



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, January 16, 2018

5:45 PM

Non-televised Special Meeting Closed Session (5:45) 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, January 16, 2018, commencing at 5:45 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 - 5:45 PM

City Hall Conference Room A, 10300 Torre Avenue

CLOSED SESSION

- 1. Subject:** 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

ADJOURNMENT

REGULAR MEETING

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

1. Subject: Presentation of Certificates of Recognition for Science Fair and Talent Search winners
Recommended Action: Present Certificates of Recognition for Science Fair and Talent Search winners
2. Subject: Proclamation recognizing the Age-Friendly Cupertino Task Force for their efforts in achieving designation for The City of Cupertino as an "Age-Friendly City" by the World Health Organization (WHO)
Recommended Action: Present proclamation recognizing the Age-Friendly Cupertino Task Force for their efforts in achieving designation for The City of Cupertino as an "Age-Friendly City" by the World Health Organization (WHO)
3. Subject: Proclamation recognizing Roger Lee, Assistant Director of Public Works, for receiving the 2017 Jerry D. Scott Outstanding Superintendent of the Year Award from the Maintenance Superintendents Association
Recommended Action: Present proclamation recognizing Roger Lee, Assistant Director of Public Works, for receiving the 2017 Jerry D. Scott Outstanding Superintendent of the Year Award from the Maintenance Superintendents Association

POSTPONEMENTS

4. Subject: Item No. 15 to consider a revised request for General Plan amendment authorization to demolish the existing ~71,254 sq.ft. Oaks Shopping Center and construct a mixed-use development (Westport Cupertino) at the site. (Application No.(s): GPAAAuth-2017-02; Applicant: KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041). Continued from December 5, 2017. The applicant has withdrawn the application and the public hearing is cancelled. **The applicant has withdrawn the application and the public hearing is cancelled.**

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.

5. Subject: Approve the December 19 City Council minutes
 Recommended Action: Approve the December 19 City Council minutes
 [A - Draft Minutes](#)
6. Subject: Accept Account Payable for the period ending October 27, 2017
 Recommended Action: Adopt Resolution No. 18-001 accepting Accounts Payable for the period ending October 27, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending November 11, 2017
 Recommended Action: Adopt Resolution No. 18-002 accepting Accounts Payable for the period ending November 11, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending December 8, 2017
 Recommended Action: Adopt Resolution No. 18-003 accepting Accounts Payable for the period ending December 8, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending December 15, 2017
 Recommended Action: Adopt Resolution No. 18-004 accepting Accounts Payable for the period ending December 15, 2017
 [A - Draft Resolution](#)
 [B - AP Report](#)

10. Subject: Accept Accounts Payable for the period ending December 22, 2017
Recommended Action: Adopt Resolution No. 18-005 accepting Accounts Payable for the period ending December 22, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
11. Subject: Accept Accounts Payable for the period ending December 29, 2017
Recommended Action: Adopt Resolution No. 18-006 accepting Accounts Payable for the period ending December 29, 2017
[A - Draft Resolution](#)
[B - AP Report](#)
12. Subject: Adopt a resolution increasing the employer's contribution for medical and hospitalization insurance consistent with the Meyers-Geddes State Employees Medical and Hospital Care Act for the Unrepresented (Management and Confidential), Cupertino Employees' Association (Employees Association), Operating Engineers, Local Union No. 3 (Operating Engineers), Appointed (City Attorney), Elected Official groups and retired annuitants.
Recommended Action: Adopt Resolution No. 18-007 increasing the employer's contribution for medical and hospitalization insurance for employees under the Unrepresented, Cupertino Employees' Association, Operating Engineers, Local Union No. 3, Appointed, Elected Officials, and retired annuitant groups.
[Staff Report](#)
[A - Draft Resolution](#)
13. Subject: 2017/18 Comprehensive Facility Condition and Use Assessments
Recommended Action: Authorize the City Manager to negotiate and execute the 2017/18 Comprehensive Facility Condition and Use Assessments agreement with The KPA Group for an amount of \$198,720 and approve a contingency of \$1,280 for a total of \$ \$200,000
[Staff Report](#)
[A - Request for Proposal for the 2017/18 Comprehensive Facility Condition and Use Assessments](#)
[B - KPA Proposal dated December 27, 2017](#)
[C - Condition Assessment Checklist for Primary Facilities](#)
[D - Condition Assessment Checklist for Secondary Facilities](#)

SECOND READING OF ORDINANCES

14. Subject: Second Reading for an ordinance to amend regulations in Title 19, Zoning of the Municipal Code with regard to Accessory Dwelling Units, including Chapter 19.08, Definitions, and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 zones (Application No(s): MCA-2017-05; Applicant(s): City of Cupertino; Location: Citywide)
- Recommended Action: That the City Council conduct the second reading and enact Ordinance No. 17-2170: “An Ordinance of the City Council of the City of Cupertino amending Chapter 19.08, Definitions and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 Zones (Residential Zoning Districts) to conform to new state laws”
- [Staff Report](#)
- [A - Draft Ordinance No. 17-2170](#)
- [B - Redline ADU Ordinance](#)

PUBLIC HEARINGS

15. Subject: Consider a revised request for General Plan amendment authorization to demolish the existing ~71,254 sq.ft. Oaks Shopping Center and construct a mixed-use development (Westport Cupertino) at the site. (Application No.(s): GPAAAuth-2017-02; Applicant: KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041). Continued from December 5, 2017. **The applicant has withdrawn the application and the public hearing is cancelled.**
- Recommended Action: The applicant has withdrawn the application and the public hearing is cancelled.

ORDINANCES AND ACTION ITEMS

16. Subject: Order the abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 17-110
- Recommended Action: Note objections and adopt Resolution No. 18-008 ordering abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 17-110
- [Staff Report](#)
- [A - Draft Resolution](#)
- [B - 2018 Weed Abatement Program Commencement Report](#)
- [C - Notice to Destroy Weeds and Program Schedule](#)
- [D - Letter to Property Owners](#)
- [E - Approved Resolution No. 17-110](#)

17. Subject: Council Committee appointments
Recommended Action: Approve Council Committee appointments
[A - Council Committee Assignments](#)

REPORTS BY COUNCIL AND STAFF

18. 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.