



# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, July 3, 2018

5:30 PM

Amended Special Meeting Non-televised Closed Session (5:30); Televised Regular Meeting (6:45)

Amended on 6/27/18 at 6:40 PM to add "Special Meeting" to the agenda header.

### 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, July 03, 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: Conference with Legal Counsel - Existing Litigation pursuant to Government Code section 54956.9, subdivision (d), paragraph 1.  
Case: Friends of Better Cupertino, Kitty Moore, Ignatius Ding and Peggy Griffin, v. City of Cupertino, et al., Santa Clara Superior Court, Case No. 18CV330190
2. Subject: Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Properties: APN 375-21-001, Lawrence Expressway at Mitty Avenue and APN 381-19-015, Lawrence Expressway at Doyle Road. Agency Negotiators: Jaqui Guzman. Negotiating Parties: San Jose Water Company; County Roads and Airports; City of San Jose. Under Negotiation: Price and terms of payment.

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

1. Subject: Proclamations to Green Business Certification Awardees  
Recommended Action: Present Proclamations to Green Business Certification Awardees
2. Subject: Proclamation to the NAACP of Silicon Valley for its efforts to promote inclusion, fairness, and involvement for the many groups comprising our community.  
Recommended Action: Present Proclamation to the NAACP of Silicon Valley for its efforts to promote inclusion, fairness, and involvement for the many groups comprising our community.
3. Subject: Presentation by Bhubaneswar, India Sister City Committee  
Recommended Action: Receive presentation by Bhubaneswar, India Sister City Committee
4. Subject: Climate Action Plan annual progress update  
Recommended Action: Receive presentation and review Climate Action Plan progress report  
[Staff Report](#)  
[A- 2017 Climate Action Plan Progress Report](#)

**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.*

**STUDY SESSION**

5. Subject: Study Session promoting school safety and preventing gun violence  
Recommended Action: Conduct Study Session promoting school safety and preventing gun violence and give direction to staff as necessary
6. Subject: Study session on proposed restructuring of Cupertino's business license tax  
Recommended Action: Provide staff direction on a proposed tax measure to restructure Cupertino's business license tax.  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - Draft Ordinance](#)

## POSTPONEMENTS

## 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.*

7. Subject: Approve the May 15 City Council minutes (continued from June 5, 2018)  
Recommended Action: Approve the May 15 City Council minutes  
[A - Draft Minutes \(redline\)](#)  
[B - Draft Minutes \(clean\)](#)
8. Subject: Approve the June 11 (Study Session) City Council minutes  
Recommended Action: Approve the June 11 (Study Session) City Council minutes  
[A - Draft Minutes](#)
9. Subject: Approve the June 19 City Council minutes  
Recommended Action: Approve the June 19 City Council minutes  
[A - Draft Minutes](#)
10. Subject: Accept Accounts Payable for the period ending April 27, 2018  
Recommended Action: Adopt Resolution No. 18-063 accepting Accounts Payable for the period ending April 27, 2018  
[A - Draft Resolution](#)  
[B - AP Report](#)

11. Subject: Accept Accounts Payable for the period ending May 4, 2018  
Recommended Action: Adopt Resolution No. 18-064 accepting Accounts Payable for the period ending May 4, 2018  
[A - Draft Resolution](#)  
[B - AP Report](#)
12. Subject: Accept Accounts Payable for the period ending May 11, 2018  
Recommended Action: Adopt Resolution No. 18-065 accepting Accounts Payable for the period ending May 11, 2018  
[A - Draft Resolution](#)  
[B - AP Report](#)
13. Subject: Agreement Extension and Amendment with Lifetime Tennis Inc., DBA Lifetime Activities Inc. (Continued from June 19, 2018)  
Recommended Action: Authorize the City Manager to extend and amend the City's agreement with Lifetime Tennis Inc., DBA Lifetime Activities Inc. for six years (July 1, 2018 - June 30, 2024).  
[Staff Report](#)  
[A - Current Agreement](#)  
[B - Unsigned First Amendment](#)  
[C - Draft Amendment](#)  
[D - Notice to Extend and Amend, Nov 2017](#)
14. Subject: Agreement between the City of Cupertino and HNTB, Inc., for professional design services to conduct survey & inspection, recommend perimeter fencing improvements and resolve bearing pin issues for the Don Burnett Bicycle-Pedestrian Bridge  
Recommended Action: Staff recommends Council take the following actions:  
1. Approve an Agreement between the City of Cupertino and HNTB, Inc., in the amount not to exceed \$69,945 from the date of execution through November 1, 2018, and authorize the Director of Public Works to negotiate and execute all necessary documents with contractors to complete corrective actions as may be recommended by this agreement in an amount not to exceed \$150,000; and  
2. Adopt a Resolution No 18-066 approving a Budget Adjustment in the amount of \$219,945 for Don Burnett Bicycle-Pedestrian Bridge Inspection & Maintenance (Attachment B).  
[Staff Report](#)  
[A - Draft Professional Services Agreement with HNTB](#)  
[B - Draft Resolution](#)

15. Subject: Agreement with Pacific Office Automation for the technology refresh of the City's multifunctional printers.  
Recommended Action: Authorize the City Manager to approve purchase order for fifteen (15) multifunctional printers in the amount of \$128,305 and authorization to enter into a one-year Service Agreement, with four (4) one-year extension options payable at an annual rate of \$25,000 for a five-year amount of \$125,000 with Pacific Office Automation for a total amount of \$253,305.  
[Staff Report](#)  
[A - NASPO Contract](#)  
[B - Service Agreement](#)
16. Subject: Application for Alcohol Beverage License for Prime Works USA, Inc (dba Uzumakiya), 10789 S. Blaney Avenue  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Prime Works USA, Inc (dba Uzumakiya), 10789 S. Blaney Avenue  
[Staff Report](#)  
[A - Application](#)
17. Subject: Authority to award a construction contract for the McClellan Road Sidewalk Improvements-Phase 2 project  
Recommended Action: 1. Authorize the City Manager to award a construction contract in an amount not to exceed 90% of the appropriated project budget limits to the lowest responsive bidder if there are no unresolved bid protests; and; 2. Authorize a construction contingency budget of 10% of the construction contract amount to address unforeseen conditions discovered during construction.  
[Staff Report](#)
18. Subject: Authority to award a construction contract for the McClellan Road Separated Bikeways-Phase 1 project  
Recommended Action: 1. Authorize the City Manager to award a construction contract in an amount not to exceed 90% of the appropriated project budget limits to the lowest responsive bidder if there are no unresolved bid protests and; 2. Authorize a construction contingency budget of 10% of the construction contract amount to address unforeseen conditions discovered during construction.  
[Staff Report](#)

19. Subject: 2015 Contractual Janitorial Services - Project No. 2015-23, contract extension

Recommended Action: Staff recommends Council take the following actions:

1. Authorize the Director of Public Works to negotiate and execute a one-year extension of the 2015 Contractual Janitorial Services contract and increase janitorial services by \$400/month at the Cupertino Library; and; 2. Adopt Resolution No 18-067 approving a Budget Adjustment in the amount of amount of \$4,800 for janitorial services (100-87-828 700-702) (Attachment C).

[Staff Report](#)

[A - 2017 First Amendment and 2015 Contractual Janitorial Services Cont](#)

[B - Letter to Extend Term of the Agreement to June 30, 2019](#)

[C - Draft Resolution](#)

## SECOND READING OF ORDINANCES

20. Subject: Ordinance amendment of the collection procedures for the City's Transient Occupancy Tax (TOT), which is a tax imposed on travelers when they rent accommodations within the City pursuant to Cupertino Municipal Code Title 3, Chapter 3.12.

Recommended Action: 1. Conduct the second reading of Ordinance No. 18-2174: "An Ordinance of the City Council of the City of Cupertino amending Chapter 3.12 of the Municipal Code to provide for the collection of transient occupancy taxes from short-term rentals using internet-based/social media platforms"; and 2. Enact the ordinance. Note: The first reading was conducted on June 19 and there were no changes to the ordinance.

[A - Draft Ordinance](#)

## PUBLIC HEARINGS

21. Subject: 2018-19 Community Development Block Grant (CDBG) Annual Action Plan

Recommended Action: 1. Conduct the Public Hearing; and 2. Adopt Resolution No. 18-068 adopting the FY 2018-19 Community Development Block Grant (CDBG) Annual Action Plan and authorizing the City Manager to submit the plan to the US Department of Housing and Urban Development (HUD); and 3. Authorize the appropriation of CDBG funds to the US Department of Housing (HUD) to allow spending of the fiscal year 2018-2019 grant award in the amount of \$361,597

[Staff Report](#)

[A - Draft Resolution](#)

[B- Housing Commission Resolution No. 18-04](#)

[C - FY 2018-19 CDBG Annual Action Plan](#)

**ORDINANCES AND ACTION ITEMS**

22. Subject: First Reading of an Ordinance amending to Cupertino Municipal Code Chapters 19.12 (Administration) and 19.148 (Required Artwork in Public and Private Developments). (Application number: MCA-2018-01; Location: City-wide; Applicant: City of Cupertino)

Recommended Action: Conduct the first reading of Ordinance No. 18-2175: "An Ordinance of the City Council of the City of Cupertino amending Municipal Code Chapters 19.12: Administration and 19.148: Required artwork in Public and Private Developments"; and 2. Schedule the second reading of the ordinance for August 21, 2018.

[Staff report](#)

[A - Draft Ordinance](#)

[B - Redlined changes](#)

[C - Local cities' art programs](#)

[D - Fine Arts Commission Resolution 18-02](#)

**REPORTS BY COUNCIL AND STAFF**

23. 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.*