



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, August 21, 2018

4:30 PM

Special Meeting Televised Study Session (4:30) 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, August 21, 2018, commencing at 4:30 p.m. for a Study Session in Community Hall Council Chamber, 10350 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 - 4:30 PM

STUDY SESSION

1. Subject: Study session regarding the annexation process and options for Lehigh Permanente Quarry.
Recommended Action: Conduct study session and discuss annexation and options for Lehigh Permanente Quarry
[Cover Memo](#)
[A - PPT Presentation](#)

2. Subject: Study Session on the potential formation of a Santa Clara County Regional Housing Needs Allocation (RHNA) subregion
Recommended Action: That the City Council provide comments on the possibility of the formation of a RHNA subregion.
[Staff Report](#)
[A - Guiding Principles](#)
[B - RHNA subregion overview](#)
[C - Pros and Cons](#)
[D - Resolution and By-laws](#)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamations recognizing the Monta Vista High School Boys Volleyball Team for winning the NorCal Championship
Recommended Action: Present Proclamations recognizing the Monta Vista High School Boys Volleyball Team for winning the NorCal Championship
2. Subject: Proclamation recognizing September as Pain Awareness Month.
Recommended Action: Present Proclamation recognizing September as Pain Awareness Month.

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 May 15 City Council minutes (continued from July 3, 2018)
 Recommended Action: Approve the May 15 City Council minutes
 [A - Draft Minutes](#)
4. Subject: Approve the July 3 City Council minutes
 Recommended Action: Approve the July 3 City Council minutes
 [A - Draft Minutes](#)
5. Subject: Approve the July 31 City Council minutes
 Recommended Action: Approve the July 31 City Council minutes
 [A - Draft Minutes](#)
6. Subject: Accept Accounts Payable for the period ending May 18, 2018
 Recommended Action: Adopt Resolution No. 18-071 accepting Accounts Payable for the period ending May 18, 2018
 [A - Draft Resolution](#)
 [B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending May 25, 2018
 Recommended Action: Adopt Resolution No. 18-072 accepting Accounts Payable for the period ending May 25, 2018
 [A - Draft Resolution](#)
 [B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending June 1, 2018
 Recommended Action: Adopt Resolution No. 18-073 accepting Accounts Payable for the period ending June 1, 2018
 [A - Draft Resolution](#)
 [B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending June 8, 2018
 Recommended Action: Adopt Resolution No. 18-074 accepting Accounts Payable for the period ending June 8, 2018
 [A - Draft Resolution](#)
 [B - AP Report](#)

10. Subject: Accept Accounts Payable for the period ending June 22, 2018
Recommended Action: Adopt Resolution No. 18-075 accepting Accounts Payable for the period ending June 22, 2018
[A - Draft Resolution](#)
[B - AP Report](#)
11. Subject: Cancellation of the September 4, 2018 City Council meeting
Recommended Action: Cancel the September 4, 2018 City Council meeting
[Staff Report](#)
12. Subject: Response to Santa Clara Grand Jury Report on "Affordable Housing Crisis: *Density is our Destiny*."
Recommended Action: That the City Council review and approve the City's response.
[Staff Report](#)
[A - Response Letter](#)
[B - Letter from Peter L. Hetman, Foreperson](#)
[C - SCC Civil Grand Jury Report - Affordable Housing Crisis: Density is](#)
13. Subject: Bay Area Air Quality Management District Diesel Free by 2033 Resolution
Recommended Action: Adopt Resolution No. 18-076 supporting the Bay Area Air Quality Management District's Diesel Free by 2033 statement of purpose.
[Staff Report](#)
[A - Draft Resolution](#)
14. Subject: Accept Unclaimed Property less than \$15 for the period ending May 31, 2018
Recommended Action: Adopt Resolution No. 18-077 accepting transfer of Unclaimed Property Funds to General Fund for the period ending May 31, 2018
[A - Draft Resolution](#)
[B - Unclaimed Check Listing](#)
15. Subject: Facility fee waiver request from the Cupertino Senior Coordinating Council.
Recommended Action: Approve fee waiver request for approximately \$4,175 in facility use fees, for the use of the Senior Center Reception Hall on most Fridays, August 24, 2018 - June 29, 2019, for Bingo.
[Staff Report](#)
[A - Rental Permit](#)
[B - Bingo Permit](#)

16. Subject: Application for Alcohol Beverage License for Sushi Kuni Cup, Inc (dba Sushi Kuni), 10211 South De Anza Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Sushi Kuni Cup, Inc (dba Sushi Kuni), 10211 South De Anza Boulevard
[Staff Report](#)
[A - Application](#)
17. Subject: Application for Alcohol Beverage License for Desi Pizza Express LLC (dba Curry Pizza House), 20080 Stevens Creek Boulevard, Suite 106
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Desi Pizza Express LLC (dba Curry Pizza House), 20080 Stevens Creek Boulevard, Suite 106
[Staff Report](#)
[A-Application](#)
18. Subject: 2018/19 Reconstruction of Curbs, Gutters and Sidewalks Project, Project No. 2019-101
Recommended Action: Authorize the City Manager to award and execute a contract with JJR Construction, Inc., in the amount of \$1,216,715 and approve a construction contingency of \$120,000 for a total of \$1,336,715
[Staff Report](#)
[A - Bid Summary](#)
[B - Draft Contract](#)
19. Subject: Accept final payment to O'Grady Paving Inc. for 2017 Pavement Maintenance Project
Recommended Action: Adopt Resolution No. 18-078 accepting final payment to O'Grady Paving Inc. for 2017 Pavement Maintenance Project
[A - Draft Resolution](#)
[B - AP Report](#)
20. Subject: 2018 Pavement Maintenance Phase 2 Project, Project No. 2019-102
Recommended Action: Authorize the City Manager to award a contract to Graham Contractors, Inc., in the amount of \$290,769 and approve a construction contingency of \$29,000, for a total of \$319,769
[Staff Report](#)
[A - List of Streets to Receive Pavement Maintenance Treatment](#)
[B - Draft Contract](#)

21. Subject: Adopt a Resolution Adopting the Mitigated Negative Declaration for the McClellan Ranch West Parking Lot Improvement project and Approving the Project
Recommended Action: Staff recommends that the City Council adopt Resolution No. 18-079 adopting the Mitigated Negative Declaration for the McClellan Ranch West Parking Lot Improvement project and approving the project
[Staff Report](#)
[A - Draft Resolution](#)
[B - Initial Study](#)
[C - Response to Comments ISMND](#)
22. Subject: Submittal of projects for the Metropolitan Transportation Commission's (MTC's) Horizon Initiative
Recommended Action: Provide direction for staff to submit projects for the Metropolitan Transportation Commission's call for transformative transportation projects for the Horizon Initiative
[Staff Report](#)
[A - MTC Horizon Initiative Call for Projects](#)
[B - Stevens Creek Corridor High Capacity Transit Scope](#)
[C - Stevens Creek Blvd HCT 1](#)
[D - Aerial Fixed Guideway to Mtn View](#)
[E - Cupertino Station I-280 + Wolfe Rd](#)
[F - Highway 85 Transit Guideway](#)
[G - Silicon Valley HCT Loop](#)

SECOND READING OF ORDINANCES

23. Subject: Second reading and enactment of an Ordinance amending Cupertino Municipal Code Chapters 19.12 "Administration" and 19.148 "Required Artwork in Public and Private Developments". (Application number: MCA-2018-01; Location: City-wide; Applicant: City of Cupertino)
Recommended Action: Conduct the second reading and enact Ordinance No. 18-2175: "An Ordinance of the City Council of the City of Cupertino amending Municipal Code Chapters 19.12 "Administration" and 19.148 "Required artwork in Public and Private Developments" to create more opportunities for public art in new development"
[Staff Report](#)
[A - Draft Ordinance](#)

PUBLIC HEARINGS

24. Subject: Petition for Reconsideration of the City Council decision rendered on May 15, 2018 denying a tentative map application (TM-2015-01) to allow the subdivision of three (3) parcels into five (5) parcels, four (4) residential and one (1) common (private road), and denial of a tree removal permit (TR-2016-28) to allow the removal and replacement of seven (7) protected trees. Application No(s): TM-2015-01, TR-2016-28 (EA-2015-04) Appellant: Richard K. Abdalah; Applicant: Welkin International (Cai Xing Xie); Location: 10234 Scenic Blvd., APN#357-08-014, 047

Recommended Action: That the City Council:

1. Adopt Resolution No. 18-080 (Attachment A) denying the petition for a reconsideration hearing, since it does not meet the requirements of Cupertino Municipal Code (CMC) Section 2.08.096 or, in the alternative;
2. If the Council determines the Petition meets the criteria, conduct a hearing on the merits of the petition and make final determination on the project

[Staff Report](#)

[A - Draft Resolution](#)

[B - Petition for Reconsideration filed by Rich K. Abdalah](#)

[C - City Council Staff Report](#)

[D - Planning Commission Resolution No. 6856](#)

[E - Plan Set](#)

[F - ERC Recommendation, IS-MND including Technical Appendix](#)

[G - Arborist Report](#)

ORDINANCES AND ACTION ITEMS

25. Subject: Adopt a resolution to approve the Regnart Creek Trail Feasibility Study and direct staff to prepare design documents and conduct environmental review.

Recommended Action: 1. Adopt Resolution No. 18-081 to approve the Regnart Creek Trail Feasibility Study and direct staff to prepare design documents and conduct environmental review for the Regnart Creek Trail, and;

2. Approve a Budget Adjustment in the amount of \$380,000 in the Capital Improvement Fund for the Regnart Creek Trail Project (account #420-99-036 900-905) to prepare design documents and conduct environmental review

[Staff Report](#)

[A - Regnart Creek Trail Feasibility Study](#)

[B - Draft Resolution](#)

26. Subject: Add a project entitled Memorial Park Amphitheater Improvement Project to the FY 2018-19 Capital Improvement Program.
Recommended Action: Authorize the City Manager to add a project to the FY 2018-19 Capital Improvement Program entitled Memorial Park Amphitheater Improvement Project and direct staff to prepare design documents for the project.
[Staff Report](#)
[A - Conceptual Plan](#)
27. Subject: First Reading of an Ordinance Designating Additional Preferential Parking Zones Ordinance on Noble Fir Court, Red Fir Court and White Fir Court
Recommended Action: 1. Conduct the first reading of Ordinance No. 18-2176: "An Ordinance of the City Council of the City of Cupertino Amending Cupertino Municipal Code Section 11.27.145 Designating Additional Preferential Parking Zones to add Noble Fir Court, Red Fir Court and White Fir Court"; and 2. Schedule second reading of the ordinance for September 18, 2018.
[Staff Report](#)
[A - Permit Parking Map](#)
[B - Draft Ordinance](#)
28. Subject: Storm Water Management Fee Study and Ballot Initiative
Recommended Action: 1. Authorize staff to hire a consultant for a contract amount not to exceed \$225,000 to complete a property related storm water management fee study and balloting process by June 30, 2019; and
2. Adopt Resolution No. 18-082 approving a Budget Adjustment in the amount of \$225,000 to complete a storm water management fee study and balloting process.
[Staff Report](#)
[A - Voxloca Business License Tax & Storm Drain Fee Survey May 2018](#)
[B - California Agency Storm Water Charges](#)
[C - Draft Resolution](#)

- 29.** Subject: Formation of the Santa Clara/Santa Cruz Airport/Community Roundtable on aircraft noise in the South Bay
- Recommended Action: A. Adopt Resolution No. 18-083 to join the Santa Clara/Santa Cruz Airport/Community Roundtable
- B. Authorize the City Manager to execute the Santa Clara/Santa Cruz Airport/Community Roundtable memorandum of understanding (MOU)
- C. Approve the Santa Clara/Santa Cruz Airport/Community Roundtable Bylaws
- [Staff Report](#)
- [A - Draft Resolution](#)
- [B - Roundtable MOU](#)
- [C - Roundtable By-laws](#)
- [D - Cities Association Letter](#)
- [E - Congressional Request](#)
- [F - Roundtable FAQ](#)
- [G - Funding Allocation Draft](#)
- [H - SFO Roundtable Budget](#)

REPORTS BY COUNCIL AND STAFF

- 30.** 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.