

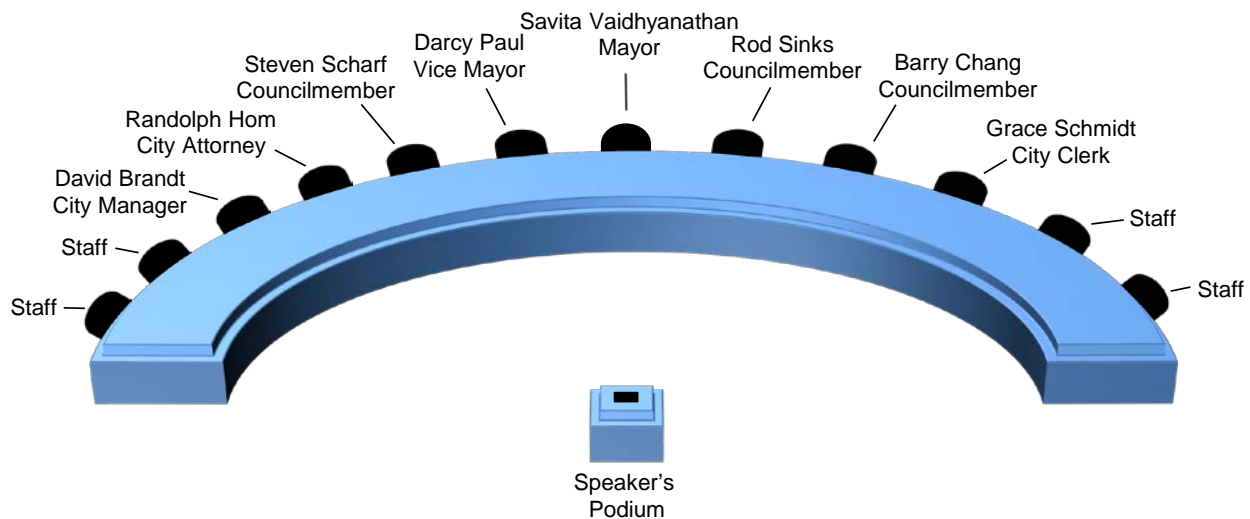


AGENDA OF THE CITY COUNCIL

Tuesday, September 19, 2017

Non-televised Special Meeting Closed Session (4:45)

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.

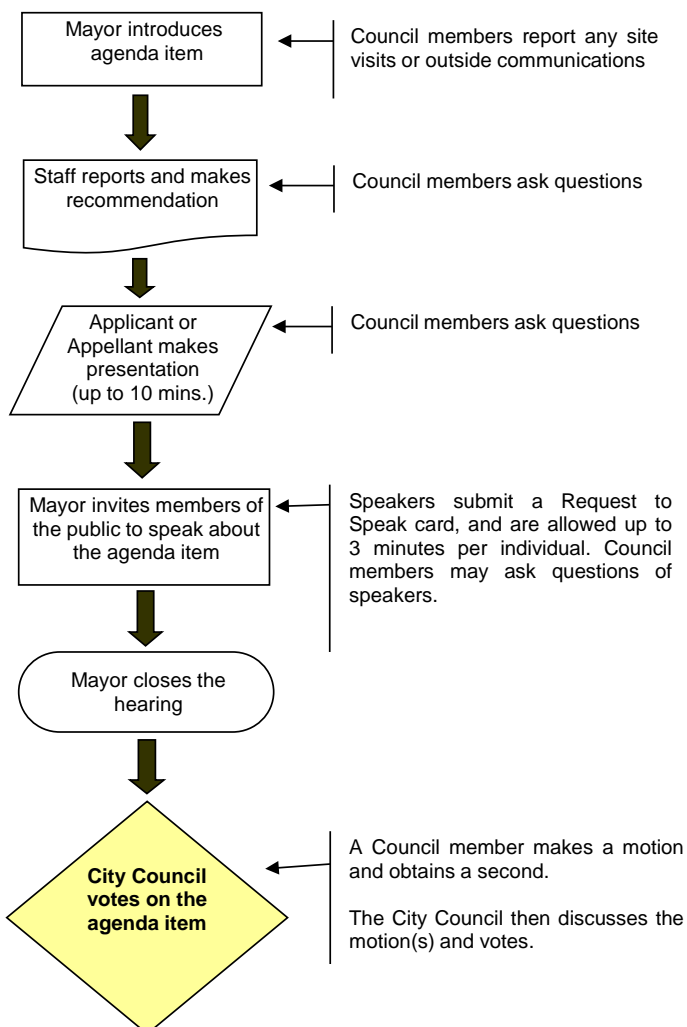
AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

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.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, September 19, 2017

4:45 PM

Special Meeting Non-televised Closed Session (4:45) 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, September 19, 2017, commencing at 4:45 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 - 4:45 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: 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
2. **Subject:** Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - One Case
3. **Subject:** Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - Two Cases

4. Subject: Conference with Real Property Negotiators (Government 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

Community Hall , 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Citywide Parks and Recreation System Master Plan Update
Recommended Action: Accept update on the Citywide Parks and Recreation System Master Plan ("Master Plan") and provide direction
[Staff Report](#)
[Attach A - Map, Exist Parks & Rec Facilities, Draft, Apr 2017](#)
[Attach B - Table, Park & Facility Inventory Matrix, Draft, July 2017](#)
[Attach C - Exist. Parks & Facilities Summary, Draft, May 2017](#)
[Attach D - Commty. Outreach & Vision Summary, Draft, May 2017](#)
[Attach E - Vision, Mission & Goals, Draft, Aug 2017](#)
2. Subject: Presentation from the Parks and Recreation Commission regarding the Work Plan for Fiscal Year 2017-2018
Recommended Action: Receive the presentation from the Parks and Recreation Commission regarding the Work Plan for Fiscal Year 2017-2018

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 September 5 City Council minutes

Recommended Action: Approve the September 5 City Council minutes

[A - Draft Minutes](#)

4. Subject: Contract amendments for professional building department and public inspection services for Apple Campus 2

Recommended Action: Staff recommends that the City Council:

1. Authorize the City Manager to:

a. Execute the Third Amendment to Agreement 14-028 with 4LEAF, Inc. for Apple Campus 2 Phase 1 building inspection services and public works inspection services to increase the previously authorized contract amount by \$1,829,890 for a total amount not to exceed \$16,956,368; and

b. Execute the Second Amendment to Agreement 15-146 with 4LEAF, Inc. for Apple Campus 2 Phase 2 building inspection services to increase the previously authorized contract amount by \$524,068 for a total amount not to exceed \$1,438,855

2. Authorize the City Manager to execute contract amendments to the extent that the costs are recovered from the project applicant

3. Approve the budget allocations necessary to execute the contract amendments

[Staff Report](#)

[A - Draft Third Amendment to Agreement 14-028 – 4LEAF, Inc. for Apr](#)

[B - Draft Second Amendment to Agreement 15-146 – 4LEAF, Inc. for Ar](#)

[C - Budget Journal](#)

5. Subject: Accept Accounts Payable for the period ending August 11, 2017

Recommended Action: Adopt Resolution No. 17-091 accepting Accounts Payable for the period ending August 11, 2017

[A - Draft Resolution](#)

[B - AP Report](#)

6. Subject: Accept Accounts Payable for the period ending August 18, 2017

Recommended Action: Adopt Resolution No. 17-092 accepting Accounts Payable for the period ending August 18, 2017

[A - Draft Resolution](#)

[B - AP Report](#)

7. Subject: Accept Accounts Payable for the period ending August 25, 2017
Recommended Action: Adopt Resolution No. 17-093 accepting Accounts Payable for the period ending August 25, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending September 1, 2017
Recommended Action: Adopt Resolution No. 17-094 accepting Accounts Payable for the period ending September 1, 2017
[A - Draft Resolution](#)
[B - AP Report](#)

SECOND READING OF ORDINANCES

9. Subject: Zoning Amendment to make minor corrections to the zoning map. Application No(s): Z-2017-01; Applicant(s): City of Cupertino; Location: Citywide
Recommended Action: Conduct a second reading and enact Ordinance No. 17-2166: “Ordinance of the City Council of the City of Cupertino approving amendments to the zoning map to correct inconsistencies between the City of Cupertino’s records and certain map designations as shown in Exhibit A”
[Staff Report](#)
[A - Draft Ordinance](#)

PUBLIC HEARINGS

10. Subject: Extension of an Urgency Ordinance imposing a moratorium on all commercial, non-medical marijuana land uses including dispensaries, marijuana cultivation and cultivation facilities, commercial cannabis activities and marijuana transport and deliveries. (Application No.: MCA-2016-06; Location: City-wide; Applicant: City of Cupertino)
Recommended Action: That the City Council:
1. Find that the proposed actions are exempt from CEQA; and
2. Enact Urgency Ordinance No. 17-2167: “An Interim Urgency Ordinance of the City Council of the City of Cupertino Extending Moratorium on Non-Medical Marijuana Dispensaries, Marijuana Cultivation and Cultivation Facilities, Commercial Cannabis Activities and Marijuana Transport and Deliveries within the City of Cupertino Pending Completion of an Update to the City’s Zoning Code”
[Staff Report](#)
[A - Draft urgency Ordinance](#)
[B - Ordinance No. 16-2153](#)
[C - Ordinance No. 16-2160](#)

- 11. Subject:** Adoption of City of Cupertino Transportation Impact Fee Program and Approval of Fees

Recommended Action: 1. Conduct the first reading of Ordinance No. 17-2168 Adding Chapter 14.02 to the Cupertino Municipal Code To Adopt And Implement The City's Transportation Impact Fee Program As Shown In Exhibit 1" (Attachment A); and

2. Adopt Resolution No. 17-095 Adopting A Transportation Impact Fee And Amending Schedule B Of The 2017-18 Fee Schedule To Include The New Transportation Impace Fee As Shown in Exhibit 1 (Attachment B)

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Draft Resolution](#)

[C - Schedule B TIF Fee \(Red Line\)](#)

[D - August 15, 2017 Staff Report](#)

[E- Transportation Impact Fee Nexus Study](#)

ORDINANCES AND ACTION ITEMS

REPORTS BY COUNCIL AND STAFF

- 12. Subject:** Service Center Administration Building with Emergency Operations Center (EOC) Feasibility Study and Facility Master Plan

Recommended Action: Receive the Service Center Administration Building with Emergency Operations Center Feasibility Study and Facility Master Plan

[Staff Report](#)

[A – Service Center Feasibility Study](#)

- 13. 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