

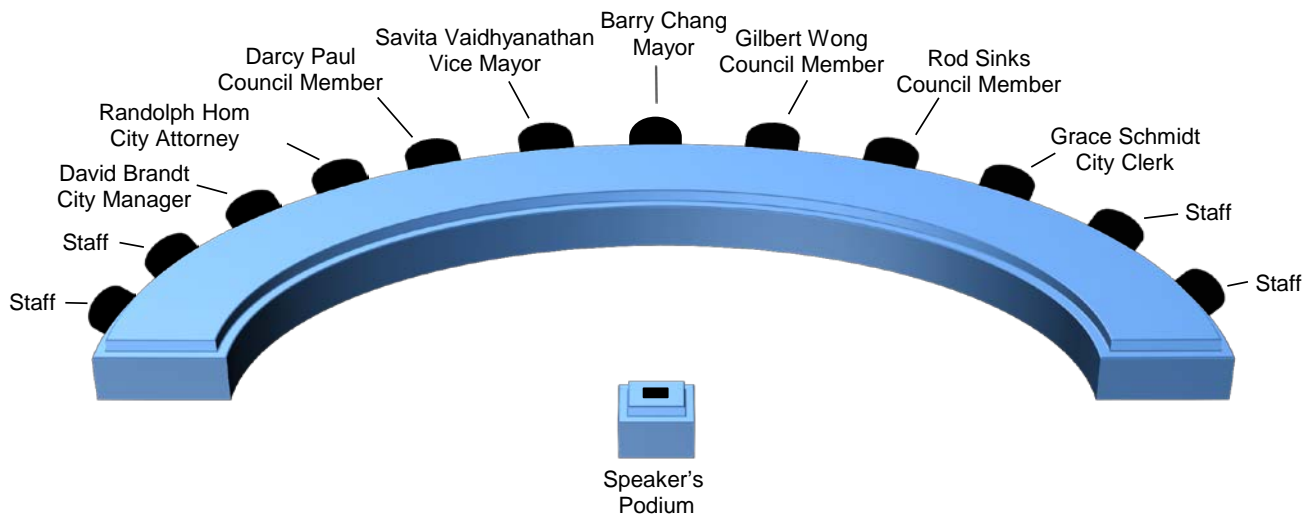


AGENDA OF THE CITY COUNCIL

Tuesday, October 4, 2016

Non-televised Closed Session (6:00)

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

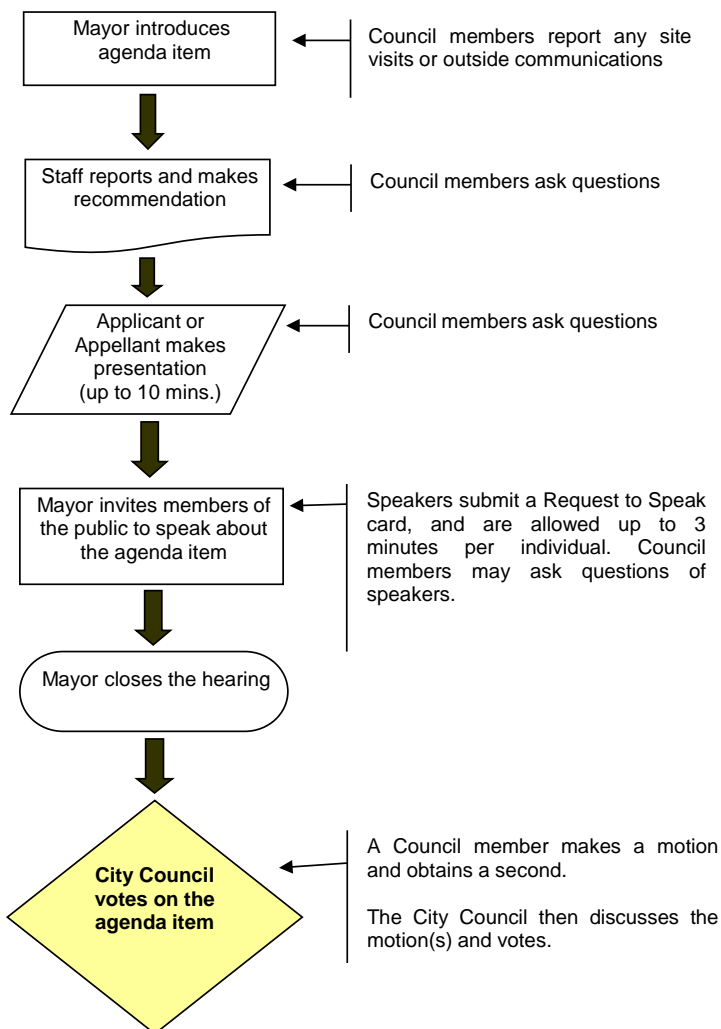
CONDUCT OF BUSINESS

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, October 4, 2016

6:00 PM

Non-televised Closed Session (6:00); Followed by Televised Regular Meeting (6:45)

CLOSED SESSION - 6:00 PM

10300 Torre Avenue, City Hall Conference Room A

1. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957).
Title: City Manager; Appointed Employees Compensation Program

PLEDGE OF ALLEGIANCE - 6:45 PM

10350 Torre Avenue, Community Hall Council Chamber

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

POSTPONEMENTS

2. Subject: Continue Item No. 15 Municipal Code Amendment to amend Chapter 8.07, Beekeeping, regarding the regulation, location, and the keeping of bees in the City; Application No(s): MCA-2016-03; Applicant(s): City of Cupertino; Location: Citywide to November 15. This item will be re-noticed.
Recommended Action: Continue Item No. 15 Municipal Code Amendment to amend Chapter 8.07, Beekeeping, regarding the regulation, location, and the keeping of bees in the City; Application No(s): MCA-2016-03; Applicant(s): City of Cupertino; Location: Citywide to November 15. This item will be re-noticed.

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 September 20 City Council minutes
Recommended Action: Approve the September 20 City Council minutes
[A - Draft Minutes](#)
4. Subject: Cancel the January 3, 2017 City Council meeting
Recommended Action: Cancel the January 3, 2017 City Council meeting
[A - Staff Report](#)
5. Subject: Adoption of the 2016 Economic Development Strategic Plan - a policy document intended to guide the City's economic development activities over the next three to five years.
Recommended Action: Adopt Resolution No. 16-103, "A Resolution of the City Council of the City of Cupertino adopting the 2016 Economic Development Strategic Plan (EDSP) in order to guide the City's Economic Development activities."
[Staff Report](#)
[A - Draft Resolution](#)
[B - Memo from Strategic Economics dated Sept. 13, 2016](#)
6. Subject: Approve the July 1, 2016 through June 30, 2019 terms and conditions of employment for the Cupertino City Employees' Association (CEA)
Recommended Action: 1) Authorize staff to amend the Memorandum of Understanding (MOU) for the Cupertino City Employees' Association (CEA) based on the attached tentative agreements.
2) Authorize staff to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs associated with the negotiated contract.
[Staff Report](#)
[A - Section 2: Salary Schedule](#)
[B - Section 5: Agency Shop](#)
[C - Section 7: Pension](#)
[D - Section 8: Insurance Coverage](#)
[E - Section 11: Vacation](#)
[F - Section 21: Education Reimbursement](#)
[G - Section 30: Reopener](#)
[H - Section 31: Term](#)
[I - Section TBD: Opening Statement](#)
[J - Section TBD: Total Comp Element](#)

7. Subject: Approve the July 1, 2016 through June 30, 2019 terms and conditions of employment for the Unrepresented (Management and Confidential) Employees' Compensation Program.

Recommended Action: 1) Adopt Resolution No. 16-104 amending the July 1, 2016 through June 30, 2019 terms and conditions of employment for the Unrepresented (Management and Confidential) Employees' Compensation Program.

2) Authorize staff to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs associated with the agreement

[Staff Report](#)

[A - Draft Resolution](#)

[B - Redlined Unrepresented Compensation Program](#)

[C - Clean Unrepresented Compensation Program](#)

8. Subject: Approve the July 1, 2016 through June 30, 2019 terms and conditions of employment for the Operating Engineers Local Union No. 3, AFL-CIO (OE3)

Recommended Action: 1) Authorize staff to amend the Memorandum of Understanding (MOU) for the Operating Engineers Local Union No. 3, AFL-CIO (OE3).

2) Authorize staff to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs associated with the negotiated contract.

[Staff Report](#)

[A - Section 2: Union Recognition](#)

[B - Section 10: Compensation for Services](#)

[C - Section 11: Pension](#)

[D - Section 12: Health Benefits](#)

[E - Section 14: Paid Absences](#)

[F - Section 15: Sick Leave Conversion](#)

[G - Section 18: Training and Tuition Reimbursement](#)

[H - Section 24: Grievance Procedure](#)

[I - Section 29: Term](#)

[J - New Section: Health Deduction](#)

9. Subject: Eighth Amendment to the Agreement between Santa Clara County and the City of Cupertino for Abatement of Weeds

Recommended Action: Adopt Resolution No. 16-105 authorizing the City Manager to execute the Eighth Amendment to the Agreement between Santa Clara County and the City of Cupertino for Abatement of Weeds

[Staff Report](#)

[A - Draft Resolution](#)

[B - Draft Agreement](#)

10. Subject: 2015 Contractual Crossing Guard Services - Project No. 2015-25, contract amendment
Recommended Action: Staff recommends Council authorize the City Manager to negotiate and execute an amendment (Attachment A) to the current crossing guard services contract to provide for contractor compensation of \$18.64/hr for the 2016/17 school year and \$20.61/hr for 2017/18 school year, if the City's Minimum Wage Ordinance is adopted
[Staff Report](#)
[A - Draft Amendment](#)
[B - ACMS Additional Compensation Request Letter dated September 12,](#)

SECOND READING OF ORDINANCES

11. Subject: Second Reading of 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. Application No(s): MCA-2016-01; Applicant(s): City of Cupertino; Location: citywide
Recommended Action: Conduct the second 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 - Redline Versions](#)
12. Subject: Second Reading of an Ordinance of the City Council of the City of Cupertino regarding legal non-conforming single-family garages, and standards

for bicycle parking and facilities. Application No(s): MCA-2016-02; Applicant(s): City of Cupertino; Location: citywide

Recommended Action: Conduct the second 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 - Redlined Chapter 19 124](#)

13. Subject: Second reading of Ordinance No. 16-2151 establishing a citywide minimum wage.

Recommended Action: Conduct the second reading and enact 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 Ordinance](#)

[B - Redlined Draft Ordinance](#)

PUBLIC HEARINGS

14. 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](#)

[H - Sandstrom presentation](#)

15. Subject: Municipal Code Amendment to amend Chapter 8.07, Beekeeping, regarding the regulation, location, and the keeping of bees in the City. Application No(s): MCA-2016-03; Applicant(s): City of Cupertino; Location:

Citywide has been continued to November 15 and will be re-noticed.

Recommended Action: Conduct the first reading of the draft ordinance: "An ordinance of the City Council of the City of Cupertino amending section 8.07 of the Cupertino Municipal Code relating to Beekeeping has been continued to November 15 and will be re-noticed.

ORDINANCES AND ACTION ITEMS

16.Subject: Establishment of a Friendship City Relationship

Recommended Action: Review and consider an application establishing a Friendship City relationship with Taichung, Taiwan, Republic of China

[Staff Report](#)

[A - Taichung Friendship City Application](#)

REPORTS BY COUNCIL AND STAFF

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