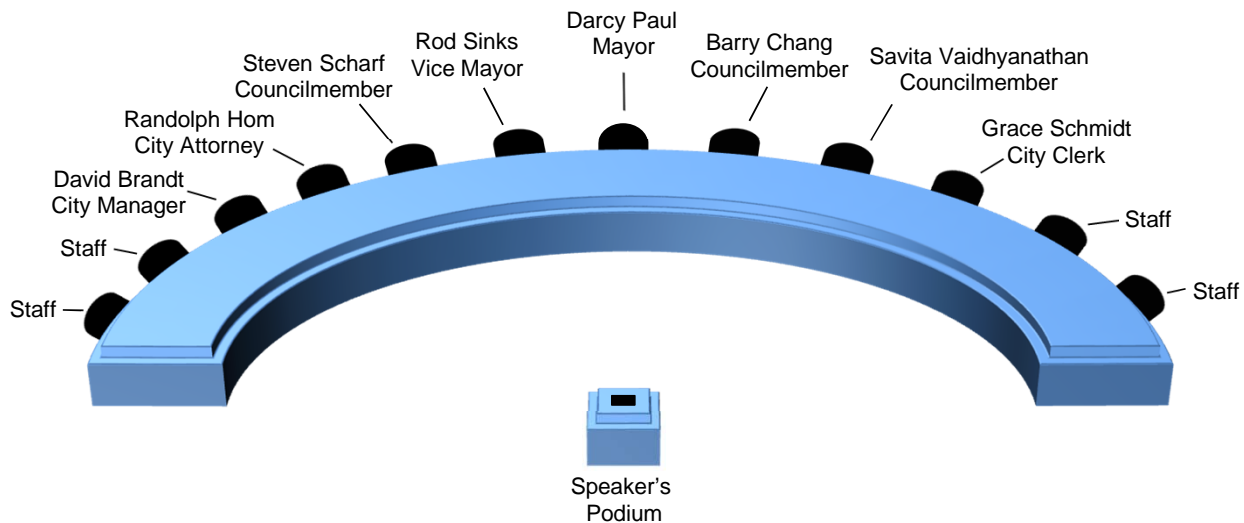




## AGENDA OF THE CITY COUNCIL

**Tuesday, April 17, 2018**

**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.

## 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.

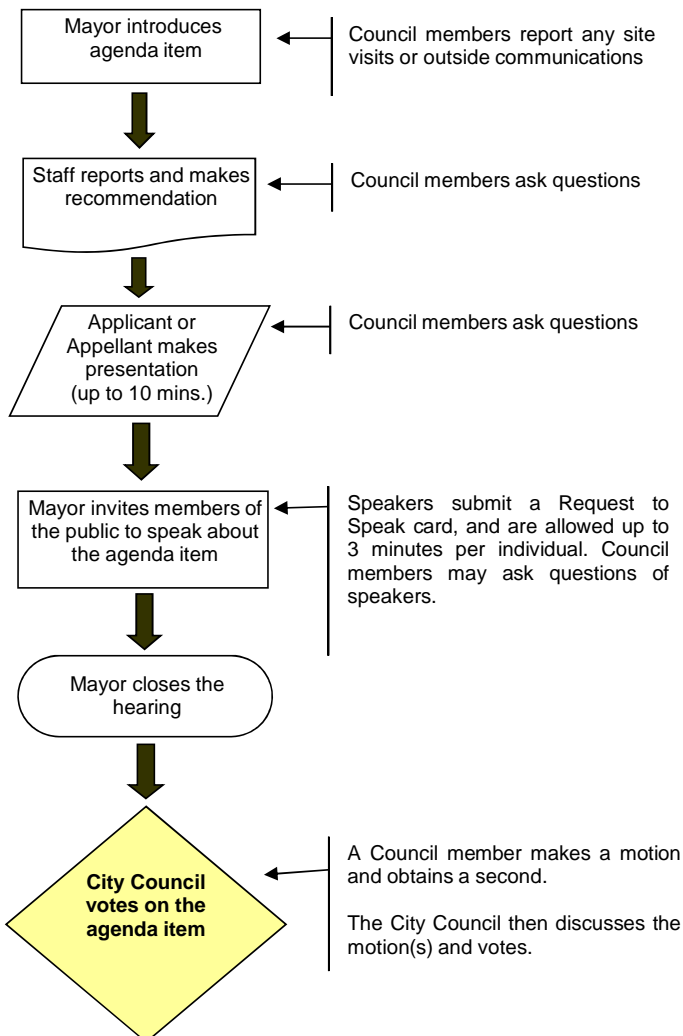
## AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

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.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

10350 Torre Avenue, Council Chamber

Tuesday, April 17, 2018

6:45 PM

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation to the Tongxiang Friendship-city delegation  
Recommended Action: Present Proclamation to the Tongxiang Friendship-city delegation
2. Subject: Proclamation to Councilmember Barry Chang and G-50 Conference volunteers  
Recommended Action: Present Proclamation to Councilmember Barry Chang and G-50 Conference volunteers for coordinating the first G-50 Smart Cities conference held on April 6, 2018
3. Subject: Presentation from De Anza College President Brian Murphy regarding the college strategic planning update  
Recommended Action: Receive presentation from De Anza College President Brian Murphy regarding the college strategic planning update
4. Subject: Update regarding status of 2016 Bicycle Transportation Plan Implementation  
Recommended Action: Receive update regarding status of 2016 Bicycle Transportation Plan Implementation  
[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.*

5.     Subject: Approve the April 3 City Council minutes  
          Recommended Action: Approve the April 3 City Council minutes  
          [A - Draft Minutes](#)
6.     Subject: Accept Accounts Payable for the period ending March 23, 2018  
          Recommended Action: Adopt Resolution No. 18-031 accepting Accounts Payable for the period ending March 23, 2018  
          [A - Draft Resolution](#)  
          [B - AP Report](#)
7.     Subject: Accept Accounts Payable for the period ending March 30, 2018  
          Recommended Action: Adopt Resolution No. 18-032 accepting Accounts Payable for the period ending March 30, 2018  
          [A - Draft Resolution](#)  
          [B - AP Report](#)
8.     Subject: Approve Treasurer's Investment Report for the Quarter Ending March 2018  
          Recommended Action: Accept the report  
          [Staff Report](#)  
          [A - Investment Portfolio](#)  
          [B - Wells Fargo Value comparison report](#)  
          [C - Supplemental Portfolio Analysis](#)

9. Subject: Approve resolution amending the Memorandum of Understanding between the City of Cupertino and the Cupertino Employees Association (CEA), for the period of October 1, 2016 to June 30, 2019, to include sideletters regarding Assembly Bill 119 and the establishment of a Labor Management Committee.
- Recommended Action: Adopt Resolution No. 18-033 amending the Memorandum of Understanding between the City of Cupertino and the Cupertino Employees Association (CEA), for the period of October 1, 2016 to June 30, 2019, to include sideletters regarding Assembly Bill 119, Government Code Section 3555-3559; and the establishment of a Labor Management Committee.
- [Staff report](#)
- [A - Draft Resolution](#)
- [B - Agreement: Access to New Employees](#)
- [C - Agreement: Labor Mgmt. Committee - Redlined](#)
- [D - Agreement: Labor Mgmt. Committee - Clean](#)
10. Subject: Wayfinding Signage Program for Local Wineries
- Recommended Action: Approve the signage program for the Cupertino segment of the Santa Cruz Mountains Winegrowers Wine Trail
- [Staff Report](#)
- [A - Map of Cupertino-based wineries](#)
- [B - SCMWA Purple Wine Trail Sign](#)
- [C - Wine Trail Signage and Locations](#)
11. Subject: Resolution adopting a Complete Streets Policy to further the goals of meeting the safety, access, and mobility needs of all users of the roadways
- Recommended Action: Adopt Resolution No. 18-034, adopting a Complete Streets Policy to further the goals of meeting the safety, access, and mobility needs of all users of the roadways
- [Staff Report](#)
- [A - Draft Policy](#)
- [B - Draft Resolution](#)

12. Subject: Approval of two separate Master Agreements between the City of Cupertino and the Gilbane Building Company and between the City of Cupertino and CSG Consultants, Inc. to provide construction management services on various Capital Improvement Projects

Recommended Action: a. Authorize the City Manager to execute a Master Agreement between the City of Cupertino and the Gilbane Building Company in the amount not to exceed \$500,000 for a term of approximately two years; and b. Authorize the City Manager to execute a Master Agreement between the City of Cupertino and CSG Consultants, Inc. in the amount not to exceed \$500,000 for a term of approximately two years

[Staff Report](#)

[A – Draft Master Agreement with Gilbane Building Company](#)

[B – Draft Master Agreement with CSG Consultants, Inc.](#)

13. Subject: Cupertino Bikeway Project - Acceptance of outside funding, authorization of funding agreement, and appropriation of funds

Recommended Action: 1. Authorize acceptance of a \$138,359 Transportation Fund for Clean Air (TFCA) grant and authorize the City Manager to execute a funding agreement with the Bay Area Air Quality Management District (BAAQMD).

2. Amend approved FY 17/18 Capital Improvement Program Budget by an additional amount of \$138,359 for TFCA project budget.

[Staff Report](#)

[A - Draft TFCA Funding Agreement](#)

## SECOND READING OF ORDINANCES

14. Subject: Amend Cupertino Municipal Code Chapter 2.48 to codify design approval authority for public improvements and update the organizational structure of the Department of Public Works

Recommended Action: a. Conduct the second reading of Ordinance No. 18-2173: “An Ordinance of the City Council of the City of Cupertino Amending Section 2.48. of Title II of the Cupertino Municipal Code Pertaining to the Approval of Plans and Designs for Public Improvements and Updating the Organizational Structure of the Department of Public Works”; and b. enact the ordinance. The first reading was conducted on April 3

[Staff Report](#)

[A -Draft Ordinance](#)

[B - Redline Changes](#)

## PUBLIC HEARINGS

- 15.** Subject: FY 2018-19 Community Development Block Grant (CDBG) Program, Below Market Rate (BMR) Affordable Housing Fund (AHF), and General Fund Human Service Grants (HSG) Program funding allocations

Recommended Action: 1. Adopt Resolution No. 18-035 approving the FY 2018-19 CDBG, BMR AHF, and HSG funding allocations;  
2. Set an annual limit of \$50,000 for the BMR AHF public service fund starting in FY 2018-19;  
3. Increase the General Fund allocation towards the HSG fund from \$40,000 to an annual amount of \$100,000 starting in FY 2018-19  
4. Authorize the City Manager to negotiate and execute FY 2018-19 CDBG, BMR AHF, and HSG grant agreements.

[Staff Report](#)

[A - Draft Resolution](#)

[B - FY 18-19 NOFA RFP](#)

[C - 2018-19 CDBG, BMR AHF, and HSG Grant Application Description](#)

[D - Housing Commission Resolution No. 18-02](#)

[E - Sample CDBG Capital Housing Project Grant Agreement](#)

[F - Sample CDBG Public Service Grant Agreement](#)

[G - Sample BMR AHF Capital Housing Grant Agreement](#)

[H - Sample BMR AHF Public Services Grant Agreement](#)

[I - Sample HSG Grant Agreement](#)

16. Subject: Development Permit, Use Permit, and Architectural and Site Approval applications for The Forum at Rancho San Antonio, a continuing care retirement community that currently exists on a 51.5-acre site. Application No(s): DP-2017-01 (EA-2017-01), ASA-2017-03, TR-2018-06; Applicant(s): Mary Elizabeth O'Connor (Rancho San Antonio Retirement Housing Corp); Location: 23500 Cristo Rey Drive, APN# 342-54-999

Recommended Action: Conduct the Public Hearing and:

1. Approve the Development Permit (DP-2017-01) and Environmental Analysis (EIR) (EA-2017-01); and Certify the final Environmental Impact Report pursuant to the California Environmental Quality Act, and adopt the mitigation monitoring and reporting program per Resolution No. 18-036;
2. Approve the Architectural and Site approval (ASA-2017-03) per Resolution No. 18-037;
3. Approve the Tree Removal Permit (TR-2018-06) to allow the removal and replacement of 25 protected trees per Resolution No. 18-038;

Staff Report

[A.1 - Draft Resolution DP](#)

[A.2 - Draft Resolution ASA](#)

[A.3 - Draft Resolution TR](#)

[B.0 - Project letter](#)

[B.1 - Project Plans - G0-A1-Series](#)

[B.2 - Project Plans - A2-Series](#)

[B.3 - Project Plans - A3-Series](#)

[B.4 - Project Plans - A4-Series](#)

[B.5 - Project Plans - A5-Series](#)

[B.6 - Project Plans - A6-Series](#)

[B.7 - Project Plans - A7-A8-Series](#)

[B.8 - Project Plans - Landscape](#)

[B.9 - Project Plans - Civil](#)

[C.1 - EIR Chapter 1-3](#)

[C.2 - EIR Chapter 4](#)

[C.3 - EIR Chapter 5-7](#)

[C.4 - EIR response to comments](#)

[D - Public comments](#)

[E - ERC minutes](#)

[F - Planning Commission resolutions](#)



**17.    Subject: Fiscal Year 2018-19 Fee Schedule**

Recommended Action:   Adopt Resolution No. 18-039 approving the FY2018-19 Fee Schedule

[Staff Report](#)

[A - Draft Resolution](#)

[B - Fee Schedule A - General](#)

[C - Fee Schedule B - Engineering](#)

[D - Fee Schedule C - Planning](#)

[E - Fee Schedule D - Building](#)

[F - Fee Schedule E - Recreation](#)

**ORDINANCES AND ACTION ITEMS****18.    Subject: State Route 85 Transit Guideway Study**

Recommended Action:   Receive report on State Route (SR) 85 Transit Guideway Study and authorize the Mayor to send a letter to the Valley Transportation Authority (VTA) requesting advance funding for Task 2 and Task 3

[Staff Report](#)

[A - Draft Letter to VTA](#)

**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](mailto:citycouncil@cupertino.org)

Darcy Paul	<a href="mailto:DPaul@cupertino.org">DPaul@cupertino.org</a>	(408) 777-3195
Rod Sinks	<a href="mailto:RSinks@cupertino.org">RSinks@cupertino.org</a>	(408) 777-3194
Savita Vaidhyanathan	<a href="mailto:SVaidhyanathan@cupertino.org">SVaidhyanathan@cupertino.org</a>	(408) 777-3193
Barry Chang	<a href="mailto:BChang@cupertino.org">BChang@cupertino.org</a>	(408) 777-3192
Steven Scharf	<a href="mailto:SScharf@cupertino.org">SScharf@cupertino.org</a>	(408) 777-3191
Council administrator	<a href="mailto:LaurenS@cupertino.org">LaurenS@cupertino.org</a>	(408) 777-1312
City Hall	<a href="http://www.cupertino.org">www.cupertino.org</a>	(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