

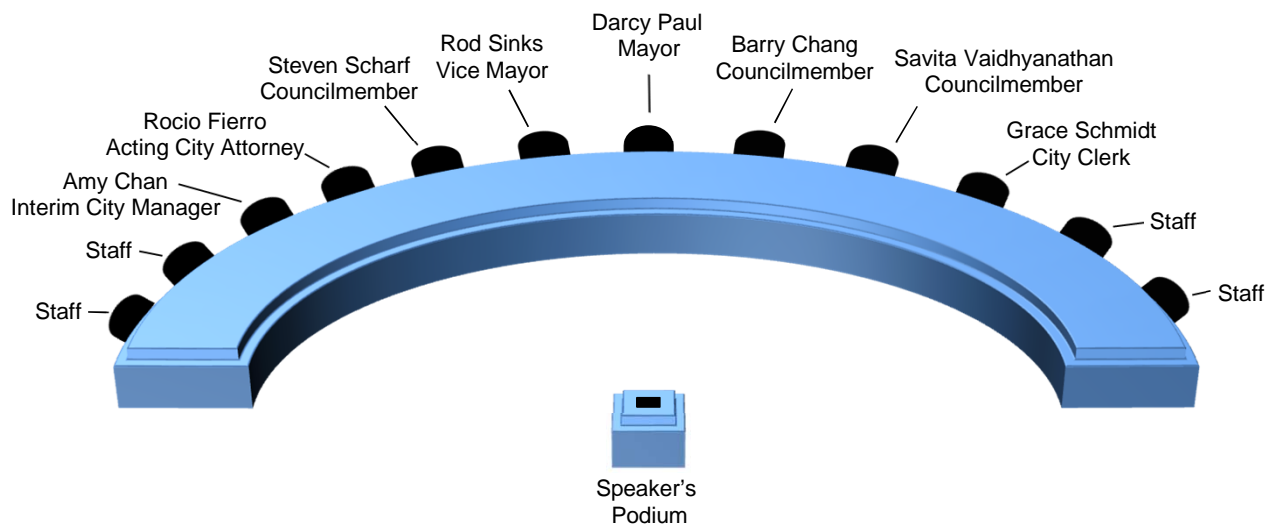


## AGENDA OF THE CITY COUNCIL

**Tuesday, August 21, 2018**

**Special Meeting Televised Study Session (4:30)**

**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)

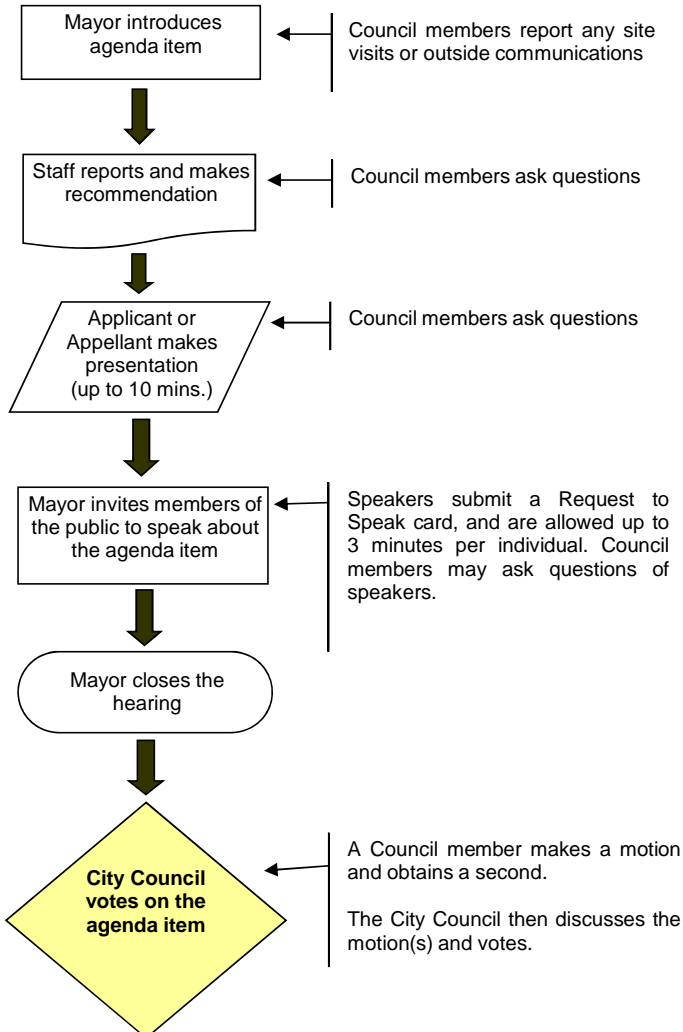
## CONDUCT OF BUSINESS

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, 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, August 21, 2018

4:30 PM

Special Meeting Televised Study Session (4:30) 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, August 21, 2018, commencing at 4:30 p.m. for a Study Session in Community Hall Council Chamber, 10350 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 - 4:30 PM

#### STUDY SESSION

1. Subject: Study session regarding the annexation process and options for Lehigh Permanente Quarry.  
Recommended Action: Conduct study session and discuss annexation and options for Lehigh Permanente Quarry  
[Cover Memo](#)  
[A - PPT Presentation](#)

2. Subject: Study Session on the potential formation of a Santa Clara County Regional Housing Needs Allocation (RHNA) subregion  
Recommended Action: That the City Council provide comments on the possibility of the formation of a RHNA subregion.  
[Staff Report](#)  
[A - Guiding Principles](#)  
[B - RHNA subregion overview](#)  
[C - Pros and Cons](#)  
[D - Resolution and By-laws](#)

## ADJOURNMENT

## REGULAR MEETING

### PLEDGE OF ALLEGIANCE - 6:45 PM

### ROLL CALL

### CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamations recognizing the Monta Vista High School Boys Volleyball Team for winning the NorCal Championship  
Recommended Action: Present Proclamations recognizing the Monta Vista High School Boys Volleyball Team for winning the NorCal Championship
2. Subject: Proclamation recognizing September as Pain Awareness Month.  
Recommended Action: Present Proclamation recognizing September as Pain Awareness Month.

### 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 May 15 City Council minutes (continued from July 3, 2018)  
          Recommended Action: Approve the May 15 City Council minutes  
          [A - Draft Minutes](#)
4.     Subject: Approve the July 3 City Council minutes  
          Recommended Action: Approve the July 3 City Council minutes  
          [A - Draft Minutes](#)
5.     Subject: Approve the July 31 City Council minutes  
          Recommended Action: Approve the July 31 City Council minutes  
          [A - Draft Minutes](#)
6.     Subject: Accept Accounts Payable for the period ending May 18, 2018  
          Recommended Action: Adopt Resolution No. 18-071 accepting Accounts Payable for the period ending May 18, 2018  
          [A - Draft Resolution](#)  
          [B - AP Report](#)
7.     Subject: Accept Accounts Payable for the period ending May 25, 2018  
          Recommended Action: Adopt Resolution No. 18-072 accepting Accounts Payable for the period ending May 25, 2018  
          [A - Draft Resolution](#)  
          [B - AP Report](#)
8.     Subject: Accept Accounts Payable for the period ending June 1, 2018  
          Recommended Action: Adopt Resolution No. 18-073 accepting Accounts Payable for the period ending June 1, 2018  
          [A - Draft Resolution](#)  
          [B - AP Report](#)
9.     Subject: Accept Accounts Payable for the period ending June 8, 2018  
          Recommended Action: Adopt Resolution No. 18-074 accepting Accounts Payable for the period ending June 8, 2018  
          [A - Draft Resolution](#)  
          [B - AP Report](#)

10. Subject: Accept Accounts Payable for the period ending June 22, 2018  
Recommended Action: Adopt Resolution No. 18-075 accepting Accounts Payable for the period ending June 22, 2018  
[A - Draft Resolution](#)  
[B - AP Report](#)
11. Subject: Cancellation of the September 4, 2018 City Council meeting  
Recommended Action: Cancel the September 4, 2018 City Council meeting  
[Staff Report](#)
12. Subject: Response to Santa Clara Grand Jury Report on "Affordable Housing Crisis: *Density is our Destiny*."  
Recommended Action: That the City Council review and approve the City's response.  
[Staff Report](#)  
[A - Response Letter](#)  
[B - Letter from Peter L. Hetman, Foreperson](#)  
[C - SCC Civil Grand Jury Report - Affordable Housing Crisis: Density is](#)
13. Subject: Bay Area Air Quality Management District Diesel Free by 2033 Resolution  
Recommended Action: Adopt Resolution No. 18-076 supporting the Bay Area Air Quality Management District's Diesel Free by 2033 statement of purpose.  
[Staff Report](#)  
[A - Draft Resolution](#)
14. Subject: Accept Unclaimed Property less than \$15 for the period ending May 31, 2018  
Recommended Action: Adopt Resolution No. 18-077 accepting transfer of Unclaimed Property Funds to General Fund for the period ending May 31, 2018  
[A - Draft Resolution](#)  
[B - Unclaimed Check Listing](#)
15. Subject: Facility fee waiver request from the Cupertino Senior Coordinating Council.  
Recommended Action: Approve fee waiver request for approximately \$4,175 in facility use fees, for the use of the Senior Center Reception Hall on most Fridays, August 24, 2018 - June 29, 2019, for Bingo.  
[Staff Report](#)  
[A - Rental Permit](#)  
[B - Bingo Permit](#)

16. Subject: Application for Alcohol Beverage License for Sushi Kuni Cup, Inc (dba Sushi Kuni), 10211 South De Anza Boulevard  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Sushi Kuni Cup, Inc (dba Sushi Kuni), 10211 South De Anza Boulevard  
[Staff Report](#)  
[A - Application](#)
17. Subject: Application for Alcohol Beverage License for Desi Pizza Express LLC (dba Curry Pizza House), 20080 Stevens Creek Boulevard, Suite 106  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Desi Pizza Express LLC (dba Curry Pizza House), 20080 Stevens Creek Boulevard, Suite 106  
[Staff Report](#)  
[A-Application](#)
18. Subject: 2018/19 Reconstruction of Curbs, Gutters and Sidewalks Project, Project No. 2019-101  
Recommended Action: Authorize the City Manager to award and execute a contract with JJR Construction, Inc., in the amount of \$1,216,715 and approve a construction contingency of \$120,000 for a total of \$1,336,715  
[Staff Report](#)  
[A - Bid Summary](#)  
[B - Draft Contract](#)
19. Subject: Accept final payment to O'Grady Paving Inc. for 2017 Pavement Maintenance Project  
Recommended Action: Adopt Resolution No. 18-078 accepting final payment to O'Grady Paving Inc. for 2017 Pavement Maintenance Project  
[A - Draft Resolution](#)  
[B - AP Report](#)
20. Subject: 2018 Pavement Maintenance Phase 2 Project, Project No. 2019-102  
Recommended Action: Authorize the City Manager to award a contract to Graham Contractors, Inc., in the amount of \$290,769 and approve a construction contingency of \$29,000, for a total of \$319,769  
[Staff Report](#)  
[A - List of Streets to Receive Pavement Maintenance Treatment](#)  
[B - Draft Contract](#)

21. Subject: Adopt a Resolution Adopting the Mitigated Negative Declaration for the McClellan Ranch West Parking Lot Improvement project and Approving the Project  
Recommended Action: Staff recommends that the City Council adopt Resolution No. 18-079 adopting the Mitigated Negative Declaration for the McClellan Ranch West Parking Lot Improvement project and approving the project  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - Initial Study](#)  
[C - Response to Comments ISMND](#)
22. Subject: Submittal of projects for the Metropolitan Transportation Commission's (MTC's) Horizon Initiative  
Recommended Action: Provide direction for staff to submit projects for the Metropolitan Transportation Commission's call for transformative transportation projects for the Horizon Initiative  
[Staff Report](#)  
[A - MTC Horizon Initiative Call for Projects](#)  
[B - Stevens Creek Corridor High Capacity Transit Scope](#)  
[C - Stevens Creek Blvd HCT 1](#)  
[D - Aerial Fixed Guideway to Mtn View](#)  
[E - Cupertino Station I-280 + Wolfe Rd](#)  
[F - Highway 85 Transit Guideway](#)  
[G - Silicon Valley HCT Loop](#)

## SECOND READING OF ORDINANCES

23. Subject: Second reading and enactment of an Ordinance amending Cupertino Municipal Code Chapters 19.12 "Administration" and 19.148 "Required Artwork in Public and Private Developments". (Application number: MCA-2018-01; Location: City-wide; Applicant: City of Cupertino)  
Recommended Action: Conduct the second reading and enact Ordinance No. 18-2175: "An Ordinance of the City Council of the City of Cupertino amending Municipal Code Chapters 19.12 "Administration" and 19.148 "Required artwork in Public and Private Developments" to create more opportunities for public art in new development"  
[Staff Report](#)  
[A - Draft Ordinance](#)

## PUBLIC HEARINGS



24. Subject: Petition for Reconsideration of the City Council decision rendered on May 15, 2018 denying a tentative map application (TM-2015-01) to allow the subdivision of three (3) parcels into five (5) parcels, four (4) residential and one (1) common (private road), and denial of a tree removal permit (TR-2016-28) to allow the removal and replacement of seven (7) protected trees. Application No(s): TM-2015-01, TR-2016-28 (EA-2015-04) Appellant: Richard K. Abdalah; Applicant: Welkin International (Cai Xing Xie); Location: 10234 Scenic Blvd., APN#357-08-014, 047

Recommended Action: That the City Council:

1. Adopt Resolution No. 18-080 (Attachment A) denying the petition for a reconsideration hearing, since it does not meet the requirements of Cupertino Municipal Code (CMC) Section 2.08.096 or, in the alternative;
2. If the Council determines the Petition meets the criteria, conduct a hearing on the merits of the petition and make final determination on the project

[Staff Report](#)

[A - Draft Resolution](#)

[B - Petition for Reconsideration filed by Rich K. Abdalah](#)

[C - City Council Staff Report](#)

[D - Planning Commission Resolution No. 6856](#)

[E - Plan Set](#)

[F - ERC Recommendation, IS-MND including Technical Appendix](#)

[G - Arborist Report](#)

## **ORDINANCES AND ACTION ITEMS**

25. Subject: Adopt a resolution to approve the Regnart Creek Trail Feasibility Study and direct staff to prepare design documents and conduct environmental review.

Recommended Action: 1. Adopt Resolution No. 18-081 to approve the Regnart Creek Trail Feasibility Study and direct staff to prepare design documents and conduct environmental review for the Regnart Creek Trail, and;

2. Approve a Budget Adjustment in the amount of \$380,000 in the Capital Improvement Fund for the Regnart Creek Trail Project (account #420-99-036 900-905) to prepare design documents and conduct environmental review

[Staff Report](#)

[A - Regnart Creek Trail Feasibility Study](#)

[B - Draft Resolution](#)

26. Subject: Add a project entitled Memorial Park Amphitheater Improvement Project to the FY 2018-19 Capital Improvement Program.  
Recommended Action: Authorize the City Manager to add a project to the FY 2018-19 Capital Improvement Program entitled Memorial Park Amphitheater Improvement Project and direct staff to prepare design documents for the project.  
[Staff Report](#)  
[A - Conceptual Plan](#)
27. Subject: First Reading of an Ordinance Designating Additional Preferential Parking Zones Ordinance on Noble Fir Court, Red Fir Court and White Fir Court  
Recommended Action: 1. Conduct the first reading of Ordinance No. 18-2176: "An Ordinance of the City Council of the City of Cupertino Amending Cupertino Municipal Code Section 11.27.145 Designating Additional Preferential Parking Zones to add Noble Fir Court, Red Fir Court and White Fir Court"; and 2. Schedule second reading of the ordinance for September 18, 2018.  
[Staff Report](#)  
[A - Permit Parking Map](#)  
[B - Draft Ordinance](#)
28. Subject: Storm Water Management Fee Study and Ballot Initiative  
Recommended Action: 1. Authorize staff to hire a consultant for a contract amount not to exceed \$225,000 to complete a property related storm water management fee study and balloting process by June 30, 2019; and  
2. Adopt Resolution No. 18-082 approving a Budget Adjustment in the amount of \$225,000 to complete a storm water management fee study and balloting process.  
[Staff Report](#)  
[A - Voxloca Business License Tax & Storm Drain Fee Survey May 2018](#)  
[B - California Agency Storm Water Charges](#)  
[C - Draft Resolution](#)

- 29.**    Subject: Formation of the Santa Clara/Santa Cruz Airport/Community Roundtable on aircraft noise in the South Bay
- Recommended Action: A. Adopt Resolution No. 18-083 to join the Santa Clara/Santa Cruz Airport/Community Roundtable
- B. Authorize the City Manager to execute the Santa Clara/Santa Cruz Airport/Community Roundtable memorandum of understanding (MOU)
- C. Approve the Santa Clara/Santa Cruz Airport/Community Roundtable Bylaws
- [Staff Report](#)
- [A - Draft Resolution](#)
- [B - Roundtable MOU](#)
- [C - Roundtable By-laws](#)
- [D - Cities Association Letter](#)
- [E - Congressional Request](#)
- [F - Roundtable FAQ](#)
- [G - Funding Allocation Draft](#)
- [H - SFO Roundtable Budget](#)

## **REPORTS BY COUNCIL AND STAFF**

- 30.**    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
Executive Assistant	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