Rebate Program offering various financial incentives to decrease storm water runoff and establish a 20% cost-share of Clean Water and Storm Protection Fees for extremely low and very low-income property owners
- Recommended Action: 1. Authorize expenditures not to exceed \$25,000 per year from the Environmental Management/Clean Creeks Fund to:
- A. fund the Santa Clara Valley Water District's Rainwater Capture Program to match rebates for rain barrels, cisterns, and rain garden construction for Cupertino residential property owners offered through the Santa Clara Valley Water District's new program, and
  - B. to fund a separate City program that would provide property owners up to \$3.00 per square foot of impervious surface removed and replaced with pervious hardscape; and
2. Adopt Resolution No. 19-111 to approve a Budget Adjustment in the amount of \$25,000 in the Non-Point Source Fund for the Santa Clara Valley Water District's Rainwater Capture Program, and the new impervious pavement conversion rebate pilot program (230-81-802); and
3. Authorize a 20% cost-share of Clean Water and Storm Protection Fees for extremely low and very low-income property owners; and
4. Authorize expenditures not to exceed \$14,000 per year from the Non-Point Source Fund for a 20% cost-share of the 2019 Clean Water and Storm Protection fee for extremely low and very low-income property owners (230-81-802)

[Staff Report](#)

[A - City SCVWD Cost Share Agreement](#)

[B - Draft Resolution](#)

13. Subject: Amendment to the FY 2019-2020 City Council Work Program to add a new Community Development Work Program Item related to increasing noticing for development projects.

Recommended Action: That the City Council decide whether to amend the 2019/2020 City Work Program as proposed and appropriate funds to complete the project.

[Staff Report](#)

[A - Excerpts from FY 2019-2020 Work Program](#)

## ORAL COMMUNICATIONS - CONTINUED (As necessary)

## COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

## 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](http://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](http://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 |