



# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, November 17, 2015

5:30 PM

Non-televised Closed Session (5:30) Followed by Televised 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, November 17, 2015, 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 City Hall Conference Room A, 10300 Torre Avenue**

### **CLOSED SESSION**

1. Subject: Conference with Labor Negotiators (54957.6). Agency designated representatives: Assistant to the City Manager and Jaime Bodiford. Appointed employee: City Manager.
2. Subject: Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - One case
3. Subject: Conference with Real Property Negotiators (Government Code 54956.8). Property: Cupertino Municipal Water System. Agency Negotiator: Timm Borden. Negotiating Parties: City of Cupertino and San Jose Water Company. Under Negotiation: Terms for City Leased Asset
4. Subject: Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 - One case

### **ADJOURNMENT**

**REGULAR MEETING**

**PLEDGE OF ALLEGIANCE - 6:45 PM Community Hall Council Chamber, 10350 Torre Avenue**

**ROLL CALL****STUDY SESSION**

1. Subject: Study Session on the Civic Center Master Plan - Financing Alternatives and Affordability Analysis  
Recommended Action: Receive staff presentation and provide direction  
[Staff Report](#)  
[A - Financing Alternatives and Affordability Analysis](#)

**CEREMONIAL MATTERS AND PRESENTATIONS**

2. Subject: Update from the Housing Commission  
Recommended Action: Receive update
3. Subject: Update from the Planning Commission  
Recommended Action: Receive the update

**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.*

4. Subject: Approve the November 3 City Council minutes  
Recommended Action: Approve the minutes  
[A - Draft Minutes](#)
5. Subject: Approve Treasurer's Investment Report for the Quarter ending June 30,

2015

Recommended Action: Accept the report

[Staff Report](#)

[A - Investment Portfolio](#)

[B - Supplemental Portfolio Analysis](#)

6. Subject: Approve Treasurer's Investment Report for the Quarter ending September 30, 2015

Recommended Action: Accept the report

[Staff Report](#)

[A - Investment Portfolio](#)

[B - Supplemental Portfolio Analysis](#)

7. Subject: Approval of the First Quarter adjustments for Fiscal Year 2015-16 as described in the First Quarter Financial Report

Recommended Action: 1. Accept the City Manager's First Quarter Financial Report for Fiscal Year 2015-16; and 2. Adopt Resolution No. 15-100 approving the First Quarter budget adjustments

[Staff Report](#)

[A - Draft Resolution](#)

[B - First Quarter Financial Report FY15-16](#)

[C - Performance Measures - Clean Version](#)

[D - Performance Measures - Redline Version](#)

8. Subject: A resolution to allow the use of electronic signatures (E-signatures) on City documents

Recommended Action: Staff recommends that the City Council adopt Resolution No. 15-101 to allow the use of electronic signatures (E-signatures) on applicable City documents

[Staff Report](#)

[A - Draft Resolution](#)

[B - California Secretary of State Letter](#)

[C - Secretary of State's website FAQ](#)

9. Subject: Approve the Employment Contract for the City Manager, and amend the Appointed Employees' Compensation Program

Recommended Action: a.) Adopt Resolution No. 15-102 approving the Third Amendment to the Employment Contract for the City Manager; and b.) Adopt Resolution No. 15-103 amending the Appointed Employees' Compensation Program

[Staff Report](#)[A - Redlined Third Amendment to City Manager Employment Contract](#)[B - Draft Resolution to Amend Employment Contract](#)[C - Draft Resolution Amending Appointed Employees Compensation Pro](#)[D - Appointed Employees Compensation Program](#)[E - Redlined amended Appointed Employees Compensation Program](#)

10. **Subject:** Amendment to an existing consultant services agreement with David J. Powers and Associates for environmental review for a Specific Plan and project in the Vallco Shopping District Planning Area for a total contract in the amount of \$919,245, and authorization for further amendments.

**Recommended Action:** 1. Authorize an amendment to the existing “Agreement between the City of Cupertino and David J. Powers & Associates, Inc for the CEQA Environmental Review for the Vallco Specific Plan Redevelopment Project” consultant services agreement with David J. Powers and Associates, Inc. (DJP&A) for preparation of an Environmental Impact Report (EIR) for the Council’s consideration, for an additional amount not to exceed \$164,940, for a total cost of \$919,245. (Attachment A).

2. Authorize the City Manager to negotiate and execute additional future amendments to Item 1 above to the extent that funds are appropriated for the amendments and the total expenditures are cost-recovered from the applicant.

3. Approve an increase to the Fiscal Year 2015-16 Planning and Community Development-Mid to Long Term Planning program budget of \$181,434 (\$164,940 plus 10% administrative fee)

[Staff Report](#)[A - Amendment #2](#)[B - Contract & Amendment #1](#)

11. **Subject:** Amendment to increase City funding for the Memorandum of Understanding (MOU) (Attachment A) with the Santa Clara Valley Water District (District) for their Landscape Conversion Rebate Program (Program)

**Recommended Action:** Staff recommends Council adopt Resolution No. 15-104 amending Approved FY 15/16 Operating Budget (Attachment B) and Authorize the City Manager to execute an amendment to the MOU with the District in an increased amount of up to \$115,000 to supplement the District’s Program for the benefit of Cupertino residents and businesses

[Staff Report](#)[A - Memorandum of Understanding](#)[B - Draft Resolution](#)[C - October 30, 2015 District Press Release](#)

12. **Subject:** 2016 Pavement Maintenance Project, Project No. 2016-15 authority to award contract

Recommended Action: Authorize the City Manager to award and execute the 2016 Pavement Maintenance Project contract, including a 10% contingency, if the lowest responsive bid is within the established budget and there are no unresolved bid protests

[Staff Report](#)

[A - List of Streets to Receive Pavement Maintenance Treatment](#)

[B - Draft Contract](#)

13. Subject: Funding agreement between the City of Cupertino and the Santa Clara Valley Transportation Authority (VTA) for the I-280/Wolfe Road Interchange Improvements Project

Recommended Action: Authorize the City Manager to negotiate and execute a Funding Agreement with the VTA to identify the City of Cupertino and VTA's respective obligations for the I-280/Wolfe Road Interchange Improvements Project to the extent that the City of Cupertino's contributions are expected to be reimbursed from project applicants and funds are appropriated for such purpose

[Staff Report](#)

[A - Draft Funding Agreement between the City of Cupertino and the Sant](#)

## SECOND READING OF ORDINANCES

14. Subject: Second reading of Ordinance and adopt amendments to the City's Zoning Map to rezone a 0.98 acre parcel from Light Industrial with Special Development Conditions (ML-fa) to Planned Development Zoning District with Light Industrial And Commercial Uses P(ML, CG)). (Z-2015-01, 10950 N. Blaney Avenue, APN: 316 03 041)

Recommended Action: Conduct the second reading and enact Ordinance No. 15-2135: "An Ordinance of the City Council of the City of Cupertino rezoning a 0.98 acre parcel from Light Industrial with Special Development Conditions (ML-fa) to Planned Development Zoning District with Light Industrial And Commercial Uses P(ML, CG)"

[Staff Report](#)

[A - Ordinance 15-2135](#)

15. Subject: Second reading of ordinance amending Section 2.12.040 of the Cupertino Municipal Code to clarify the number of votes required to pass ordinances, resolutions, and certain orders to ensure that the Municipal Code is consistent with State Law

Recommended Action: Conduct the second reading and enact Ordinance No. 15-2136: An Ordinance of the City Council of the City of Cupertino amending Section 2.12.040 of the Cupertino Municipal Code regarding the number of votes required for Ordinances, Resolutions, and Certain Orders

[Staff Report](#)

[A - Draft Ordinance](#)

## **PUBLIC HEARINGS**

## **ORDINANCES AND ACTION ITEMS**

16. Subject: First reading of an Ordinance amending Section 2.04.010 of the Cupertino Municipal Code regarding regular City Council meetings that fall on Election Tuesday in even-numbered years

Recommended Action: Conduct the first reading Ordinance No. 15-2137: "An Ordinance of the City Council of the City of Cupertino amending Section 2.04.010 of Chapter 2.04 of Title 2 of the Cupertino Municipal Code regarding regular City Council meetings that fall on Election Tuesday in even-numbered years"

[Staff Report](#)

[A - Redline Draft Ordinance](#)

[B - Clean Draft Ordinance](#)

## **REPORTS BY COUNCIL AND STAFF**

17. 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.*