



CUPERTINO

CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, June 18, 2019

5:30 PM

Televised Special Meeting Study Session (5:30) and 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, June 18, 2019, commencing at 5:30 p.m. 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 - 5:30 PM

STUDY SESSION

1. Subject: Study Session regarding Vallco Shopping District Special Area Initial General Plan Amendments

Recommended Action: That the City Council conduct the study session, receive the report and provide direction to staff regarding moving forward with initial Vallco Shopping District Special Area General Plan and Zoning Amendments to address height limits and office and residential development allocations.

[Staff Report](#)

[A - GP Policy LU-19](#)

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 for June as Immigrant Heritage Month
Recommended Action: Present proclamation for June as Immigrant Heritage Month
3. Subject: Proclamation declaring July as Park and Recreation month
Recommended Action: Present proclamation declaring July as Park and Recreation month
4. Subject: Sustainability Commission Accomplishments Presentation
Recommended Action: Receive Sustainability Commission Accomplishments Presentation

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.

REPORTS BY COUNCIL AND STAFF (10 minutes)

5. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments

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.

6. Subject: Approve the May 13 City Council minutes
Recommended Action: Approve the May 13 City Council minutes

[A - Draft Minutes](#)

7. Subject: Approve the May 21 City Council minutes
Recommended Action: Approve the May 21 City Council minutes
[A - Draft Minutes](#)
8. Subject: Approve the May 29 City Council minutes
Recommended Action: Approve the May 29 City Council minutes
[A - Draft Minutes](#)
9. Subject: Housing Commission FY 2019-20 Work Program
Recommended Action: Approve the Housing Commission FY 2019-20 Work Program
[Staff Report](#)
10. Subject: Sustainability Commission FY 2019-20 Work Program
Recommended Action: Approve the Sustainability Commission FY 2019-20 Work Program
[Staff Report](#)
[A - Sustainability Commission FY 2019-20 Work Program](#)
11. Subject: Approve Amendments to existing lease agreements with Friends of the Stevens Creek Trail and the Santa Clara Valley Audubon Society for office space at the McClellan Ranch Preserve ranch house to extend the leases for a period of one year, through June 30, 2020
Recommended Action: Authorize the City Manager to execute amendments to existing lease agreements with Friends of the Stevens Creek Trail and the Santa Clara Valley Audubon Society for office space at the McClellan Ranch Preserve ranch house to extend the lease for a period of one year, through June 30, 2020 under the renewal terms of the lease
[Staff Report](#)
[A - Santa Clara Valley Audubon Society - Draft Lease Amendment](#)
[B - Friends of Stevens Creek Trail - Draft Lease Amendment](#)
[C - Santa Clara Valley Audubon Society - Existing Lease Agreement](#)
[D - Friends of Stevens Creek Trail - Existing Lease Agreement](#)
12. Subject: Authorize the City Manager to execute an Antenna Ground Lease Agreement to replace a prior agreement between the City of Cupertino and T-Mobile West Tower LLC, a Delaware Limited Liability Company for an existing cell tower at the Cupertino Service Center located at 10555 Mary Avenue, Cupertino

Recommended Action: Adopt Resolution 19-063 to authorize the City Manager to execute an Antenna Ground Lease Agreement to replace a prior agreement between the City of Cupertino and T-Mobile West Tower LLC, a Delaware Limited Liability Company

[Staff Report](#)

[A - Antenna Ground Lease - T-Mobile West Tower LLC](#)

[B - Draft Resolution](#)

[C - Photos of Existing Tower](#)

13. Subject: Adopt a Resolution authorizing the City Manager to vote "yes", sign, and submit the Clean Water and Storm Protection fee ballots on behalf of the City for the parcels owned by the City that are subject to the fee

Recommended Action: Adopt Resolution 19-064 authorizing the City Manager to vote "yes", sign and submit the ballots on behalf of the City for the parcels owned by the City that are subject to the proposed 2019 Clean Water and Storm Protection fee

[Staff Report](#)

[A - Draft Resolution](#)

14. Subject: Resolution adopting Cupertino's Emergency Operations Plan

Recommended Action: Adopt Resolution No. 19-065 adopting the 2019 update to the City of Cupertino's Emergency Operations Plan

[Staff Report](#)

[A - Draft Resolution](#)

[B - Updated City of Cupertino Emergency Operations Plan](#)

15. Subject: 2019 Pavement Maintenance Phase 2 Project, Project No. 2019-109

Recommended Action: Authorize the City Manager to award a contract to Graham Contractors, Inc., in the amount of \$373,416.03 and approve a construction contingency of \$37,000, for a total of \$410,416.03

[Staff Report](#)

[A - List of Streets to Receive Pavement Maintenance Treatment](#)

[B - Draft Contract](#)

[C - Bid Summary](#)

16. Subject: 2019 Reconstruction of Curbs, Gutters and Sidewalks, Project No. 2019-110

Recommended Action: Authorize the City Manager to award a contract to Spencon Construction, Inc., in the amount of \$1,010,850 and approve a construction contingency of \$100,000, for a total of \$1,110,850

[Staff Report](#)

[A - Bid Summary](#)

[B - Draft Contract](#)

SECOND READING OF ORDINANCES**PUBLIC HEARINGS**

17. Subject: Public hearing to consider and approve the Capital Improvement Plan (CIP); and the Recommended Budget for Fiscal Year (FY) 2019-20; and the Adoption of the Recommended Budget; and Establishment of the Appropriation Limit, and related actions; or take other action to approve interim expenditures.

Recommended Action: 1. Adopt Resolution No. 19-066 establishing an Operating Budget for FY 2019-20

- a. Approve an additional \$1,750,000 in appropriations to fund the Community Shuttle Pilot Program
- b. Approve Community Funding Requests of \$89,800 as included in the FY 2019-20 Operating Budget
- c. Approve an additional \$132,695 in appropriations to fund one new full time, benefitted Accounting Technician Position
- d. Approve an additional \$1,124,725 in appropriations to fund depreciation expense for FY 2019-20
- e. Approve an additional \$12,533 in appropriations to fund contingency for City Manager Divisions.
- f. Approve the removal of the HVAC request in the amount of \$30,000
- g. Approve the hiring of a new two-year limited term Assistant Engineer level position at a cost not to exceed \$175,000 per year

2. Adopt Resolution No. 19-067 establishing a Capital Improvement Program budget of \$39,532,418 for FY 2019-20.

a. Approve \$14,870,000 of transfers out from the Capital Reserve to fund the Capital Improvement Program budget in FY 2019-20 as noted below:

- \$13,470,000 to Capital Improvement Projects Capital Projects Fund
- \$1,275,000 Cupertino Sports Center Enterprise Fund
- \$125,000 to Recreation Programs Enterprise Fund

b. Approve Apple, Inc., donation in the amount of \$9,792,418 and appropriate \$9,792,418 to fund the projects identified in the 2016 Bicycle Transportation Plan, 2018 Pedestrian Plan, School Walk Audit, and Mary Avenue Protected Bikeway as follows:

- \$1,000,000 for McClellan Road Separated Bikeway Project (Byrne to Imperial) in Capital Improvement Projects Capital Projects Fund
- \$1,000,000 for McClellan Road Separated Bikeway Project (Stelling to Torre) in Capital Improvement Projects Capital Projects Fund
- \$160,000 for De Anza Blvd/McClellan Pacifica Signal Modification in Capital Improvement Projects Capital Projects Fund
- \$430,000 for McClellan Road Sidewalk Improvements Project in Capital Improvement Projects Capital Projects Fund
- \$2,035,000 for McClellan Road Sidewalk Improvements Project in Transportation Special Revenue Fund
- \$1,800,000 for Junipero Serra Trail in Capital Improvement Projects Capital Projects Fund
- \$1,980,555 for Bubb Road Project in Capital Improvement Projects Capital Projects Fund
- \$165,000 for Mary Avenue Protected Bikeway in Capital Improvement Projects

Capital Projects Fund

· \$1,221,863 for School Walk Audit Projects in Capital Improvement Projects
Capital Projects Fund

- c. Approve the removal in appropriations of \$65,000 for Bicycle Wayfinding Implementation
- d. Approve the reduction in appropriations of \$5,050,000 for Library Expansion
- e. Approve the additional \$1,500,000 in appropriations to fund the McClellan Ranch Preserve Community Garden Improvements
- f. Approve the reduction in appropriations for Capital Project Support for \$50,000
- g. Approve the reduction in appropriations for CIP Preliminary Planning & Design for \$125,000
- h. Approve the additional \$45,000 in appropriations to fund Street Light Installation - Annual Infill
- i. Approve the reduction in appropriations of \$662,400 for Solar EV Chargers at Sports Center
- j. Approve the removal in appropriations of \$2,200,000 for Linda Vista Trail

3. Adopt Resolution No. 19-068 establishing an Appropriation Limit of \$104,753,580 for FY 2019-20

[Staff Report](#)

[A - Draft Resolution - Operating Budget Budget for FY 2019-20](#)

[B - Draft Resolution - Capital Budget for FY 2019-20](#)

[C - Draft Resolution - Appropriation Limit for FY 2019-20](#)

[D - Budget Study Session Follow-Up Items](#)

[D1 - Per Capita Charts](#)

[D2a - Commission Staffing Allocations](#)

[D2b - Sister Cities & Friendship Cities Staffing Allocation](#)

[D3a - Community Funding Criteria, Analysis, Applications](#)

[D3b - Current Community Funding Policy](#)

[D3c - Red-lined Revised Community Funding Policy](#)

[D3d - Clean Copy Revised Community Funding Policy](#)

[D4a - Accounting Technician Position Request](#)

[D4b - Finance Staff Comparison](#)

[D5 - Workload Indicators](#)

[D6 - Festival Analysis](#)

[D7 - CIP FY 2020 - Capital Improvement Program](#)

18. **Subject:** Approve renewal of existing \$12/premise single family, \$144/acre commercial, \$36/acre unimproved premises and collection of storm drain fees for each premise at no increase in rates for FY 2019-2020

Recommended Action: Adopt Resolution No. 19-069 approving the renewal and collection of existing storm drain fees at no increase in rates for fiscal year 2019-2020

[Staff Report](#)[A - Resolution with Engineer's Report](#)

19. **Subject:** FY 2019-20 Community Development Block Grant (CDBG) Program Annual Action Plan

Recommended Action: Conduct public hearing and adopt Resolution No. 19-070 approving the FY 2019-20 CDBG Annual Action Plan.

[Staff Report](#)[A- Draft Resolution and Exhibit 1, COC FY 2019-20 Annual Action Plan](#)[B - Housing Commission Resolution No. 19-02](#)

20. **Subject:** Development and Architectural and Site Approval permits that would allow the replacement of nine one-story Public Storage facility buildings with two (2) four (4)-story buildings with basements; fence exception that would allow electronic vehicular gates; and a Tree Removal Permit that would allow the removal and replacement of seventeen (17) protected trees. (Application No(s): DP-2018-03, ASA-2018-04, EXC-2018-01, TR-2019-11; Applicant(s): Storage Equities, Inc. (Andres Friedman); Location: 20565 Valley Green Dr.; APN: 326-10-044)

Recommended Action: The Planning Commission recommends that the City Council:

1. Conduct the public hearing; and
2. Find the project exempt from CEQA; and
3. Adopt Resolution No. 19-071 approving the Development Permit (DP-2018-03); and
4. Adopt Resolution No. 19-072 approving the Architectural and Site Approval (ASA-2018-04); and
5. Adopt Resolution No. 19-073 approving the Fence Exception (EXC-2018-01); and
6. Adopt Resolution No. 19-074 approving the Tree removal Permit (TR-2019-11).

[Staff Report](#)[A - Draft Resolution for DP-2018-03](#)[B - Draft Resolution for ASA-2018-04](#)[C - Draft Resolution for EXC-2018-01](#)[D - Draft Resolution for TR-2019-11](#)[E - Planning Commission Resolutions](#)[F - Plan Set](#)[G - Parking Study](#)[H - Categorical Exemption Memo](#)

ORDINANCES AND ACTION ITEMS

21. **Subject:** Implementation of 18-month pilot program for on-demand community shuttle with Via

Recommended Action: 1. Authorize staff to pursue developing an 18-month pilot program (Alternative A), for an on-demand shuttle at a not-to-exceed cost of \$1.75M to be included in the FY19/20 operating budget; and

2. Find that use of formal competitive bidding procedures is not practical for the 18-month pilot program because Via is the sole source provider of a community shuttle program at this time and direct the City Manager to dispense with City bidding requirements pursuant to the Cupertino Municipal Code § 3.22.060

3. Direct the City Attorney to enter into contract negotiations with Via for subsequent Council consideration

[Staff Report](#)

[A - Revised Fares & Cost to City](#)

[B - Community Shuttle Council Staff Report \(4-16-19\)](#)

22. Subject: Donation for the funding of select projects identified in the 2016 Bicycle Transportation Plan, 2018 Pedestrian Plan, School Walk Audits and Mary Avenue Protected Bikeway

Recommended Action: 1. Authorize the City Manager to execute a multi-year grant donation agreement per the conditions specified in Attachment A in the amount of \$9,792,418 for the funding of select projects identified in the 2016 Bicycle Transportation Plan, 2018 Pedestrian Plan, School Walk Audit and Mary Avenue Protected Bikeway; and

2. Authorize the Director of Public Works to apply excess donation funds from any one completed project to other projects identified in the donation as needed and per the conditions specified in Exhibit A of the Grant Agreement; and
3. Approve a Budget Appropriation for FY19/20 totaling \$9,792,418; and
4. Authorize the hiring of a new two-year limited term Assistant Engineer level position at a cost not to exceed \$175,000 per year

[Staff Report](#)

[A - Draft Grant Agreement](#)

[B - Letter from Apple dated July 30, 2018](#)

[C - Letter from Apple dated March 27, 2019](#)

[D - April 2, 2019 Staff Report](#)

[E - Transportation Project List dated June 5, 2019](#)

23. Subject: Brush Abatement Program hearing to consider objections to proposed removal of brush and order abatement of the public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.320) regarding Defensible space (brush) and Resolution No. 19-057.

Recommended Action: 1. Conduct Brush Abatement Program hearing to note objections of property owners having their name on the list of properties that have been non-compliant in removing brush; and
2. Adopt Resolution No. 19-075 ordering abatement of public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.320) regarding Defensible space (brush) and Resolution No. 19-057.

[Staff Report](#)

[A - Draft Resolution](#)

[B – Brush Parcel Abatement List](#)

[C - WUI Letter Sent to All Property Owners](#)

[D – Brush Hearing Letter Sent to Non-Compliant Owners](#)

[E – Enforced Safety Regulations for WUI Zones Brochure](#)

[F - Approved Resolution No. 19-057](#)

24. Subject: Supplemental Weed Abatement Program hearing to consider objections to proposed removal of public nuisance (weeds) and to order abatement of nuisance pursuant to provisions of Cupertino Municipal Code (Chapter 9.08) regarding Weed Abatement and Resolution No. 19-059.

Recommended Action: 1. Conduct supplemental Weed Abatement Program hearing to note objections of property owners having their name on the list of properties that have been non-compliant in removing weeds; and
2. Adopt Resolution No. 19-076 ordering the abatement of a public nuisance (weeds) pursuant to provisions of Cupertino Municipal Code (Chapter 9.08) regarding Weed Abatement and Resolution No. 19-059.

[Staff Report](#)

[A - Draft Resolution](#)

[B - Special Weed Abatement Program Commencement Report](#)

[C - Notice to Destroy Weeds](#)

[D - Weed Abatement Fire Safety Standards Brochure](#)

[E - Approved Resolution No. 19-059](#)

25. Subject: Adopt 2019 Legislative Platform

Recommended Action: Adopt the City’s proposed 2019 Legislative Platform

[Staff Report](#)

[A - Proposed 2019 Legislative Platform](#)

26. Subject: Municipal Code Amendment to consider changing the composition of the Housing Commission to eliminate the requirement that one member be a representative from a Cupertino financial institution; (Application No.: MCA-2019-01; Applicant: City of Cupertino; Location: Citywide).

- Recommended Action: 1. Find that the proposed actions are exempt from CEQA; and
2. Conduct the first reading of the Ordinance 19-2185: “An Ordinance of the City Council of the City of Cupertino amending Title 2, Administration and Personnel, of the Cupertino Municipal Code Chapter 2.86 (Housing Commission), to eliminate the requirement that one member be a representative from a Cupertino financial institution.” (see Attachment A); and
3. Appoint the first alternate to the Housing Commission after the ordinance goes into effect.

Alternate Action: Not amend the Municipal Code and hold a special recruitment for the financial institution representative of the Housing Commission.

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Redline document indicating changes in Chapter 2.86.010 and 2.86.02](#)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

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.