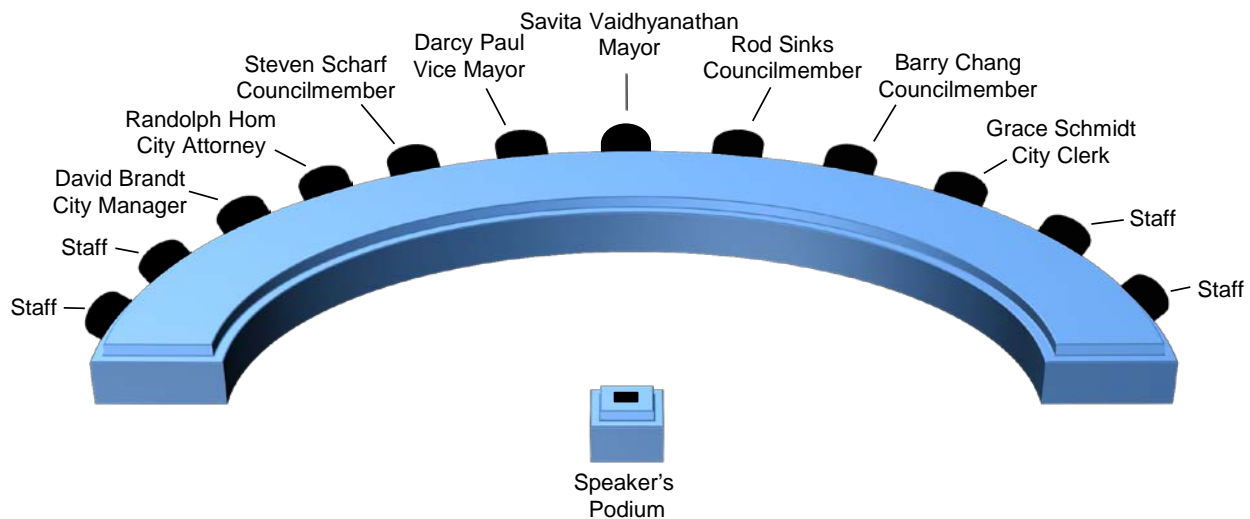




## AGENDA OF THE CITY COUNCIL

**Tuesday, May 2, 2017**

**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)

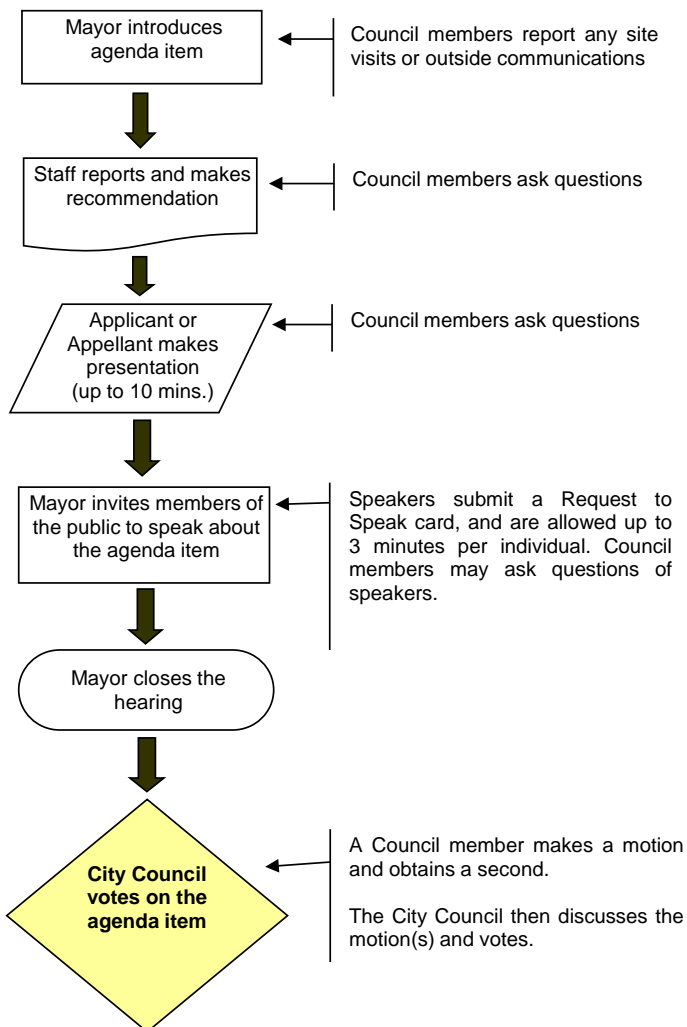
## CONDUCT OF BUSINESS

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

10350 Torre Avenue, Council Chamber

Tuesday, May 2, 2017

6:45 PM

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation declaring May as National Bike Month  
Recommended Action: Present Proclamation declaring May as National Bike Month
2. Subject: Proclamation declaring May as National Foster Care Awareness Month  
Recommended Action: Present Proclamation declaring May as National Foster Care Awareness Month

#### 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 April 18 City Council minutes  
Recommended Action: Approve the April 18 City Council minutes  
[A - Draft Minutes](#)

4. Subject: Accept Accounts Payable for the period ending March 17, 2017  
Recommended Action: Adopt Resolution No. 17-038 accepting Accounts Payable for the period ending March 17, 2017  
[A - Draft Resolution](#)  
[B - AP Report](#)
5. Subject: Accept Accounts Payable for the period ending March 24, 2017  
Recommended Action: Adopt Resolution No. 17-039 accepting Accounts Payable for the period ending March 24, 2017  
[A - Draft Resolution](#)  
[B - AP Report](#)
6. Subject: Accept Accounts Payable for the period ending March 31, 2017  
Recommended Action: Adopt Resolution No. 17-040 accepting Accounts Payable for the period ending March 31, 2017  
[A - Draft Resolution](#)  
[B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending April 7, 2017  
Recommended Action: Adopt Resolution No. 17-041 accepting Accounts Payable for the period ending April 7, 2017  
[A - Draft Resolution](#)  
[B - AP Report](#)
8. Subject: Adopt a resolution affirming the City's commitment to being an equitable community  
Recommended Action: Staff recommends that the City Council adopt Resolution No. 17-045 affirming the City's commitment to a diverse, supportive, inclusive community and to protecting the constitutional rights of its residents  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - Equitable Communities Background Information](#)
9. Subject: Letter of Support for State Senate Bill 231  
Recommended Action: Direct staff to send a letter of support for Senate Bill 231 (Hertzberg): Stormwater Stewardship from the Mayor, as attached  
[Staff Report](#)  
[A - Sample Letter of Support](#)

10. Subject: Declare brush to be a public nuisance and potential fire hazard and set hearing for June 20 for objections to proposed removal  
Recommended Action: Adopt Resolution No. 17-042 declaring brush to be a public nuisance and potential fire hazard and setting the hearing date for June 20  
[Staff Report](#)  
[A - Draft Resolution](#)
11. Subject: Amendment to Funding Agreement between the City of Cupertino and the Santa Clara Valley Transportation Authority (VTA) for the I-280/Wolfe Road Interchange Improvements Project  
Recommended Action: Authorize the City Manager to execute an amendment to an existing agreement with the VTA to identify their respective obligations in regard to the I-280/Wolfe Road Interchange Improvements Project  
[Staff Report](#)  
[A - Draft Amendment to Funding Agreement](#)
12. Subject: Application for Alcohol Beverage License for TLT International (dba TLT & Grill), 20371 Stevens Creek Boulevard  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for TLT International (dba TLT & Grill), 20371 Stevens Creek Boulevard  
[Staff Report](#)  
[A - Application](#)

## SECOND READING OF ORDINANCES

13. Subject: Second reading of an ordinance amending the Municipal Code to develop an application process for the Single-Story Overlay Zoning Districts in Single-Family residential (R-1) zones (Application No.: MCA-2017-02; Applicant: City of Cupertino; Location: Citywide)  
Recommended Action: Conduct the second reading and enact Ordinance No. 17-2162: "An Ordinance of the City Council of the City of Cupertino amending Title 19, Zoning, of the Cupertino Municipal Code Chapter 19.12 (Administration), Chapter 19.20 (Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones), and Chapter 19.28 (Single-Family Residential R-1) Zones), to create a Single-Story Overlay District process"  
[Staff Report](#)  
[A. Ordinance No. 17-2162](#)  
[B. Redline document indicating changes](#)

14. Subject: Second reading of an ordinance amending Section 11.27.145 of the Cupertino Municipal Code relating to designation of preferential parking zone on Randy Lane, Larry Way and a portion of Merritt Drive

Recommended Action: Conduct the second reading of Ordinance 17-2163: 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 Randy Lane, Larry Way and a portion of Merritt Drive, Monday through Friday between 8 a.m. and 4 p.m.

[Staff Report](#)

[A - Permit Parking Map](#)

[B - Draft Ordinance](#)

## **PUBLIC HEARINGS**

15. Subject: Update on regional drought response, adoption of 2017-18 Regulations Restricting Water Use and authorization of an amendment of the FY16/17 Memorandum of Understanding (MOU) with the Santa Clara Valley Water District (District) for the landscape conversion rebate program

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

- 1) Receive staff report on continued regional drought actions; and
- 2) Adopt Resolution No. 17-043 with 2017-2018 Regulations Restricting Water Use; and
- 3) Adopt Resolution No.17-044 authorizing the City Manager to amend the FY16/17 Memorandum of Understanding (MOU) with the District for the landscape conversion rebate program to include the graywater laundry to landscape program and extend the MOU from December 30, 2017 to June 30, 2018.

[Staff Report](#)

[A - Executive Order B-40-17](#)

[B - Notice of Intent to Adopt the 2017-18 Regulations Restricting Water U](#)

[C - Draft Resolution with 2017-18 Regulations Restricting Water Use and](#)

[D - Water Conservation Restriction Measures for City Facilities](#)

[E - District Landscape Conversion Rebate Program](#)

[F - District Graywater Laundry Rebate Program](#)

[G - Draft Resolution with Amendment to FY 16/17 MOU with the Distric](#)

## **ORDINANCES AND ACTION ITEMS**

16. Subject: Discussion and funding for 2017 Independence Day Fireworks Display  
Recommended Action: Authorize staff to coordinate and implement a fireworks display on July 4th, 2017. This action authorizes the appropriation of an amount not to exceed \$100,000 for fireworks, City staff to support the event, and Santa Clara county Sheriff and Fire staff to ensure safe operations.  
[Staff Report](#)

## REPORTS BY COUNCIL AND STAFF

17. Subject: Annual Report on the Pavement Management Program  
Recommended Action: Receive the report. No action is required  
[Staff Report](#)  
[A - PCI Condition Table](#)  
[B - Street-by-street listing of improvements to be completed by the 2017 I](#)  
[C - Street-by-street listing of improvements completed by the FY16/17 Pa](#)
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

## **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

## 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](http://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](http://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