

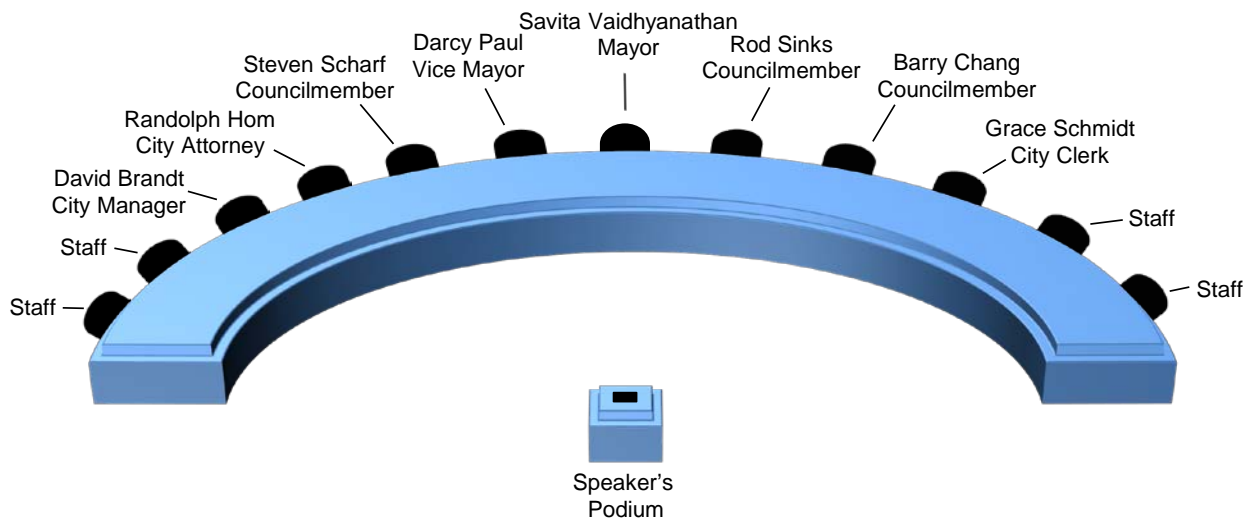


AGENDA OF THE CITY COUNCIL

Tuesday, August 1, 2017

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

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.

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.

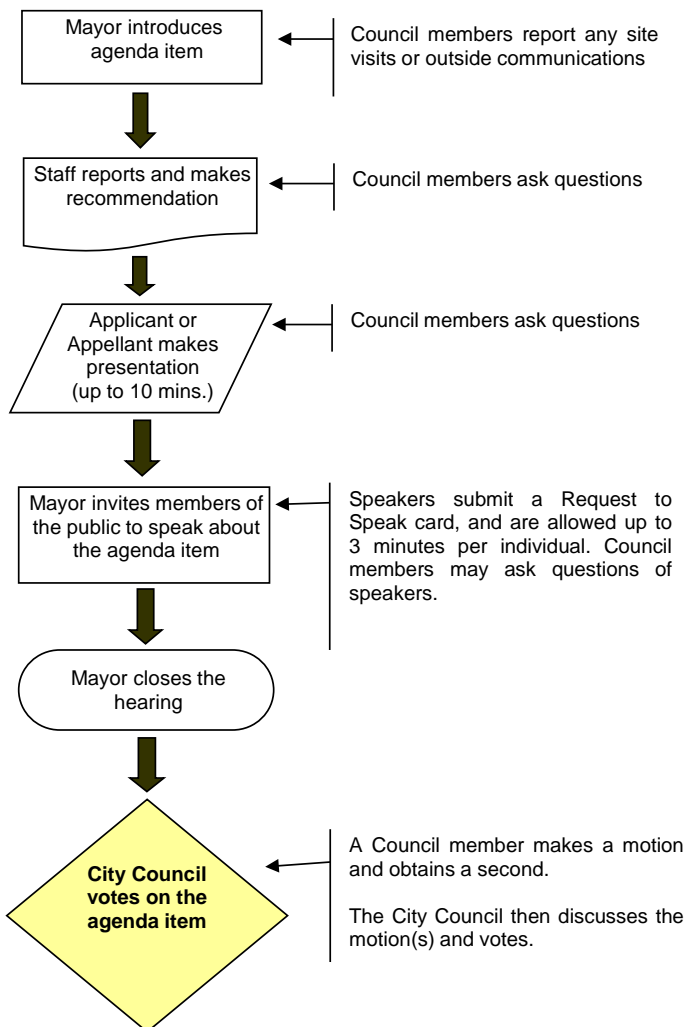
AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

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.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

FLOWCHART FOR AGENDA ITEMS:





CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, August 1, 2017

5:00 PM

Non-televised Special Meeting Closed Session (5:00) and 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 01, 2017, commencing at 5:00 p.m. in City Hall Conference Room A, 10300 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." The regular meeting items will be heard at 6:45 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California.

SPECIAL MEETING

ROLL CALL - 5:00 PM

City Hall Conference Room A, 10300 Torre Avenue

CLOSED SESSION

1. Subject: Conference with Legal Counsel-Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of case: Emmy Glumac v. City of Cupertino, Santa Clara County Superior Court Case No. 17CV309611
2. Subject: Conference with Legal Counsel-Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of case: City of Saratoga; City of Cupertino; Town of Los Gatos v. California Department of Transportation, et al., Santa Clara County Superior Court Case No. 115CV281214

3. Subject: Conference with Legal Counsel - Anticipated Litigation Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9 (one potential case)
4. Subject: Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Properties: 10849 Sycamore Drive, Cupertino, California; APN 342-57-028. Agency Negotiators: David Brandt, Jaqui Guzman. Negotiating Parties: Carol Atwood. Under Negotiation: Price and terms of payment

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE- 6:45 PM

Community Hall, 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: 2017 Accomplishments of Community Enlightenment (ACE) Award
Recommended Action: Present ACE Award from Library Commission to 2017 Recipients - Cupertino Poet Laureate Steering Committee

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 July 5 City Council minutes
Recommended Action: Approve the July 5 City Council minutes
[A - Draft Minutes](#)

3. Subject: Accept Accounts Payable for the period ending April 14, 2017
 Recommended Action: Adopt Resolution No. 17-065 accepting Accounts Payable
 for the period ending April 14, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
4. Subject: Accept Accounts Payable for the period ending April 21, 2017
 Recommended Action: Adopt Resolution No. 17-066 accepting Accounts Payable
 for the period ending April 21, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
5. Subject: Accept Accounts Payable for the period ending April 28, 2017
 Recommended Action: Adopt Resolution No. 17-067 accepting Accounts Payable
 for the period ending April 28, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
6. Subject: Accept Accounts Payable for the period ending May 5, 2017
 Recommended Action: Adopt Resolution No. 17-068 accepting Accounts Payable
 for the period ending May 5, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending May 12, 2017
 Recommended Action: Adopt Resolution No. 17-069 accepting Accounts Payable
 for the period ending May 12, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
8. Subject: Treasurer's Investment Report for Quarter Ending June 2017
 Recommended Action: Accept the report
 [Staff Report](#)
 [A - Investment Portfolio](#)
 [B - Wells Fargo Value Comparison Report QE June 2017](#)
 [C - Supplemental Portfolio Analysis](#)

9. Subject: Adopt the draft resolution to add the City Manager as an alternate signor on the Authorization for Transfer of Funds form for the Local Agency Investment Fund in case there is a City Officer vacancy
Recommended Action: Adopt Resolution No. 17-070 adding the City Manager as an alternate signor on the Authorization for Transfer of Funds form for the Local Agency Investment Fund in case there is a City Officer vacancy
[Staff Report](#)
[A - Draft Resolution](#)
10. Subject: 2017/18 Reconstruction of Curbs, Gutters and Sidewalks Project, Project No. 2017-112
Recommended Action: Authorize the City Manager to award and execute a contract with JJR Construction, Inc., in the amount of \$2,648,138 and approve a construction contingency of \$250,000, for a total of \$2,898,138
[Staff Report](#)
[A - Bid Summary](#)
[B - Draft Contract](#)
11. Subject: 2017 Pavement Maintenance Project Phase 3, City Project No. 2017-111
Recommended Action: Authorize the City Manager to award a contract to O'Grady Paving, Inc., in the amount of \$2,250,943.75; and approve a construction contingency of \$249,056.25 for a total of \$2,500,000
[Staff Report](#)
[A - Draft Contract](#)
12. Subject: Award of the Storm Drain Improvements - Foothill Boulevard and Cupertino Road Project
Recommended Action: Authorize the City Manager to award a contract to Con-Quest Contractors Inc., in the amount of \$1,089,715 and approve a construction contingency of \$200,000, for a total of \$1,289,715
[Staff Report](#)
[A - Draft Contract](#)

13. Subject: Award and authorize the City Manager to execute a contract for the Fiber Network Extension to the Service Center Project (Project No. 2017-04)

Recommended Action: 1. Award and authorize the City Manager to execute a construction contract for the Fiber Network Extension to the Service Center Project with Aegis ITS, Inc. in the amount of \$264,764.33; and 2. Authorize a construction contingency budget of \$26,500.00, approximately 10% of the contract amount, to address unforeseen conditions during construction, for a total of \$291,264.33

[Staff Report](#)

[A - Draft Contract](#)

SECOND READING OF ORDINANCES

14. Subject: Second reading of an ordinance amending the Municipal Code to regulate the placement of storage containers and temporary fencing, size of signage notice boards for development, size of Accessory Dwelling Units, and including amendments to various other chapters of Title 19 - Zoning of the Municipal Code, including but not limited to, Chapter 19.08 (Definitions), Chapter 19.28 (Single-Family Residential (R-1) Zones), Chapter 19.36, Multiple-Family Residential (R-3) Zones, Chapter 19.40 (Residential Hillside (RHS) Zones), Chapter 19.60 (General Commercial (CG) Zones), Chapter 19.64, Permitted, Conditional and Excluded Uses In Office And Industrial Zones and 19.116 (Conversions of Apartment Projects to Common Interest Developments) for compliance with State Law, readability, clarifications, and internal consistency. (Application No. MCA-2017-03; Applicant: City of Cupertino; Location: City-wide)

Recommended Action: Conduct the second reading and enact Ordinance No. 17-2165: "An Ordinance of the City Council of the City of Cupertino amending Chapter 9.22, Property Maintenance, Chapter 19.12, Administration, Chapter 19.112, Accessory Dwelling Units In R-1, RHS, A and A-1 Zones, and minor amendments in Chapter 19.08, Definitions, Chapter 19.24, Agricultural (A) and Agricultural-Residential (A-1) Zones, Chapter 19.28, Single-Family Residential (R-1) Zones, Chapter 19.36, Multiple-Family Residential (R-3) Zones, Chapter 19.40, Residential Hillside (RHS) Zones, Chapter 19.60, General Commercial (CG) Zones, Chapter 19.64, Permitted, Conditional and Excluded Uses In Office And Industrial Zones And 19.116, Conversions Of Apartment Projects To Common Interest Developments"

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Changes since first reading](#)

PUBLIC HEARINGS

- 15.** Subject: 2017-18 Community Development Block Grant (CDBG) Annual Action Plan
Recommended Action: Conduct the Public Hearing and Adopt Resolution No. 17-071 approving the 2017-18 CDBG Annual Action Plan
[Staff Report](#)
[A - Draft Resolution](#)
[B - Housing Commission Resolution 17-03](#)
[C - 2017-18 CDBG Annual Action Plan](#)
- 16.** Subject: Consider whether to authorize the formal submission of General Plan Amendment applications for the three proposals received in the 2017 Second Cycle including: 16A - Hotel at Cupertino Village site; 16B - Hotel at Good Year Tire store site; and 16C - Mixed-use development at the Oaks Shopping Center.
Recommended Action: Staff recommends that the City Council adopt Resolution No. 17-072 (Attachment A) after determining if the application(s) is/are authorized to move forward to apply for a General Plan Amendment(s)
[Cover Staff Report](#)
[A - Draft Resolution](#)
[B - CC Resolution No. 15-078](#)
- 16a.** Subject: A proposal to demolish two commercial buildings and construct a new full-service boutique hotel with 185 rooms and conference space and restaurant at the Cupertino Village that requires City Council authorization for formal submission of General Plan Amendment applications. (Application No.(s): GPAAAuth-2017-03; Applicant: Michael Strahs (Kimco Realty); Location: 10765 N. Wolfe Road; APN(s): 316-45-017)
[16A - Staff Report for Cupertino Village site \(hotel\)](#)
[16A.1 - Proposed Plans and Project Description](#)
[16A.2 - EPS Fiscal Analysis for Cupertino Village site](#)
- 16b.** Subject: A proposal to demolish a 8,323 s.f. auto service station and construct a new 156-room, five-story hotel, with conference space and restaurant at the Good Year Tire site that requires City Council authorization for formal submission of General Plan Amendment applications. (Application No.(s): GPAAAuth-2017-01; Applicant: Claudio Bono (De Anza Properties); Location: 10931 N. De Anza Boulevard; APN(s): 326-10-061
[16B - Staff Report](#)
[16B.1 - Goodyear Tire site project plans and Project Description](#)
[16B.2 - EPS Fiscal Analysis for Good Year Tire site](#)

- 16c.** Subject: A proposal to demolish an existing ~71,254 sq.ft. commercial shopping center and construct one of the two alternative mixed-use developments at the Oaks Shopping Center site that requires City Council authorization for formal submission of one of the alternatives for formal submission of General Plan Amendment applications. (Application No.(s): GPAAAuth-2017-02; Applicant: KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041)

[16C - Staff Report for Oaks Shopping Center](#)

[16C.1 - Alt. 1 \(mixed-use residential\) proposed plans](#)

[16C.2 - Alt. 2 \(mixed-use gateway\) proposed plans](#)

[16C.3 - Project Description and other studies](#)

[16C.4 - EPS Fiscal Analysis for Oaks Shopping Center](#)

[16C.5 - Public comments](#)

ORDINANCES AND ACTION ITEMS

- 17.** Subject: Hearing to approve assessment of fees on private parcels for the annual weed abatement program

Recommended Action: Conduct hearing and adopt Resolution No. 17-073 providing for lien assessments and collection resulting from the abatement of public nuisances and potential fire hazards (weeds on private parcels)

[Staff Report](#)

[A - Draft Resolution](#)

[B - Exhibit A-1 Assessment Report](#)

REPORTS BY COUNCIL AND STAFF

- 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

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