



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue and 10300 Torre Avenue

Tuesday, May 15, 2018

3:30 PM

Special Meeting Televised Study Session (3:30) and Non-televised Closed Session (Immediately Following); 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 15, 2018, commencing at 3:30 p.m. for a Study Session in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California 95014 and a Closed Session immediately following 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

STUDY SESSION - 3:30 PM

Community Hall, 10350 Torre Avenue

1. Subject: Budget Study Session regarding the Proposed Fiscal Year 2018-19 Budget, including CIP
Recommended Action: Conduct a Budget Study Session regarding the Proposed Fiscal Year 2018-19 Budget, including CIP

CLOSED SESSION - Immediately Following Study Session
City Hall Conference Room A, 10300 Torre Avenue

2. Subject: Conference with Real Property Negotiators (Government Code Section 54956.8); Property: City-wide Public Right of Way; Agency Negotiator: Timm Borden; Negotiating Parties: City of Cupertino and Verizon; Under Negotiation: Terms for Leased Use of Public Right of Way
3. Subject: Public Employee Employment (Gov't Code 54957(b)(1); Position: City Manager.

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall, 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamations to Charities Housing and SV@Home for Affordable Housing Week May 11-18
Recommended Action: Present Proclamations to Charities Housing and SV@Home for Affordable Housing Week May 11-18
2. Subject: Proclamation for Public Works Week May 20-26
Recommended Action: Present Proclamation for Public Works Week May 20-26
3. Subject: Presentations by Cupertino-Cupertino, Italy Sister City Committee adult and student delegations
Recommended Action: Receive presentations by Cupertino-Cupertino, Italy Sister City Committee adult and student delegations

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 May 1 City Council minutes
Recommended Action: Approve the May 1 City Council minutes
[A - Draft Minutes](#)
5. Subject: Approve the Third Quarter Financial Report and recommended budget adjustments for Fiscal Year 2017-18
Recommended Action: 1. Accept the City Manager's Third Quarter Financial Report for FY 2017-18
2. Approve the Third Quarter adjustments for FY 2017-18 as described in the Third Quarter Financial Report
3. Adopt Resolution No.18-044 approving Third Quarter budget adjustments
[Staff Report](#)
[A - Draft Resolution](#)
[B - Third Quarter Financial Report for FY2017-18](#)
[C - Budget Journal for Proposed Adjustments](#)
6. Subject: Fee waiver request from League of Women Voters of Cupertino-Sunnyvale for approximately \$225 in facility use fees for the use of Community Hall on Monday, May 14, 2018 for a forum on Vallco and Wednesday, May 16, 2018 for candidate forums and a presentation on upcoming ballot measures.
Recommended Action: Staff recommends approval of fee waiver request.
[Staff Report](#)
[A - Letters from League of Women Voters of Cupertino-Sunnyvale](#)
7. Subject: Small Cell License Agreement with New Cingular Wireless PCS, LLC, d/b/a AT&T Wireless
Recommended Action: Authorize the City Manager to enter into a Small Cell License Agreement with New Cingular Wireless PCS, LLC, d/b/a AT&T Wireless
[Staff Report](#)
[A - Small Cell License Agreement between the City Of Cupertino and Ne](#)
[B - Exhibit of preferred Small Cell Pole Replacement Design Concepts](#)

8. Subject: Application for Alcohol Beverage License for Cafe Mie Kari, LLC (dba Nanyang Kitchen), 10893 N. Wolfe Road
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Cafe Mie Kari, LLC (dba Nanyang Kitchen), 10893 N. Wolfe Road
[Staff Report](#)
[A - Application](#)
9. Subject: Application for Alcohol Beverage License for TKS Restaurants, LLC (dba The Kebab Shop), 19700 Vallco Parkway, Suite 150
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for TKS Restaurants, LLC (dba The Kebab Shop), 19700 Vallco Parkway, Suite 150
[Staff Report](#)
[A - Application](#)
10. Subject: Management Plan Contract for Water System Asset Planning & Valuation for the Cupertino Municipal Water System
Recommended Action: Authorize the City Manager to negotiate and execute the Management Plan Contract for Water System Asset Planning & Valuation for the Cupertino Municipal Water System agreement with Kayuga Solution for an amount of \$328,416 and approve a contingency of \$21,584 for a total of \$350,000
[Staff Report](#)
[A - Request for Proposal for the Water System Asset Planning & Valuation](#)
[B - Kayuga Proposal dated April 12, 2018](#)
11. Subject: Agreement between the City of Cupertino and Pavement Engineering, Inc. for consultant services on various street asphalt and concrete improvement projects.
Recommended Action: Approve an Agreement between the City of Cupertino and Pavement Engineering, Inc. (PEI) in the amount not to exceed \$526,635 from the date of execution through June 30, 2019, and authorize the City Manager to negotiate and execute all necessary documents to carry out all consultant services for the various street asphalt and concrete and improvement projects.
[Staff Report](#)
[A - Draft Master Agreement](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

12. Subject: Tentative Map application to allow the subdivision of 3 parcels into 5 parcels - 4 residential and 1 common (private street), Tree Removal Permit to allow the removal and replacement of seven (7) protected trees and associated environmental review. (Application No(s): TM-2015-01, TR-2016-28 (EA-2015-04) Applicant: Welkin International (Cai Xing Xie); Location: 10234 Scenic Blvd., APN#357-08-014, 047)

Recommended Action: The Planning Commission recommends that the City Council deny the Project by concurring with the Planning Commission Resolution No. 6856 and the findings therein by;

- 1) Deny the Tentative Map Application to allow the subdivision of three parcels into five parcels - four residential and one common (private road); and
- 2) Deny the Tree Removal Permit to allow the removal and replacement of seven (7) protected trees

Alternative Action:

Consider Staff's recommendation to approve the project by adopting the draft Resolution No(s). and the findings therein;

- 1) Adopt Resolution No. 18-045 adopting a Mitigated Negative Declaration and a Mitigation Monitoring and Report Program for the proposed project; and
- 2) Adopt Resolution No. 18-046 approving the Tentative Map Application to allow the subdivision of 3 parcels into 5 parcels - 4 residential and 1 common (private road); and
- 3) Adopt Resolution No. 18-047 approving the Tree Removal Permit to allow the removal and replacement of seven (7) protected trees

Staff Report

[A - Resolution No. 6856](#)

[B - Draft Resolution to approve EA-2015-04](#)

[C - Draft Resolution to approve TM-2015-01](#)

[D - Draft Resolution to approve TR-2016-28](#)

[E – Planning Commission Resolution Recommending Approval of the En](#)

[F – Planning Commission Resolution Recommending Approval of the Te](#)

[G – Planning Commission Resolution Recommending Approval of Tree F](#)

[H - ERC Recommendation, IS-MND including Technical Appendix](#)

[I - Plan Set](#)

[J - Arborist Report](#)

ORDINANCES AND ACTION ITEMS

13. Subject: Approve a Public Agencies Post-Employment Benefits Section 115 Trust administered by a third-party administrator to be selected by the City's Audit Committee

Recommended Action: Adopt Resolution No. 18-048 approving the Public Agencies Post-Employment Benefits Section 115 Trust administered by a third-party administrator to be selected by the City's Audit Committee

[Staff Report](#)

[A. Draft Resolution](#)

[B. PARS Pension Rate Stabilization Program](#)

[C. PFM Pension Rate Stabilization Program](#)

REPORTS BY COUNCIL AND STAFF

14. Subject: Annual Report on the Pavement Management Program

Recommended Action: Receive the report. No action is required.

[Staff Report](#)

[A - Description of pavement condition range categories and street-by-stre](#)

[B - Street-by-street listing of improvements to be completed by the 2018 I](#)

[C - Street-by-street listing of improvements completed by the FY 16/17 P](#)

15. 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.