



# **CITY OF CUPERTINO**

## **AGENDA**

### **CITY COUNCIL**

**10300 Torre Avenue and 10350 Torre Avenue**

**Tuesday, November 7, 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, November 07, 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 - 5:30 PM**

**City Hall Conference Room A, 10300 Torre Avenue**

#### **CLOSED SESSION**

1. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957).  
Title: City Attorney
2. Subject: Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Government Code Section 54956.9: (one potential case)
3. 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: Presentation from Toyokawa Sister City regarding recent student exchange trip  
Recommended Action: Receive presentation from Toyokawa Sister City regarding recent student exchange trip
2. Subject: Presentation by Bhubaneswar Sister City Committee regarding recent trip  
Recommended Action: Receive presentation by Bhubaneswar Sister City Committee regarding recent trip
3. Subject: Certificates of appreciation and presentation by Youth Services Through Cultural Arts (YSTCA) regarding fundraising for West Valley Community Services  
Recommended Action: Present certificates and receive presentation by Youth Services Through Cultural Arts (YSTCA) regarding fundraising for West Valley Community Services
4. Subject: Presentation from the Cupertino Chamber of Commerce regarding community outreach  
Recommended Action: Receive presentation from the Cupertino Chamber of Commerce regarding community outreach
5. Subject: Library Commission Accomplishments and Work Plan Presentation  
Recommended Action: Receive presentation of the Library Commission Accomplishments and Work Plan

**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.*

6. Subject: Approve the October 17 City Council minutes  
Recommended Action: Approve the October 17 City Council minutes  
[A - Draft Minutes](#)
7. Subject: Treasurer's Investment Report for Quarter Ending September 30, 2017  
Recommended Action: Accept the Treasurer's Investment Report for Quarter Ending September 30, 2017  
[Staff Report](#)  
[A - Investment Portfolio](#)  
[B - Wells Fargo Value Comparison Report](#)  
[C - Supplemental Portfolio Analysis](#)
8. Subject: Bay Area Air Quality Management District Proposed Reduction of Risk from Air Toxic Emissions at Existing Facilities  
Recommended Action: Adopt a position of support on the Bay Area Air Quality Management District's proposed Regulation 11, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities  
[Staff Report](#)  
[A - Sample Letter of Support](#)  
[B - Proposed BAAQMD Regulation 11, Rule 18](#)
9. Subject: Donation for the implementation of the 2016 Bicycle Transportation Plan  
Recommended Action: Accept a donation in the amount of \$1,800,000 for the implementation of the 2016 Bicycle Transportation Plan and approve a Budget Appropriation in the amount of \$1,800,000 in the Capital Improvement Fund (420-99-036 900-905) for the first phase of the Stevens Creek Boulevard Separated Bike Lane Project  
[Staff Report](#)  
[A - October 4, 2017 Letter from City of Cupertino to Apple](#)  
[B - Donation Form](#)

10. Subject: Application for Alcohol Beverage License for Galpao Gaucho Three, LLC (dba Galpao Gaucho), 19780 Stevens Creek Boulevard  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Galpao Gaucho Three, LLC (dba Galpao Gaucho), 19780 Stevens Creek Boulevard  
[Staff Report](#)  
[A - Application](#)
11. Subject: One Bay Area Grant Cycle 2 Application Resolution of Local Support  
Recommended Action: Adopt Resolution No. 17-104, authorizing an application to the Metropolitan Transportation Commission (MTC) for \$769,000 in funding from the One Bay Area Grant Program, regional discretionary funding, appropriating \$110,000 in necessary matching funds, and assuring the completion of the Project in accordance with the application.  
[Staff Report](#)  
[A - Draft Resolution](#)

## SECOND READING OF ORDINANCES

## PUBLIC HEARINGS

## ORDINANCES AND ACTION ITEMS

12. Subject: Approve the second amendment to Employment Contract for the City Attorney and amend the Appointed Employees' Compensation Program  
Recommended Action: Adopt Resolution No. 17-105, approving the second amendment to the employment contract for the City Attorney and authorizing the Mayor to execute the contract; and Adopt Resolution No. 17-106, amending the Appointed Employees' Compensation Program to reflect changes in compensation for the City Attorney.  
[Staff Report](#)  
[A - Draft Resolution - Second Amendment to the Employment Contract](#)  
[B - Draft Resolution - Amending the Appointed Employees' Compensation Program](#)  
[C - Appointed Employees' Compensation Program - Redlined](#)  
[D - Appointed Employees' Compensation Program - Clean](#)  
[E - Second Amendment to the Employment Contract - Redlined](#)  
[F - Second Amendment to the Employment Contract - Clean](#)

13. Subject: Amend Cupertino Municipal Code Chapter 11.24, "Stopping, Standing and Parking - Public Streets, Section 11.24.170, Limitation on Certain Streets to Establish 2-hour Parking on a Portion of Vallco Parkway (continued from October 17).

Recommended Action: Conduct the first reading of Ordinance No 17-2169: "An Ordinance of the City Council of the City of Cupertino Amending Section 11.24, "Stopping, Standing and Parking - Public Streets, Section 11.24.170, Limitation on Certain Streets to Establish 2-hour Parking on a Portion of Vallco Parkway".

[Staff Report](#)

[A - Map of Proposed 2hr Parking](#)

[B - Draft Ordinance](#)

## **REPORTS BY COUNCIL AND STAFF**

14. 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.*

*IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.*

*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.*