



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, March 15, 2016

3:00 PM

Special Meeting Non-televised Closed Session (3:00 pm) Immediately Followed by a Televised Study Session (Approximately 4:30); Followed by the Televised Regular Meeting (6:45)

NOTICE AND CALL FOR A SPECIAL MEETING (CLOSED SESSION AND STUDY SESSION) AND REGULAR MEETING OF THE CUPERTINO CITY COUNCIL

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Tuesday, March 15, 2016, commencing at 3:00 p.m. for a closed session in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, California 95014 and immediately followed at approximately 4:30 p.m. by a study session in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, CA 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

CLOSED SESSION - 3:00 PM

City Hall Conference Room A, 10300 Torre Avenue

1. Subject: Conference with Labor Negotiators pursuant to Government Code Section 54957.6. Agency designated representatives: Director of Administrative Services, City Manager, Dania Torres Wong. Employee organizations: Operating Engineers Local No. 3 Union, Cupertino Employees' Association.

STUDY SESSION - immediately following closed session (approximately 4:30 PM) Community Hall Council Chamber, 10350 Torre Avenue

2. Subject: Work Program study session
Recommended Action: Review the 2016/2017 Work Program
[A - Redline Work Program 2016-2017](#)
[B - Clean Work Program 2016-2017](#)

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

1. Subject: Present proclamation to the American Association of University Women (AAUW) recognizing April 12, 2016 as Equal Pay Day in Cupertino
Recommended Action: Present proclamation
2. Subject: Present Association of Northern California Chinese Schools (ANCCS) Certificates of Recognition to the 2016 Chinese New Year Poster Contest Monkey Year Winners
Recommended Action: Present certificates
3. Subject: Presentation of student transportation videos and monetary awards to second place winners "Matted" Shuge Luo and Elaine Wang; and third place (tie) winners "Small Town Geniuses" Rahul Ravi and Rishi Godugu, and "Reducing Traffic" Yeeling Tse and Helen Jiang.
Recommended Action: View video presentation and present awards
4. Subject: Present proclamation to Christina Wu for being the California finalist in the Doodle4Google Contest
Recommended Action: Present proclamation
5. Subject: Present proclamation to the American Red Cross of Silicon Valley recognizing March 2016 as Red Cross Month
Recommended Action: Present proclamation
6. Subject: Present proclamation to the Tai Ji Men Qigong Academy in celebration of the 2016 Chinese New Year Gathering
Recommended Action: Present proclamation

POSTPONEMENTS

7. Subject: Continue Item No. 20 Approval of the Fiscal Year 2016-17 Fee Schedule to April 5
Recommended Action: Continue this item to April 5

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.

8. Subject: Approve the March 1 City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)
9. Subject: Accept Accounts Payable for the period ending January 29, 2016
Recommended Action: Adopt Resolution No. 16-020 accepting Accounts Payable for the period ending January 29, 2016
[A - Draft Resolution](#)
[B - AP Report](#)
10. Subject: Accept Accounts Payable for the period ending February 5, 2016
Recommended Action: Adopt Resolution No. 16-021 accepting Accounts Payable for the period ending February 5, 2016
[A - Draft Resolution](#)
[B - AP Report](#)
11. Subject: Accept Accounts Payable for the period ending February 12, 2016
Recommended Action: Adopt Resolution No. 16-022 accepting Accounts Payable for the period ending February 12, 2016
[A - Draft Resolution](#)
[B - AP Report](#)
12. Subject: Accept Accounts Payable for the period ending February 19, 2016
Recommended Action: Adopt Resolution No. 16-023 accepting Accounts Payable for the period ending February 19, 2016
[A - Draft Resolution](#)
[B - AP Report](#)
13. Subject: Accept Accounts Payable for the period ending February 26, 2016

Recommended Action: Adopt Resolution No. 16-024 accepting Accounts Payable for the period ending February 26, 2016

[A - Draft Resolution](#)

[B - AP Report](#)

14. Subject: Approve the Second Amendment with The Regents of the University of California and the City of Cupertino for the Rolling Hills 4-H Club at McClellan Ranch Preserve for the five year period ending August 31, 2019

Recommended Action: Authorize the City Manager to execute an amendment to the lease agreement with The Regents of the University of California and the City of Cupertino for the Rolling Hills 4-H Club at McClellan Ranch Preserve to include use of Monta Vista Recreation Center and/or the Environmental Education Center for their monthly meetings

[Staff Report](#)

[A - Draft 4-H Rolling Hills Agreement 2nd Amendment](#)

15. Subject: Application for Alcoholic Beverage License for Doppio Zero Pizzeria, 10088 North Wolfe Road, Suite 120

Recommended Action: Recommend Approval to the Department of Alcoholic Beverage Control of the Application for Alcoholic Beverage License for Doppio Zero Pizzeria, 10088 North Wolfe Road, Suite 120

[Staff Report](#)

[A - Application](#)

16. Subject: Approval of two separate Master Agreements between the City of Cupertino and the Gilbane Building Company and between the City of Cupertino and CSG Consultants, Inc. to provide construction management services on various Capital Improvement Projects

Recommended Action: 1) Authorize the City Manager to execute a Master Agreement between the City of Cupertino and the Gilbane Building Company in the amount not to exceed \$800,000 for a term of approximately two years; and

2) Authorize the City Manager to execute a Master Agreement between the City of Cupertino and CSG Consultants, Inc. in the amount not to exceed \$800,000 for a term of approximately two years

[Staff Report](#)

[A - Draft Master Agreement, Gilbane Building Company](#)

[B - Draft Master Agreement, CSG Consultants, Inc.](#)

17. Subject: Authority to award construction contract for Cupertino Sports Center (CSC) East Courts Resurfacing Project, No. 2015-04

Recommended Action: 1. Authorize the City Manager to award a construction contract in an amount not to exceed the appropriated project budget limits, to the lowest responsive bidder if there are no unresolved bid protests; and
2. Authorize a construction contingency budget of 10% of the construction contract amount to address unforeseen conditions discovered during construction.

[Staff Report](#)

18. Subject: Agreement between the City of Cupertino and Pavement Engineering, Inc. for consultant services on various street improvement projects

Recommended Action: Approve an Agreement between the City of Cupertino and Pavement Engineering, Inc. (PEI) in the amount not to exceed \$325,000 from the date of execution through June 30, 2017, and authorize the Director of Public Works to negotiate and execute all necessary documents to carry out all consultant services for the various street improvement projects

[Staff Report](#)

[A - Draft Master Agreement](#)

19. Subject: Mitigation Fee Act - Annual & Five-Year Report.

Recommended Action: 1.) Accept the Five Year and Annual Review of the City of Cupertino's Development Impact Fees (Government Code Section 66000 et seq.); and

2. Adopt Resolution No.16-026 Approving the Five-Year and Annual Development Impact Fee Reports and Making Required Findings

[Staff Report](#)

[A - Developer In-Lieu Fee Report - Annual and Five-Year](#)

[B - Draft Resolution](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

20. Subject: Approval of the Fiscal Year 2016-17 Fee Schedule (continued from March 1) will be continued to April 5

Recommended Action: Under Postponements this item will be continued to April 5

ORDINANCES AND ACTION ITEMS

21. Subject: Municipal Code Amendment to repeal Chapter 14.15 of the Cupertino Municipal Code entitled "Landscaping Ordinance" and replace it with a new Chapter 14.15 entitled "Landscape Ordinance" in order to improve readability and to comply with state-mandated updates to the Model Water-Efficient Landscape Ordinance as directed by Governor Brown's Executive Order B-29-15; Application No.(s):MCA-2015-02; Applicant(s): City of Cupertino; Location:

citywide

Recommended Action: Conduct the first reading of Ordinance No. 16-2142: "An Ordinance of the City Council of the City of Cupertino to repeal Chapter 14.15 of the Cupertino Municipal Code entitled "Landscaping Ordinance" and replace it with a new Chapter 14.15 entitled "Landscape Ordinance" in order to improve readability and to comply with state-mandated updates to the Model Water-Efficient Landscape Ordinance"

[Staff Report](#)

[A - Draft Ordinance No. 16-2124](#)

[B - Redline Chapter 14.15, Landscape Ordinance](#)

[C - 2015 State MWELO](#)

[D - Redline 2015 State MWELO](#)

22. Subject: Accept resignation of Housing Commissioner Krista Wilson and consider options for filling the unscheduled vacancy.

Recommended Action: Accept resignation of Housing Commissioner Krista Wilson and direct staff to fill the unscheduled vacancy by one of the following options:

- a.) Appoint from the existing list of applicants that were interviewed in January (Attachment A); or
- b.) Hold a special recruitment and set an application deadline of 4:30 p.m. on Friday, April 15, 2016 and an interview date of May 3, 2016 beginning at 5:30 p.m.

[Staff Report](#)

[A – Krista Wilson Resignation Letter](#)

[B – Previously interviewed Housing Commission Applications](#)

REPORTS BY COUNCIL AND STAFF

23. Subject: Construction Project Updates

Recommended Action: Receive Updates

24. 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.