



CUPERTINO

CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, July 5, 2016

4:30 PM

Non-televised Special Meeting Closed Session (4:30); Followed by 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, July 5, 2016, commencing at 4:30 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 - 4:30 PM

City Hall Conference Room A, 10300 Torre Avenue

CLOSED SESSION

1. 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: Jaqui Guzman and Gail Seeds. Negotiating Parties: San Jose Water Company; County Roads and Airports; City of San Jose. Under Negotiation: Price and terms of payment
2. Subject: Conference with legal counsel - Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Gov't Code 54956.9; Name of Case: *City of Saratoga; City of Cupertino; Town of Los Gatos v. California Department of Transportation*, et al; Santa Clara County Superior Court Case No.: 115CV281214
3. Subject: Conference with legal counsel - Existing Litigation pursuant to

Paragraph (1) of subdivision (d) of Gov't Code 54956.9: Name of Case:
Committee Supporting Cupertino Citizens' Sensible Growth Initiative, Steven Scharf, Xiangchen Xu, Govind Tatachari, Petitioners v. City of Cupertino, et al.
Santa Clara County Case No. 16CV296322

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall Council Chamber, 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation for July as Park and Recreation Month
Recommended Action: Present Proclamation
2. Subject: Commendations to winners of CU Hacks 2 hackathon contest sponsored by the Cupertino Library and the Cupertino Library Foundation to promote engineering and computer programming skills
Recommended Action: Present commendations and view videos of the four winning teams: Hector the Hippo (Beginner category); No Collisions (Traffic category); My Water (Environment category); Savior (Public Safety category)

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 June 21 City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)

4. Subject: Request for Funding - Stevens Creek L.P. an affiliate of Charities Housing Development Corporation of Santa Clara County - Affordable Senior Housing, 19160 Stevens Creek Boulevard

Recommended Action: Adopt Resolution No. 16-071 to reserve \$3,672,000 from the City's Affordable Housing Fund to assist in the potential development of affordable senior housing at 19160 Stevens Creek Boulevard in the City of Cupertino; and to make findings required by the California Environmental Quality Act.

[Staff Report](#)

[A - Draft Resolution](#)

[B - Housing Commission Resolution 16-04](#)

[C - Request for Funding](#)

[D - Financial Pro-Forma](#)

[E - Preliminary Title Report](#)

5. Subject: Pasadena Avenue Public Improvements Project No. 2016-13

Recommended Action: Authorize the City Manager to award and execute a construction contract with O'Grady Paving, Inc. in the amount of \$373,100 and approve a construction contingency of \$37,000 for a total of \$410,100.

[Staff Report](#)

[A - Draft Contract](#)

SECOND READING OF ORDINANCES

6. Subject: Second reading of an ordinance approving a development agreement by and between the City of Cupertino and IAC at Cupertino LLC for the Hamptons project located at 19500 Pruneridge Avenue

Recommended Action: Conduct the second reading and enact Ordinance No. 16-2144: "An Ordinance of the Cupertino City Council approving a Development Agreement by and between the City of Cupertino and IAC at Cupertino LLC for the Hamptons project located at 19500 Pruneridge Avenue"

[Staff Report](#)

[A - Draft Ordinance 16-2144](#)

[B - Signed Development Agreement](#)

[C - Redline Ordinance and Development Agreement](#)

PUBLIC HEARINGS

7. Subject: Consideration of a payment to solid waste franchisee (Recology Cupertino) of \$146,128 for increased costs incurred to process organic materials from October 2015 through June 2016; and establishing a maximum rate schedule which includes a 5.28% increase in maximum rates effective July 1, 2016 to

non-residential/multi-family and compactor garbage/compostable materials customers

Recommended Action: 1. Authorize a payment of \$146,128 to Recology Cupertino from the Resource Recovery fund 520-81-801; and

2. Adopt Resolution 16-072 (Attachment A) establishing a maximum rate schedule which includes an increase of 5.28% in non-residential/multi-family and compactor garbage and compostable materials customers effective July 1, 2016

[Staff Report](#)

[Attachment A - Draft Resolution](#)

[Attachment B - Cupertino Rate Comparison](#)

[Attachment C - Notification w rates](#)

8. Subject: Update on regional drought response, proposed regulations restricting water use and authorize negotiation and execution of a Memorandum of Understanding (MOU) with the Santa Clara Valley Water District (District) for a landscape conversion rebate program

Recommended Action: Staff recommends that Council take the following actions:

1) Receive staff report on current regional drought actions; and

2) Adopt Resolution No. 16-073 adopting 2016-2017 Regulations Restricting Water Use; and

3) Adopt Resolution No.16-074 authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) with the District in an amount up to \$115,000 for a landscape conversion rebate program

[Staff Report](#)

[Attachment A - SCVWD 2016 Press Release to Conserve 20%](#)

[Attachment B - Notice of Intent Legal Ad - CC 7-5-16 - Adopting regulat](#)

[Attachment C - Draft Resolution FY16-17 Drought Regulation with attac](#)

[Attachment D - SCVWD Landscape Conversion Rebate Program 2016](#)

[Attachment E - Draft Resolution with Lawn Conversion Rebate Program \]](#)

ORDINANCES AND ACTION ITEMS

9. Subject: First reading of an ordinance amending section 11.27.145 of the Cupertino Municipal Code relating to Designation of Preferential Parking Zone on Hammond Way

Recommended Action: Conduct the first reading of Ordinance No. 16-2145: "An ordinance of the City Council of the City of Cupertino amending section 11.27.145 of the Cupertino Municipal Code relating to designation of preferential parking zones" on Hammond Way on Saturdays, Sundays and holidays between the hours of 7 a.m. and 4 p.m.

[Staff Report](#)[A - Permit Parking Map](#)[B - Draft Ordinance](#)

10. Subject: First reading of an ordinance amending section 11.27.145 of the Cupertino Municipal Code relating to Designation of Preferential Parking Zone on Oak Valley Road, Juniper Court, Sycamore Drive and Black Oak Way

Recommended Action: Conduct the first reading of Ordinance No. 16-2146: "An ordinance of the City Council of the City of Cupertino amending section 11.27.145 of the Cupertino Municipal Code relating to designation of preferential parking zones" on Oak Valley Road, Juniper Court, Sycamore Drive and Black Oak Way on Saturdays, Sundays and holidays between the hours of 7 a.m. and 4 p.m.

[Staff Report](#)[A - Permit Parking Map](#)[B - Draft Ordinance](#)

11. Subject: Election Code section 9212 report relating to proposed initiative entitled, "Initiative adopting the Vallco Town Center Specific Plan to (1) provide that the Vallco Shopping District Special Area ("Area") contains a mixture of residential, office, retail, civic and education uses; (2) require any development to fund or provide community benefits such as transit, schools, a green roof and recycled water; and (3) grant the property owner initial entitlements to develop in accordance with the Initiative and establish a process for future approvals; and making related amendments to Cupertino's General Plan and Municipal Code" ("Initiative"); determination whether to place measure on the ballot; determination regarding ballot arguments and impartial analysis

Recommended Action: 1. Receive the Report on the Impacts of Proposed Initiative and either:

a. Adopt the Initiative; or

b. Adopt Resolution No. 16-075 ordering that the Initiative be placed on the Ballot for the November 8, 2016 General Municipal Election, to be consolidated with the Statewide General Election; and

2. Consider whether to direct the City elections official to transmit the Initiative to the city attorney for preparation of an impartial analysis per the draft resolution; and

3. Consider whether to authorize City Council members, or the Council as a whole, to submit ballot arguments against the Initiative per the draft resolution

[Staff Report](#)[A – 9212 Report](#)[A-1 - Appendix 1 \(Text of Proposed Initiative without Exhibits, Title & S](#)[A-2 - Appendix 2 \(Section-by-Section description and summary of Initiati](#)[A-3 - Appendix 3 \(CA Elections Code 9212\)](#)[A-4 - Appendix 4 \(Resolution No. 16-027 calling for Report\)](#)[A-5 - Appendix 5 \(9212 Environmental Analysis\)](#)[A-6 - Appendix 6 \(Donation Agreements CUSD & FUHSD\)](#)[A-7 - Appendix 7 \(Fiscal Analysis tables\)](#)[A-8 - Appendix 8 \(Project description, EIR, General Plan Policies\)](#)[B - Draft Resolution calling measure election](#)[C - Memorandum to City Council from City Attorney](#)[D - Link to Vallco Town Center Specific Plan Initiative](#)

12. Subject: Designation of voting delegate and alternates for League of California Annual Conference, October 5-7, Long Beach
Recommended Action: Designate a voting delegate and up to two alternates for League of California Annual Conference, October 5-7, Long Beach
[Staff Report](#)
[A - Conference Information](#)

REPORTS BY COUNCIL AND STAFF

13. Subject: Construction Project Updates
Recommended Action: Receive Update
14. 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.

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.