



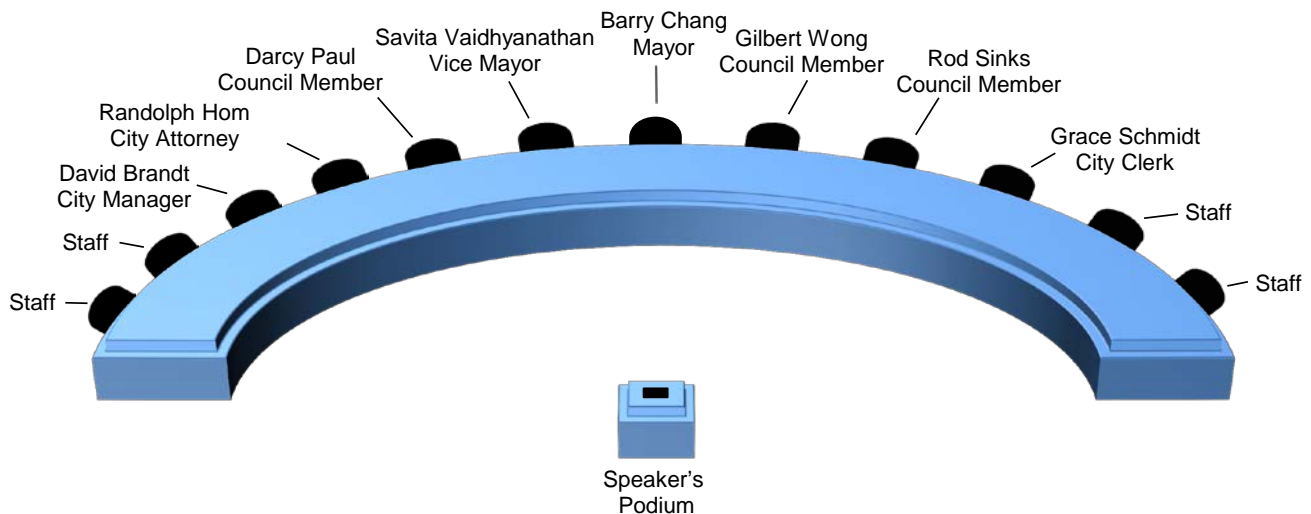
AMENDED

AGENDA OF THE CITY COUNCIL

TUESDAY, FEBRUARY 2, 2016

Special Non-televised Closed Session (5:30)

Televised Regular Meeting (6:45)



COMMUNITY HALL COUNCIL CHAMBER

10350 TORRE AVENUE • CUPERTINO, CA 95014

TELEPHONE: (408) 777-3220 (CITY HALL)

WEBSITE: www.cupertino.org

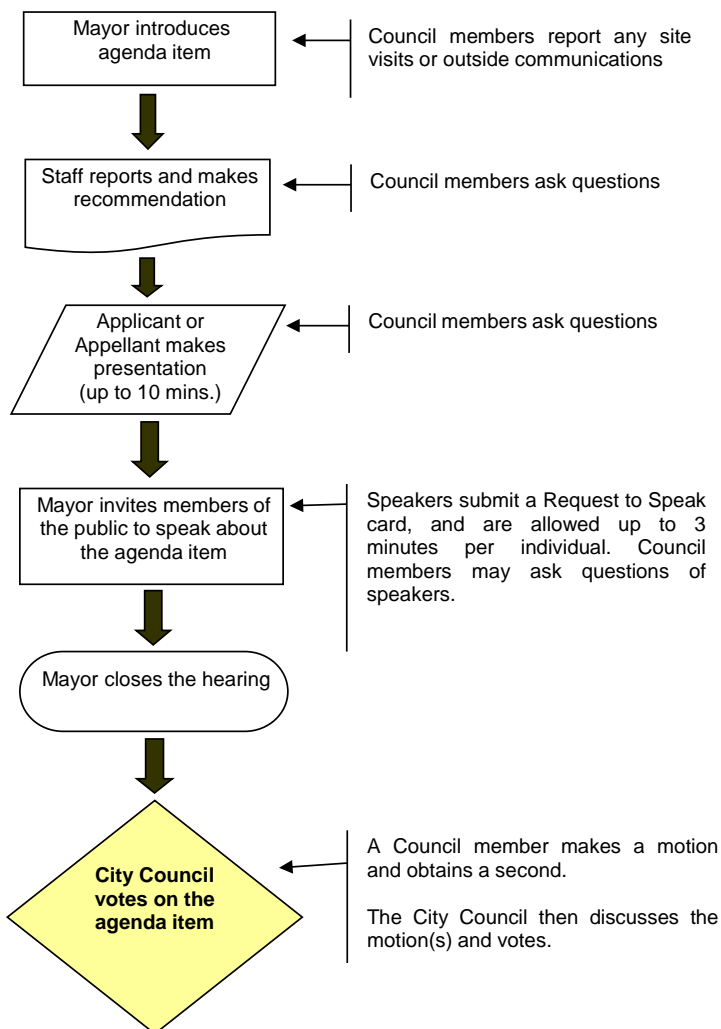
CONDUCT OF BUSINESS

The Mayor is the presiding officer of the City Council. Any member of the public may speak on any item on the agenda for up to three minutes. All statements and questions must be addressed to the Mayor.

City Council hearings serve as a venue for the discussion of sometimes divergent points of view. Please respect the opinions of others and refrain from outward expressions of emotions such as cheering or clapping. Such behavior delays the meeting and may intimidate other persons wishing to express alternate views. Loud, unruly outbursts will result in removal from the meeting.

The proceedings of the meeting are recorded on audiotape and videotape; therefore, members of the audience who address the City Council must come to the lectern/microphone, and are requested to complete a Speaker Card and identify themselves.

FLOWCHART FOR AGENDA ITEMS:



PUBLIC HEARINGS

The City Council is required by law to hold public hearings on certain matters prior to making its decision. Notice to interested parties is given by legal advertisement in the local newspaper of general circulation at least 10 calendar days preceding the hearing date. Applications requiring public hearings include change of zoning, variances, use permits, and tentative maps.

COUNCIL MEETINGS

The City Council regularly meets the first and third Tuesdays of each month. These meetings are held in the Council Chamber of the Cupertino Community Hall, 10350 Torre Avenue, at 6:45 p.m. Closed sessions, when needed, are normally held at 6:00 p.m. Closed sessions cover items such as personnel, litigation, or the sale, purchase, or lease of property. Actions taken in closed sessions are not final until acted upon in public session.

Urgent business, holidays, or election days may trigger special or adjourned meetings. These meetings will be noticed beforehand.

AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

Agendas, minutes, and packets for current and prior City Council and Planning Commission meetings are available at www.cupertino.org, or you can purchase the items on CD.

CITY COUNCIL DECISION IS FINAL

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 www.cupertino.org/index.aspx?page=125 for a reconsideration petition form.



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, February 2, 2016

5:30 PM

**AMENDED Non-televised Special Closed Session (5:30) Followed by Televised Regular Meeting
(6:45)**

Amended on 1/28/16 to update Item No. 15 Attachments B and C

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, February 02, 2016, commencing at 5:30 p.m. in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, California 95014 and the regular meeting following at 6:45 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

SPECIAL MEETING

CLOSED SESSION - 5:30 PM

City Hall Conference Room A, 10300 Torre Avenue

- 1. Subject: Conference with Legal Counsel-Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of case: City of Saratoga; City of Cupertino; Town of Los Gatos v. California Department of Transportation, et al.**

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall Council Chamber, 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Present Young Artist Awards to Saailey Palekar (Age 6-10), Kathy Liang (Age 11-14) and Maya Kapur (Age 15-18)
Recommended Action: Present Young Artist Awards to Saailey Palekar (Age 6-10), Kathy Liang (Age 11-14) and Maya Kapur (Age 15-18)
2. Subject: Presentation of "TacoCat" transporation video by students Derrick Lee and Jonathan Fung and first place monetary award
Recommended Action: View video presentation and present first place monetary award

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 January 12 City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)
4. Subject: Approve the January 19 City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)
5. Subject: Approve the January 25 (commission interviews) City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)
6. Subject: Approve the January 26 (commission interviews) City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)

7. Subject: Accept Accounts Payable for the period ending December 18, 2015
Recommended Action: Adopt Resolution No. 16-011 accepting Accounts Payable for the period ending December 18, 2015
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending December 30, 2015
Recommended Action: Adopt Resolution No. 16-012 accepting Accounts Payable for the period ending December 30, 2015
[A - Draft Resolution](#)
[B - AP Report](#)
9. Subject: Letter Agreement between The Irvine Company, LLC, a California limited liability company and the City of Cupertino, a municipal corporation agreeing to an advance contribution of \$200,000 to be used for the I-280/Wolfe Road Interchange Improvement Project and to be credited against Irvine Company's \$7,000,000 future contribution that is currently contemplated as a Development Agreement item for their proposed development for the Hamptons Apartment Project at 19500 Pruneridge Avenue
Recommended Action: 1) Authorize the City Manager to execute an agreement with the Irvine Company, LLC to accept an advance contribution of \$200,000 to be used for the I-280/Wolfe Road Interchange Project
2) Amend approved FY 15/16 Operating Budget by an additional expense amount of \$1,200,000 for I-280/Wolfe Road Interchange Project budget
3) Amend approved FY 15/16 Operating Budget by an additional revenue amount of \$1,200,000 for I-280/Wolfe Road Interchange Project budget
[Staff Report](#)
[A - Draft Funding Agreement](#)
10. Subject: Bubb, Elm & McClellan Storm Drain/Sanitary Sewer Improvement Project - Increase Contingency Authorization
Recommended Action: Authorize an increase in the construction contingency amount by an additional \$32,000 with funds from the current appropriated project budget
[Staff Report](#)
11. Subject: Discontinue headline translations
Recommended Action: Discontinue headline translations and redirect the funds to other budget priorities
[Staff Report](#)
12. Subject: Transportation Tax Measure Allocations

Recommended Action: Approve advocacy direction to City representatives regarding the proposed Santa Clara County sales tax, including general funding levels within expenditure categories, as developed in coordination with other North County and West Valley cities

[Staff Report](#)

[A - Draft VTP 2040 Project List 8-19-15](#)

[B - CC Resolution No. 15-077 Implementation of Long-Term Mass Trans](#)

SECOND READING OF ORDINANCES

13. Subject: Second Reading of Ordinance amending the Cupertino Municipal Code to prohibit marijuana cultivation, dispensaries, and deliveries and commercial cannabis activities within the City of Cupertino. (Application No. MCA-2015-01; Location: City-wide; Applicant: City of Cupertino)

Recommended Action: Conduct the second reading and adopt Ordinance No. 16-2140: "An Ordinance of the City Council of the City of Cupertino Amending Section 19.08.030 and adding Chapter 19.98 of Title 19 of the Cupertino Municipal Code Regarding Medical Marijuana Dispensaries, Marijuana Cultivation Facilities, Commercial Cannabis Activities, and Medical Marijuana Deliveries"

[Staff Report](#)

[A - Draft Ordinance](#)

14. Subject: An ordinance amending Sections 14.04.100 and 18.56.040 of the Cupertino municipal code to provide for a limited waiver of reimbursement requirements when a property owner dedicates right-of-way for a city street improvement or facility project.

Recommended Action: Conduct the second reading and enact Ordinance No. 16-2141: "An Ordinance of the City Council of the City of Cupertino amending Sections 14.04.100 and 18.56.040 of the Cupertino Municipal Code to provide for a limited waiver of reimbursement requirements when a property owner dedicates right-of-way for a city street improvement or facility project," with an amendment directed by the City Council during the first reading of the ordinance amendment on January 19, 2016 to include a provision in the ordinance language such that the city council determines the percent of a waiver to offer for right of way acquisition for individual projects as they are approved during the CIP budget process, to facilitate the provision of sidewalks and street widening in certain areas where pedestrians and bicyclists are prevalent

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Redline Version of Draft Ordinance](#)

PUBLIC HEARINGS

ORDINANCES AND ACTION ITEMS

15. Subject: Review and consider two development proposals (the Goodyear Tire and Oaks sites) submitted for consideration by the City Council to authorize the applicants to submit an application for General Plan Amendments and staff to commence environmental and project review. (Application No.(s): GPAAAuth-2015-01 & GPAAAuth-2015-02; Applicant: KT Urban, Mark Tersini and De Anza Ventures (Oaks shopping center); Location: 21255-21755 Stevens Creek Boulevard, 10931 N. De Anza Boulevard (Goodyear Tire); APN: 326-27-039, -040 and -041; 326-10-058)

Recommended Action: Staff recommends that the City Council adopt Resolution No. 16-013 after determining which applications are authorized to move forward to apply for General Plan Amendments

[Staff Report](#)

[A - Draft Resolution No. 16-013](#)

[A.1 - CC Reso No. 15-078: Policy on Authorization of General Plan Ame](#)

[B - Goodyear Tire project plans](#)

[C - Oaks project plans](#)

[D - Correspondence](#)

[E1 - Economic Analysis Hotel Memo 01.21.16](#)

[E2 - Economic Analysis Oaks Memo 01.21.16](#)

REPORTS BY COUNCIL AND STAFF

16. Subject: Construction Project Updates

Recommended Action: Receive updates

17. 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.

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.

THE CITY COUNCIL AND STAFF

CITY COUNCIL

Cupertino is a General Law city organized under and subject to statutes of the State of California. It is governed by the five-member City Council with the Mayor as the presiding officer. City Council members are elected at-large to four-year, overlapping terms. Each November a mayor and a vice-mayor are selected by the City Council for a one-year term.

The City Council receives advice and assistance from nine commissions, which are appointed by the Council. These are the Bicycle Pedestrian Commission, Fine Arts Commission, Cupertino Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Teen Commission, and the Technology, Information, and Communications Commission.

Council members also serve on a variety of regional bodies, including:

- Association of Bay Area Governments
- League of California Cities
- Santa Clara County (SCC) Cities Association
- SCC Emergency Preparedness Council
- SCC Library District
- SCC Emergency Preparedness Commission
- Santa Clara Valley Water Commission and Water District
- SCC Transportation Authority
- West Valley Mayors and Managers

STAFF

The City Manager and the City Attorney are appointed by the Council. The City Manager is responsible for interpreting and carrying out Council policies and direction, and as the chief administrative officer, the City Manager coordinates the many activities of the city and appoints the professional and technical staff. The City Attorney is the advisor to the City Council as a whole.

TYPES OF COUNCIL ACTIONS

ORDINANCES

Ordinances are the means by which the City enacts its local laws. Unless an urgent situation exists, ordinances will first be presented at a Council meeting as a "first reading." At a subsequent Council meeting, there will be a "second reading and adoption." Ordinances go into effect after a waiting period of thirty days, in most cases, during which time the summary of the ordinance is published in a local newspaper approved for this purpose.

RESOLUTIONS

Resolutions and minute orders are the means by which the City Council formally adopts policies or approves specific actions. These go into effect when adopted.

APPEALS

Any interested person, including a Council member, may appeal a Planning Commission or Director of Community Development decision to the City Council. An appeal must be submitted in writing to the City Clerk within 14 calendar days of the mailing of the notice of the decision.

RECONSIDERATION

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 [www. http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

COMMUNICATING WITH COUNCIL

All Council members:	citycouncil@cupertino.org	
Barry Chang	BChang@cupertino.org	(408) 777-3192
Savita Vaidhyanathan	SVaidhyanathan@cupertino.org	(408) 777-3193
Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Rod Sinks	RSinks@cupertino.org	(408) 777-3194
Gilbert Wong	GWong@cupertino.org	(408) 777-3191
Council administrator	ToniO@cupertino.org	(408) 777-3212
City Hall	www.cupertino.org	(408) 777-CITY

Please note: the City Council discourages submission of written materials on the day of the meeting as this does not provide enough time to give the materials fair evaluation. If you must provide written materials on the day of the meeting, as least one copy must be given to the City Clerk for the permanent record, and ten copies are preferred.

NEWS AND NOTICES FROM CITY HALL

EMAIL

Sign up for e-mailed agendas, minutes, elections, and other items on the city website at www.cupertino.org, or fill out a Speaker Card at the meeting and check your categories of interest.

TELEVISION

The City Channel broadcasts City Council and Planning Commission meetings, as well as agenda previews, public service announcements, and other programs of community interest, on Channel 26 in Cupertino. The meetings are shown at these times:

Tuesday (live)	6:45 p.m.	Friday (replay)	10:00 a.m.
Thursday (replay)	7:00 p.m.	Saturday (replay)	9:00 a.m.

INTERNET

City Council and Planning Commission videos are available on demand at www.cupertino.org. Click "View meetings online."

You can also use iTunes to listen online or download podcasts of City Council meetings. iTunes is a free software program available for Mac and PC users. Occasionally, news and community information is also available at www.Twitter.com/CupertinoCom

AUDIO

Tune into Radio Cupertino, 1670 AM, for meeting announcements, public service messages, and emergency announcements.

USEFUL TELEPHONE NUMBERS

City of Cupertino (City Hall)	General Information and Comments	(408) 777-CITY
Fire (Emergency)	Santa Clara County Fire Dept. dispatch	911
Fire (Non-Emergency)	Santa Clara County Fire Dept.	(408) 378-4010
Garbage	Recology South Bay	(408) 725-4020
Gas & Electricity	Pacific Gas & Electric (PG&E)	1-800-743-5000
Recreation & Community Services	Quinlan Community Center	(408) 777-3120
Police (Emergency)	Santa Clara County Sheriff dispatch	911
Police (Non-Emergency)	Santa Clara County Sheriff	(408) 868-6600
Public Health	Santa Clara County Public Health	(408) 732-3720
Sanitary Sewers	Cupertino Sanitary District	(408) 253-7071
Water	San Jose Water	(408) 279-7900
	California Water	(650) 917-0152