



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, December 19, 2017

6:45 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Healthy Cities Initiative award
Recommended Action: Accept award from Santa Clara County for Healthy Cities Initiative
2. Subject: Teen Commission 2017-2018 Work Plan presentation
Recommended Action: Accept the Teen Commission 2017-2018 Work Plan presentation
[A - Work Plan](#)
3. Subject: Presentation from consultants related to the Vallco Specific Plan
Recommended Action: That the City Council accept the presentation from consultants related to the Vallco Specific Plan
[Staff Report](#)

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.

4. Subject: Approve the November 27 City Council minutes
Recommended Action: Approve the November 27 City Council minutes
[A - Draft Minutes](#)
5. Subject: Approve the December 5 City Council minutes
Recommended Action: Approve the December 5 City Council minutes
[A - Draft Minutes](#)
6. Subject: Accept Accounts Payable for the period ending November 3, 2017
Recommended Action: Adopt Resolution No. 17-116 accepting Accounts Payable for the period ending November 3, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending November 9, 2017
Recommended Action: Adopt Resolution No. 17-117 accepting Accounts Payable for the period ending November 9, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending November 17, 2017
Recommended Action: Adopt Resolution No. 17-118 accepting Accounts Payable for the period ending November 17, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending December 1, 2017
Recommended Action: Adopt Resolution No. 17-119 accepting Accounts Payable for the period ending December 1, 2017
[A - Draft Resolution](#)
[B - AP Report](#)

- 10.** Subject: Adopt a resolution approving the purchase of property at 10301 Byrne Ave (APN 357-11-020).

Recommended Action: 1. Adopt Resolution No. 17-120, approving purchase of the property at 10301 Byrne Avenue, Assessors' Parcel Number 357-11-020, from Patricia L. Sievert Living Trust, in the amount of \$2,450,000, authorizing the City Manager to execute all necessary documents and related steps to complete the acquisition.

2. Approve increase budget appropriations of \$2,450,000 in the General Fund-Non Departmental program for the purchase of the property.

[Staff Report](#)

[A - Aerial Map, 10301 Byrne Ave. Vicinity](#)

[B - Photos of the Blackberry Farm Driveway](#)

[C - Draft Resolution](#)

- 11.** Subject: Agreement with Avocette Technologies, Inc. for professional services in implementing Accela Permitting and Land Management System

Recommended Action: Authorize the City Manager to execute a Services Agreement with Avocette Technologies, Inc. in the amount of \$299,143 for the implementation of Accela Permitting and Land Management System which represents \$139,143 in additional funding above the original June 21, 2017 contract of \$160,000 for a total of \$299,143

[Staff Report](#)

[A - Avocette 1st Amendment Draft Agreement](#)

12. Subject: Second Amendment to the Agreement between the City of Cupertino (City) and Recology Cupertino (Recology) for the Solid Waste Services Franchise Agreement

Recommended Action: 1. Adopt Resolution 17-121 to approve the Second Amendment to the Solid Waste Services Franchise Agreement, extending the expiration of the current Agreement (November 1, 2010 through January 31, 2019) to January 31, 2021 and including an option to negotiate a new ten year agreement with Recology that could begin as early as January 31, 2021, contingent upon Recology meeting Second Amendment requirements; and

2. Authorize a payment of \$5,365 to Recology Cupertino from the Resource Recovery fund 520-81-801 to cover additional costs to process commercial organic materials collected in calendar year 2016.

[Staff Report](#)

[A - Draft Resolution](#)

[B - REDLINE 2nd Amendment](#)

[C - Draft 2nd Amendment](#)

[D - Recology Organic Processing Reimbursement Request](#)

[E - Franchise Agreement](#)

[F - First Amendment](#)

13. Subject: Establish a Zero Waste Policy for the City of Cupertino

Recommended Action: Adopt Resolution 17-122 to establish and authorize a Zero Waste Policy for the City of Cupertino

[Staff Report](#)

[A - Draft Resolution](#)

[B - Zero Waste Policy](#)

14. Subject: 2018 Pavement Maintenance Project, Project No. 2018-101 contract award

Recommended Action: Authorize the City manager to award a contract to G. Bortolotto & Co. in the amount of \$3,077,777 and approve a construction contingency of \$307,000, for a total of \$3,384,777.

[Staff Report](#)

[A - Street List](#)

[B - Contract Documents](#)

15.Subject: 2017-18 Comprehensive Facility Condition and Use Assessments

Recommended Action: Authorize the City Manager to negotiate and execute the 2017-18 Comprehensive Facility Condition and Use Assessments agreement with The KPA Group within the established budget of \$200,000.

[Staff Report](#)

[Attachment A - Final Building Condition Assessment RFP](#)

SECOND READING OF ORDINANCES**16.**Subject: Second reading of 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 conduct the second reading and enact Ordinance No. 17-2169: “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.”

[Staff Report](#)

[A - Draft Ordinance No. 17-2169](#)

PUBLIC HEARINGS

17. Subject: Consider an ordinance to amend regulations in Title 19, Zoning of the Municipal Code with regard to Accessory Dwelling Units, including Chapter 19.08, Definitions, and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 zones (Application No(s): MCA-2017-05; 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 of Ordinance No. 17-2170: “An Ordinance of the City Council of the City of Cupertino amending Chapter 19.08, Definitions and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 Zones (Residential Zoning Districts) to conform to new state laws.”

[Staff Report](#)

[A - Draft Ordinance No. 17-2170](#)

[B - PC Resolution No. 6842 with strikethroughs and underlines](#)

ORDINANCES AND ACTION ITEMS

18. Subject: Adopt the 2017 Cupertino Pedestrian Transportation Plan and Mitigated negative Declaration for the 2017 Cupertino Pedestrian Transportation Plan

Recommended Action: Adopt Resolution No. 17-123 adopting the 2017 Cupertino Pedestrian Transportation Plan and the Mitigated Negative Declaration for the 2017 Cupertino Pedestrian Transportation Plan

[Staff Report](#)

[A - Draft Resolution](#)

[B - 2017 Pedestrian Transportation Plan](#)

REPORTS BY COUNCIL AND STAFF

19. 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.

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.