



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, June 5, 2018

6:45 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation to Naomi Desai from Girl Scout Troop 60321 for earning the highest Girl Scout award
Recommended Action: Present Proclamation to Naomi Desai from Girl Scout Troop 60321 for earning the highest Girl Scout award
2. Subject: Proclamations and presentations for the winners of <hack>Cupertino 2018
Recommended Action: Present proclamations and receive presentations from the three winning teams: Vibes Save Lives, Agoration, Stress Oppress
3. Subject: Presentation by Cupertino-Hsinchu, Taiwan Sister City Association (CHSCA)
Recommended Action: Receive presentation by Cupertino-Hsinchu, Taiwan Sister City Association (CHSCA)

STUDY SESSION

4. Subject: Study session on potential revenue measures related to business license tax and storm drain fee.
Recommended Action: Provide staff direction on next steps towards exploring an increase in the City's business license tax that is employee-based and increasing the storm drain fee.
[Staff Report](#)
[A - Cupertino Business License Tax 2018](#)
[B - Voter Poll](#)
[C - Voter Poll Results](#)
[D - 2018 Election Timetable](#)

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.

5. Subject: Approve the May 15 City Council minutes
 Recommended Action: Approve the May 15 City Council minutes
 [A - Draft Minutes](#)
6. Subject: Approve the May 22 (Teen Commission interviews) City Council minutes
 Recommended Action: Approve the May 22 (Teen Commission interviews) City Council minutes
 [A - Draft Minutes](#)
7. Subject: Accept Accounts Payable for the period ending April 6, 2018
 Recommended Action: Adopt Resolution No. 18-049 accepting Accounts Payable for the period ending April 6, 2018
 [A - Draft Resolution](#)
 [B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending April 13, 2018
 Recommended Action: Adopt Resolution No. 18-050 accepting Accounts Payable for the period ending April 13, 2018
 [A - Draft Resolution](#)
 [B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending April 20, 2018
 Recommended Action: Adopt Resolution No. 18-051 accepting Accounts Payable for the period ending April 20, 2018
 [A - Draft Resolution](#)
 [B - AP Report](#)

10. Subject: Annual adoption of City Investment Policy
Recommended Action: Adopt Resolution No. 18-052 accepting the City Investment Policy
[Staff Report](#)
[A - Draft Resolution](#)
[B - Investment Policy](#)
11. Subject: Annual adoption of Other Post-Employment Benefits (OPEB) Trust Investment Policy
Recommended Action: Adopt Resolution No. 18-053 accepting the Investment Policy for the OPEB Trust
[Staff Report](#)
[A - Draft Resolution](#)
[B - Investment Policy](#)
12. Subject: Adopt a resolution calling a General Municipal Election on Nov. 6, 2018, to fill three City Council seats
Recommended Action: Adopt Resolution No. 18-054 calling a General Municipal Election on Nov. 6, 2018, to fill three City Council seats
[Staff Report](#)
[A - Draft Resolution](#)
13. Subject: Appointment of Interim City Manager and execution of employment agreement.
Recommended Action: Authorize the Mayor to execute employment agreement for Interim City Manager.
[Staff Report](#)
[A - Draft Agreement](#)
14. Subject: Authorize the City Manager to negotiate and execute a lease agreement with the Santa Clara Valley Audubon Society for the property known as the McClellan Ranch House located at 22221 McClellan Road, Cupertino, CA 95014.
Recommended Action: Authorize the City Manager to negotiate and execute a lease agreement with the Santa Clara Valley Audubon Society for the property known as the McClellan Ranch House for the period July 1, 2018 to June 30, 2019, with an option to renew for one additional one-year term.
[Staff Report](#)
[A - Draft Lease Agreement](#)

15. Subject: Authorize the City Manager to negotiate and execute an amendment of the lease agreement for the property known as The Blue Pheasant Restaurant.
Recommended Action: Authorize the City Manager to negotiate and amend the lease agreement with Hungry Jack's Corporation and Mike Tsachres for the Blue Pheasant Restaurant, for a three-year period extending through June 30, 2021.
[Staff Report](#)
[A - Draft First Amendment](#)
[B - Lease Agreement](#)
16. Subject: Authorize the City Manager to negotiate and execute a lease agreement with the Friends of Stevens Creek Trail for the property known as the McClellan Ranch House located at 22221 McClellan Road, Cupertino, CA 95014.
Recommended Action: Authorize the City Manager to execute a lease agreement with Friends of Stevens Creek Trail for the property known as the McClellan Ranch House for the period July 1, 2018 to June 30, 2019, with an option to renew for one additional one-year term.
[Staff Report](#)
[A - Draft Lease Agreement](#)
17. Subject: Accept the relevant portions of Santa Clara Operational Area Hazard Mitigation Plan Update of 2017 including all of Volume 1 and the City of Cupertino's portion of Volume 2 of the Santa Clara Operational Area Hazard Mitigation Plan to enable the City to qualify for hazard mitigation grants to respond to disasters.
Recommended Action: Adopt Resolution No. 18-055 accepting all of Volume 1 and the City of Cupertino's portion of Volume 2 of the Santa Clara County Operational Area Hazard Mitigation Plan to enable the City to qualify for hazard mitigation grants to respond to disasters.
[Staff Report](#)
[A - Pre-Disaster Mitigation Grant Program \(PDM\) Fact Sheet](#)
[B - City of Cupertino LHMP Annex \(Chapter 3\)](#)
[C - Hazard Mitigation Plan Draft Resolution](#)
[D - Santa Clara County Hazard Mitigation Executive Summary](#)
[E - Vol 1 - OpArea Hazard Mitigation Plan](#)
[F - Vol 2 - SCC Hazard Mitigation Plan \(County only\)](#)

- 18.** Subject: Appointment of City of Cupertino representative to the Santa Clara County Valley Transportation Authority (VTA) Bicycle & Pedestrian Advisory Committee (BPAC)

Recommended Action: Accept the Bicycle Pedestrian Commission (BPC) recommendation to reappoint Erik Lindskog to the VTA BPAC for a two-year term beginning July 1, 2018

[Staff Report](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

19. Subject: Public hearing to consider the Capital Improvement Plan (CIP); and a finding of General Plan conformance; and the Recommended Budget for Fiscal Year (FY) 2018-19; and Adoption of the Recommended Budget; and Establishment of the Appropriation Limit, and related actions.

Recommended Action: a. Adopt Resolution No. 18-056 establishing a special project budget for Public Works Traffic Engineering Program for costs related to Apple Pass through Revenues for FY 2018-19

b. Adopt Resolution No. 18-057 establishing an Operating Budget and Capital Budget for FY 2018-19

c. Adopt Resolution No. 18-058 establishing an Appropriation Limit for FY 2018-19

d. Approve the appropriation of \$22,000 in Public Works for the Senior Mobility/RIDE Program

e. Approve the appropriation of \$175,000 in Community Development for BMR linkage fees update

f. Approve the appropriation of \$67,000 in Recreation and Community Services for a Performing Arts program

g. Approve the appropriation of \$25,000 in Administration for the Cities Association Ad Hoc Committee for the Santa Clara/Santa Cruz Counties Airport/Community Roundtable

h. Approve the appropriation of \$3,500 for Sheriff's costs related to the Tournament of Bands.

Staff Report

[A - Draft Resolution - Pass thru revenue budget for Fiscal Year 2018-19](#)

[B - Draft Resolution Operating Budget and Capital Budget for Fiscal Year](#)

[C - Draft Resolution Appropriation Limit for Fiscal Year 2017-18 \(JPT ec](#)

[D - Budget Study Session Follow-Up Items](#)

[D1 - Community Funding Additional Responses](#)

[D2 - Community Funding Other City Comparison](#)

[D3 - Risk Manager CAO Other City Comparison](#)

[D4 - Transportation Staffing Comparison](#)

20. Subject: Appeal of a Planning Commission decision to approve a Development Permit to consider the proposed replacement of an existing 76 gasoline service station and an auto repair shop (1,221 sq. ft.) with an updated gasoline service station and a convenience market (2,419 sq. ft.); Architectural and Site Approval to consider an updated gasoline service station, proposed convenience market and associated site improvements, including paving for off-street parking and landscaping; Conditional Use Permit to consider a proposed convenience market in conjunction with updates to an existing gasoline service station, proposed concurrent sale of alcoholic beverages and gasoline, and proposed 24-hour operations. Application No(s).: DP-2017-02, ASA-2017-04, U-2017-03; Applicant(s): Amir Khojasteh (Liaoning Benefit Petroleum (US) Corp); Appellant(s): Georgene Petri; Location: 10490 S De Anza Blvd APN# 369-39-041

Recommended Action: Conduct the Public Hearing; and

Deny the appeal and uphold the Planning Commission's decision to approve a Development, Use and an Architectural and Site Permit for a 2,419 s. f. convenience market; the concurrent sale of alcoholic beverages and gasoline; 24-hour operations for the gasoline service station and convenience market per the Resolution 18-059, approval of DP-2017-02 for a Development Permit; Resolution 18-060, approval of U-2017-03 for a Use Permit; and Resolution 18-061, approval of ASA-2017-04 for an Architectural and Site Permit.

[Staff Report](#)

[A - Draft Resolution approving DP-2017-02](#)

[B - Draft Resolution approving U-2017-03](#)

[C - Draft Resolution approving ASA-2017-04](#)

[D - PC Resolution No. 6851 for DP-2017-02](#)

[E - PC Resolution No. 6853 for U-2017-03](#)

[F - PC Resolution No. 6852 for ASA-2017-04](#)

[G - Plan Set](#)

[H - Appeal Filed by Georgene Petri](#)

[I - PC Staff Report](#)

[J - PC Meeting Minutes](#)

ORDINANCES AND ACTION ITEMS

REPORTS BY COUNCIL AND STAFF

21. 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.