



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, April 19, 2016

6:00 PM

AMENDED Non-televised Closed Session (6:00) Followed by Televised Regular Meeting (6:45)

Amended at 3:15 PM on April 15, 2016 to correct Closed Session start time from 4:30 PM to 6:00 PM

Amended at 2:00 PM on April 15, 2016 to add Closed Session Item No. 1a.

CLOSED SESSION - 6:00 PM

City Hall Conference Room A, 10300 Torre Avenue

- 1a.** 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.)

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall Council Chamber, 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

- 1.** Subject: Recognize Cupertino's Green Businesses for their contribution to the health of our shared environment
Recommended Action: Present proclamations
- 2.** Subject: Recognize student artists participating in the Citywide "Energized by Art" utility box art pilot project
Recommended Action: Present proclamations
- 3.** Subject: 2016 Arbor Day Proclamation
Recommended Action: Present proclamation
[Staff Report](#)

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 March 31 City Council minutes
 Recommended Action: Approve the minutes
 [A - Draft Minutes](#)
5. Subject: Approve the April 5 City Council minutes
 Recommended Action: Approve the minutes
 [A - Draft Minutes](#)
6. Subject: Approve the April 5 City Council minutes (9:00 p.m. Special Meeting)
 Recommended Action: Approve the minutes
 [A - Draft Minutes](#)
7. Subject: Accept Accounts Payable for the period ending March 4, 2016
 Recommended Action: Adopt Resolution No. 16-033 accepting Accounts Payable
 for the period ending March 4, 2016
 [A - Draft Resolution](#)
 [B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending March 11, 2016
 Recommended Action: Adopt Resolution No. 16-034 accepting Accounts Payable
 for the period ending March 11, 2016
 [A - Draft Resolution](#)
 [B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending March 18, 2016
 Recommended Action: Adopt Resolution No. 16-035 accepting Accounts Payable
 for the period ending March 18, 2016
 [A - Draft Resolution](#)
 [B - AP Report](#)

10. Subject: Accept Accounts Payable for the period ending March 25, 2016
Recommended Action: Adopt Resolution No. 16-036 accepting Accounts Payable for the period ending March 25, 2016
[A - Draft Resolution](#)
[B - AP Report](#)
11. Subject: Recommended Position on State Assembly Bill 1928 (Campos): Irrigation Standards to Save Our Drinking Water Act
Recommended Action: Adopt a position of support on Assembly Bill 1928 and authorize sending a letter of support to Assembly Member Nora Campos and our state delegation
[Staff Report](#)
[A - Letter of Support](#)
[B - Bill Language](#)
12. Subject: Addition of the part-time staff classification of Park Ranger within the Recreation and Community Services Department
Recommended Action: Adopt Resolution No. 16-037 authorizing the City Manager to add a new part-time staff classification of Park Ranger which would operate in the Stevens Creek Corridor and be overseen by the Recreation and Community Services Department
[Staff Report](#)
[A - Park Ranger Job Description](#)
[B - Draft Resolution](#)
13. Subject: Proposed Planning Commission Work Program additions and revisions for Fiscal Year 2016-2017
Recommended Action: Accept proposed Planning Commission Work Program additions and revisions for Fiscal Year 2016-2017
[Staff Report](#)
14. Subject: Polling for Potential Transportation Sales Tax Measure
Recommended Action: Receive information regarding the questions polled and the results of polling completed by the Silicon Valley Leadership Group in March 2016
[Staff Report](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

15. Subject: 2016-17 Community Development Block Grant (CDBG) Program Annual Action Plan and 2016-17 Grant Funding Allocations

Recommended Action: Conduct Public Hearing: and

1. Adopt Draft Resolution No. 16-038 approving the 2016-17 CDBG Annual Action Plan and;
2. Adopt Draft Resolution No. 16-039 approving the 2016-17 CDBG, General Fund Human Service Grants (HSG) Program and Below Market-Rate (BMR) Affordable Housing Fund (AHF) funding allocations

[Staff Report](#)

[Attachment A - Draft Resolution No. 16- Annual Action Plan](#)

[Attachment B - Draft Resolution No. 16- Grant Allocations](#)

[Attachment C - CDBG Annual Action Plan](#)

[Attachment D - Grant Application Summary](#)

[Attachment E - Grant Application Descriptions](#)

[Attachment F - HSG Grant Contract](#)

[Attachment G - BMR AHF Grant Contract](#)

[Attachment H - CDBG Grant Contract](#)

[Attachment I - MidPen Pro Forma](#)

16. Subject: Appeal of a Planning Commission decision to deny an appeal of a Director's approval of a Two-Story Permit (R-2015-08) to allow the construction of a new 5,140-square-foot single-family residence and a Minor Residential Permit (RM-2015-08) to allow a second story balcony on the new residence. (Application No. R-2015-08 and RM-2015-08; Applicant: WEC & Assoc. (Kingkay Capital, LLC); Appellant: Jan Kucera Jr., and Matthew R. and Angela M.D. Miller; Location: 21900 Oakview Lane; APN: 326-19-105)

Recommended Action: Adopt Resolution No. 16-040 to deny the appeal and uphold the Planning Commission's decision per PC Resolution No(s). 6798 and 6799

[Staff Report](#)

[A - Draft Resolution 16-](#)

[B - Plan Set](#)

[C - Appeal Filed by Jan Kucera Jr.](#)

[D - Appeal Filed by Matthew R. Miller and Angela M.D. Miller](#)

[E - Comment Letters](#)

[F - Resolution No. 6798](#)

[G - Resolution No. 6799](#)

[H - Planning Commission Staff Report, 2-23-16](#)

[I - Planning Commission Meeting Minutes, 2-23-16](#)

[J - Original Appeal of Director's Decision filed by Matthew R. Miller and](#)

[K - Two-Story and Minor Residential Permits Action Letter, 1-8-16](#)

ORDINANCES AND ACTION ITEMS

17. Subject: An ordinance amending sections of Chapter 3.23 of the Cupertino

Municipal Code to align the public works bid invitation distribution and posting periods with the related California Public Contract Code requirements

Recommended Action: Conduct the first reading of Ordinance No. 16-2143: “An Ordinance of the City Council of the City of Cupertino Amending the Cupertino Municipal Code Sections 3.23.030, 3.23.040, 3.23.050, 3.23.120, of Chapter 3.23 of Title 3 Regarding Public Bidding”

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Redline version of Draft Ordinance](#)

18. Subject: Consideration of the City Council Summer Meeting Schedule and cancellation of meeting(s).

Recommended Action: Consider the City Council Summer Meeting Schedule and cancel meeting(s) or provide direction to staff.

[Staff Report](#)

REPORTS BY COUNCIL AND STAFF

19. Subject: Climate Action Plan Annual Progress Update

Recommended Action: Receive presentation and review Progress Report

[Staff Report](#)

[Attachment A - Progress Report](#)

20. Subject: Conceptual Study for Route 85 Corridor Mass Transit Alternatives

Recommended Action: Receive presentation on Route 85 Corridor Mass Transit Alternatives Study

[Staff Report](#)

21. 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.