



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, February 20, 2018

3:30 PM

**Special Meeting Non-televised Closed Session (3:30) and Televised Study Session (4:00); followed
by 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, February 20, 2018, commencing at 3:30 p.m. for a closed session in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, CA 95014 and a study session at 4:00 p.m. in Community Hall Council Chamber, 10350 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 - 3:30 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: Public Employee Performance Evaluation (Gov't Code Section 54957).
Title: City Manager

STUDY SESSION - 4:00 PM

Community Hall Council Chamber, 10350 Torre Avenue

3. Subject: Study Session on the fiscal year 2018-2019 City Work Program
Recommended Action: Review and provide direction on the fiscal year 2018-2019 City Work Program
[Staff Report](#)
[A - 2018-2019 City Work Program](#)
[B - 2017-2018 City Work Program Updates](#)
[C - Memo on Proposed Planning Commission Work Program FY2018-19](#)

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall Council Chamber, 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

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.

1. Subject: Approve the February 6 City Council minutes
Recommended Action: Approve the February 6 City Council minutes
[A - Draft Minutes](#)

2. Subject: Accept Accounts Payable for the period ending January 12, 2018
Recommended Action: Adopt Resolution No. 18-011 accepting Accounts Payable for the period ending January 12, 2018
[A - Draft Resolution](#)
[B - AP Report](#)
3. Subject: Accept Accounts Payable for the period ending January 19, 2018
Recommended Action: Adopt Resolution No. 18-012 accepting Accounts Payable for the period ending January 19, 2018
[A - Draft Resolution](#)
[B - AP Report](#)
4. Subject: Second Amendment to the Funding Agreement between the City of Cupertino and Santa Clara Valley Transportation Authority for the I-280/Wolfe Road Interchange Improvements Project
Recommended Action: Authorize the City Manager to execute the Second Amendment to the Funding Agreement with VTA to identify their respective obligations in regard to the I-280/Wolfe Road Interchange Improvements Project.
Approve a budget appropriation in the amount of \$260,000 in Fund 100-88-844 900-964 for the Second Amendment to the Funding Agreement between the City of Cupertino and VTA for the I-280/Wolfe Road Interchange Improvements Project.
[Staff Report](#)
[A - Draft Amendment](#)
5. 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](#)

6. Subject: Authorize Funding Amount to the 2011 Contract Sweeping Services, Inc, Contract

Recommended Action: 1. Adopt Resolution No. 18-013 to increase the authorized amount for the 2011 Contract Sweeping Service, Project No. 2011-02, to Contract Sweeping Service, Inc., from the previously authorized annual amount of \$137,097, to the annual amount of \$198,000, and approve a an annual contingency of \$10,000 to cover extra sweeping as may be required, for a total of \$208,000, and;

2. Approve FY 17/18 Budget Adjustments in the amount of \$42,542 in the Resource Recovery Envorinmental Programs account number 520-81-801 700-702 and \$28,361 in the Environmental Management Clean Creek Storm Drain Non-Point Source account number 230-81-802 700-702.

[Staff Report](#)

[A - Draft Resolution](#)

[B - June 6, 2011 Staff Report](#)

[C – April 27, 2016 letter to Contract Street Sweeping to extend five years](#)

[D - September 27, 2017 Lehigh Hanson Letter](#)

7. Subject: Accept offer of dedication and waiver of future reimbursement related to the McClellan Road Sidewalk Improvements - Phase 2 Project

Recommended Action: Adopt Resolution No. 18-014 accepting the offer of dedication and waiver of future reimbursement from four property owners for the construction of the McClellan Road Sidewalk Improvements - Phase 2 Project

[Staff Report](#)

[A - Draft Resolution](#)

SECOND READING OF ORDINANCES

8. Subject: Second reading for an ordinance to amend regulations in Title 2, Administration and Personnel of the Municipal Code Chapter 2.80, to allow up to six (6) members for the Fine Arts Commission

Recommended Action: That the City Council conduct the second reading and enact Ordinance No. 18-2171: "An Ordinance of the City Council of the City of Cupertino amending regulations in Title 2, Administration and Personnel of the Municipal Code Chapter 2.80, to allow up to six (6) members for the Fine Arts Commission"

[Staff report](#)

[A - Ordinance No. 18-2171](#)

[B - Redline Draft Ordinance](#)

PUBLIC HEARINGS

ORDINANCES AND ACTION ITEMS

9. Subject: Adopt the Mitigated Negative Declaration and the 2018 Cupertino Pedestrian Transportation Plan
Recommended Action: Adopt Resolution No. 18-015 adopting the Mitigated Negative Declaration and the 2018 Cupertino Pedestrian Transportation Plan
[Staff Report](#)
[A - Draft Resolution](#)

REPORTS BY COUNCIL AND STAFF

10. 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.