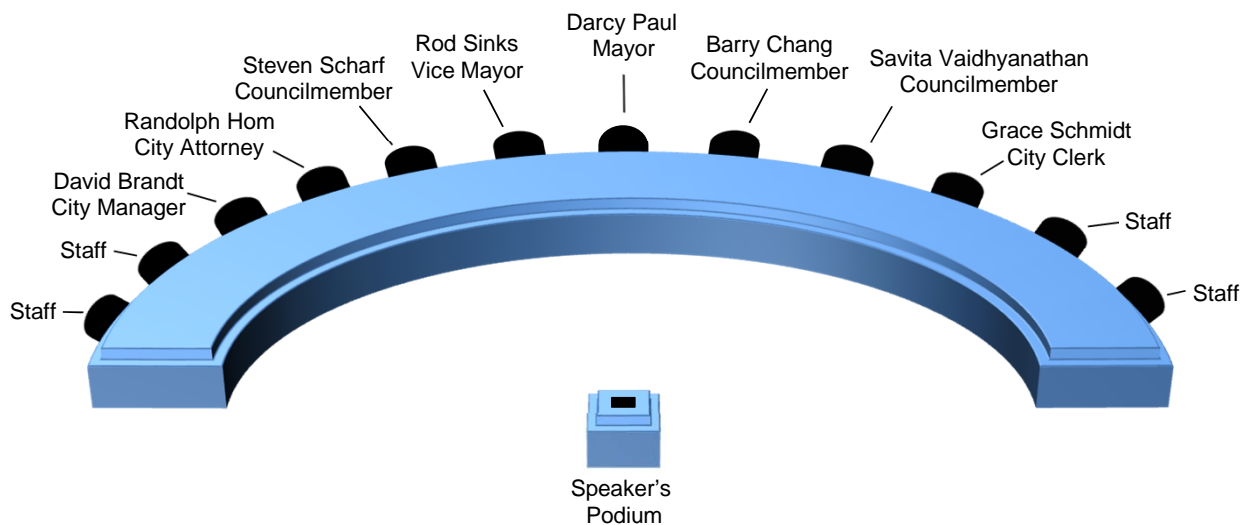




## AGENDA OF THE CITY COUNCIL

**Tuesday, June 5, 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)

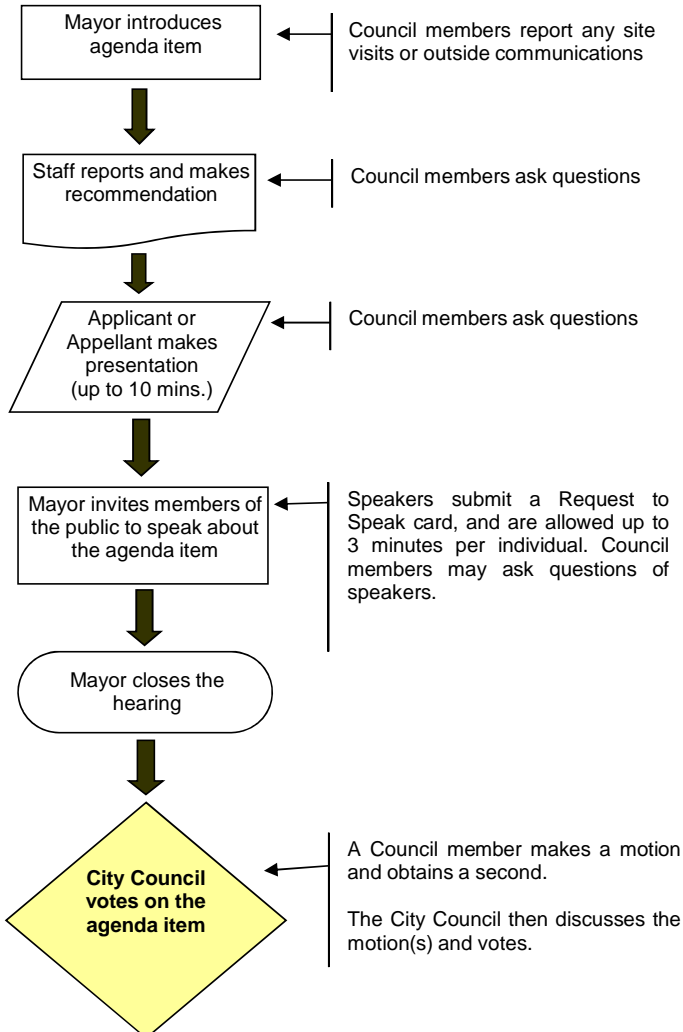
## CONDUCT OF BUSINESS

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.

## FLOWCHART FOR AGENDA ITEMS:



## 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.



# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, June 5, 2018

6:45 PM

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation to Naomi Desai from Girl Scout Troop 60321 for earning the highest Girl Scout award  
Recommended Action: Present Proclamation to Naomi Desai from Girl Scout Troop 60321 for earning the highest Girl Scout award
2. Subject: Proclamations and presentations for the winners of <hack>Cupertino 2018  
Recommended Action: Present proclamations and receive presentations from the three winning teams: Vibes Save Lives, Agoration, Stress Oppress
3. Subject: Presentation by Cupertino-Hsinchu, Taiwan Sister City Association (CHSCA)  
Recommended Action: Receive presentation by Cupertino-Hsinchu, Taiwan Sister City Association (CHSCA)

#### STUDY SESSION

4. Subject: Study session on potential revenue measures related to business license tax and storm drain fee.  
Recommended Action: Provide staff direction on next steps towards exploring an increase in the City's business license tax that is employee-based and increasing the storm drain fee.  
[Staff Report](#)  
[A - Cupertino Business License Tax 2018](#)  
[B - Voter Poll](#)  
[C - Voter Poll Results](#)  
[D - 2018 Election Timetable](#)

**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 May 15 City Council minutes  
          Recommended Action: Approve the May 15 City Council minutes  
          [A - Draft Minutes](#)
6.     Subject: Approve the May 22 (Teen Commission interviews) City Council minutes  
          Recommended Action: Approve the May 22 (Teen Commission interviews) City Council minutes  
          [A - Draft Minutes](#)
7.     Subject: Accept Accounts Payable for the period ending April 6, 2018  
          Recommended Action: Adopt Resolution No. 18-049 accepting Accounts Payable for the period ending April 6, 2018  
          [A - Draft Resolution](#)  
          [B - AP Report](#)
8.     Subject: Accept Accounts Payable for the period ending April 13, 2018  
          Recommended Action: Adopt Resolution No. 18-050 accepting Accounts Payable for the period ending April 13, 2018  
          [A - Draft Resolution](#)  
          [B - AP Report](#)
9.     Subject: Accept Accounts Payable for the period ending April 20, 2018  
          Recommended Action: Adopt Resolution No. 18-051 accepting Accounts Payable for the period ending April 20, 2018  
          [A - Draft Resolution](#)  
          [B - AP Report](#)

10. Subject: Annual adoption of City Investment Policy  
Recommended Action: Adopt Resolution No. 18-052 accepting the City Investment Policy  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - Investment Policy](#)
11. Subject: Annual adoption of Other Post-Employment Benefits (OPEB) Trust Investment Policy  
Recommended Action: Adopt Resolution No. 18-053 accepting the Investment Policy for the OPEB Trust  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - Investment Policy](#)
12. Subject: Adopt a resolution calling a General Municipal Election on Nov. 6, 2018, to fill three City Council seats  
Recommended Action: Adopt Resolution No. 18-054 calling a General Municipal Election on Nov. 6, 2018, to fill three City Council seats  
[Staff Report](#)  
[A - Draft Resolution](#)
13. Subject: Appointment of Interim City Manager and execution of employment agreement.  
Recommended Action: Authorize the Mayor to execute employment agreement for Interim City Manager.  
[Staff Report](#)  
[A - Draft Agreement](#)
14. Subject: Authorize the City Manager to negotiate and execute a lease agreement with the Santa Clara Valley Audubon Society for the property known as the McClellan Ranch House located at 22221 McClellan Road, Cupertino, CA 95014.  
Recommended Action: Authorize the City Manager to negotiate and execute a lease agreement with the Santa Clara Valley Audubon Society for the property known as the McClellan Ranch House for the period July 1, 2018 to June 30, 2019, with an option to renew for one additional one-year term.  
[Staff Report](#)  
[A - Draft Lease Agreement](#)

15. Subject: Authorize the City Manager to negotiate and execute an amendment of the lease agreement for the property known as The Blue Pheasant Restaurant.  
Recommended Action: Authorize the City Manager to negotiate and amend the lease agreement with Hungry Jack's Corporation and Mike Tsachres for the Blue Pheasant Restaurant, for a three-year period extending through June 30, 2021.  
[Staff Report](#)  
[A - Draft First Amendment](#)  
[B - Lease Agreement](#)
16. Subject: Authorize the City Manager to negotiate and execute a lease agreement with the Friends of Stevens Creek Trail for the property known as the McClellan Ranch House located at 22221 McClellan Road, Cupertino, CA 95014.  
Recommended Action: Authorize the City Manager to execute a lease agreement with Friends of Stevens Creek Trail for the property known as the McClellan Ranch House for the period July 1, 2018 to June 30, 2019, with an option to renew for one additional one-year term.  
[Staff Report](#)  
[A - Draft Lease Agreement](#)
17. Subject: Accept the relevant portions of Santa Clara Operational Area Hazard Mitigation Plan Update of 2017 including all of Volume 1 and the City of Cupertino's portion of Volume 2 of the Santa Clara Operational Area Hazard Mitigation Plan to enable the City to qualify for hazard mitigation grants to respond to disasters.  
Recommended Action: Adopt Resolution No. 18-055 accepting all of Volume 1 and the City of Cupertino's portion of Volume 2 of the Santa Clara County Operational Area Hazard Mitigation Plan to enable the City to qualify for hazard mitigation grants to respond to disasters.  
[Staff Report](#)  
[A - Pre-Disaster Mitigation Grant Program \(PDM\) Fact Sheet](#)  
[B - City of Cupertino LHMP Annex \(Chapter 3\)](#)  
[C - Hazard Mitigation Plan Draft Resolution](#)  
[D - Santa Clara County Hazard Mitigation Executive Summary](#)  
[E - Vol 1 - OpArea Hazard Mitigation Plan](#)  
[F - Vol 2 - SCC Hazard Mitigation Plan \(County only\)](#)

18. Subject: Appointment of City of Cupertino representative to the Santa Clara County Valley Transportation Authority (VTA) Bicycle & Pedestrian Advisory Committee (BPAC)

Recommended Action: Accept the Bicycle Pedestrian Commission (BPC) recommendation to reappoint Erik Lindskog to the VTA BPAC for a two-year term beginning July 1, 2018

[Staff Report](#)

## **SECOND READING OF ORDINANCES**

## **PUBLIC HEARINGS**

19. Subject: Public hearing to consider the Capital Improvement Plan (CIP); and a finding of General Plan conformance; and the Recommended Budget for Fiscal Year (FY) 2018-19; and Adoption of the Recommended Budget; and Establishment of the Appropriation Limit, and related actions.

Recommended Action: a. Adopt Resolution No. 18-056 establishing a special project budget for Public Works Traffic Engineering Program for costs related to Apple Pass through Revenues for FY 2018-19

b. Adopt Resolution No. 18-057 establishing an Operating Budget and Capital Budget for FY 2018-19

c. Adopt Resolution No. 18-058 establishing an Appropriation Limit for FY 2018-19

d. Approve the appropriation of \$22,000 in Public Works for the Senior Mobility/RIDE Program

e. Approve the appropriation of \$175,000 in Community Development for BMR linkage fees update

f. Approve the appropriation of \$67,000 in Recreation and Community Services for a Performing Arts program

g. Approve the appropriation of \$25,000 in Administration for the Cities Association Ad Hoc Committee for the Santa Clara/Santa Cruz Counties Airport/Community Roundtable

h. Approve the appropriation of \$3,500 for Sheriff's costs related to the Tournament of Bands.

Staff Report

[A - Draft Resolution - Pass thru revenue budget for Fiscal Year 2018-19](#)

[B - Draft Resolution Operating Budget and Capital Budget for Fiscal Year](#)

[C - Draft Resolution Appropriation Limit for Fiscal Year 2017-18 \(JPT ec](#)

[D - Budget Study Session Follow-Up Items](#)

[D1 - Community Funding Additional Responses](#)

[D2 - Community Funding Other City Comparison](#)

[D3 - Risk Manager CAO Other City Comparison](#)

[D4 - Transportation Staffing Comparison](#)



20. Subject: Appeal of a Planning Commission decision to approve a Development Permit to consider the proposed replacement of an existing 76 gasoline service station and an auto repair shop (1,221 sq. ft.) with an updated gasoline service station and a convenience market (2,419 sq. ft.); Architectural and Site Approval to consider an updated gasoline service station, proposed convenience market and associated site improvements, including paving for off-street parking and landscaping; Conditional Use Permit to consider a proposed convenience market in conjunction with updates to an existing gasoline service station, proposed concurrent sale of alcoholic beverages and gasoline, and proposed 24-hour operations. Application No(s).: DP-2017-02, ASA-2017-04, U-2017-03; Applicant(s): Amir Khojasteh (Liaoning Benefit Petroleum (US) Corp); Appellant(s): Georgene Petri; Location: 10490 S De Anza Blvd APN# 369-39-041

Recommended Action: Conduct the Public Hearing; and

Deny the appeal and uphold the Planning Commission's decision to approve a Development, Use and an Architectural and Site Permit for a 2,419 s. f. convenience market; the concurrent sale of alcoholic beverages and gasoline; 24-hour operations for the gasoline service station and convenience market per the Resolution 18-059, approval of DP-2017-02 for a Development Permit; Resolution 18-060, approval of U-2017-03 for a Use Permit; and Resolution 18-061, approval of ASA-2017-04 for an Architectural and Site Permit.

[Staff Report](#)

[A - Draft Resolution approving DP-2017-02](#)

[B - Draft Resolution approving U-2017-03](#)

[C - Draft Resolution approving ASA-2017-04](#)

[D - PC Resolution No. 6851 for DP-2017-02](#)

[E - PC Resolution No. 6853 for U-2017-03](#)

[F - PC Resolution No. 6852 for ASA-2017-04](#)

[G - Plan Set](#)

[H - Appeal Filed by Georgene Petri](#)

[I - PC Staff Report](#)

[J - PC Meeting Minutes](#)

## **ORDINANCES AND ACTION ITEMS**

## **REPORTS BY COUNCIL AND STAFF**

21. 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](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