



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, August 15, 2017

5:30 PM

Non-televised Special Meeting Closed Session (5:30) and 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, August 15, 2017, 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

CLOSED SESSION - 5:30 PM

City Hall Conference Room A, 10300 Torre Avenue

1. Subject: Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - Two Cases
2. Subject: Conference with Real Property Negotiators (Government Code Section 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

3. Subject: Conference with Legal Counsel-Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9
Name of case: Michael Drake v. Ramon Yanovsky; Roman Yanovsky v. City of Cupertino, et al. (cross-action), Santa Clara County Superior Court Case No. 114CV690216

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall, 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentation from the Teen Commission Summarizing 2016-2017 Projects and Accomplishments
Recommended Action: Receive presentation from Teen Commission Summarizing 2016-2017 Projects and Accomplishments
2. Subject: Certificates of Recognition to the Santa Clara Valley Water District and Grassroots Ecology for the McClellan Ranch Preserve Meadow Restoration Project
Recommended Action: Present certificates of recognition to the Santa Clara Valley Water District and Grassroots Ecology for the McClellan Ranch Preserve Meadow Restoration Project
3. Subject: Proclamation to Recognize and Provide Thanks to the First Baptist Church of Cupertino for Their Support During Summer 2017
Recommended Action: Present Proclamation to Recognize and Provide Thanks to the First Baptist Church of Cupertino for Their Support During Summer 2017
4. Subject: Proclamation to honor India Independence Day on August 15, 2017
Recommended Action: Present Proclamation to honor India Independence Day on August 15, 2017

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.

5. Subject: Approve the August 1 City Council minutes
 Recommended Action: Approve the August 1 City Council minutes
 [A - Draft Minutes](#)
6. Subject: Accept Accounts Payable for the period ending May 19, 2017
 Recommended Action: Adopt Resolution No. 17-074 accepting Accounts Payable for the period ending May 19, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending May 26, 2017
 Recommended Action: Adopt Resolution No. 17-075 accepting Accounts Payable for the period ending May 26, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending June 2, 2017
 Recommended Action: Adopt Resolution No. 17-076 accepting Accounts Payable for the period ending June 2, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending June 9, 2017
 Recommended Action: Adopt Resolution No. 17-077 accepting Accounts Payable for the period ending June 9, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)

10. Subject: Accept Accounts Payable for the period ending June 16, 2017
Recommended Action: Adopt Resolution No. 17-078 accepting Accounts Payable for the period ending June 16, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
11. Subject: Accept Accounts Payable for the period ending June 23, 2017
Recommended Action: Adopt Resolution No. 17-079 accepting Accounts Payable for the period ending June 23, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
12. Subject: Budget appropriation of \$147,810 to account number 100-88-844 900-923 for the agreement between the City of Cupertino and TJKM Transportation Consultants for the Apple Campus 2 Transportation Demand Management Monitoring Project
Recommended Action: Approve the budget appropriation of \$147,810 to account number 100-88-844 900-923 for the agreement between the City of Cupertino and TJKM Transportation Consultants for the Apple Campus 2 Transportation Demand Management Monitoring Project
[Staff Report](#)
[A - Draft Agreement](#)
13. Subject: State Assembly Bill 262 (Bonta, Eggman, and Steinorth): Buy Clean California Act
Recommended Action: Adopt a position of support on Assembly Bill 262 (Bonta, Eggman, and Steinorth): Buy Clean California Act and authorize the Mayor to send letters in support of this bill
[Staff Report](#)
[A - Sample Letter of Support](#)
14. Subject: Agreement between the City of Cupertino and Callander Associates Landscape Architecture, Inc. for professional design services to prepare and deliver the I-280 Channel Trail Feasibility Study
Recommended Action: Approve an Agreement between the City of Cupertino and Callander Associates Landscape Architecture, Inc. in the amount not to exceed \$299,935 from the date of execution through June 30, 2019, and authorize the Director of Public Works to negotiate and execute all necessary documents to carry out all consultant services for the I-280 Channel Trail Feasibility Study
[Staff Report](#)
[A - Draft Agreement](#)

15. Subject: Agreement between the City of Cupertino and Alta Planning + Design, Inc. for professional design services to prepare and deliver the Union Pacific Railroad Trail Feasibility Study

Recommended Action: Approve an Agreement between the City of Cupertino and Alta Planning + Design, Inc. in the amount not to exceed \$259,889 from the date of execution through June 30, 2019, and authorize the Director of Public Works to negotiate and execute all necessary documents to carry out all consultant services for the Union Pacific Railroad Trail Feasibility Study

[Staff Report](#)

[A - Draft Agreement](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

16. Subject: Consider whether to authorize the formal submission of General Plan Amendment applications for the three proposals received in the 2017 Second Cycle including: 16A - Hotel at Cupertino Village site; 16B - Hotel at Good Year Tire store site; and 16C - Mixed-use development at the Oaks Shopping Center (*16A and 16B authorized at the August 1 City Council meeting. 16C continued to August 15*).

16C: A proposal to demolish an existing ~71,254 sq.ft. commercial shopping center and construct one of the two alternative mixed-use developments at the Oaks Shopping Center site that requires City Council authorization for formal submission of one of the alternatives for formal submission of General Plan Amendment applications. (Application No.(s): GPAAAuth-2017-02; Applicant: KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041) (*Continued from August 1*)

Recommended Action: Staff recommends that the City Council adopt Resolution No. 17-080 (Attachment A) after determining if the application is authorized to move forward to apply for a General Plan Amendment(s)

[Staff report](#)

[A - Draft Resolution](#)

17. Subject: Adoption of City of Cupertino Transportation Impact Fee Nexus Study
Recommended Action: Adopt Resolution No. 17-081, adopting the Cupertino Transportation Impact Fee Nexus Study; and direct Staff to draft ordinance to implement City Wide Traffic Impact Fee to be presented to City Council at the September 19, 2017 Council meeting
[Staff Report](#)
[A - Draft Resolution](#)
[B – City of Cupertino Transportation Impact Fee Nexus Study](#)

ORDINANCES AND ACTION ITEMS

REPORTS BY COUNCIL AND STAFF

18. Subject: Report on School Walk Audits
Recommended Action: Receive Staff Report on School Walk Audits
[Staff Report](#)
[A – Walk Audit Reports](#)
19. 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.