

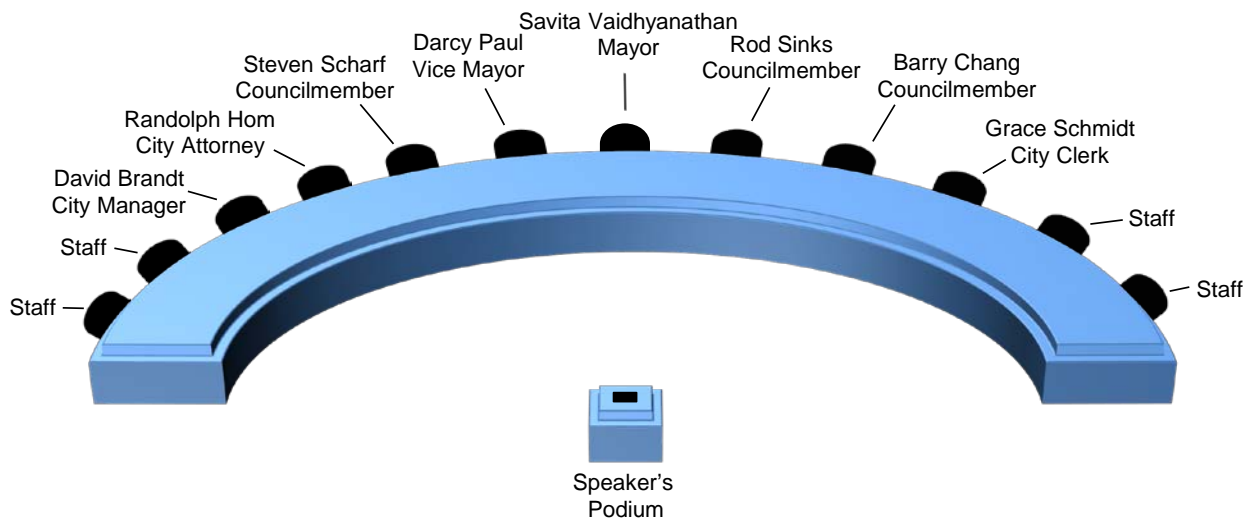


AGENDA OF THE CITY COUNCIL

Tuesday, October 17, 2017

Non-televised Special Meeting Closed Session (5:15)

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.

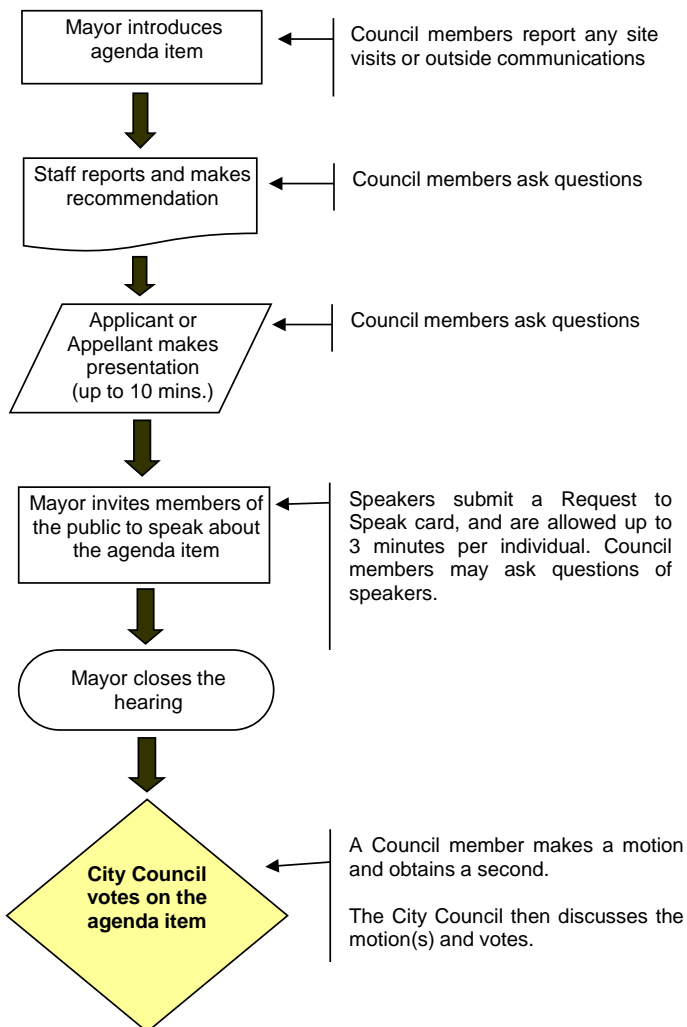
AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

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, October 17, 2017

5:15 PM

Non-televised Special Meeting Closed Session (5:15) 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, October 17, 2017, commencing at 5:15 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 - 5:15 PM

City Hall Conference Room A, 10300 Torre Avenue

CLOSED SESSION

- 1. 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**
- 2. 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**
- 3. 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.**

4. Subject: Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Properties: 10301 Byrne Avenue, Cupertino, California; APN 357-11-020. Agency Negotiators: David Brandt, Jeff Milkes. Negotiating Parties: Susan P. Sievert, on behalf of The Patricia L. Sievert Trust. Under Negotiation: Price and terms of payment

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall, 10350 Torre Avenue

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation declaring October 15-21, 2017 as "Freedom from Workplace Bullies Week"
Recommended Action: Present Proclamation declaring October 15-21, 2017 as "Freedom from Workplace Bullies Week"
2. Subject: Proclamation in celebration of Diwali on October 19, 2017
Recommended Action: Present proclamation in celebration of Diwali on October 19, 2017
3. Subject: Certificate of Appreciation for BlueLight Cinemas
Recommended Action: Present Certificate of Appreciation for BlueLight Cinemas

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.

4. Subject: Approve the October 3 City Council minutes
Recommended Action: Approve the October 3 City Council minutes
[A - Draft Minutes](#)
5. Subject: Accept Accounts Payable for the period ending September 8, 2017
Recommended Action: Adopt Resolution No. 17-097 accepting Accounts Payable for the period ending September 8, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
6. Subject: Accept Accounts Payable for the period ending September 15, 2017
Recommended Action: Adopt Resolution No. 17-098 accepting Accounts Payable for the period ending September 15, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending September 22, 2017
Recommended Action: Adopt Resolution No. 17-099 accepting Accounts Payable for the period ending September 22, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending September 29, 2017
Recommended Action: Adopt Resolution No. 17-100 accepting Accounts Payable for the period ending September 29, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
9. Subject: Add a Senior Assistant City Attorney classification to the Unrepresented Compensation Program; and authorize an additional full-time equivalent (FTE) position in the City Attorney's Office ("CAO")
Recommended Action: 1. Adopt Resolution No. 17-101 to: a. Add a Senior Assistant City Attorney classification to the Unrepresented Compensation Program; and b. Increase FTE in the City Attorney's Office from 4 FTE to 5 FTE by adding a Senior Assistant City Attorney position.
[Staff report](#)
[A - Draft Resolution](#)
[B - Unrepresented Comp - Redlined](#)
[C - Unrepresented Comp - Clean](#)

10. Subject: Establishment of a Friendship City Relationship
Recommended Action: Approve one application establishing a Friendship City relationship with Tongxiang City, Zhejiang Province, People's Republic of China
[Staff Report](#)
[A – Tongxiang Friendship City Application](#)
[B – PowerPoint Presentation of Cupertino Delegate Visit to Tongxiang](#)
11. Subject: Application for Alcohol Beverage License for Beijing Pavilion Inc (dba Taste Good Cupertino), 20916 Homestead Road
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Beijing Pavilion Inc (dba Taste Good Cupertino), 20916 Homestead Road
[Staff Report](#)
[A - Application](#)
12. Subject: Application for Alcohol Beverage License for Sand Hill Hotel Management, LLC (dba Residence Inn Cupertino), 19429 Stevens Creek Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Sand Hill Hotel Management, LLC (dba Residence Inn Cupertino), 19429 Stevens Creek Boulevard
[Staff Report](#)
[A - Application](#)
13. Subject: Application for Alcohol Beverage License for Boiling Fish, Inc. (dba Boiling Fish), 19634 Stevens Creek Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Boiling Fish, Inc (dba Boiling Fish), 19634 Stevens Creek Boulevard
[Staff Report](#)
[A - Application](#)

14. Subject: Award and authorize the City Manager to execute a construction contract for the Sports Center Upgrades-East Courts Light Conversion project (Project No. 2017-19.01)

Recommended Action: 1. Award and authorize the City Manager to execute a construction contract for the Sports Center Upgrades-East Courts Light Conversion project with Nema Construction in the amount of \$220,000; and 2. Authorize a construction contingency budget of \$22,000, 10% of the contract amount, to address unforeseen conditions during construction, for a total of \$242,000; and 3. Approve a budget appropriation in the amount of \$470,000 in the Sports Center - Upgrades project (420-99-017) and the appropriation in the amount of \$470,000 in transfers out from the Sport Center - Children's Play Area project (570-99-032)

[Staff Report](#)

[A - Draft Contract](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

ORDINANCES AND ACTION ITEMS

15. Subject: Amend Cupertino Municipal Code Chapter 11.24, "Standing, Stopping or Parking-Public Streets, Section 11.24.170, Limitation on Certain Streets", to Establish 2-hour Parking on a Portion of Vallco Parkway

Recommended Action: Conduct the first reading of Ordinance No. 17-2169: An Ordinance of the City Council of the City of Cupertino Amending Section 11.24.170, "Limitation on Certain Streets", to Establish 2-hour Parking on a Portion of Vallco Parkway

[Staff Report](#)

[A - Map of Proposed 2hr Parking](#)

[B - Draft Ordinance](#)

16. Subject: Kidpool Pilot Project

Recommended Action: Authorize the City Manager to execute a contract with Fremont Union High School District and Pogo, Inc. for use of a mobile application platform that facilitates parent carpooling

[Staff Report](#)

[Draft Contract](#)

17. Subject: Consider adopting resolutions establishing a policy for accepting donations and revising the Naming of City Facilities Policy
Recommended Action: a. Adopt Resolution No. 17-102 establishing a policy for accepting donations (Attachment A); and
b. Adopt Resolution No. 17-103 rescinding Resolution No. 03-162 and amending the Naming of City Facilities Policy (Attachment C)
[Staff Report](#)
[A - Draft Resolution Donation Policy](#)
[B - Standard Donation Form Sample](#)
[C - Draft Resolution Naming of City Facilities Policy](#)
[D - Draft Naming of City Facilities Policy - Redline Version](#)
18. Subject: Designation of a primary representative and alternate for the City of San Jose's Ad Hoc Advisory Committee on South Flow Arrivals
Recommended Action: Designate a primary representative and one alternate for the City of San Jose's Ad Hoc Advisory Committee on South Flow Arrivals
[Staff Report](#)
[A - Email Invitation from the City of San Jose](#)
[B - City of San Jose Memorandum](#)
[C - City of San Jose Presentation](#)

REPORTS BY COUNCIL AND STAFF

19. 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.

IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.

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