



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, May 1, 2018

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, May 1, 2018, 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 Manager
2. Subject: Conference with Legal Counsel-Existing Litigation pursuant to subdivision (a) of Government Code Section 54956.9. Name of case: James J. Wilkerson v City of Cupertino, Santa Clara County Superior Court Case No. 17CV307439

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall, 10350 Torre Avenue

ROLL CALL**CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Proclamation to Cupertino students who qualified to play in the All-State Orchestra
Recommended Action: Present Proclamation to Cupertino students who qualified to play in the All-State Orchestra
2. Subject: Proclamation declaring May 6-12 as Municipal Clerk's Week
Recommended Action: Present Proclamation declaring May 6-12 as Municipal Clerk's Week

STUDY SESSION

3. Subject: City of Cupertino Below Market Rate (BMR) Housing Program Study Session
Recommended Action: Hold a Study Session to receive the presentation on the City's Below Market Rate Housing Program
[Staff Report](#)

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.

4. Subject: Approve the April 17 City Council minutes
Recommended Action: Approve the April 17 City Council minutes
[A - Draft Minutes](#)

5. Subject: Master Agreement between the City of Cupertino and Bellecci & Associates to provide civil engineering services on various Bicycle Transportation Improvement Projects.
Recommended Action: Authorize the City Manager to execute a Master Agreement between the City of Cupertino and Bellecci & Associates in the amount not to exceed \$600,000 for a term of two years with the option to extend for additional time in accordance with contract terms.
[Staff Report](#)
[A - Draft Master Agreement](#)
6. Subject: Approve renewal and collection of existing storm drain fees at no increase in rates for FY 2018-2019
Recommended Action: Consider all objections or protests and adopt Resolution No. 18-040 for approval and renewal of the collection of existing storm drain fees at no increase in rates for fiscal year 2018-2019
[Staff Report](#)
[A - Draft Resolution](#)
7. Subject: Approval of the Santa Clara County Countywide AB939 Implementation Fee Agreement and the Santa Clara County Countywide Household Hazardous Waste Collection Program for Fiscal Years 2019 to 2021
Recommended Action: a. Adopt Resolution No. 18-041, a Resolution of the City Council of the City of Cupertino authorizing execution of the Agreement with Santa Clara County for Countywide AB 939 Implementation Fee for Fiscal Years 2019 to 2021, including the delegation of authority to the City Manager, or designee, to execute amendments and future agreements as long as the fee remains the same.
b. Adopt Resolution No. 18-042, a Resolution of the City Council of the City of Cupertino authorizing execution of the Agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program for Fiscal Years 2019 to 2021, including the delegation of authority to the City Manager, or designee, to execute amendments and future agreements as long as the fee remains the same.
[Staff Report](#)
[A - Draft Resolution - Countywide AB 939 Implementation Fee for FY's 19-21](#)
[B - Draft Resolution - Countywide HHW Collection Program for FY's 20-21](#)
[C - Agreement for Countywide AB 939 Implementation Fee](#)
[D - Agreement for Countywide HHW Collection Program](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

8. Subject: Vacate an Easement for Drainage and Incidental Purposes, at 22445 and 22449 Cupertino Road
Recommended Action: Conduct a public hearing and adopt Resolution No. 18-043 to vacate an Easement for Drainage and Incidental Purposes, at 22445 and 22449 Cupertino Road
[Staff report](#)
[A - Draft Resolution](#)
[B - Vacation of Drainage Easement Exhibit](#)
[C - Grant of Drainage Easement Exhibit](#)

ORDINANCES AND ACTION ITEMS

9. Subject: Regional Measure 3
Recommended Action: Discuss Regional Measure 3 and consider taking a position on the measure.
[Staff Report](#)
[A - RM3 Expenditure Plan](#)
[B - RM3 Project Map](#)

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.