



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, December 5, 2017

6:45 PM

Televised Swearing-in Ceremony followed by Regular Meeting

PLEDGE OF ALLEGIANCE

ROLL CALL

ELECTION OF MAYOR AND VICE MAYOR

1. Subject: Councilmembers elect Mayor
Recommended Action: Make nominations and elect Mayor
2. Subject: Councilmembers elect Vice Mayor
Recommended Action: Make nominations and elect Vice Mayor

OATH OF OFFICE

3. Subject: Mayor takes Oath of Office
Recommended Action: Mayor takes Oath of Office
4. Subject: Vice Mayor takes Oath of Office
Recommended Action: Vice Mayor takes Oath of Office

COMMENTS BY NEW MAYOR

5. 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

6. Subject: Comments by Councilmembers
Recommended Action: Comments by Councilmembers

7. Subject: Members of the audience are invited to speak (no Speaker Cards necessary)
Recommended Action: Members of the audience are invited to speak

RECEPTION

8. 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

RECESS

CEREMONIAL MATTERS AND PRESENTATIONS

POSTPONEMENTS

9. Subject: Continue Item No. 13 to consider a revised request to demolish an existing ~71,254 sq.ft. commercial shopping center and construct a mixed-use development at the Oaks Shopping Center site. (Application No.(s): GPAAAuth-2017-02; Applicant: KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041) to January 16, 2018 (per applicant request)
Recommended Action: Continue Item No. 13 to consider a revised request to demolish an existing ~71,254 sq.ft. commercial shopping center and construct a mixed-use development at the Oaks Shopping Center site. (Application No.(s): GPAAAuth-2017-02; Applicant: KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041) to January 16, 2018 (per applicant request)
[A - Applicant Letter](#)

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.

10. Subject: Approve the November 21 City Council minutes
Recommended Action: Approve the November 21 City Council minutes
[A - Draft Minutes](#)
11. Subject: Approve First Quarter Financial Report for Fiscal Year 2017-18
Recommended Action: 1. Accept the City Manager's First Quarter Financial Report for Fiscal Year 2017-18; and 2. Adopt Resolution No. 17-113 approving First Quarter Budget Adjustments
[Staff Report](#)
[A - Draft Resolution](#)
[B - First Quarter Financial Report for Fiscal Year 2017-18](#)
[C - Detailed Description of Year End and Adjustments made through 9/30](#)
[D - Budget Journal](#)
12. Subject: Exceptions to Facility Rental Hours
Recommended Action: Delegate authority to the Recreation and Community Services Director to approve extended hours for facility rentals.
[Staff Report](#)
[Attach A - Facility Rental Information](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

13. Subject: Consider a revised request to demolish an existing ~71,254 sq.ft. commercial shopping center and construct a mixed-use development at the Oaks Shopping Center site. (Application No.(s): GPAAuth-2017-02; Applicant: KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041). **(The applicant is requesting a postponement to January 16, 2018)**
Recommended Action: Continue this item to January 16, 2018

14. Subject: Consider an ordinance to establish regulations regarding adult use (recreational) and medicinal marijuana by adding a new Chapter 10.84, Medicinal and Adult Use of Marijuana, in Title 10, amending Chapter 19.08, Definitions, to repeal definitions related to Marijuana and amending Chapter 19.98, Medical Marijuana, to update and reference the newly established Chapter. (Application No(s): MCA-2017-04; Applicant(s): City of Cupertino; Location: Citywide)

Recommended Action: That the City Council:

1. Find that the proposed actions are exempt from CEQA; and
2. Conduct the first reading and adopt Ordinance No. 17-2169 entitled "An ordinance of the City Council of the City of Cupertino adding Chapter 10.84 titled "Medicinal and Adult Use of Marijuana" to Title 10 of the Cupertino Municipal Code; amending Section 19.08.030 to repeal Definitions related to Marijuana; and amending Chapter 19.98 to reference the newly adopted ordinance" (Attachment A.)

[Staff Report](#)

[A - Draft Ordinance](#)

[B - PC Reso 6841 showing additions and deletions](#)

[C - Santa Clara County DA Office memo May 2014](#)

ORDINANCES AND ACTION ITEMS

15. Subject: Approve the Fifth amendment to the Employment Contract for the City Manager and amend the Appointed Employees' Compensation Program

Recommended Action: Adopt Resolution No. 17-114 approving the Fifth amendment to the employment contract for the City Manager and authorizing the Mayor to execute the contract; and Adopt Resolution No. 17-115 amending the Appointed Employees' Compensation Program to reflect changes in compensation for the City Manager.

[Staff Report](#)

[A - Draft Reso approving the Fifth Amendment to the Employment Contr](#)

[B - Draft Reso amending the Appointed Employees' Compensation Progra](#)

[C - Appointed Employees' Compensation Program - REDLINED](#)

[D - Appointed Employees' Compensation Program - CLEAN](#)

[E - Fifth Amendment to the Employment Contract - REDLINED](#)

[F - Fifth Amendment to the Employment Contract - CLEAN](#)

REPORTS BY COUNCIL AND STAFF

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 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.