



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, September 5, 2017

5:15 PM

Special Meeting Non-televised Closed Session (5:15) 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, September 05, 2017, commencing at 5:15 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 - 5:15 PM

City Hall Conference Room A, 10300 Torre Avenue

- 1. Subject:** Conference with Legal Counsel-Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of case: City of Saratoga; City of Cupertino; Town of Los Gatos v. California Department of Transportation, et al., Santa Clara County Superior Court Case No. 115CV281214
- 2. Subject:** Conference with Legal Counsel - Anticipated Litigation Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9 - one potential case

ADJOURNMENT

REGULAR MEETING

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

1. Subject: Proclamation designating September as Prostate Cancer Awareness month
Recommended Action: Present Proclamation designating September as Prostate Cancer Awareness month
2. Subject: Presentation from Monta Vista High School AP science teacher Kavita Gupta regarding her recent participation in the National Geographic Grosvenor Teaching Fellowship program in the Galapagos
Recommended Action: Receive presentation
3. Subject: Presentation from Monta Vista High School AP science teachers Kavita Gupta and Emily Fitzgerald regarding a proximity sensor for people with disabilities
Recommended Action: Receive presentation from Monta Vista High School AP science teachers Kavita Gupta and Emily Fitzgerald regarding a proximity sensor for people with disabilities

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 August 15 City Council minutes
Recommended Action: Approve the August 15 City Council minutes
[A - Draft Minutes](#)

5. Subject: Accept Accounts Payable for the period ending June 30, 2017
 Recommended Action: Adopt Resolution No. 17-082 accepting Accounts Payable for the period ending June 30, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
6. Subject: Accept Accounts Payable for the period ending July 7, 2017
 Recommended Action: Adopt Resolution No. 17-083 accepting Accounts Payable for the period ending July 7, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending July 14, 2017
 Recommended Action: Adopt Resolution No. 17-084 accepting Accounts Payable for the period ending July 14, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending July 21, 2017
 Recommended Action: Adopt Resolution No. 17-085 accepting Accounts Payable for the period ending July 21, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending July 28, 2017
 Recommended Action: Adopt Resolution No. 17-086 accepting Accounts Payable for the period ending July 28, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
10. Subject: Accept Accounts Payable for the period ending August 4, 2017
 Recommended Action: Adopt Resolution No. 17-087 accepting Accounts Payable for the period ending August 4, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)

11. Subject: Resolution amending City's Records Retention Schedule and authorizing the destruction of records
Recommended Action: Adopt Resolution No. 17-088 rescinding Resolution No. 13-094 adopting an amended Records Retention Schedule for the City of Cupertino and authorizing the destruction of records
[Staff Report](#)
[A - Draft Resolution](#)
[B - Draft Records Retention Schedule Redline](#)
[C - Draft Records Retention Schedule Clean](#)
[D - Adopted Resolution No.13-094](#)
12. Subject: Amend 2017-18 Adopted Budget to specify streets to be maintained using the Road Maintenance and Rehabilitation Account created by Senate Bill 1
Recommended Action: Adopt Resolution No. 17-089 amending the City's adopted budget for fiscal year 2017-18 to incorporate a list of projects planned to be funded with Road Maintenance and Rehabilitation Account revenues
[Staff Report](#)
[A - Draft Resolution](#)
13. Subject: City's Agreed Upon Procedures with Outside Auditors for Gann Limit and Investments
Recommended Action: Authorize City Manager to sign on behalf of the City Council the Agreed Upon Procedures with Outside Auditors for Gann Limit and Investments
[Staff report](#)
[A - GANN AUP](#)
[B - Investment AUP](#)
14. Subject: Update to Treasurer's Investment Report for Quarter Ending June 2017 approved by Council on August 1, 2017
Recommended Action: Accept the updated report
[Staff Report](#)
[A - Treasurer Investment Report FY2016-17](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

15. Subject: General Plan and Zoning Amendment to make minor corrections to the Land Use and Zoning maps. Application No(s): GPA-2017-01, Z-2017-01; Applicant(s): City of Cupertino; Location: Citywide
- Recommended Action: 1. Find that the project is exempt from CEQA;
2. Adopt Resolution No. 17-090 “Amending The General Plan Land Use Map As Shown in Exhibit A”; and
3. Conduct the first reading of Ordinance No. 17-2166 “Amendments To The Zoning Map To Correct Inconsistencies Between The City Of Cupertino’s Records And Certain Map Designations As Shown in Exhibit A”
- [Staff Report](#)
[Attachment A - Draft Reso GPA-2017-01](#)
[Attachment B - Draft Ord Z-2017-01](#)
[Attachment C - PC Reso 6835](#)
[Attachment D - link to PC Staff Report](#)

ORDINANCES AND ACTION ITEMS

REPORTS BY COUNCIL AND STAFF

16. Subject: Report on Committee assignments and general comments
- Recommended Action: Report on Committee assignments and general comments

ADJOURNMENT

17. Subject: Adjournment in memory of artist and community leader Ann Woo
- Recommended Action: Adjourn the meeting in memory of artist and community leader Ann Woo

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.