



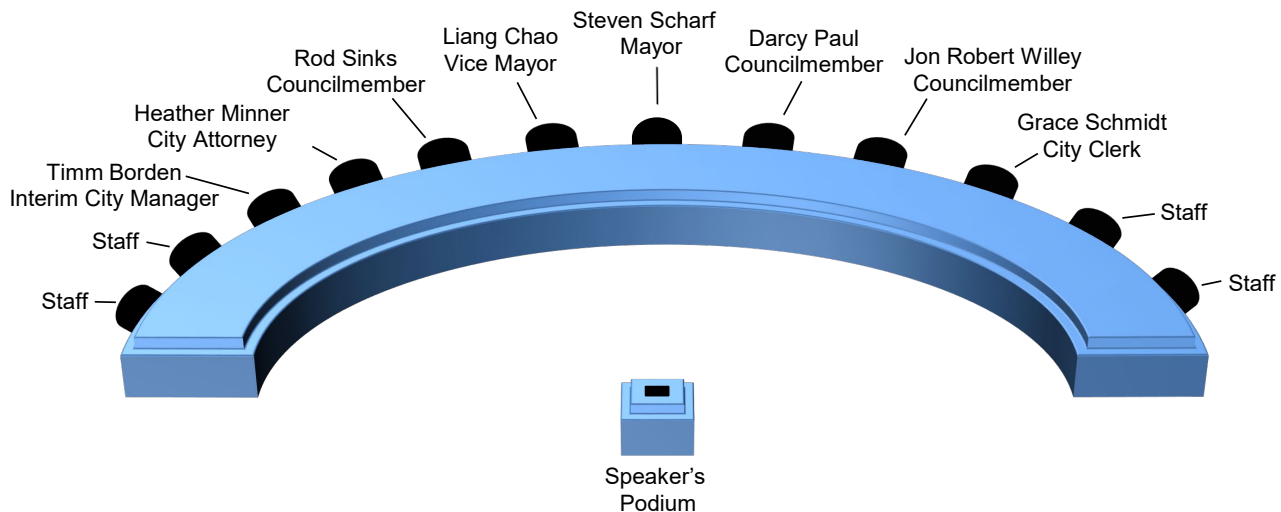
AGENDA OF THE CITY COUNCIL

Tuesday, May 21, 2019

Special Meeting Non-Televised Commission Interviews (5:00)

and 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

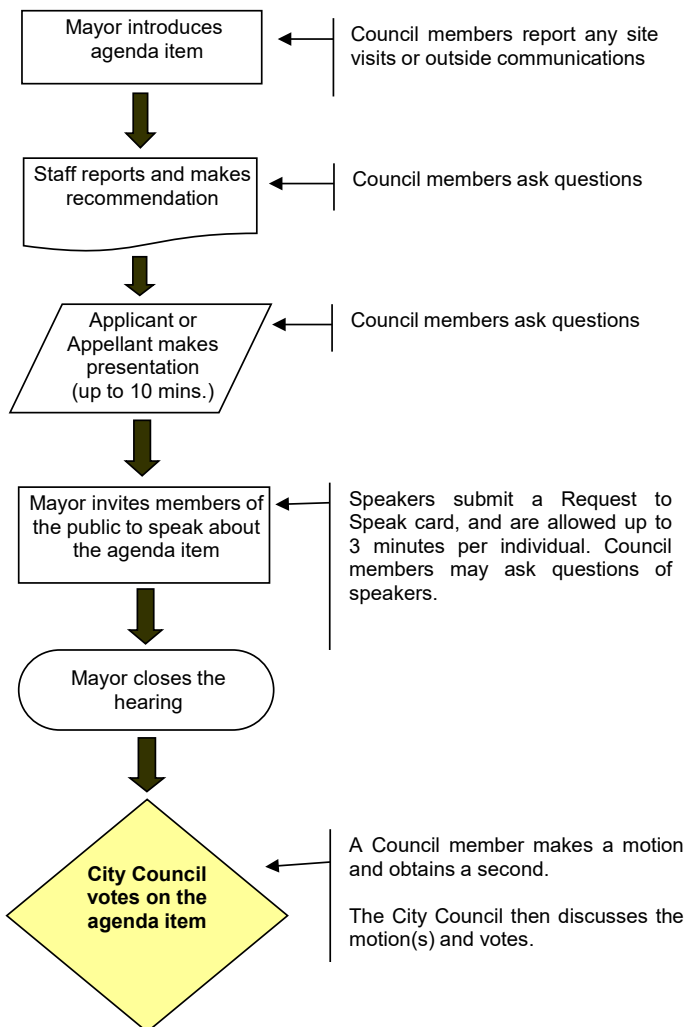
CONDUCT OF BUSINESS

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.

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, 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.



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, May 21, 2019

5:00 PM

**Special Meeting Non-Televised Commission Interviews (5:00) and 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, May 21, 2019, commencing at 5:00 p.m. for Commission Interviews in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, California 95014 and a Closed Session 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 - 5:00 PM

10300 Torre Avenue, City Hall Conference Room A

COMMISSION INTERVIEWS

1. Subject: Conduct interviews and appoint one Housing Commission Financial Representative.
Recommended Action: Conduct interviews and appoint one Housing Commission Financial Representative to fill an unexpired term (counts as a full first term) ending on 1/30/22.

[A - Interview Schedule](#)

[B - Commission Diversity Resolution](#)

[C - Advisory Commissions Resolution](#)

[D - Housing Financial Rep Questions](#)

[E - Housing Applications](#)

[F - 2019 Current Commission List](#)

[G - Commission Attendance Report](#)

CLOSED SESSION - 5:30 PM

10300 Torre Avenue, City Hall Conference Room A

2. Subject: Conference with Legal Counsel pursuant to Government Code section 54956.9(d)(1); Re: Pending Litigation; Friends of Better Cupertino, et al. v. City of Cupertino; Santa Clara County Superior Court, Case No. 18CV330190 (SB 35 Vallco Project)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

10350 Torre Avenue, Community Hall Council Chamber

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentations by Cupertino-Cupertino, Italy Sister City Committee adult and student delegations
Recommended Action: Receive presentations by Cupertino-Cupertino, Italy Sister City Committee adult and student delegations

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.

2. Subject: Approve the April 16 City Council minutes (continued from May 7)
Recommended Action: Approve the April 16 City Council minutes
[A - Draft Minutes](#)
3. Subject: Approve the April 30 City Council minutes
Recommended Action: Approve the April 30 City Council minutes
[A - Draft Minutes](#)
4. Subject: Approve the May 7 City Council minutes
Recommended Action: Approve the May 7 City Council minutes
[A - Draft Minutes](#)
5. Subject: Late submittal of three Teen Commission applicants letter of recommendation
Recommended Action: Waive late submittal of three Teen Commission applicants letter of recommendation and direct staff to accept the applications
[Staff Report](#)
[A - Adopted Resolution No. 18-019 governing Teen Commission](#)
[B - Teen Commission Application](#)
6. Subject: Accept Accounts Payable for the period ending February 01, 2019
Recommended Action: Adopt Resolution No. 19-049 accepting Accounts Payable for the period ending February 01, 2019
[A - Draft Resolution](#)
[B – AP Report](#)
7. Subject: Accept Accounts Payable for the period ending February 08, 2019
Recommended Action: Adopt Resolution No. 19-050 accepting Accounts Payable for the period ending February 08, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending February 15, 2019
Recommended Action: Adopt Resolution No. 19-051 accepting Accounts Payable for the period ending February 15, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending February 22, 2019

Recommended Action: Adopt Resolution No. 19-052 accepting Accounts Payable for the period ending February 22, 2019

[A - Draft Resolution](#)

[B - AP Report](#)

10. Subject: Accept Accounts Payable for the period ending March 1, 2019

Recommended Action: Adopt Resolution No. 19-053 accepting Accounts Payable for the period ending March 1, 2019

[A - Draft Resolution](#)

[B - AP Report](#)

[C - AP Report, Misc.](#)

11. Subject: Accept Accounts Payable for the period ending March 08, 2019

Recommended Action: Adopt Resolution No. 19-054 accepting Accounts Payable for the period ending March 08, 2019

[A - Draft Resolution](#)

[B - AP Report](#)

12. Subject: Treasurer's Investment Report for period ending March 31, 2019

Recommended Action: Accept Treasurer's Investment Report for period ending March 31, 2019 and provide recommendations as necessary and appropriate.

[Staff Report](#)

[A - Market Cost Comparison Report as of March 31, 2019](#)

[B - Chandler Investment Report as of March 31, 2019](#)

13. Subject: Annual adoption of City Investment Policy

Recommended Action: Adopt Resolution No. 19-055 accepting the City Investment Policy

[Staff Report](#)

[A - Draft Resolution](#)

[B - City Investment Policy](#)

14. Subject: Annual adoption of Other Post-Employment Benefits ("OPEB") Trust Investment Policy.

Recommended Action: Adopt Resolution No. 19-056 accepting the City Investment Policy for the OPEB Trust.

[Staff Report](#)

[A - Draft Resolution](#)

[B - OPEB Trust Policy](#)

15. Subject: Declare properties as having potential fire hazards from brush for the Cupertino Brush Abatement Program (Wildland-Urban Interface Fire Area), and set hearing date to declare a public nuisance and for objections to proposed removal.

Recommended Action: Adopt Resolution No. 19-057 declaring properties as having potential fire hazards from brush and setting a hearing on June 18, 2019 to declare a public nuisance and for objections to proposed removal.

[Staff Report](#)

[A - Draft Resolution](#)

[B - Fire Department Notice](#)

16. Subject: Resolution Authorizing Allocation of Transportation Development Act (TDA) Article 3 Funding in Response to a Call for Projects for the City's "Guarantee" Share of the TDA Article 3 Fiscal Year 2019-2020 Program

Recommended Action: Adopt Resolution No. 19-058, A Resolution of the Cupertino City Council Approving the Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2019/2020 Transportation Development Act Article 3 Pedestrian and Bicycle Project Funding

[Staff Report](#)

[A - Draft Resolution](#)

17. Subject: Recology Cupertino's request for payment of \$8,791 to cover additional costs to process commercial organic materials collected in calendar year 2018

Recommended Action: Authorize a payment of \$8,791 to Recology Cupertino from the Resource Recovery fund 520-81-801 to cover costs to process an additional 292 tons of commercial organic materials collected over that which was collected in calendar year 2017

[Staff Report](#)

[A - Organics Reimbursement Request](#)

SECOND READING OF ORDINANCES

18. Subject: Second reading of Ordinance No. 19-2184 repealing Ordinance No. 18-2179 which approved a Development Agreement for Vallco Town Center

Recommended Action: Conduct the second reading and enact Ordinance No. 19-2184: "An Ordinance of the City Council of the City of Cupertino repealing Ordinance No. 18-2179 which approved a Development Agreement by and between the City of Cupertino and Vallco Property Owner LLC for the Development of Vallco Town Center." Note: The first reading was conducted on 5/7/19 and there were no changes to the ordinance.

[A - Draft Ordinance](#)

PUBLIC HEARINGS

ORDINANCES AND ACTION ITEMS

19. Subject: Provide direction to Santa Clara County Department of Agriculture Weed Abatement Program staff on two non-compliant parcels removed from the Weed

Abatement Program in Cupertino on February 5, 2019.

Recommended Action: Provide direction to Santa Clara County Department of Agriculture Weed Abatement Program staff on two non-compliant private parcels which were removed from the Cupertino Weed Abatement Program on February 5, 2019, and choose from one of the following options:

- a.) Take no action and wait another year; or
- b.) Order the parcels to be added to the Weed Abatement Program but do not seek abatement until next year; or
- c.) Adopt Resolution No. 19-059 declaring weeds a nuisance and setting a supplemental hearing to order abatement on June 18, allowing for the parcels to be added to Weed Abatement Program and providing for re-inspection, abatement, and recovery of County costs of abatement.

[Staff Report](#)

[A - Draft Resolution](#)

[B - 2019 Cupertino Special Commencement Report](#)

20. Subject: Approve the Third Quarter Financial Report and recommended budget adjustments for Fiscal Year 2018-19

Recommended Action: 1. Accept the City Manager's Third Quarter Financial Report for FY 2018-19

- 2. Approve Budget Modification 1819-050 for Third Quarter adjustments as described in the Third Quarter Financial Report
- 3. Adopt a Resolution 19-060 approving Third Quarter budget adjustments

[Staff Report](#)

[A - Draft Resolution](#)

[B - Third-Quarter Financial Report FY18-19](#)

[C - Third-Quarter Budget Journal](#)

21. Subject: Adopt Resolution to approve the January 25, 2019 Final Draft Junipero Serra Trail Feasibility Study

Recommended Action: Adopt Resolution No. 19-061 to approve the January 25, 2019 Final Draft Junipero Serra Trail Feasibility Study

[Staff Report](#)

[A - Changes Made](#)

[B- Draft Resolution](#)

22. Subject: Draft Citywide Parks and Recreation System Master Plan, request City Council feedback on opportunities and implementation sections of the plan.

Recommended Action: Provide feedback on Chapters 4 and 5 and associated elements of the draft Citywide Parks and Recreation System Master Plan.

Staff Report[A - Public Comment, desk item, Apr 16, 2019.pdf](#)[B - Draft MP, Chapter 4 redline revisions, May 2019.pdf](#)[C - Draft MP, Chapter 5 redline revisions, May 2019.pdf](#)[D - Draft MP Tables E-1 to E-3 redline revisions, May 2019.pdf](#)[E - Park pages, draft, May 2019.pdf](#)[F - Rec Facilities Chart, draft, May 2019.pdf](#)[G - Public Comments, received Apr 30, 2019.pdf](#)[H - Draft P&R Master Plan, as issued, Jan 2019.pdf](#)

23. Subject: Consideration of resolution to change the order of business for Regular City Council meetings.

Recommended Action: Rescind Resolution No. 11-176 and adopt Resolution No. 19-062 to change the order of business for Regular City Council meetings.

Staff Report[A – Adopted Ordinance No. 11-2081](#)[B - Adopted Resolution No. 11-176](#)[C - Draft Resolution](#)**REPORTS BY COUNCIL AND STAFF**

24. Subject: Update Regarding SR 85 Policy Advisory Board and provide input regarding alternatives

Recommended Action: Receive update and provide comment

Staff Report[A - SR 85 Policy Advisory Board Members](#)[B - VTA Market Analysis](#)

25. 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