



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, October 3, 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, October 03, 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 Real Property Negotiators pursuant to Government Code Section 54956.8. Properties: 10301 Byrne Avenue, Cupertino, California; APN 357-11-020. Agency Negotiators: David Brandt, Jeff Milkes. Negotiating Parties: Susan Sievert, on behalf of The Patricia L. Sievert Trust. Under Negotiation: Price and terms of payment

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall, 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation recognizing Monta Vista High School student Karen Ma for her great efforts to help promote City trees
Recommended Action: Present proclamation recognizing Monta Vista High School student Karen Ma for her great efforts to help promote City trees

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.

2. Subject: Approve the September 19 City Council minutes
Recommended Action: Approve the September 19 City Council minutes
[A - Draft Minutes](#)

3. **Subject:** Award and authorize the City Manager to execute a construction contract for the Retaining Wall Replacement-Regnart Road Project (Project No. 2017-12)
Recommended Action: 1. Award and authorize the City Manager to execute a construction contract for the Retaining Wall Replacement-Regnart Road Project with DMZ Builders in the amount of \$343,133; and 2. Authorize a construction contingency budget of \$34,000, approximately 10% of the contract amount, to address unforeseen conditions during construction, for a total of \$377,133
[Staff Report](#)
[A - Draft Contract](#)
4. **Subject:** Cancel the January 2, 2018 City Council meeting
Recommended Action: Cancel the January 2, 2018 City Council meeting
[A - Staff Report](#)
5. **Subject:** Receive report on commissions and committees with terms expiring January 30, 2018, and select an application deadline date of January 12, 2018 and interview dates of January 22 and 23, 2018.
Recommended Action: a.) Receive report on commissions and committees with terms expiring January 30, 2018; and
b.) Set the application deadline date of 4:30 p.m. on Friday, January 12, 2018 and interviews beginning at 5:00 p.m. on Monday and Tuesday, January 22 and 23 for commissions with terms expiring January 30, 2018.
[Staff Report](#)
[A - Appointments List and Notice of Commission Terms Expiring in 2018](#)

SECOND READING OF ORDINANCES

6. **Subject:** Second Reading of Ordinance 17-2168 adding Chapter 14.02 to the Cupertino Municipal Code to Adopt and Implement the City's Transportation Impact Fee Program
Recommended Action: Conduct the second reading and enact Ordinance No. 17-2168: "An Ordinance of the City Council of the City of Cupertino adding Chapter 14.02 to the Cupertino Municipal Code to Adopt and Implement the City's Transportation Impact Fee Program"
[Staff Report](#)
[A - Draft Ordinance](#)

PUBLIC HEARINGS

ORDINANCES AND ACTION ITEMS

7. Subject: Approval of the Library Commission's recommendation of Kaecey McCormick for the appointment of the new Cupertino Poet Laureate
Recommended Action: Adopt Resolution No. 17-096 approving the Library Commission recommendation and appoint the new Cupertino Poet Laureate
[Staff Report](#)
[A - Draft Resolution](#)

REPORTS BY COUNCIL AND STAFF

8. 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.