



CUPERTINO

# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, October 4, 2016

6:00 PM

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

#### CLOSED SESSION - 6:00 PM

10300 Torre Avenue, City Hall Conference Room A

1. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957).  
Title: City Manager; Appointed Employees Compensation Program

#### PLEDGE OF ALLEGIANCE - 6:45 PM

10350 Torre Avenue, Community Hall Council Chamber

#### ROLL CALL

#### CEREMONIAL MATTERS AND PRESENTATIONS

#### POSTPONEMENTS

2. Subject: Continue Item No. 15 Municipal Code Amendment to amend Chapter 8.07, Beekeeping, regarding the regulation, location, and the keeping of bees in the City; Application No(s): MCA-2016-03; Applicant(s): City of Cupertino; Location: Citywide to November 15. This item will be re-noticed.  
Recommended Action: Continue Item No. 15 Municipal Code Amendment to amend Chapter 8.07, Beekeeping, regarding the regulation, location, and the keeping of bees in the City; Application No(s): MCA-2016-03; Applicant(s): City of Cupertino; Location: Citywide to November 15. This item will be re-noticed.

#### 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 September 20 City Council minutes  
Recommended Action: Approve the September 20 City Council minutes  
[A - Draft Minutes](#)
4. Subject: Cancel the January 3, 2017 City Council meeting  
Recommended Action: Cancel the January 3, 2017 City Council meeting  
[A - Staff Report](#)
5. Subject: Adoption of the 2016 Economic Development Strategic Plan - a policy document intended to guide the City's economic development activities over the next three to five years.  
Recommended Action: Adopt Resolution No. 16-103, "A Resolution of the City Council of the City of Cupertino adopting the 2016 Economic Development Strategic Plan (EDSP) in order to guide the City's Economic Development activities."  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - Memo from Strategic Economics dated Sept. 13, 2016](#)
6. Subject: Approve the July 1, 2016 through June 30, 2019 terms and conditions of employment for the Cupertino City Employees' Association (CEA)  
Recommended Action: 1) Authorize staff to amend the Memorandum of Understanding (MOU) for the Cupertino City Employees' Association (CEA) based on the attached tentative agreements.  
2) Authorize staff to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs associated with the negotiated contract.  
[Staff Report](#)  
[A - Section 2: Salary Schedule](#)  
[B - Section 5: Agency Shop](#)  
[C - Section 7: Pension](#)  
[D - Section 8: Insurance Coverage](#)  
[E - Section 11: Vacation](#)  
[F - Section 21: Education Reimbursement](#)  
[G - Section 30: Reopener](#)  
[H - Section 31: Term](#)  
[I - Section TBD: Opening Statement](#)  
[J - Section TBD: Total Comp Element](#)

7. Subject: Approve the July 1, 2016 through June 30, 2019 terms and conditions of employment for the Unrepresented (Management and Confidential) Employees' Compensation Program.

Recommended Action: 1) Adopt Resolution No. 16-104 amending the July 1, 2016 through June 30, 2019 terms and conditions of employment for the Unrepresented (Management and Confidential) Employees' Compensation Program.

2) Authorize staff to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs associated with the agreement

[Staff Report](#)

[A - Draft Resolution](#)

[B - Redlined Unrepresented Compensation Program](#)

[C - Clean Unrepresented Compensation Program](#)

8. Subject: Approve the July 1, 2016 through June 30, 2019 terms and conditions of employment for the Operating Engineers Local Union No. 3, AFL-CIO (OE3)

Recommended Action: 1) Authorize staff to amend the Memorandum of Understanding (MOU) for the Operating Engineers Local Union No. 3, AFL-CIO (OE3).

2) Authorize staff to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs associated with the negotiated contract.

[Staff Report](#)

[A - Section 2: Union Recognition](#)

[B - Section 10: Compensation for Services](#)

[C - Section 11: Pension](#)

[D - Section 12: Health Benefits](#)

[E - Section 14: Paid Absences](#)

[F - Section 15: Sick Leave Conversion](#)

[G - Section 18: Training and Tuition Reimbursement](#)

[H - Section 24: Grievance Procedure](#)

[I - Section 29: Term](#)

[J - New Section: Health Deduction](#)

9. Subject: Eighth Amendment to the Agreement between Santa Clara County and the City of Cupertino for Abatement of Weeds

Recommended Action: Adopt Resolution No. 16-105 authorizing the City Manager to execute the Eighth Amendment to the Agreement between Santa Clara County and the City of Cupertino for Abatement of Weeds

[Staff Report](#)

[A - Draft Resolution](#)

[B - Draft Agreement](#)

10. Subject: 2015 Contractual Crossing Guard Services - Project No. 2015-25, contract amendment
- Recommended Action: Staff recommends Council authorize the City Manager to negotiate and execute an amendment (Attachment A) to the current crossing guard services contract to provide for contractor compensation of \$18.64/hr for the 2016/17 school year and \$20.61/hr for 2017/18 school year, if the City's Minimum Wage Ordinance is adopted
- [Staff Report](#)
- [A - Draft Amendment](#)
- [B - ACMS Additional Compensation Request Letter dated September 12.](#)

## SECOND READING OF ORDINANCES

11. Subject: Second Reading of an Ordinance of the City Council of the City of Cupertino Amending Title 1, Chapter 1.10, to add Section 1.10.055, "Recording Notice of Violations"; amending Title 19, Chapter 19.08, Section 19.08.030 "Definitions", amending Chapter 19.12 Section 19.12.080 "Application Process" and Section 19.12.180 "Expiration, Extension and Revocation", amending Chapter 19.28 Section 19.28.120, "Landscape Requirements", amending Chapter 19.32 Section 19.32.010 "Purpose", repealing and replacing Chapter 19.56, "Density Bonus", and amending Chapter 19.104 to add Section 19.104.205, "Message Substitution"; related to permits, procedures, and requirements of the code to conform to law, ensure internal consistency, and provide clarification. Application No(s): MCA-2016-01; Applicant(s): City of Cupertino; Location: citywide
- Recommended Action: Conduct the second reading of Ordinance No. 16-2149 "An ordinance of the City Council of the City of Cupertino amending Title 1, Chapter 1.10, to add Section 1.10.055, "Recording Notice of Violations"; amending Title 19, Chapter 19.08, Section 19.08.030 "Definitions", amending Chapter 19.12 Section 19.12.080 "Application Process" and Section 19.12.180 "Expiration, Extension and Revocation", amending Chapter 19.28 Section 19.28.120, "Landscape Requirements", amending Chapter 19.32 Section 19.32.010 "Purpose", repealing and replacing Chapter 19.56, "Density Bonus", and amending Chapter 19.104 to add Section 19.104.205, "Message Substitution"; related to permits, procedures, and requirements of the code to conform to law, ensure internal consistency, and provide clarification
- [Staff Report](#)
- [A - Draft Ordinance](#)
- [B - Redline Versions](#)
12. Subject: Second Reading of an Ordinance of the City Council of the City of Cupertino regarding legal non-conforming single-family garages, and standards

for bicycle parking and facilities. Application No(s): MCA-2016-02; Applicant(s): City of Cupertino; Location: citywide

Recommended Action: Conduct the second reading of Ordinance No. 16-2150 "An ordinance of the City Council of the City of Cupertino amending Title 19, Chapter 19.124 Section 19.124.030 "Regulations for Parking and Keeping Vehicles in Various Zones" and Section 19.124.040 "Regulations for Off-Street Parking", regarding legal non-conforming single-family garages, and making standards for bicycle parking and facilities consistent with the City of Cupertino 2016 Bicycle Transportation Plan

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Redlined Chapter 19 124](#)

13. Subject: Second reading of Ordinance No. 16-2151 establishing a citywide minimum wage.

Recommended Action: Conduct the second reading and enact Ordinance No. 16-2151: "An Ordinance of the City Council of the City of Cupertino to add Chapter 3.37 (Minimum Wage Ordinance) to Title 3 (Revenue and Finance) of the Cupertino Municipal Code to establish a citywide minimum wage"

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Redlined Draft Ordinance](#)

## PUBLIC HEARINGS

14. Subject: Appeal of Kimberly Sandstrom Appeal Regarding Eligibility to Purchase Below Market Rate (BMR) Unit (Continued from September 6)

Recommended Action: Approve Resolution No. 16-101 regarding the appeal of Ms. Kimberly Sandstrom and affirming the recommendation of the Housing Commission regarding the eligibility of Ms. Sandstrom to purchase a BMR unit

[Staff Report](#)

[A- Summary of Conflict of Interest Investigation](#)

[B- Draft Resolution](#)

[C- Housing Commission Resolution 16-06](#)

[D- Excerpts from BMR Manual Regarding Income Calculation](#)

[E- Referenced Regulations \(24 CFR 5.609\(b\) and \(c\)\)](#)

[F- Technical Guide for Determining Income](#)

[G- Attachments and Other Documents Provided by Appellant](#)

[H - Sandstrom presentation](#)

15. Subject: Municipal Code Amendment to amend Chapter 8.07, Beekeeping, regarding the regulation, location, and the keeping of bees in the City. Application No(s): MCA-2016-03; Applicant(s): City of Cupertino; Location:

Citywide has been continued to November 15 and will be re-noticed.

Recommended Action: Conduct the first reading of the draft ordinance: "An ordinance of the City Council of the City of Cupertino amending section 8.07 of the Cupertino Municipal Code relating to Beekeeping has been continued to November 15 and will be re-noticed.

## **ORDINANCES AND ACTION ITEMS**

**16. Subject: Establishment of a Friendship City Relationship**

Recommended Action: Review and consider an application establishing a Friendship City relationship with Taichung, Taiwan, Republic of China

[Staff Report](#)

[A - Taichung Friendship City Application](#)

## **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.*