

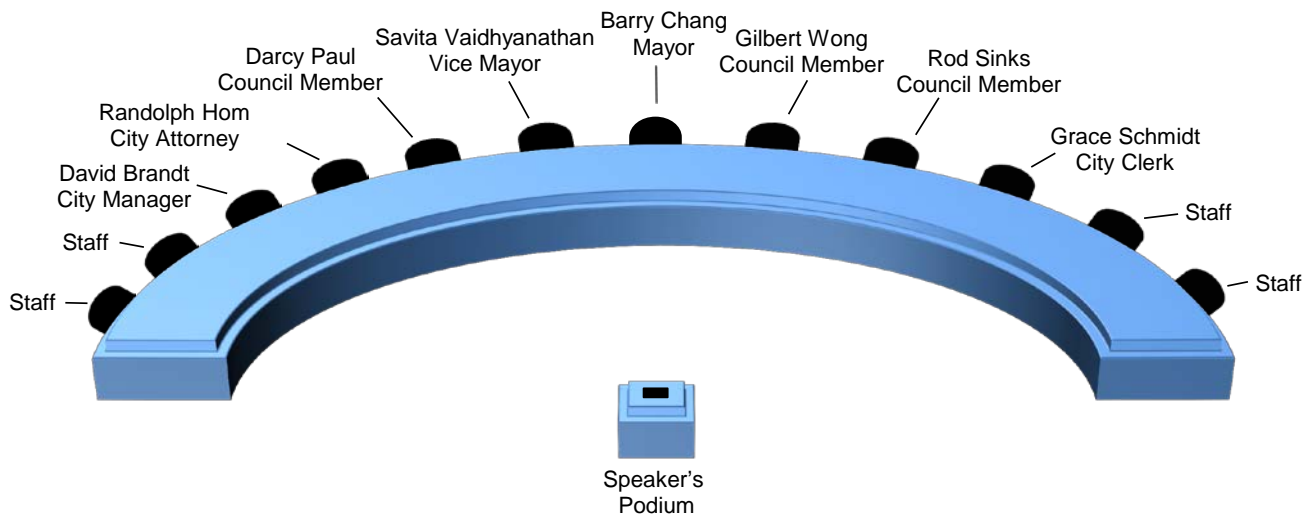


AGENDA OF THE CITY COUNCIL

Tuesday, July 5, 2016

Non-televised Special Meeting Closed Session (4:30)

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

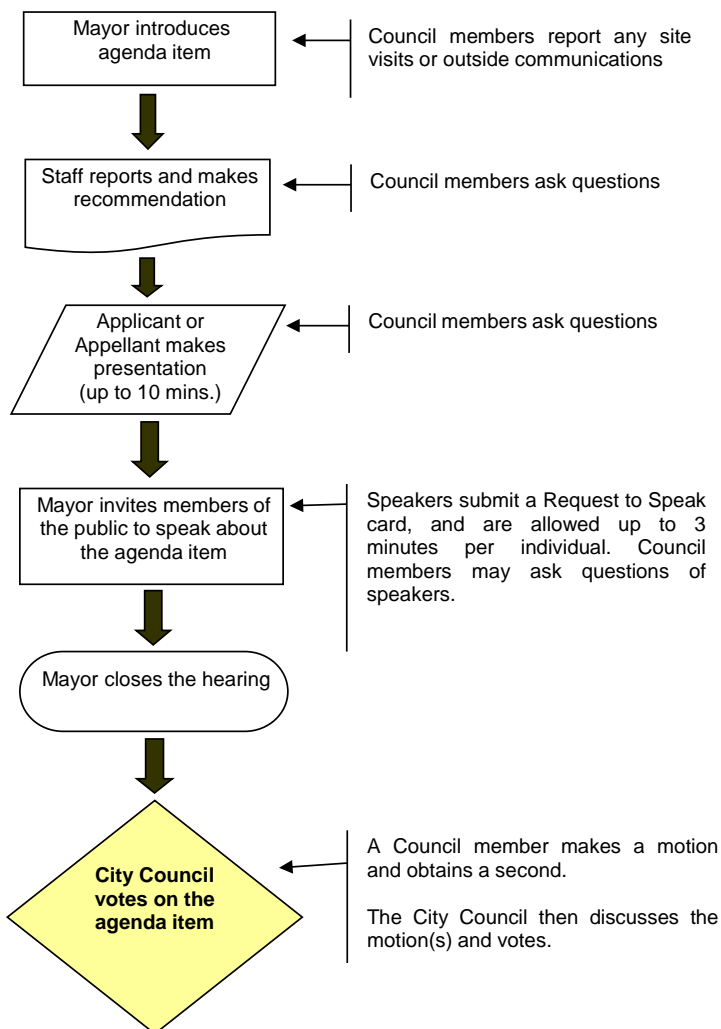
CONDUCT OF BUSINESS

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, July 5, 2016

4:30 PM

Non-televised Special Meeting Closed Session (4:30); Followed by 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, July 5, 2016, commencing at 4:30 p.m. in City Hall Conference Room A, 10300 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

City Hall Conference Room A, 10300 Torre Avenue

CLOSED SESSION

1. Subject: Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Properties: APN 375-21-001, Lawrence Expressway at Mitty Avenue and APN 381-19-015, Lawrence Expressway at Doyle Road. Agency Negotiators: Jaqui Guzman and Gail Seeds. Negotiating Parties: San Jose Water Company; County Roads and Airports; City of San Jose. Under Negotiation: Price and terms of payment
2. Subject: Conference with legal counsel - Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Gov't Code 54956.9; Name of Case: *City of Saratoga; City of Cupertino; Town of Los Gatos v. California Department of Transportation*, et al; Santa Clara County Superior Court Case No.: 115CV281214
3. Subject: Conference with legal counsel - Existing Litigation pursuant to

Paragraph (1) of subdivision (d) of Gov't Code 54956.9: Name of Case:
Committee Supporting Cupertino Citizens' Sensible Growth Initiative, Steven Scharf, Xiangchen Xu, Govind Tatachari, Petitioners v. City of Cupertino, et al.
Santa Clara County Case No. 16CV296322

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall Council Chamber, 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation for July as Park and Recreation Month
Recommended Action: Present Proclamation
2. Subject: Commendations to winners of CU Hacks 2 hackathon contest sponsored by the Cupertino Library and the Cupertino Library Foundation to promote engineering and computer programming skills
Recommended Action: Present commendations and view videos of the four winning teams: Hector the Hippo (Beginner category); No Collisions (Traffic category); My Water (Environment category); Savior (Public Safety category)

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 June 21 City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)

4. Subject: Request for Funding - Stevens Creek L.P. an affiliate of Charities Housing Development Corporation of Santa Clara County - Affordable Senior Housing, 19160 Stevens Creek Boulevard
Recommended Action: Adopt Resolution No. 16-071 to reserve \$3,672,000 from the City's Affordable Housing Fund to assist in the potential development of affordable senior housing at 19160 Stevens Creek Boulevard in the City of Cupertino; and to make findings required by the California Environmental Quality Act.
[Staff Report](#)
[A - Draft Resolution](#)
[B - Housing Commission Resolution 16-04](#)
[C - Request for Funding](#)
[D - Financial Pro-Forma](#)
[E - Preliminary Title Report](#)
5. Subject: Pasadena Avenue Public Improvements Project No. 2016-13
Recommended Action: Authorize the City Manager to award and execute a construction contract with O'Grady Paving, Inc. in the amount of \$373,100 and approve a construction contingency of \$37,000 for a total of \$410,100.
[Staff Report](#)
[A - Draft Contract](#)

SECOND READING OF ORDINANCES

6. Subject: Second reading of an ordinance approving a development agreement by and between the City of Cupertino and IAC at Cupertino LLC for the Hamptons project located at 19500 Pruneridge Avenue
Recommended Action: Conduct the second reading and enact Ordinance No. 16-2144: "An Ordinance of the Cupertino City Council approving a Development Agreement by and between the City of Cupertino and IAC at Cupertino LLC for the Hamptons project located at 19500 Pruneridge Avenue"
[Staff Report](#)
[A - Draft Ordinance 16-2144](#)
[B - Signed Development Agreement](#)
[C - Redline Ordinance and Development Agreement](#)

PUBLIC HEARINGS

7. Subject: Consideration of a payment to solid waste franchisee (Recology Cupertino) of \$146,128 for increased costs incurred to process organic materials from October 2015 through June 2016; and establishing a maximum rate schedule which includes a 5.28% increase in maximum rates effective July 1, 2016 to

non-residential/multi-family and compactor garbage/compostable materials customers

Recommended Action: 1. Authorize a payment of \$146,128 to Recology Cupertino from the Resource Recovery fund 520-81-801; and

2. Adopt Resolution 16-072 (Attachment A) establishing a maximum rate schedule which includes an increase of 5.28% in non-residential/multi-family and compactor garbage and compostable materials customers effective July 1, 2016

[Staff Report](#)

[Attachment A - Draft Resolution](#)

[Attachment B - Cupertino Rate Comparison](#)

[Attachment C - Notification w rates](#)

8. Subject: Update on regional drought response, proposed regulations restricting water use and authorize negotiation and execution of a Memorandum of Understanding (MOU) with the Santa Clara Valley Water District (District) for a landscape conversion rebate program

Recommended Action: Staff recommends that Council take the following actions:

- 1) Receive staff report on current regional drought actions; and
- 2) Adopt Resolution No. 16-073 adopting 2016-2017 Regulations Restricting Water Use; and
- 3) Adopt Resolution No.16-074 authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) with the District in an amount up to \$115,000 for a landscape conversion rebate program

[Staff Report](#)

[Attachment A - SCVWD 2016 Press Release to Conserve 20%](#)

[Attachment B - Notice of Intent Legal Ad - CC 7-5-16 - Adopting regulat](#)

[Attachment C - Draft Resolution FY16-17 Drought Regulation with attac](#)

[Attachment D - SCVWD Landscape Conversion Rebate Program 2016](#)

[Attachment E - Draft Resolution with Lawn Conversion Rebate Program \]](#)

ORDINANCES AND ACTION ITEMS

9. Subject: First reading of an ordinance amending section 11.27.145 of the Cupertino Municipal Code relating to Designation of Preferential Parking Zone on Hammond Way

Recommended Action: Conduct the first reading of Ordinance No. 16-2145: "An ordinance of the City Council of the City of Cupertino amending section 11.27.145 of the Cupertino Municipal Code relating to designation of preferential parking zones" on Hammond Way on Saturdays, Sundays and holidays between the hours of 7 a.m. and 4 p.m.

[Staff Report](#)

[A - Permit Parking Map](#)

[B - Draft Ordinance](#)

10. Subject: First reading of an ordinance amending section 11.27.145 of the Cupertino Municipal Code relating to Designation of Preferential Parking Zone on Oak Valley Road, Juniper Court, Sycamore Drive and Black Oak Way

Recommended Action: Conduct the first reading of Ordinance No. 16-2146: "An ordinance of the City Council of the City of Cupertino amending section 11.27.145 of the Cupertino Municipal Code relating to designation of preferential parking zones" on Oak Valley Road, Juniper Court, Sycamore Drive and Black Oak Way on Saturdays, Sundays and holidays between the hours of 7 a.m. and 4 p.m.

[Staff Report](#)

[A - Permit Parking Map](#)

[B - Draft Ordinance](#)

11. Subject: Election Code section 9212 report relating to proposed initiative entitled, "Initiative adopting the Vallco Town Center Specific Plan to (1) provide that the Vallco Shopping District Special Area ("Area") contains a mixture of residential, office, retail, civic and education uses; (2) require any development to fund or provide community benefits such as transit, schools, a green roof and recycled water; and (3) grant the property owner initial entitlements to develop in accordance with the Initiative and establish a process for future approvals; and making related amendments to Cupertino's General Plan and Municipal Code" ("Initiative"); determination whether to place measure on the ballot; determination regarding ballot arguments and impartial analysis

Recommended Action: 1. Receive the Report on the Impacts of Proposed Initiative and either:

a. Adopt the Initiative; or

b. Adopt Resolution No. 16-075 ordering that the Initiative be placed on the Ballot for the November 8, 2016 General Municipal Election, to be consolidated with the Statewide General Election; and

2. Consider whether to direct the City elections official to transmit the Initiative to the city attorney for preparation of an impartial analysis per the draft resolution; and

3. Consider whether to authorize City Council members, or the Council as a whole, to submit ballot arguments against the Initiative per the draft resolution

[Staff Report](#)[A – 9212 Report](#)[A-1 - Appendix 1 \(Text of Proposed Initiative without Exhibits, Title & S](#)[A-2 - Appendix 2 \(Section-by-Section description and summary of Initiati](#)[A-3 - Appendix 3 \(CA Elections Code 9212\)](#)[A-4 - Appendix 4 \(Resolution No. 16-027 calling for Report\)](#)[A-5 - Appendix 5 \(9212 Environmental Analysis\)](#)[A-6 - Appendix 6 \(Donation Agreements CUSD & FUHSD\)](#)[A-7 - Appendix 7 \(Fiscal Analysis tables\)](#)[A-8 - Appendix 8 \(Project description, EIR, General Plan Policies\)](#)[B - Draft Resolution calling measure election](#)[C - Memorandum to City Council from City Attorney](#)[D - Link to Vallco Town Center Specific Plan Initiative](#)

12. Subject: Designation of voting delegate and alternates for League of California Annual Conference, October 5-7, Long Beach

Recommended Action: Designate a voting delegate and up to two alternates for League of California Annual Conference, October 5-7, Long Beach

[Staff Report](#)[A - Conference Information](#)

REPORTS BY COUNCIL AND STAFF

13. Subject: Construction Project Updates

Recommended Action: Receive Update

14. 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