



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, September 19, 2017

4:45 PM

Special Meeting Non-televised Closed Session (4:45) and Televised 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, September 19, 2017, commencing at 4:45 p.m. in City Hall Conference Room A, 10300 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 - 4:45 PM

City Hall Conference Room A, 10300 Torre Avenue

CLOSED SESSION

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., Santa Clara County Superior Court Case No. 115CV281214
2. Subject: Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - One Case
3. Subject: Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - Two Cases

4. Subject: Conference with Real Property Negotiators (Government Code Section 54956.8); Property: Cupertino Municipal Water System; Agency Negotiator: Timm Borden; Negotiating Parties: City of Cupertino and San Jose Water Company; Under Negotiation: Terms for City Leased Asset

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall , 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Citywide Parks and Recreation System Master Plan Update
Recommended Action: Accept update on the Citywide Parks and Recreation System Master Plan ("Master Plan") and provide direction
[Staff Report](#)
[Attach A - Map, Exist Parks & Rec Facilities, Draft, Apr 2017](#)
[Attach B - Table, Park & Facility Inventory Matrix, Draft, July 2017](#)
[Attach C - Exist. Parks & Facilities Summary, Draft, May 2017](#)
[Attach D - Commty. Outreach & Vision Summary, Draft, May 2017](#)
[Attach E - Vision, Mission & Goals, Draft, Aug 2017](#)
2. Subject: Presentation from the Parks and Recreation Commission regarding the Work Plan for Fiscal Year 2017-2018
Recommended Action: Receive the presentation from the Parks and Recreation Commission regarding the Work Plan for Fiscal Year 2017-2018

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 September 5 City Council minutes

Recommended Action: Approve the September 5 City Council minutes

[A - Draft Minutes](#)

4. Subject: Contract amendments for professional building department and public inspection services for Apple Campus 2

Recommended Action: Staff recommends that the City Council:

1. Authorize the City Manager to:

a. Execute the Third Amendment to Agreement 14-028 with 4LEAF, Inc. for Apple Campus 2 Phase 1 building inspection services and public works inspection services to increase the previously authorized contract amount by \$1,829,890 for a total amount not to exceed \$16,956,368; and

b. Execute the Second Amendment to Agreement 15-146 with 4LEAF, Inc. for Apple Campus 2 Phase 2 building inspection services to increase the previously authorized contract amount by \$524,068 for a total amount not to exceed \$1,438,855

2. Authorize the City Manager to execute contract amendments to the extent that the costs are recovered from the project applicant

3. Approve the budget allocations necessary to execute the contract amendments

[Staff Report](#)

[A - Draft Third Amendment to Agreement 14-028 – 4LEAF, Inc. for Apr](#)

[B - Draft Second Amendment to Agreement 15-146 – 4LEAF, Inc. for Ar](#)

[C - Budget Journal](#)

5. Subject: Accept Accounts Payable for the period ending August 11, 2017

Recommended Action: Adopt Resolution No. 17-091 accepting Accounts Payable for the period ending August 11, 2017

[A - Draft Resolution](#)

[B - AP Report](#)

6. Subject: Accept Accounts Payable for the period ending August 18, 2017

Recommended Action: Adopt Resolution No. 17-092 accepting Accounts Payable for the period ending August 18, 2017

[A - Draft Resolution](#)

[B - AP Report](#)

7. Subject: Accept Accounts Payable for the period ending August 25, 2017
Recommended Action: Adopt Resolution No. 17-093 accepting Accounts Payable for the period ending August 25, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending September 1, 2017
Recommended Action: Adopt Resolution No. 17-094 accepting Accounts Payable for the period ending September 1, 2017
[A - Draft Resolution](#)
[B - AP Report](#)

SECOND READING OF ORDINANCES

9. Subject: Zoning Amendment to make minor corrections to the zoning map. Application No(s): Z-2017-01; Applicant(s): City of Cupertino; Location: Citywide
Recommended Action: Conduct a second reading and enact Ordinance No. 17-2166: “Ordinance of the City Council of the City of Cupertino approving amendments to the zoning map to correct inconsistencies between the City of Cupertino’s records and certain map designations as shown in Exhibit A”
[Staff Report](#)
[A - Draft Ordinance](#)

PUBLIC HEARINGS

10. Subject: Extension of an Urgency Ordinance imposing a moratorium on all commercial, non-medical marijuana land uses including dispensaries, marijuana cultivation and cultivation facilities, commercial cannabis activities and marijuana transport and deliveries. (Application No.: MCA-2016-06; Location: City-wide; Applicant: City of Cupertino)
Recommended Action: That the City Council:
1. Find that the proposed actions are exempt from CEQA; and
2. Enact Urgency Ordinance No. 17-2167: “An Interim Urgency Ordinance of the City Council of the City of Cupertino Extending Moratorium on Non-Medical Marijuana Dispensaries, Marijuana Cultivation and Cultivation Facilities, Commercial Cannabis Activities and Marijuana Transport and Deliveries within the City of Cupertino Pending Completion of an Update to the City’s Zoning Code”
[Staff Report](#)
[A - Draft urgency Ordinance](#)
[B - Ordinance No. 16-2153](#)
[C - Ordinance No. 16-2160](#)

- 11. Subject:** Adoption of City of Cupertino Transportation Impact Fee Program and Approval of Fees

Recommended Action: 1. Conduct the first reading of Ordinance No. 17-2168 Adding Chapter 14.02 to the Cupertino Municipal Code To Adopt And Implement The City's Transportation Impact Fee Program As Shown In Exhibit 1" (Attachment A); and

2. Adopt Resolution No. 17-095 Adopting A Transportation Impact Fee And Amending Schedule B Of The 2017-18 Fee Schedule To Include The New Transportation Impace Fee As Shown in Exhibit 1 (Attachment B)

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Draft Resolution](#)

[C - Schedule B TIF Fee \(Red Line\)](#)

[D - August 15, 2017 Staff Report](#)

[E- Transportation Impact Fee Nexus Study](#)

ORDINANCES AND ACTION ITEMS

REPORTS BY COUNCIL AND STAFF

- 12. Subject:** Service Center Administration Building with Emergency Operations Center (EOC) Feasibility Study and Facility Master Plan

Recommended Action: Receive the Service Center Administration Building with Emergency Operations Center Feasibility Study and Facility Master Plan

[Staff Report](#)

[A – Service Center Feasibility Study](#)

- 13. 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.