



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, February 2, 2016

5:30 PM

**AMENDED Non-televised Special Closed Session (5:30) Followed by Televised Regular Meeting
(6:45)**

Amended on 1/28/16 to update Item No. 15 Attachments B and C

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, February 02, 2016, commencing at 5:30 p.m. in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, California 95014 and the regular meeting following at 6:45 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

SPECIAL MEETING

CLOSED SESSION - 5:30 PM

City Hall Conference Room A, 10300 Torre Avenue

- 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.**

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall Council Chamber, 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Present Young Artist Awards to Saailey Palekar (Age 6-10), Kathy Liang (Age 11-14) and Maya Kapur (Age 15-18)
Recommended Action: Present Young Artist Awards to Saailey Palekar (Age 6-10), Kathy Liang (Age 11-14) and Maya Kapur (Age 15-18)
2. Subject: Presentation of "TacoCat" transporation video by students Derrick Lee and Jonathan Fung and first place monetary award
Recommended Action: View video presentation and present first place monetary award

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 January 12 City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)
4. Subject: Approve the January 19 City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)
5. Subject: Approve the January 25 (commission interviews) City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)
6. Subject: Approve the January 26 (commission interviews) City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)

7. Subject: Accept Accounts Payable for the period ending December 18, 2015
Recommended Action: Adopt Resolution No. 16-011 accepting Accounts Payable for the period ending December 18, 2015
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending December 30, 2015
Recommended Action: Adopt Resolution No. 16-012 accepting Accounts Payable for the period ending December 30, 2015
[A - Draft Resolution](#)
[B - AP Report](#)
9. Subject: Letter Agreement between The Irvine Company, LLC, a California limited liability company and the City of Cupertino, a municipal corporation agreeing to an advance contribution of \$200,000 to be used for the I-280/Wolfe Road Interchange Improvement Project and to be credited against Irvine Company's \$7,000,000 future contribution that is currently contemplated as a Development Agreement item for their proposed development for the Hamptons Apartment Project at 19500 Pruneridge Avenue
Recommended Action: 1) Authorize the City Manager to execute an agreement with the Irvine Company, LLC to accept an advance contribution of \$200,000 to be used for the I-280/Wolfe Road Interchange Project
2) Amend approved FY 15/16 Operating Budget by an additional expense amount of \$1,200,000 for I-280/Wolfe Road Interchange Project budget
3) Amend approved FY 15/16 Operating Budget by an additional revenue amount of \$1,200,000 for I-280/Wolfe Road Interchange Project budget
[Staff Report](#)
[A - Draft Funding Agreement](#)
10. Subject: Bubb, Elm & McClellan Storm Drain/Sanitary Sewer Improvement Project - Increase Contingency Authorization
Recommended Action: Authorize an increase in the construction contingency amount by an additional \$32,000 with funds from the current appropriated project budget
[Staff Report](#)
11. Subject: Discontinue headline translations
Recommended Action: Discontinue headline translations and redirect the funds to other budget priorities
[Staff Report](#)
12. Subject: Transportation Tax Measure Allocations

Recommended Action: Approve advocacy direction to City representatives regarding the proposed Santa Clara County sales tax, including general funding levels within expenditure categories, as developed in coordination with other North County and West Valley cities

[Staff Report](#)

[A - Draft VTP 2040 Project List 8-19-15](#)

[B - CC Resolution No. 15-077 Implementation of Long-Term Mass Trans](#)

SECOND READING OF ORDINANCES

13. Subject: Second Reading of Ordinance amending the Cupertino Municipal Code to prohibit marijuana cultivation, dispensaries, and deliveries and commercial cannabis activities within the City of Cupertino. (Application No. MCA-2015-01; Location: City-wide; Applicant: City of Cupertino)

Recommended Action: Conduct the second reading and adopt Ordinance No. 16-2140: "An Ordinance of the City Council of the City of Cupertino Amending Section 19.08.030 and adding Chapter 19.98 of Title 19 of the Cupertino Municipal Code Regarding Medical Marijuana Dispensaries, Marijuana Cultivation Facilities, Commercial Cannabis Activities, and Medical Marijuana Deliveries"

[Staff Report](#)

[A - Draft Ordinance](#)

14. Subject: An ordinance amending Sections 14.04.100 and 18.56.040 of the Cupertino municipal code to provide for a limited waiver of reimbursement requirements when a property owner dedicates right-of-way for a city street improvement or facility project.

Recommended Action: Conduct the second reading and enact Ordinance No. 16-2141: "An Ordinance of the City Council of the City of Cupertino amending Sections 14.04.100 and 18.56.040 of the Cupertino Municipal Code to provide for a limited waiver of reimbursement requirements when a property owner dedicates right-of-way for a city street improvement or facility project," with an amendment directed by the City Council during the first reading of the ordinance amendment on January 19, 2016 to include a provision in the ordinance language such that the city council determines the percent of a waiver to offer for right of way acquisition for individual projects as they are approved during the CIP budget process, to facilitate the provision of sidewalks and street widening in certain areas where pedestrians and bicyclists are prevalent

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Redline Version of Draft Ordinance](#)

PUBLIC HEARINGS

ORDINANCES AND ACTION ITEMS

15. Subject: Review and consider two development proposals (the Goodyear Tire and Oaks sites) submitted for consideration by the City Council to authorize the applicants to submit an application for General Plan Amendments and staff to commence environmental and project review. (Application No.(s): GPAAAuth-2015-01 & GPAAAuth-2015-02; Applicant: KT Urban, Mark Tersini and De Anza Ventures (Oaks shopping center); Location: 21255-21755 Stevens Creek Boulevard, 10931 N. De Anza Boulevard (Goodyear Tire); APN: 326-27-039, -040 and -041; 326-10-058)

Recommended Action: Staff recommends that the City Council adopt Resolution No. 16-013 after determining which applications are authorized to move forward to apply for General Plan Amendments

[Staff Report](#)

[A - Draft Resolution No. 16-013](#)

[A.1 - CC Reso No. 15-078: Policy on Authorization of General Plan Ame](#)

[B - Goodyear Tire project plans](#)

[C - Oaks project plans](#)

[D - Correspondence](#)

[E1 - Economic Analysis Hotel Memo 01.21.16](#)

[E2 - Economic Analysis Oaks Memo 01.21.16](#)

REPORTS BY COUNCIL AND STAFF

16. Subject: Construction Project Updates

Recommended Action: Receive updates

17. 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.