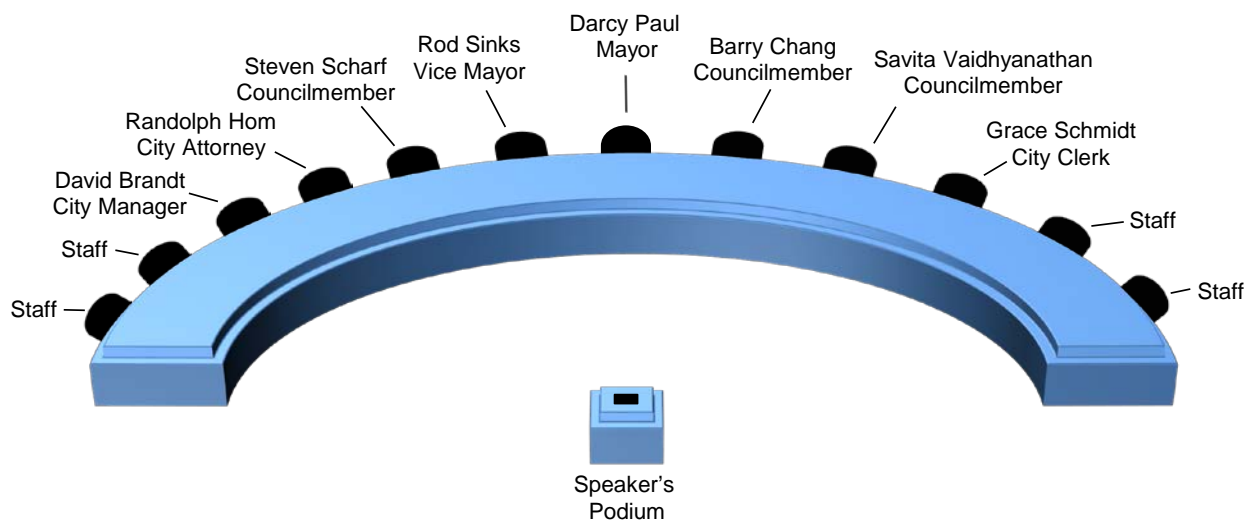




AGENDA OF THE CITY COUNCIL

Tuesday, December 19, 2017

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.

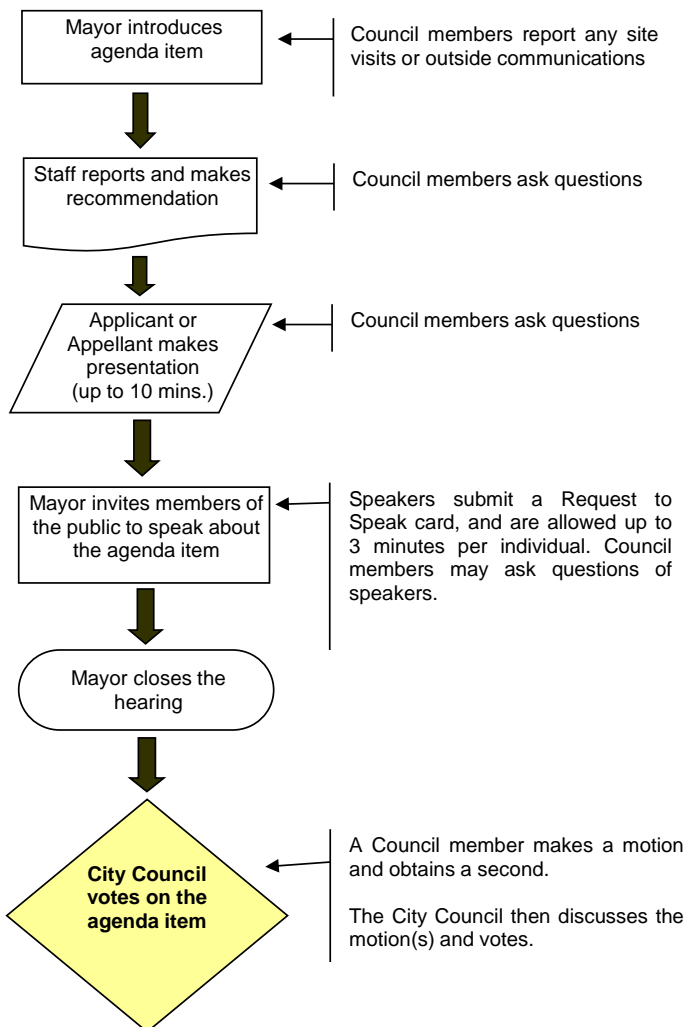
AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

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

10350 Torre Avenue, Council Chamber

Tuesday, December 19, 2017

6:45 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Healthy Cities Initiative award
Recommended Action: Accept award from Santa Clara County for Healthy Cities Initiative
2. Subject: Teen Commission 2017-2018 Work Plan presentation
Recommended Action: Accept the Teen Commission 2017-2018 Work Plan presentation
[A - Work Plan](#)
3. Subject: Presentation from consultants related to the Vallco Specific Plan
Recommended Action: That the City Council accept the presentation from consultants related to the Vallco Specific Plan
[Staff Report](#)

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 November 27 City Council minutes
Recommended Action: Approve the November 27 City Council minutes
[A - Draft Minutes](#)
5. Subject: Approve the December 5 City Council minutes
Recommended Action: Approve the December 5 City Council minutes
[A - Draft Minutes](#)
6. Subject: Accept Accounts Payable for the period ending November 3, 2017
Recommended Action: Adopt Resolution No. 17-116 accepting Accounts Payable for the period ending November 3, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending November 9, 2017
Recommended Action: Adopt Resolution No. 17-117 accepting Accounts Payable for the period ending November 9, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending November 17, 2017
Recommended Action: Adopt Resolution No. 17-118 accepting Accounts Payable for the period ending November 17, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending December 1, 2017
Recommended Action: Adopt Resolution No. 17-119 accepting Accounts Payable for the period ending December 1, 2017
[A - Draft Resolution](#)
[B - AP Report](#)

- 10.** Subject: Adopt a resolution approving the purchase of property at 10301 Byrne Ave (APN 357-11-020).

Recommended Action: 1. Adopt Resolution No. 17-120, approving purchase of the property at 10301 Byrne Avenue, Assessors' Parcel Number 357-11-020, from Patricia L. Sievert Living Trust, in the amount of \$2,450,000, authorizing the City Manager to execute all necessary documents and related steps to complete the acquisition.

2. Approve increase budget appropriations of \$2,450,000 in the General Fund-Non Departmental program for the purchase of the property.

[Staff Report](#)

[A - Aerial Map, 10301 Byrne Ave. Vicinity](#)

[B - Photos of the Blackberry Farm Driveway](#)

[C - Draft Resolution](#)

- 11.** Subject: Agreement with Avocette Technologies, Inc. for professional services in implementing Accela Permitting and Land Management System

Recommended Action: Authorize the City Manager to execute a Services Agreement with Avocette Technologies, Inc. in the amount of \$299,143 for the implementation of Accela Permitting and Land Management System which represents \$139,143 in additional funding above the original June 21, 2017 contract of \$160,000 for a total of \$299,143

[Staff Report](#)

[A - Avocette 1st Amendment Draft Agreement](#)

12. Subject: Second Amendment to the Agreement between the City of Cupertino (City) and Recology Cupertino (Recology) for the Solid Waste Services Franchise Agreement

Recommended Action: 1. Adopt Resolution 17-121 to approve the Second Amendment to the Solid Waste Services Franchise Agreement, extending the expiration of the current Agreement (November 1, 2010 through January 31, 2019) to January 31, 2021 and including an option to negotiate a new ten year agreement with Recology that could begin as early as January 31, 2021, contingent upon Recology meeting Second Amendment requirements; and

2. Authorize a payment of \$5,365 to Recology Cupertino from the Resource Recovery fund 520-81-801 to cover additional costs to process commercial organic materials collected in calendar year 2016.

[Staff Report](#)

[A - Draft Resolution](#)

[B - REDLINE 2nd Amendment](#)

[C - Draft 2nd Amendment](#)

[D - Recology Organic Processing Reimbursement Request](#)

[E - Franchise Agreement](#)

[F - First Amendment](#)

13. Subject: Establish a Zero Waste Policy for the City of Cupertino

Recommended Action: Adopt Resolution 17-122 to establish and authorize a Zero Waste Policy for the City of Cupertino

[Staff Report](#)

[A - Draft Resolution](#)

[B - Zero Waste Policy](#)

14. Subject: 2018 Pavement Maintenance Project, Project No. 2018-101 contract award

Recommended Action: Authorize the City manager to award a contract to G. Bortolotto & Co. in the amount of \$3,077,777 and approve a construction contingency of \$307,000, for a total of \$3,384,777.

[Staff Report](#)

[A - Street List](#)

[B - Contract Documents](#)

15.Subject: 2017-18 Comprehensive Facility Condition and Use Assessments

Recommended Action: Authorize the City Manager to negotiate and execute the 2017-18 Comprehensive Facility Condition and Use Assessments agreement with The KPA Group within the established budget of \$200,000.

[Staff Report](#)

[Attachment A - Final Building Condition Assessment RFP](#)

SECOND READING OF ORDINANCES**16.**Subject: Second reading of an ordinance to establish regulations regarding adult use (recreational) and medicinal marijuana by adding a new Chapter 10.84, Medicinal and Adult Use of Marijuana, in Title 10, amending Chapter 19.08, Definitions, to repeal definitions related to Marijuana and amending Chapter 19.98, Medical Marijuana, to update and reference the newly established Chapter. (Application No(s): MCA-2017-04; Applicant(s): City of Cupertino; Location: Citywide)

Recommended Action: That the City Council conduct the second reading and enact Ordinance No. 17-2169: “An Ordinance of the City Council of the City of Cupertino adding Chapter 10.84 titled “Medicinal and Adult Use of Marijuana” to Title 10 of the Cupertino Municipal Code; amending Section 19.08.030 to repeal Definitions related to Marijuana; and amending Chapter 19.98 to reference the newly adopted ordinance.”

[Staff Report](#)

[A - Draft Ordinance No. 17-2169](#)

PUBLIC HEARINGS

17. Subject: Consider an ordinance to amend regulations in Title 19, Zoning of the Municipal Code with regard to Accessory Dwelling Units, including Chapter 19.08, Definitions, and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 zones (Application No(s): MCA-2017-05; Applicant(s): City of Cupertino; Location: Citywide)

Recommended Action: That the City Council:

1. Find that the proposed actions are exempt from CEQA; and
2. Conduct the first reading of Ordinance No. 17-2170: "An Ordinance of the City Council of the City of Cupertino amending Chapter 19.08, Definitions and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 Zones (Residential Zoning Districts) to conform to new state laws."

[Staff Report](#)

[A - Draft Ordinance No. 17-2170](#)

[B - PC Resolution No. 6842 with strikethroughs and underlines](#)

ORDINANCES AND ACTION ITEMS

18. Subject: Adopt the 2017 Cupertino Pedestrian Transportation Plan and Mitigated negative Declaration for the 2017 Cupertino Pedestrian Transportation Plan

Recommended Action: Adopt Resolution No. 17-123 adopting the 2017 Cupertino Pedestrian Transportation Plan and the Mitigated Negative Declaration for the 2017 Cupertino Pedestrian Transportation Plan

[Staff Report](#)

[A - Draft Resolution](#)

[B - 2017 Pedestrian Transportation Plan](#)

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

Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Rod Sinks	RSinks@cupertino.org	(408) 777-3194
Savita Vaidhyanathan	SVaidhyanathan@cupertino.org	(408) 777-3193
Barry Chang	BChang@cupertino.org	(408) 777-3192
Steven Scharf	SScharf@cupertino.org	(408) 777-3191
Council administrator	LaurenS@cupertino.org	(408) 777-1312
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