

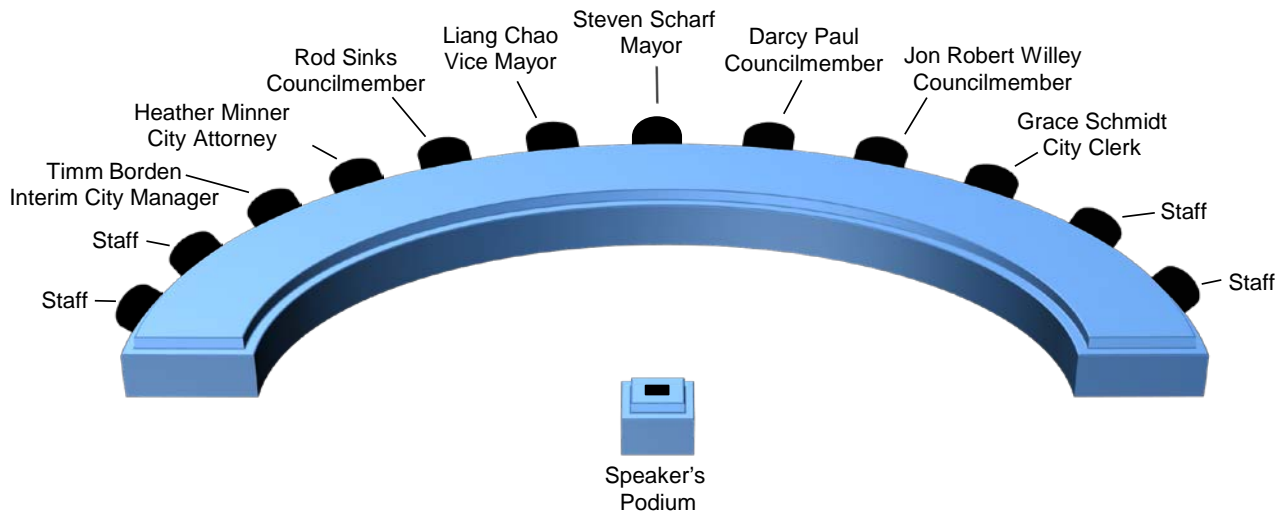


AGENDA OF THE CITY COUNCIL

Tuesday, February 19, 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.

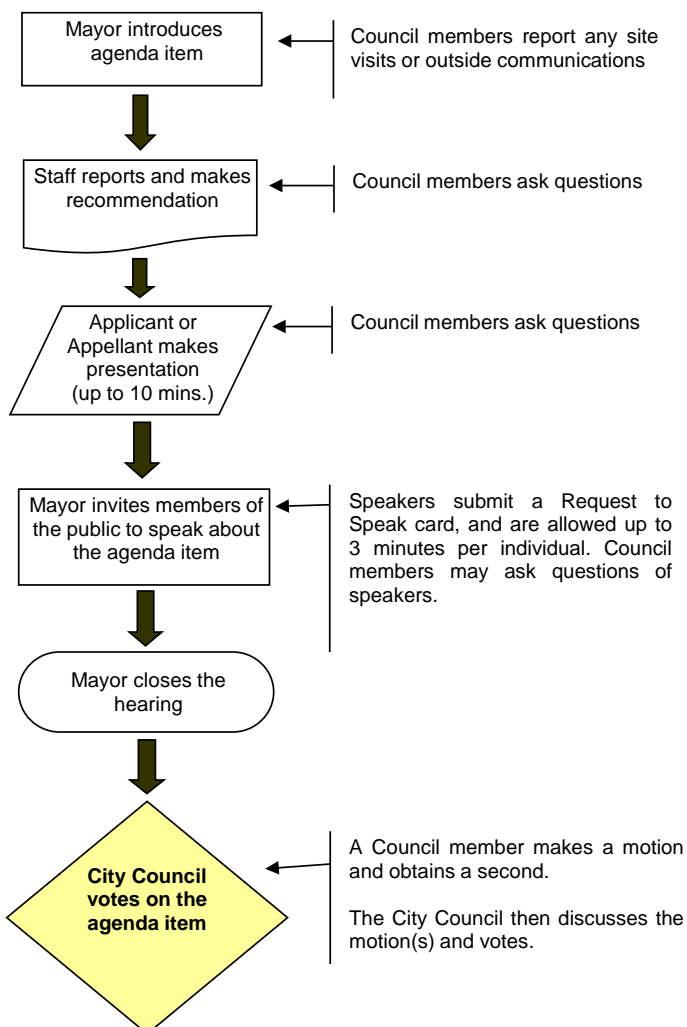
AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

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.cupertino.org/index.aspx?page=125 for a reconsideration petition form.

FLOWCHART FOR AGENDA ITEMS:





CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, February 19, 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, February 05, 2019, commencing at 5:30 p.m. for a Closed Session 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 Legal Counsel - Pending Litigation; (Government Code section 54956.9(d)):
 - a. Friends of Better Cupertino, et al. v. City of Cupertino (SB 35 Vallco Project); Santa Clara County Superior Court, Case No. 18CV330190
 - b. Friends of Better Cupertino, et al. v. City of Cupertino (Vallco Specific Plan - 2 Ordinances); Santa Clara County Superior Court, Case No. 18CV337015
 - c. Committee Supporting Cupertino Citizens' Sensible Growth Initiative, et al v. Schmidt, et al. (Measure C); Santa Clara County Superior Court Case No. 16CV296322

2. Subject: Conference with Legal Counsel - Anticipated Litigation; (Government Code Section 54956.9(d)):
 - a. Significant Exposure to Litigation (Government Code Section 54956.9(d)(2)) (1 matter)
 - b. Possible Initiation of Litigation (Government Code Section 54956.9(d)(4)) (1 matter)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

10350 Torre Avenue, Community Hall Council Chamber

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

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.

1. Subject: Approve the January 28 City Council minutes (commission interviews)
Recommended Action: Approve the January 28 City Council minutes (commission interviews)
[A - Draft Minutes](#)
2. Subject: Approve the January 29 City Council minutes (commission interviews)
Recommended Action: Approve the January 28 City Council minutes (commission interviews)
[A - Draft Minutes](#)

3. Subject: Approve the February 2 (Council Priority Setting Session) City Council Minutes
Recommended Action: Approve the February 2 (Council Priority Setting Session) City Council Minutes
[A - Draft Minutes](#)
4. Subject: Approve the February 5 City Council minutes
Recommended Action: Approve the February 5 City Council minutes
[A - Draft Minutes](#)
5. Subject: Coffee Society Lease Agreement, 10800 Torre Avenue, Cupertino, CA 95014
Recommended Action: Authorize the City Manager to execute a five-year lease agreement with the Coffee Society, 10800 Torre Avenue, Cupertino, CA 95014
[Staff Report](#)
[A - Draft Coffee Society Lease Agreement \(2019\)](#)
6. Subject: Renewal of Friendship City Relationships
Recommended Action: Approve renewal of five Friendship City relationships, including Jiangmen, China; Taichung, Taiwan; Taipei, Taiwan; Yilan, Taiwan; and Zhaoqing, China
[Staff Report](#)
[A - Policies and Guidelines](#)
[B - Cupertino Friendship Cities](#)
7. Subject: Application for Alcohol Beverage License for Pacific Catch, Inc. (dba Pacific Catch), 19399 Stevens Creek Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Pacific Catch, Inc. (dba Pacific Catch), 19399 Stevens Creek Boulevard
[Staff Report](#)
[A - Application](#)
8. Subject: Application for Alcohol Beverage License for Stout Cupertino, LLC (dba Stout Burgers & Beers Cupertino), 10088 N. Wolfe Road
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Stout Cupertino, LLC (dba Stout Burgers & Beers Cupertino), 10088 N. Wolfe Road
[Staff Report](#)
[A - Application](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS**STUDY SESSION**

9. Subject: Study Session on new budget process

Recommended Action: Conduct study session on new budget process and provide any input to staff

[Staff Report](#)

ORDINANCES AND ACTION ITEMS

10. Subject: Provide direction for the use of increased County staffing budget for the Santa Clara County Library for FY 19/20 of \$428,596

Recommended Action: Provide staff direction whether to:

1. Use the additional staffing budget from the County of \$428,596/year to reduce the City's existing \$468,023/year contribution for 12 additional Library hours per week and redirect \$428,596 of City funding toward a new program room attached to the Library (Option 3 as provided by the Santa Clara County Library District); or
2. Use the additional staffing budget from the County of \$428,596/year (including consideration to add additional City funds over and above the \$468,023/year) to implement one or more of the options provided by the Santa Clara County Library District (Options 1A, 1B, 2A, 2B, 2C, 4 or any combination thereof).

[Staff Report](#)

[A - SCCLD Increased Personnel Budget Options](#)

[B - Go Go Biblio Flyer](#)

11. Subject: 2018 Pavement Maintenance Project, Project No. 2019-103 contract award

Recommended Action: Authorize the city Manager to award a contract to G. Bortolotto & Co. in the amount of \$2,584,568 and approve a construction contingency of \$258,000 for a total of \$2,842,568.

[Staff Report](#)

[A - 2019 Overlay Street List](#)

[B - Contract Documents](#)

12. Subject: Initiation of declaratory relief or other appropriate action to determine validity of referendum petition against Resolution No. 18-085 and receipt of City Attorney memorandum regarding this and three other referendum petitions protesting Vallco Town Center Specific Plan Project.

Recommended Action: That the City Council authorize the City Attorney, on behalf of the City Clerk, to initiate a declaratory relief action or other appropriate action to determine whether a referendum petition against Resolution No. 18-085 (approving a General Plan amendment for the Vallco Town Center Specific Plan Project) substantially complies with Elections Code requirements. The City Council will also receive a memorandum from the City Attorney regarding the status of this and the three other referendum petitions protesting Vallco Town Center Specific Plan Project.

[City Attorney Memo regarding Vallco Referendum Petitions](#)

[A - Dec. 6, 2018 letter from Sean Welch](#)

[B - Dec. 18, 2018 letter from Sean Welch](#)

[C - Resolution No. 18-085 \(presented to and voted on by Council\)](#)

[D - Table LU-1 \(as appears in certified resolution provided to proponents\)](#)

[E - Modified Table LU-1 \(as it appears in referendum petition\)](#)

[F - Ordinance No 18-2178 \(adopted by Council & provided to proponents\)](#)

[G - Modified Zoning Map \(as it appears in referendum petition\)](#)

[H - City Clerk's Feb. 13, 2019 Receipt Rejecting Referendum Petition](#)

REPORTS BY COUNCIL AND STAFF

13. 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