

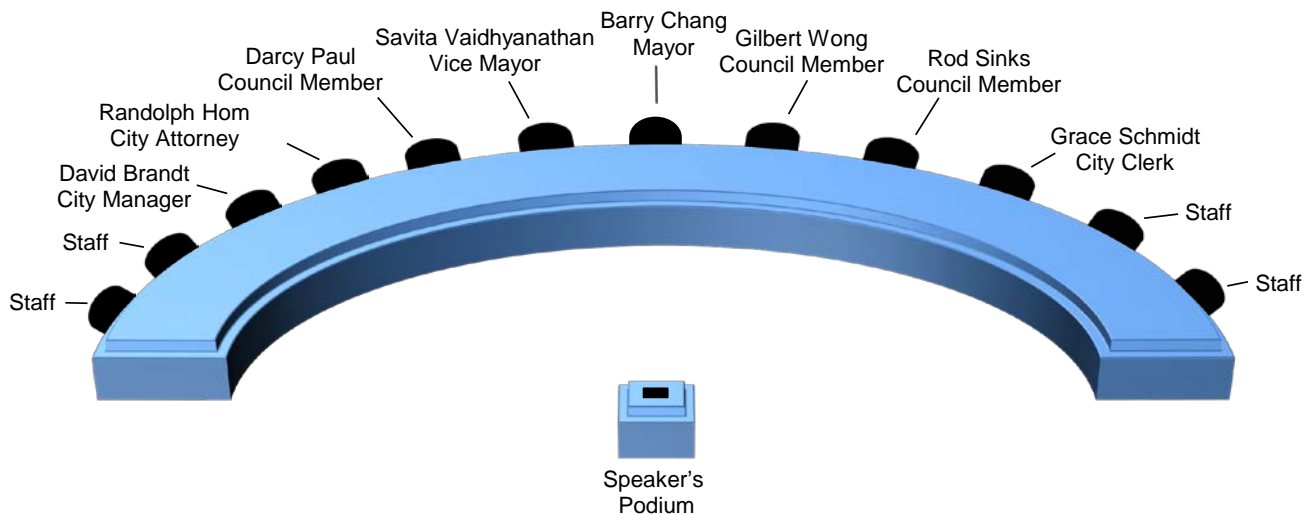


## AGENDA OF THE CITY COUNCIL

**Tuesday, August 2, 2016**

**Non-televised Special Meeting Closed Session (5:00)**

**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](http://www.cupertino.org)

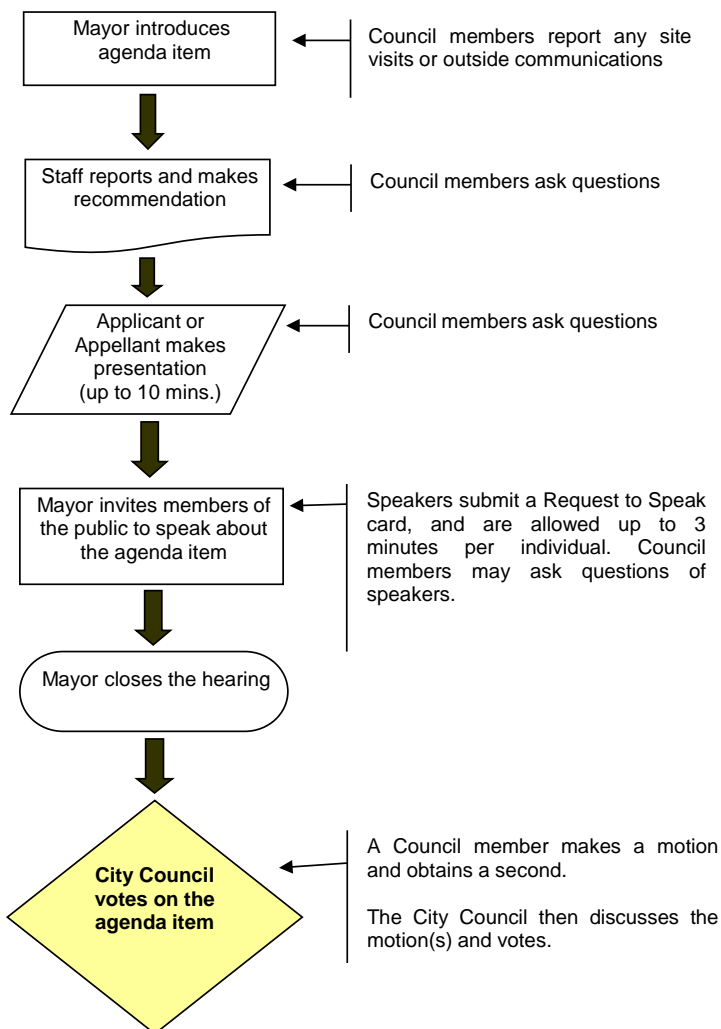
## CONDUCT OF BUSINESS

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](http://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](http://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, August 2, 2016

5:00 PM

Non-televised Special Meeting Closed Session (5:00); 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, August 02, 2016, commencing at 5:00 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 95014. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

### SPECIAL MEETING

#### ROLL CALL - 5:00 PM

10300 Torre Avenue, City Hall Conference Room A

#### CLOSED SESSION

1. Subject: Conference with Legal Counsel- Existing litigation (Paragraph (1) of subdivision (d) of Gov't Code Section 54956.9)  
Name of Case: *Carlton v. City of Cupertino, et. al.*, Federal District Court, Case no. 5:14-CV-03178-RMW
2. Subject: Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Gov't Code Section 54956.9 -[one case]

#### ADJOURNMENT

### REGULAR MEETING

**PLEDGE OF ALLEGIANCE - 6:45 PM****10350 Torre Avenue, Community Hall Council Chamber****ROLL CALL****STUDY SESSION**

1. Subject: Update on Economic Development Strategic Plan  
Recommended Action: Receive update  
[A - Draft Economic Development Strategic Plan](#)

**CEREMONIAL MATTERS AND PRESENTATIONS**

2. Subject: Transportation video of the Shanghai Metro subway system in Shanghai, China  
Recommended Action: Present video

**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 July 5 City Council minutes  
Recommended Action: Approve the minutes  
[A - Draft Minutes](#)
4. Subject: Accept Accounts Payable for the week ending May 13, 2016  
Recommended Action: Adopt Resolution No. 16-076 accepting Accounts Payable for the week ending May 13, 2016  
[A - Draft Resolution](#)  
[B - AP Report](#)
5. Subject: Accept Accounts Payable for the period ending May 20, 2016

Recommended Action: Adopt Resolution No. 16-077 accepting Accounts Payable for the period ending May 20, 2016

[A - Draft Resolution](#)

[B - AP Report](#)

6. Subject: Accept Accounts Payable for the period ending May 27, 2016

Recommended Action: Adopt Resolution No. 16-078 accepting Accounts Payable for the period ending May 27, 2016

[A - Draft Resolution](#)

[B - AP Report](#)

7. Subject: Accept Accounts Payable for the period ending June 3, 2016

Recommended Action: Adopt Resolution No. 16-079 accepting Accounts Payable for the period ending June 3, 2016

[A - Draft Resolution](#)

[B - AP Report](#)

8. Subject: Accept Accounts Payable for the period ending June 10, 2016

Recommended Action: Adopt Resolution No. 16-080 accepting Accounts Payable for the period ending June 10, 2016

[A - Draft Resolution](#)

[B - AP Report](#)

9. Subject: Accept Accounts Payable for the period ending June 17, 2016

Recommended Action: Adopt Resolution No. 16-081 accepting Accounts Payable for the period ending June 17, 2016

[A - Draft Resolution](#)

[B - AP Report](#)

10. Subject: Accept Accounts Payable for the period ending June 24, 2016

Recommended Action: Adopt Resolution No. 16-082 accepting Accounts Payable for the period ending June 24, 2016

[A - Draft Resolution](#)

[B - AP Report](#)

11. Subject: Treasurer's Investment Report for the Quarter ending December 31, 2015

Recommended Action: Accept the Treasurer's Investment Report for the Quarter ending December 31, 2015

[Staff Report](#)

[A - Investment Portfolio quarter ended December 31, 2015](#)

[B - Supplemental Portfolio Analysis](#)

12. Subject: Treasurer's Investment Report for the Quarter ending March 31, 2016

Recommended Action: Accept the Treasurer's Investment Report for the Quarter ending March 31, 2016

[Staff Report](#)

[A - Investment Portfolio](#)

[B - Supplemental Portfolio Analysis](#)

13. Subject: Amendment to Silicon Valley Regional Interoperability Authority joint powers authority

Recommended Action: Approve revisions to the Silicon Valley Regional Interoperability Authority joint powers authority to add a new member, the Santa Clara Valley Transportation Authority

[Staff Report](#)

[A - Proposed SVRIA JPA](#)

[B - Redlined Proposed SVRIA JPA](#)

14. Subject: Approval of the destruction of records from the City Clerk, City Manager, Human Resources, Public Works, and Recreation & Community Services (Quinlan Community Center and Senior Center) Departments

Recommended Action: Adopt Resolution No. 16-083 approving the destruction of records from the City Clerk, City Manager, Human Resources, Public Works, and Recreation & Community Services (Quinlan Community Center and Senior Center) Departments

[Staff Report](#)

[A - Draft Resolution](#)

15. Subject: Accept resignation of Public Safety Commissioner Bob Cascone and fill the unscheduled vacancy.

Recommended Action: Accept resignation of Public Safety Commissioner Bob Cascone and direct staff to fill the unscheduled vacancy; and set an application deadline of 4:30 p.m. on Friday, September 9, 2016 and an interview date of Tuesday September 20, 2016 beginning at 5:30 p.m.

[Staff Report](#)

[A - Resignation Letter](#)

16. Subject: Execute a contract with Dan Gertmanian for Math Olympiad Program and Chess instruction for period July 1, 2016 to June 30, 2017

Recommended Action: Authorize City Manager to negotiate and execute contract with Dan Gertmanian for Math Olympiad Program and Chess instruction for period July 1, 2016 to June 30, 2017

[Staff Report](#)

[A - Draft Agreement](#)

17. Subject: Application for Alcoholic Beverage License for Husdow, Inc (dba Red Hot Wok), 10074 E Estates Drive

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the Application for Alcoholic Beverage License for Husdow, Inc (dba Red Hot Wok), 10074 E Estates Drive

[Staff Report](#)

[A - Application](#)

18. Subject: Application for Alcoholic Beverage License for Oren's Hummus Cupertino, LLC (dba Oren's Hummus Shop), 19419 Stevens Creek Boulevard #100

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the Application for Alcoholic Beverage License for Oren's Hummus Cupertino, LLC (dba Oren's Hummus Shop), 19419 Stevens Creek Boulevard #100

[Staff Report](#)

[A - Application](#)

19. Subject: 2016/17 Reconstruction of Curbs, Gutters and Sidewalks Project, Project No. 2017-01

Recommended Action: Authorize the City Manager to award and execute a contract with Spencon Construction, Inc., in the amount of \$1,943,818 and approve a construction contingency of \$56,182, for a total of \$2,000,000

[Staff Report](#)

[A - Bid Summary](#)

[B - Draft Contract](#)

## SECOND READING OF ORDINANCES

20. Subject: Second 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 second reading and enact 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](#)

21. Subject: Second 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 second reading and enact 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](#)

## **PUBLIC HEARINGS**

### **ORDINANCES AND ACTION ITEMS**

22. Subject: Cancel the Regular Meeting of December 6 and call a Special Meeting for December 8 to receive the Certification of Election results from the November 8 General Municipal Election and conduct the swearing-in ceremony

Recommended Action: Cancel the Regular Meeting of December 6 and call a Special Meeting for December 8 to receive the Certification of Election results from the November 8 General Municipal Election and conduct the swearing-in ceremony

[Staff Report](#)

23. Subject: First Reading of an ordinance amending section 11.27.145 of the Cupertino Municipal Code relating to Designation of Preferential Parking Zone on Canyon Oak Way

Recommended Action: Conduct the first reading of Ordinance No. 16-2147: “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 Canyon 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](#)

24. Subject: Propose amendments to the Policy and Procedures Manual for Administering Deed-Restricted Affordable Housing Units (the BMR Manual). The proposed changes clarify and expand procedures and requirements for (1) Section 2.2 on Conflict of Interest to exclude from purchase or rent of any BMR unit any City or consultant employees and officials who have policy-making authority or influence regarding City housing programs, participate in making decisions regarding City housing programs, administer City housing programs, or whose salary is paid in any part from a City housing program; and (2) Section 5.0



on the Appeal Process to streamline the process and to ensure that an appeal can be concluded before a BMR unit is sold

Recommended Action: Adopt Resolution No. 16-084 amending the Policy and Procedures Manual for Administering Deed-Restricted Affordable Housing Units (Below Market Rate (BMR) Manual)

[Staff Report](#)

[A - Draft Resolution](#)

[B - BMR Administrative Manual revised clean](#)

[C - BMR Manual redline](#)

[D - HC Resolution No 16-03-BMR Manual](#)

25. Subject: Authorization to create a review procedure including guidelines and related Zoning ordinance amendment to allow for the creation of Single-Story Overlay District in the Single-Family Residential (R-1) Zones and a budget amendment.

Recommended Action: Authorize: 1. Staff to develop a process for the review and processing of requests for Single-Story Overlay Districts in Single-Family Residential (R-1) Zones (including guidelines and related Zoning Ordinance amendment); and 2. Budget amendment for \$10,000

[Staff Report](#)

## REPORTS BY COUNCIL AND STAFF

26. 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](http://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](http://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](http://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