



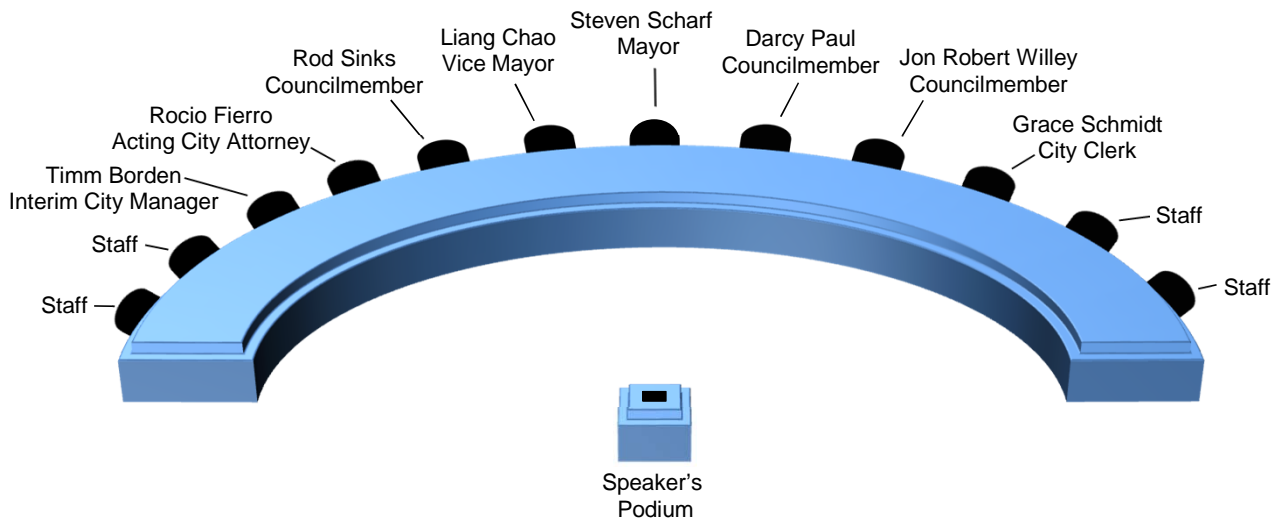
CUPERTINO

AGENDA OF THE CITY COUNCIL

Tuesday, January 15, 2019

Non-televised Special Meeting Closed Session (5:30)

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

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.

PUBLIC HEARINGS

The City Council is required by law to hold public hearings on certain matters prior to making its decision. Notice to interested parties is given by legal advertisement in the local newspaper of general circulation at least 10 calendar days preceding the hearing date. Applications requiring public hearings include change of zoning, variances, use permits, and tentative maps.

COUNCIL MEETINGS

The City Council regularly meets the first and third Tuesdays of each month. These meetings are held in the Council Chamber of the Cupertino Community Hall, 10350 Torre Avenue, at 6:45 p.m. Closed sessions, when needed, are normally held at 6:00 p.m. Closed sessions cover items such as personnel, litigation, or the sale, purchase, or lease of property. Actions taken in closed sessions are not final until acted upon in public session.

Urgent business, holidays, or election days may trigger special or adjourned meetings. These meetings will be noticed beforehand.

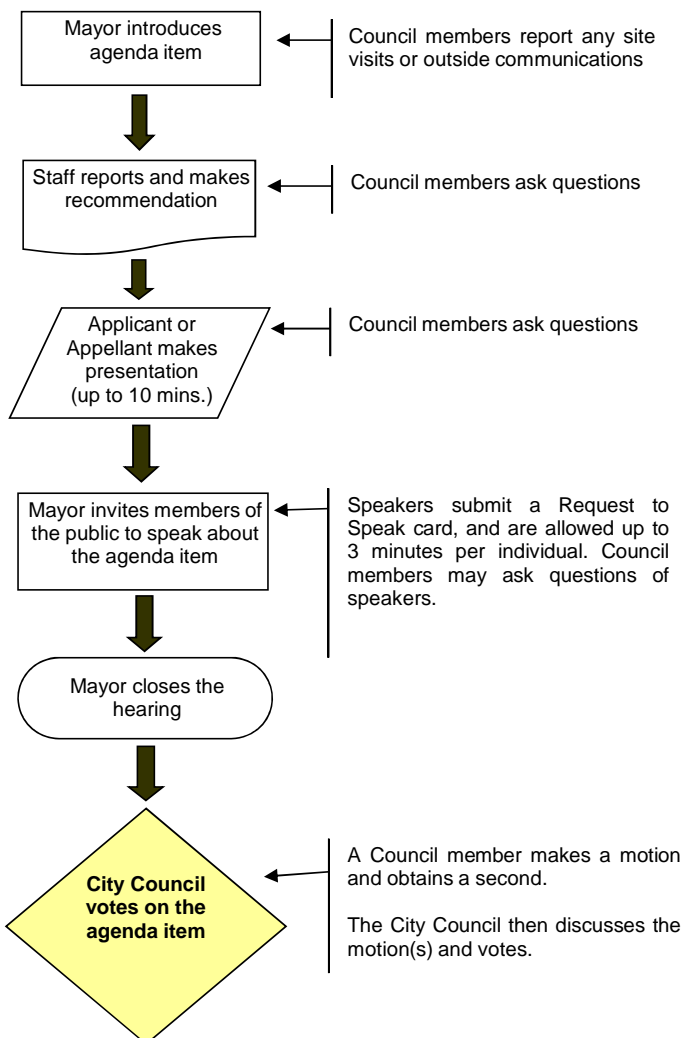
AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

Agendas, minutes, and packets for current and prior City Council and Planning Commission meetings are available at www.cupertino.org, or you can purchase the items on CD.

CITY COUNCIL DECISION IS FINAL

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

FLOWCHART FOR AGENDA ITEMS:





CUPERTINO

CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, January 15, 2019

5:30 PM

Non-televised Special Meeting Closed Session (5:30) 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, January 15, 2019, commencing at 5:30 p.m. in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, California 95014. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting." The regular meeting items will be heard at 6:45 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California.

SPECIAL MEETING

ROLL CALL - 5:30 PM

10300 Torre Avenue, City Hall Conference Room A

CLOSED SESSION

- 1. Subject:** Conference with Real Property Negotiator (Gov't Code 54956.8);
Property: 10800 Torre Avenue, **Agency Negotiator:** Chad Mosley (Coffee Society); **Under Negotiation:** Lease Extension
- 2. Subject:** Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. **Properties:** APN 375-21-001, Lawrence Expressway at Mitty Avenue and APN 381-19-015, Lawrence Expressway at Doyle Road.
Agency Negotiators: Chad Mosley. **Negotiating Parties:** San Jose Water Company; County Roads and Airports; City of San Jose. **Under Negotiation:** Price and terms of payment.

ADJOURNMENT

REGULAR MEETING**PLEDGE OF ALLEGIANCE - 6:45 PM****10350 Torre Avenue, Community Hall Council Chamber****ROLL CALL****CEREMONIAL MATTERS AND PRESENTATIONS****POSTPONEMENTS**

1. Subject: Continue Item No. 18 to Order the abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 18-111 until February 5 and the item will be re-noticed
Recommended Action: Continue Item No. 18 to Order the abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 18-111 until February 5 and the item will be re-noticed

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.

2. Subject: Approve the December 18 City Council minutes
Recommended Action: Approve the December 18 City Council minutes
[A - Draft Minutes](#)
3. Subject: Accept Accounts Payable for the period ending September 21, 2018
Recommended Action: Adopt Resolution No. 19-001 accepting Accounts Payable for the period ending September 21, 2018
[A – Draft Resolution](#)
[B – AP Report](#)

4. Subject: Accept Accounts Payable for the period ending September 28, 2018
Recommended Action: Adopt Resolution No. 19-002 accepting Accounts Payable for the period ending September 28, 2018
[A – Draft Resolution](#)
[B – AP Report](#)
5. Subject: Accept Accounts Payable for the period ending October 05, 2018
Recommended Action: Adopt Resolution No. 19-003 accepting Accounts Payable for the period ending October 05, 2018
[A – Draft Resolution](#)
[B – AP Report](#)
6. Subject: Accept Accounts Payable for the period ending October 12, 2018
Recommended Action: Adopt Resolution No. 19-004 accepting Accounts Payable for the period ending October 12, 2018
[A – Draft Resolution](#)
[B – AP Report](#)
7. Subject: Accept Accounts Payable for the period ending October 19, 2018
Recommended Action: Adopt Resolution No. 19-005 accepting Accounts Payable for the period ending October 19, 2018
[A – Draft Resolution](#)
[B – AP Report](#)
8. Subject: Accept Accounts Payable for the period ending October 26, 2018
Recommended Action: Adopt Resolution No. 19-006 accepting Accounts Payable for the period ending October 26, 2018
[A – Draft Resolution](#)
[B – AP Report](#)
9. Subject: Out of Class Compensation for Interim City Manager Appointment
Recommended Action: 1. Adopt Resolution 19-007 to revise the Appointed (City Manager and City Attorney) Employees’ Compensation Program
2. Approve Out of Class Compensation for Interim City Manager, Timm Borden.
[Staff Report](#)
[A - Draft Resolution](#)
[B - Redlined - Appointed Employees’ Compensation](#)
[C - Clean Version - Appointed Employees’ Compensation](#)
[D - Administrative Procedures](#)
[E - Unrepresented Employees’ Compensation](#)
[F - CalPERS Legislation Circular Letter – 200-021-18](#)

10. Subject: Rescind Resolution No. 18-115 which adopted the City of Cupertino Code of Ethics and Conduct for Elected and Appointed Officials
Recommended Action: Adopt Resolution No. 19-008 rescinding Resolution No. 18-115 which adopted the City of Cupertino Code of Ethics and Conduct for Elected and Appointed Officials
[Staff Report](#)
[A - Draft Resolution](#)
11. Subject: Approve Budget Modification No. 1819-035 resulting in an increased budget appropriation of \$17,927 to fund Cupertino's contribution to the Santa Clara/Santa Cruz Community Roundtable on aircraft noise
Recommended Action: Approve Budget Modification No. 1819-035 resulting in an increased budget appropriation of \$17,927 to fund Cupertino's contribution to the Santa Clara/Santa Cruz Community Roundtable on aircraft noise
[Staff Report](#)
[A - Final Roundtable Funding Calculations](#)
12. Subject: Santa Clara County Regional Housing Needs Allocation (RHNA) subregion formation.
Recommended Action: That the City Council adopt Resolution No. 19-009 (Attachment A) to authorize the City Manager to:
1. Enter into discussions related to the formation of a Santa Clara County RHNA subregion and develop a work plan, budget and schedule of actions leading to the formation of a countywide RHNA subregion and
2. Present a recommendation on whether or not to participate in the RHNA subregion upon further study and discussions.
[Staff Report](#)
[A - Draft Resolution](#)
[B - RHNA subregion overview](#)
[C - Pros and Cons of RHNA Subregion](#)
13. Subject: Application for Alcohol Beverage License for Kura Sushi USA, Inc. (dba Kura Revolving Sushi Bar), 19600 Vallco Parkway, Suite 160
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Kura Sushi USA, Inc. (dba Kura Revolving Sushi Bar), 19600 Vallco Parkway, Suite 160
[Staff Report](#)
[A - Application](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

14. Subject: Consider whether to authorize the formal submission of a General Plan Amendment application to increase height, revise building plane, and reduce setback for a modified General Plan Amendment Authorization application for a 155-room hotel to replace an existing 8,323 sq. ft. commercial building (Goodyear Tire.) A previous General Plan Amendment Authorization application (GPAAUTH-2017-01) was authorized to submit General Plan Amendment applications by the City Council in August 2017. (Application No.(s): GPAAuth-2018-01; Applicant: Sherly Kwok(De Anza Properties); Location: 10931 N. De Anza Boulevard; APN(s): 326-10-061)

Recommended Action: Adopt Resolution No. 19-010 after determining if General Plan Amendment Authorization application (GPAAUTH-2018-01) is authorized to move forward to apply for General Plan Amendments.

[Staff Report](#)

[Attachment A - Draft Resolution](#)

[Attachment B - City Council policy for GPA application procedures](#)

[Attachment C - Goodyear Tire site project plans](#)

[Attachment D - Project Description](#)

[Attachment E - Preliminary Fiscal Impact Analysis prepared by EPS, Inc.](#)

ORDINANCES AND ACTION ITEMS

15. Subject: Accept the City of Cupertino Storm Drain Master Plan dated September 2018

Recommended Action: Adopt Resolution No. 19-011 accepting the City of Cupertino Storm Drain Master Plan dated September 2018

[Staff Report](#)

[A - Draft City of Cupertino Storm Drain Master Plan](#)

[B - Draft Resolution](#)

16. Subject: Discussion and consideration of a potential new property-related fee for clean water and storm drainage; approve funding of up to \$140,500 to complete a Proposition 218 compliant storm water management fee study and balloting process; receive completed public opinion survey findings of SCI Consulting Group concerning the proposed fee; and approve the following recommendations:

Recommended Action: 1. Receive the findings of the survey; and

2. Authorize staff to retain SCI Consulting Group for a contract amount not to exceed \$140,500 to complete a Proposition 218 compliant property related storm water management fee study by March 2019 and completion of a potential balloting process as early as July 2019; and

3. Direct staff to bring the storm water management fee study back for Council consideration with an amount of up to an additional \$50 per year charge for a typical residential parcel and a new additional charge for apartment/commercial/industrial and vacant parcels as will be determined by the storm water management fee study; and

4. Approve Budget Modification 1819-036 and adopt Resolution No 19-012 approving a Budget Adjustment in the amount of \$140,500 to complete a storm water management fee study and balloting process.

[Staff Report](#)

[A - Voxloca Survey Results](#)

[B - Cupertino and Other Agencies Revenue, Cost and Comparison](#)

[C - SCI Residential Surveys](#)

[D - Draft Resolution](#)

[E - SCI Proposal](#)

17. Subject: Introduction of an ordinance to amend regulations in Title 2, Administration and Personnel of the Municipal Code Chapter 2.80, to allow up to five (5) members for the Fine Arts Commission

Recommended Action: Conduct the first reading of Ordinance No. 19-2182: "An Ordinance of the City Council of the City of Cupertino amending regulations in Title 2, Administration and Personnel of the Municipal Code, Chapter 2.80, to allow up to five (5) members for the Fine Arts Commission" and schedule second reading for February 5, 2019 to enact said ordinance

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Redline Ordinance](#)

18. Subject: Order the abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 18-111 (under Postponements was continued to February 5 and will be re-noticed)

Recommended Action: Order the abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 18-111 (under Postponements was continued to February 5 and will be re-noticed)

19. Subject: Council Committee assignments

Recommended Action: Approve Council Committee assignments

[A - 2019 Committee Assignments](#)

REPORTS BY COUNCIL AND STAFF

20. 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 | |
| Steven Scharf | SScharf@cupertino.org | (408) 777-3191 |
| Liang Chao | LiangChao@cupertino.org | (408) 777-3192 |
| Darcy Paul | DPaul@cupertino.org | (408) 777-3195 |
| Rod Sinks | RSinks@cupertino.org | (408) 777-3194 |
| Jon Robert Willey | JWilley@cupertino.org | (408) 777-3193 |
| 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

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 |