



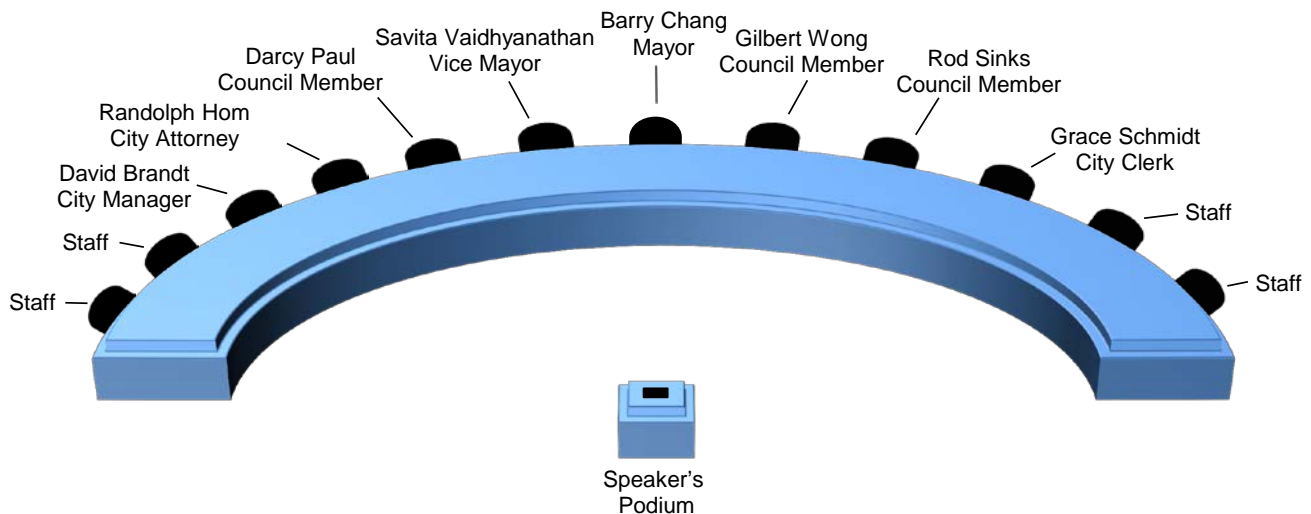
SECOND AMENDED

AGENDA OF THE CITY COUNCIL

Tuesday, September 20, 2016

Non-televised Special Meeting Commission Interviews and Closed Session (4:00)

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

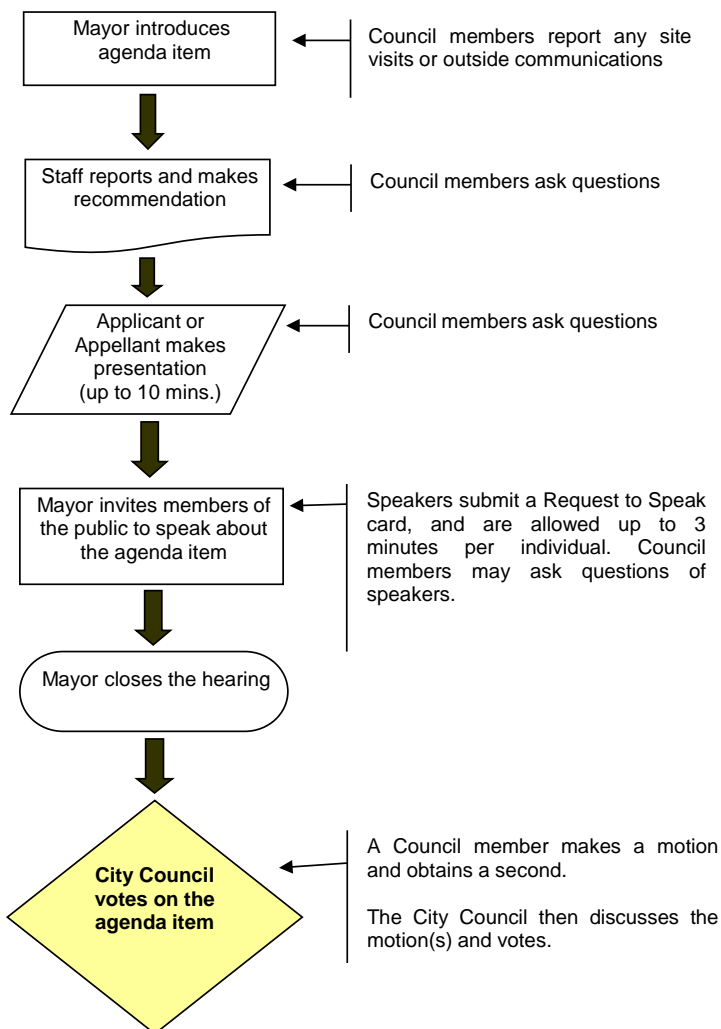
CONDUCT OF BUSINESS

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, September 20, 2016

4:00 PM

**SECOND AMENDED Non-televised Special Meeting Commission Interviews and Closed Session
(4:00); Followed by Televised Regular Meeting (6:45)**

Amended at 10:50 AM on 9/16/16 to revise the Subject description for Agenda Item No. 11. The Item staff report Subject description has also been revised to match the agenda.

Amended at 9:00 AM on 9/15/16 to revise Item No. 5 Attachment G

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 20, 2016, commencing at 4:00 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 - 4:00 PM

10300 Torre Avenue, City Hall Conference Room A

COMMISSIONS INTERVIEWS

- 1. Subject: Interview applicants to fill one unscheduled vacancy on the Public Safety Commission**
Recommended Action: Conduct interviews and appoint one person to serve a partial term ending January 30, 2018 on the Public Safety Commission

[A - Interview Schedule](#)

[B - Commission Diversity Resolution](#)

[C - Advisory Commissions Resolution](#)

[D - Public Safety Questions](#)

[E - Public Safety Applications](#)

[F - Commission Attendance Report](#)

[G - Current Commission List](#)

CLOSED SESSION

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 - Two Cases
3. Subject: Conference with Real Property Negotiators (Gov't Code Section 54956.8); Property: Cupertino Municipal Water System; Agency Negotiator: Timm Borden; Negotiating Parties: City of Cupertino and San Jose Water Company; Under Negotiation: Terms for City Leased Asset

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

10350 Torre Avenue, Community Hall Council Chamber

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

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.

1. Subject: Approve the September 6 City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)
2. Subject: Accept Accounts Payable for the period ending August 5, 2016
Recommended Action: Adopt Resolution No. 16-099 accepting Accounts Payable for the period ending August 5, 2016
[A - Draft Resolution](#)
[B - AP Report](#)
3. Subject: Accept Accounts Payable for the period ending August 12, 2016
Recommended Action: Adopt Resolution No. 16-100 accepting Accounts Payable for the period ending August 12, 2016
[A - Draft Resolution](#)
[B - AP Report](#)

SECOND READING OF ORDINANCES

4. Subject: Development Agreement for a 122 room hotel, two mixed-use buildings with 188 apartments, and approximately 26,000 square feet of commercial space in a Planned General Commercial and Residential Zoning District. Application No(s): DA-2016-01; Applicant(s): Amy Chan (De Anza Venture, LLC); Location: 10122 Bandley Drive and 10145 De Anza Boulevard (Marina Plaza) APN# 326-34-043, 326-34-066
Recommended Action: Conduct the second reading and enact Ordinance No. 16-2148 (development agreement DA-2016-01): an "Ordinance of the City Council of the City of Cupertino approving a Development Agreement by and among the City of Cupertino, Cupertino 10145, LLC, and Marina Plaza LLC, for the Marina Plaza project at 10122 Bandley Drive and 10145 North De Anza Boulevard"
[Staff Report](#)
[A - Draft Ordinance](#)
[B - Development Agreement](#)
[C - Redline version of development agreement](#)

PUBLIC HEARINGS

5. Subject: Appeal of Kimberly Sandstrom Appeal Regarding Eligibility to Purchase Below Market Rate (BMR) Unit (Continued from September 6)
Recommended Action: Approve Resolution No. 16-101 regarding the appeal of Ms. Kimberly Sandstrom and affirming the recommendation of the Housing Commission regarding the eligibility of Ms. Sandstrom to purchase a BMR unit

[Staff Report](#)[A- Summary of Conflict of Interest Investigation](#)[B- Draft Resolution](#)[C- Housing Commission Resolution 16-06](#)[D- Excerpts from BMR Manual Regarding Income Calculation](#)[E- Referenced Regulations \(24 CFR 5.609\(b\) and \(c\)\)](#)[F- Technical Guide for Determining Income](#)[G- Attachments and Other Documents Provided by Appellant](#)

6. **Subject:** Municipal Code Amendments to Chapter 1.10 (Administrative Citations, Fines, and Penalties), Chapter 19.08 (Definitions), Chapter 19.12 (Administration), Chapter 19.28 (Single-Family Residential (R-1) Zones), Chapter 19.32 (Residential Duplex (R-2) Zones), Chapter 19.56 (Density Bonus), and Chapter 19.104 (Signs) for language clarifications, compliance with State Law, and internal consistency. Application No(s): MCA-2016-01; Applicant(s): City of Cupertino; Location: citywide

Recommended Action: Conduct the first reading of Ordinance No. 16-2149: "An ordinance of the City Council of the City of Cupertino amending Title 1, Chapter 1.10, to add Section 1.10.055, "Recording Notice of Violations"; amending Title 19, Chapter 19.08, Section 19.08.030 "Definitions", amending Chapter 19.12 Section 19.12.080 "Application Process" and Section 19.12.180 "Expiration, Extension and Revocation", amending Chapter 19.28 Section 19.28.120, "Landscape Requirements", amending Chapter 19.32 Section 19.32.010 "Purpose", repealing and replacing Chapter 19.56, "Density Bonus", and amending Chapter 19.104 to add Section 19.104.205, "Message Substitution"; related to permits, procedures, and requirements of the code to conform to law, ensure internal consistency, and provide clarification"

[Staff Report](#)[A - Draft Ordinance](#)[B - Planning Commission Resolution #6801](#)[C - Redlined Chapters](#)

7. **Subject:** Consider amendments to Chapter 19.124, Parking Regulations, of the Cupertino Municipal Code. The amendment includes allowing modifications and improvements to legal non-conforming single family garages. The proposed amendment will also include updates to the standards for bicycle parking and facilities consistent with the *City of Cupertino 2016 Bicycle Transportation Plan* adopted on June 21, 2016. Application No(s): MCA-2016-02; Applicant(s): City of Cupertino; Location: citywide

Recommended Action: Conduct the first reading of Ordinance No. 16-2150: "An Ordinance of the City Council of the City of Cupertino amending Title 19, Chapter 19.124 Section 19.124.030 "Regulations for Parking and Keeping Vehicles in Various Zones" and Section 19.124.040 "Regulations for Off-Street Parking", regarding legal non-conforming single-family garages, and making standards for bicycle parking and facilities consistent with the City of Cupertino 2016 Bicycle Transportation Plan"

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Planning Commission Resolution #6816](#)

[C - Redlined Chapter](#)

ORDINANCES AND ACTION ITEMS

8. Subject: Establishment of Friendship City Relationships

Recommended Action: Review and consider applications establishing Friendship City relationships with Nanjing, People's Republic of China; Changzhou, People's Republic of China; Chengdu, People's Republic of China; Hefei, People's Republic of China; Taipei, People's Republic of China; and Taizhou, People's Republic of China

[Staff Report](#)

[A - Cupertino-Nanjing Friendship City Application](#)

[B - Cupertino-Changzhou Friendship City Application](#)

[C - Cupertino-Chengdu Friendship City Application](#)

[D - Cupertino-Taipei Friendship City Application](#)

[E - Cupertino-Taizhou Friendship City Application](#)

[F - Sample Friendship City Agreement](#)

9. Subject: Update on regional minimum wage efforts and introduction of Ordinance establishing a citywide minimum wage

Recommended Action: Receive an update on regional minimum wage efforts and conduct the first reading of Ordinance No. 16-2151: "An Ordinance of the City Council of the City of Cupertino to add Chapter 3.37 (Minimum Wage Ordinance) to Title 3 (Revenue and Finance) of the Cupertino Municipal Code to establish a citywide minimum wage"

[Staff Report](#)

[A - Draft Minimum Wage Ordinance](#)

[B - Economic Analysis](#)

[C - Letter from Santa Clara County Cities Association \(July 27, 2016\)](#)

10. Subject: A moratorium on the establishment, expansion, or relocation of payday lending and check cashing businesses within the City of Cupertino

Recommended Action: Enact Interim Urgency Ordinance No. 16-2152: " An Interim Urgency Ordinance of the City Council of the City of Cupertino establishing a moratorium on the establishment, expansion, or relocation of payday lending and check cashing businesses within the City of Cupertino pending completion of an update to the City's Zoning Code"

[Staff Report](#)

[A - Draft Interim Urgency Ordinance](#)

[B - Coalition Against Payday Predators Letter \(March 2016\)](#)

11. Subject: Proposed Amendments to Policy and Procedures Manual for Administering Deed-Restricted Affordable Housing Units

Recommended Action: Adopt Resolution No. 16-102 adopting the proposed amendments to the Policy and Procedures Manual for Administering Deed Restricted Affordable Housing Units

[Staff Report](#)

[A - Draft Resolution](#)

[B - Redline BMR Administrative Manual](#)

[C- Housing Commission Resolution 16-06](#)

REPORTS BY COUNCIL AND STAFF

12. 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