



# **CITY OF CUPERTINO**

## **AGENDA**

### **CITY COUNCIL**

**10300 Torre Avenue and 10350 Torre Avenue**

**Tuesday, November 21, 2017**

**4:00 PM**

**Non-televised Special Meeting Closed Session (4:00) 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 21, 2017, commencing at 4:00 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 - 4:00 PM**

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

#### **CLOSED SESSION**

- 1.     Subject:** Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Properties: 10849 Sycamore Drive, Cupertino, California; APN 342-57-028. Agency Negotiators: David Brandt, Jaqui Guzman. Negotiating Parties: Carol Atwood. Under Negotiation: Price and terms of payment
- 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)

#### **ADJOURNMENT**

### **REGULAR MEETING**

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

1. Subject: Present Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS)  
Recommended Action: Present Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS)
2. Subject: Presentation from the Cupertino Rotary regarding community outreach  
Recommended Action: Receive presentation from the Cupertino Rotary regarding community outreach

**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.*

3. Subject: Approve the November 7 City Council minutes  
Recommended Action: Approve the November 7 City Council minutes  
[A - Draft Minutes](#)
4. Subject: Accept Accounts Payable for the period ending October 6, 2017  
Recommended Action: Adopt Resolution No. 17-107 accepting Accounts Payable for the period ending October 6, 2017  
[A - Draft Resolution](#)  
[B - AP Report](#)

5. Subject: Accept Accounts Payable for the period ending October 20, 2017  
Recommended Action: Adopt Resolution No. 17-108 accepting Accounts Payable for period ending October 20, 2017  
[A - Draft Resolution](#)  
[B - AP Report](#)
6. Subject: Accept Accounts Payable for the period ending October 13, 2017  
Recommended Action: Adopt Resolution No. 17-109 accepting Accounts Payable for the period ending October 13, 2017  
[A - Draft Resolution](#)  
[B - AP Report](#)
7. Subject: Declare weeds a nuisance and set hearing date of January 16 for objections to proposed removal  
Recommended Action: Adopt Resolution No. 17-110 declaring weeds a nuisance and setting a hearing date of January 16 for objections to proposed removal  
[Staff Report](#)  
[A - Draft Resolution](#)
8. Subject: Creation of pooled liability assurance network joint powers authority (PLAN JPA).  
Recommended Action: Adopt Resolution No. 17-111 authorizing the City of Cupertino to participate in the Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA).  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - Draft PLAN Reso 2017-01 \(Agency Agreement\)](#)  
[C - Draft Model JPA Agreement](#)
9. Subject: Authorize the City Manager to execute an agreement with Active Network, LLC for recreation management software  
Recommended Action: Authorize the City Manager to execute a five-year Product and Services Agreement with Active Network, LLC, in the amount of \$1,058,754 for enterprise recreation management software implementation, hardware, and subscription (Attachment A). Authorize the City Manager to negotiate and execute contract extensions at the end of the initial five-year contract period for one two-year term  
[Staff Report](#)  
[A - Product and Services Agreement](#)

10. Subject: Application for Alcohol Beverage License for KVS Team (dba Koja Kitchen), 19700 Vallco Parkway, Suite 130  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for KVS Team (dba Koja Kitchen), 19700 Vallco Parkway, Suite 130  
[Staff Report](#)  
[A - Application](#)
11. Subject: Authorize the City Manager to send letters opposing wireless legislation that infringes on the City's authority to manage publicly owned property and wireless facility placement.  
Recommended Action: Authorize the City Manager to send letters to governmental representatives, committees and other appropriate groups and agencies regarding legislation that affects the City's authority to manage publicly owned property and wireless facility placement.  
[Staff Report](#)  
[A - Draft Letter](#)  
[B - Design Rendering](#)

## **SECOND READING OF ORDINANCES**

## **PUBLIC HEARINGS**

## **ORDINANCES AND ACTION ITEMS**

12. Subject: Authorization of consultant services and budget for specific plan and environmental review of the Vallco Shopping District Special Area.

Recommended Action: Staff recommends that the City Council:

1. Authorize the City Manager to:

- a. Execute a consultant agreement with Opticos Design to provide services to the City for the preparation of a specific plan for the Council's consideration, for an amount not to exceed \$850,000 (Attachment A).
  - b. Execute a consultant agreement with David J. Powers and Associates, Inc. to provide services to the City for the preparation of an Environmental Impact Reports (EIR) for the Council's consideration, for an amount not to exceed \$821,940. This amount includes services of transportation consultant Fehr and Peers, who will be a subconsultant under the David J. Powers and Associates, Inc. contract (Attachment B).
  - c. Execute a consultant agreement with EPS to provide services to the City for economic impact analysis for an amount not to exceed \$147,000 (Attachment C).
  - d. Negotiate and execute additional future amendments to the agreements listed in Items 1a. - c. above, up to a total of \$2,405,549, which includes the contract amounts listed above, 15% administrative fee on consultant contracts and a 15% contingency, to the extent that funds are appropriated for the amendments and the total expenditures are cost-recovered from the applicant.
2. Approve an increase to the Fiscal Year 2017-18 Planning and Community Development - Mid to Long Term Planning program budget of \$2,405,549.

[Staff Report](#)

[A - Specific Plan Scope of Work and Cost Estimate](#)

[B - Environmental Review Scope of Work and Cost Estimate](#)

[C - Economics Consultant Scope of Work and Cost Estimate](#)

[D - Letter from property owner](#)

13. Subject: Mitigation Fee Act - Annual and Five-Year Report for fiscal year ending June 30, 2017

Recommended Action: Accept the Annual and Five-Year Review of the City of Cupertino's Development Impact Fees (Government Code Section 66000 et seq.); and Adopt Resolution No 17-112 entitled "A Resolution of the City Council of the City of Cupertino Approving the Annual and Five-Year Development Impact Fee Reports and Making Required Findings."

[Staff Report](#)

[A - Developer In-Lieu Fee Report](#)

[B - Draft Resolution](#)

## 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.*