



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, December 1, 2015

6:45 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Update from Teen Commission
Recommended Action: Receive update
2. Subject: Update from Fine Arts Commission
Recommended Action: Receive update

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 17 City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)
4. Subject: Accept Accounts Payable for the period ending October 23, 2015
Recommended Action: Adopt Resolution No. 15-105 accepting Accounts Payable for the period ending October 23, 2015

[A - Draft Resolution](#)

[B - AP Report](#)

5. Subject: Accept Accounts Payable for the period ending October 30, 2015
Recommended Action: Adopt Resolution No. 15-106 accepting Accounts Payable for the period ending October 30, 2015
[A - Draft Resolution](#)
[B - AP Report](#)
6. Subject: Accept Accounts Payable for the period ending November 6, 2015
Recommended Action: Adopt Resolution No. 15-107 accepting Accounts Payable for the period ending November 6, 2015
[A - Draft Resolution](#)
[B - AP Report](#)
7. Subject: California State Law AB1717, Local Prepaid Mobile Telephony Services Collection Act, effective January 1, 2016
Recommended Action: a.) Adopt Resolution No. 15-108 authorizing the City Manager to Execute the Agreement with the State Board of Equalization; and b.) Adopt Resolution No. 15-109 authorizing the Examination for the Prepaid Mobile Telephony Services Surcharge and Local Charge Records
[Staff Report](#)
[A - Draft Resolution Agreement with the State Board of Equalization](#)
[B - Draft Resolution Prepaid Mobile Telephony Services Surcharge](#)
[C - Local Charge Agreement](#)
8. Subject: Letter to President Obama expressing support for the Clean Power Plan and transitioning U.S. energy consumption to 100% renewable by 2050.
Recommended Action: Authorize the Mayor to sign a letter to President Obama in support of the Clean Power Plan and transitioning the nation's energy consumption to be 100% renewable by 2050.
[Staff Report](#)
[A - Letter of Support](#)
9. Subject: Participate in the Compact of Mayors by sending a letter of commitment to the Compact of Mayors Secretariat.
Recommended Action: Authorize the Mayor to sign the letter of commitment to the Compact of Mayors, joining coalitions of mayors and city officials worldwide committing to reduce local greenhouse gas emissions and enhance resilience to climate change.
[Staff Report](#)
[A - Letter of Intent](#)
10. Subject: Participation in the Institute for Local Government's Beacon Award:

Local Leadership toward Solving Climate Change Recognition Program

Recommended Action: Adopt Resolution 15-110 supporting the City's participation in the Institute for Local Government's Beacon Award: Local Leadership toward Solving Climate Change Recognition Program.

[Staff Report](#)

[A - Resolution](#)

11. Subject: Declare weeds a nuisance and set hearing date of January 19 for objections to proposed removal
Recommended Action: Adopt Resolution No. 15-112 declaring weeds a nuisance and setting hearing date of January 19 for objections to proposed removal
[Staff Report](#)
[A - Draft Resolution](#)
12. Subject: Blackberry Farm Golf Course Maintenance Agreement, Contract Award
Recommended Action: Authorize the City Manager to award, negotiate and execute a contract with Professional Turf Management of San Jose, California in the amount of \$99,600, as selected through a Request for Qualification process, and further authorize the City Manager to execute annual extensions to the contract for up to five years based upon the pricing in the bid documents, subject to appropriation
[Staff Report](#)
[A - Draft Contract](#)
13. Subject: Application for Alcoholic Beverage License for Yayoi, 20682 & 20684 Homestead Road
Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Yayoi, 20682 & 20684 Homestead Road
[Staff Report](#)
[A - Application](#)
14. Subject: Application for Alcoholic Beverage License for Pieology Pizzeria, 19409 Stevens Creek Boulevard, Suite 140
Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Pieology Pizzeria, 19409 Stevens Creek Boulevard, Suite 140
[Staff Report](#)
[A - Application](#)
15. Subject: Application for Alcoholic Beverage License for Tofu Plus, 10971 North Wolfe Road

Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Tofu Plus, 10971 North Wolfe Road

[Staff Report](#)

[A - Application](#)

16. Subject: Application for Alcoholic Beverage License for Starbucks #5217, 20520 Stevens Creek Boulevard

Recommended Action: Recommend approval of the Alcoholic Beverage Control License to the California Department of Alcoholic Beverage Control for Starbucks #5217, 20520 Stevens Creek Boulevard

[Staff Report](#)

[A - Application](#)

17. Subject: Application for Alcoholic Beverage License for Yoshida Restaurant, 10700 South De Anza Boulevard

Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Yoshida Restaurant, 10700 South De Anza Boulevard

[Staff Report](#)

[A - Application](#)

SECOND READING OF ORDINANCES

18. Subject: Second reading of an Ordinance amending Section 2.04.010 of the Cupertino Municipal Code regarding regular City Council meetings that fall on any Election Tuesday in a regular Cupertino election year

Recommended Action: Conduct the second reading and enact Ordinance No. 15-2137: "An Ordinance of the City Council of the City of Cupertino amending Section 2.04.010 of Chapter 2.04 of Title 2 of the Cupertino Municipal Code regarding regular City Council meetings that fall on any Election Tuesday in a regular Cupertino election year"

[Staff Report](#)

[A - Redline Draft Ordinance](#)

[B - Clean Draft Ordinance](#)

PUBLIC HEARINGS

ORDINANCES AND ACTION ITEMS

19. Subject: Approve actions related to the formation of, and Cupertino's membership in, the Silicon Valley Clean Energy Authority, an independent joint powers authority, which will provide a Community Choice Aggregation Program

to offer clean energy alternatives for Cupertino residents and businesses; and related CEQA action

Recommended Action: 1. Accept the Silicon Valley Community Choice Energy Technical Study Draft Report, and find that the proposed actions are exempt from CEQA; and

2. Conduct the first reading of the Ordinance No. 15-2138: “An Ordinance of the City Council of the City of Cupertino Authorizing the Implementation of a Community Choice Aggregation Program” to create and participate in the Silicon Valley Clean Energy Authority; and

3. Adopt Resolution No. 15-111 of the City Council of the City of Cupertino Approving the Joint Powers Agreement Establishing the Silicon Valley Clean Energy Authority; and

4. Authorize the City Manager to remit up to \$450,000, as previously budgeted, to the Silicon Valley Clean Energy Authority to support the initial costs of the Authority; and

5. Approve an increase to the Fiscal Year 2015-16 Sustainability Division Special Project Budget of \$100,000 for project contingency as outlined in the JPA; and

6. Direct staff to return to Council with an update and potential action regarding bridge financing for the Authority; and

7. Direct staff to return to Council with a proposal to provide interim project and/or staffing support to the Authority via a separate services agreement; and

8. Direct staff to return to Council for appointment of a regular Director and alternate Director to the Authority’s Board of Directors.

[Staff Report](#)

[A - Technical Study Draft Report](#)

[B - Community Choice Energy Draft Ordinance](#)

[C - Joint Powers Authority Draft Resolution](#)

[D - Joint Powers Authority Draft Agreement](#)

REPORTS BY COUNCIL AND STAFF

ELECTION OF MAYOR AND VICE MAYOR

20. Subject: Council members elect Mayor

Recommended Action: Make nominations and elect Mayor

21. Subject: Council members elect Vice Mayor

Recommended Action: Make nominations and elect Vice Mayor

OATH OF OFFICE

22. Subject: Mayor takes Oath of Office

Recommended Action: Mayor takes Oath of Office

23. Subject: Vice Mayor takes Oath of Office

Recommended Action: Vice Mayor takes Oath of Office

COMMENTS BY NEW MAYOR

24. Subject: Comments by new Mayor and presentation of gifts

Recommended Action: Comments by new Mayor and presentation of gifts

COMMENTS BY COUNCIL MEMBERS AND PUBLIC

25. Subject: Comments by Council members

Recommended Action: Comments by Council members

26. Subject: Members of the audience are invited to speak

Recommended Action: Members of the audience are invited to speak

RECEPTION

27. Subject: The public is invited to attend a reception in the lobby

Recommended Action: The public is invited to attend a reception in the lobby

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.