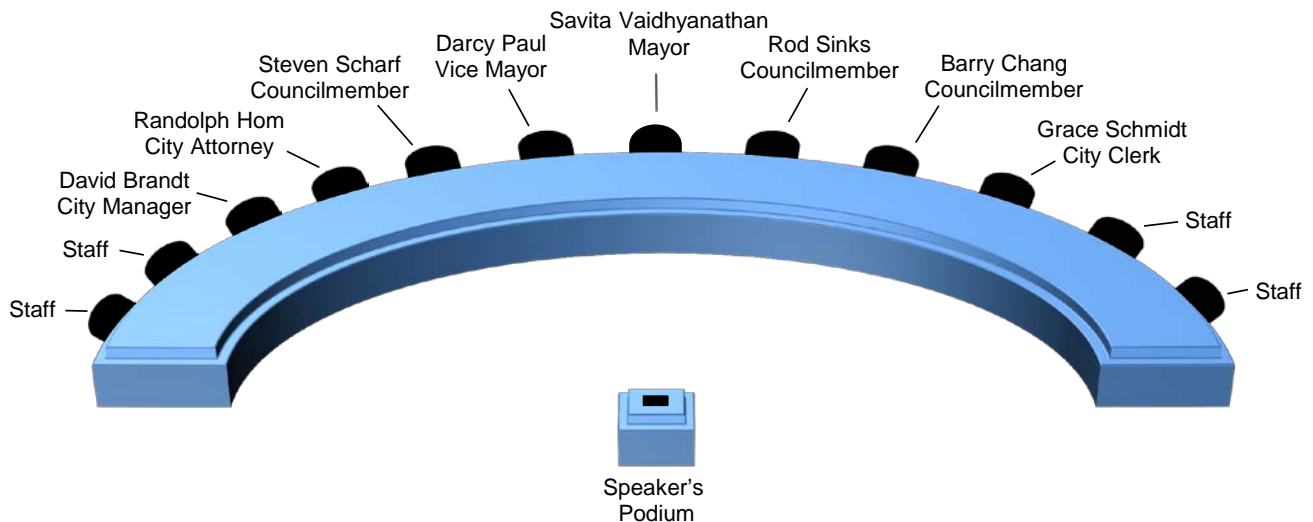




AGENDA OF THE CITY COUNCIL

Tuesday, February 7, 2017

Regular Meeting 6:45 PM



COMMUNITY HALL COUNCIL CHAMBER

10350 TORRE AVENUE • CUPERTINO, CA 95014

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

WEBSITE: www.cupertino.org

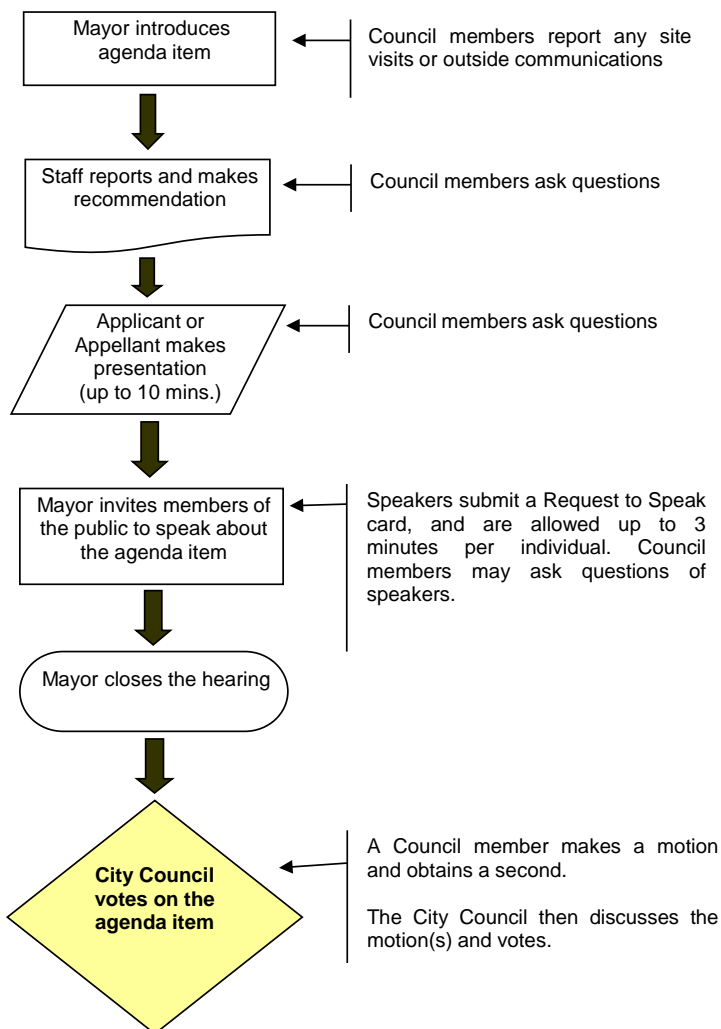
CONDUCT OF BUSINESS

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

10350 Torre Avenue, Council Chamber

Tuesday, February 7, 2017

6:45 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation in memory of Cupertino resident Gin Lu "Tommy" Shwe
Recommended Action: Present proclamation in memory of Cupertino resident Gin Lu "Tommy" Shwe

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.

2. Subject: Approve the January 24 City Council minutes
Recommended Action: Approve the January 24 City Council minutes
[A - Draft Minutes](#)
3. Subject: Accept Accounts Payable for the period ending December 2, 2016
Recommended Action: Adopt Resolution No. 17-006 accepting Accounts Payable for the period ending December 2, 2016
[A - Draft Resolution](#)
[B - AP Report](#)

4. Subject: Accept Accounts Payable for the period ending December 9, 2016
Recommended Action: Adopt Resolution No. 17-007 accepting Accounts Payable for the period ending December 9, 2016
[A - Draft Resolution](#)
[B - AP Report](#)
5. Subject: Accept Accounts Payable for the period ending December 16, 2016
Recommended Action: Adopt Resolution No. 17-008 accepting Accounts Payable for the period ending December 16, 2016
[A - Draft Resolution](#)
[B - AP Report](#)
6. Subject: Accept Accounts Payable for the period ending December 22, 2016
Recommended Action: Adopt Resolution No. 17-009 accepting Accounts Payable for the period ending December 22, 2016
[A - Draft Resolution](#)
[B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending December 31, 2016
Recommended Action: Adopt Resolution No. 17-010 accepting Accounts Payable for the period ending December 31, 2016
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Approval of Bay Area Governments (ABAG) Regional Collaborative Services Agreement with Property Assessed Clean Energy (PACE) Providers and Adoption of Resolutions Authorizing Membership in the California Enterprise Development Authority, Golden State Finance Authority, Western Riverside Council of Governments, and the California Statewide Community Development Authorities and to participate in the PACE programs

Recommended Action: 1. Adopt Resolutions to join the following joint power agencies and participate in their PACE programs

a. California Enterprise Development Authority (Figtree PACE Program), Resolution No. 17-011

b. Golden State Finance Authority (Ygrene PACE Program), Resolution Nos. 17-012 and 17-013

c. Western Riverside Council of Governments (California HERO PACE Program), Resolution No. 17-014

d. California Statewide Communities Development Authority (Open PACE Program), Resolution No. 17-015; and

2. Authorize the City Manager to approve and sign the acknowledgement and addendums of the Association of Bay Area Governments (ABAG) Regional Collaborative Services Agreement, as executed between ABAG and Residential PACE Providers, and execute any other document necessary to carry out the City's membership in each of the PACE Providers listed above

[Staff Report](#)

[A. Draft Resolution Figtree Program](#)

[B. Draft Resolution Ygrene for SB 555 & JPA Agreement](#)

[C. Draft Resolution Ygrene for AB 811 & JPA Agreement](#)

[D. Draft Resolution HERO Program](#)

[E. Draft Resolution CSCDA Open PACE](#)

[F. Figtree Fully Executed ABAG RCSA](#)

[G. ABAG Member Acknowledgement Form_Figtree](#)

[H. Ygrene Fully Executed ABAG RCSA](#)

[I. ABAG Member Acknowledgement Form_Ygrene](#)

[J. WRCOG Fully Executed ABAG RCSA](#)

[K. ABAG Member Acknowledgement Form_WRCOG](#)

[L. CounterPoint \(Alliance NRG \) Fully Executed ABAG RCSA](#)

[M. ABAG Member Acknowledgement Form_AllianceNRG](#)

[N. PACE Funding Group Fully Executed ABAG RCSA](#)

[O. ABAG Member Acknowledgement Form_PACE Funding Group](#)

9. Subject: Application for Alcohol Beverage License for PEFF LLC (dba Enzo's Restaurant), 21275 Stevens Creek Boulevard, Ste. 510

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for PEFF LLC (dba Enzo's Restaurant), 21275 Stevens Creek Boulevard, Ste. 510

[Staff Report](#)

[Attachment A - Application](#)

10. Subject: Accept resignation of Parks and Recreation Commissioner David Fung and direct staff to fill the vacancy

Recommended Action: Accept resignation of Parks and Recreation Commissioner David Fung and direct staff to fill the unscheduled vacancy:

- a.) Application deadline date of Friday, March 10; and
- b.) Interview date of Tuesday, March 21

[Staff Report](#)

[A - Resignation letter](#)

11. Subject: Transfer of funds for expenses related to Mayor Vaidhyanathan's participation in Silicon Valley Leadership Group's annual D.C. Advocacy Trip on March 17-19 to meet with Congressional and Agency officials regarding funding for city and regional priorities

Recommended Action: Transfer \$2,000 to cover all costs, not limited to travel expenses, lodging and food, for the Mayor's participation in SLVG's annual D.C. Advocacy Trip

[Staff Report](#)

[A - Event Information](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

12. Subject: Petition for Reconsideration regarding the City Council decision of December 6, 2016, denying Petitioner Kimberly Sandstrom's appeal of the determination that she is ineligible to purchase a Below Market Rate (BMR) unit

Recommended Action: Staff recommends that the City Council:

- 1. Consider the Petition for Reconsideration (Attachment B-1) and deny it for its failure to meet the requirements of Cupertino Municipal Code (CMC) Section 2.08.096 and adopt Resolution No. 17-016 (Attachment A-1); or, in the alternative;
- 2. Conduct a hearing to reconsider its decision of December 6, 2016 based upon the new evidence and grounds proffered by Petitioner, if Council determines that the Petition meets the requirements of Cupertino Municipal Code section 2.08.096, and affirm its decision denying Petitioner's appeal

[Staff Report](#)

[A-1 Draft Resolution](#)

[B-1 Reconsideration Petition December 19, 2016](#)

[C-1 Approved City Council Resolution No. 16-101 \(Subject of Reconside](#)

[D-1 Approved Housing Commission Minutes June 23, 2016](#)

[E-1 Approved Housing Commission Minutes August 11, 2016](#)

[F-1 Approved Housing Commission Resolution No. 16-07](#)

[G-1 City Council Staff Report from underlying Appeal and its attachment](#)

[A- Summary of Conflict of Interest Investigation](#)

[B- Draft City Council Resolution No. 16-101](#)

[C- Housing Commission Resolution 16-07 \(Resolution No. reassigned\)](#)

[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](#)

ORDINANCES AND ACTION ITEMS

13. **Subject:** Order the abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 16-136
Recommended Action: Note objections and adopt Resolution No. 17-017 ordering abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 16-136
[Staff Report](#)
[A - Draft Resolution](#)
[B - 2017 Weed Abatement Program Commencement Report](#)
[C - Notice to Destroy Weeds and Program Schedule](#)
[D - Letter to Property Owners](#)
[E - Approved Resolution No. 16-136](#)
14. **Subject:** An Ordinance of the City Council of the City of Cupertino Amending Title 11 Chapter 11.08 Sections 11.08.160 and 11.08.180 of the Cupertino Municipal Code Regarding Restrictions on Riding Bicycles on Sidewalks and Pedestrian Paths
Recommended Action: Conduct first reading of Ordinance No. 17-2161, An Ordinance of the City Council of the City of Cupertino Amending Title 11 Chapter 11.08 Sections 11.08.160 and 11.08.180 of the Cupertino Municipal Code Regarding Restrictions on Riding Bicycles on Sidewalks and Pedestrian Paths
[Staff Report](#)
[A - Redlined Ch 11.08.160_180-Rev](#)
[B - Draft Ordinance](#)

15. Subject: Fee waiver request by Pacific Coast Farmers Market Association (PCFMA) for costs incurred related to a Special Event Permit for a farmer's market at the Creekside Park north parking lot on Friday mornings for the 2017 calendar year

Recommended Action: Staff recommends adoption of Resolution No. 17-018 "A resolution of the City Council of the City of Cupertino waiving costs incurred related to the use of the Creekside Park north parking lot by the Pacific Coast Farmer's Market Association every Friday morning for the 2017 calendar year"

[Staff Report](#)

[A - Draft Resolution](#)

[B - Letter from Pacific Coast Farmers Market Association](#)

REPORTS BY COUNCIL AND STAFF

16. Subject: Update on Status of I-280/Wolfe Road Interchange Improvements Project

Recommended Action: Receive update on status of I-280/Wolfe Road Interchange Improvements Project

[Staff Report](#)

[A - Partial Cloverleaf - Widen or Replace](#)

[B - Compact Diamond Interchange](#)

[C - Diverging Diamond Interchange](#)

[D - Double Roundabout Interchange](#)

17. Subject: Update on Status of 2016 Cupertino Bicycle Transportation Plan Implementation

Recommended Action: Receive update on status of 2016 Cupertino Bicycle Transportation Plan Implementation

[Staff Report](#)

[A - Map of Area and Bikeway Locations](#)

[B - Stevens Creek Blvd Bikeway Concept and Buffer Treatment Options](#)

[C - Intersection and Signalization](#)

[D - Bus Stop and Driveway Treatments](#)

[E - McClellan Road Concepts and Buffer Treatment Options](#)

18. 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 eleven advisory bodies, which are appointed by the Council. These are the Audit Committee, Bicycle Pedestrian Commission, Fine Arts Commission, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Sustainability Commission, Teen Commission, and 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	
Savita Vaidhyanathan	SVaidhyanathan@cupertino.org	(408) 777-3193
Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Barry Chang	BChang@cupertino.org	(408) 777-3192
Steven Scharf	SScharf@cupertino.org	(408) 777-3191
Rod Sinks	RSinks@cupertino.org	(408) 777-3194
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-notification of agendas, elections, and other news on the city website at www.cupertino.org/notify

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. Select "I Want To, View City Council meetings".

News and community information can also be found at:

<https://www.facebook.com/cityofcupertino/>

<https://twitter.com/CityofCupertino>

<https://www.instagram.com/cityofcupertino>

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