



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber
Tuesday, September 3, 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, September 03, 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 Below Market Rate (BMR) Residential Housing Mitigation and Commercial Linkage Fees for the Cupertino BMR Housing Program. Application No(s): CP-2019-01; Applicant(s): City of Cupertino; Location: Citywide
Recommended Action: Receive update and provide any input to Staff
[Staff Report](#)
[A – July 2019 Economic Feasibility Analysis prepared by Strategic Economics](#)
[B – LeSar Development Consultants Peer Review](#)
[C – Redline Draft Economic Feasibility Analysis prepared by Strategic Economics](#)
[D – Strategic Economics Memorandum Regarding Peer Review](#)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Present award to Vishnu Athrey from Saint Andrews Episcopal School for winning the Qalaxia Build_your_ BOT contest.
Recommended Action: Present award to Vishnu Athrey from Saint Andrews Episcopal School for winning the Qalaxia Build_your_ BOT contest.
2. Subject: Proclamation for September as National Preparedness Month
Recommended Action: Present Proclamation for September as National Preparedness 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. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda.

REPORTS BY COUNCIL AND STAFF (10 minutes)

3. 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.

4. Subject: Approve the August 6 City Council minutes
Recommended Action: Approve the August 6 City Council minutes
[A - Draft Minutes](#)
5. Subject: Approve the August 20 City Council minutes
Recommended Action: Approve the August 20 City Council minutes
[A - Draft Minutes](#)
6. Subject: Resolution adopting the City of Cupertino's State-mandated Green Stormwater Infrastructure (GSI) Plan

Recommended Action: Adopt Resolution No. 19-112 adopting the City of Cupertino's Green Stormwater Infrastructure (GSI) Plan which demonstrates the City's long-term commitment to implementation of green stormwater infrastructure as required by the City's Municipal Regional Stormwater Permit for the San Francisco Bay Region

[Staff Report](#)

[A - GSI Plan](#)

[B - GSI Plan Appendices](#)

[C - GSI Plan Framework](#)

[D - GSI Resolution](#)

7. Subject: Award of contract to G. Bortolotto & Company, Inc. for \$270,000 for 2019 Speed Table Installation Project No. 2019-112
Recommended Action: Authorize the City Manager to award a contract to G. Bortolotto & Company, Inc. in the amount of \$246,100 and approve a construction contingency of \$24,000 for a total of \$270,000 for 2019 Speed Table Installation Project No. 2019-112
[Staff Report](#)
[A - Contract Documents](#)
8. Subject: 2018-2019 Civil Grand Jury of Santa Clara County Report Entitled, "Inquiry into Governance of the Valley Transportation Authority"
Recommended Action: Approval of response to the 2019-2019 Civil Grand Jury of Santa Clara County Report Entitled, "Inquiry into Governance of the Valley Transportation Authority"
[Staff Report](#)
[A - Civil Grand Jury of Santa Clara County Report](#)
[B - Response Letter to Civil Grand Jury of Santa Clara County](#)
9. Subject: Amendment to existing voluntary collection agreement with Airbnb regarding transient occupancy taxes to allow certain short-term rental hosts to remit taxes directly to the City
Recommended Action: Authorize the City Manager to enter into Amendment No. 1 to the voluntary collection agreement with Airbnb and to enter into other minor amendments to the voluntary collection agreement in the future
[Staff Report](#)
[A - Draft Amendment to VCA](#)
[B - VCA Staff Report 6.19.18](#)
10. Subject: Library Commission Fiscal Year (FY) 2019-20 Work Program
Recommended Action: Approve the Library Commission FY 2019-20 Work Program
[Staff Report](#)
[A - Draft Library FY 2019-20 Work Program](#)

SECOND READING OF ORDINANCES

11. Subject: Second reading of Ordinance Nos. 19-2187 and 19-2188 adopting Zoning Text and Map Amendments related to the Vallco Shopping District Special Area. (Application No(s): MCA-2019-02, Z-2019-01 (EA-2013-03); Applicant(s): City of Cupertino; Location: 10101 to 101333 North Wolfe Road APN#s:316-20-080, 316-20-081, 316-20-103, 316-20-107, 316-20-101, 316-20-105, 316-20-106, 316-20-104, 316-20-088, 316-20-092, 316-20-094, 316-20-099, 316-20-100, 316-20-095)

Recommended Action: Conduct the second reading and enact:

1. Ordinance No. 19-2187 (MCA-2019-01): "An Ordinance of the City Council of the City of Cupertino eliminating references in the Municipal Code to the Vallco Town Center Specific Plan and adding language establishing development standards for a new Mixed Use Planned Development with Multifamily (R3) Residential and General Commercial zoning designation (P(R3,CG))" and
2. Ordinance No. 19-2188 (Z-2019-01): "An Ordinance of the City Council of the City of Cupertino amending the zoning map to rezone 13.1 acres within the Vallco Shopping District Special Area to Mixed Use Planned Development with Multifamily (R3) Residential zoning P(R3,CG) and General Commercial uses and the remainder of the Special Area to General Commercial (CG)"

[Staff Report](#)

[A - Ordinance No. 19-2187 \(MCA-2019-01\) - Municipal Code Amendments](#)

[B - Ordinance No. 19-2188 \(Z-2019-01\) - Zoning Map Amendments](#)

[C - Area to be zoned P\(R3, CG\)](#)

PUBLIC HEARINGS**ORDINANCES AND ACTION ITEMS**

12. Subject: Application and Review Procedures for Projects Proposed Pursuant to Senate Bill 35 (Application No(s): CP-2019-04; Applicant(s): City of Cupertino; Location: Citywide)

Recommended Action: That the City Council find adoption of the proposed Resolution exempt from CEQA, adopt Resolution No. 19-113 for Application and Review Procedures for Projects proposed pursuant to Senate Bill 35, and review and provide any input on the Draft Senate Bill 35 Application Package.

[Staff Report](#)

[A - Draft Resolution](#)

[B - SB 35 Application Package and Forms](#)

[C - Staff Report without attachments \(SB 35 item\)](#)

[D - SB 35 Procedures CC Supplemental Staff Report](#)

[E - SB 35 Statute as Amended](#)

[F - HCD Guidelines \(SB 35 Item\)](#)

[G - Comments from PC and CC \(SB 35 item\)](#)

[H - Draft Resolution with redlines](#)

[I - SB35 Application Package with redlines](#)

13. **Subject:** Options for unofficial transcription of City Council meetings (continued from July 16)

Recommended Action: Receive options for unofficial transcription of City Council meetings and provide direction to staff to use the free YouTube auto-captioning feature for transcription of Council meetings.

[Staff Report](#)

ORAL COMMUNICATIONS - CONTINUED (As necessary)

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 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.